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PROCEEDINGS AND DEBATES

OF THE

FIRST SESSION OF THE SEVENTIETH CONGRESS

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Congressional Record

PROCEEDINGS AND DEBATES OF THE SEVENTIETH CONGRESS
FIRST SESSION

SENATE

FRIDAY, *February 24, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, who in all the ages hast revealed Thy power and mercy in the preservation and protection of those who put their trust in Thee, grant that the people of this land, upon which Thou hast showered Thy blessings, may show forth their thankfulness by a loving obedience to Thy laws. And may these Thy servants, in their every endeavor for the common good, learn to be patient with themselves and with each other.

Make us all to know that as the brooding of the mind is slowly transmuted into the readiness of the will, so the wrestling of the arms of desire importuning a blessing may only slowly become that energy which as a prince has power with God, and thus prevails. Grant this, O Lord, for the sake of Him in whom Thy loving patience is revealed, Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. JONES and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Dill	Keyes	Sackett
Barkley	Ferris	King	Schall
Bayard	Fess	La Follette	Sheppard
Bingham	Fletcher	McKellar	Shipstead
Black	Frazier	McLean	Smoot
Blaine	George	McMaster	Steiwer
Blease	Gerry	McNary	Stephens
Borah	Gillett	Mayfield	Swanson
Bratton	Glass	Metcalf	Thomas
Brookhart	Greene	Neely	Tydings
Broussard	Hale	Norbeck	Tyson
Bruce	Harris	Norris	Walsh, Mass.
Capper	Harrison	Nye	Walsh, Mont.
Caraway	Hawes	Oddie	Warren
Copeland	Hayden	Phipps	Waterman
Couzens	Heflin	Pittman	Watson
Curtis	Howell	Ransdell	Willis
Cutting	Johnson	Reed, Pa.	
Dale	Jones	Robinson, Ark.	
Deneen	Kendrick	Robinson, Ind.	

Mr. COPELAND. My colleague the junior Senator from New York [Mr. WAGNER] is in Pennsylvania on official business connected with the investigation of the coal strike. I request that this announcement may stand for the day.

Mr. FLETCHER. My colleague the junior Senator from Florida [Mr. TRAMMELL] is unavoidably detained from the Senate. I wish this announcement to stand for the day.

Mr. GERRY. I desire to announce that the junior Senator from Montana [Mr. WHEELER] is absent in Pennsylvania with the special Senate committee investigating the coal strike.

The VICE PRESIDENT. Seventy-seven Senators having answered to their names, a quorum is present.

PETITIONS AND MEMORIALS

Mr. COPELAND presented the petition of the World War Veterans' Conference (numbering over 25 per cent of the 1928 New York State Legislature), praying for the prompt passage of the so-called Tyson-Fitzgerald bill, providing for the retirement of disabled emergency officers of the World War, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Buffalo, N. Y., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

He also presented telegrams in the nature of petitions from Manhattan Chapter, No. 42, of New York City, and Schenectady Chapter, No. 125, both of the Order of Ahepa, and sundry citizens of Hellenic descent at Schenectady, all in the State of New York, praying for adoption of the pending debt settlement between Greece and the United States as tending to strengthen existing friendly relations between both countries, which were referred to the Committee on Foreign Relations.

Mr. WILLIS presented a memorial of sundry citizens of Cincinnati, Ohio, remonstrating against the passage of the so-called Brookhart bill, relative to the distribution of motion pictures in the various motion-picture zones of the country, which was referred to the Committee on Interstate Commerce.

Mr. BINGHAM presented a letter, in the nature of a petition, from the president of Carlson-Sjovall Unit, American Legion Auxiliary, of Cromwell, Conn., praying for adoption of the naval building program, which was referred to the Committee on Naval Affairs.

He also presented a telegram, in the nature of a petition, from the American Legion Auxiliary of West Haven, Conn., praying for adoption of the naval building program, which was referred to the Committee on Naval Affairs.

He also presented telegrams, in the nature of petitions, from the Waterbury Chapter; Archimedes Chapter, No. 26, of Meriden; and Chapter No. 99, of Stamford, all of the Order of Ahepa, and sundry citizens, all in the State of Connecticut, praying for adoption of the pending debt settlement between Greece and the United States, which were referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. NYE, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 3023) to revise the boundary of a portion of the Hawaii National Park, on the island of Hawaii, in the Territory of Hawaii (Rept. No. 374); and

A bill (H. R. 9842) to provide for the survey, appraisal, and sale of the undisposed lots in the town site of St. Marks, Fla. (Rept. No. 375).

Mr. WALSH of Montana, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 445) authorizing the Secretary of the Interior to enter into a cooperative agreement or agreements with the State of Montana and private owners of land within the State of Montana for grazing and range development, and for other purposes, reported it with an amendment and submitted a report (No. 376) thereon.

Mr. KENDRICK, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 6684) to amend section 2455 of the Revised Statutes of the United States, as amended, relating to isolated tracts of public land, reported it without amendment and submitted a report (No. 377) thereon.

Mr. METCALF, from the Committee on Territories and Insular Possessions, to which was referred the bill (H. R. 84) to approve Act 25 of the Session Laws of 1927 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Waimea and Kekaha, in the district of Waimea, on the island and in the county of Kauai, Territory of Hawaii," reported it without amendment and submitted a report (No. 378) thereon.

Mr. WALSH of Massachusetts, from the Committee on Naval Affairs, to which was referred the bill (H. R. 6194) for the relief of Frank Stinchcomb, reported it without amendment and submitted a report (No. 379) thereon.

Mr. TYDINGS, from the Committee on Naval Affairs, to which was referred the bill (S. 3131) to provide additional pay for personnel of the United States Navy assigned to duty on submarines and to diving duty reported it without amendment and submitted a report (No. 380) thereon.

APPROPRIATIONS FOR THE WAR DEPARTMENT

Mr. REED of Pennsylvania. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 10286) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes, and I submit a report (No. 381) thereon. I give notice that I shall ask to take up this bill for consideration as soon after 2 o'clock on Monday as the business of the Senate will permit.

The VICE PRESIDENT. The bill will be placed on the calendar.

ADMINISTRATION OF DALLAS FEDERAL RESERVE BANK

Mr. DENEEN. I report back favorably with an amendment, from the Committee to Audit and Control the Contingent Expenses of the Senate, the resolution (S. Res. 152) submitted by the Senator from Texas [Mr. MAYFIELD] on the 20th instant, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was, on page 2, line 16, after the dollar mark, to insert "2,500," so as to make the resolution read:

Whereas it is alleged that the affairs of the Federal Reserve Bank of Dallas, Tex., have been administered in a manner which has worked many hardships on the farming and livestock interests in the territory included in the eleventh Federal reserve district; and

Whereas it is alleged that there is a lack of cooperation on the part of the governor of such bank with member banks in the rural communities; and

Whereas it is desirable to bring about a conclusion of the controversy in order to do justice to all concerned: Therefore be it

Resolved, That the Committee on Banking and Currency of the Senate, or a duly authorized subcommittee thereof, is hereby authorized and directed to make a full and complete investigation of the administration of the affairs of the Federal Reserve Bank of Dallas, Tex., and to report thereon to the Senate as soon as practicable. For the purposes of this resolution such committee or subcommittee is authorized to hold hearings, to sit and act at such times and places, to employ such experts and clerical, stenographic, and other assistance, to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony and make such expenditures as it deems advisable. The cost of stenographic service to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of such committee or subcommittee, which shall not be in excess of $2,500, shall be paid from the contingent fund of the Senate.

The amendment was agreed to.

The resolution as amended was agreed to.

The preamble was agreed to.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CARAWAY:

A bill (S. 3361) authorizing the Secretary of the Interior to convey to the city of Hot Springs, Ark., all of lot No. 3 in block No. 115 in the city of Hot Springs, Ark.; to the Committee on Public Lands and Surveys.

By Mr. ROBINSON of Arkansas:

A bill (S. 3362) granting the consent of Congress to Henry Thane, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River; to the Committee on Commerce.

By Mr. DENEEN:

A bill (S. 3363) to amend section 117 of the Judicial Code; to the Committee on the Judiciary.

By Mr. COPELAND:

A bill (S. 3364) to provide for the placing of the names of certain individuals on the rolls of the War Department, and to authorize the Board of Regents of Smithsonian institution to make certain recommendations; to the Committee on Military Affairs.

By Mr. KENDRICK:

A bill (S. 3365) to authorize allotments to unallotted Indians on the Shoshone or Wind River Reservation, Wyo.; and

A bill (S. 3366) to authorize a per capita payment to the Shoshone and Arapahoe Indians of Wyoming from funds held in trust for them by the United States; to the Committee on Indian Affairs.

By Mr. WALSH of Montana:

A bill (S. 3367) to amend the United States grain standards act requiring wheat standards to take account of the percentage of protein content in wheat; to the Committee on Agriculture and Forestry.

By Mr. CAPPER:

A bill (S. 3368) to amend the packers and stockyards act, 1921; to the Committee on Agriculture and Forestry.

By Mr. DALE:

A bill (S. 3369) granting a pension to Vina Brooks (with accompanying papers); and

A bill (S. 3370) granting an increase of pension to Clara H. Shedd (with accompanying papers); to the Committee on Pensions.

By Mr. METCALF:

A bill (S. 3371) granting an increase of pension to Anna Arnold (with accompanying papers); and

A bill (S. 3372) granting an increase of pension to Lydia Augusta Patterson (with accompanying papers); to the Committee on Pensions.

A bill (S. 3373) for the relief of John F. Hayes; and

A bill (S. 3374) to provide for hospitalization of enlisted men of the Navy and Marine Corps transferred to the retired list or to the Fleet Naval Reserve on the completion of 16 or more years of naval service; to the Committee on Naval Affairs.

By Mr. ODDIE:

A bill (S. 3375) to amend sections 23 and 24 of the general leasing act approved February 25, 1920 (41 Stat. L. 437); to the Committee on Public Lands and Surveys.

By Mr. REED of Pennsylvania:

A bill (S. 3376) to regulate the procurement of motor transportation in the Army; to the Committee on Military Affairs.

By Mr. HALE:

A bill (S. 3377) for the relief of Walter Dickey; to the Committee on Naval Affairs.

By Mr. SWANSON:

A bill (S. 3378) for the relief of Arthur M. Thompson; and

A bill (S. 3379) for the relief of the Harrison Construction Co.; to the Committee on Claims.

A bill (S. 3380) for the relief of T. Abraham Hetrick (with an accompanying paper); to the Committee on Military Affairs.

By Mr. BORAH:

A bill (S. 3381) granting a pension to Patrick M. Shea (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON:

A bill (S. 3382) for the relief of the estate of Benjamin Fenton, late surviving partner of Fenton & Co.; to the Committee on Claims.

By Mr. WATSON:

A bill (S. 3383) granting a pension to Nellie Sherril; and

A bill (S. 3384) granting an increase of pension to Mary E. Clayton; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 3385) to provide for the improvement and modernization of the Western Public Market in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. BRUCE:

A bill (S. 3386) for the relief of the Charlestown Sand & Stone Co., of Elkton, Md.; to the Committee on Claims.

By Mr. METCALF:

A joint resolution (S. J. Res. 99) to amend joint resolution directing the Interstate Commerce Commission to take action relative to adjustments in the rate structure of common carriers subject to the interstate commerce act, and the fixing of rates and charges; to the Committee on Interstate Commerce.

By Mr. SMOOT:

A joint resolution (S. J. Res. 100) to provide for appropriate military records for persons who, pursuant to orders, reported for military duty, but whose induction or commission into the service was not, through no fault of their own, formally completed on or prior to November 11, 1918, and for other purposes; to the Committee on Military Affairs.

CHANGES OF REFERENCE

On motion of Mr. KEYES, the Committee on Public Buildings and Grounds was discharged from the further consideration of the bill (S. 3262) to establish a national cemetery at Fort Bayard, N. Mex., and it was referred to the Committee on Military Affairs.

Mr. FRAZIER. On the 21st the bill (H. R. 8824) to provide for the protection of the watershed within the Carson National Forest from which water is obtained for the Taos pueblo, N. Mex., came to the Senate from the House and was referred to the Committee on Public Lands and Surveys. This bill is identical with Senate bill 2361, which is now before the Committee on Indian Affairs, and the bill from the House should have been referred to that committee. I ask unanimous consent that the Committee on Public Lands and Surveys be

discharged from the further consideration of the bill and that it be referred to the Committee on Indian Affairs.

The PRESIDING OFFICER (Mr. WILLIS in the chair). Is there objection? The Chair hears none, and that order will be made.

AMENDMENTS TO DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. CAPPER submitted amendments intended to be proposed by him to House bill 11133, the District of Columbia appropriation bill, which were severally referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 6, line 7, strike out the period and insert a comma and the following: "and $2,640 additional for personal services of employees assigned to operation and maintenance of the Western Public Market at or near Twenty-first and K Streets NW.";

On page 6, line 11, strike out the figures "$6,000," and insert the following in lieu thereof: "$7,500, including the repair and maintenance of the Western Public Market at or near Twenty-first and K Streets NW."; and

On page 6, immediately after line 15, insert the following: "For repairs, improvements, and remodeling of Western Public Market, at or near Twenty-first and K Streets NW., including new roof, repainting, repaving walks, construction of storage room, installation of sanitary stands, and other necessary items, $50,000."

COLUMBIA (S. C.) FEDERAL LAND AND INTERMEDIATE CREDIT BANK

Mr. BLEASE submitted the following resolution (S. Res. 159), which was referred to the Committee on Banking and Currency:

Whereas criminal prosecutions were brought and 32 days actually consumed in trying certain criminal cases at which three defendants were convicted in the Federal court at Columbia, S. C., at the session closed on February 14, 1928, and at a cost exceeding $40,000, and preliminary investigations having cost approximately $60,000 more; and

Whereas testimony brought out thereat involved certain officials of the Federal land and intermediate credit bank located at Columbia, S. C.; and

Whereas there was much talk of mismanagement, gross carelessness, and irregularities on the part of the officers of the said Federal land and intermediate credit bank located at Columbia, S. C.; and

Whereas it is rumored that the manner in which the affairs of the said bank have been managed has worked hardships to the farmers of various sections of that district, and also has shown carelessness, negligence, and willfulness on the part of its officers in handling the funds belonging to the United States; and

Whereas it is desired to bring about a conclusion of the controversy and to find out exactly what are the conditions of said bank and what losses the Government has sustained by these criminal prosecutions and the mismanagement of the affairs of the said bank: Now, therefore, be it

Resolved, That the Committee on Banking and Currency of the Senate, or a duly authorized subcommittee thereof, is hereby authorized and directed to make a complete and full investigation of the administration of the affairs of the Federal Land & Intermediate Credit Bank of Columbia, S. C., and to report thereon to the Senate as soon as practicable. For the purposes of this resolution such committee or subcommittee is authorized to hold hearings, to sit and act at such times and places, to employ such experts and clerical, stenographic, and other assistance, to require by subpœna or otherwise the attendance of such witnesses, and the production of such books, papers, and documents, to administer such oaths, and to take such testimony and make such expenditures as it deems advisable. The cost of stenographic service to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of such committee or subcommittee, which shall not be in excess of $, shall be paid from the contingent fund of the Senate.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 1759. An act to authorize appropriation of treaty funds due the Wisconsin Pottawatomi Indians;

H. R. 5501. An act authorizing the Hermann Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Hermann, Gasconade County, Mo.;

H. R. 5502. An act authorizing the Washington Missouri River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Washington, Franklin County, Mo.;

H. R. 5722. An act authorizing the Rogers Bros. Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ashland, Ky.;

H. R. 6639. An act authorizing the Centennial Bridge Co. of Independence, Mo. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Liberty Landing, Clay County, Mo.;

H. R. 6991. An act authorizing the erection of a nonsectarian chapel at the Army medical center in the District of Columbia, and for other purposes;

H. R. 8106. An act authorizing F. C. Barnhill, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Arrow Rock, Saline County, Mo.; and

H. R. 8107. An act authorizing Frank M. Burruss, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Miami, Saline County, Mo.

SUPPLEMENTAL ESTIMATE OF APPROPRIATION—ADDITIONAL FACILITIES AT WALTER REED GENERAL HOSPITAL (S. DOC. NO. 63)

The PRESIDING OFFICER (Mr. BLAINE in the chair) laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation, fiscal year 1929, for the War Department, for the construction of additional facilities at Walter Reed General Hospital, District of Columbia, in the amount of $310,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

NORTH DAKOTA: PAST, PRESENT, AND FUTURE

Mr. NYE. Mr. President, I ask unanimous consent that there be printed in the RECORD an address on North Dakota: Past, Present, and Future, delivered last evening before the North Dakota Society by former Gov. Joseph Devine, State commissioner of immigration.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF FORMER GOV. JOSEPH DEVINE, OF NORTH DAKOTA

North Dakota is a big and good State. It has 70,000 square miles of land; more acres of land than New York, New Jersey, and Massachusetts combined, which States have a population of 18,774,000. North Dakota's population is 644,000. The State has 45,000,000 acres of arable land. It has 29,000,000 acres in farms, of which 19,000,000 are under cultivation—more acres under the plow than the great States of Oregon, Washington, and California combined. The average acreage per farm in North Dakota is 452; in the Middle West States east of us, 120.

North Dakota in 1919 produced 17,000,000 bushels of corn; 1923, 35,000,000 bushels. It is safe to say that in 15 years it will be one of the leading corn-producing States. It now leads all States in the production of No. 1 Hard and Durham wheat, barley, winter rye, turkeys, and honey, and fourth in oats production. In 1918 the State produced 290,000 hogs; 1927, 640,000. The State is now producing as good a milch cow as New York, Wisconsin, or Minnesota, and farm population considered, doing it more rapidly. In 1918 the value of dairy production was $19,000,000; in 1927, $49,000,000. It is producing as good a steer, hog, horse, or sheep upon its rich, low-level value land and can round them up for the market more cheaply with its corn, alfalfa, and sweet clover than can Iowa or Illinois upon their high-level value land.

In 1918 the value of the so-called diversified products was $59,000,000; in 1927, $169,000,000. The North Dakota farmer no longer has all his eggs in one basket, namely grain.

We are soon to be one of the great poultry States. In 1918 poultry production amounted to $3,712,000; the estimated value of poultry production in 1927, $17,200,000. It is unsurpassed as a great potato and vegetable State as to size, variety, quality, and ease of production. The North Dakota potato is eagerly sought by eastern consumers and southern potato growers for seed. It is now one of the leading sweet-clover and alfalfa States, both for seed and feed. In 1918 the acreage in sweet clover and alfalfa was 60,000; 1927, 495,000. In 1920 there were 170,000 sheep, all located in the southwest corner, or Missouri slope country. Now, well distributed over the State, there are 498,000.

The State produces all of her agricultural products with the season's rainfall, without irrigation, inoculation of soil, or a single ounce of commercial fertilizer, and will continue to do so for many years to come.

The State now leads in both volume and value of turkey production. In 1918 the production of turkeys just about met the consumption of the people who lived within its borders. North Dakota now commands the highest premium price in the market—particularly in the markets of Boston and New York. Annually, in North Dakota, there convenes the greatest showing of turkeys in the world. Fifteen States were represented in the last gathering.

The State now is the leading bee State, both in quality and quantity of production. In 1920 the State had 708 hives of bees. In 1927, 25,000 hives, and the estimated production was 3,000,000 pounds. The

North Dakota bureau of crop estimates shows in 1922 a production of 157 pounds to the hive, which was the highest of any State in the Union. Why this rapid development in production and quality? The answer is acres and acres of sweet clover; the long, warm, sunshiny days and the short, cool nights. The long days giving longer hours for bee work, and the short, cool nights precipitating in largest quantity the nectar in the clover blossoms.

When we became a State in 1889 Indiana as a State was 75 years old; Illinois, 71; Michigan, 52; Iowa, 43; Wisconsin, 41; Minnesota, 31; and Nebraska, 22. All these States of the Middle West have had from one to three generations the start of us, yet it can be said that the youthfulness of our State has not prevented us from taking a high place, both in general progress and in the volume and value of agricultural production. We as a State and people have gone far since that day and time. The great highways have been opened, the rough places made smooth, the fear and uncertainty of the earlier years dispelled, and under the strong, white light of intelligence, enterprise, industry, education, and progress are to be seen on every hand. The act of statehood marked the passing of the big ranches and the cowboy. Towns sprang rapidly up as if by magic where once the buffalo and antelope grazed. The farm and farm home now stand where once the Indian tepee stood. The school bell now calls 174,000 children of township, village, and city where once the coyote sent forth his high, tremulous, desolate call into the night. With a vast acreage yet to feel the plowshare, in 1924 we produced in value on our farms $457,361,000, the largest per capita value, $688, and the largest average farm value, $6,142, of any State in the Union, measured by population and number of farms. One of the big, new, and proper questions of these days is: What can a State or country do for humanity? North Dakota's very satisfactory answer to that question is, "We produce a greater quantity of human food, both for home and world-wide consumption, than any State of like numbers in the world."

The State has more people owning their own homes than any other State in the Union. Out of each 1,000, 653 own the homes in which they live, while the percentage of home owners for the country at large is 450 per 1,000. The State has no millionaires, but we have what is far better, a contented, forward-looking citizenry, whose sons and daughters of farm and city crowd our eight higher institutions of learning to capacity. Why? Because they live in a State whose per capita wealth is not only greater, but more evenly distributed, than any other State in this, the richest country in the world.

After all is said and done it is not land, wealth, or numbers, but rather the type and character of a people that best determines the right of that people for their "place in the sun." Measured by that standard North Dakota has nothing to fear. She can face the future secure, self-poised, and unafraid. Of the State's total population 515,000 were born in this country; of this number, 305,000 were born in North Dakota. As to the early pioneer settlers, the Middle West States contributed 68,000; the New England States, 6,000; the Eastern States, 9,000; and the Southern States, 4,000. Each sent of the best they had. Regarding the character and type of the foreign population, the British Isles and her colonies contributed 9,000; the Scandinavian races, 54,000; Germans and Russians of German strain, 45,000; Holland, Belgium, and France, 2,000. In all North Dakota there isn't enough scum from humanity's melting pot to make a typical pioneer village. North Dakota's citizenry is as sound as her No. 1 hard wheat and as clean as the air they breathe. Fortunate, indeed, was it for North Dakota and for all generations to come that the very early pioneers brought with them a deep and abiding faith in the great fundamental principles of law, order, society, home, church, and school. Upon these, as the firm foundation, they erected the superstructure of the new State. Because of that fact North Dakota is to-day, above everything else, a State of law, order, homes, churches, and schools.

North Dakota is justly proud of her system of education, measured from the district and consolidated schools, on our prairies, to that of the Agricultural College at Fargo and the State University at Grand Forks. We spend annually $14,800,000 for our common and high schools, and $3,250,000 biennially for our eight higher institutions of learning. North Dakota has but two-tenths of 1 per cent of illiteracy. That is a high goal to which the older States may well strive to reach.

We are abundantly well equipped as to cities, towns, and villages; we have State institutions—educational, penal, and charitable—in plenty; schools and churches in full measure; stores, banks, grain elevators, and wholesale houses in ample quantity; a great agricultural and health-giving climate; plenty of pure water, lakes, and rivers; sufficient rainfall and abundant sunshine. There are four transcontinental lines and their numerous branches cobwebbing the State in every direction—therefore, excellent transportation facilities. We have the existing executive machinery—State, county, and township—fully capable of rendering good, prompt service to a population of 1,500,000.

North Dakota has 600,000,000,000 tons of high-grade lignite coal, the greatest deposit of a continuous stretch of coal in any one locality in the world; greater than the combined coal deposits of England, France, and Germany, the great coal-producing and industrial nations of Europe, with a population of 116,000,000. We have enough coal to warm every home and turn every wheel in every factory in this country for 200 years and still barely scratch the surface of this special gift of God to the people of North Dakota. The day can not be far distant when this coal, long patiently awaiting the magic touch of organized capital, will produce the cheapest electricity the world knows and shoot it hundreds of miles away for heat, power, and light. What is needed? Vision, enterprise, organization, and capital.

North Dakota has one of the greatest deposits of high-grade pottery, brick, and chinaware in the world. We have many beautiful specimens of chinaware manufactured out of this clay, but as yet only in quantities sufficient for exhibition purposes. The clay, like our coal, awaits that day when business enterprise will cause the raw material to be transformed into trainloads of chinaware of the most delicate texture, beauty, and value. Pittsburgh is the steel center of this country. It gets its raw material in far away northern Minnesota. The Ohio River Valley is the great pottery and glass section of this country, but it gets some of its raw material from more or less distant points. Why these two great industries existing so far away from the raw materials, iron ore and clay? The answer is: "Coal, and, therefore, cheap power." North Dakota has the coal and clay lying side by side with transcontinental railroads passing by within a stone's throw of both. The child now lives who will see the western section of this State humming with factories and thousands of skilled artisans living in peace and prosperity within that section.

The State has a special beauty all her own—the broad, slightly rolling prairie lands are God's earth reduced to the highest state of perfection. A big world in its serene, beautiful, old age; they are meditative, peaceful, unafraid. It is a world of rest; kind, thoughtful brooding; a land made for homes and the carefree laughter of healthy, happy children. Its sunsets, painting in splendor the western skies—then the night and the stars. Our Clell G. Gannon, a writer, student, lover, and interpreter of the prairies and all that live thereon, has in his recent publication, Songs of the Bunch Grass Acres, expressed his thought of them in the following lines:

"I have seen cherries hanging overripe;
I have seen roses drenched in morning dew;
I have seen stars fall, trailing through the night,
In flares of gold across the star-flecked blue,
I have seen mountains fusing with the skies,
In conversation with the centuries;
I have seen sunsets dripping wet with dyes
Spilled recklessly—and dawns surpassing these!
And though I love them all, I have not seen
A sight more thrilling than a reach of plains,
Dressed in spring's vivid tapestry of green
Beneath a sun-soaked sky—after the rains!"

Civilization has ever moved westward; the country's population is rapidly increasing. Good land unoccupied in extent is rapidly decreasing. God is not making any more land. That task was forever finished when He said, "Let there be light, and there was light." Dependable prosperity has crossed the eastern border lines of the Red River of the North and swept across the "big" Missouri to the western border of the State. Within that long, wide stretch of country, housing is reasonable; rich, productive land cheaper, cost of living lower, and opportunities greater. The pioneer days of privation and isolation, of the sod barn and tar-paper shack are now as a tale that is told. Gravel-surfaced roads, the automobile, telephone, radio, and rural delivery have annihilated distance. Up-to-date creameries, packing plants, cold storage, and rapid transit deliver the farmers' finished product direct to the consuming centers of far-away Eastern States and cities. Thousands of our farm homes listen-in nightly to the best expressed thought the country can give in art, education, religion, science, literature, history, and industry. The North Dakota farm family are active, accredited members in the nation-wide extension course of business and cultural education. At no far distant day electricity will light farm homes and barns, milk the cows, cook the meals, churn cream into butter, sweep the floors, and do the washing. Why? Millions of acres covering billions of tons of coal within easy reach of the big steam shovel; therefore, cheap light, heat, and power.

In North Dakota to-day there is more faith and less doubt; more unity of thought and direction and less of dissension, both of farm and city, than at any time since statehood. Because of that pleasing fact there is every evidence that we are entering upon a new era of sound, constructive teamwork that is the harbinger of bigger and better things to come. We have the utmost respect for those who speak highly and believe thoroughly in the State in which they live. All States in this country have much that is praiseworthy. We of North Dakota should take the same commendable attitude. Our State is in every way worthy of all we can give and do for her. We live in a much bigger and better State than the people at home or the country at large have as yet conceived. To those who live in other States North Dakota will be what we tell them she is and to those who live here she will be what we make her. We must silence misrepresentation and substitute it with wholesome, dependable information. That knowledge will

come, indeed it is now gradually but just as certainly going over. To accomplish that very laudable purpose, North Dakota needs the combined effort of every loyal citizen.

THE CALENDAR

The VICE PRESIDENT. Morning business is closed. Under the unanimous-consent agreement entered into on yesterday, the Senate will proceed to the consideration of unobjected bills on the calendar, beginning at No. 253.

MEMORIAL STATUE OF CARDINAL GIBBONS

The joint resolution (S. J. Res. 72) to grant permission for the erection of a memorial statue of Cardinal Gibbons was announced as first on the calendar. The joint resolution was considered as in Committee of the Whole, and it was read, as follows:

Resolved, etc., That the Chief of Engineers, United States Army, be, and is hereby authorized and directed to grant permission to the Knights of Columbus, through Martin H. Carmody, the supreme knight of the Knights of Columbus, or his successors in office, for the erection, as a gift to the people of the United States, on public grounds, known as reservation 309–G, west of square 2675 which said reservation is bounded on the north by Park Road, on the east by Pine Street, and on the west by Sixteenth Street, and immediately in front of Sacred Heart Church in Washington, D. C., a memorial statue of the late James Cardinal Gibbons: *Provided*, That the design for the statue shall be approved by the Commission of Fine Arts: *And provided further*, That such statue shall be erected under the supervision of the Chief of Engineers, and that the United States shall be put to no expense in or by the erection of said statue.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MEMORIAL MONUMENT TO PACIFIC NORTHWEST PIONEERS

The joint resolution (S. J. Res. 33) authorizing the selection of a site and the erection of a memorial monument to the pioneers of the Pacific Northwest in Washington City, D. C., was considered as in Committee of the Whole, and was read, as follows:

Resolved, etc., That authority is hereby granted to the Oregon Trail Memorial Association (Inc.) to erect a memorial to the pioneers of the Pacific Northwest at such place in the city of Washington as may be designated by the Fine Arts Commission, subject to the approval of the Joint Committee on the Library, the model of the monument so to be erected to be first approved by the said commission and by the Joint Committee on the Library, the same to be presented by the said association to the people of the United States.

SEC. 2. That for the preparation of the site under the direction of the Director of Public Buildings and Public Parks of the National Capital, the sum of $10,000, or so much thereof as may be necessary, is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated.

Mr. KING. Mr. President, I would like to ask whether the statue is to be erected by the Government, and if so, what the aggregate cost to the Government will be? On page 2 of the joint resolution I notice that $10,000 is to be appropriated.

Mr. FESS. The joint resolution authorizes an appropriation of $10,000, which the Senator from Washington [Mr. JONES], who introduced the measure, will explain.

Mr. JONES. Mr. President, that is for the preparation of the site within the District, if one should be selected where grading and putting in shape would be required. That expense must be taken care of by the Government. Otherwise there is no expense to the Government. If a site is selected which does not require any grading, then, as in the case of the joint resolution passed a moment ago, there will be no expense to the Government.

Mr. KING. Where private corporations or voluntary associations seek the privilege of erecting a statue of some eminent person in the District of Columbia is it customary that the Government shall pay for the site or pay for preparing the site?

Mr. JONES. I understand it is in accord with the policy which has been pursued heretofore that where the site requires grading and special preparation it has been done by the Government, but all other expenses are borne by the association or organization which furnishes the statue.

Mr. KING. My recollection is that where voluntary associations or corporations are formed for the purpose of having a monument erected they pay for the cost. As I recall—my memory may be at fault—the cost of the statue to Buchanan was imposed upon the organization which inaugurated the movement, and I think the organization in that case was the State of Pennsylvania.

Mr. JONES. I do not know how that may be. If the Senator objects to that provision, in the interest of securing the passage of the joint resolution I can suggest an amendment. I hope, however, that the Senator will not insist, if there should be any expense in securing the site, that it should be imposed upon this pioneer organization.

Mr. KING. Let me make this suggestion: I shall not object, with the understanding that if upon inquiry it shall be discovered that it is not usual for the Government to make such appropriations the Senator will agree that the action of the Senate in passing the joint resolution may be reconsidered tomorrow morning.

Mr. JONES. That will be entirely satisfactory to me.

Mr. KING. With that understanding, I have no objection to the consideration of the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MEMORIAL TO SAMUEL GOMPERS

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 88) authorizing the erection on public grounds in the District of Columbia of a stone monument as a memorial to Samuel Gompers, which was read, as follows:

Resolved, etc., That the Director of Public Buildings and Public Parks of the National Capital be, and he is hereby, authorized and directed to select a suitable site and to grant permission to William Green, president, and Frank Morrison, secretary, of the American Federation of Labor, for the erection, as a gift to the people of the United States, on public grounds of the United States in the city of Washington, D. C., other than those of the Capitol, the Library of Congress, the Mall, and White House, of a stone monument in memory of Samuel Gompers: *Provided*, That the site chosen and the design of the memorial shall be approved by the Joint Committee on the Library, with the advice of the Commission of Fine Arts, that it shall be erected under the supervision of the Director of Public Buildings and Public Parks of the National Capital, and that the United States shall be put to no expense in or by the erection of the monument.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL SURETY CO.

Mr. COPELAND. Mr. President, it will be recalled that on yesterday when the consideration of bills on the calendar was suspended the Senate had under consideration Order of Business 185, being the bill (S. 2335) for the relief of the National Surety Co. I ask that the Senate now return to that bill in order that its consideration may be completed. The Senator from Tennessee [Mr. MCKELLAR], I think, was offering an amendment to the bill when its consideration was suspended.

Mr. MCKELLAR. No.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The Senator from New York asks unanimous consent to return to the consideration of the bill named by him. Is there objection?

Mr. MCKELLAR. I have no objection.

Mr. CURTIS. If the consideration of the bill is going to take time, I hope the Senator from New York will not ask its consideration, because we should like to get through the calendar this morning. We have not gone through the calendar for a long while.

The PRESIDING OFFICER. The Chair is informed that the bill, consideration for which is asked by the Senator from New York, is in the Senate and is ready to be fully acted on.

Mr. CURTIS. If its consideration will take no time, reserving the right to object if it shall take time, I will not object to the consideration of the bill.

Mr. KING. I ask the Senator from New York to make a brief explanation of the bill, because I objected to its consideration.

Mr. COPELAND. The National Surety Co. had paid a claim of $157.89, and it afterwards developed that the company was not liable because it did not write the policy until a few months after the loss; and the bill is to reimburse the company for the money improperly advanced by it. That is the purpose of the bill.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The bill was passed.

TABLET AT BATTLE FIELD OF PERRYVILLE, KY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 48) to erect a tablet or marker to the memory of the Federal soldiers who were killed at the Battle of Perryville, and for other purposes, which was read, as follows:

Be it enacted, etc., That the sum of $5,000 be, and is hereby, authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of erecting a tablet or marker on the grounds of the Battle of Perryville, near Perryville, in Boyle County, Ky., in honor of the Federal soldiers who took part in that battle, and many of whom are now buried therein, said tablet or marker to be erected in a suitable location, having reference to the monument erected by the State of Kentucky to the Confederate dead that also lie buried therein. Said sum to be dispensed by the Secretary of War, after he shall have approved the plans of said tablet or marker.

SEC. 2. That the Secretary of War is hereby authorized to accept, free of cost to the Government, a tract of land containing 4 acres, with the roadway 25 feet wide running from the east side of said tract to the Perryville Turnpike, and upon presentation of good and perfect title to said tract of land the Secretary of War is authorized and directed to establish thereon a national cemetery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF PETER P. PITCHLYNN

The bill (S. 1705) authorizing the Court of Claims to render judgment in favor of the administrator of or collector for the estate of Peter P. Pitchlynn, deceased, instead of the heirs of Peter P. Pitchlynn, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, will the Senator from Oklahoma [Mr. THOMAS], who introduced this bill, give an explanation as to the necessity for the passage of the measure.

Mr. THOMAS. Mr. President, the reason for the passage of this bill may be stated very briefly. The Court of Claims at a former time was authorized to make and did make a finding in favor of the heirs of Peter P. Pitchlynn. Those heirs are widely scattered, and there has been some complication in making an adjustment under the award of the Court of Claims. This bill is introduced and its passage is sought for the purpose of permitting the award to be made to the estate of Peter P. Pitchlynn and to let the administrator handle it as he may see proper.

Mr. KING. The passage of the bill will not increase the award at all?

Mr. THOMAS. No.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Court of Claims is hereby authorized to render judgment in the suit of the heirs of Peter P. Pitchlynn, deceased, against the Choctaw Nation, No. 30532, now pending in said court on mandate from the Supreme Court of the United States in favor of the administrator of or collector for the estate of Peter P. Pitchlynn, deceased, appointed or to be appointed under the laws of the District of Columbia, for $3,113.92, the amount the Court of Claims on June 9, 1924, found to be due the heirs of said Pitchlynn from the Choctaw Nation. Said judgment shall be paid out of any funds in the Treasury or custody of the United States belonging to the Choctaw Nation.

SEC. 2. To the above extent, the act of Congress approved June 21, 1906 (34 Stat. L. 325, 345), under which said suit was instituted in said Court of Claims is hereby amended, and all acts or parts of acts inconsistent herewith are hereby repealed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED CONSTITUTIONAL AMENDMENT PROHIBITING WAR

The joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States prohibiting war was announced as next in order.

Mr. BRUCE. Let that go over.

The PRESIDING OFFICER. The joint resolution will go over.

ELECTRIC PLANT AT HANAPEPE, KAUAI, HAWAII

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 83) to approve Act No. 24 of the Session Laws of 1927 of the Territory of Hawaii entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Hanapepe, in the district of Waimea, island and county of Kauai."

The bill was read, as follows:

Be it enacted, etc., That act No. 24 of the Session Laws of 1927 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Hanapepe, in the district of Waimea, island and county of Kauai," passed by the Legislature of the Territory of Hawaii and approved by the Governor of the Territory of Hawaii on March 26, 1927, is hereby approved: *Provided*, That the authority in section 16 of said act for the amending or repeal of said act shall not be held to authorize such action by the Legislature of Hawaii except upon approval by Congress in accordance with the organic act.

Mr. KING. Mr. President, there are a number of measures, I understand, either in the House or in the Senate or in both, dealing with Hawaiian matters. I should be very glad if the Senator from Delaware, who reported the bill, would give us an explanation of it.

Mr. BAYARD. Mr. President, the report on this bill was submitted by me on behalf of the Committee on Territories and Insular Possessions. This bill covers a matter which is required under the organic act of Hawaii to be submitted to the Congress of the United States. It has to do with granting a franchise for an electric-light operation in Hawaii. An act for this purpose was passed by the Legislature of Hawaii and was approved by the governor, but under the organic act, as I have just stated, that act must come before Congress for final approval before it can become operative.

The committee looked into the matter very carefully. It will be seen from consulting the report that extensive quotations are made from the safeguarding clause of the charter as passed by the Hawaiian Legislature. It seems to be a very necessary operation. The facts are these: Here was a little village, situated between two large plantations, with a population of about 3,900 people. They have no electric-light facilities, and Mr. Gomes and his friends made application to the Hawaiian Legislature for a permit or a franchise. The permit was granted after due care and consideration. The act of the Hawaiian Legislature is a very extensive instrument and goes very carefully into all phases of the operation, safeguarding it and bringing it, generally speaking, under the supervision of the public utilities commission as to the issuance of securities, the disposition of the power, the rates, the examination of the books of the organization, and all needful things such as would be provided for in this country. The passage of the bill is recommended by the Governor of Hawaii.

Mr. KING. Will the Senator permit one question?

Mr. BAYARD. Certainly.

Mr. KING. Is it a franchise in perpetuity, or is it limited?

Mr. BAYARD. No, sir. If the Senator will read the report, he will see that it is a franchise limited to 50 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY CLERKIN

The bill (S. 205) to authorize the Secretary of the Treasury to pay the claim of Mary Clerkin was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Mary Clerkin, of Newtownbutler, county of Fermanagh, Ireland, $140 for the loss of certain laces which were destroyed in the fire in the appraiser's warehouse at New York City in May, 1909.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANK HANLEY

The bill (S. 802) for the relief of Frank Hanley was announced as next in order.

Mr. KING. I ask that that bill go over.

Mr. COPELAND. Mr. President, will the Senator withhold his objection for a moment?

Mr. KING. I will.

Mr. COPELAND. Mr. President, Frank Hanley, mentioned in the bill, had a leave of absence of 24 hours from his ship. When he came back to join his ship before his leave had expired the ship had sailed. Then, in company with other members of the crew he sailed to Savannah, Ga., because he was told that his ship had gone there; but when he got to Savannah he could not find it. Although he made every effort to rejoin his ship, this poor chap was thrown out and dishonorably discharged, when, as a matter of fact, it was physically impossible for him to reach the ship. The war was over at the time this happened. This man is now old, blind, and deaf,

and it is only right that his status should be restored and he be given an honorable discharge.

Mr. BRUCE. I will ask that the bill go over temporarily.

The PRESIDING OFFICER. The bill will be passed over.

DELAWARE RIVER BRIDGE NEAR BURLINGTON, N. J.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2800) authorizing E. K. Morse, his successors and assigns—or his or their heirs, legal representatives, and assigns—to construct, maintain, and operate a bridge across the Delaware River, at or near Burlington, N. J., which had been reported from the Committee on Commerce with amendments.

The first amendment was in section —, on page 1, line 6, before the word "hereby," to strike out "are" and insert "is," so as to make the section read:

That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, E. K. Morse, his successors and assigns—or his or their heirs, legal representatives, and assigns—be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Delaware River, at a point suitable to the interests of navigation, at or near Burlington, N. J., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 22, before the word "hereby," to strike out "are" and insert "is," so as to make the section read:

SEC. 3. The said E. K. Morse, his successors and assigns (or his or their heirs, legal representatives, and assigns), is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OFFICE OF PUBLIC BUILDINGS AND PUBLIC PARKS

The bill (S. 1628) relating to the Office of Public Buildings and Public Parks of the National Capital was announced as next in order.

Mr. KING. I ask that that bill go over. A number of persons have been to see me in regard to the bill and have suggested some amendments. Whether they are proper or not I can not say; but I ask that the bill may be passed over, not that I have any inherent opposition, but I should like to inquire into the objections which have been brought to my attention.

The PRESIDING OFFICER. The bill will be passed over.

AUGUSTUS C. TURNER

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3144) for the relief of Augustus C. Turner, which was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Augustus C. Turner, who was a member of Company F, First Regiment, and Company B, Forty-fourth Regular United States Volunteer Infantry, and Troop M, Thirteenth United States Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of Troop M, Thirteenth United States Cavalry, on the 14th day of November, 1905: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

Mr. REED of Pennsylvania. Mr. President, I wish to ask about the title of the bill. As it appears on the calendar the title seems to be erroneous. The bill as it passed the House has the correct title.

The PRESIDING OFFICER. The Chair is advised that the title as passed by the House is the correct title, reading "For the relief of Augustus C. Turner."

Mr. REED of Pennsylvania. That is all right.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLA G. RICHTER

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2808) for the relief of Ella G. Richter, daughter of Henry W. Richter, which had been reported from the Committee on Military Affairs with an amendment, on page 2, line 1, after the word "shall," strike out "accrue or be allowed in this case" and insert "be held to have accrued prior to the passage of this act," so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Henry W. Richter, who was a member of Company A, Ninth Regiment Iowa Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 17th day of January, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

Mr. KING. I should like to have an explanation of this bill. It seems as though the soldier was a deserter.

Mr. REED of Pennsylvania. Mr. President, this soldier served from May, 1861, down to December, 1863, in active service and received an honorable discharge. He obtained a furlough and at its expiration returned to his company. He says that he was placed on picket duty and was captured, but it happened on the same day that he returned from his furlough, and he was put on the records as a deserter, whereas the fact, as he testified, was that he was actually a prisoner.

The bill as it was presented in the House in behalf of the lady who seeks to have her dead father's record corrected, provided that she should not be entitled to any pension whatever, either past or future. She was solely prompted by a desire to have the record corrected so far as possible. The committee thought her attitude so creditable that we should give her the same privilege as the beneficiaries of other bills. That is the reason for the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

KENNETH B. TURNER

The bill (S. 133) for the relief of Kenneth B. Turner was announced as next in order. The bill had been reported adversely from the Committee on Military Affairs.

Mr. KING. I ask that the bill go over.

Mr. FESS. The Senator from California [Mr. SHORTRIDGE] is detained from the Senate and desired me to ask that this bill remain on the calendar without prejudice.

The PRESIDING OFFICER. Without objection, the bill will remain on the calendar without prejudice.

Mr. REED of Pennsylvania. Mr. President, I notice the bill itself as it appears on the calendar of bills was indefinitely postponed on February 8. If that is so, it has no place on the calendar.

The PRESIDING OFFICER. The Chair is advised that that is a mistake. The bill has been adversely reported, but it has not been indefinitely postponed.

PURCHASE OF LANDS IN BISMARCK, N. DAK.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2279) authorizing the Secretary of the Interior to purchase certain lands in the city of Bismarck, Burleigh County, N. Dak., for Indian school purposes, which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to purchase for the Bismarck (N. Dak.) Indian school, from the Dakota Corporation, Bismarck, N. Dak., or its successors in interest, certain adjoining tracts of land within the limits of the city of Bismarck, Burleigh County, N. Dak., described as follows: The southeast quarter of the southeast quarter, containing 40 acres; part of the southwest quarter of the southeast quarter, containing 23 acres more or less; and part of the northwest quarter of the southeast quarter, containing 30 acres more or less, all in section 5, township 138 north, range 80 west of the fifth principal meridian, containing 93 acres more or less, subject to survey. The purchase price shall not exceed $120 an acre and the lands shall be warranted free of all encumbrances.

SEC. 2. There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

KOOSHAREM BAND OF INDIANS, UTAH

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8292) to reserve 120 acres on the public domain for the use and benefit of the Koosharem Band of Indians residing in the vicinity of Koosharem, Utah, which was read, as follows:

Be it enacted, etc., That 120 acres of land described as the west half southwest quarter and southwest quarter northeast quarter section 9, township 27 south, range 1 west, Salt Lake meridian, Utah, be, and the same is hereby, reserved for the sole use and occupancy of the Koosharem Band of Indians in Utah: *Provided*, That the rights and claims of any bona fide settler initiated under the public land laws prior to November 5, 1927, the date of withdrawal of the lands from all form of entry, shall not be affected by this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 2154) to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913, was announced as next in order.

Mr. BRATTON. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

HEIRS AND ALLOTMENTS OF DECEASED INDIANS

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2155) to amend section 1 of the act of June 25, 1910 (36 Stat. L. 855), entitled "An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes," which was read, as follows:

Be it enacted, etc., That when any Indian to whom an allotment of land has been made, or may hereafter be made, dies before the expiration of the trust period and before the issuance of a fee-simple patent, without having made a will disposing of said allotment as hereinafter provided, the Secretary of the Interior, upon notice and hearing, under such rules as he may prescribe, shall ascertain the legal heirs of such decedent, and his decision thereon shall be final and conclusive. If the Secretary of the Interior decides the heir or heirs of such decedent competent to manage their own affairs, he shall issue to such heir or heirs a patent in fee for the allotment of such decedent; if he shall decide one or more of the heirs to be incompetent, he may, in his discretion, cause such lands to be sold: *Provided*, That if the Secretary of the Interior shall find that the lands of the decedent are capable of partition to the advantage of the heirs, he may cause the shares of such as are competent, upon their petition, to be set aside and patents in fee to be issued to them therefor. All sales of lands allotted to Indians authorized by this or any other act shall be made under such rules and regulations and upon such terms as the Secretary of the Interior may prescribe, and he shall require a deposit of 10 per cent of the purchase price at the time of the sale. Should the purchaser fail to comply with the terms of sale prescribed by the Secretary of the Interior, the amount so paid shall be forfeited; in case the balance of the purchase price is to be paid in deferred payments, a further amount, not exceeding 15 per cent of the purchase price, together with all interest paid on such deferred installments, may be so forfeited for failure to comply with the terms of the sale. All forfeitures shall inure to the benefit of the heirs. Upon payment of the purchase price in full, the Secretary of the Interior shall cause to be issued to the purchaser patent in fee for such land: *Provided*, That the proceeds of the sale of inherited lands shall be paid to such heir or heirs as may be competent and held in trust subject to use and expenditure during the trust period for such heir or heirs as may be incompetent as their respective interests shall appear: *Provided further*, That the Secretary of the Interior is hereby authorized, in his discretion, to issue a certificate of competency, upon application therefor, to any Indian, or in case of his death to his heirs, to whom a patent in fee containing restrictions on alienation has been or may hereafter be issued, and such certificate shall have the effect of removing the restrictions on alienation contained in such patent: *Provided further*, That hereafter any United States Indian agent, superintendent, or other disbursing agent of the Indian Service may deposit Indian moneys, individual or tribal, coming into his hands as custodian, in such bank or banks as he may select: *Provided*, That the bank or banks so selected by him shall first execute to the said disbursing agent a bond, with approved surety, in such amount as will properly safeguard the funds to be deposited. Such bonds shall be subject to the approval of the Secretary of the Interior.

Mr. KING. Mr. President, will the Senator from North Dakota explain this bill? I have not had an opportunity of reading the bill or the report. I should like to inquire whether it is sufficiently comprehensive to deal with the claims of all Indians for lands of which they have been dispossessed where they claim that the lands have been sold for prices far less than their real value and to their disadvantage. I am not quite clear as to the limitations of the bill.

Mr. FRAZIER. I do not think I get the full intent of the Senator's statement.

Mr. KING. I ask the Senator to explain the bill.

Mr. FRAZIER. Mr. President, this is a so-called departmental bill, introduced at the request of the department to take care of certain conditions in the Indian reservations. The report is quite full in regard to it. The bill was considered by the committee, and I think without any doubt is meritorious, and should be passed.

Mr. KING. Mr. President, I received a letter this morning from an Indian—and, by the way, I am receiving literally hundreds of them—complaining about the action of the department in cases where lands are communally held, so that if the person dies his heirs would not inherit an allocate part of the land, but whatever interest he had would go to the tribe. They are complaining that the Indian Bureau has taken upon itself the responsibility of carving out of lands so communally held a portion thereof, and allocating it to the heirs of the deceased, instead of permitting it to go to the tribe, when the heirs would receive the same interest in it that all other persons in the tribe would receive. I was wondering whether this measure was calculated to give to the Department of the Interior or the Indian Bureau the power to make these carvings and allocations where the land is held in a communal or tribal form by the Indians.

Mr. FRAZIER. I will say that I do not think that was the intention of this bill in any respect.

Mr. KING. I have a great deal of sympathy for the Indians. I believe that they have been wronged so often that I am very anxious to see that their rights are protected against the possibility of any invasion.

Mr. FRAZIER. I will say, further, that no objection at all was made to this bill when it was under discussion in the committee.

Mr. KING. Upon the statement of the Senator I have no objection to the consideration of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER subsequently laid before the Senate the bill (H. R. 8291) to amend section 1 of the act of June 25, 1910 (36 Stat. L. 855), "An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes," which was read twice by its title.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from North Dakota to this bill.

Mr. FRAZIER. Mr. President, that measure was slightly amended on the floor of the House; but I think the amendment makes no material change, and it is accepted by the Interior Department. I move that the House bill be substituted for the Senate bill.

The PRESIDING OFFICER. Without objection, the votes whereby Senate bill 2155 was ordered to be engrossed for a third reading and passed will be reconsidered.

The Senator from North Dakota now asks unanimous consent that the House bill be substituted for the Senate bill. Without objection, that will be done.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8291) to amend section 1 of the act of June 25, 1910 (36 Stat. L. 855), "An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Senate bill 2155 is indefinitely postponed.

LANDS IN INYO COUNTY, CALIF.

The bill (S. 2157) to provide for the permanent withdrawal of certain lands in Inyo County, Calif., for Indian use was announced as next in order.

The PRESIDING OFFICER laid before the Senate the bill (H. R. 9037) to provide for the permanent withdrawal of certain lands in Inyo County, Calif., for Indian use, which was read by its title.

The PRESIDING OFFICER. The Chair calls the attention of the Senator from North Dakota [Mr. FRAZIER] to this bill. What action does the Senator from North Dakota desire to have taken in reference to it?

Mr. FRAZIER. I move that the House bill be substituted for the Senate bill.

Mr. ROBINSON of Arkansas. Mr. President, I inquire if the House bill is identical with the Senate bill?

Mr. FRAZIER. I think they are identical.

The PRESIDING OFFICER. Without objection, the House bill will be substituted for the Senate bill.

The Senate, as in Committe of the Whole, proceeded to consider the bill (H. R. 9037) to provide for the permanent withdrawal of certain lands in Inyo County, Calif., for Indian use.

Mr. KING. Mr. President, I should like to inquire the calendar number of the Senate bill?

The PRESIDING OFFICER. Two hundred and seventy-three.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 2157 is indefinitely postponed.

WILLIS B. CROSS

Mr. NEELY. Mr. President, I ask unanimous consent to return to Order of Business 238, House bill 3145, consideration of which was postponed yesterday afternoon while I was absent from the Senate participating in an important meeting of the Committee on Interstate Commerce.

The PRESIDING OFFICER. The Senator from West Virginia asks unanimous consent to return to Order of Business 238, House bill 3145. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3145) for the relief of Willis B. Cross.

Mr. KING. Mr. President, I should like the Senator to make an explanation of the bill.

Mr. NEELY. Mr. President, the facts in the case are as follows:

Mr. Willis B. Cross, the beneficiary of the legislation proposed in the bill, served for two years with the Seventeenth Indiana Battery, Light Artillery, performed all the duties of a private in that organization, and with it engaged in battle, although he was never enlisted or enrolled as a member of the battery.

While serving in the valley of Virginia with General Siegel's command Mr. Cross became so ill that he was obliged to go home for treatment. Upon recovering from his illness he returned to Frederick, Md., where he found that the battery with which he had been serving had been disbanded. He then enlisted in Battery B, Independent Loudoun (Virginia) Rangers, and served from the 7th day of April, 1865, to the 31st day of May, 1865, when he was discharged by reason of the end of the war.

Mr. Cross actually served in the Army more than two years, but was enlisted only from the 7th day of April, 1865, to the 31st day of the following month. The purpose of the bill is to obtain credit for the service rendered by Mr. Cross during the time he was not enrolled.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. NEELY. Certainly.

Mr. CARAWAY. How was it possible for him to serve two years without being enlisted?

Mr. NEELY. I can not answer that question. But the record, nevertheless, shows the facts to be as I have stated them.

Mr. CARAWAY. He actually served?

Mr. NEELY. He actually served and actually participated in battles.

The PRESIDING OFFICER. The amendment of the committee will be stated.

The amendment was, on page 1, line 8, after the word "discharged," to insert "therefrom after having served therein more than 90 days," so as to make the bill read:

Be it enacted, etc., That in the administration of the pension laws Willis B. Cross shall hereafter be held and considered to have been mustered into the military service of the United States as a private of Captain Miner's Seventeenth Battery, Indiana Volunteer Light Artillery, and to have been honorably discharged therefrom after having served therein more than 90 days: *Provided*, That no back pay, bounty, pension, or allowance shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

LANDS IN NEVADA

The bill (H. R. 8281) to provide for the withdrawal of certain described lands in the State of Nevada for the use and benefit of the Indians of the Walker River Reservation was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 8282) to provide for the permanent withdrawal of certain lands bordering on and adjacent to Summit Lake, Nev., for the Paiute, Shoshone, and other Indians, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OSAGE INDIANS IN OKLAHOMA

The bill (S. 2360) to amend section 1 of the act of Congress of March 3, 1921 (41 Stat. L. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906," entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes," was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That section 1 of the act of Congress approved March 3, 1921 (41 Stat. L. 1249), entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes," be amended by adding after the last line of said section 1 the following:

"*Provided further*, That the Secretary of the Interior may reduce the area to be offered annually hereunder, or suspend the offer of leases for not exceeding two years at any one time when, in his opinion, an overproduction of oil, or inadequate prices therefor, make such extension or suspension desirable in the interests of the Osage Nation, the entire unleased area, however, to be offered for lease not later than April 8, 1936."

Mr. ROBINSON of Arkansas. Mr. President, I note that this bill gives the Secretary of the Interior power to reduce the area to be offered annually for lease, but requires that the whole unleased area be offered not later than April 8, 1936. What is the object of requiring the unleased area to be submitted prior to that particular date?

Mr. LA FOLLETTE. Mr. President, I will say to the Senator from Arkansas that my understanding is that the existing law, which this bill seeks to amend, under its present terms provides for the entire leasing of that Osage area by that day. This bill is simply to give the Secretary, during that period, discretionary power as to whether he shall lease a certain amount this year or a certain amount next year; in other words, to relieve him from the obligation now contained in the statute to lease, as I remember, 100,000 acres per year. In other words, assuming that there will be an overproduction in one year, in order to prevent the throwing of these areas upon the market at a time when they would be unlikely to produce a favorable bidding the bill gives the Secretary the discretion to defer leasing them for another year or two years, until there will be a more favorable market; but it was thought that perhaps Congress would not be willing to change the general intent of the act which this bill seeks to amend, namely, that these lands shall all have been offered for lease by April 8, 1936.

I note that the Senator from Oklahoma [Mr. THOMAS] is on the floor, and as he is perhaps more familiar with the situation than I am, I will ask him to enlighten the Senator from Arkansas further.

Mr. THOMAS. Mr. President, under existing law the Secretary of the Interior is obliged to lease these lands during a certain period of time. Frequently we have depressions in the oil industry, overproduction, and decreased prices. It was thought in the interest of good business to extend and liberalize the power of the Secretary so that in times of depression and overproduction he might defer the leasing of lands that is now obligatory under the law. That is the intent of the bill.

Mr. ROBINSON of Arkansas. Mr. President, I call attention to the fact that under that practice the whole area might remain unleased until just prior to April 8, 1936, and that under the requirements of this bill the Secretary would be compelled to offer the whole area at that time. It seems to me that the bill might defeat the purpose which the Senator from Oklahoma and the Senator from Wisconsin have in mind, and compel the leasing of a very large area at a time when it would be improvident to do so.

Mr. LA FOLLETTE. I should like to suggest to the Senator that if such a situation did arise, Congress prior to April 8, 1936, could pass legislation to remedy the situation.

Mr. ROBINSON of Arkansas. If Congress happened to be in session and the situation came to its knowledge.

Mr. LA FOLLETTE. It seems to me that if we had a continued overproduction for such a long period of time it would certainly be brought to the attention of Congress. Personally I will say that I should have no objection to removing that terminal date; but inasmuch as that was in the act originally passed by Congress it was thought by the committee that Congress probably would not desire to change the final date upon which all of these lands are to be offered for lease.

Mr. ROBINSON of Arkansas. It would appear that there is ample time to make any further amendment that Congress might desire to make, so I offer no objection to the consideration of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BOUNDARY BETWEEN UNITED STATES AND MEXICO

The bill (S. 2534) authorizing the appropriation of $65,000 to be expended by the American section, International Boundary Commission, United States and Mexico, for the purpose of making a survey to fix the boundary between the United States and Mexico, between El Paso, Tex., and Fort Quitman, Tex., and for other purposes, was announced as next in order.

Mr. SHEPPARD. Mr. President, a House bill carrying this appropriation has been enacted into law. I move, therefore, that the Senate bill be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

PAYMENT TO CERTAIN GERMAN NATIONALS

The bill (S. 2549) providing for payment to the German Government of $461.59 in behalf of the heirs or representatives of the German nationals, John Adolf, Hermann Pegel, Franz Lipfert, Albert Wittenburg, Karl Behr, and Hans Dechantsreiter, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That there is hereby authorized to be paid to the German Government, out of any money in the Treasury not otherwise appropriated, the sum of $461.59 for the heirs or representatives of the German nationals, John Adolf, Hermann Pegel, Franz Lipfert, Albert Wittenburg, Karl Behr, and Hans Dechantsreiter, who lost their lives while in the status of seamen in the American merchant marine; the above sum of $461.59 having been covered into the general fund of the Treasury Department as required by the statutes relating to the disposition of effects and unpaid wages of deceased seamen on the American vessels.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SECOND PAN AMERICAN CONFERENCE ON HIGHWAYS

The joint resolution (S. J. Res. 30) to provide for the expenses of participation by the United States in the Second Pan American Conference on Highways at Rio de Janeiro was considered as in Committee of the Whole, and was read, as follows:

Resolved, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $15,000 for the expenses of participation by the United States in the Second Pan American Conference on Highways at Rio de Janeiro, including the compensation of employees, transportation, subsistence, or per diem in lieu of subsistence (notwithstanding the provisions of any other act), including expenses of delegates in visiting Colombia and Venezuela in connection with the conference, and such miscellaneous and other expenses as the President shall deem proper.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

VIEWS OF GOVERNOR FULLER ON PRESIDENTIAL CANDIDATES

Mr. HEFLIN. Mr. President, the Washington Post of yesterday morning and the Washington Star of yesterday afternoon both carried and gave prominence to an Associated Press dispatch from Boston, Mass., quoting from a speech made the night before by the Republican Governor of Massachusetts, Governor Fuller.

In that speech the Republican governor expressed, in a feeble way, the opinion that Hoover will be nominated for President by the Republicans. And then, under the hypnotic spell of the Roman Catholic political machine, which has secretly aided him politically in Massachusetts, he boosted Al Smith for the Democratic nomination for President.

This Republican Governor of Massachusetts was not content to pick out and boost a Republican candidate for President. Oh, no. He merely mentioned Hoover in leading up to what he was told to say, and then he went into ecstasies over Al Smith, the Tammanyite and wet nullifier of New York. And, strange to say, in order to aid the candidate of Rome's political machine, this Republican Governor of Massachusetts expressed the opinion that if Hoover is not nominated Al Smith will be elected.

What influence is it that has caused this Republican Governor of Massachusetts to so forget the proprieties of the occasion and employ his political voice and power to promote the candidacy of Tammany's Al Smith for the Democratic nomination for President?

But that is not all. Even the thought of Al Smith's failure to get the Democratic nomination fills the Republican Governor of Massachusetts with anger and indignation. Smiting hard the table in front of him with his fist, he predicted disaster to the Democratic Party if it failed to nominate Al Smith for President. Let me give you his exact language on this point:

If the Democrats do not nominate Al Smith, they had better disband or else reorganize the party as a free-trade council of the Ku-Klux Klan with TOM HEFLIN as head kleagle.

No doubt some Senators are wondering why this particular Republican governor is apparently so enthusiastic over Al Smith, the candidate of the Roman political machine, and why he takes a dig at me, the Protestant Senator who is vigorously opposing the nomination of Al Smith. The answer, in my opinion, is found in the fact that Governor Fuller's wife is a Roman Catholic. The history of the Old World is full of instances where Roman Catholic wives influenced their Protestant husbands in matters where the Roman Catholic machine was interested. The historian tells us that Porfirio Diaz made the Mexican constitution of 1857 a dead letter for 30 years under the influence of his Roman Catholic wife.

I bring this to the attention of the Senate and the country, because these Roman-inspired flings are frequently made at me by men who themselves claim to be Protestants. I expect to continue to do that, to show the connecting link and just what is back of these attacks.

In this instance my judgment is that a Roman Catholic priest wrote the speech that this Romanized millionaire, purse-proud Governor of Massachusetts repeated in Boston the other night.

I know this gentleman personally. I was in the House when he was a Member of Congress for one term, and, knowing him as I do, I must say that he has more money than sense.

Mr. WALSH of Massachusetts. Mr. President, I do not care to dignify by any extensive observations what has just been said by the Senator from Alabama with reference to the Governor of Massachusetts or his wife. I decline to associate my own or the religious views of others with my public service as a Senator of a sovereign State which protects the rights of all regardless of their religious worship. I happen to know both the governor and his wife personally and I can therefore speak of them from personal as well as official knowledge.

I know the Governor of Massachusetts—he is not of my political faith—to be a very conscientious, a very able, and a very progressive public servant. I doubt if we have ever had in Massachusetts a governor of any political party who has exercised more courage and more independently performed the exacting duties of his office than the present governor, Governor Fuller. His record, I can frankly say, has been very generally approved, regardless of politics. No governor has been or deserves to be more respected.

As to Mrs. Fuller's religion, I am not concerned any more than I am in the governor's religion. Whatever may be the religion of either of them, they are each worthy representatives of their religion. I do know Mrs. Fuller as a devoted mother and a lady possessed of charming personal qualities and of inestimable character. Neither Governor Fuller nor Mrs. Fuller, I am proud to say, is thought of in terms of religion in Massachusetts. Character and achievements, not financial resources or religious group support, have won for them the love and esteem of all classes and creeds.

Mr. GILLETT. Mr. President, I did not hear the first of the remarks of the Senator from Alabama, and I do not know upon what subject he was criticizing the Governor of Massachusetts. I heard only his last sentence, saying that Governor Fuller has more money than sense.

Mr. President, the Governor of Massachusetts has a large amount of money, all of which he earned himself, starting as a poor boy, and by great ability and thrift amassing his fortune. But, sir, while he started with vastly more sense than fortune, he has accumulated, with his fortune constantly increasing, sense and wisdom, and the Senator from Alabama is entirely mistaken in thinking that he has more money than sense. On the contrary, I am glad to avow my belief that while Governor Fuller has a large accumulation of money, he has a still larger accumulation of judgment and good sense.

INTERNATIONAL ASSOCIATION OF ROAD CONGRESSES

The PRESIDING OFFICER. The calendar will be proceeded with.

The joint resolution (S. J. Res. 31) to provide that the United States extend to the Permanent International Association of Road Congresses an invitation to hold the sixth session of the association in the United States, and for the expenses thereof, was considered as in Committee of the Whole and was read, as follows:

Resolved, etc., That the President be, and is hereby, authorized and requested to extend to the Permanent International Association of

Road Congresses an invitation to hold the sixth session of the association in the United States, either in 1929 or 1930, as the association may determine.

SEC. 2. That the sum of $25,000, or so much thereof as may be necessary, is hereby authorized to be appropriated for the expenses of such session, including printing of reports, compensation of employees, transportation, subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), and such expenses as may be actually and necessarily incurred by the Government of the United States by reason of such invitation in the observance of appropriate courtesies.

Mr. KING. Mr. President, I find two measures, providing for two appropriations, one for $15,000 and the other for $25,000, apparently covering Pan American road conferences. Is one of them for the purpose of paying the expenses of the next meeting in South America, and is the $25,000 now authorized to pay the expenses of the conference which is to be held a year after that in the United States?

Mr. PHIPPS. Mr. President, the Senator is correct as to the first measure. It authorizes an appropriation to pay the expenses of our delegates who will attend the conference in Rio de Janeiro, which was put off one year in order to allow the United States to be represented. The pending joint resolution authorizes an expenditure of $25,000 to entertain the delegates from these foreign countries in event they set their next meeting place in the United States. It may be that only a small portion of that amount would be used, but it is known that the automobile manufacturers of the United States, in the event that the conference is held here, will take the foreign delegates on an extended trip over our country. The purposes of the appropriation are set out in a communication which was presented with the House report on House Joint Resolution 107, which is a duplicate of the Senate joint resolution.

Mr. KING. Mr. President, will the Senator permit an interruption?

Mr. PHIPPS. Certainly.

Mr. KING. I was not objecting to the appropriation. I was wondering why, if the second conference is not to be held for perhaps two years, it was deemed necessary to make the appropriation now.

Mr. PHIPPS. It is an authorization in order that the invitations may be extended. The main purpose is to invite the foreign nations to hold their convention in the United States.

Mr. KING. I do not object.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANNA FACEINA

The bill (S. 3062) for the relief of Anna Faceina, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Anna Faceina, of New York City, the sum of $5,000, in full settlement against the Government, as compensation for injuries sustained when run down by a United States mail wagon on August 20, 1920.

SEC. 2. That no part of the amount appropriated in this act in excess of 3 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered or advances made in connection with said claim. Any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding $1,000.

Mr. KING. What is the purpose of this measure?

Mr. COPELAND. It is for the relief of a little girl struck by a mail truck.

Mr. KING. Will not the Senator state the extent of the injuries?

Mr. COPELAND. The little girl lost one of her legs.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WALSH of Massachusetts. Mr. President, calling attention to the bill which has just passed, in which the Senator from New York was interested, I would like to ask him if the Committee on Claims have considered the advisability of some general legislation to meet this class of cases. Cases where people are being struck by mail trucks are increasing in number steadily, and it seems to me there ought to be some way of handling such claims without having them brought before the Congress.

Mr. COPELAND. Mr. President, I think the Postmaster General should be asked to call the attention of the drivers of mail trucks to the necessity for greater care on their part. Those trucks are juggernauts, going through the cities, disregarding people, moving like express trains through the streets. The way they are run is an outrage. I have been wrought up about this matter for years, as I have seen the progress of these mail trucks through the cities. It is a thing which ought to be called to the attention of the Postmaster General. I shall be glad to join the Senator from Massachusetts in a general measure, in whose State is situated the great city of Boston, where the same situation must exist.

Mr. WALSH of Massachusetts. I am interested in many claims similar to the pending case. They take a great deal of time and trouble, and it seems to me there should be some general legislation covering that class of cases.

Mr. CARAWAY. Mr. President, will the Senator permit an interruption?

Mr. WALSH of Massachusetts. Certainly.

Mr. CARAWAY. The very matter about which the Senator inquires was the subject of a bill which came before the House to give the department power to settle controversies of this kind up to a certain amount. There was quite a difference of opinion on the subject, and the legislation failed, and so far as I know, there is no measure now pending looking to legislation to give the department power to settle such cases.

Mr. WALSH of Massachusetts. Did the Senator think well of that legislation?

Mr. CARAWAY. I can not say that I did. There has been so much departmental abuse and so much favoritism that I am sometimes reluctant to relieve Congress of the burden of looking into such cases, and seeing that something approximately just is done.

Mr. WALSH of Massachusetts. Could not some law be enacted giving such claimants the right to go before some court to determine the extent of the damages?

Mr. CARAWAY. That might be done.

Mr. BRUCE. Mr. President, in connection with the question asked by the Senator from Massachusetts, I believe that a statute has been passed in recent years allowing resort to the courts in cases of collision between private vessels and Government vessels. It seems to me that such a statute as the Senator from Massachusetts has in contemplation might well be enacted along the lines of the statute relating to collisions between vessels.

Mr. CARAWAY. If such a statute were enacted it would require either that everybody should bring a suit in the District of Columbia or the Government would find itself defending personal-injury cases in every court in the United States.

Mr. BRUCE. It would be in the Federal courts.

Mr. CARAWAY. I do not know that I should very seriously object to such a statute, but an act conferring upon the department the authority to be the sole judge of the right of the claimant to compensation does not appeal to me very much.

Mr. BRUCE. I think it would be very impolitic.

Mr. WALSH of Massachusetts. I think the objection of the Senator from Arkansas is well taken.

Mr. BRUCE. If we are looking in that direction, it seems to me the most we could do would be to give the head of the department authority to assent to the bringing of suits against the United States.

Mr. CURTIS. Mr. President, we have a unanimous-consent agreement to dispose of the calendar by 2 o'clock if possible. I hope that until that time Senators will not discuss matters which are not pending. I hope we may be able to get through with the call of the calendar by 2 o'clock.

Mr. BAYARD. Mr. President, I want to suggest to the Senator from Massachusetts a very interesting fact, and that is that the other day the House passed a bill to remedy the situation with reference to the careless driving of Government trucks. Such matters are given into the hands of the department with a limitation of $5,000, and they can make settlement with the right to subrogate the injured person's claim to the Government, the Government to have the right to sue upon that subrogated claim.

Mr. WALSH of Massachusetts. I am very glad to have that information.

Mr. KING. I desire to say in this connection that at the last session of Congress a subcommittee was appointed by the Committee on the Judiciary, of which I was a member and former Senator Cummins was a member, to confer with a like subcommittee which might be appointed by the Committee on Claims to consider the entire subject. There was a contrariety of views. Some Senators believed it was unwise to permit the Federal Government to be sued in every court in the United States for tort. Some felt that perhaps a general statute might be provided to deal with questions of tort and questions of contract, and so on. The upshot was that no legislation was enacted because of the diversity of views.

I confess that I look with a good deal of reluctance upon the enactment of a statute permitting the sovereign to be sued for torts. Under the common law that is not proper. In many States the State can not be sued. Some States may have permitted suits by municipalities. At any rate, the subject is an open one and should receive consideration.

Mr. CURTIS. Mr. President, a question of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. CURTIS. Is there not a limit on debate?

The PRESIDING OFFICER. The Chair understands that we are proceeding under the five-minute rule.

Mr. CURTIS. I call for the regular order.

The PRESIDING OFFICER. The regular order is called for.

Mr. BAYARD. Mr. President, I have a right to speak on anything I want to as long as I do not speak longer than five minutes.

The PRESIDING OFFICER. The Chair thinks the Senator from Delaware is entitled to five minutes under the rule.

Mr. BAYARD. I want to reply to the remarks of the Senator from Utah. It is true that there were subcommittees appointed by the Judiciary Committee and by the Committee on Claims, but I want to say something further, and that is that there never was a meeting of those two subcommittees. I happened to be on the subcommittee of the Committee on Claims, and I know I went to former Senator Means time after time, he being the chairman of the committee and the chairman of our subcommittee. We were never able to get together for consultation with the subcommittee of the Judiciary Committee. I am very frank to say—and I think the Senator from Utah will agree with me—that all these discussions took place in the subcommittee of the Committee on the Judiciary and never got to the Committee on Claims.

Mr. KING. The discussions that were had were had with Senator Means.

Mr. BAYARD. But not with the Claims Committee.

Mr. KING. I understand.

Mr. BRUCE. Mr. President, I simply desire to make the suggestion, apropos of what the Senator from Utah has said, that there might be a special Federal tribunal provided to pass on these questions, a special Federal board of some sort.

Mr. KING. That might be a good idea.

The PRESIDING OFFICER. The clerk will state the next bill on the calendar.

HERMAN SHULOF

The bill (S. 3066) for the relief of Herman Shulof was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims, with an amendment, on page 1, line 9, to strike out "who was thereafter, on June 2, 1919, a few days after his arrival at Atlanta prison, pardoned by the President," and insert in lieu thereof "subsequently pardoned by President Wilson," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $10,000 to Herman Shulof, of New York City, which sum was paid by him to the United States by reason of the forfeiture of the bail bond of William Kahn, who was afterwards taken into custody and convicted, but subsequently pardoned by President Wilson.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PAY OF FILIPINOS, NATIONAL GUARD OF HAWAII

The bill (S. 2007) to authorize the Secretary of War to pay officers and Filipinos formerly enlisted as members of the National Guard of Hawaii for field and armory training during years 1924 and 1925, and to validate payments for such training heretofore made, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 6, to strike out "$3,000" and insert in lieu thereof "$4,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of War is hereby authorized to cause to be paid, from the whole sum appropriated for the support of the National Guard for the fiscal year 1928, a sum not to exceed $4,000, to pay officers of the Hawaiian National Guard and Filipinos who were formerly duly enlisted as members of the Hawaiian National Guard, for field and armory training during the years 1924 and 1925, and for which training they have not been paid because the enlisted Filipinos were not citizens of the United States, as required by sections 57 and 58 of the national defense act, as amended. All such payments heretofore made to officers and enlisted men of the Hawaiian National Guard are hereby validated.

The amendment was agreed to.

Mr. KING. Mr. President, I would like to ask the Senator from Connecticut [Mr. BINGHAM] whether this measure meets the approval of the Resident Commissioners from the Philippine Islands?

Mr. BINGHAM. Does not the Senator mean the Delegate from the Hawaiian Islands?

Mr. KING. It refers to officers of the Hawaiian National Guard and Filipinos.

Mr. BINGHAM. The Senator will realize that there are 50,000 Filipinos living in the Hawaiian Islands. During the World War a number of them served in the Army of the United States. After the World War a number of them desired to enlist in the National Guard of the Territory of Hawaii and it was supposed that Filipinos might so enlist. It was later discovered that since no Filipino born away from American territory can become a citizen of the United States, they could not be properly enlisted. In the meantime some 700 had served and had performed their duties, and it is the desire of the Hawaiian government that they shall be permitted to be paid.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANK HANLEY

Mr. COPELAND. Mr. President, I ask unanimous consent to return to calendar 261. The Senator from Maryland [Mr. BRUCE] has very kindly withdrawn his objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 802) for the relief of Frank Hanley, and it was read, as follows:

Be it enacted, etc., That in the administration of laws conferring rights and privileges upon honorably discharged soldiers or sailors, Frank Hanley shall be held to have been honorably discharged from the naval service as a landsman on board the U. S. S. *Yantic* on November 20, 1865: *Provided*, That no back pay, compensation, or other benefit shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONQUEST OF NORTHWEST TERRITORY BY GENERAL CLARK

The joint resolution (S. J. Res. 23) providing for the participation of the United States in the celebration in 1929 and 1930 of the one hundred and fiftieth anniversary of the conquest of the Northwest Territory by Gen. George Rogers Clark and his army, and authorizing an appropriation for the construction of a permanent memorial of the Revolutionary War in the West, and of the accession of the old Northwest to the United States on the site of Fort Sackville, which was captured by George Rogers Clark and his men February 25, 1779, was announced as next in order.

Mr. KING. Mr. President, this is a very important measure, and I know some observations are to be made upon it by the able Senator from Indiana [Mr. WATSON]. Of course, he would like to make them now and there will perhaps be some reply. Under the five-minute rule I think we could not dispose of the joint resolution.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator withhold his objection for a moment?

Mr. KING. Certainly.

Mr. ROBINSON of Arkansas. The joint resolution is designed to commemorate the services of one of the outstanding figures in American history, to memorialize permanently one of the large movements which resulted in the contribution of a vast domain to the territory of the United States. I am in hearty sympathy with the purposes of the joint resolution. I hope it may be found consistent to give it consideration and to pass it.

The PRESIDING OFFICER. Is there objection?

Mr. KING. I dislike very much to object. I have opposed all such appropriations. When I was in the House years ago I opposed and voted against the appropriation of $5,000,000 for the St. Louis Exposition.

Mr. WATSON. Mr. President, I have no desire to ask the Senator from Utah to swerve from the path of duty as he sees it for this purpose, but after all the marvelous achievements of George Rogers Clark have never been fittingly recognized nor has he ever been adequately honored. I think it is altogether appropriate that the joint resolution should pass in order that this memorial may be erected in his honor and in memory of the marvelous achievements of George Rogers Clark.

Mr. KING. I find an appropriation for $250,000, just for entertainment, practically. If it were merely to erect a memorial I should have no objection; but it is more than that.

Mr. WATSON. It is to embody a feature, I will say to my friend, which will correctly portray and bring to the view of the people who will go there the early history of the United States. The value of teaching that history to the youth of the country at this particular time I think will address itself to the Senator from Utah. If that is the only feature to which the Senator objects, I think he very readily will withdraw his objection if he will think about it for a little while.

Mr. BRUCE. Mr. President, I hope that the Senator from Utah will allow me to add my request that he withdraw his objection. As we all know, there are very few figures in American history lit up with such luster as that of George Rogers Clark, a man whose heroic enterprise gave to this country nothing less than a great empire. John Randolph of Roanoke said of him that he was the "Hannibal of the West." The State of Virginia, duly conscious of the fact that he was one of her native sons, has already, through one of its generous citizens, Mr. McIntyre, of Charlottesville, erected a beautiful monument to him in that town. It does seem to me that if there is anything in our history which is worthy of commemoration, the exploits of this military hero are. If the Senator from Utah objects to the bill for some secondary reason, the joint resolution might well be amended to meet such an objection, but I do trust that the principal object of the measure may be carried into effect.

Mr. HARRISON. Mr. President, may I ask the Senator from Indiana a question?

Mr. WATSON. Certainly.

Mr. HARRISON. The proposed celebration is to take place in 1929, is it not?

Mr. WATSON. Yes.

Mr. HARRISON. In order to enable the Government to participate, the legislation must be enacted at a very early date, must it not?

Mr. WATSON. It must be.

Mr. HARRISON. I hope the Senator from Utah will be good enough to withdraw his objection.

Mr. SWANSON. Mr. President, I appeal to the Senator from Utah to withdraw his objection. All historians concur in the view that one of the most heroic incidents in the Revolution was the venture of George Rogers Clark with his company of Virginians, added to by men from Indiana and Kentucky, who captured the West. It was understood at the time that when a treaty of peace was concluded provision relative to the territorial possession of the West should be made in the same instrument. Recognizing this achievement, the people of Virginia have commemorated the event in a proper and fitting manner.

There is no doubt in my mind that if the courage and endurance and military skill displayed by George Rogers Clark had been displayed in that age in behalf of any other nation, there would have been a fitting commemoration of it 50 years ago to honor the man and his heroic actions and the splendid results which he gained. He was heroic; he achieved splendid results. The great West was made a part of this country as a result of the valor and foresight of George Rogers Clark.

I do hope the Senator from Utah, when he applies his theory of economy, will not apply it where sentiment, gratitude, and heroism are all involved.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. KING. Mr. President, the eloquent appeals which have been made by learned Senators and historians of course are exceedingly moving. Everyone who pretends to any knowledge of American history is familiar with the great achievements of the person who is to be honored in this memorial. I shall be very glad to see some proper memorial to the honor of George Rogers Clark, because we know of the great contribution he made to the development of our country and to the settlement not only of Indiana and that vicinity, but of the territories beyond.

But I have always felt that the large appropriations so often made for expositions and kindred movements have been largely wasted, and I have never been in favor of them. If this were only for a memorial there would not be so much objection. I would like to ask the Senator what the State of Indiana is contributing to this memorial, or whether she is seeking to have the Federal Government undertake the entire burden, and whether the $250,000 is all that is to be contributed by the Federal Government?

Mr. WATSON. The State of Indiana contributes fully $750,000 to the entire enterprise.

Mr. KING. Why is the Federal Government asked to pay so much more, and particularly the $250,000 for expenses?

Mr. WATSON. Solely in order that the thing may be done as it ought to be done, in a national way; that is all.

Mr. KING. That is not a very satisfactory answer.

Mr. WATSON. I think it is, because it requires money properly to carry out such a project. It is to be a national memorial, I will say to my friend, for, if he is familiar with the history—and I take it for granted that he is—of that whole western section of the country, he can not fail to recognize the tremendous service rendered by this heroic man at that particular crucial time in the history of our early days. In all respects the memory of George Rogers Clark should be honored by this kind of memorial in which the Nation participates.

Mr. KING. Mr. President, so many appeals have been made that I find my fortitude yielding. I withdraw the objection, but shall vote against the joint resolution.

Mr. WATSON. I thank the Senator from Utah and all the other Senators.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on the Library with amendments.

The first amendment was, on page 4, section 3, line 6, after the numeral "3," to strike out "It is further provided that the appropriations hereby authorized" and to insert "Such authorization of appropriation," so as to make the section read:

SEC. 3. Such authorization of appropriation is made on condition that the State of Indiana shall provide the site for such permanent memorial, and that full, complete, and absolute title to the land so provided shall be vested in the State of Indiana, free and clear of all liens and encumbrances, and that the State of Indiana shall assume, without expense to the Federal Government, the perpetual care and maintenance of said site and memorial constructed thereon, after such memorial shall have been constructed and after completion of the celebration herein provided.

The amendment was agreed to.

The next amendment was, on page 4, section 4, line 17, after the numeral "4," to strike out "Be it further provided that before" and to insert the word "Before"; and in line 18, after the word "herein," to insert "authorized to be," so as to make the section read:

SEC. 4. Before any of the funds herein authorized to be appropriated shall be expended, the George Rogers Clark Memorial Commission, of the State of Indiana, shall submit all plans and designs to the national Commission of Fine Arts, in accordance with existing statutory requirements governing said commission.

The amendment was agreed to.

The next amendment was, on page 4, section 5, line 25, after the name "Indiana," to insert "and approved by the Secretary of the Treasury," so as to make the section read:

SEC. 5. When such plans and designs have been adopted by the George Rogers Clark Memorial Commission, of Indiana, and approved by the Secretary of the Treasury, the appropriation herein authorized shall be paid by the Treasurer of the United States to the treasurer of the State of Indiana as the work progresses upon the presentation of proper requisitions by the treasurer of the State of Indiana, who shall receive the same and pay it out for the purposes herein designated.

The amendment was agreed to.

The next amendment was, on page 5, after line 6, to insert a new section, as follows:

SEC. 6. The Secretary of the Treasury shall represent the Federal Government in the construction of said memorial. The supervising architect to be selected by the George Rogers Clark Memorial Commission shall consult and advise with the said Secretary, and the said Secretary shall examine and approve all contracts for the construction of said memorial, and the construction of any work paid for in whole or in part by the funds herein authorized to be appropriated out of the Treasury of the United States. No funds herein authorized to be appropriated shall be expended without the approval of the plans and contracts by the Secretary of the Treasury, and no contracts shall be in excess of the appropriations herein authorized and authorized by the State and local authorities. Said Secretary shall at all times have full and free access to all books, records, and accounts of the George Rogers Clark Memorial Commission for the purpose of ascertaining whether or not the funds appropriated by the Federal Government are being expended for the purposes herein set forth, and in accordance with the provisions of the act of the General Assembly of the State of Indiana, approved February 23, 1927, entitled "An act providing for the acquisition of land, the construction and establishment of the George Rogers Clark memorial thereon, and creating the George Rogers Clark Memorial Commission, and prescribing its rights, powers, and

duties, fixing a tax levy, and making an appropriation, providing for the acceptance and expenditure of Federal funds, and prescribing the duties of the department of conservation, prescribing penalties, and declaring an emergency."

The amendment was agreed to.

The next amendment was, on page 6, line 12, after "Sec." to strike out the numeral "6" and to insert the numeral "7"; and in the same line to strike out the words "It is further provided that no" and to insert "No," so as to make the section read:

SEC. 7. No fee or charge of any character shall be imposed or made for the admission to or for the privilege of witnessing any of the celebrations or exhibitions held in 1929 and 1930, paid for in whole or in part by the appropriation herein provided, but such celebrations or exhibitions shall be free to the visiting public.

The amendment was agreed to.

The next amendment was, on page 6, line 19, after "Sec." to strike out the numeral "7" and to insert the numeral "8"; and in the same line to strike out the words "It is further provided that if" and to insert the word "If," so as to make the section read:

SEC. 8. If any part of the appropriation hereby authorized is not expended for the purpose contemplated in this act, any balance or part thereof so remaining shall revert to the Federal Treasury.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

REIMBURSEMENT OF INDIANS OF FORT BELKNAP RESERVATION, MONT.

The bill (S. 2815) to reimburse certain Indians of the Fort Belknap Reservation, Mont., for part or full value of an allotment of land to which they were individually entitled was announced as next in order.

The PRESIDING OFFICER. The Chair invites the attention of the Senator from North Dakota [Mr. FRAZIER] to a communication from the House of Representatives, which he lays before the Senate and which will be read.

The CHIEF CLERK. The House of Representatives has passed the bill (H. R. 9994) to reimburse certain Indians of the Fort Belknap Reservation, Mont., for part or full value of an allotment of land to which they were individually entitled.

Mr. FRAZIER. Mr. President, the House bill is a companion bill to Senate bill 2815, with a slight amendment which was adopted on the floor of the House, but which does not change the meaning. The Interior Department approves of the amendment and makes no objection to it. I therefore move that the House bill, the title of which has just been read, be substituted for the Senate bill.

The PRESIDING OFFICER. Without objection, the House bill which has just been laid before the Senate will be substituted for Senate bill 2815. The Chair hears none.

Mr. FRAZIER. I now ask unanimous consent for the consideration of the House bill.

The bill (H. R. 9994) to reimburse certain Indians of the Fort Belknap Reservation, Mont., for part or full value of an allotment of land to which they were individually entitled, which was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, from any funds in the Treasury of the United States not otherwise appropriated, the sum of $45,716.80 to reimburse the following-named Indians or their heirs, if deceased, in the amounts following their respective names as full compensation for the value of an allotment of land on the Fort Belknap Indian Reservation, Mont., to which they were individually entitled under the provisions of the act of March 3, 1921 (41 Stat. 1355): Richard O'Bryan, $1,516.80; Bessie O'Bryan Dohmeyer, $3,400; Eva O'Bryan, $3,400; Kate O'Bryan Wernicke, $3,400; Gerald O'Bryan, $200; Barbara E. O'Bryan, $200; John F. O'Bryan, $3,400; Rose Ellen O'Bryan, $3,400; Archie DuBoise, $1,600; Henry Bradley, $1,000; George Bradley, $1,600; William Bradley, $1,600; Josephine First Raised, $1,600; Mary First Raised, $1,600; Bryan First Raised, $800; Elizabeth Parker, $3,400; Charles W. Parker, $3,400; Ambrose Parker, $3,400; Darlene E. Parker, $3,400; Adell Strike, $200; Rosella O'Bryan, $1,600; Daisy Adams, $1,600: *Provided*, That the funds authorized to be appropriated hereby may be paid to the Indians in cash, or expended in the purchase of inherited or other trust lands within the Fort Belknap Reservation for which patents shall be issued of the same form as those held by other Indians of the reservation.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Senate bill 2815 will be indefinitely postponed.

WITHDRAWAL OF WATER FROM WHITE RIVER, ARK.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1103) permitting the withdrawal of water from White River, Ark., which was read, as follows:

Be it enacted, etc., That a permit be, and the same is hereby, granted to Alvin V. Harris and John A. Welty to withdraw from White River, Ark., at a point about half a mile above the point on said White River where the Rock Island Railroad crosses said stream, and near the town of De Valls Bluff, Ark., water from said White River sufficient to irrigate about 20,000 acres of rice land. The amount of water being necessary therefor and so to be withdrawn shall not exceed 500 cubic feet per second and is to be taken by pumping.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to, as follows:

Whereas it is necessary to irrigate the lands for the growing of rice; and

Whereas the lands of Prairie County, Ark., are exceptionally suited for the growing of that cereal; and

Whereas waters from wells are not as suitable for irrigation as those taken from streams; and

Whereas the cost of irrigation by wells is prohibitive in that section of Prairie County, Ark., in and near the town of De Valls Bluff; and

Whereas waters may be withdrawn from White River near this point without any injury to navigation: Now therefore,

OKFUSKEE COUNTY, OKLA.

The bill (H. R. 7011) to detach Okfuskee County from the northern judicial district of the State of Oklahoma and attach the same to the eastern judicial district of the said State was announced as next in order.

Mr. CARAWAY. By request, I ask that that bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

INTERNATIONAL PETROLEUM CO. (LTD.), OF TORONTO, CANADA

The bill (H. R. 8527) for the relief of the International Petroleum Co. (Ltd.), of Toronto, Canada, was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That the claim of the International Petroleum Co. (Ltd.), of Toronto, Canada, charterer of the tank steamer *Trontolite*, against the United States for damages alleged to have been caused by collision between said steamer *Trontolite* and the United States Navy submarine O-2 at Cristobal, Canal Zone, on November 30, 1918, may be determined in a suit to be brought by said claimant against the United States in the United States District Court for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court in admiralty cases, and that said court shall have jurisdiction to hear and determine said suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found due from the United States to the said International Petroleum Co. (Ltd.) by reason of said collision upon the same principles and under the same measures of liability as in like cases between private parties, and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and upon such notice it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That such suit shall be begun within four months of the date of the approval of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

A. N. ROSS

The bill (S. 2424) for the relief of A. N. Ross was announced as next in order.

Mr. HOWELL. Let that bill go over.

Mr. KING. I move that the bill be indefinitely postponed.

The PRESIDING OFFICER. The question is on the motion of the Senator from Utah.

Mr. HOWELL. Mr. President, the Federal Trade Commission wishes to make certain representations with respect to this bill, and we have not had time to listen to their presentation. I suggest that the bill go over.

The PRESIDING OFFICER. The bill goes over under objection.

F. L. CAMPBELL

The bill (S. 2227) for the relief of F. L. Campbell was announced as next in order.

Mr. KING. Mr. President, will the Senator from Kansas [Mr. CURTIS], who introduced this bill, make an explanation of it?

Mr. CURTIS. Mr. President, this bill is for the relief of the clerk of the United States District Court of Kansas. Five hundred dollars was turned over to him, which he supposed was to be considered as a bond for the appearance of a defendant. The defendant failed to appear within the time fixed by the court, and the clerk turned the money over to the Treasury of the United States. Afterwards the judge of the court held that the money was not deposited as a bond with a fixed date, but simply deposited to be returned upon the appearance of the defendant. Later on the defendant appeared and the clerk had to pay back the $500. This money having been turned into the Treasury he could get no credit for it. Therefore he asks for the passage of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to F. L. Campbell, clerk of the United States District Court for the District of Kansas, the sum of $500, being the amount erroneously deposited by him to the credit of the Treasurer of the United States and since covered into the Treasury, as proceeds of a forfeited bond, such sum in fact representing a cash bond given by George Orr for his appearance before the district court, and subsequently refunded to the bondsman by said F. L. Campbell under order of the court.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE L. P. ANDREWS CORPORATION

The bill (S. 2644) to carry out the findings of the Court of Claims in the case of the P. L. Andrews Corporation was considered as in Committee of the Whole. The bill was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $9,672.39 to the P. L. Andrews Corporation, being the damage and loss incurred and suffered by said corporation in complying with United States Navy commandeer order No. N-3255, dated June 18, 1918, as found by the Court of Claims and reported in Senate Document No. 38, Seventieth Congress, first session.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FIDELITY & DEPOSIT CO. OF MARYLAND

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5925) for the relief of the Fidelity & Deposit Co. of Maryland, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem, without interest, in favor of the Fidelity & Deposit Co. of Maryland, 4½ per cent United States Treasury certificates of indebtedness Nos. 9415 and 9416, in the denomination of $500 each, and Nos. 18067, 18068, and 18069, in the denomination of $1,000 each, series TD-1922, issued December 15, 1921, matured December 15, 1922; also to redeem without interest 3¾ per cent United States Treasury certificates of indebtedness Nos. 1048 and 1049, in the denomination of $500 each, series TJ-1923, issued June 15, 1922, matured June 15, 1923; the said certificates having been lost, stolen, or destroyed: *Provided,* That the said certificates of indebtedness shall not have been previously presented and paid: *And provided further,* That the said Fidelity & Deposit Co. of Maryland shall first file in the Treasury Department a bond in the penal sum of double the amount of the principal of said certificates of indebtedness in such form and with such sureties as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed certificates of indebtedness herein described.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROPOSED AMENDMENT OF INTERSTATE COMMERCE ACT

The bill (S. 656) to amend section 15a of the interstate commerce act, as amended, was announced as next in order.

Mr. METCALF. Let that bill go over.

Mr. KING. Mr. President, that bill is one of very great importance. I should be very glad if some day could be fixed for its consideration. The eminent Senator from Nevada [Mr. PITTMAN] I know has been very diligent in trying to secure consideration of the measure, and I hope that at an early date the Senate may take up the measure, listen to the Senator from Nevada, and then pass the bill.

Mr. PITTMAN. Mr. President, the Senator from Rhode Island [Mr. METCALF] is not opposed to the bill. He saw me before we met to-day and said that he desired it to go over because he has an amendment to it which he desires to prepare but has not as yet prepared. I am trusting to the generosity of the Senate to return to this bill and consider it as soon as the Senator from Rhode Island shall have prepared his amendment. This bill has been twice reported favorably by the Committee on Interstate Commerce, and I am satisfied that there will be very little debate on it.

The PRESIDING OFFICER. The bill will be passed over.

LANGIN FIELD, MOUNDSVILLE, W. VA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 482) to provide relief for the victims of the airplane accident at Langin Field, Moundsville, W. Va., which was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to make a thorough investigation of the merits of the claims which have been submitted to the War Department in writing, for compensation for property damage, death, or personal injury alleged to have been caused by the airplane accident at Langin Field, Moundsville, W. Va., on July 10, 1921, and to transmit each such claim with supporting papers and a report of his finding of facts and recommendations thereon to the Comptroller General of the United States for submission to the Congress with his recommendations thereon: *Provided,* That claims on account of disability or death resulting from personal injury sustained in said accident by persons not officers or employees of the United States shall not be recommended hereunder for persons or in amounts which would not be allowable under the United States employees' compensation act if the individual killed or injured were an employee of the United States: *Provided further,* That the report to be made hereunder shall contain a brief statement of the character and justice of each claim so certified, the amount claimed, and the amount found due.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OHIO RIVER BRIDGES

Mr. FESS. Mr. President, I will ask to have go over the next two bills on the calendar, being the bill (S. 1170) granting the consent of Congress to the Maysville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River, and the bill (S. 761) granting the consent of Congress to Dwight P. Robinson & Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River. There is a question involved as to the two companies interested in the matter getting together. The Senator from Kentucky [Mr. SACKETT] spoke to me and requested that the two bills go over for the present.

The PRESIDING OFFICER. Without objection, the two bills indicated by the Senator from Ohio will go over without prejudice.

TENNESSEE RIVER BRIDGE

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1410) granting the consent of Congress to Midland Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Tennessee River, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Midland Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River at a point suitable to the interests of navigation and within two miles of where Clarks River empties into the Tennessee River, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon Midland Bridge Co. (Inc.), its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of

such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

SEC. 3. The said Midland Bridge Co. (Inc.), its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, the State of Kentucky, or any political subdivision of said State, within or adjoining which any part of such bridge is located, or both of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interest in real property, (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the State or political subdivision thereof as provided in section 4 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rate of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept, and shall be available for the information of all persons interested.

SEC. 6. Midland Bridge Co. (Inc.), its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, at any time within three years after the completion of such bridge, investigate the actual cost of constructing the same and for such purpose the said Midland Bridge Co. (Inc.), its successors and assigns, shall make available all of its records in connection with the financing and the construction thereof. The findings of the Secretary of War as to the actual original cost of the bridge shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Midland Bridge Co. (Inc.), its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CUMBERLAND RIVER BRIDGES

The bill (S. 1406) granting the consent of Congress to Valley Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Valley Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Cumberland River at a point suitable to the interests of navigation, at or within 1 mile of the city or town of Canton, Ky., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon Valley Bridge Co. (Inc.), its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

SEC. 3. The said Valley Bridge Co. (Inc.), its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, the State of Kentucky, or any political subdivision of said State, within or adjoining which any part of such bridge is located, or both of them jointly may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interest in real property, (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of cost of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the State or political subdivision thereof as provided in section 4 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rate of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 6. Valley Bridge Co. (Inc.), its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, at any time within three years after the completion of such bridge, investigate the actual cost of constructing the same, and for such purpose the said Valley Bridge Co. (Inc.), its successors and assigns, shall make available all of its records in connection with the financing and the construction thereof. The findings of the Secretary of War as to the actual original cost of the bridge shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Valley Bridge Co. (Inc.), its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress to Valley Bridge Co. (Inc.), of Paducah,

Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River, at or within 1 mile of Canton, Ky."

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1407) granting the consent of Congress to Valley Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Valley Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Cumberland River at a point suitable to the interests of navigation, within 1 mile of the city or town of Iuka, Ky., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon Valley Bridge Co. (Inc.), its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

SEC. 3. The said Valley Bridge Co. (Inc.), its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, the State of Kentucky, or any political subdivision of said State within or adjoining which any part of such bridge is located, or both of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interest in real property, (3) actual financing and promotion cost not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the State or political subdivision thereof as provided in section 4 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rate of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 6. Valley Bridge Co. (Inc.), its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, at any time within three years after the completion of such bridge, investigate the actual cost of constructing the same, and for such purpose the said Valley Bridge Co. (Inc.), its successors and assigns, shall make available all of its records in connection with the financing and the construction thereof. The findings of the Secretary of War as to the actual original cost of the bridge shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Valley Bridge Co. (Inc.), its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress to Valley Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River, within 1 mile of Iuka, Ky."

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1408) granting the consent of Congress to Midland Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Midland Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Cumberland River at a point suitable to the interests of navigation at or within 2 miles of the city of Smithland, Ky., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon Midland Bridge Co. (Inc.), its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

SEC. 3. The said Midland Bridge Co. (Inc.), its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion or such bridge, as determined by the Secretary of War, the State of Kentucky, or any political subdivision of said State, within or adjoining which any part of such bridge is located, or both of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation, in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interest in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the State or political subdivision thereof, as provided in section 4 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rate of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept, and shall be available for the information of all persons interested.

SEC. 6. Midland Bridge Co. (Inc.), its successors and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War a sworn itemized statement showing the actual original

cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, at any time within three years after the completion of such bridge, investigate the actual cost of constructing the same, and for such purpose the said Midland Bridge Co. (Inc.), its successors and assigns, shall make available all of its records in connection with the financing and the construction thereof. The findings of the Secretary of War as to the actual original cost of the bridge shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Midland Bridge Co. (Inc.), its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress to Midland Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River at or within 2 miles of Smithland, Ky."

TENNESSEE RIVER BRIDGE

The bill (S. 1409) granting the consent of Congress to Valley Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Tennessee River was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, in section 1, page 1, line 7, after the word "navigation," to insert "at or"; in line 8, after the word "Ferry," to strike out "across the Tennessee River" and insert "between Marshall and Trigg Counties, Ky.," so as to make the section read:

That the consent of Congress is hereby granted to Valley Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River at a point suitable to the interests of navigation at or within 2 miles of the present location of Eggners Ferry between Marshall and Trigg Counties, Ky., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUEBLO INDIAN LANDS, NEW MEXICO

The bill (S. 1941) to provide for the acquisition of rights of way through the lands of the Pueblo Indians of New Mexico was announced as next in order.

Mr. BAYARD. Mr. President, at the request of the senior Senator from New Mexico [Mr. BRATTON] I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

STANDARDIZATION OF HAMPERS, ETC.

The bill (S. 2148) to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes, was announced as next in order.

Mr. KING. I ask that the bill go over.

Mr. McNARY. Mr. President, will not the genial Senator from Utah permit me to make a statement occupying about one minute?

Mr. KING. I will be very glad to have the Senator speak for an indefinite period; I like to hear him talk.

Mr. McNARY. Mr. President, this bill is of great importance to the citizens and producers of the State of Utah, as well as to those of other States. The bill passed the Senate last year and passed the House on two former occasions. It simply attempts to standardize hampers and baskets used as containers for vegetables. It is similar to the act which was passed in 1916 to standardize the containers for small fruits.

The purpose of the bill is to prevent deception. Some hampers appear to contain as much as others, whereas, in fact, upon measurement that is not the case, although the eye is not able to detect the deception. It is merely for the purpose of making it possible for the consumer to pay for what he receives and receive that for which he pays. It has had the indorsement of all the consumers' leagues of the country, the producers' associations, and the Department of Agriculture; indeed, I do not know of a living soul, I may say to the Senator from Utah, who is opposed to this bill, unless it is some one—I will make it quite impersonal, of course—who is not familiar with it or who wishes to deceive the public in the sale of vegetables and fruit.

Mr. KING. Mr. President, a number of persons have spoken to me in regard to this bill. They felt that it was an interference with the rights of municipalities or States or individuals. It is designed to determine the kind of hampers or receptacles employed by them in shipping fruit. I have not had time to study the bill, and I will say frankly I am objecting because of the impression that I derived from the observations made by the persons to whom I have referred. I inquire, will this bill interfere with the utilization of any hamper or any sort of receptacle which any shipper of fruit or other goods or cereals may desire to provide?

Mr. McNARY. Only so far as the hampers are used in shipments in interstate commerce. Has the Senator received objections to the bill this year, or does he have in mind the bill that was prepared and brought up for consideration in Congress two years ago?

Mr. KING. I think it was about a year ago when the persons to whom I referred spoke to me.

Mr. McNARY. Perhaps so, but there has been no objection to this bill. The Senator from Mississippi [Mr. HARRISON] two years ago raised practically the same point that has been raised by the Senator from Utah, but upon further consideration his objections were removed. I am not asking the Senator to waive any privileges or rights he may have; but I had hoped that in the interest of a more certain container and to prevent the practice of deception we might pass the bill to-day.

Mr. KING. Will the Senator allow it to be temporarily laid aside? I shall be very glad, upon examination, to join the Senator in asking that it be considered.

Mr. McNARY. Yes; it is my desire to accommodate the Senator.

Mr. KING. I thank the Senator.

The PRESIDING OFFICER. The bill will be passed over.

CROP INSURANCE

The bill (S. 2149) authorizing and directing the Secretary of Agriculture to investigate all phases of crop insurance was announced as next in order.

Mr. KING. Mr. President, this bill seems to direct the Secretary of Agriculture to study and devise plans and methods for writing crop insurance and to publish information, and so on.

Mr. McNARY. Mr. President, if I may intrude my opinion here for a moment, I want this bill to go over for the time being, because it is one of the most worthy measures that has ever been before Congress or demanded its attention. It is so worthy, indeed, that I want to speak upon this important subject, and I am trying to get together some material. After I shall have done so, I think the Senate will have no objection to make.

The PRESIDING OFFICER. The bill will be passed over.

Mr. BRUCE. Mr. President, I should like to ask a question of the Senator from Oregon. I, myself, introduced in the Senate a bill of the same character, which was referred to the Committee on Agriculture and Forestry. I am a little curious to know how my name became lost in connection with the bill and a more important and influential name became associated with it. A few days ago I met the Senator, and he was so kind as to say that the bill which I had introduced in the Senate would in all probability meet with the favor of the committee, and I prided myself upon the fact that at last I seemed to be doing a little for the farmers. Now, I appear about to be despoiled of even the little credit that I had hoped to secure through that bill.

Mr. McNARY. Mr. President, perhaps if the Senator from Maryland were historically correct and familiar with the proceedings of Congress he would recall that in 1921 the then Vice President, Mr. Coolidge, appointed a committee of three to investigate the subject of crop insurance. It happened to fall to my lot to be chairman of that committee. We held hearings for a number of years; and this bill is the product of that work, which was started five or six or seven years ago. The Senator recently and handsomely introduced a resolution asking for certain statistics with respect to crop insurance, and embodying the essentials of the bill. I have referred that bill to the Secretary of Agriculture; and in due time—it is a proper bill, and does not in any way conflict with this bill—I intend to bring it out here on the floor with a favorable report and urge its passage.

Mr. BRUCE. I am very much obliged to the Senator for his explanation. It seems that I am not to be stripped altogether of my standing as a friend of the farmer.

GAME SANCTUARIES IN NATIONAL FORESTS

The bill (S. 2456) to establish game sanctuaries in the national forests was considered as in Committee of the Whole.

The bill had been reported from the Committee on Agriculture and Forestry with an amendment, on page 1, line 3, after the words "breeding places for," to strike out "game animals" and insert "game and fur-bearing animals, game birds and fish," so as to make the bill read:

Be it enacted, etc., That for the purpose of providing breeding places for game and fur-bearing animals, game birds and fish on lands in the national forests not chiefly suitable for agriculture, the President of the United States is hereby authorized, upon recommendation of the Secretary of Agriculture and with the approval of the State legislatures of the respective States in which said national forests are situated, to establish by public proclamation certain specified areas within said forests as game sanctuaries or refuges, which shall be devoted to the increase of game animals of all kinds naturally adapted thereto, but it is not intended that the lands included in such game sanctuaries or refuges shall cease to be parts of the national forests wherein they are located, and the establishment of such game sanctuaries or refuges shall not prevent the Secretary of Agriculture from permitting other uses of the national forests under and in conformity with the laws and the rules and regulations applicable thereto so far as such uses may be consistent with the purposes for which such game sanctuaries or refuges are authorized to be established.

SEC. 2. That when such game sanctuaries or refuges have been established as provided in section 1 of this act, hunting, pursuing, poisoning, killing, or capturing by trapping, netting, or any other means, or attempting to hunt, pursue, kill, or capture any wild animals for any purpose whatever upon the lands of the United States within the limits of said game sanctuaries or refuges shall be unlawful except as hereinafter provided, and any person violating any provision of this act or any of the rules and regulations made under the provisions of this act shall be deemed guilty of a misdemeanor and shall upon conviction in any United States court be fined in a sum of not exceeding ———, or imprisonment not exceeding six months, or both.

SEC. 3. That the Secretary of Agriculture shall execute the provisions of this act, and he is hereby authorized to make all needful rules and regulations for the administration of such game sanctuaries or refuges in accordance with the purpose of this act, including regulations not in contravention of State laws for hunting, capturing, or killing predatory animals, such as wolves, coyotes, foxes, pumas, and other species destructive to livestock or wild life or agriculture within the limits of said game sanctuaries or refuges.

Mr. JONES. Mr. President, I should like to have this bill explained by the Senator.

Mr. McNARY. Mr. President, it occurs to me that perhaps we should have the presence of the distinguished Senator from Arkansas [Mr. ROBINSON]. More than that, there are three bills somewhat similar, but still treating of a portion of the great problem now before the Senate. One is the migratory bird act, introduced by the Senator from South Dakota [Mr. NORBECK]. One is the bill for the creation of a game refuge in Bear River, Utah, to provide sanctuaries and places of rest for wild water fowl; and this bill is to conserve the wild life of the forests. All three bills appertain to the same subject matter in somewhat similar conditions and units. It has been suggested to me by the able Senator from Utah that perhaps all these measures should be considered at the same time, because they are related and interrelated. For that reason, without any advantage being taken of the status of this bill, I shall ask that it go over until the presence of the Senator from Arkansas is noted.

Mr. PITTMAN. Mr. President, there is just one thing to which I want to call attention. When the Senator from Arkansas returns he will very probably ask to recur to this bill, and I wish to say that I do not believe it to be wise to attempt to consider these bills together. This bill is a very simple one and will require no amendment, in my opinion, while the other bills undoubtedly will require amendment and discussion. There is no reason at all that I know of why, with the consent of the State and the Department of Agriculture, they should not use certain portions of the forests for game preserves; and that is all that this bill amounts to.

Mr. JONES. I am perfectly willing to have the bill passed over temporarily.

Mr. McNARY. Then, without prejudice, let it go over until the return to the floor of the Senator from Arkansas.

The PRESIDING OFFICER. The bill will be passed over, under objection.

HORTICULTURAL, ETC., WORK IN SOUTHERN GREAT PLAINS AREA

The bill (S. 2832) providing for horticultural experiment and demonstration work in the southern Great Plains area was considered as in Committee of the Whole.

The bill had been reported from the Committee on Agriculture and Forestry with amendments.

The first amendment was, in section 1, page 1, line 10, after the word "at," to strike out "one" and insert "or within reasonable proximity to one or more," so as to make the section read:

That the Secretary of Agriculture is hereby authorized and directed to cause such shade, ornamental fruit, and shelter belt trees, shrubs, and vines as are adapted to the conditions and needs of the southern Great Plains area, comprised of those parts of the States of Colorado, Nebraska, Kansas, Texas, Oklahoma, and New Mexico lying west of the ninety-eighth meridian and east of the 5,000-foot contour line, to be propagated at or within reasonable proximity to one or more of the existing field stations of the Department of Agriculture in such area, and seedlings and cuttings and seeds of such trees, shrubs, and vines to be distributed free of charge under such regulations as he may prescribe for experimental and demonstration purposes within such area.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. JONES. Mr. President, let us have some explanation of this bill.

Mr. KING. I should like some explanation of the bill.

The PRESIDING OFFICER. Does the Senator object?

Mr. KING. I do unless there is some explanation.

Mr. JONES. I desire to have some explanation of the bill in order that I may know whether to object or not.

The PRESIDING OFFICER. The Senator from Oklahoma [Mr. PINE], who introduced the bill, does not seem to be present.

Mr. JONES. I ask that the bill may go over then.

The PRESIDING OFFICER. The bill will be passed over.

DECORATIONS BY FOREIGN GOVERNMENTS

The bill (H. R. 5898) to authorize certain officers of the United States Navy and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with amendments.

Mr. REED of Pennsylvania. Mr. President, I have an amendment to offer to the bill.

The PRESIDING OFFICER. Will the Senator from Pennsylvania permit the amendments of the committee to be acted upon first?

Mr. REED of Pennsylvania. Certainly.

The first amendment was, on page 2, line 2, after the word "junior," to insert:

Rear Admiral Thomas Washington, Rear Admiral W. L. Howard, retired; Rear Admiral H. Rodman, retired; Rear Admiral J. D. McDonald, retired; Rear Admiral T. Snowden, retired; Rear Admiral C. L. Hussey, retired.

The amendment was agreed to.

Mr. JONES. Mr. President, I should like to know something about the character of these decorations and what rights or privileges they carry?

I have said at times in the past that I should object to the passage of such bills in the future. I do not like, personally, the principle that seems to be involved in issuing these decorations of foreign countries to some particular individuals in this country. It seems to me that it is, in a way, contrary to our principles and ideals of American citizenship. The committee seems to have taken a great lot of them together here.

Mr. HALE. Mr. President, Article I, section 9, clause 8, of the Constitution of the United States provides:

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

Then the act of January 21, 1881, Statutes, 604, provides:

Hereafter any present, decoration * * * which shall be conferred or presented by any foreign government to any officer of the United States * * * naval * * * shall be tendered through the State Department, but shall not be delivered by the Department of State unless authorized by act of Congress.

Mr. JONES. The policy laid down in the Constitution seems to me to be really contrary to the principle followed here.

Mr. HALE. I will say that this is not a new matter. It has been customary in the past for naval officers serving on war vessels in foreign waters to be given decorations by foreign governments. The officers themselves can not receive the decorations; but they are turned over to the State Department and held there until Congress authorizes their acceptance by the naval officer.

In the past the matter has not been systematically carried out. Certain naval officers who were acquainted with some Congressman or some Senator have had special bills introduced for their benefit, authorizing them to accept the decorations given to them. Others, who did not have any such acquaintances, have not received congressional authorization to accept the decorations. This year the department decided, instead of having separate bills go in, that they would group the officers together and have it done through an omnibus bill.

The decorations that are given are not in any way objectionable, as far as I can see. In the letter of the Secretary of the Navy to the Speaker of the House he makes the following statement:

> The tender of decorations, orders, and medals to officers of the Navy and Marine Corps by a foreign government is an act of international courtesy toward the United States and is made, not as a reward to the individual officer for services to such government, but as evidence of its appreciation of the friendly action of this Government in permitting its representatives—the officers to whom the decorations, orders, and medals are offered, and the naval units, afloat or ashore, which they command or in which they are serving—to assist the government. The authorization of the acceptance of the decorations, orders, and medals is a similar act of international courtesy in token of the appreciation by this Government of the response of the foreign government to the assistance rendered.

I hope the Senator will not object.

Mr. JONES. Why do we not pass a general law authorizing any officer of the United States Government to receive any decoration that any country proposes to give him or desires to give him?

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a suggestion?

Mr. JONES. Yes.

Mr. REED of Pennsylvania. I agree with the Senator that it is bad policy to allow these things to be conferred and distributed in the future; but we have just finished up a war in which we had a number of other countries as our allies. A considerable number of medals remain in the State Department, granted to our officers by our allies during the war. I do not think we ought to give any future consent, and I shall be glad to see Congress shut down on future gifts of these decorations; but it is highly unfair to allow some of these officers to retain the medals that they won during the war and to deny them to others who were given the medals for war services a day or two, perhaps, after the expiration of the general consent that Congress gave in war time.

Mr. JONES. Are the medals for these officers now in the War Department?

Mr. REED of Pennsylvania. Yes, Mr. President.

Mr. HALE. The medals for naval officers are now in the State Department.

Mr. JONES. They have been sent over here. I should like to suggest to the Senator from Pennsylvania, at any rate, that we do not do this in the future.

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Virginia?

Mr. JONES. I yield.

Mr. SWANSON. There is an additional trouble about that: We ought either to refuse absolutely to grant the consent of Congress in any of these cases, or we ought to make no discrimination between the individuals that receive these decorations or the nations that confer them. If we permit the acceptance of an honor that has been given to an officer by one nation, and then refuse to permit the acceptance of an honor that is given to another officer by another nation, that nation feels offended because we do not permit the courtesy that it has extended to be accepted.

If we should permit the acceptance of a courtesy from France, and then another nation like Sweden should seek to extend a courtesy to somebody who went there and we should refuse our consent to its acceptance, they would say: "The United States accepted the courtesy of France but they discriminated against Sweden," or some other nation.

We ought either to prohibit the acceptance of these things entirely, or we ought to make no discrimination; and the only way in which we can avoid discrimination now, since we have accepted about two-thirds of those that are in the State Department, is to pass this bill. Then, if we want to adopt a general policy prohibiting this sort of thing, we shall not be discriminating against nations or individuals.

There are two discriminations if we refuse this consent—first, against the nation that confers the decorations, when we refuse to accept their courtesy; second, against the individuals that it is desired should receive the decorations. Consequently, there will be two wrongs, two discriminations, if this bill is defeated.

It seems to me the right thing to do is to allow the decorations that are now in the State Department to be conferred, and then I agree that in the future there must be no discrimination, either between nations or between individuals. I should like to see a prohibition against the acceptance of any decorations in the future.

Mr. JONES. I am glad to hear the Senator express himself in that way.

Mr. SWANSON. I would rather let it be understood that American officers may not be decorated by foreign governments. I prefer that course; but to deprive these officers now would be to reflect on the governments that conferred the decorations, when we have accepted them from other governments.

Mr. REED of Pennsylvania. Mr. President, will the Senator permit a suggestion there?

Mr. BLEASE. Mr. President, I object to the consideration of the bill.

The PRESIDING OFFICER. Objection is heard. The bill will be passed over. The Secretary will state the next bill on the calendar.

GAME SANCTUARIES IN NATIONAL FORESTS

Mr. ROBINSON of Arkansas. Mr. President, I ask unanimous consent to recur to Order of Business No. 311, Senate bill 2456.

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent to return to Order of Business 311, Senate bill 2456. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2456) to establish game sanctuaries in the national forests.

The PRESIDING OFFICER. The amendment has been stated.

Mr. DILL. Mr. President, will the Senator explain just what the bill provides?

Mr. ROBINSON of Arkansas. The object of the bill is pretty well expressed in the title. It seeks to establish in the national forests game sanctuaries, places where game may be conserved and safeguarded.

Mr. DILL. I think I can ask the Senator a question which will recite my attitude.

Mr. ROBINSON of Arkansas. Very well.

Mr. DILL. Does the bill provide that any part of these sanctuaries shall be used as public shooting grounds?

Mr. ROBINSON of Arkansas. No.

Mr. DILL. It does not provide for the charging of Federal licenses?

Mr. ROBINSON of Arkansas. No.

Mr. DILL. I have no objection to its consideration.

Mr. ROBINSON of Arkansas. I desire to offer an amendment to the bill.

The PRESIDING OFFICER. The Chair is advised that a committee amendment is pending. The question is on agreeing to the committee amendment.

Mr. WARREN. Mr. President, I desire to ask the Senator a question. Does the bill carry with it any of the domain of the national parks?

Mr. ROBINSON of Arkansas. No; it simply authorizes the establishment of game sanctuaries in the national forests.

Mr. PITTMAN. With the consent of the legislature of the State wherein the forest is situated.

Mr. ROBINSON of Arkansas. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. ROBINSON of Arkansas. Now, Mr. President, I move to amend the bill as follows: On line 24, page 2, after the word "exceeding," I move to insert "$500," there now being a blank in the bill. The amendment fixes the maximum penalty for violation of the statute at $500.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Arkansas, which will be stated.

The CHIEF CLERK. On page 2, line 24, after the word "exceeding," it is proposed to insert "$500."

The amendment was agreed to.

Mr. BLAINE. Mr. President, under the bill complete protection is given to predatory birds in the national forests. The national forests are growing up in many of the States of the Northwest, and there are measures pending, or to be proposed, to appropriate money for the use of the Agricultural Department, in cooperation with the agricultural departments of the several States, with the view of destroying predatory birds, which birds are causing great damage and injury to the farmers, especially in those regions about the Great Lakes, along the Mississippi River, and in the valley of the Mississippi.

The bill excludes predatory animals from protection, but in my opinion predatory birds are much more destructive than predatory animals to agricultural crops, to the corn, to the wheat, and many other crops grown in the territory to which I have referred.

I suggest, if the Senator from Arkansas will consent, that a proper amendment be submitted. I am not opposed to the bill.

Mr. ROBINSON of Arkansas. What is the amendment the Senator from Wisconsin proposes?

Mr. BLAINE. To make the same provision with reference to predatory birds that is made regarding predatory animals under the bill. The amendment would come in the last section, on page 3. I suggest that the bill go over for the purpose of drawing an amendment.

Mr. ROBINSON of Arkansas. Does the Senator object?

Mr. BLAINE. I object to the consideration of the bill unless we can agree upon an amendment.

Mr. ROBINSON of Arkansas. If the Senator desires to propose an amendment, of course I shall be glad to consider it. I do not know what amendment he proposes.

Mr. BLAINE. I propose to give predatory birds the same status as predatory animals under this bill. I am not prepared now to submit the amendment.

Mr. ROBINSON of Arkansas. The words "and predatory birds" after the word "animals" would comprehend the suggestion of the Senator from Wisconsin. Does the Senator desire to specify the predatory birds that should be included in the amendment?

Mr. BLAINE. The amendment I suggested ought to be carefully drafted and submitted to the Department of Agriculture, so that there will be no difficulty in the enforcement of the act when it becomes law. I therefore object to the present consideration of the bill, with the view of having such an amendment prepared.

The PRESIDING OFFICER. Objection is heard, and the bill will go over.

DECORATIONS BY FOREIGN GOVERNMENTS

Mr. HALE. Mr. President, I ask unanimous consent that we return to calendar 313, House bill 5898, to authorize certain officers of the United States Navy and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered.

Mr. BLEASE. Mr. President, I have no objection if it will not lead to discussion. If it leads to discussion, I shall object.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. REED of Pennsylvania. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. There are some committee amendments which will have to be acted on.

The CHIEF CLERK. The committee proposes to insert at the proper places the names of Capt. W. P. Scott, Capt. H. Laning, Capt. V. A. Kimberly, Capt. H. L. Brinser, Capt. F. D. Berrien, Capt. R. D. White, Capt. L. R. Leahy, Capt. E. H. Durell, retired, Commander J. S. McCain, Commander G. C. Logan, Commander S. S. Kennedy, Commander R. E. Byrd, retired, Lieut. Commander J. B. Will, Lieut. Commander R. Pfaff, Lieut. Commander W. E. Whitehead, retired, Lieut. D. J. Sinnott, Lieut. F. B. Stoddert, Lieut. W. E. Moore, Lieut. E. D. Snare, Lieut. C. L. Green, Lieut. C. J. Marshall, Lieut. E. J. Norcott, retired, Lieut. (Junior Grade) J. K. Lynch, Rear Admiral A. M. D. McCormick (Medical Corps), Capt. W. N. McDonnell (Medical Corps), Lieut. Commander E. P. Huff (Medical Corps), Lieut. Commander R. H. Miller (Medical Corps), retired, Lieut. J. J. Kaveney (Medical Corps), Lieut. M. J. Stubbs (Supply Corps), Capt. E. W. Scott (Chaplain Corps), Commander W. A. Maguire (Chaplain Corps), Commander J. W. Moore (Chaplain Corps), Commander E. A. Brodman (Chaplain Corps), Lieut. Commander T. L. Wood (Chaplain Corps), Chief Pharmacist C. E. Alexander, and Maj. M. B. Humphrey.

Mr. SWANSON. The amendment simply includes cases where medals have already been conferred?

Mr. REED of Pennsylvania. Where medals were conferred in the past.

Mr. SWANSON. It does not refer to any future cases?

Mr. REED of Pennsylvania. No future cases at all.

Mr. SWANSON. The Senator agrees with me that this practice shall not be followed in the future?

Mr. REED of Pennsylvania. Absolutely.

Mr. SWANSON. Then I have no objection.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The CHIEF CLERK. On page 3, line 2, strike out "Lieut. Commander W. S. Haas."

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania proposes an amendment, which the clerk will state.

The CHIEF CLERK. To insert in the proper places the following:

Bailey K. Ashford, colonel, Medical Corps.
Edwin B. Babbitt, major general, retired.
Joseph H. Barnard, lieutenant colonel, Field Artillery.
Alfred Ilko Barton, captain, Adjutant General Reserves.
Joseph E. Barzynski, major, Quartermaster Corps.
James D. Basey, captain, retired.
William M. Beaman, major, Engineer Reserves.
William C. Bennett, jr., first lieutenant, Corps of Engineers.
Charles W. Berry, sr., major general, reserves, and major general, New York National Guard Reserves.
Tasker H. Bliss, major general, retired.
Stephen Bonsal, lieutenant colonel, Military Intelligence Reserves.
Allan L. Briggs, lieutenant colonel, Infantry.
Robert L. Bullard, major general, retired.
Benjamin F. Caffey, jr., captain, Infantry.
Daniel J. Canty, captain, Quartermaster Corps.
James E. Chaney, major, Air Corps.
Harry N. Cootes, lieutenant colonel, Cavalry.
Enoch H. Crowder, major general, retired.
Fred T. Cruse, major, Field Artillery.
Guy Cushman, lieutenant colonel, retired.
Herbert A. Dargue, major, Air Corps.
Howard C. Davidson, major, Air Corps.
Anthony Bigelow Day, captain, Medical Reserves.
Edward T. Donnelly, colonel, retired.
Lee Roy Dunbar, major, Medical Corps.
John M. Eager, major, Field Artillery.
Ira C. Eaker, captain, Air Corps.
Clarence R. Edwards, major general, retired.
Henry W. T. Eglin, major, Coast Artillery.
Muir S. Fairchild, first lieutenant, Air Corps.
John P. Finley, colonel, retired.
Allen S. Fletcher, major, Philippine Scouts.
Frederick S. Foltz, colonel, retired.
Clyde S. Ford, lieutenant colonel, retired.
William F. H. Godson, lieutenant colonel, Cavalry.
David Marvin Goodrich, lieutenant colonel, Cavalry Reserve.
Ephraim F. Graham, major, retired.
Ulysses S. Grant, third, lieutenant colonel, Corps of Engineers.
Samuel A. Greenwell, captain, Cavalry.
James G. Harbord, major general, retired.
William Lee Hart, major, Medical Corps.
William W. Harts, brigadier general.
Guy V. Henry, colonel, Cavalry.
William Joseph Hillas, major, Medical Reserves.
Roy Hoffman, brigadier general, reserves.
Nelson M. Holderman, captain, retired.
Otto Holstein, major, Military Intelligence Reserves.
Harry S. Howland, lieutenant colonel, retired.
Edgar Erskine Hume, major, Medical Corps.
Merritte W. Ireland, major general.
LeRoy Hodges, major, Ordnance Reserves.
William W. Jenna, captain, Infantry.
Herbert Spencer Johnson, major, Infantry Reserves.
Wait C. Johnson, colonel, Infantry.
William A. Jones, major, Infantry.
Charles E. Kilbourne, colonel, Coast Artillery Corps.
Wallace Whitney Kirby, lieutenant colonel, Engineer Reserves.
Arthur B. Kratz, lieutenant colonel, Engineer Reserves.
Ben. Lear, jr., lieutenant colonel, Cavalry.
Hunter Liggett, major general, retired.
Charles A. Lindbergh, colonel, Air Corps Reserves.
Arthur B. McDaniel, captain, Air Corps.
Dale F. McDonald, major, Infantry.
William McFarland, captain, Medical Administrative Corps.
Joseph Wallace McIntosh, colonel, Quartermaster Corps Reserves.
Rufus F. Maddux, major, Chemical Warfare Service.
Walter Mulford Mann, captain, Infantry.
Clarence Augustus Manning, captain, Military Intelligence Reserves.

John C. Montgomery, lieutenant colonel, retired.
Horace Morison, major, Quartermaster Corps Reserves.
Charles G. Mortimer, lieutenant colonel, Quartermaster Corps.
T. Bentley Mott, colonel, retired.
Francis LeJ. Parker, colonel, Cavalry.
Hugh A. Parker, lieutenant colonel, Infantry.
Albro L. Parsons, jr., major, Medical Corps.
Mason M. Patrick, major general.
George S. Patton, jr., major, Cavalry.
Robert U. Patterson, colonel, Medical Corps.
John J. Pershing, General of the Armies, retired.
Arthur Poillon, lieutenant colonel, Cavalry.
George W. L. Prettyman, major, Field Artillery Reserves.
Charles McK. Robinson, first lieutenant, Air Corps.
Kyle Rucker, colonel, Judge Advocate General's Department.
Francis A. Ruggles, lieutenant colonel, Field Artillery.
St. Clair Street, captain, Air Corps.
John Guy Strohm, colonel, Medical Reserves.
Harry Taylor, major general, retired.
Bernard S. Thompson, first lieutenant, Air Corps.
Harold Thompson, major, Cavalry.
Francis Bowen Upham, colonel, Adjutant General Reserves.
Frank Clayton Vincent, major, Infantry Reserves.
Roland F. Walsh, major, Quartermaster Corps.
Leonard D. Weddington, first lieutenant, Air Corps.
Ennis C. Whitehead, first lieutenant, Air Corps.
Franklin L. Whitley, major, Adjutant General's Department.
Royden Williamson, captain, Cavalry.
Charles A. Willoughby, captain, Infantry.
Ira Ayer, captain, Medical Reserves.
David Prescott Barrows, major general, reserves.
William Merriam Chadbourne, colonel, Chemical Warfare Reserves.
Sherman Montrose Craiger, major, Finance Reserves.
Edmund L. Daley, major, Corps of Engineers.
Herbert A. Dargue, major, Air Corps.
Warren Jefferson Davis, lieutenant colonel.
John H. Dawson, captain, Medical Administrative Corps.
John Ross Delafield, brigadier general, Ordnance Reserve.
Andrew J. Dougherty, colonel, Infantry.
Ira C. Eaker, captain, Air Corps.
Muir S. Fairchild, first lieutenant, Air Corps.
William Nafew Haskell, major general, reserves.
John Philip Hill, colonel, Cavalry Reserves.
Campbell B. Hodges, lieutenant colonel, Infantry.
Noble B. Judah, colonel, Field Artillery Reserves.
Arthur B. McDaniel, captain, Air Corps.
James I. Mabee, lieutenant colonel, retired.
Charles H. Martin, major general.
Jeremiah Joseph Murphy, warrant officer, also captain, Engineer Reserves.
B. Frank Cheatham, major general, the Quartermaster General.
William J. Nicholson, brigadier general, retired.
William Barclay Parsons, brigadier general, Auxiliary Reserves.
Charles McK. Robinson, first lieutenant, Air Corps.
Nathan Philip Ruditsky, first lieutenant, Military Intelligence Reserves.
Lucius A. Salisbury, colonel, Medical Reserves.
William H. Shutan, major, Quartermaster Corps.
Robert Henry Tundall, major general, reserves.
James A. Ulio, major, Adjutant General's Department.
Leroy Hodges, colonel, Reserve Corps.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Pennsylvania.

Mr. BLAINE. Mr. President, I desire to object to the present consideration of the bill. In fact, I am opposed to the bill, even as amended and as proposed to be amended. The amendment very clearly shows that there are others who ought to come under the bill. If we are going to discriminate, we might just as well stop this thing now——

Mr. REED of Pennsylvania. Mr. President, will the Senator permit me a word of explanation?

Mr. BLAINE. Instead of permitting additional names to be inserted of those who might receive these medals.

Mr. SWANSON. Mr. President, will the Senator yield?

Mr. BLAINE. I want to make another statement and then I will be glad to yield.

Mr. REED of Pennsylvania. Will not the Senator let me explain my amendment?

Mr. BLAINE. As I view this situation, our Constitution prohibits the acceptance of such medals by American citizens. The Constitution is the law of the land. It was known and understood by these citizens. The governments which extended the offer of the medals had notice of our Constitution.

Mr. BRUCE. Mr. President, I object.

Mr. REED of Pennsylvania. Mr. President, will not the Senator withhold his objection for just a moment?

Mr. BRUCE. I will not, absolutely. I am opposed to this practice on principle. I think after a while decorations will become so abundant that it will be more honorable not to have one than to have one.

The PRESIDING OFFICER. The Senator from Maryland objects.

Mr. REED of Pennsylvania. Mr. President, may I have the attention of the Senator from Maryland for a moment? The bill to which the Senator has just objected is a bill giving consent to the acceptance of past decorations given to naval and marine officers and——

Mr. BRUCE. Mr. President, I did not understand that it was for past decorations. I thought it was prospective. I have no objection to it.

Mr. BLAINE. Mr. President——

Mr. REED of Pennsylvania. Mr. President, will the Senator allow me to make an explanation? I think we can shorten this debate. In the war time Congress gave consent that the officers of our forces should accept decorations from our allies. The amendment I have sent to the desk covers a large number of cases in which such decorations were conferred for war-time service but were not received until after the limiting date of the consent which was given in war time. The amendment would not permit any officer to accept a decoration in the future, nor would the original bill, on which the Senator from Wisconsin has been speaking.

The provision in the Constitution to which reference has been made authorizes the granting of consent by Congress for the acceptance of such decorations. The bill affects a very large number of officers, from every State in the Union, who in the past have rendered good service. We are all opposed to continuing this practice in the future. I think we have made it clear that Congress is not going to sanction it in the future. But it is pretty hard on those officers whose medals were delivered at the State Department the day after the time limit went on, and whose services in the war were creditable, to single them out for discrimination in comparison with their brother officers who were permitted to accept the decorations.

I know of some cases where the medals were given before the time limit expired but did not actually get across the ocean and into the hands of the officers before the limit was reached. Those are the persons we are trying to help by this legislation.

Mr. HALE. Mr. President, I think it is fair to say that the decorations conferred on the naval officers named in this bill were not decorations conferred for military services during the war. They were decorations conferred when American ships of war have visited in foreign ports, and on other similar occasions.

Mr. REED of Pennsylvania. But that was all in the past, was it not?

Mr. HALE. It was all in the past.

Mr. REED of Pennsylvania. It does not cover the conferring of any decorations in the future. The naval decorations are all decorations that have been awarded in the past.

I sympathize with what the Senator from Wisconsin has said, and the only reason I interrupted him was to explain that although——

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LA FOLLETTE. Has there been objection to the consideration of this bill?

The PRESIDING OFFICER. Objection was made, and it has been withdrawn. The question now is upon the amendment offered by the Senator from Pennsylvania.

Mr. BLAINE. Mr. President, if the Senator will yield, do I understand that this limits the decorations to the Navy and Marine Corps?

Mr. REED of Pennsylvania. And the Army. My amendment would include the Army. The list is complete. It was sent to me by the War Department.

Mr. BLAINE. Are those decorations to be conferred because of some prior act of Congress, the operation of which expired at a certain time?

Mr. REED of Pennsylvania. That applies to most of them. We gave general consent during war times, and that expired.

Mr. LA FOLLETTE. That does not apply to naval officers, according to the statement of the Senator from Maine.

Mr. REED of Pennsylvania. No; it does not apply to naval officers.

Mr. BLAINE. I object to the present consideration of the bill.

Mr. LA FOLLETTE. Regular order!

The PRESIDING OFFICER. The bill will be passed over.

DUPLICATE BRIDGE BILLS

Mr. BARKLEY. Mr. President, while I was temporarily absent from the floor the Senate passed five bridge bills, commencing with Calendar No. 302 and ending with Calendar No. 306. House bills similar to the Senate bill passed by the Senate have already passed the Senate, and there was no need of passing these. I ask that in each case the vote by which the Senate passed the bill be reconsidered, and that those Senate bills be indefinitely postponed.

The PRESIDING OFFICER. Without objection, the votes by which the bills to which the Senator has referred were finally acted upon, being Senate bills 1410, 1406, 1407, 1408, and 1409, inclusive, will be reconsidered, and the bills will be indefinitely postponed.

UNALLOTTED LAND OF THE KLAMATH INDIAN RESERVATION

The bill (S. 2707) to provide for the classification of all unallotted land of the Klamath Indian Reservation and to reserve for forest-production purposes all land primarily adapted to the production of crops of timber, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to classify all unallotted lands of the Klamath Indian Reservation in Oregon on the basis of the primary adaptability of the lands for the production of agricultural crops, or the production of timber crops, and all lands classified under his direction as chiefly valuable for the production of timber, or the incidental purpose of water conservation, shall be maintained as the Klamath Indian Forest, the net income from which shall be used for purposes beneficial to the Indians having tribal rights on the Klamath Indian Reservation.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DOUBLE PENSIONS FOR SUBMARINE ACCIDENTS

The bill (S. 2998) granting double pension in all cases where an officer or enlisted man of the Navy or Marine Corps dies or is disabled as the result of a submarine accident was announced as next in order.

Mr. JONES. Mr. President, I have just read over the latter part of the bill. Does it mean that if there is a widow she will get a double pension, or if there are minor children they will get double pensions? The bill does not specify as to that. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

BEAR RIVER MIGRATORY BIRD REFUGE

The bill (S. 3194) to establish the Bear River migratory bird refuge, was announced as next in order.

Mr. JONES. Mr. President, that is quite a long bill. I rather think it should go over until there is some time for explaining it.

Mr. PHIPPS. Mr. President, will the Senator withhold his objection?

Mr. JONES. Certainly.

Mr. PHIPPS. I understand that the bill has the same purpose exactly as a bill which was passed by the Senate last year, in which an appropriation was authorized, which appropriation was included in the deficiency appropriation bill which failed of passage at the close of the last Congress. I think the bill is generally understood by Members of the Senate. It had the unanimous approval of the Committee on Agriculture and Forestry, I believe. At least, I have heard of no objection.

Mr. JONES. Is the bill in exactly the form in which it passed the Senate before?

Mr. PHIPPS. No; it is not in exactly the same form. The bill which passed the Senate last year was one I introduced. This bill has the same purpose, but it goes a little more into detail in explaining the manner in which the property shall be looked after and controlled.

Mr. JONES. Sometimes such details cause a lot of trouble.

Mr. PHIPPS. The details were added for the purpose of improving the bill.

Mr. JONES. I am rather inclined to think the bill ought to go over to-day, anyway.

The PRESIDING OFFICER. The bill will go over. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The CHIEF CLERK. A joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes.

Mr. ODDIE. Mr. President, I ask unanimous consent that the Senate shall continue for 15 minutes longer on the calendar. There is a bill just ahead, Senate bill 1341, upon which I am particularly anxious to have the Senate act.

The PRESIDING OFFICER. The Senator from Nevada asks unanimous consent that the Senate proceed for 15 minutes longer pursuant to the order under which it has been operating.

Mr. KING. Mr. President, I should be very glad to do that, but I know several Senators thought that at 2 o'clock we were to take up the unfinished business. They are not here and perhaps would be interested in some of the bills which might be called. I am interested in a number of bills which perhaps would be called under such an order, but——

Mr. ROBINSON of Arkansas. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard to the request of the Senator from Nevada.

MUSCLE SHOALS

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes.

Mr. NORRIS. Mr. President, yesterday when I surrendered the floor I was discussing some questions pertaining to nitrate plant No. 2 and the production of fertilizer by the cyanamide process. I had made the assertion that, in my opinion, the cyanamide process was out of date as compared with other processes for getting nitrogen from the air.

I think I ought to say now, before I go into the discussion in detail of the cyanamide process as compared with other processes, that I have no fault to find and no criticism to offer against the American Cyanamid Co. for its attempt to secure the acceptance of the bid which it has made, together with the Air Nitrates Corporation, for Muscle Shoals. Neither have I any criticism now of any attempt that has been made by the power companies to get possession of Muscle Shoals. I have no fault to find, for instance, with the officials of the Alabama Power Co., who have always been mixed up more or less in this question since we commenced to investigate it years ago. My relationship with the officials of the power company, with the cyanamide people, with the carbide people, and everybody else who has tried to get Muscle Shoals, has always been pleasant. I have never charged that any of those officials or any of those companies were dishonorable or that they were doing what, from their standpoint, was not the proper thing to do. I make no such charge now.

I have no knowledge of any advantage that has ever been sought by the so-called Fertilizer Trust, although that trust has been charged with being mixed in this matter more or less ever since the beginning. At the very beginning of the debate and consideration of this proposition—or at least within a year or so after it began—I introduced a resolution directing the Federal Trade Commission to investigate and report as to whether there was a Fertilizer Trust. They made the report, and I think it fair to say that in the judgment of the Federal Trade Commission there was no trust in existence as they understood it. There have been combinations, I think, in that respect; dealings with the farmers and farm organizations have been complained of very often; but I have not undertaken to go into that question, and I express no opinion either in commendation or condemnation of any of the practices that have been indulged in by any of those people. I preferred and have tried to follow that course—to consider the question on a higher plane.

None of these officials have ever undertaken, to my knowledge, to do anything with the committee that was not perfectly honorable and perfectly square. I have not agreed with any of those officials. I have never agreed with any of those who have made the bids for Muscle Shoals, commencing at the very beginning with Henry Ford. I have never made any complaint against Mr. Ford or his company for seeking to get Muscle Shoals. From a business standpoint the corporation or the individual that could get Muscle Shoals—and get it on terms which I think have always been laid down in the bids that have been submitted—would be getting a business advantage; would be getting a subsidy from the Government of the United States; and it would, in my opinion, constitute a very great blunder on the part of the Congress if it were permitted.

Now, I am going to discuss the cyanamide feature and the Cyanamid Co., and I am going to do it from that standpoint. It is a great corporation doing a great deal of business, but I think I will be able to show that if its bid were accepted and Muscle Shoals turned over to it it would be the greatest donation—the greatest subsidy by the Government of the United States—that has ever been given to any individual or to any corporation.

In my opinion the bill introduced by the Senator from Ohio [Mr. WILLIS], and which was in the committee offered as a substitute for the joint resolution which is now before us, is absolutely the worst bid of any that has ever been made, viewing it from the standpoint of our Government. I think I shall be able to show that it is purely and distinctly a power proposition. I am not finding fault with that because, as I look at it, there are two things that we have been considering all the time. One is power and the other is fertilizer. They were associated together by the original act in regard to Muscle Shoals, providing for the development of Muscle Shoals. They have been separating and getting further and further apart as new inventions have been made in processes for getting nitrogen from the air. I have contended always, and do now, that we can not make a fertilizer proposition of a power proposition. I am not finding fault with the people who try to get it, but according to my view every one of them that has ever undertaken to do it, from the very beginning down to now, has had in view the power they were trying to get, and fertilizer was a secondary consideration and only included in the bid because it was known that Congress was anxious to cheapen fertilizer for American agriculture.

Now, I had something to say and I am going somewhat into detail in regard to the Willis bill because, as I shall show more in detail, there has been put forth, before the American farmer particularly, a propaganda trying to induce him to get behind the bill now known as the Willis bill and to induce him to demand that his Senator and his Representative shall favor the bill. A great propaganda, which, in my judgment, has cost an enormous amount of money, spread over the United States to try to get public sentiment at home among the farmers aroused on the question of fertilizer, with the object of inducing them to try their best to secure the passage of the bill introduced by the Senator from Ohio. It is practically the same bill that was introduced during the last Congress, and which was before the joint committee having consideration of the Muscle Shoals property. To the Committee on Agriculture and Forestry of the Senate it is nothing new. We have had the question before us in one way or another, together with a large number of other bids, ever since the beginning of the controversy.

There are three ways of getting nitrogen from the air. The oldest one is known as the arc process, the next one as the cyanamide process, which is the one provided for in the cyanamide bid. The third is the synthetic process. Each one of them has some modification, particularly the latter, because there have been changes going on continually. I have no doubt that the arc process, which is the oldest process, as now operated in some places is a very great improvement over the arc process when it was first invented. The cyanamide process has been improved and is being further improved. It was known by scientific men all over the world before the World War. The synthetic process, that has made practically all of its development since the war, and is the newest of all, is likewise continually changing; new patents are being taken out and various improvements being made. Improvement is going on every day, I might say. Every new plant seems to be an improvement over the old one. So that I have a great deal of confidence that eventually fertilizer for the American farmer will be cheapened very materially.

The arc process requires a great deal of power. To a great extent it has gone out of use. It is only employed now where power is very cheap, and then I think practically only where the plant is already constructed and it is desired to avoid the loss of scrapping. In a modified way the same thing may be said of the cyanamide process, although there have been some new plants erected.

The total annual capacity for nitrogen fixation by the arc process is 44,750 net tons; that is, there is enough machinery in the world using the arc process to produce that many net tons in a year, but the 1927 rate of production was only 39,240 tons, showing that it was not used even to its capacity.

Mr. FLETCHER. How much of that was produced in the United States?

Mr. NORRIS. None of it was produced in the United States. There is not an arc process plant in the United States and there never has been one.

The total annual capacity in the world for nitrogen fixation by the cyanamide process is 315,500 tons, but the rate of production in 1927 was only 174,250 tons.

Plants for the fixation of nitrogen by the direct synthetic ammonia process, the Haber process and its different variations, have an operating capacity of 663,000 tons, with an additional 316,160 tons under construction, showing that in the business world there has been a wonderful increase in the plants producing nitrogen from the air by the synthetic process.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER (Mr. COPELAND in the chair). Does the Senator from Nebraska yield to the Senator from North Carolina?

Mr. NORRIS. I yield.

Mr. SIMMONS. What percentage of that is produced in the United States?

Mr. NORRIS. I can not give those figures, although I am going to give what I think is a complete list of all the plants in the world which produce nitrogen by each one of these processes, what their operating capacity is, and how much they produced in the last year.

Mr. SIMMONS. Is it not a fact that Germany produces more by the synthetic process than any other country in the world?

Mr. NORRIS. I think that is a fact, although when I get further into the figures they will show definitely whether that is true or not, but I believe it to be true.

Mr. SIMMONS. I do not know whether the Senator in his investigation has inquired into the relative cost at which nitrogen is produced in Germany and in the United States, but I am under the impression that in Germany it is produced very much more cheaply than we produce it, and that the Germans rely almost entirely for their supply of ammonia upon the products of factories operating under the Haber process.

Mr. NORRIS. I think that is true, although the Senator from North Carolina must remember that in Germany there were a great many plants using other processes. I do not think there is any using the arc process there, but recently a combination was effected between the owners of plants in Norway, where the arc process was used almost exclusively, and where it was invented, and the owners of plants in Germany by which many of the plants which were extracting nitrogen from the air by the arc process were changed. In some places the entire machinery, I think, was scrapped, and in other places it was modified and they used what they could and installed the synthetic-ammonia process instead.

Mr. SIMMONS. My impression is that in Germany they use a larger percentage of ammonia than we do in this country in the fertilization of their lands; that they obtain the chief ingredients of fertilizer almost exclusively from the air, and obtain it much more cheaply than we are able to get it from the air in this country or to get it from Chile. In that way the German farmer has a very great advantage over our farmer. I was wondering why the German factories were able to produce this product so much more cheaply than the American factories are producing it, if that be true.

Mr. NORRIS. That is true. I thought I could see why they could produce it more cheaply, and I made an attempt to get definite figures. If I can get them I will furnish them. I have forgotten what they were now. I only remember, in a general way, that there were several reasons that were given to me by the authorities why the Germans were producing it more cheaply. One was that everything, including labor, in Germany was much cheaper than it was here. The cheapness of the product there was accounted for in that way. I was also assured by scientific men, of whom I made inquiry, that Germany possessed no knowledge now of any method of getting nitrogen from the air that we were not in possession of here. Not only that, but I do not believe it is unfair to say that American scientists have rather led the world along this line. They have been consulted; they have been employed in the production plants in almost all portions of the globe. So I believe, in so far as the science itself is concerned, we are not behind any country in the world.

Mr. President, at this point I ask to have printed in the RECORD tables showing the location, annual capacity, and 1927 rate of production of plants engaged in the fixation of nitrogen by the various processes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The tables are as follows:

Nitrogen fixation by arc process

Location	Annual capacity	1927 rate of production
	Net tons	*Net tons*
Rjukan, Norway	31,000	38,000
Notodden, Norway	8,000	
Rhina, Germany	4,500	
La Roche de Rame, France	250	250
Patsch, Austria	1,000	1,000
Total	44,750	39,250

Nitrogen fixation by cyanamide process

Location	Annual capacity	1927 rate of production
Germany:		
Piesteritz	35,000	30,000 +5,000
Trostberg	35,000	35,000 +20,000
Waldshut	12,000	8,000
France:		
Bellegarde	5,000	3,250
Lannemezan	15,000	10,500
Marignac	6,000	2,500
Brignoud	6,000	3,000
Modane	4,000	1,000
Sisteron	5,000	----
Italy:		
Terni	10,000	5,500
Domodossola	3,500	1,000
Ascoli Piceno	2,500	1,000
San Marcel	1,000	500
Switzerland, Martigny	2,500	2,500
Japan:		
Osaka	50,000	5,000
Hokkaido		
Fuchan		
Mandschurei		
United States, Muscle Shoals, Ala	40,000	----
Canada, Niagara Falls	25,000	25,000
Yugoslavia:		
Sebenico	7,000	7,000
Almissa	7,000	
Poland, Chorzow	30,000	17,000 +5,000
Czechoslovakia, Karlsbad (Falkenau)	6,000	4,000 +2,000
Norway, Odda	15,000	4,500
Rumania, Ungar-Altenburg	5,000	3,000
Sweden:		
Ljunga	3,000	2,500
Alby	3,000	2,500
Total	315,500	174,250+32,000

Nitrogen fixation by direct synthetic-ammonia process, net tons nitrogen per year

Location	Company	1927 operating capacity	1927 capacity under construction
Germany:			
Oppau	Badische Anilin und Soda Fabrik	125,000	----
Merseburg	do	315,000	60,000
Piesteritz	Mitteldeutsch Stickstoff Werke	----	2,500
England:			
Billingham	Synthetic Ammonia & Nitrates (Ltd.).	20,500	52,000
Widnes	United Alkali Co. (Ltd.)	----	3,150
France:			
Montereau	Société Chimique de la Grande Paroisse.	1,500	----
Toulouse	French Government	----	57,000
Soulom	Ste. des Engrais Azotes et Composes	15,120	----
Bethune	Compagnie des Mines de Bethune	6,000	12,000
St. Etienne	Houilleres de St. Etienne	540	3,260
Decazeville	Société de Commentry Fourchanbault et Decazeville.	3,000	----
Henin Lietard	Ste. des Mines de Dourges	4,725	----
Pont a Vendin	Ste. des Mines de Lens	7,000	----
Henin Lietard	Cie. des Mines de Vicoigne Noeux & Drocourt.	4,725	----
Anzin	Cie. des Produits Chimiques Anzin Kuhlmann.	7,000	----
Carling	Ste. Houillere de Sorre et Moselle	----	4,725
Firminy	Cie. des Produits Chimiques de Roche La Moliere.	4,725	----
Marles	Société des Mines de Marles	----	7,500
Waziers	Soc. l'Ammoniaque Synthetique	----	4,350
St. Auban	Cie. d'Alais Froges et Camarque	730	3,150
Belgium:			
Willebrock	Société Evence Coppe	----	10,000
Ougree	Société Belge de l'Azote	4,500	----
Ostend	S. A. des Fours a Coke Semet Solvay and Piette.	7,500	----
Selzaete	Etablissements Kuhlmann	----	7,500
Japan:			
Hiroshima	Suzuki & Co	3,000	----
Nobioka	Nippon Chisso Hiryo Kabushiki Kaisha.	19,500	----
Minamata	do	18,900	12,600
Russia, Ninjinotgorod	Severny Chimicecky Trust	----	7,560
United States:			
Syracuse, N. Y	Atmospheric Nitrogen Corporation	11,550	----
Hopewell, Va	do	----	35,000
Charleston, W. Va	Lazote, Inc	6,350	----
Seattle, Wash	Pacific Nitrogen Corporation	865	----
Niagara Falls, N. Y	Niagara Ammonia Co	2,000	----
Do	Mathieson Alkali Works	2,880	----
Do	Roessler-Hasslacher Chemical Co	865	865
Pittsburg, Calif	Great Western Electrochemical	300	----
Italy:			
Terni	Societa Italiana Ricerche Industriali Siri.	1,545	----
Nera Montoro	Terni Societa per l'Industria & l'Elettricita.	9,765	----
Dalmazia	Societa Italiana Forse Idrauliche della Dalmazia.	----	15,000
Novara	Societa Piemontesse Ammonia (Montecatini).	5,750	----
Italy—Continued			
Merano	Montecatini	37,800	----
Mas (Belluno)	do	1,000	----
Vado	Societa Azogeno	----	3,000
Bussi	Societa Azoteno	1,500	----
Spain:			
Sabinandigo	Energia Industrias Aragonesas, S. A	4,725	----
Felguera	Société Iberica del Nitrogeno	3,150	----
Flix	do	700	----
Switzerland, Viege	Usines Electriques de la Lonza	2,200	5,000
Sweden, Ljunga	Stockholm Superfosfat Akt	----	2,500
Poland, Knurow	Société Fermière des Mines Fiscales de l'Etat Polonais.	----	3,000
Czechoslovakia, Ignatz	Société Czechoslovakia d'Azote	----	4,500
Total		663,010	316,160

Mr. NORRIS. Mr. President, Doctor Cottrell, whom all Senators know and who is employed at the Research Laboratory Bureau which has charge of this kind of work, has invented quite a number of improvements. I think he had some of them patented and that he gave them to the world. He is a poor man, working on a salary, but he was so interested in the work and became so intensely wrapped up in it that his enthusiasm for cheapening the methods of securing the ingredients of fertilizer, particularly nitrogen and phosphorous, led him to give to the world every invention he has made. His name among chemists all over the world is as well known as the name of our own President is known to us, and they hold him almost in reverence. I have not learned of any exception. Doctor Cottrell—and before I conclude I will read from a statement that comes from his bureau comparing these processes—is universally respected by all who know him, whether they agree with him or not. This very morning I had a conference with Mr. Bell, a very interesting and delightful conference. Mr. Bell is president of the Cyanamid Co. He is in favor, of course, and has done everything he could to secure the passage of the Willis bill, accepting the Cyanamid Co.'s bid. I asked him about Doctor Cottrell this very day, and, although he knows Doctor Cottrell is not in favor of the bid of his company and that Doctor Cottrell's word will go a great way with those who are trying to solve this problem properly because of the confidence all have in him, he has just as great respect for Doctor Cottrell as any man possibly can have. He told me to-day of the valuable assistance to the scientific world Doctor Cottrell had rendered and how scientific men everywhere almost revere his name because he has never made a cent of profit out of any of his discoveries.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from North Carolina?

Mr. NORRIS. I yield.

Mr. SIMMONS. The subject in which I am particularly interested is the cost. I agree with the Senator that there has been great improvement in the method of extracting nitrogen from the air and the experiments that are being conducted now promise even greater improvement; but I have not seen any evidence as yet that as the result of such activities and such development the price of the product to the farmer has been reduced in the slightest. Looking at the subject from the farmer's standpoint only, he is interested in getting a product which will be cheaper than the product heretofore relied upon, namely, nitrate of soda imported from Chile. The farmers are now buying chiefly that kind of fertilizer, and they are buying it because they can buy it as cheaply and possibly more cheaply than they can the other, and it is probably a much safer fertilizer for them to use than the other.

If the Senator has any information that indicates that the experiments and developments which are taking place are likely to result in such a decrease in the price of ammonia as will enable the farmer to get his necessary nitrate of soda or ammonia through our own factories instead of having to import it, I should like very much to have him give the Senate the benefit of that information, if he has it. I do not know whether he has it or not, and if he has it not I do not want to interrupt him by further questions along that line.

Mr. NORRIS. Mr. President, I think I can enlighten the Senator somewhat on that subject. It is possible that up to the present time this decrease in the cost of getting nitrogen from the air has not reached the farmer in fertilizer form. Nitrogen is only one ingredient of fertilizer.

Mr. SIMMONS. It is the chief ingredient, though.

Mr. NORRIS. I do not know as to that.

Mr. SIMMONS. Yes, Mr. President.

Mr. NORRIS. It is a necessary ingredient. Everybody knows that.

Mr. SIMMONS. I will say to the Senator that I have some information upon that subject. I am somewhat of a farmer myself, and I buy fertilizer very heavily and I know that it is not only the chief ingredient but it is the ingredient that makes the fertilizer expensive, that adds more to the cost of the fertilizer than either potash or acid phosphate, the other two ingredients.

Mr. NORRIS. Now, Mr. President, if the Senator will permit me, I will take up briefly what I believe to be an answer to his inquiry, which I concede, is a very proper one.

These inventions, these improvements, the Senator must remember, are very recent. The whole thing has come since the war; and the extraction of nitrogen from the atmosphere, coming as it has by degrees—first by a small factory, then by one a little larger, then a few more—has not up to the present time produced enough nitgrogen to get it into the fertilizer world to any great extent.

One of the objects of the joint resolution that I am trying to pass is to provide for the extraction of nitrogen and the making of fertilizer on a sufficiently large scale so that it will be practical, and can be adapted to the use of the farmer.

One of the things that the scientific world has been trying to do for a good many years is to get a concentrated fertilizer. One of the things that they want to cheapen, and which they must cheapen if they make fertilizer very much cheaper, is the cost of the phosphorus that is in the fertilizer, the combining of the phosphorus with the nitrates and with the potash. These chemicals are often secured, and, when you try to combine them, you find a difficulty that you have to overcome by experimentation. So, in a very general way, it may be said that a great deal of this work is still laboratory work, although many thousands of tons of nitrogen have been extracted from the air during the last year by the synthetic process, and many more thousands will be extracted during the coming years. Up to now they have used most of it in different kinds of things, various things.

For instance, the Cyanamid Co.—and I am going to offer this in evidence, I think, after a while—produce over 50 different kinds of chemicals, and, I think, minerals, perhaps, that are used in the arts and used in making explosives. The du Pont people use all that they make in making powder and other explosives.

I am told by the Senator from Virginia [Mr. GLASS] that the people who are erecting the plant at Hopewell, Va., which, when it is completed, will be the largest plant in the world using the synthetic process, and is going to cost something like $125,000,000, as I understand, expect to go into the fertilizer business themselves on a very large scale; and they are going to be able to produce fertilizer, so they believe—and I believe it, too—cheaper than the Du Ponts are producing it down in West Virginia. It is perfectly natural that they should, because theirs is a newer plant; so that the cost is going down all the time.

The cyanamide people make cyanamide, which in itself, if you could apply it properly to a plant, is a good fertilizer, although it contains no fertilizer ingredient except nitrogen. It has neither potash nor phosphorus in it; but if you put the cyanamide next to a plant it would kill it. It would burn it up. We make a good deal and send it abroad, even to Germany, and it is combined with potash over there. When we make a fertilizer here we have to send to Germany and get the potash and bring it over and combine it. The Cyanamid Co. own large beds of phosphate rock in Florida. They make a great deal of ammo-phos, which has two fertilizer ingredients, phosphorus and nitrogen. It lacks only potash to make it a complete fertilizer; and if you had a soil that needed nitrogen only you could fertilize it with cyanamide if you put it in properly. It would take a scientific man to put it in, because, as I said, it is disagreeable to handle, difficult to handle, and dangerous to handle—that is, dangerous to the plant you put it on.

Mr. SIMMONS. Mr. President, if the Senator will pardon me, I was present on yesterday when the Senator from Virginia [Mr. GLASS] made his statement.

Mr. NORRIS. The statement I referred to was made to me in private conversation. I did not refer to what the Senator said in the Senate.

Mr. SIMMONS. That is the first hopeful indication I have seen that the manufacturers of cyanamide or nitrogen by the other processes in this country were at all interested in its production for use in fertilizing the soil. They were producing it, as the Senator said yesterday in the case of the du Pont Co., in large quantities; but they were producing it for the purpose of supplying their plants engaged in the manufacture of explosives. Others were producing it for other scientific purposes. Nobody seemed to be especially interested in the production of nitrates from the air for the purposes of fertilizer.

The Senator will remember—and that is the reason why I am on my feet now—that I, together with a number of other Senators on this side of the Chamber, have insisted very earnestly in the past that this great property that the United States has at Muscle Shoals should be used primarily for the production of cheap fertilizer for the farmer. In the conditions that existed when we made that contention the manufacturers of ammonia in this country were not making it for fertilizing purposes. We insisted, therefore, that the Government owed it to the farmers to use this great power down there to see that they were supplied with nitrogen extracted from the air as cheaply as it was possible to extract it.

If in the meantime the industries that are engaged in the manufacture of this material are producing it or beginning to produce it in large quantities in the form in which the farmer wants it and must have it, and will sell it to him at reasonable prices, so that he may escape the terrific burden that is now imposed upon him by having to buy it from a foreign country, of couse, the situation has changed very much. Outside of what the Senator from Virginia has said, however, with reference to the plant at Hopewell—which is to be a very extensive one—I know of no effort on the part of any manufacturers in this country to produce this material for use in fertilizer except to a very limited extent; and that is the reason why I interrupted the Senator.

Of course, the farmer is interested in the matter only from the standpoint of fertilizer, and from the standpoint of getting a cheaper fertilizer than he is getting now. If there is no hope of getting it through individual effort, then if the Government has a plant where power is developed it could not, in my judgment, use that power for a better purpose than to experiment and, if possible, work out some process by which it can supply the farmers of this country with this absolutely essential ingredient in the production of crops at a lower price than they have to pay for it now, ranging, I will say to the Senator, when we buy it now all the way from fifty to sixty dollars a ton cash, and a much larger sum if it is bought on time; and most of it has to be bought on time.

Mr. NORRIS. If the Senator means what I assume his last remark might mean—that since we have nitrate plant No. 2, which will get nitrogen from the air, we ought to operate it, even though it will cost twice as much as it would cost to build a new plant under modern conditions and operate that—then I disagree with him.

If he means that he wants the Government to experiment in an enlightened way, the most scientific way, then I am willing to go to any length and spend almost any amount of money to have the Government do it. That is what I think we are going to accomplish by the passage of the joint resolution if it is enacted into law.

The fact that the farmer has not got the benefit of it now is probably because, as I tried to say awhile ago, up to the present time those who have engaged in the business have done it for other purposes than fertilizer; for instance, the ammonia people. There is a vast amount of ammonia sold. There are dozens of other things and chemicals that I can not name; but pure ammonia is 85 per cent nitrogen, and the ordinary ammonia that we buy at the drug store, as far as nitrogen is concerned, is a good fertilizer. It contains from 25 to 30 per cent of nitrogen. That is known as aqua ammonia.

Mr. SIMMONS. The two terms are almost interchangeable.

Mr. NORRIS. Aqua ammonia and ammonia are not quite interchangeable.

Mr. SIMMONS. Not quite; no.

Mr. NORRIS. Ammonia is 85 per cent nitrogen and aqua ammonia is only about 25 or 30 per cent nitrogen. If by the expenditure of Government money we can still further improve the process so that it can be known that we can make a fertilizer much cheaper than it is made now, then it is our theory that the fertilizer people will utilize it and make a cheaper fertilizer.

I agree with the Senator that what is going on at Hopewell is a hopeful sign; and when I get through with the figures that I was in the midst of giving I think I will demonstrate to the Senator that this method of getting nitrogen from the air has been growing with rapid strides, and has grown faster in the last year than in any other year in history. Now let me give you some more of them.

Mr. SIMMONS. I do not think the Senator and I are so far apart. I do not insist that the Government shall use the entire power that is now developed or may hereafter be developed at Muscle Shoals for the purpose of making fertilizer; but I do insist that no bill shall pass here that does not provide that the Government shall maintain a plant there and shall experiment with a view to ascertaining whether it is feasible and possible to produce at a reasonable price such a product as the farmer requires. If it is not feasible and possible, then we should abandon it; but if it is, then we ought to have a reserve power that can be utilized for that purpose.

Mr. NORRIS. Mr. President, I agree with the Senator. We will find, however, power is a secondary, almost an incidental, consideration; that you can get power to run machinery almost anywhere in the United States, except at some inaccessible point, and that as far as we know now cheap coke is more important in producing nitrogen than any other one thing.

When I was interrupted, Mr. President, I was giving some statistics in regard to the synthetic-ammonia process, and I had said that the various synthetic-ammonia processes of the world had an operating capacity in 1927 of 663,000 tons of nitrogen. That was the capacity. It will be remembered, in regard to the arc process and the cyanamide process, that I gave the capacity, and it was found that the actual production was much below the capacity. In this case the actual production was only a few tons below the actual capacity, showing that it is going at full blast, in that in the year there were under construction additional plants amounting in capacity to over 316,000 tons.

Mr. President, let me give the figures as to these various plants by years. In the year 1913, the year before the war, there were seven arc plants in the world, and they produced 18,000 tons of fixed nitrogen. There were 15 cyanamide plants, and they produced 60,000 tons. It will be seen they were comparatively small plants. There was only one synthetic-ammonia plant in the world in 1913, and that produced 7,000 tons of fixed nitrogen, a comparatively small plant, to some degree experimental, I should say.

Let us go forward five years, from before the war to after the war. In 1918, the war just being over, and there not having been much chance of expansion, there were 12 arc plants in the world. They produced 38,000 tons of nitrogen. They had increased from seven during the five years. There were 35 cyanamide plants, and they produced 325,000 tons of fixed nitrogen. They had increased from 15 in number, had more than doubled in number, and a great deal more than that in production—from 60,000 to 325,000.

In 1918 there were three synthetic-ammonia plants. There was only one in 1913. While the percentage of increase was great, the actual increase was only two plants, but they were large. Those three synthetic-ammonia plants produced 308,000 tons—still not being up to the production of the cyanamide plants.

Let us jump now from 1918 to 1927—last year. There had been opportunity to improve and increase since the war. There were seven arc plants in 1927, and their estimated production was 42,000 tons. There were only seven in 1913. There were 12 in 1918. They lost in number, although they were larger plants. They increased in production.

There were 28 cyanamide plants, and they produced 285,000 tons of fixed nitrogen. In 1918 they produced 325,000 tons. They had fallen off.

The synthetic ammonia process plants number 49 in 1927, increasing from 3 in 1918. The production was increased from 308,000 tons to 663,000 tons. I think those figures are eloquent pleaders for the proposition I have laid down and for the proposition contained in this resolution.

I have here a list of the nitrogen fixation process plants, giving the names. Those plants are mostly in Norway, Germany, France, and Austria. They have a capacity of 44,750 tons annually, but the actual production in 1927 was only 39,250 tons.

I have here a list of the nitrogen-fixation plants using the cyanamide process. There is a long list of them, more than a page, but the total capacity of all of them is 315,500 tons. The actual production was only 174,250 tons.

Here I have a list of the nitrogen-fixation plants using the synthetic-ammonia process, showing the operating capacity in 1927, which was 663,010 tons, with plants under construction in 1927 with an estimated capacity of 316,160 tons. When that construction is completed, we will have plants with capacity to produce 1,000,000 tons of nitrate by the synthetic process, and the increase has practically all come since the war. That is the new process. It has taken possession of the business and the scientific world, and is the real process any scientific or business man would adopt if he were going to get nitrogen from the atmosphere.

I want to read some testimony to the Senate now. I have before me a letter from Doctor Howe. I think I ought to pause here to tell the Senate who Doctor Howe is. He is editor of Industrial and Engineering Chemistry, published in Washington, D. C. He edits the official publication of the American Chemistry Society. That magazine is known all over the civilized world among chemists and scientific men. It is the leading publication of its kind in the world.

Doctor Howe has been decorated by kings in Europe for his service in the world of chemistry. He is well known all over the world as one of the leading chemists, and is the leading authority on this subject everywhere in civilization. He has no more interest in Muscle Shoals than has any other citizen of the United States. He has no interest in any of these processes, in any of these corporations that are interested in the patents, either directly or indirectly, in any way, so that I figure that Doctor Howe's judgment and Doctor Howe's opinion are worth a great deal.

I have before me a speech made by Doctor Howe in Chattanooga, Tenn., on October 14, 1927. The subject of it is "Chemistry in industry." I want to read a few extracts from that speech. He said:

> To-day the best statistics available show the following interesting comparison. The total annual capacity for nitrogen fixation by the arc process is 44,750 net tons.

That is practically what I have already stated. It may vary a little.

> The 1927 rate of production was 39,240 tons. The total annual capacity for nitrogen fixation by the cyanamide process, world figures, is 315,500 tons, but the 1927 rate of production was only 174,250 tons. Fixation by the direct synthetic-ammonia process, meaning the Haber process and the variations known by other names, has an operating capacity of 663,010 tons, with an additional 316,160 tons under construction. The 1927 rate of production has been within a few tons of the total operating capacity, some of the smaller works having been idle for portions of the year. These figures speak eloquently of world trends.
>
> It is history that when the war broke and it became apparent that we should not depend wholly upon Chilean nitrate, the cyanamide process was the only one sufficiently well known in this country to justify the erection of a large plant, and No. 2, at Muscle Shoals, became the largest single cyanamide plant in the world. It is also history that the No. 1 plant, erected as an experiment, produced fixed nitrogen only experimentally but that it served a useful purpose as a pioneer enterprise in this country, paving the way for a synthetic-ammonia industry which in my opinion has to-day rendered the Muscle Shoals plants obsolete—

He is speaking of nitrate plant No. 2—

> whether considered from the standpoint of nitrogen for defense or nitrogen for the uses of agriculture.
>
> Since the Muscle Shoals project has always been allied with the needs of agriculture as well as those of war, it may be well to emphasize some of the factors which to-day control the location of plants for the fixation of atmospheric nitrogen. In view of the greater power requirements, and considering that the cyanamide and the arc process must have electric energy, and the fact that the steps from the nitrogen of the air to the nitrogen in the form available for agriculture are easier and more direct by the newer process, it seems unnecessary to discuss in detail how the synthetic-ammonia process has become supreme. It has been abundantly demonstrated in all parts of the world that, other considerations being comparable, the erection of a plant to fix nitrogen to-day is based wholly upon the synthetic-ammonia process. More than that, I am proud to say that American methods, American processes, and American engineers are taking precedence over others, even in the building of plants in Norway and in Czechoslovakia, for the fixation of nitrogen.
>
> The great plants that have been built and are in process of construction in this country have been located with respect to coal, and, secondly, to markets; and none of them have been placed near a great source of electrical energy. I am informed that there are locations where surplus water power seeks a market and yet those who would manufacture the compounds of nitrogen for industry, in which we include agriculture, have passed them by in favor of close proximity to coal, with ease of transporting that basic raw material. * * *
>
> These fundamental criteria have convinced the scientists and the engineers qualified to judge that to compel the allocation for any considerable period of any substantial part of Muscle Shoals power to the manufacture of fertilizer would be wholly unjustified and little short of criminal. There is nothing disgraceful and no indication of breach of faith in saying frankly to the farmer, who has been made to believe that the operation of Muscle Shoals will reduce the fertilizer bill anywhere from 25 to 43 per cent, depending upon the imagination of the

prophet, that since the original bills were passed the progress of science has changed the picture and that for the same reason he is sure to be able to buy nitrate, thanks to synthetic ammonia, for less in future than in the past, not to mention the other ways out.

Mr. KING. Mr. President, will the Senator permit an interruption?

The PRESIDING OFFICER (Mr. SACKETT in the chair). Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. I yield.

Mr. KING. The statement which has just been read by the Senator, as I understood him, was for the purpose of demonstrating that the cyanamide process of manufacturing fertilizer is not feasible. I ask for information whether the Senator recalls the report made by former Senator Ladd when he returned from Germany a short time before his death, in which he explained that he had visited one of the large plants constructed in that country, which manufactured nitrates and fertilizers which were sold in various parts of the world. I went with Senator Ladd to the plant to which he referred in his address. I do not recall whether the cyanamide process was employed in the manufacture of fertilizer in that plant.

Mr. NORRIS. Can the Senator tell me the name of the town where it was?

Mr. KING. I had forgotten for the moment. It was about a hundred miles from Berlin. I remember that.

Mr. NORRIS. If the Senator will give me the name of the town I think I can tell him what kind of a plant it was.

Mr. KING. It was the only plant Senator Ladd visited, to my knowledge, and we were together there during the time we were in Germany. May I say that the plant was successful. They used brown coal for the development of heat, and they did not have the benefit of cheap water power. They manufactured large quantities of fertilizer which, as I said, was distributed throughout the world, and they manufactured it very cheaply. It was a nitrogen product. They took the nitrogen from the atmosphere and converted it there, before one's very eyes, into this rich nitrogenous fertilizer. I was wondering why the Senator was combating the fact that fertilizer of that character could be manufactured cheaply.

Mr. NORRIS. I can not tell the Senator unless he would tell me the process used there. I have an idea from what the Senator said.

Mr. KING. It was merely taking nitrogen from the atmosphere.

Mr. NORRIS. That is what every one of them does. We have the atmosphere here and it has nitrogen in it, and the process is to get it out.

Mr. KING. Fortunately we have the same atmosphere everywhere.

Mr. NORRIS. And the nitrogen is just the same, but the method of getting it out is different. If the Senator could tell me whether that was the arc process, the Haber process, or the synthetic-ammonia process, I could give him some information.

Mr. KING. I think it was the Haber process.

Mr. NORRIS. That is the synthetic-ammonia process. I would expect to find that in Germany, and that is the kind of process I am advocating.

Mr. KING. All I know is that it was made very cheaply and was of very superior quality.

Mr. NORRIS. If the Senator could give me the name of the town I could probably tell him exactly, because I have here a list of every plant in the world, both of the synthetic process, the Haber process, and the arc process.

Mr. KING. I do not recall the name.

Mr. HEFLIN. Germany has both.

Mr. NORRIS. Yes.

Mr. HEFLIN. They have the Haber process and the synthetic process.

Mr. NORRIS. Yes; Germany has both.

I mentioned a while ago that there is a combination between some Germans and Norwegians where they combine the different plants. This information comes from our own Bureau of Foreign and Domestic Service, as follows:

> The negotiations pending between the Norsk Hydro and the I. G. Farbenindustrie have now, according to reliable reports, come to the following arrangement or contract between the two parties.
>
> The two companies will exchange shares so that each will hold an appreciable amount of shares of the other. This will be accomplished by an increase in capital by both the Norsk Hydro and the I. G. Farbenindustrie. A complete exchange of patents, methods, and experimental information will be effected, and the agreement will also result in a sales combination.
>
> For the Norwegian industry the agreement will immediately lead to the complete modernization of the plants at Notodden and Rjukan, through which the present volume of production, 33,000 tons per year, will be greatly increased. It is the plan to discontinue the Birkeland-Eyde arc process and replace it by the German Haber-Bosch method, which is much more economical, giving from three to four times as great a volume in proportion to consumed current.
>
> It appears that the Norwegian output will be tripled by the new Norwegian-German agreement and that Germany would benefit through the elimination of competition in allocated markets.

This would show that not only in this country but in Germany and in Norway the tendency is growing toward the Haber process, known by various names, but as a general term known as the synthetic ammonia process.

Now, I want to read from a bulletin issued by the research laboratory, Bureau of Soils, Washington, D. C. That is the laboratory over which Doctor Cottrell has jurisdiction. The bulletin comes from his bureau. It starts out by saying:

> From a study of the statistics as shown, there can be no doubt that the fixation of atmospheric nitrogen for agricultural and peace-time uses, as well as for war use, is here to stay. Not only does it appear that the products of such fixation can successfully compete with Chile nitrate, but also that atmospheric nitrogen is displacing and will continue, in a large and perhaps increasing measure, to displace Chilean nitrate. Of the three atmospheric nitrogen fixation processes, the position of major prominence held by the direct synthetic ammonia process can not be disputed. Not only is the production by this process far in excess of the combined production of the arc and the cyanamide processes, but the capacity in the former case is being greatly increased, while no expansion in the two latter processes is anticipated. In fact, a part of the increase in capacity of the direct synthetic-ammonia process is to displace the cyanamide process capacity. Of the hydrogen required for the fixation of nitrogen, according to the direct synthetic-ammonia process, 82 per cent is produced through coal, either from water gas or by-product coke-oven gas, as compared with 15 per cent by the electrolysis of water. The world is fast becoming less and less dependent upon Chile as its source of supply of inorganic nitrogen, while several of the major nations have reached or are approaching the position of total independence of foreign sources of supply.

That comes from a bureau which, in my judgment, on this subject is not surpassed anywhere in civilization. It is recognized as such all over the civilized world. Further on in this bulletin, speaking of the fixation of nitrogen, it is said:

> Commercial fixation may be considered as having started in 1903, when the first successful experiments were carried out in Norway by Birkeland and Eyde. This method, known as the arc process, is the result of attempts to emulate the lightning discharge.
>
> Although, with a few small exceptions, fixation by this process has been confined to Norway, and has never become a large factor in the world's supply, nevertheless, it served as the pioneer, which was soon followed by the cyanamide process and later by the direct synthetic-ammonia process.
>
> The atmospheric nitrogen fixation industry has enjoyed a rapid growth, stimulated, no doubt, by the war, but also later undoubtedly retarded by the effects of the war. From the small beginning of 1903 production increased to 9,000 tons in the year 1910, and over 600,000 tons for the year 1925. While this production in 1910 represented but 1.4 per cent of the total production, the 1925 fixed atmospheric nitrogen production, which was approximately equal to the total world nitrogen production of 1910, represented 45 per cent of the total 1925 production.
>
> Of the 1925 production but 41,000 tons, or 6.7 per cent, were fixed by the arc process, 188,000 tons, or 30.3 per cent, by the cyanamide process, and 390,000, or 63 per cent, by the direct synthetic-ammonia process.

That, it will be remembered, was in 1925, and I have already given the figures to show that the synthetic-ammonia process up to 1927 had practically doubled the amount given here as having been produced in 1925. The amount in 1927 under construction, being something over 316,000 tons, almost equaled the total production of 390,000 tons in 1925, just two years before. If there is anything of a scientific nature that can speak more loudly or more forcibly than that, I have not been able to find it.

Further on in the same pamphlet it is said:

> The nitrogen fixation industry is developing so rapidly, capacity and production figures are ever changing. New direct synthetic-ammonia plants are being erected, plans are on foot for substituting direct synthetic-ammonia plants for cyanamide plants, and new developments in the direct synthetic-ammonia process are being announced. By diverting the power now being used to fix the 40,000 tons of nitrogen as of the year 1925 by the arc process to the direct synthetic-ammonia process, 100,000 tons of nitrogen could be fixed. One producer of cyanamide advises that "As a whole, I think the production of cyanamide

is at a standstill. The existing factories are probably used, as far as possible, but no new factories will, in my opinion, be built, owing to the high production costs per ton of nitrogen compared with synthetic nitrogen."

In parts of Europe, however, the market is still good for cyanamide, and it is likely this market will continue for some time.

Mr. President, it ought to be remembered, though, I think, I might remind Senators again of it, that there is not a member of the Agriculture Committee who has any interest in this matter except to get cheap fertilizer. I do not think there has ever been an idea on the part of any of them of doing anything else but what, in his judgment, was best for the American farmer. I do not believe I underestimate the importance of fertilizer, although I knew little about it when I commenced to study the question, because I come from a section of country that is but little interested in fertilizer, where the soil is new and where very little fertilizer is used. But I can say that fertilizer is one of the most important items that any Congress or any official having anything to do with agriculture or the future of the human race has to deal; I do not believe its importance can be overestimated; and great as I think is the benefit to the people of the development of hydroelectric energy, I think it sinks into insignificance when compared with the fertilizer proposition. I hope I am broad enough, I hope I am patriotic enough, notwithstanding I come from a portion of the country that does not much need fertilizer, not to close my eyes to the need of agriculture in other parts of the United States where fertilizer is an absolute necessity if food is to be produced for the people and the farmer is to prosper in any degree.

It is immaterial to me, Mr. President, what process for the production of nitrogen may be used; there is not anything sacred about any process; but I believe Congress ought to act as would a set of business men engaged in the consideration of a business proposition. If we have machinery engaged in the production of some commodity and the machinery becomes out of date and we can do better by scrapping it, we ought not to hesitate even to do that. That is the way civilization has progressed; that is the way improvement has come about in every line and in every human activity. We are not performing any service to agriculture if we follow the propaganda that has been, I think deceitfully and wrongfully, spread over the country. The time will come when these "chickens will come home to roost"; the time will come when the farmer will find that those who ought to have led him aright have led him astray; the time will come when the American Farm Bureau Federation will realize that its representative now in Washington is misleading them, is leading them astray in trying to convince them of the truth of something as to which he ought to know better and does know better. I shall have something further to say on that subject as I progress.

Now, Mr. President, I am going to read to the Senate some testimony. I wish the Senator from Ohio [Mr. WILLIS], who has introduced as a substitute for the pending joint resolution a bill proposing to turn over this plant to the Cyanamid Co., had honored me to-day with his presence. I should like to place before him the testimony of some of his own witnesses. I wish to read to him and to the Senate the testimony of the very men who are interested in the Cyanamid Co.'s proposal, the men and their associates who are backing it—high-class men, as I think they are. However, here is their testimony. The bill introduced by the Senator from Ohio provides for giving over nitrate plant No. 2 and all the power there and nearly everywhere else on the Tennessee River to the Cyanamid Co. and to the Air Nitrates Corporation. So on this proposition those two corporations are one and the same.

J. O. Hammitt is vice president of the Air Nitrates Corporation and is the representative of the American Cyanamid Co. In the hearing on Muscle Shoals before the House Committee on Military Affairs of the Sixty-seventh Congress, second session, Mr. Hammitt testified, and I will read a part of his testimony:

Mr. HAMMITT. At the present time we would not make any offer, because we do not believe—

He is speaking of Muscle Shoals and nitrate plant No. 2—

we do not believe it is practicable to have a commercial operation of that nitrate plant at the present time unless the United States Government will make up the losses by providing a subsidy.

That is the testimony of the vice president of one of these companies that are now trying to get nitrate plant No. 2 at Muscle Shoals. I will demonstrate to Senators later on that their bid involves a subsidy that, if accepted, would be the greatest gift ever bestowed on man since God made salvation free. I will convince them, I think, that this representative—telling the truth, as I have no doubt it was the truth as he believed it—has practically stated in his testimony that his company would not bid for nitrate plant No. 2 unless the Government should make up the losses by a subsidy; in other words, demonstrating what I have so weakly but earnestly tried to convince the Senate and the country of, that no man can take plant No. 2 and make fertilizer there at a profit of 8 per cent and sell it upon the market below the market price as it goes from day to day, from month to month, and from year to year.

Here is a confession from the vice president of the company that they could not operate the plant unless the Government should subsidize them. Here is another part of his testimony. Mr. Hammett says in answer to a question asked by Congressman GREEN of Iowa:

I do not believe, frankly, that the United States Congress is ever going to approve the principle of the Government dipping down into the Treasury to support a manufacturing operation; and I do not want, personally, to see the American Cyanamid Co. or the Air Nitrates Corporation put in the position of competing for that kind of subsidy. * * *

* * * This is not a nitrate-plant proposition; this is a water-power proposition, and this nitrate-plant end of it is nothing except what somebody offers for the purpose of attracting a certain support in order to enable him to get a cheap water-power contract.

That is the testimony of the vice president of one of these corporations that, if the Senator from Ohio succeeds in passing his bill, are going to get this property at Muscle Shoals. He is only telling what you have been told many times by a weaker voice, but he has spoken before that committee; that is his testimony.

Mr. BLACK. Mr. President, was the last statement made by Mr. GREEN?

Mr. NORRIS. No; that was made by Mr. Hammitt.

Mr. BLACK. Will the Senator read the last statement again?

Mr. NORRIS. Very well, I will read it again.

Mr. BLACK. I understood the Senator to say the statement was by Congressman GREEN. That is the reason for my making the request.

Mr. NORRIS. No; I said that the statement was made in answer to a question by Congressman GREEN. What portion does the Senator wish me to read?

Mr. BLACK. I understood what the Senator read about "dipping down into the Treasury" was in a statement by Mr. GREEN.

Mr. NORRIS. No.

Mr. BLACK. That was what I understood.

Mr. LA FOLLETTE. Mr. President, it is utterly impossible to understand the conversation between the Senator from Alabama and the Senator from Nebraska.

Mr. NORRIS. The Senator from Alabama has misunderstood something I have read, and I am trying to find out just what he wants me to read again. I will have to go over it all, and this time I will read the question.

Mr. GREEN—

That is Congressman GREEN, I understand.

And you stand, admittedly, as a dog in the manger?

There is a part of the testimony omitted, and then comes the answer of Mr. Hammitt to I presume another question.

Mr. HAMMITT. Congressman, I do not believe, frankly, that the United States Congress is ever going to approve the principle of the Government dipping down into the Treasury to support a manufacturing operation; and I do not want, personally, to see the American Cyanamid Co., or the Air Nitrates Corporation put in the position of competing for that kind of subsidy. * * *

* * * This is not a nitrate plant proposition; this is a water-power proposition, and this nitrate plant end of it is nothing except what somebody offers for the purpose of attracting a certain support in order to enable him to get a cheap water-power contract.

In other words, that means this is nothing in the world but an effort to deceive the farmer and get his support to help put the scheme through Congress in order that the beneficiary may obtain some cheap water power for manufacturing purposes.

Later on the same Mr. Hammitt says:

Here is what I would do in regard to nitrate property, or what I would advise the United States Government it should do. I would keep that nitrate plant unoperated, in a stand-by condition, which is 100 per cent better preparedness, anyway, than putting it in operation.

Much has been said by Mr. Gray, the representative of the Farm Bureau Federation against the proposition we have before us. He says that will result in the cyanamide plant standing idle. It will. It is now in a stand-by condition and it is not

operated, and Mr. Hammitt, the vice president of the Air Nitrates Corporation, telling what he would do, says:

Which—

That is, allowing it to remain idle—

is 100 per cent better preparedness, anyway, than putting it in operation. * * * The plant can not be operated commercially, Congressman, because it is not capable of making anything that has a market on which you could get back the cost of production.

Mr. GREEN. You are speaking of the nitrate plant?

Mr. HAMMITT. I am speaking of the nitrate plant; yes, sir. It is not capable of being operated on a basis that would carry any overhead. It is simply not a practicable commercial proposition.

Mr. Hammitt further says:

We see no way, without aid of the Government Treasury, that any company can afford to undertake at the present time the operation of that nitrate plant, and we will not ask aid out of the Government Treasury. Mr. Ford will not lose money on his proposition if it be accepted and sustained in the courts, in my opinion, because the losses will be borne by the United States Government through its contributions to the cost of the large and important blocks of power that Mr. Ford will receive; and it is entirely conceivable that by financing a valuable thing like a water power for an individual or a corporation you can make up to it enough of a premium to justify it in operating a manufacturing plant at a loss, and that really is the essence of the Ford proposal.

I ought to have said that all of this testimony was given when Ford's offer was before us, when these people who are now trying to get it themselves for a much more wicked proposition than Ford had, in my judgment, were contending and telling why this was an impossibility under the Ford proposition. Now their chickens are coming home to roost.

It is not a fertilizer proposition primarily, but it is a means of obtaining at the expense of the Government Treasury a very cheap water power.

Again he says:

In the first place, this plant—

Nitrate plant No. 2, he means—

is designed for the manufacture of ammonium nitrate. Ammonium nitrate is not a fertilizer material. It is not practicable as a fertilizer material. * * * As it stands to-day, the plant can not make any material that is used in the fertilizer industry.

That is true. Everybody knows that. We have to add a lot of machinery before we can make fertilizer out of it, and I have been trying to find out how much it would cost. I have asked several people. I asked Doctor Howe, for instance, some of whose testimony I have read. I asked Doctor Cottrell, and this morning I asked Mr. Bell the same question. No two of them agree. They all agree that it would cost a good deal of money. They likewise all agree that if we are going to use nitrate plant No. 2 we would have to spend considerable money on that to get it up to date even in the cyanamide business; so this man told the truth when he was talking about Ford's offer.

As it stands to-day, the plant can not make any material that is used in the fertilizer industry.

That is true to-day. Mr. Bell thought that to make the cyanamide plant up to date as a cyanamide plant would cost about $2,000,000, and he said that the other machinery necessary to install to run it to its capacity of about 40,000 tons a year would cost $35,000,000. That is three times as much as it would cost to build a synthetic-ammonia plant that would produce the same amount of nitrogen at one-sixth of the power that is required for nitrate plant No. 2.

Mr. TYSON. Mr. President, will the Senator yield?

Mr. NORRIS. Yes.

Mr. TYSON. I should like to ask the Senator what amount of power it is estimated would be required if nitrates for explosives were made during war in plant No. 2?

Mr. NORRIS. Nearly 100,000 horsepower.

Mr. TYSON. In other words, if that plant were to be kept there for that purpose, 100,000 horsepower would be required to make nitrates for use in time of war?

Mr. NORRIS. It would probably be somewhat under that. I do not know how much power the additional machinery that would have to be put in to make fertilizer would take, but it is estimated that when it is all in it would take 100,000 horsepower to operate it.

Mr. TYSON. I am assuming now that no fertilizer is made, but that it is used only for making explosives.

Mr. NORRIS. Yes; that is what I am trying to answer. It would be something less; between 80,000 and 100,000 horsepower, I should say.

Mr. TYSON. How much nitrate would be fixed in the course of a year if it were run to full capacity?

Mr. NORRIS. Forty thousand tons.

Mr. TYSON. That is what I understood.

Mr. NORRIS. Now I will finish reading Mr. Hammitt's testimony:

As it stands to-day, the plant can not make any material that is used in the fertilizer industry. * * * You can make that cyanamide of the Muscle Shoals plant into a fertilizer, cyanamide, by a relatively minor process of further manufacture, for which you must provide a plant that is not there now.

That is what I have been trying to tell the Senate.

That is not an operation that could practicably be initiated at Muscle Shoals for the use of that nitrate plant and show anything except a heavy loss. * * * In order to manufacture sulphate of ammonia at the Muscle Shoals plant you use a certain part of the existing plant; * * * it is quite obvious you can not make that at a profit.

Mr. President, the testimony of this man, the vice president of the Air Nitrates Corporation, was given several years ago when the Ford offer was here, which he was opposing and which he was fighting. I think every word of that testimony is true, but it applies 100 per cent now to this same man.

Now, I want to read some further testimony from Mr. Hammitt during the second session of the Sixty-seventh Congress at the hearings before the Senate Committee on Agriculture and Forestry on Senate bill 3420:

Neither we nor anyone else has made an offer to the Government for taking over and operating nitrate plant No. 2 without attaching to that offer some condition in the form of compensation for doing that thing. * * * Now if you cut the power end of his (Mr. Ford's) proposition out, he has no interest whatever in the nitrate plant. The reason he has no interest in it is the same reason that at the present time we are not prepared to make a proposal to the Government for its operation; namely, that you can not make anything at that nitrate plant now, even with cheap power, for which you could get more than approximately two-thirds of what it would cost you to make it. In other words, the operation of the nitrate plant in time of peace must be a losing operation. Mr. Ford, however, under his proposal, would receive from the United States compensation which he evidently considers is sufficient to make up all of his losses on the operation of the nitrate plant and still some more.

Further on, Mr. Hammitt testifies:

Now, as to the value of the United States nitrate plant No. 2, Senator, with a condition attached to it that that nitrate plant must be used in its present condition, I should say that it would have no value whatever, because you can not use that plant in its present condition, or with any modifications that would materially alter the character of the plant, for the production of anything the production of which at that plant would net you otherwise than a loss.

That is Mr. Hammitt, first before the House committee, next before the Senate committee.

Mr. GEORGE. Mr. President, will the Senator permit an interruption?

Mr. NORRIS. Yes, sir.

Mr. GEORGE. The Senator has studied the several bids made by private companies for Muscle Shoals. I desire to ask the Senator if any one of these bidders has offered to make more fertilizer, or offered to make more advantageous terms upon the fertilizing material proposed to be produced, than Mr. Ford himself did?

Mr. NORRIS. I do not think so.

Mr. GEORGE. In other words, the Ford offer, so far as the making of fertilizer is concerned, and so far as the terms upon which it was to be sold are concerned, is as good as or better than any of these others?

Mr. NORRIS. In my judgment it is, Mr. President. The Ford offer—to which, as the Senator knows, I was bitterly opposed—was, as I think Mr. Hammitt truthfully states, coupled up with the power proposition, just as this Cyanamid bid is; but here, in reality, is the difference:

The Ford proposition required the Government to build Dam No. 3; and, outside of the finishing of Dam No. 2—it was not finished at that time—that, in a general way, was practically the extent of the expenditures to which the Government would have to go under the Ford bid. The Cyanamid bid, as I will show here, not only requires all of that, but it requires the Government to build Cove Creek Dam. It requires the Government to add 30,000 horsepower to the steam plant. It

requires the Government to build transmission lines. In addition to that, it requires favorable consideration of applications for three more power sites that must be given to it by the Federal Power Commission, instead of taking their chances, as everybody else must take them, in getting from the Federal Power Commission the right to build dams. So it has much more power in it than Ford's proposition had, because the leasing of money, if you put it on a leasing basis, is practically the same. I have forgotten what it was in Ford's proposal; I had it all figured out at that time; but under the Cyanamid and Air Nitrates plant bid, if you figure up everything they pay and the amount that the Government expends, you will find that they are doing business on Government money at 2.6 per cent per annum. That is the way it was figured out by an expert.

Here is the testimony of Mr. Bell, the president of the American Cyanamid Co., when he was testifying before the joint committee last year:

Representative JAMES asked this question:

Just one question before we finish. The so-called distribution-of-power provision is section G, on page 45; is it not? * * *

Mr. BELL. You see, Mr. JAMES, that does not require us to distribute a single kilowatt. I do not want to deceive anybody about that.

So here is another point that I have already told the Senate—admitted by Mr. Bell himself—that under the bill of the Senator from Ohio the Cyanamid Co. are under no obligation to distribute a single kilowatt of electricity. They can keep it all; they can sell it all; they can do what they please with it. It is theirs, and there is no regulation or anything else about it. In that respect it is just like the Ford bill, although I think Mr. Ford said, outside of the bid, that if he got it he was going to distribute a good deal of the power. Mr. Bell, however, reminds the committee honestly—and I commend him for what he said; he was honest with the committee—

You see, Mr. JAMES, that does not require us to distribute a single kilowatt. I do not want to deceive anybody about that.

That is the notice to us, now, honestly given, like an honorable man, which I think he is. If he gets it, he says, "I am under no obligation to distribute a single kilowatt." He does not say what he would do with it.

Mr. TYSON. Mr. President, will the Senator yield?

Mr. NORRIS. Yes.

Mr. TYSON. I wish to ask the Senator if he understands that that applies also to the power which is generated or supposed to be generated at Cove Creek?

Mr. NORRIS. Yes.

Mr. TYSON. And the other three dams?

Mr. NORRIS. Yes. Before I get through I will read the provision of the bill as to those other three dams. As I remember it, there is nowhere, even indirectly, any limit as to what they can do.

Now, I want to read from the testimony of Mr. Washburn. I think, at the time this testimony was given, he was the president of the Cyanamid Co. He was an official of the company, and I think he was the president. I thought I had something here that stated what position he held, but I have mislaid it if I had it.

This was before the Senate Committee on Agriculture and Forestry, in opposition to the so-called Kahn-Wadsworth Muscle Shoals bill, Senate bill 3390, Sixty-second Congress, second session.

Senators, at least members of the Committee on Agriculture, will remember that Senator Wadsworth in the Senate and Mr. Kahn in the House introduced similar bills, I think identical bills, as I remember it now, for the purpose of disposing of this property. Mr. Washburn testified in opposition to that bill. I have considerable of his testimony, but I am not going to burden the Senate with very much of it. Here is part of the testimony:

One of the things is that the Government may be permitted to produce cyanamide fertilizer. They do not expect to do it, they say, but they can do it. This the Government can not do.

Remember, these people were going to operate nitrate plant No. 2 down there, and he is telling why they can not do it. They say they are going to use that plant No. 2 to produce fertilizer. He makes the broad statement that they can not do it, that even the Government dare not do it, and he is going to tell why. He said:

They do not expect to do it, they say, but they can do it. This the Government can not do. The rights of the Government for manufacturing at Muscle Shoals are only the rights delegated to it by the American Cyanamid Co. The patents under which rights are given are specifically set forth in the agreement with the Government and do not include the patents covering either the manufacture or the use of cyanamide fertilizer.

The CHAIRMAN. When you say "this they can not do," what do you mean by it?

Mr. WASHBURN. I mean that they can not do it in the same sense that no private party could build a plant or take an old one and proceed to make cyanamide fertilizer. They have not the patent rights, and it was never intended that they should have them. Those patent rights are our means of protection and perfectly proper means. That plant was not built to make cyanamide fertilizer; it was built to make explosives.

Suppose, as some have asked me to propose to do, we had passed legislation that the Government should operate nitrate plant No. 2. What would be the first thing we would be up against? The Cyanamid Co., which everybody concedes owns the patents says, as Mr. Washburn says here, "You are estopped from making fertilizer. We own the patents. We have given you the right, in nitrate plant No. 2, to make explosives, but that is an entirely different thing." It is somewhat of a different thing. We must have different machinery, in addition to what is there now. "You can not make fertilizer. You infringe our patent rights."

Probably arrangements could be made by paying a royalty or something of the kind to do it, but we have that notice from Mr. Washburn, representing the Cyanamid Co.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. NORRIS. I yield.

Mr. HEFLIN. Mr. Washburn, the Senator will remember, contradicted himself. He first said, "You could make it there," then later he said, "You could not." But if the American Cyanamid Co. should get the Muscle Shoals project, having the patents, they can make fertilizer, because they are making it now.

Mr. NORRIS. I am not claiming that if we passed the bill introduced by the Senator from Ohio the Cyanamid Co. would get the whole thing. Of course, they could make fertilizer. They have the patents. But I am offering this testimony to meet the statement that Congress should pass a resolution compelling the Secretary of Agriculture to operate plant No. 2 and let us see what it would do for two or three years' time. We are squarely up against a patent right if we undertake that kind of a proposition.

Further on Mr. Washburn says:

The Government acknowledges the ownership of the patents by the American Cyanamid Co., and that company licenses the operation of the plants, under specific patents indicated by number, date, and title. The company's patents covering the manufacture and use of cyanamide fertilizer, phosphoric acid or any of its processes, including the electric-furnace phosphate process and ammonium phosphate, are not included in those for which rights are given.

Later on, the chairman asked a question:

The CHAIRMAN. Does the Cyanamid Co. produce a sufficient amount now, at the present time, to supply the needs for fertilizer?

Mr. WASHBURN. Just about, so far as cyanamide is concerned.

Later on, Mr. Washburn made another statement, and I wish Senator would listen to this statement of the man who was then president of the Cyanamid Co.:

Mr. WASHBURN. The farmers are of the impression that the Muscle Shoals plant is a fertilizer plant. You know, it is always spoken of as that. They say there is a shortage of fertilizer, and they come to you gentlemen, and they use their influence, and quite properly, and say, "Please start up the Muscle Shoals plant and aid agriculture." A perfectly sound argument, if the facts were there to support it. So far as the farmer knows, the facts are there.

Further on, Mr. Washburn said:

The cost of your water power down there is going to be somewhere in the neighborhood of $20 or $25 per horsepower a year.

Senator RANSDELL. Would that be prohibitive?

Mr. WASHBURN. Absolutely.

I submit, Senators, that this testimony of the very men who are trying to get this plant substantiates what I have said, every word, in every detail.

Mr. Washburn said later on:

Senator, I would like to disabuse your mind of the idea, and the committee, of course, that that plant must be used in order to preserve it.

That is what the American Farm Bureau Federation head says in his letter in regard to my proposition, that we have to use it to keep it, that we must not keep it in a stand-by condition, that we must use it.

Mr. FLETCHER. Will not the Senator tell us about when this testimony was given?

Mr. NORRIS. I think I did state that.

Mr. FLETCHER. I was not in the Chamber when the Senator stated it.

Mr. NORRIS. This was before the Committee on Agriculture and Forestry, Sixty-second Congress, second session, I think it was on April 8, 1920. If the Senator did not hear what I said at the beginning, Mr. Washburn then was speaking in opposition to a bill pending before the committee, introduced by Senator Wadsworth, of New York.

On February 9, 1916, Mr. Washburn, the then president of the American Cyanamid Co., appeared before the House Committee on Agriculture and discussed the fertilizer question. This is reported in the hearings before the House Committee on Agriculture, Sixty-fourth Congress, first session. He said:

> We feel warranted in the belief that if the nitrogen industry is to be established in the United States it must be able to secure power by means not yet provided for under our laws and at much lower cost than it can be secured by ordinary commercial methods. There is one agency through which this possibly may be done, namely, by the Federal Government supplying power at a navigation dam built by the Government.

That was before we had this question pending here. It was in 1920 that he gave that testimony as I said. That testimony was given by the men who were then in the management of the Air Nitrates Corporation and the Cyanamid Co., testimony given when they were opposing the Wadsworth bill and the Ford bill, and this last quotation referring to some other bill, pending in the House, I am not sure what bill, but I think it was before we got into the hearing on Muscle Shoals. That was testimony by the men who are now asking that this plant be turned over to them, with the gift of the greatest power facilities generated from navigable streams of the United States, the dams entirely constructed from the funds of the Federal Treasury. Have Senators ever known of anything as great in the way of a subsidy being asked of the Government?

Mr. President, the Cyanamid Co. manufactures a great many things, and I shall put a list of them into the RECORD. As I have counted them up here hastily, there are 52, all kinds of products, using all kinds of power. They made cyanide, for instance, copper sulphate, casehardening compounds, cyanide, copper; cyanide, potassium; cyanide, silver; cyanide, sodium; cyanide, sodium, of another kind; cyanide, zinc; and a lot of other things that I will not attempt to pronounce. They make aquaamsnonia; ammonia, anhydrous; ammonium chloride; barium chloride; barium carbonate; copper carbonate; cresylic acid; formic acid; lead acetate; potash, caustic; potassium carbonate; quicksilver; soda, caustic, and a lot of other things. They make a fertilizer, ammo-phos. You can fertilize with cyanamide. It has no fertilizer ingredients in it except nitrogen, but, as I said a while ago, the ordinary farmer, or the ordinary person, can not apply it to his crop, because he would kill the crop. If it touches the crop, it burns it up. It is difficult to apply.

They make ammo-phos. That is a fertilizer that has nitrogen and phosphorus in it, and, as they say, at least half of their product is shipped abroad. They have been in that kind of business for years. I will show later that if there is a fertilizer trust they are pretty close to it.

If they are making this fertilizer, and it is a practical fertilizer that the farmer can use, why has not the farmer found it out in all these years? They do not sell any fertilizer to the farmer. They sell to fertilizer dealers and fertilizer manufacturers. If there is a trust, they sell it to the trust. There are those who favor this bill, who have been crying out aloud from the house tops and the mountain tops ever since we have had this question here that there was a fertilizer trust. These people whom they now want to get it are part of the feeders if there is such a trust. I have never claimed there was such a trust, and I do not claim it now.

I ask, Mr. President, that the list of these products manufactured by the American Cyanamid Co. be included at this point in my address, without further reading.

The PRESIDING OFFICER (Mr. BLAINE in the chair). Is there objection?

There being no objection, the list was ordered to be printed in the RECORD, as follows:

AMERICAN CYANAMID CO.,
535 Fifth Avenue, New York, N. Y.

PRODUCTS

Industrial chemicals, fertilizer materials, and insecticides and fumigants.

INDUSTRIAL CHEMICALS

Aero brand cyanide: For cyaniding gold and silver ores.

"Aerofloat" flotation reagent: A new and highly selective reagent possessing both promoter and frothing properties.

Case hardening compounds: Containing 27 per cent and 43 per cent sodium cyanide, respectively.

Copper sulphate: 98 to 99 per cent, large and small crystals for mining and insecticide uses.

Cyanide, copper: Containing 71 per cent copper.

Cyanide, potassium: Single salt, 94 to 96 per cent.

Cyanide, silver: Containing 80½ per cent silver.

Cyanide, sodium ("Aeroids"): 96 to 98 per cent NaCN, in one-half ounce ball form. For all industrial purposes.

Cyanide, sodium ("Flotation grade"): 120 per cent KCN, for use in flotation operations or any cyaniding process.

Cyanide, zinc: Containing 55 to 55½ per cent zinc.

Dicyandiamid: 99 per cent pure. Source of other guanidines and pharmaceuticals.

Di-Ortho-Tolylguanidine (D. O. T. G.): 99 per cent plus pure. An accelerator of rubber vulcanization.

Diphenylguanidine (D. P. G.): 99 per cent plus pure. An accelerator of rubber vulcanization.

Orthotoluidine: 95 per cent pure.

Pine oil: G. N. S. No. 5 oil. Pure steam distilled. The standard frothing oil.

Potassium prussiate, red: Over 99 per cent pure.

Potassium prussiate, yellow: Over 99 per cent pure.

Sodium prussiate, yellow: Over 99 per cent pure.

Sulphocyanides: Aluminum, ammonium, barium, calcium, lead, mercury, and potassium.

Sulphur: Over 99½ per cent pure, ground.

Thiocarbanalide: Technical grade for rubber accelerator and flotation uses.

Xanthate: "Rusco" brand potassium and sodium, for flotation.

Zinc dust: "Asarco" brand. High metallic for industrial uses and high efficiency for mining requirements.

Zinc sheets: Metallic content, 98 per cent plus. Standard for mining requirements.

Zinc sulphate: "Asarco" brand, containing 35 per cent zinc.

OTHER INDUSTRIAL CHEMICALS

Ammonia, aqua, ammonia, anhydrous; ammonium chloride; barium chloride; barium carbonate; blanc fixe; copper carbonate; cresylic acid; formic acid; lead acetate; potash, caustic; potassium carbonate; quicksilver; soda, caustic; sodium carbonate; sodium bicarbonate; sodium silicate; sodium sulphide; sulphuric acid; thiourea; and urea.

FERTILIZER MATERIALS

Ammo-Phos: A high-analysis material offered in two grades—13 per cent NH_3 and 48 per cent available P_2O_5; 20 per cent NH_3 and 20 per cent available P_2O_5.

Aero brand cyanamide: 25 to 28 per cent ammonia.

Phosphate rock: Florida land pebble.

INSECTICIDES AND FUMIGANTS

"Cyanogas" calcium cyanide: for fruit-tree dusting and rodent control.

Hydrocyanic acid, liquid: For general fumigation, insecticidal and chemical uses.

S-dusting mixture: For dusting fruit trees.

Our technical department will be glad to cooperate with you in solving problems involving the application of any of our products. All inquiries, which should be directed to our New York office, will receive immediate and careful attention.

Mr. HARRIS. Mr. President, the Senator stated there is no Fertilizer Trust. I suppose that is true, but there is no question about the fact that fertilizer companies have had a lobby here for years.

Mr. NORRIS. Yes; I think so. I am not denying it. If it is claimed there is a Fertilizer Trust, I will just admit it for the sake of argument.

Mr. HEFLIN. I can refresh the Senator's recollection. I call attention to the report made by the Federal Trade Commission about two years ago that we did have a Fertilizer Trust.

Mr. NORRIS. That report was made in response to a resolution introduced by me. I mentioned it yesterday. Their report said we do not have a Fertilizer Trust, as a matter of fact. That is my reading of the report. I have read it and I think,

notwithstanding that conclusion, that there are a good many elements of trust involved in it.

Mr. HEFLIN. My recollection of the report is that they charged that they did have a combination in restraint of trade.

Mr. NORRIS. I have always gone on the theory that there was a contention about it and I have never tried to find out definitely because, to my mind, for the purposes of the legislation which I was trying to have enacted or defeated, either one, it was immaterial whether there was a trust or not. I wanted to make fertilizer cheaper. I did not care whether there was a trust or whether there was not. We had a great abundance of testimony before the Committee on Agriculture and Forestry from representatives of the so-called Fertilizer Trust. They all denied it. But fertilizer was costing too much to the farmer. I have always been convinced of that. Whether anybody was making too much money out of it may be another question.

Mr. McKELLAR. Mr. President, I know the Senator has examined not only into this question but all kindred questions. Can he tell us whether the various fertilizer companies sell at substantially the same price?

Mr. NORRIS. I think they do.

Mr. McKELLAR. Or is there competition?

Mr. NORRIS. I think the reports show that in some lines there was competition, but the Attorney General charged that there was a Fertilizer Trust. I am going to refer to that at a later time, and I think I shall place in the RECORD a copy of his petition, because I have it here. He went into court and made that charge. I do not think it was ever shown in court. I do not know what happened to the case. I do not think it was ever tried.

Mr. HARRIS. May I remind the Senator that the Federal court at Baltimore indicted a number of fertilizer representatives two years ago. It was done on complaints from farmers of Georgia and North Carolina, which were brought to the attention of the Attorney General by myself. It was found that they had agreed as to price in violation of the law. Those men were fined $98,000. Behind closed doors in Baltimore they fixed the price and kept up that price.

Mr. NORRIS. I am glad to learn that, because I am going to offer some evidence which will connect the Cyanamid people up pretty close to these very places, and when I do so I shall expect the Senator from Alabama, instead of supporting the Cyanamid Co. to turn violently against it.

Mr. McKELLAR. If all those various companies have fixed their prices, that is one of the elements which we generally conceive to be an element of a trust, is it not?

Mr. NORRIS. Yes; I think so.

Mr. GEORGE. Mr. President, if the Senator from Nebraska will permit me——

Mr. NORRIS. I yield.

Mr. GEORGE. The fertilizer people were not prosecuted as a trust. I think they were simply prosecuted for entering into an agreement in restraint of trade, inasmuch as they had reached an agreement fixing prices and all had abided by the prices. That was in 1926. The prices in 1927 fell considerably. There was the very sharpest kind of competition. The prices now have been advanced to where they were in 1926, and the prices of all the leading manufacturers of fertilizer are substantially uniform, varying only a small fraction indicated by most of the fertilizer companies in cents rather than dollars per ton.

Mr. McKELLAR. That is another suggestion that there might be a trust, is it not?

Mr. GEORGE. Not a trust so far as I know, but the prosecution was because of an agreement in restraint of trade on the theory that they were independent operators and had made an agreement in restraint of trade, which, of course, would have all the effects of a trust. That was in 1926. In 1927 the prices of commercial fertilizer fell and plunged downward, to the very great relief of the farmers, but in 1928 the price is back where it was or substantially where it was in 1926, and the price is just as uniform now as it was in 1926.

Mr. NORRIS. I thank the Senator.

Mr. BLEASE. Is it not a further fact that they make the farmer pay cash?

Mr. GEORGE. That is quite true, as the Senator from South Carolina has pointed out. Of course they do not compel the farmer to pay cash, but the difference between the cash price and the time price is so great that it is exorbitant.

Mr. NORRIS. I was told to-day that the difference between the cash price and the time price is $20 a ton. I wonder if that is right.

Mr. GEORGE. It ranges from something like $8 to $10 a ton. It depends, however, on the price of fertilizer, but upon a fertilizer retailing for $30 a ton the credit price would be something like $38 to $40 a ton, so that, practically, the farmer has been compelled to pay cash.

Mr. NORRIS. Now, I am coming back again to the question of the propaganda, which I am going to discuss at a later time. At the present time I want to take up for a few moments the bid of the American Cyanamid Co. When I speak of the Cyanamid Co. I mean, of course, the bid of the Air Nitrates Co. and the American Cyanamid Co., because they have a joint bid.

The bill of the Senator from Ohio [Mr. WILLIS] would accept that bid. That is what his bill provides. I want to analyze that bid somewhat and show what it would cost the Government to accept it.

The bid of the American Cyanamid Co. covers property now owned by the Government which costs $125,104,000. In addition to this, it proposes to lease the property, which is to be built by the United States, at an estimated cost of $77,300,000, making in the aggregate the leasing of property owned by the Government which cost the Government over $200,000,000. Of this total, $133,000,000 represents power properties, exclusive of locks. Of this amount, approximately $56,000,000 represents power property now owned by the Government.

Total power lease. The power project when completed will have an installation of 1,220,000 horsepower. I have been severely criticized for using these figures. I have gone over them again. I will read later on some of the criticisms. I think that my figures are approximately right, but when I went over the figures again I got 1,174,000 horsepower. So that at least I am well over 1,000,000. That is the installed horsepower which is going to be turned over to these bidders, and it does not include three other dams which they get a special right to bid for and build at their own expense.

That is the property which will be owned by the Government and leased if the Willis bill is passed—over 1,000,000 installed horsepower. That does not mean there is 1,000,000 primary horsepower there, but it means that the installation provides for that. There will be times when that can not all be operated.

This horsepower will amount to more than one-half of the total hydroelectric power now installed in the six Southern States of Alabama, Georgia, North Carolina, South Carolina, Tennessee, and Kentucky, and will mean an average annual output of power equal to 80 per cent of the total electric energy, steam and hydro, produced in these six States in 1926.

Now, we are getting at the magnitude of the proposition and what it is proposed to turn over to the lessees. By this bid the impression is conveyed that the lessee will pay the Government 4 per cent interest on its investment. This claim is continually made by those who are advocating the acceptance of the bid. It is made all over the United States through this representative in Washington of the American Farm Bureau Federation. The claim is untrue. It is misleading, because only nominal payments are made during the first six years, and interest is paid on only a part of the estimated future investments of the Government. It will be found upon figuring it out that the total of all payments made for interest, maintenance, and alleged amortization, which the lessee makes to the Government during the period of the lease, is only 2.6 per cent upon the investment of the United States in power property. This computation excludes all locks and navigation facilities. No interest whatever is paid by the lessee for the nitrate property which cost the Government, in round numbers, $69,000,000.

Now, let us see what the lessee puts into this business. The Cyanamid Co.'s investment in power property is limited to the cost of installing 80,000 additional horsepower equipment in the Sheffield steam plant. This is estimated to cost $5,400,000. That is everything that the lessee does invest that it does not get back.

Lessee's investment in fertilizer facilities: The lessee's investment in new nitrate plant and equipment will depend upon its ability to sell, at a profit of 8 per cent, the nitrates produced. It is obligated under its bid to install equipment sufficient to produce fertilizer with a fixed nitrogen content of 10,000 tons. Any further obligation in this direction depends upon its ability to sell at a profit of 8 per cent the entire output of 10,000 tons.

It is allowed to charge, in the cost of fertilizer, every item of cost connected with the construction and operation of the nitrate properties, including each year 10 per cent of its own investment in new plants. This is an amortization fee which the purchaser of fertilizer will be compelled to pay; so, in the end, the farmer will pay the entire cost of the fertilizer investment.

Now, I want the Senate to think of that for a moment. This is in the bill which the Senator from Ohio [Mr. WILLIS] would like to see enacted into law; it is in the bill that is advocated here and elsewhere by the Washington representative of the American Farm Bureau Federation, taking advantage of his

position and sending out to the farmers all over the United States misleading and often untrue information as to what this measure really is. Every dollar the company invests in fertilizer machinery is added to the cost of fertilizer—one-tenth of it every year—so that at the end of 10 years the farmers of the country, who have been urged by this farm representative to push on this move to acquire this great power, would pay back to this corporation every cent that it invested in fertilizer machinery.

Now, as to the lessee's profit.

It is estimated by Mr. Merrill, executive secretary of the Federal Power Commission, that the annual profit, with the plants under full operation, would be in excess of $7,000,000 on an investment of the lessee in power properties of only $5,400,000.

That is a pretty good thing. There are not many men but would like to have that kind of an opportunity. That is the estimate—it has to be, to some extent, an estimate, I concede—made by Mr. Merrill, whom everybody here knows. Nobody will charge Mr. Merrill with being friendly or particularly friendly at any rate, to the idea that I have advocated in regard to Muscle Shoals. He is not a Government-ownership man who is misled by bolshevik propaganda; he is one of our sound business men; he is one of the men that even all stand-patters look up to. I also look up to him; I have great confidence in him. While I do not agree with him in a great many things, I concede the honesty and conscientiousness of his position; and everybody, I think, concedes his ability, that he is an expert on this proposition. Those are his figures, not mine.

The lessee is subject to no regulation whatever for surplus power. It is very likely the intention of the lessee to use all the power in excess of fertilizer requirements in electrochemical or other industrial processes owned by the Cyanamid Co. or by its allies or subsidiaries. The lessee has the sole power of disposition, and in making use or other disposal of the power it will be subject to no regulation whatever.

It will be remembered that I read the testimony of one of the officials of the Cyanamid Co. who said, in answer to a question of Representative JAMES, "I do not want to practice any deception; you will notice that there is no restraint whatever on us in the use of this power."

I will enumerate the total capital expenses of the Government. Under this bid the Government of the United States would be required to install additional equipment—machinery—at No. 2, so as to bring the capacity of the dam to approximately 600,000 installed horsepower. The Government would also be required to construct Dam No. 3, which would have installed horsepower of approximately 250,000. The Government would also be required to construct a transmission line between Dam No. 3 and Dam No. 2 of 250,000 horsepower capacity. The Government would also be required to build a dam 225 feet in height at Cove Creek, with an installed power capacity of 200,000 horsepower. It would be required also to construct a transmission line connecting Cove Creek with the power house at Dam No. 2. The estimated cost of the properties thus to be built at the expense of the Government of the United States—and this estimate is made by Mr. Merrill, executive secretary of the Power Commission—are itemized as follows:

Additions to Dam No. 2, $8,285,000; dam and power house No. 3 (exclusive of locks), $34,650,000; transmission line No. 2 to No. 3, $225,000; Cove Creek Dam and power house (without locks), $38,140,000; transmission line Cove Creek to No. 2, $6,000,000; making a total of $77,300,000.

It is proposed not only to turn over property that we have now that has cost us more than $125,000,000 but to include investments in other property which we also turn over to the amount of $77,300,000 from the Federal Treasury.

Mr. McKELLAR. What does the Government get out of that?

Mr. NORRIS. Under the Willis bill it gets interest on the payments it has made amounting to 2.6 per cent annually.

The total property investment of the United States would therefore be as follows:

Nitrate plant No. 1, $12,888,000; nitrate plant No. 2, including the steam plant and Waco quarry, $67,555,355.09; Dam No. 2, to present capacity, $43,388,000; New dams at Cove Creek and Dam No. 3 and additions to Dam No. 2, $77,300,000; making a total capital investment on the part of the United States of $202,404,335.09.

Now let us get the total capital investment of the Cyanamid Co. How much are they going to put in? The Government has put in over $200,000,000 for them.

The total capital expense of the Cyanamid Co. of which we can be anywhere near certain is the estimated cost of $5,400,000 for additional steam plant. Assuming, of course, that the Cyanamid Co. will use the cyanamide process for which nitrate plant No. 2 was designed, it will be necessary to build in addition to the existing plants an ammonium phosphate plant and a phosphoric acid plant. An ammonium phosphate plant of a capacity of 48,000 tons of fixed nitrogen is estimated to cost $7,500,000, and for a 10,000-ton unit about $2,000,000. I do not believe, however, if the Cyanamid Co. bid shall be accepted that the company will ever build a plant exceeding 10,000 tons, because it can not be required to build additional plants until it has sold that 10,000 tons at a profit of 8 per cent; but if the nitrate plants are, in fact, extended to permit of the entire 48,000 tons of nitrate, the additional investment required by the cyanamide process would be from $15,000,000 to $18,000,000.

That is the estimate of Mr. Merrill. I ought to say here that in my conversation with Mr. Bell this morning, as I remember it, he said that the company's investment there would be about $35,000,000. I wish to give his estimate as well as that of Mr. Merrill. I wish to call attention, however, to the fact that whether it is big or little all this machinery is added up and charged to the American farmer when he buys the fertilizer. Every year he is to pay one-tenth of the cost, so that in 10 years he will pay it all back. Therefore, it is not very material whether it is a big investment or a little one, so long as it is pushed over on to the shoulders and backs of the hard-working American farmer in whose name it is proposed to put this steal across.

I come now to a comparison of investment between lessee and Government. Out of a total investment in power properties of $139,414,000, the company would have an investment of $5,400,000, or only 3.9 per cent; and of the investment in nitrate properties of from $73,000,000 to $95,000,000, the company would have from $4,000,000 to $26,000,000, dependent upon certain contingencies and the additional nitrate properties it may construct. This would give the Cyanamid Co. an investment of from 5½ to 27½ per cent of the investment made by the Government.

Do we want to go into a partnership of that kind? I expect within a short time to demonstrate and prove every one of the allegations which I have made, and in that connection I am going to read the denial that is made of the figures by Mr. Gray in the propaganda which he sends out.

Now, I wish to speak briefly about the connection of the Cyanamid Co. and the Air Nitrates Corporation with the Power Trust and with the Fertilizer Trust. I have not made any of these charges, and I would not bring out this phase of the situation if it had not been for the apparent interest that Senators have in and the apparent idea that Senators have of the existence of a fertilizer trust. I have no doubt of the existence of a water power trust. So I think it is proper that this question should be discussed.

In the action commenced by the United States against the so-called Fertilizer Trust, entitled "The United States against the American Agricultural Chemical Co. and others," filed in the district court of Maryland December 10, 1926, the Virginia-Carolina Chemical Co. was one of the most important defendants. Remember that name. That was one of the companies alleged by the Government in its suit to constitute a part of this trust.

In the Senate on February 25, 1927, pages 4761 and 4762 of the CONGRESSIONAL RECORD, Senator DENEEN, chairman of the joint committee on the Muscle Shoals proposition, referred to a trustee the Duke estate as being president of the American Cyanamid Co. Now we are connecting them up with Duke.

In Moody's Manual for 1926 in the directors' list for the American Cyanamid Co. is W. S. Lee. Mr. Lee is the engineer brought from South Carolina by the late B. M. Duke to operate the Southern Power Co. It was also shown that Duke was prominent in inception of the American Cyanamid Co.

Following the Fertilizer Trust indictment by the Government the Virginia-Carolina Chemical Co., above referred to as being one of the defendants in the Fertilizer Trust case, was shown to be closely related to the Duke interests, and last year a corporation was announced in the press consisting of Lee, representing the Duke interests, and the du Ponts and the Mellons. Now we are getting home. The Mellons are interested in this corporation. The Mellons are connected with it.

Mr. BLACK. Mr. President, will the Senator yield just there?

Mr. NORRIS. Yes.

Mr. BLACK. After talking with the Senator last week I sent for Mr. Bell, and I asked Mr. Bell if Mr. Mellon or anybody connected with the Aluminum Co. of America or anybody who had ever been connected with Mr. Mellon or the Aluminum Co. of America had any stock or any interest in

his business. He said that they absolutely had not, and that he would be glad to send to the Senator, or to me, or any of us who wanted it, a list of his stockholders and directors.

I am stating that to the Senator because I feel sure that he would want to know that, just as I wanted to know it; and that is the reason why I asked Mr. Bell.

Mr. NORRIS. I am going to offer the evidence. I have some more. I am not making any charges myself.

Mr. BLACK. If it is true, of course I should like to know it myself; I will state that to the Senator; but I asked Mr. Bell, and he stated that he would be glad to send me a list of the stockholders and directors.

Mr. BRUCE. Mr. President——

Mr. NORRIS. Just a moment. Of course, if I were going to prosecute a trust here, or a lot of fellows like this company and others, the Duke interests and the South Carolina trust, the chemical company, and before I did it I sent for them and said, "Here, now, are you a trust?" and they said, "No; we are not a trust," and I said, "All right; that settles it; we will not prosecute you," I would not expect them to admit it. I am going to offer the evidence, and you can draw your own conclusions. I do not know whether they are a trust or not; but I have been led into this trust business by the Senators who have been making the inquiry, and I am going through with it.

Mr. BLACK. If what the Senator said was intended as a reflection on sending for Mr. Bell, if the Senator were supporting a certain bid and believed that it should go through rather than to give this point to the power company—as I believe the Senator's joint resolution would do—if he were supporting another bid and had heard that the Mellon interests were connected with it, would it not be fair and right to send for one of its officers in an effort to ascertain whether or not that was true? That is exactly what I did.

Mr. NORRIS. I am not objecting to it. The Senator must not accuse me of making any objection. I do not care anything about it.

Mr. BLACK. It seems to me that if the question of the person or corporation to whom this property should go is to enter into the matter it would be better to send for a list of the directors and stockholders, so that we may know who they are.

Mr. NORRIS. The Senator can do that if he wants to.

Now I yield to the Senator from Maryland [Mr. BRUCE], who, I believe, desires to introduce a bill or something of the kind.

Mr. HEFLIN. Mr. President, before the Senator does that, is this the situation—that if the matter goes one way the Power Trust will get the plant, and if it goes the other way the Fertilizer Trust will get it?

Mr. NORRIS. That is not the situation. I will show, I think, with the evidence that I am going to offer, that this bidder is connected not only with the Fertilizer Trust but with the Power Trust also.

Mr. BLACK. Mr. President, there is a well-grounded belief where I come from, and the papers that support the power companies substantiate it, that the power companies are now supporting the Government operation bill; and it is my belief that unless an amendment which I have, and which I am going to suggest to the Senator, is added to his joint resolution the Alabama Power Co. will get every kilowatt of power if the Senator's joint resolution goes through.

Mr. NORRIS. Of course the Senator can say that. I do not believe it at all, however. I think I can demonstrate that there is nothing to it. I can not find fault with the Senator, of course, if he believes it.

Mr. BLACK. I have an amendment which I am going to suggest and ask the Senator to accept.

Mr. NORRIS. Oh, yes. I wonder if the amendment is anything like some of these other amendments that are suggested. If the substitute that is going to be offered by the Senator from Kentucky [Mr. SACKETT] is agreed to, or if the amendment that is going to be offered by the Senator from Tennessee [Mr. TYSON] is agreed to, then I shall be willing to concede that the power companies will have the main finger in the pie; and I think to some extent, although not completely, the amendment offered by the Senator from Mississippi [Mr. HARRISON] leads in that direction.

Mr. BLACK. I agree with the Senator.

Mr. NORRIS. But I want to say to the Senator that under the joint resolution as it stands, in my judgment, there is not any possibility of the power companies getting this power unless the people of the South refuse to accept it. If they will not take it, then the power companies will get it; and if the Senator can make that any plainer by an amendment, as far as I am concerned, I stand here ready to accept it.

Mr. BLACK. May I reply to that to this effect:

The law to-day requires that municipalities be given the preference. The city of Muscle Shoals has attempted to have the Secretary of War give it that preference. He has not done it. The Alabama Power Co. to-day is getting every particle of the power that is sold. If with the law existing now the Alabama Power Co. gets all the power, when the preference should be given to these others, why would not the Alabama Power Co. get it in the future?

Here is my amendment. It is a 100 per cent guaranty that no power company will divert that power from the use to which it was intended to be put. Here it is:

I propose, first, to amend the Senator's bill at the end of line 18, page 2, as follows:

Provided, That all contracts for the sale or redistribution of such power to a person, partnership, association, or corporation, for resale by such person, partnership, association, or corporation, shall contain a provision authorizing the Secretary of War to cancel such contract after 30 days' notice in writing, given to such person or corporation.

That is the first paragraph; and I propose that for this reason——

Mr. NORRIS. The Senator is not going to debate his amendment now; is he?

Mr. BLACK. No, sir.

Mr. NORRIS. It is not pending, and the Senator is diverting me from what I was talking about to another subject; but I will yield to him and let him go on and make his speech now.

Mr. BLACK. I do not want to make a speech. I am proposing that only because the Senator referred a while ago to this bill which I am conscientiously supporting as being a "steal"——

Mr. NORRIS. All right; go ahead.

Mr. BLACK. And, in my judgment, the other measure will give the power to the power company.

Provided further, That it is hereby declared to be the express purpose of this resolution to give preference in the purchase of such power to States, counties, municipalities, and thereafter preference to be given to individuals, associations, partnerships, or corporations using such power for their own purposes—

That is the second preference—

and not for resale and distribution; and it shall be the duty of the Secretary of War to recognize such preferential rights, as above set forth. If at any time there should be an application from such preferential persons, partnerships, associations, or corporations, and if it is necessary for the Secretary of War to cancel outstanding contracts with persons or corporations which resell or redistribute such power, in order to supply power to such preferential persons or corporations, it shall be his duty to cancel such contract after 30 days' notice and supply power to such preferential persons or corporations.

It is not the intent or purpose of this resolution to interfere with the regulation of intrastate power rates by the States after such power is sold by the Secretary of War; but, in order that the power sold may reach the consumers at all times without exorbitant profits, the Secretary of War shall cancel any contract made with persons or corporations reselling or redistributing power which sell the same at a net profit of more than 8 per cent.

2½. The power sold by the Secretary of War shall be sold at a rate which will bring net to the Government a maximum of 4 per cent upon the amount of the investment in the property used in the production of the power sold.

In other words, I provide an amendment—I do not want to argue it at all, as I stated—which, in the first place, limits the profit of the Government. It then limits the profit of the distributing company that receives the power. It then provides that in order to give preference to customers who desire to use power themselves, and to municipalities, the power companies who purchase it shall have it only subject to a 30 days' cancellation clause; and at any time any customer wanting it for himself—the farmer that we want to protect, or the small merchant—can send and get it, and then they can cancel the contract with 30 days' cancellation notice.

Mr. NORRIS. Mr. President, it is not my intention to discuss the Senator's amendment now. I do not think the Senator was quite fair in injecting it here in the middle of a proposition that I was advancing and evidence that I was offering about the trust.

Mr. BLACK. I beg the Senator's pardon; I did not intend to interfere with his speech.

Mr. NORRIS. I am only going to say, in passing, that as I listened to the reading of the amendment I am of the opinion that if the Senate adopts it my joint resolution is killed.

Mr. BLACK. May I put it at the end of the Senator's remarks? I do not want to interfere with his speech in any way.

Mr. NORRIS. No; I am discussing the amendment now, so I would rather have it in right here. If I understand it correctly, it will be supported and voted for by those who are opposed—and some, of course, like the Senator, who favor it—but mainly by those who are opposed to the passage of the committee joint resolution. If I am not mistaken from my listening to the reading, if that amendment becomes part of the joint resolution that we pass, and some man running a garage down there wants to get current from the Government, he is entitled to get it, and the Secretary of War will have to supply it to him. He will have to give that man a preference. He will have to present his bills monthly and send his men there to read the meter. If everybody applies for it, he has to go into the business in every locality, every municipality, and supply this farmer or that business man with electricity from Muscle Shoals. He must render his bills and collect them individually from these people.

The Senator does not think for a moment that those who are trying to block any legislation here would support for a moment a joint resolution that means that, if his amendment would do that; and I think it would. If some man living a mile or two out of Florence wrote a letter and said, "I want electricity in my house; get it out here," the Senator's amendment would make it incumbent upon the Secretary of War to sell it to him individually. He might not take 2 kilowatts a month, or more than 20 or 30 kilowatts per month, let us say; but the Secretary of War, with electricity up to a high voltage that he could not put into that man's house, would have to go to the expense of putting in the proper machinery to step it down so that he could run it into that man's house. In other words, the Senator's amendment would put the Secretary of War in the business of retailing electricity to everybody who asked for it within transmission distance of Muscle Shoals. The Senator does not want to do that.

Mr. BLACK. May I state that this is in exactly the form of the Senator's joint resolution, except that I limit it so that the power company can not get the power. I do not think the Senator's joint resolution goes to the extent he has stated at all, and I did not intend to have my amendment do so; and I do not think it does.

Mr. NORRIS. Perhaps it does not. Of course, I have not read it.

Mr. BLACK. I do not offer it as a block, because whether this measure passes or the other, I want to get a measure through that does not turn over the power to the power company, and this will keep it from it.

Mr. NORRIS. My own idea is that that would do it. If it has the effect that I think it would have from listening to it, nobody would get it. The Secretary of War can not go into the retail business of furnishing electricity, and if we should say he should do it, we would stand no show of ever getting such a law through.

There are some things in the Senator's amendment to which I have not any objection, which I should like to see in the law. Some are already in it. I would rather the distributing power companies would get that power than to have nobody get it; but I am opposed to putting in any provision like the pending amendment, which as I remember, provides that a distributing company, a power company like the Alabama Power Co., shall have the same privilege as a municipality—in other words, in effect taking away the preference that is given to a municipality—and that is done on the ground, which I presume is true, that a great many municipalities have sold their municipal distributing plants to the Alabama Power Co., and to some other power companies, that I understand have been very active in paying fabulous prices for them. They have been doing that in Nebraska, too. They have been doing it all over the United States, and they have tied themselves up, so that they can not go into the business.

I do not want to put that city and the city that has held itself aloof and is ready to accept the proposition and to distribute the electricity on an equality. If we do put them on an equality, there is no assurance that any person or any industry anywhere within transmission distance of Muscle Shoals will get a single cent of reduction. We are selling the power now to the Alabama Power Co. from month to month. Has the Senator heard of any place in his great State where the Alabama Power Co. has reduced the price to the consumer?

Mr. BLACK. No; the Senator has not; and that is the reason he does not want to turn the rest of it over to them for 10 years or 50 years.

Mr. NORRIS. That is what the Senator is going to do, I think, if he gets his amendment through. He will fix it so that nobody will take it, and we will get no bill, and the result will be that the Secretary of War will go on doing just what he is doing now; and that is what I do not want to happen.

Mr. McKELLAR. Mr. President, in connection with the question as to who is to get it, as I understood the Senator yesterday, he said that he would be willing to accept an amendment fixing a time limit in which municipalities, States, and counties might accept the provisions of this act. Was I correct in that?

Mr. NORRIS. Yes; I would be in favor of that kind of a proposition, and I would favor this proposition. I have already had printed—probably the Senator has seen it—an amendment providing that if a municipality will come in and take electricity under this resolution they shall have a lease, if they want it, for 25 years instead of 10. I do not know whether that amendment would pass the Senate or not, but I expect to offer it.

Mr. HEFLIN. In that case, who would construct the transmission lines?

Mr. NORRIS. Either party could construct them. If the lease were for 25 years, it is more likely that the municipality would construct it.

Mr. McKELLAR. I may have misunderstood the particular provision of the Senator's measure, but does the joint resolution provide for the authorization of any fund with which to build these transmission lines?

Mr. NORRIS. Yes. I have forgotten now just where the provision is, but I think it can be done under the resolution, either by direct appropriation from Congress or by using the money that is received from the sale of electricity.

Mr. McKELLAR. At any rate, that is the intention of the measure?

Mr. NORRIS. Yes. Now let me go back to where I was when I was interrupted. I regret this digression, because I was right in the midst of something which I thought was interesting, and I took it up because Senators have been asking me about the Power and the Fertilizer Trust, and I was answering their questions. I had just gotten started offering this evidence when, all at once, Senators commenced to rise and question me about something else, about the preference given to a municipality or a private company, about this power company getting all of the current down there, and so on; in other words, diverting attention and taking me away from the thing I was discussing.

Why this sensitiveness about the Power Trust? Why are Senators anxious to prevent me from offering evidence here to show that the Cyanamid Co. is pretty close to both the Power Trust and the Fertilizer Trust? I am not saying that it is. I am going to offer some evidence, and I would like to get a chance to do so. Senators interrupt me and divert my attention to some other line. Are they afraid of the Power Trust or of the Fertilizer Trust?

Mr. McKELLAR. Mr. President, I want to make a disclaimer. I did not intend to divert the Senator. I would be glad to hear the evidence he is speaking of.

Mr. BLACK. Mr. President, may I also state that I am delighted to hear the Senator. It will be a very great pleasure for me to listen to him as he produces all the evidence. I have sat here patiently through all his speech, and I will sit here even if the Senator talks four days, because I am anxious to hear the Senator's remarks. They are illuminating and instructive.

Mr. McKELLAR. The Senator is making a splendid speech, I want to say.

Mr. NORRIS. I hope Senators will not take up any more time in either commendation or criticism, because either one will have the same effect, keeping me from going on with this evidence.

I have forgotten just how much of this I had read.

Following the Fertilizer Trust indictment by the Government the Virginia-Carolina Chemical Co.—

And remember, they are one of the defendants in the Government suit charging a trust in the fertilizer business—

above referred to, as being one of the defendants in the Fertilizer Trust case, is closely related to the Duke interest, and last year a corporation was announced in the press consisting of Lee—

He is the man whom Duke himself brought up from South Carolina to run the Duke Corporation—

representing the Duke interests, and the du Ponts and the Mellons.

I think that is where I stopped. When I mentioned the Mellons, everybody commenced to get interested in trying to shoot me off on some sidetrack. I am surprised at the influence Mellon has over on the other side of the Chamber, anyway. The people who want the Cyanamid Co. to get this ought to listen now to whatever evidence will tend to connect the Mellon interests and the Duke interests and the Virginia-Carolina Chem-

ical Co., which is part of the trust, according to your own estimate and opinion and evidence.

It was a large development of water power in Canada for chemical purposes.

That is what these fellows were doing. This shows that there is at least a friendly relation between the American Cyanamid Co. and the Duke interests and the power interests. In other words, this corporation was announced, in which Lee represented Duke and the du Ponts and the Mellons, and it was a development of water power in Canada for chemical purposes.

I will show now where the American Cyanamid Co. was directly interested, and one of the main spokes in the wheel of this Canadian corporation. When I have done that, I will have connected Cyanamid, the Water Power and Fertilizer Trust, and Mellon all in the same bunch.

I have here an advertisement from the New York Times of April 29, 1926. This is the heading:

Duke-Price Power Co. (Ltd.) first-mortgage 6 per cent sinking fund gold bonds, series A.

Amounting to $37,000,000.

Let us see, now, how they were floating that issue of bonds. They were to mature, according to this advertisement, May 1, 1966. It was just a little over a year ago that all this happened, less than two years ago.

Cumulative sinking fund, begining in 1929, calculated to retire at least half of all series A bonds by maturity.

Who are the trustees of this great company? The first name mentioned is the Union Trust Co. of Pittsburgh. Does that look like Mellon? The Union Trust Co. of Pittsburgh and the National Trust Co. (Ltd.), of Montreal. They are the trustees. Here is what part of this advertisement says:

As a result of negotiations initiated following Mr. Duke's death last year, Aluminum Co. of America—

Does that sound like Mellon?

Aluminum Co. of America interests are acquiring 53⅓ per cent of company's stock and the Shawinigan Water & Power Co. 20 per cent (the remaining 26⅔ per cent being retained by the Duke-Price interests).

And that is part of the Fertilizer Trust.

These new interests are contracting for large amounts of power. A reconstitution of company's capital structure is also being effected, which will result in a capitalization presently to be outstanding of these $37,000,000 bonds and 210,000 shares of capital stock.

More than half of it owned by the Aluminum Co. It tells what the property consists of. Remember, this is an advertisement to sell bonds. I might read all of it, but probably it is not necessary to do so. It tells now what power contracts it has. This is a power company, trying to sell bonds, and Mr. Mellon's bank in Pittsburgh and a bank in Montreal are the trustees, which are going to sell the bonds. In order to make the security attractive to the public, they are giving a statement of the assets of the company, as I have just read part of it. More than half of the stock is going to be purchased by Mr. Mellon's aluminum company.

They also tell in the advertisement the contracts for the sale of power, and that will help to sell the bonds. Here are some of them:

Company has firm contracts for sale of 330,000 horsepower, as follows:

Here is the list:

Aluminum Co. of Canada, 100,000 horsepower.

You might say that is not Mr. Mellon's company. The Aluminum Co. of Canada has contracted to take 100,000 horsepower for 50 years, and right after this name, "Aluminum Co. of Canada," is a little star. Remember, this company is the Aluminum Co. of Canada. This little star refers us to an explanatory note, which says:

All of whose stock is owned and the due performance of whose contract is guaranteed—

By whom? Whom would you think?—

The Aluminum Co. of America.

How do those who want this bid accepted like to be associated with the Aluminum Co. of America? How do they like to be in the same class with Mr. Mellon? It might be all right for me, but I do not see how Senators can live for a moment to be associated with Mellon, the Fertilizer Trust, the Duke trust, the Power Trust, or the Aluminum Trust.

Mr. BLACK. Or the Republican trust.

Mr. NORRIS. I hope the Senator will take the Republican trust with the other trusts and keep it. I do not want it.

Let us see who is going to run this company.

Management: Company's board of directors will include representatives of the Aluminum Co. of America—

Mr. Mellon might favor some of his friends here, I suppose, if we would act right in the Senate—

the Shawinigan Water & Power Co., Price Bros. & Co. (Ltd.), and the Duke estate—

There we get back to the power and the fertilizer all going to be represented in the management of this company—

all of whom have had long and successful experience in management of large industrial and hydroelectric power enterprises.

They have. There is no doubt about that.

Who sells these bonds? Here are several names: First, The Union Trust Co. of Pittsburgh. They can be bought of Mr. Mellon there. But there is another bank of Pittsburgh where they can be purchased and Senators who are particularly in love with Mr. Mellon would rather take this bank, because it shows on its face who owns it—the Mellon National Bank of Pittsburgh. We can buy the bonds there. It may be they have not sold them all yet. It might be that some could be had yet. I presume one could find out at the office of the Secretary of the Treasury whether they have any left or not.

What about the American Cyanamid Co.? It was incorporated under the laws of the State of Maine July 22, 1909; manufactures cyanamide and other things used in mining in the United States and also in many similar districts in Mexico, Canada, and other parts of the world. The manufacture, sale, and use are controlled by patents. It also manufactures other heavy chemicals and mines phosphate rock; plants located at Niagara Falls, Ontario, and Warners, N. J.; capacity of cyanamide plant at Niagara Falls 75,000 tons per annum. In 1916 the Cyanamid Co. acquired the Amalgamated Phosphate Co. with mines at Brewster, Fla.

It controls the Air Nitrates Corporation, which is one of the bidders here. Do Senators begin to see where the American Cyanamid Co. is connected up with the Fertilizer Trust which they allege exists? The Air Nitrates Corporation was formed in 1917 to construct three plants, one at Muscle Shoals on the Tennessee River, one at Cincinnati, and one at Toledo, funds for construction and operation to be furnished by the United States Government. The plant at Muscle Shoals began manufacture October 26, 1918, but all work there and the construction of two plants at Toledo and Cincinnati were discontinued by order of the Government soon after the signing of the armistice.

Here are some of the things it owns: Ferto Chemical Sales Co. (Ltd.), incorporated in Canada June 8, 1925, to buy and sell cyanamide and kindred products under a sales and financing contract with American Cyanamid Co., and designed to develop foreign markets, make foreign connections, and establish foreign agencies. Capital stock, 70,000 no par shares, of which 65,943 shares are distributed to holders of common shares of American Cyanamid Co.

So the American Cyanamid Co. and the Air Nitrates Co. are one and practically the same. Management: W. B. Bell, president. I read his testimony and he told in his testimony, when he was fighting the Ford offer, that nobody could take nitrate plant No. 2 and make fertilizer with it without a loss; that it could not be done; that it was an impossibility. Moreover, one of the other officials testified that they would not even let the Government do it because the Government did not have the patents, which they owned.

J. O. Hammitt is another one of the management, a vice president. I read his testimony, not when he was trying to get Muscle Shoals but when he was trying to prevent Mr. Ford from getting it. He was telling the truth then. He told then that it was perfectly foolish to undertake the operation of nitrate plant No. 2. He ought to know. He is in the chemical business.

W. S. Landis is another vice president. I am coming to him later. He is one of the men whose testimony this man Gray has sent broadcast over the United States. In sending out that testimony he did not tell those to whom he was sending it that he was sending them the testimony of an officer of the very company which was trying to get Muscle Shoals. There is another item of deception which the representative of the American Farm Bureau Federation was perpetrating upon the farmers of America. He sent this testimony out, saying that Landis was an ex-president of the American Chemical Society. He never was a president of the American Chemical

Society, although I concede he is a chemist and a good one. I have not a thing in the world against him. So far as I know he is a fine gentleman, truthful, and everything else, but he is directly interested in this matter, and his testimony has been sent out as that of a disinterested man advising the farmers, to try to create a sentiment in favor of the acceptance of this bid.

Now I come to the history of the Virginia-Carolina Chemical Corporation, a member of the trust as alleged by the Attorney General and half of the Members of the Senate. It was—

incorporated in Virginia March 24, 1926, to acquire property and assets of the Virginia-Carolina Chemical Co. (Inc.) in New Jersey September 12, 1895, which consolidated a number of manufacturers of fertilizers, acids—

If Senators will listen to this they will pretty nearly reach the conclusion that these people are a trust from their own statements—

which consolidated a number of manufacturers of fertilizers, acids, chemicals, and various kindred products.

Owns plants in Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Louisiana, and Tennessee, in which States it controls a large percentage of business in its line. Owns entire capital stock of Charleston Mining & Manufacturing Co.; latter owning in fee over 68,000 acres of phosphate lands in South Carolina, Tennessee, and Florida, and mineral rights on more than 6,000 acres additional, together with 7 plants for mining, preparing, and shipping phosphate rock, about 64 miles of railroad, 26 locomotives, 890 cars, 15 steam shovels, 13 steam hoisters, etc.; also owns and operates large pyrite mines, producing a large portion of the pyrites used by it in manufacturing sulphuric acid, and in addition has various foreign potash, sulphur, and other properties; controls Sulphur Mining & Railroad Co., Georgia Chemical Works, American Fertilizing Co., and Bryant Fertilizer Co.

That is almost enough to make a pretty fair showing of it being connected with and a part of the trust. It controls fertilizer, practically, in several of the Southern States. It was charged by the Attorney General of the United States with being a part of the Fertilizer Trust. This company is connected with the Duke interests. This company is connected through the Duke interests with the power interests of America. Through the Mellon interests it is connected with the water-power interests even of Canada, as I have shown.

Mr. President, this argument is particularly made for the benefit of those here who believe in the hideousness and the power of the Fertilizer Trust, of the Water Power Trust, of the Chemical Trust, and of the Mellon Trust. We showed as we were going along that these people were connected with the Southern Power Co.

Who is the Southern Power Co.? G. G. Allen is president; B. N. Duke and others are vice presidents, including W. S. Lee. These are the same men. Lee is the man, it will be remembered, whom Mr. Duke brought up here from South Carolina. Then there is A. B. Duke, who is treasurer of the Southern Power Co. On the board of directors we find B. N. Duke, W. C. Parker, W. R. Perkins, G. G. Allen, and a lot of others. So we find them all connected, and Senators can take their choice.

I want to read now a little that may be ancient history, but it is from that cemetery known as the CONGRESSIONAL RECORD, which sometimes has resurrections. I am going to read now from the CONGRESSIONAL RECORD of April 7, 1916, at page 6471.

Mr. CURTIS. Mr. President, may I interrupt the Senator?

Mr. NORRIS. Certainly.

Mr. CURTIS. Does the Senator expect to conclude his speech to-night?

Mr. NORRIS. I can not conclude it to-night. I shall be glad to suspend when I reach a good stopping place.

Mr. CURTIS. It is desired to have an executive session, and if the Senator will yield for that purpose I should like to make the motion at this time.

Mr. NORRIS. Very well; I might as well suspend for the day.

UNANIMOUS-CONSENT AGREEMENT—MIDDLE RIO GRANDE CONSERVANCY DISTRICT

Mr. BRATTON. Mr. President, I rise for the purpose of proposing a unanimous-consent agreement, and that is that when the Senate concludes its routine morning business next Tuesday it shall take up for consideration the bill (S. 700) authorizing the Secretary of the Interior to execute an agreement with Middle Rio Grande Conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, New Mexico, and for other purposes.

Mr. CURTIS. During the morning hour and only until 2 o'clock?

Mr. BRATTON. I prefer not to fix that limitation.

Mr. CURTIS. The unfinished business, of course, would be laid before the Senate at 2 o'clock unless it was temporarily laid aside.

Mr. BRATTON. I think the Senator from Nebraska will agree to do that.

Mr. CURTIS. May I ask the Senator if this is satisfactory to the chairman of the committee, the Senator from North Dakota [Mr. FRAZIER]?

Mr. BRATTON. I have conferred with the Senator from Wisconsin [Mr. LA FOLLETTE], who is interested in the measure.

Mr. CURTIS. Is it satisfactory to him?

Mr. BRATTON. Yes.

Mr. CURTIS. Then I have no objection.

Mr. FESS. May I ask what bill it is to which the Senator refers?

Mr. BRATTON. It is known as the Middle Rio Grande conservancy bill; in New Mexico, a local bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Mexico? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened and (at 5 o'clock and 25 minutes p. m.) the Senate, under the order previously entered, adjourned until Monday, February 27, 1928, at 12 o'clock meridian.

ADDITIONAL PROTOCOL TO PAN AMERICAN SANITARY CONVENTION

In executive session this day, the following protocol was ratified, and, on motion of Mr. BORAH, and by unanimous consent, the injunction of secrecy was removed therefrom:

To the Senate:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith an additional protocol signed at Lima on October 17, 1927, to the Pan American Sanitary Convention, signed at Habana on November 14, 1924, to the ratification of which the Senate gave its advice and consent on February 23, 1925.

CALVIN COOLIDGE.

THE WHITE HOUSE,
Washington, February 15, 1928.

The PRESIDENT:

The Pan American Sanitary Convention signed at Habana on November 14, 1924, the ratification of which was advised by the Senate on February 23, 1925, and which was proclaimed on April 28, 1925, contains no provision for denunciation.

This omission has been supplied by the signature at Lima, on October 19, 1927, by duly authorized plenipotentiaries, of an additional protocol, an authenticated copy of which the undersigned, the Secretary of State, has the honor to lay before the President with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approves thereof.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, February 13, 1928.

[Translation]

The Presidents of the Argentine Republic, Bolivia, the United States of Brazil, Colombia, Costa Rica, Cuba, Ecuador, the United States of America, Guatemala, Haiti, Honduras, Nicaragua, Panama, Paraguay, Peru, the Dominican Republic, Uruguay and the United States of Venezuela, desirous of adding to the Sanitary Convention signed at Habana on November 14, 1924, have appointed as their plenipotentiaries, to wit:

Argentine Republic: Dr. Laurentino Olascoaga, Dr. Nicolás Lozano, and Dr. Alfredo Sordelli.

Bolivia: Dr. Adolfo Flores and Dr. Adolfo Durán.

United States of Brazil: Dr. João Pedro de Albuquerque and Dr. Bento Oswaldo Cruz.

Colombia: Dr. Julio Aparicio.

Costa Rica: Dr. Solón Núñez F. and Mr. Jaime G. Bennett.

Cuba: Dr. Fernando Rensoli and Dr. Mario G. Lebredo.

Ecuador: Dr. Luis M. Cueva.

United States of America: Dr. Hugh S. Cumming, Dr. Bolivar J. Lloyd, and Dr. John D. Long.

Guatemala: Mr. Pablo Emilio Guedes.

Haiti: Mr. Víctor Kieffer Marchand and Dr. Guillermo Angulo P. A.
Honduras: Dr. José Jorge Callejas.
Nicaragua: Mr. Julio C. Gastiaburú.
Panama: Dr. José Guillermo Lewis.
Paraguay: Dr. Isidro Ramirez.
Peru: Dr. Carlos Enrique Paz Soldán, Dr. Sebastián Lorente, Dr. Baltazar Caravedo, Dr. Daniel E. Lavorería, and Dr. Julio C. Gastiaburú.
Dominican Republic: Dr. Ramón Baez Soler and Dr. Alejandro Bussalleu.
Uruguay: Dr. Justo F. Gonzalez.
United States of Venezuela: Dr. Emilio Ochoa.
Who, after communicating to one another their full powers and finding them in due form, have agreed to adopt, ad referendum, the following:

ADDITIONAL PROTOCOL APPROVED BY THE CONFERENCE (AD REFERENDUM)

The ratification of the Sanitary Code shall be deposited in the Office of the Secretary of State of the Republic of Cuba and the Cuban Government shall communicate these ratifications to the other signatory States, which communication shall constitute exchange of ratifications. The Convention shall become effective in each of the signatory States on the date of ratification thereof by said State, and shall remain in force without limitation of time, each one of the signatory or adherent States reserving the right to withdraw from the Convention by giving in due form a year's notice in advance to the Government of the Republic of Cuba.

Done and signed in the City of Lima on the nineteenth day of October, nineteen hundred and twenty-seven, in duplicate, one of which shall be sent to the Ministry of Foreign Relations of Peru and the other to the Pan American Sanitary Office, so that copies thereof may be deposited, through the diplomatic channel, to the signatory and adhering Governments.

For the Argentine Republic:
LAURENTINO OLASCOGA.
NICOLÁS LOZANO.
A. SORDELLI.

For Bolivia:
A. FLORES
ADOLFO F. DURÁN.

For the United States of Brazil:
JOÃO PEDRO DE ALBUQUERQUE.
BENTO OSWALDO CRUZ.

For Colombia:
JULIO APARICIO.

For Costa Rica:
SOLÓN NÚÑEZ.
JAIME G. BENNETT.

For Cuba:
D. F. RENSOLI.
Dr. MARIO G. LEBREDO.

For Ecuador:
LUIS M. ĆUEVA.

For the United States of America:
HUGH S. CUMMING.
BOLIVAR J. LLOYD.
JOHN D. LONG.

For Guatemala:
PABLO EMILIO GUEDES.

For Haiti:
V. KIEFER MARCHAND.
GMO. ANGULO P. A.

For Honduras:
JOSÉ J. ĆALLEJAS.

For Nicaragua:
J. C. GASTIABURÚ.

For Panama:
JOSÉ G. LEWIS.

For Paraguay:
ISIDRO RAMÍREZ.

Por Peru:
CARLOS ENRIQUE PAZ SOLDÁN.
SEBASTIÁN LORENTE.
BALTAZAR CARAVEDO.
D. E. LAVORERÍA.
J. C. GASTIABURÚ.

For Dominican Republic:
R. BAEZ SOLER.
A. BUSSALLEU.

For Uruguay:
JUSTO F. GONZALEZ.

For the United States of Venezuela:
E. OCHOA.

PROTOCOL TO TREATY WITH THE NETHERLANDS FOR ADVANCEMENT OF GENERAL PEACE

In executive session this day, the following protocol was ratified, and, on motion of Mr. BORAH, and by unanimous consent, the injunction of secrecy was removed therefrom:

To the Senate:

I transmit herewith, with a view to receiving the advice and consent of the Senate to its ratification, a protocol signed February 13, 1928, between the United States and the Netherlands, interpretative of Article I of the treaty concluded between the two countries on December 18, 1913, looking to the advancement of the cause of general peace.

THE WHITE HOUSE,
Washington, February 16, 1928.

FEBRUARY 13, 1928.

The PRESIDENT,
The White House:

It will be recalled that in 1913–14 this Government concluded treaties with several countries looking to the advancement of the cause of general peace. Such a treaty was concluded with the Government of the Netherlands. With minor changes the text for the most part was uniform in all the treaties. The treaty with the Netherlands (Dutch and English text) was signed on December 18, 1913, and the Senate consented to its ratification on August 13, 1914. Article I defines the character of disputes which are the subject of the treaty. After the conclusion of the treaty, in 1917, the Netherlands Government invited the department's attention to a variance between the Dutch and the English texts of Article I.

The English text reads:

> The High Contracting Parties agree that all disputes between them, of every nature whatsoever, to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, shall, when diplomatic methods of adjustment have failed, be referred for investigation and report to a permanent International Commission, to be constituted in the manner prescribed in the next succeeding article; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

It will be seen that this article covers "all disputes between them of every nature whatsoever" without specifying the time of origin of such disputes. The Dutch text specifies "all disputes of every nature whatsoever that may arise between them," thus implying that only those disputes arising after the coming into force of the treaty are contemplated. The Netherlands Government observed that a literal interpretation of the Dutch text would preclude disputes having their origin in fact arising prior to the time when the treaty goes into effect, and suggested the signing, at the time of the exchange of ratification of the treaty, of a protocol interpretative of Article I, the effect of which would be to make the treaty applicable to all disputes whether arising after the coming into force of the treaty or having their origin in facts arising prior thereto. Due to the exigencies of the late war, however, the matter lay dormant and was not renewed until 1923, at which time my predecessor was of the opinion that the proposed protocol would have the effect of modifying the terms of the treaty to which the Senate had given its approval and would therefore require its submission to that body. At that time neither this Government nor the Netherlands Legation at this capital was aware of the existence of any controversy between the United States and the Netherlands and the department advised the legation that there would appear to be no occasion for submitting the proposed protocol to the Senate.

The department is now in receipt of a note from the Netherlands minister in which he states that his Government confirms his prior statement that there is no existing controversy between the two Governments. The department understands that the insistence of the Netherlands Government to have the protocol concluded is due solely to their desire to clarify the variance between the Dutch and the English texts, without which they are not prepared to proceed to the exchange of ratifications of the original treaty, since the Netherlands States Assembly has approved the treaty on the understanding that this Government would accept the interpretative protocol.

I have the honor, therefore, to request that, should your judgment approve thereof, you transmit the inclosed protocol, dated February 13, 1928, to the Senate with a view to receiving the advice and consent of that body to ratification. When such ratification has been received, steps will be taken immediately to effect the exchange of ratifications of the original treaty accompanied by this protocol.

Respectfully,

FRANK B. KELLOGG.

The Government of the United States and the Government of the Netherlands, desiring to remove any doubt or uncertainty that may exist or that may hereafter arise as to the interpretation to be placed on Article I of the treaty signed between the two Governments on December 18, 1913, with respect to disputes that may exist between them at the time of the taking effect of the said treaty, have authorized the undersigned to declare that the said Article I is meant and intended to apply, subject to the terms of that article, to all disputes between the two Governments existing at the time of the taking effect of the treaty as well as to those arising thereafter.

In witness whereof the undersigned have hereto signed their names and have affixed their respective seals at the City of Washington, this thirteenth day of February in the year one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG. [SEAL.]
J. H. VAN ROYEN. [SEAL.]

EXTRADITION TREATY WITH POLAND

In executive session this day, the following treaty was ratified, and, on motion of Mr. BORAH, and by unanimous consent, the injunction of secrecy was removed therefrom:

To the Senate:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith an extradition treaty between the United States and Poland, signed at Warsaw, November 22, 1927.

There is also transmitted, merely for the information of the Senate, a protocol accompanying the treaty.

THE WHITE HOUSE,
Washington, February 16, 1928.

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate, to receive the advice and consent of that body to ratification, if his judgment approve thereof, an extradition treaty between the United States and Poland, signed at Warsaw on November 22, 1927.

There is also inclosed, for the information of the Senate, but which seems to require no ratification on the part of the United States, a protocol accompanying the treaty.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, February 15, 1928.

The United States of America and the Republic of Poland, desiring to promote the cause of justice, have resolved to conclude a treaty for the extradition of fugitives from justice, between the United States of America and the Republic of Poland, and have appointed for that purpose the following plenipotentiaries:

The United States of America: H. E. John B. Stetson, Jr., Envoy Extraordinary and Minister Plenipotentiary in Warsaw,

The Republic of Poland: H. E. August Zaleski, Minister for Foreign Affairs,

Who, after having so communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I

It is agreed that the Government of the United States and the Government of Poland shall, upon requisition duly made as herein provided, deliver up to justice any person who may be charged with, or may have been convicted of any of the crimes specified in Article II of the present treaty committed within the jurisdiction of one of the High Contracting Parties and who shall seek an asylum or shall be found within the territory of the other, provided that such surrender shall take place only upon such evidence of criminality, as according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offence had been there committed.

ARTICLE II

Persons shall be delivered up according to the provisions of the present Treaty, who shall have been charged with, or convicted of any of the following crimes:

1. Murder, comprehending the crimes designed by the terms parricide, assassination, manslaughter when voluntary, poisoning or infanticide;
2. The attempt to commit murder;
3. Arson;
4. Wilful and unlawful destruction or damage of track and railroad establishments, which endangers human life;
5. Crimes committed at sea:

a. Piracy;

b. Wrongfully sinking or destroying a vessel at sea or attempting to do so;

c. Mutiny or conspiracy by two or more members of the crew or other persons on board of a vessel on the high seas, for the purpose of rebelling against the authority of the Captain or Commander of such vessel, or by fraud or violence taking possession of a vessel;

d. Assault on board ship upon the high seas, with intent to do bodily harm.

6. Burglary, defined to be the act of breaking into and entering the house of another in the night time with intent to commit a felony therein;
7. Robbery, defined to be the act of feloniously and forcibly taking from the person of another goods or money by violence or by putting him in fear;
8. The fabrication of counterfeit money, wherein coin or paper, counterfeit titles or coupons of public debt, created by National, State, Provincial, Territorial, Local or Municipal Governments, bank notes or other instruments of public credit, counterfeit dies and the utterance, circulation or fraudulent use of the above mentioned objects;
9. Forgery or the utterance of forged papers or the fraudulent use of any of the same, providing the loss occasioned exceeds one thousand dollars or Polish equivalent;
10. Embezzlement or criminal malversation committed by public officers or depositaries, where the amount embezzled exceeds one thousand dollars or Polish equivalent;
11. Embezzlement by any person or persons hired, salaried or employed, to the detriment of their employers or principals, when the crime or offence is punishable by imprisonment or other corporal punishment by the laws of both countries and where the amount embezzled exceeds one thousand dollars or Polish equivalent;
12. Fraud or breach of a trust by a bailee, banker, agent, factor, trustee, executor, administrator, guardian, director or officer of any Company or Corporation, or by any one in any fiduciary position, where the amount of money or the value of the property misappropriated exceeds one thousand dollars or Polish equivalent;
13. Obtaining money, valuable securities or other property by false pretences or receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained, where the amount of money or the value of the property so obtained or received exceeds one thousand dollars or Polish equivalent;
14. Larceny if the damage caused exceeds one thousand dollars or Polish equivalent;
15. Perjury or subornation of perjury, where as a result of such a false testimony, an innocent person has been punished by imprisonment or a more severe penalty, or a person has been unjustly acquitted of a crime or an unjust sentence was pronounced in a civil case where the amount exceeds one thousand dollars or Polish equivalent and a loss of this amount actually resulted;
16. Kidnapping of minors or adults defined to be the abduction or detention of a person or persons, in order to exact money from them, their families, or any other person or persons, or for any unlawful end;
17. Crimes and offences against the laws for the suppression of slavery or slave trading;
18. Crimes defined as the so-called traffic of women and girls, that means recruiting, abduction or seduction for immoral purposes of said persons, provided such crimes be punishable by imprisonment of at least one year, or by more severe penalty.

Extradition shall also take place for participation in any of the crimes before mentioned as an accessory before or after the fact, provided such participation be punishable by imprisonment of at least one year by the laws of both the High Contracting Parties.

ARTICLE III

The provisions of the present Treaty shall not import a claim of extradition for any crime or offence of a political character, nor for acts connected with such crimes or offences.

When the crime belongs to those designated in Article II sec. 1 and 2—the fact that the offence was directed against the life of the Head of the State, the President, of one of the High Contracting Parties, or against the Head of a Foreign State, or against the life of any member of his family shall not be deemed sufficient to sustain that such crime or offence was of a political character, or was an act connected with crimes or offences of a political character.

ARTICLE IV

The person delivered up shall be tried only for the crime or offence for which he was surrendered. This provision, however, does not apply to the case, when the said person fails to leave the territory of the Party to which he was surrendered within the period of three months after the date of inflicting upon him the penalty for the crime or offence for which he was delivered, or after the date of his being advised of his acquittal or of the fact that his case has been dismissed.

ARTICLE V

A fugitive criminal shall not be surrendered under the provisions hereof, when, from lapse of time or other lawful cause, according to the laws of the place within the jurisdiction of which the crime was committed, or according to the laws of the place where he was found, the criminal is exempt from prosecution or punishment for the offence for which the surrender is asked.

Extradition shall also not be granted if, in a case of concurrent jurisdiction, there has been concluded or is pending in the surrendering State the prosecution of the fugitive on a charge growing out of the same set of facts as that upon which the extradition is sought.

ARTICLE VI

If a fugitive criminal whose surrender may be claimed pursuant to the provisions hereof be actually under prosecution, out on bail or in custody, for another crime or offence, his extradition may be deferred until such proceedings be determined, or until he shall have been set at liberty in due course of law.

ARTICLE VII

If a fugitive criminal claimed by one of the Parties hereto, shall be also claimed by one or more powers, such criminal shall be delivered to that State whose demand is first received.

Nevertheless, the surrendering State may give preference to a third State provided it is bound by a treaty concluded with that State so to do.

ARTICLE VIII

Under the stipulations of this Treaty, the United States of America shall not be bound to deliver up its citizens, and the Republic of Poland shall not be bound to deliver up either Polish citizens or those of the Free City of Danzig.

ARTICLE IX

Everything found in the possession of the fugitive criminal at the time of his arrest, whether being the proceeds of the crime or offence, or which may be material as evidence of the crime, shall so far as practicable, according to the laws of either of the High Contracting Parties, be delivered up with his person at the time of surrender—nevertheless, the rights of a third party with regard to the articles referred to, shall be duly respected.

ARTICLE X

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the High Contracting Parties. In the event of the absence of such agents from the country or its seat of government, requisitions may be made by Consular officers.

A duly authenticated copy of the sentence of the Court, before which the conviction of the criminal took place, shall be produced with requisition of surrender. If the person, whose extradition is requested, is merely charged with crime or offence, or convicted by default, a duly authenticated copy of the warrant of arrest of the Court, and of the depositions upon which such warrant may have been issued, shall be produced with such other evidence, as may be deemed competent in the case.

Extradition shall be carried out in conformity with the law governing it in the country, where the requisition of surrender is made.

ARTICLE XI

The arrest of a fugititve criminal may be requested even upon telegraphic advice, stating the existence of a sentence of conviction or a warrant of arrest.

In Poland the requisition for the arrest shall be directed to the Minister of Foreign Affairs, who will transmit it to the appropriate authorities.

In the United States of America, the requisition for the arrest shall be directed to the Secretary of State, who shall confirm the regularity of the requisition and request the appropriate authorities to take action thereon in conformity with the law.

In both countries, in case of urgency, the requisition for the arrest and detention may be addressed directly to the appropriate magistrate, in conformity with the laws in force.

A person provisionally arrested shall be released unless within three months from the date of arrest the formal requisition for surrender with the documentary proofs set out in Article X have been produced by the diplomatic agent of the demanding Government or, in his absence, by a Consular officer thereof.

ARTICLE XII

In every case of a request made by either of the High Contracting Parties for the arrest, detention or extradition of fugitive criminals, the appropriate legal officers of the country where the proceedings of extradition are had, shall assist the officers of the Government demanding the extradition before the respective judges and magistrates, by every legal means within their power.

No claim whatever for compensation for any of the services so rendered shall be made against the Government demanding the extradition, provided, however, that any officer or officers, of the surrendering Government so giving assistance, who shall in the course of their duty, receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the Government demanding the extradition the customary fees for the acts or services performed by them, in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

These claims for fees are to be submitted through the intermediary of the respective Government.

ARTICLE XIII

The expenses of arrest, detention, examination and transportation of the accused shall be paid by the Government, which has preferred the demand for extradition.

ARTICLE XIV

The provisions of the present Treaty shall be applicable to all territory wherever situated, belonging to either of the High Contracting Parties, or in the occupancy and under the control of either of them during such occupancy or control.

ARTICLE XV

The present Treaty shall be ratified by the High Contracting Parties and the exchange of ratifications shall take place at Warsaw, as soon as possible.

This Treaty shall take effect on the thirtieth day after the date of the exchange of ratifications and shall be applied, although the crime or offence, for which the extradition has been claimed, have been committed before its entering into force.

The present Treaty may be terminated, yet it will remain in force for one year from the date on which such notice of termination shall be given by either of the High Contracting Parties.

In witness whereof, the undersigned Plenipotentiaries have signed the present Treaty and affixed thereto their respective seals.

Done in duplicate at Warsaw this 22d day of November, 1927.

[SEAL.] JOHN B. STETSON, Jr.
[SEAL.] AUGUST ZALESKI.

PROTOCOL ACCOMPANYING THE TREATY OF EXTRADITION BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF POLAND

At the moment of signing the Treaty of Extradition between the United States of America and the Republic of Poland the undersigned Plenipotentiaries, duly empowered, have agreed as follows:

1. The Polish Government consents to extradite, at the request of the Government of the United States of America, all fugitive criminals, as they are referred to in the accompanying treaty, in cases where the charge involved exceeds $200.00, although the minimum provided for in the accompanying treaty for the High Contracting Parties is $1,000.00.

The foregoing agreement applies to the provisions of Paragraphs 9, 10, 11, 12, 13, 14 and 15 of Article II of the accompanying treaty.

2. The Polish Government, which by virtue of Article 104 of the Treaty of Peace of Versailles conducts the foreign affairs of the Free City of Danzig, undertakes to do all that is necessary to secure the adherence of the Free City of Danzig to the provisions of this protocol and the accompanying treaty as soon as possible.

In faith whereof, the undersigned Plenipotentiaries have signed the present protocol and affixed thereto their respective seals.

Done in duplicate at Warsaw this 22d day of November 1927.

[SEAL.] JOHN B. STETSON, Jr.
[SEAL.] AUGUST ZALESKI.

NOMINATIONS

Executive nominations received by the Senate February 24, 1928

UNITED STATES COAST GUARD

Isaac E. Johannessen to be a chief boatswain in the Coast Guard of the United States, to take effect from date of oath.

The above-named officer has passed the examination required for the promotion for which he is recommended.

UNITED STATES ATTORNEY

John R. Watkins, of Michigan, to be United States attorney, eastern district of Michigan, vice Ora L. Smith, appointed by court.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

To Coast Artillery Corps

Second Lieut. Marvin John McKinney, Air Corps, with rank from June 12, 1926.

PROMOTIONS IN THE REGULAR ARMY

To be major

Capt. Delphin Etienne Thebaud, Infantry, from February 17, 1928.

To be captains

First Lieut. William Neely Todd, jr., Cavalry, from February 16, 1928.

First Lieut. Thomas Reed Taber, Ordnance Department, from February 17, 1928.

First Lieut. Harry William Lins, Coast Artillery Corps, from February 18, 1928.

To be first lieutenants

Second Lieut. Ulysses John Lincoln Peoples, jr., Field Artillery, from February 16, 1928.

Second Lieut. Richard Briggs Evans, Cavalry, from February 17, 1928.

Second Lieut. Everett Clement Meriwether, Field Artillery, from February 18, 1928.

MEDICAL CORPS

To be colonel

Lieut. Col. John Leslie Shepard, Medical Corps, from February 21, 1928.

MEDICAL ADMINISTRATIVE CORPS

To be captains

First Lieut. Berban Huffine, Medical Administrative Corps, from February 16, 1928.

First Lieut. Richard Homer McElwain, Medical Administrative Corps, from February 19, 1928.

First Lieut. William Mortimer Barton, Medical Administrative Corps, from February 20, 1928.

PROMOTIONS IN THE NAVY

MARINE CORPS

Second Lieut. Richard J. Godin to be a first lieutenant in the Marine Corps, from the 17th day of May, 1927.

Sergt. George O. Van Orden, a noncommissioned officer of the Marine Corps, to be a second lieutenant in the Marine Corps, for a probationary period of two years, from the 20th day of January, 1928.

Quartermaster Clerk Claude T. Lytle to be a chief quartermaster clerk in the Marine Corps, to rank with but after second lieutenant, from the 10th day of June, 1926.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 24, 1928

POSTMASTERS

MISSOURI

George L. Keener, Galt.
Thomas W. Box, Lamar.
William T. Robinson, La Plata.
Alexander T. Boothe, Pierce City.
L. Tom Wilder, Ste. Genevieve.
Charles Hawker, Wheeling.

PENNSYLVANIA

Lemuel N. Ammon, Gap.
John N. Sharpsteen, Honesdale.
Charles B. Bishop, Morton.

TENNESSEE

Chester A. Scott, Selmer.

HOUSE OF REPRESENTATIVES

FRIDAY, *February 24, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord, we know that Thou art near by the thoughts of our hearts. Let Thy approach put everything else to silence, holy silence; it makes all others discord. Do Thou create within us chastened and softened spirits. Visit the poor and the unfortunate and cause them to smile through tearless laughter. No human being is so prized as he who advances through the conquest of difficulty. Opportunity is sacred. Teach us what patience and diligence can do through prolonged effort. Be with our country, and may the spirit of brotherhood and trust beat and throb until they echo to the remotest boundary lines of the Union. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed a concurrent resolution and bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. Con. Res. 6. Concurrent resolution to print and bind the proceedings in Congress together with the proceedings at the unveiling in Statuary Hall of the statue of Alexander Hamilton Stephens, presented by the State of Georgia;

S. 1637. An act for the relief of Martha Henson;

S. 2370. An act to amend section 24 of the immigration act of 1917;

S. 2450. An act to amend the immigration act of 1924 entitled "An act to limit the immigration of aliens into the United States, and for other purposes";

S. 2737. An act for the relief of Morgan Miller;

S. 2781. An act to amend the Code of Law for the District of Columbia so as to empower the corporation counsel for the District of Columbia and his assistants to administer oaths; and

S. 2801. An act granting the consent of Congress to the New Martinsville & Ohio River Bridge Co. (Inc.) to construct, maintain, and operate a bridge across the Ohio River at or near New Martinsville, W. Va.

The message also announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 5502. An act authorizing the Washington Missouri River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Washington, Franklin County, Mo.;

H. R. 5722. An act authorizing the Rogers Bros. Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ashland, Ky.;

H. R. 6639. An act authorizing the Centennial Bridge Co., of Independence, Mo. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Liberty Landing, Clay County, Mo.;

H. R. 6991. An act authorizing the erection of a nonsectarian chapel at the Army medical center in the District of Columbia, and for other purposes;

H. R. 8106. An act authorizing F. C. Parnhill, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Arrow Rock, Saline County, Mo.; and

H. R. 8107. An act authorizing Frank M. Burruss, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Miami, Saline County, Mo.

ADJOURNMENT OVER UNTIL MONDAY

Mr. TILSON. Mr. Speaker, in case the consideration of the District of Columbia appropriation bill is completed to-day, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Monday next.

The SPEAKER. The gentleman from Connecticut asks unanimous consent, if the District of Columbia appropriation bill is completed to-day, that when the House adjourns to-day it adjourn to meet on Monday next. Is there objection?

Mr. LINTHICUM. Mr. Speaker, reserving the right to object, why not adjourn until Monday anyway, whether we complete the District of Columbia appropriation bill to-day or not?

Mr. TILSON. We must complete the appropriation bill so that it may be on its way to the Senate.

Mr. BLANTON. And does the gentleman from Connecticut have to bribe the gentleman from Nebraska [Mr. SIMMONS] in order to go over a day?

Mr. TILSON. The gentleman from Texas can characterize my request as he wishes, but it is the desire to have this bill go to the Senate promptly. If it is finished to-day, rather than take two days to finish it, we can very well adjourn over and catch up with our other work. If the bill is not finished to-day, I shall feel that I must insist upon the consideration of it going on to-morrow.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Yes.

Mr. ABERNETHY. What are we going to do on Monday?

Mr. TILSON. Next Monday is the regular District of Columbia day. I understand that the Committee on the District of Columbia has some important legislation which that committee wishes to have considered at that time.

Mr. BLANTON. And if we do not finish the appropriation bill to-morrow, is the gentleman going to run on Sunday?

Mr. TILSON. I think we ought to run to a very late hour to-morrow, if it be necessary to do so, in order to finish the consideration of this bill.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

ADDRESS OF HON. CHARLES H. BRAND

Mr. CRISP. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein a speech delivered by my colleague, Judge BRAND of Georgia, before the Georgia Bankers' Association, advocating that in insolvent banks the depositors be given first call on the assets.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. CRISP. Mr. Speaker, over 300 bankers from all portions of the State were in attendance upon this convention, held in Atlanta, Ga., May 16–18, 1927. He was speaking in the interest of the depositors of insolvent banks, contending that they should be paid first above all other creditors, which suggestion was approved and enacted into law at the following session of the General Assembly of Georgia.

PAY DEPOSITORS FIRST

I am not here as Congressman from the Athens district but as a delegate from the Brand Banking Co., of Lawrenceville, Ga., of which my brother, L. M. Brand, who is present, is president, I being chairman of the board of directors of this bank.

Mr. Eugene Black, in his address on the first day of this session of your convention, stated that numerous bills would be introduced at the next general assembly guaranteeing the payment of deposits of insolvent banks, and he classified that as radical legislation. I do not care to discuss what is or what is not radical legislation at this time, though in making the suggestion which I will submit to you for your consideration I want to state that I am not in favor of any character of legislation, State or national, the effect of which would be to make sound banks take care of unsound banks, successful banks to take care of unsuccessful banks, or strong banks to protect the weak banks.

The bill which I have introduced in Congress provides for a guaranty against loss to depositors in national banks and State banks members of the Federal reserve system, but there is not a line in the bill which is unjust or unfair to any bank, and there is no discrimination in favor of one bank against another. However, it is not my purpose to discourse upon the merits of this bill.

As all of you know, there are seven classes of preferred creditors under the present banking laws of Georgia. There were originally eight, but the "United States" as a preferred creditor was, by an amendment to the laws, eliminated a few years ago. The present law providing the order of paying debts of insolvent banks puts the depositors in the fifth class. I contend this is not right and that the law ought to be amended so as to take the depositors out of the fifth class and put them at the head of the list and let them be paid first in the distribution of assets of an insolvent bank.

I have attended every session of this convention and have heard all the discussions in regard to the banks of the States and all references to groups and zones, service charges, and how banks should be run, and the best way of functioning which would make money for the bankers, at which I make no complaint, but up to date no suggestion has been made regarding the payment of deposits when banks fail.

If we can not obtain more satisfactory legislation in behalf of depositors, the next best thing which should be done is to rearrange the order of paying preferred creditors, and instead of putting the State of Georgia first, which in all cases is protected by bond as counties are, the depositors should be placed first in the preferred class.

I submit to you this suggestion for your serious consideration, with the hope you will reach the conclusion that it is the duty of the general assembly to put depositors at the head of the list of preferred creditors so that when a bank in Georgia fails the people who put their money in such bank will be paid first.

The people of Georgia are no longer going to be satisfied with present legislation and the assurance that they will get the money they have deposited if the bank does not fail. What the people are clamoring for in this State, and what they are entitled to, is assurance that the depositors will get their money when they call for it when a bank does fail. This is not confined to Georgia. It is common feeling all over the country, especially in the Western States.

If the amendment which I propose to the present banking laws is enacted by the general assembly it won't hurt any bank in Georgia, it will not hurt the State of Georgia, it will not hurt any county in the State, and it will not do any injury to any of the municipalities who have bonded officers.

There is more suffering in Georgia on account of broken banks due to losses to depositors than any other one thing, and I think it is high time that the Georgia Bankers Association and this convention, which is composed of men of experience and a sense of justice and fairness, should get active and take some interest in behalf of the depositors. The situation calls for something more than passiveness or inaction on the part of the Georgia Bankers Association. The bankers of this State may as well meet the issue by proposing or supporting some constructive legislation which will afford protection to depositors. I think it would be almost a crime if the general assembly of this State at its next session does not do something to protect the depositors. I don't see how any banker or any member of the general assembly can afford to offer any opposition to the suggestion which I have made to you.

I have no right to suggest what you should do or should not do, but I give it to you as my judgment, after studying the situation for at least two years as a member of the Banking and Currency Committee of the House, that you owe it to your depositors whose money you use to make money for the banks to speak to the members of the next general assembly and urge upon them to pass some law which will give better protection to depositors than exists under present laws.

Something must be done if confidence is to be restored in the banks of the country. We must protect the depositor. If you make money in the administration of your trust as bankers, it is all right; paying dividends to your stockholders is all right; but for God's sake do something for the depositors to protect them when the banks become insolvent. [Applause.]

ADDRESS BY MR. HUSTON THOMPSON

Mr. HULL of Tennessee. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a brief speech by Mr. Huston Thompson on certain phases of government and prosperity.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD by printing an address delivered by Mr. Huston Thompson. Is there objection?

There was no objection.

Mr. HULL of Tennessee. Mr. Speaker, I desire to extend my remarks in the RECORD by inserting the following address at the Jackson Day dinner, January 12, 1928, Mayflower Hotel, Washington, D. C.:

IRRESPONSIBLE GOVERNMENT AND DIVES PROSPERITY

Mr. Chairman, Andrew Jackson was superb in fighting for his beliefs—supreme in fighting the things he opposed. He fought for lawful business, big and little, just as he fought against an irresponsible government which sprang from monopoly. Like him the Democratic Party has been the best friend lawful big business and little business in this country has ever had. But that same irresponsible government which Jackson fought and defeated is more in control to-day than ever before. It is no longer invisible nor inarticulate. It is omnipresent. At home it speaks with authority and abroad is speaks with shrapnel.

In a most exciting and informing eight years on the Federal Trade Commission I saw special privilege, the father of irresponsible government, perform. I saw it wend its way to and from the places where privilege and monopoly flourish in the banking center of New York City. There is the real center of our Government to-day. From thence its tentacles have reached out over our entire land. It sits by our fires and sups in our cups. It haunts our Treasury and it sometimes sleeps in our White House.

I saw irresponsible government take complete control under a Republican administration. This irresponsible government has no ideals; it believes not in the common man and makes no pretense of this except at election time. I learned from Calvin Coolidge what its philosophy is when he said: "We justify the greater and greater accumulations of

capital because we believe that therefrom flow all the support * * * to the charities which minister to the people as a whole." He has stated this repeatedly.

This is nothing more nor less than the philosophy of Dives. You remember the Bible story of a certain rich man, Dives, who graciously permitted the crumbs of charity to fall from his table to the beggar Lazarus.

Is it any wonder that with such a philosophy the administration blew a great blast of publicity in 1926 to glorify the creation of 11,000 millionaires, but was silent as the tomb over the mortality of more banks in that year than have ever failed in any other year of our history? Do you wonder that it soft-pedaled the startling information that last year there were 48,758 bankruptcies in the United States, with a total loss of $885,557,006, which, by the way, is $200,000,000 more in this year of vaunted prosperity than the losses of the previous year? Do you wonder that the administration in 1926 proclaimed the creation of 226 multimillionaires so loudly that we could not hear the tramp, tramp, tramp of over half a million people who are each year forsaking the farms for the unrest of our cities never to return, because they can not make a living in what Jefferson said should be our primary industry? Is it surprising that this irresponsible Government, with its Dives prosperity, has looked on with complacency while 39 per cent of our farms have come to be worked by tenants and the mortgages on 170,000 of them foreclosed annually; or that the farmer's purchasing dollar has dwindled to a value of 60 cents, while that of the tariff recipients is worth 100 cents?

The announcement made just a few days before this last Christmas that the largest cotton mills in New England, followed by other mills, all having a 45 per cent tariff protection, would, after repeated cuts in wages, put into effect another cut of 10 per cent on Christmas Eve so that the families of many were brought below a living income, caused no more tremor to irresponsible government than the fact that over 80,000,000 of our people are living at this hour on an income that supports but a bare existence.

Think not that this smug, self-satisfied prosperity that comes from irresponsible government is permanent. The rest of the world is not going to permit 6 per cent of the population of the earth to maintain the comfort and luxury of Dives with the possession of one-half of the gold of the world. If you doubt it, I would remind you that the industrial units of the nations of Europe are combining to trade against us, since they can not trade with us. I would remind you that within the last few months tariff doors have one by one been closing against us among the nations of Europe, and that on the 15th of this very month the German Government will discontinue certain preferences on automobile parts. This means not only a serious reduction in profits of American companies, but the closing down of at least five great American assembling plants in Germany. What will become of this much-vaunted prosperity should the rest of the world close its markets to us, as it is giving marked indications of doing, and our goods pile up on our wharves?

But make no mistake about it, my friends, this Dives prosperity is the real issue in the next campaign. At least it should be. The administration will not dare to bring forth the subject of economy with a Coolidge budget of four billion two hundred and fifty-nine millions and the most colossal pork-barrel expenditures of congressional history in the offing. It will not dare to submit its international policies dictated by irresponsible government; and what can it say of law enforcement when there has been none?

In preparation for its campaign, this irresponsible government, with its Dives prosperity, has silenced the Federal Trade Commission, it has made the Department of Commerce a school for the study of price control, and it has held chloroform to the nostrils of the Department of Justice. Its battle lines are set, and its Big Berthas of publicity and propaganda are ready to blaze forth.

What about the ideals of the Democratic Party, which must meet the attacks of our opponents? We recorded some of them in the statute books when we were last in power. We declared our belief in property rights and in human rights. We enacted laws with the purpose of freeing lawful big and little business from the attacks of special privilege and monopoly. We legislated against unlawful concentration of capital, because unlawful concentration is death. We reduced the tariff to a point where competition in prices was once more restored in this country in order to bring about a fairer distribution of our wealth. We believe that this country was dedicated not to ideas, but to ideals that have nothing in common with the prosperity of a Dives. We believe in a foreign policy that does not destroy the lives of our own marines nor of the people of other nations with whom we are at peace, and we have set our faces against force and dollar diplomacy. We believe that this country should aspire to and maintain that position of moral and political leadership among mankind which it was privileged to have under Woodrow Wilson.

But what do we see as we look at the country to-day? Great masses whom the administration is endeavoring to fool into believing there is universal prosperity. We see apathy and loss of interest in government which does not even awaken to a resentment over the most terrible political scandals that have ever visited our land.

We see the concentration of wealth and power into the hands of a few because of the lack of law enforcement until 1 per cent of the people own more of the wealth of our Nation than the other 99 per cent; two corporations own one-half of our iron ore; four corporations own one-half of all of our copper ore; and six corporations own one-third of our developed water power. We see holding companies with as many as 150 subsidiaries who take their orders from the parent company. The parent company, operating interstate, is therefore beyond the reach of State laws, and for this reason the States have lost control; we see the helpless public descending upon Washington for protection because the States can not help them, and Congress setting up commissions, bureaus, and divisions of government to meet the situation because they know of no other remedy and because there is no other remedy if we permit great monopolies and irresponsible government to have their sway. We see powerful groups combining, merging, and incorporating until many of the avenues of publicity are no longer free or competitive. If this is not government by oligarchy, what is it?

Everywhere I hear that there are no issues. Everywhere I go men are discussing personalities and not principles. Everywhere I hear our Republican opponents seductively suggesting issues upon which they hope we will split and forget those against which Jefferson, Jackson, Lincoln, and Wilson fought and against which we, too, must fight if we are to deserve the support of the people. It is time for us to go before the country with some claims, some issue in keeping with the history of America and with the traditions of our great party.

The issue of a reasonably reduced tariff that will restore the equilibrium between the farmers and industrialists and bring back the benefits of competition to the mass of ultimate consumers. The issue of the sale of Senate seats and Cabinet bribery; the issue of the breaking down of privilege, monopoly, and the unlawful concentration of wealth; of protecting honest business, big and little, against the attacks of irresponsible government, and halting the control of the agencies which educate and inform our people. The issue of law enforcement. The issue of the resumption of our former place of moral leadership among the nations of the world. These are the issues to which free men can give impassioned allegiance. They are the issues which will justify the existence of the Democratic Party.

Let us set them over against the issue of irresponsible government and its offspring, prosperity of Dives.

You know and I know that the Government in Washington is no longer the Government of the people as a whole, but that the real Government is a soviet of financiers, a dictatorship of finances and monopolies. You know that we have gotten about as far away from the kind of a nation that Jefferson planned and Jackson builded as it is possible to get. You know that this great people has responded to nobler and higher appeals than those of Dives and the dinner pail. It was not for a Dives prosperity that men trod the frozen roads with Washington. It was not for this that our land gave 70,000 boys and $20,000,000,000 of treasure. No! All those sacrifices were made in the attempt to suppress irresponsible government, to secure social justice, to make democracy safe not only in the world at large but in our Nation and to live up to the ideals which once made America beloved and admired of all mankind.

Shall we surrender to irresponsible government and become crumb collectors like Lazarus, or shall we determine once and for all to be free men and women?

If we shall take our stand alongside the spirit of Jackson, we shall arrest the attention of the country by our challenge. Let us take that stand. Like him let us give no quarter and ask for none! Then shall we again climb to the heights of victory!

PREPAREDNESS

Mrs. ROGERS. Mr. Speaker, I ask unanimous consent to read a telegram and to address the House for three minutes.

The SPEAKER. Is there objection?

There was no objection.

Mrs. ROGERS. Mr. Speaker and Members of the House, I have been asked to read the following telegram from Mrs. Margaret N. McCluer:

KANSAS CITY, MO., *February 20, 1928.*

Mrs. EDITH NOURSE ROGERS,
Member of Congress, Washington, D. C.:

Hearty congratulations to you and the other three women in Congress for your splendid stand on national defense and the Navy bill. The American War Mothers are praying that you win. They whose sons have served and are serving on land and sea know the meaning of naval and military preparedness. The Washington report is wrong in saying only the Daughters of the American Revolution stand for preparedness. Thirty organizations that participated in last national patriotic conference went on record demanding preparedness. The American War Mothers were in that conference and cast their vote for the naval bill now in Congress and for all measures that want

adequate defense, knowing and believing reasonable preparedness is the best peace insurance. We do not wish to be classed in the pacifist ranks, so beg of you to correct same on floor of Congress, if possible.

Loyally yours,

Mrs. MARGARET N. MCCLUER,
National Legislation Chairman American War Mothers.

It is significant that these splendid patriotic war mothers want adequate national defense. Many of these women gave what was far dearer to them than life—their sons to die for us. Many of these war mothers have the agony of seeing their boys sick, and terribly mutilated, as a result of our lack of national defense. They know only too well what lack of preparedness means. They are paying the cost of it. These women believe in adequate national defense just as some of the greatest Presidents of our country believed in it.

George Washington, Alexander Hamilton, Thomas Jefferson, and Theodore Roosevelt wanted peace-time preparedness, and President Calvin Coolidge has always stated that he wanted adequate preparedness.

Theodore Roosevelt said:

So far from being a provocation to war, an adequate and highly trained Navy is the best guarantee against war, the cheapest and most effective peace insurance.

Our safe and sound President Calvin Coolidge, in his inaugural address in 1925, said:

Our country represents nothing but peaceful intentions, but it ought not to fail to maintain such a military force as comports with the dignity and security of a free people.

And Congress has believed that he favored strengthening our Navy at the present time.

We Americans do not want war. We think in terms of peace, but we owe it to those men who defended us by their supreme sacrifice to have adequate naval and military protection to insure the peace that they so dearly bought.

We all know what treaties may mean. Heaven forbid that another war should ever come. But if it should come, our young men would go into it in the same patriotic, fearless way that the young men have entered all our wars. We have asked so much in every war of the youth of this great land of ours, and the youth have never failed us. In war time the flower of the country goes forth to battle. It seems incredible that they should be allowed to go unprepared. No one wants peace more than I, as I have seen too steadily since 1917 the horrors of war not to want a lasting peace. And the only way to insure peace is to be adequately prepared in man power—prepared by an able Foreign Service, prepared by land, prepared by sea, prepared industrially, prepared in the air, and prepared under the sea.

I shall never forget seeing the *Fatherland* on January 1, 1918, creeping out of New York Harbor. The ship was packed with young men—too young to die, too young to be mutilated. I later learned that four times that interned ship started with her precious cargo of young life only to return to New York. Something was wrong with the engines. If we had had enough ships of our own we would not have been obliged to use the interned German ships that we needed and used with fear, as there was the probability that the engines had been tampered with by the Germans.

I have been very much distressed, and I believe other Members of the House have also, in receiving letters from clergymen and from other people protesting against the Navy bill. Their letters show that they do not understand that this measure of preparedness, the proposed naval bill, is one of national defense and not a preparation to wage war. There is a curious lack of understanding, a curious lack of tolerance exhibited in these communications. If words could kill, some of us would certainly be dead. I have received letters from supposedly gentle clergymen, who use language in describing this measure which makes me blush with shame for them. I believe if they really understood the original proposed naval bill the so-called pacifists would undoubtedly want that measure of national defense. They want us to be able to protect ourselves, I am sure, in case we were attacked. They little realize the impression we are receiving from their letters—that they are bitter and vindictive and are waging a kind of war against Members of Congress. They write me that Congress is "blind," that Congress is "stupid," and in the same letter they ask me to support the President, implying that the President wants no more replacements; wants no more ships. They are very unjust. They indicate very clearly that they little understand any proposed naval bill. On the other hand I have many letters like this telegram from the American War Mothers, from people who suffer as a result of war, people who want adequate defense. They are tolerant and much more pacific than most of the people who write me against the naval program. It would be unfair to say that all letters sent to me against the bill are discourteous, because many of them are most courteous. And as yet no one, except the committee, knows just what the Naval Affairs Committee will report out. I firmly believe that when the committee does report out its naval bill and when the citizens of the United States understand the need of replacements in our Navy and the need for some new ships, that only those who believe in practically no Navy at all will complain. These frenzied protests have been due in large measure to lack of knowledge of our naval problem. It is a great pity that at the present time the pacifists are separated from the patriotism of the minds of the country. I know a pacifist can also be a patriot, and I know that patriots most earnestly want peace.

Doctor Gordon, of Winnipeg, who writes under the nom de plume of Ralph Connor, was a chaplain during the World War. He said, "We of England have had to realize what a terrible thing it is to be unprepared against those who are prepared," and also "what a terrible thing it is to have but walls of flesh and blood to put up against machines of steel." Doctor Gordon is a pacifist and Doctor Gordon is a patriot.

I thank you for your attention. [Applause.]

SUBMARINES

Mr. McCLINTIC. Mr. Speaker, I ask unanimous consent to address the House for five minutes on the subject of submarines.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. McCLINTIC. Mr. Speaker and Members of the House, as long as civilized nations maintain, own, and operate submarines, just that long will the United States have to keep up this arm of its national defense. A submarine can come closer to the harbors of the world than any other type of ship in time of war. It was the submarine that destroyed as much as 1,000,000 tons of commerce per month during the World War. I venture to say that should this Nation be so unfortunate as to become involved in a war with a major nation it would have to commandeer every shipbuilding plant in the United States in order to build enough submarines to protect our country and our commerce. So, if that is true, why should we not face this situation in the proper way?

Now, we have an investigation of this subject proposed, and the issue has been joined. One of the captains in the Navy Department has made the statement that no new safety devices have been offered in a period of a few years, and the inventor of the submarine says that if the ideas that he has placed upon ships belonging to foreign nations had been adopted by our Navy we could have saved 38 or 40 of the men lost in the last submarine disaster. So that question ought to be investigated, because the naval investigating committee did not even touch the subject of safety devices; and in addition I am confidentially informed that all the tests or trial runs that were necessary for the *S–4* to make prior to this disaster were made and because the Navy would not accept the word of the commanding officers they were required to make these tests again; therefore, the Navy put aboard an inspector and a civilian engineer who, of course, lost their lives.

This disaster ought to be investigated. We ought to know whether charges of this kind are true or not; and how are we to know if we do not investigate this disaster through some committee charged with this responsibility?

So I respectfully take issue with those who object to the investigation of this disaster on the ground that a special committee of the Navy has investigated it and has gone into the matter most thoroughly. I make the statement that the committee has not touched the vital points in which the American people are interested, because you know and I know from the letters that come to us that the people want to be informed why this Government has not provided safety devices so that when a submarine is sunk it can be rescued from the bottom of the ocean.

Mr. Speaker, I have some short extracts from newspapers which relate to this last investigation. Most of them are about 10 lines long. I think they will be very valuable, because if a committee is appointed to investigate this matter the same will be in the RECORD. I ask unanimous consent to insert them as a part of my remarks.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to insert certain extracts from various newspapers on the subject indicated. Is there objection?

Mr. SNELL. I hope the gentleman will withhold that request for a time. It is not the policy to go into those matters now.

Mr. McCLINTIC. Would the gentleman object to my inserting them in the back part of the RECORD?

Mr. SNELL. I trust the gentleman will not ask to insert them for the present.

Mr. McCLINTIC. All right. I will be glad to accede to the gentleman's wishes.

Mr. LINTHICUM. A few days ago I talked with Mrs. Jones, the widow of Roy Jones, who was in command of the *S–4*, and she spoke of a cable that had been extended from the front of the submarine to the rear, to hold it steady. Will the gentleman explain what that cable was?

Mr. McCLINTIC. I am not a submarine expert, and I am sorry I can not answer the gentleman's question.

WITHDRAWAL OF PAPERS

Mr. KVALE. Mr. Speaker, I ask unanimous consent that certain papers in the case of Seaford Anderson may be withdrawn from the files of the Committee on Military Affairs. The chairman of the committee informs me that there has been no adverse report thereon.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to withdraw from the files of the Military Committee of the House certain papers in the case of Seaford Anderson, there being no adverse report thereon. Is there objection?

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. SIMMONS. Mr. Speaker, I move the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11133, the District of Columbia appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. HOOPER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 11133) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1929, and for other purposes.

Mr. SIMMONS. Mr. Chairman, under the unanimous-consent agreement of yesterday we should now return to the paragraph beginning on line 9 of page 46.

The CHAIRMAN. Under the unanimous-consent agreement yesterday the committee will return to the paragraph referred to on page 46, as indicated by the gentleman from Nebraska. The Clerk will read the paragraph.

No part of the appropriations herein made for the public schools of the District of Columbia shall be used for the instruction of pupils who dwell outside the District of Columbia: *Provided*, That this limitation shall not apply to pupils who are enrolled in the schools of the District of Columbia on the date of the approval of this act.

Mr. GAMBRILL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GAMBRILL: Page 46, strike out all of lines 9 to 14, inclusive.

The CHAIRMAN. The gentleman from Maryland is recognized.

Mr. GAMBRILL. Mr. Chairman and ladies and gentlemen, my amendment is designed to strike out a certain paragraph of the bill which, if it is allowed to stay in the bill, will bar the children who reside outside of the District of Columbia from being instructed in the public schools of the District. We are facing here to-day the same issue which we faced two years ago.

Unfortunately the idea prevails that all children who reside outside of the District of Columbia are entitled to receive free instruction in the schools of the District. Such is not the case. Under the existing law that right or privilege is conferred only on certain children whose parents are engaged in business in the District of Columbia, officially or otherwise, or who are the children of officers and men of the United States Army and Navy. In order that the members of the committee may get this subject definitely in mind, I am going to read excerpts from the various laws: First, as to those who are entitled to admission to the public schools of the District of Columbia, the children of parents who are engaged in official duties or public duties in the District of Columbia; secondly, those whose parents are engaged, official or otherwise, in business in the District of Columbia; third, children of officers and men of the United States Army and Navy stationed outside of the District of Columbia; fourth, children of officers and men of the United States Army and Navy and children of other employees of the United States stationed outside of the District of Columbia; and, fifth, children of soldiers and sailors of the United States not residents of the District of Columbia who are on duty at stations adjacent to the District of Columbia. So you will see, members of the committee, that the privilege or right is simply granted to certain children whose parents have certain rights which the law has recognized.

The great bulk of the children who attend the schools of the District of Columbia, whose parents reside in Maryland or Virginia, are the children of those who are engaged officially or otherwise in business in the District of Columbia; and by their work and activities here contribute toward the taxable basis of this city. They are entitled for that reason to special consideration.

The general impression prevails that the State of Maryland and the State of Virginia have not done their share in trying to meet this situation. I want to disabuse the minds of the members of this committee of that idea, so far as the State of Maryland is concerned. I may say, without boastfulness but with a certain degree of pride, that the State of Maryland has in recent years made two notable contributions toward civic progress in that it has done as much if not more than any State in the Union in the construction of good roads, and it has advanced in educational facilities and conveniences from a low plane until to-day she stands in a notable position among the States of the Union.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. GAMBRILL. Mr. Chairman, I ask unanimous consent to proceed for 10 additional minutes.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to proceed for 10 additional minutes. Is there objection?

There was no objection.

Mr. GAMBRILL. But we in Maryland in particular are faced with an unusual situation in that the population of the city of Washington has grown enormously in the past 8 or 10 years and there has been a great influx of population over the District line into Maryland, which has brought about a school situation that it has been difficult for us to meet, particularly if you ladies and gentlemen will bear in mind that all school activities radiate from the county seat, and we as yet have not been able to meet this situation to its fullest extent.

I want to draw attention to a very significant situation, namely, that the committee hearings of two years ago, when the District of Columbia appropriation bill was up for consideration, show that at that time there were about 3,072 nonresident pupils who were attending the public schools in the District of Columbia. To-day that number has been reduced by 500, and now there are only about 2,500 nonresident children attending the schools in the District of Columbia. So the unusual situation which confronts us in Maryland is being met. I want to emphasize that we in Maryland are endeavoring to do our part and have done our part, and wherever the convenience of the situation was such that the children of parents residing in the District of Columbia found it more convenient to attend schools in Maryland they have been privileged to attend those schools free from any tuition charges.

I have a letter from the superintendent of the public schools of Prince Georges County, a county which is contiguous to the District of Columbia, in which the statement is made that they have in Prince Georges County schools 258 pupils whose parents are either residents of the District of Columbia or are on reservations of the United States Government. The superintendent of the public schools of Montgomery County writes me that there are 106 students attending the schools in that county whose parents reside in the District of Columbia, and in Anne Arundel County, where the Naval Academy is located, and where there is a large Government camp, the number of nonresident pupils is 157. So that in three counties alone—and I have only taken three counties in the whole State of Maryland—Maryland is educating without cost to the parents 521 pupils who may be termed nonresidents.

Mr. SIMMONS. Will the gentleman yield?

Mr. GAMBRILL. Certainly.

Mr. SIMMONS. The gentleman terms as nonresidents those pupils living within the State of Maryland on Government reservations?

Mr. GAMBRILL. The number, 521, which I have given in the statement just made, is mostly made up of children whose parents reside in the District of Columbia.

Mr. SIMMONS. Can the gentleman separate those figures?

Mr. GAMBRILL. In a general way; about 158 such students are attending the public schools in Prince Georges County, about 106 in Montgomery County, and about 75 in Anne Arundel County.

Mr. SIMMONS. From the District of Columbia?

Mr. GAMBRILL. With the exception of Anne Arundel County, these figures are correct. About 158 from Prince Georges County and 106 from Montgomery County are children attending the schools in those counties whose parents reside in the District of Columbia, and they are not paying tuition charges.

Mr. SIMMONS. The remainder of those in the total the gentleman gave are living within the State of Maryland on Government reservations?

Mr. GAMBRILL. That is true.

Mr. SIMMONS. And the gentleman terms those living on Government reservations in Maryland nonresidents of the State of Maryland?

Mr. GAMBRILL. Manifestly, because they have no voting rights, they pay no taxes, and they contribute nothing in a sense toward the maintenance and support of the State government and of the county government in which they reside.

Mr. SIMMONS. Then they should be termed nonresidents?

Mr. GAMBRILL. Certainly.

Mr. SIMMONS. Does not the same argument, then, apply to your people coming into the District of Columbia?

Mr. GAMBRILL. They are nonresidents, of course.

Mr. SIMMONS. And come under the same general classification in which the gentleman puts the Government people who are in your State?

Mr. GAMBRILL. Not at all. I want to draw this distinction, that those nonresident pupils who come into the schools of the District of Columbia come under one broad class, those children of parents who are engaged officially or otherwise in business in the District of Columbia, men who are engaged in commercial pursuits here and who by their commercial activities add to the taxable basis of the city of Washington and contribute toward the support of the District of Columbia.

Mr. SIMMONS. Will the gentleman yield further?

Mr. GAMBRILL. Yes.

Mr. SIMMONS. I understand it is the gentleman's position that the people who live on Government reservations in the State of Maryland contribute nothing to the State of Maryland?

Mr. GAMBRILL. Very little, if anything. They make most of their purchases from the commissaries on the respective reservations and do very little trading in the State of Maryland; but we are glad to have them, nevertheless.

Mr. LINTHICUM. Will the gentleman yield?

Mr. GAMBRILL. Certainly.

Mr. LINTHICUM. The gentleman raised some question about reservations; was not the District of Columbia taken over under the same provision of the Constitution that all these other reservations were taken over?

Mr. GAMBRILL. That is correct.

I want to say further, the amendment is drawn very skillfully and very artfully, if I may use that designation, in that it deprives the poor Government clerk who is drawing a small, meager salary and who goes into the State of Maryland or into Virginia in order to eke out a livelihood of the privilege of sending his children to the schools here in the District of Columbia; but it does not prevent the children of a Congressman who draws $10,000 a year and who dwells here but a few months of the year from sending his children to the schools of the District of Columbia.

Mr. SIMMONS. Will the gentleman yield there?

Mr. GAMBRILL. Certainly.

Mr. SIMMONS. The gentleman will concede that if a Congressman lives in the State of Maryland or the State of Virginia while Congress is in session, it does require that his children be subject to exactly the same limitations as the children of anyone else.

Mr. GAMBRILL. I did not know this was a bill directed particularly against the Congressmen from Maryland and from Virginia. I thought it had general application.

Mr. SIMMONS. That is a method that is used by people in Maryland to stir up antagonism——

Mr. GAMBRILL. Oh, no.

Mr. SIMMONS (continuing). When the children of a Congressman receive exactly the same treatment under this provision as the children of a charwoman anywhere in the city of Washington.

Mr. GAMBRILL. But the point I seek to make is that you have men engaged in commercial pursuits here in the District of Columbia who live in Maryland or in Virginia who are doing a great deal toward increasing the taxable basis of the city, and you have, it is estimated, 224 children of Congressmen and secretaries of Congressmen who are privileged under this paragraph of the bill, which I am objecting to, to attend the public schools of the District of Columbia, when not 10 per cent of the Congressmen are contributing anything toward the taxable basis of the District of Columbia.

Mr. GOLDSBOROUGH and Mr. KETCHAM rose.

Mr. GAMBRILL. I yield first to the gentleman from Maryland [Mr. GOLDSBOROUGH].

Mr. GOLDSBOROUGH. Does the gentleman know how many pupils from the District of Columbia attend the University of Maryland annually?

Mr. GAMBRILL. About 200.

Mr. GOLDSBOROUGH. And they cost the State of Maryland $70 apiece.

Mr. GAMBRILL. That is correct.

Mr. GOLDSBOROUGH. That is an annual cost?

Mr. GAMBRILL. That is the annual cost to the State of Maryland.

Mr. KETCHAM. Will the gentleman yield for a question at that point?

Mr. GAMBRILL. Certainly.

Mr. KETCHAM. Just a moment ago I understood the gentleman to give the figures representing the number of pupils from the District of Columbia who attend school in Prince Georges and Montgomery Counties. Will the gentleman kindly repeat those figures?

Mr. GAMBRILL. I have a letter from the superintendent of public schools of Montgomery County who says we have a total of 106 pupils reported as being enrolled in our public schools whose parents do not live in Maryland, and in a talk with him over the telephone I was advised that all these children are the children of parents residing in the District of Columbia.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. GAMBRILL. If I may, I will complete the answer to the question asked me by the gentleman from Michigan.

The superintendent of the board of education of Prince Georges County informs me by letter that there are——

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. GAMBRILL. Mr. Chairman, I ask unanimous consent that I may have five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. GAMBRILL. There are 158 pupils attending the schools of Prince Georges County whose parents reside in the District of Columbia.

Mr. KETCHAM. I thank the gentleman for that information. I wonder if the gentleman has given any consideration to this thought: What relation does the combined number of children from the District of Columbia bear to your total school enrollment of Prince Georges and Montgomery Counties, in relation of the 2,500 to the 69,000 who are to be found in the District of Columbia?

Mr. GAMBRILL. I have not those figures in mind beyond this statement made by the superintendent of public schools of Prince Georges County, who says there are 10,500 pupils attending the schools in that county.

Mr. KETCHAM. Is it not a fair assumption to say that considering school populations in both units, the attitude of Montgomery County and Prince Georges County toward the District of Columbia is as fair as the attitude on the reverse side of the question?

Mr. GAMBRILL. I think that is unquestionably true.

Mr. KETCHAM. And are you asking anything more, relatively, from the District of Columbia, when you ask that these children be continued, than you are willing to concede to the people of the District of Columbia in sending their children to the outside schools?

Mr. GAMBRILL. That is a correct statement and I am glad the gentleman brought that out.

Mr. CHINDBLOM. The gentleman from Maryland [Mr. GOLDSBOROUGH] a moment ago made reference to the University of Maryland. Does the University of Maryland charge tuition fees of its students?

Mr. GAMBRILL. It charges a tuition fee which is a very small part of the cost of the education of those students.

Mr. CHINDBLOM. Does it charge the same fees of residents of Maryland that it does residents of other parts of the United States?

Mr. GAMBRILL. It does charge the same fee to the District of Columbia students that it does to the residents of Maryland.

Mr. CHINDBLOM. What about other parts of the United States?

Mr. GAMBRILL. I have not any information on that score.

Mr. CHINDBLOM. Then, of course, when the gentleman says it costs the State of Maryland $70 a pupil for these students from the District of Columbia, that is exactly the same loss that the University sustains with reference to other students?

Mr. GAMBRILL. It sustains that loss in respect of the students from its own State, but there is no reason why that privilege or benefit should be extended to the students of the District of Columbia unless the State of Maryland wishes to recognize this reciprocity between the two political units.

Mr. CHINDBLOM. That of course, is a matter for the State of Maryland and for the managers of the University of Maryland to determine.

Mr. GAMBRILL. Manifestly.

Mr. CHINDBLOM. If they are willing to allow residents of other parts of the United States than the State of Maryland to attend the University of Maryland upon the same terms as their own citizens, that is due to their own determination.

Mr. GAMBRILL. It is their own determination——

Mr. CHINDBLOM. And Congress has nothing to do with it.

Mr. GAMBRILL. But it is a recognition of the fact that Maryland surrounds the District of Columbia and there has to be reciprocity and understanding and cooperation between the two in order to obtain the best results.

Mr. CHINDBLOM. Oh, but I dare say this does not specifically relate to the District of Columbia and I have no doubt citizens of Virginia or any other State can attend the University of Maryland upon the same terms, can they not?

Mr. GAMBRILL. I do not understand they can; no. That is not my understanding.

Mr. GOLDSBOROUGH. No.

Mr. CHINDBLOM. Let us get the facts.

Mr. GOLDSBOROUGH. I understand that Maryland pays cash $70 for every pupil——

Mr. BLANTON. Mr. Chairman, this is a very important matter, and I make the point that there is no quorum present.

Mr. GOLDSBOROUGH. I do not think the gentleman from Texas ought to interrupt me.

Mr. BLANTON. I am making a point of order that interrupts anybody.

The CHAIRMAN. The gentleman from Texas makes the point of order that no quorum is present. The Chair will count. [After counting.] One hundred and two Members are present, a quorum.

Mr. HOLADAY. Will the gentleman yield?

Mr. GAMBRILL. I will.

Mr. HOLADAY. In reference to the question asked by the gentleman from Illinois [Mr. CHINDBLOM] does the gentleman know that within the last two weeks the president of the University of Maryland has appeared before a committee of this House and asked that the District of Columbia pay tuitions for the students from the District in the University of Maryland.

Mr. GAMBRILL. I am aware of that fact, but that action was taken by the president without consultation with me or with other Members of this House, and I am not in sympathy with that effort.

The CHAIRMAN. The time of the gentleman from Maryland has again expired.

Mr. BLANTON. I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLANTON. Will the gentleman yield?

Mr. GAMBRILL. I will.

Mr. BLANTON. There are 2,571 children of scholastic age from Virginia and Maryland now attending the District schools. What in return do I understand Maryland and Virginia are giving the people of the District of Columbia?

Mr. GAMBRILL. I am afraid the gentleman from Texas was not present when the subject was being discussed.

Mr. BLANTON. Oh, yes; I was here.

Mr. GAMBRILL. I gave the figures of the number of students attending schools in Montgomery County and Prince Georges County whose parents are residents of the District of Columbia, and they are not required to pay tuition.

Mr. BLANTON. They are Army officers, are they not?

Mr. GAMBRILL. Certainly not.

Mr. BLANTON. Where did the gentleman get those statistics?

Mr. GAMBRILL. From the superintendent of schools.

Mr. BLANTON. How many children are domiciled in the District and attend those schools?

Mr. GAMBRILL. In Prince Georges County, 158; Montgomery County, 106; actual residents of the District of Columbia.

Mr. BLANTON. Two hundred and sixty-four against 2,571. The people of the District and our Government are paying for the education of 2,571 children who live in Maryland and Virginia.

Mr. GAMBRILL. You are doing that because the children are children of parents who have certain rights in the District of Columbia, because they pay taxes here.

Mr. BLANTON. No; they live in Virginia and Maryland because it is cheaper, and pay their taxes in those States.

Mr. GAMBRILL. Oh, the gentleman is looking at it from a distant point of view. He lives in a State 2,000 miles away. We have a real situation to meet here, and it ought to be met in a conciliatory way and not brought in here as legislation on an appropriation bill under the guise of a limitation.

Mr. CASEY. Will the gentleman yield?

Mr. GAMBRILL. Yes.

Mr. CASEY. In response to a question propounded by the gentleman from Illinois, the gentleman from Maryland stated that the president of the University of Maryland appeared before a committee of the House. May I ask what committee it was?

Mr. GAMBRILL. The District Committee, I think—the gentleman from Maryland can enlighten the gentleman.

Mr. ZIHLMAN. It was the subcommittee of the District Committee. He did not ask that the District pay tuition in the University of Maryland, but he did ask that the District be put under the provisions of the Morrill Land Grant Act.

Mr. CASEY. What I wanted to get clear was that this man did not appear before the subcommittee of the District of Columbia on the bill we are considering.

Mr. GAMBRILL. He did not.

Mr. SIMMONS. Will the gentleman yield?

Mr. GAMBRILL. I yield.

Mr. SIMMONS. It has been said to the members of the subcommittee on District appropriations that the so-called underpaid Government clerks——

Mr. GAMBRILL. For whom I have great sympathy.

Mr. SIMMONS. And for whom we have great sympathy—were not the people who bring their children into the District schools, and that the children of the well to do with a higher salary bring their people into the District, because your district does not build schoolhouses and afford proper facilities that the Government clerk wants schools in his home community; will the gentleman discuss that?

Mr. GAMBRILL. As I understand the comment of the gentleman, it is rather a criticism of what has been done or what the school authorities of Maryland have neglected to do. It seems to me a complete answer to that criticism can be made when I say that Prince Georges County, in the territory contiguous to Washington, where a great many of these students come from——

The CHAIRMAN. The time of the gentleman from Maryland has again expired.

Mr. GAMBRILL. Mr. Chairman, I have had so many interruptions that I ask for five additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GAMBRILL. Prince Georges County has in the last four or five years built between 40 and 50 new school buildings in order to take care of the children of that county.

Mr. GOLDSBOROUGH. Mr. Chairman, will the gentleman yield?

Mr. GAMBRILL. Yes.

Mr. GOLDSBOROUGH. The situation about the University of Maryland is this: Pupils from the State of Maryland and from the District of Columbia are charged $70 less tuition than are pupils from all of the other States in the Union. That $70 is made up out of the treasury of the State of Maryland, and the District of Columbia pupils cost the State of Maryland about $14,000 a year, as there are about 200 of them.

Mr. GAMBRILL. I am very glad to have that contribution to my remarks, which seems to me to be a complete answer to the statement made by the gentleman from Illinois.

Mr. WHITEHEAD. Mr. Chairman, will the gentleman yield?

Mr. GAMBRILL. Yes.

Mr. WHITEHEAD. I notice in the report of the committee that they say it is the intention of this bill to exclude children who are not residents of the District of Columbia. Will the gentleman give us his opinion on just who would be included within that term "not residents of the District of Columbia." Would that mean the children of civil-service employees who have living quarters in the District of Columbia, but who are residents of the States from all over the Union?

Mr. GAMBRILL. I should say that it would not apply to one who had a dwelling or a domicile here. That seems to me to be the answer to that question.

I want to conclude my remarks by showing the attitude of the people of the District of Columbia in relation to this subject. I read an excerpt from remarks made by Mr. Whitaker, president of the Citizens' Association of Takoma Park. Speaking of this subject he said:

It will work itself out. The feeling for a number of years was very strong against the Maryland people using the District of Columbia schools. That feeling was strong on the part of the District of Columbia citizens, but it has died down somewhat, although not entirely. It has died down somewhat because of the strong efforts made by the Maryland people to build adequate school facilities, which they are doing. They are constructing school buildings which they claim will provide for all Maryland children.

I read certain excerpts from an editorial which appeared in the Washington Times of January 25, 1928, as reflecting the views of the city of Washington on this subject. In this editorial the Cramton bill is discussed.

Looked at wholly as a financial matter, the bill may be justified. Looked at as shutting our splendid schools to large numbers of poor children, whose parents are our close neighbors and can not afford to pay tuition fees, the bill has little to commend it. It is not in keeping with the cry of educators that American youth should be given every opportunity for schooling.

The various District appropriation bills for years past have carried certain exemptions from tuition fees in our schools. The principal exemption has been that of children of Government employees, men and women working in Washington, spending their money here, identified in every way with the life of this city except in actual residence.

The majority of these Government workers are underpaid. They would be unable to meet tuition charges for their children. Especially would this be true as to children in the junior and senior high schools, the tuition fees in which would be from $131 to $183 per year. Not only that, these children, living near Washington, have no high schools of their own to attend. They would be deprived of useful education.

The average enrollment in District schools is now about 72,000 a year. Of this number there are 2,582 nonresident pupils, and 57 of these pay tuition. Theoretically, their average cost to the District is something less than $100 per year, or a total of approximately $200,000.

That, however, is guesswork. If these pupils were shut out from our schools altogether, the saving would not be anything like $200,000 a year. The number of teachers employed would be practically the same, for most teachers are now instructing classes far above the number of pupils they should have.

There might be a saving in schoolbooks and in a few minor items.

Washington is the nucleus of that Greater Capital City we talk so much about, and which will some day become a reality. The environs of that greater Washington will be the territory from which the vast majority of these nonresident pupils now come. The parents of these children are nearly all workers in this city and spend their money here.

The Cramton bill should not affect pupils living within an area of 3 to 5 miles of the District line and whose parents or guardians are employed here. These are virtually District children.

Denying Maryland and Virginia children the right to study in District public schools is not in keeping with American ideals or with the pleas of educational pleaders that American children be given every opportunity to receive the best possible education at public expense. Many of those children now come into Washington with their parents, who are employed in this city and spend most of their money here. The parents may be actual citizens of Virginia or Maryland, but in business and other relations they are District people.

We are facing in this appropriation bill for the District of Columbia the same issue which was presented to this House on March 17 and 18, 1926, when the then appropriation bill for the District of Columbia was being considered, namely, an effort to destroy by limitations on an appropriation bill the purpose of existing law.

By an act of Congress approved March 3, 1915, it was provided that—

hereafter all pupils whose parents are employed officially or otherwise in the District of Columbia shall be admitted and taught free of charge in the schools of said District.

By subsequent acts of Congress this privilege was extended to—

soldiers and sailors of the United States, not residents of the District of Columbia, who are at stations adjacent to the District of Columbia—

And to—

the children of officers and men of the United States Army and Navy stationed outside of the District of Columbia.

Many have approached the question of the admission of nonresident pupils to the schools of the District of Columbia under the impresison that all nonresidents are entitled to free tuition in the schools of the District of Columbia, and that the large number of such pupils in the schools of the District of Columbia is due to some neglect or fault on the part of the school authorities of the States of Maryland and Virginia.

Let me correct that impression so far as the State of Maryland is concerned by saying that almost all of the pupils from Maryland who are in the District schools are children of parents "employed officially or otherwise in the District of Columbia," and they are entitled to come here by reason of this law, which recognized that there was merit in the idea that the sons and daughters of parents "employed officially or otherwise in the District of Columbia," are entitled to special consideration. This law, the benefits of which will be destroyed unless my amendment is adopted, was intended to meet a situation where hundreds of poorly paid, if not underpaid, Government employees have been forced by the exigencies of high costs in Washington to move into Maryland and Virginia, where their living expenses are less burdensome. And it seems to me that such men and women should be allowed to send their children to the schools of the District, as well as those engaged unofficially in Washington. This privilege should continue until Maryland and Virginia can arrange to take care of the large influx of population which has settled in Maryland and Virginia near the border line of the District.

If this paragraph of the bill remains, then not only will the children of parents employed officially or otherwise in the District of Columbia be barred, but the inhibition will extend to the children of officers and men of the United States Army and Navy stationed outside of the District of Columbia and to soldiers and sailors of the United States not residents of the District of Columbia who are on duty at stations adjacent to the District of Columbia. Provisions were made to take care of such men and children in various appropriation bills, and in some respect the legislation became permanent, as the word "hereafter" was used.

A mere statement of this situation shows the unwisdom of attempting in an appropriation bill, under the guise of limitations on an appropriation, to change existing law.

I want to disabuse the minds of the members of this committee of the thought that Maryland is not doing its part in trying to meet this situation. May I say, without boastfulness, that my State has in the past few years made two notable contributions to civic progress. She leads the States of the Union in the construction of good roads, and has advanced within a few years from a low plane in public-school facilities and educational advantages until to-day she stands high among the States of the Union in this respect.

It will be admitted, however, that this large influx of population into the State of Maryland, near the District line, has presented a problem which can only be met by an orderly and gradual development of our school facilities, especially when you ladies and gentlemen realize that all school facilities radiate from the county seats of the various counties and the seats of local governments are a considerable distance from Washington. This situation is being met as rapidly as possible, and I plead for tolerance and understanding as against arbitrary and drastic action, and in doing so, I plead for the young men and boys, the men and women of the morrow, who are entitled to and should receive an education. The situation to which I have referred is being met and the number of nonresident pupils is being reduced in a marked degree.

In the committee report on the appropriation bill for the District of Columbia for the fiscal year ending June 30, 1927, it was stated that out of a total of 70,000 pupils, in attendance at the public schools of the District of Columbia, 3,072 were nonresidents. According to the committee report on the bill under consideration, making appropriations for the fiscal year 1929, the number of nonresident pupils in all schools, day schools, night schools, and vacation schools, is 2,582, or a reduction of about 500 pupils. Of this number—2,582—57 paid tuition. Page 393 of the committee hearing. The total enrollment is about

72,000. Hundreds of parents of these nonresident pupils are but temporary residents of Maryland and Virginia, and many of them still retain their legal residence in the States from whence they came and where they participate in the elections. Being employed here in Washington they spend most of their money here and in this way contribute toward the taxable basis of the city. Let me say that the shoe does not pinch one foot only. We in Maryland have tried to meet this unusual situation in a broad spirit of reciprocity, and have welcomed to our schools the children of parents who reside in the District of Columbia, when the convenience of our schools made it desirable that such children come to us, and we have done this without exacting any tuition.

I have before me a letter from the superintendent of the public schools of Prince Georges County, which is contiguous to the District, in which the statement is made that they have in the Prince Georges County schools 258 pupils whose parents are either residents of the District of Columbia or are on reservations of the United States Government.

There is a striking statement made by this superintendent who says that of 10,500 pupils enrolled in the public schools of Prince Georges County it is "estimated that fully one-fourth of the pupils attending Prince Georges schools are the children of parents who work in Washington and consequently pay their business tax direct or indirect in that city," and he might have added do most of their trading and buying in the city of Washington. During the past six years Prince Georges County has built between 40 to 50 new school buildings in order to take care of the school situation.

The superintendent of schools of Montgomery County informs me that there are 106 pupils attending the schools in that county whose parents reside in the District of Columbia, and no tuition is charged for these pupils.

In Anne Arundel County, where the Naval Academy is located and where there is a large Army camp at Camp Meade, the number of nonresident pupils is 157, so that in three counties alone, Maryland is educating without cost to the parents, 521 pupils who may be termed nonresidents.

The provision of the bill which my amendment will strike out is drawn with great skill and artfulness, in that there is nothing to deprive a Member of Congress who receives $10,000 a year and who is a dweller in Washington, from sending his children to the public schools here free of charge, while the poor Government clerk drawing a meager and hardly a living wage, may not have that privilege, because forsooth he has made the fatal mistake of going to Maryland or Virginia where the living is cheaper.

It is estimated by the gentleman from Illinois [Mr. HOLADAY], a member of the Committee on Appropriations for the District of Columbia, that there are 224 children attending the public schools of the District whose parents are either Members of Congress or secretaries to the Members; and, of course, there is not 10 per cent of the Members of Congress who pay taxes in the District. It may be that Members of Congress may be indifferent to my amendment, so long as they stand in a preferred class, so far as their children are concerned.

Why not let this question come before the House as a legislative proposition, unrelated to an appropriation bill, as would be the case if the Cramton bill was taken up for consideration? That bill is designed to close the District schools to all nonresident pupils. If he would take the subject up in this way, then the matter might be determined independent of all other questions; but this course would not satisfy the avaricious and powerful Committee on Appropriations, which intoxicated with power seeks not only to appropriate but to legislate under the guise of a limitation on an appropriation bill.

In conclusion, I hope that you gentlemen will vote to support my amendment, and thereby allow this question to be decided some day upon its merits, unrelated to anything which is contained in an appropriation bill. I thank you for your attention. [Applause.]

Mr. HOLADAY. Mr. Chairman, we have in the District of Columbia 2,571 children who are residents of the States of Maryland and Virginia, who are attending school here in the District of Columbia. The schools in the District of Columbia are crowded. Some of the children are on half time. Some are in the portable buildings, and we are making an effort to provide adequate school facilities for all of the children of the District. If those 2,571 children were taken out of the schools, we would then have adequate facilities for the children of the District.

Everywhere throughout the United States school facilities are furnished by the residents and by the taxpayers of the particular school district. Considerable is said here about offering school facilities to the children of Maryland and Virginia. That question is not at issue. We all agree that adequate school facilities should be afforded not alone to the children of the District of Columbia but to the children of Maryland and Virginia. Much has been said about the Government clerks who live in Maryland and Virginia and who need school facilities. I agree with you, but I call attention to the fact that those poor Government clerks whom we hear so much about are now paying their taxes to the States of Maryland and Virginia, and on account of the payment of those taxes they are entitled to school facilities. Maryland and Virginia are taxing those people, and their money is going into the county treasuries of these adjoining counties, and those counties are not furnishing school facilities.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. HOLADAY. Yes.

Mr. ABERNETHY. Will the gentleman tell us how many of those 2,500 children are children of Government employees or clerks?

Mr. HOLADAY. I do not have that information.

Mr. ABERNETHY. Does not the gentleman think that we ought to be a little liberal when we are dealing with the employees of the Government who are forced to go into Maryland and Virginia to live on account of cheaper conditions, because they are not paid enough to live in the District of Columbia?

Mr. HOLADAY. I am in favor of being exceedingly liberal with them, and when they are forced to go out there and pay taxes I am in favor of those communities and the organization receiving their taxes furnishing school facilities for which those people are paying. [Applause.]

Mr. HERSEY. Mr. Chairman, will the gentleman yield?

Mr. HOLADAY. I yield.

Mr. HERSEY. I understand that the paragraph to be stricken out provides that those 2,500 who are already in the District schools shall remain. They are not excluded.

Mr. HOLADAY. The gentleman is entirely correct as to that. And on that point I may say, to the credit of those adjoining counties, that they are taking steps to provide school facilities for their children. In a letter which I have here from the school superintendent of Montgomery County he says, speaking of the county authorities of Montgomery County:

> County authorities have realized that the county will ultimately be called upon to furnish school facilities for the entire county school population, and we believe the money that has already been spent in this direction in Montgomery County has put this county in position to be able to nearly accommodate its entire school population. It is generally believed that the within-described policy of school construction and maintenance will be continued.

Now, listen to this.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HOLADAY. Mr. Chairman, I ask for an additional 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HOLADAY. I read:

> We believe that within a reasonable period of years the county school plants could accommodate all county children, but should the District schools be quickly closed to our children we estimate that they would be inconvenienced to about the extent of the figures of this estimate.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. HOLADAY. Yes.

Mr. GIFFORD. I asked the question the other day, and I want to ask it again. The paragraph under discussion reads:

> No part of the appropriations herein made for the public schools of the District of Columbia shall be used for the instruction of pupils who dwell outside the District of Columbia—

And so forth. Does the gentleman know of any place in the United States where, if they will pay tuition, pupils will not be admitted to the schools of that town? Is it not true that because of a lack of legislation we are in a position where, if we had no tuition charges, we would be in a worse position than any town we know of that would not allow pupils by the payment of tuition to come to school?

Mr. HOLADAY. Whether or not they permit them to come in from other districts is largely dependent on the question whether or not they are able to accommodate them. I have never known of a district that will accept pupils from outside districts when they do not have adequate accommodations for their own children.

Mr. GOLDSBOROUGH. Mr. Chairman, will the gentleman yield?

Mr. HOLADAY. Yes.

Mr. GOLDSBOROUGH. I will state to the gentleman on that point that the State of Maryland not only admits children from adjoining counties but also admits children to its school facilities from the adjoining State of Delaware.

Mr. HOLADAY. Not free. They pay.

Mr. GOLDSBOROUGH. No; they do not pay a dollar.

Mr. HOLADAY. I believe before this matter is concluded that the gentleman will have opportunity to discuss that question.

Mr. GOLDSBOROUGH. And they take our children free also.

Mr. HOLADAY. Then there must be some reciprocity.

Mr. GOLDSBOROUGH. Yes.

Mr. ZIHLMAN. Mr. Chairman, will the gentleman yield?

Mr. HOLADAY. Yes.

Mr. ZIHLMAN. Does this include the children of Congressmen who dwell outside of the District?

Mr. HOLADAY. If they reside outside of the District they are included. They are on the same footing as the others.

Now, let us come back and see if we are reasonable in this. The county superintendent of Montgomery County in Maryland and in Judge MOORE'S county in Virginia—Arlington County—in letters they have written agree in suggesting that they recognize the principle that they should furnish school facilities for their children. They say they are working on the problem and that in a few years they hope to take care of all the children.

Now, let us see if we are reasonable. We provide that any child who is in school in the District when this act takes effect shall have the privilege of continuing his course through our schools and through the high school, so that if this amendment is defeated it will be 11 years before these children are all out of the District schools. Is not that reasonable? Is not that fair to Maryland and to Virginia? We put that provision in for two reasons: First, we wanted to be fair to Maryland and Virginia; and then there is the secondary reason that where a pupil has started in to school and perhaps has gone on to the high school for a year or two and has become interested in the activities of the school he naturally would prefer to continue in the school. So we have put that provision in.

Mr. LINTHICUM. The gentleman will remember that two days ago when we discussed this question it was stated by the chairman of the subcommittee, the gentleman from Nebraska [Mr. SIMMONS], that he had a letter from the county superintendent of Montgomery County saying he agreed to the proposition as set forth in this bill. Is that the letter he referred to? I ask that question because it does not in any part agree with statements made. Has the gentleman any letter showing that the county superintendent agrees to this proposition?

Mr. HOLADAY. I have read it to you.

Mr. LINTHICUM. He says they wanted to get ready in the future, but he does not agree to this amendment.

Mr. HOLADAY. The superintendent realizes that the county will ultimately be called upon to furnish school facilities. That is what he says. Then he says:

> We believe that within a reasonable period of years the county school plants will accommodate all the children.

Now, we are giving them 11 years.

Mr. CASEY. What is meant by a reasonable number of years? That does not mean the day this bill is signed, does it?

Mr. HOLADAY. That is a matter of discussion. He says: "Within a reasonable period of years." Now, we are placing this construction on his "reasonable period of years" by providing 11 years. I do not know whether the superintendent would consider that reasonable or not.

Mr. CASEY. That applies only to those children who are now in the District schools. But how about those who become of school age next September?

Mr. HOLADAY. They are able to take care of them.

Mr. CASEY. Where?

Mr. HOLADAY. In their own schools.

Mr. CASEY. Have we any information that that is the fact?

Mr. HOLADAY. I think the full information on the subject shows that they are able, and will be able, to take care of their children under this provision.

Now, let me say this in conclusion—and I want to address my remarks particularly to the gentlemen from Maryland: I fully agree with the president of your university that the State of Maryland should not be called upon to furnish educational facilities for the residents of the District of Columbia. I fully agree with the president, and I have already introduced a bill which would provide for the payment of tuition by the District of Columbia to Maryland if the residents of the District of Columbia go to the University of Virginia or to the University of Maryland. We are in entire accord on that proposition.

Mr. LINTHICUM. Will the gentleman yield?

Mr. HOLADAY. I yield.

Mr. LINTHICUM. The gentleman will notice in the hearings that, according to the estimate of the District of Columbia, there is $470,000,000 worth of Government property in the District, and the gentleman from Pennsylvania [Mr. CASEY] brought out in the hearings the fact that at $1.70 that would come to approximately $8,000,000. We are giving them $9,000,000, so why do you always say the District of Columbia? Is not Uncle Sam giving them $1,000,000 more than they could possibly get if they assessed him at $1.70, besides all the other advantages?

Mr. HOLADAY. I think Uncle Sam is very liberal with the District of Columbia.

Mr. LINTHICUM. Then why should not the District be liberal toward the children of his employees?

Mr. HOLADAY. But we come back to this proposition: The States of Maryland and Virginia are not entitled to any better or any different treatment than are any other States.

Mr. SIMMONS. Will the gentleman yield?

Mr. HOLADAY. Yes.

Mr. SIMMONS. The argument of the gentleman from Maryland, I take it, is this: Because the United States contributes to the support of the District of Columbia, therefore Maryland ought to have the full benefit of the contribution of the United States.

Mr. HOLADAY. That would be the conclusion to be drawn from his argument.

Mr. LINTHICUM. No. My contention is that Uncle Sam ought to educate the children of his employees in the District of Columbia just the same as he educates the children in any fort or camp in the country, where he erects schools and educates the children.

Mr. BRAND of Georgia. Will the gentleman yield?

Mr. HOLADAY. Yes.

Mr. BRAND of Georgia. What is it estimated the cost will be if this proposition prevails to allow these children to come to school in the District of Columbia? How much is it estimated the extra cost will be?

Mr. HOLADAY. Well, there are 2,571 children. But I am not able to give at this minute the average per capita cost.

Mr. BRAND of Georgia. Approximately how much would be the increased cost if they were allowed to come here to school?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HOLADAY. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for three additional minutes. Is there objection?

There was no objection.

Mr. HOLADAY. I am not able to answer that question.

Mr. LINTHICUM. I can say that the total sum is $223,000 plus, but they get about $5,700 from paid tuition, leaving a balance of $217,000 plus.

Mr. BRAND of Georgia. Per year?

Mr. LINTHICUM. Per year; yes.

Mr. HOLADAY. Now, gentlemen, in conclusion, there is one phase of this that has not been especially discussed, and that is this: There is a demand from the residents of Maryland that they have these school facilities. The clerks you talk about have come to me, and they say, "We are paying taxes into the school fund, and we believe we should have school facilities at home, so that we will not be required to send our children on the street cars and on the busses into Washington." Sometimes the parent of a small child is compelled to go with it. Now, the man who is wealthy and who has his great country place out there, with his machine and with his chauffeur, can send his children into Washington without any particular trouble, but the man who has been talked about here this afternoon, the laboring man and the Government clerk, is entitled to have schools to which he can send his children without the payment of car fare.

Mr. ABERNETHY. Will the gentleman yield?

Mr. HOLADAY. Yes.

Mr. ABERNETHY. Does the gentleman think that by cutting him off here you can force Maryland and Virginia to give those facilities to him?

Mr. HOLADAY. I am absolutely sure of it; they promise they will do it; they claim they are doing it; and I am willing to admit that to a great extent they have already done it.

Mr. WELSH of Pennsylvania. Will the gentleman yield?

Mr. HOLADAY. Yes.

Mr. WELSH of Pennsylvania. Does the gentleman believe, from the testimony which was brought out before the commit-

tee, that if the city of Washington had representative government and had to assume all of this expense from taxation that the present condition would endure for six months?

Mr. HOLADAY. No; I do not think it would endure for 60 days. If the city of Washington had to pay the entire bill, it would do just exactly what Maryland and other States of the Union are doing—it would require nonresidents to pay tuition.

Mr. MONTAGUE. But under those conditions the city of Washington would not be getting $9,000,000 from the United States.

Mr. HOLADAY. No; they would be paying their own bills.

Mr. MOORE of Virginia. Mr. Chairman——

Mr. BLANTON. Mr. Chairman, before the gentleman from Virginia begins I make the point of order that we have no quorum. We ought to have a quorum here to vote on this matter.

The CHAIRMAN. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and twenty Members are present, a quorum.

Mr. MOORE of Virginia. Mr. Chairman, the gentleman from Maryland [Mr. GAMBRILL] has stated the case so fully that there is not a great deal left to be said, but I would like to make a few observations and particularly with reference to the Virginia end of the case.

All of this area from which the school children come into the District of Columbia, or nearly all of it, is what is called the metropolitan area adjacent to the District of Columbia, which of itself creates an exceptional condition.

Now, let me give, to use the language of my unemotional friend from Michigan [Mr. KETCHAM], a few cold facts. The last figures show that the number of children coming in from Virginia, including the day pupils, the night pupils, and the pupils in the vocational schools, is 620. That is the full number—a less number than heretofore—enjoying the advantages of the schools of Washington.

When an Army officer lives in Washington his children are permitted to enter the schools of the District of Columbia. When a citizen of Nebraska or Texas lives in Washington, like permission is granted him, but if an Army officer or a citizen of Nebraska or of Texas lives just across the line in the metropolitan area outside the District of Columbia that permission is to be denied his children. Now, is there any equity in that, and is it not very premature to undertake to upset what has been the policy heretofore?

I venture to say that of these 600 children who come in from Virginia, a very large percentage of them are the children of the officers and enlisted men at the military posts in my State near to Washington.

Mr. SIMMONS. Will the gentleman yield?

Mr. MOORE of Virginia. Yes, sir.

Mr. SIMMONS. Is the gentleman prepared to say what that percentage is?

Mr. MOORE of Virginia. No; and the committee does not tell me.

Mr. SIMMONS. Would the gentleman like to know?

Mr. MOORE of Virginia. Yes; I am willing to have the information.

Mr. SIMMONS. The gentleman stated there are over 600 Virginia children in the District of Columbia schools and a large percentage of such children are the children of Army and marine officers. The large percentage to which the gentleman refers is 52 from Fort Myer and 11 from Camp Humphreys, or a total of 63 ont of over 600.

Mr. MOORE of Virginia. And how many from Quantico?

Mr. SIMMONS. I beg the gentleman's pardon. There are 9 or 10 from Quantico and none from Humphreys.

Mr. MOORE of Virginia. Then we have a percentage——

Mr. SIMMONS. Of less than 10 per cent of your total.

Mr. MOORE of Virginia. Wait one minute. Has the gentleman any figures to show how many who come in are children of parents who are not legal residents of the State of Virginia and pay nothing to the support of the Virginia government, not even a capitation tax, but live in other States and are accredited to other States?

Mr. SIMMONS. The gentleman assumes if they live in the State of Virginia they are either living in property which they own or in property for which they pay rent; is not that true?

Mr. MOORE of Virginia. It may be true or it may not. They may live in an apartment house.

Mr. SIMMONS. Then the taxes on that property are included as a part of the rent. This is a tax matter now and not a question of legal residence.

Mr. MOORE of Virginia. Then I meet the gentleman there and I say that the reservations in Virginia to which I have referred are owned by the Government of the United States and the taxable capacity of Virginia is diminished to that extent.

Mr. SIMMONS. The gentleman is jumping from one thing to another.

Mr. MOORE of Virginia. I am talking about taxation.

Mr. SIMMONS. Very well; I would like to have the gentlemen keep talking about the thing on which I based my statement.

Mr. MOORE of Virginia. The gentleman is talking about people who pay taxes to a very slight extent to the State of Virginia and I am saying there is a Government ownership which is undeniable involving the withdrawal from taxation in Virginia a considerable part of the real estate in the counties to which we have reference.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. MOORE of Virginia. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Virginia. Only this morning I had a communication from the War Department speaking of 2,000 acres of land lying in this metropolitan area on the highway between Washington and Richmond which the Government has permitted the Secretary to sell, but the Secretary has reached the conclusion he will not sell it; and for an indefinite period not one cent of revenue will go into the coffers of the State of Virginia or any subdivision of the State of Virginia from that property.

Mr. MADDEN. That is Camp Humphrey?

Mr. MOORE of Virginia. Camp Humphrey; yes.

Mr. MADDEN. There was a tremendous price paid for that property during the war, and roads were built at the expense of the Government down there in order to get to it, and all of this money came out of the Treasury of the United States.

Mr. MOORE of Virginia. That may be. The gentleman helped to spend that money; I did not. I was not here, and without regard to that, the fact I have stated remains with respect to Camp Humphrey and with respect to the reservations in question.

Now, is it not a pretty small thing to say that a man holding office, and a legal resident of the State of Nebraska, living in Virginia, who pays nothing or a mere bagatelle in the way of revenue to the State of Virginia or the county of Arlington, shall be denied access to the schools of Washington for his children although the Nebraskan who lives in Washington is allowed access to the schools?

Mr. GOLDSBOROUGH. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. GOLDSBOROUGH. Can the gentleman tell the committee how many children from the Government reservation at Fortress Monroe attend the schools of Virginia without any charge?

Mr. MOORE of Virginia. I was coming to that. There is talk about the State of Virginia being here as if a supplicant. The State of Virginia is not in any such position, and I do not intend it shall be. There is talk about denying to the children of the State, to the extent of some 600 children, the right to education here. What on the other hand? Looking at the country around Hampton Roads, and my colleague the gentleman from Virginia [Mr. DEAL] will verify what I am now stating, there are at least 10,000 employees of the Government of the United States there who are too far away from here to come to the District schools, and they attend the schools of the State of Virginia, and without any objection. They are living there only temporarily. There are officers who live there for a day and may be removed to-morrow, and the men on the ships in Hampton Roads send their children to the schools of the State of Virginia, and we have not thought of making any objection to that condition.

Mr. SIMMONS. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. SIMMONS. We could relieve that situation by removing the Government activities from those places. Would the gentleman favor that?

Mr. MOORE of Virginia. Oh, that is a very specious suggestion. It would be necessary to remove Hampton Roads also, because there is not any harbor with equal facilities in the United States as Hampton Roads.

Mr. MONTAGUE. We could relieve Washington of some of its activities and meet the situation in that way.

Mr. MOORE of Virginia. Yes.

I have barely outlined the situation, and I submit we have rather a picayune proposition here, with great deference and respect to the committee which sponsors it.

My friend has referred to a letter received from the superintendent of schools in Arlington County. That official writes me saying they are making every exertion over there to provide for the children, but that the overflow is constantly occurring. New people are coming into that section, many of them nonresidents of Virginia in a legal sense, who are on the Government pay rolls. He says there is such a constant influx that, all be it there have been constructed in the last four years 16 new schoolhouses, 2 of them graded schools with 40 classrooms each, there is present inability to take care of the congestion. We are told, as the gentleman from Pennsylvania [Mr. CASEY] said a moment ago, that while those who are now in the schools can remain, the little tots are not to be permitted to come in.

Mr. HOLADAY. Will the gentleman yield?

Mr. MOORE of Virginia. Certainly.

Mr. HOLADAY. Does the gentleman recognize that his State has any obligation to these little tots to furnish them school facilities?

Mr. MOORE of Virginia. Yes; and we are doing it. But it is difficult. In the Hampton Roads area it is equally difficult to take care of the children of the thousands of Government employees in that neighborhood. But yet it is fairly well done.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. SIMMONS. Mr. Chairman, I ask unanimous consent to proceed for 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. SIMMONS. Mr. Chairman and gentlemen, in this discussion I wish we could recognize one fact, and that is that the District of Columbia is a distinct municipal entity, and so far as its schools are concerned it is not a part of the Federal Government. We have been having an argument here on the part of Maryland and Virginia people in which they are demanding, not the privilege but the right, of coming into the schools of the District, a separate jurisdiction, and sending their children to these schools free of charge.

You have heard the plea of my good friend from Virginia [Mr. MOORE]. I wanted to find out what the people of Alexandria thought on the subject. He is asking as a matter of right that the children of Arlington County shall go to the schools in the District of Columbia free of charge.

I have a telegram from the county superintendent of Alexandria, and he says this:

> We charge tuition to nonresidents, from other counties or States, who send children to our schools, unless they are children of soldiers. Children in the District of Columbia would be obliged to pay tuition. We have more than 100 children in our schools where tuition is paid either by counties or by individuals. Tuition rate is $35 per school year in grades and $60 in high schools.

In other words, the gentleman from Virginia, Judge MOORE, comes here and asks as a matter of right that Arlington County children come to the District of Columbia schools free of charge, when that county says that they would charge children from the District of Columbia tuition if they went to school in that county.

I have another telegram. I wanted to find out what they did in the capital of the gentleman's State. I telegraphed the county superintendent of schools at Richmond and got this answer:

> Pupils whose parents live beyond our city limits pay $90 for high schools and $58 for elementary tuition per session. We have 322 nonresidents, of whom 111 are in high schools.

That, I will say to the gentleman from Virginia, is from his State capital.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. SIMMONS. Yes, sir.

Mr. MOORE of Virginia. The first telegram was from Alexandria city and not Arlington County, which is more seriously involved. The second telegram was from Richmond city. Now, the charges spoken of in those telegrams are made by a particular locality against another locality in the same State, and so it becomes really a matter of bookkeeping.

Mr. SIMMONS. The telegram from Alexandria says, "We charge tuition to nonresidents from other counties or States."

Mr. MOORE of Virginia. And what I am telling the gentleman is that the so-called nonresidents are pupils that come in from Arlington County or some county, another political subdivision of Virginia——

Mr. SIMMONS. But the telegram says other counties or States—anybody outside of the city limits pays tuition.

Now, let us see about the situation in Baltimore.

Mr. RANKIN. Will the gentleman yield?

Mr. SIMMONS. Yes.

Mr. RANKIN. The gentleman in speaking about Richmond, Va., the State of Virginia does not put up 40 per cent toward the expenses of its capital.

Mr. MOORE of Virginia. No. But I would like my friend to figure how much the State of Virginia helps the people employed by the Government of the United States at Hampton Roads, where there are at least 10,000 people in the service of the Government.

Mr. SIMMONS. If there is any inequality at Hampton Roads I am certain that the gentleman from Virginia is very able in his representation of the people, and he can see to it that the inequality is corrected.

Let me come to the gentleman who comes from Maryland. Maryland has approximately 2,000 children in the District of Columbia schools, without paying a dollar of tuition, and these gentlemen demand that privilege as a matter of right. Let us see what happens in the great city of Baltimore.

Mr. GAMBRILL. Mr. Chairman, will the gentleman yield for an interruption?

Mr. SIMMONS. Yes, sir.

Mr. GAMBRILL. The number is about 1,700 and not 2,000, as shown by the statement.

Mr. SIMMONS. About 1,700 in the day schools and then you have some in the vocational schools and some in the night schools. This telegram comes from the county superintendent of schools in the gentleman's fair city of Baltimore.

Mr. LINTHICUM. We have a city superintendent of schools. We are not in any county.

Mr. SIMMONS. You have two men up there anyway and one of them signs as county superintendent.

Mr. LINTHICUM. That is Baltimore County. The city of Baltimore is like the city of St. Louis. We have our own incorporation and we are not in any county.

Mr. MADDEN. Have you got one from the State superintendent? Perhaps that would satisfy the gentleman.

Mr. SIMMONS. The gentleman from Maryland [Mr. LINTHICUM] evidently does not know that they have a county superintendent. This telegram says:

> We would require tuition from Washington children to attend school in our county.

That is from the county superintendent of schools of Baltimore. Here is one from the city superintendent:

> Nonresidents paying tuition in Baltimore City, 338; approximate amount collected 1927–28 scholastic year, $33,393.62.

Now get this, and this is Baltimore:

> All children outside of the city must pay tuition. Rates per annum: Elementary schools, $75; junior high, $95; senior high, $150; polytechnic institute and vocational schools, $175.

That is signed by David E. Weglein.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield there?

Mr. SIMMONS. Yes, sir.

Mr. LINTHICUM. That is correct.

Mr. MADDEN. I suppose the gentleman from Maryland does not know this man.

Mr. LINTHICUM. Of course I do.

Mr. SIMMONS. Then it is correct that Baltimore would charge for Washington children, and yet the gentleman is demanding that we let Maryland children come in here free.

Mr. LINTHICUM. I will answer that in a moment.

Mr. SIMMONS. I want to go on and read some more telegrams.

Mr. LINTHICUM. Will not the gentleman yield for a moment?

Mr. SIMMONS. I want to read some more Maryland telegrams.

Mr. LINTHICUM. Oh, the gentleman will have plenty of time to read them.

The CHAIRMAN. The gentleman declines to yield.

Mr. SIMMONS. Just a moment until I finish reading these Maryland telegrams.

Mr. LINTHICUM rose.

Mr. MADDEN. Mr. Chairman, I demand that the gentleman from Nebraska be protected and be not interrupted.

Mr. LINTHICUM. It is not unusual for the gentleman from Illinois to be demanding something.

Mr. SIMMONS. Here is one from Centerville, Md. That is one of these suburban counties, outside of the city of Balti-

more. I wanted to find out how the gentleman's fair city of Baltimore treated these suburban folks. Here it is:

Five children attending Baltimore public schools. They pay full rate for nonresident pupils. Don't know the amount of the tuition. Pupils have to pay tuition to us not residing in our county. The rate is the average cost of instruction as figured by State of Maryland. This applies to all counties of Maryland. Nonresident pupils are not admitted free of charge.

That is signed by T. G. Bennett, superintendent of schools.

In western Maryland is a city called Cumberland, and from that city comes the distinguished chairman of the Committee on the District of Columbia, Mr. ZIHLMAN. Mr. ZIHLMAN is one of those who believes that Washington should furnish education free of charge to the people of his district in Maryland. I wanted to find out what they do up in his city, and here is what they do there:

All nonresident pupils, without regard to where they are from, pay in advance. Elementary, $3 per month; high school, $5 per month. Some adjoining sections insist on paying us absolute average per pupil cost.

That is in Mr. ZIHLMAN'S city.

Mr. MADDEN. I think that is terrible. [Laughter.]

Mr. SIMMONS. And they make them pay in advance up there. Just across, south of that fair city of Cumberland, is Keyser, W. Va. I figured that they might have some children over in the gentleman's territory, because it adjoins that—the river is between them. So I wired the superintendent of schools there, and he wired back:

Twenty-five or thirty high-school students from Mineral County in Cumberland schools; tuition about $9.60 per month.

Mr. GAMBRILL. Mr. Chairman, will the gentleman yield?

Mr. SIMMONS. Yes, sir. I am through with Maryland now.

Mr. GAMBRILL. It seems to me that in his efforts to secure information the gentleman was covering entirely too much territory. Why did he not confine his activities to the two counties involved, Montgomery and Prince Georges County? Those are the counties that educate the District of Columbia children without any tuition charges, and there is where the reciprocity exists, not in Baltimore city or in Allegheny County or in Garrett County, in the western part of the State.

Mr. LINTHICUM rose.

Mr. SIMMONS. Oh, let me answer one gentleman at a time. I did not intend to slight the fair city of Laurel. I wired your superintendent yesterday and again this morning, but I could not get him to answer.

Mr. GAMBRILL. He is not located at Laurel.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. SIMMONS. Does the gentleman want to explain these telegrams from Baltimore? Are the telegrams correct? Do you have a county superintendent of schools in Baltimore?

Mr. LINTHICUM. We are not in a county. We have Baltimore City and Baltimore County, entirely separate entities.

Mr. SIMMONS. Then, who is this gentleman who signs himself county superintendent?

Mr. LINTHICUM. That is Baltimore County.

Mr. MADDEN. Is Baltimore City in Baltimore County?

Mr. LINTHICUM. It is not in any county. It is just like this city and like St. Louis. In that respect they differ from other cities.

If a man owns property in Baltimore city and lives anywhere in the State or in the District of Columbia and pays school taxes in Baltimore city, that school tax is subtracted from the tuition, and he only pays the difference; and a man may live in Montgomery County and own property here in the District of Columbia, and under the gentleman's amendment his child would have to keep out.

Mr. SIMMONS. Yes; and there has never been a more unfair proposition submitted to this Congress than that. If a rich man lives in Baltimore or outside of it, he can send his children to school in Baltimore, and the man outside who does not own city property has to pay tuition. That is the situation some propose here in Washington.

Now, I want to get away from Baltimore and Maryland and wander a little far afield. We have in this House a good friend of mine, the gentleman from Michigan, JOHN KETCHAM. JOHN thinks we ought to let children from the outside come to our schools in Washington free of charge. I wanted to know what they do in his city. I have here a telegram from D. A. Vanbuskirk, superintendent of schools of the town of Hastings, Mich., in which he says:

We have 227 nonresident children. Each child has to pay $75 tuition; $15 to be paid by child, $60 to be paid by district. Children from District of Columbia would have to pay tuition.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield there?

Mr. SIMMONS. Yes, sir.

Mr. MONTAGUE. Does the gentleman think those cases are analogous? Does the United States help to maintain the schools where the gentleman from Michigan resides?

Mr. SIMMONS. I think not.

Mr. MONTAGUE. The gentleman concedes that?

Mr. SIMMONS. Yes; I will concede that. But I will not concede this, that because Maryland and Virginia are contiguous to the District of Columbia you are entitled to rights in the schools here that citizens of other States do not have, or that men from Virginia or Maryland have the right to send their children to school in the District and educate their children here free of charge.

Mr. MONTAGUE. But you discriminate. When you are speaking of the equalization of equities I may mention an illustration. We have in the State of Virginia a great many posts and reservations, Army, Marine Corps, Navy, and other posts, representing a total population of about 12,000 or 15,000. All the children of that population enter the free public schools of the State of Virginia without the payment of any tax, so that Virginia is taking care of far more people of the United States than the United States is taking care of Virginia's.

Mr. MADDEN. Is not that true of every State?

Mr. MONTAGUE. I think not, for in some of the States there are not so many Government reservations. I am explaining the way it equalizes the justice of the situation. Why should 600 pupils from the State of Virginia be held up here on the ground that we are trying to rob the Federal Government when we are doing far more in Virginia for the children of United States soldiers, sailors, and employees of the Government?

Mr. SIMMONS. Now we are asking here for justice to the District child and to the District taxpayer. That is all. We are simply asking for justice in that we do not want a District child to be turned out of the District schools by other children coming from outside jurisdictions to our schools for which the parent pays nothing.

Now, they talk about these border outlying districts. Let us see where the worst crowded condition is in the District schools to-day. It is out in Chevy Chase; and if anybody thinks that Chevy Chase and its near vicinity is a pauper place of residence, they ought to go out there and look around a little.

We are not asking that a child be taken out of the District schools who is in the schools now. Two years ago when this proposition was before the House men said, "SIMMONS, does it mean that next fall these children who are coming to school in Washington can not come?" The amendment we had two years ago meant that.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. SIMMONS. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. SIMMONS. This year we are providing that every child in the District schools from Maryland and Virginia may remain. We are not shutting out a child. We are not denying the child now in the schools the right to continue, but we are saying to Maryland and Virginia, "Your people pay taxes in your jurisdiction, build your schools and take care of your increase from this time on." Now, that is the least hardship we can possibly do and correct this injustice.

Mr. KETCHAM. Will the gentleman yield?

Mr. SIMMONS. Yes, sir.

Mr. KETCHAM. Is it the purpose of the committee, if they may have their way about it, to carry that provision in continuing appropriation bills?

Mr. SIMMONS. Yes, sir; so far as I may influence the action of that committee.

Mr. KETCHAM. I understand, then, that this is to be the policy of the committee?

Mr. SIMMONS. I will tell the gentleman what I would like. I would like to see the gentleman from Maryland [Mr. ZIHLMAN], the chairman of the legislative committee, come in here and let us put a fair tuition law on the books, but they will not do it, and this is the only way we can get an average amount of justice for the District taxpayers and the District children.

Mr. ZIHLMAN. I will say that we have already legislated on the subject by refusing to pass any such law.

Mr. SIMMONS. The fact is that we now have 2,582 of these children in the District schools, nonresident children, and only 57 of them pay tuition.

Mr. ZIHLMAN. And that is under a law passed by Congress in the regular manner, while the Appropriations Committee, under the cloak of the Holman rule, is seeking to nullify that law.

Mr. SIMMONS. And your committee, under the power exercised over it by its chairman, will not permit a tuition law to be placed before the House.

Mr. ZIHLMAN. I do not think the gentleman should make that statement.

Mr. SIMMONS. I do make it.

Mr. ZIHLMAN. I made the statement that the matter was considered by a subcommittee, of which the gentleman from Illinois [Mr. REID] was the chairman, and after hearing the gentleman from Michigan [Mr. CRAMTON] and hearing the testimony of others who were interested they unanimously reported on the bill unfavorably.

Mr. SIMMONS. And let me say that the Lee family testified, the family which owns property around the District border and is interested with the gentleman from Maryland in developing a suburban enterprise out there adjoining the District. They do not want to pay taxes. That family came in, with other men who are interested financially in the suburbs of Maryland, who want free schools in the District and low taxes in Maryland. They testified, and officials of the Parent-Teachers' Association testified, and some of them tell me that if they have another chance they will not testify as they did two years ago.

Mr. MADDEN. Will the gentleman permit me to interrupt him?

Mr. SIMMONS. Yes, sir.

Mr. MADDEN. The gentleman from Maryland said a moment ago that this law, to which he called our attention, was passed as the result of a study made by the gentleman from Illinois [Mr. REID], a member of the committee.

Mr. ZIHLMAN. No; I did not say that.

Mr. MADDEN. I want to say to the gentleman and to the House that there is not a place in Illinois where by any chance a child can go to a school other than that to which it has been assigned, no matter how much of a tax may be paid by the parents. If children are assigned to a particular school and if they go to another school than the school to which they have been assigned, then, even though the parents may be the biggest taxpayers in the township, they are obliged to pay tuition at the rate of $100 per year for each child.

Mr. KETCHAM. Will the gentleman yield?

Mr. SIMMONS. Yes, sir.

Mr. KETCHAM. In response to my question the gentleman said a moment ago that, so far as he had anything to do with it, the policy, in the form that it now appears in the amendment, will be the continuing policy?

Mr. SIMMONS. Yes, sir.

Mr. KETCHAM. And I understood him to say it means this: That no child of the 2,500 now enrolled during the whole of his school course will be denied the privileges of the schools in the District and will not be required to pay tuition?

Mr. SIMMONS. That is the purpose of it.

Mr. KETCHAM. I want to compliment the chairman upon his recognition of the justice of the fight I made in behalf of these children.

Mr. SIMMONS. That is the entire purpose. In other words, we do not want to do any injustice to Maryland and Virginia in this situation, and this proposal seems to be the only solution of the problem. The legislative committee will not act, but we want, in a period of 10 or 12 years, to take out of the District schools these children who ought to be going to school somewhere else and let the District children have the benefit of the District schools. I recognize, and the committee does, that there may be in the District schools children who have gone along in their grades and they may be upon the point of entering high school. We do not want to deny them that right. We want to allow those to go on who are now here, and we are not going to ask Virginia or Maryland to take care of them. Over a period of 10 or 12 years they can build their own schools and work out this situation properly.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. SIMMONS. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes in order to answer some of the questions.

Mr. BUSBY. Mr. Chairman, reserving the right to object, I want to ask if the gentleman is going to be liberal with those of us who are not on the committee and permit us to have a word to say about our impressions when we are not interested either as a member of the committee or as a Member from Maryland or from Virginia.

Mr. SIMMONS. Let me answer that without objection the gentleman from Maryland [Mr. GAMBRILL] opened this debate, using 35 minutes' time.

Mr. BUSBY. I have not opened it with anything. I am talking for myself.

Mr. SIMMONS. Very well; if the gentleman wants time. I hope we can bring this to a head some time. When we are through with this bill we are going to quit until Monday, men. Do not forget that. [Laughter.]

Mr. BUSBY. The gentleman is manager of the bill and I am asking the gentleman what his disposition will be toward being liberal with respect to time for those who are not on the committee.

Mr. SIMMONS. If the gentleman wants time I shall not object to it provided it is within reasonable limits.

Mr. LINTHICUM. I would also like to get a little time.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. SIMMONS. I promised to yield to the gentleman from Texas [Mr. GARRETT].

Mr. GARRETT of Texas. I want to ask the gentleman from Nebraska if the committee in its consideration of this question with respect to their opposition to children of Maryland and Virginia coming to the District schools took into consideration the wonderful luxury that the people in the District of Columbia enjoy in the good roads that we ride over in Virginia and in Maryland and for which we pay no taxes. [Applause.]

Mr. SIMMONS. Did the gentleman ever buy any gasoline in Maryland or Virginia?

Mr. GARRETT of Texas. I have bought it everywhere it is sold, I reckon.

Mr. SIMMONS. Then the gentleman paid taxes. [Laughter.]

Mr. LINTHICUM. Will the gentleman yield?

Mr. SIMMONS. Yes, sir.

Mr. LINTHICUM. The gentleman in all of his arguments continually says "we; we want to do this and we intend to do this," and so on. I would like to know whom the gentleman refers to as "we."

Mr. SIMMONS. I am referring to the committee.

Mr. LINTHICUM. The Appropriations Committee?

Mr. SIMMONS. Yes, sir.

Mr. LINTHICUM. Then it is the intention of the Committee on Appropriations, even though the gentleman from Maryland [Mr. ZIHLMAN] has stated there is a law on the books providing for these children, to limit the application of that law which Congress has already enacted, is that correct?

Mr. SIMMONS. That is what we are doing. In other words, the Congress at different times and through different efforts by different Members from Virginia and Maryland has opened the schools wide. Now we are trying to close the doors a bit so that the man who pays for the schools may have them for his children, and we think this is fair.

Mr. LINTHICUM. "We, the Appropriations Committee," intend to do that in spite of the fact that Congress has enacted laws to take care of these children. Is that correct?

Mr. SIMMONS. I have answered that once.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. SIMMONS. Yes.

Mr. CHINDBLOM. If the House adopts the proposal of the Committee on Appropriations, "we" hereafter will be the House.

Mr. SIMMONS. I take it so. [Laughter.]

Mr. CASEY. Mr. Chairman, I rise to speak in favor of the amendment of the gentleman from Maryland. [Applause.]

I want to say in explanation of my position as a member of the subcommittee who attended almost every hearing of the subcommittee on this and other questions that came before us, I had no knowledge that this provision was to be incorporated in the bill and come to the House with the recommendation of the subcommittee.

Mr. SIMMONS. Will the gentleman yield?

Mr. CASEY. Yes.

Mr. SIMMONS. I would like to call the gentleman's attention to the fact that at first the gentleman from Pennsylvania [Mr. WELSH] objected to this being done unless we would take care of and not cause any hardship to the children now in the District schools.

The gentleman was present at the meeting and stated he did not want to cause any hardship for the children then in the schools. No one on the committee desires to cause any hardship, and we drafted the amendment to meet the wishes of the gentleman and his colleague from Pennsylvania [Mr. WELSH].

Mr. CASEY. That may be the gentleman's opinion, but it is not the fact. We might just as well have an understanding

about this matter. Every letter and every telegram that has been read here to-day has been read because it was asked for by individuals and not by the subcommittee, and when they speak of "we" and the committee they do not speak for me as a member of the committee. [Applause.]

Mr. MADDEN. Will the gentleman yield?

Mr. CASEY. Yes.

Mr. MADDEN. Is it not competent for any Member to ask for information?

Mr. CASEY. Undoubtedly it is; but the gentleman has no right to say it represents the views of the committee when the committee has not seen them or heard them or know what they contain until they are read to the House.

Mr. MADDEN. The gentleman did not say that.

Mr. CASEY. The inference is there, even if the statement was not made.

Mr. MADDEN. The gentleman misunderstood it. The gentleman must be fair. He insists on other people being fair.

Mr. CASEY. I am; and it is unfair to me to misrepresent me on the floor of this House.

Mr. MADDEN. I rise in protest, Mr. Chairman.

Mr. CASEY. That is what I am trying to do—protest—and I am going to protest until I am protected in my rights.

Mr. MADDEN. The gentleman from Nebraska [Mr. SIMMONS] had the right to send out letters making inquiry as to what was done in other States.

Mr. GARRETT of Texas. A point of order, Mr. Chairman.

Mr. CASEY. I yielded for a question.

Mr. GARRETT of Texas. The gentleman from Illinois did not address the Chair and ask if the gentleman would yield.

Mr. MADDEN. Yes; I did.

Mr. GARRETT of Texas. Then the gentleman did not yield.

Mr. CASEY. I yielded to the gentleman for a question, not a speech.

Mr. MADDEN. I will not interrupt the gentleman, if the gentleman does not want to be interrupted; but I insist upon the gentleman from Nebraska [Mr. SIMMONS] being treated fairly.

The CHAIRMAN. The gentleman from Pennsylvania will proceed in order.

Mr. CASEY. And I hope the chairman of the Committee on Appropriations will see that I am also treated fairly. I am a member of his committee.

Mr. MADDEN. The gentleman has been treated fairly and he can not deny it.

Mr. CASEY. I am trying to do my duty here as I see it, and there is no one who is going to influence me or coerce me into agreeing to something I do not believe in.

Mr. MADDEN. Will the gentleman yield?

Mr. CASEY. Yes.

Mr. MADDEN. Does the gentleman deny he has been treated fairly?

Mr. CASEY. No; I do not deny it.

Now, let me say for the information of the members of the committee, I remember very distinctly that we went into this matter very thoroughly with the superintendent of public schools while testifying before our committee. The testimony will show that I asked the superintendent of schools if any investigation had ever been made into this matter, and he said no. I asked him if he did not think it would be more advantageous to all concerned if we have a joint investigation made into this matter by the school authorities of the District of Columbia, Maryland, and Virginia rather than to do something arbitrary when we had no definite information before us.

He said he thought that would be advisable; he also said he would make such an investigation so the committee may be in possession of all the facts. The hearings will show that I suggested that being done. No opposition was offered by any member of the subcommittee, and the understanding was that the superintendent of the public schools of the District of Columbia was to make the investigation and report his findings back to the subcommittee. Up to this very minute I have received no information from the superintendent of the public schools or the subcommittee that the superintendent had made an investigation into this matter and made a report.

Mr. SIMMONS. The superintendent reported back from Montgomery and Arlington Counties, and I sent the letters to the gentleman yesterday.

Mr. CASEY. Yesterday?

Mr. SIMMONS. The gentleman said he had not received any information up to this minute.

Mr. CASEY. When was this provision written into the bill? Mr. Chairman, I have no desire to be misunderstood in this matter, but I feel as a Member of this House and as a member of the subcommittee on District affairs that I have a duty to perform. I feel that the Members of this House look to me for certain information if I am able to give it to them, and I can not give it to them if I do not have it. The gentleman from Nebraska, chairman of the subcommittee, made a very fine speech in behalf of a tuition law. Almost all of his argument was in favor of a tuition law being passed by Congress. The unfairness of this whole proposition, in my judgment, is one that I opposed in committee in my remarks on the floor of the House yesterday, and I oppose it now; it shuts the doors of the public schools of the District of Columbia against the children who are not residents of the District of Columbia. I am in favor of a proper tuition law. This bill does not provide for tuition, this closes the doors and keeps the children out of the schools of the District of Columbia.

I do not think that is fair when parents want to send their children to the District of Columbia schools and are willing to pay tuition; I do not think it is fair for us to pass this law as it is written and close the doors of our schools to these children.

It may be that they are trying to force the gentleman from Maryland [Mr. ZIHLMAN], the chairman of the District Committee, to report out a tuition law. If that can be done, all right. But I do not think these children in Maryland and Virginia and other parts of the country should be compelled to suffer because the chairman of the District Committee can not be compelled to report out a bill providing for tuition.

That is not the fault of the children; that is the fault of the House of Representatives, because it permits the chairman of the committee to refuse to report a bill to the House when a majority of the committee orders it reported out. But do not blame the children for that. The House of Representatives should have control of the business of the House.

Mr. HOLADAY. Will the gentleman yield?

Mr. CASEY. Yes.

Mr. HOLADAY. Whatever may be the outcome of this amendment, the children will not suffer. The question is whether the taxpayers of the District will suffer or the taxpayers of Maryland and Virginia.

Mr. CASEY. That is the gentleman's opinion, but it does not meet with my views, because we have no information before us that will convince me that the States of Virginia and Maryland will be prepared on the 1st of next September to take care of the children who become of school age. That is the question that bothers me, and we have no information that justifies us in closing the doors of these schools of the District of Columbia against these children and keeping them from school for a year or two before the States of Maryland and Virginia are financially able, and before they can get the legislative machinery in action, to erect the necessary schools.

I do not have any information about it; I am in doubt; but I am going to resolve the doubt in the interest of the innocent children back in the States.

The hearings will show my attitude on this question, and my explanation to the House yesterday will show my attitude. I was led to believe that when a Member of this House is placed on a subcommittee and recommendations come to this House from that committee the members of the committee shall at least be consulted before provisions are written into a bill brought to the House carrying the recommendations of the committee.

Mr. LAGUARDIA. Mr. Chairman, I think this annual debate as to the children from Virginia and Maryland coming to schools in the District of Columbia is the smallest thing the House of Representatives indulges in. I have no children in the District of Columbia, and I do not come from Maryland or Virginia, but it seems to me that, conceding all of the facts and figures given by the gentleman from Nebraska—conceding every argument that was made—what of it? It is said that these children cost $250,000 a year, but that is an estimated cost on a per capita basis. It does not mean that if you withdraw those children from the schools you reduce the Budget by $250,000. Anyone who has had any experience in preparing budgets for public schools knows that. I do not believe that the school budget would be reduced even $10,000 if all these children were removed. Assuming it cost $250,000 a year, that is less than one one-hundredth of 1 per cent of the annual appropriation.

Assuming that it cost $250,000 a year, it is less than 10 cents a year for each income-tax payer of the United States. Instead of reading telegrams indicating a narrow policy in some parts of the country and seek to follow them, we should set a good example by establishing a generous, broad policy of a public-school system. Let us lead, if necessary, rather than follow two or three localities that, owing to local conditions, have adopted a sort of provincial attitude in dealing with children not actually living within their own townships. Why, in my city our annual budget for schools is $100,000,000.

Mr. HOLADAY. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. I come from a city that spends a hundred million dollars a year for schools. There is no city that spends as much in the whole world. We not only have a public and high school system, but we have Hunter College for girls, and then the College of the City of New York for boys, both recognized institutions of higher learning, and you will find children from every State in the United States who come to the city of New York and take up residence with some relative or even with strangers, who attend these institutions, and no question is asked. My State pays the largest proportion of the Government contribution that goes to pay for these schools here, and while I have received complaints about all sorts of expenditures, I have never received a complaint about the money spent for the schools of the District of Columbia. [Applause.] And I hardly believe anyone else has.

Why, the greatest monument to American progress is our public-school institution. [Applause.] That is our contribution to civilization. There is not anything like it in the world. Every large city, every metropolitan district, must go through what the District of Columbia is going through now, of taking children from the outlying districts and educating them until those outlying districts build themselves up into separate communities. That is not anything new. And because you pick a town here and there around the United States that has a very narrow policy of checking up on the school children in this way and requiring payment is no reason why the American Congress should establish that policy in the District of Columbia. Why, for a nation that spends $3,000,000,000 a year, that spends $650,000,000 annually on its Army and Navy, to take up the time of a whole day every year discussing whether or not you are going to keep a couple of hundred of children out of school because they live just beyond an imaginary line is an absurdity.

This matter will adjust itself. It will adjust itself—as these surrounding communities grow they will take care of their own children. In New York City we not only take in the children of Governors Island and Fort Wadsworth and Fort Totten and Fort Slocum but we have even sent our school-teachers into the military reservations and established schools there for them, all at the expense of New York City, and no one complains. I repeat that my city pays the greatest proportion of the taxes of this very expenditure and as far as my city is concerned, we do not object to the present policy, and I shall vote for the amendment.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. STEVENSON. I direct the gentleman's attention to my idea of this, which he expressed a moment ago when he spoke of this being a metropolitan district. This is all one metropolitan district, the district of Washington. Imaginary lines do not make any difference.

Mr. LAGUARDIA. Exactly; and every large city is in the same situation. It seems to me unbecoming as national legislators to take a small, selfish attitude in this matter. It seems to be most unfitting to haggle over a small expenditure which really provides an enormous amount of good. I will close by repeating that even though these children were all taken out of the school the difference in the actual cost as reflected in the appropriation bill would not be even noticeable. The biggest thing in American life is our schools; let us treat it in a big way.

Mr. WELSH of Pennsylvania. Mr. Chairman and members of the committee, I did not want to inject myself into this debate, being quite content to let our chairman handle the subject, as he has handled it in a most satisfactory manner; but I could not help but be impressed with the remarks of the gentleman from New York [Mr. LAGUARDIA], who seemed to give the impression that we are dealing in small business when we spend a day discussing the question of the education of children. If there is any question that is greater or more important before the American people than the education of children, I have yet to find it out.

Mr. LAGUARDIA. Oh, the gentleman is misquoting me. I take just the reverse position.

Mr. GOLDSBOROUGH. Is that the way the gentleman from Pennsylvania understood the statement of the gentleman from New York [Mr. LAGUARDIA]?

Mr. WELSH of Pennsylvania. Yes.

Mr. LAGUARDIA. Oh, manifestly the gentleman is mistaken. He has misunderstood me entirely.

Mr. WELSH of Pennsylvania. We are not dealing with the mere question of sending children to school. When you are dealing with a question of justice in respect to placing the burden of taxation, you are dealing with a fundamental American problem. If this were a question that rested upon the mere right of children to education, you would find every member of this committee a unit in the desire to give to the children of the District of Columbia and of every State in the United States every possible opportunity for education. But we have here in the District of Columbia a citizenship that has no representation in the government of the city. Do not let us forget that as a matter of equity. In other words, there is no human tribunal that stands between the taxpayer in the District of Columbia and the plans and zeal of public officials except the Members of this Congress. We have our duty to perform to the people of the District of Columbia, and that was the duty that confronted the subcommittee. Every member of the subcommittee approached that question with a great deal of care. No member of that subcommittee had any preconceived ideas of what was an absolute right or an absolute wrong in connection with this problem. Realizing that the District of Columbia has no spokesman on the floor of the House, no one to speak a word for its citizenship when the question of taxation is concerned, some members of the committee wanted to say at once that the children from outside the District should be prohibited from entering the schools here. The gentleman from Pennsylvania [Mr. CASEY] and I did not like adopting that point of view. We felt that the children who were already in the schools would want to go ahead until the time came for them to graduate without having their term of instruction interrupted, and the whole committee finally compromised by saying that whatever was done ought not to include the children already in school. So the ultimate effect of this provision, if it should be adopted by the House, will be to carry forward for from 10 to 12 years, so that every child that is now in the schools of the District of Columbia shall have finished his course; and only the little children arriving at school age in these surrounding districts, in this metropolitan areas as it has been called, will be affected by this bill.

Mr. CASEY. Mr. Chairman, will the gentleman yield?

Mr. WELSH of Pennsylvania. Yes; I yield to the gentleman from Pennsylvania.

Mr. CASEY. I want to say to the House that the statement that the gentleman has just made, that the whole committee was a unit on the question of those now in the schools continuing through, is true. The only difference was as to this prohibition which closes the door to the children without knowing whether they have proper facilities in the places where they live.

Mr. WELSH of Pennsylvania. I will state to the committee that the action of the gentleman from Pennsylvania, at the outset was that he insisted on being a free lance, so far as relates to his attitude on this or any other subject. Before the subcommittee, so far as that is concerned, he was conceded that right, and I want, as a member of the subcommittee, to pay my tribute of respect and appreciation to him in the preparation of this bill. There has been no friction in our committee, and this little flurry that you have seen here to-day is the only ripple, and that is only on the surface.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. WELSH of Pennsylvania. May I have five minutes more? I have not hitherto occupied much of the time of the House.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WELSH of Pennsylvania. The gentleman from Virginia and the gentleman from Maryland have spoken of this being a metropolitan area. We have here a metropolitan area for purposes of police supervision, and purposes of sanitation, and health, and all those things that go with a metropolitan area; but when we deal with a metropolitan subject, you will find that every contiguous territory in that metropolitan area assumes its proportionate share of expense, whether it be a matter of sewers, or a matter of police, or whatever may be considered by that area as a subject pertaining to a strictly metropolitan area. The fact that persons of the District of Columbia are living near this metropolitan area in the city of Washington is no reason why the parents of children outside the city should be permitted to send their children here without paying their proportionate share of the cost. This is not a case where the children concerned are in any sense denied an opportunity for education. It is for us to say whether the taxpayers of Washington shall bear that burden in supporting children in the District schools sent from outside of the District.

Mr. HARRISON. Mr. Chairman, will the gentleman yield?

Mr. WELSH of Pennsylvania. Yes.

Mr. HARRISON. Does not the United States Government contribute $9,000,000 to assist the taxpayers of the city of

Washington, and are not the people entitled to some consideration in these matters?

Mr. WELSH of Pennsylvania. Yes; that is true. That could not be disputed. But that does not prove that the District of Columbia citizens and taxpayers should bear the whole burden of responsibility for that proportionate share of taxation that the United States Government bears to the District of Columbia.

Mr. HARRISON. I will state further that the State of Virginia takes care of any number of children, the children of officers, soldiers, and employees of the Government without the slightest contribution from them to the taxes of the State.

Mr. WELSH of Pennsylvania. But the State of Virginia requires that those employees in the District of Columbia shall live within the confines of the school district which the children attend.

Mr. HARRISON. I want to call your attention to the fact that I have received a letter from an official board of the school district near Fort Monroe, in which it is stated that the children from the reservation from Fortress Monroe had so crowded their school facilities that they were scarcely able to function.

Mr. WELSH of Pennsylvania. I do not yield further. I just want to impress upon the members of the committee the fact that the subcommittee approached this question from every angle which has been mentioned on this floor. Everything you have discussed on the floor we discussed in the committee, and I think the members of this committee should understand that we consider this to be fair to the taxpayer in every respect, and if we think it fair all along the line, you can be assured that the surrounding districts will take care of the little tots and nobody will be hurt if we are fair, and whatever appeals to you as being fair I hope you will register in your vote, because there is no politics involved in this matter. [Applause.]

Mr. SIMMONS. Mr. Chairman, how many gentlemen desire to speak?

Mr. LINTHICUM. I would like to have five minutes.

Mr. BLANTON. And I would like to have five minutes.

Mr. SIMMONS. I ask unanimous consent, Mr. Chairman, that the debate on this amendment be limited to 35 minutes, to be controlled by the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. No. Just ask for 40 minutes.

The CHAIRMAN. The Chair understands that you can limit the debate to a certain time.

Mr. SIMMONS. Let it be 40 minutes.

Mr. LINTHICUM. Will not the gentleman from Nebraska say who shall receive that time? I would like to have 10 minutes.

Mr. SIMMONS. I move, Mr. Chairman, that the debate on this paragraph and all amendments thereto close in 40 minutes.

The CHAIRMAN. The gentleman from Nebraska moves that the debate on this paragraph and all amendments thereto close in 40 minutes. The question is on agreeing to that motion.

The question was taken, and the motion was agreed to.

Mr. BLANTON. I ask for recognition for five minutes.

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. BLANTON. Mr. Chairman, all of this discussion has revolved around generalities. I want to give you some concrete facts as to just what it means to vote for this amendment. I happen to know a splendid Maryland family living in the town of Berwyn, Md., and voting there, a family who have lived there for years. They live in Berwyn because they have a comfortable home there. All their children have been educated here in the District of Columbia in the graded schools and in the Central High School to graduation, with their tuition furnished them free, paid for by the District people and the Federal Government; with their school books furnished them free, paid for by the District people and the Government; when there was a good school—as "good" means in that part of Maryland, right in Berwyn—but they did not choose to go to their own school in Berwyn. They chose to go to school in the District of Columbia. What duty do the District people owe them? None, because they pay not a dollar of tax here. They pay their taxes to the State of Maryland and to Berwyn. And what duty do the whole people of the United States owe them? None, so far as furnishing free tuition and free school books to their children, for the Government does not furnish same to the children in any other of the 48 States except Maryland and Virginia. The people in the other 46 States are taxed to send their own children to school. They should not be taxed also to help school the children of Maryland and of Virginia.

Mr. GAMBRILL. Will the gentleman yield?

Mr. BLANTON. In just a moment. The gentleman has consumed 25 minutes and I have not had any time.

Mr. GAMBRILL. I yielded to the gentleman.

Mr. BLANTON. I yield to my friend from Maryland.

Mr. GAMBRILL. Did the gentleman from Texas educate his children in the District schools?

Mr. BLANTON. Yes; partly.

Mr. GAMBRILL. And did it free of any tuition charges?

Mr. BLANTON. Just as other parents do who live here and pay their share of civic expenses, as I have done for 11 years. My official duties force me to live here 11 months per year, and on an average I have had to pay about $150 per month to get a house to live in, and I spend here over $200 per month additional for something to eat and wear. And I pay for my fuel, lights, water, telephone, gas, automobile upkeep, and domestic help, which money spent here as everywhere else, helps to keep up the city. Does the gentleman send his children here?

Mr. GAMBRILL. My children are not going to school here. They are going to school in the State of Maryland.

Mr. BLANTON. I am spending in Washington each year as great a proportion of my income as any other resident in the District of Columbia is doing, and the people I have paid my money to annually have paid much of same in taxes to the District.

I am thus helping the residents of this District, while I live here, to keep up their civic improvements, if you please, by paying the fixed charges the same as all other residents pay. And while my official duties force me to reside here, I live in Texas. All property such as I own in Texas pays school taxes. I have a little farm in Jones County, Texas. It is in the Lueders independent school district. I pay school taxes there, every single year I live, and have for 20 years, yet have never had a child in school there. When I wanted to send two boys of mine to a certain high school in the capital of the State, for special studies in Austin, I paid tuition for them there, just as all others who did not reside in that county were required to pay. I chose to send them there but I had to pay for it, even though I was paying a school tax in another county on my farm.

Mr. MONTAGUE. Did the State lose anything thereby?

Mr. BLANTON. No; because I paid for it myself, but that county would have lost if I hadn't paid for it. You take this family I speak of in Berwyn. They did not live in the District of Columbia, because they did not want to pay the high property prices here. They went to Berwyn because they could get a comfortable home with plenty of room much cheaper. They had an acre of ground there; they had a garden and orchard, and they kept a milk cow in Berwyn, but instead of paying their automobile license tags in Maryland, which would have cost as much as $12 for a Ford car, and more in proportion, they took out their license tags here in the District of Columbia, where they could get automobile tags for $1, looking both ways for saving their own money. But they paid all of their real estate and personal taxes in the State of Maryland, and to Maryland, yet they got free tuition and free school books for their children through the graded schools and through the Central High School of the District of Columbia, paid for by District residents and the Government of the United States.

I want to say it is not right for the people of the District of Columbia to bear this burden. It is not fair to them and it is not just to them to have them pay for their own children, and then pay for the children of Maryland and the State of Virginia. And it is not fair or just for our people back home to have to pay part of this schooling for Maryland and Virginia.

There are 2,571 children this year in the schools here who reside in Maryland and Virginia. Prior to this year there were about 3,000 from these two States. They have been cut down some this year, and this amendment is not drastic. Your committee has called your attention to the fact that it does not apply to a single one of the 2,571 children who are now in the District schools. They are all allowed to continue on to high-school graduation. It does not apply for 8, 10, or 12 years to come.

There is not a Member in this House who can give one just reason why the Washington people and the Government of the United States should furnish free tuition and free schoolbooks, and free school buildings for 2,571 children who reside in Maryland and Virginia, through kindergarten, through eight years of graded schools, and then through four years of high school, when many of their parents pay not one dollar of taxes to the District of Columbia, but pay all of their taxes, both real estate and personal, to the States of Maryland and Virginia. If we are to do this for Maryland and Virginia, we ought to offer the same identical privileges to all of the other 46 States in the Union, for whose school children our Government is not paying one red penny on their tuition, school buildings, and schoolbooks.

There are many of the parents of these 2,571 school children, who own magnificent country estates in both Maryland and

Virginia, and who have no connection whatever with the Government, or with Washington. And I could name some Senators and some Congressmen who have selected either the old Commonwealth of Virginia, or the old Commonwealth of Maryland, as their place of abode, and who prefer to send their children to Washington schools instead of to the local schools in their vicinity.

Without embarrassing any colleague by mentioning names, I can mention the name of a former colleague in this class, our former colleague, the distinguished gentleman from Kansas, Mr. Phil Campbell, bought himself a fine residence over in the State of Virginia, overlooking the Mount Vernon Highway, and, naturally, he preferred the Washington schools over the Virginia ones. He had two choices: He could have resided here in Washington and paid Washington prices and put up with Washington inconveniences and enjoyed Washington privileges, such as sending children to Washington schools, but he preferred to live in Virginia, and there he went. But after going there he still insisted on having Washington privileges. But to show you that the people back home will hold us responsible for our choices, when he was in his last campaign in Kansas and was arising to tell why he should be returned to Congress from the State of Kansas his local Kansas band began to play "Carry me back to ole Virginny." And that is where he returned. And he is still there. And another from Kansas took his place.

Besides all the other big hand-outs that this Government is giving the District of Columbia in practically every one of the supply bills we are taking out of the Public Treasury of the United States in one lump sum in this bill $9,000,000, which comes out of the pockets of the taxpayers of the United States and which helps to pay the schooling of the 66,000 children of Washington.

And yesterday the gentleman from Maryland [Mr. ZIHLMAN] offered his amendment to increase this amount to $10,000,000, so that the taxpayers of the United States would have to contribute an additional $1,000,000, and when some of us protested he said: "What is a million dollars between friends?" It is a whole lot when the million dollars belongs to confiding constituents who live thousands of miles away and who are depending on us to protect their interests. We must not be so generous with somebody else's money. We must not be so generous with the people's tax money.

From some of the "sob" speeches made here, one might imagine that some poor boys and girls had just one chance to get an education and that was to pass this amendment, and that if we voted down the amendment, we would be depriving them of all chance to secure an education. Such position is ridiculous and ludicrous. Maryland and Virginia will supply their own schools for their own people just as soon as they definitely understand that Congress is going to stop furnishing same out of the Public Treasury.

This issue must not be camouflaged. It is plain and simple. Under the law and practice up to this time, children both from Maryland and Virginia are accepted in Washington schools. Washington people and the Government jointly pay for the buildings, tuition, and free school books. Maryland and Virginia want this practice continued. The Washington people and the Government want to stop it, and make Maryland and Virginia take care of their own children and schooling.

This year there are 2,571 children who reside in Maryland and Virginia attending the Washington schools. The bill before us does not stop them. It permits them to continue on through the years until all of them graduate through the high schools. But the bill does not permit any new ones to be enrolled. The bill says that a child living in Maryland, and one living in Virginia, now in the Washington kindergarten, may continue on through the eight years of graded school, and also through the four years of high school, but no new ones are to be enrolled, and so far as new enrollments are concerned, Maryland and Virginia must provide schools for them. Is there anything unjust or unreasonable about this? Not at all; yet the pending amendment would strike out this provision of the bill, and continue on and on the practice of letting Maryland and Virginia children attend Washington schools at the expense of Washington people and the Government. Any vote for the amendment is a vote to make all of the people of the United States pay part of the expense of sending Maryland and Virginia children to school in Washington 13 years, from kindergarten through high school.

Yesterday the gentleman from Michigan [Mr. CRAMTON] moved to reduce from $9,000,000 to $7,000,000 the amount the whole people of the United States would pay on these District expenses. That would have saved the taxpayers of the United States $2,000,000. And if we had not been forced to build and furnish buildings for these 2,571 children residing in Maryland and Virginia and to furnish them with teachers and tuition and with free school books, we might have saved this $2,000,000 for the taxpayers of the United States.

These 2,571 children from Maryland and Virginia represent between 800 and 1,000 families. Of course, they want this free schooling. Of course, they applaud and feel kindly toward any Member of Congress who speaks in their interests. And I could make myself very popular with them if I would vote for giving their children free schooling in Washington. And, after all, what is a paltry million dollars between friends when it does not come out of our pockets but the Public Treasury, with the people at home far away, and who will probably know nothing about it? And to vote with these 1,000 Maryland and Virginia families might help me tremendously in a political way, as most of them have friends and relatives living in my State. Hence, it is a great temptation for me to speak for them and to vote for them, but my conscience and my judgment tells me that it is my duty to speak for and vote for the people of Texas and the whole people of the United States, and this amendment is against their interests. We have a magnificent delegation here from Virginia. They are lovable colleagues. I would like to favor them. We have a fine delegation here from the great State of Maryland. They are all bully good fellows. I would like to favor them. I would like to be popular with them all. I would like to have their best wishes. But my sworn duty here is not to favor them at the expense of my own constituents. Feeling that way about it, I am against the amendment.

Mr. MONTAGUE. Mr. Chairman and gentlemen, the gentleman's argument is answered by the fact that he favors a change in the educational system after he gets through educating his own children at the expense of the Government of the United States and the District of Columbia. I allude to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. That is not fair, because I am paying here in Washington identically the same charges on everything that every other resident in Washington is paying, and I have the same rights as other residents here.

Mr. MONTAGUE. But you are not educating your children now.

Mr. BLANTON. But I still pay the same as all other residents pay to live here.

Mr. MONTAGUE. But the gentleman did not pay anything to enter his children in the schools. Gentlemen, you can not deal with this matter upon an analogy with other cities in the country. They are not at all similar. There are citizens of the United States and there are citizens of the States. That has been held by the Supreme Court of the United States as well as expressed by text-writers.

This District was set apart, and here, perhaps more than anywhere else in the Union, you will find the distinctive difference between a citizen of the United States and a citizen of the States. When you come to speak of the education of children here it is not done by the District of Columbia only. It is only partially done by the District of Columbia. According to the statement of the gentleman from Texas, a little while ago, the United States pays $1,000,000 more than is necessary to maintain its residence and property in the District of Columbia. I infer from him that $8,000,000 would have been the fair proportion of money to be appropriated to this District by the Federal Government. We appropriate $9,000,000. What becomes of the $1,000,000 difference?

Now, let us come to the situation here. The distinguished gentleman from Illinois [Mr. MADDEN] referred to Chicago. Of course, they charge for entrance into the schools of Chicago as they do in other places of the country, but that is the same identical jurisdiction. There is no Federal question involved. There are no Federal taxes expended, and it is just taking money out of one pocket and putting it into another. The State treasury itself is as whole as it was before such admissions. Coming to the particular situation here, which I wish, if I can, to impress upon the gentleman of the committee.

The children to be educated in the outlying regions of the District of Columbia or in propinquity or vicinity of the District of Columbia constitute nothing in this world—if you wish the truth and nothing but the truth—but a suburban population of the District of Columbia. It is not a foreign, imported population; it is the outgrowth of the District of Columbia. If you were to abolish the District of Columbia you would have none of these children and none of these nonresidents.

Now, is it possible that a Government as wealthy as ours will go to Virginia and extract from her, to educate the children of the agents, officers, soldiers of the United States, five or ten times as much as Congress appropriates for the entrance of a few Virginia children into the District of Columbia? If you

want to be just and fair, Congress should not exact from Virginia and give nothing in return.

I did not anticipate submitting any views whatever upon this subject, but to me, unless I am unaware of my own mental state, this bill is not a just administration of the Federal Government. You can draw no analogy between the city of Washington and the city of Chicago or the city of Baltimore. This District belongs to the United States of America. It was established by the Constitution of the United States of America to be governed entirely by the Congress of the United States.

Mr. MOORE of Virginia. May I interrupt my colleague?

Mr. MONTAGUE. If the gentleman does not take too long.

Mr. MOORE of Virginia. It seems from what the gentleman from Nebraska has said that the children from the Army posts within the metropolitan area do not generally come into the District of Columbia for their education, and therefore they are going to the Virginia schools.

Mr. MONTAGUE. I know it.

Mr. MOORE of Virginia. And there are between three and four thousand officers and enlisted men in these three or four posts.

Mr. MONTAGUE. We have within a radius of 10 or 20 miles of Washington at this time over 2,000 officers in the Army, Navy, and Marine Corps, to say nothing of children of privates and employees. We would have many more if we did not have nearly 4,000 marines to-day in China and, perhaps, 2,000 or 3,000 in Nicaragua, yet, as a matter of fact, I think you will find that from Quantico very few attend the schools of the District of Columbia. They are all taken care of by the Commonwealth of Virginia. [Applause.]

Mr. LINTHICUM. Mr. Chairman and members of the committee, it is not my purpose to take up much time, because the subject has been so fully discussed and the gentleman from Virginia [Mr. MONTAGUE] has covered the most of what I wanted to say. There are only two or three observations I care to make. It would appear from what has been said that there is a belief that no legislation on the subject exists. We have legislation passed by Congress to the effect that the children of men engaged in public service or doing business in the District shall have the right to send their children to the District schools. A bill was considered by the District of Columbia Committee which contemplated a change, but it was unanimously rejected by the subcommittee. The proposition now is "that the children who do not dwell in the District of Columbia shall hereafter be excluded; that the children of employees of the Government or of people doing business here shall not go to school in the District of Columbia," in accordance with existing legislation. It is the intention of the Appropriations Committee, who call themselves "We," to limit it by the provisions in the bill. In other words, the Appropriations Committee is endeavoring to overrride the legislation enacted by Congress.

The gentleman from Nebraska read a telegram from the superintendent of schools of Baltimore. Yes; they charge tuition to children coming in from the counties, except where a parent from the county has property in Baltimore City and pays the school taxes, then the school tax he pays is deducted from the tuition. That is an adjustment between the city and the county, all within the same State. The situation between the District of Columbia and Maryland, I think, is on an entirely different basis. Here we appropriate $9,000,000 out of the Federal Treasury toward the expenses of the District of Columbia. According to congressional figures, the Government property in the District is valued at $333,000,000. The District organizations say that the property in the District of Columbia, belonging to the Government, has a value of $470,000,000, which latter figure would amount to a tax of $8,000,000 at the $1.70 rate charged to all taxpayers. So the United States Government is giving the District a million more dollars than they would get if they taxed the Government property in the District of Columbia. In addition the Government gives them the free rental of property worth a rental value of $142,000 annually; the Government is paying salaries that should be paid by the District of Columbia amounting to $90.000 yearly and giving them buildings which would rent for $15,000. I take these from the hearings, pages 1029–1030 and 1033.

The point I make is this: The parents of these children are engaged in public service. They go into the counties of Maryland and Virginia and arrange a little home, and all the taxes the county gets out of each family for school purposes would not provide for the education of one child in 75 per cent of the cases. If you burden the counties with all the children of these employees, which pay very little, you will almost bankrupt the counties.

These dwellers are here for Government purposes, and are not brought here as inhabitants of the counties; they come here for Government purposes, consequently the Government should be as liberal in educating the children of those people as it is in educating the children of people in the Army camps or at Army posts or on other governmental reservations.

It is not the District we ask to do this, but the National Government. It should be done, even though it required an additional appropriation.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. BUSBY. Mr. Chairman and members of the committee, I would not have taken this time if any Member in all this discussion had happened to hit on the point I have in mind and around which I shall make my speech. This is the proposition I have in mind, and I think it strikes at the very foundation of this matter. It seems to me the argument has been made here that this provision in the bill would be an injustice to the taxpayer in the District of Columbia.

A certain portion of the expenses of the District of Columbia are paid by the Federal Government—some 30 or 40 per cent of the expenses of the District of Columbia. A large portion of the expenses of the District of Columbia are not paid by the United States Government. Under all of the budgets I have seen made up in the counties in States they contain an estimate for different objects—a certain portion would be for one thing, a certain portion for another, and a certain portion of the budget would be for school expenses. When you pay your taxes you have to pay a certain per cent of that amount for schools. The Government of the United States pays $9,000,000 taxes, out of which $3,000,000 is school taxes. Say the budget for Washington is $40,000,000. The schools of the city cost, say, $12,000,000, or 33⅓ per cent of the total. Then one-third of the Federal donation of $9,000,000 to the District, or $3,000,000, should be considered the donation to the school fund. You know this city is not a manufacturing city; you know there is no other business in it disconnected with the business of the United States Government. You know that practically everyone who is in the city of Washington is dependent upon it as the Capital of the United States, and those who come in from the surrounding territory, or those who come into what we call the District of Columbia, come here to transact and carry on business mostly for and with the Government.

In fact none of the telegrams that the chairman of the subcommittee read to you has any striking effect on me, because they all apply to places where there is no contribution whatever from the United States toward maintaining any such organization as that maintained at this place. I can not see why you should lay down a line here and say that this is the District line, and that notwithstanding the fact that the Government has paid $9,000,000 into the treasury, a portion of which in all fair budget making should go to school purposes, the people who work for Uncle Sam and have to live outside of this District shall not profit by that contribution. On that basis I contend that the taxpayers of the District have no just complaint to make against us if we continue to permit the children to come along to school as we have heretofore.

Mr. CHINDBLOM. Mr. Chairman, I offer the following perfecting amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CHINDBLOM: On page 46, in line 14, after the word "act" strike out the period, insert a semicolon and add the following: "*Provided further*, That pupils who dwell outside of the District of Columbia and are not enrolled in the public schools of the District of Columbia on the date of the approval of this act may attend the public school of the District of Columbia upon payment of tuition, to be fixed by the Board of Education, together with the terms of payment, in amount at least sufficient to compensate a proportionate share of the salaries of teachers employed in giving instruction to such pupils."

Mr. ZIHLMAN. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. The gentleman will state the point of order.

Mr. ZIHLMAN. My point of order is that the amendment changes existing law. It is legislation on an appropriation bill. The amendment could not possibly come within the provisions of the Holman rule, because there is no saving effected thereby.

Mr. CHINDBLOM. Mr. Chairman, I should like to have the gentleman reserve the point of order for a moment.

Mr. ZIHLMAN. I should be very glad to reserve the point of order, Mr. Chairman.

Mr. CHINDBLOM. Mr. Chairman, I have offered the amendment for this purpose. If the provision now in the bill should remain, there would be no possibility for any child living outside of the District of Columbia to come into the schools, to attend the public schools of the District during the next fiscal year. If the provision that is in the bill does remain, it seems to me

that those who are opposed to the provision because they want pupils outside of the District to have an opportunity to come into the District schools ought to be willing to accept an amendment which makes it possible for such children to come into the District upon the payment of tuition. If the text of the bill remains it will not be possible for those pupils to come in after the 1st of July next, but if this amendment be adopted it will be possible for them to come in upon the payment of tuition, to be fixed by the Board of Education. The language of my amendment follows the language of the bill—H. R. 5524—introduced by the gentleman from Michigan [Mr. CRAMTON]; which he has sought to have adopted as permanent law; and if, during the next fiscal year, this law should be adopted, you will have a situation where during the year that will have passed pupils will be able to continue attending schools after the law has been passed. It applies only to this appropriation; it is limited just as the original text of the bill is limited to this appropriation alone. If I took the position which the gentleman from Maryland [Mr. ZIHLMAN] takes, I think I would want to perfect the text to make it possible for those pupils to attend in case the House determines to retain the language of the original bill. On the other hand, so far as the parliamentary situation is concerned, this amendment will be voted on first, if it is sustained by the Chair as not being obnoxious to the point of order. It will be a perfecting amendment, it will be a part of the text, and then you will have the same opportunity you have now to vote on the proposal to strike out the whole thing with the amendment added.

Mr. GAMBRILL. Mr. Chairman, will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. GAMBRILL. The trouble is that we are attempting in an appropriation bill by a limitation to pass legislation which will cover this whole situation. The vice of your amendment is this——

Mr. CHINDBLOM. Oh, I thought the gentleman wanted to ask a question. If the gentleman wants to discuss my amendment, that is a very different thing, and I can not stop for a speech upon it now. With reference to the point of order, it will become necessary for the Chair to determine whether the original paragraph in the bill is subject to the point of order. If the original paragraph in the bill is subject to a point of order, then I submit that my amendment, being germane to the text, is also in order.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield for a question on parliamentary law?

Mr. CHINDBLOM. Yes.

Mr. MOORE of Virginia. I examined the question the gentleman just propounded, as to whether the paragraph reported by the subcommittee is subject to the point of order. I may say without violating any confidence that I discussed the question with the gentleman from Georgia [Mr. CRISP]. We reached the conclusion that it is not subject to the point of order.

Mr. CHINDBLOM The gentleman refers to the original provision in the bill?

Mr. MOORE of Virginia. Yes.

Mr. CHINDBLOM. I have not expressed any opinion upon that.

Mr. MOORE of Virginia. If it was subject to a point of order as being a legislative provision, the point of order not having been raised, then you would have the right to put in a legislative provision as a substitute.

Mr. CHINDBLOM. It is legislation notwithstanding. It is legislation now, but it is in order because it is legislation limiting the appropriation. It comes within the precedents. If there was no legislation in it the question of its being in order would not arise.

Mr. MOORE of Virginia. As to the paragraph as it stands, we are not objecting to it on the ground that it is legislation, but——

Mr. CHINDBLOM. I have not discussed that. I said to the Chair that it was necessary for the Chair to determine whether the original provision is in order or not, and since the gentleman has raised the question, I will say that so far as the original provision in the bill is concerned, in my opinion, that is in order.

Mr. ZIHLMAN. I insist on the point of order, Mr. Chairman.

Mr. KETCHAM. Mr. Chairman, will the Chair please state whether or not any time is remaining under the agreement made a short time since?

The CHAIRMAN. A few minutes remain. Does the gentle- from Michigan desire to be heard on the point of order?

Mr. KETCHAM. Not on the point of order; but if there is any time left under the original agreement, I desire to be heard.

The CHAIRMAN. Does the gentleman from Maryland [Mr. ZIHLMAN] desire to be heard on the point of order?

Mr. ZIHLMAN. No. I stated my views on the point of order.

Mr. LAGUARDIA. Mr. Chairman, I do not agree with the gentleman from Illinois [Mr. CHINDBLOM] when he says that if the original amendment was in order any amendment thereto would be in order, regardless of the text of the perfecting amendment. Here we have an amendment offered which is clearly a limitation which comes within the rule; but the so-called amendment offered by the gentleman from Illinois brings an entirely new subject into the law, and that is the payment of tuition. That is not in the law now, and it is clearly legislation, and the fact that it is hooked on to an amendment that is in order does not make it germane if it is not germane.

Mr. CHINDBLOM. What I want to do is to save these children who may want to attend public schools in the District.

Mr. BLANTON. Mr. Chairman, I make a point of order that the remaining time is for those who are opposed to the amendment, and the gentleman from Michigan [Mr. KETCHAM] is in favor of it.

The CHAIRMAN. The gentleman from Michigan is recognized for five minutes.

Mr. KETCHAM. Mr. Chairman and gentlemen of the committee——

Mr. CHINDBLOM. Mr. Chairman, I wish to be heard on the point of order.

The CHAIRMAN. The gentleman from Michigan is now speaking on the amendment offered by the gentleman from Maryland [Mr. GAMBRILL].

Mr. BLANTON. And he is in favor of it, although the remaining time is for those opposed to the amendment.

Mr. CHINDBLOM. In order that there may not be a wrong precedent set, Mr. Chairman, the gentleman from Illinois—myself—understood the Chair to sustain the point of order made by the gentleman from Texas [Mr. BLANTON]. Of course the gentleman from Texas could not make a point of order on the question of recognition.

Mr. SIMMONS. Mr. Chairman, I will ask unanimous consent that the gentleman from Michigan [Mr. KETCHAM] may be recognized.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent that the gentleman from Michigan [Mr. KETCHAM] may be recognized. Is there objection?

There was no objection.

Mr. KETCHAM. Mr. Chairman and members of the committee, in the first place, I want to express a word before the whole committee that I expressed to the chairman of the subcommittee a little time ago, and that is a word of appreciation of the fine spirit the subcommittee have shown in their endeavor to meet this very difficult situation.

And I think I might go further. If the gentleman had not been to such great pains as to send a telegram out to the superintendent of the city schools at Hastings, Mich., which sought to put me in a rather bad light in this situation, perhaps I might have been able to go along with him, but I find myself forced to the opposite position.

Now, with reference to my home city, that city exhibits exactly the same spirit that I wish this Capital would exhibit with reference to those boys and girls from nearby towns. It is true that we charge them tuition, but I do not think the superintendent of schools of our town will say that that tuition represents the cost of the instruction received. But we feel that it is a fine thing to establish cordial relations with the county of which we are the county seat, and to encourage the boys and girls to come there in order that they may have the advantages of education.

And now I make my plea for the amendment of the gentleman from Maryland on this basis, that this same fine spirit of reciprocity ought to characterize this great Capital. I brush aside the statements of my friends on this committee as to heavy taxation in the District as a result of these pupils as inconsequential. If I were a lawyer, I would say their contention is irrelevant, incompetent, and immaterial. [Laughter.] It certainly is inconsequential. That is the only word that occurs to me outside of the lawyers' vocabulary that begins with the letter "i." [Laughter.]

The very idea of men on this committee standing here and pleading for the taxpayers of the District of Columbia in reference to the very trifling sum that may be required from the pockets of District taxpayers to make up their small proportion of the $250,000 that might properly be charged to these children

is ludicrous. Any man who has ever had any experience in school affairs knows that you would have your school machinery already set up, with practically the rooms that you have now, and the same overhead expense, with or without these children, and no man this minute has a coin in his pocket small enough to represent the increased cost that any citizen of the District of Columbia would have to pay by reason of these children coming to school here without paying tuition.

Mr. SIMMONS. Mr. Chairman, will the gentleman yield there?

Mr. KETCHAM. I will yield to the gentleman after I have made one other statement.

I think you are all aware that within this District there reside probably 10,000 heads of families who are not citizens of the District of Columbia. They vote back in your State and back in my State, and they, in a large number of instances, do not pay one red cent of tax in the District of Columbia, except as they pay it indirectly in rents. We allow them to have the privilege of sending their children to the schools here, and if that be true, and if we extend that courtesy to Nebraska and to other States, why in the name of all that is fair, right, and just should we not extend it likewise to the States of Maryland and Virginia, which to all intents and purposes are a part of this metropolitan area?

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. ZIHLMAN. Mr. Chairman, I ask recognition.

The CHAIRMAN. Is the gentleman opposed to the amendment?

Mr. ZIHLMAN. I am in favor of the amendment.

The CHAIRMAN. Is any gentleman opposed to the amendment? If not, the gentleman from Maryland is recognized for five minutes.

Mr. ZIHLMAN. Mr. Chairman, I do not propose to take the entire five minutes. Mr. Chairman and gentlemen of the committee, we have long known of the editorial "we." Recently, due to the brilliant achievement of the pioneer of the air, Col. Charles A. Lindbergh, we have become acquainted with the aeronautical "we"; and to-day we learn of the legislative "we," which seems to be the Committee on Appropriations, who are proposing this legislation, which has been characterized upon this floor as picayune. The superintendent of schools, who is paid $10,000 to manage and administer the affairs of the schools of this District and who should know more about this subject than anyone else, stated before this subcommittee that he was working out this matter of the attendance of children from Maryland and Virginia. He stated that the Board of Education have adopted a rule that whenever the number of pupils in a room reached the total of 42 the children from Maryland and Virginia were kept out of that room, and that when the number of pupils in any room reached 48, under the rule adopted by the school board, all Maryland and Virginia children were put out of that school and out of that room and taken care of elsewhere, if possible. So the school authorities are working this thing out, and it is only a matter of a few years until the State of Virginia and the State of Maryland will be able to take care of the greatly increasing population that has been built up around the suburbs and around the imaginary line which separates the District of Columbia from the State of Maryland and the State of Virginia.

In the testimony of Doctor Ballou, he states that Arlington County, Va., had issued bonds and is building a number of splendid schools. He also admitted that the State of Maryland—or the county of Montgomery, at Takoma Park, at Bethesda, and in other sections of that county—is building schools as rapidly as possible to take care of these children. I contend that at this time to endeavor to repeal the existing legislation by a limitation of this kind is not in accord with the policy we might expect from a great committee like the Committee on Appropriations, and I sincerely trust that the amendment offered by the gentleman from Maryland [Mr. GAMBRILL] to strike this provision out of the bill will prevail and that we will be allowed to work this thing out in conjunction with the authorities of the District of Columbia.

Mr. GREEN of Florida. Will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. GREEN of Florida. Does the gentleman mean that the superintendent of schools here says that they have not enough building space to take care of the children now in the District?

Mr. ZIHLMAN. No; he does not say that. As I read his testimony he states that certain schools will be crowded, even if they eliminate all of the children from Maryland and Virginia. He states that the school referred to by the gentleman from Nebraska, in the vicinity of Chevy Chase, would be crowded even if the Maryland children were eliminated.

Mr. GREEN of Florida. Would that drive them out of the District schools or would they be transferred to another place in the District?

Mr. ZIHLMAN. Under existing law, Maryland children, if there are facilities for them, can go to a school that is not crowded.

Mr. MURPHY. Will the gentleman yield?

Mr. ZIHLMAN. Yes.

Mr. MURPHY. I am wondering, if the shoe were on the other foot, whether the State of Maryland and its Representatives would be in this House advocating just what they are advocating on this floor now, if District children were being sent into Maryland?

Mr. ZIHLMAN. There are District children in the Maryland schools. It has been stated that 270 children from the District are attending the University of Maryland.

Mr. MURPHY. But that is not a public school. They are paying their tuition.

Mr. ZIHLMAN. I will say to the gentleman that there are children attending the Maryland schools in Prince Georges and Montgomery Counties, Md., and in Arlington County, Va., who reside within the District, and no tuition is charged. It is true the number is not comparable, but I am stating this to show that reciprocity does prevail.

Mr. CHINDBLOM. Is the proportion about 16 to 1?

Mr. ZIHLMAN. About 16 to 1.

Mr. MURPHY. I can very readily sympathize with the gentleman from Maryland in trying to save the taxpayers of Maryland at the expense of the taxpayers of the District of Columbia. The gentleman must not lose sight of the fact that every man who lives in the District of Columbia is paying taxes when he pays the rents of this District. They are paying taxes beyond anything they would pay in your State and in the State of Virginia.

The CHAIRMAN. The time of the gentleman from Maryland has expired. The question is on agreeing to the amendment offered by the gentleman from Maryland [Mr. GAMBRILL].

The question was taken; and on a division (demanded by Mr. ZIHLMAN) there were—ayes 91, noes 82.

Mr. SIMMONS. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. SIMMONS and Mr. GAMBRILL.

The committee again divided; and the tellers reported that there were—ayes 95, noes 98.

So the amendment was rejected.

The Clerk read as follows:

HOUSE OF DETENTION

For maintenance of a suitable place for the reception and detention of children under 17 years of age, and, in the discretion of the commissioners, of girls and women over 17 years of age, arrested by the police on charge of offense against any laws in force in the District of Columbia, or held as witnesses or held pending final investigation or examination, or otherwise, including transportation, the purchase and maintenance of necessary motor vehicles, clinic supplies, food, upkeep and repair of building, fuel, gas, ice, laundry, supplies, and equipment, electricity, and other necessary expenses, $14,000; for personal services in accordance with the classification act of 1923, $15,780; in all, $29,780: *Provided*, That no part of this appropriation shall be expended for the maintenance of a house of detention in the territory abutting or adjacent to the grounds of the Capitol Building, the Senate and House Office Buildings, and the Library of Congress.

Mr. SIMMONS. Mr. Chairman, I offer an amendment.

The CHAIRMAN (Mr. LAGUARDIA). The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SIMMONS: Page 55, after line 24, insert the following paragraph:

"For rental, repair, and alteration of quarters for health department clinics, including installation of necessary equipment, $8,000."

The amendment was agreed to.

The Clerk read as follows:

For a site for an engine company to be located in the vicinity of Connecticut and Nebraska Avenues, NW., $12,000: *Provided*, That no part of this appropriation shall be expended for the purchase of any site the cost of which shall exceed the full value assessment of such property last made before purchase thereof plus 25 per cent of such assessed value.

Mr. LUCE. Mr. Chairman, I move to strike out the last word of this paragraph for the purpose of asking the chairman of the committee if he can give the committee any information as to what progress, if any, he is making on the question of handling the purchases of property in the District.

Before the gentleman answers I would explain that my committee duties and other relations bring me in touch with the problem and are bringing home to me forcibly some of the difficult situations that are arising. Last year we passed a bill, which became law, for the purchase of land for an arboretum. By reason of the position taken by certain real-estate promoters, we were held up in that project. Very fortunately, the bill provided that this land might be that which we had especially in view, the Mount Hamilton site, or it might be elsewhere in or near the District; and it may be well for me now to give notice that the permission to go elsewhere in the District or to go outside of the District may be resorted to if it proves impossible to buy the rest of this land at a reasonable price. I may also warn the men concerned that if the holdup continues the Government may see fit to stop any further work in the dredging of the Anacostia River and the development of the land in the upper reaches thereof.

But I am concerned with two other situations that I think should be brought to the attention of the committee, and possibly in view of them the chairman of this subcommittee may help us to determine what ought to be done.

In the case of the land that is to be bought, two squares at the lower end of the hill, for the new Botanic Garden, the bids were opened the other day and there was not one piece of property in those two squares that was offered to us at less than 100 per cent above the assessed valuation. One of the more important pieces of property was offered to us at between 300 per cent and 400 per cent above the assessed valuation. The average of the bids submitted to us was over 200 per cent above the assessed valuation. This, of course, is nothing more or less than a holdup of the Government of the United States and an attempt to extort from the Public Treasury money that should not go for that purpose; and, strongly of the hope as I am that the Botanic Garden may be speedily removed from its present situation, I for one should be very reluctant to consent to paying any such extortionate prices as are demanded; and I am ready now, unless something changes in the matter, to introduce another bill providing a different site for the Botanic Garden.

But it seems most unfortunate that we should be obliged to sacrifice the desirable locations for our public improvements and go to less desirable locations by reason of a system of assessment and a system of condemnation proceedings which mulct the Government every time either is brought into the situation.

I understand a bill has been introduced for improving the condemnation proceedings of the District. Will the gentleman inform us, if he knows, of any steps that are being taken or can the gentleman suggest any steps that ought to be taken to meet the conditions presented by the unfair, unjust, and wrong system of assessing property in the District of Columbia?

Mr. SIMMONS. Mr. Chairman, I think the gentleman from Massachusetts [Mr. LUCE] has very well stated the situation that exists here in Washington, and that is that under existing conditions the real-estate men are holding up the Government and the people of the District in the purchase of sites.

On this matter the gentleman and I are in complete accord. I believe the gentleman is right in notifying these people that if the United States can not buy property at a fair price in the District, when there are matters that affect the District, such as the matters the gentleman is interested in, then we ought to go outside of the District or stop the activity.

We are presented with a strange situation in the District. Business men, responsible taxpayers who ought to be interested in city development, refuse to serve on condemnation juries. The business men of Washington either connive in this holdup or else do not resist it. I asked the corporation counsel why it was that responsible business men in the community were not called upon as witnesses of value in condemnation cases. He said the only way he could get them was to insist that they come, and that they came only as a personal favor. The result is that the District is in the hands of real-estate speculators and boomers of real-estate values.

Condemnation juries are made up partly of real-estate men who are interested in keeping up the price of land in the District.

It seems to me the District people ought to have interest enough in the development of the city to serve on these juries, and to see to it that the District and Federal Government get a square deal in land purchases.

The gentleman from Massachusetts asks what progress is being made in the buying of land under the 125 per cent provision.

You will find the names in the hearings of three men who went to the assessor and tried to get him to raise the assessment so that they could sell their land to the District at an increased price. In one instance the owner threatened the assessor with the influence of a Member of Congress that they would get his job if he did not increase the assessment.

We have bought land and are buying land under the 125 per cent limit. The purchasing officer told me that the money we have available will nearly all be spent.

Here is what happens: The people refuse to sell until they know Congress is not going to repeal the 125 per cent provision.

In one instance last year we could not get the land because the newspapers were bombarding the Congress to do away with the 125 per cent limit. When the appropriation bill was reported with 125 per cent limit in it, the owner came around and said, "Boys, I will take your offer if that is the decision."

The assessor states that a 125 per cent limit is a fair one to the property owner and the taxpayer. If we can not buy for civic improvements with that limit, it is not the fault of Congress; but it is the fault of those who seek to hold up the District and the fault of the District people.

Mr. LUCE. Will the gentleman yield?

Mr. SIMMONS. I will.

Mr. LUCE. Has the gentleman given any study to the matter of improving condemnation process?

Mr. SIMMONS. There is a proposal for that purpose, but I have not had time to study it. The condemnation law needs amendment. The courts appoint a condemnation jury and it may be 8 or 10 months before anybody knows what their decision is or what influences may be brought to bear on them. In one instance a condemnation jury have had the matter of the purchase of a school site under consideration for six or eight months and had not reported.

Mr. ZIHLMAN. Mr. Chairman, I move to strike out the last two words. A bill was prepared by the counsel for the National Capital Park and Planning Commission, which is intended to remedy some of the defects in the existing condemnation laws, providing among other things that no man engaged in the real-estate business here can serve on a condemnation jury, and providing for an additional judge of the supreme court here to hear these cases. That bill has been introduced and is pending before the Committee on the Judiciary or a subcommittee of that committee. No report has yet been made on the bill.

The CHAIRMAN (Mr. HOOPER). Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For maintenance, including personal services, of the public crematory, $2,500.

Mr. GRIFFIN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. GRIFFIN: Page 62, line 3, strike out lines 3 and 4 and insert: "For maintenance, including personal services of the public crematorium, $3,000: *Provided*, That the health officer is authorized to provide and furnish proper containers for the reception, burial, and identification of the ashes of all human bodies of indigent persons that are cremated at the public crematorium, which ashes remain unclaimed after 12 months from date of such cremation."

Mr. GRIFFIN. Mr. Chairman, the effect of this amendment is to increase the appropriation about $500. The object of that is to enable the health officer of the District to bury the ashes of the indigent persons who are cremated with some degree of respectability and concern for the dead as well as the living. The health officer encountered a snag in the matter of the proper disposition of the ashes by the attitude of the Comptroller General that no officer of the Government had the right to bury or do away with public property. The urns are receptacles in which the ashes of the pauper dead are placed after the cremation, and they are construed to be Government property. The Comptroller held that the health officer had no authority to bury them. This appropriation gives the health officer of the District a sufficient sum to provide proper urns and identification tags, so that the ashes of the dead may be preserved in peace and respectability.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

The Clerk continued to read the bill.

Mr. LINTHICUM (interrupting the reading). Mr. Chairman, I have an amendment which I desire to offer on page 89 of the bill. Is it too late?

Mr. BLANTON. But the Clerk is reading now on page 90 of the bill.

Mr. SIMMONS. I shall object to returning to offer such an amendment.

Mr. LINTHICUM. Then I make the point of order that there is no quorum present.

Mr. CHINDBLOM. I suggest that the gentleman from Maryland permit his amendment to be reported.

Mr. SIMMONS. I shall reserve the right to object to returning for the purpose of offering the amendment.

Mr. CHINDBLOM. And the gentleman from Maryland temporarily withdraws the point of order of no quorum?

Mr. LINTHICUM. I withdraw the point of order for the present.

The CHAIRMAN. The gentleman from Maryland submits an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LINTHICUM: Page 89, after line 11, insert a new paragraph:

"For salaries, maintenance, and for pumping water when necessary at the Bryant Street pumping station, $45,000."

Mr. BLANTON. Mr. Chairman, I make the point of order that this is legislation on an appropriation bill, and it is a change of existing law. There is no law now that authorizes that.

Mr. LINTHICUM. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Maryland.

Mr. LINTHICUM. Mr. Chairman, on page 17 of the committee report, under the title "Water service," subtitle "Water department," we find the following:

Water department: For salaries under the water department the committee has increased the Budget estimate of $142,000 by an addition of $2,360 for salary increases. There is recommended for the item of maintenance and operation of the distribution system and the purchase of supplies and payment of per diem wages the Budget estimate of $335,000. This is a reduction of $111,500 under the current year and is made possible by the discontinuance of the pumping of water at the Bryant Street station.

I maintain that if that $335,000 is properly in the bill, and this reduction of $111,000 has been made by virtue of the discontinuance of pumping water at the Bryant Street pumping station, this amendment is germane following that appropriation of $335,000; that it was the intention of the District Commissioners to include this $45,000 along with the $335,000, but the Budget Committee or the Subcommittee of the Committee on Appropriations having this bill in charge—I do not know which—cut it out. If it was germane as a part of the $335,000, and that was a saving of $111,000, certainly it ought to be germane to that appropriation.

Mr. SIMMONS. Mr. Chairman, this bill carries every cent for this that was asked for by the water department or by the commissioners. I insist upon my objection to returning to that point in the bill for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Nebraska insists on his objection. Does the gentleman from Maryland renew his point of order that there is no quorum present?

Mr. LINTHICUM. No.

The Clerk resumed and completed the reading of the bill.

The CHAIRMAN. Without objection, the Clerk will be authorized to change the spelling of the word "temporary" on page 77, line 17.

There was no objection.

Mr. SIMMONS. Mr. Chairman, I move that the Committee do now rise and report the bill to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. HOOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 11133) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1929, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. SIMMONS. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. GAMBRILL. Mr. Speaker, I submit a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GAMBRILL. I am.

The SPEAKER. The Clerk will report the motion of the gentleman from Maryland to recommit the bill.

The Clerk read as follows:

Mr. GAMBRILL moves to recommit the bill to the Committee on Appropriations with instructions to report the same back instanter with lines 9 to 14, inclusive, on page 46 stricken out of the said bill.

Mr. MOORE of Virginia. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Virginia makes the point of order that there is no quorum present. The Chair will count.

Mr. MOORE of Virginia. Mr. Speaker, I withdraw that.

The SPEAKER. The question is on agreeing to the motion to recommit.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. SIMMONS. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. As many as favor the motion of the gentleman from Maryland [Mr. GAMBRILL] to recommit the bill with instructions will, when their names are called, answer "yea"; those opposed will answer "nay." The Clerk will call the roll.

The question was taken; and there were—yeas 139, nays 146, not voting 148, as follows:

[Roll No. 38]

YEAS—139

Almon	Dickinson, Mo.	Johnson, Tex.	Oliver, Ala.
Andrew	Drane	Johnson, Wash.	Parker
Aswell	Driver	Jones	Parks
Bankhead	Dyer	Kelly	Peavey
Bell	Edwards	Kemp	Peery
Berger	Eslick	Ketcham	Quin
Black, Tex.	Evans, Mont.	Knutson	Ragon
Bloom	Fish	Kvale	Rainey
Box	Fisher	LaGuardia	Rankin
Brand, Ga.	Fitzpatrick	Lampert	Reece
Briggs	Fulbright	Lanham	Reed, Ark.
Browne	Fulmer	Lankford	Rogers
Browning	Gambrill	Lea	Rubey
Buchanan	Garner, Tex.	Linthicum	Rutherford
Burdick	Garrett, Tenn.	Lowrey	Sanders, Tex.
Bushby	Gifford	Lozier	Sandlin
Canfield	Glynn	McDuffie	Sears, Fla.
Cannon	Goldsborough	McKeown	Shallenberger
Carss	Gregory	McLeod	Shreve
Cartwright	Green, Fla.	McMillan	Stedman
Casey	Greenwood	Major, Ill.	Stevenson
Chapman	Griffin	Major, Mo.	Swank
Clancy	Hammer	Mansfield	Tarver
Cochran, Mo.	Hare	Martin, La.	Tillman
Cohen	Harrison	Martin, Mass.	Vinson, Ga.
Collier	Hickey	Mooney	Ware
Connally, Tex.	Hill, Wash.	Moore, Ky.	Weaver
Cox	Howard, Nebr.	Moore, Ohio	Whitehead
Crisp	Howard, Okla.	Moore, Va.	Williams, Mo.
Crosser	Hudspeth	Moorman	Williams, Tex.
Dallinger	Hull, Tenn.	Morrow	Wilson, La.
Davey	Jacobstein	Nelson, Mo.	Wright
Davis	Jeffers	Norton, N. J.	Yon
Deal	Johnson, Ill.	O'Connor, La.	Zihlman
De Rouen	Johnson, Okla.	Oldfield	

NAYS—146

Ackerman	Dickinson, Iowa	Hooper	Niedringhaus
Adkins	Eaton	Hope	Norton, Nebr.
Allgood	Elliott	Houston	Purnell
Andresen	Englebright	Huddleston	Ramseyer
Arentz	Estep	Hudson	Ransley
Ayres	Evans, Calif.	Hull, Morton D.	Robinson, Iowa
Bachmann	Fitzgerald, W. T.	Jenkins	Rowbottom
Bacon	Fletcher	Johnson, Ind.	Sanders, N. Y.
Barbour	Fort	Kading	Schafer
Beedy	Foss	Kahn	Schneider
Beers	Frear	Kiess	Sears, Nebr.
Blanton	Free	Kincheloe	Seger
Bohn	Freeman	Kopp	Selvig
Bowles	French	Korell	Simmons
Brigham	Frothingham	Kurtz	Sinclair
Britten	Garber	Langley	Smith
Burtness	Gibson	Leavitt	Snell
Burton	Griest	Luce	Sproul, Ill.
Byrns	Guyer	McClintic	Sproul, Kans.
Chalmers	Hadley	McLaughlin	Stalker
Chase	Hall, Ill.	McReynolds	Steele
Chindblom	Hall, Ind.	MacGregor	Stobbs
Christopherson	Hall, N. Dak.	Maas	Strong, Kans.
Clague	Hancock	Madden	Summers, Wash.
Clarke	Hardy	Magrady	Swick
Cole, Iowa	Hastings	Mapes	Swing
Collins	Haugen	Menges	Taber
Colton	Hawley	Merritt	Temple
Cooper, Ohio	Hersey	Michener	Thatcher
Cooper, Wis.	Hill, Ala.	Miller	Thurston
Crowther	Hoffman	Morehead	Tilson
Curry	Hogg	Murphy	Timberlake
Darrow	Holaday	Nelson, Me.	Treadway

Underhill	Wainwright	Welch, Calif.	Winter
Underwood	Wason	Welsh, Pa.	Wood
Vincent, Mich.	Watres	White, Kans.	
Vinson, Ky.	Watson	White, Me.	

NOT VOTING—148

Abernethy	Dickstein	Kunz	Reid, Ill.
Aldrich	Dominick	Larsen	Robsion, Ky.
Allen	Doughton	Leatherwood	Romjue
Anthony	Douglas, Ariz.	Leech	Sabath
Arnold	Douglass, Mass.	Lehlbach	Sinnott
Auf der Heide	Doutrich	Letts	Sirovich
Bacharach	Dowell	Lindsay	Somers, N. Y.
Beck, Pa.	Doyle	Lyon	Speaks
Beck, Wis.	Drewry	McFadden	Spearing
Begg	England	McSwain	Steagall
Black, N. Y.	Faust	McSweeney	Strong, Pa.
Bland	Fenn	Manlove	Strother
Boies	Fitzgerald, Roy G.	Mead	Sullivan
Bowling	Furlow	Michaelson	Sumners, Tex.
Bowman	Gallivan	Milligan	Sweet
Boylan	Gardner, Ind.	Monast	Tatgenhorst
Brand, Ohio	Garrett, Tex.	Montague	Taylor, Colo.
Buckbee	Gasque	Moore, N. J.	Taylor, Tenn.
Bulwinkle	Gilbert	Morgan	Thompson
Bushong	Golder	Morin	Tinkham
Butler	Goodwin	Nelson, Wis.	Tucker
Campbell	Graham	Newton	Updike
Carew	Green, Iowa	O'Brien	Vestal
Carley	Hale	O'Connell	Warren
Carter	Hoch	O'Connor, N. Y.	Weller
Celler	Hughes	Oliver, N. Y.	White, Colo.
Cochran, Pa.	Hull, Wm. E.	Palmer	Whittington
Combs	Igoe	Palmisano	Williams, Ill.
Connery	Irwin	Perkins	Williamson
Connolly, Pa.	James	Porter	Wilson, Miss.
Corning	Johnson, S. Dak.	Pou	Wingo
Crail	Kearns	Prall	Wolverton
Cramton	Kendall	Pratt	Woodruff
Cullen	Kent	Quayle	Woodrum
Davenport	Kerr	Rathbone	Wurzbach
Dempsey	Kindred	Rayburn	Wyant
Denison	King	Reed, N. Y.	Yates

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Weller (for) with Mr. Graham (against).
Mr. Drewry (for) with Mr. Hoch (against).
Mr. Bland (for) with Mr. Begg (against).
Mr. Douglass of Massachusetts (for) with Mr. Dowell (against).
Mr. Bowling (for) with Mr. Vestal (against).
Mr. Woodrum (for) with Mr. Doutrich (against).
Mr. Romjue (for) with Mr. Thompson (against).
Mr. White of Colorado (for) with Mr. Butler (against).
Mr. Abernethy (for) with Mr. Green of Iowa (against).

Until further notice:

Mr. Reid of Illinois with Mr. Moore of New Jersey.
Mr. Pratt with Mr. Pou.
Mr. Cochran of Pennsylvania with Mr. Dickstein.
Mr. Wurzbach with Mr. Larsen.
Mr. Anthony with Mr. O'Connell.
Mr. James with Mr. Taylor of Colorado.
Mr. Dempsey with Mr. Celler.
Mr. McFadden with Mr. Weaver.
Mr. Beck of Pennsylvania with Mr. O'Connor of New York.
Mr. Golder with Mr. Sumners of Texas.
Mr. Hughes with Mr. Oliver of New York.
Mr. Porter with Mr. Lyon.
Mr. Michaelson with Mr. Kent.
Mr. Brand of Ohio with Mr. Sullivan.
Mr. Bacharach with Mr. McSwain.
Mr. Newton with Mr. Bulwinkle.
Mr. Denison with Mr. Wilson of Mississippi.
Mr. Sinnott with Mr. Arnold.
Mr. Woodruff with Mr. Prall.
Mr. Yates with Mr. O'Brien.
Mr. Taylor of Tennessee with Mr. Wingo.
Mr. Strong of Pennsylvania with Mr. Lindsay.
Mr. Aldrich with Mr. Kindred.
Mr. Connolly of Pennsylvania with Mr. Doughton.
Mr. Manlove with Mr. Montague.
Mr. Robsion of Kentucky with Mr. Connery.
Mr. Kendall with Mr. Milligan.
Mr. Wyant with Mr. Black of New York.
Mr. Faust with Mr. Tucker.
Mr. Johnson of South Dakota with Mr. Carew.
Mr. Speaks with Mr. Kerr.
Mr. Nelson of Wisconsin with Mr. Sirovich.
Mr. Roy G. Fitzgerald with Mr. Gasque.
Mr. Sweet with Mr. Rayburn.
Mr. Perkins with Mr. Spearing.
Mr. King with Mr. Garrett of Texas.
Mr. Williamson with Mr. Dominick.
Mr. Lehlbach with Mr. Auf der Heide.
Mr. Williams of Illinois with Mr. Kunz.
Mr. Hale with Mr. Mead.
Mr. Strother with Mr. Cullen.
Mr. Palmer with Mr. Palmisano.
Mr. Furlow with Mr. McSweeney.
Mr. W. E. Hull with Mr. Quayle.
Mr. Tinkham with Mr. Sabath.
Mr. Wolverton with Mr. Douglas of Arizona.
Mr. Beck of Wisconsin with Mr. Boylan.
Mr. Cramton with Mr. Somers of New York.
Mr. Kearns with Mr. Corning.
Mr. Bushong with Mr. Steagall.
Mr. Leech with Mr. Igoe.
Mr. Davenport with Mr. Combs.
Mr. Campbell with Mr. Gallivan.
Mr. Letts with Mr. Doyle.
Mr. Boies with Mr. Gilbert.
Mr. Crail with Mr. Carley.
Mr. Fenn with Mr. Gardner of Indiana.

Mr. CRAIL. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. CRAIL. I was not.

The SPEAKER. The gentleman does not qualify.

Mr. ARNOLD. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. ARNOLD. I was not.

The SPEAKER. The gentleman does not qualify.

Mr. SPEAKS. Mr. Speaker, I desire to vote "no."

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. SPEAKS. I was not.

The SPEAKER. The gentleman does not qualify.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SIMMONS, a motion to reconsider the vote by which the bill was passed was laid on the table.

REAL FARM RELIEF

Mr. CONNALLY of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CONNALLY of Texas. Mr. Speaker and gentlemen of the House, under leave granted me I set forth an argument made by me before the Committee on Agriculture on February 24 in behalf of H. R. 11358, introduced by me and now pending before the Committee on Agriculture. It is sound and workable and will give the farmer real relief. The bill establishes a Federal farm board of 12 members from the 12 Federal land-bank districts. Commodity advisory councils are provided. The board is authorized to create an export corporation for each staple agricultural commodity, such as an export corporation for cotton and another for wheat.

A revolving fund of $500,000,000 is provided to be furnished by the Treasury. The board is authorized to make loans to cooperative associations to assist in handling surplus crops.

The export corporations in time of emergency would buy staple agricultural products at not less than the cost of efficient production and, of course, would pay the market price if higher. The farmer now must sell his whole crop in practically three months. The farm board would have the power to buy, store, and hold and feed out during an annual period. It would afford a purchasing agency which would stimulate the market.

The farmer is the special victim of the tariff. He sells his goods in a world-free market and must buy in a protected market. A protective tariff on agricultural products is not effective because we export such products instead of importing them.

THREE CENTS PER POUND ON COTTON

The only way in which the farmer can be given the benefit of the tariff is to provide export debentures for all staple agricultural products exported abroad. With this end in view the Connally bill provides that on agricultural products exported the Treasury shall issue debenture certificates. These certificates are tenderable in payment of tariff duties. Certificates for 3 cents per pound on cotton and 21 cents a bushel on wheat are provided. Such certificates are negotiable and may be sold to importers or others. Cooperative societies, private individuals, and the export corporations would have the privilege of receiving these debenture certificates. The proceeds from their sale would be turned into the revolving fund of the export corporations.

It has been estimated by competent authorities that these debentures would be of direct benefit to the cotton growers of the South in the amount of $200,000,000 annually and to the wheat growers a very large sum. They are direct benefits alone. Through stimulation of the market, carrying through periods of emergency, and in reduced price of manufactured goods through competition of imported goods, the indirect results will be many times greater.

The Connally bill provides no burdensome equalization fee. It requires no army of tax and fee collectors. It is sound and workable. It costs the farmer nothing. It gives the farmer the benefit of the tariff. It is indorsed by the National Grange, the oldest and largest farmers' organization in the United States. The Haugen bill is hopeless. To pass it again when it

is known that it can not become a law is simply to play politics with the farmer. It is simply to try to bunko him. It is simply to fool him again. The Haugen bill would cost the farmer $10 to $25 per bale on cotton. The Connally bill costs him nothing.

CONDENSED STATEMENT OF HON. TOM CONNALLY, REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS, BEFORE THE COMMITTEE ON AGRICULTURE OF THE HOUSE OF REPRESENTATIVES FEBRUARY 24, 1928

Mr. CONNALLY. Mr. Chairman and gentlemen of the committee, I want to thank you for the courtesy you are doing me in giving me an opportunity to discuss the farm relief bill introduced by me.

I believe I have the bill that is the "white hope" of this situation. I believe my bill is the "white hope," and if Congress really wants to do something for the farmer it can pass my bill, or it can pass either one of two branches of my bill; either one of them would be helpful.

My bill embodies the export corporation idea, with a Federal farm board of one member from each Federal land-bank district, with an advisory council, with power to form an export corporation for each particular agricultural product, so as to deal in that particular product without intermingling its funds and its business with the other products; for instance, one corporation for wheat, one corporation for cotton, and so on. It is to be given a revolving fund of $500,000,000, and then tied into that is the export debenture system, which would allow the corporations that export agricultural products or any private individual or any cooperative society or any other exporter to get the benefit of debenture certificates, which would be tenderable at the customhouse in the payment of tariff duties on imports.

DUMPING ON MARKET

What is the matter with agriculture? Two primary things, according to all authority. One is that the farmer has a seasonal market, and he dumps all of his products on the market at one time. How are you going to remedy that? If a man has gallstones, the thing to do is to go in there and cut out the gallstones, not to operate on him for appendicitis or ear trouble or cut off one of his legs. The thing to do is to go and get the gallstones.

Now, what is the matter? How do I meet the seasonal process of dumping farm products on the market? I meet that seasonal dumping by setting up these export corporations for each product, with the power to go into the market in periods of depression and buy each product in the open market at not less than the cost of efficient production. If it is worth more, then the board will pay more; and then the export corporations have power to store and carry and feed it out over the long period. That meets the seasonal proposition.

TARIFF ROBS FARMER

What is the other trouble with the farmer? The other trouble with the farmer and the theory upon which all of these bills are based is that he is the victim of the tariff; that he has to buy his goods in a protected market and he has to sell his goods in Europe in a world-free market. How do I meet that? Meet the situation, and when you find the trouble cut it out.

How do I meet the tariff situation? I simply say, "Mr. Farmer, since you have to ship your cotton and your wheat over to Europe you have to sell it there in competition with the world. I am going to permit you to bring back into the United States an amount fixed in this bill. I am going to allow you, Mr. Farmer, since you have got to sell your goods in that free world market, to bring back into the United States, duty free, an amount of foreign goods commensurate with the value of your product exported; and in order that you may not be required to actually bring these goods back I am going to require the Secretary of the Treasury to execute to you a debenture certificate of 21 cents a bushel on every bushel of wheat and 3 cents a pound on every pound of cotton, which is commensurate with the tariff rates that are charged on manufactured goods which you must buy."

Why is not that giving the farmer the benefit of the tariff? Tell me any other way on earth that you can give the farmer the benefit of the tariff. A protective tariff on wheat can not do the farmer any good. And why? Because we are now concerned with this surplus which we are exporting abroad. We do not import wheat—we import a little, but I mean on the whole we are not importers; we are exporters; and the foreign price fixes the domestic price, because if the price at home is higher than it is abroad, it will not be exported; it will stay here at home; and the foreign price has always got to be higher than the domestic price or it will not go there.

A tariff on cotton would not do any good because we export about two-thirds of our cotton. So the only way on earth that you can equalize the tariff burden is to give farmers who export their stuff abroad these debenture certificates, which would be tenderable at the customhouse, and which can be sold for cash.

How do I pay for the losses? The McNary-Haugen bill makes the farmer pay for the losses himself. My bill provides that the losses would be taken care of by these debenture certificates; and, as it was shown here in the hearing the other day, these debenture certificates would bring a direct benefit, one that you can see, one that you can feel, one that you can put your hand on, of $200,000,000 in increased value to the cotton farmer alone; a direct benefit of about $15 per bale on cotton.

The indirect benefits would be much greater, because it would stimulate purchasing power; it would stimulate the market here at home with a Government corporation able to get into the market at any time. It would aid the farmer, furthermore, by allowing manufactured goods to come in duty free, and thereby to compete with manufactured goods here at home, and more nearly equalize the burdens of the tariff. The farmer would get more for his cotton and wheat. He could buy manufactured goods at cheaper prices.

Now, gentlemen, if you do not want to adopt both wings of this bill, it is separable; you can cut it in two and take the export corporation idea or you can cut the other one off and take the debenture idea. But the ideal system is to link these two plans together. And, now, let me make just one or two other observations.

Mr. ASWELL. Do you have any equalization fee in your bill?

Mr. CONNALLY. There is no equalization fee in my bill. It does not take something out of the farmer's pocket. It really puts money in the farmer's pocket. The old equalization fee takes $10 to $25 out of the farmer's pocket. The equalization fee was a holdup.

Mr. ASWELL. You really give something rather than to take something away from him?

Mr. CONNALLY. My bill really gives him something. Let me show you about the old equalization fee. Now, gentlemen, some people treat the Constitution as a mere bagatelle. I believe the equalization fee is unconstitutional, because I would prefer the Attorney General's opinion to that of some one who does not know.

Mr. RUBEY. You need not be afraid of it.

Mr. CONNALLY. I am afraid of it.

Mr. RUBEY. If you believe it is unconstitutional, you can take it into court.

Mr. CONNALLY. Sure; but I am afraid, just as everybody else is afraid, of a bill that you know is going to break the hopes of the farmer and prove ineffective in the end.

Mr. RUBEY. We do not know that.

Mr. CONNALLY. I say I am afraid of it. But, anyway, some gentlemen say that "What is the Constitution among farm-relief politicians; what is the Constitution, anyway?" It is serious, gentlemen.

Mr. ASWELL. If you take it into the courts and there is a delay of two, three, or four years, what will happen?

Mr. CONNALLY. Of course, that is a possibility, as suggested by Doctor ASWELL. It is taken into the courts. About the time you get the equalization fee passed some fellow will take it into court, or before you get it organized some fellow will take it into the courts, and it will be declared unconstitutional, and, of course, the thing would blow up. And the hopes of the farmer would also blow up.

Mr. KINCHELOE. May I ask you a question there?

Mr. CONNALLY. Yes.

Mr. KINCHELOE. On the question of the practicability of getting a bill for the farmer that will do him some good I am frank to say to you I think there is a whole lot in the debenture plan. But do you think the President of the United States would sign that bill?

Mr. CONNALLY. I think he would come as near signing it as he would the Haugen bill. [Laughter.]

Mr. KINCHELOE. Then your bill is not any more certain than the McNary-Haugen bill?

Mr. CONNALLY. No. But I will say to the gentleman from Kentucky that when I have tried a fellow on one thing and I know what he has done on that I would a great deal rather take a chance on trying something else than to stick up the same old thing, as to which I know what he is going to do.

The President has vetoed the Haugen bill once and everybody knows he will do the same thing again. You remember a tale of a certain dog that went down a certain alley and what happened to him; he got badly licked and the dog, when invited to go down that certain alley again, observed to one of his dog friends, "No; I am not going down that alley. I know what will happen to me if I go down that alley." The Haugen bill has been "down that alley" once.

Mr. KINCHELOE. Do you think that bill would go down a single alley?

Mr. CONNALLY. The Haugen bill has been down that alley, and you know what the President did to it, do you not? My prediction is that if it is sent down that same alley again the same thing is going to happen to the McNary-Haugen bill. So I would rather try a different alley. But I will say to the gentleman, as I previously said, my bill is drawn so he can cut off the debenture plan and leave the export corporation or direct appropriation from the Treasury, with the power to purchase and carry farm products, somewhat as the Haugen bill, except the fee is eliminated.

The President indicated he would approve the Crisp bill, as I understand; he indicated that he would approve a bill drawn on the plan of the bill of Doctor ASWELL, of Louisiana. I voted for both of those bills.

One other thing about the equalization fee: That is why I voted against the Haugen bill. There are a lot of people in my State who are getting fat salaries from the cooperatives running around telling

the folks I am not in favor of the farmer. I have got a farm of my own; my wife has got a farm; every member of my family has got land devoted to the raising of cotton, and I would be foolish if I were not in favor of something that would really help the cotton farmers.

My district is a cotton district, and I would be a much worse politician than most of you gentlemen are if I were really against something if it were helpful to the farmer. I want to say to those gentlemen who have been abusing me around over Texas, and saying I was against the farmer because I will not swallow the little homeopath prescription they press to my lips, that I am voting for the real farmers, and not for these fellows who hold fat jobs at the farmers' expense. If we pass a real farm relief bill some of the high-salaried lobbyists will lose their jobs, and they know it.

Let me see about the equalization fee—your equalization fee. What happens when the farmer is getting along all right—when he is prosperous? You do not put any fee on him, do you? No. You are not down there operating when everything is all right.

Then when the time of stress comes, when the farmer is broke, lying flat on his back in an emergency, then is the time that you come along and put the equalization fee on him and increase his misery and increase the load that is on him, and finish the operation by just about taking all that is left; that is what you do; because the only time you put the equalization fee on him is when he is already flat on his back because of overproduction, getting nothing for his products, when he owes money at the bank that he can not pay; and then the farm board, sitting up here in Washington drawing these big salaries, will say, "Well, the people engaged in agriculture are in a bad fix; now, go ahead and take $10 to $25 out of each bale of cotton as a tax or fee."

Mr. RUBEY. That may explain why all the banks in Illinois are writing letters asking us to pass the McNary-Haugen bill?

Mr. CONNALLY. Yes. They say, "Agriculture is down and out, and now let us come along and put the fee on them and get some money to pull him out of the hole with."

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Mr. CONNALLY. I do not believe, gentlemen—and I am serious about this—that if the fee were constitutional that it is workable. I do not believe it is practicable; that every time a fellow sells a bushel of wheat or a bale of cotton to have some fee collected. I observed that the other day, and I shall not go into it again.

But, what else is wrong with the equalization fee? One of the troubles about legislation at Washington is that there is always some rejoicing when somebody gets a law passed to benefit them, but they want it to operate on everybody else but themselves. The gentleman who spoke this morning, with all due respect to him, representing the dairy interests, is strong for the Haugen bill to operate on everybody except his concern. He wants other people to pay equalization fees, but he does not want the dairymen to pay it.

What else do we find here? We find that the Haugen bill is the spawn and the child of the cooperatives.

My bill provides that loans shall be made to the cooperatives to carry their surpluses. But the trouble about the Haugen bill is that the equalization fee is designed to be a tax on every farmer in the United States, and then when they get the money it is turned over to the cooperatives to handle. You can not dodge that. You can look off at the windows when I am saying that, if you want to, and twirl a pencil and scratch your head and smooth your hair. But that is a fact, that the Haugen bill is designed to tax every farmer in the United States, and take the money after it is collected and turn it over to a little group representing 7 or 8 per cent of the farmers to buy and hold and speculate on agricultural products. That group has got lobbyists here in Washington, and have had them; and it is all right for them to have them. But somebody has got to represent the 92 per cent of the unorganized farmers in this country, and I, for one, am not going to place an illegal, unconstitutional tax of $10 to $25 a bale on every cotton farmer in Texas and turn the money over to 7 or 8 per cent of the farmers who are directly and personally interested in a particular bill, the Haugen bill.

Now, what is there about the McNary-Haugen bill? What is there, gentlemen of the committee, I pray you? What is there that has suddenly made that bill so perfect until it is the only bill that has the benediction of certain authorities and certain interests? Three times we have had it, three editions of it, and each time we have been told that "you must not lay unholy hands upon it. You must not amend it; it is perfect." And yet each time they bring in a new Haugen bill and we are urged to observe that it is finally, in its essence, absolutely perfect.

I do not see anything about the Haugen bill that requires me to approach it with bared head and naked feet because the ground is holy. And yet they tell us it is sacred, sanctified ground. "When you come into the presence of the Haugen bill, pull off your shoes, and pull off your hat, because it must not be touched; it must not be amended. This is the only bill that has received the approval of the farmers; and we are the farmers. We know it is the right bill because it is the farmers' bill, and we are the only ones of the farmers who have been consulted."

What is there about that bill, what is there about the substance of it, that makes it so sublimated? What is there in the texture of the paper upon which it is written that makes it so superior to every form of agricultural legislation? What is there about the brains that fabricated it that makes it superior and better than anything else? I would like to know, gentlemen.

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I am about through, Mr. Chairman. I want to know just one other thing. What sort of a mercurial or other bath has the Haugen bill had to make it absolutely without sin, without fault, absolutely impeccable? They contend, generally, that the bill is dead. You may not know it. The bill is dead, and you are going to have to embalm it; because the Haugen bill is dead, and everybody but you, the Chairman, seems to know it is dead. Everybody in this room who believes the President is going to approve that bill when it reaches him, like the Chairman does, hold up your hands; and I want the newspaper reporters to note who hold up their hands. No one holds up his hand. One word to this gentleman who said he is in favor of the chairman's——

Let me ask the Chairman this question. He admits that agriculture is not getting its deserved fair treatment under the tariff.

The CHAIRMAN. Oh, no; that is not the question.

Mr. CONNALLY. All right; if you will let me ask——

The CHAIRMAN. The large exportable surplus——

Mr. CONNALLY. Answer me this question, When you do export agricultural products abroad, are you opposed to letting those farmers bring back foreign goods in exchange for agricultural products?

The CHAIRMAN. I believe in dealing with everybody fairly.

Mr. CONNALLY. Answer that question. Are you willing to do that?

The CHAIRMAN. What?

Mr. CONNALLY. You heard my question.

The CHAIRMAN. Bring about——

Mr. CONNALLY. Bring back free foreign goods in exchange for agricultural products. Are you in favor of that?

The CHAIRMAN. They are not doing——

Mr. CONNALLY. I am not asking what they are doing; I am asking what they are going to do. Are you in favor of that?

The CHAIRMAN. Certainly.

Mr. CONNALLY. Then the gentleman is for my bill. Now, gentlemen, I want to thank you. I hope the chairman and the others will not think because of my zeal that I was discourteous. I did not mean to be. You have been very generous to me.

Let me say this in passing: You are up against a condition and not a theory. Do you really want a farm relief bill or do you simply want to pass something up to the President and have him veto it, and then go back down there and demagogue all around over your district and tell what you propose to do for the farmer. Which do you want to do?

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Mr. CONNALLY. Here are two pathways open. One pathway to pass some sort of a bill that has a chance to get by the White House. If you do that, you will do some good to agriculture. You may not do all the good that ought to be done, but you will do some good.

The other course is to walk up here and hypocritically embrace the Haugen bill again, with the equalization fee, and walk down to the White House with it, when you know that death awaits it.

Everybody knows the President's real objection to that bill was the equalization fee. He stated so to everybody. He said that that bill with that fee in it is not going to get by. I contend that any man who votes for that bill and sends it over to the White House when he knows it is not going to get by is trying to bunko the American farmer and trying to fool the American farmer.

ADDRESS OF HON. WILLIAM W. COHEN

Mr. GRIFFIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech delivered by my colleague [Mr. COHEN].

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by inserting a speech delivered by his colleague, Mr. COHEN. Is there objection?

There was no objection.

Mr. GRIFFIN. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address of Hon. WILLIAM W. COHEN at meeting of Hadassah Zionist Organization, January 23, 1928:

THE ZIONIST MOVEMENT IN PALESTINE

Friends, the task on which your organization is engaged, and has been laboring during the past two decades, is a stupendous one, but you can point with pride at the achievements so far, and though completion of the work is not yet in sight a firm foundation has been laid, and enormous strides forward have been taken.

The United States Government indicated its interest and its sympathy with the Zionist movement long before the now-famous Balfour declaration of November, 1917, which declared that the British Government viewed with favor the establishment in Palestine of a national home for the Jewish people, and promised to use the government's best endeavors to facilitate the achievement of this object, while declaring nothing should be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by the Jews in any other country. President Wilson was in strong sympathy with the Zionist movement, and his part in the action by Great Britain was greater than is generally known or appreciated. By a joint resolution of the Sixty-seventh Congress, approved by President Harding on September 21, 1922, our Government gave its indorsement of the pledge which was incorporated in a mandate for Palestine and intrusted to Great Britain.

The average man, the average Jew, knows of Zionism in a general way, and is in accord with its purpose and its activities, and is even willing to contribute funds to help the work along. But, as a rule, it is all so far away and so vague that he does not realize what has been done and what is still to be done. If he could only know what has already been accomplished in transforming this bit of arid country, which is only as large as the second smallest State in the United States, with a total population (Arabs and Jews) aggregating approximately 850,000, less than any one of the boroughs of Manhattan, he would understand the tremendous results that have already been accomplished and the magnitude of the project.

At the time of the Balfour declaration, the Jewish population of Palestine was about 50,000; to-day it is about 175,000, comprising 20 per cent of the total population. These have been drawn from all parts of the world, demonstrating very clearly the strong bond of religion which has given so widely different types the tie which has existed throughout the centuries. Not all who go to Palestine remain there, but the proportion of those who remain over those who find the vicissitudes of a new country too much for them is so great that it has been the source of the most encouragement for the workers who are so earnestly laboring for the Jewish homeland.

Land has been given to the Jewish settlers, tools provided, mortgage and credit facilities given, schools established, and a modern health system introduced by the Hadassah. A sound nucleus has been achieved, and growth should be steady along constructive lines. Through the Jews scientific agriculture has been brought to Palestine. Though the Arabs still use the ancient methods, the example of the Jews has been most salutary, and they are slowly discarding the former in favor of the up-to-date ones. Electricity is available in Palestine through a concession on the Jordan River granted to a Jew. Irrigation work on a large scale has been done; swamps have been drained and arid districts reclaimed for cultivation.

The Keren Hayesod, better known as the Palestine Foundation Fund, supplied the money for the erection of living quarters and farm buildings, the purchase of livestock, agriculture implements, and seeds. Through the Rothschild villages, established by Baron Edmond de Rothschild, of Paris, oranges and tobacco have been added to Palestine's exports.

One of the most important of the activities of the Zionists is the work of the Hadassah medical organization, which has brought healthful conditions into Palestine for the first time in many centuries. Ten years ago Palestine was a land of epidemics, ailments, and diseases. At that time, in the Arab population, a large percentage of the children suffered from the terrible scourge, trachoma, which led to the presence of an unusually large percentage of blind, while many other contagious diseases ravaged the land. Sanitation was completely ignored in the Arab villages, and they were places of pestilence and misery. Hadassah inaugurated health methods modeled after those employed by Colonels Goethals and Gorgas in the Panama Canal Zone. It maintains almost a score of hospitals, many dispensaries, and traveling units, which are available to all the inhabitants, regardless of race, creed, or religion, and is a blessing for which all thank the Jews.

From the earliest days of the Turkish régime, the Jews in Palestine have fostered public education for Jewish settlers. The Arabs were illiterate, but, as a result of the Jewish example, their standards improved and the Palestine government was obliged to erect schools and provide teachers. To-day, the Arab schools are maintained exclusively by the Palestine government, giving the Arabs free education, while the Jewish schools receive but a small fraction of the cost of their school system as a grant from the Palestine government. Every Zionist village has its schools; there are quite a few high schools, a technical school, a number of normal schools, and, chief of all, the Hebrew University on Mount Scopus. The school system of Palestine compares very favorably with the schools in some of the Southern and Western States, except in the large cities. As you undoubtedly know, the little one-room, old-fashioned schoolhouse is still used in parts of the United States.

In this connection, I want to call to your attention the fact that the Palestine government at presents expends about $380,000 a year for the education of the Arabs, but contributed only about $50,000 for the education of the Jews, even though the Jews pay about 40 per cent of the taxes. This situation is obviously inequitable. Jewish education should be provided for the same as Arab education and should receive equal treatment at the hands of the government.

One of the most gratifying achievements is the revival of the Hebrew language, which is now used in school and university, in the factory and farm, on the streets and in the courts, in the textbooks, and newspapers. I am informed that there has just been issued a medical journal by the Jewish physicians of Palestine in the Hebrew tongue, with modern terminology in the Hebrew language.

It was only yesterday that I had the pleasure of speaking to my dear friend, Judge Jeremiah T. Mahoney, who told me of the surprises he met with on his trip to the Holy Land three years ago. He visited Palestine and the surrounding country and was amazed at the achievements and progress of the settlers, which, of course, were only made possible by the work of the Zionist organization.

Judge Mahoney compared the Jewish settlers with the Pilgrims and Puritans of early American days—the same spirit of determination and self-sacrifice for an ideal of a home and a country. This ideal was realized by the American settlers and is well on the road to materialization for the Jewish pioneers.

He told me that the colonists were deserving of unbounded credit for what has already been accomplished, and that they were entitled to fullest cooperation not only from the Jews but from the Christians throughout the world in the way of money and financial backing, and also in the way of moral and friendly assistance. They were making a garden out of a desert; they were restoring not only for themselves but for the Christian world the spot which is looked on and worshipped as the birthplace and cradle of Judaism and Christianity.

Though Judge Mahoney was greatly impressed with the progress that had already been made, he could also see the potentialities that were lying dormant, awaiting the assistance of the civilized world to bring to fruition.

We must realize that the work once started can not be allowed to stop; that it is up to us to do everything in our power to raise the finances necessary to bring this work to a successful conclusion.

I want to thank you for giving me this opportunity to be with you to-night. I want to assure you that I am always ready and willing to be called on at any time to give you all the assistance I can, personally and officially.

PERMISSION TO ADDRESS THE HOUSE

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that on Tuesday next, following the reading of the Journal and the disposition of business on the Speaker's table, the gentleman from Texas, Mr. WILLIAMS, may address the House for one hour.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

ADDRESS OF HON. WILL R. WOOD

Mr. THATCHER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing the Lincoln Day address of the gentleman from Indiana, Mr. WOOD, delivered at Miami, Fla.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. THATCHER. Mr. Speaker, under leave granted to extend my remarks in the RECORD, I insert the following address of Hon. WILL R. WOOD, chairman of the National Republican Congressional Committee, before the Dade County Republican Club, Miami, Fla., February 11, 1928:

LINCOLN

My friends, we are met to do honor to the memory of Abraham Lincoln. It is altogether fitting that upon the anniversary of the birth of this great American, American men and women of to-day should take thought upon his life and works. For the value of a life is in its precepts which we may emulate. How rich was the life of Lincoln in the examples which make for the highest type of citizenship. How well he understood the spirit of our institutions and came better to understand them as hour by hour and day by day, with patience and with tolerance, but with "firmness in the right, as God gave him to see the right," he grappled with the problems that arose to plague and perplex him. As has been said of him so well by the daughter of his faithful secretary and biographer, John Nicolay:

"The truth is that Lincoln was no prophet of a distant day. His heart and mind were busy with the problems of his own time. The legacy he left his countrymen was not the warning of a seer, but an example and an obligation to free their own dark shadows with the sanity and courageous independence he showed in looking upon those that confronted him."

"An example and an obligation," that was in fact the legacy he left us. An obligation to meet with patience and with courage, in accordance with our ability and our strength, the problems of our times as he met those of his.

Others more gifted than I, on countless such occasions, have painted and will paint the figure of Lincoln in its more heroic outlines. Viewed in the perspective of the waning years, the figure is indeed heroic, and it is well for those so gifted to enrich our literature with the eloquence and the imagery which it so bountifully inspires. For Lincoln was not an ordinary man. He rose above his fellows from obscurity to well-deserved and undying fame. A man of extraordinary ability, native and acquired, he gave to his country in its hour of greatest trial extraordinary services; and not alone by reason of his ability, but, better still, by reason of his faith. Yet I would not have the beautiful word pictures that have been given us remove him too far from the hopes and aspirations of the generation that must grapple with the problems of our day and of the generations yet unborn. I would not have the ideal set so high that we may not hope to approach it.

For, my friends, Abraham Lincoln was very human—a man who approached his problems much as other men, in uncertainty and sometimes in fear, whose purposes were often misunderstood, whose later strength grew out of his earlier failures, and who never for an instant regarded himself as heroic.

It may well be said of him, as was said of an earlier great American by a gifted orator of our day, that "if he had been impeccable, incapable to err, with no trace about him of our human clay, a Titan in strength, but with no touch of weakness, we should be honoring to-day the birth not of a man but of a god. A superb flower of our race, he was still a man and he is nearer to us because he was a man." Let us strive to keep Abraham Lincoln near to us, or, rather, let us keep as near to him as we can.

My friends, I am a believer in political parties. I believe it is the duty of every citizen to belong to a political party; for ours is a government of parties, and we can change it from the form that has stood the test of time to something—we know not what—no less surely by open revolution than by breaking up into groups, cliques, and blocs, vainly seeking our narrow, selfish, and sectional ends. Under our form of government, the parties receive their commission from the people and are held responsible by the people for the conduct of public affairs. They go before the people in biennial and quadrennial elections to make an accounting. If a party's ability to carry out its policies be destroyed by the destruction of party loyalty and party solidarity, then its responsibility for government is destroyed, for the people can not hold cliques and blocs to an accounting.

Notwithstanding, therefore, that it has become somewhat the fashion among the new intellectuals, living in that rarer atmosphere denied to less fortunate mortals, to deride political parties and ridicule party spirit, it is a source of much gratification to me to know that Abraham Lincoln also believed in political parties and that he joined one—the Republican Party.

He joined the new Republican Party because, after the deliberation characteristic of him, he decided that it most nearly fit his views, and that through its medium he could best accomplish his purposes. He might have held aloof because he thought there were designing and scheming men in the party who sought to use it for their selfish ends, or because his growing law practice demanded all of his time, or for any one of the innumerable reasons that men of his day and ours have shirked the duties of citizenship. But he took the time from his private affairs to enter the party councils and plan with his party associates for the good of his party and the good of his country and against the schemers who sought to serve only their selfish ends. From all that I can learn of him I do not think that if he lived and wrought in this enlightened age he would care greatly whether the party council in which he was engaged was called a "conference" or a "caucus" so long as he believed that in the main its purposes were for the best interests of the country as a whole.

Lincoln was a party man who thought, spoke, and wrote along party lines. In the truer and better sense of the word he was a politician who mixed with politicians of high and low degree. Through this contact he came to know men and gauge their purposes, and out of the knowledge so gained his statemanship grew. Moving too slowly to suit the hot-heads and radicals of his day, he yet moved too fast to suit the doubters, who were reluctant to move at all. Having a main purpose in view, he was politic to accomplish it.

He was not greatly concerned with the minor issues that fretted lesser men and warped their perspective. In his marvelously clear-minded way he waved aside nonessentials and drove straight to his point. He was concerned chiefly with fundamentals, and as a Republican I am glad to remember that more than 20 years before the birth of the Republican Party he took his stand for a principle that was to become a great fundamental principle of that party—the protective-tariff principle. In 1832, when he was a candidate for the Illinois Legislature, being only just past 23 years of age, in what has been handed down to us as his first political speech, characteristic in its brevity and pith, he said:

"Fellow citizens, I presume you all know who I am. I am humble Abraham Lincoln. I have been solicited by many friends to become a candidate for the legislature. My politics are short and sweet. I am in favor of a national bank. I am in favor of the internal-improvement system and a high protective tariff. These are my sentiments and political principles. If elected, I shall be thankful; if not, it will be all the same."

On another occasion he went to the nub of the tariff question when he said in his homely way that he did not pretend to be learned in political economy, but he thought he knew enough to know that "when an American paid $20 for steel to an English manufacturer, America had the steel and England had the $20. But when he paid $20 for steel to an American manufacturer, America had both the steel and the $20."

Though he was but 23 years of age when he made his first political speech, it will be noted that Lincoln was already thinking along national lines. Later he made a careful study of the tariff question, particularly in the campaign of 1846, when it was much to the fore, though but little that he said on the subject has been handed down to us. He was elected to Congress in that campaign and after his election made a further study of the question, as memoranda he then made show, so that he might the better discharge his duties as a Member of Congress, and he became confirmed in his view that a protective tariff was desirable as a great national policy, from which we could not depart without courting disaster.

It is unfortunate that there are but few quotations left to us from Lincoln's speeches on the tariff. But what few there are place him as a very ardent protectionist, and we have the most direct evidence that before the great struggle to preserve the Union came and engrossed his attention he made many tariff speeches, for in a letter to Dr. Edgar Wallace, under date of October 11, 1859, Lincoln wrote: "I was an old Henry Clay tariff Whig. In old times I made more speeches on that subject than any other. I have not changed my views." There can be little doubt that had he been preserved to serve his country during the days of reconstruction he would have again turned his attention to the tariff question and given to it the benefit of his clarity of thought and his enlarged national viewpoint.

For half a century a protective tariff has been regarded as a policy primarily for the benefit of manufacturers. Fifty years ago this view prevailed in the agricultural West, then just being developed. At that time the Mississippi River Valley, and the plains States, were spoken of as the granary of the world. We were a tremendous grain-exporting country. Land, at that time, was cheap, and apparently the supply was inexhaustible. The great western prairies were unfenced. Cattlemen started feeding great herds on the Texas prairies and drove them north as the season advanced to live on the fat of the land, unstaked and unclaimed. Labor was cheap. As a result, the western cattlemen and grain grower did not need, for their direct protection against foreign competition, any tariff. They could undersell the world and did do so, not only in domestic markets, but in foreign markets. Canada was still untouched as an agricultural country, the Argentine was practically unsettled; so was Australia and New Zealand.

The South shared this attitude toward the tariff. It was not only an agricultural section but a "one-crop" agricultural section. Its crop was cotton. It produced and exported approximately 60 per cent of the world's supply of cotton. Naturally, it needed no tariff to protect its only product which entered into the domestic and world markets. It opposed the policy of protection for other products, either agricultural or industrial, for it, too, was wedded to the belief that such a policy would increase the cost of all commodities it purchased (which was not true), and to the equally erroneous belief that even if protection had prospered other sections of the United States, the South would in no way benefit by such prosperity.

Years ago the agricultural West abandoned its opposition to a protective tariff. All its land was developed, its broad prairies were divided into relatively small farms, cheap labor had disappeared; modern farming methods demanded the introduction of machinery; the development of the country, such as the building of roads and irrigation plants, the setting up of governmental machinery, etc., tremendously increased taxes. The natural migration to the West created a demand for land which exceeded the supply and rapidly enhanced land values. The result of all this was an increase in the cost of production of grain and cattle. Simultaneously with this came the opening, the settlement, and the development of our three chief agricultural competing countries—Canada, Australia, Argentina.

The agricultural West soon found those countries were able—by reason of the very conditions which had favored it in the earlier days—to undersell our agricultural products not only in the foreign markets of Europe but in the American markets. It has been scientifically and officially determined that Canada can raise wheat at from 40 to 50 cents on the bushel less than can the grain growers of our Western States. It has been ascertained by exhaustive investigations that the Argentine can produce a bushel of corn for one-third the cost in the great States of Iowa or Illinois, and the Argentine cattlemen can produce a finished product, ready for the market, for 70 cents a hundred, while the best that can be done in this country on our large cattle ranches with the most modern methods is $3.20 per hundred. It has been ascertained that the dairy interests of New Zealand can produce butter at from 22 to 28 cents per pound less than it can be produced by the dairy interests of New York, Wisconsin, or Minnesota.

As a result the farmer of the Middle West has faced the economic facts, and he realizes his very salvation depends upon a protective tariff high enough to prevent these cheaply produced agricultural products from entering his home market.

A change has been going on in the South, and it is still going on. In fact, the South has entered upon a new era. Since the World War it has abandoned its "one-crop" system of agriculture. It is raising no less cotton, but it is raising a great many other things to which it formerly paid no attention. It is diversifying its crop products. It is engaging in fruit growing. It has developed into the market garden of the United States. It is engaging in the livestock industry.

Out of these changes in the agricultural situation in the South there is developing an economic change and a new political viewpoint. Southern interests realize that they now need protection. There is ample evidence of this. Declaring that "the protective-tariff principle is a recognized and extensively adopted program of our National Government," the Florida State Chamber of Commerce has memorialized Congress for higher duties upon such products as citrus fruits and vegetables, which are produced in Florida. Similar requests were made by the Florida East Coast Growers' Association, who not only went on record in favor of protective tariff on all such products but sent a delegation to Washington and filed a formal petition with the United States Tariff Commission.

At the annual convention of the Sheep Raisers' Association of Texas, held in August of last year, a resolution was adopted reading:

"We hereby agree that we will support in 1928 only those candidates for Congress and the United States Senate who will publicly declare in favor of a national policy of a just and equitable tariff protection."

Associations representing peanut growers of the States of North Carolina, Florida, Georgia, Louisiana, and Virginia have filed formal petitions with the United States Tariff Commission asking for increased tariff rates upon peanuts and peanut oil. Another petition filed with the United States Tariff Commission by Mr. L. B. Jackson, manager of the Georgia State Bureau of Markets, is signed by nine southern Democratic governors, protesting against reduction in the duty on vegetable oils. The nine Democratic governors of the Southern States who so affixed their signatures to this petition were: Clifford Walker, Georgia; Henry L. Fuqua, Louisiana; John W. Martin, Florida; M. E. Trapp, Oklahoma; Thomas G. McLeod, South Carolina; Austin M. Peay, Tennessee; Tom J. Terral, Arkansas; W. W. Brandon, Alabama; Henry L. Whitfield, Mississippi.

In taking this attitude, the South is merely returning to the doctrines of such Democrats as Thomas Jefferson, James Monroe, and Andrew Jackson. These earlier statesmen, to whom the Democratic Party now points as the founders of its faith, well knew that the first essential of political independence was economic independence, and that economic independence could not be attained by permitting the labor of other nations to perform the work which should be done by the labor of this Nation.

Thomas Jefferson stated, "My own idea is that we should encourage home manufactures to the extent of our own consumption of everything of which we raise the raw materials."

In 1817, in accepting the election to membership in a society for the encouragement of domestic manufactures, he said:

"The history of the last 20 years has been a significant lesson for us all to depend for necessaries on ourselves alone; and I hope 20 years more will place the American hemisphere under a system of its own, essentially peaceable and industrious, and not needing to extract its comforts of the eternal fires raging in the Old World."

James Monroe in his inaugural address said:

"Our manufacturers will likewise require the systematic and fostering care of the Government. Possessing, as we do, all the raw materials, the fruit of our own soil and industry, we ought not to depend, in the degree we have done, on supplies from other countries. Equally important is it to provide at home a market for our raw materials as by extending the competition it will enhance the price and protect the cultivator against the casualties incident to foreign markets."

Andrew Jackson, in a speech in the United States Senate in 1824, said:

"Providence has filled our mountains and our plains with minerals—with lead, iron, and copper—and given us a climate and soil for the growing of hemp and wool. These being the greatest materials of our national defense they ought to have extended to them adequate and fair protection, that our manufacturers and laborers may be placed in a fair competition with those of Europe; and that we may have within our country a supply of those leading and important articles so essential in war. We have been too long subject to the policy of British merchants. It is time we should become a little more Americanized; and, instead of feeding the paupers and laborers of England, feed our own; or else in a short time by continuing our present policy (that under the low tariff of 1816) we shall all be rendered paupers ourselves. It is my opinion, therefore, that a careful and judicious tariff is much wanted."

Henry Clay, in a notable speech in support of the protective tariff of 1824, outlined a situation which almost exactly parallels that of to-day. America's prosperity, he said, had been based upon an abnormal foreign demand, caused by the European wars—those of Napoleon and the lesser wars immediately following. With the advent of peace in Europe, he said, this demand was discontinued and there was lacking a market for American goods. America's agricultural productive power was developed beyond the possibility of absorption by Europe. What the United States needed, then, was a market for these products, the development of manufacturing industries and a manufacturing population, which would create such a market and would create such a variety of industries as to insure steadiness of the market. But, Mr. Clay said, without Government protection against the competition of foreign producers, domestic industry could not be established and maintained. A tariff which he then and there christened as "the great American policy" was necessary to insure the growth, the prosperity, and the stability not only of American industry but American agriculture.

That position was logical then. It is logical to-day. That was good American doctrine then. It is good American doctrine to-day. That was good Democratic Party doctrine in the days of Jefferson, Monroe, and Jackson, and if the Democratic Party is not to be wiped out in the South it must return to an advocacy of those principles to-day.

It must be realized that the American people go up or down together, they prosper or they suffer together, they progress or they decline together. What benefits the North and West and East must of necessity benefit the South. What causes business depression, industrial stagnation, general depression, and hard times in other sections of the United States has a similar effect upon the South. You people here in the State of Florida certainly realize that economic axiom. You are producing for northern consumers. Your prosperity depends upon the prosperity of those consumers.

The further development of your State and the several communities within your State, depends wholly upon the prosperous conditions of the other sections of the United States, not only because they are your customers, but because out of their surpluses, money is sent here to be invested for the purpose of assisting in your further development. These are basic truths, and yet, strange to say, the Democratic Party and free-trade advocates, deny them. The Democratic theory of free trade is based upon the false assumption that the American people are divided into two classes—producers and consumers—wholly distinct, absolutely separate, with interests that are sharply antagonistic. There is no such division. There can be none. Every consumer is a producer. Every individual produces something and consumes products of others. Any proposition which seeks to create such a division where none exists, and then seeks to prosper the so-called consumer at the expense of the so-called producer, is dishonest and dangerous. If adopted, it brings ruin to everyone. That is why hard times have resulted from every low tariff law enacted in the United States.

The Democratic Party, in order to carry out this theory that the producer and the consumer are two distinct classes eternally at warfare, urges the agricultural interests to destroy the tariff on industrial products so that they may buy manufactured goods from the cheapest industrial producers in the world. You have heard that doctrine preached in this community. But you may not have heard and you may not know that the Democratic free-trade orators of Tammany Hall urge the city wage earner to destroy the tariff on all agricultural products, including lemons and fruits of all kinds, in order that he may buy food from the cheapest agricultural producers in the world. You may not know that the Democratic free-trade speakers in the Middle West tell the grain farmer that there should be less tariff on fruits and nuts and vegetable oils, as well as manufactured products such as steel, pottery, and clothing, in order that he might reduce his living costs, and you no doubt have heard within your own community Democratic free-trade speakers tell you there should be no tariff on grain and meat products which are produced in the Central West.

In other words, the whole Democratic argument of lower tariff is essentially and fundamentally dishonest, because it would have each one to whom it is directed believe he would prosper by the inauguration of an era of cheapness for the products and labor of everyone else. It holds out to him a dishonest impression that this can be done without at the same time inaugurating an era of cheapness for the products of his own labor and land and a corresponding reduction in his own wage and income.

Free trade sets up "cheapness" as an economic ideal—a theory which has brought decay and ruin wherever put into practice. Cheap nations are backward, impoverished, and illiterate. A people with "cheapness" as a model have low, cheap standards of living, pauper wages, and lead a miserable, almost hopeless, existence.

The underlying philosophy of free trade is fallacious and dangerous, and whenever applied in the United States it has proved destructive of national and individual prosperity and has retarded human progress. It sets up cheapness as a standard of perfection in the economic world. No nation ever prospered or progressed with such a standard. Cheapness destroys initiative and prevents development. Benjamin Harrison said: "A cheap coat makes a cheap man." The primitive agricultural methods of cutting wheat with a sickle and separating the grain with a flail or by the tramping of animals are cheap, but no progressive nation indulges in those agricultural methods. Handmade goods by old women

and little children are cheap. Sweatshop labor is cheap. Coolie labor is cheap. Peon labor is cheap. Cheap products inevitably mean cheap labor—sweated labor, peonage, ignorant, illiterate labor. Cheap labor means cheap homes and low, cheap standards of living. No nation which clings to the false economic standard of cheapness has made any progress during the last hundred years. There are some in Europe, some in Asia, and some in Central and South America. They are not the abode of prosperity nor the dwelling place of contentment. Their standards are not those which the American worker and the American farmer chooses to follow.

Every time the Democratic Party persuades the American people to adopt a low tariff the free trader's ideal of cheapness is realized. Everything is cheap under a Democratic tariff, and nothing is cheaper than human labor, for millions then vainly seek employment. Farm products are cheap under a Democratic tariff, because they can not find a market at any price. Imported goods are cheap under a Democratic tariff, but the worker without a job and the farmer unable to market his crops have no money, so the bargains of cheap foreign goods are enjoyed only by the rich. Nothing is cheap to the individual who has no money and no source of income.

The cheapness attained during low-tariff eras is that brought about by destroying the purchasing power of American consumers and thus producing what we call "hard times." Once domestic production is destroyed, foreign producers may charge what they like.

The era of cheapness inaugurated by a Democratic tariff is always a period of disaster for America and her people. The progress of the individual, the community, and the Nation is financed out of accumulated savings. Savings are what is left of the pay in the envelope after the regular household expenses have been met. Savings are what is left of the proceeds of the year's crops or the year's business after the necessary expenses have been met. But during periods of Democratic tariff there are no pay envelopes; many of the crops are never sold, frequently never harvested. Business and commerce produce no surpluses; they operate at a loss and frequently discharge their help and close their doors. Savings do not accumulate under a Democratic tariff. To the contrary, they diminish. The accumulations of Republican prosperity are drawn upon during the operation of a Democratic tariff to tide the American people over the period of hard times.

There is complaint upon the part of the fruit growers and the vegetable growers of this State that the tariff is not high enough upon such products. You are feeling competition from citrus fruits grown in the Mediterranean countries, from other fruits grown in the Caribbean Sea territory, from vegetables grown in Italy and Spain, the West Indies, and Mexico. You are beginning to realize the destructive possibilities of cheap foreign products raised on cheap land, of cheap labor. You are beginning to realize the menace of the Democratic theory of cheapness as an ideal condition. You are beginning to realize the fact that you can not buy cheap stuff unless it is produced cheaply, and if it is produced cheaply the producer must suffer.

I am not any too familiar with the fruit and vegetable industry, but I believe I am correct when I state that one of the underlying principles of your industry in connection with the marketing of your product is a constant striving to "grade up" your goods. That is exactly the position of the Republican Party in regard to all products. It believes in a policy which will enable the manufacturer, and the farmer, and the cattleman, and the vegetable grower, and the orchardist to "grade up" his product, to put quality into it. The Democratic Party, on the other hand, stands for a policy of grading down everything, of opening our customhouses to a perfect flood of cheaply made articles and cheaply grown articles from every quarter of the globe, and thereby forces all the American producers, whether on the farm or in the factory, on the cattle ranch or in the orange groves, to grade down his product in order to meet the cutthroat competition from abroad.

The Republican Party holds that such a policy will drive this country into complete and hopeless bankruptcy. It says to the fruit growers and vegetable interests in Florida that if the tariff is not high enough—and it is not, according to the best information at my command—the remedy is not to turn to that party which is opposed to a protective tariff but to rally around and uphold the hands of that party which believes in a protective tariff and which is willing at the first opportunity to increase still further the schedules which are now upon the books.

What relief do the fruit and vegetable growers of the State of Florida expect if the Democratic Party regains control of Congress and writes a new tariff law? If you think your tariff is too low now, I have only to refer you to the last Democratic tariff act, the Underwood tariff, and cite you some of the differences in rates under that tariff and the present Republican tariff.

One reason the South and southern products do not have sufficient protection under the present tariff bill is because they had no one in Congress to represent them when the bill was framed. Your Senators and Members of the House of Representatives were free traders and they took no particular pains to see to it that adequate protection was given the particular products of this State. So long as you send Democratic free traders to Congress to represent your interests, you are going to get your interests represented according to the Democratic theory of a low tariff. Even if your own Representatives are disposed to write a bill giving you adequate protection, they can not do so if their party is in control.

Ladies and gentlemen, I have discussed at some length this subject of the tariff as affecting the South, for I believe it is vital to your interests here in Florida. It may seem a prosaic subject as compared to the great drama of events through which Lincoln moved, a heroic figure, yet I say to you my fellow Republicans it is not a prosaic question when you come to consider how vitally it affects not only your interests here but the material well-being of 120,000,000 of people throughout this broad land. The principle of a protective tariff is a great national policy which was under assault in Lincoln's time as it is to-day. It was worthy his study and defense and, as Republicans proud to follow in his steps, it is worthy of ours.

My friends, I want to leave this one further thought with you before I close, because it also has a peculiar application to our times. Abraham Lincoln was the friend of the downtrodden and the oppressed. He believed in equality and liberty, but with his clear insight he perceived there could be no equality and no liberty without respect for order and law. He recognized that both labor and capital have rights that must be regarded if we are to have industrial peace in justice to all, that a minority has rights that must be respected by the majority, else we would have tyranny, but first and foremost he was for the Constitution and for the enforcement of the laws enacted under the Constitution. If we were to have change, it was to be orderly change. No individual nor group of individuals had rights superior to the will of the majority, as duly expressed in the laws of the country.

In his early manhood he gave beautiful expression to this thought in a speech that can not be too often quoted. After pointing out that our gravest danger is not from without but from within, he said:

"Let reverence for the laws be breathed by every American mother to the lisping babe that prattles on her lap; let it be taught in schools, in seminaries, and in colleges; let it be written in primers, in spelling books, and in almanacs; let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice; and, in short, let it become the political religion of the Nation; and let the old and the young, the rich and the poor, the grave and the gay of all sexes and tongues and colors sacrifice unceasingly upon its altars."

Let us hope that the Government for which Abraham Lincoln gave so much and the country that he loved so well will be protected against all insidious and evil influences that he would have plucked like thorns from the body politic, and that the Old Flag that he loved so well may continue unsullied and untarnished from within as it has thus far remained unsullied and untarnished from without. To him the flag meant all that Riley has had it say that it means:

"By the driven snow white and the living blood red
Of my bars, and their heaven of stars overhead—
By the symbol conjoined of them all, skyward cast,
As I float from the steeple or flap at the mast,
Or droop o'er the sod where the long grasses nod—
My name is as old as the glory of God."

In every mountain range there are a few lofty peaks that tower high above all other surrounding peaks. Since the beginning of the human race every age has produced a few characters with such transcendent genius in literature, statesmanship, art, or invention that their names will never be forgotten, and their influence will be as lasting as time.

Now that the animosity and bitterness of his time are forgotten, the fame of Abraham Lincoln will appear like one of the lofty mountain peaks to which I have referred, and his name will be forever written among the first of the few immortals that will survive the age in which he lived and wrought in so many ways for his fellow men. Monuments of stone and of bronze have been erected to perpetuate his memory, but after the last of these have crumbled into dust and rusted into decay the virtue of his deeds and the goodly influence of his life will remain imperishable as long as men love liberty, and as long as the world remains devoted to the principles of patriotism.

ADDRESS OF HON. FRANK L. BOWMAN

Mr. THATCHER. Mr. Speaker, I further ask unanimous consent to extend my remarks in the RECORD by printing an address delivered by the gentleman from West Virginia, Hon. FRANK L. BOWMAN, at Huntington, W. Va., at the meeting of the Ohio River Valley Improvement Association, October 5, 1927.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The address is as follows:

OHIO RIVER VALLEY IMPROVEMENT

Hon. FRANK L. BOWMAN. Mr. Chairman and members of the Ohio Valley Improvement Association, ladies, and gentlemen, just a little more than two weeks ago I received a very kind invitation from the secretary of this association asking me to be present and speak at the the thirty-third annual convention of the Ohio Valley Improvement Association at Huntington. Forgetting many things that I had set out to do, I accepted, and I find myself in the same predicament as the

old man who was leading his two calves to pasture. Everything went well until he reached the entrance to the meadow. There the calves would not stand while he let down the bars. He conceived the bright idea of tying the lead ropes to the straps of his boots, and just as he was letting down the first rail the calves started down the road, dragging the old man behind them. Finally he landed on the bias against a large tree with a leg on either side of it. The old man's friends came to his rescue, and as they ministered to him, he wiped his face with the shredded remnants of a shirt sleeve, looked up, and said: "Do you know that these pesky critters hadn't gone 300 yards until I knew that I had made an awful mistake?" [Laughter.]

So I am here to-day, my friends, realizing that I made an awful mistake in attempting to discuss the great project that confronts this association.

The recent disastrous flood in the Mississippi Valley has attracted the attention and thought of an entire nation. This catastrophe was a national calamity. It transformed a sectional problem into a national problem of great magnitude and importance. The irreparable losses of life and property have aroused a dormant conscience of our national responsibility and have inspired and charged that responsibility with a fixed determination to conquer and control the "untamed rivers" and to subject and utilize them for the peace, happiness, and prosperity of a great people. Water must no longer be a menace but a means of greater industrial and commercial development. This Nation must conquer and harness the rivers and transform their notorious and destructive waste of water into a great national resource. This is our national responsibility.

Water is our greatest undeveloped resource. The economic value of improved water highways has been recognized by our National Government, because they insure cheaper freight rates, reduce the cost of living, give the farmer and manufacturer broader markets, stimulate industry and commerce, and bring added wealth and prosperity to all our people. In spite of this recognition, many of our inland streams are natural enemies to industrial and commercial progress. If this condition is the result of our national policy, a new policy should be adopted which will comprehend the service of our inland waterways in the economic struggle of our Nation. Herbert Hoover says, "Every drop of water that runs to the sea without yielding its full commercial returns to the Nation is an economic loss." It is our problem to develop the commercial possibilities of our streams—including transportation, power, irrigation, conservation, and reclamation and forever drop the curtain upon our national dramas of destructive floods in which the Mississippi River and other rivers have played dominant and tragic rôles.

From an economic standpoint, the policy of controlling and preventing floods without destroying the commercial utility of our streams is most desirable, and from an engineering viewpoint the program is entirely proper and feasible. This plan would, in a large measure, check and reduce our great national losses from floods and droughts. It would add materially to the economic welfare of our country and its benefits would be reflected in the general prosperity of our people.

On the eastern slopes of the Rocky Mountains several large tributaries of the Mississippi River have their sources. Unmolested they flow through a semiarid territory approximating 2,600 miles in length and 400 miles in width, whose fertility lacks either the seasonable rainfall or irrigation to make it the most productive agricultural region in the world. According to reports, this territory produced one full crop in every seven or eight years. By reason of drought, the crop-page loss in this region last year was $800,000,000. Competent engineers report that it was the huge volume of water from these tributaries that raised the crest of the recent disastrous flood to heretofore unknown heights and added the additional destructive pressure against the levees of the southern Mississippi and caused a national economic loss of almost $1,000,000,000.

It seems anomalous that a destructive flood or an overabundance or a surplusage of water wreaking havoc in one section of the country should have its source in an arid region, which suffers continually from the absence or lack of water. Engineers say that it is both practicable and feasible to impound the flood waters of these mighty tributaries in a series of natural and artificial reservoirs and lakes and divert the waters into channels of irrigation in the arid and semiarid sections of the country when expedient and necessary. This would assist materially in the prevention of floods and at the same time would relieve a large agricultural area from the losses occasioned by drought. This is one phase of a practical comprehensive plan to prevent and control floods without destroying the utility of the water.

The Mississippi River with its tributaries, 59 of which rank as navigable streams, drain 32 States. This enormous watershed reaches from the Rocky Mountains to the Alleghenies, and from the Great Lakes to the Gulf of Mexico. It produces 58 per cent of all manufactured products, 80 per cent of the wheat, 93 per cent of the corn, 84 per cent of the cotton, 96 per cent of the coal, 93 per cent of the iron ore, 70 per cent of the petroleum, 80 per cent of the cattle, 63 per cent of the sheep, and 91 per cent of the swine produced in the United States. Here is the tangible evidence of a great empire of agriculture, mining, and manufacturing, an industrial empire susceptible of sustaining and employing many, many times the present population of the United States. Its industrial and commercial possibilities are beyond the range of human conception. This great region anxiously awaits the freedom from disastrous floods and droughts, and the development and improvement of 16,000 miles of navigable water constituting the largest and greatest system of cheap water transportation in the world. These achievements will permit the United States to enter every foreign and domestic market and maintain her commercial and industrial supremacy among the nations of the world.

In a limited and general way I have mentioned the problems of the Mississippi Valley for the reason that any effort and attempt on the part of our National Government to solve these problems will give greater impetus to the industrial and commercial development of the Ohio River.

We are primarily interested in the development of this great tributary of the Mississippi system. Flowing through the richest valley in the world, which abounds in mineral deposits of untold wealth and an almost inexhaustible supply of fuel, the Ohio River is destined to become a great commercial highway for the economic transportation and distribution of products from the farms and the factories and the mines. With the speedy completion of its improvements for canalization, it is predicted that the Ohio River will carry upon its heaving bosom burdens of trade greater than any other inland waterway and will erect upon its generous banks an incomparable empire of industry.

The commercial possibilities of the Ohio River with a thousand miles of navigable waters are strengthened when viewed in the light of the development of slack-water navigation for 37 miles on the lower Monongahela River. This river is a tributary of the Ohio River and is the greatest inland artery of water transportation in the world. It ranks with the Suez and Panama Canals. With a freight tonnage approximately 25,000,000 tons in 1926, it lacked 1,500,000 tons of equaling the tonnage of the Panama Canal for the same year, and a little more than 2,000,000 tons of equaling the the tonnage of the Suez Canal for the year 1925. The regularity and continuity of transportation and favorable freight rates, which were made possible by the construction of a series of locks and dams, have contributed materially to the industrial supremacy of the Pittsburgh district. The commercial utility of this stream is limited and restricted to the transportation of coal for fuel. By water transportation, it is estimated that the steel and iron industries of the Pittsburgh district save a sum approximating $16,000,000 annually on fuel alone.

With the remarkable accomplishments of the Monongahela River as a key, translate, if you will, the possibilities of the Ohio River, with its navigable tributaries penetrating the coal beds of Ohio, Pennsylvania, West Virginia, and Kentucky, whose combined coal deposits would supply the entire world with fuel for the next 25 years.

It is my understanding that the Ohio River will be completely canalized and made navigable at all seasons within the next few years, provided the Congress of the United States will make the necessary appropriations for the completion of the remaining seven locks and dams. Already 43 locks and dams have been constructed. The demands and needs for the completion of these locks and dams are just as urgent and necessary to-day as they were when the United States Government entered upon its definite program for improving the Ohio River. There should be no backward step. There should be no delay. Every legislative program or plan to solve the problems of the Mississippi River should contemplate immediate and final completion of the improvements on the Ohio River. The construction of locks and dams in the Ohio River is the beginning of flood control in the Mississippi and is the forerunner of commercial and industrial rehabilitation and development of our Nation.

At this point I want to congratulate the Ohio Valley Improvement Association on its noble fight waged and won, and to take this opportunity to express my full sympathy and accord with the objects and purposes of your association. I pledge my every effort to the successful completion of the canalization of the Ohio at the earliest possible date.

As your servant in the House of Representatives of the Congress of the United States, I shall regard it a signal honor of distinction to serve you in your efforts to develop the commercial and industrial possibilities of the Ohio River.

Since the World War we have been greatly concerned about the rehabilitation of the countries of Europe. In a measure, we have forgotten our national problems of rehabilitation and turned our eyes and outstretched hands of sympathy to the war-torn countries across the sea. The problems of Europe were our problems. No country could reclaim or redeem itself without the aid of America was our controlling thought. In settling our war claims with the countries of Europe, we canceled all obligations of money loaned them during the war and adjusted our claims by demanding payment of money loaned them after the war. The terms of these settlements give the debtor nations 65 years in which to liquidate their debts at a very small rate of interest, while we pay our own national indebtedness at the rate of $1,000,000,000 annually. I am not criticizing the lenient attitude of America in adjusting these claims. The settlements were based upon the capacity of the debtor nations to pay. They were just and equitable. I mention these things to show America's generous part in the rehabilitation of Europe.

I agree with our able Secretary of the Treasury, who, in my mind, is without a peer in the financial world, that the best way to get rid of a debt is to pay it.

That is the financial policy of our Government, and you will agree with me that it is sound. But we must not forget and neglect our own national problems of rehabilitation, which include the control and prevention of floods and the development and improvement of our inland waterways. If the prompt payment of our national war debt prevents or interferes with the commercial and industrial progress and rehabilitation of our own country, then America should avail itself of the same advantages and the same privileges granted by it to the debtor nations of Europe.

Our debtor nations of Europe have made amazing progress in the development and advancement of industry. The productive capacity of Europe is more than 25 per cent greater than it was before the war. Spurred and goaded by the necessity of reconstruction, they contended valiantly for economic self-efficiency. Tariff barriers were hastily erected to protect infant industries. Governments assisted and aided industry. Water power was developed. Streams were made navigable. Only by an intensive industrial development could Germany meet her crushing indemnity, and only by the same means could France and Belgium rebuild their devastated countries. The great World War demonstrated the capacities and capabilities of each national unit, and peace accentuated all economic forces to maintain industrial supremacy and seek new markets for their products.

Out of the rising tide of industrial competition comes the new tariff law of France which is a direct challenge to America.

This is the same France whose debt to America well-meaning Congressmen want us to cancel. This law embodies the principles of a protective tariff and free trade.

Against the products of America it raises a high protective barrier of excessive duties, while Germany and Belgium may enter the same products at a very low rate of duty. It creates favored nations. It discriminates against America. It is an embargo against the products of America.

This law is not without its significance. It denotes a new alignment in the economic world. It eliminates territorial boundaries, dissolves the social and political traditions of centuries, and creates a new economic nationalism. It represents an industrial coalition against the United States. In the mad struggle for the world's trade, it is Europe against America. It is the unification of Europe in industry and commerce, which threatens the economic supremacy of America.

Will America accept the challenge? America is the largest and richest Nation in the world. It is not dependent upon any other nation. It has within its broad boundaries the natural resources so necessary and essential in the economic welfare of nations. America should develop these resources to compete with a rejuvenated Europe in the trade of the world. It should turn its attention to our national problems and forget for a time the problems of Europe. To us international problems are not as serious as our internal problems. It should prevent the economic losses from floods and droughts, and develop and improve the navigability and utility of our inland streams. It should take its meddlesome fangs out of business and peace prattling about Government control and regulation of industry. It should encourage and aid industry and commerce by stimulating production and by developing, producing, and protecting markets. These things will inspire confidence and insure the stability and permanence of our industrial supremacy. By doing these things, we shall know that America has accepted the challenge. [Applause.]

ADDRESS OF HON. REGINALD M'KENNA

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a speech of the Right Hon. Reginald McKenna, former Chancellor of the Exchequer of Great Britain, on the Federal Reserve System, and the comments of the London press thereon.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. STRONG of Kansas. Mr. Speaker, in compliance with the unanimous consent granted by the House to extend my remarks in the RECORD and to incorporate the address of the Right Hon. Reginald McKenna as chairman of the board of stockholders of the Midland Bank (Ltd.) of London, I wish to say that the Midland Bank (Ltd.) is the largest privately owned bank in the world, with assets equivalent to about $2,000,000,000. This report of Mr. McKenna's speech was printed in the London Times of Wednesday, January 25, 1928, and gives Mr. McKenna's views as to the control of the value of gold exercised by the American Federal reserve system through its open-market operations and its changes in the rediscount rate and by other means.

Mr. McKenna is a former Chancellor of the Exchequer of Great Britain, and his observations on financial and economic questions are given great weight by students of these questions throughout the world. I think the country will appreciate being advised of Mr. McKenna's views, and I hope the Members of the House will study the same with great care. It has a special bearing upon legislation which I introduced at the last session and which I will reintroduce in the near future, which will have as its primary object the direction to the authorities of the Federal reserve system to exercise their great powers to promote stability in the purchasing power of gold, meaning the purchasing power of American money.

To have an idea which I have been presenting to the Banking and Currency Committee of the House and advocating in public addresses for two years, and which has from time to time been treated as an impossible dream by some financiers of prominence and some of the officials of the Federal reserve system, now treated thus seriously on so formal and important occasion by possibly the leader of the banking fraternity of the world is exceedingly gratifying to me, especially as I expect in the near future to direct the attention of this Congress and the Nation to the need of stability in the purchasing power of our dollar, to the end that serious inflation and deflations may be avoided, and which my study of the question has convinced me may be and has been for three or four years influenced and controlled through the use of the great powers which we have given to the Federal reserve system and which I am insisting shall be adopted as a policy toward which such powers shall continue to be used.

The speech is as follows:

MIDLAND BANK (LTD.)—GROWTH IN DEPOSITS—SATISFACTORY PROFIT AND LOSS ACCOUNT—SEVENTY-SEVEN ADDITIONAL BRANCHES OPENED—NEW CAPITAL ISSUE—TERMS OF THE OFFER TO SHAREHOLDERS—CREDIT-CONTROL PROBLEMS—DEVELOPMENTS OF MONETARY POLICY IN AMERICA

The ordinary general meeting of the shareholders of the Midland Bank (Ltd.) was held at the Cannon Street Hotel, London, E. C., yesterday for the purpose of receiving the report and balance sheet, declaring a dividend, electing directors and auditors, and transacting other ordinary business.

The chairman (the Right Hon. R. McKenna), who was received with cheers, said:

"My lords, ladies, and gentlemen, a year ago I ventured to suggest that there should be an inquiry into the working of our credit and currency system. The suggestion was not made in a critical or controversial spirit, but I thought it possible, as I still do, that an examination of the provisions of the bank act of 1844 would show that they are not well adapted to our actual requirements. It appears, however, that the treasury see no sufficient reason for an inquiry, which they think might have unsettling effects in many directions. Although I can not agree with this opinion, I do not propose now to press the matter further. To-day I shall turn to another subject and ask you to consider the present position of gold as an international standard of value.

"Nearly three years have elapsed since the pound sterling was re-established on the gold basis, and most of the important currencies are now stabilized in relation to gold. This general reversion to gold gives the appearance of a return to pre-war conditions in matters of credit and currency, but if we look further into the question we shall find that there has been a remarkable change. The development of central bank policy in the United States has shown that, while gold may be retained as a medium for making international payment, it can be deprived of its function as the ultimate standard of value. How this came about, the stages through which American policy has passed, and the meaning of the conclusion deserve our close attention.

PRE-WAR CREDIT SYSTEM

"Let me begin by reminding you of the conditions before the war. At that time the central banks adopted a purely passive attitude with regard to the control of credit, allowing the movement of gold into or out of a country to regulate the internal supply of money. If gold flowed in freely, credit and currency expanded; if more credit was created than was required to support the current growth of business, prices rose. If gold flowed out, credit and currency contracted; the growth of business was checked and prices showed a tendency to fall. It followed from this that the current course of world prices was determined by the supply of monetary gold. This does not mean that other causes, such as improved methods of production and communication, do not affect the price level, but these only come into play over more extended periods of time.

"This passivity of the central banks probably arose from the peculiar structure of the British central banking system. London was then the unchallenged financial center and free-gold market of the world. In addition, Britain, as the world's principal creditor, was the main source of supply of new capital, and international trade was for the greater part financed by sterling bills. These various factors taken together constituted London the point through which a surplus or scarcity of gold made its influence felt, and the British price level was the medium through which gold operated on the price levels of

all other countries. Under the British central banking system only a small part of the country's total gold holding was available to meet a demand. So small, indeed, was the primary reserve in relation to the demands which might possibly be made upon it that the principal aim of our central-bank policy was to protect it from withdrawals of gold, even when these were really of quite moderate dimensions in relation to the total stock in the country. The movement of gold became a matter of the utmost importance, and the means of counteracting its influence on the supply of money and the course of prices hardly existed. In these circumstances there was little scope for the formulation or exercise of conscious policy, and the principles of central-bank credit control remained undeveloped, if not unknown.

POSTWAR GOLD PROBLEMS

"The first authoritative suggestion that gold movements need not have predominant importance in the control of credit and currency appeared in the recommendations of the International Economic Conference held at Genoa in 1922. The financial commission appointed at that conference, perhaps the most important of its kind that has been held, were deeply impressed by the danger of a gold shortage. As advised by most of the leading authorities, the commission took the view that a scarcity was to be looked for in the absence of any unforeseen developments in production. They were alarmed at the prospect of the supply of gold to the principal trading countries of the world becoming inadequate to provide for such an expansion of credit and currency as would be needed to meet the requirements of growing trade. Accordingly the commission's recommendations were aimed at economizing the use of gold, and one of their main suggestions was that instead of reverting to the pre-war system under which each country held its own gold stock, gold-exchange standards should be adopted by most countries, leaving only a few to hold the ultimate metallic reserves for the entire world.

"The purpose of the conference in propounding measures to economize gold was undeniably sound, and it is a matter of regret that the suggestions for the adoption of the gold-exchange standards have been widely departed from. The proposal, it is true, was at first incorporated in a modified form in schemes of reorganization in many parts of the world, particularly in central Europe and South America, but unfortunately the system has come to be regarded as merely a step on the road to a full gold standard. Already many countries actually on a gold-exchange standard are unprofitably using their foreign assets in the purchase of gold reserves.

"The eager desire to accumulate metallic reserves is no doubt prompted by the recollection of pre-war practice and ignores our more recent experience, that, even in a gold-standard country, gold need no longer be the controlling factor in the supply of money. This brings me to the example of the United States, and I shall endeavor to outline the stages along which that country has moved in its progress from pre-war to postwar conceptions of monetary policy. If, however, the successive proceedings of the American central reserve banks are to be fully understood, we must continually bear in mind a general proposition which lies at the root of monetary theory and to which I have referred on several previous occasions.

CENTRAL-BANK CREDIT CONTROL

"Stated in the briefest terms, the proposition is that every central-bank purchase and every loan by a central bank increases the cash resources of the other banks and provides the basis for an expansion in the volume of credit, or, in other words, of money; while every sale by a central bank or repayment of a central-bank loan reduces bank cash and restricts the supply of money. This proposition holds true whatever the central bank may purchase or sell, whether it buys or disposes of gold, bills, securities, or any other asset. From this it follows that central banks possess the power to regulate the supply of money irrespective of gold movements. According to their view of trade requirements they may, if they choose, wholly or partially offset a purchase of gold by a sale of other assets or a sale of gold by a purchase of assets. Obviously this power has always been inherent in a central-bank system, and, apart from its ordinary day-to-day business, the Bank of England used from time to time in pre-war days to make purchases and sales of assets other than gold. But such transactions were only undertaken as an auxiliary to bank rate policy, which was itself determined by actual and potential movements of gold. Purchases and sales of gold were alone regarded as the effective control of the volume of bank cash and consequently of the supply of money.

AMERICAN EXPERIENCE

"I come now to the story of the recent development of monetary policy in the United States. In consequence of the enormous accumulation of gold, coupled with movements into and out of the country on a scale which if left uncontrolled would have proved disastrous to the stability of the American price level, the attention of the reserve banks was forcibly directed to their controlling powers. Beginning with only a partial use, in the course of time they have learned to utilize these powers to the full. All the stages in the development of American practice can be seen in the 13 years since 1914, which I divide into five periods. Each of these is marked by distinctive gold movements, and I propose to show how the resulting problems have been successively dealt with.

PERIODS OF INFLATION

"The first period runs from the outbreak of the war to the middle of 1919, and covers the beginning of the great westward flow of gold to America. All the incoming gold, amounting on balance to over one thousand million dollars, was purchased by the Federal reserve banks, and following pre-war practice was allowed to become the basis of additional credit. As if this were not enough, the central institutions created a further basis of credit by discounting bills for member banks for very large sums, and thus the ground was laid for the vast expansion of credit which actually occurred. The demands for credit on this inflationary basis were insatiable. No sufficient measures for counteracting the effect of the incoming gold had yet been adopted, and inflation ran a free course.

"The second period runs from the middle of 1919, when the war-time embargo on gold export was removed, to the late summer of the following year. During this period dollar balances owned by South American and Far Eastern countries were withdrawn in gold, and America lost a net amount of nearly $400,000,000. The export demand was met by the reserve banks, but it should be noted that the sale of this gold did not permanently deplete bank cash. Under the influence of the current inflation the reserve banks continued freely to discount bills and buy earning assets to such an extent that the supply of bank cash was considerably increased, and an enlarged basis was provided for further credit inflation.

SCIENTIFIC GOLD CONTROL

My third period covers more than four years and extends from the summer of 1920 to the last month of 1924. This period was marked by continuous imports of gold, and already in the early years we perceive a growing anxiety on the part of the central banking authorities with regard to the inflow. They realized that if the gold were allowed to function to the fullest extent it would lead to a further expansion of credit and a perpetuation of the evils of inflation. They determined therefore, as far as possible, to deprive the incoming gold of its credit-creating capacity until the demands of trade should call for a larger credit basis.

The period I am now reviewing falls naturally into two parts; in the first the gold was neutralized, in the second it was allowed to form new bank cash. In the first two years, which covered the liquidation following the postwar "boom," one thousand million dollars of gold were imported and bought by the reserve banks. The immediate effect of the purchases was to increase bank cash, but the whole of this increase was used by the member banks to pay off maturing bills held by the central banks, and on balance the volume of bank cash was unchanged. During this time policy was at work. The gold was absorbed by the reserve banks and held by them in place of discounted bills. This process of acquiring gold in lieu of interest-earning assets was expensive and severely curtailed the income of the reserve banks. But their object had been achieved. The effect of the inflowing gold had been nullified in accordance with the dictates of policy, and pre-war practice was in process of abandonment as unsuitable to the novel conditions confronting the American authorities.

"TREATMENT OF INFLOWING AND OUTFLOWING GOLD

"During the second half of the period the inflowing gold was treated in an entirely different manner. Industry was recovering from the slump, trade was in process of development, and the banks were being called upon for larger supplies of money. The necessary credit expansion could only be effected upon a broadening basis of bank cash, and the incoming gold was utilized for this purpose. It was paid into the reserve banks and some of it was allowed to form a permanent addition to member banks' reserves. So insistent was the demand for money that bank cash was also provided by reserve bank purchases of securities and other earning assets, the result of the increase in bank cash being an expansion of nearly $8,000,000 in the deposits of all the banks in the country. Incidentally it should be noted that the reserve banks did not themselves retain the incoming gold, but handed it over to the Treasury, receiving in exchange gold certificates, which they put into circulation in place of Federal reserve notes.

"We now come to the fourth period, which, in contrast with that preceding it, was characterized by an outflow of gold. Between December, 1924, and the end of 1925, $150,000,000 of gold were exported from the United States. The whole of this amount was sold by the reserve banks, who did not, however, allow bank cash to contract. As gold was withdrawn the volume of bank cash was maintained by the acquisition of earning assets, so that, notwithstanding the outflow of gold, credit was actually increased in response to the needs of business. At the same time the position of the reserve banks was improved by the attainment of a higher proportion of earning assets.

"My last period covers the 22 months to November, 1927, during which gold again flowed into the United States, though the movement was of relatively small dimensions compared with previous years. The direction of the flow was by no means constant and was complicated in the

later months by earmarkings and releases on foreign account, but whether the movement was temporarily inward or outward the reserve banks continued to ignore it in pursuing their credit policy.

SUMMARY OF AMERICAN EXPERIENCE

"I will now summarize the developments in the years since 1920, the period during which the reserve bank credit policy has been most actively in operation. On balance $1,700,000,000 of gold have been imported into the United States. Over one-half of this amount has been absorbed into the Federal reserve banks, while the remainder has been taken by the Treasury as backing for gold certificates which have gone into circulation in the place of Federal reserve notes. Of the total import only one-third on balance has been allowed to form new bank cash. Throughout the entire period, whether gold was flowing in or out, the central banks have been careful as far as possible to regulate the supply of bank cash in accordance with the needs of business. Trade has expanded rapidly and has been accompanied by a growth in bank deposits amounting in the aggregate to $15,000,000,000, an increase of 40 per cent. Meanwhile, the almost uninterrupted prosperity enjoyed by America has been attended by a large measure of stability in the price level.

TEST OF SUCCESS OR FAILURE

"Here we find ourselves face to face with a definite test of success or failure in monetary policy. Temporary booms can always be obtained by inflationary methods, but it is certain that prosperity on a sound and lasting basis can not be secured except on a fairly steady price level. It must be remembered that, whether we are on a gold or any other standard, the direction in which the price level moves is immediately determined by the volume of money, as modified by its rate of turnover, in relation to the volume of business. If the supplies of money increase beyond the requirements of business, prices tend to rise; if, on the other hand, the supplies of money are inadequate, prices fall. The relation between money supplies and business requirements, viewed in its effect upon the price level, should then be the first care of the central banking authority, and we find on an examination of American statistics for recent years that movements in the price level upward or downward have never been allowed to proceed far. We must therefore conclude that the monetary authorities have met with a high degree of success in the formulation and execution of their policy. This they have done under conditions of great difficulty, brought about by gold movements of unprecedented magnitude.

THE DOLLAR STANDARD

"It is necessary now to observe the bearing of American monetary policy on the operation of the gold standard. To-day, as before the war, the price of gold in America is fixed, and we are apt to assume that the value of gold continues to govern the value of the dollar. But such an assumption is no longer correct. While an ounce of gold can always be exchanged for a definite number of dollars, the value of the ounce will depend upon what these dollars will buy, and this in turn will obviously depend upon the American price level. If the price level in America fluctuated according to the movements of gold, the purchasing power or value of the dollar would still depend, as it did formerly, upon the value of gold. But we know that this is not so. As I have just shown, the American price level is not affected by gold movements, but is controlled by the policy of the reserve banks in expanding or contracting credit. It follows, therefore, that it is not the value of gold in America which determines the value of the dollar, but the value of the dollar which determines the value of gold.

"The mechanism by which the dollar governs the external value of gold is obvious. If the price level outside America should rise in consequence of an increase in the supply of gold, America would absorb the surplus gold; if, on the other hand, the external price level should fall in consequence of a shortage of gold, America would supply the deficiency. The movement of gold would continue until the price levels inside and outside America were brought once more into equilibrium. Although gold is still the nominal basis of most currencies, the real determinant of movements in the general world level of prices is thus the purchasing power of the dollar. The conclusion therefore is forced upon us that in a very real sense the world is on a dollar standard.

THE OUTLOOK

"Such is the position as I see it to-day, and I am naturally led to ask how long it is likely to continue. America is able to control the world price level because of two conditions. In the first place, her gold stocks are so great that she can afford to lose large quantities without running any risk of the gold reserve falling below the legal minimum; in the second place, her central banking system is so constituted that, given her great wealth, she can absorb large quantities of gold and at the same time deprive it of its credit-creating powers. In a word, America is rich enough either to lose gold or to gain it. She holds now one-half the total monetary gold of the world. Moreover, her creditor position constitutes a permanent magnet for gold. Her debtors must pay, and, if they can find no other way, they must pay in gold. The only condition, as far as I can judge, under which America might be drained of her gold surplus is that she should continuously make foreign loans beyond her true capacity to lend. That she will lend excessively at times is quite probable—there are indications indeed that she has done so recently; it is by no means an uncommon practice with ourselves—but that she should overlend so heavily as to make a serious inroad into her surplus gold seems to me very unlikely. I conclude that, as long as conditions remain at all similar to those we know to-day, America will be able to pursue her credit policy without regard to gold movements and to maintain control over the world level of prices.

DEARTH OF STATISTICAL INFORMATION

"Let me repeat that I speak of conditions as I see them to-day. Taking a view of the world as a whole it is evident that a great advance has been made since the time when gold was the main determinant of the direction of the price level. But we have still some way to go before we attain full understanding of the principles upon which the volume of credit should be regulated in relation to business demands. We know that the proper control of credit by the central bank in any country is a very important factor in trade prosperity and that a guiding principle in the exercise of this control should be the maintenance of a stable level of prices. But this is not all; there is still a wide field for inquiry on both the practical and theoretical sides. Unfortunately, however, the dearth of statistical information is a grave difficulty in the way of investigation. Individual banks can not do much; it is useless for them to publish more than the customary details at present disclosed in their periodic statements, since no sound generalization can be deduced from banking figures unless they relate to the banks as a whole. Cooperation between all the banks, including the central bank, in publishing the statistics required by scientific students would help us materially in the solution of some of the problems of credit control."

[From the London Daily Express, January 25, 1928]

WORLD POWER OF THE DOLLAR—MR. MCKENNA AND THE GOLD BASIS—UNITED STATES CONTROL

"Although gold is still the nominal basis of most currencies, the real determinant of movements in the general world level of prices is the purchasing power of the dollar. The conclusion is forced upon us that, in a real sense, the world is on a dollar standard."

This statement was made yesterday by Mr. Reginald McKenna, presiding over the ordinary general meeting of the shareholders of the Midland Bank (Ltd.), in London:

"That is the position as I see it to-day," he continued, "and I am naturally led to ask how long it is likely to continue. America is able to control the world price level because of two conditions.

"Her gold stocks are so great that she can afford to lose large quantities without running any risk of the gold reserve falling below the legal minimum, and, in the second place, her central banking system is so constituted that, given her great wealth, she can absorb large quantities of gold and at the same time deprive it of its credit-creating powers.

"America will be able to pursue her credit policy as long as conditions remain at all similar to those we know to-day, without regard to gold movements, and to maintain control over the world level of prices."

Mr. McKenna concluded on an optimistic note:

"There has undoubtedly been a great improvement in the relations between capital and labor, while it has given us all great satisfaction to note the gradual but steady recovery of our trade following the grave difficulties through which this country passed in 1926.

"I am hopeful that these tendencies will gain in strength. I do not suggest we have any cause for unbounded optimism. The problems yet before us are numerous and complicated, but the background is brighter than a year ago."

[From the Manchester Guardian Weekly, London, Friday, January 27, 1928]

THE "DOLLAR STANDARD"—MR. MCKENNA'S VIEWS

Mr. McKenna devoted the main part of his speech to the Midland Bank shareholders on Tuesday to an interesting and penetrating analysis of recent American monetary policy, which led him to the conclusion that it is nowadays not the value of gold which determines the value of the dollar, but the value of the dollar which determines the value of gold, and that, therefore, "in a very real sense the world is on a dollar standard." His argument started from a consideration of the various stages, which he classified as five in number, into which American monetary history since the beginning of the war falls. In the first period, from 1914 to the middle of 1919, gold was flowing into America continuously in payment for war supplies, the net amount of the influx exceeding $1,000,000,000. This gold was purchased by the Federal reserve banks and treated in the traditional manner; that is to say, it was allowed to form the basis of fresh credit, with the result that America, no less than the rest of the world, though with smaller provocation, allowed inflation to run a free course. In the second period, from the middle of 1919 to the middle of 1920, inflation continued, even though America lost $400,000,000 of gold, because the

reserve banks continued freely to create credit, notwithstanding the loss of gold.

With the third period, however, which covers the four and a half years from the middle of 1920 to the end of 1924, came the development of the policy of "sterilization." Gold flowed in continuously, but as it came in it was neutralized, at first because it was used by the member banks of the reserve system to pay off their indebtedness to the reserve banks, which refrained thereupon from recreating the credit thus canceled, and because later, when industry was recovering from the slump, the reserve banks found that they could use the gold to broaden the basis of credit without any inflationary effect upon prices. In the fourth period, covering 1925, gold was flowing out of the United States, but this efflux was not allowed to influence prices either, since the reserve banks did not respond to it by contracting credit, but, on the contrary, actually allowed credit to increase in response to the needs of business. Finally, in the last period, gold was again flowing into America, and was sterilized as before.

THE CONTROL OF WORLD PRICES

America thus developed a new monetary technique, in which conscious regulation of credit replaced the more or less passive submission to the process of alternating expansion and contraction according as gold might flow in or out. This policy, which the American monetary authorities have executed "with a high degree of success," means that in America the value of gold has been made to conform to the value of the dollar instead of vice versa. The purchasing power of the dollar has been kept steady, and therefore the value of gold has been kept steady, notwithstanding the enormous increase in its quantity. It follows, further, that America has been able to regulate the external value of gold, because if the value of gold outside America threatened to fall, America absorbed the surplus supply, and if, on the other hand, it threatened to rise, America supplied out of her reserves sufficient gold to prevent it rising.

So America has enforced her dollar standard on the world, and in Mr. McKenna's view she will be able, in her position of holder of half the world's monetary gold and of creditor of the rest of the world, to maintain control over world prices for as long as it is possible to see ahead.

[From the Daily Telegraph, London, Wednesday, January 25, 1928]

MR. MCKENNA AND GOLD—REVENUE RETURNS—IMPERIAL TOBACCO DIVIDEND

CITY OFFICE, 9, DRAPERS'-GARDENS, E. C. 2,
Tuesday evening.

Apart from the usual detailed review of the bank's affairs and progress, including the information that £830,000 in gold coin was paid in to the Bank of England during December, "which we had gathered from circulation," Mr. McKenna's address at the Midland Bank meeting was devoted to considering the present position of gold as an international standard of value. It may be doubted whether many of those present really understood what he intended to convey, but although he did not actually say so, it would seem that he no longer regards gold as the best basis of currency, notwithstanding that London is rapidly recovering its former position as the world's monetary center owing to our return to a gold standard. Postulating that central bank policy in the United States has shown that while gold may be retained as a medium for making international payments, it can be deprived of its function as the ultimate standard of value, he reached the conclusion that the world in a very real sense is now on a dollar standard, because "the real determinant of world prices is the purchasing power of the dollar."

PRE-WAR BANK PRACTICE

His method of arriving at this conclusion is certainly interesting, if not wholly convincing. Before the war, he says, the central banks adopted a purely passive attitude with regard to the control of credit, allowing the gold movement into or out of a country to regulate the internal supply of money. If gold flowed in freely, credit and currency expanded; and if more credit was created than required for the growth of business, prices rose. If gold flowed out, credit and currency contracted and prices showed a tendency to fall. "It followed from this that the current course of world prices was determined by the supply of momentary gold." This rather sweeping statement required qualification, because the Federal reserve system, prior to which there was no central bank in the United States, did not come into operation until the end of 1913, while, as everyone knows, the Bank of France was only compelled to redeem its notes in legal-tender coin, which included silver.

That Mr. McKenna was really referring to the Bank of England was apparent from his subsequent remarks when he said that London, being the world's financial center, the British price level was the medium through which gold operated on the price levels of other countries. It may be admitted, however, that the first aim of the Bank of England was, as it must always be, to protect its stock of gold so as to insure the undoubted convertibility of the note issue. It may be, too, that the principles of central-bank control were undeveloped, if not unknown before the war. It will also be agreed that up to a point a central bank can expand or contract credit by buying or selling securities, and in this sense it can regulate the supply of money irrespective of gold movements. But to rule out gold as a negligible factor in the situation is quite another matter.

POSTWAR METHODS

It was, we are told, the enormous accumulation of gold which might have proved disastrous to the stability of the American price level, that directed the attention of the reserve banks to their controlling powers. Full tribute has been paid to the great ability with which the Federal Reserve Board have carried out their policy, viz., to prevent undue inflation on the one hand, and, on the other hand, in those periods when gold was temporarily flowing out, to insure that credit remained in sufficient supply for the needs of business. Yet, with all their management of the price level and in spite of a large gold influx in 1926, they could not stop the heavy fall in cotton and wheat from which their farmers suffered that year. By sterilizing for a time their surplus gold they were able to prevent its normal effect on the volume of credit, but no amount of circulating medium could counterbalance the result of an oversupply of the products just mentioned—not even the granting of a subsidy to the Iowa farmers to enable them to hold back their corn crops. The dialectical skill of the extreme followers of the quantity theory of money and the theorists of the mathematical school is apt, as Lord Overstone said many years ago, to lead people "to conclude with too much haste that fluctuations in the amount of the circulation are the immediate and only cause of all fluctuations which may occur in prices."

THE DOLLAR STANDARD

In Mr. McKenna's opinion, American monetary policy has proved that the value of gold no longer governs the value of the dollar. "While an ounce of gold can always be exchanged for a definite number of dollars, the value of the ounce will depend upon what these dollars will buy, and this in turn will obviously depend upon the American price level." Surely the same thing could be said of sterling, for we can exchange an ounce of gold for a definite number of pounds, and the value of the ounce will depend upon what these pounds will buy. That gold movements were formerly the regulator of the price level in America and are so no longer is rather a large assumption, though as a result of America's accumulation of gold they now are admittedly less of a factor, while it has been shown that the influx can be neutralized by a self-denying policy on the part of the reserve banks.

But we can not help asking if there was ever a time when the value of an ounce of gold or anything else did not depend upon what the cash given for it would buy, for the purchasing power of dollars or sterling obviously must determine the actual value of the gold for which they are exchanged. However, Mr. McKenna's conclusion that the world is on a dollar standard is based on the belief that America is able to control the world price level, because she "is rich enough either to lose gold or to gain it." So it would seem after all that gold is not such a negligible quantity either in the matter of the price level or the control of credit.

[From the Times, London, Wednesday, January 25, 1928]

MR. MCKENNA'S SPEECH—IMPERIAL TOBACCO DIVIDEND

Two of the leading banks—the Midland and Martins—held their annual meetings yesterday. At both meetings the chairmen struck an optimistic note regarding the outlook, particularly Mr. R. Holland Martin, who described the tide as having undoubtedly turned in our favor. The greater part of Mr. McKenna's address, however, was directed, as usual, to abstract monetary questions, which he succeeded in explaining in very lucid terms. As he rightly said, before the war the central banks adopted a purely passive attitude in the control of credit, for they allowed the movement of gold into or out of a country to regulate the internal supply of money. If gold flowed in freely, credit and currency expanded and prices rose. On the other hand, if gold flowed out, credit and currency contracted and prices fell. In other words, the current course of world prices was determined by a number of things, but mainly by the supply of monetary gold. It was not until after the war that there developed a new consciousness of the power of the central banks to control credit, and the necessity for exercising it. This became a matter of importance because, whereas paper credits had expanded enormously during the war, the supply of gold had not, while approximately one-half of it found its way into the hands of one country. The International Economic Conference at Genoa in 1922 was impressed by the danger of a scarcity of gold, and the financial commission established there made recommendations to economize its use. One of the commission's main suggestions was that "gold exchange standard" should be adopted by most countries, leaving only a few to hold the metallic reserves for the whole world.

AMERICA'S MONETARY POLICY

Mr. McKenna declared that it was a matter for regret that the commission's suggestions for the adoption of gold exchange standards had been widely departed from. As a matter of fact, most, if not all, of those countries which have returned to the gold standard did not revert to the pre-war system, but set up what is known as the gold-exchange standard—that is to say, the banks of issue undertake to pay

their notes either in gold or in gold exchange—i. e., the currency of a gold-standard country. Most, if not all, countries in practice seek to confine the use of gold to external payments. But though most countries have adopted the Genoa recommendations, they have nevertheless found that while in some respects gold exchange is as good as gold, it is not quite the same thing, which is true, and a few of them have been replacing their gold exchange with the actual metal. Mr. McKenna objects to this because he strongly holds the view that gold need no longer be the controlling factor in the supply of money. The experience of the United States, he declares, has proved this; better control can be exercised by the central bank regulating its loans in one form or another, irrespective of gold movements. The enormous war and postwar accumulation of gold in America would, if left to work on pre-war principles, he argues, have proved disastrous to the American price level. Mr. McKenna gave his interpretation of how the Federal reserve bank authorities contrived to avoid this. During the active period of the gold inflow it was prevented from functioning as a basis for credit to the full amount, while during the period of outflow, which occurred last year, no contraction of credit occurred; on the contrary, there was an expansion of bank credit. Certainly in recent years the American authorities have achieved a high degree of success in pursuing a policy of price stability in spite of gold movements of unprecedented magnitude.

CENTRAL BANK COOPERATION

Because of this active policy of controlling the volume of credit, irrespective of gold movements, Mr. McKenna pointed out, American prices are not gold prices, but dollar prices. Therefore, the world is not on a gold standard or gold exchange standard, but on a dollar standard, since the general world level of prices is governed by the purchasing power of the dollar. It is important to note, however, that America is making very large foreign loans, and that these foreign loans have not been allowed to reduce the supply of currency and credit internally, and to that extent she is releasing for use in the outside world more and more of her immobilized gold. Thus prices will tend to become less dollar prices and more gold prices. Mr. McKenna apparently thinks that the United States is not likely to overlend so heavily as to make a serious inroad into her surplus gold. That is a point of view which only the future can decide, but events of the past two or three years point strongly to the conclusion that America must continue to lend abroad. Mr. McKenna thinks that the control of credit by central banks is a subject which has been inadequately explored, and that it presents a wide field for inquiry, on both the practical and theoretical sides. The war has certainly opened up a new phase in monetary practice. Much has been done in the direction advocated by Mr. McKenna. Cooperation amongst central banks, which has contributed much to European reconstruction in the past few years, is so recent that there is no reason to suppose that it has reached its limits.

LETTER TO THE COMMISSIONERS OF INDIAN AFFAIRS ON H. R. 6461

Mr. ARENTZ. Mr. Speaker, I ask unanimous consent to insert in the RECORD a letter I have addressed to the Commissioner of Indian Affairs on H. R. 6461.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ARENTZ. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

FEBRUARY 23, 1928.

The COMMISSIONER ON INDIAN AFFAIRS,
Department of the Interior, Washington, D. C.

MY DEAR MR. BURKE: On numerous occasions I have brought to your attention the situation existing on the Walker River in Nevada with respect to water rights and irrigation difficulties between the whites and Indians, and I have tried to have these difficulties settled with justice to both Indians and whites.

It is still my hope that the suit instituted by the Government at Carson City, Nev., entitled "United States of America *v.* Walker River Irrigation District et al.," may be settled by a stipulation before it comes to trial early in March of this year. This means, Mr. Burke, that if anything at all is going to be done to effect settlement it must be done within the next two or three weeks. I realize, of course, that the Government has always relied on the Winters case as conclusive of the right of the Indians to have and take all of the water of the Walker River, if necessary, to irrigate all of the irrigable lands in the Indian reservation. In this, from the viewpoint of right and justice, of equity to both Indians and whites, I can not concur.

The Winters case is similar in some respects to the Walker River case in that it involves water rights for Indian lands, but entirely different in the legal aspects involving the right to the use of the waters of the Walker River. The United States brought suit against Winters and others to enjoin the diversion of the waters of the Milk River in Montana which it claimed were reserved by treaty with the Indians for use on the Fort Belknap Indian Reservation. The Supreme Court of the United States, speaking through Justice McKenna, said:

"The case, as we view it, turns upon the agreement of May, 1888, resulting in the creation of Fort Belknap Reservation. In the construction of this agreement there are certain elements to be considered that are prominent and significant. * * * By a rule of interpretation of agreements and treaties with the Indians, ambiguities occurring will be resolved from the standpoint of the Indians."

The court then resolved the ambiguity in the treaty in favor of the Indians, holding that by implication it reserved the waters of Milk River for the use of the Indians. The State of Montana was admitted into the Union the year following the execution of the agreement with the Indians.

It is not my intention to enter into the legal phase of this controversy, but at this point it is well that we state the situation with respect to the Walker River case.

In the case, United States *v.* Walker River Irrigation District et al., the claim of the Government is predicated upon a letter dated November 29, 1859, by the Commissioner of Indian Affairs to the Commissioner of the General Land Office suggesting that an undefined area of land bordering on Walker Lake be set apart for the Indians. It was not until March 23, 1874, that President Grant by Executive order created the Walker Lake Indian Reservation. There is no treaty involved as there was in the Winters action. In the Winters action above referred to it seems too clear to require elucidation that the decision turned on the construction of the treaty, and that there is no similarity whatever in the legal aspects of the two cases.

It is contended in the present case that the letter of November 29, 1859, operated as a withdrawal of both the lands and waters for the irrigation of all of the irrigable lands in the Walker Lake Indian Reservation to the estimated extent of 10,000 acres, notwithstanding the fact that the Walker River rises in the State of California, and is in part used there and flows some 75 to 100 miles before the stream enters or touches the upper boundary of Walker Lake Indian Reservation. It must be remembered also that the Indians were at war with the United States in 1859 and for some years later down to about 1864 or 1865.

If the theory of the Government be correct that the letter, or even the actual Executive order, served to reserve all the water in the river from source to mouth, it means that thereby lands 100 miles in length bordering on the river were forever stripped of the right to utilize a drop of water from the Walker River either as riparian owners or as appropriators. It must be borne in mind, also, that the General Land Office has granted patents to settlers for thousands of acres of lands along the stream based upon the showing pursuant to the desert land act that the lands had been irrigated and cultivated by means of the use of the waters of the Walker River and had a full water right.

The maximum extent of the irrigated Indian lands at any time since the creation of the reservation is about 2,023 acres, 1,400 acres of which may be termed cultivated and the balance partially irrigated or pasture. That the normal flow of the river has been used for many years by the white settlers to its full extent, save for the 1,400 to 2,023 acres of Indian lands, and that if all the natural flow is awarded to the Indians it actually destroys water rights for white settlers' lands, acre for acre, to its maximum amount so awarded over 2,000 acres. Because of the reuse of the water by the whites it is no exaggeration to say that water for 2,000 acres of Indian land is equivalent to double this amount when used on white lands 30 to 50 miles up the river where the return flow is high.

Permit me to state, in this connection, that at a recent conference (November, 1927) held at Reno, Nev., between the attorneys for the Government and the attorneys for the defendants in the case under consideration, Mr. John F. Truesdell, attorney for the Indian Department, together with Judge Cole L. Harwood, special assistant to the Attorney General, represented the Government. At this meeting the defendants offered to stipulate with the Government that the Indians be awarded a first right to water in the natural flow of the stream for 2,000 acres of land which they felt was 600 acres more than the Indians actually irrigated, and which area was conceded to be the greatest amount upon which they had ever used water.

The Government officials countered with the proposition for a first right for 4,000 acres, and Mr. Truesdell then stated that if such stipulation were consummated and a decree entered confirming it, they would recommend the construction of the reservoir for which I have a bill pending. His attention was called to a statement in the report prepared by the engineers for the Bureau of Indian Affairs under the act of Congress which appropriated $10,000 for that purpose, which statement is as follows (H. Doc. No. 767, 69th Cong., 2d sess.):

"It seems apparent from the foregoing that if the Indians are decreed a water right prior to all others on the river, and such right is enforced, that for any cultivated area less than 4,000 acres there is no necessity for storage except as an economic measure for benefiting the entire community."

Mr. Truesdell answered that the statement in the report was an irresponsible one and not binding on the Indian Department, and that they were not responsible for the "mouthings of some underling," or words of similar import, and that the Indian Department did not approve any

such statement; but, on the contrary, that recommendation would be made to construct the dam and reservoir if the stipulation for 4,000 acres was included.

I respectfully refer you to House Document No. 767, Sixty-ninth Congress, which I have before me. This is a report on water supply and storage investigations of Walker River Indian Reservation, Nev., transmitted by S. J. Flickinger, chief, irrigation division; W. M. Reed, chief engineer; and C. A. Engle, supervising engineer, of the Bureau of Indian Affairs, and the following data is taken from the summary and conclusions of this report; hence they are official in character and may be accepted by you without question.

Under the heading, "Summary of irrigation data," Mr. Engle gives the following chronological summary:

1859 (November 29): Reservation segregated by General Land Office.

1859: Indian agency established on reservation.

1859: Indians irrigate by flooding from river. [I question this statement. S. S. A.]

1864 (December): Reservation surveyed by Eugene Monroe.

1866: Agent Campbell and Indians build Campbell ditch.

1874 (March 19): Reservation formally established by Executive order.

WATER SUPPLY

Source: Walker River.

* * * * * * *

Average flow (April to July, inclusive): 275 to 500 second-feet.
Average flow (August to March, inclusive): 0 to 150 second-feet.
Maximum flow, 1926 (May 18–20): 119 second-feet.
Maximum annual run-off (1907): 794,425 acre-feet.
Maximum annual run-off (1924): 94,780 acre-feet.
Average annual run-off: 390,000 acre-feet.

AGRICULTURAL CONDITIONS

Total area of reservation	acres	85,760
Size of Indian allotments	do	20
Total number of Indians allotted		503
Total area allotted to Indians	acres	10,060
Total irrigable area of project	do	10,278
Area now under canals	do	3,600
Area irrigated, 1926	do	1,809
Area unirrigated but under canals, 1926	do	1,791
Area irrigated by Indians, 1926	do	1,785
Area irrigated by white owners, 1926	do	20
Area irrigated by lessees, 1926	do	4
Irrigable area Indian-owned land in project	do	9,900
Irrigable area white-owned land in project	do	25

At this point I wish to bring to your attention the official statement that in 1926 there were only 1,785 acres irrigated by the Indians. This is the maximum amount ever under cultivation at one time. It is important that this figure be borne in mind because in a recent discussion of this matter with Mr. Flickinger it was stated that the amount under cultivation was double this amount. If the basis of your counselor's action in demanding a priority of 4,000 acres is predicated on the acreage under cultivation, my constituents, the water users of the Walker River irrigation district, I am quite sure, are perfectly willing to settle the suit on this basis.

Mr. Engle, in the report heretofore referred to, states as follows: "The attitude and patience of the Indians on this reservation is to be commended. They have shown great forbearance in attempting to cultivate their lands under the variable and uncertain water-supply conditions of the past. The location and favorable markets for farm produce, combined with soil fertility and climatic conditions make it possible to realize substantial profits from irrigated farming. These Indians have demonstrated their ability in this industry, and with an adequate supply guaranteed would undoubtedly make rapid progress toward the full development of the project." Also: "The success of an irrigation project depends primarily upon the delivery of an adequate quantity of water to the land as, and when, needed.

"Storage sufficient for assuring a dependable water supply for the entire irrigable area of Indian lands within the reservation is believed to be feasible at what we have designated as the Rio Vista Reservoir site. * * *

"It is my personal judgment," he says further, "that even though the Indians should be granted a water right of first priority for the area actually cultivated up to the limit of their total irrigable area of 10,280 acres, there would be frequent occasions during average or normal years and most certainly during low-water years, when the total normal flow of the river would be insufficient to produce the required flow at their diversion point and the river bed would, not infrequently, be dry. Taking conditions as they actually are and have been for years, at least since 1898, and leaving aside any consideration of what 'might have been,' providing the Indians would have had a prior water right and such right had been enforced, it is plainly apparent that storage is an economic necessity, and it is a matter of surprise that the Indians have succeeded as well as they have without it.

"Some idea of the excessive water loss in the river channel is indicated when it is considered that at the time above referred to, although 320 acre-feet were actually delivered in the river channel below all diversions above the Indian reservation, only 80 acre-feet finally reached the Indian diversion dam 35 miles farther downstream. * * * it is believed that it would be conservative to estimate the loss in the 35 miles of river channel between the Indian diversion and the lowest upstream diversion at 35 per cent. It is considered extremely doubtful as to whether the upstream users should be asked to stand so great a loss, if the loss can be obviated by the construction of a storage reservoir near the Indian land."

At this point allow me, Mr. Burke, to point out to you that if storage is resorted to, the white settlers have agreed to and will guarantee to the Indians, delivered at the diversion point of the river to the Indian lands, a sufficient amount of water to amply take care of the land now under cultivation plus an additional amount of water which will meet the needs of the Indians, according to the figures given by both Mr. Truesdell and Mr. Reed, for all time to come.

Again, quoting from Mr. Engle, "It is realized by all that the loss in the river channel is very great; but it is, of course, practically impossible to determine it under present conditions of control and management. * * * As early as 1898 (see report of L. A. Ellis included in this report, H. Doc. No. 767) it is reported that 'there was no water after July 10, and the quantity was insufficient for about two weeks preceding that date."

Bearing out my statement, Mr. Burke, that there is need, and urgent need for a reservoir, I will quote further from Mr. Engle's report. He says, "Moreover, it should be borne in mind that were it not for the usual water shortage, and were it not for the fact that the superintendent of the reservation and irrigation officials have for many years consistently discouraged the improvement of new lands because of the deficiency in the water supply, it is apparent that the cultivated area would be at least twice what it now is." And I may add to this the further statement that were water available the whole 10,000 acres, or 500 allotments of 20 acres each, would be tilled by Indian farmers.

Referring further to the summary of irrigation data, attention is called to the fact that "there are now 3,600 acres under canal and susceptible of irrigation (only 1,785 acres to which water has been applied) therefrom, at a total construction cost of $127,815, or $36 per acre for the area actually benefited." (A cost of $65 per acre instead of $36 if figured on the basis of land under cultivation.) "The estimated cost of the completed project with canals and laterals covering the entire irrigable area of 10,280 acres, and with the storage reservoir, is $540,000, or $53 per acre. It is apparent that land with an assured all-season water supply at $53 per acre is far more valuable and desirable than the same land with only a partial water supply at $36 or $65 per acre."

So much for reference to Mr. Engle's report, which I consider a splendid one—a straightforward, honest statement of facts. Let us pass on to the recent hearing before Mr. CRAMTON'S committee.

I can not view the testimony of the representatives of the Bureau of Indian Affairs before the House Subcommittee of the Appropriations Committee without alarm and a feeling that the Indians are being harmed and the white settlers treated unfairly by the more or less loose talk being indulged in by these men. The Indians on the Walker River Reservation can not get along without a reservoir. Your assistants know this as well as I, but in order to press home their ideas relative to priority of water rights and make untenable in the eyes of Congress the position of the white settlers they are making it very hard for me, or anyone else, to bring about the passage of a bill in Congress for the construction of a reservoir for the Indians at Schurz, Nev.

I feel duty bound to go into this matter with you in detail to point out certain ambiguities, misstatement of facts, and uncalled-for testimony of witnesses on matters which I believe they should have left for another occasion.

One can not view the work of the Bureau of Indian Affairs during the past six years without a feeling of pride for the work accomplished generally throughout the Nation. The personnel under your direction is as sincere and conscientious in its duties as can be found in any body of men and women in any department of the Government. Everyone with whom you come into contact must be impressed with your sincerity and good judgment. This also holds true with respect to all of your assistants whom I know. So, anything I may say here is meant in no degree to cast aspersions or question the motives actuating the men named or anyone in your department. You look to them for recommendations—you are entitled to their unbiased opinion and best judgment always—it is impossible for you to know the details of every problem presented. Within the limited scope of this letter I hope I may be able to present a true picture of the problems on the Walker River to you so that you, in turn, may help in their solution.

On page 234, hearings, appropriations, Interior Department, 1929, we see the following:

"Mr. CRAMTON. What about the suit, or what is the status of it?

"Mr. REED. I think Mr. Truesdell can give that a little better than I can, but I can tell you about it in a general way. There have been two attempts since the suit was filed to reach some kind of agreement—that is, to stipulate along certain lines, at least. Those attempts have not been entirely successful. The first one failed, although we had some assurance they [I presume Mr. Reed meant the directors of the Walker River irrigation district] were in a frame of mind to meet our

minds. However, that did not prove to be true, and unless there is a yielding it must go to trial when the court sets it.

"Mr. CRAMTON. What is the status of that suit, Mr. Truesdell?

"Mr. TRUESDELL. The suit is pending as a bill filed and the answers thereto, and it has just been set for March, I think, by Judge Farrington.

"Mr. REED. And I, at the request of the Representative from Nevada, Mr. ARENTZ, went to Reno in May and tried to see what could be done in the way of effecting a settlement of the whole controversy on the basis of the information in the report (H. Doc. No. 767) which you have just described. We went through the thing thoroughly and gave our views, namely, that we felt that we could recommend that the suit be settled on the basis of adequate water from the unstored flow of the river or a first right for 4,000 acres and then a first right of storage for 30,000 acre-feet, which would be enough water to fill the reservoir. We. felt that a 4,000-acre first right on the unstored flow would take care of the Indian lands or the lands that the Indians now on that reservation would be likely to use, and also they would use, as far as could be used, the unstored flow of the river; that is to say, that a greater right in the river for the unstored flow would be so seldom needed that it would not warrant putting in new lands on that basis and that then, if Congress saw fit upon any theory to build the dam the first right of storage would be adequate to irrigate all the land of the reservation susceptible to cultivation, namely, about 10,000 acres.

"Mr. CRAMTON. Have the white lands above been using the water to such an extent as to create an insufficient supply for the Indian lands? In other words, if the whites were not taking the water above, the Indians would have enough water without building this storage reservoir, would they not?

"Mr. TRUESDELL. I do not understand it that way. It is very difficult, of course, to estimate just what would have been the situation if changes that have taken place in many years had not taken place; but, so far as we know, and so far as this report shows, we believe that if the whites were not there we could irrigate only about 4,000 acres.

"Mr. CRAMTON. And this project is to cover——

"Mr. TRUESDELL (interposing). About 10,000 acres.

"Mr. CRAMTON. And the area under constructed works is 3,600 acres?

"Mr. TRUESDELL. Yes, sir.

"Mr. CRAMTON. There is not enough water for the 3,000 acres?

"Mr. TRUESDELL. No, sir; not now. We are irrigating not more than 2,000 acres at the present time, and that occasionally goes short. We thought if that could be boosted to 4,000 acres, and if we had a decree of court giving us a first right for that much, we could irrigate it pretty well, although even then we would go short to a certain extent.

"Mr. CRAMTON. Do you mean to say that if there were not undue encroachment by the owners of white lands above, the stream flow, without storage, would be sufficient probably to take care of 4,000 acres?

"Mr. TRUESDELL. Yes, sir; with an occasional shortage.

"Mr. CRAMTON. But is it not sufficient now?

"Mr. TRUESDELL. No, sir.

"Mr. CRAMTON. Of course, the pinching necessity for that reservoir is not because of a desire to provide water for 10,000 acres, but it is because of the necessity of providing water for 4,000 acres, and that necessity is created by the encroachment of white lands above.

"Mr. TRUESDELL. I do not think it would be quite accurate to put it that way.

* * * * * * *

"Mr. FRENCH. Is the suit pending?

"Mr. TRUESDELL. It is pending. The bill asks for a prior right for the whole 10,000 acres, but we feel that even if we get a decree for that it will be more or less empty. After the 4,000 acres is supplied the stream would not supply those lands sufficiently.

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"Mr. TRUESDELL. My idea is this: That if the Government simply wanted to irrigate this 4,000 acres the best thing to do would be to prosecute this suit. If, however, it wants to irrigate the full 10,400 acres, or whatever it is, then it should build the reservoir. If it wants to build the reservoir, I would very much prefer to have the suit settled by an agreement on the terms that we suggested, so that we would get the first storage right, rather than to simply have the right that the court would be likely to give us. That is because the storage right would be very valuable."

You will please note that Mr. Reed in his statement says definitely that the first conference failed because the directors of the Walker River irrigation district were not in a frame of mind to meet "ours," meaning by this the minds of himself and Mr. Truesdell, and he further states that unless there is yielding, and by this he means the acceptance of Mr. Truesdell's plan for 4,000 acres of priority water, the case must go to trial shortly after the 1st of March. Mr. Reed further says, and if you had been present at this conference you would believe as I do, that the entire matter is in the hands of Mr. Truesdell and Mr. Reed, that "we felt that we could recommend that the suit be settled on the basis of adequate water from the unstored flow of the river or a first right for 4,000 acres"—this is not for 4,000 acres now under cultivation. It is for the acreage that would likely be used in the future and would be the very limit of acreage in normal years, but in an abnormal year there would not be a sufficient amount of water, under any condition, for more than the land now under cultivation, namely, 2,023 acres. The district has agreed to guarantee this amount, as well as a sufficient amount of flood water to amply supply the needs of the full 10,000 acres.

I think both Mr. Reed and Mr. Truesdell are looking at this matter entirely from the viewpoint of the Indian; I think they are acting very fair indeed from the Indian viewpoint, nevertheless, Mr. Truesdell is correct when he makes the statement that "so far as we know, and so far as this report shows, we believe that if the whites were not there we could irrigate only about 4,000 acres, with an occasional shortage." I feel sure that both Mr. Reed and Mr. Truesdell appreciate the fact that 4,000 acres is far above the maximum that could be irrigated, and I repeat that in a subnormal year, a year when the river becomes almost dry during the months of July and August, that it would require some very serious "pinching" to spread the water over the less than 2,000 acres now under cultivation, not to mention 4,000 acres, unless the supply were supplemented by stored water.

Mr. Truesdell further states, "we are irrigating no more than 2,000 acres at the present time and that occasionally goes short," and he says "we thought if that could be boosted to 4,000 acres, and if we had a decree of court giving us a first right for that much, we could irrigate it pretty well, although even then we would go short to a certain extent." In order to fully understand this Mr. CRAMTON asked this question: "Do you mean to say that if there were not undue encroachments by the owners of white lands above, the stream flow, without storage, would be sufficient probably to take care of 4,000 acres?" And Mr. Truesdell answered, "Yes, sir; with an occasional shortage." And Mr. Truesdell goes on still further and states that the bill, meaning the bill filed in court upon which the suit is based, asks for a prior right for the whole 10,000 acres, and he says, "But we feel that even if we get a decree for that it will be more or less empty. After the 4,000 acres is supplied, the stream would not supply those lands sufficiently." Mr. Burke, unless sufficient water is supplied to irrigate lands diversified farming is impossible and only failure stares the rancher in the face who tries to carry on under such conditions of water shortage.

It is my contention that by prosecuting this suit to a final conclusion the Government will get less than it would if the suit were settled by stipulation under the terms agreed to by the Walker River irrigation district officials and their attorneys for this reason, and it should be very clear to you, being a western man, knowing the value of water and water rights, that it is as Mr. Truesdell says—the decree for 4,000 acres, and even less than this, would be absolutely empty. It would not carry a storage right, and storage is essential if it is ever contemplated to give the 500 Indian allottees on the Walker River Reservation water for their acreage of 20 acres each, or a total of 10,000 acres. Surely, if these Indians have been given their allotments of 20 acres each, it is a gesture of the emptiest sort unless it is contemplated that water is to be supplied for these allotments some time in the future, and if water is to be supplied to these allotments at some future date it is absolutely essential that the Government protect the rights of the Indians by flood-water rights on the Walker River so that when the reservoir is constructed at least 30,000 acres of flood water can be stored for application to their lands.

The Walker River irrigation district is now storing about 90,000 acre-feet of water, and within a short time it is contemplated to erect another reservoir—if they do this they will take all the flood water from the Walker River and leave the Indians—what? Their priority. And even though they get a priority of 10,000 acres, Mr. Truesdell admits that this will be an empty decree, that even if they have enough water to irrigate 4,000 acres by the natural flow of the stream for part of the irrigation season, the flow would be insufficient in the late season, when it is needed for maturing of crops, and it will be conceded by anyone who knows how to irrigate that it can not be done successfully when one year there is enough water for the crops and the next not enough, and the crops dry up the latter half of the season when the water supply falls short—crops are not grown successfully that way.

No matter how one looks at the proposition, storage is essential. Nothing should be done in this case which would jeopardize the passage of legislation authorizing the construction of a dam and reservoir. There is a direct and an indirect way to bring about storage for the Indians. I am suggesting the direct method through the settling of the suit by equitable agreements and favorable report on my bill to construct the dam and reservoir.

In making the following statement, Mr. Truesdell, I think, summed up the situation in the clearest possible manner; he states the case exactly when he says, "My idea is this: That if the Government simply wanted to irrigate this 4,000 acres (I think he meant a priority of 4,000 acres), the best thing to do would be to prosecute this suit. If, however, it wants to irrigate the full 10,000 acres, or whatever it

is, then it should build the reservoir. If it wants to build the reservoir, I would very much prefer to have the suit settled by an agreement on the terms that we suggested, so that we would get the first storage right, rather than to simply have the right that the court would be likely to give us. That is because the storage right would be very valuable."

In conclusion, Mr. Burke, let me state that I do not view this case strictly from a legal standpoint alone but from the viewpoint of justice and equity, justice both to the whites and to the Indians. We gained nothing, arrived at no conclusion, in the discussions and conferences entered into during the past two years. It appears to me that the terms of settlement of this suit by stipulation seem to be in the hands of Mr. Truesdell. He appears to be determined that this suit shall be carried to a conclusion in the Federal court at Carson City at an early date or the settlement be made on his terms, namely, the prior right for 4,000 acres. This amount is 2,000 acres in excess of the acreage ever under cultivation by the Indians, even though Mr. Truesdell and his associates have admitted time after time that a decision for 4,000 acres would be an empty one, because the flow of the Walker River during July and August of some years is insufficient to supply the needs of more than 2,000 acres. If at any time the 500 allottees, each possessing 20 acres, desired to put their land under cultivation, and surely you believe with me that this should be done, a further right on the stream for at least 30,000 acres of flood water would be essential and necessary, and it is contended by neither Mr. Truesdell nor the assistant to the Attorney General that a decision on 4,000 acres priority would carry with it a flood-water right for this necessary storage.

I appeal to you, Mr. Burke, to give this matter your personal thought, the benefit of your mature judgment, and that you will use your influence to settle this question at once out of court by stipulation under guaranties protecting the Indians of the Walker River Reservation to the fullest extent, yet balance the scales in favor of neither the Indians nor the whites by settling the case in equity and justice along the lines herein proposed—first, a priority of normal flow of the Walker River sufficient to irrigate the maximum acreage, according to official reports, ever tilled by Indians on the Schurz Reservation; and, second, such other recommendations as were made in the Engle report, including the construction of the reservoir discussed in said report.

Respectfully yours,

SAMUEL S. ARENTZ.

PERMISSION TO SIT DURING SESSIONS OF THE HOUSE

Mr. PARKER. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may sit during the sessions of the House for 10 days beginning next Tuesday.

Mr. BANKHEAD. Mr. Speaker, reserving the right to object, is this for the purpose of considering any special legislation?

Mr. PARKER. Yes; it is to consider railroad consolidation.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. GARRETT of Tennessee. Mr. Speaker, I desire to prefer another request. I ask unanimous consent that the gentleman from Oklahoma [Mr. CARTWRIGHT] may address the House for 10 minutes on Tuesday next, following the address of the gentleman from Texas [Mr. WILLIAMS].

Mr. SCHAFER. Mr. Speaker, reserving the right to object, on what subject?

Mr. GARRETT of Tennessee. On farm relief.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

ABRAHAM LINCOLN WITH THE IMMORTALS

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to extend my remarks by printing in the RECORD a speech made before the Bronx County Bar Association on Abraham Lincoln by Prof. Emanuel Hertz, a student of Lincoln.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, under permission granted me I extend herewith a speech of Prof. Emanuel Hertz, of New York City, on February 12, 1928, delivered over WGL, entitled "Abraham Lincoln with the Immortals." Prof. Emanuel Hertz, a lawyer and a scholarly gentleman of our city, is not only a great admirer of the great American, but also a profound student of Lincolnian lore. I am sure his remarks will be of interest to the membership.

The speech is as follows:

It is a custom hallowed by the ages to recall at least annually the memories and performances of those who departed. Fervent and intense as is the observance at first, it gradually mellows and becomes more formal and frequently the anniversary becomes a biennial event and then a quinquennial, then centennial memorial, frequently remembered only—rather than formally observed. The vast majority of these terminate within a short period, for only the closest family ties keep us concerned about those departed. Have we not seen it all in our own day—how short-lived and baseless is temporary fame? The hero of to-day—whom we greet with triumphal arches and hosannahs—who is greeted by rulers and people alike—is barely remembered 20 years later. Witness the late Admiral Dewey—upon whom the honors of a hundred million people were showered. Who recalls that gigantic universal outpouring of praise and pomp and popular acclaim? McKinley—as lovable a soul as ever lived—universally beloved in his day—is rarely, if ever, referred to. A statue here and there—perhaps three in all—certainly not more—marks all that was earthly of that simple soldier boy—in Philip Sheridan's regiments—who was raised to the highest post in the land. Who remembers three generals in the great World War of 10 years ago?

We must, therefore, conclude that nothing short of lasting performance, nothing less than what benefits the race, only an unselfish performance coupled with the greatest sacrifice which changes the course of an entire race, frees a people from bondage, and implants upon the minds of those who follow an eternal, elemental principle, which up to that day was either unknown or unrecognized, and which does not change with the tides nor with the process of the suns—only such an individual, whoever he be, wherever he comes from—only such a one can not and will not be forgotten.

And when one such is found human nature veers completely the other way. No lip worship only, no formal memorial will do. They go the whole length of the gamut of human gratitude and love and set apart an entire day—an entire day in the United States of complete rest, of complete inactivity, of shutting down the myriads of human endeavor and occupation on the farm, in the mine, in the counting house, in the courts, in the schools—all given and dedicated to the memory of Lincoln—indeed, a gigantic sacrifice running into hundreds of millions of dollars, counting time and effort suspended and money expended and lovingly foregone, in order to celebrate this natal day of him who breathed the spirit of life into an expiring Union. An entire day, not only to remember, to recount, but to contemplate and study the life and character of him who has thus become distinguished. First one State, then another, then the Congress of the United States have decided to celebrate Lincoln's birthday.

And now there have sprung up all over this land Lincoln organizations who follow annually a program which has for its object to keep before the people of his Union—young and old—the great services rendered by him to make his Union free and mighty and respected by all the nations of the world, because he made it an emblem of righteousness, an example of brotherly love, a people loving and pursuing justice. His heritage of unselfish advice to the plain people—and he concerned himself mostly with those only because the vast majority of his fellow countrymen were plain people—is now and has for the last 70 years been slowly absorbed. His appeal seemed to reach those common people—they understood Father Abraham—whether it be the starving dole-receiving cotton spinners of Manchester, England, crippled by the blockade which prevented the exporting of cotton, or the plain people in the marshes at Shiloh, Vicksburg, or in the Wilderness; they all understood him and went straight into the shadow of the valley of death because he asked it. The so-called leaders could not respond so quickly. How could you expect the Cabots, the Adamses, the Sumners, the Sewards, the Chases, the Lees, the Davises, the Longstreets, the Beauregards, and the rest of the aristocracy of the North as well as of the South to stoop or rather look up to—for like Saul he towered over all—this crude frontier giant who would talk in the patois of the frontier, who like Æsop of old would draw his similes from the farm and from nature, and who had as much regard for clothes or the habiliments of the boudoir as did Socrates.

Somehow or other these few human intellectual giants have a vision peculiar to themselves; they see through it all; no phrase, no adornment, no veil, no hue, no color conceals the great heart, the great soul, which burns like a perpetual fire, now and forever. Unconsciously, perhaps, Lincoln ignored all these superficialities, suffered from all these social disadvantages, so called, and concerned himself with eternal things only. He even used some of these social leaders—for he needed mannikins in the Diplomatic Service; he needed social secretaries; he needed intermediaries with these recalcitrant governors and unreasonable Senators, with these pompous and strutting would-be saviors of the Nation, who simply did not comprehend him or the problems with which he was coping. To-day he was perfectly willing to give up his task to anyone who would appear to be able to do better than he; the next day he actually convinced the two or three other men in the country, who seemed to understand the enormous task but actually tried to side-step it, or to sacrifice the Union in carrying out their theory as to slavery, that to do what they advocated was treason, if not madness outright; and then, when he had arranged the fighting forces, his diplomatic forces, his legislative forces, his State leaders, and his spiritual leaders into some semblance of teamwork, he was forced to combat the entire Democratic Party, who had actually succeeded in organizing itself in the North under the influences

of Vallandigham, Pendleton, and Seymour, in opposition to his struggle for the Union, and urged cessation of hostilities at any price and negotiation for peace with the Confederacy in 1864 at any cost—the very thing he prevented England and France and other European powers from inaugurating two years before. Not one of these timeservers, not one of these political or military leaders saw or wanted to see or hear his reasoning or his program. Resignations from high officials were either threatened or requested; Washington was a treason-infested town; and the miracle of it all was that the assassination of the one man who stood between the living and the dead was so long deferred.

Little wonder, then, that those who lived to see what he had accomplished turned an intellectual somersault and from suspicion turned to trust, from carping, heartless criticism, to immeasurable love and praise and appreciation and trust. He had made it clear, at last, that Lincoln was honest, that Lincoln was capable, that Lincoln was unselfish, that Lincoln was trustworthy, that Lincoln was a statesman, that Lincoln was a great military leader, that Lincoln was adamant on saving the Union, that Lincoln was not a slave driver, that Lincoln was not a clown, that Lincoln was not a cruel conqueror, that Lincoln was not an enemy of the South, that Lincoln was not prepared to upturn southern society, that Lincoln was not against peace on honorable terms, that Lincoln was not a candidate for reelection, that Lincoln was not here to perpetuate a military hierarchy; above all, that Lincoln was not afraid, intimidated, or turned from the one true course he had outlined to himself when he registered his oath in heaven to preserve the Union. And now that he was no more—all saw even more clearly how this simple child of the forest had been selected by Providence to bridge the chasm between the slave and the free, between a mobocracy and a democracy, between darkness and between light.

Of course, there were those who saw it not to the very end—nay, to this day there be learned dissenters. Men to-day demonstrate by quoting the unspeakable billingsgate of Civil War and reconstruction times, then voiced by the halt, the lame, the sick, the mentally decrepit—that the real Lincoln was not what the people thought he was. Of course, we are not concerned with those—there be even spots on the sun—but the sun ever shines, and yields life and nourishment and health and vigor—and only the lame, the halt, and the blind concede it not. But they are as ineffective as the fool who sayeth there is no God.

The commotion, the noise, the misleading rumors, the unholy slanders were gaining such velocity, such strength were voiced from so many points of vantage, appeared and reappeared in so many disloyal and half loyal sheets, that Lincoln himself began to doubt—not that his cause was just, not that his was the only course to pursue—but he began to doubt whether the people, his people, would continue to stand by him or whether the siren sounds of peace, of a disgraceful peace, of a perverted peace, would not finally become so effective as to distract the attention of his followers and finally defeat him at the polls at a time when the rays of the rising sun of victory and of peace with honor were becoming visible on the horizon.

And at one time, and only one time, he said: "It is my belief that from present indications the administration will be defeated at the polls at the next election." But he had hardly spoken those words when things began to happen. Grant regenerated the Army, and it began to hammer away, and the process of attrition was on. Sherman began to destroy the heart of the Confederacy. Sheridan destroyed its source of supplies. Thomas (a northern Robert E. Lee) gave the death blow to the Confederacy when he wiped out its army within its borders and helped to isolate Lee. Farragut at Mobile, and the blockade along the entire coast, and the election in November was as overwhelming as was the work of the Army and Navy. The people had spoken again for Abraham Lincoln. The prophets of evil, the soothsayers in the North, were indeed as effective as the fool who sayeth there is no God.

But the common people, the plain people, the poor people, Lincoln's people, Lincoln's neighbors, Lincoln's soldiers, Lincoln's sailors, Lincoln's clients—an entire Nation of clients saw it all—not only at the end where even Chase and Andrew and Reverdy Johnson and Henry Winter Davis—they saw in the beginning—God Almighty had opened their eyes and they beheld Lincoln and Douglas arguing and debating whether a house divided against itself could stand. Douglas, wanting the Senatorship, said it could; Lincoln, however, cared not for the Senatorship, and actually lost it when he said, so that an entire world could hear, "A house divided against itself can not stand," and won the Presidency. I know of no better example or anecdote which better describes than the quotation from Maj. H. C. Whitney, in concluding his great work, "Lincoln on the Circuit," to illustrate the dramatic election of 1860:

"The story is somewhere told that 25 centuries ago the citizens of Mitylene resolved to erect a statue of Jupiter, father of gods and men, in front of that masterpiece of architecture, the great theater, and that they invited a display of statues of the mythological god from which to choose one adequate.

"Upon the day of choice the citizens of the Lesbian Isle crowded into the plaza, there to behold two draped figures which were to compete for the honor of saluting the sun as it arose from the Mediterranean for hundreds of slowly revolving years.

"The draperies fell apart and revealed a figure of classical beauty, the perfection of symmetry, a paragon of sculpture, a miracle of art, an image in which glorious life had been arrested at its highest tide, a fit marble ideal of the presiding divinity in the assemblage of the gods!

"Also a rough effigy of a human figure—no majesty in its lineaments; no grace in its pose; apparently no art in its execution; no harmony in its relations; no dignity in its bearing: 'Tetrum ante omnia vultum.'

"The popular verdict was prompt—one mighty shout rent the air: 'Here is our Jupiter!' was the universal acclaim, all pointing to the masterpiece of sculpture, 'To the sea with the base imposture,' designating the inglorious statue.

"But the poet Alcaeus arrested the fierce outcroy: 'Men and brethren,' exclaimed he, 'I crave one further test of judgment; let but the applauded and the condemned statues each be elevated to the height of the shaft where the chosen one is to find its long repose before we judge conclusively.'

"To this fair proposal assent was finally made, and on the designated day the same eager throng filled the great space which was to be the scene of final judgment.

"The two draped figures were poised in mid-air. The draperies were unloosed, and the two competitors stood out in bold relief against the pure azure sky.

"But mark the change! The favorite had been transformed by the intervening distance. The classical features, the sparkling eye, the luminous countenance had vanished; but a greater transformation had been wrought in the other figure by distance, the arch enchanter.

"Life had been impressed upon those hitherto ungainly features—majesty sat enthroned upon those rugged lineaments—the eyes gleamed with the fire of genius; * * * 'deep on his front engraven deliberation sat, and public care'; and a god stood outlined in classical marble, to the view.

"A cry went up, drowning the sound of the waves that broke on the Lesbian shore: 'Here is, indeed, a god! this is worthy to preside at the council of the Immortals!! This is Jupiter!!!'

"In the year of destiny—1860—our people, moved by fate, met to select a Jupiter Tonans to preside over councils much more majestic than the fabled assemblages of Mount Olympus—councils involving the destiny of the human race.

"The competition which ensued and its results are indited on the most familiar pages of recent history; and the statue of Abraham Lincoln, reproduced ad infinitum in bronze, granite, and marble, and enshrined in all patriotic hearts, will remain the great central figure of humanity and unselfish patriotism as long as civilization shall hold sway."

VISITORS TO THE NAVAL ACADEMY

The SPEAKER. The Chair appoints on the Committee of Visitors to the Naval Academy, to fill the vacancy caused by the resignation of the gentleman from Texas [Mr. SUMNERS], the gentleman from Arkansas [Mr. OLDFIELD].

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BLAND, for three days, on account of important business.

To Mr. GOODWIN, for one week, on account of sickness in his family.

To Mr. ROMJUE, for one week, on account of important business.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TILSON. At the opening of the session this noon I asked unanimous consent that in case the District appropriation bill were completed before adjournment to-day that the House adjourn until Monday next. I assume that the bill having been completed a motion to adjourn now will mean a motion to adjourn until next Monday.

The SPEAKER. The Chair will so hold.

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committees, as follows:

S. 1104. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River at or near Garland City, Ark.; to the Committee on Interstate and Foreign Commerce.

S. 1637. An act for the relief of Martha Henson; to the Committee on War Claims.

S. 2370. An act to amend section 24 of the immigration act of 1917; to the Committee on Immigration and Naturalization.

S. 2450. An act to amend the immigration act of 1924, entitled "An act to limit the immigration of aliens into the United States, and for other purposes"; to the Committee on Immigration and Naturalization.

S. 2737. An act for the relief of Morgan Miller; to the Committee on Claims.

S. 2781. An act to amend the Code of Law for the District of Columbia so as to empower the corporation counsel for the District of Columbia and his assistants to administer oaths; to the Committee on the District of Columbia.

S. Con. Res. 6. Concurrent resolution to print and bind the proceedings in Congress together with the proceedings at the unveiling in Statuary Hall of the statue of Alexander Hamilton Stephens, presented by the State of Georgia; to the Committee on Printing.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 5501. An act authorizing the Hermann Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Hermann, Gasconade County, Mo.;

H. R. 5502. An act authorizing the Washington Missouri River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Washington, Franklin County, Mo.;

H. R. 5722. An act authorizing the Rogers Bros. Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ashland, Ky.;

H. R. 6639. An act authorizing the Centennial Bridge Co. of Independence, Mo. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Liberty Landing, Clay County, Mo.;

H. R. 6991. An act authorizing the erection of a nonsectarian chapel at the Army medical center in the District of Columbia, and for other purposes;

H. R. 8106. An act authorizing F. C. Barnhill, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Arrow Rock, Saline County, Mo.; and

H. R. 8107. An act authorizing Frank M. Burruss, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Miami, Saline County, Mo.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1759. An act to authorize appropriation of treaty funds due the Wisconsin Pottawatomi Indians.

ADJOURNMENT

Mr. SIMMONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 38 minutes p. m.) the House, under its previous order, adjourned until Monday, February 27, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, February 25, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce (H. R. 7940).

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

To amend the immigration act of 1924 by making the quota provisions thereof applicable to Mexico, Cuba, Canada, and the other countries of continental America and adjacent islands (H. R. 6465).

For Monday, February 27, 1928

COMMITTEE ON LABOR

(10 a. m.)

To divest goods, wares, and merchandise manufactured, produced or mined by convicts or prisoners of their interstate character in certain cases (H. R. 7729).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

To further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States (S. 744).

To promote, encourage, and develop an American merchant marine in connection with the agricultural and industrial commerce of the United States, provide for the national defense, the transportation of foreign mails, the establishment of a merchant-marine training school, and for other purposes (H. R. 2).

To amend the merchant marine act, 1920, insure a permanent passenger and cargo service in the North Atlantic, and for other purposes (H. R. 8914).

To create, develop, and maintain a privately owned American merchant marine adequate to serve trade routes essential in the movement of the industrial and agricultural products of the United States and to meet the requirements of the commerce of the United States; to provide for the transportation of the foreign mails of the United States in vessels of the United States; to provide naval and military auxiliaries; and for other purposes (H. R. 10765).

COMMITTEE ON WAYS AND MEANS

(10.30 a. m.)

Providing for the cooperation of the United States in the Pacific Southwest Exposition in commemoration of the landing of the Spanish padres in the Pacific Southwest and the opening of the Long Beach, Calif., world port (H. J. Res. 126).

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

374. A letter from the Secretary of the Navy, transmitting draft of a proposed bill "To amend section 1493 of the Revised Statutes," as amended; to the Committee on Naval Affairs.

375. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Yaquina Bay and Entrance, Oreg.; to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII:

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 9018. A bill granting the consent of Congress to E. M. Elliott & Associates (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River; with amendment (Rept. No. 752). Referred to the House Calendar.

Mr. JOHNSON of Indiana: Committee on Interstate and Foreign Commerce. H. R. 9953. A bill authorizing the State of Indiana, acting by and through the State highway commission, to construct, maintain, and operate a toll bridge across the Wabash River, at or near Vincennes, Ind.; with amendment (Rept. No. 753). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WARE: Committee on Claims. H. R. 9902. A bill for the relief of James A. DeLoach; with amendment (Rept. No. 751). Referred to the Committee of the Whole House.

Mr. JAMES: Committee on Military Affairs. H. R. 1627. A bill for the relief of Abram H. Johnson; with amendment (Rept. No. 754). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 11170) granting an increase of pension to Sarah C. Lutgen; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11366) granting an increase of pension to Ada M. Young; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BACHMANN: A bill (H. R. 11402) authorizing and directing the War Department to obtain and place a commemorative monument on the spot where the late Thornsbury B. Brown lost his life; to the Committee on Military Affairs.

By Mr. BACON: A bill (H. R. 11403) to admit to the United States, and to extend naturalization privileges to, alien veterans of the World War; to the Committee on Immigration and Naturalization.

By Mr. CRAMTON: A bill (H. R. 11404) authorizing the Port Huron, Sarnia, Point Edward International Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.; to the Committee on Interstate and Foreign Commerce.

By Mr. ENGLEBRIGHT: A bill (H. R. 11405) to acquire an area of State land, situate in Lassen Volcanic National Park, State of California, by exchange; to the Committee on the Public Lands.

Also, a bill (H. R. 11406) to consolidate or acquire alienated lands in Lassen Volcanic National Park in the State of California by exchange; to the Committee on the Public Lands.

By Mr. FISHER: A bill (H. R. 11407) to amend the World War veterans' act, 1924; to the Committee on World War Veterans' Legislation.

By Mr. HOFFMAN: A bill (H. R. 11408) to provide for the participation in the erection of monuments and tablets to mark historic points of interest in the Battle of Monmouth; to the Committee on the Library.

By Mr. REECE: A bill (H. R. 11409) to provide for the appointment of cadets at the United States Military Academy from among members of enlisted reserve corps who have pursued the prescribed course at a civilian military training camp; to the Committee on Military Affairs.

By Mr. SPROUL of Kansas (by request): A bill (H. R. 11410) to amend the act of October 28, 1919, known as the national prohibition act (41 Stat. L. 85), as amended and supplemented, for the purpose of enforcing the eighteenth amendment to the Constitution more efficiently and preventing evasions thereof; to the Committee on the Judiciary.

By Mr. WINTER: A bill (H. R. 11411) to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended; to the Committee on Mines and Mining.

By Mr. MORTON D. HULL: A bill (H. R. 11412) to amend section 117 of the Judicial Code; to the Committee on the Judiciary.

By Mr. MORIN: A bill (H. R. 11413) to regulate the procurement of motor transportation in the Army; to the Committee on Military Affairs.

By Mr. SUMMERS of Washington: A bill (H. R. 11414) to authorize the Secretary of Agriculture to establish trading rules and business practices for handlers of and dealers in fresh fruits and vegetables, to provide for a system of adjustment of disputes, and for other purposes; to the Committee on Agriculture.

By Mr. HOFFMAN: A bill (H. R. 11415) to amend the laws relating to navigation, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. MANLOVE: A bill (H. R. 11416) to amend an act entitled "An act to provide revenue, to regulate commerce with foreign countries to encourage the industries of the United States, and for other purposes"; to the Committee on Ways and Means.

By Mr. WAINWRIGHT: A bill (H. R. 11417) providing for the biennial appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands; to the Committee on Insular Affairs.

By Mr. HALL of Illinois: A bill (H. R. 11418) fixing salaries of United States Senators, Members of Congress, and others; to the Committee on the Judiciary.

By Mr. HUGHES: Resolution (H. Res. 125) to increase the salaries of employees of the House of Representatives, and for other purposes; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 11419) granting an increase of pension to Sarah E. Ward Goldsmith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11420) granting an increase of pension to Maggie J. La Dow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11421) granting an increase of pension to Richard Howe; to the Committee on Pensions.

By Mr. BECK of Pennsylvania: A bill (H. R. 11422) for the relief of Samuel J. D. Marshall; to the Committee on Military Affairs.

By Mr. BEERS: A bill (H. R. 11423) granting an increase of pension to Mary A. Deihl; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11424) granting an increase of pension to Catharine Shirk; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 11425) granting a pension to Amanda H. Lindstrom; to the Committee on Invalid Pensions.

By Mr. CELLER: A bill (H. R. 11426) for the relief of Benjamin Stern, and Melville A. Stern and Benjamin Stern, as executors under the last will and testament of Louis Stern, deceased, and Arthur H. Hahlo, as executor under the last will and testament of Isaac Stern, deceased, all of New York City, N. Y., for compensation and in settlement of their damages and loss sustained by virtue of a lease, in writing, dated September 12, 1919, between the said parties and the United States of America, by Daniel C. Roper, Commissioner of Internal Revenue; to the Committee on Claims.

By Mr. CLAGUE: A bill (H. R. 11427) granting a pension to Joseph Gilley; to the Committee on Pensions.

Also, a bill (H. R. 11428) granting a pension to Humphrey J. Roberts; to the Committee on Pensions.

By Mr. COHEN: A bill (H. R. 11429) granting six months pay to Marjory Virginia Watson; to the Committee on Military Affairs.

By Mr. CONNOLLY of Pennsylvania: A bill (H. R. 11430) granting a pension to Sallie J. Courter; to the Committee on Invalid Pensions.

By Mr. DAVILA: A bill (H. R. 11431) for the relief of Maj. Daniel Rodriguez, United States Army, retired; to the Committee on Military Affairs.

By Mr. ESLICK: A bill (H. R. 11432) granting a pension to Era Gibbons; to the Committee on Pensions.

Also, a bill (H. R. 11433) granting a pension to Zuleska A. Chadwick; to the Committee on Pensions.

Also, a bill (H. R. 11434) granting a pension to Ada McGee; to the Committee on Pensions.

Also, a bill (H. R. 11435) granting an increase of pension to Mollie C. Horton; to the Committee on Pensions.

By Mr. FISH: A bill (H. R. 11436) for the relief of Noble M. Cornish; to the Committee on Military Affairs.

By Mr. FREAR: A bill (H. R. 11437) granting an increase of pension to Alice A. Kirkham; to the Committee on Invalid Pensions.

By Mr. GARRETT of Texas: A bill (H. R. 11438) granting a pension to James E. Tribe; to the Committee on Pensions.

By Mr. MORTON D. HULL: A bill (H. R. 11439) granting a pension to Stella Jankowski; to the Committee on Pensions.

By Mr. IRWIN: A bill (H. R. 11440) granting a pension to Margaret M. Noonan; to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 11441) granting a pension to Angie Konkoskia; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11442) granting a pension to Alban D. Philson; to the Committee on Pensions.

By Mr. KADING: A bill (H. R. 11443) granting an increase of pension to Andrew J. Pohlman; to the Committee on Pensions.

By Mr. KEARNS: A bill (H. R. 11444) granting an increase of pension to Adelaide Durrum; to the Committee on Invalid Pensions.

By Mr. KELLY: A bill (H. R. 11445) granting an increase of pension to Jennie S. Graham; to the Committee on Invalid Pensions.

By Mr. KURTZ: A bill (H. R. 11446) granting an increase of pension to Mary De Lige; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11447) granting a pension to George M. Fisher; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 11448) granting an increase of pension to Alex H. Burns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11449) granting a pension to Louisa Mitchell; to the Committee on Invalid Pensions.

By Mr. McREYNOLDS: A bill (H. R. 11450) granting a pension to Jennie Lea Lawson; to the Committee on Invalid Pensions.

By Mr. MOORMAN: A bill (H. R. 11451) granting a pension to B. F. Russell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11452) granting a pension to Mary E. Nix; to the Committee on Pensions.

Also, a bill (H. R. 11453) granting a pension to Mrs. Atwood P. Latham; to the Committee on Invalid Pensions.

By Mr. ROMJUE: A bill (H. R. 11454) granting a pension to Sarah C. Lacy; to the Committee on Invalid Pensions.

By Mr. SEARS of Florida: A bill (H. R. 11455) granting a pension to Rose Bullard; to the Committee on Invalid Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 11456) for the relief of Roland Baldwin Estep; to the Committee on Naval Affairs.

By Mr. TEMPLE: A bill (H. R. 11457) granting an increase of pension to Florence Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11458) granting a pension to Phenie Redman; to the Committee on Invalid Pensions.

By Mr. VINSON of Kentucky: A bill (H. R. 11459) granting a pension to Rosie Renchen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11460) granting a pension to Willie Williams; to the Committee on Pensions.

By Mr. WELLER: A bill (H. R. 11461) granting an increase of pension to Mary G. Mahoney; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4439. By Mr. AYRES: Petitions of citizens of Burton, Kans., and of Haven, Kans., against compulsory Sunday observance; to the Committee on the District of Columbia.

4440. By Mr. BURTON: Memorial of the Cleveland Association for Criminal Justice, Federal Reserve Bank Building, Cleveland, Ohio, indorsing the LaGuardia antifence bill (H. R. 96) prohibiting the sending and receipt of stolen property through interstate and foreign commerce; to the Committee on Interstate and Foreign Commerce.

4441. Also, resolutions of members of the Mizpah Adult Class of the Moreland Boulevard Methodist Episcopal Church, Shaker Heights, Cleveland, Ohio, opposing the proposed 5 and 20 year naval building program presented to Congress; to the Committee on Naval Affairs.

4442. Also, resolution of the board of county commissioners of Lake County, Painesville, Ohio, requesting that the local financial contribution requested by Congress for the extension of the present breakwater at Fairport Harbor, Ohio, be waived; to the Committee on Rivers and Harbors.

4443. By Mr. CORNING: Petition of sundry citizens of the city of Albany, protesting against the passage of House bill 78, known as the Lankford Sunday observance bill for the District of Columbia; to the Committee on the District of Columbia.

4444. By Mr. CLAGUE: Petition of Rev. J. P. Linn, Redwood Falls, Redwood County, Minn., and 90 others, supporting House bill 9588, Stalker bill; to the Committee on the Judiciary.

4445. Also, petition of H. F. Berkner, Sleepy Eye, Brown County, Minn., and others, opposing House bill 6465, Box immigration bill; to the Committee on Immigration and Naturalization.

4446. By Mr. DAVENPORT: Petition signed by George Patten and other citizens of Oneida County, N. Y., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

4447. Also, petition signed by citizens of Newport, N. Y., urging the passage of a bill to increase pensions to veterans and widows of veterans of the Civil War; to the Committee on Invalid Pensions.

4448. By Mr. ESTEP: Petition of Harry Arenson and 12 other citizens of Pittsburgh, protesting against House bill 78, the Langford compulsory Sunday observance bill; to the Committee on the District of Columbia.

4449. By Mr. FAUST: Petition signed by many citizens of St. Joseph, Mo., petitioning for increased compensation for Civil War veterans and their widows; to the Committee on Invalid Pensions.

4450. By Mr. GALLIVAN: Petition of Boston Typographical Union, No. 13, John O. Battis, secretary-treasurer, 819–820 Province Building, Boston, Mass., recommending early and favorable consideration of the Cooper-Hawes bills (H. R. 7729 and S. 1940); to the Committee on Labor.

4451. By Mr. GARBER: Resolution of George R. Anderson Post, No. 65, American Legion, Ardmore, Okla., in support of Senate bill 777 and House bill 500, for retirement of disabled emergency Army officers; to the Committee on World War Veterans' Legislation.

4452. Also, letter of the Merchants' Association of New York, in support of House bill 8557, providing for the establishment, operation, and maintenance of foreign trade zones in ports of entry in the United States; to the Committee on Interstate and Foreign Commerce.

4453. Also, letter of Mrs. George T. Norton, secretary-treasurer Ladies Auxiliary of the Payne County Rural Letter Carriers' Association in support of the Gibson bill and the Reece road bill; to the Committee on the Post Office and Post Roads.

4454. Also, letter of District of Columbia Federation of Woman's Clubs, Washington, D. C., in support of Senate bill 1907 and House bill 6664; to the Committee on the District of Columbia.

4455. Also, letter of Andy Montgomery, of the Enid Poultry & Egg Co., Enid, Okla., in support of Senate bill 2506 and House bill 9288; to the Committee on Agriculture.

4456. By Mr. HADLEY: Petition of residents of Everett, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

4457. Also, petition of residents of Jefferson County, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

4458. Also, petition of residents of Snohomish, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

4459. By Mr. HARRISON: Resolution of General Assembly of Virginia, in regard to the appropriation for roads; to the Committee on Appropriations.

4460. Also, resolutions of General Assembly of Virginia, in regard to emergency officers; to the Committee on Military Affairs.

4461. By Mr. HOFFMAN: Petition of Rev. Elijah F. Reed and 28 others of South Amboy, N. J., favoring enactment of the Lankford bill; to the Committee on the District of Columbia.

4462. Also, petition of Rev. G. E. Sehlbrede and 44 others of South Amboy, N. J., favoring enactment of the Lankford bill; to the Committee on the District of Columbia.

4463. By Mr. HOOPER: Petition of Maude Holmes and 127 other residents of Eaton Rapids, Mich., urging that a Civil War pension bill be brought to a vote; to the Committee on Invalid Pensions.

4464. By Mr. HOWARD of Nebraska: Petition signed by Laura Bane, of Genoa, Nebr., and 63 others of that city, protesting against the passage of the Lankford bill for compulsory observance of the Sabbath, or any other proposed legislation for compulsory Sunday observance; to the Committee on the District of Columbia.

4465. By Mr. IRWIN: Petition of Harry J. McRoberts, 337 East Broadway, East St. Louis, Ill., et al., praying for the enactment of legislation in behalf of veterans of the Civil War and widows of veterans of the Civil War at the present session of Congress; to the Committee on Invalid Pensions.

4466. By Mr. JENKINS: Petition signed by two voters of Meigs County, Ohio, urging that immediate steps be taken to bring to a vote a Civil War pension bill for the relief of widows and veterans; to the Committee on Invalid Pensions.

4467. By Mr. JOHNSON of Texas: Petition of Alamo Iron Works, of San Antonio, Tex., opposing House bill 7759, to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, etc.; to the Committee on the Judiciary.

4468. Also, petition of O. W. Atterbury, of San Antonio, Tex., indorsing the Box immigration bill; to the Committee on Immigration and Naturalization.

4469. Also, petition of Carl L. Lucas, of Houston, Tex., favoring and urging passage of the following bills: Senate bills 1727, 2106, and 2108; House bills 25, 55, 88, 89, 9059, 9502, 9585, and 9766, relative to Postal Service employees; to the Committee on the Post Office and Post Roads.

4470. Also, petition of Charles Penick, of Grapevine, Tex., favoring all legislation for the benefit of disabled American veterans; to the Committee on World War Veterans' Legislation.

4471. By Mr. JOHNSON of South Dakota: Petition of citizens of Iroquois and Herreid, S. Dak., protesting against the passage of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4472. Also, petition of citizens of Milbank, S. Dak., urging immediate action on legislation increasing Civil War pensions; to the Committee on Invalid Pensions.

4473. By Mr. KELLY: Petition of Ladies of the Grand Army of the Republic, Maj. William G. Lowry Circle, of Wilkinsburg, Pa., praying for proper care of Civil War battle flags; to the Committee on the Library.

4474. Also, petition of Keystone Welfare Association, urging adoption of national origin plan in immigration legislation; to the Committee on Immigration and Naturalization.

4475. By Mr. MARTIN of Massachusetts: Petition of Rev. J. F. Knipschild and 95 other residents of Taunton, Mass., protesting against the enactment of a compulsory Sunday observance bill; to the Committee on the District of Columbia.

4476. By Mr. MEAD: Petition of numerous residents of Buffalo, N. Y., in opposition to Senate bill 1667; to the Committee on Interstate and Foreign Commerce.

4477. By Mr. MOORMAN: Petition submitted by the National Tribune, in reference to Civil War veterans; to the Committee on Invalid Pensions.

4478. Also, petition submitted by the National Tribune, in reference to Civil War veterans; to the Committee on Invalid Pensions.

4479. Also, petition submitted by residents of the fourth district of Kentucky, in reference to compulsory Sunday observance; to the Committee on the District of Columbia.

4480. By Mr. MOREHEAD: Petition containing over 200 names in behalf of the Federal employees at Omaha, Nebr., requesting the passage of the following bills: House bills 25, 492, 6518, and 7928; to the Committee on the Civil Service.

4481. By Mr. O'CONNELL: Petition of the drug and chemical section of the New York Board of Trade and Transportation, favoring the passage of House bill 9195, the Cuban parcel post bill; to the Committee on Ways and Means.

4482. Also, petition of the Upper Manhattan Chapter No. 42, Order of Ahepa National American Organization, favoring the passage of the Greece settlement legislation; to the Committee on Ways and Means.

4483. By Mr. PALMER: Memorial of Washington Camp No. 36, Patriotic Order Sons of America, of Pottsville, Pa., indorsing restriction of immigration, deportation of aliens, and continuance of our policy to protect American ideals and institutions; to the Committee on Immigration and Naturalization.

4484. By Mr. RAMSEYER: Petition of residents of sixth congressional district of Iowa, urging vote against the further postponement, amendment, or repeal of the national origins provision of the restrictive immigration act of 1924; to the Committee on Immigration and Naturalization.

4485. By Mr. SANDERS of New York: Petition of H. S. Austin and 18 other citizens of Attica, N. Y., protesting against the passage of House bill 78, the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

4486. By Mr. SHALLENBERGER: Petition against compulsory Sunday observance; to the Committee on the District of Columbia.

4487. By Mr. SINNOTT: Petition of numerous citizens of Malheur County, Oreg., protesting against House bill 78, or any compulsory Sunday bills; to the Committee on the District of Columbia.

4488. By Mr. TIMBERLAKE: Petition signed by 1,973 residents of second Colorado district, against passage of House bill 78; to the Commmittee on the District of Columbia.

4489. By Mr. WAINWRIGHT: Petition of seven citizens of Harrison, N. Y., and one residing at Lyons, N. Y., protesting against the passage of House bill 78, known as the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

4490. By Mr. WEAVER: Petition of citizens of western North Carolina, protesting against the passage of House bill 78, Lankford Sunday observance law; to the Committee on the District of Columbia.

4491. By Mr. WYANT: Petition of Pennsylvania Council of Churches, 1,400,000 members, protesting against naval bill; to the Committee on Naval Affairs.

4492. Also, petition of Jeannette Post, No. 344, the American Legion, favoring American Legion legislative program, and particularly House bills 5604 and 8297; to the Committee on World War Veterans' Legislation.

4493. Also, petition of Washington Camp, No. 627, Patriotic Order of Sons of America, favoring passage of House bill 10078; to the Committee on Immigration and Naturalization.

4494. Also, petition of 60 members of the Church of the Italian Mission of Mount Pleasant, Pa., protesting against big navy bill and favoring passage of Lankford bill (H. R. 78); to the Committee on the District of Columbia.

4495. Also, petition of five residents of Greensburg, Westmoreland County, Pa., protesting against Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4496. Also, petition of Sons of the American Revolution, indorsing House bill 10171; to the Committee on the District of Columbia.

4497. Also, petition of Pennsylvania Federation of Labor, indorsing Cooper-Hawes bills (H. R. 7729 and S. 1940); to the Committee on Labor.

4498. Also, petition of Post A, Virginia Division Travelers' Protective Association of America, with membership of over 1,600, indorsing House bill 5588; to the Committee on Interstate and Foreign Commerce.

4499. Also, petition of Jacob's Creek Council, Junior Order of United American Mechanics, favoring passage of House bill 3; to the Committee on Immigration and Naturalization.

4500. Also, petition of John F. Wolf Commandery, No. 364, Ancient and Illustrious Order Knights of Malta, favoring passage of House bill 10078; to the Committee on Immigration and Naturalization.

4501. Also, petition of A. & S. Wilson Co., contractors and builders, Pittsburgh, Pa., indorsing House bill 5772; to the Committee on the Judiciary.

SENATE

MONDAY, *February 27, 1928*

The Chaplain, Rev. Zebarney T. Phillips, D. D., offered the following prayer:

Almighty God, who alone gavest us the breath of life and alone canst keep alive in us the holy desires Thou dost impart, we implore Thy grace and protection for the ensuing day. Keep us temperate in all things, and make us to be diligent in our several callings, just and upright in all our dealings, quiet and peaceable, full of compassion, ready to do good to all men according to our abilities and opportunities. Defend us from all dangers and adversities; and be graciously pleased to take us and all things belonging to us, and all who are near and dear unto us, under Thy fatherly care and protection. These things, and whatever else Thou shalt see necessary and convenient to us, we humbly beg through the merits and mediation of Thy Son Jesus Christ, our Lord and Savior. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Friday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed a bill (H. R. 11133) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1929, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H. R. 11133) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1929, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Dale	Harrison	Norbeck
Bayard	Deneen	Hayden	Norris
Bingham	Dill	Heflin	Nye
Black	Edge	Howell	Oddie
Blaine	Edwards	Johnson	Overman
Blease	Ferris	Jones	Phipps
Borah	Fess	Kendrick	Pittman
Bratton	Fletcher	Keyes	Ransdell
Brookhart	Frazier	La Follette	Reed, Pa.
Broussard	George	McKellar	Robinson, Ind.
Bruce	Gerry	McLean	Sackett
Capper	Gillett	McMaster	Schall
Caraway	Glass	McNary	Sheppard
Copeland	Gould	Mayfield	Shipstead
Couzens	Greene	Metcalf	Shortridge
Curtis	Hale	Moses	Simmons
Cutting	Harris	Neely	Smoot

Steck	Thomas	Walsh, Mont.	Willis
Steiwer	Tydings	Warren	
Stephens	Tyson	Waterman	
Swanson	Walsh, Mass.	Watson	

The VICE PRESIDENT. Eighty-one Senators having answered to their names, a quorum is present.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint resolution of the Legislature of the State of Kentucky, which was ordered to lie on the table:

IN SENATE,

Regular session 1928, Friday, February 17, 1928.

Joint Resolution 12, memorializing the Congress of the United States to take prompt and favorable action upon, and to adopt the legislation embodied in the Tyson-Fitzgerald bill (H. R. 500; S. 777) providing relief for disabled emergency Army officers, who incurred physical disability in line of duty while in service of the United States during the World War

The following bill was reported from the house, ordered to be printed, viz, joint resolution memorializing Congress, etc.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky—

Whereas there were nine classes of officers in the World War, namely, (1) Regular Army officers, (2) regular naval officers, (3) regular Marine Corps officers, (4) provisional Army officers, (5) provisional naval officers, (6) provisional Marine Corps officers, (7) emergency Army officers, (8) emergency naval officers, (9) emergency marine officers; and

Whereas all officers disabled in line of duty in the service of the United States during the World War are granted retirement privileges, except the emergency Army officers, disabled in line of duty; and

Whereas it is simply justice to the emergency Army officers who served in the World War and who were disabled in line of duty to receive the same benefits accorded the other eight classes of officers; and

Whereas numerous States and organizations have heretofore presented resolutions to the United States Senate and House of Representatives requesting that this condition be corrected; and

Whereas it is the sense of this body that same should be done: Therefore be it

Resolved, That the Congress of the United States be memorialized to make prompt and favorable action upon the Tyson-Fitzgerald bill (H. R. 500 and S. 777), to the end that same be enacted into law and such discrimination against the disabled emergency Army officers be rectified at the earliest moment possible; and be it further

Resolved, That the chief clerk of the senate forward one copy each of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States, and to our Senators and Representatives in the United States Congress.

Mr. FESS presented sundry petitions numerously signed by citizens of the State of Ohio, praying for the passage of Senate bill 1667, the so-called Brookhart bill, relative to the distribution of motion pictures in the various motion-picture zones of the country, which were referred to the Committee on Interstate Commerce.

Mr. WARREN presented resolutions adopted by the Sheridan Commercial Club, of Sheridan, Wyo., favoring the passage of legislation providing Federal funds for the maintenance of State and Federal aid roads in the public-lands States, also the making of more adequate appropriation for the development of roads through Government lands and reservations, which were referred to the Committee on Post Offices and Post Roads.

Mr. FRAZIER presented the petition of A. M. Nees and 31 other citizens of Alexander, N. Dak., praying for the passage of House bill 25, the so-called Lehlbach retirement bill, and House bill 6518, the so-called Welch bill, relative to civil-service employees, which was referred to the Committee on Civil Service.

Mr. LA FOLLETTE presented a memorial numerously signed by sundry citizens of the State of Wisconsin, remonstrating against the passage of the so-called Brookhart bill, relative to the distribution of motion pictures in the various motion-picture zones of the country, which was referred to the Committee on Interstate Commerce.

Mr. BLAINE presented a petition of 33 citizens of the State of Wisconsin, praying for the passage of the so-called McNary-Haugen farm relief bill, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of 130 citizens of the State of Wisconsin, praying for the passage of the bill (S. 1481) to amend sections 11 and 12 of an act to limit the immigration of aliens into the United States, and for other purposes, approved May 26, 1924, which were referred to the Committee on Immigration.

He also presented petitions of 52 citizens of the State of Wisconsin, praying that the present quota distribution of immigration based on the census of 1890 be retained and that the proposed quota distribution on the basis of national origins be annulled, and that no further reduction of the Scandinavian quotas be made, which were referred to the Committee on Immigration.

Mr. COPELAND presented a petition of sundry citizens of Highland, N. Y., praying for the adoption of the so-called Wheeler resolution providing an investigation of American concessions abroad, which was referred to the Committee on Foreign Relations.

He also presented a telegram in the nature of a petition from Stephen Larios and John Stamatokos, of Kingston, N. Y., praying for the adoption of the pending debt settlement with Greece, which was referred to the Committee on Finance.

He also presented a resolution adopted by Harry B. Bentley Post, No. 443, the American Legion, at Elmira, N. Y., protesting against the transfer of the camp for veterans at Bath, N. Y., to the United States Veterans' Bureau, etc., which was referred to the Committee on Finance.

He also presented a resolution adopted by Friendship Council, No. 44, Junior Order United American Mechanics, of Fort Richmond, N. Y., favoring the passage of legislation providing for the registration of all aliens in the United States and an alien deportation bill, and also that the national-origins provision of the existing immigration law be carried into execution, which was referred to the Committee on Immigration.

He also presented memorials of sundry citizens and organizations in the State of New York, remonstrating against the postponement or repeal of the national-origins provision of the existing immigration act, which were referred to the Committee on Immigration.

Mr. McLEAN presented a letter in the nature of a petition of the Bridgeport (Conn.) Traffic Association, praying for the passage of House bill 9195, providing for parcel-post service to Cuba, etc., which was referred to the Committee on Post Offices and Post Roads.

He also presented telegrams in the nature of petitions from the Waterbury Chapter; Elpis Chapter, No. 117, of New Britain; and Stamford Chapter, No. 99, all of the Order of Ahepa, in the State of Connecticut, praying for adoption of the proposed debt settlement between the United States and Greece, which were referred to the Committee on Finance.

He also presented a letter in the nature of a petition from Ira R. Wild, past commander, Department of Connecticut, Grand Army of the Republic, of Danbury, Conn., praying for the passage of the so-called Norris bill, providing a reunion of the blue and the gray as guests of the Nation, which was referred to the Committee on Military Affairs.

He also presented memorials of members of the Second Congregational Church of Manchester, the Young Men's Christian Association of Haddam, the congregation of the United Church of Beacon Falls, and of sundry citizens of Cheshire, all in the State of Connecticut, remonstrating against adoption of the proposed naval building program, which were referred to the Committee on Naval Affairs.

He also presented petitions of Rau-Locke Post, No. 8, of Hartford; Stanley Dobosz Post, No. 14, of Rockville; Seicheprey Post, No. 2, of Bristol; the August Matthias Post, No. 63, of Westport; Carlson-Sjovall Post, No. 105, of Cromwell; and Ormont Post, No. 69, of Portland, all of the American Legion Auxiliary, in the State of Connecticut, praying for the adoption of the proposed naval building program, which were referred to the Committee on Naval Affairs.

Mr. REED of Pennsylvania presented a memorial of the Philadelphia (Pa.) Board of Trade, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

PHILADELPHIA BOARD OF TRADE,
Philadelphia.

To the honorable Senate and House of Representatives in Congress assembled:

This memorial of the Philadelphia Board of Trade respectfully represents—

That it has given careful consideration to the provisions of H. R. 7759 entitled, "A bill to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes";

That in the view of your memorialist this bill, if enacted, would most seriously impair the usefulness of the courts in affording to the citizens of the United States, without discrimination, that protection to their lives and liberties which is essential to them as individuals and to the public welfare;

That the right to the pursuit of happiness—the right to work and to enjoy the rewards of one's labor free from threats and intimidations—is guaranteed to all by constitutional provision; no government can do justice or maintain the freedom of its people unless this fundamental right is most jealously guarded and preserved;

That to limit the power of the courts, as proposed in this bill, to the protection of "tangible and transferable" property is to expose to violence rights more sacred than any physical property; the right to acquire and use property without unlawful interference is fundamental; the home and the factory can alike be rendered valueless if the courts may protect the physical structure, but are deprived of power to protect those lawfully engaged in the enjoyment or use of that structure;

That the power of the courts to issue injunctions for the protection of individual rights and the maintenance of public services is subject to well-defined limitations; it can be used in general only to prevent threatened wrong that would result in injury of an immediate and irreparable kind; to this end it is most necessary. The courts can not be interfered with in the performance of their functions without danger to each individual citizen and to the stability of government: Therefore

Your memorialist, the Philadelphia Board of Trade, is opposed to the enactment of the suggested measure, H. R. 7759, for the reasons set forth in the foregoing, and earnestly petitions your honorable bodies not to enact as law the bill in question;

And your memorialist will ever pray.

THE PHILADELPHIA BOARD OF TRADE,
[SEAL.] WM. M. COATES, *President.*
Attest:
WILLIAM R. TUCKER, *Secretary.*

CONDITIONS IN PENNSYLVANIA COAL FIELDS

Mr. REED of Pennsylvania presented a telegram from Horace F. Baker, president of the Pittsburgh Terminal Coal Corporation, which was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

PITTSBURGH, PA., *February 7, 1928.*

Hon. DAVID A. REED,
Care of United States Senate, Washington, D. C.:

Understand Senator JOHNSON read into Senate RECORD yesterday, page 2470, telegram from Representative LAGUARDIA concerning confession one Hampton Matthews that he and another fired certain shots at store and union barracks, Bruceton, February 1, for which promised $25 by policeman this company. Have run this down carefully; have seen copy alleged confession. Investigation shows clearly, I believe, that Matthews signed confession while under arrest, after being terribly beaten and kicked while handcuffed in office of justice of the peace and under threats of being shot. Affidavit of Matthews says that revolver drawn and he was forced to sign. Believe have absolute proof that Matthews was working in mine another location at time of alleged shooting. Justice of peace taking confession was former employee of this company, and both constables present at this time are striking miners. Concerning Johnson resolution, would welcome opportunity to tell of dastardly acts of our opponents in this strike.

HORACE F. BAKER,
President Pittsburgh Terminal Coal Corporation.

LAKE CARGO COAL HANDLED AT LAKE ERIE PORTS

Mr. REED of Pennsylvania presented a statement showing the origin districts, lake cargo coal handled at Lake Erie ports, years 1923 to 1927, inclusive, which was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

Origin districts—Lake cargo coal handled at Lake Erie ports, years 1923 to 1927, inclusive

	Pennsylvania				Total Pennsylvania	Northern West Virginia			Total northern West Virginia	Southern West Virginia			Total southern West Virginia
	Freeport-Butler-Mercer	Pittsburgh	Altoona-Meyersdale	Connellsville		Moundsville	Fairmont	Cumberland-Piedmont		Kanawha	Thacker-Kenova	Pocahontas-New River	
1923	1,082,095	7,978,024	31,315	468,847	9,560,281	----------	3,169,135	796	3,169,931	4,964,525	----------	2,894,063	7,858,588
1924	482,481	3,249,241	1,605	548,329	4,281,656	----------	1,402,605	5,146	1,407,751	6,732,955	----------	2,983,705	9,716,660
1925	5,096	2,106,567	1,398	367,420	2,480,481	760,621	1,622,387	4,023	2,387,031	7,803,321	1,794,504	3,691,923	13,289,748
1926	825,481	2,506,752	1,875	598,494	3,932,602	326,917	2,141,600	3,030	2,471,547	7,549,264	1,595,612	4,116,580	13,261,456
1927	145,497	2,547,736	10,475	903,917	3,607,625	728,188	3,877,248	----------	4,605,436	9,457,235	2,099,995	5,409,595	16,966,825

	Ohio				Total Ohio	Eastern Kentucky	Virginia	Tennessee	Indiana	Total all districts
	No. 8	Cambridge	Hocking	Middle						
1923	3,708,377	952,067	920,011	361,483	5,941,938	3,297,323	723	----------	----------	29,828,784
1924	2,846,721	1,005,002	90,119	57,327	3,999,169	3,514,305	55,450	----------	----------	22,974,991
1925	1,314,628	4,382	115,496	15,724	1,450,230	6,606,912	116,441	----------	----------	26,330,843
1926	1,140,440	68,181	173,986	29,724	1,412,331	6,933,593	59,930	82,630	4,987	28,159,076
1927	298,358	109	46,367	----------	344,834	7,178,584	104,520	43,574	283	32,851,681

REPORTS OF COMMITTEES

Mr. REED of Pennsylvania, from the Committee on Military Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 1822) to authorize the Secretary of War to transfer or loan aeronautical equipment to museums and educational institutions (Rept. No. 382);

A bill (S. 1825) to amend section 12 of the act approved June 10, 1922, entitled "An act to readjust the pay and allowances of commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," as amended by the act of June 1, 1926 (44 Stat. L. 680), so as to authorize an allowance of 3 cents per mile, in lieu of transportation in kind, for persons using privately owned conveyances while traveling under competent orders (Rept. No. 383);

A bill (S. 1828) to amend the second paragraph of section 5 of the national defense act, as amended by the act of September 22, 1922, by adding thereto a provision that will authorize the names of certain graduates of the general service schools and of the Army War College, not at present eligible for selection to the General Staff Corps eligible list, to be added to that list (Rept. No. 384);

A bill (S. 1829) to authorize the collection in monthly installments, of indebtedness due the United States from enlisted men, and for other purposes (Rept. No. 385);

A bill (S. 1833) to amend the act approved June 1, 1926 (44 Stat. L. 680), authorizing the Secretary of War to exchange deteriorated and unserviceable ammunition and components, and for other purposes (Rept. No. 386);

A bill (S. 2387) to authorize appropriations for contingencies of the Army (Rept. No. 387);

A bill (S. 2537) to amend section 110, national defense act, so as to provide better administrative procedure in the disbursements for pay of National Guard officers and enlisted men (Rept. No. 388);

A bill (S. 2948) to amend section 6, act of March 4, 1923, as amended, so as to better provide for care and treatment of members of the civilian components of the Army who suffer personal injury in line of duty, and for other purposes (Rept. No. 389);

A bill (S. 2950) to amend the second paragraph of section 67, national defense act, as amended (Rept. No. 390);

A bill (S. 3058) to amend that provision of the act approved March 3, 1879 (20 Stat. L. 412), relating to issue of arms and ammunition for the protection of public money and property (Rept. No. 391);

A bill (H. R. 230) to authorize an appropriation for the recovery of bodies of officers, soldiers, and civilian employees (Rept. No. 392);

A bill (H. R. 233) to provide for the purchase of land in connection with the Fort Monmouth Military Reservation, N. J. (Rept. No. 393);

A bill (H. R. 234) to amend section 47d of the national defense act, as amended, so as to authorize an allowance of 1

cent a mile for subsistence of candidates in going to and returning from camp (Rept. No. 394);

A bill (H. R. 235) to authorize the payment of travel expenses from appropriations for investigations and surveys of battle fields (Rept. No. 395);

A bill (H. R. 238) to amend an act entitled "An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct," approved December 17, 1919, so as to include nurses of the Regular Army (Rept. No. 396);

A bill (H. R. 248) to authorize appropriations to be made for the disposition of remains of military personnel and civilian employees of the Army (Rept. No. 397);

A bill (H. R. 5476) to authorize the Secretary of War to sell to the Pennsylvania Railroad Co. a tract of land situate in the city of Philadelphia and State of Pennsylvania (Rept. No. 398);

A bill (H. R. 7195) to provide for the purchase of horses and mules for the Military Establishment (Rept. No. 399); and

A bill (H. R. 5635) to amend the act approved June 7, 1924, authorizing the Secretary of War to sell a portion of the Carlisle Barracks Reservation (Rept. No. 402).

Mr. REED of Pennsylvania also, from the Committee on Military Affairs, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (H. R. 242) to amend section 90 of the national defense act, as amended, so as to authorize employment of additional civilian caretakers for National Guard organizations, under certain circumstances, in lieu of enlisted caretakers heretofore authorized (Rept. No. 400); and

A bill (H. R. 3510) to authorize the President, by and with the advice and consent of the Senate, to appoint Capt. George E. Kraul a captain of Infantry, with rank from July 1, 1920 (Rept. No. 401).

Mr. REED of Pennsylvania also, from the Committee on Military Affairs, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (S. 1823) to amend section 2 of the act approved June 6, 1924 (43 Stat. L. 470), entitled "An act to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes" (Rept. No. 403);

A bill (S. 1830) to authorize the Secretary of War to withhold pay or allowances of any person in the military service to cover indebtedness due the United States or its military agencies or instrumentalities (Rept. No. 404);

A bill (S. 1831) to authorize the Secretary of War and the Secretary of the Navy to class as secret certain material, apparatus, or equipment for military and naval use, and for other purposes (Rept. No. 405);

A bill (S. 1838) to amend section 110 of the national defense act by repealing and striking therefrom certain provisions prescribing additional qualifications for National Guard State staff officers, and for other purposes (Rept. No. 406);

A bill (H. R. 8309) to amend an act entitled "An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department," approved February 24, 1923 (Rept. No. 407); and

A bill (H. R. 9202) to authorize construction at the United States Military Academy, West Point, N. Y. (Rept. No. 408).

Mr. GEORGE, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment:

A bill (H. R. 2294) for the relief of George H. Gilbert; and

A bill (H. R. 4655) for the relief of David E. Goodwin.

Mr. WATERMAN, from the Committee on Naval Affairs, to which was referred the bill (S. 1434) for the relief of Mattie Halcomb, reported it with amendments and submitted a report (No. 409) thereon.

Mr. STEIWER, from the Committee on Claims, to which was referred the bill (H. R. 2524) for the relief of Mary M. Jones, reported it without amendment and submitted a report (No. 410) thereon.

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (S. 3294) for the relief of certain newspapers for advertising services rendered the Public Health Service of the Treasury Department, reported it without amendment and submitted a report (No. 411) thereon.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 1956) for the relief of Levi R. Whitted, reported it with amendments and submitted a report (No. 412) thereon.

Mr. WILLIS, from the Committee on Territories and Insular Possessions, to which were referred the following bills reported them each with amendments and submitted reports thereon:

A bill (S. 2069) to extend the provisions of section 1814 of the Revised Statutes to the Territories of Hawaii and Alaska (Rept. No. 413); and

A bill (S. 2292) providing for the employment of certain civilian assistants in the office of the Governor General of the Philippine Islands, and fixing salaries of certain officials (Rept. No. 414).

Mr. DALE, from the Committee on Commerce, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (S. 2449) to authorize the construction of a bridge across the Mississippi River at or near the city of Baton Rouge, in the parish of East Baton Rouge, and a point opposite thereto in the parish of West Baton Rouge, State of Louisiana (Rept. No. 416);

A bill (S. 2965) authorizing the State of Indiana, acting by and through the State highway commission, to construct, maintain, and operate a toll bridge across the Wabash River, at or near Vincennes, Ind. (Rept. No. 417); and

A bill (H. R. 5727) to extend the times for commencing and completing the construction of a bridge across the Ouachita River at or near Harrisonburg, Lr. (Rept. No. 415);

A bill (H. R. 6073) authorizing E. M. Elliott, of Chicago, his heirs, legal representatives, and assigns to construct, maintain, and operate a bridge across the Ohio River at Ravenswood, W. Va. (Rept. No. 418).

Mr. DALE also, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 5818) authorizing J. H. Peacock, F. G. Bell, S. V. Taylor, E. C. Amann, and C. E. Ferris, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Prairie du Chien, Wis. (Rept. No. 419);

A bill (H. R. 6973) authorizing E. H. Wegener, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Chester, Ill. (Rept. No. 420);

A bill (H. R. 8227) authorizing the Sunbury Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Susquehanna River at or near Bainbridge Street, in the city of Sunbury, Pa. (Rept. No. 421);

A bill (H. R. 8530) granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River near Cedar Bluff, in Cherokee County, Ala. (Rept. No. 422);

A bill (H. R. 8531) granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River on the Columbiana-Talladega road between Talladega and Shelby Counties, Ala. (Rept. No. 423);

A bill (H. R. 8726) authorizing Oscar Baerteh, Christ Buhmann, and Fred Reiter, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Alma, Wis. (Rept. No. 424);

A bill (H. R. 8740) granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a free highway bridge across the Little Calumet River in Cook County, State of Illinois (Rept. No. 425);

A bill (H. R. 8741) authorizing the Dravo Contracting Co., its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Chester, Ill. (Rept. No. 426);

A bill (H. R. 8743) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near St. Paul and Minneapolis, Minn. (Rept. No. 427);

A bill (H. R. 8818) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Red River at or near Moncla, La. (Rept. No. 428);

A bill (H. R. 8837) authorizing the American Bridge & Ferry Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Cassville, Wis. (Rept. No. 429);

A bill (H. R. 8896) granting the consent of Congress to the State of Alabama to construct, maintain, and operate a free highway bridge across the Conecuh River on the Brewton-Andalusia road in Escambia County, Ala. (Rept. No. 430); and

A bill (H. R. 9064) granting the consent of Congress to the Highway Department of the State of Alabama to construct,

maintain, and operate a free highway bridge across the Coosa River at or near Pell City, on the Pell City-Anniston road between Calhoun and St. Clair Counties, Ala. (Rept. No. 431).

Mr. NORBECK, from the Committee on Banking and Currency, to which was referred the bill (H. R. 81) to authorize the coinage of silver 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the discovery of the Hawaiian Islands by Capt. James Cook, and for the purpose of aiding in establishing a Capt. James Cook memorial collection in the archives of the Territory of Hawaii, reported it without amendment and submitted a report (No. 432) thereon.

Mr. WATERMAN, from the Committee on the Judiciary, to which was referred the joint resolution (S. J. Res. 41) directing the Comptroller General of the United States to reopen, readjust, and resettle the account between the State of Nevada and the United States, reported it with an amendment and submitted a report (No. 433) thereon.

Mr. CARAWAY, from the Committee on Claims, to which was referred the bill (S. 3097) for the relief of the State of North Carolina, reported it with an amendment and submitted a report (No. 434) thereon.

Mr. FESS, from the Committee on the Library, to which were referred the following bills and joint resolution, reported them severally without amendment:

A bill (S. 3092) to enable the George Washington Bicentennial Commission to carry out and give effect to certain approved plans;

A bill (S. 3292) providing for turning over to the Ohio State Archæological and Historical Society two dedication stones formerly a part of one of the locks of the Ohio & Erie Canal; and

A bill (H. R. 9036) to increase the salary of the Librarian of Congress.

Mr. FESS, from the Committee on the Library, to which was referred the joint resolution (S. J. Res. 98) authorizing the selection of sites and the erection of monuments to John Bunyan and William Harvey in Washington City, D. C., reported it with an amendment.

He also, from the Committee on the Library, to which was referred the bill (S. 1169) to create an establishment to be known as the national archives, reported it with amendments and submitted a report (No. 435) thereon.

Mr. BLAINE, from the Committee on the Judiciary, to which was referred the bill (H. R. 8725) to amend section 224 of the Judicial Code, reported it with amendments and submitted a report (No. 436) thereon.

Mr. BROOKHART, from the Committee on Military Affairs, to which were referred the following bills, reported adversely thereon:

A bill (S. 1928) to provide for appointing Robert J. Burton, a former field clerk, Quartermaster Corps, a warrant officer, United States Army; and

A bill (H. R. 2649) authorizing the President to reappoint John P. Pence, formerly an officer in the Signal Corps, United States Army, an officer in the Signal Corps, United States Army.

Mr. BROOKHART also, from the Committee on Military Affairs, to which was referred the bill (S. 2966) for the relief of Oliver C. Sell, reported it with an amendment and submitted a report (No. 437) thereon.

ENROLLED BILL PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on February 25, 1928, that committee presented to the President of the United States the enrolled bill (S. 1759) to authorize appropriation of treaty funds due the Wisconsin Pottawatomi Indians.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

A bill (S. 3387) to authorize the Secretary of War to lend War Department equipment for use at the Tenth National Convention of the American Legion; to the Committee on Military Affairs.

By Mr. REED of Pennsylvania:

A bill (S. 3388) to equalize the rank of the Chief of Staff of the Army and the Chief of Naval Operations; to the Committee on Military Affairs.

By Mr. GEORGE:

A bill (S. 3389) to limit the time for bringing suit on the bonds of clerks of United States district courts; to the Committee on the Judiciary.

By Mr. COPELAND:

A bill (S. 3390) granting an increase of pension to John B. Wickersham; to the Committee on Pensions.

By Mr. RANSDELL:

A bill (S. 3391) to establish a national institute of health, to authorize increased appropriations for the Hygienic Laboratory, and to authorize the Government to accept donations for use in ascertaining the cause, prevention, and cure of disease affecting human beings, and for other purposes; to the Committee on Commerce.

By Mr. FLETCHER:

A bill (S. 3392) to amend section 3207 of the Revised Statutes, as amended by section 1030 of the act approved June 2, 1924; to the Committee on Finance.

By Mr. DILL:

A bill (S. 3393) granting a pension to Thomas F. Strafford; to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 3394) granting compensation to Bessie Pearl Meek; to the Committee on Claims.

By Mr. CAPPER:

A bill (S. 3395) to amend subchapter 3 of Chapter XVI of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. McNARY:

A bill (S. 3396) providing for the creation of a national park in Marion County, in Oregon, to be known as the Silver Creek Falls national park, and authorizing the appropriation of money therefor; to the Committee on Public Lands and Surveys.

By Mr. SACKETT (for Mr. GOFF):

A bill (S. 3397) granting a pension to Esta Bonham (with accompanying papers); to the Committee on Pensions.

By Mr. WILLIS:

A bill (S. 3398) granting an increase of pension to Florence W. Liston (with accompanying papers); to the Committee on Pensions.

By Mr. TYDINGS:

A bill (S. 3399) to readjust the pay of certain commissioned personnel of the Army; to the Committee on Military Affairs.

A bill (S. 3400) to exempt certain plant foods and the essential ingredients thereof from special dumping duty; to the Committee on Finance.

By Mr. COPELAND:

A bill (S. 3401) to provide for regulating traffic in certain clinical thermometers, and for other purposes; to the Committee on Interstate Commerce.

By Mr. WALSH of Montana:

A bill (S. 3402) to extend the benefits of the United States employees' compensation act, of September 7, 1916, to Dorothy Anderson; to the Committee on Claims.

By Mr. SMOOT:

A bill (S. 3403) to authorize reimbursement of Dr. B. W. Black, formerly a commissioned officer of the United States Public Health Service, for travel performed subsequent to June 7, 1924, under orders of the Secretary of the Treasury, issued prior to that date; to the Committee on Finance.

By Mr. ROBINSON of Indiana:

A bill (S. 3404) granting an increase of pension to Wallace Barkman (with accompanying papers); and

A bill (S. 3405) granting pensions and increase of pensions to certain soldiers and sailors of the war with Spain, the Philippine insurrection, or the China relief expedition, to certain widows, minor children, helpless children, and dependent parents of such soldiers and sailors, and for other purposes (with accompanying papers); to the Committee on Pensions.

By Mr. SHIPSTEAD:

A bill (S. 3406) granting a pension to Mary Asylda Moreau (with accompanying papers); to the Committee on Pensions.

A bill (S. 3407) providing for the examination and survey of the Mississippi River in and in the vicinity of Minneapolis, Minn.; to the Committee on Commerce.

By Mr. EDGE:

A joint resolution (S. J. Res. 101) authorizing the Postmaster General to issue a set of stamps relative to the good-will flight of Colonel Lindbergh; to the Committee on Post Offices and Post Roads.

CHANGES OF REFERENCE

On motion of Mr. FESS, the Committee on the Library was discharged from the further consideration of the bill (S. 3254) authorizing the erection of a memorial to John D. Orear, and it was referred to the Committee on Foreign Relations.

On motion of Mr. HOWELL, the Committee on Claims was discharged from the further consideration of the bill (S. 3289) for the relief of Carrie S. Abbe, and it was referred to the Committee on Civil Service.

COLUMBIA BASIN RECLAMATION PROJECT

Mr. BORAH submitted an amendment intended to be proposed by him to the bill (S. 1462) for the adoption of the Columbia Basin reclamation project, and for other purposes, which was ordered to lie on the table and to be printed.

CUMBERLAND RIVER BRIDGE, TENNESSEE

Mr. TYSON submitted an amendment intended to be proposed by him to the bill (H. R. 9137) granting the consent of Congress to the Highway Department of the State of Tennessee, to construct, maintain, and operate a bridge across the Cumberland River on the Lebanon-Hartsville road in Wilson and Trousdale Counties, Tenn., which was referred to the Committee on Commerce and ordered to be printed.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on February 25, 1928, the President approved and signed the following acts:

S. 1193. An act granting certain rocks or islands to the State of Oregon for park purposes;

S. 1312. An act to change the name of the Utah National Park, the establishment of which is provided for by the act of Congress approved June 7, 1924 (43 Stat. 593), to the Bryce Canyon National Park, and for other purposes; and

S. 1959. An act to transfer to the Secretary of the Navy jurisdiction over oil and gas leases issued by the Secretary of the Interior on lands in naval petroleum reserves.

REGULATION OF IMMIGRATION (S. DOC. NO. 65)

The PRESIDING OFFICER (Mr. BINGHAM in the chair) laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Immigration and ordered to be printed:

To the Senate:

In response to Senate Resolution 156 of February 23, 1928, there is transmitted herewith a copy of the joint communication of the Secretary of State, the Secretary of Commerce, and the Secretary of Labor to the President, dated February 25, 1928, with accompanying report of the departmental committee appointed under the provisions of the immigration act of 1924.

CALVIN COOLIDGE.

THE WHITE HOUSE, *February 27, 1928.*

CLAIM OF BRITISH GOVERNMENT FOR RELIEF OF AMERICAN NATIONALS IN RUSSIA IN 1920 (S. DOC. NO. 66)

The PRESIDING OFFICER (Mr. BINGHAM in the chair) laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report from the Secretary of State in relation to a claim presented by His Britannic Majesty's Government for the payment of a sum of money turned over to American citizens in Russia by the British subject, the Reverend Mr. North, upon his departure from Moscow, and I recommend that an appropriation be authorized to effect a settlement of this claim in accordance with the recommendation of the Secretary of State.

CALVIN COOLIDGE.

THE WHITE HOUSE, *February 27, 1928.*

PANAMA RAILROAD & STEAMSHIP LINE

Mr. FLETCHER. Mr. President, I desire to have printed in the RECORD an interesting communication from the Panama Railroad and Steamship Line, of date February 24, 1928, and a copy of the communication inclosed therein, of date February 14, 1927.

The VICE PRESIDENT. Without objection, it is so ordered.

The communications are as follows:

PANAMA RAILROAD CO.,
(PANAMA RAILROAD STEAMSHIP LINE),
New York, February 24, 1928.

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

DEAR SIR: Your letter of the 21st instant reached this office shortly after the departure of Mr. Rossbottom for the Isthmus on a business trip.

In the event that you should have need for the information you request, and in order that you may have it immediately available, we give you the following information, which Mr. Rossbottom will probably amplify later, with comments that may be of particular interest to you.

Our records are kept for fiscal periods, and our fiscal year ends June 30. All of the following figures are for the fiscal year ended June 30, 1927.

We operated two combined passenger and freight steamers on a fortnightly schedule between New York and Cristobal, stopping en route at Port au Prince, Haiti, both on the southbound and northbound voyages. Those steamers are the steamship *Ancon*, 9,640 tons gross, 7,531 tons net, and the steamship *Cristobal*, 9,604 tons gross, 7,026 tons net. The steamship *Ancon* has accommodations for 258 passengers and the *Cristobal* can accommodate 174 passengers.

We also operated two small freight steamers of the lake type on an approximately monthly schedule from New York to west coast ports of Colombia and Ecuador as far south as Guayaquil. That service was inaugurated by us some years ago in order to provide effective American competition to the English flag steamers of the Pacific Steam Navigating Co., which discontinued its former practice of transhipping cargoes in connection with our line and extended its west coast service beyond the Isthmus to New York. Our service has since been maintained and has been a considerable factor in stabilizing the rate and traffic situation in that territory. The steamers are the S. S. *Guayaquil*, 2,592 tons gross, 1,613 tons net, and the S. S. *Buenaventura*, 2,618 tons gross, 1,610 tons net.

The operating revenue of the steamship line was $2,026,875.91, against operating expenses of $2,075,843.68, leaving a deficit of $48,967.77. That deficit, however, tells only a small portion of the story of our operations. As you are no doubt aware, we carry freight for account of the United States Government at substantial reductions from tariff, and transport the personnel of the various Government departments stationed on the Isthmus and their families at rates that in most instances are far below cost. Had we been paid for the transportation of Government freight and passengers at our full tariff rates, we would have received an additional revenue of $484,028.93, so that our deficit of $48,967.77 appears to have been a very good investment for the Government.

We charge depreciation on our steamers at the rate of 6 per cent per annum, and our charges to operating expenses on that account during the past fiscal period amounted to $116,601.74.

Our voyage or current repairs for that period amounted to $81,480.11.

In addition to the foregoing voyage or current repairs, it is our practice to take the expenses for extraordinary repairs and prorate those expenses over a period of years in order that no one fiscal period will be disproportionately affected. In 1920 we spent for extensive repairs to the S. S. *Cristobal* $270,423.62. That expense was amortized and regular charges made since to the operating expenses of that steamer. During the past fiscal year there was charged into operating expenses on that account the sum of $30,480.43, completing the retirement of that obligation. There are no charges for extraordinary repairs now being made against that steamer as they have all been absorbed. In 1925 we spent for extensive repairs to the S. S. *Ancon* the sum of $93,074. That expense was similarly amortized and during the past fiscal year operating expenses were charged with $13,200 on that account. The total charges to operating expenses for both above steamers during the fiscal period on account of extraordinary repairs were $43,680.43, and as all charges on the S. S. *Cristobal* had been absorbed there remained to be charged June 30, 1927, the sum of $71,074 against the S. S. *Ancon*, which is being provided for at the rate of approximately $1,100 per month.

We do not carry insurance, as we are prohibited by Congress enactment from doing so. The intent of that legislation was to discontinue the payment of insurance premiums by the Panama Railroad Co., and to have it reimbursed for its losses by congressional appropriation. Congress, however, has not reimbursed us for a single loss since our insurance was discontinued on July 1, 1908, nor have we asked it to do so. While no insurance premiums have been paid since July 1, 1908, we have absorbed out of our earnings losses aggregating $901,970.09, included among which was the sum of $191,865.92 for the loss of the S. S. *Finance* in 1908, within several months after our insurance had been discontinued; $234,580.64 due to collision of our S. S. *Panama* with the S. S. *Saratoga* in 1917; and a number of other losses ranging up to $76,000.

As stated before, the foregoing information is submitted so that it may be available for your immediate reference. If there are other points on which Mr. Rossbottom feels that further information will be helpful to you, he will, no doubt, communicate with you further promptly upon his return late in March.

You will doubtless recall that information similar to the foregoing was supplied to you through the Secretary of War for the fiscal year ended June 30, 1926, and for your ready reference we inclose here-

with a copy of the letter written by Mr. Rossbottom to the chief of office of the Panama Canal under date of February 14, 1927, which embodies the data that were submitted to you.

Yours respectfully, W. R. PFIZER,
Assistant to Vice President.

PANAMA RAILROAD CO.,
(PANAMA RAILROAD & STEAMSHIP LINE),
New York, February 14, 1927.

Mr. A. L. FLINT,
Chief of Office, The Panama Canal,
Washington, D. C.

DEAR SIR: 1. Your letter of the 11th instant reached us this morning.

2. We submit the following information in reply to the inquiries contained in Senator FLETCHER'S letter to the Secretary of War, dated the 9th.

3. The Panama Railroad & Steamship Line, during the fiscal year that ended June 30, 1926, and up to the present time, is operating four steamships. Their names and tonnage are as follows:

	Gross	Net	Dead weight
S. S. Ancon	9,640	7,531	13,000
S. S. Cristobal	9,604	7,026	13,000
S. S. Guayaquil	2,592	1,613	4,155
S. S. Buenaventura	2,618	1,610	4,155

4. The result of the steamship line's operation for the fiscal year ended June 30, 1926, was:

Operating revenue	$2,210,775.29
Operating expenses	2,496,124.55
Deficit	285,349.26

5. It is the policy of the directors of the Panama Railroad Co. to operate its steamship line practically as an adjunct of the Panama Canal, and with that purpose in mind, all freight shipped for account of the Panama Canal, the War, Navy, and other departments of the Government of the United States is carried at a reduction of 25 per cent from regular commercial rates. The passenger traffic of the Panama Canal including its employees and their families, the War and other departments of the Government of the United States, is carried on the steamship line at rates that represent reductions of from 25 to 80 per cent from the regular tariff.

6. The Government freight that was carried amounted to approximately 36 per cent of our outward tonnage and represented a reduction of $84,724.03 from our tariff rates.

7. The Government passenger traffic amounted to approximately 71 per cent of our passenger revenue and represented a reduction of $420,238.05 from our tariff rates.

8. Had the company's steamship line been paid its regular rates of fare for the passengers and freight carried by its steamers during the last fiscal year, the deficit of $285,349.26 would have been converted to a profit of $219,612.82.

9. The policy of applying reductions from regular rates to all Government freight and passenger traffic was adopted long before the opening of the Panama Canal to commerce, when the other commercial traffic of the Panama Railroad & Steamship Line was sufficient in volume and in revenue to permit of the operation of the steamship line at a reasonable profit, notwithstanding the low rates charged on Government traffic.

10. The directors of the company have deemed it advisable to continue these reduced rates for freight and passenger traffic handled for account of the Government of the United States, even though it does involve an actual deficit for the steamship line because of the reduced amount of commercial traffic now obtainable since the Panama Canal was opened to commerce, rather than to apply tariff rates to this Government traffic which would permit of the steamship line operating at a profit.

11. There were several reasons that governed them in arriving at that conclusion. The first is that the total operations of the Panama Railroad Co. from its railroad, terminals, commissary, etc., resulted in sufficient profit to not only overcome the deficit resulting from the operations of its steamship line, but to yield a reasonable return on the total investment. The second is that this deficit of the steamship line amounts to much less than the Panama Canal and other departments of the Government would be charged for the transportation of their freight and passengers if tariff rates were applied. The third is that because of the action of the Panama Railroad & Steamship Line quoting reduced rates for all Government freight shipments to the Canal Zone, other lines that carry any part of this Government traffic are obliged to quote the same reduced rates—which results in an important saving to the Government as compared with the payment of tariff rates. The fourth is that the application of tariff rates to the passenger traffic of the Government would involve a radical change in the conditions under which employees are engaged, and would make it necessary for the Panama Canal and other departments of the Government to secure additional funds to the extent of over $400,000.

12. The policy of the management is to render a service that will be satisfactory to its commercial and Government patrons, and at as reasonable rates as conditions justify, having in mind the reduction of the deficit of the steamship line to an absolute minimum without requiring additional revenue from any Government department, through the application of tariff rates to its traffic.

13. We trust this will give Senator FLETCHER the information he desires.

Yours very truly, T. H. ROSSBOTTOM, *Vice President.*

FREIGHT RATES ON GEORGIA AND NORTH CAROLINA PEACHES

Mr. GEORGE. Mr. President, I ask unanimous consent to have inserted in the RECORD an article appearing in the Macon (Ga.) News of Sunday, February 19, 1928, having direct reference to the recent order of the Interstate Commerce Commission in the case of the Georgia Peach Growers' Exchange et al. *v.* The Alabama Great Southern Railroad et al, relative to the new rate and weight bases for peaches shipped from Georgia and Carolina points.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"LOWER RATE" REALLY HIKE, SAY EXPERTS—FIGURE NEW WEIGHT AND RATE BASES WILL COST GROWERS $100,000 PER SEASON—REPARATION IS DENIED—NO ACTION TAKEN ON REFRIGERATION CHARGES OR ON ICING REPARATION

With the ironic commentary that extraordinary measures were being taken to reduce peach freight rates because of the poor financial condition of the growers, the Interstate Commerce Commission at Washington Saturday ordered into effect April 20 new weight and rate bases for peaches shipped from all Georgia and Carolina points that will mean considerable increases in the aggregate.

The burden of these new charges naturally will be imposed on the Georgia peach growers, and rate experts consulted Saturday after careful study agreed that the increase will be not less than $100,000 for a 15,000-car season.

The decision deals with but one of the three pleas made by the Georgia growers. They asked for lower freight rates and reparation; for lower refrigeration and icing charges, and for reparation on the latter. The decision purports to grant lower freight rates, but really orders an increase; reparation on freight rates is denied; action on refrigeration charges is deferred; action also is deferred on the refrigeration reparation.

This means that the growers will not have relief on the refrigeration charges this season. It also means, according to the experts, that the growers will have to pay $100,000 more in freight charges than in previous years.

The commission ordered a change in weight effective April 20. After that date the standard carload of peaches carrying 476 crates will be billed at 24,276 pounds instead of 20,000 pounds as at present. Also, the standard carload of 387 bushel baskets will be billed at 21,280 pounds instead of 20,000.

This increase in the weight more than offsets the reductions on rates.

For example: It now costs the Fort Valley grower $196 to ship a standard carload of peaches to Chicago, not including the refrigeration charges. But, under the new scales, it will cost him $234.58 if the peaches are in crates, or $206.32 if they are in bushel baskets. This despite a "reduction" in the rate from 98 cents to 97 cents per 100 pounds.

In some instances this increase is as high as $60 per carload over present rates.

The rate from Fort Valley to New York was ordered reduced from $1.245 per hundred pounds to $1.02, but because of the weight basis change, the grower will save by this reduction only $1.39 per carload of crates, and only $31.95 per carload of bushel baskets. The present freight charge for a standard carload is $249, and the new charge for crates will be $247.61; for baskets, $217.05.

Outside of New York and Philadelphia, there are no reductions whatever in the actual freight charge the grower will have to pay. Some will remain about the same as at present, but the majority will be increased.

Heretofore more than 50 per cent of the total Georgia crop movement has been in crates. Because of the working of the new weight scale, there is a decided difference in favor of bushel baskets in comparison with the total freight charges, and if this order stands it may mean virtual elimination of the crate method of packing.

A statement on the Interstate Commerce Commission decision was given to The News Saturday night by W. C. Bewley, general manager of the Georgia Peach Growers' Exchange. It follows:

"The commission's decision in this case practically seals the fate of the unfortunate Georgia peach growers in so far as early relief from excessive freight and refrigeration are concerned. The peach growers made out a good case and the commission's decision is not only grave injustice and unwarranted by the facts presented, but the decision is inconsistent in light of their recent decision in the so-called California

case, involving fruits from Pacific coast in which the commission granted the 'lowest possible lawful rates compatible with maintenance of adequate transportation service.' Relief was granted in the California case because the agriculture involved was in an unprofitable state and because the railroads, with improved financial conditions, could afford to handle the products involved at a lower rate.

"All things considered, the Georgia peach industry is in much worse condition than the California interests referred to, and as the carriers originating and handling the Georgia peach traffic are enjoying great prosperity, it is inconceivable why the commission denied the Georgia growers relief in accordance with the principles of the Hoch-Smith resolution, on which their decision in the California case was based. In the commission's decision in the Georgia case it is stated that the principles of the Hoch-Smith resolution were applied, but their words are empty, as the decision places an additional burden on the Georgia peach industry, whereas the principle of the Hoch-Smith resolution contemplate relief for agricultural producers under such conditions.

"Freight rates on peaches from Georgia, from time immemorial, were based on an estimated weight of 42 pounds per crate, but the commission's decision increases the estimated weight per crate to 51 pounds, with a corresponding increase in the estimated weight of the bushel basket, resulting in growers having to pay freight charges on 24,276 pounds when shipping in crates, instead of 20,000 pounds as heretofore for a carload of 476 crates. Although the decision prescribes lower rates to the East, there is a very substantial increase in rates to the North and West, which, with the increased weights referred to, will likely offset any reductions in rates to the East and result in increase in aggregate freight charges.

"With respect to carload minimum on Georgia peaches and the proper number of crates to be loaded in refrigerator cars, the commission seems to agree with the railroads' contentions, regardless of whether they advocate a heavy load or a light load. In 1910 when this matter was before the commission and the carload minimum was 22,500 pounds, contemplating a load of 535 crates, the growers contended that the refrigerator cars could not properly refrigerate that number of crates and went to the commission asking for a reduction on the ground that the growers were forced to load from 59 to 87 crates less than the prescribed carload minimum contemplated, owing to deficiency of refrigerator-car equipment. At that time the railroads contended that the cars would refrigerate 535 crates of peaches satisfactorily, although there was an abundance of evidence to the contrary. The commission's decision, which was unfavorable to the peach growers, seemed to be based on some far-fetched theory that Georgia peaches should be precooled, which would permit the continuance of the heavy loading of cars and which would permit the railroads to continue to enjoy the existing revenues from such heavy loading.

"That decision was unjust to the peach growers and based on unsound reasoning. The peach growers, failing to obtain any relief from the commission, struggled along for 10 years paying the railroads freight charges on from 59 to 87 crates of peaches which they could not safely ship, and this unjust tax on the peach growers during a long period up to 1921, probably aggregated several millions of dollars revenue to carriers, for which they rendered no corresponding service. The growers, becoming desperate, and seeing no hope of obtaining relief from the Interstate Commerce Commission, asked executive traffic officers of southeastern lines for a hearing in 1921, and after presenting the peach growers' case to these traffic officials, they voluntarily agreed to reduce the carload minimum to 20,000 pounds, contemplating a loading of 476 crates, or 387 bushels in the standard car. This concession was made by the traffic officials, because they doubtless realized that both the carriers and the Interstate Commerce Commission, were wrong in the case which was heard in 1910, and that a reduction in the minimum would be beneficial to all interests as was previously claimed by the shippers.

"During recent years the carriers, especially in this section, seem to be continually seeking to find ways and means of increasing their revenues, either by a direct increase in rates, or by changes in rules, minima or otherwise, and they hit upon the plan of raising the carload minimum, by raising the estimated weight of the crate and bushel basket of peaches. They were not satisfied merely to increase the weight of the packages, but have insisted on reducing the number of packages constituting the carload minimum from 476 to 448 crates. Although the carriers in 1910 insisted that the cars would safely carry 535 crates, they have recently insisted on reducing the number of packages to 448 for the standard car, or nearly a hundred crates less than the previous prescribed loading.

"Their object is to maintain or increase the present per car revenue and at the same time reduce the claim hazard, cost of refrigeration, and transportation cost to themselves, but the reduction in the carload minimum to 448 crates is against economy in that it will require more cars, more ice, more supervision, and other things, all of which will have to be paid for by the growers.

"Of course, the carriers must pay dividends on stocks and bonds as will represent a fair rate of interest to the investors; also that revenue must be high enough to support adequate expansion and extension; but what of the peach industry? Is this industry, which is struggling for existence, not entitled to some consideration? At least to a fair return on investment and for the labor of the producers?

"About the worst part of this whole decision is the fact that the growers are left to pay the high refrigeration charges for an indefinite time, on which they are clearly entitled to lower rates and reparation, and at the same time their freight charges in the aggregate are increased. The decision involving freight rates, estimated weights, and carload minima should not have been rendered until the commission was in position to also render its decision in the refrigeration phase of the case. It was agreed by all concerned, and is in the record, that the refrigeration and freight rate cases were to be consolidated and handled as one case, and the partial decision is unjust and unwarranted by the facts. This decision, to state the case frankly, is an outrage, because, temporarily at least, the growers must pay the same stated refrigeration charges on 448 crates or less as they have heretofore paid on 476 crates.

"Reparation was denied on that phase of the case involving the so-called 'short cars.' It is generally known that the so-called short cars were unsuitable equipment from several standpoints, but partly because the minimum load of 476 crates could not be safely carried in such cars and the growers have been forced to load usually 420 crates, but pay freight and refrigeration on 476. If the growers are not entitled to reparation on this phase of the case, they are not even entitled to live and breathe the air which God gave us.

"Commission denied reparation mainly on the ground that the estimated weight of 42 pounds per crate and 51 pounds per bushel has been several pounds less than the actual weight, and therefore that the railroads have been hauling more freight than they were paid for. The railroads and everybody concerned for a long number of years agreed that 42 pounds was the approximate weight of a crate of peaches, but in 1910 the railroads made some tests and claimed that crates packed with the bulge weighed 47 and 48 pounds average. In 1925, during which year there was the worst drought in the history of this section and the peaches were small, a test was made under the supervision of the Interstate Commerce Commission and they found the average weight of crates to be 51 pounds and bushels 55 pounds, but the number of packages weighed or tested as compared with the total crop was so small as to be almost meaningless not only on account of the small number of packages weighed but abnormal conditions, due to the drought, and the results were not representative over a long period of years. In spite of these facts the railroads have insisted that the estimated weights be increased to 51 pounds and 55 pounds for the crate and basket, respectively, and, according to our information, this has been prescribed by the commission in their decision.

"The commission, in raising the estimated weights in Georgia and the carload minimum, have placed the Georgia peach industry at a great disadvantage as compared with other producing and competing sections of the country, such as Texas, Arkansas, Tennessee, New Jersey, New York State, Michigan, and other sections, where the minimum is 20,000 pounds or less. This is an unjust discrimination against the Georgia peach industry.

"It seems that the railroads are too formidable, too strongly entrenched in Washington, too well organized, equipped and financed to be coped with by the disorganized and depressed peach industry of Georgia. The railroads are in the saddle and we have very little to hope for under present conditions. Maybe there will some day be a change; let's hope so."

In closing Mr. Bewley stated that he had conferred with attorneys representing the peach growers and that the attorneys are already drawing up a petition for rehearing in this case and a definite announcement regarding the petition for rehearing will be made as promptly as possible.

It is understood from press dispatches that Commissioner Taylor dissented on the ground that the decision would improperly decrease railroad earnings about $500,000, and also that Chairman Campbell and another commissioner dissented on the ground that the decision did not adequately decrease the carriers' earnings. (Macon News, Sunday, February 19, 1928.)

ALIEN PROPERTY AND OTHER CLAIMS (S. DOC. NO. 64)

Mr. SMOOT. Mr. President, I submit a conference report on the bill (H. R. 7201) to provide for the settlement of certain claims of American nationals against Germany and of German nationals against the United States, for the ultimate return of all property of German nationals held by the Alien Property Custodian, and for the equitable apportionment among all claimants of certain available funds.

At the request of the junior Senator from Utah [Mr. KING], I shall ask that it go over until to-morrow. To-morrow, when I call up the conference report, I shall take about half an hour to explain the amendments which have been agreed to by the House conferees and the amendments on which the Senate conferees had to yield to the House. I therefore merely submit the report at this time and ask that it be printed and lie on the table.

The VICE PRESIDENT. The report will be printed and lie on the table.

APPROPRIATIONS FOR THE TREASURY AND POST OFFICE DEPARTMENTS

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10635) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes, having met, after full and free conference have agree to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2.

F. E. WARREN,
REED SMOOT,
LEE S. OVERMAN,
WM. J. HARRIS,
Managers on the part of the Senate.

MARTIN B. MADDEN,
M. H. THATCHER,
JOSEPH W. BYRNS,
Managers on the part of the House.

The report was agreed to.

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9481) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1929, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 5, 7, 11, 12, 13, and 14.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: ", of which $1,000,000, or so much thereof as may be necessary, may be used for reconditioning and operating ships for carrying coal to foreign ports"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ": *Provided*, That not more than one attorney shall be paid in excess of $10,000 per year"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 1, 4, 9, and 10.

F. E. WARREN,
REED SMOOT,
W. L. JONES,
LEE S. OVERMAN,
CARTER GLASS,
Managers on the part of the Senate.

WILL R. WOOD,
EDWARD H. WASON,
THOMAS H. CULLEN,
Managers on the part of the House.

Mr. WILLIS. Mr. President, I desire to submit an inquiry to the Senator from Wyoming. Does the report embody——

Mr. WARREN. I may say, with reference to what the Senator from Ohio is about to refer, that the conferees disagreed, but the conferees on the part of the House insisted upon having further information on account of the bill reading the way it did in making the appropriation for this project. They intend to do that in order that it may be taken care of in the deficiency appropriation bill at this session.

Mr. WILLIS. I desire to ask the Senator from Wyoming what was the action of the conferees on the amendment which was adopted by the Senate.

Mr. WARREN. The conferees on the part of the Senate were compelled to recede on the amendment.

Mr. WILLIS. Mr. President, I merely desire to make this brief statement. I have not any doubt at all that the conferees on the part of the Senate have done everything they could to secure an agreement to the Senate amendment.

Mr. WARREN. The amendment, I will say to the Senator, was taken under consideration several times.

Mr. WILLIS. I know the Senator and his fellow conferees have given every consideration to the matter. I merely wish to express my deep regret that the House conferees would not agree to the Senate amendment, for I believe it to be a perfectly proper amendment and I think when the House comes to inquire into the matter they will agree that it ought to be taken care of in the deficiency bill.

Mr. FLETCHER. Mr. President, I understand there has not been a complete agreement on the part of the Senate, but that there is to be a further conference on some items which are still in disagreement, which items are to be taken back to the House, and that there is to be an additional conference report?

Mr. WARREN. That is true.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

APPROPRIATIONS FOR THE WAR DEPARTMENT

Mr. REED of Pennsylvania. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House bill 10286, the War Department appropriation bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10286) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. REED of Pennsylvania. I ask unanimous consent that the Senate dispense with the formal reading of the bill and that it be read for amendment, the committee amendments to be first considered.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. REED of Pennsylvania. I further ask unanimous consent that at the conclusion of the bill the Secretary be empowered to make the necessary corrections of the totals and in section numbers as the result of amendments.

The VICE PRESIDENT. Without objection, it is so ordered.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, on page 8, after line 4, to insert:

ARMY WAR COLLEGE

For expenses of the Army War College, being for the purchase of the necessary special stationery; textbooks, books of reference, scientific and professional papers and periodicals; maps; police utensils; employment of temporary technical or special services, and expenses of special lecturers; for the pay of employees; and for all other absolutely necessary expenses, $73,610.

The amendment was agreed to.

The next amendment was, on page 9, after line 2, to strike out:

ARMY WAR COLLEGE

For expenses of the Army War College, being for the purchase of the necessary special stationery; textbooks, books of reference, scientific and professional papers and periodicals; maps; police utensils; employment of temporary, technical, or special services and expenses of special lecturers; for the pay of employees; and for all other absolutely necessary expenses, $73,610.

The amendment was agreed to.

The next amendment was, under the subhead "Military post exchanges," on page 9, line 25, before the word "salaries" to insert "$53,220 for," and on page 10, line 6, after the word "established" to strike out "$67,740" and insert "$98,140," so as to make the paragraph read:

For the equipment and conduct of the post exchange, school, reading, lunch, and amusement rooms, service clubs, chapels, gymnasiums, and libraries, including periodicals and other publications and subscriptions for newspapers for which payment may be made in advance, and including $53,220 for salaries and travel for civilians employed in the hostess and library services, and for transportation of books and equipment for these services; for the rental of films, purchase of slides for and making repairs to moving-picture outfits, and for similar and other recreational purposes at training and mobilization camps now established or which may be hereafter established, $98,140.

The amendment was agreed to.

The next amendment was, under the subhead "Finance Department, pay, etc., of the Army," on page 11, line 8, after the word "available," to strike out "$6,547,016" and insert "$6,598,579"; in line 18, after the word "mounts," to strike out "not to exceed"; and in line 19, after the words "in all," to strike

out "$130,282,810" and insert "$130,334,373," so as to make the paragraph read:

For pay of officers of the line and staff, $31,168,426; pay of officers, National Guard, $100; pay of warrant officers, $2,156,880; aviation increase to commissioned and warrant officers of the Army, $1,571,326; additional pay to officers for length of service, $7,778,298; pay of enlisted men of the line and staff, not including the Philippine Scouts, $51,022,306; pay of enlisted men of National Guard, $100; aviation increase to enlisted men of the Army, $460,723; pay of enlisted men of the Philippine Scouts, $976,854; additional pay for length of service to enlisted men, $3,286,620; pay of the officers on the retired list, $7,349,729; increased pay to retired officers on active duty, $216,638; pay of retired enlisted men, $10,631,858; increased pay and allowances of retired enlisted men on active duty $9,878; pay of retired pay clerks, $6,750; pay of retired veterinarians, $3,570; pay of not to exceed 65 civil-service messengers at $1,080 each at headquarters of the several Territorial departments, corps areas, Army and corps headquarters, Territorial districts, tactical divisions and brigades, service schools, camps, and ports of embarkation and debarkation, $70,200; pay and allowances of contract surgeons, $44,550; pay of nurses, $823,780; pay of hospital matrons, $600; rental allowances, including allowances for quarters for enlisted men on duty where public quarters are not available, $6,598,579; subsistence allowances, $5,855,602; interest on soldiers' deposits, $75,000; payment of exchange by officers serving in foreign countries, and when specially authorized by the Secretary of War, by officers disbursing funds pertaining to the War Department, when serving in Alaska, and all foreign money received shall be charged to and paid out by disbursing officers of the Army at the legal valuation fixed by the Secretary of the Treasury, $1,000; additional pay to officers below the grade of major required to be mounted and who furnish their own mounts, $225,000; in all, $130,334,373; and the money herein appropriated for "Pay, etc., of the Army" shall be accounted for as one fund.

The amendment was agreed to.

The next amendment was, in the items for regular supplies of the Army, on page 18, line 10, after the word "reports," to strike out "$10,241,996" and insert "$10,304,056," so as to make the paragraph read:

Regular supplies of the Army: Regular supplies of the Quartermaster Corps, including their care and protection; stoves required for the use of the Army for heating offices, hospitals, barracks and quarters, and recruiting stations, and United States disciplinary barracks; also ranges, stoves, coffee roasters, and appliances for cooking and serving food at posts in the field and when traveling, and repair and maintenance of such heating and cooking appliances; authorized issues of candles and matches; for furnishing heat and light for the authorized allowance of quarters for officers, enlisted men, and warrant officers, including retired enlisted men when ordered to active duty, contract surgeons when stationed at and occupying public quarters at military posts, officers of the National Guard attending service and garrison schools, and for recruits, guards, hospitals, storehouses, offices, the buildings erected at private cost, in the operation of the act approved May 31, 1902, and buildings for a similar purpose on military reservations authorized by War Department regulations; for sale to officers, and including also fuel and engine supplies required in the operation of modern batteries at established posts; for post bakery and bake-oven equipment and apparatus; for ice for issue to organizations of enlisted men and offices at such places as the Secretary of War may determine, and for preservation of stores; authorized issues of soap, toilet paper, and towels; for the necessary furniture, textbooks, paper, and equipment for the post schools and libraries, and for schools for noncommissioned officers; for the purchase and issue of instruments, office furniture, stationery, and other authorized articles for the use of officers' schools at the several military posts; for purchase of commercial newspapers, market reports, etc.; for the tableware and mess furniture for kitchens and mess halls, each and all for the enlisted men, including recruits; for forage, salt, and vinegar for the horses, mules, oxen, and other draft and riding animals of the Quartermaster Corps at the several posts and stations and with the armies in the field, for the horses of the several regiments of Cavalry and batteries of Artillery and such companies of Infantry and Scouts as may be mounted, and for remounts and for the authorized number of officers' horses, including bedding for the animals; for seeds and implements required for the raising of forage at remount depots and on military reservations in the Hawaiian, Philippine, and Panama Canal Departments, and for labor and expenses incident thereto, including, when specifically authorized by the Secretary of War, the cost of irrigation; for the purchase of implements and hire of labor for harvesting hay on military reservations; for straw for soldiers' bedding, stationery, typewriters and exchange of same, including blank books and blank forms for the Army, certificates for discharged soldiers, and for printing department orders and reports, $10,304,056, of which amount not exceeding $3,000,000 shall be available immediately for the procurement of fuel for the service of the fiscal year 1929.

The amendment was agreed to.

The next amendment was, in the items for Army transportation, on page 21, line 24, after the words "in all," to strike out "$17,417,701" and insert "$17,516,250," so as to read:

Army transportation: For transportation of the Army and its supplies, including retired enlisted men when ordered to active duty; of authorized baggage, including that of retired officers, warrant officers, and enlisted men when ordered to active duty and upon relief therefrom, and including packing and crating; of recruits and recruiting parties; of applicants for enlistment between recruiting stations and recruiting depots; of necessary agents and other employees, including their traveling expenses; of dependents of officers and enlisted men as provided by law; of discharged prisoners, and persons discharged from St. Elizabeths Hospital after transfer thereto from the military service, to their homes (or elsewhere as they may elect): *Provided*, That the cost in each case shall not be greater than to the place of last enlistment; of horse equipment; and of funds for the Army; for the purchase or construction, not exceeding $62,000, alteration, operation, and repair of boats and other vessels; for wharfage, tolls, and ferriages; for drayage and cartage; for the purchase, manufacture (including both material and labor), maintenance, hire, and repair of pack saddles and harness; for the purchase, hire, operation, maintenance, and repair of wagons, carts, drays, other vehicles, and horse-drawn and motor-propelled passenger-carrying vehicles required for the transportation of troops and supplies and for official military and garrison purposes; for purchase and hire of draft and pack animals, including replacement of unserviceable animals; for travel allowances to officers and enlisted men on discharge; to officers of National Guard on discharge from Federal service as prescribed in the act of March 2, 1901; to enlisted men of National Guard on discharge from Federal service, as prescribed in amendatory act of September 22, 1922; and to members of the National Guard who have been mustered into Federal service and discharged on account of physical disability; in all, $17,516,250, of which amount not exceeding $2,000,000 shall be available immediately for the procurement and transportation of fuel for the service of the fiscal year 1929.

The amendment was agreed to.

The next amendment was, under the subhead "Horses for Cavalry, Artillery, Engineers, etc," on page 23, line 7, after the word "maintenance," to strike out "$504,750" and insert "$546,000," so as to read:

For the purchase of horses within limits as to age, sex, and size to be prescribed by the Secretary of War for remounts for officers entitled to public mounts, for the United States Military Academy, and for such organizations and members of the military service as may be required to be mounted, and for all expenses incident to such purchases (including $150,000 for encouragement of the breeding of riding horses suitable for the Army, in cooperation with the Bureau of Animal Industry, Department of Agriculture, including the purchase of animals for breeding purposes and their maintenance), $546,000:

The amendment was agreed to.

The next amendment was, under the subhead "Military posts," on page 24, line 6, after the figures "1927," to insert "as amended by the act approved February 18, 1928"; and in line 14, after the name "United States," to strike out "$4,874,000" and insert "$5,084,000," so as to read:

For construction and installation at military posts of buildings, utilities, and appurtenances thereto, as authorized by an act entitled "An act to authorize appropriations for construction at military posts, and for other purposes," approved March 3, 1927, as amended by the act approved February 18, 1928, without reference to sections 1136 and 3734, Revised Statutes, including also the engagement, by contract or otherwise, of the services of architects, or firms, or partnerships thereof, and other technical and professional personnel as may be deemed necessary without regard to civil-service requirements and restrictions of law governing the employment and compensation of employees of the United States, $5,084,000.

The amendment was agreed to.

The next amendment was, on page 24, line 18, after the word "made," to insert a colon and the following proviso:

Provided, That no part of the sums appropriated or authorized to be contracted for in this paragraph shall be available for construction at Scott Field, Ill.

The amendment was agreed to.

The next amendment was, under the subhead "Seacoast defenses," on page 28, line 21, after the figures "$304,127," to insert "and in addition thereto there is hereby reappropriated and made available for this purpose the sum of $50,000 of the unexpended balance of the continuing appropriation for 'Rock Island Arsenal,'" so as to read:

For all expenses properly pertaining to the respective branches below stated as may be incident to the preparation of plans and the construction, purchase, installation, equipment, maintenance, repair, and operation of fortifications and other works of defense, and their

accessories, including personal services, maintenance of channels to submarine mine wharves, purchase of lands and rights of way as authorized by law, and experimental, test, and development work, as follows:

United States: Signal Corps, $115,000; Corps of Engineers, $516,000; Ordnance Department, $1,023,000; Chief of Coast Artillery, $304,127, and in addition thereto there is hereby reappropriated and made available for this purpose the sum of $50,000 of the unexpended balance of the continuing appropriation for "Rock Island Arsenal."

The amendment was agreed to.

The next amendment was, on page 29, line 3, after the figures "$221,900," to insert "and in addition thereto there is hereby reappropriated and made available for this purpose the sum of $54,000 of the unexpended balance of the continuing appropriation for 'Rock Island Arsenal,'" so as to read:

Insular possessions: Signal Corps, $35,000; Corps of Engineers, $384,610; Ordnance Department, $332,762; Chief of Coast Artillery, $221,900, and in additional thereto there is hereby reappropriated and made available for this purpose the sum of $54,000 of the unexpended balance of the continuing appropriation for "Rock Island Arsenal."

The amendment was agreed to.

The next amendment was, on page 29, line 10, after the figures "$133,847," to insert "and in addition thereto there is hereby reappropriated and made available for this purpose the sum of $68,940 of the unexpended balance of the continuing appropriation for 'Frankford Arsenal,'" so as to read:

Panama Canal: Signal Corps, $34,120; Corps of Engineers, $609,350; Ordnance Department, $329,000; Chief of Coast Artillery, $133,841, and in addition thereto there is hereby reappropriated and made available for this purpose the sum of $68,940 of the unexpended balance of the continuing appropriation for "Frankford Arsenal."

The amendment was agreed to.

Mr. BORAH. Mr. President, I should like to ask the Senator in charge of the bill a question. Does this appropriation bill make full appropriations for the Army?

Mr. REED of Pennsylvania. Yes; it does.

Mr. BORAH. I should like to ask the Senator in a general way how it leaves the Army as to size, and so forth?

Mr. REED of Pennsylvania. It leaves the officer personnel of the Army exactly as provided in the national defense act, with a maximum allowance of commissioned officers of 12,000, just as it has been since 1920. It also leaves the enlisted strength of the Army at 118,750 men, which is the same as it was last year.

There is an increase provided for the Air Corps in this year's bill, but that is taken out of the enlisted strength of the other branches, so that while the number of enlisted men in the Air Corps is increased the number in the other branches is decreased and the aggregate is not changed.

Mr. BORAH. Is the number of enlisted men increased in any way?

Mr. REED of Pennsylvania. Not in any way.

Mr. BORAH. What is the size of our National Guard at the present time?

Mr. REED of Pennsylvania. About 120,000 men. I have not the exact figures at hand, but I can get them for the Senator.

Mr. OVERMAN. Mr. President, may I inquire of the Senator whether there is a decrease in appropriation for the National Guard or an increase?

Mr. REED of Pennsylvania. There are several increases, one of which is to enable the National Guard to buy additional animals, something very much desired by the Guard, and approved by the Budget, but for some reason stricken out in the House. We have restored that.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Signal Corps, Signal Service of the Army," on page 31, line 6, after the word "purposes," to insert "tuition, laboratory fees, etc., for Signal Corps officers detailed to civilian technical schools for the purpose of pursuing technical courses of instruction along Signal Corps lines," so as to make the paragraph read:

Telegraph and telephone systems: Purchase, equipment, operation, and repair of military telegraph, telephone, radio, cable, and signaling systems; signal equipment and stores, heliographs, signal lanterns, flags, and other necessary instruments; wind vanes, barometer, anemometers, thermometers, and other meterological instruments; photographic and cinematographic work performed for the Army by the Signal Corps; motor cycles, motor-driven and other vehicles for technical and official purposes in connection with the construction, operation, and maintenance of communication or signaling systems, and supplies for their operation and maintenance; professional and scientific books of reference, pamphlets, periodicals, newspapers, and maps for use of the Signal Corps and in the office of the chief signal officer; telephone apparatus, including rental and payment for commercial, exchange, message, trunk-line, long-distance, and leased-line telephone service at or connecting any post, camp, cantonment, depot, arsenal, headquarters, hospital, aviation station, or other office or station of the Army, excepting local telephone service for the various bureaus of the War Department in the District of Columbia, and toll messages pertaining to the office of the Secretary of War; electric time service; the rental of commercial telegraph lines and equipment and their operation at or connecting any post, camp, cantonment, depot, arsenal, headquarters, hospital, aviation station, or other office or station of the Army, including payment for official individual telegraph messages transmitted over commercial lines; electrical installations and maintenance thereof at military posts, cantonments, camps, and stations of the Army, fire-control and direction apparatus and material for Field Artillery; salaries of civilian employees, including those necessary as instructors at vocational schools; supplies, general repairs, reserve supplies, and other expenses connected with the collecting and transmitting of information for the Army by telegraph or otherwise; experimental investigation, research, purchase, and development or improvements in apparatus, and maintenance of signaling and accessories thereto, including patent rights and other rights thereto, including machines, instruments, and other equipment for laboratory and repair purposes; tuition, laboratory fees, etc., for Signal Corps officers detailed to civilian technical schools for the purpose of pursuing technical courses of instruction along Signal Corps lines; lease, alteration, and repair of such buildings required for storing or guarding Signal Corps supplies, equipment, and personnel when not otherwise provided for, including the land therefor, the introduction of water, electric light and power, sewerage, grading, roads and walks, and other equipment required, $2,797,790.

The amendment was agreed to.

The next amendment was, under the subhead "Air Corps, Army," on page 32, line 24, before the word "balloons," to strike out "airships," and on page 33, line 24, after the word "aircraft," to strike out "$24,817,268" and insert "$24,630,268," so as to read:

For creating, maintaining, and operating at established flying schools and balloon schools courses of instruction for officers, students, and enlisted men, including cost of equipment and supplies necessary for instruction, purchase of tools, equipment, materials, machines, textbooks, books of reference, scientific and professional papers, instruments and materials for theoretical and practical instruction; for maintenance, repair, storage, and operation of airships, war balloons, and other aerial machines, including instruments, materials, gas plants, hangars and repair shops, and appliances of every sort and description necessary for the operation, construction, or equipment of all types of aircraft, and all necessary spare parts and equipment connected therewith and the establishment of landing and take-off runways; for purchase of supplies for securing, developing, printing, and reproducing photographs in connection with aerial photography; improvement, equipment, maintenance, and operation of plants for testing and experimental work, and procuring and introducing water, electric light and power, gas and sewerage, including maintenance, operation, and repair of such utilities at such plants; for the procurement of helium gas; salaries and wages of civilian employees as may be necessary, and payment of their traveling and other necessary expenses as authorized by existing law; transportation of materials in connection with consolidation of Air Corps activities; experimental investigation and purchase and development of new types of aircraft, accessories thereto, and aviation engines, including plans, drawings, and specifications thereof, and the purchase of letters patent, applications for letters patent, licenses under letters patent and applications for letters patent; for the purchase, manufacture, and construction of balloons and other aerial machines, including instruments, gas plants, hangars, and repair shops, and appliances of every sort and description necessary for the operation, construction, or equipment of all types of aircraft, and all necessary spare parts and equipment connected therewith; for the marking of military airways where the purchase of land is not involved; for the purchase, manufacture, and issue of special clothing, wearing apparel, and similar equipment for aviation purposes; for all necessary expenses connected with the sale or disposal of surplus or obsolete aeronautical equipment, and the rental of buildings, and other facilities for the handling or storage of such equipment; for the services of not more than four consulting engineers at experimental stations of the Air Corps as the Secretary of War may deem necessary, at rates of pay to be fixed by him not to exceed $50 a day for not exceeding 50 days each and necessary traveling expenses; purchase of special apparatus and appliances, repairs and replacements of same used in connnection with special scientific medical research in the Air Corps; for maintenance and operation of such Air Corps printing plants outside of the District of Columbia as may be authorized in accordance with law; for

publications, station libraries, special furniture, supplies and equipment for offices, shops, and laboratories; for special services, including the salvaging of wrecked aircraft, $24,630,268.

The amendment was agreed to.

The next amendment was, on page 34, line 10, after the words "not exceeding," to strike out "$200,000" and insert "$13,000"; in line 15, after the word "necessary," to insert "and in addition to the sum of $1,736,619 there is hereby reappropriated for the same purposes, for expenditure only in Panama and Hawaii, the sum of $1,018,000 of unexpended balances of continuing appropriations and in amounts as follows: 'Sites for military purposes,' $335,669.31; 'Terminal storage and shipping buildings,' $322,381.63; 'Cantonment construction, Panama Canal,' $204,546.61; 'Evacuation of ordnance depots,' $122,904.22; and 'Rock Island Arsenal,' $32,498.23"; and on page 35, line 6, after the numerals "1927," to insert "and in addition there is hereby reappropriated for expenditure for bombardment planes and their equipment, spare parts and accessories, the sum of $1,160,000 of unexpended balances of appropriations and in amounts as follows: 'Mileage of the Army, 1926,' $100,000; 'Army transportation, 1926,' $800,000; 'Pay of Military Academy, 1926,' $110,000; and 'Arming, equipping, and training the National Guard, 1925,' $150,000," so as to make the proviso read:

Provided, That not to exceed $2,794,361 from this appropriation may be expended for pay and expenses of civilian employees other than those employed in experimental and research work; not exceeding $200,000 may be expended for the procurement of helium from the Bureau of Mines, which may be transferred in advance, in amounts as required, to that bureau; not exceeding $2,200,000 may be expended for experimental and research work with airplanes or lighter-than-air craft and their equipment, including the pay of necessary civilian employees; not exceeding $13,000 may be expended for the production of lighter-than-air equipment; not exceeding $1,736,619 may be expended for improvement of stations, hangars, and gas plants for the Regular Army and for such other markings and fuel supply stations and temporary shelter as may be necessary, and in addition to the sum of $1,736,619 there is hereby reappropriated for the same purposes, for expenditure only in Panama and Hawaii, the sum of $1,018,000 of unexpended balances of continuing appropriations and in amounts as follows: "Sites for military purposes," $335,669.31; "Terminal storage and shipping buildings," $322,381.63; "Cantonment construction, Panama Canal," $204,546.61; "Evacuation of ordnance depots," $122,904.22; and "Rock Island Arsenal," $32,498.23; not less than $11,257,445 shall be expended for the production or purchase of new airplanes and their equipment, spare parts and accessories, of which not to exceed $3,995,000 shall be available for the payment of obligations incurred under the contract authorization for these purposes carried in the War Department appropriation act for the fiscal year 1928, approved February 23, 1927, and in addition there is hereby reappropriated for expenditure for bombardment planes and their equipment, spare parts, and accessories the sum of $1,160,000 of unexpended balances of appropriations and in amounts as follows: "Mileage of the Army, 1928," $100,000; "Army transportation, 1926, $800,000; "Pay of Military Academy, 1926," $110,000; and "Arming, equipping, and training the National Guard, 1925," $150,000; not more than $6,000 may be expended for settlement of claims (not exceeding $250 each) for damages to persons and private property resulting from the operation of aircraft at home and abroad when each claim is substantiated by a survey report of a board of officers appointed by the commanding officer of the nearest aviation post and approved by the Chief of Air Corps and the Secretary of War.

The amendment was agreed to.

The next amendment was, under the subhead "Medical hospital department," on page 38, line 5, after the name "Medical Department," to insert "for tuition of officers of the Medical Department, including the Army Nurse Corps, under section 127a of the Army reorganization act approved June 4, 1920," so as to read:

For the manufacture and purchase of medical and hospital supplies, including disinfectants, for military posts, camps, hospitals, hospital ships and transports, for laundry work for enlisted men and Army nurses while patients in a hospital, and supplies required for mosquito destruction in and about military posts in the Canal Zone; for the purchase of veterinary supplies and hire of veterinary surgeons; for expenses of medical supply depots; for medical care and treatment not otherwise provided for, including care and subsistence in private hospitals of officers, enlisted men, and civilian employees of the Army, of applicants for enlistment, and of prisoners of war and other persons in military custody or confinement, when entitled thereto by law, regulation, or contract: *Provided*, That this shall not apply to officers and enlisted men who are treated in private hospitals or by civilian physicians while on furlough; for the proper care and treatment of epidemic and contagious diseases in the Army or at military posts or stations, including measures to prevent the spread thereof, and the payment of reasonable damages not otherwise provided for bedding and clothing injured or destroyed in such prevention; for the pay of male and female nurses, not including the Army Nurse Corps, and of cooks and other civilians employed for the proper care of sick officers and soldiers, under such regulations fixing their number, qualifications, assignments, pay, and allowances as shall have been or shall be prescribed by the Secretary of War; for the pay of civilian physicians employed to examine physically applicants for enlistment and enlisted men and to render other professional services from time to time under proper authority; for the pay of other employees of the Medical Department; for tuition of officers of the Medical Department, including the Army Nurse Corps, under section 127a of the Army reorganization act approved June 4, 1920; for the payment of express companies and local transfers employed directly by the Medical Department for the transportation of medical and hospital supplies, including bidders' samples and water for analysis; for supplies for use in teaching the art of cooking to the enlisted force of the Medical Department; for the supply of the Army and Navy Hospital at Hot Springs, Ark.; for advertising, laundry, and all other necessary miscellaneous expenses of the Medical Department, $1,251,197.

The amendment was agreed to.

The next amendment was, under the subhead "Instruction in Field Artillery activities," on page 50, line 8, after the words "practical instruction" to insert "for the tuition of officers detailed as students at civil educational institutions," so as to make the paragraph read:

To provide means for the theoretical and practical instruction in Field Artillery activities at the two brigade firing centers at Fort Sill, Okla., and Fort Bragg, N. C., by the purchase of modern instruments and material for theoretical and practical instruction, for the tuition of officers detailed as students at civil educational institutions, and for all other necessary expenses, to be allotted in such proportion as may, in the opinion of the Secretary of War, be for the best interests of the service, $3,440.

Mr. DILL. Mr. President, I should like to ask the Senator from Pennsylvania a question. Have additional allowances for Army officers at universities and colleges been provided in this bill?

Mr. REED of Pennsylvania. No, Mr. President; but the House had stricken out the provision for Army officers detailed for special instruction—Signal Corps officers for radio instruction, for example. That provision we have restored so as to permit it to be done in the same way as in past years.

Mr. DILL. That meets the demand that has been coming in in letters from various colleges for money for this purpose?

Mr. REED of Pennsylvania. Exactly.

Mr. DILL. While I am on my feet, let me ask another question which I should like to have answered, and that is as to the amount of money appropriated for training the officers in the Officers' Reserve Corps.

Mr. REED of Pennsylvania. We made an increase in the mileage allowance over the amount allowed by the House, and we fixed the same amount for training as was authorized by the House committee. It represents an increase over the Budget, but a decrease over the amount adopted on the floor of the House. I can best state the situation by giving the figures. The Budget, in the estimates as they came to Congress, authorized the training of 15,125 officers for periods of less than 15 days. The House committee raised that to 16,000 officers, and on the floor of the House it was raised to 20,000 officers, but without any sufficient provision for the transportation of those officers. When we came to look into the subject we found that the applications totaled about 19,000, of whom some 2,500 were believed to be unsuited for the training. They were officers who had not kept up their correspondence courses during the winter. We therefore fixed the amount at the same figure as did the House committee, sufficient to provide for the training of 16,000, at least, and probably sufficient, with the economies it will be possible to make, to train 16,500.

Mr. DILL. If there should not be a demand for the full appropriation provided by the House it would not be used, would it?

Mr. REED of Pennsylvania. That is true.

Mr. DILL. Why should the Senate limit the amount so that there may not be a sufficient sum available?

Mr. REED of Pennsylvania. The Senate committee was troubled by several conflicting considerations. There no doubt is a desire on the part of the reserve officers' associations and many of the reserve officers who have studied the subject to provide for the training of a gradually increasing number of reserve officers each year. That also shows itself in the Air Corps Reserve, where the demand is very insistent for additional hours of reserve flying; and we were able to increase

that item so that reserve officers this year will get 23,500 hours of actual flying training and instruction.

What we have done represents an increase over the Budget. To that extent it is satisfactory to the reserve officers. It continues the number to be trained at the same level as this year and the year before and the year before that. So far, it is all right. We should all like to have increased it, but we did not feel warranted in doing so, because this bill does carry a considerable amount more than the Army bill of last year. In the effort to be very liberal to everybody we had to make cuts all the way along the line.

That is about all I can say. It is a compromise. It is not as big as I should like to see it myself.

Mr. DILL. Mr. President, let me say to the Senator that I am one of those who are opposed to enlarging the Regular Army, but I am very much in favor of the training of the Organized Reserves; and it seems to me that the expense is so small in comparison to the results obtained that the Senate should not limit this amount as I understand it has done, but rather should leave the amount provided by the House bill.

I wish the Senator would indicate where that amendment is.

Mr. REED of Pennsylvania. We have not yet reached it. It appears on page 57, however.

Mr. DILL. I thank the Senator.

Mr. COPELAND. Mr. President, I should like to say to the Senator from Washington that I had the same feeling he has expressed—that if possible we should increase the number of officers to 20,000. I believe that is the figure the Senator had in mind. The evidence brought before the committee, however, indicated that on one occasion only was there an application in excess of 19,000; and last year—I think I am right in this—every applicant who was qualified found a place; and it was the feeling of the committee that with the figures as provided in the bill 16,500 should be trained.

Then it came also to the question of the training camps. We asked the question of General Summerall—I did, myself—if he could advantageously train 50,000 men. He said he could; but the committee finally arranged the bill to make it clear that 40,000 men could be trained in the civilian camps; so I think the committee really did very well in its recommendation.

Mr. BRATTON. Mr. President, will the Senator from New York yield?

Mr. COPELAND. Certainly.

Mr. BRATTON. The item that is now being discussed appears at page 57 of the bill. The figures fixed by the House seem to be $3,702,302. The Senate committee reduced that to $3,189,496, or a reduction of slightly in excess of half a million dollars. Did the figure fixed by the House contemplate training 20,000 men for a period of 15 days?

Mr. COPELAND. Mr. President, I ask the attention of the Senator in charge of the bill to page 57. This is the place where the House made the mistake in their figures.

Mr. REED of Pennsylvania. The House made a great increase for the pay, but they did not provide any mileage, so that it would not have been effective as they passed it.

Mr. COPELAND. Does the Senator from New Mexico get the point there—that the House, in changing the figures, did not provide for mileage, so that even if the House bill were adopted as it is there could not be this increased number of trainees?

Mr. BRATTON. The first item under the subject of "Organized Reserves" appears to be as follows:

Officers' Reserve Corps: For pay and allowances of members of the Officers' Reserve Corps on active duty for not exceeding 15 days' training, $2,657,000.

The Senate committee have reduced that to $2,125,600. Is that the reduction to which the Senator from Pennsylvania refers in respect to paring down the number of men that it is contemplated should be trained from 20,000 to 16,500?

Mr. REED of Pennsylvania. Exactly; yes.

Mr. BRATTON. Does the Senator feel that the sum should be reduced to that minimum, or should it be reduced to such a figure as would permit the training, say, of 18,000 or 18,500 or 19,000 men?

My purpose in propounding the inquiry is this: I do not think we should have any let down or decrease in training our reserve officers. I believe we should keep the appropriation sufficiently large to train all of the available men in that line of activity; and it would seem to me that if the reduction there should be less, so that the number of men to be trained would be increased substantially above 16,500, it would be better than to pare it to the very minimum.

Mr. REED of Pennsylvania. Mr. President, we are pulled in two directions. We feel, as does the Senator, that it is desirable to make a gradual increase in the number being trained. On the other hand, we find the Budget tending to cut down the number each year; and there is a certain advantage in having the number remain fairly constant, so that the department may make its plans and the officers may make their plans knowing approximately in what rotation they will secure this training. What we hope to do is to get training every third year for every officer who keeps up his interest in the work and shows it by taking the winter correspondence training. Substantially that is what we are trying to do by this.

Mr. BRATTON. Mr. President, will the Senator tell us what figure the Budget fixed for that particular item?

Mr. REED of Pennsylvania. The estimate of the Budget was $2,000,356.

Mr. BRATTON. So that even the figure fixed by the Senate Committee on Appropriations is in excess of the figure fixed by the Budget?

Mr. REED of Pennsylvania. An increase of over $115,000 for that item; yes.

Mr. BRATTON. That is all, Mr. President. I thank the Senator.

Mr. DILL. Mr. President, does the amount reported in the Senate amendment meet the desires of the representatives of the Officers' Reserve?

Mr. REED of Pennsylvania. No, Mr. President; I am confident in saying that it does not.

Mr. DILL. They are in favor of the amount passed by the House?

Mr. REED of Pennsylvania. They would like an increase, just as the National Guard would like an increase, and the Regulars would like an increase. It is desired all along the line. We can not in any case meet the expressed desires of the representatives of the various organizations. We tried, however, to be impartial, because we believe in the Organized Reserves.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, under the subhead "Pay of Military Academy," on page 51, line 15, after the figures "$4,000," to insert "constructing quartermaster, in addition to his regular pay, $1,000"; and at the end of line 18, after the words "in all," to strike out "$50,192" and insert "$51,192," so as to read:

Permanent establishment: For eight professors, $30,500; chaplain, $4,000; constructing quartermaster, in addition to his regular pay, $1,000; additional pay of professors and officers for length of service, $11,750; subsistence allowance of professors and officers, $3,942; in all, $51,192.

The amendment was agreed to.

The next amendment was, under the subhead "Militia Bureau, National Guard, arming, equipping, and training the National Guard," on page 54, at the end of line 12, to increase the appropriation for compensation of help for care of materials, animals, and equipment from $2,328,553 to $2,436,300.

The amendment was agreed to.

Mr. WILLIS. Mr. President, I desire the attention of the Senator from Pennsylvania. Is it the desire of the Senator to complete the consideration of committee amendments first? I wish to interrogate him about a proposed amendment on page 55.

Mr. REED of Pennsylvania. If it is to a committee amendment, I shall be glad to have it offered now.

Mr. WILLIS. No; it is not to a committee amendment. I desire to know whether we are proceeding under an understanding that we are to complete the committee amendments first. Is that the idea?

Mr. REED of Pennsylvania. Yes; that is the unanimous-consent agreement.

Mr. WILLIS. I was not present at the time the agreement was made. Very well, then; we will return to these matters for individual amendments.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Arms, uniforms, equipment, etc., for field service, National Guard," on page 56, line 8, after the word "use," to strike out "$5,180,650" and insert "$5,263,150," so as to read:

To procure by purchase or manufacture and issue from time to time to the National Guard, upon requisition of the governors of the several States and Territories, or the commanding general, National Guard of the District of Columbia, such military equipment and stores of all kinds and a reserve supply thereof, including horses conforming to the

Regular Army standards for use of the Cavalry, Field Artillery, and mounted organizations of the National Guard, as are necessary to arm, uniform, and equip for field service the National Guard of the several States, Territories, and the District of Columbia, and to repair such of the aforementioned articles of equipage and military stores as are or may become damaged when, under regulations prescribed by the Secretary of War, such repair may be determined to be an economical measure and as necessary for their proper preservation and use, $5,263,150, of which not less than $734,288 shall be available only for the production and purchase of new airplanes and their equipment, spare parts, and accessories—

And so forth.

The amendment was agreed to.

The next amendment was, under the subhead "Organized Reserves," on page 57, at the end of line 7, to reduce the appropriation for pay and allowances of members of the Officers' Reserve Corps on active duty for not exceeding 15 days' training from $2,657,000 to $2,125,600; at the end of line 13 to increase the appropriation for mileage, reimbursement of actual traveling expenses, or per diem allowances in lieu thereof, as authorized by law, for Organized Reserves from $371,750 to $390,344; and at the end of line 18 to change the total appropriation for the officers of the Reserve Corps from $3,702,302 to $3,189,496.

Mr. THOMAS. Mr. President, I desire to offer three amendments changing the three sets of figures having to do with the appropriation for the reserves, but I take it that I can submit this amendment as one amendment, because it has to do with the desire of the national reserve organization.

Mr. REED of Pennsylvania. Mr. President, I ask the Senator to withhold his amendments until the committee amendments have been considered.

The VICE PRESIDENT. The amendments are to the committee amendments.

Mr. REED of Pennsylvania. Very well.

Mr. THOMAS. On page 57, in line 7, I move to strike out the committee amendment figures "$2,125,600" and substitute therefor "$2,583,667."

To make that amendment harmonious, I move, in line 13, on the same page, to strike out the committee amendment "$390,-344" and insert in lieu thereof "$463,614."

Then in the total, in line 18, I move to strike out the committee amendment in the sum of $3,189,496 and substitute $3,720,833.

Mr. REED of Pennsylvania. I make the point of order that no estimate has been received for the increases covered by the amendments.

The VICE PRESIDENT. The amendments are in order, since they do not increase the total in the bill. Is there objection to the consideration of the three amendments as one?

Mr. REED of Pennsylvania. Mr. President, I understand that they do increase the total in the bill.

Mr. THOMAS. They do not increase the total carried by the House, Mr. President.

The VICE PRESIDENT. Is there objection to the consideration of the three amendments as one? The Chair hears none.

Mr. REED of Pennsylvania. Mr. President, a parliamentary inquiry. What was the request?

Mr. THOMAS. That these three amendments be considered as one, because they tend to the one purpose.

Mr. President, there are something in excess of 120,000 reserve officers. It is thought by that organization that 20 per cent of those men should be trained annually. If this organization is worthy of continuance as a part of our national defense for war, it occurs to me that 20 per cent is not too much to ask to have trained each year. If it is not to be maintained, if 20 per cent is too large a number, then it occurs to me that the entire organized reserves should be abolished. If they can not be trained at the rate of one-fifth of that number each year, then it occurs to me that they are not worth training at all.

The Budget, I understand, makes allowance for 16,000. The reserve association went before the House committee and asked for a training allowance for 20,000. On the floor of the House they increased that to 20,000, and the bill comes to this body with an appropriation sufficient to train 20,000 reserve officers this year. The Senate committee seeks to cut that down to approximately 16,000.

At this time I desire to have read a letter addressed to me by the president of the National Reserve Officers' Association, which sets forth the ideas of that organization. I send the letter to the desk and ask that it be read.

The VICE PRESIDENT. Without objection, the letter will be read.

The Chief Clerk read as follows:

RESERVE OFFICERS' ASSOCIATION OF THE UNITED STATES,
Washington, D. C., February 27, 1928.

DEAR SENATOR: I ask your indulgence in a matter which I believe of serious importance in the national defense.

Page 57, H. R. 10286, the War Department appropriation bill, provides for the Organized Reserves by reducing the amount for pay and allowances for reserve officers on active duty not exceeding 15 days' training. The Senate committee has eliminated the training of 4,000 officers that was provided for by the Wurzbach amendment in the House, thus reducing the total number of such trainees from 20,000 to 16,000.

This is less than was provided for in the fiscal years 1927 and 1928 by 382, being the first setback the Organized Reserves ever received in the number to be trained.

Reserve training has been the subject of serious discussion in the House by a decisive vote of approximately 3 to 1 (268–95). It declared for the training of 20,000 reserve officers for the next training period.

The American Legion, which has as one of its objects the maintenance of adequate national defense is on record as favoring training for 20,000 reserve officers annually.

The recommendation to train 20,000 reserve officers annually was agreed to by unanimous vote after careful survey of the situation at the last annual convention of the Reserve Officers' Association of the United States at Milwaukee last October.

Even at this rate, if only combat officers were trained, it would only give two weeks' training once in three years, as the reserve contains approximately 60,000 combat officers. With the training available of all branches, however, it is available but once in something over five years, the period of an officer's appointment. We submit that a less amount of training will render impotent and valueless the reserve component of the Army of the United States, which, in time of an emergency, constitutes 85 per cent of the entire force.

If the committee report is adopted by the Senate, it will work an injustice to thousands of reserve officers whose commissions are about to expire, and require renewal during the current year, by reason of not being given the opportunity to secure the required hours of credit to qualify for either promotion or reappointment.

The bulk of the Officers' Reserve Corps are seasoned war veterans. They are giving to the country patriotic service in time, money, and knowledge learned in active warfare. They receive no pay, expense, or allowance of any kind for time devoted to correspondence school courses, study, instruction meetings, etc.

The national defense act is sweeping and comprehensive; but if it is not vitalized, if the Congress withholds its support for training the citizens' component, it must fail of its purpose.

Major General Summerall, Chief of Staff of the Army, is on record as stating, in effect, the country would require 220,000 to make fully effective the War Department's mobilization plan or six field armies, as contemplated by the national defense act. We are developing less than one-half the required number, and giving them only the slightest encouragement.

Through mistake or inadvertence the House failed to provide a sum sufficient for mileage for 20,000 officers. I therefore suggest if the Senate does not desire to increase the sum required for training in the bill as it came from the House, that it divide the sum of $531,400, added by the House, into two items, namely, "pay and allowances" and "mileage," for we find that unless a proportionate fund for mileage purposes is provided, the pay and allowance sum added by the House will not be available or expendable. The division of the sum as suggested would provide training for 3,448 officers, $458,067 should be set aside as pay and allowances, and the sum of $73,270 as mileage.

I appeal to you upon behalf of this patriotic band of citizens, the youngsters going into the reserves through the citizens' military training camps and Reserve Officers' Training Corps, and those who have served in the World War who are able, ready, and willing to help this country provide a citizens army upon which the country must largely depend in a major emergency.

I urge you not to render their efforts futile and unavailing, but to afford such recognition and assistance as will keep up their morale and interest.

To provide the training requested only requires about one-half of 1 per cent of the fund appropriated annually for national defense.

It is the most economical, democratic policy our country has ever advanced for being in a position of readiness.

If it can not be developed into a dependable strength, then any money spent on it is wasted, and it would seem the plan had best be abandoned altogether.

Sincerely yours,

ROY HOFFMAN,
Brigidier General, Infantry Reserve, President.

Mr. HAYDEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Arizona?

Mr. THOMAS. I yield.

Mr. HAYDEN. I would like to state to the Senate that I have been personally acquainted with Roy Hoffman, who wrote the letter which has just been read, for nearly 20 years, beginning with the time when we first attended the national rifle matches together at Camp Perry, Ohio. No man in America has devoted his time and talents to a public cause with greater benefit to the Nation than has General Hoffman. I am sure that what he asks in that letter comes from a sincere desire to be of service to his country.

As I understand the effect of the amendment proposed by the Senator from Oklahoma, it is not to change the total amount of money carried in the bill but to reduce the amount as proposed by the House of Representatives for the training of officers by enough to add a sum sufficient to provide for the payment of mileage whereby they may be able to attend the training camps. In other words, the House, in voting the pay and allowances for the training of 20,000 reserve officers, unfortunately failed to appropriate the money necessary to pay the mileage necessary to take them to the camps. To correct the situation in which we find ourselves, without changing the total amount carried in the bill, it is proposed to reduce the amount for pay and allowances, and increase the amount for mileage, so that an additional number of reserve officers can be trained.

I am firmly convinced that no greater value can be obtained from the expenditures of money for national defense than through the training of officers of the Organized Reserves, and I hope that the amendment offered by the Senator from Oklahoma will prevail.

Mr. THOMAS. Mr. President, the amendment submitted by me carries out the request of the National Reserve Officers' Association. The letter just read was prepared by General Hoffman, at the present time the president of that association. General Hoffman was a brigadier general in the World War and led a division in France.

This amendment would not increase the amount of money carried by the bill as it passed the House. It would rearrange the appropriation. If the amendment I have offered shall prevail, it will provide for the training of 19,348 officers. The request of the association was for the training of 20,000, but the matter has gotten into such shape that in order to get the amendment adopted and not increase the amount carried by the bill as it passed the House, it is necessary to rearrange the figures so as to provide for the training of only 19,348 officers.

I submit this amendment in behalf of the National Reserve Officers' Association, which is composed of units from every State. As a rule, that organization is made up of men who saw service in the recent World War. In addition to those men, it takes into its organization National Guard officers, likewise graduates of our colleges who are trained in military tactics. It occurs to me that if we are to maintain this branch of the national defense, it must be adequately and properly taken care of. At the present time there is a bill pending before Congress proposing to incorporate this association as a national organization under the authority of Congress.

I move the adoption of the amendment.

Mr. REED of Pennsylvania obtained the floor.

Mr. SHIPSTEAD. Mr. President, will the Senator yield for a question?

Mr. REED of Pennsylvania. I yield.

Mr. SHIPSTEAD. Under this appropriation would there be provision for the training of officers of the Reserve Corps of the Air Force?

Mr. REED of Pennsylvania. The appropriation for the training of the officers in the Air Corps Reserve will be found on page 59. The Senator will see that we have found an unexpended balance, which we can reappropriate, providing $425,000 additional for that training.

Mr. SHIPSTEAD. Mr. President, I would like to ask the Senator another question, if he will yield.

Mr. REED of Pennsylvania. I yield.

Mr. SHIPSTEAD. I have always thought that the Reserve Officers' Training Corps was the most important part of our Military Establishment in time of peace. It is a peace organization, training officers for emergencies, and the last emergency showed that our weakness lay in the lack of officers. I can not understand why so small a sum has been provided for that very important branch out of this tremendously large appropriation for military purposes. I suppose the committee have some valid reason for their action and I would like to have the Senator state why so little has been provided for that important branch of the service. I think it is the most important branch in the Military Establishment.

Mr. REED of Pennsylvania. If the Senator means the Reserve Officers' Training Corps, that comes under a totally different item, which he will find begining on page 60. The Senator will observe that we have slightly increased the appropriation for the Reserve Officers' Training Corps. He will see that on page 62 there is provided $2,970,000 for the Reserve Officers' Training Corps, in addition to the amounts provided for the Organized Reserves.

Mr. TYDINGS. Mr. President, while the Senator from Pennsylvania is on his feet I would like to ask him if there will not be a deficit created, as far as armory drills are concerned, under the bill as reported?

Mr. REED of Pennsylvania. That comes under another item, but I am glad to explain it, if the Senator wishes, though we have already passed this item.

The appropriation for armory drills, as appears on page 55 of the bill, is $10,700,000. The estimate of the Bureau of the Budget was in that amount. The appropriation last year was $9,498,000, so that we have increased the appropriation for this item by over $1,200,000. Nevertheless, that probably will be insufficient. We thought that it might be possible to get a supplemental estimate which would take care of that, and application was made to the Bureau of the Budget, but I understand that it was refused, on the ground that it was not yet possible to determine the exact amount that should be appropriated. Therefore it was thought best to do as we did in the present year—allow the deficiency to be taken care of in the last deficiency bill.

Mr. TYDINGS. I thank the Senator.

Mr. REED of Pennsylvania. I might say, just to finish the statement, that there is no disposition that I can discover, either in the War Department or in the Bureau of the Budget, to reduce the number of armory drills below 48 each year. That seems to be an accepted, settled policy.

Mr. BAYARD. Mr. President, I would like to ask the Senator on that very point whether this would insure a minimum of 48 drills?

Mr. REED of Pennsylvania. We can not insure it, because we do not know how many men are coming out for the early drills each year, but it is a settled policy, as far as we are able to have one, in the Appropriations Committee, in the War Department, and in the Bureau of the Budget to provide each year for 48 drills.

Mr. BAYARD. There was a suggestion made by the Senator a moment ago that the second deficiency bill would take care of the resetting of these figures. That, I suppose, will insure a minimum of 48 drills.

Mr. REED of Pennsylvania. Yes; absolutely; and we would have been glad to provide for it here, but neither the department, the Militia Bureau, nor the Bureau of the Budget could tell us how much to put in for that purpose.

Just a word on this amendment about the Organized Reserves. It is true that there were 110,014 officers commissioned in the Reserve Corps at the end of the last fiscal year. When we speak of training 16,000 a year, that does not seem like a large percentage. But let us consider the figures that go to make up that 110,000.

To begin with, more than 10 per cent of them, or 11,711 officers, are in the Medical Reserve. They are doctors. They are being trained every day of their lives, and they do not need to be called out to camp to train them to do doctoring.

We find that 4,630 of the officers are dentists, and we do not need to call them to camp in the summer to teach them dentistry. They are practicing that every day.

There are 1,079 veterinary surgeons, and they are practicing their profession as the days go by and do not need to be called to camp for that purpose.

There are 1,215 chaplains, and presumably they are pious men throughout the year and do not need to receive an accession of virtue by being called to a summer camp.

There are 6,903 of these officers commissioned in the Air Corps, and very liberal provision has been made to keep up their training throughout the year by giving them flying training in regular Army planes. We provide for all the expense of that in another place in this bill.

So when we get the number reduced down to those who really need the summer training we find that it is largely limited to the combatant groups. There are, I may be permitted to say, 10,652 of these officers in the Quartermaster Corps. Many of them will be used in the service of procurement, and we can not give them in any summer camp training in buying millions of blankets and that kind of necessary wartime training.

When we get down to the "brass tacks" of the situation we find that there are 32,000 Infantry officers, 3,900 Cavalry officers, almost 11,000 Field Artillery officers, and 4,800 Coast

Artillery officers. Those are officers of the Reserve Corps who need the summer camp training. The total is less than 60,000.

I yield to nobody in my admiration for the reserve officers as a part of the Army of the United States. Only the fact that the Constitution compelled it made me surrender my own commission in the Field Artillery Reserve. I was proud of it. I would be glad to hold to it as long as they think me of any use.

I know General Hoffman, of whom the Senator from Arizona [Mr. HAYDEN] has spoken so highly, and I admire him and I admire the work he is doing. He is a source of great inspiration for the Officers' Reserve Corps. But he is like everybody else in the Army in that he wants more for his particular branch of it than the needs of the Treasury will permit us to give. We might call in the chief of any branch, beginning with the Air Corps and going right down through the list, and each one would tell us that he needs more money in order to keep his branch perfectly efficient. Call in the head of the Militia Bureau and he would tell us the same thing about the National Guard. Call in the Chief of Staff and he could point to 20 places where he wants more money.

Constantly that kind of application is made. We have tried to strike a fair balance among them. Of less than 60,000 officers in the line branches we have provided for the training of 16,000 each year. If we eliminate the deadwood, the old fellows like myself whose military days are well along toward their conclusion and who ought not to have money wasted on them for summer training now, it will be found that under the appropriation we can each year train about one line officer in three. In other words, each officer will get training every three years.

We have fixed the amount at substantially exactly what it was last year in the hope that we will train about 16,400 officers with the money. If we keep that situation stable, then the department can count on a regular roster for training, the officers themselves can make their arrangements in advance, and we will have a stabilized system that will give us the best results. But if we are going to be impulsive each year, because we have a host of friends in the Reserve Corps, and each of us has, and because we admire General Hoffman, and each of us does, if we are going to take away all semblance of system in the thing, and we are going to find that finally the department will say that we are getting beyond the place where they can give useful training and make good use of the money which we are appropriating.

I hope that the judgment of the committee will be sustained by the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Oklahoma [Mr. THOMAS] to the amendment of the committee.

Mr. THOMAS. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BINGHAM. Mr. President, I should like to call the attention of Senators to one or two sentences that appear in the hearings before the Senate committee. Under the head of "Organized Reserves" General Summerall, the Chief of Staff, when asked by the chairman of the committee about the increases, said:

> The War Department estimate, approved by the Bureau of the Budget, provided for the training of 15,125 reserve officers for 15 days or less.
>
> Senator REED of Pennsylvania. That is a reduction from last year, is it?
>
> General SUMMERALL. Yes, sir. That reduction was made by reason of the necessity for reimbursing the supply branches of the Army for wear and tear on equipment used in reserve training and because of the increased cost of flying training for officers flying on an inactive status and for those undergoing flying training incident to their training for not more than 15 days. The House committee recommended 16,000.

On page 21 of the hearings we find a table showing reserve officers trained for 15 days, which shows that in the fiscal year 1926 there were 16,237, for the fiscal year 1927 there were 16,889, and for the fiscal year 1928 provided for in the appropriation, 16,382.

The amount which is approved by the House committee will probably take care of 16,500. That is the amount approved by the Senate committee. It seems inadvisable to increase the amount, for this reason: While there were some 19,000 officers applied, yet two or three thousand of them had done practically no work during the wintertime when they take their correspondence courses, had not prepared themselves for their study as officers, but would, nevertheless, enjoy a 15-day vacation in camp at Government expense. We all appreciate that fact, but it did not seem wise to the committee to provide training for more officers than were willing to spend their time during the winter, under the Army officers who were assigned to their corps areas, in preparing themselves for their work in camp. The work in camp is only a small part of the training of the reserve officers and the committee believes that the amount provided for in the bill would continue the work of training as it has been going on in the last three or four years and would take care of all the officers likely to apply and able to qualify to take the work.

Mr. HAYDEN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Arizona?

Mr. BINGHAM. I yield.

Mr. HAYDEN. Would the Senator from Connecticut say that any officer who had not performed the proper amount of study during the winter should be permitted by those in authority to attend one of the training camps?

Mr. BINGHAM. No; that has not been the policy of the War Department. They have sent a number of those who have not done any training in the winter, whom they thought did not need that training, and have permitted them to go to camp. But the bill as it passed the House provides for more officers to be sent than have ever applied and, as the Senator from Pennsylvania [Mr. REED] has well said, there are only some 60,000 of the reserve officers who are actually in those branches of the Army which need the summer camp training. Of them, quite a number would never apply for it in any case. The bill as approved by the committee permits these officers to get the training once in three years if they choose, and no larger number of the men has ever applied.

Mr. HAYDEN. I fail to see how the Senator can multiply 16,000 by 3 and get 60,000 as the result.

Mr. BINGHAM. The Senator evidently did not hear the statement of the Senator from Pennsylvania that quite a number of these officers have already passed the age when they are really effective trainees or desire to go to camp.

Mr. FLETCHER. Mr. President, as I understand the House provision, while it is taking care of 20,000 officers, it did not provide for mileage and other items for the 20,000, so that the Senate committee has fixed the number at 16,500, with the hope and the idea that 16,500 will be taken care of and provided with mileage and maintenance and all that sort of thing. It is thought that 16,500 will be accommodated in that way.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Oklahoma [Mr. THOMAS] to the amendment of the committee. On this the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the Senator from Idaho [Mr. GOODING] and vote "nay."

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT]. I understand that on this question he would vote as I am about to vote, so I am at liberty to vote. I vote "nay."

Mr. TYSON (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. GOFF]. I transfer my pair to the junior Senator from New Jersey [Mr. EDWARDS] and vote "yea."

Mr. COPELAND (when Mr. WAGNER'S name was called). My colleague, the junior Senator from New York [Mr. WAGNER] is absent with the Coal Investigating Committee. If he were here and permitted to vote, he would vote "yea."

The roll call was concluded.

Mr. MCKELLAR. I wish to state that the Senator from West Virginia [Mr. NEELY] is unavoidably absent. If present, he would vote "yea."

Mr. GERRY. I desire to announce that the junior Senator from Montana [Mr. WHEELER] is necessarily detained on business of the Senate, being in attendance upon the special committee which is investigating conditions in the coal fields of Pennsylvania.

I also desire to announce that the junior Senator from Kentucky [Mr. BARKLEY], the senior Senator from Missouri [Mr. REED], the junior Senator from Missouri [Mr. HAWES], and the senior Senator from South Carolina [Mr. SMITH] are unavoidably absent. If the junior Senator from Kentucky were present, he would vote "yea."

The result was announced—yeas 52, nays 22, as follows:

YEAS—52

Ashurst	Copeland	Edge	Glass
Black	Couzens	Ferris	Hale
Blease	Cutting	Fess	Harris
Bratton	Dale	Frazier	Harrison
Brookhart	Deneen	George	Hayden
Caraway	Dill	Gerry	Heflin

Howell	Norbeck	Shipstead	Thomas
Johnson	Nye	Shortridge	Tydings
La Follette	Overman	Simmons	Tyson
McKellar	Pittman	Steck	Walsh, Mass.
McMaster	Sackett	Steiwer	Walsh, Mont.
Mayfield	Schall	Stephens	Waterman
Moses	Sheppard	Swanson	Willis

NAYS—22

Bayard	Capper	Keyes	Ransdell
Bingham	Curtis	McLean	Reed, Pa.
Blaine	Fletcher	McNary	Smoot
Borah	Greene	Metcalf	Warren
Broussard	Jones	Oddie	
Bruce	Kendrick	Phipps	

NOT VOTING—20

Barkley	Gooding	Norris	Smith
du Pont	Gould	Pine	Trammell
Edwards	Hawes	Reed, Mo.	Wagner
Gillett	King	Robinson, Ark.	Watson
Goff	Neely	Robinson, Ind.	Wheeler

So Mr. THOMAS's amendment to the amendment of the committee was agreed to.

The VICE PRESIDENT. The question is on agreeing to the committee amendment as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 58, line 2, after the word "publications," to insert "and blank books," so as to read:

Manuals: For purchase of training manuals, including Government publications and blank books, $20,000.

Mr. REED of Pennsylvania. Mr. President, that is a printer's error. The amendment should read "and blank forms," and I move to amend the committee amendment so to read.

The PRESIDENT pro tempore. In the absence of objection, the error will be corrected. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment was, on page 59, line 8, after the figures "1924," to strike out "$1,534,169" and insert "$1,539,650 and in addition thereto there is hereby reappropriated and made available for this purpose the sum of $425,000 of unexpended balances for 'Organized Reserves, 1926 and 1927,'" so as to make the paragraph read:

Headquarters and camps: For establishment, maintenance, and operation of divisional and regimental headquarters and of camps for training of the Organized Reserves; for miscellaneous expenses incident to the administration of the Organized Reserves, including the maintenance and operation of motor-propelled passenger-carrying vehicles; for the actual and necessary expenses, or per diem in lieu thereof, at rates authorized by law, incurred by officers and enlisted men of the Regular Army traveling on duty in connection with the Organized Reserves; for reimbursement for the use, including upkeep and depreciation costs, of supplies, equipment, and matériel furnished in accordance with law from stocks under the control of the War Department, except that not to exceed $194,087 of this appropriation shall be available for expenditure by the Chief of the Air Corps for the production and purchase of new airplanes and their equipment, spare parts, and accessories; for transportation of baggage, including packing and crating, of reserve officers on active duty for not less than six months; for medical and hospital treatment, continuation of pay and allowances not to exceed six months, and transportation when fit for travel to their homes of members of the Officers' Reserve Corps and Enlisted Reserve Corps of the Army injured in line of duty while on active duty under proper orders or while voluntarily participating in aerial flights in Government-owned aircraft by proper authority as an incident to their military training, and for the preparation and transportation to their homes and burial expenses of the remains of members of the Organized Reserves who die while on active duty, as provided in section 4 of the act of June 3, 1924, $1,539,650 and in addition thereto there is hereby reappropriated and made available for this purpose the sum of $425,000 of unexpended balances for "Organized Reserves, 1926 and 1927": *Provided*, That not to exceed $100,000 of this amount may be used for establishment and maintenance of divisional and regimental headquarters.

The amendment was agreed to.

The next amendment was, under the subhead "Citizens' Military Training, Reserve Officers' Training Corps," on page 62, line 15, after the word "vehicles," to strike out "$2,953,500" and insert "$2,970,000"; so as to read:

CITIZENS' MILITARY TRAINING

RESERVE OFFICERS' TRAINING CORPS

For the procurement, maintenance, and issue, under such regulations as may be prescribed by the Secretary of War, to institutions at which one or more units of the Reserve Officers' Training Corps are maintained, of such public animals, means of transportation, supplies, tentage, equipment, and uniforms as he may deem necessary, including cleaning and laundering of uniforms and clothing at camps; and to forage, at the expense of the United States, public animals so issued, and to pay commutation in lieu of uniforms at a rate to be fixed annually by the Secretary of War; for transporting said animals and other authorized supplies and equipment from place of issue to the several institutions and training camps and return of same to place of issue when necessary; for purchase of training manuals, including Government publications and blank forms; for the establishment and maintenance of camps for the further practical instruction of the members of the Reserve Officers' Training Corps, and for transporting members of such corps to and from such camps, and to subsist them while traveling to and from such camps and while remaining therein so far as appropriations will permit or, in lieu of transporting them to and from such camps and subsisting them while en route, to pay them travel allowance at the rate of 5 cents per mile for the distance by the shortest usually traveled route from the places from which they are authorized to proceed to the camp and for the return travel thereto, and to pay the return travel pay in advance of the actual performance of the travel; for reimbursement for the use, including upkeep and depreciation costs, of supplies, equipment, and matériel furnished in accordance with law from stocks under the control of the War Department; for pay for students attending advanced camps at the rate prescribed for soldiers of the seventh grade of the Regular Army; for the payment of commutation of subsistence to members of the senior division of the Reserve Officers' Training Corps, at a rate not exceeding the cost of the garrison ration prescribed for the Army, as authorized in the act approved June 3, 1916, as amended by the act approved June 4, 1920; for medical and hospital treatment, subsistence until furnished transportation, and transportation when fit for travel to their homes of members of the Reserve Officers' Training Corps injured in line of duty while at camps of instruction under the provisions of section 47a and section 47d of the national defense act approved June 3, 1916, as amended; and for the cost of preparation and transportation to their homes and burial expenses of the remains of members of the Reserve Officers' Training Corps who die while attending camps of instruction as provided in section 4 of the act approved June 3, 1924; and for the cost of maintenance, repair, and operation of passenger-carrying vehicles, $2,970,000, to remain available until December 31, 1929.

The amendment was agreed to.

The next amendment was, on page 63, line 15, after the word "thereat," to strike out the following proviso:

Provided further, That none of the funds appropriated in this act shall be used for the purpose of employment of hostesses for the citizens' military training camps.

The amendment was agreed to.

The next amendment was, under the subhead "Citizens' military training camps," on page 65, line 17, after the figures "1929," to insert "and this sum shall be available for training not to exceed 40,000 trainees," so as to read:

in all, $2,801,240, to remain available until December 31, 1929, and this sum shall be available for training not to exceed 40,000 trainees.

The amendment was agreed to.

The next amendment was, under the subhead "National Board for Promotion of Rifle Practice, Army national matches," on page 67, line 2, after the figures "1927," to insert "except the pay and allowances of officers and the pay, allowances, and subsistence of enlisted men of the Regular Army, Navy, and Marine Corps, who are on duty in any capacity in connection with the national matches and Small Arms Firing School, which pay and allowances and pay, allowances, and subsistence, respectively, shall be paid from other funds appropriated for that purpose," and on page 68, line 22, after the name "Secretary of War," to strike out "$500,000" and insert "there is hereby reappropriated the sum of $500,000 of unexpended balances of appropriations and in amounts as follows: 'Citizens' military training camps, 1925,' $100,000; 'Reserve Officers' Training Corps, 1925,' $290,000; 'Reserve Officers' Training Corps, 1926,' $110,000," so as to make the paragraph read:

For every expenditure requisite for and incident to the conduct of the national matches and the maintenance and operation of the Small Arms Firing School held in conjunction therewith as authorized by section 113 (c) of the national defense act (act of June 3, 1916, as amended by the act of June 7, 1924, and February 14, 1927), except the pay and allowances of officers and the pay, allowances, and subsistence of enlisted men of the Regular Army, Navy, and Marine Corps, who are on duty in any capacity in connection with the national matches and the Small Arms Firing School, which pay and allowances and pay, allowances, and subsistence, respectively, shall be paid from other funds appropriated for that purpose, including procurement and installation of equipment, ammunition, supplies, materials, flooring and frames for tents, construction of shooting galleries, and shelters for rifle practice; nonstructural improvements; repairs and alterations to buildings, water system, sewer and lighting systems; repairs and alterations to equipment and supplies; communication service; pay and

allowance of officers and enlisted men of the National Guard participating in the national matches and the Small Arms Firing School from the date of departure from their homes to the date of return thereto; pay and allowance of reserve officers called to active duty in connection with the national matches and the Small Arms Firing School; personal and nonpersonal services; subsistence, including commutation of rations to authorized teams from the National Guard, Organized Reserve, Reserve Officers' Training Corps, citizens' military training camps, and civilian teams representing the States and including the enlisted men of teams from the Regular Army from the date of departure from their homes or stations to the date of return thereto at the rate not exceeding $1.50 per day each; transportation, including repair, operation, and maintenance of motor-propelled and animal-drawn vehicles; travel of authorized teams representing the Regular Army, National Guard, Organized Reserve, Reserve Officers' Training Corps, citizens' military training camps, and civilian teams representing States, including officers and enlisted men of the Regular Army; travel of commissioned and enlisted personnel of the Regular Army; National Guard, and Organized Reserve on duty in connection with the national matches and the Small Arms Firing School, including mileage of officers; reimbursement of travel expenses or allowance in lieu thereof as authorized by law for officers of the Regular Army and Organized Reserve; travel of civilian employees to and from the national matches, including a per diem allowance in lieu of subsistence while traveling to and from said matches and while on duty thereat; all to be expended under the direction of the Secretary of War, there is hereby reappropriated the sum of $500,000 of unexpended balances of appropriations and in amounts as follows: "Citizens' military training camps, 1925," $100,000; "Reserve Officers' Training Corps, 1925," $290,000; "Reserve Officers' Training Corps, 1926," $110,000.

The amendment was agreed to.

The next amendment was, under the subhead "Quartermaster Corps, national cemeteries," on page 72, after line 2, to insert:

Chalmette National Cemetery, La.: For moving and construction of buildings, preparing new addition for interments, reinterments, and necessary changes and improvements incident to providing a right of way through the Chalmette National Cemetery, Chalmette, La., for the construction of a new levee by the State of Louisiana, $32,000.

The amendment was agreed to.

The next amendment was, under the subhead "Gettysburg National Military Park," on page 77, line 14, to strike out "$48,841" and insert "$53,026," so as to make the paragraph read:

GETTYSBURG NATIONAL MILITARY PARK

For continuing the establishment of the park; acquisition of lands, surveys, and maps; constructing, improving, and maintaining avenues, roads, and bridges thereon; fences and gates; marking the lines of battle with tablets and guns, each tablet bearing a brief legend giving historic facts and compiled without censure and without praise; preserving the features of the battle field and the monuments thereon; compensation of superintendent, clerical and other services, expenses, and labor; purchase and preparation of tablets and gun carriages and placing them in position; maintenance, repair, and operation of a motor-propelled passenger-carrying vehicle, and all other expenses incident to the foregoing, $53,026.

The amendment was agreed to.

The next amendment was, under the subhead "National monuments," on page 80, line 12, after the figures "$25,000" so insert a colon and the following proviso:

Provided, That not to exceed $5,000 of this sum may be expended for the purchase of plans, drawings, and specifications for the erection of this monument by open competition, under such conditions as the commission may prescribe.

The amendment was agreed to.

The next amendment was, under the subhead "Construction and maintenance of roads, bridges, and trails, Alaska," on page 83, line 4, after the word "amended," to strike out "$590,000" and insert "$900,000," so as to make the paragraph read:

For the construction, repair, and maintenance of roads, tramways, ferries, bridges, and trails, Territory of Alaska, to be expended under the direction of the board of road commissioners described in section 2 of an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes," approved January 27, 1905, as amended by the act approved May 14, 1906, and to be expended comformably to the provisions of said act as amended, $900,000, to be available immediately.

The amendment was agreed to.

The next amendment was, under the subhead "Rivers and harbors," on page 83, line 23, after the name "Miami Harbor," to strike out "as provided under the rivers and harbors act passed March 3, 1925, in accordance with House Document 516, the sum of" and insert "under the provisions of the river and harbor act approved March 3, 1925, $605,000," so as to make the paragraph read:

Harbor reimbursement: To pay the city of Miami, out of any funds available in the Treasury not otherwise appropriated, for part reimbursement of the $1,605,000 advanced or loaned to the Government by said city for the improvement of Miami Harbor, under the provisions of the river and harbor act approved March 3, 1925, $605,000.

The amendment was agreed to.

The next amendment was, on page 84, at the end of line 21, to strike out "$55,886,310" and insert "$52,000,000," so as to make the paragraph read:

For the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation; for survey of northern and northwestern lakes, Lake of the Woods, and other boundary and connecting waters between the said lake and Lake Superior, Lake Champlain, and the natural navigable waters embraced in the navigation system of the New York canals, including all necessary expenses for preparing, correcting, extending, printing, binding, and issuing charts and bulletins and of investigating lake levels with a view to their regulation; for examinations, surveys, and contingencies of rivers and harbors, provided that no funds shall be expended for any preliminary examination, survey, project, or estimate not authorized by law; and for the prevention of obstructive and injurious deposits within the harbor and adjacent waters of New York City, for pay of inspectors, deputy inspectors, crews, and office force, and for maintenance of patrol fleet and expenses of office, $52,000,000.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. McKELLAR. I wish to make a statement about this particular item.

Mr. SHIPSTEAD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst	Edwards	La Follette	Sheppard
Bayard	Ferris	McKellar	Shipstead
Bingham	Fess	McLean	Shortridge
Black	Fletcher	McMaster	Simmons
Blaine	Frazier	McNary	Smoot
Blease	George	Mayfield	Steck
Borah	Gerry	Metcalf	Steiwer
Bratton	Gillett	Moses	Stephens
Brookhart	Glass	Neely	Swanson
Broussard	Gould	Norbeck	Thomas
Bruce	Greene	Norris	Tydings
Capper	Hale	Nye	Tyson
Caraway	Harris	Oddie	Walsh, Mass.
Copeland	Harrison	Overman	Walsh, Mont.
Couzens	Hayden	Phipps	Warren
Curtis	Heflin	Pittman	Waterman
Cutting	Howell	Ransdell	Watson
Dale	Johnson	Reed, Pa.	Willis
Deneen	Jones	Robinson, Ind.	
Dill	Kendrick	Sackett	
Edge	Keyes	Schall	

The PRESIDENT pro tempore. Eighty-one Senators have answered to their names. A quorum is present.

Mr. McKELLAR. Mr. President, I merely wish recognition for a few moments. The House in the case of this item provided an appropriation of $55,886,310. That figure is taken from the War Department report. The department asked for that amount, or was about to ask for it, when the Budget Director and the President stated that they would not recommend more than the flat amount of $50,000,000. The estimate came to the House in that form. When, however, that item reached the House the House by an overwhelming majority of 3 or 4 to 1 restored the estimate of the department, namely, $55,886,310. In the consideration in the Senate committee an amendment was offered restoring the $50,000,000, as recommended by the Budget. That proposal was voted down. Then another Senator, the Senator from Washington [Mr. JONES], offered the amendment which now appears in the bill fixing the amount at $52,000,000. That amendment carried by a vote of 12 to 10, as I recall, with the privilege to those of us who did not agree to that figure to seek to change it on the floor of the Senate.

Mr. President, I think we ought to allow the full amount of $55,886,310 for a number of reasons. In the first place, I wish to read what the Chief of Engineers had to say about it:

Senator FLETCHER. You could advantageously and economically use this $55,800,000?

General JADWIN. We can use that economically and advantageously. It will all go on projects you have authorized, and on what we regard as the most pressing at this time.

Senator FLETCHER. Your estimate originally was cut, and the Budget cut it to $50,000,000; or, rather, your estimates provided for it?

General JADWIN. Our estimates provided for it.

Senator FLETCHER. In other words, it is not more than you could economically and advantageously use during the year?

General JADWIN. No, sir; it is just a matter of the expenditure of funds which we can spend economically and advantageously.

Mr. President, this work ought to go on. I think it is a mistaken policy to pare down the appropriations and to expend the money for this great purpose by piecemeal.

In addition to that, we have 4,000,000 people in this country without employment to-day; and it seems to me to be bad policy for the Government to be undertaking to cut down expenditures for public works. Instead of cutting them down, we ought to add to them, and give as much employment as possible to people in the country.

For these reasons, Mr. President, I hope that the committee amendment of $52,000,000 will be voted down, and the House provision restored.

Mr. HEFLIN. Mr. President, I heartily concur in what the Senator from Tennessee [Mr. MCKELLAR] has said. The House passed this provision by a vote of four to one. I have talked to some Members of the House about it. They are very much disappointed at the action that has been taken by the Senate committee. They are going to insist, and I think they ought to insist, on keeping the House provision in the bill.

Among other things that will be taken care of by this appropriation is money for surveys of streams in the interest of navigation, flood control, power development, and irrigation. The amount that has been stricken off leaves an inadequate sum to carry on this and other important work. The House figures ought to be restored; and I am going to vote to retain in the bill the provision placed there by the House. I do not think there is any good reason or excuse for this amendment of the Senate committee in the face of the strong statement of General Jadwin. He says this money is needed.

The Senator from Tennessee made a good suggestion—that in view of the fact that the army of the unemployed is increasing, the carrying on of this important Government work would also give employment to patriotic Americans, and at the same time carry on to completion meritorious Government projects in several States of the Union. I trust that the Senate will reject the committee amendment.

Mr. SWANSON. Mr. President, I should like to ask the Senator in charge of the bill, who is recognized as knowing what is likely to occur in case certain things are done, if this amount is reduced from $55,000,000 to $52,000,000, what undertakings will be abandoned by the War Department?

Mr. REED of Pennsylvania. Mr. President, nothing will be abandoned. The Budget allowance was $50,000,000. The House increased that by nearly $6,000,000 to the amount requested by the Chief of Engineers. In the committee we fixed it at $52,000,000, having in view what I shall state. Perhaps I am answering the question by approaching it the other way. We thought it was highly necessary that the full program of surveys be carried out. The $50,000,000 includes only one and a half million dollars for that, whereas the Chief of Engineers wanted $2,000,000. There was a half million dollar increase over the Budget that we thought might justifiably be made; so we put that on. Then we wanted to go as fast as possible in the improvement of the Missouri River up to Kansas City and to some extent beyond, but principally to Kansas City, because of the very obvious effect it will have on freight rates on the farm products that come from those regions. The Chief of Engineers figured that if he had $4,000,000 to put on that each year he could do the work in three years. The Budget allowed only $1,690,000; but he found that he could scrape up nearly a million dollars out of the funds that had been unexpended in prior years and were still available, making that about $2,600,000 or $2,700,000. We added to that another $1,000,000, so as to let him do the maximum of work possible in that improvement.

Mr. SWANSON. I was asking the Senator what would happen if the House appropriation were reduced from $55,000,000 to $52,000,000.

Mr. REED of Pennsylvania. I am contrasting what we did with the Budget allowance. The House took certain action on the item, too, but I am trying to show the Senator what it was that we did. That and the increase allowed for surveys made up the $52,000,000 arrived at by the committee.

If the Senator will look at the hearings before the Senate committee he will find, at pages 226 to 231, a long, detailed statement showing the difference in application of these two funds, the $50,000,000 fund and the $55,000,000 fund. It will answer his question; but to do so in detail would take a long time, because there are hundreds of items.

Mr. SWANSON. As I understand, the House gave $55,000,000, which included certain specific improvements.

Mr. REED of Pennsylvania. That is right.

Mr. SWANSON. The Budget recommended $50,000,000. The Senate committee reduced the House appropriation to $52,000,000. There is nothing imperative in this provision, nothing in the law to govern it, and does anyone know whose undertaking is to be eliminated if the $52,000,000 prevails?

Mr. REED of Pennsylvania. No; but we have heard from the Chief of Engineers.

Mr. SWANSON. But there is no assurance as to what he will do.

Mr. REED of Pennsylvania. Oh, yes. He has given us assurance of what he will do; and in order to avoid log-rolling and pork-barrel accusations——

Mr. SWANSON. Which I know the Senator is very much opposed to.

Mr. REED of Pennsylvania. Congress has very wisely put this matter in the discretion of the Chief of Engineers. He has come before us and told us what he proposes to do with the money if he gets it. There is no doubt about where the money will go, and all of that appears in these tables of which I speak.

Mr. SWANSON. Now, I should like to know this: Of course the harbors of this country and the approaches to them by channels facilitate cheap shipping of all agricultural products to foreign countries. Does this affect any of the ports on the Atlantic, Pacific, and Gulf coasts?

I think we have retarded the development of our harbors at the expense of exportation of goods on account of requiring the use of smaller ships instead of larger ones. I think that has reacted against the farmers and agriculturists. Does this affect the real, honest, genuine development of the harbors of this country so that they can have quick and cheap exportation of agricultural and other products?

Mr. REED of Pennsylvania. The bill as recommended by the Budget would provide $12,858,000 for seacoast harbors and channels.

Mr. SWANSON. Is that reduced by the committee's reduction to $52,000,000?

Mr. REED of Pennsylvania. No; I am speaking of the Budget. That is not changed by what we did.

Mr. SWANSON. Your reduction from $55,000,000 to $52,000,000 will not retard the development of these harbors?

Mr. REED of Pennsylvania. I have not finished. This will explain it:

If $55,000,000 is appropriated, $2,000,000 additional will be available for work on the seacoast harbors and channels. Fourteen million nine hundred and forty-two thousand dollars will be spent under the bill as it passed the House, as against $12,858,000 under the bill as reported by the Senate committee. It will make a difference of about $2,000,000 in the allowance for seacoast harbor work.

Mr. SWANSON. That is, they will be reduced to that extent?

Mr. REED of Pennsylvania. They will not be increased to that extent. Perhaps that is a better way to put it.

Mr. SWANSON. But if we accept your amendment in opposition to the House amendment, what will happen?

Mr. REED of Pennsylvania. It will make a difference of $2,000,000; yes.

Mr. SIMMONS and Mr. COPELAND addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Virginia yield; and if so, to whom?

Mr. SWANSON. I yield to the Senator from North Carolina.

Mr. SIMMONS. Mr. President, I desire to ask the Senator from Pennsylvania what harbors would lose by the elimination of this $2,000,000 that has been cut off of the appropriation for harbor work?

Mr. REED of Pennsylvania. Would the Senator like me to give a list of them?

Mr. SIMMONS. Yes; I would.

Mr. REED of Pennsylvania. The first difference would be in the work on the Thames River in Connecticut. The House bill would allow $50,000 more than the Senate bill for that work.

The next would be Norwalk Harbor, Conn., a difference of $10,000.

The next would be Jamaica Bay, N. Y., a difference of $200,000. The House bill would allow $1,000,000, whereas the Senate bill would allow $800,000.

The next would be the East River, N. Y., where the House bill would allow $1,685,000 and the Senate bill $1,375,000, a difference of $310,000.

The next would be Newtown Creek, N. Y., a difference of $10,000.

Harlem River, N. Y., a difference of $25,000.

Hudson River Channel, N. Y., a difference of $25,000.

Does the Senator want me to go down the whole list?

Mr. OVERMAN. Has the Senator got the figures for North Carolina?

Mr. SWANSON. I do not feel that I can yield to have the whole list given, Mr. President.

Mr. REED of Pennsylvania. I will come to North Carolina, if the Senator wishes.

Mr. SWANSON. I would suggest that the Senator from Pennsylvania furnish the list to the Senator from North Carolina.

Mr. FLETCHER. It is all detailed in the hearings.

Mr. SIMMONS. I know it is in the hearings, but not everybody has had an opportunity to read the hearings.

Mr. FLETCHER. The figures are printed in the RECORD.

Mr. SIMMONS. Not everybody has had an opportunity to read the RECORD.

Mr. SWANSON. Mr. President, I can not yield for that purpose. I understand that this is a table of three pages. I yield to the Senator, but not to have that entire statement read.

Mr. SIMMONS. Mr. President, I want to know now, in the time of the Senator from Virginia, if he controls the time, or I will know afterwards in my own time, exactly what harbors have been denied appropriations by reason of this cut made by the Senate committee.

Mr. REED of Pennsylvania. If the Senator will permit me, I will complete the list, so that it will be all at one place in the RECORD.

Mr. SWANSON. Will the Senator furnish to the Senator from North Carolina the items relating to North Carolina?

Mr. SIMMONS. Mr. President, I have not asked for the items relating to North Carolina; and I do not see why the Senator from Virginia, who is always asking for large river and harbor improvements, especially harbor improvements, should suspect that my interest was merely a local one when I ask the question in order that I may be myself informed who would lose through the cut made by the Senate committee from the $14,000,000 allowed by the House for river and harbor work.

Mr. SWANSON. Mr. President, in reply to that I will say that I am very anxious to know what is done for Virginia, because I know specifically in Virginia whether the committee does rightly or wrongly. I am not acquainted with the Atlantic. I am not acquainted with New York. I am not sufficiently acquainted to know whether they administer righteousness or wrong there. I should like to know, however, what items in Virginia are affected by this action. I have the report before me.

Mr. SIMMONS. Mr. President, the difference between the Senator from Virginia and myself is that the Senator seems to be interested only in Virginia, while I am interested in the harbors of the country.

Mr. SWANSON. The difference is that I say exactly what I think, while the Senator is using broader language than he really means.

Mr. SIMMONS. I shall be willing for the Senate to constitute a jury to determine that question between the Senator and myself.

Mr. SWANSON. It will be my pleasure to have that done. I know they would sustain me. I warn the Senator from North Carolina not to ask the Senate to be a jury.

What changes are proposed to be made in Virginia?

Mr. REED of Pennsylvania. Will not the Senator let me get to it in an orderly way?

Mr. SWANSON. Yes; proceed.

Mr. SIMMONS. Mr. President, I hope the Senator from Virginia will be given all the time he wants, but I am going to have all the time I want under the Senate rules.

Mr. SWANSON. Nobody can prevent the Senator from having it, and nobody will rejoice more than I in his having it, because the Senator always enlightens the Senate with a great deal of knowledge.

Mr. FLETCHER. May I suggest that the columns from which the Senator is reading give in detail the allotments under the $50,000,000 program and the allotments under the $55,800,000 program, but not the $52,000,000 program according to the amendment of the committee. I just wanted to explain these figures.

Mr. SIMMONS. I should like to have that explained, too.

Mr. FLETCHER. One is based on the $50,000,000 program that is recommended by the Budget, and the other is based on the $55,800,000.

Mr. SWANSON. I will give the Senator in a few minutes these figures which appear on page 227 of the hearings.

Mr. COPELAND. Mr. President, this is a very pleasant conversation, but some of the rest of us in the Chamber would like to hear it.

The PRESIDENT pro tempore. The Senator from New York desires that the Senator from Virginia and the Senator from North Carolina cease their exchange of confidences.

Mr. SIMMONS. Mr. President, I should be glad to have the Senator from New York take part in this conversation, as he always enlivens any conversation in which he participates.

Mr. SWANSON. The Senator from New York is not only good in conversation, but also in oratory, and I yield to him any time he requests.

I would like to ask the Senator from Pennsylvania another question. As I understand from the hearings, they have a basis of compromise between the $50,000,000 appropriation recommended by the Budget and the $55,000,000 appropriated by the House. I ask the Senator the question because I have not been able to find any basis for the distribution if we reduce the $55,000,000 to $52,000,000 and increase the $50,000,000 to $52,000,000.

Mr. REED of Pennsylvania. I tried to explain that to the Senator a little while ago. The committee was willing to find the additional money for that Missouri River improvement and for the completion of these surveys throughout the country. That, in substance, is the way we arrived at that compromise amount of $52,000,000.

Mr. SWANSON. As I understand, the committee takes the House provision, reduces it to $52,000,000, and then accepts the Budget estimate of $50,000,000 except so far as Kansas City is concerned?

Mr. REED of Pennsylvania. That was the thought of the committee, I believe.

Mr. SWANSON. As I understand, then, if this item of $52,000,000 goes through as the committee recommend, every other appropriation will be reduced on the basis of the $50,000,000, as contained in this report, except as to Kansas City?

Mr. REED of Pennsylvania. The general surveys will be permitted to the extent of $2,000,000.

Mr. SWANSON. Two million dollars will be permitted for simply general surveys, and the rest of the appropriation is to go for the Missouri River?

Mr. REED of Pennsylvania. The Senator has asked me what will be the effect on the State of Virginia. I can answer that in a word. The appropriation for the maintenance of Norfolk Harbor will not be changed. The appropriation for the improvement of Norfolk Harbor will be $50,000, as against $55,000, not a very substantial reduction. The Thimble Shoal Channel appropriation for maintenance will be unchanged. Under the bill as it passed the House, $580,000 would be spent on the improvement of the Newport News Channel and under the Senate committee amendment $520,000. On the James River we will spend $15,000 more under the bill as it passed the House, which gives $100,000 for improvement, and there will be $30,000 for maintenance under both schemes. That is all Virginia is interested in.

Mr. SWANSON. Will the Senator from Pennsylvania state to the Senator from North Carolina what the committee has done for North Carolina?

Mr. REED of Pennsylvania. I know the Senator from North Carolina is interested in the whole country.

Mr. SWANSON. I am interested in North Carolina also.

Mr. SIMMONS. Mr. President, as I understand, the sum total of the changes does not materially reduce the appropriations for the Virginia harbors.

Mr. REED of Pennsylvania. That is true.

Mr. SIMMONS. That satisfies the Senator from Virginia.

Mr. SWANSON. It does not complete the matter. What is the use spending $300,000 for a project when we lack $25,000 to complete it? That is a kind of picayune economy of which I do not approve. I am interested in North Carolina. I love North Carolina. Next to Virginia, there is no State I love more. I would like to have the Senator from Pennsylvania state what the committee has done for North Carolina.

Mr. SIMMONS. I am glad that the Senator, having heard from Virginia, and all the news being good, feels so kindly toward North Carolina, and I hope that when the Senator from Pennsylvania shall read the list of cuts in North Carolina, it will not be shown that they are any more disastrous than the little cuts that were made in Virginia.

Mr. SWANSON. If there are any cuts, I shall protest against them, in my own time, and then yield to the Senator from North Carolina to supplement what I may say.

Mr. REED of Pennsylvania. In the matter of seacoast harbors and channels, the State of North Carolina would receive the same under the bill as it passed the House and under the Senate committee bill.

Mr. SWANSON. I hope the Senator from North Carolina will join me in preventing the appropriations for Virginia being reduced.

Mr. SIMMONS. The Senator has already ascertained to his satisfaction that Virginia will not be greatly affected, and I have also ascertained that North Carolina will not be greatly affected. Still I am not satisfied. I want to know the main river and harbor projects which will be affected by reducing the bill as it passed the House from $55,000,000 to $52,000,000.

Mr. REED of Pennsylvania. Mr. President, I had not finished my answer about North Carolina. In fairness to the Senator from North Carolina, I ought to call attention to the fact that the intercoastal waterway from Beaufort to Cape Fear would receive $710,500 under the Senate committee bill as against a million dollars under the bill as it passed the House. That is the most important cut made in that region.

Mr. SIMMONS. That is a very material cut.

Mr. SWANSON. As to that cut, Mr. President, I will yield to the Senator from North Carolina.

Mr. SIMMONS. Mr. President, that is a cut in which the Senator from Virginia is about as much interested, although indirectly, as in North Carolina. It is one of the links in the great inland waterways which the Government has undertaken to construct from Boston down to the Gulf, and farther on, I believe. It has almost finished that inland waterway to Beaufort, N. C. There is one portion that is not quite finished, but it will be shortly. I understand there is no cut in the appropriation for that purpose.

The last Congress authorized the extension of the inland waterway from Beaufort to Wilmington, N. C.—that is, connecting it with the Cape Fear River—and for that purpose it authorized an appropriation of practically $6,000,000. It is a work of considerable emergency. Its completion will do more to relieve agriculture of the high rates it is now being compelled to pay than any like project that I have in mind, although I have been connected with river and harbor work for many years. I am at a loss to know why the Senate committee should see fit to reduce the appropriation under that authorization from a million dollars to $710,000, cutting off $290,000. I assume that the engineers in charge of this work, knowing of its importance, knowing of the exigencies, recommended to the House committee an appropriation of a million dollars for the purpose of carrying on this work during the next few years.

I would be glad to have the Senator from Pennsylvania give the reasons why the Senate committee thought it necessary to reduce the appropriation for this work from a million dollars down to $710,000. I repeat to the Senator from Pennsylvania, if I may have his attention, that it is a part of this great inland waterway scheme. It connects it with one of the main rivers of the South, the Cape Fear River. It extends it a hundred miles farther than it now reaches. Those waters, since the completion of that inland waterway from Norfolk to Beaufort, have assumed a commercial importance that has astonished even the engineers of the War Department.

They have expressed their astonishment to me at the increase in the navigation on, and the use of those waters, and the benefits that have accrued to the shippers along the line as a result of the opening of that waterway from Norfolk to Beaufort. The results have been wonderful, and if it is carried further to the Cape Fear River, which runs and is navigable into the very heart of the State of North Carolina, the effect will be very beneficial. It is one of the urgent works of the river and harbor improvement scheme.

Mr. SWANSON. Mr. President, I fully concur in what the Senator from North Carolina has said. I know of no appropriation for improvement that would result in greater benefits than the benefits to be derived from this. This waterway connects the Chesapeake Bay region, Baltimore and the surrounding country, Norfolk, Virginia, the Potomac River, the James River, the Rappahannock River, and the interior of North Carolina. I know of no appropriation that would have more commercial benefit and be of greater advantage to manufacture and agriculture than this appropriation. One of my reasons for asking what would be done in case it were left at $52,000,000 was because of the fact that the reduction in this project was one of the most serious that would be made. The population around Chesapeake Bay, the population around the Potomac River, the population around the Rappahannock River, the James River, Norfolk, and all of that section, by these means have a splendid method of communication, and I know of no appropriation of so small a sum that could exceed this in benefit.

Mr. President, in conclusion, I want to say that I shall vote for the House appropriation. I see no occasion to reduce it by two or three million dollars, when the House after months and months of study and thought, reached a conclusion as to what was urgent and what was most needed. Consequently, I am willing to stand on the House provision.

I hope we have received from no source information that if we did not reduce it so much there would be a veto of the measure. I hope no such language has been indulged in and no such suggestion made. It seems to me the House and Senate ought to reach their own convictions as to what is right and proper in this situation, and take the consequences.

The senior Senator from Utah has said that he has delayed bringing in the bill for the reduction of taxation until he finds out what the appropriations are going to be, as then he will know by how much to reduce the taxes. Of course, that is simply an invitation to everybody to loot the Treasury, and after the looting is over, we will then determine whether we shall reduce taxes or not. I believe taxes ought to have been reduced before this. I am sorry to see that the Senator has laid aside tax reduction and let others take it up. As to these appropriations which are necessary for the development of the country, necessary for commerce, necessary for rivers, necessary for harbors, I am not willing that they shall be reduced, and to have an invitation extended to others to engage in enterprises which are not as deserving.

I am satisfied, after hearing the discussion, that every appropriation for rivers and harbors made by the House was deserved, was needed, and has been delayed too long already, and should not be delayed further. I for one shall vote for the appropriations made by the House.

Mr. COPELAND obtained the floor.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The LEGISLATIVE CLERK. A joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrates plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes.

Mr. NORRIS. Mr. President, I would like to inquire of the Senator from Pennsylvania [Mr. REED] if he can give me any idea about the length of time it is going to take to dispose of the appropriation bill which has been under consideration this morning.

Mr. REED of Pennsylvania. That would require an estimate of how much discussion there will be on the item which has been under discussion. However, when that item is finished, as I hope it will be within an hour, there is nothing else I know of in the bill that will lead to any discussion.

Mr. NORRIS. I think it was understood, when Senate Joint Resolution 46 was made the unfinished business of the Senate, that we would lay it aside for the consideration of appropriation bills. I do not want to interfere with that arrangement except that I would not like to have the unfinished business laid aside indefinitely. I am willing to ask and I do ask that the unfinished business be temporarily laid aside. However, before the Chair puts the question, will he permit me to submit a parliamentary inquiry? If unanimous consent is granted as I have asked, would it be my province, if I so desired, to call up the unfinished business at any time?

The PRESIDENT pro tempore. The Chair so holds.

Mr. NORRIS. Very well.

The PRESIDENT pro tempore. Is there objection to the unanimous consent request submitted by the Senator from Nebraska? The Chair hears none, and it is so ordered. The Senator from New York is recognized.

Mr. COPELAND. Mr. President, we find in the report on the pending appropriation bill a table referred to in the conversations which have gone on at the other end of the Chamber. This contains statements of the amounts which can be profitably expended during the fiscal year 1929 for maintenance and improvement of existing river and harbor work based on appropriations for that fiscal year. We have two estimates, one of them for $50,000,000 and the other for $55,886,000. To my mind it makes a great difference whether we accept the amendment proposed by the committee or reject it, not alone because the amount would be materially decreased if we accept the committee amendment, but because the whole river and harbor project would be rendered very uncertain.

If we were to reduce the amount to a round figure of $52,000,000, it would leave in the hands of the Board of Engineers almost unlimited authority to do what they please with that money—to spend it where they like, to take up whatever project may be particularly pleasing to the board. We have in this list in the second column a statement of the amount appropriated by the House, and in that statement we have definite improvements, definite projects, to be carried out according to legislation already enacted. The surveys have been made and the board is ready to proceed.

As I view it, we have been too prone to adopt projects, decide on expenditures, finish the survey, and then delay the work of completion. These are enterprises which have passed the scrutiny of all those in authority. They are approved projects. They should be carried out to completion.

I do not want to be selfish about it, but it makes a difference of $1,000,000 to my State whether the committee amendment prevails or whether the House action is indorsed. For instance, in the East River the Senate committee amendment would cut off an expenditure of $40,000. On Jamaica Bay the amount cut off would be very considerable, about $200,000. Some of the lake ports in my State would suffer a considerable reduction. All told, the reduction in appropriations involving my State would be over a million dollars. The Senator from Virginia [Mr. SWANSON] has already brought out what it means to his State, and the Senator from North Carolina [Mr. SIMMONS] has indicated the effect it would have on his State. The State of Connecticut would be involved to the extent of between $50,000 and $100,000.

But it is not that alone. We have now a very serious state of unemployment in the country. I believe that in ordinary times I would say by all means let us economize. We have had a great disaster in the Mississippi Valley which must be dealt with. The public is crying for tax reduction.

But when we read every day in the newspapers about the industrial situation, for my part I am very much disturbed. I hold in my hand a copy of the New York Times of to-day, in which is a report made by the American Federation of Labor in support of their declaration that unemployment has increased in the past four months. They have issued a table showing the increase in unemployment from December, 1927, to January, 1928. I ask unanimous consent that the statement may be included at this point in my remarks.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Without objection, it is so ordered.

The statement referred to is as follows:

The American Federation of Labor, in support of its declaration that unemployment has increased in the four months, issued the following table giving the percentage of union members unemployed in the cities mentioned out of the total membership of the local unions reporting:

	October to December, 1927	January, 1928
Atlanta	8.7	9.7
Baltimore	31.2	42.5
Birmingham	12.3	16.6
Boston	17.8	19.6
Buffalo	12.3	26.7
Chicago	11.2	7.8
Cincinnati	12.0	18.6
Cleveland	16.6	33.8
Denver	19.4	21.3
Detroit	21.0	32.3
Jersey City	12.4	21.6
Los Angeles	16.2	22.7
Milwaukee	7.3	9.8
Minneapolis	8.1	11.6
New York	18.6	24.2
Omaha	14.7	26.0
Philadelphia	14.3	30.6
Pittsburgh	15.1	17.6
San Antonio	4.0	9.0
San Francisco	11.7	14.3
St. Louis	9.4	12.5
Seattle	10.0	11.3
Washington, D. C	9.3	13.0
Total	13.8	17.8

"The average unemployment in these 23 cities," the federation asserted, "is over one-sixth of the workers represented by these unions. Since members of the unions are in the majority skilled workers, and since most of the unions give special aid to their members in finding employment, it is very probable that unemployment among the unorganized workers is much higher.

"Especially the East and northern Middle West are hit hard by unemployment. Baltimore, Buffalo, Cleveland, Detroit, New York, and Philadelphia have each one-fourth to one-third or more unemployed. Outstanding on the other side is Chicago, the only town in which unemployment decreased, although it was in the fall already comparatively low."

Mr. COPELAND. The table shows that the average unemployment in the 23 cities referred to is over one-sixth of the workers represented by these unions; to be exact, 17.8 per cent of the union labor in the 23 cities mentioned is out of employment. That is a very serious thing, Mr. President.

The governor of my State has recently made a survey indicating the tremendous number of persons in the city of New York who are out of employment. Unemployment exists in every State in the Union. I have a letter from the Welfare Council of New York City, signed by a young lady who has had charge of that work for some time. She was formerly one of the employees of the health department in New York City when I was in charge of that department. She writes as follows:

You know all our efforts to teach health and help the prevention of diseases have been ineffectual in unemployment which makes a standard of living commensurate with health impossible for so many families.

She speaks about the visit made by a thousand field nurses and points out how many families in New York City are almost without means of sustenance by reason of unemployment. I believe that in an emergency like this it is the business of Government to do what it can to relieve the situation.

(At this point sundry messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.)

Mr. COPELAND. Mr. President, I say with all respect to the President of the United States that to my mind the most important message he could send us would be one urging us to consider seriously all the building projects and developments that we have now on the trestle board, in order that means may be found to put those projects under way and to make possible the wiping out of unemployment so far as the building of public works can accomplish it.

I am perfectly clear in my own mind that this is not the year to economize on the projects which have been approved by the Congress. We are not entering upon some new schemes. We are not considering now de novo projects of development. We are considering projects which have been acted upon, which have been approved by Congress, which have been approved by the Board of Army Engineers. I think that we should by all means reject the amendment proposed by the committee and agree to the House proposal for the larger amount for this particular item.

Mr. FLETCHER. Mr. President, very briefly, because I would like to get to a vote on the bill as quickly as possible, I call attention to the fact that the new works authorized by the last Congress amounted to $73,000,000. The Budget allowed $50,000,000 to be allocated to the new work. Of course that gives the engineers a chance to pick out what they consider to be emergency items, or the most needed items, and leave undone a great many things that Congress has already authorized in the way of new work. If we make the amount, as the House did, $55,800,000, we come nearer taking care of the new work which has been authorized, and I think we should do that.

I agree with the Senator from New York [Mr. COPELAND], the Senator from Tennessee [Mr. MCKELLAR], and others who have spoken to the effect that where we have public works authorized by Congress we ought to go on and perform that work at a time when there is so much unemployment in the country. In the first place, we can get the work done cheaper, we can get material cheaper and other things cheaper that enter into this character of construction work. In the next place, it gives employment to people who need it at this time. I think we ought to go on with the work.

The $55,800,000 will not actually accomplish all that has been authorized, but it will reach to a larger extent the important things to be done than would, of course, the $50,000,000. Whereas it would take perhaps at least $63,000,000 to take care of the most important of the new projects, the $55,800,000 will go to a considerable extent and do things that ought to be done and that need to be done now. The Chief of Engineers testified before the Committee on Appropriations that $55,800,000 could be economically and advantageously spent in the coming year. With that testimony before us I do not see why we should not approve the amount of money fixed by the House. The Chief of Engineers will have to allocate it. It is not enough to take care of all the work we have authorized, but he will allocate it to the most needed projects. He has given in the hearings a list of those projects which would receive the benefit of the appropriation.

I think that the Senate committee amendment ought to be disagreed to. That is the whole question.

Mr. DILL obtained the floor.

Mr. HEFLIN. Mr. President, will the Senator from Washington yield to me?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Alabama?

Mr. DILL. I will yield to the Senator in order that he may make a few remarks on the pending amendment.

Mr. HEFLIN. Mr. President, I merely wish to say that the appropriation for Alaska has been increased about a half million dollars, about one-seventh of the amount that we are asking to have restored for river and harbor work. Just a few days ago

several Senators voted for an appropriation of $130,000,000 to refund taxes to certain persons in the country, numbering a few thousand, and not a question was asked about that great sum except those that the Senator from Tennessee and I and two or three other Senators asked. Now, here is an item of $3,800,000 which if appropriated would benefit practically all of the States, but that amount has been stricken out upon the suggestion of the Budget Bureau. The Budget Bureau in some instances does good, but I am never going to consent that the Budget Bureau shall legislate for the people of the United States. When we know what ought to be done, as representatives of the people, we ought to do it, and I am going to insist on having restored the amount the House put into the bill.

RADIO REGULATION

Mr. DILL. Mr. President, this morning's Washington Herald prints a statement from Mr. O. H. Caldwell of the Radio Commission to the effect that if certain legislation shall be enacted the radio broadcasting structure of this country will be wrecked. He refers to a proposed amendment to the radio law pending in the House of Representatives which would require that an equal number of wave lengths and an equal amount of power shall be allotted to each of the five zones into which the country is divided by the radio law. His argument against such legislation is, to my mind, the best proof that I have had of the injustice with which the Radio Commission has treated certain sections of the country.

He says that the southern zone has only 45,000 watts of broadcasting power, and that under such a statute as is proposed the other zones could have but 45,000 watts. That leads me to call attention to the fact that in the zone which Mr. Caldwell represents one station—WEAF—has 50,000 watts; another station in New Jersey—WJZ—has 30,000 watts; another station in New York State—WGY, at Schenectady—has 50,000 watts, and another station at Pittsburgh, Pa.—KDKA—has 50,000 watts. No station west of Pittsburgh or south of New York has to exceed 15,000 watts, and only one station—WGN, at Chicago—has that.

The very picture which Mr. Caldwell paints shows the absolute disregard by the Radio Commission of the statute as now written, which should be carried out and which provides that the commission shall grant wave lengths and power so as to give equitable radio service to the people throughout the country. The radio commissioners sit down and refuse to do anything. They postponed the changes which they think should be made, so they tell us, until March 1; and then when no legislation has yet been enacted to continue them in office for a year they postpone them until April 1. I do not know whether they lack ability or whether they are just plain cowards; but I do know that they are not earning their salt as radio commissioners when they allow to continue the condition that prevails with respect to the radio broadcasting in this country.

I am not speaking in support of the proposed amendment to the law which has been offered in the other House. I think it is unworkable for the reason that the division of the country into radio zones was not made with a view to the number of wave lengths or power that should be used. There was no consideration whatsoever of that, but I can not sit silent and allow Mr. Caldwell to talk about that sort of a provision without calling attention to the fact that the entire South, embracing 10 or 12 States, has less broadcasting power than has one station in New York City. If there is any place where there should not be tremendously high-powered stations, it is in the centers of great population, because such high-powered stations force other stations off the dial.

Whether or not Mr. Caldwell has any leanings toward the Radio Corporation and the Westinghouse Co. and the General Electric Co. I do not attempt to say, but I do say that the stations of those great corporations get all they want in the way of power and in the way of wave lengths.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Wisconsin?

Mr. DILL. I yield to the Senator.

Mr. LA FOLLETTE. Can the Senator from Washington inform me as to whether or not it is the policy of the present Radio Commission to decline to take any action on pending applications until such time as Congress may have acted upon legislation either continuing or abolishing the present commission?

Mr. DILL. I may say to the Senator, that is exactly their position. I do not know whether they are afraid to act or whether they do not know what to do; but I do know that they refuse to do anything to clear up the present condition. There is only one commissioner who shows any indication of having initiative and ability to do the things which should be done, and that is the last one who was appointed, Mr. Lafount.

Mr. LA FOLLETTE. Mr. President, does not the Senator from Washington think that the commission ought not to take cognizance of the fact that their terms are expiring but go ahead and discharge their obligations until that time shall have been reached?

Mr. DILL. The very fact that their terms are expiring is the best reason on earth why they should act and act as quickly as possible. If Congress shall not enact additional legislation it will leave the situation in a hodgepodge that could be cleared up to a large extent, if they would only proceed to act as they have authority to act.

Mr. LA FOLLETTE. I agree entirely with the Senator, and it occurs to me that the fact that it fails to take action in a critical situation of this kind is an indication perhaps that the commission can not justify its existence.

Mr. DILL. The commission could justify its existence, but if its individual members refuse to meet their responsibilities they should not be confirmed, but other men should be put in their places who will meet the situation and give real service to the country.

Mr. President, I wish to call attention to the fact that when the Radio Commission came into existence practically all of the big, high-powered stations and far more than a proportionate share of wave lengths available for broadcasting were in the New York, Boston, Pittsburgh, and Schenectady area. That was a natural result of lack of control, but it was the business of the Radio Commission to remedy that condition. They have not done so; in fact, they have increased the power of some of those great stations that should have been decreased. It is my judgment that they either are anxious to do the will of the great organizations of capital that demand these favored wave lengths and high power, or else they have no desire to carry out the law which says there shall be equitable radio service to every part of the United States. Their failure to act is most strikingly evidenced by the statement of Mr. Caldwell himself. He does nothing and criticizes attempts by legislation to compel him to be just to all sections of the country.

I wanted, Mr. President, to make these remarks at this time, because I want it to be evident that whatever wreckage in radio broadcasting we may have is not due to any legislation that may be pending in either House, but to the inability or, at least, the inactivity of the members of the commission.

APPROPRIATIONS FOR THE WAR DEPARTMENT

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10286) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

Mr. BROOKHART. Mr. President, I desire to speak for a moment or two on the pending amendment in reference to the appropriation for rivers and harbors.

In 1922 when I first came to the Senate I voted against the river and harbor appropriation bill because of its pork-barrel features. There were some projects in it that ought not to have been in the bill. Perhaps there are some in this bill. However, subsequently I became a member of the special committee of the Senate appointed to investigate the Lakes-to-the-Gulf waterway. Membership on that committee involved a study of the river and harbor question. I found out then that the Government had divided the Mississippi Valley projects into four or five and allotted appropriations to each. There had already been spent something like $250,000,000 on those projects, but not one of them had been completed within the time commanded by the law, although $94,000,000 would complete them all and extend the barge line over the whole system.

The law had expired as to the lower Mississippi project, the upper Mississippi project, the Ohio River project, and the Missouri River project, and none were completed within the time they should have been completed as provided by law.

When I returned I introduced a bill requiring the Government to complete all of those projects as quickly as possible and appropriating sufficient money by a bond issue, a method of financing similar to that used in connection with the construction of the Panama Canal, in order to complete them in the shortest time. It seemed to me that since we had an investment of $250,000,000 in these projects and were getting but small return and could not obtain a complete return until the projects were completed that they should be completed speedily. It therefore occurred to me now that the biggest pork-barrel idea in the situation is the delay in the construction work, and that it is mainly caused by restricted and inadequate appropriations. I also thought I found out that the railroads were quite largely

instrumental, through their lobby in Congress, in restricting these appropriations. Therefore I introduced the bill to which I have referred. Since then I have adhered to the policy that we should proceed in the shortest time possible to complete every project after it has been authorized and started. Delay means an enormous expense in loss of use and, I might say, loss of return.

Therefore, I favor the larger appropriation, and I would be better pleased if in this bill we had a sufficient appropriation to enable the War Department to complete all of these projects in the speediest time the work can be well and efficiently done. For those reasons I mean to vote for the House appropriation and against the Senate committee amendment which reduces that appropriation.

I want to see a similar plan extended to all the river and harbor projects. I want to see them all developed as fast as possible, for that will mean much to the Middle West and I think it will mean considerable to the whole country. It will mean better prices for agricultural products, because immediately when rates are reduced that reduction is reflected in better prices to the farmers of the United States. I find that since the Panama Canal was constructed there has been a great discrimination against the Middle West in railroad rates across the continent; and the most efficient method to approach that problem and to work for its solution is to improve the waterway transportation. That, of itself, will help to regulate these rates and will be more powerful and more efficient than much of the action of the commission.

Mr. LA FOLLETTE. Mr. President, may I ask the Senator from Pennsylvania a question?

Mr. REED of Pennsylvania. Certainly.

Mr. LA FOLLETTE. On page 226 and following of the hearings before the Senate committee there appears a table which purports to show the difference in the amount of specific items as between a $50,000,000 appropriation, which, as I understand, was recommended by the Bureau of the Budget, and a $55,886,000 appropriation, which, as I understand, was added by the House. Can the Senator tell me whether or not the same proportionate differences that prevailed between $50,000,000 and $55,000,000 would prevail under the Senate amendment of $52,000,000?

Mr. REED of Pennsylvania. No, Mr. President; they would not. Half a million of the additional $2,000,000 carried by the Senate amendment over the $50,000,000 Budget estimate would be spent to provide for the additional surveys throughout the country that are hoped for; and all of the other million and a half would be applied to the Missouri River improvement between its mouth and Kansas City. That was the intention of the committee in making that increase.

Mr. LA FOLLETTE. So that if the Senate committee amendment prevails all of the specific items which are listed on the pages referred to, with the exception of the Missouri River from Kansas City to the mouth, would be as they are listed under the $50,000,000 head?

Mr. REED of Pennsylvania. That is correct.

Mr. BLAINE. Mr. President, in going over the committee's report I find the memorandum shows the total increased military activities at about three-quarters of a million dollars, or, to be exact, $725,644. That is the increase for purely military activities. On page 4 of the same report I find that the total decrease proposed is $5,104,710 with respect to the total appropriations proposed by this bill, and of that decrease $3,886,310 is due to a decreased appropriation for internal improvements. In other words, it is proposed to increase the amount appropriated for military activities almost three-quarters of a million dollars, but to decrease the appropriation for internal improvement of rivers and harbors almost $4,000,000.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

Mr. BLAINE. I yield.

Mr. REED of Pennsylvania. Surely the Senator does not offer that as a fair comparison. There is a decrease in the military activities of almost a million and a quarter dollars. There is an increase in the nonmilitary activities of over $2,000,000. We have increased the nonmilitary activities over $2,000,000 and the military activities less than three-quarters of a million. The Senator surely has not omitted to notice that.

Mr. BLAINE. I understand that; but the appropriations for the Quartermaster Corps for such purposes as the national cemeteries; the Chalmette National Cemetery, in Louisiana; the National Military Park, Gettysburg; and then for the Corps of Engineers for roads, bridges, and trails in Alaska, and flood relief for the Mississippi Valley are for nonmilitary activities; but the total increase in military activities is almost three-quarters of a million dollars, while the decrease in appropriations for purely internal improvements is $3,886,310.

Mr. President, these internal improvements, as I understand, are to suffer by way of strangulation in withholding the necessary appropriation for such improvements. I want to present just two examples, two propositions, one affecting my own State in part and the other affecting the seven Northwest States; another proposition affecting only slightly my own State, but the entire Mississippi Valley. I refer first to that which relates to or affects my own State the most.

In the city of Milwaukee the effect of reducing the appropriation from $55,000,000 to $50,000,000 is to make a reduction of about $60,000. The city of Milwaukee is the outpost of transportation from the Great Lakes to the Pacific Ocean. It is a great gateway, and Milwaukee has not been derelict in her duty with respect to the improvement of her harbors.

I want to read from the report of the board of harbor commissioners of the city of Milwaukee as to the expenditures made by that city.

Up to the present time the total expenditures of the city with respect to the execution of just the outer harbor project alone have amounted to $1,474,509, not including the ordinary expenses amounting to $198,721.50. At the present time the sum appropriated and available by the city of Milwaukee for harbor improvement is $610,000, which will all be expended during the year 1928. In addition, there is available and unappropriated in the harbor-improvement fund another $798,614.63; and the greater portion of this fund will in all probability be expended during 1928, whereupon for further expenditures in 1929 the board of harbor commissioners will have to rely and will rely on the half million dollars for which bonds are at present made available for subsequent years.

The city of Milwaukee, therefore, has more than matched the Government; and what does this mean to the Northwest? It is not for Milwaukee alone, but the manufactured products of the seven States—Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Wyoming, and Montana—in 1923 were estimated at about two and a half billion dollars. Adding to that Wisconsin's manufactured products of a billion and three-quarters makes a total of over $4,000,000,000; and about one-half of this, in addition to the agricultural products of the Northwest, passes through the port of Milwaukee and the ports north of Milwaukee on Lake Michigan, largely through the port of Milwaukee.

Here is a great territory, and Milwaukee is the outpost; and Milwaukee proposes to meet the Government far better than on a 50-50 basis—almost twice that amount—for the improvement of the harbor, which is beneficial to the Great Lakes waterways and to the Northwest States.

Here is the Mississippi River Valley, which is to be deprived of half a million dollars; and it seems to me that our Government is cutting off its own nose to spite its own face when it undertakes to reduce the appropriation for the improvement of the Mississippi River. I call attention to the one item alone, amounting, as I understand, to a reduction of a half million dollars for that part of the Mississippi River between the Missouri River and Minneapolis.

We have the Inland Waterways Commission operating the Mississippi-Warrior service, which is furnishing a method of transportation for the Northwest States, for the grain for the manufactured products, down the Mississippi River to the great port of New Orleans; and here it is proposed to hamper and to hinder that Inland Waterways Commission, so beneficial not only to the industrial development of the Mississippi Valley but as well to its agricultural development.

The Inland Waterways Commission within the last four years, pinched because of lack of necessary appropriations, denied the necessary capital to improve its services, yet has had a tonnage increase on the Mississippi River in the last six years from 360,000 tons to 1,341,000 tons, and a revenue increase from $1,000,000—I am giving it in round numbers—to over $5,000,000; and yet we propose to reduce the appropriation necessary to make the Mississippi River, practically and effectually a navigable stream, upon which the commerce of the Mississippi Valley should and must be transported, if we are to do our duty to our country as a whole.

So, Mr. President, the larger aspect of this, I am sure, justifies the rejection of the amendment proposed by the committee, and the reinsertion of the amount proposed by the House.

Mr. SHIPSTEAD. Mr. President, I find on page 230, if the report of the committee is correct, that this committee amendment strikes from the appropriation, affecting the Mississippi River between the Ohio and the Missouri Rivers $300,000, and from the item covering the work on the Mississippi River between the Missouri River and Minneapolis, $500,000, a total of

$800,000 stricken out covering the work that has been contemplated by the engineers on the Mississippi River.

I find that the committee strikes out $1,000,000 provided for work on the Missouri River from Kansas City to its mouth.

Mr. BINGHAM. Mr. President, will the Senator yield at that point?

Mr. SHIPSTEAD. I yield.

Mr. BINGHAM. Possibly the Senator did not hear the explanation made by the Senator in charge of the bill a few moments ago, to the effect that the $52,000,000 proposed by the committee includes the million dollars for the Missouri River.

Mr. SHIPSTEAD. I thank the Senator for calling that to my attention. I was out of the Chamber and did not hear the explanation. However, the Senator did not state, did he, that the $800,000 for work on the Mississippi River is included?

Mr. BINGHAM. No. Of that $2,000,000 addition to what the Budget allowed $500,000 is for new projects and surveys and $1,500,000 for the Missouri River project.

Mr. SHIPSTEAD. For new projects not already authorized by law?

Mr. BINGHAM. For the studies of new projects.

Mr. SHIPSTEAD. Not already authorized?

Mr. BINGHAM. Not authorized by law; and $1,500,000 of the $2,000,000 is for the Missouri River project and $500,000 for the study of new projects, the study of which is already authorized by law.

Mr. SHIPSTEAD. May I ask the Senator if the $60,000 which the committee struck out under the Missouri River item for work from Kansas City to Sioux City, is included in the $2,000,000?

Mr. BINGHAM. That is included by the committee.

Mr. SHIPSTEAD. To make the total $52,000,000?

Mr. BINGHAM. Yes; that is included in the $52,000,000.

Mr. SHIPSTEAD. I thank the Senator for that correction. There is still stricken out $800,000, covering work between St. Louis and the upper Mississippi River, to Minneapolis.

Mr. BINGHAM. That is correct.

Mr. SHIPSTEAD. With all due respect to the report of the committee and the Senator in charge of the bill, and with all due respect to the Director of the Budget, I will say that I have some respect also for the recommendations of the Army engineers, and the policy established by Congress a year ago, when it passed a rivers and harbors bill increasing the appropriation for the work to be done on the inland waterways of the Nation.

This committee amendment strikes at a very important part of the Nation, a part of the country that for years has been suffering from high freight rates. We have started out in a very small way to remedy that situation. We have a few barges on the Mississippi. We want more. And some more work must be done. We have been working on the Mississippi for something like 20 years without having completed the channel to such an extent that private individuals or the Government have felt justified in expending any large amount of money for equipment with which to carry on transportation on the Mississippi.

A year ago Congress enacted a new policy which was accepted with a great deal of hope and enthusiasm by the people of the Northwest, because they were told and believe that the policy established by Congress would give some relief from the high freight rates in effect in the Mississippi Valley. But that policy must be carried out by appropriations to furnish a channel and to furnish equipment for the inland waterways corporation if we are going to haul any freight. If that policy is not to be carried out to its ultimate conclusion so that freight can be hauled on the Mississippi River, we might as well stop spending money altogether for that purpose.

I fail to understand why in this bill, appropriating millions and millions of money for military purposes, this very important item, which has to do with the commerce and the transportation of the country and for the relief of the Middle West, so far as high freight rates are concerned, should have been put in by the committee.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

Mr. SHIPSTEAD. I yield.

Mr. REED of Pennsylvania. I do not think the Senator heard the explanation made a while ago about this Missouri River item. The Chief of Engineers can not spend more than $4,000,000 a year on that river. If he spends that much, he will have the work finished in three years. That is all he asks for, and that is what the committee has given him in increasing the appropriation of $50,000,000.

Mr. SHIPSTEAD. I am talking about the item with respect to the Mississippi River.

Mr. REED of Pennsylvania. As to the Mississippi, the Senator will notice we have been very liberal; at least we think so. The bill carries an item of a million and a half for emergency flood relief, and $10,000,000 for flood control.

Mr. SHIPSTEAD. I am talking about the money that is to be spent to improve the channel, so that we can get a system of transportation upon the Mississippi.

I find in the hearings of the Senate Committee on Appropriations the reasons given by the Chief of Engineers for the reduction by the Bureau of the Budget of the estimates that were sent to the Bureau of the Budget by the Army engineers.

On page 220, at the foot of the page, I find this stated by the Chief of Engineers—

> our statements as to the way the money can be spent most economically and advantageously, and that aggregated this year the sum of $55,886,310.

Later he says:

> Then the matter is taken up with the War Department. They have an outside Budget figure, and they authorize us to submit an estimate for an amount which this year was $50,000,000.
>
> They also authorized us to submit a supplemental estimate for $5,000,000.
>
> We submitted the $50,000,000 estimate, and the matter about the $5,000,000 estimate hung for quite a while. We put one in, and after a conversation with General Walker, who is the representative of the War Department in those matters, it was decided to let that rest for some time.
>
> As time went on it became apparent that it might be well and advantageous to spend more money, particularly on the Missouri River below Kansas City. That was pressed upon us a great deal, and the underlying situation conveyed was something like this: The inland waterways have been doing a great deal better in the last few years, and this year they have made quite a step forward. The Federal barge line on the Black Warrior River passed, according to its records, out of the red into the black, so that it was paying. Business on the Mississippi below St. Louis increased. The total got up there over $50,000,000. The Ohio increased something over a million dollars, and the other works, on the Monongahela and the Allegheny, held steady, the Allegheny going ahead a little; and a short time ago the Federal barge line put on its line going up to St. Paul and Minneapolis. We have been working on that stretch for many years. There has been a little commerce there. They started that. That is a very important matter to a good many people in the Middle West. There were two projects which came out as being rather more pressing for additional advancement than others. One was the waterway from the Mississippi up to Chicago, and the other was the waterway to Kansas City.

I will say that, so far as the Missouri River project is concerned, that has been explained by the Senator from Connecticut and also by the Senator from Pennsylvania. The item striking out the appropriation for the upper Mississippi has not been explained, and I submit that that action is not justified.

Congress having established a policy, and the situation, so far as freight rates are concerned, being very pressing in the Middle West, it seems to me illogical for the Congress, having appropriated money for something like 20 years to furnish a channel in the Mississippi River, to continue to delay finishing the project. If we can spend several hundred million dollars for military purposes, we can spend two or three million dollars to relieve the freight situation in the Northwest by hastening the completion of the channel in the Mississippi River, and then later we can appropriate sufficient money to enable the Inland Waterways Corporation to construct and operate barges, so that the congestion of freight in the terminals of the railroads may be relieved, and the high freight rates be lowered. That is what Congress promised to the people of the Middle West, and is Congress now going to say they did not mean what they said?

Unless some explanation is made of the action of the committee in striking out that appropriation for the upper Mississippi, I think the committee amendment should be voted down.

Mr. EDGE. Mr. President, I would like to propound an inquiry to the Senator in charge of the bill. I notice in the item under consideration the following language:

> And for the prevention of obstructive and injurious deposits within the harbor and adjacent waters of New York City, for pay of inspectors, deputy inspectors, crews, and office force, and for maintenance of patrol fleet and expenses of office, $55,886,310.

In consideration of that authorization, I have consulted the report of the hearings before the subcommittee on the bill, and I note that the Chief of Engineers, General Jadwin, in giving his statement of the method he would employ in spending either the $50,000,000, as first considered, or the fifty-five million

eight hundred thousand and odd dollars, subdividing, as he has, the various projects, rivers, and harbors, and channels, and inland waterways, he includes no presentation of an item that would refer to this particular authorization. I am wondering if the Senator in charge of the bill can enlighten me at all. While the authorization is perfectly clear and plain in the bill, the subdivision of the method of expenditure, whether the amount is fifty million or fifty-five million, does not seem to include any amount for this particular work.

Mr. REED of Pennsylvania. Mr. President, the amount allotted for that work, I believe, is contained in several different items of maintenance carried by the bill, those for the maintenance of the harbors concerned possibly also, although I am not sure; the amount allowed to the supervisor of New York harbor, and possibly under the head of contingencies on rivers and harbors, which is next to the last item in the tabulation. In any event, the Senator can depend on it that it is all within the maintenance item, and that it is not affected by the decision of this question. The same amount would be carried by the Senate committee bill and by the bill which passed the House.

Mr. EDGE. I simply want to add that the menace of the refuse, and so forth, in the waters of New Jersey and New York, is pretty well and generally known, and I am particularly interested in having this information that there will be an appropriate amount in the bill, in either item, that would be available and would be expended for that purpose.

Mr. WALSH of Montana. Mr. President, I assume that somewhere in the bill, although I have not been able to locate it, is an appropriation to meet the expenses of the preparation of what are known as the bulletins issued by the headquarters of the Army areas and for the preparation, the printing, and the circulation of the same.

Some time in the year 1926 my attention was called to documents apparently sent out by the Reserve Officers' Association of the Department of Indiana in penalty envelopes without postage. The documents thus apparently sent out included a letter signed by one John G. McNutt, secretary-treasurer of the Reserve Officers' Association of the Department of Indiana, with two inclosures, one being an extract from the CONGRESSIONAL RECORD and another being a copy of a statement by President Elliott, of Purdue University. The letter is as follows:

RESERVE OFFICERS' ASSOCIATION OF DEPARTMENT OF INDIANA,
Indianapolis, Ind., May 11, 1926.

The inclosed papers are sent to a number of the officers of the American Association of University Women in Indiana, due to the fact that the association is said to be giving support to one Frederick J. Libby, executive secretary for the National Council for the Prevention of War.

Pacifists are making a determined effort to destroy military training in the schools and colleges, and Mr. Libby is believed to be associated with persons who are active in working to this end. This is likewise a very prominent objective of communist efforts in this country, and the propaganda is well financed and aggressive.

It is regretted that no compilation of data is available now to show the unfortunate and, with very many persons, unintentional alliance between communists and good people who thoughtlessly have lent their support to the attempted destruction of our national defense policy.

It is suggested that your State association withhold support to the National Council for the Prevention of War pending further investigation of this body and its associates.

JOHN G. MCNUTT,
First Lieutenant, Field Artillery Reserve, Secretary-Treasurer.

(Inclosures: Sixty-seventh Congress, second session, Senate committee print, Reserve Officers' Training Corps at educational institutions; copy of statement by President Elliott, Purdue University, January 28, 1926, St. No. 862.)

The statement of President Elliott, of Purdue, is as follows:

STATEMENT MADE IN PERSONAL LETTER DATED JANUARY 28, 1926, BY PRESIDENT ELLIOTT, OF PURDUE UNIVERSITY

Here at Purdue University the Reserve Officers' Training Corps is regarded as an integral and valuable element in the plan of technical education, to which this institution is primarily devoted. However, entirely apart from the question of the specific training of men for reserve miltary commissions, and entirely apart from the relation of the military training to engineering instructions, I consider that the Reserve Officers' Training Corps contributes largely and efficiently to the development of those essential qualities of which dynamic character is composed—the sense of personal responsibility, the spirit of purposeful cooperation, the inspiration of leadership, and a recognition of the eternal place or order and organization in human society. Whatever may be its weakness, the Reserve Officers' Training Corps is one agency in the university in which civic service and relations are given a practical setting. While the course of training is immediately intended to qualify men for commissions in the reserve Army, I have always considered that this training had an equally important aim of giving to the young men, who are fortunate enough to receive it, something in sharp contrast to the present-day tendencies toward personal irresponsibility and lawless individuality; making them realize that strength of character depended upon certain common realities of life rather than upon sentimental preachments.

My attention having been called to the circulation of these documents in apparently plain violation of the law and by some one having no authority whatever under the law to use the penalty envelope, I addressed a communication to the Department of Justice asking whether the circulation of this matter under the circumstances constituted a violation of the law. I was not accorded an answer to that letter. Doubtless it was overlooked in some way. I make no complaint about that. But under date of November 24, 1926, I addressed another letter to the Attorney General as follows:

NOVEMBER 24, 1926.

Hon. JOHN G. SARGENT,
Attorney General of the United States.

MY DEAR MR. ATTORNEY GENERAL: Shortly before the adjournment of Congress my attention was called to what seemed a plain case of the use of a penalty envelope by one John G. McNutt, of Indianapolis, Ind., for the circulation of a letter referring to one Frederick J. Libby, and other matter, its use for that purpose being apparently a plain violation of the law. I, of course, advised that the matter be called to your attention and that of the Postmaster General. I am told that this was done, but that nothing has since been heard of the matter except the receipt of a communication from you saying that the subject would have consideration. Will you have the kindness to write me what has been done and what was the result of the investigation you prosecuted. I am, of course, interested, as you no doubt will be, in learning just how Mr. McNutt came to get possession of War Department envelopes, whether by collusion of some of the clerks or officials of that branch of the service or through some means even more reprehensible.

Very truly yours,

THOS. J. WALSH.

I had a letter from the Attorney General, to which I replied, under date of December 4, 1926, as follows:

DECEMBER 4, 1926.

Hon. JOHN G. SARGENT,
Attorney General of the United States.

DEAR MR. ATTORNEY GENERAL: I have the honor to acknowledge receipt of your letter of November 27 referring to the use of penalty envelopes by one John G. McNutt, in which you quote from a letter of the Secretary of War as follows:

"The envelope with its inclosures was sent out by authority of the chief of staff of the Eighty-fourth Division, Col. G. L. Townsend, an officer of the Regular Army and competent under the law."

Will you have the kindness to advise me whether you concur in the view of the Secretary of War that Colonel Townsend is "competent under the law" to send such matter in a penalty envelope without postage? I venture without hesitation to say that he is not, and that the matter sent out by McNutt is not such as relates "exclusively to the business of the Government of the United States" nor does it relate in any wise to the business of the Government of the United States. It seems to me perfectly plain that the law has been flagrantly violated in this matter. We may both entertain views quite antagonistic to those expressed by Mr. Libby, but the Constitution guarantees to him the right to teach his particular notions concerning policies of the Government just as it does your right and mine to voice our convictions on any subject. Neither of us can tolerate a plain disregard of the penal statutes in an effort to combat his efforts to popularize his doctrines.

Very truly yours,

THOS. J. WALSH.

It seems that the Attorney General then submitted the matter to the consideration of one of his subordinates, who reached a queer conclusion that the matter here is not such as officers entitled to use penalty envelopes are entitled to circulate in that way. I might say that it is quite apparent that the reserve officer desirous of getting this matter out prepared the documents and then was able to persuade the Army officer to send the matter out inclosed in the penalty envelope and without postage.

The opinion of the Attorney General refers to a complaint made by Mr. Libby concerning the circulation of these documents. The documents are then inclosed, and he embraced likewise a copy of the address on the envelope in which they were circulated:

War Department, Headquarters Eighty-fourth Division, Indianapolis, Ind. Official business. Penalty for private use to avoid payment of postage, $300.

He then quotes the letter and the statement of the president of Purdue, and then states that the matter was referred to the Department of War, and the Department of Justice was advised by the Department of War that the matter was in fact sent out by Col. G. L. Townsend, of the Regular Army. He continues:

In answer to an inquiry dated November 24, 1926, Hon. THOMAS J. WALSH was advised, under date of November 27, 1926, of the statement made by the Secretary of War.

Under date of December 4, 1926, a further letter was received from Senator WALSH, in which he questioned the legality of transmitting in a penalty envelope the letter and inclosures involved on the ground that the matter contained therein is not such as relates "exclusively to the business of the Government of the United States."

When the matter was called to the attention of the Secretary of War in June, 1926, by this department, the Secretary directed Maj. Gen. Robert L. Howze, commanding general of the Fifth Corps Area, Fort Hayes, Ohio, within whose military jurisdiction the State of Indiana lay, to make an investigation of the matter with report and recommendation. General Howze called upon Col. G. L. Townsend, Chief of Staff of the Eighty-fourth Division, whose stamp appeared upon the envelope under discussion, for a report. Colonel Townsend made a reply to General Howze as follows:

"The mimeographed letter from the Reserve Officers' Association, dated May 11, 1926, with statement of President Elliott, was sent out from this office to a small number of officers of the Indiana branch of the Association of American University Women; this with a view to assisting the Reserve Officers' Association in an effort to support the national defense act by inducing the ladies to investigate before acting."

I suspend the reading of the letter to inquire what business an officer of the Army has to send out any kind of material to an association of ladies for the purpose of inducing them to inquire whether the views expressed by Mr. Libby concerning public affairs are or are not very sound. He continues:

The papers were not sent out by First Lieut. John G. McNutt, Field Artillery Reserve, who had no relationship with this office to warrant his use of penalty envelopes, and, so far as known, has sent out no matter under penalty stamp. The envelope addressed to Mrs. W. C. Stevens, Muncie, Ind., was sent from this office. The circular letter was not sent for the benefit of any individual and was for purposes considered as public entirely.

He concludes:

Similar use of the penalty envelopes will not be made in the future.

Whereupon, General Howze reported to the War Department. I do not read further from these papers, but the learned Assistant Attorney General reaches the conclusion that this does not constitute a violation of law. I do not enter into any controversy with him over that subject. I submit it for the careful consideration of the eminent lawyer who is chairman of the Committee on Military Affairs.

But that is not the whole of the offending in this particular. Apparently each of the Army headquarters in the various areas gets out what is called a bulletin for the purpose of advising the men under their command about matters relating to their duties and for the purpose of enabling them the better to discharge the same. That is a perfectly proper function, and no doubt the penalty envelopes are very appropriately used for the purpose of getting the material to the men. If that were all there were to it, there would be no cause for complaint at all. But the bulletins contain not only such matter as is of interest in the disciplining and training of the men, but they contain a whole lot of other matters entirely foreign thereto and generally combating the efforts of what are called "pacifists."

Mr. LA FOLLETTE. Mr. President, will the Senator yield to me?

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Wisconsin?

Mr. WALSH of Montana. I yield.

Mr. LA FOLLETTE. I agree entirely with what the Senator from Montana has had to say about the reprehensible character of the use of penalty envelopes for the purpose of franking private literature. I should like to inquire if the Senator does not intend to offer an amendment to this item which would preclude the use of the appropriation for such a purpose? It seems to me it would be clearly within the rule to offer such a limitation to this item, and I should like to see the question passed upon by the Senate.

Mr. WALSH of Montana. My purpose was simply to call the matter to the attention of the chairman of the committee that appropriate action might be taken.

Mr. REED of Pennsylvania. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Pennsylvania?

Mr. WALSH of Montana. I yield.

Mr. REED of Pennsylvania. I agree, of course, that it is utterly inappropriate to urge any political question in bulletins sent out under the frank of the War Department; there can not be any two minds about that; but I do not believe that there is any limitation that we could put on an appropriation that would be any more severe than is the present law on the subject to which the Senator from Montana has called attention. There already is a drastic law against the abuse of the penalty envelopes in that way; and I am glad to say that the department has taken the position that, so far as it is within its power to control, such an occurrence will not again happen.

The Senator from Montana, however, knows how difficult it is to keep the use of those envelopes within the proper limits. In our own offices we have that experience. It seems to me I am always on the alert, because I find every now and then my office is sending out letters in franked envelopes that have no business to go out in that way; and I know the Senator from Montana has had the same experience.

Mr. WALSH of Montana. Exactly.

Mr. REED of Pennsylvania. And the War Department apparently in this case has had a similar experience. I agree with the Senator that such a practice is improper.

Mr. WALSH of Montana. I want to call attention to the fact that the offense is not limited to the use of the penalty envelope. The grave offense to which I now call attention is the inclusion in the bulletins of matter that has no business there so that the penalty envelope may be used. For instance, here [exhibiting] is a bulletin that was sent to the Committee on Military Training, 387 Bible House, Astor Place, New York City. It was in a penalty envelope. There is an offense against the law in using that penalty envelope for the purpose of sending a copy of a bulletin intended for the use of individuals entirely outside of the service. But that is not the grave offense. The offense is including in this bulletin all manner of matter that has no relation whatever to the duties of men in the service.

Let me remind the Senate that as the result of an investigation conducted by this body in the year 1913 it was disclosed that certain interested parties took a speech which had been delivered by former Senator Lodge on this floor, published it with some additional matter, and sent it out under the frank of Senator Lodge. It was held that it was not frankable, and the Post Office Department began suit and recovered $27,000 in postage against the persons who circulated that material, because by reason of inclusion of the additional matter in it it ceased to be frankable.

Now let me call attention to some of these things that are included in these bulletins. I have before me a bulletin of the Third Coast Artillery district, with headquarters at Fort Monroe, Va., issued in January, 1928. It carries an article by one Fred R. Marvin entitled "Breeders of turmoil." Mr. Marvin was for some time the editor of a paper which was known as the New York Commercial. In addition to his other activities he has specialized in what are called "red scares." He made a tour all through the western section of the country and spoke in various cities in the State of Montana upon the imminent peril to which the Government of the United States was subject from the reds in Moscow, who were just about to come here and swamp us and swallow us up.

Mr. SHIPSTEAD. When he went to Montana did he not accompany Blair Coan, of the Republican committee, who went out there to endeavor to obtain evidence against the junior Senator from Montana [Mr. WHEELER]?

Mr. WALSH of Montana. There were some associations that I can not recall. However, having made an address in the city of Billings, having come in contact with some of the business men in that city, among others Mr. E. C. Shields, of that city, he addressed Mr. Shields a letter, which will be found in the CONGRESSIONAL RECORD of March 3, 1924, at page 3451, as follows:

NEW YORK COMMERCIAL,
New York, February 15, 1924.

Mr. E. C. SHIELDS,
Associated Industries, Billings, Mont.

MY DEAR MR. SHIELDS: How goes the game? I have not had time to write you since Heck was a pup, as the work down here has been exceptionally heavy.

Now I am writing only because I want a little "dope." I want the "low down" on one THOMAS WALSH, Senator from your State. To what extent has he been mixed with Bill Dunn and the radical ele-

ment? What is his political life, so far as connections with radicals are concerned? If you have anything along that line, shoot it to me, please, and I will be your everlasting friend.

Hope the game goes well with you. When you have any bulletin or news matters about open-shop work in Billings, mail it in; we like to use all such matter in the Commercial.

Yours for national loyalty,

FRED R. MARVIN,
Editor Searchlight Department.

The answer he received from Mr. Shields I shall not read, but it will be found in the RECORD immediately following the letter to which I have adverted.

Mr. Marvin, when he was editor of the New York Commercial, expatiated at considerable length upon certain investigations conducted by a committee of the Senate, and particularly upon the investigation of the leasing of the naval oil reserves. Thus, in an issue of the Army and Navy Journal of May 1, 1926, appeared the following editorial:

A Senate investigating committee was invoked. This came because of the inconsistency of a certain radical group in the Senate that has been ready at all times to play the hand of foreign agencies seeking disruption in the United States. The publicity work which followed was guided largely by the socialist and communist movements in this country. Well meaning and loyal Democrats were dragged into the net, thinking it a "clever political play" for them. Witnesses who could not sustain their statements and others who were wildly confused, or clearly uninformed, were placed upon the stand. The prosecutors were, at the same time, the judges. The Secretary of the Navy was driven from the Cabinet, and yet in the light of full knowledge he proved his actions to be those of a loyal American citizen unswayed by foreign propaganda, unsullied by pacifist denunciations, working to carry out a scheme of preparedness that meant American safety.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. SHIPSTEAD. Does Mr. Marvin refer to the Secretary of the Navy who transferred the oil reserves?

Mr. WALSH of Montana. Obviously.

He continues:

SENATORS WORKING WITH RADICALS

A thoroughly disorganized Senate, working in accord with the wishes of a small group of radicals, some of them at this writing taking prominent places in an organization that is seeking to discredit the State Department in its dealings with Mexico, aided in rushing through a resolution directing the President to employ special counsel to bring suit for the cancellation of certain leases to drill naval reserve oil land.

When the cases came into the calm quarters of Federal judges and the truth was presented by witnesses of credibility, these facts were brought out:

There was no scandal. No one sought to rob the Government.

Mr. SHIPSTEAD. Mr. President, will the Senator yield again?

Mr. WALSH of Montana. Certainly.

Mr. SHIPSTEAD. I am curious to know whether when he refers to radicals he means Doheny and Sinclair and Fall? He talks about people who are not loyal to the Government.

Mr. WALSH of Montana. I think he must have in mind another class, or, perhaps, his classification is not sound.

Under date of November 26, 1926, he had another editorial in the New York Commercial, as follows:

Back of the entire move to discredit all who at that time had any hand in undertaking a proper policy of naval preparedness was a group of so-called pacifists and internationalists not as well known then as now, for since that time their overt acts have brought them more or less into the public limelight. Japan had directed the mobilization of its navy with a view of attacking the United States to acquire the Hawaiian Islands and later the Philippines. At least that was the information in the hands of the Navy. Our Pacific Fleet burns oil. At that time—and the situation has not changed, since the great tanks erected at Pearl Harbor for the Government by Mr. Doheny have never been filled with fuel oil—the Navy had no fueling stations. The purpose of the Government to develop its oil lands, erect fuel stations at strategic points naturally could not be advertised to the world. Secrecy, above all things, was necessary. The Navy had much difficulty in securing any construction firm that would undertake the work because the Navy had no appropriation; had money been asked for that purpose clearly the whole matter of defense would have been frustrated. Under the law the Secretary of the Navy was authorized to drill the naval reserves and use the proceeds any way in his judgment he deemed desirable for the best interests of the Government.

Then, on May 1, 1926, he contributed an article to the Army and Navy Journal, in which he said:

The defendants—

Referring to the defendants in the oil cases—

The defendants, loyal citizens, having entered into the contracts with the Navy that were made the occasion for a vast amount of undesirable publicity, thought more of the welfare of their country than of their own reputations. Say what you will, this exhibition on the part of these defendants was pure loyalty.

Mr. CARAWAY. Mr. President, I do not think I caught the full force of the Senator's statement. Who is this superpatriot who is defending Sinclair and Fall?

Mr. WALSH of Montana. His name is Fred R. Marvin, who since his services as editor of the New York Commercial have been discontinued, finding he could no longer have in that way an avenue by which to get his views before the public, makes use of these bulletins issued by the War Department.

Mr. CARAWAY. I rather object to the word "views"; they are worse than that.

Mr. WALSH of Montana. I think, perhaps, it was an unfortunate choice.

In a pamphlet or book issued by Mr. Marvin, he says:

Calm, cold, reliable, and trustworthy evidence brought out in court, however, proved these leases and contracts instead of being part of a scheme to rob the Government were but part of a preparedness program approved by the Naval War Board; that the purpose of these leases and contracts was to give a fuel-burning Navy emergency oil stored at strategic points through the erection of the necessary tanks—then and now still lacking—and to construct pipe lines from far interior oil fields to connect with water points that the oil in such fields might promptly be made available in case of necessity.

Mr. CARAWAY. He is evidently attacking the Supreme Court of the United States, which canceled the leases.

Mr. WALSH of Montana. It would be interesting to submit in connection with his observations those of the Supreme Court.

Mr. SHIPSTEAD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield further to the Senator from Minnesota?

Mr. WALSH of Montana. I yield.

Mr. SHIPSTEAD. Does the Senator say that this stuff was sent out under frank?

Mr. WALSH of Montana. No. I am reading editorials from the New York Commercial and contributions to the Army and Navy Journal, and this is the man whose further effusions——

Mr. SHIPSTEAD. Along the same line?

Mr. WALSH of Montana. Practically along the same line. The argument is that this was one of the preparedness measures, and so he is arguing for preparedness in the other effusions to which I shall immediately call your attention.

In an editorial in the New York Commercial of November 26, 1926, he said:

That he did, but not without consulting others, for the final determination to let the contract for the drilling as part of the agreement to erect the much-needed storage tanks at Pearl Harbor came only after an agreement on the part of the Government servants, whose integrity has never been so much as questioned.

And again from his pamphlet, Ye Shall Know the Truth—

There was no evidence of fraud, conspiracy, or secrecy in connection with the letting of these contracts, save so far as a certain degree of secrecy was necessary, because the whole program involved the good of the Nation.

Several other editorials along the same line and of the same tenor I ask to have incorporated in the RECORD without reading.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

When no construction firm could be found that would undertake the work, the Government in desperation turned to the oil companies operating on the Pacific coast. One after another they were approached on the subject. The only man who could be interested was E. L. Doheny, of the Pan-American Petroleum Co., and he was not interested until the cards had been laid on the table and his patriotism and loyalty to country appealed to. Then he agreed to undertake the work. He carried out that work, erected the tanks, and it was then our pacifistic and international friends knowingly forced what they called an "oil scandal" to the front. These tanks to-day are worthless so far as the Navy is concerned, and should there appear an emergency on the Pacific, do not forget the present activities of certain forces in Mexico may make that emergency a reality overnight—our fleet would be helpless. (From an editorial by Fred Marvin in the New York Commercial, November 26, 1926.)

The contracts made by the Navy with certain oil companies were for the erection of emergency fuel-oil tanks at strategic points and for the construction of pipe lines from interior oil fields to connect

up with tidewater. There was, at the time these contracts were let, a great emergency. The United States was facing a most serious situation which, however, was unknown to the public. The fuel-oil tanks were an immediate necessity else our Pacific Fleet would be useless. The Navy had but one way to secure and pay for these tanks. That was by selling oil secured from the naval oil lands. There was a law which gave the Secretary of the Navy the right to do this. That law was constitutional and was so held by Judge Kennedy in the Teapot Dome case, and the Secretary of the Navy only carried out the specific mandate of the statute.

The men made defendants were unable to present the real occasion for the contracts and leases since they were based upon a great national emergency. The Secretary of the Navy, when asked to present the court with documents in his possession which would have contained the truth, begged to be excused from so doing on the ground that to present them would be contrary to public policy. This the defendants well understood. They did not press their demand. Had these documents been made public it might have involved us with a friendly nation. (From an article written by Fred Marvin for the Army and Navy Journal, May 1, 1926.)

So far as I know, the editorial from the New York Commercial [November 26, 1926], quoted on the editorial page of the World tomorrow [October, 1927], is correct. As a newspaper correspondent I listened to every line of testimony of the Elk Hill case. I personally read all the exhibits presented. I heard the arguments of both the Government and the defendants. I have no occasion whatever to change the statement I made. You will recall that a jury in Washington City in a criminal case acquitted Mr. Doheny, and if you have looked carefully into the Elk Hill civil case you will find that the decision which invalidated the lease was based upon the court's decision that the law transferring the administration of the lands from the Navy to the Interior Department was illegal. Mr. Doheny did not make this law. The Congress of the United States passed this law.

I readily understand why people gain a false impression of many things. They read headlines and they read prejudiced statements or plain propaganda and they do not undertake to ascertain the exact facts.

Having been a newspaper correspondent for many years and having covered a large number of very important national trials, I feel that I have the ability to understand evidence, and further I feel that I can express an opinion upon that evidence based upon a better knowledge than some one who has never reported a trial, who heard none of the court proceedings, and who gains his impression wholly from reading the press. (From a letter written by Fred Marvin to Dr. John G. Fleck, October 11, 1927.)

Mr. WALSH of Montana. I read, however, the last I have here, from the New York Commercial of November 26, 1926:

But at Washington the very reputation of a patriotic citizen is at stake. The record of the man is as clean as a hound's tooth. He is the victim of a gigantic international conspiracy carried on in the United States through the aid of many who do not understand what they are doing. Emotion produced by the cry of the pacifist has dulled their senses to national loyalty. They have fallen for the vicious propaganda of the internationalists—or shall we call them socialists and communists?

Mr. SHIPSTEAD. Mr. President, what does that mean when he is talking about this great "patriot"?

Mr. WALSH of Montana. Of course, that is Mr. Fall.

Now, I call attention to the article entitled "Breeders of turmoil," by Fred R. Marvin, included in the Army bulletin, to which I have asked your attention.

Mr. SHIPSTEAD. Was this sent out by an Army officer?

Mr. WALSH of Montana. Oh, of course; sent out under a frank.

Mr. REED of Pennsylvania. Mr. President, was this done by more than one of these reserve division headquarters?

Mr. WALSH of Montana. Yes; it was, Mr. President. I have here quite a lot of them. This is from the headquarters of the Third Coast Artillery district at Fortress Monroe; and I am going to call attention to some that were sent from other places:

BREEDERS OF TURMOIL

By Fred R. Marvin, editor New York Commercial, executive director Key Men of America

The rambling, radical alien, who, by virtue of the fact that there is no present law to compel his registration, conducts himself in the United States largely as his perverted inclinations dictate. He has become a problem with which Congress can not long escape dealing. There are 1,000,000 of his kind illegally in the country, according to official and conservative estimates, and it is the opinion of Immigration, Labor, and Department of Justice officials that all could be deported if Congress would only give the authorities an alien registration law which could be made the basis of a check-up.

Another argument is in favor of an alien registration law, which I do not suppose anybody would contend is a proper matter to be incorporated in this Army bulletin.

That was issued January, 1928.

I call attention to another one from the same headquarters issued April, 1927, also an article from Mr. Marvin, entitled "The menace from within."

Mr. SHIPSTEAD. Was that also sent out under the frank?

Mr. WALSH of Montana. Yes; that was sent out under the frank.

Mr. SHIPSTEAD. And at the expense of the War Department?

Mr. WALSH of Montana. At the expense of the Government of the United States.

Mr. SHIPSTEAD. I have heard of such things; I have heard of their being sent through the mails by the War Department, but this is the first I have seen of it.

Mr. WALSH of Montana. I read from this article, as follows:

Now, these agencies of foreign origin would be of no considerable menace if confined entirely to their own devices. Quite obviously they would have no success in promoting propaganda against the protection of American citizens if their foreign identity was known. They know this full well and maneuver all too successfully to grind their axes in the names of various pacifist organizations, the American Civil Liberties Union, the Federal Council of Churches, and many so-called progressive bodies, mostly of a distinctly pink tinge. The latter is continually adding to its program undertakings distinctly nonreligious in nature and outside of the mission of the church, as most members see it.

Among the leaders of the council are persons active in many extremely radical and subversive movements who regularly cooperate with agencies which refused to support the Government even while we were at war.

The American Civil Liberties Union may be described as the "left wing" of the council, and has extensive and dangerous ramifications in the Third Internationale at Moscow.

I read from another paragraph:

Fortunately the loyal press of the country, together with other justifiable agitation against the church lobby at Washington, seems now in a fair way to initiate an investigation of the council's activities and the sources from which it derives financial sinews. The investigation might well be broadened to include the workings of other propaganda agencies and the methods of their operation.

The orthodox ministerial pacifism is receiving a wealth of inspiration "against war" at this time, although there has not been, in any of the situations upon which they base most of their "letters to the papers" and other devices for obtaining publicity, any serious suggestion of a passage at arms. There remains, however, the obvious fact that the world's wealthiest nation should not regard itself as secure from attack unless it has fighting forces in proportion to its importance as a world power.

Now observe:

The United States has neither an army nor a navy nearly sufficient to its needs; and yet the hue and cry for further reductions continues from many quarters.

Now I want to call attention to a postscript to this by the editor:

EDITOR'S NOTE.—This is the second of a series of articles by Mr. Marvin exposing the menace to our free institutions by the professional pacifists, the idealists, and the peace-at-any-price advocates whose activities are, in many cases, unknowingly influenced and directed by the paid communistic representatives of a foreign government.

Mr. Marvin is a recognized authority on this question and his statements carry the weight of "one who knows."

So that not only are they circulated in plain defiance of the law in relation to the use of penalty envelopes, and in contravention of the statute which authorizes the circulation only of matter that is official in character, but they actually receive the indorsement and the commendation of the editor of the bulletin. If I may remark, it would be just as exactly as justifiable, so far as the law is concerned, to include in this bulletin the pamphlet of Mr. Libby as it would the statement of Mr. Marvin.

Mr. FRAZIER. Mr. President——

Mr. WALSH of Montana. I yield to the Senator.

Mr. FRAZIER. I understand that this man Marvin, during the last few months, has written up every Member of the Senate who raised his voice against the policy of the State Department toward Mexico and Nicaragua. I was wondering if he sent those write ups to the War Department also.

Mr. WALSH of Montana. Mr. President, I can not say as to that; but let me call your attention to some of the headings which you will find in these bulletins.

I have in my hand this one issued December, 1927. On page 7 you will find an article entitled "For pacifists to think about."

On page 17 you will find an article entitled "Education and war." Probably that is all right.

Next you will find, on page 28, "The Army too small."

Page 45, "Patriotism and preparedness."

In another bulletin issued in April, 1927, you have "Militarism in our schools"; an editorial "Some pertinent questions"; and a reprint from the Cincinnati Inquirer on "Pacifism, peace, preparedness, and patriotism."

These are simply suggestive of the character of the articles found in these bulletins.

I want to call attention before I close, however, to two of these bulletins issued by the headquarters of the Seventh Corps Area at Omaha, Nebr. Here is an article which is quoted from the Emporia (Kans.) Teachers' College Bulletin, entitled "A mistaken idea, that's all." It reads as follows:

A few Christian organizations, not all, but too many, are all roused up right now over the impending disaster to American colleges in the established Reserve Officers' Training Corps on the campuses. The military organizations, say the Young Men's Christain Association, are leading directly to war and ruin. It is not right, they declare, that State universities and colleges established and maintained through land grants by the National Government, require their students to take a very limited amount of military training and tactics under the supervision of the Government that is largely responsible for their existence.

Certain men connected with the Young Men's Christian Association shout that military training in colleges leads to the national feeling and practice of militarism. It will cause the Nation to try to subjugate less fortunate peoples and usurp the right of self-government in weaker countries. All kinds of absurd possibilities are conjured up by the extreme pacifist to discourage and prevent the presentation of military training to the men in the institution of higher education. Yet despite all these wild dreams to which the Young Men's Christian Association man is subject, he supports foreign missions.

Now:

And foreign missions are always more or less dependent upon military power for their continued existence. China has been especially hard to convert. It was necessary to drive home the precepts of the Christian religion with the point of a bayonet to make a believer of the heathen Chinese. The Boxer uprising and the present oriental crisis are startling examples. And did the Young Men's Christian Association kick when the United States marines were ordered to China? Not yet.

Military training for college men is not meant to foster the spirit of militarism. It is given primarily for physical training and training in citizenship, and, secondly, for the training of men for the military. The national defense is certainly of interest to the good citizen, and by thinking for a moment the citizen can readily see that with the small standing Army of the United States it is necessary to have a number of men who know something of military tactics to train the uninitiated in time of national conflict. Military men are not more militaristic than other men. But having dealt with war, they believe in being ready to take care of it when it comes. The Young Men's Christian Association in this case has the wrong idea.

Mr. President, I feel that something ought to be done—perhaps by a limitation in connection with the appropriate appropriation, as suggested by the Senator from Wisconsin—pointedly to advise the officers of the War Department and the men in command that they ought to set an example of obedience to the law; that they are the servants of the people of the United States in these great duties that are reposed in them; and that they ought to exercise the highest care to see that matters of this character do not get into official publications of any character for which they are responsible.

It is a matter of no consequence whatever whether we agree with the so-called pacifists, or whether we agree with the so-called militarists; neither of them have any right to use these agencies and instrumentalities for the circulation of their peculiar views with respect to the matter. The papers are open to them, and the magazines are the proper forum through which they ought to impress the public with the soundness of their peculiar notions.

Mr. DILL. Mr. President, will the Senator yield?

Mr. WALSH of Montana. I yield.

Mr. DILL. How large a mailing list was used by the department sending out these publications?

Mr. WALSH of Montana. I have no idea; but the commander who was responsible for the sending out of the letters to which your attention was first directed by me, said that they were sent only to a limited number of people. I have no means of knowing how generally they are circulated, but sufficiently generally so that there have been placed in my possession a large number of these, the general character of which can be divined from the ones to which I have called specific attention.

Mr. President, I ask that the excerpts from the various journals from the articles by Mr. Marvin be incorporated in the RECORD without reading.

The PRESIDING OFFICER (Mr. TYDINGS in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

[From the Bulletin of the Third Coast Artillery District, Fort Monroe, Va., April, 1927, page 16]

THE MENACE FROM WITHIN

By Fred R. Marvin

Several present-day political issues are affording anti-Government propaganda forces fuel for the fires of attack upon the present administration, upon preparedness and upon any commendable effort to protect the lives and interests of American nationals abroad. Conspicuous among these, of course, are the Mexican situation, the trouble in Nicaragua, and the landing of forces in China.

For their own purposes these propagandists, whose leaders in most cases were born outside the United States, have sought to make it appear that the bone of controversy in Mexico is religion or the interests of "immensely rich oil concerns." They paint this country as materialistic and imperialistic, completely ignoring the fact that the issue involves also the holdings of thousands of small property owners south of the Rio Grande.

The facts regarding the situation in Nicaragua have been similarly perverted with a view to making it appear that our marines have been landed in that country solely to protect interests fraudulently acquired by Americans who do not deserve the protection of their Government.

Of course the ultimate object of the persons inspiring the publication of all this misinformation is the weakening of the defensive forces of the United States. Some few of them are idealistic, impractical, and seriously deluded ministers or pacifists who believe with more or less sincerity that an adequate defensive force constitutes a threat of war. But these are being dangerously maneuvered by persons whose interests are wholly inimical to those of this country whether it be at war or at peace.

In any competent consideration of this increasingly menacing situation, it must be accepted as fact, and it is easily provable, that elaborate propaganda agencies are maintained in the United States by foreign governments, at least one of which has openly expressed an enmity for the form of civilization maintained in this and most countries of the world.

Now, these agencies of foreign origin would be of no considerable menace if confined entirely to their own devices. Quite obviously they would have no success in promoting propaganda against the protection of American citizens if their foreign identity was known. They know this full well and maneuver all too successfully to grind their axes in the names of various pacifist organizations, the American Civil Liberties Union, the Federal Council of Churches, and many so-called progressive bodies, mostly of a distinctly pink tinge. The latter is continually adding to its program, undertakings distinctly nonreligious in nature and outside of the mission of the church, as most members see it.

Among the leaders of the council are persons active in many extremely radical and subversive movements, who regularly cooperate with agencies which refuse to support the Government even while we were at war.

The American Civil Liberties Union may be described as the "left wing" of the council and has extensive and dangerous ramifications in the Third Internationale at Moscow.

These are the organizations which boasted so gloatingly of having influenced the disappointing reactions against the statement of Secretary Kellogg at the outbreak of the dispute with Mexico. Since the deluge of subversive propaganda they released at that time there has been a considerable change in the sentiment of the people manifested in the more radical elements of the press, which at the inception of the controversy "played to the gallery" by taking a position against the administration.

Naturally such organizations, aside from their professed interest in "peace at any price," would have an almost corresponding interest in Mexico and the welfare of its obviously communistic government. Mexico, there can be little doubt, is the capital of communism on the American continent, the base from which the doctrine of destruction is being spread through this country and in South America.

Fortunately the loyal press of the country, together with other justifiable agitation against the church lobby at Washington, seems now in a fair way to initiate an investigation of the council's activities and the sources from which it derives financial sinews. The investigation might well be broadened to include the workings of other propaganda agencies and the methods of their operation.

The orthodox ministerial pacifism is receiving a wealth of inspiration "against war" at this time, although there has not been in any of the situations upon which they base most of their "letters to the papers" and other devices for obtaining publicity any serious suggestion of a passage at arms. There remains, however, the obvious fact that the world's wealthiest nation should not regard itself as secure from attack unless it has fighting forces in proportion to its importance as a world

power. The United States has neither an Army nor a Navy nearly sufficient to its needs, and yet the hue and cry for further reductions continues from many quarters.

Since the publication of the March Bulletin the committee of "unofficial meddlers" I mentioned there has returned from Mexico with glowing reports on the efficiency and humanity of the present administration in that almost bolshevised country. Summarized, their unsought study "revealed" that the best thing for our Government to do would be to let Mr. Calles and his crew confiscate the property of Americans in Mexico and raise no hand to stop him.

There have been other developments in Mexico and in South America which clearly indicate the correctness of the suspicion that Mexico is being used by communist Russia as a base for operations against the United States and for organizing revolution in the Latin Republics to the south.

The propagandists against American prestige on this hemisphere deluge the press with pleas to "mind our own affairs," and let revolution reign as it will in Central and South America. Most of them are the unthinking idealists, who take no thought of the obligations assumed by this country under the Monroe doctrine.

But many of them, those who are really inspiring that philosophy, I say without fear of successful contradiction, are the representatives of foreign nations who know full well the purport of those obligations and would like nothing better than to see this country embroiled with some major world power against which our present defensive equipment would be hopelessly inadequate.

[EDITOR'S NOTE.—This is the second of the series of articles by Mr. Marvin exposing the menace to our free institutions by the professional pacifists, the idealists, and the peace-at-any-price advocates whose activities are in many cases unknowingly influenced and directed by the paid communistic representatives of a foreign government. Mr. Marvin is a recognized authority on this question and his statements carry the weight of "one who knows."]

[From the Bulletin of the Third Coast Artillery district, Fort Monroe Va., January, 1928, page 19]

BREEDERS OF TURMOIL

By Frank R. Marvin, editor New York Commercial, executive director Key Men of America

The rambling, radical alien, who by virtue of the fact that there is no present law to compel his registration conducts himself in the United States largely as his perverted inclinations dictate. He has become a problem with which Congress can not long escape dealing. There are 1,000,000 of his kind illegally in the country, according to official and conservative estimates, and it is the opinion of immigration, labor, and Department of Justice officials that all could be deported if Congress would only give the authorities an alien registration law which could be made the basis of a check up.

The American Civil Liberties Union have so far been successful in thwarting the efforts of thoughtful legislators to present such a registration bill in Congress. With the necessity for such an act becoming more apparent every day, however, it is doubtful that they can much longer stem the tide of national demand. Other societies and organizations with a decided international tinge are using all their influence to the same end.

The Sacco-Vanzetti controversy, tainted as it was by bomb outrages in various sections of the country, served to crystallize considerable sentiment in favor of such a registration bill as has been advocated by Secretary of Labor Davis and other competent students of the essential volume of American alienage, and the problem it presents.

A consideration fully as important as the potentiality for destruction of life and property of the thousands of dangerous radical aliens who are here illegally, however, is that of justice to the immigrant from overseas who has entered the country legally under the quota allotment of his native land and is preparing himself for American citizenship. The unlawful activities of "bootlegged" aliens, a majority of whom are here to serve no good purpose, affect his status adversely in the community where he plans to make his home.

The opponents of the registration bill argue that it will place in the hands of the regularly constituted authorities a vehicle by which all aliens and potential citizens may be hounded from pillar to post. That is obviously rubbish which emanates from the same sources as opposition to adequate national defense and most other proposals designed for the best interests of the United States. No law-abiding alien would derive anything but benefit from the proposed measure, but by the same token it would provide a basis for determining those among our millions of aliens who fail to abide by our laws and customs, thereby making themselves undesirable and deportable.

No alien who makes a business of attacking our form of government has any right to remain here. All immigrants are rightfully in the United States on suffrance until such time as they may assume citizenship. Aliens who enter without the knowledge of the immigration officials have no right here whatever and their early deportation is for the best interests of the country at large.

Under our present system any foreigner who can make an entry into the country by any devious means whatever is comparatively safe from molestation because the authorities have no adequate means of ascertaining the legality of his residence. In some instances fugitives from justice in other countries have been discovered domiciled in the United States after violation of our criminal laws has concentrated the attention of the authorities upon them. In nearly all cases they had committed vicious crimes here before their past records were revealed. Had a proper registration act provided a basis for an early determination of their status, American property and in some instances American lives, might have been saved.

Agitators of every description against American institutions and ideals find the present negligent system a boon to their activities. There are thousands of them in the country to-day, sowing the seeds of discontent and potential trouble among well-meaning immigrants who, if left to their own devices, would doubtless become useful, contented citizens.

It is time for Congress to give its attention to these breeders of internal turmoil who are here without legal authority.

Mr. WALSH of Montana. Mr. President, a few moments ago I referred to an opinion by Assistant Attorney General O. R. Luhring. I ask that it be incorporated in the RECORD in connection with my remarks, together with certain other letters on the subject to which I have been addressing myself.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., December 22, 1926.

Memorandum for Attorney General.

In re: Complaint of Mr. Frederick J. Libby, of Washington, D. C., relative to an alleged violation of the postal laws in connection with the sending through the mails in a War Department penalty envelope a letter and inclosures signed by First Lieut. John C. McNutt, Field Artillery Reserve, secretary-treasurer of the Reserve Officers' Association of Indiana.

Under date of June 8, 1926, Mr. Frederick J. Libby, executive secretary of the National Council for Prevention of War, 532 Seventeenth Street NW., Washington, D. C., submitted a complaint to the department alleging that certain photostatic inclosures had been transmitted through the mails in violation of the postal laws and requested that proper attention be given to the matter.

The photostatic copies inclosed with Mr. Libby's letter consisted of the following:

RESERVE OFFICERS' ASSOCIATION OF
DEPARTMENT OF INDIANA,
Indianapolis, Ind., May 11, 1926.

The inclosed papers are sent to a number of the officers of the American Association of University Women in Indiana, due to the fact that the association is said to be giving support to one Frederick J. Libby, executive secretary of the National Council for the Prevention of War.

Pacifists are making a determined effort to destroy military training in the schools and colleges and Mr. Libby is believed to be associated with persons who are active in working to this end. This is likewise a very prominent objective of communists efforts in this country, and the propaganda is well financed and aggressive.

It is regretted that no compilation of data is available now to show the unfortunate and, with very many persons, unintentional alliance between communists and good people who have thoughtlessly lent their support to the attempted destruction of our national defense policy.

It is suggested that your State association withhold support to the National Council for the Prevention of War pending further investigation of this body and its associates.

JOHN G. MCNUTT,
First Lieutenant, Field Artillery Reserves,
Secretary-Treasurer.

(Inclosures: Sixty-seventh Congress, second session, Senate committee print, Reserve Officers' Training Corps at educational institutions; copy of statement by President Elliott, Purdue University, January 28, 1926, statement No. 362.)

(War Department: Headquarters Eighty-fourth Division, Indianapolis, Ind. Official business.)

(Penalty for private use to avoid payment of postage, $300.)

Mrs. W. C. Stevens, 311 W. Adams, Muncie, Ind.

STATEMENT MADE IN PERSONAL LETTER, DATED JANUARY 28, 1926, BY PRESIDENT ELLIOTT, OF PURDUE UNIVERSITY

"Here at Purdue University, the Reserve Officers' Training Corps is regarded as an integral and valuable element in the plan of technical education, to which this institution is primarily devoted. How-

ever, entirely apart from the question of the specific training of men for reserve military commissions and entirely apart from the relation of the military training to engineering instruction, I consider that the Reserve Officers' Training Corps contributes largely and efficiently to the development of those essential qualities of which dynamic character is composed—the sense of personal responsibility, the spirit of purposeful cooperation, the inspiration of leadership, and a recognition of the eternal place or order and organization in human society. Whatever may be its weakness, the Reserve Officers' Training Corps is one agency in the university in which civic service and relations are given a practical setting. While the course of training is immediately intended to qualify men for commissions in the Reserve Army, I have always considered that this training had an equally important aim of giving to the young men who are fortunate enough to receive it something in sharp contrast to the present-day tendencies toward personal irresponsibility and lawless individuality; making them realize that strength of character depended upon certain common realities of life, rather than upon sentimental preachments."

A copy of a pamphlet was also inclosed with the letter of May 11, 1926, signed by Lieutenant McNutt and transmitted in the penalty envelope, as appears by the inclosure notation thereon, but which was not transmitted to the department by Mr. Libby, consisting of a Senate committee print, Sixty-seventh Congress second session, printed for the use of the Committee on Military Affairs, entitled "Reserve Officers' Training Corps at Educational Institutions." This pamphlet consisted of extracts from letters from presidents of universities and colleges commenting on the value of the work of the Reserve Officers' Training Corps.

The matter was referred to the Secretary of War, who, after investigation, advised the department under date of July 20, 1926, that—

"Lieutenant McNutt had nothing to do with the use of the penalty envelope in this case. The envelope, with its inclosures, was sent out by authority of the chief of staff of the Eighty-fourth Division, Col. G. L. Townsend, an officer of the Regular Army and competent under the law."

In answer to an inquiry dated November 24, 1926, Hon. THOMAS J. WALSH was advised under date of November 27, 1926, of the statement made by the Secretary of War.

Under date of December 4, 1926, a further letter was received from Senator WALSH in which he questioned the legality of transmitting in a penalty envelope the letter and inclosure involved on the ground that the matter contained therein is not such as relates "exclusively to the business of the Government of the United States."

When the matter was called to the attention of the Secretary of War in June, 1926, by this department, the Secretary directed Maj. Gen. Robert L. Howze, commanding general of the Fifth Corps Area, Fort Hayes, Ohio, within whose military jurisdiction the State of Indiana lay, to make an investigation of the matter with report and recommendation. General Howze called upon Col. G. L. Townsend, chief of staff of the Eighty-fourth Division, whose stamp appeared upon the envelope under discussion, for a report. Colonel Townsend made a reply to General Howze as follows:

"The mimeographed letter from the Reserve Officers' Association, dated May 11, 1926, with statement of President Elliott, was sent out from this office to a small number of officers of the Indiana branch of the Association of American University Women; this with a view to assisting the Reserve Officers' Association in an effort to support the national defense act by inducing the ladies to investigate before acting.

"The papers were not sent out by First Lieut. John G. McNutt, Field Artillery Reserve, who had no relationship with this office to warrant his use of penalty envelopes and, so far as known, has sent out no matter under penalty stamp. The envelope addressed to Mrs. W. C. Stevens, Muncie, Ind., was sent from this office. The circular letter was not sent for the benefit of any individual and was for purposes considered as public entirely. Similar use of the penalty envelopes will not be made in the future."

Whereupon General Howze reported to the War Department as follows:

"From the preceding third indorsement it appears the letter in question was mailed by authorities of the Eighty-fourth Division; therefore, responsibility for this act can not properly lie upon Lieutenant McNutt. It further appears that Lieutenant McNutt, as secretary-treasurer of the Reserve Officers' Association of the Department of Indiana, has no relationship with the War Department which authorizes him to use penalty or official envelopes of that department; there is no evidence he has done so.

"As to the propriety of use by Eighty-fourth Division authority of the franked envelope in this case. Its inclosures were a public document, an indorsement by a notable educational authority of a form of training especially and particularly sanctioned by law as a War Department activity, and a request by an association—acting in support of the legally constituted national defense plan—that support to agencies alleged to be inimical to national defense be withheld until motives of these be scrutinized. The inclusion of the letter last named is the sole point of debate as to propriety in this case.

"An appeal for support—negative though it be—for undertakings lawfully carried on by the War Department made by a duly constituted agency of that department, by no stretch of imagination can properly be adjudged as other than public business. Supporting documents to such an appeal enjoy a similar character. I am unable to discover any violation whatever of postal laws in this case."

The Secretary of War concurred in the conclusions expressed by General Howze in his report.

The applicable provisions of law are as follows:

(Section 5 of the act of March 3, 1877, c. 103, 19 Stat. 335)

"It shall be lawful to transmit through the mail, free of postage, any letters, packages, or other matters relating exclusively to the business of the Government of the United States: *Provided*, That every such letter or package to entitle it to pass free shall bear over the words "Official business" an indorsement showing also the name of the department, and, if from a bureau or office, the names of the department and bureau or office, as the case may be, whence transmitted.

(Section 227 of the Criminal Code)

"Whoever shall make use of any official envelope, label, or indorsement authorized by law, to avoid the payment of postage or registry fee on his private letter, packet, package, or other matter in the mail, shall be fined not more than $300."

It will be noted that penalty envelopes may be used to transmit through the mails free of postage any letter or other matter relating "exclusively to the business of the Government of the United States." It would seem only reasonable that the head of the department whose indorsement the penalty envelope bears and whence it is transmitted should, a least in the first instance, determine what matter relates to the business of his department. After such determination, clear and convincing reasons should be presented before his conclusions may be held to be erroneous.

After a consideration of the matter transmitted in a penalty envelope under the direction of Colonel Townsend, I am unable to arrive at the conclusion that it does not relate to the business of the War Department. As stated by General Howze, it is an appeal for support for undertakings lawfully carried on by the War Department made by a duly constituted agency of that department. It relates to the administration of a portion of the national defense act, the administration of which the Secretary of War is charged. The Secretary has a discretion as to the means to be employed in effecting the purposes of such act.

Section 227 of the Criminal Code provides that,

"Whoever shall make use of any official envelope * * * authorized by law, to avoid the payment of postage or registry fee on his private letter. * * * in the mails, shall be fined not more than $300."

It is clear that the penal provision is not applicable unless an official envelope is used "to avoid the payment of postage on a private letter." Obviously, there was no such intention in the instant case. The matter transmitted in the penalty envelope related to the public business and does not constitute a private letter within the meaning of the statute. While one may possibly question the expediency of the means employed to enlist support in favor of the national defense act and to combat what public officials deem to be influences inimical to the proper administration of such act, I am unable to discover any violation of the postal statutes in question. Public officers are entitled to a reasonable latitude in the means selected to carry out the duties with which they are charged. Before their activities can be said to be unlawful, I believe they must at least come within the purpose and intent of some criminal statute. Nothing of the sort is apparent in the present case.

I concur, therefore, in the conclusion of the Secretary of War that the facts in the instant case do not constitute a violation of the postal laws.

Respectfully,

O. R. LUHRING,
Assistant Attorney General.

E. F. HOUGHTON CO.,
Philadelphia, Pa., October 31, 1927.

Lieut. Commander H. N. WALLIN,
Construction Corps, Navy Department, Washington, D. C.

MY DEAR COMMANDER: As near editor of the Houghton Line, I am in about the same position as the radio artist—neither of us has any means of knowing what our great, unseen audience thinks of our efforts unless some one is kind enough to write in and give us the benefit of their opinion, and therefore your esteemed favor of October 28 is more than welcome.

I regret very much that for the first time in the 19 years that the Houghton Line has been published that I am compelled to deny a request to reprint an article published therein, and the reason I do not is because Mr. Kirby Page has convinced me that he is not the author of the so-called Kirby Page pledge, and that the various publications which have been printing the pledge and connecting his name with it have been doing him a great injustice.

You will please understand that Mr. Page does not threaten me with legal procedure; he has just stated his case very plainly; and although

Mr. Page is a noted pacifist I think you and I both know he is a man of courage who has done things and who undoubtedly has the courage of his convictions, and he would be the very last man in the world to deny being the author of the pledge, if he were; and in view of that fact I don't think it would be honest or fair to Mr. Page to permit any further circulation of my article.

Yours very sincerely,

CHAS. E. CARPENTER, *President.*

KEY MEN OF AMERICA,
New York, November 18, 1927.

Mr. CHARLES E. CARPENTER,
President E. F. Houghton & Co.,
Philadelphia, Pa.

MY DEAR MR. CARPENTER: After writing you the other day regarding Mr. Kirby Page, I made a very close examination to locate the original source of the so-called slackers' pledge and found the exact language, as the pledge is quoted in his book War: Its Causes, Consequence and Cure.

We had considerable trouble getting a copy of this book, our original being missing from the files, and I have sent it to a lady in New Jersey who made the original inquiry.

However, if you have such a book available, let me call your attention to the fact that you will find this information on page 89, toward the bottom. It is true it is not stated as a pledge, but this is the language of Mr. Page and will have to be accepted in the light in which uttered.

Let me suggest that you ask Mr. Page whether or not that was his language and whether or not it is not in effect a pledge.

From all I can learn, this appears to have gotten him in rather hot water, and there seems to be a disposition to side step, and I would suggest that before you give any publicity to him, you make a little further investigation.

Yours for national loyalty,

FRED R. MARVIN, *Executive Director.*

NOVEMBER 21, 1927.

Mr. FRED R. MARVIN,
Executive Director, New York, N. Y.

DEAR MR. MARVIN: I am sure I very highly appreciate your esteemed favor of the 18th, but I don't think you understand the situation.

So far as I am concerned, Mr. Page is not on trial.

As to who was or was not the author of the pledge is only collateral, if it is not really irrelevant. It is not the pledge or the authorship of the pledge with which I am concerned.

My exception is taken to a purely volunteer body of men, in the name of Christ, knowingly or unknowingly aiding the cause of everything that is un-Christianlike.

We must be fair, honest, and decent, and exceptionally liberal in our controversies with pacifists, or else we shall find ourselves subject to the accusation of unfairness and we must avoid even the appearance of being unfair.

I think you will admit that it is just as unfair to connect Mr. Page with the authorship of the so-called "Kirby Page pledge" on a technicality, as it is for Mr. Page to avoid the responsibility for said authorship on a technicality.

The great solution to the proper preparedness and the minimizing of war, is to convert these people—not attempt to crush them.

Certainly I can give publicity to an expression of opinion, but I am not responsible if some one takes that expression of opinion and converts it into a pledge.

I am not trying to excuse Mr. Page; he seems to be perfectly competent to take care of himself, and whatever may be said about him, he is certainly a gentleman, for his correspondence with me indicates that, and is in marked contrast with those who are doing business under the Christ trade-mark.

I feel I owe Mr. Page the duty of publishing his correspondence, and I shall do my duty as I see it.

Yours very respectfully,

CHAS. E. CARPENTER, *President.*

NOVEMBER 23, 1927.

Mr. C. E. CARPENTER,
E. F. Houghton Co., Philadelphia, Pa.

MY DEAR MR. CARPENTER: Many thanks indeed for letting me see a copy of your letter to Mr. Marvin. I greatly appreciate the spirit you are showing.

Mr. Marvin is mistaken. I have not the slightest disposition to side step anything I have ever said or written. As a matter of fact, I have exerted myself to secure a wide reading of my books, and War: Its Causes, Consequences, and Cure, has had a circulation of 150,000 copies and has been translated into eight foreign languages.

What I object to is being accused of practices of which I am not guilty. I have never asked anyone to sign a pledge. As I wrote you previously, I do not believe in this method.

Cordially yours,

NOVEMBER 23, 1927.

Mr. FRED R. MARVIN,
Key Men of America, Suite 1203,
120 West Forty-second Street, New York City.

MY DEAR MR. MARVIN: Mr. Charles E. Carpenter has sent me a copy of your letter to him of November 18 and of his reply to you of November 21.

Since you seem to be having difficulty in getting full information about me, I am taking the liberty of sending you under separate cover a complete set of all the books and pamphlets I have written which are now in print. This may enable you to be a bit more accurate in your reference to me, since you seem to be especially interested in my activities. Let me say further that if at any time you want reliable information regarding me and my work, I shall be glad to answer any question you may care to ask.

Mr. Carpenter had already seen the book to which you refer, as I sent him a copy some weeks ago.

Sincerely yours,

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., November 27, 1926.

Hon. THOMAS J. WALSH,
United States Senate.

MY DEAR SENATOR WALSH: I have your letter of the 24th instant relative to the complaint of Mr. Frederick J. Libby, of Washington, D. C., in connection with a possible violation of the postal laws by First Lieut. John Gilbert McNutt, Field Artillery Reserve, secretary-treasurer of the Reserve Officers' Association of Indiana.

I beg to advise you that the matter was called to the attention of the Secretary of War, who, after investigation, advised me as follows:

"The delay in making final answer to your letter has been occasioned by an investigation, as the result of which it has been definitely learned that Lieutenant McNutt had nothing to do with the use of the penalty envelope in this case. The envelope, with its inclosures, was sent out by authority of the chief of staff of the Eighty-fourth Division, Col. G. L. Townsend, an officer of the Regular Army and competent under the law."

Very truly yours,

JNO. G. SARGENT,
Attorney General.

Mr. McKELLAR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	McKellar	Sheppard
Bayard	Fess	McMaster	Shipstead
Bingham	Fletcher	McNary	Simmons
Black	Frazier	Mayfield	Smoot
Blaine	George	Metcalf	Steck
Blease	Gerry	Moses	Steiwer
Bratton	Gillett	Neely	Stephens
Brookhart	Glass	Norbeck	Swanson
Broussard	Hale	Norris	Thomas
Bruce	Harris	Nye	Tydings
Capper	Harrison	Oddie	Tyson
Caraway	Hayden	Overman	Walsh, Mass.
Copeland	Heflin	Phipps	Walsh, Mont.
Couzens	Howell	Pittman	Warren
Curtis	Johnson	Ransdell	Waterman
Cutting	Jones	Reed, Pa.	Watson
Dale	Kendrick	Robinson, Ind.	Willis
Deneen	Keyes	Sackett	
Dill	La Follette	Schall	

The PRESIDENT pro tempore. Seventy-four Senators having answered to their names, there is a quorum present.

Mr. SIMMONS obtained the floor.

Mr. LA FOLLETTE. Mr. President, will the Senator yield to me for the purpose of asking a question of the Senator from Pennsylvania in connection with a matter which has been adverted to by the Senator from Montana?

Mr. SIMMONS. I yield.

Mr. LA FOLLETTE. I take it, from the remarks which the Senator from Pennsylvania made during the speech of the Senator from Montana, that he does not approve of what is being done in the matter of conveying this propaganda under Government frank?

Mr. REED of Pennsylvania. No, Mr. President; I do not approve of it.

Mr. LA FOLLETTE. I should like to ask the Senator what appropriate remedy the Senator feels lies in the matter, as far as action by the Senate is concerned?

Mr. REED of Pennsylvania. I do not think the Senate needs to take any more action than it already has taken in establishing a penalty for the abuse of the Government frank.

Mr. LA FOLLETTE. But that does not seem to have been effective, may I suggest to the Senator.

Mr. REED of Pennsylvania. I think these are sporadic cases. I believe when the attention of the War Department is called to them, as it will be, we shall not have any more trouble of this sort, and if we do, the present laws provide an adequate penalty.

Mr. LA FOLLETTE. On the contrary, Mr. President, it seemed to me that the Senator from Montana made a showing that these were not sporadic, but seemed to be rather general in character.

Mr. REED of Pennsylvania. Anyway, I do not see how we can provide in an appropriation bill against this. These bulletins were not printed, as I understand it; they do not come within the appropriations for printing and binding, and there is nothing we can do here. I agree with the Senator that it ought not to be done. I believe that it will be stopped, and if it is not stopped, the present penal laws afford an adequate remedy. But we can not reach the matter by putting a limitation on the printing and binding item, because that does not apply to them at all.

Mr. LA FOLLETTE. Then, if I understand the Senator, there is no item in this bill out of which the expenses for the publication and printing and circulation of the documents referred to by the Senator from Montana are provided for.

Mr. REED of Pennsylvania. Yes; in the item for the divisional headquarters of the Organized Reserves.

Mr. LA FOLLETTE. On what page is that?

Mr. REED of Pennsylvania. On page 58 there is the item for the maintenance of those headquarters, and I presume that includes the mimeographing machines which were used in this case.

The PRESIDENT pro tempore. If the Chair may exercise his authority as a Senator, he will say that undoubtedly this whole matter may be reached by action of the Joint Committee on Printing, which has sole authority over the publication of the bulletins to which the Senator from Montana has referred. Speaking as chairman of the Joint Committee on Printing, the Chair assures the Senator from Montana that the matter will be called to the attention of the appropriate committee.

Mr. SHIPSTEAD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Minnesota?

Mr. SIMMONS. I yield.

Mr. SHIPSTEAD. Before this subject of propaganda is dropped I want to call the attention of the Senate to something that happened two or three years ago, when General Fries, I think it was, sent out some kind of a chart that was an insult to every women's organization in the United States. He sent out a chart which purported to show that all the women's organizations in the United States, practically without exception, were somehow in league with or were being used as dupes by a foreign government. I think that was also done at the expense of the appropriation for the Army and the Navy.

I want publicly to protest against the use of money appropriated from the Treasury to insult the women of America.

Mr. SIMMONS. Mr. President, as I understand, the question now before the Senate is whether we will agree to the committee amendment to the bill as it passed the House, reducing the appropriation from $55,000,000 to $52,000,000. I sincerely trust that the action of the Senate committee in reducing the amount provided in the bill as it passed the House will not be sustained.

I have heard no reason assigned why the amount fixed in the bill as it passed the House should be reduced, except a suggestion that the situation calls for economy. Notwithstanding the fact that the engineers had estimated that they would need to use $55,000,000, and the House decided to give them that amount, though it was $5,000,000 in excess of the Budget estimate, the Senate committee has cut it down to $52,000,000.

The reductions made affect nearly every section of the country. There has been some suggestion here that because the Senator from Virginia and myself this morning dissented from the action of the Senate committee, the reduction was made upon sectional grounds. There is no justification for that charge, because our section is not the only section that is cut down in its allowance. Nearly every other section is more or less cut down.

An examination of the item to which I referred this morning shows that there is no sectionalism in our attitude. That item is the construction of an intercoastal waterway, and is a great project which the Government undertook quite a number of years ago, and upon which it has already expended, I should say, nearly a hundred million dollars, including the works of construction and the purchase of canals. That waterway starts at Boston. We have purchased every toll canal along the line of that inland water route from Boston to Beaufort, N. C. I think we appropriated for the purchase of the last one during the last Congress—that is the Cape Cod Canal—making a free inland waterway stretching from Boston down to Beaufort, N. C. It is over that waterway that nearly all the yachts of the country that go between the north and the south during the winter season of the year travel, taking advantage of the safety of the inland waterways until they get to Beaufort where they must go out to sea. When the waterway shall have been extended to the Cape Fear River those vessels will not go out to sea until they arrive at the Cape Fear River, and they will then be beyond the last danger point upon the south Atlantic coast. They will have passed Cape Hatteras, they will have passed Cape Lookout, and they will have passed Frying Pan Shoals.

This inland waterway is one of the most ambitious ventures upon which the Government has ever entered. It is only half completed. When it shall have been completed it will give a great continuous inland waterway all the way from Maine to Mexico.

That part of it which has been completed, upon which all the money has been expended that needs to be expended by the Government, is in the Northern and Eastern States. The waterway does not reach the South until it gets to Chesapeake Bay.

It is now on its way of construction southward. It has got as far as my State, or about 200 miles to the south of the north line of my State. It is proposed here to cut down an appropriation that conforms to the estimate of the engineers as to the amount of money that they can profitably expend upon this extension during the next year.

The State of North Carolina is so much interested in the further extension, we have derived so much benefit from the extension down to Beaufort, we know so well the advantages of the extension further to Wilmington, N. C., a seaport on the Cape Fear River, that the State of North Carolina, which under the act is to furnish a right of way 1,000 feet wide the whole length of about 100 miles, at the last session of the State legislature appropriated a large sum of money to procure the right of way. The Federal Government, by reason of the failure of the river and harbor appropriation bill at the last session of Congress, was unable to furnish the money for the purpose of completing the work and the State of North Carolina, so anxious was it for the extension, so beneficial did it regard the extension, and so anxious was it that it be completed as quickly as possible, offered to advance the money to the Federal Government to pay for the cost of the survey, to be refunded out of the next appropriation.

Mr. President, I trust that the proposed reduction of the amount carried in the pending bill will not prevail, not only on account of the item about which I have spoken and in which I am specially interested, but on account of reductions made in the bill generally. I think we have been in recent years making no extravagant appropriations for rivers and harbors. Since the war we have been appropriating lump sums and as a rule they have been nothing like as much as we appropriated before the war and before we began the lump-sum method of providing for our rivers and harbors. In every other direction the Government has expanded its expenditures. In the matter of river and harbor improvements the Government has not increased its expenditures since the war. There has been no extravagance and there is none in this bill. There ought not to be any objection to granting to the engineers the full amount they are able to expend profitably during the next year.

Mr. HOWELL. Mr. President, there is no section of the country that has suffered from agricultural depression more severely than the great Middle West. For a number of years the West has been here, knocking at the doors of Congress and asking for relief. Up to the present time relief has been denied. But recently in the Middle West we have been told that there was a possibility of improving conditions through the development of navigation on the upper Missouri.

About a year ago Secretary Hoover appeared before the chamber of commerce in Omaha and from his remarks it was then inferred that he favored the improvement of that portion of the river. During the last session of Congress a bill was passed authorizing the expenditure of $12,000,000 for the improvement of the Missouri from Kansas City to Sioux City. Nothing was appropriated, however; but in the present bill I find the magnificent sum of $510,000 suggested for that work, although it will require some $50,000,000 to complete the improvement of that section of the river.

As a matter of fact, under the proposed appropriation, as the bill passed the House, although the Missouri River from Kansas City north to Sioux City would probably be allotted but $510,000, I have been in hopes that possibly a larger amount might be allocated ultimately, and especially if the House appropriation of $55,866,000 should be adhered to. But if we are to reduce the amount by about $3,000,000, what are we to hope for the upper Missouri? It must be evident that on the basis of any such allotment for the improvement of the upper river it would require 100 years to complete the work from Kansas City to Sioux City. Had I thought it were possible to secure the adoption of an amendment to appropriate the $12,000,000 authorized, I should have offered it; but I understand it would be useless to do so.

Certainly we ought not to decrease the $55,000,000 appropriation of the House. If we do it means that, under the provisions of the bill, but $32,000,000 or less than that amount—in fact, only $30,960,000—will be available for actual improvement of rivers and harbors during the coming year.

It is proposed that $50,000,000 of the Senate's appropriation shall be used about as follows: $1,500,000 for general surveys; $250,000 for temporary surveys; $605,000 to recoup Miami, Fla., for funds expended; $150,000, department service, allotment roll. The total is $2,505,000. Deducing this sum from $50,000,000 leaves $47,495,000. The estimated expenditures for maintenance of river and harbor works during the year is $16,535,000. Subtracting this from $47,495,000 leaves $30,960,000. It is true that the bill provides for $2,000,000 more than $50,000,000, assumed, or $52,000,000, but that $2,000,000 will not be available except for the lower Missouri and further surveys.

Certainly, in view of what we did for insurance companies the other day, providing for the payment of virtual war profits to the extent of $52,000,000, and deferring the possible receipt of Government awards 26 years, that the insurance companies might get their money soon, it seems to me that it would be wholly incompatible with such generosity now to cut down this appropriation a paltry $3,000,000. Certainly the amendment of the committee should be defeated.

Mr. McKELLAR. Mr. President, I desire to say that I am anxious that we shall reach a vote. I hope we are going to have a vote pretty soon, and I wish to say, merely, that a vote "nay" is for the $55,866,000 and a vote "yea" is for $52,000,000, as reported by the Senate committee.

Mr. LA FOLLETTE. Mr. President, before the vote is taken I should like to call attention to various items which will be reduced if the committee amendment is agreed to. I make this statement on information given to me by the Senator from Pennsylvania [Mr. REED], that of the $52,000,000 which the committee provides the only portion which will go to present projects is the portion of it which is provided for the Missouri River from Kansas City to the mouth.

Beginning on page 226 of the committee hearings, the reductions provided by the committee would be as follows—and if I have made any mistake in hastily making the calculation I shall appreciate it if the Senator from Pennsylvania will correct me:

Thames River, Conn., reduced $5,000.
Norwalk Harbor, Conn., $10,000.
Jamaica Bay, N. Y., reduced $310,000.
East River, N. Y., reduced $310,000.
Newton Creek, N. Y., reduced $10,000.
Harlem River, N. Y., reduced $25,000.
Hudson River Channel, N. Y., reduced $25,000.
Hudson River, N. Y., reduced $375,000.
Newark Bay, N. J., reduced $100,000.
New York and New Jersey channels, reduced $125,000.
Ponce Harbor, P. R., reduced $20,000.
Delaware River, Philadelphia to the sea, reduced $94,000.
Baltimore Harbor and channels, reduced $15,000.
Norfolk Harbor, Va., reduced $5,000.
Channel to Newport News, Va., reduced $60,000.
James River, Va., reduced $15,000.
Charleston Harbor, S. C., reduced $15,000.
Savannah Harbor, Ga., reduced $25,000.
Miami Harbor, Fla., reduced $100,000.
Sabine-Neches Waterway, Tex., reduced $50,000.
Galveston Harbor, Tex., reduced $50,000.
San Francisco Harbor, Calif., reduced $15,000.
Oakland Harbor, Calif., reduced $25,000.
San Pablo Bay, Calif., reduced $25,000.
Suisun Bay Channel, Calif., reduced $5,000.
Crescent City Harbor, Calif., reduced $25,000.
Honolulu Harbor, Hawaii, reduced $65,000.
Hilo Harbor, Hawaii, reduced $85,000.
Nawiliwili Harbor, Hawaii, $60,000.
Coos Bay, Oreg., $30,000.
Umpqua River, Oreg., $25,000.
Wrangell Narrows, Alaska, $50,000.

Then, coming to lake harbors and channels.

Green Bay Harbor, Wis., $20,000; Milwaukee, $60,000; Muskegon Harbor, Mich., $10,000; Frankfort Harbor, Mich., $15,000; Michigan City Harbor, Ind., $30,000; St. Marys River, Mich., $300,000; Sandusky Harbor, Ohio, $125,000; Black Rock Channel, N. Y., $30,000.

Internal waterways:

Appomattox River, Va., $5,000; Inland waterway from Norfolk, Va., to Beaufort Inlet, N. C., $31,000; intercoastal waterway from Beaufort to Cape Fear River, N. C., $290,000; intercoastal waterway, Jacksonville to Miami, Fla., $235,000; Louisiana-Texas intercoastal waterway, Sabine River, Corpus Christi section, $31,000; Mississippi River, between Missouri River and Minneapolis, $500,000; Missouri River, Kansas City to Sioux City, Iowa, $60,000; Illinois River, Ill., $25,000; Sacramento River, Calif., $41,000.

Mr. President, it seems to me that this question has been discussed until every Senator is familiar with the issue which is involved. It is a well-known fact that the House of Representatives and the House Committee on Appropriations are not prone to make unnecessary increases in Budget estimates, but after careful consideration and after thoroughgoing hearings the House committee increased this item by $5,886,000.

Mr. REED of Pennsylvania. Will the Senator from Wisconsin yield there?

Mr. LA FOLLETTE. Yes.

Mr. REED of Pennsylvania. The House committee reported $50,000,000, or $2,000,000 less than the Senate committee reported. The increase was made on the floor of the House.

Mr. LA FOLLETTE. I thank the Senator for having corrected me. I was misinformed, or perhaps I misunderstood what one of the House Members stated to me here this afternoon. However, I sincerely trust, Mr. President, in view of all the statements which have been made and the representations which have been advanced here on the floor justifying the expenditure for these various items, that the Senate committee amendment will be rejected, and upon that amendment I ask for the yeas and nays.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the Senator from Arkansas [Mr. ROBINSON]. Were he present he would vote "nay," and if I were permitted to vote I should vote "yea."

Mr. FESS (when his name was called). I am paired with the Senator from Michigan [Mr. FERRIS], but I understand that if he were present he would vote as I intend to vote. Therefore I shall vote. I vote "nay."

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT], which I transfer to the senior Senator from Missouri [Mr. REED], and vote "nay." If the Senator from Missouri were present, he also would vote "nay."

Mr. MOSES (when his name was called). On this vote I am paired with the junior Senator from Florida [Mr. TRAMMELL]. I therefore withhold my vote.

Mr. REED of Pennsylvania (when his name was called). I have a general pair with the Senator from Delaware [Mr. BAYARD]. I transfer that pair to the Senator from Vermont [Mr. GREENE], and vote "yea."

Mr. TYSON (when his name was called). I have a pair with the senior Senator from West Virginia [Mr. GOFF]. I transfer that pair to the junior Senator from Missouri [Mr. HAWES], and vote "nay."

Mr. COPELAND (when Mr. WAGNER's name was called). My colleague, the junior Senator from New York [Mr. WAGNER], is detained from the Senate on official business. If he were here, he would vote "nay."

The roll call was concluded.

Mr. GLASS (after having voted in the negative). I have a general pair with the senior Senator from Connecticut [Mr. McLEAN], which I transfer to the Senator from New Jersey [Mr. EDWARDS], and let my vote stand.

Mr. GERRY. I desire to announce that the Senator from Kentucky [Mr. BARKLEY] is paired with the Senator from Utah [Mr. KING]. If the Senator from Kentucky were present, he would vote "nay," and if the Senator from Utah were present, he would vote "yea."

Mr. JONES. I desire to announce that the Senator from Idaho [Mr. GOODING], the Senator from Oklahoma [Mr. PINE], the Senator from Montana [Mr. WHEELER], and the Senator from New York [Mr. WAGNER] are absent from the city in con-

sequence of their duties on the committee of the Senate investigating coal conditions in Pennsylvania.

The result was announced—yeas 17, nays 55, as follows:

YEAS—17

Bingham	Hale	Oddie	Warren
Borah	Jones	Phipps	Waterman
Dale	Kendrick	Reed, Pa.	
Edge	Keyes	Sackett	
Gillett	Metcalf	Smoot	

NAYS—55

Ashurst	Dill	McKellar	Shipstead
Black	Fess	McMaster	Simmons
Blaine	Fletcher	McNary	Steck
Blease	Frazier	Mayfield	Steiwer
Bratton	George	Neely	Stephens
Brookhart	Gerry	Norbeck	Swanson
Broussard	Glass	Norris	Thomas
Bruce	Harris	Nye	Tydings
Capper	Harrison	Overman	Tyson
Caraway	Hayden	Pittman	Walsh, Mass.
Copeland	Heflin	Ransdell	Walsh, Mont.
Couzens	Howell	Robinson, Ind.	Watson
Cutting	Johnson	Schall	Willis
Deneen	La Follette	Sheppard	

NOT VOTING—22

Barkley	Goff	McLean	Smith
Bayard	Gooding	Moses	Trammell
Curtis	Gould	Pine	Wagner
du Pont	Greene	Reed, Mo.	Wheeler
Edwards	Hawes	Robinson, Ark.	
Ferris	King	Shortridge	

So the amendment of the committee was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 85, after line 3, to insert:

FLOOD RELIEF

Flood relief, Mississippi River: For the reimbursement of funds contributed by local interests to the Mississippi River Commission, and used for emergency levee construction and repair work on the lower Mississippi River on account of the flood of 1927, $1,500,000, to be immediately available and to be expended by the Mississippi River Commission: *Provided*, That the provisions of the flood control act approved March 1, 1917, in so far as they forbid expenditures by the Mississippi River Commission for levee work unless local interests contribute one-third the cost thereof, shall not apply to emergency levee work done, or to be done, on account of the flood of 1927.

The amendment was agreed to.

The next amendment was, under the subhead "National Home for Disabled Volunteer Soldiers," on page 90, after line 22, in the item for the Pacific Branch, Santa Monica, Calif., to insert:

For the construction on land now owned by the National Home for Disabled Volunteer Soldiers of a sanitary, fireproof mess hall of a seating capacity of 1,200, including kitchen, bakery, and dormitories for employees; such mess hall shall include all necessary buildings with the appropriate mechanical equipment, including service lines, and equipment for heat, light, fuel, water, sewage, and gas, and kitchen, bakery, and mess-hall furniture and equipment, including tableware, as may be approved by the Board of Managers, National Home for Disabled Volunteer Soldiers, $200,000, to be immediately available: *Provided*, That the Secretary of the Treasury, upon request of the Board of Managers, may have all architectural and inspection work in connection with such mess hall performed by the office of the Supervising Architect of the Treasury Department and the proper appropriations of that office may be reimbursed from this appropriation on that account.

The amendment was agreed to.

The next amendment was, on page 91, at the end of line 15, to change the total appropriation for the Pacific Branch, National Home for Disabled Volunteer Soldiers, from $1,210,000 to $1,410,000.

The amendment was agreed to.

The next amendment was, on page 94, line 18, to change the total appropriation for the National Home for Disabled Volunteer Soldiers from $8,500,300 to $8,700,300.

The amendment was agreed to.

The next amendment was, under the subhead "Repeal of appropriations," on page 100, after line 4, to strike out "Cantonment construction, Panama Canal, $204,546.61."

The amendment was agreed to.

The next amendment was, on page 100, after line 9, to strike out "Sites for military purposes, $335,669.31."

The amendment was agreed to.

The next amendment was, on page 100, after line 11, to strike out "Terminal storage and shipping buildings, $322,381.63."

The amendment was agreed to.

The next amendment was, on page 100, after line 12, to strike out "Evacuation of ordnance depots, $122,904.22."

The amendment was agreed to.

The next amendment was, on page 100, line 14, after the name "Frankford Arsenal," to strike out "$94,123.44" and insert "$25,183.44," so as to read:

Frankford Arsenal, $25,183.44.

The amendment was agreed to.

The next amendment was, on page 100, line 15, after the name "Rock Island Arsenal," to strike out "$143,191.48" and insert "$6,693.25," so as to read:

Rock Island Arsenal, $6,693.25.

The amendment was agreed to.

The next amendment was, on page 100, line 18, to change the total appropriations to be covered into the Treasury from $1,445,814.73 to $254,874.73.

The amendment was agreed to.

Mr. CURTIS. Mr. President, has the consideration of committee amendments been concluded?

Mr. REED of Pennsylvania. The amendment just stated completes the committee amendments.

The VICE PRESIDENT. That concludes the committee amendments.

Mr. CURTIS. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Kansas will be stated.

The CHIEF CLERK. On page 25, line 14, it is proposed to strike out the figures "$12,668,944" and insert in lieu thereof the figures "$12,981,775," and on the same page, after the word "Ferry," in line 22, to insert the following proviso:

Provided further, That not exceeding $286,831, shall be available immediately for the installation of a new heating plant at Fort Leavenworth, Kans., and that $26,000 shall be available immediately for the purpose of paving that portion of the road across the Military Reservation at Fort Leavenworth, Kans., connecting the State highways of Missouri and Kansas.

Mr. REED of Pennsylvania. Mr. President, I am sorry to do so, but I shall have to make the point of order against the amendment. It has not been estimated for.

The VICE PRESIDENT. The point of order is well taken and is sustained.

Mr. DENEEN. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 83, after line 18, it is proposed to insert the following:

That the Chief of Engineers, War Department, be authorized to make a preliminary survey for a breakwater and harbor in the Mississippi River at Hamilton, Ill.

Mr. DENEEN. Mr. President, I should like to have read by the Secretary a letter from General Deakyne explanatory of the item.

The VICE PRESIDENT. The Secretary will read, as requested.

The Chief Clerk read as follows:

FEBRUARY 25, 1928.

Hon. CHARLES S. DENEEN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In reply to your inquiry of the 20th instant as to whether an examination and survey for a breakwater and harbor in Mississippi River at Hamilton, Ill., can be made to determine the merits of the proposition by this department without congressional authority, permit me to advise you that, based upon present knowledge of the situation at Hamilton, I consider that the proper course to follow will be to have the examination made under congressional authority. Difference of opinion as to the necessity of a borbor at Hamilton has existed for some years, and the question can best be disposed of one way or the other by a thorough formal examination.

Very truly yours,

HERBERT DEAKYNE,
Brigadier General, Acting Chief of Engineers.

Mr. REED of Pennsylvania. Mr. President, I am very sorry that I shall have to make the point of order against that amendment that it is not estimated for, and that it is new legislation.

Mr. FLETCHER. It is legislation on an appropriation bill. The Senator will have to wait for the river and harbor bill.

The VICE PRESIDENT. The point of order is well taken.

Mr. WILLIS. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 55, line 9, after the words "National Guard," it is proposed to insert "except for pay of National Guard (armory drill)."

Mr. WILLIS. Mr. President, I can explain the purpose of this amendment in a moment. It relates to the interchangeable provision in this bill found in lines 7 to 15, inclusive, which provides that "when approved by the Secretary of War 10 per cent of each of the foregoing amounts"—that is, the amounts under this heading, "Arming, equipping, and training the National Guard"—"shall be available interchangeably for expenditure on the objects named, but no one item shall be increased by more than 10 per cent." In other words, if there shall be an emergency, they can transfer within that limit from one item to another.

Here is the difficulty about having that applicable to pay for the National Guard. If transfer is made from the amount that is provided for pay of the National Guard, we are then confronted with the embarrassing situation and the impossible situation in which there is no money available for the pay of the National Guard. I am told that exactly that situation exists. I therefore offer the amendment to provide that this interchangeable provision contained in lines 7 to 15 shall not be applicable to the provision for pay for the National Guard. That is an amendment which is very much desired by the National Guard of the country.

Mr. REED of Pennsylvania. Mr. President, I hope that amendment will not be agreed to.

The policy of the department and of the Congress is for 48 armory drills per year for the National Guard. That figure has been generally agreed on as the proper one. It has been found this year that the attendance at those drills is so much better than has been known before that the appropriation will certainly be overrun. We do not know how much, nor is it possible to compute the amount by which it will be overrun. We tried to find out, in order that we might increase the item for armory drills; but it is agreed on all hands that the 48 drills will be adhered to, and that a deficiency appropriation will be estimated for and made; and the Senator need not be afraid that money will be transferred out of that item so as to affect the schedule of the 48 drills. On the other hand, if this does not remain as it now is and has been in years past, it may pinch the Guard very severely in other activities when an emergency arises. I doubt if it is for the best interests of the guard to insert that amendment.

Mr. WILLIS. Mr. President, will the Senator yield for an interruption there? Is it not a fact that there is a deficiency right now in the pay of the National Guard?

Mr. REED of Pennsylvania. Absolutely; that is true; but does not the Senator see that that is going to be cared for this year in the deficiency bill as soon as we know how much the deficiency is going to be? I do not mean that this year's appropriation has been overrun by the 27th of February; of course, it has not been; but the current appropriation will be overrun if the drills go on as planned for the balance of the fiscal year.

It may be that some day we are going to appropriate more than is absolutely needed for armory drills. It would be no service to the National Guard to provide that that balance could not be used for their other purposes. It could be used for camps or for additional animals, and would be of great help to them; and looked at in that way, I think the Senator will agree that it is of dubious benefit to the guard to put in a limitation, because I can assure him that those 48 drills will be provided for in this year's deficiency and in the deficiency of the year 1929, for which we are now appropriating.

Mr. WILLIS. Mr. President, just one other word.

I can not agree with the view expressed so ably by the Senator from Pennsylvania. Here are various items that are provided for under this general heading. As I suggested before, suppose there should be an emergency that required a larger amount than is provided under this specific head. Then it could be handled as it has been heretofore. They would transfer a portion of the provision for pay of the National Guard.

I know something about the National Guard. While it does not exist simply for the purpose of getting the little pittance of pay for armory drill, if you get the men into a company and they drill and then they find that there are no funds available to pay for their armory drill you have created a very unfortunate situation. So all that I propose to provide here is that this transfer provision shall not apply to the item of pay; that that shall be held intact; and I am sure that the National Guard organizations throughout the country are very much interested in having the amondment adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Ohio.

The amendment was rejected.

Mr. BROOKHART. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 68, lines 5 and 6, it is proposed to strike out the words "including repair, operation, and maintenance of motor-propelled and animal-drawn vehicles" and to insert "at the rate of 5 cents per mile, which shall include subsistence while traveling."

Mr. BROOKHART. Mr. President, this amendment does not change in any way the import of the bill. It provides a better method of administering these expenses and saves the trouble of getting a lot of difficult receipts and accounts; and, as I understand, the Senator in charge of the bill has no objection to the amendment.

Mr. REED of Pennsylvania. I have no objection to the suggestion; but, as I look at the language of the bill, I am afraid I have advised the Senator wrongly.

The Senator will notice on page 67 that the item of subsistence is provided for, including commutation of rations to authorized teams, and including the enlisted men of teams from the Regular Army from the date of departure from their homes or stations. Then the item of transportation which the Senator wants to amend I believe includes not the travel allowance but the transportation at the matches. I suggest that he put the provision in line 7, after the word "travel," and make it read "travel at the rate of 5 cents per mile, including subsistence, of authorized teams representing the Regular Army, National Guard, Organized Reserves," and so forth.

Mr. BROOKHART. Line 7 on page 67?

Mr. REED of Pennsylvania. Line 7 on page 68, after the word "travel." I think the amendment that the Senator suggests is a very good one, because it will save a great deal of clerical work for the Government and require no additional outlay. At present these men are required to save receipts for all their meals on dining cars, and it leads to a great deal of clerical work and a great deal of irritation.

Mr. BROOKHART. I shall be very glad to accept the suggestion.

The VICE PRESIDENT. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

HORTICULTURAL, ETC., WORK IN SEMIARID OR DRY-LAND REGIONS

Mr. WARREN. I ask unanimous consent to take up a little bill, Senate bill 2569, order of business 359, providing for horticultural experiment and demonstration work in the semiarid or dry-land regions of the United States.

Mr. McKELLAR. Let it be read.

The VICE PRESIDENT. The bill will be read.

The Chief Clerk read the bill; and there being no objection, the Senate as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Agriculture and Forestry with an amendment, on page 2, after line 10, to insert:

SEC. 3. That there is hereby authorized to be appropriated each fiscal year thereafter necessary appropriations to enable the Secretary of Agriculture to carry on the experiments contemplated by this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of Agriculture be, and he is hereby, authorized and directed to cause such shade, ornamental, fruit, and shelter-belt trees, shrubs, vines, and vegetables as are adapted to the conditions and needs of the semiarid or dry-land regions of the United States, to be propagated at an experiment station of the Department of Agriculture to be established at or near Cheyenne, Wyo., and seedlings and cuttings and seeds of such trees, shrubs, vines, and vegetables to be distributed free of charge under such regulations as he may prescribe for experimental and demonstration purposes within the semiarid or dry-land regions of the United States.

SEC. 2. That for carrying out the purposes of this act, including the erection of buildings, there is hereby authorized to be appropriated the sum of $100,000, out of any money in the Treasury not otherwise appropriated, to be expended under the supervision of the Secretary of Agriculture.

SEC. 3. That there is hereby authorized to be appropriated each fiscal year thereafter necessary appropriations to enable the Secretary of Agriculture to carry on the experiments contemplated by this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SPEECH BY SENATOR CARAWAY ON FARM RELIEF

Mr. McKELLAR. Mr. President, a few days ago the junior Senator from Arkansas [Mr. CARAWAY] delivered in Boston, Mass., one of his inimitable speeches on farm relief. I ask unanimous consent that it may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is here printed, as follows:

This is Boston. And if we from the hinterland smile when we say it, be assured that it is not from derision but reverence. We share with you the pride that every stone in your crooked streets has echoed to the marching feet of men who have laid down their lives on every battle field where American honor was at stake. We share with you the pride that every breeze that blows has wafted the philosophy, the wisdom, the sweet songs of men and women who have lent to you your chiefest charm. We share with you your pride in your Lowells, your Emersons, your Careys, your Carrolls, your Hawthornes, your Longfellows, and above all that singer, though not a native of your city but of your Commonwealth, Whittier. Your schools are the fount from which the thirsty for knowledge of all the States have freely drunk. Your statesmen helped to lay the foundation of this Republic and to guide its infant feet into those paths of wisdom and morality which have made us the most powerful government this world knows. Of your other contributions to the wealth, the happiness, the culture, the learning not alone of America but of the world we freely accord you the honor due you.

Of these, however, I came not here to speak. I came to discuss with you as business men, as professional men, as men of letters, but above all as American citizens, the interest that you have, the special interest that you may have in what the Congress of the United States shall do. I say your special interest because I am firmly persuaded that you have a special interest. And by special interest I mean that you have an interest that is more pressing for solution and more far reaching in its results than most sections of the United States. You are passing through an era of "great prosperity," but you will say to me that it is a "profitless prosperity." A prosperity of which you read but which does not increase your bank account nor add to your comfort. That "prosperity" if it be the result of causes that are world wide and over which American statesmanship can not exercise control, then you have no special interest in the causes that produce it. You are then but the victims of conditions that foresight and patriotism can not prevent. But I deny this.

New England's prosperity rests primarily upon New England thrift and New England industry. It rested, however, also upon the commercial instincts of your people, your ability to trade. But your commercial supremacy passed long ago. It was replaced by industrialism. You became an industrial and not a commercial community.

Your industry prospered, however, largely because it farmed the Government. But like any other special privilege that privilege may finally destroy those who are its beneficiaries. You may, therefore, destroy yourselves by the very means by which you formerly prospered. Let's examine the facts to see if this is not the case.

We who live 1,500 miles south of you inherited from our ancestors of the British Empire a love of agriculture. It was not only a profitable but a pleasant occupation. It likewise was the hallmark of social station. While that has passed or is passing, still the love of the land lingers. Once we were content to produce the raw materials and permit you to transform them into the finished product. As long as the profit derived from this joint enterprise was reasonably fairly distributed there was no great complaint on either side, no political or industrial strife divided us. However, as I said, you farmed the Government and we farmed our fields. Eventually by means of tariff and other governmental favoritisms gained through political control you prospered and the profits of agriculture dwindled. And instead of independent owners of their homes farmers became merely the holders of equities in their former estates. This decline was so accelerated by the deflation of 1920 until ruin threatened all.

Since 1914 farm taxes in the United States have risen 150 per cent, while their revenue have risen but 60 per cent. The cost of production has increased even greater than this. So that of net profit there is none. From 1920 to 1926 the average net income for the farm operator, capital, labor, and management, as reported by the United States Department of Agriculture, was less than $760 a year.

If the capital invested be credited with an interest rate of 4.5 per cent, the average reward for the labor of the farmer and his family would be less than $520 per year. The average farmer's family numbers five. So that the average return per capita would be around $104 per year.

In 1919 the invested capital in agriculture was more than $79,000,000,000. In 1926 it had shrunk to less than $59,000,000,000. In other words, the shrinkage in value in investment alone in that period was more than $20,000,000,000.

Students of sociology declare that an unskilled laborer can not maintain his family with proper standards of living with an income less than $2,200. Compare that with the farmer's family who is having to exist on less than $620 per year. Add to that the staggering loss of invested capital of more than $20,000,000,000 and you will conceive the farmer has some reason to complain of this industrial controlled and conducted Government.

But that is not all the story. During this time the interest paid on farm indebtedness has increased more than $600,000,000 a year above the 1914 era.

If in the past seven years the relationship between the retail price which the consumer paid for farm products had been in the same relation to the amount the producer received for it and the consumer paid prior to 1914 the farmer would have received within that period $8,500,000,000 more than he did receive.

If during this period the price for food and the same ratio continued as before 1914 had risen in proportion to the advanced cost of living, the farmer would have received more than $15,000,000,000 in excess of what he actually did receive.

The agricultural population of the United States is about 30,000,000, or about 29 per cent of our total population. Yet it received but 10 per cent or a fraction more of the national income. In other words, 70 per cent of our population engaged in commerce and industry receives 90 per cent of our income and 30 per cent of our population engaged in agriculture receive but 10 per cent of our national income.

Despite this disparity between its income and that of the other 70 per cent of our population, agriculture pays one-fifth of the total cost of Government. It purchases nearly $10,000,000,000 worth of the goods and services of the other groups annually. It supplies one-eighth of the total tonnage of all the freight carried by railroads. Its products constitute nearly one-half of the value of our total exports. And yet with these figures it is denied its equal opportunities under the law, its equal opportunity to share in the wealth it creates.

The farmers then realized that it was not sufficient that they be intelligent; that they be industrious; that they make two blades of grass to grow where one grew before; that they were destroyed by the very laws which made prosperous other sections of the country; that their foreign markets were destroyed; that the cost of production was increased; that the cost of transportation was exorbitant; that the charges of the middleman more than absorbed what remained of the returns from their products; that they and their families were reduced to destitution. They asked for relief—not relief in the sense that the Government should make them a present of what somebody else had earned, but that the Government make it possible for a fair distribution of the joint earning of all those who toiled and produced.

This measure came before Congress in the last Congress. Not a single Representative from the New England States supported it. It passed, however, and was vetoed by a New England President. I say, a New England President vetoed it. I want to qualify that statement. The veto consists of five incompatible parts—five alleged reasons, each in conflict with the other—and is the result of five collaborators who did not collaborate.

One is recognized as the great farmer and friend of agriculture, Mr. Mellon, who has from the beginning been the President's closest adviser upon all agricultural matters, although it is admitted by all who know him that he would not know a cow from a horse if the cow were dehorned. His specialty is money, liquor, oil—and of the last, putside of Fall, Sinclair, and Doheny, he doubtless knows more than any other man. He contributed his share, which largely dealt with the constitutionality of the act; although, so far as indications go, he knows no more about the Constitution than he does of livestock.

Hoover, who is the advisor extraordinary and plenipotentiary to the President, and whose specialty is standardizing men and material things, although it makes no difference if the standard set irks everybody who is compelled to comply with it, also contributed; but just what he contributed, I have read, but am unable to comprehend. Then Doctor Work, who left off being first aid to undertakers and became the chief advisor to those who seek advantage in our unappropriated assets of the West, contributed. But his contributions had as well been written in symbols, as one time were his prescriptions, so far as this information enlightened. That great friend also of the farmer, the Secretary of Agriculture, Mr. Jardine, whose name, I understand, is pronounced Mr. Jardown, made his contribution, which were predictions that farm products were selling too high. Then the great Attorney General from Vermont, whose name I do not recall—and I am sure none of you do either—likewise collaborated. At the bottom of all these works the President wrote "Calvin Coolidge"; that was his contribution. The result was that what had formerly been a most serious agricultural situation became a problem so aggravated that ruin engulfed agriculture, and in its destruction your prosperity also perished until my subject, "Profitless prosperity," becomes applicable to your industry. But that is the point I wish to discuss with you business men.

As I said, we were willing to produce raw materials. We were farmers by inheritance, farmers by love, farmers by training, and we were contented to remain such. We were not disturbed that you made a greater profit out of processing our raw materials than we made out of the production of them so long as we were permitted to make a profit at all. But when the right not only to make a profit but to preserve our inheritance was denied us we did the inevitable—we sought out the means which made you profitable. We determined that if there is

more profit in processing our products than producing them that we would both produce and process them.

The President vetoed the farm-relief measure on the 5th day of February, 1927. In my own State the reaction was this: We have great potential hydroelectric power. We determined to develop it. We produce the raw materials, the fifth State in the United States in the production of cotton. We have 1,500,000 Anglo-Saxon citizens, intelligent, industrious, free from agitation, anxious and willing to work. And since the President vetoed the farm bill we have removed from New England to my State alone within the last year five large mills—four textile and one paper mill. We are negotiating for twice that many more. We had seen North Carolina in one county alone—Gaston—set to turning more spindles than you have in any county in New England. We determined to try the experiment for ourselves. Your statesmen—and of them I do not complain—believed that they were representing your interest when they denied us an equal opportunity to find a market for our products and to make a profit that under the Government your industries returned. Denied this right, we propose to turn industrialist. Therefore the question I propound is: Have you any special interest in the legislation that Congress shall enact? Were it possible for agriculture to have realized a reasonable profit, we would have been content to till our fields, rear our children in our own modest homes, find employment for them in the occupations we ourselves have pursued. But the New England Representatives in Congress and a New England President said that this Government shall be rededicated to the prosperity of the commercial and industrial classes of New England, whether it meant the destruction of agriculture or not. They threw down the gage of battle. I am proud to say that the section from which I come has never hesitated to take it up, and if there must be war, industrial war, you so declared it. If it must be a strife that is sectional and occupational, we have no choice. The initiative lies with you. Whether you shall be able to grasp the significance of the changing conditions time will tell. Whether mutual happiness, peace, and prosperity of this American Republic shall be promoted by sectional war or occupational war time will also tell.

How much happier, however, for all sections, for all classes of American producers and sharers of wealth if we may find a solution for our economical differences that will enable us to have prosperity and peace instead of strife and ruin.

OHIO RIVER BRIDGE AT OR NEAR CAIRO, ILL.

Mr. DENEEN. Mr. President, I ask unanimous consent for the immediate consideration of House bill 121, Order of Business 369. It is a bridge bill.

The VICE PRESIDENT. Is there objection to the request of the Senator from Illinois?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 121) authorizing the Cairo Association of Commerce, its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Cairo, Ill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDEPENDENT OFFICES APPROPRIATIONS—CONFERENCE REPORT

Mr. BLACK. Mr. President, I move that the House of Representatives be requested to return to the Senate the conference report on House Hill 9481, making appropriations for the Executive Office, sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1929, and for other purposes; and I enter a motion to reconsider the vote by which the report was agreed to.

Mr. WARREN. Mr. President, does the Senator desire to take the matter up now, or is he simply giving notice?

Mr. BLACK. I make the motion now, and if the Senator prefers, I will ask that the matter be taken up to-morrow.

The VICE PRESIDENT. The Senate can not act on the matter until the report is returned from the House.

Mr. WARREN. Of course, the Senator is entitled to make a motion for a reconsideration within two days. I wanted to know if he desired that the matter should be taken up this evening.

Mr. BLACK. I am ready to take it up now.

Mr. WARREN. My impression is that the report was sent to the House this morning after the action here, and it will have to be recalled from the House.

The VICE PRESIDENT. The report will have to be returned from the House before the Senate can act on it.

The question is on agreeing to the motion of the Senator from Alabama, that the House of Representatives be requested to return the conference report on the independent offices appropriation bill.

The motion was agreed to.

Mr. BLACK. Now, Mr. President, I enter a motion that the vote by which the conference report was agreed to be reconsidered.

HENRY W. LONGFELLOW

Mr. FRAZIER. Mr. President, I report back favorably from the Committee on Banking and Currency Senate bill 2280, authorizing the coinage of Longfellow medals, and submit a report thereon (No. 438). Inasmuch as to-day is the anniversary of the birth of Mr. Longfellow, I ask unanimous consent for the immediate consideration of the bill.

Mr. SMOOT. Did the Senator say medals or coins?

Mr. FRAZIER. Medals. Practically the same bill passed the Senate a year ago.

Mr. SMOOT. I have no objection to the bill if it provides for medals, but I was going to object if it provided for coins.

The Senate, by unanimous consent, proceeded to consider the bill as in Committee of the Whole.

The bill had been reported from the Committee on Banking and Currency with amendments, on page 2, line 7, after the name "United States," to strike out "1-cent pieces to the number of not more than 10,000,000, such 1-cent pieces to be of the diameter as the large copper coins of a century ago and bear a likeness of Longfellow to be selected by the Director of the Mint, with the approval of the Secretary of the Treasury, which said 1-cent pieces shall be legal tender in any payment to the amount of their face value," and insert "Longfellow medals of such design as may be approved by the Director of the Mint"; on page 3, line 6, before the word "herein," to strike out "coins" and insert "medals"; in line 9 strike out "par value of such coins" and insert "cost of same," and after line 9 to strike out—

SEC. 3. All laws now in force relating to the subsidiary or minor coins of the United States and the coining or striking of the same, regulating and guarding the process of coinage, providing for the purchase of material and for the transportation, distribution, and redemption of coins, for the prevention of debasement or counterfeiting, for security of the coin, or for other purposes, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized.

So as to make the bill read:

Whereas the International Longfellow Society was incorporated in 1913 under the laws of Illinois "To secure and preserve the birthplace of America's greatest poet, Henry W. Longfellow; to collect and exhibit and preserve printed and other matter and material relating to him; to encourage a world-wide observance of each succeeding anniversary of his birth; to promote the study of his writings and other literature; to honor him and other writers in such ways and by such means as the society may be able"; and

Whereas this birthplace of the world's best loved poet was occupied continuously by members of the family for more than 40 years and is one of the finest old colonial mansions in America, and was dedicated October 29, 1914, with impressive ceremony by the Governor of Maine and a distinguished assembly as the International Longfellow Memorial; and

Whereas more than 1,000 women's clubs representing every State in the Union have aided in its preservation and embellishment; and many of the most eminent scholars and distinguished men of the Nation are associated with the International Longfellow Society and have heartily indorsed its work, including more than 100 presidents of colleges and universities and governors of States, as well as President Roosevelt, President Taft, President Wilson, and President Coolidge; and

Whereas the Longfellow University, an international institution for the promotion of Christian civilization, the advancement of learning, and the diffusion of knowledge, has been incorporated in the District of Columbia by authority of Congress and named in honor of the most universally beloved of the world's poets, whose beautiful life and work is one of the most perfect examples of noble living, of loving and helpful service in all human history: Now therefore

Be it enacted, etc., That to aid the International Longfellow Society in the preservation of the birthplace of Longfellow and in furtherance of the objects of the society and development of the Longfellow University there shall be coined at the mints of the United States Longfellow medals of such design as may be approved by the Director of the Mint.

SEC. 2. The medals herein authorized shall be issued only upon the request of the International Longfellow Society and upon payment of such society to the United States of the cost of same.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SMOOT. Mr. President, I suppose the Senator will have no objection to having the preamble stricken out. All the Senator desires is that the bill be enacted.

Mr. FRAZIER. I have no objection to striking out the preamble. My only thought was that it might help in the passage of the bill through the House. It failed to pass the House at the last session.

Mr. SMOOT. The preamble is in the RECORD now, so that Members of the House can read it. I ask that the preamble be stricken out.

Mr. FRAZIER. I have no objection to that.

The VICE PRESIDENT. The preamble will be stricken out.

The title was amended so as to read: "A bill to authorize the coinage of Longfellow medals."

Mr. COPELAND. Mr. President, we have just heard that to-day is the birthday of Henry W. Longfellow. I ask unanimous consent to insert in the RECORD one of his finest poems, My Lost Youth, and an appreciation by Alfred Noyes, who refers to this as one of the most perfect poems ever written.

We have also heard read in the bill reported by the Senator from North Dakota a reference to the activities of the Longfellow University. I ask that there be inserted in the RECORD a brief prospectus of that institution and a tribute by James H. Hamilton. It is proper that this should be done, because the institution does not charge any tuition fee. Its faculty is a volunteer faculty. The institution is organized for the promotion of the advancement of learning, and the diffusion of knowledge.

I ask that these articles be inserted in the RECORD.

The VICE PRESIDENT. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

MY LOST YOUTH

Often I think of the beautiful town
That is seated by the sea;
Often in thought go up and down
The pleasant streets of that dear old town,
And my youth comes back to me.
And a verse of a Lapland song
Is haunting my memory still:
"A boy's will is the wind's will,
And the thoughts of youth are long, long thoughts."

I can see the shadowy lines of its trees,
And catch, in sudden gleams,
The sheen of the far-surrounding seas,
And islands that were the Hesperides
Of all my boyish dreams.
And the burden of that old song,
It murmurs and whispers still:
"A boy's will is the wind's will,
And the thoughts of youth are long, long thoughts."

I remember the black wharfs and the slips,
And the sea tides tossing free;
And Spanish sailors with bearded lips
And the beauty and mystery of the ships,
And the magic of the sea.
And the voice of that wayward song
Is singing and saying still:
"A boy's will is the wind's will,
And the thoughts of youth are long, long thoughts."

I remember the bulwarks by the shore
And the fort upon the hill;
The sunrise gun with its hollow roar,
The drum beat repeated o'er and o'er,
And the bugle wild and shrill.
And the music of that old song
Throbs in my memory still:
"A boy's will is the wind's will,
And the thoughts of youth are long, long thoughts."

I remember the sea fight far away,
How it thundered o'er the tide,
And the dead captains, as they lay
In their graves, o'erlooking the tranquil bay,
Where they in battle died.
And the sound of that mournful song
Goes through me with a thrill:
"A boy's will is the wind's will,
And the thoughts of youth are long, long thoughts."

I can see the breezy dome of groves,
The shadows of Deerings Woods;
And the friendships old and the early loves
Come back with a Sabbath sound, as of doves
In quiet neighborhoods.
And the verse of that sweet old song,
It flutters and murmurs still:
"A boy's will is the wind's will,
And the thoughts of youth are long, long thoughts."

I remember the gleams and glooms that dart
Across the schoolboy's brain;
The song and the silence in the heart,
That in part are prophecies and in part
Are longings wild and vain.
And the voice of that fitful song
Sings on and is never still:
"A boy's will is the wind's will,
And the thoughts of youth are long, long thoughts."

There are things of which I may not speak;
There are dreams that can not die;
There are thoughts that make the strong heart weak
And bring a pallor into the cheek
And a mist before the eye.
And the words of that fatal song
Come over me like a chill:
"A boy's will is the wind's will,
And the thoughts of youth are long, long thoughts."

Strange to me now are the forms I meet
When I visit the dear old town;
But the native air is pure and sweet,
And the trees that o'ershadow each well-known street,
As they balance up and down,
Are singing the beautiful song,
Are sighing and whispering still:
"A boy's will is the wind's will,
And the thoughts of youth are long, long thoughts."

And Deerings Woods are fresh and fair,
And with joy that is almost pain
My heart goes back to wander there,
And among the dreams of the days that were
I find my lost youth again.
And the strange and beautiful song,
The groves are repeating it still:
"A boy's will is the wind's will,
And the thoughts of youth are long, long thoughts."

(The following appreciation is from "Some aspects of modern poetry," by Alfred Noyes, universally acknowledged as one of the world's greatest living poets.)

For perfect simplicity, for tender truth of quite unaffected feeling, for beauty and enchantment of the kind that can only be drawn up from the living wells of memory by a true poet, there is nothing very much better in our language than that exquisite poem My Lost Youth. Here, in one poem, we have the most important part of his own historical background, and the best that he had to give the world in his art. It could have been written only by a man who loved nature intensely, whose whole being was suffused with the sunsets of that beautiful old New England town where his boyhood was passed, and was really haunted as he wrote by the verse of the Lapland song, into which he distilled the essence of all the poetry that he had made his own in Europe. Even in technique the unrhymed line at the end of the stanza, at the time when it was written, had an entirely original effect and is not without metrical suggestiveness at the present day. The sweetness and truth of the poem can hardly be praised too highly. Nothing is here exaggerated, wrenched, or overstated. There is no false realism, dwelling on the insignificant or ugly for the mere sensation of it. It is an absolutely true impression of the past, idealized only by the harmony of nature and art and memory. The remembered town is no more than "dear" and "old" and "beautiful." The streets are merely "pleasant," and yet what a glamor is thrown over it all by the sheer longing of the heart.

Poetry of this kind does not die, and it will never be dislodged from the memory of the race.

A MESSAGE TO ALL NATIONS

"And like a bell, with solemn, sweet vibrations
I hear once more the voice of Christ say, 'Peace!'"

—Longfellow.

THE LONGFELLOW UNIVERSITY—AN INTERNATIONAL INSTITUTION FOR THE PROMOTION OF CHRISTIAN CIVILIZATION, THE ADVANCEMENT OF LEARNING, AND THE DIFFUSION OF KNOWLEDGE

Incorporated in the District of Columbia by authority of Congress, and named in honor of the most universally beloved of the world's poets, whose beautiful life and work is one of the most perfect examples of noble living, of loving and helpful service in all human history.

A university founded to aid the abolition of illiteracy, the advancement of learning, the diffusion of knowledge, and the promotion of Christian civilization among all classes and conditions of people, regardless of age, sex, race, or religion, in the spirit of Him, who was the Light of the World and taught mankind to love God and man.

Among the many members of the International Longfellow Society are educators and scholars representative of every department of useful knowledge. A volunteer faculty will donate such time as it may be

able for the instruction of young and old in as many communities as possible without fees or dues of any kind.

The very existence of our Republic depends on adult education, yet we are confronted with the appalling fact that nearly one-quarter of our adult population can not read a newspaper, can not write a letter.

More than three years ago President Coolidge stated in an address to the National Education Association that—

"It is not alone the youth of the land which needs and seeks education, but we have a large adult population requiring assistance and direction. Our last census showed nearly 14,000,000 foreign-born white persons residing among us, made up largely of those beyond school age, many of whom, nevertheless, need the opportunity to learn to read and write the English language, that they may come into more direct contact with the ideals and standards of our life, political and social. There are likewise over 3,000,000 native illiterates. When it is remembered that ignorance is the most fruitful source of poverty, vice, and crime, it is easy to realize the necessity for removing what is a menace not only to our social well-being but to the very existence of the Republic. A failure to meet this obligation registers a serious and inexcusable defect in our Government. Such a condition not only works to a national disadvantage but directly contradicts all our assertions regarding human rights. One of the chief rights of an American citizen is the right to an education. The opportunity to secure it must not only be provided but if necessary made compulsory."

With anything like unanimity of action, the teachers of America could very largely eliminate illiteracy in this country by the time the census of 1930 is taken, for there is scarcely a teacher living who could not find and individually teach one or more of our illiterate millions how to read and write English.

This would be something worth doing, a splendid Christian endeavor that would bring joy to many a lonely soul, and should do much for the perpetuity of the best American ideals and institutions and the promotion of Christian civilization and world peace.

It is not alone the professional teacher who could and should do this; there are other thousands of young and old, in and out of church and school, who could and should achieve the same result. Will you not begin without delay?

You are also cordially invited to join the International Longfellow Society and the Longfellow University, in a world-wide observance of the Tolstoi centenary and the Bunyan tercentenary of 1928 and the duo millennium of Vergil in 1930.

"I salute thee, Mantovano, I that loved thee since my day began,
Wielder of the stateliest measure ever molded by the lips of man."
—Tennyson.

THE LONGFELLOW UNIVERSITY,
Washington, D. C., and Portland, Me.
ARTHUR CHARLES JACKSON,
President.

Hon. MARTIN DODGE,
Rev. R. W. BROOKS,
HORACE A. LATIMER,
MARSHALL W. PICKERING,
Trustees.

THE LONGFELLOW UNIVERSITY

By James H. Hamilton, Ph. D., formerly professor sociology, Syracuse University, and formerly head worker of the University Settlement, New York

Nowhere in the world is higher education less standardized—in spite of so much talk of standardization—nowhere are the different grades of schools less articulated and less understandable than with us. The graduate of a training school may by virtue of his diploma enter here—but not there. My purpose is not to discuss or to criticize the system—or lack of it—perhaps it is as well that we are still not too conventionalized. My purpose is simply to warn the reader that a quite new institution—still different—very different from all the rest, which he will attempt to describe—is not giving variety, it is only adding to the variety which already exists.

The Longfellow University, incorporated under the laws governing the District of Columbia, is something new in the academic world in certain very startling ways.

The striking features are not found in the charter, with the declaration that it is open to both sexes, and with no religious or color tests. Locally the absence of a color test is new, but it has practically ceased to exist in all the States north of the Mason and Dixon line, and it is not singular that an institution located at the Nation's Capital should not enforce this barrier, and we need not stop to discuss that.

The fact is that the organization of this new university has not yet proceeded beyond the board of trustees. That, of course, is the natural starting point and the fact is in itself not startling.

There are no amazing features in the educational program. We find here all the potentialities of a university—composed of colleges of liberal arts, post graduate, professional, and technical schools. It may shoot forth all these branches of instruction and research—expediency will determine that—with the usual credit, promotions, and degrees, both in course and honorary. A proposal is under consideration providing that students shall not be tested by the professors who give them instruction. This would be a departure from the general rule, but it would not be entirely new. The system is universal in the French secondary schools, and to a considerable extent in the universities. It is applied by at least one college in America, the Cincinnati Law School, where the examiners are appointed by the chief justice of the State supreme court.

The startling things are to be sought in the mind of the founder, Arthur Charles Jackson, of Portland, Me., and Washington, D. C. New things always trace back to some human brain—the Salvation Army to General Booth, the social settlement to Edward Dennison, the Chautauqua system to Bishop Simpson, and so on. The Longfellow University idea when it spreads abroad, if it does spread, will trace back to the brain of Jackson, educated at Illinois University, the Harvard Law School, and Ben Butler's Boston law office—sometime teacher, public lecturer, president of the International Roads Society, president of the International Longfellow Society, etc., a man who has gone much about the world, taking notes and thinking of ways and means for human betterment.

This preface is not too long. One had best not come too suddenly upon the amazing features of the Longfellow University, which Mr. Jackson fully, confidently expects to see realized.

Here, finally, are the amazing features: The corporation owns no property, no ground, no buildings. And it is not for want of time. If need be the university expects to function without them.

The university has no endowment.

No; it is not for want of sufficient time to solicit funds. If need be, the university expects to function without an endowment.

Then students' dues are to cover rent and salaries?

Right there, especially there, most wrong—and we have reached the very heart and soul of this new institution. The students are to pay nothing, not a cent.

Now the way is cleared, and no false guesses are possible. It is expected that property will be lent, not rented. It is expected that labor, instructional, administrative, clerical, and manual, will be gladly rendered without pecuniary reward.

Is such faith in the essential goodness of men justified by experience?

Don't jump at conclusions. Probably no such a combination of hypothetical altruisms was ever presented before. Still, Mr. Jackson may find some comfort in the testimony of experience.

Let us note some of the evidences.

The social settlement was established on the no-salary principle. The social workers were and are still in good part not paid. The most of them receive not even their board—in America—and still more in England.

Building associations and cooperative insurance societies are for the most part carried on without salaries.

The system of noonday lunches for school children, which started and was beautifully developed in Switzerland, depends upon unpaid service. Each table is looked after by an unpaid servant, and the head waiter looks over the whole—a group of volunteer servants is on duty every school day for two weeks, when it gives place to another and returns in due course. I one time had the pleasure to sit at the servants' table, after the children were gone, at one of the Geneva lunch centers. My plate was beside that of the head waiter. He earned his living as chief editor of a Geneva newspaper. The other side of me sat a table servant who earned his living as a doctor. Opposite us sat the kitchen chef, in white cap and apron. He had accumulated a fortune as a wholesale provision merchant and was giving all his time during the school year to this service which he knew well.

Boards of aldermen are in many places unpaid.

Members of the British Parliament were unpaid through the years when the high quality of the statesmanship in the mother country was the admiration of the world. The members now receive small salaries since labor has come into politics, and the bread-earning vocations of its representatives do not permit of time out of working hours for legislative duties.

The members of the Dawes commission, whose postwar service to all Europe—in some sense to all the world—was beyond all praise, paid their own expenses, and received not a cent of pay.

Under the excitement of war no end of illustrations could be found of highly effective and long-sustained effort without a trace of wage stimulation.

In times of peace many illustrations could be added to show that a group may be inspired to high and long-sustained effort without a trace of wage stimulation.

The social-service type of person may not be so rare as one might think. My own experience and observation convince me that a respectably sized group of this type may be found in every community, civilized or savage. And the hardest-working man I know, and certainly one of the most able, has passed middle age without pay for his services, except for a short term when he was vested with public office.

Yes; the evidence is strong that the thing is possible.

Much might be said about the place utility of such an institution in Washington where there are, on the one hand, thousands of young people employed at clerical work—work fit enough for youth, but of a kind which a young man or woman who wishes to make the most possible out of his life would not wish to remain long in; on the other hand, there are very many persons of the highest training in almost every department of science and learning. Out of the lot it is not difficult to imagine that courses of two or three periods in a week in every department could be provided with volunteer teachers. One hypothetical example will do for all. Say the dean of the liberal arts college has sketched a year's course in American poetry of two periods a week. He has grouped the subject matter into two parts for the first and second semester, respectively. It is difficult to imagine him looking through the staff of the Congressional Library and finding a professor for the first semester, and one for the second semester, most happy to meet with bright and eager young people for 1 hour 2 days in the week—for 16 weeks.

Thus, bit by bit, one can imagine the development of a comprehensive liberal arts curriculum; and also for law or medicine or engineering.

Washington is rich in instructional material in all branches of learning and I should say that in a yearly contribution of 32 hours of academic service so far from impairing the energies and weakening their powers for the services for which they are paid would prove to be a mental tonic, rendering them more fit and more capable.

Where will the classes be held? Among the possibilities may be noted the public-school buildings, when not in regular use, lodges clubs, churches, synagogues, theater reception rooms, private dwellings—abundant facilities are possible if the property-owning institutions and individuals could be stirred to extend the usefulness of their properties.

And janitor service? And clerical service? Girls and boys could and would look after that.

And the lighting and heating? Where is the faith that could move this mountain?

Probably the public-service corporations would not feel justified in making these contributions since the stockholders do not reside in Washington.

The Congress could grant the small contribution necessary, and consistently, since the students come from all the States.

There remains still another possibility—a strong probability—that the receipts from a few student presentations of Miles Standish or Evangeline also dramatized by students would cover these charges. Or Hiawatha adapted and set to music—either incidental of the course in American poetry.

When will the classes be held? Generally, no doubt, at an hour when most of the students and professors are free, and when the places are also most likely to be free. In this case there could be no more beautiful sychronization of free time with students, professors, and places.

The new university throws down no gauntlet to the institutions already fully organized and functioning. It has no quarrel with them. They all are based chiefly on altruism. Their endowments are raised in that spirit. The fees exacted of students are only a small part of the cost. And yet, to many they are prohibitive.

The founder believes, as many others also believe, that in Washington it is possible and expedient to develop a high-class university where the best of instruction is to be had without money, and without price.

Its consummation, devoutly to be wished for, waits upon the spread of this high faith.

We will watch, and wait, and hope.

JAMES H. HAMILTON,
Authors Club, London, England.

Mr. COPELAND. Mr. President, I may add that it is proper that we should discuss Henry W. Longfellow to-day in the Senate, because his father was a Member of Congress, a fact which may not be generally known. On that account it is fitting that tribute should be paid to that great poet on the floor of the Senate.

Mr. President, I ask that we now consider the joint resolution (S. J. Res. 98) authorizing the selection of sites and the erection of monuments to John Bunyan and William Harvey in the District of Columbia. The joint resolution is reported favorably by the Committee on the Library and the committee recommends that the preamble be stricken out, though I can see no reason for it.

Mr. McKELLAR. Let the joint resolution be read.

The joint resolution was read, as follows:

Resolved, etc., That authority is hereby granted to the International Longfellow Society to erect suitable monuments to John Bunyan and William Harvey at such places in the city of Washington as may be designated by the Fine Arts Commission, subject to the approval of the Joint Committee on the Library, the models of the monuments to be erected to be first approved by the said commission and by the Joint Committee on the Library, the same to be presented by the said society to the people of the United States.

SEC. 2. That for the preparation of the sites under the direction of the Director of Public Buildings and Public Parks of the National Capital, such sum as may be necessary is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The VICE PRESIDENT. Without objection, the preamble will be stricken out, as recommended by the committee.

The preamble was stricken out, as follows:

Whereas the International Longfellow Society, incorporated in 1913 under the laws of Illinois "To secure and preserve the birthplace of America's greatest poet, Henry W. Longfellow; to honor him and other writers in such ways and by such means as the society may be able"; and

Whereas more than 1,000 women's clubs, representing every State in the Union, and many of the most eminent scholars and distinguished men of the Nation are associated with the International Longfellow Society, and have indorsed its work, including more than 100 presidents of colleges, universities, and governors of States, as well as President Roosevelt, President Taft, President Wilson, and President Coolidge; and

Whereas 1928 is the tercentenary of the birth of John Bunyan and also the two hundred and fiftieth anniversary of the publication of his immortal Pilgrim's Progress, by common consent of all authorities, one of the greatest books ever produced in the English language; and

Whereas 1928 is also the three hundred and fiftieth anniversary of the birth of William Harvey, pronounced by Huxley, "The favored friend of his sovereign, the honored Nestor of his profession, the pride of his countrymen," and the tercentenary of the publication of his discovery of the circulation of the blood, one of the greatest epochs in the progress of medical science: Now, therefore, be it.

ST. LAWRENCE WATERWAY

Mr. COPELAND. Mr. President, I ask unanimous consent to have inserted in the RECORD an article from the Montreal Herald and Weekly Star, of February 22, 1928, on the St. Lawrence waterway.

The VICE PRESIDENT. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ST. LAWRENCE WATERWAY—DO WE NEED IT AND WHAT WILL IT COST?

By J. Lambert Payne

THE ST. LAWRENCE WATERWAY THE PARAMOUNT ISSUE TO-DAY

(Shortsighted politicians and hired publicity agents are urging Canada to undertake the most expensive enterprise to which she has ever been committed.

The average citizen is confused by the conflicting opinions of those who regard the proposal as a staggering outlay of capital, the surrendering of a great heritage with little prospect of adequate benefits in return, and those who so loudly proclaim it as a great national undertaking, full of promise for the future.

Which side holds the more reasonable view?

The same sort of arguments are being put forward with the same energy and the same bitterness that were employed when the ruinous Grand Trunk Pacific Railway was projected. The politicians who were most enthusiastic for the project had the advantage of having the power to build. Yet the most rabid partisan of those days came in time to a realization that the building of the road was a huge blunder. The tragedy of the matter lies in the fact that the error was discovered too late.

The St. Lawrence waterway scheme was planned in the United States and its originators were quick to seek the neighborly cooperation of Canada in the project. A kindly but by no means disinterested pressure has been exerted to persuade Canada of the benefits of this doubtful enterprise. Perhaps if Canada had not had the experience of the Grand Trunk Pacific she would have listened with more earnestness to the siren voices across the line.

Nevertheless the public has the right to form an independent opinion which can only be gained by a clear presentation of the facts and the history of the negotiations. The Family Herald and Weekly Star has therefore asked a highly competent authority to give his views of the undertaking through the columns of this paper. The invitation was not extended to him as a supporter or an antagonist of the scheme, but because the Family Herald thought that no one was better qualified to enlighten the public.

The Family Herald is thus able to publish for the benefit of its readers two authoritative and illuminating articles on this subject by Mr. J. Lambert Payne, of Ottawa. There is no more competent judge

of all the facts at issue living to-day than Mr. Payne. These articles should be carefully read and digested by everyone.)

If the proposed St. Lawrence development were laid before a group of business men as a purely commercial project, they would instinctively approach the consideration of the matter by asking such questions as would go to the roots of its economic merits. They would first want to know if a new and deeper channel had been made necessary by growing traffic and congestion in connection with the existing waterway. They would be particularly interested in the probable cost of the work, and having got that information, would then be disposed to measure cost against the public service which would be given. In short, they would dispassionately seek to know if the thing would pay; and since there would not be any revenue from transportation, the question of profit would take the form of an inquiry as to the probability of freight tolls being lowered.

That the proposition is of a public nature does not in the slightest degree alter its essential merits. What a commercial corporation would regard as sound procedure should be regarded as equally expedient and necessary on the part of a government. Economic laws are universal in their application. What would be unprofitable and wasteful in the case of a private corporation could not possibly be otherwise simply because the people at large would foot the bill. Nor should the approach be any less cautious and calculating. In other words, a public project is not essentially different from a private project, in the sense that unsoundness is not turned into soundness by the fact that public money rather than corporate capital is involved.

It is here proposed to discuss this matter strictly on its economic merits, just as a business corporation would do. In 1903 Canada blundered most disastrously in seeking increased transportation facilities in the Western Provinces, although sincere and convinced of the need at the time, and our grave railway problem remains as a warning against impetuosity on this occasion. When Sir Wilfrid Laurier exclaimed, "Pray God it may not be too late!" he was undoubtedly voicing the prevailing optimism of that period; yet everybody now knows that the building of the Grand Trunk Pacific Railway was at least 50 years ahead of any possible need for it. Canada must be on her guard against mass emotion in this instance, and in the meantime should yield to the chastening influence of the 1903 experience.

DO WE NEED IT?

There should not be the slightest difficulty in deciding the question as to need. If the existing waterway has become inadequate and inefficient by reason of swelling traffic, the official records would at once reflect that situation. Our Canadian people are never inarticulate when their personal interests are at stake, and it is therefore significant that not a single complaint has ever been uttered as respects the adequacy of the St. Lawrence canal system, or any part of the inland-waterway system between Montreal and the head of lake navigation. No one has ever heard an outcry from the shipping interests. There has never, even during those autumn months when western grain is urgently seeking an outlet to the ocean, been even a hint of congestion from any quarter. The plain and indisputable truth is that the St. Lawrence route has not been used up to 50 per cent of its capacity.

On this fundamental aspect of the matter the proofs are overwhelming. As has just been said, the need for a new and deeper channel would have to rest upon official facts as to growth in traffic. There has actually been a very substantial shrinkage, which is all the more significant in view of a tremendous increase coincidentally in the volume of railway business. If the canals have not been moving more traffic it has not been because the trade of the country has fallen off. Quite to the contrary. The cause is to be found in a world-wide disposition to swing away from inland water transportation and to use the railways in increasing measure. Hence there has been no increase whatever in Canadian canal traffic during the past quarter of a century. There has been some growth in the movement of iron ore through the gateway at Sault Ste. Marie; but it is not Canadian business, and we are not concerned as a nation in it.

It is not necessary to overload this statement of the case with a mass of statistical data. The official reports are available to anyone who may question the conclusions here drawn. To analyze these reports is to remove every trace of doubt as to the absence of any need whatever for a huge expenditure in order to provide increased facilities. As between the years 1913 and 1926, there was a falling off in purely Canadian freight business by water from 11,130,875 tons to 9,656,190 tons, or by over 15 per cent. The situation is even worse than that when 10-year periods are concerned.

The official record of purely Canadian traffic, as distinct from Canadian and American traffic combined, does not go back of the year 1908—a period of 19 years down to the end of 1926. For the first 10 years of that period Canadian business through the canals had a total of 78,197,089 tons. During the succeeding nine years the volume was 59,065,770 tons. The average for the first period was 7,819,708 tons per annum, and for the second 6,451,741. By a simple calculation it will be seen that, as between these two averages, there was an actual falling off in freight tonnage of 21.2 per cent. Could any fact be more significant?

The situation as to need might be aptly illustrated by the case of a hotel keeper who, having increased his accommodation from 50 to 100 rooms, found that his normal patronage required but 40. What would be thought of his sanity, if, without any change whatever in immediate conditions or in the outlook, he suddenly resolved to increase the number of his rooms to 500 at a cost of ten times his original investment? That is precisely what would be done if this proposed St. Lawrence development were carried into execution.

WHY CANALS ARE UNPOPULAR

This adverse showing in the movement of Canadian commerce on inland waters was not due to conditions in any sense peculiar to Canada. With the single exception of the Panama Canal, which connects the two great trade oceans of the world, the same thing has happened in all countries.

Canal traffic did not decrease because less business was available. Quite the opposite. During the same 10-year period, between 1908 and 1917, inclusive, the railways of Canada hauled 905,991,796 tons of freight, or an average of 90,599,179 per annum. During the nine years ended 1926 the total was 1,305,168,977 tons, or an average of 115,018,975. The increase was equal to 27.12 per cent, as contrasted with a canal-traffic decrease of 21.2 per cent. Apart from the striking difference in the magnitude of the railway figures as compared with the relatively insignificant totals relating to canal business, this contrast tells the plain story of what has been occurring in the two fields of transportation.

In the face of such convincing facts how can anyone say that a new and larger canal system on the St. Lawrence is called for on the ground of need? At that point the irresistible teaching of official data can not be ignored by rational men. But it does not do to pause there. The unpopularity of canals is to be found in two things: First, the nature of the service given; and second, the shortness of the season of navigation. At best the movement of commodities through a chain of locks takes place slowly. Transportation by such means is therefore confined largely to shipments which can be made in cargo lots, such as grain, ore, sand, pig iron, etc. And then for five months each year the canals are closed. That is the vital factor.

The case of the New York State Barge Canal comes in aptly at this point. It was built to take the place of the old Erie, and was completed about five or six years ago. It gave a draft of 12 feet instead of the former 5, and therefore had a capacity probably ten times greater than that of the canal which it replaced. In every respect it was designed to be the last word in efficiency, and operated through one of the most highly industrialized States in the American Union. Yet the new Erie in 1926 did not move a freight tonnage one-third as large as did the old Erie 30 years ago. This led Governor Smith to solemnly suggest to the legislature last year that the new canal should either be closed or passed over to private interests. The annual loss on capital invested has been enormous.

WHAT WILL IT COST?

Every instinct of prudence and prescience would lead a group of business men, viewing this St. Lawrence proposition on its economic merits, to look very carefully at the probable cost. A nation can not afford to be less cautious and businesslike. At once, however, the honest inquirer finds himself confronted by a great deal of purely speculative data. The facts of the case preclude any other judgment as to the nature of that information.

When this project was first mooted a board of international engineers was appointed to make surveys and report upon the probable cost. The engineers took a couple of years to do their work and reported that the cost of the combined canal and water-power scheme would be $252,728,200. That was in 1924. Under date of November 16, 1926, this second board reported, and now the probable cost was raised to a maximum of $650,000,000. There the matter rests.

Is there a reasonable probability that this huge project could be carried out of $650,000,000? The history of all canal building is against such an assumption. In fact, primary estimates of big public works are invariably much below the actual cost. Here is a little table of facts in that regard which is well worth studying:

	Estimate	Cost
Panama Canal	$100,000,000	$430,000,000
New York Barge Canal	55,000,000	115,000,000
Chicago Drainage Canal	16,000,000	90,000,000
Manchester Canal	37,000,000	78,000,000
New Welland	55,000,000	115,000,000

Many will remember the disaster which overtook the famous Count de Lesseps when it was found that the actual cost of the Suez Canal was going to be several times the amount of his original estimate. The primary promoters were ruined. That is the teaching of all history as to canal building; so that when we are told this immense canal and

water-power undertaking can be carried out for $650,000,000, it is well to bear in mind what has always happened in the case of public works of that nature. The final capital outlay would probably reach a billion dollars, and even then the difference between estimate and actual cost would be much less than in any of the instances just quoted.

THE TAXATION VIEW

Business men would look beyond the probable cost. They would at once translate the capital outlay into terms of overhead, which in the case of a nation means taxation, and see what that would mean. It is the essence of the matter. Here again, however, it is impossible to begin the necessary calculation with definite data. The capital cost is uncertain. The terms upon which the work would be carried out have not been agreed upon. As a joint undertaking, it is a fair assumption that each nation would bear an equal share. But the first commission which had the matter under review suggested that the cost might be divided on the basis of user. That would mean something like 70 per cent for the United States and 30 per cent for Canada. But neither the United States nor Canada has come to a decision on that point. It has not even been the subject of official correspondence. Therefore, while nobody knows what the capital cost will be, it is also true that nobody knows how that cost will be divided between the two countries. Uncertainty remains at every point.

Under any circumstances Canada would have to borrow the money, and would also have to provide her share of the annual maintenance. The amount would be very large, and whatever it might be it would have a direct effect on taxation. We are now carrying an exceedingly burdensome debt and taxing the people on an unprecedented scale to pay the interest charges thereon. We have been able to reduce the national debt by only $106,000,000 since the armistice. We have not been able to do anything substantial in the way of cutting down taxes. The situation, therefore, would be tremendously aggravated if we went into this huge international scheme. It could not mean less than $12,000,000 per annum for interest and maintenance, and every penny of that would have to be got out of the people through the tax collector.

No matter from what angle the proposed development is viewed, it takes on the ugly aspect of a new and heavy burden on the people of Canada. If we do not need a new canal, nor the water power either, what justification could be offered for adding to our debt and taxation? The mere sentimental satisfaction of substituting a big canal for a smaller one, although the latter is serving the country most efficiently and is not being used to more than half its capacity, would not be in the nature of a sound reason for going into this thing. At some point common sense ought to rise above the appeal of mere propaganda. At some point we ought to commence to think in the same way we would think about our own private affairs.

Thus far consideration of need and cost have received attention. Two very important further points remain. One is the question of whether or not tolls could be lowered, and the other is the internationalization of the St. Lawrence River. The latter touches the very marrow of this entire project.

ARTICLE NO. 2

Probably there are many people in Canada who, if the matter were put to a vote, would be in favor of the proposed St. Lawrence development. I have taken some little trouble to ascertain the reasons for that attitude, and the information I have gathered might be summed up in the state of mind of a gentleman I met in central Ontario recently. "It would be a good thing, wouldn't it?" was his vague and interrogative way of putting it. When I asked him why he thought it would be a good thing, he said at once that he had not given the matter any thought, but had taken it for granted anything of that nature would promote the commerce of the country.

If this is a typical instance of public thinking on the subject, as I believe it is, there would seem to be urgent need of enlightenment before the issue reaches a finality. In my way of looking at the situation, it is impossible to see how trade could in any way be helped. We have an efficient and much more than adequate inland waterway system at the present time, and it is not being used to 50 per cent of its capacity. A new and larger channel could not, therefore, stimulate commerce. It might even hinder it, for a reason which urgently demands public consideration.

The reason to which allusion has just been made relates to tolls. There can be no doubt of three things: First, that this scheme had its origin in the United States; second, that its organized promoters have water power in view rather than an improved canal service; and third, that the canal improvement has been tacked on to it in order to get the water-power project through. The United States is no more in need of enlarged canal facilities than is Canada; but the transportation proposition has been joined to the other in order to make possible the announcement that freight rates would be materially lowered. That is intended to command the support of western grain growers.

WATER RATE ON WHEAT

One of the chief advocates of this St. Lawrence proposition had an article in Nation's Business recently in which he hinted that the rate on wheat from the West to the seaboard might be reduced by as much as 12 cents per bushel. Since the average rate between Fort William and Montreal last autumn was about 9 cents, the absurdity of this statement is at once apparent. But this gentleman speaking with assumed knowledge and authority, declared it would be brought about by shortening the rail haul. The truth is that the rail haul would not be shortened by a single mile, for the sufficient reason that it could not. It is not proposed to open up a new route. It is simply intended to deepen the existing channel. The distance between the rail head at Lake Superior and tidewater, which is now 1,222 miles, would not therefore be reduced by a foot.

Very little wheat is moved by rail anyway. The movement in that way is negligible during the season of navigation. Eighty-five per cent of all export grain comes down by water before the middle of December, and of that volume two-thirds goes out every year to New York by way of Buffalo. I am speaking of both Canadian and American western-grown grain. Why does it take that route? Not because it costs less to ship it in that way. It actually costs from 1 to 3 cents per bushel more. But every bushel of such grain is somebody's property, and that somebody dictates the route it shall take to the foreign market. The uninformed layman does not pause to learn or measure that pivotal fact, and it happens to be the very core of the whole matter.

Our Canadian wheat takes the Buffalo-New York route because of three reasons: First, it has been sold for delivery at a foreign port on a specified date, and profit on the transaction turns on avoiding demurrage. Bottoms are available in large volume on the New York Marine Exchange, and that is not true in the same degree, if at all, of Montreal. Second, all shippers want their cargoes off the inland route as soon as possible. They fear it, with its sudden storms and the possibilities of other hindrances. They dread canals in particular. The third reason is insurance, both inland and seagoing. The rate from New York is low and constant; the Canadian rate is higher to start with, and rises progressively after the early part of November. But the chief reason is the factor of certainty in making delivery abroad.

We may argue as we will about this situation as to export wheat; but it is as stated. If I am in error, any responsible exporter could at once upset what I have said. But I have taken care to make sure of my ground, and the logical deduction is that the deepening of the St. Lawrence Channel could not possibly alter or modify any one of these factors.,

The hope of bringing about lower tolls on export wheat rests wholly upon the assumption that larger vessels could move cargoes at less cost. They probably could if all things were equal. But they are not. They are very unequal in this instance, as can be convincingly shown. The factor of overhead comes in with peculiarly destructive force and meaning. The layman would not realize what overhead means; but every business man would. It has everything to do with the issue of profit or loss; and in this case it takes on much more than ordinary significance. Let us look at it dispassionately and judicially; for this problem will never be understood by those who ignore it.

TRAFFIC MAINLY ONE WAY

The fearsome truth in this matter of the St. Lawrence route is that practically all traffic is one way. It is 90 per cent eastbound, so far as Canadian business is concerned. The westbound traffic has no place at all in the reckoning. The second and equally vital truth, is that the season of operation seldom extends beyond seven months. As a matter of fact, 70 per cent of the entire grain movement takes place between the last week of September and the second week of December. That is to say, shipping takes place under singular conditions as to pressure. Yet the canals have never been congested nor have they at any time been more than an incidental cause of delay.

The man who wants to look at this proposition in a judicial spirit will at once put these facts as to one-way traffic and a short season together and apply them to the question of rates. The larger the vessel the higher the operating cost and the greater the overhead. Because of one-way business, and the shortness of the operating season, the larger vessel is heavily handicapped. It can not move a sufficient volume of grain during 7 months to take care of operating expenses and 12 months of high overhead unless the rates are commensurate. It certainly could not earn a profit at lower rates than now obtain.

This is not a personal opinion, and therefore of little value. It happens to have been the specific reason why the State of New York some 25 years ago abandoned the ambitious project of a ship canal by the old Erie route and substituted a barge canal. The scheme had been approved by the legislature and the necessary money had been voted, but Colonel Symmons, who was placed in charge of construction, took advice from competent quarters and proved conclusively three things: First, that ocean-going ships could not be operated at all through an inland canal system; second, that transportation by large vessels under the conditions which obtained would inevitably result in higher tolls for the reasons just indicated; and, third, that the cost of the canal would be enormously above the estimate.

The Erie proposition of 1902 was on all fours with the St. Lawrence scheme now under consideration. The conditions are identical in every respect. New York State had been overwhelmed by an agitation for a ship canal, and the propagandists carried everything before them, including the legislature. But when Colonel Symmons got through the

scheme was not only dead, but has never been even hinted at since. In particular the idea of making ocean ports on the Great Lakes perished beyond resuscitation. Anybody in Canada who doubts what has here been said would do well to send to Albany for a copy of Colonel Symmon's reports. We ought not to want to go into a similar costly undertaking blind to incontrovertible facts.

And now we come to the very marrow of this important matter. It is the international aspect. All other considerations lose weight when it has been given its appropriate place and value. To begin with, and as has been already said, the St. Lawrence proposition did not originate in Canada. It came from the United States. Frankly, however, that does not matter. If the project is meritorious, and would serve Canadian interests, the fact that it was urged upon us by our neighbors across the line should not arouse prejudice.

But the origin of the scheme is nevertheless suggestive. It very clearly indicates that our neighbors had a definite and selfish object in view. That object, obviously, was not increased transportation facilities by way of the St. Lawrence. They have more than they could possibly need for the next century; for it must be remembered that the United States can not much longer continue to export wheat. The urge was water power. Canada has abundance. So large is the undeveloped supply on this side of the line, and so accessible, that no one would have thought of turning to the St. Lawrence for economic reasons until other resources, capable of being developed at much lower cost, had been exhausted.

HUNGRY FOR CHEAP POWER

In particular, the Eastern States are short of water power, and that is why the New York Times, in discussing this very project in September last, spoke frankly of that section of the country as being "hungry for cheap power." These Eastern States had seen their control of the pulp and paper industry pass to Canada, and they naturally cast covetous eyes on the latent possibilities of the St. Lawrence. Transportation had absolutely nothing to do with their interest in the matter. Thus it came about that Canada was approached with this canal and water-power proposition. The canal was attached as an expedient—a bait, if you will. Obviously, too, the scheme had to be international in scope and purpose. The work would have to be undertaken on a joint basis, and administered in the same way.

Quite apart from what may happen as between the United States and Canada in this matter, is the attitude of the Province of Quebec and the Province of Ontario in relation to their rights in the St. Lawrence. Hon. Mr. Taschereau has already made his position clear as respects the Province of Quebec, and Hon. Mr. Ferguson, Premier of Ontario, has done the same thing. The latter has given emphasis to the position he takes in his comments on the speech from the throne at the recent opening of the Dominion Parliament. Both these defenders of provincial interests declare that they will fight to the last ditch to prevent interference by the Dominion in the water-power rights of the St. Lawrence. The history of disputes of this nature shows quite clearly that the Provinces have been usually sustained in their claims of jurisdiction. Sir Oliver Mowat's famous streams bill case of some 40 years ago is in point, and stands as a precedent on the side of the provincial contention.

Let us calmly look at the situation as it obtains at this moment. Canada owns and administers every foot of canal in the St. Lawrence, as it does up to the northern end of Lake Huron. At that point the United States has several locks. We have one. Thus a ship may now pass from Montreal to the head of Lake Superior without for a moment being in American water. Under treaty rights, dating back to the forties, American vessels have had the use of our canals on equal terms with our own vessels, although the United States contributed nothing to the cost of our inland waterway nor to its maintenance. Our sovereignty in the St. Lawrence is therefore absolute.

THE INTERNATIONAL ASPECT

Our position would be vitally changed the moment we entered into the proposed international pact. Not only would the United States become joint owners of the St. Lawrence waterway but would also become joint administrators of it. The same thing applies to the water-power rights. More than that, under the scheme as revised in the final report of the joint board of engineers and commissioners some 9 miles of the new waterway would be in American territory. That fact is pregnant with sinister possibilities. It leaves no doubt as to the nature of the change which would be brought about. It leaves no doubt as to the completeness of our surrender of the national and important rights we now hold.

If a new canal system on the St. Lawrence were vital to the expansion of Canadian commerce or if we stood in urgent need of the water power which would be developed, and could not get it from any other source, these points might be ignored. But who could give an affirmative answer to those two questions? Certainly not any Canadian who is familiar with the facts of the case. Nothing whatever has arisen to justify the sacrifice Canada would be called upon to make. Every factor of gain would go to the other party in the bargain. Can there be any doubt of that?

If the United States has everything to gain in this proposed pact, and Canada has much to lose, there are still other cogent reasons why we should move cautiously. Looking ahead, it is clear that equality of ownership and administrative powers is the only basis which could be adopted. At all events, it is the only one which has been suggested or considered. What would be our position after the agreement in that regard had been executed? In the event of a dispute, either one party or the other would have to compromise or a deadlock would result. Every sensible and prescient Canadian ought to clearly realize what that means—what even a deadlock might mean. Let us see.

Who would suggest, for example, that an agreement could be drawn up which would be so perfect as to anticipate every contingency that might arise? At the outset Canada could not ask for any considerable allotment of water power, because she has about all she needs, with immense development under way. Let it be assumed that under such conditions the larger share should go to the United States. In subsequent negotiations, even a deadlock would insure the retention of the original assignment to the United States. This is no more than an example of what might occur.

But that view is subordinate to all the possibilities which might arise under the play of three forces which could not be excluded. They are industrial rivalry, greed for profits, and politics. No one can doubt that the United States is Canada's most powerful competitor in trade. With rivalry, profits, and politics at all times in the equation, no one may say what would happen, and the time to give due weight to all the factors in the situation is before the bargain is sealed rather than after. At present Canada holds a sovereign position in the St. Lawrence. Once the river and its improvements had passed under international control, that position would be vitally changed.

In our entire history as a self-governing people no issue has arisen of an international nature comparable in gravity to this proposed St. Lawrence development. The monetary aspect should be sobering; but it must have been a common discovery that the moment the figures run into hundreds of millions they lose all significance to the average citizen. That is most unfortunate, since a huge addition to our national liabilities is precisely the opposite to what all forward-looking men know to be expedient. Even if the need for increased transportation facilities by water were genuine and urgent no man who has calmly thought about our heavy obligations would feel that we could afford the outlay. We can not.

THE LAST WORD IN FOLLY

Canada has bright prospects. Not another country in the world may look forward with an equal degree of hope and confidence. In the very nature of things there will be heavy calls upon our resources for further capital expenditure; and every dollar so spent will delay the time when we can arrest the diversion of taxes from the Public Treasury to productive enterprises. But to lay out several hundred millions in something we do not need would be the last word in folly.

It seems to be our fate, however, to forever be moving at cross purposes. We have built a new Welland Canal, which will enable deep-draft vessels to take their cargoes as far east as Kingston or Prescott; and the logical course would be to transfer there to smaller craft. To take a big vessel through the canals would be uneconomical. But this new proposition would at once take away our present advantage. If ships did not pass directly to Montreal, why build a larger channel which we would never use?

We are also building the Hudson Bay Railway. Every bushel of grain which went out by way of the St. Lawrence would be lost to that route. Moreover, the construction of the Panama Canal has made an important change as to Alberta wheat, which now goes out almost entirely via Vancouver. Therefore Alberta is not interested any longer in the St. Lawrence route. Manitoba and Saskatchewan are committed to the Hudson Bay outlet. These facts should be remembered when we are asked to go into a project of an exceedingly costly nature, and with tremendous possibilities as to international complications. At all events, we had better give the closest possible consideration to every aspect of the matter before we come to a decision. We can not afford to blunder into it blindly, as we did in the case of the Grand Trunk Pacific 24 years ago, and are still paying for our lack of prudence.

MISSISSIPPI RIVER BRIDGE

Mr. BROUSSARD. Mr. President, I ask that the Senate proceed to the consideration of Senate bill 2449, for the construction of a bridge across the Mississippi River at Baton Rouge, La.

Mr. CURTIS. Is it in regular form?

Mr. BROUSSARD. It is recommended by both the Agricultural Department and the Secretary of War, and is unanimously reported by the committee.

Mr. CURTIS. I have no objection.

The Senate, by unanimous consent, proceeded to consider the bill as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 2, line 7, after the word "begun," to strike out "in not less than" and insert "within"; in line 8, after the word "completed," to strike out "in not less than" and insert "within"; in line 13, after the word "bridge,"

to insert "and interest on the investment as provided in section 3 thereof"; on page 3, line 20, after the words "and by," to strike out "Secretary of War and the"; in line 24, after the words "by the," to strike out "Secretary of War and the"; on page 5, line 16, after the name "Secretary of War," to strike out "that the rates of toll to be charged for the use of said bridge shall be subject to approval by the Louisiana Highway Commission and by the Secretary of War; and"; in line 19, after the word "from," to strike out "such"; on page 7, line 19, before the name "Secretary of War," to strike out "Louisiana Highway Commission and by the"; in line 20, before the word "ferriage," to insert "maximum," and in the same line, after the word "rates," to strike out "charged" and insert "as provided in the franchise in effect," so as to make the bill read:

Be it enacted, etc., That authority is hereby granted the Louisiana Highway Commission to construct, maintain, and operate a highway bridge, or a combination highway and railroad bridge, with necessary approaches thereto, across the Mississippi River, at a point suitable to the interests of navigation, at or near the city of Baton Rouge, in the parish of East Baton Rouge, and a point opposite thereto in the parish of West Baton Rouge, both in the State of Louisiana, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That the construction of such bridge shall be begun within two years and completed within five years after the date of approval of this act.

SEC. 2. That if tolls are charged by the Louisiana Highway Commission for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the cost of maintaining, repairing, and operating the bridge and interest on the investment, as provided in section 3 thereof, and provide a sinking fund sufficient to amortize the cost of its construction, exclusive of any Federal funds paid thereon, as soon as possible under reasonable charges, but within a period of not to exceed 25 years from the completion thereof. After a sinking fund sufficient to pay the cost of constructing the bridge shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge. An accurate record of the cost of the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept, and shall be available for the information of all persons interested.

SEC. 3. That the authority to construct the bridge and approaches thereto hereby granted may be transferred or assigned by the Louisiana Highway Commission to any person, company, or corporation after advertisement a sufficient time previously for sealed proposals respecting same to be submitted to said commission. All such bids received shall be publicly opened and read by the Louisiana Highway Commission, and any such transfer or assignment shall be made only to the bidder offering the most advantageous terms from the standpoint of the public and shall be subject to the following terms and conditions, which shall be incorporated in and be made a part of the instrument by which such transfer or assignment may be made: That the transferee or assignee accepts all the terms and conditions of this act; that the plan for financing the construction of said bridge shall be subject to approval by the Louisiana Highway Commission and by the Secretary of Agriculture; that the location, plans, specifications, and estimates for the construction of said bridge shall be subject to approval by said Louisiana Highway Commission and by the Secretary of Agriculture; that the construction of said bridge by such transferee or assignee shall be by contract let to the lowest responsible bidder with the approval of the Louisiana Highway Commission after due public advertisement; that during the construction of said bridge all work shall be subject to inspection and approval by the Louisiana Highway Commission; that the transferee or assignee shall not encumber said bridge by the issue of stock, bonds, notes, mortgages, or other evidence of indebtedness in an amount which, including all previous encumbrances whether retired or still outstanding, shall exceed in the aggregate the contract cost of its construction plus 10 per cent; that any encumbrance of whatever nature placed against said bridge shall contain a provision making same subject to call at par plus accrued interest at any time after five years; that the State of Louisiana, acting by and through the Louisiana Highway Commission, shall have the right upon six months' written notice to acquire said bridge at any time after completion of its construction on a basis of cost not to exceed the amount of such encumbrances outstanding on the date of such acquisition by the State; that six months after receipt of such written notice the transferee or assignee shall convey to the State of Louisiana all right, title, and interest in said bridge on the payment or assumption by the State of such encumbrances then outstanding and unpaid; that neither such transfer or assignment nor the rights thereunder granted will be voluntarily transferred or assigned by such transferee or assignee without the written approval of the Louisiana Highway Commission, and any successor to or assignee of the rights of the original transferee or assignee hereunder, whether by voluntary transfer, judicial sale, foreclosure sale, or otherwise, shall be subject to all the conditions of the original transfer or assignment from the Louisiana Highway Commission and also subject to all the provisions and conditions of this act to the same extent as though such successor or assignee were the original transferee or assignee hereunder; that the expenditures for operating, repairing, and maintaining the bridge shall be subject to approval by the Louisiana Highway Commission, and an accurate record of such expenditures and of the daily tolls collected shall be kept and shall be available to the Louisiana Highway Commission and to the Secretary of War; that the proceeds from tolls shall be used, first, to pay the maintenance, repair, and operation costs; second, to pay not to exceed 7 per cent in dividends or interest on outstanding stock, bonds, notes, mortgages, or other obligations legally incurred against said bridge; and, third, one-half of any funds then remaining shall be retained by the transferee or assignee and the other one-half thereof shall be paid into the State treasury and be credited to a sinking fund to be used by the State in acquiring said bridge, and the Louisiana Highway Commission shall at any time have the authority to utilize any portion of said sinking fund for the purpose of purchasing and retiring any of said stock, bonds, notes, mortgages, or other outstanding obligations legally incurred against said bridge. After all stock, bonds, notes, mortgages, or other obligations legally incurred against said bridge shall have been retired, or a sinking fund sufficient for their retirement shall have been provided, such bridge, the approaches thereto, and all appurtenant structures shall immediately become the property of the State of Louisiana, without cost or expense to the State, and shall thereafter be maintained and operated free of tolls, and the right, title, and interest of such transferee or assignee herein shall then cease and determine.

SEC. 4. That in the event a combination highway and railroad bridge shall be constructed, the authority to construct the same as hereby granted may be transferred or assigned by the Louisiana Highway Commission in the manner prescribed in section 3 hereof and, except as hereinafter otherwise provided, all of the terms and conditions set forth in said section shall apply to the portion of such bridge to be used for highway traffic. Within 90 days after the completion of such bridge the transferee or assignee shall file with the Louisiana Highway Commission and with the Secretary of War a sworn itemized statement showing the actual cost of its construction and the part of such cost properly chargeable against the portion of the bridge to be used for highway traffic and against the portion thereof to be used for railroad traffic, respectively; and, at any time within one year after completion of the bridge, the Secretary of War shall investigate the statement of cost filed by the transferee or assignee and for such purpose shall be given access to all records in connection with the construction of the bridge. The findings of the Secretary of War as to the actual cost of the bridge and as to the part of such cost properly chargeable against the highway portion of the bridge and the part thereof chargeable against the railroad portion of the bridge shall be conclusive, subject only to review in a court of equity for fraud or gross mistake. The rates of toll for use of the portion of said bridge to be used for highway traffic shall be subject to approval by the Secretary of War and shall not exceed the maximum ferriage rates as provided in the franchise in effect on the date of approval hereof for like traffic by the ferry operating between Baton Rouge and Port Allen, and the proceeds from tolls collected from traffic over the highway portion of said bridge shall be used in the manner prescribed in section 3 hereof. When a percentage of the encumbrances incurred against such bridge in accordance with the provisions of this act equal to the percentage that the part of the cost of the bridge properly chargeable against the highway portion thereof is of its total cost, as finally determined by the Secretary of War, shall have been retired from the proceeds of tolls collected from highway traffic, or a sinking fund sufficient for the retirement thereof in full shall have been provided, the portion of such bridge used for highway traffic, the highway approaches thereto, and appurtenant structures, shall become the property of the State of Louisiana, without cost or expense to the State and shall thereafter be maintained and operated free of tolls, or the rates of toll for the use of such portion of the bridge shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of such portion of the bridge and its approaches; and the right, title, and interest of such transferee or assignee therein shall then cease and determine.

SEC. 5. The term "Louisiana Highway Commission," as used herein, shall include its legal successor or successors; and the term "bridge," as used herein, shall be construed to include approaches and other necessary appurtenant structures.

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE, NEBRASKA

Mr. HOWELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House bill 5679, authorizing the Nebraska-Iowa Bridge Corporation, a Delaware corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River between Washington County, Nebr., and Harrison County, Iowa.

Mr. CURTIS. Is it in the regular form?

Mr. HOWELL. It is.

The VICE PRESIDENT. Is there objection to the request of the Senator from Nebraska?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 5 o'clock p. m.) adjourned until to-morrow, Tuesday, February 28, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 27, 1928

MEMBER OF FEDERAL BOARD FOR VOCATIONAL EDUCATION

Perry W. Reeves, of Indiana, to be a member of the Federal Board for Vocational Education for the unexpired term of three years from July 17, 1926, vice Harry L. Fidler.

ASSOCIATE JUSTICE SUPREME COURT OF DISTRICT OF COLUMBIA

Peyton Gordon, of the District of Columbia, to be associate justice, Supreme Court, District of Columbia, vice A. A. Hoehling, resigned.

UNITED STATES MARSHAL

Oscar P. Cox, of Hawaii, to be United States marshal, district of Hawaii. A reappointment, his term having expired.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 27, 1928

ASSISTANT SECRETARY OF THE TREASURY

Seymour Lowman to be Assistant Secretary of the Treasury.

MEMBER OF UNITED STATES CUSTOMS COURT

William J. Tilson to be a member of the United States Customs Court.

UNITED STATES COAST GUARD

James F. Hottel to be captain.
Michael J. Ryan to be commander.
James Pine to be commander.
Edward M. Kent to be constructor.
Lucien J. Ker to be commander (engineering).
Robert C. Ward to be chief carpenter.

UNITED STATES ATTORNEY

John R. Watkins to be United States attorney, eastern district of Michigan.

POSTMASTERS

COLORADO

Emma B. Champie, Kersey.
Royden G. Girling, Lazear.
J. Harry Mallot, Mount Harris.

CONNECTICUT

Walter M. Slocum, New London.

HAWAII

Bert D. Chilson, Hilo.

ILLINOIS

Sibyl J. Stanley, Keithsburg.

KANSAS

Susie W. Rhine, Gove.

KENTUCKY

Anna M. Siske, Allensville.

MAINE

William Osborne, jr., Danforth.

MICHIGAN

Elmer C. Clute, Harrison.

NEW HAMPSHIRE

Charles F. Southard, North Haverhill.
Joseph P. Conner, Portsmouth.

NEW YORK

Jennie M. Steinhilber, Beaver Falls.
Charles W. Dunn, Calcium.
Stanley W. Parsons, Copenhagen.

OHIO

Warren S. Myers, Dupont.

PENNSYLVANIA

Samuel A. Morrison, Delmont.

TEXAS

Joe B. Carter, Beckville.
Edith M. Bursey, Brackettville.
Willie Kennedy, Putnam.

VERMONT

Truman E. Wheeler, Lyndonville.

HOUSE OF REPRESENTATIVES

MONDAY, *February 27, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, Thy mercy need not be graven in stone, for it has been stamped forever on the hearts of grateful men. It has transcended time, space, and light, and embraces a multitude which no one can number. Breath of our breathing, light of our gladness, and soul of all, hear us. Be with us in our aims, our ambitions, and in our dearest affections. Pardon us if we are miserly, forgive us if we are filled with pride, and spare us from becoming a victim of an evil temper. Thou who canst bind up the hurt hearts and inspire with bright hopes those who are tossed on the maddened waves of life, be Thou our way, our truth, and our life. O Thou whose wisdom we never seek in vain, be at our sides. Amen.

The Journal of the proceedings of Friday, February 24, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House of Representatives is requested:

S. 205. An act to authorize the Secretary of the Treasury to pay the claim of Mary Clerkin;

S. 802. An act for the relief of Frank Hanley;

S. 1103. An act permitting the withdrawal of water from White River, Ark.;

S. 1705. An act authorizing the Court of Claims to render judgment in favor of the administrator of or collector for the estate of Peter P. Pitchlynn, deceased, instead of the heirs of Peter P. Pitchlynn, and for other purposes;

S. 2007. An act to authorize the Secretary of War to pay officers and Filipinos formerly enlisted as members of the National Guard of Hawaii for field and armory training during years 1924 and 1925, and to validate payments for such training heretofore made;

S. 2227. An act for the relief of F. L. Campbell;

S. 2279. An act authorizing the Secretary of the Interior to purchase certain lands in the city of Bismarck, Burleigh County, N. Dak., for Indian school purposes;

S. 2335. An act for the relief of the National Surety Co.;

S. 2360. An act to amend section 1 of the act of Congress of March 3, 1921 (41 Stat. L. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906," entitled "An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes";

S. 2549. An act providing for payment to the German Government of $461.59 in behalf of the heirs or representatives of the German nationals, John Adolf, Hermann Pegel, Franz Lipfert, Albert Wittenburg, Karl Behr, and Hans Dechantsreiter;

S. 2644. An act to carry out the findings of the Court of Claims in the case of the P. L. Andrews Corporation;

S. 2707. An act to provide for the classification of all unallotted land of the Klamath Indian Reservation and to reserve for forest-production purposes all land primarily adapted to the production of crops of timber;

S. 2800. An act authorizing E. K. Morse, his successors and assigns (or his or their heirs, legal representatives, and as-

signs), to construct, maintain, and operate a bridge across the Delaware River at or near Burlington, N. J.;

S. 3062. An act for the relief of Anna Faceina;

S. 3066. An act for the relief of Herman Shulof;

S. J. Res. 23. Joint resolution providing for the participation of the United States in the celebration in 1929 and 1930 of the one hundred and fiftieth anniversary of the conquest of the Northwest Territory by Gen. George Rogers Clark and his army, and authorizing an appropriation for construction of a permanent memorial of the Revolutionary War in the West, and of the accession of the old Northwest to the United States on the site of Fort Sackville, which was captured by George Rogers Clark and his men February 25, 1779;

S. J. Res. 30. Joint resolution to provide for the expenses of participation by the United States in the Second Pan American Conference on Highways at Rio de Janeiro;

S. J. Res. 31. Joint resolution to provide that the United States extend to the Permanent International Association of Road Congresses an invitation to hold the sixth session of the association in the United States, and for the expenses thereof;

S. J. Res. 33. Joint resolution authorizing the selection of a site and the erection of a memorial monument to the pioneers of the Pacific Northwest in Washington City, D. C.

S. J. Res. 72. Joint resolution to grant permission for the erection of a memorial statue of Cardinal Gibbons; and

S. J. Res. 88. Joint resolution authorizing the erection on public grounds in the District of Columbia of a stone monument as a memorial to Samuel Gompers.

The message also announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 48. An act to erect a tablet or marker to the memory of the Federal soldiers who were killed at the Battle of Perryville, and for other purposes;

H. R. 83. An act to approve Act No. 24 of the Session Laws of 1927 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Hanapepe, in the District of Waimea, island and county of Kauai";

H. R. 482. An act to provide relief for the victims of the airplane accident at Langin Field, Moundsville, W. Va.;

H. R. 3144. An act for the relief of Augustus C. Turner;

H. R. 5925. An act for the relief of the Fidelity & Deposit Co. of Maryland;

H. R. 8281. An act to provide for the withdrawal of certain described lands in the State of Nevada for the use and benefit of the Indians of the Walker River Reservation;

H. R. 8282. An act to provide for the permanent withdrawal of certain lands bordering on and adjacent to Summit Lake, Nev., for the Paiute, Shoshone, and other Indians;

H. R. 8291. An act to amend section 1 of the act of June 25, 1910 (36 Stat. L. 855), "An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes";

H. R. 8292. An act to reserve 120 acres on the public domain for the use and benefit of the Koosharem Band of Indians residing in the vicinity of Koosharem, Utah;

H. R. 8527. An act for the relief of the International Petroleum Co. (Ltd.), of Toronto, Canada;

H. R. 9037. An act to provide for the permanent withdrawal of certain lands in Inyo County, Calif., for Indian use; and

H. R. 9994. An act to reimburse certain Indians of the Fort Belknap Reservation, Mont., for part or full value of an allotment of land to which they were individually entitled.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House is requested:

H. R. 2808. An act for the relief of Ella G. Richter, daughter of Henry W. Richter; and

H. R. 3145. An act for the relief of Willis B. Cross.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10635) entitled "An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes."

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 5501. An act authorizing the Hermann Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Hermann, Gasconade County, Mo.;

H. R. 5502. An act authorizing the Washington-Missouri River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Washington, Franklin County, Mo.;

H. R. 5722. An act authorizing the Rogers Bros. Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ashland, Ky.;

H. R. 6639. An act authorizing the Centennial Bridge Co. of Independence, Mo. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Liberty Landing, Clay County, Mo.;

H. R. 6991. An act authorizing the erection of a nonsectarian chapel at the Army medical center in the District of Columbia, and for other purposes;

H. R. 8106. An act authorizing F. C. Barnhill, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Arrow Rock, Saline County, Mo.; and

H. R. 8107. An act authorizing Frank M. Burruss, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Miami, Saline County, Mo.

CONFERENCE REPORT—TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION BILL

Mr. MADDEN, from the Committee on Appropriations, filed conference report on the bill (H. R. 10635) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes, which was ordered printed.

REREFERENCE OF A BILL

The SPEAKER. The Chair would like the attention of the gentleman from Tennessee [Mr. GARRETT].

The bill (S. 1347) to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, as amended, was referred by the Chair to the Committee on Military Affairs, it being an amendment of a bill originally reported out by the Committee on Military Affairs. However, the Chair finds that a substantially similar bill last year was considered by the Committee on Mines and Mining. The Chair has consulted the chairman of the Committee on Military Affairs, and he approves of the rereference of the bill to the Committee on Mines and Mining, and, without objection, this will be done.

Mr. GARRETT of Tennessee. I understand, Mr. Speaker, that some hearings were held on the bill by the Committee on Mines and Mining at the last session.

The SPEAKER. The bill was considered and hearings were held by the Committee on Mines and Mining at the last session.

Mr. MADDEN. Mr. Speaker, is this the bill under which we provided for the production of certain classes of minerals during the war?

The SPEAKER. Yes.

Mr. MADDEN. Was not that reported originally by the Committee on Mines and Mining?

The SPEAKER. No; it was originally reported by the Committee on Military Affairs.

Mr. TILSON. It was originally known as the Dent Act.

Mr. MADDEN. Yes; the bill providing for the adjudication of it was known as the Dent Act, but I thought the bill originally came from the Committee on Mines and Mining.

The SPEAKER. The bill was considered last year by the Committee on Mines and Mining and that committee held hearings upon it. The Committee on Military Affairs was not claiming jurisdiction at that time. Without objection, the bill will be rereferred to the Committee on Mines and Mining.

There was no objection.

FARMERS' PRODUCE MARKET

Mr. ZIHLMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 8298) authorizing acquisition of a site for the farmers' produce market, and for other purposes; and pending that motion I ask unanimous consent that general debate on this bill be limited to one hour, one-half to be controlled by the gentleman from Texas [Mr. BLANTON] and the other one-half by myself.

The SPEAKER. The gentleman from Maryland moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8298, and pending that asks unanimous consent that general debate be limited to one hour, one-half to be controlled

by himself and one-half by the gentleman from Texas? Is there objection?

Mr. BLANTON. With the understanding, Mr. Speaker, of course, that in justice to those who are against the bill we will yield them half the time; in other words, we will yield on each side both to those who are for and against the bill; otherwise it would not be just.

Mr. CHINDBLOM. Is the gentleman from Texas for the bill

Mr. BLANTON. There are three different bills. I am for one of them. I am backing the committee. I propose to yield half of my time to those with whom I do not agree.

The SPEAKER. Does the gentleman from Maryland so modify his request?

Mr. ZIHLMAN. I so modify it, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8298, with Mr. BEEDY in the chair.

The Clerk read the title of the bill.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. DYER. I object, Mr. Chairman.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to acquire by purchase or by condemnation, or partly by purchase and partly by condemnation, as they may deem best, the whole of squares Nos. 354 and 355, as shown on the plat books in the office of the surveyor of the District of Columbia, and when same shall have been acquired to close to public occupation and use as a street all of F Street SW., within the adjacent curb lines of Tenth and Eleventh Streets SW., the area of said squares and the portion of F Street SW., when same shall have been acquired and closed, to be used and occupied by the District of Columbia as and for the purposes of a wholesale farmers' produce market.

For the purposes of such acquisition, including all necessary expenses incident thereto and for the clearing and leveling of the ground and the erection thereon of protecting sheds and suitable stands and stalls, and the installation of sanitary conveniences and necessary heating and telephone service, the sum of $300,000, or so much thereof as may be necessary, is hereby authorized to be appropriated out of and charged against the general funds not otherwise appropriated in the Treasury of the United States and against the revenues of the District of Columbia in the same proportion and to be paid in the same way and manner as are other appropriations to cover the expenses of operation and government of the District of Columbia.

And the said Commissioners of the District of Columbia are hereby authorized to make, promulgate, and enforce all appropriate rules and regulations for the control and operation of such market when established, and may establish a reasonable scale of charges to be paid by farmers and others making use of the market or of any of its appurtenant facilities.

Mr. ZIHLMAN. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. STALKER].

Mr. STALKER. Mr. Chairman, ladies and gentlemen of the committee, in the Sixty-ninth Congress we passed a bill (H. R. 15668) authorizing the Commissioners of the District of Columbia to negotiate for the acquirement of a site for the farmers' produce market, at a cost not to exceed $600,000, and to report to Congress with their recommendation not later than December 15, 1927.

In accordance with that mandate of Congress the commissioners held hearings during the month of October and recommended the site now designated in my bill and known as southwest site No. 1. A part of their report says:

> In the opinion of the commissioners the first choice for a permanent farmers' market, if the decision must be made at this time, under the present conditions and as indicated by the evidence before them, would be southwest site No. 1.

There has been a good deal of lobbying against southwest site No. 1 on account of the traffic situation. I want to read a letter dated July 27, 1928, signed by Mr. Moore, chairman of the Commission of Fine Arts. It is as follows:

> THE COMMISSION OF FINE ARTS,
> INTERIOR DEPARTMENT BUILDING,
> *Washington, January 27, 1928.*
>
> Mr. WRISLEY BROWN,
> *President The Washington Market Co.,*
> *Four-and-a-half and D Streets SW., Washington, D. C.*
>
> MY DEAR MR. BROWN: As requested by you, I am writing to say that the legislation providing for the elimination of grade crossings within the District of Columbia was designed to permit the use of the lands in southwest Washington for commercial purposes. The plans of 1901 for the improvement of the city of Washington recognized this situation, and in the treatment of the Mall provision was made for the crossing of that space by north and south bound traffic. Nothing in these plans and nothing in any subsequent plans has changed that situation. On the contrary, provision was made for an open plaza on the west of the Capitol at Second Street, for the opening of Ninth Street through the Mall, and also for the opening of Fifteenth Street. These plans are still being adhered to.
>
> Yours very truly,
>
> CHARLES MOORE, *Chairman.*

That takes care of the argument as to whether or not the southwest site is suitable for commercial purposes. Therefore I introduced H. R. 8298 on January 4, 1928, authorizing the Commissioners of the District of Columbia to purchase the whole of squares Nos. 354 and 355 for the purpose of a wholesale farmers' produce market.

The farmers' market is and always has been essentially a wholesale market, an integral part of the wholesale food-distribution system of the city of Washington, although it does a comparatively small retail business as a side line. No large city in modern times has found it practicable to locate its wholesale market district with relation to its center of population. For economic reasons the wholesale markets are located at the rail and water terminals, in order to save the heavy haulage, rehandling, and spoilage costs, which naturally must be passed on to the ultimate purchasers. It is highly important to establish a concentrated wholesale food area, where the buyers for market stores, hotels, restaurants, and other large users of perishable products may coordinate their buying on an economical basis, with a minimum expenditure of time. A scattered wholesale market must necessarily increase the cost of doing business to the dealers and the cost of living to the consumers. It should be noted that the bulk of the buyers who sustain the farmers' market and the wholesale market supply houses strongly urge the location of the wholesale market district in the southwest section.

There is a large and growing volume of perishable freight brought to Washington by water transportation and unloaded at the steamboat wharves in southwest Washington.

To the most superficial observer it is obvious that it would be an economic blunder to separate the farmers' market from the aggregation of wholesale market supply houses. If all the elements of the wholesale-market system—including the farmers' market—were located at the rail and water terminals of southwest Washington, there would be a substantial saving in haulage, rehandling, and spoilage costs, which naturally must be passed on to the ultimate purchaser of perishable food products. In such a concentrated food area the buyers for market stores, hotels, restaurants, and other large users of perishable products could coordinate their buying and distribution operations on the most economical basis. A scattered wholesale market must necessarily increase the cost of doing business to the dealers and the cost of living to the consumers. This is why the wholesale buyers generally, who support the farmers' market and the wholesale market supply houses, have urged the location of the complete wholesale market district in the water-front area.

The southwest site is just one-half mile directly south of the present farmers' market, which has been established there for over 50 years. The farmers come there in the early hours of the morning when city traffic is at its lowest ebb. The southwest site is even more convenient for the farmers coming from Virginia and southern Maryland, and it would only require traveling a short distance farther on paved streets for the Maryland farmers coming from the north of the city.

It is highly significant that practically all the buyers for these stores, hotels, and so forth, have strongly urged the concentration of a wholesale food area in southwest Washington—including the farmers' market—adjacent to the rail and water terminals and the municipal fish market, where they can organize their quantity buying on an economical and efficient basis.

The north and south bound streets open to heavy traffic to and from the southwest section are Third, Four-and-a-half, Sixth, Seventh, Twelfth, and Fourteenth Streets. In addition Second, Ninth, and Fifteenth Streets are to be cut through.

Mr. BUTLER. What are we providing for in this bill?

Mr. STALKER. Only for a wholesale market.

Mr. BLANTON. If you remove the selfishness from the proposition, there is nothing left but the committee's location.

Mr. SNELL. I want to get the proposition before the House. Where is the other proposition?

Mr. STALKER. There are five other propositions.

Mr. BUSBY. Will the gentleman yield?

Mr. STALKER. Yes.

Mr. BUSBY. As I understand the proposition you are discussing, it is the wholesale market on the water front?

Mr. STALKER. That is right.

Mr. BUSBY. Is it proposed to establish in addition to that a market corresponding with the present Center Market?

Mr. STALKER. No, sir.

Mr. BUSBY. You propose to do away with the retail Center Market and have a wholesale market only?

Mr. STALKER. Yes; there are several retail markets located now in various parts of the city.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BLANTON. I yield the gentleman five minutes more.

Mr. BUSBY. Are any of these markets the gentleman speaks of supported by the Government as the Center Market is at the present time?

Mr. CHINDBLOM. I understand the Center Market is not involved here?

Mr. STALKER. No, sir; it relates only to the farmers' market.

Mr. BUSBY. Why do you call it the farmers' market when you are establishing a wholesale market to receive shipments from river traffic?

Mr. STALKER. This market will receive shipments from the farmers in the South.

Mr. HUDSON. Will the gentleman yield?

Mr. STALKER. Yes.

Mr. HUDSON. I suppose this legislation——

Mr. CLARKE. Mr. Chairman, may I ask the gentleman a question?

Mr. HUDSON. The gentleman can not take me off my feet.

Mr. BUSBY. I make the point of order that the gentleman from New York has the floor.

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Michigan?

Mr. HUDSON. The gentleman yielded to me and I was propounding a question when I was taken off my feet. Do I understand that in the scheme of relocating public buildings there is to be a market?

Mr. STALKER. No, sir.

Mr. HUDSON. You do not touch the Center Market?

Mr. STALKER. That will be abolished.

Mr. HUDSON. You create two markets where there is one now?

Mr. STALKER. All we do is to change the farmers' market.

Mr. HUDSON. Are they not contiguous, and would not the average person recognize them now as one market?

Mr. STALKER. Not necessarily, because one is a retail market and the other is a wholesale market.

Mr. HUDSON. It is recognized by the average person in the city of Washington as one market.

Mr. STALKER. Oh, no; the farmers' market is where you see those long sheds, covering about two blocks.

Mr. BUSBY. Mr. Chairman, will the gentleman yield?

Mr. STALKER. Yes.

Mr. BUSBY. Will there be any market similar to the retail market that is now maintained in connection with the wholesale market south of the avenue after this bill is passed?

Mr. STALKER. No.

Mr. BUSBY. And this will withdraw entirely any support to a retail market, if I understand the situation, after the passage of this bill.

Mr. STALKER. Yes; so far as the Center Market is concerned, but we already have several retail markets scattered about the city.

Mr. BUSBY. And are they maintained in any sense by the city government? Are they not privately owned and operated?

Mr. STALKER. I understand that the District owns four and that there are several privately owned.

Mr. BUSBY. They are not maintained by the Government.

Mr. STALKER. The Federal Government owns only the Center Market.

Mr. BUSBY. And it is only proposed to maintain a wholesale market by the government?

Mr. STALKER. Yes; by the city government.

Mr. CHINDBLOM. While the gentleman answered "no" to the inquiry about the future existence of Center Market, is it not a fact that this bill now before the House, H. R. 8298, has nothing to do with the Center Market or any of the other retail markets?

Mr. STALKER. It has nothing to do with any of them.

Mr. CHINDBLOM. And we are not deciding in this bill whether the Center Market will continue or not.

Mr. STALKER. That is correct.

Mr. HUDSON. But you are deciding by this legislation that the Government will help support a wholesale market.

Mr. STALKER. Yes.

Mr. HUDSON. And will not help support a retail market. Will the gentleman tell us why this Government should help support a wholesale market and withdraw its support from a retail market?

Mr. STALKER. It is necessary to maintain a wholesale market where the farmers may compete with the wholesale commission merchant; otherwise the commission merchants would have a monopoly. At present the farmers bring in 89,000 tons of produce per year and they sell to the chain stores, restaurants, the commission merchants, and the hotels.

Mr. HUDSON. If you still maintain it as a wholesale market, do you not just put it into the hands of the commission merchants to control the food prices to the consumers of this city?

Mr. STALKER. No; absolutely not. I will say this about the Center Market. There is no legislation eliminating the Center Market, but I understand there is no effort being made on the part of the merchants to continue as a group elsewhere after they are driven out of their present location. The Center Market has continually lost business on account of the limited parking space.

Mr. HUDSON. Oh, I beg leave to differ with the gentleman. I visit the Center Market and buy food there week after week, and the retail consumer does the same.

Mr. CHINDBLOM. Then you ought to maintain it.

Mr. HUDSON. Partly.

Mr. STALKER. He does not maintain it to the extent that it is profitable to the merchant.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. ZIHLMAN. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. GAMBRILL].

Mr. GAMBRILL. Mr. Chairman, ladies and gentlemen of the committee, this subject can hardly be discussed within the time which has been allotted to me, 10 minutes. I shall endeavor to touch upon the high points of the subject only. The proposition as presented by the bill introduced by the gentleman from New York [Mr. STALKER] is to locate the farmers' produce market in southwest Washington. We have before us here a map of the city of Washington, and I point to the place where it is proposed to locate the farmers' produce market. You will see that the Capitol stands here and the green on the map here represents the Mall, and here is the Executive Mansion and Potomac Park. This line along here is Pennsylvania Avenue. Under the building act of 1926, all of the property south of that down to this railroad line, south of the Mall, is going to be used for parking purposes and public buildings, and back of all that development and all that territory, which, let us hope, is going to be graced ultimately by public buildings of simplicity and grandeur, it is proposed to locate a farmers' produce market.

At the proper time amendments will be offered to this bill seeking to give discretion to the Commissioners of the District of Columbia to locate the farmers' market north of Pennsylvania Avenue. My own disposition is to favor a square in Eckington, square 669, on North Capitol Street on the one side, on the west, and First Street on the east, and between O and P Streets, a square which would be suitable for the farmers' market, which would be convenient to the farmers coming in from Maryland in particular when they bring their produce to the farmers' market. And let me say here that 83 per cent of the produce brought into the farmers' market comes from the State of Maryland. In conjunction with the gentleman from Maryland [Mr. ZIHLMAN], I represent 83 per cent of the farmers who bring their produce to the farmers' market.

Now, as I have time only to touch upon——

Mr. HARE. Mr. Chairman, will the gentleman yield there?

Mr. GAMBRILL. Yes.

Mr. HARE. I understood the gentleman to say that 83 per cent of the produce brought into this market is brought in by the farmers of Maryland. Is that correct?

Mr. GAMBRILL. That is correct.

Mr. HARE. What per cent of the produce sold in the city of Washington is obtained from that market?

Mr. GAMBRILL. I do not understand the question of the gentleman.

Mr. HARE. What percentage of the total produce consumed in the city of Washington is brought in by the farmers of Maryland?

Mr. GAMBRILL. I have no figures to show that.

Mr. HARE. The reason I ask that question is because I noticed a few days ago a statement that 70 per cent of the produce consumed in the city of Washington was brought in from foreign territory; that is, from other sections of the country.

Mr. GAMBRILL. I have no doubt but that that statement is correct. But we are now dealing with the location of the farmers' produce market. If we are going to discuss this question as it relates to the major market, which includes the wholesale and retail merchants and commission men, we would have to take it up in a different way.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. GAMBRILL. Yes.

Mr. CHINDBLOM. Would the produce brought into the District of Columbia by rail and boat from other points and locations than the farms themselves be taken to this farmers' market?

Mr. GAMBRILL. No; it would not, and if it were used essentially as a farmers' market, 99½ per cent of it would come by trucks.

Mr. STALKER. Does the gentleman favor the Eckington site No. 1?

Mr. GAMBRILL. Yes; I favor the Eckington site. We are faced with this situation, that all agree, the Commisisoners of the District of Columbia, the Bureau of Efficiency, the National City Parking and Planning Commission, and all agree that it would be desirable to have the farmers' market located in the same vicinity as that of the wholesale commission merchants; and the wholesale commission merchants have recently acquired the right to purchase the Patterson tract on which they intend to locate, which is just east of this site which I am advocating, square 669.

Mr. STALKER. Mr. Chairman, will the gentleman yield?

Mr. GAMBRILL. Yes.

Mr. STALKER. I just want to ask the gentleman if he is aware of the fact that No. 1——

Mr. GAMBRILL. I would like to have the opportunity to go into this whole proposition for half an hour. The gentleman from Texas says the only thing back of this matter is selfish interests. Yes; and the proposition introduced by the gentleman from New York should rather be entitled a bill for the relief of the Potomac Freight Terminal Co. and the Terminal Refrigerating & Warehousing Co.

Mr. BLANTON. I expect to yield to the gentleman five minutes out of my time. Will the gentleman yield to me for a question?

Mr. GAMBRILL. Yes; certainly.

Mr. BLANTON. Mr. Chairman, I yield to the gentleman from Maryland five minutes out of my time.

Mr. GAMBRILL. I thank the gentleman.

Mr. BLANTON. I would like for the gentleman to tell us exactly his views on the southwest tract, as to why it is not the best location? In that connection, is it not a fact that by automobile you can get from there to this Capitol in four minutes

Mr. GAMBRILL. Yes.

Mr. BLANTON. That shows how easily accessible it is.

Mr. GAMBRILL. Let me answer the gentleman's argument. It is all in the record. The population of the city of Washington is about 472,000. In the northeast and in the northwest there are 380,500 people. In the southeast over here [pointing to map], which is just as close to the Eckington site as it would be to this site, there are 62,000, and only 29,000 people in southwest Washington.

Mr. WOOD. Mr. Chairman, will the gentleman yield?

Mr. GAMBRILL. Let me finish this—so that you have in the northeast and northwest 380,500 people as against 91,500 in the southeast and southwest, and there is only 6 per cent of the population of Washington in the southwest district.

Mr. WOOD. I notice in the Post this morning a statement that the commission men say this Patterson site is merely a bluff and is for the sole purpose of speculating and dealing in real estate out there and was never intended for a market site, but that the Patterson tract is intended for another purpose. What does the gentleman say about that?

Mr. GAMBRILL. I am not here representing the commission merchants and can not speak for them. But I understand they have put up $40,000 as an evidence of their good faith respecting the purchase of the Patterson tract, and the papers are in escrow for the completion of the purchase.

Mr. WOOD. There is no water front and no railroad there.

Mr. GAMBRILL. The gentleman is mistaken. The tract is served by the Baltimore & Ohio and by the Pennsylvania Railroad.

Mr. WOOD. There is no water front there.

Mr. GAMBRILL. I am not advised as to that. Do I understand the gentleman from Indiana to say that there is no water conveniences to the tract on Florida Avenue?

Mr. LANKFORD. Water front.

Mr. GAMBRILL. Oh, that is different. I will say to the gentleman from Indiana regarding water front that the equivalent of only about 577 cars, or 8 per cent of the total shipments into Washington of perishable fruits and vegetables, came by water last year, so that the water proposition is negligible.

Mr. WYANT. Mr. Chairman, will the gentleman yield?

Mr. GAMBRILL. Yes.

Mr. WYANT. Large sums of money for water transportation are being expended, and does not the gentleman think that this would put the Potomac to some useful purpose?

Mr. GAMBRILL. There was an idea when the fish market was located on the water front that the fish would come right up to the fish market located on Water Street. [Laughter.] The statistics show that 80 per cent of the fish brought to market on Water Street came by truck, so that it is a fact that the fish caught in the Potomac and down the Chesapeake Bay are not shipped by water, which would require two days' transportation, but are immediately put upon trucks and hauled to Washington. Eight per cent of the population is located on this tract, and the physical conditions are such that it can not conveniently supply the hotels and boarding houses of the northeast and northwest, 130 in number, whereas in the southeast there are but 3, and in the southwest none.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. GAMBRILL. Yes.

Mr. DEMPSEY. What are the relative conditions of the railroads in the two sites? How many railroads go into the Stalker site, and how many into the one the gentleman favors?

Mr. GAMBRILL. The southwest site is served by the Pennsylvania Railroad, and the Eckington site may be served by both the Pennsylvania and the Baltimore & Ohio. If the farmers' market were located in the Patterson tract, then that section would be served by both railroads.

Mr. DEMPSEY. Would not the Stalker site be served over the line of another railroad by five of the railroads which come into the city, and only one railroad come into the other site?

Mr. GAMBRILL. A good many of the railroads which come from the South have their terminal at the Potomac yards, where the freight is "broken" and then hauled over the Pennsylvania Railroad to the Fourteenth and B Streets yard of the Pennsylvania Railroad. I have statistics here and a report from the Interstate Commerce Commission to the effect that the rates would be the same on the Eckington site as to the southwest site, regardless of where the shipments come from or who made the shipments.

Mr. LAGUARDIA. How about trucking from the railroad to the market?

Mr. GAMBRILL. If it came in on the Pennsylvania Railroad, then it would be shunted around to the Baltimore & Ohio Railroad, and vice versa.

Mr. LAGUARDIA. I understand that the site covered by the Stalker bill is accessible to all railroads coming into the District of Columbia; is that correct?

Mr. GAMBRILL. No; it is not.

Mr. DEMPSEY. All but one. Five out of six, and it would be 21 miles longer to the other site.

Mr. GIBSON. Will the gentleman yield?

Mr. GAMBRILL. I yield to the gentleman from Vermont.

Mr. GIBSON. Fifty-five per cent of the carload shipments made to the city of Washington by rail come from the North and East over the Baltimore and Ohio, and only 45 per cent comes over the railroads from the South.

Mr. GAMBRILL. That is true; and all shipments from the West come through the great centers of St. Louis and Chicago, and they are brought into Washington over the Pennsylvania Railroad and the Baltimore & Ohio.

Mr. GREEN of Florida. Will the gentleman yield?

Mr. GAMBRILL. Yes.

Mr. GREEN of Florida. But that does not take into consideration all of the fruits and vegetables shipped to the District and consumed in the District. More than half, probably, is shipped in from the North, but that does not represent all of the farm products.

Mr. GAMBRILL. I will go into that question if I am allowed further time. Thirty-four per cent of the shipments of perishable fruits and vegetables come into Washington over the Baltimore & Ohio Railroad and those shipments are unloaded at Eckington.

Mr. WYANT. In the event that perishable fruits could be shipped over any of the five railroads from the South to Washington, would there not be an additional amount charged in having them sent to Eckington, and would there not be a delay of probably 10 or 12 hours in Washington on perishable goods?

The CHAIRMAN. The time of the gentleman from Maryland has again expired.

Mr. GAMBRILL. Will the gentleman from Maryland yield me five additional minutes?

Mr. ZIHLMAN. I will say that I have not any time on that side.

Mr. GAMBRILL. Will the gentleman from Texas yield me five minutes?

Mr. BLANTON. I am sorry, but I have not the time. I would, but I have promised all of the time.

Mr. Chairman, I yield myself two minutes.

Gentlemen, so far as the Center Market is concerned, which is a retail market and also a wholesale market contiguous to it, that is being torn down now and another one must be established. Since 1907 there has been a wholesale fish and oyster market where we are proposing to establish this market. It is not only wholesale but it is retail. Everybody who wants to goes down there after their fish and oysters when they do not want to pay city prices, and they get them at wholesale. You also go down there for some of your vegetables, because there are some vegetables that come in on boats on sale there in connection with the fish and oyster market. The gentleman from Michigan [Mr. HUDSON] said he had been down there and all of us go down there very frequently after our fish and oysters and get them at cheaper prices. You can easily go where we are going to try to place this market within a few minutes by car.

Your subcommittee—and I was not on it—carefully investigated this matter. They took into consideration every selfish interest that was trying to unload land on the Government. After a careful consideration of several weeks they decided to locate this market in the southwest, where it is easily accessible to everybody. It is only a four minutes' drive from the Capitol and it is easily accessible to every farmer who brings farm products here. It is easily accessible to railroad transportation and water transportation, and you will save anywhere from $300,000 to $500,000 in initial cost and have plenty of room. You have more parking space and you have your traffic problem solved if you put it where your subcommittee is trying to put it.

When the Stalker subcommittee made its report to the full committee there were 4 members out of 21 members who voted against adopting this site reported as being the proper site by the subcommittee, and I hope you will place it where your committee has carefully considered it should be placed. If you do this, you will eliminate all of the selfish interests, and if you adopt this site you will give the people a proper location at a proper place and at low cost. [Applause.]

Mr. Chairman, I yield three minutes to the distinguished lady from New Jersey [Mrs. NORTON]. [Applause.]

Mrs. NORTON of New Jersey. Mr. Chairman and members of the committee, I arise in support of this bill (H. R. 8298), having fully considered all of the sites presented to the committee and believing the southwest site to be the most logical and best site for a farmers' wholesale market that can be found in the District.

My reasons for voting for this bill are:

First. This southwest site was recommended to the District Committee by the Commissioners of the District. It would seem to me reasonable to suppose that the District Commissioners, having the interest of the District at heart, should be the best judges of whether or not the location is a good one.

My understanding is that the commissioners held hearings in connection with the transfer of the market location, and after considerable time spent trying to solve the problem agreed that the proposed southwest site as indicated in this bill was, in their opinion, the proper location for the farmers' market.

Second. It is close to the present market site.

Third. It is a wholesale farmers' market, not retail.

Fourth. It has the advantage of being closely connected with the largest cold-storage plant in the District and with the wholesale fish market.

Fifth. It also has the benefit of six railroad lines: The Pennsylvania system from the north and west; the Chesapeake & Ohio Railroad from the west; and the Southern Railway, Atlantic Coast Line, Seaboard Air Line, and Richmond, Fredericksburg & Potomac Railroad from the south.

Being near the river front affords excellent water transportation. All of which should be of great advantage to the consumers. The facilities for delivery and distribution are better than from any other point in the District of Columbia.

I understand that no wholesaler or consumer trading in market supplies appeared at the hearing before the commissioners opposing this southwest site. All were in favor of it. Furthermore, I am informed that only a small portion of the produce sold at the farmers' market is purchased by consumers; but the same class of consumers who buy directly from the farmers also buy directly from the fish market, and they would be put to considerable disadvantage by a widely scattered market.

In a general poll of this city, conducted not long ago by the Washington Post, there were 19,307 votes cast in favor of the southwest site, 9,434 in favor of midcity, and only 59 votes in favor of Eckington, and, I believe, 82 in favor of other sites.

This newspaper poll was fairly conducted, I am advised, and expresses the public mind and position of the consumers of the city.

The CHAIRMAN. The time of the gentlewoman from New Jersey has expired.

Mr. ZIHLMAN. Mr. Chairman, I yield the gentlewoman from New Jersey three additional minutes.

Mrs. NORTON of New Jersey. I thank the gentleman. Two minutes will be quite sufficient.

The committee is informed that this site in southwest Washington can be acquired and put in condition for occupancy, as a first-class market, at a cost not to exceed $300,000, or one-half of the maximum amount specified by Congress. This is the most economical site that could be purchased as well as the best for location and delivery and distribution of food produce.

The zoning commission has already zoned all of this region of the southwest for industrial and commercial purposes, and that section, I understand, will never again be residential. Therefore, in no way would this site jeopardize the plans for the city beautiful.

In the final analysis, the purchase of a site for the wholesale farmers' market will constitute a substantial investment of the funds of the taxpayers of Washington, and the general welfare of the city at large must be the paramount consideration. [Applause.]

Mr. BLANTON. Mr. Chairman, I yield two minutes to the gentleman from Indiana [Mr. WOOD.]

Mr. WOOD. Mr. Chairman and gentlemen of the committee, I have visited all of the principal sites proposed. To my mind there is no question but what the southwest site should be selected, not only as a matter of convenience but as a matter of economy.

As a matter of convenience, it is only one-half mile away from where the market is now. The argument that it will obstruct traffic or that it will interfere with the general beauty of improvements to be made is satisfied by the report of the Fine Arts Commission, and my observation and experience with that commission is that they are about as technical a body as I have ever had to deal with.

The Government will save $300,000 if the site in the southwest is selected rather than the Eckington site. All of the sidetracks leading into this city are now built there. The cold-storage warehouses are all there. If the plant is located at Eckington, there will have to be an entirely new plant, and if my information is correct, it is purely a speculative proposition out there. This morning's Post discloses the real reason they are advocating the Patterson site as the site for the commission houses. There has not been even the commencement of a commission house out there. It is all depending on whether the wholesale market is established at that point, and they are taking options for the purpose of dealing in property speculation.

The site in the southwest has received the approval of the commissioners of this city, who gave the utmost attention and the most careful consideration to all of these sites. It is their primary business to locate this market where it will best serve the people under the most economical conditions. [Applause.]

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. ZIHLMAN. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. MOORE].

Mr. MOORE of Virginia. Mr. Chairman, very properly a lady always gets better attention in the House than a man, and the House listened very closely to the remarks of the lady from New Jersey [Mrs. NORTON], and should I say anything it will be hardly more than in the way of simply repeating and trying to emphasize the very strong argument which she made in favor of the adoption of the committee's report.

I do think, with great deference to my respected and distinguished friend from Maryland [Mr. GAMBRILL], whom I always dislike to separate from, that the objections to the southwest site are very fantastic. The Fine Arts Commission raises some sort of objection due to the prospect of certain buildings being erected in proximity to the proposed site, and there is some discussion of traffic conditions. Then there is an objection based upon the theory that the automobile haul may be longer for some people to the southwest than to Eckington; but the truth is that at this time the present farmers' market is only six-tenths of a mile from this southwest location. The farmers get into the present market without any difficulty, both from

Maryland and from Virginia, and they can get into the southwest market, many of them, quicker than to the present site, and all of them nearly as quickly as to the present site.

Objections of that sort are heard. But, on the contrary, what is to be considered? I do not think, for one, that the matter should be disposed of from the point of view altogether of the farmers—and the farmers are divided. Some of the farmers in Virginia would, perhaps, prefer the southwest and some would prefer the Eckington site. So far as concerns the Maryland farmers, a great many of them coming across the Anacostia bridge from Prince Georges County in my friend's district would get to the southwest site easier than to Eckington.

I think the matter ought to be broadly considered from the point of view of the interests of the public of the District of Columbia [applause], and so far as that public is concerned, it has been spoken for and its opinion is represented by the unanimous conclusion of the District Commissioners, who have told us that after a meticulous survey of all the facts that should be taken into account they have determined that the southwest site is the proper site.

Let me now stress for a moment another point. Everybody who has had to do with freight matters, who has been engaged in litigation involving the operation of railroad companies and water carriers knows that the matter of transportation is one of primary concern in dealing with a question of this sort.

There is no kind of dispute that at the southwest there is transportation by several railroad companies and at least potential water competition. So there is, first, expedition in the delivery of the goods, and, second, the potential and, to an extent, actual competition of water carriers which will assist in restraining freight rates.

As for the Eckington site, it is served by but one railroad. Suppose a tie-up occurs on that railroad, as I understand happened a few weeks ago. It is 21 miles farther to make the haul by the Baltimore & Ohio up to Eckington. If a tie-up occurs, what happens to the produce? It is more difficult to restore the road to operation up there than to restore the tracks coming in from the Potomac yards to the southwest. Meanwhile the produce has to be reiced. There are no facilities at Eckington, so far as I am informed, for reicing, and the people who ship in from the South—and the South is very largely interested, especially the trucking districts represented by gentlemen like the gentleman from Florida [Mr. GREEN]—if Eckington is selected, will be liable to embarrassment and loss which will not occur if the House accepts the committee report and fixes this market location in the southwest. [Applause.]

Mr. BLANTON. And for four months of the year we are dependent on this water transportation.

Mr. MOORE of Virginia. Yes.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. BLANTON. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman and members of the committee, I am in favor of the Eckington site. Perhaps it is useless for me to tell you that. I do not know why they call it the Eckington site unless it was because there was a village of Eckington there at one time. I think it can be better brought to your minds if I call your attention to the fact that the Government Printing Office is at the corner of North Capitol and H Streets, and this site is the distance from H to P Streets. That is where we want to place it.

Now, why do we want to place it there? As my colleague, the distinguished gentleman from Maryland [Mr. GAMBRILL] has told you, we think that location is more convenient to the public at large. We think it is more convenient for the vast number of farmers who come to it; we think that it will serve the people better in that location than if it is put down along the water front far from the center of population. You know as well as I do that very few perishable articles come by water; it takes too long. If you want to bring oysters or fish here, they come by truck. If you want to bring vegetables that are perishable here, they come by truck.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. LAGUARDIA. What we are trying to find out is what is the primary purpose of this market. Is it to be a wholesale market or a retail market or both?

Mr. LINTHICUM. It is to be a farmers' wholesale market, where retailing is also done.

Mr. BLANTON. But there will be retailing done there?

Mr. LINTHICUM. Oh, yes; you will not have to buy a whole carload or a whole wagonload; they will retail, and you can buy a small lot.

Mr. LAGUARDIA. The retailer can go there as well as the wholesaler?

Mr. LINTHICUM. The retailer can go and buy articles as well as the wholesaler and much cheaper than in the stores.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. COCHRAN of Missouri. I read in the report where 25 per cent of the produce sold by the farmers goes directly to the people; cutting out the middleman?

Mr. LINTHICUM. That is the fact.

Mr. COCHRAN of Missouri. And you still call it a wholesale market?

Mr. LINTHICUM. They call it a produce market, but it will be both a wholesale and retail market.

Mr. BUTLER. Will the gentleman tell us who is going to market—the man with the cart or the man with the basket?

Mr. LINTHICUM. The man with the basket can go as well as the man with the cart.

Mr. BUTLER. That is not a wholesale market.

Mr. BLANTON. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. BLANTON. Is it not a fact that during four months of the year most of the products we get come from the extreme South by rail and water?

Mr. LINTHICUM. I presume in the wintertime that is true. I want you to remember that 14,227 acres of land are cultivated for supplying the city of Washington, and of that number 11,572 acres are in Maryland and only 1,835 acres in Virginia. I presume that is owing a good deal to the fact that Virginia is on the other side of the river while Maryland is directly connected. There are 880 acres in the District of Columbia itself. We want to have a market where the people can get to it. If you put it along the water front you will get it entirely away from the people, whereas if you put it at North Capitol and P Streets you get it right in the midst of the people.

Just imagine the congestion in crossing Pennsylvania Avenue. When you come down at 8 or 9 o'clock you know it is difficult to get across Pennsylvania Avenue. You would have to cross there and go down to the water front. How many people do you believe are going down there just to save a little money, who want to buy for their families?

What I am particularly interested in is getting the market where the people can get to it in order that they may reduce the cost of living.

Now, in Baltimore we have several markets, and thousands go to market where they buy fresher articles and cheaper than they can in the stores. Anybody who has been through our markets knows what a great selection they have.

Mr. BLANTON. And that market in Baltimore is on the water front?

Mr. LINTHICUM. We have Center Market on the water front and a market at Lexington, Howard, and Eutaw Streets, one on Pennsylvania Avenue, another on Gay Street, and so forth, and we are building another for the northern part of the city.

The farmers of Maryland are from Montgomery and Prince Georges Counties, and they grow 85 per cent or more of the produce intended for the District of Columbia. This location would make it convenient and accessible to these farmers, whereas the other location would be rather inaccessible, approached through dense traffic and a longer route.

As I have said, my principal reason for favoring the Capital and P Street location, known as the Eckington site, is because of its nearness to the center of population. Ninety per cent of the hotels are closer to this location, as well as the vast number of boarding houses, restaurants, and buyers; 80 per cent of the retail stores are closer; in fact, it is an ideal location for this market. The fact that it will cost more to purchase this site than it does the other site—to wit, some $300,000 more—should not be considered when we are providing a market for many years to come and considering the public in the question of location.

I sincerely trust the committee will consider this matter most seriously, as it is one in which we are interested merely because we believe it to be the most advantageous from every standpoint.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. BLANTON. Mr. Chairman, I yield to the gentleman from Florida [Mr. GREEN].

Mr. GREEN of Florida. Mr. Chairman and gentlemen of the committee, H. R. 8298, providing for accession of squares 354 and 355 and authorizing an appropriation for same undoubtedly should pass.

This location is what is known as the southwest location, and in my opinion the farmers' produce market should be placed in the southwest section of the city of Washington. The advantages of this site considerably outweigh the Eckington sites Nos. 1, 2, and 4. Southwest site No. 1 has superior advantages in that great railroad facilities exist and that water transportation is present. Cold-storage facilities are already available as well as railroad produce terminal on an adjacent square. The municipal fish market is already established one block away from the proposed site. This would be a convenient location for the Virginia farmers as well as all of the Maryland farmers except those coming directly from the north.

Our subcommittee has decided after careful consideration, long hearings, and careful study of the matter that the southwest site is preferable. The general area of the water front presents more and greater advantages for development than any other section of the city. Few, if any, large cities of modern times have found it practical to locate their wholesale markets with direct relation to the center of population or the geographical center of the city. The municipal fish market was established at the water front of southwest Washington by an act of March 4, 1913. It does a gross business of approximately the same volume as the farmers' market, and it is patronized by the same general class of buyers. The location of the farmers' market near the fish market would be a logical extension of market facilities. By an act of February 1, 1907, Congress authorized the establishment of a large public cold-storage plant and warehouse to cover the entire block known as square 328 in this immediate section. This is an essential facility to the perishable-food industry. By the act of June 7, 1926, Congress authorized the laying of conduits across Twelfth Street SW. to furnish refrigeration by pipe line to the area known as the Water Street terminal, containing between 8 and 9 acres of land, adjoining the railroad lines of avenue at the intersection of Water Street.

At this point the larger proportion of all perishable freight brought to the city by railway from the north, south, and west is unloaded and distributed through the wholesale and commission houses, or stored in the cold-storage warehouses as reserve supply to wait future demand. Near this terminal and the municipal fish market all the perishable freight brought to Washington by water transportation, including coastwise ships, is unloaded at the steamboat wharves. There is here the possibility of developing direct connection between railway and water.

Last year Congress provided for the extension of an inland waterway system from Washington to Jacksonville and Miami, Fla. There are quite a number of tributary streams, and when the canals are completed there will be a considerable movement of produce and fruit from the South to Washington by inland water transportation. This will be augmented when Florida's cross-State canal from Fernandina to the Gulf of Mexico is constructed. The amount of produce coming by water from the South, and Florida in particular, will ever increase as water transportation is so much cheaper. The economy of employing both railroads and waterways for transportation of perishable food will become more important with the increase of population, and it is sound economy to locate the wholesale market at the water front.

The competition thus obtaining between railway transportation and water transportation will always have a tendency to lower freight rates, and, my friends, I would have you bear in mind that no other class of people are now deserving more of economic consideration than is the great class of farmers and fruit growers. I feel that it is our duty to in every way possible lower the high freight rates that they are now compelled to pay in order to get their produce on the market. From my own State, Florida, I believe it is safe to say that taking the whole season round, half of the amount of money received for vegetables and fruits sold goes to pay freight and express charges. The cheaper freight and express charges are the less will the consuming public of the city of Washington have to pay for the farmers' products, and this is another good reason why the southwest site should be chosen.

Mr. GAMBRILL. Will the gentleman yield?

Mr. GREEN of Florida. I am sorry I have not sufficient time to yield to the gentleman.

It is true that there are people and interests in the city of Washington who prefer the northwest and northeast sites, but I would have my colleagues remember that the southwest site is only about one-half mile from the present city market; therefore those who come from the northwest with their produce would have to travel only this distance; and, as you know, the streets between the present market and the southwest site are all paved, and during the early hours of the morning when the farmers are carrying their produce to market, traffic in this section of the city is not congested. Surely it would be better for these few to travel this half mile than it would be for probably 90 or 95 per cent of the produce sold at the market to travel several miles over to the northwest site.

I feel that the interest of the States of the southeast, and Florida in particular, should be considered in the location of this market, inasmuch as we ship so much of the produce sold in this market. In 1926 Florida's crops were worth $85,805,000; in 1927, $88,676,000. Compared with the country as a whole the 1927 value of Florida crops was greater than Maryland, West Virginia, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Wyoming, New Mexico, Arizona, Utah, and Nevada. The total of the South's crops at $3,612,130,000 is nearly 40 per cent of the total value of all crops in the United States in 1927. Of course, all of Florida's crops are not sold on the market; but a large portion is sold, and a very large portion of that sold comes to the District of Columbia. During the last shipping season, from September 1, 1926, to July 31, 1927, 11 months, Florida shipped 91,002 carloads of fruit and vegetables. Thousands of carloads of fruit and vegetables are consumed at home.

Florida produced in 1926, 81 per cent of the entire Nation's production of grapefruit; eggplants, 59 per cent; table cucumbers, 41 per cent; snap beans, 38½ per cent; peppers, 61 per cent; celery, 32 per cent; tomatoes, 24 per cent; early Irish potatoes, 10 per cent. Florida produces almost all of the other common vegetables, but in a lesser percentage; therefore, my friends, it occurs to me that Florida should have something to say about where the Capital City's farmers' produce market is located. It would not be equity for these producers, producing as they are in many cases more than half of the entire Nation's production of vegetables, to be compelled to carry their produce several miles farther and pay the penalty of higher freight rates in order to accommodate a few local producers.

The citrus fruit is one of Florida's greatest industries. Florida has 274 car-lot packing houses. She has 70,000 acres planted to grapefruit trees, 50,000 of which are bearing. She has 160,000 acres planted to orange trees, 95,000 of which are bearing, different varieties producing grapefruit and oranges for the market at different times of the year. For example, the early varieties of oranges placed on the market from November to January are such as Parsons, Temples, and Enterprise; mid-season varieties from January to March, seedlings and pineapple; later varieties from March to January, Valencias, Lue Gim Gongs, and others.

Another of Florida's most lucrative products is strawberries. It furnishes the entire country with early strawberries. Plant City and other places in its vicinity begin shipping as early as November or December. My own city of Starke begins shipping a little later, and sends to Washington and other cities north of Florida millions of dollars' worth of strawberries annually. Sanford, Fla., is a great producer of celery. It is estimated that $6,000,000 worth of celery will be shipped from there this season. Nearly 2,000 carloads of celery have already been shipped from Florida this season.

Mr. Chairman and fellow Members, I heartily approve the southwest site and trust that the bill authorizing its designation, purchase, and development will pass.

Mr. BLANTON. Mr. Chairman, I yield two minutes to the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. UNDERHILL. Mr. Chairman, there are undoubtedly many arguments which can be used for any one of the sites proposed to the committee, but taking the question by and large and considering each and every argument outside of the hidden one, and that is a real-estate development and the prospect of making a little off this market, the southwest site seemed to be the best site in the judgment of the committee. Out of 21 members, only 4 favor another site. As a matter of fact, and I am speaking to those who have asked particularly about a retail market, a farmers' market is not essentially a retail market. The farmer brings his produce in wagonload lots. He gets there very early in the morning, long before you or I are up, and the producers are buyers from the various distributing stores and other points, and usually the farmer sells his whole wagonload, and then it is distributed in the thousand and one stores throughout the length and breadth of the District.

As a matter of fact, you can go to these various chain stores and buy produce from those chain stores for less than you can buy it in the farmers' market itself. So that a question of price to the consumer really does not enter into this argument. The chief argument, according to my viewpoint, is the concentration of the distribution of food products in a convenient location. Already we have the fish market down there, and the packers have built two large plants down there. Put it there, and those who patronize the farmers' market and those who bring the

produce to the farmers' market in the course of six months will never know that there has been a change at all.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. BLANTON. Mr. Chairman, I yield one minute to the gentleman from South Carolina [Mr. HARE].

Mr. HARE. Mr. Chairman and gentlemen, the thing which impresses me most in the arguments in this matter is the question of economy. If a carload of strawberries, for instance, is shipped to the Potomac yards to be redirected, probably to some other point to-morrow, and the shipper learns that he is going to ship them to the District of Columbia, he will direct the car to the District. If it is in the Potomac yards, it can be drawn across the river to the southwest site, to the cold-storage plant, in 30 minutes and be placed on the market the same day and the same hour by the wholesaler. If it is to be directed to Eckington, it must be carried a distance of 21 miles, carried on two different railroad lines, subject to delay, and consequently would reach the market anywhere from 2 to 10 hours later in the day, too late to be received by the commission man to be distributed to the retailer.

The thing that impresses me most in selecting the location of a market is the arrangement to be made so that farmers or producers may receive the maximum net return for the produce and that the consumer may obtain such produce without having to pay any unnecessary or useless charges in the delivery of same. It appears to me that it would be to the advantage of both the producers and consumers to locate this wholesale farmers' produce market at the southwest site rather than at the Eckington site, and I can best assign my reasons by giving an illustration. For instance, suppose a producer from my district in South Carolina should ship a carload of cantaloupes to Potomac yards to be redirected and it should arrive there in the afternoon at 4 o'clock; suppose, then, the shipper learns from the Market News Service at 5 o'clock that there is only a limited quantity of cantaloupes in the Washington market and he directs that the car be consigned to his commission merchant in Washington. Then, as I understand, this car could be moved across the river from Potomac yards into the southwest market in a very short time, probably less than 30 minutes, the southwest market being located only a mile or so from Potomac yards; whereas if the producer directed the car of cantaloupes to his commission merchant in Washington and the wholesale market is located at Eckington, the car would then have to be forwarded over two railroad lines and a distance of at least 21 miles before it could reach the market. I do not know how much longer this would take, but I can easily see that during the time this car is being transferred from Potomac yards to the latter place the wholesale market would close, the cantaloupes would have to be held over another day when there might be considerable deterioration unless the car was thoroughly iced, and to do so might require an additional icing, which would necessarily mean an additional charge to the producer in the way of transportation, and probably an additional cost to the consumer. Therefore in the interest of the fruit, vegetable, and other farm products to be shipped from my district and in the interest of the consumers here, I shall cast my vote in support of the bill providing for the location of this market at the southwest site instead of the amendment which attempts to locate it at Eckington.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. BLANTON. Mr. Chairman, we are entitled to close debate on behalf of the committee's bill, and we ask the gentleman from Maryland to proceed.

Mr. ZIHLMAN. Mr. Chairman, I yield five minutes to the gentleman from Vermont [Mr. GIBSON].

Mr. GIBSON. Mr. Chairman, ladies and gentlemen of the committee, this bill relates to the relocation of the farmers' produce market, a wholesale market. Without doubt all of you know the location of the Center Market. To the easterly of the Center Market is the farmers' retail market, and westerly of the Center Market is the farmers' wholesale market. The ground is to be used for the new Internal Revenue Building. It has become necessary to have it vacated, and so at the last session of Congress an act was passed providing that the commissioners should negotiate for a relocation and report back to this Congress. Whether the Congress lacked confidence in any selection by the commissioners I do not know, but Congress kept its hand on the matter, and so it is before us to-day. I have no axe to grind, have no interest to serve. I am in favor of no particular location except that I am opposed to the southwest location. [Applause in the gallery.]

Mr. BLANTON. Mr. Chairman, I ask the Chair to admonish the gallery.

The CHAIRMAN. The galleries will forego applause.

Mr. GIBSON. Mr. Chairman, my only interest is what is best for the people of the District of Columbia and the farmers who sell their produce here.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. GIBSON. Yes.

Mr. BLANTON. The gentleman is not with the committee. He is not with Mr. LAMPERT. There were 17 Members of the committee for the southwest site. The gentleman from Vermont is for another site, and the gentleman from Wisconsin [Mr. LAMPERT] is for another site.

Mr. STALKER. And he stands alone for this site.

Mr. BLANTON. Yes; and Mr. GIBSON stands alone for his.

Mr. GIBSON. Oh, no. The minority report of Mr. LAMPERT bears the names of two or three other members of the committee. The gentleman from Vermont stands on his own judgment. In answer to the suggestion of the gentleman from Texas [Mr. BLANTON], I say that a bare majority of the District Committee was present when the vote was taken to report this bill, and that his statement that the vote was 17 to 4 is not correct.

I call your attention to a few facts that are undisputed. The geographical center of the city of Washington is near the corner of Fourth and L Streets NW. The center of population is near the corner of Fifth and M Streets NW. North of Pennsylvania Avenue we have a population of 400,000, and south of Pennsylvania Avenue a population of not more than 100,000. Of the hotels and boarding houses, 130 are located north of Pennsylvania Avenue and only 3 south of it. Of the 690 restaurants, over 600 are north of the Avenue. Of the 1,764 retail grocers in the four geographical areas, 1,350 are north of the Avenue. The farmers' market should be located where all interests can be served.

Mr. HALL of Indiana. Mr. Chairman, will the gentleman yield?

Mr. GIBSON. Yes.

Mr. HALL of Indiana. Is it not true that the hotels of Washington placed before the subcommittee their desire for the southwest section?

Mr. GIBSON. About 12 of them did out of the whole 133.

Mr. BLANTON. None of them went against it?

Mr. GIBSON. I think they did.

Mr. BLANTON. Mr. Chairman, will the gentleman allow me to ask him one question?

Mr. GIBSON. The gentleman is taking up all of my time.

Mr. BLANTON. Is it not a fight by the Baltimore & Ohio Railroad and a few special interests in agreement against the committee's report?

Mr. GIBSON. Since the gentleman has asked the question, I will tell him where the fight is. In this same immediate section is a plat of land held by three trustees.

The CHAIRMAN. The time of the gentleman from Vermont has expired.

Mr. ZIHLMAN. Mr. Chairman, I yield to the gentleman three additional minutes.

The CHAIRMAN. The gentleman from Vermont is recognized for three additional minutes.

Mr. GIBSON. The plat that is set aside for the Potomac Freight Terminal Co. is controlled by three trustees. The cold-storage plant referred to in this debate is said to be controlled by the same trustees, and two of these trustees are directors of the Pennsylvania Railroad, and the third one, as I remember, is our British friend, Sir Harry Wardman. This is a fight between the people of the city of Washington and a combination seeking to control the food supplies of this city.

Mr. WYANT. Who controls the other site?

Mr. GIBSON. The Patterson tract is controlled by the Winslow heirs. The Eckington site is controlled by some 43 different people, and no one man controls it.

Mr. WYANT. Is not this property now held by real estate men?

Mr. GIBSON. What property?

Mr. WYANT. The other site.

Mr. GIBSON. No.

Mr. ZIHLMAN. What is the price in the southwest section?

Mr. GIBSON. At least $300,000.

Mr. HALL of Indiana. What is the price per square foot?

Mr. GIBSON. Two dollars and sixty-nine cents.

Mr. ZIHLMAN. Can not sites be purchased in the northwest and in the southwest section for 50 cents a foot?

Mr. GIBSON. Yes. On New York Avenue we can get 35 acres of land for $210,000.

Mr. BLANTON. And on Niggerhead Mountain you can get it at even a cheaper rate.

Mr. GIBSON. The gentleman is too facetious. Both of the sites, New York Avenue and Buzzards Point, are available. I

am opposed to the southwest section site for several reasons. This is the proposed layout of the southwest site. Opposite to it is a modern 8-room school, and under the five-year program that is to be extended to a 16-room school building. It is known as the Fairbrother School.

What is to be done with this school building if the market is located on the southwest site? To place a market across the street from this or any other school would be to place the health and lives of the children in jeopardy.

On the corner and nearly opposite the proposed site is a fire station. That is an objection which can not be overlooked.

Only one street-car line serves this location and that is three squares east of the proposed site.

The topography of the squares 354 and 355 is such that considerable grading must be done before sheds can be located thereon. It would cost for sheds, offices, paving of streets, and contingencies $130,000, aside from the cost of the land, in order to put the farmers' market into shape on this site. It will be necessary to erect retaining walls around one of the squares in order to preserve the level surface on which to erect sheds, and it may be necessary to have more than one level and to have step-ups from one level to another in order to use it.

Nearly every customer of this market would be compelled to go through the down-town congested zone of the city to reach the market.

Every farmer coming into the city from the north and west would have to go through the down-town congested zone of the city.

The Federal development of the Mall triangle will further add to the congestion of the so-called down-town congested zone.

There are only four north-and-south highways running through the Mall that would be convenient to southwest sites Nos. 1 and 2, namely, Sixth, Seventh, Twelfth, and Fourteenth Streets.

It is impossible to extend either Eighth, Ninth, Tenth, Eleventh, or Thirteenth Streets through the Mall on account of existing public buildings or projected ones.

The Federal building program for the Mall triangle will undoubtedly necessitate the changing of existing car tracks and the rerouting of all street-car lines traversing this area.

Four-fifths of the entire population of the District of Columbia live north of Pennsylvania Avenue.

More than nine-tenths of the hotels and boarding houses, more than four-fifths of the restaurants and lunch rooms, and more than three-fourths of the retail grocery stores are located north of Pennsylvania Avenue.

The future expansion of the city—in population and in the number of hotels and boarding houses, restaurants and lunch rooms, and retail grocery stores—will in a large measure be north of Pennsylvania Avenue.

At least 20 per cent of the business of the farmers' produce market is a retail business, which in a large measure would be lost to the farmers if the market is located in Southwest Washington. This retail business amounts to more than $600,000 per year.

Not within my recollection in this House has there been such activity on the part of a well-organized lobby on the part of high-priced lawyers on the part of those interests engaged in the commercial exploitation of this District as has attended the efforts to force a selection of the so-called southwest site. The interests of the people of the city are in direct opposition to the selection of that site. Far too little consideration is given by the Congress to the rights of the ordinary citizen of the District.

Not a single legitimate argument has thus far been advanced that would justify the selection of the southwest site.

The CHAIRMAN. The time of the gentleman from Vermont has again expired.

Mr. BLANTON. Mr. Chairman, I yield the balance of my time—three minutes—to the gentleman from Illinois [Mr. MADDEN].

The CHAIRMAN. The gentleman from Illinois is recognized for three minutes.

Mr. MADDEN. Mr. Chairman and gentlemen, I do not often mix in these contests between factions of the District, and that is what this seems to be. I am interested, however, in seeing that the best thing in the long run is done.

Now, we have a committee of 21 members who have investigated this proposition. Seventeen of the 21 recommended the southwest site. It is fair to assume that the 17 are not all idiots, and that the other 4 are not the only wise men. There are five or six railroads that come in on the southwest site. This will give each of these railroads an equal chance. It gives the people the facilities which the river affords in its close proximity to the people generally. It is a more economical purchase from the financial side of the case. It will result, in my judgment, in the solution of a strongly contested problem in the best interests of the people of the District of Columbia. The purchase of the site on the southwest side can be made for less money than any of the other available sites, if there are any other available.

Now, I understand that the gentleman from Vermont [Mr. GIBSON] stands alone for his site, and that the gentleman from Wisconsin [Mr. LAMPERT] stands alone for his site.

Mr. GIBSON. The minority report is signed by four.

Mr. BLANTON. Four out of 21.

Mr. MADDEN. Yes; 4 out of 21; and it is not fair to assume that their judgment in each one individual case is better than the individual judgment of each of other 17. And if numerical figures have any weight, the southwest site stands best before the House. And if the financial side has any weight, the southwest site has won the case. And if the accommodations that are to be afforded to the public have any weight, all the elements are in favor of the southwest site. So that I do not see what else I can say, except that I would be very glad to see the southwest site adopted for the wholesale agricultural market, if that is what you want to call it. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired. All time has expired. The Clerk will read.

The Clerk read the bill for amendment.

Mr. GAMBRILL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GAMBRILL: Strike out all of the bill after the enacting clause on lines 1 and 2 and insert the following:

"That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to acquire by purchase or by condemnation, or partly by purchase and partly by condemnation, as they may deem best, as a site for a farmers' market, property suitably located north of Pennsylvania Avenue.

"For the purposes of such acquisition, including all necessary expenses incident thereto and for the clearing and leveling of the ground and the erection thereon of protecting sheds, and suitable stands and stalls, and the installation of sanitary conveniences and necessary heating and telephone service, the sum of $600,000, or so much thereof as may be necessary, is hereby authorized and be appropriated out of and charged against the general funds not otherwise appropriated in the Treasury of the United States and against the revenues of the District of Columbia in the same proportion and to be paid in the same way and manner as are other appropriations to cover the expenses of operation and government of the District of Columbia.

"And the said Commissioners of the District of Columbia are hereby authorized to make, promulgate, and enforce all appropriate rules and regulations for the control and operation of such market when established, and may establish a reasonable scale of charges to be paid by farmers and others making use of the market or of any of its appurtenant facilities."

Mr. BLANTON. Mr. Chairman, I make a point of order against the gentleman's amendment for the reason that it is not germane. I call the Chair's attention to the fact that the bill now under consideration is a specific one and for a specific purpose. It proposes to authorize an appropriation for the purchase of two specific blocks of land within the District, and shows their designation, for a farmers' market. The gentleman's amendment is not a specific one. It is a general one. It merely proposes to leave to the commissioners the selection of some market place anywhere north of Pennsylvania Avenue, without any instructions, without any designation, and is in no way germane to the purposes of the bill now under consideration.

The CHAIRMAN. Does the gentleman from Maryland desire to be heard?

Mr. GAMBRILL. No.

Mr. ZIHLMAN. Mr. Chairman, I would like to be heard on the point of order. I would call the Chair's attention to the fact that this is a bill authorizing the acquisition of a site for a farmers' produce market and that the Commissioners of the District of Columbia in the bill are authorized and directed to acquire by purchase a certain site. The gentleman from Maryland by his amendment simply specifies that the Commissioners of the District of Columbia are authorized and directed to acquire a site, but does not specify the particular site they are to buy. It would seem to me, Mr. Chairman, that the subject matter of the amendment is clearly germane to the purposes of the bill, in that it directs the commissioners to acquire a site north of Pennsylvania Avenue, without designating the particular square.

Mr. BLANTON. Will the gentleman yield?

Mr. ZIHLMAN. I yield.

Mr. BLANTON. It has been held time and time again, Mr. Chairman, that you can not amend a specific proposition with a general one, because a general one is not germane. You can amend a general proposition with some specific one. That would be germane, but the reverse is not true.

The CHAIRMAN (Mr. BEEDY). The Chair is ready to rule. It is true that a specific provision in a bill can not be amended by a general provision which reposes a wide discretion in those empowered to carry out the proposed legislation. The bill before the committee designates a specific tract or tracts of land for the purpose nominated in the bill, while the amendment would open the entire area north of Pennsylvania Avenue for availability as a site. The Chair thinks that the proposed amendment is such a general provision and reposes such a wide discretion in those authorized to carry out the purposes of the proposed legislation that it offends against the rule. The Chair therefore sustains the point of order.

Mr. GAMBRILL. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GAMBRILL: Strike out all of lines 7 to 10, inclusive, on page 1, and all of lines 1 to 7, inclusive, on page 2, and insert the following:

"Square 669, bounded by North Capitol Street, First Street, Florida Avenue, O and P Streets NE., for the purpose of a farmers' produce market, and to close as a street and to use for the purposes of this act such portion of any public street or streets adjacent to or within such site as an addition thereto as in their judgment the public interests will permit: *Provided*, That no property owner shall thereby be deprived of egress from or ingress to his property."

Mr. GAMBRILL. Mr. Chairman, ladies, and gentlemen of the committee, I want to speak for five minutes and I insist on speaking without interruption. It has been suggested by the gentleman from New York [Mr. STALKER] that there is a great deal of lobbying against the proposition to locate the farmers' market in Southwest Washington. The gentleman from Texas [Mr. BLANTON] says the proposition would be a simple one if selfish interests were removed. The gentleman from Massachusetts [Mr. UNDERHILL] says if you could eliminate the selfish real-estate interests the proposition would be a simple one. I do not know whether those references were intended to cast a reflection upon my motives in introducing this amendment, but let me say that I have no interest, financial or otherwise, in the Baltimore & Ohio Railroad Co. I have not discussed this proposition with any officer or official of that railroad company. Across the territory I represent runs the lines of two great railroads, the Pennsylvania and the Baltimore & Ohio, and a mere statement of that situation should be sufficient to show to anyone that I would be unprejudiced so far as those two interests are concerned, and would not take any position unless some public interests were involved.

You tell me that this is a selfish interest. Why, right to the side of where the Terminal Refrigerating & Warehousing Co. is located there is vacant land which up until a few years ago was owned by the Southern Railroad Co. Authorization of Congress was granted to put pipes and conduits under Twelfth Street in anticipation of the time when those interests might be able to get the farmers, wholesalers, and retailers down there and control the food supply of the city of Washington.

Among the incorporators of the Potomac Freight Terminal Co. is Mr. Wrisley Brown, the president of the Terminal Refrigerating & Warehousing Co., and four directors or officers of the Pennsylvania Railroad Co. When the gentleman from Texas speaks about special interests and favored interests seeking to acquire a site in Eckington I throw the challenge back in his face and ask him whether he is not representing the interests of the Pennsylvania Railroad Co. when he is seeking to get this site in southwest Washington.

Mr. BLANTON. No; I am not. I am representing only the people. Will the gentleman yield?

Mr. GAMBRILL. Certainly.

Mr. BLANTON. What about the other five railroads that are interested besides the Pennsylvania? Who is representing them?

Mr. GAMBRILL. The point I make is that you are lending yourself to a scheme under which certain interests will get the wholesalers, retailers, and farmers down in southwest Washington and then control the food supply of the city of Washington.

Mr. BLANTON. I am trying to get us away from schemes. And who represents the shipping interests that come up the Potomac by water? Somebody surely must represent them. They are involved here.

Mr. GAMBRILL. I am speaking of what you are seeking to do through your interest.

Mr. BLANTON. I have no personal interest. I am representing the interests of the people solely that are antagonistic to one railroad—the Baltimore & Ohio.

Mr. GAMBRILL. You are seeking to put the farmers' market 1½ miles away from the center of population. The center of population in Washington is on L and M Streets, and between Fifth and Ninth Streets.

The distance in an air line from the center of population to the proposed market site in southwest Washington is 1½ miles, with only 6 per cent of the total population of Washington in that district of the southwest. Within 20 years we will have only about 3 per cent, because this section can not grow, and the growth is to the northeast, the southeast, and the northwest.

Let us brush aside all the specious statements and all the sophistry contained in the majority report filed by the gentleman from Indiana [Mr. HALL] for the Committee on the District of Columbia, and let me say that the bill introduced by the gentleman from New York [Mr. STALKER] might appropriately be entitled a bill for the relief of the Terminal Refrigerating & Warehousing Co. and the Potomac Freight Terminal Co., concerning which I shall speak later in no uncertain terms.

But for the present let me state some of the interesting facts concerning the circumstances under which this bill, introduced by the gentleman from New York [Mr. STALKER], comes before the Committee of the Whole of the House with the recommendation that it do pass. This matter of the location of a farmers' market here in Washington, which is in all probability foredained to be the location of most of the major market activities, including commission merchants and the retail and farmers' market, was considered by the subcommittee on parks and playgrounds of the Committee on the District of Columbia. That subcommittee consists of its chairman, the gentleman from Vermont [Mr. GIBSON], the gentlewoman from New Jersey [Mrs. NORTON], the gentleman from Wisconsin [Mr. LAMPERT], the gentleman from Indiana [Mr. HALL], and the gentleman from Virginia [Mr. WHITEHEAD].

By a vote of 3 to 2 the subcommittee decided to recommend to the full Committee on the District of Columbia the acquisition of squares 354 and 355 in southwest Washington for a farmers' market. It is a singular situation, that of the three members of the committee so voting for the southwest site—the gentlewoman from New Jersey [Mrs. NORTON], the gentleman from Indiana [Mr. HALL], and the gentleman from Virginia [Mr. WHITEHEAD]—not a single one was present at the committee hearing when the facts and arguments relative to site 669 in Eckington, which I am advocating, were presented. And the members of the subcommittee who voted in favor of the southwest site did so before the committee hearings were transcribed, and could not have read the testimony and informed themselves regarding the desirability of a farmers' market being located in the Eckington area.

This proposition comes before this Committee of the Whole of the House on a majority report, and on minority reports signed and indorsed by four members of the Committee on the District of Columbia, who are opposed to the southwest site. This bill for the acquisition of a site in southwest Washington should not pass, as it does not meet the approval of the citizens of Washington nor of the producers themselves. May I be so bold as to venture the assertion that in common with my colleague from Maryland [Mr. ZIHLMAN] I feel justified in speaking on this subject with as great a degree of assurance and directness as any Member of this House.

Assuming, if you please, that my interest in the development and beautification of Washington is the same as any other Member of this House, then I venture the statement that, in common with my colleague from Maryland [Mr. ZIHLMAN], I am justified in claiming your attention for something which means much to the farmers who bring their produce to the farmers' market.

I am opposing the acquisition of a site in southwest Washington for a farmers' produce market because it is the most unsuitable and inaccessible place in Washington for such a market and because the great majority of the farmers who bring their produce to the farmers' market are opposed to being relegated to this cut off, inaccessible, and remote section of the city—to this cul-de-sac. I claim the right to speak for the farmers who bring their produce to the farmers' market as, in conjunction with my colleague [Mr. ZIHLMAN], I represent 80 or 83 per cent of the farmers who bring their produce to the farmers' market. In House Report 1695, Sixty-ninth Congress, second session, there is a statement, prepared, I believe, from information furnished by Mr. George M. Roberts, superintendent of

weights, measures, and markets of the District of Columbia, which gives some interesting information, and from which I read:

The total number of acres cultivated in truck, fruits, etc., by farmers who sell more or less regularly at this market (meaning the farmers' market) as indicated by statements of their respective acreage contained in their applications for space, is as follows:

In Maryland	14,312
In Virginia	2,366
In District of Columbia	862

Of the 17,540 acres so cultivated, the products of which come to the farmers' market, 83 per cent of the total acreage is under cultivation in Maryland.

In a report, Document No. 119, submitted to this Congress by the Commissioners of the District of Columbia, there is this statement:

A recent check gave the number of farmers using the market as—

From Maryland	465
From the District of Columbia	55
From Virginia	81

But I shall consider this proposition from its broadest aspect; the convenience of the people of Washington and the desire of the great body of the farmers who bring their produce to the farmers' market, and who help so greatly in giving the consuming publish fresh fruits and vegetables at reasonable prices.

For nearly 60 years the farmers' produce market has occupied a Federal reservation at the intersection of Ohio and Louisiana Avenues, between Tenth and Twelfth Streets NW., just north of the National Museum. By an act of Congress of May 20, 1870, this space was dedicated to the city of Washington for use as a farmers' market.

The Commissioners of the District have been requested by the Treasury Department to vacate this space as it is proposed to use the land for the new Internal Revenue Building, but in view of the act of 1870 it is very doubtful if the commissioners have the right as a legal proposition to surrender this land to be used for purposes other than those designated by the act of 1870.

The public building act of May 25, 1926, gave to the Secretary of the Treasury broad powers, but there was no expressed repeal of the act of May 20, 1870, and it can hardly be doubted that the earlier and special act remains in force. However, no one wants to quibble over a question of this kind nor do anything which will interfere with the orderly developments of the building program of the Government here in Washington; and the question of the rights of the commissioners in the premises may now be an academic one, since I understand part of this territory has already been surrendered by the commissioners to the Treasury Department. However, in the bill I introduced for the acquisition of square 669 in Eckington for a farmers' market, provision was made that after the site authorized to be acquired has been secured the space now occupied by the farmers' produce market shall be vacated by the District of Columbia. I did this to preserve the form, if not the substance, of orderly legal procedure.

In considering any site for a farmers' market a number of factors must enter into the problem. First, the availability of sufficient ground for the development, ultimately, of a joint farmers' wholesale and retail market area. Secondly, its geographical position in relation to the center of population. Third, its accessibility to the consumers and buyers. Fourth, its accessibility to the producers. Fifth, traffic conditions and street-car service and railroad facilities, when considered in their relation to a wholesale as well as a farmers' market.

It is interesting to bear in mind that, taking the farmers' produce market as a separate proposition, you are dealing with a business which, in the city of Washington, amounts to about $3,000,000 a year, and it means much to the consumers of the city to have this business encouraged and stimulated. It has been stated by reliable investigators that seven commodities purchased in small quantities on the farmers' market totaled $1.58, in contrast to $2.20 for the same commodities of similar quality purchased in a privately owned market in northwest Washington. This percentage of yearly savings on a business of $3,000,000 is no inconsiderable sum to the consumers. If we are to consider the site of a farmers' produce market and an ultimate centralization of the farmers' retail and wholesale markets from the standpoint of its availability, its relationship to the center of population, and its accessibility, both to the buyers and the producers, then one turns almost instinctively to square 669 on North Capitol Street or some equivalent site in Eckington. In square 669 you have a space 782 feet long and 354 feet wide, not including the 12-foot sidewalks on both O and P Streets. The area has 276,828 square feet, or over 6 acres, with an assessed value of $443,000. Immediately adjacent are block 668, 670, and 710, which are either unimproved or, with a few exceptions, contain buildings of comparatively little value. This combined area would be large enough for the erection of wholesale and commission houses, surrounded with ample parking facilities. This site is very close to the center of population. According to the survey of population based on the 1925 census, prepared for the North American Co., the center of population for the city of Washington was shown to be that approximate area bounded by Fifth and Ninth Streets and L and N Streets NW., and square 669 is near that center.

A large percentage of the produce sold at the farmers' market is bought by the hotels, restaurants, grocery, and chain stores, and 80 per cent of the retail grocery stores and 97 per cent of the hotels are located in the northeast and northwest sections of the city, and a farmers' market at square 669 would be convenient to the greatest number of people. This site is accessible by street cars and wide thoroughfares, and being near the center of population is the most convenient site to be found.

Square 669, which I am advocating, is about 3,500 feet, or 66 per cent of a mile from the center of population, and is at the convergence of two great arteries of the city, Florida and New York Avenues, and much nearer to the routes over which the farmers would come in hauling their produce to the market. On the other hand, squares 354 and 355 in southwest Washington are 8,500 feet from the center of population, or a mile and a half.

It is interesting to know that the Commissioners of the District recommended in their budget, which has been approved by the Director of the Budget, an appropriation to grade and extend New York Avenue so as to connect with the Baltimore-Washington Boulevard or the Bladensburg Road near the point where the Pennsylvania tracks cross the boulevard. When this project is carried out it will greatly relieve traffic on Florida Avenue, and all farmers coming from the direction of Bladensburg will pass into Washington over a direct route to the market, if the farmers' market is located in the Eckington district, square 669. Those coming from the direction of Bennings will pass along the Bennings Road to Florida Avenue in a direct line to the market; those crossing the Pennsylvania Avenue Bridge will pass up Fifteenth Street to Florida Avenue; those coming across the Anacostia Bridge would proceed to Eleventh Street in a direct way and turn into Florida Avenue, while those coming from Montgomery County would pass down R Street, or perhaps Georgia Avenue, and continue into Florida Avenue.

It is unquestionably true that it would be desirable to have a central distributing point for the major food supplies of Washington, and the Commissioners of the District in their report to Congress, Document No. 119, Seventieth Congress, first session, have said:

That the farmers' produce market should be located in close proximity to the commission houses.

In the course of the hearings before the subcommittee on parks and playgrounds of the District of Columbia an attempt was made by Col. Wrisley Brown, president of the Terminal Refrigerating & Warehousing Co. and the Potomac Freight Terminal Co., to prove that the commission merchants of Washington intended to locate their business near Water Street in southwest Washington, in the vicinity of these squares 354 and 355, proposed as a farmers' market site. There is no doubt that the business of the farmers and the commission merchants is interrelated and it would be highly desirable to keep them together. This is going to be accomplished if my amendment is accepted, as the commission merchants, who, it is estimated, handle 80 per cent of the foodstuffs that come to Washington for distribution, have acquired the right to purchase or have actually purchased about 80 acres of land, comprising the Patterson tract, which is east of square 669, and on which tract they propose to establish their business.

At this point let me say parenthetically that should it be the judgment of this body that the farmers' market be located in the Patterson tract in closer relation to the commission merchants, I will change my amendment accordingly so as to bring about this objective.

The place for a farmers' produce market is in the Eckington district and it should not be placed in southwest Washington. I will give my reasons for this conclusion, and set forth the powerful financial interests back of the effort to compel the farmers and commission merchants to locate in southwest Washington; an influence which has reached far, has come into the Halls of Congress, and has caused the Committee on the District of Columbia, by a majority vote, to ignore the recommendations of the National City Park and Planning Committee, the Department of Agriculture, and the Bureau of Efficiency.

In southwest Washington near Water Street is located the plant of the Terminal Refrigerating & Warehousing Co., of which Col. Wrisley Brown is president. Across to the east of this refrigerating plant are squares 354 and 355, on which these powerful financial interests are moving heaven and earth to compel this Congress to locate a farmers' market. Directly to the west of this refrigerating plant are four or five squares and which were owned by the Southern Railway Co. By an act of Congress this refrigerating company secured the right to run pipes and conduits under Twelfth Street from this plant to this property on the west, all in anticipation of the day when they could induce the commission merchants to locate in southwest Washington on this property of which I have spoken, and in anticipation of congressional action which would bring the farmers' produce market to squares 354 and 355.

So, in the further development of this scheme, which would give certain financial interests an almost undisputed control over the food supply of Washington, there was formed in 1925 a corporation known as the Potomac Freight Terminal Co., whose object was to acquire all of the right, title, and interest of the Southern Railway in these properties. Among the incorporators and trustees are to be found the names of Col. Wrisley Brown and four officials of the Pennsylvania Railroad and the presidents of some of the leading banks and trust companies of Washington. As agents and purveyors of these interests there appeared on the scene of action such well-known lawyers and lobbyists as Thomas J. Littlepage and Mr. Ed. Colladay, who hesitated not to disseminate false and misleading information regarding the alleged advantages of the southwest site.

In their efforts to influence the action of the Representatives in Congress from the Southern States, these agents and purveyors disseminated false statements, which have created the impression that if the food-distributing point was in the Eckington area instead of the southwest, the freight rates from the South would be more to the Eckington freight yards than to the Pennsylvania terminal at Fourteenth and B Streets SW.

I read from a brief filed of these proceedings by the Baltimore & Ohio Railroad Co.:

> It is, of course, understood that the same freight rates apply to any delivery on either railroad in Washington.

You may say this is not sufficient evidence, as it comes from an interested party. This being the case, I direct your attention to a letter which I will insert in my remarks, under leave to extend, a letter written on the 9th day of February, 1928, to Mr. Shaw, chief inspector of the University of Maryland, extension service. This letter is from the Interstate Commerce Commission and is signed by G. B. McGinty, secretary:

INTERSTATE COMMERCE COMMISSION,
Washington, February 9, 1928.

Mr. S. B. SHAW,
Chief Inspector University of Maryland Extension Service,
Maryland State Department of Markets, College Park, Md.

DEAR SIR: The commission is in receipt of your letter of February 7, requesting information as to whether there is any difference in freight rates on shipments of fruits and vegetables from points in North Carolina, South Carolina, Georgia, Alabama, Florida, Louisiana, Mississippi, and Texas when consigned for shipment to Washington, D. C., for delivery at the Pennsylvania Railroad terminal, Fourteenth and B Streets SW., as compared to shipments for delivery at the Baltimore & Ohio Railroad terminal at Eckington.

An examination of the tariffs on file with the commission indicates that rates for Baltimore & Ohio and Pennsylvania Railroad deliveries at Washington are the same. As an illustration, we find that the rate on peaches from Fort Valley, Ga., to Washington, D. C., for delivery to the Pennsylvania Railroad at their Fourteenth Street yards and for delivery to the Baltimore & Ohio at their Eckington yards is $1.20 per 100 pounds, plus a refrigeration charge of $77.50 per car. The rates from Sanford, Fla., on cabbage in car lots, is $1.09 per 100 pounds for delivery on either one of the above lines plus a refrigeration charge of $70 per car. The rate on apples in car lots from Portland, Oreg., to Washington for delivery either at the Baltimore & Ohio Eckington yards or the Pennsylvania Fourteenth Street yards is $1.50 per 100 pounds plus a refrigeration charge of $100 per car.

There is a difference in the rates on vegetables from near-by points. For example, from Rockville, Md., on the Baltimore & Ohio Railroad to Washington, the rate for Baltimore & Ohio delivery on potatoes is 13 cents per 100 pounds, while, for Pennsylvania delivery, it is 15½ cents. On business from Bowie, a local point on the Pennsylvania Railroad, the rate for Pennsylvania delivery is 13 cents, while the rate for Baltimore & Ohio delivery is 15½ cents per 100 pounds.

The only way where a higher rate would be charged for Baltimore & Ohio delivery than for Pennsylvania delivery would be where the shipment was billed for delivery at the Pennsylvania yards and after reaching that point reconsigned to the Baltimore & Ohio yards. This would bring about an additional charge for reconsigning, switching, etc., but, as indicated, if the shipment in the first place was routed for Baltimore & Ohio delivery by the shipper, they would enjoy the same rate as shipments billed for Pennsylvania delivery, vice versa, a shipment billed for Baltimore & Ohio delivery and after reaching the Baltimore & Ohio yards reconsigned to the Pennsylvania yards, an additional charge would be made for reconsignment, switching, etc.

Respectfully,

G. B. MCGINTY, *Secretary.*

Thus we dispose of all arguments based on the assumption that there is a difference in freight rates in favor of the Pennsylvania Railroad terminal. Ah, but it has been asserted by Colonel Brown and his shock troops that the southwest site should be selected for the reason that a great deal of the freight which has its origin in the South, and which is consigned to Washington, comes to the Potomac yard, 5 miles below Washington, in Virginia, over the Southern Railway, the Chesapeake & Ohio, the Atlantic Coast Line, the Richmond, Fredericksburg & Potomac Railroad, and the Seaboard Air Line. At the Potomac yards the freight is "broken" and passes into Washington over the Pennsylvania Railroad, whose system bounds the proposed market site in southwest Washington on the north.

It will be admitted that the southwest site would be served by the Pennsylvania Railroad and the Eckington site, which I am advocating, square 669, by the Baltimore & Ohio Railroad Co. But, if in the judgment of the House, it would be advisable to locate the farmers' market in the Patterson tract where the commission merchants are going, then both railroads would be available for shipments. It may be of interest to examine into the shipments made to Washington of fruits and vegetables by rail if we are to consider the site of the farmers' market as a first step in the ultimate centralization of all the major market activities, including a retail market and the commission merchants. Again, I emphasize the fact that considering the farmers' market independently, the railroad factor is negligible as the farmers haul by trucks and they do not ship by rail.

The report of the United States Department of Agriculture for 1926 shows that the entire movement of fruit and vegetables into Washington amounted to 7,100 cars. Of these, 107 cars were from unknown points, leaving 6,993 cars from known points of origin. The receipts by boats amounted to the equivalent of 577 cars, or about 8 per cent of the total. Of the 6,993 cars, about 33 per cent originated in States from which the shipment would necessarily pass through the Potomac yards. About 12 per cent originated in the States where the shipment need not necessarily be through the Potomac yards. The grand total is 45 per cent of all possible movements through the Potomac yards. About 34 per cent of the total movement into Washington was from Western States, and 21 per cent from Eastern States, or a grand total of 55 per cent, the greater portion of which would come over the Baltimore & Ohio Railroad, as its main lines run into Washington and tap the great industrial centers of St. Louis and Chicago, which are the great converging points for freight consigned to Washington.

In 1926 the Baltimore & Ohio handled at its Eckington yard, or for sidetrack delivery in that section, 34 per cent of this total rail movement. It would take a corps of statisticians and traffic experts to work out the mathematical problem of which site affords the greatest railway advantages, but the figures given will show that this question of a farmers' market and a site for a consolidated market for farmers, retail men, and commission merchants need not be determined by the rivalries of railroad statisticis.

And yet the propaganda which has been carried on by these financial interests, who have their own purposes to serve, has led the gentleman from Indiana [Mr. HALL] to make this absurd statement in his report on the Stalker bill:

> It appears from the testimony at the hearings that many of the near-by truck farmers do not want the farmers' market located near the water front because of the feared competition of produce raised by the farmers of the tidewater counties of Maryland and Virginia and the South, which would probably move to Washington by cheap water transportation as well as by truck and rail if the market were established contiguous to the wharves.

There is not a scintilla of evidence in the hearing to support this absurd conclusion, and it is ridiculous to suppose that the farmers from near-by counties—Prince Georges and Montgomery—who furnish 83 per cent of the foodstuffs brought to the farmers' market—the other 17 per cent coming from Virginia and the District of Columbia—and who can gather their vegetables and fruits in the afternoon and place them on the market the following morning, have anything to fear from tide-

water shipments from Maryland and Virginia, which would require two or more days for transportation. And then we have seen from the report of the Department of Agriculture that the entire shipment of all fruits and vegetables into Washington from everywhere by boat is the equivalent of only 577 cars a year, or 8 per cent of the total. This 8 per cent shipment is largely cold-storage foodstuffs, which can not compete with fresh vegetables and fruits gathered in the afternoon and on the table of the consumer the next day.

I would like to get the record straight so far as I am concerned. I have no interest, financial or otherwise, in the Baltimore & Ohio Railroad Co., nor have I had any communication from or conversation with any official, officer, or employee of that railroad regarding this subject, either directly or indirectly.

The fifth congressional district of Maryland, which I represent in Congress, embraces all of the territory adjacent to Washington, with the exception of Montgomery County, and includes all of southern Maryland and the southern section of the city of Baltimore.

Across the district I represent runs, in almost parallel lines, the two great railroads, the Baltimore & Ohio and the Pennsylvania. And the mere statement of such a condition should be sufficient to indicate that as between the interests of the two railroads I would be neutral, providing no questions of public interest were involved.

Gentlemen of this committee, you are asked by the majority of the Committee on the District of Columbia to locate this farmers' market in southwest Washington, 1½ miles from the center of population, access to which can only be had from the north, northeast, and northwest by crossing and recrossing Pennsylvania Avenue, or if traveling by street car, then down widely separated streets—Seventh and Fourteenth Streets. You are asked to do this when four-fifths of the population of Washington is north of Pennsylvania Avenue. On Fourteenth Street is the Bureau of Engraving and Printing, and eventually between the populous section of the city and where it is proposed to center the market activities you have the Department of Agriculture, the National Museum, the Post Office Building, the Mall, and within a few years you will have all the territory south of Pennsylvania Avenue occupied by public buildings, such as that of the Interior Department and others.

The proposal is to locate the market in a section that will be cut off from the rest of Washington; in a section that can not grow, owing to its physical limitations or restrictions, and which is away from all that development of Washington which is and will be to the northeast, northwest, and southeast. If you indorse such a proposition you will disregard all physical and topographical conditions, which can not be ignored. You will be going contrary to the recommendations of the Bureau of Efficiency.

You will be going contrary to the recommendation of the National Park and Planning Commission. At a meeting of this commission, held on October 15 and 16, 1922, the following motion was offered and carried:

(A) That this commission recommends that the farmers' market and the commission houses be moved simultaneously to one of the following sites, given in order of preference:

(a1) To the site next to the Eckington yards.

(a2) To the southwest near the river front.

(a3) To the mid-city site.

This report may be found in the Senate hearings, in the Sixty-ninth Congress, second session, on H. R. 15668.

The farmers' market represents a business of $3,000,000 yearly, and each year 60,000 loads of produce are brought to this market by trucks and wagons from near-by sections, and it does seem a short-sighted policy to send all of this foodstuff down to southwest Washington far from the consuming public (four-fifths of the population of Washington is north of Pennsylvania Avenue), there to be unloaded, made into broken lots, and hauled across Pennsylvania Avenue in trucks and wagons, in number many times 60,000.

But it is contended that the farmers' market should be located in southwest Washington because the fish market is there. This might be a persuasive argument if fish were in fact shipped by water and the consumers went there. Let me read what Maj. Carey H. Brown said about the fish market:

The experience of the fish market is this, as I am informed: It was contemplated by the municipal government at the time the fish market was located that there would be a very large retail business in fish and sea food that would come down to that market. That has not been borne out by experience. People do not go down there to buy fish and sea food, because it is too far, too inconvenient.

Perhaps it was a reasonable assumption when the fish market was located on the water front that as fish live in water they would be shipped by water when caught. As a matter of fact, 80 per cent of the fish supply of Washington is brought to the city by rail and trucks, and the fish caught in the Chesapeake Bay and the lower Potomac for the Washington market are brought here by truck and not by water, so it was a fallacious idea that ever put the fish market on Water Street.

In our consideration of this broad question, which means much to the consumers and the producers and to Washington as our National Capital, we must have not only the present in view but a contemplation of vision of the future. It seems to me almost inevitable that any thought given now to a farmers' market must have associated with it the idea of a central market site for the three allied market activities—the farmers, the retailers, and wholesalers—one which will be convenient, close to the center of population, and yet so located as not to clash with the beautification of the city.

Viewing this matter then from the æsthetic as well as the utilitarian standpoint, we must have a vision for the future. The public building act of May 25, 1926, contemplated the use for Government purposes of all that territory south of Pennsylvania Avenue and west of Maryland Avenue, projected in a straight line to Twining Lake, which takes us south of the Mall to Maryland Avenue, which, when projected in a straight line as indicated, carries us to the railroad tracks. And back of all this proposed development, which is to be occupied, let us hope, by Government buildings of simplicity, and back of all the expanses of green lawns and trees, it has been recommended that a market be located. The vision must have been a group of imposing public buildings and beautiful greens crowded with visitors and officials to witness the daily procession of trucks loaded with perishable vegetables and fruits meandering their way back and forth through the devious pathways of parks and Government buildings to this cul-de-sac, this bottled-in section of Washington.

Let the recommendation of the committee be rejected and let the market be placed in Eckington, close to the center of population and convenient to the greatest number of people, and yet so located as to be outside of the zone of the æsthetic development of Washington.

I am convinced that it is highly important to have the farmers' produce market and all the major market activities north of Pennsylvania Avenue. For the purpose of bringing about this objective, I am willing to offer or to support an amendment which will authorize and direct the Commissioners of the District of Columbia to acquire, by purchase or condemnation, a site for the farmers' market north of Pennsylvania Avenue, leaving the selection of the site to the commissioners.

I am going to summarize the reasons why such an amendment will be in accord with the preponderance of the recommendations made by the public bodies and officials. I believe it must be conceded by everyone that the commission merchants are going to reestablish their business on the Eckington area, north of Pennsylvania Avenue, on the Patterson tract. Commission merchants controlling over 80 per cent of the perishable fruits and vegetables handled in the city of Washington have signified their intention to locate on the Patterson tract and they have entered into contracts to purchase this property.

The Commissioners of the District of Columbia, in their report to this Congress, on the location of a farmers' market, made three significant statements:

First. That the perishable industry can be most ecenomically and efficiently conducted by a centralization of the entire industry in a market area.

Second. That this market area must be, from an economic standpoint, located at a railroad terminal where the receivers can deliver direct from the cars and thereby avoid the present high cost of truck drayage.

Third. That the farmers' produce market should be located in close proximity to the commission houses.

With these conclusions I find myself in accord.

In the majority report submitted by the gentleman from Indiana [Mr. HALL] there is this statement: "It clearly appears from the hearings that the wholesale market should not be divided." With this statement I agree, and we have seen that the wholesale merchants are going to locate north of Pennsylvania Avenue.

The National City Park and Planning Commission has recommended that the market area be north of Pennsylvania Avenue. The Bureau of Efficiency has made a similar recommendation and the use of ordinary judgment and common sense would prompt one to locate the market convenient to the population of Washington.

I conclude my remarks with a few simple illustrations which are so significant as to require no explanation:

Southeast Washington is as near, if not nearer, the Eckington section of northeast Washington than it is to the southwest section. The northeast and northwest sections have a combined population of 380,500 as against 29,500 for the southwest and 91,500 for the southwest and southeast together.

There are 130 hotels and boarding houses in the northwest and northeast as against 3 in the southeast and none in the southwest.

There are 616 restaurants and hotels in the northwest and northeast as against 74 in the southeast and southwest.

There are 1,461 retail grocery stores in the northwest and northeast as against 403 in the southeast and southwest.

Sixty-four per cent of the population of the District live in the northwest section, 17 per cent in the northeast, 13 per cent in the southeast, and only 6 per cent in the southwest.

In the course of 20 years there will not be 3 per cent of the population of the District of Columbia in the southwest, as this section has reached the limits of its development. And yet notwithstanding these facts and the further fact that four-fifths of the population of the District is north of Pennsylvania Avenue, the author of the bill [Mr. STALKER] and the majority of the Committee on the District of Columbia would put the market south of Pennsylvania Avenue.

Gentlemen, I suggest to you that in view of these facts the market site ought to be near the center of population, convenient to the roads that the farmers use.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. BLANTON. Mr. Chairman, I ask recognition in opposition to the amendment.

Mr. Chairman, I never represented a railroad in my life. I have always represented the people, and that is what I am trying to do now—represent the people against this railroad fight that has been brought on the floor. My friend the gentleman from New York [Mr. STALKER] knew what he was talking about when he told you about lobbying. We have had one of the biggest lobbyists you ever saw this morning circulating around through the House Office Building from the great State of Maryland to tell us how to vote on this proposition. I will not call him by name unless our friend, Brother GAMBRILL, calls for his name. Then I will give it.

Mr. GAMBRILL. Will the gentleman——

Mr. BLANTON. Doctor Simmons, from Maryland, is the man I am speaking of.

Mr. GAMBRILL. Will the gentleman allow me to make a statement to him?

Mr. BLANTON. Yes; certainly.

Mr. GAMBRILL. Who are Mr. Littlepage and Mr. Colladay representing? They have visited every Member of Congress.

Mr. BLANTON. They have not visited me, and they were not before our committee. Brother Colladay has not visited me, because he knew he could not influence me.

Mr. GAMBRILL. He knew the gentleman was all right.

Mr. BLANTON (continuing). Because I have never stood with him on anything. I have stood in his way many times.

Mr. STALKER. And they have not visited me.

Mr. MADDEN. Neither of them has visited me.

Mr. GAMBRILL. They have visited most of the Members of Congress.

Mr. MADDEN. The gentleman said they had visited every Member of Congress.

Mr. GREEN of Florida. They did not visit me.

Mr. BLANTON. This is the question: Do you believe in committee work or not? Do you believe in giving any credence whatever to one of your authorized committees that spends weeks of time carefully considering a proposition? Your District of Columbia Committee is composed of 21 members. I was not on the subcommittee that had this bill in charge, but I checked up every bit of its work. I found it did its work well. As the distinguished lady from New Jersey [Mrs. NORTON], who was a member of that subcommittee, told you, they went into the proposition carefully and they considered it from every angle. They heard every single interest that appeared before it. The subcommittee made a report to our regular committee and we stood 17 out of 21 to back up our subcommittee. There were four members against the committee's action, and the four members were divided. The gentleman from Wisconsin [Mr. LAMPERT] was for a certain site. The gentleman from Vermont [Mr. GIBSON] did not know where he was. He was for one site other than the southwest, but he could not concentrate on anything.

Now, what are you going to do? Follow a proposition that is up in the air? The gentleman from Maryland [Mr. GAMBRILL] did not propose a certain site in lieu of the one mentioned in the bill. The gentleman came in and still wanted to leave it up to the commissioners so long as they placed the market north of Pennsylvania Avenue. When the gentleman found out his proposition was not germane, then he comes in and tries to place it out here at Eckington.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. BLANTON. I am sorry, I can not yield now. I have only five minutes.

May I say to those of you who keep house here and who have to buy the products of the farmers for your table, if you have not been buying from the fish and oyster market down here on Water Street you have missed an opportunity which you were entitled to take advantage of. You ought to begin buying down there. You can get the finest oysters from Maryland you ever ate in your life. You can get the finest fish from Maryland you ever ate in your life. They come up the Potomac from Chesapeake Bay, from Maryland fishermen, if you please. You also get such fish and oysters from Virginia fishermen. You can get blue points and Lynnhavens and scallops and fish delicacies of every kind in this market.

Mr. MOORE of Virginia. Blue points and Lynnhavens.

Mr. BLANTON. And instead of having to go to the fish market and then out to Eckington for the balance of your products, under this proposed plan you can go down there to one market and buy your fish and your oysters and your vegetables and your head lettuce from Florida and your strawberries from the South and everything you may need at one time.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. JOHNSON of Texas. Is it not also true that the street-car facilities are good at that location?

Mr. BLANTON. The street-car facilities are good, and the Traffic Bureau has stated that the traffic part of the problem has been solved, and you will have better traffic accommodations where they propose to locate this market than anywhere else.

Mr. COCHRAN of Missouri. Will the gentleman now yield?

Mr. BLANTON. Yes.

Mr. COCHRAN of Missouri. I wish the gentleman would tell the House how many times he has disagreed with the great committees of the House.

Mr. BLANTON. Oh, I have disagreed with them at times. [Laughter.] I am not here to say that a man ought not to disagree with them. I admire my friend the gentleman from Maryland, because he is doing what he thinks is right in this proposition, but we ought not to follow him when he is wrong just because he thinks he is right. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BUSBY. Mr. Chairman, I rise in support of the amendment.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 15 minutes.

Mr. DALLINGER. Reserving the right to object, Mr. Chairman, I have an amendment to offer.

Mr. CROSSER. I object, Mr. Chairman.

Mr. ZIHLMAN. Mr. Chairman, I move that all debate on this section and all amendments thereto close in 20 minutes.

Mr. CROSSER. That practically closes debate on the bill in 20 minutes.

Mr. HOLADAY. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. HOLADAY. How will the 20 minutes be prorated?

Mr. BLANTON. The Chair will control it.

Mr. HOLADAY. There are other amendments at the desk that have not been read.

The CHAIRMAN. That is solely within the discretion of the Chair. The Chair will try to divide the time equally.

Mr. DALLINGER. If the gentleman will make it a half hour.

Mr. GRIFFIN. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GRIFFIN. I want to inquire whether the request or the motion of the gentleman from Maryland will exclude debate upon any other amendment which may be offered to the section. I have an amendment to strike out the enacting clause, and I am interested in knowing whether his motion will exclude debate.

The CHAIRMAN. When the gentleman offers his amendment debate on that amendment will be in order. The question is on the motion of the gentleman from Maryland to close debate on this section and all amendments thereto in 20 minutes.

Mr. ZIHLMAN. Mr. Chairman, I ask unanimous consent to modify my motion and make it a half hour.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to modify his motion by limiting debate on this section and all amendments thereto to 30 minutes. Without objection, the Chair will put the motion as amended. The motion is that debate on the present section and all amendments thereto be limited to 30 minutes.

The question was taken, and the motion was agreed to.

Mr. BUSBY. Mr. Chairman and gentlemen of the committee, I rise in support of the amendment. I was amused at the statement of the gentleman from Texas [Mr. BLANTON] as to how you could get good fish and oysters and other things at the fish market on the water front. The gentleman did not tell you that the hearings on this bill show that 80 per cent of the fish and oysters sold at the fish market are brought into the city by truck and deposited in the fish houses where you have to go to buy them and then haul them back to your homes. It has been said that this is primarily a real-estate proposition. I would like to have you mention any site that does not involve some real-estate dealer or organization trying to make money out of the sale of it. I am not condemning them for that; it is natural that they should want to place the market on real estate they have to sell, so all sites are equal on that point.

There was another matter brought out here to-day. My friends from Florida and Texas and the Rio Grande Valley, where they raise oranges and grapefruit, say that it will be one day nearer their place if you leave the market on the water front than if you take it to some other point north of Pennsylvania Avenue nearer the consumers.

Mr. GREEN of Florida. And for the additional reason that you have water transportation.

Mr. BUSBY. Now, most of the retail grocery business in Washington is done by chain stores. The Sanitary Grocery Co. has about 340 stores, and it also owns the Piggly Wiggly stores, of which there are about 30. There are the Atlantic & Pacific stores, numbering about 200, and the District Grocery stores, 25, and about 30 Old Dutch Market stores. You might say that the bulk of the retail grocery business here is done by these chain stores in the District of Columbia. I do not think that we are called upon as a Government to furnish warehouses for grocery organizations and the railroads when the people do not enter into it one way or the other.

BRING PRODUCER AND CONSUMER TOGETHER

I stand for the proposition, wherever the site may be placed, that the producer and the consumer be brought together without the help of a middleman placed between them. Every time we get a proposition up trying to bring the people in contact with the producers somebody wants to stick the middleman in between them so he can get a hand-out or a dish-out at the expense of the people. That is my objection to the southwest site, because the Government should not be required to furnish a warehouse for unloading vegetables or other produce from some other section of the country.

If a man comes in here from his farm and has 10 dozen eggs to sell, I am in favor of getting him to the man that wants to consume the eggs without having some one else come in between them. If they ship oranges and grapefruit in here, I believe in letting them get to the market like everybody else. The farmers and market gardeners of the country surrounding Washington want a chance to bring their produce here and sell it to the consumer for a fair price, for on that they depend for a living.

Go down there to the market where it is located and you can see those people standing out there in the cold hour after hour, day after day, where they have built up their business; and now you are going to obliterate the business of the producers, sweep them aside off the face of the earth in favor of the big producer and the man who buys and sells to us. This is a bill for the middleman and is neither for the producer nor consumer.

Mr. HALL of Indiana. Mr. Chairman, will the gentleman yield?

Mr. BUSBY. Yes.

Mr. HALL of Indiana. May I suggest that in the hearings the farmers themselves testified that 8 per cent of their sales were directly to the consumer and 92 per cent went to the wholesaler.

Mr. BUSBY. Yes; and you will not have that 8 per cent left when you get through with this proposition as it is handled in the bill——

Mr. GREEN of Florida. Mr. Chairman, will the gentleman yield?

Mr. BUSBY. No; I can not yield, I have not the time. Here is the proposition: If you will move the market another mile away from the people, you will not have 2 per cent of the sales to the consumers from the producers, because you will get it beyond their reach. You put it down there where the retail trade can not get to it, and you will find that the people will have to surrender and say, "We will go to the chain stores, the ones that Congress legislated for, and we will buy from them because Congress is forcing us to buy from them."

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

MESSAGE FROM THE PRESIDENT

The committee informally rose; and Mr. TILSON having assumed the chair as Speaker pro tempore, a message in writing from the President of the United States was presented to the House of Representatives by Mr. Latta, one of his secretaries, who also announced that on the following dates the President had approved bills of the following titles:

On February 24, 1928:

H. R. 278. An act to amend section 5 of the act entitled "An act to provide for the construction of certain public buildings, and for other purposes," approved May 25, 1926.

On February 25, 1928:

H. R. 7032. An act authorizing the Valley Bridge Co., (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River at or near Canton, Ky;

H. R. 7033. An act authorizing the Valley Bridge Co., (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River at or near Iuka, Ky.;

H. R. 7034. An act authorizing the Midland Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Cumberland River at or near Smithland, Ky.;

H. R. 7035. An act authorizing the Midland Bridge Co. (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Tennessee River at or near the mouth of Clarks River;

H. R. 7036. An act authorizing the Valley Bridge Co., (Inc.), of Paducah, Ky., its successors and assigns, to construct, maintain, and operate a bridge across the Tennessee River at or near Eggners Ferry, Ky.;

H. R. 8216. An act to confer authority on the United States District Court for the Western District of Virginia to permit J. L. Sink, a bankrupt, to file his application for discharge and to authorize and empower the judge of said court to hear and determine the same;

H. R. 9280. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River approximately midway between the city of Owensboro, Ky., and Rockport, Ind.;

H. R. 9660. An act authorizing the city of Louisville, Ky., to construct, maintain, and operate a toll bridge across the Ohio River at or near said city; and

H. J. Res. 156. Joint resolution authorizing the President to accept the invitation of the British Government to appoint delegates to the Eighth International Dairy Congress, to be held in Great Britain during June–July, 1928, and providing for an appropriation of $10,000 for the payment of the expenses of the delegates.

FARMERS' PRODUCE MARKET

The committee resumed its session.

Mr. DALLINGER. Mr. Chairman, I offer the following amendment, which I send to the desk.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report for information.

The Clerk read as follows:

Mr. DALLINGER offers the following amendment: Strike out the first 11 lines on page 1, and the first 5 lines on page 2 of the bill, and insert in place thereof the following:

"That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to acquire, by purchase or condemnation, or partly by purchase and partly by condemnation, as they might deem best, a site for the farmers' produce market in squares 656, 658, 661, 663, 665, 667, and south of 667, bounded by First, Half, P Street, and the Anacostia River, southwest."

Mr. DALLINGER. Mr. Chairman, ladies, and gentlemen of the committee, I offer this amendment because I want to get the merits of an alternative site before the committee, so that the members will have all the facts before them, when they make a decision on this important matter. This amendment of mine calls for the taking of a site for the proposed farmers' market at Buzzards Point, so called, within a gunshot of this Capitol, where land is cheap and is either vacant or is occupied by buildings of little value. It is situated on the Anacostia

River, between the Army War College and the Navy Yard, in the southwest section of the District. There are no large real estate or railroad interests behind this site, which accounts for the fact that there has been little mention of it. Nevertheless, it has all of the advantages of the so-called southwest site recommended by the Committee on the District of Columbia in the pending bill, with none of the disadvantages. It is within easy reach of all parts of the District, and is fully as accessible as the site chosen by the committee. It has all of the railroad facilities of the committee's site and better water facilities. Above all, it is by far the cheapest site of any of those seriously considered.

The so-called "southwest site" that the committee has reported in favor of has an assessed valuation of over $2 a square foot. Moreover, it is not large enough now, and when the time comes to expand, the taxpayers will have to go to an enormous expense, because, like Eckington, it is in the congested area. The so-called southwest site, according to the Bureau of Efficiency, has certain other disadvantages. It has a serious traffic problem, because it is right beside the Mall, and most of the traffic will have to go across the Mall twice to get there and return. In the second place, there is no available parking space, because the site proposed by the committee is in close proximity to the Bureau of Engraving and Printing and the buildings occupied by the Agricultural Department, the employees of which already occupy practically all of the parking space in that vicinity.

As I said before, the site at Buzzards Point has the advantage of being on wide, deep water, near the confluence of the Anacostia and Potomac Rivers, and not on a narrow congested channel such as the southwest site proposed by the committee's bill. If this wholesale farmers' market is located at Buzzards Point, not only will little boats have ample room to come with the produce of the farms of Virginia and Maryland but fruit steamers from the Southern States and the Tropics can unload their cargoes. At the present time many of the hotels in this city buy their fruits and vegetables in Baltimore and truck them from Baltimore here, because Baltimore has water transportation from the sources of supply and therefore has lower prices. Washington can enjoy the same water transportation that Baltimore possesses, and this will mean cheaper food for all the people of the District of Columbia. As you will see by this map, marked in red, there is a bus line and there are car lines within a block of the Buzzards Point location. The Government already owns these water-front tracts that are printed in dark red on this map and the remaining land proposed to be taken is very cheap at the present time, being worth not over 40 cents a square foot at the highest. There are 150 acres in the immediate vicinity so that you can expand indefinitely. There is plenty of parking space and no traffic problem. It has the same railroad facilities as the committee's site, as spur tracks run to the navy yard at the present time, and all that will have to be done is to connect up from the navy yard spur track, and the Buzzards Point site will then have the advantage of all six railroads to which reference has been made.

In short, as I have said before, the site proposed in the amendment which I have offered has all the advantages of the site described in the bill reported by the committee and now before the House with none of the disadvantages.

Under the privilege granted me I extend my remarks by appending thereto a more detailed statement of the arguments for this Buzzards Point site, so that it can be a matter of record for the future:

BUZZARDS POINT SITE—GENERAL STATEMENT

It is generally conceded that the farmers' market, commission men, seed and farming-implement stores, and business of a kindred nature should be located in the same general area. Congress, of course, will have little to say about where the commission men will locate, but economic laws will eventually compel the commission men to move to the vicinity of the farmers' market, where the retail dealers must go to obtain the farmer's produce.

Assuming that it would be economic and otherwise desirable to have the wholesale produce business all in the same area, there are certain fundamental characteristics which the site should possess, otherwise it would not be suitable for a wholesale produce district for Washington now and in the future. Those characteristics are, as we see them, sufficient ground, rail facilities, water facilities, and accessibility.

SUFFICIENT GROUND

This not only means sufficient ground to accommodate the 613 farmers who visit the market now but also sufficient to permit expansion necessary to meet the demands of a million and a half or two millions of people.

It means sufficient ground adjacent to the market site to accommodate commission men and farming implements and seed stores.

It also means sufficient ground adjacent to the commission houses, at a reasonable cost, for railroad sidings sufficient to accommodate several hundred cars.

The census figures tell us that between 1910 and 1920 the population of Washington increased 32 per cent. Between 1920 and 1927 the population increased 20 per cent. At the same ratio of increase the population will be more than 650,000 in 7 years, in 14 years it will be more than 800,000, and in something over 20 years the population of this city will be double what it is to-day.

In view of the increase in population, it can be readily seen how soon the need for expansion will come and how important it is to provide for that expansion now. Once the market is established the price of surrounding ground will begin to increase and in a few years it will cost four or five times what it would cost to-day.

RAIL FACILITIES

To have a wholesale produce district away from the railroads would be uneconomic. Not only that, but the double haul would unnecessarily add to traffic congestion. The Baltimore & Ohio Railroad has its freight yards in the northeast section of the city. The Pennsylvania Railroad has its freight tracks in the southwest and southeastern sections of the city. All of the fruit and produce brought to Washington over the Southern, the Chesapeake & Ohio, the Atlantic Coast Line, the Seaboard Air Line, the Richmond, Fredericksburg & Potomac, and over the Pennsylvania Railroad itself comes into the southwestern section of the city, over the Pennsylvania tracks.

No variety of fruit or produce can be brought to Washington over the Baltimore & Ohio that can not at the same time of the year be brought here by some of the railroads which come in over the Pennsylvania tracks.

On the other hand, not one pound of the southern fruit or produce, upon which the people of Washington depend so much in winter, can be delivered at the Baltimore & Ohio freight yards until it is turned over to the Baltimore & Ohio Railroad at Potomac yards in Virginia, then brought through the city over the Pennsylvania tracks, carried out into Maryland, and by a circuitous route to Hyattsville, Md., and then brought back into the city.

That southern fruit and produce is of a highly perishable nature and it should be placed upon sale as soon after it reaches Potomac yards as possible, thereby saving loss to the shipper by deterioration and insuring good, fresh produce to the consumer.

WATER FACILITIES

The produce center should be accessible to water facilities. This would insure Washington of an abundant supply of fruit and produce from Tidewater Virginia, the Eastern Shore of Maryland and Virginia, and from southern Maryland. Water is the natural and in some respects the only highway to Washington from these vast areas.

Many articles of fruit and produce are cheaper in Baltimore than in Washington. This is especially true of tropical fruits, and it is due to the fact that Baltimore has developed her water front.

ACCESSIBILITY

The site should be accessible to the farmers and the public. Accessibility does not mean central. It means sufficient approach and parking space at the market. A mile one way or the other means only about two or three minutes' travel. On the other hand, a central location does not mean accessibility. It means congestion, a conglomeration of street cars, busses, trucks, wagons, automobiles, and people having to do with different classes of business. Placing the market in a zone isolated from other business centers tends to order and economy, while placing near other business districts tends to disorder and chaos.

LOCATION OF BUZZARDS POINT SITE

This site lies between P Street on the north, Half Street SW. on the east, the Anacostia River on the south, and First Street SW. on the west, and contains 7 squares of ground. The United States Government owns about 33,000 feet of the site. In addition, the Government owns all the water front. The site is pierced by five streets which are broad and improved by water and sewer. The site would accommodate about 2,000 farmers.

The ground could be obtained partly from private owners at 40 cents per foot and the balance through condemnation proceedings at about the same price.

There is an abundance of ground adjacent to the market for commission men, seed and farming implement stores, and business of a kindred nature.

There is sufficient space adjacent to the site for railroad siding enough to provide for several hundred cars. This would enable commission men to sell and deliver direct from the cars, thereby reducing cost of handling to a minimum.

There is sufficient ground in the vicinity to permit expansion for years to come.

RAIL FACILITIES

The Pennsylvania Railroad freight tracks lie five squares north of the site. Congress could authorize the running of a spur from those tracks to the vicinity of the site. Congress could provide that all the railroads which pass over the Pennsylvania tracks in the southwestern part of the city could use that spur. The Baltimore & Ohio would be barred from the sidings now proposed for the southwest site. This would, of course, include the Baltimore & Ohio, which now has trackage rights to Potomac yards, but not on the southwest sidings. This would mean that every railroad bringing fruit and produce to this city could deliver direct to the sidings adjacent to Buzzards Point.

WATER FACILITIES

This site is located adjacent to the only available deep water where boats could navigate. The Government owns the water front, and I am informed there are already tentative plans to build docks on that water front for bulk cargoes. Any other city would consider that broad, deep body of water a great asset. A part of the money which Congress appears willing to purchase a market site with could be used in building docks on that water front, where this city could receive fruits from the Tropics and fruits and vegetables from the fruit and truck growing area along the Chesapeake Bay and the Potomac River.

Even now strawberries from the Norfolk area and watermelons from the country adjacent to the tributaries of the Potomac River come to Washington by boat. Why truck them across the city to Eckington or the mid-city sites when they could be unloaded and sold practically at the water's edge?

ACCESSIBILITY

Buzzards Point because of its isolation from other business districts is the most accessible site that has been presented for your consideration. It is but a few minutes' ride from the center of the city. There is sufficient approach and there would be an abundance of parking space for all. More than half the farmers who are signed up for space at the present farmers' market enter the city at points nearer the Buzzards Point site than any other site proposed. Farmers from every direction and the public as well could reach the site from every direction of the city without coming in contact with the congested down-town areas. In fact, it would not be necessary to cross Pennsylvania Avenue west of the Capitol near the Government buildings or through the Mall.

DISADVANTAGES OF THE SOUTHWEST SITE

The site will accommodate less than 500 farmers according to the present plan of the farmers' market and only about 304 according to the ideal plan which has been suggested.

There are already 613 farmers signed up at the present market. The highest number in any one day to visit the market was 532. The present market would not accommodate them and it was necessary to place them on Tenth and Twelfth Streets. This information was given us by the market master.

The market master also stated that the number of farmers visiting the market has increased about 20 per cent within the last three or four years. This increase is due to the fact that roads are being opened up throughout the country which enable farmers to come here from greater distances than ever before. One farmer came last year from the vicinity of Richmond, Va.

In view of the fact that the southwest site will not accommodate all the farmers who visit the market now, and the further fact that the number is steadily increasing, would it not be the height of folly to select a site which is too small to accommodate the farmers of to-day?

ENGINEERING WEAKNESS

The southwest site is on a steep grade. It is said that it will cost more than $110,000 to grade and build retaining walls. Certainly that in itself should serve to render that site impossible.

The southwest site is located in a pocket near where Potomac Park and the Mall converge. Two squares north of the site the new Agricultural Building will be located. Three squares north is the Smithsonian Institution, three squares west is the Bureau of Engraving and Printing.

It is planned to run a boulevard along Water Street. The south end of the site would be on that boulevard. One square north of the site is the main thoroughfare for automobiles bound from the North to Florida and other southern points. There is heavy traffic both east and west on that street. What interstate traffic does not pass along that street passes up and down Fourteenth Street, three squares west of the site. The traffic on that street is also heavy, for it is the main street leading to Highway Bridge.

Mr. Moore, of the Fine Arts Commission, according to the papers of January 31, stated that Ninth Street could be cut through the Mall, and Fifteenth Street could be cut through the Monument lot to make it possible to get to and from the southwest site. A bill was introduced in Congress a short time ago to provide $5,000,000 to terrace and build steps around the Monument. Now, the suggestion is made to cut streets through the Monument lot and the Mall, so that it will be possible to place the market at the southwest site.

One of the arguments advanced by the southwest advocates is that the fish market is already in that vicinity. If the fish market is there and is in the wrong place, why make a bad condition worse? Why place the farmers' market where both it and the fish market will be eyesores as viewed from Potomac Park?

Suggestions have been made concerning razing the United States post-office building at Twelfth and Pennsylvania Avenue because its location or architectural design will be out of harmony with the building program. We understand that it will be removed within the next 10 years. If the Government favors razing such a building for the sake of art and beauty, it might possibly move the fish market as well.

If the southwest site possessed all the characteristics of an ideal wholesale produce center, which it does not, the fact that it would be out of harmony with the Government buildings and parks would alone be sufficient to render it impossible as a market site.

Within a few years there will be a magnificent array of Government buildings standing between Third and Fourteenth Streets NW. People from all over the world will come to Washington. They will go up in that Monument and look out over that magnificent panorama of Government buildings and parks, and the only thing to mar the beauty of that scene would be the farmers' market.

Not only that, but the slow-moving, heavily laden trucks constantly passing through the Mall to and from the market would impede traffic and contribute to congestion in an area which should by all means be kept beautiful.

Mr. Auth, who testified for the southwest site before the subcommittee, said that the market should be placed in a section of the city away from everything else. We think that is true.

THE ECKINGTON SITE

According to Doctor Simons's own statement and the plan he submitted for the market, the site will only accommodate 521 farmers, nearly a hundred less than are signed up at the market now. If the market is placed there, surrounding ground will immediately advance in price and the cost of expansion will be prohibitive. The site suggested will cost more than $600,000.

The site lies in a triangle between New York Avenue, North Capitol Street, and Florida Avenue. There are car lines on all three streets. The retail trade at the market is so small the car lines will be more of a disadvantage than an advantage. They will only contribute to the general traffic congestion. Florida Avenue is one of the main thoroughfares of the city. The traffic director testified that the automobile count on that street was 2,800 in two hours. The city and suburban cars come down Eckington Place past the Baltimore & Ohio freight yards and then west on New York Avenue.

There are thousands of officeholders who use that car line and in the mornings and late afternoons the cars run every two or three minutes or closer. The Baltimore & Ohio general freight yards are within one square of the Eckington site, where automobiles, building material, furniture, fruit and produce, and every kind of freight is unloaded there and it practically all comes out of the yards onto Eckinton Place and then down to Florida Avenue past the proposed market site.

If you should add to the present congestion the additional traffic which would result from the wholesale produce business being concentrated at that point, you would have an intolerable condition.

THE MID-CITY SITE

This site has the disadvantage of being centrally located. It is too near other business districts. It is but one square from what is known as the congested area, and there is heavy traffic on K Street immedaitely past the site. The K Street market has been located in that square for years and to-day we doubt if more than 40 per cent of the stalls are rented. Notwithstanding its central location, the farmers and the public have preferred to cross to the south of Pennsylvania Avenue to the present farmers' market.

The mid-city site has neither the advantages of rail or water. If the wholesale produce dealers should locate in that vicinity all of their fruits and produce would have to be trucked to their

places of business and then trucked out again, which would add unnecessarily to traffic congestion and increase the ultimate cost to the consumer.

The mid-city site is too small, being the smallest site proposed for this market.

SQUARE 672

According to the newspapers, the Bureau of Efficiency, through Mr. George C. Havenner, has recommended the north half of square 672.

This site is much smaller than the Eckington site, which will accommodate only 521 farmers, and it will not permit expansion except at great cost.

It is only one square from Sibley Hospital, and that alone would make it an undesirable location for the farmers' market.

It would not have the benefit of water facilities and the rail facilities are inadequate.

CONCLUSION

In view of the foregoing, it is plainly evident that the Buzzards Point site is the most logical place for the farmers' market.

Mr. CROSSER. Mr. Chairman and members of the committee, it seems to me that our first consideration in order to determine the location of a farmers' market is: What will suit the convenience of the most buyers?

It will be to the interest of the farmer to go to the place which is easily accessible for the people and where, therefore, they can most easily reach his goods. If we determine the matter from that standpoint, there is no doubt that the southwest location is the most objectionable of all. In the few minutes at my disposal I shall not have an opportunity to treat the subject as I would like. I shall, however, call your attention to several important facts.

Since the question of financial interest has been mentioned, let me call attention to the fact that the Terminal Refrigerating & Warehousing Co. and the Pennsylvania Railroad Co. own the Potomac Freight & Terminal Co. The Potomac Freight & Terminal Co. owns a tract of land just west of the Terminal Refrigerating Co.'s cold-storage plant and lying between the railroad freight yards and Water Street SW. They propose to build on that tract of land stores to be rented to wholesale produce dealers who handle shipped-in produce, when those dealers are forced from their present location at B Street and Louisiana Avenue. The Terminal Refrigerating & Warehousing Co. expects to furnish refrigerating and other service to the produce merchants who rent the proposed storerooms. Laws have already been passed permitting the piping of the freezing medium.

The Terminal Refrigerating & Warehousing Co., for profit, keeps dealers' produce in cold storage and also loans money to the owners of that produce.

If the plan of these interests can be consummated, it is easy to see that to a large extent they will control the wholesale business in Washington. They will have the merchants in that business within their grasp. Likewise the wholesale meat dealers, whom they hope to have, because of necessity, in their building. Thus these financiers plan to control the food supply of the city. Their concern about the location of the farmers' market is because they realize that wherever the farmers' market goes the wholesale produce merchants handling shipped-in produce will go.

That explains why they have a formidable staff of lawyers and lobbyists, including some of the highest-priced men in Washington, who have been particularly active in this matter. The staff is bipartisan. There is Charles Douglas, Democrat; and Edward F. Colladay, Republican; National Committeeman Thomas Littlepage, Republican; and we can not say how many others. They are all high-priced lawyers.

This bill would make the farmers' market strictly a wholesale institution, whereas it should be a retail market as well.

Mr. BLANTON. We have not seen any of those gentlemen.

Mr. CROSSER. I did not interrupt the gentleman, and I did not procure time from him.

If you locate this market in the southwest, it will never amount to anything so far as retail business is concerned. If you wish to bring the farmer and the purchaser together, then you should locate the market where the people will have access conveniently to the farmers' goods; somewhere in the northwest, where four-fifths of the population of the city lives.

Now let me call your attention to the names of some of these gentlemen who own this tract of land immediately across the street from the proposed southwest site for the farmers' market.

POTOMAC FREIGHT TERMINAL CO.—INCORPORATORS

Col. Wrisley Brown, president Terminal Refrigerating & Warehousing Co.; president Washington Market Co.; president Potomac Freight Terminal Co.; residence, 2319 Wyoming Avenue NW.

Frederic D. McKinney, (McKinney & Flanary) lawyer, office Hibbs Building; residence, 1336 New Hampshire Avenue NW. (said to be attorney for Pennsylvania Railroad).

Clarence P. Aspenwall, president Security Storage Co.; residence, 1839 Wyoming Avenue NW.

W. W. Bowie, freight agent Pennsylvania Railroad Co.; Richmond, Fredericksburg & Potomac Railroad; Southern Railroad; and Chesapeake & Ohio Railroad; residence, 2630 University Place NW.

George L. Starkey, president National Bank of Washington; residence, 519 Michigan Avenue NW.

Trustees holding title to tract of land to which I have referred:

Charles J. Bell, president American Security & Trust Co.; chairman of the board Terminal Refrigerating & Warehousing Co.; chairman of board Washington Market Co.; residence, Twin Oaks, Woodley Lane NW.

Clarence F. Norment, chairman of board National Bank of Washington; president Norfolk & Washington Steamboat Co.; vice president Norment, Smith & Fuller Co. (real estate); president Home Mutual Building & Loan Association; residence, Wardman Park Inn.

Thomas W. Hulme, vice president Pennsylvania Railroad Co., Philadelphia, Pa.

Henry H. Lee, treasurer Pennsylvania Railroad Co., Philadelphia, Pa.

George M. Smith, superintendent Baltimore division Pennsylvania Railroad Co., Baltimore, Md.

Harry Wardman, president Wardman Construction Co.; president Wardman Motors (Inc.); residence, 2640 Connecticut Avenue NW.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent that the gentleman may have one minute more. I want to ask him a question.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. GRIFFIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GRIFFIN. Is the one minute requested to be in addition to the time fixed upon?

The CHAIRMAN. It is.

Mr. GRIFFIN. I object.

The CHAIRMAN. Objection is heard.

Mr. HOLADAY. Mr. Chairman, I ask that the Clerk read in my time the amendment which I have sent to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amendment offered by Mr. HOLADAY: Page 2, line 18, strike out the period and insert a colon and the following: "*Provided*, That no part of the sum authorized shall be expended for the purchase of any site, the cost of which shall exceed the full value of the assessment of such property last made before purchase, plus 25 per cent of said assessed value."

Mr. BLANTON. Mr. Chairman, when the time comes, I want to make a point of order against the amendment. Is that time now, or some time later?

The CHAIRMAN. Not now.

Mr. BLANTON. Then I reserve a point of order against it.

The CHAIRMAN. The gentleman from Texas reserves a point of order against the amendment.

Mr. HOLADAY. Mr. Chairman and gentlemen, you have heard considerable in the last hour about the fight that is on between the Pennsylvania Railroad and the Baltimore & Ohio Railroad. All that you have heard on both sides is correct. This is a fight between the two railroads, and the interests of the common people have not been considered very much. The amendment I have offered is an amendment that has been adopted in the purchase of school sites, and provides that in buying this site the purchase price shall not be more than the assessed value plus 25 per cent.

I am not very much interested in this fight between the two railroads, because whichever one wins out the taxpayers of Washington are going to lose, and this amendment simply cuts down the amount they are going to lose. I think I know something about this situation. If we would not authorize the purchase of any site, either the Pennsylvania Railroad or the Baltimore & Ohio Railroad would furnish a site free of charge, because either one of them could well afford to do so. I am not going to enter into this dispute between the two railroads, but I do believe it is our duty to place this limitation on this bill or on any bill that may be passed, so that the taxpayers of the District of Columbia and the Government shall be protected.

Mr. BLANTON. Mr. Chairman, will the gentleman yield there?

Mr. HOLADAY. Yes

Mr. BLANTON. It has been stated that this market ought to be placed where the most people are. If you cut off the segment between North Capitol Street west and Pennsylvania Avenue north it would embrace the great majority of the people of Washington living in that segment. If you were to attempt to place this market in that segment you would have the people rising up in arms against it, as they have risen up against the detention house.

They would not want it. Instead of increasing the value of property it will decrease the value of property. They do not want this market near where they live.

Mr. HOLADAY. I am not going into that question; but let us put on this limitation and save that much for the people of Washington. [Applause.]

Mr. ZIHLMAN. Mr. Chairman and gentlemen of the committee, during the last session of Congress I sponsored and passed through this House a bill authorizing an appropriation of $600,000 for a farmers' market, leaving the selection of the site in the discretion of the District Commissioners. The Senate amended that bill by simply providing that the commissioners should make an investigation and report to Congress as to available market sites and the estimated price of the same. In accordance with the provisions of that law there was reported to Congress on the 15th of December a number of recommendations for a market site.

The farmers' market was established in 1870. There are more than 600 farmers using this market. They bring to the market, or did during the past year, 58,000 truck loads of produce and farmers' products, which represents 89,000 tons of produce. These farmers pay 20 cents per day each for the use of a market stall, and that 20 cents last year yielded an aggregate sum of $12,503. Four hundred and sixty-five of these farmers come from Maryland, only 85 from Virginia, and 55 from the District of Columbia. The aggregate value of their products last year was $2,600,000.

It has been stated in the report of the District Commissioners, and it has been conceded by those advocating the various sites, that a farmers' market should be located in close proximity to the commission men. The commission men, as stated upon this floor, have purchased a site in the northeast section; they have put up their money for an option and they are prepared to give to the District Commissioners an available site of as much land as they want in proximity to their establishments for a maximum price of 50 cents per square foot. It is proposed by this bill that we shall go to the southwest section. Why are we going to the southwest section? Is the land cheap?

There are 156,000 square feet in this area and it is estimated that will cost $300,000, $2 a square foot in the southwest section, when land can be purchased in the same section of the city which is available and just as suitable for the purposes of a farmers' produce market, directly south of this Capitol, for 40 cents a square foot. Why go to a site that is owned by a cold-storage company, which, in their arguments before this committee and in their arguments before the District Commissioners, say they will be able to offer cold-storage facilities to the farmers?

Now, a great deal has been said about freight rates over the Pennsylvania and the Baltimore & Ohio Railroads. My friends, a car consigned to Washington for delivery in Eckington, a car from Florida, from the Northwest, or any other section of the country, will carry the same freight rates to a designated point in Eckington as it carries to the southwest section of this city, as is shown by a letter from the Interstate Commerce Commission, which I herewith insert as a part of my remarks.

The Interstate Commerce Commission advises that—

An examination of various of the tariffs shows that in most instances rates for Baltimore & Ohio Railroad and Pennsylvania Railroad deliveries at Washington are the same. As illustrations, the rates on peaches from Fort Valley, Ga., to Washington, for delivery by the Pennsylvania Railroad at their Fourteenth Street yards or for delivery by the Baltimore & Ohio Railroad at their Eckington yards, is $1.20 per 100 pounds, plus a refrigeration charge of $77.50 per car. The rates from Sanford, Fla., on cabbage in car lots is $1.09 per 100 pounds for delivery by either of the above lines, plus a refrigeration charge of $70 per car. The rate on apples in car lots from Portland, Oreg., for either delivery is $1.50 per 100 pounds, plus refrigeration of $400 per car. Traffic moving under class rates as it usually does—from the Central States and from the New England States—the rates are the same. From points on the Richmond, Fredericksburg & Potomac Railroad the rates are the same. From various points noted in Pennsylvania, New York, New Jersey, and Maryland the rates are the same for both deliveries. Rates on fruit and vegetables, carloads, from most points south of the Potomac and east of the Mississippi Rivers are usually the same for either delivery.

In some instances, however, the rates do differ. For illustration, from points in New York on the New York Central Railroad, when traffic moves under class rates, the rates are lower for Baltimore & Ohio Railroad delivery than when for Pennsylvania Railroad delivery; for example, the rates from Syracuse, N. Y., are as follows:

Classes	In cents per 100 pounds							
	1	2	R. 25	3	R. 26	4	5	6
For Baltimore & Ohio R. R. delivery	66½	56½	48	47½	38	34	28½	25
For Pennsylvania R. R. delivery	76½	64½	55	53½	44	40	33½	30

Fresh fruits and vegetables in car lots range from first to fifth class, according to description; from various points on the Baltimore & Ohio Railroad (Ellicott City, Frederick, and Hancock, Md., and Grafton, W. Va., and various other points) the rates (class rates) are lower for Baltimore & Ohio Railroad than for Pennsylvania Railroad delivery; from Lanham, Md. (Pennsylvania Railroad), the fifth-class rates are 11½ and 13 cents for Pennsylvania Railroad and Baltimore & Ohio Railroad deliveries, respectively; from Rockville, Md. (Baltimore & Ohio Railroad), different rates for Baltimore & Ohio Railroad and Pennsylvania Railroad deliveries, respectively, are fourth class 16 and 17 cents and fifth class 13 and 15½ cents per 100 pounds. Other than from Lanham and Rockville representative of near-by points we have not noted other points with different rates for the different deliveries; rates on fruit and vegetables from North Carolina and Virginia points on Norfolk Southern Railroad are higher for Baltimore & Ohio Railroad than for Pennsylvania Railroad delivery; watermelons from points on Southern Railway or Georgia Southern & Florida Railway are higher for Baltimore & Ohio Railroad than for Southern Railway delivery (also at Fourteenth Street yards). Watermelons originating at other than Southern Railway or Georgia Southern & Florida Railway stations or when routed via lines (Atlantic Coast Line, Seaboard Air Line, etc.) other than Southern Railway rates are the same for both deliveries.

A general and exhaustive tariff search would require a great amount of time and such check has not been made, but the partial check as indicated is believed to be fairly representative.

A great deal has been said about water transportation. Less than 6,000 tons of produce, out of a total of 89,000 tons, came into this city last year by water transportation, and that chiefly on the Norfolk and Washington steamboats.

A great deal has been said about putting it adjacent to a fish market. The fish market was located in the southwest section of the city and heralded as a great accommodation to the people, but how many people of the retail trade use it? How many use the fish market?

I make this statement, and I challenge somebody in their own time to answer it, that the fish market to-day is exclusively a wholesale market, and if you locate this market in the southwest section of this city it is going to become exclusively a wholesale market.

I have not advocated any particular site, but I have been in favor of a site which would serve everybody.

I originally favored amending the bill by providing that the farmers' market should be located north of Pennsylvania Avenue, as advocated by 95 per cent of the farmers who use the market, as advocated by the National Capital Park and Planning Commission, the Bureau of Efficiency, and a majority of the citizens' associations of the District of Columbia, but this proposal was ruled out on a point of order made by the gentleman from Texas [Mr. BLANTON].

The site in the southwest section, containing only 156,000 square feet, is not large enough for use as a market center, and the squares on which it is proposed that the market should be built do not lend themselves to the economic erection of sheds for a market of this kind.

I am advised that it will cost $110,000 to put this site in condition for the erection of the steel sheds which it is proposed to build.

I predict the members of the committee will realize that a monumental mistake has been committed in putting this convenience to the south of the public buildings and grounds on which it is estimated nearly $100,000,000 will be spent during the coming five years.

Last Friday we passed in the House the District of Columbia appropriation bill, which imposed a limitation of 125 per cent on the price to be paid for all land for school sites and park purposes. The gentleman from Illinois [Mr. HOLADAY] has offered an amendment which will put the same limitation in this bill. I favor that amendment and hope it will be adopted, as it will save the Government in the neighborhood of $150,000.

This market should be placed near the center of population, and 70 per cent of the population is northeast and northwest and not southwest. Eighty per cent of the retail stores are in the northeast and northwest, and 97 per cent of the hotels are in the northeast and northwest.

It is impractical and undesirable to compel automobile and truck traffic, totaling 58,000 loads last year, to pass through the densest traffic area of the city, to be unloaded and then redistributed in smaller volume through the same congested area.

The amendment proposed by the gentleman from Maryland [Mr. GAMBRILL] would substitute an area of 6½ acres, containing approximately 301,000 square feet. This land can be purchased at a price of $1.60 per square foot, as compared with $2 in the southwest section. This area is sufficiently large to permit the erection of buildings and the installation of equipment that will adequately provide facilities for the truckers and farmers in the immediate vicinity of Washington for many years to come. This site is close to the center of population and close to the geographical center of the city, and so situated as to be easily reached by the large and growing population, and the growth of Washington is to the northeast and northwest.

This site is accessible to the great majority of farmers and truckers, regardless of the territory from which they come. The total acreage devoted to fruits and vegetables by farmers who sell on the farmers' market is 14,227.

The same routes which make this location easily accessible to the farmers and truckers will provide easy access to the market for wholesale buyers and for such consumers as may travel by automobile. Those who make use of the street cars will be able to reach this market site easily from any part of the city over the three lines now operating on New York Avenue, Florida Avenue, and North Capitol Street. From the buyer's standpoint, square 669 is the best location that can be found.

This location is away from the down-town office and business section, close enough to well-traveled and broad thoroughfares to promote business, and yet sufficiently far from the heavily congested traffic area to prevent traffic complications. Ample parking space is available in this vicinity, and the many different streets radiating to all sections of the city make it an ideal distribution point. It is at the junction of two of the city's broad thoroughfares—New York and Florida Avenues—and is served by another important highway—North Capitol Street. An easy flow of traffic in all directions is thus assured.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. BLANTON. Mr. Chairman, I challenge that statement in my own time.

Mr. SEARS of Florida. Mr. Chairman, I did not want to get involved in this dispute, because I did not know it was a question between the railroads or the District of Columbia. For intelligent men, though, I have heard strange arguments advanced. In other words, we must locate a fish market and a city market at or near Du Pont Circle for the convenience of the citizens or in order that we may enhance the value of that property. That is near the center of population. My good friend and colleague who has just closed said that the commission men, with their usual foresight, have already gotten options on the other site, and they will lose their money unless we pass a bill providing for a site in that section. Let me commend the commission men upon their wonderful foresight.

Mr. ZIHLMAN. I did not say that.

Mr. SEARS of Florida. I am congratulating those men upon their judgment. The gentleman said they had options down there, and certainly they must have taken those options in anticipation of something being located down there.

I listened to another one of my good friends who said he did not think anything about the people back home. Of course, Florida always has to come in. I want to be frank with you. I think he thinks about the people back home just as much as I do, and I am here to speak for the truck growers of Florida, and I have no apology to make.

I want to say to you that at one time I had an apartment in Washington, and, if I remember correctly, you have markets in nearly every section of the city. Those are the places where these people can come in with their trucks and sell their produce. But when you send in trainloads, it is a different proposition. Those of you who know anything about railroading know that the railroads have to use their switch engine with nearly every car and shoot it around the city, and sometimes it is from one to three days before you get your tomatoes finally to the place where you can unload them. That is why we are appealing to you. I again assure you I have nothing against the railroads or the good people of the District of Columbia, and I sincerely believe the bill as drawn and reported by the committee is best for both.

I want to say to the good people of Washington that if you should cut off the outside supplies, the few good people around Maryland could not feed Washington for one hour. God knows I want them to prosper, but they could not give Washington one good, square meal. You have to rely on the other sections of the country, and I believe we ought to locate this market in the southwest for the benefit of the entire country. This is not a District subject but a national subject, and I believe the truckers and the growers of the entire country will profit by the passage of this bill placing the market in the southwest.

Mr. BLANTON. Will the gentleman yield?

Mr. SEARS of Florida. Yes.

Mr. BLANTON. Not only do the people of Washington go down to the southwest market on Water Street for their fish and oysters now, but they go down to that market for bananas and for watermelons, and for iceberg lettuce and strawberries in season, and for lots of other things that come in by the shipload up the Potomac.

Mr. SEARS of Florida. My good friend from Texas does not like oysters any better than I do. I tried to eat six dozen one night, but I could not do it. I only got away with about five dozen; and, as usual in Washington, I lost. But they have other things in Washington and as a business proposition I trust you gentlemen will favor the passage of this bill.

Mr. HOLADAY. Will the gentleman yield?

Mr. SEARS of Florida. Yes.

Mr. HOLADAY. Has the gentleman considered the possibilities of Buzzards Point where great ocean liners from Miami or liners coming down through the Cape Cod Canal could unload?

Mr. SEARS of Florida. Buzzards Point appeals to me because down in Florida we have the buzzard, and you could throw out the decayed fish at the market and the buzzards would devour them and you would not have to haul them away.

Mr. BUTLER. Will the gentleman yield?

Mr. SEARS of Florida. I will always yield to my friend from Pennsylvania [Mr. BUTLER].

Mr. BUTLER. Will the gentleman please put his finger on that map at a point where the town-lotters are not interested?

Mr. SEARS of Florida. I doubt if there is such a place.

Mr. BUTLER. I want to vote for that. I am not going to help to exploit town lots, and if somebody can tell me where the town-lotters are not interested I will vote for that location.

Mr. SEARS of Florida. The chairman of the Committee on Appropriations, the gentleman from Illinois [Mr. MADDEN], said that one site would cost $300,000, which is the site I am advocating, and the other would cost $600,000. I am opposing the $600,000 site.

Mr. BUTLER. I suppose there are options on the real estate surrounding both of these proposed sites. Where is there some place we can get where we will not be putting the price of real estate way up in the air at the expense of the people of the city?

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. GRIFFIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GRIFFIN: Strike out the enacting clause.

Mr. GRIFFIN. Mr. Chairman, ladies and gentlemen of the committee, this House is practically the board of aldermen and the board of estimate and apportionment of a great city.

This body wants to do the square thing. The membership of this House, realizing the handicaps under which the residents of Washington suffer, want to consider their interests if the facts are honestly and fairly placed before them. I know from the interest displayed in this proposal a most unusual interest, far superior to the interest usually displayed in District bills, that the men and women of this House want to know the truth.

Now, there is danger of your not knowing the truth if you allow your judgment to be perverted and your hearts and sympathies to be biased by so-called attitudes of certain persons or bodies. It has been said this bill is reported out by 17 members of the District of Columbia Committee, who ought to know the facts, and there is a tendency to prejudge the matter—influenced by the fact that a mere majority voted for this particular bill. It has also been suggested that the Commissioners of the District are for this particular site.

Now, my friends, arguments of this kind having to do with persons make no appeal to me. They leave me cold. I have no blessed interest in any site in the city of Washington. I do not care where they put this market, as a matter of fact, but I

do feel in all candor that I ought to say to you that the site selected in the southwest section of the city is not selected for the benefit of the people of the District but rather for the benefit of certain railroads and certain cold-storage warehouses.

This bill is a vicious, damnable bill. It is a crime upon the people of the District to put a market in this section of the city where it is not available to the great bulk of the consumers. The fundamental reason for the establishment of a market anywhere is to bring the consumers and the producers together.

Mr. STALKER. Will the gentleman yield?

Mr. GRIFFIN. Are you going to bring the consumers and the producers together there? No; confessedly not. They show "the horn and foot" when they say that a proposal to put the market somewhere else will put it out of contact with the cold-storage plants.

Mr. STALKER. Will the gentleman yield?

Mr. GRIFFIN. If you ask the average consumer he will say the people do not want storage warehouses. Cold-storage warehouses where the farm produce is stored in ice so as to keep it back for profiteering and away from the consumers are a curse rather than a blessing. Cold-storage warehouses are, in some respects, great things—they are a mark of modern progress, but they have been perverted so that they have become instrumentalities of profiteering. It is wrong, and unnecessary, to put this market contiguous to a cold-storage plant because the farm produce that is raised by the farmers and brought here by their trucks ought to be put where the people can get fresh produce, where they can use it the day it is brought in. [Applause.] We do not want to put the farm products in storage warehouses on ice where the people can not get them until the profiteers see fit to release them to the consumers. [Applause.]

Mr. Speaker, my amendment is to strike out the enacting clause of this bill, not because I am opposed to the authorization for a farmers' market but solely because I am opposed to the particular site in the southwest section, where it will be quite obviously out of reach of the bulk of residents of the District.

PROPOSITION 1

The object of a public market, built and maintained by any government, is to bring the producers and the taxpaying consumers together without the intervention of commission men or middlemen.

As a corrollary to this, it follows that a farmers' produce market ought to be placed in some part of the city where it will be convenient to the farmers to show their stock and easily accessible to the consumers who come to purchase their supplies.

The southwest site proposed in this bill does not meet these conditions. It is convenient enough to trucks of the farmers of Virginia, but it has appeared in this discussion, and not controverted, that only 17 per cent of the produce comes from Virginia, while 83 per cent comes from the Maryland side.

Manifestly, placing the market so as to consult the convenience of Virginia farmers would not be just to the Maryland farmers, who furnish the great bulk of the supplies.

It would also not be fair to the great bulk of the consumers who live north of Pennsylvania Avenue.

To place it south of Pennsylvania Avenue, as this bill proposes, introduces another factor of concern to the general welfare of the city at large, for if it is put in that location it will increase the congestion of traffic at points in the city already unduly congested, by throwing into the converging avenues of traffic not only the farmers produce wagons from Maryland but the conveyances of the consumers who will be obliged to patronize the market.

Furthermore, the Mall is expected to be a monumental feature of the Capital of the Nation and it is not going to add to its attractiveness to have its avenues cluttered with farm wagons, grocery wagons, and conveyances all day long.

The argument has been gravely made here to-day that it is desirable to have the farmers' produce markets contiguous to a certain cold-storage plant. I will pass over the point that the owners of this particular plant have been the most insistent, if not the only, advocates of this particular site, and that an interlocked corporation is the owner of the land proposed to be purchased under the bill.

PROPOSITION 2

Are farmers' produce markets for the convenience of the consumers or are they to be built at public expense to furnish business to cold-storage plants, where the products of the farm, the orchard, and the dairy are kept out of the reach of consumers?

To talk about the necessity of having the proposed market contiguous to the cold-storage plant betrays the real animus behind the bill. Not only that, but it presents the strongest possible argument against the entire project.

What is a farmers' produce market for? To furnish a dumping place where fruits, vegetables, eggs, and butter may be easily transferred into a cold-storage plant, where they can be held by middlemen and speculators until they see fit to release them?

Or is the market a place where the consumers can deal directly with the producers and provide their tables with the products of the farm and dairy without the vicious intervention of profiteers?

As I have heretofore said, I have no interest in any particular site among all those proposed. All that I maintain is the fundamental proposition that the market be so placed as to consult the convenience of the bulk of the consumers.

The advocates of the various sites north of Pennsylvania Avenue have injured themselves and done a great injustice to the people of the District by dividing their forces and quibbling over particular sites. They should have sunk their individual preferences and interests and united as one against the southwest site—leaving the future to take care of itself. That is why I moved to kill the present bill by striking out the enacting clause.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GRIFFIN. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

Mr. STALKER. Mr. Chairman, I object.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the motion. They are now tearing down the farmers' market. In a few days there will not be any farmers' market, and there must be another one established. Our committee has had the question of locating a new farmers' market before it ever since this Congress met. If you were to adopt the drastic motion of the gentleman from New York to strike out the enacting clause, you would place us right back where we were at the beginning of this Congress. What would your committee do under such circumstances when it has brought in here a bill, by a vote of 17 out of 21 to locate the market in the southwest?

I want to say that there is not a man in this House that would have a farmers' market at his back door. There is not a citizen living in the District who wants the market put in his street or near his residence, and yet the whole argument against this location and this selection has been that you are taking it away from the people. That is where the people want it, away from them.

If you will draw a segment from North Capitol Street west and then north of Pennsylvania Avenue, that segment will contain a great majority of the people who live in that district. If you were to make an attempt to-day to locate the market in that segment west of North Capitol and north of Pennsylvania Avenue, you would find every property holder rising up in arms against it.

What has been done? Your committee voted under the careful guidance of the gentleman from New York [Mr. STALKER], with the help of the distinguished lady from New Jersey [Mrs. NORTON], with our friend from Indiana [Mr. HALL], and the gentleman from Virginia [Mr. WHITEHEAD], having carefully heard all of the arguments for and against this site—voted for it.

They heard every one of the arguments for and against every other site. They have found out that they can buy the southwest site for $300,000.

Mr. GAMBRILL. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. GAMBRILL. If you select this location, will you not be right across, or nearly so, from an eight-room school building?

Mr. BLANTON. Well, I hope the time will come when you can not locate a market anywhere without being close to a school building. [Laughter.] Your committee has found that it can buy this site for $300,000. They have solved the traffic problem and the traffic department has approved the site. The District Commissioners have unanimously approved the site, and they are unanimously in favor of this southwest site.

If you vote for the motion to strike out the enacting clause, you are turning down the District Commissioners, you are turning down to 17 men out of the 21 members of the District Committee, you are leaving the people of Washington without any market whatever; and when are they going to get a market?

Mr. GRIFFIN. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. GRIFFIN. I would like to ask whether or not it is not a fact that in order to put this southwest site in proper condition for a farmers' market it will be necessary to spend $110,000?

Mr. BLANTON. It will not cost half as much as it will to put the Eckington site into condition. Our friends from Maryland admit that the same wholesalers and cold-storage men

have a $40,000 option up for this Eckington site, and they hope to unload it on the District of Columbia at a big profit.

The CHAIRMAN. The time of the gentleman from Texas has expired. The question before the House is the motion of the gentleman from New York to strike out the enacting clause.

The question was taken; and on a division (demanded by Mr. GRIFFIN) there was 1 aye and 110 noes.

So the motion was lost.

Mr. GAMBRILL. Mr. Chairman, I ask to modify my amendment by changing the figures from 7 to 11 on page 1, and 1 to 5 on page 2.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to modify his amendment, and without objection it will be so ordered. The Clerk will report the amendment in its modified form.

The Clerk read as follows:

Amendment proposed by Mr. GAMBRILL: Strike out all of lines 7 to 11, inclusive, on page 1, and all of lines 1 to 5, inclusive, on page 2 and insert the following: "Square 669 bounded by North Capitol Street, First Street, Florida Avenue, O, and P Streets SE., for the purpose of a farmers' produce market, and to close as a street, and to use for the purpose of this act such portion of any public street, or streets adjacent to, or within such site as an addition thereto, as in their judgment, the public interests will permit: *Provided*, That no property owner shall thereby be deprived of egress from or ingress to his property."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland.

The question was taken; and on a division (demanded by Mr. GAMBRILL), there were—yeas, 15; nays, 109.

So the amendment was rejected.

Mr. HOLADAY. Mr. Chairman, I offer the amendment which is at the Clerk's desk.

Mr. BLANTON. Mr. Chairman, will the Chair permit a parliamentary inquiry?

The CHAIRMAN. Yes.

Mr. BLANTON. Has debate closed?

The CHAIRMAN. All debate is closed.

Mr. BLANTON. Would it be parliamentary to state that this amendment, if adopted would have the same effect, as striking out the enacting clause? It would kill the bill?

The CHAIRMAN. That is not a parliamentary inquiry. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HOLADAY: Page 2, line 18, strike out the period, insert a colon, and add the following: "*Provided*, That no part of the sum herein authorized shall be expended for the purchase of any site, the cost of which shall exceed the full-value assessment of such property last made before purchase, plus 25 per cent of such assessed value."

Mr. BLANTON. Mr. Chairman, I make the point of order against the amendment, that it is not germane to the purpose of the bill. It is a well-known fact to the committee that this property was assessed at $111,000. If we were to adopt this amendment, you could not pay for the site more than $147,000, which will not buy the property. The committee is well aware of the fact that the property itself is really worth, actual market value, about $300,000.

Mr. TILSON. Mr. Chairman, the gentleman should address himself to the point of order.

The CHAIRMAN. The gentleman will confine himself to a dicussion of the point of order.

Mr. BLANTON. The purpose of this bill is to acquire this market site, which will require the expenditure of $300,000. To restrict the price to half that sum will defeat the bill.

Mr. TILSON. Mr. Chairman, the gentleman has made a point of order, and he should address himself to the point of order and not to the merits of the amendment.

Mr. BLANTON. My point of order is that the amendment is not germane, in that it would defeat the very purpose of the bill and would prevent the purchase of a market site. I am thus trying to get this cogent fact before you when you vote.

Mr. TILSON. The gentleman knows very well that because the proposed amendment might defeat entirely the purpose of the bill is no argument on the point of order.

The CHAIRMAN. The Chair is prepared to rule. The amendment in question is simply a clarifying phrase. The bill provides for an authorization of $300,000, "or as much thereof as may be necessary." The amendment proposed by the gentleman from Illinois merely undertakes to state the manner in which the amount authorized shall be expended. The point of order is overruled.

The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. HOLADAY) there were—ayes 75, noes 96.

Mr. HOLADAY. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. HOLADAY and Mr. BLANTON to act as tellers.

The committee again divided; and the tellers reported—ayes 75, noes 121.

So the amendment was rejected.

Mr. DALLINGER. Mr. Chairman, I ask for a vote upon my amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Amendment offered by Mr. DALLINGER: Strike out the first 11 lines on page 1 and the first 5 lines on page 2 of the bill and insert in place thereof the following:

"That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to acquire, by purchase or condemnation, or partly by purchase and partly by condemnation, as they might deem best, a site for the farmers' produce market in squares 656, 658, 661, 663, 665, 667, and south of 667, bounded by First, Half, and P Streets, and the Anacostia River southwest."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was rejected.

Mr. BLANTON. Mr. Chairman, I move that the committee do now rise and report the bill back to the House without amendment, with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BEEDY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8298) authorizing acquisition of a site for a farmers' produce market, and for other purposes, and had directed him to report the same back to the House without amendment, with the recommendation that the bill do pass.

Mr. BLANTON. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BLANTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONFERENCE REPORT—INDEPENDENT OFFICES

Mr. WOOD, from the Committee on Appropriations, submitted a conference report upon the bill H. R. 9481, making appropriations for the Executive Office and sundry independent executive bureaus, boards and commissions, and offices, for printing under the rule.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9481) "making appropriation for the Executive office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1929, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 5, 7, 11, 12, 13, and 14.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: ", of which $1,000,000, or so much thereof as may be necessary, may be used for reconditioning and operating ships for carrying coal to foreign ports," and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ": *Provided*, That not more than one attorney shall be paid in excess of $10,000 per year"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 1, 4, 9, and 10.

WILL R. WOOD,
EDWARD H. WASON,
THOMAS H. CULLEN,
Managers on the part of the House.

F. E. WARREN,
REED SMOOT,
W. L. JONES,
LEE S. OVERMAN,
CARTER GLASS,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9481) "making appropriations for the Executive office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1929, and for other purposes," submit the following statement in explanation of the effect of the action agreed upon by the conference committee and embodied in the accompanying conference report as to each of such amendments, namely:

On No. 2: Inserts the language, proposed by the Senate, including in the appropriation for the National Advisory Committee for Aeronautics the sum of $5,000 for procurement and development of a design for a wind tunnel suitable for research on full-sized airplanes.

On No. 3: Strikes out the appropriation of $14,347, inserted by the Senate, for a utility building and the lighting of the grounds of the Perry Victory Memorial.

On No. 5: Restores the language, stricken out by the Senate, providing for the location of a bathing pool on the site of the McKinley High School.

On No. 6: Inserts the language, proposed by the Senate, relative to the use of the appropriation for the Merchant Fleet Corporation for reconditioning and operating ships for carrying coal to foreign ports, modified so as to reduce the amount to be so available from $1,400,000 to $1,000,000, to strike out reference to the number of ships to be so used, and to make the authority permissive instead of mandatory.

On Nos. 7 and 8, relative to the compensation of officers and employees of the Shipping Board and Merchant Fleet Corporation: Under the limitation upon salaries which may be paid at rates in excess of $10,000 a year, three at not to exceed $15,000 are provided as proposed by the House, instead of two as proposed by the Senate; and the limitation of $10,000 upon salaries of attorneys, proposed by the Senate, is modified so as to permit the employment of only one attorney at a rate in excess of $10,000.

On No. 11: Strikes out the limitation, proposed by the Senate, on the amount that may be expended for fees of attorneys.

On No. 12: Strikes out the appropriation of $65,000, inserted by the Senate, for an additional amount for the Water Boundary Commission, United States and Mexico.

On No. 13: Corrects a section number in the bill to conform to the action of the conferees.

On No. 14: Inserts the total of the bill in the amount as passed by the House, instead of the amount as passed by the Senate.

The committee of conference have not agreed to the following amendments:

On No. 1: Extending the duties of the Bureau of Efficiency to include investigations in connection with the municipal government of the District of Columbia.

On No. 4: Providing pay at per diem rates for certain classes of employees under the Office of Public Buildings and Public Parks of the National Capital.

On No. 9: Relating to the discontinuance of the sea service bureau of the Merchant Fleet Corporation.

On No. 10: Relative to the use of not to exceed $10,000,000 from the construction and loan fund of the Shipping Board in reconditioning the steamships *Mount Vernon* and *Monticello*.

WILL R. WOOD,
EDWARD H. WASON,
THOS. H. CULLEN,
Managers on the part of the House.

CONFERENCE REPORT—ALIEN PROPERTY BILL

Mr. GREEN of Iowa. Mr. Speaker, I present a conference report upon the bill (H. R. 7201) to provide for the settlement of certain claims of American nationals against Germany and of German nationals against the United States for printing under the rules and ask unanimous consent that I may have until midnight to-night to file the statement accompanying the conference report.

The SPEAKER. The gentleman from Iowa asks unanimous consent that he may have until midnight to-night to file a statement. Is there objection?

Mr. GARRETT of Tennessee. Is this a complete agreement signed by all the conferees?

Mr. GREEN of Iowa. Yes.

The SPEAKER. Is there objection?

There was no objection.

EMPLOYMENT OF MINORS WITHIN THE DISTRICT OF COLUMBIA

The SPEAKER. The gentleman from Maryland moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 6685) to regulate the employment of minors within the District of Columbia. The question is on agreeing to that motion.

Mr. BLANTON. Will not the gentleman from Maryland ask unanimous consent to withdraw his motion and move to have this bill considered in the House as in Committee of the Whole? We can dispose of several bills in that way. Otherwise we would have to report each bill back to the House after we got through with it.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 6685) to regulate the employment of minors within the District of Columbia

Be it enacted, etc., That no child under 14 years of age shall be employed, permitted, or suffered to work in the District of Columbia, in, about, or in connection with any gainful occupation, with the exemption of housework performed outside of school hours in the home of the child's parent or legal guardian or agricultural work performed outside of school hours in connection with the child's own home and directly for the child's parent or legal guardian.

SEC. 2. No minor under 18 years of age shall be employed, permitted, or suffered to work in, about, or in connection with any gainful occupation, except in agricultural work or housework, as specified in section 1 of this act, more than 6 consecutive days in any 1 week, or more than 48 hours in any 1 week, or more than 8 hours in any 1 day, nor shall any girl under 18 years of age or boy under 16 years of age be so employed, permitted, or suffered to work before the hour of 7 o'clock in the morning or after the hour of 6 o'clock in the evening of any day, nor shall any boy between 16 and 18 years of age be so employed before the hour of 6 o'clock in the morning or after the hour of 10 o'clock in the evening of any day. Every employer shall post and keep conspicuously posted in the establishment, in or about which any minor is employed, permitted, or suffered to work, a printed notice, furnished by the official authorized to enforce this act, setting forth the legal regulations governing the employment and hours of work of minors and occupations prohibited to minors in such establishments, and, in addition, shall keep accessible in the place of employment a list of minors under 18 employed, permitted, or suffered to work, and an accurate time record showing the hours of beginning and ending work each day and the hours when the time allowed for meals begins and ends for said minors. The presence of any such minor in the place of work for a longer time in the day or week than stated in the printed regulation shall be prima facie evidence of a violation of the provisions of this section.

SEC. 3. No minor shall be employed, permitted, or suffered to work in any place of employment, or at any employment, dangerous or prejudicial to the life, health, safety, or welfare of such minor. It shall be the duty of the Board of Education of the District of Columbia, and the said board shall have power, jurisdiction, and authority, after hearing duly held, to issue general or special orders prohibiting the employment of such minors in any employment or at any place of employment dangerous or prejudicial to the life, health, safety, or welfare of such minors: *Provided*, That no such order shall permit the employment of any minor at any employment specified in sections 4 to 7 of this act at a lower age than the age therein specified.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that the further reading of the bill be dispensed with.

The SPEAKER. The gentleman from Texas asks unanimous consent that the further reading of the bill be dispensed with. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 2, end of line 2, strike out period, insert comma, and add: *"Provided,* That boys 10 years of age and over may be employed outside of school hours in the distribution or sale of newspapers, subject to the provisions of sections 17 to 24 of this act."

Page 2, section 2, line 8, after the word "housework" add "or in the distribution or sale of newspapers."

Page 2, section 2, line 11, after the word "act" add "and except in newspaper stuffing subject to the provisions of section 17 of this act."

Page 2, section 2, line 16, strike out the word "six" and insert the word "seven" in lieu thereof.

Page 3, section 2, line 9, after the word "regulation" insert the following: "or during the prescribed hours."

Page 4, section 6, line 18, after the word "male" strike out the words "under 21 years of age" and insert the words "between the ages of 18 and 21" in lieu thereof.

Page 4, section 6, line 23, strike out the words "10 o'clock in the evening" and insert the words "12 o'clock midnight" in lieu thereof.

Page 6, section 9, line 17, strike out the word "excepting" and insert the word "except" in lieu thereof.

Page 11, section 12, line 11, strike out the word "my" and insert the word "by" in lieu thereof.

Page 14, section 17, beginning of line 18 insert: "No boy under 16 years of age shall be employed in the stuffing of newspapers, nor shall the work of any boy between the ages of 16 and 18 so employed exceed 40 hours in any one week, nor shall he be employed on more than one night in any one week."

Page 14, section 17, line 23, strike out the word "fourteen" and insert the word "twelve" in lieu thereof.

Page 15, section 17, line 4, after the word "that,' insert the words "the provisions of this bill shall not apply to."

Page 15, section 17, line 5, strike out the word "twelve" and insert the word "ten" in lieu thereof.

Page 15, section 17, line 5, after the word "over" insert the words "engaged in the."

Page 15, section 17, line 5, strike out the word "distribute" and insert the words "distribution of" in lieu thereof.

Page 15, section 17, line 7, strike out the words "subject to the provisions of this act."

Page 18, section 22, line 18, after the word "custodian" insert the words "and with his or her knowledge or counsel."

Page 23, after section 28, insert the following:

"SEC. 29. The Board of Education shall exercise general supervision and appellate jurisdiction over the agents and employees of said board engaged in the execution of this act."

Page 23, line 4, change the figures "29" to "30."

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

DEPOSITS OF MONEY AND PROPERTY IN BANKS

Mr. ZIHLMAN. Mr. Speaker, I call up House bill H. R. 6856, from the House Calendar.

The SPEAKER. The gentleman from Maryland calls up the bill H. R. 6856, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 6856) relating to the payment or delivery by banks or other persons or institutions in the District of Columbia of deposits of money and property held in the names of two or more persons, and for other purposes.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. TILSON. Mr. Speaker, I think the bill should be read at least once.

Mr. BLANTON. This bill comes with the approval of the committee and with the approval of every bank in the District. Yet I think it should be read at least once.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That when a deposit shall have been made or shall hereafter be made in, or any collection item shall have been placed or shall hereafter be placed with, any bank, trust company, savings bank, building association, or other banking institution, including national banks, transacting business in the District of Columbia, or when any shares of stock shall have been issued or shall hereafter be issued by any building association, transacting business in the District of Columbia, in the names of two or more persons, including husband and wife, payable to either, or payable to either or the survivor or survivors, such deposit, or in any part thereof, or any interest or dividend thereon, and such collection item or its proceeds, or any interest or dividend thereon, or such shares of stock issued by a building association or any interest or dividend thereon, may be paid or delivered to either of said persons whether the other or others be living or not; and the receipt or acquittance of the person to whom such payment or delivery is made shall be a valid, sufficient, and complete release and discharge of the bank, trust company, savings bank, building association, or other banking institution, including national banks, for any payment or delivery so made.

SEC. 2. That when a safety deposit box or vault shall have been hired or shall hereafter be hired from any bank, trust company, savings bank, building association, or other banking institution, including national banks, or any other corporation, transacting business in the District of Columbia, in the names of two or more persons, including husband and wife, with the right of access being given to either, or with access to either or the survivor or survivors of said persons, or property is held for safe-keeping by any such bank, trust company, savings bank, building association, or other corporation or banking institution, including national banks, for two or more persons, including husband and wife, with the right of delivery being given to either, or with the right of delivery to either or the survivor or survivors of said persons, any one or more of such persons, whether the other or others be living or not, shall have the right of access to such safety deposit box or vault and to remove the contents thereof, or any part of such contents, or to have delivered to him or them the property so held for safe-keeping, or any part thereof, and in case of such removal or delivery the said bank, trust company, savings bank, building association, or other corporation or banking institution, including national banks, shall be exempt from any liability for permitting such access or removal or for the delivery to such person or persons.

SEC. 3. Whenever a writ of attachment shall be served on any bank, trust company, savings bank, or other banking institution, including national banks, or on any other corporation, association, or person as garnishee, and such garnishee holds a credit or property for two or more persons, including the person whose credit or property is sought to be attached, or holds a credit or property for any person as agent or trustee or in any other representative capacity without designation of the principal or beneficiary, such credit or property shall not be subject to withdrawal by any person, but shall be held by the garnishee until the attachment shall have been dismissed or otherwise disposed of by the court. If the credit or property is condemned, payment or delivery thereof as ordered by the court shall be a complete discharge of the garnishee from all liability to any person in respect of said credit or property. The provisions of this section shall not be construed to apply to a credit or property of a partnership.

The SPEAKER. Without objection, the Clerk will correct the text on page 3, line 3.

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

DESCENT AND DISTRIBUTION OF PROPERTY

Mr. ZIHLMAN. Mr. Speaker, I call up the bill H. R. 49 on the House Calendar.

The SPEAKER. The gentleman from Maryland calls up the bill H. R. 49, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 49) to amend the Code of Law for the District of Columbia in relation to descent and distribution

Be it enacted, etc., That the Code of Law for the District of Columbia be, and the same is hereby, amended as follows:

When a person having right or title to any real or personal estate shall die intestate as to such estate it shall descend to his kindred, male and female, in the following order, viz:

1. To the surviving husband or wife so much thereof and under such conditions as now provided by law; then

2. To his children and their descendants; if none, then

3. To his father and his mother, if both are living, one moiety each; but if the father be dead, then the mother, if living, shall take the whole estate; if the mother be dead, then the whole estate shall pass to the father; if no father nor mother, then

4. To his brothers and sisters and their descendants; if none, then

5. One moiety of the estate shall pass to the paternal and the other to the maternal kindred, in the following order:

6. First, the grandfather and grandmother, equally, if both be living, but if one be dead, then the entire moiety shall go to the survivor; if no grandfather or grandmother, then

7. To the uncles and aunts and their descendants; if none, then

8. To the great-grandfathers and great-grandmothers, in the manner prescribed for grandfathers and grandmothers, in subsection 6; if none, then

9. To the brothers and sisters of the grandfathers and grandmothers, and their descendants, and so on in other cases without end, passing to the nearest lineal ancestors and their descendants as herein prescribed.

10. If there be no such kindred to one of the parents, the whole shall go to the kindred of the other; if there is neither paternal nor maternal kindred, the whole shall go to the husband or wife of the intestate; or, if the husband or wife be dead, to his or her kindred, as if he or she had survived the intestate and died entitled to the estate.

A. When any or all of a class first entitled to inherit are dead, leaving descendants, such descendants shall take per stirpes.

B. Collaterals of the half blood shall inherit only half as much as those of the whole blood, or as ascending kindred, when they take with either.

SEC. 2. All laws and parts of laws in conflict with the foregoing are hereby repealed.

With a committee amendment, as follows:

Page 3, after line 12, insert:

"C. Real estate; when to descend to parent giving it. When a person dies intestate and without issue, having real estate of inheritance, the gift of either of his parents, such parent, if living, shall inherit the whole of such estate.

"D. Real estate of infant dying without issue: If an infant dies without issue, having the title to real estate derived by gift, devise, or descent from one of his parents, the whole shall descend to that parent and his or her kindred as hereinbefore directed, if there is any; and if none, then in like manner to the oher parent and his or her kindred; but the kindred of one shall not be so excluded by the kindred of the other parent, if the latter is more remote than the grandfather, grandmother, uncles, and aunts of the intestate and their descendants."

The SPEAKER. The question is on agreeing to the committee amendments.

Mr. BLANTON. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Texas moves to strike out the last word.

Mr. BLANTON. I do not want this bill to pass without calling attention to the splendid work which our colleague, the gentleman from Kentucky [Mr. GILBERT], has done on this bill. He has prepared it and gone to a great deal of trouble to correct a matter that has for long years been going on in the District uncorrected. For instance, in the District, where a son died leaving an estate, and where his father had had nothing to do with him for years, and where the mother had been caring for him all the time, yet under the laws of the District, the father would inherit all the property and the mother none. This bill is to correct that matter. I think the gentleman from Kentucky, Judge GILBERT, deserves the commendation of all his colleagues and of everybody in the District of Columbia for correcting it. [Applause.]

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

FRATERNAL BENEFICIAL ASSOCIATIONS

Mr. ZIHLMAN. Mr. Speaker, I call up H. R. 10869, a bill amending section 764 of Subchapter XII, fraternal beneficial associations, of the Code of Law for the District of Columbia, which bill is on the House Calendar.

The SPEAKER. The gentleman from Maryland calls up a bill, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 764 of Subchapter XII, fraternal beneficial associations, of the Code of Law for the District of Columbia, be amended to read:

"SEC. 764. This law not to apply to associations for profit: Nothing in this subchapter shall be construed to apply to any corporation, society, order, or association carrying on the business of life, health, casualty, or accident insurance for profit or gain, and it shall only apply to fraternal beneficial associations as defined by section 749, and nothing in this subchapter contained shall be construed to affect any grand or subordinate lodge or branch of any such fraternal beneficial societies, orders, or associations which limits its certificate holders to a particular religious denomination or to the employees of a particular town or city, designated firm, business house, or corporation, or department or branch of the United States Government, nor the grand or subordinate lodges of the Independent Order of Odd Fellows, nor any grand or subordinate lodge, or other body of Free and Accepted Masons, nor the grand or any subordinate lodge of the Knights of Pythias, nor the National Council or any subordinate council of the Junior Order United American Mechanics, nor the national council or any subordinate council of the Daughters of America, or similar orders, associations, or societies that do not have as their principal object the issuance of benefit certificates of membership in case of death or the payment of sick, funeral, or death benefits exceeding in amount $100."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

CODE OF INSURANCE LAW FOR THE DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I call up H. R. 10147, a bill to provide a complete code of insurance law for the District of Columbia (excepting marine insurance as now provided for by the act of March 4, 1922, and fraternal and benevolent insurance associations or orders as provided for by the act of March 3, 1901), and for other purposes, and I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Maryland calls up H. R. 10147, and asks unanimous consent that it may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill with committee amendments.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ZIHLMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

POLICE AND FIRE DEPARTMENTS, DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I call up H. R. 9346, a bill to fix the salaries of officers and members of the Metropolitan police force and the fire department of the District of Columbia, and I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Maryland calls up H. R. 9346 and asks unanimous consent that the bill, being on the Union Calendar, may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the annual basic salaries of the officers and members of the Metropolitan police force shall be as follows: Major and superintendent, $6,250; assistant superintendents, $4,500 each; inspectors $4,000 each; captains, $3,500 each; lieutenants, $3,000 each; sergeants, $2,700 each; privates, class 1, $2,100 each; privates, class 2, $2,200 each; privates, class 3, $2,400 each.

SEC. 2. That the annual basic salaries of the officers and members of the fire department of the District of Columbia shall be as follows: Chief engineer, $6,250; deputy chief engineers, $4,500 each; battalion chief engineers, $4,000 each; fire marshal, $4,000; deputy fire marshal, $3,000; inspectors, $2,460 each; captains, $3,000 each; lieutenants, $2,840 each; sergeants, $2,600 each; superintendent of machinery, $4,000; assistant superintendent of machinery, $3,000; pilots, $2,600 each; marine engineers, $2,600 each; assistant marine engineers, $2,460 each; marine firemen, $2,100 each; private of class 3, $2,400 each; privates of class 2, $2,200 each; privates of class 1, $2,100 each.

SEC. 3. That the salaries herein provided for shall be payable on and after July 1, 1928.

With the following committee amendments:

Page 1, line 5, strike out "$6,250" and insert "$5,700."
Page 1, line 6, strike out "$4,500" and insert "$3,950."
Page 1, line 6, strike out "$4,000" and insert "$3,650."
Page 1, line 7, strike out "$3,500" and insert "$3,350."
Page 1, line 7, strike out "$3,000" and insert "$3,050."
Page 1, line 8, strike out "$2,700" and insert "$2,750."
Page 2, line 5, strike out "$6,250" and insert "$5,700."
Page 2, line 6, strike out "$4,500" and insert "$3,950."
Page 2, line 7, strike out "$4,000" and insert "$3,650."
Page 2, line 7, at the end of the line, strike out "$4,000" and insert "$3,650."
Page 2, line 8, strike out "$3,000" and insert "$2,850."
Page 2, line 9, strike out "$2,460" and insert "$2,460."
Page 2, line 9, strike out "$3,000" and insert "$2,850."
Page 2, line 10, strike out "$2,840" and insert "$2,650."
Page 2, line 10, strike out "$2,600" and insert "$2,500."
Page 2, line 11, strike out "$4,000" and insert "$3,650."
Page 2, line 12, strike out "$3,000" and insert "$2,850."
Page 2, line 12, strike out "$2,600" and insert "$2,550."
Page 2, line 13, strike out "$2,600" and insert "$2,550."
Page 2, line 14, strike out "$2,460" and insert "$2,450."

Mr. MADDEN. Mr. Speaker, is this the police and firemen's bill?

The SPEAKER. It is.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to speak for 10 minutes on this bill.

Mr. TILSON. Does the gentleman wish more than 10 minutes?

Mr. MADDEN. I might want more than that.

Mr. TILSON. Mr. Speaker, owing to the circumstances under which this bill is called up I ask unanimous consent that the gentleman from Illinois have 15 minutes, if he desires that much time.

Mr. MADDEN. I may not want that much time.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that the gentleman from Illinois may proceed for 15 minutes. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Speaker, there is a tremendous amount of expense being added to the tax-paying public in the District of Columbia through the passage of this bill. It amounts to $800,000 a year over and above what it costs to-day.

It was understood that because I did not have the time to make a proper study of this bill it would not be called up to-day.

Mr. BLANTON. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BLANTON. If the gentleman from Maryland [Mr. ZIHLMAN] does not want this bill slaughtered he had better not proceed with it. With both the gentleman from Illinois [Mr. MADDEN] and the floor leader against it, I know that we can not pass it to-day. I am sure he wants to always, as we say, tote fair with the chairman of the Appropriations Committee, and if the gentleman from Maryland would rescind his action in calling it up and ask unanimous consent to withdraw this bill, we may get obstacles out of its way and pass it next time. Would that satisfy the gentleman from Illinois?

Mr. MADDEN. That will suit me.

Mr. BLANTON. I hope the gentleman from Maryland will make that request, because he could not afford to have a fight made on this bill at this time and have it killed.

Mr. ZIHLMAN. I may say to the gentleman from Texas that I did say to the chairman of the Committee on Appropriations that we would probably not reach this bill on account of the insurance bill, which is quite voluminous.

Mr. MADDEN. The gentleman did more than that; he said he would not call it up and that it would not be taken up for consideration until I had an opportunity to go over the figures and see what it meant to the tax-paying public of the District.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to withdraw the bill from consideration.

Mr. TILSON. I am glad the gentleman has made this request.

Mr. MADDEN. I am much obliged to the gentleman. That is all I want.

The SPEAKER. The gentleman from Maryland asks unanimous consent that the bill which has just been reported be withdrawn. Is there objection?

There was no objection.

THE OLD FORD THEATER

Mr. ZIHLMAN. Mr. Speaker, this concludes the District legislation on the calendar with the exception of a bill (H. R. 7206) sponsored by the gentleman from Illinois [Mr. RATHBONE], who is not in the city.

Mr. BLANTON. Let us call that bill up and pass it. It is a meritorious bill.

Mr. TILSON. What is the bill?

Mr. BLANTON. It is a bill which the committee has reported out unanimously.

Mr. UNDERHILL. Not unanimously.

Mr. BLANTON. Possibly without the vote of the gentleman from Massachusetts; otherwise unanimous. It is a bill to designate this old Ford Theater Building down here as a Lincoln memorial. I think it ought to be preserved, and I think it ought to be used for that purpose. I think it is a good bill. I do not see how in the world any good Republican, especially, could object to it.

Mr. UNDERHILL. Mr. Speaker, I am perfectly willing to offer my objections to the bill now or wait until the sponsor of the bill is present.

Mr. BLANTON. There are enough good Republicans and enough good Democrats here to take care of the bill, even though the gentleman from Illinois is not present.

Mr. TILSON. Mr. Speaker, I do not deem this to be a political question, and, certainly, not a party question in any sense of the word. It seems to me, since the gentleman from Illinois is not here, it might not be fair to him to call up a bill of this importance, and I do not believe it would be fair to the rest of the Members of the House to bring it up now.

Mr. ZIHLMAN. My recollection is the gentleman from Illinois [Mr. RATHBONE] stated he wanted to make a speech on the bill at the time of its consideration.

Mr. BLANTON. The gentleman would lots rather for us to take it up and thresh it out now than to have it die on the calendar, which it is going to do if the gentleman passes it over. The gentleman knows the condition of the calendar now and the condition of the Congress. The gentleman knows that most of the Members here have politics in their upper story now and are going to want to get away from here as soon as possible.

Mr. TILSON. Sometimes it is as important to make a political speech as it is to get a bill passed. [Laughter.] Mr. Speaker, if there is nothing further I shall move that the House adjourn.

Mr. BLANTON. Oh, let us thrash this out now. I will state to the gentleman from Maryland [Mr. ZIHLMAN], now is as good a time to pass on this matter as any other time. It is just 3.27 o'clock, and why not utilize the rest of this day on District business when we have business on the calendar. I hope the gentleman will call up this bill.

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

Mr. BLANTON. Let us call up the bill first.

Mr. UNDERHILL. Very well.

Mr. ZIHLMAN. I will call up the bill. I have no objection to doing that.

Mr. TILSON. Mr. Speaker, I do not think this bill ought to be called up under these circumstances. We have given up this day for the consideration of bills concerning the District of Columbia because this House wishes to deal fairly with the District of Columbia. We think that we have done so, but it does not seem to me that this bill ought to be called up in the absence of the gentleman from Illinois, who has perhaps made more of a study of this question than any other man in the House.

Mr. BLANTON. If the gentleman wants to ruin the gentleman from Illinois politically for not being here he will do so by not calling up the bill.

Mr. TILSON. Oh, no; there will be other opportunities.

Mr. LOZIER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. LOZIER. To suggest that I think it would be very unfortunate if this bill is called up in the absence of its author, the gentleman from Illinois [Mr. RATHBONE]. I do not believe the House ought to take the responsibility of calling up this bill and take the responsibility of what might result from a vote on it in the absence of the author of the bill. I hope the gentleman will not call this measure up for consideration this afternoon.

Mr. GARRETT of Tennessee. Mr. Speaker, I understand there are several gentlemen who have bridge bills that they would like to bring up. I do not know how the Chair would feel about taking them up now.

The SPEAKER. The Chair, in the first instance, would recognize the gentleman from Mississippi [Mr. COLLIER].

EXTENSION OF REMARKS

Mr. ZIHLMAN. Mr. Speaker, may I present a unanimous-consent request?

The SPEAKER. The Chair recognizes the gentleman from Maryland.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent that members of the committee be given five days in which to file extensions of remarks on the bills that were considered to-day.

Mr. BLANTON. Mr. Speaker, if the gentleman will make it two legislative days, I shall not object.

Mr. ZIHLMAN. I so modify my request.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

LOCATION OF THE FARMERS' MARKET

Mr. LAMPERT. Mr. Speaker and Members of the House, being unable to subscribe to the majority report of the subcommittee, which has held extended hearings upon the relocation of the farmers' market and recommended the southwest site, we hereby submit a minority report recommending the selection of square 669 in the Eckington area. We consider the southwest site highly undesirable for the following reasons:

First. The area presented to the committee for consideration is entirely too small. According to the evidence submitted, it will not provide for the number of farmers now patronizing the market on any plan that permits adequate facilities. Testi-

mony, supported by plans adapted to the southwest site, showed that only 304 of the more than 500 farmers could be accommodated with any reasonable allowance of space for market stalls, unloading, display, and reloading of produce and the general vehicular traffic incident to the conduct of the market. Moreover, the plans adapted to this site represent the minimum requirements as indicated by those in charge of the present market and as are borne out by experience in similar markets in other cities. It is clear, therefore, that the southwest site does not provide for any further growth, and the congestion that would follow its use will seriously add to the cost of handling produce in the market, which, in turn, will be borne by the ultimate consumer, not to mention the great inconvenience to both buyer and seller.

Second. The southwest site is undesirable by virtue of its relation to the geographical and population centers of Washington City. It is essential, as we see it, for the farmers' market to be located in close proximity to the geographical center and in a convenient section of the city. A farmers' market is a service institution. It is for use every day in the year and must be located not only where it can be used but used conveniently. We are opposed to the location of the farmers' market in the southwest on account of its inaccessibility, being located on the extreme edge of the city and District of Columbia, and mile and a half by air line from the center of population, and can only be approached from three sides. It is acknowledged that the southwest is not a residential section; that its present population is small; and its limitations prohibit development along these lines.

Third. The southwest site is inaccessible to the great majority of producers who supply fresh produce to the people of Washington. This was clearly indicated by the farmers who testified before the committee and by the evidence submitted. It should be emphasized in this connection that the farmers, as a whole, are unalterably opposed to the southwest site because of its inaccessibility. It is very questionable in our opinion whether the farmers will patronize a market located in this section of the city. It is equally inaccessible to those who buy on the farmers' market. Testimony has shown that a great majority of the grocery stores and hotels which patronize the market, to say nothing of boarding houses, restaurants, etc., are located in the northeast and northwest sections of the city.

Fourth. I am opposed to the southwest site because of traffic conditions surrounding the area. It is deemed impracticable and undesirable to compel a vehicular traffic, totaling 60,000 loads per year, to pass through the densest traffic area of the city, only to be unloaded at an inaccessible point and then redistributed in smaller volume by many more vehicles through the same congested area in order to reach the consuming sections of the city.

I believe the suggestion of by-passing this traffic away from the congested area to be visionary and impracticable. This not only applies to the farmers coming to the market, but to a still greater degree to the traffic involved in the delivery of food to consuming centers.

Fifth. The location of the farmers' market on the southwest site is not in accord with the plans and recommendations of the National Capital Park and Planning Commission as submitted in testimony before the committee. Further, the location of the market upon this site will place it in close proximity to a large number of Government buildings now in use and to additional buildings being erected. Obviously, placing the farmers' market in this area will not promote the program of Congress for the beautification of the Mall. It must be remembered that the development of the Mall will in itself develop peculiar traffic conditions. It is possible, and very probable, as is now the case in other parked areas of the city, that heavy traffic will be debarred from this region or greatly restricted. Further, the erection of additional Government buildings in the Mall will greatly complicate the traffic and parking conditions by virtue of the additional number of Government employees concentrated in this area.

Sixth. I believe that the only possible advantage of the southwest site—namely, water transportation—is a negligible factor in the movement of food products to the city. There has been abundant testimony before the committee to prove this assertion. Furthermore, the farmers' market is in no way influenced by water facilities or the lack of them. Water transportation of fresh produce is steadily losing ground in all sections of the Chesapeake Bay and the rivers flowing into it.

Seventh. The southwest site offers no advantages in railroad facilities that are not to be found in the Eckington area.

I therefore feel that in view of the above reasons the southwest site for a farmers' market is unsuitable and undesirable as being too small in area, too distant from the geographical center of the city, too far removed from the center of population, too inaccessible to the producers and consumers, too difficult of access except through the densest traffic areas of the city, and not in accord with the plans and recommendations of the National Capital Park and Planning Commission.

A careful analysis of all the testimony submitted in behalf of the sites proposed for the relocation of the farmers' market leads me to the belief that square 669, in the Eckington area, offers the best site not only for the immediate relocation of the farmers' market but for the development of an ultimate market area suited to the growing needs of Washington, and providing facilities for the wholesale and retail dealers, commission men, and the allied business interests. Square 669 is bounded by North Capitol Street, First Street, Florida Avenue, O and P Streets NE.

The following reasons for this opinion were established by the testimony submitted to the committee:

First. Square 669 contains an area of approximately 6 acres, nearly twice the size of the southwest site. The committee has in its possession, as a part of the record, a plan showing how a farmers' market can be adapted to this area to accommodate at least 521 farmers, with ample provision for stall space, display room, and facilities for transfer of produce, and space for vehicular traffic and parking. The area involved in this square, and in those immediately adjacent thereto, is sufficiently large to permit of the erection of buildings and the installation of equipment which will adequately provide facilities for the truckers and farmers in the immediate vicinity of Washington for many years to come.

Second. The Eckington site, square 669, is located close to the center of population and close to the geographical center of the city of Washington. The site is so situated as to be easily reached by a large and growing population, and the natural development of Washington is toward the northeast and northwest. Testimony submitted by expert engineers emphasized the fact that a farmers' market should be placed in a section where there is a large consuming population. Evidence before the committee has shown that 80 per cent of the retail grocery stores, 97 per cent of the hotels, and a large percentage of the boarding houses, restaurants, and other large buyers on the farmers' market are located in the northeast and northwest sections of the city. Further evidence presented showed that one of the largest chain-store systems purchased 50 per cent of its fresh farm produce on the farmers' market, and that a vast majority of its stores are located in the northeast and northwest.

Third. The Eckington site, square 669, is accessible to the great majority of farmers and truckers regardless of the territory from which they come. Evidence presented showed that the total acreage devoted to fruits and vegetables by farmers who sell on the farmers' market is 14,227. The acreage under production by Maryland farmers totals 11,572, by Virginia farmers, 1,835, and by the District of Columbia farmers, 820 acres. The Maryland farmers who bring produce to the farmers' market are principally from Prince Georges and Montgomery Counties. A knowledge of the topography of the District and the two counties, Prince Georges and Montgomery, which grow 75 per cent or more of the produce brought to the farmers' market, shows that the routes used by these farmers enter the city from the northeast and northwest.

The same routes which make this location easily accessible to the farmers and truckers will provide easy access to the market for wholesale buyers and for such consumers as may travel by automobile. Those who make use of the street cars will be able to reach this market site easily from any part of the city over the three lines now operating on New York Avenue, Florida Avenue, and North Capitol Street. From the buyer's standpoint square 669 is the best location that can be found.

Fourth. This location is away from the downtown office and business section, close enough to well-traveled and broad thoroughfares to promote business, and yet sufficiently far from the heavily congested traffic area to prevent traffic complications. Ample parking space is available in this vicinity and the many different streets radiating to all sections of the city make it an ideal distribution point. It is at the junction of two of the city's broad thoroughfares—New York and Florida Avenues—and is served by another important highway—North Capitol Street. An easy flow of traffic in all directions is thus assured.

Fifth. I believe that a farmers' market site should be adjacent to railroad facilities principally on account of its relation to the wholesale produce and commission houses. I am of the opinion that the railroad facilities in the Eckington area are equal to or superior to those in the southwest area. Figures from the United States Department of Agriculture for 1926 show that the entire movement of fruits and vegetables into

Washington amounted to 7,100 cars. Of these, 6,993 cars were from known points of origin. The receipts by boats amounted to the equivalent of 577 cars, or about 8 per cent of the total. Of the 6,993 cars, about 33 per cent originated in States from which the shipment would necessarily pass through the Potomac Yards. About 12 per cent originated in the States where the shipment need not necessarily be through the Potomac Yards. The grand total is 45 per cent of all possible movements through the Potomac Yards. About 34 per cent of the total movement into Washington was from Western States and 21 per cent from Eastern States, or a grand total of 55 per cent, the greater portion of which would come over the Baltimore & Ohio Railroad, as its main lines run into Washington and tap the great industrial centers of St. Louis and Chicago, which are the great converging points for freight consigned to Washington. In 1926 the Baltimore & Ohio handled at its Eckington Yard, or for sidetrack delivery in that section, 34 per cent of this total rail movement. It is not without its significance that an increasing number of large industrial and supply companies which are absolutely dependent upon quick and ample railroad facilities for their shipments have located in northeast Washington, in the vicinity of square 669, and have established warehouses, some with track-side facilities. It should be pointed out, in this connection, that freight rates to Washington are the same regardless of whether shipments are consigned to the Eckington Yards or the Potomac Yards, and that it is just as easy and logical to transfer consignments from the Potomac to the Eckington Yards as it is to transfer them from the Eckington to the Potomac Yards.

Sixth. It is recognized by all parties that the success of a farmers' market is largely dependent upon its relation and proximity to the wholesale commission business. In fact, in the District Commissioners' report to Congress, it is asserted that the farmers' market should not be removed until it is learned where the great wholesale produce and commission business houses are going to locate. Evidence before this committee showed that 85 per cent of the wholesale commission merchants desire and intend to locate in the Eckington area. If this is a determining factor in the relocation of the farmers' market, then the great majority of the commission men prefer the Eckington area for their business.

Seventh. We believe that the recommendation of the National Capital Park and Planning Commission deserves primary consideration. After making a careful study of the principal sites involved, the National Capital Park and Planning Commission, assisted by representatives from the United States Department of Agriculture and the Bureau of Markets in the District, and the foremost landscape architects and consulting engineers in this country, recommended the site next to the Eckington yards as their preference.

Eighth. No one considering the problem of relocating the farmers' market can ignore the united plea of the responsible producers, who are the regular space holders on the farmers' market, and who are producing the great bulk of fresh produce sold on this market. Their plea before this committee was in behalf of square 669, in the Eckington area. Moreover, the preponderance of evidence submitted to this committee by the consumers of Washington was for a location of this market north of Pennsylvania Avenue.

The greatest problem involved in the selection of a farmers' market site is convenience of traffic to and from it, especially for automobiles, for practically every pound of farmers' products must be unloaded onto automobiles from railroad cars, even though adjacent to the market site. The short haul to the market site must not be overlooked, as it is of vital importance. As I say, traffic is the greatest problem; square 669 has all the advantage as to this, in that practically all traffic lines converge at or near this site and without an unusual tendency to congestion. From all parts of the District it is a natural site. From Georgetown sections through New York and Rhode Island Avenues; from Chevy Chase region through Connecticut or Wisconsin Avenues and cross streets N, O, P, or Q; from adjacent Maryland, northeast through Georgia Avenue and Rhode Island Avenue; from Bennings region over Florida Avenue; from Marlboro region over Pennsylvania Avenue SE., Eleventh Street, and Florida Avenue; from Anacostia section over Eleventh Street SW. and Florida Avenue. The lengths of these lines of traffic as related to a trade center for the farmers are all less than to the site recommended by the committee.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Craven, its principal Clerk, announced that the Senate agrees to the report of the committee of conference, on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9481) entitled "An act making appropriations for the Executive Office, and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1929, and for other purposes."

VICKSBURG BRIDGE & TERMINAL CO.

Mr. COLLIER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 11197) to authorize the Secretary of War, to grant rights of way to the Vicksburg Bridge & Terminal Co., upon, over, and across the Vicksburg National Military Park at Vicksburg, Warren County, Miss. This bill has a favorable report from the War Department.

The Clerk read the title of the bill.

The SPEAKER. The Chair understands the gentleman from Mississippi is prepared to say to the House that this is a matter of emergency and that work on the bridge can not be proceeded with unless the bill is passed.

Mr. COLLIER. I will say, Mr. Speaker, that I would hardly go that far; an emergency does exist, and it is a matter of the gravest inconvenience to the people building the bridge, because advances will not be made until the bill is passed. The men are at work there, but I would not go so far as to say that the builders could not get the money from some other source, but it puts them to great inconvenience and may result in serious consequences. The bill has a unanimous report from the Committee on Military Affairs, and we have the approval of the Secretary of War. In fact, the bill was drawn in the Judge Advocate General's office, and the land that is to be used for the bridge is to be selected by and under the direction of the Secretary of War and with his approval.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

A bill (H. R. 11197) to authorize the Secretary of War to grant rights of way to the Vicksburg Bridge & Terminal Co. upon, over, and across the Vicksburg National Military Park at Vicksburg, Warren County, Miss.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and empowered to grant to the Vicksburg Bridge & Terminal Co., a corporation organized and existing under the laws of the State of Delaware, its successors and assigns, rights of way, in such location and under such conditions and regulations as are deemed advisable by the Secretary of War, for the construction, maintenance, and operation of railroad, telegraph, telephone, street car, water, gas, oil, and electric light and power lines, and a highway for vehicular traffic upon, over, and across the Vicksburg National Military Park in the county of Warren, State of Mississippi: *Provided,* That such construction, maintenance, and operation shall not interfere with the use of said military park for the purpose for which established: *And provided further,* That any and all work that may be required by the Secretary of War to be performed by the Vicksburg Bridge & Terminal Co., its successors and assigns, shall be without expense to the United States.

SEC. 2. That any other person, firm, corporation, copartnership, or association organized or existing under the laws of any State or Territory of the United States, or the trustees, lessees, or receivers thereof, having a franchise for the operation of railroad, telegraph, telephone, street car, water, gas, oil, and electric light and power line or lines may, upon obtaining a license from the Secretary of War, use the facilities mentioned, or any of them upon payment to the Vicksburg Bridge & Terminal Co. of just compensation for such use; and if the parties concerned can not agree upon the amount of such compensation, the sum or sums to be paid for the said use shall be fixed by the Secretary of War.

SEC. 3. That no part of such rights of way as may be granted by the Secretary of War under the provisions of this act for the purposes aforesaid shall be used for any other purpose or purposes, and if any part thereof shall be so used, or shall cease to be used for the purposes for which granted, such part shall revert to the United States.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion by Mr. COLLIER to reconsider was laid on the table.

ADDRESS BY HON. WILLIAM TYLER PAGE

Mr. SPROUL of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address by Hon. William Tyler Page on the acts of Congress.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SPROUL of Illinois. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following radio address of Hon. William Tyler Page, on February 21, 1928, from WRC, Washington, D. C., conducted by Mr. Charles G. Ross, Washington correspondent of the St. Louis Post-Dispatch, under the auspices of the National League of Women Voters:

THE MACHINERY OF LEGISLATION

Mr. PAGE. The Constitution created a legislative body which is called the Congress. This body consists of two parts, a Senate with 96 Members, two from each State, and a House of Representatives with 435 Members, elected in districts in which the population is as nearly equal as possible. The present basis on the 1910 census is 211,877 for each congressional district. Members of the House are spoken of as Congressmen. This may be correct, but it is unofficial and misleading. Members of the Senate are just as much "Congressmen" as are those of the House, but they are Senators and are never called "Congressmen." The use of the term "Congressman" as applied to Members of the House has led many good people into the mistake of thinking that the House is Congress and the Senate something else and apart from Congress. Frequently strangers ask "Where does Congress meet" when they mean "Where does the House meet," and when asked whether they mean the Senate or the House the reply is, "We don't mean the Senate, we mean Congress." This all comes about through the application of the term "Congressman" to Members of the House alone. The correct designation of a House member is "Representative." Congress itself is often spoken of as the "two Houses."

There are two kinds of legislative machinery just as there are two coordinate branches of Congress. One kind is official and the other is party, or political. The former could hardly function without the latter. This was not always so. At one time it was a matter of catch-as-catch-can; but now Congress is better organized for business than ever before in its history. The Senate reels off a lot of work when it buckles down to business. The House works with celerity and precision. The great appropriation bills are considered and passed according to schedule, and every class of business is given a chance for consideration. The official machinery is set up by the rules; the political machinery is the creation of party.

The Vice President is the Senate's presiding officer. To enrolled bills he signs as "Vice President of the United States and President of the Senate." He is elected by the people in the same manner as is the President, that is, by the electoral votes of the States. He can vote in the Senate only in case of a tie. The Senate itself elects a President pro tempore, who presides in the absence of the Vice President, and when the former is not present a Senator is designated whose title is Presiding Officer. The Vice President may be of a different political faith than that of a majority of the Senate, which latter selects the President pro tempore.

The Senate's officers—Secretary and Sergeant at Arms and Doorkeeper and Chaplain—are elected by its political majority, and their subordinate employees are appointed as senatorial patronage, dispensed through a majority-party committee; but minority Senators are accorded some recognition, and certain employees are carried on an efficiency roll.

Membership on Senate committees is determined by party conference and selections ratified by the Senate. The seniority rule is generally observed. A political majority of a committee is in ratio to that of the Senate itself.

Party policy in the Senate is sought—not always determined—in conference, never in binding caucus. Conferences select the majority and minority floor leaders, respectively.

These functionaries are parliamentary and political mouthpieces and are usually accorded prior recognition by the Chair. The majority leader is a member of the steering committee (whose function is to formulate a legislative program more or less in conjunction with a like committee of the House), and he, together with the floor leader of the House, confers with the President—assuming their political faith to be the same.

The Senate whips—majority and minority—are also selected in party conference. They represent their respective parties in appraising party strength on a given question, finding the weak spots, rounding up absentees, and in arranging and announcing pairs.

The Constitution provides that the House of Representatives shall choose its speaker and other officers. The House always has chosen a Speaker from its own Membership. The House, unlike the Senate, must reorganize every two years. The Senate being a continuous body, is not subject to reorganization biennially unless its political complexion should change when one-third of its membership undergoes election.

Prior to the first meeting of a new House the political majority in caucus, designates its nominee for Speaker, and its nominees for other offices—Clerk, Sergeant at Arms, Doorkeeper, Postmaster, and Chaplain; selects a committee on committees composed of one Member from each State having party representation in the House and elects a chairman and secretary of the party caucus.

The person thus selected for Speaker is placed in nomination in the House by the chairman of the caucus, a minority nomination is likewise made, and the vote is viva voce, recorded by tellers. Until a Speaker is elected the Clerk of the preceding House presides. A Speaker pro tempore may be appointed by the Speaker or elected by the House, according to the period of the Speaker's absence. The other officers of the House are elected by resolution. Their subordinate employees, excepting those on a soldier's roll and such as may be exempt, are selected by a patronage committee. There are many other functionaries, each a cog in the congressional machinery, the most important of which is the Speaker. Although divested of powers once possessed and now diffused, that great office is second in importance in our system only to that of the Chief Executive.

The committee on committees selects the majority members on committees, usually following the seniority custom. These selections, as well as those of the minority, must be ratified by the party caucus and elected by the House. This committee also nominates the personnel of the steering committee and of the patronage committee and selects the majority floor leader and the whip, subject to the approval of the caucus.

This constitutes the machinery of the political majority of the House.

The political minority has its own method of organizing. As now constituted it acts chiefly by caucus decree. The caucus selects its membership on the Ways and Means Committee, and this in turn nominates minority representation on committees. The caucus also elects a minority floor leader, usually the minority candidate for Speaker. Its patronage consists of "minority employees" to the number authorized by law who are selected in caucus.

The majority steering committee consists of nine members, with the floor leader chairman ex officio, and the Speaker, by courtesy.

The floor leader is not a member of any House committee, his position requiring him to be in touch with the work of all committees, through their chairmen. He is the majority spokesman in a parliamentary and political sense. But the conduct of particular business is generally controlled by the chairman of the committee reporting it.

The patronage committee consists of three members of the majority party.

The number of members to be appointed on committees of the House is determined by its rules, but the majority party conference fixes the ratio of party representation according, as near as may be, to the relative party representation in the House. The larger and more important committees are divided into subcommittees, the political ratio still being observed, such committees being necessary for expeditious action. Thus the Appropriations Committee of 35 members is divided into 10 subcommittees, each formulating an appropriation bill.

The chairman of a committee, unless he assigns that duty to another member of the majority, usually has charge in the House of a measure reported from his committee; and the ranking minority member of the committee controls the debate for and represents his side.

The "ranking member" either was chairman when his party controlled the House or is in line for promotion when party control changes.

A distinction between a "majority" and a "political majority" should be made. The latter organizes, formulates, and customarily dominates the House, but the former, disregarding party lines, not infrequently controls a given situation. This also is sometimes the case in committees.

The Committee on Rules is an important part of the House political organization. It is given high privilege under the rules and can bring in special rules. Hence it is that the steering committee's program or policy must often be translated into action by one of these special rules.

Committees are the workshops of Congress. In the Senate are 34 and in the House 45 standing committees. They are tributary mills that turn out the grist for the finishing touches of the main legislative body. Hearings before committees cover a wide variety of subjects. They are a safety valve. They offer the opportunity to blow off a lot of steam harmlessly. Hearings before any given committee furnish a complete library on the subject of that committee's jurisdiction. In one session, following the World War, the total number of printed pages of hearings reached the fabulous figure of over 12,000,000,000. Ornamental committees have been abolished, and now all committees function. There are a few special and one joint committee.

A legislative proposition of the superior class is called a "bill." When a bill is approved by the President it becomes an "act." The term "bill" is derived from English parliamentary terminology (with apologies to Mayor Thompson), and is very old. A bill of the same import may be pending at the same time in each House, but both Houses must pass an identical bill before it can become a law. When we speak of laws passed by Congress we really mean enactments, because the bulk of congressional legislation is administrative and temporary in character and not laws for the regulation of conduct. The great appropriation bills in the main carry no permanent legislation. They must be passed each and every year, and the great majority of so-called laws are of mere private and not public interest. On the fingers of two hands may be counted the number of actual laws.

A "joint resolution" differs in no essential respect from a bill. It must go through the same legislative processes. A joint resolution, however, proposing an amendment to the Constitution does not require

presidential approval. Practically, therefore, the only difference between a joint resolution and a bill is in the name. Resolutions are local to each House and concurrent resolutions express fact, principles, opinions, and purposes of the two Houses, but may not contain legislation. In the last Congress a grand total of 24,729 propositions were submitted in Congress. The total enactments were 1,423, including omnibus pension bills containing 5,533 House and Senate bills lumped together. It is easy to introduce bills. In the House they are dropped into a hopper. In the Senate they are formally presented. But it's a far cry to final enactment.

The negative work of Congress is not appreciated. It requires as much or more time and labor and more courage to kill a bad bill than it does to pass a good one.

The first thing Thomas Jefferson did when elected Vice President was to formulate a code of rules for the Senate. Rules are indispensible for the orderly transaction of business. Upon their interpretation has grown up a vast body of parliamentary practice without which a legislative body representing 125,000,000 people would be as a ship without a rudder. And in a body like Congress, where so many and diversified interests clash, rules and practice are inseparably linked with the destiny of every measure.

Congress is a great big institution. Its housekeeping alone is an all-year-round job. Its work is not confined to the daily and annual sessions. The wheels are in constant motion more or less in preparation for and in the aftermath of a session. The cost of Congress is negligible comparatively. An extra session makes little or no difference. Of the total cost of running the entire Government the share of Congress is less than one-half of 1 per cent, and this includes the Library of Congress, the Government Printing Office, the Botanic Gardens, the Senate and House Office Buildings, and the Capitol power plant, salaries, upkeep, and everything.

There is an old saying that "more water runs through the mill than wots the miller of"; and this is true of the mill we call Congress. I daresay the average busy person knows little and care less about Congress, except to get a wrong impression of what it really is and of what it does. From the gallery, the idea is conveyed to the uninformed that it is a do-nothing body and given to "much heap" talk. It does talk a lot, but it works harder than it talks. The real work is done behind the scenes, not behind closed doors, but out of view of most people. Congress is not only a hard working but a much worked body. Propagandists add to its troubles. Members work on an average of 10 to 14 hours a day, and even their social hours are not free from official cares and intrusion. Congress always has been and probably always will be the butt of coarse jokes and quips. It has no comeback. A teacher asked a class of youngsters, "Of what is Congress composed?" The answer came back from a little urchin: "Civilized, half civilized, and savage." This is a fairly good illustration of what a lot of grown folks think who believe, and seem to want to believe, the mean and unjust things said of their own representatives. Congress, no matter what it does or fails to do, will never escape criticism or receive due meed of commendation. And still the fact remains that Congress is a fundamental creation of the Constitution. It is a free people's institution. It is no better nor worse than the people choose to make it. It represents the sovereignty of the American people. Its deeds are the people's deeds. The people make and unmake it. Therefore, it does not lie in the mouths of Americans unduly to criticise it, for it is not a thing apart from themselves. It is the system whereby government by the people finds expression—the representative system.

The present personnel compares favorably with that of any Congress in my experience, and I daresay with any Congress in history, as to ability, and is superior to many in points of industry and personal integrity.

BRIDGE BILLS

Mr. GARRETT of Tennessee. Mr. Speaker, a few minutes ago I suggested the possibility of considering some of the bridge bills. That probably would not be in accordance with the policy of the Chair.

The SPEAKER. If the Chair is assured that time is the real essence of the matter and that a real emergency exists, he would recognize the gentleman to call up a bridge bill, but otherwise he would prefer not to.

BRIDGE ACROSS THE MISSISSIPPI AT NEW ORLEANS

Mr. SPEARING. Mr. Speaker, I ask unanimous consent to take up the bill (H. R. 10298) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near New Orleans. I want to say that the time for commencing the bridge expires on March 30 next, and it is necessary for the bill to pass the House and go to the Senate.

The SPEAKER. The Chair under the circumstances will recognize the gentleman. The Clerk will report the bill.

The Clerk read the bill, as follows:

A bill (H. R. 10298) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near New Orleans

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Mississippi River, at or near New Orleans, authorized to be built by George A. Hero and Allen S. Hackett, their successors and assigns, by the act of Congress approved March 2, 1927, are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Line 4, before the word "bridge" strike out the word "the" and insert the letter "a."

Line 5, after the word "Orleans," insert the word "Louisiana."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

Amend the title so as to read: "A bill to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near New Orleans, La."

A motion by Mr. SPEARING to reconsider was laid on the table.

COL. CHARLES A. LINDBERGH

Mr. FROTHINGHAM. Mr. Speaker, I ask unanimous consent to consider the bill (H. R. 10715) to authorize Col. Charles A. Lindbergh, United States Army Air Corps Reserve, to accept decorations and gifts from foreign governments. He was a reserve officer and technically was debarred from so doing.

Mr. BLANTON. I shall not object to anything being done for Colonel Lindbergh, but I shall object to other matters being called up.

Mr. GARNER of Texas. Has this bill been reported from the Committee on Foreign Affairs?

Mr. FROTHINGHAM. Reported from the Committee on Military Affairs.

Mr. GARNER of Texas. Is not this the character of bill that is referred to the Foreign Affairs Committee permitting one to accept decorations of foreign countries?

Mr. COCHRAN of Missouri. Yes; and sometimes the Committee on Naval Affairs and sometimes the Military Affairs has jurisdiction.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

A bill (H. R. 10715) to authorize Col. A. Lindbergh, United States Army Air Corps Reserve, to accept decorations and gifts from foreign governments.

Be it enacted, etc., That Col. Charles A. Lindbergh, United States Army Air Corps Reserve, is hereby authorized and permitted to accept decorations, medals, certificates, or gifts which have been heretofore or may hereafter be tendered him by the government of any foreign state with which the Government of the United States was at the time of such tender and acceptance on friendly terms; and the consent of Congress required therefor by clause 8 of section 9 of Article I of the Constitution is hereby expressly granted.

With the following committee amendment:

Line 6, after the word "him," insert "in recognition of services, exploits, or achievements."

Amend the title so as to read: "A bill to authorize Col. Charles A. Lindbergh, United States Army Air Corps Reserve, to accept decorations and gifts from foreign governments."

Mr. LAGUARDIA. It seems to me that the customary form for these bills is to grant authority to receive decorations heretofore bestowed. This goes further and says, "or may hereafter." While there may be no objection in this case, I fear it will establish a very bad precedent.

Mr. BLANTON. But in this case it is a good one.

Mr. QUIN. The bill was considered by the Committee on Military Affairs, and all of that was thrashed out. Colonel Lindbergh is not yet through performing services for this Government.

Mr. LAGUARDIA. And the gentleman's committee is not going to use this as a model?

Mr. QUIN. No; never again. We had to do that.

The committee amendments were agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read as follows: "A bill to authorize Col. Charles A. Lindbergh, United States Army Air Corps Reserve, to accept decorations and gifts from foreign governments."

MESSAGE FROM THE PRESIDENT—REVEREND MR. NORTH

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

I transmit herewith a report from the Secretary of State in relation to a claim presented by His Britannic Majesty's Government for the payment of a sum of money turned over to American citizens in Russia by the British subject, the Reverend Mr. North, upon his departure from Moscow, and I recommend that an appropriation be authorized to effect a settlement of this claim in accordance with the recommendation of the Secretary of State.

CALVIN COOLIDGE.

THE WHITE HOUSE.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to Mr. EDWARDS, of Georgia, for 10 days (at the request of Mr. CRISP), on account of the death of his brother, Mr. J. C. Edwards, of Claxton, Ga.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, it was expected that the Department of Agriculture appropriation bill would be ready for consideration to-morrow. Several hours of general debate have been promised under that bill. It so happens that the printing of the bill or of the hearings in connection with the bill has been delayed, so that the bill will not be ready for consideration to-morrow. Meanwhile these gentlemen who have been promised time under general debate are ready to proceed with their speeches. Therefore I ask unanimous consent that two of these gentlemen, whom I shall name, be granted the same time to address the House to-morrow that they had been promised under general debate. The first is the gentleman from Utah [Mr. COLTON], for 30 minutes; and the second is the gentleman from Massachusetts [Mr. TINKHAM], for 1 hour and 30 minutes. Mr. TINKHAM, as you all know, is a member of the Appropriations Committee.

The SPEAKER. The Chair calls the attention of the gentleman from Connecticut to an order already made by the House that the gentleman from Texas [Mr. WILLIAMS] shall be granted one hour to-morrow after the reading of the Journal and the disposition of business on the Speaker's table, and that the gentleman from Oklahoma [Mr. CARTWRIGHT] shall be granted 10 minutes.

Mr. TILSON. Then the two requests that I make would follow.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. MADDEN. We have two conference reports from the Committee on Appropriations.

Mr. TILSON. They should take precedence.

Mr. GARRETT of Tennessee. And the gentleman from Massachusetts [Mr. TINKHAM] is not going to elucidate the appropriation bill, is he?

Mr. TILSON. He is a member of the Committee on Appropriations, and, therefore, would be liberally dealt with as to time under general debate, so that time now granted would simply be in lieu of so much time that would be taken by him under general debate.

Mr. BLANTON. I presume the speech of the gentleman from Massachusetts will be along his usual line of social and other equalities for the colored race.

Mr. TILSON. I am not authorized to speak for the gentleman from Massachusetts. He is able to speak for himself.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that at the conclusion of the speech of the gentleman from Oklahoma [Mr. CARTWRIGHT] the gentleman from Utah [Mr. COLTON] may be permitted to proceed for 30 minutes, to-morrow, and that following his address the gentleman from Massachusetts [Mr. TINKHAM] may be permitted to proceed for one hour and a half. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that at the conclusion of the speech of the gentleman from Massachusetts, the gentleman from Arkansas [Mr. TILLMAN] may proceed for 25 minutes.

The SPEAKER. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, on what subject?

Mr. GARRETT of Tennessee. On political subjects.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, I shall not object, but I want to give notice that I am going to try to keep a quorum here during Mr. TINKHAM's speech.

The SPEAKER. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Speaker, I serve notice now that the Committee on Appropriations will call up the conference report on the independent offices appropriation bill after the reading of the Journal, and later the Post Office and Treasury appropriation bill conference report.

Mr. GARRETT of Tennessee. Can the gentleman tell us about the alien property bill?

Mr. GARNER of Texas. The conference report has been signed.

Mr. GARRETT of Tennessee. The gentleman from Iowa [Mr. GREEN] filed it a short time ago and obtained until midnight to file a statement.

Mr. GARNER of Texas. I do not know whether he intended to call it up to-morrow or not.

Mr. TILSON. It will be privileged, whenever it is reached.

Mr. GARRETT of Tennessee. How long does the gentleman from Illinois expect to take with these two conference reports?

Mr. MADDEN. The Post Office and Treasury appropriation bill conference report will take no time. It is merely the adoption of the report. The Senate added only one amendment, and in conference we struck that out. The other is mostly in agreement except in one or two instances.

Mr. GARRETT of Tennessee. And the gentleman will get through with them probably in an hour?

Mr. MADDEN. Oh, easily.

Mr. CULLEN. Yes; we ought to get through in less than an hour.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 3 o'clock and 48 minutes p. m.) the House adjourned until to-morrow, Tuesday, February 28, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, February 28, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned farm areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects (H. R. 6091).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To authorize alterations and repairs to certain naval vessels (H. R. 5493).

COMMITTEE ON RIVERS AND HARBORS

(10.30 a. m.)

To consider a project relating to the harbor at San Francisco, Calif.

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10 a. m.)

To amend the World War Veterans' Act, 1924 (H. R. 10160).

COMMITTEE ON LABOR

(10.30 a. m.)

To divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases (H. R. 7729).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

To further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States (S. 744).

To promote, encourage, and develop an American merchant marine in connection with the agricultural and industrial commerce of the United States, provide for the national defense, the transportation of foreign mails, the establishment of a merchant-marine training school, and for other purposes (H. R. 2).

To amend the merchant marine act of 1920, insure a permanent passenger and cargo service in the North Atlantic, and for other purposes (H. R. 8914).

To create, develop, and maintain a privately owned American merchant marine adequate to serve trade routes essential in the movement of the industrial and agricultural products of the United States and to meet the requirements of the commerce of the United States; to provide for the transportation of the foreign mails of the United States in vessels of the United States; to provide naval and military auxiliaries; and for other purposes (H. R. 10765).

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

To amend the immigration act of 1924 by making the quota provisions thereof applicable to Mexico, Cuba, Canada, and the other countries of continental America and adjacent islands (H. R. 6465).

COMMITTEE ON FOREIGN AFFAIRS

(10.30 a. m.)

For the relief of Nicholas R. Snyder (H. R. 8352).

For the relief of Edward F. Lathrop (H. R. 6360).

To amend Public Resolution No. 65, approved March 3, 1925, authorizing the participation of the United States Government in the International Exposition to be held in Seville, Spain (H. J. Res. 211).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

Fixing the salaries of the justices of the Supreme Court of the Philippine Islands (H. R. 384).

To fix the salaries of certain judges of the Territory of Hawaii (H. R. 7933).

To provide for the dispensing with oath or affirmation as a method of verifying certain written instruments (H. R. 9343).

To fix the salaries of certain judges in Hawaii and Porto Rico (H. R. 9677).

To fix the salaries of certain judges of the Territories and insular possessions of the United States (H. R. 10872).

To amend section 6 of title 15, chapter 1, of the Code of Laws of the United States of America relating to the forfeiture of property in transit and owned in violation of section 1 thereof, and as amended, providing for the forfeiture of property owned or used in violation of section 1, irrespective of whether same is or is not in transit (H. R. 10877).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

376. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of channel from Newport News Channel, Va., to municipal boat harbor in Newport News; to the Committee on Rivers and Harbors.

377. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of William Henry Bay, Alaska; to the Committee on Rivers and Harbors.

378. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Port Frederick, Alaska; to the Committee on Rivers and Harbors.

379. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Vineyard Haven Harbor, Mass.; to the Committee on Rivers and Harbors.

380. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Newtown Creek and Maspeth Creek, N. Y.; to the Committee on Rivers and Harbors.

381. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Petaluma Creek, Calif. (H. Doc. No. 183); to the Committee on Rivers and Harbors and ordered to be printed with illustration.

382. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Nansemond River, Va., including the western branch thereof (H. Doc. No. 184); to the Committee on Rivers and Harbors and ordered to be printed.

383. A letter from the Secretary of War, transmitting a report from the Chief of Engineers on partial survey of the Tennessee River and its tributaries (H. Doc. No. 185); to the Committee on Rivers and Harbors and ordered to be printed with illustration.

384. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Coquille River, bar, and entrance, Oreg. (H. Doc. No. 186); to the Committee on Rivers and Harbors and ordered to be printed with illustration.

385. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Bellingham Harbor, Wash., with a view to improving Squalicum Creek waterway (H. Doc. No. 187); to the Committee on Rivers and Harbors and ordered to be printed with illustration.

386. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Choptank River, Md. (H. Doc. No. 188); to the Committee on Rivers and Harbors and ordered to be printed with illustration.

387. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Scotts Creek, Portsmouth, Va. (H. Doc. No. 189); to the Committee on Rivers and Harbors and ordered to be printed with illustration.

388. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Kanawha River, W. Va. (H. Doc. No. 190); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

389. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Cedar Keys Harbor and Channel, Fla.; to the Committee on Rivers and Harbors.

390. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Inner Oak Bluffs Harbor, Marthas Vineyard, Mass., with a view to the removal of Steamboat Rock; to the Committee on Rivers and Harbors.

391. A letter from the Secretary of War, transmitting report from the Chief of Engineers on preliminary examination of Bristol Harbor, R. I., with a view to removing rock obstruction off steamboat wharf; to the Committee on Rivers and Harbors.

392. A communication from the President of the United States, transmitting a proposed amendment to an estimate, amounting to $400,000, fiscal year 1929, transmitted with letter of January 30, 1928, for the Department of Agriculture to enable the Secretary of Agriculture to meet an emergency caused by new outbreaks of the pink bollworm of cotton in the State of Texas; to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HICKEY: Committee on the Judiciary. S. 2752. An act to amend section 80 of the Judicial Code to create a new judicial district in the State of Indiana, and for other purposes; without amendment (Rept. No. 770). Referred to the Committee of the Whole House on the state of the Union.

Mr. KIESS: Committee on Insular Affairs. H. R. 8567. A bill to amend section 29 of the act of March 29, 1916, entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," and for the insertion of a new section in said act between sections 29 and 30 of said act, to be designated as "section 29½" of said act; with amendment (Rept. No. 771). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. STEELE: Committee on Claims. S. 380. An act for the relief of Charles H. Niehaus; with amendment (Rept. No. 756). Referred to the Committee of the Whole House.

Mr. SWING: Committee on the Public Lands. H. R. 852. A bill authorizing the issuance of a certain patent; without amendment (Rept. No. 757). Referred to the Committee of the Whole House.

Mr. WARE: Committee on Claims. H. R. 2658. A bill for the relief of Finch R. Archer; with amendment (Rept. No. 758). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 4925. A bill for the relief of John M. Savery; without amendment (Rept. No. 759). Referred to the Committee of the Whole House.

Mr. MICHENER: Committee on the Judiciary. H. R. 7824. A bill authorizing the Court of Claims to render judgment in favor of the administrator of, or collector for, the estate of Peter P. Pitchlynn, deceased, instead of the heirs of Peter P. Pitchlynn, and for other purposes; without amendment (Rept. No. 760). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 9319. A bill for the relief of the Glens Falls Insurance Co., of Glens Falls, N. Y.; without amendment (Rept. No. 761). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 9320. A bill for the relief of the Home Insurance Co., of New York, N. Y.; without amendment (Rept. No. 762). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 10502. A bill for the relief of J. B. Holder; with amendment (Rept. No. 763). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 10503. A bill for the relief of R. P. Washam, F. A. Slate, W. H. Sanders, W. A. McGinnis, J. E. Lindsay, and J. T. Pearson; without amendment (Rept. No. 764). Referred to the Committee of the Whole House.

Mr. ROWBOTTOM: Committee on Claims. H. R. 7518. A bill for the relief of the Farmers National Bank of Danville, Ky.; with amendment (Rept. No. 767). Referred to the Committee of the Whole House.

Mr. MOORE of Virginia: Committee on Foreign Affairs. H. R. 8650. A bill for the relief of C. S. Winans; with amendment (Rept. No. 768). Referred to the Committee of the Whole House.

Mr. MOORE of Virginia: Committee on Foreign Affairs. H. R. 8651. A bill for the relief of Lynn W. Franklin; with amendment (Rept. No. 769). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 11287) granting an increase of pension to Louisa Donnelly; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11448) granting an increase of pension to Alex M. Burns; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11393) granting an increase of pension to Mary P. Crawford; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11433) granting a pension to Zuleska A. Chadwick; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11052) granting an increase of pension to Rosa M. Able; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11392) granting an increase of pension to Matilda L. Hardman; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DEMPSEY: A bill (H. R. 11462) to prevent fraud in respect to the sale or disposition of securities through agencies of interstate or foreign commerce and to provide a summary proceeding therefor and penalties for the violation thereof; to the Committee on the Judiciary.

By Mr. DYER: A bill (H. R. 11463) to fix the salaries of certain judges of the Territories and insular possessions of the United States; to the Committee on the Judiciary.

By Mr. CONNALLY of Texas: A bill (H. R. 11464) to amend section 21 of the Federal highway act; to the Committee on Roads.

Also, a bill (H. R. 11465) to authorize the Secretary of War to lend War Department equipment for use at the tenth national convention of the American Legion; to the Committee on Military Affairs.

By Mr. EVANS of California: A bill (H. R. 11466) to make permanent the additional office of district judge created for the southern district of California; to the Committee on the Judiciary.

Also, a bill (H. R. 11467) for the erection of a public building at the city of Monrovia, State of California, and appropriation of money therefor; to the Committee on Public Buildings and Grounds.

By Mr. FRENCH: A bill (H. R. 11468) authorizing the Secretary of the Interior to execute an agreement or agreements with drainage district or districts providing for drainage and reclamation of Kootenai Indian allotments in Idaho within the exterior boundaries of such district or districts that may be benefited by the drainage and reclamation work, and for other purposes; to the Committee on Indian Affairs.

By Mr. MORIN: A bill (H. R. 11469) to authorize appropriations; for construction at the United States Military Academy, West Point, N. Y.; to the Committee on Military Affairs.

Also, a bill (H. R. 11470) to authorize appropriations for construction at West Point, N. Y., and for other purposes; to the Committee on Military Affairs.

By Mr. HUDSPETH: A bill (H. R. 11471) extending the time of construction payments on the Rio Grande Federal irrigation project, New Mexico-Texas; to the Committee on Irrigation and Reclamation.

By Mr. WILLIAMS of Missouri: A bill (H. R. 11472) to provide for the purchase of a site and the erection thereon of a public building in the city of Festus, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. BURTNESS: A bill (H. R. 11473) granting the consent of Congress to the States of North Dakota and Minnesota, to construct, maintain, and operate a bridge across the Red River of the North at Fargo, N. Dak.; to the Committee on Interstate and Foreign Commerce.

By Mr. BERGER: A bill (H. R. 11474) to provide for old-age pensions; to the Commitee on Pensions.

By Mr. DENISON: A bill (H. R. 11475) to revise and codify the laws of the Canal Zone; to the Committee on Interstate and Foreign Commerce.

By Mr. FOSS: A bill (H. R. 11476) to authorize the Postmaster General to impose demurrage charges on undelivered collect-on-delivery parcels; to the Committee on the Post Office and Post Roads.

By Mr. FULBRIGHT: A bill (H. R. 11477) to establish the Shepherd of the Hills National Park near Reeds Springs, in Stone and Taney Counties, Mo.; to the Committee on the Public Lands.

By Mr. LEAVITT (by request): A bill (H. R. 11478) to amend an act to allot lands to children on the Crow Reservation, Mont.; to the Committee on Indian Affairs.

By Mr. MORROW: A bill (H. R. 11479) to reserve certain lands on the public domain in Valencia County, N. Mex., for the use and benefit of the Acoma Pueblo Indians; to the Committee on Indian Affairs.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 11480) authorizing the Secretary of the Interior to sell certain tracts of land on the Wichita and Caddo Indian Reservation in Oklahoma and use the proceeds thereof in the purchase, improvement, and upkeep of other tracts suitably situated for cemetery purposes for these Indians and affiliated bands or tribes; to the Committee on Indian Affairs.

By Mr. PARKS: A bill (H. R. 11481) to make certain portions of Bayou Bartholomew in Arkansas a nonnavigable stream; to the Committee on Interstate and Foreign Commerce.

By Mr. THATCHER: A bill (H. R. 11482) to amend section 2 of an act entitled "An act to authorize an appropriation for the care, maintenance, and improvement of the burial grounds containing the remains of Zachary Taylor, former President of the United States, and the memorial shaft erected to his memory, and for other purposes, approved February 24, 1925; to the Committee on the Library.

By Mr. VINSON of Georgia: A bill (H. R. 11483) to amend section 1493 of the Revised Statutes as amended; to the Committee on Naval Affairs.

By Mr. WILLIAMSON: A bill (H. R. 11484) authorizing a per capita payment to the Rosebud Sioux Indians, South Dakota; to the Committee on Indian Affairs.

By Mr. DENISON: A bill (H. R. 11485) to amend the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906 (ch. 1130, 34 U. S. Stat. L. 84, secs. 491–502, inclusive; ch. 11, title 33, the Code of Laws of the United States, December 6, 1926); to the Committee on Interstate and Foreign Commerce.

By Mr. GARNER of Texas: Joint resolution (H. J. Res. 217) providing for the remission of duties on certain cattle which have crossed the boundary line into foreign countries; to the Committee on Ways and Means.

By Mr. SCHAFER: Joint resolution (H. J. Res. 218) directing the Federal Power Commission to withhold granting of license to develop power sites on the Wolf River within the Menominee Indian Reservation in Wisconsin, and to forward any recommendations for the issuance of such license to the Congress of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. McDUFFIE (by request): Joint resolution (H. J. Res. 219) authorizing the lawful heirs of loyal citizens of the United States to prosecute their claims in the various United States district courts against the United States Government for property taken, used, or destroyed by the Government in its prosecution of the Civil War, and to grant to the said district courts jurisdiction to hear and determine the merits of such claims, and for other purposes; to the Committee on the Judiciary.

By Mr. TILSON: Concurrent resolution (H. Con. Res. 23) to investigate the problem of the control of aircraft for seacoast defense; to the Committee on Rules.

By Mr. WILLIAMS of Texas: Concurrent resolution (H. Con. Res. 24) creating a joint committee to investigate the affairs of the Federal Reserve Bank of Dallas, Tex.; to the Committee on Rules.

By Mr. BLACK of New York: A resolution (H. Res. 126) requesting information from the Navy Department relative to its vessels and crews; to the Committee on Naval Affairs.

MEMORIAL

Under clause 3 of Rule XXII,

Memorial of the Legislature of the State of Kentucky, favoring prompt action on the Tyson-Fitzgerald bills (H. R. 500 and S. 777); to the Committee on World War Veterans' Legislation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 11486) granting an increase of pension to Mary E. Halter; to the Committee on Invalid Pensions.

By Mr. BRITTEN: A bill (H. R. 11487) for the relief of Commander Charles E. Parsons, Supply Corps, United States Navy; to the Committee on Naval Affairs.

By Mr. COHEN: A bill (H. R. 11488) to credit the crew of the U. S. S. *St. Louis* with services performed during the Spanish-American War; to the Committee on Pensions.

By Mr. CONNOLLY of Pennsylvania: A bill (H. R. 11489) granting an increase of pension to Rebecca M. Augustine; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 11490) granting an increase of pension to Susan R. Hawk; to the Committee on Invalid Pensions.

By Mr. DOUTRICH: A bill (H. R. 11491) granting a pension to Esther A. Scull; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 11492) granting a pension to Mary Hague; to the Committee on Invalid Pensions.

By Mr. ENGLAND: A bill (H. R. 11493) granting a pension to B. P. Petrey; to the Committee on Invalid Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 11494) for the relief of Marijune Cron; to the Committee on Claims.

By Mr. W. T. FITZGERALD: A bill (H. R. 11495) to provide a preliminary survey of the St. Marys River in Ohio, with a view to the control of its floods; to the Committee on Flood Control.

Also, a bill (H. R. 11496) granting an increase of pension to Elizabeth Swank; to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 11497) for the relief of Nelson E. Frissell; to the Committee on the Post Office and Post Roads.

By Mr. FREE: A bill (H. R. 11498) granting an increase of pension to Mary E. Burtner; to the Committee on Invalid Pensions.

By Mr. GREENWOOD: A bill (H. R. 11499) granting a pension to David E. Daniels; to the Committee on Invalid Pensions.

By Mr. HASTINGS: A bill (H. R. 11500) for the relief of Ella Mae Rinks; to the Committee on Claims.

By Mr. HAWLEY: A bill (H. R. 11501) for the relief of Lars Berg; to the Committee on the Public Lands.

By Mr. HOPE: A bill (H. R. 11502) granting an increase of pension to Christina Roach; to the Committee on Invalid Pensions.

By Mr. HUDSON: A bill (H. R. 11503) to provide for the advancement on the retired list of the Army of Fred B. Hanchett, jr.; to the Committee on Military Affairs.

By Mr. JOHNSON of South Dakota: A bill (H. R. 11504) granting an increase of pension to Ella M. O'Bryan; to the Committee on Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 11505) to provide for examination and survey of Tacoma Harbor, Wash.; to the Committee on Rivers and Harbors.

By Mr. KURTZ: A bill (H. R. 11506) granting an increase of pension to Amanda Bell; to the Committee on Invalid Pensions.

By Mr. LaGUARDIA: A bill (H. R. 11507) granting the distinguished-service medal to Dr. Victor C. Pedersen; to the Committee on Military Affairs.

By Mr. LEAVITT: A bill (H. R. 11508) for the relief of Kirby Hoon; to the Committee on Claims.

Also, a bill (H. R. 11509) for the relief of Dorothy Anderson; to the Committee on Claims.

Also, a bill (H. R. 11510) for the relief of Montana State College; to the Committee on Claims.

By Mr. LINTHICUM: A bill (H. R. 11511) to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim of John L. Alcock; to the Committee on Claims.

By Mr. LUCE: A bill (H. R. 11512) for the relief of William Mark Noble, jr.; to the Committee on Claims.

By Mr. MAJOR of Illinois: A bill (H. R. 11513) granting an increase of pension to Sarah E. Thrasher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11514) granting an increase of pension to Elvira Clotfelter; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 11515) for the relief of Judd W. Hulbert; to the Committee on Claims.

By Mr. MURPHY: A bill (H. R. 11516) for the relief of the State of Ohio; to the Committee on Claims.

By Mr. SNELL: A bill (H. R. 11517) granting an increase of pension to Cordelia Keech; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11518) granting an increase of pension to Anna Gilroy; to the Committee on Invalid Pensions.

By Mr. SWANK: A bill (H. R. 11519) granting a pension to George A. Dennis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11520) granting a pension to Mary N. Johnson; to the Committee on Invalid Pensions.

By Mr. THURSTON: A bill (H. R. 11521) granting a pension to George Logan Owens; to the Committee on Invalid Pensions.

By Mr. VINSON of Georgia: A bill (H. R. 11522) to grant an honorable discharge to Albrecht Nest, apothecary of the Navy; to the Committee on Naval Affairs.

By Mr. VESTAL: A bill (H. R. 11523) granting an increase of pension to Catherine Yelle; to the Committee on Pensions.

By Mr. WASON: A bill (H. R. 11524) granting a pension to Amy I. Davis; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4502. By Mr. ADKINS: Petition of sundry citizens of the State of Illinois against compulsory Sunday observance as proposed in House bill No. 78; to the Committee on the District of Columbia.

4503. By Mr. ALDRICH: Resolution of Lodge Gustaf II Adolph No. 17, Vasa Order of America, of Providence, R. I., protesting against the new quota provision in immigration law and urging amendment of law repealing new quota provision and retention of the old quota; also, resolution of Lodge Ebba Brahe No. 18, Vasa Order of America, Providence, R. I., protesting against new quota provision of immigration law and urging that old quota provision be maintained; to the Committee on Immigration and Naturalization.

4504. By Mr. ANTHONY: Petition of sundry citizens of Atchison, Kans., protesting against the enactment of the Lankford bill (H. R. 78) or any compulsory Sunday bills that have been introduced; to the Committee on the District of Columbia.

4505. By Mr. BACHMANN: Petition of Mrs. J. R. Johnson and 32 other citizens of Grafton, Taylor County, W. Va., protesting against the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4506. By Mr. BACON: Petition of sundry citizens of Valley Stream, Long Island, urging the passage of House bill 6518; to the Committee on the Civil Service.

4507. By Mr. CANFIELD: Petition of Miss Pearl Simonton, secretary of the Daughters of America, of Florence, Ind., together with other members of this organization, for restricted immigration to the United States; to the Committee on Immigration and Naturalization.

4508. By Mr. CARTER: Petition of sundry students and members of the college community of the University of California, Berkeley, Calif., protesting against the passage of the new naval building program; to the Committee on Naval Affairs.

4509. Also, petition of Mrs. W. M. Holt and sundry other members of the Park Congregational Church, of Berkeley, Calif., protesting against the passage of legislation for the building of a great Navy; to the Committee on Naval Affairs.

4510. Also, petition of Mrs. C. V. Fisher and sundry other citizens of Oakland, Calif., urging the passage of legislation increasing pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

4511. Also, petition of Miss Beatrice Taylor and others of Hayward and Oakland, Calif., urging the passage of legislation increasing the pensions of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

4512. Also, petition of W. Frank Babcock and others of Berkeley, Calif.. urging the passage of legislation increasing the pensions of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

4513. By Mr. CHALMERS: Petition against compulsory Sunday observance; to the Committee on the District of Columbia.

4514. By Mr. CHAPMAN: Memorial of the General Assembly of the Commonwealth of Kentucky, requesting Congress to take prompt and favorable action upon the Tyson-Fitzgerald bill (H. R. 500 and S. 777) for the relief of disabled emergency Army officers who incurred physical disability in the World War; to the Committee on World War Veterans' Legislation.

4515. Also, petition of W. B. Moody, M. J. Jones, H. K. Bourne, W. S. Pryor, R. T. Foree, James H. Bovard, and 40 other citizens of Henry County, Ky, advocating passage of a bill increasing the pensions of Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

4516. By Mr. CHRISTOPHERSON: Petition of numerous citizens of Mitchell, S. Dak., requesting increase in pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

4517. By Mr. CLAGUE: Petition of J. H. Bucklin and 50 other residents of Blue Earth County, Minn., opposing compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4518. Also, petition of R. R. Dittberner and 30 other residents of Blue Earth County, Minn., opposing compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4519. Also, petition of Mathias Suserud and 40 other residents of Blue Earth County, Minn., opposing compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4520. By Mr. COCHRAN of Pennsylvania: Petition of J. F. Quanabuch and other residents of Warren County, Pa., protesting against the passage of H. R. 78 or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4521. By Mr. CRAIL: Petition of sundry citizens of Los Angeles County, Calif., against the passage of H. R. 78 or any other similar legislation; to the Committee on the District of Columbia.

4522. Also, petition of sundry citizens of Los Angeles County, Calif., for the Tyson-Fitzgerald bill (H. R. 500) and (S. 777); to the Committee on World War Veterans' Legislation.

4523. Also, petition of sundry citizens of Los Angeles County, Calif., for the passage of the Harris and Box bills relative to Mexican immigration; to the Committee on Immigration and Naturalization.

4524. Also, petition of sundry citizens of Los Angeles County, Calif., protesting against all Mexican and Latin-American immigrants who have come to this country unlawfully and recommending their deportation; to the Committee on Immigration and Naturalization.

4525. Also, petition of Post 123, American Legion, of Los Angeles County, Calif., for H. R. 500 and S. 777; to the Committee on World War Veterans' Legislation.

4526. Also, petition of sundry citizens of Los Angeles County, Calif., for the Curtis-Reed bill, to establish a Federal department of education; to the Committee on Education.

4527. Also, petition of Don M. Chase and other citizens of Los Angeles County, Calif., protesting against the naval armament program; to the Committee on Naval Affairs.

4528. Also, petition of sundry citizens against the naval armament program; to the Committee on Naval Affairs.

4529. By Mr. CULLEN: Letter from the American Legion, One hundred and sixth Infantry Post. Brooklyn, N. Y., relative to exhuming and reburying the soldiers of the World War that were buried in France; to the Committee on World War Veterans' Legislation.

4530. By Mr. COLE of Iowa: Petition of J. Nelson and 99 other signers, all residents of Cedar Rapids, Iowa, protesting against the passage of a compulsory Sunday observance bill, especially H. R. 78, or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

4531. By Mr. DEMPSEY: Petition of citizens of Niagara Falls, N. Y., protesting against the proposed naval armament bill; to the Committee on Naval Affairs.

4532. By Mr. CELLER: Petition of citizens and residents of Brooklyn, N. Y., to the Committee on Invalid Pensions.

4533. By Mr. ENGLEBRIGHT: Petition of C. N. Bivens and sundry citizens of Rocklin, Calif., protesting against House bill 78; to the Committee on the District of Columbia.

4534. Also, petition of sundry citizens of Sacramento, Calif., protesting against passage of House bill 78; to the Committee on the District of Columbia.

4535. By Mr. EVANS of Montana: Petition of Earl D. White and sundry residents of Missoula, Mont., and vicinity, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

4536. By Mr. FRENCH: Petition of 66 citizens of Orofino, Idaho, protesting against enactment of House bill 78 or any compulsory Sunday observance bill; to the Committee on the District of Columbia.

4537. By Mr. GARBER: Letter of Wetherbee Electric Co., of Oklahoma City, Okla., in protest to the passage of House bill 7759 and Senate bill 1482; to the Committee on the Judiciary.

4538. Also, letter of International Association of Policewomen (Inc.), Washington, D. C., in support of House bill 6664 and Senate bill 1907 which would establish by law the Woman's Bureau in the Metropolitan police department; to the Committee on the District of Columbia.

4539. Also, letter of Franklin Martin, M. D., president Gorgas Memorial Institute of Tropical and Preventive Medicine (Inc.), of Chicago, Ill., in support of House bill 8128; to the Committee on Flood Control.

4540. Also, letter of George B. Mellott, Pawhuska, Okla., in regard to House bills 8555, 8556, 5608, and 8230; to the Committee on the Judiciary.

4541. Also, petition of sundry residents of Enid, Okla., in protest to the passage of House bill 78; to the Committee on the District of Columbia.

4542. Also, letter of W. L. Alexander, Enid, Okla., in regard to the radio situation; to the Committee on the Merchant Marine and Fisheries.

4543. Also, letter of Louis Fischer, of Hooker, Okla., in regard to the radio situation; to the Committee on the Merchant Marine and Fisheries.

4544. Also, letter of Joe T. Vacin, J. B. Fraizer, R. R. Barnett, V. C. Serviss, Earl E. Carpenter, all of Salt Fork, Okla., in regard to the radio situation; to the Committee on the Merchant Marine and Fisheries.

4545. By Mr. GARNER of Texas: Petition of citizens of Hidalgo County, Tex., against compulsory Sunday observance; to the Committee on the District of Columbia.

4546. By Mr. HADLEY: Petition of sundry citizens of Everett, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

4547. Also, petition of sundry residents of Kent, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

4548. Also, petition of sundry residents of East Stanwood and vicinity, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

4549. Also, petition of sundry residents of Friday Harbor, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

4550. By Mr. HARDY: Petition signed by 51 citizens of Conejos County, Colo., favoring increased pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

4551. Also, petition signed by 41 citizens of Trinidad, Colo., favoring increased pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

4552. By Mr. HAUGEN: Petition of eight citizens of Nashua, Iowa, urging the passage of a Civil War pension bill in order that relief may be accorded to needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

4553. Also, petition of 51 citizens of Riceville, Iowa, protesting against the enactment of H. R. 78 or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4554. By Mr. HERSEY: Petition of Estelle B. Foss and other residents of East Millinocket, Me., urging passage of the National Tribune's Civil War pension bill; to the Committee on Invalid Pensions.

4555. By Mr. HOPE: Petition signed by residents of the seventh Kansas district protesting against H. R. 78 and other compulsory Sunday legislation; to the Committee on the District of Columbia.

4556. Also, petition signed by residents of Beeler, Kans., favoring more adequate pensions for veterans of the Civil War and their dependents; to the Committee on Pensions.

4557. Also, petition protesting against the passage of House bill 78 and other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4558. By Mr. HUDSON: Petition of citizens of Detroit and Clarkston, Mich., urging the passage of House bill 78, also known as the Lankford Sunday rest bill for the District of Columbia; to the Committee on the District of Columbia.

4559. Also, petition of citizens of Lansing, Mich., protesting against the passage of House bill 78, also known as the compulsory Sunday observance bill; to the Committee on the District of Columbia.

4560. By Mr. JOHNSON of Texas: Petition of Karl Huhndorff, sr., of San Antonio, Tex., indorsing the Box immigration bill restricting Mexican immigration; to the Committee on Immigration and Naturalization.

4561. By Mr. JOHNSON of Washington: Petition of H. Dahlstul and 54 other citizens of Grays Harbor County, Wash., opposing enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4562. Also, petition of J. E. Crook and 53 other citizens of Thurston County, Wash., opposing compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4563. Also, petition of James Bamford and 210 other citizens, of Tacoma, Wash., urging pension increases for Civil War veterans and widows; to the Committee on Invalid Pensions.

4564. Also, petition of Mrs. Lelia J. Davies, Fern Hill, Tacoma, Wash., and other citizens of Pierce County, Wash., opposing compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4565. Also, petition of 38 citizens of Lewis County, Wash., opposing compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4566. Also, petition of O. J. Nerlund and 169 other citizens, of Tacoma Wash., opposing compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4567. Also, petition of Mrs. Robert P. Allen and 31 other citizens, of Tacoma, favoring establishment of a Federal department of education; to the Committee on Education.

4568. Also, petition of J. E. Crook and 54 other citizens, of Thurston County, Wash., opposing compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4569. Also, petition of A. R. Bell and 1,501 other citizens, of Pierce County, Wash., opposing compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4570. By Mr. HOOPER: Petition of J. C. Stevens and 1,166 other residents, of Battle Creek, Mich., protesting against the enactment of compulsory Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

4571. By Mr. KVALE: Petition of 450 members of the Rainbow Division, Chapter of Minneapolis, Minn., favoring passage of H. R. 315; to the Committee on World War Veterans' Legislation.

4572. Also, petition of members of Fort Ketchikan Post, No. 2, United Sons of Alaska, Ketchikan, Alaska, opposing passage of H. R. 8264; to the Committee on the Territories.

4573. By Mr. LEHLBACH: Petition of citizens of Montclair, N. J., in advocacy of bills for retirement of emergency Army offices; to the Committee on World War Veterans' Legislation.

4574. By Mr. LINDSAY: Petition of the National Association of Broadcasters (Inc.), praying that that organization be heard before any alterations of the radio act be made; to the Committee on the Merchant Marine and Fisheries.

4575. By Mr. LYON: Petition of certain citizens of Brunswick County, N. C., for increases in pensions for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

4576. By Mr. MURPHY: Petition of J. Ross Anderson, of 926 Kent Street, East Liverpool, Ohio, and 60 other residents of East Liverpool, praying for the passage of the Morgan bill granting a more liberal pension to Civil War veterans; to the Committee on Invalid Pensions.

4577. Also, petition of Fletcher Glass and 98 other citizens of Salem, Ohio, asking for the passage of the National Tribune's Civil War pension bill; to the Committee on Invalid Pensions.

4578. Also, petition of E. O. Lucas, Rev. John B. Barker, and 62 other residents of Smithfield, Ohio, protesting against the passage of a big naval program; to the Committee on Naval Affairs.

4579. Also, petition of Ruth E. Laubender and 12 other residents of Malvern, Ohio, protesting against the passage of the big naval bill; to the Committee on Naval Affairs.

4580. By Mr. O'CONNELL: Petition of the Mid Citizens' Association, of Washington, D. C., favoring the relocation at Fifth and K Streets NW. for the farmers' produce market; to the Committee on the District of Columbia.

4581. Also, petition of the Council of National Parks, Forests, and Wild Life, of Washington, D. C., favoring the passage of the migratory bird conservation bill (H. R. 5467 and S. 2171); to the Committee on Agriculture.

4581½. Also, petition of the Anthony Co., Long Island City, N. Y., with reference to section 424 of H. R. 1, refund of taxes on air pumps; to the Committee on Ways and Means.

4582. Also, petition of the Fair Facts for Fair People, of Arcadia, Calif., favoring the passage of House bill 6523 and Senate bill 1986, for increase of allowances for retired enlisted men of the Army, Navy, and Marine Corps; to the Committee on Military Affairs.

4583. By Mr. SELVIG: Petition of Mrs. M. V. Evenson and 80 residents of Thief River Falls, Minn., urging the enactment of H. R. 9588, the purpose of which is to amend the national prohibition act; to the Committee on the Judiciary.

4584. By Mr. SINCLAIR: Petition of O. A. Moe and 56 other citizens of Ross, N. Dak., protesting a big Navy program; to the Committee on Naval Affairs.

4585. Also, petition of 78 residents of Hettinger and Bucyrus, N. Dak., in support of House bill 11175; to the Committee on Pensions.

4586. Also, petition of 33 residents of Alexander, N. Dak., in behalf of H. R. 25 and H. R. 6518; to the Committee on the Civil Service.

4587. By Mr. SINNOTT: Petition of numerous citizens of Deschutes County, Oreg., protesting against the passage of the Lankford Sunday bill, or similar compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4588. By Mr. SUMMERS of Washington: Petition signed by C. O. Gerking and 39 others of Walla Walla, Wash., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4589. By Mr. SUMNERS of Texas: Petition of sundry citizens of Dallas, Tex., urging the enactment of legislation to increase pensions of Civil War veterans; to the Committee on Invalid Pensions.

4590. By Mr. SWING: Petition of sundry residents of San Diego, Calif., for increased pension to veterans and widows of the Civil War; to the Committee on Invalid Pensions.

4591. Also, petition of citizens of San Diego, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4592. Also, petition of citizens of San Diego, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4593. Also, petition of residents of Orange, Calif., protesting against the Curtis-Reed educational bill; to the Committee on Education.

4594. Also, petition of citizens of San Diego, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4595. Also, petition of citizens of Bishop, Calif., for increased pension to veterans and widows of the Civil War; to the Committee on Invalid Pensions.

4596. Also, petition of residents of Riverside, Calif., for increased pension to veterans and widows of the Civil War; to the Committee on Invalid Pensions.

4597. Also, petition of residents of Hemet, Calif., for increased pension to veterans and widows of the Civil War; to the Committee on Invalid Pensions.

4598. Also, petition of sundry citizens of Riverside, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4599. By Mr. THOMPSON: Petition of sundry citizens of Hicksville, Ohio, urging more liberal pensions for Civil War veterans and widows; to the Committee on Invalid Pensions.

4600. By Mr. TILSON: Petition of Mrs. Guy B. Bennett and other residents of Connecticut protesting against passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4601. By Mr. VINCENT of Michigan: Petition signed by residents of the eighth congressional district of Michigan, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

4602. By Mr. WELCH of California: Petition submitted by the United States Employees' Association of California, containing 110 signatures, favoring the passage of the Welch bill (H. R. 6518), to reclassify and increase the salaries of Federal employees; to the Committee on the Civil Service.

4603. By Mr. ZIHLMAN: Petition of Mrs. Leulah Rice and numerous other citizens of Takoma Park, Md., protesting against House bill 78 or any similar measure; to the Committee on the District of Columbia.

SENATE

TUESDAY, *February 28, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Most holy and merciful God, the strength of the weak, the rest of the weary, the comfort of the sorrowful, the savior of the sinful, and the refuge of Thy children in every time of need, save us from all pride and self-will, from weakness of judgment, from indecision and infirmity of purpose, from the sluggishness of indolence, from despondency in failure, and from a feeble sense of our duty, that leaning only upon Thee we may here find joy in Thy service, and at the last the fruition of all our labors, where mortal and immortal merge and human dies divine. Through Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 49. An act to amend the Code of Law for the District of Columbia in relation to descent and distribution;

H. R. 6685. An act to regulate the employment of minors within the District of Columbia;

H. R. 6856. An act relating to the payment or delivery by banks or other persons or institutions in the District of Columbia of deposits of moneys and property held in the names of two or more persons, and for other purposes;

H. R. 8298. An act authorizing acquisition of a site for the farmers' produce market, and for other purposes;

H. R. 10147. An act to provide a complete code of insurance law for the District of Columbia (excepting marine insurance as now provided for by the act of March 4, 1922, and fraternal and benevolent insurance associations or orders as provided for by the act of March 3, 1901), and for other purposes;

H. R. 10298. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near New Orleans, La.;

H. R. 10715. An act to authorize Col. Charles A. Lindbergh, United States Army Air Corps Reserve, to accept decorations and gifts from foreign governments;

H. R. 10869. An act amending section 764 of subchapter 12, fraternal beneficial associations, of the Code of Law for the District of Columbia; and

H. R. 11197. An act to authorize the Secretary of War to grant rights of way to the Vicksburg Bridge & Terminal Co. upon, over, and across the Vicksburg National Military Park at Vicksburg, Warren County, Miss.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 25) providing for the enrollment of House bill 10635, the Treasury and Post Office Departments appropriation bill for the fiscal year 1929, with certain amendments, in which it requested the concurrence of the Senate.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Bruce	Ferris	Hale
Barkley	Capper	Fess	Harris
Bayard	Caraway	Fletcher	Harrison
Bingham	Copeland	Frazier	Hayden
Black	Couzens	George	Heflin
Blaine	Curtis	Gerry	Howell
Blease	Cutting	Gillett	Johnson
Borah	Dale	Glass	Jones
Bratton	Deneen	Gooding	Kendrick
Brookhart	Dill	Gould	Keyes
Broussard	Edge	Greene	King
La Follette	Norris	Schall	Tydings
McKellar	Nye	Sheppard	Tyson
McLean	Oddie	Shipstead	Walsh, Mont.
McMaster	Overman	Shortridge	Warren
McNary	Phipps	Simmons	Waterman
Mayfield	Pittman	Smoot	Watson
Metcalf	Ransdell	Steck	Willis
Moses	Reed, Pa.	Steiwer	
Neely	Robinson, Ind.	Stephens	
Norbeck	Sackett	Thomas	

Mr. FLETCHER. I desire to announce that my colleague the junior Senator from Florida [Mr. TRAMMELL] is unavoidably absent. I will let this announcement stand for the day.

Mr. GERRY. I was requested to announce that the junior Senator from New Jersey [Mr. EDWARDS] is detained from the Senate by illness in his family. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Eighty-one Senators having answered to their names, a quorum is present.

HOUSE JOURNAL, FOURTEENTH LEGISLATURE OF HAWAII

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a copy of the House Journal of the Fourteenth Legislature, Territory of Hawaii, regular session of 1927, which was referred to the Committee on Territories and Insular Possessions.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a telegram from the Texas Federated Agricultural Association, signed by R. M. Kleberg, of Corpus Christi; S. Gough, of Amarillo; Roger Gillis, of Del Rio; and Ed Henry, of San Antonio, resolutions committee, all in the State of Texas, requesting that an impartial investigation be made of conditions relative to immigration from Mexico before consideration or passage of the so-called Box bill, affecting immigration into the United States from the Republic of Mexico, which was referred to the Committee on Immigration.

The VICE PRESIDENT also laid before the Senate a telegram in the nature of a petition from the Connecticut State Federation of Women's Clubs, signed by Emily Louise Plumley, president, Stamford, Conn., praying for the passage of the so-called McSweeney bill, being the bill (H. R. 6091) to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, etc., which was referred to the Committee on Agriculture and Forestry.

Mr. WARREN presented a resolution adopted by the Business Men's Club, of Saratoga, Wyo., remonstrating against the passage of legislation changing the public land laws or extending the present limits of forest reserve and game preserve areas, which was referred to the Committee on Public Lands and Surveys.

Mr. FRAZIER presented the petition of R. M. Crihton and 52 other citizens of Verona, N. Dak., praying for the passage of the so-called Brookhart bill, S. 1667, relative to the distribution of motion pictures in the various motion-picture zones of the country, which was referred to the Committee on Interstate Commerce.

Mr. BLAINE presented a memorial of 390 citizens of the State of Wisconsin, remonstrating against the passage of the so-called Brookhart bill (S. 1667) relative to the distribution of motion pictures in the various motion-picture zones of the country, which was referred to the Committee on Interstate Commerce.

Mr. DENEEN presented a memorial of sundry citizens of the State of Illinois, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. COPELAND presented a resolution adopted by the Nassau County Organization, representing 30 American Legion posts, Department of New York, protesting against the use of second-hand, dilapidated coffins that have been exposed to the elements of five years for the reburial of bodies of veterans in the cemetery at Bony, France, which was referred to the Committee on Military Affairs.

He also presented resolutions adopted by the Woman's Foreign Missionary Society of the Methodist Episcopal Church, favoring the revision of treaties between the United States and China so as to afford more equitable and favorable treatment to China, which were referred to the Committee on Foreign Relations.

Mr. REED of Pennsylvania presented a petition of the Philadelphia (Pa.) Board of Trade praying for the passage of the bill (S. 810) to reduce passport fees, and for other purposes, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Philadelphia (Pa.) Board of Trade praying for the passage of the bill (H. R. 8557) to provide for the establishment and operation of foreign trade zones in ports of entry of the United States, etc., which was referred to the Committee on Commerce.

Mr. BINGHAM presented a letter in the nature of a memorial from the Connecticut Beekeepers' Association, remonstrating against the passage of legislation permitting the use of corn sugar in certain classes of foods without being so labeled, which was referred to the Committee on Manufactures.

He also presented a resolution adopted by the New London County (Conn.) Dental Association, praying for the passage of House bill 5766, the so-called Parker bill, to provide for the coordination of the public h alth activities of the Government, which was referred to the Committee on Finance.

He also presented letters in the nature of petitions from the American Legion auxiliaries of Stonington, Fairfield County and of Portland, all in the State of Connecticut, praying for adoption of the proposed naval building program, which were referred to the Committee on Naval Affairs.

He also presented a resolution adopted by the Seymour Grange, of Seymour, Conn., protesting against adoption of the proposed naval building program, which was referred to the Committee on Naval Affairs.

He also presented telegrams in the nature of petitions from the New Haven Chapter, Norwich Chapter, No. 110, Nathan Hale Chapter, No. 58, of Hartford, and Elpis Chapter, No. 117, of New Britain, all of the Order of Ahepa, in the State of Connecticut, praying for adoption of the pending debt settlement between the United States and Greece, which were referred to the Committee on Foreign Relations.

INTERSTATE COMMERCE COMMISSIONER JOHN J. ESCH

Mr. SACKETT. Mr. President, I ask unanimous consent to have printed in the RECORD in the regular order of proceedings and referred to the Committee on Interstate Commerce a letter from Mr. Alba B. Johnson to Senator CARTER GLASS and the reply of Senator GLASS thereto.

There being no objection, the letters were referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

RAILWAY BUSINESS ASSOCIATION,
Philadelphia, February 21, 1928.

Hon. CARTER GLASS,
Senate, Washington, D. C.

MY DEAR SENATOR: The courtesy and deference shown to Interstate Commerce Commissioner Esch in his examination by the Senate committee creates an atmosphere inviting impartial discussion of the issues by those not directly interested in the Lake Cargo Coal case.

Colloquy at the hearing has focused attention upon the question whether Mr. Esch believes the commission to have the power, and should exercise it, to make rate adjustments designed to take business from one region and give it to another. As presented, this general question is complicated with collateral matters. One is the frequent obligation to correct inequity in rate relations, though such adjustment always tends and is intended to shift business. Another is the Hoch-Smith resolution, which was cited in the lake coal decision as requiring rate concessions to a depressed industry whenever within the zone of reasonableness the commission lawfully has discretion. For the purpose, however, of the point which I desire to call to your attention, imagine if you can that the commission in some rate case has deliberately and statedly asserted and exercised the power, clearly beyond the sphere of making rates reasonable, to transfer prosperity from one group of producers to another. Suppose, further, that a Senator dissents from such assertion of power. What course should he pursue?

Should he advise against the renomination and oppose the confirmation of the commissioners who voted as complained of when the term of each expires? Before adopting that procedure the Senator might well reflect upon the mischief threatened by such use of political pressure upon a semijudicial body. In this coal case some remonstrants against the decision have earnestly protested against such pressure, to which they accuse two commissioners of yielding in a change of vote between 1925 and 1927. By their indignation they fully recognize the impropriety and danger of efforts to subjugate the commission. To defeat the reappointment of an individual commissioner as punishment would merely perpetuate the practice which they deplore.

Should the Senator perhaps restrict his opposition to renominees who have changed their votes? If so, why wait until each culprit's term expires? If Mr. Esch, who changed his vote, and whose term expired in 1927, is unfit to be a commissioner, is Mr. Aitchison, who did likewise, qualified to retain office until the end of 1928?

If Messrs. Esch and Aitchison, against whom no evidence of having been politically influenced can in the nature of things be adduced and whose integrity nobody has heretofore or now assailed, were wrong on the merits in voting as they did in 1927, were not the five commissioners who concurred with them equally wrong? If he is moved to oust Mr. Esch on the ground that he voted wrong, will the Senator sit supine while all these other partners in the same guilt grind out to completion each his seven-year term?

It seems to me that this process of reasoning reduces to absurdity the resort to decapitation by senatorial rejection as warning for the future. As a servant of the whole people the Senator is bound to consider the national interest as paramount, charting for himself a route calculated to promote in the commission on one hand observance of constitutional and statutory limitations and on the other maintenance of a high standard of judgment as well as of integrity.

For the observance of constitutional and statutory limitations the commission can be held accountable through the courts. If all 10 of the commissioners who participated in the 1927 decision were beheaded, the executioners would not by such bloodshed have advanced one inch toward a permanent determination defining the power of the commission. Is it necessary for the country to lose the services of one or more experienced, capable, and reputable commissioners merely to convince the rest that their conception of powers is erroneous? Can not the courts interpret the law when in dispute? Can not Congress clarify its statutes if these are believed to have been misunderstood and misapplied?

Suppose, finally, that apart from the constitutional and legal aspects of power as exercised the Senator wishes that the commission might average higher in mental and moral attributes. Will he entertain for a moment the hope of promoting that object by refusing his confirmation vote to a statesman who in Congress and in the commission has served nearly 30 years and whom his leading interrogator at the hearing salutes as a "high-grade man"? Need the Senator hope to aid Presidents in winning the acceptance of more high-grade men, to say nothing of higher-grade men, by letting it be seen that they are expected to substitute the desire of litigants for their own judgment on pain of dismissal and may look forward to imputations upon their integrity following each decision between competitors?

The Railway Business Association, national organization of concerns manufacturing or dealing in railway equipment, material, and supplies, whose roll, herewith attached, includes members in all the States, has never discussed a freight rate or a rate level. It has no opinion upon the lake cargo controversy. It never recommends to the President candidates for the commission. Its platform, however, contains a plank urging the retention of incumbent commissioners during good health and good conduct, and urging Senators to refrain from disclosing to nominees under examination opinions by which they desire them to be governed. These things we say because, in our judgment, such a course is essential to the upbuilding and preservation of the commission as a tribunal to whose findings the public will accord the same respect as to those of the courts. We believe that no element in the country can gain so much as in the long run it will lose through breaking down the commission.

We do not say whether Mr. Esch should be confirmed or not. It is the prerogative and the duty of Senators to ascertain whether he has displayed intelligence, industry, and fidelity. We urge you, however, to leave to the courts the question whether he has participated in action contrary to the Constitution or the statutes, and to adopt measures other than rejection of a nominee for improving the quality of judgment exercised by commissioners. It is my purpose to recommend to the Railway Business Association a resolution favoring longer terms, higher salaries, and reduction of burden for interstate commerce commissioners.

With high respect,

Yours truly,

ALBA B. JOHNSON, *President.*

FEBRUARY 25, 1928.

MY DEAR SIR: I am this moment in receipt of yours of February 21 relating to the hearings before the Interstate Commerce Committee of the Senate in the case of Mr. Esch, nominated for continued membership on the Interstate Commerce Commission. I am not a member of the Interstate Commerce Committee and can not assume to conjecture what considerations may influence the action of the committee in the Esch case, nor will I pretend to speak for any other Senator. For myself I may say that the considerations so kindly presented by you, for the guidance of the committee and the Senate, have not been entirely overlooked.

You will pardon me if I venture to say that, in my conception of the case, your argument in behalf of the Interstate Commerce Commission and of the confirmation of Mr. Esch as a member thereof is specious rather than substantive or convincing. I take leave to believe confidently that the opposition to the confirmation of Mr. Esch is so far from being an exhibition of political influence as that it is distinctively a vehement protest against the exercise of political influence in matters relating to the functioning of the Interstate Commerce Commission.

A bit of background may clarify my meaning. For approximately 15 years the commission, from time to time, made decisions in adjustment of rate differentials between the competitive bituminous coal fields

of Pennsylvania and States adjacent without eliciting a single suggestion or a murmur from the Representatives or Senators in Congress from the adversely affected territory. This was because these Senators and Representatives in Congress assumed, as a matter of course, that the decision in each case related itself alone to the rate structure within the terms of the transportation act.

However, and of special significance, two years ago when the commission finally halted at the demands of the Pittsburgh operators for a still greater rate differential and refused to grant the petition, the political influence which now so alarms you was instantly invoked and applied. A Senator from your State of Pennsylvania bitterly antagonized the nomination of Mr. Woodlock as a member of the commission upon the avowed ground that Mr. Woodlock had participated in the decision adversely affecting the Pittsburgh coal fields. There was no breath of objection to Mr. Woodlock on the score of character or preeminent ability. He had been selected by the President because of his peculiar fitness in a realm of activity in which the commission was thought to be deficient. For weeks Mr. Woodlock's nomination was held up by your Pennsylvania Senator and opposition to his confirmation abandoned only for the avowed reason that to the opposing Senator had been practically delegated the right to name the next appointee on the commission and to name him from the State of Pennsylvania!

Soon after this occurrence the term of Commissioner Cox, of New Jersey, expired. Notwithstanding he had given satisfactory service and acquired a useful experience, Mr. Cox, having voted against the high Pittsburgh differential, was denied reappointment, and in accordance with the previously avowed understanding a gentleman long and intimately identified with the Pittsburgh coal interests was nominated to take his place on the commission. I do not recall having received at that time any word of remonstrance from you against the interjection of political influence in matters of this kind. Nevertheless the Senate, without your insistent aid, overwhelmingly repudiated this attempt to pack the Interstate Commerce Commission in behalf of a greater rate differential for the Pittsburgh coal fields, and the President found himself constrained to make a selection for the commission outside the territory affected. However it may seem to you, to some Senators it appears important to remember these circumstances.

As far as I am concerned, my association with Mr. Esch in the House of Representatives and my general knowledge of his character and nature would preclude me from supposing that he could be corruptly influenced or induced consciously to yield to extraneous influences. There are others, not so well acquainted with Mr. Esch, who feel inclined by all the attendant facts to think that the bitter opposition to Woodlock, in the first instance, and the tragic fate of Cox in the second place, were not forgotten history when two commissioners with terms nearing expiration reversed themselves and again yielded to the prayer of the Pittsburgh coal operators for an increased advantage over their competitors in other States. It is not to asperse the character of a public official to imagine a touch of timidity as an unconscious influence upon his mental processes, and I resent the suggestion from you or from any source that a Senator who has this conception of the case is actuated by political motives. As I have already said, just the reverse is true; he is indignantly resisting the political influences which were interjected without any admonitory outcry from you.

You ask if there is any more reason why Commissioner Aitchison, who likewise shifted his position, should be permitted to remain on the commission for the balance of his term than that Mr. Esch should be confirmed for another term. I should say there is not; but the name of Mr. Aitchison is not now before the Senate for confirmation. He could be removed only by impeachment, and you should be aware of the fact that the Senate has no constitutional right to initiate such a proceeding. When and if Mr. Aitchison's name shall come to the Senate for its approval, I should say that exactly the same objection might then reasonably be made to his confirmation as to that of Mr. Esch now. In neither case would the objection necessarily take the form of aspersing the nominee's character.

I very earnestly trust that I am not quite as simple as you would seem to imply when reminding me that the Interstate Commerce Commission is empowered to make rate adjustments which always tend to shift business.

I happen to know that; but I flatly deny your other postulate to the effect that such adjustments are "intended to shift" business in contemplation of the statute. I think the shifting of business is incident to rate adjustment and not the primary purpose of it. The Interstate Commerce Commission was empowered by Congress to adjust transportation rates solely with a view to the reasonableness and justness of such rates to the public, inseparably related to their compensatory nature as far as the railroads are concerned. The commission has no right, nor can Congress delegate to it any power, to adjust transportation rates with the deliberate design of "shifting business" from a competing industry or commercial enterprise in one section of the country to that of another section. The possession or exercise of any such power would make the commission the sole arbiter of industrial and business success or failure in the United States. The power in question, as recently exercised by the commission, is the power to enrich or to ruin. I do not think the Congress itself has any constitutional right to exercise such power, and until recently it was never conceived that it had intended to delegate any such right to the Interstate Commerce Commission.

With me this is the whole question; politics has not the remotest thing to do with it. I might much more readily ascribe to you political considerations in view of your utter silence when such tactics were employed to promote the industrial interests of Pennsylvania in contrast with your intemperate remonstrance now when there is resistance to their vicious effects. And as to your remarkable suggestion that Senators are proposing to coerce Interstate Commerce Commissioners "to substitute the desire of litigants for their own judgment," I say again that this is exactly what is not true. This is exactly what some Senators are protesting against, and precisely what you failed to condemn at the proper time. You were perfectly indifferent when it was proposed to "substitute the desire" of Pittsburgh coal litigants for the judgment of the commission. You were silent when it was even proposed to substitute a former attorney of the Pittsburgh coal interests for a member of the Interstate Commerce Commission who refused to yield to their demands, but now you are alert to the point of offensiveness when some Senators protest against the evil effects of the thing you once so lightly regarded, and when they also protest against the exercise of a power in behalf of your Pennsylvania coal interests which the Interstate Commerce Commission does not lawfully possess.

In your zeal you go so far beyond the confines of propriety as to tell me I have no right as a Senator to interrogate a nominee to the commission, upon whose fitness I am required by the Constitution to pass judgment lest he might assume that I do not agree with his interpretation of the law. In short, the nominee, in his immediate service, may have usurped and exercised a dangerous power, whether in a sinister way or from lack of mental perception makes no difference; nevertheless, it is your contention that a Senator, constitutionally required to determine for himself the fitness of this nominee, is not permitted to ask why the latter assumed to appropriate and exercise such a destructive power! Perhaps you know, as you clearly assume to know, more than I about the duties of a United States Senator and his sense of propriety; but since I may not always have the privilege of drawing you into conference I shall try to rely somewhat upon my own judgment in these important matters.

At the risk of briefly extending a letter now altogether too long, I venture to say that I have little patience with the contention that the so-called Hoch-Smith resolution had anything to do with the decision of the Interstate Commerce Commission in the Lake Cargo case. Inherently the resolution requires that the proposed general survey of the rate structure, as well as any action taken as a result of such survey, should be "according to the law." Repeatedly in the text of the resolution this is accentuated, and Mr. Esch and former Commissioner Hall testified that the reference was to the transportation act itself. Hence, it is idle to contend that the Hoch-Smith resolution either added to or subtracted from any provision of the interstate commerce act. The whole purpose of the Hoch-Smith resolution was revealed in the brief discussion of it in Congress, when its proponents insistently declared that the intention was to counsel the Interstate Commerce Commission to reduce transportation rates on agricultural products. The adversaries of the resolution just as insistently proclaimed that it was a futile gesture; that it conferred no authority which the commission did not already possess; that it was another of the multitude of schemes to deceive the farmers.

No Member of the Senate or House, whether favoring or opposing the resolution, ever dreamed that it might be taken as an excuse or used as a shelter for the exercise by the Interstate Commerce Commission of the power, by a manipulation of the transportation rates, to destroy a competitive industry in one section of the country in order that the industry might flourish in another section. It was never imagined by anybody that Congress was delegating to the commission power to transfer misery and squalor, however produced or to whatever extent prevailing, from one field of operation to another. Exercise of the power was never attempted by the commission until the lake cargo decision, when the evil influence which you now belatedly deplore was set in motion at your doorstep without eliciting from you a single word of expostulation.

Your suggestion that dissidents have recourse to the courts for correction of injustices and for curbing unwarranted exercise of authority is true, of course. Already appeal has been taken, and injured litigants may derive satisfaction from the reflection that the decision of the courts will not be reached under the terrifying influence of powerful interests which have not hesitated to threaten and to attempt an abasement of an inferior forum. Meanwhile your suggestion does not comprehend the full available remedy against the peril to the industry and commerce of the country in the arbitrary exercise by the Interstate Commerce Commission of a power it does not lawfully possess.

The Senate, in a proper exercise of its indubitable constitutional function, may say whether nominees to the commission who have, in its judgment, yielded to pressure to have flagrantly arrogated authority not contemplated by law, should be confirmed in the exercise of such power.

The Congress itself, if it agrees that the statute has been misinterpreted or the limits of the law exceeded, may properly so amend the act as to make plainer its intent, so that the commission may not hereafter find shelter for its abuse of power in any dubious provision of the law.

Very likely, despite your advice to the contrary, these remedies may immediately be invoked, since the favored beneficiaries of the commission's unprecedented decision are making gusty boasts that the sum of their triumph in Washington is a million dollars per week in the pockets of the Pittsburgh coal operators, taken, of course, under the color of law, from the pockets of their competitors in other States. The compensatory nature of the rate to the carriers, as the other millions of dollars to be picked from the pockets of users of bituminous coal, seem as far from the minds of these rejoicing Pittsburgh coal operators as from the thought of the Interstate Commerce Commission.

Very truly yours,

CARTER GLASS.

Mr. ALBA B. JOHNSON,
Packard Building, Philadelphia, Pa.

REPORTS OF COMMITTEES

Mr. EDGE, from the Committee on Banking and Currency, to which was referred the bill (H. R. 6491) to amend section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended, reported it without amendment and submitted a report (No. 439) thereon.

Mr. WALSH of Montana, from the Committee on the Judiciary, to which was referred the bill (S. 759) to give the Supreme Court of the United States authority to make and publish rules in common-law actions, submitted an adverse report (No. 440) thereon.

Mr. SHIPSTEAD, from the Committee on Agriculture and Forestry, to which was referred the joint resolution (S. J. Res. 59) authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920, as per a certain contract authorized by the President, reported it without amendment and submitted a report (No. 441) thereon.

COL. CHARLES A. LINDBERGH

Mr. REED of Pennsyvania. Mr. President, there is now lying upon the clerk's desk House bill 10715, which has just been passed by the House, to authorize the acceptance by Colonel Lindbergh of the various gifts and medals which have been conferred upon him in the course of his successful flights. He is an officer in the Officers' Reserve Corps of the Army of the United States and, therefore, under the Constitution can not properly accept the gifts and medals without consent of Congress. In view of the high distinction of his service and in view of the fact that these gifts are coming to him every day, by almost every mail and express delivery, it seems to me to be suitable that the Congress should take swift action upon the request that consent be given for the acceptance of the gifts. Therefore, I ask unanimous consent for the present consideration, without reference to a committee, of House bill 10715.

The VICE PRESIDENT. Is there objection to the request of the Senator from Pennsylvania?

Mr. CURTIS. Mr. President, I hope the request will not be made. I am just as anxious as anyone to have the measure passed, but if we start waiving the rule requiring the reference of bills to a committee we shall have to extend the privilege every time a Senator asks it. I do hope that the Senator will withdraw his request. He can make a poll of the committee in 15 or 20 minutes and then report the bill in the regular order. I wish he would take the regular course.

Mr. REED of Pennsylvania. Of course, if there is any objection I withdraw the request.

The VICE PRESIDENT. The bill will be read twice by title and referred to the Committee on Military Affairs.

The bill (H. R. 10715) to authorize Col. Charles A. Lindbergh, United States Army Air Corps Reserve, to accept decorations and gifts from foreign governments was read twice by its title and referred to the Committee on Military Affairs.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. COPELAND:

A bill (S. 3408) for the relief of the owners of cargo shipped on board the U. S. schooner barge *Catskill* in September, October, and November, 1920; to the Committee on Claims.

By Mr. JONES:

A bill (S. 3409) for the relief of M. C. Cooper (with accompanying papers); to the Committee on Claims.

By Mr. GILLETT:

A bill (S. 3410) for the relief of Mary E. O'Connor; to the Committee on Claims.

A bill (S. 3411) granting a pension to Mary H. J. Abbott; to the Committee on Pensions.

By Mr. DENEEN:

A bill (S. 3412) granting a pension to Lowell T. Newlon; to the Committee on Pensions.

A bill (S. 3413) authorizing the appointment of Lewis W. Glossinger as a warrant officer, United States Army; to the Committee on Military Affairs.

By Mr. GLASS:

A bill (S. 3414) to repeal the joint resolution entitled "Joint resolution directing the Interstate Commerce Commission to take action relative to adjustments in the rate structure of common carriers subject to the interstate commerce act, and the fixing of rates and charges," approved January 30, 1925; to the Committee on Interstate Commerce.

By Mr. McNARY:

A joint resolution (S. J. Res. 102) authorizing the erection of a memorial building to commemorate the winning of the Oregon country for the United States; to the Committee on the Library.

HOUSE BILLS AND CONCURRENT RESOLUTION REFERRED

The following bills and a concurrent resolution were severally read twice by their titles and referred as indicated below:

H. R. 49. An act to amend the Code of Law for the District of Columbia in relation to descent and distribution;

H. R. 6685. An act to regulate the employment of minors within the District of Columbia;

H. R. 6856. An act relating to the payment or delivery by banks or other persons or institutions in the District of Columbia of deposits of moneys and property held in the names of two or more persons, and for other purposes;

H. R. 8298. An act authorizing acquisition of a site for the farmers' produce market, and for other purposes;

H. R. 10147. An act to provide a complete code of insurance law for the District of Columbia (excepting marine insurance as now provided for by the act of March 4, 1922, and fraternal and benevolent insurance associations or orders as provided by the act of March 3, 1901), and for other purposes; and

H. R. 10869. An act amending section 764 of subchapter 12, fraternal beneficial associations, of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

H. R. 11197. An act to authorize the Secretary of War to grant rights of way to the Vicksburg Bridge & Terminal Co., upon, over, and across the Vicksburg National Military Park at Vicksburg, Warren County, Miss.; to the Committee on Military Affairs.

H. R. 10298. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near New Orleans, La.; to the Committee on Commerce.

The concurrent resolution (H. Con. Res. 25) was referred to the Committee on Appropriations, as follows:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives is authorized and directed, in the enrollment of H. R. 10635, entitled "An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes," to make the following changes in the engrossed bill:

On page 20, line 13, after the word "act," where it occurs the first time, insert the words: ", as amended."

On page 20, line 24, after the word "act," insert the following: "and for carrying out the applicable provisions of the act approved March 3, 1927 (Stat. L. v. 44, p. 1381)."

On page 20, line 25, after the word "officers," insert the word "attorneys."

On page 21, line 1, after the word "supervisors," insert the following: "gaugers, storekeepers, storekeeper-gaugers."

On page 22, line 9, after the syllable "tions," insert the word "prescribed."

On page 22, line 14, strike out the word "bonds" and insert the word "bonded."

AMENDMENT OF THE INTERSTATE COMMERCE ACT

Mr. METCALF submitted an amendment intended to be proposed by him to the bill (S. 656) to amend section 15a of the interstate commerce act, as amended, which was ordered to lie on the table and to be printed.

MUSCLE SHOALS

Mr. HARRISON submitted a modified amendment intended to be proposed by him to the joint resolution (S. J. Res. 46)

providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes, which was ordered to lie on the table and to be printed.

NOMINATION OF WILLIAM R. GREEN FOR THE COURT OF CLAIMS

Mr. BLEASE submitted the following resolution (S. Res. 160), which was referred to the Committee on the Judiciary:

Whereas His Excellency the President of the United States has nominated WILLIAM R. GREEN to the position of judge of the Court of Claims; and

Whereas said nomination is now up for consideration before the Judiciary Committee of the Senate; and

Whereas it is rumored that the said appointment was not made upon a question of ability but possibly of relieving an embarrassing situation by placing this party upon said bench and thereby causing a vacancy in another position: Be it

Resolved, That the Judiciary Committee be requested to inquire especially as to the ability as a lawyer of the nominee, when he last practiced law, where he last practiced law, what cases he has in the last several years been connected with in courts in which a display of any special legal ability was required and if he is a citizen of the District of Columbia and that they further inquire into the fact as to whether or not his son now holds a position at a salary of around $10,000 a year in the department to which he is to be appointed judge or an associate department and that they report their findings to the Senate upon these matters along with their recommendation as to confirmation.

PRINTING OF SOIL SURVEY OF PINELLAS COUNTY, FLA.

Mr. FLETCHER (for Mr. TRAMMELL) submitted the following resolution (S. Res. 161), which was referred to the Committee on Printing:

Resolved, That there be printed 2,000 copies of the soil survey of Pinellas County, Fla., for the use of the document room of the United States Senate, after such revision as may be deemed necessary by the Bureau of Soils of the Department of Agriculture.

TRAVEL EXPENSES OF SENATORIAL CLERKS

Mr. NYE submitted the following resolution (S. Res. 162), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate is authorized and directed to reimburse from the contingent fund of the Senate one clerk or one assistant clerk to each Senator, or to one clerk or assistant clerk to each committee of the Senate, such amounts as may be necessarily paid by said clerk or assistant clerk for transportation, Pullman charges, and meals en route from Washington, D. C., to the place of residence in the State of the Senator by whom employed at the time such trip is made, and return therefrom; said reimbursement being hereby expressly limited to one round trip for each regular, extra, or special session of Congress or of the Senate to and from said place of residence, for not to exceed one said clerk or assistant clerk, by the most direct route of travel, on vouchers to be certified by their respective Senators that such travel has been performed, and approved by the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate.

HERBERT HOOVER

Mr. OVERMAN. Mr. President, last Tuesday morning an article appeared in a leading paper of my State in regard to Mr. Hoover's transactions in Europe which was said to be libelous in character. That was followed up with an article last Sunday morning, which I ask to have printed in the RECORD, together with what purports to be a photostatic copy of the decision of the court rendered in London in the case referred to in the article.

The VICE PRESIDENT. Without objection, it is so ordered. The matters referred to are as follows:

[From the Greensboro Daily News, Sunday, February 26, 1928]

HOOVER FORCES DENY HE WAS DEFENDANT IN SUIT

WASHINGTON, February 25.—There is an impression on Capitol Hill, as well as among politicians, that more is to be heard concerning the article published in a weekly paper here, Politics, in which Secretary Hoover was represented as a defendant in a losing litigation in London 20 or more years ago, involving coal-mining properties in China. This bureau caused a reprint of portions of the article, and it was immediately resented by friends of Secretary Hoover, who declared last night that the article in question, among other things, was libelous, that Mr. Hoover had not been a defendant in the case at all, but a witness whose testimony had resulted in the restoration of the mining property to the rightful owners, the Chinese and German associates.

The suit had been a four-cornered affair, with two British firms, a Chinese firm, and Belgium group concerned, and Belgians having been interested the Hoover people have long been armed with a letter from the Belgian ambassador, declaring the course of Mr. Hoover to have been above criticism, and this letter was brought out and made ready for service shortly after copies of the Daily News came here yesterday afternoon containing extracts from Politics, which publication the Hoover forces have characterized as irresponsible.

It likewise appears, following the arrival of the Daily News in Washington, that a hurried conference of Hoover leaders was called, Secretary Work, field marshal of the Hoover forces, having been among those called into council. At the conclusion of this conference a Daily News representative was requested to make correction, or denial of the story that Secretary Hoover had been involved in the Chinese suit in an unpleasant way, and to give publicity to the letter of the Belgian ambassador, all requests that this bureau gladly complied with. A representative of the paper also accepted an invitation to visit the Department of Commerce to-day and look over a photostat copy of the London court records, which, it was explained, would make it all very plain that nothing had happened in the London courts to reflect disagreeably upon Mr. Hoover, that the record and court decision would disclose that Mr. Hoover had only appeared in court as a witness, not a defendant in the one-time celebrated, international case.

The Daily News representative did visit the Commerce Department, when gentlemen sitting next door to Secretary Hoover showed the reporter a brief prepared by attorneys for the Secretary of Commerce in which the case was explained in detail, and the assertion made by the law firm that Mr. Hoover had been guilty of no impropriety in his business dealings in China and London, and all reports to the contrary were characterized as "wanton defamation." Apparently this brief, along with the Belgian ambassador's letter, have long been in hand, ready for just such an emergency as appeared last night. There was a reiteration to-day of the statement of last night that Mr. Hoover had only appeared as a witness in the case in question, but no photostat or certified copies of the decision in the case were produced.

At the office of Politics, however, those in charge were somewhat more communicative when it came to records in the case. It was asserted that the article quoted by the Daily News was nothing more nor less than a digest of the decision of the court in the Chinese case, and that Mr. Hoover had, in point of fact, been mentioned as a defendant, not once but several times, and what purported to be a photostat copy of the London Times was produced, in which mention was made of the Chinese coal case. The decision of his lordship, Justice Joyce, chancery division, high court of justice, was published in the London Times of March 2, 1905. The Times called it a suit brought by His Excellency Chang Yen Moa against Bewick, Moreing & Co., H. C. Hoover, and others.

The court dealt rather severely with the defendants, and the point is, was Mr. Hoover among the defendants or was he present merely in the capacity of a witness? Friends of Mr. Hoover declare with great emphasis that he never at any time appeared as defendant or plaintiff, but merely as witness on the side of righteousness and justice. Critics of the Commerce Secretary declare with equal emphasis that the London Times's report of the court proceedings will be borne out by the opinion of court itself, and they hint broadly this court opinion—the full text thereof—will shortly be published, with a view to permitting the public to render judgment in the light of the court's decision. They aver that this decision will afford a complete answer to the question of whether Mr. Hoover was present as defendant or witness in this Chinese case.

By way of supplementing the London Times court report, and in contrast to the letter of the Belgian ambassador, the anti-Hoover camp to-night presented what they termed excerpts from the opinion of the London court. They thus quote the court: "Incidentally it appears by a letter of Mr. Hoover of March 22, 1901, that he actually took possession of some of the title deeds of the property by main force. Under the circumstances I am of the opinion that to allow the defendant company, while they insist on retaining the benefits of the transfer to escape from the obligations of the memorandum upon any such pretext that Hoover or De Wanbers were not authorized to agree to its terms, or that it was impossible for the defendant company to perform some of their terms without altering the constitution, would be contrary to one of the plainest principles of equity. It would be to sanction such a flagrant breach of faith as, in my opinion, could not be tolerated by the law of any country."

It is suspected that this is just the beginning of attacks to be directed against Mr. Hoover personally. If accusations of this kind are found to have little foundation in fact, they will redound, of course, to the advantage of Mr. Hoover in the preconvention campaign. Just now the politically inclined are awaiting the publication of the opinion of the London court in the Chinese case to determine, first, whether Mr. Hoover was numbered among the defendants, and, second, whether the court found fault with Mr. Hoover's conduct.

[From the London Times, Thursday, March 2, 1905]

High Court of Justice—Chancery Division

(Before Mr. Justice Joyce)

CHANG-YEN-MAO *v.* MOREING AND OTHERS

Judgment was given in this case this morning. It was an action by the plaintiff, his excellency Chang-Yen-Mao, to have it declared that a certain memorandum of conditions relating to the transfer of mining

property in China to a company called the Chinese Engineering & Mining Co. (Ltd.) was binding upon the defendants, and, in the event of its not being held to be so binding, for a declaration that the transfer of the property was obtained by fraud and ought to be set aside.

Mr. Levett, K. C., Mr. Gill, K. C., Mr. Younger, K. C., and Mr. G. Lawrence appeared for the plaintiff; Mr. Hughes, K. C., Mr. Rufus Isaacs, K. C., and Mr. G. F. Hart for the defendants, C. A. Moreing and Bewick Moreing & Co.; and Mr. Haldane, K. C., Mr. W. F. Hamilton, K. C., and Mr. Vernon for the defendant company.

The hearing occupied the time of the court for 13 days and will be found reported in the Times of January 19, 20, 25, 26, and 28, and February 1, 2, 4, 8, 9, 11, and 13.

Mr. Justice Joyce said: "This is an action by his excellency Chang and the Chinese Mining & Engineering Co. of Tientsin, whom I will call the Chinese company, asking for a declaration that a certain document called the memorandum of February 19, 1901, is binding on the defendants, and an order for the carrying into effect of the provisions of such memorandum. Alternatively, and in the event of such memorandum being held not to be so binding, for either a declaration that a certain other document called the transfer of February 19, 1901, was obtained by the fraudulent representations and fraud of the defendants or their agents and ought to be set aside, and an order that the same may be set aside accordingly, or a declaration that the defendants are not entitled to retain the benefits of the said transfer, except on the condition of making good to the plaintiffs the obligations imposed by, and performing the provisions contained in the said memorandum and such order consequent on such declaration as may be necessary for giving effect thereto.

"Then there is a general claim for damages. The transfer is a document which was drafted in English by Mr. White Cooper, a solicitor in Shanghai, who was brought over to Tien-tsin for the purpose. It is in the form of an indenture, expressed to be made between the Chinese company, his excellency Chang, as the director general of all the mines in the Provinces of Chi-li and Jehol, and director general of the Chinese company, and Gustav Detring, a director of the same company, of the first part, Mr. Hoover, as agent of Moreing, of the second part, and the defendant company, of the third part. It contains recitals of, among other things, a certain agreement of July 30, 1900, which I shall have to refer to again hereafter, and purports to be a conveyance in pursuance of that agreement of the mines and property of the Chinese company to the defendant company. No consideration was expressed, but it contains an undertaking by the defendant company to assume the liabilities of the Chinese company and indemnify such last-mentioned company therefrom. As to the nature, extent, and enormous value of the property comprised in this transfer I may refer, without reading it, to the speech of the chairman of the company at the extraordinary general meeting of that company held on July 16, 1901. A Chinese translation of this document, the principal party to which was his excellency Chang, who can not speak English and must be ignorant of our statute law in reference to joint-stock companies and English law generally, was made; and both the Chinese version and the English version were executed by the parties thereto other than the defendant company, being sealed with the official seal of his excellency as director general of the mines in the Province, and so representing the Chinese Government, and with the official seal of the Chinese company. The place of execution was Tien-tsin, in the Empire of China, where all the property which the transfer purported to comprise was situated. I do not know whether this document of itself operated as a conveyance of immovable property in China secundum legem domicilii. I have some reason to suspect that it did not; and I observe that the third clause, according to the English version, provides that 'the Chinese company and his excellency and Detring hereby agree with the defendant company to sign all other documents, and do all other acts that may respectively be required for completing the transfer to the Chinese company of all the properties hereby agreed to be transferred.' I have not been informed, however, what is the law of China with reference to any of the matters in question in this action. None of the parties has offered any evidence or made any allegation on the subject, though I have from time to time suggested that it might be required to be considered, and have rather invited argument upon it.

"The transfer was the outcome of protracted discussion and negotiations for the formation of the Chinese company into what I may call an Anglo-Chinese company to be formed in England, the principal objects in view being the better protection of the property of the company in the disturbed state of the country caused by the Boxer riots, and also the introduction of foreign capital for the development and more advantageous working of the mines. The parties between whom such negotiations took place were the defendant Moreing and his firm on the one side and on the other His Excellency Chang and the Chinese company by their director general, his excellency, who was also director general or governor of the mines of the Province under the Emperor. His excellency was from time to time assisted in the matter by Mr. Detring, a foreigner who had been long resident in China and had held some considerable office in the Chinese customs. Various stipulations had from the first been made by his excellency in reference to the constitution and administration of the proposed company into which the Chinese company was to be transformed. In particular it had been contemplated all along and definitely agreed that the capital of the new company should be £1,000,000 in £1 shares, and that of these £375,000 should go, quite properly, to the shareholders of the Chinese company as the price or part of the price of the property, subject to encumbrances that were to be taken over. There were to be two boards of directors, one in China and one in London. The management of the property in China was to be in the China board, and his excellency was to be director general as before in general charge of affairs. The defendant company was registered on December 21, 1900, by the Moreings, or a certain oriental syndicate which Mr. Moreing has associated with himself in the business, and to whom he in some way turned over the formation of the company, and, I suppose, its promotion and management. According to the memorandum of association, the first object, and I may say the principal object of the company, was to carry into effect, with such modifications, if any, as may be agreed upon, the agreement mentioned in clause 3 of the articles of association; and clause 3 of the articles of association provides that the company shall forthwith enter into an agreement in the terms of the draft, which for the purpose of identification has been initialled by two of the subscribers to the memorandum of association, and the board shall carry the same into effect, subject to any modification, and so on. Now, it is a somewhat curious circumstance that this draft has not been, and could not be, produced at the trial.

"I am not at all sure what it was, if indeed it ever existed. I omitted to say that at an early period of the negotiations, which I mentioned before—namely, in the month of August, 1900—the agreement I have mentioned of July 30, 1900, was executed. It purported to be a grant of an assignment in terms by Detring, as agent and attorney of the Chinese company, to Hoover, who was the agent of the defendant Moreing, upon trust, of all the property of the Chinese company, and it was thereby in effect provided, among other things, that Hoover should hold the property as trustee for the contemplated new company when formed. Now, His Excellency Chang, being urged by the defendants and the oriental syndicate, through their agents in China, including Mr. White Cooper, the solicitor from Shanghai, and also being advised by Detring, to transfer the property of the Chinese company to this defendant company, personally objected, and, as it has turned out very wisely, declined positively to execute the transfer when submitted to him because it did not contain any statement of the arrangements for which he had stipulated with respect to, among other things, the constitution and management of the new company into which the Chinese company was to be transformed. The document did not appear to him adequately to protect his Government or the Chinese shareholders or himself; and in this he was perfectly right. In particular, as I observe, it did not even provide for the 375,000 shares being given or paid to the shareholders of the Chinese company for the purchase of that company's property. Between his excellency and the agents of the defendants, including Mr. White Cooper, which agents also represented the oriental syndicate, as I consider, and its creature, the defendant company, there were long and heated discussions extending over four days. Hoover, as he himself admits, went so far as to use various threats to his excellency. Ultimately his excellency was induced with difficulty to accede to a proposal of Mr. White Cooper's, that the terms, on account of the absence of which from the transfer he declined to execute, should be embodied in another document, being the memorandum I have already spoken of, to be executed previously to and at the same time with the transfer. Under this arrangement his excellency was assured by the representatives of the other parties to the transaction that the memorandum would be, as it was expressed to be, the ruling document and be acted upon, or, in other words, would be binding and be carried into effect. It was upon the faith of and in reliance on these assurances that his excellency was induced to affix his seal to the two versions of the transfer.

"The memorandum in two versions, Chinese and English, was executed at the same time in the same manner by Hoover, the agent of the defendant Moreing, De Wouters, who I think, may be taken to have represented the oriental syndicate and the defendant company and every one interested through them, and it was also executed by his excellency and Detring. In truth the execution and terms of the memorandum appear to me to have formed not only a material but an essential part of the consideration for the transfer—if it was a transfer—of the property therein comprised. Mr. White Cooper, a member of the firm of English solicitors at Shanghai, who acted for the oriental syndicate and the defendant company, and prepared the draft of the transfer, as also the memorandum, attested the execution. After the present dispute had arisen, Detring, on behalf of the plaintiff or of his excellency, on July 25, 1902, made a representation of their complaints to Mr. White Cooper's firm at Shanghai, they being the solicitors to the defendant company; and these solicitors, replying on August 11, 1902, say, among other things: 'It was in order to maintain the rights of yourselves'—that is, Detring and his excellency—'and the Chinese shareholders that the agreement'—that is, the memorandum of February, 1901—'was made. This agreement was dated and signed on the same day as the transfer and recognized by Mr. Hoover and De Wouters

and ourselves as a binding agreement and a condition precedent'—that is not, perhaps, a very accurate expression—'for the transfer of the old company's property. The terms of this agreement'—that is, the memorandum—'should consequently be loyally carried out. Further, we note the position you and his excellency have taken up and will send a copy of your letter to the London board'—that is, the board of the defendant company—'by the next mail, leaving it to them to act as they think fit, and pointing out the serious consequences to the welfare of the company of their refusal to comply with your requirements.' Hoover, as appears by his evidence, is really of the same opinion; and De Wouters says that he executed the memorandum simply because it contained nothing but what had been agreed to before, which is true. Indeed, it has not been seriously disputed before me, and at all events I find as a fact, that the terms of this memorandum formed the basis and foundation of the whole arrangement, and were well understood by all parties to be an essential condition, whether as a collateral agreement or otherwise, of any transfer being made by the plaintiffs or either of them to the defendant company. I also find as a fact that the terms of this memorandum have not been observed or performed.

"As alleged by the statement of claim, not denied by the defense of the defendant company, and as proved by the evidence, the defendant company and its directors have declined to recognize the memorandum as having any force or effect or to abide by the provisions thereof, and they did this down to the time of the trial, although they had somehow managed to get possession of the property and were claiming it under the transfer. Incidentally, it appears by a letter of Mr. Hoover of March 22, 1901, that he actually took possession of some of the title deeds of the property by main force. Under the circumstances I am of opinion that to allow the defendant company, while they insist on retaining the benefits of the transfer to escape from the obligations of the memorandum upon any such pretext as that Hoover or De Wouters were not authorized to agree to its terms or that it was impossible for the defendant company to perform some of these terms without altering its constitution, would be contrary to one of the plainest principles of equity. It would be to sanction such a flagrant breach of faith as, in my opinion, could not be tolerated by the law of any country. In this court a purchaser of real estate, even though he may have obtained possession and an actual conveyance may have been made to him, will not be allowed to keep the property without discharging the consideration for the same. If authority be wanted for the existence of so natural and obvious an equity, I need only refer to Lord Eldon's judgments in the leading case of Mackreth *v.* Symons (15 Ves. 329). Both at law and in equity a person who claims under a deed, though he may not have executed it, must give effect to all its provisions; and for the purpose of applying this principle to the present case I am entitled, I think, if necessary under the circumstances, to consider the transfer and memorandum as practically one instrument. Nevertheless, the defendant company, not being able or not choosing to agree with his excellency and the Chinese shareholders as to the meaning and effect of the memorandum, or finding it inconvenient to fulfill its obligations, took up the position that, as they expressed it, vis à vis the defendant company the memorandum was of no binding effect; that the agents who obtained and executed the so-called transfer had no authority to enter into the memorandum, and so on; in short, the defendant company, the defendant Moreing being then a director, and, as he now says, overborne by his colleagues, repudiated the memorandum and set the plaintiffs at defiance; and thereupon the present action was instituted. In due course defenses were delivered, one by the Moreings and the other by the company.

"I do not consider it necessary to discuss these in detail. Suffice it to say that both, as I read them, dispute the memorandum, insisting upon every objection, whether well founded in fact or not, that could be raised to it, some of these objections, to my mind, being under the circumstances not very creditable. Ultimately his excellency and Mr. Detring, as I can not help suspecting somewhat to the disappointment of the defendants, came over to this country for this trial and gave their evidence before me. At length, after the evidence and cross-examination of his excellency were completed, and Mr. Detring, the other witness on the part of the plaintiffs, had been examined in chief and cross-examined on behalf of the Moreings, and in the midst of his cross-examination by the leading counsel of the defendant company, a remark of mine elicited the statement, then for the first time made, that the defendant company did not dispute the memorandum. Indeed, in my opinion, after the evidence that had been given, they could not have done so with the slightest prospect of success, or, indeed, as I think, honestly. But they began to suggest questions as to the construction or effect of the document and technical difficulties in the way of the plaintiffs' obtaining the relief which they claim in the action. Later on it appeared that the counsel for the Moreings also were not able, or, as they possibly would say, did not care, to dispute the memorandum. In other words, the memorandum is now (I may almost say admittedly) binding, as, indeed, it always was. This memorandum, however, does not, in my opinion, either with or without the transfer, constitute a contract of such a nature as this court could decree specific performance of. I can not directly order that it should be carried into effect, and I think there would be great difficulties in the way of the plaintiffs' maintaining an action for damages upon it against any of the defendants. But I hold and declare that the memorandum dated February 19, 1901, is binding as against the defendants, and that the defendant company was not, and is not, entitled to take or retain possession or control of the property comprised in the transfer or the benefits thereof without complying with and performing the provisions and obligations contained in the memorandum. In other words, I am of the opinion that, unless within a reasonable time the provisions and obligations of the memorandum be complied with and performed, this court ought to do what it can to restore to the plaintiffs the mines and property the subject of the transfer, and, probably by injunction if necessary, to prevent the defendant company, its agents and servants, from retaining possession. The plaintiffs, therefore, succeed upon the principal issue in the action, and, in my opinion, are entitled to their costs. I now proceed to consider the plaintiffs' claim to damages.

"The defendant company has all along claimed, and still claims, to have acquired all the property of the Chinese company by virtue of the transfer of February 19, 1901, expressed to be made in pursuance of the agreement of July 30, 1900. Nevertheless, by an agreement dated May 2, 1901, nearly three months afterwards, and expressed to be made between the oriental syndicate of the one part and the defendant company of the other, the whole of whose nominal capital was £1,000,000 in £1 shares, the syndicate affect to sell to the company the benefit of the aforesaid agreement of July 30, 1900, for a purchase consideration of 999,993 of these 1,000,000 shares to be allotted as fully paid up to the syndicate or their nominees, and the sum of £2,000 and odd in cash, being the amount of the fees paid by the syndicate on the registration of the defendant company. This agreement of May 2, 1901, was sealed at a meeting of the board of the defendant company held on the 25th of the same month of May. At that meeting 50,000 of these shares are allotted as fully paid up to the defendant Moreing and 150,000 as fully paid up to the oriental syndicate, and it was resolved that the board agree to allot to the nominees of the Chinese company 375,000 shares. These, of course, were for the shareholders of the Chinese company, and then (this is the extraordinary part of it) to the nominees of the oriental syndicate 424,993 shares—that is, all the rest of the capital, deducting the seven shares required for the signatories of the memorandum of association. I think these 424,000 and odd shares are not in the minutes, if I recollect rightly, expressed to be fully paid up, but as I understand they have been always so treated and dealt with. Now, the plaintiffs, very naturally, complain of this transaction. Suppose it be granted that the 50,000, and even the 150,000 (making together 200,000 shares) were to go for promotion profits—if, indeed, that were allowable—why were 424,993 fully paid-up shares of the company to go among the nominees of the syndicate for no consideration that I have been able to discover? In short, it appears to me upon the facts that transpired in the course of this trial, that there are at least plausible grounds for contending that the defendant company has been defrauded of nearly 425,000 shares, to the injury and loss of the Chinese shareholders, who were justly entitled to the 375,000 shares. These shares, as I understand, are not of a merely nominal value, but are being or have been sold at a price above par; for the plaintiffs say, and it seems to me with reason, that the value of the 375,000 shares coming to the shareholders of the Chinese company for the purchase of their property, undoubtedly of great value, is substantially—it may be to the extent of one-half—reduced by the issue, for no consideration whatever, of these fully paid-up shares to the promoters or their nominees.

"The defendants have endeavored to excuse the promoters by saying that of these shares 250,000 had been given as a bonus or additional consideration to persons who subscribed £500,000 to the company upon the security of debentures, which debentures were issued without the consent or knowledge, so far as I can make out, of the Chinese shareholders. The plaintiffs reply that it was not necessary to issue nearly so large an amount of debentures, and that of the money so raised, £200,000, or thereabouts, has never been expended, but is still to the credit of the defendant company with their bankers, and also that the money, if required, could have been obtained without sacrificing the shares. No offer of the debentures was made to the public, but the promoters, as I understand, distributed the shares and allotted the debentures among themselves and their friends, who I suppose still hold the debentures and the 424,993 fully paid-up shares, for which nothing has in fact been paid. Now, certainly, the proceedings of the board of directors of the defendant company, in the month of May, 1902, are of a remarkable nature, though I do not pretend to have given a complete statement of all the facts. They have not yet been fully investigated. At all events, it seems to me I can not set the matter right in this action, which was not framed and is not properly constituted for the purpose. The only materiality in this action of the apparently unauthorized issue of fully paid-up shares is that it is put forward as a ground for a claim to damages made against the defendant Moreing in respect of the consequent diminution in value of the 375,000 shares going to the shareholders of the Chinese com-

pany. But this claim, as it appears to me, if it could be dealt with in this action, must be founded upon a breach of the terms of the memorandum, which was no doubt executed by Hoover as agent for the defendant Moreing. I do not, however, find in the memorandum any contract by the defendant Moreing that no shares shall be issued as fully paid up, nor indeed do I see anything to prevent fully paid-up shares being issued by the defendant company bona fide for a proper purpose and a proper consideration. Nor do I see how the Moreings are directly responsible to the plaintiffs for the improper issue of fully paid-up shares to the oriental syndicate or its nominees (if such issue was improper); in other words, I do not think I am able to make the defendant Moreing, or his firm, responsible in this action for any loss sustained by the plaintiffs through the misfeasance of the directors of the defendant company or of the oriental syndicate as promoters of the defendant company. But my judgment in this action must be expressed to be without prejudice to any action or other proceedings that may be taken by or on behalf of the defendant company, or against any of the defendants by anyone in reference to the promotion or formation of the defendant company, or the issue of any shares or debentures thereof or any of the transactions of the same company or its directors.

"Counsel for the plaintiffs, in opening the case, asked me to make certain amendments, which I allowed; these appear in the amended statement of claim as printed. Subsequently—in fact, upon the thirteenth day of the trial—after all the evidence had been taken and in the midst of the summing up of the case for the defendants Moreings, by their counsel, the plaintiffs for the second time asked to amend by alleging that Mr. Detring (I suppose as agent of the plaintiff Chang) was induced by the fraudulent representations contained in a letter of November 9, 1900, from the defendant Moreing to Mr. Detring to agree to make certain alterations; in truth, really to agree to reexecute with alterations the document I have mentioned more than once of July 30, 1900. What happened with respect to these alterations is a long story, but not, I think, directly material in this action, though it may be most material upon some future occasion. As at present advised I do not think that these alterations, made at the time and under the circumstances when they were made without the concurrence of the defendant company, can be of any validity, nor am I satisfied at present that the plaintiffs have sustained any damage thereby. No one has contended before me that these alterations are binding upon anyone. It was also proposed to allege by the same amendment that his excellency was induced to execute the transfer of February 19, 1901, by fraudulent representations contained in a letter of February 9, 1901, from Hoover, who is not a defendant but was an agent of the Moreings, to Mr. Detring. Having regard to the concluding words of paragraph 17 of the amended statement of claim, I am not quite sure that this claim for damages was intended to be made unless the memorandum were held by me and not to be binding. But how have the plaintiffs sustained damage as a necessary or natural consequence of the execution by his excellency of the transfer, if the memorandum be binding and be enforced, as I hold it must be? Upon the whole I think that I ought not to allow these proposed amendments; but my judgment will be without prejudice to any future action or other proceeding that may be taken by the plaintiffs, or either of them, upon the ground of any alleged misrepresentations (fraudulent or other) in either of these two letters. There remains only one other claim for damages, which is a claim by His Excellency Chang against the defendant company for damages on the ground of his excellency's having been, as it has been expressed, deprived of a valuable appointment, which means, I suppose (if it means anything), on the ground of his not getting an appointment, in pursuance of the memorandum, of director general in China of the defendant company with the same powers and emoluments as he enjoyed in the Chinese company before February 19, 1901.

"But I do not understand that his excellency is not still director general of the Chinese company. The claim, if it can be supported, is for damages in respect of a breach of a particular clause in the memorandum. Besides other difficulties, to give these damages would, as it seems to me, be inconsistent with the other relief which I am granting in this action. I am assuming that as a consequence of my judgment the terms of the memorandum will be performed or complied with in their entirety; otherwise, if I am right, the defendant company will not be allowed to retain the property. Certain accounts may have to be taken, and the defendant company may be entitled to reimburse their expenditure, or part of it, so far as not provided by means of moneys received from the mines. I shall reserve any question of damages that may arise in respect of any default or delay in the performance of the obligations and provisions of the memorandum until it be seen what is the result of my present judgment. The defendant company must pay the costs of the plaintiff. The defendants Moreing, who were necessary parties to this action as against the company, having regard to their course of conduct and the attitude which they have maintained until a late period of the trial, and to the fact that in my opinion the costs have been seriously increased by their conduct in these proceedings and otherwise, must bear their own costs. I think perhaps I ought to add one other observation, which is that, in the investigation taken before me of the transactions in question, it has not been shown to me that His Excellency Chang has been guilty of any breach of faith or of any impropriety at all, which is more than I can say for some of the other parties concerned."

FEDERAL INTERMEDIATE CREDIT BANK INVESTIGATION

Mr. BLEASE. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Charleston (S. C.) News and Courier relating to a resolution which I introduced day before yesterday calling for an investigation of the administration of the affairs of the Federal intermediate credit bank in Columbia.

The VICE PRESIDENT. Without objection, it is so ordered. The editorial is as follows:

SHOULD BE PRESSED

The resolution introduced in the United States Senate by Senator BLEASE for the appointment of a subcommittee to investigate the administration of the affairs of the Federal intermediate credit bank in Columbia deserve approbation and the interest of the whole country demands its adoption.

It is far from certain that the whole story of the transactions of 1925 and 1926 in Beaufort have been or will be told in the courts. It has come to light that in Beaufort a State bank has failed, an association of farmers has gone into bankruptcy, and that a tremendous sum of money was borrowed from the intermediate credit bank 130 miles away in Columbia.

It has been said that the dealings of the intermediate credit bank with the group of planters in Beaufort were on a larger scale by far than they have been with farmers' associations in general.

One would like to know whether the Federal banks of this nature in other parts of the United States have had immense transactions with a single farm association?

The crash in Beaufort came with a suddenness for which the public was wholly unprepared and disregarding all considerations of where the fault lay the fact remains that agricultural operations have been left in Beaufort in a sadly demoralized and precarious state. The News and Courier does not suggest that the credit bank in Columbia has deviated in the least degree from legal prescriptions; that is a subject of which it knows nothing, but the bank was organized to assist the farmers and it can not be disputed now that the Beaufort district would be in a condition far better had the intermediate credit bank act not been passed by Congress.

The proposed investigation should inquire whether or not the intermediate credit banks are serving the end for which they were established and if they are not the Congress should abolish them.

The history of events in Beaufort the last two years furnish abundant reason to make the investigation suggested by Senator BLEASE advisable. These banks are an experiment, an experiment entered upon by Congress, and it is the business of Congress to watch it.

The investigation should be pressed.

MOTOR TOURISTS IN SOUTH CAROLINA

Mr. BLEASE. Mr. President, I ask unanimous consent to have printed in the RECORD an article taken from the Charleston (S. C.) News and Courier relative to motor tourists in South Carolina and the South.

The VICE PRESIDENT. Without objection, it is so ordered. The article is as follows:

MOTOR TOURISTS FLOODING

(Editorial correspondence)

AIKEN, February 25.—This city, named for a Charlestonian, seat of the United States District Court in Western Carolina, far famed for its winter colony of wealthy eastern people, is in United States Highway No. 1. This route enters South Carolina near Cheraw and proceeds through Camden and Columbia. For several years it has been rated the most popular route between the Eastern and Middle Atlantic States, and the Florida resorts.

Through Aiken, on to Augusta, thence southward, in the late fall and early winter, pours a flood of motor tourists; in the late winter and early spring the movement is in both directions. Motor licenses from "all over" are on streets and highways. Local hotels and boarding houses are doing a turn-away business. The town is full and overflowing.

Towns on this highway have been catering to this motor tourist business. They issue maps and they issue instructions. Their folders tell of the attractions of the towns and of their facilities for visitors. They limn a pretty poster. They are broadcast in Eastern and Middle Atlantic States and they are broadcast in Georgia and Florida towns. In short, towns on United States Highway No. 1 are, and have been, investing generously in direct advertising, and they have built up a system of practical cooperation.

Another winter the Coastal Highway, conceded to be the most direct, the most attractive, and the most convenient route between the New

England States and the Keys of Florida will be the only all-paved route. Over it will begin to flow a great stream where until now there has been little more than a dribble. In course of time the practical advantages of using this all-winter, all-season highway will become known throughout the land; meanwhile, towns on the route need to coordinate their activities in directing attention to the way.

If towns on the Coastal Highway and hotels on the Coastal Highway scatter their folders independently, they will lose the greater part of their effort. If they would achieve maximum results they must concentrate and labor together in a common cause. Towns on United States Highway No. 1 furnish excellent maps and charts about themselves; Charleston, Savannah, Walterboro, Florence, and other towns on the Coastal Highway are not shown on any of these maps, except in pointing out laterals from the main No. 1 highway.

Towns on the No. 1 highway are not called upon to advertise towns on the Coastal Highway, a competitive route. If towns on the Coastal Highway wish to spread information about themselves, they will have to do as towns on the No. 1 highway are doing—broadcast folders through cooperation. Proper effort will hasten the growing volume of traffic over the all-paved route. The Coastal Highway will advertise itself through its advantages and its attractions, but towns which hope to benefit from a motor-tourist traffic need to accelerate the fame of their incomparable route.

Added to the picturesqueness of many stretches on the Coastal Highway, added to the high excellence of the pavements, are scores of Colonial and Revolutionary relics. In the Charleston zone, the Middleton Place and Magnolia Gardens furnish an attraction of rare value. Summerville in the early spring is a fairy bower, the whole village radiating loveliness. These features are important, but there are scores of other things of interest to highway travelers who are not in a hurry.

T. P. L.

ADDRESS OF SENATOR FESS, OF OHIO

Mr. CAPPER. Mr. President, I present an address delivered by the junior Senator from Ohio [Mr. FESS] at the anniversary of the birth of George Washington, celebrated at Washington, D. C., on February 22, under the auspices of the District of Columbia Commissioners and the District of Columbia Federation for Patriotic Observances. Senator FESS was the author of the resolution creating the George Washington Bicentennial Commission, vice chairman of the commission, and chairman of the commission's executive committee. He spoke of the plans and hopes of the commission in the address to which I have referred. I ask, on behalf of the commission, that his address be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The address is as follows:

Mr. Chairman, General Pershing, distinguished citizens, ladies, and gentlemen, the George Washington Bicentennial Commission has an ambition to make the two hundredth anniversary of the Father of his Country one of the most notable occasions in the history of America. One year ago to-day the President of the United States, in accordance with a resolution of Congress adopted two years before, delivered an address to the American people which was heard by the people of two continents upon the significance of the character of this leader, and also the significance of the coming celebration in 1932.

For the past three years the commission has been seeking and receiving suggestions from various sections of the country as to the proper character, or the most fitting celebration to be held. The commission hopes that we may have the cooperation of all the States, through State commissions yet to be appointed, in many of the States commissions having already been appointed.

A representative of the commission, a distinguished scholar, formerly of Harvard, has been in various parts of the country and also in England. He has visited every locality connected with the Washington family in the mother country, and with probably one exception, has an unbroken link of lineage running back 16 generations. He has linked up the American Library Association in an effort to stimulate popular interest among the people of the country, including the schools of the country, by the supplying of lists of readers, or a list of books, graduated to the various grades of school, so that there may be a more effective effort on the part of our youthful population to read more generally the life and character of this great man.

And there has been an effort also, in the appointment of advisory committees, representing the leadership of all activities in the Nation, in the work of promoting public opinion, including the various patriotic societies, here represented, and those elsewhere, and also including the various clubs—service clubs, patriotic clubs, and clubs of various character, in the hope that there may be a general federated effort, so that by 1932 the entire country may be studying in a sympathetic way this great leader. It is the ambition of the commission, that beginning with next year, a year from to-day, there will be set in motion a series of celebrations reaching the climax in 1932—having one each in 1929, 1930, 1931, and 1932. It is hoped that those places where Washington was distinguished, like, for example, Valley Forge, Trenton, and other places where great events took place in the Revolutionary War, will have special programs of celebration.

The commission has an ambition to make something permanent when the day is over. It, therefore, has recommended and asked Congress to authorize a definitive publication of the complete works of Washington, never yet undertaken. The Sparks edition is long ago out of print, and never was complete. The Ford edition, which was an improvement on the Sparks edition, omitted the general orders of Washington. There are many manuscript letters, state papers, utterances, and also general orders of Washington, that never have reached print, although they are in manuscript.

Congress is asked to authorize a complete publication for the first time of all the utterances of significance of our first President, in an edition of about 22 volumes; and then, in addition, the historian is asked to edit a series of Washington books, to be known as the "Washington series," covering the various activities of this great leader—Washington, the statesman; Washington, the soldier; Washington, the business man; etc., covering about 15 volumes.

This will probably cost $300,000, a very small sum as a contribution to the work that never yet has been undertaken, and that this Government ought speedily to undertake and complete.

Then, it is the hope of the commission that there will be some permanent physical memorial, in addition to those already established. Just what form that will take I am not in a position now to suggest, as the commission has not been a unit upon what the recommendation will be.

I am thinking at this moment of the reasons for these undertakings—whether it is justified that the Government assume such a stupendous undertaking in the interest of this leader. I think it is entirely justified, on the basis of the utterances announced by the distinguished chairman to-day, where we are attempting to give emphasis to the American ideals that were so splendidly embodied in this great character.

We know him familiarly as the great soldier of his day. Nothing more need be said about that. We know him as the exemplar, as a citizen held out to the world as an example. This example is the common heritage not only of America but of all the world. We know him as a most successful business man of his time, possessing in his own right over 60,000 acres of land; owning along one river a frontage of over 4 miles, to say nothing about his rich possessions here in and about what now is the Capital City.

We know him as a powerful and dominating personality. We know him as a leader among men, especially in the line of statesmanship, his greatest influence and most important service; and, if it were proper and time would permit, which it does not, it would be delightful to mention his service in making possible the development of the great empire west of the Alleghenies, to whom we owe more than to any other man or group of men.

It would indicate his tremendous power in leadership as he presided over an aggregation of 56 men that are rightfully known to be one of the most distinguished aggregations of leaders that were ever assembled in one place in the history of the world.

But the thing that I want to impress upon you in the brief time allotted to me is an item in his life that has a world significance that is not properly appreciated. All past history in the efforts of government is a struggle between authority in the interest of law and order, on the one hand, and liberty, in the interest of the largest development of the individual, on the other. The major portion of the history of civilization, so far as government is concerned, is detailing the struggle between the efforts on the part of the government for order and the efforts on the part of the individuals to maintain unhindered liberty in the interest of strong development.

The two things have always been in conflict and people sometimes assert they are contradictory; that you can not maintain authority and at the same time enjoy liberty; that if you do exercise liberty, it is in that degree a denial of authority; and therefore, if liberty is of value, government can not interfere with it.

Then, on the other hand, there are those who believe that the greatest contribution to modern civilization is government—the exercise of power, of authority.

Ladies and gentlemen, the history of the world shows that whenever there was exercised too much authority and there was enjoyed too little liberty, the result was despotism; and whenever there was enjoyed too much liberty at the expense of authority, it was anarchy. When too much liberty was given to the free cities of Greece, Greece went down in anarchy. When too much authority was exercised by Rome, Rome went down in despotism. The struggle in history has been to reconcile the two so as to exercise needed authority in government, and yet not deny the essential liberty in the citizen or in the part of the nation.

That has been the progress of the race in the approach to the form of government that we now enjoy. It failed in the Old World. An effort was made to solve it in the Teutonic nations with some degree of success, and also in the Anglo-Saxon system of modern government as we saw it in the mother country.

But never until the American Republic was established were we on the high road to a complete solution. After 100 years of training

ground in every Colony of the 13 where we were attempting to employ self-government, in which liberty was recognized as well as authority, we came into the efforts of the federation of all the 13 Colonies under our Constitution.

Here, ladies and gentlemen, sitting in one room, the 56 leaders of the world announcing a theory of government, there was shown the sharp demarcation between those who emphasized authority and those who emphasized liberty.

And at a moment of crisis after three weeks of contention a delegate arose and made a motion to adjourn the convention. That was the only occasion where Washington spoke, from May 25 until September 17, the duration of that famous Constitutional Convention. Upon the motion to adjourn this Godlike figure presiding over that convention arose and said, "If we should take a position now that we can not indorse, what will be our attitude when we return home to make a report? Let the standard be lifted so high that all the good can repair to it. This is not the work of man—the hand of God is in this thing." And he asked the mover to withdraw the motion to adjourn, which was done. [Applause.] And the convention went on.

And I wonder what would have been the outcome had that convention adjourned at that time? The convention proceeded. It gave us the Federal Constitution. That Federal Constitution was designed to carry into effect the principles of the Declaration of Independence. As the Declaration of Independence is the finest expression of liberty in government, and as Thomas Jefferson, its author, was the greatest exponent of liberty in government in history, so the Constitution is the finest expression of authority in government, and Alexander Hamilton, its defender, was the greatest exponent of authority in government in the history of the world. [Applause.] While the Constitution proper is Hamiltonian, the bill of rights appended to it is Jeffersonian.

Both of these leaders, advocates of the respective views, needed the mollifying influence of the leader above them. For, had Hamilton had his view, so that there would have been authority without liberty, it would have been an approach to despotism; and had Jefferson had his view, so that there would have been liberty without authority, it would have been an approach to anarchy. Either extreme would have been dangerous. Both principles are essential, but each must be modified by the other.

And here is where America and the world owe their greatest debt to George Washington. Presiding in that convention, listening to the presentation of the arguments, able to judge as an expositor instead of as a mere advocate, he could see both sides and detect the danger of each as well as recognize the value of each. Therefore, through that masterful personality these conflicting leaders were held together until they had worked out the great problem.

Please do not misunderstand me. Jefferson was not in the Constitutional Convention; he was in France. But he was in communication with the representatives who believed in his theory, such as James Madison and others.

Then later when, by unanimous consent, George Washington was called to be the first President to inaugurate in government the principles under the Constitution, seeing the value of both of the schools, he took into his Cabinet Alexander Hamilton, the representative of power, and Thomas Jefferson, the representative of liberty [applause], and inaugurated into the new Government both of these principles. For, while the two were seemingly irreconcilable, Washington held that there is no liberty without authority; as there can be no authority without liberty. [Applause]. The two are essential.

There, ladies and gentlemen, is the great contribution of General Washington to the history of the world. That was in 1789 that he inaugurated these principles. We have had conflicts—one conflict that even swept the Nation into the strife of Civil War, over the dispute between the two theories. But wisely, under the leadership of Lincoln, a leader in character and scope of comprehension not unlike the first great leader, we came out of the Civil War without the loss of liberty and without the breakdown of authority. [Applause.]

And to-day, nearly 200 years after the birth of this great leader, behold the product of his leadership. One hundred and twenty million people—the happiest, the best cared for, the greatest in the general share of the comforts of the world, in the history of all the world. And never before has the American system been stronger than it is in 1928. [Applause.]

And during these years all over the world there has been a gravitation away from the monarchical forms toward the democratic forms. Look the world over—South America, Europe, even Asia, gravitating year by year toward accepting the form of government inaugurated by General Washington here in America.

The World War caused some setback, and I regret to say that in some of the countries of Europe, probably in six if not eight, there is a retrogression toward what we call a dictatorship. That is not American. That can not be done in America. [Applause.] Here in America we never will lose sight of the importance of necessary authority in the interest of order, but we never will sacrifice essential liberty on the altar of despotism—never. [Applause.]

And after the World War, here is America coming through the fires of that crisis under the leadership of the great general who honors us to-day with his presence, doubtlessly stronger than ever before. And I here and now declare that it is pertinent and altogether appropriate that this country should set the plan of a proper recognition, not only as a figure in America but as a figure in the government of the world, of the exemplar of the foregoing principles, familiarly known as "First in war, first in peace, and first in the hearts of his countrymen."

It is a fine thing, in the mad rush of business and commercial progress as we see it to-day, to lay aside for a little while the industrial activity, so all absorbing in modern life, and think upon these things which we owe to George Washington, our first great President. [Applause.]

PUEBLO INDIAN LANDS

The VICE PRESIDENT. Morning business is closed. Pursuant to the order of Friday last, the Chair lays before the Senate the amendment of the House of Representatives to the bill (S. 700) authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes. The question is on agreeing to the amendment reported by the Committee on Indian Affairs to the House amendment.

PROGRESS OF TRANSOCEANIC AIR NAVIGATION

Mr. BINGHAM. Mr. President, I desire to make some observations in connection with the successful flight which has just been completed by the Navy's rigid dirigible *Los Angeles* between Panama and New York.

Quite a number of Senators have stated to me their belief that we ought not to have rigid dirigibles. I agree with them so far as the Army is concerned, but the great flight made by the *Los Angeles*, bringing the Panama Canal within 38 hours of New York, comes to us as an apt reminder of the importance of airships in naval and commercial aeronautics, particularly as regards transoceanic flights. Never before has the distance between the site of that great work of American engineering and the metropolis on the Atlantic coast been spanned in less than thrice the time consumed by the *Los Angeles*. No vehicle of regular commercial transport has ever covered that route on a scheduled time of less than a week, as against a day and a half for this great airship of characteristically commercial design.

It will be remembered, Mr. President, that we secured the *Los Angeles* from Germany after the war with the stipulation that we were not to use her for military purposes. She is fitted out as a commercial airship, although operated by the Navy. She is used for experimental and training purposes. She is the only rigid dirigible in America to-day.

In our sincere admiration for the great achievements of Colonel Lindbergh and of those other bold and skillful pilots of airplanes who have made flights of great daring and difficulty, we should not forget that the airplane does not stand alone as an instrument of aerial navigation in commerce and war. The airplane has its own field; it does its appointed work; it is of vast importance; but in regular operation, either for civil transportation or upon military errands, it is subject to certain limitations which make it essentially a vehicle of comparatively short range. Never yet has any man made a nonstop journey in a heavier-than-air craft over a distance exceeding 4,000 miles, and for economy and assured success in regular employment it is necessary that the distance to be covered in a single flight be not above 1,000 or 1,200 miles, and far preferable, especially in commercial service, that it should not exceed 300 or 400. For services over land and over stretches of water of moderate extent, and for military and naval operations not requiring voyages of enormous length, the airplane daily proves itself ideally suited. When oceans must be spanned with regularity, or when aircraft must be turned to naval employments requiring the constant surveillance over long periods of suspect areas far from friendly bases, the airplane is no longer capable of doing the work alone. Under those conditions it finds its necessary complement in the rigid airship.

Between the airplane, dependent for its lift upon the rapid forward motion of its wings through the air, and the airship, securing static buoyancy from the gas which fills its hull, there need be no rivalry. They are natural adjuncts. Improvements in either type do not lessen, but rather reinforce, the usefulness of the other. Only when they are used in conjunction, with each filling the gap left by the other, with the airplane in intensive service over routes interrupted by stopping places at reasonable intervals and with the airship accomplishing the long, unbroken voyages over ocean and desert, can we secure the full commercial benefits of aerial navigation. Only if lighter-than-air craft and those heavier than air be employed jointly and in harmony can we feel that aircraft are making their full potential contribution to our national defense.

The validity of these conclusions is receiving general recognition among the other great nations of the world. They are committing themselves, with but few exceptions, neither to airplane nor to airship, but to a nicely proportioned combination of both. Great Britain is actively engaged in the execution of a great rigid-airship program. So, too, under somewhat different conditions, is Germany. The Italian Government is enthusiastically proceeding with the design and construction of new and improved ships of the moderate-sized semirigid type upon which that country has specialized and which are adapted to its peculiar geographical position and needs. In Japan and elsewhere the airship for commerce and the airship for military employment are the subject of constant study either through the medium of native designs and construction or of the purchase from abroad of craft representing an advanced stage of the art of airship design.

The experience of Great Britain is one which we may observe with special interest, for in many respects it has resembled our own. It is natural that we should share an interest in a type of aerial vehicle peculiarly suited for use over those broad seas which are the carriers of our trade. The point of view of our commerce is an intercontinental or transoceanic one, and we, like the British and the people of other countries having a great overseas trade, should feel ourselves obligated to take advantage of every progressive step in facility of intercontinental communication and transport.

The serious development of British rigid airships, leaving aside one or two early and abortive experiences, began in 1915, when observation of the usefulness of the Zeppelin ships attached to the German naval service moved the British Government also to undertake a naval airship program. Fourteen ships of varying size and type were constructed and operated during the war and immediately thereafter, with varying degrees of success, but with no serious mishap. The preliminary experiments made in England between 1917 and 1920 paralleled in a general way the experience which we ourselves acquired in the construction and early operations of the *Shenandoah* some years later.

In 1920, under the spur of the Government's economy policy, Great Britain abandoned airship development entirely. The existing program was annihilated and the existing airships were laid up in dead storage in their sheds. Plans for laboratory research were ruthlessly suspended. Great Britain had turned its back upon the airship in such a manner as to give every indication that the renunciation was intended to be permanent. Never has there been any serious suggestion from any quarter in this country of so utter an abandonment of that type of aircraft.

Time, and perhaps the observation of continuing American airship operation, convinced them that a mistake had been made. Notwithstanding what must have appeared as a very strong argument in favor of abandoning airship development furnished by the Nation's sorrow over the joint American and British tragedy of the *R–38* or *ZR–2*, in the collapse of which 16 American and 28 British lives were lost, in 1923 the airship activity was resumed and two successive British Governments, with different air ministers, have pressed it vigorously forward. There are being built at a cost not exactly known, but certainly of several million dollars, two airships, each of 5,000,000 cubic feet capacity, each nearly twice as large as the *Los Angeles*. They are now nearing completion. We have been assured that one of them will make its first trial flights within the next four or five months and that it is expected shortly thereafter to go into regularly scheduled service on long routes. The ships are fitted with elaborate accommodations for the comfort of the passengers, with staterooms, promenade decks, and stately and spacious dining saloons, and it is anticipated that they will be able to reach India from England in less than five days in normal operation, or to cross the Atlantic in 60 hours, carrying a hundred passengers. The confidence with which their future commercial utility is viewed has been evidenced by the British Government and by a great part of the press and public which has given attention to such matters. They stand on the threshold of commercial employment because of the far-sighted and courageous action which the British Government took in reversing itself and resuming researches upon airships and embarking anew upon their actual construction four years ago. In the building and operation of large airships we should start, even if we delayed not another day, handicapped to the extent of those years of operating experience represented by our delay in initiating the new construction program.

The Germans, the pioneers of the airship world, who have had greater opportunity to observe the merits and the defects of rigid lighter-than-air craft than have any other people in the world, have been relatively no less active. Delayed for a number of years in inaugurating their postwar program of construction by the regulations made under the treaty of Versailles, they no sooner secured remission of those restrictions than they set to work with new zeal in the Zeppelin factory. Although the airplane has been by no means neglected in that country, airplanes under German management crossing and recrossing central Europe on regular air lines each day, they have not committed the error of supposing that the airplane could replace the airship. Great popular enthusiasm attended the launching of a project for a new Zeppelin ship of 4,000,000 cubic feet displacement, half again as large as the *Los Angeles*, and the ship is now nearing completion, and will go forth for its first flights during the coming spring or summer.

The new German ship, like those under construction in England, is evidence of a confidence on the part of those who know airships best through longest experience that they need no longer be regarded with doubt. Regular commercial operations are evidently considered by the Zeppelin organization to be just around the corner, and plans for an airship service between Spain and Buenos Aires, and possibly other South American points, are reported to be already well advanced.

It is significant, and it would be ominous for us if we were to continue our inaction in the field of rigid airship construction, that the greatest optimism is felt in those countries in which there has been the largest amount of past experiment with such ships and from which, therefore, the most reliable judgment might be expected. There are three countries in which rigid airship development has been the subject of intensive effort at some time in the past. Of the three, Germany has been most persistent and has built the largest number of ships, and German enthusiasm for the future of the airship is not open to doubt. Great Britain ranks second in extent of past activity in that field, and the British Government is now sparing no effort to make up for the time lost when operations were interrupted. We alone among the countries of the earth with past experience in rigid airship design and operations are not at present actively engaged upon any new construction. Already we have lost some two or three years in the race to complete airships large enough for regular transoceanic operation, but our delays need not be further extended.

On the basis of two unhappy experiences—the collapse of the British *R–38* with a number of American officers and men on board and the loss of the *Shenandoah*—we as a people have fallen into a serious misapprehension. There has grown up a widespread belief that the history of airships has been a long tale of failure, and that total wreck has been their ordinary fate.

Nothing could be further from the facts. Of the 138 rigid airships built in Germany by the Zeppelin firm and its rivals in the field during 25 years and operated by German personnel, not one ever failed structurally during a flight. I do not include the *Dixmude*, taken over by France after the war, which disappeared in flight in December, 1923, its fate still a mystery. Of 14 ships built and operated in England during and after the war, only one, the *R–38*, met that fate. It is tragic that there should ever have been even one or two collapses with great loss of life, but engineering science is not upon a basis of such absolute certainty that there can be complete assurance against such mishaps in the development of new applications. Structural failures have occurred repeatedly in ocean ships and occur occasionally even to-day. They have been not unknown even in great bridges, but failures are fortunately rare, and as the art of the engineer continues to advance with increasing experience they become progressively less likely. The lessons learned in the breaking of the *R–38* and the *Shenandoah* have in themselves pointed the way to a large measure of insurance against a repetition of those catastrophes.

With structural failure recognized as the extreme rarity that it is, it becomes a matter of great interest to us in the determination of our own policy toward airships to survey the record of what they have done and of the perils to which they have been subject.

Mr. President, I regret that these facts which I am presenting do not command the attention of more of the Members of this body who are interested in the public defense and in our overseas commerce. The very fact that we show so little interest in the subject is due to a misapprehension of what has been done, and points, it seems to me, to the necessity of our studying the case in order that we may not make in the future mistakes similar to those made in the past, and in order that we may not go on blindly without providing in this country for an industry to construct rigid airships and for more training in the navigation of rigid airships.

Of 117 airships built by the Zeppelin Co. in Germany and 21 produced by the Schutte-Hanz group, 45 were dismantled as obsolete while still in operating condition or were surrendered after the armistice or destroyed at that time. One, the *Los Angeles*, is still in active, continuous operation. Of the remain-

ing 92, more than half were destroyed by allied gunfire or by bombing of their hangars, or had to be landed in neutral or allied territory where the crews were taken prisoners or interned. Several ships, especially among the early ones, were either burnt in their hangars as a result of the use of hydrogen or damaged in handling on the ground because of unsatisfactory handling methods, now much improved, or inexperienced crews, hastily recruited and trained under war conditions. Of the 138 ships there were but two, not counting those shot down by allied airplanes or by fire from the ground—and excluding the *Dixmude*—which met with mishap in the air, wrecking the ship and causing extensive loss of life, and of those two mishaps one occurred in 1913, the other in 1915. The approximately 50 Zeppelin airships turned over to the German naval service since the last of those fatal accidents made approximately 2,200 flights of varying length, about half of them on missions explicitly military, without misfortune in the air other than that due to enemy action. As far back as 1911 the Zeppelin Co. was building ships for commercial service, and 1,588 trips were made between Berlin and Baden-Baden and other German cities before the war without any mishap involving loss of life or injury to passengers. Immediately after the war service was resumed with two small ships, operating, for want of satisfactory commercial liaison at that time with countries outside of Germany, on the comparatively short route between Berlin and Friedrichshafen, in southern Germany, the site of the Zeppelin factory. Service with the first of these airships was continued without any untoward event from August to December, 1919, making 103 flights in 98 days, when its abandonment was ordered by the allied governments and the two ships were turned over to allied powers.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER (Mr. SHORTRIDGE in the chair). Does the Senator from Connecticut yield to the Senator from North Carolina?

Mr. BINGHAM. I yield.

Mr. SIMMONS. I have been greatly interested in the remarks of the Senator upon this very important question; but I have formed the opinion, from reading the newspapers, that we are having an exceptionally large casualty list as the result of accidents to airplanes, both those of the Army and Navy and those engaged in civilian activities.

I desire to ask the Senator, who seems to have given a great deal of thought and study to the situation with respect to the use of these craft, both in this country and abroad, how the casualties resulting in this country from the operations of the Army and the Navy and from the use of these craft in commerce compare with those in European countries.

Mr. BINGHAM. The Senator's question, I take it, deals with airplanes rather than with airships?

Mr. SIMMONS. We will take it as dealing with both. I prefer a comprehensive answer.

Mr. BINGHAM. We have no rigid airships in the Army or Navy or in commerce in this country except the *Los Angeles*. That is the only rigid airship in the Western Hemisphere.

Mr. SIMMONS. Then, if it be true that that is the only one we have in this country, I will confine my question to those of the other type.

Mr. BINGHAM. We have had but two rigid dirigibles. The other one was the *Shenandoah*. The *Los Angeles*, the Senator realizes from the morning papers, has just completed a marvelous flight from New York to Panama in a day and a half. She has engaged in a great many flights which have never gotten into the papers, because her flights are considered so safe that very little notice is taken of them. They have no news value. The *Los Angeles* has made one or two trips to Bermuda and back, and one to Porto Rico and back.

What I am endeavoring to point out in the remarks I am making this morning, I will say to the Senator, is the relative safety of the airship in flights over the ocean. In flights across the Atlantic between this country and Europe the airship is the only one of all the flying machines that has succeeded in flying directly from the continent of Europe to the continent of North America. All attempts by airplane have failed.

In flying in the other direction, the direction in which Colonel Lindbergh flew, rather more than half of the attempts to fly in airplanes of a land type have failed and the passengers and crews have been lost. Of those made in the seaplane type only a few have been successful, but no lives have been lost. Only one attempt has been made by rigid airship, and that was successful.

What I am trying to emphasize is that although the American public and a certain number of our colleagues here take the position that the airship is very unsafe—they remember vividly what happened to the *Shenandoah*—and they believe that we ought not to build rigid airships, as a matter of fact they are mistaken, because the airship is far safer for transoceanic travel than the airplane.

To answer the Senator's other question, with regard to airplanes, I will say to the Senator that in Europe no attempt is made to fly the mails overnight, as is done in this country every night, when thousands of miles are flown. On the airplane route from Chicago to San Francisco—which, as the Senator knows, is flown every night—it is necessary to fly all night long. There is nothing like that in Europe; and yet even over that route the accidents have been about one fatal accident for every 1,000,000 miles flown. There is practically no safer transportation than the operation of airplanes over land, over improved airways. The great British company, the Imperial Airways, which is a commercial concern, has issued figures to show that it has recently completed something like 900,000 miles flown without the loss of a life. Most of those trips are very short. In other words, the records in this country and in Europe compare favorably.

So far as the Army and Navy are concerned, military flying must always be dangerous.

Mr. SIMMONS. The figures given by the Senator of these great mileages in this country and Europe refer to mail service, do they not?

Mr. BINGHAM. Commercial service, yes, sir; mail, passenger, and express service. Of course, there are more lines in Europe than there are in America, but we do more flying in this country, because our distances are greater than they are in Europe; and we do immeasurably more flying at night, which is, of course, by far the most dangerous type of flying.

Mr. SIMMONS. Now, take all lines of service, not only mail and commercial but those conducted by the Army and the Navy and those conducted for pleasure and other purposes in this country. How do our casualties compare with those of Europe in the case of planes engaged in like operation; and if the disadvantage is on our side, if accidents are more frequent here, what is the reason?

Mr. BINGHAM. The only way we can compare those two things is by taking different types of flying—that is to say, the training for military aviators, the actual practice of military tactics, and the normal work of the military and naval aviators.

The latest figures which I have seen show that our records are considerably better than those of any European country in the training of aviators. The new training plane which we have developed and put into general use in our air schools within the past three years has had a very remarkable record. There has not been a single cadet killed in learning to fly in the preliminary flying school at Brooks Field, Tex., where the Army has its preliminary flying school, since we adopted this new type of training plane, which we believe is the best and safest in the world. No other nation has a record approaching that.

With respect to pursuit planes, which are used in the highest form of fighting in the air, we have better pursuit planes, we believe and the experts believe, than any other country. They are extremely difficult to operate. It is necessary in military aviation to have highly efficient planes that are not as safe as those used in commercial aviation. We must sacrifice safety to speed, maneuverability, and special use in war. It will always be inevitable that there will be a certain number of accidents in the air, just as there are on the ocean, where we lose a certain number of lives in the Navy, and in the merchant marine every year. But comparing accidents in military and naval aviation in this country, about which the Senator has asked, with those in other countries, such as Japan and England, France and Italy, our record is as good as theirs, if not better. This has been particularly true within the last two or three years, since we put into effect the legislation which the Senator will remember we passed in the early part of 1926, which placed our military flying under specialists in the departments, and created the office of Assistant Secretary of War for Aeronautics and the office of Assistant Secretary of the Navy for Aeronautics. We secured for those posts highly trained specialists, one of them a former war pilot, the other a great aeronautical engineer, one of the greatest in this country. Under their leadership we have ceased to make the mistakes which we were making some three or four and more years ago. Does that answer the Senator's question?

Mr. SIMMONS. Yes; and I want to say that I am very much gratified at what the Senator has said upon this subject. I know there is a feeling in this country—I have heard it expressed frequently; I have participated in it myself, as the result of reading the newspapers—that we were having entirely too many accidents, and that that must be due to some carelessness in the manufacture of the machines or in the management and direction of our Air Services. I am glad—and it is a matter of congratulation both to the public and to individuals

who are interested in this subject—to have this information assuring us that we are operating these machines with as little loss and just as successfully in this country as is the case anywhere in the world, the information coming from a Senator who I know has given probably more study to this question than any other man in this body, probably than any other man in public life. I receive the information from him as authoritative, and I am exceedingly gratified to hear that it is a mistake to suppose that we are having in this country an unusual and an unnecessary number of accidents as compared with those that are taking place in other countries in the use of these craft.

I suppose that while we are having a great many accidents in this country, it is probably due to the fact that flying is still in its infancy, comparatively speaking, and we have not yet quite perfected the machinery which is used in the operation of aircraft, something we might have expected to require many years, as has been the case with the automobile. But that we are making progress in America, that we are keeping up with the balance of the world, that we are having no greater proportion of accidents in this country than are happening in other countries is a matter of information which I think should be gratifying to the country, the information coming from the sourse from which it emanates.

Mr. BINGHAM. I thank the Senator. On the other hand, I am endeavoring this morning to point out the fact that we are not keeping up with the rest of the world in rigid dirigibles and in airship construction and operation. We have conceived the erroneous idea that money spent for rigid dirigibles is thrown away. We have gone ahead wonderfully with the airplanes, as has just been said, but in rigid dirigibles we have not. Let us see what has been done recently with rigids.

A study of British airships shows no conspicuously dark spot, save the loss of the *ZR-2*. Of the 14 ships built, a majority continued their careers for considerable lengths of time and were either wrecked in handling, again due to inadequate and unsatisfactory early methods, or dismantled as obsolete in order to make room in their sheds for later types. The round-trip voyage of the *R-34* to our shores in 1919 was one of the most notable of British airship exploits. It still stands on the record as the only round trip across the North Atlantic ever made by any aircraft, and the only other aerial crossing of that ocean in a westerly direction has been made by another airship, our own *Los Angeles*.

While there has been no absolutely clinching evidence in the form of a regular and long-continued transoceanic operation of airships, the past history of the art indicates steady progress toward that goal. During a quarter of a century of airship operation the performance of the ships has been improving. The safety and reliability of their operation have been increasing. The governments and corporations of European countries are giving evidence that they consider it practicable now to build with regular commercial operation in view, and airships capable of maintaining a regular schedule of transoceanic voyages certainly possess enormous potentialities for the uses of our own naval service.

We need not, in fact, turn exclusively to European experience to find practical evidence of the general safety and utility of rigid airships. We have had the *Los Angeles* before our own eyes, her latest exploit typical of the uniform success with which her operations have been carried on. That ship was delivered to us three and a half years ago in a nonstop flight 5,000 miles in length, exceeding by 25 per cent the longest trip that has even now been made by any airplane. Since that time it has made approximately 100 separate flights, totaling about 1,500 hours in the air, and in addition has remained moored in the open at its mast, entirely subject to the elements, for a total of about 650 hours.

Mr. President, one of our naval officers has invented and constructed a mooring mast very much shorter, more economical to build, and more efficient than the great mooring masts that were formerly built. By this mast the ship may be moored close to the ground instead of requiring to be navigated all night long by a man at the helm in order to equalize every gust of air. It is placed on a truck revolving around the low mast on tracks, which makes it possible for it to be more easily handled and moored, at a great saving of expense over anything known before.

Furthermore, as I have said, cruises to Porto Rico and to Bermuda have been planned and executed, together with several cross-country voyages to points in this country, the longest taking the ship to Pensacola. Improvements are constantly being made in the apparatus for handling the ship on the ground and in the technique of using it, which make it feasible to become more largely independent of weather conditions in planning regular operation. Already there have been notable instances of strict adherence to schedule where that was absolutely necessary. Eclipses of the sun do not wait upon the plans of men, and the *Los Angeles* was used successfully for photographing the total eclipse of January, 1925, leaving Lakehurst at the time originally scheduled in spite of weather conditions on the whole unfavorable. Flights made in connection with Navy Day observances have also had to conform strictly to schedule and have done so. The flights of the *Los Angeles* have become so much a matter of course and so little one of news interest that few Members of this body or of the general public realize how frequently the ship is going forth from its hangar in pursuance of plans definitely laid down in advance and carrying them through successfully.

It is an anomalous situation that we should be looking with so much doubt and apparent disfavor upon airships while other governments are vigorously prosecuting activities in that field, for we have logical reason to rate lighter-than-air craft more highly than the people of any other nation. To us they are not only an important instrument of intercontinental commerce, in which we should desire a share, but also a valuable tool of the national defense. In that particular they have a greater significance for us than for any other nation. Our naval problem and interest is upon the high seas, where we have very few bases of operation available for either surface vessels or aircraft. A state which is particularly interested in the defense of its coast and in protecting the movements of its commerce within comparatively narrow waters, or which has many bases strategically located over the ocean, may well depend exclusively upon airplanes for aerial scouting and patrol. We can not afford to do so. Vital though the airplane, operating both from ships and from fixed bases on shore, is in our naval organization, we can not neglect a type of aircraft which makes it possible to maintain constant surveillance far beyond airplane range. The airship is a self-sustaining scouting vehicle, capable of including whole oceans within the scope of its operation from a fixed base, and as such it has a peculiar application to our problem.

Nor is that the only reason why we should consider the airship with special favor. Among the wealth of natural resources with which we are so beneficently blessed there is included an enormous amount of helium, the only noninflammable gas light enough and otherwise suited for airship inflation. So far as is now known, a vastly preponderant part of the world's supply of this gas available for extraction by processes now known and commercially practicable underlies the soil of the United States. For commercial operation of airships helium does not appear as a necessity. Although an added safeguard of no small importance, it can be dispensed with in favor of hydrogen without excessive hazard if great care is exercised in handling the airship. German and British plans are in fact proceeding upon that line. For naval purposes, however, the difference between the use of hydrogen and that of helium is the difference between the extreme and a moderate vulnerability. The hydrogen-filled airship can be brought down in flames, as was demonstrated during the war, by a single burst of incendiary bullets from an aircraft or ground machine gun. The helium ship, on the other hand, could have its gas cells riddled with hundreds of bullet holes of that caliber and still remain in the air for many hours before the loss of gas would force descent. Nothing less than the separate perforation of several of the gas cells by projectiles of large diameter or the occurrence within the structure of the ship of a shell or bomb explosion of such violence as to wreck the framework would be fatal when helium is used.

That helium will be available for use on all ships built for the American Navy and, indeed for commercial purposes, too, supposing that the commercial operators desire it, may be taken as axiomatic. There is already in sight, its location well known and available as rapidly as wells are drilled to extract it, an amount of helium estimated to be sufficient for the normal operation for the greater part of a century of three ships of the largest size so far considered. By more rapid drilling of wells the output could be increased to a rate of flow sufficient to take care for a more limited period of 5 or 10 or 25 large airships instead of 3, and there are other helium resources not accounted for in that total. Already helium is being regularly secured on contract from a privately operated field, in addition to that which comes from the work done under the direction of the Bureau of Mines. Shortage of helium need give no concern for the next generation unless the use of airships increases even more rapidly than the greatest optimists would at present be prepared to prophesy. Furthermore, the gas supply can be increased by the drilling of new wells even more rapidly than new ships could be built in which to use it. Even if the construction of two new rigid airships were to be inaugurated tomorrow and pressed forward with all possible vigor, the production of helium could easily be made to more than keep pace

with the demands thus occasioned. Our special advantage in planning for the naval uses of airships in our possession of this priceless resource should never be overlooked.

The potential importance of airships as naval scouts can hardly be overestimated. Airships can now be constructed which will have a speed approaching closely 100 miles an hour and will be able to maintain that speed for 48 hours or more, while capable of traveling over 10,000 miles at more moderate rates. The new ships projected would quite normally make a run from New York to Panama in 32 hours without dependence upon favoring winds. With a cruising speed well over twice that of any surface vessel, the area which they could keep under effective observation would be correspondingly increased. Scouting is a prime function of naval operations, and anything which adds to its effectiveness must be eagerly sought after.

The airship can be of great service, too, in steady patrol of wide areas of sea bordering critical points in our overseas possessions. The flight of the *Los Angeles* gains a special significance from the prospective value in the event of war of such patrol flying by lighter-than-air craft around the Canal Zone. The canal and other outlying possessions would benefit also by the use of airships as transports and message carriers for delivering important plans, supplies, or personnel from the United States at three times the speed possible with surface transport. Given airships for the purpose, high-ranking officers holding responsible posts in the canal defense could return to Washington for councils of war and be back at their posts of duty again within a total elapsed time of three and a half days, and direct liaison in the form of personal conference could be established with equal promptness between personnel stationed in Hawaii and those in the Pacific coast area. A craft offering so alluring a picture of varied naval and commercial utility simply can not be neglected.

Even if the naval employment of airships, important as it is, were to be put aside entirely for the moment, there would still be ample reason for us to encourage airship construction and to take those steps which may be necessary to promote the creation of an airship industry. The commercial use of the airship deserves encouragement for its own sake. We should not be left in arrears in the upbuilding of an aerial merchant marine. The success of American endeavors to get under way with commercial operation on international routes is for the present absolutely dependent upon the placing of governmental contracts to aid in the starting of an industry and the development of new designs. Commercial business may be expected to follow upon the construction and successful demonstration of new ships such as those authorized in the Navy's five-year aircraft program bill adopted by the Sixty-ninth Congress, but not yet started because of lack of authorization to make actual expenditures of money under any of the bases which have been found in any degree mutually acceptable to the Navy Department and to any available contractor. It is not to be expected, however, that private investors will lead the way and carry the entire risk in developing such ships as these, so enlarged in dimensions as to constitute a wholly new class. They have not done so in Great Britain, and it is hardly possible to expect that they could be persuaded to do so here. The field of rigid-airship construction is one in which it is impossible to proceed by short steps or upon a small scale. To manifest its particular advantage over the airplane in its own field of operation the airship must have both high speed and the ability to make overocean flights of great length. The two things are compatible only in ships of relatively vast size, and the pioneer work in the design and construction of such ships might very properly command extensive governmental support even if there were no ultimate prospect except the commercial one. The ease and rapidity with which we shall take a share in the conduct of transoceanic air commerce depends primarily upon our action at this juncture. It is more than a year and a half since the bill authorizing the construction of two airships, each of 6,000,000 cubic feet capacity, became law. It is substantially a year since the appropriation was made to start work upon one of those ships, and as yet no piece of material has been cut, no shop has been set aside for the construction, no contract has been signed. The most available contractor, who submitted a design that won first award in a competition conducted by the Navy Department during the spring of 1927, has declared himself willing either to build a single airship upon a modified cost-plus basis, so written as to furnish exceptional safeguard to the interest of the Government, or to take a contract for the building of the two ships authorized in 1926 at a flat price for the two of $8,000,000. On such a two-ship contract provision would be made that lessons learned in the course of construction of the first ship would be incorporated in the design of the second, the actual fabrication of which would not be started until two years or more after the contract was signed and until after the first unit was very well advanced toward completion. Either of these two alternatives, however, would require slight modifications in existing law, and under present conditions the Navy Department is helpless to proceed upon either plan.

Mr. FESS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Ohio?

Mr. BINGHAM. I yield.

Mr. FESS. I am anxious to know just why the tardiness. It seems to be wholly indefensible. Where is the trouble?

Mr. BINGHAM. I shall be glad to tell the Senator. We originally provided an authorization for the construction of two great rigid airships at a cost for the two of not to exceed $8,000,000. When we came to make the proper appropriation, the Congress declined to do more than appropriate a small amount of money for the beginning of one ship and declined to do anything to contract for the building of a second ship, with the result that, since one ship could not possibly be built under the limit set by the provision in the appropriation bill, nothing has been done. If we are to build only one ship, it will take a larger authorization and an appropriation eventually of, or perhaps even more than, $5,500,000.

The Senator will realize that in order to construct one ship a very large shop must be constructed of a type not used for anything else. That shop, however, could be used for the second airship equally well since that is not to be begun until the first is practically completed and that would make the cost of the second one very much less; so the company is perfectly willing to contract to build two ships for the sum originally set, but can not possibly build one ship for the price set by the provision in the appropriation bill to which I have referred. Consequently the Congress, by the provision it has made for the construction of only one ship, has denied the country the right to have even one rigid airship built in this country.

Mr. FESS. Really, then, the fault lies with Congress?

Mr. BINGHAM. Yes, with Congress; and also with the Bureau of the Budget, which recommends the appropriation of over a million dollars to proceed with the building of one ship. We are again faced with the fact that we can not get the ship built here. Nobody will take the money, because no one will contract to build in America the one ship under the limitation proposed.

Mr. FESS. If the Senator will permit just a comment upon the difficulty of getting anything done that must have any authorization and management on the part of Congress, I would remind him that we are having the same situation in the radio matter. There we have a commission which is within 15 days of expiring, which never has had any authority of any sort to proceed, and yet we are holding it responsible. I use that as an illustration of what seems almost indefensible in the way we proceed from the Government standpoint.

Mr. BINGHAM. I hope the Senator will join with me in an effort to secure an appropriation this year to authorize the contracting for at least the beginnings of two airships, in order that we may proceed with this program, which other countries are doing and which is so greatly needed and upon which we are doing nothing.

Mr. FESS. The Senator will have my sympathetic support in that matter, and I hope we shall have the sympathetic support of the Senator in the matter of the situation at Akron to which he refers, where really something ought to be done.

Mr. BINGHAM. I shall be glad to do what I can. The development of the rigid airship art for several years to come, and the creation of an American rigid airship industry rest at present in the hands of Congress, dependent upon our taking the action necessary to enable the Navy Department to proceed in accordance with the will expressed by the Sixty-ninth Congress in the two separate actions of authorization and appropriation, both in its first and its second sessions.

I hope most sincerely that this Nation will have the courage to face the facts. Our glorious history has been based largely on courage and foresight. Had the motto of the Pilgrim fathers been "safety first" they would never have taken passage in the *Mayflower* and landed at Plymouth Rock. Had our western pioneers decided to avoid danger and any possible loss of life, there would have been no Oregon Trail and no great Northwest. Had the Wright brothers decided to take no risk, there would have been no first successful flight in a heavier-than-air machine.

The risk involved in the undertaking of building two rigid dirigibles, as planned by the Navy Department, and originally approved by the Congress, is no greater than that involved in a hundred enterprises that have made America famous and made us able to hold up our heads in pride, as we do as citizens

of this great Republic. We should do all in our power to promote the rapid development of this great aid to transoceanic flight, and the necessary industry, both for the sake of the national defense and for the future of American transoceanic air navigation.

FILLING OF VACANCY ON JOINT TAX COMMISSION

Mr. SIMMONS. Mr. President, there is a vacancy in the Joint Committee on Internal Revenue Taxation of the two Houses of Congress. That commission is composed of five members from the Finance Committee of the Senate and five members from the Ways and Means Committee of the House of Representatives. It is bipartisan, two Democrats and three Republicans represent the Senate on the commission. The vacancy is in the Democratic representation by reason of the death of the late Senator Jones, of New Mexico. I ask the unanimous consent of the Senate that the senior Senator from Rhode Island [Mr. GERRY] may be appointed a member of the Joint Committee on Internal Revenue Taxation in place of the late Senator Jones.

The PRESIDING OFFICER (Mr. SHORTRIDGE in the chair). The Senate has heard the request. Is there any objection? The Chair hears none, and it is so ordered.

PUEBLO INDIAN LANDS

The Senate proceeded to consider the House amendment to the bill (S. 700) authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes.

Mr. BRATTON obtained the floor.

Mr. LA FOLLETTE. Mr. President, will the Senator yield to me? I think the matter which is coming up now for discussion is one of considerable importance. If it is agreeable to the Senator, I make the point of no quorum.

Mr. BRATTON. Very well.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	Keyes	Sackett
Barkley	Fess	King	Schall
Bayard	Fletcher	La Follette	Sheppard
Bingham	Frazier	McKellar	Shortridge
Black	George	McMaster	Simmons
Blaine	Gerry	McNary	Smoot
Blease	Gillett	Mayfield	Steck
Borah	Glass	Metcalf	Steiwer
Bratton	Gooding	Moses	Stephens
Brookhart	Gould	Neely	Tydings
Bruce	Greene	Norbeck	Tyson
Capper	Hale	Norris	Walsh, Mont.
Caraway	Harris	Nye	Warren
Copeland	Harrison	Oddie	Waterman
Couzens	Hayden	Overman	Watson
Curtis	Heflin	Phipps	Wheeler
Cutting	Howell	Pittman	Willis
Deneen	Johnson	Ransdell	
Dill	Jones	Reed, Pa.	
Edge	Kendrick	Robinson, Ind.	

Mr. COPELAND. My colleague the junior Senator from New York [Mr. WAGNER] is absent on official business connected with a Senate investigation.

The PRESIDING OFFICER. Seventy-eight Senators having answered to their names, a quorum is present. The amendment of the House of Representatives to Senate bill 700 will be read.

The CHIEF CLERK. Strike out all after the enacting clause and insert:

That the Secretary of the Interior is hereby authorized to enter into an agreement with the Middle Rio Grande conservancy district, a political subdivision of the State of New Mexico, providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands situated within the exterior boundaries of the said Middle Rio Grande conservancy district, as provided for by plans prepared for this purpose in pursuance to an act of February 14, 1927 (44 Stat. L. 1098). The construction cost of such conservation, irrigation, drainage, and flood-control work apportioned to the Indian lands shall not exceed $1,593,311, and said sum, or so much thereof as may be required to pay the Indians' share of the cost of the work herein provided for, shall be payable in not less than five installments without interest, which installments shall be paid annually as work progresses: *Provided*, That should at any time it appear to the said Secretary that construction work is not being carried out in accordance with plans approved by him, he shall withhold payment of any sums that may under the agreement be due the conservancy district until such work shall have been done in accordance with the said plans: *Provided further*, That in determining the share of the cost of the works to be apportioned to the Indian lands there shall be taken into consideration only the Indian acreage benefited which shall be definitely determined by said Secretary and such acreage shall include only lands feasibly susceptible of economic irrigation and cultivation, and materially benefited by this work, and in no event shall the average per acre cost for the area of Indian lands benefited exceed $67.50: *Provided further*, That all present water rights now appurtenant to the approximately 8,346 acres of irrigated Pueblo lands owned individually or as pueblos under the proposed plans of the district, and all water for the domestic purposes of the Indians and for their stock shall be prior and paramount to any rights of the district or of any property holder therein, which priority so defined shall be recognized and protected in the agreement between the Secretary of the Interior and the said Middle Rio Grande conservancy district, and the water rights for the newly reclaimed lands shall be recognized as equal to those of like district lands and be protected from discrimination in the division and use of water, and such water rights, old as well as new, shall not be subject to loss by nonuse or abandonment thereof so long as title to said lands shall remain in the Indians individually or as pueblos or in the United States, and such irrigated area of approximately 8,346 acres shall not be subject by the district or otherwise to any pro rata share of the cost of future operation and maintenance or betterment work performed by the district. The share of the cost paid the district on behalf of the Indian lands under the agreement herein authorized, including any sum paid to the district from the funds authorized to be appropriated by the act of February 14, 1927 (44 Stat. L. 1098), shall be reimbursed to the United States under such rules and regulations as may be prescribed by the Secretary of the Interior: *Provided*, That such reimbursement shall be made only from leases or proceeds from the newly reclaimed Pueblo lands, and there is hereby created against such newly reclaimed lands a first lien, which lien shall not be enforced during the period that the title to such lands remains in the pueblos or individual Indian ownership: *Provided further*, That said Secretary of the Interior, through the Commissioner of Indian Affairs, or his duly authorized agent, shall be recognized by said district in all matters pertaining to its operation in the same ratio that the Indian lands bear to the total area of lands within the district, and that the district books and records shall be available at all times for inspection by said representative.

The PRESIDING OFFICER. The clerk will state the amendment reported by the Senate Committee on Indian Affairs to the amendment of the House of Representatives.

The CHIEF CLERK. On page 3, line 19, of the engrossed House amendment it is proposed to strike out the words "lease or proceeds" and insert in lieu thereof the words "proceeds of leases."

Mr. BRATTON. Mr. President, I assume that there is no opposition to the amendment recommended by the Senate Committee on Indian Affairs to the House amendment to the bill. I would, therefore, suggest as a procedural matter that we agree to that amendment, and then the discussion may proceed upon the House amendment as amended by the Senate committee amendment.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Kansas?

Mr. BRATTON. I yield.

Mr. CURTIS. I wish to propose an amendment to the House text.

Mr. BRATTON. The observation I made was that the Senate Committee on Indian Affairs has recommended an amendment to the House amendment to the bill; that is, to strike out the language "leases or proceeds" and to insert in lieu thereof the words "proceeds of leases." I understand there is no objection to that amendment.

Mr. CURTIS. And the request of the Senator is that that amendment be acted upon now?

Mr. BRATTON. That it be acted upon now, and then that the debate may proceed upon the House amendment as amended.

Mr. CURTIS. Subject, of course, to the notice which I now serve that later on I shall offer another amendment.

Mr. BRATTON. Certainly, I so understand.

The PRESIDING OFFICER. Without objection, the committee amendment to the House amendment is agreed to.

Mr. BRATTON addressed the Senate. After having spoken with interruptions for over half an hour——

The PRESIDING OFFICER (Mr. MCKELLAR in the chair). The Senator from New Mexico will suspend for a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The CHIEF CLERK. A joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes.

Mr. SMOOT. Mr. President, I have spoken to the Senator having in charge the unfinished business, the senior Senator from Nebraska [Mr. NORRIS], and he has agreed with me that we

might lay the unfinished business temporarily aside for the consideration of a conference report, which is a privileged question. I refer to the conference report on the alien property bill. Therefore I ask unanimous consent that the unfinished business may be temporarily laid aside and that the conference report on the alien property bill may be laid before the Senate.

Mr. BRATTON. Mr. President, I hope the Senator will not insist upon the request. We are engaged in the discussion of the measure relating to Pueblo Indian lands.

Mr. SMOOT. I have no objection to the measure, but I have given way all the week on the conference report. I had the report printed on Monday.

Mr. CURTIS. Mr. President, I inquire if the Senator from New Mexico would not agree to let us proceed with the conference report, which I understand will not take very long, and then take up again the House amendment to Senate bill 700?

Mr. BRATTON. On the statement of the Senator that the conference report will not take long and that we shall then resume consideration of House amendment to the Pueblo Indian lands bill I consent.

Mr. LA FOLLETTE. Mr. President, is that satisfactory to the Senator from Nebraska [Mr. NORRIS]?

Mr. CURTIS. I think so.

Mr. BRATTON. The thing I am most concerned in is that I should like very much to get the bill finally disposed of.

Mr. SMOOT. It is going to take quite some time to dispose of the Senator's bill, and I think we can dispose of the conference report much more quickly than the Senator can dispose of his bill.

I ask unanimous consent that the unfinished business, being Senate Joint Resolution 46, be temporarily laid aside, and that the Senate proceed to the consideration of the conference report on the alien property bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah?

Mr. BRATTON. Before consent is given, let it be with the understanding that when the conference report has been disposed of we shall then return to the consideration of the measure which has been before the Senate.

Mr. SMOOT. If the Senator from Nebraska is agreeable I would not object at all.

Mr. BRATTON. I ask unanimous consent that at the conclusion of the consideration of the conference report the Senate shall return to the consideration of the special order, being the House amendment to Senate bill 700.

The PRESIDING OFFICER. The Chair will put the first unanimous-consent request first. Is there objection to the unanimous-consent request submitted by the senior Senator from Utah that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of the conference report on the alien property bill? The Chair hears none, and it is so ordered.

The Senator from New Mexico asks unanimous consent that at the conclusion of the consideration of the alien property conference report the Senate shall return to the consideration of the House amendment to Senate bill 700, the Pueblo Indian land bill. Is there objection?

Mr. LA FOLLETTE. I have no disposition to object, and I hope that the request of the Senator from New Mexico will be granted, but it seems to me that in all fairness to the Senator from Nebraska, who has charge of the unfinished business, he should be consulted before the request is granted.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a suggestion? If the Senator from Nebraska does not care to yield, all he has to do is to call for the regular order and the Senate will then resume the consideration of the unfinished business.

The PRESIDING OFFICER. That is a correct statement of the situation. Is there objection to the unanimous-consent request submitted by the Senator from New Mexico?

Mr. LA FOLLETTE. It seems to me the Senator from Nebraska should be consulted. I suggest to the Senator from New Mexico that he ascertain from the Senator from Nebraska whether that Senator has any objection or not, and that he submit his request at the conclusion of the disposition of the conference report.

Mr. BRATTON. If the Senator from Nebraska has objection I shall withdraw the request.

Mr. LA FOLLETTE. The Senator could not withdraw it after it has been entered into, except by unanimous consent.

Mr. REED of Pennsylvania. The Senator from Nebraska could ask for the regular order, and that would have the effect of withdrawing the unanimous-consent agreement.

Mr. BRATTON. The Senator from Nebraska unquestionably has the right to bring the unfinished business before the Senate at any time.

The PRESIDING OFFICER. Is there objection to the request submitted by the Senator from New Mexico? The Chair hears none, and it is so ordered.

Mr. SMOOT obtained the floor.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Utah yield to me?

Mr. SMOOT. Certainly.

Mr. BRATTON subsequently said: I ask unanimous consent that when the Senate concludes its regular morning business tomorrow morning it shall proceed to the consideration of the House amendment to Senate bill 700, commonly called the conservancy bill.

The PRESIDING OFFICER. The Chair calls the attention to the Senator from New Mexico to the fact that there has already been an agreement to proceed with the matter after action upon the pending conference report.

Mr. BRATTON. That agreement was subject to the approval of the Senator from Nebraska [Mr. NORRIS]. I understand he desires to resume his address this afternoon on the unfinished business, and I therefore ask unanimous consent as I have indicated.

The PRESIDING OFFICER. Is there objection?

Mr. NORRIS. What is the request?

Mr. BRATTON. That when the Senate concludes its routine business to-morrow it shall proceed to the consideration of the amendment to Senate bill 700, commonly called the conservancy bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

[Mr. BRATTON'S speech will be published entire after it shall have been concluded.]

SUSQUEHANNA RIVER BRIDGE

Mr. REED of Pennsylvania. I ask unanimous consent to call up a bridge bill, which is in the regular form, which can be passed without any debate, and which the interested parties are very anxious to have passed.

Mr. SMOOT. If the bill is in the usual form I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8227) authorizing the Sunbury Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Susquehanna River, at or near Bainbridge Street, in the city of Sunbury, Pa.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONFERENCE REPORT—ALIEN PROPERTY AND OTHER CLAIMS

The PRESIDING OFFICER. The Chair lays before the Senate the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7201) to provide for the settlement of certain claims of American nationals against Germany and of German nationals against the United States, for the ultimate return of all property of German nationals held by the Alien Property Custodian, and for the equitable apportionment among all claimants of certain available funds.

The Chief Clerk read the conference report.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7201) to provide for the settlement of certain claims of American nationals against Germany and of German nationals against the United States, for the ultimate return of all property of German nationals held by the Alien Property Custodian, and for the equitable apportionment among all claimants of certain available funds, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That this act may be cited as the 'settlement of war claims act of 1928.'

"CLAIMS OF NATIONALS OF THE UNITED STATES AGAINST GERMANY

"SEC. 2 (a) The Secretary of State shall, from time to time, certify to the Secretary of the Treasury the awards of the Mixed Claims Commission, United States and Germany, established in pursuance of the agreement of August 10, 1922, between the United States and Germany (referred to in this act as the 'Mixed Claims Commission').

"(b) The Secretary of the Treasury is authorized and directed to pay an amount equal to the principal of each award so certified, plus the interest thereon, in accordance with the award, accruing before January 1, 1928.

"(c) The Secretary of the Treasury is authorized and directed to pay annually (as nearly as may be) simple interest, at the rate of 5 per cent per annum, upon the amounts payable under subsection (b) and remaining unpaid, beginning January 1, 1928, until paid.

"(d) The payments authorized by subsection (b) or (c) shall be made in accordance with such regulations as the Secretary of the Treasury may prescribe, but only out of the German special deposit account created by section 4, within the limitations hereinafter prescribed, and in the order of priority provided in subsection (c) of section 4.

"(e) There shall be deducted from the amount of each payment, as reimbursement for the expenses incurred by the United States in respect thereof, an amount equal to one-half of 1 per cent thereof. The amount so deducted shall be deposited in the Treasury as miscellaneous receipts. In computing the amounts payable under subsection (c) of section 4 (establishing the priority of payments) the fact that such deduction is required to be made from the payment when computed or that such deduction has been made from prior payments, shall be disregarded.

"(f) The amounts awarded to the United States in respect of claims of the United States on its own behalf shall not be payable under this section.

"(g) No payment shall be made under this section unless application therefor is made, within two years after the date of the enactment of this act, in accordance with such regulations as the Secretary of the Treasury may prescribe. Payment shall be made only to the person on behalf of whom the award was made, except that—

"(1) If such person is deceased or is under a legal disability, payment shall be made to his legal representative, except that if the payment is not over $500 it may be made to the persons found by the Secretary of the Treasury to be entitled thereto, without the necessity of compliance with the requirements of law in respect of the administration of estates;

"(2) In the case of a partnership, association, or corporation, the existence of which has been terminated, payment shall be made, except as provided in paragraphs (3) and (4), to the persons found by the Secretary of the Treasury to be entitled thereto;

"(3) If a receiver or trustee for the person on behalf of whom the award was made has been duly appointed by a court in the United States and has not been discharged prior to the date of payment, payment shall be made to the receiver or trustee or in accordance with the order of the court; and

"(4) In the case of an assignment of an award, or an assignment (prior to the making of the award) of the claim in respect of which the award was made, by a receiver or trustee for any such person, duly appointed by a court in the United States, such payment shall be made to the assignee.

"(h) Nothing in this section shall be construed as the assumption of a liability by the United States for the payment of the awards of the Mixed Claims Commission, nor shall any payment under this section be construed as the satisfaction, in whole or in part, of any of such awards, or as extinguishing or diminishing the liability of Germany for the satisfaction in full of such awards, but shall be considered only as an advance by the United States until all the payments from Germany in satisfaction of the awards have been received. Upon any payment under this section of an amount in respect of an award, the rights in respect of the award and of the claim in respect of which the award was made shall be held to have been assigned pro tanto to the United States, to be enforced by and on behalf of the United States against Germany, in the same manner and to the same extent as such rights would be enforced on behalf of the American national.

"(i) Any person who makes application for payment under this section shall be held to have consented to all the provisions of this act.

"(j) The President is requested to enter into an agreement with the German Government by which the Mixed Claims Commission will be given jurisdiction of and authorized to decide claims of the same character as those of which the commission now has jurisdiction, notice of which is filed with the Department of State before July 1, 1928. If such agreement is entered into before January 1, 1929, awards in respect of such claims shall be certified under subsection (a) and shall be in all other respects subject to the provisions of this section.

CLAIMS OF GERMAN NATIONALS AGAINST UNITED STATES

"SEC. 3. (a) There shall be a war claims arbiter (hereinafter referred to as the "arbiter") who shall be appointed by the President, by and with the advice and consent of the Senate, without regard to any provision of law prohibiting the holding of more than one office. The arbiter, notwithstanding any other provision of law, shall receive a salary to be fixed by the President in an amount, if any, which if added to any other salary will make his total salary from the United States not in excess of $15,000 a year.

"(b) It shall be the duty of the arbiter, within the limitations hereinafter prescribed, to hear the claims of any German national (as hereinafter defined), and to determine the fair compensation to be paid by the United States, in respect of—

"(1) Any merchant vessel (including any equipment, appurtenances and property contained therein), title to which was taken by or on behalf of the United States under the authority of the joint resolution of May 12, 1917 (40 Stat. 75). Such compensation shall be the fair value, as nearly as may be determined, of such vessel to the owner immediately prior to the time exclusive possession was taken under the authority of such joint resolution, and in its condition at such time, taking into consideration the fact that such owner could not use or permit the use of such vessel, or charter or sell or otherwise dispose of such vessel for use or delivery, prior to the termination of the war, and that the war was not terminated until July 2, 1921, except that there shall be deducted from such value any consideration paid for such vessel by the United States. The findings of the board of survey appointed under the authority of such joint resolution shall be competent evidence in any proceeding before the arbiter to determine the amount of such compensation.

"(2) Any radio station (including any equipment, appurtenances, and property contained therein) which was sold to the United States by or under the direction of the Alien Property Custodian under authority of the trading with the enemy act, or any amendment thereto. Such compensation shall be the fair value, as nearly as may be determined, which such radio station would have had on July 2, 1921, if returned to the owner on such date in the same condition as on the date on which it was seized by or on behalf of the United States, or on which it was conveyed or delivered to, or seized by, the Alien Property Custodian, whichever date is earlier, except that there shall be deducted from such value any consideration paid for such radio station by the United States.

"(3) Any patent (or any right therein or claim thereto, and including an application therefor and any patent issued pursuant to any such application) which was licensed, assigned, or sold by the Alien Property Custodian to the United States. Such compensation shall be the amount, as nearly as may be determined, which would have been paid if such patent, right, claim, or application had been licensed, assigned, or sold to the United States by a citizen of the United States, except that there shall be deducted from such amount any consideration paid therefor by the United States (other than consideration which is returned to the United States under section 27 of the trading with the enemy act, as amended).

"(4) The use by or for the United States of any invention described in and covered by any patent (including an application therefor and any patent issued pursuant to any such application) which was conveyed, transferred, or assigned to, or seized by, the Alien Property Custodian, but not including any use during any period between April 6, 1917, and November 11, 1918, both dates inclusive, or on or after the date on which such patent was licensed, assigned, or sold by the Alien Property Custodian. In determining such compensation, any defense, general or special, available to a defendant in an action for infringement or in any suit in equity for relief against an alleged infringement, shall be available to the United States.

"(c) The proceedings of the arbiter under this section shall be conducted in accordance with such rules of procedure as he may prescribe. The arbiter, or any referee designated by him, is authorized to administer oaths, to hold hearings at such places within or without the United States as the arbiter deems necessary, and to contract for the reporting of such hearings. Any witness appearing for the United States before the arbiter or any such referee at any place within or without the United States may be paid the same fees and mileage as witnesses in courts of the United States. Such payments shall be made out of any funds in the German special deposit account hereinafter provided for, and may be made in advance.

"(d) The arbiter may, from time to time, and shall, upon the determination by him of the fair compensation in respect of all such vessels, radio stations, and patents, make a tentative award to each claimant of the fair compensation to be paid in respect of his claim, including simple interest, at the rate of 5 per cent per annum, on the amount of such compensation from July 2, 1921, to December 31, 1928, both dates inclusive. If a German national filing a claim in respect of

any such vessel fails to establish to the satisfaction of the arbiter that neither the German Government nor any member of the former ruling family had, at the time of the taking, any interest in such vessel, either directly or indirectly, through stock ownership or control or otherwise, then (whether or not claim has been filed by or on behalf of such Government or individual) no award shall be made to such German national unless and until the extent of such interest of the German Government and of the members of the former ruling family has been determined by the arbiter. Upon such determination the arbiter shall make a tentative award in favor of such Government or individual in such amount as the arbiter determines to be in justice and equity representative of such interest, and reduce accordingly the amount available for tentative awards to German nationals filing claims in respect of the vessel so that the aggregate of the tentative awards (including awards on behalf of the German Government and members of the former ruling family) in respect of the vessel will be within the amount of fair compensation determined under subsection (b) of this section.

"(e) The total amount to be awarded under this section shall not exceed $100,000,000, minus the sum of (1) the expenditures in carrying out the provisions of this section (including a reasonable estimate for such expenditures to be incurred prior to the expiration of the term of office of the arbiter) and (2) the aggregate consideration paid by the United States in respect of the acquisition of such vessels and radio stations, and the use, license, assignment, and sale of such patents (other than consideration which is returned to the United States under section 27 of the trading with the enemy act, as amended).

"(f) If the aggregate amount of the tentative awards exceeds the amount which may be awarded under subsection (e), the arbiter shall reduce pro rata the amount of each tentative award. The arbiter shall enter an award of the amount to be paid each claimant, and thereupon shall certify such awards to the Secretary of the Treasury.

"(g) The Secretary of the Treasury is authorized and directed to pay the amount of the awards certified under subsection (f).

"(h) The Secretary of the Treasury is authorized and directed to pay annually (as nearly as may be) simple interest, at the rate of 5 per cent per annum, upon the amount of any such award remaining unpaid, beginning January 1, 1929, until paid.

"(i) The payments in respect of awards under this section shall be made in accordance with such regulations as the Secretary of the Treasury may prescribe, but only out of the German special deposit account created by section 4, within the limitations hereinafter prescribed, and in the order of priority provided in subsections (c) and (d) of section 4.

"(j) The Secretary of the Treasury shall not pay any amount in respect of any award made to or on behalf of the German Government or any member of the former ruling family, but the amount of any such award shall be credited upon the final payment due the United States from the German Government for the purpose of satisfying the awards of the Mixed Claims Commission.

"(k) No payment shall be made under this section unless application therefor is made, within two years after the date the award is certified, in accordance with such regulations as the Secretary of the Treasury may prescribe. Payment of any amount in respect of any award may be made, in the discretion of the Secretary of the Treasury, either in the United States or in Germany, and either in money of the United States or in lawful German money, and shall be made only to the person on behalf of whom the award was made, except that—

"(1) If such person is deceased or is under a legal disability, payment shall be made to his legal representative, except that if the payment is not over $500 it may be made to the persons found by the Secretary of the Treasury to be entitled thereto, without the necessity of compliance with the requirements of law in respect of the administration of estates;

"(2) In the case of a partnership, association, or corporation, the existence of which has been terminated, payment shall be made, except as provided in paragraphs (3) and (4), to the persons found by the Secretary of the Treasury to be entitled thereto;

"(3) If a receiver or trustee for the person on behalf of whom the award was made has been duly appointed by a court of competent jurisdiction and has not been discharged prior to the date of payment, payment shall be made to the receiver or trustee or in accordance with the order of the court; and

"(4) In the case of an assignment of an award, or of an assignment—prior to the making of the award—of the claim in respect of which such award was made, by a receiver or trustee for any such person, duly appointed by a court of competent jurisdiction, payment shall be made to the assignee.

"(l) The head of any executive department, independent establishment, or agency in the executive branch of the Government, including the Alien Property Custodian and the Comptroller General, shall, upon request of the arbiter, furnish such records, documents, papers, correspondence, and information in the possession of such department, independent establishment, or agency as may assist the arbiter, furnish them statements and assistance of the same character as is described in section 188 of the Revised Statutes, and may temporarily detail any officers or employees of such department, independent establishment, or agency to assist the arbiter, or to act as a referee, in carrying out the provisions of this section. The Attorney General shall assign such officers and employees of the Department of Justice as may be necessary to represent the United States in the proceedings under this section.

"(m) The arbiter, with the approval of the Secretary of the Treasury, is authorized to (1) appoint and fix the salaries of such officers, referees, and employees, without regard to the civil service laws and regulations or to the classification act of 1923, and (2) make such expenditures—including expenditures for the salary of the arbiter, rent, and personal services at the seat of government and elsewhere, law books, periodicals, books of reference, and printing and binding—as may be necessary for carrying out the provisions of this section and within the funds available therefor. Any officer or employee detailed or assigned under subsection (l) shall be entitled to receive—notwithstanding any provision of law to the contrary—such additional compensation as the arbiter, with the approval of the Secretary of the Treasury, may prescribe. The arbiter and officers and employees appointed, detailed, or assigned shall be entitled to receive their necessary traveling expenses and actual expenses incurred for subsistence—without regard to any limitations imposed by law—while away from the District of Columbia on business required by this section.

"(n) On the date on which the awards are certified to the Secretary of the Treasury under subsection (f) or the date on which the awards are certified to the Secretary of the Treasury under subsection (e) of section 6 (patent claims of Austrian and Hungarian nationals), whichever date is the later, the terms of office of the arbiter, and of the officers and employees appointed by the arbiter, shall expire, and the books, papers, records, correspondence, property, and equipment of the office shall be transferred to the Department of the Treasury.

"(o) No award or tentative award shall be made by the arbiter in respect of any claim if (1) such claim is filed after the expiration of four months from the date on which the arbiter takes office, or (2) any judgment or decree awarding compensation or damages in respect thereof has been rendered against the United States, and if such judgment or decree has become final (whether before or after the enactment of this act), or (3) any suit or proceeding against the United States, or any agency thereof, is commenced or is pending in respect thereof and is not dismissed upon motion of the person by or on behalf of whom it was commenced, made before the expiration of six months from the date on which the arbiter takes office and before any judgment or decree awarding compensation or damages becomes final.

"(p) There is hereby authorized to be appropriated, to be immediately available and to remain available until expended, the sum of $50,000,000, and, after the date on which the awards of the arbiter under this section are certified to the Secretary of the Treasury, such additional amounts as, when added to the amounts previously appropriated, will be equivalent to the aggregate amount of such awards plus the amounts necessary for the expenditures authorized by subsections (c) and (m) of this section (expenses of administration), except that the aggregate of such appropriations shall not exceed $100,000,000.

"(q) The provisions of this section shall constitute the exclusive method for the presentation and payment of claims arising out of any of the acts by or on behalf of the United States for which this section provides a remedy. Any person who files any claim or makes application for any payment under this section shall be held to have consented to all the provisions of this act. This subsection shall not bar the presentation of a claim under section 21 (relating to the claims of certain former German nationals in respect of the taking of the vessels *Carl Diederichsen* and *Johanne*); but no award shall be made under section 21 in respect of either of such vessels to or on behalf of any person to whom or on whose behalf an award is made under this section in respect of such vessel.

"(r) If the aggregate amount to be awarded in respect of any vessel, radio station, or patent is awarded in respect of two or more claims, such amount shall be apportioned among such claims by the arbiter as he determines to be just and equitable and as the interests of the claimants may appear.

"(s) The Secretary of the Treasury, upon the certification of any of the tentative awards made under subsection (d) of this section and the recommendation of the arbiter, may make such pro rata payments in respect of such tentative awards as he deems advisable, but the aggregate of such payments shall not exceed $25,000,000.

GERMAN SPECIAL DEPOSIT ACCOUNT

"SEC. 4. (a) There is hereby created in the Treasury a German special deposit account, into which shall be deposited all funds hereinafter specified and from which shall be disbursed all payments authorized by section 2 or 3, including the expenses of administration authorized under subsections (c) and (m) of section 3 and subsection (e) of this section.

"(b) The Secretary of the Treasury is authorized and directed to deposit in such special deposit account—

"(1) All sums invested or transferred by the Alien Property Custodian, under the provisions of section 25 of the trading with the enemy act, as amended;

"(2) The amounts appropriated under the authority of section 3 (relating to claims of German nationals); and

"(3) All money (including the proceeds of any property, rights, or benefits which may be sold or otherwise disposed of, upon such terms as he may prescribe) received, whether before or after the enactment of this act, by the United States in respect of claims of the United States agaisnt Germany on account of the awards of the Mixed Claims Commission.

"(c) The Secretary of the Treasury is authorized and directed, out of the funds in such special deposit account, subject to the provisions of subsection (d), and in the following order of priority—

"(1) To make the payments of expenses of administration authorized by subsections (c) and (m) of section 3 or subsection (e) of this section;

"(2) To make so much of each payment authorized by subsection (b) of section 2 (relating to awards of the Mixed Claims Commission), as is attributable to an award on account of death or personal injury, together with interest thereon as provided in subsection (c) of section 2;

"(3) To make each payment authorized by subsection (b) of section 2 (relating to awards of the Mixed Claims Commission), if the amount thereof is not payable under paragraph (2) of this subsection and does not exceed $100,000, and to pay interest thereon as provided in subsection (c) of section 2;

"(4) To pay the amount of $100,000 in respect of each payment authorized by subsection (b) of section 2 (relating to awards of the Mixed Claims Commission), if the amount of such authorized payment is in excess of $100,000 and is not payable in full under paragraph (2) of this subsection. No person shall be paid under this paragraph and paragraph (3) an amount in excess of $100,000 (exclusive of interest beginning January 1, 1928), irrespective of the number of awards made on behalf of such person;

"(5) To make additional payments authorized by subsection (b) of section 2 (relating to awards of the Mixed Claims Commission), in such amounts as will make the aggregate payments (authorized by such subsection) under this paragraph and paragraphs (2), (3), and (4) of this subsection equal to 80 per cent of the aggregate amount of all payments authorized by subsection (b) of section 2. Payments under this paragraph shall be prorated on the basis of the amount of the respective payments authorized by subsection (b) of section 2 and remaining unpaid. Pending the completion of the work of the Mixed Claims Commission, the Secretary of the Treasury is authorized to pay such installments of the payments authorized by this paragraph as he determines to be consistent with prompt payment under this paragraph to all persons on behalf of whom claims have been presented to the commission;

"(6) To pay amounts determined by the Secretary of the Treasury to be payable in respect of the tentative awards of the arbiter, in accordance with the provisions of subsection (s) of section 3 (relating to awards for ships, patents, and radio stations);

"(7) To pay to German nationals such amounts as will make the aggregate payments equal to 50 per cent of the amounts awarded under section 3 (on account of ships, patents, and radio stations). Payments authorized by this paragraph or paragraphs (6) may, to the extent of funds available under the provisions of subsection (d) of this section, be made whether or not the payments under paragraphs (1) to (5), inclusive, of this subsection have been completed;

"(8) To pay accrued interest upon the participating certificates evidencing the amounts invested by the Alien Property Custodian under subsection (a) of section 25 of the trading with the enemy act, as amended (relating to the investment of 20 per cent of German property temporarily withheld);

"(9) To pay the accrued interest payable under subsection (c) of section 2 (in respect of awards of the Mixed Claims Commission) and subsection (h) of section 3 (in respect of awards to German nationals);

"(10) To make such payments as are necessary (A) to repay the amounts invested by the Alien Property Custodian under subsection (a) of section 25 of the trading with the enemy act, as amended (relating to the investment of 20 per cent of German property temporarily withheld), (B) to pay amounts equal to the difference between the aggregate payments (in respect of claims of German nationals) authorized by subsections (g) and (h) of section 3 and the amounts previously paid in respect thereof, and (C) to pay amounts equal to the difference between the aggregate payments (in respect of awards of the Mixed Claims Commission) authorized by subsections (b) and (c) of section 2, and the amounts previously paid in respect thereof. If funds available are not sufficient to make the total payments authorized by this paragraph, the amount of payments made from time to time shall be apportioned among the payments authorized under clauses (A), (B), and (C) according to the aggregate amount remaining unpaid under each clause;

"(11) To make such payments as are necessary to repay the amounts invested by the Alien Property Custodian under subsection (b) of section 25 of the trading with the enemy act, as amended (relating to the investment of the unallocated interest fund); but the amount payable under this paragraph shall not exceed the aggregate amount allocated to the trusts described in subsection (c) of section 26 of such act;

"(12) To pay into the Treasury as miscellaneous receipts the amount of the awards of the Mixed Claims Commission to the United States on its own behalf on account of claims of the United States against Germany; and

"(13) To pay into the Treasury as miscellaneous receipts any funds remaining in the German special deposit account after the payments authorized by paragraphs (1) to (12) have been completed.

"(d) Fifty per cent of the amounts appropriated under the authority of section 3 (relating to claims of German nationals) shall be available for payments under paragraphs (6) and (7) of subsection (c) of this section (relating to such claims) and shall be available only for such payments until such time as the payments authorized by such paragraphs have been completed.

"(e) The Secretary of the Treasury is authorized to pay, from funds in the German special deposit account, such amounts, not in excess of $25,000 per annum, as may be necessary for the payment of the expenses in carrying out the provisions of this section and section 25 of the trading with the enemy act, as amended (relating to the investment of funds by the Alien Property Custodian), including personal services at the seat of government.

"(f) The Secretary of the Treasury is authorized to invest and reinvest, from time to time, in bonds, notes, or certificates of indebtedness of the United States any of the funds in the German special deposit account, and to deposit to the credit of such account the interest or other earnings thereon.

"(g) There shall be deducted from the amounts first payable under this section to any American national in respect of any debt the amount, if any, paid by the Alien Property Custodian in respect of such debt which was not credited by the Mixed Claims Commission in making its award.

CLAIMS OF UNITED STATES AND ITS NATIONALS AGAINST AUSTRIA AND HUNGARY

"SEC. 5. (a) The Commissioner of the Tripartite Claims Commission (hereinafter referred to as the "commissioner") selected in pursuance of the agreement of November 26, 1924, between the United States and Austria and Hungary shall, from time to time, certify to the Secretary of the Treasury the judgments and interlocutory judgments (hereinafter referred to as "awards") of the commissioner.

"(b) The Secretary of the Treasury is authorized and directed to pay (1) in the case of any such judgment, an amount equal to the principal thereof, plus the interest thereon in accordance with such judgment, and (2) in the case of any such interlocutory judgment, an amount equal to the principal thereof (converted at the rate of exchange specified in the certificate of the commissioner provided for in section 7), plus the interest thereon in accordance with such certificate.

"(c) The payments authorized by subsection (b) shall be made in accordance with such regulations as the Secretary of the Treasury may prescribe, but only out of the special deposit account (Austrian or Hungarian, as the case may be), created by section 7, and within the limitations hereinafter prescribed.

"(d) There shall be deducted from the amount of each payment, as reimbursement for expenses incurred by the United States in respect thereof, an amount equal to one-half of 1 per

cent thereof. The amount so deducted shall be deposited in the Treasury as miscellaneous receipts.

"(e) The amounts awarded to the United States in respect of claims of the United States on its own behalf shall be payable under this section.

"(f) No payment shall be made under this section (other than payments to the United States in respect of claims of the United States on its own behalf) unless application therefor is made within two years after the date of the enactment of this act in accordance with such regulations as the Secretary of the Treasury may prescribe. Payment shall be made only to the person on behalf of whom the award was made except in the cases specified in paragraphs (1) to (4) of subsection (g) of section 2.

"(g) Any person who makes application for payment under this section shall be held to have consented to all the provisions of this act.

CLAIMS OF AUSTRIAN AND HUNGARIAN NATIONALS AGAINST THE UNITED STATES

"SEC. 6. (a) It shall be the duty of the arbiter, within the limitations hereinafter prescribed, to hear the claims of any Austrian or Hungarian national (as hereinafter defined) and to determine the compensation to be paid by the United States, in respect of—

"(1) Any patent (or any right therein or claim thereto, and including an application therefor and any patent issued pursuant to any such application) which was licensed, assigned, or sold by the Alien Property Custodian to the United States. Such compensation shall be the amount, as nearly as may be determined, which would have been paid if such patent, right, claim, or application had been licensed, assigned, or sold to the United States by a citizen of the United States, except that there shall be deducted from such amount any consideration paid therefor by the United States (other than consideration which is returned to the United States under section 27 of the trading with the enemy act, as amended).

"(2) The use by or for the United States of any invention described in and covered by any patent (including an application therefor and any patent issued pursuant to any such application) which was conveyed, transferred, or assigned to, or seized by the Alien Property Custodian, but not including any use during any period between December 7, 1917, and November 3, 1918, both dates inclusive, or on or after the date on which such patent was licensed, assigned, or sold by the Alien Property Custodian. In determining such compensation, any defense, general or special available to a defendant in an action for infringement or in any suit in equity for relief against an alleged infringement, shall be available to the United States.

"(b) The proceedings of the arbiter under this section shall be conducted in accordance with such rules of procedure as he may prescribe. The arbiter, or any referee designated by him, is authorized to administer oaths, to hold hearings at such places within or without the United States as the arbiter deems necessary, and to contract for the reporting of such hearings. Any witness appearing for the United States before the arbiter or any such referee at any place within or without the United States may be paid the same fees and mileage as witnesses in courts of the United States. Such payments may be made in advance, and may be made in the first instance out of the German special deposit account, subject to reimbursement from the special deposit account (Austrian or Hungarian as the case may be) hereinafter provided for.

"(c) The arbiter shall, upon the determination by him of the fair compensation in respect of all such patents, make a tentative award to each claimant of the fair compensation to be paid in respect of his claim, including simple interest, at the rate of 5 per cent per annum, on the amount of such compensation from July 2, 1921, to December 31, 1928, both dates inclusive.

"(d) The total amount to be awarded under this section shall not exceed $1,000,000, minus the sum of (1) the expenditures in carrying out the provisions of this section (including a reasonable estimate for such expenditures to be incurred prior to the expiration of the term of office of the arbiter) and (2) the aggregate consideration paid by the United States in respect of the use, license, assignment, and sale of such patents (other than consideration which is returned to the United States under section 27 of the trading with the enemy act, as amended).

"(e) If the aggregate amount of the tentative awards exceeds the amount which may be awarded under subsection (d), the arbiter shall reduce pro rata the amount of each tentative award. The arbiter shall enter an award of the amount to be paid each claimant, and thereupon shall certify such awards to the Secretary of the Treasury.

"(f) The Secretary of the Treasury is authorized and directed to pay the amount of the awards certified under subsection (e), together with simple interest thereon, at the rate of 5 per cent per annum, beginning January 1, 1929, until paid.

"(g) The payments authorized by subsection (f) shall be made in accordance with such regulations as the Secretary of the Treasury may prescribe, but only out of the special deposit account (Austrian or Hungarian, as the case may be), created by section 7, and within the limitations hereinafter prescribed.

"(h) No payment shall be made under this section unless application therefor is made, within two years after the date the award is certified, in accordance with such regulations as the Secretary of the Treasury may prescribe. Payment of any amount in respect of any award may be made, in the discretion of the Secretary of the Treasury, either in the United States or in Austria or in Hungary, and either in money of the United States or in lawful Austrian or Hungarian money (as the case may be), and shall be made only to the person on behalf of whom the award was made, except in the cases specified in paragraphs (1) to (4) of subsection (k) of section 3.

"(i) The provisions of subsections (l), (m), and (o) of section 3 shall be applicable in carrying out the provisions of this section, except that the expenditures in carrying out the provisions of section 3 and this section shall be allocated (as nearly as may be) by the arbiter and paid, in accordance with such allocation, out of the German special deposit account created by section 4 or the special deposit account (Austrian or Hungarian, as the case may be) created by section 7. Such payments may be made in the first instance out of the German special deposit account, subject to reimbursement from the Austrian or the Hungarian special deposit account in appropriate cases.

"(j) There is hereby authorized to be appropriated, to remain available until expended, such amount, not in excess of $1,000,000, as may be necessary for carrying out the provisions of this section.

"(k) The provisions of this section shall constitute the exclusive method for the presentation and payment of claims arising out of any of the acts by or on behalf of the United States for which this section provides a remedy. Any person who files any claim or makes application for any payment under this section shall be held to have consented to all the provisions of this act.

"(l) If the aggregate amount to be awarded in respect of any patent is awarded in respect of two or more claims, such amount shall be apportioned among such claims by the arbiter as he determines to be just and equitable and as the interests of the claimants may appear.

AUSTRIAN AND HUNGARIAN SPECIAL DEPOSIT ACCOUNTS

"SEC. 7. (a) There are hereby created in the Treasury an Austrian special deposit account and an Hungarian special deposit account, into which, respectively, shall be deposited all funds hereinafter specified and from which, respectively, shall be disbursed all payments and expenditures authorized by section 5 or 6 or this section.

"(b) The Secretary of the Treasury is authorized and directed to deposit in the Austrian or the Hungarian special deposit account, as the case may be—

"(1) The respective amounts appropriated under the authority of section 6 (patent claims of Austrian and Hungarian nationals);

"(2) The respective sums transferred by the Alien Property Custodian, under the provisions of subsection (g) of section 25 of the trading with the enemy act, as amended (property of Austrian and Hungarian Governments);

"(3) All money (including the proceeds of any property, rights, or benefits which may be sold or otherwise disposed of, upon such terms as he may prescribe) received, whether before or after the enactment of this act, by the United States in respect of claims of the United States against Austria or Hungary, as the case may be, on account of awards of the commissioner.

"(c) The Secretary of the Treasury is authorized and directed, out of the funds in the Austrian or the Hungarian special deposit account, as the case may be, subject to the provisions of subsections (d) and (e)—

"(1) To make the payments of expenses of administration authorized by section 6 or this section;

"(2) To make the payments authorized by subsection (b) of section 5 (relating to awards of the Tripartite Claims Commission); and

"(3) To make the payments of the awards of the arbiter, together with interest thereon, as provided by section 6 (relating to claims of Austrian and Hungarian nationals).

"(d) No payment shall be made in respect of any award of the commissioner against Austria or of the arbiter on behalf of an Austrian national, nor shall any money or other property be

returned under paragraph (15), (17), (18), or (19) of subsection (b) of section 9 of the trading with the enemy act, as amended (relating to the return of money and other property by the Alien Property Custodian to Austrian nationals), prior to the date upon which the commissioner certifies to the Secretary of the Treasury—

"(1) That the amounts deposited in the Austrian special deposit account under paragraph (2) of subsection (b) of this section (in respect of property of the Austrian Government or property of a corporation all the stock of which was owned by the Austrian Government) and under paragraph (3) of subsection (b) of this section (in respect of money received by the United States in respect of claims of the United States against Austria on account of awards of the commissioner) are sufficient to make the payments authorized by subsection (b) of section 5 in respect of awards against Austria; and

"(2) In respect of interlocutory judgments entered by the commissioner, the rate of exchange at which such interlocutory judgments shall be converted into money of the United States and the rate of interest applicable to such judgments and the period during which such interest shall run. The commissioner is authorized and requested to fix such rate of exchange and interest as he may determine to be fair and equitable, and to give notice thereof, within 30 days after the enactment of this act.

"(e) No payment shall be made in respect of any award of the commissioner against Hungary or of the arbiter on behalf of an Hungarian national, nor shall any money or other property be returned under paragraph (15), (20), (21), or (22) of subsection (b) of section 9 of the trading with the enemy act, as amended by this act (relating to the return of money and other property by the Alien Property Custodian to Hungarian nationals), prior to the date upon which the commissioner certifies to the Secretary of the Treasury—

"(1) That the amounts deposited in the Hungarian special deposit account under paragraph (2) of subsection (b) of this section (in respect of property of the Hungarian Government or property of a corporation all the stock of which was owned by the Hungarian Government) and under paragraph (3) of subsection (b) of this section (in respect of money received by the United States in respect of claims of the United States against Hungary on account of awards of the commissioner), are sufficient to make the payments authorized by subsection (b) of section 5 in respect of awards against Hungary; and

"(2) In respect of interlocutory judgments entered by the commissioner, the rate of exchange at which such interlocutory judgments shall be converted into money of the United States and the rate of interest applicable to such judgments and the period during which such interest shall run. The commissioner is authorized and requested to fix such rate of exchange and interest as he may determine to be fair and equitable, and to give notice thereof, within 30 days after the enactment of this act.

"(f) Amounts available under subsection (e) of section 4 (relating to payment of expenses of administration) shall be available for the payment of expenses in carrying out the provisions of this section, including personal services at the seat of Government.

"(g) The Secretary of the Treasury is authorized to invest and reinvest, from time to time, in bonds, notes, or certificates of indebtedness of the United States, any of the funds in the Austrian or the Hungarian special deposit account, and to deposit to the credit of such account the interest or other earnings thereon.

"(h) There shall be deducted from the amounts first payable under this section to any American national in respect of any debt the amount, if any, paid by the Alien Property Custodian in respect of such debt which was not credited by the commissioner in making his award.

"(i) The payments of the awards of the commissioner to the United States on its own behalf, on account of claims of the United States against Austria or Hungary, shall be paid into the Treasury as miscellaneous receipts.

"(j) Any amount remaining in the Austrian or the Hungarian special deposit account after all the payments authorized to be made therefrom have been completed shall be disposed of as follows:

"(1) There shall first be paid into the Treasury as miscellaneous receipts the respective amount, if any, by which the appropriations made under the authority of section 6 and deposited in such special deposit account exceed the payments authorized by such section; and

"(2) The remainder shall be refunded to Austria or Hungary, as their respective interests may appear.

FINALITY OF DECISIONS

"SEC. 8. (a) Notwithstanding the provisions of section 236 of the Revised Statutes, as amended, the decisions of the Secretary of the Treasury in respect of the funds to be paid into the German, the Austrian, or the Hungarian special deposit account and of the payments therefrom shall be final and conclusive and shall not be subject to review by any other officer of the United States, except that payments made under authority of subsection (c) or (m) of section 3 or subsection (e) of section 4 or subsection (f) of section 7 (relating to expenses of administration) shall be accounted for and settled without regard to the provisions of this subsection.

"(b) The Secretary of the Treasury, in his annual report to the Congress, shall include a detailed statement of all expenditures made in carrying out the provisions of this act.

EXCESSIVE FEES PROHIBITED

"SEC. 9. (a) The arbiter, the Commissioner of the Mixed Claims Commission appointed by the United States, and the Commissioner of the Tripartite Claims Commission, respectively, are authorized (upon request as hereinafter provided) to fix reasonable fees (whether or not fixed under any contract or agreement) for services in connection with the proceedings before the arbiter and the Mixed Claims Commission and the Tripartite Claims Commission, respectively, and with the preparations therefor, and the application for payment, and the payment, of any amount under section 2, 3, 5, or 6. Each such official is authorized and requested to mail to each claimant in proceedings before him or the commission, as the case may be, notice (in English, German, or Hungarian) of the provisions of this section. No fee shall be fixed under this subsection unless written request therefor is filed with such official before the expiration of 90 days after the date of mailing of such notice. In the case of nationals of Germany, Austria, and Hungary, such notice may be mailed to, and the written request may be filed by, the duly accredited diplomatic representative of such nation.

"(b) After a fee has been fixed under subsection (a), any person accepting any consideration (whether or not under a contract or agreement entered into prior to the enactment of this act), the aggregate value of which (when added to any consideration previously received) is in excess of the amount so fixed, for services in connection with the proceedings before the arbiter or Mixed Claims Commission or Tripartite Claims Commission, or any preparations therefor, or with the application for payment, or the payment, of any amount under section 2, 3, 5, or 6, shall, upon conviction thereof, be punished by a fine of not more than four times the aggregate value of the consideration accepted by such person therefor.

"(c) Section 20 of the trading with the enemy act, as amended, is amended by inserting after the word 'attorney' wherever it appears in such section the words 'at law or in fact.'

INVESTMENT OF FUNDS BY ALIEN PROPERTY CUSTODIAN

"SEC. 10. The trading with the enemy act, as amended, is amended by adding thereto the following new section:

"'SEC. 25. (a) (1) The Alien Property Custodian is authorized and directed to invest, from time to time upon the request of the Secretary of the Treasury, out of the funds held by the Alien Property Custodian or by the Treasurer of the United States for the Alien Property Custodian, an amount not to exceed $40,000,000 in the aggregate, in one or more participating certificates issued by the Secretary of the Treasury in accordance with the provisions of this section.

"'(2) When in the case of any trust written consent under subsection (m) of section 9 has been filed, an amount equal to the portion of such trust the return of which is temporarily postponed under such subsection shall be credited against the investment made under paragraph (1) of this subsection. If the total amount so credited is in excess of the amount invested under paragraph (1) of this subsection, the excess shall be invested by the Alien Property Custodian in accordance with the provisions of this subsection, without regard to the $40,000,000 limitation in paragraph (1). If the amount invested under paragraph (1) of this subsection is in excess of the total amount so credited, such excess shall, from time to time on request of the Alien Property Custodian, be paid to him out of the funds in the German special-deposit account created by section 4 of the settlement of war claims act of 1928, and such payments shall have priority over any payments therefrom other than the payments under paragraph (1) of subsection (c) of such section (relating to expenses of administration).

"'(b) The Alien Property Custodian is authorized and directed to invest, in one or more participating certificates issued

by the Secretary of the Treasury, out of the unallocated interest fund, as defined in section 28—

"'(1) The sum of $25,000,000. If, after the allocation under section 26 has been made, the amount of the unallocated interest fund allocated to the trusts described in subsection (c) of such section is found to be in excess of $25,000,000, such excess shall be invested by the Alien Property Custodian in accordance with the provisions of this subsection. If the amount so allocated is found to be less than $25,000,000, any participating certificate or certificates that have been issued shall be corrected accordingly; and

"'(2) The balance of such unallocated interest fund remaining after the investment provided for in paragraph (1) and the payment of allocated earnings in accordance with the provisions of subsection (b) of section 26 have been made.

"'(c) If the amount of such unallocated interest fund, remaining after the investment required by paragraph (1) of subsection (b) of this section has been made, is insufficient to pay the allocated earnings in accordance with subsection (b) of section 26, then the amount necessary to make up the deficiency shall be paid out of the funds in the German special deposit account created by section 4 of the settlement of war claims act of 1928, and such payment shall have priority over any payments therefrom other than the payments under paragraph (1) of subsection (c) of such section (relating to expenses of administration) and the payments under paragraph (2) of subsection (a) of this section.

"'(d) The Alien Property Custodian is authorized and directed (after the payment of debts under section 9) to transfer to the Secretary of the Treasury, for deposit in such special deposit account, all money and the proceeds of all property, including all income, dividends, interest, annuities, and earnings accumulated in respect thereof, owned by the German Government or any member of the former ruling family. All money and other property shall be held to be owned by the German Government (1) if no claim thereto has been filed with the Alien Property Custodian prior to the expiration of one year from the date of the enactment of the settlement of war claims act of 1928, or (2) if any claim has been filed before the expiration of such period (whether before or after the enactment of such act), then if the ownership thereof under any such claim is not established by a decision of the Alien Property Custodian or by suit in court instituted, under section 9, within one year after the decision of the Alien Property Custodian, or after the date of the enactment of the settlement of war claims act of 1928, whichever date is later. The amounts so transferred under this subsection shall be credited upon the final payment due the United States from the German Government on account of the awards of the Mixed Claims Commission.

"'(e) The Secretary of the Treasury is authorized and directed to issue to the Alien Property Custodian, upon such terms and conditions and under such regulations as the Secretary of the Treasury may prescribe, one or more participating certificates, bearing interest payable annually (as nearly as may be) at the rate of 5 per cent per annum, as evidence of the investment by the Alien Property Custodian under subsection (a), and one or more noninterest-bearing, participating certificates, as evidence of the investment by the Alien Property Custodian under subsection (b). All such certificates shall evidence a participating interest, in accordance with, and subject to the priorities of, the provisions of section 4 of the settlement of war claims act of 1928, in the funds in the German special deposit account created by such section, except that—

"'(1) The United States shall assume no liability, directly or indirectly, for the payment of any such certificates, or of the interest thereon, except out of funds in such special deposit account available therefor, and all such certificates shall so state on their face; and

"'(2) Such certificates shall not be transferable, except that the Alien Property Custodian may transfer any such participating certificate evidencing the interest of a substantial number of the owners of the money invested, to a trustee duly appointed by such owners.

"'(f) Any amount of principal or interest paid to the Alien Property Custodian in accordance with the provisions of subsection (c) of section 4 of the settlement of war claims act of 1928 shall be allocated pro rata among the persons filing written consents under subsection (m) of section 9 of this act, and the amounts so allocated shall be paid to such persons. If any person to whom any amount is payable under this subsection has died (or if, in the case of a partnership, association, or other unincorporated body of individuals, or a corporation, its existence has terminated), payment shall be made to the persons determined by the Alien Property Custodian to be entitled thereto.

"'(g) The Alien Property Custodian is authorized and directed (after the payment of debts under section 9) to transfer to the Secretary of the Treasury, for deposit in the special deposit account (Austrian or Hungarian, as the case may be), created by section 7 of the settlement of war claims act of 1928, all money and the proceeds of all property, including all income, dividends, interest, annuities, and earnings accumulated in respect thereof, owned by the Austrian Government or any corporation all the stock of which was owned by or on behalf of the Austrian Government (including the property of the Imperial Royal Tobacco Monopoly, also known under the name of K. K. Oesterreichische Tabak Regie), or owned by the Hungarian Government or by any corporation all the stock of which was owned by or on behalf of the Hungarian Government.'

RETURN TO NATIONALS OF GERMANY, AUSTRIA, AND HUNGARY OF PROPERTY HELD BY ALIEN PROPERTY CUSTODIAN

"SEC. 11. Subsection (b) of section 9 of the trading with the enemy act, as amended, is amended by striking out the punctuation at the end of paragraph (11) and inserting in lieu thereof a semicolon and the word "or" and inserting after paragraph (11) the following new paragraphs:

"'(12) A partnership, association, or other unincorporated body of individuals, or a corporation, and was entirely owned at such time by subjects or citizens of nations, States, or free cities other than Austria or Hungary or Austria-Hungary and is so owned at the time of the return of its money or other property, and has filed the written consent provided for in subsection (m); or

"'(13) A partnership, association, or other unincorporated body of individuals, having its principal place of business at such time within any country other than Austria, Hungary, or Austria-Hungary, or a corporation organized or incorporated within any country other than Austria, Hungary, or Austria-Hungary, and that the written consent provided for in subsection (m) has been filed; or

"'(14) Any individual who at such time was a citizen or subject of Germany or who at the time of the return of any money or other property is a citizen or subject of Germany or is not a citizen or subject of any nation, State, or free city, and that the written consent provided for in subsection (m) has been filed; or

"'(15) The Austro-Hungarian Bank, except that the money or other property thereof shall be returned only to the liquidators thereof; or

"'(16) An individual, partnership, association, or other unincorporated body of individuals, or a corporation, and that the written consent provided for in subsection (m) has been filed, and that no suit or proceeding against the United States or any agency thereof is pending in respect of such return, and that such individual has filed a written waiver renouncing on behalf of himself, his heirs, successors, and assigns any claim based upon the fact that at the time of such return he was in fact entitled to such return under any other provision of this act; or

"'(17) A partnership, association, or other unincorporated body of individuals, or a corporation, and was entirely owned at such time by citizens of Austria and is so owned at the time of the return of its money or other property; or

"'(18) A partnership, association, or other unincorporated body of individuals, having its principal place of business at such time within Austria, or a corporation organized or incorporated within Austria; or

"'(19) An individual who at such time was a citizen of Austria or who at the time of the return of any money or other property is a citizen of Austria; or

"'(20) A partnership, association, or other unincorporated body of individuals, or a corporation, and was entirely owned at such time by citizens of Hungary and is so owned at the time of the return of its money or other property; or

"'(21) A partnership, association, or other unincorporated body of individuals, having its principal place of business at such time within Hungary, or a cooperation organized or incorporated within Hungary; or

"'(22) An individual who at such time was a citizen of Hungary or who, at the time of the return of any money or other property, is a citizen of Hungary;—'

"SEC. 12. (a) Subsection (d) of section 9 of the trading with the enemy act, as amended, is amended to read as follows:

"'(d) Whenever an individual, deceased, would have been entitled, if living, to the return of any money or other property without filing the written consent provided for in subsection (m), then his legal representative may proceed for the return of such money or other property in the same manner as such individual might proceed if living, and such money or other property may be returned to such legal representative without requiring the appointment of an administrator, or an ancillary

administrator, by a court in the United States, or to any such ancillary administrator, for distribution directly to the persons entitled thereto. Return in accordance with the provisions of this subsection may be made in any case where an application or court proceeding by any legal representative, under the provisions of this subsection before its amendment by the settlement of war claims act of 1928, is pending and undetermined at the time of the enactment of such act. All bonds or other security given under the provisions of this subsection before such amendment shall be canceled or released and all sureties thereon discharged.'

"(b) Subsection (e) of section 9 of the trading with the enemy act, as amended, is amended by striking out the period at the end thereof and inserting a semicolon and the following: 'nor shall a debt be allowed under this section unless notice of the claim has been filed, or application therefor has been made, prior to the date of the enactment of the settlement of war claims act of 1928.'

"(c) Subsection (g) of section 9 of the trading with the enemy act, as amended, is amended to read as follows:

"'(g) Whenever an individual, deceased, would have been entitled, if living, to the return of any money or other property upon filing the written consent provided for in subsection (m), then his legal representative may proceed for the return of such money or other property in the same manner as such individual might proceed if living, and such money or other property may be returned, upon filing the written consent provided for in subsection (m), to such legal representative without requiring the appointment of an administrator, or an ancillary administrator, by a court in the United States, or to any such ancillary administrator, for distribution to the persons entitled thereto. This subsection shall not be construed as extinguishing or diminishing any right which any citizen of the United States may have had under this subsection prior to its amendment by the settlement of war claims act of 1928 to receive in full his interest in the property of any individual dying before such amendment.'

"SEC. 13. Subsections (j) and (k) of section 9 of the trading with the enemy act, as amended, are amended so as to comprise three subsections, to read as follows:

"'(j) The Alien Property Custodian is authorized and directed to return to the person entitled thereto, whether or not an enemy or ally of enemy and regardless of the value, any patent, trade-mark, print, label, copyright, or right therein or claim thereto, which was conveyed, transferred, assigned, or delivered to the Alien Property Custodian, or seized by him, and which has not been sold, licensed, or otherwise disposed of under the provisions of this act, and to return any such patent, trade-mark, print, label, copyright, or right therein or claim thereto, which has been licensed, except that any patent, trade-mark, print, label, copyright, or right therein or claim thereto, which is returned by the Alien Property Custodian and which has been licensed, or in respect of which any contract has been entered into, or which is subject to any lien or encumbrance, shall be returned subject to the license, contract, lien, or encumbrance.

"'(k) Except as provided in section 27, paragraphs (12) to (22), both inclusive, of subsection (b) of this section shall apply to the proceeds received from the sale, license, or other disposition of any patent, trade-mark, print, label, copyright, or right therein or claim thereto, conveyed, transferred, assigned, or delivered to the Alien Property Custodian, or seized by him.

"'(l) This section shall apply to royalties paid to the Alien Property Custodian, in accordance with a judgment or decree in a suit brought under subsection (f) of section 10; but shall not apply to any other money paid to the Alien Property Custodian under section 10.'

"SEC. 14. Section 9 of the trading with the enemy act, as amended, is amended by adding at the end thereof the following new subsections:

"'(m) No money or other property shall be returned under paragraphs (12), (13), (14), or (16) of subsection (b) or under subsection (g) or (n) or (to the extent therein provided) under subsection (p), unless the person entitled thereto files a written consent to a postponement of the return of an amount equal to 20 per cent of the aggregate value of such money or other property (at the time, as nearly as may be, of the return), as determined by the Alien Property Custodian, and the investment of such amount in accordance with the provisions of section 25. Such amount shall be deducted from the money to be returned to such person, so far as possible, and the balance shall be deducted from the proceeds of the sale of so much of the property as may be necessary, unless such person pays the balance to the Alien Property Custodian, except that no property shall be so sold prior to the expiration of six years from the date of the enactment of the settlement of war claims act of 1928 without the consent of the person entitled thereto. The amounts so deducted shall be returned to the persons entitled thereto as provided in subsection (f) of section 25. The sale of any such property shall be made in accordance with the provisions of section 12, except that the provisions of such section relating to sales or resales to, or for the benefit of, citizens of the United States shall not be applicable. If such aggregate value of the money or other property to be returned under paragraphs (12), (13), (14), or (16) of subsection (b) or under subsection (g) is less than $2,000, then the written consent shall not be required and the money or other property shall be returned in full without the temporary retention and investment of 20 per cent thereof.

"'(n) In the case of property consisting of stock or other interest in any corporation, association, company, or trust, or bonded or other indebtedness thereof, evidenced by certificates of stock or by bonds or by other certificates of interest therein or indebtedness thereof, or consisting of dividends or interest or other accruals thereon, where the right, title, and interest in the property (but not the actual certificate or bond or other certificate of interest or indebtedness) was conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian, or seized by him, if the President determines that the owner thereof or of any interest therein has acquired such ownership by assignment, transfer, or sale of such certificate or bond or other certificate of interest or indebtedness (it being the intent of this subsection that such assignment, transfer, or sale shall not be deemed invalid hereunder by reason of such conveyance, transfer, assignment, delivery, or payment to the Alien Property Custodian or seizure by him), and that the written consent provided for in subsection (m) has been filed, then the President may make in respect of such property an order of the same character, upon the same conditions, and with the same effect, as in cases provided for in subsection (b), including the benefits of subsection (c).

"'(o) The provisions of paragraph (12), (13), (14), (17), (18), (19), (20), (21), or (22) of subsection (b), or of subsection (m) or (n) of this section, and (except to the extent therein provided) the provisions of paragraph (16) of subsection (b), shall not be construed as diminishing or extinguishing any right under any other provision of this act in force immediately prior to the enactment of the settlement of war claims act of 1928.

"'(p) The Alien Property Custodian shall transfer the money or other property in the trust of any partnership, association, or other unincorporated body of individuals, or corporation, the existence of which has terminated, to trusts in the names of the persons (including the German Government and members of the former ruling family) who have succeeded to its claim or interest; and the provisions of subsection (a) of this section relating to the collection of a debt (by order of the President or of a court) out of money or other property held by the Alien Property Custodian or the Treasurer of the United States shall be applicable to the debts of such successor and any such debt may be collected out of the money or other property in any of such trusts if not returnable under subsection (a) of this section. Subject to the above provisions as to the collection of debts, each such successor (except the German Government and members of the former ruling family) may proceed for the return of the amount so transferred to his trust, in the same manner as such partnership, association, or other unincorporated body of individuals, or corporation might proceed if still in existence. If such partnership, association, or other unincorporated body of individuals, or corporation, would have been entitled to the return of its money or other property only upon filing the written consent provided for in subsection (m), then the successor shall be entitled to the return under this subsection only upon filing such written consent.

"'(q) The return of money or other property under paragraph (15), (17), (18), (19), (20), (21), or (22) of subsection (b) (relating to the return to Austrian and Hungarian nationals) shall be subject to the limitations imposed by subsections (d) and (e) of section 7 of the settlement of war claims act of 1928.'

"SEC. 15. The trading with the enemy act, as amended, is amended by adding thereto the following new sections:

"'SEC. 26. (a) The Alien Property Custodian shall allocate among the various trusts the funds in the "unallocated interest fund" (as defined in section 28). Such allocation shall be based upon the average rate of earnings (determined by the Secretary of the Treasury) on the total amounts deposited under section 12.

"'(b) The Alien Property Custodian, when the allocation has been made, is authorized and directed to pay to each person entitled, in accordance with a final decision of a court of the United States or of the District of Columbia, or of an opinion

of the Attorney General, to the distribution of any portion of such unallocated interest fund, the amount allocated to his trust, except as provided in subsection (c) of this section.

"'(c) In the case of persons entitled, under paragraph (12), (13), (14), or (16) of subsection (b) of section 9, to such return, and in the case of persons who would be entitled to such return thereunder if all such money or property had not been returned under paragraph (9) or (10) of such subsection, and in the case of persons entitled to such return under subsection (n) of section 9, an amount equal to the aggregate amount allocated to their trusts shall be credited against the sum of $25,000,000 invested in participating certificates under paragraph (1) of subsection (b) of section 25. If the aggregate amount so allocated is in excess of $25,000,000, an amount equal to the excess shall be invested in the same manner. Upon the repayment of any of the amounts so invested, under the provisions of section 4 of the settlement of war claims act of 1928, the amount so repaid shall be distributed pro rata among such persons, notwithstanding any receipts or releases given by them.

"'(d) The unallocated interest fund shall be available for carrying out the provisions of this section, including the expenses of making the allocation.

"'SEC. 27. The Alien Property Custodian is authorized and directed to return to the United States any consideration paid to him by the United States under any license, assignment, or sale by the Alien Property Custodian to the United States of any patent (or any right therein or claim thereto, and including an application therefor and any patent issued pursuant to any such application).

"'SEC. 28. As used in this act, the term "unallocated interest fund" means the sum of (1) the earnings and profits accumulated prior to March 4, 1923, and attributable to investments and reinvestments under section 12 by the Secretary of the Treasury, plus (2) the earnings and profits accumulated on or after March 4, 1923, in respect of the earnings and profits referred to in clause (1) of this section.

"'SEC. 29. (a) Where the Alien Property Custodian has made demand or requirement for the conveyance, transfer, assignment, delivery, or payment to him of any money or other property of any enemy or ally of enemy (whether or not suit or proceeding for the enforcement thereof has been begun and whether or not any judgment or decree in respect thereof has been made or entered) and where the whole or any part of such money or other property would, if conveyed, transferred, assigned, delivered, or paid to him, be returnable under any provision of this act, the Alien Property Custodian may, in his discretion, and on such terms and conditions as he may prescribe, waive such demand or requirement, or accept in full satisfaction of such demand, requirement, judgment, or decree, a less amount than that demanded or required by him.

"'(b) The Alien Property Custodian shall not make any such waiver or compromise except with the approval of the Attorney General; nor (if any part of such money or property would be returnable only upon the filing of the written consent required by subsection (m) of section 9) unless, after compliance with the terms and conditions of such waiver or compromise, the Alien Property Custodian or the Treasurer of the United States will hold (in respect of such enemy or ally of enemy) for investment as provided in section 25, an amount equal to 20 per cent of the sum of (1) the value of the money or other property held by the Alien Property Custodian or the Treasurer of the United States at the time of such waiver or compromise, plus (2) the value of the money or other property to which the Alien Property Custodian would be entitled under such demand or requirement if the waiver or compromise had not been made.

"'(c) Where the Alien Property Custodian has made demand or requirement for the conveyance, transfer, assignment, delivery, or payment to him of any money or other property of any enemy or ally of enemy (whether or not suit or proceeding for the enforcement thereof has been begun and whether or not any judgment or decree in respect thereof has been made or entered) and where the interest or right of such enemy or ally of enemy in such money or property has not, prior to the enactment of the settlement of war claims act of 1928, vested in enjoyment, the Alien Property Custodian may, in his discretion, and on such terms and conditions as he may prescribe, waive such demand and requirement, without compliance with the requirements of subsection (b) of this section, but only with the approval of the Attorney General.

"'(d) Nothing in this section shall be construed as requiring the Alien Property Custodian to make any waiver or compromise authorized by this section, and the Alien Property Custodian may proceed in respect of any demand or requirement referred to in subsection (a) or (c) as if this section had not been enacted.

"'(e) All money or other property received by the Alien Property Custodian as a result of any action or proceeding—whether begun before or after the enactment of the settlement of war claims act of 1928, and whether or not for the enforcement of a demand or requirements as above specified—shall for the purposes of this act be considered as forming a part of the trust in respect of which such action or proceeding was brought, and shall be subject to return in the same manner and upon the same conditions as any other money or property in such trust, except as otherwise provided in subsection (b) of this section.

"'SEC. 30. Any money or other property returnable under subsection (b) or (n) of section 9 shall, at any time prior to such return, be subject to attachment in accordance with the provisions of the code of law for the District of Columbia, as amended, relating to attachments in suits at law, and to attachments for the enforcement of judgments at law and decrees in equity, but any writ of attachment or garnishment issuing in any such suit, or for the enforcement of any judgment or decree, shall be served only upon the Alien Property Custodian, who shall for the purposes of this section be considered as holding credits in favor of the person entitled to such return to the extent of the value of the money or other property so returnable. Nothing in this section shall be construed as authorizing the taking of actual possession, by any officer of any court, of any money or other property held by the Alien Property Custodian or by the Treasurer of the United States.

"'SEC. 31. As used in this act, the term "member of the former ruling family" means (1) any person who was at any time between April 6, 1917, and July 2, 1921, the German Emperor or the ruler of any constituent kingdom of the German Empire, or (2) the wife or any child of such person.'

FUGITIVES FROM JUSTICE

"SEC. 16. Section 22 of the trading with the enemy act, as amended, is amended to read as follows:

"'SEC. 22. No person shall be entitled to the return of any property or money under any provision of this act, or any amendment of this act, who is a fugitive from justice of the United States or any State or Territory thereof, or the District of Columbia.'

RETURN OF INCOME

"SEC. 17. Section 23 of the trading with the enemy act, as amended, is amended to read as follows:

"'SEC. 23. The Alien Property Custodian is directed to pay to the person entitled thereto, from and after March 4, 1923, the net income (including dividends, interest, annuities, and other earnings), accruing and collected thereafter, in respect of any money or property held in trust for such person by the Alien Property Custodian or by the Treasurer of the United States for the account of the Alien Property Custodian, under such rules and regulations as the President may prescribe.'

TAXES

"SEC. 18. Section 24 of the trading with the enemy act, as amended, is amended by inserting '(a)' after the section number and by adding at the end of such section new subsections to read as follows:

"'(b) In the case of income, war-profits, excess-profits, or estate taxes imposed by any act of Congress, the amount thereof shall, under regulations prescribed by the Commissioner of Internal Revenue with the approval of Secretary of the Treasury, be computed in the same manner (except as hereinafter in this section provided) as though the money or other property had not been seized by or paid to the Alien Property Custodian, and shall be paid, as far as practicable, in accordance with subsection (a) of this section. Pending final determination of the tax liability the Alien Property Custodian is authorized to return, in accordance with the provisions of this act, money or other property in any trust in such amounts as may be determined, under regulations prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, to be consistent with the prompt payment of the full amount of the internal-revenue taxes.

"(c) So much of the net income of a taxpayer for the taxable year 1917, or any succeeding taxable year, as represents the gain derived from the sale or exchange by the Alien Property Custodian of any property conveyed, transferred, assigned, delivered, or paid to him, or seized by him, may at the option of the taxpayer be segregated from the net income and separately taxed at the rate of 30 per cent. This subsection shall be applied and the amount of net income to be so segregated shall be determined, under regulations prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the

Treasury, as nearly as may be in the same manner as provided in section 208 of the revenue act of 1926 (relating to capital net gains), but without regard to the period for which the property was held by the Alien Property Custodian before its sale or exchange, and whether or not the taxpayer is an individual.

"(d) Any property sold or exchanged by the Alien Property Custodian (whether before or after the date of the enactment of the settlement of war claims act of 1928) shall be considered as having been compulsory or involuntarily converted, within the meaning of the income, excess-profits, and war-profits tax laws and regulations; and the provisions of such laws and regulations relating to such a conversion shall (under regulations prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury) apply in the case of the proceeds of such sale or exchange. For the purpose of determining whether the proceeds of such conversion have been expended within such time as will entitle the taxpayer to the benefits of such laws and regulations relating to such a conversion, the date of the return of the proceeds to the person entitled thereto shall be considered as the date of the conversion.

"(e) In case of any internal-revenue tax imposed in respect of property conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian, or seized by him, and imposed in respect of any period (in the taxable year 1917 or any succeeding taxable year) during which such property was held by him or by the Treasurer of the United States, no interest or civil penalty shall be assessed upon, collected from, or paid by or on behalf of, the taxpayer; nor shall any interest be credited or paid to the taxpayer in respect of any credit or refund allowed or made in respect of such tax.

"'(f) The benefits of subsections (c), (d), and (e) shall be extended to the taxpayer if claim therefor is filed before the expiration of the period of limitations properly applicable thereto, or before the expiration of six months after the date of the enactment of the settlement of war claims act of 1928, whichever date is the later. The benefits of subsection (d) shall also be extended to the taxpayer if claim therefor is filed before the expiration of six months after the return of the proceeds.'

"SEC. 19. Subsection (f) of section 10 of the trading with the enemy act, as amended, is amended by adding at the end thereof the following new paragraph:

"'In the case of any such patent, trade-mark, print, label, or copyright, conveyed, assigned, transferred, or delivered to the Alien Property Custodian or seized by him, any suit brought under this subsection, within the time limited therein, shall be considered as having been brought by the owner within the meaning of this subsection, in so far as such suit relates to royalties for the period prior to the sale by the Alien Property Custodian of such patent, trade-mark, print, label, or copyright, if brought either by the Alien Property Custodian or by the person who was the owner thereof immediately prior to the date such patent, trade-mark, print, label, or copyright was seized or otherwise acquired by the Alien Property Custodian.'

"SEC. 20. The proviso of paragraph (10) of subsection (b) of section 9 of the trading with the enemy act, as amended (relating to the return to certain insurance companies), is repealed.

SHIP CLAIMS OF FORMER GERMAN NATIONALS

"SEC. 21. (a) It shall be the duty of the arbiter to hear the claims of any partnership, association, joint-stock company, or corporation, and to determine the amount of compensation to be paid to it by the United States, in respect of the merchant vessels *Carl Diederichsen* and *Johanne* (including any equipment, appurtenances, and property contained therein), title to which was taken by or on behalf of the United States under the authority of the joint resolution of May 12, 1917, and which were subsequently sold by or on behalf of the United States. Such compensation shall be determined as provided in paragraph (1) of subsection (b) of section 3 of this act, but the aggregate compensation shall not exceed, in the case of the *Carl Diederichsen*, $166,787.78 and in the case of the *Johanne*, $174,600 (such amounts being the price for which the vessels were sold, less the cost of reconditioning). The arbiter shall not make any award under this section in respect of the claim of any partnership, association, joint-stock company, or corporation unless it appears to his satisfaction that all its members and stockholders who were, on April 6, 1917, citizens or subjects of Germany, became, by virtue of any treaty of peace or plebiscite held or further treaty concluded under such treaty of peace, citizens or subjects of any nation other than Germany, and that all its members and stockholders on the date of the enactment of this act were on such date citizens or subjects of nations other than Germany.

"(b) Upon the determination by him of such compensation the arbiter shall enter an award in favor of such person of the amount of such compensation and shall certify such award to the Secretary of the Treasury. The amount of such award, together with interest thereon, at the rate of 5 per cent per annum, from July 2, 1921, until the date of such payment, shall be paid by the Secretary of the Treasury, in accordance with such regulations as he may prescribe. There is authorized to be appropriated such amount as may be necessary to make such payment.

"(c) No payment shall be made in respect of any award under this section unless application therefor is made, within two years after the date such award is certified, in accordance with such regulations as the Secretary of the Treasury may prescribe, and payment shall be made only to the person on behalf of whom the award was made except in the cases specified in paragraphs (1) to (4) of subsection (k) of section 3. The provisions of subsections (c), (l), (m), (o), and (r) of section 3 shall be applicable in carrying out the provisions of this section.

"(d) The provisions of this section shall constitute the exclusive method for the presentation and payment of claims arising out of any of the acts by or on behalf of the United States for which this section provides a remedy. Any person who files any claim or makes application for any payment under this section shall be held to have consented to all the provisions of this act. This subsection shall not bar the presentation of a claim under section 3 (relating to the ship claims of German nationals) in respect of the taking of the vessel *Carl Diederichsen* or the vessel *Johanne;* but no award shall be made under section 3 in respect of either of such vessels to or on behalf of any person to whom or on whose behalf an award is made under this section in respect of such vessel.

DEFINITIONS

"SEC. 22. As used in this act—

"(a) The term 'person' means an individual, partnership, association, or corporation.

"(b) The term 'German national' means—

"(1) An individual who, on April 6, 1917, was a citizen or subject of Germany, or who, on the date of the enactment of this act, is a citizen or subject of Germany.

"(2) A partnership, association, or corporation, which on April 6, 1917, was organized or created under the law of Germany.

"(3) The Government of Germany.

"(c) The term 'member of the former ruling family' means (1) any person who was at any time between April 6, 1917, and July 2, 1921, the German Emperor or the ruler of any constituent kingdom of the German Empire, or (2) the wife or any child of such person.

"(d) The term 'Austrian national' means—

"(1) An individual who, on December 7, 1917, was a citizen of Austria, or who, on the date of the enactment of this act, is a citizen of Austria.

"(2) A partnership, association, or corporation which on December 7, 1917, was organized or created under the law of Austria.

"(3) The Government of Austria.

"(e) The term 'Hungarian national' means—

"(1) An individual who, on December 7, 1917, was a citizen of Hungary, or who, on the date of the enactment of this act, is a citizen of Hungary.

"(2) A partnership, association, or corporation which, on December 7, 1917, was organized or created under the law of Hungary.

"(3) The Government of Hungary.

"(f) The term 'United States' when used in a geographical sense includes the Territories and possessions of the United States and the District of Columbia.

LEGISLATIVE COUNSEL AND SPECIAL ASSISTANT TO SECRETARY OF THE TREASURY

"SEC. 23. (a) Section 1303(d) of the revenue act of 1918, as amended by section 1101 of the revenue act of 1924, is amended by adding at the end thereof a sentence to read as follows: 'Notwithstanding the foregoing provisions, the compensation of each of the two legislative counsel in office upon the date of the enactment of the settlement of war claims act of 1928 shall, after such date, be at the rate of $10,000 a year.'

"(b) The salary of the special assistant to the Secretary of the Treasury in matters of legislation, so long as the position is held by the present incumbent, shall be at the rate of $10,000 a year."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title, and agree to the same.

W. R. GREEN,
W. C. HAWLEY,
ALLEN T. TREADWAY,
JOHN N. GARNER,
J. W. COLLIER,
Managers on the part of the House.

REED SMOOT,
CHARLES CURTIS,
DAVID A. REED,
PETER G. GERRY,
PAT HARRISON,
Managers on the part of the Senate.

Mr. SMOOT. Mr. President, in presenting the report of the conference on the settlement of war claims act, it may be well for me to explain briefly the action of the conference. The differences between the Senate and the House were not great and, except in one or two instances, occasioned practically no difficulties.

DECLARATION OF POLICY

The Senate struck out the declaration of policy contained in section 2 of the House bill, and the House receded.

AUSTRIA AND HUNGARY

The Senate adopted a series of amendments relating to the Austrian and Hungarian situation; and the House accepted all of them. Under the bill, consequently, all the property held by the Alien Property Custodian of Austrian or Hungarian nationals, including their proper share of the unallocated interest fund, will be returned and all claims of their nationals against the United States for patents used or purchased by the United States will be adjudicated and paid in full as soon as their government provides for the payment of the claims of American nationals.

CLAIMS OF AMERICAN NATIONALS AGAINST GERMANY

The Senate amendment contained a provision intended to relieve the situation occasioned by the failure of American claimants to file their claims within the six months' period specified in the exchange of notes at the time of signing the agreement creating the Mixed Claims Commission. This provision requests the President to enter into negotiations with the German Government with a view to extending the time so that claims otherwise within the jurisdiction of the Mixed Claims Commission can be considered by it if presented at any time prior to July 1, 1928. This provision was accepted by the House with an amendment providing for the filing of the claims with the State Department rather than their presentation to the Mixed Claims Commission, prior to July 1, 1928. Claims which have already been filed with the State Department should be presented by the State Department to the Mixed Claims Commission without imposing upon the claimants the additional burden of again filing their claims.

The Senate authorized the Secretary of the Treasury to make payments to American claimants under paragraph (5) of subsection (c) of section 4, without waiting for the Mixed Claims Commission to complete its consideration of the claims presented to it. This provision should expedite payments to American citizens considerably and was accepted by the House.

The Senate also provided that $40,000,000 of the funds in the hands of the Alien Property Custodian should be immediately available for the payment of awards of the Mixed Claims Commission, without awaiting the decisions of the Alien Property Custodian upon the claims filed with him. The House receded.

CLAIMS OF GERMAN NATIONALS AGAINST THE UNITED STATES

The Senate provided that the appointment of the arbiter, who is to adjudicate the claims against the United States for ships, patents, and the radio station, should be subject to confirmation by the Senate. This provision was accepted.

The Senate provisions for the appointment of a special counsel to represent the United States in the proceedings before the arbiter were eliminated.

The provisions of the Senate proposing to adjudicate and pay claims on account of the Tuckerton radio station were also stricken out.

The Senate provided that the awards of the arbiter should include interest to January 1, 1929, instead of to January 1, 1928, as in the House bill, so as to include an additional year's interest in the maximum limitation. This provision was accepted.

The Senate amendment provided that the findings of the Naval Board of Survey as to the values of the ships should be competent evidence in the proceedings before the arbiter. The House accepted this provision.

The Senate amendment placed upon the claimants before the arbiter the burden of proving that neither the German Government nor any member of the former ruling family had any interest, direct or indirect, in the ships; and the House receded.

The Senate also inserted a definition of the term "member of the former ruling family," to be applicable to claims before the arbiter and also to the return of property held by the Alien Property Custodian. The rulers of the constituent States of the German Empire were included in the definition, the effect of which was to prevent the payment of any compensation or the return of any alien property to them. The provisions of the House bill had limited the term to the German Emperor and his family. The conference action proposes to amend the Senate definition so that it will be applicable only to the German Emperor and the Kings of the three constituent kingdoms—Bavaria, Saxony, and Wurttemberg, the Emperor having been also the King of Prussia—and their wives and children.

The Senate inserted a separate section providing for the payment of compensation on account of two ships which were owned by German associations or corporations all the German members of which became, under the plebiscite under the Versailles treaty, citizens of Denmark, and who are, on the date that the bill becomes law, citizens of a country other than Germany. This provision was accepted by the House with an amendment making it clear that all the interests on the date that the bill becomes law are non-German, whether or not the individuals now having an interest are the same as those formerly having an interest.

RETURN OF ALIEN PROPERTY

The Senate amendment provided that all property held by the Alien Property Custodian should be considered as the property of the German Government if a claim therefor was not filed within six months or if the ownership thereof was not established under a claim duly filed. The House accepted this provision with amendments permitting claims to be filed within one year after the bill becomes law and providing that if a claim is or has been filed, the ownership must be established by a decision of the Alien Property Custodian or by a court decision in an action heretofore instituted, or instituted within one year after the decision of the Alien Property Custodian, or, in cases where the custodian has already decided the claim, then if instituted within one year from the date on which the bill becomes law. No limitation is imposed, of course, upon the time within which the Alien Property Custodian must reach his decision.

The Senate amendment enlarged paragraph (16) of subsection (b) of section 9 of the trading with the enemy act, so that any individual, partnership, association, or corporation could elect to apply for the return of property under this paragraph, without proof of citizenship or nationality, if they were willing to file the written consent to the retention of 20 per cent of the property. The House receded.

The Senate provided in its amendment to subsections (d), (g), and (p) of section 9 of the trading with the enemy act that in the case of the dissolution of the partnership, association, or corporation the successors in interest would proceed for the return in the same manner as the original owner, and that the right to the return of all or a part of the property would be dependent upon the status of the former owner, rather than the status of the successors in interest. This provision was accepted by the House.

The Senate provided that trusts of less than $2,000 could be returned to German nationals in full. The House receded.

The Senate removed the limitations in section 12 of the trading with the enemy act upon sales by the Alien Property Custodian, so that the sales would not be restricted to American citizens. This provision was accepted.

The Senate authorized the Alien Property Custodian to waive or compromise outstanding demands or actions in any case with the approval of the Attorney General, and also permitted the waiver of outstanding demands for interest not vested in enjoyment, without regard to the provisions requiring the Alien Property Custodian to hold 20 per cent of the property of German nationals. These provisions were accepted by the House.

The Senate amendment providing that all moneys recovered in suits brought by the Alien Property Custodian should be placed in the trust in respect of which the suit was brought was also accepted by the House.

The Senate amended subsection (f) of section 10 of the trading with the enemy act so as to provide that suits for reasonable royalties brought either by the original owners of the patents or by the Alien Property Custodian should be considered as having been properly brought for the purposes of this section. It will be noted that subsection (1) of section 9, added by section 13 of the bill, provides that royalties recovered by the Alien Property Custodian in suits instituted by him will be

returned under section 9 to the former German owner. The House receded.

The Senate added two provisions relative to the return of money held by the Alien Property Custodian and belonging to insurance companies. During the enactment of the Winslow Act the Senate added a proviso to paragraph (10) of subsection (b) of section 9 of the trading with the enemy act prohibiting the return under this paragraph to insurance companies unless and until the companies paid claims filed against them. The House insisted that this proviso be repealed and accordingly the Senate amendment—section 20 of the Senate bill—was adopted. The Senate also added a provision prohibiting any return to the insurance companies until suits brought against them, in which the statute of limitations was suspended and in which any number of claimants could join, had been satisfied. This provision is eliminated.

In order to afford a remedy for American creditors of persons whose property is held by the Alien Property Custodian, the Senate provided that any money or other property returnable under subsection (b) or (n) of section 9 should be subject to attachment. This provision was accepted by the House, with an amendment making clear that it was also applicable to attachments for the purpose of enforcing judgments or decrees. The Senate amendment also contained a paragraph the effect of which was to make the principles of law and equity in force in the District of Columbia applicable to suits brought against any person to whom any money or other property was returnable involving a purchase of shares in an American corporation. This paragraph was eliminated.

The Senate amendment provided that the participating certificates representing the interest of German nationals in the unallocated interest fund should bear simple interest at the rate of 5 per cent per annum, payable after all other payments under the bill had been completed. This provision was eliminated.

ATTORNEYS' FEES

The Senate bill provided for the fixing of attorneys' fees in every case in the proceedings before the Mixed Claims Commission, the Tripartite Claims Commission, or the arbiter and, in addition to the fine imposed for a violation, provided that any attorney who violates the provisions of the section should be disqualified from practice before the executive departments. This provision was accepted with an amendment providing for the fixing of attorneys' fees only in case of a request from the client within 60 days after the mailing of a notice to him, and imposing as a penalty a fine of not more than four times the amount of the aggregate consideration accepted. It was felt that the ordinary disbarment proceedings were adequate.

FEDERAL TAXATION

The House bill provided that the Federal taxes should be computed in the same manner as though the property had not been seized by the Alien Property Custodian, and should be paid wherever possible out of the funds held by the Alien Property Custodian. The Senate added five qualifications: First, that, in the case of the disposition of capital assets, the rate should not exceed 12½ per cent; second, that the provisions of the regulations and laws relating to involuntary conversion should be applicable; third, that no interest or penalties should be payable by the taxpayer and that no interest on refunds should be payable by the Government; fourth, that claims for refund could be filed within six months after the bill becomes law, notwithstanding the expiration of the ordinary statutory period, and according to the Government the corresponding right to assess within six months; and fifth, that tentative returns could be filed and tentative assessments made, and that the 20 per cent of the property withheld should be retained by the Alien Property Custodian as security for the payment of any deficiency finally determined to be due. The first provision was accepted by the House with an amendment making the maximum rate 30 per cent and also making it certain that it applies to partnerships, associations, and corporations as well as to individuals. The second and third provisions were accepted without change. The fourth provision was amended so as to permit the filing of claims for refund solely for the purpose of obtaining the benefit of the provisions just referred to. A substitute for the fifth provision was agreed to, permitting the return, prior to a final determination of tax liability, under Treasury regulations which will protect the interests of the Government. For example, a partial return could be authorized if the remainder (not including the 20 per cent) would be sufficient to meet the probable tax liability, or if a bond were given in an amount sufficient to cover the probable tax liability.

ABOLITION OF ALIEN PROPERTY CUSTODIAN'S OFFICE

The Senate bill provided that upon the expiration of 18 months the Alien Property Custodian's office should be abolished and its functions transferred to the Treasury Department. This provision is stricken out.

CONCLUSION

I believe that this bill presents one of the most important matters of legislation which have been before Congress. It is far-reaching in international policy, it involves tremendous sums of money, and it affects a vast number of persons. The basic policies of the bill are sound. I am glad, indeed, that it is soon to become law.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. SHORTRIDGE. Mr. President, it may appear ungracious for me to throw in a discordant note. That it is a very important report which we now have under consideration is manifestly so, and that it has met with the unqualified—I will not say hasty—approval of the Senate conferees is a matter perhaps in doubt. It does not meet with my approval, however, which at this stage of proceedings may be of little consequence. I listened to the Senator from Utah [Mr. SMOOT] in vain to hear some comment in respect of an amendment which was put on the bill and was in the bill when it left the Senate. That amendment was found on pages 104 and 105 of the bill.

Mr. SMOOT. That amendment had reference to money held by the Alien Property Custodian and belonging to certain insurance companies?

Mr. SHORTRIDGE. Yes, sir; my amendment did have reference to certain moneys in the hands of the Alien Property Custodian belonging provisionally to certain fire insurance companies which once operated in California, in San Francisco, and which funds were seized long ago by virtue of an amendment to the trading with the enemy act and held by virtue of an amendment which I caused to be made to what was known as the Winslow bill.

The Senate will recall that it seemed proper and just and perhaps wise to amend the trading with the enemy act so as to permit the withdrawal from the custody of this country of certain property up to, I believe, $10,000, but, due to an amendment which I was happy to have adopted to that proposed amendment of the main act, three German fire-insurance companies were not permitted to avail themselves of the law concerning the withdrawal of funds.

I will trouble those who are listening to recall briefly certain tragic facts. It was on the morning of April 18, 1906, when the earth trembled and in San Francisco there was a great catastrophe. To be very plain about it, there was an earthquake. It was followed by a great and destructive fire, and what was once the beautiful city lay in ashes. The cottage and the palace, the humble church and the noble cathedral, the whole building structure of the city lay in ashes and the people were prostrated by the great catastrophe.

These German fire-insurance companies had outstanding and in full force and effect a great many policies. Such was the distress of the people, such was the pressing necessity resting on them, that, as charged, certain settlements were secured by the gross, the wicked fraud of these companies.

Gentlemen of the highest character, lawyers of eminence representing hundreds of claimants, have asked Congress to withhold money of these companies now in the hands of the Alien Property Custodian until just settlement shall be made with these companies. It is charged, Mr. President, that these settlements were secured by gross fraud, such fraud, indeed, as would cause any court of equity in the civilized world to set them aside. Contracts entered into through false words spoken or true words withholden, contracts entered into through gross misrepresentation of facts, of course will be set aside in any court of equity in any civilized country on the rolling earth.

I will not now take up the time to go into detail as to the nature or character of the fraudulent acts or representations which resulted in these settlements; but perhaps to make the matter clear I should say that under the state of facts and the law it has been necessary, and it is necessary, for these claimants to go into a court of equity and have these contracts set aside. The claimants, however, filed their claims with the Alien Property Custodian; but it was necessary, as stated—and the claimants were so advised—to bring actions in a court of equity, in the Federal court exercising equity jurisdiction, to avoid or set aside these contracts.

Now, what have I asked, and what do these claimants ask, and what was incorporated in this bill as it went from the Senate? It was this:

That these claimants might assign or combine the various claims so that one action might be brought and all contracts determined to be valid or invalid as the truth might develop.

It was a question of law and procedure in the Federal courts as to whether you may thus assign various claims to one who may become the plaintiff in the action. Therefore, the bill asked that all these claims might be combined in one action, thus and thereby saving expense and time of all parties concerned.

What else was asked? This:

Time has run. Time has the habit of running. It is ever on the wing, and therefore it was well understood by everybody that if these citizens of California should go into the court and seek to avoid these fraudulent contracts, these same German fire-insurance companies could and no doubt would interpose the statute of limitations or the equitable defense of laches; wherefore we have asked that as to the statute of limitations or the equitable defense of laches these prospective defendants might not be permitted to interpose either of those defenses.

Mr. KING. Mr. President, will the Senator permit an inquiry?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Utah?

Mr. SHORTRIDGE. Certainly.

Mr. KING. Information was brought to my attention during the consideration of the bill in the Finance Committee that most, if not all, of the claims of California citizens for relief were against German companies and some American companies bearing German names that are getting nothing whatever under this bill; in other words, that the two or three insurance companies that have funds in the hands of the Alien Property Custodian did make settlement with all of the persons who were insured by them, paying as much as 75 and 80 per cent, and in some instances more. My information was that there were some companies, however, two or three of them American companies bearing German names, and several German companies, that did not make proper or adequate settlement with their insured, but that those corporations are not beneficiaries under this bill. I should be glad to be advised if such is the fact.

Mr. SHORTRIDGE. I understand that this amendment was introduced, this legislation is sought, in behalf of claimants against three certain companies, and I will advertise them by naming them—the Hamburg-Bremen, the Aschen Munich, and the Prussian National Fire Insurance Cos. This amendment and this proposed legislation refers to and aims at those three companies.

As to other companies referred to by the Senator, there may be other frauds committed. I am not prepared to say, to admit, or to deny. But gentlemen of character—not pettifoggers, not police-court shysters, but lawyers of eminence and established reputation and of learning—have fathered this proposed legislation; and they have said, as I in a poor way have said, that the purpose of this legislation was not to do more than to have a court of equity, a United States court exercising equitable jurisdiction, pass on the merits of certain contracts which, it is alleged, were entered into through gross fraud; and to the end that the court might pass upon the contracts on their merits the Congress was asked to provide in this bill that these companies might not come into court and in effect say, "Yes; we did enter into these contracts through fraud, but the statute of limitations protects us, or the doctrine of laches protects us," and send the complainants away without any relief.

That is all that has been asked—to join in one action all these three or four or five hundred claims, and provide that the statute of limitations or the doctrine of laches might not be interposed to defeat a trial upon the merits.

Now, I will trouble the Senate for a moment longer to say this:

I do not wish to do more than merely ask the Senate in memory to picture conditions in San Francisco as of the time of entering into these contracts. Babylon in all her desolation was not to be compared to the conditions in that once great, majestic, beautiful city. I am grateful and happy to add that she has risen, and stands to-day by the Golden Gate one of the most beautiful cities in all the world. But as of the time these contracts were entered into by these people, they were in great distress. In the contemplated action the court would, of course, consider all the facts laid before it, and if it be that fraud was practiced the court would so determine. As I have said to gentlemen representing these companies, I should think they would welcome an opportunity to show that they had acted in the utmost good faith, to the end that if they are right they would be vindicated, their reputation enhanced, and commercially speaking, they would be benefited. But they have refused and fought against coming into court and laying the cards on the table.

"How was this fraud accomplished?" may still be asked. It was represented that these companies were bankrupt, that they had no funds in America subject to attachment, no funds with which to pay the adjusted claims; and gentlemen here familiar with legal procedure will remember that as of that time—and I think now—a judgment obtained against any one of those companies in America could not be enforced in a German court, as judgments obtained against nationals of Great Britain or Italy or France, for example, could have been and can now be enforced. Under the law as it then was, if you obtained a judgment here in America against one of those companies and proceeded to Germany to enforce it, you had to commence the action anew and try the case de novo. You could not file an exemplified or certified copy of the judgment and then seek execution of it, as you could in a case of a judgment lodged in an English court. Therefore the San Francisco claimants were told, in effect, this: "We have no money here to pay these adjusted losses. You accept this amount or proceed to Germany and enforce your claims there."

In a word, and for brevity, the facts as charged here—and I will not take the time to run over them—if true, I venture to express the opinion, would cause a court of equity to set aside these agreements. But it is not for me to give my opinion or ask the Senate and Congress to rely wholly upon it. The papers in the case set out the facts; the attorneys representing these claimants vouch for them and claim that they can establish them all and are willing to leave the matter, then, to a court of equity.

I was hopeful, Mr. President, that the Senate conferees might persuade the conferees of the House to retain this amendment in whole in the bill, or that the amendment might be modified somewhat along these lines: In so far as the funds now in the possession of the Alien Property Custodian are concerned, let them be released; for these companies now have funds in America. Judgments obtained against them can now be enforced in America; and, therefore, personally, I should have been quite content to have eliminated from the amendment the provision as to holding the funds longer by the custodian, and to provide as follows:

> In any action brought within 90 days after the enactment of this act by one or more persons who, prior to the date of the enactment of this act, have filed with the Alien Property Custodian one or more claims against any insurance partnership, association, or corporation for unpaid amounts for losses or damages caused directly or indirectly by the great San Francisco conflagration of April, 1906, neither the statute of limitations nor laches shall be considered as a defense; and any number of such persons may join in any such action.

That is all we have sought, and therefore I regret exceedingly that the Senate conferees, I will not say surrendered, but, to be milder in expression, yielded to the persuasion or to the threat of the House conferees.

Upon what raw meat do these House conferees feed that they have become so dominant, so aggressive, and so defiant? Is it because they call themselves the popular House? I venture to believe that we are just as popular as they are.

Mr. COPELAND. Does the Senator mean that they are as unpopular as we are?

Mr. SHORTRIDGE. I do not admit that the Senate is unpopular. Look at these galleries. The occupants of them applaud occasionally, and the people afar off approve of us.

I would like to know, however, in my own simple, far western way, why it is that when an amendment is adopted in the Senate at a late hour in the afternoon, without discussion, but, as I claim, a meritorious amendment, the House conferees would not permit any explanation before them. They knew nothing about it. They were in Egyptian darkness.

I understand a suggestion was made that I, or some one better qualified, appear before the conferees and explain this amendment. Upon its face it may not have been fully understood, but it would have been easy for me there, much easier than it has been here, to explain it. It was a very simple amendment, merely providing that various claimants might join in one action and try all these matters in one action; and, secondly, that these defendant companies, charged, I ask Senators to observe, with fraudulent conduct and with bringing about contracts through gross fraud, be not permitted to interpose the statute of limitations or the equitable doctrine of laches as a defense. That is all that was asked. Yet I am told that the House conferees, with a sort of lordly attitude, refused to permit any discussion or any argument, or to receive any information in respect of this amendment. If I do them wrong, I am at fault; and, of course, will prostrate myself in begging forgiveness.

Mr. CARAWAY. Mr. President, will the Senator permit me to ask a question?

Mr. SHORTRIDGE. Certainly.

Mr. CARAWAY. Is not information always at a very low ebb in a conference? There is not much demand for it, as far as I have been able to observe.

Mr. SHORTRIDGE. Of course, the chairman of our great committee undertakes to report what takes place there. If I do not understand it, it is not because he is not clear, but due to my inability.

Mr. CARAWAY. Do not be too modest.

Mr. SHORTRIDGE. Frankly, I rarely grasp fully what is going on in a conference or what is reported.

In all candor and seriousness, I wish to sum up what I set out to say. A great catastrophe overwhelmed a city and its people. Certain great companies that had reaped millions, perhaps, from those same people in the carrying on of business, had outstanding insurance policies. The losses were admitted, and they were adjusted in each and every of these three or four hundred cases. When it came to pay the companies represented that they were bankrupt and intended to abandon California and the United States, that they had no funds here with which to pay. The claimants, as we will term them, were forced, through dire necessity, and for the reasons assigned by these companies, to accept practically what they offered, and certain contracts of settlement were entered into.

When these claims were presented to the Alien Property Custodian the claimants were advised that it was necessary for them to go into a court of equity and have these contracts set aside. The bill, therefore, asked that they might combine in one action, and that the statute of limitations or the equitable doctrine should not be interposed as a defense, all to the end that the cases be tried upon their merits. That is all this amendment provided for.

Mr. CARAWAY. Mr. President, when I was a Member of the House that same matter was before the Committee on the Judiciary. What was ever done with the measure covering that subject?

Mr. SHORTRIDGE. If the Senator refers to this immediate case——

Mr. CARAWAY. No; it was much later than that, about 1914 or 1915, when there was before the House some legislation affecting these insurance companies which did not pay their losses in the San Francisco fire.

Mr. SHORTRIDGE. That was before these events.

Mr. CARAWAY. That had nothing to do with the matter the Senator is now discussing?

Mr. SHORTRIDGE. No. But I remind the Senator, and he will recall, for I think he was then a member of the Judiciary Committee of the Senate, when the so-called Winslow bill was passed here two or three years ago, I offered an amendment to the bill, which was adopted and became a part of the law, whereby all these funds in the hands of the Alien Property Custodian were held up, and they are still held by the custodian, and it is provided in that very law that they shall not be delivered over until this relief which I am seeking is granted, or at least until the actions shall be commenced and the matter decided. But this bill, of course, when it goes through, will impliedly, at any rate, repeal the Winslow provision.

Mr. CARAWAY. The Senator wants to be certain that this bill will not release the properties of these insurance companies until they have paid?

Mr. SHORTRIDGE. I do; I do not want them released.

Mr. CARAWAY. The Senator is protesting against it?

Mr. SHORTRIDGE. Yes.

Mr. CARAWAY. I find myself in much sympathy with the Senator's position.

Mr. SHORTRIDGE. It is only in fairness that I add that these companies doubtless would appear and claim that they had entered into just and fair settlements. Of course, the claimants, represented, as I have said, by lawyers of eminence and of established reputation for character at our bar, assert and claim ability to prove such facts as would cause the court to set aside all these contracts.

I have detained the Senate perhaps too long, but I have deemed it proper to say what I have said in order that the Senate, and perhaps others, might know exactly what was sought and why I thought and think this amendment should have remained in the bill and become a part of the law.

I hope it is not necessary for me to say that there is nothing personal in this amendment, no personal hostility to individuals; but when gentlemen I have known all my life, representing these claimants, write to me, furnish me with briefs as to the law and the facts, and earnestly urge appropriate legislation, I must pay heed to them and respect their views.

I realize that it is perfectly idle for me to hope to prevent the adoption of this report, but I take occasion to say that, even though the report shall be adopted and the bill as amended become a law, perhaps we are not without hope, perhaps not without possible relief, for I imagine that a separate and independent bill may be introduced seeking in effect the same relief. Of course, the funds will have gone out of the possession of the Government, but if the Congress shall pass a simple bill authorizing the combining of the claims into one action and provide that the defenses which I have mentioned may not be interposed, the claimants can maintain the action and perhaps ultimately recover, should the court decide in their favor.

Since certain gentlemen are listening, I wish to add that there is no question under the authorities as to the power and, in proper case, propriety of Congress enacting a law suspending the statute or the equitable defense mentioned. Of course, no man has a vested right in the statute of limitations, no man has a vested right in the equitable doctrine of laches, and it is perfectly competent for Congress or for a State legislature to provide that neither of those defenses shall be set up. That was decided many, many years ago by the Supreme Court of the United States. But if anyone wishes to pursue the matter as to the power of Congress to enact a law suspending the statute of limitations or laches as a defense to claims of this or other character, I refer him to the early case of Campbell *v.* Holt (115 U. S. 620; 29 L. Ed. 483). That decision by the Supreme Court stands. It was followed by a great many others, which need not now be cited. I conclude by again expressing regret that in conference on this bill the House conferees were the more powerful. But I am not without hope that justice will yet be done to these defrauded claimants.

Mr. KING. Mr. President, the lamentations of my friend from California find a responsive place in my heart. If the facts are as stated by him, a situation is presented which should seriously engage the attention of the Senate. I appreciate, however, that no matter how serious the infirmities are in the pending measure, its progress can not be arrested and that it will soon become law. When the bill was before the Finance Committee I offered various amendments which were accepted. On the floor of the Senate I tendered a number of further amendments, substantially all of which were agreed to. I regret to learn that the conferees have not adopted two of the amendments which the Senate accepted; and the conference report, if adopted, effectually kills such amendments.

I regret that the Senate conferees did not insist upon these two amendments, because I regard them—at least, one of them—as of very great importance. I appreciate, however, that few laws are enacted except upon the basis of compromises. The measure before us deals with a multitude of questions, complicated and difficult of solution; it is therefore not to be wondered at that any legislation dealing with these matters must be the result of concessions. Is it not difficult to announce academic propositions and to declare what principles ought to be applied, but the situation dealt with in this bill presented concrete questions and questions of policy. Governmental questions were involved, and the course to be pursued must be determined in part at least by treaties between the German Government and the allied nations and between Germany and the United States. Moreover, the nationals of the two countries entered into certain agreements with respect to their claims, and their wishes called for consideration by Congress even if they were not determinative of the questions involved. I was not satisfied with the bill which came from the House, nor was I satisfied with the measure after it passed the Senate. I believed that the Senate bill improved the House bill, but even then there were provisions in the bill that did not meet my approval. And I am not satisfied now with the measure as it comes from the committee of conference. I realize, however, that no further changes can be made. If this bill is not accepted and passed by Congress it will be disappointing not only to American claimants but also to German nationals.

It seems, therefore, that it is this bill or no legislation for the present. It would mean that American claimants would be unable to receive any part of the awards made in their favor for an indefinite period; and it would also result in postponing the hour when German nationals may have restored to them a part of their property now held by the American Alien Property Custodian. If the United States had been alert and vigilant in protecting the rights of its nationals, as well as its own rights, we would not be confronted with the complicated questions now before us relating to the claims of Americans and to the property sequestered by the Alien Property Custodian.

As I pointed out when the bill was before the Senate a few days ago, the executive department of our Government neglected to cooperate with our former allies when they were seeking reparations at the hands of Germany. The Versailles treaty afforded ample protection for American nationals as well as for claims which the United States had against Germany. We refused to ratify the Versailles treaty and refused to associate the United States with the allied nations when they were

working out plans to secure reparations and indemnities from Germany because of the wrongs done to such nations and their nationals. Germany understood when the war was over and after the Versailles treaty was ratified by her that she must make reparations to the allied and associated powers and to their nationals.

She expected, of course, that the United States was entitled under the armistice agreement, if not under the treaty, to compensation growing out of the expenses incurred in maintaining military forces in Germany following the World War. Germany knew that American nationals had claims against her and her nationals, which, under the treaty of Versailles, as well as under the treaty of Berlin, she was obligated to meet. The United States understood the terms of the two treaties just referred to, and the State Department knew that it was expected to take proper steps to protect the rights of the United States and of American citizens, and to see that they received a just share of all reparations exacted of Germany. But the State Department was inert and did not associate itself with the allied nations when they were seeking to secure reparations from Germany and to formulate and execute a plan that would protect them and their nationals.

The Dawes Commission was appointed to fix the amount which Germany was to annually pay by way of reparations, but the United States took no part in selecting the members of the commission or in presenting its claims for a share of the reparations which Germany was required to pay. The attitude of our Government is most extraordinary, and one can scarcely understand why the State Department and those in the executive department having the matter in hand should have refused to participate with the representatives of the allied nations in fixing the reparations and in demanding a fair share of the same to meet the claims of the United States and American citizens. Because of the failure of the United States to ratify the treaty of Versailles and because the party in power was bitterly hostile to the League of Nations did not justify the laissez faire policy pursued by the State Department and the abandonment of the claims of the United States and its nationals against Germany and her nationals.

When the property of German nationals was sequestered by the United States after we entered the war it was understood that it was to be held until the war was over and then returned to its owners. There was no thought that the property was to be held indefinitely, or to be applied in satisfaction of the claims of American nationals or of the United States. And it is my opinion that if our Government had vigorously sought to protect its rights and the rights of its nationals, and for that purpose had associated itself with the allied nations in determining what Germany should pay, and what proportion of all payments should be made to the United States and to American citizens, the situation in which we find ourselves would never have been brought about, and the property held by the Alien Property Custodian, or most of it, would have been returned long before this to those from whom it was taken.

The Berlin treaty did not comprehensively deal with the rights of the United States and of American nationals, nor make adequate provisions for the liquidation of their claims. It is true that Germany, both in the Versailles and in the Berlin treaties, asserted her sovereign power with respect to the property of her nationals which was in the possession of the Alien Property Custodian. No one will deny that Germany possessed the power to expropriate a part or all of the property of German citizens which was held by the American Alien Property Custodian.

Apparently our Government was willing to have Germany expropriate the use, if not the property itself, which was in the hands of the Alien Property Custodian and to hold the same until Germany made suitable provisions to settle the claims of the United States and its nationals. The treaty of Berlin was in fact an act of expropriation by Germany, and the property in the hands of the Alien Property Custodian was thus impressed with the sovereign authority of Germany. The American nationals could have insisted with propriety that this property be held until their claims were satisfied, particularly in view of the fact that their Government had adopted no suitable measures to secure reparations from Germany or to satisfy their just and valid claims.

I regret that conditions developed which indicated that American nationals would not be paid except by utilizing a portion of the property of German nationals in the possession of an official of the United States; but it is too late to complain or remonstrate. We are to accept this bill with its imperfections or perhaps get no legislation. To postpone the settlement of these questions would be not only unwise but would work serious injury to American citizens as well as to German nationals. Both groups prefer this measure to no legislation or to indefinite postponement. I accept the situation, but do so with reluctance, believing that the standards which our Government has set with respect to the sanctity of private property and its immunity from expropriation even in times of war by belligerent nations, have not been fully observed.

It must be admited, however, that we have treated Germany and her nationals far more generously than have the allied nations; and it must be conceded that Germany exercised the right of eminent domain against the property of her nationals and told the United States that such property might be held by it until Germany made suitable arrangements for the payment of American claims against her and her nationals.

One of the provisions of this bill which does not meet my approval is that which places the United States in the last priority for payment. This means that the United States will not be paid, if paid at all, for many years. If Germany should fail to meet the reparations, then the claims of some American citizens would not be paid in full, and the United States would receive no part of the amount due her under the award made by the Mixed Claims Commission. Senators will recall that the allied nations consented that the United States might receive 2¼ per cent of the annual reparations paid by Germany, to be applied upon the claims against Germany.

From time to time we hear that Germany will not continue to pay reparations for any length of time. As stated, if Germany should default, then the United States, unless some other arrangements were made, would receive nothing, notwithstanding under this bill she is placed in a category entitling her to the payment of $60,000,000 at some future time. It is to be hoped that Germany will meet the awards of the Mixed Claims Commission. In my opinion, these judgments against Germany were not harsh; indeed, as I understand the facts, Germany has been dealt with by the Mixed Claims Commission in a most liberal, generous, and sympathetic manner.

Mr. President, I referred a few moments ago to two amendments agreed upon in the Senate but not accepted by the conferees. One of them I regard as of great importance. Senators will recall that under the terms of the bill $25,000,000 of accumulated interest now in the Treasury of the United States was to be placed in the deposit fund and applied in meeting the claims of American nationals. This interest came from the property of Germans held by the Alien Property Custodian. Much of this property was converted into Government bonds, and the interest, as stated, has been derived from the investment of German funds. Under the bill this $25,000,000 is to be immediately available to pay the claims of American citizens. It is to be returned to German nationals who own the same after various priorities have been paid. It is quite certain that the owners of this large sum will not be paid unless Germany meets her reparation obligations. It seemed to me that in taking this $25,000,000 belonging to German nationals—and it belongs to them as much as does the money and property which produced it—that they were not only entitled to its return but that at some time they were entitled to simple interest upon the same. Accordingly I offered an amendment, which was agreed to in the Senate, providing that after all claimants were paid, including the United States, that the owners of the $25,000,000 should be paid simple interest out of the reparations paid by Germany to the United States. In other words, I proposed that Germany should pay her own nationals simple interest upon $25,000,000 which was taken from them and applied in settlement of claims of American citizens against Germany and her nationals.

There are some who will believe that the taking of the $25,000,000 and the holding of the same for such a long period of time is confiscation; and certainly the claim will be made to hold this sum for many years and pay no interest upon the same is confiscation. In my opinion, it is unwise and unfair to deny interest certificates to the owners of the $25,000,000. But the conferees have reported against my position and I must submit to the Senate if it shall uphold their action. I repeat, we could have relieved the United States of the imputation of confiscation by making provision for interest upon this deferred interest of $25,000,000, and it will be a mistake to accede to the proposition embodied in the conferees' report.

Another amendment agreed to in the Senate and rejected by the conferees, provided that the Alien Property Custodian should conclude his work within 18 months. I believe that the Alien Property Custodian can wind up the business connected with carrying out the provisions of this act within that period. However, my amendment provided that at the end of that time, if there were further duties to be performed, the Treasury Department should take over the work of the Alien Property Custodian and carry out the provisions of the law. Senators know the tenacity with which bureaus and Federal agencies cling to life. Federal organizations that are created for a limited period

find some excuse to continue their existence. I believe that it was wise to announce in the bill that the work of the office of the Alien Property Custodian should be performed within 18 months. Such a declaration would have been an admonition to all persons concerned, that celerity in executing the terms of the bill was imperative. It would, in my opinion, have hastened the performance of the duties and responsibilities provided in this bill. In making this statement I am not criticizing the Alien Property Custodian or any of his official staff. He is a man of integrity and I am sure will, with fidelity, perform the duties laid upon him.

Mr. President, as I have stated this bill has features which do not meet my approval. However, it is the best that can be obtained and I shall detain the Senate no longer in discussing its provisions and shall not seek to delay action upon the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10635) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes.

The message returned to the Senate, in compliance with its request, the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9481) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1929, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were subsequently signed by the Vice President:

H. R. 48. An act to erect a tablet or marker to the memory of the Federal soldiers who were killed at the battle of Perryville, and for other purposes;

H. R. 83. An act to approve Act No. 24 of the Session Laws of 1927 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Hanapepe, in the district of Waimea, island and county of Kauai";

H. R. 482. An act to provide relief for the victims of the airplane accident at Langin Field, Moundsville, W. Va.;

H. R. 3144. An act for the relief of Augustus C. Turner;

H. R. 5925. An act for the relief of the Fidelity & Deposit Co. or Maryland;

H. R. 8281. An act to provide for the withdrawal of certain described lands in the State of Nevada for the use and benefit of the Indians of the Walker River Reservation;

H. R. 8282. An act to provide for the permanent withdrawal of certain lands bordering on and adjacent to Summit Lake, Nev., for the Paiute, Shoshone, and other Indians;

H. R. 8291. An act to amend section 1 of the act of June 25, 1910 (36 Stat. L. 855), "An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes";

H. R. 8292. An act to reserve 120 acres on the public domain for the use and benefit of the Koosharem Band of Indians residing in the vicinity of Koosharem, Utah;

H. R. 8527. An act for the relief of the International Petroleum Co. (Ltd.), of Toronto, Canada;

H. R. 9037. An act to provide for the permanent withdrawal of certain lands in Inyo County, Calif., for Indian use; and

H. R. 9994. An act to reimburse certain Indians of the Fort Belknap Reservation, Mont., for part or full value of an allotment of land to which they were individually entitled.

MUSCLE SHOALS

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, Senate Joint Resolution 46.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes.

Mr. NORRIS obtained the floor.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Barkley	Dill	Kendrick	Reed, Pa.
Bayard	Edge	Keyes	Robinson, Ind.
Bingham	Fess	King	Sackett
Black	Fletcher	La Follette	Sheppard
Blaine	Frazier	McKellar	Shortridge
Blease	George	McMaster	Simmons
Borah	Gerry	McNary	Smoot
Broussard	Gillett	Mayfield	Steiwer
Bruce	Glass	Metcalf	Tydings
Capper	Gooding	Moses	Tyson
Caraway	Hale	Neely	Walsh, Mont.
Copeland	Harris	Norris	Warren
Couzens	Harrison	Nye	Waterman
Curtis	Hayden	Overman	Watson
Cutting	Heflin	Phipps	Wheeler
Deneen	Howell	Ransdell	Willis

Mr. SHEPPARD. I wish to announce that the Senator from Washington [Mr. JONES] and the Senator from Mississippi [Mr. STEPHENS] are detained by the business of the Commerce Committee.

Mr. COUZENS. I desire to announce that the Senator from Iowa [Mr. BROOKHART] is engaged in the Interstate Commerce Committee.

The PRESIDING OFFICER. Sixty-four Senators having answered to their names, a quorum is present.

Mr. HARRISON. Before the Senator from Nebraska proceeds with his speech, will he permit me to ask unanimous consent to modify my amendment, so that it may be printed and be here in the morning to be voted on?

Mr. NORRIS. I yield.

Mr. HARRISON. Mr. President, I ask to modify my amendment.

The PRESIDING OFFICER. The Senator from Mississippi may modify his amendment as he desires.

Mr. NORRIS. Mr. President, when I had the floor on Friday last, discussing the Muscle Shoals proposition, I was in the midst of an attempt to show the connection of the Cyanamid Co. and the Air Nitrates Corporation, the bidders who are striving to get Muscle Shoals through the instrumentality of the bill introduced by the Senator from Ohio [Mr. WILLIS]—and I am sorry he is not present to listen to the explanation of his own bill—and I was part way through in the evidence I was offering, connecting those companies with the various water-power companies, the so-called Fertilizer Trust and the Aluminum Co. of America of Mr. Mellon. I had reached a point, I believe, when the Senate adjourned at that time, where I was about to read the testimony of the late Senator Lodge, who for a great number of years was an honored Member of this body, whose ability was then and still is unquestioned, and whose word always went for 100 per cent.

On April 7, 1916, he made a speech in the Senate which I desire to quote. It will be found in the CONGRESSIONAL RECORD of that date on page 6471. Senator Lodge said, among other things:

> It appears from the New York Times of October 23, 1915, that the Ammo-Phos Corporation was organized under the laws of New York with a capital stock of $6,000,000 to manufacture cyanamide and to acquire shares of the Amalgamated Phosphate Co. (Inc.) under the laws of West Virginia, its incorporators being A. H. Sands, jr., private secretary of James B. Duke; Walter C. Parker, secretary and treasurer of Southern Power Co., of which James B. Duke is president; and William L. Baldwin, all of No. 200 Fifth Avenue, New York.

It will be unnecessary for me, perhaps, to say that I have already connected the Duke interests with various corporations and with the Cyanamid Co., and with the Air Nitrates Corporation in particular.

Mr. FESS. Mr. President, will the Senator permit me to state that my colleague [Mr. WILLIS] is detained from the Senate in the Commerce Committee, which is considering proposed flood control legislation.

Mr. NORRIS. I am sorry he is not present.

Mr. FESS. I have sent for him.

Mr. NORRIS. A. H. Sands, jr., the private secretary of James B. Duke, according to Senator Lodge's statement, was one of the incorporators of the Ammo-Phos Corporation and the Ammo-Phos Corporation is a part of the American Cyanmid Co., and ammo-phos, they say, they will be able to convert into fertilizer. The Duke interests are not only connected with the Fertilizer Trust but with the Water Power Trust as well and with the Aluminum Trust through connections with the Aluminum Co. of America.

Senator Lodge says:

> Its incoporators being A. H. Sands, jr., private secretary of Jame B. Duke; Walter C. Parker, secretary and treasurer of the Southern Power Co.—

Another place where they are connected up with power—

of which James B. Duke is president; and William L. Baldwin, all of No. 200 Fifth Avenue, New York.

It appears—

Says Senator Lodge—

It appears from Moody's Manual, 1915, page 2027, that the Amalgamated Phosphate Co. is a corporation under the laws of West Virginia, with capital of some $8,000,000; that it owns various phosphate beds—those are necessary for the fertilizers—and that the Virginia-Carolina Chemical Co. is largely interested in the company. The directors include several directors of the Virginia-Carolina Chemical Co.—

Which is one of the defendants in the suit of the United States to dissolve the Fertilizer Trust—

including S. T. Morgan, president of the latter company.

The Virginia-Carolina Chemical Co. is a corporation under the laws of New Jersey, with a capital stock of $68,000,000, with a bonded indebtedness of $18,000,000, its president being S. T. Morgan, who is also a director of that company. This company appears to own Charleston Mining & Manufacturing Co. This company owns over 68,000 acres of phosphate lands in South Carolina, Tennessee, and Florida. Of course, the phosphates are to be treated with the nitrates. It also owns all of the stock of the Consumers' Chemical Co., a corporation manufacturing fertilizer here in New York; it controls Southern Cotton Oil Co., which company refines and manufactures cottonseed oil and other by-products, with mills and factories at various cities of the South; and it controls various sulphur, chemical, and fertilizer companies in this country and in Germany, and has a practical monopoly throughout the South of the fertilizer and cottonseed-oil business.

That is the testimony of Senator Lodge. If that is not getting pretty close to the Fertilizer Trust with this company that is trying to get Muscle Shoals out of love for the American farmer, to give him cheap fertilizer, then I do not know what is.

Mr. CARAWAY. Mr. President, will the Senator pardon me? He is now talking about the Willis-Madden bill?

Mr. NORRIS. Yes, sir.

Mr. CARAWAY. I thought that had been turned over to an undertaker some days ago.

Mr. NORRIS. If it has been turned over to an undertaker, I am trying to fill up the grave with the real facts.

Mr. CARAWAY. I think the Senator has done that pretty well.

Mr. NORRIS. It is always necessary, especially when anything with a bad odor is put in the grave, that the grave be well filled, for the protection of people who are still on the earth.

Still reading from Senator Lodge:

The Southern Power Co. is a corporation under the laws of New Jersey, with a capital stock of $11,000,000 and a bonded indebtedness of $7,000,000, owning various electric properties in North Carolina and South Carolina, its president being J. B. Duke.

Mr. President, on page 5708 of the same volume of the CONGRESSIONAL RECORD, Senator Kenyon, whom all Senators remember well and pleasantly, spoke as follows:

Mr. Cooper, who is vice president of the $6,000,000 fertilizer company, known as the Duke Fertilizer Co., is the general manager of the American Cyanamid Co. The American Cyanamid Co., in their statement of assets, schedule "Founding and propaganda, $230,589," as a part of their assets.

That is Senator Kenyon. That connects them up on the other side. They are related both ways, to the Fertilizer Trust and the Water Power Trust.

On February 25, 1927, pages 4753, 4754, and 4755 of the CONGRESSIONAL RECORD, I find a speech made by the Senator from Illinois [Mr. DENEEN], from which I quote:

I send to the desk—

He was talking at that time upon the power bid that was reported from the so-called joint committee on Muscle Shoals, of which committee he was the chairman, as I remember—

I send to the desk a list of the subsidiary corporations which comprise the Union Carbide Co. in the United States and Canada. The Union Carbide Co. recommended that the bid of the American Cyanamid Co. should be accepted—

That bid is the bid which the bill of the Senator from Ohio, if passed, would accept.

Continuing reading, now, from the Senator from Illinois—

and stated that 50,000 of the 83,000 or 84,000 horsepower developed at Muscle Shoals should be assigned to the Union Carbide Co. by the Air Nitrates Co.

This is the corporation, with the American Cyanamid Co., that is to get Muscle Shoals if the bill of the Senator from Ohio is passed.

Now, let us see what this memorandum is that the Senator from Illinois sent to the clerk's desk: It is headed:

Memorandum

FEBRUARY 1, 1927.

The Union Carbide Co. is a corporation incorporated in 1898 in Virginia, with an authorized capital stock of $50,000,000, $39,757,854 of which is outstanding, all owned by the Union Carbide & Carbon Corporation (Inc.), November 1, 1917, in New York.

The Union Carbide Co. was incorporated for the purpose, among other things, of manufacturing, purchasing, using, and selling throughout the United States and elsewhere calcium carbide and all gas-producing materials and gas, especially acetylene gas, and all machinery, apparatus, and fixtures for any purposes relating in any manner to the production and use of calcium carbide and acetylene or other gas; also to manufacture, produce, buy and sell, or otherwise deal or traffic in any or all metallurgical, electrometallurgical, chemical, and electrochemical products and compounds, including any and all elementary substances and any and all alloys and compounds thereof; also coal, coke, gas, oil, lumber, etc. Works are located at Niagara Falls, N. Y., and Sault Ste. Marie, Mich.

The Michigan Northern Power Co., with a power house developing 40,000 horsepower of electrical energy, is controlled by the Union Carbide Co.

The Union Carbide & Carbon Corporation owns directly or indirectly substantially all the common capital stock of the following 26 companies:

Beacon Electric Corporation.
Canadian National Carbon Co. (Ltd.).
Carbide & Carbon Chemicals Corporation.
Carbide & Carbon Realty Co. (Inc.).
Clendenin Gasoline Co.
J. B. Colt Co.
Dominion Oxygen Co. (Ltd.).
Electric Furnace Products Co. (Ltd.).
Electro Metallurgical Co.
Electro Metallurgical Co. of Canada (Ltd.).
Electro Metallurgical Sales Corporation.
Haynes Stellite Co.
The Linde Air Products Co.
The Linde Air Products Co. of Texas.
Linde Air Products Co., Pacific Coast.
Michigan Northern Power Co.
National Carbon Co. (Inc.).
Oxweld Acetylene Co.
Oxweld Railroad Service Co.
The Prest-O-Lite Co. (Inc.).
The Prest-O-Lite Co. of Canada (Ltd.).
Sauda Falls Co. (Ltd.).
Union Carbide Co.
Union Carbide Sales Co.
Union Carbide Co. of Canada (Ltd.).
Union Carbide & Carbon Research Laboratories (Inc.).

We see from that, Mr. President, that the Union Carbide Co., with all these subsidiaries, is very closely allied with the Air Nitrates Co. and the American Cyanamid Co., and they are going to get the great bulk of the power at Muscle Shoals if this bid is accepted by the United States Government.

Following along the same line, I want to call the attention of the Senate to a brief quotation from the report of the Federal Trade Commission upon its investigation of the so-called Fertilizer Trust. This was sent to the Senate in the Sixty-seventh Congress, fourth session, Document No. 347. Among a good many other things, they say this:

The salient facts disclosed by the investigation are as follows—

Now we are getting to the Fertilizer Trust—

1. The seven largest companies are the American Agricultural Chemical Co., the Virginia-Carolina Chemical Co.—

That is the one I have been talking about—

the International Agricultural Corporation, F. S. Royster Guano Co., Armour Fertilizer Works, Swift & Co., and the Baugh companies.

In the former report of the commission it was found that these concerns, with their subsidiaries, produced about 58 per cent of the total output of mixed fertilizers. In 1921 these concerns produced and sold about 65 per cent of the total fertilizer used.

Mr. McKELLAR. What was the first per cent—58?

Mr. NORRIS. Fifty-eight.

In the industry the first six concerns named are usually referred to as the "big six." The American Agricultural Chemical Co. and the Virginia-Carolina Chemical Co. sell about the same tonnage, their combined output being about one-third of the total of the country.

This corporation that I have been talking about both to-day and last Friday is one of the companies included in the bill

that the Attorney General filed to dissolve the combination operating through the South—in fact, I think all of these companies were included in it—selling, in 1921, 65 per cent of all the fertilizer used in the United States, connected with the Air Nitrates Corporation, with the American Cyanamid Co., with the Ammo-Phos Co., and the companies with which the American Cyanamid Co., which is attempting now to get Muscle Shoals, has been dealing during all the time that we have been listening to the cries of the farmer for cheaper fertilizer; and you propose now, by this bill, to turn over Muscle Shoals to a member practically of the same combination that you have been condemning for years, with the idea of getting cheap fertilizer for the farmer!

If these people so loved the farmer, if they were moved by an idea to give to American agriculture a cheap fertilizer, why have they waited so long to do it? Why have they conducted themsleves in such a way that they were charged continually, even by the Department of Justice, with being a Fertilizer Trust, formed for the purpose of holding up the price of fertilizer to the American farmer?

We also had a report some time ago of the special assistant to the Attorney General on the Aluminum Co. of America, and this report was presented to the Senate by the Senator from Pennsylvania [Mr. REED.] That report of the special assistant to the Attorney General has something to say about how the Aluminum Co. of America is connected up with power and is a part of a great trust.

> In July, 1925, the Aluminum Co. of America acquired an undeveloped water power on the Saguenay River in Canada by merging with the Canadian manufacturing company.
>
> The Duke interests own the stock of the Canadian Manufacturing Development Co.
>
> The Canadian Manufacturing Development Co. owns 11.12 per cent of the stock of the Aluminum Co. of America.

That is from the Federal Trade Commission's report on the Aluminum Co. of America. The Duke interests own a large interest in the American Cyanamid Co.

Right here let me call to the attention of my esteemed friend from Ohio, who is now honoring me by his presence, the fact that the president of the American Cyanamid Co., the bidder in this case, is one of the trustees of the Duke estate. So that there is no unfriendly rivalry, perhaps, between these great corporations.

In this special report to the Senate to which I have referred—Sixty-ninth Congress, first session, Document No. 67——

Mr. FESS. Mr. President, will the Senator yield before he goes into that?

Mr. NORRIS. Yes.

Mr. FESS. I have listened to the Senator for the three days he has been very elaborately, and I think very intelligently, discussing this great problem, and I am wondering if I am under the wrong impression, namely, that the Senator is rather attacking these various organizations on the ground that they are large.

Mr. NORRIS. No; the Senator is mistaken about that. Let me tell the Senator the situation. I said last Friday, as I remember it—and I have said it at other times—that I never made a personal investigation myself into the so-called Fertilizer Trust, and I neither deny nor claim that there is such a trust. I was relying on the claims made by Senators here from time to time ever since we have had the Muscle Shoals question before us that there was such a trust, and it seemed evident to me that the farmer was paying too much for his fertilizer. To my mind, it was more important to reduce the cost of fertilizer than to go into the question of whether or not there was a trust, although I concede it is important and relevant.

I went into a discussion of those claims that had been made from time to time in order to show that if there was a fertilizer trust these bidders were pretty close to it; if there was a waterpower trust, they were pretty close to that; if there was an Aluminum Trust, that the Aluminum Trust, the Mellon interests, the Duke interests, the fertilizer interests, these big chemical companies, and the Cyanamid Co. were all at least on very friendly business terms. I think that is proven by the fact that when Mr. Duke died, Mr. Bell, who was president of the Cyanamid Co., was made one of the trustees of his estate. I am not complaining about that. I am calling attention to it on the theory that these Senators have been correct all these years. But if they were correct, we will be going deeper into this than ever before if we accept this bid.

Mr. FESS. Mr. President, if the Senator will permit, am I to understand that the Senator believes that because Mellon might be interested in one of these companies, just the mere fact that he is interested, is conclusive reason why we should not have anything to do with it, that the same applies to the Dukes, and that the same applies to the du Ponts?

Mr. NORRIS. I agree with the Senator.

Mr. FESS. If these men are successful, we ought not, just because they are successful, to say, "That shuts them out." Of course, I agree with the Senator that when it comes to the question of a trust that might take advantage of the public, the Government should have some control over them. I have thought that concentration in great units is inevitable, and I would not vote to prevent it if we can keep proper control over them.

These agencies which have achieved tremendous success in the country are just the ones to whom I would refer if I were about to enter upon a great enterprise, and the mere fact that they have been successful should not raise a prejudice in our minds against giving them any consideration. That was my idea.

Mr. NORRIS. Mr. President, I hope I have made myself plain to the Senator as to why I have entered upon this discussion. I might say that as far as my investigation has gone, I am firmly convinced of two things; that there is a Water Power Trust and that there is an Aluminum Trust; and as far as I have gone into the evidence which has been produced here, there is a strong indication at least that if there is not a Fertilizer Trust, it comes very near to it. But I went into this line of argument to show to some of the people who are in favor of the Cyanamid bid, and who think there has been a Fertilizer Trust and that the farmer has been robbed on account of the Fertilizer Trust, that they were going to have the farmer jump right out of the frying pan into the fire if they accept this bid.

Mr. FESS. It might be that I was misled by the suggestion the Senator made a moment ago when he referred to these people having no particular love for the farmer. Of course, I admit that no business is going to be run purely for the love that any group might have for anybody, but rather on a basis of profit.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. McKELLAR. If I understand the argument of the Senator it is this, that, as it is the purpose of some of us to secure for the farmers cheaper fertilizer, it would be a wholly useless and improvident thing to turn this plant down there over to those who are now engaged in manufacturing fertilizer, hoping that they will, of their own accord, learn to make cheaper fertilizer. In other words, we would be turning the plant over to these people who are now maintaining high prices, and who some maintain were alleged to be in a combination to hold prices up. We would be turning the property over to them to see if they could not find some process by which to furnish the American people cheaper fertilizer.

Mr. NORRIS. That is right.

Mr. McKELLAR. That is what I understand the attitude of the Senator to be.

Mr. NORRIS. Mr. President, there is a feeling, especially on the part of Senators from the South, that they want to keep the Alabama Power Co., for instance, from getting control of Muscle Shoals. I share in that feeling. I think Senators are right when they fear that consummation. That is not because I have anything against the Alabama Power Co. I have come in contact with them since the beginning of this investigation, and there has never been an official of the Alabama Power Co., so far as I have observed, before the committee of which I had the honor to be the chairman, where they were continually appearing, who ever undertook to do anything dishonorable or dishonest. I was not looking for anything of the kind. As far as I know they were perfect gentlemen. But the Alabama Power Co. owns the distributing system all around Muscle Shoals, and the Alabama Power Co. in turn is owned by other corporations—as I have shown here before, and I do not expect to go into again—and is a part of the Fertilizer Trust. If we turn Muscle Shoals over to them we will simply turn it over to the Water Power Trust. They will make out of it all they can. They are in the business for money, and it is perfectly honorable of them to do so. I presume I would do the same if I should get this plant. I would get everything out of it that I could, moved by financial interest entirely.

For the same reason that I do not want to turn the water power over to the Alabama Power Co., I do not want to turn the fertilizer business over to the Virginia-Carolina Co., and the others who—the evidence stands here, I think, undisputed from these reports—control the fertilizer business in most of the Southern States.

It might be we could turn it over to them, and they would be philanthropists and give the farmer the benefit, but the

natural thing to expect would be that they would make all the money they could out of it. We have been selling power to the Alabama Power Co. for quite a while, selling it, I think, very cheap, although in the way they have to bid I would not expect them to pay much more. Nobody has heard that because they got this power so cheap they had given to the consumers of power in the South a penny reduction. If they have, I have not heard of it.

Mr. McKELLAR. Mr. President, as I understand it, they buy it from the Government at one-fifth of a cent, and the maximum price at which they sell it is 12½ cents. There is somewhere between six and eight thousand per cent spread between their purchase price and their highest selling price.

Mr. FESS. I assume, Mr. President, that the Senator from Nebraska believes that in a rather new development, such as the manufacture of fertilizer, a private company like the Alabama Power Co., or any other, might not inaugurate methods for improving and cheapening the article, and if they did, they would not allow the public to have the advantage of it, while in case the Government holds this plant and operates it, both those results might be obtained.

Mr. NORRIS. I think so. I think the Senator is right in that. If we should decide to sell this power to somebody else, or that we were going to let some private enterprise run the fertilizer plant, while I conceive it to be possible, it is almost impossible, very improbable, that we could find a company that would handle the water power, or a company that would handle the fertilizer, that is not already somehow connected with one or the other or both branches of these great industries.

Mr. FESS. The Senator has always had confidence in the ability of the Government to handle matters of this sort. I have always feared that Government ownership and operation is not as effective or efficient nearly as private. We differ in our theory on that.

Mr. NORRIS. Yes.

Mr. FESS. The Senator may be right in the matter. The other view is the view I have held. I have thought that if we could find a responsible company and make a lease that would be acceptable, under conditions of recapture, we would be better off than if we should undertake to have the Government handle the plant. That is my honest opinion.

Mr. NORRIS. I do not criticize the Senator for his viewpoint. I ought to say, too, that he may be right and I may be wrong. But I want to say to the Senator that those who believe as he does have had all the chance in the world with Muscle Shoals and have failed. We appointed a joint committee, and I think they acted conscientiously. Prior to that time we had had extended hearings before the Committee on Agriculture and Forestry of the Senate. The joint committee, I think, unanimously shared the Senator's idea. Men who thought as I did were not on the committee, and were properly kept off. I am not complaining about it. I do not know but that I said in effect on the floor of the Senate that I wanted those whom the Senator believes are right to go to work to see if they could bring in something which would meet the contingencies and be good for the farmer and the people of the South, and that if they could do so, I would support it. They had their own way about it, and brought in a bill. Of course, I opposed it very desperately when it came in. It was demonstrated, I think, that it was connected up with the Water Power Trust. It never came to a vote, even, and the Cyanamid bid did not even get the favor of the joint committee. This has come in since. So we have had an opportunity to do it, but we have never been able to present a bill here for Muscle Shoals that is free either from the Fertilizer Trust or the Water Power Trust, and it can not be done.

Mr. FESS. If the Senator will permit me, I think the strongest position in his argument and which somewhat staggers me is that in a new field like electricity or the application of electric power to industry, where some new inventions might tremendously change the efficiency and economy of production, it is somewhat doubtful whether it would be wise to tie up in a long-time contract without any protection on behalf of the public in case those improvements were made. I think the Senator has a very strong position there. The question is whether we could not make the contract so that we would get the benefit of such improvements if the property were operated by private enterprise. I do not know that we could get any company to enter upon such a contract.

Mr. NORRIS. No. There is another thing that must be considered in discussing the position I have taken ever since the beginning of the consideration of the Muscle Shoals matter. I would disagree with the Senator when we come to municipal ownership of electric-light plants, and so forth, but I contend that this is not that kind of proposition. Here we have a dam at Muscle Shoals which is already owned by the Government. The taxpayers' money has been used to build it. We have an improvement there costing in round numbers about $150,000,000 of the taxpayers' money. It is ours. It belongs to the people of the United States, not to Alabama. But it is so located that the people of Alabama, Mississippi, Georgia, Kentucky, and all the Southern States are very likely to get more benefit out of it than the people of other portions of the country.

But if we had a war to-morrow the people of Nebraska and the people of Ohio would be definitely interested in the Muscle Shoals property and we would go to using it at once. We want to keep it so we can use it at any time. That being true, it is not a question of the Government entering business. That we decided, I suppose, when we first considered the question. We are in it, and it is a question of what we are going to do with our own property.

I have been trying here in my weak way to have the Government use it in such a way that the people anywhere within transmission distance would get the benefit of cheapening electricity. From my study of the electrical problem I am convinced, as firmly as I have ever been convinced of anything in my life, that the people there as well as elsewhere in the United States are paying exorbitant prices for electricity. While my own people care little about the fertilizer question as a question, I know that it is one of the most important things that confronts civilization to-day; not only the United States but the entire civilized world. It may be that we will get into no trouble, because some new thing may happen, as the Senator said a while ago; but unless it does, the world is going to be short of fertilizer.

As I have said in the Senate, we may reach the time when we will have to subsidize fertilizer on a large enough scale to give every farmer in the United States some of it more cheaply. The man who eats bread, the man who eats meat, the man who wears cotton or woolen clothes, the man who wears shoes, has an interest in the problem just as much as the man who follows the plow and tills the soil. Everybody is interested in it. It is a world question. When we come, then, to the getting of nitrogen, one of the necessary ingredients of every good fertilizer, from the atmosphere, we face a different problem. I have observed from the testimony of scientific men that we are still, perhaps, in our infancy in that field, that we have been gradually developing and improving and cheapening the process from the beginning, but we ought to cheapen it still more in order to get any material reduction to the farmer in the price of his fertilizer. I am willing to go any distance, even to the expenditure of public money, for an honest, intelligent, and scientific working out of that problem.

I am not willing, however, to say we will set nitrate plant No. 2 at work to its capacity, which we could do, to make fertilizer, and then sell it away down below cost, because that would not be of any final benefit to agriculture in America. It would benefit a few people in the vicinity of Muscle Shoals, but, much as I would like to see them prosper, they have no right to call upon the balance of the country to subsidize fertilizer in their midst when they do not subsidize it anywhere else. Therefore the question that is presented to us is, What can we do best to get cheaper fertilizer?

Mr. FESS. I agree with the Senator that the project is not just like any other upon which the Government has expended $150,000,000. The fact is that the first speech that made any impression on me when I first came to the House of Representatives was made by Oscar W. Underwood, and that was on the possibilities of Muscle Shoals. I had never heard of it before. Then we were asking for only a very small appropriation. Every year it came up and was negatively acted upon until we got into the war, and then it was used for nitrate purposes and, as I recall, only $20,000,000 was asked for; but it grew and grew until now we have it. I admit it is a new problem. I hope we may work it out.

Mr. NORRIS. That is what I want to do. The fertilizer question is the most important, but while I believe that it is the most important, the other question is exceedingly important, too. We are just at the beginning of a great electrical development. It is spreading over the country like a whirlwind, and I think it is a subject which is worthy the consideration of every man and every woman who wants to assist our civilization; something that must soon be considered, if it has not been already, as one of the necessaries of life in every home to turn the wheels and do the drudgery and toil the housewife has to do now. I think that is more important than the manufacturing part of it. From my study, which has been conscientious, because I had no idea when I started in where I was coming out, I am convinced, and I am going to demonstrate it before I

conclude my remarks on this feature of the question, that the charge for electricity in the United States is away beyond where it ought to be, particularly in the homes.

I believe I had not finished my reference to the Aluminum Co. of America. I am reading now from the report of the special assistant to the Attorney General:

> In July, 1925, the Aluminum Co. of America acquired an undeveloped water power on the Saguenay River in Canada by merging with the Canadian Manufacturing & Development Co., the only asset of which company was the capital stock of the Chute a Caron Power Co., the only property of the Chute a Caron Power Co. being the undeveloped power above referred to. As a result of this merger the present Aluminum Co. of America is, therefore, technically a new corporation which came into existence on July 29, 1925.

At another place in the report it is said, speaking of some tabulations there set forth:

> In the second tabulation, showing the stock as of current date, there is a fourth group, entitled "Canadian Manufacturing & Development Co.," consisting of the stock owned by the Duke interests, which owned the company merged with the Aluminum Co. of America.

Mr. President, I told the Senate at the beginning of my remarks the other day that before I finished I expected to explain something about the wonderful propaganda which had been carried on all over the country to secure the passage of the so-called Willis bill. There has been a propaganda on the proposition ever since it was first started. It has a great many branches and travels in a great many directions. There was a propaganda in favor of the acceptance of the Ford bid in the beginning. There was a propaganda in opposition to it. The men who are now asking for Muscle Shoals for the Cyanamid people were part and parcel of the opposition to the Ford bid. They testified, as I have read from their testimony, and I think they have told the truth. They said over and over again that they could not make fertilizer down there with Dam No. 2 unless we subsidized it by giving enough water power to make up the losses on the fertilizer. Now, they are coming here on the theory that they are going to make cheap fertilizer and are going to get a great deal more power than Henry Ford ever would have received under his bid. Henry Ford would have gotten Dam No. 2 and Dam No. 3. He was not to get Cove Creek Dam. He was not to get either of the other three dams that this company would have a special right to get if the bill passes, and about which I shall speak later. So that the power possibilities under this bid are much greater than under any other bid which has ever been made to the Senate.

I would like to call attention to the testimony of Mr. Bell and Mr. Washburn and Mr. Hammitt, when they appeared before the various committees of the Senate, and told them, and I think truthfully, that fertilizer could not be cheapened by the operation of nitrate plant No. 2 unless we subsidized the people who operated it by giving them a whole lot of power so they could make up on power the losses that they made on fertilizer. That would not help the American farmer. One of the things that I want to do and one of the things that I have tried to do in this matter, although it was many times at great risk to my political life and political future when I was doing it, was to tell the truth to the American farmer as I actually believed it to exist. It will do no good in the end to the American farmer if we do make a whole lot of fertilizer and sell it for less than it cost. Every farmer outside of the freight limits of any factory which we established would have a just right to say, "That is class legislation and you must not use my tax money to subsidize something in favor of some fellow who happens to live in a favored locality."

So the really important thing is to make fertilizer cheap without having anything handled or monopolized by a monopoly. Let it be free and open to the entire world. If the Cyanamid Co. should develop a new improvement, if they have their bid accepted according to the bill of the Senator from Ohio [Mr. WILLIS], and if they have their way about it, and develop something new, something that would cheapen fertilizer, what would happen? The first thing would be a patent. They would get a patent and they would be the only ones who could use it. Suppose the Government of the United States improves it; then the Cyanamid Co., every fertilizer company in the country and, in fact, every fertilizer company in the world, would have access to it; it would be free, as everything of that kind has been free in the past, and the general public would get the benefit of it.

Even now if we undertook by the Government to operate plant No. 2 to make fertilizer, we would be confronted with the claim of the American Cyanamid Co., "You have no right to use plant No. 2 to make fertilizer because we have the patent, which you have never contracted for or never purchased; you have the right by the paying of certain royalties to make explosives; but the right is limited to explosives; so long as our patent lives there is not anybody but us who could use it unless we give permission."

Mr. McKELLAR. Mr. President——

Mr. NORRIS. I yield to the Senator from Tennessee.

Mr. McKELLAR. What the Senator from Nebraska has just stated is the very question that is bothering me. Suppose we give this subsidy in the way of power; suppose we turn this plant over for the very small consideration that has been mentioned in the bid; suppose that shall be done; how can we reasonably expect that the persons to whom it is turned over, and whose every interest is to keep the price up, will cheapen the price of fertilizer to the farmer? That is the question that worries me.

Mr. NORRIS. Mr. President, we know human nature, and it is about the same everywhere. There are some few exceptions; there are some Godlike men; but I do not meet many of them. There are not many of them around here now. All of us are more or less selfish, and I think properly so. The men in big business want to make more money; it is proper for them to do it; I am not finding fault with them; but when they come to make a contract with me and I am a trustee for some property for some innocent people whose money has built it and has made it possible, I am not going to permit them to make profit out of the sacrifices of somebody else that will do nobody but them any good.

Mr. GEORGE. Mr. President, I want to ask the Senator from Nebraska this question: Has there ever been any proposition made in connection with Muscle Shoals that was a reasonable and bona fide fertilizer proposition?

Mr. NORRIS. I do not think so.

Mr. GEORGE. In that respect I agree with the Senator and have always agreed with him. It has been at bottom a power proposition and a power proposition only.

Mr. NORRIS. That is correct.

Mr. GEORGE. Of course, the various bids have provided for the making of a certain amount of fertilizer at cost-plus, which, as the Senator has very properly stated, means nothing in the world to the farmer. Probably in order to sell it at all they would have to sell it below cost, but that would be of no consequence to the bidder, because he would recoup all of his losses out of the cheap power which he would receive under his bid.

I agree with the Senator from Nebraska entirely, so far as I have studied the proposals—and if there are to be others presented I want to study them—that none of them have been fertilizer propositions. The fertilizer proposition has been purely an incidental thing thrown in. The whole object has been to control the power, and whatever obligation was entered into to make fertilizer was very largely incidental.

The Senator from Nebraska will recall that when first I came into this body the Underwood bill was pending, the Ford bid about that time having been withdrawn. I earnestly labored for and finally secured an amendment to the Underwood bill providing for the distribution of all the power not needed for fertilizer, but when the bill went to conference the Senator from Nebraska will likewise recall that the very life was cut out of the amendment.

Mr. NORRIS. Yes, sir.

Mr. GEORGE. And when it came back here I was unable even to vote for the measure, because it seemed to me then that the proposal was one under which and by which the surplus power or the power being produced at Muscle Shoals was really the stake.

Mr. NORRIS. I thank the Senator from Georgia.

Mr. President, I started a while ago to take up the question of propaganda, and I said that for a long time propaganda has been conducted. The American Farm Bureau Federation is a great farmers' organization. They are opposed, they say, to Government operation of this plant, although I believe quite a number of years ago they went on record in favor of it. I am not complaining about that, for they have a right to change their minds. Principally through their legislative agent, Mr. Chester H. Gray, in the city of Washington, they have been carrying on a propaganda over the United States in favor of the bid of the Cyanamid Co. and the Air Nitrates Corporation that is almost without a parallel, it seems to me. I can not myself understand how the American Farm Bureau Federation in the city of Washington can properly represent the farmers of the United States when their agent devotes practically all of his time—and certainly he must use up all the funds of that organization, if it is their funds that he is using—in carrying on a propaganda which, upon analysis, is condemned by all the scientific and disinterested men who have studied the subject and by the testimony of his own men before they

were directly interested. I can not understand how he can do it and honestly represent the farmers.

I want to call the attention of the Senate to some of the articles that have been sent out—and I presume I know only a small part of them—and to some of the misrepresentations that have gone forth upon the question of Muscle Shoals. I have here [exhibiting] an illustrated article on Muscle Shoals. It went out from the city of Washington from the office of the American Farm Bureau Federation. It is a reproduction of what can be printed from the mat, as I think it is called, which they will send free of charge to any newspaper in the United States which will agree to publish it. At the top of this article is this statement:

To the EDITOR:

Thousands of persons are interested in the question of the final disposition of Muscle Shoals. Farmers are particularly interested in getting Muscle Shoals put to work producing a supply of cheap fertilizers. We believe your readers would like to have the information given herewith. It is furnished in mat form on request free of charge, to one newspaper in each town by the Washington office of the American Farm Bureau Federation, 601–604 Munsey Building, Washington, D. C.

Merely sign your name and address and mail the inclosed postal card.

Here [exhibiting] is the inclosed postal card already stamped and it is directed to—

THE AMERICAN FARM BUREAU FEDERATION,
Washington Office, 601–604 Munsey Building, Washington, D. C.

GENTLEMEN: Please send me the plates/mats (indicate choice) for the Muscle Shoals articles shown in the proof sheet recently received from you. It is my understanding that there is no charge for these and that I will have exclusive use of them in this town, provided my request reaches you first. Address the package as follows:

Name of paper ———, town ———, State ———.

And a blank line for the signature.

These were sent out by Mr. Gray, I presume, to every newspaper, perhaps not to the big city newspapers, but to every country newspaper, at least, in the United States, and to one in every town they agreed to send free of charge this mat or plate.

Here [exhibiting] is an illustrated article. If Senators will examine the article itself they will find, I think, if they are fair about it, that while it states a great many things that are true it omits to state many other things which are equally true and which ought to be stated in order to make the matter plain.

There is deception, I think, all the way through. For instance, I do not know whether this is the one that has an article in it by Mr. Landis, but here is an article by Mr. Jardine. He does not say he is in favor of the leasing bill. It is a very shrewdly arranged affair. The reader would get the idea that the Secretary of Agriculture was in favor of the bill, but if one will read what he says he will find it is merely a general statement on the desirability of securing cheap fertilizer.

Then there is a picture of the House Member, Mr. MADDEN, who introduced the bill in the House, and a beautiful engraving—it might almost be called an engraving—of a farmer plowing with oxen, and several other illustrations of scenes on the farm. At the top of it is a very beautiful picture of Dam No. 2 at Muscle Shoals. I presume it is meant for Dam No. 2, but when I look at it closely it does not appear to me to be an accurate picture of that dam, because it has a covered top and the dam at Muscle Shoals does not have. After that had gone the rounds another one came out in the same way.

Here [exhibiting] is an article for press release for Monday papers of January 16, 1928, which, to my mind, while stating some truths, also contains much deception. When Mr. Gray was on the stand in the Agricultural Committee I asked him why he did not tell all the truth when he was giving statistics about the cyanamide proposition, and in substance he said to me, "I was working for the cyanamide bid; it was not up to me to state something in favor of some other bid, for the synthetic process, or anything of that kind." That may be his idea of representing the farmers, but it is my view that when he does that he is framing the farmers and representing one of the great corporations that wants to get its finger in the Treasury by securing cheap money with which to handle a great power proposition. He thinks it is all right as representing the farmer to tell them half the story. If he were honest with the American farmers he would have said to them, "There are other processes; here is another method that scientific men of the world claim will obtain nitrates from the air for a much less expenditure of money than by the cyanamide process. That is the testimony," he ought to have said to those farmers, "of Mr. Bell, of Mr. Hammitt, of Mr. Washburn, the officials of the American Cyanamid Co., when they were fighting Mr. Ford and telling the committees of Congress that it could not be done"; but now he is telling the farmers that this property, paid for by the farmers and the other taxpayers of the United States, should be turned over to this corporation, giving them the greatest gift of power that has ever been given anywhere at any time by any government or any corporation or any individual.

Here is the next one that went out. Here is the same thing at the top.

To the editor.

He tells them it will be sent in plate or mat form upon request, free of charge, to one newspaper in each town. All they have to do is to sign the inclosed postal card and drop it in the mails. It does not cost them a single penny.

Now let us see about this circular.

Here is an article or an interview from Mr. W. S. Landis. Let us see what this says, now:

"Under American conditions the cyanamide process is the cheapest one for fixing air nitrogen," declares Dr. W. S. Landis, former president of the American Chemical Society.

Did Mr. Gray tell these farmers or these editors that that man was an official of the Cyanamid Co.? Did he tell them, and if he had been honest with the American farmer would he not have said, "You perhaps ought to look with some suspicion upon the statements of Mr. Landis, because he is one of the officials of the American Cyanamid Co." ?—one of the vice presidents, as I remember. But he does not tell them that. He puts him forth as former president of the American Chemical Society, which is not true. Mr. Landis never was president of the American Chemical Society, so members of that great society tell me; and yet Mr. Gray sends this out to the American farmer, representing the American farmer, as the statement of this great chemist, "former president of the American Chemical Society." He tells us "what's what" about Dam No. 2, when, as a matter of fact, in the first place, he is not former president of the American Chemical Society, and in the next place he is an official of the American Cyanamid Co.

Can a man be honest with those whom he represents, who pay him to represent them, when he puts out that kind of stuff to influence their action, and try to induce them to write to you and to me and to the Members of the other House of Congress telling them what to do about Muscle Shoals? I have no objection to anything Mr. Gray wants to put forth if he will, in the first place, be fair, and in the next place tell the truth. He does not do either one. He has been practicing deception upon the American farmer, who pays him, ever since he has been carrying on this unfair, this wicked propaganda to take from the taxpayers of America this valuable property and turn it over to a corporation for their private gain. That is the representative of the American Farm Bureau Federation!

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. NORRIS. Yes.

Mr. LA FOLLETTE. Does the Senator know who paid the expense of sending out this mat or plate matter, whether it was paid for by the American Farm Bureau Federation or some one else?

Mr. NORRIS. I have some evidence indicating that the American Farm Bureau Federation did not pay it. I have no personal knowledge about it. Mr. Gray was questioned about it and did not answer the questions. He avoided them, just as he is deceiving the farmers here, telling part of the truth, and only part.

I have here the statements of Mr. Bower. This is an article by Mr. Bower, another man who is part and parcel of this propaganda. He is classified here as a "member of President Coolidge's Muscle Shoals inquiry." Probably he was; and this article gives a picture of part of the works down at Muscle Shoals. I had his various statements analyzed by a chemist. I have in my office the analysis made by the chemist. I intended at the time to produce them here and have them published in the RECORD; but I had to stop somewhere. There is no end to this propaganda. I could keep up the recital of it for a week. I thought it would be sufficient to say that every important proposition that Mr. Bower lays down is either partially or wholly erroneous, as analyzed for me by a noted chemist.

In this particular sheet which Mr. Gray sends out is the picture of the boss himself. He is right there—"Chester H. Gray, Washington representative of the American Farm Bureau Federation." He was getting in the limelight somewhat then.

Mr. President, I have here a country newspaper in which that same article is reproduced, you will see. There is Mr. Gray shining out in all his glory, and here are other illustrations. It did not cost that paper anything to get that matter, except that the editor had to sign his name. That stuff was delivered to him. He did not have to set the type. It was all

set up. It came by express, and he simply had to shove it in the press—that is all he had to do—and fill up that space. That was published in the Oxford Standard in its issue of January 12, 1928, published at Oxford, Nebr.

I have here a little editorial in another country newspaper published in the same county, and I should like to read that to show that probably a great many of these newspapers take this matter just to fill up space. Some of them, perhaps, believe the stuff that is in it.

Some of them are conscientious about it. Some of them see the trick, and will not have anything to do with it. That was the case with the editor of the Beaver City Times-Tribune; and he had this to say in his paper about it:

The Oxford Standard fell for the free Muscle Shoals plates and printed them in the last issue of that excellent paper—

It is an excellent paper, too—

This is understood to be propaganda of the powerful Union Carbide Co., although it is sent out by the "Farm Bureau headquarters" in Washington. There is so much of this free publicity stuff that has a hidden motive that it is pretty safe to pass all of it along to the waste basket.

I ought to say, going back again to the article by Mr. Landis that was printed in this second propaganda sheet that Mr. Gray sent out, that Mr. Landis is a chemist. I think he is a great chemist. He is known among chemists as being a chemist. He is one of the chemists of the American Cyanamid Co.; and I am not finding fault with Mr. Landis. Of course, he is in favor of his own company making a whole lot of money if they can get it. He never was president of the American Chemical Society, although very likely he has been an officer or president of some other chemical societies; but the great chemical society at least in the United States, and I think in the world, is the American Chemical Society, and while it is stated that Mr. Landis was president of that society it is not true. He never was.

Mr. President, I am not going to offer all of the material I have here on this propaganda, unless later on I think it becomes necessary. I want to read a letter written from Clarkston, Mont.

Mr. OVERMAN. Mr. President, may I ask where the headquarters of this Cyanamid Co. is?

Mr. NORRIS. I have given it here in my address. I can not recall it offhand.

Mr. FLETCHER. In New Jersey.

Mr. NORRIS. They have a headquarters in Canada and one in New Jersey, too. I think their main American office, at least, is in New Jersey. I can not call the name of the town just now.

This letter is from Clarkston, Mont., and was written by a man who, I think, was the president of the Montana State Farm Bureau. This letter was not written to me. The man who wrote it had written me a letter while I was ill and away from the office, and my secretary wrote him and asked him for some additional information or some proof about the assertions he made. He had claimed in the first letter that probably the American Farm Bureau Federation was not paying the expense of this propaganda that was going on, that he knew something about. My secretary asked him, in his reply—I have all the letters here if anybody wants to see them—if he had any proof of it, and, if he did, to send it; and here is the answer. This is written December 20, 1927:

DEAR SIR: Replying to yours on the reverse side of this sheet, re any positive proof that I may have that Chester Gray was not paid by the Farm Bureau, will say that I can not say that I have any "court room" proof, but I am sure that no officer of the Farm Bureau will deny the fact. I was told by several that was the case, including Mr. Bradfute, who was president then. I told Chester Gray when I saw him six months later that we did not have any use for him, as he had come out to Montana under false colors. He did not seem to understand what I was talking about, so I simply told him we were wise to him; that he had come out to Montana making the positive statement that he was sent by the American Farm Bureau Federation to get first-hand information from us as to what action we wanted them to take on pending legislation, when, as a matter of fact, he was not sent out by the American Farm Bureau Federation at all, but by the Tennessee Development Co., with the sole purpose of selling Muscle Shoals to us. He simply turned and walked away. Did not attempt to deny a word of it.

In fact, it is a well-known fact in Farm Bureau circles.

The Farm Bureau is right on this subject, in fact, so far as their information goes. A lot of the East and South have to spend a considerable amount for fertilizers, and, of course, any suggestion of a cheaper product sounds attractive to them. Chester Gray is a glib talker, and with the so-called data he has been loaded up with he has been able to flimflam a lot of those people.

Mr. Dimmick, president of the Louisiana Farm Bureau, told me at the recent Farm Bureau meeting in Chicago that Gray came down there to their annual meeting and simply put the deal over. He said he did not know the real facts himself till afterwards, but they instructed him to work for the adoption of the Madden bill—

That is this same bill—

so his hands were tied, but he was just as much against it as any one could be, and he was sure if it was brought to his Farm Bureau in its true light their action would be just the opposite of what it was.

I am willing to give a deposition, if desired, that the above are the facts to the best of my knowledge; but I do not think you will have any difficulty in getting Mr. Settle, of the Indiana Farm Bureau, or Mr. Hearst, of the Iowa Farm Bureau, or any of the officers of the American Farm Bureau Federation, to admit the above.

You may find a tendency to not give the information even from those who might be expected to give it. They are set on putting the McNary-Haugen bill on the books. It is conceded we will have to pass it over the President's veto. If they did anything to stop the letting of Muscle Shoals to the Cyanamid people, O'Neil and his bunch—

Mr. O'Neil is a man who lives almost within sound of the roaring waters of Dam No. 2. He is a very fine gentleman, I think. He owns a very fine ranch there, and is an active member of the Farm Bureau, as I understand, and very much in favor of getting this bid through because he thinks it will build up a city in that vicinity, probably, and might enhance the value of his property.

O'Neil and his bunch might be able to control the one or two votes needed to pass it over the veto.

O'Neil repeatedly made the threat at the American Farm Bureau Federation meeting in Chicago, "No Muscle Shoals, no McNary-Haugen." But for me, while I want the McNary-Haugen bill enacted into law as bad as anyone, I am not inclined to buy it at that price. The above are all actual facts, and if it means the waiting for the McNary-Haugen bill till we can elect another President I am willing to do it rather than permit myself to be sandbagged into standing for such a crooked deal as the Muscle Shoals deal is or I believe it is.

The balance of the letter is something referring to me personally, which I will not read. That is signed by Mr. W. L. Stockton, president of the Montana American Farm Bureau Federation.

Here is a letter that Chester Gray sent, I presume, to all Senators, and I suppose that is the reason I got a copy of it. It is dated February 8, 1928, and reads:

As the time approaches when the question of disposition of Muscle Shoals must be taken up by the Senate there are certain facts that the American Farm Bureau Federation desires to present for your careful consideration.

Unquestionably the argument will be made on the floor of the Senate that the great nitrate plant which the Government built at Muscle Shoals is obsolete and can not be used for the manufacture of fertilizer.

He seems to know what the argument is. I suppose he had been told by the officers of his own company, because they testified to that once before, before the committees of Congress.

This same objection has been raised to every proposal to operate the plant that has been offered.

In order to get at the real facts we have made a careful survey of the position of the cyanamide process and have pictured the results of the study in the inclosed map. It is an important decision that you must make on this question and involves the virtual scrapping of a plant which cost $67,000,000.

I called attention, I think on Friday, to the fact that while the cost of nitrate plant No. 2 was ordinarily given as $67,000,000, that included the steam plant, which would be worth a hundred cents on the dollar even if nitrate plant No. 2 never existed as an auxiliary to Dam No. 2.

Our contention is that this plant is not obsolete and that it can render a real service to American agriculture. We believe that this contention is fully justified by the facts as presented to you on this map.

We have an offer to take over this plant and operate it in the interests of agriculture which offer is embodied in the Willis-Madden bill. It is our purpose to send you further information covering the various phases of this controversy, but the first premise to be established is that the cyanamide process is not obsolete and we believe a careful study of this may well convince you of the truth of this basic fact.

It was that map to which his attention was called when he testified before the committee, and he had to admit in his cross-

examination that he had stated but part of the facts. It does not appear there that in the last five years, but particularly within the last year, the increase of production by the synthetic process in various places in the world has by all odds outstripped anything else in the way of getting nitrogen from the atmosphere. I gave the figures, and they are in the record, but speaking from memory now, I think it is shown that there was last year under construction machinery with a capacity of 316,000 tons, and very much less than that in the cyanamide process; that back in 1913 there was only one synthetic plant in the whole world, and that manufacture by that process has been growing since the war by rapid strides; that all of the synthetic-process plants were run at practically full capacity during the past year, which is not true of the cyanamide-process plants. He does not tell anything of that kind on this map. He is not fair either to the American farmer or to Senators. This map is deceptive. It tells only a part of the truth, and the purpose of the deception is to deceive you, Senators, and get your votes for something that could not get your votes if it had to stand on its own merits.

Mr. President, this is not a one-sided proposition. There are many people who honestly believe that we ought to accept this bid. In 90 cases out of 91 it will be found that honest men, who have no selfish interest involved, who favor it, have not studied it, but have taken the word of Chester Gray on it. They feel as though they have a right to take his word, and they ought to be able to feel that way. I do not like to say harsh things about any man, but when I see a man in his position trying to deceive the American farmer as to the true facts, I believe it to be my duty to expose it, at least to the extent that is necessary to enable people to properly consider the legislation which he proposes. I am making these remarks with no other motive.

I realize that some farm papers are supporting this proposal. They, like human beings, sometimes err. The great bulk of the farm papers, in my judgment, are on to this little scheme, and are opposing it. I have in my office copies of farm papers whose combined circulations number many millions, which have editorially denounced it. They are gradually coming over.

Here is a copy of the Southern Ruralist, printed in Atlanta, Ga. It is very much in favor of this legislation. It may be perfectly conscientious, but when I turn to page 9 of that newspaper I see a whole page advertisement, bearing in large type the name "Cyanamid," which can be read clear across the Senate Chamber. That may have nothing to do with the editorial policy, of course. It may be just an incident, may have just happened, but it does happen that this great farm paper, which, as I understand, has a very large circulation through the South, happens to be on the favored list of the Cyanamid Co., and they carry an advertisement in that paper. I have read that advertisement, and I do not believe that from the standpoint of selling the article they are advertising there, the advertisement would result in the disposition of a single pound. It seems to me that it is a clever excuse, and nothing else. I may be entirely wrong about that.

I realize that this man Chester Gray sent for several editors of some southern farm papers—and I think this was one of them—and had them up here to convince them that the great Senator from Ohio who introduced this bill, and who I would like to have explain it some time before it is voted on, was right in asking the Senate to support this Cyanamid bid. Yet, while they were up here, he did not find it possible to let me see those noted editors. It may all have happened naturally. I was particularly anxious to see them. I would have spent the day with them and the evening with them if they had given me a chance. Mr. Gray did call me on the phone and say, "I have this committee here of farm editors and we would like to see you and get your ideas about Muscle Shoals." I said, "I am very anxious to see them." That was about 10 o'clock, and he wanted to come at 11 o'clock. I said, "I have an appointment at 11. Can you not come after lunch, at 1?" He said, "We have an appointment at 1. We will come at 4." I said, "All right, come at 4." I stayed in my office from 4 until 7 waiting for them to come, and did not get an opportunity to see them. They do not have to see me about it, I admit; but it seemed to me that having been chairman of the Committee on Agriculture of the Senate and having been mixed up in this matter from the beginning, if the representative of this great farm organization wanted to get light, he would at least have brought the men around to get both sides of the question.

I wrote to each one of them afterwards. I have been told—I do not say that it is true—that an article was written in the shape of a letter giving my reasons why I could not support this bill, and I supposed while they were discussing both sides of it that they would at least give it publication. This great newspaper that carries this advertisement, I am told—I only get that from information—even refused to publish my letter. I may be wrong about that.

Mr. President, I have another letter in my pocket. I am reminded of it because the Senator from Washington [Mr. JONES] just entered the Chamber, and it is a letter to him. It was written to him from Colfax, Wash., signed by J. Carl Laney, secretary-treasurer of the Washington State Farm Bureau. He said:

DEAR SENATOR JONES: The farm bureau members of the State of Washington, and we believe other farmers also, are entirely out of sympathy with the efforts of Senator NORRIS—

Then he gives some Congressmen's names—

in their efforts to sidetrack the manufacture of cheap fertilizer at Muscle Shoals.

So he goes on in the letter. Who gave this man the information that I was trying to prevent the manufacture of fertilizer, or that I was trying to sidetrack this proposition? Who gave to this representative in the State of Washington, who can not afford, of course, to come here and study the matter himself, the idea that I, in effect, was fighting the farmers of the United States? Where did he get this information? I do not know positively, I could not swear to where he got it, but there is no doubt in any Senator's mind here as to where he got it. There is no question but that he got it from this man Gray, saying to the farmers of America, "Here is this man, who has been for years the presiding officer of the Agricultural Committee of the Senate, working against the interest of the American farmer, because that is what it means."

Is that fair? Every Senator here knows that it is not only unfair but that it is untrue. I may be fooled, I may be deceived, I may be ignorant, I may be unable to comprehend a fair proposition, or to look squarely through a legislative steal or propaganda, but nobody who knows what my work has been for the last six or seven years will claim that I have done anything except my conscientious duty to help the American farmer. When this man sends out that kind of word that he must know is not true, he is falsely representing the farmers of America.

Mr. President, I am not through with this subject nor this branch of the subject, but if the Senator from Kansas [Mr. CURTIS] wants to have an executive session I am willing now to yield the floor for the day in order that he may make the motion.

ARTICLE BY MAYOR WILLIAM HALE THOMPSON

Mr. WATSON, Mr. President, I ask unanimous consent to have inserted in the RECORD an article by Mayor William Hale Thompson, of Chicago, entitled "Shall we shatter the Nation's idols in school histories?" appearing in the February Current History.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SHALL WE SHATTER THE NATION'S IDOLS IN SCHOOL HISTORIES?

Treason-tainted school textbooks were a big issue in the Chicago mayoral campaign last spring.

I exposed in speeches and campaign literature the vicious pro-British, un-American propaganda in the school histories which were in the Chicago public schools with the approval of Supt. William McAndrew, who had been imported from New York by the Dever administration through influences exerted by Prof. Charles E. Merriam, of the University of Chicago, and members of the English Speaking Union. I showed how in many histories Revolutionary War heroes were defamed when mentioned, and how many were treated with the silence of contempt by being omitted entirely from the school histories. I revealed that League of Nations and World Court propaganda were distributed in the public schools under McAndrew; that the Spirit of '76 and other patriotic pictures had been stripped from the school walls; that McAndrew had expressed satisfaction with this desecration in the educational magazine he edits; that McAndrew had denied the Chicago public-school children the privilege of contributing their pennies and dimes to the fund for the restoration of the historic frigate *Constitution* ("Old Ironsides"), which collection and cause had been indorsed by President Coolidge.

To my meetings in the mayoral campaign I took a copy of Arthur Meier Schlesinger's history, New Viewpoints in American History, which history was the textbook in a history course conducted by the University of Chicago for Chicago school-teachers who sought advancement through extra credits in history. I read to my audiences the following, among other passages from this infamous history, which was being taught to our school-teachers, to be taught by them in turn to the 550,000 school children of Chicago:

"When the representatives of George V rendered homage a few years ago at the tomb of the great disloyalist and rebel of a former century, George Washington, the minds of many Americans reverted with a sense

of bewilderment to the time when another King George was guiding the destinies of the British Nation. The fact is that the average American still accepts without qualification or question the partisan justifications of the struggle for independence which have come down from the actual participants in the affair on the American side.

"These accounts, colored by the emotions and misunderstandings of the times and designed to arouse the Colonists to a warlike pitch against the British Government, have formed the basis of the treatment in our school textbooks and have served to perpetuate judgments of the American Revolution which no fair-minded historian can accept to-day." (P. 160.)

I pledged the people of Chicago that if elected mayor I would stop the teaching in the public schools that George Washington was "a rebel" and "a traitor"; that I would have recognition given to the heroes of Irish, Polish, German, Holland, Italian, and other extractions who had been dropped from the histories; that I would stop the defamation of America's heroes; that I would see to it that the histories were brought back to the American viewpoint and American ideals that formerly prevailed.

This issue was accentuated and emphasized, coincident with the mayoral campaign, through the activity of a patriotic group of Chicagoans called the Citizens' Committee for the Investigation of History Textbooks. Capt. William J. Grace, who commanded a machine gun company overseas in the World War, was one of the prime movers in this organization.

Some months after I began reading the Schlesinger history to audiences and exposing other unpatriotic propaganda, publicity was given in February, 1927, in one Chicago newspaper to a report on histories by this body. This report set forth in detail the charges that I had been making against the histories in my public speeches, and concluded with a petition that the histories be barred from the public schools.

Mayor Dever also accentuated the issue. Although on April 5 the Chicago voters were to decide who should administer their affairs for the next four years, Mayor Dever forced through the city council on February 23, 1927, a list of three new school trustees for six-year terms to succeed trustees whose terms had expired. This action had in view the purpose of assuring a Dever board of education for the next four years, irrespective of who won in April for the four-year mayoral term. There were strong public protests voiced against this action, but the Dever-Brennan machine, intrenched in power and backed up by powerful newspaper support, secured council confirmation for the Dever appointees.

SELECTION OF SCHOOL BOOKS

March 9 was the date set by statute for the school board to make its annual selection of books to be used in the public schools for the ensuing year. Before that important date, as Captain Grace has testified in the McAndrew trial, the petition-report of the Grace committee was placed in the hands of Mayor Dever, Superintendent McAndrew, and Dr. Otto L. Schmidt, then president of the Chicago Historical Society and a pro-McAndrew school trustee. But, as Captain Grace testified, McAndrew, instead of presenting the report to the board of education, suppressed it. It was not before the board on March 9, when the matter of considering the books for the ensuing year came before the board, and the board on recommendation of Superintendent McAndrew again included in the list of books for the Chicago public schools the histories which I had denounced, which the citizens' committee had denounced. The citizens' committee did not get the hearing on their report which they had requested for some date in advance of the annual book-adoption action of the board.

On March 18 McAndrew, although he still was suppressing the Grace report, addressed a communication to the board in which he defended the histories complained of, and declared that the citizens' committee's report (which the board had not seen) was without merit. Here is one quotation from Superintendent McAndrew's communication to the board of March 18: "Our Chicago course in history is not at fault in any of the points alleged." The superintendent induced certain persons to sign the communication with him.

So with the history issue clear—with Mayor Dever and Supt. William McAndrew standing by the unpatriotic histories which I, members of the Grace committee, and others publicly denounced—the mayoralty election came on April 5. I was elected by a plurality of 83,000. I proceeded to carry out the pledges I had made to the people; but this was the situation: A new mayor elected by the people, but the board of education in control of trustees appointed by the defeated mayor, and Superintendent McAndrew, with term unexpired, supporting the anti-American histories.

The fight went on. On May 3 the Grace patriotic committee finally was given a hearing by the school administration committee of the board of education, the hearing they had so diligently sought for on a date before the annual adoption of textbooks on March 9. The feature of that meeting of May 3 was this statement by Dr. Otto L. Schmidt, pro-McAndrew trustee (I quote from the stenographic transcript):

"I can not get away from the idea that after all it was the great Anglo-Saxon race that were the founders of it [our country] and were connected with and were the guides and took the most active part and the largest part in the large development of this country."

On May 28 there was another meeting, this time at the Chicago Historical Society. There were present three university professors, several school-teachers, Superintendent McAndrew, Doctor Schmidt, and Captain Grace. Superintendent McAndrew called the meeting to order and summoned Doctor Schmidt to the chair. The history professors gave caustic attention to "amateur historians," referring to the patriotic and highly educated members of the Grace committee; and generally all speakers, save Captain Grace, gave approval to the histories in the schools. Captain Grace stated that it was the contention of his committee that American school children were entitled to have American history written by Americans from the American viewpoint.

The school-teachers did not say anything. With reference to them Attorney Grace, in his testimony in the McAndrew trial, made this significant comment: "A dozen of the teachers came up afterwards and said to me, 'We believe you are right; of course, you are right! But what can we do; what can we do the way things are?'" I cite all this to show that McAndrew and his chief supporter, Dr. Otto L. Schmidt, stood by the unpatriotic histories after their faults had been pointed out by me in hundreds of speeches and by the Grace committee; that both before and after election they stood by the pro-British books.

But "things" did not stay as they were. Thanks to one Dever-appointed trustee who resigned, and to two Dever-appointed trustees who changed their positions with reference to McAndrew, my policies as indorsed by the people at the mayoral election finally became, last summer, the policies of a majority of the school board. Then by majority vote Superintendent McAndrew was suspended; then started, in accordance with the statutes of Illinois, the McAndrew trial, now of international fame, before the Chicago school board. The present line-up, as indicated by various test votes since the trial started, is as follows:

For McAndrew and unpatriotic histories: Trustees Otto L. Schmidt, Walter J. Raymer, Helen Hefferan, James Mullenbach—total, 4.

Against McAndrew and against unpatriotic histories: Trustees J. Lewis Coath, Theophilus Schmidt, John A. English, Oscar Durante, James A. Hemingway, Walter Brandenburg—total, 6.

In doubt: Trustee Charles J. Vopicka—total, 1.

Sworn testimony in the McAndrew trial has corroborated all that I charged in the mayoral campaign; revealed even more than I had charged. The truth of my charges that American school histories have been falsified and denatured, through pro-British influences, to the end that our children may be denationalized and fitted for Anglo-American union, has been shown with startling clearness in textbooks submitted in evidence.

Three of them present John Hancock as a "smuggler" only, with not one word of his great public service. (Everett Barnes: Short American History, Vol. II, p. 9; McLaughlin and Van Tyne: History of the United States, 1919, pp. 140, 153.)

Samuel Adams fares little better. West calls him "the first American political boss," and Hart calls him "a shrewd, hardheaded politician" (p. 125).

Hart (151), Muzzey (162), and McLaughlin and Van Tyne (238), all teach that Alexander Hamilton is said to have once exclaimed: "The people, sir, is a great beast!"

Six proclaim this to have been a popular toast: "Thomas Jefferson: May he receive from his fellow citizens the reward of his merit—a halter." (McLaughlin and Van Tyne, p. 249.)

Hart teaches that Jefferson was looked upon by Federalists as "an atheist, a liar, and a demagogue." (School History of the United States, 1920, p. 190.)

Patrick Henry is set forth by McLaughlin and Van Tyne to our children as "a gay, unprosperous, and unknown country lawyer" (p. 141).

By Ward it is taught of Washington:

"If you had called him an 'American,' he would have thought you were using a kind of nickname. He was proud of being an Englishman." (Burke's Speech on Conciliation, p. 10.)

One has given a half page of praise to Benedict Arnold. In the same book (Everett Barnes's) it is taught that—

"The Continental Congress was a shameful scene of petty bickerings and schemings among selfish, unworthy, shortsighted, narrow-minded, office-seeking and office-trading plotters (p. 34).

"We can afford now to laugh at our forefathers," McLaughlin and Van Tyne teach (p. 262).

"The righteousness of the American Revolution is questioned in a dozen Anglicized history textbooks. Professor Muzzey, for instance, teaches that it was 'a debatable question whether the abuses of the King's ministers justified armed resistance'" (p. 115).

Professor Hart is teaching in one of his textbooks:

"To this day it is not easy to see why the colonists felt so dissatisfied. They professed, and doubtless felt, the warmest attachment to the King, whom God and Parliament had provided for them." (New American History, 1916, p. 120.)

Professor Ward's text teaches:

"As long as there lurks in the back of the American consciousness a suspicion of English tyranny in 1775, so long will misunderstanding prevent the English-speaking nations from working in accord to develop Anglo-Saxon freedom." (Preface.)

The Anglicized school histories, submitted in evidence in the McAndrew trial, bristle with fulsome laudation of British democracy, British ideals, British institutions, and British achievements, those of America being made to appear as poor imitations. Children in the schools are taught in these texts that "our country's history has been hitherto distorted through unthinking adherence to traditional prejudices" (Guitteau: Our United States, 1919, preface), but is now to be "set right" through "newer tendencies in historical writing" (Muzzey, editorial preface); through "scientific exactness of higher historical scholarship" and "emotions of new-found gratitude to England." (Ward, introduction.)

PERNICIOUS TEACHINGS

False and pernicious teachings run through the Anglicized textbooks from beginning to end, such as follow in West's History of the American People:

"Most of the settlers were servants, and a rather worthless lot" (p. 67).

"They were a bad lot, with the vices of an irresponsible, untrained, hopeless class * * * cheats and drunkards from this class * * * led to crime or suicide" (p. 72).

"Democracy * * * the meanest and worst form of government" (p. 80).

"Many of them paid themselves indirectly for their devotion to public service by what would to-day be called graft" (p. 132).

"Pettiness and ignorance on the part of the colonists" (p. 141).

"Wolfe had only 700 Americans, whom he described as 'the dirtiest, most contemptible, cowardly dogs * * * such rascals are an encumbrance to an army'" (p. 182).

"Washington declared that he would have been wholly helpless for a long time had he not had under his command a small troop of English soldiers" (p. 183).

Those who took part in the stamp act protests, the Boston Tea Party, the Boston Massacre, and the capture of the *Gaspee* are referred to as "mobs." (West, 201, 206; Muzzey, 97; McLaughlin and Van Tyne, 146.)

The American Revolution, according to West (p. 178), was a calamity which "split the English-speaking race." The only hope Professor West has for America he states thus: "Now, after a century and a half, the two great divisions of the English-speaking race are coming together once more in sympathetic friendship, again to double their influence" (p. 243).

Among all the "Anglo-American professors of history" Dr. David S. Muzzey appears to rank first as scandal monger and mudslinger. His textbook, American History (1925), is used in more Chicago high schools than all other history texts combined. On page 170 he says:

"George Washington was reviled [by the press] in language fit to characterize a Nero. 'Tyrant,' 'dictator,' and 'despot' were some of the epithets hurled at him. He was called the 'step-father of his country,' while some one or other is said to have said that 'the day was hailed with joy by the Republican press when this imposter should be hurled from his throne.'"

Under the pretense of "promoting more friendly relations" and "mutual understanding" with Great Britain, our school children are now taught not the consecrated maxim, "Taxation without representation is tyranny," but, quite to the contrary, that "in England's taxation of the Colonies there was no injustice or oppression" (A. C. McLaughlin: History of the American Nation, p. 152), and that the real reason independence was sought was that after England had at great cost crushed out autocracy in the Western Hemisphere, the colonists no longer needed the protection of the mother country, and were unwilling to pay their fair share of the costs incurred.

Faneuil Hall, "the cradle of liberty," is of no consequency in these new histories, nor is the mutiny act, the stamp act, or the Boston Massacre.

The martyrdom of Nathan Hale, whose only regret on the British scaffold was that he had but one life to lose for his country, is in all of them ignored. In most of them there is no mention of Joseph Warren, Ethan Allen, Anthony Wayne, Paul Revere, Molly Pitcher, Betsy Ross, General Herkimer, General Schuyler, Von Steuben, De Kalb, Kosciuszko, Pulaski, John Stark, or Commodore Barry. Such important battles as Bunker Hill, Bennington, Oriskany, and Kings Mountain are omitted. The decisive victories of Ticonderoga, Saratoga, New Orleans, and the capture of the *Serapis* are belittled. The inspiring slogans, "We have met the enemy and they are ours." "Don't give up the ship," and "I've not yet begun to fight," are omitted or discredited.

PRO-BRITISH ORGANIZATIONS

The Carnegie Foundation, Rhodes Scholarship Fund, English-speaking Union, Interdependence Day Association, and other pro-British and pacifist propaganda organizations have been shown to have direct connection with these alterations, their own officials having written several of the Anglicized textbooks. The flood of evidence in the McAndrew trial, to which no answer has been offered because it is unanswerable, overwhelmingly proves that organized foreign influences pervade the colleges and public schools of our country, and have caused these authors to rewrite American school history from the British standpoint.

Pending the ousting of McAndrew and the restoration of real American histories to the public schools, I wrote the board of education on November 22 to notify history teachers to give oral instruction with reference to the lives and achievements of the many heroes of many nationalities now denied their proper places in the school histories. Among these "lost heroes" which I urged the teachers should bring back into the light are the following:

"Casimir Pulaski and Tadeusz Andrzeja Bonawentura Kosciuszko, Polish noblemen who made magnificent records in the American Revolution, the former giving up his life in the cause of freedom, but their deeds have been wiped out of Anglicized school history.

"Baron von Steuben and Johann De Kalb, Germans, who played glorious parts in the Revolution, the former being George Washington's chief drill master, bringing to the recruits the training and experience of the army of Frederick the Great. De Kalb, serving with the French troops, was mortally wounded at Camden.

"Gen. Richard Montgomery, in chief command of the Northern Army, and these other Irishmen:

"Gen. Henry Knox, who was the head of Washington's artillery; Commodore John Barry, brilliant sea fighter, first American commodore and Washington's first head of the United States Navy; Gen. Daniel Morgan, leader of Washington's infantry; Gen. Stephen Moylan, commander of his cavalry; Gen. Edward Hand, his adjutant general; Gen. Joseph Reed, his secretary; John Sullivan, Anthony Wayne, John Stark, and William Irvine, whom Washington made generals—all of these fare sadly at the hands of English-sympathizing histories now in the public schools. For instance, Historian Hart gives sole credit for the attack on Quebec to Benedict Arnold, with no mention at all of General Montgomery, who commanded and who lost his life there.

"Dutch heroes and pioneers, including Gen. Philip Schuyler, who played leading parts in Revolutionary days in Pennsylvania and New York; Swedish heroes and founders who played similar rôles in New Jersey and Delaware, and French heroes of Carolina.

"Nathan Hale, born in America and educated at Yale, who, just before being hanged by the British, said that he regretted he had but one life to give to his country. Also Gen. Abner Clark, George F. Harding's heroic ancestor, should be put back in the histories."

In this letter of November 22 to the board of education I called attention to another matter, as follows:

"I am informed that the University of Chicago man, Howard C. Hill, who has been teaching the unpatriotic Schlesinger history to the Chicago school-teachers, is the same Hill who now appears as the sole adviser of the committee which has put in the junior high schools the course of study in history and other 'social studies.' If, in fact, he is the same man, I recommend that he be eliminated from the Chicago public-school situation at once. While I am mayor I do not propose to have the school children taught that George Washington was a rebel and a traitor."

Unable to answer the charges in the McAndrews trial, the unpatriotic pack, perniciously busy in Chicago as elsewhere, resorted to falsehood. They broadcasted the story that I intended to burn up books in the library. Sounding this false alarm of fire, they tried to divert attention to the lake front to see a library fire. Beaten and silenced in the forum of reason, they resorted to lies and ridicule, featuring and headlining "the library fire" and "Bill Thompson's private war with the King of England." In the two letters I wrote to the Chicago Library Board last fall, the only letters I have written to this body since my election last April as mayor, I said:

"Please understand that I am not officially concerned in what books are on the library shelves, and I rejoice in the fact that we live in a day of free speech and free press, but it becomes an official matter and one of public concern when public officials, like our librarians and library trustees, suggest the reading of particular books; put them in reading courses and use their official positions and the influence and edifices of the public library system to circulate and impress certain of the teachings of such books."

TRUTH ABOUT LIBRARY ISSUE

In addition to reiterating the foregoing statement in my second letter of November 4 to the library board, I wrote also in that second letter:

"It is not to the texts of library books that I take exception but to the teaching of certain texts.

"A library is 'a depository of human thought.' It might, too, be termed a reservoir of human thought contributed by men and women, great and near great, of many climes through the centuries of civilization.

"No man in America to-day has fought harder, and at such sacrifice, as I have fought for the free speech and free press guaranteed by our Constitution. It is far from my mind and my ideals to censor the hundreds of thousands of books on the library shelves, and you know it, but I do step in when, under official sanction, propaganda pipe lines are led out of that reservoir of knowledge to poison the minds of American citizens."

What I objected to and protested against in the library case were certain booklets in a "reading course" prepared by the American Library Association and circulated with the official sanction and approval of our own public library, particularly one written by Herbert Adams Gibbons, of Princeton. Frederick Bausman, distinguished author and former justice of the Supreme Court of the State of Washington, found this pamphlet in the Seattle Library early in 1927, and its contents so shocked him that he wrote for the American Mercury a magazine article protesting against this and similar propaganda. This article was generally commended by patriotic citizens throughout America. Judge Bausman was one of the many distinguished witnesses who took the stand in the case against McAndrew and gave support to my charges of anti-American propaganda in schools and library-teaching courses in Chicago and in the country generally. Among such witnesses were Charles Edward Russell, Charles Grant Miller, and Frederick F. Schrader.

As I said in my letter of November 4 to the library board, I was amazed to find that this Gibbons anti-American booklet was still part of the Chicago Library official reading course—evidence to my mind that, even though the Canadian president no longer was at the head of the American Library Association, pro-British, anti-American propaganda continued to percolate through the libraries of Chicago and other cities. I pointed out other pro-British booklets in this American library reading course that were being circulated through the Chicago Library and the libraries of nearly all cities in America, and, incidentally, I pointed out that the Chicago Public Library trustees were violating the law by selling these booklets. So much for the Chicago Library case. So much for the details of the exposures in the McAndrew histories case.

Those who can not answer and have not answered in the forum of reason of the Chicago School Board trial have been seeking to ridicule and discredit my efforts to drive out anti-American propaganda from public-teaching courses in Chicago, in accordance with the pledge I made to the people, in accordance with the mandate from the people which came in the Chicago mayoral election at which 1,000,000 men and women cast ballots. The campaign of misrepresentation, ridicule, and abuse which has been waged against me, in America as well as abroad, should be a matter of serious concern to all who hold sacred the ideals and institutions of our Government. Why this opposition? Why this rage against an executive of a great American city who is but doing his plain duty? Do foreign powers plot to do by propaganda, circulated through innocent or unscrupulous agents in this country, what they have been unable to do by armed force? Have some persons the motive and hope of stupendous rewards through the cancellation of foreign war debts? Is an inferior Navy the goal sought? Is love for England greater with some than love for America? What is there for Americans to ridicule in the slogan "America first"? Is a man to be laughed at because he defends the name and fame of George Washington? Are we nearing a day (which some of the disloyal historians desire) to laugh at the founders of our Nation?

ATTITUDE OF FOREIGN ELEMENTS

Some critics scoff and say, "What's the school board fight all about?" They know, but they do not want to admit they know. The people of Chicago know and understand. The Poles have held a great mass meeting, at which they indignantly protested against the dropping of the names of Kosciuszko and Pulaski from the school histories. Citizens of German and Irish extraction in mass meetings in Chicago and elsewhere have protested against the wrongs done heroes of those nationalities. Chicago citizens of Dutch descent have met and passed resolutions tendering me support and protesting because there has been eliminated from the school histories credit due to Holland in the cause of democracy and freedom and credit due to Dutch pioneers in America.

Chicago citizens of Italian extraction have passed resolutions protesting against the teaching that "the spirit and institutions of our country are English"; declaring that the proposed English-speaking Union would "crowd to the background American citizens of other nationality origins"; pointing out that, because of the suspicion in Central and South America that we are tying up with England, our country has lost much of the friendship and confidence the Latin people of those countries formerly entertained for us. Other nationality groups have passed, or are now preparing to pass, similar resolutions. The Italians and others in their resolutions enthusiastically concur in the statement I made in my first letter last fall to the library board:

"In truth our national greatness was achieved, not by one but by many nationalities, and the present surpassing position of our country is due to the fact that here in America we have brought to the national surface the best in ideas and ideals of all nationalities, and the mingling of many strains has produced the highest type of civilization and the highest level of attainments in the world's history."

The Chicago case is not isolated. School books here are used in other cities. Some cities have thrown out propaganda-distorted books; most of them have not. The histories that the big cities use go to the small cities and to the crossroad schoolhouses of the country districts. So this matter of treason-tainted histories is not a Chicago local situation; it goes to the whole Nation. The reading courses of the American Library Association are circulated in libraries generally throughout America. What Judge Bausman found in the Seattle Public Library, I found in the Chicago Public Library. What we here in Chicago have found in our perverted school histories, people of other cities have found or are finding in their histories. This is not the case of Thompson against McAndrew. It is the case of patriotic Americans everywhere against those who defame our national heroes and make assaults on our national institutions.

The Christian church rests upon the divinity of Christ. To attack that is to assail the spiritual life of the Christian church. American patriotism rests upon the nobility of George Washington, father and founder of the Nation, and the righteousness of the cause of freedom and independence that he led. Take that away and the patriotic structure falls, leaving but the shell of commercialism. The nobility of heroes, with belief in their cause and their ideals, is to the Nation, what divinity is to religion. Freedom is in peril if the people turn from the ideals of the founders, because out of those ideals came the Nation. Patriotism lives by the light of her heroes. Nations have their shrines of patriotism, as churches have their altars of divinity. The patriotic must guard the one, as the devout protect the other. Drop the heroes from the country's histories, and you take the stars out of the firmament of patriotism.

"THE LAW OF ELIGIBILITY"

Mr. HEFLIN. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Gilbert O. Nations, appearing in the Protestant for January, 1928, entitled "The law of eligibility." The article has reference to the eligibility of a Roman Catholic for the office of President of the United States.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A few lawyers are being drawn into the press discussion of the right of a Roman Catholic to be President of the United States. But it appears difficult for American lawyers, however learned and skillful in constitutional questions, to appreciate all the legal aspects of the problem.

They point very properly to the third clause in Article VI of the Constitution of the United States and to the first amendment to that great document. The former prohibits any religious test as a qualification to public office. It reads as follows:

"The Senators and Representatives before mentioned, and all the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States."

The first amendment is one of the 10 articles designed further to protect the rights of the people which were appended to the Constitution virtually as a condition of its ratification by the requisite number of States. That amendment prohibits Congress from interference with freedom of religion or of expression. It reads:

"Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances."

Prima facie those provisions appear to remove any valid legal objection to a Roman Catholic for the Presidency. If such objection rests on religious grounds alone, it must obviously be disallowed under the foregoing clauses of the Constitution. No careful lawyer can dissent from that view.

But religion is not the basis of the objection. It is precisely at this point that most legal discussions fail to grasp the real issue and the true attitude of the opposition. The legal status—not the religious status—of Roman Catholics differs essentially from that of most other people. It is the legal status alone which provokes objection to their presidential eligibility.

It is that basis on which the question must be determined. Roman Catholicism is a political system as well as a religious one. Indeed, it is primarily civil and political. This assertion rests not on prejudice or passion. It is firmly buttressed in the law of the Papacy, which is paramount to all other law in its binding force on all Roman Catholics.

"Let facts be submitted to a candid world." Let the highest legal authorities of the Papacy be considered. Only thus can the root and kernel of the issue be discerned. Sedulously kept in the difficult Latin to hide its provisions from the modern world, the public and private

canon law is less familiar to the learned bar than other judicial systems.

The statutes at large of the Papacy exist in scores of ponderous tomes hoary with age. They contain more than a thousand years of papal legislation. For want of codification in centuries, this material had become so voluminous and so ill arranged as to be difficult of administration and enforcement.

This condition caused Pope Pius X, on March 19, 1904, to issue an order, technically called a Motu Proprio, that those statutes in most constant use be compiled into a code for the convenience of the hierarchy and clergy. For 13 years eminent canonists, called to Rome for that purpose, were busy, under direction of the papal Secretary of State, in executing the order of the Pontifical throne. The work was finished about 10 years ago.

In an official brief known as Providentissima, Pope Benedict XV gave the force of law to the compilation. It was published by the Vatican under the name of Codex Juris Canonici—Code of Canon Law. In a 10-volume commentary on this code, Dr. P. Charles Augustine, a Roman priest, has translated the brief Providentissima into English with the approval of Archbishop Glennon of St. Louis, as evidenced by his imprimatur. The following excerpts from the brief attest the universal binding force of the code:

"Therefore, having invoked the aid of divine grace, and relying upon the authority of the Blessed Apostles Peter and Paul, and of our own accord and with certain knowledge, and in the fullness of the Apostolic power with which we are invested, by this our constitution, which we wish to be valid for all time, we promulgate, decree, and order that the present code, just as it is compiled, shall have from this time forth the power of law for the universal church, and we confide it to your custody and vigilance."

The brief is addressed to the hierarchy occupying thousands of thrones in all parts of the world. The very name of hierarchy, from the Greek, means the governing priesthood. It is the hierarchy to whose custody and vigilance the Sovereign Pontiff confided the code for enforcement under sanctions indicated in a later clause of the brief thus:

"For no one, therefore, is it lawful willingly to contradict or rashly to disobey in any way this our constitution, ordination, limitation, suppression, or derogation. If any should dare to do so let him know that he will incur the wrath of Almighty God and of the blessed Apostles Peter and Paul."

The specified sanctions include the wrath of Almighty God and of Peter and Paul. Assuming to be the successors of Peter, the Popes are accustomed, by an easy metonymy, to mention the authority of Peter when they mean their own. The context discloses that obvious meaning here. The sanctions of God are spiritual, but those of Peter and of the Pope as his alleged successor are physical and corporal and may even be capital. The scope of the latter appears in Elements of Ecclesiastical Law, by Dr. Sebastian B. Smith, published in three volumes with imprimatur of Cardinal McCloskey, of New York. On page 90 of volume 1 this appears:

"Has the church power to inflict the penalty of death? Cardinal Tarquini thus answers: 1. Inferior ecclesiastics are forbidden, though only by ecclesiastical law, to exercise this power directly. 2. It is certain that the Pope and the ecumenical councils have this power at least mediately; that is, they can, if the necessity of the church demands, require a Catholic ruler to impose this penalty."

Doctor Smith's work was published 40 years ago in New York. While civil government has all but abandoned the infliction of capital punishment, the canon law still retains it as an unquestioned prerogative of the Papacy. Under that prerogative in papal hands, millions of exalted Christian saints have given up their lives.

But all this would be less germane to the question in hand if the canon law were limited in its operation to religion. But it treats virtually the whole field of human rights. It invades basic prerogatives of civil authority. It flatly contradicts American constitutional and statutory law. Its boundless scope has, through many centuries and in every land where the hierarchy is strong enough to enforce it, engendered hostile conflict with the law of the State. Among the infinite number of points in which it contradicts American law, space will permit the mention of but few.

1. The Papacy claims and enjoys the status of a sovereign power and member of the family of nations. It maintains a secretary of state, and its Sovereign Pontiff occupies a throne, wears a crown, enacts laws, makes treaties with civil powers, and has diplomatic relations with 34 countries.

2. Canon law condemns popular sovereignty and government by the people. On page 123 of his Great Encyclical Letters, Pope Leo XIII stated the papal law on that question in these words:

"The sovereignty of the people, however, and this without any deference to God, is held to reside in the multitude; which is doubtless a doctrine exceedingly well calculated to flatter and inflame many passions, but which lacks all reasonable proof, and all power of insuring public safety and preserving order."

3. It rejects the American doctrine of separating church and state. Forty years ago Leo XIII made a concise statement of canon law on that subject. It appears at page 148 of his Great Encyclical Letters thus:

"Hence follows the fatal theory of the need of separation between church and state. But the absurdity of such a position is manifest."

4. It denies the elementary doctrine of all other legal systems, including our own, that title to real and personal property emanates from the state or is dependent in any way on civil authority. A brief and somewhat incomplete statement of the papal doctrine appears in Canon 1495 of the code. It is translated by Woywod, a Roman priest, in his work on The New Code of Canon Law, published with imprimatur of Cardinal Farley of New York, in these words:

"The Catholic Church and the Apostolic See have by their very nature the right, freely and independently of the civil power, to acquire, retain, and administer temporal goods for the prosecution of their proper purposes."

Consequently it denies the right of the state to tax or expropriate any ecclesiastical properties of any character.

5. It prohibits children from attending our public schools. Enforcement of that prohibition in this country keeps more than 2,000,000 of children out of our schools and forces them into its own schools of the character on which Latin America has so long depended, with the result of illiteracy nearly universal. Canon 1374 of the code says in Woywod's translation:

"Catholic children shall not attend non-Catholic indifferent schools that are mixed; that is to say, schools open to Catholics and non-Catholics alike."

6. The canon law condemns, and papal courts sitting in our cities set aside and disallow, marriages that are perfectly valid under American law. Woywod translates Canon 1094 of the code in these words:

"Those marriages only are valid which are contracted either before the pastor or the ordinary of the place, or a priest delegated by either, and at least two witnesses, in conformity, however, with the rules laid down in the following canons, and save for the exceptions mentioned below in canons 1098 and 1099."

The foregoing contradictions between canon law and that of the United States and the States have no relation to any questions of religion as such. They pertain to fundamental issues of sovereignty and governmental authority. They are entirely without the scope of our constitutional provisions touching religion.

The questions involved are civil and basic. The canonical doctrines are directed against the very foundations of American constitutional law. No clause in our National Constitution shields them or mitigates their pernicious force and effect. They bind every Roman Catholic in the world, whether he is aware of it or not. When necessity arises they will be rigidly enforced as they have been for more than a thousand years. It would be a tragic calamity to place any one subject to them in the Presidency of the United States.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 5 o'clock and 5 minutes p. m.) adjourned until to-morrow, Wednesday, February 29, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 28, 1928

UNITED STATES MARSHAL

Cooper Hudspeth, of Arkansas, to be United States marshal, western district of Arkansas, vice Andrew J. Russell, resigned.

POSTMASTERS

ALABAMA

Ora B. Wann to be postmaster at Madison, Ala., in place of O. B. Wann. Incumbent's commission expires March 1, 1928.

Charles L. Jackson to be postmaster at Ashford, Ala., in place of A. B. Alford. Incumbent's commission expired January 9, 1927.

ARKANSAS

Warren P. Downing to be postmaster at Weiner, Ark., in place of W. P. Downing. Incumbent's commission expires March 1, 1928.

William E. Hill to be postmaster at Norphlet, Ark., in place of W. E. Hill. Incumbent's commission expires March 1, 1928.

Ralph F. Loche to be postmaster at Lockesburg, Ark., in place of R. F. Locke. Incumbent's commission expires March 1, 1928.

Julius L. Stephenson to be postmaster at Everton, Ark., in place of J. L. Stephenson. Incumbent's commission expires March 1, 1928.

Charles N. Ruffin to be postmaster at De Witt, Ark., in place of C. N. Ruffin. Incumbent's commission expires March 1, 1928.

CALIFORNIA

Jennie E. Kirk to be postmaster at Waterford, Calif., in place of J. E. Kirk. Incumbent's commission expired January 9, 1928.

Walter M. Brown to be postmaster at Turlock, Calif., in place of W. M. Brown. Incumbent's commission expired February 1, 1928.

Cassius C. Olmsted to be postmaster at San Rafael, Calif., in place of C. C. Olmsted. Incumbent's commission expired March 3, 1927.

Lew E. Wickes to be postmaster at Castella, Calif., in place of L. E. Wicks. Incumbent's commission expires March 3, 1928.

Peter Garrick to be postmaster at Camino, Calif., in place of Peter Garrick. Incumbent's commission expires March 3, 1928.

COLORADO

John R. Munro to be postmaster at Rifle, Colo., in place of J. R. Munro. Incumbent's commission expires March 1, 1928.

Edward F. Baldwin to be postmaster at Nucla, Colo., in place of E. F. Baldwin. Incumbent's commission expired February 26, 1928.

Paul C. Boyles to be postmaster at Gunnison, Colo., in place of P. C. Boyles. Incumbent's commission expires March 1, 1928.

Ben H. Glaze to be postmaster at Fowler, Colo., in place of B. H. Glaze. Incumbent's commission expires March 1, 1928.

John C. Straub to be postmaster at Flagler, Colo., in place of J. C. Straub. Incumbent's commission expired February 26, 1928.

Alice A. Blazer to be postmaster at Elizabeth, Colo., in place of A. A. Blazer. Incumbent's commission expires March 1, 1928.

Bessie Salabar to be postmaster at Bayfield, Colo., in place of Bessie Salabar. Incumbent's commission expires March 1, 1928.

CONNECTICUT

Sidney M. Cowles to be postmaster at Kensington, Conn., in place of S. M. Cowles. Incumbent's Commission expires March 1, 1928.

Harry K. Taylor to be postmaster at Hartford, Conn., in place of H. K. Taylor. Incumbent's commission expires March 1, 1928.

Marshall Emmons to be postmaster at East Haddam, Conn., in place of Marshall Emmons. Incumbent's commission expires March 1, 1928.

DELAWARE

George W. Mitchell to be postmaster at Ocean View, Del., in place of G. W. Mitchell. Incumbent's commission expires March 1, 1928.

FLORIDA

Mary Conway to be postmaster at Green Cove Springs, Fla., in place of Mary Conway. Incumbent's commission expires March 1, 1928.

IDAHO

Clarence P. Smith to be postmaster at Eden, Idaho, in place of C. P. Smith. Incumbent's commission expires March 1, 1928.

William W. McNair to be postmaster at Middleton, Idaho, in place of W. W. McNair. Incumbent's commission expired February 29, 1928.

Hannah H. Bills to be postmaster at Kimberly, Idaho, in place of H. H. Bills. Incumbent's commission expires March 1, 1928.

John E. McBurney to be postmaster at Harrison, Idaho, in place of J. E. McBurney. Incumbent's commission expires March 1, 1928.

ILLINOIS

Bryce E. Currens to be postmaster at Adair, Ill., in place of B. E. Currens. Incumbent's commission expired January 7, 1928.

INDIANA

William I. Ellison to be postmaster at Winona Lake, Ind., in place of W. I. Ellison. Incumbent's commission expires February 29, 1928.

Roy Sargent to be postmaster at Syracuse, Ind., in place of L. T. Heerman, resigned.

LaFayette H. Ribble to be postmaster at Fairmount, Ind., in place of L. H. Ribble. Incumbent's commission expires February 29, 1928.

Joseph W. Morrow to be postmaster at Charleston, Ind., in place of J. W. Morrow. Incumbent's commission expires February 29, 1928.

Jesse Dowen to be postmaster at Carbon, Ind., in place of Jesse Dowen. Incumbent's commission expires February 29, 1928.

IOWA

Joseph D. Schaben to be postmaster at Earling, Iowa., in place of J. D. Schaben. Incumbent's commission expired December 19, 1927.

Lewis H. Roberts to be postmaster at Clinton, Iowa, in place of L. H. Roberts. Incumbent's commission expires March 1, 1928.

KANSAS

Andrew M. Ludvickson to be postmaster at Severy, Kans., in place of A. M. Ludvickson. Incumbent's commission expired February 26, 1928.

Anna M. Bryan to be postmaster at Mullinville, Kans., in place of A. M. Bryan. Incumbent's commission expires March 1, 1928.

Nora J. Casteel to be postmaster at Montezuma, Kans., in place of N. J. Casteel. Incumbent's commission expires March 1, 1928.

George J. Frank to be postmaster at Manhattan, Kans., in place of G. J. Frank. Incumbent's commission expires March 1, 1928.

Forrest L. Powers to be postmaster at Le Roy, Kans., in place of F. L. Powers. Incumbent's commission expired February 26, 1928.

Joseph V. Barbo to be postmaster at Lenora, Kans., in place of J. V. Barbo. Incumbent's commission expires March 1, 1928.

Harry Morris to be postmaster at Garnett, Kans., in place of Harry Morris. Incumbent's commission expired February 26, 1928.

KENTUCKY

Charlie H. Throckmorton to be postmaster at Mount Olivet, Ky., in place of C. H. Throckmorton. Incumbent's commission expires February 29, 1928.

Egbert E. Jones to be postmaster at Milton, Ky., in place of E. E. Jones. Incumbent's commission expires February 29, 1928.

Harvey H. Pherigo to be postmaster at Clay City, Ky., in place of H. H. Pherigo. Incumbent's commission expires March 1, 1928.

Mattie R. Tichenor to be postmaster at Centertown, Ky., in place of M. R. Tichenor. Incumbent's commission expires February 29, 1928.

MAINE

Parker B. Stinson to be postmaster at Wiscasset, Me., in place of P. B. Stinson. Incumbent's commission expires March 1, 1928.

George E. Sands to be postmaster at Wilton, Me., in place of G. E. Sands. Incumbent's commission expired February 26, 1928.

Hiram W. Ricker, jr., to be postmaster at South Poland, Me., in place of H. W. Ricker, jr. Incumbent's commission expires March 1, 1928.

Harry S. Bates to be postmaster at Phillips, Me., in place of H. S. Bates. Incumbent's commission expired February 26, 1928.

Winfield L. Ames to be postmaster at North Haven, Me., in place of W. L. Ames. Incumbent's commission expires March 1, 1928.

Thomas E. Wilson to be postmaster at Kittery, Me., in place of T. E. Wilson. Incumbent's commission expires March 1, 1928.

Hugh Hayward to be postmaster at Ashland, Me., in place of Hugh Hayward. Incumbent's commission expired February 26, 1928.

MARYLAND

Harry E. Pyle to be postmaster at Aberdeen Proving Ground, Md., in place of H. E. Pyle. Incumbent's commission expires March 1, 1928.

MASSACHUSETTS

Fred C. Small to be postmaster at Buzzards Bay, Mass., in place of F. C. Small. Incumbent's commission expires March 1, 1928.

MICHIGAN

Wilda P. Hartingh to be postmaster at Pinconning, Mich., in place of W. P. Hartingh. Incumbent's commission expires March 3, 1928.

Patrick O'Brien to be postmaster at Iron River, Mich., in place of Patrick O'Brien. Incumbent's commission expired February 9, 1928.

Melvin A. Bates to be postmaster at Grayling, Mich., in place of M. A. Bates. Incumbent's commission expires March 3, 1928.

MINNESOTA

Alfred Gronner to be postmaster at Underwood, Minn., in place of Alfred Gronner. Incumbent's commission expires March 1, 1928.

Selma O. Hoff to be postmaster at St. Hilaire, Minn., in place of S. O. Hoff. Incumbent's commission expires March 1, 1928.

Francis S. Pollard to be postmaster at Morgan, Minn., in place of F. S. Pollard. Incumbent's commission expires March 1, 1928.

Louis W. Galour to be postmaster at Iona, Minn., in place of L. W. Galour. Incumbent's commission expires March 3, 1928.

Edith B. Triplett to be postmaster at Floodwood, Minn., in place of E. B. Triplett. Incumbent's commission expired December 21, 1926.

Eva Cole to be postmaster at Delavan, Minn., in place of Eva Cole. Incumbent's commission expired February 26, 1928.

Frederic E. Hamlin to be postmaster at Chaska, Minn., in place of F. E. Hamlin. Incumbent's commission expires March 1, 1928.

Paul B. Sanderson to be postmaster at Baudette, Minn., in place of P. B. Sanderson. Incumbent's commission expires March 3, 1928.

NEW YORK

John T. Gallagher to be postmaster at Witherbee, N. Y., in place of J. T. Gallagher. Incumbent's commission expired January 8, 1928.

Margaret T. Sweeney to be postmaster at East Islip, N. Y., in place of E. J. Sweeney, deceased.

Ralph C. Reakes to be postmaster at Truxton, N. Y. Office became presidential July 1, 1927.

Elmer Ketcham to be postmaster at Schoharie, N. Y., in place of Elmer Ketcham. Incumbent's commission expires February 29, 1928.

Fred L. Seager to be postmaster at Randolph, N. Y., in place of F. L. Seager. Incumbent's commission expires February 29, 1928.

Ruth W. J. Mott to be postmaster at Oswego, N. Y., in place of R. W. J. Mott. Incumbent's commission expires February 29, 1928.

Wallace Thurston to be postmaster at Floral Park, N. Y., in place of Wallace Thurston. Incumbent's commission expires February 29, 1928.

John E. Duryea to be postmaster at Farmingdale, N. Y., in place of J. E. Duryea. Incumbent's commission expires February 29, 1928.

Elmer C. Wyman to be postmaster at Dover Plains, N. Y., in place of E. C. Wyman. Incumbent's commission expires March 1, 1928.

John G. McNicoll to be postmaster at Cedarhurst, N. Y., in place of J. G. McNicoll. Incumbent's commission expires February 29, 1928.

NORTH DAKOTA

William H. Lenneville to be postmaster at Dickinson, N. Dak., in place of W. H. Lenneville. Incumbent's commission expired February 26, 1928.

Worthy Wing to be postmaster at Edmore, N. Dak., in place of O. S. Wing, removed.

Charles L. Erickson to be postmaster at Lankin, N. Dak., in place of S. N. Rinde, resigned.

OHIO

Ben F. Robuck to be postmaster at West Union, Ohio, in place of B. F. Robuck. Incumbent's commission expired February 26, 1928.

Charles O. Eastman to be postmaster at Wauseon, Ohio, in place of C. O. Eastman. Incumbent's commission expired January 7, 1928.

Iris L. Bloir to be postmaster at Sherwood, Ohio, in place of I. L. Bloir. Incumbent's commission expired February 26, 1928.

George B. Fulton to be postmaster at North Baltimore, Ohio, in place of G. B. Fulton. Incumbent's commission expired February 26, 1928.

La Bert Davie to be postmaster at New Lexington, Ohio, in place of La Bert Davie. Incumbent's commission expires March 1, 1928.

Clem Couden to be postmaster at Morrow, Ohio, in place of Clem Couden. Incumbent's commission expires March 1, 1928.

William H. Snodgrass to be postmaster at Marysville, Ohio, in place of W. H. Snodgrass. Incumbent's commission expires March 1, 1928.

Ida H. Cline to be postmaster at Kings Mills, Ohio, in place of I. H. Cline. Incumbent's commission expired February 26, 1928.

Wade W. McKee to be postmaster at Dennison, Ohio, in place of F. G. Pittenger. Incumbent's commission expired December 19, 1927.

Andrew L. Brunson to be postmaster at Degraff, Ohio, in place of A. L. Brunson. Incumbent's commission expires March 1, 1928.

Charles R. Ames to be postmaster at Bryan, Ohio, in place of C. R. Ames. Incumbent's commission expired January 7, 1928.

Charles E. Kniesly to be postmaster at Bradford, Ohio, in place of C. E. Kniesly. Incumbent's commission expires March 1, 1928.

Edward M. Barber to be postmaster at Ashley, Ohio, in place of E. M. Barber. Incumbent's commission expires March 1, 1928.

Arthur L. Vanosdall to be postmaster at Ashland, Ohio, in place of A. L. Vanosdall. Incumbent's commission expires March 1, 1928.

OKLAHOMA

Charles C. Chapell to be postmaster at Okmulgee, Okla., in place of C. C. Chapell. Incumbent's commission expires February 29, 1928.

Nellie V. Dolen to be postmaster at Okemah, Okla., in place of C. O. White, resigned.

OREGON

William I. Smith to be postmaster at Redmond, Oreg., in place of W. I. Smith. Incumbent's commission expires February 29, 1928.

Elmer F. Merritt to be postmaster at Merrill, Oreg., in place of E. F. Merritt. Incumbent's commission expires March 3, 1928.

William A. Morand to be postmaster at Boring, Oreg., in place of W. A. Morand. Incumbent's commission expires March 3, 1928.

PENNSYLVANIA

Thomas J. Kennedy to be postmaster at Renfrew, Pa., in place of T. J. Kennedy. Incumbent's commission expires March 1, 1928.

Christian Jansen to be postmaster at Essington, Pa., in place of J. C. McConnell, removed.

Michael A. Grubb to be postmaster at Liverpool, Pa., in place of M. A. Grubb. Incumbent's commission expires February 29, 1928.

John T. Painter to be postmaster at Greensburg, Pa., in place of J. T. Painter. Incumbent's commission expires February 29, 1928.

Edgar M. Chelgren to be postmaster at Grampian, Pa., in place of E. M. Chelgren. Incumbent's commission expires February 29, 1928.

Charles G. Fullerton to be postmaster at Freeport, Pa., in place of C. G. Fullerton. Incumbent's commission expires February 29, 1928.

Thomas Collins to be postmaster at Commodore, Pa., in place of Thomas Collins. Incumbent's commission expires March 1, 1928.

William A. Leroy to be postmaster at Canonsburg, Pa., in place of W. A. Leroy. Incumbent's commission expires March 1, 1928.

SOUTH CAROLINA

Malcolm J. Stanley to be postmaster at Hampton, S. C., in place of M. J. Stanley. Incumbent's commission expired February 26, 1928.

TENNESSEE

Ben M. Roberson to be postmaster at Loudon, Tenn., in place of B. M. Roberson. Incumbent's commission expires February 29, 1928.

William F. Osteen to be postmaster at Chapel Hill, Tenn., in place of L. B. Sweeney. Incumbent's commission expired December 19, 1927.

TEXAS

Silas J. White to be postmaster at Rising Star, Tex., in place of S. J. White. Incumbent's commission expires March 1, 1928.

Theodor Reichert to be postmaster at Nordheim, Tex., in place of Theodor Reichert. Incumbent's commission expires March 1, 1928.

Gustav A. Wulfman to be postmaster at Farwell, Tex., in place of G. A. Wulfman. Incumbent's commission expires March 1, 1928.

Charles H. Bugbee to be postmaster at Clarendon, Tex., in place of Homer Glascoe. Incumbent's commission expired December 19, 1927.

UTAH

Ivor Clove to be postmaster at Enterprise, Utah. Office became presidential July 1, 1927.

VIRGINIA

Robert L. Olinger to be postmaster at Blacksburg, Va., in place of R. L. Olinger. Incumbent's commission expires February 29, 1928.

WASHINGTON

Nellie Tyner to be postmaster at Dishman, Wash., in place of Nellie Tyner. Incumbent's commission expires February 29, 1928.

WEST VIRGINIA

James T. Akers to be postmaster at Bluefield, W. Va., in place of J. T. Akers. Incumbent's commission expires February 29, 1928.

Josephine B. Marks to be postmaster at Walton, W. Va. Office became presidential July 1, 1927.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 28, 1928

APPOINTMENT, BY TRANSFER, IN THE ARMY

COAST ARTILLERY CORPS

To be second lieutenant

Marvin John McKinney.

APPOINTMENT, BY PROMOTION, IN THE ARMY

To be major

Delphin Etienne Thebaud.

To be captains

William Neely Todd, jr.
Thomas Reed Taber.
Harry William Lins.

To be first lieutenants

Ulysses John Lincoln Peoples, jr.
Richard Briggs Evans.
Everett Clement Meriwether.

MEDICAL CORPS

To be colonel

John Leslie Shepard.

MEDICAL ADMINISTRATIVE CORPS

To be captains

Berban Huffine.
Richard Homer McElwain.
William Mortimer Barton.

POSTMASTERS

CALIFORNIA

John H. Hoeppel, Arcadia.
George P. Morse, Chico.
Alfred T. Taylor, Westwood.

FLORIDA

Frank B. Marshburn, Bronson.
Sherwood Hodson, Homestead.
John H. Anderson, Inglis.

NEW JERSEY

Elmira L. Phillips, Andover.
John G. Stoughton, Bergenfield.
William E. Allen, Blairstown.
John B. W. Berry, Clementon.
Z. Charles Challice, Fair Lawn.
Harold Pittis, Lakehurst.
Andrew Bauer, Little Ferry.
Thomas Post, Midland Park.
Margarethe Grund, New Milford.
Arthur F. Jahn, Ridgefield.

NEW MEXICO

Jose B. Martinez, Taos.

NEW YORK

Harrison D. Fuller, Antwerp.
Frederick J. Manchester, Clark Mills.
Benjamin R. Erwin, East Rochester.
Henry J. Frey, Ebenezer.
Thomas J. Courtney, Garden City.
Elizabeth T. Witherel, Lily Dale.

NORTH CAROLINA

John K. Brock, Trenton.

PENNSYLVANIA

Daniel J. Turner, Clarksville.
Cleo W. Callaway, Shawnee on Delaware.
Frances H. Diven, West Bridgewater.

RHODE ISLAND

Thomas D. Goldrick, Pascoag.

WISCONSIN

Walter C. Anderson, Rosholt.

HOUSE OF REPRESENTATIVES

TUESDAY, *February 28, 1928*

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord, our lives are just a breath of Thy infinite nature; hence, may we not look with disdain or hold in contempt any human creature. We thank Thee that we are Thy rational children. Humbly and earnestly we ask for discerning minds that our knowledge of principles, of methods, and of men may be wise. Thy supreme favor is on those who have hearts and minds of unselfish devotion to service. Give us courage to generously recognize another's worth, to guard another's interest, and to surrender to another's just claims. Blessed spirit of God, help us always to discern between the value and the curse of wealth, between the beauty and the disease of luxury. Be the bow of promise in every threatening cloud, the balance of all discord, and the compensation for all loss. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had ordered that the House of Representatives be respectfully requested to return to the Senate the conference report on the bill (H. R. 9481) entitled "An act making appropriations for the Executive Office, sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1929, and for other purposes," together with all accompanying papers.

The message also announced that the Senate had passed with amendments the bill (H. R. 10286) entitled "An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes," in which the concurrence of the House was requested.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 121. An act authorizing the Cairo Association of Commerce, its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Cairo, Ill.; and

H. R. 5679. An act authorizing the Nebraska-Iowa Bridge Corporation, a Delaware corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River between Washington County, Nebr., and Harrison County, Iowa.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2280. An act to authorize the coinage of Longfellow medals;

S. 2449. An act to authorize the construction of a bridge across the Mississippi River at or near the city of Baton Rouge, in the parish of East Baton Rouge, and a point opposite thereto in the parish of West Baton Rouge, State of Louisiana;

S. 2569. An act providing for horticultural experiment and demonstration work in the semiarid or dry-land regions of the United States; and

S. J. Res. 98. Joint resolution authorizing the selection of sites and the erection of monuments to John Bunyan and William Harvey in Washington, D. C.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7201) entitled "An act to provide for the settlement of certain claims of American nationals against Germany and of German nationals against the United States, for the

ultimate return of all property of German nationals held by the Alien Property Custodian, and for the equitable apportionment among all claimants of certain available funds."

SENATE JOINT RESOLUTIONS AND BILLS REFERRED

Joint resolutions and bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committees, as follows:

S. J. Res. 30. Joint resolution to provide for the expenses of participation by the United States in the Second Pan American Conference on Highways at Rio de Janeiro; and

S. J. Res. 31. Joint resolution to provide that the United States extend to the Permanent International Association of Road Congresses an invitation to hold the sixth session of the association in the United States, and for the expenses thereof; to the Committee on Foreign Affairs.

S. 205. An act to authorize the Secretary of the Treasury to pay the claim of Mary Clerkin; to the Committee on Ways and Means.

S. 802. An act for the relief of Frank Hanley; to the Committee on Naval Affairs.

S. 1103. An act permitting the withdrawal of water from White River, Ark.; to the Committee on Interstate and Foreign Commerce.

S. 1705. An act authorizing the Court of Claims to render judgment in favor of the administrator of or collector for the estate of Peter P. Pitchlynn, deceased, instead of the heirs of Peter P. Pitchlynn, and for other purposes; to the Committee on Indian Affairs.

S. 2227. An act for the relief of F. L. Campbell; to the Committee on Claims.

S. 2279. An act authorizing the Secretary of the Interior to purchase certain lands in the city of Bismarck, Burleigh County, N. Dak., for Indian school purposes; to the Committee on Indian Affairs.

S. 2280. An act to authorize the coinage of Longfellow medals; to the Committee on Coinage, Weights, and Measures.

S. 2335. An act for the relief of the National Surety Co.; to the Committee on Claims.

S. 2549. An act providing for payment to the German Government of $461.59 in behalf of the heirs or representatives of the German nationals, John Adolf, Hermann Pegel, Franz Lipfert, Albert Wittenburg, Karl Behr, and Hans Dechantsreiter; to the Committee on Foreign Affairs.

S. 2569. An act providing for horticultural experiment and demonstration work in the semiarid or dry-land regions of the United States; to the Committee on Agriculture.

S. 2644. An act to carry out the findings of the Court of Claims in the case of the P. L. Andrews Corporation; to the Committee on War Claims.

S. 2707. An act to provide for the classification of all unallotted land of the Klamath Indian Reservation and to reserve for forest-production purposes all land primarily adapted to the production of crops of timber; to the Committee on Indian Affairs.

S. 3062. An act for the relief of Anna Faceina; and

S. 3066. An act for the relief of Herman Shulof; to the Committee on Claims.

THE CONGRESSIONAL RECORD

Mr. CASEY. Mr. Speaker, I rise to make a unanimous-consent request that certain language printed in the CONGRESSIONAL RECORD during my remarks on the District of Columbia appropriation bill the other day, which was inserted without my knowledge or consent—by whom I do not know—be stricken from the RECORD.

I have in my hand the reporter's copy of my speech, just referred to. After the House adjourned on Friday, February 24, I took it to my office and corrected the reporter's copy of the speech I had made during the session of the Committee of the Whole. I then handed the copy to the messenger, as we all do, to take it to the Government Printing Office to be printed in the CONGRESSIONAL RECORD as part of the proceedings of that day. Judge of my surprise and amazement when I read the CONGRESSIONAL RECORD the next morning and discovered that somebody had inserted language into my remarks that did me a great injustice and put me in a rather embarrassing position in the eyes of the Members of the House, because the language inserted as it referred to me is absolutely untrue; and furthermore, Mr. Speaker, whoever is responsible for this is guilty of a violation of the rules of the House of Representatives.

Mr. MADDEN. What was the language?

Mr. CASEY. The language is as follows—I am reading from the reporter's notes:

Mr. SIMMONS. Will the gentleman yield?

Mr. CASEY. Yes.

Mr. SIMMONS. I would like to call the gentleman's attention to the fact that this paragraph was in the bill when the subcommittee reported to the full committee, and it was printed in italics in the report that the subcommittee presented to the main committee. The gentleman made no objection either in the subcommittee or the full committee to the language being in the bill; the bill was reported unanimously by the full committee, it was thoroughly discussed in the subcommittee and the full committee, and to the fact that at first the gentleman from Pennsylvania [Mr. WELSH] objected to this being done unless we would take care of and not cause any hardship to the children now in the District schools.

The gentleman was present at the meeting and stated he did not want to cause any hardship for the children then in the schools. No one on the committee desires to cause any hardship, and we drafted the amendment to meet the wishes of the gentleman and his colleague from Pennsylvania [Mr. WELSH].

The question propounded by the gentleman from Nebraska [Mr. SIMMONS], with the language inserted without my knowledge or consent, and in violation of the rules of the House, reads as follows:

Mr. SIMMONS. I would like to call the gentleman's attention to the fact that this paragraph was in the bill when the subcommittee reported to the full committee, and it was printed in italics in the report that the subcommittee presented to the main committee. The gentleman made no objection either in the subcommittee or the full committee to the language being in the bill, the bill was reported unanimously by the full committee.

The language which I have just read to the House was added to my remarks, and it was necessary to paste a piece of paper with that language written onto it to the original copy of the reporter's notes. The statement that the bill was reported to the full committee by unanimous consent is untrue and does me a great injustice, because the hearings will show that in the committee I was opposed to the proposition of closing the doors of the public schools to all children not dwelling in the District of Columbia. I opposed it on the floor of the House, which can be verified by the previous day's proceedings, and I was opposed to it when it was under discussion under the five-minute rule. The insertion of this language or any language into my remarks without my consent is a violation of the rules of the House. Mr. Speaker, I therefore ask unanimous consent that the language indicated by me be stricken from the CONGRESSIONAL RECORD.

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, I know nothing about the matter except from the statement that the gentleman from Pennsylvania has just made. The statement seems to involve a colloquy with the gentleman from Nebraska [Mr. SIMMONS]. Has the gentleman discussed it with the gentleman from Nebraska? I ask the gentleman from Pennsylvania whether this matter has been discussed by him with the gentleman from Nebraska [Mr. SIMMONS]?

Mr. CASEY. It has not, because I do not know whether or not Mr. SIMMONS has inserted this matter into my remarks.

Mr. CRAMTON. The action the gentleman is taking, as I get it from what the gentleman has read, seems to lead to some question of the course of the gentleman from Nebraska, and I do not feel, in the absence of the gentleman from Nebraska and without conversation with him, that the gentleman from Pennsylvania ought to make that request, and I should be obliged to object. If the gentleman will take it up when the gentleman from Nebraska is here, I shall have no objection.

Mr. CASEY. I would like to ask what has the gentleman from Nebraska got to do with my remarks; why should I go to see him about it? This is a violation of the rules of the House.

Mr. CRAMTON. I understand, Mr. Speaker, if I caught it correctly from the reading by the gentleman, that the language the gentleman objects to now is not language that appears in the RECORD as coming from the gentleman from Pennsylvania, but appears in the RECORD as coming from the gentleman from Nebraska [Mr. SIMMONS].

Mr. CASEY. That is correct.

Mr. CRAMTON. As the gentleman wants to strike out something that is in the RECORD as coming from the gentleman from Nebraska [Mr. SIMMONS], I should have to object unless the gentleman from Nebraska were present to look after the matter himself.

Mr. CASEY. Mr. Speaker, I do not know whether this language which I am complaining about was inserted in my speech

by the gentleman from Nebraska, nor do I know by whom it was inserted, whether it was inserted down in the Government Printing Office, or where. I have no right to assume that the gentleman from Nebraska did insert this language in the RECORD in violation of the rules of the House.

Mr. CRAMTON. But the inference would remain that it was improperly inserted by the gentleman from Nebraska [Mr. SIMMONS], and this action I would have to object to if taken in the absence of the gentleman from Nebraska [Mr. SIMMONS].

Mr. GARRETT of Tennessee. Will the gentleman from Pennsylvania yield?

Mr. CASEY. Yes.

Mr. GARRETT of Tennessee. I understand the situation is this: While the gentleman from Pennsylvania was addressing the Committee of the Whole he yielded, in response to a request of the gentleman from Nebraska, for a question; that question was asked and answered and the remarks went to the gentleman from Pennsylvania for revision. They were revised and handed to the messenger from the Printing Office, and somewhere between the office of the gentleman from Pennsylvania and the Printing Office there was inserted other matter in the question of the gentleman from Nebraska which left the answer of the gentleman from Pennsylvania confused and placed him in an improper light as to the question before the House. Words appeared in the RECORD which were not uttered on the floor of the House and were not in the manuscript at the time the gentleman from Pennsylvania revised the manuscript, so that he had no opportunity to make his answer properly responsive to the question.

Mr. CRAMTON. If the gentleman will yield, my only suggestion is that since the gentleman from Nebraska [Mr. SIMMONS] is referred to in the matter, that the gentleman defer his request until a little later, when the gentleman from Nebraska is here.

Mr. GARNER of Texas. Suppose the gentleman from Nebraska [Mr. SIMMONS] admitted that he inserted this himself. The House would undoubtedly authorize it to be stricken from the RECORD.

Mr. CRAMTON. Let us wait and let the gentleman from Nebraska speak for himself. There is the day before us, when it can come up later, just as well as now.

Mr. CASEY. I have no desire to press this matter if that is the wish of the House, but the gentleman from Nebraska is in the Speaker's lobby at the present time, or he was there two minutes ago.

Mr. LINTHICUM. Mr. Speaker, I make the point of order of no quorum until the gentleman from Nebraska can come in.

The SPEAKER. Does the gentleman from Maryland make a point of order of no quorum?

Mr. LINTHICUM. I do.

Mr. MADDEN. We have sent for Mr. SIMMONS to come in.

Mr. CASEY. At the suggestion of the gentleman from Michigan I will temporarily withdraw my unanimous-consent request and make it later on.

The SPEAKER. The gentleman from Pennsylvania temporarily withdraws his request.

Mr. LINTHICUM. And I withdraw my point of order.

CONFERENCE REPORT—TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION BILL

Mr. MADDEN. Mr. Speaker, I call up the conference report on H. R. 10635, making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes, and I want to say in that connection, Mr. Speaker, that there was only one amendment offered to the bill by the Senate. The Senate receded from that amendment in conference and the bill which is now before the House is exactly the same as it was when it left the House.

The SPEAKER. The gentleman from Illinois calls up a conference report, which the Clerk will report.

The Clerk read the conference report and statement.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10635) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2.

MARTIN B. MADDEN,
M. H. THATCHER,
JOSEPH W. BYRNS,
Managers on the part of the House.
F. E. WARREN,
REED SMOOT,
LEE S. OVERMAN,
WM. J. HARRIS,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 10635) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and embodied in the accompanying conference report as to each of such amendments, namely:

On Nos. 1 and 2, relating to labor-saving devices for the Post Office Department: Appropriates $700,000 as proposed by the House, instead of $736,000 as proposed by the Senate, and strikes out the authority, inserted by the Senate, for the purchase and repair of automatic postage-service machines.

MARTIN B. MADDEN,
M. H. THATCHER,
JOSEPH W. BYRNS,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION BILL

Mr. MADDEN. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 25) and ask for its immediate consideration.

The SPEAKER. The gentleman from Illinois offers a concurrent resolution, which the Clerk will report.

The Clerk read as follows:

HOUSE CONCURRENT RESOLUTION 25

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives is authorized and directed, in the enrollment of H. R. 10635, "An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes," to make the following changes in the engrossed bill:

On page 20, line 13, after the word "act," where it occurs the first time, insert the words ", as amended."

On page 20, line 24, after the word "act," insert the following: "and for carrying out the applicable provisions of the act approved March 3, 1927 (Stat. L. v. 44, p. 1381)."

On page 20, line 25, after the word "officers," insert the word "attorneys."

On page 21, line 1, after the word "supervisors," insert the following: "gaugers, storekeepers, storekeeper-gaugers."

On page 22, line 9, after the syllable "tions," insert the word "prescribed."

On page 22, line 14, strike out the word "bonds" and insert the word "bonded."

Mr. MADDEN. Mr. Speaker, I want to make a brief statement in explanation of this resolution, so it will be thoroughly understood and may be a part of the history showing the reason we are proposing the adoption of the concurrent resolution.

The concurrent resolution which has just been read makes five textual changes in the paragraph for the Bureau of Prohibition and the enforcement of the narcotic acts. None of the amendments adds or subtracts from the existing law affecting the service. Two of the amendments are to correct errors which have crept in in the printing of the bill at some stage of its passage.

The other three amendments are to clarify the text of the paragraph so as to make it conform to the requirements of the accounting laws. These three amendments result from the establishment of the prohibition enforcement as a separate bureau. They were deemed unimportant at the time the bill was framed in the House, and they may not be important now, but it is deemed advisable to have them made so that there may not be any criticism of the technical features of the language. In my judgment they are not absolutely essential, but for the

purpose of clarification and to prevent technical interpretations they are desirable.

Mr. GARNER of Texas. What is the enlargement of the law with reference to officers and attorneys? Does it enlarge the opportunity of fixing salaries in that respect?

Mr. MADDEN. Attorneys are provided for in the law and are specified, but they are not specified in the appropriations, and it was to clarify the whole situation that we wanted to make the statement clear.

Mr. GARNER of Texas. Is this entirely agreeable——

Mr. MADDEN. Yes; it is absolutely agreeable. It does not make any change except textual changes.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the resolution. Is there objection?

There was no objection.

The resolution was agreed to.

INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. CRAMTON. Mr. Speaker, I call up the conference report on the bill (H. R. 9136) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes, and ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9136) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 23, 27, 28, 30, 31, 33, 34, 35, 36, 38, 39, and 52.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 7, 8, 9, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 25, 26, 37, 42, 43, 44, 45, 47, 48, 49, and 50, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "; second, to reimbursing the United States for the cost of the San Carlos irrigation project; third, to payment of operation and maintenance charges, and the making of repairs and improvements on said project: *Provided further*, That reimbursements to the United States from power revenues shall not reduce the annual payments from landowners on account of the principal sum constituting the cost of construction of the power plant or the project works until such sum shall have been paid in full: *Provided further*, That the Federal Power Commission is hereby directed, within sixty days after the approval of this act, to report to Congress what compensation, if any, in addition to that already provided for, should be paid to the Apache Indians of the San Carlos Reservation by reason of the generation of hydroelectric power at the Coolidge Dam, in the manner provided in section 10 (e) of the Federal water power act and section 5 of regulation 14 of the Federal Power Commission"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Restore the matter stricken out, and on page 35 of the bill, in lines 2 and 3, strike out the following: "not exceeding five years"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "Claremore Hospital, Oklahoma, $50,000, on condition that the city of Claremore donate to the United States not less than 5 acres of land for such hospital and agree to deliver without charge medicinal water; in all, $155,000"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$165,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum of "$330,000" proposed in such amendment, insert "$305,000"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: ": *Provided*, That not to exceed $50,000 from the power revenues shall be available during the fiscal year 1929 for the operation of the commercial system; in all, $1,104,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: ": *Provided further*, That not to exceed $20,000 from the power revenues shall be available during the fiscal year 1929 for the operation and maintenance of the commercial system"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$12,644,000"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 6, 12, 46, and 51.

LOUIS C. CRAMTON,
FRANK MURPHY,
EDWARD T. TAYLOR,
Managers on the part of the House.

REED SMOOT,
CHARLES CURTIS,
WM. J. HARRIS,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 9136) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and embodied in the accompanying conference report as to each of such amendments, namely:

BUREAU OF INDIAN AFFAIRS

On No. 1: Makes the appropriation for the purchase of certain property for the Jicarilla Indian Reservation, N. Mex., immediately available.

On No. 2: Makes a verbal correction in the text of the appropriation for supervision of mining operations on leased Indian lands.

On No. 3, relating to the San Carlos irrigation project: Restores the language, stricken out by the Senate, requiring certain net revenues from the sale of electrical power to be used toward reimbursing the United States for the cost of the irrigation project, and inserts the proviso, proposed by the Senate, requiring the Federal Power Commission to report to Congress what compensation, if any, should be paid to the Apache Indians of the San Carlos Indian Reservation by reason of the generation of hydroelectric power at the Coolidge Dam, modified so as to require that such report shall be made in "60" days instead of "30" days, as proposed in the Senate amendment.

On No. 4: Restores the House language relating to the Flathead irrigation project modified so as to strike out the time limit of five years on the discretionary power of the Secretary of the Interior to extend the time for payment of operation and maintenance charges now due and unpaid.

On No. 5: Makes the appropriation for a school building in or near Burns, Oreg., immediately available, as proposed by the Senate.

On Nos. 7 and 8: Appropriates $10,000, as proposed by the Senate, for additional land for the Sequoyah Orphan Training School.

On Nos. 9 and 10: Appropriates $50,000 for an Indian hospital at Claremore, Okla., upon land to be donated by the city, modified so as to require the delivery by the city without charge of medicinal water.

On No. 11: Makes a verbal correction in the text of the bill.

On No. 13: Makes the appropriation for expenses of the tribal council of the Tongue River Indians, Montana, immediately available, as proposed by the Senate.

On Nos. 14, 15, 16, and 17 relative to the use of Indian tribal funds: Appropriates $164,000, as proposed by the Senate, instead of $185,000, as proposed by the House, for the Klamath Indians; and makes immediately available, as proposed by the Senate, the sum of $7,000 for a hydroelectric plant for the Shoshone Indians of Wyoming.

On No. 18: Makes immediately available, as proposed by the Senate, the appropriation for a road between Cooley and White River on the Fort Apache Indian Reservation, Ariz.

On No. 19: Appropriates $20,000, as proposed by the Senate, for maintenance of that portion of the Gallup-Shiprock Highway within the Navajo Indian Reservation, N. Mex., to be reimbursed as required by the act of June 7, 1924.

On Nos. 20 and 21 relative to per capita payments to the Menominee Indians of Wisconsin: Provides for a per capita payment of $200, as proposed by the Senate, instead of $100, as proposed by the House, and makes the appropriation immediately available, as proposed by the Senate.

BUREAU OF PENSIONS

On No. 22: Appropriates $1,165,000 for salaries as proposed by the Senate, instead of $1,150,000 as proposed by the House.

BUREAU OF RECLAMATION

On Nos. 23 to 41, inclusive: Appropriates $23,000 for office expenses in the District of Columbia as proposed by the House, instead of $27,000 as proposed by the Senate; appropriates $165,000 for personal services in the office of the chief engineer, instead of $160,000 as proposed by the House and $170,000 as proposed by the Senate; appropriates $30,000 for miscellaneous expenses in the office of the chief engineer as proposed by the Senate, instead of $25,000 as proposed by the House; appropriates $13,000 for miscellaneous expenses in field legal offices as proposed by the Senate, instead of $10,000 as proposed by the House; appropriates $30,000 as proposed by the Senate for construction of protective works at Picacho and unnamed washes on the Yuma project; on the Yuma, Minidoka, North Platte, Riverton, and Shoshone projects appropriations are made for operation of commercial systems out of power revenues as proposed by the House, instead of by direct appropriations, as proposed by the Senate, except that in the case of the Minidoka and Shoshone projects appropriations from power revenues are made in the respective amounts of $50,000 and $20,000, instead of the respective amounts of $46,000 and $15,000 proposed by the House; and appropriates $27,000 as proposed by the House, instead of $32,000 as proposed by the Senate for operation and maintenance of the Milk River project in Montana.

GEOLOGICAL SURVEY

On Nos. 42, 43, 44, and 45: Appropriates $247,000 as proposed by the Senate, instead of $209,000 as proposed by the House for gauging streams; and appropriates $180,000 as proposed by the Senate, instead of $160,000 as proposed by the House for examination and classification of lands.

NATIONAL PARK SERVICE

On No. 47: Makes a correction in the text of the bill to insert an amount erroneously omitted from the House bill in connection with the Yosemite National Park.

On Nos. 48 and 49, relating to the Carlsbad Cave National Monument, New Mexico: Changes a reference in the text to "superintendent" to the correct designation of "custodian" and inserts the language proposed by the Senate relative to the purchase and installation of a power unit for lighting the cave.

TERRITORIAL GOVERNMENT

On No. 50: Makes a textual correction in the appropriation for legislative expenses for the Territory of Alaska.

FREEDMEN'S HOSPITAL

On No. 52: Makes a portion of the expenses of Freedmen's Hospital payable by the government of the District of Columbia as proposed in the House bill.

The committee of conference have not agreed to the following Senate amendments:

On No. 6: Relative to a readjustment of the boundaries of the old Fort Apache Military Reservation, Ariz., now occupied by the Theodore Roosevelt Indian School.

On No. 12: Appropriating $15,000 for relief of distress among the needy Indians of the Turtle Mountain Band, North Dakota.

On No. 46: Relative to the letting of concessions in the Rainier National Park.

On No. 51: Appropriating $390,000 for Howard University.

LOUIS C. CRAMTON,
FRANK MURPHY,
EDWARD T. TAYLOR,
Managers on the part of the House.

Mr. CRAMTON. Mr. Speaker, the amount of the bill as it passed the House was $272,078,039; as it passed the Senate, $272,865,039, or an increase of $787,000. The House recessions amount to $183,000 and the Senate recessions amount to $199,000.

The bill as agreed upon, without the Howard University and Turtle Mountain items, which must be acted upon, is $272,261,039.

If the House approves the action which the committee expects to offer with reference to Howard University and Turtle Mountain, the total will be $272,656,039, which is $509,800 under the Budget.

Unless there is some question as to items in the report, I will not take the time of the House further at this time with reference to the report.

Mr. Speaker, I move the previous question on the adoption of the report.

The previous question was ordered.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Provided, That the Secretary of the Interior is hereby authorized and directed to change and relocate the boundaries of the old Fort Apache Military Reservation, Ariz., now occupied by the Theodore Roosevelt Indian School, by transferring such areas to the Fort Apache Indian Reservation as he may deem advisable by reason of the use and/or occupancy of a part thereof by Apache Indians and to transfer an approximately equal area of lands of the Fort Apache Indian Reservation to the Theodore Roosevelt Indian School reservation, such exchanges of land to be made in accordance with surveys based upon the Salt River base and meridian, the expenses of such surveys to be paid from appropriations for the surveys of Indian lands.

Mr. CRAMTON. Mr. Speaker, I offer a motion, which I send to the desk.

The SPEAKER. The gentleman from Michigan offers a motion, which the Clerk will report.

The Clerk read as follows:

Amendment No. 6: Mr. CRAMTON moves to recede and concur in the Senate amendment.

Mr. CRAMTON. Mr. Speaker, this is an adjustment of boundaries as between a former military reservation in the Apache Indian Reservation, this former military reservation now being used for school purposes. This adjustment of boundaries is a matter I am familiar with. It takes a few acres off one side, where it is occupied by Indians and they desire to keep it, and it adds a few acres on the other side, where the school desires to use it.

The motion to recede and concur was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

For relief of distress among the needy Indians of Turtle Mountain Band of North Dakota, $15,000.

The SPEAKER. The gentleman from Michigan offers a motion, which the Clerk will report.

The Clerk read as follows:

Mr. CRAMTON moves to recede and concur in the Senate amendment with an amendment striking out all of the amendment and inserting in lieu thereof the following:

"For the construction and improvement of roads on the Turtle Mountain Indian Reservation, N. Dak., $5,000."

Mr. CRAMTON. Mr. Speaker, with reference to this amendment, the Senate proposition was an appropriation of $15,000 for these Indians, mostly patent-fee Indians, to be used as a gratuity or as a ration proposition.

The House conferees are very strongly opposed to the old ration system and to gratuities of that kind and especially as to fee-patent Indians. So the House conferees propose a smaller appropriation for the construction of needed roads on the reservation, the purpose being to furnish labor for these Indians. If they are in need they can get the money by working for it.

In this connection I want to ask permission to extend my remarks in order to put in a letter from the superintendent of the agency, and I want to read this paragraph, which is very illuminating as to the different policies that may be followed. The superintendent of the agency says:

The policy under which we are working is a gratuitous ration to the sick, aged, and crippled, but no ration to any family where able-bodied persons are capable of performing three days' work at the agency. There has been some opposition to this policy by a few disgruntled Indians who claim that the rations in our warehouse were sent for free

distribution and that I have no right to require that they work for them. One Indian who had requested a policeman to intercede for him to the end that he might be given a ration, was told, by the policeman that he could have a ration if he would work for it. His reply was, "If I've got to work for Hyde, I might as well work for myself." This he proceeded to do, and has supported himself and family by hauling wood to white farmers.

The letters in full are as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN FIELD SERVICE,
Devils Lake, N. Dak., February 20, 1921.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

DEAR MR. COMMISSIONER: Your telegram of the 18th reached me just as I was starting for Devils Lake to attend a term of Federal court. This letter is, therefore, being sent from Devils Lake.

On Saturday, 18th, I mailed your office copies of correspondence that has passed between Mr. John Clark, chairman of the board of county commissioners of Rolette County and myself, relative to the advantages to be derived from an appropriation for the establishment and maintenance of roads on the reservation.

There is but one "all weather" road on the reservation. This is a State highway, and for a distance of 6 miles forms the south boundary of the two townships comprising the reservation. Two other roads, but slightly graded and poorly improved, run from the south line to the north line of the reservation. The balance of the roads on the two townships are unimproved and are impassable for automobile traffic much of the time.

There is ample opportunity for improving these roads, and it is my belief that such a measure would be of direct benefit to the Indians living on the reservation as it would enable them to haul their wood and hay more readily. As only Indians would be employed in the construction of new roads the labor would furnish them with sufficient funds to make gratuities unnecessary.

Practically all of the Indians, wards, indigent patent in fee, and unenrolled have homes. It is true that many of them are living on the allotments of their relatives, but in any event they have houses that they look upon as their own. None of them are so situated, but what they could secure garden space and, with very little effort, pasturage for a cow or two. All of them, with the exception of the non-enrolled Indians have received 160 acres of land. Most of the non-enrolled Indians have married with enrolled Indians, and thereby shared to some extent in the allotment of land. The indigent patent in fee Indians to-day are without land, because they found it was more convenient to secure a patent in fee to their allotments and live for a time without effort on the proceeds derived from the sale of their patents in fee.

This class of people would not be contended with an additional 40 acres if it were given to them and would maintain that 40 acres was not sufficient and clamor for 80 or 160. Such an additional allotment would be unfair to the present wards who have continued to hold their land.

The conditions on the reservation are greatly improved. The old and sick are being given rations and the young and able-bodied are given an opportunity of earning rations. The ration roll for the present year has been reduced 70 per cent over last year. I have a standing offer of a ration for three days' work at the agency. This ration consists of 20 pounds of flour, 5 pounds of fat salt pork, 2½ pounds of beans, hominy, rice, or other cereal, 2 pounds of sugar, and a half pound of tea. In addition to this, a noon-day meal is given on each of the three days the Indian is required to work. This ration is equivalent to the purchasing power of $3 in cash.

The $500 allotted for the purchase and resale of wood has been entirely expended. Approximately 150 cords of green, poplar poles were purchased and these have been hauled to the agency yard. A power saw is belted to our pump engine and Indians desirous of working for a ration are engaged in sawing this wood into stove lengths and piling it to dry.

The matter of relieving distress has had my personal attention this year as well as last and no appeal for relief has been disregarded. All rationers are being visited by the policemen in the district once every two weeks and the officers are personally questioned by myself relative to the needy families within their respective districts. In addition to this, I personally visit many of the homes during my trips about the reservation. The policy under which we are working is a gratuitous ration to the sick, aged, and crippled, but no ration to any family where able-bodied persons are capable of performing three days' work at the agency. There has been some opposition to this policy by a few disgruntled Indians who claim that the rations in our warehouse were sent for free distribution and that I have no right to require that they work for them. One Indian who had requested a policeman to intercede for him to the end that he might be given a ration was told by the policeman that he could have a ration if he would work for it. His reply was, "If I've got to work for Hyde, I might as well work for myself." This he proceeded to do and has supported himself and family by hauling wood to white farmers.

The distressful situation among these Indians has been bred from too many gratuities, both from the county and the agency. Summer and fall wages were not conserved because it was known that the agency or county would come to the relief of distress. Rolette County has reduced the amount expended for rations 33⅓ per cent this year. The gospel of work is not overly popular with a few of the Indians, but it is the only method by which they can be reinvested with a semblance of pride and initiative. It is for this reason that I suggest an appropriation for the betterment of roads that will enable us to offer work at a fair remuneration to those who are able and willing rather than throw another obstacle in their way by giving them additional land as a reward for their previous mistakes.

Very respectfully yours,

JAMES H. HYDE, *Superintendent.*

THORNE, N. DAK., *February 13, 1928.*

MR. JAMES H. HYDE,
Superintendent, Belcourt, N. Dak.

DEAR SIR: I am writing you with reference to the road problem within the reservation. I have been wondering for a long time if it would not be possible to get your department to take up the matter and see if you could not get a yearly allowance to be spent for road-improvement purposes within the reservation.

The two townships comprising the reservation have a total assessed valuation of only $183,229 (1927 valuation, which is much the same as prior years). The levy for road-improvement purposes is 5½ mills, which is as much as we can levy under the present State law. This, as you will readily see, gives us a yearly amount of less than $1,000 for the two townships, if all the taxes levied are collected, which they are not. This is only about one-fourth as much as is raised by most of the other townships in the county for road-improvement purposes. This is due to the fact that a considerable amount of the land within the reservation is trust patent land and not taxable.

You are familiar with the topography of these two townships and I think you will agree with me when I say that it requires much more money to build and maintain roads through them than through any other portion of this county, due to rocks and stumps and the hilly nature of the land. In order to have any roads at all through the reservation we have been spending each year several times the amount of money that these two townships are really entitled to, based upon their assessed valuation. This money, of course, has to be raised in and really belongs to other parts of the county. The taxpayers are commencing to complain that we are using part of their money where it should not be used and we can not blame them for so complaining, for road conditions are not of the best anywhere and the money should be spent where it is raised. But, as I have said before, in order to keep the roads through the reservation in any passable condition whatsoever we will have to have more money from some source. During the greater part of last summer the only way that most of the roads through the reservation could be traveled at all was on horseback.

If a yearly Federal appropriation of about $5,000 for each of these two townships could be had for road-improvement purposes it would be a wonderful thing. It would not only help to improve the roads, but would provide work for many of the Indians at times when other work is not plentiful and would so help to educate them away from the idea of always looking for gratuities.

Through my work as county commissioner I have been in close touch with the road problems of the reservation for the past seven years, and the thought of trying to get some help from the Federal Government for road improvement there has often come to me, and believing it worthy of serious consideration I am suggesting it to you.

Yours very truly,

JOHN CLARK,
Chairman Board of County Commissioners of Rolette County.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN FIELD SERVICE,
Belcourt, N. Dak., February 18, 1928.

MR. J. CLARK,
County Commissioner, Thorne, N. Dak.

DEAR MR. CLARK: Your letter of the 13th relative to the road problem on the reservation has been received and carefully read. I concur with your conclusions and will submit the proposal to the Indian Office with a recommendation that an appropriation be sought from Congress for the express purpose of improving the roads on these two townships.

I appreciate your predicament in applying funds derived from the taxpayers in other townships for the betterment of road conditions on the reservation, and realize that the amount derived from taxes on the reservation proper would be wholly insufficient even to maintain the present roads without doing any new work.

Such a fund, if made available, would be doubly beneficial, for not only would it improve the road conditions and increase the value of the property of these Indians, but the work involved would furnish labor to a large number of Indians who are now unemployed.

This seems a very propitious time to lay this matter before Congress, for several interests are endeavoring to secure the passage of a bill to provide gratuities for fee-patent Indians on this reservation. People who are conversant with the Indian problem are adverse to such a bill as they feel that a gratuity appropriation would establish a precedent that would be of immeasurable damage to the Indian and create a perpetual problem that would never be concluded as long as a person could establish a degree of Indian blood.

If, therefore, Congress would appropriate a sum of money that could be expended among these Indians in return for labor, such action would materially relieve the conditions of unemployment and at the same time do so without creating a precedent whereby fee-patent Indians would be virtually rerecognized as wards of the Government. In addition to this much-desired result, the property of both wards and fee-patent Indians would be increased in value by the improved roads.

A copy of your letter, together with a copy of this letter, is being sent the Commissioner of Indian Affairs, with a request that the subject matter thereof be given consideration.

Very truly yours,

JAMES H. HYDE, *Superintendent.*

The motion of Mr. CRAMTON was then agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment 46, page 94, in line 20, insert the following: "*Provided,* That the proviso to section 2 of the act approved February 26, 1919, establishing the Grand Canyon National Park, shall not apply to the Rainier National Park, State of Washington."

Mr. CRAMTON. I move to recede and concur with the following amendment.

The Clerk read as follows:

Strike out the Senate amendment and insert in lieu thereof the following:

"That section 3 of the act of August 25, 1916 (39 Stat. 535), entitled 'An act to establish a National Park Service, and for other purposes,' be, and the same is hereby, amended by adding the following thereto: '*And provided further,* That the Secretary of the Interior may grant said privileges, leases, and permits and enter into contracts relating to the same with responsible firms or corporations without advertising and without securing competitive bids: *And provided further,* That no contract, lease, permit, or privilege granted shall be assigned or transferred by such grantees, permittees, or licensees without the approval of the Secretary of the Interior first obtained in writing: *And provided further,* That the Secretary may in his discretion authorize such guarantee, permittees, or licensees to execute mortgages and issue bonds, shares of stock, and other evidences of interest in or indebtedness upon their rights, properties, and franchises, for the purpose of installing, enlarging, or improving plants and equipment and extending facilities for the accommodation of the public within such national parks and monuments.'"

Mr. CRAMTON. Mr. Speaker, with reference to that amendment the Comptroller General has rendered a decision holding that section 3709 applying to advertising, soliciting bids for contracts with the Government applies to contracts made by the Interior Department with the operators to carry on in the parks. That, of course, would be extremely embarrassing in the administration of these parks. At the present time it has affected seriously the new contracts necessary in Mount Rainier Park.

That is a good illustration, because the parks company that handles the hotels is financed by public-spirited men of Seattle and Tacoma. These public-spirited men who provide facilities needed for the use of the public in the parks are about to carry on a very large new program. If the ruling stands it would be a good deal of an embarrassment. The Senate amendment was put in and intended to cure the situation in Mount Rainier Park, but would not affect other parks. As a matter of fact the language proposed by the Senate would not have accomplished what was really intended, even for Mount Rainier. The language that we have proposed takes care of not only Mount Rainier Park but other parks, and clarifies the authority and authorizes securities that are needed for Mount Rainier Park and the new developments.

It should be stated that the contracts made with these operators in the national parks are made not for service to be furnished to the Government but for service to be furnished to the public who go to the parks, and the Government retains full control of the rates that may be charged the public. If contracts could only be let after advertising, the terms of the competition would be very difficult to define and it might occur that an established operator, rendering thoroughly satisfactory service at rates approved by the Government, and having acquired the good will of the public through experience and fair dealing, might lose out, and one less experienced, less reliable, and less capable come in.

The second proviso in the substitute I have offered probably only reiterates in law what many of the contracts now contain. The third and last proviso is to meet a need now existing in the Mount Rainier situation, where the company is to provide very extensive new facilities.

The SPEAKER. The question is on the motion of the gentleman from Michigan to recede and concur with an amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment 51, page 14, after line 6, insert:

HOWARD UNIVERSITY

Salaries: For payment in full or in part of the salaries of the officers, professors, teachers, and other regular employees of the university, the balance to be paid from privately contributed funds, $160,000, of which sum not less than $2,200 shall be used for normal instruction;

General expenses: For equipment, supplies, apparatus, furniture, cases and shelving, stationery, ice, repairs to buildings and grounds, and for other necessary expenses, including reimbursement to the appropriation for Freedman's Hospital of actual cost of heat and light furnished, $80,000;

For the construction and equipment of a chemistry building, $150,000; and the Secretary of the Interior is authorized to enter into contract or contracts for such building and equipment at a cost not to exceed $390,000;

Total, Howard University, $390,000.

Mr. CRAMTON. Mr. Speaker, I offer the following motion.

The Clerk read as follows:

Mr. CRAMTON moves to recede and concur in the Senate amendment.

Mr. CRAMTON. Mr. Speaker, in reference to that I want to call the attention of the House to the fact that legislation has been proposed for some time to correct this situation, and it is hoped that we may have an early consideration of it.

I will ask unanimous consent to revise and extend my remarks with reference to this item, and in doing so I desire to put in a study of the attendance at Howard University and the situation in certain States with reference to the use of Federal and State funds.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CRAMTON. Because of the annual points of order against the items for support and development of Howard University, I drafted and introduced in the Sixty-eighth Congress the following bill:

That section 8 of an act entitled "An act to incorporate the Howard University in the District of Columbia," approved March 2, 1867, be amended to read as follows:

"SEC. 8. Annual appropriations are hereby authorized to aid in the construction, development, improvement, and maintenance of the university, no part of which shall be used for religious instruction. The university shall at all times be open to inspection by the Bureau of Education and shall be inspected by the said bureau at least once each year. An annual report, making a full exhibit of the affairs of the university, shall be presented to Congress each year in the report of the Bureau of Education."

This was favorably reported from the Committee on Education by Chairman DALLINGER but not reached for action by the House. Each Congress since then I have introduced the same bill.

In the Sixty-ninth Congress an identical bill, by the gentleman from New York [Mr. REED], was reported by him from the Committee on Education and passed the House, but was not taken up in the Senate. His bill has been again reported and is now on our calendar. I hope it may be reached for consideration soon and sent to the Senate in time for action there.

To appreciate the national need of such an institution as Howard for the colored race, it is desirable to note the following table just issued by the bureau of research in the college of education of that institution as part of a study of the "comparative distribution of Federal and State funds for collegiate education of whites and negroes in 17 States." The table follows:

TABLE SHOWING

I. Distribution of students in publicly controlled institutions of four-year collegiate grade in 17 States, and the distribution of Federal and State funds for four-year collegiate education and the relation of the distribution to the population in 17 States having separate schools for white and negro students [1]

II. The extent to which Howard University serves persons born in those States.

State	Total population		Per cent negro population is of white population	Number of white students enrolled in schools of 4-year grade	Number of negroes who should be so enrolled according to population	Number of negroes actually so enrolled in schools of 4-year collegiate grade	Number of students at present in Howard University of 4-year collegiate grade	Federal funds for higher education			State funds for higher education			Number persons from the States enrolled in college for the autumn, winter, 1927-28	Number of students and graduates of Howard University from the several States studied				
	White	Negro						Received by whites	Amount due to negroes at same rate according to population	Amount actually received by negroes	Amount received by whites	Amount due to negroes at same rate according to population	Amount received by negroes		Graduates from college, by State of birth from 1919 to 1927	Students entering the school of medicine, by State of birth, 1923-1927	Graduates from the school of medicine, by State of birth	Students entering the law school from 1922-1927	Graduates from the law school from 1922-1927
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Alabama	1,447,032	900,652	62.2	4,435	2,557	0	48	$276,720	$172,119	[3]$20,750	[2] $873,519	$543,328	[2] $36,500	28	34	19	16	1	1
Arkansas	1,279,757	472,220	36.8	3,329	1,225	0	28	263,555	96,988	[2] 20,654	629,207	231,548	[2] 68,166	23	7	4	5	1	0
Delaware	192,615	30,335	19.9	606	120	0	15	100,742	20,047	[2] 10,000	162,242	32,286	[4] 21,000	11	0	4	2	0	1
Florida	638,153	329,487	51.6	8,391	4,329	103	47	156,609	80,810	25,820	1,116,094	575,904	10,000	28	24	16	16	3	1
Georgia	1,689,114	1,206,365	71.4	7,789	5,561	0	74	571,296	407,905	[2] 19,667	[2] 732,354	522,900	[2] 42,500	43	44	30	21	1	5
Kentucky	2,180,560	235,938	10.8	6,460	697	0	47	282,252	30,483	[2] 8,505	[3]1,185,567	128,041	[4] 40,000	32	33	11	18	4	0
Louisiana	1,096,611	700,257	63.8	4,035	2,574	84	42	232,754	148,497	23,655	[2]2,198,158	1,530,024	46,515	23	23	18	12	1	1
Maryland	1,204,737	244,479	22.9	5,670	1,298	0	74	302,457	69,262	0	[2] 956,149	218,958	[3] 74,968	58	51	11	29	5	4
Mississippi	853,962	935,184	109.5	850	930	0	33	235,649	258,035	39,592	[2] 769,529	842,634	[2] 65,251	19	18	11	10	3	2
Missouri	3,225,044	178,241	5.3	17,595	932	[5] 518	24	297,046	15,743	3,125	[3]3,714,747	196,881	[2] 114,773	24	11	0	0	0	0
North Carolina	1,783,779	763,407	42.7	5,587	2,385	0	165	342,130	146,089	[2] 20,086	[4]4,180,479	1,785,064	[2] 542,111	118	60	43	19	4	10
Oklahoma	1,821,194	149,408	8.2	20,530	1,683	0	8	247,028	20,256	[2] 5,000	[3]3,418,277	280,298	[2] 95,900	8	14	0	0	0	0
South Carolina	818,538	864,719	105.0	4,030	4,231	[6] 887	84	225,906	237,201	34,328	1,812,456	1,903,078	101,150	48	33	33	31	3	7
Tennessee	1,885,993	451,758	23.9	2,140	511	0	33	773,583	184,886	[2] 12,000	[2] 579,042	138,391	[2] 54,999	24	18	6	10	3	4
Texas	3,918,165	741,694	18.9	21,546	4,072	[5] 723	70	[2] 487,289	92,097	1,978	[5]5,652,526	1,068,327	216,070	48	55	21	22	1	6
Virginia	1,617,909	690,017	42.0	10,475	4,399	0	234	286,119	120,169	[2] 26,996	[1]1,818,805	763,898	[2] 48,156	153	96	72	90	9	10
West Virginia	1,377,235	86,345	6.2	5,492	340	[5] 756	30	[2] 224,317	13,907	10,629	[1]1,852,685	114,866	[2] 272,750	21	0	7	14	2	3
Total	27,030,398	8,980,506	33.2	128,958	37,844	3,071	1,056	5,305,452	2,114,494	282,785	31,651,836	10,876,426	1,850,809	709	521	306	355	41	55

[1] These data were obtained from "Biennial Survey of Education, 1922-1924," Department of Interior, Bureau of Education Bulletin (1926) No. 23, and State Superintendents Reports for 1922-1924; Bureau of Education Bulletin (1927) No. 37.

[2] Includes also appropriations for schools above secondary but of junior collegiate grade.

[3] This includes 348 students of secondary school grade.

[4] This includes 574 students of secondary school grade.

[5] This includes 261 students of secondary school grade.

[6] This includes 442 students of secondary school grade.

In explanation of that table and in comment upon it I have selected Mississippi for purposes of illustration, since the points of order which struck out all the appropriations proposed by the bill, when it was first before the House, were made by the gentleman from Mississippi [Mr. LOWREY].

1. Column 1 gives a list of the 17 States in which separate educational facilities are maintained for whites and negroes.

2. Columns 2 and 3 give the white and the negro population, respectively, based upon the Fourteenth Census Report.

3. Column 4 shows the per cent that the negro population is of the white for each State. Mississippi, 109.5.

4. Column 5 represents the number of white students enrolled in State institutions of four-year collegiate grade in each of the States. Mississippi, 850.

5. Column 6 shows the number of negroes that should be enrolled if educational opportunities were given negroes on the basis of population; e. g., Mississippi has 850 white students in institutions of four-year collegiate grade. Therefore negroes, who constitute 109.5 per cent of the white population, ought to have in similar institutes 109.5 per cent of 850 students, or 930.

6. Column 7 shows the number of negroes who are actually enrolled in State institutions of four-year collegiate grade; e. g., in Mississippi there is not a single negro enrolled in a publicly controlled institution of four-year collegiate grade.

7. Column 8 indicates the number of students enrolled in Howard University from each of the 17 States listed; e. g., there are 33 students from Mississippi enrolled in Howard University.

8. Column 9 shows the amount of money appropriated by the Federal Government for white institutions of four-year collegiate grade; e. g., the Federal Government gave $235,649 to the State of Mississippi for institutions of four-year collegiate grade.

9. Column 10 shows what negroes should have received had the Federal Government appropriated money to negroes on the same basis as it did to white; e. g., if the Federal Government had given negroes in Mississippi a proportionate share of money based upon the white appropriation, they would have received $258,035.

10. Column 11 shows what negroes actually received from the Federal Government; e. g., the Federal Government gave $39,592 to negro schools in the State of Mississippi.

11. Column 12 indicates the amount of money appropriated by each State for white institutions; e. g., the State of Mississippi gave $769,529 for white institutions.

12. Column 13 shows the amount of money negroes should have received from the State had the State given a proportionate share to negroes; e. g., in Mississippi if negroes had received their proportionate share of State funds based upon what the white schools received, they would have got $842,634.

13. Column 14 shows what negroes actually received from the States; e. g., Mississippi gave negro institutions $65,251, and, as will be seen from the footnotes (f) most of the contributions from the States for negroes included mainly funds for schools of junior college grades.

14. Columns 15 to 20, inclusive, indicate the number of students and graduates of Howard University from the various States; e. g., from Mississippi there are now registered in Howard University 19 students in the academic colleges; 7 students in the school of medicine, 3 in the school of law, 2 in the school of dentistry, and 2 in the school of pharmacy. In the last eight years 18 students have graduated from the academic colleges. From 1923 to 1927, inclusive, 10 have graduated from the school of medicine and 2 from the school of law.

The following summary accompanies the table furnished me by the university:

OBSERVATIONS BASED UPON TOTALS OBTAINED IN THE ABOVE TABLE

1. Negroes represent an average of 33.2 per cent of the white population in the 17 States listed with a range of 5.3 per cent in Missouri to 109.5 per cent in South Carolina. Therefore, on the average for the 17 States listed, negroes should receive about one-third as much as the whites. Although in States like South Carolina and Mississippi they should receive more than the whites.

2. There are a total of 128,958 white students in institutions of four-year collegiate grade. There are supposedly 3,071 negroes in such institutions, but when the secondary school students are eliminated there are actually only 1,446 such students enrolled. On the basis of population, negroes should have 37,884 such students. Howard University has registered at the present 1,056 students, almost as many as are in similar State institutions for negroes in all of these 17 States combined.

Again it should be noted that in 11 of the 17 States not a single negro is registered in an institution of four-year collegiate grade.

There are in Howard University at the present time 759 students from these 11 States alone. It should be noted further that there are in Howard University 306 students from these 17 States taking medicine and 41 students from these 17 States taking law, and no provision is made for negroes for such education in any of these States (except West Virginia, see house bill No. 10, Legislature of West Virginia) either by the States or by the Federal Government.

3. Appropriations for white and negro education:

(a) White institutions in these 17 States receive a total of $5,305,452 from the Federal Government.

(b) Negroes receive a total of $282,275 (most of which goes for education of junior college grade) from the Federal Government.

(c) Negroes should receive on the basis of population from the Federal Government $2,114,494.

(d) White institutions received a total of $31,651,836 from the 17 States.

(e) Negroes received from the same States $1,850,809.

(f) Negroes should have received on the basis of population, $10,876,426.

(g) White institutions received both from the Federal and State Governments $36,957,288.

(h) Negroes received both from the Federal and State Governments $2,133,594.

(i) Negroes should have received from both the Federal and State Governments $12,990,920, leaving a deficiency of $10,857,326.

The situation as it exists in Mississippi, emphasizing the need for national opportunity for education for the colored race, is presented as follows by the Bureau of Research:

Number of students, faculty, and appropriation by the Federal Government and State of Mississippi for universities and colleges of four-year grade

	Students enrolled		Faculty		Appropriations from Federal Government		Appropriations from State	
	White	Colored	White	Colored	White	Colored	White	Colored
I. Universities and colleges of 4-year grade:								
1. Agricultural and Mechanical College	[1] 1,342		[1] 92		[2] $233,099		[4] $357,623	
2. Mississippi State College for Women	[1] 1,225		[1] 74		[2] 2,550		[4] 158,611	
3. State Teachers' College	1,582		[3] 38				82,705	
4. University of Mississippi	[1] 850		[1] 42				160,590	
5. Total in universities and colleges of 4-year grade	4,999		246		235,649		769,526	
6. Students[5] enrolled in—								
(a) Graduate school [5]	20							
(b) Law schools [5]	120							
(c) Pharmacy schools [5]	83							
(d) Medicine schools [5]	67							
(e) Education [5]	1,752							
(f) Faculty			246					
Total	2,042		246					
II. Schools of junior college grade: Alcorn Agriculture and Mechanical College		386		52		[6] $39,592		[6] $65,251

III. Omit.

	White	Colored
IV. Summary and conclusion (universities and colleges of 4-year grade):		
1. Total population	853,962	935,184
2. Per cent negro population is of white population		109.5
3. Proportionately negroes should (but do not) have the following numbers in—		
(a) Graduate schools		21.9
(b) Law		131.4
(c) Pharmacy		90.88
(d) Medicine		73.36
(e) Education		1,918.44
(f) Faculty		26.938
4. Total amount appropriated by the Federal Government for universities and colleges	235,649	
(a) Proportionately negroes should have, and did not, receive from the Federal Government		239,046.65
5. Total amount appropriated by State for universities and colleges	769,529	
(a) Proportionately negroes should have, but did not, receive from the State government		842,634.25

	Students enrolled		Faculty		Appropriations from Federal Government		Appropriations from State	
	White	Colored	White	Colored	White	Colored	White	Colored
V. Grand summary (higher institutions above secondary):								
1. Received from Federal Government						$235,649.00		$39,592.00
2. Received from State						769,529.00		65,251.00
3. Amount negroes should have received from the Federal Government but did not								228,443.65
4. Amount negroes should have received from the State but did not								776,783.25

[1] "Biennial Survey of Education, 1922-1924," Bureau of Education Bulletin No. 23, 1926, pp. 611, 612.
[2] State Superintendent's Report, State of Mississippi, 1927, p. 98.
[3] Biennial Survey of Education, p. 740.
[4] Included in totals above.
[5] Bureau of Education Bulletin, 1927, No. 37, pp. 46, 50.
[6] Bureau of Education Bulletin, 1921, No. 37, p. 28.
[7] Biennial Survey of Education, p. 388.
[8] State Superintendent's Report, pp. 274-275.

The SPEAKER. The question is on the motion of the gentleman from Michigan to recede and concur.

The question was being put when Mr. TARVER asked for a division.

Mr. BLANTON. Mr. Speaker, I ask for the yeas and nays.

The question was taken; and only three Members rising the yeas and nays were refused.

The committee divided; and there were—yeas 112, nays 12.

Mr. TARVER. Mr. Speaker, I object to the vote on the ground that no quorum has voted.

The SPEAKER. The gentleman from Georgia makes the point of order that there is no quorum present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The question is on agreeing to the motion of the gentleman from Michigan.

The question was taken; and there were—yeas 259, nays 93, not voting 81, as follows:

[Roll No. 39]

YEAS—259

Ackerman	Dickinson, Mo.	Kading	Porter
Adkins	Douglas, Ariz.	Kendall	Prall
Aldrich	Douglass, Mass.	Ketcham	Pratt
Andresen	Dowell	King	Purnell
Andrew	Dyer	Knutson	Rainey
Arentz	Eaton	Korell	Ramseyer
Auf der Heide	Elliott	Kurtz	Ransley
Ayres	England	Kvale	Reece
Bacharach	Englebright	LaGuardia	Reid, Ill.
Bachmann	Evans, Calif.	Lampert	Robinson, Iowa
Bacon	Evans, Mont.	Langley	Robsion, Ky.
Barbour	Faust	Lea	Rogers
Beck, Pa.	Fenn	Leatherwood	Rowbottom
Beedy	Fitzgerald, Roy G.	Leavitt	Rubey
Beers	Fitzgerald, W. T.	Leech	Sabath
Begg	Fitzpatrick	Lehlbach	Sanders, N. Y.
Black, N. Y.	Fletcher	Letts	Schaefer
Blanton	Frear	Lindsay	Schneider
Bloom	Freeman	Linthicum	Seger
Bohn	French	Lozier	Selvig
Bowles	Frothingham	Luce	Shallenberger
Bowman	Fulbright	McFadden	Shreve
Boylan	Furlow	McKeown	Sinclair
Brigham	Gambrill	McLaughlin	Sinnott
Britten	Garber	McLeod	Sirovich
Browne	Gardner, Ind.	McSweeney	Smith
Buckbee	Gibson	MacGregor	Snell
Burdick	Gifford	Maas	Speaks
Burtness	Golder	Madden	Sproul, Ill.
Burton	Goldsborough	Magrady	Stalker
Bushong	Green, Iowa	Major, Ill.	Strong, Kans.
Butler	Greenwood	Major, Mo.	Sullivan
Campbell	Griest	Manlove	Summers, Wash.
Canfield	Griffin	Mapes	Sweet
Cannon	Guyer	Martin, Mass.	Swick
Carter	Hadley	Mead	Swing
Casey	Hale	Menges	Taber
Chalmers	Hall, Ill.	Merritt	Tatenhorst
Chase	Hall, Ind.	Michener	Taylor, Colo.
Chindblom	Hall, N. Dak.	Miller	Taylor, Tenn.
Clague	Hancock	Monast	Temple
Clancy	Hardy	Montague	Thatcher
Clarke	Hastings	Mooney	Thompson
Cochran, Mo.	Hawley	Moore, Ky.	Thurston
Cohen	Hersey	Moore, N. J.	Tilson
Cole, Iowa	Hickey	Moore, Ohio	Timberlake
Colton	Hill, Wash.	Moore, Va.	Tinkham
Combs	Hoch	Morehead	Underhill
Connery	Hoffman	Morgan	Underwood
Connolly, Pa.	Hogg	Morrow	Updike
Cooper, Ohio	Holaday	Murphy	Vincent, Mich.
Cooper, Wis.	Hooper	Nelson, Mo.	Wason
Corning	Houston, Del.	Nelson, Wis.	Watres
Crail	Howard, Okla.	Newton	Welch, Calif.
Cramton	Hudson	Niedringhaus	Weller
Crosser	Hughes	Norton, Nebr.	Welsh, Pa.
Crowther	Hull, Morton D.	Norton, N. J.	White, Kans.
Cullen	Hull, Wm. E.	O'Brien	Williams, Ill.
Dallinger	Igoe	O'Connell	Williams, Mo.
Darrow	Jacobstein	O'Connor, La.	Winter
Davenport	Jenkins	Oliver, N. Y.	Wolverton
Davey	Johnson, Ill.	Palmer	Woodruff
Dempsey	Johnson, Ind.	Parker	Wyant
Denison	Johnson, S. Dak.	Peavey	Zihlman
Dickinson, Iowa	Johnson, Wash.	Perkins	

NAYS—93

Allgood	Doughton	Kerr	Sandlin
Almon	Drane	Kincheloe	Spearing
Aswell	Eslick	Kopp	Steagall
Bankhead	Fisher	Lanham	Steele
Bell	Garner, Tex.	Lankford	Stevenson
Black, Tex.	Garrett, Tenn.	Lowrey	Swank
Bland	Garrett, Tex.	McClintic	Tarver
Bowling	Gasque	McDuffie	Tillman
Box	Gilbert	McReynolds	Vinson, Ga.
Brand, Ga.	Gregory	McSwain	Vinson, Ky.
Briggs	Green, Fla.	Martin, La.	Ware
Browning	Hammer	Milligan	Warren
Buchanan	Hare	Moorman	Weaver
Bulwinkle	Harrison	Oldfield	Whitehead
Busby	Hill, Ala.	Oliver, Ala.	Whittington
Byrns	Howard, Nebr.	Parks	Williams, Tex.
Carss	Huddleston	Peery	Wilson, La.
Cartwright	Hudspeth	Pou	Wilson, Miss.
Chapman	Jeffers	Quin	Woodrum
Collier	Johnson, Okla.	Ragon	Wright
Cox	Johnson, Tex.	Rankin	Yon
Crisp	Jones	Reed, Ark.	
Davis	Kemp	Rutherford	
De Roeun	Kent	Sanders, Tex.	

NOT VOTING—81

Abernethy	Drewry	Kiess	Sproul, Kans.
Allen	Driver	Kindred	Stedman
Anthony	Edwards	Kunz	Stobbs
Arnold	Estep	Larsen	Strong, Pa.
Beck, Wis.	Fish	Lyon	Strother
Berger	Fort	McMillan	Sumners, Tex.
Boies	Foss	Mansfield	Treadway
Brand, Ohio	Free	Michaelson	Tucker
Carew	Fulmer	Morin	Vestal
Carley	Gallivan	Nelson, Me.	Wainright
Celler	Glynn	O'Connor, N. Y.	Watson
Christopherson	Goodwin	Palmisano	White, Colo.
Cochran, Pa.	Graham	Quayle	White, Me.
Collins	Haugen	Rathbone	Williamson
Connally, Tex.	Hope	Rayburn	Wingo
Curry	Hull, Tenn.	Reed, N. Y.	Wood
Deal	Irwin	Romjue	Wurzbach
Dickstein	James	Sears, Fla.	Yates
Dominick	Kahn	Sears, Nebr.	
Doutrich	Kearns	Simmons	
Doyle	Kelly	Somers, N. Y.	

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. Wood with Mr. Connally of Texas.
Mr. Graham with Mr. Dominick.
Mr. Stobbs with Mr. Arnold.
Mr. Morin with Mr. Driver.
Mr. Treadway with Mr. Gallivan.
Mr. Fish with Mr. Mansfield.
Mr. Wurzbach with Mr. Quayle.
Mr. Cochran of Pennsylvania with Mr. Somers of New York.
Mr. Yates with Mr. Wingo.
Mr. Free with Mr. Tucker.
Mr. Kearns with Mr. Steadman.
Mr. Watson with Mr. Carew.
Mr. Vestal with Mr. Abernethy.
Mr. Kiess with Mr. Deal.
Mr. Michaelson with Mr. Celler.
Mr. Curry with Mr. Fulmer.
Mr. Doutrich with Mr. Lyon.
Mr. Strong of Pennsylvania with Mr. Palmisano.
Mr. Fort with Mr. Romjue.
Mr. Kelly with Mr. White of Colorado.
Mr. White of Maine with Mr. Larsen.
Mr. Reed of New York with Mr. Sumners of Texas.
Mr. Anthony with Mr. Carley.
Mr. Foss with Mr. Doyle.
Mr. Glynn with Mr. Edwards.
Mr. Brand of Ohio with Mr. Collins.
Mr. Estep with Mr. Dickstein.
Mr. Strother with Mr. Drewry.
Mr. Hogg with Mr. Hull of Tennessee.
Mr. James with Mr. McMillan.
Mr. Bohn with Mr. O'Connor of New York.
Mr. Simmons with Mr. Rayburn.
Mr. Christopherson with Mr. Sears of Florida.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

Mr. CRAMTON. Mr. Speaker, at this point in the RECORD I ask unanimous consent to extend my remarks with reference to the report that has just been adopted, and also to extend my remarks with reference to various amendments the House has just acted upon, and in doing so I may desire to insert certain letters or quotations from hearings or statements.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. CRAMTON. The following is the financial comparison of the House, Senate, and conference action, including the action just taken, on the Howard University and Turtle Mountain Indian items:

Amount of bill as passed the Senate		$272,865,039
Amount of bill as passed the House		272,078,039
Net addition, including $390,000 for Howard University		787,000
House has receded from—		
More land for Sequoyah School	$10,000	
Claremore Hospital	50,000	
Gallop-Shiprock highway	20,000	
Bureau of Pensions	15,000	
Picacho and other washes, Yuma project	30,000	
Gauging streams	20,000	
Classification of lands	38,000	
		183,000
Senate has receded from—		
Milk River project, operation and maintenance	5,000	
Amendments on Yuma, Minidoka, North Platte, Riverton, and Shoshone, substituting direct appropriations for use of power revenues for operation of commercial systems	194,000	
		199,000
Bill as agreed upon without Howard University and Turtle Mountain Indian items		272,261,039
Howard University		390,000
Turtle Mountain Indians		5,000
		272,656,039
Amount of Budget estimates		272,165,839
Maximum of bill		272,656,039
Less than Budget		509,800

Accompanying this statement I also insert Table A, showing the financial effect of Senate amendments and later action thereon. Also I present Table B, showing appropriations under the Department of the Interior, including supplemental and deficiencies, fiscal years 1916–1929, inclusive. In certain columns I have segregated appropriations from Indian tribal funds, Indian reimbursable appropriations, all other Indian appropriations—treaty or gratuity—Army and Navy pensions, from the reclamation fund, all other Interior appropriations, and the annual totals.

In connection with Senate amendments 9 and 10, for establishment of a new Indian hospital at Claremore, Okla., I insert the following letters from Col. Clarence B. Douglas on behalf of Claremore:

TABLE A.—*Statement of Senate amendments involving appropriations, showing effect of action of conferees thereon, and action taken by House on amendments 12 and 51*

Amendment No.	Subject	Budget estimate	Appropriated by House	Appropriated by Senate	Agreed amount	Increase (+) or decrease (−), agreed amount compared with House figure			Increase (+) or decrease (−), agreed amount compared with Senate figure	
						Reclamation fund	Indian tribal funds	General	Reclamation fund	General
	Indian affairs:									
7	Sequoyah Orphan Training School	$95,000	$83,000	$93,000	$93,000			+$10,000		
9, 10	Claremore Indian Hospital			50,000	50,000			+50,000		
12	Turtle Mountain Indians			15,000	5,000			+5,000		−$10,000
14, 15, 17	Klamath Indians (from tribal funds)	185,000	185,000	164,000	164,000		−$21,000			
19	Gallup-Shiprock Highway	20,000		20,000	20,000			+20,000		
22	Pension Office, salaries	1,150,000	1,150,000	1,165,000	1,165,000			+15,000		
	Bureau of Reclamation:									
23	Salaries, Washington	172,000	168,000	172,000	168,000				−$4,000	
24, 25	Salaries and expenses, engineer's office	200,000	185,000	200,000	195,000	+$10,000			−5,000	
26	Expenses, field legal offices	13,000	10,000	13,000	13,000	+3,000				
27	Lithographing, printing, etc	25,000	20,000	25,000	20,000				−5,000	
28, 29	Yuma project	300,000	275,000	330,000	305,000	+30,000			−25,000	
31, 32	Minidoka project	1,150,000	1,104,000	1,154,000	1,104,000				−50,000	
33, 34	Milk River project	49,000	44,000	49,000	44,000				−5,000	
35	North Platte project	75,000		75,000					−75,000	
36, 37, 38	Riverton project	1,095,000	430,000	450,000	430,000				−20,000	
39	Shoshone project	196,000	160,000	180,000	160,000				−20,000	
	Geological Survey:									
42	Gauging streams	159,000	209,000	247,000	247,000			+38,000		
43	Classification of lands	180,000	160,000	180,000	180,000			+20,000		
51	Howard University	390,000		390,000	390,000			+390,000		
						+43,000	−21,000	+548,000	−209,000	−10,000

TABLE B.—*Annual appropriations under the Department of the Interior, including deficiencies, fiscal years 1916–1928*

[Exclusive of permanent and indefinite appropriations]

	Indian tribal funds	Indian reimbursable appropriations	All other Indian appropriations	Army and Navy pensions	Reclamation	All other Interior appropriations	Total
1929	$3,566,500.00	$1,595,500.00	$12,234,009.00	$210,000,000.00	$12,657,000.00	$36,177,530.00	$276,230,539.00
1928	2,535,555.00	5,452,125.00	10,969,361.00	[2] 267,000,000.00	11,903,800.00	15,851,535.00	313,712,376.00
1927 [1]	2,414,808.00	2,412,500.00	10,523,660.00	193,000,000.00	7,556,000.00	14,121,258.00	230,020,226.00
1926 [1]	2,135,010.00	1,589,178.00	13,720,303.55	197,000,000.00	12,349,000.00	[3] 20,924,109.00	[3] 247,717,600.55
1925	2,612,700.00	1,555,600.00	9,656,420.00	222,500,000.00	11,106,289.00	19,215,518.00	266,736,527.00
1924	2,406,600.00	2,179,850.00	9,458,854.00	253,003,000.00	12,250,000.00	21,598,534.00	300,896,838.00
1923	2,483,573.00	1,041,466.00	9,383,720.00	268,000,000.00	15,075,000.00	22,710,520.00	318,694,279.00
1922	2,716,921.00	1,249,005.00	8,724,170.00	265,000,000.00	20,266,000.00	20,160,758.00	318,116,854.00
1921	1,415,165.00	1,450,830.00	9,268,513.00	279,000,000.00	8,463,000.00	21,972,532.00	321,570,040.00
1920	1,531,817.00	2,173,833.00	9,160,629.00	215,000,000.00	7,300,000.00	24,071,669.00	259,237,948.00
1919	1,750,000.00	2,133,583.00	8,982,753.00	223,000,000.00	9,497,080.00	20,365,644.00	265,729,060.00
1918	1,291,117.00	2,029,500.00	9,818,295.00	183,000,000.00	8,227,000.00	28,398,245.00	232,762,157.00
1917	1,263,250.00	1,921,986.00	9,045,658.00	163,000,000.00	8,884,000.00	18,275,465.00	202,390,359.00
1916	665,000.00	518,740.00	9,253,162.00	164,000,000.00	13,530,000.00	15,120,077.00	203,086,979.00

[1] Does not include appropriations for the Patent Office and the Bureau of Mines, which have been transferred to the Department of Commerce.
[2] Includes deficiency for 1927 which was paid from 1928 appropriations.
[3] Includes $4,773,160 appropriated for the Patent Office and the Bureau of Mines transferred to the Department of Commerce July 1, 1925.

FEBRUARY 7, 1928.

Hon. LOUIS C. CRAMTON,
Member of Congress, Washington, D. C.

DEAR SIR: Representing the city and Chamber of Commerce of Claremore, Okla., in the matter of securing an appropriation of $50,000 for a hospital for Indians at that place, I desire to say this:

The city of Claremore will furnish without cost to the Government a suitable site of 5 acres for this building and will furnish without cost to the Government the necessary supply of mineral water for medicinal use in hospital.

Very truly yours,

CLARENCE B. DOUGLAS.

FEBRUARY 7, 1928.

Hon. LOUIS C. CRAMTON,
Member of Congress, Washington, D. C.

DEAR SIR: Following are the service rates for light, water, and gas as charged to consumer in Claremore, Okla. The water and light systems are city owned. The gas is furnished by a corporation. These figures are as of February 6, 1928:

Gas, 40 cents first 100,000, 32 cents next 400,000, 25 cents on up.

Lights, 11 cents first 50 kilowatts, 10 cents second 50 kilowatts, 9 cents second hundred kilowatts, and 8 cents all over 200 kilowatts.

Water, 30 cents first 20,000 gallons, 25 cents next 30,000, 18 cents next 150,000, 15 cents next 300,000, and 12 cents all over first 500,000 gallons.

Claremore will deliver water, light, and gas to building site without cost to the Government.

Very truly yours,

CLARENCE B. DOUGLAS.

In connection with Senate amendment 19, the following letter from Charles Springer, president of New Mexico State Highway Commission, should be a matter of record as to completion of construction of connecting highways:

NEW MEXICO STATE HIGHWAY DEPARTMENT,
Washington, D. C., February 15, 1928.

Hon. LOUIS C. CRAMTON,
House of Representatives, Washington, D. C.

DEAR MR. CRAMTON: This will confirm my verbal statement that I will endeavor to have the New Mexico State Highway Commission, at its next meeting, order a survey of the route north from Shiprock to Colorado State line on the road to Cortez and Mesa Verde National Park, with a view to constructing same as a Federal-aid project.

As the Federal-aid allotment funds up to and including the fiscal year beginning July 1, 1928, have already been budgeted to other roads, it will be impossible to begin construction on that project this year, but I will do my best to have it included in our program for the following year, to wit, our fiscal year 1929–30.

From what I know of the attitude of the other members of our commission I can assure you that we will keep that road under maintenance in the meantime, and I believe we can maintain it in good passable condition at all times.

Yours faithfully,

CHARLES SPRINGER,
President New Mexico State Highway Commission.

Mr. TAYLOR of Colorado. Mr. Speaker, reserving the right to object, I want to call the attention of the House to the fact that for several years past the Interior Department appropriation bill has gone on the statute books in almost the identical language that it has come from the Committee on Appropriations of the House. One of the main reasons for that is this: The chairman of this subcommittee, the gentleman from Michigan [Mr. CRAMTON], every alternate year when Congress is not in session goes out over the country and makes a personal and painstaking inspection of the thousands of widely diversified and tremendously important activities of the Interior Department. There are over 200 Indian tribes, reservations, and schools throughout the country, and the obligations of the Government toward each one and their rights and obligations are

nearly all different. No Congress can rightfully or fairly or intelligently legislate or appropriate either the Government's money or the Indians' money without actually going out and making a personal inspection of the conditions of each tribe and each school.

Then there are all of our 19 national parks, each one having its own and different problems. They are our great national playgrounds and outing places. We are all trying to encourage a "See America first" sentiment, and our parks are our greatest aid and asset in that direction. This Interior Department committee has absolutely got to visit these parks and personally learn their requirements if we ever expect to develop their possibilities and scenic attractions in any systematic and economical way.

Then there are the 27 Government irrigation and reclamation projects scattered over all the arid Western States, all with widely different conditions. There are hundreds of thousands of people dependent upon and struggling desperately to make homes upon and build up that western country. They are certainly deserving of all the personal attention that Congress can possibly give them.

Then there are the General Land Office and Geological Survey, and practically all of its public domain, and Alaska and the Hawaiian Islands, all most deserving of our personal knowledge and attention, and it is utterly impossible to treat justly all of these far-flung activities of the Interior Department and interests of our country and our own people by sitting here in Washington. Those many billions of property rights and many millions of our citizens are deserving of better treatment than that.

All of these vast western interests of our Government mean nothing politically or personally to the gentleman from the northern State of Michigan. Yet he gives his time and does a tremendous amount of hard work and individually learns the facts and every year renders to our country an incalculably valuable public service unselfishly. [Applause.] I feel that he is setting a splendid pace and is a commendable object lesson to Congress and to the country, and especially to the other subcommittees of the Committee on Appropriations and other committees, which if it were followed would mean many millions of dollars of saving to the taxpayers of the country every year. It would make our national Budget system what we all hoped it would be, a very great saving and a wonderfully systematizing and orderly handling of the fiscal policy of our country. Under our Budget system the Appropriations Committee of this House is the "watchdog of the Treasury." We are the guardian of the taxpayers of this country, and I make these statements because I personally know of the vast amount of hard detail work he has done, and I feel that the gentleman from Michigan is entitled to this comment. I should add that some of the rest of this subcommittee have been with him some of the time. Mr. FRENCH and I were with him in Alaska four years ago and in the Hawaiian Islands two years ago, and last fall on a hurried inspection trip through Wyoming, California, Arizona, and New Mexico; and Mr. MURPHY has been with him on several trips. But the greater part of the actual detail work and the collection of all the data and correspondence is done by the chairman of this subcommittee. He personally knows all the actual existing conditions on all of these hundreds of Government enterprises better than anyone else, and for that reason, when the hundreds of witnesses come before us or when we meet in conference with another body, his judgment nearly always prevails, as it ought to. [Applause.]

Mr. CRAMTON. Mr. Speaker, may I be permitted to make this observation in response to the very generous statement of my colleague on the committee, the gentleman from Colorado [Mr. TAYLOR]? I think the real reason for the success of the bills from the subcommittee on the Interior Department is that nothing comes from that subcommittee except with the unanimous support of the whole subcommittee.

RETURN OF CONFERENCE REPORT ON INDEPENDENT OFFICES APPROPRIATION BILL

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that the request of the Senate for a return of the conference report on the independent offices appropriation bill be granted.

The SPEAKER. Is there objection?

There was no objection.

FEDERAL APPROPRIATIONS FOR THE SUPPORT OF HOWARD UNIVERSITY

Mr. LOZIER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the conference report upon the Interior Department appropriation bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. LOZIER. Mr. Speaker, I favor the adoption of the Cramton motion to the effect that the House concur in the Senate amendment to the Interior Department appropriation bill providing for an appropriation of $390,000 for the support of Howard University. About one-half of this amount is to be expended for a new building, which is in the nature of a permanent improvement. Since 1879 the Federal Government has been contributing annually to the support of this institution located at Washington, D. C., for the higher education of men and women of the Negro race. This university now has an attendance of approximately 2,000 students, who pay tuition and provide their own living expenses. Its students come from 38 States and 13 nations. Its standing as an efficient educational institution has been investigated by the Maryland and Middle States college ratings boards, and it has been given a rating of class A. It is not disputed that it is doing a splendid work in preparing men and women of the colored race for more useful lives.

From nearly every State in the Union young men and women of the Negro race who are studious, industrious, and ambitious come to Howard University, and here they are given training which equips them for better citizenship. The students who have gone out from this school have, as a general rule, exercised a wholesome influence over their race and materially aided in raising the standard of negro citizenship. In addition to the courses of study usually followed in first-class universities, departments are provided for the education of men and women in the following professions: Religion, law, medicine, dentistry, and pharmacy. Ministers, doctors, dentists, pharmacists, and teachers educated at Howard University have gone into communities where there are large negro populations and successfully practiced their professions among those of their own race and by precept and example have made a substantial contribution to the health, industry, morality, temperance, and right living among the less fortunate members of their race.

No one will deny that the white race in the United States is vitally interested in every movement that will make the men and women of the Negro race better citizens. The millions of negro men and women in the United States will follow their leaders, and it is therefore important that they have the right kind of leaders, and that they be led in the right direction; that is, toward temperance, morality, industry, sanitary living, and good citizenship.

As a white man I am proud of the history-making accomplishments of the white race in every department of human activity, and I want to see the members of the Negro race brought under every possible uplifting influence. I want them led by educated, honest, industrious, right-thinking, right-living, God-fearing men and women and not led by those who are shiftless, ignorant, and depraved.

As white men we owe a duty to the black men. What is that duty? To do them no harm; to stimulate their industry and encourage them to be temperate, sanitary, moral, honest, and useful; to aid them in becoming better citizens, so they may contribute something worth while toward the material, moral, and spiritual betterment of mankind.

In 1920 our negro population was in excess of 10,000,000, and, of course, it will continue to increase. If the activities of the Negro race are not wisely directed, these millions will become a serious menace to our free institutions. But if these 10,000,000 negro men and women in the United States are educated and taught industry, temperance, sanitation, morality, and good citizenship, they will make a substantial contribution to our national life. In the very nature of things all this can not be done in the twinkling of an eye. But we of the white race owe it to ourselves to do what we can, in reason, to improve the mental, moral, and economic condition of the 10,000,000 negroes who constitute about one-tenth of the population of the United States.

The negro is in our midst. It will do no good to discuss when and why he was brought to the United States. He is here and we must reckon with facts and conditions as they exist. Now, as it seems that these millions of negroes are in the United States to stay, the question is, What shall be done with them, and what should be the attitude of the white race toward the negro men and women who constitute practically one-tenth of our population? Shall we encourage them to live lives of idleness? No. Shall we adopt a policy that will result in their degradation and degeneracy? No. Shall we have them go backward mentally and morally? No. Shall we allow them to live and die in ignorance, vice, and shiftlessness? No.

It is not only a question as to what is best for the Negro race, but there is also involved the question as to what is best

for the white race. If these millions of negro men and women are to remain as a part of our permanent population, then I, as a patriotic American and well-wisher of my country, do not want those millions to be ignorant, intemperate, and immoral. Rather would I have them brought to a higher standard of citizenship. I prefer to have them industrious, sober, moral, and educated. As they will be a factor in our political and economic life, I want them to have the right kind of leaders—men who will lead them forward, not backward; upward, not downward.

Inasmuch as Congress has for nearly a half century made annual appropriations for the construction, maintenance, and development of Howard University, and in view of the splendid work it is doing, I believe this support should be continued. The money thus granted is an insignificant amount when you consider the purpose for which it is appropriated and the good it will do toward working out a safe, sane, and proper solution of the negro problem.

Moreover, the Federal Government contributes liberally to the education of our Indian population on the theory that the expenditure will aid in developing what is best in the American Indians and make them better citizens—and what we grant to the red man we should not deny to the black man.

All the States have not made adequate provision for the higher education of negroes, and in Howard University we have a first-class institution devoted exclusively to the better training of negroes in the trades and professions. Instead of requiring negroes who are hungry for higher education and for instruction in the trades and professions to get their training in second-class State institutions, why not maintain a first-class negro university which is capable of developing trained leaders for the Negro race, and where the negroes can be educated among and by members of their own race?

I am, therefore, voting to concur in Senate amendment No. 51; and if this amendment is adopted the pending bill, when it becomes a law, will carry an appropriation for the Howard University.

TYSON-FITZGERALD BILL

Mr. PEERY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein a house joint resolution passed by the General Assembly of Virginia with reference to legislation affecting emergency officers.

The SPEAKER. Is there objection?

There was no objection.

Mr. PEERY. Mr. Speaker, on leave granted me by the House I extend my remarks by inserting in the RECORD copy of house joint resolution adopted by the General Assembly of Virginia on February 11, 1928, in regard to the Tyson-Fitzgerald bill.

House joint resolution

Whereas of the nine classes of officers who served in the World War, eight classes, namely, Regular officers of the Army, Navy, and Marine Corps; provisional officers of the Army, Navy, and Marine Corps; and emergency officers of the Navy and Marine Corps—have been granted by Congress the privilege of retirement of disability, when incurred in line of duty, leaving only the disabled emergency officers of the Army without such retirement privileges; and

Whereas an overwhelming number of the Members of Congress since the armistice have promised to correct this injustice to disabled emergency Army officers by the enactment of legislation designed to adjust the unfair condition imposed upon this one remaining class of officers: Be it

Resolved by the house of delegates (the senate concurring), That the general assembly indorses the demand for recognition of the equality of service of the other eight classes of officers and the emergency Army officers in the proposal to grant retirement privileges to the disabled emergency Army officers upon the same basis and with the same privileges as have been granted to the disabled officers of all other classes, including the disabled emergency officers of the Navy and Marine Corps; and be it further

Resolved, That all Members of the Seventieth Congress of the United States be, and they are hereby, urged to lend their active support in securing the enactment of the Tyson-Fitzgerald bill as early as possible in the Seventieth Congress; and be it further

Resolved, That copies of this resolution be sent to each Member of the Congress of the United States from the State of Virginia.

Agreed to by house of delegates, February 11, 1928.

JNO. W. WILLIAMS,
Clerk House of Delegates.

Agreed to by the senate, February 13, 1928.

O. V. HANGER,
Clerk of the Senate.

PLIGHT OF COTTON FARMER

Mr. SANDERS of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein an article on the trouble with agriculture which appeared in the Houston (Tex.) Chronicle.

The SPEAKER. Is there objection?

There was no objection.

Mr. SANDERS of Texas. Mr. Speaker, under leave to extend my remarks in the RECORD by printing an article which appeared in the Houston Chronicle, I submit the following. This article was written by the Hon. T. N. Jones, of Tyler, Tex., one of the most prominent attorneys in Texas, and a man who has given serious thought and careful study to the agricultural problem for more than a quarter of a century.

(Special to the Chronicle)

TYLER, TEX., February 16.—T. N. Jones, attorney of this place, issues the following statement: "The press has published extensively that there will be in Jackson, Miss., on February 20 a conference of the governors of some of the Southern States and others specially appointed 'to reduce or prevent an increase in the cotton acreage of the South.'

"No harm can come from such a meeeting, and little, if any, good will be accomplished by it unless the distinguished representatives of the cotton-growing States dig into and ascertain the fundamental causes for conditions through the South so far as those engaged in agriculture are concerned. If those who may meet in Jackson devote their time to ascertaining the real causes which have produced the present situation and start some sensible movement to remove those causes, then some good may be the result.

DEMAND LARGE ACREAGE

"The basic cause for the constantly increasing cotton acreage and production is that there are in every village, town, and city in the South those who not only will not encourage the production of less cotton but insist on their tenants planting large acreages in cotton. This applies to landowners whose farms are cultivated by tenants.

"There are those in every village, town, and city in the South who constantly demand that cotton shall be planted in large acreage and have never at any time heretofore urged and are not now urging any decrease in acreage. They constitute that large and influential class engaged in local commercial pursuits. Their business is the farm-supplying trade of the Southern States. They furnish the rations, either directly or indirectly, used by the farmers in producing crops, and they insist that those who eat the bread and meat and wear the clothes they sell on credit, produce a crop which can on any day, at some price, be sold for cash.

SAYS COTTON CREDIT BASIS

"If the banks throughtout the South lend money with which the farmers can buy for cash, many such banks insist that cotton shall be planted in order that when the notes mature in the fall there will be a crop that can be converted into money, so the notes will be paid. If anyone doubts the absolute correctness of this statement, I invite him to examine the chattel mortgage records throughout the Southern cotton-growing States and note that cotton is the basis for practically all credit extended to those engaged in agricultural pursuits.

"Directly coupled with this situation is the irrefutable fact that a very large percentage of the retail commercial business of the South that deals directly with farm credits is based on the poverty and ignorance of the masses engaged in agricultural pursuits.

TOO POOR TO RESIST

"Those who actually till the soil and produce the crops are too pauperized to resist the demands of those who furnish them and their families food to eat and rags to wear to resist the demands of the supply houses and commissaries which exist wherever cotton is raised in this Republic. The interest rates paid the banks and the unconscionable profits paid to credit supply houses and commissaries in such localities could only be endured by a citizenship so pauperized that it can offer no resistance to the demands made on them, but they must accept whatever conditions may be imposed on them.

"This system is not only based on the poverty of the people, but its very existence depends wholly on a continuance of present conditions. Those engaged in such commercial exploitation know that their business will continue only by keeping those actually engaged in agricultural pursuits in debt.

MASSES UNEDUCATED

"I repeat that the retail commercial system of the South, taken as a whole outside of the cities, is based on the pauperized condition of the farmers, and that system as it is at present can continue only by keeping the farmers in debt.

"One fundamental aid which sustains present conditions is the uneducated condition of the masses of the people of the Southern States. Outside of the cities and large towns, that condition is appalling. The masses of the white people of the South outside of the cities and large towns are without education. They may read and write, but they do not know enough to even aid in preserving their liberties and their rights.

"This uneducated condition, coupled with the pauperism of the farmers, furnishes the basis for the commercial life of the South. It

furnishes the cause for the constant demand for the ever increasing production of cotton. Every bank, every retail merchant, every commissary owner demands that cotton in large acreage be planted.

DEPLORES SYSTEM

"They may meet, yes, they do meet, in the chambers of commerce and proclaim that there must be a reduction of cotton acreage, and from those places they proceed directly to the cuddy holes in their places of business and write chattel mortgages for the poor devils to sign covering the cotton crops from one to five years, and in addition, everything from the pig to products raised by the children. Listen to the speeches in the chambers of commerce, and in the banquet halls where a few most carefully selected farmers are entertained, and go directly from there to the mortgage records and see the work that is really being done. Always, everywhere, in the private counting houses the demand is made that cotton must be produced so that the debts can be paid. Not one word is said in private conference with the farmers about reduction of cotton acreage.

FIGURES ARE CITED

"The outstanding truth which confronts us is that illiteracy and pauperism are the handmaidens of cotton all over the world.

"India has 316,055,241 people of whom 293,431,590 are wholly illiterate. That country raises more than 5,000,000 bales of cotton.

"Egypt has 14,000,000, of whom 12,971,395 are illiterate. That country raises 1,500,000 bales of cotton.

"China has 400,000,000 people of whom at least 350,000,000 are illiterates. That country raises more than 2,775,000 bales of cotton.

"Brazil, Mexico, Peru, Russia, and some 25 other countries all raise cotton, and in practically all of them 90 per cent of the population are illiterate, and in all of them, squalid, revolting pauperism prevails.

ABJECT POVERTY IN SOUTH

"The Southern States as a whole constitute the most productive country on earth, yet, in the South, there is more abject poverty and illiteracy than in any other country on earth in which a high state of civilization is supposed to exist.

"There is another basic cause for the condition of the farmer of the South and of those who are engaged in agricultural pursuits. There is absolutely no marketing system for cotton, cottonseed, or any other farm product.

"The manner in which the cotton crop is purchased from the original producer is a reflection on the intelligence and the ideas of fair treatment entertained by the so-called business men who control the primary markets.

"The street buying of cotton by men who know little, if anything, about grade or staple from the incompetent cotton producer is tragic.

MARKETING SYSTEMS DISCOURAGED

"It is revolting to observe the transactions between the cotton traders and the poor, uneducated, pauperized men, women, and children who haul the cotton to market. Practically every man who lives in or in any way deals with the primary markets discourages the establishment of a thorough marketing system. The reason for this is that there are so many people engaged in speculating in farm products and making a living thereby.

"There is still another reason for the pauperized condition of the farmers which is the result of 60 years or more of exploitation.

"There is practically no article of commerce which is not controlled by some combination or by some trade agreement or by some custom, so that when a farmer buys he must pay tribute to from one to half dozen persons, corporations, or combinations.

PEOPLE DEBT-RIDDEN

"Throughout the Southern States they are denied the privilege of buying collectively in quantities for the cash, while individually they have and do now produce a large percentage of the wealth of the whole South, yet they have none of that wealth and are too debt-ridden to be anything but slaves and peons. They not only feed and clothe and make rich those who handle the things they buy in order to enable them to produce cotton and other crops, but after the cotton is produced they are the victims of combinations which are composed of great cotton merchants, aided and encouraged by the very Government which the South supports, who bear the price and buy the cotton crop for at least $350,000,000 below its actual value and far below the actual cost of production.

JARDINE GIVEN DEFENSE

"Mr. Jardine was not the cause of the decline in the price of cotton. He may have been one of the instruments which was used by the combination of cotton buyers to bear the price, but the real cause was and now is the agreement among great cotton merchants that cotton must go down.

"There is another influence which is destructive of the chances for the cotton producers to obtain a fair price for cotton. Certain influences in Texas, Arkansas, and probably in other States have for some years been most prolific in propaganda to show that cotton can be produced for an average of about 9 cents per pound. The trade has accepted as true that propaganda. The result has been and is to bear the price of cotton. If cotton can be produced for 9 cents per pound, the trade will not pay 25 cents for it, nor will it pay 18 cents for it, which would be 100 per cent net profit to the producer.

CONDITION IS DISGRACE

"While it may be true that a few men on a few acres under most favorable conditions raised cotton at a cost of 9 cents per pound, it is suicidal to claim that the cotton crop of the South can be produced for less than 18 or 20 cents per pound.

"The squalid condition of the cotton raisers of the South is a disgrace to the southern people. They stay in shacks, thousands of which are unfit to house animals, much less human beings. Their children are born under such conditions of medical treatment, food, and clothing as would make an Eskimo rejoice that he did not live in a cotton-growing country. Without exception, around those shacks there are no decent sanitary accommodations. There are no places for the production and care of livestock or poultry. In hundreds of thousands of instances there are no arrangements for gardens or places where vegetables can be raised.

SAYS PROPAGANDA ABUNDANT

"While propaganda has been abundant in the effort to make it appear that the financial condition of the farmer is most favorable and wonderfully improved, there is not one word of truth in such propaganda.

"There is not 1 landowner in 40 who lives on, raises cotton, and cultivates his own farm who now has his own money in the bank with which to finance entirely the production of his crops for 1928.

There is not 1 tenant farmer in 100 throughout the whole South who has his own money on hand with which to finance the production of his crop for 1928.

REPORTS REFERRED TO

"If there are those who question the correctness of this statement I refer him to the final report and testimony submitted to Congress by the Commission on Industrial Relations, created by the act of August 23, 1912, and to the census taken of agricultural conditions throughout the South. Since those investigations and reports, conditions have grown worse and not better.

"There are those in this country who desire to establish a system of commercial farming. They hope to raise the basic crops of the Nation with ignorant peon and peasant labor. For their purposes, the greater the degree of ignorance and poverty and more numerous the paupers, the easier it will be to control the agricultural lands and convert farms into large commercial enterprises of most extensive units.

ASKS EDUCATIONAL SYSTEM

"What will the governors of the Southern States and their friends do at the Jackson meeting?

"Will they, first of all, start a movement to build an efficient free educational system in each State in the South for the purpose of stamping out ignorance and illiteracy? Such a system may cost in the aggregate for the South more than a billion dollars per annum, but the Southern States can afford to pay more than that amount rather than allow present conditions to continue.

"Will they destroy, root and branch, the method now used in every Southern State of street-buying cotton, one or a few bales at a time, which subjects the producer to the exploitation of local speculators?

"Will they organize to destroy the infamous credit supply and commissary system which flourishes in practically every town, village, and hamlet in the South and which is based on the ignorance and pauperism of those who raise cotton?

WILL TAKE 20 YEARS

"Will they seek to start a movement to bring about a condition where those who engage in agricultural production will have their own funds with which to produce their crops?

"Will they declare that there shall not be peons on the farms of the South and that farm peasantry shall never exist in this the Southland?

"It will take 20 years to establish satisfactory educational, financial, and social conditions in the South. Will those assembled at Jackson start a movement to establish such conditions?

"Since writing the above, I have read in the Fort Worth Star-Telegram a special from Texarkana, headed, 'Poor farmers urged to quit.' It quotes L. E. Rast, agriculturist of the Arkansas Bankers' Association, as declaring that "the inefficient farmer whose cotton-production cost is 30 cents a pound and who breaks the market is one of the greatest evils with which real farmers must contend.'

LAZY MAN'S CROP

"He asserted that 'such a farmer does not care what his cotton brings, being interested solely in providing credit to tide him over dull periods. The inefficient farmer plants cotton because it is the easiest crop in the world on which to get credit and because it is a lazy man's crop.'

"In his remarkable declaration he was supported by Dean D. T. Gray, of the University of Arkansas College of Agriculture, who said:

"'We want the inefficient farmer to leave and the sooner the better. What we are worried about is what is to become of this type when he moves to the city. Business men can help the real farmers if they find employment for men leaving the farms so that they may become consumers of farm products.'

ARKANSAS SCORED

"The class of farmers about whom those gentlemen were talking are the product of the infamous commercial system which has existed throughout the cotton-growing States since 1865. There has never been and is not now in the State of Arkansas a public free school system in which the white children, much less the negroes, could be given any part of such training as would make them efficient in farming or anything else. No State in this Republic has been more derelict in its duty to its children since the Civil War than has Arkansas, and all of those inefficient, lazy farmers at whom the fulmination is aimed were either raised in Arkansas or in some other southern State which has grossly neglected its duty to the children born therein.

NEGLECT DECRIED

"Who are those inefficient, lazy farmers? And where did they come from? Tens of thousands of them are the children of the former landowners of the South, who, through the influence of the system prevailing in the Southern States, have been allowed to grow up in dense ignorance and abject poverty.

"The South, to its everlasting shame, for more than 60 years has neglected the education and training of her white children except in certain favored localities, and has occupied its time and energies in building and developing urban life. Now, through some of her educators and the representatives of the Bankers' Association, she desires to disown and kick out her progeny.

"What will that meeting in Jackson, Miss., do about all of these matters?"

THE FEDERAL RESERVE BANK OF DALLAS, TEX.

The SPEAKER. Under the order of the House the Chair recognizes the gentleman from Texas [Mr. WILLIAMS] for one hour. [Applause.]

Mr. WILLIAMS of Texas. Mr. Speaker, I will ask the Clerk to read a resolution that was introduced by me yesterday.

The SPEAKER. Without objection, the Clerk will read the resolution.

The Clerk read as follows:

Concurrent resolution

Whereas it is alleged that the governor of the Federal Reserve Bank of Dallas, Tex., has violated the Federal reserve act by his refusal to recognize the rediscount privilege to member banks in rural communities; and

Whereas it is alleged that the policies administered by the governor of the Federal Reserve Bank of Dallas, Tex., in conducting the business of such bank have worked many hardships on farming and livestock interests of the territory included in the eleventh Federal reserve district: Therefore be it

Resolved by the House of Representatives (the Senate concurring), That a joint committee is hereby created, to be composed of three Members of the Senate, to be appointed by the President of the Senate, and three Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives.

Such joint committee is authorized and directed to conduct a thorough investigation into the administration of the affairs of the Federal Reserve Bank at Dallas, Tex. The committee shall report its findings to Congress, as soon as practicable, together with such recommendations as it may deem advisable.

For the purposes of such investigation, the committee, or any subcommittee thereof, is authorized to select a chairman, to hold hearings, to sit and act at such times and places during the sessions and recesses of the present Congress at the seat of government and elsewhere, to employ such clerical, stenographic, and other assistants, to have such printing and binding done, to require the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures (including expenditures for travel) as it may deem advisable. The cost of stenographic service in reporting such hearings shall not be in excess of 25 cents per hundred words.

The expenses of the committee shall be paid one-half from contingent fund of the Senate and one-half from the contingent fund of the House of Representatives, upon vouchers to be approved by the chairman of the committee.

Mr. BLANTON. Mr. Speaker, will the distinguished gentleman, my colleague from Texas, yield for a comment on his resolution?

Mr. WILLIAMS of Texas. Yes.

Mr. BLANTON. The gentleman's resolution provides for a special joint committee of the House and Senate that is not to be composed of members of the Committees on Banking and Currency of the two Houses. I want to congratulate the gentleman for so framing his resolution, for it has teeth in it, and means something. The resolution which the Senator from Texas [Mr. MAYFIELD] passed in the Senate the other day provides that the Federal reserve system is to be investigated by the Senate Committee on Banking and Currency. We already know how that committee feels with reference to the matter, and we may hardly expect any accomplishment from it, because we remember the bill, S. 3657, which it passed in the Senate during the last Congress. That bill which, on December 17, 1926, passed the Senate without a dissenting voice raised against it, would have retired Mr. Tulley, when he got ready to quit, on a pension of $15,000 per year for life, as long as he lived, half of which was Government funds in said banks, and would have retired the officials who are now drawing $50,000 per year, when they got ready to quit, at a pension of $30,000 each per year for life, half of which money was Government funds in said banks, and would have retired all officers and employees of the Federal reserve system on pensions of 60 per cent of their high salaries drawn for life when they quit, one-half of which money, or 30 per cent, was Government funds in said banks. If the Committee on Banking and Currency felt that way toward these Federal reserve officials, we know how little we could expect from an investigation by it. It would be the same as having the Power Trust investigated by the Federal Trade Commission.

And it was not until the House, on February 1, 1928, struck out the enacting clause and killed the similar bill that was brought before us by our House Committee on Banking and Currency, that was to pension these officials on salaries of $12,000 per year for life, after they quit, that this Senate resolution I refer to was ever prepared and acted upon. That Senate measure, S. 3657, in the last Congress, was passed by the Senate by unanimous vote, without any Senator raising his voice against it.

Mr. WILLIAMS of Texas. Yes.

Mr. BLANTON. And such a bill, although reduced to $12,000 annual pensions, would have passed this House, when presented here by our Banking and Currency Committee on February 1, 1928, had it not been for the fight which the gentleman from Texas [Mr. WILLIAMS], aided by our colleague from Texas [Mr. BLACK], the gentleman from Illinois [Mr. MADDEN], and myself, made against same, which resulted in its enacting clause being stricken out, and the bill killed.

Mr. WILLIAMS of Texas. Mr. Speaker and gentlemen of the House, in addressing you to-day I realize the fact that should this resolution be adopted and a committee appointed as the resolution provides that it is possible that the actions of the committee may be of far-reaching effect. I realize that since the creation of the Federal reserve act there has been a sort of a halo thrown around the Federal reserve banks; the average individual views a Federal reserve bank as a place where only the select are admitted, and while this should not be true, yet it is a fact; and I recognize, also, the fact that there are some who feel that those who are in authority in the Federal reserve banks are infallible.

However, regardless of the views of any individual relative to the Federal reserve bank act or of those in authority in the Federal reserve banks, the fact remains that Congress created the Federal reserve act; and it is the duty of Congress to see that each of the Federal reserve banks function as Congress intended they should when the act was created; and if any one of them, regardless of the reason, are failing to function as they should, then it is the duty of Congress to take cognizance of the fact; therefore, in introducing the resolution I feel that I am not only within my rights as a Member of this House but performing a duty to the people of this country.

For many months there has been much agitation in the eleventh Federal reserve district by reason of complaints and protests of bankers relative to the policies of the governor of the Federal reserve bank of that district, and especially as he applied his policies to the member bank in the rediscount privilege.

These complaints and protests, coming from all portions of the district, have produced a condition that, under the management of the present governor of the Federal reserve bank of the eleventh district, that the Federal reserve bank is not able to carry into effect the benefits which it is possible and which it was intended the Federal reserve bank should render.

I have been deliberate and exhaustive in my preliminary investigation, and that investigation has led me to believe that an investigation of the conduct of the Federal reserve bank of the eleventh district should be made by a joint committee of the Senate and the House of Representatives. This is a serious proposition. An investigation will affect not only the eleventh Federal reserve district but every Federal reserve district; and

should an investigation be made it should have for its sole purpose the discovery of the facts and of doing justice to all concerned, and particularly for the purpose of discovering whether or not any corrective or remedial legislation will be necessary; that being true, and should the committee decide that corrective or remedial legislation should be passed, then and in that event it would be very necessary that Members of both the Senate and the House have Members on the committee that they will be in position to give the information to their respective bodies.

I want in the beginning to make the statement that the governor of the Federal reserve bank at Dallas, Tex., has violated the Federal reserve act in applying the rediscount privilege to member banks, and especially the small country bank, and also that his experience as a practical banker has been such that he has not the information nor the qualifications necessary for one to have for the position as governor of the Federal reserve bank, as everyone knows a man who is governor of a Federal reserve bank should have had experience as a practical banker and one who has a knowledge of values that fit him for the responsible position as governor of a Federal reserve bank.

In addressing you to-day I shall endeavor to confine myself to the record made by the governor of the Federal reserve bank on both the above propositions—that is, that the governor of the Federal reserve bank at Dallas, Tex., has violated the Federal reserve act in the rediscount privilege accorded the member banks—and also that his record as a banker fails to establish the fact that he is qualified as a practical banker for the position of governor of the Federal reserve bank. Further, before I enter into the presentation of the record, I want to commend those directors who voted against the reelection of the governor, and I sincerely believe that had the other directors realized what his reelection meant to the eleventh Federal reserve district they would have joined with those directors who voted against the governor's reelection, and this resolution would never have been introduced.

I want also to state that no one has supported more loyally than I the Federal reserve bank act, nor has anyone given the act more hearty approval than myself; and while I do not agree with all the features of the measure, yet I believe that it is one of the greatest pieces of legislation ever passed by a legislative body, and when operated by competent and patriotic authority it can be of the greatest assistance to our financial institutions; and yet, when operated by those who do not recognize the duty they owe the member banks, one who would not accord the member banks the consideration and privilege Congress intended should be accorded them when the act was passed, you can readily see how destructive it can become.

Mr. HUDSPETH. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS of Texas. Yes.

Mr. HUDSPETH. The gentleman is an experienced banker, as I understand.

Mr. WILLIAMS of Texas. I have been in the banking business for over 25 years.

Mr. HUDSPETH. Yes.

Mr. WILLIAMS of Texas. As an evidence that I have supported the Federal reserve act loyally, for your information, I will say that when the act became operative I placed the banks with which I was connected, which were operating under State charter, in the Federal reserve system and those banks have been members of the Federal bank since that time. I believe that you will agree that is sufficient evidence that I am friendly toward the Federal reserve bank act, and I say to you frankly that if my record, as one who has been in the banking business for 25 years, did not bear me out in the statement that I am friendly to the Federal reserve act, I would not feel that I should address you on the question now before this House.

I also want to make it clear before I go into the record—and I want every Member here to understand me—this is neither a political question nor is it a personal matter; I am speaking to-day for every rural bank in my State, every rural bank in this country, for you must realize that if the policies of the Federal reserve banks are such that they withhold from member banks the rediscount privilege the member banks are justly entitled to receive from the Federal reserve bank, there is not a community, there is not a home in all this country, which will not feel the effects of such policy, there is not a Member of this House but who realizes what it means to a community when a bank is forced to close its doors, and that there is not an individual in the community but who is made to suffer for the closing; and in addressing you to-day I wish to present to you the record of one who is in authority in the Federal reserve bank of the eleventh district at Dallas, Tex., and after you have heard his record I believe that you will agree with me that he has not only failed to recognize the rights of the small banks in the district—a right given them under the Federal reserve act—in the rediscount privileges but has intentionally withheld from them the privilege, and, further, with the intention of forcing the member bank out of business.

I know there is nothing personal intended in this resolution. I have been the friend of the governor of the Federal reserve bank at Dallas for years—I am his friend at this time—and I want to say for your information the principal reason why this resolution was not introduced some time ago was that I had hoped that the matter would adjust itself, and by so doing obviate the necessity of introducing this resolution, and I will state here that the directors of the eleventh Federal reserve bank at Dallas, Tex., and the members of the Federal Reserve Board here in Washington have had the matter placed before them, and for the reason there was evidently no relief forthcoming the resolution has been introduced in this House.

I am the friend of the governor of the Federal reserve bank at Dallas, Tex., but I do not agree with him as to his policies in the administration of the Federal reserve bank, as he applies them to member banks, and especially the member bank in the farming and stock-raising communities, and in differing with him I feel that I have had an experience which gives me a knowledge of the conditions in such communities to the extent that I hope I am not presuming when I say that I do not agree with him in the rediscount privilege which Congress intended the member bank should have when the Federal reserve bank act was enacted into a law.

I have always been a conservative in the administration of the banks with which I was in authority, the records of the Comptroller of the Currency, I believe, will substantiate the statement, and here I wish to add that anyone who is in authority in a bank who does not apply conservative and sound banking principles to the operation of the bank, he will fail, the bank will fail; and further, when a bank in any community has a record of several years of successful operation that alone is evidence enough that the bank was operated conservatively.

I would enter my objections to the appointment of anyone as governor of the Federal reserve bank who was not a conservative and one who would at all times insist that the member banks submit for rediscount paper which met all the requirements of the Federal reserve act in the way of being eligible, and paper which had the proper collateral and security that would make the paper collectible when due, and I know of no banker in the eleventh Federal reserve district but who wants the governor of the Federal reserve bank to be a man who will at all times protect the Federal reserve bank in the administration of the affairs of the bank; but my contention is that the present governor of the Federal Reserve Bank of Dallas, Tex., has not applied that principle to member banks in their application for rediscount privileges, but has refused with the intention of forcing them out of business.

On June 15, last year, I attended a stockholders meeting of member banks of the eleventh Federal reserve district, at Dallas, Tex.; this meeting was called by those in authority at the Federal reserve bank at Dallas, and was called for the purpose of giving the bankers the opportunity of discussing with those in authority in the Federal reserve bank questions which were of importance to the member banks. At this meeting there were present several hundred bankers from all portions of the district; many of them came to the meeting anxious that they have an opportunity of being heard. However, in this most of them were disappointed. A program had been arranged whereby all the forenoon and most of the afternoon was taken by addresses made by the Federal reserve agent, the governor of the Federal reserve bank, and the attorney for the Federal reserve bank. This program was so lengthy that many bankers present were forced to leave the meeting without the opportunity of being heard. The meeting was for one day only, however. Late in the afternoon some questions were asked the governor, which he very courteously answered, and the day following he addressed a letter to a certain banker who had asked him a question as to certain policies he was enforcing in the administration of the Federal reserve bank, relative to rediscount privileges accorded the member banks. The party acknowledged receipt of the governor's letter and propounded further questions relative to his policies. The governor answered the letter and used the following language. I give you this that you may begin to draw some conclusions as to his conception of his duty toward the member banks in the rediscount privilege.

At this meeting, the night before the meeting of the stockholders, which was to meet to-morrow, the governor and the Federal reserve agent at Dallas appointed a committee of 28 bankers to prepare a program for the stockholders' meeting to-morrow. On that committee were 28 men, 14 of them out of

group 1, 60 banks out of over 800; 11 out of group 2, and 3 out of group 3, with 292 banks; and 3 out of group 3, with 467 banks.

Mr. JOHNSON of Texas. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS of Texas. Yes.

Mr. JOHNSON of Texas. Will the gentleman tell us how those groups are divided?

Mr. WILLIAMS of Texas. Yes. Group 1 is all banks with capital from $500,000 up. Group 2 is all banks with capital from $500,000 down to $100,000; and group 3, from $100,000 down to $25,000. Three men were appointed by the committee on arrangement to represent the country banks. He was anxious that the country banks should have a fair opportunity to talk at this meeting, and they were present at the meeting of the stockholders; but most of the time, I must say again, was taken up by the addresses by the governor, the Federal reserve agent, and the attorney for the Federal reserve banks. That shows how considerate they were at the stockholders' meeting to the small-member bank.

I attended the meeting as a banker, a country banker, and as a Member of Congress. In going around over my district and over my State, considering the fact that I have been in the banking business, it is but natural that those in the banks would say things to me that they would not say to the Federal reserve bank people. I had been hearing these complaints. At this meeting there were present several hundred bankers from all portions of the district. Many of them came with the hope that they would have the opportunity to be heard, but all of the time in the morning and most of the afternoon was taken up by addresses by the governor and the Federal reserve agent and the attorney for the Federal reserve banks.

Mr. JOHNSON of Texas. Mr. Speaker, will the gentleman yield there?

Mr. WILLIAMS of Texas. Yes.

Mr. JOHNSON of Texas. Some of the Members of the House are not bankers, like the gentleman. Will the gentleman please tell us what the rediscount privilege is?

Mr. WILLIAMS of Texas. Yes. Those who have eligible paper can take it with them to the Federal reserve bank and receive credit. That is all there is to it.

Here is a paragraph from his letter dated July 1, 1927, which is an answer to the complaint made by a member bank that the Federal reserve bank should endeavor to take care of the member bank in the way of rediscount privilege and thereby protect the member bank from paying 6 per cent for money, which he paid when he was forced to borrow from his city correspondent bank by giving them the privilege of the rediscount rate which was from 3½ to 4 per cent. Here is what the governor says:

> You evidently have in your mind the thought that the Federal reserve banks ought to devise ways and means to increase their business and to compete with the city correspondent banks for the member banks' borrowing business.
>
> In our judgment here, this would be most unwise and entirely without province of Federal reserve banking. If the member banks can be better pleased and better satisfied by borrowing from their correspondent banks instead of from the Federal reserve bank then that is a circumstance about which the Federal reserve bank should have no concern, but I am sure that it would be a matter of great concern upon the part of the city correspondent banks if the Federal reserve bank were to induce the member banks to borrow from it in preference to borrowing from their city correspondent.

Note his language, please, that it should be of no concern to the Federal reserve bank to induce the member bank to borrow its money from the Federal reserve bank, that is not the proposition; all the member bank expects is recognition of the right it has under the Federal reserve bank act for the rediscount privilege, and if the treatment is accorded the member bank by the Federal reserve bank which should be accorded, the difference in rate will be an incentive for the member bank to borrow from the Federal reserve bank. You will also observe what he says about the city correspondent being concerned if the Federal reserve bank takes care of the loans for member banks. That is one of the troubles with the governor of the Federal reserve bank, and one of the complaints is that his conduct of the Federal reserve bank toward the small member bank is such that they are compelled to pay their city correspondent 6 per cent, when if he had the proper conception of the duty he owes the small member bank the member bank would secure his rediscounts at the discount rate, which has been the past year 3½ and 4 per cent; certainly the city correspondent would want the governor refuse the small member banks the rediscount privilege.

Mr. BLACK of Texas. Will the gentleman yield at that point?

Mr. WILLIAMS of Texas. With pleasure.

Mr. BLACK of Texas. Of course, the gentleman is well aware of this, but I want to remind the gentleman that these member banks are compelled to keep their reserves with the Federal reserve bank.

Mr. WILLIAMS of Texas. Seven per cent of their deposits without interest.

Mr. BLACK of Texas. And the law contemplates that if they tender eligible paper it will be rediscounted at the Federal reserve bank and at the rediscount rate provided. If the member banks are denied this privilege when they tender sound eligible paper for rediscount, then one of the main purposes of the Federal reserve act is nullified.

Mr. WILLIAMS of Texas. That is correct.

Here is another paragraph from the same letter, which was in answer to the statement that the rediscount privilege given the member bank was one of the principal reasons for Congress passing the Federal reserve act, and that it was the intention of Congress when the act was passed that this privilege should at all times be recognized by those in authority in the Federal reserve bank. How does this sound to you? Here is what he says:

> You are evidently under the impression that rediscounting for member banks in order that they may extend the volume of primary credit, which in their judgment should be extended, is the chief function of the Federal reserve bank—

Listen to this—

> I hope that I shall not shock you unduly when I say to you that, in my judgment, the rediscount function of the Federal reserve bank has already begun to dwindle in significance, and that to the greater extent that the Federal reserve banks carry on in an intelligent manner the open-market operations, just to that extent will the importance of the rediscount functions be minimized.

Mr. HUDSPETH. Will the gentleman yield?

Mr. WILLIAMS of Texas. With pleasure.

Mr. HUDSPETH. As I understand, the difficulty with this gentleman is that he caters to the big-city bank and discriminates in favor of the big-city bank against the country bank.

Mr. WILLIAMS of Texas. If I can reach it, I will prove that by the records.

Mr. HUDSPETH. Of course, anyone looking at the gentleman from Texas [Mr. BUCHANAN] and myself would know we are from the country, and I want to ask the gentleman how many of those city banks belong to the Federal reserve system and how many country banks.

Mr. WILLIAMS of Texas. Well, there are 60 banks in the district in Group 1—that is, banks having a capital of $500,000 and up—and there are 467 banks in the eleventh Federal reserve district which have a capital of $100,000 down to $25,000. They are in Group 3.

Mr. HUDSPETH. And he discriminates against the country banks and in favor of the city banks.

Mr. WILLIAMS of Texas. Yes; and it seems to me it is for the purpose of compelling those banks to close their doors.

Mr. STEVENSON. Will the gentleman yield?

Mr. WILLIAMS of Texas. With pleasure.

Mr. STEVENSON. I want to call the gentleman's attention to another expression in that letter. He seems to put out the idea in the letter that the chief function will in the future be the open-market operations of the Federal reserve bank?

Mr. WILLIAMS of Texas. That is his idea.

Mr. STEVENSON. That means that instead of loaning money to the banks which have stock in the bank, which have their deposits there, and which have to look to the Federal reserve bank for a low rate of discount, they will go into the open market and buy at one time $500,000,000 of open-market paper, which will tend to relieve the people in the speculative districts and turn money loose there.

Mr. WILLIAMS of Texas. That seems to be his policy. Now I shall prove to you by the record of the governor of the Federal reserve bank in his policies toward the member bank, and especially the member bank in the farming communities, in the rediscount privilege, is in keeping with his statement.

First permit me to show you when and where the governor of the Federal Reserve Bank of Dallas, Tex., was given the authority to enforce his policies on the member banks of the district, and withhold from them the rediscount privilege to which they were entitled under the Federal reserve act. At a meeting of the directors of the Federal reserve bank of the eleventh district held on April 12, 1926, a resolution was passed by the directors creating a discount committee consisting of the governor of the Federal reserve bank, the Federal reserve agent, the two deputy governors, the cashier, and the assistant cashier, and providing that the governor be chairman of the committee.

The last paragraph of the resolution reads as follows:

Be it further resolved, That the discount committee shall have authority to pass upon all loans and discounts submitted in accordance with the terms of the Federal reserve act, and the action of the committee, when approved by the executive committee or by the governor and Federal reserve agent acting for the executive committee, shall be final.

Note the language please—

when approved by the governor and Federal reserve agent, acting for the executive committee, shall be final.

That resolution placed the entire authority of passing on all loans and discounts up to the governor. Everyone who is informed as to actual conditions in the Federal reserve bank at Dallas knows the Federal reserve agent does not count, and if there was a sure enough Federal reserve agent, all of which there is not and the bankers in Texas know there is not, at Dallas, this resolution would never have been introduced, for the reason that the discrimination against the small banks of the system accorded them by the governor would never have been permitted.

The governor was the only one on the committee, as above stated, the Federal reserve agent was not considered, the other members of the committee were individuals holding their position in the Federal reserve bank with the approval and consent of the governor.

The two deputy governors, the cashier, and the assistant cashier never spent 30 seconds of their lives in the management of a bank, anywhere, and the records will prove it. Yet they sit there and pass on rediscounts which the member banks put up to them. They were placed in a position that if they disagreed with him they would have been removed. You may say that I am mistaken. I am not mistaken; the governor of the Federal reserve bank at Dallas, Tex., after that resolution was passed proceeded to enforce his policies on the member banks, and I say here and now that the governor of the Federal reserve bank at Dallas, Tex., withheld credit from member banks when they were entitled to the credit, and I make the statement also, and the records will prove the statement, that he did so with the intention of forcing them out of business, force them to close their doors; good, solvent banks, serving the community where they were located, and the governor of the Federal reserve bank, under the authority given him by the resolution, attempted to force those banks which to his mind were unnecessary, to close their doors and force them out of business. And to show you the unlimited authority granted the governor by the directors the above resolution was the last and only mention made as to a discount committee since April, 1926. For almost two years not a mention or discussion.

Mr. McKEOWN. Will the gentleman yield?

Mr. WILLIAMS of Texas. With pleasure.

Mr. McKEOWN. I will state that we have some banks in that Federal reserve district and the record bears out the fact that they have stood by and knocked at the doors, yet it appears to be the desire to shut the banks in our district.

Mr. WILLIAMS of Texas. Yes, sir; the same policy has been applied to banks in Texas. Do you wonder why he was reelected? Do you not think if you were a director of a Federal reserve bank you would be in an embarrassing position if you voted to remove a man after you had given him the unlimited authority these directors gave this man?

After the authority was given the governor to refuse the rediscount privilege to member banks he proceeded to withhold from them credit they were entitled to receive under the provisions of the Federal reserve act, and to prove my statement here is the record; please follow me closely, this should interest you; here is his record.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. WILLIAMS of Texas. With pleasure.

Mr. MOORE of Virginia. Will the gentleman tell us whether in doing what the gentleman stated he did—writing the letter, for instance, which you have read—the governor was acting in accordance with what is supposed to be the policy of the Federal Reserve Board?

Mr. WILLIAMS of Texas. It is questionable as to that. I will quote the policy of the Federal Reserve Board if I reach it, but it is not the intention of the Federal Reserve Board for the governor to withhold the rediscount privilege from a member bank if the paper is eligible, and if the paper is not eligible there is not a bank in the district which would expect the rediscount privilege.

Mr. MOORE of Virginia. I had particularly in mind this point: In his letter the governor seems to subordinate the rediscount processes to the open-market processes?

Mr. WILLIAMS of Texas. Yes; that is what he says.

Mr. MOORE of Virginia. I was wondering whether the Federal Reserve Board has given any countenance to that.

Mr. WILLIAMS of Texas. That I can not answer. The directors are not for that policy, so I am informed. Here is the report made by the member banks to the board on the 29th of June of last year, and I think one who knows Texas knows that is the high-water mark for credits, because by the same time in July cotton is beginning to move in south Texas and the loans are being reduced. This record shows that on the 29th of June of last year the Richmond Bank had $14,395,000 rediscounts secured by securities other than Government securities. Any banker with Government securities can get money. The St. Louis district had $15,346,000 rediscounts secured by securities other than Government securities; Kansas City, $10,550,000; San Francisco, $27,554,000; Atlanta, $27,996,000; and Dallas, $3,921,000.

In 1926 there was a big crop of cotton and prices were low. That caused more debts in the Dallas district not being liquidated than ever before, and there never has been a year in the history of the district that the rediscount privilege was needed to a greater extent.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. WILLIAMS of Texas. With pleasure.

Mr. JOHNSON of Texas. Will the gentleman state the size of that district and the volume of business?

Mr. WILLIAMS of Texas. I will get to that in a minute. Take the Atlanta district as a comparison.

I take the Atlanta district for the reason that it is the only district with similar conditions as the Dallas district, almost entirely an agricultural district, and principally a cotton-producing district; that being true, loans made by member banks to their customers, and the rediscounts necessarily offered to the Federal reserve bank in each of the two districts are of necessity almost the same class of paper; that is, loans made by member banks to farmers and the paper offered by member banks to Federal reserve banks is this class of paper, farmers notes, secured by livestock, including their teams and milch cows, their growing crops, and oftentimes their farm implements, the districts are similar in that the loans made to farmers are advanced for purpose of making and gathering their crops, and when their crops are harvested they almost invariably place them on the market and thereby reduce their loans.

Here are some figures that should be of interest to you, and if you will follow me carefully I believe that you will see that these figures indicate, and prove conclusively to you, that the policy of the governor of the Federal reserve bank at Dallas, Tex., in dealing with member banks in regard to the discount privilege accorded to the member banks by Congress when the Federal reserve act was passed, is such that he has not only refused to grant to many member banks the discount privilege entitled to them by the Federal reserve act, which was the intention of Congress when the act was passed, but in many instances he has endeavored to embarrass those in authority in member banks, by refusing to them the discount privilege they were justly entitled, saying to them their bank was of no use in the community where it was supported by farmers, that the farmers did not need to borrow money, that there was no need of small banks, that there were enough large banks in Texas to take care of all legitimate demands for banks, that he, as governor of the Federal reserve bank, was going to use his efforts to close some of the banks, in several instances insulting in his attitude, and especially does this apply to small banks and those situated in communities where the banks are supported by farmers and loans made by member banks to farmers.

The records show that on June 29, 1927, Atlanta district, with 477 banks and with paid-in capital and surplus of $14,735,000 and deposits of $67,447,000, total $82,182,000, was carrying rediscounts from member banks to the amount of $31,917,000, of which amount $3,802,000 was secured by Government securities, leaving amount rediscounted to member banks secured by securities other than Government securities of $27,996,000.

Dallas district on the same day, with 820 banks, with paid-in capital and surplus of $12,561,000 and deposits of $58,109,000, total of $70,670,000, was carrying rediscounts from member banks to the amount of $5,918,000, of which $2,116,000 was secured by Government securities, leaving amount rediscounted to member banks secured by securities other than Government securities of $3,802,000, less than one-ninth of amount carried by Atlanta district.

The report further shows that Atlanta had invested in bills bought in the open market and Government securities, a total of $19,859,000, and Dallas had invested in bills bought in the open market and Government securities, a total of $36,847,000, approximately twice the amount of Atlanta district. Atlanta had over one-fourth of its paid-in capital, surplus, and deposits invested in rediscounts from member banks, secured by securities other than Government securities, and approximately one-

fourth of its paid-in capital, surplus, and deposits invested in bills bought in the open market and Government securities, while Dallas district had approximately 5 per cent of its paid-in capital, surplus, and deposits invested in rediscounts from member banks, secured by securities other than Government securities, while it had at the same time over 50 per cent of its paid-in capital, surplus, and deposits invested in bills bought in open market and Government securities.

Mr. BEEDY. Will the gentleman yield to me for a moment?

Mr. WILLIAMS of Texas. For a moment, but I must hurry. I am crowded for time.

Mr. BEEDY. I am sorry to say that I have missed a part of the gentleman's speech. Has the gentleman given any figures to show the status of the reserves in the Dallas bank as compared with the reserves in the Atlanta bank?

Mr. WILLIAMS of Texas. I could stand here and talk for 30 days on the record down there——

Mr. BEEDY. Am I correctly informed when I am told that the Dallas bank has been overextended for years, and only during the administration of the last governor has the reserve been brought up to the legal requirement, and that this result has been accomplished because the present governor can say "No"?

Mr. WILLIAMS of Texas. They would not have had that situation if they had not dissipated money in salaries or if that bank had been operated for the interests of the stockholders.

Mr. BEEDY. The salaries have not been changed much, if any, under the present governor's administration, have they?

Mr. WILLIAMS of Texas. I am not going to yield and get into a controversy with the gentleman. I have records here that I want to put in the RECORD, although I want to be courteous to the gentleman, of course.

Here is a report by Mr. Tally, the governor, on the 31st of December, showing the income from the Federal reserve bank on rediscounts of member banks:

1926, $525,993.

1927, $254,983.

This is a falling off of over 50 per cent in one year.

Gentlemen of the House, I know the country banker; I am familiar with the conditions under which a country bank is operated, I know what the country bank means to the community in which it is operated; I doubt if there is a man in my State who knows more country bankers than I. I know them by name, I know where they live, I have visited the community where their banks are located, I have been in their banks, and I want to say here and now, there is not a higher type of bankers living than the country banker in my State, and there is no more patriotic and loyal men on earth than the country banker in Texas, and many of the prosperous communities and cities in Texas to-day is an evidence that some country banker operated a country bank in the community and assisted in developing the resources of that particular part of the State.

During the World War when drives were being made to sell Liberty bonds and to secure funds for the Red Cross and all other activities to assist in winning the war, the country banker in Texas, as in other States, was working in the lead. He neglected his business, left it in the hands of others, and went out over the country making speeches, contributing money, and loaning money to those who did not have money to contribute, that he might assist in his small way, as a good citizen, in giving the best of which he was capable to his country.

The country banker in my State is a free-born white man, and when he has a right granted to him under the laws of this country he resents being treated in a manner as though he were a crook and that he had no rights. Imagine how you would feel, knowing that you had a legitimate right to apply to the governor of a Federal reserve bank for the rediscount privilege, a right accorded you under the Federal reserve act, and as you know, the member banks are forced under the act to keep a certain per cent of their deposits in the Federal reserve bank upon which the member bank receives no interest, you as the operating head of a member bank, and have the governor not only treat you as though you had no right to make the application but bawl you out and, as he has done in many instances—and the RECORD will bear me out in the statement—absolutely insult you. That is what the governor of the Federal Reserve Bank at Dallas has done on numerous occasions, and a committee from the Senate and this House will find such has been the case, should this resolution be adopted.

You know what you would want to do under those conditions, you know how you would feel toward the institution, and you further know that you would never apply to the Federal reserve bank again as long as the present governor was retained. That being true, I care not how efficient the governor may be, his usefulness as governor of the Federal reserve bank has been destroyed, he has destroyed it himself, and for the directors to retain him as governor is crippling the service and usefulness of the Federal reserve bank in the district. And while he was reelected, it was by a divided vote of the directors, and the fact that the vote was divided is sufficient evidence that he is not the proper man for the place of governor of the Federal reserve bank; however, he was reelected.

Mr. JONES. Will the gentleman yield?

Mr. WILLIAMS of Texas. Gladly.

Mr. JONES. Is there any practical and direct way for them to get rid of an official who violates the spirit and the purpose of the law?

Mr, WILLIAMS of Texas. I do not know. If there is not, there should be legislation introduced in these two Houses that will do it.

Mr. BEEDY. Will the gentleman yield?

Mr. WILLIAMS of Texas. Yes.

Mr. BEEDY. The individual banks in the district own stock in the Dallas Reserve Bank and elect three-fourths of the directors of that bank, do they not?

Mr. WILLIAMS of Texas. I do not want to get into an argument——

Mr. BEEDY. Is not that the fact?

Mr. WILLIAMS of Texas. Wait a minute. Let me show you the unfairness of the Federal reserve act, although I am for that act.

The Federal reserve act grants to group 3, banks of capital stock from $100,000 down, the right to elect two men; is not that correct?

Mr. BEEDY. That is true.

Mr. WILLIAMS of Texas. The Federal reserve act grants the banks between $100,000 and $500,000 the privilege of electing two men. Then from $500,000 on up, two men, which makes six. Then the board here appoints three, which makes up the nine directors. One-half of the member banks in every one of the 12 Federal reserve bank districts elects two men. That is one reason I am complaining about this.

The city banker, the fellow with $500,000 capital and up, has no kick. He is a great banker, and that is one trouble over here at the Treasury Department. They sent one of the men down there to investigate it, but he did not see the fellow to whom the governor of the Federal reserve bank is denying the rediscount privilege.

Mr. BEEDY. The member banks have the right to elect, and do elect, two-thirds of the directors, do they not?

Mr. WILLIAMS of Texas. I am not going to yield further.

Mr. BEEDY. Will the gentleman yield for one more question?

Mr. WILLIAMS of Texas. If the gentleman will guarantee me additional time.

Mr. BEEDY. The gentleman has a joint resolution pending here asking for an investigation of this bank. The gentleman knows there is one—a similar resolution—that was introduced in the Senate and is now before the Senate Committee on Banking and Currency, does he not? Does the gentleman want two investigations at the same time?

Mr. WILLIAMS of Texas. No; he does not want two investigations, and when I began my statement I said if this investigation was held and it developed that remedial legislation or corrective legislation should be introduced in these Houses to take care of a condition that might arise, that Members of both Houses ought to be on that committee of investigation.

Mr. BEEDY. In the hope of being helpful may I ask another question? The gentleman knows, does he not, that it is the duty of the Federal Reserve Board here in Washington to make such investigations?

Mr. WILLIAMS of Texas. Yes.

Mr. BEEDY. And before they can make such investigations they must have some charges. Have any charges been preferred by any of these banks in Texas to the Federal Reserve Board against the Dallas Reserve Bank?

Mr. WILLIAMS of Texas. Not that I know of; but both the board of directors at Dallas and the board in Washington have been informed in this matter.

Mr. BEEDY. Does the gentleman think it is fair to go over the heads of the Federal Reserve Board and ask Congress to investigate?

Mr. WILLIAMS of Texas. Who created the Federal Reserve Board?

Mr. BEEDY. The Congress; and it reposed in the Federal Reserve Board the duty of making investigations of the reserve banks of the system.

Mr. WILLIAMS of Texas. Does Congress want any man governor of any of the Federal reserve banks whose conduct to the member banks is such that 50 per cent of the banks

will not do business with him, except when forced to do so by law?

Mr. BEEDY. Of course, I am not going to assume all those facts to be proven, but anything that is wrong should be investigated and corrected in an orderly way and in accordance with the law establishing the system as passed by Congress.

Mr. WILLIAMS of Texas. My time is running and I refuse to yield further, in all courtesy to the gentleman.

As a further evidence that he is not the proper man for the position I submit the following information, which is evidence to you how the bankers of the district feel toward the policies of the governor of the Federal reserve bank in that district:

On October 12 last year a meeting of the bankers on the South Plains was held at Lubbock, Tex.; there was present at the meeting 35 bankers, representing 23 banks, and passed resolutions unanimous condemning the policies of the governor of the Federal reserve bank at Dallas, Tex.

On October 18 last year a meeting of bankers was held at Abeline, Tex., with over 30 bankers present, representing 15 banks, and passed unanimous resolutions condemning the policies of the governor of the Federal reserve bank at Dallas, Tex.

In November last year a meeting of bankers was held at Corsicana, Tex., with over 35 bankers present, representing 20 banks, and passed resolutions condemning the policies of the governor of the Federal reserve bank, with one vote dissenting, and I am informed that he stated that it was a personal matter with him.

This month, I believe it was about the 6th or 7th, a meeting of bankers of the Paris (Tex.) district, composed of bankers from Lamar, Red River, and Fannin Counties, and bankers from southern Oklahoma, met at Paris, Tex., with between 90 and 100 bankers present, and passed resolutions unanimous condemning the policies of the governor of the Federal reserve district at Dallas, Tex., and my colleague [Mr. HUDSPETH] is my authority for the statement that the bankers met in his district at San Angelo and passed resolutions condemning the governor's policies. Think of it, gentlemen of the House, at four meetings of bankers, with almost 200 bankers present and only one vote against the resolutions condemning the policies of this man.

In addition to the above, the directors of the West Texas Chamber of Commerce, at a meeting held at Cisco, Tex., in June last year, with 65 members present, passed resolutions condemning his policies as applied to the member bank located in the farming and livestock communities, and again at a meeting of these directors, held at Fort Worth, Tex., on January 19 of this year, passed resolutions condemning his policies.

Mr. JONES. Will the gentleman yield?

Mr. WILLIAMS of Texas. Yes.

Mr. JONES. Is it not true also that the bankers having to do business with the Federal reserve bank would not make a protest unless conditions were very serious?

Mr. WILLIAMS of Texas. Oh, you can not imagine it! It takes a lot of intestinal courage to go up against that bank. [Laughter and applause.] Think about a little country banker being put in a position where you are going to close the bank in the community. That money and that bank was created in that community. That bank is operated for the community and there is an individual placed down there that can withhold from you credit to which you are entitled and break your bank. And I make the charge here and now, and if this committee is appointed they will find where the governor of the Federal reserve bank in Dallas, Tex., forced some solvent banks to close when the Federal bank examiner's force was trying to put them on their feet, and if it had not been for the governor of the Federal reserve bank they would have done it. I can name the banks and the dates and give the facts. That is his record. He said he was going to close them, and if you will let me alone I will get to that because I have that record here.

As further evidence that my statement is substantiated by the record, listen to this: The president of a certain bank in Texas, a man who had been the operating head of a bank in this community for 25 years, applied to the governor of the Federal reserve bank for further rediscount privileges, he owed the Federal reserve bank a modest amount, but owing to the fact that the farmers in that particular part of the State had failed in a feed crop, and the necessity of furnishing them money to buy feed, that they might make another crop, made it necessary that he have more discounts. The governor, after discussing the matter at length, the banker explaining the necessity of his making the request, refused to grant him further rediscount privilege. The banker, addressing the governor, said:

Governor, do you mean to tell me that if it becomes necessary to extend our bank further rediscount privilege, or close our bank, that we will have to close the bank?

Listen to the governor's reply, calling the party by name—

That is just exactly what I mean. Go home and close your damn bank. It will be a damn good lesson to your community.

Mr. BEEDY. The gentleman doesn't hold me responsible for that language?

Mr. WILLIAMS of Texas. I want to show you how much ability he has. This man did not get another dollar from the Federal reserve bank; he paid the bank what he owed. And listen to the statement of his bank made to the Comptroller of the Currency on call of December last year: Deposits, $293,998.99; cash, bonds, and bills of exchange, $196,555.48; approximately two-thirds of his deposits in cash and exchange. Here is another: The president of a bank in Oklahoma—and this man had been the active manager of the bank for 15 years—applied for the rediscount privilege for his bank, which application was refused, and the governor stated to this man, and also to the vice president of the bank, who was present, that they would have to close their bank, said that you haven't a chance; go home and close your bank.

Let us see if he had to close his bank, and remember he did not get a dollar from the Federal reserve bank, and he is now applying for a State charter to get out of the Federal reserve system. Here is the statement of his bank, made under call of the Comptroller of the Currency at the December call last year: Deposits, $363,953.07; cash and exchange, $241,316.62; approximately two-thirds of his deposits in cash and exchange. Here is another from a bank out in west Texas, where the governor of the Federal reserve bank refused them the rediscount privilege, and listen to what he said when the application was refused—

We have too many banks; we only need a few banks in the larger towns in Texas to take care of all the business.

Further he said to them, the president and cashier:

You should not loan money to farmers, but invest your money in Government securities and commercial paper.

Here is the statement of this bank made under December call, as the others just mentioned: Deposits, $117,983.42; cash and exchange, $62,226.12; over one-half of the deposits in cash and exchange. Do these statements have the earmarks of broke banks? Does it look like they had to close? And remember, the governor of the Federal reserve bank would not loan them $1. I realize they are what would be termed small country banks; but they were serving the communities in which each was located, and I believe that you will agree with me that they were serving them well from the statements made to the Comptroller of the Currency, and here I ask permission to print in the RECORD the statement of each of these banks in full, that you may have the opportunity of studying them further:

Condensed statement of the condition of Citizens National Bank, of Blooming Grove, Tex., at the close of business December 31, 1927

RESOURCES

Loans and discounts		$171,283.82
Overdrafts		948.64
Banking house, furniture, and fixtures		12,350.00
Stock in Federal reserve bank		1,900.00
Due from United States Treasurer		1,250.00
Other resources		749.99
Cash:		
Currency and exchange	$72,296.25	
Bonds	55,000.00	
Bills of exchange	69,259.23	
		196,555.48
		385,037.93

LIABILITIES

Capital stock	50,000.00
Surplus and undivided profits	14,038.94
Dividends unpaid	2,500.00
United States circulation	24,500.00
Deposits	293,998.99
	385,037.93

This statement is correct.

J. R. GRIFFIN, *Cashier.*

Statement of the condition of the State National Bank, Idabel, Okla., at the close of business December 31, 1927

RESOURCES

Loans and discounts		$122,289.98
Overdrafts		917.63
Banking house		30,000.00
Furniture and fixtures		10,000.00
Real estate		12,778.84
Stock in Federal reserve		1,650.00
Cash resources:		
Liberty bonds	$15,868.96	
Bonds, warrants, etc	122,792.82	
Cash and sight exchange	102,654.84	
		241,316.62
Total		418,953.07

LIABILITIES

Capital stock	$50,000.00
Surplus	5,000.00
Borrowed money	None.
Deposits	363,953.07
Total	418,953.07

The above statement is correct.

C. E. BOLLINGER, *Cashier.*

Attest:

D. B. STRAWN, *President.*
J. E. DOOLEY, *Vice President.*

Financial statement of the condition of the First National Bank, Meadow, Tex., at the close of business, December 31, 1927

ASSETS

Loans and discounts		$77,561.05
Overdrafts		183.80
County and school warrants		3,477.00
Federal reserve bank stock		850.00
Real Estate (banking house) and furniture and fixtures		8,454.88
Other real estate		572.86
Other assets		950.77
Cash:		
Cotton acceptances	$35,637.46	
On hand and due from banks	26,588.66	
		62,226.12
Total		154,276.48

LIABILITIES

Capital stock		$25,000.00
Surplus		5,000.00
Reserved for taxes and interest		704.29
Cashier checks outstanding		5,588.77
Deposits:		
County and school	$8,563.43	
Time deposits	500.00	
Individual	108,919.99	
		117,983.42
Total		154,276.48

The above statement is correct.

EARL T. CADENHEAD, *Cashier.*

I make another statement, and I recognize the fact that this is a broad statement also. The governor of the Federal reserve bank at Dallas, Tex., through his authority as governor of the Federal reserve bank, has forced banks in the eleventh Federal reserve district to close their doors when the bank should have remained open. I am in position to name some of the banks. I have in mind one bank that the actions of the governor of the Federal reserve bank forced it to close, when the national bank examiners' force was endeavoring to reorganize the bank and would have succeeded had it not been for the governor of the Federal reserve bank; and the bank would have been in operation to-day had it not been for the governor of the Federal reserve bank. But the trouble was, as you see from the record, the governor did not want to save the bank, he wanted it to close, and he closed it. He has made the statement that there are too many banks and that he was going to help close some of them.

Here, I want to read you a paragraph from the report made by the governor of the Federal reserve bank to the directors at their January meeting in 1927:

> We believe that we would do much better to assist the stronger banks in counteracting a detrimental effect upon them brought about by numerous failures, than we would to undertake to use any considerable amount of our resources in trying to tide over the weak situation for the primary purpose of avoiding the effect that might come to the stronger institutions entitled to assistance by virtue of the quality of their assets and the evidence which they have given in the past of adhering to sound policies.

His policy is to take care of the stronger institutions (and I approve him taking care of them), and break the smaller institutions. There is the trouble, and again I make the statement that he has used his authority as governor of the Federal reserve bank, not to assist the small member bank but to withhold from it that which Congress intended should be accorded it when the Federal reserve bank act was passed; that is, in the rediscount privilege, and by so doing he has forced banks to close their doors when they should have remained open.

Think about it, gentlemen of the House. Last year, the governor of the Federal reserve bank at Dallas, Tex., by refusing to the member banks the rediscount privilege they were entitled, cost the member banks of that District over a million dollars. Why there are banks in Texas who loaned more money to member banks in Texas last year than the Federal reserve bank loaned them. I mean individual banks were carrying more loans to banks than the Federal reserve bank was carrying, and the governor of the Federal reserve bank at Dallas, Tex., by withholding from the member banks the rediscount privilege to which they were entitled, and forcing them to secure their loans from their city correspondents, cost the member banks in that district over a half million dollars, by reason of the member bank having to pay 6 per cent for their money from their correspondents when they should have secured it from the Federal reserve bank at 3½ and 4 per cent, which was the discount rate last year. Why, I can give you the name of a certain bank in Texas that loaned over a million dollars to banks last year that the governor of the Federal reserve bank had refused, and every one of the loans has been paid, and some of these were to banks where the governor had told them they would have to close their bank.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. WILLIAMS of Texas. With pleasure.

Mr. COOPER of Wisconsin. Did I understand the gentleman to say that the country bank took these securities to the Federal reserve bank of which you speak and was denied the rediscount privilege and if the rediscount had been given it would have been at 3 per cent?

Mr. WILLIAMS of Texas. From 3½ to 4 per cent, which was the discount rate during the year.

Mr. COOPER of Wisconsin. Did you say that they took the same securities to a big bank and received the discount but were obliged to pay 6 per cent?

Mr. WILLIAMS of Texas. Yes; and in some instances 7 per cent.

Mr. COOPER of Wisconsin. So these facts show that it was not the character of the securities which the Federal reserve bank really objected to?

Mr. WILLIAMS of Texas. No. If it had been, they would not have been discounted. I do not know of a member bank of that district that wants them to take paper that is not safe.

Mr. COOPER of Wisconsin. But the big bank did take the securities?

Mr. WILLIAMS of Texas. Certainly; and I can give you the name of one bank in Texas that loaned over a million dollars to banks that the Federal reserve governor refused, and the loans have been paid.

Mr. BLACK of New York. Did the Federal reserve bank rediscount the paper for the larger banks?

Mr. WILLIAMS of Texas. I am not in a position to answer that. All the records that I have given you here are unquestioned.

The policy of the governor is to refuse to rediscount for a member bank notes which are obviously renewals, or any part of the note a renewal, with the statement that the Federal Reserve Board here in Washington has held that renewal paper is not eligible. Here is the information furnished me by the governor of the Federal Reserve Board, which is in answer to a letter I addressed him January 30, requesting that he give me record of rulings made by the board on this question; listen:

> There are good renewals and bad renewals; and it is a matter for banking judgment to determine the merits of each case by a knowledge of the circumstances in which the original loan and the renewal have been made.

Further he says:

> As the circulars and regulations of the Federal Reserve Board have undertaken to state the fundamental principal, it is the liquidity of the paper that must be looked to to determine its eligibility, and the liquidity should not be tested by standards that are narrow, arbitrary, or inflexible, such mechanical rules must not be allowed to take the place of a discriminating banking judgment.

This regulation and circular issued under date of April 27, 1915.

Think of it, gentlemen of the House, the governor of a Federal reserve bank making the claim that he was a banker with a regulation as above, made in 1915, and he attending conferences here with other governors of the Federal reserve banks often each year, with every opportunity to inform himself.

Mr. HUDSPETH. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS of Texas. With pleasure.

The SPEAKER pro tempore (Mr. ROWBOTTOM). The time of the gentleman from Texas has expired.

Mr. HUDSPETH. Mr. Speaker, I ask unanimous consent that the gentleman be permitted to proceed for 10 additional minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HUDSPETH. It has been stated in the press that the national bankers in my district do not fool with Mr. Tally. The directors go to the intermediate credit banks and put up their own notes and get their money on their own security. They do not fool with Mr. Tally at all, because he has turned down every piece of paper that they offered him, and they do not propose to be coerced.

Mr. COOPER of Wisconsin. Mr. Speaker, this address of the gentleman from Texas [Mr. WILLIAMS] is one of the most important that has been made during this Congress. As I under-

stand the situation to-day it is almost impossible through a run by depositors to close an honestly-conducted bank.

Mr. WILLIAMS of Texas. That is correct.

Mr. COOPER of Wisconsin. Because it can take its securities to the Federal reserve bank and get credit.

Mr. WILLIAMS of Texas. That is correct.

Mr. COOPER of Wisconsin. But if the Federal reserve bank arbitrarily refuses to rediscount good securities, then it is possible by such a run to close almost any bank even though it is honestly conducted.

Mr. WILLIAMS of Texas. Certainly.

In that connection I call attention to a remark that a certain member banker made in Texas in discussing the policy of this man. He said that if there was a crisis in that State, it would break 70 per cent of the banks, because he said the little banks would go to their correspondents, and they would tell them to go to the Federal reserve bank, and the Federal reserve bank would tell them to go to hell. [Laughter.] And that is what would happen. That is what he has been doing. This man never had authority in but one bank in his life. I say that he has not the ability to determine the solvency or the insolvency of an institution.

I make the charge, here and now, that the governor of the Federal reserve bank at Dallas, Tex., does not have the ability to determine a solvent institution, nor has he the ability to determine an insolvent institution. I realize that is a broad statement, here is the record which I believe will justify the statement:

The governor of the Federal reserve bank at Dallas, Tex., was never the operating or managing head of but one bank, his record as a banker is as follows: He held the position of assistant cashier with the City National Bank in Dallas, and received a salary of $4,000 a year, in 1911 he went with the Lumbermans National Bank, at Houston, Tex., as cashier at a salary of $6,000 a year. He remained with the Lumbermans National Bank until 1914 when he was given a position in the Federal reserve bank at Dallas, at a salary of $5,000. This information was furnished by a member of the Federal Reserve Board here in Washington, the information as to the salary he received when he entered the Federal reserve bank, note this will you, he received a salary of $1,000 a year reduction when he entered the Federal reserve bank, do you believe that had he been a banker the Lumbermans National Bank would not have endeavored to retain him, you know that it would.

He remained with the Federal reserve bank until July, 1921, when he accepted the active vice presidency of the Southwest National Bank of Dallas, Tex., with entire control and management as to policies of the bank, and it would shock you to know what he charged for his services, but he claimed that he could put the bank over and the directors stood for his demands in the way of a salary, he operated the Southwest National Bank until early in 1923 when he severed his connections with the bank, and at a reorganization of the bank whereby the North Texas National Bank was organized and took over the assets of the Southwest National Bank, it was agreed by the North Texas National that after all losses sustained by the Southwest National, the present governor of the Federal reserve bank had entire authority in the management for over a year, had been taken care of, the balance would be paid to the stockholders of the Southwest National, and the management of the North Texas National has made the statement that up to this time the stockholders of the Southwest National have not received 1 cent, and that they might get as much as 15 per cent on their stock after the losses in Southwest National had been taken care of. The capital stock of the Southwest National was $2,000,000 and 15 per cent on the stock would be $300,000, a loss to the stockholders of the Southwest National Bank of $1,700,000, and, say, the stockholders have not yet received the 15 per cent, do you think that is the record of a banker? And remember that when he was connected with the City National Bank of Dallas, and the Lumbermans National Bank at Houston he was not the managing head of either institution.

Gentlemen, I have many letters from bankers scattered over the district which I would like to put in the RECORD, but owing to the fact that it would burden the RECORD, I shall not have them printed. I also have much information given me confidentially, which I can not give you.

Mr. JOHNSON of Texas. Mr. Speaker, will the gentleman yield right there?

Mr. WILLIAMS of Texas. Yes.

Mr. JOHNSON of Texas. I want at this point, with the gentleman's permission to read a letter from a banker in my district, which I received yesterday. I shall not give his name, but he has been a safe, conservative, and successful banker for more than 25 years. Furthermore, he is a man who weighs his words. He is not an alarmist or extremist, and what he says always commands the respect and confidence of those who know him. The letter is as follows:

FEBRUARY 21, 1928.

Mr. LUTHER A. JOHNSON,
Member of Congress, Washington, D. C.

DEAR MR. JOHNSON: I am taking the liberty to write you to solicit your interest and earnest consideration of the question that has so thoroughly aroused the country bankers of this Federal reserve district; that is, the removal of the present governor, Mr. Lynn Talley. You are thoroughly aware of the distressed condition of the farmers of the country for the past few years and their urgent need of all the assistance that can be safely given them by the banks of the country and all Government agencies that have been organized for their aid and relief.

The interests of the farmers are so thoroughly interwoven with that of the country banker that whatever affects them affects us and whatever affects us vitally affects them. The country bankers are very anxious to render all the assistance they can to the farmers, who have been so badly in the dumps for the past few years, but deposits in country banks the country over are very low, and their ability to aid is very limited unless they are able to rediscount during the summer months.

The arbitrary methods of the present governor and his utter lack of interest in the problems and welfare of the farmer and country banker make it almost impossible for them to get rediscounts with this bank. In fact, rather than suffer the embarrassment and humiliation of continued refusals, many of us have ceased to have any business with the Federal reserve bank except to keep up our reserve with them as required by law, and have gone back to the old method of borrowing from commercial banks at a high rate of interest and keeping with them compensating balances all through the year. Some have taken the other alternative of confining their loans to such amount as they will be able to take care of with their own resources throughout the year. I do not have any complaint at the Federal reserve system. In fact, I think we are all agreed that its organization was one of the greatest pieces of legislation of the age.

But having to tie up our limited means in its stock and keep our reserve with them without interest and then be deprived of the only privilege they have to offer us, that of rediscount, is a pretty bitter pill. The average country banks are paying their officers and employees very meager salaries and about one out of five for the past few years have been paying any dividends to their stockholders. Yet we are paying this gentleman $25,000 a year (about five times the amount he could command from any commercial bank) for this magnificent service he is rendering us.

It is no small wonder that two or three hundred country bankers have raised such a roar, and this number does not by any means represent the dissatisfied bankers of the district.

A great number of them say, "I feel just as you and the others do about it, but the power of the governor of the Federal reserve bank to withhold or extend credit is such that I can not afford to incur his displeasure." Any consideration you may give this matter will be appreciated not only by me but by hundreds of other country bankers of this district.

Yours very truly,

———— ————.

Mr. WILLIAMS of Texas. That letter is a typical letter of hundreds from the bankers in the eleventh Federal reserve district and of many oral conversations where the parties would not write letters.

Mr. Speaker, and gentlemen of the House, I have many letters from bankers scattered all over the eleventh Federal reserve district which I would like to have printed in the RECORD, but owing to the fact that it would burden the RECORD I shall not have them printed. I have a great deal of information given me in confidence by many who fear the results should it be known they had furnished the information, and now, in conclusion, and with a feeling of great concern, I want to say to you that the situation in the eleventh Federal reserve district is acute and that something should be done to remedy the situation, and whether you believe the record I have given you proves either my statement that the governor is not a banker or the statement that he has withheld from member banks the rediscount privilege with the intention of forcing them out of business, yet the facts are that the present governor has certainly alienated the respect and friendship of a large portion of the member banks of the district, and to the extent that they will do only such business with the Federal reserve bank as they are compelled to do so by law as long as the present governor remains in the position he now occupies in the Federal reserve bank at Dallas, Tex. It is significant to know that less than 25 per cent of the State banks in Texas, which are eligible to join the Federal reserve bank, are in the Federal reserve system and that only one State bank each in Oklahoma, New Mexico,

and Arizona are members of the Federal reserve bank. The Federal reserve bank at Dallas is not filling to any degree its sphere of usefulness and the usefulness Congress intended that it should when the act was enacted into a law.

And now, in conclusion, again let me impress on you the seriousness of the condition as it exists in the eleventh Federal reserve district, and whether the record of the governor of the Federal reserve bank, as I have presented it to you, proves my contention or fails to prove it; whether the governor is qualified or whether he is not qualified, his policies toward the small member banks, his arbitrary and discourteous treatment accorded the bankers, has destroyed his usefulness as governor of the Federal reserve bank in that district; this is not a question of individuals; he made the record; approximately 50 per cent of the member banks refuse to do business with the Federal reserve bank at Dallas, Tex., as long as this man is governor of the bank.

That the facts may be ascertained and that justice be accorded every one concerned, I ask that the resolution be adopted. [Applause.]

FARM RELIEF

The SPEAKER pro tempore. Under special order of the House the Chair recognizes the gentleman from Oklahoma [Mr. CARTWRIGHT].

Mr. CARTWRIGHT. Mr. Speaker and fellow Members of Congress, I shall ask your attention for but a few minutes. The matter about which I desire to speak is so near to my heart and of such national importance at this time that I know it will be difficult for me to speak with restraint or without seeming exaggeration.

There is, indeed, no issue before the people of America to-day so fundamental and so far-reaching as that which moves me to address you at this hour. It involves no less than the existence of the Nation itself, the maintenance of its every industry and business, the very life of its every inhabitant. This is not a wild exaggeration or a loose flight of the imagination, Mr. Speaker, but simply the statement of an actual and evident fact. Let me illustrate what I mean by asking you to think for a moment of a single industry that compasses the whole land.

Behind the vast network of machinery and the complicated problems of equipment, management, and maintenance in the Nation's transportation system, one clear and indisputed and all-important fact stands out by itself.

Stated in the simplest, concrete terms it is that if an engineer is deprived of food he can not run his train. Apply this simple truth to all the people in every industry and you have no industries. Apply it to all of the people and there is but one end—death to every man, woman, and child. Without food the people perish, without physical sustenance for its inhabitants the Nation dies.

Such obvious statements as these would be laughable but for one great, tragic fact, namely, the serious condition which faces the people who produce the food upon which human life depends in America. If that condition were due to the greed or the lawlessness of the farming people of this country Congress would waste no time in enacting laws to deal with them. We know, however, that you can not find in any other group so large a percentage of peaceful, law-abiding, home-loving people as among the farming population. They constitute one-third of the entire population of the country, yet they are receiving less than one-tenth of the national income.

Since 1920 the value of farm lands has decreased $20,000,000,000, while real estate in industrial centers has advanced more than $20,000,000,000. Since 1910 farm bankruptcies have increased by more than 1,000 per cent. While the farmers of the United States have to pay from 6 to 15 per cent for their bank loans, brokers on the New York Exchange can borrow their billions for stock gambling at the low rate of 4 per cent.

According to the conservative Manufacturers Record, the deflation policy of the Federal reserve bank reduced agricultural values by $32,000,000,000, while the reduction in other business was only $18,000,000,000. The consumers pay more than $30,000,000,000 for farm products, but the farmers receive only $9,000,000,000 of this. Within a period of five years—1920 to 1925—capital invested by farm operators decreased to the alarming extent of $3,000,000,000 per year. In other words, there was a total decrease of $15,000,000,000 in this short period of five years. The total farm indebtedness has grown to the enormous sum of $12,000,000,000, while the percentage of income that goes to agriculture has reached the low figure of 7.5 per cent of the total national income.

I might quote at great length other figures and statistics to show the seriousness of the situation among the millions of farmers upon whose labors our country depends for the basic necessities of life.

No thoughtful man will deny that this situation should and must be remedied, not alone for the sake of the farmers but to prevent general disaster. In all the pages of history there is no greater and more tragic truth than this, namely, that national prosperity and security can not rest on agricultural bankruptcy.

That we are approaching a state of general bankruptcy on the farms of America can not be denied by those who know the actual facts. We who came from the great farming sections feel the increasing pressure of these facts year by year. Day after day, Mr. Speaker, I am receiving letters from farmers and merchants pleading for some action of Congress that will relieve the unfair conditions and lift the undeserved burdens under which they suffer. They do not ask for special privileges for themselves, but for relief from burdensome and unjust conditions imposed on them by special privileges granted to others. They find themselves compelled to purchase in protected markets and to sell in competitive markets, to pay dearly for what they need and to dispose cheaply of what they produce, to see the results of their labor subjected to restricted credit at a high rate of interest, and to market manipulation and price fixing over which they have no control. In addition to these and other artificial and unjust burdens, they must face the inevitable dangers of drought, flood, hurricane, as well as the destructive boll weevil and other devastating enemies of the fruits of their labors.

Mr. BUSBY. Mr. Speaker, will the gentleman yield?

Mr. CARTWRIGHT. Yes.

Mr. BUSBY. A great deal has been said recently about the great prosperity of the country. Do you find that this prosperity applies to your class of people?

Mr. CARTWRIGHT. No, indeed; rather starvation. In the single section of Oklahoma which I have the honor to represent thousands of acres of cotton were literally destroyed by the boll weevil last year, and such has been the case for the past several years.

I wish to state, Mr. Speaker, as a fact beyond dispute that no producing group in this country faces such a combination of handicaps and burdens as those which are imposed from the outside on the farmers of America and their families.

These people are my people, Mr. Speaker. I know them. I love them, I belong to them. They are essential to the very existence of this country. Therefore their problems, their needs, and their rights can not and must not be neglected or ignored. Regardless of party affiliation, we can not fail to agree with that great Democratic leader who said, "The farmer who goes forth in the morning and toils all day—who begins in the spring and toils all summer—and who by the application of brain and muscle to the natural resources of the country creates wealth, is as much a business man as the man who goes upon the board of trade and bets upon the price of grain."

With all my heart, Mr. Speaker, I plead for an honest understanding of the place and the problems of the farmer in the life of this Nation. And I plead further, for earnest support of every constructive measure that may be placed before this body that will bring relief and a fair chance to the agricultural forces upon which the prosperity, the stability, the very life of our country so largely depend. [Applause.]

PERMISSION TO ADDRESS THE HOUSE

Mr. BEEDY. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maine?

Mr. TILLMAN. Reserving the right to object, Mr. Speaker, a number of us have been allotted time. I do not want to interfere with the gentleman, but I believe I shall have to object.

The SPEAKER pro tempore. Under the provisions of the special order, the Chair will now recognize the gentleman from Utah [Mr. COLTON].

Mr. TILSON. Mr. Speaker, the gentleman from Utah informs me that he is not ready to go on with his remarks at this time.

THE FOURTEENTH, FIFTEENTH, AND NINETEENTH AMENDMENTS

The SPEAKER pro tempore. The Chair will recognize the gentleman from Massachusetts [Mr. TINKHAM] for 1 hour and 30 minutes.

Mr. TINKHAM. Mr. Speaker, there is in the United States indefensible and flagrant nullification of three amendments of the Federal Constitution—the fourteenth amendment (second section), the fifteenth amendment, and the nineteenth amendment—resulting in notorious and scandalous disfranchisement.

The questions involved are not so much questions of race, color, or previous condition of servitude as they are of constitutional enforcement and of a just and equal balance of political power among the various States of the Union, although they revolve about negro disfranchisement.

The issue in all its nakedness is whether there shall be a constitutional government in the United States and whether the Government as it now exists shall be a legitimate one.

The first question to be answered is whether disfranchisement does exist.

Any American who has traveled throughout the United States is familiar with the fact that the negro votes as freely as the white man in the North, East, and West, but not in the South.

James Bryce, in The American Commonwealth (1895, Vol. II, pp. 483, 484), in speaking of the suppression of the negro vote, says:

The modes of suppression have not been the same in all districts and at all times. At first there was a good deal of what is called "bulldozing"—i. e., rough treatment and terrorism—applied to frighten the colored men from coming to or voting at the polls. Afterwards the methods were less harsh. Registrations were so managed as to exclude negro voters, arrangements for polling were contrived in such wise as to lead the voter to the wrong place so that his vote might be refused; and, if the necessity arose, the Republican candidates were counted out or the election returns tampered with. "I would stuff a ballot box," said a prominent man, "in order to have a good, honest government," and he said it in good faith and with no sense of incongruity.

Mr. McKEOWN. Will the gentleman yield for a question?

Mr. TINKHAM. I can not yield.

Mr. McKEOWN. I want to know if the gentleman is still reading what Mr. Bryce said.

Mr. TINKHAM. I am still reading from Mr. Bryce.

Mr. McKEOWN. I will appreciate it if the gentleman will let us know when he comes to his own remarks.

Mr. TINKHAM. I shall do so.

In the same volume—pages 509–510—Mr. Bryce says:

The methods whereby the negroes have been prevented from exercising the rights of suffrage vested in them by law have been described in the last preceding chapter. These means are now seldom violent; but whether violent or pacific, they have been almost uniformly successful. In the so-called border States the whites are in so great a majority that they do not care to interfere with the colored vote, except now and then by the use of money. Through the rest of the South the negro has come to realize that he will not be permitted to exercise any influence on the Government, and his interest in coming to the polls has therefore declined. This is true of all sorts of elections, just as the determination of the whites to suppress his vote is no less strong as respects Federal elections, whose result can not directly affect the administration of State or local affairs, or the imposition of State or local taxes, than it is in State and local elections.

* * * The whites, accustomed to justify their use of force or fraud by the plea of necessity, have become callous to electoral malpractices. The level of purity and honesty in political methods, once comparatively high, has declined, and the average southern conscience is now little more sensitive than is that of professional politicians in northern cities. * * *

In speaking of education and property qualification devices for suppressing the negro vote, Bryce further states—page 512:

* * * The other is that every limitation of the suffrage diminishes pro tanto (amendment 14) a State's representation in Federal elections, thereby weakening its influences in Federal affairs and mortifying its self-esteem. The State of Mississippi, while courageously facing the latter of these difficulties, so far as the colored people are concerned, has sought to evade the former by the ingenious loophole under which the registering officials may admit whites who, though illiterate, are able to give a "reasonable interpretation" of any section of the Constitution. Such whites have, one is told, been able to satisfy the officials far more generally than have the negroes. And if this particular section happens to be put to them, their common sense will find its interpretation obvious.

The Supreme Court of Mississippi in Ratcliff *v.* Beale (1896, 20 So. Rep. 865), in relation to a State constitutional clause imposing a poll tax, stated:

It is in the highest degree improbable that there was not a consistent, controlling, directing purpose governing the convention by which these schemes were elaborated and fixed in the constitution. Within the field of permissible action, under the limitations imposed by the Federal Constitution, the convention swept the circle of expedients to obstruct the exercise of the franchise by the Negro race * * *. In our opinion, the clause was primarily intended by the framers of the constitution as a clog upon the franchise, and secondarily and incidentally only as a means of revenue.

In the Alabama convention of 1901, held with the avowed purpose to "have adopted new constitutional provisions for the exclusion of negroes from participation in politics" (Political Science Quarterly, 1903, Vol. XVIII, p. 480), Ex-Governor Oates, of Alabama, a former Member of this House, after asserting that—

There were two possible methods of assuming control: One was by force and shotguns, the other to cheat the blacks (ibid. p. 487)—

is reported verbatim as saying:

I was an advocate of the latter, because it didn't take life. Now, I never changed votes with my one hand, but I upheld it and counseled it in those who did. I am just as guilty as those who did * * *. Unfortunately it was a necessity. We could not help ourselves. We had to do it or do worse. But we have gone on from bad to worse, until it is a great evil * * *.

Another speaker at the same convention is reported (ibid, p. 487) as saying:

We are tired of frauds; we are tired of ballot-box stuffing; we are tired of buying negro votes; but the fraud will never cease until this vote [negro] is eliminated.

Mr. McKEOWN. Will the gentleman advise us whether he is now through with Mr. Bryce?

Mr. TINKHAM. I have finished with Mr. Bryce and also with the Political Science Quarterly.

Governor Hardwick, of Georgia, in his address before the State convention in acceptance of the Democratic nomination for Governor of Georgia in 1920 according to the Atlanta Constitution, of October 25, 1920, stated:

I shall urge the enfranchisement of all white women in accordance with the Anthony amendment, and the disfranchisement of all black women, on the same plan that negro men are now disfranchised in Georgia.

The Statesman's Yearbook (1926, p. 435), a semiofficial organ published annually in England, conservatively states:

* * * Several of the Southern States have adopted methods—which differ from one another—too complicated for explanation here, with the expressed, avowed purpose of excluding the negroes from the franchise, and yet avoiding the constitutional consequences of discriminating "on account of race, color, or previous condition of servitude."

Lothrop Stoddard, in his latest book entitled "Reforging America" (1927, p. 318), states:

The negro is, of course, disfranchised in the South, and has practically no voice in politics.

André Siegfried, a professor at the School of Social Science at Paris, a diplomat and an investigator for the French Musée Social, who has traveled in America for 20 years, in his book entitled "America Comes of Age," published in 1927—which has been ranked with Alexis de Tocqueville's Democracy in America and which the London Times declares to be "the best book on America since Bryce's Commonwealth"—states, pages 93–94:

At present the blacks are crushed under the heel. In the first place, all political rights are denied them. According to the fifteenth amendment to the Constitution, ratified on March 30, 1870, "the right of a citizen of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude." The Southern States refused to ratify it, but the measure went through in spite of them. After 1890 laws were passed in all the Southern States which, without actually designating blacks, excluded them from the suffrage. Sometimes it is done by establishing electoral lists; sometimes the applicants are asked to give a "reasonable interpretation" of the Constitution, and naturally a negro never succeeds. A clause called "the grandfather act" automatically allows the whites, even though poor and illiterate, to vote without this examination, provided they are ex-soldiers or the descendants of those who voted in 1867. The fraud is evident and is contrary to the spirit of the Constitution, but the North winks at it; for to interfere would mean another war. If by chance a negro were to slip through the meshes of the net, he would not dare present himself at the polling booth, for he would be beaten off with clubs and his very life would be in danger. In the eastern border States of Virginia and North Carolina this severity has been somewhat relaxed, but in the South as a whole practically all the negroes are treated as pariahs. No negro has ever been appointed or elected to a public position, although in certain rare exceptions—the customs, for example—they have been employed, owing entirely to Federal influence. Otherwise the whites maintain a united front without a single break. There is no doubt that southern politics are based not on equality but on force.

The amendments to the Federal Constitution voted after the Civil War did not aim at suppressing the distinctions between the races, but were simply intended to avoid the injustice of differential treatment. Southern legislation, however, has definitely maintained the latter.

Siegfried is in error in relation to two statements. First, the Southern States did not refuse to ratify the fifteenth amend-

ment. Mississippi, for instance, ratified it unanimously. The elections were not held under military control and the members were elected with full knowledge that they would vote on the amendment. The same is largely true of other Southern States. Second, the so-called grandfather clause is not in effect now, as he implies. It was declared unconstitutional by the Supreme Court in 1915 in the case of Guinn and Beal *v.* United States (238 U. S. 347).

Senator BLEASE, of South Carolina, when referring to the constitution of that State in the Senate on March 2, 1927, according to the CONGRESSIONAL RECORD, volume 68, No. 69, Sixty-ninth Congress, second session, pages 5388–5389, stated:

> We keep the colored man from voting in South Carolina by that constitution. * * * We have plenty of ballot boxes in South Carolina in our primary election where nobody is permitted to vote but white people, where one candidate receives every vote. * * * I think Mr. Coolidge received 1,100 votes in my State. I do not know where he got them. I was astonished to know that they were cast and shocked to know that they were counted.

A Member of another branch of Congress from a State contiguous to the District of Columbia, in referring to the nonenforcement of the fifteenth amendment of the Constitution, in a public letter on November 15, 1927, stated:

> If one were to impute literal truth to the alleged analogy, the conclusive answer would be that the South's resistance to the fifteenth amendment was intended to avert the wretched consequences of the unspeakable crime involved in the adoption of the amendment.

This is a frank admission of the nullification of the fifteenth amendment and a brutal declaration of lawless resistance to its enforcement. This is rebellion.

The Washington Post, in a leading editorial on January 29 last, stated:

> The common sense of the American people, represented in the Republican and Democratic Parties, will save them from making fools of themselves on the eighteenth amendment, the fourteenth, and the fifteenth. By general consent the fourteenth and fifteenth are dealt with in a practical manner in response to the necessities of the situation. * * *

The thirteenth amendment reads as follows:

> SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.
>
> SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

This amendment abolished slavery in the United States and gave Congress the right to enforce its provision by Federal statute.

Sections 1, 2, and 5 of the fourteenth amendment read as follows:

> SECTION. 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.
>
> SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof is denied to any of the male inhabitants of such State, being 21 years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.
>
> SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

This amendment declared the negro to be a citizen of the United States, left the control of the electoral franchise with the States, and provided that if the negro were disfranchised the basis of representation in the disfranchising States should be reduced in proportion to the disfranchisement, thus precluding any disfranchising State in the Union from profiting politically by the nullification of the Constitution and preventing the destruction of the just and equal balance of political power among the States through representation fraudulently based upon the disfranchised, and it gave Congress the right to enforce its provisions by Federal statute.

The fifteenth amendment reads as follows:

> SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.
>
> SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

Although this amendment did not confer the right of suffrage upon any one, it prohibited the States from giving preference in the suffrage to one citizen of the United States over another on account of race, color, or previous condition of servitude, and gave Congress the right to enforce its provision by Federal statute.

The nineteenth amendment reads as follows:

> The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex. Congress shall have power to enforce this article by appropriate legislation.

Although this amendment did not confer the right of suffrage upon any one, it prohibited the States from giving preference in the suffrage to one citizen of the United States over another on account of sex, and gave Congress the right to enforce its provision by Federal statute.

In discussing the thirteenth, the fourteenth, and the fifteenth amendments, the Supreme Court of the United States, in the Slaughter House cases (1872, 83 U. S. 36), stated:

> Before we proceed to examine more critically the provisions of this amendment [the fourteenth amendment], on which the plaintiffs in error rely, let us complete and dismiss the history of the recent amendments, as that history relates to the general purpose which pervades them all. A few years' experience satisfied the thoughtful men who had been the authors of the other two amendments that, notwithstanding the restraints of those articles on the States and the laws passed under the additional powers granted to Congress, these were inadequate for the protection of life, liberty, and property, without which freedom to the slave was no boon. They were in all those States denied the right of suffrage. The laws were administered by the white man alone. It was urged that a race of men distinctively marked as was the negro, living in the midst of another and dominant race, could never be fully secured in their person and their property without the right of suffrage.
>
> Hence the fifteenth amendment, which declares that "the right of a citizen of the United States to vote shall not be denied or abridged by any State on account of race, color, or previous condition of servitude." The negro having, by the fourteenth amendment, been declared to be a citizen of the United States is thus made a voter in every State of the Union.
>
> We repeat, then, in the light of this recapitulation of events, almost too recent to be called history, but which are familiar to us all; and on the most casual examination of the language of these amendments no one can fail to be impressed with the one pervading purpose found in them all, lying at the foundation of each, and without which none of them would have been even suggested; we mean the freedom of the slave race, the security and firm establishment of that freedom, and the protection of the newly made freeman and citizen from the oppressions of those who had formerly exercised unlimited dominion over him. It is true that only the fifteenth amendment, in terms, mentions the negro by speaking of his color and his slavery. But it is just as true that each of the other articles was addressed to the grievances of that race, and designed to remedy them as the fifteenth.

Again, in Hodges *v.* United States (1906, 203 U. S. 1), we read:

> At the close of the Civil War, when the problem of the emancipated slaves was before the Nation, it might have left them in a condition of alienage, or established them as wards of the Government, like the Indian tribes, and thus retained for the Nation jurisdiction over them, or it might, as it did, give them citizenship. It chose the latter. By the fourteenth amendment it made citizens of all born within the limits of the United States and subject to its jurisdiction. By the fifteenth it prohibited any State from denying the right of suffrage on account of race, color, or previous condition of servitude, and by the thirteenth it forbade slavery or involuntary servitude anywhere within the limits of the land. Whether this was or was not the wiser way to deal with the great problem is not a matter for the courts to consider. It is for us to accept the decision, which declined to constitute them wards of the Nation or leave them in a condition of alienage where they would be subject to the jurisdiction of Congress, but gave them citizenship, doubtless believing that thereby in the long run their best interests would be subserved, they taking their chances with other citizens in the States where they should make their homes.

The nullifiers of these amendments have claimed repeatedly that the fifteenth amendment repealed the fourteenth amendment. The falsity of this claim is proved by the decisions of

the Supreme Court in the two cases above, the Slaughter House cases and Hodges *v.* United States, and by John S. Wise in his book on Citizenship—1906, page 231—in which he states:

The argument has been made that the power granted to Congress by the fourteenth amendment to reduce representation for disfranchisement was repealed by the adoption of the fifteenth amendment. The fallacy of this contention is apparent at a glance. The fifteenth amendment prohibits the States from denying or abridging the right of suffrage for a single cause, viz, race, color, or previous condition. The fourteenth amendment authorizes the reduction of representation if the right of suffrage is denied or abridged for any cause.

The Supreme Court has repeatedly construed and commented upon the fourteenth and fifteenth amendments, and one can find no suggestion in any decision in support of the allegation that the fifteenth amendment repealed the fourteenth amendment in whole or in part.

The fifteenth amendment did not repeal the fourteenth amendment, first, because there is no inconsistency between the two, the latter being cumulative and supplemental, not repugnant, to the other; second, because to forbid an act does not repeal a penalty otherwise laid upon it; and, third, because the judicial remedy, under the fifteenth amendment, may be sought by any aggrieved citizen, and perhaps only by a citizen, while the remedy by reduction of representation, under the fourteenth amendment, is a public remedy, enforceable only by Congress, which the additional private remedy under the fifteenth amendment can not be held to supersede or disturb.

In relation to the power of Congress to enforce the thirteenth amendment, Cooley's Constitutional Limitations (8th ed., 1927, Vol. I, p. 608) states:

It is not open to doubt that Congress may enforce the thirteenth amendment by direct legislation, punishing the holding of a person in slavery or in involuntary servitude, except as a punishment for crime. Clyatt *v.* United States (1905, 197 U. S. 207) and United States *v.* Reynolds (1914, 235 U. S. 133).

In Bailey *v.* Alabama (1911, 219 U. S. 219), with reference to the thirteenth amendment, we read:

While the amendment was self-executing, so far as its terms were applicable to any existing condition, Congress was authorized to secure its complete enforcement by appropriate legislation. As said in the Civil Rights cases: "By its unaided force and effect it abolished slavery and established universal freedom. Still, legislation may be necessary and proper to meet all the various cases and circumstances to be affected by it, and to prescribe proper modes of redress for its violation in letter or spirit. And such legislation may be primary and direct in its character; for the amendment is not a mere prohibition of State laws establishing or upholding slavery, but an absolute declaration that slavery or involuntary servitude shall not exist in any part of the United States."

No Federal statute has been passed to enforce the thirteenth amendment, because every State in the Union has forbidden slavery either in its constitution or by statute law. This amendment is not violated. There is, therefore, no nullification.

In relation to the power of Congress to enforce the fourteenth amendment, Cooley's Constitutional Limitations (8th ed., 1927, Vol. I, p. 602) states:

This amendment of the Constitution does not concentrate power in the General Government for any purpose of police government within the States; its object is to preclude legislation by any State which shall "abridge the privileges or immunities of citizens of the United States" or "deprive any person of life, liberty, or property without due process of law," or "deny to any person within its jurisdiction the equal protection of the law"; and Congress is empowered to pass all laws necessary to render such unconstitutional State legislation ineffectual. This amendment has received a very full examination at the hands of the Supreme Court of the United States in the Slaughter House cases (1872, 16 Wall. 36) and in United States *v.* Cruikshank (1875, 92 U. S. 542), with the conclusions above stated.

In Strauder *v.* West Virginia (1879, 100 U. S. 303) we read:

* * * It [the fourteenth amendment] was designed to assure to the colored race the enjoyment of all the civil rights that under the law are enjoyed by white persons, and to give to that race the protection of the General Government, in that enjoyment, whenever it should be denied by the States. It not only gave citizenship and the privileges of citizenship to persons of color, but it denied to any State the power to withhold from them the equal protection of the laws, and authorized Congress to enforce its provisions by appropriate legislation * * *.

In the Civil Rights cases (1883, 109 U. S. 3) we read:

The fourteenth amendment is prohibitory upon the States only, and the legislation authorized to be adopted by Congress for enforcing it is not direct legislation on the matters respecting which the States are prohibited from making or enforcing certain laws or doing certain acts, but is corrective legislation, such as may be necessary or proper for counteracting and redressing the effect of such laws or acts.

Although the fourteenth amendment is grossly violated by flagrant disfranchisement, no action has been taken either by Federal statute or by reducing the representation of the disfranchising States. This is nullification pure and simple.

In relation to the power of Congress to enforce the fifteenth amendment, Cooley's Constitutional Limitations (8th ed., 1927, Vol. I, p. 166) states:

* * * The fifteenth amendment provides that "the right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude." To this extent it is self-executing, and of its own force it abolishes all distinctions in suffrage based on the particulars enumerated. But when it further provides that "Congress shall have power to enforce this article by appropriate legislation," it indicates the possibility that the rule may not be found sufficiently comprehensive or particular to protect fully this right to equal suffrage, and that legislation may be found necessary for that purpose * * *

In Ex parte Yarbrough (1884, 110 U. S. 651), in referring to the fifteenth amendment, we read:

* * * The new constitutional right was mainly designed for citizens of African descent. The principle, however, that the protection of the exercise of this right is within the power of Congress, is as necessary to the right of other citizens to vote as to the colored citizen, and to the right to vote in general as to the right to be protected against discrimination.

The exercise of the right in both instances is guaranteed by the Constitution, and should be kept free and pure by congressional enactments whenever that is necessary.

In Giles *v.* Harris (1903, 189 U. S. 475), a case which challenged the suffrage provisions in the constitution of Alabama as unconstitutional, the court said:

* * * Apart from damages to the individual, relief from a great political wrong if done, as alleged, by the people of a State and the State itself, must be given by them or by the legislative and political department of the Government of the United States.

Although the fifteenth amendment is grossly violated by flagrant discrimination, no action has been taken by Federal statute in the form of a Federal election law or otherwise. This is nullification, pure and simple.

In relation to the power of Congress to enforce the nineteenth amendment, it is provided in the same terms as in the thirteenth, the fourteenth, and the fifteenth amendments.

Although the nineteenth amendment is grossly violated by the flagrant disfranchisement of colored women, no action has been taken by Federal statute. This is nullification, pure and simple.

As to the power of Congress to enforce these amendments, we read in Cooley's Constitutional Limitations (8th ed., 1927, Vol. II, p. 1361) the following statement, with citations:

* * * Until recently the regulation and control of all elections, including elections for Members of Congress, and the punishment of offenses against election laws, have been left to the States exclusively. Congress, however, has undoubted authority to make such regulations as shall seem needful to insure a full and fair expression of opinion in the election of Members of Congress, and also to guard and protect all rights conferred by the recent amendments to the Federal Constitution.

That Congress has the complete right to protect all rights and immunities under the Constitution is declared in the case of United States *v.* Reese et al. (1873, 92 U. S. 214), where it is stated:

Rights and immunities created by or dependent upon the Constitution of the United States can be protected by Congress. The form and the manner of the protection may be such as Congress, in the legitimate exercise of its legislative discretion, shall provide. These may be varied to meet the necessities of the particular right to be protected.

The rights and immunities guaranteed by the Constitution are of its essence, and it is these that make the United States free and all its citizens equal before the law. It is the constitutional obligation and paramount duty of Congress to enforce these rights and immunities guaranteed by the Constitution.

A member of another branch of Congress from a State contiguous to the District of Columbia, on January 23 last (CONGRESSIONAL RECORD, vol. 69, No. 31, pp. 1927–1934), in defending the lawless and ruthless nullification of the fourteenth, the fifteenth, and the nineteenth amendments, stated:

* * * The South proposes to exercise her rights under the Constitution as her own will and judgment may dictate, undeterred by those who are controlled by either hate or ignorance—

And—

* * * that the right of suffrage is left to the States and that they can impose qualifications and conditions requisite to its exercise, provided they do not discriminate on account of sex, race, color, or previous conditions of servitude—

And he quotes at length and with much approval Williams *v.* Mississippi (1898, 170 U. S. 213).

In the case of Williams *v.* Mississippi, and in all other cases that have come before the Supreme Court which appear to give the States exclusive control of the franchise, it has been decided only that where a State law upon its face and in its terms did not discriminate between the races it was constitutional, except in the case of Guinn and Beal *v.* United States (1915, 238 U. S. 347). In this case, which declared unconstitutional the so-called grandfather clause, the question at issue related to a section of the constitution of the State of Oklahoma, which provided—

that no person, or lineal descendant of such person, who was on January 1, 1866, or any time prior thereto, entitled to vote under any form of government or who resided in some foreign nation, shall be denied the right to register on account of his inability to read or write any section of the constitution.

The court held that this provision was unconstitutional, notwithstanding that upon its face and in its terms it did not discriminate between the white man and the negro; it took judicial notice of the fact that as the fourteenth amendment of the Constitution, by which the Negro was made a citizen, was not adopted until 1868, and the fifteenth amendment not until 1870, it did in fact and actually discriminate between the white man and the Negro.

In other words, the court ruled that, although the law of a State upon its face did not discriminate in its terms between the races, it was unconstitutional if there was evidence of discrimination in its application and administration, and it took judicial notice that there was such discrimination in the application and administration of the law in question.

This decision is in harmony with the very important case of Yick Wo *v.* Hopkins (1886, 118 U. S. 356), where the court laid down the principle that a law may be fair and impartial upon its face and yet in its application and administration discriminate and be unconstitutional, and that the court would so hold if evidence of discrimination should be shown. The court said:

* * * In the present cases we are not obliged to reason from the probable to the actual and pass upon the validity of the ordinances complained of, as tried merely by the opportunities which their terms afford, of unequal and unjust discrimination in their administration. For the cases present the ordinances in actual operation, and the facts shown establish an administration directed so exclusively against a particular class of persons as to warrant and require the conclusion that whatever may have been the intent of the ordinances as adopted, they are applied by the public authorities charged with their administration, and thus representing the State itself, with a mind so unequal and oppressive as to amount to a practical denial by the State of that equal protection of the laws which is secured to the petitioners, as to all other persons, by the broad and benign provisions of the fourteenth amendment to the Constitution of the United States. Though the law itself be fair on its face and impartial in appearance, yet if it is applied and administered by public authority with an evil eye and an unequal hand, so as practically to make unjust and illegal discriminations between persons in similar circumstances, material to their rights, the denial of equal justice is still within the prohibition of the Constitution. * * *

* * * No reason whatever, except the will of the supervisors, is assigned why they should not be permitted to carry on, in the accustomed manner, their harmless and useful occupation, on which they depend for a livelihood. And while this consent of the supervisors is withheld from them and from 200 others who have also petitioned, all of whom happen to be Chinese subjects, 80 others, not Chinese subjects, are permitted to carry on the same business under similar conditions. The fact of this discrimination is admitted. No reason for it is shown, and the conclusion can not be resisted, that no reason for it exists except hostility to the race and nationality to which the petitioners belong, and which in the eye of the law is not justified. The discrimination is therefore illegal and the public administration which enforces it is a denial of the equal protection of the laws and a violation of the fourteenth amendment of the Constitution.

In Williams *v.* Mississippi, mentioned above, the court quotes the case of Yick Wo *v.* Hopkins, and states in conclusion that the constitution of Mississippi and its statutes—

Do not on their face discriminate between the races, and it has not been shown that their actual administration was evil, only that evil was possible under them.

These cases conclusively show that the Supreme Court will not allow constitutional rights and immunities to be circumvented or nullified if there is before the court evidence of circumvention and nullification in the application and administration of State laws. Any other doctrine would be monstrous. Where the law gives the right, the law ought to secure the exercise thereof. Congress is under the absolute obligation of preventing circumvention and nullification of the fourteenth, the fifteenth, and the nineteenth amendments.

It is defiantly lawless and altogether revolutionary that Congress should refuse to enforce these amendments which guarantee equality of citizenship in the United States. To enforce the fifteenth and the nineteenth amendments now so notoriously and scandalously nullified, Congress should pass a uniform election law, giving equal rights to all those who may be entitled to vote in the United States. In default of the passage of such a law, the second section of the fourteenth amendment, which is mandatory, should be enforced by the reduction of the basis of representation in proportion to disfranchisement. The second section of the fourteenth amendment gives Congress no option, is not permissive or directory, but mandatory.

* * * But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crimes, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

In commenting upon this amendment, the Constitution of the United States of America, as amended to December 1, 1924, annotated (Sixty-eighth Congress, first session, Senate Document 154, page 742, under amendment 14, section 2, "Reduction of State's representation in Congress"), states:

Congress has never exercised the power conferred upon it by this section of reducing the representation of a State in the House of Representatives, but there can be no question of its power or its right to do so. Of its duty to do so, it alone is the judge. The amendment places the responsibility of enforcing its provisions upon that body. (Watson on the Constitution, Vol. II, p. 1653.)

Watson precedes the above statement with the following:

The language of the section recognized the power but not the right of a State to abridge the right of suffrage. There is a great difference between the exercise of a power and the exercise of a right. Sovereignty can not confer the right to commit a wrong, but it may confer the power to do so. But if a State should deny its electors the right to vote at any election for any such officers, or in any way abridge such right, then the section names a punishment which Congress may inflict upon the State for such denial or abridgment, and provides that it shall be a reduction of the State's representation in the National House of Representatives according to the manner provided in the section.

Andrew's New Manual of the Constitution (1916, pp. 278, 279), in discussing the second section of the fourteenth amendment, under "Inequality in representation," reads:

The number of Representatives being in proportion to the whole population of the States, including those that are colored, if suffrage were denied to this class the former slave States would have delegations in Congress much larger, in proportion to the number of voters, than the original free States. To remedy this inequality was the object of this second section. By it the States were not required to allow the blacks the right of suffrage; but if they did not allow it their representation in Congress was to be proportionately diminished. They might take their choice between general suffrage and more Congressmen or white suffrage and fewer Congressmen.

The fourteenth, the fifteenth, and the nineteenth amendments to the Constitution are as much parts of the Constitution as the eighteenth.

The eighteenth amendment reads as follows:

After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territories subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

SEC. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

The power of Congress to enforce this amendment is provided in exactly the same language as in the fourteenth, the fifteenth, and the nineteenth amendments.

It is the height of hypocrisy, mendacity, and fraud to assert that the failure to pass legislation to enforce the eighteenth amendment nullifies the Constitution unless it is admitted that failure to pass legislation to enforce the fourteenth, the fifteenth, and the nineteenth amendments nullifies the Constitution also.

In the CONGRESSIONAL RECORD of February 4 last (vol. 69, No. 41, pp. 2471–2475) there was inserted a speech on the enforcement of the eighteenth amendment made on February 1 last at a so-called law-enforcement meeting at Richmond, Va., under the auspices of the Woman's Christian Temperance Union, the Anti-Saloon League, and other organizations, where the pinnacle of nauseating hypocrisy was reached by one William G. McAdoo, a conspicuous sympathizer with the nullification of the fourteenth, the fifteenth, and the nineteenth amendments of the Constitution, whose speech has been given wide currency. In this speech appear the following statements:

> The real issue, the fundamental issue, is: Shall the Constitution and the laws of the United States be respected and obeyed by the people and by the duly constituted officers of every State in the Union? Or shall a State in its sovereign capacity be permitted to disregard any part of the Constitution of the United States which it elects not to obey?
>
> * * * The policy of prohibition is therefore firmly anchored in the Constitution, and every unlawful effort on the part of any individual or group or on the part of a sovereign State to thwart or defeat it is in direct contravention of the supreme law of the land.
>
> It is therefore imperative that the American people shall frankly face the question of enforcement and the issues which it raises. Present conditions can not be allowed to continue. If the law is a good law, it must not be repealed; and if it remains unrepealed, it must be enforced. The evils from which we suffer are not the evils of prohibition but the evils of nonenforcement of prohibition. We can rid ourselves of these only by substituting enforcement for nonenforcement. The patriotic intelligence of the country should therefore be directed to the best means of securing enforcement.
>
> * * * We must maintain the Constitution, not alone by obedience to it but by pursuing the lawful processes it prescribes for change or amendment, if we are dissatisfied with its provisions. Let us look always with reverent eyes and patriotic hearts upon the noble constitutional edifice won by the blood of our fathers and maintained by the blood of their sons. That edifice rests upon the foundation of the 48 sovereign States which are integral parts of the Federal Union. Each State has contributed a column to the support of the constitutional structure. No sovereign State would deliberately attempt to pull down the column it has contributed to the constitutional edifice, and yet if the doctrine now mistakenly advanced that a State may determine for itself what part or parts of the Constitution it will obey, should prevail, the end of constitutional government is in sight * * *.

There is before the Committee on Rules a resolution for an investigation of disfranchisement, introduced on December 5 last. It proposes the reduction of representation in the several States according to the disfranchisement disclosed by the investigation, and it is the plain constitutional duty of this committee to report out such an order of investigation. Should the present Congress refuse to act upon this resolution, which would disclose that the laws in the disfranchising States are unconstitutional because they do discriminate between the races in their application and administration, and that there exists vast disfranchisement, then once again Congress would put its seal of approval upon nullification and lawlessness. That it is the duty of Congress to make this investigation and to enforce the fourteenth amendment can not be denied.

Let us admit frankly that the negro has been abandoned to his political fate and will remain abandoned unless he organizes politically and asserts his power in those States where he may freely vote; the Constitution, however, can not be abandoned as the negro has been abandoned. This scandalous disfranchisement, in violation of the Constitution, has been brought repeatedly to the attention of Congress by resolution and otherwise. Yet no action has been taken, and there has been treated with mockery and scorn the suggestion that the Constitution be enforced. This can no longer continue.

But there is much more in the refusal of Congress to enforce the Constitution than the lawless and unconstitutional suppression of the negro vote. There is involved the destruction of a just and equal balance of political power among all the States of the Union. Before the War of the Rebellion, representation in the lower House of Congress and in the Electoral College, which chooses the President and the membership of which is equal to the number of Representatives and Senators, was based upon the whole population plus 60 per cent of the negro population. Automatically with the freeing of the negro, representation in the lower House of Congress and in the Electoral College was based upon the total white population and the total negro population, because the Constitution provides for representation based upon all free persons. The States of the South now count all the white population and all the negro population as the basis for their representation, and obtain in Congress and in the Electoral College representation for both the white population and the negro population, the latter of which they disfranchise. These States now have more political power than they had before the war, when they were allowed to count only 60 per cent of the colored population. In other words, they have annexed the entire political power of the negro, whereas before the Civil War they had only 60 per cent of it. As the negro population is about one-third of the population of these States, each white person in these States has at least one-third more political power than each white person in the other States, and in those States where the negro population is largest at least double the political power. If the fourteenth amendment were not nullified, these States would have about one-third fewer Representatives and about one-third fewer members in the Electoral College than they have now, and would find it impossible to control the House of Representatives and to elect the President, which they have done frequently.

It has been said by an eminent authority that—

> Every Representative sent from a disfranchising State since the disfranchising process began, in excess of this reduced number, has been sent without authority and has occupied his seat without right or title. The House of Representatives would have been legally warranted at any time since Mississippi disfranchised the negro in 1891 in refusing to admit any delegation from a disfranchising State. When such a delegation appears it is known that its number exceeds the number which the State has a constitutional right to send, and as they all stand upon the same ground and are alike subject to the same infirmity, the House can not distinguish between them and is not called upon to admit either or any of them. It is for any State to make the title of each of its Representatives good by sending only such number as the Constitution authorizes. A suffrage system in violation of the Federal Constitution is, so far as it affects the Federal Government, void as an entirety, and no Representative claiming to be elected under such a system can show a constitutional title to a seat in Congress.

If a presidential election should turn upon the unconstitutional electoral votes now based upon the unconstitutionally elected Representatives, there well might follow a struggle for the possession of the Government which would lead to revolution.

With the nullification of the fourteenth, the fifteenth, and the nineteenth amendments, not only are the elections in these States unconstitutional and lawless, but the presidential elections are tainted with fraud and illegitimacy.

Negro disfranchisement is more of a fraud upon the whole country that it is upon the negro. By his disfranchisement and the nullification of the mandatory fourteenth amendment, which requires reduction of representation in proportion to disfranchisement, the great, Northern, Eastern, and Western States are deprived of their proportionate, just, and legal representation. Shall the people of the Southern States be whole persons politically and those of other States only two-thirds or half persons politically, by the nullification of the Constitution? Shall fraudulent majorities in Southern States elect the President and control the Congress, in violation of the Constitution and its just provisions? Shall the disfranchising States directly impair the political rights of every other State and of every voter in every other State?

Thomas Jefferson is quoted in the Virginia Enquirer of April 27, 1824, in connection with the struggle for equalizing representation among the counties of Virginia, as saying in part:

> The basis of our constitution is in opposition to the principle of equal political rights, refusing to all but freeholders any participation in the natural right of self-government. The exclusion of a majority of our free men from the right of representation is merely arbitrary and an assumption of the minority over the majority. In the representative privilege the equality of political rights is entirely prostrated by our constitution. Upon what principle of right or reason can any one justify the giving to every citizen of Warwick as much weight in the Government as 22 equal citizens in Loudoun? (Johns Hopkins Studies, "Representation in Virginia," p. 27.)

Abraham Lincoln, in his Peoria speech of 1854, after stating that under the Constitution the slave States voted on three-fifths of slaves, five slaves being counted as equal to three white—that Maine had 581,813 population, while South Caro-

lina with but 274,567 had the same number of Representatives, and "thus each white man in South Carolina is more than the double of any man in Maine"—that the same was true, though not to the same extent, of all citizens of the slave States over citizens of the free States, and that without any exception every voter in every slave State had more legal power in the Government than any voter in any free State, he proceeds:

Now, all this is manifestly unfair; yet, I do not mention it to complain of it, in so far as it is already settled. It is in the Constitution, and I do not for that cause or any other cause propose to destroy or alter or disregard the Constitution. I stand to it fairly, fully, and firmly. But when I am told that I must leave it altogether to other people to say whether new partners are to be bred up and brought into the firm on the same degrading terms against me, I respectfully demur. I insist that whether I shall be a whole man or only the half of one in comparison with others is a question in which I am somewhat concerned, and one which no other man can have a sacred right of deciding for me. If I am wrong in this, if it really be a sacred right of self-government in the man who shall go to Nebraska to decide whether he will be the equal of me or the double of me, then, after he shall have exercised that right, and thereby shall have reduced me to a still smaller fraction of a man than I already am, I should like for some gentleman deeply skilled in the mystery of "sacred rights" to provide himself with a microscope, and peep about and find out if he can what has become of my "sacred rights."

To-day it is not in the Constitution that a man in one State shall be "a whole man or only the half of one in comparison with others" in other States. On the contrary, the fourteenth, the fifteenth, and the nineteenth amendments forbid this very inequality.

Section 2 of Article IV of the Federal Constitution states:

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

In part confirmation of the shameful inequality of franchise rights in the several States, the following figures of votes cast in the 1924 elections for Representatives in Congress are impressive and conclusive.

Whereas the State of Michigan has 13 congressional districts, the total vote cast in the sixth district alone was 202,896; whereas the State of Missouri has 16 congressional districts, the total vote cast in the tenth district alone was 201,164. The total vote cast in the entire 10 districts of Alabama was only 152,343; the total vote cast in the entire 8 districts of Mississippi was only 98,576; and the total vote cast in the entire 8 districts of Louisiana was only 93,311.

Mr. BLANTON. Will the gentleman yield?

Mr. TINKHAM. I can not yield now.

Mr. BLANTON. Mr. Speaker, I make a point of order. I make the point of order that there is no quorum present. There are about 25 Democrats and 25 Republicans present.

The SPEAKER pro tempore. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count.

Mr. BLANTON. This speech ought to have somebody here to hear it, and I promised the gentleman to have a quorum here. I think we should have a quorum, especially when the gentleman will not yield even for a question.

Mr. LAGUARDIA. Mr. Speaker, I make the point of order that the gentleman from Texas is out of order. The gentleman from Massachusetts has not yielded the floor.

Mr. BLANTON. But I have made a point of order of no quorum, which is constitutional and always in order.

Mr. LAGUARDIA. Then do not make a speech about it.

Mr. BLANTON. Well, the gentleman from New York should not make a speech.

Mr. LAGUARDIA. I am addressing myself to the Speaker, and properly so.

Mr. BLANTON. Mr. Speaker, as the gentleman from Massachusetts [Mr. TINKHAM] does not care whether he is heard or not, I withdraw the point of order.

Mr. TINKHAM. The theory of our Government is that of a union of equal States, the essence of which is that all the States shall have equal political power and that the vote of a citizen of the United States in one State shall be the equal of the vote of a citizen of the United States in any other State. Disfranchisement in the Southern States impairs the political rights of every other State and of every voter in every other State. The question has become a question of the equality of white men. Shall all the States possess equal political power, or shall one-fourth of the States of the Union possess double the political power possessed by the remaining States? Shall all white persons possess equal political power, or shall each white person in the disfranchising States possess more political power than that possessed by each white person in the remaining States? This is the concern of every white citizen who wishes to preserve and defend his own political rights.

There can be no more deadly assassination of the principles that our Union is a union of equal States and that all American citizens are entitled to the same privileges and immunities and are equal than the fact that in certain States of the Union one vote is equivalent to one and one-third votes or one and one-half votes in other States, made so in part by craftily drawn legislative enactments, partisan administration of the election laws, and by fraud, in violation of a constitutional mandatory requirement that representation shall be reduced where disfranchisement exists, that no State shall deny to any person within its jurisdiction the equal protection of the laws, and that the right of citizens to vote shall not be denied or abridged by any State on account of race, color, or previous condition of servitude.

At this moment United States marines are in Nicaragua, it is said authoritatively, "to guarantee constitutional and fair elections." What answer can the Government who sent the marines to Nicaragua "to guarantee constitutional and fair elections" there make to the demand that the fourteenth and the fifteenth amendments of our Constitution be enforced here by Federal action?

The Congress of the United States has no moral right to ask the citizens of the United States to obey laws which it enacts when it has refused to obey the plain commands of the Constitution in relation to its own elections and the election of the President. For America to pose before the world as dictator of international morality and sponsor of international ethics with her national representatives elected in flagrant and defiant violation of her Constitution is the height of national hypocrisy.

Honest and constitutional government does not to-day exist in the United States with the nullification of the fourteenth and the fifteenth amendments of the Constitution.

DOMINATION OF THE WHITE RACE—MR. HOOVER AS A PRESIDENTIAL CANDIDATE

The SPEAKER pro tempore. Under the special order of the House the Chair recognizes the gentleman from Arkansas [Mr. TILLMAN] for 25 minutes. [Applause.]

Mr. TILLMAN. Mr. Speaker, I think I shall pursue the same course followed by the gentleman from Massachusetts and decline to be interrupted in order that I may rush through with my remarks and allow the House to adjourn.

Mr. Speaker, I think some one should say a few words in reply to the biennial message delivered by the gentleman from cultured Boston [Mr. TINKHAM], which those of us from the South have been compelled to listen to for the last several Congresses, but I shall be brief in what I say on that subject.

The gentleman from Massachusetts lives in Boston, and he deplores the fact that there are no colored people in office in the South. I was just wondering whether or not up in Boston, in Massachusetts, from which the President comes and from which the gentleman himself comes, if they have ever had a negro postmaster in the city of Boston. It could be easily arranged. There are intelligent negroes there. The President has the right to appoint and he is a Republican. The Senate has the right to confirm and is Republican. So the gentleman from Massachusetts is not consistent in wanting to fasten upon the South negro domination, negro control, and negro officials when he does not occasionally recommend some colored man for postmaster in the city of Boston.

Now, gentlemen, upon both sides of the House, I am one of a good many liberal Members from the South. I have voted for a great many things the people of the North wanted, but the people of the South are determined on one thing, and that is white domination. We demand it not only for the South but for the North, the East, and the West.

Wherever the Anglo-Saxon places his foot he becomes a conqueror and dominates. It is best for the world that he should. The people in the South are white and they are going to control the South and should do so.

If the Japanese predominated in California the PHIL SWINGS, the Mrs. KAHNS, the HENRY BARBOURS, the LEAS, the SHORTRIDGES, and the JOHNSONS would control California, and I would say God speed to them in doing so. [Applause.] If the negroes outnumbered and outvoted the Irish in Boston, I would say, "Irishman, keep in the saddle," and he would.

The best thing that ever happened to America was the advent of the white man. We have great respect for the Indian. He has been wronged, robbed, and outraged, and yet the best thing for civilization, the best thing for the world, and the best thing for him was that the white man came here. The white man found a few tepees on Manhattan Island while now there rise 30-story buildings, with their proud tops piercing the sky. The great city of New York has been substituted for the few

wigwams that were once found on Manhattan Island. Out in Chicago there were a few tepees and yet now we have the city of Chicago.

There were a few narrow trails through America, now we have all through the North, the South, the East, and the West great railroads. The Indians embarked in small canoes on our magnificent streams, and now palatial steamers run up and down these great streams. We had Massasoit, Pushmataha, Quannah Parker, Osceola—a few prominent Indians—now we have in their stead the Mayo brothers, the Wrights, Lindbergh, Edison, a host of wonderful men in many fields of activity.

The Indians had no schools. They had no colleges. They had nothing except a few scattered tribes and they were fighting each other all the time. We can say much for the Indian. He has been outraged, he has been wronged, and yet it was God, kismet, fate, destiny.

I want the people to govern who are best fitted to govern, whether in Dixie or elsewhere. I sometimes think we are in a rather dangerous position, especially with people who are all the time apparently criticizing white people for doing what they should and taking the side of some inferior race.

I am proud of my race. I am part English and part Scotch, and a good deal Irish—a rather sorry combination, perhaps, some people may say, but yet I am all white. I have wondered from what race or from what people the distinguished gentleman from Massachusetts ascended or descended. [Laughter.] I am for the white man.

Mr. SCHAFER. Will the gentleman yield?

Mr. TILLMAN. I prefer not to yield now. I want to rush along and get through. I have some other things to say. This is only incidental.

Mr. SCHAFER. Mr. Speaker, I believe we ought to have a quorum here.

Mr. TILLMAN. I yield to my distinguished and able friend. [Laughter and applause.]

Mr. SCHAFER. Does the gentleman feel so strongly for the white man that he would deny a man who was not white the rights and privileges guaranteed under the Constitution, especially a gentleman who is so strong for the eighteenth amendment of the Constitution?

Mr. TILLMAN. Yes; I am for the eighteenth amendment, and do not straddle or dodge on the issue. Let me tell the gentleman something. We have had to endure a good deal by being accused of violating the Constitution, and a lot of other things. I want to tell the gentleman that all through Dixie, all through the South, and particularly in my State, we do not disfranchise anybody except in a perfectly legitimate, legal, and constitutional way.

Mr. SCHAFER. That does not square with the speech the gentleman is making.

Mr. TILLMAN. I will respond to the gentleman's question. In the good State of Arkansas, and I know more about that State than any other, we have a perfectly legal and constitutional requirement that every man, white or black, every woman, white or black, before he or she exercises the right of suffrage, shall pay $1 into the school fund for the benefit of the common school children. This does not discriminate against anybody, and so, as far as I am concerned—and I have been a member of my State senate—I have not voted for any measure that did not apply equally to whites and to blacks. Now, this is an answer to the gentleman's question.

Going back a little, white men, let me tell you something. Do you know that in all the world there are 31,000,000 square miles of land controlled by colored people. Now, get this: There is only 22,000,000 square miles of land controlled by white people. Do you know that in all the world there are 1,700,000,000 human beings, and 500,000,000 only are white, and 1,150,000,000 are colored.

The last war was a white man's war, and 10,000,000 of the bravest and best men of the country who were white were killed. The white people are not increasing rapidly like the colored people. They have smaller families; and I can see the time when a rising tide of color may submerge the proud white man; and yet everything under God's sun, practically, that is worth a "continental" can be traced to the intelligence, activity, and morality of the white man.

Mr. GREEN of Florida. Will the gentleman yield?

Mr. TILLMAN. Yes; I yield to the gentleman.

Mr. GREEN of Florida. I would like to say, for argument's sake, that if the gentleman would take about 80 or 90 drops of the color of the white man, about 10 drops of the color of the black man, about 1 drop of the color of the Jap and a drop of the color of the Chinese, and then a drop of the color of the different foreign strains in our country and mingle them all together and hold them between himself and a bright light he would see the complexion of our Nation 500 years from today unless something is done whereby the races may be segregated.

Mr. TILLMAN. I am afraid my young friend speaks the gospel truth. Give the white man his due. One of the most beautiful things ever written was written by a woman—and it is philosophy. Just listen to this:

> Wherever the white man's light is shed
> (Oh! far has that light been thrown),
> Though nature has suffered and beauty fled,
> Yet the goal of the race has been thrust ahead,
> And the might of the race has grown,
> For this is the law: Be it cruel or kind
> The universe sways to the power of mind.

This is true. The white man governs because he is best prepared to govern. He may do wrong. He hurt the Indians, and yet it is better to have 115,000,000 of the best people on earth upon the best country on the globe than to have scattered tribes fighting among one another with no schools, no civilization, no literature, and making no progress whatever.

I am for the white man. I want him to govern here and I want him to govern in Massachusetts, and especially in Boston. [Laughter and applause.]

Now, I did not get up to talk about this subject, but I felt that somebody should reply to the gentleman who so often assails the South. The colored people have had their day this afternoon, and I am a friend of the negro. I want that understood. When I go home the colored people flock around my door to meet me and my wife—and they call her by her first name, Miss So and So. They come around to see us. They like us and they vote for me—many of them—and every one of them that wants to vote has a chance to do so if he will pay a dollar to the school fund, and if he is unwilling to pay that pittance into the school fund he ought not to vote.

Now I come to talk about the real question that I was accorded time to discuss.

Mr. Speaker, I beg to say that I do not consider it a dignified proceeding for an aspirant to a party presidential nomination to abandon his duties and go on the stump to present his claims.

It is permissible for candidates from Congress down to go up and down the counties and to grin the sovereigns out of their votes, but when a citizen attains the proportions that fit him for the White House and he desires to go there, he should announce that he does not choose to enter into a scramble for the honor of a party nomination and modestly wait to be drafted. This course will further his ambition more certainly than the course I am criticizing. The present canny occupant of the presidential chair will, because of his choice of methods, be drafted by his party when those now advertising their candidacies for the honor have destroyed themselves.

A Cabinet officer is an avowed candidate. Several United States Senators are leaving their seats in what was once considered the greatest forum on earth to beg for votes and delegates. Once a Roman statesman said: "To be a Roman senator is to be greater than a king." Once to be an American Senator was considered a more exalted honor than at present. Personally, I have great respect for the body north of us. They seem, however, to run stronger toward investigations than to legislative functions.

I am quoting here a joke told me by a United States Senator himself five days ago. He said that a teacher of the fifth grade out in Maryland recently asked the class this question: "What compose the United States Congress?" A boy answered, "The United States Senate." The teacher said: "Is there not an inferior body?" "No," said the pupil; "there is no inferior body." [Laughter.]

I have much respect for the able Senator from Idaho, and he has introduced an innovation in the way of an interesting questionnaire leveled at presidential aspirants. From a party standpoint I am glad he did, and yet some call him a self-appointed and self-annointed father confessor to presidential candidates. The Senator's questionnaire is certainly adding to national gaiety. He first served this paper on Senators CURTIS and WILLIS, neither of whom has a Chinaman's chance to be chosen. They frankly and, to my mind, satisfactorily answered the questions listed in the Borah letter.

The Senator then leveled his questionnaire spear at bigger game and wrote the following letter. Desiring to be accurate I sent to the Senator's office and procured a copy from his files.

FEBRUARY 9, 1928.

Hon. HERBERT HOOVER,

Secretary of Commerce, Washington, D. C.

MY DEAR MR. SECRETARY: Your friends have placed you in line for the nomination for the Presidency. I venture in view of that fact to ask your views upon a matter in which there is a wide and deep interest

throughout the country. I am sure you will be free to express yourself upon this important issue:

First. Do you favor incorporating in the next national Republican platform a plank specifically referring to the eighteenth amendment to the Constitution and pledging the candidates and the party to a vigorous, faithful, and effective enforcement of the amendment and the laws enacted to carry into effect the constitutional amendments?

Second. What is your attitude and what would be your attitude toward the amendment and its enforcement in case you are nominated and elected?

Third. Do you favor the enactment into law of the principle embodied in the New York referendum that the Congress should modify the Federal act to enforce the eighteenth amendment so that the same shall not prohibit the manufacture, sale, transportation, importation, or exporation of beverages which are not in fact intoxicating, as determined in accordance with the laws of the respective States? In other words, do you favor a program of legislation which will enable every State to determine for itself the alcoholic content of beverages to be manufactured, sold, and transported throughout the country?

Fourth. Do you favor the repeal of the eighteenth amendment or the repeal of the Volstead Act?

Very respectfully,

WM. E. BORAH.

The Secretary about this time heard the call of the tarpons and the sea bass down in tropical Florida and did not reply until his return. After much prayerful labor, the mountain on February 23 brought forth not a majestic lion but a pale, gray mouse. Mr. Hoover's remarkable reply follows:

I feel that the discussion of public questions by reply to questionnaires is likely to be unsatisfactory and ofttimes leads to confusion rather than clarity. Replies to the scores of such inquiries on many questions are impossible.

Out of regard for your known sincerity and your interest in the essential question I will, however, say again that I do not favor the repeal of the eighteenth amendment. I stand, of course, for the efficient, vigorous, and sincere enforcement of the laws enacted thereunder. Whoever is chosen President has under his oath the solemn duty to pursue this course.

Our country has deliberately undertaken a great social and economic experiment, noble in motive and far-reaching in purpose. It must be worked out constructively.

Mark Twain never said anything funnier than the last paragraph. Hitherto this Cabinet officer has not posed as a humorist. By this letter he has definitely established for himself undisputed primacy in the field of American humor. [Laughter.]

He complains that questionnaires are likely to be unsatisfactory, leading to confusion rather than clarity, and straightway proves his assertion. But he walks up, cap in hand, and throws his answer in the Senator's lap somewhat like throwing a bone to a dog, saying in effect, "There is my answer, but don't ask me any more fool questions." The Secretary is a strong man, a great world figure, and his failure to be frank is the more reprehensible because of his undisputed greatness and preeminence. Mellon is the strongest, most forceful Cabinet member, and Hoover is second, and he should have been frank, and has not been. Clarity! The answer is as clear as the mud at the bottom of the Potomac. Does it really satisfy anybody? The Baltimore Sun says it is disappointing to dry leaders—not sufficiently far-reaching, is their view—and the wets say, mere platitudes. In some places the drys say he is wet and in other places the wets say he is dry. The Washington Post editorially commends his answer, but the brilliant columnist, George Rothwell Brown, seems to condemn it. I was somewhat amazed to read in the press that my leader among the drys in the House is quoted as accepting the Hoover letter enthusiastically, saying, "Such expressions, joined with our knowledge of the man, should satisfy anyone as to the sincerity of his attitude toward the interests of Federal prohibition." The paper continuing said that Mr. CRAMTON was so well pleased that his friends look to him to join the Hoover band wagon. Is it possible that my leader will abandon his neighbor, Senator WILLIS, a known dry, and leap into the Cabinet member's band wagon to beat the bass drum or to blow the trombone? Mr. Stayton, a wet, is quoted as saying, "We had hoped for something more than mere platitudes from Mr. Hoover." And so it goes. The Secretary dodges and does not do so artfully. He straddles and does not straddle gracefully. [Laughter and applause.]

Imagine the following dialogue, which might well take place:

Question (Senator BORAH). "Mr. Secretary, are you in favor of a revision of the tariff; and if so, up or down?"

Answer (Mr. HOOVER). "Our country has deliberately undertaken a great social and economic experiment, noble in motive and far-reaching in purpose. It must be worked out constructively." [Laughter.]

Question (Senator BORAH). "Once you were associated with President Wilson, who favored the League of Nations and a World Court. How do you stand on that issue?"

Answer (Mr. HOOVER). "Our country has deliberately undertaken a great social and economic experiment, noble in motive and far-reaching in purpose. It must be worked out constructively." [Laughter.]

I represent myself and other drys who do not think the Secretary's answer to the Borah questionnaire is responsive. I think his reputation for candor and courage has suffered by this answer. The thing Senator BORAH stressed mainly was whether or not Mr. Hoover favored incorporating in the next national Republican platform a plank specifically referring to the eighteenth amendment. He also particularly wanted to know whether Mr. Hoover favored a program of legislation which would enable every State to determine for itself the alcoholic content of beverages to be manufactured, sold, and transported throughout the country. That is the real issue that he should have met and he dodged it, by the use of words, words, words signifying nothing. The real issue between the wets and drys is not the repeal of the eighteenth amendment, not the return of the saloon, but whether the eighteenth amendment and the Volstead Act shall be nullified if desired by some of the States making their own laws determining the alcoholic content of intoxicating liquors. Mr. Hoover knew that and made a bid for the wet vote in Ohio and elsewhere by declining to be frank in his reply to the questionnaire submitted to him. There are wets and wets, there are drys and drys, with all shades of opinions. They differ in different States.

Sam Jones once said that men in different States differed materially as to what constituted intoxication. He said that a man was considered drunk in Maine if he swallowed two glasses of buttermilk, but in Kentucky a man was considered still sober if he, after two efforts, was steady enough to hit the ground with his hat. That a citizen was not thought to be drunk in Kansas if he could lie on the ground, hold to the grass with both hands, and not fall off the earth. So there are men of widely divergent views on the wet and dry question, but the people always want a candidate for a high office to state his position upon a great public question like this in language that can be understood. Is Senator WILLIS being fairly treated? His senatorial opponents have graciously said to him, "We shall not oppose you in your own State. We shall only oppose one another for second choice." And that is a courteous thing to do. The Senator was born in Ohio, he is the senior Senator from that State. He can truthfully say, as did a warlike Scot, "My name is MacGregor and my foot's on my native heath." He proposes to fight. Like another warlike Scot he has backed up against a limestone ledge and announces, "This rock shall fly from its firm base as soon as I." Why not be courteous to the Senator?

> How sweet and gracious even in our common speech
> Is that fine sense which men call courtesy.
> Wholesome as air and genial as the light,
> Welcome in every clime as breath of flowers,
> It transmutes aliens into trusting friends
> And gives its owner passport around the globe.

[Applause.]

So I have been disappointed in the attitude of my friend from Michigan, my white-plumed leader among the drys. I have also been disappointed at the position of one of the best-loved men in the House, the gentleman from Ohio [Mr. BURTON], one of our Nestors, who is reputed to have encouraged the Secretary of Commerce to enter the Ohio primaries in opposition to Ohio's favorite son, Senator WILLIS. My Republican friends, you do not often make serious political mistakes. Unless you do, our party stands but little chance to triumph in national elections. But you are not altogether immune from political blunders. A good many years ago a magnetic American leader, Theodore Roosevelt, pinned a white plume on his war bonnet and rode up and down the States with legions of enthusiastic supporters following him. The Republican nominee, a popular and worthy man, carried Utah and Vermont only. The schoolmaster at Princeton because of this blunder donned the purple of power and for eight years graced the chair that had been honored by Jefferson, Jackson, and Cleveland. He carried Ohio the second time. Right now over the Buckeye State hangs a political cloud no bigger than a saddle blanket and yet as black as Egyptian darkness, as black, indeed, as the rusty dust on the gates of Hades. That cloud may grow and spread till it casts its shadow over the country from Lake Erie to Dixie, from Portland to Portland. George Rothwell Brown, of the Post, says that both Hoover and WILLIS got off to a ripping start in Ohio, but the principal thing ripped, he said, is the Republican Party. By

the way, speaking of Mr. Brown, he makes us all smart by hurling at us his poison darts. He wields a keen blade, but it is dipped in vitriol and smeared with rattlesnake venom. He is as mean as Satan. He is all the time mendaciously talking about "the dry-voting and hard-drinking South." That is nine-tenths libelous. He crawls and skins and stings and stinks, and yet he is the cleverest paragrapher in America. If the editor in chief of the Post gets $20,000 a year, Brown ought to draw down $40,000. He is with all of his cussedness—and that covers him like a red blanket—the most entertaining columnist in the country. The only thing that redeems the Post's editorials from the charge of dull and heavy drabness is Brown's scintillating columns.

I plead for a fair deal for WILLIS, but he will be slaughtered in the house of his friends, not beaten, but not allowed an undivided delegation. And what has he done to be thus slaughtered or discredited?

It is a far cry from the Roman Forum to the Buckeye State, and yet I venture to compare an old with a fast-coming incident.

A few years ago in company with my dry leader, Mr. CRAMTON, and several other House Members, I stood in the Roman Forum and was shown the spot where the great Cæsar fell bleeding from many wounds inflicted by Brutus, Casca, and others.

The chaste Calpurnia had told her eagle-beaked husband not to go to the senate house on that day. The soothsayer had shouted in his ear, "Cæsar, beware the ides of March!" But Cæsar went, and died at the base of Pompey's statue. Before he fell he recognized his neighbor Brutus, and exclaimed in astonishment, "Et tu Brute." Later our party was conducted to the spot where Mark Antony delivered his famous oration over Cæsar's dead body, and his speech created much dissension among the Romans.

Now, after the ides of April, after the Ohio primary has been held, I can envisage some modern Mark Antony holding up the bloody cloak of Julius Cæsar WILLIS and pointing to the rents inflicted by the knives of those who should have been his friends and supporters and saying something like what Mark Antony said as he held aloft great Cæsar's bloody cloak:

"See what a rent the envious Casca (CRAMTON) made; through this the well-beloved Brutus (BURTON) stabbed. And as he plucked his cursed steel away, mark how the blood of Cæsar (WILLIS) followed it."

[Laughter and applause.]

CORRECTION OF THE RECORD

Mr. CASEY. Mr. Speaker, I renew the unanimous-consent request I made earlier in the day to strike from the CONGRESSIONAL RECORD of February 24 the remarks which were inserted in my speech without my knowledge or consent after I had corrected the reporter's copy of my speech and sent it by messenger to the printer. Pending that I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CASEY. In the consideration of this question will it be permissible to discuss the facts with relation to this matter, because there is a difference of opinion, or will the question be confined solely to a violation of the rules by the insertion into my remarks of language without my consent?

The SPEAKER. The Chair thinks it would be well to discuss the facts as they may affect both gentlemen concerned.

Mr. CASEY. Will the time be limited on that?

The SPEAKER. It will proceed under unanimous consent. There will be no time limit unless the gentleman asks for it. It will be permissible for the gentleman to ask for a certain time.

Mr. CHINDBLOM. Mr. Speaker, how did the matter come up? I do not know whether the gentleman put it on the ground of personal privilege, but it would seem that in order to discuss the matter the gentleman should obtain unanimous consent.

Mr. GARNER of Texas. Under a reservation of the right to object, the gentleman can go ahead.

Mr. SIMMONS. Will the gentleman from Pennsylvania yield for a minute?

Mr. CASEY. I yield.

Mr. SIMMONS. Mr. Speaker, in the debate in the House last Friday the transcript shows that I addressed the gentleman from Pennsylvania and asked if he would yield. He answered "yes." Then the transcript shows that I stated that "I would like to call the gentleman's attention to the fact that it was thoroughly discussed—that was the amendment then under consideration—and to the fact that at first the gentleman from Pennsylvania [Mr. WELSH] objected to this being done unless we would take care and not cause any hardship to the children now in the District schools."

The gentleman was present at the meeting and stated he did not want to cause any hardship for the children then in the schools, and we drafted the amendment to meet the wishes of the gentleman and his colleague from Pennsylvania [Mr. WELSH].

To that the gentleman from Pennsylvania [Mr. CASEY] is shown to have replied:

That may be the gentleman's opinion, but it is not the fact. We might just as well have an understanding about this matter. Every letter and every telegram that has been read here to-day has been read because it was asked for by individuals and not by the subcommittee, and when they speak of "we" and the committee, they do not speak for me as a member of the committee.

Following that there was a discussion between the gentleman from Pennsylvania and the gentleman from Illinois [Mr. MADDEN].

After the adjournment of the House on Friday I corrected some of the transcript of the discussion that was brought to me in my office and went to my residence, which is about 5 miles from the Capitol. Along about 7 or 7.30 o'clock in the evening some one from the reporters' office called me on the telephone and asked if he could read my statement to me over the telephone for approval or disapproval, to save him coming out the 5 miles to my residence with the transcript. He read it to me, and as I remember it, I dictated over the telephone, and whoever it was took it down and read back to me the language to which the gentleman from Pennsylvania objects, I asking that he change my statement so that it would read as follows:

I would like to call the gentleman's attention to the fact that this paragraph was in the bill when the subcommittee reported to the full committee, and it was printed in italics in the report that the subcommittee presented to the main committee. The gentleman made no objection either in the subcommittee or the full committee to the language being in the bill; the bill was reported unanimously by the full committee; it was thoroughly discussed in the subcommittee and the full committee, and to the fact that at first the gentleman from Pennsylvania objected to this being done, unless we would take care of and not cause any hardship to the children now in the District schools. The gentleman was present at the meeting and stated that he did not want to cause any hardships for the children then in the schools. No one on the committee desires to cause any hardship, and we drafted the amendment to meet the wishes of the gentleman and his colleague from Pennsylvania.

I assumed then and I assume now that I had the right to amplify the statement that I had made by setting out in brief detail the facts covered by the original statement. I did not change the meaning that I had expressed. The gentleman from Pennsylvania made a general denial to what I had said, and of necessity I could not change the meaning of his answer. I believe that I was entirely within the rules of the House in doing what I did. I do not want any blame to be attached to anyone else if anything was wrong about it. The statements that I made on the floor were the facts then, and the statement that I amplified and stated in the RECORD were the facts when I made them. They are the facts now. However, if the gentleman from Pennsylvania does not want them in the RECORD, I have no objection to their being stricken out of his speech in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania that certain language be stricken out?

There was no objection.

TERMS OF PRESIDENT, VICE PRESIDENT, AND OTHERS

Mr. SNELL. Mr. Speaker, may I be permitted to make a statement? I have been requested by several Members to advise them when we would call up the rule for the White-Norris constitutional amendment. I discussed that matter with the gentleman from Connecticut [Mr. TILSON], the floor leader, and it seems now that if we can pass the agricultural appropriation bill by Saturday night next, we will be able to call up that rule for consideration of this constitutional amendment a week from to-day; that is, Tuesday, March 6, 1928.

CONTESTED-ELECTION CASE—HUBBARD v. LAGUARDIA

Mr. LETTS. Mr. Speaker, I submit a privileged report from the Committee on Elections No. 1, in the contested-election case of Hubbard against LaGuardia, for printing.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 48. An act to erect a tablet or marker to the memory of the Federal soldiers who were killed at the Battle of Perryville, and for other purposes;

H. R. 83. An act to approve Act No. 24 of the Session Laws of 1927 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Hanapepe, in the district of Waimea, island and county of Kauai";

H. R. 482. An act to provide relief for the victims of the airplane accident at Langin Field, Moundsville, W. Va.;

H. R. 3144. An act for the relief of Augustus C. Turner;

H. R. 5925. An act for the relief of the Fidelity & Deposit Co. of Maryland;

H. R. 8281. An act to provide for the withdrawal of certain described lands in the State of Nevada for the use and benefit of the Indians of the Walker River Reservation;

H. R. 8282. An act to provide for the permanent withdrawal of certain lands bordering on and adjacent to Summit Lake, Nev., for the Paiute, Shoshone, and other Indians;

H. R. 8291. An act to amend section 1 of the act of June 25, 1910 (36 Stat. L. 855), "An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes";

H. R. 8292. An act to reserve 120 acres on the public domain for the use and benefit of the Koosharem Band of Indians residing in the vicinity of Koosharem, Utah;

H. R. 8527. An act for the relief of the International Petroleum Co. (Ltd.), of Toronto, Canada;

H. R. 9037. An act to provide for the permanent withdrawal of certain lands in Inyo County, Calif., for Indian use; and

H. R. 9994. An act to reimburse certain Indians of the Fort Belknap Reservation, Mont., for part or full value of an allotment of land to which they were individually entitled.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Wednesday, February 29, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, February 29, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

To insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned farm areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects (H. R. 6091).

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10 a. m.)

To amend the World War veterans' act, 1924 (H. R. 10160).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10.30 a. m.)

To further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States (S. 744).

To promote, encourage, and develop an American merchant marine in connection with the agricultural and industrial commerce of the United States, provide for the national defense, the transportation of foreign mails, the establishment of a merchant-marine training school, and for other purposes (H. R. 2).

To amend the merchant marine act of 1920, insure a permanent passenger and cargo service in the North Atlantic, and for other purposes (H. R. 8914).

To create, develop, and maintain a privately-owned American merchant marine adequate to serve trade routes essential in the movement of the industrial and agricultural products of the United States and to meet the requirements of the commerce of the United States; to provide for the transportation of the foreign mails of the United States in vessels of the United States; to provide naval and military auxiliaries; and for other purposes (H. R. 10765).

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

To amend the immigration act of 1924 by making the quota provisions thereof applicable to Mexico, Cuba, Canada, and the other countries of continental America and adjacent islands (H. R. 6465).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity (H. R. 7759).

COMMITTEE ON THE POST OFFICE AND POST ROADS

(10 a. m.)

To amend Title II of an act approved February 28, 1925, regulating postal rates (H. R. 9296).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 9663. A bill authorizing Herman Simmonds, jr., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Tampa Bay from Pinellas Point, Pinellas County, to Piney Point, Manatee County, Fla.; with an amendment (Rept. No. 772). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 9830. A bill authorizing the Great Falls Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Potomac River at or near the Great Falls; with an amendment (Rept. No. 773.) Referred to the House Calendar.

Mr. MILLIGAN: Committee on Interstate and Foreign Commerce. H. R. 10145. A bill authorizing American Bridge & Ferry Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Carondelet, St. Louis County, Mo.; with an amendment (Rept. No. 774). Referred to the House Calendar.

Mr. CORNING: Committee on Interstate and Foreign Commerce. S. 2698. An act granting the consent of Congress to the State of Vermont to construct, maintain, and operate a free highway bridge across an arm of Lake Memphremagog at or near Newport, Vt.; without amendment (Rept. No. 775). Referred to the House Calendar.

Mr. CHRISTOPHERSON: Committee on the Judiciary. H. R. 328. A bill to relieve the Territory of Alaska from the necessity of filing bonds or security in legal proceedings in which such Territory is interested; without amendment (Rept. No. 776). Referred to the House Calendar.

Mr. CHRISTOPHERSON: Committee on the Judiciary. H. R. 8551. A bill to create an additional judge in the district of South Dakota; without amendment (Rept. No. 777). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 53. A bill to provide for the collection and publication of statistics of tobacco by the Department of Agriculture; without amendment (Rept. No. 778). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. J. Res. 215. A joint resolution to authorize the Secretary of Agriculture to accept a gift of certain lands in Clayton County, Iowa, for the purposes of the upper Mississippi River wild life and fish refuge act; without amendment (Rept. No. 779). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 484. A bill to amend section 10 of the plant quarantine act, approved August 20, 1912; without amendment (Rept. No. 780). Referred to the House Calendar.

Mr. HAUGEN: Committee on Agriculture. H. J. Res. 140. A joint resolution to amend sections 1 and 2 of the act of March 3, 1891; without amendment (Rept. No. 781). Referred to the House Calendar.

Mr. DYER: Committee on the Judiciary. H. R. 8295. A bill for the appointment of an additional circuit judge for the ninth judicial circuit; without amendment (Rept. No. 782). Referred to the Committee of the Whole House on the state of the Union.

Mr. DYER: Committee on the Judiciary. H. R. 11139. A bill for the appointment of an additional circuit judge for the second judicial circuit; without amendment (Rept. No. 783). Referred to the Committee of the Whole House on the state of the Union.

Mr. ENGLEBRIGHT: Committee on the Public Lands. H. R. 11023. A bill to add certain lands to the Lassen Volcanic National Park in the Sierra Nevada Mountains of the State of California; without amendment (Rept. No. 786). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLTON: Committee on Elections No. 1. A report on the contested election case of Hubbard *v.* LaGuardia, twentieth New York district (Rept. No. 787). Referred to the House Calendar.

Mr. WOODRUFF: Committee on Naval Affairs. H. J. Res. 160. Joint resolution requesting certain information relative to the United States Naval Ordnance plant, South Charleston, W. Va.; without amendment (Rept. No. 788). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MORIN: Committee on Military Affairs. H. R. 9712. A bill to amend the military record of Curtis V. Milliman; with an amendment (Rept. No. 784). Referred to the Committee of the Whole House.

Mr. GLYNN: Committee on Military Affairs. H. J. Res. 193. Joint resolution for appointment of Roy L. Marston, of Maine, as a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers; without amendment (Rept. No. 785). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 10041) granting a pension to Alice B. Cook, and the same was referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HOPE: A bill (H. R. 11525) to amend the packers and stockyards act, 1921; to the Committee on Agriculture.

By Mr. BUTLER: A bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes; to the Committee on Naval Affairs.

By Mr. MANSFIELD: A bill (H. R. 11527) to amend an act entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March 3, 1925; to the Committee on Rivers and Harbors.

By Mr. SUTHERLAND: A bill (H. R. 11528) to authorize appeals in all criminal proceedings and certain civil proceedings in the district court of Alaska; to the Committee on the Judiciary.

Also, a bill (H. R. 11529) to extend the time of the Alaska Anthracite Railroad Co. for completion of its railroad in the Territory of Alaska, and for other purposes; to the Committee on the Territories.

By Mr. WRIGHT: A bill (H. R. 11530) to amend the World War veterans' act, 1924; to the Committee on World War Veterans' Legislation.

By Mr. ENGLEBRIGHT: A bill (H. R. 11531) authorizing appropriations for the establishment and maintenance of mining experiment stations of the United States Bureau of Mines; to the Committee on Mines and Mining.

By Mr. JOHNSON of Texas: A bill (H. R. 11532) to amend the first paragraph of section 29, title 2, chapter 85, of the first session of the Sixty-sixth Congress, found in volume 41, part 1, page 316, of the United States Statutes at Large, relating to punishment for the illegal manufacture and sale of liquors; to the Committee on the Judiciary.

By Mr. TIMBERLAKE: A bill (H. R. 11533) to provide for the enlargement and further development of the Akron United States Agricultural Substation, located near Akron, in Washington County, Colo., by authorizing the purchase of certain lands adjacent thereto, the erection of certain improvements thereon, and the equipment thereof with dairy cattle and other livestock; to the Committee on Agriculture.

By Mr. BRAND of Georgia: A bill (H. R. 11534) providing for canceling naturalization certificates if and when a naturalized citizen, within five years after the date of the certificate of citizenship, has been guilty of fraud, or by his acts, declarations, or conduct has ceased to be a man of good moral character; to the Committee on Immigration and Naturalization.

By Mr. DYER: A bill (H. R. 11535) to provide punishment for killing or assaulting Federal officers; to the Committee on the Judiciary.

By Mr. HAMMER: A bill (H. R. 11536) to protect the sanctity and preservation of the institution of marriage within the District of Columbia; to the Committee on the District of Columbia.

By Mr. BACON: Joint resolution (H. J. Res. 220) tendering the thanks of the American people and the Congress of the United States to the Hon. Charles Evans Hughes, chairman of the delegation of the United States of America to the Sixth International Conference of American States; to the Committee on Foreign Affairs.

By Mr. REECE: Joint resolution (H. J. Res. 221) authorizing the award of a medal of honor to Ralph E. Updike; to the Committee on Military Affairs.

By Mr. SUTHERLAND: Joint resolution (H. J. Res. 222) to authorize the Alaska Game Commission to make refunds of license fees in certain cases; to the Committee on Agriculture.

By Mr. HICKEY: A resolution (H. Res. 127) to provide for additional compensation for assistant floor managers of telephones; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ABERNETHY: A bill (H. R. 11537) granting an increase of pension to James B. P. Brady; to the Committee on Pensions.

Also, a bill (H. R. 11538) granting a pension to Ernest R. Hales; to the Committee on Pensions.

By Mr. BOWMAN: A bill (H. R. 11539) granting a pension to George Anson Carr; to the Committee on Invalid Pensions.

By Mr. BUSHONG: A bill (H. R. 11540) granting an increase of pension to Elizabeth S. Keim; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11541) granting an increase of pension to Catherine Rider; to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 11542) granting an increase of pension to Mary M. Wilson; to the Committee on Invalid Pensions.

By Mr. CHINDBLOM: A bill (H. R. 11543) granting a pension to Mary E. Crabtree; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 11544) granting a pension to Ida M. Montgomery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11545) for the relief of Charles Wilson; to the Committee on Military Affairs.

By Mr. CRISP: A bill (H. R. 11546) granting an increase of pension to William W. Martin; to the Committee on Pensions.

By Mr. ROY G. FITZGERALD: A bill (H. R. 11547) for the relief of Catherine Panturis; to the Committee on Claims.

Also, a bill (H. R. 11548) for the relief of Sarah Morris; to the Committee on Claims.

By Mr. W. T. FITZGERALD: A bill (H. R. 11549) granting a pension to Henderson M. Pettit; to the Committee on Invalid Pensions.

By Mr. GARRETT of Tennessee: A bill (H. R. 11550) granting a pension to Mattie Russell Meadows; to the Committee on Pensions.

By Mr. HALL of Indiana: A bill (H. R. 11551) for the relief of Ralph R. Cloud; to the Committee on Claims.

Also, a bill (H. R. 11552) granting an increase of pension to Martha A. Budd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11553) granting a pension to Blenda C. Moore; to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 11554) granting an increase of pension to Rocelia Dennis; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 11555) granting a pension to Virginia A. Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11556) granting an increase of pension to Ellen J. Perkins; to the Committee on Invalid Pensions.

By Mr. KURTZ: A bill (H. R. 11557) granting a pension to Nora Belle Biesecker; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 11558) granting an increase of pension to Owen Combs; to the Committee on Pensions.

By Mr. LEATHERWOOD: A bill (H. R. 11559) to authorize reimbursement of Dr. B. W. Black, formerly a commissioned officer of the United States Public Health Service, for travel performed subsequent to June 7, 1924, under orders of the Secretary of the Treasury, issued prior to that date; to the Committee on Claims.

Also, a bill (H. R. 11560) for the relief of the Bennion Livestock Co.; to the Committee on Claims.

By Mr. LINDSAY: A bill (H. R. 11561) granting an increase of pension to Anna M. Venus; to the Committee on Invalid Pensions.

By Mr. MERRITT: A bill (H. R. 11562) granting an increase of pension to Maria C. Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11563) granting a pension to Thomas Collins; to the Committee on Pensions.

By Mr. MOORE of Ohio: A bill (H. R. 11564) granting an increase of pension to Sarah E. Petty; to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 11565) for the relief of Edmund J. Clark; to the Committee on Military Affairs.

By Mr. PORTER: A bill (H. R. 11566) for the relief of Hugh R. Wilson, John K. Caldwell, and other diplomatic and consular officers and employees and representatives of the Departments of State, Commerce, the Treasury, and Agriculture who suffered losses in the Japanese earthquake and fire; to the Committee on Foreign Affairs.

By Mr. RAMSEYER: A bill (H. R. 11567) granting an increase of pension to Alvira Byrum; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 11568) granting an increase of pension to Frank C. Miller; to the Committee on Pensions.

By Mr. RUBEY: A bill (H. R. 11569) granting an increase of pension to Mary E. Allen; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 11570) granting an increase of pension to Mary E. Logel; to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 11571) granting a pension to Fannie F. Wilson; to the Committee on Invalid Pensions.

By Mr. SUMMERS of Washington: A bill (H. R. 11572) granting a pension to Sarah J. Edmonds; to the Committee on Invalid Pensions.

By Mr. SWICK: A bill (H. R. 11573) granting an increase of pension to Anna M. Shaffer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11574) granting an increase of pension to Alice C. J. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11575) granting an increase of pension to Irene Dunbar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11576) granting an increase of pension to Mary E. Boyd; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4604. Petition of sundry citizens of San Antonio, Tex., opposing certain legislation known as the Box bill, affecting immigration in the United States from Mexico; to the Committee on Immigration and Naturalization.

4605. By Mr. ADKINS: Petition of sundry adult citizens of Decatur, Ill., protesting against compulsory Sunday observance as proposed in the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

4606. By Mr. ALDRICH: Petition of Thomas F. Tefft and 15 other citizens of the State of Rhode Island protesting against compulsory Sunday legislation; to the Committee on the District of Columbia.

4607. By Mr. BOIES: Petition signed by citizens of Onawa, Monona County, State of Iowa, protesting against the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4608. By Mr. BURDICK: Resolution of Lodge Gustaf II, Adolf No. 17, Vasa Order of America, of Providence, R. I., protesting against the reduction of the Swedish quota of immigrants; to the Committee on Immigration and Naturalization.

4609. Also, resolution of Lodge Ebba Brahe, No. 18, Vasa Order of America, of Providence, R. I., protesting against the reduction of the Swedish quota of immigrants; to the Committee on Immigration and Naturalization.

4610. By Mr. CANNON: Petition of Charles W. Young and other citizens of Montgomery County, Mo., opposing compulsory Sunday observance; to the Committee on the District of Columbia.

4611. Also, petition of John C. Garner and others, of Pacific, Mo., in behalf of an increase of Civil War pensions; to the Committee on Invalid Pensions.

4612. Also, petition of W. E. Muis and other citizens of Callaway County, Mo., opposing compulsory Sunday observance; to the Committee on the District of Columbia.

4613. Also, petition of C. R. Spradlin and other citizens of Audrain County, Mo., opposing compulsory Sunday observance; to the Committee on the District of Columbia.

4614. Also, petition of A. J. Keller and Bertie Keller, of Defiance, Mo., opposing compulsory Sunday observance; to the Committee on the District of Columbia.

4615. Also, petition of G. W. Miller and other citizens of Callaway County, Mo., opposing compulsory Sunday observance; to the Committee on the District of Columbia.

4616. Also, petition of L. E. Mahon and other citizens of Bland, Mo., opposing compulsory Sunday observance; to the Committee on the District of Columbia.

4617. Also, petition of W. F. H. Schroeder and other citizens of Gasconade County, Mo., opposing compulsory Sunday observance; to the Committee on the District of Columbia.

4618. Also, petition of J. C. Humphreys and other citizens of Callaway County, Mo., opposing compulsory Sunday observance; to the Committee on the District of Columbia.

4619. Also, petition of H. F. West and other citizens of Fulton, Mo., opposing compulsory Sunday observance; to the Committee on the District of Columbia.

4620. By Mr. CARSS: Petition of Alexander La Doix and 30 other Chippewa Indians, of International Falls, Minn., protesting against enactment of H. R. 189, the so-called purification bill; to the Committee on Indian Affairs.

4621. By Mr. DARROW: Petition of the Philadelphia Board of Trade favoring the enactment of H. R. 8557, to provide for the establishment and operation of foreign trade zones in ports of entry of the United States, etc.; to the Committee on Interstate and Foreign Commerce.

4622. By Mr. EATON: Petition of 82 residents of Plainfield and North Plainfield, N. J., against enactment of H. R. 78; to the Committee on the District of Columbia.

4623. By Mr. ENGLEBRIGHT: Petition of H. L. Wolfsen and other petitioners of Colfax, Calif., protesting against the Sunday closing law for the District of Columbia; to the Committee on the District of Columbia.

4624. Also, petition of Mr. A. E. Stewart and other citizens of Roseville, Calif., protesting against Sunday closing for the District of Columbia; to the Committee on the District of Columbia.

4625. Also, petition of sundry citizens of Siskiyou County, Calif., protesting against Sunday closing for the District of Columbia; to the Committee on the District of Columbia.

4626. By Mr. GALLIVAN: Petition of Rollin H. Richardson, 6 Alpine Street, Roxbury, Mass., recommending legislation governing the care and treatment of dumb animals; to the Committee on Agriculture.

4627. By Mr. GARBER: Letter of M. C. Sutton, manager of the Oklahoma City Clearing House Association, of Oklahoma City, Okla., in opposition to S. 1752; to the Committee on the Post Office and Post Roads.

4628. Also, letter of Barrington Moore, secretary Council on National Parks, Forests, and Wild Life, of Washington, D. C., in support of H. R. 5467 and S. 2171, migratory bird conservation bills; to the Committee on Agriculture.

4629. Also, letter of Charles B. Burdick, engineer, of Chicago, Ill., in support of the Newton bill (H. R. 8111), providing for an inventory of water resources; to the Committee on Interstate and Foreign Commerce.

4630. Also, letter of J. H. Hoeppel, commander General Harrison Gray Otis Post, No. 1537, V. F. W.; past commander Charles A. Lindbergh Camp, No. 103, U. S. W. V.; and past commander Glenn Dyer Post, No. 247, American Legion, in support of H. R. 6523 and S. 1986, providing for increase in pension; to the Committee on Military Affairs.

4631. Also, resolutions of Chamber of Commerce, of Hominy, Okla., in protest to the passage of H. R. 9033 and H. R. 9294; to the Committee on Indian Affairs.

4632. By Mr. GUYER: Petition of sundry citizens of Kansas City, Wyandotte County, Kans., urging increases of pension for survivors and widows of the Civil War; to the Committee on Invalid Pensions.

4633. By Mr. HADLEY: Petition of sundry residents of Everett, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

4634. Also, petition of sundry residents of Marysville, Wash.; to the Committee on the District of Columbia.

4635. Also, petition of residents of King County, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

4636. Also, petition of residents of Langley, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

4637. By Mr. HALL of Indiana: Petition of R. D. Homer and 131 citizens, of Pulaski County, asking for increase of pensions for Civil War soldiers and widows; to the Committee on Invalid Pensions.

4638. Also, petition of Rebecca Berry and 128 citizens, of Miami County, Ind., asking for increase of pensions for veterans of the Civil War and for widows of veterans of the Civil War; to the Committee on Invalid Pensions.

4639. Also, petition of Ray Houser and 75 other citizens, of Huntington County, Ind., asking increase of pension for every Civil War survivor and war widows; to the Committee on Invalid Pensions.

4640. Also, petition of Mary McCole and 105 other citizens, of Grant County, Ind., asking for increase of pension for survivors of Civil War; to the Committee on Invalid Pensions.

4641. By Mr. HAUGEN: Petition of 31 citizens of Chickasaw, Fayette, and Bremer Counties, Iowa, protesting against the enactment of House bill 78 or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4642. By Mr. JOHNSON of Washington: Petition of 39 citizens of Lewis County, Wash., opposing compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4643. Also, petition of the Federated Teachers of the Public Schools of Tacoma, Wash., favoring the Curtis-Reed bill; to the Committee on Education.

4644. Also, petition of 13 rural mail carriers of Lewis, Thurston, Mason, and Grays Harbor Counties, Wash., supporting the Gibson retirement bill and the Reece good roads bill; to the Committee on the Civil Service.

4645. Also, petition of citizens of Clarke County, Wash., protesting the Lankford Sunday observance bill; to the Committee on the District of Columbia.

4646. Also, petition of 686 citizens of Tacoma and Pierce County, Wash., opposing compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4647. By Mr. JOHNSON of Texas: Petition of W. A. Terrell, of Fort Worth, Tex., favoring and urging passage of H. R. 25, H. R. 88, and H. R. 9059, relative to Postal Service employees; to the Committee on the Post Office and Post Roads.

4648. By Mrs. KAHN: Petition of Frank B. Fitzpatrick and numerous other citizens of California, urging the passage of H. R. 6518, known as the Welch minimum wage bill; to the Committee on the Civil Service.

4649. By Mr. KORELL: Petition of citizens of Portland, Oreg., protesting against the passage of the bill known as the Brookhart bill; to the Committee on Interstate and Foreign Commerce.

4650. Also, petition of sundry citizens of Portland, Oreg., protesting against the passage of the Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4651. By Mr. KVALE: Petition of members of the Women's Christian Temperance Union of Tracy, Minn., urging passage of the Stalker bill (H. R. 9588); to the Committee on the Judiciary.

4652. Also, petition of members of W. C. T. U. of Cottonwood, Minn., urging passage of the Stalker bill (H. R. 9588); to the Committee on the Judiciary.

4653. By Mr. LINDSAY: Petition of Brooklyn Tuberculosis and Health Association of the Bureau of Charities, urging support of the Parker bill (H. R. 5766), providing for the coordination of the public-health activities of the Government; to the Committee on Interstate and Foreign Commerce.

4654. Also, petition of board of directors, Green Mountain Club, New York City, urging support of H. R. 5760, to set aside Great Falls of the Potomac as a national park; to the Committee on the District of Columbia.

4655. By Mr. LUCE: Petition of members of the faculty and administration of Wellesley College, Wellesley, Mass., protesting against naval building program; to the Committee on Naval Affairs.

4656. By Mr. MILLER: Petition of citizens of Seattle, Wash., protesting H. R. 78; to the Committee on the District of Columbia.

4657. Also, petition of sundry citizens of Seattle, Wash., protesting passage of the District of Columbia Sunday closing law (H. R. 78); to the Committee on the District of Columbia.

4658. By Mr. MONAST: Petition of citizens of Providence, R. I., protesting against compulsory Sunday laws; to the Committee on the District of Columbia.

4659. By Mr. NELSON of Wisconsin: Petition signed by Mrs. C. M. Chapman and others, of Madison, Wis., protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4660. By Mr. O'CONNELL: Petition of the Westchester County Federation of Women's Clubs, Mount Vernon, N. Y., for law observance and enforcement; to the Committee on the Judiciary.

4661. Also, petition of Innis, Speiden & Co., New York City, favoring the passage of H. R. 9195, the Cuban parcel-post bill; to the Committee on Ways and Means.

4662. Also, petition of the New York section, Green Mountain Club (Inc.), favoring the passage of H. R. 5760, to set aside as a national park the Great Falls of the Potomac and an acre above the falls; to the Committee on the District of Columbia.

4663. Also, petition of the Brooklyn Tuberculosis and Health Association of the Bureau of Charities, Brooklyn, N. Y., favoring the passage of the Parker bill (H. R. 5766), which provides for the coordination of the public-health activities of the Government; to the Committee on Interstate and Foreign Commerce.

4664. Also, petition of the Metropolitan Life Insurance Co. of New York City, favoring the passage of the Parker bill (H. R. 5766), a bill to provide for the coordination of the public-health activities of the Government; to the Committee on Interstate and Foreign Commerce.

4665. By Mr. OLDFIELD: Petition of Eugene Cypert and others, of White County, Ark., urging the increase of pensions of Civil War pensioners; to the Committee on Invalid Pensions.

4666. By Mr. ROBINSON of Iowa: Petition of Rev. W. T. Smith, pastor of the First Methodist Episcopal Church of Iowa Falls, Iowa, and sundry citizens of Iowa Falls against the proposed naval construction bill; to the Committee on Naval Affairs.

4667. By Mr. SANDERS of New York: Petition of Mrs. S. C. Carr, signed by 34 citizens of Rochester, N. Y., protesting against the passage of the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

4668. By Mr. SHALLENBERGER: Petition of sundry citizens of Nebraska against compulsory Sunday observance; to the Committee on the District of Columbia.

4669. By Mr. SHREVE: A protest from Charles A. Donaghue and other citizens of Corry, Pa., against the passage of the Lankford Sunday observance bill; to the Committee on the District of Columbia.

4670. By Mr. SMITH: Petition signed by Dr. G. W. Pendleton and 808 other citizens of Idaho Falls, Idaho, protesting against the enactment of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4671. By Mr. SINNOTT: Petition of numerous citizens of Oregon, protesting against passage of the Lankford bill, or similar compulsory Sunday legislation; to the Committee on the District of Columbia.

4672. By Mr. STRONG of Pennsylvania: Petition of Red Cross Sisterhood, No. 86, Dames of Malta, Punxsutawney, Pa., in favor of H. R. 10078; to the Committee on Immigration and Naturalization.

4673. By Mr. SWICK: Petition of Mr. W. E. Minteer and 128 residents of Ellwood City, Lawrence County, Pa., members of the Berean bible class, United Presbyterian Church, urging the passage of H. R. 78, the Lankford bill, providing for Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

4674. By Mr. SWING: Petition of residents of Riverside, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4675. Also, petition of residents of San Bernardino, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4676. Also, petition of sundry residents of Beaumont, Calif., and vicinity protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4677. By Mr. TIMBERLAKE: Petition in behalf of Civil War pension bill from veterans at Boulder, Colo.; to the Committee on Invalid Pensions.

4678. By Mr. WELCH of California: Petition of the San Francisco Board of Supervisors, San Francisco, Calif., favoring the passage of H. R. 7467, granting consent to the city and county of San Francisco to construct, maintain, and operate a bridge across the Bay of San Francisco, Calif.; to the Committee on Interstate and Foreign Commerce.

4679. By Mr. WHITE of Colorado: Petition of sundry citizens of Denver, Colo., praying enactment of legislation increasing the rates of pensions to veterans of the Civil War; to the Committee on Invalid Pensions.

4680. By Mr. WYANT: Petition of Stephen F. Whitman & Son (Inc.) favoring passage of Capper-Kelly resale price bill (H. R. 11); to the Committee on Interstate and Foreign Commerce.

4681. Also, petition of 125 members Local Union No. 1044, United Brotherhood of Carpenters and Joiners of America, by John W. Neth, recording secretary, favoring passage of Cooper-Hawes bills (H. R. 7729 and S. 1940); to the Committee on Labor.

4682. Also, petition of the Narrow Fabric Co., of Reading, Pa., favoring passage of Capper-Kelly bill (H. R. 11); to the Committee on Interstate and Foreign Commerce.

4683. Also, petition of Hardwick & Magee Co., Philadelphia, Pa., favoring passage of Capper-Kelly resale price bill (H. R. 11); to the Committee on Interstate and Foreign Commerce.

4684. Also, petition of C. J. Hollister, D. D. S., chief dental division, Pennsylvania department of health, favoring passage of H. R. 11026, Public Health Service bill; to the Committee on Interstate and Foreign Commerce.

4685. Also, petition of Council on National Parks, Forest, and Wild Life, indorsing the Anthony-Norbeck migratory bird conservation bills (H. R. 5467 and S. 2171); to the Committee on Agriculture.

4686. Also, petition of J. Q. Waters, West Newton, Pa., favoring passage of the Wurzbach bill (H. R. 6523) or Tyson bill (S. 1986); to the Committee on Military Affairs.

SENATE

WEDNESDAY, *February 29, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, our Heavenly Father, at this morning hour we render Thee our humble praises for all Thy mercies renewed to us each day. And from our thankful hearts we beseech Thee for all whom we love and upon whom we bestow our watchful care, for all who have blessed us with kindness, led us with patience, and restored us by their sympathy and help, for all who are bearing the burdens of life, for all who are sick and afflicted, and for all who are anguished in spirit, that Thou wouldest make Thy people one in heart and mind and purpose; and that our eyes may kindle to the beauty and glory of America when she looks forth as the morning, fair as the moon and clear as the sun in the splendor of Him who is the light of the world, Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	La Follette	Schall
Barkley	Fess	McKellar	Sheppard
Bayard	Fletcher	McLean	Shipstead
Bingham	Frazier	McMaster	Shortridge
Black	George	McNary	Simmons
Blaine	Gerry	Mayfield	Smith
Blease	Gillett	Metcalf	Smoot
Borah	Glass	Moses	Steck
Bratton	Gooding	Neely	Steiwer
Brookhart	Gould	Norbeck	Stephens
Broussard	Greene	Norris	Swanson
Bruce	Hale	Nye	Thomas
Capper	Harris	Oddie	Tydings
Caraway	Harrison	Overman	Tyson
Copeland	Hayden	Phipps	Walsh, Mass.
Couzens	Heflin	Pine	Walsh, Mont.
Curtis	Howell	Pittman	Warren
Cutting	Johnson	Ransdell	Waterman
Dale	Jones	Reed, Pa.	Watson
Deneen	Kendrick	Robinson, Ark.	Wheeler
Dill	Keyes	Robinson, Ind.	Willis
Edge	King	Sackett	

Mr. COPELAND. My colleague the junior Senator from New York [Mr. WAGNER] is detained on official business. I will let this announcement stand for the day.

Mr. GERRY. The Senator from New Jersey [Mr. EDWARDS] is necessarily detained from the Senate by reason of illness in his family.

The VICE PRESIDENT. Eighty-seven Senators having answered to their names, a quorum is present.

PETITIONS AND MEMORIALS

Mr. TYSON presented a communication from the secretary of the executive committee of the New York Young Republican Club, of New York City, N. Y., which was ordered to lie on the table and to be printed in the RECORD, as follows:

Hon. LAWRENCE D. TYSON,
United States Senator, Washington, D. C.

SIR: The executive committee of the New York Young Republican Club, at its regular meeting held on the 17th day of February, 1928, approved the following resolution in regard to the Tyson-Fitzgerald bill now pending before the Congress:

"*Resolved*, That the executive committee of the New York Young Republican Club hereby approved the proposed legislation now pending before the Congress, commonly known as the Tyson-Fitzgerald bill (H. R. 500, S. 777), whereby all persons who served as officers of the Army of the United States during the World War, other than as officers of the Regular Army, and who during such service incurred physical disability rated to be in excess of 30 per cent permanent, shall be placed upon a separate list and granted the same compensation and perquisites as are received by retired officers of the Regular Army similarly situated; further

"*Resolved*, That the executive committee of the New York Young Republican Club respectfully urge upon the Senate and the House of Representatives the early passage of the said Tyson-Fitzgerald bill (S. 777 and H. R. 500) in order that belated justice may be done to the disabled officers of the National Army; further

"*Resolved*, That the secretary of this committee transmit a copy of this resolution to the President of the Senate, the Speaker of the House of Representatives, the chairman of the respective Committees on Military Affairs of the Senate and House of Representatives, and to the chairman of the Committee on Rules of the House of Representatives, with the request that the said Tyson-Fitzgerald bill (S. 777, H. R. 500) shall have their earnest and serious consideration."

We trust that this subject may have careful attention.

Very respectfully,

JOSEPH MARK BALDWIN,
Secretary Executive Committee.

Mr. REED of Pennsylvania presented a petition of the Philadelphia (Pa.) Board of Trade, praying for the passage of the bill (S. 351) prohibiting the sending of unsolicited merchandise through the mails, which was referred to the Committee on Post Offices and Post Roads.

REPORTS OF THE NAVAL AFFAIRS COMMITTEE

Mr. SWANSON, from the Committee on Naval Affairs, to which was referred the bill (S. 1377) for the relief of Lieut. Robert Stanley Robertson, jr., United States Navy, reported it with an amendment and submitted a report (No. 442) thereon.

Mr. SHORTRIDGE, from the Committee on Naval Affairs, to which was referred the bill (S. 151) for the relief of Charles R. Sies, reported it without amendment and submitted a report (No. 443) thereon.

Mr. HALE, from the Committee on Naval Affairs, to which was referred the bill (S. 2442) for the relief of Lieut. Henry C. Weber, Medical Corps, United States Navy, reported it without amendment and submitted a report (No. 444) thereon.

SESQUICENTENNIAL OF DISCOVERY OF HAWAIIAN ISLANDS

Mr. BORAH. Mr. President, from the Committee on Foreign Relations I report back favorably without amendment the joint resolution (H. J. Res. 141) to authorize the President to invite the Government of Great Britain to participate in the celebration of the Sesquicentennial of the Discovery of the Hawaiian Islands, and to provide for the participation of the Government of the United States therein, and I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection to the request of the Senator from Idaho?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, and it was read, as follows:

Resolved, etc., That the President be, and he is hereby, authorized and requested to extend a formal invitation to the Government of Great Britain to participate in the said celebration by sending a man-of-war with delegates representing the Dominions most interested.

SEC. 2. That for the purpose of defraying the expense of participation by the Government of the United States in the said celebration, an appropriation of the sum of $5,000, or so much thereof as may be necessary, is hereby authorized, to include transportation, subsistence, or per diem in lieu of subsistence (notwithstanding the provisions of any previous act), and such other expenses as the President shall deem proper.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. BORAH. I ask that there may be printed in the RECORD the House committee report and the message of the President in relation to the matter.

The VICE PRESIDENT. Without objection, it is so ordered.

The report and message are as follows:

[H. Rept. No. 507, 70th Cong., 1st sess.]

AUTHORIZING THE PRESIDENT TO INVITE GREAT BRITAIN TO SESQUICENTENNIAL OF HAWAIIAN ISLANDS

Mr. MAAS, from the Committee on Foreign Affairs, submitted the following report to accompany H. J. Res. 141:

The Committee on Foreign Affairs, to which was referred House Joint Resolution 141, to authorize the President to invite the Government of Great Britain to participate in the celebration by the Territory of Hawaii of the Sesquicentennial of the Discovery of the Hawaiian Islands, and to provide for the participation of the Government of the United States therein, having considered the same, report thereon with the recommendation that it do pass.

The Hawaiian Islands were first sighted by the ships of the exploring and scientific expedition under the command of Capt. James Cook, January 18, 1778. Captain Cook was at that time making his third voyage of exploration into the Pacific, which had for one of its special objects the discovery of a northwestern passage which might allow of a shorter route from Europe to Asia. At the time of the discovery of these islands by Captain Cook, the inhabitants were found to be living in a condition, due to their surroundings and isolation, that can only be described as one equivalent to the stone age in Europe. They had neither metals, textiles, pottery, nor a written language, and the knowledge of Christianity, of course, had never been brought to their attention. It is possible that their ancestors had lived on these islands for 1,200 years or more.

Captain Cook, after discovering the islands, sailed to the northwest coast of the American Continent, and to what is now Alaska, and in November of the year 1778 returned to the islands with the idea of wintering there. The incidents of the second voyage showed that the Hawaiians looked upon Captain Cook as the incarnation of their god Lono. He and his men were treated with the greatest respect and hospitality, provided with supplies and food, and liberally entertained. Finally, on February 4, 1779, after a stay lasting through three months, the ships took their departure, and all would have been well had not one of the vessels suffered a casualty when off the northern end of the island of Hawaii, where the winds blow frequently in gusts, approaching gale strength, one of the masts was sprung, and Captain Cook decided to return to the Bay of Kealakekua to effect the necessary repairs. The third visit did not turn out so well. Possibly because the country had been impoverished because of the lavished gifts bestowed on the visitors, possibly because of the jealousy of the men because of the actions with the women, the fact remains that the cordiality which was present on the previous occasion was lacking. Quarrels arose; on the night of February 13 a boat belonging to the *Discovery* that had been left secured astern instead of being hoisted aboard overnight was found missing. The natives, covetous of the iron fastenings which it contained, had taken it and broken it to pieces. Captain Cook went ashore to see the King and compel the recovery of the boat and intending to bring the King on board his vessel as a hostage. A fight developed and Captain Cook was killed at the water's edge in trying to get back to his boats.

Following this discovery ships began to frequent the islands and American vessels and others engaged in the China trade stopped in these waters to refit or to obtain provisions. Whalers came to the islands. Finally, in 1820 the pioneer missionaries from New England arrived in the islands.

From this time dates the development and civilization of the islands and its people. American influence was always very marked, and through many steps culminated in the annexation of the Republic in 1898, since which time it has been an integral part of the United States.

It is these incidents which it is proposed to celebrate during the period from August 15–20, 1928, a date half way between the date of the first arrival of Captain Cook in the islands, January 18, 1778, and the date of his death, February 14, 1779. The Legislature of the Territory of Hawaii, impressed by the importance of the events, passed the following concurrent resolution:

CONCURRENT RESOLUTON

"Whereas the Territory of Hawaii, now an integral part of the United States of America, was first made known to the world by the explorations of Capt. James Cook, R. N.; and

"Whereas his discovery of these islands occurred on the 18th day of January, 1778, when, in the H. M. S. *Resolution* and H. M. S. *Discovery*, he sighted the island of Oahu, and on the 20th day of January, 1778, he first set foot ashore at Waimea, island of Kauai; and

"Whereas this discovery marked a turning point in the history of the islands which led them out of the past and into communication with the rest of the world; and

"Whereas the explorations of this celebrated navigator and leader of the British Empire, who also made known to the world the continents of New Zealand and Australia, continued until his death, which occurred at Kealakekua Bay, island of Hawaii, on the 14th day of February, 1779; and

"Whereas it is fitting that the Territory of Hawaii should celebrate the one hundred and fiftieth anniversary of the discovery of these islands by Captain Cook, in a manner to do honor to this bold and intrepid son of a friendly nation, and to celebrate the development and rise of this archipelago to its present position in this great Commonwealth of ours: Now therefore be it

"Resolved by the Senate of the Legislature of the Territory of Hawaii (the House of Representatives concurring), That a sesquicentennial celebration of the discovery of these islands be held during the week of August 15–19, 1928; and that the governor of the Territory respectfully request the President of the United States to extend a formal invitation to the Government of Great Britain, asking their participation by sending a man-of-war with delegates representing the Dominions most interested, and that the Federal Government be asked to send representatives for the occasion, with the presence of such units of the United States Fleet as may be spared; and be it further

"Resolved, That the governor request the proper authorities of the Federal Government to provide for the issuance of a suitable series of postage stamps commemorating the discovery of these islands, and the issuance of a commemorative 50-cent coin."

It also passed an act to carry into effect the celebration and providing $20,000 to meet the cost of conducting the ceremonies.

[Act 256]

An act providing for the appointment of a Cook Sesquicentennial Commission, making an appropriation and providing for its expenditure

Be it enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Governor of the Territory of Hawaii is hereby authorized to appoint a commission, in the manner provided by section 80 of the organic act, to be known as the Cook Sesquicentennial Commission, to consist of five members.

SEC. 2. The commission shall have charge of the arrangements for the ceremonies during the week of August 15–19, 1928, commemorating the one hundred and fiftieth anniversary of the discovery of the Hawaiian Islands by Capt. James Cook.

SEC. 3. The sum of $20,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of providing entertainment for such delegates as may be sent to attend the said ceremonies and for the cost of conducting such ceremonies.

SEC. 4. This act shall take effect upon its approval.

Approved this 2d day of May, A. D. 1927.

W. R. FARRINGTON,
Governor of the Territory of Hawaii.

In consequence of these acts of the legislature, the governor of the Territory, through the Secretary of the Interior, initiated the steps looking toward getting the President's approval to the plan that was contemplated in the concurrent resolution. The Delegate of the Territory took the matter up with the State Department and the Interior Department. As a consequence, the Secretary of State on December 28, 1927, sent the following communication to the President:

THE PRESIDENT:

From August 15–19, 1928, the Territory of Hawaii will celebrate the sesquicentennial of the discovery of the Hawaiian Islands by Capt. James Cook, and the Legislature of the Territory of Hawaii has appropriated $20,000 to meet the cost of the celebration.

The Hawaiian Legislature has also, by a concurrent resolution adopted in April last, authorized the Governor of the Territory to "request the President of the United States to extend a formal invitation to the Government of Great Britain, asking their participation by sending a man-of-war with delegates representing the Dominions most interested," and to ask that the Federal Government "send representatives for the occasion, with the presence of such units of the United States Fleet as may be spared."

In pursuance of this resolution, the Secretary of the Interior, acting for the Governor of the Territory of Hawaii, has recommended that the President be requested to ask of Congress legislation authorizing the President to extend the invitation, and an appropriation of $5,000 to enable participation by the Government of the United States in the celebration.

To these ends the undersigned, the Secretary of State, who is advised by the Director of the Bureau of the Budget that the request is not in conflict with the financial program of the President, has the honor to submit to the President a draft of a joint resolution, which he recommends, if the President approve thereof, be commended to the favorable consideration of the Congress.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, December 28, 1927.

The President, on January 4, 1928, sent the following message to Congress:

To the Congress of the United States:

At the request of the Governor of Hawaii, made through the Secretary of the Interior, in pursuance of a resolution of the Legislature of Hawaii, I commend to the favorable consideration of the Congress the draft of a joint resolution, attached to the accompanying report of the Secretary of State, to authorize the President to invite the Government of Great Britain and the governments of certain of the British Dominions to participate in the celebration at Honolulu of the Sesquicentennial of the Discovery of the Hawaiian Islands, and to provide for participation of the Government of the United States therein.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 4, 1928.*

Accompanying the President's message was the draft of the joint resolution and it is that draft which has been embodied in the House Joint Resolution 141 here being considered. The proposal to invite the Government of Great Britain and the Dominions most interested is due to the fact that Capt. James Cook and his expedition was sent out by the British Government, that in addition to the discovery of the Hawaiian Islands, he was concerned with the explorations on the

west coast of what is now the Dominion of Canada, made original surveys in the Gulf of St. Lawrence, and was responsible in a large measure for adding to the British Empire the continent of Australia and New Zealand. The invitation on the part of the Government of the Territory of Hawaii to Britain to take part in the ceremonies has already been transmitted through the American chargé d'affaires in London, but this resolution will authorize the President to transmit the invitation for the Territory.

The celebration will consist of a gathering of delegates in Honolulu, who will then be taken to the island of Kauai, the westernmost of the group, where at Waimea, the point at which Captain Cook first landed, there will be a pageant and dedication of a monument commemorating the first landing. The party will then return to Honolulu and proceed to Kealakekua, where Captain Cook spent the greater part of his second visit to the islands and where he died. Here it is expected that there will be the opening of a Territorial park and dedication of a memorial bronze tablet to mark the spot where Captain Cook fell, also the dedication of the tablet to mark the site of the first Christian burial in the islands. The party will then return to Honolulu for final exercises of a commemorative and literary character.

Hawaii, with its present population of three hundred and thirty-three thousand-odd inhabitants, with its marked development as an American community, with its splendid prosperity, dependent upon agricultural interests, is such a wonderful example of what America has achieved through its advancement of republican and Christian ideals, that the celebration of this occasion marking the one hundred and fiftieth anniversary of the modern birth of the islands is deemed one worthy to be celebrated by Federal cooperation.

This resolution will authorize Federal recognition of the event, will provide for Federal representation in the event, both by representatives and a part of the fleet, and authorizes an appropriation of the sum of $5,000 to take care for such representatives. The cost of the celebration in the islands is provided for by the Territory.

[H. Doc. 132, 70th Cong., 1st sess.]

SESQUICENTENNIAL OF THE DISCOVERY OF THE HAWAIIAN ISLANDS

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES TRANSMITTING DRAFT OF A JOINT RESOLUTION, ATTACHED TO THE ACCOMPANYING REPORT OF THE SECRETARY OF STATE, TO AUTHORIZE THE PRESIDENT TO INVITE THE GOVERNMENT OF GREAT BRITAIN AND THE GOVERNMENTS OF CERTAIN OF THE BRITISH DOMINIONS TO PARTICIPATE IN THE CELEBRATION AT HONOLULU OF THE SESQUICENTENNIAL OF THE DISCOVERY OF THE HAWAIIAN ISLANDS, AND TO PROVIDE FOR PARTICIPATION OF THE GOVERNMENT OF THE UNITED STATES THEREIN

To the Congress of the United States:

At the request of the Governor of Hawaii, made through the Secretary of the Interior, in pursuance of a resolution of the Legislature of Hawaii, I commend to the favorable consideration of the Congress the draft of a joint resolution, attached to the accompanying report of the Secretary of State, to authorize the President to invite the Government of Great Britain and the Governments of certain of the British Dominions to participate in the celebration at Honolulu of the Sesquicentennial of the Discovery of the Hawaiian Islands, and to provide for participation of the Government of the United States therein.

CALVIN COOLIDGE.

THE WHITE HOUSE, *January 4, 1928.*

THE PRESIDENT:

From August 15 to August 19, 1928, the Territory of Hawaii will celebrate the sesquicentennial of the discovery of the Hawaiian Islands by Capt. James Cook, and the Legislature of the Territory of Hawaii has appropriated $20,000 to meet the cost of the celebration.

The Hawaiian Legislature has also, by a concurrent resolution adopted in April last, authorized the Governor of the Territory to "request the President of the United States to extend a formal invitation to the Government of Great Britain asking their participation by sending a man-of-war with delegates representing the Dominions most interested," and to ask that the Federal Government "send representatives for the occasion, with the presence of such units of the United States fleet as may be spared."

In pursuance of this resolution the Secretary of the Interior, acting for the Governor of the Territory of Hawaii, has recommended that the President be requested to ask of Congress legislation authorizing the President to extend the invitation, and an appropriation of $5,000 to enable participation by the Government of the United States in the celebration.

To these ends the undersigned, the Secretary of State, who is advised by the Director of the Bureau of the Budget that the request is not in conflict with the financial program of the President, has the honor to submit to the President a draft of a joint resolution, which he recommends, if the President approve thereof, be commended to the favorable consideration of the Congress.

Respectfully submitted.

FRANK B. KELLOGG.

DEPARTMENT OF STATE,
Washington, December 28, 1927.

DRAFT OF A JOINT RESOLUTION TO AUTHORIZE THE PRESIDENT TO INVITE THE GOVERNMENT OF GREAT BRITAIN TO PARTICIPATE IN THE CELEBRATION OF THE SESQUICENTENNIAL OF THE DISCOVERY OF THE HAWAIIAN ISLANDS, AND TO PROVIDE FOR THE PARTICIPATION OF THE GOVERNMENT OF THE UNITED STATES THEREIN

Whereas the Territory of Hawaii will celebrate from August 15 to August 19, 1928, the Sesquicentennial of the Discovery of the Hawaiian Islands by Capt. James Cook; and

Whereas the Legislature of the Territory of Hawaii has appropriated the sum of $20,000 to meet the cost of conducting such ceremonies, and for the purpose of providing entertainment of delegates; and

Whereas in pursuance of a concurrent resolution of the Legislature of the Territory of Hawaii, adopted by the senate thereof on April 14, 1927, and by the house of representatives thereof on April 16, 1927, the Governor of the Territory of Hawaii has requested the President "to extend a formal invitation to the Government of Great Britain asking their participation by sending a man-of-war with delegates representing the Dominions most interested," and has asked that "the Federal Government send representatives for the occasion, with the presence of such units of the United States Fleet as may be spared": Be it therefore

Resolved, etc., That the President be, and he is hereby, authorized and requested to extend a formal invitation to the Government of Great Britain to participate in the said celebration by sending a man-of-war with delegates representing the Dominions most interested.

SEC. 2. That for the purpose of defraying the expense of participation by the Government of the United States in the said celebration an appropriation of the sum of $5,000, or so much thereof as may be necessary, is hereby authorized, to include transportation, subsistence, or per diem in lieu of subsistence (notwithstanding the provisions of any previous act), and such other expenses as the President shall deem proper.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. PINE:

A bill (S. 3415) to amend paragraph (5) of section 20 of the interstate commerce act; to the Committee on Interstate Commerce.

(By request.) A bill (S. 3416) to carry into effect the twelfth article of the treaty between the United States and the Shawnee Indians proclaimed October 14, 1868; to the Committee on Indian Affairs.

By Mr. BAYARD:

A bill (S. 3417) granting an increase of pension to Mary J. McIntyre (with accompanying papers); to the Committee on Pensions.

By Mr. BROUSSARD:

A bill (S. 3418) for the relief of John F. Mathews; to the Committee on Military Affairs.

By Mr. STECK:

A bill (S. 3419) for the relief of W. J. Price; to the Committee on Military Affairs.

A bill (S. 3420) granting an increase of pension to Harriett G. Baker; to the Committee on Pensions.

By Mr. KENDRICK:

A bill (S. 3421) for the relief of certain stock-raising homestead entrymen in the State of Wyoming; to the Committee on Public Lands and Surveys.

By Mr. OVERMAN:

A bill (S. 3422) for the relief of W. W. Ruark; and

A bill (S. 3423) for the relief of the Advance Manufacturing Co.; to the Committee on Claims.

By Mr. McNARY:

A bill (S. 3424) for the relief of Cynthia Rudler Osgood; to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 3425) for the relief of John Miller Grove, alias James M. Groves; to the Committee on Military Affairs.

By Mr. CARAWAY:

A bill (S. 3426) to quiet title and possession with respect to certain lands in Faulkner County, Ark.; to the Committee on Public Lands and Surveys.

A bill (S. 3427) authorizing the Secretary of the Navy to make a readjustment of pay to Gunner W. H. Anthony, jr., United States Navy (retired); to the Committee on Naval Affairs.

By Mr. SCHALL:

A bill (S. 3428) to acquire by purchase, condemnation, or otherwise a site for and the erection and completion thereon of a suitable building for the use and accommodation of the United States post office, United States customs, United States immigration department, United States border patrol, and Department of Justice in International Falls, Minn.; to the Committee on Public Buildings and Grounds.

A bill (S. 3429) for the relief of Samuel S. Michaelson; to the Committee on Claims.

By Mr. WILLIS:

A bill (S. 3430) granting an increase of pension to William Frederick Gross (with accompanying papers); to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 3431) granting a pension to Mary Wagner (with accompanying papers); to the Committee on Pensions.

By Mr. BLAINE:

A bill (S. 3432) to amend section 200 of the World War veterans' act of 1924, as amended; to the Committee on Finance.

A bill (S. 3433) to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," as amended; to the Committee on the Judiciary.

By Mr. WHEELER:

A bill (S. 3435) to authorize an appropriation from tribal funds to pay part of the cost of the construction of a road on the Crow Indian Reservation, Mont.; to the Committee on Indian Affairs.

By Mr. HALE:

A bill (S. 3436) for the relief of George A. Sawyer (with accompanying papers); to the Committee on Claims.

By Mr. JONES:

A bill (S. 3437) to provide for the conservation of fish, and for other purposes; to the Committee on Commerce.

By Mr. NORBECK:

A bill (S. 3438) authorizing a per capita payment to the Rosebud Sioux Indians, South Dakota; to the Committee on Indian Affairs.

A bill (S. 3439) to authorize the Secretary of Agriculture to acquire a herd of musk oxen for introduction into Alaska for experimentation with a view to their domestication and utilization in the Territory; to the Committee on Agriculture and Forestry.

By Mr. HEFLIN:

A joint resolution (S. J. Res. 103) providing for the return of the remains of members of the Marine Corps and other naval forces who have died in Nicaragua during the present intervention by the United States; to the Committee on Naval Affairs.

FLOOD CONTROL

Mr. JONES. I desire to introduce a bill relating to the flood situation. It is a bill which embodies the action of the Commerce Committee, and I was authorized to prepare and introduce it in the Senate and then report it back as soon as possible. I expect to report it back to-morrow or the next day.

The bill (S. 3434) for the control of floods on the Mississippi River from the Head of Passes to Cairo, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

AMATEUR BOXING IN THE DISTRICT OF COLUMBIA

Mr. WALSH of Massachusetts submitted an amendment intended to be proposed by him to the bill (S. 1954) allowing and regulating amateur boxing and sparring matches in the District of Columbia, which was referred to the Committee on the District of Columbia and ordered to be printed.

AMENDMENTS TO THE DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. CAPPER submitted an amendment proposing to make the appropriation of $250,000 immediately available "for proper grading, seeding, and sodding; for the construction of roads, walks, and steps; for seating; for running-track, baseball diamond, tennis courts, and other athletic facilities; for fencing and other necessary work to fit up for athletic purposes the ground purchased as a joint site for the Langley Junior High School and the McKinley High School," intended to be proposed by him to House bill 11133, the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. NEELY submitted an amendment intended to be proposed by him to House bill 11133, the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

In the items for "Street and road improvement and repair," on page 25, line 15, insert the following:

"Northeast: B Street, Sixteenth Street to Seventeenth Street, $5,000.

"Northeast: Seventeenth Street, A Street to B Street, $5,000."

EDGAR WALLACE

Mr. CARAWAY. Mr. President, I wish but a moment of the Senate's time to do, possibly, an unprecedented thing.

On the 25th of this month there died in a hospital here in the District of Columbia Edgar Wallace. For a number of years he was the legislative representative of the American Federation of Labor. Born in England, he came to America at a very early age. He had actual knowledge of the working conditions in this country through having earned his living by day labor. Later he became an official in the organization of which he was a member. Then he came to Washington as one of the representatives of the American Federation of Labor.

I knew Mr. Wallace intimately well. He was a man of great information, of stainless honor, and of the most kind and generous disposition. I was much shocked when I learned of his untimely death.

I wish merely to say this in testimony of the very high character of this representative of organized labor.

Mr. KING. Mr. President, the Senator from Arkansas [Mr. CARAWAY] has just paid an eloquent and fitting tribute to Edgar Wallace. I have known Mr. Wallace for a number of years and frequently met him in connection with legislation in which, as the representative of the American Federation of Labor, he was interested.

The Federal Government has become so powerful and the field of legislation which it covers is so broad that some organizations and individuals regard it as necessary that their views be presented to committees of Congress. Congress has, upon various occasions, enacted measures dealing directly or indirectly with social and industrial questions and with matters affecting labor, whether organized or unorganized. Mr. Wallace, in his activities in behalf of the organization with which he was connected, was always frank and temperate. His views were presented in a concise and convincing manner and were of value to committees charged with the responsibility of framing suitable measures. I regarded him as a man of honor and integrity, as one interested not only in the organization of which he was a representative, but in social and political questions affecting the industrial welfare of our country.

There are some persons who appear before committees and confer with Senators and Congressmen whose views are of importance and whose suggestions make for wise and sound legislation. In his devotion to the cause of labor I never found Mr. Wallace indifferent to the rights and interests of others. He was an upright, honest, and patriotic man. Organized labor has lost a valiant and courageous defender and our country a patriotic citizen. I sincerely regret his death and extend my sympathy to his immediate associates and those who have cause to mourn the great loss which his demise entails.

CORRECTIONS IN ENROLLMENT OF HOUSE BILL 10635

Mr. WARREN. Mr. President, from the Committee on Appropriations I report back favorably House Concurrent Resolution 25, and ask that it may be read. I also ask unanimous consent for its immediate consideration.

The concurrent resolution was read, and the Senate, by unanimous consent, proceeded to its consideration, as follows:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives is authorized and directed, in the enrollment of H. R. 10635 entitled "An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes," to make the following changes in the engrossed bill:

On page 20, line 13, after the word "act," where it occurs the first time, insert the words: ", as amended."

On page 20, line 24, after the word "act," insert the following: "and for carrying out the applicable provisions of the act approved March 3, 1927 (Stat. L. vol. 44, p. 1381)."

On page 20, line 25, after the word "officers," insert the word "attorneys."

On page 21, line 1, after the word "supervisors," insert the following: "gaugers, storekeepers, storekeeper-gaugers."

On page 22, line 9, after the syllable "tions," insert the word "prescribed."

On page 22, line 14, strike out the word "bonds" and insert the word "bonded."

Mr. WARREN. Mr. President, in explanation of the concurrent resolution, I send to the desk and ask the clerk to read a statement appearing in yesterday's CONGRESSIONAL RECORD in the House proceedings.

The VICE PRESIDENT. The clerk will read, as requested.

The Chief Clerk read as follows:

[From the CONGRESSIONAL RECORD, Tuesday, February 28, 1928, page 3706]

Mr. MADDEN. Mr. Speaker, I want to make a brief statement in explanation of this resolution, so it will be thoroughly understood and may be a part of the history showing the reason we are proposing the adoption of the concurrent resolution.

The concurrent resolution which has just been read makes five textual changes in the paragraph for the Bureau of Prohibition and the enforcement of the narcotic acts. None of the amendments adds or subtracts from the existing law affecting the service. Two of the amendments are to correct errors which have crept in in the printing of the bill at some stage of its passage.

The other three amendments are to clarify the text of the paragraph so as to make it conform to the requirements of the accounting laws. These three amendments result from the establishment of the prohibition enforcement as a separate bureau. They were deemed unimportant at the time the bill was framed in the House, and they may not be important now, but it is deemed advisable to have them made so that there may not be any criticism of the technical features of the language. In my judgment they are not absolutely essential, but for the purpose of clarification and to prevent technical interpretations they are desirable.

Mr. GARNER of Texas. What is the enlargement of the law with reference to officers and attorneys? Does it enlarge the opportunity of fixing salaries in that respect?

Mr. MADDEN. Attorneys are provided for in the law and are specified, but they are not specified in the appropriations, and it was to clarify the whole situation that we wanted to make the statement clear.

Mr. GARNER of Texas. Is this entirely agreeable——

Mr. MADDEN. Yes; it is absolutely agreeable. It does not make any change except textual changes.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the resolution. Is there objection?

There was no objection.

The resolution was agreed to.

Mr. KING. Mr. President, will the Senator yield?

Mr. WARREN. Certainly.

Mr. KING. The statement made by the distinguished chairman of the Appropriations Committee in the House and the inquiry submitted by the Representative from Texas [Mr. GARNER] do not, to my mind at least, reveal fully the implication and the meaning of the changes. Mr. MADDEN repeatedly said that it is for the purpose of clarification and also that there might be no technical interpretation which could affect the measure. He further stated that at the time when the bill was originally drawn these matters were not deemed important, but they are now deemed important.

It would seem, in view of the statement made by Mr. MADDEN, that this is rather important legislation. I do not wish to delay the passage of the concurrent resolution, but if the Senator from Wyoming will explain just the effect of the amendments, I shall be very glad.

Mr. WARREN. I will say to the Senator that the concurrent resolution has been carefully considered by the committee. It merely provides for the insertion in the bill of certain language which the House originally did not put in and which the Senate committee did not recommend when the bill was before the Senate, because the amendments desired did not come to our notice until the bill had been completed and gone to conference, where, of course, it could not be changed.

I have here a letter consisting of two pages from the official in charge of this work, which, I think, gives the reasons why the action now proposed should be taken. I offer that letter for the RECORD and ask that it may be printed at this point. It is signed by Mr. J. M. Doran, who is the Commissioner of Prohibition.

The VICE PRESIDENT. In the absence of objection, the letter will be printed in the RECORD.

The letter is as follows:

TREASURY DEPARTMENT,
BUREAU OF PROHIBITION,
Washington, February 28, 1928.

Hon. FRANCIS E. WARREN,
Chairman Senate Committee on Appropriations,
United States Senate.

MY DEAR SENATOR: Through inadvertence certain, apparently, necessary requirements with relation to the appropriation for the Bureau of Prohibition were omitted from the draft of the act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, etc.

The vital omission is in connection with personnel heretofore provided for in the appropriation for the Internal Revenue Bureau who were transferred to the Bureau of Prohibition by virtue of provisions of the act of March 3, 1927, creating the Bureau of Prohibition and the Bureau of Customs.

In order to cure these and other minor defects it is requested that you cause changes to be made in the draft of the act, as follows:

On page 20, line 25, after the word "officers," insert "attorneys."

On page 21, line 1, after the word "supervisors," insert "gaugers, storekeepers, storekeeper-gaugers."

On page 20, line 13, after the word "act," where it occurs the first time, insert the following: "; as amended,"

On page 20, line 24, after the word "act," insert the following: "and for carrying out the applicable provisions of the act approved March 3, 1927 (Stat. L., v. 44, p. 1381)."

On page 22, line 9, after the syllable "tions," insert the word "prescribed."

On page 22, line 14, strike out the word "bonds" and insert in lieu thereof the word "bonded."

Your favorable consideration of these recommendations will be very greatly appreciated.

Very sincerely yours,

J. M. DORAN,
Commissioner of Prohibition.

Mr. WARREN. The Senator from Utah is aware of the fact, of course, that in legislation enacted heretofore we provided that some of the duties in connection with prohibition enforcement which were then being performed direct by the Internal Revenue Bureau should be transferred to the Bureau of Prohibition. That is probably the only explanation that is necessary. The concurrent resolution proposes to give the enrolling clerk of the House authority before the appropriation bill shall be enrolled to insert the minor items which are covered perhaps in a number of words, but which mean little when all is said and done.

Mr. KING. Mr. President, may I ask the Senator whether the adoption of the concurrent resolution will result in increasing the number of employees in either the Internal Revenue Bureau or the Prohibition Unit?

Mr. WARREN. I think not.

Mr. KING. Will it result in an increase in their salaries?

Mr. WARREN. I could not accept the responsibility of making an unqualified negative answer to the Senator's inquiry; but I see nothing in the resolution which would lead me to think that such a result would be brought about. I am unable, however, to say what may happen in that respect.

Mr. KING. Does it enlarge the powers of any of the officials or employees of the Government in either of the bureaus referred to?

Mr. WARREN. In my judgment, it does not; it is simply to enable the Prohibition Unit to do the work which was transferred to it from another bureau.

Mr. KING. As I understand the Senator, then, it transfers from one bureau or Federal agency to another some of the duties which were heretofore performed by the Bureau of Internal Revenue?

Mr. WARREN. As I have said, certain work that was heretofore performed by the Internal Revenue Bureau has been transferred to the Prohibition Unit, and the purpose of the concurrent resolution is to make provision to enable them to carry on that work.

Mr. KING. If we accept this proposed legislation we will do it upon the theory of faith, which is "the substance of things hoped for, the evidence of things not seen."

Mr. ROBINSON of Arkansas. Mr. President, from an examination of the concurrent resolution it appears that the first amendment proposed is to insert the words "as amended" after the word "act." Plainly that is a textual amendment.

The second amendment is to add, on page 20, line 24, after the word "act," the words "and for carrying out the applicable provisions of the act approved March 3, 1927." What is the act approved March 3, 1927, which is referred to?

Mr. WARREN. I have it not before me at this time.

Mr. BINGHAM. May I say to the Senator that is the act reorganizing the Prohibition Bureau and putting it under a separate division of the Treasury Department.

Mr. ROBINSON of Arkansas. Plainly that amendment does not depart from the purposes of the appropriation bill.

Mr. WARREN. Not at all.

Mr. ROBINSON of Arkansas. The third amendment is, on page 20, line 5, after the word "officers," to insert the word "attorneys"; the next amendment is, after the word "supervisors," to insert the words "gaugers, storekeepers, storekeeper-gaugers"; the fifth amendment is to insert the word "prescribed" on page 22, line 14; and the last amendment proposed by the concurrent resolution is to strike out the word "bond" and insert the word "bonded."

Mr. WARREN. The word "attorneys" was left out inadvertently when the bill was drawn.

Mr. ROBINSON of Arkansas. Plainly the amendments are intended to perfect the appropriation bill.

Mr. WARREN. Entirely so.

The VICE PRESIDENT. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9136) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate Nos. 6 and 51 to the said bill and concurred therein, and that the House had receded from its disagreement to the amendments of the Senate Nos. 12 and 46, and agreed thereto each with an amendment, in which it requested the concurrence of the Senate.

INTERIOR DEPARTMENT APPROPRIATIONS

The PRESIDING OFFICER (Mr. ODDIE in the chair) laid before the Senate the action of the House of Representatives on certain amendments of the Senate to the bill (H. R. 9136) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes, which was read, as follows:

Resolved, That the House recede from its disagreement to the amendments of the Senate Nos. 6 and 51 to the bill (H. R. 9136) entitled "An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes," and concur therein.

That the House recede from its disagreement to the amendment of the Senate No. 12 and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following: "For the construction and improvement of roads on the Turtle Mountain Indian Reservation, N. Dak., $5,000."

That the House recede from its disagreement to the amendment of the Senate No. 46 and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following: "That section 3 of the act of August 25, 1916 (39 Stat. 535), entitled "An act to establish a National Park Service, and for other purposes," be, and the same is hereby, amended by adding the following thereto: *"And provided further*, That the Secretary of the Interior may grant said privileges, leases, and permits and enter into contracts relating to the same with responsible persons, firms, or corporations without advertising and without securing competitive bids: *And provided further*, That no contract, lease, permit, or privilege granted shall be assigned or transferred by such grantees, permittees, or licensees, without the approval of the Secretary of the Interior first obtained in writing: *And provided further*, That the Secretary may, in his discretion, authorize such grantees, permittees, or licensees to execute mortgages and issue bonds, shares of stock, and other evidences of interest in or indebtedness upon their rights, properties, and franchises, for the purposes of installing, enlarging, or improving plant and equipment and extending facilities for the accommodation of the public within such national parks and monuments."

Mr. SMOOT. Mr. President, when the conference report on this bill was up for consideration there were three items in the bill, put in by the Senate, that had to be taken back to the House. The matter went back to the House, and it has agreed to the Senate amendments with amendments in two cases.

I move that the Senate concur in the amendments of the House to Senate amendments Nos. 12 and 46.

Mr. ROBINSON of Arkansas. This represents a complete agreement?

Mr. SMOOT. Yes; a complete agreement.

The PRESIDING OFFICER. The question is on the motion of the Senator from Utah.

The motion was agreed to.

INDEPENDENT OFFICES APPROPRIATIONS—CONFERENCE REPORT

Mr. BLACK. Mr. President, on Monday last I entered a motion to reconsider the vote by which the conference report on the independent offices appropriation bill was agreed to. I desire to state the object of the motion to reconsider. When the motion was made to agree to the report of the committee of conference unfortunately I was not able to learn what the motion was until it had been carried. I immediately sent for a copy of the report, and found that it was the conference report on the independent offices appropriation bill.

In the conference report there are two recommendations with reference to amendments which were adopted by the Senate. The Senate conferees agreed to recede from seven amendments which were placed upon the bill by the Senate, and in return for that the House agreed to one very small, insignificant amendment. Included in the seven amendments from which the Senate conferees have receded are two with reference to the Shipping Board, one which would limit the maximum salary to be paid to the attorney for that board to the sum of $10,000, and the other reducing the total amount which that board is empowered to expend for legal services.

Mr. BRATTON. Mr. President, will the Senator from Alabama yield to me?

Mr. BLACK. Yes, sir.

Mr. BRATTON. With all due deference to the Senator, I desire to state that we have a unanimous-consent agreement making another matter the special order for the morning hour. I believe it takes priority over the matter which the Senator is now discussing, and if it will not inconvenience him I should very much like to reach the special order and endeavor to dispose of it this morning.

Mr. BLACK. The motion which I have made has to come up to-day, as I understand, and is in order as business coming over from a preceding day.

The VICE PRESIDENT. It is not necessary for the motion to come up to-day, and it is not in order during morning business.

Mr. BLACK. I am in no hurry about it, but I shall not take over five minutes.

Mr. BRATTON. I shall take it as a favor if the Senator will let the measure to which I refer go forward.

Mr. BLACK. I yield for that purpose.

Mr. BRATTON. I thank the Senator for his kindness.

PUEBLO INDIAN LANDS

The VICE PRESIDENT. Morning business is closed, and, in accordance with the unanimous-consent agreement, the Chair lays before the Senate the amendment of the House of Representatives to the bill (S. 700) authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes. The question is on concurring in the House amendment as amended, which is open to further amendment.

Mr. BRATTON resumed and concluded the speech begun by him on yesterday. The speech entire is as follows:

Tuesday, February 28, 1928

Mr. BRATTON. Mr. President, the bill now before the Senate authorizes the Secretary of the Interior to make a contract with the Middle Rio Grande conservancy district, being a corporation organized under the laws of the State of New Mexico, to develop and reclaim certain lands owned by six tribes of Indians, all located within the proposed conservancy district, and authorizing an appropriation therefor. The Middle Rio Grande conservancy district embraces an area consisting of about 210,000 acres of land situated in the valley of the Rio Grande River in New Mexico. This area runs a distance of about 150 miles with the river and varies in width from 1 to 6 miles. Of the 210,000 acres, it is proposed to reclaim slightly in excess of 132,000 acres. That land is owned in part by whites and in part by Indians. The Indians own 23,607 acres. That land is not compact; it is not contiguous but it is separated into different tracts, and is interspersed with the white-owned land, thus making it difficult, if not impossible, to reclaim the white-owned lands without at the same time including the Indian-owned lands, and, conversely, making it difficult, if not impossible, at this or any future time to reclaim the Indian-owned lands without reclaiming the white-owned lands at the same time. In other words, Mr. President, the topography and the geography of the country are such that the two classes of land must be reclaimed concurrently and together.

Of the 23,607 acres of land owned by the Indians, 8,346 acres are now being cultivated and have been cultivated for many years in the past, thereby leaving an area of 15,261 acres of raw land owned by the Indians that it is proposed to reclaim along with other lands under this great project.

The present cultivated area is being irrigated and has been so for a number of years in an antiquated, obsolete, indifferent, and unsatisfactory manner; so much so that I call the attention of the Senate to the significant fact that, according to the statement made by the Assistant Commissioner of Indian Affairs, at one time these Indians cultivated about 25,000 acres of land in this area, but due to conditions——

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. BRATTON. I yield to the Senator from North Dakota.

Mr. FRAZIER. Do I understand that the Commissioner or Assistant Commissioner of Indian Affairs made the statement that 25,000 acres were cultivated there at one time by the Indians?

Mr. BRATTON. That is my recollection.

Mr. FRAZIER. I do not recall any such statement being made, and I should like to have reference to it if the Senator has it.

Mr. BRATTON. If the Senator will turn to the bottom of page 15 of the first hearings of the Senate Committee on Indian

Affairs held under date of January 20 this year he will find that the Assistant Commissioner of Indian Affairs said this:

My understanding is that the Indians at one time cultivated about 25,000 acres, whereas to-day they are cultivating approximately 8,000 acres of land—

Having reference, of course, to the district then under discussion.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from New Mexico yield to the Senator from New York?

Mr. BRATTON. I yield to the Senator from New York.

Mr. COPELAND. I do not want to divert the thought of the Senator; but it has been represented to me that these Indians now have about 8,000 acres of land. Is that correct?

Mr. BRATTON. They have 8,346 acres now in cultivation.

Mr. COPELAND. And that the proposal now pending would place on that Indian group a debt of about $560,000. Is that correct?

Mr. BRATTON. It does this, Mr. President: The Indians own two classes of land within this area. One of those classes comprises 8,346 acres of land that is now being cultivated in an indifferent, obsolete, antiquated, unsatisfactory way. That condition has obtained to the extent that their cultivated area, at one time was 25,000 acres, has been reduced now to 8,346 acres.

Mr. COPELAND. Has the tribe been reduced in numbers at the same time?

Mr. BRATTON. That I am not able to say to the Senator. I do not want to make a misstatement. I do not know.

In addition to the 8,346 acres now being cultivated, it is contemplated to reclaim 15,000 acres plus of raw land, which is not now being cultivated. The total area of Indian lands to be reclaimed would be 23,607 acres. The total cost of that is $1,593,311, and is based upon a maximum of $67.50 per acre on the whole area; but the lien to secure that sum does not attach to the present cultivated area. It remains free from lien. The income from it remains free. There is a lien placed upon the raw land, something that is now of a nominal value, if any value at all, for the whole debt, with the provision that that lien never shall be foreclosed as long as the Indians own the land, and that the reimbursement shall be made from proceeds of leases upon the newly reclaimed land.

Mr. COPELAND. If the Senator will bear with me, that is very interesting. Do I get it right now: These Indians are cultivating about 8,000 acres?

Mr. BRATTON. That is correct.

Mr. COPELAND. And then, in addition to that, they have about 15,000 acres of raw land, uncultivated land?

Mr. BRATTON. That is correct.

Mr. COPELAND. But, if this project is carried through, the mortgage, so to speak, will not be upon the 8,000 cultivated acres, but will be upon the raw acreage?

Mr. BRATTON. That is true, Mr. President. Do my answers satisfy the point the Senator from New York has in mind?

Mr. COPELAND. I am very much interested. What the Senator says does give me new light. I had supposed that the lien was upon all the acreage owned by the Indians.

Mr. BRATTON. No, Mr. President; the Senator's information in that regard is in error. If the Senator will turn to line 21, page 6 of the bill, he will find this language:

The share of the cost paid the district on behalf of the Indian lands under the agreement herein authorized, including any sum paid to the district from the funds authorized to be appropriated by the act of February 14, 1927, * * * shall be reimbursed to the United States under such rules and regulations as may be prescribed by the Secretary of the Interior: *Provided*, That such reimbursement shall be made only from—

That has been amended to read—

only from proceeds of leases from the newly reclaimed pueblo lands, and there is hereby created against such newly reclaimed lands a first lien, which lien shall not be enforced during the period that the title to such lands remains in the pueblos or individual Indian ownership.

Expressly limiting the lien to the newly reclaimed lands, expressly providing that that lien shall not be subject to foreclosure as long as the Indians own the land, and expressly providing that the reimbursement shall be made from proceeds of leases upon newly reclaimed land.

Mr. COPELAND. If the Senator will bear with me just a moment, I am very anxious, as the Senator knows, to be set right in the matter, for the reason that I have had many letters from people living in my State who appear to be interested in the Indians, and for the further reason that I have had the suspicion through the past several years that sometimes the interests of the Indians are not looked after as they should be. This is no reflection at all upon the Senator, and has no bearing on this bill.

If I am correctly advised, however, the Indians now have about 15,000 acres of what the Senator calls raw land, uncultivated land.

Mr. BRATTON. Yes.

Mr. COPELAND. Which they can not use at all under present conditions. Is that correct?

Mr. BRATTON. That is true.

Mr. COPELAND. In other words, if these Indians are at any time to have more land to cultivate some of this raw land must be taken over in order that it may be placed under irrigation?

Mr. BRATTON. That is true.

Mr. COPELAND. Then, as a matter of fact, if the Senator is right, it means that the Indians will be no worse off in any respect after this is over. They will still have their 8,000 acres unencumbered, and they will have a chance of selling or leasing these other lands or using them themselves if they feel so disposed?

Mr. BRATTON. Moreover, instead of their present 8,000 acres being irrigated in an indifferent, unsatisfactory, backward way, it will be reclaimed and will have a modern system of reclamation, which ought to make it produce fourfold over its present production.

Mr. COPELAND. Without any added expense to the Indians?

Mr. BRATTON. Exactly.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Wisconsin?

Mr. BRATTON. I yield.

Mr. LA FOLLETTE. Is it not the contention of those who represent the Indians that these 8,346 acres are now under such an intensive cultivation that on the average 2½ acres support an individual Indian; and are they not contending, may I ask the Senator, that as a matter of fact they will not have any such proportionate benefit as is implied under the Senator's statement?

Mr. BRATTON. Mr. President, in answer to that, I suppose the Senator is referring to the contentions of the secretary of the Indian Defense Society when he says "those who represent the Indians."

Mr. LA FOLLETTE. Not entirely, Mr. President. I have also seen the statement made by Mr. Hanna, who, I understand, is attorney for the Pueblo Tribe involved.

Mr. BRATTON. Under the employment of this association, as I understand. He is a very high-class, distinguished gentleman.

Mr. LA FOLLETTE. My understanding and the Senator's understanding differ with regard to that; but that is not important, as I see it. The point I was trying to bring to the Senator's attention was that there is a contention that this 8,346 acres is, and has been for a great number of years, under sufficiently intensive cultivation that approximately 2½ acres support an individual Indian.

Mr. BRATTON. I can not answer the Senator's question in better language than to read the testimony given by Mr. Collier before the committee of which the Senator and I are members. I call his attention to the language beginning at the bottom of page 33, and I also invite the attention of the Senator from New York to this language. Before I read it, however, I want to call attention to the fact that the bill then under consideration involved an appropriation of the same sum of money. It contemplated reclaiming the same area. The only substantial difference between the bill as it then stood and as it now stands is whether there shall be a gratuity for a part of the sum and the balance reimbursable, or whether the entire sum shall be reimbursable.

Mr. LA FOLLETTE. That is quite a difference, Mr. President.

Mr. BRATTON. With that in mind, let me call the attention of the Senator to the facts as stated by Mr. Collier when he said:

I believe there are no dependable statistics, but we know the per capita income of these tribes within the last few years, which has varied from $15 to $45 per capita per annum, based on a yield per farm and the other factors of income. They are farmers.

The interest of the Indians in this project is just as direct and imperative as the interest of any white element in the valley. Although the project took its origin from the white end, and is a project of the general community, yet it is true that the interest of the Indians is direct, imperative, and important, because, first, as I said, the existing cultivatable acreage, now that there has been so much water-logged, is not sufficient to maintain a decent standard of living in at least three of these pueblos; and second, we are all

hoping for an increase of population in these tribes. They are strong, virile tribes. They are pure-blood Indians. Their habits are industrious. Altogether, they are model Indians. We are hoping for an increase of population through the extension of adequate medical services to them. If that increase of population comes, as it will come—it has begun already—it will be totally impossible, under the existing conditions, for that population to live on the existing limited area of the land. Either it must disperse or starve, because these Pueblos are located in regions where there is only an infinitesimal demand for casual labor. So the Pueblos face not only present hardship but increased future hardships; unless this plan is carried out they face what is to them the supreme evil—that of being compelled, with the growth of population, to break up and go out into distant places. In other words, they face the end of their tribal relations, and to them that is a supreme matter.

Mr. President, I do not believe I could answer the Senator's question with respect to the conditions that confront these Indians in any stronger language than the secretary of the Indian Defense Society, who is championing the opposition to this bill, described them in the language I have just read.

Mr. LA FOLLETTE. Of course, there is no argument so far as the 15,000 acres of raw land is concerned; and, of course, Mr. Collier suggests there in his testimony, if I followed the Senator correctly, that there will be great hardship if these tribes continue to grow in population. However, is it not a fact—and I ask this question in all good faith, because the Senator is familiar with this area and knows it well, and I do not—is it not a fact that these Indians are now deriving their sole income from and are living as a result of that income off these 8,346 acres?

Mr. BRATTON. Yes, Mr. President; they are living—such living as it is—from that source. But Mr. Collier described it as an intolerable condition, which must be remedied, or the Indians in the near future will be required to sever their tribal relations, and go out into the world.

Mr. LA FOLLETTE. That is predicated upon the theory that the population is going to increase, as I understood his testimony.

Mr. BRATTON. Yes.

Mr. LA FOLLETTE. I would like to ask the Senator a further question; I do not desire to interrupt his line of argument.

Mr. BRATTON. I yield.

Mr. LA FOLLETTE. Will the Senator explain, if he has the information, just what it is contemplated will be done on these 8,346 acres in the way of actual improvement of the irrigating system that now exists there, and in that connection, if it will not divert the Senator, I should like to draw his attention to the statement made by Mr. Burkholder, who, I understand, is the engineer for the conservancy district, where he said, as appears on page 376 of the hearings before the subcommittee of the House Committee on Appropriations, referring to the 8,346 acres:

> It sustains the life of the Indians who exist there. The reason there is a distinction—

That is, that there was a distinction in that bill—

> The reason there is a distinction there is that the acreage they have now, or the 8,000 acres, more or less, does sustain the Indians in the valley. It is their bread and butter, and if that is to go to them without any maintenance or betterment charges we know that they can sustain life and continue to exist—

I assume he was referring to the 15,000 acres—

> Then if we charge them for the additional area which they might lease or farm in part by themselves, that seems to us to be absolutely fair.

Mr. BRATTON. May I ask the Senator what question it is that he propounds to me?

Mr. LA FOLLETTE. I ask the Senator to explain to us just exactly what in the way of betterments and improvements in the irrigation system on these 8,346 acres is contemplated, providing this bill is enacted, if he has the information.

Mr. BRATTON. As I understand it, the entire district, including the Indian lands, will have a modern system of storage, river control, silt control, and will relieve the land from its alkalied and water-logged condition. It has been testified without dispute that the cultivatable area in that district is gradually decreasing, because the water level is constantly rising. My attention was called in the last few days to a case of a well located in this district. The water was 8 feet below the surface only a few years ago. Now it is only 6 feet below the surface. It has risen 2 feet in the course of a few years. That illustrates how the water level is rising.

The Indian lands and the white lands have been reduced in area, so far as cultivation is concerned, because the water level has continued to rise, because the land has become alkalied and can not be cultivated as it was heretofore. The Indian area has decreased from 25,000 acres to 8,000 acres plus, and the white area has been reduced from 125,000 acres down to some 30,000, as I remember the figures.

It is intended, Mr. President, to change that condition by relieving the land from being water-logged and alkalied and to increase its productivity with a modern, up-to-date system of irrigation storage, river control, flood control, silt control, canals, and the accouterments that go with a modern system.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER (Mr. McKELLAR in the chair). Does the Senator from New Mexico yield to the Senator from New York?

Mr. BRATTON. I yield.

Mr. COPELAND. May I ask the Senator if these acres now referred to as raw land were formerly cultivated?

Mr. BRATTON. As I understand, they never were. It may be that some of that land was cultivated at one time. It is treated and referred to throughout as raw land—that is, land not now in cultivation. It may be that some of it was cultivated and has ceased to be so by reason of becoming alkalied and water-logged.

Mr. COPELAND. And on account of the elevation of the water?

Mr. BRATTON. And because of the elevation of the water level.

Mr. COPELAND. I ask unanimous consent to put into the RECORD the communications I send to the desk. They are from persons who are interested in this matter.

The PRESIDING OFFICER. Is there objection? There being no objection, the communications were ordered to be printed in the RECORD, as follows:

NEW YORK, N. Y., *February 25, 1928.*

Senator ROYAL S. COPELAND,
United States Senate:

Urgently request you to vote against the Rio Grande Pueblo conservancy bill (S. 700) as most unjust and unfair.

FRED M. STEIN.

NEW YORK, N. Y., *February 25, 1928.*

Senator ROYAL S. COPELAND,
United States Senate:

Trust you will use your influence to defeat the Rio Grande Pueblo conservancy bill (S. 700). This bill outrageous in its injustice to the Indians.

HOWARD S. GANS.

NEW YORK CITY, N. Y., *February 25, 1928.*

Senator ROYAL S. COPELAND,

DEAR SENATOR COPELAND: May I urge you to use all your influence to prevent the passage of the Rio Grande Pueblo conservancy bill?

It seems to me that it is simply a question of honor on the part of our Senate not to let it pass.

Yours truly,

GERTRUDE E. GROSSMANN,
33 West Sixty-seventh Street.

Mr. COPELAND. Mr. President, just one other question. As I see it, then, from the statement of the Senator, no imposition is thought of here. These Indians will be better off, in one respect at least, if their present 8,000 acres shall be given modern means of irrigation, and they have the further prospect of using other acres, redeemed by the irrigation project, and the expense of the project will be taken care of from the sale of leases in the newly irrigated area.

Mr. BRATTON. Mr. President, the Senator from New York has summarized the situation accurately. I think it may be analogized to a picture like this, if the Senator from New York will give me his attention. It may be compared with this kind of an arrangement.

The Senator from New York might say to me, "You are occupying a residence that has deteriorated through the years. It no longer is comfortable. It no longer is habitable. I will furnish the money to improve that residence and make it a modern, up-to-date, comfortable residence for the use and occupancy of yourself and family. I will furnish the money to build two new residences on opposite corners of your plot of land. I will charge the entire cost of constructing the two new residences and of modernizing your present residence to the two new residences, and I will look to the rent from those two residences to repay me the full investment; and while I am being repaid in that way

from something that is now worthless, you and your family may occupy the residence with comfort and convenience." It occurs to me that that is a perfect analogy to the situation that is contemplated under this bill.

Mr. LA FOLLETTE. Mr. President, will the Senator permit me to trespass on his time further?

Mr. BRATTON. Gladly.

Mr. LA FOLLETTE. In the hearings before the subcommittee of the House Committee on Appropriations, on page 375, Mr. CRAMTON asked Mr. Burkholder this question, and I am reading this because I should like to have the Senator's interpretation of what Mr. Burkholder said:

Mr. CRAMTON. Why do you think it necessary or desirable to have the provision that the 8,000 acres shall not be subject to charge against the Indians for operation, maintenance, and betterment, but that the other 15,000 acres which may hereafter be brought under cultivation will be subject? Before you answer that question, let me ask you another one as to the 8,000 acres: The operation cost, in so far as it applies to the works, separate and apart from the Indian lands, will, of course, be borne by the project as a whole, and you are just exempting the 8,000 acres of Indian land from that charge. As to any maintenance or operation upon the Indian lands, is it contemplated that the Indians will take care of that themselves?

Mr. BURKHOLDER. In so far as possible.

Mr. CRAMTON. There are certain maintenance ditches on the Indian lands, and you are exempting them. Now, is it your program that that work shall be done by the project, without compensation, or will it be done by the Indians themselves?

Mr. BURKHOLDER. In so far as possible it will be done by the Indians. The exception to that, of course, is where we have a main canal that passes entirely through a pueblo in order to serve another pueblo or white lands below. The canal must be operated by the district in order to insure a proper supply below. In other cases, where there is a lateral that will entirely serve an individual pueblo, it is the intention to deliver the water to this lateral, and let the Indians take care of it.

Mr. President, I rather construe that language to mean that it was in Mr. Burkholder's mind that the only works which they would intend to put through these acres which are now under cultivation and irrigation, and which they would maintain, would be these canals which were going through the present cultivated acres in order to get water to another pueblo or to white lands below. I would like to ask the Senator whether or not he places the same construction on that answer?

Mr. BRATTON. No, Mr. President; I do not. What Mr. Burkholder is talking about is the water after it is turned out of the main canals into the laterals running onto and through Indian lands. He says that the district will control the main canals traversing Indian lands, but that when the water is turned into laterals leading onto the Indian lands, for their use exclusively, instead of charging them with upkeep and maintenance, the Indians shall do that work themselves. If the Senator from Wisconsin will read the testimony he will find that the Assistant Commissioner of Indian Affairs understands it exactly that way, and is willing to have the Indians perform that service as to their own lands, after the water is turned out of the main canals into the laterals leading entirely to Indian lands.

Mr. LA FOLLETTE. It seemed to me that the statement that it was intended to refer to a case where a main canal crossed one of these Indian lands was an indication that that was all that was contemplated.

Mr. BRATTON. Mr. President, this legislation was considered by the Senate Committee on Indian Affairs, it was passed through the Senate by unanimous consent, it was considered by the House Committee on Indian Affairs and reported favorably. The Senate bill, after it was passed, containing a gratuity of about half a million dollars, went to the House, and there was amended by taking out the gratuity feature, and making the entire sum reimbursable. This is the first time I have ever heard it suggested that the district intends to deal unfairly or unjustly with the Indians in the matter of giving them a modern, up-to-date, adequate system of reclamation of their lands.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. BRATTON. I yield.

Mr. COPELAND. What does the Senator understand to be the criticism of the Indian Defense Association?

Mr. BRATTON. It is this, Mr. President. The original bills introduced in both branches of the Congress authorized an appropriation of $1,593,000. That was a gratuity as to the present area of 8,346 acres, and was not reimbursable in any sense.

Mr. LA FOLLETTE. Mr. President, may I ask the Senator upon what theory that was made a gratuity appropriation?

Mr. BRATTON. It was made a gratuity appropriation because it was drawn that way in the bill. It speaks for itself. It was a gratuity because it was not reimbursable.

Mr. LA FOLLETTE. The point I have in mind is that it seems to me that gratuity was made a gratuity, so far as these 8,000 acres are concerned, on the theory that they were already partially under irrigation by works which the Indians themselves had constructed.

Mr. BRATTON. I shall come to that after I shall have answered the question of the Senator from New York.

It cost $563,355 to reclaim the present cultivated area, at a maximum of $67.50 per acre. The original bill made that part of the appropriation as a gratuity. It was not reimbursable in any wise.

[At this point, the hour of 2 o'clock having arrived, the unfinished business was laid before the Senate, and the consideration of the House amendment to Senate bill 700 was postponed until the following day.]

Wednesday, February 29, 1928

Mr. BRATTON. Mr. President, I desire now briefly to state to the Senate the scope of the project and the plan of the Indians' participation in it, and, if I am able to do so, to convince the Senate that the present bill is liberal and generous to the Indians.

Mr. President, the Middle Rio Grande conservancy district has a board of consulting engineers consisting of some of the outstanding engineers of the country. Mr. A. J. Wiley, of the State of Idaho, with whom, perhaps, the Senator from Idaho [Mr. BORAH] is acquainted, is a member of that board. For many years he has served as consulting engineer for the Bureau of Reclamation and has been connected with some of the notable reclamation projects in the West. Mr. D. C. Henny, a consulting engineer of Portland, Oreg., also is a member of that board. He has enjoyed equal distinction with Mr. Wiley. Mr. Arthur E. Morgan, of Dayton, Ohio, president of the Dayton-Morgan Engineering Co. and a consulting engineer of long experience and note, is a third member of that consulting board.

Mr. W. M. Reed, chief engineer for the Bureau of Indian Affairs, formerly identified with the Bureau of Reclamation, is the fourth member of the board. Mr. Wiley, of Idaho; Mr. Henny, of Oregon; Mr. Morgan, of Ohio; and Mr. Reed, of the Bureau of Indian Affairs, constitute the consulting board of this project.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from New Mexico yield to the Senator from Idaho?

Mr. BRATTON. I yield to the Senator.

Mr. BORAH. The Senator from New Mexico has made reference to Mr. Wiley, and it may not be out of place for me to say, regardless of what effect it may have upon the pending measure, that Mr. Wiley is one of the most eminent men in his profession in the United States and his character is in entire accordance with his eminence in his profession.

Mr. BRATTON. I thank the Senator from Idaho for that statement. The report from which I am now about to read, made under date of November 17 last, was signed by all the gentlemen whom I have named except Mr. Wiley. He was abroad at that time serving the British Government in his professional capacity. The other gentlemen, however, all concurred in the report, from which I quote. They discussed the various features in the proposed reclamation.

Mr. LA FOLLETTE. Mr. President, may I ask the Senator from New Mexico if that report is printed in the hearings?

Mr. BRATTON. It is not. It is, however, contained in what is called House Document 141, prepared by the Secretary of the Interior in response to the act passed about a year ago.

The report outlines that the project contemplates flood control, drainage, irrigation, storage, water supply, and silt control. The board takes into account the fact that the project will cost $11,829,000. Let it be understood by the Senate that this is not a project of a million and a half dollars.

On the contrary, it is a project of more than $11,000,000 in scope and cost. After discussing the total cost this board says with reference to the reasonableness of that cost:

The degree of river protection afforded by the plan, as above explained, is reasonable and well balanced. The projected system of drainage and irrigation is of a permanent character, and follows the best practice. The water supply of the project is deemed sufficient, provided it is rigorously protected against upstream encroachment; and the estimates are comprehensive and conservative.

So that the combined voice of the outstanding engineers of the country characterizes this as being a project along modern and scientific lines, with a conservative estimate of cost.

This board has said something with reference to the manner in which the Indians' share of the cost should be arrived at. I desire now to call the attention of the Senate to that, and to show, if I may do so, that the suggestions made by the board have been followed in toto by the district.

At page 29 of the report of the first hearings, conducted on January 20, this board said:

In determining what part of the total construction cost is to be apportioned to Indian lands we believe that the following policy would be equitable and desirable:

From the total cost of the project there should be deducted the cost of any local protection work for the city of Albuquerque and the cost of protecting San Marcial and the Santa Fe Railway at that point. There should also be deducted a portion of the cost of irrigation storage, so as to exclude from storage charge the 9,000 acres, more or less, now being irrigated. The remainder of the cost of the project, including the cost of irrigation storage, may be distributed over all the benefited lands on an acreage basis.

The construction cost to the Indian lands would thus be in accordance with the ratio which the benefited area of Indian lands bears to the benefited area of the entire project, with the deductions noted above.

In regard to the cost of operation and maintenance of irrigation works which serve Indian lands, it would seem that the Indians should be relieved of such cost for the lands now irrigated under existing ditches, which are so far as possible to be operated and maintained by themselves as at present.

The new area of Indian lands to be irrigated under the proposed plan should pay its proper proportion of operation and maintenance.

In general, we feel that the above outlined apportionment of cost would be fair to the Indian population and at the same time give the cooperation equitably due to non-Indian landowners in making necessary improvements in the middle Rio Grande Valley.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. BRATTON. I yield to the Senator.

Mr. COPELAND. I want to be made perfectly clear on the distribution of cost referred to just now by the Senator. If this is not a favorable time to make the inquiry, I will defer it.

Mr. BRATTON. I gladly yield to the Senator now for that purpose.

Mr. COPELAND. As I understand the situation, most of the lands that are now occupied and cultivated by the Indians are upstream lands. They are up the river.

Mr. BRATTON. Yes.

Mr. COPELAND. The new lands that are to be brought in—Indian lands and white lands—are down the river; but in order to get the water to the raw lands of the Indians and to other lands which will be benefited it is necessary to carry the main ditches through the present tilled or cultivated Indian lands.

Mr. BRATTON. I so understand, Mr. President.

Mr. COPELAND. I want to be made clear on that. As I understand, a charge of about half a million dollars will be made against the present cultivated Indian lands. Is that correct?

Mr. BRATTON. No, Mr. President.

Mr. COPELAND. Not any at all?

Mr. BRATTON. Not any at all. That charge, plus the charge of reclaiming the new land, is all placed against the new land, and the present area is absolved from any lien or any liability whatsoever.

Mr. COPELAND. I so understood the Senator yesterday, but as I thought about it I have wondered if there is not actually a charge made against the Indians of a half million dollars to cover the cost of improving the present cultivated land. Instead of being charged against those lands, that charge is made against the other lands?

Mr. BRATTON. That is true.

Mr. COPELAND. Then it seems to me that it is incumbent upon the Senator to show that the cultivated Indian lands are actually benefited by the expenditure of this money.

Mr. BRATTON. I shall be glad to do that.

If the Senator will turn to the statement made by the Assistant Commissioner of Indian Affairs at the last hearing, conducted under date of February 17, at page 56, he will find that in setting forth the benefits that the Indians will derive, under paragraph 14, the Assistant Commissioner of Indian Affairs set this out as one reason for the passage of the bill:

I want to emphasize that the Indians will also receive a very much increased value for their property by reason of the terms of this bill. It will cost the Government $67.50 to irrigate this land, but the Indians will have property, after it is irrigated, estimated to be worth anywhere from $150 to $200 an acre.

In that connection I call the attention of the Senator to the third paragraph, where the assistant commissioner refers to the raw land as worth $10 per acre and states that it will be worth from $150 to $200 an acre after it is reclaimed.

Mr. COPELAND. Mr. President, will the Senator permit an interruption there while the matter is in my mind?

Mr. BRATTON. Yes.

Mr. COPELAND. When this raw land is reclaimed, suppose an Indian or a group of Indians wanted to go there and use that land. Would they have to lease it in the same way that I would if I were to go there?

Mr. BRATTON. I think not; and in order to fortify myself I have consulted the Bureau of Indian Affairs. They do not interpret the bill as requiring that the entire land be leased to others, but as empowering the bureau, if they see fit to do so, to let the Indians use such portion of it as they may need in addition to their present area.

Mr. COPELAND. Then the Indians' rights are protected, so that if a group of them wish to go to the newly irrigated land and cultivate it they can do so under the same freedom that they do now with the cultivated acreage?

Mr. BRATTON. That is my view of the bill, and the department entertains the same view.

Mr. COPELAND. I thank the Senator for that information.

Mr. KING. Mr. President, will the Senator yield?

Mr. BRATTON. I yield to the Senator from Utah.

Mr. KING. I think the Senator should state—because that is the fact if I correctly interpret the bill that is before us—that while it is perhaps true that the 8,346 acres of land which have been cultivated for hundreds of years by the Indians, and from which they now make their living, may be absolved from a part of the expense incident to this gigantic project, costing more than $11,000,000, nevertheless the 15,000 acres of so-called raw land, a part of which at least heretofore has been cultivated, will have saddled upon it a burden of more than $109 per acre. It is obvious, it seems to me, that no Indian—and I doubt whether any white man—could go upon that raw land and successfully reclaim it, maintaining himself in the meantime, at a cost of $109.50 per acre; and, of course, if we are to judge the future by the past, I do not care how conservative the engineers may be, no irrigation project, if it is estimated at $11,000,000, can be completed for that sum. The cost will be greatly in excess of that amount.

Mr. BLAINE. Mr. President, will the Senator yield?

Mr. BRATTON. I yield to the Senator from Wisconsin.

Mr. BLAINE. Preliminary to my questions, I want to assure the Senator that the questions I desire to ask him are not for the purpose of provoking a controversy, but rather to ascertain whether or not we can agree upon what the facts are in this matter.

Mr. BRATTON. I shall be glad to have the Senator propound any questions he has in mind.

Mr. BLAINE. I may also state that I have gone over the record in such time as I have had available, briefly, of course; and, as I understand, in this entire project the agricultural lands proposed to be redeemed or reclaimed are 133,346 acres.

Mr. BRATTON. I think 132,000 acres plus.

Mr. BLAINE. That is approximately right?

Mr. BRATTON. Yes.

Mr. BLAINE. Of that, 8,346 acres are now occupied and cultivated by the Pueblos.

Mr. BRATTON. Precisely so.

Mr. BLAINE. Included in that 132,000 or 133,000 acres is this 15,000 acres of raw land proposed to be reclaimed that belongs to the Pueblos.

Mr. BRATTON. Yes.

Mr. BLAINE. I understand that the cost of the entire project, including the provisions for flood control, is a little over $11,000,000, and that the bill provides that the Indians shall pay $1,593,311, plus $50,000 that was provided for by another bill, or a total of $1,643,311.

Mr. BRATTON. That is correct.

Mr. BLAINE. That is the amount that is reimbursable against the 15,000 acres of raw land to be reclaimed. Now, as I calculate the result of those figures, I find that the Indians' land—that is, the 15,000 acres—is to be encumbered by a lien at the rate of $109.554 per acre, or, in round numbers, $109.50 per acre.

Mr. BRATTON. I have not made the calculation, but we will assume that to be correct.

Mr. BLAINE. That figure is arrived at by dividing $1,643,311 by 15,000. I understand the record shows that the district made an estimate that the cost of this improvement, as against the white man's land, would be $76.12 an acre. I find that on page 400 of the House Appropriations Committee hearings. Is that correct?

Mr. BRATTON. I think that is substantially correct.

Mr. BLAINE. Then I find that if the Indian were compelled to pay this reimbursable amount, and were to pay at the rate the white man must pay, or $76.12 an acre, there would be reimbursable against the 15,000 acres the sum of $1,141,800. That is 15,000 times $76.12 an acre, taking the district's own estimate. I assume those figures are substantially correct.

Mr. BRATTON. We will assume them to be substantially correct.

Mr. BLAINE. We can agree on those facts. The only controversial proposition involved, then, from my viewpoint, is, why make the 15,000 acres of the raw Indian land to be reclaimed chargeable with $109.55 an acre and leave the white man's burden only $76.12 an acre?

Mr. CUTTING. Mr. President, will my colleague yield?

Mr. BRATTON. I yield to my colleague.

Mr. CUTTING. Is not the Senator from Wisconsin assuming that the 8,000 acres of land already under cultivation are going to receive no benefit from the proposed legislation?

Mr. BLAINE. I understand that the claim is made that no benefits will accrue to the 8,346 acres; but if it is contended that benefits will accrue to the 8,346 acres, then it is our duty to ascertain what those benefits will be and not take a lump sum of over half a million dollars as an estimated benefit.

As I understand it, there is no showing that the 8,346 acres will be benefited by any amount. Theoretically it may be, but there are no facts, as far as I can find, that justify the levying of one single cent against the 8,346 acres and compelling the 15,000 acres to reimburse for this mythical benefit that is alleged to flow to the 8,346 acres. I may be mistaken in this, and I would like to be informed.

Mr. BRATTON. That is a fair question.

Mr. CUTTING. Mr. President, I do not want to interfere with the argument of my colleague, and I am sure he can show, and very successfully show, that the 8,000 acres will be benefited. The point I am trying to make is that lands under white settlement in this same area, lands which are under cultivation and likely to be improved by the irrigation works, are included in the total area to be benefited in calculating the $76.12 an acre.

Mr. BLAINE. We agree on that, on the basis of 132,000 or 133,000 acres.

Mr. CUTTING. Yes; that acreage includes land which is at present under cultivation but which will be improved by the proposed legislation.

Mr. BLAINE. How much?

Mr. CUTTING. I do not know the exact figures, but if the Senator is comparing the land under white settlement with land under Indian ownership, he ought to include the entire amount which may be benefited, including, we believe, the 8,000 acres.

Mr. BLAINE. My understanding was and is that the 132,000 or 133,000 embraces all of the raw land to be improved, plus the 8,346 acres. Then, in addition to that, as I understand it, the total amount is something like 210,000 acres, but outside of this 132,000 or 133,000, the balance is largely grazing land, and is not to be burdened on the basis of the improvement for irrigation and drainage. I just want to be straightened out on the facts.

Mr. CUTTING. The particular point I wanted to clear up was that that 132,000 acres includes land which would be improved under the present legislation, even though it may be land which is at present under some degree of cultivation. Is not that so?

Mr. BRATTON. Yes, Mr. President.

Mr. CUTTING. Therefore, as compared with the $76 an acre which the white land justly pays, the debt on the Indian land amounts to $67.50 an acre, rather than $109.50, provided we can show that the 8,000 acres are going to be benefited.

Mr. BLAINE. I do not understand that that is limited to $67.50 an acre. That is taking in the whole 23,000 acres.

Mr. CUTTING. Exactly.

Mr. BLAINE. Upon that basis; but there are 8,346 acres of that already improved. The senior Senator from New Mexico is going to advise us as to just what proposed improvements will accrue to the 8,346 acres, and I would like to hear him.

Mr. SMOOT. Mr. President, I want to ask the senior Senator from New Mexico one question, and he can answer it at the same time he answers the Senator from Wisconsin. The $109.50 an acre is reimbursable. Does that amount of money carry an interest charge?

Mr. BRATTON. It does not.

Mr. SMOOT. It is to be reimbursable within 40 years without interest?

Mr. BRATTON. It is reimbursable now under such rules and regulations as the Secretary may prescribe, but without interest. It provides that the lien on the new lands, which is the only land covered now by the lien, shall never be foreclosed so long as the Indians own the land, but that only proceeds from leases on the newly reclaimed land shall be used to reimburse the Government during the time the Indians continue to occupy the land. Their present acreage of 8,300 acres is free of lien, free of debt, and absolved from any liability whatever.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. BRATTON. I yield.

Mr. LA FOLLETTE. I should like to ask the Senator if the bill which previously passed the Senate did not provide that this reimbursable charge should not be collected faster than over a 40-year period.

Mr. BRATTON. That is correct, but it was changed.

Mr. LA FOLLETTE. That has been stricken out, and under any rules and regulations which the Secretary of the Interior might approve they could collect as rapidly as he would decide could be done.

Mr. BRATTON. Mr. President, I desire now to answer the inquiry propounded by the junior Senator from Wisconsin, which is an altogether fair one.

I read yesterday a statement made by the secretary of the Indian Defense Society, and I desire to call the attention of the Senator from Wisconsin to that, because perhaps it answers his question in more effective language than I could employ. This is what he said:

> I believe there are no dependable statistics, but we know the per capita income of these tribes within the last few years, which has varied from $15 to $45 per capita per annum, based on a yield per farm and the other factors of income.
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> * * * * * * *
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> The interest of the Indians in this project is just as direct and imperative as the interest of any white element in the valley. Although the project took its origin from the white end, and is a project of the general community, yet it is true that the interest of the Indians is direct, imperative, and important, because, first, as I said, the existing cultivatable acreage, now that there has been so much water-logged, is not sufficient to maintain a decent standard of living in at least three of these pueblos; and, second, we are all hoping for an increase of population in these tribes. They are strong, virile tribes. They are pure-blood Indians. Their habits are industrious. Altogether they are model Indians. We are hoping for an increase of population through the extension of adequate medical services to them. If that increase of population comes, as it will come—it has begun already—it will be totally imposible, under the existing conditions, for that population to live on the existing limited area of the land. Either it must disperse or starve, because these Pueblos are located in regions where there is only an infinitesimal demand for casual labor. So the Pueblos face not only present hardship but increased future hardships; unless this plan is carried out they face what is to them the supreme evil—that of being compelled, with the growth of population, to break up and go out into distant places. In other words, they face the end of their tribal relations, and to them that is a supreme matter.

Later he said this:

> Twice last year I stood and watched the whole male population of Santo Domingo pueblo working to restore a mother or main ditch which had washed out. They will not have to do that under the changed conditions. They are used to taking care of their domestic water-supply problems, etc.

Mr. BLAINE. Mr. President, if the Senator will permit this interruption, I fear I have not made myself clear in my question.

Mr. BRATTON. I think I understand the Senator, and I shall undertake to answer his question.

The present area of 8,300 acres is much less than the Indians used to cultivate. At one time they cultivated approximately 25,000 acres. That area has decreased progressively from year to year, because the water level has continued to rise, and the land has continued to become water-logged and alkalied, so that their cultivatable area has gradually decreased, and it will continue to decrease, and unless some such system of reclamation as is now contemplated is afforded the Indians, five years from now their cultivated acreage perhaps will be 5,000 acres or less. So, to say that the Indians will not reap a benefit from modernizing the system of irrigation and reclamation for the 8,300 acres is to entertain a misconception of the real situation.

This land is in a river valley. While the Indian area has decreased, as I have outlined, from 25,000 to 8,000 acres plus, white lands in cultivation have decreased in proportion. That area is continuing to decrease, both Indian and non-Indian, and will continue to decrease unless reclaimed. As was said, these Indians face intolerable conditions as to the 8,300 acres. Moreover, this system contemplates giving that acreage a modern, up-to-date system of reclamation, to be paid for under the direction of the Secretary of the Interior as the work advances to his satisfaction.

Mr. BLAINE. Mr. President, I would like to pursue my inquiry just a little bit further, if the Senator will yield, in order that I might make a brief explanation of what I mean, and then I think we will understand each other.

Mr. BRATTON. I yield.

Mr. BLAINE. I am satisfied with the theoretical deductions that have been made by the Senator, but they are purely theoretical deductions, in my opinion. I am getting at what are the actual benefits that should be assessed against the 8,346 acres. I understand, though I may be misinformed, that the matter of the water rising or lowering has not occurred within the last hundred years or more, and, for all I know, in some distant future time that water may recede or it may rise. But when we are undertaking an irrigation project or a drainage project we are not attempting to contemplate what God Almighty may do through the clouds or through the rivers, but what we can do presently as we find the water level and the water stage.

Assuming this to be an ordinary drainage district or irrigation district and application was made to assess the benefits, the benefits assessed are not theoretical benefits in these cases. The commission, if the administration be under a commission, or the board, if it be under a board, or whatever body it may be under, as an administrative body proceeds to estimate through the most reliable data they can acquire from engineers and so forth the cost of the improvement, whether it is drainage or irrigation. Then they take the land within that area and apportion pro rata that cost to the district for the drainage or irrigation, and that cost is the thing which we call, in legal parlance, the benefits. That is, the only way by which we can arrive at the benefits to the land that is being drained or irrigated is to ascertain what the cost of the project will be. Having ascertained that cost we have, therefore, ascertained the benefits that will accrue to the land.

The board or commission in the district to which I have referred as being organized does not determine the benefits that are going to accrue because of the enhanced value of the land that will build up a splendid community and furnish better homes, better schools, better churches, and better social conditions. Of course, all those benefits accrue to a district so organized when it is successfully carried out. But those are the benefits that naturally flow from the ingenuity and the intelligence and the industry of the people who are located in the district, be it an irrigation district or a drainage district. Those benefits to which the Senator refers are the imaginary, fictitious benefits, so far as actual dollars and cents are concerned. They may come to the Indians in future years, and they may not. But as a legal proposition, as a logical proposition, the only benefits that should be assessed against the 8,346 acres are the actual benefits derived by a process of mathematics in determining the actual cost of putting in the drainage or irrigation system because of these 8,346 acres.

I understand that the only cost involved—in fact, the only project—is an aqueduct or drainage ditch, and, as I have the map in my mind's eye, it is on the left-hand side of the river, though it may be on the other side. That ditch or aqueduct is of no benefit to this particular property except that it is proposed to put in a siphon at a certain place—I have forgotten the identical location—which may cost about $20,000, which will have the effect of controlling the flood waters and thereby operate as a benefit to the 8,346 acres.

I have gone into the hearings. I have endeavored to be fair. I have picked out every item that I would consider should be legally taxed against the 8,346 acres, and the only single item I can find as an actual benefit that will flow to these 8,346 acres is the building of the siphon in the drainage ditch. There may be other items. If there are, I should like to be informed about them, so I can add the cost of those items to the $20,000 and arrive at what actually, as matter of law, should be considered as benefits accruing to these lands. We should tax against the areas improved only the actual cost of construction and all those appurtenances that go with that sort of work in order to make it sufficient, adequate, and usable. That is all that ought to be taxed against these 8,346 acres, and not a single dollar or penny of theoretical or imaginary benefits which may flow from the general improvement of the community. If we are going to tax a prospective benefit against the 8,346 acres we ought to tax it against the Senator's home city, we ought to tax it against the community outside of that district, because just as sure as the project becomes a success each of those places will benefit, and from it will flow a great benefit to the whole community, to all the lands adjacent to the district, and to all the cities and villages; in fact, to the entire State.

So far as I am concerned, I am quite willing—in fact, I am ready—to grant to this district all the necessary powers that ought to be granted so far as the United States is concerned with respect to the Indians' rights in order to make there a great community, but I am opposed to taxing one single dollar against the 8,346 acres which the Indians have improved themselves with their own system, operating for many, many years; centuries, in fact, I understand. Eleven acres of that land have supported a family of five people. It must be an effective system. It is their system. They are an ancient people. I think it is wrong to tax against this proposition anything but the actual cash expenditure that is made upon the 8,346 acres.

I would like to have the Senator give us the information as to what other benefit, in a legal sense, as I have explained, will flow to the 8,346 acres. I am sorry to have taken so much of his time, and I apologize.

Mr. COPELAND. Mr. President, if the Senator from New Mexico will let me ask one question in addition, then I shall keep still. I think I have in mind the same thing that the Senator from Wisconsin has, that the raw lands of the Indians should be taxed no more than any other raw lands, unless the benefits to the cultivated Indian lands are sufficient to justify the placing of a charge upon the raw lands instead of upon the Indians' cultivated lands. I am sure that is what the Senator from Wisconsin intends to have pointed out.

Mr. BRATTON. In response to the series of observations made by the Senator from Wisconsin—and I say that in the best of good humor—I suggested a while ago that not only the engineering staff of the district has gone over this matter but that a staff of outstanding consulting engineers of the country, four in number, standing at the head of their profession, have pointed out how the cost should be apportioned to the Indians, and have said that when it is apportioned in that way it will be equitable and fair. They have said that the plans are modern, up to date, comprehensive, and satisfactory. I can not say where a canal will run or where a lateral will run. That is solely for the engineers to determine. But those engineers have stamped their approval upon the plans of the district.

As to the apportionment of the cost, if the Senator will give me his attention, I read a while ago what this staff of engineers said should be done in arriving at an equitable share of the cost to be assigned to Indian lands. If the Senator will turn to page 25 of the hearings of January 20, he will find that the district has adhered scrupulously to the recommendations of the consulting board. He will find that certain deductions have been made covering exactly what the Senator from Wisconsin has in mind, and that those deductions were made before allocating any cost to the Indian lands.

First is the capitalized interest for non-Indian lands—that is, developing isolated tracts—$500,000; special flood protection, for Albuquerque and San Marcial, $652,000; extra expense, Belen Canal, with which the Indians are not concerned, $75,000; silt control of the river, $500,000. This makes a total deduction there of $1,727,000.

On the next page the Senator will find a further credit to the Indian lands, as follows: Isleta drainage, paid by the Government, $50,185; El Vado Reservoir—the board recommended that no charge should be made against the 8,000 acres for that reservoir, and consequently a deduction of $103,300 has been made on that score, conforming to the recommendations of the board. There is also a preliminary expense of $50,000 that is deducted, making an additional deduction of $203,485.

Mr. BLAINE. If the Senator will yield further, I suggest I do not believe the Senator wants to lead us to understand that we can take the benefits which would accrue to the district, excepting the Indians, and add all those together, and then take the total cost of the project and deduct the benefits assessed to all the others excepting the Indians, and then say the difference is the benefit to the Indians. That is not a legal rule. It is not a sensible rule. It is an arbitrary rule. Those who made the estimates might just as well have said that the amount of the benefits to the whites was less and assess against the Indians $2,796,796 or more. That is not the basis for making an assessment of benefits, as I understand the law. I may be mistaken, but I never heard of a drainage district or an irrigation district that ever made an assessment of benefits on that basis at all. It is a new thing to me. I do not quite understand it.

Mr. BRATTON. Mr. President, this consulting board has been on the ground; the Assistant Commissioner of Indian Affairs visited this project last fall; my colleague [Mr. CUTTING] and I are familiar with it; the Representative of the State of New Mexico, in the Chamber at the other end of the Capitol, is familiar with it. We are in harmony in our support of the measure. Moreover, no voice was raised in opposition to this proposed legislation until the $500,000 plus neces-

sary to reclaim the 8,300 acres was converted from a gratuity into a reimbursable one. Then, for the first time, the question was raised that perhaps the Indians do not need this development; that perhaps the 8,300 acres will not be benefited, and perhaps the plans are not being developed along scientific lines.

Mr. BLAINE. Mr. President, will the Senator from New Mexico yield to me?

Mr. BRATTON. I yield.

Mr. BLAINE. In reference to the $563,000 plus, what proportion of that consists of a benefit to the 8,346 acres upon the usual legal basis on which benefits are ordinarily assessed?

Mr. BRATTON. If the Senator will consider the land at its present value of not to exceed $25 per acre, and then realize that after it is reclaimed it will be worth from $150 to $200 per acre, and that its yield will be increased fourfold, he may acquire some concept of what the benefits to that acreage will be.

Mr. BLAINE But, Mr. President——

Mr. BRATTON. And when the Senator has made the mathematical calculation suggested, he will see that the cost is entirely disproportionately low to the benefits that will be derived by the Indians.

Mr. BLAINE. If the Senator will yield, I should like to ask another question.

Mr. BRATTON. I yield.

Mr. BLAINE. If the Senator proposes to establish the rule for the assessment of benefits upon the basis of the difference of the value of land in its raw state and its improved state, that is another new theory to me. I do not understand that that is the accepted basis for the assessment of benefits.

Mr. BRATTON. Oh, no, Mr. President; when I said $25 an acre on the 8,300 acres I did not have raw land in mind; I had that particular land in mind.

Mr. BLAINE. I do not care what land may be contemplated. The measure of benefits, if there be benefits, is not upon the basis of enhanced value of the land by reason of improvements. The legal basis, and the equitable basis, confirmed by all our courts and by all legislation in every State where they have drainage and irrigation laws is the basis of actual benefits that accrue to the particular acreage within the district and not upon the enhanced value of the land because of the improvements, as I understand the law. If the latter were true, one could assess benefits far in excess of the actual expenditures that made it possible to cultivate and till and use the lands. Certainly no one will suggest that that is the correct rule, and I suggest I do not believe the Senator from New Mexico makes any such suggestion; but his argument, carried to its ordinary limits, is that because of the enhanced value of this land benefits will accrue to the extent of some $563,000 from that source. I should like to know the exact amount of benefits to accrue to these 8,346 acres measured by the cost of the improvement.

Mr. BRATTON. Mr. President, if I have not enlightened the Senator on that question I give up the task as being a hopeless one.

Mr. FRAZIER. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from North Dakota?

Mr. BRATTON. I yield.

Mr. FRAZIER. I should like to quote from the statement of Mr. W. M. Reed, on page 21 of the first hearings. As I understand, Mr. Reed is the engineer for the Department of the Interior who has been down there and inspected the land. He said in regard to this:

> The only relief that the Indians will have, of course, is on the main canal, which will serve not only their lands but the lands below.

On the next page, page 22, Mr. Reed further says:

> These Indians have had a system that has served their purpose, perhaps to them satisfactorily, but not scientifically. They still think that they can go on and exist and perhaps prosper under the same conditions. The lands that have become waterlogged have become so not from the acts of the Indians but as the result of civilization.

I should like to try to clear up the statement about the 25,000 acres which are supposed to have been cultivated there some time ago. On page 373 of the House hearings before the Appropriations Committee, Mr. Rodey, one of the engineers of the conservancy district in New Mexico, makes this statement:

> From various sources the information is that at one time probably as much as 125,000 acres of lands in the valley floor were cultivated. The prehistoric Indians are said to have cultivated as much as 25,000 acres.

It is a myth that the prehistoric Indians cultivated that acreage. In the last 300 years no such area has been cultivated; apparently at least we have no information from any source to show that to have been the case. There is merely an old story that prehistoric Indians cultivated 25,000 acres there.

Mr. BRATTON. Mr. President, I did not exist in prehistoric times and am not familiar with that. The Indian Bureau, speaking through Mr. Meritt, made the direct statement that 25,000 acres had been cultivated.

Mr. FRAZIER. He said, "It is said."

Mr. BRATTON. And the area is now reduced to 8,000 acres.

Now, Mr. President, I hope I may proceed. This bill originally carried a gratuity of $563,000 plus, the balance being reimbursable. There was not a voice raised in opposition to the measure; there was not a suggestion that it lacked merit; there was not an intimation that any harsh treatment to the Indians was contemplated either immediately or remotely. Not a word of that kind was uttered until the House amended the bill to make the entire sum reimbursable instead of a part of it, as it had theretofore provided.

Mr. FRAZIER. Mr. President, will the Senator yield to me further?

Mr. BRATTON. I yield.

Mr. FRAZIER. I should like to say in regard to that suggestion that there has been much information brought out in the later hearings that was not brought out in the first hearing. That is why, perhaps, there was no criticism made of the first measure.

Mr. BRATTON. Very well, Mr. President, if the Senator from North Dakota takes that view. I repeat that not a word of criticism was said until the House made that change, and in making the change it harmonized the bill with the policy that was established some 15 years ago of making appropriations for the reclamation of Indian lands reimbursable. I understand that that policy has obtained since 1913 to the present time. This proposed legislation is in harmony with that prevailing policy with one exception. That is that the legislation which has gone before has placed a lien upon the lands reclaimed, with no guaranty that it would not be foreclosed so long as the Indians owned the lands, whereas this bill provides that the lien shall not be foreclosed while the land remains in Indian ownership, thus being more liberal than the ordinary legislation.

Mr. KING. Mr. President, will the Senator permit an interruption?

Mr. BRATTON. Yes.

Mr. KING. I think the Senator should state at this point that when the project was first contemplated and discussed the Indians were led to believe that whatever appropriation was made only $1,000,000—and at first the amount was only $700,000 or $800,000—was to be reimbursable and a charge or lien upon the lands to be reclaimed, to wit, 15,000 acres. There was no intimation that an additional $589,000 or $600,000, if appropriated, was to be reimbursable. They understood that if anything above a million dollars was appropriated it was to be a gratuity; and that doubtless silenced opposition. Their assent to the original proposition was predicated upon the assumption that in no event was there to be a charge upon the Indians to exceed $1,000,000. Now, when the charge placed against their lands, and against the 15,000 acres only, is to be nearly $1,600,000, or $109.50 per acre, obviously the Indians object and voice their opposition in every reasonable and proper way.

Mr. BRATTON. Mr. President, I do not propose to be led into any discussion of veracity as between those who have discussed this subject in New Mexico. They are not in accord on the point referred to. The Senator's observation and his emphasis upon the fact that the newly reclaimed land bears a lien of $109.50 per acre is fallacious in this regard: He closes his eyes to the benefit to the 8,300 acres and regards that as being entirely eliminated from the equation. If we waive aside the 8,300 acres, forget the fact that the Government is expending $563,000 plus to reclaim that land, and increase its market value from, say, $25 per acre to from $150 to $200 per acre, and forget the fact that through the expenditure of that money that land will yield, perhaps, fourfold its present production—if all that is to be waived aside as immaterial and foreign, then it is correct to say that the new land bears a lien of $109.50 per acre; but to make the statement without considering that the 8,346 acres are being benefited in the way I have outlined, with protection afforded to the Indians, is an unfair statement of the situation.

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. BRATTON. Yes.

Mr. FRAZIER. As I understand, there are about 3,500 Indians on the 8,000 acres?

Mr. BRATTON. That statement has been made.

Mr. FRAZIER. According to all the evidence that was produced at the hearings they make their living out of the cultivation of these 8,300 plus acres. That is not quite 2½ acres to each Indian. If it is true that by this project the fertility of the land will be increased fourfold, it must be a very

productive tract of land. I do not know how good the land is down in New Mexico, but that would make it a remarkably productive piece of land, in my estimation.

Mr. BRATTON. I will say to the Senator that when that valley shall be reclaimed it will be as productive as any valley of the West. To defeat this proposed legislation will be visiting the greatest injustice upon those Indians that the Congress could visit upon them. It would thwart a development that will aid the State and will aid the country. In my judgment, the gravest mistake that the Congress could make would be to defeat this proposed legislation.

The Senator from North Dakota heard the Assistant Commissioner of Indian Affairs when he stated that the bureau set out to secure a gratuity, so far as the 8,300 acres were concerned; that that was its object, its purpose, and its hope; and the bureau stood for that until it became convinced that it was impossible to persuade Congress to depart from the policy of making these appropriations reimbursable. Then the Assistant Commissioner of Indian Affairs said to the Senator from North Dakota that this bill, even in its present form which did not grant to the Indians what he wanted, what he desired, what he hoped for, was one of the most liberal pieces of legislation that has ever been proposed in recent years. I concur in all of that.

Mr. President, without taking more time—I have taken too much time already—I want to read what the Assistant Commissioner of Indian Affairs stated before the Senate committee in the last hearings in summarizing the benefits and the protection that this bill gives to the Indians.

He said this:

I want to point out some of the benefits to the Indians that will accrue by reason of the passage of the bill now before this committee, and I do not believe that a single proposition can be controverted.

I call the attention of the Senator from North Dakota, both Senators from Wisconsin, and the Senator from New York to this, if I may have their attention:

First. The bill before the committee permits an agreement to be entered into between the Secretary of the Interior and officials of the district, and we propose to put in that agreement every provision that is possible for the protection of the Indians.

Second. Only lands susceptible of economic irrigation and cultivation within the Indian pueblos can be included under this bill, and the Secretary of the Interior is to determine what lands shall be included, and what lands he shall construe as susceptible of economic irrigation and cultivation. Therefore the district officials can not include any Indian lands within that district that are not subject to economic irrigation and cultivation.

Third. The cost of the improvements to this land is limited to $67.50 per acre over the entire 23,000 acres; $67.50 is not an excessive cost for irrigation. It has been pointed out that the average cost for irrigation at this time is approximately $100 per acre. The 15,000 acres of new land within the Indian pueblos not now irrigated are worth not to exceed at this time $10 per acre. When this land is irrigated, it will be worth at least $150 an acre. Therefore the Indians will receive a great benefit by reason of the improvement of this land.

Fourth. Another benefit the Indians will receive is the provision in the bill that the entire amount, 8,346 acres, has a guaranteed water right. That is a great protection to those Indians. Under the present conditions the Indians have no guaranteed water right on the 8,000 acres. There is no treaty provision with the Pueblo Indians that guarantees them any protection in their water rights.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. BRATTON. I yield.

Mr. COPELAND. Has not that right been made use of for many, many years?

Mr. BRATTON. That is true; but it has never been adjudicated by any court, treaty, or otherwise. and it is susceptible of loss by nonuse or abandonment. The bill provides explicitly that the water rights to the 8,000 acres shall be prior and paramount to any rights of the district; that the water rights to the 15,000 acres shall be on a parity with the rights of the district; and that no water rights, either old or new, shall ever be lost by nonuse or abandonment, whereas under the law in New Mexico the nonuse of water for four years constitutes an abandonment of it. This bill protects those Indians in an extremely important way with respect to their water rights, as I have outlined.

Therefore those Indians will not get the benefit of the decision of the Supreme Court in the Winters case, and for that reason it is a great protection for the Pueblo Indians to have this provision in the bill, and that is one of the provisions we insisted should go into the bill after visiting the irrigation project.

Fifth. The water rights of the 15,000 acres are recognized in this bill, and they are protected in this bill. That is for the new land. The water rights, old as well as new, shall not be subject to loss because of nonuse or abandonment as long as title shall remain in Indians, pueblos, or individuals. That is another very great protection to the Indians of these pueblos.

It is a well-known fact that the Indians do not make good use of their water, and under certain State laws they are subject to forfeiture because of nonuse. But under the provisions of this bill they are protected in their water rights, even though they do not make use of the water.

Sixth. The 8,346 acres shall not be subject by the district to any pro rata share of any future operation and maintenance or betterment work performed by the district.

That is another very great protection to those Indians. In all future years they will not be called upon to pay any operation and maintenance cost for the irrigation of lands within the pueblos now protected, which amounts to 8,346 acres.

Seventh. The reimbursement shall be made out of rentals of newly reclaimed lands. In other words, the Indians occupying the 8,346 acres will not be called upon to pay out of the proceeds from their cultivated lands any of the reimbursable charges for the improvements. The reimbursable charges will be taken out of the rentals of the newly reclaimed lands.

Eighth. There will be no lien upon 8,346 acres for improvements or betterments. That is another protection the Indians get that they do not ordinarily get in irrigation legislation. Under this bill now before the committee there is no lien upon that land.

Ninth. Liens on the newly reclaimed land shall not be enforced during the period that the title shall remain in pueblos or in individual Indian ownership.

That is another protection to the Indians, because in ordinary legislation that provision does not obtain. Ordinarily the lien is enforceable against the Indian lands, even while it is owned by the Indians. But it is our practice not to enforce it as long as an Indian lives, but to take it out of the proceeds from the sale of land after the Indian dies.

Tenth. The department shall be recognized in all matters pertaining to the operation of the district in the ratio that the Indian lands bear to the total acreage of lands within the district. We will have a voice in the management of that conservancy district, and we can at any time have absolute control of conditions within the pueblos involved in this conservancy district.

Eleventh. Indian lands not taxable as long as held by Indians. Under the terms of this bill they will not be required to pay any taxes as long as they own the lands, and they are in Indian ownership, either individual or tribal.

Twelfth. Indians are not required to pay any interest on moneys advanced by the Government. Under the terms of this bill they will not be required to pay interest for the loan of this money, even if it is not returned to the Government within 100 years.

Thirteenth. The Indians will get a very great benefit by reason of flood protection under the terms of this bill. That land is subject to flood, and property there has been destroyed because of floods, but under the terms of this bill the Indians will get the benefit of flood protection.

Fourteenth. I want to emphasize that the Indians will also receive a very much increased value for their property by reason of the terms of this bill. It will cost the Government $67.50 to irrigate this land, but the Indians will have property, after it is irrigated, estimated to be worth anywhere from $150 to $200 an acre.

Fifteenth. The Indians, under the terms of this bill, will not be required to pay any of the irrigation charges so far as the 8,356 acres are concerned out of their products, but the white lessees will pay practically all of the reimbursable charges that are enforced under the terms of this bill.

* * * * * * *

That is our interpretation of the bill; but we will be glad to have the bill amended, and it is my understanding that there will be no objection on the House side to that amendment.

He is discussing there the amendment changing the language from "leases or proceeds" to "proceeds of leases," which has been done.

Mr. President, in conclusion, I want to say that I yield to no man in this Chamber or elsewhere in his attitude of sympathy and helpfulness toward the Indians. That is the duty of an ordinary citizen. It is one of the highest duties of an official who serves in this body. The bill as originally introduced contemplated a gratuity. The passage of the bill with the gratuity is utterly impossible. No Senator upon this floor need deceive himself as to that. Either this bill, in substantially the form with which we are now dealing with it, will be enacted or there will be no legislation in behalf of the Indians.

The Assistant Commissioner of Indian Affairs went over the district in person some 90 days ago. These members of the House Committee on Indian Affairs went through it at the same time. Every one was in accord that the legislation was wholesome, and not a voice of protest was raised until the gratuity was eliminated and the entire debt was made reimbursable under the language I have indicated. Then it was

that the controversy arose. It revolves around whether the money expended to reclaim the 8,300 acres shall be a gratuity or shall be reimbursable.

While the bill is not what was contemplated at the outset, I conclude by saying that, in my judgment, based upon an intimate knowledge of conditions, the bill is fair; it is liberal; it is generous; it will benefit the Indians; it will benefit the State; it will add prosperity to the Indians as well as to the whites. The importance of the legislation can not be overstated. I think that those who oppose the bill without having been on the ground, without first-hand knowledge of conditions, are led into an erroneous interpretation of the situation because of lack of information.

I very much hope, Mr. President, that the House amendment will be concurred in by the Senate, in order that the Indians may be improved and prospered and set upon a higher plane of living. I firmly believe that will be when this legislation is enacted and this great project is carried out.

Mr. CURTIS. Mr. President, I offer the amendment which I send to the desk, and I want to take a few minutes of the time of the Senate to explain it. I wish to have the amendment read.

The PRESIDING OFFICER (Mr. FESS in the chair). The clerk will read the proposed amendment to the amendment.

The CHIEF CLERK. On page 7, line 5, after the word "lands," insert: "except such parts thereof as the Indians shall themselves farm."

Mr. CURTIS. Mr. President, as I understand the situation, the Indians now occupy some 8,346 acres of land which are to be virtually exempt from the charge for improvements provided for in the bill. In addition to that, they own some 15,000 acres against which the assessments are to be a lien. The lien is not to be enforced as long as the 15,000 acres are owned by the Indians, but the money derived from leases is to be used for the purpose of reimbursement.

According to my understanding, the Indians would require about 12,000 acres in order that all of them might be accommodated. They have 8,346 acres now which they are farming, and, in my opinion, the Indians who own this land—the 8,346 acres and the 15,000 acres—should all be treated alike, and Indians who may take up land for actual farming purposes on the 15,000 acres should not be required to pay rental to be applied to the extinguishment of the lien for improvements. If we exempt the Indians on the 8,346 acres, surely the Indians who own a part of that, as well as the others who own and will take up a part of the 15,000 acres, should be exempted in the same way.

I believe that it would be a great benefit to the Indians if they could have the 8,346 acres so improved as to relieve the land from water logging and remove the danger of flood and then have enough of the other land—15,000 acres—so that all the Indians would have farm lands sufficient to support their families. I believe if that could be accomplished Congress would be justified in taking the money derived from leases on the remaining part of the 15,000 acres to pay for the balance of the land which is used—the 8,346 acres—and what might be required out of the 15,000 to accommodate the other Indians.

I know that this is a very heavy charge on the 15,000 acres, and I doubt very much if that charge is put against the Indians who want to occupy the land, or any part of it, if any of them can be persuaded to take it. They would be afraid. The act provides that this lien shall not attach as long as the land is owned by the tribe or by individual members of the tribe, so it must be the intention of the act not to apply the lien as long as the land is so held; and that being so, why attach a lien to the land which might be leased or occupied by the Indians out of the 15,000 acres?

I offer this amendment so that it may remove any fear upon the part of the Indians who want a part of the 15,000 acres. They might take a lease now, or have a few acres set aside for them now under an order of the Secretary of the Interior, without a cent of rental charged against them. A new Secretary might come in and say that the Indians on this 15,000 acres have been benefited and that they should pay a rental. If they should be required to do that, it would be found that they would not occupy and develop the land.

I have offered this amendment so that if this bill shall be enacted into law there will be no question but that the Indians who occupy the 8,346 acres will be relieved from any payment, and that those who take lands out of the 15,000 acres will be relieved in the same way, because the Indians on this land are entitled to the same kind of treatment.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. CURTIS. Certainly.

Mr. KING. I did not hear the amendment read, but judging from what the Senator has just said, his position, I assume, is that practically the entire amount of $1,596,000 plus shall be regarded as a gratuity from the Government to the Indians.

Mr. CURTIS. So far as the land they occupy is concerned, but I think the money derived from leases of the land which they do not occupy, which is leased to white people or others, should properly be applied to the extinguishment of the lien, but that under the provisions of the bill the lien should not be enforced against any of the land as long as the land is owned by the tribe or by individual members of the tribe.

Mr. KING. Let me ask the Senator whether any steps may be taken, and if so, what they are, by which the title may be taken from the Indians and transferred to whites?

Mr. CURTIS. There could not be under existing law. There might be in the future, of course, an act of Congress authorizing the selling of this 15,000 acres. I hope Congress will never pass an act permitting the Indians to sell the homesteads which they may own on the 8,346 acres or which they may take from the 15,000 acres. Many of the Indians who have been given allotments and who have been permitted to sell have lost their homes and are now homeless, and in many places are dependent on the charity of the counties to support them, which should not be. They should be permitted to occupy these lands without danger of their being sold to clear this lien, or sold for their own benefit. That is my judgment.

Mr. KING. Does not the Senator think that the adoption of his plan would produce such a condition of uncertainty and chaos as really to arrest the development of this 15,000 acres?

Mr. CURTIS. I do not see how it could, because, as I am advised, the Indians could not and would not need more than 12,000 acres.

Mr. KING. In addition to the 8,000?

Mr. CURTIS. No; about three or four thousand in addition to the 8,000. I would be perfectly willing that it be limited so that they would not have more than twelve or fifteen thousand acres all told. I do not want more set aside for them than they need.

Mr. BRATTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from New Mexico?

Mr. CURTIS. I yield; certainly.

Mr. BRATTON. In view of the legislative situation with which we are now confronted, and with which the Senator from Kansas is perfectly familiar, I would like to know if he would accept an amendment to his amendment, so as to add, after the word "lands," the words, "except such part thereof, not to exceed 4,000 acres, as the Indians shall themselves farm."

Mr. CURTIS. If the Commissioner of Indian Affairs should report that 4,000 acres, in addition to the 8,300 acres now being farmed, would be sufficient to accommodate the Indians, I should be perfectly willing to agree to that. I think it would be better if the amendment were limited to, say, "not to exceed one-half of 15,000 acres," and then provide that only such part of it as was necessary should be used.

Mr. BRATTON. The 4,000 acres would be approximately one-third.

Mr. CURTIS. It is now nearly 2 o'clock, and if the Senator will let his request go over until to-morrow I will talk with the Indian Office.

Mr. BRATTON. I should be glad to do that; and may I propose a unanimous-consent agreement to take this measure up to-morrow?

Mr. CURTIS. I am very anxious to have the measure disposed of, but in the last three days I have promised Senators that we would have a call of the calendar. I really promised them that there would be a call of the calendar this morning, as I had hoped that this bill would be out of the way yesterday. I would like to have to-morrow morning for the calendar, unless debate on this measure could be limited, and we could surely get it through to-morrow.

Mr. BRATTON. Having occupied the amount of time that I have occupied, I am not in a position to suggest a limitation of debate on the part of others.

Mr. ROBINSON of Arkansas. Mr. President, it has been only two or three days since we devoted time to the consideration of the calendar.

Mr. CURTIS. I shall not make the request for to-morrow.

Mr. BRATTON. Mr. President, I ask unanimous consent that at the conclusion of the routine morning business to-morrow the Senate shall proceed to the consideration of Senate bill 700, commonly called the conservancy district bill.

Mr. HEFLIN. Mr. President, about how long does the Senator think it will take to dispose of the bill?

Mr. BRATTON. I am reasonably confident that we can finish it during the morning hour to-morrow. That is my hope and my belief.

Mr. HEFLIN. I was thinking that if we could finish the consideration of the bill to-day within an hour——

Mr. BRATTON. The Senator from Nebraska [Mr. NORRIS] has advised me that he desires to conclude his address respecting the measure which is the unfinished business.

Mr. HEFLIN. Very well. I did not know but that my suggestion would suit the Senator from Nebraska as well; but I have no desire to interfere with his desire.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Mexico? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7201) to provide for the settlement of certain claims of American nationals against Germany and of German nationals against the United States, for the ultimate return of all property of German nationals held by the Alien Property Custodian, and for the equitable apportionment among all claimants of certain available funds.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

H. R. 121. An act authorizing the Cairo Association of Commerce, its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Cairo, Ill.; and

H. R. 5679. An act authorizing the Nebraska-Iowa Bridge Corporation, a Delaware corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River between Washington County, Nebr., and Harrison County, Iowa.

MUSCLE SHOALS

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, Senate Joint Resolution 46.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Mississippi [Mr. HARRISON]. The Senator from Nebraska [Mr. NORRIS] is entitled to the floor.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	McKellar	Shortridge
Barkley	Fess	McMaster	Simmons
Bayard	Fletcher	McNary	Smith
Bingham	Frazier	Mayfield	Smoot
Black	George	Metcalf	Steck
Blaine	Gerry	Moses	Steiwer
Blease	Gillett	Neely	Stephens
Bratton	Glass	Norbeck	Swanson
Broussard	Hale	Norris	Thomas
Bruce	Harris	Nye	Tydings
Capper	Harrison	Overman	Tyson
Caraway	Hayden	Phipps	Wagner
Copeland	Heflin	Pine	Walsh, Mass.
Couzens	Howell	Ransdell	Walsh, Mont.
Curtis	Johnson	Reed, Pa.	Warren
Cutting	Jones	Robinson, Ark.	Waterman
Dale	Kendrick	Sackett	Wheeler
Deneen	Keyes	Schall	Willis
Dill	King	Sheppard	
Edge	La Follette	Shipstead	

The PRESIDING OFFICER. Seventy-eight Senators having answered to their names, a quorum is present. The Senator from Nebraska will proceed.

Mr. NORRIS. Mr. President, when the Senate adjourned yesterday I had not yet finished the comment I was making upon the activities of Mr. Gray, the Washington representative of the American Farm Bureau Federation. I have quite a large amount of material here that I intended originally to use on that subject, but I am taking so much of the time of the Senate and I am so desirous of concluding my remarks to-day, if I can, that I have made up my mind to say but little more, at this time at least, upon that branch of the subject.

I want to read, however, extracts from a letter that Mr. Gray wrote, and a copy of which I presume every Member of the Senate received, and to show from the facts how misleading are the statements which he makes. I have shown, I think, that in the propaganda in which he has interested himself and in the things he has sent out over the country he has been misleading—and that is a mild term to apply—in practically every statement he has made and every statement he has sent out for publication. He has not, as I said yesterday, in my judgment, been a fair representative of a great farm organization, inasmuch as he did not state to his constituents more than one side of a proposition, and while he often told what was technically true, the deception came about often because he told only part of the truth. I am going to take some of the statements in his letter and compare them with his own bill, for which he is asking the Members of this body to vote.

His letter is dated February 16, and refers in the first paragraph to a map which he had sent out and about which I commented yesterday. Further on in his letter he said:

> The amount of power has been referred to on the floor of the Senate as 1,250,000 horsepower. Just as the Farm Bureau has looked up the facts with regard to the cyanamide process, we have looked up the facts as to the amount of power at Muscle Shoals and desire to present them to you for your information.

I had made the statement that the so-called Willis bill, which he is asking us to pass, provided for an installed horsepower exceeding 1,000,000, and I am going to prove that statement by the very bill that he asks us to pass. In this letter he said that these misrepresentations had been made on the floor of the Senate. He summarizes, after going along on that line for some time, and specifies in items what the power is at Muscle Shoals, as follows: Dam No. 2, 134,000 horsepower; Dam No. 3, 54,000 horsepower; steam, 120,000 horsepower. He has omitted entirely from the list Cove Creek. He has misstated the installed horsepower in every respect excepting steam.

Further on in the letter he said:

> So that instead of over a million horsepower being a true statement of the power available, the facts are that there is only about 345,000 horsepower, of which 308,000 is at Muscle Shoals and less than 40,000 at Cove Creek.

Those are the statements made by Mr. Gray, and made for the purpose of influencing votes in this body. I hold in my hand the Willis bill, for which Mr. Gray has been propagandizing during the last several months, even before it was introduced. I am going to read from that bill what it provides about horsepower. I wish Senators would take their lead pencils now and write down the amounts that I read from the bill.

Commencing at the bottom of page 9 of the Willis bill, under Title B, is this language:

> In addition to the payments above covenanted to be made the lessee covenants and agrees that it will—
>
> (1) At its own cost and expense complete the steam-power plant connected with said United States nitrate plant No. 2 by installing such additional electrical generating and other equipment as will increase the generating capacity of said plant up to at least 90,000 kilowatts.

That means 125,000 horsepower. That fact he has stated correctly in his letter. I ought to comment there, perhaps, just in a few words, because this provision states that the lessee—that is, the Cyanamid Co. and the Air Nitrates Co.—must make this installation.

I explained to the Senate several days ago that that is the only place where they spend any money that they do not get back in the way of addition to fertilizer that they get out of the farmer. All other expense is met by the taxpayers. There is 120,000 horsepower. Mark that down. On the same page, in paragraph 2, there is a provision about the installation of additional power in Dam No. 2, which reads as follows:

> (2) In accordance with plans and specifications which have been or may be prepared or approved by said Secretary of War and out of funds which the lessor hereby covenants and agrees promptly to make available for that purpose—

That is, the lessee shall install it, but the Government of the United States shall pay the bill and furnish the money—

> install in the power house of said Dam No. 2, with reasonable promptness after such funds are so made available, such additional electrical-generating units, together with necessary hydroelectric and operating appurtenances, accessories, and facilities as will increase the generating capacity of the equipment of said Dam No. 2 up to approximately 600,000 horsepower.

Now mark down 600,000 horsepower. The Willis bill also provides for the building of Dam No. 3. The provision for the building of that dam will be found on page 4:

> Subject to the provisions of Article D hereof—

The bill is specifying the things that are included in the lease—

Dam No. 3, with its lands, water rights, power house, structures, and facilities, which shall include installed electrical-generating equipment sufficient to generate there 250,000 horsepower.

Mark that down. That is what the Government has got to provide at Dam No. 2. Some Senator may want me to read Article D, because the bill provides that this must be done subject to the "provisions of Article D," which will be found on page 12 of the Willis bill:

D. The lessor—

That is, the Government of the United States—

for the purposes of navigation improvement, national defense, and to secure the maximum production of fertilizers at Muscle Shoals in time of peace—

All those are beautiful phrases—

covenants and agrees to acquire and construct with reasonable promptness the dam generally known and designated as Dam No. 3 and described in paragraph (2) of the granting clauses hereof.

That is the clause I have read, which states that the Government must install machinery capable of the generation of 250,000 horsepower.

On page 50 of the Willis bill will be found another provision that will add more horsepower at the expense of the Government for the benefit of the lessee.

The lessor—

That is, the United States Government—

for the purposes of navigation improvement, national defense, incidental flood control, and to secure the maximum production of fertilizers at Muscle Shoals in time of peace—

They are beautiful objects the author of the bill has in view—

covenants and agrees to acquire and construct with reasonable promptness, Cove Creek Dam, to be constructed upon the Cove Creek site on the Clinch River located approximately 8 miles in a direct line north of Clinton, in the State of Tennessee.

Further on, on the same page, it is provided:

Said Cove Creek Dam shall have a height of approximately 225 feet, a power house and hydroelectric installations and equipment for the generation of at least 200,000 horsepower—

Put that down, add the figures together, and what do we have? We have 1,170,000 horsepower provided for in the bill for which the Senator from Ohio is asking us to vote. I distinctly said the other day that this horsepower was not all primary horsepower; one could not get that much power every day in the year, but it is to be the installed horsepower able to be generated at some seasons of the year. As I explained in reference to the operation of Cove Creek Dam, if it were operated by the Government, the Government owning Dam No. 2, by letting out water when the Tennessee River is low it would improve navigation and improve the power production at Dam No. 2, and, for that matter, at all other dams between there and Dam No. 3; but a private individual owning Cove Creek Dam, as I explained, might want to use the power at a time when it would be to the advantage of the person operating Dam No. 2 and Dam No. 3 not to have it operated, because he might let out water when there was already too much water in the river and not let out water when there was not enough in the river.

However, the point I wish to make is that the man representing this great farm organization who, as everyone must concede, ought to be fair with the farmers and with the Members of the Senate, writes the character of letter I have read, when the facts are in the bill that he is advocating and from which I have read. While I am referring to that bill I wish to mention some other dams about which he has not said anything. Not only does the lessee under this bill get all the power facilities I have enumerated, but he gets a preferential right to build under the national Federal dam act, three other dams without paying any rental or making any return as provided for under the Federal dam act. I want to read to Senators that portion of the bill. That is another bonus the lessees are to get for which the Government gets nothing. That is provided for on page 55 of the Willis bill, which refers to additional dams. In addition to all those that we have been talking about—

The lessee—

That is, the American Cyanamid Co. and the Air Nitrates Corporation—

will, within 90 days after the date hereof, cause to be organized under the laws of one of the United States a subsidiary corporation, empowered to engage in the business of developing, generating, transmitting, and distributing electric power, and will cause said subsidiary corporation to file, within 90 days after its organization, with the Federal Power Commission an application for a preliminary permit to enable said subsidiary corporation to secure the data and perform the acts required by section 9 of the Federal water power act, with a view to acquiring and obtaining a license to construct, operate, and maintain, in accordance with the terms and provisions of said act, except as herein otherwise provided—

And that is important—

the following dams, to wit: (1) Senator Dam, to be constructed upon the Senator site on the Clinch River, above the mouth of the Emery River; (2) Melton Hill Dam, to be constructed upon the Melton Hill site on the Clinch River, in Anderson and Knox Counties; (3) Clinton Dam, to be constructed upon the Clinton site on the Clinch River, near Clinton, all of said sites being located in the State of Tennessee; and thereupon the said commission shall issue such a preliminary permit forthwith.

That is not done ordinarily, but in this case as soon as the application shall be made a preliminary permit is to be issued, without according anyone else the right to be heard, without giving any other bidder the right to intervene; in other words, it is made compulsory upon the Power Commission to issue the preliminary permit. Such permit is merely issued for the purpose of letting the beneficiaries of this bill make the necessary examination to see whether or not they want to utilize the dams; and as it will be found later on in the bill, if they desire to utilize them they can take all or any one or more of them.

The bill goes on to provide how they can acquire these dams. Remember that under the general dam act certain fees must be paid. The beneficiaries of this bill, however, would escape that. They will not only have the right first to investigate the dams, but after they have investigated them, if they find that they want all of them or any one or any two of them, they have the right to take such of them as they may desire, in preference to anyone else. Then there is a further provision which reads:

Provided, however, That said subsidiary corporation shall not be required to pay, under and pursuant to the terms and provisions of subsection (f) of section 10 of said act, to the lessor any annual charges for interest, maintenance, and depreciation on said Cove Creek Dam on account of the said subsidiary corporation's use and operation, as licensee under said act, of any dam or dams mentioned and described in this article.

Mr. President, I have been somewhat criticized because I have devoted so much time to the Cyanamid Co.'s bid, it being said that upon analysis it is found to be so indefensible that there is not any danger of the Senate adopting it. I hope I have made it that plain; I hope the conditions and circumstances have been made so clear that the Cyanamid Co. bid has already been entirely eliminated from consideration; but I felt it my duty to discuss the question. It seems to me that we ought not only to know about the propaganda that this man has circulated for a long time, especially among the farmers of America, but we ought to know of the deceptive practices in which he has indulged with Members of the Senate themselves in order to try to get them to vote for this bill. The figures which I have just given demonstrate, it seems to me, the deceptive character of the literature which he has sent out. It is true he could say, "I was not speaking of installed horsepower," but who will read that letter and not understand that he was. It is true he may have left a technical hole out of which to crawl, but any man who will read the letters and then get the facts as I have given them from the bill itself can see for himself that the letter is almost criminally deceptive.

Mr. President, so far as I am now going into it, I have finished that particular branch of my subject. I wish now to take up a different line. I realize the honest disagreement among Senators and people generally about, as the phrase is usually employed, the Government going into business. I realize that many arguments may be made on each side of any proposition affecting the production and distribution of electric power, waterworks, and of other activities which some people desire the Government to take over and operate. I speak with great respect for those who do not agree with me on the subject, but I wish briefly to call to the attention of such Members of the Senate who are opposed to the Government going into any kind of business to the fact that we are already in this business. We have spent the Government's money to the amount, in round numbers, of $150,000,000. It is not a question of going in. If it were, I would concede there would be greater weight to the arguments which are advanced. There

is not involved here directly the ordinary question of whether a municipality should own its electric-light generating and distributing systems, although, as a general rule, I favor that; for we already have the generating plant; we already have the machinery; we already have the necessary housing to provide shelter to all of the necessary employees. The homes are all modern, finely built, well located, with all modern city advantages. The Government has done all that work and paid for it all out of the people's money.

No one denies that in case of war—and that was the primary object in first constructing the plant at Muscle Shoals—we would need every facility that we have there. We provided in the original statute that we would never lease it to any corporation or any individual, but the Government would retain it and operate it. So the question involved is not exactly one of Government operation. I wish to give the Senate some instances where, in my judgment, the Government can better do the operating than can a private individual, and I will only touch a few high spots.

I remember that the able Senator from California [Mr. JOHNSON] not long ago called our attention to the fact that the very light in this building, the very electricity that enables us to read here, is generated and distributed by the Government of the United States. We are working under the light of a Government-built, Government-owned, and Government-operated electric-light plant right now, and we are getting electricity cheaper than the other consumers in the District of Columbia can get theirs.

I heard the same Senator on a former occasion call the attention of the Senate to the Government-operated plants on the various reclamation projects, stating that in some of those reclamation projects they were heating the homes by electricity, it was so cheap—Government owned, Government operated. Before this debate is over I wish the Senator from California would again call the attention of the Senate to those governmental plants. They are illustrative of what the Government can do and what the Government does do.

Mr. JOHNSON. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. JOHNSON. After I made the few remarks that I did the other day, in respect to the light by which we read in this Chamber and the heat that warms us as we sit in our seats coming from a power plant maintained, operated, conducted, and owned by the United States Government, the junior Senator from Virginia [Mr. GLASS] called to my attention the fact that the Government also is maintaining a coal yard in the District of Columbia, and selling coal to employees of the Government at a reduced rate under Government auspices, and is in the coal business so far as its employees are concerned.

Mr. NORRIS. I thank the Senator for his contribution. I could enumerate a great many governmental operations; but when it is applied to electricity, briefly, this is the condition, as it seems to me, with which we are confronted:

The generation and distribution of electricity is becoming more general every day. It is almost as necessary in a modern home as water. Water used to be supplied by private corporations and private individuals. That practice has almost passed out of date now, because it is conceded that the supplying of water is a governmental operation, a municipal operation. You must have a monopoly, to begin with, in order to do it economically, and a monopoly ought to be owned and controlled and operated by the Government, not by private individuals, because if private individuals have a monopoly of anything it is just as natural as the rising and setting of the sun that they will take advantage of it to the very limit.

If you are to have electricity supplied economically, it is necessary that it be a monopoly not only in a city but it ought to spread out and cover the entire country, because, as I have often explained here, by the touching of a button we can in effect transfer electricity from Boston to Chicago, or from Chicago to St. Louis, and so on around the country. So, in order to get the greatest amount of electricity for the smallest amount of money, a monopoly is necessary; and I do not believe a free people will always submit to a private monopoly controlling one of the necessaries of life.

I am going to demonstrate, I think, that even municipalities scattered in different parts of the country have brought to their people by municipally owned plants the cheapest electricity that is enjoyed anywhere under the United States flag, cheaper than anywhere else in the world except in Ontario, Canada, where they not only have municipal operation but they have a wholesale operation, so that they have a giant power scheme that covers the entire Province.

I want to call the attention of the Senate, and I hope before this debate closes somebody will call the attention of the Senate in more detail than I will as I pass through some of these cities, to the advantages of Government operation in a thing of this kind as illustrated by the Government plants under the Reclamation Service.

We have this plant at Muscle Shoals. If it is turned over to a private company, the people of that vicinity will get no benefit. It is demonstrated already that they will not. It has been turned over to a private concern ever since it was completed. It has been rented by the Government to the Alabama Power Co.; and nobody has yet shown a single instance of a reduction to the consumer on account of the cheap electricity that the Alabama Power Co. gets.

I think I ought to read at this point part of a letter that I have received from James M. Proctor, of Scottsboro, Ala. I will read only a part of the letter; but he says:

> We are supplied with electricity by the Southern Cities Power Co., with principal offices in Shelbyville, Tenn. I am informed that the current is generated by a lock and dam upon the Tennessee River, near Chattanooga. It is brought to us by transmission lines from that point, about 100 miles. It is my understanding that this company only supplies three towns in Alabama—to wit, Stevenson, Scottsboro, and Bridgeport—all in Jackson County and all located along the route of the transmission line above referred to. For the use of current in residences these three Alabama towns are charged 11 cents per kilowatt for the first 50 kilowatts. For the next 50 kilowatts we are charged 9 cents per kilowatt, and all over 100 kilowatts is charged for at the rate of 6 cents per kilowatt. Thus 94 kilowatts cost the consumer $9.46. All of this current, it will be remembered, is generated by water power upon the Tennessee River. In other words, the consumer must use 94 kilowatts before the rate averages 10 cents per kilowatt, which seems to be the average rate in Alabama.

As compared with that rate at which electricity is sold to consumers by subsidiaries of the Electric Power Trust which reaches from the Atlantic to the Pacific and even into foreign countries, I want to call attention to the city of Pasadena, in California, which owns and operates a municipal light and power plant, and has done so for quite a number of years. I want to read from the official report of that light and power plant:

> At the time the people began to talk about building an electric utility the rates for electrical energy were 15 cents per kilowatt-hour, but a cut was made from this rate to 12½ cents. This was being charged at the time the city entered the field and established the above-mentioned rate of 8 cents per kilowatt-hour for domestic service and an 80-cent minimum instead of $1 with a top rate of 4 cents for power ranging down to as low as 1.2 cents. This, it will be observed, was a little more than half what had been charged before the city entered the field, and at the same time the service in those days was not what the service is to-day or since the city established its electric utility.
>
> * * * * * * *
>
> The company immediately filed a new schedule of rates, but they were lower than those charged by the city. The 8-cent rate was continued by the city until such time as the earnings justified a further reduction to 7 cents. The company dropped to 5 cents, a difference of 2 cents per kilowatt-hour. However, the citizens of Pasadena had been paying 15 cents per kilowatt-hour prior to the installation of the municipal light and power plant, and this was not forgotten by a large number, who continued to patronize their own plant, even though it cost more than if they had purchased their electricity from their own competitor. This support enabled the plant to show what could be done, and as the business grew in volume and operating costs were reduced the rate was further reduced to 5 cents per kilowatt-hour for light, scaling down to 3 cents, and 50 cents minimum, and a maximum of 4 cents per kilowatt-hour for power, scaling down to as low as 1.2 cents. The company, the city's competitor, immediately reduced its rates to a maximum of 4 cents per kilowatt-hour, stating that they would go below any rate made by the city—

And so on. They did not always do that. That was quite a number of years ago, and the city plant continued to grow and continued to reduce rates, as will be seen from the following figures:

> The maximum rate charged by the private company before the plant was started was 15 cents per kilowatt-hour.
>
> The maximum rate charged by the private company at the time the plant started was 12½ cents per kilowatt-hour.
>
> The maximum rate charged by the municipal light and power department at the time the plant was started was 8 cents per kilowatt-hour.
>
> All rates have since been reduced very nearly to those set by the municipal light and power department, and at this time the rates charged in Pasadena for light and power are as follows:
>
> The first 100 kilowatt-hours, 5 cents per kilowatt-hour.
>
> Next 400 kilowatt-hours, 4½ cents per kilowatt-hour.

Next 500 kilowatt-hours, 4 cents per kilowatt-hour.
Next 1,000 kilowatt-hours, 3½ cents per kilowatt-hour.
Over 2,000 kilowatt-hours, 3 cents per kilowatt-hour.
Minimum charge per month, 50 cents.

This plant started, I think, in 1906; and, as shown, they had hard sledding to begin with. The private company put the price down below their price, although it was the fact that the municipal plant was started that compelled the company to do it.

In order to run the municipal plant out of business the private company at first put the price below that of the municipal plant; and if the citizens of Pasadena had not been loyal they would have been led astray by this unfair competition, and the municipal plant would have failed and gone out of business. Because of their loyalty, however, they kept patronizing the plant, it kept getting more customers and doing more business, until it reached the point where it was able to cut down the price below where competition was possible from the private plant.

The first year the municipal plant lost $5,463.71. The next year they lost $12,525.63. They lost money for two years. The next year, however, they made a profit of $1,261.49—that was the year 1908–9—and they have made a profit every year since. It went up to $8,000 the next year, then to $17,000 the next, to $18,000, to $23,000, and so on until in 1923–24 the surplus profit of that municipal plant was $297,223.33, with rates which, while not as low as they will be able to have them there, are away below what they ever dreamed of getting them when they were subject to the control of a privately owned plant generating and distributing for profit. They are paying something always toward the amortization of their investment, and eventually they will have it free of debt and have no expense but maintenance.

A good illustration of what has been accomplished in municipally owned generating and distributing plants is afforded by the city of Seattle, in the State of Washington. I have a letter here written to me by the superintendent of lighting of that city, and I want to read from it just a little:

It will be of interest to you to know that the Stone & Webster Co., which opposes us here—

The Stone & Webster Co. are the owners of a private system that was in operation before the municipal plant was put in, and is still in operation—

filed as their cost, exclusive of interest charges and depreciation, $1,502,158.41 for the serving of 39,795 customers in the Seattle district—that is, King County—while our cost only amounted to $1,309,862.33 for serving 83,228 customers; that is, $200,000 less to serve twice the number of customers.

Compare those figures and see whether there is any consolation in the claim that private operation, with a beautiful private initiative, has advantages over the municipal plant, properly managed and properly operated.

Again, in these charges made by the municipal plant of Seattle there is an item amortizing the cost, doing away with the capital cost, which will eventually wipe it out entirely.

The history of operations in Seattle is exceedingly interesting. Here is a bill showing just what it would cost in various cities on the coast in the vicinity of Seattle. Suppose we take a bill, as they did here, for 519 kilowatt-hours used in one month, which would be a big consumption. Under the privately owned company in Aberdeen, Wash., that amount of electricity would cost the consumer $32.40, and I think it is the same in every one of the cities. It is Stone & Webster competing in Seattle, and not competing in the other places. In Wenatchee that energy would cost $22.03. In Yakima it would cost $19.03. In Walla Walla it would cost $19.24. In Puyallup it would cost $18.24. In Bellingham it would cost $15.80. In Everett it would cost $17.55. In Spokane it would cost $16.34, and, incidentally, Spokane has within its very limits one of the greatest water powers on earth, one that would turn every wheel and light every house in that city, at a rate that ought to be between 1 and 2 cents a kilowatt-hour, but privately owned, and what do they pay there? It would cost, as I have said, $16.34. What would it have cost in Seattle with a municipally owned plant? It would have cost $8.98.

Mind you, the private plant in Seattle, the same one that is charging these rates in the other cities, is charging the same rate the municipal plant charges, proving that they can operate and make money at the rate the municipal plant is charging.

As showing the scientific management of the private company in Seattle, Stone & Webster and the municipal company—I want to call attention to this fact—that Stone & Webster have $475 in stocks and bonds against every horsepower they own, while the municipal plant has only $173 against each horsepower. In other words, after a while the municipal plant will be in a position where it will have no debt, it will all be paid, and the private company there, as well as the private companies everywhere, like Tennyson's brook, will go on forever. They are always trying to increase capitalization, increase the issuance of bonds and stock, rather than to cut them out.

I have here the official report from Seattle, and I want to read an extract or two from it. This is for the year 1926.

The revenue for the year, $3,859,042.17 is 10.8 per cent in excess of that for 1925. The department's assets at the end of the year are $35,492,767.96, and bonds outstanding $22,305,000. During 1926, $497,000 worth of bonds have been retired, including bonds maturing up to 1929. A total of $1,422,000 worth of bonds have been retired before they were due.

That does not have any private initiative in it, but it seems to have some kind of initiative that is expertly working the people out of debt, reducing the charge for electricity, which will continue to be reduced as time goes on.

The year 1926 continues the financial success of Seattle's municipal light plant, which has shown an unbroken record of increased earnings each year for 22 years. Although carrying the interest charges on nearly $13,000,000 invested in the Skagit development, a large part of which is for preliminary work for the entire Skagit power project, the department earned $349,760.87 surplus above all operating expenses, interest, and very liberal depreciation charges in 1926 * * *.

At the end of 1926 the department served 11,000 ranges.

They are cooking by electricity in Seattle. They will cook everywhere in civilization by electricity if we can get rates as cheap as they get them in Seattle. There were 3,406 ranges in the last year in that city.

A large number of down-town business blocks were also connected to the city's system in 1926, as were also two more street railway substations.

This report states:

Every year since 1906 the plant has shown a surplus above all expenses, interest, and depreciation charges, and its income has increased each year over the previous year at an average rate of increase since 1906 of 19.13 per cent. The total earnings of the plant in the 22 years of its life were $32,781,212.37. Of this amount, $12,661,183.57 has been returned to the system in extensions and betterments, being the net earnings above expenses and interest charges * * *.

Before the city plant was started in 1902, consumers were paying 20 cents per kilowatt-hour for current. When it became evident that the city was actually to build a municipal plant the private companies reduced rates to 12 cents per kilowatt-hour. In 1905 the city began taking contracts under rates for residence service, as follows:

Eight and one-half cents for the first 20 kilowatt-hours.
Seven and one-half cents for the second 20 kilowatt-hours.
Six and one-half cents for the third 20 kilowatt-hours.
Four and one-half cents for all over 60 kilowatt-hours—

Some weeks later the private corporations reduced their rates to—

Ten cents for the first 20 kilowatt-hours.
Nine cents for the second 20 kilowatt-hours.
Eight cents for the third 20 kilowatt-hours.
Five cents for all over 60 kilowatt-hours—

with a 10 per cent discount for prompt payment, making the company's rate approximately one-half cent higher than the city rate. Early in 1911, when the municipal plant had grown to be a serious competitor, the company removed this differential and made its rates the same as the city rates.

July 1, 1911, the municipal plant reduced its rate to 7 cents for the first 60 kilowatt-hours and 4 cents for all over 60 kilowatt-hours, and this reduction was met by the company in November of the same year. July 1, 1912, the city again reduced the rate to 6 cents for the first 60 kilowatt-hours and 4 cents for all over 60 kilowatt-hours, and reduced the minimum monthly bill, which had been $1 to 50 cents. The company met the reduction one month later.

April 1, 1915, the city established the rate:

Five and one-half cents for the first 45 kilowatt-hours.
Two cents for all over 45 kilowatt-hours—

with a monthly minimum of 50 cents, and the company reduced its rates to the same schedule. During the war and up to 1920, the rate for light and power was one of the very few exceptions to the general rise in prices during the war. Rates were raised in 1920 to—

Six cents for the first 45 kilowatt-hours.
Two and one-half cents for all over 45 kilowatt-hours—

with a monthly minimum of 75 cents.

Effective since June 1, 1923, the present residence rates are:

Five and one-half cents for the first 40 kilowatt-hours.
Two cents for the next 200 kilowatt-hours.
One cent for all over 240 kilowatt-hours.

The complete rate schedule for all classes of business is given on pages 38 to 42.

It is to be noted that every reduction in rates has been made by the municipal plant and followed by its competitor.

The average residence rate in all cities of the United States of 200,000 population or more is 8 cents as compared to the average in Seattle for 1926 of 3.28 cents.

We must remember, Mr. President, that it was not only the consumers of the municipal plant who got this benefit but all the consumers of Seattle, those who still stay with the private company, who are still patronizing it, are getting the benefit of the reduction that has been brought about by the establishment of the municipal plant.

During the last six years the use of electric ranges in Seattle has increased until it is apparent that electric cooking will soon be universal throughout the city. At the end of 1926 there were 11,127 ranges connected with the city light system, of which 3,406 were installed during 1926. Under the residence rate, the electric range is placed on the same meter with the lights in the home, and the cost for electric cooking compares most favorably with that for cooking by gas, coal, or wood.

The residence rate in Seattle is 5½ cents for the first 40 kilowatt-hours, 2 cents for the next 200 kilowatt-hours, and 1 cent for all over 240 kilowatt-hours used per month. The larger part of current consumed for cooking under this schedule comes under the 2-cent rate, and the average residence bill for cooking and lighting, including the ordinary household electrical appliances, is $5.25 a month—

That is cheaper than we can cook in any other way—

Water heaters may be used on the same combined rate, which is equivalent to 1 cent per kilowatt-hour for that service.

Mr. President, I have some more statistics here with regard to Seattle, which I shall not present. But I do want to say that it has always seemed to me queer that any resident of Seattle would think for a moment of not patronizing the city plant which has brought thousands and hundreds of thousands of dollars of reduction to all the people of Seattle. It is queer to me why anybody in the city still refuses to patronize the city government, but continues to patronize the private company that used to charge them 20 cents per kilowatt-hour.

But it does not seem so queer when I see some of these grave and reverend Senators who, when anyone says that the Government may not do anything, are so incensed that they almost have hysterics. There is no doubt in my mind but what some people grieve every time they deposit a letter in the post office with a 2-cent stamp on it, that is to be carried across the continent, because nowhere from the beginning to the end of that service does any private corporation make any profit out of it. It is a Government operation all the way through. It is an illustration, and electricity is another, where a monopoly is necessary to get good service. A monopoly like Stone & Webster had in Seattle before the establishment of the municipal plant, and which charged the people 20 cents per kilowatt-hour, only demonstrates what is the natural thing for any monopoly to do.

The city of Cleveland has had a great experience with a municipal light plant, but it has never had a fair test, in my judgment. They started one there. It succeeded in reducing the rate, but has never been as successful as it seems to me it ought to be, mainly, as I believe, because it has had an unfriendly legislature, much of the time an unfriendly administration in the city, and some of the time, I am informed, even those who were managing the plant were unfriendly; but it made a wonderful record notwithstanding that. I want to read an excerpt from a letter sent to me by Newton D. Baker, ex-Secretary of War, who has been and still is a resident of the city of Cleveland. He said:

Of course, any company, public or private, distributing electric current for light or power is always obliged to deal with large consumers on the basis of cost of installation and operation of private units—that is to say, a manufacturer who has need for a substantial block of current can install a small generator and operate it from his own steam plant, and he will do so unless he can buy the current he needs at less cost than overhead and operation upon the installation of his own apparatus. In Cleveland, therefore, the rates fixed by the Cleveland Electric Illuminating Co. up to 1911 were deemed fair and adequately low to all large consumers, but the small domestic consumers, who could not install their own devices, paid the freight.

In other words, they were not able to get into competition.

The principal purpose of the new municipal plant was to protect these small domestic consumers by establishing a rate for them which the old company would be obliged ultimately to meet competitively. In 1906 the city of Cleveland acquired by annexation the South Brooklyn Village plant, as described in my previous letter. The competition thus brought into the field reduced the rate charged for arc lights in the streets from $67.92 to $54.94.

That was a reduction by which every taxpayer in the city of Cleveland benefited, a reduction which came to him by virtue and solely by virtue of the establishment of the municipal plant. Hundreds of thousands of additional dollars would have been taken from the people by taxes if it had not been for the establishment of that plant.

The method used by the Cleveland Electric Illuminating Co. in charging domestic consumers was so complicated that it was never possible to show variations in its rates very clearly. At the outset they charged 12½ cents per kilowatt-hour for a definite number of units and then a decreasing rate for succeeding numbers of units. As competition began to make itself felt, the privately owned company reduced the maximum but increased the number of units to which it applied, so that it was never easy to demonstrate a flat reduction, but that company has for years been constantly reducing its rate under the pressure of municipal competition.

In a postscript to his letter Mr. Baker said:

During a recent examination of the question as to whether the municipal electric-light plant should be continued and enlarged, expert engineers estimated that it had saved Cleveland and its people $13,849,000 during the period 1915 to 1923 by the lowered rates which its competition had secured from the private company.

I think the rate in Cleveland by the municipal plant is 3 cents per kilowatt-hour, but I do not have the rate before me and am speaking from memory.

From the official report of that plant I find that the customers increased in number from 37,610 in 1924 to 39,360 in 1925, a gain of 1,750 for the year, not as good a showing, it seems to me, as the plant ought to be able to make. The municipal plant was operating with coal. Their coal during the year covered by this report cost them $1.60 a ton, on which they had to pay $1.83 freight per ton, so that the coal cost them delivered $3.43.

The report says:

The plant has more than paid its way and to-day the city has an equity in it of over $2,000,000.

Consistent with its original purposes it has rendered real service to the people of this city:

1. It has saved the community at least $20,000,000 by reason of its low light and power rates to its own customers; and

2. Through the reduction of rates by the private company which has consistently followed since the municipal plant started operation.

3. As a result of its existence Cleveland enjoys the lowest domestic light rates in the United States, both through the municipal plant and the private company; and

4. In addition, especially low street-lighting rates.

I presume the statement that it is the lowest in the United States would probably be questioned by some other cities, but the point I want to make—and that is about all I care to do as I pass along—is that it was on account of the municipally owned plant and municipal competition that the rates in Cleveland came down. The private company had to meet the rate, and the people owe every cent of saving to the establishment of that municipal plant.

Another illustration in the United States of the cheapening of rates by municipal competition is given us by the city of Los Angeles. Here are the rates now charged in Los Angeles:

For the first 100 kilowatts consumed in any one month, 5.6 cents per kilowatt-hour.

For the next 150 kilowatt-hours consumed in any one month, 5.3 cents per kilowatt-hour.

For the next 250 kilowatt-hours consumed in any one month, 4.8 cents per kilowatt-hour.

For the next 500 killowatt-hours consumed in any one month, 4.1 cents per kilowatt-hour.

For the next 1,000 kilowatt-hours consumed in any one month, 3.2 cents per kilowatt-hour.

For the next 1,000 kilowatts consumed in any one month, 2.4 cents per kilowatt-hour.

For all in excess of 3,000 kilowatts consumed in any one month, 2 cents per kilowatt-hour.

Then, here are the power rates that the city gives, I think very low and perhaps lower in proportion than the domestic rates:

For 6,000 kilowatts consumed in any one month, 1.77 cents per kilowatt-hour. Then it goes down to 1.48, 1.37, and on down until it gets down to 0.87 cent per kilowatt-hour.

It is, then, because of this cheap power rate particularly that Los Angeles got some of its industries. Some of its most important industries have been located there because of the inducement that was given to them in the way of cheap power from the municipal plant in Los Angeles. As I remember it now, when Los Angeles started to put in the municipal plant such industries were paying to the private company 10 cents per kilo-

watt-hour. They have been reducing that rate until they are operating now, because of the competition they had, at the same rate the municipal plant charges.

Remember, Senators, that the municipal electric plant in Los Angeles has no cheap power. It is water power, it is true; but they have to go 250 miles from the city to get the water, and it costs them many millions of dollars to get the water into the city. The municipal light plant in Los Angeles compelled the privately owned plant to reduce its rates and they have been continually reduced until they reached the point I have just stated, with regard to both power and domestic rates.

I want to call the attention of the Senate in this connection to a letter from Mr. Scattergood, the chief electric engineer of Los Angeles, quite a noted engineer, and one of great reputation as I remember it. He touches on points I have often mentioned in the Senate, but he does it so much better than I have been able to do it that I want to read what he said, as follows:

The question is not one of complete public ownership or complete private ownership of electric utilities throughout our country. The question is, as you well put it, one of preventing private monopoly of our national resources having to do with power supply. This is vital to our prosperity and national strength as affected by our ability to compete in the world markets by the sale of the products of our industries whether agricultural or manufacturing.

I wish those words could sink deep into the hearts of every legislator, whether he be a Member of the Senate or of the House of Representatives or of a State legislature. Whether we get cheap or expensive electricity has a great deal to do with "our ability to compete in the markets of the world by the sale of the products of our industries, whether agricultural or manufacturing."

There is an absolute necessity for the establishment and maintenance of examples of public ownership on a large scale in order that public regulation of privately owned utilities may be economical and effective, and furthermore in order to avoid the evil consequences of complete private monopoly in our political life, aside from its effect on the cost of electric power and, in turn, on the cost of the products of our industries.

The existing important examples of public ownership in the United States and Canada afford the only criterion to which regulatory bodies may turn for assistance in determining reasonable costs of construction and operation for rate fixing and valuation purposes.

Several rate proceedings, for example, have been held recently before the State Railroad Commission of California for fixing rates to be charged by the Southern California Edison Co., doing business throughout the greater part of southern California. The combined municipalities have employed an attorney and similarly the farm bureau districts have been represented by an attorney. These attorneys have resorted to the records of the city's bureau of power and light in each instance for comparative data and segregation as a basis with which to analyze the cost and determine the reasonableness of the costs claimed by the company.

I wonder if Senators appreciate that point, relating to the importance of having standing out prominently throughout the country municipal-owned plants for the development and distribution of electricity. That is necessary in order to keep down the excessive costs that would otherwise come to the people and to manufacturing industries, and it is necessary in order when we want to regulate privately owned companies distributing electricity that we may have some place to go in order to get a standard; that we may have some place to go to find out the cost; that we may have some place to go where no deception can be practiced on us, where everything is open, and where we may have opportunity to see just what may be done, and thus effectively perform the governmental function of regulating privately owned distributing plants. Mr. Scattergood continues:

They have also utilized the bureau's cost accountants in making such analysis, and for testimony, with positive results in proving the unreasonableness of the company's claims and the company's actual costs. Were it not for the examples of public ownership in Los Angeles, Seattle, Tacoma, Pasadena, and other cities, the rates of the privately owned companies throughout the Pacific coast would be very substantially higher than they are and the character of service and treatment accorded the public would be much inferior to what it is; and what is true of the Pacific coast is true of our whole country, although to a much less degree in a greater part of it.

Our country's strength among the nations of the world is not sufficient to withstand ultimately the effect of supplanting considerations favorable to the general public except by special privilege and exploitation such as would result from a private monopoly of our power resources.

No man who will give study to this question can dispute or deny for a moment the conclusions that Mr. Scattergood reaches. If it were not for the municipally owned plants, if it were not for the cranks who in agitating reduction in rates have been calling attention to these examples, these points of interest that are standing out so prominently, we would be paying in the city of Washington and in every other city in the United States two-thirds more or perhaps twice as much more than we are now paying for electric lights. We saw in this great city of Washington the privately owned corporation oppose a reduction of rates, fight it through the courts, and finally agree to a compromise; but almost before the agreement went into effect, although the corporation had been previously claiming that it could not possibly reduce the rates below 10 cents per kilowatt-hour, it voluntarily reduced the price to less than 7 cents.

Commissions of all kinds have been deceived in their examinations. The place where they get the truth, as Mr. Scattergood says, the place where they go to get the evidence if they want to reduce rates is to municipally owned plants.

Mr. SIMMONS. Mr. President——

Mr. NORRIS. I yield to the Senator from North Carolina.

Mr. SIMMONS. I agree with the Senator that the rates of municipally owned plants based upon reasonable profits and sometimes upon actual cost without any profit would generally furnish a very helpful guide, to say the least, in determining what rates should be fixed by the various State agencies which are set up for the purpose of regulating the rates for power and other public-utility service. Most of the States, including mine, have such agencies. In my State power is conferred upon the public-service commission to regulate the rates. The difficulty that I see, however, in utilizing the rates charged by a municipal plant as an index to the rates to be charged by a privately owned plant is this: It is helpful, as I have stated, but I do not think we should get very far with such an index, because the municipally owned plant sells its electricity within a very short distance of the location of its power plant. One of the chief elements in determining the cost of power is the distance of transmission, and the transmission distances in the case of a municipal plant are so much shorter than the transmission distances in the case of power distributed by a private plant over stretches of 200, 250, or 300 miles that the index suggested is merely helpful, it seems to me, rather than being a criterion. I just throw that thought out for what it may be worth.

Mr. NORRIS. Some of the rates that I have here were made by power companies——

Mr. SIMMONS. Mr. President, if the Senator will pardon me, I wish to say just a word further along the same line.

Mr. NORRIS. Very well.

Mr. SIMMONS. I happen to know of a certain town in my State where the rate for electric current is much higher than it is in Washington; but that is justified by saying that the patrons are limited in number, while the Washington municipally owned plant has a large patronage; and the North Carolina plant can not afford, therefore, to give the same rate that is given here. So we have to pay a much higher rate in that town, which is the town where I live.

Mr. NORRIS. The Senator refers to a municipally owned plant in Washington. Of course, there is not a municipally owned plant in Washington.

Mr. SIMMONS. I was merely assuming that there was one here; I was using that for the purpose of illustration. I know there is not a municipally owned plant in Washington.

Mr. NORRIS. It is true, Mr. President, that electricity ought to be supplied in a large city cheaper than in a little village; that is reasonable; but the Senator's argument——

Mr. SIMMONS. But I did not finish, if the Senator will pardon me.

Mr. NORRIS. Very well.

Mr. SIMMONS. I was going to say that in that very town, my home town, there is another corporation which leases power from the municipally owned plant and distributes that power to cities within a radius, I will say, of 40 or 50 miles. That corporation has its lines running out to those other places, and it charges three or four times as much for that power in those towns located 40 or 50 miles away as it pays for the power which it buys from the city-owned plant. The corporation, however, justifies its rates upon the ground that the chief cost is not in producing the power but in transmitting the power. I should like to hear the Senator upon that question. I have been bothered very much because of that situation in North Carolina. I have complained very seriously of it, and I have almost gotten into a lawsuit about it.

Mr. NORRIS. There is no justification whatever for that claim. The cost of the transmission of electricity for 40 or

50 miles is so small that it can hardly be estimated. Electricity from such a plant as is located in Ontario, Canada, is carried for 250 miles and sold to the individual consumer in his home at less than 2 cents a kilowatt-hour. In transmitting current 40 or 50 miles there is practically no loss whatever, if the right kind of a system is used.

Mr. SIMMONS. Does the Senator include in his statement the cost of the line and the maintenance of the line, as well as the power?

Mr. NORRIS. Yes, sir; I include everything, even an amortization charge that will pay the entire cost in 30 years. There is more deception practiced upon the people of the United States in the case of electric-light rates than in almost any one thing that I know anything about.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator a question?

Mr. NORRIS. Yes.

Mr. SHORTRIDGE. Is it or is it not possible to ascertain the cost of the plant and of the transmission line and then of the several elements of expense necessary to furnish the power? If it is possible, can not the regulating body, be it a council or be it a commission, ascertain all of those facts and then fix rates accordingly?

Mr. NORRIS. Yes; there is no difficulty about it whatever; that is what is done under any scientific arrangement.

Mr. SHORTRIDGE. I should like to make a further inquiry. Why, then, if it is easy to ascertain all these elements of cost, initial cost and running expenses, are not those items ascertained and rates appropriately fixed, so that a company may earn a reasonable return?

Mr. NORRIS. The utility companies deceive the regulating body.

Mr. SHORTRIDGE. I am not asking the question in a controversial spirit.

Mr. NORRIS. I understand that. The men who are regulating rates in California, for instance, are coming in daily contact with the finest experts in the world and they are always on one side; they are continually confronted with them. They are honest; they lean backward in order to be fair and not do an injustice; and the result is that they are often deceived, honestly deceived. That is what Mr. Scattergood says. We ought to have these signposts, these places where you can go and have the books thrown open, without any attempt or desire to deceive you or to mislead you; and I will call attention right now to a comparison between Los Angeles and San Francisco.

San Francisco was supplied—I do not know whether it is still that way or not, but until recently, at least, and perhaps still, San Francisco was supplied—with electricity from a privately owned corporation. It was supplied with water from a privately owned corporation. Los Angeles was supplied with electricity from a municipal plant, and with water from a municipal plant. The cities were not very different in population. Now, here are the rates:

The rates for lighting in San Francisco are 11.2 per cent higher than in Los Angeles. Sometimes it is asserted that these municipally owned plants make low rates for the people in their homes, but that they charge exorbitant rates for power. That is an argument that is sometimes used, and they say it is a political maneuver; but it is not true. That is the only thing I know about it that is wrong; it is just simply untrue; and San Francisco and Los Angeles illustrate that.

The rates for lighting in San Francisco are 11.2 per cent higher than in Los Angeles, and the rates for power in San Francisco are 12.7 per cent higher than in Los Angeles. There you have the comparison for both light and power. They are cities of nearly the same size, in about the same locality, one owning its electric-light plant and its water plant and the other supplying its citizens with water and with light from a privately owned system.

Mr. McKELLAR. Mr. President, do they have a regulatory commission in California?

Mr. NORRIS. Yes, sir; they have a regulatory commission.

Mr. McKELLAR. How do they regulate rates in such a way as to have one rate for one city and another rate for another?

Mr. NORRIS. They do not regulate the municipal rates. Those rates go down below their regulations. I assume that the commission in California is composed of able and honest men, and this private company supplying water and light to San Francisco make their arguments day after day, time after time, with the best experts in the world on their side and nobody on the other side, at least not experts on the other side, and the members of the commission perhaps are not experts, and that is the result. That is the result everywhere. These commissions do lots of good, I take it; but there is nothing like competition from a few outstanding places.

Now let me give you another comparison between Los Angeles and San Francisco.

If the people in Los Angeles had paid the same rates for their water and their power in 1924 that were charged by the private utilities in San Francisco that year, they would have paid nearly $15,000,000 for the water and power that they actually used. There is a difference between those two cities in one year of almost $15,000,000, and I understand that that is more than the entire municipal tax of the city of Los Angeles for that year. That pretty nearly meets this tax bugaboo that we always hear about.

Mr. President, much more could be said about Los Angeles, but I want to pass on. I am going to take up Tacoma. That is out on the coast also; and I shall have something to say about taxes at Tacoma.

Tacoma owns its municipal electric-light plant.

Mr. SHORTRIDGE. Mr. President——

Mr. NORRIS. I yield.

Mr. SHORTRIDGE. Before the Senator turns away from those California cities, assuming that we have honest officials to pass upon the matter of rate fixing, I suppose they take into consideration the cost of the plant and the cost of delivering the product to the consumer; and taking those things into consideration, they seek to fix a rate which will yield a fair return upon the investment. I suppose that is the process.

Mr. NORRIS. I suppose so.

Mr. SHORTRIDGE. If a given rate is manifestly too high, then it argues that something was wrong in the process of rate fixing, does it not?

Mr. NORRIS. I should think so; yes.

Mr. SHORTRIDGE. Then where does the relief come?

Mr. NORRIS. The relief comes in doing what Los Angeles did. I supposed the relief was going to come to San Francisco long ago when I did the best I could to see that San Francisco got her power and her water from the great Hetch-Hetchy development; but it seems, under some kind of manipulation, that the people of San Francisco and the surrounding cities did not get the benefit of that legislation.

Mr. SHORTRIDGE. There is one other method, is there not, to get the proper relief, and that is to elect the right kind of men to fix the rates?

Mr. NORRIS. Yes, sir; and I ought to say to the Senator that that applies both to the privately owned and to the municipally owned plants. I concede that if you elect or appoint a lot of crooks to run a municipal plant they will run it into the ground. They would do the same thing with a privately owned plant. In other words, there is not any place for dishonesty and crookedness in any of these things, whether private utilities or public utilities.

Mr. SHORTRIDGE. What we want is honest and capable men.

Mr. NORRIS. Exactly.

Now I will take up Tacoma; and, Senators, this is one of the most interesting studies, I think, of any city in the United States. They have by nature cheap power; that is true. They have an advantage over a good many other localities.

First I want to give you their electric rates:

Lighting and cooking, 4½ cents per kilowatt-hour for a quantity—at least 20 kilowatt-hours—equal to four one-hundredths of the floor space of the house with bedrooms and hall taken as half size; 1 cent per kilowatt-hour for the remainder; minimum charge, 50 cents per month.

That is a little bit complicated, but if you will look it squarely in the face it is very easy of solution. A good many cities, even in Canada—and I think that method of counting cost is increasing—do it on the basis of floor space, so as to charge the man with a mansion just a little bit higher initial rate than the man with an ordinary house. For instance, I think in Toronto, Canada, their rate starts out by charging 2 cents a kilowatt-hour for the first three kilowatts for each 100 square feet of floor space. It is not hard to figure. It results in the man with a great big mansion paying a little bit more for the first three kilowatt-hours and then the rate drops to all alike to 1 cent a kilowatt-hour, which, on the average, reduces the rates much below 2 cents per kilowatt-hour in that city. Tacoma has something similar as to that; but before I leave Tacoma I will give you a sample of just how this figures out in a large house and compare it with houses somewhere else. So it goes down to 1 cent per kilowatt-hour. For commercial lighting—that is, for stores, and so forth—there are two schedules. The customer can take his choice. Schedule 1 is 3½ cents for the first 1,000 kilowatt-hours; all over 1,000 kilowatt-hours, 2 cents.

That is a very low rate. That is away below the average of the cities of the world. In Tacoma there are a good many houses that are heated by electricity. There are houses in

Tacoma that have not any chimneys, that have been built since this plant has been in operation, and take their heat from the municipal plant.

Here is a bill of current consumed between March 14 and April 11, 1927, a little less than a month. The consumer used 158 kilowatts during the month. The total amount that he had to pay for that much electricity was $2.90. He had a range and a washing machine and all kinds of things in his house. Suppose he had been in Washington, D. C.—and we have much lower rates here than a good many other cities—and he had used that much current here; let us see how much he would have had to pay. He would have had 58 kilowatt-hours, at 6¼ cents, $3.62. He would have had 10 kilowatt-hours if he had had a range—I am assuming that he had one—at 6¼ cents, 63 cents, and 90 kilowatt-hours, at 3 cents, $2.70; so his total bill in Washington, D. C., would have been $6.95—practically $7. In Tacoma it cost him $2.90—practically $3. In other words, it would have cost him more than twice as much in Washington, D. C.. as he paid in Tacoma.

Mr. President, I have here a very interesting table from Tacoma that I desire to have printed in the RECORD at this point in my remarks. I ask unanimous consent to have it printed in the RECORD.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

Comparison Tacoma municipal lighting versus Alabama Power Co.

POWER

Horsepower	Kilowatts	Load factor	Consumption, kilowatt-hour	Monthly cost		Average rate per kilowatt-hour		Difference	Per cent difference
				Tacoma	Alabama Power Co.	Tacoma	Alabama Power Co.		
		P. ct.				*Cents*	*Cents*	*Cents*	
10	7.46	15	805.7	$11.86	$25.36	1.472	4.389	2.917	198.2
		25	1,342.8	14.54	48.05	1.083	3.578	2.495	230.4
		40	2,148.5	18.57	64.16	.864	2.986	2.122	245.6
25	18.65	15	2,014.2	29.65	78.26	1.472	3.885	2.413	163.9
		25	3,357.0	36.37	105.12	1.083	3.131	2.048	189.1
		40	5,371.2	46.44	141.69	.865	2.638	1.773	205.0
50	37.30	15	4,028.4	59.31	146.52	1.472	3.637	2.165	147.1
		25	6,714.0	72.74	183.09	1.083	2.727	1.644	151.8
		50	13,428.0	106.31	250.23	.792	1.864	1.072	135.4
75	55.95	20	8,056.8	99.03	224.50	1.229	2.786	1.557	126.7
		30	12,085.2	119.17	264.78	.986	2.191	1.205	122.2
		50	20,142.0	159.46	345.21	.792	1.714	.922	116.4
100	74.60	20	10,742.4	129.82	279.32	1.208	2.600	1.392	115.2
		30	16,113.6	156.68	333.04	.972	2.067	1.095	112.7
		50	26,856.0	207.12	433.60	.771	1.615	.844	109.5
200	149.20	20	21,484.8	209.64	236.33	.976	1.100	.124	12.7
		30	32,227.2	259.79	354.50	.806	1.100	.294	36.5
		50	53,712.0	324.24	581.48	.604	1.083	.479	79.3
300	223.80	20	32,227.2	289.47	354.50	.898	1.100	.202	22.5
		30	48,340.8	344.68	525.08	.713	1.086	.373	52.3
		50	80,568.0	441.37	858.18	.548	1.065	.517	94.3
500	373.00	25	67,140.0	474.19	722.47	.706	1.076	.370	52.4
		50	134,280.0	675.61	1,361.02	.503	1.014	.511	101.6
		90	241,704.0	997.88	2,306.98	.413	.954	.541	131.0
750	559.50	25	100,710.0	666.29	1,058.89	.662	1.051	.389	58.8
		50	201,420.0	968.42	1,964.57	.481	.975	.494	102.7
		90	362,556.0	1,451.82	3,334.23	.400	.920	.520	130.0
1,000	746.00	25	134,280.0	858.38	1,361.02	.639	1.014	.375	55.9
		50	268,560.0	1,261.22	2,535.26	.470	.944	.474	100.9
		90	483,408.0	1,905.76	4,361.47	.394	.902	.508	128.9
2,500	1,865.00	25	335,700.0	2,010.95	3,105.95	.599	.925	.326	54.4
		50	671,400.0	3,018.05	5,959.40	.450	.888	.438	97.3
		90	1,208,520.0	4,629.41	10,524.92	.383	.871	.488	127.4
5,000	3,730.00	25	671,400.0	3,931.90	5,959.40	.586	.888	.302	51.5
		50	1,342,800.0	5,946.10	11,666.30	.443	.869	.426	96.2
		90	2,417,040.0	9,168.82	20,797.34	.379	.860	.481	126.1
10,000	7,460.00	25	1,342,800.0	7,773.80	11,666.30	.579	.869	.290	50.1
		50	2,685,600.0	11,802.20	23,080.10	.439	.859	.420	95.7
		90	4,834,080.0	18,247.64	41,342.18	.377	.855	.478	126.8
15,000	11,190.00	25	2,014,200.0	11,615.70	17,373.20	.577	.863	.286	49.6
		50	4,028,400.0	17,658.30	34,493.90	.438	.856	.418	95.4
		90	7,251,120.0	27,326.46	61,887.02	.377	.853	.476	126.3
20,000	14,920.00	25	2,685,600.0	15,457.60	23,080.10	.576	.859	.283	49.1
		50	5,371,200.0	23,514.40	45,907.70	.438	.855	.417	95.2
		90	9,668,160.0	36,405.28	82,431.86	.377	.853	.476	126.3

Mr. NORRIS. I desire to comment on this table.

We have heard it said so often, "These municipal plants and this Canadian municipal company"—a publicly owned company; it is not municipal—"give the domestic consumers the advantage. They do not give the power consumers a fair show." I have shown you about Los Angeles having power from her municipal plant 12 per cent cheaper than San Francisco from the privately owned plant. Now I am going to compare the rate charged for power—this is purely a power proposition—at Tacoma, from the municipal plant, with the rate charged for power by the Alabama Power Co. I have a table here running from 10 horsepower all the way up to 20,000 horsepower by easy stages, showing just what it would be in each place.

Let us take the case of a small user of power, and assume that he had 10 horsepower, and let us assume that the load factor is 15 per cent. That is a very low load factor. That is, he would be using it only 15 per cent of the time. The man in Tacoma who used that 10 horsepower for a month would have had to pay $11.86. If he had bought it from the Alabama Power Co. in Birmingham, Ala., he would have had to pay $25.36. You can take your choice. The privately owned plant is a beautifully equipped one, with all the incidents of efficiency; but the poor, neglected consumer has to pay more than twice the amount for power supplied by the Alabama Power Co. that he would have had to pay at this wretched municipal plant out in Tacoma. It is an awful thing, is it not? Suppose we say 25 per cent load factor, with the same 10 horsepower. He would have had to pay to the municipal plant in Tacoma $14.54, but the Alabama Power Co. would have charged $48.05 for the same service. That would have been an increase of 230.4 per cent.

Suppose, again, that there was a 40 per cent load factor, that he was using the current 40 per cent of the time. He would have had to pay in Tacoma $18.57. He would have had to pay the Alabama Power Co. $64.16, a difference of 245 per cent.

Suppose this consumer was going to take a hundred horsepower under a 20 per cent load factor. In one month that much power, if he had gotten it from the Tacoma municipal plant, would have cost him $129.82, and if he had bought it from the Alabama Power Co., it would have cost him $279.32, an increase of 115 per cent.

Suppose he wanted a thousand horsepower. That would have cost him at Tacoma $7,773.80 on a 25 per cent load factor. The Alabama Power Co. would have charged him $11,666.30, an increase of just a little bit over 50 per cent.

Suppose he wanted 20,000 horsepower, and he wanted it on a 90 per cent load factor, using it 90 per cent of the time. It would have cost him in Tacoma, from the municipal plant, $36,405.28; but the Alabama Power Co. would have charged him $82,431.86, an increase of 126 per cent. That is power comparison.

I want to add that I am going to consider taxes in this comparison. It is said that the Alabama Power Co. pays taxes, and that those taxes must be considered in figuring what it charges for service. That is true, I admit; but out in Tacoma the municipal plant pays what is equivalent to taxes to meet the tax argument. They pay 5 per cent of their gross receipts to the treasury for taxes. I want to read from their report. In 1925 that municipal plant paid $77,730 in lieu of taxes. They have paid, commencing back in 1917, when they paid $28,219.02 in taxes, increasing every year, because their business increased, until in 1925 they paid over $77,000 in lieu of taxes.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. NORRIS. Certainly.

Mr. CARAWAY. How much is the investment worth?

Mr. NORRIS. I have the figures here somewhere.

Mr. CARAWAY. If it is not convenient, I will not bother the Senator.

Mr. NORRIS. I have the figures here in this book, but I do not know that I have the place marked, and I could not give the figures from memory.

Mr. CARAWAY. Somebody has to furnish the capital on which the municipal plant operates?

Mr. NORRIS. Yes; and they are paying interest on all the capital. They borrow money to carry on, and are paying the debt off; and included in these rates is an amortization fee, to pay off the principal of money they have borrowed.

Mr. CARAWAY. Is the overhead, the pay of the men, supervision, and all those things, borne by the plant, or is it borne by the municipality?

Mr. NORRIS. Oh, yes; it is all paid by the system itself. I think it is Tacoma, perhaps of some other town the statistics of which I have here, but I have the statistics of one town where the system is supplying electricity, and even paid rent to the city for the rooms it occupied in the city hall.

The taxes paid for the year 1925 by the private power companies amounted to 4.86 per cent of their total gross revenues. This amount can be contrasted with the 5 per cent which the city of Tacoma pays to its general fund which last year amounted to more than $80,000.

Few people realize that Tacoma's municipal plant pays a 5 per cent gross revenue tax into its general fund each year, which appears to be a greater tax than is paid by the private power companies in this State. In face of this it is incontrovertible that Tacoma's power and light

rates are the lowest in the United States, taken as a whole; you, of course, realize why; the reasons are set out more fully in one of my inclosed articles under the caption of "Financing causes high power rates."

That is from a letter written by Kenneth G. Harlan, public-utility engineer—and incidentally I want to say that Mr. Harlan prepared the table from which I have been reading and which I will print in the RECORD.

In 1925 the Tacoma plant, after paying all the expenses, including 5 per cent in lieu of taxes——

Mr. SHORTRIDGE. Five per cent in lieu of taxes?

Mr. NORRIS. Yes. Under the law they are not taxed, but in order to meet the tax argument the charter provides that they shall pay 5 per cent of their gross revenue into the treasury of the city.

Mr. SHORTRIDGE. In lieu of taxes?

Mr. NORRIS. Yes. Their surplus in 1925 was $914,862.39. That was for one year. They have had a surplus every year since 1917, exceeding in each year $250,000, and in only one year was the surplus less than $300,000, and in only one year was it less than $400,000 during all those years.

Mr. SHORTRIDGE. May I ask the Senator another question?

Mr. NORRIS. Certainly.

Mr. SHORTRIDGE. Did that surplus go into the general fund of the city?

Mr. NORRIS. No.

Mr. SHORTRIDGE. What became of it?

Mr. NORRIS. That is kept in its business, of course. I suppose they take that surplus and use it to build additional plants, to extend the service, and so on. It represents, in reality, their profit, after setting aside the depreciation and all that.

Mr. SHORTRIDGE. But it is money belonging to the city?

Mr. NORRIS. Of course, the plant is owned by the city. The plant is owned by the city, but operated by a company.

Mr. SHORTRIDGE. The company retains that surplus as the legitimate profit arising from the operation of the plant?

Mr. NORRIS. Oh, yes; it goes into the business.

I want now to read from an article by Mr. Bone, the general counsel for the Port of Tacoma. I may say to the Senator from California that I may be wrong about it, but I think the technical, legal name of the activity that furnishes the electricity is the "Port of Tacoma." It is a sort of incorporated concern, incorporated to carry on this business, all owned, of course, by the city. Mr. Bone is general counsel for the Port of Tacoma and the municipal corporation which operates the port terminals in the Washington city. Here are some of the things he says:

A clerk in the offices of the grand lodge consumed 70 kilowatt-hours of electricity in October, for which he paid $4.38 to a private Power Trust.

He could have secured the same amount of "juice" from the municipal plant in Tacoma for $1.54.

In other words, he contributed to the Power Trust in October $2.84, or about $34 a year.

Tacoma's publicly owned light plant is saving her citizens over $3,000,000 annually.

If Tacoma raised its rates to meet the price charged in its neighboring city, Tacoma could cease to collect taxes and make the light department run the city—

That is mathematically true.

On July 1, 1926, the base rate was again lowered to 4½ cents. The second rate is 1 cent and the third rate is one-half cent. There are 30,000 light customers. The rates above noted cover house lighting, cooking, and accessories of all kinds. Taking all of these homes, the average consumption at the base rate is 32 kilowatt-hours per month. Many of the small homes get the 1-cent rate after using 20 kilowatt-hours of service.

The home of the writer is very large and must consume 54 kilowatt-hours at the base rate before getting the 1-cent rate. In January, this home consumed 628 kilowatt-hours for lighting, cooking, and accessories. The bill for this service would be as follows:

54 kilowatt-hours, at 4½ cents	$2.43
574 kilowatt-hours, at 1 cent	5.74
628 kilowatt-hours	8.17

or about 1⅓ cents per kilowatt-hour for all current used.

Tacoma also gives a rate of one-half cent for house heating, which is on a separate circuit.

Listen to this:

And some 2,700 homes use electric heat, many of them being without chimneys. Dirt is banished by the magic of "white coal." Thousands of electric ranges are in use and more are being added daily. The range goes on the lighting circuit, and practically all of the range current is at the 1-cent rate, which drops to one-half cent after using 800 kilowatt-hours.

So, Mr. President, I might go on almost without limit.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. HARRIS. One of the points of opposition raised against this measure is that it would put the Government into business. I am sorry I missed part of the Senator's remarks, and I am wondering whether he has shown that the Government has been in business for nearly a hundred years in manufacturing munitions other than nitrates at the Frankford Arsenal, at Rock Island, and near Washington, and at a number of other places. I wonder if the Senator has brought that out.

Mr. NORRIS. No; I will say to the Senator that I have not brought that out, and I will be very glad if he would do so. Some time ago I referred to the fact that I had been taking up so much time of the Senate that I had cut out a good many things I wanted to say. I would be very glad, indeed, if the Senator himself would take up that subject and discuss it.

Mr. HARRIS. I have asked the War and Navy Departments to give me information as to what the Government is doing along that line. This is not a new development.

Mr. NORRIS. Mr. President, I am going to take up the city of Springfield, Ill., where they have municipally owned electric-light plant. I have before me the report for the year ending February 28, 1927. I have a later report, but I made my calculations on the basis of this report before I received the later one. They are practically the same, however.

The Springfield, Ill., plant is owned by the city of Springfield. In the vicinity of Springfield are several other cities, and I want to compare the rates charged for electricity in Springfield with the rates charged in the other cities in that vicinity in Illinois, all of them privately owned, and, I think, every one of those cities supplied by corporations dominated by Mr. Insull, who, it will be remembered, was recently trying to convince the Senate that he was entitled to buy a seat in this body for his special favorite. It is interesting to know that this man Insull comes in competition, not directly but in a way, with the municipally owned plant at Springfield.

Let us take a bill for 150 kilowatts of lighting or domestic service, a bill of 1,500 kilowatts of commercial service, and a bill for 4,000 kilowatts upon the power-service basis and compare them in all these cities. I want to compare the domestic service, the commercial service, and the power service.

For 150 kilowatts on the lighting service in Springfield, Ill., the customer would have to pay $5.28. If he lived in Bloomington, Ill., where Mr. Insull, under the blessed private initiative scheme, lives and operates and dominates, he would have to pay $15. If he lived in Danville, Ill., where Mr. Insull likewise, I presume, controls the situation, he would have to pay $11.25. If he lived in Decatur, Ill., he would have to pay $15. In East St. Louis he would have to pay $7.43; in Elgin, Ill., $15; in Peoria, $6.84; in Quincy, $9.75; in Urbana, $13. Remember that the same man in Springfield, Ill., would have to pay only $5.28.

Suppose that man was in business and taking light as a commercial customer and consumed 1,500 kilowatts per month. In Springfield, Ill., it would cost him $30. In Bloomington, Mr. Insull's blessed prerogative, it would cost him $100.50; in Danville, $84; in Decatur, $96; in East St. Louis, $64.97; in Elgin, $73.12; in Peoria, $55.28; in Quincy, $58.50; in Urbana, $97.50. I hope that Senators have not forgotten that the bill for the same service in Springfield, Ill., would be $30.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Minnesota?

Mr. NORRIS. Certainly.

Mr. SHIPSTEAD. The Senator realizes, of course, that the responsibilities and duties of a sovereign require that he levy taxes of some kind. A man who has aspired to sovereignty and achieved sovereignty certainly must have some way of supporting his system of government.

Mr. NORRIS. Of course. If Mr. Insull paid $125,000 toward the candidacy of Mr. Smith, who had supervision over all these towns to which he furnished electricity, he had to get it back in some way, and so the poor people in Bloomington and Decatur and the other towns I have named had to bear the burden and pay the bill, as they always do. The big fellows never pay the bill. The customers pay the bill. Add 2 cents, and lo! it all comes in as by magic. It is easy.

Mr. SHIPSTEAD. Sovereigns do not like to have other people look into their affairs.

Mr. NORRIS. No; that is true.

Mr. SHIPSTEAD. They stand upon their rights as sovereigns. They do not like investigations.

Mr. NORRIS. I would like to go on with this comparison just a little further. Suppose we were buying power and we consumed 4,000 kilowatts per month. The Springfield municipal plant would charge us $68. In Bloomington, Ill., if we lived there and got our power from Mr. Insull, we would pay $166 for the same thing; in Danville, $142; in Decatur, $162.50; in East St. Louis, $101.89; in Elgin, $213; in Peoria, $98.10; in Quincy, $118; in Urbana, $174; all of which could have been bought in Springfield, Ill., of this much-hated and much-despised municipally owned plant for $68.

We talk about manufacturing, we talk about wanting to make goods cheaply so the consumers of the country will not be overcharged, and so we can compete with foreign competitors, and yet it will be insisted that we pay such prices for power to these privately owned corporations that are spending your money and my money in trying to corrupt the Senate of the United States and buy seats here. Some people insist on giving them $2 for this service instead of getting it for $1 or less from a municipally owned plant like they have in Springfield, Ill. Oh, consistency, you are fled to the woods! There is no consistency left.

If we want to advance in industry, if we want to be able to compete in foreign markets, it behooves us that we should say to the Water Power Trust in Illinois, represented by Insull, "Your control over politics in the Government of the State and of the Nation is ended, and we are going to do business on a fair and honest scale. We will not listen longer to this condemnation of governmental inefficiency when you yourselves are the most inefficient of any concern that can possibly be brought into public view."

Mr. SHIPSTEAD. The Senator would not confine that to Illinois, would he?

Mr. NORRIS. Oh, no; I would not confine it to Illinois.

Mr. SHIPSTEAD. I thought the Senator said Illinois.

Mr. NORRIS. Oh, Mr. Insull does not confine himself to Illinois, either.

The Springfield municipal plant had a very hard time in the beginning. They had the same experience that all municipal plants have had. I think I have among my papers a statement with reference to the lawsuits in which they became involved. The privately owned concerns always commence injunction proceedings and all kinds of litigation and obstruct municipal plants in every way possible. They go into politics and denounce as a Bolshevik or something worse the man who says, "I want a municipal plant." They go into the courts, and the litigation goes to the Supreme Court of the United States, for all of which the people have to pay on both sides, because the privately owned plant with almost unlimited expenses gets every cent of its income from the pockets of the people who consume electricity, which goes into every home, and goes to every student working his way through college, and to everybody else who consumes electricity. In the budget of every workingman's home and every business man's home everywhere in the United States are found these exorbitant rates, made in many instances as a result of the use of the flowing water which God has placed on the mountain tops and which delivers its unseen power into our homes and puts money and profit into the coffers of the rich as it trickles down the mountain side and turns itself into what we call electricity.

Let us see what are the rates in Springfield, Ill. The first 30 kilowatts cost 6 cents each, the next 70 cost 3 cents each, and all over 100 kilowatts cost 2¾ cents per kilowatt, with a minimum monthly bill of 50 cents. If this municipally owned utility once gets out of debt, as it is rapidly doing, those rates of course will be reduced much further. They have a separate rate for cooking of 1½ cents per kilowatt-hour. That is what the people pay for cooking in Springfield, Ill., if they are getting current from the municipal plant.

The street lighting, water, and electric rates per kilowatt-hour are 2 cents, and if we figure it out it will be found that that is very cheap. The lighting rates in force at the time the municipal plant in Springfield, Ill., was established were 13 cents for the first 30 kilowatts, 9 cents for the next 30 kilowatts, and 6 cents for all over 60 kilowatts, less 10 per cent discount for prompt payment.

I want to read from an article in a newspaper published in Springfield, Ill., entitled "A wicked public ownership," as follows:

A distinguished public-utility magnate is quoted in the press as declaring that public ownership is "wicked." If that be true, Springfield, the capital of Illinois, is an example of extreme and continuing wickedness.

In 1894 some public-spirited citizens of that town got together and subscribed $60,000 to build a plant for street lighting, to escape the extortion of the private corporation which then had a monopoly. The plant paid for itself in five years and then was donated to the city. This, from the corporation point of view, is appalling wickedness. It should have been capitalized at "reproduction cost" and unloaded on the community in that form.

For 21 years the plant continued lighting the streets. Then, in 1915, Willis J. Spaulding became manager and started in on commercial lighting and power distribution. By 1925 the city had secured 11,637 customers and had cut the rate for lights from 13 cents per kilowatt-hour to 6 cents. Obviously this is worse wickedness and more of it.

But that is not all. Instead of running behind, as publicly owned plants are supposed to do to suit corporation arithmetic, the public plant of Springfield is making money. It earned $115,000 above all charges in 1924 and $159,000 in 1925. This surplus—about $2 per year for each man, woman, and child in the city—belongs to the people instead of to a corporation. In addition the plant saved the people $549,000 in 1925 through reduced rates. Samuel Insull would agree that this is unparalleled wickedness!

In other words, the people of Springfield are saving more out of their water and electric plants than their city government costs them. Words fail to describe such wickedness.

Mr. President, I shall take up a branch of the tax question now. I am sorry that my good friend the senior Senator from New Jersey [Mr. EDGE] is not present, because I want to refer to a town in his State. South River, Mr. President, in New Jersey, is called——

Mr. EDGE entered the Chamber.

Mr. NORRIS. I am glad to see that the Senator from New Jersey is now present.

South River, in New Jersey, is called "The town with no local tax." I have here [exhibiting] a picture of a billboard that is on the outskirts of the town. When one is driving into that beautiful place, he sees by the side of the highway that billboard with the legend, "The town with no local tax—South River."

Mr. EDGE. It is to be congratulated, is it not?

Mr. NORRIS. It is, indeed. The billboard further reads:

Electric light, water, sewers, garbage collections, paved streets, gas, etc.; water front and railroad connections; ideal residential town; manufacturers investigate before locating elsewhere.

That is South River, N. J. I hardly know how it can be in the same State in which the Senator's home is located, but it is. For electric light the municipally owned plant in South River does not charge any more nor any less than is charged in adjoining cities, but that municipal plant makes so much money that the town levies no tax. We are always told that these measly, inefficient municipal plants do not pay. Here is one that makes such profit that the town does not have any local taxes to pay. Nobody pays taxes in South River for municipal purposes. The people there merely pay their electric-light bills at the same rate that citizens in neighboring towns pay, and they make so much money that they do not need to tax themselves. That is in New Jersey.

Mr. EDGE. Mr. President, has the Senator from Nebraska the figures that would warrant his statement that the profit on the electric-light system is the only income that the people have which produces that utopian situation where no one is compelled to pay taxes?

Mr. NORRIS. I have the figures, and I am about to produce them.

Mr. EDGE. I shall be delighted to hear them.

Mr. NORRIS. They charge for some things. I suppose if I went there to sell something on the street, I would have to pay a license; I have an idea I would, but I do not know. However, South River is a taxless town. It owns and operates its electric-light and water-supply systems. The net income from these public utilities is sufficient to provide the funds required for the municipal budget. The rates charged for electric light and city water service are the same as the charges in adjoining towns which are supplied by private companies. Both the electric and water systems are modern installations, well maintained and efficiently operated. They have efficiency in these publicly owned electric-light plants even in New Jersey.

Mr. EDGE. We usually have efficiency in the conduct of municipal affairs in New Jersey.

Mr. NORRIS. When the Senator finds out how efficient the municipally owned plant in South River is he will have to change his ideas, I am afraid, about some things. Let me give the Senator some figures.

Mr. EDGE. I do not know that the Senator from Nebraska is entitled to state the ideas of the Senator from New Jersey.

Mr. NORRIS. I shall not try to do so.

Mr. EDGE. The Senator from New Jersey himself usually states his ideas when it is necessary to do so.

Mr. NORRIS. I shall be willing to concede that right to my friend. If I misstate his position I want to be corrected.

I will tell the Senator just where South River is, so that he may visit that town. South River is located midway between New Brunswick and Perth Amboy, in New Jersey, on the South River, giving the town direct water transportation to New York.

The town covers an area of 8 square miles, and has a population estimated at over 10,000. Its leading industries are needle work, laces, embroideries, and its manufacturing establishments principally clay products, such as hollow tile, stucco, and enameled brick. The electric power and light and the city water service are supplied by the city, which owns and operates these two public utilities. Electric power is generated by two Diesel engines—they do not even have water power there—of 520 horsepower and 720 horsepower, respectively. A third engine of 1,150 horsepower, with building capacity for a duplicate unit, is now being installed, making the ultimate capacity of the plant 2,520 horsepower, or approximately 2,000 kilowatts.

Mr. FLETCHER. Mr. President, will the Senator allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Florida?

Mr. NORRIS. I yield.

Mr. FLETCHER. I take it that the fuel used there is oil.

Mr. NORRIS. Yes.

Mr. FLETCHER. And the town being on the water, they have water transportation for their oil, and get it at a very reasonable rate.

Mr. NORRIS. I suppose they do.

Electric service is sold at rate schedules closely approximating the rates for similar service furnished by the public utilities to adjoining towns which are served from the system of the Public Service Co. of New Jersey and the Eastern New Jersey Power Co. The rate schedules are compared, as follows:

Residence lighting in South River for first 500 kilowatt-hours, 9 cents; Public Service Co. rates in adjoining towns, first 20 kilowatt-hours, 9 cents.

The rates, then, run a little differently; the next steps being—

South River: Next 500 kilowatt-hours, 8.1 cents; next 1,000 kilowatt-hours, 7.2 cents.

Public Service Co.: Next 30 kilowatt-hours, 8 cents; next 700 kilowatt-hours, 7 cents.

The price of retail power in South River for first 100 kilowatt-hours is 8.1 cents; for the first 20 kilowatt-hours furnished by the Public Service Co., use of demand, the rate is 9 cents. The rates are practically the same, although the rate of the South River plant, first step, is for a hundred kilowatt-hours, while for the private company the first step is only 20 kilowatt-hours.

For the next 50 kilowatts the privately owned company charges 5 cents, while for the next 900 kilowatts the South River plant charges 7.2 cents. It would be necessary to figure out bills in order to know which charge was the greater. In other words, the people of South River are undertaking at their plant to charge the same rates that consumers elsewhere in New Jersey have to pay. The engineer who made this comparison for me has figured it out and shows that there is practically no difference in the cost to the consumer of either domestic or commercial consumption of electricity.

Mr. HARRISON. May I ask the Senator what is the cheapest rate for industrial power from the municipally owned plant?

Mr. NORRIS. I do not know whether I can give the figures. As to wholesale power, the charge for the excess above 10,000 kilowatt-hours in the case of the South River plant is 2.7 cents, while in the case of the privately owned plant the charge for the excess above 7,000 kilowatt-hours is 1 cent. It will be found, however, if the figures are run down that in some of the lower schedules much more electricity is allowed.

I was just about to read the result of an analysis made by Mr. Rau, who, in my judgment, is one of the best electrical engineers in the United States, a man of national, if not international, reputation. After citing all the figures, he says:

These comparisons indicated that the cost of electric service to domestic consumers is from 10 to 15 per cent less than that charged by the private companies and to the retail and wholesale power consumers from 10 to 15 per cent more.

In other words, as he works out the figures they practically equalize. He says that the domestic consumer gets 10 or 15 per cent the advantage from the municipally owned plant and the power consumer gets from 10 to 15 per cent advantage from the privately owned plant.

But he explains that as follows:

This latter condition, however—

That is, the difference in the cost of power—

affects very few consumers in a town such as South River, there being only three consumers who would receive a lower rate from the private companies on the wholesale power schedule in South River.

The electric plant generated during the year 1926 something like 3,112,850 kilowatt-hours, and the sales were as follows:

I have the table of sales made, the load carried, and all the details, which probably would not be interesting either to the Senate or to the ordinary reader.

Gross operating revenue for the year 1926 was $135,494.67, subdivided as follows:

Paid to electric department by the city:	
Pumping plant	$14,590.00
City street lighting	5,244.68
Electric lighting (estimated 8 cents)	56,501.68
Commercial power (estimated 4½ cents)	59,158.31
Total	135,494.67

Gross revenue per kilowatt-hour generated, 4½ cents.

Operating expenses per kilowatt-hour generated, 1.8 cents.

Gross revenue per kilowatt-hour sold, 5¼ cents.

Operating revenue per kilowatt-hour sold, 2.2 cents.

And out of it comes "the taxless town"!

Total fixed capital in electrical department at the close of 1926 was $300,042.48, of which $117,500 is a funded debt at 5 per cent interest, for which a sinking fund of $8,000 must be set aside each year.

You see, they are paying off their debt. They are setting aside, over there in New Jersey, $8,000 each year as a sinking fund; and here is the financial computation:

Interest and sinking-fund charges are therefore $13,875.

Fixed charges per kilowatt-hour sold, one-half cent.

Net earnings, exclusive of other fixed charges, per kilowatt-hour sold, 2.55 cents.

The gross operating income from the city water department for 1926 was $11,706.32.

The total net income from the electric and water departments was $80,348.84.

The income from these two public utilities, in addition to collection of local licenses and other sources, was more than necessary to provide the funds required under the town budget; therefore the slogan, "The town with no local tax."

Mr. EDGE. Mr. President, if the Senator will permit an interruption——

Mr. NORRIS. Yes.

Mr. EDGE. I just want to express my personal appreciation of the Senator's commendation of the municipal management of that town and to supplement that by the statement that, according to my general recollection, there are a number of towns in New Jersey, including my home town of Ventnor, where the water department is owned by the municipality and conducted, I think, in a very economical and businesslike manner. I think that is quite possible in various cases throughout the country. I join with the Senator in recognizing such management as that and approving of it.

Mr. NORRIS. I thank the Senator most sincerely for his commendation of my course. It is the first time that I have ever known him to approve it publicly.

Mr. EDGE. I was limiting the commendation for the moment to the evidence that the Senator had produced in my hearing.

Mr. NORRIS. Oh, I am not going to hold the Senator liable. I will let him change his mind to-morrow if he wants to, and the next time he speaks in favor of this beautiful private efficiency I want him to think of South River, over in his State, where they levy no tax. The next time he is opposing something that I want on the ground that public ownership pays no taxes, I want him to think of South River.

Mr. EDGE. The Senator will always consider these exceptions where unusual management has made possible these very satisfactory results and still be opposed to the general principle.

Mr. NORRIS. Oh, I had no such thought as converting the Senator. He is too hard-boiled. I do not expect to convert him; but I am glad to get the admission out of him that even in rock-ribbed corporation New Jersey it is possible that there should be a town so efficiently managed that its officials operate it without levying any taxes.

Mr. EDGE. The Senator should emphasize his commendation that New Jersey does produce those results.

Mr. NORRIS. I am trying to do it.

Mr. EDGE. Perhaps he can not demonstrate similar results in some other States of the Union.

Mr. NORRIS. Yes; I can demonstrate it in a good many places, but I am extremely delighted to demonstrate it in New Jersey.

Mr. HARRISON. Mr. President, is the Senator sure that the town is not named "Salt River" instead of "South River"? I was thinking that if the name was "Salt River" the Senator would not invite the Senator to make a visit up there.

Mr. EDGE. I might add, too, for the benefit of the Senator from Mississippi, that South River is one of the very, very strong Republican cities, with a Republican mayor and a Republican municipal government.

Mr. NORRIS. That is another thing I am delighted to hear. It comes so seldom from Members of this body that I am glad to have testimony to my Republicanism, that I am lauding a city over here whose officials are looking after their people so efficiently that they do not need to levy a tax, and they are all Republicans. I am delighted to hear it. Nothing has pleased me more for a good while. I did not know that before.

Mr. EDGE. Mr. President, as I understand, the Senator now classifies our school of thought as the radicals and his school of thought as the conservatives. Is that the new designation?

Mr. NORRIS. I had not classified it.

Mr. EDGE. I thought I understood the Senator to say something like that in some previous speech.

Mr. NORRIS. Perhaps I did say something of that kind; but, like the Senator from New Jersey when he commends my course, I reserve the right to change my mind and to take the other side.

Mr. President, I have a letter here about New Jersey. It is headed, "Is south Jersey paying for South America's electricity?" I ought to read some of it, I think. This is a letter written to the Board of Public Utility Commissioners of New Jersey.

Mr. FLETCHER. Mr. President, the Senator will bear in mind that one of the headquarters of the Cyanamid Co. is in New Jersey.

Mr. NORRIS. Yes; but it is not at South River.

BOARD OF PUBLIC UTILITY COMMISSIONERS OF NEW JERSEY.

GENTLEMEN: In your annual report for 1927 to Governor Moore, just made public, you take a strong stand against Federal control of interstate electric power lines.

After discussing the rapid extension of such power lines, by which New Jersey draws her current from sources in Pennsylvania, Maryland, and New York, you say:

"It is respectfully suggested that any legislation proposed to centralize, in a Federal bureau, regulation of interconnected companies should be strongly opposed * * *. The board believes the citizens of the State, fully informed of the facts, would not be in favor of Federal regulation of any detail of the electrical industry which the State can regulate for itself."

What are the "facts" which would turn citizens of this State against Federal control?

Why not supplement your report to the governor with a report of these "facts"?

In this supplementary report we would like you to answer a few questions.

Are not electric rates much higher in New Jersey than in Pennsylvania and New York?

How is it that Camden pays so much more than Philadelphia, although both cities receive their "juice" from the same power plants of the Philadelphia Electric Co.?

It is difficult for the layman to compare electric rates, as each company has its own system of charges. We appreciate that different businesses require different connected and peak loads. But here is a "fact" which you may incorporate in your supplementary report:

Two similar plants of the same size and operating the same hours in Camden and Philadelphia, compared bills for electricity a few months ago. The Philadelphia plant used 52,000 kilowatt-hours, and its bill was less than $1,000. The Camden plant used 50,000 kilowatt-hours, and its bill was $1,900, less juice at nearly double the cost.

And so it goes on; a demonstration, I think, of the fact that privately owned and operated electric-light plants do what it is natural for human nature to do, and that is to charge all that the traffic will bear; and unless we can have standing out outposts, as we do have, of municipally owned plants where we have exhibitions of efficiency and of cheapness and of utility, we shall be helpless in the hands of an electric-light trust. We owe more to these cities that have demonstrated what is possible in electricity than we do to any other source.

I have called your attention, Mr. President, to instances where the charges for electric-light service would be, if everything else were equal, the difference between success and failure; where in Springfield, Ill., you can get power from the municipal plant for manufacturing purposes more than 50 per cent cheaper than in any of the surrounding cities supplied with electricity from privately owned utilities; and the claim is always made, "Why, the private companies pay taxes and the municipal plants do not."

In addition to what I have already said about taxes in reference to these other plants, I want now to take up the question of taxes and show that it is mostly a bugaboo. It is conceded that a private company must add the taxes that it pays to the price of the current it sells. That is right. It is conceded that as a rule municipal plants do not pay taxes; and whatever that difference is it is perfectly proper to give it the weight and the consideration it is entitled to; but how much is it entitled to?

I have had figured out for me by an engineer the cost per kilowatt-hour of taxes in some of the leading cities of the United States, and I have this result:

New York, which has an average domestic rate for consumers of electricity of 6.72 cents per kilowatt-hour, supplied by a private corporation, pays per kilowatt-hour two hundred and fifty-three one-thousandths of a cent. That is what the taxes amount to that the company pays that supplies New York City with electricity—two hundred and fifty-three one-thousandths of a penny on each kilowatt-hour; and that is the largest of the list that I have.

In Detroit, the private company supplying that city with electricity pays, for each kilowatt-hour it sells, one hundred and fifty-two one-thousandths of a cent. That is practically one and a half mills. It is lost in the equation, and so is every other one.

Philadelphia, supplied with electricity by a privately owned corporation, taxes that corporation on every kilowatt-hour seventy-three one-thousandths of 1 cent. That is so small that on the ordinary bill you could not figure it out in a week. It would make only a few cents difference to every customer in an entire year.

Pittsburgh, likewise supplied by a private corporation, makes that corporation pay taxes, and those taxes amount to sixty-one one-thousandths of a cent on each kilowatt-hour of current that it makes and sells.

Mr. SHIPSTEAD. Mr. President——

The PRESIDING OFFICER (Mr. SACKETT in the chair). Does the Senator from Nebraska yield to the Senator from Minnesota?

Mr. NORRIS. I do.

Mr. SHIPSTEAD. What corporation is that?

Mr. NORRIS. That is the corporation that supplies Pittsburgh, Pa., with electricity. I do not know what its name is. I have not the name here.

Mr. SHIPSTEAD. Is that a corporation that buys electricity?

Mr. NORRIS. Oh, no, no. It is just such a corporation as we have here in Washington. I am going to take up Washington pretty soon. The city of Washington is supplied with electricity by the Potomac Electric Power Co. It pays taxes, and it tries to make us believe that if it had no taxes to pay it could meet these municipal rates. I am showing how much the taxes amount to on each kilowatt-hour of electricity that it sells.

Chicago is supplied with electricity by a private corporation, and that poor corporation pays taxes to the amount of one hundred and fifty-two one-thousandths of 1 cent on each kilowatt-hour.

The West Penn is a corporation that supplies a lot of cities in the vicinity of Pittsburgh with electricity; I do not know how many, but quite a number. It is a privately owned corporation and, of course, has to pay taxes, and those taxes amount to thirty-two one-thousandths of a cent per kilowatt-hour of electricity. In other words, if the customers were able to deduct the taxes the company pays, they could reduce the rate per kilowatt-hour thirty-two one-thousandths of a cent.

Mr. SHIPSTEAD. That would be taxes paid to the visible government?

Mr. NORRIS. Yes.

Now, I have the figures for the city of Washington, taxes paid in the city of Washington, including the Federal income tax, paid by the Potomac Electric Power Co. This is startling, in reality, and I will have to figure it out to see where I am going in my decimals. It amounts to five hundred and ninety-four ten-thousandths of a cent, less than a mill. Your numer-

ator is 594 and your denominator, if you want to put it in common fractions, is 10,000. That is the fraction of a cent this great corporation pays on each kilowatt-hour of electricity that it supplies us. So that if they did not have to pay taxes, they could reduce the rate five hundred and ninety-four ten-thousandths of a cent on each kilowatt-hour they sell us. We would have to keep on getting electricity, if that were the difference, for an ordinary lifetime, in order to get enough of the savings to buy an ordinary meal in an ordinary hotel in the city of Washington. If those taxes do not include Federal income taxes, as some people think, because income taxes are levied on net incomes, then the amount they pay as taxes on each kilowatt-hour is one hundred and eighty-nine ten-thousandths of a penny.

So, after all, Mr. President, these taxes should not make us feel so tender-hearted toward the people who have to pay them, because when you figure it out in terms of the kilowatt-hour that is supplied us, the amount of tax paid by the private company is so small that it is lost entirely in the equation, and if they paid no taxes whatever, the rate they charge us would be exactly the same as it is now. If the taxes were doubled, still the amount as applied to a kilowatt-hour would be so small that nobody would even think of it.

LOAN OF FIELD GUNS TO DALLAS, TEX.

Mr. SHEPPARD. Mr. President, I ask unanimous consent for the immediate consideration of Senate bill 2820, authorizing the Secretary of War to donate certain field guns to the city of Dallas, Tex.

Mr. McKELLAR. Has the bill been favorably reported?

Mr. SHEPPARD. It has been favorably reported by the Committee on Military Affairs. It has the approval also of the War Department.

Mr. WILLIS. Mr. President, I have been trying to get some guns for various cities in Ohio, and was told that there was a general provision in the statutes under which we had to proceed. I was wondering what special dispensation the able Senator from Texas had secured.

Mr. SHEPPARD. Mr. President, the statute to which the Senator refers has reference to guns captured during the World War. The guns covered by this measure were used by the National Guard at Dallas, Tex., for 10 or 12 years prior to the war. When the late war began, new guns were given the guard to take to France, and these guns were stored in a Federal arsenal, where they remain to-day.

Mr. WILLIS. They have been captured by the Senator.

Mr. SHEPPARD. Yes; if the Senator wishes to put it that way.

Mr. WILLIS. Very well; I am satisfied.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments, on page 1, line 4, to strike out the word "donate" and insert the words "loan without bond"; on line 7, to strike out the word "mark" and insert the word "model"; and on line 9, after the numerals "1917," to insert a comma and the words "until such guns may be needed for national defense," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to loan without bond, without expense to the United States, to the city of Dallas, Tex., for the purpose of display in the State fair park in that city, two 3-inch field guns, model 1902, serially numbered 151 and 153, with carriages, which were used by Battery A, Texas National Guard, from 1906 to 1917, until such guns may be needed for national defense.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the Secretary of War to loan certain field guns to the city of Dallas, Tex."

MISSISSIPPI RIVER BRIDGE, WISCONSIN

Mr. BLAINE. Mr. President, I ask for the present consideration of House bill 5818, authorizing J. H. Peacock, F. G. Bell, S. V. Taylor, E. C. Amann, and C. E. Ferris, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Prairie du Chien, Wis.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 4 o'clock and 55 minutes p. m.) adjourned until to-morrow, Thursday, March 1, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 29, 1928

FOREIGN SERVICE

To be Foreign Service officers, unclassified

Archer Woodford, of Kentucky.
Cavendish W. Cannon, of Utah.
Leo F. Cochran, of Rhode Island.
James L. Park, of Pennsylvania.
Phil H. Hubbard, of Vermont.

To be vice consuls of career

Archer Woodford, of Kentucky.
Cavendish W. Cannon, of Utah.
Leo F. Cochran, of Rhode Island.
James L. Park, of Pennsylvania.
Phil H. Hubbard, of Vermont.

UNITED STATES ATTORNEY

James W. McCarthy, of New Jersey, to be United States attorney, district of New Jersey, vice Walter G. Winne, resigned.

UNITED STATES MARSHALS

Joseph Fritsch, jr., of New York, to be United States marshal, western district of New York. (A reappointment, his term having expired.)

Frederick L. Esola, of California, to be United States marshal, northern district of California. (A reappointment, his term having expired.)

REAPPOINTMENT IN THE OFFICERS' RESERVE CORPS OF THE ARMY

GENERAL OFFICER

To be brigadier general, Corps of Engineers Reserve

Brig. Gen. Jay Johnson Morrow, Corps of Engineers Reserve, from March 5, 1928.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 29, 1928

APPOINTMENTS IN THE ARMY

MEDICAL CORPS

To be first lieutenant

First Lieut. Stuart Absalom Cameron.

PROMOTIONS IN THE ARMY

To be colonel

Lieut. Col. Julien Edmond Gaujot.

To be lieutenant colonel

Maj. George R. Allin, Field Artillery.

To be majors

Capt. William Hampton Crom.
Capt. George Rainsford Fairbanks Cornish.

To be captains

First. Lieut. James Fairbank Smith.
First Lieut. John Reigel Embich.
First Lieut. Fred William Koester.

To be first lieutenants

Second Lieut. Raymond Stone, jr.
Second Lieut. John Joseph Binns.
Second Lieut. Walter Burnside.
Second Lieut. James Francis Joseph Early.
Second Lieut. Howard John Vandersluis.

MEDICAL ADMINISTRATIVE CORPS

To be captain

First Lieut. Amos Stanhope Kinzer.

PROMOTIONS IN THE NAVY

To be captain

William R. Furlong.

To be commanders

Lemuel E. Lindsay.
Augustine W. Rieger.

To be lieutenant commanders

John J. Twomey.
Samuel B. Brewer.
Franklin S. Irby.

To be lieutenant (junior grade)

George W. Allen.

To be passed assistant surgeon

Walter F. J. Karbach.

To be passed assistant dental surgeon

Gunnar N. Wennerberg.

MARINE CORPS

To be first lieutenant

Richard J. Godin.

To be second lieutenant

George O. Van Orden.

To be chief quartermaster clerk

Claude T. Lytle.

POSTMASTERS

ARIZONA

Walter W. Jett, Chandler.

MARYLAND

Charles H. Johnson, Edgewood.
Stella B. Johnson, Fort Hoyle.
Hattie B. H. Moore, Marydel.
Charles R. Wilhelm, Monkton.
Webster Ravenscroft, Oakland.
Napoleon T. Nelson, Trappe.
Lafayette Ruark, Westover.
Addie D. Rayne, Willards.

WEST VIRGINIA

Clarence F. Tomlinson, Edwight.
J. D. Fultz, Everettville.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *February 29, 1928*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Most merciful and all-wise Father, Thou hast made waiting beautiful and patience sweet. Thy holy Spirit is like an invisible bridge that unites us in our hopes and dreams. Thou dost give us the zest of soul that sorrow can not keep down and the cheer that burdens can not crush. Renew to-day the sunshine of our hearts and the childhood of our spirits. O God, humanity is all about us teeming through the arteries of the Republic. Many there are with stained garments and heavy hearts; they are struggling for mere existence through a veiled cloud. Stay Thou the threatening signs of social, moral, and political plague. The mission of Jesus of Nazareth is indispensable. He holds for all weary souls and bodies the remedy for our national ills. Oh, may the holy arms that were once stretched on the cross be loosened more and more to clasp the whole human family in one embrace. Then there shall be no more classes, but there shall be just men—the crowning gifts of God's creation. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I wish to say a word as to the program for to-day. The Committee on Coinage, Weights, and Measures, I understand, has the next call on Calendar Wednesday. I ask unanimous consent that upon the completion of the business presented by this committee for the remainder of the day Calendar Wednesday business may be dispensed with, so that the agricultural appropriation bill may be taken up and proceeded with.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that on the completion of the consideration of the business presented by the Committee on Coinage, Weights, and Measures the business in order for Calendar Wednesday for the remainder of the day be dispensed with. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object—and I shall not object—to the request of the gentleman from Connecticut, I think the session has reached a stage now where it is not improper to direct attention to the fact that it seems as if matters were being permitted to drift in such a way as necessarily to throw upon the Committee on Rules of the House responsibilities that it ought not to have to assume, by committees failing to take advantage of Calendar Wednesday to call up the business which they might call up at that time; and then as the session becomes more and more congested and pressure will be exerted for the consideration of this or that piece of legislation, each bit of it being in the minds of those interested the most important thing that Congress can do.

We shall have the pressure and the propaganda and letters and telegrams pouring in on the Committee on Rules to bring in special orders making in order the legislation that may be desired. The Committee on Rules will be "made the goat" by reason of the negligence of some of these committees in failing to avail of Calendar Wednesday to call up their business, which they may do under the general rules of the House.

Mr. TILSON. There is a special reason that applies to-day that is out of the ordinary. The Committee on Banking and Currency is now on call, but has no other business to take up. The next committee to be reached is the Committee on Coinage, Weights, and Measures. This committee has two bills. It may take all day to-day to consider them, and if so they are entitled to it. I am informed by the chairman of the committee, however, that the committee will probably not take all the time. Another committee would not wish to come in for a part of a day and have an entire day charged up to it. Therefore, under the circumstances, I think it would not be inappropriate to agree now to dispense with Calendar Wednesday business after the completion of the business brought forward by the Committee on Coinage, Weights, and Measures.

Mr. GARRETT of Tennessee. Further reserving the right to object, Mr. Speaker, as is very well known, the general policy of the minority has been and is not to try to interfere with the rights and responsibilities of the majority to fix the program of business. The majority can do that in any event, and it may as well be done pleasantly instead of forcing various parliamentary procedures; and what I suggested a moment ago is not intended by way of criticism of the majority leader in now asking for this action. But it does seem that upon matters of a nonpartisan nature, matters on which there will be no partisan division whatever, if advantage be taken of Calendar Wednesday, which was expressly adopted, as those of us who were here at the time it was adopted will recall, so as to insure to committees an opportunity for the consideration of their legislation, it would relieve the Committee on Rules of the necessity of coming in with special rules in congested times. It does seem proper to me to state this at this time, and really I do it for the purpose of calling it to the attention, not so much that of the majority leader, who knows the situation, but of the chairmen of these committees that have legislation which they want to get in, and to suggest that they ought to be ready to take advantage of Calendar Wednesday, and not come in later and unload responsibility on the Committee on Rules, which it ought not to have to bear.

Mr. GARNER of Texas. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Certainly.

Mr. GARNER of Texas. After all, if one of these committees came to the Committee on Rules for a rule providing for legislation which they neglected to bring in by reason of failure to avail of the right they would have on Calendar Wednesday, would not the Committee on Rules be justified in saying, "You did not take advantage of the opportunity that was given you"?

Mr. GARRETT of Tennessee. Absolutely. When I speak of the Committee on Rules considering business, of course I refer to the majority, because that is one particular committee where it is the majority that does business. The Committee on Rules would be absolutely justified, in my opinion, in taking that attitude, that is justified as between the Committee on Rules and the legislative committee, but then there is a forced responsibility to the public, which the Rules Committee should not be made to assume.

Mr. GARNER of Texas. Mr. Speaker, it is the duty of the chairman of those various committees to object to the setting aside of Calendar Wednesday when the majority leader takes the responsibility of asking that it be done, so it is the majority leader and the chairmen of the various committees who are responsible for not having the benefit of Calendar Wednesday.

Mr. TILSON. I will say that my request is in entire accord with the wishes of the several chairmen who are most directly interested.

Mr. LINTHICUM. Mr. Speaker, reserving the right to object, I wish to say to the gentleman from Connecticut that for the past three Wednesdays I have been here expecting that several bills on the calendar, reported by the Committee on Foreign Affairs, would come up, but on each of those days the consideration of those bills has been postponed. There is one particular bill in which I am interested, and the people are waiting for an answer in order to carry out certain work which has to be done. I certainly trust the gentleman from Connecticut will not ask to do away with any further Calendar Wednesdays. If he does I shall have to object. Whether that will accomplish anything or not, I do not know, but I shall endeavor to prevent all postponements after this.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to be allowed to proceed for 10 minutes.

The SPEAKER. The gentleman from Michigan asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Speaker, will the gentleman yield for just a moment?

Mr. CRAMTON. I yield.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent that my colleague from New York [Mr. SIROVICH] be allowed to speak for 30 minutes immediately after the reading of the Journal and disposition of business on the Speaker's desk on Friday of this week.

The SPEAKER. The gentleman from Maryland asks unanimous consent that the gentleman from New York [Mr. SIROVICH] be permitted to address the House for 30 minutes, after the reading of the Journal and the disposition of business on the Speaker's table, on Friday next. Is there objection?

Mr. SNELL. Mr. Speaker, reserving the right to object, we have the agricultural appropriation bill coming on, and there will be several hours of general debate, during which the gentleman from New York could no doubt get the time he desires.

Mr. TILSON. Mr. Speaker, the agricultural appropriation bill is to be taken up after the disposition of Calendar Wednesday business, and there will be plenty of time allowed for general debate, and I hope that gentlemen, so far as possible, will take advantage of the general debate on the appropriation bill, rather than ask for permission to address the House.

Mr. LINTHICUM. My colleague has certain data which he wishes to gather, and he would like to have a specific time set aside for him. I have not made many requests of this kind of the House, and I am sure the gentleman from New York has not made such a request before.

Mr. SNELL. We want to accommodate the gentleman from New York and everybody else, but we would rather have the gentleman take his time during the general debate on the appropriation bill.

Mr. LINTHICUM. There will no doubt be general debate on that bill on Friday, so it would be six of one and a half dozen of the other. I hope the gentleman will not object.

The SPEAKER. Is there objection?

There was no objection.

SENATE BILL REFERRED

A bill of the following title was taken from the Speaker's table and, under the rule, referred to the appropriate committee, as follows:

S. 2800. An act authorizing E. K. Morse, his successors and assigns (or his or their heirs, legal representatives, and assigns), to construct, maintain, and operate a bridge across the Delaware River at or near Burlington, N. J.; to the Committee on Interstate and Foreign Commerce.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval bills of the House of the following titles:

H. R. 48. An act to erect a tablet or marker to the memory of the Federal soldiers who were killed at the Battle of Perryville, and for other purposes;

H. R. 83. An act to approve Act No. 24 of the Session Laws of 1927 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Hanapepe, in the district of Waimea, island and county of Kauai";

H. R. 482. An act to provide relief for the victims of the airplane accident at Langin Field, Moundsville, W. Va.;

H. R. 3144. An act for the relief of Augustus C. Turner;

H. R. 5925. An act for the relief of the Fidelity & Deposit Co. of Maryland;

H. R. 8281. An act to provide for the withdrawal of certain described lands in the State of Nevada for the use and benefit of the Indians of the Walker River Reservation;

H. R. 8282. An act to provide for the permanent withdrawal of certain lands bordering on and adjacent to Summit Lake, Nev., for the Paiute, Shoshone, and other Indians;

H. R. 8291. An act to amend section 1 of the act of June 25, 1910 (36 Stat. L. 855), "An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes";

H. R. 8292. An act to reserve 120 acres on the public domain for the use and benefit of the Koosharem Band of Indians residing in the vicinity of Koosharem, Utah;

H. R. 8527. An act for the relief of the International Petroleum Co. (Ltd.), of Toronto, Canada;

H. R. 9037. An act to provide for the permanent withdrawal of certain lands in Inyo County, Calif., for Indian use; and

H. R. 9994. An act to reimburse certain Indians of the Fort Belknap Reservation, Mont., for part of full value of an allotment of land to which they were individually entitled.

ORDER OF BUSINESS

Mr. GREEN of Iowa. Will the gentleman from Michigan yield to me in order that I may propound a parliamentary inquiry?

Mr. CRAMTON. Yes.

Mr. GREEN of Iowa. Mr. Speaker, I desire, if possible, to call up the conference report on the alien property bill to-day and as early as possible. Will that be in order?

The SPEAKER. The Chair does not think that will be in order on Calendar Wednesday except by unanimous consent.

Mr. GREEN of Iowa. Then, Mr. Speaker, I ask unanimous consent that immediately after the conclusion of the remarks of the gentleman from Michigan I may be permitted to submit the conference report on the alien property bill.

Mr. GARRETT of Tennessee. Mr. Speaker, under the agreement which has been made, would it not be in order to do that after the completion of such business as may be presented to-day by the Committee on Coinage, Weights, and Measures, because the gentleman from Connecticut has secured unanimous consent to dispense with further Calendar Wednesday business after the Committee on Coinage, Weights, and Measures has completed its business?

The SPEAKER. It would be in order after that.

Mr. GREEN of Iowa. Mr. Speaker, I was trying to get in ahead of that.

Mr. GARNER of Texas. Mr. Speaker, reserving the right to object, I certainly have no objection to this conference report coming up at any time, but I understand that the gentleman from Illinois, the chairman of the Appropriations Committee, has an emergency resolution which he would like to call up by unanimous consent. It would not take five minutes to dispose of it, and Texas happens to be intensely interested in that resolution. If the gentleman from Iowa is going to get unanimous consent to call up this conference report, I would like the gentleman from Illinois to ask unanimous consent that he be permitted to call up his resolution immediately after the conclusion of the address of the gentleman from Michigan.

Mr. MADDEN. Mr. Speaker, I make that request.

The SPEAKER. The gentleman from Iowa asks unanimous consent that at the conclusion of the address of the gentleman from Michigan he may be permitted to call up the conference report on the alien property bill, and following that the gentleman from Illinois asks unanimous consent that he may present a resolution.

Mr. MADDEN. For which I will ask immediate consideration.

The SPEAKER. For which he will ask immediate consideration. Is there objection?

Mr. MADDEN. It might be well to have the House know what the resolution is. The committee is recommending $687,800 in the agricultural appropriation bill for next year for the destruction or control of the pink boll weevil. There is a very great emergency in Texas and some of the Southwest States in connection with this pest, and they must act at once. The committee is asking for the passage of a joint resolution that will make $200,000 of the $687,000 available for immediate use,

and then when that item is reached in the bill deduct the $200,000 from the amount carried in the item.

The SPEAKER. Is there objection?

There was no objection.

HON. HERBERT HOOVER

The SPEAKER. The gentleman from Michigan [Mr. CRAMTON] is recognized for 10 minutes.

Mr. CRAMTON. Mr. Speaker and gentlemen of the House, a very interesting address was given to the House yesterday by my friend, the gentleman from Arkansas [Mr. TILLMAN]. I was so unfortunate as not to be here at the time of the address, but I have read it with interest. I noted one statement therein in which the gentleman from Arkansas, one of the most influential members of the Democratic minority in this House, says:

Mr. Speaker, I beg to say that I do not consider it a dignified proceeding for an aspirant to a party presidential nomination to abandon his duties and go on the stump to present his claims.

This statement, of course, could only apply to one of the most prominent candidates for the Democratic nomination, JAMES A. REED, and I shall not take my time to enter into a defense of that prominent Democrat as against another prominent Democrat.

Mr. DYER. Will the gentleman yield?

Mr. CRAMTON. I am sorry I can not yield until I make sure I can say what I have to say. I will then be glad to yield to anyone.

Another statement of the gentleman from Arkansas is this, which is the real text of my remarks:

So I have been disappointed in the attitude of my friend from Michigan, my white-plumed leader among the drys.

I have never claimed any leadership or assumed any. I was not aware that I exercised any. On matters pertaining to the eighteenth amendment and its enforcement it has given me pleasure to contribute anything I could to promote its enforcement through the course of legislation here, and in that I have always found myself side by side with the gentleman from Arkansas [Mr. TILLMAN]; but in yesterday's address I find registered here before the Nation the disappointment of my colleague in that cause; disappointment based upon the fact that he alleges I do not support the one candidate for the Republican nomination that he thinks I ought to support, Senator WILLIS, whom I guarantee under no circumstances would he support. He is disappointed that I seem to incline to the candidacy of Mr. Hoover instead of that of Senator WILLIS. I will say to the gentleman from Arkansas that I, as a Republican and a dry, am in this very fortunate and happy position, which I am sure he must envy me, in that I can view with equanimity the contest for the Republican nomination, because as a consistent dry I can support, I am sure, after his nomination, any candidate now prominent for the Republican nomination. [Applause.]

What the gentleman views as to the Democratic situation I leave for him to contemplate, and I understand why he discusses the Republican contest instead of the Democratic. [Laughter.]

I will extend my remarks to the extent of putting in the statement of Secretary Hoover, which the gentleman from Arkansas has referred to, his reply to the inquiry from Senator BORAH, and which reads as follows:

I feel that the discussion of public questions by reply to questionnaires is likely to be unsatisfactory and ofttimes leads to confusion rather than clarity. Replies to the scores of such inquiries on many questions are impossible.

Out of regard for your known sincerity and your interest in the essential question I will, however, say again that I do not favor the repeal of the eighteenth amendment. I stand, of course, for the efficient, vigorous, and sincere enforcement of the laws enacted thereunder. Whoever is chosen President has under his oath the solemn duty to pursue this course.

Our country has deliberately undertaken a great social and economic experiment, noble in motive and far-reaching in purpose. It must be worked out constructively.

I was prepared to support Secretary Hoover for the nomination without any statement, because a man's character and record are better than campaign statements. [Applause.] And now that the statement has come, I am glad to read it in connection with my knowledge of the man, and his record, and his career, and his character. Himself a total abstainer, officially and personally always giving the weight of his great influence to the enforcement of the law, himself a great executive and a great organizer, I knew without any such statement that he would stand for the eighteenth amendment and its enforcement.

In this statement, which the gentleman from Arkansas belittles and seeks to ridicule, Secretary Hoover says:

Our country has deliberately undertaken a great social and economic experiment, noble in motive and far-reaching in purpose. It must be worked out constructively.

Herbert Hoover, as a great engineer and a great executive, when he uses the word "constructively" means its promotion and its advancement and its development. [Applause.]

If almost any prominent Democratic candidate for the nomination had used this language we would think he had misspoken himself and said "constructively" when he meant "destructively," but with Herbert Hoover he only used the word he meant to use.

Why, I am wondering! The gentleman expresses his disappointment that I am supporting a man that it is now understood, though not a resident of that State, and although he never had a residence in that State, is so strong in that great industrial and agricultural State that no other Republican will contest against him in the primaries; that he will be given the delegation from Michigan by unanimous consent; and so strong in the country that he is now so far out in the lead for the Republican nomination that the Democrats are commencing to shoot at him.

The gentleman expresses wonder that I give my support to him with his record and his declaration against repeal of the eighteenth amendment. I am wondering about the peculiar trouble of my friend from Arkansas, a trouble characteristic of our southern dry Democrats. I say that any prominent Republican candidate for the Presidency, if nominated, I could support whole-heartedly and with enthusiasm, as a dry. Hoover, WILLIS, CURTIS, DAWES, any of them, I could give my support to; but when the Democratic roll is called next November and my good friend from Arkansas, whom I esteem so highly and whom I know as a sincere and active dry—when the roll is called and my friend from Arkansas next November is asked to step up and put his ballot in the box for FRANK WILLIS as the Republican candidate or Al Smith or JIM REED or Governor Ritchie as the Democratic candidate, I wonder if my friend will go to the polls at all to vote. [Laughter and applause.] Certainly, he would not dare tell this House how he would vote in that kind of a dilemma.

Mr. SPEAKS. Will the gentleman from Michigan yield?

Mr. CRAMTON. If I have the time.

Mr. SPEAKS. I want to inquire whether the gentleman from Michigan considers the eighteenth amendment and the Volstead law as mere experimental undertakings subject to doubts as to their permanency?

Mr. CRAMTON. I would not use the word "mere." I have repeatedly referred to it as the great American experiment. [Applause.] Something the world has been wanting done but no other nation has ever been able to do it. We are trying to do it and we are going to make a success of it.

Mr. SPEAKS. Will the gentleman yield for another question? I want to say to the gentleman from Michigan that he has an entirely different conception——

Mr. CRAMTON. I am yielding only for a question, and I can not yield for a speech.

Mr. SPEAKS. Then I will ask the gentleman a question. Does the gentleman understand that the eighteenth amendment and the Volstead law instead of being a mere experiment represents the well-matured judgment and conclusions on the prohibition question by the people of the United States following a century of discussion and effort to attain the desired end and that the term "experiment" is no longer applicable to the subject?

Mr. CRAMTON. I know this: That the well-matured judgment of Ohio when they first adopted prohibition in 1918, statewide, then gave only a small majority if I remember right, something like 25,000. After that experience with it for several years a vote was taken in 1922 to permit the sale of beer and wine. That was rejected by a majority several times as large as the first one, 189,000, and only 7 counties in all, out of 88 in that State, gave any wet majority whatever.

Mr. SPEAKS. In order that the House may understand——

The SPEAKER. The time of the gentleman from Michigan has expired.

CONFERENCE REPORT ON ALIEN PROPERTY BILL

Mr. GREEN of Iowa. Mr. Speaker, pursuant to the unanimous request heretofore granted, I call up the conference report on the bill H. R. 7201, the alien property bill, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

Mr. GREEN of Iowa. Pending that, Mr. Speaker, I ask unanimous consent to address the House for five minutes on the general subject before the statement is read.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. GREEN of Iowa. Mr. Speaker and gentlemen of the House, I think Members of the House, regardless of whether they would have written this report and the bill in exactly the form presented, will agree with me in experiencing a sense of relief at the disposition of one of the most perplexing and difficult problems that has ever been presented to Congress by the agreement on the alien property bill.

The main features, in fact all the basic features of the original House bill have been preserved in the bill now presented to you as a result of the conference report. While it has been changed in many details, there is not a change in any essential feature of the bill reported by the House committee.

As soon as the bill gets in operation the Germans are to receive 80 per cent and the Americans 80 per cent of their claims. The American claims that do not exceed $100,000 and all death claims are to be paid at once. The American claims are to be paid in six years and the balance of the German claims will be made in payments through a period of about 25 years.

There are two principal changes made by the conference report, and I ask your attention to the reading of the statement, as it is much shorter than the report.

In the first place, the Senate strikes out the statement of policy that was in the House bill. I regretted to see this done, but it seemed impossible to get an agreement otherwise, and it has nothing to do with the features of the bill itself.

The next most important change was the fact that provision is made in the bill to take care of the Austrian and Hungarian claims. Provision is made for the settlement of American claims against these nations, and requirement is made that the Austrian Government shall deposit the money to take care of these claims before any money is paid out on the Austrian-Hungarian claims. The reason it was not put in the House bill was because the State Department was conducting negotiations with the Austrian and Hungarian Governments in order to establish a satisfactory basis upon which they could get into an arrangement with them.

The other matters are matters of detail. There is a provision with reference to special claims which has been modified by the conference committee, and requires that the German claimants shall show at the time the ships were taken that neither the German Emperor nor any of the ruling family—kings of divisions of the Empire—had any interest in those ships at the time they were taken. If so, then the provision is made that their interests is to be deducted.

With this preliminary statement I ask that the statement of the conferees be read.

The SPEAKER. The Clerk will read the statement.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7201) to provide for the settlement of certain claims of American nationals against Germany and of German nationals against the United States, for the ultimate return of all property of German nationals held by the Alien Property Custodian, and for the equitable apportionment among all claimants of certain available funds, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That this act may be cited as the 'settlement of war claims act of 1928.'

CLAIMS OF NATIONALS OF THE UNITED STATES AGAINST GERMANY

"SEC. 2 (a) The Secretary of State shall, from time to time, certify to the Secretary of the Treasury the awards of the Mixed Claims Commission, United States and Germany, established in pursuance of the agreement of August 10, 1922, between the United States and Germany (referred to in this act as the 'Mixed Claims Commission').

"(b) The Secretary of the Treasury is authorized and directed to pay an amount equal to the principal of each award so certified, plus the interest thereon, in accordance with the award, accruing before January 1, 1928.

"(c) The Secretary of the Treasury is authorized and directed to pay annually (as nearly as may be) simple interest, at the rate of 5 per cent per annum, upon the amounts payable under subsection (b) and remaining unpaid, beginning January 1, 1928, until paid.

"(d) The payments authorized by subsection (b) or (c) shall be made in accordance with such regulations as the Secretary of the Treasury may prescribe, but only out of the German special deposit account created by section 4, within the limitations hereinafter prescribed, and in the order of priority provided in subsection (c) of section 4.

"(e) There shall be deducted from the amount of each payment, as reimbursement for the expenses incurred by the United States in respect thereof, an amount equal to one-half of 1 per cent thereof. The amount so deducted shall be deposited in the Treasury as miscellaneous receipts. In computing the amounts payable under subsection (c) of section 4 (establishing the priority of payments) the fact that such deduction is required to be made from the payment when computed or that such deduction has been made from prior payments, shall be disregarded.

"(f) The amounts awarded to the United States in respect of claims of the United States on its own behalf shall not be payable under this section.

"(g) No payment shall be made under this section unless application therefor is made, within two years after the date of the enactment of this act, in accordance with such regulations as the Secretary of the Treasury may prescribe. Payment shall be made only to the person on behalf of whom the award was made, except that—

"(1) If such person is deceased or is under a legal disability, payment shall be made to his legal representative, except that if the payment is not over $500 it may be made to the persons found by the Secretary of the Treasury to be entitled thereto, without the necessity of compliance with the requirements of law in respect of the administration of estates;

"(2) In the case of a partnership, association, or corporation, the existence of which has been terminated, payment shall be made, except as provided in paragraphs (3) and (4), to the persons found by the Secretary of the Treasury to be entitled thereto;

"(3) If a receiver or trustee for the person on behalf of whom the award was made has been duly appointed by a court in the United States and has not been discharged prior to the date of payment, payment shall be made to the receiver or trustee or in accordance with the order of the court; and

"(4) In the case of an assignment of an award, or an assignment (prior to the making of the award) of the claim in respect of which the award was made, by a receiver or trustee for any such person, duly appointed by a court in the United States, such payment shall be made to the assignee.

"(h) Nothing in this section shall be construed as the assumption of a liability by the United States for the payment of the awards of the Mixed Claims Commission, nor shall any payment under this section be construed as the satisfaction, in whole or in part, of any of such awards, or as extinguishing or diminishing the liability of Germany for the satisfaction in full of such awards, but shall be considered only as an advance by the United States until all the payments from Germany in satisfaction of the awards have been received. Upon any payment under this section of an amount in respect of an award, the rights in respect of the award and of the claim in respect of which the award was made shall be held to have been assigned pro tanto to the United States, to be enforced by and on behalf of the United States against Germany, in the same manner and to the same extent as such rights would be enforced on behalf of the American national.

"(i) Any person who makes application for payment under this section shall be held to have consented to all the provisions of this act.

"(j) The President is requested to enter into an agreement with the German Government by which the Mixed Claims Commission will be given jurisdiction of and authorized to decide claims of the same character as those of which the commission now has jurisdiction, notice of which is filed with the Department of State before July 1, 1928. If such agreement is entered into before January 1, 1929, awards in respect of such claims shall be certified under subsection (a) and shall be in all other respects subject to the provisions of this section.

CLAIMS OF GERMAN NATIONALS AGAINST UNITED STATES

"SEC. 3. (a) There shall be a war claims arbiter (hereinafter referred to as the "arbiter") who shall be appointed by

the President, by and with the advice and consent of the Senate, without regard to any provision of law prohibiting the holding of more than one office. The arbiter, notwithstanding any other provision of law, shall receive a salary to be fixed by the President in an amount, if any, which if added to any other salary will make his total salary from the United States not in excess of $15,000 a year.

"(b) It shall be the duty of the arbiter, within the limitations hereinafter prescribed, to hear the claims of any German national (as hereinafter defined), and to determine the fair compensation to be paid by the United States, in respect of—

"(1) Any merchant vessel (including any equipment, appurtenances and property contained therein), title to which was taken by or on behalf of the United States under the authority of the joint resolution of May 12, 1917 (40 Stat. 75). Such compensation shall be the fair value, as nearly as may be determined, of such vessel to the owner immediately prior to the time exclusive possession was taken under the authority of such joint resolution, and in its condition at such time, taking into consideration the fact that such owner could not use or permit the use of such vessel, or charter or sell or otherwise dispose of such vessel for use or delivery, prior to the termination of the war, and that the war was not terminated until July 2, 1921, except that there shall be deducted from such value any consideration paid for such vessel by the United States. The findings of the board of survey appointed under the authority of such joint resolution shall be competent evidence in any proceeding before the arbiter to determine the amount of such compensation.

"(2) Any radio station (including any equipment, appurtenances, and property contained therein) which was sold to the United States by or under the direction of the Alien Property Custodian under authority of the trading with the enemy act, or any amendment thereto. Such compensation shall be the fair value, as nearly as may be determined, which such radio station would have had on July 2, 1921, if returned to the owner on such date in the same condition as on the date on which it was seized by or on behalf of the United States, or on which it was conveyed or delivered to, or seized by, the Alien Property Custodian, whichever date is earlier, except that there shall be deducted from such value any consideration paid for such radio station by the United States.

"(3) Any patent (or any right therein or claim thereto, and including an application therefor and any patent issued pursuant to any such application) which was licensed, assigned, or sold by the Alien Property Custodian to the United States. Such compensation shall be the amount, as nearly as may be determined, which would have been paid if such patent, right, claim, or application had been licensed, assigned, or sold to the United States by a citizen of the United States, except that there shall be deducted from such amount any consideration paid therefor by the United States (other than consideration which is returned to the United States under section 27 of the trading with the enemy act, as amended).

"(4) The use by or for the United States of any invention described in and covered by any patent (including an application therefor and any patent issued pursuant to any such application) which was conveyed, transferred, or assigned to, or seized by, the Alien Property Custodian, but not including any use during any period between April 6, 1917, and November 11, 1918, both dates inclusive, or on or after the date on which such patent was licensed, assigned, or sold by the Alien Property Custodian. In determining such compensation, any defense, general or special, available to a defendant in an action for infringement or in any suit in equity for relief against an alleged infringement, shall be available to the United States.

"(c) The proceedings of the arbiter under this section shall be conducted in accordance with such rules of procedure as he may prescribe. The arbiter, or any referee designated by him, is authorized to administer oaths, to hold hearings at such places within or without the United States as the arbiter deems necessary, and to contract for the reporting of such hearings. Any witness appearing for the United States before the arbiter or any such referee at any place within or without the United States may be paid the same fees and mileage as witnesses in courts of the United States. Such payments shall be made out of any funds in the German special deposit account hereinafter provided for, and may be made in advance.

"(d) The arbiter may, from time to time, and shall, upon the determination by him of the fair compensation in respect of all such vessels, radio stations, and patents, make a tentative award to each claimant of the fair compensation to be paid in respect of his claim, including simple interest, at the rate of 5 per cent per annum, on the amount of such compensation from July 2, 1921, to December 31, 1928, both dates inclusive. If a German national filing a claim in respect of any such vessel fails to establish to the satisfaction of the arbiter that neither the German Government nor any member of the former ruling family had, at the time of the taking, any interest in such vessel, either directly or indirectly, through stock ownership or control or otherwise, then (whether or not claim has been filed by or on behalf of such Government or individual) no award shall be made to such German national unless and until the extent of such interest of the German Government and of the members of the former ruling family has been determined by the arbiter. Upon such determination the arbiter shall make a tentative award in favor of such Government or individual in such amount as the arbiter determines to be in justice and equity representative of such interest, and reduce accordingly the amount available for tentative awards to German nationals filing claims in respect of the vessel so that the aggregate of the tentative awards (including awards on behalf of the German Government and members of the former ruling family) in respect of the vessel will be within the amount of fair compensation determined under subsection (b) of this section.

"(e) The total amount to be awarded under this section shall not exceed $100,000,000, minus the sum of (1) the expenditures in carrying out the provisions of this section (including a reasonable estimate for such expenditures to be incurred prior to the expiration of the term of office of the arbiter) and (2) the aggregate consideration paid by the United States in respect of the acquisition of such vessels and radio stations, and the use, license, assignment, and sale of such patents (other than consideration which is returned to the United States under section 27 of the trading with the enemy act, as amended).

"(f) If the aggregate amount of the tentative awards exceeds the amount which may be awarded under subsection (e), the arbiter shall reduce pro rata the amount of each tentative award. The arbiter shall enter an award of the amount to be paid each claimant, and thereupon shall certify such awards to the Secretary of the Treasury.

"(g) The Secretary of the Treasury is authorized and directed to pay the amount of the awards certified under subsection (f).

"(h) The Secretary of the Treasury is authorized and directed to pay annually (as nearly as may be) simple interest, at the rate of 5 per cent per annum, upon the amount of any such award remaining unpaid, beginning January 1, 1929, until paid.

"(i) The payments in respect of awards under this section shall be made in accordance with such regulations as the Secretary of the Treasury may prescribe, but only out of the German special deposit account created by section 4, within the limitations hereinafter prescribed, and in the order of priority provided in subsections (c) and (d) of section 4.

"(j) The Secretary of the Treasury shall not pay any amount in respect of any award made to or on behalf of the German Government or any member of the former ruling family, but the amount of any such award shall be credited upon the final payment due the United States from the German Government for the purpose of satisfying the awards of the Mixed Claims Commission.

"(k) No payment shall be made under this section unless application therefor is made, within two years after the date the award is certified, in accordance with such regulations as the Secretary of the Treasury may prescribe. Payment of any amount in respect of any award may be made, in the discretion of the Secretary of the Treasury, either in the United States or in Germany, and either in money of the United States or in lawful German money, and shall be made only to the person on behalf of whom the award was made, except that—

"(1) If such person is deceased or is under a legal disability, payment shall be made to his legal representative, except that if the payment is not over $500 it may be made to the persons found by the Secretary of the Treasury to be entitled thereto, without the necessity of compliance with the requirements of law in respect of the administration of estates;

"(2) In the case of a partnership, association, or corporation, the existence of which has been terminated, payment shall be made, except as provided in paragraphs (3) and (4), to the persons found by the Secretary of the Treasury to be entitled thereto;

"(3) If a receiver or trustee for the person on behalf of whom the award was made has been duly appointed by a court of competent jurisdiction and has not been discharged prior to the date of payment, payment shall be made to the receiver or trustee or in accordance with the order of the court; and

"(4) In the case of an assignment of an award, or of an assignment—prior to the making of the award—of the claim in respect of which such award was made, by a receiver or trustee for any such person, duly appointed by a court of competent jurisdiction, payment shall be made to the assignee.

"(l) The head of any executive department, independent establishment, or agency in the executive branch of the Government, including the Alien Property Custodian and the Comptroller General, shall, upon request of the arbiter, furnish such records, documents, papers, correspondence, and information in the possession of such department, independent establishment, or agency as may assist the arbiter, furnish them statements and assistance of the same character as is described in section 188 of the Revised Statutes, and may temporarily detail any officers or employees of such department, independent establishment, or agency to assist the arbiter, or to act as a referee, in carrying out the provisions of this section. The Attorney General shall assign such officers and employees of the Department of Justice as may be necessary to represent the United States in the proceedings under this section.

"(m) The arbiter, with the approval of the Secretary of the Treasury, is authorized to (1) appoint and fix the salaries of such officers, referees, and employees, without regard to the civil service laws and regulations or to the classification act of 1923, and (2) make such expenditures—including expenditures for the salary of the arbiter, rent, and personal services at the seat of government and elsewhere, law books, periodicals, books of reference, and printing and binding—as may be necessary for carrying out the provisions of this section and within the funds available therefor. Any officer or employee detailed or assigned under subsection (l) shall be entitled to receive—notwithstanding any provision of law to the contrary—such additional compensation as the arbiter, with the approval of the Secretary of the Treasury, may prescribe. The arbiter and officers and employees appointed, detailed, or assigned shall be entitled to receive their necessary traveling expenses and actual expenses incurred for subsistence—without regard to any limitations imposed by law—while away from the District of Columbia on business required by this section.

"(n) On the date on which the awards are certified to the Secretary of the Treasury under subsection (f) or the date on which the awards are certified to the Secretary of the Treasury under subsection (e) of section 6 (patent claims of Austrian and Hungarian nationals), whichever date is the later, the terms of office of the arbiter, and of the officers and employees appointed by the arbiter, shall expire, and the books, papers, records, correspondence, property, and equipment of the office shall be transferred to the Department of the Treasury.

"(o) No award or tentative award shall be made by the arbiter in respect of any claim if (1) such claim is filed after the expiration of four months from the date on which the arbiter takes office, or (2) any judgment or decree awarding compensation or damages in respect thereof has been rendered against the United States, and if such judgment or decree has become final (whether before or after the enactment of this act), or (3) any suit or proceeding against the United States, or any agency thereof, is commenced or is pending in respect thereof and is not dismissed upon motion of the person by or on behalf of whom it was commenced, made before the expiration of six months from the date on which the arbiter takes office and before any judgment or decree awarding compensation or damages becomes final.

"(p) There is hereby authorized to be appropriated, to be immediately available and to remain available until expended, the sum of $50,000,000, and, after the date on which the awards of the arbiter under this section are certified to the Secretary of the Treasury, such additional amounts as, when added to the amounts previously appropriated, will be equivalent to the aggregate amount of such awards plus the amounts necessary for the expenditures authorized by subsections (c) and (m) of this section (expenses of administration), except that the aggregate of such appropriations shall not exceed $100,000,000.

"(q) The provisions of this section shall constitute the exclusive method for the presentation and payment of claims arising out of any of the acts by or on behalf of the United States for which this section provides a remedy. Any person who files any claim or makes application for any payment under this section shall be held to have consented to all the provisions of this act. This subsection shall not bar the presentation of a claim under section 21 (relating to the claims of certain former German nationals in respect of the taking of the vessels *Carl Diederichsen* and *Johanne*); but no award shall be made under section 21 in respect of either of such vessels to or on behalf of any person to whom or on whose behalf an award is made under this section in respect of such vessel.

"(r) If the aggregate amount to be awarded in respect of any vessel, radio station, or patent is awarded in respect of two or more claims, such amount shall be apportioned among such claims by the arbiter as he determines to be just and equitable and as the interests of the claimants may appear.

"(s) The Secretary of the Treasury, upon the certification of any of the tentative awards made under subsection (d) of this section and the recommendation of the arbiter, may make such pro rata payments in respect of such tentative awards as he deems advisable, but the aggregate of such payments shall not exceed $25,000,000.

GERMAN SPECIAL DEPOSIT ACCOUNT

"SEC. 4. (a) There is hereby created in the Treasury a German special deposit account, into which shall be deposited all funds hereinafter specified and from which shall be disbursed all payments authorized by section 2 or 3, including the expenses of administration authorized under subsections (c) and (m) of section 3 and subsection (e) of this section.

"(b) The Secretary of the Treasury is authorized and directed to deposit in such special deposit account—

"(1) All sums invested or transferred by the Alien Property Custodian, under the provisions of section 25 of the trading with the enemy act, as amended;

"(2) The amounts appropriated under the authority of section 3 (relating to claims of German nationals); and

"(3) All money (including the proceeds of any property, rights, or benefits which may be sold or otherwise disposed of, upon such terms as he may prescribe) received, whether before or after the enactment of this act, by the United States in respect of claims of the United States agaisnt Germany on account of the awards of the Mixed Claims Commission.

"(c) The Secretary of the Treasury is authorized and directed, out of the funds in such special deposit account, subject to the provisions of subsection (d), and in the following order of priority—

"(1) To make the payments of expenses of administration authorized by subsections (c) and (m) of section 3 or subsection (e) of this section;

"(2) To make so much of each payment authorized by subsection (b) of section 2 (relating to awards of the Mixed Claims Commission), as is attributable to an award on account of death or personal injury, together with interest thereon as provided in subsection (c) of section 2;

"(3) To make each payment authorized by subsection (b) of section 2 (relating to awards of the Mixed Claims Commission), if the amount thereof is not payable under paragraph (2) of this subsection and does not exceed $100,000, and to pay interest thereon as provided in subsection (c) of section 2;

"(4) To pay the amount of $100,000 in respect of each payment authorized by subsection (b) of section 2 (relating to awards of the Mixed Claims Commission), if the amount of such authorized payment is in excess of $100,000 and is not payable in full under paragraph (2) of this subsection. No person shall be paid under this paragraph and paragraph (3) an amount in excess of $100,000 (exclusive of interest beginning January 1, 1928), irrespective of the number of awards made on behalf of such person;

"(5) To make additional payments authorized by subsection (b) of section 2 (relating to awards of the Mixed Claims Commission), in such amounts as will make the aggregate payments (authorized by such subsection) under this paragraph and paragraphs (2), (3), and (4) of this subsection equal to 80 per cent of the aggregate amount of all payments authorized by subsection (b) of section 2. Payments under this paragraph shall be prorated on the basis of the amount of the respective payments authorized by subsection (b) of section 2 and remaining unpaid. Pending the completion of the work of the Mixed Claims Commission, the Secretary of the Treasury is authorized to pay such installments of the payments authorized by this paragraph as he determines to be consistent with prompt payment under this paragraph to all persons on behalf of whom claims have been presented to the commission;

"(6) To pay amounts determined by the Secretary of the Treasury to be payable in respect of the tentative awards of the arbiter, in accordance with the provisions of subsection (s) of section 3 (relating to awards for ships, patents, and radio stations);

"(7) To pay to German nationals such amounts as will make the aggregate payments equal to 50 per cent of the amounts awarded under section 3 (on account of ships, patents, and radio stations). Payments authorized by this paragraph or paragraphs (6) may, to the extent of funds available under the provisions of subsection (d) of this section, be made whether or not the payments under paragraphs (1) to (5), inclusive, of this subsection have been completed;

"(8) To pay accrued interest upon the participating certificates evidencing the amounts invested by the Alien Property Custodian under subsection (a) of section 25 of the trading with the enemy act, as amended (relating to the investment of 20 per cent of German property temporarily withheld);

"(9) To pay the accrued interest payable under subsection (c) of section 2 (in respect of awards of the Mixed Claims Commission) and subsection (h) of section 3 (in respect of awards to German nationals);

"(10) To make such payments as are necessary (A) to repay the amounts invested by the Alien Property Custodian under subsection (a) of section 25 of the trading with the enemy act, as amended (relating to the investment of 20 per cent of German property temporarily withheld), (B) to pay amounts equal to the difference between the aggregate payments (in respect of claims of German nationals) authorized by subsections (g) and (h) of section 3 and the amounts previously paid in respect thereof, and (C) to pay amounts equal to the difference between the aggregate payments (in respect of awards of the Mixed Claims Commission) authorized by subsections (b) and (c) of section 2, and the amounts previously paid in respect thereof. If funds available are not sufficient to make the total payments authorized by this paragraph, the amount of payments made from time to time shall be apportioned among the payments authorized under clauses (A), (B), and (C) according to the aggregate amount remaining unpaid under each clause;

"(11) To make such payments as are necessary to repay the amounts invested by the Alien Property Custodian under subsection (b) of section 25 of the trading with the enemy act, as amended (relating to the investment of the unallocated interest fund); but the amount payable under this paragraph shall not exceed the aggregate amount allocated to the trusts described in subsection (c) of section 26 of such act;

"(12) To pay into the Treasury as miscellaneous receipts the amount of the awards of the Mixed Claims Commission to the United States on its own behalf on account of claims of the United States against Germany; and

"(13) To pay into the Treasury as miscellaneous receipts any funds remaining in the German special deposit account after the payments authorized by paragraphs (1) to (12) have been completed.

"(d) Fifty per cent of the amounts appropriated under the authority of section 3 (relating to claims of German nationals) shall be available for payments under paragraphs (6) and (7) of subsection (c) of this section (relating to such claims) and shall be available only for such payments until such time as the payments authorized by such paragraphs have been completed.

"(e) The Secretary of the Treasury is authorized to pay, from funds in the German special deposit account, such amounts, not in excess of $25,000 per annum, as may be necessary for the payment of the expenses in carrying out the provisions of this section and section 25 of the trading with the enemy act, as amended (relating to the investment of funds by the Alien Property Custodian), including personal services at the seat of government.

"(f) The Secretary of the Treasury is authorized to invest and reinvest, from time to time, in bonds, notes, or certificates of indebtedness of the United States any of the funds in the German special deposit account, and to deposit to the credit of such account the interest or other earnings thereon.

"(g) There shall be deducted from the amounts first payable under this section to any American national in respect of any debt the amount, if any, paid by the Alien Property Custodian in respect of such debt which was not credited by the Mixed Claims Commission in making its award.

CLAIMS OF UNITED STATES AND ITS NATIONALS AGAINST AUSTRIA AND HUNGARY

"SEC. 5. (a) The Commissioner of the Tripartite Claims Commission (hereinafter referred to as the "commissioner") selected in pursuance of the agreement of November 26, 1924, between the United States and Austria and Hungary shall, from time to time, certify to the Secretary of the Treasury the judgments and interlocutory judgments (hereinafter referred to as "awards") of the commissioner.

"(b) The Secretary of the Treasury is authorized and directed to pay (1) in the case of any such judgment, an amount equal to the principal thereof, plus the interest thereon in accordance with such judgment, and (2) in the case of any such interlocutory judgment, an amount equal to the principal thereof (converted at the rate of exchange specified in the certificate of the commissioner provided for in section 7), plus the interest thereon in accordance with such certificate.

"(c) The payments authorized by subsection (b) shall be made in accordance with such regulations as the Secretary of the Treasury may prescribe, but only out of the special deposit account (Austrian or Hungarian, as the case may be), created by section 7, and within the limitations hereinafter prescribed.

"(d) There shall be deducted from the amount of each payment, as reimbursement for expenses incurred by the United States in respect thereof, an amount equal to one-half of 1 per cent thereof. The amount so deducted shall be deposited in the Treasury as miscellaneous receipts.

"(e) The amounts awarded to the United States in respect of claims of the United States on its own behalf shall be payable under this section.

"(f) No payment shall be made under this section (other than payments to the United States in respect of claims of the United States on its own behalf) unless application therefor is made within two years after the date of the enactment of this act in accordance with such regulations as the Secretary of the Treasury may prescribe. Payment shall be made only to the person on behalf of whom the award was made except in the cases specified in paragraphs (1) to (4) of subsection (g) of section 2.

"(g) Any person who makes application for payment under this section shall be held to have consented to all the provisions of this act.

CLAIMS OF AUSTRIAN AND HUNGARIAN NATIONALS AGAINST THE UNITED STATES

"SEC. 6. (a) It shall be the duty of the arbiter, within the limitations hereinafter prescribed, to hear the claims of any Austrian or Hungarian national (as hereinafter defined) and to determine the compensation to be paid by the United States, in respect of—

"(1) Any patent (or any right therein or claim thereto, and including an application therefor and any patent issued pursuant to any such application) which was licensed, assigned, or sold by the Alien Property Custodian to the United States. Such compensation shall be the amount, as nearly as may be determined, which would have been paid if such patent, right, claim, or application had been licensed, assigned, or sold to the United States by a citizen of the United States, except that there shall be deducted from such amount any consideration paid therefor by the United States (other than consideration which is returned to the United States under section 27 of the trading with the enemy act, as amended).

"(2) The use by or for the United States of any invention described in and covered by any patent (including an application therefor and any patent issued pursuant to any such application) which was conveyed, transferred, or assigned to, or seized by the Alien Property Custodian, but not including any use during any period between December 7, 1917, and November 3, 1918, both dates inclusive, or on or after the date on which such patent was licensed, assigned, or sold by the Alien Property Custodian. In determining such compensation, any defense, general or special available to a defendant in an action for infringement or in any suit in equity for relief against an alleged infringement, shall be available to the United States.

"(b) The proceedings of the arbiter under this section shall be conducted in accordance with such rules of procedure as he may prescribe. The arbiter, or any referee designated by him, is authorized to administer oaths, to hold hearings at such places within or without the United States as the arbiter deems necessary, and to contract for the reporting of such hearings. Any witness appearing for the United States before the arbiter or any such referee at any place within or without the United States may be paid the same fees and mileage as witnesses in courts of the United States. Such payments may be made in advance, and may be made in the first instance out of the German special deposit account, subject to reimbursement from the special deposit account (Austrian or Hungarian as the case may be) hereinafter provided for.

"(c) The arbiter shall, upon the determination by him of the fair compensation in respect of all such patents, make a tentative award to each claimant of the fair compensation to be paid in respect of his claim, including simple interest, at the rate of 5 per cent per annum, on the amount of such compensation from July 2, 1921, to December 31, 1928, both dates inclusive.

"(d) The total amount to be awarded under this section shall not exceed $1,000,000, minus the sum of (1) the expenditures in carrying out the provisions of this section (including a reasonable estimate for such expenditures to be incurred prior to the expiration of the term of office of the arbiter) and (2) the aggregate consideration paid by the United States in respect of the use, license, assignment, and sale of such patents (other than consideration which is returned to the United States under section 27 of the trading with the enemy act, as amended).

"(e) If the aggregate amount of the tentative awards exceeds the amount which may be awarded under subsection (d), the arbiter shall reduce pro rata the amount of each tentative award. The arbiter shall enter an award of the amount to be paid each claimant, and thereupon shall certify such awards to the Secretary of the Treasury.

"(f) The Secretary of the Treasury is authorized and directed to pay the amount of the awards certified under sub-

section (e), together with simple interest thereon, at the rate of 5 per cent per annum, beginning January 1, 1929, until paid.

"(g) The payments authorized by subsection (f) shall be made in accordance with such regulations as the Secretary of the Treasury may prescribe, but only out of the special deposit account (Austrian or Hungarian, as the case may be), created by section 7, and within the limitations hereinafter prescribed.

"(h) No payment shall be made under this section unless application therefor is made, within two years after the date the award is certified, in accordance with such regulations as the Secretary of the Treasury may prescribe. Payment of any amount in respect of any award may be made, in the discretion of the Secretary of the Treasury, either in the United States or in Austria or in Hungary, and either in money of the United States or in lawful Austrian or Hungarian money (as the case may be), and shall be made only to the person on behalf of whom the award was made, except in the cases specified in paragraphs (1) to (4) of subsection (k) of section 3.

"(i) The provisions of subsections (l), (m), and (o) of section 3 shall be applicable in carrying out the provisions of this section, except that the expenditures in carrying out the provisions of section 3 and this section shall be allocated (as nearly as may be) by the arbiter and paid, in accordance with such allocation, out of the German special deposit account created by section 4 or the special deposit account (Austrian or Hungarian, as the case may be) created by section 7. Such payments may be made in the first instance out of the German special deposit account, subject to reimbursement from the Austrian or the Hungarian special deposit account in appropriate cases.

"(j) There is hereby authorized to be appropriated, to remain available until expended, such amount, not in excess of $1,000,000, as may be necessary for carrying out the provisions of this section.

"(k) The provisions of this section shall constitute the exclusive method for the presentation and payment of claims arising out of any of the acts by or on behalf of the United States for which this section provides a remedy. Any person who files any claim or makes application for any payment under this section shall be held to have consented to all the provisions of this act.

"(l) If the aggregate amount to be awarded in respect of any patent is awarded in respect of two or more claims, such amount shall be apportioned among such claims by the arbiter as he determines to be just and equitable and as the interests of the claimants may appear.

AUSTRIAN AND HUNGARIAN SPECIAL DEPOSIT ACCOUNTS

"SEC. 7. (a) There are hereby created in the Treasury an Austrian special deposit account and an Hungarian special deposit account, into which, respectively, shall be deposited all funds hereinafter specified and from which, respectively, shall be disbursed all payments and expenditures authorized by section 5 or 6 or this section.

"(b) The Secretary of the Treasury is authorized and directed to deposit in the Austrian or the Hungarian special deposit account, as the case may be—

"(1) The respective amounts appropriated under the authority of section 6 (patent claims of Austrian and Hungarian nationals);

"(2) The respective sums transferred by the Alien Property Custodian, under the provisions of subsection (g) of section 25 of the trading with the enemy act, as amended (property of Austrian and Hungarian Governments);

"(3) All money (including the proceeds of any property, rights, or benefits which may be sold or otherwise disposed of, upon such terms as he may prescribe) received, whether before or after the enactment of this act, by the United States in respect of claims of the United States against Austria or Hungary, as the case may be, on account of awards of the commissioner.

"(c) The Secretary of the Treasury is authorized and directed, out of the funds in the Austrian or the Hungarian special deposit account, as the case may be, subject to the provisions of subsections (d) and (e)—

"(1) To make the payments of expenses of administration authorized by section 6 or this section;

"(2) To make the payments authorized by subsection (b) of section 5 (relating to awards of the Tripartite Claims Commission); and

"(3) To make the payments of the awards of the arbiter, together with interest thereon, as provided by section 6 (relating to claims of Austrian and Hungarian nationals).

"(d) No payment shall be made in respect of any award of the commissioner against Austria or of the arbiter on behalf of an Austrian national, nor shall any money or other property be returned under paragraph (15), (17), (18), or (19) of subsection (b) of section 9 of the trading with the enemy act, as amended (relating to the return of money and other property by the Alien Property Custodian to Austrian nationals), prior to the date upon which the commissioner certifies to the Secretary of the Treasury—

"(1) That the amounts deposited in the Austrian special deposit account under paragraph (2) of subsection (b) of this section (in respect of property of the Austrian Government or property of a corporation all the stock of which was owned by the Austrian Government) and under paragraph (3) of subsection (b) of this section (in respect of money received by the United States in respect of claims of the United States against Austria on account of awards of the commissioner) are sufficient to make the payments authorized by subsection (b) of section 5 in respect of awards against Austria; and

"(2) In respect of interlocutory judgments entered by the commissioner, the rate of exchange at which such interlocutory judgments shall be converted into money of the United States and the rate of interest applicable to such judgments and the period during which such interest shall run. The commissioner is authorized and requested to fix such rate of exchange and interest as he may determine to be fair and equitable, and to give notice thereof, within 30 days after the enactment of this act.

"(e) No payment shall be made in respect of any award of the commissioner against Hungary or of the arbiter on behalf of an Hungarian national, nor shall any money or other property be returned under paragraph (15), (20), (21), or (22) of subsection (b) of section 9 of the trading with the enemy act, as amended by this act (relating to the return of money and other property by the Alien Property Custodian to Hungarian nationals), prior to the date upon which the commissioner certifies to the Secretary of the Treasury—

"(1) That the amounts deposited in the Hungarian special deposit account under paragraph (2) of subsection (b) of this section (in respect of property of the Hungarian Government or property of a corporation all the stock of which was owned by the Hungarian Government) and under paragraph (3) of subsection (b) of this section (in respect of money received by the United States in respect of claims of the United States against Hungary on account of awards of the commissioner), are sufficient to make the payments authorized by subsection (b) of section 5 in respect of awards against Hungary; and

"(2) In respect of interlocutory judgments entered by the commissioner, the rate of exchange at which such interlocutory judgments shall be converted into money of the United States and the rate of interest applicable to such judgments and the period during which such interest shall run. The commissioner is authorized and requested to fix such rate of exchange and interest as he may determine to be fair and equitable, and to give notice thereof, within 30 days after the enactment of this act.

"(f) Amounts available under subsection (e) of section 4 (relating to payment of expenses of administration) shall be available for the payment of expenses in carrying out the provisions of this section, including personal services at the seat of Government.

"(g) The Secretary of the Treasury is authorized to invest and reinvest, from time to time, in bonds, notes, or certificates of indebtedness of the United States, any of the funds in the Austrian or the Hungarian special deposit account, and to deposit to the credit of such account the interest or other earnings thereon.

"(h) There shall be deducted from the amounts first payable under this section to any American national in respect of any debt the amount, if any, paid by the Alien Property Custodian in respect of such debt which was not credited by the commissioner in making his award.

"(i) The payments of the awards of the commissioner to the United States on its own behalf, on account of claims of the United States against Austria or Hungary, shall be paid into the Treasury as miscellaneous receipts.

"(j) Any amount remaining in the Austrian or the Hungarian special deposit account after all the payments authorized to be made therefrom have been completed shall be disposed of as follows:

"(1) There shall first be paid into the Treasury as miscellaneous receipts the respective amount, if any, by which the appropriations made under the authority of section 6 and deposited in such special deposit account exceed the payments authorized by such section; and

"(2) The remainder shall be refunded to Austria or Hungary, as their respective interests may appear.

FINALITY OF DECISIONS

"SEC. 8. (a) Notwithstanding the provisions of section 236 of the Revised Statutes, as amended, the decisions of the Secretary of the Treasury in respect of the funds to be paid into the German, the Austrian, or the Hungarian special deposit account and of the payments therefrom shall be final and conclusive and shall not be subject to review by any other officer of the United States, except that payments made under authority of subsection (c) or (m) of section 3 or subsection (e) of section 4 or subsection (f) of section 7 (relating to expenses of administration) shall be accounted for and settled without regard to the provisions of this subsection.

"(b) The Secretary of the Treasury, in his annual report to the Congress, shall include a detailed statement of all expenditures made in carrying out the provisions of this act.

EXCESSIVE FEES PROHIBITED

"SEC. 9. (a) The arbiter, the Commissioner of the Mixed Claims Commission appointed by the United States, and the Commissioner of the Tripartite Claims Commission, respectively, are authorized (upon request as hereinafter provided) to fix reasonable fees (whether or not fixed under any contract or agreement) for services in connection with the proceedings before the arbiter and the Mixed Claims Commission and the Tripartite Claims Commission, respectively, and with the preparations therefor, and the application for payment, and the payment, of any amount under section 2, 3, 5, or 6. Each such official is authorized and requested to mail to each claimant in proceedings before him or the commission, as the case may be, notice (in English, German, or Hungarian) of the provisions of this section. No fee shall be fixed under this subsection unless written request therefor is filed with such official before the expiration of 90 days after the date of mailing of such notice. In the case of nationals of Germany, Austria, and Hungary, such notice may be mailed to, and the written request may be filed by, the duly accredited diplomatic representative of such nation.

"(b) After a fee has been fixed under subsection (a), any person accepting any consideration (whether or not under a contract or agreement entered into prior to the enactment of this act), the aggregate value of which (when added to any consideration previously received) is in excess of the amount so fixed, for services in connection with the proceedings before the arbiter or Mixed Claims Commission or Tripartite Claims Commission, or any preparations therefor, or with the application for payment, or the payment, of any amount under section 2, 3, 5, or 6, shall, upon conviction thereof, be punished by a fine of not more than four times the aggregate value of the consideration accepted by such person therefor.

"(c) Section 20 of the trading with the enemy act, as amended, is amended by inserting after the word 'attorney' wherever it appears in such section the words 'at law or in fact.'

INVESTMENT OF FUNDS BY ALIEN PROPERTY CUSTODIAN

"SEC. 10. The trading with the enemy act, as amended, is amended by adding thereto the following new section:

"'SEC. 25. (a) (1) The Alien Property Custodian is authorized and directed to invest, from time to time upon the request of the Secretary of the Treasury, out of the funds held by the Alien Property Custodian or by the Treasurer of the United States for the Alien Property Custodian, an amount not to exceed $40,000,000 in the aggregate, in one or more participating certificates issued by the Secretary of the Treasury in accordance with the provisions of this section.

"'(2) When in the case of any trust written consent under subsection (m) of section 9 has been filed, an amount equal to the portion of such trust the return of which is temporarily postponed under such subsection shall be credited against the investment made under paragraph (1) of this subsection. If the total amount so credited is in excess of the amount invested under paragraph (1) of this subsection, the excess shall be invested by the Alien Property Custodian in accordance with the provisions of this subsection, without regard to the $40,000,000 limitation in paragraph (1). If the amount invested under paragraph (1) of this subsection is in excess of the total amount so credited, such excess shall, from time to time on request of the Alien Property Custodian, be paid to him out of the funds in the German special-deposit account created by section 4 of the settlement of war claims act of 1928, and such payments shall have priority over any payments therefrom other than the payments under paragraph (1) of subsection (c) of such section (relating to expenses of administration).

"'(b) The Alien Property Custodian is authorized and directed to invest, in one or more participating certificates issued by the Secretary of the Treasury, out of the unallocated interest fund, as defined in section 28—

"'(1) The sum of $25,000,000. If, after the allocation under section 26 has been made, the amount of the unallocated interest fund allocated to the trusts described in subsection (c) of such section is found to be in excess of $25,000,000, such excess shall be invested by the Alien Property Custodian in accordance with the provisions of this subsection. If the amount so allocated is found to be less than $25,000,000, any participating certificate or certificates that have been issued shall be corrected accordingly; and

"'(2) The balance of such unallocated interest fund remaining after the investment provided for in paragraph (1) and the payment of allocated earnings in accordance with the provisions of subsection (b) of section 26 have been made.

"'(c) If the amount of such unallocated interest fund, remaining after the investment required by paragraph (1) of subsection (b) of this section has been made, is insufficient to pay the allocated earnings in accordance with subsection (b) of section 26, then the amount necessary to make up the deficiency shall be paid out of the funds in the German special deposit account created by section 4 of the settlement of war claims act of 1928, and such payment shall have priority over any payments therefrom other than the payments under paragraph (1) of subsection (c) of such section (relating to expenses of administration) and the payments under paragraph (2) of subsection (a) of this section.

"'(d) The Alien Property Custodian is authorized and directed (after the payment of debts under section 9) to transfer to the Secretary of the Treasury, for deposit in such special deposit account, all money and the proceeds of all property, including all income, dividends, interest, annuities, and earnings accumulated in respect thereof, owned by the German Government or any member of the former ruling family. All money and other property shall be held to be owned by the German Government (1) if no claim thereto has been filed with the Alien Property Custodian prior to the expiration of one year from the date of the enactment of the settlement of war claims act of 1928, or (2) if any claim has been filed before the expiration of such period (whether before or after the enactment of such act), then if the ownership thereof under any such claim is not established by a decision of the Alien Property Custodian or by suit in court instituted, under section 9, within one year after the decision of the Alien Property Custodian, or after the date of the enactment of the settlement of war claims act of 1928, whichever date is later. The amounts so transferred under this subsection shall be credited upon the final payment due the United States from the German Government on account of the awards of the Mixed Claims Commission.

"'(e) The Secretary of the Treasury is authorized and directed to issue to the Alien Property Custodian, upon such terms and conditions and under such regulations as the Secretary of the Treasury may prescribe, one or more participating certificates, bearing interest payable annually (as nearly as may be) at the rate of 5 per cent per annum, as evidence of the investment by the Alien Property Custodian under subsection (a), and one or more noninterest-bearing, participating certificates, as evidence of the investment by the Alien Property Custodian under subsection (b). All such certificates shall evidence a participating interest, in accordance with, and subject to the priorities of, the provisions of section 4 of the settlement of war claims act of 1928, in the funds in the German special deposit account created by such section, except that—

"'(1) The United States shall assume no liability, directly or indirectly, for the payment of any such certificates, or of the interest thereon, except out of funds in such special deposit account available therefor, and all such certificates shall so state on their face; and

"'(2) Such certificates shall not be transferable, except that the Alien Property Custodian may transfer any such participating certificate evidencing the interest of a substantial number of the owners of the money invested, to a trustee duly appointed by such owners.

"'(f) Any amount of principal or interest paid to the Alien Property Custodian in accordance with the provisions of subsection (c) of section 4 of the settlement of war claims act of 1928 shall be allocated pro rata among the persons filing written consents under subsection (m) of section 9 of this act, and the amounts so allocated shall be paid to such persons. If any person to whom any amount is payable under this subsection has died (or if, in the case of a partnership, association, or other unincorporated body of individuals, or a corporation, its existence has terminated), payment shall be made to the persons determined by the Alien Property Custodian to be entitled thereto.

"'(g) The Alien Property Custodian is authorized and directed (after the payment of debts under section 9) to transfer to the Secretary of the Treasury, for deposit in the special

deposit account (Austrian or Hungarian, as the case may be), created by section 7 of the settlement of war claims act of 1928, all money and the proceeds of all property, including all income, dividends, interest, annuities, and earnings accumulated in respect thereof, owned by the Austrian Government or any corporation all the stock of which was owned by or on behalf of the Austrian Government (including the property of the Imperial Royal Tobacco Monopoly, also known under the name of K. K. Oesterreichische Tabak Regie), or owned by the Hungarian Government or by any corporation all the stock of which was owned by or on behalf of the Hungarian Government.'

RETURN TO NATIONALS OF GERMANY, AUSTRIA, AND HUNGARY OF PROPERTY HELD BY ALIEN PROPERTY CUSTODIAN

"SEC. 11. Subsection (b) of section 9 of the trading with the enemy act, as amended, is amended by striking out the punctuation at the end of paragraph (11) and inserting in lieu thereof a semicolon and the word "or" and inserting after paragraph (11) the following new paragraphs:

"'(12) A partnership, association, or other unincorporated body of individuals, or a corporation, and was entirely owned at such time by subjects or citizens of nations, States, or free cities other than Austria or Hungary or Austria-Hungary and is so owned at the time of the return of its money or other property, and has filed the written consent provided for in subsection (m); or

"'(13) A partnership, association, or other unincorporated body of individuals, having its principal place of business at such time within any country other than Austria, Hungary, or Austria-Hungary, or a corporation organized or incorporated within any country other than Austria, Hungary, or Austria-Hungary, and that the written consent provided for in subsection (m) has been filed; or

"'(14) Any individual who at such time was a citizen or subject of Germany or who at the time of the return of any money or other property is a citizen or subject of Germany or is not a citizen or subject of any nation, State, or free city, and that the written consent provided for in subsection (m) has been filed; or

"'(15) The Austro-Hungarian Bank, except that the money or other property thereof shall be returned only to the liquidators thereof; or

"'(16) An individual, partnership, association, or other unincorporated body of individuals, or a corporation, and that the written consent provided for in subsection (m) has been filed, and that no suit or proceeding against the United States or any agency thereof is pending in respect of such return, and that such individual has filed a written waiver renouncing on behalf of himself, his heirs, successors, and assigns any claim based upon the fact that at the time of such return he was in fact entitled to such return under any other provision of this act; or

"'(17) A partnership, association, or other unincorporated body of individuals, or a corporation, and was entirely owned at such time by citizens of Austria and is so owned at the time of the return of its money or other property; or

"'(18) A partnership, association, or other unincorporated body of individuals, having its principal place of business at such time within Austria, or a corporation organized or incorporated within Austria; or

"'(19) An individual who at such time was a citizen of Austria or who at the time of the return of any money or other property is a citizen of Austria; or

"'(20) A partnership, association, or other unincorporated body of individuals, or a corporation, and was entirely owned at such time by citizens of Hungary and is so owned at the time of the return of its money or other property; or

"'(21) A partnership, association, or other unincorporated body of individuals, having its principal place of business at such time within Hungary, or a cooperation organized or incorporated within Hungary; or

"'(22) An individual who at such time was a citizen of Hungary or who, at the time of the return of any money or other property, is a citizen of Hungary;—'

"SEC. 12. (a) Subsection (d) of section 9 of the trading with the enemy act, as amended, is amended to read as follows:

"'(d) Whenever an individual, deceased, would have been entitled, if living, to the return of any money or other property without filing the written consent provided for in subsection (m), then his legal representative may proceed for the return of such money or other property in the same manner as such individual might proceed if living, and such money or other property may be returned to such legal representative without requiring the appointment of an administrator, or an ancillary administrator, by a court in the United States, or to any such ancillary administrator, for distribution directly to the persons entitled thereto. Return in accordance with the provisions of this subsection may be made in any case where an application or court proceeding by any legal representative, under the provisions of this subsection before its amendment by the settlement of war claims act of 1928, is pending and undetermined at the time of the enactment of such act. All bonds or other security given under the provisions of this subsection before such amendment shall be canceled or released and all sureties thereon discharged.'

"(b) Subsection (e) of section 9 of the trading with the enemy act, as amended, is amended by striking out the period at the end thereof and inserting a semicolon and the following: 'nor shall a debt be allowed under this section unless notice of the claim has been filed, or application therefor has been made, prior to the date of the enactment of the settlement of war claims act of 1928.'

"(c) Subsection (g) of section 9 of the trading with the enemy act, as amended, is amended to read as follows:

"'(g) Whenever an individual, deceased, would have been entitled, if living, to the return of any money or other property upon filing the written consent provided for in subsection (m), then his legal representative may proceed for the return of such money or other property in the same manner as such individual might proceed if living, and such money or other property may be returned, upon filing the written consent provided for in subsection (m), to such legal representative without requiring the appointment of an administrator, or an ancillary administrator, by a court in the United States, or to any such ancillary administrator, for distribution to the persons entitled thereto. This subsection shall not be construed as extinguishing or diminishing any right which any citizen of the United States may have had under this subsection prior to its amendment by the settlement of war claims act of 1928 to receive in full his interest in the property of any individual dying before such amendment.'

"SEC. 13. Subsections (j) and (k) of section 9 of the trading with the enemy act, as amended, are amended so as to comprise three subsections, to read as follows:

"'(j) The Alien Property Custodian is authorized and directed to return to the person entitled thereto, whether or not an enemy or ally of enemy and regardless of the value, any patent, trade-mark, print, label, copyright, or right therein or claim thereto, which was conveyed, transferred, assigned, or delivered to the Alien Property Custodian, or seized by him, and which has not been sold, licensed, or otherwise disposed of under the provisions of this act, and to return any such patent, trade-mark, print, label, copyright, or right therein or claim thereto, which has been licensed, except that any patent, trade-mark, print, label, copyright, or right therein or claim thereto, which is returned by the Alien Property Custodian and which has been licensed, or in respect of which any contract has been entered into, or which is subject to any lien or encumbrance, shall be returned subject to the license, contract, lien, or encumbrance.

"'(k) Except as provided in section 27, paragraphs (12) to (22), both inclusive, of subsection (b) of this section shall apply to the proceeds received from the sale, license, or other disposition of any patent, trade-mark, print, label, copyright, or right therein or claim thereto, conveyed, transferred, assigned, or delivered to the Alien Property Custodian, or seized by him.

"'(l) This section shall apply to royalties paid to the Alien Property Custodian, in accordance with a judgment or decree in a suit brought under subsection (f) of section 10; but shall not apply to any other money paid to the Alien Property Custodian under section 10.'

"SEC. 14. Section 9 of the trading with the enemy act, as amended, is amended by adding at the end thereof the following new subsections:

"'(m) No money or other property shall be returned under paragraphs (12), (13), (14), or (16) of subsection (b) or under subsection (g) or (n) or (to the extent therein provided) under subsection (p), unless the person entitled thereto files a written consent to a postponement of the return of an amount equal to 20 per cent of the aggregate value of such money or other property (at the time, as nearly as may be, of the return), as determined by the Alien Property Custodian, and the investment of such amount in accordance with the provisions of section 25. Such amount shall be deducted from the money to be returned to such person, so far as possible, and the balance shall be deducted from the proceeds of the sale of so much of the property as may be necessary, unless such person pays the balance to the Alien Property Custodian, except that no property shall be so sold prior to the expiration of six years from the date of the enactment of the settlement of war claims act of 1928 without the consent of the person entitled thereto. The amounts so deducted shall be returned to the persons entitled thereto as provided in subsection (f) of section 25. The sale of

any such property shall be made in accordance with the provisions of section 12, except that the provisions of such section relating to sales or resales to, or for the benefit of, citizens of the United States shall not be applicable. If such aggregate value of the money or other property to be returned under paragraphs (12), (13), (14), or (16) of subsection (b) or under subsection (g) is less than $2,000, then the written consent shall not be required and the money or other property shall be returned in full without the temporary retention and investment of 20 per cent thereof.

"'(n) In the case of property consisting of stock or other interest in any corporation, association, company, or trust, or bonded or other indebtedness thereof, evidenced by certificates of stock or by bonds or by other certificates of interest therein or indebtedness thereof, or consisting of dividends or interest or other accruals thereon, where the right, title, and interest in the property (but not the actual certificate or bond or other certificate of interest or indebtedness) was conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian, or seized by him, if the President determines that the owner thereof or of any interest therein has acquired such ownership by assignment, transfer, or sale of such certificate or bond or other certificate of interest or indebtedness (it being the intent of this subsection that such assignment, transfer, or sale shall not be deemed invalid hereunder by reason of such conveyance, transfer, assignment, delivery, or payment to the Alien Property Custodian or seizure by him), and that the written consent provided for in subsection (m) has been filed, then the President may make in respect of such property an order of the same character, upon the same conditions, and with the same effect, as in cases provided for in subsection (b), including the benefits of subsection (c).

"'(o) The provisions of paragraph (12), (13), (14), (17), (18), (19), (20), (21), or (22) of subsection (b), or of subsection (m) or (n) of this section, and (except to the extent therein provided) the provisions of paragraph (16) of subsection (b), shall not be construed as diminishing or extinguishing any right under any other provision of this act in force immediately prior to the enactment of the settlement of war claims act of 1928.

"'(p) The Alien Property Custodian shall transfer the money or other property in the trust of any partnership, association, or other unincorporated body of individuals, or corporation, the existence of which has terminated, to trusts in the names of the persons (including the German Government and members of the former ruling family) who have succeeded to its claim or interest; and the provisions of subsection (a) of this section relating to the collection of a debt (by order of the President or of a court) out of money or other property held by the Alien Property Custodian or the Treasurer of the United States shall be applicable to the debts of such successor and any such debt may be collected out of the money or other property in any of such trusts if not returnable under subsection (a) of this section. Subject to the above provisions as to the collection of debts, each such successor (except the German Government and members of the former ruling family) may proceed for the return of the amount so transferred to his trust, in the same manner as such partnership, association, or other unincorporated body of individuals, or corporation might proceed if still in existence. If such partnership, association, or other unincorporated body of individuals, or corporation, would have been entitled to the return of its money or other property only upon filing the written consent provided for in subsection (m), then the successor shall be entitled to the return under this subsection only upon filing such written consent.

"'(q) The return of money or other property under paragraph (15), (17), (18), (19), (20), (21), or (22) of subsection (b) (relating to the return to Austrian and Hungarian nationals) shall be subject to the limitations imposed by subsections (d) and (e) of section 7 of the settlement of war claims act of 1928.'

"SEC. 15. The trading with the enemy act, as amended, is amended by adding thereto the following new sections:

"'SEC. 26. (a) The Alien Property Custodian shall allocate among the various trusts the funds in the "unallocated interest fund" (as defined in section 28). Such allocation shall be based upon the average rate of earnings (determined by the Secretary of the Treasury) on the total amounts deposited under section 12.

"'(b) The Alien Property Custodian, when the allocation has been made, is authorized and directed to pay to each person entitled, in accordance with a final decision of a court of the United States or of the District of Columbia, or of an opinion of the Attorney General, to the distribution of any portion of such unallocated interest fund, the amount allocated to his trust, except as provided in subsection (c) of this section.

"'(c) In the case of persons entitled, under paragraph (12), (13), (14), or (16) of subsection (b) of section 9, to such return, and in the case of persons who would be entitled to such return thereunder if all such money or property had not been returned under paragraph (9) or (10) of such subsection, and in the case of persons entitled to such return under subsection (n) of section 9, an amount equal to the aggregate amount allocated to their trusts shall be credited against the sum of $25,000,000 invested in participating certificates under paragraph (1) of subsection (b) of section 25. If the aggregate amount so allocated is in excess of $25,000,000, an amount equal to the excess shall be invested in the same manner. Upon the repayment of any of the amounts so invested, under the provisions of section 4 of the settlement of war claims act of 1928, the amount so repaid shall be distributed pro rata among such persons, notwithstanding any receipts or releases given by them.

"'(d) The unallocated interest fund shall be available for carrying out the provisions of this section, including the expenses of making the allocation.

"'SEC. 27. The Alien Property Custodian is authorized and directed to return to the United States any consideration paid to him by the United States under any license, assignment, or sale by the Alien Property Custodian to the United States of any patent (or any right therein or claim thereto, and including an application therefor and any patent issued pursuant to any such application).

"'SEC. 28. As used in this act, the term "unallocated interest fund" means the sum of (1) the earnings and profits accumulated prior to March 4, 1923, and attributable to investments and reinvestments under section 12 by the Secretary of the Treasury, plus (2) the earnings and profits accumulated on or after March 4, 1923, in respect of the earnings and profits referred to in clause (1) of this section.

"'SEC. 29. (a) Where the Alien Property Custodian has made demand or requirement for the conveyance, transfer, assignment, delivery, or payment to him of any money or other property of any enemy or ally of enemy (whether or not suit or proceeding for the enforcement thereof has been begun and whether or not any judgment or decree in respect thereof has been made or entered) and where the whole or any part of such money or other property would, if conveyed, transferred, assigned, delivered, or paid to him, be returnable under any provision of this act, the Alien Property Custodian may, in his discretion, and on such terms and conditions as he may prescribe, waive such demand or requirement, or accept in full satisfaction of such demand, requirement, judgment, or decree, a less amount than that demanded or required by him.

"'(b) The Alien Property Custodian shall not make any such waiver or compromise except with the approval of the Attorney General; nor (if any part of such money or property would be returnable only upon the filing of the written consent required by subsection (m) of section 9) unless, after compliance with the terms and conditions of such waiver or compromise, the Alien Property Custodian or the Treasurer of the United States will hold (in respect of such enemy or ally of enemy) for investment as provided in section 25, an amount equal to 20 per cent of the sum of (1) the value of the money or other property held by the Alien Property Custodian or the Treasurer of the United States at the time of such waiver or compromise, plus (2) the value of the money or other property to which the Alien Property Custodian would be entitled under such demand or requirement if the waiver or compromise had not been made.

"'(c) Where the Alien Property Custodian has made demand or requirement for the conveyance, transfer, assignment, delivery, or payment to him of any money or other property of any enemy or ally of enemy (whether or not suit or proceeding for the enforcement thereof has been begun and whether or not any judgment or decree in respect thereof has been made or entered) and where the interest or right of such enemy or ally of enemy in such money or property has not, prior to the enactment of the settlement of war claims act of 1928, vested in enjoyment, the Alien Property Custodian may, in his discretion, and on such terms and conditions as he may prescribe, waive such demand and requirement, without compliance with the requirements of subsection (b) of this section, but only with the approval of the Attorney General.

"'(d) Nothing in this section shall be construed as requiring the Alien Property Custodian to make any waiver or compromise authorized by this section, and the Alien Property Custo-

dian may proceed in respect of any demand or requirement referred to in subsection (a) or (c) as if this section had not been enacted.

"'(e) All money or other property received by the Alien Property Custodian as a result of any action or proceeding—whether begun before or after the enactment of the settlement of war claims act of 1928, and whether or not for the enforcement of a demand or requirements as above specified—shall for the purposes of this act be considered as forming a part of the trust in respect of which such action or proceeding was brought, and shall be subject to return in the same manner and upon the same conditions as any other money or property in such trust, except as otherwise provided in subsection (b) of this section.

"'SEC. 30. Any money or other property returnable under subsection (b) or (n) of section 9 shall, at any time prior to such return, be subject to attachment in accordance with the provisions of the code of law for the District of Columbia, as amended, relating to attachments in suits at law, and to attachments for the enforcement of judgments at law and decrees in equity, but any writ of attachment or garnishment issuing in any such suit, or for the enforcement of any judgment or decree, shall be served only upon the Alien Property Custodian, who shall for the purposes of this section be considered as holding credits in favor of the person entitled to such return to the extent of the value of the money or other property so returnable. Nothing in this section shall be construed as authorizing the taking of actual possession, by any officer of any court, of any money or other property held by the Alien Property Custodian or by the Treasurer of the United States.

"'SEC. 31. As used in this act, the term "member of the former ruling family" means (1) any person who was at any time between April 6, 1917, and July 2, 1921, the German Emperor or the ruler of any constituent kingdom of the German Empire, or (2) the wife or any child of such person.'

FUGITIVES FROM JUSTICE

"SEC. 16. Section 22 of the trading with the enemy act, as amended, is amended to read as follows:

"'SEC. 22. No person shall be entitled to the return of any property or money under any provision of this act, or any amendment of this act, who is a fugitive from justice of the United States or any State or Territory thereof, or the District of Columbia.'

RETURN OF INCOME

"SEC. 17. Section 23 of the trading with the enemy act, as amended, is amended to read as follows:

"'SEC. 23. The Alien Property Custodian is directed to pay to the person entitled thereto, from and after March 4, 1923, the net income (including dividends, interest, annuities, and other earnings), accruing and collected thereafter, in respect of any money or property held in trust for such person by the Alien Property Custodian or by the Treasurer of the United States for the account of the Alien Property Custodian, under such rules and regulations as the President may prescribe.'

TAXES

"SEC. 18. Section 24 of the trading with the enemy act, as amended, is amended by inserting '(a)' after the section number and by adding at the end of such section new subsections to read as follows:

"'(b) In the case of income, war-profits, excess-profits, or estate taxes imposed by any act of Congress, the amount thereof shall, under regulations prescribed by the Commissioner of Internal Revenue with the approval of Secretary of the Treasury, be computed in the same manner (except as hereinafter in this section provided) as though the money or other property had not been seized by or paid to the Alien Property Custodian, and shall be paid, as far as practicable, in accordance with subsection (a) of this section. Pending final determination of the tax liability the Alien Property Custodian is authorized to return, in accordance with the provisions of this act, money or other property in any trust in such amounts as may be determined, under regulations prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, to be consistent with the prompt payment of the full amount of the internal-revenue taxes.

"(c) So much of the net income of a taxpayer for the taxable year 1917, or any succeeding taxable year, as represents the gain derived from the sale or exchange by the Alien Property Custodian of any property conveyed, transferred, assigned, delivered, or paid to him, or seized by him, may at the option of the taxpayer be segregated from the net income and separately taxed at the rate of 30 per cent. This subsection shall be applied and the amount of net income to be so segregated shall be determined, under regulations prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, as nearly as may be in the same manner as provided in section 208 of the revenue act of 1926 (relating to capital net gains), but without regard to the period for which the property was held by the Alien Property Custodian before its sale or exchange, and whether or not the taxpayer is an individual.

"(d) Any property sold or exchanged by the Alien Property Custodian (whether before or after the date of the enactment of the settlement of war claims act of 1928) shall be considered as having been compulsory or involuntarily converted, within the meaning of the income, excess-profits, and war-profits tax laws and regulations; and the provisions of such laws and regulations relating to such a conversion shall (under regulations prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury) apply in the case of the proceeds of such sale or exchange. For the purpose of determining whether the proceeds of such conversion have been expended within such time as will entitle the taxpayer to the benefits of such laws and regulations relating to such a conversion, the date of the return of the proceeds to the person entitled thereto shall be considered as the date of the conversion.

"(e) In case of any internal-revenue tax imposed in respect of property conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian, or seized by him, and imposed in respect of any period (in the taxable year 1917 or any succeeding taxable year) during which such property was held by him or by the Treasurer of the United States, no interest or civil penalty shall be assessed upon, collected from, or paid by or on behalf of, the taxpayer; nor shall any interest be credited or paid to the taxpayer in respect of any credit or refund allowed or made in respect of such tax.

"'(f) The benefits of subsections (c), (d), and (e) shall be extended to the taxpayer if claim therefor is filed before the expiration of the period of limitations properly applicable thereto, or before the expiration of six months after the date of the enactment of the settlement of war claims act of 1928, whichever date is the later. The benefits of subsection (d) shall also be extended to the taxpayer if claim therefor is filed before the expiration of six months after the return of the proceeds.'

"SEC. 19. Subsection (f) of section 10 of the trading with the enemy act, as amended, is amended by adding at the end thereof the following new paragraph:

"'In the case of any such patent, trade-mark, print, label, or copyright, conveyed, assigned, transferred, or delivered to the Alien Property Custodian or seized by him, any suit brought under this subsection, within the time limited therein, shall be considered as having been brought by the owner within the meaning of this subsection, in so far as such suit relates to royalties for the period prior to the sale by the Alien Property Custodian of such patent, trade-mark, print, label, or copyright, if brought either by the Alien Property Custodian or by the person who was the owner thereof immediately prior to the date such patent, trade-mark, print, label, or copyright was seized or otherwise acquired by the Alien Property Custodian.'

"SEC. 20. The proviso of paragraph (10) of subsection (b) of section 9 of the trading with the enemy act, as amended (relating to the return to certain insurance companies), is repealed.

SHIP CLAIMS OF FORMER GERMAN NATIONALS

"SEC. 21. (a) It shall be the duty of the arbiter to hear the claims of any partnership, association, joint-stock company, or corporation, and to determine the amount of compensation to be paid to it by the United States, in respect of the merchant vessels *Carl Diederichsen* and *Johanne* (including any equipment, appurtenances, and property contained therein), title to which was taken by or on behalf of the United States under the authority of the joint resolution of May 12, 1917, and which were subsequently sold by or on behalf of the United States. Such compensation shall be determined as provided in paragraph (1) of subsection (b) of section 3 of this act, but the aggregate compensation shall not exceed, in the case of the *Carl Diederichsen*, $166,787.78 and in the case of the *Johanne*, $174,600 (such amounts being the price for which the vessels were sold, less the cost of reconditioning). The arbiter shall not make any award under this section in respect of the claim of any partnership, association, joint-stock company, or corporation unless it appears to his satisfaction that all its members and stockholders who were, on April 6, 1917, citizens or subjects of Germany, became, by virtue of any treaty of peace or plebiscite held or further treaty concluded under such treaty of peace, citizens or subjects of any nation other than Germany, and that all its members and stockholders on the date of the enactment of this

act were on such date citizens or subjects of nations other than Germany.

"(b) Upon the determination by him of such compensation the arbiter shall enter an award in favor of such person of the amount of such compensation and shall certify such award to the Secretary of the Treasury. The amount of such award, together with interest thereon, at the rate of 5 per cent per annum, from July 2, 1921, until the date of such payment, shall be paid by the Secretary of the Treasury, in accordance with such regulations as he may prescribe. There is authorized to be appropriated such amount as may be necessary to make such payment.

"(c) No payment shall be made in respect of any award under this section unless application therefor is made, within two years after the date such award is certified, in accordance with such regulations as the Secretary of the Treasury may prescribe, and payment shall be made only to the person on behalf of whom the award was made except in the cases specified in paragraphs (1) to (4) of subsection (k) of section 3. The provisions of subsections (c), (l), (m), (o), and (r) of section 3 shall be applicable in carrying out the provisions of this section.

"(d) The provisions of this section shall constitute the exclusive method for the presentation and payment of claims arising out of any of the acts by or on behalf of the United States for which this section provides a remedy. Any person who files any claim or makes application for any payment under this section shall be held to have consented to all the provisions of this act. This subsection shall not bar the presentation of a claim under section 3 (relating to the ship claims of German nationals) in respect of the taking of the vessel *Carl Diederichsen* or the vessel *Johanne;* but no award shall be made under section 3 in respect of either of such vessels to or on behalf of any person to whom or on whose behalf an award is made under this section in respect of such vessel.

DEFINITIONS

"SEC. 22. As used in this act—

"(a) The term 'person' means an individual, partnership, association, or corporation.

"(b) The term 'German national' means—

"(1) An individual who, on April 6, 1917, was a citizen or subject of Germany, or who, on the date of the enactment of this act, is a citizen or subject of Germany.

"(2) A partnership, association, or corporation, which on April 6, 1917, was organized or created under the law of Germany.

"(3) The Government of Germany.

"(c) The term 'member of the former ruling family' means (1) any person who was at any time between April 6, 1917, and July 2, 1921, the German Emperor or the ruler of any constituent kingdom of the German Empire, or (2) the wife or any child of such person.

"(d) The term 'Austrian national' means—

"(1) An individual who, on December 7, 1917, was a citizen of Austria, or who, on the date of the enactment of this act, is a citizen of Austria.

"(2) A partnership, association, or corporation which on December 7, 1917, was organized or created under the law of Austria.

"(3) The Government of Austria.

"(e) The term 'Hungarian national' means—

"(1) An individual who, on December 7, 1917, was a citizen of Hungary, or who, on the date of the enactment of this act, is a citizen of Hungary.

"(2) A partnership, association, or corporation which, on December 7, 1917, was organized or created under the law of Hungary.

"(3) The Government of Hungary.

"(f) The term 'United States' when used in a geographical sense includes the Territories and possessions of the United States and the District of Columbia.

LEGISLATIVE COUNSEL AND SPECIAL ASSISTANT TO SECRETARY OF THE TREASURY

"SEC. 23. (a) Section 1303(d) of the revenue act of 1918, as amended by section 1101 of the revenue act of 1924, is amended by adding at the end thereof a sentence to read as follows: 'Notwithstanding the foregoing provisions, the compensation of each of the two legislative counsel in office upon the date of the enactment of the settlement of war claims act of 1928 shall, after such date, be at the rate of $10,000 a year.'

"(b) The salary of the special assistant to the Secretary of the Treasury in matters of legislation, so long as the position is held by the present incumbent, shall be at the rate of $10,000 a year."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title, and agree to the same.

W. R. GREEN,
W. C. HAWLEY,
ALLEN T. TREADWAY,
JOHN N. GARNER,
J. W. COLLIER,
Managers on the part of the House.

REED SMOOT,
CHARLES CURTIS,
DAVID A. REED,
PETER G. GERRY,
PAT HARRISON,
Managers on the part of the Senate.

STATEMENT OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7201) to provide for the settlement of certain claims of American nationals against Germany and of German nationals against the United States, for the ultimate return of all property of German nationals held by the Alien Property Custodian, and for the equitable apportionment among all claimants of certain available funds, submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment strikes out all after the enacting clause primarily to make unnecessary a large number of separate amendments changing section numbers and cross references. The Senate substitute for the House bill embodies all the major policies of the House bill, and the bill as agreed to in conference, consequently, is substantially the House bill. The essential differences between the House bill and the Senate amendment are as follows:

AUSTRIA AND HUNGARY

The principal change made in the House bill by the Senate amendment is the addition of sections providing for the return of the property of nationals of Austria and Hungary held by the Alien Property Custodian (including their share of the unallocated interest fund), and for the settlement of claims of the United States and its nationals against Austria and Hungary, and of Austrian and Hungarian nationals against the United States. The disposition of the questions involved in regard to these matters became possible only a very short time before the bill was introduced in the House, and there was no opportunity of incorporating suitable provisions in the bill at that time.

The provisions are contingent upon payment by the Austrian and Hungarian Governments of sums sufficient to pay the claims against Austria and Hungary, and the work of the Tripartite Claims Commission has progressed to the point where the amounts necessary can be estimated. Claims of Austrian and Hungarian nationals against the United States are to be settled in a manner similar to that provided in the case of the claims of German nationals. The House recedes.

CLAIMS OF AMERICAN NATIONALS AGAINST GERMANY

Subsection (j) of section 2 of the Senate amendment is a new subsection requesting the President to enter into negotiations with Germany with a view to extending the time for filing claims before the Mixed Claims Commission, so as to give the commission jurisdiction of claims presented before July 1, 1928. In order to prevent undue delay in making pro rata payments on awards where no payment can be made until all awards have been certified, it is provided that awards on account of late claims will be payable under this bill only if the agreement is entered into before January 1, 1929. The House recedes, with an amendment providing for the filing of the American claims with the State Department, rather than presentation to the commission. It will not be necessary to require that claims already filed with the State Department be again filed.

Section 10 of the Senate amendment, dealing with the investment of funds by the Alien Property Custodian, corresponds to section 8 of the House bill. This section adds section 25 to the trading with the enemy act. Subsection (a) of section 25 is amended by the Senate in paragraph (1) to authorize the immediate investment, upon the request of the Secretary of the Treasury, of an amount not to exceed $40,000,000, out of the alien property funds. This amount is a conservative estimate of the aggregate amount of the 20 per cent of alien property temporarily to be retained. Under the section as amended, $40,000,000 will be immediately available for payment of awards of the Mixed Claims Commission and for the other purposes of the special deposit account. Paragraph (2) of this subsection

provides for the necessary adjustments in case the amounts invested under paragraph (1) are too large or too small. The amendment facilitates administration; and the House recedes.

The Senate amendment adds to paragraph (5) of subsection (c) of section 5 of the House bill—section 4 of the Senate amendment—a provision authorizing the Secretary of the Treasury to make partial payments, in his discretion, on awards of the Mixed Claims Commission in excess of $100,000. This amendment will prevent unnecessary delay in making payments on such awards which might otherwise be caused by the consideration of late claims by the commission or of claims not yet adjudicated; and the House recedes.

CLAIMS OF GERMAN NATIONALS AGAINST THE UNITED STATES

The Senate amendment rewrites subsection (a) of section 4 of the House bill—which appears as subsection (a) of section 3 of the Senate amendment—to provide that the arbiter shall be appointed by the President, with the advice and consent of the Senate. The House bill provided for his appointment by the President alone. The House recedes.

The Senate amendment provides for the appointment of a war claims counsel to represent the United States in proceedings before the arbiter. Under the House bill this duty devolves upon the Department of Justice; and the Senate recedes.

Subsection (d) of section 4 of the House bill is amended by the Senate amendment to extend the period of interest to be included in the awards of the arbiter, to include December 31, 1928. It is unlikely that the awards of the arbiter under this section will be certified before that date; and the House recedes.

The Senate amends subsection (d) of section 4 of the House bill to require that the arbiter shall make no award to a German ship claimant until the interest of the German Government, or any member of the former ruling family, if any, in the ship involved has been established by such claimant to the arbiter's satisfaction. If any such interest appears, the arbiter is directed to enter a tentative award accordingly. This award will not be paid but will be applied in satisfaction of the final payments from Germany, on account of the awards of the Mixed Claims Commission. The House recedes.

The Senate amendment, by subsection (c) of section 22, adds to the definitions contained in the House bill a definition of the term "member of the former ruling family." This term is defined to mean (1) the former German Emperor, or the ruler of any constituent state of the German Empire during the war period, or (2) the wife or any child of such person. The House recedes with an amendment to provide that none of the rulers of constituent states shall be included within the definition except the rulers of the Kingdoms of Saxony, Bavaria, and Wuerttemberg (the Emperor being also King of Prussia).

Paragraph (1) of subsection (b) of section 4 of the House bill is amended by the Senate by adding a provision that the findings of the board of survey, appointed under the authority of the joint resolution of May 12, 1917, to appraise the German merchant ships seized by the United States, shall be competent evidence in any proceeding before the arbiter to determine the compensation to be paid any claimant in respect of such ships. This amendment merely carries into the bill the provision contained in the joint resolution; and the House recedes.

The Senate amendment provided for the determination of compensation to be paid for the Tuckerton Radio Station, all the enemy interest in which was sold by the Alien Property Custodian to a private corporation. The House bill provided for the adjudication of claims only in respect of a radio station—the Sayville Station—which was sold to the United States. The Senate recedes.

Section 21 of the Senate amendment is added to provide for the determination of compensation to be paid in the case of two ships seized by the United States which were owned at the outbreak of the war by German nationals who, as a result of a plebiscite under the treaty of Versailles, became Danish nationals. Inasmuch as all the property of nationals in similar circumstances held by the Alien Property Custodian has been returned without limitation, the section provides that the awards for these ships—not greater than the amount received by the United States upon the sale of the vessels, minus the capital expenditures thereon—shall be paid in full and an appropriation is authorized to make such payment. The House recedes with a clarifying amendment.

RETURN OF PROPERTY HELD BY THE ALIEN PROPERTY CUSTODIAN

The Senate amendment provides for the payment of interest on any participating certificate or certificates representing investment of the unallocated interest fund. The Senate recedes.

The Senate amendment to subsection (d) of this section of the trading with the enemy act provides that for the purpose of transfer to the special-deposit account all property shall be deemed to be owned by the German Government if no claim thereto has been filed with the Alien Property Custodian prior to the expiration of six months after the enactment of the act, or if a claim has been filed for the recovery of the property before the end of that period and ownership has not been established by the claimant. The House recedes, with an amendment extending the six-months limitation to one year, and an amendment providing that ownership may be established by suit brought within one year after an adverse decision by the Alien Property Custodian, or within one year after the passage of this act, whichever date is later. This latter provision is necessary in order to afford an ample time for suit in cases where the custodian has heretofore decided the claim.

Subsection (f) of section 25 of the trading with the enemy act dealing with the return of any balance of the retained 20 per cent of alien property after all payments are made from the special-deposit account is amended by the Senate to allow return, in the case of deceased individuals and dissolved partnerships, associations, or corporations, to persons determined by the Alien Property Custodian to be entitled to the property. The House recedes.

Subsections (d) and (g) of section 9 of the trading with the enemy act provide for the return of property in cases where the owner is deceased. The Senate amendment amends these subsections to provide that only so much of the property of a decedent shall be returned to his legal representative for distribution to his heirs or legatees as the decedent himself would have been entitled to if living. Subsection (d) covers the cases of decedents who would be entitled to the return of all their property and allows a complete return to the legal representative regardless of the nationality or citizenship of the heirs or legatees, and provides that this same rule shall apply in cases where applications or proceedings are pending under the existing law. Subsection (g) covers the cases of decedents who would be entitled to the return of only 80 per cent of their property and provides that in any such case not more than 80 per cent may be returned to the legal representative, regardless of the citizenship or nationality of the heirs or legatees. The subsection contains a saving clause reserving to American citizens any rights they may have under the existing law in estates of persons dying before the enactment of the act. The principal change in these two subsections from the corresponding provisions of the House bill is the substitution of the status of the decedent for that of the distributee as the determining factor in making returns. The amendment avoids the complications which arise under the existing law. The House recedes.

In the Senate amendment to subsection (p), added to section 9 of the trading with the enemy act by section 12 of the House bill (section 14 of the Senate amendment), provision is made for the return of property of partnerships, associations, and corporations which have ceased to exist, on substantially the same principles as in the case of deceased individuals. The property of a dissolved corporation, for example, is transferred to the names of the trustees or liquidators of the corporation or of the stockholders, and such successors may proceed for its return in the same manner as such corporation might have proceeded if still in existence and with the same restrictions as would apply to a return to the corporation. The amendment further provides that debts of such successors may be collected out of the property to which they are entitled under this subsection in accordance with the provisions of subsection (a) of section 9. The House recedes.

Subsection (m) is amended by the Senate to provide that property in the hands of the Alien Property Custodian may be sold free of the restrictions of section 12 of the trading with the enemy act limiting sales to American purchasers. The House recedes.

A further amendment to subsection (m) provides for the return in full by the Alien Property Custodian, without the retention of 20 per cent, to the original owner or his legal representative of the property in any trust if the aggregate value thereof does not exceed $2,000. The provision will result in the final disposition and closing out of a large number of small trusts and will accordingly facilitate the administration of the Alien Property Custodian's office. The House recedes.

Section 29, added to the trading with the enemy act by section 13 of the House bill (sec. 15 of the Senate amendment), provides for the waiver or compromise of demands of the Alien Property Custodian for the transfer to him of enemy property. Subsection (b) of this section is amended by the Senate amendment to require the approval of any such waiver or compromise by the Attorney General, and is further amended to allow a complete waiver in cases where all the property would be returnable. Subsection (c) is added by the Senate amendment to provide for full release and waiver of demands by the Alien Property Custodian where the alien has not yet become entitled to the present possession or enjoyment of the

property. Demands are outstanding in some cases where the alien's right is contingent upon events which may never happen or which may not occur for some years. The amendment relieves the Alien Property Custodian from the necessity of seizing such property in the future. The provision does not apply to income for future years which an alien would receive if he now is, or would be, but for the seizure of his interest, receiving the current income from the same property. The House recedes.

Subsection (d), added by the Senate amendment, is a clarifying amendment making it clear that the Alien Property Custodian is not required to waive or compromise demands except in his discretion. The House recedes.

Subsection (e), added by the Senate amendment, provides that all money or property received by the Alien Property Custodian as a result of any suit, whether or not for the enforcement of a demand for transfer of property to him, shall be considered as forming part of the trust in respect of which the suit was brought and shall be returnable as such. This subsection is intended as a clear direction as to the disposition of money or property recovered in suits arising out of the disposition of property seized, the conduct of seized businesses and other transactions of the Alien Property Custodian involving property already seized or transferred to him. The House recedes.

Section 30, added to the trading with the enemy act by the Senate amendment, extends the remedies of creditors of the owners of property held by the Alien Property Custodian. The provisions of the existing law are very limited. The new section allows attachments against the property in the same manner as if the Alien Property Custodian were an individual indebted to the owner to the extent of the value of the property held. The House recedes with an amendment making it certain that the provision allows an attachment for the execution of a judgment or decree and that it does not in any case permit the physical seizure of any money or property.

A second paragraph of section 30 in the Senate amendment further extended the remedies of creditors and provided that the law of the District of Columbia should apply to the determination of claims in certain cases. From this amendment the Senate recedes.

Section 19 of the Senate amendment amends subsection (f) of section 10 of the trading with the enemy act. That subsection provides for the bringing of suits by the owner of a patent, trade-mark, print, label, or copyright, seized or transferred to the Alien Property Custodian, for the recovery of royalties for the period prior to sale by the Alien Property Custodian. Questions have arisen in regard to such suits as to who was the owner of the patent, and so forth, within the meaning of the section, after seizure by the Alien Property Custodian. This amendment provides that such suits shall be held to have been brought by the owner if brought either by the Alien Property Custodian or by the person who was the owner immediately prior to the seizure by, or transfer to, the Alien Property Custodian. The House recedes.

Section 20 of the Senate amendment repeals the proviso of paragraph (19) of subsection (b) of section 9 of the trading with the enemy act. The effect is to remove the restriction against the return of $2,000 each to former enemy insurance companies against which claims had been filed under the section.

Immediately following subsection (d) of section 21 of the Senate amendment appears a provision amending subsection (a) of section 9 of the trading with the enemy act to suspend the right to plead the statute of limitations against a claim or suit to subject property of an insurance company in the hands of the Alien Property Custodian to the payment of losses or damages resulting from the San Francisco fire, and excluding from all the benefits of the act any insurance company against which any suit has been filed within 90 days after the passage of the act. From this amendment the Senate recedes.

Section 31, added to the trading with the enemy act by section 15 of the Senate amendment, carries into that act the same definition of the term "member of the former ruling family" of Germany as is contained in the amendment to the settlement of war claims act. The House recedes with the same amendment as in that case.

Section 24 of the Senate amendment provides that, effective 18 months after the enactment of the act, the office of Alien Property Custodian is abolished, and that all authority, powers, and duties of the Alien Property Custodian are then transferred to the Secretary of the Treasury. From this amendment the Senate recedes.

EXCESSIVE FEES

The House bill authorized the American commissioner of the Mixed Claims Commission to fix fees for services rendered claimants in connection with proceedings before that commission and provided for a fine for the acceptance of fees greater than those so fixed. The Senate amendment required the fixing of fees in every case before the Mixed Claims Commission, the Tripartite Claims Commission, and the arbiter, and in addition to the fine imposed for a violation provided that any person who violated the provisions of the section should be disqualified from practice before the executive departments. The House recedes with an amendment to require the fixing of fees only in case of a request within 60 days after the mailing of a notice to the claimant and imposing as a penalty for a violation a fine of not more than four times the amount of the aggregate fee accepted in lieu of the disqualification provision of the Senate amendment.

TAXES

The House bill provided that the Federal taxes on alien property should be computed in the same manner as if the property had not been seized and should be paid wherever possible out of the funds held by the Alien Property Custodian. The Senate amendment added four qualifications: First, that, in the case of the disposition of capital assets, the rate should not exceed 12½ per cent; second, that the provisions of the laws and regulations relating to involuntary conversion should be applicable; third, that no interest or penalties should be payable by the taxpayer and no interest or penalties should be payable by the Government; fourth, that claims for refund could be filed and assessments made and proceedings started for collection within six months after the date of enactment of the act regardless of the expiration of the ordinary statutory period; and fifth, that tentative returns should be filed and tentative assessments made and that the 20 per cent of property withheld should be retained by the Alien Property Custodian as security for the payment of any deficiency finally determined to be due. The House recedes with an amendment providing for a maximum rate of 30 per cent in lieu of the 12½ per cent fixed by the House bill to apply to the disposition of capital assets, and making certain that the rate applies to partnerships, associations, and corporations as well as to individuals; that the allowance of additional time for filing claims and for making assessments should apply only in cases where the tax liability is changed by the provisions of this section; and, in lieu of the fifth provision, providing that property acquired may be returned prior to a final determination of tax liability, under Treasury regulations which will protect the interests of the Government by making certain that sufficient property is retained to pay the taxes or that a bond is given to secure such payment.

DECLARATION OF POLICY

The Senate amendment strikes out the declaration of policy contained in the House bill. The House recedes.

SALARIES OF LEGISLATIVE COUNSEL AND SPECIAL ASSISTANT TO THE SECRETARY OF THE TREASURY

Section 23 of the Senate amendment increases to $10,000 a year the salaries of Mr. Beaman and Mr. Lee, the legislative counsel of the House and Senate, respectively, and of Mr. Alvord, special assistant to the Secretary of the Treasury. No new offices are created, and the salaries are fixed for the present incumbents only. Inasmuch as existing appropriations are available and adequate for the increases, no additional appropriations are necessary. Exactly similar provisions were contained in section 702 and 703 of the revenue bill (H. R. 1) already passed by the House. These sections were inserted in the revenue bill by the unanimous vote of the Committee on Ways and Means, and the sections were agreed to by the House without an adverse vote. The House recedes.

AMENDMENT OF TITLE

The title is amended by the Senate, in view of the Austrian-Hungarian provisions added to the bill, to read "An act to provide for the settlement of certain claims of American nationals against Germany, Austria, and Hungary, and of nationals of Germany, Austria, and Hungary against the United States, and for the ultimate return of all property held by the Alien Property Custodian"; and the House recedes.

W. R. GREEN,
W. C. HAWLEY,
ALLEN T. TREADWAY,
JOHN N. GARNER,
J. W. COLLIER,
Managers on the part of the House.

Mr. GREEN of Iowa. Mr. Speaker, unless there is some question which some Member desires to ask, I call for a vote.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. CHINDBLOM. First, I want to compliment and congratulate the conferees on the part of the House, as well as of the Senate, upon the final termination of this long-drawn-out legislation. I have read and examined the report very carefully, and I think a very admirable piece of work has been done. I regret, of course, that the declaration of policy had to go out. However, the very distinguished other body recently found it necessary to abandon a declaration of policy with reference to our merchant-marine operations, and perhaps they became a little afraid of making declarations of permanent policy.

I have only one question, and that is with reference to the change of the rate of the tax to be collected upon capital assets, that change being from 12½ per cent to 30 per cent. Will the collection of that tax as to partnerships, associations, and corporations be made in the same manner as under the present revenue act?

Mr. GREEN of Iowa. This amendment applies to the old taxes under the excess-profits provisions as well as other taxes upon gains from the sale of capital assets. Inasmuch as the Government had taken over this property and it was converted involuntarily upon the part of the owners of it who did not desire to sell it but wanted to keep it the Senate provision limited the rate on capital assets to 12½ per cent, carried in the present law. The House provision was ambiguous and some of the House conferees, including myself, believed that where the Government, of its own accord, converted the property, it ought not to be subjected to excessive rates, but in conference we were obliged to compromise. I shall have to admit that the 30 per cent carried in the bill is not a very logical figure. It is an arbitrary figure really. It is a compromise between what the Senate had in its amendment and the House provisions, which in some cases might have subjected these parties who had their property converted against their will to possibly a 60 or 65 per cent tax or even more.

Mr. GARNER of Texas. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. GARNER of Texas. Is the gentleman from Illinois [Mr. CHINDBLOM] objecting to the increase in the rate from 12½ per cent to 30 per cent? If he is, I call his attention to the fact that the Committee on Ways and Means had this bill under consideration for a considerable length of time at the last Congress, as well as in this Congress, and did not put any limitation whatever upon it.

Mr. CHINDBLOM. I did not intend to make any objection to the amount. I do not recall from the reading of the bill whether that is the maximum which is to be applied by graduation, similar to the plan applicable to the surtaxes.

Mr. GARNER of Texas. This 30 per cent is applied to all taxes due from the German claimants upon gains from the sale of capital assets, of whatsoever kind and nature, whether the tax ran into the brackets of the income tax to the extent of 63 per cent, as the brackets went at that time, or was specifically a capital asset tax or an excess-profits tax. Any of those taxes will be limited to 30 per cent, and under the House bill they would have gone in one instance, I think, to 63 per cent. So I do not think anyone who favored the House bill could possibly complain of the increase from 12½ per cent to 30 per cent.

Mr. CHINDBLOM. I am not complaining. I simply wanted to know how it was to be applied. Then, I understand the taxes are to be fixed in accordance with the law in force at the time when they became due?

Mr. GARNER of Texas. Exactly.

Mr. CHINDBLOM. And that in the event the tax exceeds 30 per cent, it shall be reduced to 30 per cent.

Mr. GARNER of Texas. That is correct.

Mr. CHINDBLOM. That is what I wanted to make clear.

Mr. GARNER of Texas. While I am on my feet, permit me to express my appreciation of the gentleman's compliment to the committee on conference. I think a greater compliment possibly is the fact that the House seems to be entirely satisfied with the work of the conference committee.

Mr. GREEN of Iowa. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

ERADICATION OF PINK BOLLWORM

Mr. MADDEN. Mr. Speaker, I ask unanimous consent for the present consideration of House Joint Resolution 223, which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, etc., That to enable the Secretary of Agriculture to meet an emergency caused by a serious outbreak of the pink bollworm of cotton in western Texas, and to prevent its spread to other parts of Texas and to adjoining States, including the same objects and under the same conditions specified under the heading "Eradication of pink bollworm" in the agricultural appropriation act for the fiscal year 1928, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the additional sum of $200,000, to remain available until June 30, 1929.

Mr. MADDEN. Mr. Speaker, the Appropriations Committee will in a few minutes report the agricultural appropriation bill for the fiscal year 1929. In that bill there is carried for the eradication and control of the pink bollworm of cotton throughout the United States, $687,000. It is very important that some of that money be made immediately available, because the earlier we begin to eradicate the more certain it is that the work will be well done. It is proposed by the introduction of this resolution to give them the money in advance of the item in the bill becoming a law. When the bill comes up for consideration in the House this $200,000 carried in this resolution will be deducted from the amount carried in the appropriation bill for 1929.

Mr. HUDSPETH. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. HUDSPETH. So far the only pink bollworm discovered is in the district that I represent. How will this be expended?

Mr. MADDEN. It will be expended under the direction of the Agricultural Department. Mr. Marlatt is already on the ground.

Mr. HUDSPETH. In conjunction with the State authorities?

Mr. MADDEN. Yes; just as it has always been.

Mr. CRISP. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. CRISP. Do the hearings before the gentleman's committee disclose the extent of the ravages of this pink bollworm, over how large an area?

Mr. MADDEN. It is about 350,000 acres as near as I can gather.

Mr. SNELL. In that section of the country?

Mr. MADDEN. Yes; in spots. It is not universal. Possibly it affects 350,000 acres. It is in New Mexico, Arizona, and Texas.

I would like to ask, Mr. Speaker, in order that there may be furnished a full explanation of the whole matter, unanimous consent to extend my remarks by printing two statements that I have here.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Following is the statement referred to:

MEMORANDUM RE COTTON PINK BOLLWORM EMERGENCY

A situation has arisen in western Texas which constitutes such a serious danger to the cotton producers of the United States and requires for its relief such prompt action that it seems necessary to call the emergency to the particular attention of Congress.

The cotton pink bollworm, one of the most serious cotton pests of the world, wreaking havoc with the cotton crop of India, Egypt, parts of Mexico, and other countries, has made its way across the border into the United States at various times in the past 10 years, and such outbreaks have been the subject of successful eradication measures. From 1921 until the present season no specimens have been found in the main Cotton Belt of the United States, and active and persistent efforts by all agencies have kept the infestation limited to the isolated plantings of the arid regions of the Southwest and to a narrow strip along the Mexican border in western Texas.

Within the past few weeks this pest, which ranks with the boll weevil in damage to the cotton crop, has been found at one point after another along the western border of the continuous cotton culture in west-central Texas. The first discovery was at Odessa, in Ector County, and all the scouting forces of the United States Department of Agriculture were promptly concentrated in that section of the Cotton Belt. As a result, the pest has now been found in seven counties—Ector, Midland, Martin, Andrews, Glasscock, Howard, and Dawson—containing a total cotton acreage of more than 350,000 acres.

The presence of the pink bollworm in this region threatens to impose another burden upon the cotton producers of the Southern States. If the producers must fight both the pink bollworm and the Mexican cotton boll weevil, which is now known through almost the entire Cotton Belt, they will have more serious insect problems to face than any other cotton-producing region in the world.

To meet this serious emergency the department, on January 27, 1928, transmitted a supplemental request to the Bureau of the Budget, and the Budget approved a supplemental recommendation of $400,000 for the purpose. It was believed that the department could cope with the situation if a part of this sum were to be made immediately available upon the passage of the agricultural appropriation bill. At that time, the infestations in Howard and Dawson Counties had not been discov-

ered, the cotton acreage in those counties being very much larger and more continuous than in the others known to be infested.

The extra expense of scouting which was necessary in order to find these new infestations, together with active clean-up operations which the department has been carrying on in the scattered plantings of southeastern Arizona and southwestern New Mexico, have so depleted the available funds that there is not a sufficient amount on hand to conduct the clean-up operations and eradication measures required.

In order to prevent the establishment of the pink bollworm in new localities, several different operations will be necessary. The pest, unfortunately, remained undiscovered in these areas in Texas until nearly the entire crop had been ginned and much of the lint and seed distributed, without restriction. The insects normally pass the winter in cottonseed and such seed is now present in gins and oil mills in large quantities. Thorough clean-up must be given to such gins and *mills and all* the seed sterilizer, fumigated, or crushed. Large amounts of it have been shipped to oil mills outside the infested areas, and the premises of such oil mills must also be thoroughly cleaned up after the shipments have been traced to destination. Practically all of the cotton lint has been baled and shipped and all such shipments must be traced in order to prevent the establishment of infestations at their various destinations.

This work can not wait until funds can be made available with the passage of the regular agricultural appropriation bill. Within the next few weeks some of the seed may be planted and will then be beyond reach. One of the surest ways of spreading such an infestation and establishing the insect in new localities consists of the shipment and planting of infested seed, and in the past several outbreaks have been discovered and promptly eradicated by the method of tracing cotton-seed shipments from infested areas.

Owing to the large territory affected and the size of the cotton crop in the infested counties and also to the fact that the adult moths into which the pink bollworms develop will soon start emerging, this entire program must be undertaken without delay and completed in the shortest possible time. According to telegraphic advices received from the Governor of Texas, and confirmed by representatives of the United States Department of Agriculture, every slight delay in starting these operations increases the danger of the permanent establishment of the pink bollworm in the regions now found to be infested, threatens its distribution into new localities, and reduces the possibility of its total eradication.

MEMORANDUM FOR MR. MADDEN

The pink bollworm of cotton is the most destructive cotton pest in the world. In all cotton countries where it has become established it destroys from 25 to 75 per cent of the cotton, according to climatic and other conditions.

In 1921 it appeared in several places in Texas and Louisiana. By prompt action of Federal cooperation with the States of Texas and Louisiana the pest was completely eradicated. Since then the pest has not appeared in these areas or any other place in the United States except along the Texas-Mexican border.

Between the infested Texas-Mexican border and the main producing cotton belt of Texas there is a broad stretch of semiarid noncotton-producing land, and it was thought that this pest could not get across this stretch of land into the main cotton-producing areas of Texas.

Recently, however, the pest has been found and definitely identified in seven counties of midwestern Texas, in which a large area of cotton is planted and which connects up with the main cotton-producing area of Texas and all the South. These counties are Ector, Midland, Martin, Andrews, Glasscock, Dawson, and Howard, with a probable area planted in cotton of more than 350,000 acres.

When it was definitely ascertained that the pink bollworm had infested four of these counties the department recommended to the Bureau of the Budget, and the Budget approved, a supplementary estimate of $400,000; add to this the regular Budget estimate of $289,000, makes a total of $689,000 recommended by the Budget for the control and eradication of this pest.

Since this supplementary estimate of $400,000 was sent to the House by the Budget the pest has been found in the two additional counties of Howard and Dawson.

Realizing the gravity of the situation, Dr. C. L. Marlatt, Chief of the Bureau of Entomology, United States Department of Agriculture, went to and is now in the infested areas in Texas, and on the 28th of February replied to a wire from Congressman BUCHANAN as follows:

"Clean-up of gins and regulation of cotton and seed should begin at once in west Texas area. Can the amount which is to be made immediately available be released for use now by joint resolution of Congress? Urgency fully warrants such action."

The pink bollworm reproduces itself by laying its egg in the cotton-seed, and, unfortunately, the new infestations in the seven counties of Texas adjoining the main cotton-producing region was not discovered until after the entire cotton crop had been gathered, ginned, and distributed throughout that section without any restriction or regulations.

Therefore in order to hold this destructive insect to the new infested areas it becomes necessary not only to commence a clean-up campaign at once of all gins, oil mills in the infested region, but to trace all shipment of seed and cotton from the infested areas to its destination before the next planting season, which commences during March, and to see to it that no seed from the infested region is planted to produce another crop without proper chemical treatment.

This creates the imperative necessity that a portion of the above-mentioned appropriation be made available at once, so that the work can be immediately undertaken. To do otherwise would be taking the chances of having this destructive cotton pest scattered over millions of acres of cotton-producing area of Texas. The Federal funds available for this work this fiscal year have been practically exhausted, and are sufficient only for scouting work to determine the limits of the present infestation.

If $200,000 of the $689,000 recommended in the Agricultural bill is made immediately available by joint resolution, and the department thereby enabled to strike in time to prevent the spread of infestation into new areas, it will save both Federal and State Governments many millions of dollars.

The regular appropriation bill will probably not become a law until the middle of April, when many acres of cotton will be planted with infested seed, and that, too, in uninfested areas.

Mr. HUDSPETH. Mr. Speaker, I ask unanimous consent to extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HUDSPETH. Mr. Speaker and gentlemen of the House, the resolution just called up by Chairman MADDEN of the Appropriations Committee, making available $200,000 immediately for the eradication of the pink bollworm, is a matter of great moment to the farmers and a large number of the people in the district I represent. It has been brought to my attention that the destructive pest, the pink bollworm, has been discovered in a number of counties in my district. There was a meeting held on day before yesterday at Sweetwater, at which large numbers of farmers were present, also the Texas Pink Bollworm Commission and our governor, to discuss the situation. It is a grave one. My friend and colleague Mr. BUCHANAN, a member of the Appropriations Committee and chairman of the Texas delegation in Congress, called a caucus of the Texas Members the latter part of last week. I was present, and the matter was thoroughly gone over. I called attention to the fact that there was placed in the regular appropriation bill $600,000, to be used by the Federal Government to aid in cleaning up the pink bollworm, but it would not be available until July 1; that so far the only pink bollworm discovered in Texas was in the district I represent—the sixteenth; therefore a sum sufficient ought to be made immediately available to commence to combat this great menace to the cotton growers. Hence Mr. BUCHANAN, ever alert in the interest of the welfare of the farmer, conferred with his chairman and aided greatly in bringing forth this important emergency appropriation, which will enable Doctor Marlatt, Chief of the Bureau of Entomology, who also is ever alert and efficient, to join with our State authorities in stamping out this great menace.

Mr. Speaker, I desire here and now to thank the chairman and my colleague and other members of the Appropriations Committee for their prompt work, which means much to the cotton growers in the infested area of my district, whether a regulated zone is established by the Texas Pink Bollworm Commission or a noncotton zone in some localities.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

CALL OF COMMITTEES

The SPEAKER. The Clerk will call the committees.

The Clerk called the Committee on Coinage, Weights, and Measures.

MEDAL FOR COL. CHARLES A. LINDBERGH

Mr. PERKINS. Mr. Speaker, I call up House Joint Resolution 192, to provide for the coinage of a medal in commemoration of the achievements of Col. Charles A. Lindbergh.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Joint resolution (H. J. Res. 192) to provide for the coinage of a medal in commemoration of the achievements of Col. Charles A. Lindbergh

Resolved, etc., That in recognition of the achievements of Col. Charles A. Lindbergh, the Secretary of the Treasury is authorized and directed to cause to be struck and presented to Col. Charles A. Lindbergh a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary. For such purpose there is authorized to be appropriated the sum of $1,500.

SEC. 2. The Secretary of the Treasury shall cause duplicates in bronze of such medal to be coined and sold, under such regulations as

he may prescribe, at a price sufficient to cover the cost thereof (including labor), and the appropriations used for carrying out the provisions of this section shall be reimbursed out of the proceeds of such sale.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the resolution may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from New Jersey asks unanimous consent that the resolution be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. PERKINS. Mr. Speaker, this is a joint resolution providing for a gold medal for presentation to Col. Charles A. Lindbergh in commemoration of his achievements. It authorizes the Secretary of the Treasury to strike such an emblem and is in line with many other House resolutions in which medals have been minted to commemorate great events or great personalities.

I might say, however, that in this particular instance the resolution has the full approval of the Secretary of the Treasury, who has said there can be no objection to its issuance—

for in this way the very cordial sentiment of deep regard for Colonel Lindbergh might be given expression—

And—

the purchase of the medal by the public would be a compliment to Colonel Lindbergh without ulterior purpose.

The committee's report on this resolution is unanimous. It has not been felt necessary, nor do I consider it so, to extol Colonel Lindbergh's achievements at this time. No young man in America has made himself better known; none in our generation has been so lauded and praised for his heroic and deserving efforts. His quiet modesty in the face of world-wide flattery and his gentle humility have merited for him the commendation of his country, and this resolution is but in added emphasis of this.

Attached to the committee report, or made a part of its hearing on this resolution, may be found a list of medals struck by the Treasury Department under similar acts. There can be no question, and I am sure there will be no argument, as to the merit of this resolution. I ask that it be adopted unanimously by the House.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

On motion of Mr. PERKINS, a motion to reconsider the vote whereby the resolution was passed was laid on the table.

STANDARD WEIGHTS AND MEASURES FOR GRIST-MILL PRODUCTS

Mr. PERKINS. Mr. Speaker, I call up the bill (H. R. 9040) to establish a standard of weights and measures for the following wheat-mill, rye-mill, and corn-mill products, namely, flours, semolina, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 9040) to establish the standard of weights and measures for the following wheat-mill, rye-mill, and corn-mill products, namely, flours, semolina, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes

Be it enacted, etc., That the standard of weights for the following wheat-mill, rye-mill, and corn-mill products, namely, flour, semolina, hominy, grits, and meals, and all commercial feeding stuffs shall be 100 pounds avoirdupois, and the standard measure for such commodities, when the same are packed for sale, shipped, sold, or offered for sale in packages of 5 pounds or over, shall be a package containing net avoirdupois weight 100 pounds, or a multiple of 100 pounds, or one of the following fractions thereof, 5, 10, 25, or 50 pounds; and, in addition, for wheat flour, rye flour, semolina, and corn flour only, 140 pounds; and for commercial feeding stuffs only, 60 or 80 pounds; each of which packages shall bear a plain, legible, and conspicuous statement of the net weight contained therein.

SEC. 2. The standard package for the following wheat-mill, rye-mill, and corn-mill products, namely, flours, semolina, hominy, grits, and meals, and all commercial feeding stuffs, when the same are packed, shipped, sold, or offered for sale in packages of 5 pounds or over, shall be those containing net avoirdupois weight 100 pounds, or multiples of 100 pounds, or the following fractions thereof, 5, 10, 25, and 50 pounds; and, in addition, for wheat flour, rye flour, semolina, and corn flour only, 140 pounds; and for commercial feeding stuffs only, 60 and 80 pounds.

SEC. 3. It shall be unlawful for any person, firm, corporation, or association to pack or cause to be packed for sale, to ship or offer for shipment, or to sell or offer for sale, the following wheat-mill, rye-mill, or corn-mill products, namely, flours, semolina, hominy, grits, and meals, or any commercial feeding stuffs in packages of 5 pounds or over, which, when in original unbroken package form, shall not be one of the standard measures established in section 2 hereof, and bear a plain, legible, and conspicuous statement of the net weight contained therein; and any person, firm, corporation, or association guilty of a violation of the provisions of this act shall be deemed guilty of a misdemeanor and be liable to a fine not exceeding $500. By the term "original unbroken package form," as used in this act, is meant any form of original package or carton or other container made or prepared to contain products for sale in such original package or other container, and purporting to contain any specific weight or measure: *Provided*, That sale of irregular broken lots by actual weight shall not be unlawful.

SEC. 4. The provisions of this act shall not apply to packages of the following wheat-mill, rye-mill, or corn-mill products, namely, flours, semolina, hominy, grits, or meals, or any commercial feeding stuffs when intended for export to any foreign country and packed according to the specifications or directions of the foreign purchaser, agent, or consignee; but if said wheat-mill, rye-mill, or corn-mill products, namely, flours, semolina, hominy, grits, or meals, or any commercial feeding stuffs shall, in fact, be sold or offered for sale for domestic use or consumption, then this exception shall not exempt said articles from the operation of any of the other provisions of this act: *Provided, however*, That when packages of said wheat-mill, rye-mill, or corn-mill products, namely, flours, semolina, hominy, grits, or meals, or any commercial feeding stuffs originally intended for export, have been packed in the packages customarily used in any foreign country, and it becomes necessary to offer these for sale or to sell them for domestic use or consumption, then such export packages may be sold for domestic use or consumption by special contract, if approved by the Secretary of Agriculture.

SEC. 5. Rules and regulations necessary for the enforcement of this act, not inconsistent with the provisions hereof, shall be made by the Secretary of Agriculture, and said rules and regulations shall include reasonable variations or tolerances which may be allowed.

SEC. 6. It shall be the duty of each district attorney to whom satisfactory evidence of any violation of this act is presented to cause proper proceedings to be instituted and prosecuted in a United States court having jurisdiction of such offense.

SEC. 7. This act shall not be construed as repealing the act of July 28, 1866 (ch. 301, Rev. Stat. U. S., secs. 3569 and 3570), authorizing the use of the metric system, but such sections shall not be construed as allowing the packing, shipping, or offering for shipment, the sale or offering for sale, of packages of any size other than those established as standards herein.

SEC. 8. This act shall be in force and effect one year from and after the passage of this act.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER. The gentleman from New Jersey is recognized.

Mr. PERKINS. Mr. Speaker, this may be termed a standardization bill. It is familiar to most of the Members of the House, as it has been given approval on this floor on two previous occasions. It passed the House unanimously on February 5, 1923, as well as in 1919.

The purpose of the bill is to establish a standard for bags and containers of certain flours—rye-mill, wheat-mill, and corn-mill products—as outlined in the bill, as well as multiples thereof and fractions of 50, 25, and 12½ pounds. It does not apply to any package under 5 pounds.

The bill has the approval of the departments of agriculture of three-quarters of the States. It is designed to simplify and reduce the number of packages now in use. It has a direct meaning to the millers, because under the present system the standard of weights and measures in these products is regulated by State laws, and inasmuch as there are 48 States, there are practically 48 different standards at the present time.

The bill is asked for particularly by millers who have to carry large assortments of bags and containers. It is difficult for a miller in one State to ship into another State on account of these different regulations. The evidence before the committee has shown innumerable instances where perfectly innocent shipments, entirely proper and legal under the law as to such shipments, contravened the laws in States into which they were shipped.

The bill also has another aspect. At the present time flour and other food products are sold in bags of 96 pounds, 49 pounds, 24½ pounds, and 12½ pounds, and under the existing system the ordinary housewife in buying flour may think she is getting 25 pounds, when, as a matter of fact, she is getting only 24½ pounds.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. Yes.

Mr. DYER. How does this compare with the action of the States which have acted upon the subject?

Mr. PERKINS. This, in effect, indirectly, will repeal all State laws governing these standards and measures.

Mr. DYER. How is the gentleman able to make that statement, that this act will repeal State laws?

Mr. PERKINS. I should not say directly repeal, but under the Constitution of the United States the Congress is given power to regulate standard weights and measures. There is a crying need under the prevailing circumstances for a general standard.

If the gentlemen of the House will take the trouble to refer to the committee hearings, they will find annexed thereto a statement—in fact, also annexed to the report of the committee—showing the great variety of standards used throughout the different States. I do not desire to take the time of the House to read them, but on page 6 of the committee report, Exhibit A, it will be found that out of the 48 States there are practically no two States that agree on the standards fixed by this bill, and no two agree with each other. There is at the present time the greatest confusion existing throughout the Union in this regard.

We all know it is possible to carry this general idea of standardization too far, and it is well that we should carefully scrutinize every bill to see if this is done. In this instance, however, your committee feels much great good will result from this standardization, and it is respectfully urged that it be passed.

The SPEAKER. The time of the gentleman from New Jersey has expired. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. PERKINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

DEPARTMENT OF AGRICULTURE APPROPRIATION BILL

Mr. DICKINSON of Iowa, from the Committee on Appropriations and by direction of that committee, reported the bill H. R. 11577, making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes, which was read a first and second time and with the accompanying papers ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. GARRETT of Tennessee. Mr. Speaker, I reserve all points of order.

Mr. DICKINSON of Iowa. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 11577, making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes.

Mr. BLANTON. Mr. Speaker, this important big supply bill has just been introduced at the desk, and will not be printed until to-morrow, and it is not available now to Members. How much time is the gentleman going to have for general debate?

Mr. DICKINSON of Iowa. General debate will continue this afternoon and a part of to-morrow, so that there will be plenty of time to secure copies of the bill.

Mr. BLANTON. Then this bill will not be read under the five-minute rule until day after to-morrow?

Mr. DICKINSON of Iowa. We might read a little of it to-morrow, if there is not too much of a demand for general debate.

Mr. BLANTON. This bill will not be available until to-morrow morning? It will be printed to-night.

Mr. DICKINSON of Iowa. The committee prints are available now and the hearings are available now.

Mr. BLANTON. But they are few in number. Does not the gentleman realize we are further advanced right now than we have ever been in any Congress before on the supply bills? We are almost through now.

Mr. DICKINSON of Iowa. Oh, no. There is the naval appropriation bill.

Mr. BLANTON. It is the next to the last one besides the deficiency bill?

Mr. DICKINSON of Iowa. No; then there is the legislative bill. There are two regular bills and one deficiency bill yet to be reported to the House.

Mr. BLANTON. The naval bill is next to the last one, the legislative bill besides, of course, the final deficiency bill. We are further advanced than we have ever been. What is all this hurry about?

Mr. DYER. We want to get home.

Mr. DICKINSON of Iowa. We want to get away.

Mr. BLANTON. You are not going to get away until the middle of May anyway. You are going to have to wait on the other body, because they have had a tentative understanding over there that they are going to adjourn on May 16, I have heard, so after all you are not going to get away until May 16. Therefore, why all this hurry?

I merely want to be sure of sufficient time to check this bill up with former bills and the law.

Mr. DICKINSON of Iowa. We want to get all of the bills into the hands of the Senate so there will be no handicap so far as the House is concerned.

Mr. Speaker, I ask unanimous consent that general debate be continued this afternoon, with the time equally divided between the gentleman from Texas [Mr. BUCHANAN] and myself. We will try to agree to-morrow upon the time for the conclusion of general debate.

The SPEAKER. The gentleman from Iowa asks unanimous consent that general debate for to-day be controlled equally by the gentleman from Iowa [Mr. DICKINSON] and the gentleman from Texas [Mr. BUCHANAN]. Is there objection? [After a pause.] The Chair hears none. The question is on the motion of the gentleman from Iowa.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 11577) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes, with Mr. TREADWAY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11577, which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. DICKINSON of Iowa. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield 30 minutes to the gentleman from Utah [Mr. COLTON].

Mr. COLTON. Mr. Chairman, the United States furnishes the greatest example in the world of the absentee landlord. It has been estimated that the public domain consisting of about 194,000,000 acres of land, has a potential value of $26,000,000,000. This great area which has such a stupendous value is the property of the people of the United States and over which we exercise no particular supervision and concerning which we have no definite policy.

Mr. MORTON D. HULL. Will the gentleman repeat the figures as to the number of acres and the value of them?

Mr. COLTON. In referring to the public domain, I am speaking of that land which is not in any permanent reserve, just the public domain belonging to the United States over which there is no control or regulation or supervision. There are about 194,000,000 acres of such land left, and it is estimated by the Secretary of the Interior that it has a potential value of $26,000,000,000.

There are some of my colleagues and many of the inhabitants of the Western States who believe that these lands should be ceded to the States. I do not care to enter into a discussion of this phase. We are being confronted by a condition and not a theory. Under our laws as interpreted by our Supreme Court these lands belong to the Federal Government and Congress has the sole right to dispose of them in any manner it may see fit.

I believe that Congress has been derelict in defining a policy for the regulation and control of these lands. Surely we should not put off longer this important duty. In the 11 public-land States the public domain equals one-fourth of the total area; one-third of the total range area of the United States is in those States. The livestock industry of the 11 far Western States with 7,452,000 beef cattle; 25,066,000 sheep; 4,500,000 horses, mules, goats, and dairy cattle, has a valuation of $870,000,000.

Seventy per cent of all of the feed for this livestock is furnished by range lands as native pasturage. Over one-third of the gross farm income of these far Western States is from livestock. For the stable, efficient, and profitable production it is necessary to assure a satisfactory and permanent coordination between feed produced on ranges and that on different range areas.

This public domain equals more than one-third of the area in cultivation in the entire United States. It equals one-tenth of the entire land area of our country. It is largely arid or semiarid; mostly having an annual rainfall of 20 inches or less. It is too dry for profitable crop production. The vegetation on these lands at best is scant and the public grazing as

an asset is being rapidly dissipated through lack of control and regulation.

While this land furnishes 10 per cent of the feed for all of the livestock in the 11 Western States, yet estimates made by experts indicate that these lands are producing only about 50 per cent of their capacity. It is used mostly for grazing in fall, winter, and spring, although some parts are grazed the entire year.

May I pause here to say that many of the figures which I am using, and, indeed, much of the material I am using, has been furnished me by the Forest Service of the United States. I want to give this credit without any further and particular reference.

More than 20 years ago the Government formulated definitely a policy with reference to a part of its public domain by creating the national forests and regulating the grazing thereon. I believe we have now reached a stage where the use of our public ranges outside of the forests should be made a matter of Federal statute. Under the present conditions the established stockmen and home builders have no protection for the public domain which they have to use to make their operations a success and provide a living for their families.

Under the wise provisions of our land laws men have gone out in the Western States and have made homes for themselves and families with the understanding that they had a right to graze on the public domain.

From time immemorial the right to graze upon public lands has been recognized. I still believe in that right, and the time has come when these home builders and home owners must be protected. In order to afford that protection, I believe that Federal regulation offers the only solution and points the only way that protection can be afforded the home builder. Now, an outsider without ranch property or other obligation may go on our ranges at will with his livestock at any time, eat the feed, and pass on, leaving the home-builders' stock to starve or be cared for in some other way. He is forced, as a protection against the tramp stockmen, to graze his range land closer than he would otherwise do. He can not reserve a part of the range for emergencies or for the critical periods of the year. In fact, he can not exercise any of the rights and privileges usually given to stockmen on the forest reserves.

It has been fully demonstrated that where animals were under control in privately owned pastures and even on forest reserves the eradication of disease has been entirely practicable. While at the same time, in contiguous open ranges, vast herds have perished as a result of these diseases and their owners have been practically ruined.

A former tax commissioner of my State, well acquainted with conditions there, states that a part of the public domain will not support one-tenth the livestock it once did.

According to information furnished by the Forest Service, valuable grass types in Montana have deteriorated into a rabbit bush—yellow brush—weed type, supporting but a scant stand of valuable range plants, and now require five to six times as many acres to support a cow as formerly.

The 9,000,000 acres of semidesert type of range in Arizona which is largely public domain has been so badly depleted of its perennial grasses and palatable browse plants that it is practically worthless for year-long grazing and is very uncertain for winter use. It now requires 150 to 200 acres or more to support the equivalent of a cow year long in place of the 50 acres required on this type within the Santa Rita Range Reserve under experimental management.

So, may I say I am not pleading for something visionary. I am only asking that we shall pass a law and put into practical operation that which has been demonstrated can be done, and bring our range lands back to their full productivity.

The 5,500,000 acres of unappropriated public domain with their intermingled State and private lands which lie within the mesa and foothill portion of Arizona will seldom support livestock at a rate of less than 80 to 90 acres per cow year long. This same type of range under conservative grazing on the Santa Rita Range Reserve has carried cattle year long at the rate of less than 25 acres per cow for the last 12 years.

Every acre of grazing land that is not producing forage to its full capacity is a money loss. These ranges must, therefore, not only be perpetuated but they should be made to produce forage to the limit. The national forests in many of the States have a carrying capacity of about one cow unit for each 20 acres of land for a six months' grazing period. By a cow unit is meant one mature cow or the equivalent thereof in sheep, and this is somewhere in the neighborhood of five or six sheep for one cow unit. The public domain has a carrying capacity considerably less than that of the present national forests.

There is located near Ephraim, Utah, a Great Basin Experiment Station for range management, conducted by the United States Department of Agriculture. They have given some attention to this problem and have estimated about 40 acres of land for each cow unit for six months' grazing period. It is believed that on the average, animals can graze approximately six months on the summer ranges in the national forests and about six months on the winter ranges, which are almost entirely public domain.

Tests at the Great Basin Experiment Station have shown that overgrazed grasses are usually a month to six weeks later starting growth than good vigorous plants of the same species. Too close and too frequent cropping of forage plants in my State gave a production during three years of only 24 per cent of that from plants cropped twice during each season.

In the third year the heavily cropped plants produced only 7 per cent as much forage as the plants cropped twice.

The work done at the Great Basin Experiment Station at Ephraim, Utah, proves conclusively that regulated grazing is not detrimental to the land but that overgrazing is not only detrimental to the land but destroys the forage. Interesting experiments at that station show how nature rebuilds the vegetation on the land if given an opportunity. The earlier crops are not nutritious and therefore many of the cattle and horses feeding on these lands die of malnutrition. It is only after from 5 to 10 years that overgrazed lands may be brought back to 100 per cent of their productivity. Similar results have been obtained in Arizona, New Mexico, and other Western States.

Ten representative cattle outfits on public domain ranges similar to the Santa Rita range reserve in Arizona had an average calf crop from 1916 to 1925 of but 53 per cent, an average death loss of 10 per cent, and suffered a 5.8 per cent loss annually on an investment of $55 per cow. (See contrasting statement for Santa Rita below.)

Drought takes heavy toll from public domain ranges. Death losses from cattle in the Southwest on uncontrolled ranges have been as high as 30 to 50 per cent of cattle in some herds in a single year. In 1924, a drought year, many cows in southern Arizona had to be sacrificed at $16 or less a head, some with calves, and buyers refused to take the poorer animals, cutting back as high as 50 per cent of those offered for sale so that many of them had to be left on the range to die of starvation. At the same time cull cows in good condition were sold from the Santa Rita range reserve, a similar type of range but regulated and conservatively grazed for beef, at $35 a head and calves brought an average of about $20.

The public domain together with the uncontrolled intermingled State and private lands form a considerable part of the watersheds which supply water for the 19,000,000 acres irrigated.

The additional erosion resulting from depletion of the perennial grasses which are the main soil binding plants is an important factor in the silting and shortening of the life of irrigation and livestock reservoirs. Some irrigation reservoirs are silting up at a rate of 1 per cent or more of their capacity yearly. Thirty representative large livestock watering reservoirs silted up at the rate of 1 foot a year, giving them a life of less than 15 years.

Heavy rains falling on depleted lands cause rapid run-off and floods which tear out roads, bridges, and other public works, cover farm lands with a blanket of sand and gravel and fill the beds of navigable rivers.

Depletion of soil fertility by erosion is seriously endangering future productivity of the land.

The Jornada Range Reserve was fenced in 1912, then typical open public domain. By 1916 it had four times as much density of valuable grasses as adjoining uncontrolled public-domain range. Both areas were seriously affected by drought after 1916. By 1924 the controlled range on the reserve had decreased to where it supported slightly less than half of its maximum density, but the uncontrolled range at that time supported but 6.75 per cent as much forage as the controlled range. In 1927, following two good years of growth, the controlled range was again back to its maximum; the uncontrolled range had failed to recover noticeably and was covered essentially by worthless, poisonous, and low-value vegetation.

At the United States sheep experiment station in Idaho the controlled range is now approximately 20 per cent better than a similar adjoining open public domain; both areas have been grazed during fall, winter, and spring each year with sheep.

Deferred and rotation grazing applied to a regulated range in Wyoming resulted in an increase of 100 per cent in the vegetative cover in three years, a greater increase than occurred on an area totally protected from grazing—Hayden National Forest experiments.

On the Jornada Range Reserve in New Mexico the average annual calf crop from 1916 to 1925, including seven years of drought, was 65 per cent, an average annual loss of 1.8, a net production of 63 animals from each 100 cows. This compares with an average calf crop of 50 per cent and death losses of 10 per cent, or a net production of 40 head per hundred cows from public-domain range. The more efficient production under regulation spells the difference between profit and loss.

On the Santa Rita Range Reserve in Arizona the average annual calf crop, 1916 to 1925, was 73 per cent and loss 3¾ per cent and the cost of a yearling on the basis of 1925 values $17 a head. This was $5 less per head than it cost to produce yearlings on similar public-domain range. The reserve yearlings were fat and sold for $4 more per head, netting 7.4 per cent *profit to the* stockman on an investment of $85 per head even though prices were then unsatisfactory. This compares with a loss of 5.8 per cent on an investment of $55 on adjacent public domain. The outside range was overgrazed in practically every year. That on the Santa Rita was conservatively grazed. The numbers of livestock grazing on the reserve have been maintained throughout the 13-year period, 1915 to 1927, inclusive, and at the end of that period the range was in excellent condition. On the open public domain, however, the number of livestock varied extremely. The average for the period was less, however, and now the range is badly depleted.

One cattleman in 1919, when cattle were high, purchased with borrowed capital a ranch and approximately 500 head of cattle grazing on regulated range in Arizona. By December, 1927, he had his ranch and cattle entirely free from debt, though this was a period of years considerably below normal. It was not a question of numbers but rather one of adequate feed and the opportunity to apply reasonably good management.

Lambing with pastures and corrals on controlled range in Colorado resulted in saving over 7 per cent more lambs and with less labor than was secured in open-range lambing.

The stand of vegetation can be maintained as well, if not better, under proper grazing than it can under total protection from grazing.

An increase in vegetation from a density of 16 per cent of the soil surface to 40 per cent in high-mountain watersheds in Utah caused a reduction in summer surface run-off of 55 per cent and in sediment eroded from 56 per cent. The year's water supply from the area was not materially affected, however, since 95 per cent of the surface run-off comes from melting snow. The 5 per cent from summer rains, however, carry 88 per cent of the sediment.

These experiments, carried on for a number of years, are interesting and show conclusively the relation between the herbaceous growth on the land and the erosion of the soil. The increase, as I have just stated, of the vegetation from 16 per cent to 40 per cent decreased the erosion 55 per cent.

Regulated grazing on the Manti Forest, in Utah, has practically eliminated the disastrous floods which used to come from the watershed.

A good vegetative cover improves soil structure, allowing greater moisture penetration; it increases the water-holding capacity by increasing organic matter; it breaks the effect of wind; it binds the soil and lessens sheet erosion; it obstructs run-off, reduces the velocity of flow and carrying power of the water, and by catching soil particles it tends to form miniature terraces on slopes and dams and fills in small gullies. Under such conditions erosion is usually slight, and flood waters tend to be controlled at their start.

If it may be admitted, as I think it must, that the grazing on the public domain raises a serious problem, it would follow that some solution of this problem ought to be offered.

A careful study will show that the grazing industry depends upon the central mountain section as a joint unit and ignores almost completely the question of State boundary lines. As you know, there is a considerable migration, especially in the case of sheep, from ranges in various parts of Utah, Idaho, Wyoming, Nevada, and even as far as Oregon, to the winter ranges in southern and eastern Utah. This indicates that the problem is a complicated one, particularly when it comes to handling such things as taxation.

This is simply brought up as an illustration to show that this problem of grazing is not confined to any one State. The State lines are not geographical divisions; they are political divisions. I am mentioning this point in view of the fact that a great many seem to believe it is not a national problem.

Taking for granted that some system of control is necessary if we are to preserve the great asset of public grazing, this brings us to the consideration of the best way to handle the problem. Some have suggested that these lands should be turned to the State and could be handled better on a State basis. This would require the establishment of some system analogous to the system already in operation on the national forests in each State. In order to supervise these lands, it has been estimated by Dr. George Stewart that it would require a man of such training and ability that it would be necessary to pay a salary of at least $5,000 per year. Three state-wide assistants would be required. It is likely that these would cost the State an average of $3,500 each annually, making a total of $10,500. In my State it has been estimated that 12 range districts would be needed, each amounting to 2,000,000 acres in size. Each of these range districts would have one ranger directly responsible to the central grazing chief, and there would be an additional four guards to each ranger.

These guards would have about 500,000 acres of land each under supervision. Experiences in the Forest Service have shown this to be the absolute maximum that one man could hope to guard. This figure is probably the most important number of the estimate and it has been scrutinized and criticized in a variety of ways in order to arrive at its approximate accuracy. This would make 48 guards, who, however, would not be employed regularly for full time. It is thought that one-fourth of these might be employed four months, another one-fourth for six months, still another one-fourth for eight months, and the remaining one-fourth for year-long work. These periods of employment will be approximately the periods of the year that various parts of the public domain are suitable for grazing. This would involve a cost of $55,000 per year for these guards alone. It has been conservatively estimated that it would cost my State, as an example, a total of $113,000, or a cost of $18\frac{8}{10}$ cents per cow unit for six months. These figures do not include any appropriation for investigation research, which would become not only valuable but almost necessary. It would seem that $15,000 per year would be a low estimate for this work.

The income estimated by my State for grazing fees would be $120,000. This would be figuring the privilege of grazing the 600,000 cattle at 20 cents per unit for the grazing period. This might possibly be increased to 25 cents per unit. However, certainly not for the first few years, and until the carrying capacity of the range has been restored by means of careful grazing supervision and management. This would mean a net loss to the State of $7,000 annually, without provision being made for an investigation research. As I have indicated, the same conditions prevail in the other Western States, and while the figures would differ I feel sure the same ratio would be maintained in a study of each of the States.

May I speak for a moment concerning the watersheds? While most of the watersheds of the West are in the national forests, the supervision of the public domain is therefore not so important. Nevertheless, in many of the States it is a problem of considerable importance. Various tributaries of the Colorado River, for instance, drain watersheds in the public domain in eastern and southeastern Utah. I have no doubt that this is also true of many of the streams in other Western States.

Erosion is very general in these areas and although the streams rise principally in the national forests, many of them cross the public domain and improper grazing is bringing about a considerable amount of erosion. Such improper grazing is destroying the forest capacity of the grazing lands, and also increasing the silt problems in the streams and canals.

Some have advocated the passing of the public domain into private ownership, but it is very doubtful if the amount that could be derived by taxation would be anywhere equal to the amount that 37½ or even 25 per cent of the grazing fees from the Federal Government would bring.

Prof. George Stewart, of the Agricultural College of Utah, has made an extensive study of this subject, and I am taking the liberty of quoting some of his conclusions.

The following points deserve consideration in deciding whether State control is more advantageous than control by the Federal Government:

"First. There could, under one management, be a definite and thoroughgoing correlation in the use of the summer and winter ranges. It has already been pointed out that these are used by the same stockmen and there is a regular movement from summer ranges to winter ranges and vice versa.

"Second. The States are not geographical units; and Utah's winter ranges cross State boundaries. Under separate management, friction of various sorts is certain to arise and some of this would in time, without doubt, reach the courts. Federal control obviates this phase of the matter entirely.

"Third. There are some interstate watersheds conspicuous among which is the Colorado River. One of the important factors in handling waters of the Colorado River will in time be the silting problem. You are aware already by first-hand experience of some of the complications arising from separate water rights in this respect. Some of these operate in favor of

Federal control and some in favor of State control. It is probable, however, that the silting problem, which is the chief phase with which grazing would be connected, is largely a matter that Federal control would be more effective in handling. Whatever the virtues of this statement, it is a problem that deserves consideration.

"Fourth. It is likely that a higher net return would be derived by the State as a result of Federal control under the Forest Service.

"Fifth. The civil-service method of employing Federal employees, as opposed to the appointive method generally used by the State, has certain advantages by way of permanent employment which give the man a feeling of security. Roughly, it is safe to say that better men are employed for the same salary when employment is permanent and secure.

"Sixth. It frequently happens that some valuable experience in one State may be transferred to immediate application in another State under a Federal form of administration. There would be a considerable lapse of time before such an arrangement would be operative under separate State control. This might be overstated in part by the possibility of control initiated on the part of separate States. Utah, however, would be touched on every boundary by a State each of which might have a different point of view in these various problems."

Gentlemen, I only want to say in conclusion that a real problem is before us. The public domain to which I have referred is estimated to have a potential value of $26,000,000,000. Nobody is supervising it, nobody is exercising any regulatory control over it. The Interior Department, it is true, supervises the passing of title from the United States to the patentees, but other than that there is no control.

Nomadic herds are going to parts of the country which would otherwise be occupied by home builders, depriving them of their feed that is necessary to support their livestock and thereby their families. Here is this problem lying at the very doors of Congress, and when we plead for consideration, when we plead for the establishment of a policy for the control of this stupendously valuable property, we are scarcely able to arouse any interest whatever.

I have introduced bills in Congress at this session which would give the Secretary of the Interior the right to supervise the grazing upon the public domain. He is first to consider the interests of the small home builder, the man who goes out into the country with the hope of building a home for himself and his family. After this, he is to take into consideration the rights of those who have heretofore used the ranges; and then he is to inaugurate a system of regulation and control that will bring the public domain back to 100 per cent of its productivity. Surely this is important and worthy of consideration.

The future of the livestock industry of the West largely depends upon the action which Congress shall take in this important matter. It will do much toward stabilizing the industry in the West. Moreover, if we do not rise to the situation before long, the asset of public grazing will have been largely dissipated, if not entirely so, because many areas of the West are not producing more than from 25 per cent to 50 per cent of their capacity.

What is everybody's problem seems to be nobody's problem. We introduce bills for the regulating of grazing year after year. They sometimes get scant consideration in our committees, and very much less consideration on the floor of the House. Year after year the Secretary of the Interior reports to us and recommends legislation such as I have indicated.

The President of the United States in at least two of his messages has called attention to the necessity of some such regulation. We are so busy with other problems, sometimes looking afar for problems to solve, and we neglect some of the most important things lying at our very door.

I can scarcely appreciate anything that would be more worthy of the attention of this Congress than the steps that are necessary to preserve the great public domain. Its acres and acres, worth billions of dollars, are in need of our care. We are intrusted with the responsibility of these lands. We must see that something is done. The Government has no policy with reference to its public domain. It is for us to formulate one. [Applause.]

Many of the people in this country are asking for the conservation of the great resources of public grazing because of the revenue to be derived from it. We are asking for the conservation of this great resource for the benefit of our children and our children's children. You ask for its conservation for the dollars it may bring to this country; we ask for its conservation for the happy, contented citizenship of the future. We think in terms of people, not dollars. Give us a chance to build better roads, to have better schools, to make better homes, and we will continue to give to the Nation the greatest asset that this or any other nation could possibly have—a patriotic, home-building, liberty-loving, God-fearing people. [Applause.]

Mr. DICKINSON of Iowa. Mr. Chairman, I yield five minutes to the gentleman from New Hampshire [Mr. WASON].

Mr. WASON. Mr. Chairman, contrary to my usual custom, I rise at this time to call your attention to a matter which is close to the hearts of Members of this House. As you well know, for a number of years I have held a position upon this subcommittee of the Appropriations Committee that prepares the annual agricultural appropriation bill.

When appointed upon this committee we had an eminent Member of the House, Mr. Sydney Anderson, of Minnesota. Later he voluntarily left Congress to engage in other activities. Then the chairmanship went to the State of New York, to our distinguished colleague and friend, Walter W. Magee. It was a privilege and honor to serve with him upon this committee until the sad news from Syracuse was promulgated that he no longer breathed the breath of life. That was August, 1927. As the annual agricultural appropriation bill comes before the House to-day fond recollections of our departed Member fills our souls with grief.

Under the guidance of Chairman Magee the House always felt that it received fair and courteous treatment. Members realized in him the full-grown, capable leader and friend, and in his demise this House and this Congress, those of us who knew him well, feel that we have lost a personal friend and know that the country has lost a capable and wise legislator.

Mr. Chairman, as we present this bill to-day our chairman [Mr. DICKINSON] has kindly yielded me five minutes to express in a feeble way our regret in the death of our former chairman and colleague of this committee. He was a distinguished Member of the House. He is absent, but his influence and his ability and his friendship will not be forgotten as long as we who knew him retain our intellects and breathe the breath of life.

His successor has been on the Appropriations Committee since the beginning of his second term in Congress, which was in 1921. Permit me to say that in the years I have been associated on the Subcommittee on Agriculture with our colleague from Iowa, Hon. L. J. DICKINSON, we were very fortunate that he was available to succeed our former chairman.

In the preparation of this bill under his guidance, care, and industry we have had harmonious meetings, studies, and careful consideration of each and every item, and I feel that I voice the sentiment of my colleagues on the subcommittee in saying that he is a worthy successor to our departed friend and colleague in this position, and I hope and believe that my words and prophecy will prove true as the days roll on, and we will realize that the gentleman from Iowa [Mr. DICKINSON] is a worthy successor of our former chairman, Walter W. Magee.

There are two other members new to our subcommittee at this session, although they are not new members of the Appropriations Committee. One of them comes from the great State of Louisiana, who has been transferred from another subcommittee to this subcommittee—Mr. SANDLIN, a valuable addition to the committee or any committee of this House.

The gentleman from Washington [Mr. SUMMERS] has been a member of the Appropriations Committee for five years. His transfer from another subcommittee to this subcommittee is recognition of his ability, wisdom, and devotion to agriculture. The membership of the committee is such that I am proud to say to the House that I value my humble position on this committee more than words can express.

It is easy to talk about your associates, but the agricultural appropriation bill is an important bill to the producers and consumers of the United States. It carries a large amount of money. We have spent five weeks in hearing testimony and in preparing the bill which carries over $143,000,000 appropriation for 1929.

I hope that our recommendations will meet the approval of the House and be of lasting benefit to those engaged in agriculture and to those in the United States who are dependent upon the success of agriculture. [Applause.]

Mr. BUCHANAN. Mr. Chairman, I yield 45 minutes to the gentleman from Arkansas [Mr. OLDFIELD]. [Applause.]

Mr. OLDFIELD. Mr. Chairman, several speeches have been made on the floor recently, and I want to give some attention to each of those speeches. The gentleman from Michigan [Mr. KETCHAM] delivered a speech on the farm situation in the country a few days ago in which he quoted statistics from the Agricultural Department which at least tended to show that the agricultural population of the country is prosperous and is

getting along all right, and is getting along much better than it did prior to the passage of the Fordney-McCumber tariff law in September, 1922. I do not know what conclusion really would follow from the statistics which the gentleman from Michigan quoted, but I do know that the farming people of the country are probably in worse condition to-day than they have been in a generation.

In other words, the gentleman from Michigan [Mr. KETCHAM] tries to make this House believe that after the war was over and the Underwood law began to operate that the price of farm products began to decrease. In other words, the farmers began to go broke. Nothing is further from the truth. The facts are that the farmers of the country began to go broke when the Republican Party declared in their platform for "courageous and intelligent deflation." Farm products were high and prices of farm lands were high until this platform pledge was written in the Republican platform. The people know that it was due primarily and almost solely to the ruinous policy of deflation which President Harding and his administration imposed on the farmers and the country. They know it, because in the platform adopted at its Chicago convention the Republican Party declared for "courageous and intelligent deflation." That a deflation policy was embarked upon immediately after the Harding administration came into power we all know. How courageous it was, men may judge for themselves; but as for its intelligence, I do not believe there is a living man who will be so bold or so foolish as to praise or to condone. It is strange that gentlemen who sometimes cry loudest on this floor about the distress of the farmer do less than anybody to aid when the opportunity is afforded to be of service.

That tariff reform would go far toward the solution of the problem of agriculture we know on no less an authority than the commission appointed by the United States Chamber of Commerce and the National Industrial Conference to study and report on the problem. Its chairman was a distinguished Republican, the Hon. Charles Nagel, of St. Louis, Secretary of Commerce in the Cabinet of President Taft. Certainly he was not prejudiced against the Republican policy of protection, and yet in his report for that commission Mr. Nagel recommended a revision of the duties to remove some of the discrimination against agriculture. This report has been repudiated by President Coolidge, the Republican Party's leader, and if any Republican in this body who professes to be a friend of the farmer has ever suggested writing those recommendations into policy I have not heard of it. Indeed, at the only opportunity which this body has had to go on record as favoring the principle of the Nagel report, many of those who have been moved almost to tears when telling of the farmer's plight icily voted to table the McMaster resolution and prevent any opportunity to revise the tariff.

The Agricultural Department tells us that from 1920 to 1925 the value of farm lands in the United States decreased from $63,000,000,000 to $47,000,000,000, a decrease of $17,000,000,000. That department also tells us that if we consider the shrinkage in value of farm equipment, buildings, and crops, the decrease goes to $30,000,000,000. That is 50 per cent more than the value of all the railroads in the country.

There has just been issued by the Department of Agriculture a pamphlet entitled "The Farm Real Estate Situation, 1926–27," making some very interesting comparisons about the agricultural industry 15 and 7 years ago and now, a comparison that constitutes a terrific indictment of the Republican Party drawn in the house of its friends. The pamphlet written by E. H. Wiecking, an analyst in the Division of Land Economics of the Department of Agriculture, begins with these words:

> An average decline of 4 per cent in values was the outstanding development of the year 1926–27 in the farm real-estate situation. Declines were especially marked in some of the Corn Belt and cotton States, in some sections reaching 10 per cent.

This drop, says this report, brought farm real-estate values down to a level only 19 per cent above the 1912 to 1914 average, but—

> reckoned from the 1920 peak, farm real-estate values in early 1927 had declined 30 per cent.

Moreover, and worse, the author of this pamphlet shows that measured in—

> constant dollars of the purchasing power * * * farm real-estate values on March 1, 1927, were really worth 20 per cent less than they were 15 years before, or 1912.

The pamphlet next shows that the composite price index of 30 major products prepared by the United States Department of Agriculture dropped within the year 1926–27 from 143 to 127 per cent of pre-war; that net income available for capital invested in the agricultural industry decreased 21 per cent within the year; that the net cash returns of 15,000 farmers reporting to the department dropped 13 per cent during that year, while the net outflow of farm population to the cities for that one year was 1,020,000 persons. Meanwhile, taxes have been steadily increasing, and in 1926 they were 253 per cent of the pre-war taxes which the farmers paid as compared with 155 per cent of pre-war in 1920.

During the same year the department received reports of 40,000 farms sold at administrators or executors' sales, while 163,000 farms were sold at voluntary sales or in trades. If the farmers had been prosperous they would not have been so eager to dispose of their property, so that it can well be imagined that very many of these farms were sold by their owners at heavy losses. In fact, the department says that—

> reports are current of syndicates being formed for the purpose of buying up foreclosed and other distressed farms in the Corn Belt and holding them for a rise in value.

Yet the gentleman from Michigan tries to make the people of the country believe that the farming population is in good condition and is prosperous; much more prosperous than it was a few years ago. But that is not all. We find from statistics of the Federal Reserve Board that more than 3,000 banks failed in this country under the present Harding-Coolidge Administrations.

Mr. HASTINGS. To be exact, 3,941.

Mr. OLDFIELD. Nearly 4,000. As a matter of fact statistics will show that more than 95 per cent of those bank failures occurred in the agricultural sections of the country. Surely the farming population can not be prosperous when nearly 4,000 banks have failed in the agricultural sections of the country in the last 7 years. Yet we are told by the gentleman from Michigan that the farming population is prosperous.

I think that is a sufficient answer to his statement. No person can dispute that statement. The Agricultural Department will not dispute it. Out in Illinois, for instance, in the district of my friend TOM WILLIAMS, I think those black Illinois lands that sold for two and three hundred dollars an acre in 1920 are now advertised for sale, under the hammer, and are being sold at $50 and $60 an acre, and they can not always be sold at those sums. So that undoubtedly conditions are bad in the agricultural sections of the country.

What is the remedy? Some gentlemen on this floor think that the tariff ought to be reduced on those things which the farmers have to buy; that is, the manufactured articles. The farm conference in St. Louis in 1926 passed a resolution that that should be done. My friend from Iowa [Mr. DICKINSON] has made several speeches on the floor threatening to have the tariff reduced on the manufactured articles which the farmers of the country have to buy. Yet, when we have an opportunity here to consider tariff legislation, he and every other Republican from Iowa—and all of the Members of the House from that State are Republicans—voted not to consider the proposition; not to consider the tariff question at this session of Congress. Of course, President Coolidge does not want the tariff question considered at this session of Congress. Secretary Mellon does not want the tariff question considered at this session of Congress. The Republican members of the Committee on Ways and Means do not want the tariff question discussed at this session of Congress. But the farmers of the country would like to see the tariff brought down on certain articles mentioned at the farm conference in St. Louis in 1926.

Mr. COLE of Iowa. Mr. Chairman, will the gentleman yield?

Mr. OLDFIELD. Certainly.

Mr. COLE of Iowa. The Senate resolution called for revision downward, did it not?

Mr. OLDFIELD. The Senate resolution provided that it was the sense of the Senate that excessive tariff rates in the present law should be revised.

Mr. COLE of Iowa. In behalf of the farmers of my part of the country I want to say that they do not want the tariff revised downward on their products. On the contrary, they are insisting that it shall be revised upward.

Mr. OLDFIELD. And what about manufactured articles which they have to buy? What do they say about that?

Mr. COLE of Iowa. I do not believe the farmers are interested in reducing the tariff on those articles. They want to level upward and not downward. They are willing to let the industrial tariff remain where it is, but they do want increases on certain of their agricultural products. The Senate resolution was opposed by my colleague, Mr. DICKINSON, and by the rest of us who represent Iowa, because we do not believe in a revision downward of the agricultural schedules, and the Senate resolution called only for a revision downward.

Mr. OLDFIELD. But not of the agricultural schedules.

Mr. COLE of Iowa. It did not make any exception.

Mr. OLDFIELD. I will just read the Senate resolution—

* * * That many of the rates in existing tariff schedules are excessive, and that the Senate favors an immediate revision downward of such excessive rates, establishing a closer parity between agriculture and industry, believing it would result to the general benefit of all.

There is nothing in that resolution that indicates that it was the sense of the Senate to reduce the tariff on agricultural products, but evidently they wanted to reduce the tariff on manufactured products.

Mr. COLE of Iowa. They made no exception of agricultural products; and what we insist on is an increase in the agricultural tariffs.

Mr. OLDFIELD. Yes; but let me ask you this question: Why did you not vote to send the McMaster resolution to the Committee on Ways and Means and consider that question of increasing the tariff on agricultural products? You have closed the door against yourselves.

Mr. COLE of Iowa. Oh, no.

Mr. OLDFIELD. Oh, yes; absolutely you have closed the door. Every man in this country, it makes no difference how humble he may be, may get up a petition upon any subject and send it to you or to me, and we drop it into the basket, and it is referred to the proper committee by the Speaker of the House. Here was a case where the greatest legislative body in the world, except this House, sent a resolution over here by a vote of 54 to 34. A majority of 20 in the Senate voted for that resolution. And yet every member of the Iowa delegation voted not to increase the tariff on agricultural products or a decrease of the tariff on the products that the farmer has to buy, but closed the door absolutely for this session of Congress for any consideration of this subject.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. OLDFIELD. Yes.

Mr. DENISON. How does the gentleman from Arkansas feel about the revision of the farm schedule? Does he believe it should be revised downward or not?

Mr. OLDFIELD. No; personally, I would be glad and willing to revise the agricultural schedule upward if it is necessary and if it is shown that there is a difference between the cost of producing in this country and abroad.

Mr. DENISON. Take rice, for example. That is produced in the gentleman's State. The gentleman knows that the producers of rice want the schedule increased.

Mr. OLDFIELD. Mr. MARTIN of Louisiana offered a bill to correct the tariff on the rice schedule, and the Ways and Means Committee turned it down cold and would not have anything to do with it because they were afraid it would open up some other features of the tariff law.

Mr. COLTON. Mr. Chairman, will the gentleman yield?

Mr. OLDFIELD. Yes.

Mr. COLTON. Did not that McMaster resolution provide for the downward revision of the tariff?

Mr. OLDFIELD. I read it just now. It means manufactured articles. It says:

Many of the rates in the existing tariff schedules are excessive—

It does not say agricultural or manufactured products, but it refers to excessive rates. It reads further—

and that the Senate favors an immediate revision downward of such excessive rates, establishing a closer parity between agriculture and industry, believing it would result in the general benefit of all.

I never heard anybody say on this floor or elsewhere that the disparity was because the agricultural schedule was too high, but always that the manufactured schedule is too high.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. OLDFIELD. Yes.

Mr. LAGUARDIA. Assuming that the revision would be downward, would the gentleman increase the tariff on agricultural products and reduce it on manufactured goods? And does not the gentleman think that by increasing the tariff on agricultural products the cost of food would be increased to the people?

Mr. OLDFIELD. Oh, the people buy things to eat just as much when they are expensive as when they are less expensive. They buy them just as cheaply as possible, whether they are rich or poor.

Mr. LAGUARDIA. If there were not a tariff on women's garments, the manufacturers or dealers in this country would send their designers to Europe, and we would import them.

Mr. OLDFIELD. Maybe the gentleman takes the same position as Doctor CROWTHER, who wants to forbid the admission of all those imports.

Mr. BEEDY. Mr. Chairman, will the gentleman yield for a moment?

Mr. GARRETT of Tennessee. Will the gentleman yield to me?

Mr. OLDFIELD. Yes; I yield to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. Is it not a fact that the gentlemen who voted as they did, when that aspect of the Senate resolution was presented, voted against saying to their own committee, known to approach these questions from the protectionists standpoint and according to the protectionist theory, "We want you protectionists to consider a proper revision of these schedules"?

Mr. OLDFIELD. Certainly.

Mr. LEAVITT. Mr. Chairman, will the gentleman yield?

Mr. OLDFIELD. Yes.

Mr. LEAVITT. Now the gentleman's leader has told him what he has been trying to say. [Laughter.]

Mr. OLDFIELD. Yes; and he always tells it properly and well.

Mr. LEAVITT. As I recall, two years ago the gentleman stated that if he were revising the tariff he would take it off wool and wheat and meat and reduce the duty on sugar. What has the gentleman to say about it now?

Mr. OLDFIELD. I think the gentleman from Montana said that he would take some of the duty off manufactured articles. I think the gentleman referred to that the other day.

Mr. LEAVITT. No; I would not destroy the farmers' market by 1 cent.

Mr. OLDFIELD. If you had your way about it, would you reduce the tariff on manufactured articles, or increase them, or leave them as they are?

Mr. LEAVITT. I would do what is necessary. [Laughter.] "Of course, the loud laugh that speaks the vacant mind" is heard before I have finished the statement. Some would be increased and some decreased, and so far as the agricultural products are concerned, in many cases it would be an increase.

Mr. OLDFIELD. And in no case would it be decreased?

Mr. LEAVITT. I would not say that.

Mr. RAGON. I would like the gentleman in connection with his remarks to say how the Senators from the State of Montana, from which the gentleman comes, voted on the McMaster resolution?

Mr. OLDFIELD. Both the Montana Senators voted for it. Now, Mr. Chairman, let me read what the gentleman from Iowa said.

On December 15, 1926, Mr. DICKINSON of Iowa said:

I do not believe those of us from the Central West are going to stand for a high tariff and say there can be no reduction in the tariff on commodities where they make an excessive profit or assist in monopolizing the control of a commodity.

And on March 2, 1927, he said:

It will therefore be the problem of the farmer to study the tariff schedules and everywhere he sees that exhorbitant prices are being charged, or that excessive profits are being made, he will join hands with those who are asking for tariff revision downward on such commodities in order to secure the equality to which he believes he is entitled.

Mr. DICKINSON also cited the platform adopted at the St. Louis Farm Conference November 16 and 17 which contained the following declaration on the tariff:

We favor the removal or modification of unfair and excessive tariff duties that now afford shelter for price-fixing monopolies. It is idle to refer to manufactured articles on the free list as benefiting the farmer when materials entering into their manufacture are highly and excessively protected. Therefore we urge immediate reduction on such basic materials as aluminum, steel, and chemicals.

In the same speech Mr. DICKINSON uttered this warning:

In my judgment, the party leadership that either admits the lack of a program or shows a disposition to further delay an effort to pass this legislation with no substitute to offer, should be repudiated and dethroned. It is my purpose to leave no stone unturned to bring this question to a final decision at the present session of Congress.

And yet the gentleman from Iowa voted not to consider the tariff question when he voted against sending the McMaster resolution to the Ways and Means Committee, thereby playing into the hands of the enemies of the McNary-Haugen bill repudiating what he said on this floor in 1926 and 1927.

Mr. HASTINGS. Will the gentleman permit me to say that the largest number of bank failures in the United States in the last eight years was 367 in the State of Iowa, and the largest in proportion to population of any State in the Union was in Montana, numbering 188.

Mr. OLDFIELD. Now, Mr. Chairman, the gentleman from Iowa [Mr. DICKINSON] voted against the McMaster resolution

on the 17th day of January, and on the 20th day of January he introduced a tariff bill in the House, which was sent to the Ways and Means Committee, increasing tariff rates on agricultural products. He preferred on the 17th of January to sustain the ruling of the Chair and to sustain the Republican organization in the House, thus making it impossible on that day to have anything considered which he might introduce in the future. Yet he did introduce a tariff bill in three days after that, a tariff bill revising the tariff upward on agricultural products. I think that was a great deal more than inconsistency. Both of the Senators from Iowa voted to send the resolution here, yet, as I say, within three days after that action was taken in the House he introduced a tariff bill which he knows will not be considered and which he knew would not be considered at the time he introduced it, and that he had previously helped by his vote on January 17 to make it impossible to have such matters considered.

Mr. DENISON. Will the gentleman yield?

Mr. OLDFIELD. Yes.

Mr. DENISON. I know the gentleman from Arkansas is a gentleman who has some respect for the different duties of the two branches of our National Congress. Does not the gentleman think that a bill of that kind or a movement of that kind should have originated in the House rather than in the other body?

Mr. OLDFIELD. The Senate recognized that.

Mr. DENISON. I do not think they recognized it.

Mr. OLDFIELD. Of course they did, otherwise they would have had some bill introduced there and started to consider it. However, they just passed a resolution saying it was the sense of the Senate, and it passed by a vote of 54 to 34. If an ordinary citizen should have sent such a statement here, it would have been forwarded to the Ways and Means Committee.

Mr. DENISON. I do not believe the Senate had any more right to pass such a resolution than the House would have the right to pass a resolution saying that it was the sense of the House that the Senate should ratify some tretay.

Mr. BLACK of New York. If the gentleman will yield, we have done that.

Mr. DENISON. Not with my vote.

Mr. BLACK of New York. We did that as to the World Court.

Mr. OLDFIELD. The gentleman from South Dakota [Mr. JOHNSON] had a great deal to say the other day as to why he was paired in opposition to this resolution, and why one of his colleagues voted one way and one the other way. Apparently he was afraid, according to his statement, that what was done here would be misconstrued out in his district and in other districts in South Dakota. I think his trouble and the trouble of other Members of this House was that they have been trying to explain away their votes on this proposition. I think the gentleman from South Dakota is afraid that his vote here will be correctly understood instead of being misunderstood. But what I object to about the gentleman from South Dakota is his quoting the senior Senator from South Dakota as saying that southern Senators had combined with Senators from the industrial East to defeat the McNary-Haugen bill. Now, any Senator or Member of this House ought to get his facts straight before he puts them in the RECORD. Now, what are the facts? I shall put the vote in the RECORD, or, rather, an analysis of the vote much fuller than I am going to give it here, because of lack of time, but 58 per cent of the Democrats in this House voting on that question voted for the passage of the McNary-Haugen bill, and 51 per cent of the Republicans voting on that question voted for the passage of the McNary-Haugen bill. In other words, we had a greater percentage of Democrats voting for the passage of that bill than the Republicans had. In the Senate 56 per cent of the Democrats present and voting, voted to pass it there and 52 per cent of the Republicans in the Senate voting on the question, voted for the passage of the McNary-Haugen bill.

Mr. ALMON. Was that at the last session?

Mr. OLDFIELD. That was at the last session. Therefore no Senator and no Member of the House ought to get up on the floor of either body and try to mislead the people by saying that Southern Senators and Southern Members among the agricultural Members of the Democratic Party helped to defeat the McNary-Haugen bill.

The Republican leadership on this floor tried to defeat it but they did not succeed. The present chairman, the man who occupies the chair now, Mr. TREADWAY, and Mr. TILSON, leaders on the Republican side, did everything in their power to defeat this bill. But they did not defeat it; they could not defeat it because they could not get the votes. The President defeated the bill. The President vetoed the McNary-Haugen bill and he had the able assistance of that great farmer, Andrew W. Mellon, in writing his message. Also that other great farmer, Herbert Hoover, helped to write his message; also that great farmer, Attorney General Sargent, of Vermont, helped to write that message; and that other great farmer, Secretary Jardine, of Kansas, was on hand to help the President write his veto message. The President and his Cabinet did everything possible to defeat the McNary-Haugen bill in the House and Senate and failing in this vetoed the bill. They are going to try to defeat it again but I hope they do not succeed. The facts show that they are the people who defeated it. The President, in his veto message, said it was class legislation, but the ink on his veto message had hardly gotten dry before he increased the tariff on pig iron 50 per cent. He increased it all he could. He did that for the benefit of the Steel Trust. Yet the record shows we exported 50,000 tons of pig iron last year and imported 132,568 tons and we produced 36,289,112 tons. We imported less than one-third of 1 per cent of our production. Everybody knows that and there is no question or doubt about it. Under the flexible provisions of the tariff law he has almost always increased the tariff except on bobwhite quails, paintbrushes, and things of that kind.

Mr. COLE of Iowa. Will the gentleman yield?

Mr. OLDFIELD. Yes.

Mr. COLE of Iowa. What was the tariff on pig iron?

Mr. OLDFIELD. Seventy-five cents a ton, and he raised it to $1.12½ a ton, just as much as he could under the law.

Mr. COLE of Iowa. I know, but the tariff on pig iron was very low, and the increase was correspondingly small.

Mr. OLDFIELD. Does the gentleman think he should have done that? If the gentleman thinks he should have increased the tariff on pig iron and vetoed the McNary-Haugen bill at the same time, let him say so.

Mr. COLE of Iowa. I have no objection to what the President did in behalf of pig iron, because the same President with the same pen a few months before had increased the duty on butter from 8 cents to 12 cents a pound, on wheat from 28 to 42 cents, and as soon as we can get it through the Tariff Commission, the same President, I believe, will increase the duty on corn from 15 cents to 22½ cents. That is the kind of President we want. [Applause.]

Mr. OLDFIELD. You can have him so far as I am concerned.

Mr. COLE of Iowa. He is in favor of increasing the duties on agricultural products and so are the farmers.

Mr. OLDFIELD (continuing). And I think he wants to be nominated again, and I think probably the gentleman wants him nominated.

Mr. WILLIAM E. HULL. Does the gentleman want him nominated?

Mr. OLDFIELD. Yes.

Mr. BLACK of New York. Will the gentleman yield?

Mr. OLDFIELD. Yes.

Mr. BLACK of New York. I have come over to the Republican side to make this statement. I do not think the gentleman wants to be unfair to the President. The gentleman has overlooked something he has done for the farmers.

Mr. OLDFIELD. What is it?

Mr. BLACK of New York. The only class of labor in the navy yards that had a salary increase last year was a couple of gardeners in the navy yards, and that was done in the interest of agriculture. [Laughter.]

Mr. OLDFIELD. Now, Mr. Chairman, I want to say a few words in reply to a speech made by my good friend, Doctor CROWTHER, here the other day. There are various tariff thoughts or views in the Republican Party, although not in the agricultural sections; but Doctor CROWTHER is consistent. In answer to a question that Mr. GARNER of Texas propounded to Doctor CROWTHER the other day, the gentleman from New York [Mr. CROWTHER] made a statement that I want to refer to. This is the question propounded by the gentleman from Texas [Mr. GARNER]:

> Mr. GARNER of Texas. If I understand the gentleman's position with reference to the protective tariff, it is that he would produce everything in this country that we could produce and would not import anything that can be produced in this country.
>
> Mr. CROWTHER. I should favor such a proposal.

Now, my friends, Mr. Fordney, who had a great deal to do with writing the Fordney-McCumber tariff bill, believed the same thing. Secretary of Labor Davis believes it so far as manufactured articles are concerned. I assume Doctor CROWTHER believes it with regard to manufactured articles and also with regard to farm products.

The question referred to everything we can produce here, and I assume the gentleman means there should be a Chinese wall around America stopping everything at the wall—farm prod-

ucts and manufactured articles that can be produced in this country.

I do not know how many Republicans believe this. I certainly do not believe it. But there is another very important Republican in this country who believes it. Secretary of Labor Davis is quoted in an editorial in the New York Times as follows:

America should have a tariff that will not permit anything to be imported from a foreign country that we can make in our own land.

Mr. CROWTHER. Will the gentleman yield?

Mr. OLDFIELD. Yes.

Mr. CROWTHER. I think in that same speech the gentleman will find a quotation that I put in the RECORD from Thomas Jefferson verifying that position. I wish the gentleman would read that.

Mr. OLDFIELD. I will look it up and see if it is in here. I do not think Jefferson ever had any idea that we would have embargoes on any sort of product. I am sure he did not favor any such policy, and that is what the gentleman meant. That is what the gentleman's answer to the question would mean.

Here we have a great country, and we can produce practically everything in America if the tariff wall were high enough, except possibly coffee and rubber, and I notice Mr. Edison states we can produce rubber in this country. We would produce everything and bring in absolutely nothing. I wonder if the gentleman from New York would be in favor of that?

Mr. CROWTHER. I do not want to bring in any farm products that would put our farmers out of business.

Mr. OLDFIELD. Does the gentleman want to bring in any at all?

Mr. CROWTHER. We brought in $1,000,000,000 worth during 1926.

Mr. OLDFIELD. Does the gentleman want to bring in any at all?

Mr. CROWTHER. I think it would be just as well if we did not bring in any that we can raise ourselves. [Applause.]

Mr. OLDFIELD. That stops absolutely international trade of all kinds.

Mr. CROWTHER. Oh, no; it does not.

Mr. OLDFIELD. Absolutely; if you are not going to bring in a dollar's worth of farm products from abroad or a dollar's worth of manufactured articles from abroad, how are you going to have any trade with foreign nations?

Mr. CROWTHER. Will the gentleman yield?

Mr. OLDFIELD. I yield.

Mr. CROWTHER. The gentleman from Arkansas and many other members of his party made just such speeches as this when the Fordney-McCumber bill was under consideration.

Mr. OLDFIELD. Yes.

Mr. CROWTHER. They went down into the well there and wept copious tears and drew pictures of the world falling off into primeval chaos and the stars ceasing to shine if we passed the Fordney-McCumber tariff bill——

Mr. OLDFIELD. Ask the question.

Mr. CROWTHER. And yet we have done more business with foreign countries under that bill than we have ever done under any tariff bill since such bills were written.

Mr. OLDFIELD. Yes; the gentleman stated it brings in $600,000,000 a year to the Treasury; and, as a matter of fact, it costs the people of this country, the consumers of America, $6 for every dollar brought into the Treasury.

Mr. CROWTHER. I would just like to know how the gentleman figures that.

Mr. OLDFIELD. All the experts and economists figure it that way.

Mr. CROWTHER. Oh, I do not take much stock in experts. [Laughter.]

Mr. GREEN of Florida. Will the gentleman yield?

Mr. OLDFIELD. I yield to the gentleman from Florida.

Mr. GREEN of Florida. I want to say to the gentleman from New York that his expert tariff system protecting manufacturing enterprises only is about to drive the tomato producers and other vegetable producers of my State out of business on account of the Mexican and Irish agricultural products which you are permitting to come in under your present tariff law.

Mr. CROWTHER. And I am anxious to increase their tariff.

Mr. GREEN of Florida. Why does not the gentleman's party do it? Your committee will not bring out anything.

Mr. CROWTHER. Mr. Chairman——

Mr. OLDFIELD. Mr. Chairman, I do not yield further.

The statement of the gentleman from Florida is true. The Ways and Means Committee will not undertake to consider the tariff question and the gentleman from New York knows that as well as I know it. The gentleman will not undertake to do it because he is afraid something will get into the bill that he does not like.

Mr. CROWTHER. Will the gentleman yield?

Mr. OLDFIELD. Yes.

Mr. CROWTHER. As I said to the gentleman from Texas [Mr. GARNER], the other day, I think we could pass a tariff bill here because we know how to do business in the House. We can go over to our committee, and as I told him, I think with the help of the liberal-minded Democrats—I did not have the gentleman from Arkansas in mind, I was talking to the gentleman from Texas [Mr. GARNER], because I recognize the gentleman from Arkansas as a free trader, of course.

Mr. OLDFIELD. I am not a free trader.

Mr. CROWTHER. I would like to ask sometime the men on the gentleman's side of the House to raise their hands if they subscribe to the theory of free trade. We would not find more than five or six of them. Your men are protectionists.

Mr. OLDFIELD. Is the gentleman through with his question?

Mr. CROWTHER. No.

Mr. OLDFIELD. Ask the question.

Mr. CROWTHER. Does not the gentleman think it would relieve agriculture if we could get a rule for such a bill, bring it in here, and name the hour for the previous question and pass it, but we could not pass it in the other body?

Mr. OLDFIELD. All right; I will answer the gentleman. I am perfectly willing to consider any bill the gentleman from New York will introduce and am ready for its consideration in the Ways and Means Committee. The Democratic Party is not a free-trade body and never has been. The trouble about the gentleman from New York and the gentleman's President is that he wants a greater tariff than will equalize the difference between cost of production at home and abroad.

Take the sugar proposition—the Tariff Commission more than a year ago reported to the President of the United States, upon the President's request, that $1.23 per hundred pounds on sugar instead of $1.76 per hundred pounds was ample to take care of the difference in cost between the production at home and abroad. They also called to the attention of the President the fact that the difference between $1.23, which was all that was necessary, and $1.76 in the Fordney-McCumber tariff law cost the people of the United States $75,000,000 a year, and only $35,000,000 got into the Treasury. The $40,000,000 went into the pockets of the sugar producers as a subsidy. And yet President Coolidge pigeonholed the report and it was like twisting a rabbit out of a hollow log to get it from him. Does the gentleman want a greater duty on sugar than that which will equalize the difference between the cost of production at home and abroad? That is what the Democratic Party will stand for—will you do it?

Mr. CROWTHER. I am not wholly in favor of that; I do think it is necessary for a rate to be really protective. Apparently, from statements the gentleman has made about the sugar question, he is satisfied with the deductions and opinions of the Tariff Commission on sugar, but he did not believe in it in regard to wheat, butter, and pig iron, all of which duties were increased.

Mr. OLDFIELD. I have not discussed the wheat or the butter question.

Mr. CROWTHER. It took nearly six years to get the data and figures on pig iron and the consequent raise in duty.

Mr. OLDFIELD. If anybody has been prosperous for the last six years it has been the steel companies and the automobile manufacturers, but the farmers have not been prosperous either in my part of the country or the gentleman's part of the country. The tariff was increased for the purpose of increasing the price of steel. Nobody wants an increase in the tariff unless it is to raise the price of their commodity. Is not that so?

Mr. CROWTHER. It is not.

Mr. OLDFIELD. It is true because it enables them to increase the price.

Mr. CROWTHER. The gentleman does not seem to know as much as he ought to on this subject. [Laughter.]

Mr. OLDFIELD. The gentleman knows that everybody is for the raising of the tariff for the purpose of increasing the price on the thing that the tariff applies to. And everybody knows people would not go to the expense of coming to Washington and lobbying for particular tariff rates if they did not think it would put money in their pockets.

Mr. CROWTHER. That is not so and never has been. The gentleman can not cite any facts to support that statement.

Mr. OLDFIELD. It is not necessary to cite any facts on that proposition. Everybody except the gentleman knows it.

Mr. CROWTHER. The gentleman talks about the steel companies; he ought to know that a great many of the steel com-

panies in this country were opposed to raising the duty on pig iron because their money was invested abroad in pig-iron plants.

Mr. OLDFIELD. Nobody ever saw any great headlines in the newspapers to that effect.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. OLDFIELD. I yield.

Mr. GARRETT of Tennessee. The gentleman from New York says it took six years to get it out; in view of the President's former action, is not the gentleman surprised at his moderation? [Laughter.]

Mr. CROWTHER. I am not, because I believe the President is a protectionist at heart and has the welfare of this country at heart. [Applause.]

Mr. GREENWOOD. Will the gentleman yield?

Mr. OLDFIELD. I yield.

Mr. GREENWOOD. There is one instance I would like to call the gentleman's attention to, and that is linseed oil, which is a component part of paint and which the farmers need. I transmitted a communication to the President urging action on reducing the tariff on linseed oil, because I appreciated the fact that he was the only one who had the power to do it, since the House would not act.

I got a nice letter from the President, saying he had referred it to the Tariff Commission, and had it under advisement. I also got a letter from the Tariff Commission, saying that nearly a year ago they reported to the President that the duty ought to be reduced.

Mr. OLDFIELD. He follows the recommendations of the Tariff Commission when it suits him, and does not follow them when it does not suit him.

Now, the gentleman from Massachusetts [Mr. TREADWAY] made quite a speech the other day, and the burden was what a wonderful accomplishment the Limitation Armaments Conference was in 1922. Think of it! The wonderful accomplishment of the Limitation Armaments Conference! As a matter of fact, by that conference we lost 825,000 tons of battleship tonnage, aggregating nearly $300,000,000 worth of the finest battleships that ever floated the seas. Yet the gentleman from Massachusetts [Mr. TREADWAY] thinks that was a great thing for the country. It was such a great thing for the country that they put it in the Republican platform in 1924, and the President in one of his speeches called the attention of the country to the fact that it did not seem to appreciate what a wonderful thing Secretary Hughes had done at this armament conference. Of course, everybody knows that the British destroyed only a few blue prints, some pictures of ships, while we destroyed $300,000,000 worth of the finest ships in the world, and the taxpayers will have to foot the bill. Some more of Coolidge constructive economy. Then the President wanted to get himself out of that hole, and he called a conference at Geneva, and what happened there?

About the only thing they talked about over there was the tariff; but our commissioners went there with hat in hand and tried to persuade the British to destroy some of their submarines and some of their cruisers. They pleaded with them and begged them to do it. Of course, they did not do it. In other words, Secretary Hughes went into this Limitations of Armaments Conference and matched his diplomacy against British and European and oriental diplomacy. He went in attired in full dress and came out wearing a barrel—and nothing else. The President went along and advertised to the country what a great thing had been done for the world, and now it develops, several years afterwards, that what was done was a dis-service to the country instead of a service to the country and to the world. The Geneva conference was also a failure. I presume the Republicans will say in their platform this year that that was a great success. I can see them now writing into their platform a great boost for this Pan American conference at Habana. Of course, we have not the official report of the Pan American conference at Habana, and it is impossible for us to tell what was accomplished there, but we do know from the newspaper reports that the Central and South Americans wanted to talk about the tariff down there; they wanted us to reduce our tariff so that some of their products could find a market in this country. Then they wanted to talk about immigration. Of course, those questions were taboo. They wanted to talk about Nicaragua also, and there was a good deal of talk about Nicaragua. The fact is, from the newspaper reports, every country in Central and South America is suspicious of us. They fear this great colossus of the north. Not only that, but every country in the world to-day is suspicious of the United States of America on account of our restrictions in respect to tariff and other restrictions upon international trade we have put in our laws.

We try to shut out everything that anybody else produces or makes anywhere in the world. Just take the city of New York, the greatest city in the world to-day. In 30 days she would be starved to death if she did not buy anything. If she never bought anything, she could not exist. There is no State in this Union, the great State of Pennsylvania or the great State of Illinois or any other State, which if it sold everything and bought nothing or bought everything and sold nothing, could exist.

Mr. BLACK of New York. Is the gentleman speaking of votes?

Mr. OLDFIELD. No; I am talking about farm and manufactured products.

Mr. ARENTZ. Mr. Pueyrredon, the ambassador from the Argentine, is the only one who brought out the matter of a tariff. The argument against taking the tariff off Argentine beef was a matter of the foot-and-mouth disease. If the gentleman from Arkansas or anyone else in the South wants that class of cattle to come into the American market——

Mr. OLDFIELD. Of course, I do not.

Mr. ARENTZ. And break down the livestock industry of the country, then I think they would be a party to a very serious thing.

Mr. OLDFIELD. Yes. Is the gentleman through?

Mr. ARENTZ. Yes.

Mr. OLDFIELD. I agree with the gentleman thoroughly. I do not want diseased livestock coming into America from anywhere. My proposition is that the countries represented at Habana are suspicious of America. They do not like us; they fear us. They see us fixing to build the greatest Navy in the world, so the newspapers say.

The world owes this country $25,000,000,000 to-day. Do you think that the world can owe us $25,000,000,000 and then we not trade with the world? Impossible! Economic law is the most forceful law that we have. When they owe us that much money, we have to sell to them and we have to buy from them. This country can not live unto itself alone any more than an individual can. Therefore, I say to you that we ought to have our tariff law reasonable. Most of the Republicans used to say that all they asked for in the way of a tariff was a tariff high enough to equal the difference in the cost of production at home and abroad. I was in favor of bringing the matter up in the committee and trying to pass a bill and relieve them if the proof and the facts showed that it is necessary to have a reasonable tariff in order to cover the difference in cost of production at home and abroad, but if you can not get together on that sort of a bill, if Mr. CROWTHER will not agree to that sort of a bill, then we could bring it out of the committee onto this floor and let the House decide the kind of a tariff bill it wants to pass, and if the Senate changed it materially, we could refuse to agree to the Senate amendments; but you gentlemen are afraid to have a tariff discussion.

Mr. McMILLAN. The gentleman means the Republicans?

Mr. OLDFIELD. Yes; of course.

Mr. WINTER. Is not the gentleman from Arkansas satisfied with the purchase of about $5,000,000,000 worth of goods a year from foreign countries?

Mr. OLDFIELD. Certainly, if that much comes here.

Mr. WINTER. Is not that the fact?

Mr. OLDFIELD. I do not think it is that much.

Mr. CROWTHER. It is considerably over $4,000,000,000.

Mr. OLDFIELD. Here is the trouble about that. We export more than we buy, and so long as we export more goods than we buy, we are ahead. Do you believe we ought not to have any foreign trade? If you say that you do not want $5,000,000,000, then why $1,000,000,000 worth, and if you do not want $1,000,000,000, why any? Surely the Republican Party does not mean that they want a Chinese wall around this country, an embargo, so that nobody can trade with us. Yet from the arguments you make—and you have gone back on that argument about the difference in cost of production at home and abroad——

Mr. LaGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. OLDFIELD. Yes.

Mr. LaGUARDIA. The gentleman says that all he requires is the difference in the cost of production at home and abroad. Does the gentleman realize that taking the present cost of production and the present rate of exchange if the tariff were revised on that basis there would be an increase in the tariff on most manufactured articles?

Mr. OLDFIELD. Let me read you something on that question.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. BUCHANAN. Mr. Chairman, I yield the gentleman five minutes more.

Mr. OLDFIELD. Let me explain that thing to you. I presume a good many Members on this floor know Mr. Jackson Johnson, of the International Shoe Co., personally. He is at the head of the greatest shoe company in the world, with an invested capital of $75,000,000, and with thirty thousand and odd operatives. There is no protection on shoes and here is what he says about the tariff:

The shoe industry neither needs nor wishes protection. Certain industries may need a degree of protection, but in a general way the tariff is too high. No industry is entitled to 60 per cent to protect 25 per cent.

He further declared that there is a good deal of politics in the talk about the benefits of the protective tariff to labor, adding that American wages are higher than European, not because of the tariff, but because of the greater natural resources of this country, the more efficient organization of American industry, and the greater productivity of the American workmen. In the shoe industry he said that this superiority amounts to the production of twice as many shoes per workman than in England. The ratio of labor cost to the value of product is as great or greater in the shoe industry than in any of the protected industries.

I want now to read what Mr. Benjamin L. Winchell, president of the Remington Typewriter Co. said. He said:

We do not want a tariff, we don't need a tariff, and so far as I can see now, we never will need any. If we needed one, I am sure that we could get it.

Of course, and everybody else knows that he could get it if he needed it. He would get it if he asked for it, whether he needed it or not, while the Republican Party is in power.

When Mr. Winchell was asked if foreign competition had cut his company's business or forced it to reduce the wages of his workers, he laughed and said:

All the foreign typewriters sold in the United States could be put on this table. There simply isn't any foreign competition. On the other hand, we have carried the war into the enemy's territory so successfully that the Remington Co. sells more typewriters in Europe than all the European companies combined. In the case of Germany and Italy, it sells them over a tariff barrier erected by those countries to keep them out.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. OLDFIELD. Yes.

Mr. LAGUARDIA. Is not that because they have not learned to make typewriters abroad yet?

Mr. OLDFIELD. Here is the reason which this gentleman gives. He gives the reason here:

Put the American workman in a modern factory, give him the most improved machinery, put him under competent and intelligent foremen, and pay him high wages, and there isn't anything in the world that can touch him. He will turn out a better product than the foreign workman and he will turn out twice as much of it.

There is nothing on the face of the earth that can touch the American workingman.

Now, the other day Doctor CROWTHER referred to the textile industry as being in the dumps. Yet the textile industry has the highest tariff of any industry in America and pays the lowest wages. Nobody can dispute that. They have the highest tariff of any industry and pay the lowest prices.

The gentleman from New York also spoke of the cement industry. I do not know much about that. Then he talked about the railroads. Everybody was in the dumps. And yet the President has proclaimed general prosperity. You have had the Fordney-McCumber tariff since 1922, and under it we have the highest tariff rates that this country or any other country has ever seen; and now, forsooth, when we have hard times in the coal industry and in the textile industry and in agriculture and when 4,000,000 men are out of work and half that many more working part time what do the Republicans want to do? These quack doctors of the Republican Party have always said: "Raise the tariff, and it will cure all the industrial and economic ills of the country." Now, what do they want to do? They want to give them a double dose of the same medicine. President Wilson was right when he said the Republicans had not had an original idea in the last 50 years. [Applause.]

Mr. BUCHANAN. Mr. Chairman, I yield 50 minutes to the gentleman from Texas [Mr. MANSFIELD].

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. MANSFIELD. Mr. Chairman, I recently clipped from the Washington Star a dispatch, which I ask the Clerk to read.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

HOLDS FARM ILLS DUE TO LAZINESS—T. F. HOPKINS, LARGE-SCALE OPERATOR, BLAMES AUTO FOR RURAL PLIGHT

CHICAGO, January 31.—What's wrong with the farmer, according to T. F. Hopkins, of Liberal, Kans., is that he lacks gumption and "get-up." Hopkins, who owns and operates a 2,000-acre farm near Liberal, voiced his views at the Interstate Commerce Commission hearing on grain rates now being held here.

"The American farmer is shiftless and lazy," said Hopkins. "He joy rides around in unpaid-for automobiles instead of attending to his work."

Hopkins had been called to testify as to his methods of farming, because the commission had been told his operations have been successful.

"Every farmer who spends his time tending his farm is making a go of it," he said. "If the average farmer worked as hard as the business man in the city, we wouldn't hear any more of this talk about hard times on farms.

"We have some good farmers, but we have a lot of poor ones. Most of these unsuccessful ones buy automobiles on the installment plan before they get their crops harvested. Any lack of success they have is due to laziness, shiftlessness, and improvidence. The automobile is a necessity, but it is too big a temptation for most of them, and they spend more time riding around than is good for their farms.

"On my own farm I do everything by machinery and tractors. I haven't a single horse or mule on the place."

Mr. MANSFIELD. Such is the viewpoint of the man who cultivates 2,000 acres by high-powered methods. His establishment will represent an investment of at least a quarter of a million dollars.

A writer in the Saturday Evening Post of last spring, Mr. Garet Garrett, in a series of articles presented some interesting thoughts upon the farm problem. Under his proposed solution, one-fifth of the people engaged in agriculture should be driven from the farms into other pursuits, and let the other four-fifths cultivate larger tracts of land by high-power machinery and other methods so as to reduce the cost of production. He said:

At the end of the regional agricultural conference held last year at Salt Lake City one man stood forth and said, "There is only one solution for the farmer to-day. Seventeen per cent must be ruined and driven off the land."

These words produced a deep psychic scandal. What a monstrous suggestion; yet everyone knew the truth. The truth is that one-fifth of the people now engaged in agriculture are economically unnecessary. They are wasting their labor and capital; they are a liability on the four-fifths who, with a very slight improvement of method, or with only the incentive of a little more profit, could easily produce the crops at a much lower average cost. The marginal fifth of the farm population is the body of distress. It adds to the surplus the breaking weight when the price is high and clamors for relief when the price is low.

Mr. Garrett expressed the view that the farmer did not understand the methods of either industry or agriculture. He said:

Not only is it difficult for the farmer to understand industry, there is a second complication. He does not understand agriculture either.

Commenting upon the farmers' belief that industry had prospered by the tariff and by organization to control surpluses and prices, he said:

Power of organization is not the secret of industry's profit. Neither is it the tariff. The secret is method. And that is the hardest single truth to put upon the farmer. He wishes not to believe it; or if he does believe it, he is obliged to look to his own methods. He would much prefer to think it is organization.

Mr. Garrett is an advocate of big business, on big-business methods—mass production by high-powered machinery. If little business can not compete, let it go to the wall. These methods, he claims, have made the success of industry, and can be applied with equal success in agriculture. He further says:

Fortunately, as it happens, the great staple crops that get agriculture into trouble, such as cotton, wheat, and corn, of which we produce an exportable surplus, are the crops that lend themselves to methods of intensity and power. The problem is not the price; it is how to reduce the cost of production to a point at which we can afford to sell the surplus at the world price, whatever that is.

He has a great deal to say of the little farmer, who is without method. He says:

And how involved the agricultural pattern becomes to be. The old and the new are in conflict still. A man with a mule and one bottom plow cotton patching in Alabama; another producing cotton by the

tractor method on a low-cost basis in Texas—the same staple for the same market. Which do you think will survive?

Mr. O'CONNELL. Mr. Chairman, will the gentleman yield there?

Mr. MANSFIELD. Yes.

Mr. O'CONNELL. Might not that gentleman's attitude be due to the fact that he thinks there are more and better farmers in Texas than in Alabama?

Mr. MANSFIELD. That is probably true; but he is in error, I believe.

Mr. McMILLAN. He is more of a geographical expert than a farming expert?

Mr. MANSFIELD. I believe he is an expert on paper farming.

In another connection he uses this language:

The one-mule cotton patcher in Alabama is the weevil in the fortune of the man producing cotton at a low cost by high-power methods in Texas.

Now, we all know that the only thing to do with the weevil is to poison him. This writer would have us treat the little farmer in that way when his business interferes with the business of the big farmer.

Just why this gentleman should give to the farmer of my State such a distinction over the farmer of the State of Alabama is beyond my comprehension. I can account for it only on the supposition that he may at some time have attempted real dirt farming in Alabama, while his Texas ventures have evidently been altogether on paper.

These were not the only allusions he made to the high-power Texas methods of producing cotton. He referred to the way in which we use the airplane and the tractor in dusting the poison upon the vast domains of cotton to kill the boll weevil. Also to the sledding process of gathering cotton, by which one man with this machine can do the work of a dozen or more cotton pickers, who insist upon picking cotton as our grandfathers picked it, by hand, out of the boll, one boll at a time. He assumes, of course, that all these high-powered methods of which he speaks have passed the experimental stage.

It is admitted by all that the sledding machine gathers with the cotton vast quantities of bolls, hulls, limbs, and trash of every description, but then, it is claimed, another high-powered labor-saving machine is applied at the gin. This machine, at low cost of operation, so thoroughly and completely separates the lint from the trash that the staple, when offered in the market, is so nearly faultless that it can not be distinguished from that which, when garnered, may have felt the delicate touch of the dainty fingers of a modern Ruth.

Oh, Mr. Chairman, cotton farming in Texas on paper is the most fascinating and successful business in all the world. Why, sir, it surpasses even the dreams of Henry Ford or Charles M. Schwab. Yet we find that in the year 1926 a tiny Government report, no larger than a man's hand, gave to the cotton market such a nose dive that the farmer, big or little, has not yet recovered from the shock. What the cotton farmer now stands most in need of is a parachute of some kind that will enable him to strike the bottom a little more gently the next time a department official opens his mouth.

The sledding process of gathering cotton having been referred to in such glowing terms, it should not be permitted to pass without further knowledge of the facts. Mr. Garrett's articles published in the Saturday Evening Post, have been read by several million people, who have been left under the impression that all the cotton crop of the United States can be gathered in that manner and at comparatively small cost. Gathering the crop being the greatest of the cotton farmers' problems, and it supposedly having been by this process so successfully solved, the farmer can prosper, if he will, and neither needs nor deserves any consideration at the hands of Congress. But what are the facts?

The sledding process can not be applied at all except in a few limited areas near the north border line of cotton production. Parts of Oklahoma and that portion of Texas known in history and in song as the Llano Estacada, or Staked Plains, are so far the only places where any extensive use of the sled has been made. In those sections, the Department of Agriculture in conjunction with the agricultural and mechanical colleges of Texas and Oklahoma have experimented quite extensively. Many thousands of bales have also been gathered by the farmers in those sections, with a greater or less degree of success.

In the year 1926, on account of the great slump in the cotton market, and on account of a scarcity of labor, the cost of picking and ginning a bale of cotton was about equal to the market value of the cotton after it was made ready for the market. Consequently, large quantities were permitted to go to destruction in the fields. Sledding was extensively practiced in the regions where found practicable, but principally, however, as a salvaging proposition. Several hundred thousand bales were gathered in that manner, but in 1927 we find that only 50,000 bales were so gathered. The facts will disclose the reasons for this reduction.

Not relying altogether upon my own judgment as to the sledding of cotton, I wrote to Hon. George B. Terrell, head of the department of agriculture of the State of Texas. I have here Mr. Terrell's reply, which I will ask the Clerk to read.

The Clerk read as follows:

DEPARTMENT OF AGRICULTURE, STATE OF TEXAS,
Austin, January 20, 1928.

Hon. J. J. MANSFIELD,
Member of Congress, Washington, D. C.

MY DEAR SIR: Yours of the 16th in regard to the process of sledding cotton has been received and contents noted.

In reply will state that this method of gathering cotton is used only in the Panhandle section of the State. It is a very rapid process of gathering cotton and the cost, I presume, would be less than $5 per bale for gathering cotton by this method.

The cotton must be matured and practically all open before the sledding can be done, as it strips all the bolls and limbs from the cotton stalk, and no more cotton can be made after the sled passes over it. It also lowers the grade of the cotton very materially, as sledded cotton usually brings about 2 cents per pound less than cotton picked by hand.

I do not know anything about the ginners charging $7 per bale extra for ginning this cotton because of the limbs, trash, and bolls in the cotton. It is possible that they make some extra charge for cleaning this cotton.

I would advise you to write Victor H. Schoffelmayer, of the Dallas News, Dallas, Tex., concerning this matter, as he has been in the plains country and made a study of this method of gathering cotton, and can give you more detailed information than we can give you from our department, as this method does not concern us in administration of agricultural laws but only concerns us as an economical and time-saving proposition.

Respectfully,

GEORGE B. TERRELL, *Commissioner.*

Mr. Terrell advised me to write to Mr. Victor H. Schoffelmayer, agricultural editor of the Dallas News, who is doubtless the best authority in the United States upon this subject. I wrote Mr. Schoffelmayer, and have here his reply, which I will ask the Clerk to read.

The Clerk read as follows:

THE DALLAS NEWS,
Dallas, Tex., January 28, 1928.

Mr. J. J. MANSFIELD,
House of Representatives, Washington, D. C.

DEAR MR. MANSFIELD: In reply to your inquiry about cotton sledding, at the present time this process is not adapted to any but the plains area, as it can be used only after killing frost. During 1927 only 50,000 bales were harvested in this way, because of the long, mild fall, and also because of a large supply of cheap hand labor. In the previous season, however, much more than this amount was gathered by sleds, though they did not come into vogue until after Christmas.

At the present stage of development the sled is still problematical, but it will play a big part in the plains area in the next few years. You understand, of course, that it is not confined to the Panhandle region, to which you refer, as its first general use was around Lubbock in the south plains section.

The usual cost for cleaning sledded cotton ranges between $2.50 to $4 a bale extra. The $7 figure given you must have applied to the whole ginning process.

If we can be of any further service to you, please let us know.

Yours very truly,

VICTOR H. SCHOFFELMAYER,
Agricultural Editor.

Please get report by A. P. Brodell and M. R. Cooper, United States Department of Agriculture, "Requirements and costs for picking, snapping, and sledding cotton in west Texas."

I have the Brodell and Cooper report referred to in the postscript of Mr. Schoffelmayer's letter. It contains some very valuable information, but, consisting of several pages with a number of tables of comparative costs, is most too long to be inserted in the RECORD. It is the only formal publication issued upon this subject by the Department of Agriculture.

At the bottom of page 6 of the Brodell and Cooper report is a table of comparative costs of gathering and ginning a bale of cotton in Texas as to both sledded and hand-picked cotton. It is shown that according to the scale of wages prevailing there at the time that the total cost of gathering and ginning a bale in the Great Plains district of Texas when

picked by hand was $22.33, while the cost when sledded was $12.39 per bale. On its face this represented a difference in cost of $9.94 in favor of sledding. But when we take into consideration the fact that the bale of sledded cotton sells in the market at $10 less than the bale of hand-picked cotton, then there is an actual cash balance of 6 cents per bale in favor of the hand-picked cotton.

This report, as well as all other authorities, shows that the sledded cotton sells at 2 cents per pound less than hand-picked cotton. This is a loss of $10 on each 500-pound bale. On larger bales the loss per bale is correspondingly greater.

Of course, there may be times, as in 1926, when, as a salvaging proposition, it is advisable, where practicable to do so, to use the sledding machine, regardless of the difference in cost. A scarcity of labor for hand picking may also render it necessary to use the sled in some instances where otherwise it might not be used.

Then, again, owing to the shortness of the seasons where sledding has been in operation, many of the cotton bolls do not mature and open. Still they contain lint, which has some value. This is known as "bollie" cotton. It can not be picked by hand, but can be salvaged by sledding. Several thousand bales can be saved in this manner which would otherwise go to destruction.

Mr. Garrett's observations were made in the spring of 1927, following the rather optimistic reports on the sled gathering of cotton in the fall of 1926. He assumed that it had passed the experimental stage, and he also failed to take into consideration the fact that the method can be applied in only a very limited portion of the area of cotton production. If he will review the case in the light of the present time, he will ask to revise his remarks. If he should await the lights of another year, he might, then, possibly, ask to expunge them from the record.

Mr. Garrett is in error in assuming that the high-powered mass-productive methods of cotton farming in Texas have been altogether successful. Rather, it might be said that such method has been weighed in the balance and found wanting. Up to this time the most successful farmer has been the man who has endeavored to curtail his production to that which can reasonably be gathered by the members of his own family. The so-called "cotton patcher."

Any known method of intensive cotton farming must, of necessity, be carried on with hired labor. Labor has left the farms and gone to the cities and to the industries. It is now so scarce on the farms and so high priced that the cotton crops produced by it will not pay the cost, except, possibly, in an occasional year. This is true no matter what method is carried out.

Furthermore, the high-powered intensive methods of cotton farming referred to would in a few years exhaust the fertility of the farms to such an extent as to render them almost worthless. Under such system it is not practical to rebuild or maintain the soil by a systematic rotation of crops as can be done by the man who plants only a small portion of his farm in cotton.

A farmer can, of course, improve upon his methods of farming and should do so. But he can not escape taxation, nor can he materially improve his marketing conditions without Government action to assist him. If he had nothing but the home market to deal with, he might possibly do so, but the marketing of the leading farm products is now a national and international problem. Cotton produced in the United States is sold on the markets of all the leading European countries, while cotton products are sold to all the world.

Tariff can aid the farmer so far as home consumption is concerned, but has no effect upon those crops that are sold abroad. It is idle for anyone to contend that the farmers themselves can deal with such international trade or marketing conditions. It is a problem for our Government. The McNary-Haugen plan is intended to take care of such conditions. Some say it will work; others say it will not work. We can never know until it is tried. If it works it will be a great boon to a large class of people sorely in need. If it does not work it can be cast into the discard.

I respectfully submit, sirs, that those who consider the McNary-Haugen plan a "price-fixing" measure have failed to comprehend its purpose. Under its operation no board would ever invoke the power conferred upon it as long as marketing conditions were normal. Its purpose is to secure orderly marketing of staple farm crops and prevent slumps and panics such as we had in the cotton market in 1926 and in the rice market of the past year.

The fact that every five or six years there is a temporary overproduction of cotton is no reason why a world panic should be created in the cotton market. The record shows that in a series of years we have as many years of underproduction as we have of overproduction. With properly regulated marketing conditions neither should be the cause for alarm.

It is largely the irregularity of the markets that cause these extremes in production. The high prices that obtain in a year of underproduction usually cause it to be followed by an overproduction, and vice versa. Such fluctuating conditions are the paradise of speculators and stock gamblers, but they keep the farmers' nose to the grindstone. If the consumers should occasionally get the benefit of cheaper cotton goods, the net result would not be so bad, but we find that such is not the case. No matter what the price of cotton, the man who wears socks, shirts, and one gallus continues to buy them at the same price.

Temporary fluctuations in the price of cotton, no matter how great they may be, have but little effect upon the price of cotton products. It is not unreasonable that this is the case. When we had the slump in the cotton market of 1926, the cotton goods being sold at that time were made of cotton for which a much higher price was paid by the spinners, consequently there was no reduction in the price of cotton goods. The manufacturers know that in a year or two the price of cotton will be evened up, no matter how high or how low it may occasionally go for a season. Conditions such as I have mentioned, aided by the tariff and by organization, render it possible for the manufacturers to market their products in a more orderly manner than is possible for the farmer to do. I, for one, believe we have the legal right, and that it is our duty to come to the aid of the farmer in helping him to improve his marketing conditions. Of course, men may differ as to the plan of such aid.

Roughly speaking, Mr. Garrett's plan of farm relief is to drive from the farms those who grow cotton on a small scale and let those continue in the business who grow it on a large scale by high-powered labor-saving machinery. This is the way he says big industry has succeeded over little industry, and that the big farmer should drive out the little farmer in the same way. No trust ever had a more able or willing defender. Instead of seeking to curb the power of the trusts in industry, he would even extend it to agriculture, to whom all mankind must look for food and raiment.

The main purpose of Mr. Garrett's series of articles was as a criticism of the McNary-Haugen plan of farm relief. He deplored the mentality of the farmer who believed in it and criticized the motive of the lawmaker who advocated it.

I have here called attention to two methods of proposed farm relief. Mr. Hopkins, the Kansas autocrat of 2,000 acres, who has neither horse nor mule on his princely plantation, to say nothing of an ox or an ass, would deprive the little farmer and his family of the use and pleasure of an automobile. Mr. Garrett, the paper farmer of Wall Street, would drive him from his home and compel him to seek employment elsewhere. In either case, the so-called "cotton patcher" is left between the devil and the deep blue sea.

This reminds me of the story of the young man upon his examination for license to practice law. When asked to define the difference between murder and manslaughter, he replied that there was no difference. When called upon to explain, he said that to the man who was killed it mattered but little whether he was murdered or manslaughtered.

So it is, Mr. Chairman, with the little farmer or the "one-mule cotton patcher." By the sweat of his brow he feeds and clothes a multitude, who may "joy ride" in automobiles while he and his family must travel in a more humble way. This is the viewpoint of Mr. Hopkins. According to Mr. Garrett, he must be driven from his home to seek employment elsewhere.

To the little farmer and his family it matters but little whether their home and business is to be murdered in the one way or manslaughtered in the other.

Mr. Garrett further says:

> The Texas growers are not interested in acreage curtailment. For that reason they are complained of bitterly. But why should they reduce their acreage? Rationally, they should increase it as fast as possible, and be encouraged to do so, because they are saving for this country what the old Cotton Belt people were by way of losing—namely, a dominant position in the cotton culture of the world. They are saving it as we have saved other advantages in the field of international trade. We met the low-wage labor of the world with high-wage labor and beat it by superior methods.

The best possible answer to this contention that cotton farmers should increase their production is found in the actual results of 1925 and 1926. In 1925 the crop was about 16,000,000 bales. In 1926 it was about 18,000,000 bales. Yet the smaller production of 1925 sold for approximately one-half billion dollars more than was received for the larger crop of 1926.

At $100 per bale, the 2,000,000-bale surplus of 1926 would have been worth $200,000,000. By permitting that surplus to be dumped upon the market, as was done, it caused a loss to producers and local dealers of about two and one-half times its own value. In other words, if the farmers themselves, collectively, could in some way have purchased this 2,000,000 bales outright at a fair price and then destroyed it in a great bonfire, they would still have been the net gainers of about $300,000,000. These are enormous figures to deal with, and a solution of this serious problem is worthy of the best thought of our land.

If the McNary-Haugen bill had been in operation, and had been found workable, it would have kept that 2,000,000-bale surplus off the market entirely in 1926, and without loss to the farmers. The board could then, through the medium of a threatened equalization fee, and organization of the farmers, have forced a corresponding reduction in the plantings of succeeding years, until this 2,000,000-bale surplus could have been absorbed. To have accomplished this would have required the expenditure of about $40,000,000 from the revolving fund, which would have been returned to the revolving fund without loss at the end of the transaction.

Of course, this is all dependent upon the law being found to be workable. Its opponents say it will not work, and that it is theoretically unsound. If some one a few years ago had foretold of the radio, doubtless we would all have said it "won't work."

Mr. Chairman, for many years we have tried to induce the farmer to reduce his acreage in the staple crops and diversify. Now, we are told that he must specialize on the staples, on a greater basis, in order to produce greater quantities at comparative less cost. I submit, sir, that the social and economic results of such a system of industrialized agriculture would be more harmful than would McNary-Haugenism—even as might be pictured by a Dante or Gustav Dore, or as visualized in the veto message of the President. [Applause.]

Mr. DICKINSON of Iowa. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. THOMPSON].

Mr. THOMPSON. Mr. Chairman, I am interested in the corn-borer legislation contained in this bill and my people are very much interested. A number of my constituents testified before this subcommittee of the Committee on Appropriations and their testimony is in the hearings.

I find that legislation with respect to the corn borer does not come before this subcommittee of the Committee on Appropriations and that this subcommittee only recommends an appropriation for research work, and that is agreeable to my people.

Mr. Chairman, I have been a member of the Committee on Agriculture of the House since the Sixty-seventh Congress. It is a great committee, and has some practical farmers on it, but many of its members are lawyers who are not specialists in agriculture. So far as I am concerned, I am just a native son of northwestern Ohio. I have not a nimble tongue, nor am I trained to heckle dirt farmers from my district when they come before committees of Congress for hearing of their grievances.

At the close of the Sixty-ninth Congress, when the Committee on Agriculture had become worked out physically and exhausted from attending hearings on "farm relief," and finally produced the McNary-Haugen bill, which was promptly vetoed by the President, there was introduced into the committee a bill providing for an appropriation to the tune of $10,000,000 for the work of exterminating the European corn borer, so called. It was given scant debate by the committee, because the committee felt it was doing something to help the farmer. They had been made to feel by the representations of an organization, so called, that it was necessary to put over a $10,000,000 appropriation.

Now, in the Seventieth Congress there is reintroduced before the Committee on Agriculture a bill authorizing the appropriation of $10,000,000 more for the same purpose, to be administered by the same people who administered the former act. This last bill that was passed in the Sixty-ninth Congress caused a rebellion in northwestern Ohio. The men who are interested in this corn-borer legislation are the head of the department of agriculture of Ohio and a candidate for the nomination as United States Senator from Ohio to succeed the junior Senator from Ohio, and Dean Christie, of the college of agricultural-extension work of Purdue University in Indiana. They are the men who are back of the legislation and the administration thereof. They call themselves the European Corn Borer Association.

The other day we had an example of genuine dirt farmers from the fifth Ohio district, who appeared, with hat in hand, before the Agricultural Committee of the House, respectfully requesting the right to object to another appropriation. Before they finished their testimony they found themselves heckled by smart lawyers.

Now, I propose to represent my constituents by protesting against this further appropriation of $10,000,000. The genuine farmers of my district are men who came to northwestern Ohio in early days, when it was a rough land, covered with mighty forests. There were no paved highways or improvements, nothing but a wild, swampy land, thickly wooded. They came from Germany. They were invited as immigrants, and told if they would come here and live on the land, removing the forests, ditching and tiling the land, that they could live in peace and retain their own language, their own religion, and their own parochial schools. They have done all this, and their descendants to-day are worthy sons of those pioneer men from Germany. They are splendid farmers. You had a sample of one of them here the other day as a witness before the Committee on Agriculture of the House. They are Americanized people now, and educated, some of them at the Purdue University. The promise made to them has not been kept.

During the war many of them naturally shifted their political allegiance, and in addition to making northwestern Ohio bloom as the rose and become the fairest and most prosperous agricultural county in Ohio, they have also changed it politically. These are the men I am pleading for to-day.

Now, the practice of legislation in this Congress grew out of the World War. Before that war it was not the practice to rely solely on the Government departments for advice. Legislators were supposed to know something themselves, but now the men in the departments are our masters, and tell us what to do. Our committee can not pass any legislation nor can any other committee of the House pass legislation without the approval of the departments, and often this approval is furnished to the heads of the departments by chiefs of divisions, who are under civil service and who are retained in perpetual jobs. The result is that there is a self-perpetuating bureaucracy of the worst type growing up here at Washington, and the men who furnish the taxes have not a word to say. Those on the committee who attempt to justify the advice of the department chiefs and bureaucrats in telling our Committee on Agriculture what to do, say to witnesses that the rich men are paying the taxes; that the Federal taxes is the money furnished by the rich; and that the farmers do not pay any Federal taxes, and therefore the extravagant appropriations are extolled as a good investment for the farmer. That is the argument.

Now, a word as to this corn-borer situation. There is a great feeling against it in Ohio, and we do not wish to be ruled by a so-called European Corn Borer Association. In Ohio we feel that we are now governed by despotic agencies. Farmers and city residents are both the victims of public servants who have become "bosses" of the people. It is a decline of popular government; our methods of committee legislation at the present time.

When the last appropriation was made of ten millions for this mythical Corn Borer Association, the Legislature of Ohio followed suit. It had no money to keep our State library open, so it closed it and voted more than twice that sum to support the corn-borer guards. Then a strange thing happened. General Motors and International Harvester began to deliver the war machinery the very day this bill went into effect, and they continued to deliver it as long as the ten millions lasted. As former Congressman C. L. Knight, of Akron, so well said:

> A war camp was gathered at Toledo, greater than Grant had when he started to capture Richmond. There were 800 sedans to bear 800 new inspectors on the wings of the morning out over the provinces to order the farmer to plow up his planted fields. There were four hundred 10-ton trucks and six hundred 1-ton trucks; probably the 10-ton trucks were to carry the bodies of the big corn borers from the field of action, while the small trucks were to haul off the little borers. I do not know, but I do know that there were beaters, choppers, gang plows, and God only knows what else gathered in this 10-acre war camp. Most of it is still there, but every vehicle that could bear away a pap sucker is gone.

In the meantime, the net result of all this has been just nothing at all. Officialdom has saved us from an imaginary enemy, and the tyranny of the educated has caused farmers to think that there is an European corn borer at work in their fields. All under heavens that is needed to protect the farmers against the European corn borer is a rotation of crops. Officialdom has saved us from an imaginary enemy at the cost of millions of public funds and now wants to save us again at the cost of another ten million, for certainly we have a new army of pap suckers, whose sticking qualities will fulfill Christ's prediction about the poor.

I have at all times stood for, and voted for, any and all legislation for betterment of the conditions of the farming class. I am ready and willing to do this again, but I am not ready to

vote for another great appropriation in the name of the corn borer. The farmers of Ohio justly feel that the appropriation of $10,000,000 was badly administered by State officials having the matter in charge, and that much more harm than good resulted from the use of the money in the so-called corn-borer campaign.

The Appropriations Committee has provided ample funds for research work. If $10,000,000 additional funds in an emergency appropriation like this is to be extravagantly enacted a second time on this foolish corn-borer drive, then I am against the use of part of it for the purchase of machinery by the so-called Harvester Trust as was done last summer. If a subsidy is to be voted to the farmers, I believe the money should go direct to the farmers and that they should be liberally paid for cleaning up their own land. Unless something like this is done, I shall vote against the entire foolish business.

As I understand it, the powers that be are not favorable to this legislation; the Secretary of Agriculture, Mr. Jardine, is against it; the Budget Commissioner, Gen. H. M. Lord, is opposed to it, and Hon. MARTIN B. MADDEN, chairman of the Committee on Appropriations of the House, looks with disdain upon it. Here is his sentiment recently expressed on this floor:

I tell you, gentlemen, that the time is coming when you can not afford to run away because some fellow sends you a telegram. That is about what it means. I have had five telegrams this week of that character. I had a telegram the other day from the Illinois Bankers' Association, in which they said they wanted me to vote for $10,000,000 again this year for the extermination of the corn borer; and I wired back and said: "We gave them $10,000,000 for 1928." Five millions of that were spent for machinery, some of which is now probably on the scrap heap. Four millions was paid to farmers for cleaning up their own premises. I am against that kind of expenditure, whether it is for the Army or for the Navy or for the farmer. What we ought to do is to take a sane view of all these situations.

Hon. FRED S. PURNELL, of Indiana, is author of the bill. Dean Christie, of Purdue University, together with the candidate for Senator from Ohio, Mr. Truax, form the essential part of the so-called European Corn Borer Association of the United States. It is such mischievous agencies as these who waste the people's money to perpetuate their jobs and farm the Government. This is a result of the tyranny of the educated.

Now, you say the people want these things. I say they do not. The farmers ask not to be meddled with by an overabundance of snooping State agents. The farmer who works, the industrious German farmer—not the one who farms by riding around in his automobile—asks to be let alone. They would even appreciate the repeal of the Smith-Lever Act which appropriates $500,000 per year to keep up the Federal Farm Bureau agencies throughout the United States. You just try the real dirt farmers when you go out among them and see whether they wish to be subsidized or not. You can go any place in any district in the United States and express the courage that you ought to have to the people and ask them whether they want use of public money even for corn-borer campaigns.

I recently received the following letter from a farmer of my district. It is a fair sample of the letters I receive:

DESHLER, OHIO, *February 12, 1928.*

Hon. C. J. THOMPSON,
Member of Congress, Washington, D. C.

SIR: Just received bulletin on how and what to do with cornstalks. Thought I would let you know what American farmers think of such rot. What do you suppose that rotter Worthley thinks the American farmers are? Idiots or what? You know farmers broke and raked stalks when you were a boy. Now, this bird is spending the taxpayers' hard-earned money sending out bulletins telling the farmers how to do work that is nearly done; at least nearly all the stalks are broke.

Well, Mr. THOMPSON, if you don't think that farmers in your district know how and when is the best time to handle their cornstalks, then I think you are a mighty poor man to represent us farmers in Congress.

Will close hoping you will see the light and do all in your power to rid the farmers and taxpayers of such dumb asses as Worthley.

Yours respectfully,

S. J. CHRISTMAN.

For the benefit of this gentleman I gave him the inside of the cause of the legislation last year and the evident reason for the attempt to reenact it this year, as follows:

In September, 1926, a body of representative citizens of the United States and Canada, alarmed by the havoc wrought by the European corn borer in Kent and Essex Counties, Ontario, and the damage observed in fields of corn along the American shore of Lake Erie, met in Detroit, adopting the title "International Corn Borer Organization," and appointed an executive committee with power to act.

The general idea of the 1927 compulsory clean-up campaign originated with this body, which was composed of G. I. Christie, La Fayette, Ind., as chairman; Director of Agriculture C. V. Truax, of Columbus, Ohio, as secretary; and nine others, representing State departments of agriculture, the Canadian Department of Agriculture, two of the largest farmers' organizations in America, and State agricultural colleges.

This committee, with the approval of the President and the Secretary of Agriculture, then had a bill introduced in Congress for a $10,000,000 appropriation to be expended in cooperation with the States of New York, Pennsylvania, Ohio, Michigan, and Indiana, in an effort to control the borer and demonstrate the fact that by concerted effort of the farmers in the infested area the borer either could be reduced or held to a minimum number.

The Federal Government having no police power whatever in the States, the act of Congress making the appropriation specifically provided that no part of the $10,000,000 could be spent unless and until each and every State in the control area had enacted necessary regulatory legislation.

A bill was then passed by the Ohio General Assembly providing for the State quarantine and control of the corn borer, and making an appropriation therefor. And all corn borer regulatory activities in Ohio have been performed under and by virtue of this Ohio statute. While the Federal Government has borne the great share of the expense of conducting the clean up in Ohio (the Federal Government paying direct to the Ohio farmers, up to October 31, over $2,250,000, or thirty-three times as much in Federal payments direct to the farmers alone as the State of Ohio had expended since January 1 of last year for all corn-borer-control work), by providing machinery and men and bearing all the expense of reimbursing the Ohio farmers for their extra labor, wherever any Federal officer or employee has exercised any police authority in Ohio, he has done so purely by virtue of his appointment by the Ohio Department of Agriculture as an Ohio State officer or agent, and after being so deputized by the State of Ohio his authority as a corn borer regulatory official has been limited entirely to the enforcement of the rules and regulations promulgated by the Ohio State Department of Agriculture, pursuant to the corn borer act of the Ohio General Assembly.

I replied as follows to his letter of February 12, 1928:

FEBRUARY 28, 1928.

Mr. S. J. CHRISTMAN,
Deshler, Ohio.

DEAR MR. CHRISTMAN: In response to your letter of February 12, concerning the corn-borer-control work by the Federal Department of Agriculture, I have this to say: I doubt if you understand just what part of this clean-up work is done by the Federal Government. I presume you have the impression, as many Ohio farmers have, that the rules and regulations concerning this work are made by the Federal Government. Such is not the case.

The Federal Government has no police powers over the citizens of Ohio, or, in other words, a Federal official can not enter upon your farm and require you to clean up your cornstalks, etc. The rules and regulations, quarantine lines, and control work are made and done entirely by the State. All the Federal Government can do and does do in the matter is to meet some of the expenses incident to this control work and compensate the farmer after the work is done. To be sure, some of the Federal officials have been deputized as State officials by the director of agriculture of Ohio, and therefore have State authority.

Your complaints as to rules and regulations, therefore, should be made to the director of agriculture of Ohio, at Columbus. He is charged with the enforcement of the Ohio law covering this pest, and similar laws. It might be of interest to you to know that the Federal Government last year, prior to October 31, paid direct to the Ohio farmers $2,250,000 for born-borer clean-up work. I feel that the Ohio farmers, instead of criticizing the Federal Government in the corn-borer work, should commend it for the reason that if the Federal Government had not entered into this matter probably no compensation would have been made for the extra expense necessary in the clean-up.

Thanking you for your communication and assuring you that I appreciate the trouble which this pest has caused you and other farmers of Ohio, and also pledging you that I will give the matter most earnest attention and assist in every way I can to lighten the burden which is placed upon the corn growers in the corn-borer-infested area, I am,

Very truly yours,

C. J. THOMPSON.

P. S.—I am inclosing a statement issued by the Assistant Secretary of Agriculture April 24, 1927.

I received a second letter from Mr. S. J. Christman, as follows:

DESHLER, OHIO, *February 25, 1928.*

Hon. C. J. THOMPSON,
Member of Congress, Washington, D. C.

DEAR SIR: Received your letter of February 20, and as you asked my opinion on the corn-borer situation I will write and tell you. Mr. THOMPSON, I am bitterly opposed to another appropriation; you

no doubt have heard all the arguments against it, so I will not try much to tell you why I oppose the appropriation. If you will take a geography and take the time to look at the sea level of the different sea levels of Essex County, Canada, Peeley Island, and Ottawa County, you will find them just about the same, so I feel is all the places they will do any damage, and men from those districts tell me if they rotate properly and rake their stalks the borer will do no damage. So when the people of Ottawa County are against the appropriation why should not I, in a county like Henry County, where there are scarcely any or none at all. Will close, hoping to be able to support you next fall for your part in defeating the $10,000,000 two-legged borer swindle.

With best regards,

S. J. CHRISTMAN.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield 20 minutes to the gentleman from Kansas [Mr. HOPE]. [Applause.]

Mr. HOPE. Mr. Chairman and members of the committee, this bill makes an appropriation for the carrying on of the packers and stockyards administration, a matter of great importance to the livestock interests of the country. The passage of the packers and stockyards act in 1921 was designed to break up the indefensible practices which were being engaged in by the big five packers in manipulating livestock markets, controlling prices, crushing competition, and defrauding producers.

The act has accomplished great good, and under its provisions the Secretary of Agriculture has been able to stop most of the wrongful and objectional practices which formerly existed. The original law, however, was not broad enough in its definition of a stockyard, and by reason of that defect there has grown up a system whereby prices on livestock are being manipulated and depressed to the extent that livestock producers are taking a loss of many millions of dollars a year. I refer to the system of direct buying of livestock, particularly hogs, at the big terminal markets through the operation of private stockyards, which system has grown to amazing proportions in the past few years.

During the week ending February 25 hog prices dropped lower than any time since late in 1924. In the past few months there has been a break of between three and four dollars in the hog market; no real reason has or will be offered for this. Neither the supply of live hogs on the farm or of the finished product in storage would justify any substantial lowering of prices, and receipts for the 67 principal markets for 1927, while slightly exceeding those for 1926, were 13.2 per cent below the five-year average. Exports were slightly lower than in 1926, but this decrease was more than made up by the normal census increase in domestic demand.

Mr. COLE of Iowa. Will the gentleman yield?

Mr. HOPE. Gladly.

Mr. COLE of Iowa. Is it not true that the estimated number of hogs in the country—which, I believe, is the estimate of the Department of Agriculture—exceeds by 6,000,000 the number of last year; and is it not true that during the first six weeks of this year the number of hogs slaughtered exceeded by 1,500,000 the number of hogs slaughtered last year during the same period; and is it not possible that this extra supply of hogs may have had some influence on the price?

Mr. HOPE. I will say to the gentleman that I do not have the figures as to the number of hogs slaughtered during the first six weeks of this year as compared with last year. Those figures may be correct, but I do not understand that the figures of the Department of Agriculture show that there are 6,000,000 more hogs in the country to-day than there were at this time last year.

I call the gentleman's attention to the fact that if there are that many more hogs this year than there were last year that that in itself is not sufficient to affect the price of hogs to the extent that it has been affected during this last year. This drop in the price of hogs took place about seven months ago, and the price of hogs has been going down ever since. Some of the packers have said that it was due to the loss in exports of hogs, but I call the attention of this committee to the fact that the exports last year were only equivalent to 900,000 hogs less than there were the year before, and the president of the American Institute of Meat Packers has admitted that this is less than the normal census increase in the demand in this country during that time. I call attention also to the fact that while the receipts of hogs in the 67 principal markets of this country last year were slightly in excess of those for the preceding year that they were lower by 13.2 per cent than the five-year average. So I do not believe it can be said that the receipts of hogs in the central markets or the supply of meat in storage or the hogs on the farms are any justification for the great drop that has taken place in hog price.

One packer representative attempted to explain the decline by stating that there was an unusually large catch of fish along the New England coast last year. It will take something more than a fish story, however, to convince the producer who is getting 3 or 4 cents per pound less for his hogs than he should be, that he has not been defrauded out of that sum by manipulation of the market.

Even when conditions are at their best the producer of meat animals labors under a tremendous disadvantage in the sale of his product. In the first place, the producers are scattered, unorganized, frequently of limited means, and in many cases not in a position to keep informed of market trends and conditions. The buyers, on the other hand, are well organized, with unlimited financial resources, and in touch with world market conditions. Another feature which places the producer at a great disadvantage is that ordinarily the animals must be sold when they have reached a certain weight or condition of flesh, and that once started to market, there is no alternative except to sell at the best price offered.

Since the producer is confronted with these handicaps to start with, he is surely not unreasonable in asking that he be allowed to sell on a competitive and open market instead of on one which is under the absolute control of the purchasers, and yet that is what the producer is up against to-day.

Mr. LANKFORD. Will the gentleman yield?

Mr. HOPE. I yield.

Mr. LANKFORD. Has pork gone down proportionately with the fall in the price of hogs?

Mr. HOPE. I have not heard of it.

While packers have engaged in private buying for a number of years, it is only since the passage of the packers and stockyards act, and particularly in the past three or four years, that it has been engaged in by the big packers, that it has become a menace to the producer. Recent figures indicate that approximately one-third of the hogs killed by the packers are marketed direct. Swift & Co. maintain private yards in connection with their plants in both Chicago and St. Louis, Cudahy has a private yard at St. Paul, and Armour & Co. maintains a private yard, known as the Mistletoe yard, at Kansas City, where its purchases have for several years past greatly exceeded its purchases on the open market there.

The practice of private buying at the terminal markets operates to the detriment of the producer in at least four ways. In the first place, packer buyers in local communities, known as selected shippers, by unfair methods drive out competition, so that the farmer with less than a carload of hogs has no other market outlet. This practice of buying through selected shippers is a rather ingenious and interesting one. The practice is to give one person in a locality the exclusive right and privilege to ship to the packer's private yard, and though it is not invariably true it is the general custom that no one from that territory, excepting the selected shipper, has the right to ship to the packer yard. The livestock so shipped remains the property of the selected shipper until received, weighed, graded, and priced by the packer employees. The arrangement with the shipper is that the price established on the nearest competitive stockyard shall determine the price of the livestock he delivers. The selected shipper is not an employee or agent of the packer, and simply intervenes as a middleman having exclusive authority to sell to the packer at the private stockyard.

In connection with the practice of purchasing through selected shippers, the large packers apparently have an understanding, either express or implied, that they will not compete with each other in direct buying. Thus there has grown up a system of apportioning territory among packers, so that one packer will buy along one railroad branch or in one county, and another packer will have the exclusive right to purchase in another territory or county.

In the second place, by reason of the selected-shipper plan, the packers are enabled to get the best hogs in any territory without competition. The result is that the inferior hogs are shipped to the central markets, and thus make the price for the good hogs purchased direct.

Again, since the private yards are being operated without Government supervision and inspection, there is nothing whatever to guarantee the farmer fair grading and weighing, since the packer himself fixes the grade, weight, and price. Perhaps it should be here remarked that the packer's contention that it is economy for the farmer to ship direct, because he saves commissions and handling charges, is not regarded as seriously by the farmer as it once was. A few direct shipments have convinced many farmers that the claimed saving is absorbed in dockage, shrinkage, and unfair grading.

Mr. LANKFORD. Will the gentleman yield further?

Mr. HOPE. Gladly.

Mr. LANKFORD. How do the other farmers in the neighborhood manage to sell their hogs? Do they sell them to the

selected shipper and he in turn sell them to the packers? Does the selected shipper act as agent for the packers?

Mr. HOPE. The selected shipper is not the agent of the packers, according to my understanding of the system. The general practice, as I understand, is for a packer to designate some one as the selected shipper in that locality, and under the protection which the packer gives him he is able to outbid the other buyers or cooperative marketing associations until eventually he gets the entire field to himself. Then there is only that outlet for the hog raisers in that vicinity, unless they are able to furnish carloads themselves.

Mr. LANKFORD. Does that really give the selected shipper a monopoly on the hogs in the neighborhood?

Mr. HOPE. It does; and that is the general effect of it. Of course, any man having a carload of hogs can ship them direct, but the average farmer only has a few hogs and he has to sell them to the local buyer. That is his only outlet.

Mr. O'CONNELL. Will the gentleman yield?

Mr. HOPE. Yes.

Mr. O'CONNELL. According to the gentleman's statement, then, he is contending that unless a man who raises hogs stands in with the packers he can not sell them at all?

Mr. HOPE. Not necessarily.

Mr. O'CONNELL. But pretty nearly that.

Mr. HOPE. In a good many cases it has that effect.

Mr. COLE of Iowa. Will the gentleman yield for a question?

Mr. HOPE. Gladly.

Mr. COLE of Iowa. The gentleman is in favor of the bill amending the packers and stockyards act?

Mr. HOPE. The gentleman means the one recently introduced?

Mr. COLE of Iowa. The one which is now pending.

Mr. HOPE. Yes.

Mr. COLE of Iowa. Will the gentleman tell me how that bill will affect the packers in towns such as we have in Iowa, where there is only one plant or one packer in the town? We have about a dozen packing plants in the State of Iowa, and there are no public stockyards. How is the owner or the manager of a plant of this kind going to buy his hogs unless he buys them direct from the farmer? For instance, take my home town, Cedar Rapids. We have a packing plant but no public stockyard. Must we go to a terminal market like Chicago to buy hogs for this plant?

Mr. HOPE. I will say to the gentleman in answer to his question that this bill will not affect that situation at all and is not designed to affect that situation.

Mr. COLE of Iowa. The gentleman thinks it will not apply to towns situated as Cedar Rapids, Iowa, is situated, with one packing plant and no public stockyard. The gentleman thinks the bill now pending would not affect situations of that kind?

Mr. HOPE. I do not think so, and I will say it is not the intention to affect that arrangement at all.

I realize the force of the gentleman's statement that that is the only opportunity the small packers have to buy hogs—by buying them direct. The purpose of the bill is to regulate the stockyards in the terminal markets which actually do affect the price of hogs.

Mr. COLE of Iowa. I think the exception in behalf of the smaller packing centers, where there is only one plant, ought to be made very definite in the bill. We do not want to have such packing plants interfered with. They are the hope of our country.

Mr. HOPE. I agree with the gentleman that they ought not to be interfered with and this bill is not designed to interfere with them. I might ask the gentleman if he has read the bill which was introduced in the House on Monday by myself.

Mr. COLE of Iowa. No; I have not had an opportunity to study the revised bill. I understand the bill has been thoroughly rewritten, and I hope the point I have raised is covered in it.

Mr. HOPE. But the most serious effect which direct buying in large market centers has on the market, is that the supply of hogs received direct enables the local packer to manipulate and depress the market, not only in the market centers but everywhere, because livestock prices the country over are determined by the prices at the big terminal markets like Chicago and Kansas City.

The packer is the biggest factor in fixing the price in all of the terminal markets. His desire to buy is in proportion to his need for a supply. If he has to purchase his hogs on the open market, he will be there early bidding against other local packers and the order buyers for out of town packers. On the other hand, if he has hogs in his private yards received through his selected shippers, he is not particularly interested in buying. What actually happens in such cases is that he stays off the market altogether or waits until afternoon after the order buyers have bought, and then makes his purchases. Thus the order buyers go on in the morning and get their hogs without any competition from the packer, and the packer goes on in the afternoon and buys without any competition from order buyers. With no competition all day the market is naturally dull.

The producer has to sell, his hogs are perishable; he can not hold for a better market, but must take what may be offered him by a buyer who does not particularly need the product and whose sole object is to buy as cheaply as possible. Sometimes the packer does not go on the market at all. Swift has stayed off the market at Chicago for two days at a time for two or three weeks in succession. What actually happens is shown in the following article taken from the Kansas City Drovers Telegram for February 11, 1928: "Packers are making the statement that buying hogs direct in the country is the most economical way." It is for the buyer, but not for the producer.

> Monday, February 6, supplied an outstanding example as to which side direct buying throws its economy. On that date 23,624 hogs arrived in Kansas City. Out of this number 14,865 were consigned direct to packers. On the open competitive market there were 8,759 hogs offered for sale. Of this number shippers and order buyers took 1,959 and the packers, who received 14,865 hogs direct, took only 6,430 on the open market. Packers did not make a single purchase until after the shippers and order buyers had filled their orders. The market ruled 10 to 20 cents lower, and the lowest since 1924. Packers got their hogs on the open market at the full decline and at the same time bought another liberal supply in the country on the low basis of the open market. In other words, through the break in Monday's prices packers got more hogs Monday and through Monday's buy in the country than they bought the entire week on the open market. Since Monday there has been a substantial advance in prices, so it stands to reason that as a result of Monday's directs packers gained a flat 25-cent advantage in this week's buy.

Since it is obvious that the system works to the detriment of the farmer, it may occasion some surprise that the packers are able to buy so many hogs that way. The answer lies in the fact that by reason of the vicious system of dividing up territory and apportioning it among selected shippers local competition has been eliminated. Many producers have no other outlet for their product. On the other hand, it is only fair to say that a few producers honestly believe that they are benefiting themselves in making direct shipments because they are told that they save commission and yardage charges.

H. R. 11525, recently introduced as an amendment to the packers and stockyards act, is designed to correct the direct-buying situation. This measure enlarges the definition of a stockyard to include any place, establishment, or facility consisting of pens or other inclosures and their appurtenances in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale, slaughter, or shipment in commerce in sufficient volume or in such manner or under such conditions as tend to establish or effect substantially the market value in commerce of livestock and the difference in market value between the various grades of livestock at public stockyards. Under the original law it has been held by the Attorney General that the packers and stockyards administration had no jurisdiction over the so-called private yards, even when they are in close proximity to the great public markets in Kansas City, Chicago, and St. Louis.

The bill specifically makes it unlawful for a packer or stockyard owner to pursue any of the practices which now make direct marketing in the big terminal centers so detrimental to the producer. It forbids the granting of any undue or unreasonable preference or advantage to any person or locality; or selling, buying, or receiving livestock for the purpose of manipulating or controlling prices; the apportioning of territory or engaging in any course of business for the purpose of or which has the effect of restraining, hindering, burdening, obstructing, or changing the normal flow of livestock in commerce for the purpose of manipulating or controlling prices.

For a violation of these provisions of the law the Secretary is given authority after notice and hearing and subject to review of the courts to suspend any owner or operator of a stockyard. It is thought with the authority thus granted the packers and stockyards administration will be able to regulate and stop the objectionable practices now engaged in by the packers.

That the producers of the Nation are becoming aroused over the matter is shown by the wide interest which farmers and farm organizations are taking in it. No subject along the line of agricultural legislation has been discussed with more eagerness at farm meetings and among individual farmers. Last year when a bill somewhat different from the present one but seeking to accomplish the same purpose was pending before the

Committees on Agriculture in the House and Senate it was indorsed by the following national farm organizations: The National Farmers Union, the American Farm Bureau Federation, the National Livestock Producers Association, the National Grange, the American Farm Congress, the National Cooperative Milk Producers Federation.

Numerous State and local farm and livestock organizations have in the past two months passed resolutions against direct buying, among them may be mentioned the Illinois Agricultural Association, the Missouri Livestock Association, the Kansas State Board of Agriculture, and the Kansas Agricultural Council, which is composed of delegates from the Kansas State Board of Agriculture, the Farmers Cooperative Grain Dealers Association, the Farmers Cooperative Commission Co., Kansas State Horticultural Society, Kansas State Grange, and Farm Bureau.

The Secretary of Agriculture, who has had a better opportunity than anyone else to observe the pernicious effects of the direct-buying system, has expressed the belief that—

the operation or extension of such methods of purchasing livestock by packers will in fact, if it has not already done so, impair and ultimately break down the open competitive public markets where livestock is bought and sold and where prices are established.

The board of directors of the Chamber of Commerce of Kansas City, Mo., where exists the second largest livestock market in the world, on February 14, 1928, adopted the following resolution:

The Chamber of Commerce of Kansas City, Mo., representing the entire business interests of the city, which in turn represents large interests through the West and Southwest, credits the past development of this section to its agricultural prosperity and bases its future growth upon the same foundation.

Livestock is the medium by and through which the products of our soil are marketed and the fertility of the same maintained, and we feel that the open competitive livestock markets are absolutely vital for the protection and prosperity of the producers and consumers alike.

We are therefore heartily in favor of the present open and competitive markets and are opposed to any and all systems that threaten the permanency and stability of the same and believe that Senate bill 2506 and House bill 9288 are progressive steps toward better markets.

Even the packers themselves, when pressed to it, will admit that private buying is a bad thing for the producer. The late J. Ogden Armour once testified that the private stockyard system was "not economically sound," and that the packers did not intend to extend it. However, it was not long until Mr. Armour was out of the packing business, and the present management of that company is extending the system just as fast and as far as possible.

Thomas E. Wilson, president of Wilson & Co., one of the Big Four packers, recently gave out the following interview on the subject of direct marketing, as reported in the Kansas City Post for February 15, 1928:

A stand against the practice of direct buying of hogs in territories supporting a central market has been taken by Thomas E. Wilson, president of Wilson & Co., packers.

During a tour of inspection of the Wilson plant here yesterday, Mr. Wilson set forth some ideas he has on marketing conditions, especially in their relation to the hog market.

I am opposed to direct buying of hogs where there is a central market, and I would be in favor of seeing the practice stopped in the Kansas City territory—

Mr. Wilson said.

He explained that his company is forced to buy hogs direct to supply some of its plants where there is no adequate central market. In Kansas City, however, he said he would like to see all hogs shipped to the central market so all buyers could have an equal chance to bid on them.

"As it is at present," he said, "we are forced to go out and buy hogs direct to meet competition and keep our Kansas City plant operating at capacity."

"Do you mean, Mr. Wilson, that you have to buy direct so you can get your hogs as cheaply as your competitors?" it was asked.

"Well, it figures out about that way," he replied.

"And if your competitors would quit buying driect you would be glad to quit, too?"

"Yes, I would, especially in this territory, but when one packer buys direct the others have to do it in self-defense."

He was then asked if he believed the practice of direct buying by the packers was sound economically.

"Well, I'll say at least that it is for the packers," he replied.

As to the farm end of it, he believed the direct buying practice might prove detrimental if developed much further.

"I don't believe that direct buying has hurt them much yet," he said. "Of course, if it came to the point where it eliminated central markets it might be extremely detrimental or beneficial, just according to your viewpoint."

Mr. Wilson said his company is not opposed to the bill, which would provide Government regulation for privately owned stockyards. "It is no more than fair," he said, "that shipments of hogs bought directly from farmers and shipped into our yards should be weighed and graded under Government regulation just the same as hogs shipped to the central market."

He said however, he did not believe the bill would be enacted owing to the fact that it is being opposed by some of the large interests.

Mr. Wilson predicted a more prosperous year in 1928 for the packers and business in general than in 1927. His plant here is making a profit now, he said, and he sees a bright prospect for the year in the Kansas City territory. The company's holdings are estimated to be worth more than $100,000,000.

I do not know whether, in spite of what Mr. Wilson says, his company will oppose this proposed legislation or not. It can be said, however, that the other big packing interests of the country are strenuously against it. They will not give up without a struggle the power to control, manipulate, depress, and destroy the producers' market. In this, of course, they are consistently following their practices in the past by which they not only sought to control the producers' market but the consumers' market as well. There is no darker chapter in American business history than the story of the packing industry and the vicious, unfair, and illegal practices by which it was built up. All of this is a matter of public record, and the report of the investigation of the meat-packing industry by the Federal Trade Commission reveals the entire amazing and shocking story. No words of mine could condemn the industry half as effectively as the plain, matter-of-fact report of the commission.

The illegal combination between the Armour, Swift, Morris, and Hammond firms as disclosed by a Senate investigation in 1890 was partly responsible for the passage of the Sherman antitrust law. This law apparently had no effect upon the packer combinations, however, because the Federal Trade Commission's report showed conclusively that during the period between 1890 and the time of investigation in 1917 and 1918 a conspiracy and combination had existed in the industry which defied the public, the courts, and legislatures alike. During practically all of this time there were understandings and agreements among the leaders in the industry not only to manipulate and control the price of livestock but to control the price of dressed meat and to a large extent the price of all food as well.

The packers formerly manipulated prices by their ownership and control of the public stockyards. The packers and stockyards act and the consent decree entered into by the packers took away that weapon, but apparently packer ingenuity has replaced it by the selected shipper—division of territory—private stockyards combination, which has become just as effective. It is to be regretted that it is necessary that this situation be met with legislation. In the long run it is surely to the interest of the packer that the producer, upon whom he depends, should have a competitive market and a fair price. The packer attitude has always been otherwise, however, and there is no evidence that the present Wall Street banker control of the packing industry will result in the adoption of any different policy. In fact, if there is any change, the attitude toward the producer will probably be more relentless and cold-blooded than ever, for the bankers are going to require profits and a satisfactory return on the capital—watered stock and all. Leading packers have recently given out interviews predicting a fine year for the packing industry, and stock in packing-house companies in anticipation of cheap hogs for the coming year has been steadily increasing in price. In the meantime the producer is wondering how much longer he can remain in business under the present prices. He probably agrees with Thomas E. Wilson that—

direct buying is economically sound—for the packer.

Mr. BUCHANAN. Mr. Chairman, I yield 25 minutes to my colleague, the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Chairman, the flood control bill is what interests some of the farmers in the States of Mississippi, Louisiana, Tennessee, and elsewhere. The flood control bill in my judgment must carry this provision:

Wherever upon any stretch of the bank of the Mississippi River it shall be found inexpedient, impossible, or uneconomical to build levees for the protection of adjacent lands subject to overflow it shall then be the duty of the engineering body in charge of the territory in question to acquire on behalf of the United States Government either the

absolute ownership of the lands so subjected to overflow or the floodage rights over said lands. Such acquisition of title or rights to be by private treaty or by condemnation proceedings as in the judgment of the engineering body in charge shall appear advisable. The cost of such proceedings and the acquiring of such title or floodage rights to be paid out of the appropriation authorized for flood control of the Mississippi River.

Gentlemen, I have taken no time in this House at this session of Congress. In fact, I never get on the floor except when I am vitally interested in the subject under discussion. In my mind the gravest wrong has been committed for a number of years against the riparian landholders along the banks of the Mississippi River, especially on the east bank. I want you gentlemen to get in your minds the condition that prevails. Before the levee system ever started—I speak in behalf of four of the counties in the congressional district which I have the honor to represent—Claiborne, Jefferson, Adams, and Wilkinson Counties.

Bear in mind that from Vicksburg, Miss., to Baton Rouge, La., the capital of Louisiana, on the east bank of that river for about 250 miles some places were a mile and a half back, others 2 miles, some not so much, and others a little further where these fertile farms were not only in cultivation, but producing splendid crops of corn, cotton, and other farm products. In these particular counties I have named, some places had magnificent brick homes, palaces, with hundreds and, some with thousands, of acres of land, splendid tenant houses, with all these people working making an honest and legitimate living.

This continued to be the case until this great river which God Almighty in His wisdom put near the middle of the United States, was interfered with by man. God in heaven, in my judgment, is the greatest engineer of the whole universe, and yet the War Department had engineers who said we can improve on God's work, and the natural outlets God had placed there were closed up.

At this hour bear in mind the only time there ever was an overflow on the east bank of the Mississippi was in 1797, 1884, 1893, and 1913.

Since the outlets have been closed and the water confined to these particular channels by elevating, through levees, the west bank of the land on the Louisiana side, as placed there by God in Heaven, the west bank was from 7 to 14 feet lower than the land on the east side. The land on the east side, in other words, formed the foothills of the great river, but by man placing the levees closing the outlet the higher the levees became the more liable was the water to break over the east banks of the Mississippi River.

The gentleman from Tennessee [Mr. GARRETT] a few days ago described the conditions in four or five counties in the State of Tennessee which he so ably represents. The gentleman from Louisiana [Mr. KEMP] has some land in his district in the same condition, and the gentleman from Mississippi [Mr. COLLIER] has some of the lands in the same condition.

With this land subject to ruin and devastation because of the work of the engineers first to make the Mississippi River navigable, and then after they saw it could not improve navigation they come back and said we will call it flood control to protect private property. I have no fault to find with what they are doing except that if they damage property there should be compensation.

Mr. MANSFIELD. Will the gentleman yield?

Mr. QUIN. Certainly.

Mr. MANSFIELD. The gentleman stated that the land on the east side was 7 to 14 feet higher than that on the west side. Now, before the days of the engineer on that river, before the levees were completed, did the early-time floods overflow the land on the east side?

Mr. QUIN. There never was one recorded by man in the books except in 1797 and 1844. Yet since the levees have been constructed and the channel of the river made smaller by the levees being increased and increased on the west bank of that stream, the water, which must find some outlet, comes gushing across on the east side, and these magnificent farms that I have told you about have been destroyed, and these magnificent mansions are gone, and the tenant houses have been cleared away for brambles and briers. Understand, those people who owned that land have been to the Federal Government asking justice. First, the Congress of the United States failed to compensate them for their land taken for the public good. Then they went to the courts. It was decided by the Supreme Court of the United States that there was no way in the law by which they could be compensated and that they must get their remedy through the Congress of the United States. The Mississippi River Commission reported and recommended that one of three things be done—that the United States Government should either levee those properties like it was doing the others, that it should compensate the people in damages for what damages had been done, or should buy the property outright and use it for a forestry reservation, because they must have the timber and the willows to do revetment work all along that stream.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. QUIN. Yes.

Mr. GARRETT of Tennessee. In connection with the suggestion or the question asked by the gentleman from Texas [Mr. MANSFIELD] as to whether prior to this engineering work on the other side there had been overflows, speaking for the Tennessee part, which is in exactly the same situation as the gentleman's section in Mississippi, I do not know whether there were overflows or not; but this is true, that the construction of the levees on the other side unquestionably makes the overflow much heavier than it ever was, and it holds the water there for a much longer time, and, unquestionably, conceded by the commission engineers and all who have studied it, it adds tremendously to the damage that is wrought.

Mr. MANSFIELD. Then a damage instead of a benefit has been inflicted upon those people?

Mr. GARRETT of Tennessee. Oh, yes.

Mr. SNELL. And I suppose that part of those levees at least were built at the request of the people down there in order to protect them from the river? Is that right or wrong?

Mr. QUIN. Oh, yes; the people on the Louisiana side of the river participated in it.

Mr. SNELL. Was it not done at their request? Did they not want those levees?

Mr. QUIN. Yes. The Louisiana side did, but not my people on the Mississippi side of the river in that section.

Mr. GARRETT of Tennessee. But if the gentleman from Mississippi will permit, the gentleman from New York [Mr. SNELL] does not get the gravamen of this matter. We on the east bank are complaining because of the damage which has been wrought us by the levees on the other side with which we have nothing to do.

Mr. SNELL. Oh, that is a local matter instead of a matter for the whole country, because they built levees down there?

Mr. GARRETT of Tennessee. The Federal Government has contributed to those levees which have damaged Tennessee and the section of Mississippi which the gentleman represents.

Mr. QUIN. The whole trouble at this time is that the levees have been built up to such a point that it is impossible for the waters to go off in their natural course and the way that God intended, and that water must come over to the east bank. And as proof that there has been damage, I have told you of these magnificent farms with mansions that cost from $150,000 to $200,000 to build all gone to rack and ruin. The people are in a helpless condition. The ground was very fertile, and a man could grow from a bale to a bale and a half of cotton to the acre. The ground was rich as the land in the Valley of the Nile, and to-day it is almost worthless. Up to this good hour not one dime of compensation has ever been given to a single one of those landowners. That property was so valuable that it was picked out by the pioneers on which to settle. The people from Ireland, the people from England and Scotland, people who had means, came back there before the State of Mississippi was even a territory, when it belonged to the Government of Spain, and picked out this fertile land above the danger of overflows, and established these immense places there for habitation. Steamboats then came down that river—great palaces as big almost as run on the Atlantic Ocean, and to-day there is nothing but a few tugboats and small barges, with the exception perhaps of the *Tennessee Belle*.

Mr. SNELL. And the gentleman contends that the people who own that wonderfully fertile valley and those beautiful homes are not able to pay anything as a contribution toward levees?

Mr. QUIN. They can not pay taxes. In the first place the land can not be leveed. The terrain is such that a levee was never needed on the east bank of that river. Since they have built them over there on the other side, the Louisiana side, and raised the level of the water, the water has come over and ruined those plantations in Mississippi in my district. It would be worth more than the land itself to construct and maintain the levees, and so the Mississippi River Commission in its wisdom recommended the three things that I have stated, and Congress has failed to do anything. We now have the opportunity to do justice and equity to those people. No one could expect the property of an individual citizen of the country or of a corporation to be confiscated for the public good without some compensation given to the owner.

But to this hour there has not been the case presented when Congress has not declined to do it, and the Supreme Court of

the United States, I presume in a just decision, decided that it was not a matter for the courts. That is the decision in the Jackson case, and the gentleman from the Committee on Rules, the gentleman from New York [Mr. SNELL], may do well to read that case and see that it is impossible for these people to get justice in the courts. The only place where they can get justice is in this forum, just where I am pleading now.

I think we had a bill in 1914 or 1916, reported from the Committee on Claims, to settle this matter, but Congress did not see fit to do it. We had precedents where that had been done in Illinois and Wisconsin and other States of the Union.

Mr. MANLOVE. Will the gentleman yield right there for a question?

Mr. QUIN. Yes.

Mr. MANLOVE. Is there any legislation now pending in Congress looking to that end?

Mr. QUIN. We are trying to get it into this flood control bill. The bill which has been reported out by the committee, in my judgment, does not go far enough to protect these people that I am describing. I have a rough draft of an amendment to insert in that bill. If Congress will pass it, it will do justice to those people.

Mr. MANLOVE. Will that cover the particular claims of the farmers who have lost by reason of the inundation of their farms, or will it be by a blanket measure?

Mr. QUIN. That will depend on what Congress may fix for the handling of the flood problem. Those people that I have described have been left out of all legislation, and I believe they are left out of the present proposed legislation. But I tell you I am going to stand here and fight for the rights of those people. Do you think we ought to sit down and let this vast program go through and this wrong continued to those helpless people who have seen their plantations go to wreck? They can not obtain credit from a safe and sound bank, and I doubt if a safe and sound bank would loan money on that proposition.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield for a moment?

Mr. QUIN. Certainly.

Mr. GARRETT of Tennessee. It is important that gentlemen should understand the real position in this matter. I refer particularly to the gentleman from New York [Mr. SNELL] and the gentleman from Missouri [Mr. MANLOVE]. Heretofore the Federal Government has steadfastly refused through all of its branches—executive and legislative—to assume any part of the responsibility for damages.

Of course, our equities have been there all along, the equities of those who have been situated like the entire State of Tennessee and the section referred to by the gentlman from Mississippi [Mr. QUIN]; and the courts have rejected all efforts by the landowners to press claims against the sovereignty on the other side of the stream. The sovereignty could not be sued. We have had no remedy and nowhere to go to enforce our rights.

Mr. SNELL. May I interrupt the gentleman there?

Mr. QUIN. Yes.

Mr. MANLOVE. In other words, I am sure the Latin phrase, "in statu quo," as often used in present-day parlance, is true of the people down there.

Mr. SNELL. Suppose that neither the Federal Government nor anybody else had ever put any levees or revetments down there. Would your people still insist on damages?

Mr. GARRETT of Tennessee. No. It is extremely doubtful, however, if there would have been very much overflow, because on the Missouri and Arkansas and Louisiana side the level is lower than on the east bank, and there is such a wide spread of water that the water went 75 miles out into Missouri and Arkansas.

Mr. MANLOVE. Suppose the water had gone 75 miles to the west. Possibly it would have been impracticable to lower the levees on the west side and let the water take its natural course. Now, what is the probable extent of territory of these fine farms which have been ruined on the east side of the river?

Mr. GARRETT of Tennessee. In my territory at its widest point it is about 10 miles wide. It begins at 9 or 10 miles and slopes down to nothing. Something like 500,000 acres of land have been damaged. And another factor of damage that I would call attention to, although I do not want to interrupt the gentleman from Mississippi unduly—but another factor of damage that enters into it, at least in my section, is the fact that purely for the purpose of providing levees on the west bank of the river revetment work has been put in which has so changed the current of the Mississippi River naturally that it has been thrown over and is cutting away the east bank. I have put into the RECORD a letter from a woman for whom I can vouch, in which she states that she had a valuable farm of several hundred acres and now she has only 300 acres left, and sand has been spread over that. It is ruined.

Mr. MANLOVE. Another thing presents itself to my mind. You hear people talk about outlets and pockets designed to drain the flooded area. What would be the condition of this fertile land in Tennessee and Mississippi if by some arrangement the water could be diverted and your land on the east bank left dry? Would it still be good land, or has a great deal of it been washed out?

Mr. QUIN. A great deal of it has been ruined, washed out, sand deposits ruining much of it, because the levees constructed on the west bank of the Mississippi River.

There were great bars of sand, several hundred feet or a thousand feet wide and as tall as a barrel in some places. In Claiborne County, Miss., there was once a populous town called Grand Gulf. By this revetment work on the other side of the river they have made it cave in until where that place stood is now across the river on the Louisiana side. Now, we have another place, Rodney, in Jefferson County, where the process made the land extend out 6 miles into the river. So you can see what has been accomplished by man's work. It has inevitably acted in such a way as not only to destroy the land on the east bank, but in many instances to damage it in many places and then to make it so that a crop is not certain, because if there comes any high water at all it is bound, through this levee system, to come over and ruin the crop.

Mr. MANLOVE. We can well understand that periodically your crops are drowned out, but what I am wondering is how many acres of land in your State in these particular places you are telling us about are completely ruined or partially so.

Mr. QUIN. I would not say completely ruined, but there are about 250,000 acres inundated by this levee system and I would say that a great percentage of that has been totally destroyed.

Mr. SNELL. But that would only be a small percentage by reason of the deposit of 3 or 4 feet of sand.

Mr. QUIN. Well, there is a good deal of that, and the overflows because of the levees make practically all of it worthless. There can not be any certainty of a crop any year. Before levees on the west bank of the Mississippi River it was practically sure of a good crop every year. All of this land was not in cultivation. You understand that a big lot of this is woodland. All of this land was not producing fine crops, as I have said.

Mr. MANLOVE. Was the timber drowned out?

Mr. QUIN. In many instances the timber died, but there is a type of timber that grows in this soil. In this particular soil willows grow up, and that was one reason why the Mississippi River Commission thought it would be advisable for the Government to buy that soil. I think they estimated they could acquire all of the territory affected in these four counties in the State of Mississippi mentioned by me for about $2,300,000. However, that was many years ago.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. BUCHANAN. Mr. Chairman, I yield the gentleman 20 additional minutes.

Mr. GARRETT of Tennessee. I want to give the gentleman one illustration and then I will not again interrupt the gentleman. I did not mean to be understood as saying there were 500,000 acres of land ruined in my section, but what I meant was that there was at least that much subject to inundation. Now, just to illustrate what the levee will do.

I was at the little city of Hickman, Ky., one day in April, very shortly after I had reached home. You will remember that the flood with us began early in the spring. Hickman, I suppose, is a town of about 3,000 people, and the residence portion of it is on a pretty high bluff, but the business part of the town was under water from 10 to 36 inches deep. On the day following my visit there what is known as the Dorena Levee across in Missouri broke and within 20 hours all the water was out of Hickman.

Mr. DEMPSEY. Will the gentleman from Mississippi permit me to ask a question of the gentleman from Tennessee?

Mr. QUIN. Certainly.

Mr. DEMPSEY. I can not understand what the gentleman has said about damage by revetment work. Revetment work is done not to change the channel or not to change the banks but to stabilize the banks as they are, and it would seem to me from seeing it done there, as I did last fall, that the stream would simply be stabilized and made to flow in the channel as it is. How, then, could you get damage on the opposite side from revetment work when that simply makes your channel remain just as it was?

Mr. GARRETT of Tennessee. The difficulty is that that theory does not work out, or, at least, it did not work out opposite to my district, because, as I understand it, there is no question in the minds of the engineers but that the revetment work put in at a certain point there, at Booths Point, on the west side of the river, did cause a diversion of the current. It threw it over and it began to cut away the east bank of the river, while it was put there primarily for the protection of the levee that was on the west bank.

Mr. DEMPSEY. That was back of the bank?

Mr. GARRETT of Tennessee. Yes. It was put there to keep the bank from being cut away.

Mr. DEMPSEY. So it would go back to the levee?

Mr. GARRETT of Tennessee. Yes. That was on the west bank, and it diverted the current so that it threw it over on the east bank and took away my people's land.

Mr. WHITTINGTON. Will the gentleman from Mississippi permit me to ask a question of the gentleman from Tennessee?

Mr. QUIN. Yes.

Mr. WHITTINGTON. I was just wondering whether the gentleman could put in the RECORD the names of any engineers who support the statement that levee work on the Missouri side caused a caving in on the Tennessee side?

Mr. GARRETT of Tennessee. I did put a statement in the RECORD.

Mr. WHITTINGTON. I remember the gentleman's statement and his statement before the Committee on Flood Control, but I do not recall the names of any engineers, certainly no Government engineers, who maintain that the construction of that revetment work caused a cave-in on the opposite side.

Mr. QUIN. There is this about it: We know that something has caused it. We know that this river did not hurt us like God in heaven put it there. We know that on the east side, on the Mississippi side, much of the space was 7 feet higher and much of it 14 feet higher than on the Louisiana side before the levees were built; after the levees were constructed on the Louisiana side and after the outlets were closed so that the water could not go out of the Mississippi River, and when it had to be confined in this channel which the engineers made by constructing levees, the waters came over to the Mississippi side—the foothills—and ruined all this farm land. There is where the damage has come to the people I am representing and for whom I am pleading here. They have been to every place seeking redress and now the last resort is before this Congress when we are passing on the general flood-control proposition, and it appears to me that the people of the United States, whom you gentlemen represent, would not want these few individuals to be sacrificed even for the public good.

It appears to me these people have been long-suffering. They have borne the brunt of the levee system. These people have stood there and lost their crops, they have lost their properties, and now, when the Government is recognizing, as I believe we are doing from one end of this Republic to the other, the fact that we must assume control of the Mississippi River, these people, the riparian landowners, who have been damaged without their consent and without any fault on their part and against their will, ought to be compensated in some way for the wrongs that have been done them and must continue to go on unless there is a change in the river system; and, of course, under this flood control bill levees are going to be maintained.

I do not know whether they are going to provide the necessary outlets or not, but even if they provide the necessary outlets below and clear down to the Gulf of Mexico, we will not have any redress because the levees are already there and the water seeking its level, when it can not go out on the Louisiana side, must come over on the east side as it has been doing in the past.

Is it possible that the United States Congress would pass this bill without protecting these riparian landowners? In this age when everybody seems to be out grabbing after wealth, it looks to me like we should occasionally look at justice. The American people, a great and honest people, want justice done to all of its citizenry.

These citizens along the east bank of this river have suffered, they have endured, and now they come to their accredited representatives in Congress and ask that justice be given to them.

Mr. DEMPSEY. Will the gentleman yield?

Mr. QUIN (continuing). And you, my friends, will help us to get this justice that our people are asking.

Mr. DEMPSEY. I am asking this purely for information.

Mr. QUIN. Certainly.

Mr. DEMPSEY. When the original bill was passed, providing for flood control, under which the Mississippi River Commission has operated from its inception, was there any provision in the law for compensation to those who might be injured by the construction of the levees?

Mr. QUIN. I think not. The Supreme Court of the United States has decided there is no remedy at law and the only place where justice can be done is through the Congress of the United States; and as one humble Representative of these people, my constituents and friends—and those of other districts—I come to you gentlemen and ask that you place it in this flood control bill and give these people the justice and the equity for which they have been pleading all these years.

Mr. SNELL. Will the gentleman yield?

Mr. QUIN. I yield to the gentleman from New York.

Mr. SNELL. Is not this last flood the only flood that has been very dangerous or destroyed very much property in the gentleman's district?

Mr. QUIN. Ever since they started the levee system, or ever since they had the levees high enough on the Louisiana side of the Mississippi River, it has been doing this damage that I have related.

Mr. SNELL. I understood from the people when I was down there that this was the first flood that had ever gone down through the Yazoo district.

Mr. QUIN. I am not talking about the Yazoo district. I am talking about the district between Vicksburg and Baton Rouge.

Mr. SNELL. Oh, farther down.

Mr. QUIN. Yes. You understand this was called by the Mississippi River Commission the Hourochitto-Natchez district and the other is the Brunswick and Yazoo district. I do not think they ever had any trouble up there. They make cotton all the time, but these people I am talking for, since the levees have been built, have been damaged continually, and I have tried to make it plain that these magnificent farms, productive, allowing their owners to live in opulence, have now brought them to an impoverished condition where they are hardly able to pay their taxes.

Mr. MANLOVE. Will the gentleman yield?

Mr. QUIN. Certainly.

Mr. MANLOVE. I will say to the gentleman that his argument has produced a profound impression upon me, and there is one thing I would really like to know and I think the Congress would like to know more than anything else. In view of other legislation, probably not of this tenor but of a somewhat similar tenor, I would like to ask the gentleman whether or not, if Congress attempts to settle the damages that have now been incurred, it may not become cumulative and these same landowners or those to whom they may sell, be back here repeatedly asking for a continuation of appropriations to take care of such damages in the future, so that eventually we would have to pay for this same land over and over again. If that condition can be taken care of, I will say to the gentleman, I am heartily in accord with his argument.

Mr. GARRETT of Tennessee. That will have to be taken care of.

Mr. QUIN. That will be taken care of. One way to do that would be through a receipt signed as an estoppel. But in my judgment, the Mississippi River Commission recommended a much better plan, and that is to buy the land straight out. The Government will always have to have it and they can use the willows there in making up their mattresses. The Government should buy it straight out and maintain it as a forest reservation. This is set out by the Mississippi River Commission in one of its reports and is also in the hearings.

In my judgment the Congress of the United States could do one of the three things that the Mississippi River Commission recommended, and justice could be done to all of these landholders and nobody suffer from subsequent and consequent acts. I yield.

Mr. EVANS of California. Has any report of the board of engineers or a commission or otherwise been made showing that by the construction of the levees on the west side the east side was inundated?

Mr. QUIN. Yes; the Mississippi River Commission say that in the report, and they say it practically in the indicative mood.

Mr. EVANS of California. What is the date of that report?

Mr. QUIN. Nineteen hundred and twelve.

Mr. EVANS of California. Has any protest ever been made by the people on the east side?

Mr. QUIN. They have been to Congress for redress, but the bill could not get through. The Supreme Court of the United States ruled that the Government could not be sued in a case of that kind. So the only chance is of the vote of you gentlemen in this Congress in the flood control bill to give them the compensation they are entitled to.

Mr. LEAVITT. Will the gentleman yield?

Mr. QUIN. I yield to the gentleman.

Mr. LEAVITT. Is the area which the gentleman speaks of timbered now?

Mr. QUIN. There is some cottonwood and willow timber on it. It is not the long-leaf yellow-pine timber.

Mr. LEAVITT. I am greatly interested in the proposal of the gentleman, but I am wondering if that land could be made into a timber area?

Mr. QUIN. Oh, yes. The commission says so. I hope the gentleman will read the report of the commission. It is in the flood-control hearings. The gentleman from Tennessee [Mr. GARRETT] has the statement there. This is in the section of the country where the Government could make use of it, and the Mississippi River Commission so stated. There were three things in view, and they recommended this as the best of the three—that the Government acquire title to it.

Mr. LEAVITT. It could be made valuable so as to be a good investment for the Government?

Mr. QUIN. Yes. Our Government, I presume, will continue to handle the Mississippi River project and handle it in a governmental manner, and they will need all the willow in the Government work, and they can raise it instead of having to go out and buy it at a high price from somebody else. They can get all they need on their own reservation.

Mr. MANLOVE. Will the gentleman yield again?

Mr. QUIN. I yield.

Mr. MANLOVE. Does the water overflow to the extent that it would prevent making it a game refuge?

Mr. QUIN. No. This is the hillside of the Mississippi River, and in this section in these four counties the hills come close to the bank of the river. You know, naturally, if the edge of the bank is 14 feet higher than it is on the other side, there is a hill on the higher side, and then back a few miles are the hills that would take care of all of the game in case of a flood or highwater; they would make their escape to the woods.

Mr. EVANS of California. Are there levees on the east side?

Mr. QUIN. The Mississippi River Commission reported that it would be impracticable, as much as the land is worth, to construct and maintain levees on the east side.

Mr. EVANS of California. Therefore they let it overflow?

Mr. QUIN. Yes; the people did try in two places to construct levees, but they say it was a losing game. You could not build a levee high enough to protect the land without practically confiscating the property.

The fellows above may not have levees, and the water would come in back behind these levees. In other words the flood control bill practically makes this the flood way of the Mississippi River; all the land and all the banks that I have described to you under the pending bill is practically the flood area, the channel of the Mississippi River as far as practical purposes are concerned, and it is without compensation to the owners of the flooded area.

Mr. EVANS of California. How many acres are involved?

Mr. QUIN. Two hundred and fifty thousand acres, and in Tennessee 487,000, and I do not know how many in the district of the gentleman from Louisiana [Mr. KEMP].

Mr. CARSS. Will the gentleman yield?

Mr. QUIN. I will.

Mr. CARSS. If the Government should purchase it, would it make a good game preserve?

Mr. QUIN. Yes; it could not have a better one in the United States. It is an ideal spot.

Gentlemen, of all the matters that have been before the Congress in my judgment there has never been one with more justice and equity on the side of the complainants than we have here on the side of these riparian landholders. There has not been an act of omission or commission on their part that brought the condition about. They are simply being immolated on the altar for the public good. These good people have undergone the hardships all these years. They now ask the Congress of the United States to come to their relief and give them justice. Gentlemen, in my judgment this bill should carry a provision like I have just stated here, or something equivalent, in order that the riparian landholders shall receive compensation for the damages, the wrongs and the injury they have suffered and will suffer in the future. [Applause.]

Mr. BUCHANAN. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. O'CONNELL].

Mr. O'CONNELL. Mr. Chairman and gentlemen of the House, on Monday, February 20, 1928, this House, following the example of its great Committee on Military Affairs, unanimously passed H. R. 5494, which has for its beneficent purpose the sending of the mothers and unmarried widows of the heroic dead of the World War, at Government expense, to the graves of their sons or their husbands in the cemeteries abroad.

I called attention at that time to the fact that those of us that had to do with the adoption of that legislation enjoyed a great privilege and honor, and could always look back in future years with satisfaction to participation in the completion of a meritorious and salutary accomplishment. The distinguished author of the bill, the gentleman from Pennsylvania [Mr. BUTLER], whose courtesy and kindness has endeared him to every Member of this House, has assured me that since the passage of this act, the newspapers throughout the country and the country at large, have, with practical unanimity, applauded our action. So the country is thrilled by the fact that we are permitting these splendid women, as guests of the Government, to kneel at the graves of their beloved dead in the hallowed fields of France and Belgium. Their hearts are bowed in grief and pain because of the irreparable loss sustained in the World War. If reason had prevailed in those hectic and historic days there would have been no war, and there would have been no casualties, no dead, and those splendid boys would, most of them, be here to-day, and this sad pilgrimage these women are compelled to take would be unnecessary. Surely the saying is true that war is hell. Let me read for you a vivid description of this awful conflict which recently appeared in the Brooklyn Daily Times of my home city, written by its great columnist, "A B M." I think it especially appropriate as I am discussing the subject of war, and I am sure will impress the Members of the House with this war. I quote:

A moving picture of the war, depicting the battles of 1916, has been shown in Paris.

The verdict of those who saw it is that it is too horrible to be publicly shown.

Descriptions of it shake the heart and mind of every civilized man and woman.

Berlin audiences that saw it left the theater grim, white-lipped, silent, stricken dumb with fright.

They had seen films from the official cameras of the War Departments of France and Germany; taken in the very midst of the battles by photographers who came out alive only by miracles.

This film should be shown.

Not just to students at military training colleges, not just to officers and soldiers, but to every citizen of every country in the civilized world, whether it plans war or not, whether it dreads war or not.

Forget the nationality of the soldiers who took part. Remember only that they were human beings, our fellowmen, flesh and bones and blood like ours.

Show nations this film.

Show them the ranks of attacking soldiers, advancing under cover of their barrage to the trenches uprooted and devastated by advance fire. Show the first rank fall, clutching its knees. Show the machine-gun fire raised to meet the next rank. More abdomen and chest wounds now. Show line after line falling upon the bodies of those who went first, until the attack becomes an insane stampede, an unbelievable nightmare.

Show the column of soldiers marching away from the front, guarded by sentinels with fixed bayonets; one of the daily batches of men gone insane with the sight of war.

Show the bombardment of Dead Man's Hill. The artillery plays against the sides of the hill where thousands of dead and wounded men lie. The exploding shells send up showers of mud and débris mixed with human bodies, arms, and legs.

Show the close-up of an infantryman racing directly for the camera; his face distorted till it loses all human semblance; he runs like a madman, tearing his uniform on the barbed-wire, ripping the flesh from his own hands and legs; the most horrible close-up ever recorded on the screen. He stops, claws at his throat, drops on his knees. He is still biting the filth and mud around him when smoke blurs out the picture.

These are not the ravings of a hysterical and sentimental pacifist. They are the facts, registered on celluloid; the cold truth seen by the eye of official cameras.

They tell what mankind forgets too easily; what the new generation of peace can not imagine, because it is too terrible to think of; what even the returned soldier must forget if he is to stay sane.

Every war is the same. Read The Dynasts, by Thomas Hardy, for a picture of the Napoleonic battles. Read Chickamauga, by Ambrose Bierce, for a picture of our own Civil War. Read The Red Laugh, by Andreyev, for another picture of the World War.

This film should be shown. It is not lurid exaggeration. It is not overheated imagination. Would that it were!

Show it to every nation alike, little and big, powerful and insignificant, peaceful or pugnacious. Show it to the savage just making the acquaintance of another civilization; show it to old and cultured Europe; show it to young and vigorous America.

Show it to diplomats and ambassadors sitting at the tables where treaties are drawn up. Show it to rulers—kings, presidents, dictators. Show it to scientists and inventors preparing in laboratory and research stations the machines and gases of another war.

Show it to business men, big and little; to financiers, dreaming of commercial dominion, blind sometimes to the fearful price of conflict in terms of gold. Show it to labor, to the men and women of every country who work.

Show it to the mothers and fathers of the world. That infantryman is their kindergarten child, their young son. Show it to every occupation, trade, profession, and business between the Arctic Ocean and the Antarctic.

Say to them, "This is war. These are no studio battle fields, no painted wounds, no bloodless conflicts reeled off to the bang of a movie orchestra's piano. These are real deaths, real slaughter, real maimings."

Let audiences of every nation come out grim, silent, white lipped.

Say to them, "This is war among the nations of humanity. Shall we have more of it?"

Mr. SNELL. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. McFADDEN].

Mr. McFADDEN. Mr. Chairman, I want to call the attention of the House to a situation that has developed in finance in this country during the past few months which has attracted the attention of the students of finance and banking to an extent that it has brought forth, during the last few months, speeches by such eminent bankers as Charles E. Mitchell, president of the National City Bank of New York, and Mr. John McHugh, president of the Chase National Bank of New York City, two of the largest and most important banks in the country. Members will recall that last year, about a year ago now, we passed the McFadden Act, which amended in important particulars the Federal reserve act and the national banking act, bringing the machinery up to date, so that the banking business of this country could proceed in an orderly and proper manner, since which time the assets of the national banking system have increased $3,000,000,000, and the law is working in a splendid manner. I do not care to comment further on this, but desire to quote Mr. Mitchell as follows:

Charles E. Mitchell, president of the National City Bank, writing in the current number of the American Bankers' Association Journal, calls attention to the increasing cost of bank operations and the competition for business whereby banks are finding themselves between the upper and nether millstones of high interest rates paid on deposits and diminishing yields on investments. He says the subject is pressing because the general trend of money rates is likely to be downward for some time to come, which must have a tendency to still further reduce the return on high-grade securities. It is a trite remark that "banks live mainly upon the margin between interest received and interest paid," but present-day practices seem to ignore this principle.

Against gross earnings of all member banks in the fiscal year ended June 30 last of $2,068,870,000, expenses aggregating $1,475,200,000, or about 70 per cent. After net losses and dividends there was only a margin of $147,351,000 left. The largest item in the banks' expense account is interest on deposits, which last year amounted to $687,021,000, or 46.5 per cent.

Obviously there are two alternatives before the banks. Either they must reduce operating expenses, including salaries, or cut interest on deposits. Competition for business and the numerous services which banks now feel called upon to extend customers have brought them to their present predicament. To curtail these services now, or to cut salaries, are extreme measures not justified in the circumstances. There are sound economic reasons why interest rates on deposits should be lowered.

Mr. Mitchell traces the influences since the war, through increase in our gold holdings and accumulation of wealth to bring about lower money rates. He points out that current interest rates on deposits should be based on current bank earnings, not on past profits. Many banks hold bonds which they acquired when yields were higher than are ruling now. They are enjoying high returns on original costs or perhaps realizing profits by sale. Clearly these earnings are not on a permanent basis. Yield on a selected list of high-grade bonds fell since the close of 1925 from 4.64 per cent to 4.11 per cent, and a similar list of State and municipal bonds declined from 4.20 per cent to 3.89 per cent. How can banks afford to pay as high as 4 per cent on deposits, as some country institutions (not savings banks) have been doing? It means that such banks must venture into investments offering higher returns, but which are not consistent with safety. Savings banks, building and loan associations, and banks of discount have separate and distinct functions to perform and are governed by separate laws. They should not encroach upon each other's field.

Fortunately the situation is being realized by the so-called country banks. Last fall certain up-State banks passed a resolution that after January 1, last, no more than 3½ per cent should be paid on savings accounts. Even that rate might well be cut. New York Clearing House banks pay only 2½ per cent on 30-day deposits and saw no reason to make a change when the rediscount rate was recently advanced to 4 per cent. In a period of established easy money, depositors can not expect to be a privileged class.

I now quote Mr. John McHugh. Mr. McHugh, among other things in his speech, said this:

But many country bankers feel compelled to buy investments primarily with reference to yield because they are paying high interest on their deposits. They hesitate to offer less interest to depositors, fearing that the deposits will then go to competitors. They feel themselves caught between an upper and a nether millstone. If they pay high interest on deposits, they can not buy Government securities, acceptances, outside commercial paper, and other highly liquid obligations with their depositors' money. If, on the other hand, they pay low interest on deposits they fear they will lose business to competitors.

This is the situation which comes about because of the great plethora of money in this country and the lack of proper investments in which that money can be placed. Quoting further from his speech:

If, in the process of reduction to lower interest rates on deposits, certain time deposits are withdrawn and the proceeds used in the purchase of securities and real-estate mortgages by the depositor, this is precisely what ought to happen. The country banker who can market part of his holdings of mortgages, and safe, high yield securities with narrow market, to his own depositors has improved his position and the community's position.

To my mind, Mr. McHugh and Mr. Mitchell have touched one of the vital things in our present banking situation. This accumulation of idle savings of the people in the banks of this country in the form of demand deposits at interest, which deposits are in turn invested by the banks in long-time loans is one of our important problems for banking to solve to-day. We have some 30,000 banks in the United States that are equipped to carry on a banking business. Because of the fact that we have been turning our national resources of late into cash to such an extent and because of the changed financial conditions throughout the world, it has brought a vast amount of idle money into these banks. I want now to quote an item from Moody's Investors Service, written by a careful financial analyst, who have given very careful thought and attention also to this very subject. Quoting, in part, speaking on this same subject, he says:

But to allow 4 per cent interest on depositored funds which must be employed in bond investment is unsatisfactory, because of current prices of strictly high-grade bonds do not yield enough over 4 per cent to show many banks a satisfactory margin of profit.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. CELLER. Is the gentleman aware that in New York State attempts are being made to allow savings banks wider range in their investments so that they in turn may grant a greater yield or continue to pay what they do now to their depositors?

Mr. McFADDEN. Yes.

Mr. CELLER. And that is along the lines of the gentleman's thought?

Mr. McFADDEN. Yes. Quoting further from a speech of Mr. Mitchell along this same line, he calls attention to the increasing cost of bank operations and the competition for business, whereby banks are finding themselves between the upper and the nether millstones of high interest rates paid on deposits and the diminishing yields on investments. He says the subject is pressing because the general trend of money rates is likely to be downward for some time to come, which must have a tendency to still further reduce the return on high-grade securities.

That leads me to make the remark that in the economic conditions which are confronting not only the business interests of the country but the bankers, a word of warning should be issued the depositors and to the country banks throughout the country to stop, look, and listen in connection with the rates of interest they are demanding and paying on these idle funds and to pay attention to the kind of investments that the funds are invested in. We all know here that there are now pending in this House and in the Senate committee bills asking Congress to investigate the subject of brokers' loans. My friend from Iowa [Mr. DICKINSON] some time ago put in such a bill. To-day in the Committee on Banking and Currency of the House a hearing on the La Follette bill has been held on this subject of brokers' loans, the attention of Congress being directed to the large amounts of investments by banks in that class of loans in the city of New York, asking that the matter be curbed. Some people are suggesting that the management of the Federal reserve system should curtail brokers' loans.

Those loans are made possible at this time, in my judgment, after the study I have made, because of the coming into New York from the country of this vast amount of idle money. It is an important subject, and I wanted to say just a few words to the House and to the country along those lines.

I am sure the American people need no one to tell them that since the World War we have changed from a debtor Nation to a creditor Nation. But very few realize that our prosperity and wealth is bringing many changes in our banking and financial practices.

Those who are responsible for the operation of our Federal reserve banks, large commercial banks, and our finance companies have a stewardship, the responsibility of which they fully realize, but which the American people do not fully appreciate. Nor do the American people realize the work which is being done to-day and which will show its benefits in the to-morrows.

When I was in England last year it afforded me considerable pride when meeting their bankers to compare them in my own mind's eye with those at home. I always knew we could be proud of our financiers, but many Americans have not this opportunity of comparison.

Of course, the very existence and operation of our Federal reserve banks, together with the praise that has come from the bankers of England, should be evidence to all of us that our bankers are cognizant of our new wealth and will guide and conserve this wealth for the American people.

The banks of our country are confronted with a new problem. Their depositors are asking for advice and information about investment trusts and their securities and for information as to what to do.

Now, coupled with this great influx of money comes along the proposition of the development of new methods of investing this vast amount of idle money, and since the passage of the banking act a year ago there has developed the investment trust in this country. It is an important development, and I desire to call the attention of the House and of the country to this development, and it seems to me from the study I have made of it that there is an organization which, if properly handled, might be very beneficial in helping our investors to solve the question of how best to invest their idle funds at this time, with the great plethora of money and lowering of returns on investments.

The investment trust is growing so fast in the United States that almost every day sees a new one created. Over 150 different trusts with resources of over $800,000,000 have suddenly been created. This is one of the startling effects of our becoming a creditor nation. In other words, we now have more money than we have securities, and the buying side of the security business, for the first time, is being organized through the medium of these investment trusts.

When in London, economists, bankers, and investment trust managers prophesied to me, that within the next 10 years the United States would have at least 500 different investment trusts, with resources of over $10,000,000,000.

Now, there can be no question, but that a soundly managed investment trust is of great benefit to the investor of moderate means, and of still greater benefit to the capital market in stabilizing security prices.

Heretofore we have not had these investment trusts in this country. The Congress a few years ago did pass the so-called Edge bill, which really was an investment trust bill, but which provided simply for the accumulation of foreign investment securities to be put into acceptable form for investment of American capital, but that did not permit the investment in investment securities originating in the United States.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. McFADDEN. May I have five minutes more?

Mr. DICKINSON of Iowa. I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for five minutes more.

Mr. McFADDEN. When we created the system of Federal land banks we created under national law an investment trust for farm mortgages—and thus given the farmers a savings in interest annually of $180,000,000.

My chief concern about our investment trusts is their future growth. Will our trusts protect the savings of our American investors, or will millions be lost through unsound management? This same thought was expressed in a recent editorial in the London Economist which said, speaking about American trusts—

> They may be compelled to proceed by the method of trial and error along the path trodden by Englishmen 40 or 50 years ago * * * and that many of these American trusts would scarcely be recognized as legitimate investment trusts in Great Britain, nor would their methods receive universal approbation.

(See Exhibit A.)

The investment trust has been defined as a convenient form of organization, by means of which the funds of many investors are brought together for the sole purpose of investment, so as to give the investor of moderate means the same advantages that the large capitalist receives. Thus, the small investor is able to obtain the two important things usually lacking in the investment of small funds. First, the detailed attention of men who make investment their business; second, the wide and adequate distribution of investment risks. (See Exhibit B.)

For more than 60 years the investment trust has been a favorite medium of investment in England and Scotland. Their soundly managed investment trusts have stood the test of wars and panics. They have been through every possible upheaval and diversity in the securities market. They are popular in England and Scotland to-day. (See Exhibit C.)

Mr. Edgar Higgins, of New York City, authority on investment trusts, who has studied them in Great Britain, and who has had considerable experience in their management, tells me that these years of operation in England and Scotland have taught some very valuable lessons:

> First. That the management must be unbiased in the selection of investments, for any affiliation which tends to warp free judgment is harmful.
>
> Second. That the management can not give too much care to diversification. This is clearly shown by their usual restriction to not less than 20 different investments which, in actual practice, is always exceeded, for now the average holdings of a trust are well over 500 different securities.
>
> Third. That the management should make complete operation and earning statements and lists of holdings to the public periodically.
>
> Fourth. The necessity of not paying out all of their earnings in dividends, but withholding and reinvesting a large part, thereby building up a large protective surplus.

These 60 years have also developed an orthodox form of capitalization which most of the English trusts resemble to-day.

A brief description of such a typical trust may be helpful. These British trusts do not resemble our great American trust companies. They are totally different. Their sole business is the investing and reinvesting of their capital in a widely diversified group of securities. They do not conduct a general banking business, nor distribute securities. They are not holding companies nor finance companies.

Suppose we examine a typical Scottish or English trust with a capitalization of £2,000,000 ($10,000,000), consisting of—

Bonds (debentures) 4 per cent	$5,000,000
Preferred stock 5 per cent (preference)	2,500,000
Common stock (ordinary)	2,500,000
Total capitalization	10,000,000
Accumulated surplus (25 per cent)	2,500,000
Total resources	12,500,000

Now, assume that the gross income of this trust was 8½ per cent, or $1,062,500. After deducting the expenses of $50,000 (one-half of 1 per cent of the capital), and taxes of $148,000, there is left a net of $864,500. This sum covers the bond interest charges of the 4 per cent bonds four times. The balance is more than five times the preferred dividends. And finally, the common stock has available for dividends, $21.50 for each $100 of common.

The various classes of securities issued by these investment trust suits different types of investors. For the widow who must seek safety of principal, the debenture bonds are the best investment. For the business man of limited means, the preferred stock is suitable. For the wealthy man the common stock is desirable.

What sort of investments do these trusts own can best be answered by giving actual figures taken from a typical British trust's annual report. The total number of different investments in this one was 873.

(1) The distribution among different classes of investments was—

	Per cent
Idustrial	47.67
American and foreign railways	19.01
Banks and financial	11.74
Government securities and municipal loans	10.15
Miscellaneous	11.43
Total	100.00

(2) The classification, according to localities, was—

	Per cent
Great Britain	38.13
Dominions	12.73
South America	27.42
United States	9.05
Continental Europe	4.87
Asia and Africa	4.36
Mexico	3.44
Total	100.00

(3) The types of the securities were—

	Per cent
Bonds	40.29
Preferred stocks	17.42
Common stocks	42.29
Total	100.00

What have been their earnings on their investments? Again let us take a trust's actual figures which are based upon cost.

	From interest and dividends	Market profits realized
	Per cent	*Per cent*
1917	7.55	0.63
1918	7.20	1.33
1919	8.15	1.09
1920	7.78	1.33
1921	7.60	.10
1922	7.75	.18
1923	7.11	.50
1924	7.29	.06
1925	7.67	3.11
Average	7.52	1.15

It will be seen that the yearly average earnings of the nine years was 8.67 per cent.

In seeking information about the experience of British trusts, Mr. Robert L. Smitley, of New York City, authority on business and economic books, also adviser to Harvard Business School and many American and foreign universities, informs me that there is no specific English book about investment trusts, but that the best article written by an Englishman, dealing with the subject is a chapter in Powell's Evolution of the Money Market. (See Exhibit D.)

Mr. Smitley has obtained for me articles from the London Economist which tell of the British trials and their experiences from 1882 up to 1925. (See Exhibit E.)

Because the foregoing records are not available to the general public, there is much confusion among the various States in respect to their proposed "blue sky laws" or regulations. The State of New York attorney general's recent and hastily compiled report is an example of this. It has been revised three times. (See Exhibit F.)

The States of Utah and California require that an investment trust make public its list of holdings. (See Exhibits G and H.)

That much information is needed by commercial and investment bankers and the lawmakers regarding investment trusts is shown by Exhibits I and J.

When half of the investments in our American trusts are in foreign securities, it may be necessary to place investment trusts under the regulation and control of the Federal Reserve Board by amending the Federal reserve act.

THE FUTURE OF INVESTMENT TRUSTS

Since the World War the wealth of the United States has increased enormously. Our people year by year are growing richer, and have more and more funds available for investment. Within recent years the supply of investment funds has become greater than the supply of good investments. Because of this abundant investment money the coupon rate on new investment issues has been steadily reduced—from 8 per cent during the war to less than 6 per cent at the present time, with the future outlook for 5 or even 4 per cent.

Mr. O'CONNOR of Louisiana. Is not that a surprising statement, in view of the unemployment of labor and the depression of the farming interests at this time?

Mr. McFADDEN. I do not think it is as serious a question of unemployment as the gentleman indicates, and I think agriculture is in a better condition now than it was last year, although I know there is suffering in some places.

Mr. BLANTON. Mr. Chairman, will the gentleman yield right there?

Mr. McFADDEN. Yes.

Mr. BLANTON. With regard to there being "suffering in some places," does the gentleman believe in the old scriptural injunction, "Cast thy bread upon the waters and it shall return to thee manyfold after many days"? The gentleman from Pennsylvania and myself were strong proponents for women's suffrage, and some years now have passed and the gentleman from Pennsylvania has now one lady opponent and I have two, so that we have bread coming back to us. [Laughter.]

Mr. McFADDEN. Apparently; yes.

Mr. MANLOVE. Mr. Chairman, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. MANLOVE. I heard a very distinguished gentleman from Boston make the statement last night that there was eight times as much money in the savings banks of this country at the present time as there was 10 years ago, and I heard another gentleman make the statement that there were six times as many children from the homes of laborers in the higher institutions of learning as there have been in any other period in the history of the world. If that is true, I think to a certain extent that would bear out the gentleman's statement that there was a period of prosperity.

Mr. O'CONNOR of Louisiana. Mr. Chairman, will the gentleman permit another observation?

Mr. McFADDEN. I have only a few moments more. I do not want to take up the time of the House.

It is an economic law that investment capital will always flow where it will receive the largest return. Just as the superabundant capital of Great Britain in 1885–1895 sought remunerative foreign investments, so the superabundant capital of America is now seeking high-yield investments in foreign countries.

And just as the investment trust enabled British investors to obtain increased returns with greater safety, so our trusts should enable American investors to get higher yield, wider diversity, and greater safety in both domestic and foreign securities.

The rapid establishment of investment trusts in this country during the past three years gives evidence that this type of institution will continue to grow in number and in resources. Of course, some of these trusts will be more successful than others, depending upon the ability, integrity, and foresight of their management. That, after all, is the basic test of success of any financial institution.

There is no department of investment which deserves greater attention from the American public than the investment trusts. We have loaned upward of $12,000,000,000 in foreign countries. The prospect for many years to come is for additional foreign loans. Hence, the American public will of necessity become an increasingly large holder of foreign investments through the medium of investment trust.

A bulletin of the Federal Reserve Board in 1920 said:

> The investment trust enjoys many advantages not usually available to the individual investor. A company formed for the purpose of investment is in a position to investigate the financial condition of undertakings in which funds may profitably be invested. The officers of such a company develop the habit of forming dependable judgments of economic conditions in foreign countries and the conditions of the investment market.

In view of this situation, the near future must inevitably witness the creation of more and more investment trusts in the United States.

Great Britain in its 60 years of investment trust management, has developed many worthy traditions by which America, if wise, should benefit.

Without denying to the British any of the praise they so well deserve we can reasonably expect that our wisely managed investment trusts will produce a record as superior to the British trusts as our industrial and banking system excels theirs. I desire to now call your attention to a statement by Ellis J. Powell on the evolution of the money market, a most important historical and analytical study, Exhibit D, and several other exhibits on this important subject, which I have referred to.

EXHIBIT A

[From the London Economist, November 5, 1927]

Investment trusts in America: Among the by-products of America's attainment of the status of a great creditor nation has been her virtually new discovery of the British investment trust. To those whose memories of conditions in Great Britain go back even a moderate number of years, there is an element of intense personal interest in the spectacle of a virile and wealthy people, who received their financial schooling as inhabitants of the most influential debtor nation in the world's history, confronted with dramatic suddenness with the responsibilities and perplexities inseparable from their new position, and compelled to proceed by the method of trial and error along the path trodden by Englishmen 40 or 50 years ago. American financial knowledge and psychology, American money market machinery, and American law itself, have all been built up in response to the necessities of the "debtor régime," when the Nation's prime task was the finding, by some means or other, of sufficient new capital to insure the continuous exploitation of the resources nature had so lavishly provided. To-day the position is reversed. New money is constantly seeking fresh channels of investment, and in the process of somewhat hastily extemporizing the necessary technique, that peculiarly British institution, the investment trust, has come in for a large share of attention. According

to Mr. Edgar Higgins, an American observer who has done much valuable pioneer work in this respect, there are to-day just over 100 investment trusts in the United States, with resources of approximately $500,000,000, some 95 of which have been formed during the last three years. Many of these companies, however, would scarcely be recognized as legitimate investment trusts in Great Britain, nor would their methods receive universal approbation. Rather, less than half the total companies are, in fact, investment trusts properly so called—corporations which have issued debentures, preferred and common stocks to the public, and invested the proceeds in a large number of securities covering many sections of the American field. With them are identified a number of well known and highly reputable banking houses. Of the remainder, the so-called bankers' share organizations are in a very different category.

They generally proceed by way of purchasing as few as 10 well-known stocks or bonds (frequently all arising out of a single industry) and depositing them with a corporate trustee, which proceeds to issue against this collateral either trustee shares, bankers' shares, bond shares, or investors' certificates. Apart from the narrow basis on which the whole is organized, difficulty is frequently experienced in changing the collateral security, and the element of constant alertness for new possibilities, which is so marked an attribute of the best British trust company management, is almost entirely absent. A third type is the "Massachusetts trust," managed by trustees or a fiscal agent, and a fourth the "common-law trust," managed by a company, which either participates in earnings or receives a fixed fee for management. The last-named is largely a cooperative organization. Investors may withdraw their money at any time, and no corporation taxes are paid on earnings. So far only four such trusts have been formed. Mr. Higgins believes that the rapidity with which the whole movement has developed may have been conducive to much mistaken policy. He would seem to consider that the investment trust has come to stay as a part of America's financial machinery, but that it has scarcely touched the fringe of many problems, the solution of which is vital to its success. Early next year it should be possible to form an idea of the financial results of some 80 different American trusts, and the figures should make interesting reading, in view of the fact that many have issued debentures and preference stocks at 6 per cent, while about 5 per cent is a fair average present yield on good common stocks in the American investment market.

EXHIBIT B

[From The World, Sunday, November 27, 1927]

(By John A. Crone)

* * * * * * *

There is, therefore, nothing magical about this latest financial fashion. Using the investor's funds as tools, and with the same aim as a savings bank or insurance company, the investment trust endeavors to employ the money safely and profitably, and in so doing is subjected to the same fundamental, economic, and financial laws as any other business.

The investment trust—announcements to the contrary—is not like a savings bank or insurance company, except in so far as it affords a medium for savings and offers diversified investment.

A savings bank pays all depositors the same rate of interest, and, subject to certain legal limitations, a depositor may demand the return of his deposits. The investment trust pays interest or dividends according to the type of risk purchased—in this respect it resembles the insurance company—and it is not obligated to redeem its securities on the demand of the buyer thereof.

Savings banks and insurance companies employ deposits and premiums to buy securities—which are legally prescribed—much in the same manner as an investment trust, but the latter is not publicly regulated or supervised, frequently pays no State taxes, and in some States is not legally recognized.

Since savings banks and insurance companies in this country provide vehicles for savings to the person of average means, it is natural that the investment trust originated elsewhere.

* * * * * * *

Just when the public was becoming acquainted with bankers' shares the numerous modifications of the five trust forms and the finance and holding company, banks began to call their security companies "investment trusts." There are, therefore, to-day "promotion" trusts, "underwriting" trusts, "financing" trusts, and many other financial forms loosely classified as investment trusts and often claiming to be like the original Scottish investment trust.

DIVIDE THEMSELVES INTO TWO CLASSES

The multitudinous varieties of investment trusts, from the point of view of issuance and redemption of securities, divide themselves into two broad classes. The one, based on the Scottish type or its many variations, creates a new security by setting up the investment trust as an intermediary between the investing public and the securities acquired as an investment. These trust securities may be sold like any corporate obligation. The other, applying the principle of joint ownership, issues participations which must be turned into the trust, which draws out a certain portion of the pooled funds for redemption.

Viewed from the point of management there are two general types, the discretionary and limited or fixed trust. Management is supreme in the former and is merely an auxiliary in the latter. Studied from their corporate form "investment trusts" can be grouped under four classifications. They are: (1) The bankers' share companies; (2) the corporation type, which resembles the British trusts, issues debentures, preferred, and common stock; (3) the Massachusetts trust, managed by trustees or a fiscal agent; and (4) the common law trust, managed by a company which participates either in part of the earnings or obtains fixed fee for management. One of the distinctive features of the latter type is that investors may withdraw their money at any time.

* * * * * * *

The best test of an investment trust would be its performance over a period of years. Since most of these organizations are new, however, other measures of standards must be applied. Management is of prime importance. Like Mr. Higgins and many students of the investment trust, the writer believes the management should lay all of its cards on the table. The life-history idea of each director or manager is not a bad way of finding out whether the persons you are trusting your money with are worthy of that confidence.

EXHIBIT C

In 1926 the London Financial Times in an editorial said:

"The safe investment of money at good yields is by no means an easy problem, but becomes more of an exact science with an investment trust company than with the average individual whose capital is limited and to whom mistakes may be serious.

"In spite of all the care exercised when making investments where it is sought to combine high rates of interest with good security, no one can help making mistakes at times, but in the case of investment trust companies only a comparatively small portion of their funds is placed in any one security, while their holdings are widely spread in different countries and in various kinds of investments. Consequently, the influences which were responsible for loss in one country or in one class of security may also be responsible for improvement in other countries or in some other class of security, and in the main the accounts submitted prove a balance well on the right side.

"The private investor is undoubtedly beginning to realize more and more the advantage of placing his money in the securities of the investment trust companies, where not only satisfactory dividends can be counted on, even in bad times, but where the risk of loss of capital, inherent to any business, is reduced to a minimum through the sound distribution of risk, both geographically and in the varied nature of the investment held."

EXHIBIT D

[Powell's Evolution of the Money Market]

THE FINANCIAL TRUSTS—"INVESTMENT BY PROXY" AND ITS EXTENSION

[From Powell's "Evolution of the Money Market"]

In spite of the large sums lavished in financing the "new" nationalities and in equipping the ephemeral joint-stock ventures of 1826, as well as the innumerable railway projects which followed them, it remains true that down to the accession of Queen Victoria a huge proportion of investment was on mortgage. The reason, as Sergeant Onslow told Parliament in 1825, was that land was "the best and readiest security[1] which could be offered for money." The solicitor general said at the same time, that nine out of every ten estates in the kingdom were loaded with mortgages—one of the results of the terrific taxation necessitated by the Napoleonic wars. A multitude of small investors clung to the funds. Baring said in 1830 that out of the holders of the 274,823 stock accounts then on the books of the Bank of England, 250,000 did not receive a greater half-yearly dividend than £100, and the number of half-yearly dividends of £500 did not exceed 2,000. Of course, when the early Victorian public completely lost its head, as it did in the railway mania, the investing class was temporarily recruited from all sections of the community. The Government return of railway shareholders, issued in 1846, shows that there were upwards of 20,000 subscribers to the lines and branches seeking authorization in one session alone. These recruits included attorneys' clerks, college scouts, butchers, coachmen, dairymen, beer sellers, butlers, footmen, and mail guards. But, broadly, the proposition remains true that these classes did not enter the arena of investment for many years after the railway craze.

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[1] In its primary legal significance the word "security" still refers only to money secured on property, and not to investments in the stocks or shares of a company or the issues of a public authority. This limited antique meaning it will be taken to have in a will, unless the context clearly indicates that the testator used it as synonymous with "investments." So said Lord Justice Romer as recently as 1904. (Re Rayner, 1904, ch. 1, p. 189.)

When the mortgage began to go out of favor investment in stocks and shares of the industrial type, as well as in the best class of foreign bond, was still a privilege restricted to the wealthy. A typical list of shareholders of the mid-Victoria period will be found to include practically only representatives of the wealthy, landed, and professional classes. Their holdings, moreover, were all in large blocks.[2]

Middle-class respectable people, especially, believed that all money invested outside the pale of government securities was embarked in speculation. They had yet to learn the meaning and solidity of a first-class industrial debenture with a huge margin behind it. The best that could be said of the nervous middle class in the sixties was that it was beginning to lose its nervousness.

"It is unnecessary," observed Arthur Crump in 1866,[3] "to remark that the number of persons who do remove their money for better investment is certainly increasing." These were the timid pioneers who had hitherto ranked railway stocks among purely speculative purchases, quite unfit for the investor. But after the Overend-Gurney crisis they began in a gingerly fashion to study traffics and to watch yearly reports. The small capitalist, however, still clung to the funds and the savings banks. With the latter we have already dealt (ante, p. 277), and with regard to the former it may suffice to say that in 1869 there were 5,065 Government stock accounts of less than £30 in the books of the Bank of England, and no less than 481 of them were under £5 in amount.[4] In 1870 came the elementary education act, and from that period to the present time there have been working the influences which have now created the modern investing public, its personnel numbered by hundreds of thousands, and representing every class of society except the absolutely destitute.

A "FELT WANT" IN INVESTMENT

There was good reason for mid-Victorian nervousness in the matter of investment. The traditions of the railway mania were yet comparatively fresh, and the tragedies of unlimited liability loomed large in the public eye. Inexperienced credulity had been the prey of roguery and imprudence in all directions. "There is no doubt that within the last 20 or 30 years enormous sums of money, representing the savings and accumulation of the individual interest of this country, have been dissipated and lost in the attraction of new but unsound investments."[5] Discouraged by these unwelcome episodes the aspiring possessors of surplus funds thought they knew that good investments were to be had, yet distrusted their own judgment in the selection of them. To would-be investors, in that frame of mind, the proposition of investment by proxy under good auspices was not unattractive. On the other hand, the opportunity of dealing with large aggregates of money by means of distributed risks certainly possessed a charm for the early exponents of investment trust finance, though it may be doubted if they realized whereunto this would grow.

For the moment their business was to aggregate the money of a large number of proprietors into the capital of an investment trust company, and then to employ the fund thus created to the best advantage suggested by the knowledge, experience, and skill of the various groups of city men who had placed themselves at the head of these new undertakings. So it is that in the establishment of the investment trusts we have really a distinct factor of the money market,[6] a species of the genus company which is as worthy as insurance to rank as an independent force, fulfilling a definite (and now indispensible) function.

THE TRUSTS A LATE DEVELOPMENT

Investment trusts[7] were practically unknown to the early money market. The long list of enterprises floated in the boom year 1825 includes many enterprises which look like financial trusts, but on examination prove to be something different. A so-called investment bank[8] with a capital of 4,000 shares of £50 each proposed to deal with "life interests, policies of insurance, contingent and reversionary interests, ground rents, improved rents, rent charges, and other property." "The objections to speculative theories," said the prospectus, "can not apply to the present proposed institution, which possesses nothing adventurous in its character."

A united British and foreign-loan company capitalized at £2,500,000 offered[9] 4 per cent, and intended to "facilitate" transactions in foreign securities, and to make advances on public works in progress in the United Kingdom. An Irish investment and equitable loan bank (capital, 10,000 shares of £50 each) adopted[10] the same program, so as to "cause British wealth to flow in Irish channels." The Equitable Investment Society and the Metropolitan Investment Society[11] were merely schemes for buying "landed property," especially near the metropolis. The first of the investment trusts, in the modern sense of the term, appear to have been the International Financial Society and the London Financial Association, both established in 1863. The business of the London Financial Association was defined as the lending of money on railway securities, provided the lines were finished. But criticism was offered of any loans on unfinished lines, because if the contractor failed the company must either lose what it had advanced or become more deeply involved by putting up money to complete the work. An undertaking of this type was an attempted compromise between the distrust of the investor and the necessity for carrying on railway enterprise. The railway could not wait for the public temper to change, or for its securities to filter slowly into the hands of investors. Therefore it deposited its securities with a finance company, and the latter agreed to accept the railway's debts for a specified sum. The finance companies were able to sell their shares at high prices to investors, who imagined that they had placed a buffer between themselves and the industrial risk. It was only when the unrealizable character of the securities had begun to be apparent that the weakness of the system stood out in glaring conspicuousness.

PRINCIPLES OF TRUST OPERATION

The best early enunciation of the principle involved in the investment trust company is contained in the prospectus of the Foreign and Colonial Government Trust, issued in 1868:

"The object of this trust is to give the investor of moderate means the same advantages as the large capitalist in diminishing the risk of investing in foreign and colonial government stocks, by spreading the investment over a number of different stocks and reserving a portion of the extra interest as a sinking fund to pay off the original capital.

"A capitalist who at any time within the last 20 or 30 years had invested, say, £1,000,000 in 10 or 12 such stocks selected with ordinary prudence, would, on the above plan, not only have received a high rate of interest, but by this time have received back his original capital by the action of the drawings and sinking fund, and held the greater part of his stocks for nothing.

"Some parties, believing that it would be a convenience to the public if such a mode of investment were made generally accessible, have made arrangements by which well-selected Government stocks, to the value of £1,000,000 sterling, will be placed in the names of the following trustees, viz:

"The Right Hon. Lord Westbury.
"The Lord Eustace Cecil, M. P.
"G. M. W. Sanford, Esq., M. P.
"George Wodehouse Currie, Esq., M. P.
"Philip Rose, Esq."

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[2] In my Mechanism of the City I illustrated this point by contrasting the personalities in the list (dated April 21, 1864) of the shareholders of the Alamillos Co. with the last return on the Selfridge file. In the case of the Alamillos shares the first 25 names on the list represent the occupations annexed, together with the number of shares inserted in brackets: A wharfinger (300), a solicitor (60), a brass manufacturer (107), a vice admiral (825), a firm of merchants (55), a professor of chemistry (10), a broker (285), a gentleman (550), another gentleman (350), a copper smelter (350), a doctor of medicine (52), a civil engineer (75), a treasury official (26), a spinster (136), a banker (50), a lady of title (3), a clergyman (10), a gentleman (1,000), a member of the stock exchange (16), a clergyman (100), a solicitor (321), a member of Parliament (207), an architect and surveyor (50), a decorator (30), and a banker's clerk (21). In contrast with the comparatively elevated social status of these investors we get in the Selfridge list such shareholders as a cabinetmaker (25), a commercial traveler (50), a gas collector (10), a clerk (30), a hospital nurse (10), a domestic servant (5), an outfitter's assistant (5), a farmer (100), a dressmaker (5), a housekeeper (5), a schoolmistress (10), a lady's maid (10), a grocer (5), an ironmonger (10), a valet (40), a printer (10), a caretaker (2), a governess (30), and a bespoke tailor (3).

There was originally an idea that shares of small amount—especially bank shares—would attract an inferior class of holder. So thought the 1836 committee. But, as Gilbart pointed out in 1859 (Logic of Banking, p. 222), the only effect of reducing the size of the share—originally, at all events—was to increase the number held by the average shareholder, and not to attract small capitalists. "In the banks of £100 shares," said Gilbart, "each proprietor has taken upon an average 28 shares, on which he has paid the sum of £444. In the banks of £20 shares each proprietor has taken 43 shares and paid £359. In the banks of £10 shares each proprietor has taken 52 shares and paid £400, while in the only bank of £5 shares each proprietor has taken 117 shares and paid £585."

[3] Banking, Currency, and the Exchanges, p. 244.

[4] Letter of the governor [Crawford] to the Chancellor of the Exchequer [Lowe], Jan. 25, 1870.

[5] Stock Exchange Commission, 1877-78, Report, p. 10.

[6] The money market is generally said to comprise four factors: (1) The Bank of England; (2) the "check-paying banks," as Mr. Withers calls them, in order to distinguish public banks from private mercantile houses, who, although they do an acceptance and quasi-banking business, have no customers who are entitled to draw checks upon them; (3) the bill brokers and the mercantile and discount houses; and (4) the stock exchange. In the present survey, however, the joint-stock companies and certain specialist forms of joint-stock enterprise like insurance, and the trust, finance, and investment companies have been treated as distinguishably separate factors of the money market.

[7] The word "trust," as here employed, signifies an organization totally different from a "trust" in the American sense of a monopoly control of some commodity or facility. This distinction is very important. The English investment trusts are not monopolies, and have no monopolistic ambitions.

[8] Times, January 7, 1825. The advertisement appeared for several days.

[9] Times, Jan. 17, 1825.

[10] Times, Jan. 19, 1825.

[11] Ibid.

The trustees had decided that a certain group of dividend-paying foreign and colonial stocks should be selected for purchase with the funds of the trust—namely, Austrian, Australian, Argentine, Brazilian, Canadian, Chilean, Danubian, Egyptian, Italian, Nova Scotian, Peruvian, Portuguese, Russian, Spanish, Turkish, and United States bonds—not more than £100,000 being invested in the stock of any one government. The average rate of interest on the investment in these stocks was given as 8 per cent, while profits were expected from the repayment at par of a large number of them, purchased considerably below that figure. The certificates of £100 each were to bear 6 per cent interest and to be issued at 85. This, as a matter of fact, was an investment trust in the modern sense of the term. Designed for the benefit of the middle-class investor in the later sixties, it was destined, as we shall see, to be the model of another trust, issued under practically the same auspices, nearly 50 years later, for the purpose of attracting a democratic clientele by a direct appeal to the "people."

THE DISTRIBUTION OF THE RISKS

On the part of all the investment trusts of this period there was the clearest recognition of the protection afforded by the geographical distribution of the risks, itself a specialized application of one of the principles of insurance. "Our great safety," said the chairman of the Government's Stock Investment Co., "is having a wide area in which we trade instead of depending upon one municipal capital or one country. We have 40 or 42 different investments, that is, investments secured by different governments."[12] The insurance element was specifically mentioned in the prospectus of the Submarine Cables Trust, issued in 1871, which called attention to the advantage of standardized investment "by distributing the risk over a number of kindred undertakings and making one insure the other." One risk was to be offset by another, so that the investments might almost be described as a group of cooperative insurers. The prospectus of the Gas, Water & General Investment Trust urged that "the capital of the company will be spread over a large number of securities in such a manner that, by the principle of average, the investor will obtain a good rate of interest, without being subject to violent fluctuations in dividends or exposed to the necessarily precarious nature of an investment in any one concern, however sound." Yet another specialized form of this financial trust was the mortgage company, whose business, as ultimately elaborated, might be described as long-dated banking. For instance, in Australia the settler sometimes experienced difficulty in obtaining an advance for a term of years. The banks were disinclined to accommodate him except by means of short-dated promissory notes and accommodation bills. At this period they would not, as a rule, advance their money on mortgage, though their practice became less rigid later. Their discount of promissory notes and bills was generally subject to the condition that there should be a second name to them. This necessitated the settler obtaining the acceptance or indorsement of the merchant to whom he was consigning his wool or other produce, and for this accommodation, of course, he had to pay. The result was that the commission, added to a bank charge of probably 9 or 10 per cent, was a very real obstacle to the progress and settlement of the colonies. The problem to be solved was the provision of the means of lending money for a term of years at a reasonable rate, and the solution was the formation of such companies as the Trust & Agency Co. of Australia, which directly cultivated that class of business with considerable success.

THREE DISTINCT TYPES OF "CREDIT SHOP"

By this time, then, the rise of the trust and investment companies enables us to discern in activity the three classes of "credit shop"[13] each selling the same commodity, but each specializing in a particular species of it, clearly differentiated from that sold by the other two. The bank sells short credit only. The finance company caters for a class of business which requires a much longer credit than a banker can give, consistently with his duty of maintaining his assets in liquid form. The investment trust company, again, enters a given transaction for a much longer period than a finance company, if, indeed, it does not purchase the investment for permanent holding. It was the attempt to combine these three functions in one enterprise which led to the collapse of the Birkbeck Bank. The capital had been obtained on a building society basis, while the deposits were sought as if the institution receiving them was a bank in the strict sense of the word. Finally, when the capital and the deposits were aggregated, the funds were employed as if the company was an investment trust, not liable to be called upon to repay any part of the money which was employed. The same fate would probably have waited on the scheme proposed in the sixties by the town clerk of Liverpool, for empowering municipalities to establish savings banks, and to employ a third of the deposits in municipal undertakings such as waterworks. At all events, the Australian banking crisis of the early nineties was an example of the consequences which followed an abandonment of sound banking principles in the attempt to combine long-term loans with the liability to pay specie on demand.

BOLD EXTENSIONS OF THE TRUST PRINCIPLE

From 1884, when the Mercantile Investment & General Trust was founded, to 1890 there was quite an epidemic of trusts. Attempts to form bank share trusts were indeed unsuccessful, owing to the refusal of the great banking companies to accept the trusts as shareholders. But as regards other trust enterprises, no less than 12 were established in 1889, under the stimulus of Mr. Goschen's conversion of consols. The reduction of the interest created a demand for investments which were in effect a mixture of stocks, in the belief that an average of second-rate—or even third-rate—holdings would give a return greatly superior to that obtainable on consols without the introduction of any really abnormal risk. The sponsors of the Nitrate & General Investment Trust Co. early in 1889 urged that the average yield of the holdings of a trust company could be materially raised by including in its holdings the stocks even of very speculative enterprises. It was proposed, therefore, to invest some part of the funds of this trust "in the best of the nitrate companies which have been introduced to the London market." Nor did nitrate represent the most speculative of the industries which the growing boldness of the investment trusts tempted their directors to touch. The African Gold Share Investment Co. did not actually propose to form companies or to purchase properties, but it was prepared to guarantee and provide capital for gold-mining enterprises on favorable terms, and in this way it was believed that the high yield obtainable on the shares of these undertakings would raise the average return on the capital invested. Finally we have a reversion to mortgages. The Union Mortgage Banking & Trust Co. initiated, with a capital of £2,000,000, a scheme for lending on the first mortgage of improved agricultural property in the United States, so as to combine the advantages of that species of security with the higher yield obtainable in a "newer" country than Great Britain. The proposal was that the company should receive money from investors at a fair rate of interest in exchange for its debentures. These were, in turn, to form a charge on all its mortgage investments, reserve fund, uncalled capital, and other assets. The money was then to be invested—and here once more is the crucial point of the whole argument—"at a higher rate of interest in small amounts, thus acquiring the guaranty for safety afforded by the law of average."

The prospectus of the River Plate & General Investment Trust Co. (capital £1,000,000) defined the maximum single risk to be taken. The business of the company, the directors said, was that "of distributing its capital over a number of different securities on the principle of averages, no investment being made exceeding £10,000 in any one undertaking without the unanimous resolution of a meeting of the trustees." Candor requires the admission that some of the investment trust enterprises of the Baring crisis year were not so much genuine finance and investment trusts as gigantic relief funds, designed to take huge blocks of securities from various parties who found it inconvenient to go on "nursing" them. Further, under the stimulus of a popular craze of the familiar type which gives us mining and rubber booms, these undertakings launched out into insurance, executorship, trusteeship, safe deposit, loan and commission business of every sort and kind, the sale and purchase of land on commission, agency, and company promotion, with results that became only too familiar to the investor in the early nineties. The existence of these abuses of the principle, however, need not blind us to its undeniable utility when operated under skillful and honest administration.

THE TRUSTS AND THE "PEOPLE"

The theory that the trust companies represent, at all events in one of their aspects, an endeavor to provide investment by proxy on behalf of a class insufficiently experienced to act on its own account was strikingly confirmed when, on March 20, 1914,[14] there appeared the prospectus of the People's Trust Co. (Ltd.). This venture was obviously modeled on the Foreign & Colonial Investment Trust, which had been established 46 years before (ante, p. 469). Messrs. Glyn, Mills, Currie & Co. were the bankers of the later enterprise, and a member of their firm had been a trustee of the earlier undertaking. One of the trustees of the Foreign & Colonial Trust was Mr. Philip Rose, of Baxter, Rose & Norton, whose successors, the firm of Norton, Rose, Barrington & Co., were solicitors nearly half a century later to the People's Trust. But the most striking and suggestive analogy is found in the fact that while the earlier trust was formed, as we have seen, "to give the investor of moderate means the same advantages as the large capitalist," the later undertaking was "established to extend to the working and industrial classes" a form of investment much appreciated by a richer clientele. The prospectus proceeded to say that the new company would "enable even the smallest capitalist to acquire an interest in English and foreign railways, colonial and foreign loans, and

[12] Meeting, January 2, 1873.

[13] This word "shop" is immemorially attached to banking and credit business. In the very early days of Martin's there is a charge paid to a useful functionary for "killing the bugges in the shop," and as late as 1814 we find the Craven Bank inserting in its balance sheet, "By banking shop and outbuildings now purchased, formerly rented only, £488." The reason for the survival of the word is, of course, the fact that the banker's business was originally only a subordinate function actually carried on in a shop devoted to other purposes.

[14] See the Financial News of that date for the prospectus.

great commercial undertakings, and to share in large financial operations.

The company will adopt the principle that has been found to work so well with existing trust and investment companies of distributing its capital over a wide area and in a large number of undertakings, and it has been proved that by so doing a satisfactory return can be obtained without taking undue risks. Thus, in 1868 it is the man of moderate means who is invited to invest by proxy, but in 1914 the gradual devolution of capitalistic capacity has made it desirable to provide investment by proxy for the "working and industrial classes." As there is no class at a more modest level than this from which investors may be recruited, we may correctly say that the opportunity of advantageously investing money has been now brought within the reach of everybody who has money to invest.

TRUST FUNCTIONS HAVE BEEN MODIFIED

About the general success and the pronounced importance of these companies as factors of the modern money power there, of course, can be no two opinions. One has only to look around at the vast aggregation of influence represented by the Lord St. David's group or by other powerful trust companies to see how well the principle works and how thoroughly it has adapted itself to the needs of the period during which it has been elaborated. Whether, however, the system is destined to remain permanently necessary in the form in which it first functioned is another matter altogether. Originally the investment trusts represented the standardized investor. They sought to aggregate the funds of people who were too nervous or too inexperienced to invest their own money. In that way they enabled this class of moneyed individual to secure financial benefits which had otherwise been out of his reach. The aggregation professed to take all the precautions with regard to the distribution of the risks and the mixture of the types which a prudent investor of the shrewdest stamp would have adopted for the protection of his own money. Its directors seldom changed investments once made. They awaited redemption and collected interest meanwhile. Nowadays, at the point in the evolution of the trust company which has so far been reached, this ideal still survives and new trust companies are still created. But while the trust company still functions for the present in its original form it is becoming less a means of vicarious investment than a recognized and necessary factor of the modern money power, taking its share in the guidance of the policy of the great financial hierarchy which now controls the economic destinies of the world.

WIDELY EXPANDED FUNCTIONS

It watches the market, changes its investments, gets out of this and into that as the economic or political ebb and flow suggest. It competes for underwriting, and in that way not only makes money when the issue goes well, but acquires new holdings on bed-rock terms where it is "stuck" with part of the stock or shares which it has underwritten. Further, a very important and characteristic function of the modern trust company is its work in city salvage. An enterprise which has a valuable property and good prospects finds itself at the end of its capital resources. The time is not congenial for a public issue; how, then, is the company to be maintained in existence and saved from the loss of all the capital already expended on its property? The answer is that the trust company will be prepared, on terms, to elaborate a reconstruction scheme and to guarantee its success—that is to say, to guarantee that if the shareholders do not come forward with sufficient funds, it will itself put up the money. In this way, companies which have reached the end of their tether are frequently snatched from disaster and almost as frequently transformed into prosperous enterprises. Of course, the position of their affairs must stand the scrutiny of expert examination. But that is rather a gain than a loss from the point of view of the financial fabric as a whole. These activities, almost entirely characteristic of the post-Baring period, constitute quite a different program from that which was originally undertaken in the eighties. There are two reasons for the change. The one is that the existence of a centralized money power did not fully dawn upon the world until the Baring crisis had demonstrated its immeasurable potency for good; the other is that the modern middle-class investor is now, on the whole, sufficiently educated to do his investment work for himself, selecting his own securities and keeping them in his own strong-box or at his own bank. In the earlier decades he was delighted to discover that responsible persons would accept the charge of his money, and invest it in such a manner that he could get a safe 4 per cent upon it. Nowadays he takes the responsibility himself; and he is all the more inclined to do so because he can get 5 per cent with perfect safety, without the intervention of a trust at all.

The finance, investment, and mortgage trusts, however, remain as standardized corporate investors, in that it is their constant and very successful endeavor to raise the rate of return on their money without infringing the canons of financial prudence. Their invocation of the law of average makes them self-insurers; so that, inasmuch as they possess a specialized skill, the risk is taken by those who are capable of measuring it. "To confine speculation to those who have aptitude and training for it and to discourage stock and commodity gambling is one of the economic problems of the day."[25] There is only a minor element of gambling to be considered in the case of the trust companies, but there is an undeniable assumption of a legitimate (and socially beneficial) financial risk on the part of those who have aptitude and training for it. The great trust and investment companies, again, are a class of strong holders, performing a fruitful function at all times, but most of all in days of market stress. A trained investor (whether an individual or a corporation) is a "good" holder, whereas his untrained, nervous conferee is a "bad" one. The difference between the accumulation of stock in "good" hands or "bad" may be of great moment to market conditions, and consequently to the prices of securities, in the hour of stringency. It may mean the difference between stress and crisis or between crisis and panic. The cool heads of the managers of a great trust company are not turned by crisis or by the threat of panic. They do not rush to fling everything on the market. They are more likely to steady it by timely purchases. As they are in constant communication with the other controlling influences of the money market, their trained and fearless cooperation is one of the bulwarks of the financial fabric itself. It will possess an augmented and invigorated potency when the movement toward a completely centralized control of the allied insurance function, vast in influence and resources, shall at length be crowned with realization.

In Germany the rôle of the trust company is to some extent filled by the subsidiary banks (Tochtergesellschaften), which carry on industrial finance by means of capital supplied by the parent company. Occasionally they are regarded as branch banks, but they are not truly such in the English sense.

EXHIBIT E

[From The Economist, April 29, 1882]

THE PECULIARITIES OF TRUSTS AND TRUST COMPANIES

Last December, when commenting upon the Railway Investment Co.—a "trust" which, being successfully placed, has since found imitators—we remarked that while the inducements offered by such undertakings would probably become more and more appreciated by small investors, they were "only adapted to the averaging of profits of securities which are fully paid up. For such an undertaking would be seriously jeopardized by the failure of a security upon which a succession of calls were possible." Yet within the past few days the prospectus of a Bank Share Trust Co. has appeared, all the directors of which are already bank directors; and while the proceeds of the trust are to be invested in bank shares having uncalled capital liabilities, the trust shares themselves are to be "fully paid, and free from all liability." Let us see how this is to be accomplished. It must be admitted, in starting, that the shares in well-established banks are very sound investments; that, as a rule, they yield a handsome return (generally over 5 per cent) to the buyer; and that it is probable they are improving properties, the reason being that for investment purposes they have not more than made good the general fall in 1878, while almost all other investments have advanced largely. Hence it may be conceded, for sake of argument, that the shares of banks which have well taken root are more than ordinarily safe, profitable, and improving. There still, however, remains the question of the liability, which subscribers to the trust are to be wholly freed from. If we accept the verdict of the counsel consulted, we must believe that "under no circumstances could a shareholder in the proposed company be rendered directly liable for any calls on the shares held by the company, or indirectly liable beyond the amount (if any) remaining unpaid on his shares." There are bank shares to bearer, like those of the Imperial Ottoman and Anglo-Austrian Banks, which are, of course, free from liability. But these are avoided; and the prospectus of the company contains the following important provisos:

"This company will invest its funds only in shares or stock of banking companies having their head office in the United Kingdom or the British colonies, subject to the following conditions—

"(a) No shares will be bought except those of banks where the liability is limited, either by charter or by act of Parliament.

"(b) No investment of more than 5 per cent of the company's capital will be made in any one bank.

"(c) No investment will be made in any one bank to an extent involving an uncalled liability of more than 5 per cent of the capital of the company.

"(d) The only authorized investments will be in some of the banks named in the schedule hereto, which may, however, be from time to time extended by the company in general meeting.

"Ample provision is made under the articles for the registration of the shares bought by the company in the names of proper persons, at least two as to each set of shares, for the protection of the company, and for the indemnity of those who may act as its trustees, in cases where the company itself is not accepted as transferee."

The capital being placed at 1,500,000*l*, it therefore remains that no investment in any bank can reach more than 75,000*l*; but as a rule they must be below that sum. For instance, London and Westminster

[25] H. R. Seager, Introduction to Economics, p. 176.

Bank shares are of 100*l* each, 20*l* paid, and the liability of 80*l* per share will limit the investment to about 9,000 shares, worth 63,000*l*. The order to purchase any similar amounts of shares in some of the smaller banks named on the schedule would greatly enhance their market values, for bank shares are, as a rule, steadily held, and the more steadily when prices are rising. But, apparently, as the names of 65 banks are mentioned, it is contemplated to obtain a very extensive range of small holdings; and as it is probable that many of the banks may refuse to register the trust, it is proposed to employ trustees for this purpose. The questions arise: Are these trustees to receive any payment for their services? Can responsible men be got to become sponsors for the trust, even after obtaining the "indemnity"? And will not the knowledge that they may be acting in the same capacity in respect to a large number of other bank securties render them undesirable shareholders? These are matters for the bank directors and managers to consider carefully. Again, let us suppose that 4 per cent (60,000*l*) of the capital were invested in a bank, and that at a time of pressure that bank failed, and called up out of its reserved liability a further 60,000*l*. In this case the holdings would be swelled up to 120,000*l*, or to 45,000*l* beyond the limit of 5 per cent. Or, without failure, banks have been known at such times to make calls upon their shareholders, which would also necessitate the overstepping of the 5 per cent limit. Various points for question thus arise in considering the details of the scheme.

But the question of registration of a fully-paid company as proprietor is the one difficulty in the path of this trust, and we shall be much interested to see the matter put to the test; for, if successful, it will open the door to many imitators. In the admittedly all but impossible event of the entire capital being lost through failures, we can not think that our courts of law would hold the shareholders free from liability. But apart from this, the entire difficulty of registration might have been overcome without the employment of go-betweens and without raising the question whether the trust can be permitted to hold the shares in its own name. If, for instance, the shares of the trust had been of 20*l* each instead of 10*l*, as now fixed, and the amount called had, as at present, been 10*l*, there would have been an uncalled liability, which, with the restrictions mentioned in the prospectus, would have been quite a nominal liability, yet at the same time amply sufficient. Neither should we think the subscribers to the concern would have been less numerous. Of this we are quite convinced, that no trust can ever override a legal obligation to pay calls, and the prospectus before us says that the company has no intention whatever of doing so. But banks are not by any means unmindful as to the names admitted upon their lists of shareholders. They would certainly have no liking for weak trustees; and we have, before now, known questions raised and asked with respect to registrations which may well be revived in the instance before us.

[From the Economist, July 10, 1886]

The question of dividends paid in the past ought not, therefore, to be the sole gauge which should determine an investor in the selection of a trust company. He should, if he is wise, be guided much more by the names of those who are responsible for the management of the concern. He must remember that his money, when transfused into so much stock of a trust company, is in reality employed at the will of other people in the purchase or sale of shares and bonds which they select, and in the choice of which he has no voice. It might easily happen that one year a company made a large and attractive rate of profit through some lucky manipulation of stocks held by the trust; but next year the investor might find himself with a largely diminished income, or even with no return at all, through the bungling of those to whose superior wisdom in making investments he so trustingly confided. This, of course, is an extreme case; but it is worth emphasizing that trustees, honest, capable, and above suspicion, should be regarded by the investor as of far more account than brilliant dividends or glowing promises.

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There is only one more point to which it appears necessary at this moment to refer, and that is, the publication in the annual report of a list of the securities held on behalf of the trust, in order that the stockholders may be satisfied as to what is being done with their money.

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The directors would have done wisely, we think, after the report of the special committee appointed to investigate the matter if they had followed the plan adopted by other companies in announcing frankly to their constituents how their money is represented. Indeed, we regard it as absolutely necessary for the protection of the shareholders that a list of the securities held should be an integral part of the annual report, and that all the changes in the company's investments during the year should be specifically stated, in order that it may be seen how far the directors' operations have been beneficial to the company, and how far they have been mere stock-jobbing. It is difficult to see what possible harm or disadvantage to the company could arise from such publication, and the gain to shareholders—present and prospective—would be enormous. We are of opinion, moreover, that all the securities held should be revalued once a year by an independent stockbroker to be appointed by the shareholders, after the fashion of an auditor; and that no dividend beyond a fixed rate, say, 5 per cent, should be allowed to be distributed until any shrinkage in market value during the year had been provided for in some equitable way. This would not necessarily involve the subtraction of the whole amount of the depreciation from the profits of the year, for that would be unreasonable; but some kind of sinking fund might be constituted for the replacement of such capital as happened to be lost through default or liquidation, or (as is now the case in the Railway Share Trust), the depreciation might be carried to a separate account, no higher dividend than 5 per cent being allowed to be distributed whilst the account remained in debt. At present most of the companies appear to divide their profits up to the hilt, trusting that when the time comes for realizing any of their securities they will reap a handsome profit in every case.

[From The Economist, July 21, 1888]

Recently, however, investors have changed in their taste, having become, indeed, quite eager to subscribe to almost any new trust undertaking which has appeared to be of a bona fide character. This has been largely due, of course, to the conversion of the national debt, which, by reducing the rate of interest obtainable on nearly all securities, made it necessary for many investors to increase their income by placing their money in securities of what may be called a "contingent" character; and in order to enable them to do this with the minimum of risk, a number of new trust companies came into existence. As a result, the market for these securities has become, as we have said, one of considerable importance, and hence they have now been placed in a separate section of the London official list.

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There is one other point in regard to trust companies to which attention may be drawn, and that is the tendency to specialize or restrict the character of the new undertakings which are formed. It seems to be a favorite idea to have trust companies for almost all the different classes of securities, and thus we have had, for instance, an undertaking formed to hold only brewing shares, another for mining shares, etc. But in a number of instances, in which this idea of specializing the trust has been worked out, the results have been decidedly unsatisfactory. To see this we need only look at the Railway Investment Co., which owns home railway ordinary stocks, mainly those of the so-called heavy lines, and as a result of the decline in their dividends the company has fared so badly that half of its stock—the deferred half—stands at nearly 75 per cent discount. We have a similar instance in the Globe Telegraph & Trust, which owns telegraph securities, mainly those of the Atlantic cable companies, and the Submarine Cables Trust is also another case in point. But, indeed, it is very obvious that the real principle of a trust company is departed from when its capital is invested in a limited class of stocks, all of which are subject to the same influences. When this is done, an investor might better invest his money directly, for he utterly fails to obtain that reduction of risk to a minimum which results from the distribution of capital in small amounts over a very wide area—the fundamental principle of a sound trust. In fact, it is almost a truism, that in proportion as a trust is specialized, so it loses its distinctive character and use, while the wider its sphere of operations is made, the more does it fulfill those functions for investors, which they are usually unable to perform for themselves.

[From The Economist, April 6, 1889]

There is, moreover, another difficulty arising out of this characteristic of the directorates of trust companies. At the present time it is exceedingly difficult to find sound securities bearing good rates of interest, for all the investment brokers are alert to pick up anything cheap, in order to supply the needs of their clients. * * * As a matter of fact, it needs but little experience to know that in present circumstances the efficient management of a trust company is no sinecure, but needs the almost exclusive use of much knowledge and vigilant attention, and we fail to see how, in many cases, the companies are at all likely to get this from directors who can give to each only a fraction of their time and minds. * * * only about 4½ per cent. Upon such yields as these it is evident the trust companies can only pay small dividends, and, in so far as they are investing in these stocks, it must mainly be in anticipation of a profit to be obtained by an advance in prices, which is speculation pure and simple. On the other hand, if they are investing in more risky stocks, it is doubtful if their own securities will prove so stable as most people anticipate. In fact, we can not help thinking that the existence of a good many recent trust companies is due partly to the desire for easy directorates, and partly to attraction of the fat investment business which such companies afford. And in many cases investors, instead of buying the trust companies' stocks, would be likely to do better by forming a small trust or selected holding of securities for themselves.

[From the Economist, June 21, 1890]

In the first place, the employment of the word "trust," as a description of the business proposed to be undertaken, is to a very large extent misleading. It is true that some of the companies invest a greater or smaller proportion of their capital in readily marketable securities, and thus by spreading their risks obtain upon their investments a fairly steady rate of interest. This is, of course, a useful function to perform, for it is possible, and even very probable, that a board composed of experienced men of business may make a better selection of stocks than an individual investor would be able to make. The experience of the older trust companies has shown, however, that transactions of this description, though safe enough when properly and judiciously conducted, seldom yield anything like a high rate of interest upon the capital employed, and it is perfectly obvious that the extravagant profits obtained within the past few years by the group of companies to which we have more than once alluded could not possibly have been derived by averaging the interest secured on their investments.

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And there is another point which should not be left out of sight. The Financial Trusts, as a rule, in presenting their accounts simply show in a line what the profits of the year have been, without specifying in what way the profits have been made. Information given in that way is obviously insufficient. The accounts should show in separate items the interest obtained on investments, the amount earned as commission on the introduction of new companies, and the profit derived from underwriting operations. With these facts before them, shareholders would have the means of ascertaining what proportion of their profits came from regular sources, and what from merely ephemeral transactions, and with this knowledge they would be able to judge whether, in fact, the game was worth the candle. And, finally, it should be clearly shown upon what basis the profits are assessed, whether by actual receipts or by the temporary fluctuations in the value of securities. In the absence of such information, shareholders simply participate in a blind pool, an arrangement satisfactory enough to those who are behind the scenes and regulate their operations accordingly, but scarcely of a kind to satisfy a prudent investor. Very probably any attempt to enforce the suggestions we have made would be strenuously resisted by the founder directors, who have made such a rich harvest by adopting the Financial Trust idea, but, in default of such information, we can not but think that investors should be very cautious, indeed, when dealing with undertakings of the kind.

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There is all the more necessity to raise these questions at present, because other trust companies will soon be making up their accounts, and it is very desirable that right methods of valuation and of dealing with apparent profits should be adopted. And the secrecy which the companies maintain as to the nature of their investments renders it essential that the public mind should be assured that the capital is not being squandered. That policy of concealment is greatly to be deprecated, and we are astonished that shareholders should consent to it. It impairs confidence at all times, and it can not but have very prejudicial results upon the market estimation of those institutions if there should be reason to apprehend that proper care is not being taken to maintain their capital intact.

[From The Economist, May 2, 1891]

A LESSON FROM THE LATE TRUST COMPANIES' MANIA

It has now been made very evident that the gambling trust companies would, as a whole, have fared much better if, instead of buying in 1889 at the top of the wave, they had simply let their funds lie idle until the present time and gone in for their securities when the inevitable drop had followed. Instead of that they operated when securities were sustained by the glamor cast over them by a previous long-continued rise and combined together so as to carry that rise still further. Even when the investors began to hold back, they still went on, and the result is that when they were so full up that they could absorb no more, prices came down with a run, and they must now hold on in the hope of a recovery at some future time. It is all very well to say that they intended to turn over their capital and not to hold on at the prices of 1889. While they could sell to the public they did so, and many of them made large profits. But they were gamblers' profits, lightly come by and lightly lost, and whereas even 12 months back practically the whole of these companies stood at a premium in the market, many at a high premium, as we write the majority are at a discount, and only those which were early in the field and began buying before the rise had taken full effect are at a premium. Some were enabled to amass substantial reserves before the fall took effect, and these have the advantage now, though probably a long wait is before them, and others are happily not materially embarked in South American or other of the most risky securities in vogue during the late mania. But in the following list it will be seen the depreciation of the past 12 months has been universal, and their founders were altogether wise who transferred their founders' rights to the companies started for the purpose of buying them up at a convenient time.

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Trust companies' ordinary and deferred stocks

	April, 1891	April, 1890	Movement
	Per cent	*Per cent*	*Per cent*
Alliance Investment Trust deferred	75	109	−34
Army & Navy Investment Trust deferred	94½	111½	−17
Bankers' Investment Trust deferred	84	111½	−27½
Colonial Securities Trust deferred	55	90	−35
Consolidated Trust deferred	80	100	−20
Debenture Corporation	147	165	−18
Foreign, American, & General Investment Trust deferred	110	122	−12
General & Commercial Investment Trust deferred	70	102	−32
Government Stock Investment deferred	75	111	−36
Guardian Investment Trust deferred	89	107	−18
International Investment Trust deferred	105	116	−11
Investment Trust Corporation deferred	120	143	−23
London Trust Co. deferred	105	117	−12
Mercantile Investment & General Trust deferred	106	120	−14
Merchants Trust, ordinary	82½	101	−18½
Omnium Investment deferred	91	110½	−19½
River Plate & General Investment Trust deferred	77½	92½	−15
River Plate Trust, Loan, & Agency ordinary	178	287	−109
Scottish Investment Trust deferred	87½	105½	−18
South African Gold Trust ordinary	100	300	−200
Trustees, Executors, & Securities Insurance Corporation ordinary	182½	225	−42½
United States & South American Investment Trust deferred	79	104	−25

We have here included the best known among these undertakings, and there are many of the later formed trusts which would make a worse comparison. But we have no desire to paint them as a class unfairly, nor to decry the principle of the trust company so long as investments are effected judiciously and there is effort to make money fast by illegitimate means. Those trusts which for a time made such a grand show by underwriting new securities were, we held, mainly gambling concerns, and appropriated the word "trusts" as a blind. We considered their business and profits precarious in the extreme, and that they ought to sail under their true colors, and as the underwriting business is now dead for a time, their shareholders will soon find out, if they have not already done so, that our contention was right. In the majority of instances they are now crippled, and it will be found that in many respects their constitution is faulty. For instance, at this juncture they would have a very fair prospect of making money if they could extend their investments. At the present general depreciation there is a prospect of bettering their principal by judicious buying, which certainly did not offer itself two years ago. Yet two years, even one year, ago, they were free operators, whereas now, when there is a genuine opening, their hands are tied. This, it may be said, is the way of the financial world. Prices are low, because funds are locked up and the world is too poor to buy, and prices have been and will be high when available capital is large, and there is the confidence which the possession of capital affords. But distrust and confidence are not always the result of the absence or possession of available capital, and the time is probably coming when capital will right itself, and that before confidence in any but what are regarded as the very safest investments returns. Just now there is room even for a recovery in consols, and those who have funds will find that better returns may be realized by taking up safe securities than have been within reach for a long time.

But these financial trusts are out of the running. Some of them, it is true, have uncalled capital, but they would be nervous about calling it up, even if it were not already pledged as security for debenture issues. Nor can they, in the present distrust attaching to them, make further issues of capital, with a view to buying what there is a good expectation will recover in due season. Nevertheless it is obvious that the trust established at the present time has a far better prospect of making money and of a profitable future than was the case during the mania of two years back. The underwriting business certainly would not pay, and in making this statement we have not taken it into consideration. As we hold, the legitimate trust company is that which spreads a large capital over a great many securities, and averages the return upon those securities in the dividend paid to the shareholder, who, on his part, when investing in such a company's shares, is really investing in, say, 40 or 50 securities. Such a trust is a shareholder's mutual insurance company, and it should be worked reasonably as regards cost, and almost automatically. For such there would be ample room now. But the past excesses of the trust companies, due largely to the founders' element in their constitution which urged them on to speculate—for founders desired rather to see them make high profits even for a short time than to do a safe and steady business—have so crippled them that they are unable to avail themselves of the opportunity. They are compelled to let chances of future profits pass, because they have tied up all their available capital, and so impaired their credit that their power of floating debentures upon which they so greatly rely can not be exercised. Happily the founders are about played out, and the depreciation of 30 per cent, at which the shares of the Founders' Stock & Share Trust stands, is an evidence of the fact.

[From The Economist, July 11, 1891]

THE RATIONALE OF TRUST COMPANIES

It is not at all surprising, in view of the condition of the stock markets during the past 9 or 10 months, that the tone adopted by the chairmen of those of the trust companies which have held meetings recently has been rather apologetic than congratulatory. The promoting and underwriting business has been practically at a standstill, and the default or considerable shrinkage in the interest upon River Plate "securities," in which so many of the trust companies are interested, has naturally told very seriously upon the income divisible among the shareholders. If the directors of these undertakings have made mistakes in sinking too much of their capital in Argentine bonds and shares, as many of them undoubtedly have, they have this consolation, if their shareholders have not, that they erred to a much smaller extent than financiers of eminence, such as the Barings and the Murrietas. And the trust company directors may fairly claim that although some of *their investments* have turned out unfortunately, at all events temporarily, the soundness of the principle upon which the trusts were originally founded has in nowise been disproved. Although we have had occasion more than once or twice to criticize freely the proceedings of many of these companies, we have frankly admitted that the principle upon which the earlier formed trusts were worked possessed considerable advantages for the moderate investor. As Sir C. E. Lewis said at the meeting of the New York Municipal Trust Co. on Thursday, "You minimize to the individual proprietor the amount of loss and risk, although one can not answer for it that the directors in making investments for a trust or any other company shall always have a sufficient amount of foresight or prophetic power." This sentence really puts the matter in a nutshell. A trust properly conducted does for the small investor what the rich capitalist can do for himself, while its corporate capacity and its holding of securities enables it to borrow for fixed periods at comparatively low rates of interest, and with the money so borrowed to take up and hold various classes of stocks and shares yielding a higher rate of income. In this way trusts obtain what it is the fashion, in dealing with banking proceedings, to call a "profit margin"—that is, the difference between the amount of interest which they pay upon their debentures and the interest or dividends which they secure from the employment of the funds borrowed by them.

But with these advantages there frequently exist considerable disadvantages also. It sometimes happens, for instance, that in cases where the amounts invested are comparatively small, the income of the trust is largely, and often disproportionately, absorbed by directors' fees and other establishment charges. The shareholder, therefore, loses an undue amount of the revenue which his capital earns by leaving its investment in other hands. It is further to be remembered that in several of the companies only a small proportion of the nominal value of the shares is called up, the balance being held as security for debentures. The shareholder thus makes himself liable for what may be his whole fortune for the sake of obtaining a very moderate yield upon the amount per share actually called up. In these cases it becomes very much a question whether the game is worth the candle—whether, in fact, the investor had not better run his own risks directly than lay himself open to the chance of being ruined in company with a body of copartners. In the past, we admit, there has been no necessity to make calls to satisfy debenture holders; but who shall say that such an experience is beyond the bounds either of possibility or of probability, especially in connection with the trusts which are large holders of South American bonds and shares? The point is one which no prudent investor can afford to ignore, and it is one that may at any moment present itself in very palpable form. Again, it is to be borne in mind that in most of the trust companies, which have so far been favored with prosperity, the cream of that prosperity has been taken by the holders of founders' shares, whose interest in a given company is infinitesimal in comparison with that of the general proprietary body and who would suffer little or nothing if the concern were to collapse to-morrow. We have so frequently dealt with the preposterous inequity of the founders' share principle that we need not enlarge upon the subject now, though it is emphatically one that investors in trust companies should consider very carefully. These are some of the disadvantages of the system which have to be set against the advantages of spreading capital over a variety of securities and thus minimizing the risks to individual holders and of the capacity to borrow for fixed periods at low rates of interest.

But there are two other phases of the trust business to which it is not inopportune to direct attention. We refer to questions of publicity in the matter of investments and of valuation in regard to the securities held. Many of the companies, as our readers are doubtless aware, publish no list of the investments made by the directors, and the shareholders are thus left in the dark as to the employment of their capital. Generally speaking, a proprietor has the admitted right—he always has the equitable right—of calling at the office and examining a list of the securities held; but even this privilege, if such it can be called, is withheld from the shareholders of the Preference Securities Trust. At a recent meeting one of the shareholders stated that an application to see the list of securities had been refused, and the chairman, Mr. Stanley Dent—a gentleman who is officially connected with five other kindred undertakings—justified the refusal on the ground that the information thus obtained might be put to an improper use. A company which adopts such a policy as this is neither more nor less than a "blind pool," and it is really surprising that a body of presumably intelligent shareholders should tolerate this kind of thing for a moment. And there is the other proceeding so generally adopted, of putting the securities down in the accounts at cost price and dividing profits wholly without reference to depreciation, which may and often does represent the loss of a considerable amount of the capital. We can not but regard this as a very dangerous practice to pursue, and if evil follows from it the shareholders in the companies will have themselves to thank. We do not, of course, hold that securities should be written up or down in the balance sheets in accordance with casual fluctuations in their market prices. But when there has been a fall, such as that in Argentina and other South American securities, which there is no prospect of being retrieved for years to come, if at all, a balance sheet based upon cost prices is most delusive.

[From the Economist, January 30, 1892]

LATER PHASES OF THE TRUST CRAZE

The disclosures which have been made recently with regard to the operation of some of the trust companies established within the past few years, and more especially in reference to the results of those operations, have naturally excited a good deal of interest not only among the shareholders directly affected but throughout the proprietary bodies of kindred undertakings. In the majority of these cases a policy of secrecy has been observed in relation to the investment of the funds with which the respective boards of directors have been provided, and in some cases any inquiry by a shareholder has been treated as a sort of impertinence. In the case of the Law Debenture Corporation, for example, the "temporary investments" made by the board have admittedly been of an unfortunate character, though their selection was the result of the combined wisdom of 18 gentlemen eminent in the legal profession, for on the sale of a portion of these investments a loss of about £10,500 was incurred, and the balance could only be realized at a depreciation of about £20,000. In other words, nearly 10 per cent of the sum invested has practically disappeared, and yet a shareholder who asked for a list of the securities held was met with a blank refusal. Another phase of the trust business was brought out in the action of the Trustees, Executors & Securities Insurance Corporation *v.* Sir John Pender, in which the directors of the corporation endeavored to make their ex-colleague responsible for the loss sustained upon an investment which he introduced, as if the very fact that a security was believed in by one member of the board could excuse the other directors from making proper inquiries. When one remembers how handsomely these gentlemen are paid to perform their duties, it is not a little surprising that such an action should ever have been brought, for the case was a public admission of the fact that the directors, as a body, had neglected an essential part of their duties. But a more glaring instance of the risks run by investors in the modern trusts has been furnished by the investigations of the committee appointed in December to inquire into the proceedings of the Imperial and Foreign Investment and Agency Corporation.

The committee's report shows that the corporation was formed in November, 1889, and that a sum of about £10,000 was spent in promoting it, that sum having been provided by the founders, apart from £2,142, which figured in the first balance sheet as preliminary expenses. The subscriptions received from the public up to December 2, 1889, were disappointing, amounting to 54,904 shares of £10 each, although the directorate was what it is the fashion to call a strong one, including Messrs. A. Balfour, B. J. Bosanquet, C. C. Case, C. S. Grenfell, A. A. Huth, and F. D. Sassoon. If the directors had been wholly free to act they would probably have decided not to proceed to allotment, but the money provided by the founders having been so largely dipped into, they appear to have fallen an easy prey to the broker who represented Messrs. C. de Murrieta & Co., and who agreed on behalf of that firm to subscribe for 12,000 shares if the corporation purchased from them certain securities. The bargain was struck, and the following securities, at a cost amounting to £252,571, were brought within market quotations from Messrs. Murrieta: £15,000 Costa Rica Government "A" 5 per cent bonds; £10,000 Entre Rios Provincial Government 6 per cent 1886 bonds; £25,000 ditto 1888 bonds; £10,000 ditto Central Railway 6 per cent mortgage bonds; £10,000 ditto extension bonds; £20,000 Argentine Northern Central Railway extension 5 per cent Government mortgage bonds; £20,000 Santa Fé and Reconquista Railway 5 per cent mortgage bonds; £20,000 ditto Western Central Colonies Railway 5 per cent mortgage bonds; £20,000 Interoceanic Railway of Mexico 6 per cent debenture bonds; £15,000 ditto 7 per cent preference (1,500 shares of £10 each); £5,000 Bieckert's Brewery 5 per cent debentures; £10,000 ditto (500 shares of £20 each); £20,000 Chignecto Marine Transport 5 per cent mortgage railway debentures; £20,000 ditto 7 per cent preference (1,000 shares of £20 each); £20,000 Cordoba Central Northern Section Railway stock; £7,500 Electricity

Supply for Spain (1,500 shares of £5 each); and £5,000 Costa Rica Railway 6 per cent second debentures.

A small portion of these securities was afterwards realized at a loss, but the bulk is still the property of the corporation, and shows a shrinkage of value of £114,358 as between the price at which the purchase was made and the medium stock exchange quotation of December 31, 1891. The total depreciation on the securities held by the corporation is said to amount at current market values to £205,000, and among the investments no return is being received upon stocks which cost about £200,000. These are, of course, very serious figures, and they prove conclusively that the shareholders were well advised in obtaining a thorough investigation into their affairs. The directors' reply to the committee's report was lame and inconclusive in the extreme, resting mainly on the ground that the events of the past two years could not have been foreseen.

Without going into the further particulars of these typical cases, certain broad considerations arise which call for the careful attention of the investing public. First, as to the policy of secrecy with regard to the investments held, which is so much in vogue. The directors of the companies adopting this policy demand that implicit trust shall be placed in their financial knowledge and judgment in return investors are entitled, at least, to demand that on the part of the directors the utmost prudence and care shall be exercised in the investment of the funds placed at their disposal. Can it be said, however, that the blind confidence the shareholders are compelled to place in the directorate has been justified by its results? That, we should think, no one will ever attempt to assert. The compact has evidently been a most inequitable one to shareholders, and those of them who consent to continue to act are only too likely to come to further grief. Secondly, it is to be borne in mind that if large profits are to be earned large risks must be incurred, and if large profits are not made, the founders obtain no return upon their capital, for it is obvious to the merest tyro in financial matters that the investment of a given amount of money in a variety of sound stocks such as a trust should hold will not produce an average net income of over 7 or 8 per cent per annum, the rates usually distributable upon the ordinary shares before the founders participate in the net earnings. The existence of founders' shares is, therefore, an incentive to the directors of these companies to engage in risky, speculative business, which but from motives of self-interest would be left severely alone.

Nor is it to be forgotten that when troubles arise and provision has to be made for temporary depreciation or actual loss, it is the ordinary shareholders primarily who have to submit to whatever sacrifices may be necessary, although with the return of the good times, which we all hope for, the profits which the capital of the ordinary shareholders may earn will be largely absorbed by those in whose interest the risky business, which has produced all the mischief, has been entered into. In the case of the Law Debenture Corporation, for instance, the net balance of £21,000, instead of being distributed among the ordinary shareholders, or written off on account of the depreciation shown in the value of the securities, was carried forward, and may in the future go to swell the return upon the founders' shares. It comes to this, that the very people who have been responsible for the inability of a company to pay a dividend may in the course of time benefit from the misfortunes which they have themselves created. Again, in the case of the Imperial & Foreign Investment & Agency Corporation, the reason put forward by the board against an application to the court for a reduction of the capital, is that the reduction would "unduly benefit the holders of founders' shares to the detriment of the deferred stockholders, and would likewise be disadvantageous to the holders of preferred stock." And the claim has been put forward, that in the event of a winding up the founders would be entitled to a moiety of the reserve fund. Thus, from first to last the influence of the founders' system is a most baneful one, and the sooner it is put an end to the better it will be for investors generally.

There is one other point to be mentioned. One excuse that has been put forward for refusing to publish a list of securities is that it would be unfair to disclose to the world the fact that the debentures of one or more companies had been taken by a trust upon certain terms, and we can quite understand this desire for secrecy in the light of the circumstances which have lately been made public as to the terms upon which some of these debentures have been subscribed for. If these are to be taken as typical instances, it is scarcely surprising that both parties to the transaction should be anxious to avoid publicity. But the public interest demands that these secret issues of debentures should be impossible, for the ordinary trade creditors of the undertakings issuing them are placed in a very disadvantageous position from being unacquainted with the real position of those with whom they are doing business. We have no desire to take up an unduly pessimistic attitude in reference to the trust companies and their methods; but it is highly desirable that the people who have invested so vast an amount of money in these undertakings should recognize the risks they are running, and determine, come what may, that they will not be participators in "blind pools," no matter how eminent and experienced the directors may be who have their money to deal with. The practice of living in a "fool's paradise" is never a satisfactory one, and it is especially to be avoided where important financial interests are concerned.

[From the Economist, December 8, 1894]

TRUSTS AS COMPANY PROMOTERS

After the painful experience of the past three or four years, it might have been thought that such of the so-called "trusts" as have not been brought to utter grief would have been taught the expediency of confining themselves to their legitimate business. Their proper function is to act as the medium through which investors, by having their risks spread over a large number of well-selected securities, may realize a somewhat better and more steady income than if they acted for themselves. But the great majority of them are not content with this modest but useful rôle. Eager to earn large profits for their founders, they adventured on the perilous field of company promoting and underwriting. And the disastrous results of that policy everyone knows. It has involved the loss of millions of money, has proved the ruin of hundreds of too credulous investors, and by destroying confidence, has done much to deepen and prolong the depression of trade, from which the whole country has suffered.

It was to be hoped that the lesson thus painfully taught had been taken to heart, and that this form of financial abuse had been checked once for all.

[From the Economist, June 1, 1895]

MOVEMENTS IN TRUST SECURITIES

Since we dealt at length with the movements in the prices of the principal trust securities in our issue of September 8 last, the appreciation in market valuations, which had then been going on intermittently since the close of 1893, has considerably increased, the recovery from the lowest points touched during the period of greatest depression having in several instances varied from 20 to 40 per cent. That such an improvement should have taken place is not surprising, for, on the one hand, the prices of stock exchange securities generally have advanced to a greater or less extent; and, on the other hand, with the restoration of confidence the better-class trust stocks have come in for a larger amount of attention from the investing public. There can be no doubt that the securities of many of the trusts were quite unduly depreciated a couple of years ago, when the Winchester House scandals were forcing themselves into prominence, and when, amongst unthinking people, the very name of trust had become a byword and a reproach. That the companies which had from their commencement adhered strictly to the principles upon which they were actually as well as ostensibly formed would sooner or later live down the effects of being classed with the "blind pooling" concerns which masqueraded under the title of trust was certain, more especially in those cases where investors have the means of ascertaining from their published lists what securities the companies hold, and the kind of provision that has been made for depreciation where depreciation exists. To some extent the appreciation which has recently taken place has been due to the larger profits earned, but for the most part it is based upon a more sentimental foundation.

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Many of the trusts still persist in withholding from the proprietors particulars of the investments held, though the number is considerably smaller than it was a few years ago, and in a few cases averages of the holdings are stated without full details; but, speaking generally, there is an evident disposition among those who conduct these undertakings, even of the less-assured character, to "forswear sack and live cleanly," the rise in market valuations generally having enabled them to realize stocks of doubtful permanent value, and thus to put their houses in order.

[From the Economist, March 19, 1898]

TRUST COMPANIES

The issue of the reports of a large number of trust companies for the year 1897 affords an opportunity of reviewing the present position of these undertakings. The underlying idea of a trust company, we have always conceded, is a good one, enabling the investor to spread his risk over a large number of securities giving a good average return, and thus avoiding the risk of serious or total loss involved in placing a limited amount of capital in one or two securities not of the first class.

The majority of the trust companies formed in such numbers about 10 years ago unfortunately failed to confine their operations strictly to this class of business, but undertook the flotation or underwriting of new companies and any financial business which promised to return a large profit. These operations, however, necessarily involved serious risks, and while they did for a time give handsome results, and created a temporary boom in the trust companies' stocks, they finally resulted in heavy losses, and in the case of some of the companies at least a narrow escape from complete disaster.

The directors, where they have not been ousted from office, have gained wisdom from experience, and, for a number of years past, the companies have in nearly all cases pursued a cautious policy,

and have undertaken little business beyond that of watching their investments, and weeding out from time to time the less desirable among the securities held. That, however, has proved a very difficult task, as the stocks were, in most cases, purchased at a period of inflation, and many of them having fallen into default, the companies have made very small distributions upon their deferred stocks, such surplus revenue as they have secured being required for writing off losses or depreciation.

[From the Economist, January 8, 1910]

The object of a properly managed trust company is to minimize the possibilities of loss in investment by spreading securities more widely than a single man can spread them and by obtaining the advice of able financiers as directors. The principle itself, which amounts to a kind of mutual insurance among investors, is undoubtedly sound; but we need scarcely point out that it may easily be abused, and that the success of a trust company must depend entirely on the management. Consequently it is essential before buying shares to look back at past history, see how the profits have fluctuated and how well the dividends have been maintained, and find the sort of price and yield that the market has generally provided in former years.

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In considering the shares of these trust companies investors ought to consider very carefully the allowance made for depreciation and the relation between the realizable and nominal value of the securities. The information provided in the reports is often not full enough to allow of detailed calculations, but wherever it is possible the list of shares held should be examined closely, as one ought to understand the nature of the companies' assets before buying its stock, and apart from a scrutiny of the published list an investor can not tell into what market he is really putting his money. For this reason a trust company that publishes a list of securities is always preferable to one that does not.

[From the Economist, March 4, 1911]

The investor who wants the stability which is given to investments by distribution of the risk over a large area yet does not wish to split his capital into trifling amounts, may always fall back upon the stocks constituting the capital of the trust companies themselves. Among these he will find securities returning various rates of interest up to 6 per cent, the debenture and preference stocks mostly being securities of a high order, while some of the ordinary and deferred stocks have good prospects of appreciation, yet return yields equaled by few investments of similar standing. On the other hand, there is a special amount of risk due to the fact that everything depends on the conduct and discretion of the directors.

[From the Economist, March 2, 1912]

TRUST COMPANIES' FINANCE

A trust company in the ordinary sense is nothing more than a company formed to buy investments with its capital for the sake of the income to be obtained from them. The investor in the stock of a trust company knows that his security is not represented by one or a dozen investments, but by stocks and shares of governments, municipalities, railways, and industrials in every part of the world where capital can earn an attractive rate. To the investor of moderate or considerable means the idea of handing his money to a group of persons to invest as they think fit, paying the expenses of an office, staff, and board of directors out of the income, may seem a rather foolish proceeding when the idea of a trust may be carried out in the holdings of an individual by selecting stocks in every market which appears to offer an attractive return. This view might be justified if the individual had the whole of his time to devote to his investments, and could constantly be changing or rearranging them. The control of a number of investments involves much trouble, even apart from the necessity of "watching" them, for out of the whole official list of industrials, or, in fact, any of the 5 per cent stocks, but a small proportion have not changed their form in some way or other within 10 years or so. The policy of spreading risks which has been so undeservedly boomed in recent years has undoubtedly something to recommend it in theory, but to the ordinary investor it is practically worthless. If he spreads his risks over 10, or even 20, mediocre investments to "raise the yield," instead of buying one really safe one, he but multiplies the chance of loss of a portion of his capital. Only by purchasing a very large number with risks distributed in each particular "geographical" selection can the effects of depression in a particular portion of the globe be minimized. In a trust company of quite moderate dimensions we find that the list of investments exceeds 300 different securities. How many individuals would care to be bothered with the holding of one-third of this number?

[From the Economist, March 8, 1913]

SOME TRUST COMPANIES

A trust company is based upon the principle of specialization in the art of investment. For this object a board of directors highly competent in finance and an experienced staff should be chosen, who will devote themselves to the care of the company's funds. It might seem that by the time the cost of administration had been met and the various officials properly remunerated for their ordinary work and for special tours to distant parts of the world the return to the shareholder would not be satisfactory. But the profit of judicious investment and the loss of foolish investment are both so large that expert advice is thoroughly well worth paying for, and a good trust company can provide them at a smaller rate per cent owing to the large capital over which the total cost is spread.

The two factors of most importance in the success of one of these companies are proper management and a favorable time for starting business. The company launched in a period of high stock exchange values should be avoided, for whenever a slump comes it will be faced with a large depreciation in its investments and the rash shareholder will have the unpleasant experience of seeing big slices of his capital written off. An intending investor should scrutinize with great care the list of persons in control; he should estimate the qualifications, examine the history and success of other undertakings with which they are connected, and generally satisfy himself that they are competent to be trusted with his money. Their good management will show itself in the judicious selection of investments. The class of business is what Mr. Withers describes as "speculative investing," or the combination of high yield with capital appreciation. An investment trust searches for intrinsic values and picks up securities which have fallen out of public favor to keep them until the return of popularity. A slump in any particular market provides opportunities to these concerned who make bargain purchases to be turned over at a profit after the renewal of confidence. In the same way during trade depression the trusts will buy industrials at cheap prices, which can be realized at the height of the returning boom. They hold freely debenture, preference, and ordinary stocks, and when their fixed interest-bearing securities are depreciating they stand to gain on their ordinary capital investments. In addition to making profits in this way there is a source of revenue closed to the ordinary investor but open to trust companies in the underwriting of new issues. This is a very profitable business, for if the public subscribes in full the trust simply takes the commission, without having advanced any money, but even if the issue is a failure the company has an investment from whose cost is deducted the underwriting commission and the profit on that portion which went to the public.

Thus, if an issue is made on which the commission of underwriters is 3 per cent, and of which one-half is taken by the public, a trust company obtains its stock at six points discount on the issue price. It is often in a position to take a profit on this at once, but if it decides to retain it as an investment the book value is low. This explains the leaning of trust companies toward new issues, and it may be added that the expert advisers of these companies know far more about the prospects of a new issue than the uninstructed public is able to learn from the prospectus.

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Trust companies passed through troublesome times in the nineties, and many were compelled by the Baring crisis and other adverse circumstances to reduce their capital. Much was learned, however, from adversity, and the quality of management has improved considerably. The "canny" Scot, as was perhaps to be expected, has shown himself successful in this form of enterprise, and Scottish companies are, on the whole, in a stronger position than English ones, but the unfit are now practically eliminated.

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A trust company is not bound to make good depreciation in the value of its capital assets out of the revenue of the year before declaring dividends, but in the interests of sound finance it is clear that depreciation due to loss of earning power ought to be made good; any further depreciation allowances will enhance the dividend prospects of the company as a whole. Trust company valuations individually may perhaps teach the shareholder very little; they may, in fact, be misleading. This view was put forward by Mr. P. W. Campbell, the chairman of the largest and most successful Scottish investment company, in the following words: "I am one of those who think it rather a pity to lay emphasis on valuations made at any particular date. All such valuations are, I think, misleading when values are abnormally high, as they sometimes are, and equally misleading when values are abnormally low, as we may fairly say was the case at December 31 last." This is perfectly true. Nevertheless, the trust company shareholder sometimes has a little intelligence himself, and regular valuations show him whether a particular company's affairs are being conducted with success, especially if he is able to compare its record of a few years with those of similar concerns.

[From the Economist, May 31, 1919]

INVESTMENT TRUST COMPANIES AND WAR FINANCE

Among securities of a purely investment character, it would be difficult to find a group with a better record of stability, once the

initial effects of the outbreak of war had spent themselves, than the stocks of well-managed investment trust companies. In the first year of war, dividends in several instances were reduced, and there was a consequent fall in the prices of the ordinary stocks, but since then the dividends—though in one or two cases still below the immediate pre-war distributions, have been steadily rising, so that as compared with, say, two years ago, the prices of investment trust company ordinary stocks are generally substantially higher, though the prices of gilt-edged stocks have depreciated during the same period. The prices of the debenture and preference stocks, too, though affected by the general fall in security values, have derived support from the fact of the larger margin of security provided by the growing ordinary dividends and the better quality of the investments behind them, and, in the majority of cases, show an improvement in value.

Chief, perhaps, among the factors affecting trust companies during the war period was the treasury scheme for mobilizing American and other securities for the support of the foreign exchanges. Trust companies were particularly large holders of such stocks, and on such of them as they have lent to the treasury they have received the extra one-half per cent interest. The treasury, however, was particularly anxious to purchase outright large quantities of American stocks, and therefore negotiated for the acquisition of the greater part of those owned by the trusts. Some of the companies were not too keen on turning over a big proportion of their assets and finding fresh investments, but they have not suffered in the result. A large part of the capital previously in American stocks is now in British Government securities, on which the return is as good or better than on the American stocks, because the latter, in a good many cases, included a few nondividend payers. The effect, on the whole, was to provide the companies with free capital just at the time when it could be invested to the best advantage, whereas in normal times such conditions necessarily imply an unfavorable market for the raising of new capital by the companies.

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One word of warning may not be out of place, now that the Stock Exchange is becoming more active and, owing to the removal of new capital-issue restrictions, any kind of scheme may be put before the public so long as the capital is not to leave the country. The trust company principle is sometimes abused by individuals wishing to secure command of capital for furthering their own plans or to enable them to saddle the investor with their own "lame ducks." A successful trust company is the work of years of careful and honest investment by its directors, whereas a new one comes before the investor with no such record. Therefore an investment in the securities of any new venture simply means that money is being handed to its directors for them to employ practically as they please.

[From the Economist, April 11, 1925]

INVESTMENT TRUST COMPANIES

The advantages of the investment trust company are gradually beginning to be realized by small investors. For many years it has been a popular form of investment with those who were able to discover the favorable position in which such undertakings were placed. As Viscount St. Davids, at the recent annual meeting of the Premier Investment Co., pointed out, in referring to the successful progress made by investment concerns, "The investor in any one of these companies does not run any one overwhelming risk; there is no huge investment that might wreck the company if it went wrong. Secondly, their investments are spread about in a great number of different countries; and, thirdly, the money is put into investments of very many different kinds, the result being that the risks are successfully and widely spread. Then I should say that another reason of this success is that the investments are made by men who have learned the investment business, and are more or less experts. You may say, 'But a private individual may do just as well.' Of course, he may do just as well if he is an intelligent man and gives a great deal of thought to his investments—in fact, if he does with his own private investment what the directors of an investment trust do with other people's money. But even then the private investor has two disadvantages as compared with the investment trust. The first is that many of the best things are offered privately to the investment trusts before they are put upon the market; and the second is that, as regards a great number of securities, the investment trusts are able to get into them by underwriting, and, therefore, they get them at lower prices originally than the outside investor is obliged to pay."

EXHIBIT F

[From the New York Telegram, February 7, 1928]

STATE OFFICE USED TO HELP TRUST STOCK—"AMATEURISH" SURVEYS BY OTTINGER'S STAFF HAVE WIDE DISTRIBUTION—USEFUL IN SHARE SALES—PASS JUDGMENT ON INVESTMENT COMPANIES, THOUGH EXPERTS HESITATE TO DO SO

By Carl Randau, New York Telegram financial writer

Through nation-wide distribution of partial and amateurish surveys of investment trusts, Attorney General Ottinger has permitted his office to be used, apparently unwittingly, to tout individual security issues, an investigation by the New York Telegram reveals.

Three times in less than three months supposedly authoritative, yet vitally different surveys have been published by the State. The first contained praise primarily for one class of trusts and for particular members of that class. It also contained unfavorable observations about another class of trusts and of particular members thereof.

The second report, which was merely a slightly altered version of the first, withdrew several of the unfavorable references. The third report, published as a "supplemental" survey, contained numerous important modifications in the statements concerning the trusts which had been more or less reflected upon in the original report.

TRUSTS USE REPORTS

The first report was useful to one group of trusts in backing up their sales literature, while the third is now being used by another group.

Though broadcast with the "compliments of Albert Ottinger, attorney general, State of New York," the surveys were not actually prepared by him. Immediate supervision of the job was intrusted to Timothy J. Shea, assistant attorney general, in charge of the bureau of securities of the State department of law.

When requested by the Telegram to explain the alteration in the reports, Shea at first refused to be quoted, a position from which he relented only slightly.

"I wish the reports to speak for themselves," he said. "I am proud of them and stand by everything they contain. While I welcome a full and free discussion of the whole subject, I think I have had my say in the reports."

Shea brushed aside discussion of particular changes in the reports. It was made clear that he sees no impropriety in his action of compiling official documents in such a manner that they lend themselves to private exploitation.

He prides himself on conducting his office without regard to precedent and consequently is little interested in whether his office or other offices of the State have previously made a practice of boosting or discrediting private legitimate ventures.

ACCEPTED AS VALUABLE DOCUMENT

Shea apparently attaches little significance to the fact that the first report was much more widely distributed than the "supplemental" report. Instead he is particularly pleased to find that many State officials, economists, and writers have accepted the original report as a document of great value. Whether they all learn of the subsequent changes is not a matter of serious moment.

When all three reports are studied together there is revealed an interesting succession of modifications.

The first of the surveys appeared in the middle of November. It was followed only a few days later by a corrected version. The third came from the press early in January, but did not receive its widest distribution until the past few days.

The surveys, or at least the first of the lot, purported to represent a dispassionate and comprehensive report on the problem of the investment trust in all its varied forms. As such it was expected, among other things, to be of use to the legislature in the framing of new laws. The second and third versions bear evidence of attempts to escape from hasty conclusions in the first.

Actually the three have been described as a gossipy collection of observations, with unnecessary comments concerning the merits or demerits of individual private enterprises.

FAVORS DISCRETIONARY TYPE

In addition to passing out quite freely verdicts on individual organizations, the authors of the reports also undertook to sit in judgment on the various types of investment trusts.

Many of the bankers and legal experts of Wall Street still hesitate after years of investigation to express definite opinions on what should be the proper activities of investment trusts, nor have they been able to agree on definitions. The representatives of the State, however, displayed no such hesitancy.

Shea and his assistants, after investigating the problem a short time, expressed themselves in favor of investment trusts of the discretionary or management type as opposed to the fixed or semifixed types.

They found, among other things, that the cost of raising capital for the fixed or rigid trusts was higher; that the possibilities for loss were greater; that they afforded their promoters unusual opportunities to unload stock acquired at lower prices, and that there were many weaknesses in their trustee agreements.

This emphasis on the dangers, real and imagined, surrounding the fixed or rigid trusts was offset by no little praise of the good points of discretionary, or management, trusts.

BOTH HAVE GOOD FEATURES

Thus the State reserved its severest criticism for the trusts which largely eliminate speculative features and possible errors of management and its freest commendation for those which must forever depend on the judgment and trading ability of their executives. Actually, of course, both types have highly commendable features.

Furthermore, an effort was made to show that the United States Government favors the trading type of trust. It so happens that in 1922 a former assistant director of the Bureau of Foreign and Domestic Commerce was sent to London and Edinburgh by the Department of Commerce to investigate and report on investment trusts.

From this routine action by the Government the following far-fetched conclusion is drawn: "It would appear, therefore, that the influence of the United States Department of Commerce has been in the direction of the general management type of investment trust."

The United States Government has also sent men abroad to study and report on the Japanese beetle.

The State's report not only rendered assistance to certain discretionary trusts and interfered with the sales of fixed trust issues, but was accepted throughout the country as an important and authoritative document.

MANY ASK FOR REPORT

According to the attorney general, "a veritable flood of requests for copies of the document overwhelmed the various branches of the State department of law."

Some of the places the first report was read with avidity may be learned from the attorney general, who comments as follows on the demand:

"From the governors of the Federal reserve banks they came; from investment trust associates in every State in the Union, Canada, and England, the cradle of this form of investment enterprise; from the various securities commissions and law departments of the several States; from the universities scattered over the country, with pressing demands from the directors of their departments of economics.

"From business associations and aggregations of every character, banking, industrial, public utility, mercantile; from chambers of commerce and boards of trade in every section of the country; from editors of publications devoted to business discussions; from authors of books and dissertations upon economic subjects; from students pursuing the academic as well as economic curricula, eager for information for incorporation in theses; from legislators within and without the State, judges and magistrates; from every source they came, and in such profusion as to tax the facilities of the department of law to meet the response."

ACCEPT REPORT WITHOUT STUDY

Business and financial leaders in Wall Street also in many cases have accepted the report as authoritative, sometimes without study, simply because it was issued by the State.

But even while these reports were being sent out as representing the State's best effort in a thorough study of investment trusts the attorney general's staff was compiling a supplemental report.

The extent to which statements contained in the first report were subsequently modified will be discussed in a second article to-morrow.

EXHIBIT G

[From the New York Wall Street Journal]

UTAH INVESTMENT TRUST SECURITIES RESTRICTED—STATE COMMISSION ISSUES REPORT REQUIRING COMPLETE PUBLICITY OF PORTFOLIO AND APPROVAL OF SUBSTITUTION

The Utah Securities Commission has issued a report enumerating requirements which must be complied with before investment trust securities can be qualified for sale in Utah. Among these requirements is that whenever substitution is made in trusts of the discretionary type the trust managers must obtain the approval of the commission before they can continue the sale of shares.

A complete list is required of the holdings in the portfolio of the investment trust and statement of the current value of such holdings, together with the name of the exchange on which each holding is listed and a statement relative to the distribution of such holdings, together with the volume of trading during the last three months prior to purchase of such holdings.

A full statement of all substitutions made must be filed annually, such statement to include prices received for the security sold and the prices paid for the securities purchased, together with the dates of the transactions. This is intended to determine the efficiency of the discretionary power.

A statement showing separately the income of the trust from interest and dividends on the securities and other property held, and the income to the trust incident to trading operations also must be filed annually. Against this statement of income there must be set up a statement of all expenses incurred, including costs of administration, brokerage, and commission charges for trading; payments, if any, for supervisory service or investment advice, and taxes deducted from gross profits. These figures will determine definitely the advantage to the investor measured in income from trading profits over and above the return to the trust from interest and dividend income on securities held.

A statement is necessary showing how the price of trust shares or certificates of beneficial interest issued against the stock deposited with the trustees is arrived at. This statement must show whether a percentage or a definite sum in dollars and cents is added to the aggregate value of the deposited property to determine the aggregate selling price of the shares, or certificates, issued against each unit. This also should show the amount figured into the selling price for brokerage and commissions in purchasing the underlying stock.

Whenever a substitution is made a statement must be made setting forth consistent reasons for such substitution.

EXHIBIT H

[From the New York Wall Street Journal, December 11, 1927]

INVESTMENT TRUST RULING—CALIFORNIA ORGANIZATIONS MUST SUBMIT QUARTERLY STATEMENTS OF CONDITION, COMMISSIONER ANNOUNCES

(Special to the Wall Street Journal)

LOS ANGELES.—Organizers of investment trusts in California henceforth must agree to furnish stockholders and State corporation commissioner with financial statement every three months, according to decision of Corporation Commissioner Jack Friedlander. Financial statement which will be furnished newspapers by commissioner must show all securities bought or sold during three months' period, stocks, or other securities held at end of quarter, their market value and purchase price.

Commissioner is also considering question of underwriting fees and organization profits in connection with formation of investment trusts, number of which have increased in the past year and may decide on arbitrary fee limited to 10 per cent of amount invested. Commissioner's action is believed to be the first adopted by any State to give full publicity to operating investment trusts in effort to curb mismanagement of investors' funds.

* * * * * * *

EXHIBIT I

[From the Wall Street Journal, November 30, 1927]

REGULATING INVESTMENT TRUSTS

(Editorial from Boston News Bureau)

It is a fine thing to lock the stable door before the horse is stolen. One might also foil the thieves by hamstringing the horse. Which is the distinguished attorney general of New York proposing to do in his suggested measures for regulating investment trusts?

As Boston has been something of a pioneer in the investment-trust field, and as New York is necessarily the leading market for investment-trust securities, Mr. Ottinger's proposals have been read with interest by Boston bankers. Briefly, he would have legislation placing investment trusts under supervision of the State banking department, liberalizing the tax laws with regard to such institutions, requiring investment trusts to deposit a minimum forfeit in New York State or United States Government bonds with the State, and limiting the power of investment trusts to issue bonds.

All this sounds like a set of regulations for a banking institution. Emphatically the investment trust is not a bank. The individual who demands extreme safety for his funds, a fair rate of return, and ready availability may satisfy his requirements through the mutual savings bank. In New York as in Massachusetts he will find an abundance of such institutions ready to serve him.

The investment trust, on the contrary, is a pool of funds to be invested on behalf of a large number of investors by a more or less expert management. It offers investors a greater degree of diversification and in general more careful supervision than they could possibly obtain with their own funds. As in any business enterprise an investment in such a venture will fluctuate in value largely in accordance with the ability of the management. Barring fraud, however, it is difficult to conceive of any such losses in an investment trust as may overtake the investor in, say, an industrial enterprise.

Discussion of the Ottinger proposals is certain to serve a good purpose. Having grown from practically nothing to $600,000,000 of assets in a few years the investment-trust movement has taken on something of the aspect of a boom. Under these conditions there is a tendency on the part of some investors to regard the investment trust as a mysterious instrument for assuring profits of 10 per cent per annum or more without risk. There is likewise a temptation to the unscrupulous to enter a field in which public interest is so keen. If public attention is directed to the fact that something more than the name "investment trust" is needed to assure character and competence in management, much good will have been accomplished.

It is a matter for congratulation that so thorough an investigator as Attorney General Ottinger has found no evidence of fraud in investment-trust financing or management to date. With the Martin Act behind him he is amply equipped to deal with it if it should arise. Since he is so equipped, is haste needed in enacting restrictive legislation? We have seen plenty of examples of the evil of overregulation by government in other fields. It would be unfortunate to hamper unnecessarily the development of so valuable an instrument of finance as the investment trust.

EXHIBIT J

[From the New York Journal of Commerce, November 30, 1927]

THE INVESTMENT TRUST SITUATION

Announcement that the joint legislative committee on banking investments will not take action upon the proposed plan of reform or regulation of investment trusts, which has been prepared by the attorney general's office, will naturally be received with some mixture of feeling by the community. Undoubtedly many bad investment trusts have been formed, and equally clearly many trusts which mean quite well have been employing unsound or objectionable tactics in the development of their business. The need of better and more honest methods is incontestable.

Two doubts, however, assail the nonpartisan observer who looks into the situation. One is the question whether the situation is ripe for legislative treatment. The incomplete and half-baked character of the recommendations recently made in the attorney general's investigation and the apparent lack of understanding of investment-trust principles which prevails in many quarters show that the principles of investment-trust management, whether understood by experts or not, have at all events not been sufficiently worked out to find acceptance on a general basis. Legislators find it hard enough to legislate carefully when there is pretty general acceptance of fundamental ideas in a given field.

The other doubt which must trouble many a mind relates to the question whether we have not already plenty of law on this subject. The investment trust is, in effect, a kind of trust company, and there is a good deal of argument in support of the view that the best supervision over our investment trusts will be that which comes from wise examination by the banking department. That the banking department has quite adequate power to do this work is the opinion of not a few persons. If so, the exercise of such power is the quickest and probably the most effective way of succeeding. It should result in compelling investment trusts to be sincere with the public, and that is the main requisite.

While doctors are thus disagreeing, the prospective investment trust patron or investor will do well to make a careful study of what he is purchasing and make up his mind accordingly.

Mr. DICKINSON of Iowa. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. SNELL having as Speaker pro tempore assumed the chair, Mr. TREADWAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 11577) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes, had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. STEVENSON, at the request of Mr. HARE, for three days, on account of illness.

To Mr. WARREN, for one week, on account of death in his family.

FARMERS' PRODUCE MARKET

Mr. HARE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill recently passed by the House providing for a farmers' wholesale produce market by printing a statement signed by commission merchants of this city with reference to the location of that site.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. HARE. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

FEBRUARY 13, 1928.

To the honorable COMMISSIONERS OF THE DISTRICT OF COLUMBIA:

A petition appeared in the public press of Saturday purporting to be signed by a certain group of commission merchants, in which it was stated that they have made arrangements to acquire the Patterson tract and intend to locate their business houses there when they are required to move from their present location.

This is to notify the Board of Commissioners and Congress that the undersigned commission merchants and wholesalers of perishable food products, representing the bulk of the wholesale business in market supplies of the city of Washington, do not consider the Patterson tract suitable for a wholesale-market area and do not propose to locate there.

The report to Congress made by the Board of Commissioners on December 15, 1927, under an act passed March 3, 1927, disapproved the Patterson tract with this conclusion:

"After a careful review of all available data bearing upon the subject, the conclusion has been reached that the following sites should be eliminated from further consideration, namely, * * * Eckington site No. 3 (Patterson tract).

"It is believed that the foregoing locations are not reasonably adapted to the needs of a farmers' market because of remoteness or lack of adequate transportation facilities, and also because there is no reasonable probability that there would be established adjacent to any one of these locations a general wholesale produce center."

The promoters of the plan to locate market houses on the Patterson tract state that it is their purpose "to establish a modern marketing community, with each of the related groups properly placed and with adequate provision for the future growth of all units, and we request your cooperation in creating a food handling and distribution terminal commensurate with the size and dignity of the city * * *."

It is of prime importance to the public that the wholesale market houses be located at a railroad terminal where carlot receivers of perishable freight can deliver direct from the cars and eliminate the high cost of drayage and rehandling. This would reduce the price of food sold at wholesale and at retail. Otherwise this cost must be passed on to the ultimate consumers. There are no freight rail facilities into the Patterson tract and there is no probability that there ever will be.

It is true that the Patterson tract is close to the union passenger station but the fact is that the bulk of perishable freight delivered in this city from the South, North, and West is unloaded at the terminals in southwest Washington.

Passage to and from the Patterson tract is limited to Florida Avenue, which already carries very heavy traffic movement during business hours, and if a wholesale marketing center were established there the resulting congestion on this one artery would demoralize the operation of market functions.

It is claimed that the Patterson tract is close to the center of population and close to the center of the buying public. In reference to this it is to be noted that the buyers for the market stores, hotels, restaurants, and other large users of perishable food products who regularly patronize the wholesale market houses and the farmers' market have strongly urged the concentration of a wholesale food area in southwest Washington adjacent to the rail and water terminals and the municipal fish market, where they can organize their quantity buying on the most economical and efficient basis.

It must be apparent that the dealers who have been prevailed upon to sign the petition for your cooperation in developing the Patterson tract for wholesale marketing purposes were not actuated by a sound belief that it is the logical place for this business, but rather by the hope of big profits or bonuses through the promotion of a speculative land deal which could not possibly work to the general benefit of Washington and should not have the sanction of the board of commissioners or of Congress.

It has been generally conceded that the wholesale market for perishable food, including the farmers' market, ought not be disrupted and scattered over several sections of the city, but for economy of operation should be concentrated in a wholesale food area having all necessary facilities for this purpose.

In accordance with this natural alignment it is the intention of the undersigned merchants representing all branches of the wholesale perishable food industry to locate their business houses in the approved area of southwest Washington.

W. W. Leishear & Son, by W. J. Leishear, 915 B Street NW.; Ernest M. Merrick, 939 B Street NW.; Clowe & Davis, by George W. Davis, president, 903 B Street NW.; William O. Shreve & Sons, 935 B Street NW.; Max Shapiro, 929 B Street NW.; Harry Shapiro, 908 Louisiana Avenue NW.; National Fruit Co., by Salvatore Scalco, 921 Louisiana Avenue NW.; Sam Neidorf, 901 Louisiana Avenue NW.; B. Uhlfelder, 903 Louisiana Avenue NW.; Columbia Fruit & Candy Co., per Ray Ambigi, 909 Louisiana Avenue NW.; J. A. Kaminsky, 905 Louisiana Avenue NW.; Mike Falcone, 907 Louisiana Avenue NW.; Standard Fish & Produce Co., by R. W. Weeks, 918 C Street NW.; J. B. Smith, country line; Wilson & Rogers (Inc.), 219 Tenth Street NW.; National City Dairy Co., 6 Wholesale Row; Potomac Butter Co., 308 Tenth Street NW.; D. C. Butter Co., by M. Kessler, 905 Louisiana Avenue NW.; Joseph Atkin, 205 Seventh Street NW.; Clark M. Kinney, 905 Louisiana Avenue NW.; Beatrice Creamery Co., 308 Tenth Street NW.; Carlin Creamery Co., 607 B Street NW.; William F. Huhn & Co., 201 Seventh Street NW.; H. H. Field & Co., 219 Tenth Street NW.; Gale E. Pugh & Co., 927 Louisiana Avenue NW.; Claxton Poultry Co., by D. L. Claxton, 928 Louisiana Avenue NW.; Troshinsky Bros., 927 Louisiana Avenue NW.; J. Pevenstein, 907 Louisiana Avenue NW.; Faunce & Brooke Co., 911 Louisiana Avenue NW.; W. F. White, 931 Louisiana Avenue NW.; Gus Wallerstein, 931 Louisiana Avenue NW.; The Hickman Co., 933 Louisiana Avenue NW.; Krey, Price & Co., 933 Louisiana Avenue NW.; Virginia Poultry Co., 211 Tenth Street NW.; Loudoun Produce Co., 924 C Street NW.; Manassas Produce Co., 207 Tenth Street NW.; Simons Produce Co., 210 Tenth Street NW.; James M. Beasley, jr., 915 Louisiana Avenue NW.; William F. Johnson, 914 Louisiana Avenue NW.; National Hotel Supply Co., 8 Wholesale Row.

HOWARD UNIVERSITY

Mr. TARVER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD relative to the conference report on the Interior Department appropriation bill, acted upon on yesterday.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. TARVER. Mr. Speaker, it may be accepted as a primary rule of logic that a proposition which is just does not require misrepresentation in its defense.

The Howard University appropriation has been acted on favorably by Congress (without statutory authority, however) for so many years that its propriety is accepted as a matter of course, and it is doubtful if many Members of the House have examined and analyzed the arguments by which it is sought to justify it.

I intend to discuss only one feature of these arguments at this time, and that, in the main, only in so far as it unjustly reflects upon my own State.

On February 28, 1928, the conference report upon the Interior Department appropriation bill was called up in the House for consideration, and the previous question being ordered immediately no opportunity was afforded for debate. In connection with that report the House passed upon the Senate amendment appropriating $390,000 for Howard University for negroes, in Washington.

Under leave granted to extend his remarks, the gentleman from Michigan [Mr. CRAMTON] has inserted in the RECORD on pages 3821–22 certain alleged statistics relative to the distribution of Federal funds appropriated for educational purposes as between whites and negroes in 17 States of the Union. It is the evident purpose to justify appropriations to Howard University upon the theory that negroes are discriminated against in the allocation of funds appropriated by the Federal Government for educational purposes, and the Southern States, with a few northern ones in which separate educational institutions are maintained for whites and negroes, are used to illustrate the contention. The alleged statistics, among other errata, contain the statement, in effect, that for "four-year collegiate education" the Federal Government appropriates $571,296 to the State of Georgia, and that of this amount the negroes receive the benefit of only $19,667.

The statistics purport to have been furnished by Howard University. Alleging their fallacy as I do, I think it advisable to call attention, first, to certain other statistics furnished heretofore by this institution to the Committee on Education, which has reported H. R. 279, intended to legalize appropriations to that university.

It should be noted in this connection that the Committee on Education, of which I am a member, in reporting H. R. 279 has relied entirely upon statements made by educators representing Howard University for its facts; and at the present session of the Congress declined to have hearings on the bill, although 12 members of the committee were new and did not participate in previous hearings, but upon the basis of 1926 hearings on a similar measure consisting, except for a short introductory statement by Mr. CRAMTON, entirely of statements by two representatives of Howard University, reported the bill favorably.

As indicating the nature of the information upon which the committee relied, I desire to incorporate in my remarks a statement addressed by me to the chairman of the Committee on Education, with attached exhibits:

Hon. DANIEL A. REED,
Chairman Committee on Education,
House of Representatives.

MY DEAR MR. REED: Under permission granted me by the committee, I desire to file the attached documents to be incorporated in the record of hearings had on H. R. 279, a bill to amend section 8 of the act incorporating Howard University.

It will appear from the record that hearings had by the committee during the Sixty-ninth Congress on H. R. 8466 and H. R. 393 were considered upon the hearing relative to the instant bill. The documents are offered with reference to statements appearing on pages 19 and 20 of the hearings had during the Sixty-ninth Congress to the effect that Congress appropriated $3,759,742 directly to schools and colleges in the South through the Department of the Interior; that of this sum only about $150,000 is allocated to colored schools; that at least $625,000 should be so allocated; and that there is discrimination against the negro in the allocation of such funds in the South. These statements were made by Doctor Durkee, president of Howard University. Incorporated therein at the top of page 20 of said hearings appears a list of universities alleged to be southern universities, with figures opposite each one alleged to show amounts received by them from the Federal Government. In this list of "southern" universities appears Delaware College, Montana and New Mexico Colleges of Agriculture and Mechanic Arts, Utah Agricultural College, Oregon State Agricultural College, the University of Arizona, the West Virginia University, two colleges in Oklahoma, as well as universities and colleges in Kentucky, Maryland, and Missouri.

To confute the charge of unjust discrimination against the negro in the allocation of Federal funds appropriated directly to Southern universities and particularly with reference to Georgia, I attach hereto:

1. A statement from Chancellor Charles M. Snelling, of the University of Georgia.

2. A statement from Hon. John J. Tigert, Commissioner of Education.

In lieu of attaching copies of the documents referred to in Commissioner Tigert's statement, I digest tables 11 and 25, pages 36 and 69, "Land-grant Colleges, 1925," which show:

17 States (including 11 States usually referred to as the South, and in addition, Delaware, Kentucky, Maryland, Missouri, Oklahoma, and West Virginia) received from Morrill-Nelson (land-grant college) funds for fiscal year ending June 30, 1925	$850,000.00
Received by colored institutions in States named	250,365.18
14 States (excluding from States above named, Delaware, Oklahoma, and West Virginia) received	700,000.00
Received by colored institutions in said 14 States	225,365.18
11 States (excluding Delaware, Kentucky, Maryland, Missouri, Oklahoma, and West Virginia from the 17) received	550,000.00
Received by colored institutions in said 11 States	204,990.18

Respectfully.

M. C. TARVER,
Member of Congress Seventh Georgia District.

UNIVERSITY OF GEORGIA,
OFFICE OF THE CHANCELLOR,
Athens, Ga., January 28, 1928.

DEAR MR. TARVER: I beg to acknowledge the receipt of your telegram of to-day and in reply would say that I have always understood that under the first Morrill Act, that of 1862, the entire proceeds came to the University of Georgia and have been used by this institution since that time, except the $2,000 per annum appropriated by our trustees to the North Georgia Agricultural College as a part payment of the salary of the president of that institution. As for the share of the negroes in the funds arising from that act, the State of Georgia agreed to appropriate the sum of $8,000 per annum for the use of the Negro race. This money first went to the Atlanta University and later on was transferred to the Georgia Industrial College at Savannah, a part of the University of Georgia system.

When the question of an equitable division of the funds from the Morrill-Nelson Act of 1890 came up, there was more or less discussion and the question was finally settled to the satisfaction of the Federal Government, the division to be made as follows: Two-thirds to the University of Georgia for the whites and one-third to the Georgia Industrial College for the negroes. This division, which was agreed to by the Government more than 30 years ago, has been adhered to since. These funds are now divided as follows: To the University of Georgia, $33,333.34; to the Georgia Industrial College, $16,666.66.

It was pointed out at the time this basis of division was agreed to, and it is true now, that the cost of providing adequate instruction for the negroes was much less than that of procuring similar services for the whites and that under the terms of the division agreed on the negroes would get equal educational facilities for the amount of money thus distributed. It was also shown that the relative demand for this type of education was much less among the negroes than among the whites and thus called for the expenditure of less money relatively.

I call your attention to the fact that the colored population of Georgia is but very little more than one-third the total population of the State, and that on population basis the present practice of division is equitable.

The State of Georgia has been appropriating for a number of years the sum of $10,000 per annum to the Georgia Industrial College. Last summer the State provided in the general appropriation act for that institution the sum of $57,666.66 for the year 1928 and a similar sum for 1929. Thus it is seen that the State has increased its appropriation for the maintenance and support of the college for negroes nearly six times the original sum. The requests of the trustees of that institution, acting in conjunction with the department at Washington, were fully met by the General Assembly of Georgia.

Trusting that this will give you the information desired and assuring you of my appreciation of your interest in the institution over which I have the honor to preside, I beg to remain,

Yours very truly,

CHAS. M. SNELLING, *Chancellor.*

DEPARTMENT OF THE INTERIOR,
BUREAU OF EDUCATION,
Washington, January 30, 1928.

Hon. MALCOLM C. TARVER,
House of Representatives, Washington, D. C.

MY DEAR MR. TARVER: The Secretary of the Interior is charged with the supervision of the administration of the funds received by the several States through the provision of the Morrill-Nelson Acts of 1890 and 1907.

The division of these funds is fairly stable and has been practically unchanged since 1918. Each State, Alaska, Hawaii, and Porto Rico receive $50,000 annually under the Morrill Act of 1890 and the Nelson amendment of 1907, totaling $2,550,000 each year. In Georgia the provisions of the act were accepted by a joint resolution approved November 26, 1890, and Section XVII provides that one-third of said fund shall be for the colored students. The division of the funds between institutions for white students and those for colored students in States where a distinction is made in the admission of white and colored students was proposed by the individual States and was approved by the Secretary of the Interior, except in the case of South Carolina. The division proposed by South Carolina was not deemed equitable by the Secretary of the Interior, and that State was not certified for any funds, until Congress enacted a law authorizing the payment of the funds, notwithstanding the objections of the Secretary of the Interior thereto.

We have forwarded under separate cover two publications (marked copies) "Land-Grant Colleges, 1925" and "Federal Laws and Rulings Affecting Land-Grant Colleges." The former shows the division of the Morrill-Nelson funds between institutions for white and colored students (p. 59); the actual funds are shown on page 36 (white) and page 69 (colored). The latter publication (pp. 5–10) gives the Morrill-Nelson Act in full with rulings.

Information on other Federal funds appropriated for the land-grant colleges should be obtained from the departments which supervise the expenditures. The Smith-Hughes funds are in charge of the Federal Board for Vocational Education and the Hatch-Adams, Smith-Lever, and other funds are controlled by the Department of Agriculture.

Cordially yours,

JNO. J. TIGERT, *Commissioner.*

It will be observed from reading the statistics furnished by the Bureau of Education that instead of $3,759,742 being received by southern colleges and universities through the Department of the Interior, as alleged by Doctor Durkee, only $550,000 is annually received by colleges and universities in the 11 Southern States in which the bulk of the Nation's colored population resides, of which $204,990.18 is allocated to negro institutions, instead of only $150,000 out of nearly $4,000,000, as charged. If Missouri, Kentucky, and Maryland are included, the proportion allocated to negro institutions is $225,365.18 out of a total of $700,000. It will be observed that the 11 Southern States referred to have a total white population according to the statistics submitted by the gentleman from Michigan [Mr. CRAMTON] of 17,029,013, and a total colored population of 8,055,760. The colored population is approximately 32 per cent of the total; the colored institutions are allotted approximately 37 per cent of Federal funds appropriated for educational purposes through the Department of the Interior, so the charge of discrimination made before the committee against Southern States in the allocation of educational funds received through that department falls to the ground.

The representatives of Howard University, abandoning as it seems the position taken by Doctor Durkee, have furnished to Members of Congress, or at least to the members of the Committee on Education, certain alleged statistics which do not purport to relate only to Federal funds for educational purposes disbursed through the Department of the Interior, but to the distribution "of Federal and State funds for four-year collegiate education and the relation of the distribution to the population in 17 States having separate schools for white and negro students." As a part of the document so furnished are included tables of alleged statistics with reference to three particular States, Georgia, Louisiana, and Mississippi, these negroes having apparently selected these States for attack by reason of the fact that the minority report on H. R. 279 is signed by Representatives from these States, the gentleman from Mississippi, Doctor LOWREY, the gentleman from Louisiana [Mr. DE ROUEN], and myself.

The gentleman from Michigan [Mr. CRAMTON] in inserting in the RECORD the statistics so furnished him omitted, for reasons with which I am not familiar, the tables dealing particularly with Louisiana and with Georgia. It is apparent, however, that the entire procedure of the preparation of the statistics has been intended to justify the pending legislation upon the theory that Federal funds appropriated to the States for educational purposes are improperly allocated as between the races in the South, and it is with the particular purpose of refuting this charge, rather than to discuss the merits and demerits of H. R. 279, that I am inserting this matter in the RECORD.

An examination of the figures inserted by Doctor Durkee in the committee hearings in 1926, to which I have heretofore referred, in view of their palpable fallacy, ought to have discouraged the gentleman from Michigan [Mr. CRAMTON] from inserting the new tables of statistics now relied upon. The source of information upon which he relies, Howard University itself, is necessarily prejudiced in the matter; and fairness, it seems, would have required that he verify the information thus procured from interested parties before inserting it in the CONGRESSIONAL RECORD, where it stands as an unjustified assault upon the South in the matter of allocating Federal funds received for educational purposes.

In discussing briefly the table appearing on page 3711 of the RECORD, it should be noted at the outset that there are no funds appropriated by the Federal Government to the States designated "for four-year collegiate education," the language used in describing the table. It should be remembered in the same connection that representatives of Howard University before the committee in 1926 stressed the function of that institution in affording professional training to negroes and that nowhere is there a Federal dollar available to the States for the professional education of whites. Since we are referring to annual appropriations, the provisions of the Morrill Act of July 2, 1862, are not involved; but from the pioneer educational act of the National Congress provided that the funds thereby provided should be devoted—

to the endowment, support, and maintenance of at least one college, where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts. (See code, title 7, section 304.)

The next legislation making Federal appropriations to the States for educational purposes was the act approved August 30, 1890, as amended March 4, 1907, known as the Morrill-Nelson Act. It authorizes the appropriation annually to each State and Territory of $50,000—

to be applied only to instruction in agriculture, the mechanic arts, the English language, and the various branches of mathematical, physical, natural, and economic science, with special reference to their application in the industries of life. (See code, title 7, sec. 321.)

The Smith-Hughes Act of February 23, 1917, authorizes annual appropriations totaling $6,000,000, administered by the Federal Board for Vocational Education—

for the purpose of cooperating with the States in paying the salaries of teachers, supervisors, or directors of agricultural subjects, and teachers of trade, home economics, and industrial subjects, etc. (See code, title 20, sec. 11.)

An appropriation of $1,000,000 per year, administered by the Federal Board for Vocational Education, is authorized under the civilian rehabilitation act, approved June 5, 1924—

for the promotion of vocational rehabilitation of persons disabled in industry. (See code, title 29, sec. 31.)

Agricultural extension work is provided for in the act approved May 8, 1914, on that subject, under the direction of the Department of Agriculture, and—

no portion of said moneys shall be applied, directly or indirectly, to * * * college-course teaching, lectures in colleges, etc.—

But to—

giving of instruction and practical demonstrations in agriculture and home economics to persons not attending or resident in said colleges. (See code, title 7, secs. 342, 345.)

If there is any other Federal appropriation to the States which might by any stretch of the imagination be denominated a fund for "higher education," it is that providing for agricultural experiment stations under direction of agricultural colleges; but Georgia's part of this, by express provision of the law itself, is paid, not to any college, but to the Georgia Experiment Station. (Code, title 7, sec. 383.)

Of what appropriations then is the $571,296 made up, which it is claimed in these erroneous statistics, inserted in the RECORD by the gentleman from Michigan [Mr. CRAMTON], is received by my State of Georgia (presumably annually, since no other time limit is given), "for four-year collegiate education," of which, it is claimed, negroes receive the benefit of only $19,667? It may be presumed that $50,000 of it is represented by the appropriations received under the Morrill-Nelson Act, "for instruction in agriculture and the mechanic arts," of which one-third is allotted to negro institutions, or $16,666.67. Let us

next suppose that the Howard University statisticians have included in the total, appropriations made under the Smith-Hughes Act for vocational education. This fund is administered by the State board for vocational education, whose plans must be approved by the Federal Board for Vocational Education, who presumably have done their duty in seeing to it that the Negro race has not been discriminated against. The opportunities provided by the fund are not in the nature of "four-year collegiate education." However, construing it as properly coming in the table inserted in the RECORD, what are the facts with regard to it?

The amount received last year by Georgia was $194,469.14. (See 11th Ann. Rept., Federal Board for Vocational Education, p. 40, table 9.)

During the year which closed June 30, 1926, the Georgia State Board for Vocational Education cooperated with 117 schools in maintaining departments of vocational agriculture. Of this number, 71 were high schools, 10 district agricultural and mechanics schools, and 35 negro schools. In these schools 137 teachers of vocational agriculture were employed whose salaries were paid in part from Smith-Hughes funds. * * * These teachers gave systematic instruction in all phases of practical agriculture to 4,956 pupils. Of this number * * * 1,184 were enrolled in the negro schools. (9th Ann. Rept., Ga. State Board for Vocational Education, p. 3.)

Why, if Georgia is to be charged with the reception of the Smith-Hughes fund for purposes of "four-year collegiate education" and "higher education" in arriving at the total of $571,296, is she not given credit in the table inserted in the RECORD by Mr. CRAMTON for the portion of these funds used in maintaining vocational agricultural instruction in the 35 negro schools out of the total of 117? If there is a seeming discrepancy in the number of negro students as compared with whites in the schools in question, it may easily be accounted for by the failure of the negro to interest himself in vocational education to the same extent as the whites. At any rate, no credit is given to Georgia in the statistical table referred to for the part of this fund expended for negroes; which might be fair enough, since that table purports to relate only to "four-year collegiate education," were it not apparent that the statistician, from some such sources as the Smith-Hughes fund for vocational education, must have procured the amounts necessary to pad the $50,000 received by Georgia under the Morrill-Nelson Act up to the $571,296 which she is charged in the table referred to with having received from the Federal Government for higher educational purposes. If charged in the table with having received it for the purposes mentioned, why not give her credit for the part of it spent on the Negro race, instead of, in effect, denying that she expended any of it for negro education?

Let us next, in an effort to get the amount received by Georgia from the Federal Government for "four-year collegiate education" up to the sum mentioned in the alleged statistics inserted in the record, suppose that the statistician considered that Federal appropriations made under the Smith-Bankhead, or civilian rehabilitation act, should be counted a part of the higher educational appropriations. If so, the sum received by Georgia last year under this act was $16,657.94. (See 11th Ann. Rep., Federal Board for Vocational Education, p. 62.) This fund, as that received under the Smith-Hughes Act, is administered by the Federal and State boards for vocational education. It is used for training and placing in employment those who are disabled from accident, disease, or from congenital conditions.

Call it higher education if you will. Its purpose is high enough. Never has there been any charge in my State that negroes have been discriminated against in the administration of this fund. Many negroes have been aided by it. The picture of one of them, a hopeless cripple for life who was taught a trade by which he might earn a living, is published on page 59 of the ninth annual report of the Georgia State Board for Vocational Education as an illustration of their work. And yet, if Georgia is charged with the Smith-Bankhead fund in making up the total of $571,296 in the statistics inserted in the record as received by her for "four-year collegiate education," she is given no credit for the use of any part of the fund for the Negro race.

The appropriations which I have detailed as to amount make a total to Georgia from the Federal Government for the last fiscal year of $261,127.08. Where the remainder of the $571,296 is supposed to have come from I have no means of knowing, nor do I, as a matter of fact, know the Morrill-Nelson, Smith-Hughes, and Smith-Bankhead funds are included in that total. The statistician is conveniently silent as to what particular funds he is referring to. But when he says that Georgia received for "four-year collegiate education" from the Federal Government $571,296, and that of this amount only $19,667 was received by negroes, he makes an unjust assault upon my State as a basis for asking an illegal and unconstitutional appropriation from Congress for the higher education, and especially professional education, of negroes. Had he said that of the $50,000 Morrill-Nelson fund, Georgia allocates $16,666.67 to the negroes, he would have been correct.

It is difficult to conceive, that, by a wild stretch of the imagination, the statistician may have included in the total mentioned by him appropriations handled by the Department of Agriculture for agricultural extension work and the Georgia Experiment Station. None of that money is spent in affording education in any college.

If it has been included in the total charged to Georgia "for four-year collegiate education," it is only necessary to point out that this money is spent in practical demonstration work among the negroes as well as the whites, and there is no way of figuring out just how much goes for the benefit of one race and how much for the other. But that is no reason for charging the State with having received it for purposes of "higher education" and having devoted all of it to whites to the exclusion of the negro.

I have discussed the table inserted by Mr. CRAMTON in so far as it relates to Federal funds received by Georgia for "four-year collegiate" or "higher educational" purposes, and the allocation of such funds as between the races. I have not discussed other items in the table, including statistics relating to other States, which I have not studied but which I have no doubt are equally fallacious with those I have discussed, and with the statistics heretofore referred to as having been submitted by Doctor Durkee at committee hearings in 1926. It may be that in view of the fact that the Howard University appropriation has been made again, as it has been for 49 years, some gentleman may wonder why I go to the trouble to insert in the RECORD with such detail the facts relating to this matter. May I say in explanation, if any be necessary, that there is too often a disposition among gentlemen to accept alleged statistics, tabulated by alleged authorities, at their face value, just as the gentleman from Michigan [Mr. CRAMTON] did in this case. I feel sure he made little or no investigation of the matter or he would not have inserted the table in the RECORD containing, as it does, an inferential, unwarranted charge against my State; and I consider it my duty, in so far as I am able, to have the true facts appear. In addition to this, there is soon to be voted on by the House H. R. 279, which proposes to legalize future appropriations to Howard University, and the gentleman from Michigan [Mr. CRAMTON] in inserting this table made reference to that fact and invited reference to the table in the same connection.

If gentlemen of the House see fit to legalize appropriations to a negro university not even under public supervision or control for the higher education, and particularly the professional education of negroes, when not a single Federal dollar is available for the professional education of whites in the various States, I can only register my objection; but I am determined that it shall not be done on the theory that Southern States, and especially my own State, treat the negro unjustly in the distribution of Federal funds received for educational purposes—at least without the true facts being made to appear.

Howard University does not even serve a nation-wide need of the Negro race so much as it serves a local need. Referring to the table inserted in the record of hearings had during the Sixty-ninth Congress, on page 15, it appears that of a total of 2,032 students, 1,952 were residents of the United States, and that of this number 598 were residents of the District of Columbia and 521 were residents of the States of Maryland, New Jersey, Pennsylvania, and Virginia, making a total of 1,119, or more than one-half, who came from a territory either comprised in or within a short distance of the District of Columbia. Ten Southern States, where the bulk of the negro population in this country resides, excluding Virginia, furnished only 395 students.

In this country there are 7,000,000 adults who can neither read nor write, and millions of children growing up to comprise part of the same class unless vigorous action is taken for their relief. I am unwilling to neglect them and at the same time vote to make appropriations not authorized by law for the professional education of negroes residing largely in and close around the District of Columbia.

STATEMENTS OF BELGIAN AMBASSADOR, EX-SENATOR LENROOT, LONDON TIMES, AND OTHERS DEALING WITH CHANG-YEN-MAO SUIT

Mr. FREE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in regard to certain statements appearing on page 3664 of the CONGRESSIONAL RECORD, and following, of date of February 28.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. FREE. Mr. Speaker, there having appeared in the CONGRESSIONAL RECORD, of February 28, certain statements about which misunderstanding might arise with regard to Secretary Hoover's connection with a lawsuit involving certain Chinese mining properties, I felt it my duty, as Representative of Mr. Hoover's district in the Congress to make a statement with regard to the matter.

Realizing that former Senator Lenroot had occasion some time ago to investigate this case thoroughly, I asked him to address a letter to me fully explaining Mr. Hoover's connection with this matter. I herewith submit Senator Lenroot's reply, together with statements made by the Belgian ambassador and others.

These fully dispose of the matter, and I wish to add my own feeling of indignation at this sort of infamous and slanderous politics.

Senator Lenroot's letter to me is as follows:

FEBRUARY 29, 1928.

Hon. ARTHUR M. FREE,

House of Representatives, Washington, D. C.

MY DEAR MR. FREE: I am glad to respond to your inquiry about Mr. Hoover in connection with a Chinese foreign lawsuit concerning events of 28 years ago which is mentioned in the CONGRESSIONAL RECORD of February 28.

In view of the whispering slanders on this subject, some of Mr. Hoover's friends some time since asked that I make an independent investigation of this subject through the examination of the entire record. I have examined the reports of the evidence and the judgment in this lawsuit. I am able to say categorically that neither the evidence nor the judgment reflect on the character or integrity of Mr. Hoover.

On the contrary, his connection with the matter was honorable in every way and it was largely upon his testimony that the Chinese were restored to their rights.

Mr. Hoover had signed certain contracts as an agent of others at the request of all parties, but the suit was not directed at him; he was not a defendant, but a witness. There was absolutely no judgment against Mr. Hoover rendered at any time.

An examination of the actual issues in the case shows that even had he been a defendant the actual lawsuit offers no basis for criticism against him.

The suit involved a contract between Chinese, Belgian, English, and German interests growing out of a reorganization of a Chinese industrial concern in financial difficulties, and was brought in the English court. The contracts were negotiated by agents of their respective nationalities, with the assistance of the Belgian and other legations in China. Mr. Hoover was engaged as an engineer, and later, for a short time, the manager. The real question in the case was as to the binding effect of a certain memorandum signed by Mr. Hoover as agent of one of the parties together with other agents, it being provided in said memorandum made at the time of the reorganization, that a Chinese board was to participate in the management of the company and the former Chinese director general was to continue. During Mr. Hoover's administration the contract was complied with, although difficulties arose over custody of title deeds which Mr. Hoover insisted on having placed in care of a bank, in the name of the company for the protection of all parties.

Some eight or nine months after the reorganization was completed a change of stockholders' control took place. Mr. Hoover retired from the concern as manager, and the group which came into control then repudiated a portion of the contract made under the reorganization by ignoring the Chinese local board of directors. Out of the change in control a bitter quarrel grew up amongst the diverse national interests. But when the issues were finally drawn it became simply a question as to whether or not the said supplemental memorandum was to be carried out. The Chinese complainants in bringing their action naturally asked as an alternative that the original contracts be rescinded and certain properties in the reorganization be restored.

The judgment declared the memorandum to be valid and binding, dismissed all other questions except as to damages for breach of the contract, and, upon appeal, even this was dismissed as to the concern for which Mr. Hoover had acted as agent.

The case was of considerable public interest at the time and was carefully reviewed editorially in the London Times of March 2, 1905. The Times summary of the actual issues is in accord with the above. Incidentally this review does not even mention Mr. Hoover.

Unprincipled persons circulated slanderous stories on this subject a few years ago. They were investigated by an eminent firm of lawyers and exploded at that time, and now they are picked up out of the gutter for use in the present campaign. At the time Baron de Cartier, the Belgian ambassador to the United States, who at the time of the reorganization mentioned represented Belgian interests, wrote a letter vigorously denouncing these slanders upon Mr. Hoover, as did likewise the chairman of the company and various lawyers in the case. I append these statements hereto.

Sincerely yours,

IRVINE L. LENROOT.

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113 EAST SEVENTY-THIRD STREET,

New York City, December 15, 1927.

DEAR SIR: It is now over five years since some of Mr. Hoover's friends consulted me as to the best way to smoke out and punish the unknown person or persons responsible for the political whispering campaign of slander concerning his connection with the Chang Yen Mao lawsuit decided in the English courts over 20 years ago. As I advised at that time these vague insinuations hardly seemed worthy of attention, but nevertheless, at their request to my firm, then Perkins & Train, we undertook to ascertain, if possible, who was responsible for these malicious misstatements, to review the entire evidence in a litigation nearly a quarter of a century old and in which most of the litigants and attorneys were dead, and to bring the guilty parties to book by instituting both civil and criminal proceedings against them. We were unable to trace the origin of these slanders for no one had the temerity to stand up and publicly repeat the falsehoods.

Upon their recrudescence we again took up the matter, and on this occasion we communicated with all those still alive who were in any way conversant with the facts, that we might be prepared to deal with such persons if we could find them.

The outstanding fact is that Mr. Hoover was not even named as a defendant in this lawsuit—his relation being that of a witness upon whose testimony the plaintiff won his case for restitution to the office as a director, and the absurdity of these charges is that all the defendants, even after the loss of the case, have remained Mr. Hoover's friends ever since.

It might be of service if I should review the whole matter as we found it to be.

The litigation which has been made the basis of the totally unwarranted attack on Mr. Hoover arose out of a quarrel between four different groups of stock and bondholders in a coal-mining enterprise in China, of which he was at the age of 24 the engineer and for a few months the general manager. Of these different groups one combined certain Chinese and German interests and there were two separate British groups and a Belgian group, all having diverse interests.

In 1900, as a result of the Boxer disturbances, the property, which had never been very successful, was greatly damaged by the war, and the properties were seized by the Japanese, German, and Russian Governments and occupied by their troops. The interest upon the bonds was defaulted and the creditors threatened to take the property.

Mr. Hoover had been in China for about a year previously, acting as engineer for the Chinese Government, was familiar with the property and acquainted with some of the parties concerned. His engagement having been terminated by the flight of the Chinese Government, he was about to leave China to accept other employment when Mr. Detring with the cooperation of Chang, both of them realizing the potential value of the mines and being anxious to save the property, asked him to convey certain written authorization to the London representatives of the bondholders, with a view to their interesting new foreign capital and reorganizing and recovering the property from seizure.

The plan was duly undertaken, the reorganization took place, and Mr. Hoover was sent back to China as engineer to the mines. An English lawyer and a Belgian lawyer, each representing the interests of his own countrymen, were sent to Tientsin to carry out the reorganization, with which Mr. Hoover was to have nothing to do. The transfer of the assets of the original company to the new company occurred in February, 1901, at which time two instruments were executed, one a conveyance of the assets, and the other a separate "memorandum" providing for the proper representation of the Chinese in the management. Mr. Hoover signed this memorandum as agent at the request of one of the principals. Chang was given the post of director general, and a local board of directors on which the Chinese were duly represented was instituted, as provided in the memorandum, while Mr. Hoover continued for some months as manager. The Belgian interest soon after obtained control of the management, and Mr. Hoover resigned and returned to the United States.

The Belgians, after Mr. Hoover's departure, finding that they were impeded in their work by the interference of the Chinese officials, simply brushed them aside and repudiated the memorandum and the Chinese, naturally aggrieved, sent Chang to London to compel the company to recognize the memorandum and carry out its terms by which their interests were guaranteed.

The parties to the action in chancery were Chang Yen Mao and the old Chinese company, plaintiffs, versus the Moreing group and The Chinese Engineering & Mining Co. (Ltd.), controlled by the Belgian and Turner British groups as defendants. Mr. Hoover was not even a defendant in the action. The plaintiffs asked that the court declare the memorandum binding upon the defendant (the reorganized) com-

pany, or in the alternative that the conveyance of the property should be set aside with a general claim for damages. At the trial, which took place in February, 1905, Mr. Hoover was an important, if not the most important, witness, and largely by virtue of his testimony the Chinese were able to establish their contentions.

He testified explicitly that he had no idea that the memorandum would ever be questioned, that he had always insisted that it be carried out, that it had been carried out at all times while he was connected with the management, and the result of the litigation was that the court held the memorandum valid, as Mr. Hoover had always contended, and stayed all proceedings save those against the corporation defendant, holding that it alone could be held responsible for damages if any had been occasioned by the refusal of the Belgians to recognize the terms of the memorandum in China. There was obviously no judgment against Mr. Hoover.

There was nothing in the testimony reflecting upon Mr. Hoover's conduct in any way, it was through his lips that the plaintiffs substantiated their claim, and to suggest that he could possibly be responsible for a breach of contract arising after he had left the employ of the corporation is a wanton defamation.

These various groups continued four-corner quarrels over financial questions until they finally settled matters among themselves, in which Mr. Hoover had no part whatever.

As Mr. Hoover's personal honor was involved we felt that it would not be regarded as overzealous to secure assurances from those still surviving who had personal knowledge of the matter, and among them is the following letter from his excellency, the Belgian ambassador:

AUGUST 29, 1917.

DEAR HOOVER: I have been astonished to hear mis-statements with regard to your connection with the Chinese Engineering & Mining Co., which operated in the Kaiping mines during the period when I was Belgian Chargé d'Affaires in China. As such I looked after the very large Belgian interests in that enterprise and had personal knowledge of all the facts relating to the transfer of the property, some of which led subsequently to litigation in the English courts. Throughout your administration of the company's affairs, both as chief engineer and as director, you acted concededly for the best interest of all the stockholders, Chinese, Belgian, and English alike, with the highest sense of honor, and the termination of the litigation was a complete vindication of your conduct and largely turned upon your testimony. The best proof of this lies in the fact that the Belgians interested in these properties were the very men who called upon you to come to the assistance of their country in its extremity.

Very sincerely yours, E. de CARTIER.

The significance of the letter which follows is obvious from the fact that Mr. Hoover testified against the interests of the corporation of which the signer was the chairman of the board of directors:

22, AUSTIN FRIARS,
London, E. C., 2, April 18, 1923.

DEAR SIR: Referring to our interview to-day on the subject of Mr. Herbert C. Hoover's connection with the affairs of the Chinese Engineering & Mining Co. (Ltd.), which was formed in the year 1901, and the litigation in the years 1905 and 1906 arising out of it at the instance of the late Chang Yen Mao, I repeat what I then stated, viz, that I have been intimately acquainted with these matters from their inception, having been a director of the original company and being chairman of the board of directors of the present company, which was formed in 1912, and I am able to say that there is no ground for any suggestion that Mr. Hoover's conduct in relation to the matters in question has been other than of a perfectly honourable character. You are at liberty to make use of this letter in any way that you may please.

Yours faithfully,

W. F. TURNER.

The following letter is from the only surviving barrister in the case:

8, OLD SQUARE,
Lincoln's Inn, W. C., May 1, 1923.

DEAR SIR: With regard to the litigation between Chang Yen Mao and the Chinese Engineering Co. and Messrs. Bewick Moreing & Co., I was one of the counsel in the case.

The case was tried so many years ago that I can not profess to have any recollection of the details of the case, but so far as my recollection goes there was no evidence in that case which in any way reflects on the honour or integrity of Mr. Herbert C. Hoover.

I am yours faithfully,

T. R. HUGHES.

The only persons in a position to complain of Mr. Hoover's conduct or testimony in the case were the British and Belgian groups against whom his testimony lay. Yet these same British groups all of them engaged his engineering services in after years, and the Belgian group were identical men who appealed to him to undertake the relief of Belgium upon which they intrusted their lives and their own enormous contributions implicitly.

In conclusion, permit me to say that, were it not for the possible misrepresentation of this matter as filthy political defamation, it would be difficult for me to see why there was any necessity for engaging the services of my firm for the purpose of reviewing his part in this long-defunct litigation, where the ensuing operations were carried on with great profit for many years to the satisfaction of the Chinese and Europeans alike, and whereby his positive and disinterested testimony assisted in procuring justice for all parties concerned.

Faithfully yours,

ARTHUR C. TRAIN.

DEAR SIR: I have just heard to my intense surprise that some kind of an attack has been made on Mr. Hoover in the United States of America, suggesting that it was shown in the course of the lawsuit brought by Chang Yen Mao in connection with the Chinese Engineering & Mining Co. (Ltd.), that he had in some way acted improperly. This allegation is entirely unfounded.

His opponents, whoever they are, seem to have gone a long way back for this invention, considering that this refers to matters of 27 years ago. I had the conduct of the case on behalf of one of the defendants in the action, so I know all about it and have refreshed my memory by referring to the papers.

The action was brought to secure the compliance with certain agreements, chiefly the reinstatement of Chang Yen Mao as head of the Chinese board of directors. Mr. Hoover was not a party to this action—his only connection with it was as a witness.

The plaintiff claimed that he had transferred the mining property in question to the defendant company in a creditors reorganization on the faith of the provisions of a written memorandum dated February 19, 1901, which has reference, among other things, to the constitution and the board of directors of the company, and which had been signed by Chang and one of his associates named Detring and by agents of European principals. Mr. Hoover being present was asked to sign this memorandum. The main question in the action was as to whether this memorandum was binding upon the company and my clients; and as an alternative plea the plaintiff asked that if it was held not to be so binding the transfer of the property should be set aside on the ground that it had been represented to him that this memorandum was binding, and it was only in this legal sense that it was suggested that there had been any complaint.

As a matter of fact, it was proved by the evidence at the trial that this memorandum had been prepared by the Chevalier de Wouters and a Mr. White Cooper, an English solicitor representing the bondholders and reorganizers of the company with the assistance of Chang's representative, Mr. Detring, and Mr. Eames, an English barrister.

The sworn evidence Mr. Hoover gave on the subject was to the effect that this memorandum was binding and he insisted that it should be carried out, and that it was so carried out during the short time he was engaged on the property; that its repudiation was due to a subsequent change in control, the succeeding managers complaining of interference by the Chinese in proper management. Similar evidence was given by other witnesses.

It was made perfectly clear that in the opinion of all parties at the time that it was perfectly binding.

Before the trial took place there had been some question as to whether the company could give effect to some of the provisions of this memorandum which related to the management of the company, but in the course of the trial it was conceded by all the defendants that the document was in every way binding upon the defendants. Any charge therefore at once fell to the ground.

Now, this is what the judge (Mr. Justice Joyce) said about it in the course of giving judgments:

"Now, His Excellency Chang declined to execute the transfer because it did not contain any statement of the arrangements for which he had stipulated with respect to, amongst other things, the constitution and management of the new company into which the Chinese company was to be transformed * * *. Ultimately His Excellency was induced with difficulty to accede to a proposal of Mr. White Cooper that the terms, on account of the absence of which from the transfer he declined to execute, should be embodied in another document, being the memorandum I have already spoken of to be executed at the same time as the transfer.

"Under this arrangement His Excellency was assured by the representatives of the other parties to the transaction that the memorandum was, as it was expressed to be, the ruling document, and to be acted upon, or in other words, would be binding and would be carried into effect. It was upon the faith of and reliance upon these assurances that His Excellency was induced to affix his seal to the two versions of the transfer. Mr. White Cooper, a member of a firm of English solicitors, who acted for the European principals, prepared the draft of the transfer as also the memorandum and he attested their execution."

In the course of his judgment the judge went on to say:

"The memorandum is now, I may almost say admittedly, binding, as indeed it always was," and an order of the court was accordingly drawn up containing a declaration to that effect.

The case was appealed by the defendants upon question of costs, etc., and the previous judgment considerably modified in favor of the defendants; and the claim against my clients for damages was dis-

missed; but, as I said before, that was not a matter in which Mr. Hoover was concerned.

Some criticism was raised as to the forcible possession of certain bearer-title deeds at Mr. Hoover's direction when manager. As a matter of fact, these deeds were not taken by force but were rescued from corrupt use by certain Chinese officials and placed in a foreign bank and in escrow for all parties; there was absolutely nothing in it—except loyalty to the concern.

I am afraid that you will find this rather a long letter, but I have thought it best—even at the expense of brevity—to give chapter and verse for my statements, which should, in case of need, once and for all establish the preposterous character of the unwarranted insinuations which have been made against Mr. Hoover, and that there was nothing in the proceedings which in any way reflected upon his integrity or honor—quite to the contrary.

Yours sincerely,

HARRY G. ABRAHAMS,
Michael Abrahams Sons & Co.

LONDON, ENGLAND.

[Extract from London Times editorial, March 2, 1905]

Stripped of details, the point at issue in the action was simple. Chang-Yen-Mao was director general of a Chinese company formed in 1882 to work certain mines in the Provinces of Chi-li and Jehol. Fresh capital was required for the undertaking, and Mr. Detring, a German, who was a commissioner of customs in China and also a director of the company, was authorized to take measures to raise the necessary capital. He put himself in communication with the defendants, Moreing & Co., and the result was that by a conveyance of February 19, 1901, all the property of the plaintiff company was transferred to the defendant company. The contention of the plaintiff was that this transfer was executed upon the express condition that a memorandum of even date should be executed, and should be binding upon the new company. One of the conditions was that the shareholders, Chinese and foreign alike, should have equal votes; that the company should be managed by two boards, English and Chinese; that Chang-Yen-Mao should continue to be director general; and that the Chinese board should manage the property of the company in China. These provisions, it was said, had not been carried out. The new company refused to recognize them. The Chinese board was powerless; a manager was sent out who said he knew nothing of the memorandum; and the official business of the company was not transacted at Tientsin. The plaintiff sought a declaration that the terms of the memorandum were binding upon the company or that the deed of transfer should be set aside.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a bill and a joint and concurrent resolution of the House of the following titles:

H. R. 8227. An act authorizing the Sunbury Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Susquehanna River at or near Bainbridge Street, in the city of Sunbury, Pa.;

H. J. Res. 141. Joint resolution to authorize the President to invite the Government of Great Britain to participate in the celebration of the sesquicentennial of the discovery of the Hawaiian Islands, and to provide for the participation of the Government of the United States therein; and

H. Con. Res. 25. Authorizing the Clerk of the House of Representatives to make certain changes in the engrossed copy of the bill (H. R. 10635) entitled "An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes."

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the amendments of the Senate Nos. 12 and 46 to the bill (H. R. 9136) entitled "An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes."

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 121. An act authorizing the Cairo Association of Commerce, its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Cairo, Ill; and

H. R. 5679. An act authorizing the Nebraska-Iowa Bridge Corporation, a Delaware corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River between Washington County, Nebr., and Harrison County, Iowa.

ADJOURNMENT

Mr. DICKINSON of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned until to-morrow, Thursday, March 1, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, March 1, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned farm areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects (H. R. 6091).

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10 a. m.)

To amend the World War veterans' act, 1924 (H. R. 10160).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

To further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States (S. 744).

To promote, encourage, and develop an American merchant marine in connection with the agricultural and industrial commerce of the United States, provide for the national defense, the transportation of foreign mails, the establishment of a merchant-marine training school, and for other purposes (H. R. 2).

To amend the merchant marine act of 1920, insure a permanent passenger and cargo service in the North Atlantic, and for other purposes (H. R. 8914).

To create, develop, and maintain a privately owned American merchant marine adequate to serve trade routes essential in the movement of the industrial and agricultural products of the United States and to meet the requirements of the commerce of the United States; to provide for the transportation of the foreign mails of the United States in vessels of the United States; to provide naval and military auxiliaries; and for other purposes (H. R. 10765).

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

To amend the immigration act of 1924 by making the quota provisions thereof applicable to Mexico, Cuba, Canada, and the other countries of continental America and adjacent islands (H. R. 6465).

COMMITTEE ON THE POST OFFICE AND POST ROADS

(10 a. m.)

To amend Title II of an act approved February 28, 1925, regulating postal rates (H. R. 9296).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. DICKINSON of Iowa: Committee on Appropriations. H. R. 11577. A bill making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes; without amendment (Rept. No. 789). Referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON: Committee on Foreign Affairs. H. R. 10167. A bill to authorize the President to accept the invitation of the Cuban Government to appoint delegates to the Second International Emigration and Immigration Conference to be held at Habana, commencing March 31, 1928; without amendment (Rept. No. 790). Referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON: Committee on Foreign Affairs. H. J. Res. 211. A joint resolution to amend public Resolution 65, approved March 3, 1925, authorizing the participation of the United States

Government in the International Exposition to be held in Seville, Spain; without amendment (Rept. No. 791). Referred to the House Calendar.

Mr. KNUTSON: Committee on Pensions. H. R. 10479. A bill granting double pensions to dependents under existing pension laws in all cases where an officer, warrant officer, or enlisted man or student flyer of the United States Army dies or is disabled due to aircraft accident; with amendment (Rept. No. 792). Referred to the Committee of the Whole House on the state of the Union.

Mr. FISHER: Committee on Military Affairs. H. R. 11134. A bill to authorize appropriations for construction at military posts, and for other purposes; with amendment (Rept. No. 793). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 10374. A bill for the acquisition of lands for an addition to the Beal Nursery at East Tawas, Mich.; with amendment (Rept. No. 798). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 11074. A bill to promote the agriculture of the United States by expanding in the foreign field the service now rendered by the United States Department of Agriculture in acquiring and diffusing useful information regarding agriculture, and for other purposes; without amendment (Rept. No. 799). Referred to the Committee of the Whole House on the state of the Union.

Mr. WHITE of Maine: Committee on the Merchant Marine and Fisheries. S. 2317. An act continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927; with amendment (Rept. No. 800). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. FROTHINGHAM: Committee on Military Affairs. H. R. 4653. A bill for the relief of Virgil W. Roberts; without amendment (Rept. No. 794). Referred to the Committee of the Whole House.

Mr. FROTHINGHAM: Committee on Military Affairs. H. R. 4935. A bill to authorize the appointment of First Lieut. Clarence E. Burt, retired, to the grade of major, retired, in the United States Army; with amendment (Rept. No. 795). Referred to the Committee of the Whole House.

Mr. FURLOW: Committee on Military Affairs. H. R. 7409. A bill to authorize the appointment of Capt. John J. Campbell, resigned, to the grade of captain, retired, in the United States Army; with amendment (Rept. No. 796). Referred to the Committee of the Whole House.

Mr. JOHNSON of Illinois: Committee on Military Affairs. H. R. 3892. A bill for the relief of George W. Sampson; with amendment (Rept. No. 797). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 11504) granting an increase of pension to Ella M. O'Bryan; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11452) granting a pension to Mary E. Nix; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11453) granting a pension to Mrs. Atwood P. Latham; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DICKINSON of Iowa: A bill (H. R. 11577) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes; committed to the Committee of the Whole House on the state of the Union.

By Mr. GARNER of Texas: A bill (H. R. 11578) authorizing the B and P Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande at or near Weslaco, Tex.; to the Committee on Interstate and Foreign Commerce.

By Mr. JONES: A bill (H. R. 11579) relating to investigation of new uses of cotton; to the Committee on Agriculture.

By Mr. LEAVITT: A bill (H. R. 11580) to authorize the leasing or sale of land reserved for administrative purposes on the Fort Peck Indian Reservation, Mont.; to the Committee on Indian Affairs.

Also, a bill (H. R. 11581) to extend to the Northern Cheyenne Indians of Montana rights and benefits under certain treaties; to the Committee on Indian Affairs.

Also (by departmental request), a bill (H. R. 11582) to authorize the cancellation of the balance due on a reimbursable agreement for the sale of cattle to certain Rosebud Indians; to the Committee on Indian Affairs.

By Mr. TILLMAN: A bill (H. R. 11583) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the White River at Cotter, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. BELL: A bill (H. R. 11584) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, approved July 3, 1926; to the Committee on the Civil Service.

By Mr. BROWNE: A bill (H. R. 11585) to establish fish-cultural station and auxiliary stations at points in the State of Wisconsin; to the Committee on the Merchant Marine and Fisheries.

By Mr. McSWAIN: Joint resolution (H. J. Res. 224) to ascertain which was the first heavier-than-air flying machine; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASWELL: A bill (H. R. 11586) for the relief of John Callaghan; to the Committee on Claims.

By Mr. BEGG: A bill (H. R. 11587) granting a pension to John Corbin; to the Committee on Pensions.

By Mr. CANFIELD: A bill (H. R. 11588) granting an increase of pension to Sarah E. Baker; to the Committee on Pensions.

By Mr. CROWTHER: A bill (H. R. 11589) granting an increase of pension to Catherine Van De Bogart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11590) granting an increase of pension to Mary M. Smoke; to the Committee in Invalid Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 11591) granting a pension to Sarah E. Hudson; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 11592) granting a pension to Louisa Siples; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 11593) for the relief of Arkla Lumber & Manufacturing Co.; to the Committee on Claims.

Also, a bill (H. R. 11594) for the relief of Eugene J. Spencer; to the Committee on Military Affairs.

By Mr. EVANS of California: A bill (H. R. 11595) granting an increase of pension to Joseph Lightstone; to the Committee on Pensions.

By Mr. HOGG: A bill (H. R. 11596) granting compensation to Bertha M. Freeze; to the Committee on World War Veterans' Legislation.

Also a bill (H. R. 11597) for the relief of Samuel Kelly; to the Committee on Military Affairs.

Also, a bill (H. R. 11598) for the relief of Ulysses G. Vance; to the Committee on Claims.

By Mrs. LANGLEY: A bill (H. R. 11599) for the relief of Frank M. Lyon; to the Committee on War Claims.

By Mr. MOORMAN: A bill (H. R. 11600) granting a pension to Sarah A. Nugent; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11601) granting a pension to Henry G. Day; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11602) granting a pension to Clay Franklin Pack; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11603) granting a pension to Mrs. Carey Brown; to the Committee on Invalid Pensions.

By Mr. MOORE of Virginia (by request): A bill (H. R. 11604) for the relief of J. Linwood Johnson; to the committee on the District of Columbia.

By Mr. MORROW: A bill (H. R. 11605) granting a pension to Charles S. Rawles; to the Committee on Pensions.

By Mr. REECE: A bill (H. R. 11606) granting an increase of pension to Arthur D. Warden; to the Committee on Pensions.

By Mr. REID of Illinois: A bill (H. R. 11607) for the relief of Capt. Roger H. Young; to the Committee on War Claims.

By Mrs. ROGERS: A bill (H. R. 11608) granting a pension to Bridget Fennell; to the Committee on Pensions.

By Mr. SPEAKS: A bill (H. R. 11609) granting an increase of pension to Sarah J. Rhinehart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11610) granting an increase of pension to Sarah J. McCauley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11611) granting an increase of pension to Margaret Steadman; to the Committee on Invalid Pensions.

By Mr. THURSTON: A bill (H. R. 11612) granting an increase of pension to Eliza E. Patton; to the Committee on Invalid Pensions.

By Mr. WARE: A bill (H. R. 11613) granting an increase of pension to Molly Tarvin; to the Committee on Invalid Pensions.

By Mr. WELSH of Pennsylvania: A bill (H. R. 11614) for the relief of Oliver Ellison; to the Committee on Military Affairs.

By Mr. WILLIAMS of Illinois: A bill (H. R. 11615) granting an increase of pension to Sarah E. Davis; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4687. By Mr. ARENTZ: Resolution of Lyon County, Nev., Farm Bureau, urging Congress to support Navy plan for construction of an ammunition plant at Hawthorne, Nev.; to the Committee on Naval Affairs.

4688. Also, resolution of Lyon County, Nev., Farm Bureau, urging Congress to support bill introduced by Mr. ARENTZ for appropriation of funds for construction of dam and reservoir on the Schurz (Nev.) Indian Reservation; to the Committee on Indian Affairs.

4689. By Mr. BACHMANN: Petition of Madge Smith and numerous other citizens of McMechen, W. Va., protesting against the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4690. By Mr. BARBOUR: Petition of residents of the seventh congressional district of California, protesting against the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

4691. Also, telegram of Merced County Council of Parent-Teacher Association, Livingston, Calif., urging passage of Box bill; to the Committee on Immigration and Naturalization.

4692. By Mr. CARTER: Petition of Carl G. Brown, president of the California Society Sons of the American Revolution, urging the passage of legislation increasing the allowance to each soldier of the Reserve Officers' Training Corps to $36; to the Committee on Military Affairs.

4693. By Mr. CROWTHER: Petition of residents of Schenectady, N. Y., against compulsory Sunday observance; to the Committee on the District of Columbia.

4694. By Mr. CULLEN: Resolution of Order Sons of Italy in America, No. 635, Brooklyn, requesting that October 12 be observed as Columbus Day; to the Committee on the Judiciary.

4695. By Mr. CURRY: Petition of citizens of the third California district, against House bill 78; to the Committee on the District of Columbia.

4696. Also, petition of 1,026 citizens of the third California district, protesting against the enactment of House bill 78; to the Committee on the District of Columbia.

4697. By Mr. DEMPSEY: Petition of citizens of Niagara County, N. Y., favoring the Gibson retirement bill (H. R. 7369); to the Committee on the Civil Service.

4698. Also, petition of citizens of Niagara County, N. Y., protesting against Sunday observance bill (H. R. 78); to the Committee of the District of Columbia.

4699. Also, petition of citizens of Pendleton, N. Y., favoring the Lankford Sunday observance bill; to the Committee on the District of Columbia.

4700. By Mr. EVANS of California: Petition of W. I. T. Hoover and approximately 260 others against the Navy program; to the Committee on Naval Affairs.

4701. By Mr. EVANS of Montana: Petition of Anna Solum and other residents of Kalispell, Mont., protesting against the passage of House bill 78, the Lankford Sunday observance bill; to the Committee on the District of Columbia.

4702. Also, petition of J. E. Huff and other residents of Bozeman, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

4703. By Mr. FENN: Petitions of sundry citizens of Hartford and Southington, Conn., protesting against the passage of House bill 78 or any other bills relating to compulsory Sunday observance; to the Committee on the District of Columbia.

4704. By Mr. ROY G. FITZGERALD: Petition of 29 citizens of Dayton, Ohio, protesting against the passage of House bill 78, making Sunday observance compulsory in the District of Columbia; to the Committee on the District of Columbia.

4705. Also, petition of the New York Young Republican Club, approving House bill 500, for the retirement of disabled emergency Army officers of the World War, and urging that Congress take early action on the same; to the Committee on World War Veterans' Legislation.

4706. Also, petition of 56 citizens of Dayton, Ohio, requesting an increase in pensions for veterans and widows of veterans of the Civil War; to the Committee on Invalid Pensions.

4707. By Mr. FRENCH: Petition of 60 citizens of Weiser, Idaho, protesting against enactment of House bill 78, or any compulsory Sunday observance bill; to the Committee on the District of Columbia.

4708. By Mr. GALLIVAN: Petition of Patrick J. O'Sullivan, 116 West Sixth Street, South Boston, Mass., urging early and favorable consideration of House bill 9502, providing for a 30-day vacation for employees of the Post Office Department; to the Committee on the Post Office and Post Roads.

4709. By Mr. GARBER: Letter of Elizabeth Barnett, 411 East Eleventh Street, Pomona, Calif., in support of Evans bill for Civil War widows; to the Committee on Invalid Pensions.

4710. Also, telegrams of Dr. D. D. McHenry, of Oklahoma City, Okla., and secretary St. Anthony Clinical Society, Oklahoma City, Okla., in support of Robinson amendment to House bill 1; to the Committee on Ways and Means.

4711. Also, letter of J. B. Landers, secretary-manager Industrial Peace Insurance, in opposition to House bill 7759 and Senate bill 1482; to the Committee on the Judiciary.

4712. Also, letter and resolution of Hack Saw Manufacturers Association of America (Inc.), 14 Wall Street, New York, in support of House bill 11, "fair trade act"; to the Committee on Interstate and Foreign Commerce.

4713. Also, letter and resolution of Fraternal Order of Eagles, Wisconsin State Aerie, Neenah, Wis., in support of House bill 4548 and Senate bill 3027, in regard to the retirement of disabled emergency Army officers; to the Committee on Invalid Pensions.

4714. Also, petition of sundry residents of the eighth congressional district, Oklahoma, in protest to the passage of House bill 78, for compulsory Sunday observance; to the Committee on the District of Columbia.

4715. By Mr. HADLEY: Petition of sundry residents of Everett, Wash., and vicinity, protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

4716. Also, petition of sundry residents of Blaine, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

4717. By Mr. KETCHAM: Petition of John W. Broxholm and 24 other residents of Hartford, Mich., favoring the passage of House bill 78, the Lankford bill; to the Committee on the District of Columbia.

4718. Also, petition of Nora Green and 44 other residents of Berrien County, Mich., protesting against the passage of House bill 78 or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

4719. Also, petition of F. M. Thurston and 22 other residents of Sturgis, Mich., favoring the enactment of the Lankford bill (H. R. 78); to the Committee on the District of Columbia.

4720. By Mr. KING: Petition signed by C. J. Hampton, 836 South Henderson Street, Galesburg, Ill., and 25 other citizens of Galesburg, against compulsory Sunday observance; to the Committee on the District of Columbia.

4721. By Mr. LETTS: Petition of Dan MacNeill and sundry other citizens of Davenport, Iowa, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

4722. By Mr. MAJOR of Missouri: Petitions of citizens of Sedalia, Mo., protesting against the passage of the Lankford bill (H. R. 78); to the Committee on the District of Columbia.

4723. By Mr. MEAD: Petition of several employees of United States Steamboat Inspection Service in support of House bill 492; to the Committee on the Civil Service.

4724. By Mr. MORROW: Petition of Club O Ten, Roswell, N. Mex., protesting against enactment of Box bill restricting Mexican immigration; to the Committee on Immigration and Naturalization.

4725. By Mr. O'CONNELL: Petition of the Thurston Fruit Co. (Inc.), New York City, opposing the passage of House bill 10362, to amend the tariff act of 1922, paragraph 770; to the Committee on Ways and Means.

4726. Also, petition of the Street & Smith Corporation, publishers, of New York City, opposing section 611 and requesting that the same be stricken from the proposed revenue act; also requesting that instead of repealing section 612 the same be clarified; to the Committee on Ways and Means.

4727. Also, petition of the North American Water Works Corporation, New York City, favoring the passage of House bill 11026, to provide for the coordination of the public health activities of the Government; to the Committee on Interstate and Foreign Commerce.

4728. Also, petition of the Dixie Post, No. 64, Veterans of Foreign Wars of the United States, National Sanatorium, Tenn., favoring the passage of the Rathbone bill (H. R. 9138); to the Committee on Pensions.

4729. Also, petition of the District of Columbia Federation of Women's Clubs, Washington, D. C., favoring the passage of the Capper-Gibson bills (S. 1907 and H. R. 6664); to the Committee on the District of Columbia.

4730. By Mr. PRALL: Resolution passed by the Friendship Council, No. 44, Junior Order of the American Mechanics of the State of New York (Inc.), Port Richmond, Staten Island, N. Y., received from Frank W. Hugi, recording secretary, relative to 3,000,000 aliens in the United States illegally and unlawfully; to the Committee on Immigration and Naturalization.

4731. By Mr. SANDERS of Texas: Petition of W. M. Stuart and several other citizens of Van Zandt County, Tex., in behalf of the Hudspeth bill to prevent gambling in cotton futures and to make it unlawful for any person, corporation, or association of persons to sell any contract for future delivery of any cotton within the United States, unless such seller is actually the legitimate owner of the cotton so contracted for future delivery at the time said sale or contract is made; to the Committee on Agriculture.

4732. By Mr. SPEAKS: Petition signed by Mr. Samuel E. Keith and some 60 citizens of Franklin County, Ohio, urging that all Civil War widows be granted an allowance of $50 per month; to the Committee on Invalid Pensions.

4733. By Mr. THATCHER: Petition of numerous citizens of Louisville, Ky., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4734. Also, petition of numerous citizens of Louisville, Ky., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4735. Also, petition of numerous citizens of Louisville, Ky., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4736. Also, petition of numerous citizens of Louisville, Ky., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4737. Also, petition of numerous citizens of Louisville, Ky., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4738. Also, petition of numerous citizens of Louisville, Ky., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4739. By Mr. WEAVER: Petition of sundry citizens of Haywood County, N. C., protesting against House bill 78, the Lankford Sunday observance bill; to the Committee on the District of Columbia.

4740. By Mr. WINGO: Petition of certain citizens of Pike County, Ark., indorsing increased pensions for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

4741. By Mr. WOOD: Protest of M. R. Lowenstine, of Valparaiso, Ind., against the enactment of Senate bill 1572; to the Committee on the Post Office and Post Roads.

4742. Also, petition of sundry citizens of Lake County, Ind., protesting against an increase of the present quotas of immigrants to this country; to the Committee on Immigration and Naturalization.

SENATE

THURSDAY, *March 1, 1928*

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

Almighty God, the fountain of all wisdom, who knowest our necessities before we ask and our ignorance in asking, have compassion, we beseech Thee, upon our infirmities, strengthen us, we pray Thee, with Thy Holy Spirit, and daily increase in us Thy manifold gifts of grace, the spirit of wisdom and understanding, the spirit of counsel and knowledge and true godliness. And those things which for our unworthiness we dare not and for our blindness we can not ask, vouchsafe to give us for the worthiness of Thy Son, Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the following bill and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 9040. An act to establish the standard of weights and measures for the following wheat-mill, rye-mill, and corn-mill products, namely, flours, semolina, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes;

H. J. Res. 192. Joint resolution to provide for the coinage of a medal in commemoration of the achievements of Col. Charles A. Lindbergh; and

H. J. Res. 223. Joint resolution making an additional appropriation for the eradication or control of the pink bollworm of cotton.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	La Follette	Sheppard
Barkley	Fess	McKellar	Shipstead
Bayard	Fletcher	McLean	Shortridge
Bingham	Frazier	McMaster	Simmons
Black	George	McNary	Smith
Blaine	Gerry	Mayfield	Smoot
Blease	Gillett	Metcalf	Steck
Borah	Glass	Moses	Steiwer
Bratton	Gooding	Neely	Stephens
Brookhart	Gould	Norbeck	Thomas
Broussard	Greene	Nye	Tydings
Bruce	Hale	Oddie	Tyson
Capper	Harris	Overman	Wagner
Caraway	Harrison	Phipps	Walsh, Mass.
Copeland	Hayden	Pine	Walsh, Mont.
Couzens	Heflin	Pittman	Warren
Curtis	Howell	Ransdell	Waterman
Cutting	Johnson	Reed, Pa.	Watson
Dale	Jones	Robinson, Ark.	Willis
Deneen	Kendrick	Robinson, Ind.	
Dill	Keyes	Sackett	
Edge	King	Schall	

Mr. GERRY. I wish to announce that the Senator from New Jersey [Mr. EDWARDS] is necessarily detained from the Senate on account of illness in his family.

The VICE PRESIDENT. Eighty-five Senators having answered to their names, a quorum is present.

HOUSE BILL AND JOINT RESOLUTIONS REFERRED

The following bill and joint resolutions were severally read twice by their titles and referred as follows:

H. R. 9040. An act to establish the standard of weights and measures for the following wheat-mill, rye-mill, and corn-mill products, namely, flours, semolina, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes; to the Committee on Agriculture and Forestry.

H. J. Res. 192. Joint resolution to provide for the coinage of a medal in commemoration of the achievements of Col. Charles A. Lindbergh; to the Committee on the Library.

H. J. Res. 223. Joint resolution making an additional appropriation for the eradication or control of the pink bollworm of cotton; to the Committee on Appropriations.

ENROLLED BILLS SIGNED

The VICE PRESIDENT announced his signature to the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

H. R. 121. An act authorizing the Cairo Association of Commerce, its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Cairo, Ill.; and

H. R. 5679. An act authorizing the Nebraska-Iowa Bridge Corporation, a Delaware corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River between Washington County, Nebr., and Harrison County, Iowa.

PETITIONS AND MEMORIALS

Mr. WALSH of Massachusetts presented memorials of sundry citizens of Boston and other municipalities in the State of Massachusetts, remonstrating against the passage of the so-called Brookhart bill (S. 1667) relative to the distribution of motion

pictures in the various motion-picture zones of the country, which were referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Boston, Cambridge, and Medford, and of sundry other citizens, all in the State of Massachusetts, praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. SIMMONS presented a petition of sundry citizens of Jackson County, N. C., praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. FRAZIER presented the petition of Walter D. Sundquist and 63 other citizens of Wilton, N. Dak., praying for the adoption of measures to clarify the interference situation in radio broadcasting so as to improve radio reception, which was referred to the Committee on Interstate Commerce.

Mr. BARKLEY presented petitions of sundry citizens of the State of Kentucky, praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. HOWELL presented a petition of sundry citizens of Polk County, Nebr., praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. WILLIS presented a petition of sundry citizens of Cincinnati and Norwood, in the State of Ohio, praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. COPELAND presented a letter, in the nature of a petition, from Capt. Fritz Nelson, immigration secretary, the Salvation Army, at New York, N. Y., praying for the passage of the bill (S. 2271) to permit the admission, as nonquota immigrants, of certain alien wives and children of United States citizens, which was referred to the Committee on Immigration.

He also presented a resolution adopted by the transportation committee of the Buffalo (N. Y.) Chamber of Commerce, opposing the passage of the bill (S. 1760) to increase the capital stock of the Inland Waterways Corporation and protesting against the Government continuing the operation of transportation facilities, which was referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Yonkers and Edinburg, in the State of New York, praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

He also presented resolutions adopted by De Witt Clinton Council, No. 190, Junior Order United American Mechanics, of Yonkers, N. Y., favoring the passage of legislation providing for the registration of all aliens in the United States and providing for alien deportation, and also requesting that no further postponement be had in the execution of the national-origins provision of the existing immigration law, which were referred to the Committee on Immigration.

REPORTS OF COMMITTEES

Mr. STECK, from the Committee on Military Affairs, to which was referred the bill (S. 2733) to amend the military record of Joseph Cunningham, reported it with amendments and submitted a report (No. 445) thereon.

Mr. GERRY, from the Committee on Naval Affairs, to which was referred the bill (S. 1852) to correct the naval record of John Lewis Burns, reported it without amendment and submitted a report (No. 447) thereon.

DELAWARE RIVER BRIDGE, BURLINGTON, N. J.

Mr. DALE. Mr. President, from the Committee on Commerce I report back favorably, without amendment, the bill (H. R. 7948) to extend the times for commencing and completing the construction of a bridge across the Delaware River at or near Burlington, N. J., and I submit a report (No. 446) thereon. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OHIO RIVER BRIDGE AT RAVENSWOOD, W. VA.

Mr. NEELY. I ask unanimous consent for the present consideration of the bill (H. R. 6073) granting a permit to construct a bridge over the Ohio River at Ravenswood, W. Va.

There being no objection, the bill was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, E. M. Elliott, Chicago, his heirs, legal representatives, and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation, at or near Ravenswood, W. Va., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon E. M. Elliott, Chicago, his heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. That said E. M. Elliott, Chicago, his heirs, legal representatives, and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of tolls so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of West Virginia, the State of Ohio, any public agency or political subdivision of either of such States within or adjoining which any part of the bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interest in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of tolls shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. E. M. Elliott, Chicago, his heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War, and with the Highway Departments of the States of West Virginia and Ohio, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said E. M. Elliott, Chicago, his heirs, legal

representatives, and assigns, shall make available all records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act, is hereby granted to E. M. Elliott, Chicago, his heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill authorizing E. M. Elliott, of Chicago, his heirs, legal representatives and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ravenswood, W. Va."

MISSISSIPPI RIVER BRIDGE AT HICKMAN, KY.

Mr. BARKLEY. I ask unanimous consent for the present consideration of the bill (H. R. 7921) authorizing A. Robbins, of Hickman, Ky., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Hickman, Fulton County, Ky.

Mr. CURTIS. It is in the regular form of a bridge bill?

Mr. BARKLEY. Yes; in regular form.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE AT NEW ORLEANS

Mr. BROUSSARD. I ask unanimous consent for the present consideration of the bill (H. R. 10298) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near New Orleans, La. I have just talked to the chairman of the subcommittee on commerce in charge of the bill and he has consented to my asking that the bill be considered at this time.

Mr. CURTIS. Has the bill been reported from the Committee on Commerce?

Mr. BROUSSARD. The Senator from Vermont [Mr. DALE] is chairman of the subcommittee and he authorized me to ask for its consideration at this time. The permit is about to expire and the parties interested would like to have it extended.

Mr. SMOOT. An extension of time for how long?

Mr. BROUSSARD. One year to commence and three years to complete. The permit will expire on the 2d of March.

Mr. CURTIS. I ask unanimous consent that the Committee on Commerce be discharged from the further consideration of the bill and that the bill be placed on its passage.

There being no objection, the Committee on Commerce was discharged from the further consideration of the bill, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RECOMMITTAL OF BILLS

On motion of Mr. GEORGE, the following bills were recommitted to the Committee on Military Affairs:

A bill (H. R. 2294) for the relief of George H. Gilbert; and

A bill (H. R. 4655) for the relief of David E. Goodwin.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. BRUCE:

A bill (S. 3440) to vacate certain streets and alleys within the area known as the Walter Reed General Hospital, District of Columbia, and to authorize the extension and widening of Fourteenth Street from Montague Street to its southern terminus south of Dahlia Street; to the Committee on the District of Columbia.

By Mr. WALSH of Massachusetts:

A bill (S. 3441) granting an increase of pension to Mary Frary; to the Committee on Pensions.

A bill (S. 3442) to admit to the United States Chinese wives of certain American citizens; to the Committee on Immigration.

A bill (S. 3443) to permit persons on the active or retired list of the military or naval forces to receive compensation under the World War veterans' act, 1924, as amended, in lieu of active or retired pay; to the Committee on Finance.

By Mr. BRATTON:

A bill (S. 3444) granting a pension to Daniel Armijo (insane); and

A bill (S. 3445) granting a pension to George H. Bain (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 3446) for the relief of Allan MacRossie, jr.; to the Committee on Claims.

By Mr. ASHURST:

A bill (S. 3447) granting a pension to Clair Childers; to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 3448) granting an increase of pension to Mary Gocke; to the Committee on Pensions.

By Mr. FRAZIER:

A bill (S. 3449) granting an increase of pension to Lucy A. Freeman (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 3450) granting a pension to Oakey F. Albright (with accompanying papers); to the Committee on Pensions.

By Mr. BAYARD:

A bill (S. 3451) granting an increase of pension to Catherine Fluehr (with accompanying papers); to the Committee on Pensions.

A bill (S. 3452) for the relief of George W. Abberger; to the Committee on Claims.

By Mr. ROBINSON of Indiana:

A bill (S. 3453) to confer jurisdiction upon the Court of Claims to hear and determine the claim of Clara Percy; to the Committee on the Judiciary.

By Mr. METCALF:

A bill (S. 3454) granting an increase of pension to Hortense J. S. Church (with accompanying papers); to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 3455) granting a pension to Sarah J. Pummel; to the Committee on Pensions.

By Mr. REED of Pennsylvania:

A bill (S. 3456) allowing the rank, pay, and allowances of a colonel, Medical Corps, United States Army, to the medical officer assigned to duty as personal physician to the President; to the Committee on Military Affairs.

By Mr. WILLIS:

A bill (S. 3457) to amend section 58 of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes"; to the Committee on Territories and Insular Possessions.

By Mr. WALSH of Massachusetts:

A joint resolution (S. J. Res. 104) for the relief of Katherine Imbrie, widow of the late United States Vice Consul Robert Whitney Imbrie; to the Committee on Foreign Relations.

By Mr. REED of Pennsylvania:

A joint resolution (S. J. Res. 105) providing for the issuance of a special postage stamp in commemoration of the one hundredth anniversary of the first run of a locomotive in America; to the Committee on Post Offices and Post Roads.

AMENDMENT TO TAX BILL—LIENS ON REAL PROPERTY

Mr. FLETCHER submitted an amendment intended to be proposed by him to House bill No. 1, the tax reduction bill, which was referred to the Committee on Finance and ordered to be printed.

MUSCLE SHOALS

Mr. HEFLIN. Mr. President, I submit an amendment in the nature of a substitute which I may desire to offer to the Senate Joint Resolution 46, relative to Muscle Shoals, now the unfinished business of the Senate. I ask that the proposed substitute may be printed and lie on the table.

The VICE PRESIDENT. The amendment in the nature of a substitute will be printed and lie on the table.

CONSTUCTION OF RURAL POST ROADS

Mr. McKELLAR submitted an amendment intended to be proposed by him to the bill (S. 2327) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

CALF-LEATHER INDUSTRY

Mr. COPELAND. Mr. President, the condition of the calf-leather industry of the United States was brought to the attention of the Congress about three years ago and the Department of Commerce and the United States Tariff Commission, under a joint resolution introduced by me, made an investigation of the causes of depression in that industry, and the effect of foreign competition, calf leather being on the free list. A detailed report was accordingly submitted to the Congress under date of February 11, 1925, in which it was shown that the foreign tannery wage on an average was 67 per cent below the American scale.

The average wage per hour for tannery workers then paid in the United States was 52.7 cents, whereas those of five principal tanning countries of continental Europe ranged between 12 and 20 cents, and it is the competition from these countries that is being so keenly felt. It hardly need be said that American tannery workers could not even begin to subsist on such poor wages.

It was also shown in this report that European tanners in particular occupy a strategic position as regards the securing of lower priced tanning materials, dyes, and other chemicals essential to the production of calf leather, the report showed.

Since the 1925 report of the Department of Commerce was submitted to Congress very little improvement has been made in the depressed condition of the calf-leather industry. Indeed, the situation is worse, viewed from the interests of both the tanner and the laboring men employed by him.

Therefore it seems timely to ask the United States Tariff Commission to make another inquiry as to the extent of the sales of foreign calf leather in the United States and the difference in the wages of tannery workers in the United States and competitive countries. I ask for the reading of the resolution which I send to the desk.

The Chief Clerk read the resolution (S. Res. 163), as follows:

Resolved, That the United States Tariff Commission is hereby requested to investigate and report to the Senate the extent of sales of foreign calf leather in the United States since January 1, 1925, and the rates of wages paid calf tannery workers in the United States and competing countries.

Mr. COPELAND. In view of the pressing nature of the conditions existing in the industry, I ask unanimous consent for the immediate consideration of the resolution.

Mr. SMOOT. I ask the Senator to let it go over until tomorrow. I think I can get for him the information which he desires. If not, I shall have no objection to the resolution.

Mr. COPELAND. Very well.

The PRESIDING OFFICER (Mr. THOMAS in the chair). The resolution will go over.

WITHDRAWAL OF PAPERS—J. H. ORR

On motion of Mr. CAPPER, it was—

Ordered, That the papers filed in support of S. 2135, Sixty-eighth Congress, for the relief of J. H. Orr, be withdrawn from the files of the Senate, no adverse report having been made thereon.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed without amendment the joint resolution (S. J. Res. 88) authorizing the erection on public grounds in the District of Columbia of a stone monument as a memorial to Samuel Gompers.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10286) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. BARBOUR, Mr. CLAGUE, Mr. TABER, Mr. HARRISON, and Mr. COLLINS were appointed managers on the part of the House at the conference.

APPROPRIATIONS FOR THE WAR DEPARTMENT

Mr. WARREN. I ask the Chair to lay before the Senate the action of the House of Representatives just received on House bill 10286.

The PRESIDING OFFICER (Mr. THOMAS in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10286) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments, that the invitation of the House for a conference be accepted, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. REED of Pennsylvania, Mr. JONES, Mr. WARREN, Mr. HARRIS, and Mr. FLETCHER conferees on the part of the Senate.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On February 27, 1928:

S. 1154. An act to authorize the use by the county of Yuma, Ariz., of certain public lands for a municipal aviation field, and for other purposes.

On February 28, 1928:

S. 1425. An act to remove a cloud on title.

On February 29, 1928:

S. 1759. An act to authorize appropriation of treaty funds due the Wisconsin Pottawatomi Indians.

NATIONAL FOREST RESERVATION COMMISSION

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Public Lands and Surveys:

To the Congress of the United States:

I am transmitting herewith for the consideration of the Congress copies of resolutions adopted by the National Forest Reservation Commission at its meeting held on February 18, 1928, together with letters from the Secretary of Agriculture relating to the proposed addition of certain public lands to the Fremont National Forest, in the State of Oregon, and the Bighorn National Forest, in the State of Wyoming, which have been submitted by the President of the National Forest Reservation Commission.

CALVIN COOLIDGE.

THE WHITE HOUSE, *March 1, 1928.*

[NOTE.—Resolutions accompanied similar message to the House of Representatives.]

THE RADIO SITUATION

Mr. DILL. Mr. President, a few days ago I made some remarks about the radio situation and referred to the House amendment which was pending at that time. I have had further information regarding it which has caused me to reconsider some things I said about the amendment. I ask to have inserted in the RECORD a statement by Representative DAVIS, of Tennessee, printed in the United States Daily of February 29, 1928, on this subject, and also the last page and a half of the House committee report on Senate bill 2317.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

BILL TO REALLOCATE RADIO WAVE LENGTHS IS DEFENDED BY REPRESENTATIVE DAVIS—PRESENT DISTRIBUTION OF STATIONS AND POWER IS CRITICIZED AS UNFAIR TO LISTENERS

Representative DAVIS (Democrat), of Tullahoma, Tenn., on February 28 issued a statement defending the proposal for an equitable distribution of radio wave lengths and station power as provided in an amendment to the radio bill (S. 2317).

The amendment was adopted by the House Committee on Merchant Marine and Fisheries at the instance of Mr. DAVIS and will be included in the bill as it will be reported to the House. The committee already has given the measure as amended its approval and authorized the preparation of a favorable report. The full text of the statement of Mr. DAVIS, which is a reply to a recent statement of O. H. Caldwell, a member of the Federal Radio Commission, follows:

The intemperate attack upon the distribution clause contained in the radio bill favorably reported by the House Committee on the Merchant Marine and Fisheries given to the press by Commissioner O. H. Caldwell shows conclusively that such a clause is necessary to insure relief from the present unfair and discriminatory distribution.

The radio act passed by the last Congress authorizes an equitable distribution and indicated to the commission that Congress desired such a distribution. However, this provision was wholly ignored by the commission. The amendment in question directs what the committee conceived to be a proper distribution.

DISTRIBUTION OF POWER AND WAVES CRITICIZED

The existing law divides the country into five zones, the first four zones being of substantially equal population, and the fifth zone being of considerably less population but much larger geographical area. According to the present set-up the number of broadcasting licenses and the station power they are authorized to employ are as follows:

Zone	Number stations	Total station power in watts	Percentage of station power
1	138	213,055	35.30
2	115	116,805	19.34
3	102	47,105	7.80
4	215	164,870	27.31
5	131	61,785	10.24
Total	701	603,620	100.00

The third zone, with the largest population of any of the zones and by far the largest area except the fifth zone, is granted but 7.8 per cent of the total station power. The second zone, with but 40,000 less population and a much larger area and embracing the cities of Philadelphia, Pittsburgh, Detroit, Cleveland, Cincinnati, and Louisville, has but little more than half of the station power authorized in the first zone. The six New England States, with nearly a third of the population of the first zone, have less than an eighth of the power. In the fourth zone, Illinois, with about a fourth of the population of that zone, has more than half of the power granted the stations in the 10 States of that zone. Instances of such gross discriminations could be extended indefinitely.

Commissioner Caldwell proceeds upon the false premise that the zones with stations and power in excess of their quota must be reduced to the basis of the third zone, which has the smallest number of stations and power. Surely Mr. Caldwell knew that the provision required no such thing; it simply provides for an equalization as between the zones. The equalization could be brought about by an increase of power in the zones now so deficient in power, or by both reductions and increases. Manifestly such a course should be followed.

Members of the Radio Commission have been credited with the statement that there should be a substantial reduction in the present number of stations, particularly in the congested areas. Stations for elimination have been placed as high as 300. Mr. Caldwell indicated at the hearings that he favored the elimination of about half that number.

It is recognized by those familiar with the situation that there are too many broadcasting stations in certain congested areas, and there is much complaint from the listeners in such areas. The air is cluttered up and reception frequently very unsatisfactory, not to speak of the fact that the citizens in such areas are unable to get reception from outside stations with any degree of satisfaction. Consequently such a situation is not only unsatisfactory from a local standpoint but it deprives neglected sections of the country of wave lengths and power to which they are justly entitled.

Proceeding upon his false premise, Mr. Caldwell undertakes to show the havoc that would be played in New Jersey, and in order to magnify his argument he very improperly charges to New Jersey the Radio Corporation Station WJZ with 30,000 watt power, which is a New York station with its broadcasting apparatus in New Jersey. As a matter of fact, under the present frame up New Jersey has less than one-twelfth of the station power accorded that zone, although it has over one-eighth of the population. Of course, all of his conclusions based upon a false premise are likewise incorrect.

EQUAL ALLOCATIONS FOR ZONES ASKED

The amendment in question is as follows:

"The licensing authority shall make an equal allocation to each of the five zones established in section 2 of this act of broadcasting licenses, of wave lengths, and of station power; and within each zone shall make a fair and equitable allocation among the different States thereof in proportion to population and area."

Of course, this provision would be administered in connection with all the other provisions of the act, including the provision in the same paragraph and immediately preceding the distribution clause, which is as follows:

"The licensing authority, if public convenience, interest, or necessity will be served thereby, subject to the limitations of this act, shall grant to any applicant therefor a station license provided for by this act."

We take the position that the citizens in one section of this country are entitled to the same consideration as a like number in another section.

Mr. Caldwell pretends to be concerned in the interest of the listeners, but his words and actions do not so indicate.

He makes a spacious and misleading argument with respect to the ownership of radio receiving sets. According to the estimates of a responsible radio magazine, such sets in the United States are distributed among the different zones in the following proportion: 24.2 per cent in the first zone; 21.04 per cent in the second zone; 15.97 per cent in the third zone; 25.01 per cent in the fourth zone; 13.11 per cent in the fifth zone.

If better treatment is accorded stations in the third zone, so that the citizens therein can get decent reception, there will be a large and immediate increase in receiving sets in that zone. Commissioner Lafount has just had changes made in 70 stations to improve reception in his, the fifth zone.

We are dealing with the subject from the standpoint of the public generally and the listeners in particular. The public is certainly not concerned alone in a few high-powered monopoly stations. They are also interested in sectional, State, and local stations. We want such a distribution of stations, wave lengths, and power that the listeners can satisfactorily hear any stations they desire, and not be compelled to listen only to a few favored stations as is now the case.

BENEFITS TO LISTENERS PREDICTED UNDER ACT

Mr. Caldwell states that the enactment "of this abominable redistribution clause" will wreck "our present wonderful radio broadcasting structure." It may wreck the plans of a few high-powered monopoly stations and their affiliated chain stations to preempt the broadcasting field, but it will vastly improve the broadcasting structure from the public standpoint.

Mr. Caldwell's libelous designation of this clause is in keeping with his denunciation of provisions in the bill, which are enacted into the present law, against the acquirement of vested rights and providing that persons financially interested in the radio industry should not be eligible to membership on the Federal Radio Commission; and his characterization as "vicious in the extreme" of another provision then in the bill, but now in the act, providing that a station license shall be refused to any person, firm, or corporation "which has been found guilty by any Federal court of unlawfully monopolizing or attempting to monopolize radio communication, through manufacture or sale of radio apparatus or which has used unfair methods of corruption."

The Radio Commission has cleared 25 channels or wave lengths between the range of 600 and 1,000 kilocycles, decidedly the most valuable range. On 24 of these channels they have placed chain stations, including the high-powered monopoly stations; on these 24 cleared channels they have placed a total of 31 chain stations. They have granted to the stations on these wave lengths more station power than is granted to the remaining stations, approximately 624 in number, which are crowded together on the remaining 64 less-desirable wave lengths.

The broadcasting stations owned by the General Electric, Westinghouse, Radio Corporation of America, and the National Broadcasting Co., which is owned by the said three companies, are given an aggregate station power of 213,000 watts.

Mr. Caldwell sarcastically complains that Congress has failed to provide funds for personnel and equipment for the Radio Commission. After the enactment of the radio bill creating the commission in the last Congress, the only appropriation bill in which appropriations could be made for the Radio Commission was the deficiency appropriation bill which failed of passage because of the Senate filibuster. During the present Congress the deficiency bill was quickly enacted, and the independent offices appropriation bill, which properly embraces the appropriation for the Radio Commission, has passed the House, and the commission did not ask that there be included in either of those bills any more than the salaries of the commission, its secretary, and perhaps a very few other subordinate officials; at any rate, the appropriation which they asked for was included.

Mr. Caldwell stated in the recent hearings that he did not think that the commission needed any expert advisers—he doubtless preferred to perform that function himself.

Mr. Caldwell also complains that the Senate has not confirmed three members of the Radio Commission. He is more responsible for that situation than anybody else.

It remains to be seen whether Mr. Caldwell and those for whom he is speaking and for whom he has been acting will be able to arrogantly dictate to Congress a legislative policy.

[House of Representatives, Seventieth Congress, first session, Committee on the Merchant Marine and Fisheries, Rept. No. 800]

* * * * * * *

Your committee has added a new section which deserves the thoughtful consideration of the House. The second paragraph of section 9 of existing law has been the subject of much controversy. Some have contended that it imposed the obligation upon the commission to distribute stations, power used, and wave lengths equitably among the States. Others have insisted that the 1927 act directed the commission to so locate stations and to so distribute power and wave lengths to them that there might result equitable service to the people in the different parts of the country. It is now urged by many persons in the third zone that the people in the States of this zone have neither a fair proportion of stations, of power, or of desirable wave lengths, nor do they receive the service to which they are entitled. Like complaints have come from other zones and States.

This third zone has a greater percentage of the population of the United States than either of the other zones and is second in area. It has, however, the smallest number of stations, with less power authorized to be used by them than any of the other zones. It has very few stations with power in excess of 1,000 watts. Figures as to these items change often. The following table may not be strictly accurate, but it represents the present situation with substantial correctness:

Analysis of broadcasting licenses

	Population	Population (per cent)	Area (square miles)	Area (per cent)	Number of stations	Total station power in watts	Percentage of station power	Stations with over 1,000 watts
Zone 1	24,378,131	22.73	129,769	3.63	138	213,055	35.30	10
Zone 2	24,337,341	22.69	247,517	6.93	115	116,805	19.34	8
Zone 3	24,826,050	23.14	761,895	21.33	102	47,105	7.80	4
Zone 4	24,492,986	22.83	658,148	18.42	215	164,870	27.31	30
Zone 5	9,213,720	8.59	1,774,447	49.68	131	61,785	10.24	8
Total	107,248,228	100.00	3,571,776	100.00	701	603,620	100.00	60

It is not to be concluded from the set-up here disclosed that the licensing authority has been guilty of intentional discrimination against this third zone. Prior to the present radio law there was no authority to control the location of stations. It does no violence to truth to say that prior to March, 1927, stations were built whenever and wherever applicants desired and that there was no legal power to control either the use of wave lengths or power. The present commission on its assumption of authority found conditions not much different than they now are. It is perhaps idle to consider whether the commission during the past year could or should have brought about a redistribution. This amendment looks to the future. It declares in terms the duty of the licensing authority to make an equal allocation among the five zones, of broadcasting licenses, of wave lengths, and of station power and provides that within each zone there shall be an equitable allocation among the States thereof in proportion to population and power. The equality here sought is not an exact mathematical division. That may be physically impossible. The language does not contemplate the withdrawal of station licenses, of power and of wave lengths from others, and an impounding thereof in the absence of applications from the third or other zones therefor. It does not suggest that the requirement of the law of a showing of public interest, convenience, or necessity as the basis for the grant of a license, or that other provisions of the law are to be waived. It is intended, however, to require of the licensing authority that as soon as may be and in proper cases licenses in number and in kind shall be granted to applicants from this third zone and other sections of the country sufficient to bring equality in the particulars specified. If, however, within the entire United States the saturation point is now reached and additional stations or additional power or other wave lengths may not be granted in a particular zone without prejudice to all, then it necessarily follows that there must be worked out a redistribution of the stations and of the power and of wave lengths now authorized. This equality does not necessarily require the reduction of all other zones to the level of the least favored. It might be achieved by raising all to the plane of the highest, or it might be effected by a combination of new grants and a redistribution of existing licenses. There is no warrant for the assumption that the first of these alternatives is the only way in which this problem can be worked out. The amendment declares a desired end but does not presume to direct the commission as to the steps necessary to attain the result sought. Your committee does not believe that it seeks either an impossible or an unreasonable solution. It is not anticipated that this purpose will be immediately accomplished but we conceive it to be basically right and recommend that the commission should proceed to make such allocation as will reasonably meet this rule as speedily as it may be done.

PROPOSED STREET RAILWAY MERGER IN DISTRICT OF COLUMBIA

Mr. BROOKHART. Mr. President, I read from the Washington Herald a statement in reference to the traction situation in this city:

John H. Hanna, president of the Capital Traction Co., declared that should the merger fail to go through his company certainly would ask an increased fare and get it. Prospects of a higher fare in any event were seen in the fact that, even granting the estimated savings through a merger, the estimated return under the present rate would total a fraction under 6 per cent. The companies insist upon a return of 7 per cent.

Mr. President, it is with some desire to raise an issue as to the proposed return of 7 per cent that I rise at this time. I would like to ask the Senator from Kansas [Mr. CAPPER] chairman of the Committee on the District of Columbia, as to the situation with reference to the rate question that is being considered.

Mr. CAPPER. I will say to the Senator from Iowa that there is no measure of any kind, bill, resolution, or otherwise, before the Committee on the District of Columbia, or any other committee of the Senate that I know of, which involves the merger of the transportation lines in the District of Columbia.

Mr. BROOKHART. In what shape is it pending that brings on this publicity?

Mr. CAPPER. The merger matter is now before the Public Utilities Commission of the District of Columbia in the form, apparently, of an agreement reached by the transportation companies of this city whereby they propose to form a merger. The Public Utilities Commission are holding hearings and inquiring into the merits of the merger plan. When they have concluded their hearings, if they see fit to approve the program agreed to by the transportation companies, the Public Utilities Commission will, under the terms of the merger act passed by Congress, submit to Congress for ratification or rejection the merger plan.

Mr. BROOKHART. The matter then will come before the Senate for action?

Mr. CAPPER. Yes; and let me add that nothing can be done in the District of Columbia, so far as a merger of the transportation lines is concerned, without ratification and approval by Congress.

Mr. BROOKHART. I thank the Senator from Kansas.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator from Kansas if the Public Utilities Commission have the power to raise or lower rates for the carrying of passengers on street cars in the District of Columbia?

Mr. CAPPER. I think they have.

Mr. ROBINSON of Arkansas. It appears that a rate of 8 cents is being charged in the District and has been charged, I think, since about the beginning of the war period. Does the Senator from Kansas know of any large city in the United States where a fare greater than that is being collected?

Mr. CAPPER. I do not. Furthermore, I can conceive of no situation that might arise which would justify or warrant any increase by the transportation companies in the rates now charged the people of this city.

Mr. ROBINSON of Arkansas. The object which prompted me to say anything in this connection grows out of the fact that it has seemed that a reduction might be made in the fares which are being charged in the District of Columbia. The present rate was imposed during the war period. It is very high. Eight cents, I think, is as high as is being charged and collected anywhere in the country. Of course, there are 6 tokens sold here for 40 cents, but that is not very different from a rate of 8 cents for a single fare.

I recognize as a fundamental principle of economics and of law that those who invest their moneys in any enterprise affected with a public interest have the right to a reasonable return on their investment when their business is honestly and economically administered.

Mr. CARAWAY. Will the Senator pardon me for just a moment?

Mr. ROBINSON of Arkansas. I yield to the Senator from Arkansas.

Mr. BROOKHART. I think I have the floor.

Mr. ROBINSON of Arkansas. If the Senator declines to yield, I shall wait and take the floor in my own right.

Mr. BROOKHART. I wanted to make a suggestion in answer to what the Senator has just said.

Mr. ROBINSON of Arkansas. I have not concluded what I was going to say. I should like the Senator from Iowa to yield to my colleague.

Mr. BROOKHART. I, too, want all questions to be asked which any Senator may desire to ask, but I should like to complete my statement before yielding the floor.

The senior Senator from Arkansas has suggested that the rate of fare is too high, and there are some fundamental economic reasons why it is too high. It is to those I desire to call the attention of the Senator and of the Senate.

In the first place, the rate of a 7 per cent return is too high for any public utility anywhere in the United States; it is extortionate; and I will give the Senate the facts on which I base that conclusion. The return on the whole production of the American people, including all their work, all their labor, all their capital, all increases in property values, all depreciation of the dollar, every item that goes into the measure of value in the United States, is only about 5½ per cent a year.

Why should the public-utility industry be singled out by commissions and courts and be given a return far above the average return on all the American capital? It is almost a guaranteed industry; it has been given a valuation that on an average is considerably more than its investment. Then, it has a command of the law, even of the common law, that it shall have a reasonable or adequate return upon that investment. That makes it the most stabilized investment we have next to Government bonds themselves, and yet we find constantly, and going without challenge almost, the suggestion that it shall have a 7 per cent return, when the average return on the whole peoples' capital, labor and all, is only 5½ per cent.

Mr. CARAWAY. Mr. President, will the Senator from Iowa permit me to interrupt him now?

Mr. BROOKHART. I yield to the Senator.

Mr. CARAWAY. Mr. President, if the Senator will examine the charters of the street-car companies in the District he will find that they were required under those charters to sell six tickets for a quarter. There has not been any repeal; there has not been any amendment of those charters. A public utilities commission was created here, which has exercised its ingenuity to raise fares, and I have no doubt that it is not within the power of the courts here to compel them to comply with their charters. They are violating them every day. If I might be permitted to say so, it looks to me like—and I regret to say it, but I wish to say it while the chairman of the committee is present—it looks like when we get a Committee on the District of Columbia it finally ceases to function except in a one-sided way. There is a cry going up, of course, all the time for letting the people back home pay all of the taxes for the District of Columbia, and every demand for a special privilege receives immediate approval.

A long time ago I introduced a bill, for which I never could get any consideration at all, that would have regulated street-car fares here and forced a merger, by requiring the commission to grant a charter to a bus line to run along the lines of the street-railway company that would not comply with its charter. I can not get any consideration for that bill; but there is a demand now for a consolidation and for a 7 per cent return, which is an outrage.

Mr. BROOKHART. I think the 7 per cent claim grows out of a comparison with the earnings of certain other lines of business; but the question I want to ask is why should a commission or a court pick out some particular line of business or some group of business industries that has a high return and then say a utility shall have an equal return? Why should not they consider every line of business and determine the average? If they will do that, it will be found that a reasonable return for a public utility will not much exceed 4 per cent. We talk about the earnings of industries and about great prosperity in the United States at this time and then give the public utilities a return by law through our commissions and our courts equal to the returns under such prosperity; but whose prosperity is it?

I have figures from the Department of Commerce showing that 177,000 corporations in the United States since 1922, more than five years, have operated at the enormous loss of nearly $2,000,000,000 a year. We have prosperity for only a few industries, the public utility is one of those industries by the special favor of the law.

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Kansas?

Mr. BROOKHART. I yield.

Mr. CURTIS. I do not want to ask the Senator a question, but I desire to suggest to him that under the rule during the morning hour debate is limited to five minutes.

Mr. BROOKHART. Very well; I shall discontinue my remarks at this time.

ERADICATION OF PINK BOLLWORM

Mr. WARREN. From the Committee on Appropriations I report back favorably without amendment the joint resolution (H. J. Res. 223) making an additional appropriation for the eradication or control of the pink bollworm of cotton. I ask unanimous consent for the immediate consideration of the joint resolution.

Mr. ROBINSON of Arkansas. Let the joint resolution be read.

The VICE PRESIDENT. The joint resolution will be read.

The joint resolution was read, as follows:

Resolved, etc., That to enable the Secretary of Agriculture to meet an emergency caused by a serious outbreak of the pink bollworm of cotton in western Texas, and to prevent its spread to other parts of Texas and to adjoining States, including the same objects and under the same conditions specified under the heading "Eradication of pink bollworm" in the agricultural appropriation act for the fiscal year 1928, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the additional sum of $200,000, to remain available until June 30, 1929.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. WARREN. Mr. President, this additional appropriation is called for by the Agricultural Department, whose agents have been on the ground where this scourge is being experienced. The department asks that an appropriation of $200,000 be made; in fact, an appropriation of that sum has already been embodied in the agricultural appropriation bill in the House of Representatives, and this sum may be deducted from the appropriation which is carried in that bill, but it is desired that the amount may be made immediately available. That is all that is embraced in the bill.

Mr. ROBINSON of Arkansas. I understand the situation to which the Senator from Wyoming refers is emergent?

Mr. WARREN. It is very emergent.

Mr. ROBINSON of Arkansas. And it is necessary that prompt action shall be taken in order to prevent the spread of this pest.

Mr. WARREN. It is so considered.

Mr. BRATTON. Mr. President, I have no objection to the consideration of the joint resolution if it will not lead to debate and interfere with the unanimous-consent order for this morning.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SHEPPARD. Mr. President, I ask unanimous consent to have inserted in the RECORD at this point a telegram to Representative BUCHANAN, of Texas, from Dr. C. L. Marlatt with reference to the situation. Doctor Marlatt is chairman of the Federal Horticultural Board and is personally investigating conditions in Texas in connection with the pink bollworm.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

MARFA, TEX., *February 27, 1928.*

J. P. BUCHANAN,

House of Representatives, Washington, D. C.:

Clean-up of gins and regulation of cotton and seed should begin at once in west Texas area. Can the amount which is to be made immediately available be released for use now by joint resolution of Congress? Urgency fully warrants such action.

C. L. MARLATT.

PUEBLO INDIAN LANDS

The VICE PRESIDENT. Morning business is closed. The Chair lays before the Senate, pursuant to the order of yesterday, the amendment of the House of Representatives to the bill (S. 700) authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes. The question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. CURTIS], which will be stated by the Secretary.

The CHIEF CLERK. On page 3, line 20, after the word "lands," it is proposed to insert "except such part thereof as the Indians shall themselves farm."

Mr. BRATTON. Mr. President, I desire to suggest an amendment to the amendment of the Senator from Kansas. The amendment I suggest is to add to the amendment the words "not to exceed 4,000 acres."

Mr. CURTIS. Mr. President, I am willing to accept that modification. Since the debate of yesterday I have talked with the officials of the Indian Bureau, and they say that 12,000 acres will be all that will be required for many years to come for the use of the Indians.

The VICE PRESIDENT. The question is on the amendment as modified to the amendment of the House.

Mr. LA FOLLETTE. Mr. President, before the amendment is acted upon, I should like to suggest to the Senator from Kansas that there be added to his amendment additional words reading as follows:

But no collection for reimbursement from proceeds of leases of any Indian acres shall exceed in annual amount the payment made annually by white acres of like character toward the amortizing of the share of said white acres in the indebtedness of the Middle Rio Grande conservancy district.

Mr. CURTIS. Mr. President, I have not had an opportunity to study the amendment suggested by the Senator from Wis-

consin, but it seems to me that what it provides would be the attitude of the department in any event.

Mr. LA FOLLETTE. The amendment suggested by me would simply assure the result of the amendment of the Senator from Kansas. As I understand, if he shall incorporate in his amendment the words which have been suggested by the Senator from New Mexico, the result will be to throw a much larger additional burden upon the acres which are not actually farmed by the Indians.

Mr. CURTIS. That is, the 11,000 acres?

Mr. LA FOLLETTE. The purpose of my amendment is to protect those acres in Indian ownership from an excessive rate of collection; in other words, although I do not agree with the justice of loading these additional acres with this larger debt, I believe if protection were incorporated in the bill so that the large additional debt would be paid off over a much longer period of time, that some justice would be secured for the Indians.

Mr. BRATTON. Mr. President, will the Senator from Kansas yield to me?

Mr. CURTIS. I yield.

Mr. BRATTON. I hope the amendment suggested by the Senator from Wisconsin will not prevail. The amendment of the Senator from Kansas in its present form will give the Indians the right not only to farm their present area of 8,346 acres free of debt, free of obligation, and free of reimbursement, but it will give them the right to farm 4,000 additional acres without obligation or reimbursement of any kind from the proceeds of that land. In other words, it will give the Indians the use of 12,000 acres of land plus, susceptible of heavy production, because it would be reclaimed and could be cultivated in an intensive manner.

Mr. LA FOLLETTE. But, Mr. President——

Mr. BRATTON. If the Senator will permit me to complete my statement, I wish to say that all the Government would look to, then, for its reimbursement would be the proceeds of leases upon land that is now practically worthless to the Indians. To say that it would be oppressive can not be sustained by the facts, as I understand them. The amendment suggested by the Senator from Wisconsin, if adopted, not only will jeopardize the passage of the bill but will defeat the legislation as he of necessity must understand. Furthermore, it is a departure from any legislation which I know anything about upon this or kindred subjects.

Mr. LA FOLLETTE. If the amendment which I have suggested to the amendment of the Senator from Kansas is going to be resisted, then I wish to discuss the entire bill upon its merits before the amendment shall be adopted.

Mr. BRATTON. I do not resist the amendment of the Senator from Kansas.

Mr. LA FOLLETTE. I understand that.

Mr. BRATTON. I am willing to accept it in the form in which we have discussed it.

Mr. CURTIS. Mr. President, I yield the floor if the Senator from Wisconsin desires to proceed.

Mr. LA FOLLETTE. Mr. President, I have served for approximately two years upon the Indian Affairs Committee. Senators well realize that to take a position in opposition to that sponsored by a Senator, or, as in this case, the two Senators from a State, is not a pleasant one. Nevertheless, I conceive it to be my duty as a member of the Committee on Indian Affairs to oppose legislation on this floor and in the committee which, after due consideration and such investigation as I am able to make, I feel is not in the interest of the Indians and perpetrates upon them an injustice.

In carrying out the conception of my obligation as a member of that committee I have on numerous occasions opposed the attitude and the position taken by Senators from States in which Indians were concerned in legislation under consideration. So long as I am a member of that committee I shall continue to follow that course.

In my judgment, Mr. President, the action contemplated in this bill, if the House amendment shall prevail, is a breach of faith with the six Pueblo Tribes involved.

If Indians were not concerned in this matter, Mr. President, if the negotiations which led up to the approval of Senate bill 700 as it passed the Senate by interested parties had been made by white citizens, in my judgment this action would not be contemplated, nor would an attempt be made to justify it.

This matter has been in controversy for some time. In 1926 a bill was introduced containing a provision that nothing should be done unless the consent of the Indians was obtained. That bill failed of passage; but the Indian tribes involved, through their duly authorized councils, rejected that bill even with that proposal in it. Then the conservancy district, realizing, I believe, that they could not pass this legislation unless they obtained an indorsement of the Indians involved, concerning the features of Senate bill 700, then proposed to them.

In that connection, Mr. President, I desire to call attention to the action taken by the council representing these tribes which assembled at Santa Domingo pueblo on September 17, 1927. The resolution is as follows:

> The council of all the New Mexico pueblos * * * adopts and recommends to the councils of the several pueblos the following:
>
> First. We recognize the importance of the Rio Grande River problem to all of northern New Mexico and to the Pueblos. The Pueblos, no less than their white neighbors, want to see the floods controlled, the water for irrigation increased, and the water-logged lands restored to cultivation.
>
> Second. The council holds itself absolutely uncommitted to any detail of engineering or financing plan, and to any surrender of land for reservoirs or any other conservancy purpose. The council will duly consider the physical and general financing details of any river project when the officers of the Middle Rio Grande conservancy district, and especially the engineers, have completed their study. We are informed that such study has not yet been completed. Subject to the above—
>
> Third. (a) We shall oppose any plan threatening the destruction of any Pueblo village, now or in the future.
>
> (b) If any reimbursable debt be placed on Pueblo lands, we insist that it be no larger than the amount justified by the direct Pueblo benefits.
>
> (c) We insist that our existing improved acreage—

That, Mr. President, refers to the 8,346 acres in controversy in this connection—

> or its equivalent in lands newly reclaimed, shall remain free from debt of whatever character and from all charges for water. We are opposed to any plan under which the amount of free water for irrigation, which the Pueblos now use or which may be recovered under the Pueblos lands act, or through the independent suits authorized in that act, shall be diminished.
>
> (d) If any reimbursable debt be placed on Pueblo lands of whatever character we insist that such debt be payable out of a share of the crop yield exclusively from the newly developed lands—

That is, from the 15,000 acres—

> but in any case at a rate not exceeding one-fortieth part in any one year.
>
> (e) We insist that any legislation involving the Pueblos in the conservancy project shall contain guaranties against the allotment of our lands.
>
> (f) We are opposed to any condemnation of Pueblo lands for conservancy, and we insist that any land required from the Pueblos shall be agreed to and described in the enabling act.
>
> (g) Because of the many complicated issues involved, we urgently recommend that no effort be made to provide authorization or money involving the Pueblos in the conservancy project in any general appropriation bill or deficiency appropriation bill, but that any legislation sought shall in the first instance be a special act authorizing an appropriation, and shall be considered by the Indian Affairs Committees as well as the Appropriations Committees of Congress.

Mr. President, Senate bill 700 as introduced, as supported by the Department of the Interior and the Indian Office, and as reported from the Committee on Indian Affairs of the Senate unanimously, and as passed by the Senate, contained substantially all of the provisions asked for by these Indians at their formal tribal council meeting; and I think it is of interest to the Senate that on December 1, 1927, Pearce C. Rodey, attorney for the conservancy district, addressed a letter to Hon. Richard H. Hanna, attorney at law, Albuquerque, N. Mex., who represented the Indians and advised them concerning their interests in this conservancy development. Some attempt has been made here to infer that because Judge Hanna was employed at a nominal fee by the American Indian Defense Association in connection with certain other matters he therefore is in some way influenced by the Indian Defense Association in the position which he takes upon the matter now in controversy before the Senate. I have not the honor of the personal acquaintance of Judge Hanna, but I am informed that he is one of the most distinguished members of the bar of the State of New Mexico; and I submit that his statements with regard to this matter are worthy of consideration regardless of whether or not he is employed or under retainer by the American Indian Defense Association in some other matter.

Mr. BRATTON. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. BLEASE in the chair). Does the Senator from Wisconsin yield to the Senator from New Mexico?

Mr. LA FOLLETTE. I shall be glad to yield.

Mr. BRATTON. I am more fortunate than the Senator from Wisconsin in the particular regard he is now discussing. Judge Hanna is an outstanding citizen and one of the ablest lawyers

in the State of New Mexico. His character and his reputation can not be assailed. I do not agree with him in the particular matter we are now discussing; but, that question aside, it is my pleasure to assure the Senate that Judge Hanna is one of the leading citizens of New Mexico, and as good a man as can be found anywhere.

Mr. LA FOLLETTE. I am glad to have the Senator make that statement, because when this matter first came up for consideration and I made some suggestion about the position of Judge Hanna in this matter, the Senator from New Mexico made reference to the fact that he was under retainer by the American Indian Defense Association, and the clear implication of that statement was that this attorney would therefore be influenced in his statements concerning some other proposition. If the Senator from New Mexico did not intend to make that implication in his statement, I am glad to have given him the opportunity to amplify it in the RECORD, because I submit that the language which the Senator used was subject to that inference.

Mr. BRATTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin further yield to the Senator from New Mexico?

Mr. LA FOLLETTE. I do.

Mr. BRATTON. It was not so intended, Mr. President. The Senator from Wisconsin referred to the fact that Judge Hanna was attorney for the Indians, and I replied to the suggestion. "Under the employment of the Indian Defense Society," the secretary of that society being the one that has espoused the opposition to this bill, and has inspired a nation-wide opposition to it to the best of his ability. I expressly acquit Judge Hanna of any improper motives in this or any other matter, but I can not say that for some others in connection with the Indian Defense Society.

Mr. LA FOLLETTE. Mr. President, I do not propose to be drawn into any controversy between Mr. Collier and the Senator from New Mexico. They can settle that controversy between themselves; but I do desire to say that I have come in contact with Mr. Collier during the last few years, I have found him to be reliable, and I have found him to be conscientious in his effort to protect the rights of American Indians.

Mr. BRATTON. Mr. President, if the Senator will yield, I regret exceedingly that I can not share the view of the Senator from Wisconsin with reference to Mr. Collier.

Mr. LA FOLLETTE. The Senator is entitled to any opinion he desires to have in the matter, but I think I have had as long an acquaintance with Mr. Collier as the Senator from New Mexico has had, and I reiterate the statement which I just made concerning him.

On December 1, 1927, Mr. Pearce C. Rodey, the attorney for the conservancy district, addressed a letter to Hon. Richard H. Hanna, and I desire to quote only one paragraph from the letter. He said:

> We have conceded practically all that was ever asked in those resolutions—

Referring to the resolutions adopted by the Indians which I have just read—

> that you sent to me, and have considered all the suggestions that came through you or those you represent. Of course, the Indians have really a gratuity under this bill for the present cultivated acreage; and inasmuch as the lien can not be enforced as to the other lands so long as title thereto is held by the Indians, this gives ample protection against the enforcement of the lien.

On page 31, part 1, of the hearings upon Senate bill 700, as introduced, and which, I think, fully protected the rights of the Indians in this matter, there are set out a number of telegrams addressed to Mr. Collier, signed by the governors of the various pueblos, and also by Sotero Ortiz, president of the council of all the New Mexico pueblos. The import of those telegrams is approval of the bill as introduced, which they were subsequently informed carried out the resolutions adopted by them in 1927. I desire, without reading, to have those telegrams incorporated as a part of my remarks.

The PRESIDING OFFICER. Is there objection?

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

ISLETA, N. MEX., *January 19, 1928.*

JOHN COLLIER, *Washington, D. C.*

To whom this may concern:

On December 1, 1927, a meeting was held at Santo Domingo, N. Mex., of all the river pueblos and formally instructed John Collier, secretary Indian Defense Association, to represent the pueblos in obtaining protection on conservancy matters.

ANTONIO ABEYTA,
Secretary New Mexico All Pueblo Council.

ALBUQUERQUE, N. MEX., *January 19, 1928.*

JOHN COLLIER,

57 Bliss Building, Washington, D. C.:

Be it resolved by the council of all the New Mexico pueblos assembled at Santo Domingo, N. Mex., January 19, 1928, for the consideration of Senate bill No. 700, regarding appropriation by the Government in aid of the Rio Grande conservancy district as it relates to Indian lands, as follows:

First, that we are opposed to any reimbursable debt against the Indians, even as to newly reclaimed lands, considering this a burden too heavy for us to bear; second, that we are strongly in favor of the provisions of said bill for the protection of Indian lands and rights; third, that though doubtful of ultimate benefit to the Pueblo Indians if the costs to be advanced by the Government are charged against the Indians as a reimbursable debt, we are aware of the fact that conservancy legislation affecting Indian lands is likely to be enacted and we renew our expression of faith in and authorization to the American Indian Defense Association and John Collier to represent our interests in that regard, and ask them specifically to support in any proposed legislation, including Senate bill 700, such provisions as said bill contains for the benefit of the Indians, not including any reimbursable debt, and if a reimbursable debt is unavoidable, which we should regret, you are authorized to support said Senate bill 700 in its entirety; fourth, the following pueblos being present and voting unanimously; for this resolution—Taos, Santa Clara, San Juan, Nambe, San Ildefonso, Santo Domingo, Tesuque, San Felipe, Santa Ana, Cohito, Sandia.

COUNCIL OF ALL THE NEW MEXICO PUEBLOS,
By SOTERO ORITZ, *President.*
CLETO TAFOYA, *Secretary.*

ALBUQUERQUE, N. MEX., *January 19, 1928.*

JOHN COLLIER, *Washington, D. C.:*

Although not present at Domingo meeting, we have signed resolutions of pueblo council at our own meeting in Salete, and join, with other pueblos, in expressing satisfaction with your work on conservancy bill and in authorizing you to use best judgment in supporting Senate bill 700 in whole or in part.

JOSE PADILLA, *Governor Isleta Pueblo.*

DOMINGO, N. MEX., *January 19, 1928.*

JOHN COLLIER, *Washington, D. C.*

DEAR MR. COLLIER: You are hereby given full authority to support, in whole or in part, the pending Rio Grande conservancy bill on behalf of this pueblo.

JUAN ABILA,
Governor Sandia Pueblo.

DOMINGO, N. MEX., *January 19, 1928.*

JOHN COLLIER, *Washington, D. C.*

DEAR MR. COLLIER: You are hereby given full authority to support, in whole or in part, the pending Rio Grande conservancy bill on behalf of this pueblo.

LORENZO SANCHEZ,
Governor San Felipe Pueblo.

DOMINGO, N. MEX., *January 19, 1928.*

JOHN COLLIER, *Washington, D. C.*

DEAR MR. COLLIER: You are hereby given full authority to support, in whole or in part, the pending Rio Grande conservancy bill on behalf of this pueblo.

TOMASITO TENORIO,
Governor Santo Domingo.

DOMINGO, N. MEX., *January 19, 1928.*

JOHN COLLIER, *Washington, D. C.:*

Santa Ana pueblo sends full authority speak for us all hearings Senate bill 700, and send heartfelt thanks for work you have already done.

JOSE REYLEON,
Lieutenant Governor.

DOMINGO, N. MEX., *January 19, 1928.*

JOHN COLLIER, *Washington, D. C.*

DEAR MR. COLLIER: You are hereby given full authority to support, in whole or in part, the pending Rio Grande conservancy bill on behalf of this pueblo.

AMBROSIO MARTINEZ,
Governor San Juan Pueblo.

DOMINGO, N. MEX., *January 19, 1928.*

JOHN COLLIER, *Washington, D. C.*

DEAR MR. COLLIER: You are hereby given full authority to support, in whole or in part, the pending Rio Grande conservancy bill on behalf of this pueblo.

VICTORIANO SISNEROS,
Governor Santa Clara Pueblo.

DOMINGO, N. MEX., *January 19, 1928.*

JOHN COLLIER, *Washington, D. C.*

DEAR MR. COLLIER: You are hereby given full authority to support in whole or in part the pending Rio Grande conservancy bill on behalf of this pueblo.

JULIO ABEGATO,
Governor Tesuque Pueblo.

DOMINGO, N. MEX., *January 19, 1928.*

JOHN COLLIER, *Washington, D. C.*

DEAR MR. COLLIER: You are hereby given full authority to support in whole or in part the pending Rio Grande conservancy bill on behalf of this pueblo.

LOUIS ORTIZ,
Governor Cochiti Pueblo.

DOMINGO, N. MEX., *January 19, 1928.*

JOHN COLLIER, *Washington, D. C.:*

Advise Senate committee you have full authority—speak for us in all matters relating to conservancy bill. We are all behind you.

LORETO VIGIL,
Governor Nambe Pueblo.

DOMINGO, N. MEX., *January 19, 1928.*

JOHN COLLIER, *Washington, D. C.:*

San Ildefonso pueblo sends you its consent to represent it in all hearings on the conservancy bill, S. 700.

ANTILANO MONTOYA, *Governor.*

SANTA FE, N. MEX., *January 19, 1928.*

JOHN COLLIER, *Washington, D. C.:*

Although not affected by conservancy, we were present Domingo meeting and send you full support and appreciation for your work on behalf of pueblos.

TASO PUEBLO,
By MANUEL CORDOVA, *Governor.*

Mr. LA FOLLETTE. Mr. President, I desire to read a telegram dated at Albuquerque, N. Mex., January 20, 1928, appearing on page 33 of the hearings, and signed by Hanna & Wilson, Mr. Wilson being a partner of the Judge Hanna to whom I have just referred. This is addressed to John Collier, and reads:

ALBUQUERQUE, N. MEX., *January 20, 1928.*

JOHN COLLIER, *Washington, D. C.:*

As counsel for each pueblo affected by conservancy district, attended general meeting September 17 where pueblos took definite stand on conservancy, and subsequent meeting December 1, where they renewed position demanding protective measures in conservancy bill and gave you unqualified authority represent them in obtaining such protection. Also attended meeting January 19, where Senate bill 700 read in full Spanish and Indian languages and discussed from all angles. Indians much relieved by protective measures in bill and passed resolution authorizing you speak for them. Indians opposed any reimbursable debt but feel if such debt unavoidable the safeguards contained in bill are absolutely necessary. We have represented this Indian attitude in number of informal meetings local conservancy heads and believe they realize solidity of Indian feeling.

HANNA & WILSON.

Mr. President, following that long controversy, following the indorsement given by these pueblos to this bill, it was reported unanimously from the Senate Committee on Indian Affairs in the form of Senate bill 700. It was passed in the Senate by unanimous consent, it went to the House, there it was amended without explanation given, the House striking out the protective features which the Indians have insisted upon in every step taken in this controversy. It was brought back here in the form of a message from the House of Representatives, and passed without any explanation of the changes which had been made in the House.

It then became necessary to move for reconsideration. The bill was rereferred to the Senate Committee on Indian Affairs, and there, after a hearing, the committee divided very closely, only one majority being secured for the report of the bill to this body in the form in which it now is before us.

It should not be necessary to discuss the merits involved in this question, following the action of repudiation by the House of Representatives in their action in this amendment, and by the Senate committee in reporting this bill, a repudiation of the understanding upon which these Pueblo Indians supported and indorsed the original bill.

I submit it as my judgment that if this proposition had been presented de novo before the Senate Indian Affairs Committee in the form in which it is now before the Senate that committee never would have reported the bill in its present form. If there had been a real investigation into the merits of this controversy, if we had had a full attendance of the committee, in my judgment that committee never would have authorized the report of this bill.

The cry is raised that unless we are willing to accept the House amendment no legislation can be passed at this session of Congress. I do not pretend to be prophet enough to predict as to whether or not that assumption is correct, but until this body has exercised every legislative step to bring justice to these Indians it has not fully discharged its obligation. If we accept the assumption of the Senator from New Mexico that this legislation can not pass without either attempting to amend the House amendment and send it back to the other body, where it will come up on the floor and be discussed on its merits, or else reject the House amendment and demand a conference, we will not have exhausted our legislative remedies and we will not have discharged our full obligation.

Mr. President, the gratuity features in Senate bill 700 as reported from the committee originally were based, in my judgment, upon a recognition of the fact that this 8,346 acres, cultivated since known historical times by these Pueblo Indians, would not receive sufficient benefits under this proposal to justify assessment against them of the large amount of $67.50 an acre, which is proposed in the bill as it now is before us.

I defy any Senator to examine the record of the Senate Indian Affairs Committee upon this measure, or the proceedings before the House Appropriations Committee on it, and find any showing of facts as to the benefits which this 8,346 acres will receive as a result of this bill. As a matter of fact, in so far as those hearings touch upon that question, they show, I think, clearly a recognition of the fact that the Indians are not to receive any such benefit on these 8,346 acres as is provided in this bill.

In that connection I wish to draw attention to the statement which has been previously quoted by Mr. Reed, the engineer in chief for the Indian Bureau on reclamation matters. Appearing before the committee on January 20, 1928, Mr. Reed declared:

> The only relief that the Indians will have, of course, is on the main canal, which will serve not only their lands but the lands below. The distributing system and everything except the main carrying canals will be handled by the Indians.

Further he stated:

> As a physical fact, the Indian system and the white man's system of distribution will be separate except in so far as those lands that have passed from Indian ownership—the lands within the pueblos that have passed from Indian ownership to white men—the title to which is now being worked out by a committee that was appointed for that purpose.

Mr. Reed stated further:

> I do not know of another irrigation system in the United States, and I think I know every one of them, that has physical conditions similar to what we have here. This is a shoe string, with a canal passing down one side. The Indian lands take-out would be project expense. But the moment the water leaves the take-out it is on Indian land, and would not be subject to white use excepting on the lands that I have described as having passed out of Indian ownership.

He stated further, on page 22:

> These Indians have had a system that has served their purpose, perhaps to them satisfactorily, but not scientifically. They still think that they can go on and exist and perhaps prosper under the same conditions. The lands that have become waterlogged have become so not from acts of the Indians but as the result of civilization.

The other day, when the Senator from New Mexico had the floor, I referred to a statement of Mr. Burkholder, the engineer for the conservancy district, in his appearance before the House Appropriations Committee on the Interior Department appropriation bill for 1929. These are the only statements which I have been able to find concerning this question of the controversy over how much the 8,346 acres are to be benefited. The Senator from New Mexico on yesterday maintained that they would receive a benefit amounting to $67.50 per acre, but I submit that he did not furnish to the Senate any definite, detailed statement as to what that benefit would consist of, even though he was pressed to do so by my colleague.

Three of the maps which I have been able to obtain concerning these pueblos make an interesting showing. I am sorry that I have not had an opportunity to prepare them in sufficient size so that they could be used here in the Chamber, because I think a physical picture of exactly the situation that exists there would be of help to the Senate in arriving at a conclusion.

In connection with the statement concerning the 8,346 acres now under cultivation by the Indians, and which have been under cultivation for at least 300 years, I desire to bring to the attention of the Senate a report made by the Pueblo Lands Board, created under authority of the Pueblo lands act of 1924. That board consists of a chairman, appointed by the President of the United States, a member appointed by the Attorney General, and a member appointed to represent the Secretary of the Interior. This report deals with the Santo Domingo pueblo. The board states:

The two main bodies of cultivated Indian lands, a part of this 8,346 acres under discussion, lie in the vicinity of the pueblo west of the Rio Grande and directly opposite the pueblo on the river's right bank. Much of the lands that the Indians irrigate and farm is of the very best quality, rich alluvial soil, with just sufficient mixture of sand to prevent its baking. Some of the land is too sandy. Some of it would be benefited by drainage, but on the whole—

I direct the attention of the Senate to this language—

But on the whole the land they cultivate is better in quality and in much better present condition as to drainage than most of the agricultural lands in the valley between White Rock Canyon and San Marcial, whether Indian or non-Indian. Generally these Indians cultivate their land as well or better than most of the non-Indian landholders in the valley.

One other point from this report:

There is ample water ordinarily for the cultivation of all the Indian and non-Indian land now cultivated within this grant. It is probable that an effective reorganization of all the irrigation and drainage systems of the Middle Rio Grande Valley, which includes this and several other pueblo areas, if accompanied with effective provisions for flood control, will enhance the effectiveness and productivity of the land within the Santo Domingo pueblo already cultivated and also enable the irrigation of some additional land. The Indians themselves, however, if they are to be charged with any appreciable burden of such improvement, could not well stand such burden. It should always be borne in mind that their rights to the water for the irrigation of the lands they have cultivated can not be interfered with.

Mr. President, there is much said in behalf of the bill because it is alleged to confirm the rights of the Indians to water. A little later in my remarks I shall demonstrate that that means absolutely nothing to the Indians. Their rights to the water are absolutely and amply protected and can not be taken from them except by act of Congress.

Mr. COPELAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from New York?

Mr. LA FOLLETTE. I yield.

Mr. COPELAND. As a matter of fact, have not these lands been cultivated by the Indians for many hundreds of years?

Mr. LA FOLLETTE. Much is made of a statement by Mr. Pearce Rodey, attorney for the Rio Grande conservancy district, in which he said, and I think I quote him correctly or substantially correctly at least, that it has been said that 23,000 or 25,000 acres were cultivated in prehistoric times. The Assistant Commissioner of Indian Affairs picked up that statement and reiterated it without support before the Committee on Indian Affairs of the Senate. But so far as history tells us the lands have been cultivated for more than 300 years by these Indians through their own initiative and through their own system of irrigation which they themselves constructed.

Mr. COPELAND. Then there is no doubt about the rights of the Indians to the water powers and the irrigation ditches?

Mr. LA FOLLETTE. There is no question about it. There is in controversy now some land which the Indians claimed had been taken away from them before the year 1910 by the whites, but in so far as their rights to the 8,346 acres and to the water are concerned, there is no question that they are absolutely in full possession of them, and they can not be diminished or set aside except by a plenary act of Congress.

Mr. COPELAND. If the Senator will bear with me a moment, I have not had the pleasure of hearing everything the Senator said. I trust he will address himself at some time to the question of whether the cultivated lands will actually be benefited.

Mr. LA FOLLETTE. I have been addressing myself to that question, and I have given such information as I could find from a perusal of the hearings. I went into that subject before the Senator entered the Chamber. I desire to say, however, and I think perhaps it would be of interest to the Senator from New York, that Dr. W. J. Spillman, of the Department of Agriculture, a recognized agricultural expert and economist, was one of those who formed the committee of investigation of Indian matters which has been working with the Department of the Interior. In connection with that work he made a visit to the Middle Rio Grande district and made a general survey of conditions there. I desire to call the attention of the Senator from New York to his statement as quoted by the senior Senator from North Dakota [Mr. FRAZIER] before the committee. It appears on page 60 of the hearings:

I think that if the original principles involved in the bill—

That is, the bill S. 700 as reported from the committee, and not the bill in its present form—

are not adhered to, it ought not to be passed. Unless the original principles can be adhered to, I would oppose this bill as a vicious piece of legislation. It would mean that the Indians could not possibly pay for it. Anyone with experience in irrigation matters knows that the white man could not pay for it. If they want to put the Indians in a position to redeem themselves and make them civilized, they can never do it in this way, as it is entirely unjust to the Indians.

Mr. COPELAND. Mr. President, if the Senator will yield a moment further, it has seemed to me that the only possible justification for putting such an enormous debt upon the raw lands of the Indians would be a material benefit to the cultivated lands.

Mr. LA FOLLETTE. No such benefit has been shown. Let me recall to the mind of the Senator from New York that when the bill S. 700 was first introduced it had the indorsement of the Bureau of Indian Affairs, Department of the Interior, and was indorsed by the Pueblo Indians themselves after most careful consideration. That bill contained a gratuity feature so far as the 8,346 acres of land were concerned, and it was upon that consideration, and that consideration alone, that the consent of the Indians to the passage of the bill was obtained. Now, we are confronted with a situation where the bill has been fundamentally and radically changed, and yet there is no showing made as to the benefits which would accrue to the 8,346 acres of land except the general statement made by the Senator from New Mexico [Mr. BRATTON] that in his opinion they would be benefited to the extent of $150 per acre.

Mr. COPELAND. Mr. President, will the Senator yield again at that point?

Mr. LA FOLLETTE. I yield.

Mr. COPELAND. As I understand it, there really is added to the mortgage on the raw land about $500,000, which is put there on the theory that a large improvement is made to the cultivated lands.

Mr. LA FOLLETTE. The Senator is correct in that statement.

Mr. COPELAND. That means that there is placed upon the raw lands a mortgage——

Mr. LA FOLLETTE. A debt.

Mr. COPELAND. A debt which, as I view it, could never be met.

Mr. LA FOLLETTE. A debt of $109 an acre.

Mr. COPELAND. In my section of the country if a farm were mortgaged for $109 an acre, it would be lost to the owner; so I take it that these raw lands are practically lost if this great burden is placed upon them. Does the Senator take that same view?

Mr. LA FOLLETTE. I am apprehensive, if the bill passes in its present form, unamended, that so far as the 15,000 acres are concerned they will ultimately pass from Indian ownership.

Mr. COPELAND. Certainly the Indians can never pay the enormous debt which is proposed to be placed upon them.

Mr. LA FOLLETTE. Not granting the justice of burdening these acres to that extent, I believe that the Indians could pay out if they were given a long period in which to do it and ample protection specified in the bill. But under the terms of the bill the Secretary of the Interior will fix the rate at which the Indians are to repay.

Mr. BRATTON. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from New Mexico?

Mr. LA FOLLETTE. I am glad to yield.

Mr. BRATTON. I disclaim any intention to interfere with the Senator while he is making his address, but let me remind him and also the Senator from New York of the fact that as long as the Indians own this land the lien is not foreclosable and that the Government can not take more than the proceeds of the leases upon the raw lands. How can the Indians be harmed if the legislation relieves them of what has been characterized as an intolerable condition gradually creeping upon them, which will drive them out of the valley and which will compel them to sever their tribal relations and go elsewhere, a thing that is of supreme importance to them?

Instead of their being confronted in the future with the condition that their land will become water-logged and alkali,

and instead of their little villages being moved, under the terms of the bill their present 8,300 acres will be reclaimed in a modern way. Instead of irrigating it in a crude fashion they will irrigate it and cultivate it in a modern way.

The value of the land will be increased from its present value of approximately $25 an acre to from $150 to $200 per acre. In addition the yield upon that acreage will be increased perhaps fourfold. That is the thing that will occur to the present 8,300 acres, with the added fact that their water rights, which are now uncertain, undetermined, and unadjudicated, will become certain, determined, and adjudicated, and given a priority over any other rights in the district, as well as security against loss by abandonment or nonuse. That is the change that will occur as to the 8,300 acres.

Then as to the 15,000 acres, which is absolutely worthless to the Indians now, it is proposed to take that land and reclaim it at Government expense and make it worth a great deal of money, from $150 to $200 per acre. Under the amendment proposed by the Senator from Kansas [Mr. CURTIS], which I have accepted, the Indians will be entitled to use 4,000 acres without compensating the Government in any wise, so that they will be using the 12,000 acres of irrigated land with a modern system of reclamation. Then the Government takes the proceeds of the leases and applies them to reimbursing the Treasury, and that is all the Government gets as long as the Indians own the land, be it 50 years or 100 years or 200 years.

If any injustice or hardship shall be worked under this bill, it will be upon the Treasury of the United States and not upon the Indians. I desire to put these facts clearly in the RECORD to demonstrate that the argument of the Senator from Wisconsin [Mr. LA FOLLETTE] is based upon a misconception of the situation as it now exists, for he overlooks the fact that these Indians can not continue to live in that valley; they will be driven out, and the whites likewise will suffer the same fate.

Mr. COPELAND. Mr. President, they will be driven out by reason of the water-logging of the land and the alkalinity of the soil?

Mr. BRATTON. They will be driven out, as the Senator suggests, by the water-logging and the alkalinity of the soil. The water line is gradually rising.

The Senator from Wisconsin has stated that nobody has shown how the present acreage will be benefited. I said yesterday, and I want to repeat now—and then I am not going to interrupt the Senator any further——

Mr. LA FOLLETTE. I do not want the Senator to feel under any compunction about interrupting me; I am very glad to have him do so, because he was very kind to me when he was discussing the matter.

Mr. BRATTON. As to the benefit that will be derived by the 8,300 acres, I pointed out yesterday that the Indian Bureau has acted in conjunction with the district for more than a year now in developing this plan. We appropriated $50,000 in order that the Indian Bureau might cooperate with the district and might follow this plan as it was developed. The Indian Bureau has done that through its staff of engineers; its chief engineer is a member of the consulting board; so that the guardian of the Indians has kept in touch with this plan as it has developed. The Bureau of Indian Affairs has stamped its approval upon the project in so far as the improvement of Indian conditions is concerned. It has never departed from the course and never doubted its wisdom.

Moreover, the staff of engineers in the district and the consulting board of the district, composed of some of the most eminent engineers of the country, have stated that it will be an improvement, that it is being developed along proper and conservative lines, and that it should be encouraged.

Mr. President, I repeat that this bill, although different from what was contemplated at the outset, is not unjust to the Indians; it is not harsh upon the Indians. If it were, I would be the last one to stand here and defend it. I believe I know as much about the conditions there as does the Senator from Wisconsin; I believe my colleague [Mr. CUTTING] knows as much about conditions there as does the Senator from Wisconsin; I believe the Representative of New Mexico in the Chamber at the other end of the Capitol knows as much about conditions there as does the Senator from Wisconsin; I believe the governor of the State, who has sent an urgent telegram here indorsing the bill in its present form, and who is familiar with conditions, knows more about the conditions than do those who are opposing the bill.

The opposition to this legislation does not spring from the Indian Bureau; it does not spring from those who represent the State; but it springs from the secretary of the Indian Defense Society.

Mr. LA FOLLETTE. Mr. President, the Senator from New Mexico raises the cry that is always raised here when matters of this kind are in controversy. If through all the history of Indian legislation the arguments and wishes of Senators and Members of the other House representing the States in which Indian lands and Indian property are situated had been accepted by this body, a much blacker record so far as the Indians are concerned would have been written than has been written.

I stated at the outset that it was not a pleasant task for me to rise on the floor and oppose a measure supported by the two Senators from New Mexico, but I am convinced that an injustice is being proposed, that a violation of an agreement or a substantial agreement between the Indian tribes and the conservancy district is about to be committed if this measure shall be enacted into law in its present form.

Mr. President, the Senator from New Mexico thinks that the only lien which can be enforced so long as the Indians own this land is that against the proceeds from the land, but if the entire yearly proceeds shall be taken under the reimbursable feature of the proposed act, as they may be taken, of course the interest of the Indians and their desire to retain ownership in this land will have passed; they would not be tempted to go onto this land to farm it, and then at the end of the year have the proceeds taken from them and turned over under the reimbursable features of this measure. That, Mr. President, is my reason for stating that I am apprehensive if this bill shall pass in its present form that ultimately the 15,000 acres or a large portion of that acreage will pass from Indian ownership into the ownership of the whites.

Much has been said on the floor about the diminution of Indian lands and it has been charged that that was due through the years to the encroachment of water upon those lands. As a matter of fact, I think I shall be able to show that the encroachment and resulting lessening of Indian lands occurred between about 1870 and 1910.

Mr. President, in my judgment, such loss of land as the Indians have sustained during their occupancy has been largely due not to water-logging but to the encroachment of the whites upon Indian property. That has resulted in a controversy. Finally Congress enacted the Pueblo lands act in 1924 in order to settle that controversy and to establish procedure whereby the controversy between the Indians and those whites who, the Indians claimed, had encroached upon their lands could be adjudicated. I call attention to the fact that the adjudications with regard to the Santo Domingo pueblo, which, by the way, is within this conservancy district, have just been completed. There were contested about 641.8 acres, to which the Pueblos held title but which were occupied by the whites. Of that area, 550.71 acres were decreed to the whites and 91.9 acres to the Indians. That is an example, Mr. President, of how some, at least, of this loss of acreage on the part of the Indians has taken place.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. LA FOLLETTE. Will the Senator from Utah permit me to complete the statement?

Mr. KING. Certainly.

Mr. LA FOLLETTE. I desire to direct the attention of the Senate to certain figures, which I take from hearings, concerning the question of the diminishing Indian acreage. I direct attention to the statement on page 350 of the hearings of 1923 on House bill 13452 of that session of Congress. The Assistant Commissioner of Indian Affairs furnished a table showing the Indian acres which the six tribes located in this conservancy district had under cultivation. According to his figures, the area was 4,841 acres. In 1927, according to the statement made on page 360 of the hearings before the House Appropriations Committee, there were 7,513 acres, which, I think, demonstrates the fact that these Indians have not been losing their land as a result of water-logging to any great extent. Doctor Spillman informed me that these Indians as a result of experience through all the years had selected their lands on the higher areas and expressed the opinion that if there was any danger from water-logging it was the result of the advance of civilization and not of faulty irrigation on the part of the Indians.

Mr. CUTTING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from New Mexico?

Mr. LA FOLLETTE. I yield to the Senator.

Mr. CUTTING. I did not hear the Senator when he began his last statement. From whom did he get that information?

Mr. LA FOLLETTE. I obtained the information from Dr. W. J. Spillman, of the Department of Agriculture, a recognized authority on agricultural problems and an economist of note, who visited this area in connection with the investigation which he was making for the Department of the Interior.

Mr. CUTTING. May I ask the Senator whether Doctor Spillman is an authority on the history of New Mexico?

Mr. LA FOLLETTE. Mr. President, I did not ask the doctor about that; but I assume, as he is a scientific man, that he made a careful and impartial investigation.

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. FRAZIER. I should like to say, in regard to that, that for a number of years Doctor Spillman has made a special study of irrigation projects under the Department of Agriculture all over the country; and I think he is probably as well posted on irrigation projects as anyone connected with the Agricultural Department.

Mr. CUTTING. It was merely the historical statement that I questioned.

Mr. LA FOLLETTE. Mr. President, it is asserted here over and over again that if this project goes through, these 8,346 *acres will be* benefited fourfold. I submit that the fact which is in the record that 3,500 Indians are now living on this area, and therefore that each 2½ acres supports an Indian, is sufficient contravention of the suppositious statement that the benefit to these 8,346 acres will be fourfold in character.

Also, Mr. President, it is reiterated over and over again, as a justification for what is being done in this bill with regard to the 8,346 acres, that the value of this land is to be enormously enhanced. The Senator from New Mexico talks about figures of $150 to $200 an acre. I do not know why he stops at $200. Why did he not go on? In that connection, however, I want to submit for the attention of the Senate and for the RECORD a statement contained in a publication entitled "Department of the Interior, United States Reclamation Service, in cooperation with the State of New Mexico. Reports and recommendations for the reclamation of the Middle Rio Grande Valley of New Mexico, 1924." Vernon L. Sullivan was the consulting engineer. Here is what he has to say concerning valuation:

> Present valley land valuations under existing uncertain conditions are about $100 for first-class irrigated land; $50 per acre for second-class irrigated land; $17.50 for alkali and salt grass land; $12.50 for swamp or submerged land; $17 for timberland; and river-bed areas, nothing.
>
> These lands, when drained, the alkali content is easily removed by leaching or irrigating, and when properly reclaimed their valuations would average far above $100 per acre over and above any reclamation costs that might be necessary to provide funds for the reclamation of the valley.

I also desire to read briefly from a table appearing on page 14 of that report, in which he says:

> Before reclamation—
>
> In figuring up the total valuations—
>
> First-class acres at $100 per acre.
>
> After reclamation—

I assume he refers to first-class acres—

> $100 per acre.

Mr. President, it is admitted that under the terms of this bill as now drawn the 15,000 acres to be newly reclaimed will bear a reimbursable debt of $109 per acre. Senators in this Chamber who come from regions of the country where irrigation projects are in progress know better than I do that that is an excessive charge per acre to lay against any reclamation project. As stated by Doctor Spillman, a white farmer could not carry that load, let alone an Indian farmer.

Mr. KING. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield to the Senator from Utah.

Mr. KING. I ask for information. If the amendment of the Senator from Kansas [Mr. CURTIS] is accepted, which withdraws 4,000 acres from the 15,000 and renders it immune from payment, would not the burden placed upon the residue be much greater than $109 an acre?

Mr. LA FOLLETTE. I have not figured it out for the 4,000 acres; but on the suggestion that there should be 5,000 acres withdrawn, which was made yesterday on the floor, I figured out that the 10,000 acres would bear a burden of approximately $163.44 per acre.

It is not any defense to say that this lien can not be foreclosed, when it is provided that the proceeds from the leases are to be taken to pay this debt. Assuming that 5,000 acres of this newly reclaimed area were given to the Indians for farming purposes, and the other 10,000 acres were to bear a debt of $163.44 per acre from proceeds of leases, does any Senator contend that any Indian would continue to own that land or make an effort to farm it? He might just as well be a peon, because every cent of the proceeds from that land could be taken, under the terms of this bill, for the reimbursement of the charges which are made against the other lands. It comes down to a simple proposition—that in exchange for this area which the Indians are to be given, 10,000 acres, improved and irrigated, will ultimately pass into white ownership.

Mr. BRATTON. Mr. President——

The PRESIDING OFFICER (Mr. THOMAS in the chair). Does the Senator from Wisconsin yield to the Senator from New Mexico?

Mr. LA FOLLETTE. I yield.

Mr. BRATTON. The point the Senator has just made, in regard to the 4,000 acres——

Mr. LA FOLLETTE. I said "5,000 acres," Mr. President, because I had not made the calculation for 4,000.

Mr. BRATTON. Leaving 10,000 acres to be leased, and the proceeds of the leases to be applied to reimburse the Treasury—with that in mind, the Senator has just made the statement that the remaining 10,000 acres would bear a debt of $163 per acre, and about that he complains.

Mr. LA FOLLETTE. Does the Senator controvert that?

Mr. BRATTON. I want to call the Senator's attention to the fact that his position is to advocate that the Indians not only have a gratuity for the 8,300 acres, but that they must have a gratuity for 12,000 acres, because he waves that aside and complains that the debt is upon the remaining land. He overlooks the fact that the Government is reclaiming 12,000 acres of land and enhancing its value and improving the conditions, as I have endeavored to point out. He waves that aside as though that were not to be considered, and confines his view of the bill to the remaining 10,000 acres of land, and complains because the debt upon it is too heavy, forgetting that the Indians will be using the 12,000 acres in the manner I have indicated.

The pending bill amounts to this, and the Senator can not controvert this, that the total cost of reclaiming the Indian lands shall not exceed $67.50 per acre, and that the total cost of reclaiming white-owned lands is $77 per acre.

Mr. LA FOLLETTE. Seventy-six dollars and twelve cents, is it not?

Mr. BRATTON. Approximately $77, I think. It has been stated as $77. The Indian cost shall never exceed $67.50 per acre; but in figuring the reimbursement the cost is laid against the raw land that is now worthless to the Indians. The Senator can not continue to say, and I am sure he will not continue to say, that the cost is $109 an acre and $163 an acre, when, under the bill, it is not to exceed $67.50 per acre—a remarkably low figure.

Mr. LA FOLLETTE. I shall continue to make that statement, Mr. President, because my contention is that there is no justification for the claim that $67.50 per acre of benefits is to flow to these 8,346 acres of land; and I have argued here in vain if I have not impressed those Senators who gave me their attention on that point.

What this really comes down to is that the proponents of this measure, having been checked in their efforts to secure this bill with the gratuity feature in it covering these 8,346 acres, now contend that a benefit of $67.50 per acre will accrue to these 8,346 acres, because otherwise there would not be a vestige of an argument to justify the passage of this bill in its altered form, and altered, as I have pointed out, after the consent of the Indians had been formally given to its passage with the gratuity feature in it.

In that connection, Mr. President, I want to read a telegram from Sotero Ortiz, who for five and a half years has been president of the council of all the Pueblos involved in this matter. It was addressed to Mr. Collier under date of February 10:

> We Pueblos never would have indorsed the conservancy bill unless we were promised freedom from reimbursable debt in all matters connected with our existing improved lands, because it is a betrayal of faith and ruin to us Pueblos if the reimbursable debt, $1,500,000, placd on newly reclaimed acreage.

Under date of February 12, 1928, Judge R. H. Hanna wired the senior Senator from New Mexico [Mr. BRATTON] as follows:

> Do not feel authorized to waive reservations made by all Pueblo council, and am requesting Collier to take up discussion of these matters with you. Conservancy district, through Robey, in letter to me dated December 1—

Which I have already quoted—

> referring to resolution, says we have conceded practically all that was in the resolution, and also the Indians have really a gratuity under this bill for the present cultivated areas.

I also desire to read into the RECORD in part a telegram addressed to Mr. Collier from Mrs. Mary Austin. She is the

author of numerous books. One of them, The Land of Journey's Ending, is a standard historical and geographical treatise on the history of the Spanish occupation of the Southwest. She is also the author of The Land of Little Rain. I read in part from Mrs. Austin's telegram of February 23:

Urge all friends of Indians to oppose Senate bill 700 until amended to do justice to the Pueblo Indians of Middle Rio Grande Valley. From beginning Indians, through their representatives, sought cooperation and reasonable adjustment. Sudden alteration of bill without consulting Indians' representatives suggests premeditated betrayal, which will be resented by all honest citizens of State as a blot on its good name and an unnecessary destruction of valuable, economic, and cultural asset.

Mr. President, there is one other fact in connection with this situation that I want to draw to the attention of the Senate. In 1926 Mr. Pearce Rodey, attorney for the conservancy district, addressed a letter to Mr. John Collier concerning the cost at which they then thought they could reclaim these Indian acres. He said:

Of course, if it is found that only 15,000 or 20,000 acres of Indian lands can be properly reclaimed, then an appropriation of $600,000 or $800,000 would be sufficient. The chief engineer—

That is, Mr. Burkholder—

says that if it will help the bill at this time it might be wise to cut the appropriation to authorize, say, $700,000.

The attorney for this conservancy district and the engineer in 1926 estimated, respectively, that they could reclaim this Indian land for $35 or $40 per acre. Now, we find that this enormous increase is asked, and I reiterate that there is no showing in the record, either before the Senate Indian Affairs Committee or before the House Appropriations Committee, which justifies the assumption that these 8,346 acres are going to get any such benefit as is claimed by the Senator from New Mexico.

In connection with this debate, Mr. President, much has been made of the fact that the Assistant Commissioner of Indian Affairs, Mr. Meritt, has switched his position and given indorsement to the bill as it is now before the Senate. The Senator from New Mexico directed my attention particularly to Mr. Meritt's statement, which appears on pages 54 and 55 of part 2 of the Senate committee hearings. Mr. Meritt said:

First. The bill before the committee permits an agreement to be entered into between the Secretary of the Interior and officials of the district, and we propose to put in that agreement every provision that is possible for the protection of the Indians.

In answer to that, Mr. President, I submit that the Indian Bureau is indorsing this bill in its present form, and hence the statement of the Assistant Commissioner of Indian Affairs means nothing.

Mr. Meritt continued:

Second. Only lands susceptible of economic irrigation and cultivation within the Indian pueblos can be included under this bill, and the Secretary of the Interior is to determine what lands shall be included, and what lands he shall construe as susceptible of economic irrigation and cultivation. Therefore the district officials can not include any Indian lands within that district that are not subject to economic irrigation and cultivation.

In answer to that suggestion, I think it is clear that its only import is that new lands can not be included, to be paid for by the Government and the district, unless in the Interior Department's judgment they can be drained or irrigated. I see no protection in that statement for the 8,346 acres which form, in my judgment, the principal contention in connection with this bill.

Mr. Meritt said further:

Third. The cost of the improvements to this land is limited to $67.50 per acre over the entire 23,000 acres; $67.50 is not an excessive cost for irrigation.

Mr. President, in answer to that, I desire again to call attention to the statement made by Mr. Rodey, the attorney for the district, and by Mr. Burkholder, the engineer, in 1926, that this land could be reclaimed for approximately $35 to $40 per acre.

Mr. Meritt said:

Fourth. Another benefit the Indians will receive is the provision in the bill that the entire amount, 8,346 acres, has a guaranteed water right. That is a great protection to those Indians. Under the present conditions the Indians have no guaranteed water right on the 8,000 acres. There is no treaty provision with the Pueblo Indians that guarantees them any protection in their water rights. Therefore those Indians will not get the benefit of the decision of the Supreme Court in the Winters case, and for that reason it is a great protection for the Pueblo Indians to have this provision in the bill, and that is one of the provisions we insisted should go into the bill, after visiting the irrigation project.

Fifth. The water rights of the 15,000 acres are recognized in this bill, and they are protected in this bill. That is for the new land. The water rights, old as well as new, shall not be subject to loss because of nonuse or abandonment as long as title shall remain in Indians, pueblos, or individuals. That is another very great protection to the Indians of these pueblos.

Mr. President, it is my information that the laws of the State of New Mexico, including the statutes of limitation and laws of adverse possession, have no effect on Pueblo land grants, which are in no manner subject to the laws of the State of New Mexico. Whatever water rights the newly reclaimed Indian acres possess can not be taken away by any future operation of the New Mexico State laws. No new water rights are given to those acres by the pending bill.

There was at one time a question as to whether the New Mexico Territorial statutes of limitation and adverse possession applied to Pueblo grants, but when New Mexico became a State it renounced all sovereignty over those grants, and since 1912 no State laws have been operative on or affecting the Pueblo land grants.

In other words, Mr. President, the reference to water rights in this bill adds nothing to the water rights which the Indians now have and as to which they are secure in their possession unless they should be taken from them by a plenary act of Congress. The statutes of New Mexico can not apply to this question of water rights.

If there is any necessity to give citations for the contention which I have made, I refer to the enabling act for New Mexico, passed in 1910, and the New Mexico State constitution adopted in 1912. I wish to direct the attention of the Senate to the fact that the constitutionality of the provision to which I have referred was settled by the Supreme Court in 1914 in the so-called Sandoval case.

The sixth of Mr. Meritt's alleged benefits to the Indians under this bill is as follows:

Sixth. The 8,346 acres shall not be subject by the district to any pro rata share of any future operation and maintenance or betterment work performed by the district.

That is another very great protection to those Indians. In all future years they will not be called upon to pay any operation and maintenance cost for the irrigation of lands within the pueblos now protected, which amounts to 8,346 acres.

Mr. President, that is merely a statement of the fact that the Indians can keep what they already have.

Mr. Meritt said next:

Seventh. The reimbursement shall be made out of rentals of newly reclaimed lands. In other words, the Indians occupying the 8,346 acres will not be called upon to pay out of the proceeds from their cultivated lands any of the reimbursable charges for the improvements. The reimbursable charges will be taken out of the rentals of the newly reclaimed lands.

That, of course, is a reiteration of the argument made by the Senator from New Mexico, and which I have endeavored to-day to controvert, namely, that these 8,346 acres will not receive the substantial benefit which it is claimed by the Senator from New Mexico they will receive, and which is the only justification upon which this bill in its present terms could possibly be supported in this body.

Mr. Meritt said, eighth:

There will be no lien upon the 8,346 acres for improvements or betterments.

That, Mr. President, falls in the same category as his statement No. 7. He said, ninth:

Ninth. Liens on the newly reclaimed land shall not be enforced during the period that the title shall remain in pueblos or in individual Indian ownership.

That is another protection to the Indians, because in ordinary legislation that provision does not obtain.

Mr. President, I submit, in response to that contention, the fact that the reimbursement is to come from the lands while in Indian ownership from the proceeds of leases; that is, from the agricultural yield of the land.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate Joint Resolution 46.

Mr. CURTIS. I understand that the Senator from Nebraska, who is in charge of the unfinished business, is unable to proceed with it this afternoon. I therefore ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BRATTON. I ask unanimous consent that the Senate may continue the consideration of Senate bill 700.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Mexico? The Chair hears none, and the Senator from Wisconsin will proceed.

Mr. LA FOLLETTE. Mr. President, in the second place, in response to the ninth item which the Assistant Commissioner of Indian Affairs lists as one of the reasons for supporting the bill, I should like to say that no lien, so far as I know, has ever been enforced against Indian lands under debt to the extent of alienating the ownership of the land from the Indians, and no steps could be taken under existing law.

The *reimbursable* liens generally are exactly like the land lien in the present bill, and repayment comes from sale of the land after the death of the Indian owner or from the proceeds of oil, timber, and so forth. In other words, it seems to me that the ninth argument the assistant commissioner advances, like some of the others, means nothing.

His next reason is as follows:

> The department shall be recognized in all matters pertaining to the operation of the district in the ratio that the Indian lands bear to the total acreage of lands within the district. We will have a voice in the management of that conservancy district, and we can at any time have absolute control of conditions within the pueblos involved in this conservancy district.

The Assistant Commissioner of Indian Affairs favors the bill in the form in which it is now presented to the Senate, and I for one find little consolation in so far as the Indians are concerned in that statement.

Eleventh, said Mr. Meritt:

> Indian lands are not taxable as long as held by Indians. Under the terms of this bill they will not be required to pay any taxes as long as they own the lands, and they are in Indian ownership, either individual or tribal.

There is nothing in the bill about taxation. The lands do not pay any taxes now any more than any other lands held in trust for the Indians are paying taxes. So that statement means nothing.

> Twelfth. Indians are not required to pay any interest on moneys advanced by the Government. Under the terms of this bill they will not be required to pay interest for the loan of this money, even if it is not returned to the Government within 100 years.

So far as I know, no reimbursable loans to any Indians have ever been required to pay interest to the Government, and so, of course, in so far as this defense in support of the bill is concerned, it falls to the ground.

> Thirteenth. The Indians will get a very great benefit by reason of flood protection under the terms of this bill. That land is subject to flood, and property there has been destroyed because of floods, but under the terms of this bill the Indians will get the benefit of flood protection.

The statement made by Mr. Meritt concerning flood protection to these Indians is not supported in the hearing. No showing was ever made as to any considerable damage the Indians have ever suffered as the result of floods. Of course, the Indians at any time of high water occasionally have their ditches washed out, but they are repaired and have been repaired for 300 years by the Indians themselves on the ditches or laterals. So that to say that now they are in a position where they have to have immediate flood control and relief is absurd. As a matter of fact, I am informed that in 1921, a year of high water, when the town of Pueblo was flooded, none of the Indian land in controversy was damaged by flood. A few low main river bridges were washed out, but in so far as the contention is advanced that the Indians are in immediate need of flood control the statement of the commissioner is not supported by the facts. Certainly it is not supported by any showing in the record.

Let me say in passing that there are interests in New Mexico that do want flood control, but they are not the Indians. The urban centers in New Mexico are very anxious for flood control and flood prevention, which may result from the bill. It is not the Indians who are asking for flood control. It is the urban communities of New Mexico which are interested. When they could not get this gratuity of half a million dollars or more against the 8,346 acres of land they were so anxious for flood control—and I refer to the white urban centers in New Mexico—that they now take the position that it is perfectly justifiable to charge the Indians with the debt in order that they may get it at once.

Let me repeat what I said at the outset, that this body of the Congress will not have discharged its obligation in this matter, in view of the controversy which has arisen, until it has exhausted every legislative step which can properly be taken in the matter. I say that it has not exhausted those legislative steps merely because an amendment is put on a bill in the House and we are then informed that the legislation can not pass. It is argued that we must accept the House amendment without either amending the House text and thus sending back to the floor of the House where it would come up on its merits, or else rejecting the House amendment and asking for a conference with the House. In my judgment, it is absurd for Senators to say that until we have taken those steps and find ourselves in absolute and utter disagreement with the House, such legislation can not be enacted.

Now to go on with Mr. Meritt's alleged arguments in favor of the bill:

> Fourteenth. I want to emphasize that the Indians will also receive a very much increased value for their property by reason of the terms of this bill. It will cost the Government $67.50 to irrigate this land, but the Indians will have property, after it is irrigated, estimated to be worth anywhere from $150 to $200 an acre.

I have already submitted the statement, particularly that made by Mr. Vernon Sullivan, the consulting engineer, that land in this valley will be worth approximately $100 an acre, and, at the outside, $150 an acre, even after all the work that is contemplated in the bill shall have been undertaken.

> Fifteenth. The Indians, under the terms of this bill, will not be required to pay any of the irrigation charges so far as the 8,356 acres are concerned out of their products, but the white lessees will pay practically all of the reimbursable charges that are enforced under the terms of this bill.

Mr. President, upon what theory could the Assistant Commissioner of Indian Affairs make that statement? The only theory, as I see it, upon which he could have made that statement is that some of this land is going to pass into white ownership; because, so far as the terms of this bill are concerned, the white lessees will not pay one cent of the reimbursable debt on the Indian lands. They will pay a rental as high, and no higher, than the rental they would have to pay on the 80,000 acres of land owned by the whites that are to be reclaimed. This bill provides that the reimbursement shall come from the proceeds of leases. That means that it will come from the moneys received by the Indian owners of land from the leases, and as I have previously pointed out, if these newly reclaimed acres shall be shouldered with this enormous burden there will be no motive for the Indians to retain their ownership, because all of their proceeds may be taken under the reimbursable provisions of the bill. So much for the argument made by this alleged guardian of these Indians on behalf of this indefensible bill.

Mr. President, the issue raised here is an important issue. It comes up again and again in legislation where the whites have interests and the Indians have interests which are in conflict. I had believed that during recent years the attitude of Congress had changed; that there was a recognition of the long line of injustices which have been perpetrated against the Indians by legislation through the years of the history of this Government. It had seemed to me that the attitude, especially of this body, had changed; that we had reached a point where a majority of the Senate would look upon these questions in conflict between the Indians and the whites with an impartial eye, would weigh all the evidence, and come to a just determination; but it seems, Mr. President, that perhaps that is not to be the case in so far as this bill is concerned.

Much work has been done on both sides of this Chamber to line up Senators for the bill. That has been accomplished by ex parte statements. Perhaps the votes have been gathered in to "put across" this injustice to the 3,500 Pueblo Indians—peaceful, civilized Indians—who over the years of written history have never waged warfare against the United States. They are a simple, agricultural folk. Under the laws of New Mexico they are disfranchised. They can make no protest at the ballot box for what may be done here in their name.

Mr. President, if this can be done, if such an injustice may be perpetrated in the name of the Indians, then this Chamber has about-faced, and we must prepare to wage continued battles against the encroachment of the white interests upon the interests of the Indians, as was the case when my illustrious father came to this Chamber in 1906. Single-handed and alone he fought time after time against legislation which contained contemplated injustices against the Indians. As a result of that contest which he waged here year in and year out, I think he impressed his point of view with regard to

the Indians upon the Members of this body. But now we are confronted with a situation where an agreement with these Indian tribes is about to be violated without their consent, a committee of this Chamber, by a majority vote of one, having been induced to report out this breaching of that understanding.

Mr. President, we are now told that the votes have been gathered in to perpetrate and consummate this injustice. If that be true, and if the roll call shall demonstrate that fact, then in a few years we shall be called upon to pass remedial legislation to undo this injustice which is contemplated with regard to these Indians.

Now let me say a few words with regard to the amendment which I have offered to the amendment which has been proposed by the senior Senator from Kansas [Mr. CURTIS]. The proviso on page 3 of the House amendment reads:

Provided, That such reimbursement shall be made only from proceeds of leases from the newly reclaimed Pueblo lands. * * *

At that point in the proviso the amendment the Senator from Kansas proposes to add the words:

except such part thereof as the Indians shall themselves farm.

The Senator from Kansas has accepted an amendment offered by the Senator from New Mexico [Mr. BRATTON], adding the words at the end of his amendment, "not to exceed 4,000 acres." So not more than 4,000 acres of this newly reclaimed land will be subject to the exemption.

My amendment provides:

but no collection for reimbursement from proceeds of leases of any Indian acres shall exceed in annual amount the payment made annually by white acres of like character toward the amortizing of the share of said white acres in the indebtedness of the Middle Rio Grande conservancy district.

The purpose of the amendment which I have offered—I have only offered it because in the extremity of the situation it appears that perhaps it is all we may obtain—is to permit the Indian owners to repay out of the 11,000 acres which they may have under lease no more rapidly than the white owners of land of like character shall pay. The result of the pending legislation, if enacted, will be to burden the 11,000 acres with an enormous debt, but if my amendment shall prevail it will permit the repayment of that debt over such a long period of years that it will protect the Indians against an exorbitant rate of collection.

I had hoped that we could reach a compromise upon this question, but the Senator from New Mexico has served notice that he will resist my amendment. I desire once more to say that I would not have offered the amendment except for the fact that the Senator from Kansas has offered his amendment. In my judgment, this bill should have been amended in such manner as to conform in general terms with the provisions of Senate bill 700 when it was reported unanimously from the committee and unanimously passed the Senate.

I hope, Mr. President, that the amendment which I have offered to the amendment of the Senator from Kansas may prevail.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE] to the amendment proposed by the Senator from Kansas [Mr. CURTIS].

Mr. FRAZIER. Mr. President, it seems almost useless to discuss this measure further. There are only a few Senators on the floor, and apparently those who are not here have made up their minds on the question; at least, that would seem to be the case. There is a great deal of interest being taken in the measure, however; and, of course, the record which is made may be of some value in future cases that may arise concerning the Indians.

The Senator from Wisconsin has gone into the question very fully, and has, I think, given a very fair interpretation of the whole measure. One statement that he made near the close of his remarks rather interested me and that was that the Indians of New Mexico could not vote under the constitution of that State.

Mr. CUTTING. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from New Mexico?

Mr. FRAZIER. I yield.

Mr. CUTTING. I will say for the information of the Senator that the statement made by the Senator from Wisconsin to which he has just referred is not entirely correct. The Pueblo Indians of New Mexico have the same rights which they had under the Mexican Government and which were guaranteed to them by the treaty of Guadalupe Hidalgo and by the enabling act, namely, that they may vote if they pay taxes. That is the legal status of the Indians of New Mexico to-day.

Mr. FRAZIER. In other words, if the Indians of New Mexico do not pay taxes they can not vote; and, of course, the Indians who are on these allotments or reservations under the protection of the Government do not pay taxes, and therefore do not vote.

It seems to be the attitude of some people that the Indians do not amount to much; that they have no rights to be considered. They have been crowded back out of the way to make way for civilization, and some people in the past and some people still seem to feel that the Indians should be further crowded out of the way to give the best of their lands to the white people, who might cultivate them and make better use of them, in a way, than the Indians are making.

In the past, treaties have been made with the Indians by the United States Government. In many instances those treaties have unquestionably been violated. There have been times in the history of Indian legislation when, after treaties have been made solemnly pledging the Government of the United States to carry out the provisions of those treaties with the Indians, Members of one House or the other of Congress would introduce a measure which seemed to be in violation of the treaty. The Members would state that they knew the case; they knew what the situation was; they knew what was needed. They may have been perfectly sincere in their statements; but many times those bills have been forced through both Houses of Congress and have proved afterwards to be violations of the treaty that had been made with the Indians; and many cases are now pending in the courts, especially in the Court of Claims, growing out of the apparent violations of treaties.

In every session of the Congress since I have been here the Indians and their representatives have come before the Indian Affairs Committee and asked for the privilege of going into the Court of Claims to establish claims against the United States Government for violation of treaties, and many of those requests have been granted; and there are many cases now pending in the Court of Claims of the United States to test out the violation or the claimed violation of those treaties.

Two or three years ago I was on a subcommittee of the Indian Affairs Committee that went to Minnesota to investigate Chippewa Indian affairs in that State. Some of those Indians, it is true, spoke through interpreters, but, nevertheless, they seemed to be mighty well informed and to know what they were talking about. Those Indians told what their treaties had been and how they had been violated, some of them violated by act of Congress here, by measures put through Congress by Representatives from the State of Minnesota, to the detriment of those Indians. The result of the investigation was that the committee recommended the passage of a measure to give the Chippewa Indians of Minnesota the right to go before the Court of Claims and establish their claims there against the Government of the United States. The bill was passed in the Senate. It went over to the House and was referred to the Committee on Indian Affairs over there. That committee changed the measure considerably, and it came back here amended so that the attorneys for the Chippewa Indians claimed that it would be useless. It was referred back to the Committee on Indian Affairs here, and we put up a fight, and the bill was put back in its original form, and finally passed; and the Chippewa Indians, through their attorneys, have cases filed in the Court of Claims to establish their rights.

I might go on almost indefinitely and cite cases where the Indians have been defrauded.

Since I have been in Congress a Member of the Senate from one of the Southwestern States introduced a bill here, and it was indorsed by the Indian Bureau, too, as I recall. It was found that that bill, if passed, would wipe out the rights of a lot of Indians in that State; it would wipe out the title to their lands. Of course, that Senator said that he knew all about the situation, because he was there, and represented those Indians, and he had been over the ground, and knew all about it. The bill was finally defeated, or at least that part of it, and it was amended so as to make it quite a fair bill, I understand; but I mention that to show you that sometimes even the representatives of the State which proposed legislation is to affect, either through misinformation or something else, have not known what the situation is.

Last spring it was my privilege to visit some of the Southwestern States of this country and to visit several Indian reservations there. I went across a bridge out in one of those Western States for which the Congress appropriated some $300,000, and made it a reimbursable charge to the Indians. It was on the Pima Reservation. It was a very fine bridge. It originally had electric lights on it. It was out about 15 miles from any town, as I recall, but on a public highway; and, of course, a bridge was needed there for this highway between two of the large cities of that State; and the bridge was very finely

equipped. There had been electric-light fixtures on it, and all that. They had been taken off, but it was evident that there had been electric-light fixtures there. That bridge is near the end of the reservation. The Indians, in going to the town where they do their trading have a fording place that they use almost all the year around, as I understand; but at times the water is too high, and perhaps they come around on the bridge. But the main use of the bridge was for the white tourists and white settlers who travel there, and not for the Indians, and yet its cost was made a reimbursable charge against the Indians.

On the Pima Reservation, which is the home of one of the so-called peace tribes of Indians, there were old irrigation ditches, or what seemed to be irrigation ditches, that those Indians had used years and years ago. In fact, in some places there were trees a foot or more in diameter growing in those old ditches that the Indians had used. Back as far as the Civil War time the Indians of the Pima Reservation produced a lot of wheat and furnished it to the United States Government, which needed it at that time, and they did it through the irrigating project on their own land. You may ask why the Pima Indians are not using those irrigation ditches now. I will tell you—because a Government irrigation project was put through up above them on the river, and the water was all taken for the white settlers, and the Indians were left without any water to irrigate their lands; and so they are dry farming now, except in the few places where they can get water from deep wells to irrigate.

It is claimed that the Coolidge Dam, which is now under construction out there, will take care of those Indians. I hope it will, but there is a little doubt in my mind yet whether they will be taken care of under the proposed project.

There are many instances of that kind. Why, I recall, since I have been a Member of the Senate, that a bill was passed through the House in regard to the Indians out in one of the Southwestern States. It came here, and a Member of the Senate from that State reported the measure from the Indian Affairs Committee for passage here; and when it was explained to him what the bill really meant, he got up here on the floor of the Senate and fought that bill to the last ditch.

The bill now under discussion is not a new proposition at all. It has been under consideration for several years, and I can not understand why there is all this rush about getting it through at this time. It is said that if we do not agree to the present amendment of the House the bill will fail to pass, and it will be a great detriment to the Indians and to the whites down there in New Mexico. The Indians have lived there for some 300 years that we know of, and in all probability they lived there for hundreds of years before the white people knew anything about them, and the chances are that they could continue to live there for a long time to come even if this project should not go through.

Back in the last Congress, on April 19, 1926, a bill was introduced in both the House and the Senate for practically the same measure. An interesting thing, however, is that that bill only asked for an appropriation of $1,200,000 for the Indian lands; and it was stated that the work could be done for even less than that if necessary. Engineers who had made two surveys of that project stated that the work could be done for even less than the $1,200,000—probably for seven or eight hundred thousand dollars if necessary. Then the present bill was introduced in both the House and the Senate at the beginning of this session. The original bill, as it was introduced at this session, authorized an appropriation of $1,752,000 plus. Then there was a conference between the engineers and the representatives of the conservancy district of New Mexico and the Indian Bureau, and the authorized appropriation was cut down to $1,593,000; and that is the way it now stands. It seems just a little strange that there is such a difference in the amount of the appropriations that have been asked for.

Mr. BRATTON. Mr. President, will the Senator yield?

Mr. FRAZIER. I am glad to yield.

Mr. BRATTON. I do not want to interrupt the Senator, but I do not want him, without knowledge of the facts, to leave the Senate under a misapprehension of the facts.

The figures stated in the bill introduced in April, 1926, were made nearly two years ago, before the survey of this project had advanced practically at all, and before the engineers had any comprehensive data comparable with the data they have to-day. That accounts for the variance between the figures in that bill and the figures in the bill to-day.

As to the figure in the bill we are now discussing being reduced from $1,700,000 plus to $1,593,000 plus in the figure originally found in the bill 10 per cent was allowed for contingencies—a thing that is very common in construction of this and other kindred kinds. In discussing the matter with the bureau and before the committees it was decided to remove the allowance of 10 per cent for contingencies, and fix the exact figure they agreed upon as the maximum cost. That was done.

I think the Senator and the Senate should know those facts.

Mr. FRAZIER. I recall that 10 per cent proposition; but at the time the bill was introduced in 1926 it was stated before the Indian Affairs Committees of both the House and the Senate that two surveys had been made up to that date.

Mr. BRATTON. Upon that, if the Senator will suffer another interruption, those surveys were not made by engineers of the district; and if the Senator is laboring under that belief he is mistaken. One of those surveys was made in 1923, as I now recall, by a man named Gault, an engineer in the Bureau of Reclamation. He did not represent the Bureau of Indian Affairs. He did not make a survey of this particular area, but he made one of the entire Rio Grande Valley. In the following year an engineer of El Paso, Tex., named Sullivan, made another survey of the Rio Grande Valley. Neither of those surveys was confined to the area embraced within this bill, and neither of those engineers had in mind the project we are now considering.

Mr. FRAZIER. On February 19, 1927, Representative MORROW, of New Mexico, made a statement, which is to be found in the CONGRESSIONAL RECORD on page 4246, in which he stated that—

> The engineers estimate that under the project the cost for irrigation and drainage, not including storage, is about $35 per acre.

There seems to be lots of difference of opinion in regard to the cost of this irrigating project, and judging from the history of irrigating projects, they generally cost a lot more than the estimates.

Mr. BRATTON. Mr. President, will the Senator suffer a further interruption?

Mr. FRAZIER. Certainly.

Mr. BRATTON. The Senator recalls that there is a letter in the record, over the signature of Doctor Mead, which states that the average cost of reclamation during the last five years has been about $90 per acre. When that fact is taken into account, coupled with the conclusion reached by the consulting engineers from several States, the engineers for the bureau, and the engineers for the district, how can the Senator assert that the cost here is excessive, in the face of the combined judgment of all engineers who have dealt with the proposition?

Mr. FRAZIER. Mr. President, I was only quoting engineers, and figures that have been given, and the only assertion I will make in regard to the excessive cost included in this bill is in regard to the amount of Indian land that is now under cultivation, and has been for years and years, the 8,346 acres. There was nothing in the hearings, so far as I can recall, to show that it would cost $67.50 an acre on that 8,346 acres to put it in shape for this project.

Mr. BRATTON. Mr. President, will the Senator permit another interruption?

Mr. FRAZIER. Certainly.

Mr. BRATTON. The difficulty in which the Senator finds himself is his utter unfamiliarity with the facts. If this land is reclaimed, the present antiquated system of ditches will be utterly disregarded. The district would not use those ditches in any sense. That land would be reclaimed as raw land would be, because the system which the Indians have now is worthless, and could not be used in giving that land a modern system of irrigation. So that, so far as the cost of construction is concerned, that land might as well be raw land as to be in the shape in which it is now.

Mr. FRAZIER. It has been said in the hearings that the Indians were going to do all the work except on one main ditch.

Mr. BRATTON. That relates to maintenance, not construction. It relates solely to maintenance, when the water is turned out of the canal onto the Indian lands.

Mr. FRAZIER. As I understand it, this particular land of the Indians is a little differently situated from a great many irrigating projects, and practically all that is needed is just one main ditch, and the water will be let out in laterals and will be easily taken care of and easily provided for.

Mr. BRATTON. In response to that the Senator stated a while ago that he made a trip through the Southwest last year. Let me ask him if he went on this project then, or at any other time?

Mr. FRAZIER. No; I have never been to this project.

Mr. BRATTON. The difficulty under which the Senator is laboring is his utter unfamiliarity with conditions. I have endeavored as best I could to help him overcome that handicap.

Mr. FRAZIER. I appreciate the endeavor of the Senator from New Mexico.

I want to go on now with a little history of this bill. Senate bill 700 was introduced in the Senate and a similar bill was introduced in the House. Before they were acted upon by the committees, amendments were suggested. Those amendments were agreed upon at conferences participated in by practically all concerned. I have telegrams here to show that the Indians had agreed to the provisions of the original bill. Apparently it had been difficult to get the Indian council of Pueblos down on this land to agree to the bill that was wanted. But the proponents of the project finally got them to agree to the bill as it was amended and finally referred to the committees in each House.

After a hearing before the committee in each House the bills were reported out and went to the calendars. The Senate committee bill passed the Senate and went over to the House. When the House bill was reported from the committee and was reached on the floor of the House the Representatives from New Mexico, as I recall, moved to substitute the Senate measure for the House bill, and that was done. Then a member of the Committee on Appropriations of the House rose and made a motion to strike out everything after the enacting clause and to insert a substitute measure. The substituted measure was similar to the original, but with two or three very vital changes, and those vital changes absolutely violated the agreement and the promises that were made to the Indians in order to get them to indorse the measure.

The Senator from New Mexico nor anyone else will dare stand up here on the floor of the Senate and deny that statement.

If the time has come when we are going to disregard the promises we make to the Indians, if we are going to treat them as children, or worse than children, and as not entitled to any consideration, then let us agree to this House amendment. If we are going to live up to our promises, let us keep those promises, and insist on the original bill as referred out by both committees and passed by the Senate.

The Indians down there were told that there would be no charge against the 8,346 acres which they have cultivated for hundreds of years. It is said that in prehistoric times they cultivated 25,000 acres down in that valley. Perhaps they did; but since white men have lived in that country, since we have had a history of the country, 3,500 Indians have lived on that land and apparently have gotten along pretty well. One of the engineers has said that this land is their bread and butter, and everyone concedes that they have made a fairly good job of the work on that land.

The Senator from New Mexico says that if this new project should go through it would undoubtedly increase the fertility of that soil fourfold. Perhaps it might; but after that land has been farmed for centuries it is pretty hard to make me believe that a little additional water put on the land would increase the fertility fourfold.

Mr. KING. Mr. President, will the Senator yield?

Mr. FRAZIER. I yield.

Mr. KING. The fact of the matter is that those Indians do not require additional water. They have a priority. They were the first settlers. Their rights were antecedent to all other rights. They have no desire for additional water supplies. There is more water than the original settlers require. So that no claim can be made, with any validity, that this measure would increase the water supply for that 8,346 acres, because, as stated, that land requires no additional water rights.

Mr. FRAZIER. Further than that, Mr. President, these Indians have not only been cultivating this land for hundreds of years, but if there is any water-logging it is due. as has been stated in the hearings several times by engineers and representatives from that section of the country who know the situation, to civilization and not to anything the Indians have done. As long as the Indians are wards of the Government, it seems to me, in view of the fact that they have cultivated that land for hundreds of years and made their living there, that if any change is to be made, the expense should be borne by the Government and not charged up to those Indians. That was what the original bill, as introduced here and passed by the Senate, provided.

Mr. President, the Senator from Wisconsin has introduced a number of telegrams and statements from people who are interested in this matter, representatives of the Indians and others who are very much interested and feel that an injustice will be done to the Indians if the House amendment shall be agreed to. I have here a telegram that was sent to the junior Senator from Maryland [Mr. TYDINGS], which states:

BALTIMORE, MD., *February 28, 1928.*

Senator MILLARD F. TYDINGS,
United States Senate, Washington, D. C.:

Large group Baltimore women, including heads of several large women's organizations, in meeting assembled with Fortnightly Club strongly urge that Senate bill No. 700 be so amended as to fully protect interests of Pueblo Indians, and that you, as our representative, advise the Senate of our wishes in this matter.

ANNA N. KAY, *Secretary.*

I also have a telegram addressed to Senator WALSH from Santa Fe, N. Mex., which states:

SANTA FE, N. MEX., *February 27, 1928.*

Senator WALSH,
Senate Office Building, Washington, D. C.:

We insist upon our objection to the Cramton amendments to conservancy bill, S. 700, and believe they would be dangerous to the future welfare of the Pueblo Indians, and we indorse S. 700 as originally reported out of committee and passed by the Senate for the reason that it definitely safeguards the interest of the Indians.

EXECUTIVE COMMITTEE NEW MEXICO
ASSOCIATION ON INDIAN AFFAIRS,
MARGARET MCKITTRICK, *Chairman.*

Mr. President, I could read many other statements of that kind, but I do not know that it is necessary, so much has been said and so many telegrams have been inserted in the RECORD already.

These 8,346 acres which have been under cultivation all these years by the Indians, and off which they have made their living, it seems are right in line where the water for this project will have to come in order to furnish water for this land and the rest of the project. It is a fact that one of the engineers stated that the present irrigating project of the Indians was not worth one cent to this conservancy project, and that may be true. Nevertheless, the present system is worth a lot to the Indians, because they have made a living off that land for centuries.

There is a very grave doubt in my mind as to whether or not this proposed project will increase the value of the Indian land to any material extent; that is, I believe it would not cost the project the $67.50 an acre that is to be charged up against the Indian land.

Of course, under the Cramton amendment the 8,346 acres would be exempted from this reimbursable charge, but it is placed on the balance of the land, the other 15,000 acres, making a total charge against the 15,000 acres of something like $109 per acre, which is, of course, a higher charge than is made against the white land, and it seems to me it is absolutely unfair.

More than that, it would mean, I believe, confiscation of that land ultimately. There is something in our Constitution which says that property may not be taken away from our citizens without due process of law, but the Indians apparently are not considered in that connection.

Mr. KING. And with just compensation.

Mr. FRAZIER. Yes; and with just compensation, but the Indians obviously are not considered as coming under the Constitution of the United States. It would seem so at least, not only in this case but in hundreds of other cases in the treatment of Indians in this great Nation of ours.

The amendment which the Senator from Kansas [Mr. CURTIS] has offered would be of some help. Undoubtedly it would be of some help, because it would allow the Indians to take 4,000 acres of what would be reclaimed land under the provisions of the bill and farm it. That would be of some assistance, undoubtedly. In the hearings the other day the Assistant Commissioner of Indian Affairs, Mr. Meritt, stated that even with all of the $1,500,000 plus made reimbursable against the 15,000 acres of Indian lands under the Cramton amendment, it would still be of benefit to the Indians. Perhaps it would be of benefit to them. It would be of benefit to the Indians if we would add on another $500,000, but it would be violating the promises that have been made to the Indians, and it would be unfair.

Mr. FESS. Mr. President, will the Senator yield?

Mr. FRAZIER. Certainly.

Mr. FESS. It has been reported to me that the proponents of the bill are not averse to the Curtis amendment and the opponents of the bill are not averse to it. Why not act upon the Curtis amendment and pass the bill?

Mr. FRAZIER. The information that has come to the Senator is hardly correct.

Mr. FESS. Then I beg the Senator's pardon for the suggestion.

Mr. FRAZIER. I just made the statement that it would be of only slightly more benefit than the Cramton amendment.

Mr. FESS. But it would not be satisfactory?

Mr. FRAZIER. It would not be satisfactory to the Indians or their representatives, the people who are here representing them, and, according to the word we get from their council itself, it would not be satisfactory to the Indians.

Mr. FESS. Then I was misinformed. I had understood the Curtis amendment would adjust the difficulty.

Mr. FRAZIER. No; there is nothing to that effect, so far as I know, and I have been receiving telegrams and statements from the Indians. The Indians themselves, through their council, authorized Mr. Collier to represent them, and while there was some difference of opinion as to the way he is representing them, yet I believe he is doing his utmost to be sincere and to represent them as they would like to be represented.

The other day, in the hearings before the committee on the House bill as amended, the Assistant Commissioner of Indian Affairs, Mr. Meritt, made the statement that this would be of some benefit to the Indians, even with an additional $1,500,000 plus placed against the land. Perhaps it would be of some benefit to them to have an improved irrigating project. Nevertheless the Indians are getting along pretty well, and they are not satisfied apparently with the suggested improvement, unless their 8,346 acres shall be taken care of without any expense to the Indian lands.

Of course, as to the reimbursable part of it, it is said that the Indians will never pay; but there have been instances where lands allotted to Indians had a reimbursable charge against them, and when the Indians died the land was sold to pay the reimbursable debt. Undoubtedly what has occurred in the past will occur in the future. I think the proposition for the total amount of the appropriation of $67.50 per acre for the total number of acres, including the 8,346 acres that has been under cultivation and irrigation all these years, is absolutely unfair to the Indians.

The Curtis amendment would be of some benefit, undoubtedly, or would be some improvement over the way the House amended the bill; but even with the amendment which the Senator from Kansas offered, the bill is still unfair to the Indians and violates the promises that have been made to them and, in my estimation, for that very reason should not be passed.

As I said, if we are going to take the attitude of disregarding the promises we have made to the Indians and disregarding our understandings and even treaties with them, then let us go ahead and enact legislation without consulting the Indians; but after we have gone to all the trouble of spending two or three years' time apparently in getting the Indians to consent to a bill to take care of the irrigation project in the Rio Grande Valley, after we have gone to the trouble of holding hearings in both Houses and having the hearings printed, taking the time of the Members of both Houses hour after hour, it seems to me a little inconsistent to disregard now the promises made to those Indians and to enact such legislation as is proposed by the House amendment.

Mr. HAYDEN. Mr. President, with respect to the promises made to the Pueblo Indians to which the Senator from North Dakota has just referred, I may say that at the time the promises were made there was no one present authorized to speak for Congress. In other words, it is perfectly feasible for certain gentlemen interested in developing a conservancy district in New Mexico, and certain Indians whose lands are to be a part of that district, to agree that the Indians shall receive a gratuity appropriation of half a million dollars. All the interested parties in New Mexico may have agreed that they would endeavor to induce Congress to make a gratuity appropriation to that extent, but the Congress alone can make the appropriation. Congress never made any promise to the Pueblo Indians, and no one with authority to speak for Congress ever made any promise to the Pueblo Indians that a bill would be passed granting a gratuity appropriation to that extent.

Mr. FRAZIER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from North Dakota?

Mr. HAYDEN. I yield.

Mr. FRAZIER. That may be true. Nevertheless, according to telegrams which have been read into the RECORD and of which I have copies on my desk, the Indians were consulted, and their attorney, Mr. Hanna, and their representative, Mr. John Collier, were consulted. Hearings were held before their council and they agreed, apparently, to the provisions proposed. Mr. Rodey, the attorney for the conservancy project, wired to them saying that the provisions they asked for were agreed to. Hearings were held by the committee of the Senate and an agreement was reached by that committee. The bill was voted out and passed by the Senate. Hearings were held in the House and the bill was reported out there and went to the calendar of the House. Then amendments were made by the House, violating the promises made to the Indians and which had been considered by committees in both Houses, without a word of explanation on the floor of the Senate or the floor of the House before those changes were agreed to.

Mr. HAYDEN. Nevertheless no one had authority to speak for Congress. The only way Congress can speak is by the final enactment of the bill. We can only judge the future by the past. We can only judge this legislation by other legislation which has heretofore been enacted. I can say, and I speak advisedly because I served for more than 15 years on the Committee on Indian Affairs in the House of Representatives, that at no time in the past 15 years has Congress enacted any law granting a gratuity appropriation for the construction of Indian irrigation work of any consequence, and at no time to the extent of $500,000.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. HAYDEN. Certainly.

Mr. KING. I accede to what the able Senator from Arizona said, that no one perhaps is authorized to speak for Congress. Undoubtedly the Indians, if not their attorneys, and I think their attorneys had the impression—I am sure the Indians had—that the Indian Bureau was authorized to speak for the General Government and that any promise or representation made by the Indian Bureau would receive validation at the hands of the Congress.

Mr. HAYDEN. The Senator from Utah, I am sure, would not permit a bureau to speak for Congress?

Mr. KING. I grant that we do not permit, at least we ought not to permit, bureaus to speak for us. I think we permit executive officials and bureaus to speak too much for Congress, and we are afraid to legislate until we get their approval upon proposed legislation. But conceding that there was no one there who might speak for Congress and that no one did speak for Congress, if the Indians made a proposition predicated upon the assumption that only $1,000,000 was to be reimbursable and they assented to the Rio Grande conservancy project upon the hypothesis that $1,000,000 only was to be reimbursable and the residue was to be a gratuity, and if they were mistaken because the Congress would refuse to accept their view, then obviously if we are to proceed upon the theory of contractual relations, they entered into a tentative agreement upon a wrong hypothesis. The minds of the parties have not met and fairness would seem to require that we halt any further proceedings until the Indians have further opportunity to investigate the matter and determine whether they would be willing to accept a contract or a proposition the basis of which is that the entire amount shall be reimbursable out of the Indian funds.

Mr. HAYDEN. I want to point out to the Senate that the only general statute there is relating to the subject of Indian irrigation projects requires that the Federal Government shall be fully reimbursed for all such expenditures. That law appears in section 386 of the United States Code. It is the act of February 14, 1920, and reads as follows:

> The Secretary of the Interior is authorized and directed to require the owners of irrigable lands, under any irrigation system constructed for the benefit of Indians and to which water for irrigation purposes can be delivered, to begin partial reimbursement of construction charges, where reimbursement is required by law, at such times and in such amounts as he may deem best, all payments hereunder to be credited on a per-acre basis in favor of land in behalf of which such payments shall have been made and to be deducted from the total per-acre charge assessed against such land.

There is another section of the code which relates to operation and maintenance charges that likewise directs that wherever possible the Federal Government shall be reimbursed. In other words, no one can find any authority of law anywhere for the appropriation of money for the construction of an Indian irrigation project unless the sums appropriated are made reimbursable.

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. FRAZIER. We can find some precedents, though, those things on which attorneys like to base their arguments so much. The senior Senator from Montana [Mr. WALSH] made the statement the other day, in discussing some measure from his State involving the Flathead Indian power proposition, that there was an irrigating project for the Indians, as I recall, with some $200,000 or more expended, where the money was a direct appropriation and not reimbursable.

Mr. HAYDEN. That may be true in the Northwest, where the Indians know very little about irrigation and where they were never even farmers but lived as hunters until the white man came. In the Southwest there are two tribes of Indians, the Pueblos on the Rio Grande in New Mexico, and the Pimas on the Gila River in Arizona, who have been irrigating their lands from time immemorial. Take the Pima Indians of Arizona, who can only make a living by the cultivation of their lands by irrigation. What has been required of the Pimas? In all instances the irrigation appropriations made for their

benefit have been made reimbursable; a charge has been made against the Pima Indians for the full amount of the expenditures made by the United States. But in all cases there has been done what it is proposed to do in this bill. The lien or charge upon their land is not to be enforced and they shall not lose title to it so long as the land remains in Indian ownership.

The practical effect is that charge is made on the books of the Treasury Department for any sum expended for the irrigation of Indian lands. The collection of that expenditure depends entirely upon the progress made by the Indians. There is no time limit in this bill nor in any similar bill which provides that upon a certain day the Indian shall pay a certain amount and that if he does not pay that amount he shall lose his land. That would be wholly unfair and unjust because the Indian can not be expected to have the same ability to meet his obligations as a white farmer.

Mr. FRAZIER. There was a time limit put on the original bill and that was stricken out by the Cramton amendment to the bill, but this bill has a new feature that has never, so far as I know, been included in any other Indian irrigation project; that is, to reimburse the expenditure out of the proceeds of the leases of the land.

Mr. BRATTON. Mr. President, will the Senator from Arizona yield to me?

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from New Mexico?

Mr. HAYDEN. I yield to my friend from New Mexico.

Mr. BRATTON. The Senator will recall as to that feature that the Indian Bureau and the Indian Defense Society were in accord and urged that very provision in the bill, and no objection was raised to it until the measure came back here from the House of Representatives.

Mr. FRAZIER. No objection was raised, because of the gratuity appropriation to take care of the 8,346 acres.

Mr. BRATTON. Yes; and the whole question all gets back to that. It turns not upon whether repayment shall be made from the proceeds of leases, but upon whether the appropriation shall be a gratuity or reimbursable; that is the whole question.

Mr. FRAZIER. That makes a lot of difference. The Indians agreed to a bill with this $500,000 gratuity appropriation; they have not agreed to anything else.

Mr. HAYDEN. Mr. President, I have before me the laws affecting the irrigation of Indian lands in Arizona; and if any Senator is interested I shall be glad to read their text with respect to the question of repayment. All of these laws provide for full reimbursement to the United States just as this bill so provides. The pending measure, therefore, follows the precedents now well established that there shall be a charge against the Indians for any money expended in their behalf for irrigation purposes, payable when? Whenever the Indians can afford to pay it. That is all that it amounts to. The time and manner of collection is left entirely in the hands of the Secretary of the Interior under such rules and regulations as he may prescribe. That is the provision in the laws relating to the Pima Reservation under the San Carlos project, and that is the provision here. At no time in all the years I have been a Member of Congress have I found Congress or the Bureau of Indian Affairs unwilling to listen with sympathy to pleas in behalf of the Indians, nor has any tribe of Indians ever been compelled to make reimbursable payments which could not be justified.

Mr. FRAZIER. Mr. President, if the Senator will yield to me, I desire to state that I recall some ten or twelve million dollars of reimbursable charges against the Indians have been collected by the Treasury Department throughout the United States in past years.

Mr. HAYDEN. That is a very fine showing and justifies the faith which Congress has in the Indians. It is entirely proper that such collections should be made. Congress is getting away from the old idea that the Indian should be furnished with something for nothing. We can not make good citizens of them on that basis. Under the old system of rounding up Indians on reservations, giving them rations, furnishing them with gratuities, the Federal authorities bred in them not a desire to work but a desire to loaf; not a desire to improve themselves as other citizens do, but a desire to obtain what they could from the Government for nothing. That is a wrong policy. Congress should not give any able-bodied person anything without effort on his part, whether he be a white man or an Indian.

Mr. FRAZIER. Mr. President, will the Senator yield to me?

Mr. HAYDEN. I yield.

Mr. FRAZIER. I wonder if the Senator would want to take the other horn of the dilemma and say that we should not take Indian property away from them for nothing?

The Indians of the Southwest especially have been crowded back into the desert; in many instances the best land, the only land that it would seem to me any human being could live on, has been taken by white people and the Indians crowded back. Then when the white man needs bridges in order to travel over the country they are built and the charge is made reimbursable against the Indians. That is fair, is it?

Mr. HAYDEN. Can the Senator tell the Senate where in the Southwest any land which they were occupying has been taken away from the Indians? I ask the Senator to name the place and the Indian tribe.

Mr. FRAZIER. Oh, my goodness——

Mr. HAYDEN. Will the Senator be kind enough to do that? I have lived in the Southwest all of my life, and I know of no such instance. In the State of Arizona to-day over 20,000,000 acres of land are reserved for Indians—some of the very best land in the State. No Indian has been driven off any land that he was actually farming in Arizona or New Mexico. The Senator can not point to the place nor the tribe nor the time.

Mr. FRAZIER. I visited several Indian reservations in Arizona, and if the land I saw there is the best land there is in Arizona I pity the rest of it.

Mr. HAYDEN. But the Senator has not answered my question. Will he name the tribe of Indians from whom land has been taken or designate the tract of land or the time when it was taken? I am anxious to know.

Mr. FRAZIER. We have passed several bills at this session, so-called department bills, recommended by the Bureau of Indian Affairs, making provision concerning lands out there belonging to the Indians that would have been taken away from them if it had not been for the legislation which we passed.

Mr. HAYDEN. The only legislation to which the Senator can possibly refer is a bill affecting certain lands granted to a railroad company. The lands were embraced in alternate sections which were granted to promote the construction of a transcontinental railroad many years ago. Congress has provided that if Indians are actually residing on any of the alternate sections the railroad company may select an equal area of other lands in the same State. That is the only legislation to which the Senator might have reference. No Indian has been driven off his land. The Senator has made the very broad assertion that Indians in the Southwest have been robbed of their lands. I insist that no such a thing has taken place and that he can not point to the tribe nor the land nor the time when Indians were robbed of any area that belonged to them.

Mr. FRAZIER. I am sorry that I have not the information for the Senator at this time, but, as I understand, the reservations there have been narrowed several times and the Indians have been crowded back, if you please—that is what I call it—and I do not see how the Senator can controvert that statement. The size of the reservations has been reduced time after time and probably will be reduced further.

Mr. HAYDEN. Upon the contrary, the size of the reservations in the Southwest has been increased time after time.

Mr. FRAZIER. That may be true in certain instances.

Mr. HAYDEN. If the Senator will examine the record he will find that much more land has been added to the reservations in Arizona than has ever been taken away from them.

Mr. FRAZIER. On what does the Senator base the size of the reservations in the first place? The Indians owned all of that territory a few years ago?

Mr. HAYDEN. The Indians had a right to roam over it and kill game upon it. Mere occupancy is not ownership. More land than the Indians ever actually used has been reserved for them and they now have the full benefit of it. The Senator can not justify his statement by the facts in any record.

Mr. President, it is the duty of Congress to do justice to the Indians because of the peculiar position which they occupy as wards of the Government. Here is a proposal in the interest of a great community, extending up and down the Rio Grande, of which the Pueblo Indians are a part. That community can not expand, it can not prosper unless the Indians who live in it do their share in order to develop it. It is very easy when any development of this kind is proposed, just as it is in the case of a drainage district or an irrigation district, for some individual to say, "My particular tract of land is so situated that this general improvement will not benefit me to the extent that it would somebody else, therefore I will not take part in the common effort." That is a narrow, selfish view to take. The only way that a community can prosper is for all of its members to unite and carry forward the work of development. That is what has to be done in this case. The white men and the Indians must combine if either is to advance.

What is proposed in this instance? I might illustrate it in this way: Suppose I were the owner of two tracts of land, one which I was cultivating in an inefficient manner and another tract which was waste. In this instance about 23,000 acres are involved and, with the amendment offered by the Senator from Kansas [Mr. CURTIS], the Indians are to use about 12,000 acres and the other half is to be reclaimed from a waste and an unprofitable condition. Suppose that some philanthropist were to come to me or a kind and paternal government, as is the case in this instance, and say, "I will improve the land on which you are now living, make it more profitable for you to cultivate it, give you a better water supply. I will likewise improve the waste tract for you, and I will take all of my reimbursement from the waste land and not from the cultivated land"; that would be a parallel case to the one now before us. In this instance no Pueblo Indian will ever be required to go down into his pocket and pay anything from any income that he may derive from his land toward the repayment of irrigation and drainage works which will be constructed for his benefit. There is nothing in this bill which can be construed to mean that any Pueblo Indian at any time will be required to pay one cent toward reimbursing the United States. The reimbursement will come entirely from the rental of the excess lands which are now waste and useless.

Mr. FRAZIER. If in that case and in other cases under the reimbursable provisions of which the Senator speaks, the Government is never going to collect anything, what is the use of making the expenditure reimbursable? Why not make it a gratuity? That is what it amounts to.

Mr. HAYDEN. Under the plan proposed in this bill the United States can be fully reimbursed, just as all the expenditures made to obtain water for the Pima Indians in Arizona will be reimbursed, but the United States is not going to be reimbursed in the sense that the Indian has to pay a certain amount on a certain day or lose his land. The Federal Government in course of time will get its money back for this expenditure from income derived from the now waste lands. Therefore the whole amount expended in behalf of the Pueblo Indians for this development is placed upon the books of the Treasury as a charge against them. But the Indians themselves are never to be required to pay a cent out of their own income. All reimbursement is to come from the proceeds of the rentals of excess lands. What injustice can possibly be done to the Indians? Land which is now waste and worthless, from which they can gain no income, is to be developed by a generous Government, which will furnish the money without interest and take its chances, however many years may elapse, of getting its money back.

It seems to me that under such circumstances the Congress ought to do what is best for the community as a whole, when it is clearly demonstrated that no Indian at any time will be in any manner injured. For that reason I shall support the bill. I shall support it because I believe that whenever an occasion of this kind arises, we should realize that Congress can not be guided solely by the wishes of the Indians or take the word of some group of friends of the Indians or the word of some people who are organizing a conservancy district, as in this instance. We must do what is best for all concerned, including the Federal Government, and if we satisfy ourselves that no Indian can at any time either lose any of his land or be required to pay any of his own money, then certainly there is no possibility that any injustice can be done to any Indian. Therefore the House amendment should be agreed to and the bill should be passed.

Mr. CUTTING. Mr. President, I should like to have the privilege of having read from the desk two telegrams I have received, one from the Governor of New Mexico, and one from the chairman of Indian welfare of the New Mexico Federation of Women's Clubs.

The VICE PRESIDENT. Without objection, the telegrams will be read.

The legislative clerk read as follows:

ALBUQUERQUE, N. MEX., *February 9, 1928.*

Senator BRONSON M. CUTTING,
Senate Building, Washington, D. C.:

This refers to Senate bill 700 as amended by House, which has received Senate concurrence. Our people are not concerned as to reimbursable features of bill, but we are vitally interested in enactment of legislation proposed, and personally I feel that bill as amended and passed by Senate is best possible for all concerned. Will appreciate any assistance you can lend toward sustaining concurrence.

R. C. DILLON, *Governor.*

Mr. FRAZIER. Mr. President, will the Senator yield right at that point? That statement seems to me rather peculiar, inasmuch as the governor states that "our people are not concerned in the reimbursable features." Perhaps it is because the Indians down there do not vote.

The legislative clerk read as follows:

NEW YORK, N. Y., *February 19, 1928.*

Senator BRONSON CUTTING,
United States Senate, Washington, D. C.:

As chairman of Indian welfare of the New Mexico Federation of Women's Clubs representing over 3,000 club women I urge passage of House bill 700, no matter whether with or without reimbursement. I disapprove of Collier's attitude in the matter.

Mrs. MAX NORDHANS.

Mr. CUTTING. Mr. President, I do not intend to take very much of the time of the Senate. The opponents of this bill have spoken for about three hours this afternoon, and obviously it would take an equal length of time to refute their arguments in detail. I think the Senator from Arizona [Mr. HAYDEN] has given a very clear idea of the fallacy that underlies all their arguments; namely, the fallacy that Indians in the Southwest have been treated in anything like the same manner as the Indians in the rest of the country.

The intimation has been made, both by the Senator from North Dakota and by the Senator from Wisconsin, that probably my colleague and I are not cognizant of conditions in the State; that the Member of Congress on the other side of the Capitol is not cognizant of those conditions; that the governor of the State is not cognizant of them; and that the innumerable citizens of New Mexico who feel that this measure must be passed to benefit both whites and Indians do not understand the conditions.

I do not think any of us pretend to be engineers. We have laid before the committees, and incidentally before the Senate, the report of the engineers who examined the project, and we believe that they all sustain us. The Senate has also been presented with the opinion of the Indian Bureau. It may be that the gentlemen who are speaking against us have better information about our conditions; but there is one kind of information they do not have, and that is the general background and the history which underlies this particular legislation.

The Rio Grande Valley, as I think Senators understand, is a very peculiar part of the United States. The district which we are considering is a district 150 miles long, and most of it is about 1 mile wide. There are a few broader tracts, constituting what may be called oases in the middle of this desert. These oases were settled on in prehistoric times by these tribes of Pueblo Indians, six of them in the area that is now in question. Naturally, those tribes of Indians picked the best land they could find along the river. Those Indians are living in exactly the same area, with the same lands, with the same architecture and buildings that they were living in when Europeans first came out there, and that means a very long period of historical record.

The first European to visit the country was Cabeza de Vaca, who walked from the coast of Florida to the city of Mexico by way of New Mexico in 1528. We have his records. We have the records of the Coronado expedition, which practically started the white settlement in New Mexico. The date of that was 1540. From that time to this those Pueblos have remained in possession of the lands which they possessed originally. As I think the Senator from Arizona said, that condition does not apply in any part of the United States except the Southwest.

The sixteenth century is generally considered a cruel century, and we hear of the Spanish conquerors, and perhaps some of us who were born in this part of the country think they were a cruel set of men. The fact remains that they treated the Indians better than anybody else has treated them who came from Europe in the early days. They came out nearly a century before the Pilgrim Fathers; and yet what has happened to the Indians in the East? Where are the Hurons, or the Iroquois, or the Pequots, or the Narragansetts? Even in later times the Chippewas and the Menominees, and such Indians in the Northwest, have been segregated, as I understand, and placed on reservations.

We are dealing here with an entirely different situation. These are Indians who never wandered, who have always been in exactly the settlements they are in now.

It is true that in the seventeenth century there was a great outburst of anti-Christian sentiment. The Pueblo Tribes rose up, massacred the Franciscan missionaries, and drove the Spaniards out of the territory for 12 years. After the Spaniards came back they did not retaliate in any way. They conquered the Indians, but they did not dispossess them or drive them out of their lands. They took none of their privileges away from them. They settled on what land remained after the really first-class land had been left in Indian possession. That statement applies after the territory we are speaking of passed under Mexican

sovereignty; their possession was guaranteed when the United States, under the treaty of Guadalupe Hidalgo, took over the territory. The same guaranties were preserved in the enabling act and in the constitution of New Mexico.

Mr. KING. Mr. President, will the Senator yield?

Mr. CUTTING. I yield.

Mr. KING. I think the Senator should state that the number of Spanish settlers in the district to which he refers was always very inconsiderable. There was a larger repository of Spanish blood in California; but in Arizona and New Mexico, and farther up, in the southern and southwestern part of Colorado and the southern part of Utah, there was scarcely any Spanish blood at any time, as I recall history.

Mr. CUTTING. Mr. President, I beg to take issue with the Senator on that point. The records of the Spanish conquerors in New Mexico are a matter of history. They can be traced under all the Spanish governors. We know just what Spaniards settled in each particular place, and the number of the invaders, as they may be called. That population increased. At the time the United States took over the territory, which I suppose is the time to which the Senator is referring, the Spanish population was the same as it is now—that is to say, around 150,000 to 200,000—and, of course, that was immeasurably superior to the few thousands of Pueblo Indians who were on the land.

I think that background does make a difference when Senators get up here and tell about the terrible injustices which have been done the Indians all over the country.

I see that the opponents of this bill, in a statement they have gotten out asking for a veto in case the bill should pass, state that—

> If the Senate can be led to indorse such a proposal, the century of dishonor has not come to an end.

Mr. President, there has been no century of dishonor so far as New Mexico is concerned. There have been four centuries of complete good faith.

When the United States took over the territory which we now call New Mexico, they took over not only these Indian pueblos but the Spanish population which had been settled there for at least 300 years. Those Spanish people had been just as remote from European or American civilization and culture as any part of the Pueblo Indians. They were totally unfitted to cope with the advances of Anglo-Saxon civilization.

The territory which they owned was exploited by the land grabber and the carpetbagger from the East. Those people to a large extent lost their rights, lost their lands, and were reduced to poverty. That never happened to the Indians. Nothing was ever done by the Federal Government for those Spanish-speaking people. When we consider the millions of dollars that have been spent on Porto Rico and the Philippines to educate the people of those distant possessions in the English language and in Anglo-Saxon ideas, it is fair to remember that those advantages never were given to New Mexico or to the Spanish-speaking majority of the population of New Mexico in any degree.

These Pueblo Indians, on the other hand, have been treated well. They have had admirable schools. Everything has been done for them. Many of them are graduates of Carlisle and other institutions of learning outside of New Mexico, and almost all have been to the Pueblo schools in Albuquerque and Santa Fe. Moreover, they have been protected against any exploitation. Their rights are guaranteed by the United States. They have the right to vote if they choose to pay taxes. If they do not, they remain wards of the Government, and nothing can be done against their interests.

I mention this background because it has, I think, something definitely to do with the subject now before the Senate. I want to compare for a moment the position of the descendants of the conquerors with the descendants of the people they are supposed to have conquered, and especially with regard to this particular bill. It is obvious that the bill will benefit all settlers in this valley, but it is equally obvious that it will benefit the Indians in proportion far more than the white settlers.

The whites, of course, pay taxes and interest. The Indians pay none.

The whites are assessed $76 an acre. As has been very clearly shown by my colleague, the Indians are assessed $67.50 an acre.

The whites pay the principal in 40 years. The Indians can have their time extended indefinitely within the discretion of the Secretary of the Interior.

The whites have to pay for the operation and maintenance of the irrigation system. The Indians are guaranteed against operation and maintenance charges in perpetuity.

The Indians receive priority water rights on the entire amount of acreage now under cultivation; that is, the 8,000 acres. They receive equal rights on the 15,000 acres to be added to cultivation.

The water rights in the old section, as well as the new section, are not subject to loss in case of nonuse or abandonment so long as the title remains in Indian ownership. That is something to which, of course, the white settlers have no claim whatever.

There is no lien against the lands now under cultivation. There is to be no enforcement of the lien against the newly reclaimed lands as long as the title remains with the Indians. To all practical intents and purposes, this probably means forever.

The bill not only trebles or quadruples the value of the Indian lands placed under cultivation, but it also trebles their extent.

It is no wonder that the Assistant Commissioner of Indian Affairs, who hoped for the gratuity clause in this legislation, has since testified that even without the gratuity clause this is the most generous piece of Indian legislation which has been passed by Congress in the last 15 years.

Mr. BRATTON. Mr. President, will my colleague yield to me just there?

Mr. CUTTING. Yes, sir.

Mr. BRATTON. While my colleague is on this subject, I have just been advised by the Assistant Commissioner of the Bureau of Indian Affairs that at no time did the Bureau of Indian Affairs make any promises or give any assurances to the Indians regarding the provisions of this bill; and any assertion to the contrary must of necessity be a mistake. That should become a matter of record.

Mr. CUTTING. I am glad to hear the statement of my colleague. I was sure that that was the case.

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. DILL in the chair). Does the Senator from New Mexico yield to the Senator from Utah?

Mr. CUTTING. I yield.

Mr. KING. I am sure that anybody who reads the record, the hearings before the House committee and the hearings before the Senate committee, and the statements made by the Assistant Commissioner of Indian Affairs, Mr. Meritt, can not fail to be impressed with the thought that the Indian Bureau did recommend the $500,000 plus as a gratuity, and the bill which they first indorsed called for that as a gratuity. If that was not a promise, certainly persons reading the record would reach the conclusion that it was the equivalent of such.

Mr. CUTTING. Mr. President, I think it is very obvious, from Mr. Meritt's statement, that he prefers the bill with the gratuity clause in it. I am willing, for the sake of the argument, to agree with the Senator that the bill might be better with the gratuity clause in it. My colleague and I supported it in that form. Mr. Meritt's statement is, however, that even without the gratuity clause, it is the most beneficial piece of Indian legislation we have had in a long time. I do not think there is anything inconsistent in Mr. Meritt's position in that respect. But Mr. Meritt surely was not in any position to promise what Congress would see fit to do with regard to this matter.

This is a bicameral legislature, and the House of Representatives, of course, has to be considered in this matter. The parliamentary situation is simply such at this time that the bill can not pass in the original form. It must pass in this form or in none other.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. CUTTING. I yield.

Mr. LA FOLLETTE. Will the Senator explain what that parliamentary situation is?

Mr. CUTTING. I do not think we have to go into this thing in great detail. I am sure the Senator is just as familiar as I am with the fact that enough opposition has been developed in the House to the bill with a gratuity feature in it as to make it absolutely certain that it can not pass in that form.

Mr. LA FOLLETTE. Just what is that opposition? There is nothing in the RECORD that I have been able to find to show it. All that we have before us, so far as the official record in this matter is concerned, is that the House exercised its right to attach an amendment to the Senate bill. We have nothing but the statements made by the senior Senator from New Mexico, and now reiterated by the junior Senator from New Mexico, that unless the Senate pass the measure without further attempt to investigate the matter before the House, or to exercise its right to amend the House amendment, the legislation must fail. There has been so much of that kind of loose statement made here that I should like at this time to have some specific understanding of just what the parliamentary situation is that prevents the Senate from amending this amendment in such manner as it sees fit.

Mr. BRATTON. Mr. President, will my colleague yield to me?

Mr. CUTTING. I yield.

Mr. BRATTON. In reply to what the Senator from Wisconsin characterizes as so much loose talk, I want to say to him that the Congress will not abandon a policy that has prevailed unbroken for 15 years. The Senator knows that this whole controversy revolves around the policy of whether appropriations like this one are going to be reimbursable, or in the form of a gratuity.

Mr. LA FOLLETTE. Mr. President——

Mr. BRATTON. The Senator will allow me to complete my statement. The reimbursable policy has obtained for the last 15 years. It was inaugurated in 1913. This bill will not pass with a gratuity feature in it, and if the Senator will take as much time to investigate that as I have done, and as my colleague has done, he will reach the same conclusion, namely, that the policy of making appropriations for reclamation of Indian lands reimbursable is not going to be broken as to this bill, or any other legislation in the near future. It is the unbroken policy that has obtained for 15 years. That fact makes it impossible to enact this legislation in the form of an exception to such general policy. That has been investigated thoroughly, and the Senator must have advised himself about it.

Mr. LA FOLLETTE. Mr. President, I should like to ask the Senator if there were not reimbursable features concerning Indian water rights for agricultural purposes in the last appropriation bill that passed at this session of Congress.

Mr. BRATTON. For agricultural purposes?

Mr. LA FOLLETTE. Yes.

Mr. BRATTON. I am speaking about reclamation projects. I do not know as to the other. I am informed by the Bureau of Indian Affairs, and from other sources, that this policy of making appropriations for reclamation of Indian lands has obtained now for about 15 years, and there are those who are strongly committed to it. I am absolutely convinced that the policy will not be departed from in this case.

Mr. LA FOLLETTE. Mr. President, if I may trespass further on the time of the junior Senator from New Mexico, and let me say to him that I have no disposition to break the connected character of his argument——

Mr. CUTTING. I yield.

Mr. LA FOLLETTE. I requested a more definite statement of the basis upon which the Senators from New Mexico founded their contention that this legislation must pass in this form or not at all, and all that I get from the Senator is a statement to the effect that his information indicates that there has been a policy since 1913 of making all Indian reclamation work reimbursable. Waiving, for the moment, the question of whether or not the Senator's information is correct in that matter, it still does not explain the particular situation in which this bill rests.

The Senate can amend the bill in such a manner as it thinks is just under the circumstances, and can then message the bill over to the House. The question will come up on the floor of the House and be discussed there on its merits. As I stated in my remarks this morning, until the Senate has either taken that course or taken the course, which is perfectly legitimate, of rejecting the House amendment and asking for a conference, I maintain that it has not exhausted the perfectly legitimate and usual procedure in matters of this kind.

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. HEFLIN in the chair). Does the Senator from New Mexico yield to the Senator from Utah?

Mr. CUTTING. I yield.

Mr. KING. It seems to me that the two Senators from New Mexico, able and earnest as they are, postulate a static condition, namely, that there must be appropriated one million five hundred ninety and odd thousand dollars, and in order to give reasonableness to such an enormous appropriation, they assume that the entire twenty and odd thousand acres are to be reclaimed. They forget that 8,346 acres have been reclaimed; that there are valid rights, of which the Indians may not be deprived, rights which were sanctified, if that is a proper term, by the enabling act under which New Mexico came into the Union, and by the constitution of New Mexico. The rights of those Indians were confirmed and may not be taken from them. Those Indians are not asking that those 8,346 acres shall be reclaimed. They have already been reclaimed. They are not asking for water rights or for the protection of their water rights. They have valid rights of which they may not be deprived by the State of New Mexico or by the Federal Government.

Therefore, the whole question is not as to this question of a gratuity, one of $500,000 plus. We may remit that, if the Senators will consent to the elimination of the $596,000 from the bill, and seek an appropriation of $1,000,000, and then allocate that to the 15,000 acres which are to be reclaimed, making approximately $67 per acre as the basis. If that were done, there would be no controversy, in my opinion.

Mr. CUTTING. Mr. President, may I say to the Senator that, admitting for the moment that the Indians have a legal claim on the 8,346 acres, on the water rights, and everything else concerned, in the course of time all that would be of absolutely no value to them whatever, from a practical point of view. I think my colleague has clearly shown to the Senate that the water level along the Rio Grande Valley is constantly rising, that each year there is less land available, and that the land that is available is getting more and more water-logged and more and more filled with alkali, and less and less useful for any practical purpose. I have not fixed that figure of $1,5[illegible]3,000. That was figured after a very careful calculation of the proportionate benefits which the Indians were to derive as compared with the rest of the valley. I accept that in perfect good faith, coming from a committee of expert engineers and two very able committees of the House and the Senate, as the proper figure. I have not calculated it; I am sure it is correct.

I am sure that if the Senator from Utah came before us with a proposition with regard to his State of this sort, my colleague and I would gladly accept any figure he would give; and the same applies to the State of Wisconsin or to the State of North Dakota. I say this in the best of feeling, because I know that these Senators are entirely sincere in speaking for what they consider the best interest of the Indians. We feel otherwise. We feel that the Indians are going to get more benefit out of this legislation, in proportion, than any other citizens of New Mexico.

If somebody were to come before the Senate and state that this bill as we propose it were too generous to the Indians, I think we should have a very much more difficult time to prove the merits of our proposition. I do not think it is too generous, because I think we ought to lean over backward in the attempt to do justice to the Indians at all times. But surely, when the very gentleman who is opposing the bill now has testified before the Senate committee that if such a bill is not passed the Indians will be faced with what has been described as the supreme evil, that of being compelled, because of the growth of population, to break up and go out to distant places, it seems very evident that we, in proposing this bill, are attempting to save the Indians from a calamity which has not been visited on them in the course of the last 400 years and from which they alone have perhaps been spared out of all the tribes of Indians in the country. With the exception, of course, of the Indians in Arizona, who came into the United States under the same terms, I believe these are the only Indians who have been living undisturbed down the centuries on the lands which they have occupied since prehistoric times. If this bill does not pass, according to Mr. Collier himself, these Indians are going to have to move out. They are going to lose their rights, which they have valued and maintained for the last 400 years to our knowledge, and for possibly many hundreds of years before that.

How can any friend of the Indians, or supposed friend of the Indians, under these circumstances, argue that if the bill shall pass in its present form the Indian pueblos will be urged to obtain a veto, and if they do not obtain a veto to contest the constitutionality of this act in the courts?

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. CUTTING. I yield.

Mr. LA FOLLETTE. Does the Senator from New Mexico think that Mr. Hanna is not a friend of these Indians?

Mr. CUTTING. Mr. President, I think that Mr. Hanna is a very sincere friend of the Indians. I think Mr. Hanna has been misinformed as to the conditions prevailing in Congress. I have a long telegram from him, by the way, which I think perhaps I might read.

Mr. LA FOLLETTE. The Senator has inferred that other Senators who do not live in New Mexico are uninformed in regard to this matter, but the Senator would hardly infer that Mr. Hanna, who lives in Albuquerque, and who has been the attorney for these Indians in this matter, is not informed, I take it.

Mr. CUTTING. His telegram starts:

> From information reaching me I fear that Senate debate on conservancy bill may create strong impression that appropriation is excessive.

It goes on along those lines. There are two pages of it. But the basis of the whole discussion is the fact that information has reached him from Washington on which he bases his recommendations as to what is to be done. Mr. Hanna not being here,

is not in a position to discuss the relative benefits which may accrue to the Indians from this bill or from some other bill, as we might amend it, because he does not understand the parliamentary situation, which my colleague and I are trying to make clear to the Senator from Wisconsin.

Mr. LA FOLLETTE. I would like to ask the Senator if Mr. Hanna is not the one who, in his telegrams, suggests that an effort will be made to secure a veto or to test it in the courts?

Mr. CUTTING. No; I do not refer to Mr. Hanna. It was Mr. Collier from whom I had a letter on that question.

Mr. LA FOLLETTE. If the Senator will read the telegram, I think he will find that suggestion embodied in it.

Mr. CUTTING. For the information of the Senator I shall be glad to read the entire telegram:

ALBUQUERQUE, N. MEX., *February 27, 1928.*

Hon. BRONSON N. CUTTING,
United States Senate, Washington, D. C.:

From information reaching me I fear that Senate debate on conservancy bill may create strong impression that appropriation is excessive and constitutes an injustice to Indians, thereby precipitating a fight for veto which might, and probably would, prove fatal to appropriation at this session. Can not believe that it is the policy of Congress or executive branches of Government to place burden by lien or reimbursable debt upon present cultivated areas of the pueblos, yet careful study of Cramton bill assures this result. If compromise could be reached before to-morrow and amendments accepted curing bill with assurance of appropriation for conservancy work understand necessity for conference exists, but can not believe that CRAMTON or his associates would desire or have the power to block favorable action—

All pure assumptions, of course, as the Senator will realize—

Importance of matter from State standpoint clearly requires cooperation and avoidance of antagonisms if success is attained. Believe success through compromise and acceptance of amendments more certain and that attitude of CRAMTON and apparent belief that his wishes must be accepted constitute greater jeopardy to desired success of conservancy measure. I know that a nation-wide fight for the veto of the measure as it is now presented to the Senate will be made, and I am greatly desirous of eliminating this dangerous element and express the hope that your last-hour effort will help accomplish the result.

R. H. HANNA.

It is quite obvious from the telegram that Judge Hanna believes the bill ought to pass, that it is a valuable piece of legislation. He is alarmed for fear there will be a veto. He wants to eliminate what he considers the dangerous elements in the bill. He believes the necessity for a compromise exists.

Mr. LA FOLLETTE. Mr. President, will the Senator yield further?

Mr. CUTTING. In just a moment, if the Senator will pardon me. Judge Hanna "can not believe" that Mr. CRAMTON and his associates would desire or have the power to prevent favorable action. I think the Senator from Wisconsin will agree with me that that is not a matter which Judge Hanna can decide from Albuquerque, N. Mex.

Now I am glad to yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. In so far as Judge Hanna's statements are directed to the legislation, I note that he states "after careful consideration of the Cramton amendment." Also I would like to suggest to the Senator that he characterizes Judge Hanna's fears with regard to this legislation as assumptions. I would like to reiterate that I characterize the statement of the Senator from New Mexico that the legislation can not pass unless we take the bill exactly in the form in which it is now presented as also an assumption.

I would like to make one further statement, if the Senator will permit me, that no one is contending here against any legislation at all, but those who are opposed to the legislation in the present form are contending that the Senate could go further in its attempt to secure the legislation that it has gone at this time.

Mr. CUTTING. May I ask the Senator from Wisconsin a question?

Mr. LA FOLLETTE. I am delighted.

Mr. CUTTING. If he could be convinced that the bill would have to pass in its present form or not at all, would he be in favor of this legislation or of no legislation at all?

Mr. LA FOLLETTE. In the first place let me say that I would be opposed to the bill in its present form until every effort has been made to reach an agreement with the House of Representatives that will protect the interests of the Indians in this matter, as I see them, until the Senate has amended the bill to make that protection of their interests and sent it to the House, where it can come up on its merits on the floor of the House, rather than to take a sub rosa statement of some Member of the House that he is not going to let the bill pass unless the Senate recedes. I do not think we have discharged that obligation.

In regard to the Senator's question as to whether or not, if I were convinced, after the Senate had taken that action, that the bill could not pass except in its present form, I would like to say that in my judgment the interests of the Indians would be protected if the legislation failed of passage at this session of Congress and it could be taken up at the next session of Congress. I would prefer to see a fight made here by the Senate now for the legislation and efforts put forward to get it in a form which would be just to the Indians. If that can not be done at this session of Congress, I would prefer to have the fight made at the next session of Congress rather than to sacrifice the interests of the Indians as I see them.

Mr. CUTTING. It is quite obvious that that is not the position of Judge Hanna, and that is the reason why I read his telegram in full. The Senator from Wisconsin suggested that Judge Hanna had been one of the men who had mentioned the possibility of making a fight in the courts on the constitutionality of the bill. So far as his telegram to me goes, that is not the case.

Mr. LA FOLLETTE. My suggestion with regard to Judge Hanna was that he made a suggestion concerning the possibility of its veto.

Mr. CUTTING. Then I misunderstood the Senator. But the fact remains that the only letter which suggested a testing of the constitutionality of the matter came from Mr. Collier, saying that six Pueblo Tribes, if they failed to obtain a veto, would seek an injunction and fight the matter to the highest court.

Mr. LA FOLLETTE. The Senator does not contend they have not a right to do that?

Mr. CUTTING. I do not contend anything of the sort. I contend that no true friend of the Indians could possibly urge them to take any such action.

I think I have about covered the situation. There may be some other Senator who wants to speak on the matter. As I said, it is the most important matter that has come before the State of New Mexico since statehood. It is as important to the Indians as to any other citizen of the valley, and probably more important. I submit that every true friend of the Indians will support the measure in the form in which it is at present before the Senate, with the amendment suggested by the Senator from Kansas.

Mr. DILL. Mr. President, I am interested in the pending measure from only one standpoint, namely, the reimbursable feature. If the policy which has been established in the Congress for a long period of years, of making such appropriations reimbursable, is to be abandoned, it opens the door to what I consider a very dangerous situation in that connection. I do not understand, from what I can learn of the legislation, how anybody can seriously contend that the money should not be reimbursed as are all other appropriations for the development of Indian property.

Mr. KING. Mr. President, will the Senator yield?

Mr. DILL. Certainly.

Mr. KING. That is not the only question involved.

Mr. DILL. It is a very big question that is involved.

Mr. KING. If we eliminate the alleged gratuity of $593,000 and charge the Indian lands with $1,000,000 so that the land to be reclaimed would pay approximately $67 an acre, approximately what is paid by the white people, there would be no controversy, at least so far as I am concerned.

Mr. DILL. The land that is to be reclaimed, as I understand it, is now waste land.

Mr. KING. Oh, no.

Mr. DILL. That is the statement made here.

Mr. KING. There are 8,346 acres which have been reclaimed and which have been cultivated for many years, and the theory is that they will put the 8,346 acres into the entire aggregate acreage and charge those acres theoretically, but still put all the burden upon the 15,000 acres.

Mr. DILL. I think the 15,000 acres could well afford to bear that burden, because otherwise they would never have been developed. The proposal that the money should not be reimbursed is to me indefensible in the face of the long established policy of Congress of requiring the reimbursing of all such appropriations. I do not desire to take further time on the matter, but I did want to make just that statement.

Mr. BRUCE. Mr. President, I send to the desk a telegram which I should like to have read. It relates to the present debate.

The PRESIDING OFFICER. The telegram will be read, as requested.

The Chief Clerk read as follows:

BALTIMORE, MD., *February 28, 1928.*

Hon. WILLIAM CABELL BRUCE,

United States Senate, Washington, D. C.:

Large group Baltimore women, including heads of several large women's organizations, in meeting assembled with Fortnightly Club, strongly urge that Senate bill 700 be so amended as to fully protect interests of Pueblo Indians, and that you as our representative advise the Senate of our wishes in this matter.

ANNA N. KAY, *Secretary.*

Mr. McKELLAR. Mr. President, I wish to say to those who are in charge of the bill that I do not intend to delay its further consideration more than 10 minutes. I desire to speak for about that length of time upon another matter.

Mr. BRATTON. I thank the Senator for his assurance.

FEDERAL AID TO ROADS

Mr. McKELLAR. Mr. President, I was glad to note in his December message that the President thought well of Federal participation in road building. I regret, however, that he said: "National participation, however, should be confined to trunk-line systems." In this I think the President has made a mistake. Only a small proportion of the people of the United States live on trunk-line systems, and I believe as many of the people of the United States as possible are entitled to good roads. There are already in existence splendid trunk-line roads.

Mr. President, the Federal aid to roads movement got its first great impetus in the House of Representatives in 1912. I was then serving there and I was placed upon a special committee to draft a Federal aid to roads law. Tennessee was particularly honored by the then Speaker, Champ Clark, when he put both Congressman JOSEPH W. BYRNS and myself on that committee. We reported out a bill known as the Shackleford bill, but it failed of passage and there were many failures before the bill finally became the law. However, the present road act was finally enacted into law on July 11, 1916. Shortly after that, when the question of appropriation was up, we were virtually in the throes of a war and the then President had indicated that he did not desire money to be spent for roads at that time. The late Senator Bankhead was chairman of the Post Offices and Post Roads Committee at the time, and he and I called on the President and got him to recommend a liberal appropriation. Later on the appropriations were made even more liberal, and to-day under the impetus given to road building by Federal aid we are developing a vast and splendid system of good roads throughout the country.

The Federal Government is specifically authorized by the Constitution to establish post roads. There can be no possible constitutional objection to this system. The first Federal-aid road was begun in the administration of Mr. Jefferson, who was an ardent advocate of good roads. So that Federal aid to roads is not only constitutional but it is Democratic, as it was begun by the founder of our party.

The value of good roads to the country can not be estimated. When this national aid to roads act was passed there was not even a State highway commission in Tennessee, but I went to Nashville in 1915 and urged the passage of a highway commission bill so that Tennessee could have the advantage of the Federal aid act, when passed, and a bill was passed by the legislature and from the very beginning Tennessee has received her full share of the benefits of the Federal aid act. On July 31, 1916, I made a speech in the House of Representatives, being then a Member of that body, on benefits to Tennessee from the Federal road law, which speech I closed as follows:

I am very proud of the part I have taken in securing this much-needed piece of national legislation. It is one of the many great pieces of legislation enacted by this Democratic administration. It will accomplish great things for Tennessee, and it will give an impetus to road building in our State that it has never had before. The various counties are already doing much in that line, but with the example of the State and National Governments before them they will accomplish greater and larger things. This is my firm belief.

Mr. President, the belief that I then entertained has been more than realized.

The total mileage of Federal-aid projects completed in Tennessee up to date is 900 miles. The total mileage of Federal-aid projects under construction is 250 miles. The total of Federal payments on completed projects is $12,284,761. The total paid by the State on these projects is $13,652,093. The total Federal payments on projects under construction up to November 30, 1927, was $2,161,181. This, added to combined projects above, makes the total $14,446,942.

I have recently obtained from the Bureau of Roads full information in reference to Federal-aid roads built in Tennessee.

Mr. President, I ask that there may be inserted in the RECORD at this point in my remarks tables furnished me by the Bureau of Roads showing the types and location of completed Federal-aid projects in Tennessee as of November 30, 1927.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Type and location of completed Federal-aid projects in Tennessee, November 30, 1927

Location	Project No.	Length
CONCRETE ROADS		*Miles*
Athens to McMinn-Bradley County line	28	14.5
Humboldt to Gibson-Madison County line	29A	2.3
Madison-Gibson County line toward Humboldt	29B	7.4
Brighton to Covington	31B	7.3
Millington to Shelby-Tipton County line	31C	3.9
Town of Sale Creek to Soddy Creek	35	7.4
Shelby-Fayette County line to Fayette-Tipton County line	36A	7.9
Gates to Lauderdale-Dyer County line	39B	6.0
Ripley to Gates	39C	10.0
Near Knoxville to Knox-Loudon County line	41B	2.8
Greenville to Limestone	44A	11.4
Troy to Union City	54	9.5
McMinn-Monroe County line toward Athens	60A	7.0
Jackson to Madison-Haywood County line	69	14.7
Brownsville to Haywood-Madison County line	70	6.1
Tiptonville toward Hornbeak	71	1.0
Cleveland to Bradley-James County line	78A	9.2
Trenton to Humboldt	.86	9.5
On Chattanooga-Whitwell Road near junction road to Dayton	88	.9
Kingsport toward Bristol	95	6.3
End of project 95 toward Bristol	97	8.0
End of project 97 toward Bristol	98	8.3
Fayette-Tipton County line to Tipton-Haywood County line	204A	4.8
Lenoir City to Loudon-Knox County line	207	5.2
Total		171.4
BITUMINOUS CONCRETE ROADS		
Memphis to Mississippi line near Whitehaven	43	7.4
Dyersburg to Newbern	52	8.3
Nashville southwest toward Memphis	87	2.5
Nashville toward Gallatin	206	3.7
Total		21.9
ROCK ASPHALT ROADS		
Alabama Line to Pulaski	25	19.2
Columbia to Maury-Williamson County line	26	11.9
La Follette to Campbell-Anderson County line	37C	4.8
Near Knoxville to Knox-Loudon County line	41B	12.8
Sumner-Davidson County line to Gallatin	63	12.8
Brownsville to Haywood-Madison County line	70	3.9
Kingston to Rockwood	85	10.0
Total		75.4
BITUMINOUS MACADAM ROADS		
Marion-Hamilton County line toward Whitwell	2B	1.4
Johnson City to Washington-Greene County line	6	19.7
Memphis to Millington	8	16.1
Between Arthur and Clinch River	12B	15.7
Tate Springs to Kingsport	14	50.1
Jamestown to Forbus	20	14.3
Benton-Carroll County line to Huntingdon	21	12.3
Dresden to McKenzie	22	15.4
From project 2 toward Whitwell	24	2.3
Covington to Tipton-Lauderdale County line	30	5.2
Lauderdale-Tipton County line to Ripley	32	7.7
Bells northwest on Jackson-Dyersburg Road	33	5.7
La Follette to Campbell-Anderson County line	37C	7.7
White-Cumberland County line to Sparta	38	13.5
Buford to Giles-Maury County line	40A	7.1
Cheatham-Dickson County line to Burns	46B	9.9
Murfreesboro to Lavergne	47	15.5
Readyville to Murfreesboro	48B	10.6
Woodbury to Cannon-Rutherford County line	49	6.6
Lincoln-Bedford County line to Fayetteville	50	15.3
Madison-Crockett County line to 5 miles west of Jackson	57	6.7
McMinnville to Warren-Cannon County line	65B	12.2
From project 24 toward Whitwell	72A	9.9
Belleview toward Nashville	74	2.3
Pikeville to Bledsoe-Rhea County line	84	8.9
Clarksville to Cumberland River	91A	1.8
Bedford-Rutherford County line to Shelbyville	96	11.0
Sparta to White-Van Buren County line	201A	14.0
Van Buren-Warren County line to McMinnville	202	13.4
Total		332.3
GRAVEL ROADS		
Paris to Henry-Carroll County line	7	15.4
Camden to Benton-Humphreys County line	9	7.0
Paris to Kentucky line	10	18.3
McKenzie to Carroll-Henry County line	13	2.8
Summertown to Hohenwald	27	20.5
Lawrenceburg to Lawrence-Wayne County line	62B	15.5
Carthage to Smith-Wilson County line	68	10.7

Type and location of completed Federal-aid projects in Tennessee, November 30, 1927—Continued

Location	Project No.	Length
GRAVEL ROADS—continued		*Miles*
Tiptonville toward Hornbeak	71	7.0
Camden to Benton-Carroll County line	94	8.0
Wayne-Lawrence County line to Waynesboro	99	11.8
Total		117.0

I next quote the facts and figures on partly constructed highways. Probably the principal highway through Tennessee is the one from Memphis in a general northeasterly direction to Bristol. I give the data as to that road furnished me by the Bureau of Roads:

Memphis to Bristol

Location	Federal-aid project No.	Status	Distance (miles)	Type of surface
Memphis to point about 5 miles east.	None.			
Point about 5 miles east to Shelby-Fayette County line.	36BCD	Construction	18.8	Concrete.
Shelby-Fayette County line to Fayette-Tipton County line.	36A	Completed	7.9	Do.
Tipton-Fayette County line to Tipton-Haywood County line.	204A	do	4.7	Do.
Haywood-Tipton County line to Brownsville.	100	Construction	16.1	Do.
Brownsville to Haywood-Madison County line.	70	Completed	6.1 3.9	Do. Rock asphalt.
Madison-Haywood County line to Jackson.	69	do	14.6	Concrete.
Jackson to point 8 miles northeast.	51D	Construction	7.9	Graded and drained.
Point 8 miles northeast of Jackson to Huntingdon.	51ABC	Completed	26.3	Do.
Huntingdon to Carroll-Benton County line.	21	do	12.3	Bituminous macadam.
Benton-Carroll County line to Camden.	94	do	8.0	Gravel.
Camden to Benton-Humphreys County line.	9	do	7.0	Do.
Humphreys-Benton County line to Burns.	None.			
Burns to Dickson-Cheatham County line.	46	do	9.9	Bituminous macadam.
Cheatham-Dickson County line to point 2 miles from Cheatham-Davidson County line.	205	do	9.5	Graded and drained.
Point 2 miles from Cheatham-Davidson County line to point near Belleview.	75A	Construction	7.4	Concrete.
Terminus of project 75A to terminus project 75B.	74	Completed	2.3	Bituminous macadam.
Terminus project 74 to McLean.	75B	Approved	2.5	Graded and drained.
McLean to Nashville	87	Completed	2.5	Bituminous concrete.
Nashville to Davidson-Rutherford County line.	56	Construction	13.0	Concrete.
Rutherford-Davidson County line to Murfreesboro.	47	Completed	15.5	Bituminous macadam.
Murfreesboro to Readyville	48B	do	10.6	Do.
Readyville to Rutherford-Cannon County line.	48C	Approved	.7	Do.
Cannon-Rutherford County line to Woodbury	49	Completed	6.6	Do.
Woodbury to Cannon-Warren County line.	48A	Construction	8.6	Do.
Warren-Cannon County line to McMinnville.	65	Completed	12.2	Do.
McMinnville to Warren-Van Buren County line.	202	do	13.4	Do.
Bridge over Caney Fork	203	Construction	.1	Reinforced concrete bridge.
Bridge over Caney Fork to Sparta.	201	Completed	14.0	Bituminous macadam.
Sparta to White-Cumberland County line.	38	do	13.5	Do.
Cumberland-White County line to Rockwood.	None.			
Rockwood to Kingston	85	do	10.0	Rock asphalt.
Kingston to Roane-Loudon County line.	45A	Construction	11.6	Concrete.
Loudon-Roane County line to Loudon-Knox County line.	45B	Approved	8.0	Not determined.
Knox-Loudon County line to Point near Knoxville.	41	Completed	12.8	Rock asphalt.
Terminus project 41 to Knoxville.	None.			
Knoxville to Rutledge	210	Approved	7.0 5.7 17.6	Bituminous concrete. Graded and drained. Not determined.
Rutledge to Tate Springs	None.			
Tate Springs to Kingsport	14	Completed	50.1	Bituminous macadam.
Kingsport to Bristol	95, 97, 98	do	22.7	Concrete.

I next give the data in connection with the road from Chattanooga to Knoxville.

Chattanooga to Knoxville

Location	Federal-aid project No.	Status	Distance (miles)	Type of surface
Chattanooga to Hamilton-James County line.	78C	Approved	9.8	Not determined.
James-Hamilton County line to James-Bradley County line.	78B	Construction	6.4	Graded and drained.
Bradley-James County line to Cleveland.	78A	Completed	9.2	Concrete.
Cleveland to Bradley-McMinn County line.	58	Construction	10.1	Do.
McMinn-Bradley County line to Athens.	28	Completed	14.5	Do.
Athens to point 2 miles north.	60B	Approved	2.1	Not determined.
Point 2 miles north of Athens to McMinn-Monroe County line.	60A	Completed	7.0	Concrete.
Monroe-McMinn County line to Lenoir City.	None.			
Lenoir City to Loudon-Knox County line.	207	do	5.2	Do.
Knox-Loudon County line to point near Knoxville.	41	do	2.8 12.8	Do. Rock asphalt.
Terminus Project 41 to Knoxville.	None.			

Next from Memphis to Fulton, Ky.

Memphis to Fulton

Location	Federal-aid project No.	Status	Distance (miles)	Type of surface
Memphis to Millington	8	Completed	16.1	Bituminous macadam.
Millington to Covington	31BC	do	11.2	Concrete.
Do	31A	Construction	9.8	Do.
Covington to Tipton-Lauderdale County line.	30	Completed	5.1	Bituminous macadam.
Lauderdale-Tipton County line to Ripley.	32	do	7.7	Do.
Ripley to Dyersburg	39ABC	do	22.2	Concrete.
Do	39D	do	.1	Bridge.
Dyersburg to Newbern	52	do	8.3	Bituminous concrete.
Newbern to Dyer-Obion County line.	81B	Construction	7.5	Graded and drained.
Obion-Dyer County line to Obion.	81C	Approved	3.8	Not determined.
Obion to Troy	81A	Construction	5.8	Graded.
Troy to Union City	54	Completed	9.5	Concrete.
Union City to South Fulton	64	Construction	10.0	Do.

Next from Nashville to Chattanooga.

Nashville to Chattanooga

Location	Remarks
Nashville to Murfreesboro	Federal-aid projects Nos. 56 and 47 common with Memphis-Bristol route.
Murfreesboro to Chattanooga	No other Federal-aid projects on the route.

Next from Alabama line, through Nashville and Gallatin, to the Kentucky line.

Alabama line, through Nashville and Gallatin, to Kentucky line

Location	Federal-aid project No.	Status	Distance (miles)	Type of surface
Alabama Line to Pulaski	25	Completed	19.2	Rock asphalt.
Pulaski to Columbia	40A	do	7.1	Bituminous macadam.
Do	40B	Construction	12.5	Do.
Do	40C	do	9.4	Concrete.
Columbia to Maury-Williamson County line.	26	Completed	11.9	Rock asphalt.
Williamson-Maury County line to Nashville.	None.			
Nashville toward Gallatin	206	Completed	3.7	Bituminous concrete.
Terminus of project 206 to terminus project 67A.	67B	Approved	.5	Grade separation.
Terminus of project 67B to Davidson-Sumner County line.	67A	Construction	5.6	Rock asphalt.
Sumner-Davidson County line to Gallatin.	63	Completed	12.8	Do.
Gallatin to Kentucky line	None.			

Mr. McKELLAR. From these facts and figures, Mr. President, which I shall not undertake now to elaborate, it is seen what Federal aid is doing for Tennessee. While these through lines have not all been completed with Federal aid, they have been filled in by the counties or by the State in a way that now gives us a good system of through highways. It will be seen from examining the figures that the Federal-aid projects have cost an average of about $30,000 a mile, which is a reasonable cost when we remember that some of them were built during and just after the war. The building of these roads has given a wonderful impetus to road building throughout the State, and though Federal aid has continued only a period of 10 years we have established in our State an excellent system of roads.

Mr. President, we must take no backward step on the question of road building. Instead of that, we should move forward and progress. I have introduced another bill providing for Federal aid to rural post roads. I hope to get it reported out of the committee and passed soon. It ought to become the law. Nothing so helps a country as a good system of roads. There should be hard-surfaced roads connecting every county seat not only in Tennessee, but connecting county seats in every State in the Union. The Government can not better spend its money than to spend it on Federal aid to roads. As a member of the Post Offices and Post Roads Committee of the Senate I have taken part in all legislation providing for Federal aid to roads, and a most active part, and am one of the authors of the present amended law, and I take pride in the fact that I have had the opportunity in this way of aiding in building up the road system, not only of my own State, but the road systems of the Nation.

PUEBLO INDIAN LANDS

The Senate resumed the consideration of the amendment of the House of Representatives to the bill (S. 700) authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes.

The PRESIDING OFFICER (Mr. HEFLIN in the chair). The question is on agreeing to the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE] to the amendment of the Senator from Kansas [Mr. CURTIS] as modified.

Mr. KING. Mr. President, the debate upon the pending measures has consumed considerable time and covered the important questions involved. The Senators from New Mexico have, with ability and zeal, presented their views and submitted arguments in favor of the bill as amended by the House. The Senators from Wisconsin [Mr. LA FOLLETTE] and North Dakota [Mr. FRAZIER] in an able and comprehensive manner assembled the facts and presented arguments against the House amendment. So far as I know the material facts have been presented and the case is ready to be closed and the judgment of the Senate taken. However, before the final vote I desire to give to the Senate my views upon the measure before us and to state some of the reasons which will compel me to vote against the bill.

For a number of years the inhabitants of the Rio Grande Valley in New Mexico have been interested in developing an irrigation and reclamation project and in protecting their property from devastating floods. The Rio Grande River flows through this valley for more than 150 miles, and there can be irrigated, if the waters of the river are properly conserved and distributed, approximately 132,000 acres of land. Within the valley there have resided for hundreds of years groups of Indians known as the Pueblos. When the Spaniards first entered the Rio Grande Valley in New Mexico they found a large number of Indians who were engaged in agricultural and pastoral pursuits.

They had houses and lands and personal property and were cultivating many thousand acres of land upon which they produced abundant crops for their sustenance. These Indians were peaceable and inoffensive, and had attained a higher standard of civilization than many tribes in the territory now embraced within the United States. Their villages were located upon the highlands, and by means of dams and ditches water was diverted at many places from the river and conveyed to and upon the lands which they cultivated. The land irrigated by them yielded valuable agricultural crops, and because of their agricultural pursuits it gave to them permanent habitats. There were a number of these pueblos extending up and down the valley for many miles. The maximum number of acres of land irrigated by the Indians in those early days was greatly in excess of the area now cultivated by the Indians.

With the advent of the Spaniards and the changed conditions which subsequently occurred, together with the movement of Americans westward as the United States became settled, the number of Pueblo Indians diminished, and the area of the lands owned and occupied by them materially decreased. At the present time there are about 3,500 Pueblo Indians occupying a portion of the lands which their ancestors owned and possessed hundreds of years ago. They hold the lands of each separate group or pueblo in communal form, and each pueblo in many ways is a distinct and corporate entity. These Pueblo Indians farm approximately 8,340 acres, being a portion of the lands which have been occupied and farmed for hundreds of years by their forefathers.

In the hearings upon this and other similar bills, and during the debate, intimations have been made that the Indians do not have an indefeasible title to the lands which they occupy and the waters which they use for irrigation and domestic purposes. The argument has been made in favor of the pending bill that it is a protective measure and will assure the Indians title to the lands which they now occupy and the waters which they now use for irrigation purposes, as well as those which they will in the future use upon additional lands which will be brought under cultivation.

Mr. President, in my opinion, the Pueblo Indians have suffered at the hands of the Government and of the white man. Little by little encroachments have been made upon their holdings and lands which have come down to them from past centuries. In my opinion, the United States has not always been a faithful guardian of these patient and inoffensive Indians and has looked on with complacency and indifference while they have been despoiled of their possessions. The limits of their lands have been narrowed by unjust invasions, and trespasses committed upon their property have been asserted as the foundation of alleged newly acquired titles by such trespassers.

Mr. President, legislation is not needed for the protection of these Indians. If the Government and the Indian Bureau would discharge the duties resting upon them, no further exploitation of these Indians would occur. Legislation, however, has been sought in the past to further deprive the Pueblos of their lands. A commission created by Congress is now investigating the claims set up by white men, and I am told that it has been established that prescriptive rights have been asserted against the Indians as a result of which they will be deprived of many hundreds of acres of land.

Mr. President. as I have stated, the Pueblo Indians trace their land titles back for hundreds of years. They were recognized by the Spanish conquerors, and under the treaty of Guadalupe Hidalgo the rights of the Pueblo Indians were recognized. To justify this legislation upon the ground that the rights of the Indians will be protected seems the height of irony. The United States can not divest the Indians of their rights either in land or water. There is a solemn obligation to protect the Indians from the trespasses and invasions of white men and guard them against exploitation.

The rights of the Pueblo Indians to land were not derived from New Mexico. The enabling act for the State required a compact that the State should surrender to the Congress of the United States all jurisdiction and right over the lands of any Indians deriving title from the United States or any prior sovereignty, and reserving jurisdiction to the United States over these lands until the title of the Indians had ceased to exist. By the constitution of the State of New Mexico these conditions were accepted, and the constitutionality of the same has been affirmed by the Supreme Court of the United States.

The waters used for irrigation upon the lands of the Pueblo Indians was an appurtenant to the land, and the Indians owned the same as well as the lands in fee. Certainly, no one can challenge the right of the Pueblos to the use of the waters of the Rio Grande River which they and their ancestors have used for hundred of years. The right to the use of the waters which they have appropriated can not be denied them, and no legislative fiat is required to confirm their title or to make it more secure.

Mr. President, the intimations that these Indians have lost their land and water because of the invasions and trespasses of white people, or that their rights may be jeopardized by further invasions, is a reflection, just or unjust, upon the Government of the United States, and those charged with the protection of the Indians. This legislation is not urged by the Indians; it emanates from the white inhabitants of the Rio Grande Valley. Within the valley is the city of Albuquerque, and many thousands of American citizens have found homes in this part of New Mexico. The greater portion of the lands within the Rio Grande Valley has been acquired by American citizens. The facts brought to the attention of Congress show that the Rio Grande Valley suffers from floods and high waters, that farms are inundated and property destroyed. The floods have seriously

injured property within the city of Albuquerque and have destroyed property of great value owned by railroad companies. It is conceded that the floods should be controlled and steps taken to improve the irrigation systems within the valley, and to drain some portions of the lands which have become waterlogged and suffer from alkaline deposits. Of the approximately 132,000 acres of arable land 23,000 acres are concededly owned by the Indians, the residue by American citizens.

As stated, the Indian lands are not in one block, but in pueblos, and are interspersed with the lands of white settlers. To protect the city of Albuquerque and the railroads and the valuable properties of those residing in the valley, a conservancy district was organized under the laws of the State of New Mexico. The corporation so organized is to construct the necessary dams and flood-control works, irrigation systems, and provide for drainage where required. The estimated cost of the project is $11,829,000. The total area benefited is 132,000 acres, 23,000 of which are Pueblo Indian lands. Apparently the project will not be carried forward unless the Government assumes the burden of meeting certain charges allocated to the Indian lands. Accordingly, the bill before us has been prepared and authorizes an appropriation out of the Federal Treasury aggregating $1,593,311. I should state that there should be added to this sum $50,000 which was appropriated last year for investigation and preliminary purposes.

It is conceded that the Indians are now irrigating 8,343 acres of land, and that the project when completed will enable them to irrigate an additional 15,000 acres. The claim is made that the entire project is halted until Congress makes provision for the costs chargeable against the Indian lands.

In April, 1926, the first conservancy bill was introduced. It called for an appropriation of $1,200,000. When representatives of the Pueblos insisted that the amount to be charged to the Indians was too great, whether viewed from the standpoint of Indian reimbursement or as a Government gratuity, the conservancy district through its attorney, under date of June 4, 1926, stated:

> Of course, if it is found that only 15,000 or 20,000 acres of Indian land can be properly reclaimed, then an appropriation of $600,000 or $800,000 would be sufficient. The chief engineer, Mr. Joseph Burkholder, says that if it will help the bill at this time it might be wise to consent to cut the appropriation authorized to $700,000, and if it is found out later that more land can be developed and reclaimed, then we will seek additional money later.

This statement means that the reclamation or development of 20,000 acres of Indian lands could be accomplished for a maximum of $800,000, although the chief engineer places it at $700,000. The cost per acre would be, according to the attorney, Mr. Rodey, $40, and according to Mr. Burkholder, the chief engineer, $35 per acre. It is not stated that 20,000 acres of the Pueblo lands are to be irrigated and reclaimed, but the demand is now made for an appropriation of $1,593,311.

It is admitted that the Indians now irrigate 8,340 acres; that they have an irrigation system which, although not modern, has met in a satisfactory manner the requirements of the Indians. The project therefore is not for the benefit of these irrigated Indian lands. No one questions the title of the Indians to these lands or their right to divert waters from the river for their irrigation. Indeed, these lands have a primary right to the use of the waters from the Rio Grande River; it is a vested right; it is one of which the Indians can not be deprived. If the principles of equity were to be strictly applied in this case, the remaining 15,000 acres of lands owned by the Indians which it is claimed will be brought under irrigation upon the completion of the project would be recognized as entitled to the use of the waters of the Rio Grande River. These lands were at one time irrigated, and the Indians have done nothing which forfeited their rights to the perpetual use of sufficient of the waters of the river for the irrigation of their lands.

However, the point is not being made that the conservancy district should complete the project without some contribution from the Indians or the Government. It is a question, however, of prime importance as to what sum should be contributed to the enterprise to meet any fair charge laid against pueblo lands not now irrigated.

I have quoted what was said by the chief engineer when he fixed $35 per acre as an adequate and fair sum to be paid. It must be remembered that this project is essentially one for the benefit of the white residents of the State of New Mexico. It is of the utmost benefit to the city of Albuquerque and the railroad companies, which have many millions of dollars invested in railroad property. It is for the benefit of thousands of white settlers who are engaged in agricultural and industrial pursuits. That the project is a worthy one and should be carried out, I cheerfully concede. But I repeat that the enterprise is for the white man, and he will be the principal beneficiary.

In my opinion, the conservancy district should be satisfied with but a small consideration from the Government in behalf of the Indians. Considering the claims of the Indians that the valley was once theirs, that the waters of the Rio Grande had flowed over, upon, and through the lands of their forefathers for many hundreds of years; I say, considering all these things and the fact that the Pueblo Indians now own but a moiety of their former possessions and have received but little, if any, consideration for the lands now claimed and owned by the whites, this enterprise should be carried forward with but an inconsiderable charge imposed upon the Pueblo Indians. But the contrary is true. The bill as amended will impose a burden of approximately $150 per acre upon the Indian lands, which will be liable for the payment of the more than $1,593,311 to be advanced out of the Federal Treasury.

Mr. President, there is one aspect of this case that has been emphasized by the Senator from Wisconsin [Mr. LA FOLLETTE] and which is important enough to deserve further brief consideration. The Indian Bureau and the representatives of the conservancy district, in order to advance the project, represented to the Pueblo Indians that $593,311 of the advancement made by the United States Government should be regarded as a gratuity and not reimbursable by the Indians or from any Indian funds. The Indians were slow to give any indorsement to the conservancy project. When the costs were first reported from $25 to $40 per acre for the reclamation of their nonirrigated lands, there was an abatement of opposition, and, indeed, a disposition to give support to the project. Later, when the conservancy engineers estimated higher costs for the completion of the project, further consideration of the matter was required. Finally, the Indians assented to legislation which would impose upon the Indian lands that were to be brought under irrigation a charge of $67.72 per acre.

The Indian Bureau, as the hearings disclosed, supported that view, and aided in securing the assent of the Indians to legislation which imposed no greater burden than that just stated. A bill passed the Senate carrying this understanding into effect. The House reported the same provision, but an amendment was offered, without explanation, and adopted by the House, which changed the entire sum of $1,573,000 from a gratuity to a reimbursable obligation, and to a lien upon the lands of the Indians. The Pueblo Indians never assented to this bill. Indeed, since they have learned of this change they have protested vigorously against the passage of the bill. Their attorneys have wired objections, and Congress has been made aware of the fact that if the bill is passed in the form in which it now appears the Indians will charge the Government with perfidious conduct.

The bill as it came back from the House and as it was again reported from the Senate committee provides that $1,573,311, to be advanced by the Government, shall be reimbursed; that it shall be a charge upon the 15,000 acres, which it is claimed will obtain water for irrigation purposes. This sum will constitute a lien upon the 15,000 acres; but this proposition has been modified, if I understand the amendment offered by the Senator from Kansas [Mr. CURTIS].

This amendment provides that from the 15,000 acres which will, it is assumed, obtain water from the conservancy project when completed, 4,000 shall be subtracted and freed from the obligation to pay any proportion of the $1,593,311 appropriated by the Government to aid in the completion of the project. However, the result is merely to augment the burden placed upon the remaining 11,000 acres. This area will have to meet the entire payment and will be subjected to a lien until the entire obligation is discharged.

It is obvious that this enormous burden can never be paid, and that the lands sooner or later will pass out of the hands of the Indians. If the bill becomes a law with this amendment incorporated therein, it will mean that water for each acre of the 11,000 will cost $150. Manifestly, the obligation can never be discharged. It is preposterous to impose upon the land such a burden and to assume that it will be met. Under the bill as amended the white settlers obtain their water rights for $76 per acre. But this bill proposes to tax the 11,000 acres of Indian lands which it is alleged will be reclaimed and irrigated $150 per acre for water to irrigate the same.

The Senator from Kansas [Mr. CURTIS] when offering his amendment indicated, if I correctly interpret his remarks, that these 11,000 acres would be leased to white men. The conclusion was forced upon me from his statement that the Indians could never assume the burden of paying for the water, and that in the end they would lose both the land and the water. Those familiar with the reclamation of arid lands and the conversion of raw lands of the West into fields and farms

appreciate the hardships and burdens incident to the task. Notwithstanding the claimed fertility of the Rio Grande Valley, I do not hesitate to affirm that the lands which are to be irrigated under the conservancy project will not in this generation or the succeeding one be worth $150 per acre, including the appurtenant water right. There is evidence in the hearings that lands owned and farmed by the white settlers with primary water right range between $50 and $100 per acre.

Mr. President, the practical workings of this bill, if it shall become a law, will show the wide departure from the assumptions and hypotheses indulged in by some of its advocates. I hope I shall be pardoned for emphasizing the proposition that this conservancy measure is for the benefit of the people of Albuquerque and the railroads and the 50,000 inhabitants within the Rio Grande Valley. It will immeasurably benefit them, increase the value of their property, and materially add to their wealth. It will have the effect of diminishing the rights of the Indians, of jeopardizing the residue of their holdings; and will eventuate in their losing the 11,000 acres together with any water right appurtenant thereto, all of which is subject to the payment of a lien amounting to $150 per acre.

Mr. President, the Indians will lose through the operation of this bill, and the Government of the United States will never be reimbursed for the sum of $1,593,311, which it will be called upon to contribute under the terms of the pending bill. In my opinion, when the full implications of this measure are brought home to the Pueblo Indians they will experience a feeling of resentment and will regard themselves as victims of governmental betrayal.

Mr. President, as I perused the hearings and listened to the debates, I could not repress the thought that the bonds of the conservancy district which it is expected will be issued, depend for a market upon the Government contributing to the project the sum of $1,593,311. This large amount constitutes part of the amount required to carry out the plan of the district. When I first examined the hearings I was somewhat mystified at the frequent assertions that the Pueblo lands within the district were to be taxed at the rate of $67 per acre for the water rights which they were to obtain. At the same time statements were made that the water rights acquired by white settlers would cost them $76 per acre. I soon discovered that a fiction was brought into the discussion, and that it was intended to dull the sharp edge of any criticism that might emanate from those who were interesting themselves in behalf of the Indians. But I soon discovered that the 8,343 acres of lands now being farmed by the Indians, and which had primary water rights, indeed rights superior to any other lands in the entire valley, were being included within the estimated area of Indian lands that were to receive water rights under the conservancy project.

In other words, it was assumed, and it gave color and the appearance of equity to the proposition, that the Indians were to be treated in a more generous manner than white persons who obtained lands and water rights. In my opinion, it was most disingenuous to convey the impression that lands which had vested and unassailable rights were to be assigned to the same category as raw lands or at least lands upon which water had not been used for many years. The Indian lands, which have been farmed and irrigated for centuries, possess their own irrigation system. It may not be modern, but it supplies the necessary water for the production of abundant crops. Those who are acquainted with the West know that the early settlers constructed dams and canals and ditches and diverted the water from the rivers and streams for the irrigation of the lands which they were reclaiming. With the advent of more settlers the importance of additional lands for homes and farms was perceived. Engineers of standing devised improved methods for conserving the water and securing a more economic use of the same. In many instances reservoirs were constructed and the high waters impounded; secondary rights grew up and were recognized, but in all of these mutations and transitions the rights of the first settlers were recognized; their rights were primary and superior, and subsequent appropriators were relegated to a secondary and subordinate status. So the Pueblo Indians, tracing their rights for hundreds of years, may be placed in the same category.

But the fiction that the entire 23,000 acres of Indian lands were to be irrigated under the conservancy project, and only because of it, gave to it a prestige, and perhaps a moral standing, that it might not otherwise have enjoyed. But we now learn that the bill, as amended, places upon the 11,000 acres of lands owned by the Indians a burden of $150 per acre, whereas the water rights obtained by the white settlers will cost them but $76 per acre.

Mr. President, the advantages, and I am guilty of repetition, resulting to the city of Albuquerque, to the railroads, to the business and industrial enterprises of the Rio Grande Valley are so great that they could afford to supply, without cost, water for the irrigation of this 15,000 acres of Indian lands which it is claimed will obtain water when the conservancy project is completed. But in no event should any portion of the Indian lands be subjected to a higher charge than that placed upon the water rights acquired by the white settlers.

Mr. President, if the Government contributed but a million dollars to the enterprise, it would be acting in a generous manner toward the Indians. If the chief beneficiaries of the project—namely, the white inhabitants of the Rio Grande Valley—are unwilling to furnish to the Indians water for the 15,000 acres, then I am willing that the United States should appropriate a million dollars for the purpose of supplying the 15,000 acres of land owned by the Indians and not now irrigated, sufficient water for the irrigation of the same, the amount to be reimbursible extending over a long period of years. A contribution at this time of that sum should be all that the persons interested in the project should require under any circumstances. The cost per acre upon this basis would be $66.66. I submit that that is a heavy charge and one which will require many years for the Indians or their lessees to meet.

Perhaps I am not quite in accord with my friends, the Senators from Wisconsin [Mr. LA FOLLETTE] and North Dakota [Mr. FRAZIER]. As I understood them, they contended that the contribution of the Government above a million dollars should be regarded as a gratuity and not be reimbursable. My opinion is that if any contribution is to be made to the project by the Indians or by the United States, it should not exceed $1,000,000, and that amount should be repaid to the United States during a series of years by the Pueblo Indians, who would receive from and under the conservancy district a good and sufficient water right for 15,000 acres of lands owned by them. In my opinion, a proposition of this kind should be accepted by the conservancy district. A million dollars to be paid by the Government would give an impetus to the enterprise and enable the district to sell its bonds and push the work of construction to a speedy conclusion.

The remark has been made by the supporters of this bill that the Senate must accept the House amendment making the $1,573,000 reimbursable or the bill will fail. Mr. President, I do not accept that view. The House, in my opinion, will not defeat the bill. The Senate has a right to reject the amendment, and it should not be coerced by the threats of the bill's defeat into accepting a proposition which does not meet the judgment of the Senate.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Wisconsin?

Mr. KING. I yield.

Mr. LA FOLLETTE. Does not the Senator feel that the Senate, if convinced that its previous action on Senate bill 700 was sound, should take every legislative step possible in order to bring about an acceptance of that position by the House?

Mr. KING. I agree with the Senator. The Senate is not required to abdicate its function. It is part of the legislative branch of the Government. The Senate has the right to insist upon a fair consideration of measures originating in the House or which are amended in the House and returned to the Senate. With respect to the amendment now under discussion which was offered in the House it is my opinion that the body at the other end of the Capitol, and I am offering no criticism whatever, has not had an opportunity to consider it or to pass upon it. The Senator from Arizona [Mr. HAYDEN], in supporting the amendment, invited our intention to a statute calling for reimbursability for expenditures made in behalf of Indians. Conceding that Congress in the past has adopted a policy requiring reimbursements for advances made to wards of the Government, it does not estop this or future Congresses from adopting a different policy. Legislative bodies may not claim the virtue of consistency. Congress is often illogical—I was about to say gloriously inconsistent—as most human beings are in their daily conduct and activities.

However, Mr. President, the situation presented in the matter before us finds no parallel in former legislation. The case is unique, and the situation requires rational and just and fair treatment. In my opinion, such treatment is not being accorded the Pueblos in the bill before us. Having promised the Indians, as was done by the Indian Bureau and by representatives of the conservancy district, that they would not be required to pay to the Government in excess of a million dollars, and having secured their assent to a plan, imposing upon them an obligation to that extent, we may not now, as I view the case, increase their obligations. Certainly this can not be done with-

out their consent. It would subject us to just criticism and to the charge of Punic faith if, over their protest, we should saddle them with an obligation of $1,593,311.

Mr. President, I would rather see this legislation fail than to give the Indians any just ground to charge that they had been betrayed. I would rather see it fail than to impose upon them the heavy load of paying more than a million and a half dollars to secure water for the irrigation of a few thousand acres of land. I can not help but feel that they are the owners of sufficient of the waters of the Rio Grande River to irrigate 23,000 acres of land. They are now receiving only sufficient for the irrigation of 8,343 acres. The water is in the river. Only a few generations ago their fathers appropriated sufficient of the waters of the river to irrigate all of the land which it is contended will be cultivated upon the completion of the conservancy project. At any rate, Mr. President, I can not bring my judgment to support this bill in view of the facts as I understand them. I shall, therefore, vote against it.

The senior Senator from New Mexico [Mr. BRATTON] is greatly interested in the measure. He has made a superb fight and has conducted himself, as have his colleagues, in an honorable manner. I have no criticism to make of the Senators from New Mexico. The fact that the senior Senator, who is one of my dearest friends, gives his support to this measure standing alone would lead me without investigation to support it. There is no man in the Senate for whom I entertain a higher regard than the senior Senator from New Mexico. May I say that his name and fame will pass the boundaries of his own State? The future, in my opinion, will have higher honors to bestow upon him. But, Mr. President, it is our duty to weigh the questions presented for our consideration. We can not shirk the responsibilities resting upon us. Having considered this measure as best I could I am compelled to vote against it and sincerely hope that the Senate will return the bill to the House so that the Members of that body may have full opportunity to consider all provisions of the measure in its present form, and the consequences if it should become law.

Mr. President, I confess to a feeling of sympathy and compassion for the red men of our country. Whenever measures are presented for our consideration involving them or their interests, I feel an added responsibility resting upon me. Knowing that the Indians have been exploited and robbed and plundered, I regard it as an imperative duty of the Government and of the legislative branch of the Government to defend and protect them and to adopt every proper measure that will contribute to their welfare and to their moral and material advancement.

Mr. President, those who are conversant with the history of the Indians of our country from the days of the landing of the Pilgrim Fathers to the present time will be forced to the conclusion that the white man has often proven a cruel and ruthless master. The Indians were regarded as savages, and too often white settlers were cruel and relentless toward them. I was interested in the statement made by the junior Senator from New Mexico [Mr. CUTTING] in reference to the Conquistadores. His position was, if I understood him, that the Spaniards were more generous and chivalrous in their dealings with the Indians than were the Anglo-Saxons who subsequently came to America. I shall not indulge in comparisons. We all remember the statement, oft repeated, that the Pilgrims when they first landed fell upon their knees and then upon the aborigines. The Spaniards who conquered Mexico and Peru and other parts of the New World were not merciful. Certainly they did not observe a high standard of chivalry. Speaking generally of these conquering forces, they carried on war in a merciless manner. Many of them were filled with avarice, and in seeking for gold and precious metals they cared little for human life. They exterminated the inhabitants of Haiti, Porto Rico, and many of the Caribbean Islands. Most of the peoples whom they encountered were docile and inoffensive, but they fell victims to the cruel treatment of the Spanish invaders. After destroying peoples, the black man from Africa was brought to the Caribbean Islands and to the mainland of the Western Hemisphere. There are some Spanish historians who do not defend the atrocities and cruelties of their countrymen.

If it were pertinent to the question under discussion, I think it could be demonstrated that in North America the Indians were often robbed and plundered and subjected to cruel and inhuman treatment. Their lands were taken from them; treaties were made only to be violated by the Government. They have been treated as an inferior race and subjected to the wrongs and indignities which puissant peoples inflict upon weak and backward races.

I believe that our Government should be just to the Indians and be a faithful guardian over them. Congress should be solicitous for their welfare and should adopt wise and humane measures that will contribute to their civilization and their spiritual, moral, and material development. The American people are proud of the achievements of their country and of the high station which it occupies among the nations of the world. We do not hesitate to criticize European nations possessing colonies and condemn, often in savage terms, the alleged acts of cruelty perpetrated by powerful nations upon the inhabitants of colonial possessions.

We have a trust which we may not ignore. There are more than 300,000 Indians under the control of the United States. Their rights must be protected. I repeat that the obligations of the trustee are sacred and must be discharged. We can no longer treat the Indians cynically and cruelly. We can not deprive them of their lands or violate treaties. We must adopt different methods of dealing with the Indians. In my opinion we have failed to solve the Indian problem and are largely responsible for the woes and sorrows and tragedies which have come into their lives and for the lack of progress made by those who should have been the objects of our deepest solicitude and care. It is time to appraise the results of our more than 100 years of guardianship. We need new teachers and new leaders to guide the United States in its relations with the Indians. We talk much of psychology and its application to our educational system. We need a new Indian psychology. If we could, so to speak, burn the books which have guided us in dealing with the Indians and set out upon new paths, it would be better for the Government and infinitely better for the Indians.

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	La Follette	Sheppard
Barkley	Ferris	McKellar	Shipstead
Bingham	Fess	McMaster	Smith
Black	Fletcher	McNary	Steck
Blaine	Frazier	Mayfield	Steiwer
Blease	George	Metcalf	Stephens
Borah	Gerry	Moses	Thomas
Bratton	Glass	Neely	Tydings
Brookhart	Gooding	Norbeck	Tyson
Broussard	Hale	Nye	Wagner
Bruce	Harris	Oddie	Walsh, Mass.
Capper	Harrison	Overman	Walsh, Mont.
Caraway	Hayden	Phipps	Warren
Copeland	Heflin	Pittman	Waterman
Couzens	Howell	Reed, Pa.	Watson
Curtis	Jones	Robinson, Ark.	Wheeler
Cutting	Kendrick	Robinson, Ind.	Willis
Deneen	Keyes	Sackett	
Dill	King	Schall	

The PRESIDING OFFICER. Seventy-four Senators having answered to their names, a quorum is present. The question is upon agreeing to the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE] to the amendment offered by the Senator from Kansas [Mr. CURTIS] as modified.

Mr. LA FOLLETTE. I ask that the clerk state the amendment pending to the amendment, and upon that question I ask for the yeas and nays.

The PRESIDING OFFICER. The clerk will state the amendment to the amendment.

The CHIEF CLERK. The modified amendment of the Senator from Kansas is, on page 3, line 20, to insert after the word "lands" the words "except such part thereof as the Indians shall themselves farm, not to exceed 4,000 acres."

At this point the Senator from Wisconsin proposes to insert:

But no collection for reimbursement from proceeds of leases of any Indian acres shall exceed in annual amount the payment made annually by white acres of like character toward the amortizing of the share of said white acres in the indebtedness of the middle Rio Grande conservancy district.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE] to the amendment of the Senator from Kansas [Mr. CURTIS] as modified. On that question the Senator from Wisconsin asks for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT]. Not knowing what his position would be on this matter, I transfer the pair to my colleague the junior Senator from Florida [Mr. TRAMMELL], who is unavoidably absent, and vote "nay."

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Connecticut [Mr. McLEAN]. In his absence I withhold my vote.

Mr. NYE (when his name was called). I desire to announce that on this question I have a general pair with the senior Senator from Missouri [Mr. REED]. I find that I can transfer the pair to the senior Senator from Nebraska [Mr. NORRIS], who is unavoidably absent. I make that transfer and vote "yea."

Mr. TYSON (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. GOFF]. I transfer the pair to the junior Senator from New Jersey [Mr. EDWARDS] and vote "nay."

The roll call was concluded.

Mr. JONES (after having voted in the negative). The senior Senator from Virginia [Mr. SWANSON] is necessarily absent. I promised to take care of him with a pair. I understand, however, that he would vote on this question as I have voted. Therefore I will allow my vote to stand.

Mr. TYDINGS. I am paired with the Senator from Oklahoma [Mr. PINE]. I transfer that pair to the Senator from Delaware [Mr. BAYARD] and vote "nay."

The result was announced—yeas 14, nays 57, as follows:

YEAS—14

Blaine	Frazier	McMaster	Shipstead
Borah	Howell	Neely	Wheeler
Brookhart	King	Nye	
Copeland	La Follette	Schall	

NAYS—57

Ashurst	Edge	McKellar	Steiwer
Barkley	Ferris	McNary	Stephens
Bingham	Fess	Mayfield	Thomas
Black	Fletcher	Metcalf	Tydings
Blease	George	Moses	Tyson
Bratton	Gerry	Oddie	Wagner
Broussard	Gooding	Overman	Walsh, Mass.
Bruce	Hale	Phipps	Walsh, Mont.
Capper	Harris	Reed, Pa.	Warren
Caraway	Harrison	Robinson, Ark.	Waterman
Couzens	Hayden	Robinson, Ind.	Watson
Curtis	Heflin	Sackett	Willis
Cutting	Jones	Sheppard	
Deneen	Kendrick	Smith	
Dill	Keyes	Steck	

NOT VOTING—23

Bayard	Goff	Norbeck	Shortridge
Dale	Gould	Norris	Simmons
du Pont	Greene	Pine	Smoot
Edwards	Hawes	Pittman	Swanson
Gillett	Johnson	Ransdell	Trammell
Glass	McLean	Reed, Mo.	

So Mr. LA FOLLETTE's amendment to the amendment was rejected.

The VICE PRESIDENT. The question recurs on the amendment of the Senator from Kansas [Mr. CURTIS], as modified, to the amendment of the House of Representatives.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question now is on the House amendment as amended.

Mr. LA FOLLETTE. Upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). Making the same announcement as on the previous vote with reference to my pair and its transfer, I vote "yea."

Mr. GLASS (when his name was called). Making the same announcement with reference to my pair as on the previous vote, I withhold my vote.

Mr. JONES (when his name was called). Making the same announcement as I did on the previous vote with reference to my pair with the senior Senator from Virginia [Mr. SWANSON], who, I understand, would vote as I shall vote on this question, I vote "yea."

Mr. NYE (when his name was called). Repeating the announcement made on the previous vote with reference to my pair with the senior Senator from Missouri [Mr. REED], I find that I can transfer the pair to the senior Senator from Nebraska [Mr. NORRIS]. I make that transfer and vote "nay."

Mr. TYDINGS (when his name was called). On this vote I am paired with the senior Senator from Oklahoma [Mr. PINE]. I transfer that pair to the senior Senator from Delaware [Mr. BAYARD] and vote "yea."

Mr. TYSON (when his name was called). I have a pair with the junior Senator from West Virginia [Mr. GOFF]. I transfer the pair to the senior Senator from New Jersey [Mr. EDWARDS] and vote "yea."

The roll call was concluded.

Mr. REED of Pennsylvania (after having voted in the affirmative). I have a general pair with the Senator from Delaware [Mr. BAYARD], but I am authorized to say that if he were present he would vote the same as I have voted. Therefore, I allow my vote to stand.

The result was announced—yeas 59, nays 13, as follows:

YEAS—59

Ashurst	Edge	McKellar	Smith
Barkley	Ferris	McNary	Steck
Bingham	Fess	Mayfield	Steiwer
Black	Fletcher	Metcalf	Stephens
Blease	George	Moses	Thomas
Bratton	Gerry	Neely	Tydings
Brookhart	Gooding	Oddie	Tyson
Broussard	Hale	Overman	Wagner
Bruce	Harris	Phipps	Walsh, Mass.
Capper	Harrison	Pittman	Walsh, Mont.
Caraway	Hayden	Reed, Pa.	Warren
Curtis	Heflin	Robinson, Ark.	Waterman
Cutting	Jones	Robinson, Ind.	Watson
Deneen	Kendrick	Sackett	Willis
Dill	Keyes	Sheppard	

NAYS—13

Blaine	Frazier	McMaster	Wheeler
Borah	Howell	Nye	
Copeland	King	Schall	
Couzens	La Follette	Shipstead	

NOT VOTING—22

Bayard	Goff	Norbeck	Simmons
Dale	Gould	Norris	Smoot
du Pont	Greene	Pine	Swanson
Edwards	Hawes	Ransdell	Trammell
Gillett	Johnson	Reed, Mo.	
Glass	McLean	Shortridge	

So the amendment of the House of Representatives as amended was agreed to.

THE CALENDAR

Mr. CURTIS. Mr. President, I ask unanimous consent that at the conclusion of the routine morning business to-morrow the morning hour be devoted to the calendar for the consideration of unobjected bills, commencing where we left off on the last call of the calendar.

Mr. ROBINSON of Arkansas. Mr. President, a number of Senators have indicated to me a desire that such an arrangement shall be made. I have no objection to it.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 5 o'clock and 17 minutes p. m.) adjourned until to-morrow, Friday, March 2, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 1, 1928

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY

David E. Kaufman, of Pennsylvania, to be envoy extraordinary and minister plenipotentiary of the United States of America to Bolivia.

PUBLIC HEALTH SERVICE

Surg. Leslie L. Lumsden to be senior surgeon in the Public Health Service, to take effect from date of oath, in place of Senior Surg. Henry S. Mathewson, deceased.

UNITED STATES ATTORNEY

Joseph A. Tolbert, of South Carolina, to be United States attorney, western district of South Carolina. (A reappointment, his term having expired.)

UNITED STATES MARSHAL

Samuel L. Gross, of Texas, to be United States marshal, northern district of Texas. (A reappointment, his term having expired.)

CONFIRMATIONS

Executive nominations confirmed by the Senate March 1, 1928

MEMBER FEDERAL BOARD FOR VOCATIONAL EDUCATION

Perry W. Reeves to be a member of the Federal Board for Vocational Education.

UNITED STATES MARSHAL

Douglas Smith to be United States marshal, middle district of Alabama. Reappointment.

POSTMASTERS

ALABAMA

Charles L. Jackson, Ashford.
Oliver P. Williams, Henagar.

William A. Giddens, Jones Mills.
Ora B. Wann, Madison.
Thomas C. Latham, Marvel.

COLORADO

Bessie Salabar, Bayfield.
Alice A. Blazer, Elizabeth.
John C. Straub, Flagler.
Ben H. Glaze, Fowler.
Paul C. Boyles, Gunnison.
Edward F. Baldwin, Nucla.
John R. Munro, Rifle.

CONNECTICUT

Marshall Emmons, East Haddam.
Sidney M. Cowles, Kensington.

FLORIDA

Mary Conway, Green Cove Springs.

KANSAS

Harry Morris, Garnett.
Joseph V. Barbo, Lenora.
Forrest L. Powers, Le Roy.
George J. Frank, Manhattan.
Nora J. Casteel, Montezuma.
Anna M. Bryan, Mullinville.
Andrew M. Ludvickson, Severy.

MASSACHUSETTS

Fred C. Small, Buzzards Bay.

MICHIGAN

Melvin A. Bates, Grayling.
Patrick O'Brien, Iron River.
Wilda P. Hartingh, Pinconning.

MINNESOTA

Ernest J. Grunst, Alpha.
William Peterson, Atwater.
George E. Anderson, Austin.
Philip P. Palmer, Backus.
William F. Priem, Bellingham.
Agnes Doyle, Bovey.
Christ Bottge, Correll.
Ida V. Lund, Farwell.
Charles J. Johnson, Garfield.
Oscar W. Erickson, Kensington.
Herman C. Rustad, Kerkhoven.
Cline C. Barker, Kinney.
Bennie C. Vold, Maynard.
Clarence J. Hertzog, Proctor.
Edwin Nelson, Wendell.
Joseph Trojohn, Woodlake.
Milton P. Mann, Worthington.
Henry Groth, Wright.

MISSOURI

Edward A. Birkmann, Beaufort.
James D. Kochel, Canalou.
Ethel M. Cozean, Elvins.
George Thayer, Flemington.
Samuel H. Hudson, Granby.
Joseph P. O'Hern, Hannibal.
John M. Schermann, Hermann.
Hattie Stierberger, Union.

NEW YORK

John G. McNicoll, Cedarhurst.
Elmer C. Wyman, Dover Plains.
Margaret T. Sweeney, East Islip.
John E. Duryea, Farmingdale.
Wallace Thurston, Floral Park.
Ruth W. J. Mott, Oswego.
Fred L. Seager, Randolph.
Elmer Ketcham, Schoharie.
Ralph C. Reakes, Truxton.
John T. Gallagher, Witherbee.

NORTH DAKOTA

William H. Lenneville, Dickinson.
Charles L. Erickson, Lankin.

OHIO

Arthur L. Vanosdall, Ashland.
Edward M. Barber, Ashley.
Charles E. Kniesly, Bradford.
Charles R. Ames, Bryan.
Andrew L. Brunson, Degraff.
Wade W. McKee, Dennison.
Ida H. Cline, Kings Mills.
William H. Snodgrass, Marysville.
Clem Couden, Morrow.
La Bert Davie, New Lexington.
George B. Fulton, North Baltimore.
Iris L. Bloir, Sherwood.
Charles O. Eastman, Wauseon.
Ben F. Robuck, West Union.

OREGON

William A. Morand, Boring.
Elmer F. Merritt, Merrill.
William I. Smith, Redmond.

PENNSYLVANIA

Harry C. Myers, Holtwood.
John H. Francis, Oaks.
A. Milton Wade, Quarryville.
Newton E. Arnold, Roslyn.

TENNESSEE

William F. Osteen, Chapel Hill.
Ben M. Roberson, Loudon.
Peter Cashon, Dukedom.

TEXAS

Charles H. Bugbee, Clarendon.
Gustav A. Wulfman, Farwell.
Theodor Reichert, Nordheim.
Silas J. White, Rising Star.

UTAH

Ivor Clove, Enterprise.

WEST VIRGINIA

James T. Akers, Bluefield.
Josephine B. Marks, Walton.

HOUSE OF REPRESENTATIVES

THURSDAY, *March 1, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God of wisdom, God of love, we thank Thee for a faith that rises to a high certainty. We praise Thee that we are enfolded within the arms of Thy eternal mercy. We are so grateful that Thy beloved Son has swept aside all ideas of a throne of iron, of law, of icy intellect, of marble heart, and reflected Thee as a loving Father. Oh, the wonderfully rich meanings of that word! They could never be conveyed by power, intellect, or authority, but they are easily set forth by the deep sentiments which cluster about the word "Father." We are Thy children. Thou dost help us to meet despondency with courage, disappointment with resignation, weakness with strength, and fear with hope. Oh, this life with its tasks and opportunities, with the mighty day in which we live! Forbid that it should be to us just a partial eclipse of doubt and dueling, but a call, a high-sounding call to God and our country, in whose mirrors we shall be judged. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment the bill (H. R. 5818) authorizing J. H. Peacock, F. G. Bell, S. V. Taylor, E. C. Amann, and C. E. Ferris, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Prairie du Chien, Wis.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2820. An act authorizing the Secretary of War to loan certain field guns to the city of Dallas, Tex.

SENATE JOINT RESOLUTIONS AND BILL REFERRED

Joint resolutions and a bill of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committee, as follows:

S. J. Res. 23. Joint resolution providing for the participation of the United States in the celebration in 1929 and 1930 of the one hundred and fiftieth anniversary of the conquest of the Northwest Territory by Gen. George Rogers Clark and his army, and authorizing an appropriation for construction of a permanent memorial of the Revolutionary War in the West and of the accession of the old Northwest to the United States on

the site of Fort Sackville, which was captured by George Rogers Clark and his men February 25, 1779;

S. J. Res. 72. Joint resolution to grant permission for the erection of a memorial statue of Cardinal Gibbons;

S. J. Res. 98. Joint resolution authorizing the selection of sites and the erection of monuments to John Bunyan and William Harvey in Washington City, D. C.; to the Committee on the Library.

S. 2820. An act authorizing the Secretary of War to loan certain field guns to the city of Dallas, Tex.; to the Committee on Military Affairs.

THE LATE HON. A. E. B. STEPHENS

Mr. COOPER of Ohio. Mr. Speaker, I ask unanimous consent for the present consideration of the order which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the order.

The Clerk read as follows:

Ordered, That Sunday, the 11th day of March, at 2 p. m. o'clock, be set apart for addresses on the life, character, and public services of the Hon. A. E. B. STEPHENS, late a Representative from the State of Ohio.

The SPEAKER. Is there objection to the present consideration of the order?

There was no objection.

The order was agreed to.

CONTESTED-ELECTION CASE OF HUBBARD *v.* LAGUARDIA

Mr. COLTON. Mr. Speaker, I am directed by the Committee on Elections No. 1 to call up a privileged resolution and ask for its present consideration.

The SPEAKER. The gentleman from Utah calls up a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 128

Resolved, That Hon. FIORELLO H. LAGUARDIA was duly elected a Representative from the twentieth congressional district of the State of New York to the Seventieth Congress and is entitled to his seat.

The resolution was agreed to.

WAR DEPARTMENT APPROPRIATION BILL

Mr. BARBOUR. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10286) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. GARRETT of Tennessee. This is agreeable to the minority?

Mr. BARBOUR. I have taken it up with the minority Members and it is agreeable to them.

There was no objection.

The Chair appointed the following conferees: Messrs. BARBOUR, CLAGUE, TABER, HARRISON, and COLLINS.

LEAVE OF ABSENCE

Mr. COOPER of Ohio. Mr. Speaker, I have been requested to announce the absence of my colleague the gentleman from Ohio, Mr. TATGENHORST, on account of illness.

GEN. ARMANDO DIAZ

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, with profound sorrow I announce to the House that taps has sounded again in the camp of one of the allied nations with which we were associated during the World War. This time it has called to the last muster Gen. Armando Diaz, who was commander in chief of the allied forces at the Italian war front.

It may be truly said of this great general that he was "the noblest Roman of them all." General Diaz assumed command of the forces at the Italian front after the Caporetto drive. It was he who turned a crushing defeat into an unrelenting offensive. It was the plan then of the Central Powers to break through that front in order to attack France on the south, and not only establish another front, but release a great many divisions from the Italian front over to the western front. Diaz maintained the line at the Piave, and from that moment not only stopped the offensive, but started a counter offensive which never stopped until the entire defeat and surrender of the Austrian forces. The Diaz defense saved the day for the Allies. The Diaz offense made final and complete victory possible.

It was the privilege of but a very few Americans to serve under his command. It was in the month of June, of 1918, that the first detachment of American aviators reported to him for duty. Italy had trained some 750 American boys in flying, and but 60 of us were sent for active duty on the Italian front.

This detachment of 60 American flyers were received by General Diaz with the same cordiality and enthusiasm as if it had been a complete division of troops. The same day he personally visited each aviation field where the American boys were distributed for duty.

General Diaz visited this country a few years ago, was made an honorary citizen of the city of New York and other cities of the United States. He was an honorary member of every military organization of this country. In his death his country has lost a great patriot and a great soldier; this country has lost a good friend, and the American soldier has lost a real buddy.

SUBCOMMITTEE OF THE COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. GIBSON. Mr. Speaker, I ask unanimous consent that the subcommittee of the Committee on the District of Columbia, making a survey of the government of the District, may sit this afternoon and to-morrow during sessions of the House.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

PRESENTATION TO HON. LISTER HILL

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my remarks by printing in the RECORD my own remarks made on presenting a beautiful silver tray to the Hon. LISTER HILL, of Alabama, before the Committee on Military Affairs, on the occasion of his marriage recently.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. McSWAIN. Mr. Speaker, under leave granted to extend my remarks in the RECORD, I insert the following proceedings on the presentation of a silver tray by the members of the Committee on Military Affairs of the House of Representatives to Hon. LISTER HILL, of Alabama:

Mr. REECE. Mr. Chairman, I suggest that Mr. McSWAIN has a matter of importance which he might with propriety bring up at this time.

Mr. JAMES. I thought that you withdrew that bill. We voted that other bill out, did we not?

Mr. McSWAIN. Mr. Chairman, there are certain things I do not like to do behind closed doors. I want the public to know where I stand on certain things.

Last week, while the gentleman from Alabama was away, he wired to several members of this committee importuning us not to take action on Muscle Shoals until he returned; and it was well that he did so importune us, because we were just ready to act, and would have acted in a very few minutes but for the fact that we got his wire. [Laughter.] His influence with the committee is so great that we postponed action until he could arrive.

Gentlemen, when a member of this committee or any Member of the House, or any man anywhere, decides to put old things behind him and to declare, "Behold, all things are new," it is such an event in the life of man that it is well that it should be marked in some way; that some sort of landmark should be erected; and the members of this committee evidently have decided to put such a landmark just at this stage in the life of our friend, Mr. HILL of Alabama.

We later found out why he was away from our midst and why it was necessary for him to see that action should be postponed. It is evident that he himself did not postpone action while he was away, and in order to mark that notable event in his life we have decided to present to him this token of our esteem and regard, that he and his may know that we not only love him but that we fraternally sympathize with him at this stage in his life. [Applause.]

We picked this [exhibiting silver tray] not only for its beauty but also for its utility and for the fact that it will last through the coming generations, in order that his children, his grandchildren, and his great-grandchildren may find this testimonial of the esteem and regard and, in fact, love that we have for him.

This bears the inscription, "Presented to Hon. LISTER HILL by the members of the Committee on Military Affairs, House of Representatives, Congress of the United States, February 20, 1928." For fear that he might forget the significance of February 20, 1928, we have marked that date rather than this date (February 28, 1928) as the date of presentation. On behalf of the members of the committee, Mr. HILL, we present this tray to you and to your bride. [Applause.]

Mr. HILL. Mr. Chairman, and my colleagues of the committee, I assure you that I deeply appreciate this very beautiful present so graciously presented to me from you by my good friend Mr. MCSWAIN.

Of the many beautiful expressions of friendship that have come to me in these past few days, nothing has touched me more or will be a sweeter memory to me than this very beautiful present. I am sure that Mrs. Hill will share in my appreciation, and I shall look forward to the pleasure of bringing her here to the committee at a very early date and presenting her to each of you, and letting her, too, have the opportunity and the pleasure of thanking you. From the depths of my heart I thank you. [Applause.]

SAMUEL GOMPERS

Mr. LUCE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 88, authorizing the erection on the public grounds of the District of Columbia of a stone monument as a memorial to Samuel Gompers. The House committee has acted favorably on the resolution.

The SPEAKER. The Clerk will report the title.

The Clerk read the title, as follows:

Senate joint resolution (S. J. Res. 88) authorizing the erection on public grounds in the District of Columbia of a stone monument as a memorial to Samuel Gompers.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

Resolved, etc., That the Director of Public Buildings and Public Parks of the National Capital be, and he is hereby, authorized and directed to select a suitable site and to grant permission to William Green, president, and Frank Morrison, secretary, of the American Federation of Labor, for the erection, as a gift to the people of the United States, on public grounds of the United States in the city of Washington, D. C., other than those of the Capitol, the Library of Congress, the Mall, and White House, of a stone monument in memory of Samuel Gompers: *Provided,* That the site chosen and the design of the memorial shall be approved by the Joint Committee on the Library, with the advice of the Commission of Fine Arts, that it shall be erected under the supervision of the Director of Public Buildings and Public Parks of the National Capital, and that the United States shall be put to no expense in or by the erection of the monument.

Mr. LUCE. Mr. Speaker, it is hardly necessary for me to say that Samuel Gompers was an outstanding American citizen. He was not only a faithful and capable representative of the interests that he so long championed but also he contributed sound judgment to the solution of many vexed problems affecting the welfare of the people of the United States. In view of this, it may be well made a matter of record that your committee believes the commemoration of his services by the erection of such a monument in the Capital of the Nation will be fitting and commendable.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was ordered to be read a third time, was read the third time, and passed.

EDGAR WALLACE

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting some comments on the death of the late Edgar Wallace, legislative representative of the American Federation of Labor.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BANKHEAD. Mr. Speaker, a vast number of the Members of the House who knew him well and loved him greatly, were profoundly grieved over the sudden and unexpected passing away of Edgar Wallace. For a number of years he had been the legislative representative of the American Federation of Labor at the Capitol, and in that capacity he had come into intimate contact with most of the Members of the House. The great organization for labor, to which he gave the best and last years of his life acted with great wisdom in selecting Edgar Wallace for the very responsible position he held. It was a trust that required for its proper exercise a rare combination of sound judgment, dignified diplomacy, and the knowledge of his mission in all its details. All of these qualifications to an unusual degree Mr. Wallace possessed.

He knew as few men did the cause of the workingman. In his own experience he had run the whole gamut of the man in overalls. He knew its toil, its hardships, its inequalities of opportunity as well as its dignified, though limited, compensations. During the long course of his affiliation with the workers of America he had not only shared the rigors of men who toil as an actual laborer himself, but he had also been part and parcel of that splendid leadership which had fought for the principle that "labor is not a mere commodity of commerce," and he happily lived to see the principle not only recognized but amplified in the statutes of his country. To that accomplishment no man added more than Edgar Wallace. He was equipped for his task. He had sweated in the grime of the coal pit. He knew the cause of the toiler. He was editor of a great labor journal. He served in the World War. He was the protagonist for a cause. He was an able advocate for the uplift of humanity.

His counsel on labor problems was of great value to the committees of Congress in framing legislation. They had confidence in the man. They respected his candor and his courage and gave great weight to his conclusions.

This man who has gone at last to rest from his toil has served well his day and generation. He was a real crusader for justice, and I feel honored to have enjoyed the privilege of his friendship. In his going away his great organization has met an irreparable loss, Congress is deprived of a dependable counsellor, humanity is deprived of the service of an earnest advocate, and many of us have lost a cherished friend. Peace to the soul of Edgar Wallace.

REVISION OF REMARKS

Mr. GARRETT of Tennessee. Mr. Speaker, I desire to propound a parliamentary inquiry relative to the business of the House. I think it is a parliamentary inquiry, at least it will be stated in a parliamentary way. Every once in so often some question arises as to just what liberty there is in the revision of remarks by inserting in the RECORD matter that occurs in the course of a colloquy between Members. I think it would be informing to the House if our memories could be refreshed by having from the Chair a statement in the nature of a ruling, such as lies within the power of the Chair touching this question. I therefore propound the inquiry as to what liberty is allowable in the revision of remarks in the matter of making insertions in colloquies?

The SPEAKER. The Chair thinks that the inquiry of the gentleman from Tennessee is timely and pertinent. A few days ago the question arose, but the Chair was not called upon to decide it because unanimous consent was asked and given. The Chair at the time took occasion to look up the precedents and has one or two before him.

The Chair is not advised of any rule of the House that covers the situation directly. The general theory as to the revision and extension of remarks can be put in this language: Although a Member has the right to revise his remarks with the approval of the Speaker, he has not the right to extend those remarks except in the case where the House has expressly given permission to do so.

That has been held by several speakers, among them Speaker Kiefer and Speaker Randall. Therefore in order to extend remarks the Chair thinks that permission must be given by the House; but on the question of revision of remarks a Member may do so without permission of the House, but must have consent of the Speaker.

On a further development of the question, where remarks are made in colloquy during the running debate, what is the proper rule with reference thereto? The present occupant of the chair on May 17, 1926, ruled as follows in response to a parliamentary inquiry:

Generally speaking, the Chair understands the rule to be that a Member in the course of debate may not alter any language that he used which affects the context or affects the remarks of the gentleman who interrupts him.

There are quite a number of decisions upon which that decision was based, all primarily laying down the proposition that a Member may not revise his remarks in such a way as to affect the remarks of another.

The Chair thinks that the mere change of a word or two could be made in the remarks during colloquy, but that change must not be such as would affect the position of either gentleman engaged in the debate, or the purport of the debate. Mr. Speaker Reed on December 13, 1897, said:

It has always seemed to the Chair that when the RECORD was to be corrected, and where there was a controversy upon a particular point, either the correction should be made with the consent of the other Member or Members participating or should not be made at all.

Mr. Speaker Randall on one occasion said:

I think it wise that permission in such cases should be under the control of the Chair.

On the whole, the Chair thinks that under the precedents the proper procedure should always be that no correction be made

in the remarks made during a colloquy between Members which would in any way affect the position of either Member, without the approval of the other.

Mr. BEGG. Mr. Speaker, will the Chair tell the House just what right a Member has after he secures the right to revise and extend his remarks? What does the phrase "extend my remarks" mean, in the judgment of the Chair?

The SPEAKER. The Chair thinks that if the remarks are not made in colloquy, the Member may extend to any reasonable extent.

Mr. BEGG. Does that mean his own remarks, or does that carry with it authority to put anything in that the Member wants to put in? That is the question I desire to raise. In other words, if I secure the privilege to extend my remarks, is there any limitation upon me as to what I can put in the RECORD in the nature of a newspaper or magazine article or anything else?

The SPEAKER. The Chair thinks that extension is limited to an extension of the remarks the gentleman himself makes, and that specific authority would be necessary to extend remarks by printing newspaper and magazine articles or other documents. The Chair thinks a Member would not have that right unless he receives specific authority from the House.

Mr. BEGG. Then it is the judgment of the Chair that every Member who incorporates other than his own remarks in an extension, without specific permission, is technically violating the privilege?

The SPEAKER. The Chair thinks so.

Mr. LAGUARDIA. The Chair suggested that where a Member desires to revise his remarks, which, I take it, means polishing them up so that they read smoothly, the permission of the Speaker should be obtained.

The SPEAKER. That is the general rule.

Mr. LAGUARDIA. Should that request be made as a matter of record, the same as permission to extend is obtained from the House, or is a mere informal request to the Speaker sufficient?

The SPEAKER. The Chair thinks it is an informal matter.

Mr. CASEY. Mr. Speaker, I rise to ask for information. In view of the ruling the Speaker has just made with respect to the extension of remarks in the RECORD, I would like to ascertain if under this ruling I had the consent of the House to extend certain matters in the speech which I made on the coal miners' strike some time ago. Members will recall that I stated during my remarks that I quoted from certain documents and stated I did not have sufficient time to complete my address, but that under the leave granted me to extend I would insert copies of injunctions and other matter which I mentioned on the floor of the House at the time. The insertion of copies of injunctions and the other matter of which the Members were so anxious to get copies were not my own personal remarks, but I incorporated them in the speech I delivered under the leave of the House to extend. In view of the decision the Speaker has just made, I am wondering whether I am within the rule.

The SPEAKER. The Chair does not recall the precise form of the request, but if the gentleman asked and obtained permission to extend his remarks by incorporating various documents to which he referred, he would undoubtedly have the right to do so.

Mr. CASEY. I did that, and I called attention to the documents that I would insert.

The SPEAKER. Then unquestionably the gentleman had the right to extend his remarks in the manner in which he did.

Mr. CASEY. Mr. Speaker, in view of the ruling just made upon the question of the right of Members to add language into the remarks of another Member of the House, without his consent, during a running debate, the Speaker stated that the question arose the other day, but that he was not called upon to decide it. Mr. Speaker, that is correct. I raised the question, and the reason I did not call upon the Speaker to render a decision at that time was that I understood the gentleman from Nebraska [Mr. SIMMONS], while addressing the House, to say that he believed he had the right to do what he did. Other Members of the House who have talked to me about this matter say they understood him to have used the word "believed." Believing that the gentleman from Nebraska had used the word "believed" I took it as an admission on his part that he had violated the rules of the House and I, therefore, did not press for a decision on the question by the Speaker, but when I read the RECORD the following morning I found that instead of using the word "believed" he used the word "believe." He is recorded as saying:

> I believe that I was entirely within the rules.

I had proposed to ask the Speaker to rule on this question, but in view of the fact that the gentleman from Tennessee has already done so, and the Speaker having ruled that the question I raised the other day was a violation of the rules of the House, I have nothing further to say about it.

The SPEAKER. The Chair holds that where remarks are made during a colloquy or debate, no change is permissible in the remarks either of the gentleman himself or the gentleman with whom he was engaged in debate without the full consent and approval of the other gentleman.

PERMISSION TO ADDRESS THE HOUSE

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that on to-morrow, Friday, immediately after the reading of the Journal and the disposition of business on the Speaker's table, I may proceed to address the House for 15 minutes.

The SPEAKER. The Chair will call the gentleman's attention to the fact that this would be a special order to follow the gentleman from New York [Mr. SIROVICH] on Friday. The gentleman from Mississippi asks unanimous consent that, following the remarks of the gentleman from New York, he may address the House for 15 minutes. Is there objection?

Mr. SNELL. Reserving the right to object, Mr. Speaker, would the gentleman be willing to take that time on the general debate on this bill?

Mr. RANKIN. I will state to the gentleman that I am not willing to divide the time in the general debate to that extent.

Mr. SNELL. To-morrow we hope to finish up the appropriation bill. I think we have been very generous in the allotment of time in general debate, and the gentleman can ask for the special privilege while we are reading the bill.

Mr. RANKIN. This a matter that does not come within the exact scope of the agricultural appropriation bill. I usually do not make long speeches, and I am only asking now for a few minutes. But if I can not have this time and there is any objection I would prefer to take it on another day.

Mr. SNELL. The gentleman can take it under general debate.

Mr. RANKIN. I prefer not to ask it under general debate.

The SPEAKER. Is there objection?

Mr. SNELL. I object.

The SPEAKER. Objection is heard.

REVISION OF REMARKS

Mr. CHINDBLOM. Mr. Speaker, may I say a word in regard to the matter that has just been discussed? The rules of the House, and I think the precedents, do not have any specific provision with reference to incorporating other matters than the Member's own remarks under leave to extend, but I recall that during the last Congress on a number of occasions objection was made to the granting of leave to extend unless the request was coupled with the proviso that the extension should include only the speaker's own words; and at that time the Speaker announced that he would like to have it understood that whenever a request was made for leave to extend, it would include only the remarks of the Member making the request, unless it was specifically stated at the time that other matter would be included in the extension. In the absence of a rule or in the absence of a precedent definitely making that the practice, it seems to me it would be well during this Congress to have the understanding that whenever a request is made for leave to extend, it shall include only the Member's own remarks, unless the request specifically provides for the inclusion of other remarks.

The SPEAKER. The Chair thinks the gentleman is correct. The Chair thinks it is unquestionable that that is the practice, that where merely the general request is made to have the privilege to revise and extend, a Member may not incorporate anything except his own remarks, and the only circumstances under which he can insert something other than his own remarks is where he asks specific leave and refers specifically to the documents he desires to insert.

Mr. CHINDBLOM. Let us hope that practice will be followed.

AGRICULTURAL APPROPRIATION BILL

Mr. DICKINSON of Iowa. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11577, the agricultural appropriation bill.

The motion was agreed to.

The SPEAKER. The gentleman from Massachusetts [Mr. TREADWAY] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11577, the agricultural appropriation bill, with Mr. TREADWAY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration

of the bill H. R. 11577, the agricultural appropriation bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11577) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield myself 30 minutes.

The CHAIRMAN. The gentleman from Iowa is recognized for 30 minutes.

Mr. DICKINSON of Iowa. Mr. Chairman and gentlemen of the committee, it is my purpose during the 30 minutes I have here to divide my time into three parts and to discuss three topics in my discourse. First, I want to explain a little something about the expansion of the agricultural program as it is involved in the present appropriation bill; second, I am going to try to show that I am not inconsistent in any of my statements or declarations, so far as the protective-tariff policy is concerned; and, third, I am going to make just a few remarks with reference to the necessity of the equalization fee in the farm relief legislation.

When this subcommittee of the Committee on Appropriations began its hearings of the estimates of the Budget for the next fiscal year it found there was an expansion program for research that has been asked for by various farm organizations and other associations interested in farming and farm products. On account of this we found it was necessary to have more extensive hearings than have heretofore been held on an agricultural appropriation bill, because this expansion in research work has to do with trying to help solve the farm questions of this country. In other words, we find that the blueberries in Maine have their maggot troubles, that the corn in Iowa has the corn borer, that the vegetable has its bug, that the apple has its canker, and that cotton has its weevil. We have gone over the whole list and made an effort to expand the research work of the Department of Agriculture in such a way as to attempt, at least, to meet many of the perplexing problems that are now facing the people who are producing food commodities in this country. That being the case, we have had more extensive hearings. We have gone into the various items carefully and we have brought in a bill which I believe is an effort, at least, to reach out and determine whether or not there is a remedy for the various plagues that beset the farmer in the matter of the producing of his crops.

However, we found a great many Members of the House who believe that when you start any research work in the Department of Agriculture it never stops, but such is not the case. We have put in the RECORD a statement showing that numerous agricultural projects have been started and have been concluded. The findings have been published and the record is there for the benefit of those interested in the production of the particular commodity. So when you start a research project it is not a continuous project from then on, but there comes a time when the department says its work has been closed; it has done all it can do, and for that reason it is ready to make a final report and close that project.

In my judgment the Department of Agriculture has gone a long way in making a great many of the producers of this country know what is the difference between profit and loss. They have taken the old apple orchard that was useless for producing fruit and have made a profitable project out of it by reason of the spraying process. They have gone into creameries; they have gone all along the line and they have determined the best methods by which the producer of any commodity can be sure he will have a fair crop and thereby have something as a reward for his labors.

I believe this is a very comprehensive start on a new research program in the Department of Agriculture.

In my judgment, it is a worthy project and it ought to be carried on. The subcommittee and the Committee on Appropriations in ratifying the report of the subcommittee has been very liberal in its allowances for these various projects. For instance, a great many people did not know there was a bee business in this country until the gentleman from Louisiana appeared before the committee and asked for a special appropriation to permit his people to discover a method by which they can box up hives of bees and ship them from Louisiana to the Northern States, where they can not raise so many bees on account of the cold weather. We are giving them a little consideration by reason of the fact that the State of Louisiana has been affected by deflation and floods more, probably, than any other State in the Union. I could go on and cite various other instances, but I am hoping that with this explanation you will read the report filed with this bill and see the effort this committee has made to reach out and solve these various difficulties. It seems every vegetable has its pest; that every fruit has some handicap in its production; that the old cornfield is no longer sure, after it has been planted, that it is going to produce a crop of corn, and that cotton is no longer a certain crop. For that reason we must reach out into these various endeavors and do the best we can to determine whether or not we can make it more certain that a good crop is going to be produced when a field is once planted in any vegetable, cereal, or grain. I am not going into a detailed discussion of the items of this bill, because that will come under the five-minute rule, at which time we will give you any information we have secured. It is all in the report and in the hearings. Therefore, I am not going into a detailed consideration of the various items.

In my judgment, this committee has done something toward establishing farm relief. Some of you have heard something about farm relief, and we have done something toward starting farm relief in this piece of legislation now before this committee. [Applause.]

For some reason—and I notice it was again brought up on the floor of the House yesterday—there seems to be a misunderstanding as to certain votes cast by certain Members on the Republican side of the House with reference to an appeal from the decision which was laid on the table. It has been mentioned by the gentleman from Alabama [Mr. BANKHEAD]; it has been mentioned by the gentleman from Arkansas [Mr. OLDFIELD]; it has been mentioned before the Committee on Agriculture by the gentleman from Texas [Mr. JONES] and by the gentleman from Texas [Mr. CONNALLY].

Now, as a matter of fact, I have never had any trouble with my record as being an inconsistent record. I have always been for protection. I am for protection now. The Democrats are largely coming over into the protection camp and the only question is as to how fast will they come and how fast can they get in under the protective policy. That is all. [Applause.]

Mr. MANSFIELD. No; there is another question, if the gentleman will permit.

Mr. DICKINSON of Iowa. There are a good many. I have only a short time, and therefore I do not want to be interrupted.

Next, there have been certain declarations with reference to what is going to happen on the tariff, and there has never been any question about where certain Members stood with reference to a protective tariff, and I do not believe there is any question now, even in the minds of the Democrats where most of the Members stand. But when we came in here on a question of appeal from the decision of the Speaker of the House of Representatives as to where a resolution should finally rest, it was decided that it should go to the Clerk of the House. The Democrats wanted to force it to the Ways and Means Committee. It was concluded by the organization of the House that it should rest with the Clerk of the House, and they asked the Republicans of the House to vote accordingly to maintain the Republican organization of the House, and I voted with them. [Applause.] Why? Because the very position I hold in the House is on account of the fact that there are enough Republicans in the United States to keep enough Members of Congress here on this side of the House so that the gentleman from Illinois can be chairman of the Committee on Appropriations and I can be chairman of one of the subcommittees, and I am very pleased to have the distinction of serving in this session of Congress on the subcommittee having in charge the agricultural bill.

Mr. MADDEN. I want to say to the gentleman and to the House that the gentleman has made a great record as chairman of that committee. [Applause.]

Mr. DICKINSON of Iowa. I thank the chairman of the committee.

Mr. BANKHEAD. Did I understand the gentleman to say——

Mr. DICKINSON of Iowa. I do not want to yield just now. I will attend to the gentleman from Alabama before I get through, because I have a few remarks I am going to make with reference to his speech.

Mr. BANKHEAD. I am very glad to hear that.

Mr. DICKINSON of Iowa. Do not worry, I will take care of it. [Laughter.]

As a matter of fact, when that resolution came over here from the Senate it was not a resolution for the adjustment of tariff schedules. It was a resolution for an adjustment of tariff schedules downward, and it did not specify any schedules, as I remember.

Now, I am not for a revision of the tariff downward on agricultural schedules. I have never been for a revision of the tariff downward on agricultural schedules, and I still stand

by the record that I made and the statement I made with reference to the adjustment of the tariff schedules.

I think some of the schedules are too high, and when the proper time comes I shall vote, if I have an opportunity to vote, to see that there is an adjustment made with reference to those schedules; but will you tell me wherein any tariff schedule was involved in the resolution that now rests with the Clerk of the House? Is it any more notice to the Ways and Means Committee if it rests within the archives of their own committee than it is when filed with the Clerk of the House? Why? Because it is the record of the United States Senate. It is the judgment of the United States Senate. It is their declaration that they would like to see some adjustment of tariff schedules, and when it comes over here and rests with the Clerk of the House it is not only notice to every member of the Ways and Means Committee but it is notice to every Member of the House, on both the Democratic and the Republican sides, that such is the declaration of the United States Senate on the tariff question. Therefore, the Ways and Means Committee is just as much charged with the responsibility of carrying out that resolution, if they want to, when it is resting with the Clerk of the House, as though it rested with the clerk of the Ways and Means Committee.

I want to say to my good friends on the Democratic side, if you are going to make a campaign issue you had better find something more than simply a reference of a resolution of the United States Senate before you charge the Republican Members with bad faith, because they were simply carrying out a decree and a decision of their Speaker, and they were supposed to stay by the organization of their side of the House because it is the organization by which they hold their preference in this House.

Mr. MADDEN. I assume also that when we revise the tariff we want to revise it ourselves and not let the Democrats do it.

Mr. DICKINSON of Iowa. Yes; I am for that.

Now, one thing more. It was also said when I introduced my resolution for an increase of tariffs on agricultural commodities that it was inconsistent with my vote to send to the Clerk of the House the resolution of the Senate. Let us see about this. You know and I know that the Ways and Means Committee had already reached a decision that there should be no general revision of tariff schedules. This being the case, there is only one of two ways you can approach the tariff problem, that is either to raise the schedules on the things upon which we can agree or to reduce the schedules on the things upon which we can agree.

Now, as a matter of fact, I believe every Democrat will admit that if you should try to reduce any schedules you would not be able to get it through. As a matter of fact, if you got it through both the House and the Senate, you probably could not get it signed by the President. So what is the use of trying to do a foolish thing and say to the country that we are going to try to reduce a lot of tariff schedules when, as a matter of fact, you know, and all of you knew at the time you voted on the appeal from the decision of the Chair on the tariff resolution, you were not able and would not be able to get a reducing-tariff program through this House.

Mr. BULWINKLE. Will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. BULWINKLE. Assuming for the sake of the argument that what the gentleman says in regard to the tariff is true, then does not that same situation apply to his support of the McNary-Haugen bill?

Mr. DICKINSON of Iowa. Did the gentleman vote for the McNary-Haugen bill?

Mr. BULWINKLE. I did not.

Mr. DICKINSON of Iowa. As a matter of fact, the McNary-Haugen bill is simply an effort to put the farmers and the stuff they produce down in your district under the protective tariff schedules of this country. That is the whole purpose of it, and as a matter of fact, some of you have never been able to get so converted to the protective-tariff principles that you are willing to have your farm commodities come within the provisions of that law, and therefore you voted against it.

Mr. BULWINKLE. What I asked the gentleman was this: The gentleman stated that the President would veto any effort to reduce the tariff.

Mr. DICKINSON of Iowa. Yes.

Mr. BULWINKLE. Now, I am asking the gentleman if the President will not do the same thing to the McNary-Haugen bill?

Mr. DICKINSON of Iowa. Oh, I am coming to that, and I am going to give the gentleman a chance to redeem his record and to vote for it before we get through with this session of Congress.

Mr. O'CONNOR of Louisiana. Will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. O'CONNOR of Louisiana. If the gentleman is correct in principle, why is it that so many Republicans who are in favor of a high protective tariff voted against it?

Mr. DICKINSON of Iowa. Go ask them for their explanation; do not ask me.

Mr. O'CONNOR of Louisiana. Is it too difficult for the gentleman to explain?

Mr. DICKINSON of Iowa. I do not know their minds, but let me say to the gentleman that if he wants flood relief in Mississippi he had better get in on the farm relief, because we are all on the same creek—we live up above and you live down below, and if you want us to help you you had better help us.

Mr. O'CONNOR of Louisiana. Does the gentleman think that is an answer to my question?

Mr. DICKINSON of Iowa. I think it is a good answer. I think there are many people in your section of the country who are absolutely in sympathy with us.

Mr. O'CONNOR of Louisiana. I asked the gentleman why so many protective Republicans——

Mr. DICKINSON of Iowa. I told the gentleman to go and ask them their reason.

Mr. ABERNETHY. Will the gentleman yield?

Mr. DICKINSON of Iowa. Yes; I will yield to the blueberry man of North Carolina. [Laughter.]

Mr. ABERNETHY. I want to ask the gentleman, as he is a high-protective-tariff man, why is it he can not get the Members on that side to go with us in favor of the McNary-Haugen bill and get relief to the farmers?

Mr. DICKINSON of Iowa. Why, I am doing more missionary work among these fellows than anyone else.

Mr. ABERNETHY. Has the gentleman been able to get the man at the White House to change his attitude?

Mr. DICKINSON of Iowa. I advise the gentleman from North Carolina to read my remarks in the RECORD to-morrow morning.

Mr. ABERNETHY. I can not wait. I want to hear you now. [Laughter.]

Mr. DICKINSON of Iowa. As a matter of fact I will discuss that a little later.

Mr. ABERNETHY. I want to know if the gentleman is going to get all the protective-tariff folks to go with him on the McNary-Haughen bill?

Mr. DICKINSON of Iowa. I am getting more all the time.

Mr. ABERNETHY. How many have you got?

Mr. DICKINSON of Iowa. We have got enough over here. The trouble is that the gentleman wants me to do the job all at once.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield three minutes to the gentleman from Florida [Mr. SEARS].

Mr. SEARS of Florida. Mr. Chairman, when the Creator of all things had painted the sky its wonderful blue, which no artist has been able to rival in beauty, he decided in the tropical section something was lacking, and he gave to it its final tint. Then paraphrasing, "His paint brush dropped into the ocean," and that blue, which so many of you who have visited Florida have admired and marveled at, was given its brilliant hue. To add to this beauty He also created the most wonderful automobile course in the world, which is kept in perfect condition by the ebb and flow of the tide. To those who have not had the pleasure of going down there, you will find that the above is true by visiting Florida and greater Daytona.

Mr. Chairman, in life each one has his part to play. There are men who become great lawyers, doctors, who become leaders in their profession, and Speakers, like ours, who rules with fairness and justice. We have had great soldiers, and we are all proud of that great young American, that wonderful American manhood, "Lindy." [Applause.]

To-day, there is in the gallery, where we have had the pleasure of entertaining other men like York and others, a man whose nerves are made of steel, but whose heart is large and like a woman is modest and timid. I take pleasure in introducing to you him, who recently broke the world's record on that wonderful race course at greater Daytona at a speed of 215 plus miles an hour. It is no wonder that he broke the world's record, because his machine evidently attempting to rival the beauties of the sky and ocean was named the Bluebird—Capt. Malcolm Campbell, of Great Britain. [Applause.]

Mr. DICKINSON of Iowa. Now, I want to come to the equalization fee. There has been a great deal of discussion here as to whether or not any farm relief legislation without the equalization fee would be effective. I presume that nearly all the comments in the press and among Members of the House is on the fear that the equalization fee will not be effective and

finally will become a tax against the producer. As a matter of fact, I have no fears of that kind, and I want to explain the machinery, as I see it, with reference to the equalization fee, and why if you are going to have farm relief you want an equalization fee provision in it. Otherwise it will not be effective.

An equalization fee is for the purpose of bringing a commodity within the provisions of the machinery. An equalization fee is a substitute for what they call consolidation and organization in big business that brings the product within the control. The man who thinks that by agreement of the producers themselves they are going to be able to go out and bring in cooperative machinery enough to control the price is wrong, because they will not make sufficient progress in the next 25 years to bring enough of any commodity within the control of the organization to have a controlling effect on the market of the commodity.

Therefore, in order to bring the hundred and one producers of various commodities within the provisions of the bill, it is necessary that you bring them in with some legislative machinery. Oh, but you say, we would have to have the consent of all of the producers before we could do that. No. When the Congress passed the Federal reserve act they did not go out and ask the national bankers of the country whether or not they wanted to come within the provisions of that act. They just said that by reason of the fact that they were bankers under a Federal charter, and in order to become a part of the machinery, they were to be allocated within the provisions of the machinery, and that they must thereby function under the provisions of that machinery. That is just what we are doing with the equalization fee. But if the loan provisions of the bill will carry the commodity and sell it at a stabilized price, then I am a believer in it, and I believe that if the board finds that that can not be done with the loan provisions, then they ought to have the additional machinery whereby they can bring that commodity within their control, and it is only by doing that that you are ever going to stabilize the price.

Mr. Chairman, there is a misapprehension about the farm-relief program. A great many people think we want higher prices all of the while. Such is not the case and such has never been the case. All we want is to take out the dips, to take out the ups and downs, to take out the fluctuations, that always fluctuate low when the farmer is selling and high after the farmer has sold. Therefore the thing that we want to do is to carry this program along and stabilize prices—not a high price, not a low price. That is the reason why you want the machinery of the McNary-Haugen bill enacted into law. You may say that the farmer has always gotten along and that you guess he always will.

The farmer in every European country, when he faced the same crisis that we are facing here, has always lost and has gone down and down to where he has never been able to revive himself. If you do that in America, you are going to decrease the production and also the valuation in every phase of commercial life in this country. That is what will happen if you permit the farmers to continue to lose their buying power, which is the thing that sustains the industries of the country and the commercial concerns of the country. Therefore, I want to see machinery provided whereby we can bring these producers within the machinery and stabilize the price for their benefit. A great many people say that that will cost us more money to live. It will not. All it will do will be to transfer from the speculator the commission margins to the producer of a particular commodity. It will not cost the consumer any more, because we are now finding that we charge what the consumer will pay and not what you have the ability to charge. I can recall that three or four years ago they said that all you had to do was to have an agreement that you were going to raise the price of sugar, and they about doubled the price of sugar in less than six weeks. Then, within 60 days the consumption of sugar in the United States decreased 60 per cent, and they had to reduce their prices because the people would not pay the big price. We know that when we raise pork and sell it in Brother BULWINKLE'S district in Tennessee——

SEVERAL MEMBERS. North Carolina.

Mr. DICKINSON of Iowa. North Carolina—and I ask the pardon of the gentlemen from Tennessee——

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. BLACK of New York. Would the gentleman tell us specifically how they expect to eliminate the middleman by this proposition?

Mr. DICKINSON of Iowa. It will not eliminate the middleman. It will eliminate the speculation of this middleman.

Mr. BLACK of New York. Why?

Mr. DICKINSON of Iowa. Because they will not be able to fluctuate the prices by getting out scare heads. What they do now is to get out a scare head. Let me give you a concrete illustration which affects the district of the gentleman from Louisiana [Mr. O'CONNOR], who always wants flood relief, but not farm relief. What did they do down there? They had a great flood in the Mississippi Valley and it destroyed a lot of the cornlands along the Mississippi River.

As time went on they said that the great corn crop of the Mississippi Valley was going to be wasted; and then they found that the acreage was so much that the crop was going to be reduced, and the speculators put up the price of corn 12 cents within less than two weeks. Why? On the scare head that you were going to have a shortage of corn. What happened? A little later they gave out scare heads that the Lord had sent the sunshine and that He was sending June weather in September, and that they were going to have a splendid crop; and then they put the price down 16 cents when there had not been any change in the condition with reference to the corn crop at all.

Mr. BLACK of New York. I do not want the gentleman to consider me unfriendly, but why can not the farmers, through the medium of the instrumentality set up by this bill, do the same thing in an artificial way through the power they obtain through legislation, as was done by the speculators through the action of the flood?

Mr. DICKINSON of Iowa. Because the farmer is not of a speculative turn of mind. There would be no way of getting together a movement among the farmers that could possibly react quick enough so that they could get that quick action up and down.

As a matter of fact, I find that farm boards and farm-board machinery, when once established, are just as dependable as a Federal Reserve Board or a Tariff Commission, or other functionaries of the Government. You can not charge that because they happen to be dealing with a farm program they are not going to be less honest and dependable than the other commissions concerned and those who work on various boards of the Government.

Mr. KVALE. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. KVALE. The gentleman has spoken of the speculators. Does not the gentleman think that the reason why the McNary-Haugen bill is not now on the statute books is because the gamblers' exchanges—the cotton and grain exchanges—and the boards of trade are opposed to it?

Mr. DICKINSON of Iowa. I know they are opposed to it, and I never found anyone in that type of business who favored this legislation, because I think they are afraid it will affect their business and their margins.

Mr. O'CONNOR of Louisiana. Mr. Chairman, will the gentleman yield there?

Mr. DICKINSON of Iowa. Before I yield I would like to ask the gentleman if he is going to vote for or against it?

Mr. O'CONNOR of Louisiana. I will vote for the Aswell bill if you and your people would let that bill come up under the rule.

Mr. BROWNING. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. BROWNING. The gentleman thinks the machinery of the McNary-Haugen bill will stabilize the price. What we want to know is whether or not the average price to the farmer is going to be made higher than it is now? If you are not going to raise it, what benefit will come from it?

Mr. DICKINSON of Iowa. Let me ask you this question: If you take out the fluctuation and give its equivalent to the farmer, will he not get more than he gets now?

Mr. BROWNING. Of course.

Mr. DICKINSON of Iowa. Can there be any question but that if you take out the speculative margin the farmer will get more than he gets now?

Mr. BROWNING. He will if it does not cost more to the consumer.

Mr. GREEN of Florida. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. GREEN of Florida. From the statements made by the gentleman to-day and in the past, we would conclude that the gentleman has made a careful study of the farming problem. I will ask the gentleman how he feels about extending the tariff rate so that we can exclude the fruits and vegetables that come in from Mexico and elsewhere and compete with the products of Florida?

Mr. DICKINSON of Iowa. I recall that a number of gentlemen have introduced bills that include vegetables and various farm commodities, beans, vegetables, fruits, and so forth, to help the producer of these commodities in this country.

Mr. GREEN of Florida. Will the gentleman go a little further and assist us in bringing from the Committee on Ways and Means such a revision of the tariff as will enable these products to be protected? Many of our farmers are producing at a loss to-day.

Mr. DICKINSON of Iowa. They are just getting into the same class where the Iowa farmers have been in for six years. We have been operating at a loss for a long time.

Mr. GREEN of Florida. I think we ought to get behind the Ways and Means Committee, which is dominated by the gentleman's party, and bring about such a revision.

Mr. DICKINSON of Iowa. Will you stand to put it through?

Mr. GREEN of Florida. I will stand for the protection of vegetables and fruits raised in my State. [Laughter.]

Mr. DICKINSON of Iowa. I want to say that if we could put this questionnaire often enough and get a lot of these Democrats committed, we would have a chance of getting real relief legislation.

Mr. KVALE. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. KVALE. The gentleman knows that I have consistently supported the McNary-Haugen bill, including the equalization fee.

Mr. DICKINSON of Iowa. That is correct.

Mr. KVALE. Will the gentleman explain to this House why he has come into my district in Minnesota and campaigned against me and in favor of a gentleman whose congressional manager was opposed to the enactment of the McNary-Haugen bill?

Mr. DICKINSON of Iowa. It happens that I had a conversation with the man who opposed the gentleman, and he was just as much in favor of the McNary-Haugen bill as the gentleman is, and he was a member of my party, and you are not.

Mr. KVALE. The gentleman referred to, Mr. J. C. Morrison, was opposed to the McNary-Haugen bill. Now, is the gentleman a Republican first, and a friend of the farmer after that?

Mr. DICKINSON of Iowa. I am for both all the time. [Applause.]

It seems to me to be fitting to put in a short history of the legislative program for farm relief.

I will indicate the various McNary-Haugen proposals for surplus control which have been before Congress during the last four years:

(1) HOUSE

(Sixty-eighth Congress, first session)

H. R. 9033. Agricultural export corporation: Original McNary-Haugen bill with "ratio price" provision. Introduced by GILBERT N. HAUGEN (Iowa). Reported from committee May, 1924. Rejected by the House of Representatives June 3, 1924; 223 nays, 155 yeas.

SENATE

S. 3091. Agricultural export corporation: Original McNary-Haugen bill with "ratio price" provision. Introduced by Senator CHARLES L. MCNARY (Oregon). Reported from the committee April 16, 1924. Not voted upon.

(2) HOUSE

(Sixty-eighth Congress, second session)

H. R. 12390. Farmers' export corporation: Second McNary-Haugen bill, without "ratio price," based on making tariff effective. Introduced by GILBERT N. HAUGEN (Iowa). Reported from the committee February 26, 1925. Not voted upon.

SENATE

S. 4206. Farmers' export corporation: Second McNary-Haugen bill, without "ratio price," based on making tariff effective. Introduced by Senator CHARLES L. MCNARY (Oregon). Reported from the committee February 26, 1925. Not voted upon. The above bill was offered as an amendment to the naval omnibus bill by Senator ROBERT B. HOWELL (Nebraska). Rejected March 3, 1925; 69 nays, 17 yeas.

[NOTE.—The Agricultural Committee in the House introduced a cooperative marketing bill based upon the recommendations of the President's agricultural conference. This bill was defeated in the House by the cooperative measure introduced by Congressman L. J. DICKINSON (Iowa). Neither of these bills was addressed to the subject of surplus control and neither came to a vote in the Senate.]

(3) HOUSE

(Sixty-ninth Congress, first session)

THIRD M'NARY-HAUGEN BILL

Based upon the Dickinson bill (H. R. 6563).

H. R. 11603. Federal farm board: Directed to act through cooperatives; "fair and reasonable" price provision (suggested by Senator Cummins) included. Introduced by GILBERT N. HAUGEN (Iowa). Reported from the committee April 27, 1926. Rejected by the House of Representatives May 21, 1926; 212 nays, 167 yeas.

SENATE

THIRD M'NARY-HAUGEN BILL

S. 7893. Federal farm board: Directed to act through cooperatives; "fair and reasonable" price provision (suggested by Senator Cummins) included (as committee amendment in Senate committee). Senator GEORGE W. NORRIS chairman. Reported April 19, 1926. Rejected by the Senate June 24, 1926; 45 nays, 39 yeas.

(4) HOUSE

(Sixty-ninth Congress, second session)

FOURTH M'NARY-HAUGEN BILL

H. R. 15474. Federal farm board (revised) directed to act through cooperatives; no special price provision. Introduced by GILBERT N. HAUGEN (Iowa). Reported from the committee January 18, 1927. S. 4808 was substituted, and passed House of Representatives February 17, 1927; 214 yeas, 178 nays. Vetoed by Calvin Coolidge in closing hours of Congress.

SENATE

FOURTH M'NARY-HAUGEN BILL

S. 4808. Federal farm board (revised) directed to act through cooperatives; no special price provision. Introduced by Senator CHARLES L. MCNARY (Oregon). Reported from the committee January 24, 1927. Passed Senate February 11, 1927; 47 yeas, 39 nays. Vetoed by Calvin Coolidge in closing hours of Congress.

(5) HOUSE

(Seventieth Congress, first session)

FIFTH M'NARY-HAUGEN BILL

H. R. 7940. Federal farm board, revised (retaining principles, but meeting most of the objections of the veto): Introduced by GILBERT N. HAUGEN (Iowa).

SENATE

FIFTH M'NARY-HAUGEN BILL

S. 1176. Federal farm board, revised (retaining principles, but meeting most of the objections of the veto): Introduced by Senator CHARLES L. MCNARY (Oregon).

In considering sentiment for the McNary-Haugen bill it is important to note that following the close of the second session of the Sixty-eighth Congress in the spring of 1925, the farm organizations changed their method of approach to the problem.

The original McNary-Haugen bill, defeated in the House of Representatives in June, 1924, provided a Government corporation and contained the "ratio price" provision. The second McNary-Haugen bill, introduced in the second session of the Sixty-eighth Congress, provided for a Government corporation, omitted the "ratio price" features, and relied upon making the tariff effective by control of supply.

In the tentative draft of the Dickinson bill, prepared in the spring of 1925, the idea of a Government corporation authorized to buy and sell or to direct activities in buying and selling was abandoned, and the theory of a Federal farm board operating through cooperative marketing associations primarily and other agencies secondarily was substituted. This theory was carried through the surplus control legislation, rejected by the House of Representatives in the spring of 1926 and by the Senate during the same session of Congress. Legislation based upon this theory was passed by both Houses of Congress in the second session of the Sixty-ninth Congress and vetoed by President Coolidge. This theory of legislation is contained in both the House and Senate bills introduced by Congressman HAUGEN and Senator MCNARY, respectively, in the Seventieth Congress.

The "equalization fee" principle has been embodied in all of the surplus control legislation, known as the McNary-Haugen bills, from the introduction of the first bill to the present time.

Briefly, the bill now in Congress provides for a farm board authorized, upon petition of the growers of a majority of a particular commodity, to assist in removing, storing, and disposing of the surplus portion of the commodity, this to be accomplished by entering into agreements with cooperative associations or other agencies, the losses, costs, and charges to be paid from the funds secured from the collection of the "equalization fee." The principle is as old as government itself. It is that all beneficiaries of an undertaking in behalf of the public welfare shall contribute ratably toward paying the cost. It is new in name only. It is permissive legislation supplemented by sufficient government authority to enable the growers of a commodity to stabilize the price of that commodity by regulating its flow to market, the costs to be distributed as widely as the benefits—that is, over all the growers of the commodity.

It is important to note that this theory of legislation has been overwhelmingly indorsed by farm organizations. During all

the hearings on this legislation, covering months of time over several years, not a single responsible farm organization or cooperative marketing association has appeared before the committee in either House in opposition to the measure. It is true that one organization, the National Grange, has favored the debenture plan, which is an indirect subsidy, since it proposes to divert tariff revenues to pay a bounty on exports. However, as late as in the spring of 1927 Mr. Taber, the master of the National Grange, while advocating the debenture plan, refused to oppose the McNary-Haugen bill, while on a previous occasion Doctor Atkeson, the Washington representative of the Grange, appeared before the committee on behalf of the McNary-Haugen bill. I think it is a fair statement to make that farmers have been more nearly united in their support of the McNary-Haugen bill than were the railroads in support of the various measures passed affecting them, the banks in the support of the Federal reserve act, or, indeed, the manufacturers as a whole in the support of particular tariff schedules.

The reason for the change by farm organizations in the method advocated for surplus control from a Government corporation to working through cooperative associations may be attributed to three major factors:

First. The attitude of farm organizations and cooperative associations;

Second. The attitude of Congress; and

Third. The attitude of the President.

THE ATTITUDE OF FARM ORGANIZATIONS AND COOPERATIVE ASSOCIATIONS

First. The farm organizations and cooperative associations for a time believed that the control of surplus could be managed by cooperative organizations. They have learned, however, that it is impossible for a voluntary association to sustain the market on primary agricultural commodities at the expense of their membership alone because the outsider gets the benefits of an increased price without bearing any of the expense or burdens incident to the activities of the association.

Farm organizations and cooperative associations believe, however, that with the assistance of the Government to help them spread the costs as widely as the benefits are distributed—that is, over the whole commodity—they can do the job.

THE ATTITUDE OF CONGRESS

Second. Congress by enacting the Capper-Volstead Act of 1922 and the act of 1926 to create a division of cooperative marketing, as well as by numerous other acts, such as the rural credits act of 1923 looking toward better credit facilities for cooperatives, has accepted the policy of cooperative marketing as a national policy.

The Capper-Volstead Act authorizes associations of producers of agricultural products which under certain conditions are exempt from antitrust restrictions. Persons engaged in the production of agricultural products are permitted to act together in associations, corporate or otherwise, with or without capital stock, in collectively processing, preparing for market, handling, and marketing in interstate and foreign commerce such products of persons so engaged; provided that such associations are operated for the mutual benefits of the members thereof, as such producers. The association is limited to dividends not in excess of 8 per cent per annum and can not deal in the products of nonmembers to an amount greater in value than such as are handled by it for members.

The act of 1926—H. R. 7893—created a division of cooperative marketing in the Department of Agriculture to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to authorize cooperative associations to acquire, interpret, and disseminate cooperative and marketing information, and for other related purposes.

THE ATTITUDE OF THE PRESIDENT

Third. From the time President Coolidge succeeded President Harding, upon almost all appropriate occasions he has expressed sympathy with the development of cooperatives and the hope that the problem might be solved by them.

For example, in his first message to Congress, December 6, 1923, he said:

> He (the farmer) must have organization. His customer with whom he exchanges products of the farm for those of industry is organized, labor is organized, business is organized, and there is no way for agriculture to meet this unless it, too, is organized. * * * Systems of cooperative marketing created by the farmers themselves, supervised by competent management, without doubt would be of assistance, but they can not wholly solve the problem.

In this Lincoln Day dinner speech at the National Republican Club in New York February 12, 1924, he said:

> I have already encouraged organization and cooperative marketing that organized agriculture may cope with organized industry.

At the Livestock Exposition in Chicago December 3, 1924, he said:

> It [the Government] must encourage orderly and centralized marketing as a substitute for the haphazard and wasteful distribution methods of the past. The principle of cooperation in producing, financing, buying, and marketing must be encouraged to the utmost practicable development.

Before the National Cooperative Marketing Conference January 6, 1925, he said:

> As a last word, let me assure you again of the profound sympathy which your Government feels for all your efforts, and its eager purpose to help in every practical way the achievement of the ends you are seeking.

He told the members of the American Farm Bureau Federation on December 7, 1925, in Chicago:

> The most important development of late years has been the cooperative movement. * * * I propose actively and energetically to assist the farmers to promote their welfare through cooperative marketing.

In his message to the Sixty-ninth Congress, first session, December, 1925, he said:

> It has appeared from all the investigations that I have been able to make that the farmers as a whole are determined to maintain the independence of their business. They do not wish to have meddling on the part of the Government or to be placed under the inevitable restrictions involved in any system of direct or indirect price fixing which would result from permitting the Government to operate in the agricultural markets.

In his message to the second session of the Sixty-ninth Congress, December, 1926, he said:

> The development of sound and strong cooperative associations is of fundamental importance to our agriculture.

In the same message he said:

> In my opinion cooperative marketing associations will be important aids to the ultimate solution of the problem. It may well be, however, that additional measures will be needed to supplement their efforts. I believe all will agree that such measures should not conflict with the best interests of the cooperatives, but rather assist and strengthen them. * * *

In his message to the Seventieth Congress early this month, December, 1927, he said:

> The main problem which is presented for solution is one of dealing with a surplus production. It is useless to propose a temporary expedient. What is needed is permanency and stability * * *. Price fixing and subsidy will both increase the surplus instead of diminishing it. Putting the Government directly into business is merely a combination of subsidy and price fixing aggravated by political pressure. * * * The Government can * * * assist cooperative associations and other organizations in orderly marketing and handling a surplus clearly due to weather and seasonal conditions. * * * While it is probably impossible to secure this result at a single step, and much will have to be worked out by trial and rejection, a beginning could be made by setting up a Federal farm board or commission of able and experienced men in marketing, granting equal advantages under this board to the various agricultural commodities and sections of the country, giving encouragement to the cooperative movement in agriculture, and providing a revolving loan fund at a moderate rate of interest for the necessary financing. Such legislation would lay the foundation for a permanent solution of the surplus problem. * * * Cooperative marketing especially would be provided with means of buying or building physical properties.

The vote on the McNary-Haugen bill in the last session of Congress shows how widely the conviction prevails that this legislation is desirable. Fifty-seven per cent of the Democrats voting and 52 per cent of the Republicans voting in both Houses favored the bill. The charges that the affirmative votes were due to various trades among Members of Congress are probably without substantial foundation to a greater degree than is usual in a piece of major legislation.

I think it is fair to say that the opposition comes from the sections primarily industrial, and from groups now interested in handling the farmer's products who fear that their interests may be adversely affected by the successful development of cooperatives.

The first class wants the farmer to restrict his production to the demand of domestic markets in order that industry may monopolize our export trade. This attitude first became ap-

parent in the report of the President's Agricultural Conference in January, 1925, which contained the recommendation:

There must, therefore, be established a balanced American agriculture by which production is kept in step with the demand of domestic markets and with only such foreign markets as may be profitable.

The recently published report of the special commission of the United States Chamber of Commerce and the National Industrial Conference Board leaves no doubt in my mind of the purpose of certain interests to industrialize the Nation at the expense of agriculture. Yet, according to Virgil Jordan, chief economist of the National Industrial Conference Board, the capital invested in agriculture in 1919 more than equaled that invested in our manufacturing industries, mines, and railroads combined. Agriculture normally exerts a purchasing power for nearly $10,000,000,000 worth of goods and services of other groups annually. This purchasing power of our agricultural groups is five or six times the amount of our industrial exports, exclusive of the products of the farm.

Why, then, I ask, should agriculture be submerged and its foreign markets given up for the benefit of industries in limited sections of the country?

Business had better take stock of its leadership.

The issue threatens to remake the political map of the United States, since the welfare of agriculture is more to be desired than the welfare of political parties or of any individual. There can be no doubt in the mind of any observer of the meetings of the great farm groups in the Middle West and South of the determination of these groups to secure economic justice, regardless of the effect upon political parties.

The economic position of agriculture can be epitomized by the simple statement that since 1910 farm debts have increased from about $4,000,000,000 to more than $12,000,000,000 in 1920, and has increased since that time. Farm-property values have declined since 1920 more than $20,000,000,000.

Further information on the equalization fee of the legislature can best be gained by rereading the speech of Senator JAMES E. WATSON in the United States Senate February 10, 1927.

THE EQUALIZATION FEE

I

No farm legislation can be made helpful that does not provide some method of taking care of surplus production, and in my judgment the only sound way to do this necessary thing is by means of an equalization fee.

The opposition to surplus control legislation has picked the equalization fee as the vital point in this legislation, and special efforts have been made to eliminate it from any bill that may be passed by Congress.

One by one the objections which for years have been urged against farm relief legislation have been abandoned except the one to the equalization fee.

The most unreasoning opponent no longer denies that the condition of agriculture is desperately bad; and all but a few concede that there is nothing in present conditions and tendencies which promises relief. Only a negligible number any longer deny that the agricultural situation justifies constructive aid by the Government.

The plain and simple terms of the measure supported by representative farm organizations have convinced, if they have not silenced, the partisans who have been shouting "price fixing" and "Government in business," but every opponent of this legislation joins in the chorus of opposition to the equalization fee.

The entire controversy, in Congress and out of it, over farm legislation has finally resolved itself into this proposition from the opposition:

"Any farm legislation within reason, provided it contains no equalization fee."

The reason for all this is obvious. Surplus control legislation without the equalization fee would be unworkable and ineffective without Government subsidy. The fee is the crux of the whole situation.

II

Although opposition to the equalization fee has been voiced many times in Congress, in personal discussions, and in the press, one will have difficulty in recalling more than two definite reasons for opposition to it. Some argue that it is unconstitutional; others, that farmers do not want it.

The purpose of the equalization fee is (a) to raise funds from trade in a commodity to enable farmers to manage temporary and seasonal surpluses in ways that will prevent such surpluses from driving the price of the whole crop to unprofitable levels, and (b) to distribute the costs and benefits ratably to all the marketed product.

Whatever plan may be employed will involve cost, expense, and financial risk. Our export surplus of wheat can not be handled in a way to maintain a domestic price level in keeping with American standards of living and with domestic industrial prices without involving costs, trade risks, and losses. Surplus cotton can not be carried over from years of large crops to years of small crops without expense and some risk of loss. In a word, stabilization of agriculture can not be accomplished by theorizing and talking about it, but must be accomplished in the market places by actual transactions in actual commodities. Such transactions require money and involve possibilities of gains and losses.

Who shall manage such transactions? Who shall furnish the money, and who shall take the risks? There is but one proper answer—the farmers themselves. How will farmers themselves get the money to do these necessary things? By voluntary action, or through a device created by legislation? That is the issue now before Congress.

The opponents of this legislation admit the deplorable condition of farmers; they admit that control of surplus is a practicable remedy, but they contend that it should be done by voluntary action through cooperative associations and without an equalization fee.

III

Theoretically the banks of the country could have cooperated in the control of their credit resources and brought stability without Federal legislation, but actually the task was impossible. Theoretically the stockholders of all the banks could have organized central banks, which could have done many of the things which Federal reserve banks are now doing to adjust the supply of bank credit to the legitimate needs of the country. But, in reality, it was impossible to secure the necessary unity of action by so large a number of stockholders. Legislation was necessary to compel bankers to do what they should do, but would not, by voluntary action. Therefore, Congress, by the device of the Federal reserve law, created the plan of stabilization and compelled national banks to provide ratably the capital necessary to operate it.

Theoretically it was possible for the many railroad corporations and the many organizations of railway labor to set up by voluntary action agencies necessary to stabilize railroad labor conditions. Actually, effective voluntary cooperation was impossible. Hence, by the device of the Railway Labor Board, Congress sought to provide the necessary supplement to voluntary action.

Theoretically, railroad companies by voluntary cooperation could have established uniform standards of car equipment to permit free interchange of cars, but actually such cooperation was impossible; hence universal acceptance of uniform standards of equipment was compelled by Federal action through the Interstate Commerce Commission.

Theoretically it has always been possible for bankers and business men to establish uniform practices with respect to bills, notes, drafts, etc., but actually it has been impossible, and uniformity came only through the device of negotiable instruments legislation.

Theoretically it has always been possible for shippers of fruit and vegetables to establish uniform sizes and shapes for boxes, barrels, and crates by cooperative action, but experience proved to the contrary, and Congress by the device of a Federal law supplemented cooperative effort and compelled all shippers to use the same size and shape of containers.

Theoretically it was possible for labor to organize so completely that all Government work would be done on an eight-hour basis; but practically it was impossible and Congress stepped in and did by law what cooperation alone could not do.

This list of examples might be extended indefinitely to prove that when the public good can not adequately be served by voluntary cooperation it has been the settled policy of our Government to provide by legislation the means to the desired end. Frequently it is nothing more than a device by which the minority may be required to conform. The device varies with the subject matter. It was compulsory stock subscription in the case of the Federal reserve law; it was a fine in the case of the uniform containers law.

When we consider the basic and fundamental aspects of the surplus control bill its similarity with much familiar and accepted legislation becomes apparent. There are differences in method and detail, of course, just as different methods of taxation are employed with different classes of property; but in all cases the aim and purpose is the same—to have all classes of property contribute to the support of government.

Every industry is in some respects different from every other industry, and a legislative device that will aid one may not benefit another.

The surplus control act with the Federal Farm Board, the stabilization fund, and the equalization fees are for agriculture what the Federal reserve act is for banking; the transportation act for railroads; the immigration law, the eight-hour law, and numerous other labor laws for labor; the tariff act for industry and innumerable other Federal laws are for the special interests they serve.

IV

It may be argued that it is possible for all wheat growers to cooperate in handling wheat exports in a way that will maintain a domestic price in keeping with American standards of living and American industrial prices, but actually it is impossible.

It may be argued that it is possible for all cotton growers to cooperate in withholding the unneeded parts of their crop from the market in years of large production and feeding it back again as needed, but actually such a thing is impossible.

The same is true of all other crops. All farmers will never join cooperative-marketing associations, just as all national banks would never voluntarily join the Federal reserve system, and all shippers would never use the same kind of containers.

A fraction of a group will not voluntarily assume the entire cost of a service to the entire group. Quite a number of farmers' cooperatives in the United States have undertaken to stabilize markets by carrying seasonal surpluses over into the next year, but in every such case the effort has failed, and in some cases the cooperative itself has been wrecked.

A fraction of the producers of wheat, even a large fraction, can no more assume the entire cost of stabilizing the wheat market on an American basis than a voluntary local improvement association can assume the entire cost of building levees or good roads.

A fraction of the producers of cotton, even a large fraction, can no more assume the entire cost of stabilizing the cotton market through cooperative associations than a few national banks can voluntarily assume the maintenance of the Federal reserve system.

V

The equalization fee is a new thing in name only. The principle involved in it is as old as the Government itself. It is this: That all beneficiaries of an undertaking in behalf of the public welfare shall contribute ratably toward paying the cost.

It will cost money to manage surpluses and stabilize markets for farm crops. The producers of each crop—all of them, not a few of them—should pay the cost and bear the losses, if any, because they will be the direct beneficiaries. What better way can be devised for doing that than collecting a small fee on each marketed unit of the crop?

We are told that such a fee would be unconstitutional. Such a statement is merely an opinion; and the same thing has been said of every important legislative act of Congress since the Government was founded. Many lawyers, including the very able lawyers employed by the House and Senate to aid committees in preparing legislation, hold that the equalization fee is constitutional. Many of the ablest lawyers in both Houses take the same view. No one has yet answered the constitutional argument of the late Senator Cummins, of Iowa, in the Senate as reported in the CONGRESSIONAL RECORD of June 19, 1926.

Congress has never refused to pass an important measure because a few men claimed it was unconstitutional. Why make an exception in the case of farm legislation?

VI

It is asserted that farmers do not want farm relief if they must pay an equalization fee.

There is no fact basis for such an assertion. Prolonged hearings have been held by committees of the House and Senate on bills carrying an equalization fee since 1924. The record does not disclose that a single farmer has appeared to protest against it. Surely, if farmers are strongly opposed to it, some evidence of that fact would have found its way into the record of these hearings.

On the contrary, practically every farmers' cooperative and farm organization, whose members produce the commodities named in this bill, is supporting this legislation.

These facts raise the question who represent farmer opinion and farmer sentiment—Washington politicians, grain exporters, the United States Chamber of Commerce, business lobbyists, or the farmers' own organizations?

Why should not farmers be willing to pay a small equalization fee to get profitable prices? The farmers of the South paid to somebody what amounted to a fee of $35 a bale loss on their cotton in 1926 because they did not have a chance to pay a $2 a bale equalization fee to take the surplus off the market. The wheat, corn, and hog producers are paying more than the amount of an equalization fee every year in the form of losses because they have no effective method to maintain profitable prices.

VII

To offer Government loans to farmers as a substitute for an equalization fee is to do a useless thing. Loans are useful and necessary in business, but they can not properly be used or substituted for original capital. In like manner commodity stabilization funds must consist of original capital drawn from the particular industry to be stabilized and not of loans from the Government to some of the people in the industry.

As losses and costs of stabilizing farm crops must be paid out of the stabilization funds there will be need for periodical or occasional replenishment. Funds for that purpose should be provided by the particular crop industry through an equalization fee.

If the stabilization funds should be secured by loans alone, impairment of them by costs and losses resulting from operations could only be made good with further loans. Merely to state this method is to expose the utter fallacy of stabilizing crops by use of loans.

The equalization fee will serve three principal purposes. It will provide the capital fund for managing surpluses, it will prorate the cost equitably upon all the marketed units of the commodity, and it will operate in some degree as a restraint upon overproduction.

Under no conceivable circumstances can loans by the Government, or any other agency, accomplish any one of these three purposes. Therefore no loan plan can properly be called an adequate stabilization plan.

VIII

Some have objected to an equalization fee on the ground that it involves some degree of compulsion; that farmers will rebel against the collection of a fee on their products. There is a measure of compulsion in the bill, as there is in all law. No law is ever needed to require people to do that which all of them will do voluntarily.

The terms of the bill prevent its application to any commodity unless the spokesmen and representatives of the producers of that commodity ask for it. When that happens the bill would require the collection of the fee upon all the marketed units of that commodity. The principle involved is fundamental in popular government.

There is much more compulsion, and of the same kind, in the Federal reserve act than is proposed in the surplus control act. During the debate on the bank bill in the recent Los Angeles convention of the American Bankers Association, Mr. Max B. Nahm, vice president of the Citizens National Bank and Bowling Green Trust Co., of Bowling Green, Ky., said:

"The Federal reserve system can be preserved only by conscripted capital. You can conscript the capital only of national banks. The law does not allow you to reach the State banks.

"I say that the Federal reserve system can exist only on a conscripted capital. During the Revolutionary War the continental States had no authority, and the Revolutionary War was won by private subscriptions of Washington and Morris and the Government of France. During the Civil War the United States could not sell its bonds, and Salmon P. Chase and Jay Cooke raised $2,000,000,000 through the national banking system. In the last war you sold $25,000,000,000 of bonds through the Federal reserve easier than they did $2,000,000,000."

In the course of the same debate, Mr. H. H. McKee, president of the Capitol National Bank, of Washington, D. C., said:

"We can not have a Federal reserve system in this country that is not based upon the compulsory membership of national banks that are under the sole and supreme authority of the Federal Government, that can make them contribute the capital and the assets to that great system to make it function."

If it was right to compel all national banks, the willing and the unwilling, to provide the capital funds necessary to stabilize the banking business, how does it become wrong to require a minority of farmers to contribute a small fee to stabilize their particular branch of the agricultural industry?

Everybody knows that a majority of the national banks opposed the passage of the Federal reserve act. It is equally well known that a majority of interested farmers' organizations favor the passage of the surplus control bill with the equalization fee provision.

The Federal reserve act became operative when passed by Congress. The surplus control bill will apply to a particular commodity only when the spokesmen and representatives of the commodity ask for it to be applied. It is not nearly so arbitrary and compulsory in character as the banking bill.

National banks can not relieve themselves of the requirements of the Federal reserve act, but farmers may relieve themselves of the provision of the surplus act when there is no need for it.

It is beyond the point to say that these comparisons are inapt because national banks are chartered by the Government. Their stockholders are citizens and their investments are private property and just as much under the legal and moral protection of the Constitution and the Government as are farmers and their property. If it is a right and moral policy of government to require owners of national-bank stock to pay an assessment into a capital fund to stabilize the banking business, why is it not a right and moral policy to require owners of farm crops to pay a small fee into a capital fund to stabilize the branch of agriculture?

IX

Another frequently heard objection is that surplus control legislation is new and novel and an untried experiment.

In the very nature of things all fundamental legislation must be new and untried and to that extent an experiment. The interstate commerce act was an untried experiment when it was passed. So was the national bank law, the original protective tariff law, and all new legislation.

It was impossible to know in advance exactly how any of these laws would operate. The same is true of surplus control legislation. The condition of farmers is desperate and threatens the prosperity of other classes. While this is not the first time in history that agriculture has been unprofitable, there are in the present situation many factors which were not present in other depressions and which give special significance to present conditions.

The surplus control bill proposes a plan which is new as legislation, but old as business practice. It aims to make it possible for producers of farm commodities to create with their own money stabilization funds which will be employed to stabilize the market for these crops by a sound business method. If all the wheat or all the cotton in the country were

produced by a relatively small number of people, such legislation might not be necessary because the producers could "get together" and stabilize their markets as the steel market and many others are stabilized. But with farming in the hands of millions of men legislation is required to secure stability.

Nobody can guarantee the complete success of the plan. Experience may and probably will suggest changes. More than 30 provisions of the Federal reserve act have been modified since its enactment and many others are now pending.

To oppose surplus control legislation because it is new and untried is not only illogical but it is a discrimination against farmers because it makes a requirement of them that is not made of other classes when they seek legislation—that is final perfection and guarantee of perfect operation.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The committee informally rose; and Mr. RAMSEYER having assumed the chair as Speaker pro tempore, a message in writing from the President of the United States was presented to the House of Representatives by Mr. Latta, one of his secretaries, who also announced that on February 28, 1928, the President had approved bills of the House of the following titles:

H. R. 5501. An act authorizing the Hermann Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Hermann, Gasconade County, Mo.;

H. R. 5502. An act authorizing the Washington Missouri River Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Washington, Franklin County, Mo.;

H. R. 5722. An act authorizing the Rogers Bros. Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ashland, Ky.;

H. R. 6639. An act authorizing the Centennial Bridge Co., of Independence, Mo. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Liberty Landing, Clay County, Mo.;

H. R. 6991. An act authorizing the erection of a nonsectarian chapel at the Army medical center in the District of Columbia, and for other purposes;

H. R. 8106. An act authorizing F. C. Barnhill, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Arrow Rock, Saline County, Mo.; and

H. R. 8107. An act authorizing Frank M. Burruss, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Miami, Saline County, Mo.

AGRICULTURAL APPROPRIATION BILL

The committee resumed its session.

The CHAIRMAN. For the information of the committee the Chair will state that the gentleman from Iowa [Mr. DICKINSON] has used 1 hour and 36 minutes and the gentleman from Texas [Mr. BUCHANAN] has used 2 hours and 16 minutes.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield to the gentleman from West Virginia [Mr. BACHMANN] 15 minutes.

The CHAIRMAN. The gentleman from West Virginia is recognized for 15 minutes.

Mr. BACHMANN. Mr. Chairman, West Virginia is not getting a square deal in the enforcement of the Federal prohibition law, and has not since it has been in the sixth prohibition enforcement unit, attached with 27 counties in the western district of Pennsylvania and 3 counties in Maryland. I have realized this situation for the past year and have given the matter considerable study.

I was much pleased with the ability and character of Federal Prohibition Commissioner J. M. Doran, who is charged with the duty of enforcing the Federal prohibition law. The first conference I had with him convinced me of the fact that he knows what is going on in West Virginia, and I am confident that he will endeavor to correct the situation in so far as he possibly can. Doctor Doran wants efficient prohibition enforcement, and I am of the opinion that he realizes the system used in one State may or may not work satisfactorily in another.

I am not personally acquainted with Mr. John D. Pennington, administrator in charge of the sixth prohibition unit at Pittsburgh, but I understand him to be a very fine gentleman, and what I say here is not intended in any way as a reflection upon him or his ability.

The sixth prohibition unit is composed of the State of West Virginia, containing 55 counties, 27 counties in western Pennsylvania, and 3 counties in Maryland. Headquarters for the unit are maintained at Pittsburgh, Pa.

The total annual appropriation allocated to the sixth prohibition unit is $539,640, of which amount the prohibition administrator at Pittsburgh estimates he is expending approximately $100,000 in West Virginia. In other words, our 55 counties in West Virginia are receiving less than one-fifth of the appropriation, while 27 counties in Pennsylvania and 3 counties of Maryland receive the balance of over $400,000. Personally, I do not believe—in the absence of proof to the contrary—that West Virginia is even getting $100,000 of this appropriation, because the only officials allotted to West Virginia are 2 deputy prohibition administrators, 3 clerks, and 14 agents, making a total of 19 employed, who receive an aggregate salary of $38,000, leaving $62,000 of the appropriation for railroad fares, hotel bills, and other expenses of officials of the Pittsburgh office for traveling over the State of West Virginia endeavoring to become acquainted with the 19 officials stationed in West Virginia, the court officials, and the people generally. Much better use could be made of this $62,000 if, with the other $38,000 allocated for salaries, it could be spent by a West Virginia administrator, owing his allegiance to the Federal Government and the people of the State, free from Pennsylvania domination.

In this connection it might be interesting to note that the counties in the western district of Pennsylvania have in the Pittsburgh office the following employees: One prohibition administrator, 1 assistant administrator, 1 attorney, 2 assistant attorneys, 4 junior attorneys, 52 prohibition agents, 19 prohibition inspectors, 2 investigators, 2 spirits inspectors, 58 clerks, 1 mechanic, 1 laborer, and 1 messenger, totaling 145. One hundred and forty-five employed in the Pittsburgh office to enforce the law in 27 counties in Pennsylvania, who receive an aggregate salary of $278,820. What part the mechanic, laborer, and messenger play in the enforcement of prohibition in western Pennsylvania, I do not know, but they surely are not thought to be of much service in West Virginia. We seem to get along fairly well with 14 agents, 3 clerks, and 2 deputy administrators, and without a mechanic, laborer, and messenger.

In order to understand what progress our State is making as compared with the 27 counties in Pennsylvania, I went to the office of the Attorney General and was startled and surprised to learn that the western district of Pennsylvania does not put into the Federal Treasury, as a result of fines collected, a sum in any measure proportionate to that which it receives. In fact, it does not collect enough in fines to pay the salaries of the 145 employees in the Pittsburgh office. The earnings, in fines, of the western district of Pennsylvania amounted, during the fiscal year 1927, to $169,661, while its employees' salaries amounted to $278,820.

In West Virginia more than $100,000 was collected in fines, and the salaries of the officials and employees amounted to only $38,000. The Pennsylvania district does not turn back one-half of what it spends, while West Virginia turns back into the Treasury more than it receives.

I learned, also, at the Attorney General's office, that for the fiscal year 1927 there were commenced in West Virginia 3,092 prohibition cases; in Pennsylvania, 1,606 cases. There were terminated in West Virginia 2,846 cases and in Pennsylvania 1,307 cases. There were 2,406 convictions in West Virginia and 1,230 in Pennsylvania. There was 1 acquittal in West Virginia and 10 in Pennsylvania. There were 2,395 pleas of guilty in West Virginia and 1,217 in Pennsylvania. The aggregate amount of fines in West Virginia was $142,975, and in Pennsylvania $177,946.

On an appropriation of less than $100,000 (while the western district of Pennsylvania had over $400,000), there were 1,486 more cases commenced in West Virginia than in Pennsylvania. There were 1,539 more cases terminated, 1,176 more convictions, 9 less acquittals, and 1,178 more pleas of guilty. In this connection the Federal court in the southern district of West Virginia, presided over by Judge George W. McClintic, leads every judicial district in the United States in the number of convictions, pleas of guilty, and cases handled during the fiscal year 1927.

It is claimed that some of the employees of the Pittsburgh office are sent into West Virginia, as conditions seem to warrant, to teach West Virginia how to enforce the law in our own State. This is the crux of the evil, for it militates against efficient prohibition enforcement. West Virginians know West Virginia and its people and are more capable of enforcing the law in West Virginia than Pennsylvanians or those from other States. The agents stationed in West Virginia work up their evidence and their cases, acquiring their information from West Virginians, and when they are about ready to raid or arrest, some of the Pennsylvania officials step in and take the credit

duly belonging to the West Virginia agents. This is not only discouraging but hinders proper enforcement.

We West Virginians believe that the prohibition law in West Virginia can be better enforced by taking West Virginia from the dominating influence of western Pennsylvania and placing it in a unit by itself. We do not believe that Pennsylvanians are as capable of enforcing the law in West Virginia as are West Virginians, any more than we believe that West Virginians are as capable of enforcing the law in Pennsylvania as are Pennsylvanians. The problems in both States are different. We have no brewery problems; they do in Pennsylvania. Liquor made in West Virginia is used in West Virginia, and most of the liquor brought into West Virginia comes from Pennsylvania and Maryland. Very little, if any, leaves the State. West Virginia is a mountainous State, and the capturing of stills in the mountains is a dangerous and hazardous undertaking. West Virginians understand these problems.

Everyone who understands the situation or who is charged with the duty of enforcing the prohibition law in West Virginia agrees that West Virginia should be in a unit by itself; that it would be more economical for the Government; that there would be better cooperation and more satisfactory enforcement.

At present the Volstead Act is enforced in West Virginia by the State law. Federal warrants are not used. In practically all cases warrants for search and seizure and for arrest are issued by justices of the peace. Arrests and searches are made under these warrants, and then in a large number of cases information is filed in the Federal courts against those taken into custody under the State warrants. Practically all search and seizures and arrests are made by the State constabulary, in many cases assisted by the county sheriffs and State prohibition officers. It can readily be seen that under this system, to have successful cooperation for the enforcement of the law, Federal officers should at least have considerable acquaintanceship with State officers. Were West Virginia in a unit by itself more harmony would prevail.

I have given this matter considerable study for the past year. I have talked with prohibition agents; I have talked with officials of the Federal courts in both the northern and southern districts of West Virginia. I have a letter from Hon. William E. Baker, judge of the District Court for the Northern District of West Virginia, who says:

> I have observed for some time past that enforcement in the northern district has not been as efficient as it formerly was. * * * It is my personal opinion that should West Virginia be made a separate unit with West Virginians in charge, and rules and regulations prescribed that are applicable to West Virginia—which might not work in Pittsburgh or Pennsylvania—we would have much more satisfactory administration of the prohibition law than we have had in the past year or so.

And a letter from Hon. Arthur Arnold, district attorney for the northern district of West Virginia, who says:

> There has been, is, and will continue to be a prevailing and overwhelming sentiment among West Virginians for the creation of the State of West Virginia as an individual unit in the administration of the national prohibition law. I am strongly in favor of such action, and if the Prohibition Bureau in Washington were at all familiar with the geography and topography of the State of West Virginia and knew West Virginians and understood the situation as we do, the bureau would not hesitate to take this desired step, because of the benefits not only from an administrative standpoint but from the viewpoint of enforcement itself. * * * West Virginians will not be satisfied until it is accomplished.

And a copy of a letter sent by Hon. Russell Furbee, assistant district attorney, to Judge Baker, in which he says, in part:

> When I first assumed the position of assistant United States attorney and for about a year and a half thereafter West Virginia was a separate unit, as you know, and I sincerely say that during that time we had in this district, in my opinion, the most successful Federal prohibition enforcement that we have ever had. I think that you will recall that we had more good cases and a much larger number of prohibition cases than we have had at any time since. It may be that the system that is now in vogue as compared with the system then in vogue is responsible for this difference, but I can not make myself believe that the system could bring such a material difference. I believe that when West Virginia was a unit by itself that the agents had more confidence in each other; there was a greater spirit of cooperation and loyalty to each other than is now in vogue. I believe that they felt more keenly their individual responsibility and were given probably more latitude in working out means for prohibition enforcement. The same trouble with enforcement that was brought out when West Virginia and Virginia were together has not been removed since West Virginia has been attached to Pennsylvania, and I know that every effort has been made to eliminate the same. And I can not help but think that the difficulties encountered now are due primarily to rules and regulations prescribed which would apply in Pennsylvania, but would have very little, if any, application in West Virginia. I say this because I am convinced that the prohibition enforcement problems are different in the two States, and the methods to be used in the two States of necessity must be different.

And a letter from Hon. H. N. Bradley, former assistant prohibition administrator for West Virginia, who said:

> * * * Our citizenship should not be placed in the embarrassing position of being tacked on to the tail of western Pennsylvania nor any other subdivision of a State.
>
> We now have men in the service in West Virginia who have spent years in the service, and have been through the mill of experience with reference to this matter and have weathered the storm, and their character is above reproach. They stand well in their community, have the confidence of and the respect of all good citizens. It is not necessary for me to name them, but in your own city of Wheeling there is one George Heide, who has been in the prohibition department for more than five years, has forgotten more about the enforcement of prohibition than some of the fellows who are over him will ever learn. * * *
>
> To my mind, prohibition can not be enforced successfully unless the men engaged in the service have the confidence and respect of the good citizens of a community in which they are working. We do not confide in men that we do not know, nor give information to agents who are strangers, nor "cast our pearls before swine." To successfully solve this great problem we must have men in the service with tact, rigid honesty, moral stamina, sound judgment; impelled by patriotic motives, familiar with the conditions as they are, and a sincere desire to see West Virginia go forward in this matter in a proper way.
>
> The agents in the service must have as a leader a man in whom they have confidence, one that is in friendly relations with the local authorities in the several subdivisions of the State, a man who is capable of leading rather than driving men, and also, and possibly the most important, he should be a man who will see that all violators are brought to justice on evidence secured in a proper way, so that the United States attorney's office can submit the evidence with confidence to the Federal judges, and the juries composed of men within the State who are to pass on each case and arrive at a verdict according to the evidence produced. This can not be done, in my opinion, by people outside the State who have no particular interest in the peace, welfare, and best interests of the citizenry of the Commonwealth.

And a letter from Judge George W. McClintic, judge of the District Court for the Southern District of West Virginia, who lately called upon Prohibition Commissioner Doran personally and urged the necessity of West Virginia being placed in a separate unit. Judge McClintic says:

> The Federal prohibition department has ceased to function in this district. It is true that they might get their names on a lot of warrants, but they are simply taking other people's thunder and not showing any work of their own. I went to the Prohibition Commissioner with the hope that we could get some West Virginians who understood West Virginia and who were at least able to stand up in the eyes of the public and pass inspection as prohibition officers. * * * I appreciate your good intentions and hope you will be successful.

And I have other letters from prohibition agents, all recommending that West Virginia be placed in a separate unit. Senator GUY D. GOFF and practically the whole of the West Virginia delegation in Congress favor this movement. Senator GOFF wired Doctor Doran as follows:

> I am strongly and earnestly in favor of making West Virginia a separate unit. I am unalterably opposed to tying our State to Pennsylvania. It is impracticable, as the loose enforcement of the prohibition law in many of the larger areas of the State proves. * * * I am governed solely by facts and not in any instance by opinion.

I have no personal interest in this matter, but am moved solely by the fact that I want the great State of West Virginia to have a square deal, and am willing to use every effort to have the State placed in a separate unit for prohibition enforcement, in so far as it is in my power to bring it about. [Applause.]

Mr. BUCHANAN. Mr. Chairman, I yield to the gentleman from North Carolina [Mr. ABERNETHY].

Mr. ABERNETHY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD relative to radio legislation, and in connection with those remarks I wish to insert an article written by Congressman DAVIS, of Tennessee.

The CHAIRMAN (Mrs. KAHN). The Chair does not think the gentleman can do that in committee; it is in order to do that only when the House is in session.

Mr. ABERNETHY. Very well.

Mr. BUCHANAN. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. HUDSPETH].

Mr. HUDSPETH. Gentlemen of the committee, a friend of mine, a Member of Congress, asked me a short while ago when I was going to make a tour of Europe. He said he had visited some very interesting places over there. I told him that whenever I had completed a tour of the United States, and familiarized myself with my own country, I might then consider making a tour of Europe or going into foreign countries. Some day, gentlemen, I want to visit the great State of Iowa, the home of my friend, the chairman of this subcommittee on agricultural appropriations [Mr. DICKINSON]. I want to see the splendid hogs they raise up there. I want to see where you finish Texas beef, which we some day will and should now finish at home, and then ship it back to Texas to be consumed down there by our producers, after feeding it your splendid Iowa corn I hear so much about. I want to visit the granite hills of the great State of New Hampshire, from whence comes my good friend, Mr. WASON, a valuable member of this subcommittee on agiculture appropriations. Also I would like to visit the great State of Maine, the home of my affable friend BEEDY, and the State of Washington, from whence comes another member of this subcommittee, Congressman SUMMERS, who has aided me in getting agricultural and livestock appropriations. I have never had that pleasure. I was on the edge of Washington at one time, but did not get far across the line. I believe that every man who represents a district in Congress ought to visit every part of this great Republic, and familiarize himself with the needs of all our people—he would be in a position to make a better Congressman. That is my judgment. Gentlemen, I want to be fair to every interest when I cast my vote, and first-hand knowledge enables you to be fair.

Now, let me say, gentlemen of the committee, before I take up the subject which I want to discuss briefly, that I appeared before the subcommittee, which prepared this appropriation bill, twice. The great livestock and agricultural interests of my district asked a great deal in the way of appropriations that would be beneficial in the better production and sale of their products, and the protection of same from pests and disease. I want to say to you, after reading this bill, and I have read it carefully, that in my judgment, not only have the great livestock interests been taken care of to a greater extent than in any other measure I have ever seen come before this House, but the agricultural interests all over this country have been fairly well taken care of. [Applause.]

I want to say that in behalf of this subcommittee, and furthermore I want to say that I never received more courteous treatment than I received from this committee. I trespassed upon the time of this subcommittee longer than I felt their patience should permit in presenting matters affecting the livestock and agricultural interests of my section of the country, but they heard me patiently and exhibited a sympathetic attitude.

Now, as to the minority members—the two Democrats on this committee. The gentleman from Texas [Mr. BUCHANAN] is a very active and able member of this committee, and is a man who has given careful study to the problems of agriculture and the livestock producer. Of course, if you would hear us joke one another, you would think we might be angry, but that never happens. I have known the gentleman for 25 or 30 years. He was up in years when I first knew him and I was a young boy. [Laughter.] I want to say to you that in those days he was an able official, and I say this in all seriousness of my friend BUCHANAN. We have been friends for 25 years, and we will be friends until the eyes of one of us close in death. [Applause.] I want to say this in regard to that gentleman. He was an able district attorney, and has the best record, I believe, of any man who has ever held that position in my State. He prosecuted men whether they were worth millions or came from among the humble class. He prosecuted them if they were guilty, but he did not prosecute innocent men. He was that kind of a just and fair man. He was an able representative in the Texas Legislature, and fought for the interests of the farmer and stockman, as he tries here to represent every part of this great State in these great industries which his committee represents. I have often said, and this is no campaign declaration, that if the people in his district knew him as we know him here, and this applies just as strong to the Republican Members as of his own party, there would never be any opposition to JAMES P. BUCHANAN. [Applause.]

Also my good friend from Louisiana, the Hon. JOHN N. SANDLIN. He has been a distinguished member of the district bench in that great State. He has given great thought to the problems that have come before this subcommittee affecting agriculture and livestock, and his counsel carries great weight with both parties when this bill comes before us for consideration.

Gentlemen, as far as I have been able to ascertain—and I took this bill home and read it last night—I have not very many suggestions to offer. I feel they have done the best they could and stay anywhere close to the Budget estimate. I will say to my good friend from Washington whom I see directly in front of me, Doctor SUMMERS, that you gentlemen deserve the praise of this House in your earnest endeavor to look after all portions of our country in making up your final estimates. I did not get everything I asked for, but I think probably I got everything you could give me without greatly raising the Budget estimate. I feel that, as a matter of justice to this subcommittee, I ought to make that statement.

Mr. DICKINSON of Iowa. Will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. DICKINSON of Iowa. As far as the chairman of the subcommittee is concerned, and I believe I voice the sentiment of the other members of the subcommittee, the gentleman is always welcome before our committee.

Mr. HUDSPETH. Thank you, sir. I know I have been made to feel that way; not only myself, but I saw dozens of other gentlemen there, from Kansas and from other States, presenting matters that I knew nothing about, such as the Japanese beetle, and so on. Every one of them got a most sympathetic and respectful hearing and were heard with a patience that I have never seen exhibited in many other committees. They were permitted to explain their propositions at great length and were received with the greatest courtesy. They were received with that courtesy which is due from one gentleman to another. I feel that, in justice to these members, I ought to make that statement, because I appeared before the subcommittee probably a greater number of times than most other Members of this House.

I appeared before the subcommittee with regard to the loco weed, a weed which greatly affects livestock in my country. That was something which was new to you gentlemen but was not new to us out in the great livestock section of west Texas. I wanted something done which would enable my people to produce better beef and more beef, and the subcommittee was kind enough to include an appropriation for a survey of the loco weed in order to see what can be done to destroy it finally.

I secured $15,000 for eradicating the blowfly, which produces the screw worm, and $50,000 additional for the grub in the backs of cattle, which damages the hide, which will enable the Federal Government to eradicate same; and a substantial increase for Texas especially, and throughout the country, of the appropriation for the destruction of predatory animals, rodents, and rats that destroy valuable crops.

I feel that a committee which has brought out a bill as fair as this bill appears to me to be ought to be commended by this House.

Now, there is a serious question which confronts my people to-day, or a great many of them. It is the pink bollworm. So far as Texas is concerned, it has only appeared in the district I try to represent here this year and one county in my friend Congressman JONES's district. It is a serious pest. It might destroy the great cotton-producing section of Texas; and this subcommittee has recommended an appropriation of $687,000, if I mistake not, for that purpose, $200,000 made available at once, which I insisted upon to my friend BUCHANAN, and he brought it out, or greatly aided.

Therefore, when this committee brings in an appropriation of $687,000, of which $200,000 is made available at once by the Federal Government, to join with my State to investigate and control this great menace that is now in six counties in my district in the northern part and in two counties in the southern or Big Bend section, it is starting a great work for my farming people, and I thank them.

Now, this does not mean the creation of a noncotton zone. But if any zone is declared, it should be only, in my judgment, and from what information I have received from reliable people in that section, a regulated zone where cotton is permitted to be planted.

If a noncotton zone is declared, there is an erroneous idea in my State in the minds of many people that the Federal Government does pay for all the damage. Heretofore the Government has paid, as I understand it, one-third where they absolutely blot out the planting of cotton in a certain district for five or six years. I am of the opinion that the Federal Government should pay at least half, and in this case, where the State has no funds, and, as our legislature is not in session, and a noncotton zone may be declared by the Texas Pink Bollworm Commission, then our Government, as a just remuneration to our farmers, should at once appropriate sufficient money, immediately available, to pay all loss if a noncotton zone is declared.

I believe in State rights and the good Democratic doctrines of Thomas Jefferson and Andrew Jackson, but our farmers should not be out any portion of their losses for a year. No; not for a day. They are mostly poor people and should be reimbursed immediately, and the only immediate way to reimburse them is through a resolution appropriating sufficient money to meet their losses in noncotton zones, by this Congress. You will understand that the authority to create either a regulated or a noncotton zone is lodged just where it should be, and where it should ever remain, in the Pink Bollworm Commission of Texas. I am opposed to the Federal Government, or any of its agencies, ever being vested with such authority. The State of Texas should never relinquish any such authority to the Federal Government. But the other precedents have been that the Federal Government has paid one-third and the State two-thirds. This can only be done by a decree of the State pink bollworm commission, created by the Legislature of Texas and appointed by Governor Moody; that is, the creation of zones. Then the Federal Government comes along and necessarily ratifies that action.

Lots of my people have wired me to have the Federal Government not to create a noncotton zone. The Federal Government does not create any zones at all. The only way they might protect the people of another State is to establish what you might call a quarantine. If the State did not regulate it, if the State did not declare a noncotton zone, the Government could decree that no cotton should be shipped out of Texas if the pink bollworm was thought to be such a menace to other cotton-growing sections. The only way they could come near to creating a zone is to declare a quarantine around my State, they tell me, if the State failed to take necessary action.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HUDSPETH. Gentlemen, I thank you and this committee for the great consideration shown my people. [Applause.]

FURTHER MESSAGE FROM THE SENATE

The committee informally rose; and Mr. RAMSEYER having assumed the Chair as Speaker pro tempore, a message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a bill and joint resolution of the following titles:

H. R. 10298. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near New Orleans, La.; and

H. J. Res. 223. Joint resolution making an additional appropriation for the eradication or control of the pink bollworm of cotton.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 10286) entitled "An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes," disagreed to by the House of Representatives, and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. REED of Pennsylvania, Mr. JONES, Mr. WARREN, Mr. HARRIS, and Mr. FLETCHER to be the conferees on the part of the Senate.

AGRICULTURAL APPROPRIATION BILL

The committee resumed its session.

Mr. BUCHANAN. Mr. Chairman, I am going to yield myself one-half minute to make this statement. There are 20 Members on this side of the House who have requested time and have as yet not been accommodated. The number of minutes requested ranges from 10 minutes to 1 hour. I want to state to them here and now that it will be impossible and an injustice to those who have not been accommodated to grant any extensions of time to those who are accommodated in the future. Therefore I hope that no man will ask for an extension of time at my hands because if he does, he will not get it.

I yield 30 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman and gentlemen of the committee, the Committee on the Merchant Marine and Fisheries yesterday afternoon filed a report on a bill which would have the effect of amending the radio act of 1927. This act in general provided that all radio service must be equitably distributed and allocated to the various five zones into which the country is divided. The division has been on the basis of service.

Some of the Members of the House, finding fault with that manner and type of division, have influenced the committee to formulate a new doctrine of division, so that in the language of the reported bill, section 9 of the radio act of 1927—

shall be amended by striking out the second paragraph and inserting in lieu thereof the following:

"The licensing authority shall make an equal allocation to each of the five zones established in section 2 of this act of broadcasting licenses, of wave lengths, and of station power, and within each zone shall make a fair and equitable allocation among the different States thereof in proportion to population and area."

In other words, they seek to divide the country, not along the lines of service but that the division shall be along the lines of station power and stations. We might term this amending clause the "equal-license clause."

Radio, gentlemen of the committee, affects intimately the lives of some 30,000,000 people of this country. Probably one-fourth of all the families in the United States listen at some time or other to radio broadcasting programs. So you see the matter is of considerable consequence, and it is important that the men and women of this committee should know exactly the nature of this amendment.

There are 680 stations. The number of stations varies from day to day in pursuance of changes made by the Radio Commission. One hundred and twenty-six of these stations split time—that is, they split the same wave lengths. Five hundred and fifty-four of them operate simultaneously. So that in the main we might say there are 554 stations operating at one given moment in the United States.

The chairman of the Committee on the Merchant Marine and Fisheries, Mr. WHITE of Maine, in his report on page 3, says there are 701 stations. Mr. DAVIS, the gentleman from Tennessee, also indicated the other day there were 701 stations. Their figures are not accurate. At this writing I am informed by the Radio Commission that there is a total of but 680 radio stations. Deducting therefrom the number of stations that split time and wave length there are actually but 554 stations. Both Mr. WHITE and Mr. DAVIS have allowed this error to creep into their figures and their conclusions must therefore necessarily be askew.

Now, how are these 554 stations divided, or how were they divided and allocated by the Radio Commission which has been functioning for just one year?

In the first zone, which takes in the New England States and the eastern seaboard with a population of about 23,000,000, there are 95 stations with station power of 202,400 watts.

The second zone, which takes in the States of Michigan, Ohio, West Virginia, Kentucky, Pennsylvania, and so forth, with a population of about 24,000,000, has 93 stations, and a station power wattage of 103,700.

The third zone, which takes in practically all the Southern States, has a population of about 25,000,000, and has 88 stations with a wattage station power of 45,570.

The fourth zone, which takes in such States as Illinois, Indiana, Missouri, Iowa, Minnesota, North and South Dakota, Kansas, with a population of about 25,000,000, has 166 stations and a station power wattage of 139,000.

The fifth zone, which takes in the Pacific coast, has a population of a little over 9,000,000, with 112 stations and a wattage station power of 60,620.

Herewith find a table which indicates the zones, stations, and power:

Zones	Average population	Number of stations	Power in watts
First	23,000,000	95	202,400
Second	24,000,000	93	103,700
Third	25,000,000	88	45,570
Fourth	25,000,000	166	139,000
Fifth	9,213,920	112	60,620
Total	105,000,000	554	551,000

I was curious to discover how the stations were divided in terms of Congressmen and Senators, figuring 435 Congressmen and 96 Senators. The following table is interesting:

	Power per Member of Congress	Station per Member of Congress
Zone 1	1,771	0.833
Zone 2	942	.863
Zone 3	367	.710
Zone 4	1,123	1.340
Zone 5	1,010	1.900
Zone average	1,041	1.045

It will be noticed that there is approximately one station for every Representative and Senator. See how close the average is between zones 1, 2, and 3.

Now, complaint has been registered in the House that zone 3, the southern zone, did not receive a fair deal at the hands of the Radio Commission. Members claim that they have the largest number of people living in that zone, and they have the least number of stations.

There may be some just cause of complaint on the part of the South, but know this, my good friends, radio is a new art, or a new science, if you wish. Not very much has been discovered with reference to it—much remains to be discovered in this art or science and it would not be well to tether or circumscribe it with too rigid legislation. We must give it an opportunity to spread, an opportunity to develop. We should not be guided by the adoption of some mathematical formula that stations shall be equally divided, because you know and I know and those of us who use the radio know that stations like WEAF and WOR and KDKA may be heard all over the United States, and that WJZ in the State of New Jersey can be heard in every nook and corner of any hamlet of the United States, in the Virgin Islands, and in Porto Rico and has actually been heard in every continent on the globe. It matters not where a station may be. It is where it is heard that counts. It is the service it renders that matters. So we must not use mere figures or numbers to determine what shall or what shall not be the policy. Merely dividing the country equally as to stations will not help us. We must allow the question to be solved by the best engineering talent.

But I fear the Committee on the Merchant Marine has not followed that procedure; they have been interested too much in figures or mathematics. They have lost sight of the fact that the business at hand is of a highly technical nature. Too much sectional politics has crept into the discussion.

Now, the committee in its amendment provided that there shall be this equal distribution—equal numerical distribution—as though the stations throughout the country were a sort of pie with one-fifth of the pie to be given to each of the five zones.

There are three methods of procedure open to the Radio Commission if you pass this amendment:

First. Increase the power and stations of the lowest zone to the maximum.

Second. Equalize the stations and power of all zones, but do this gradually over a period of time.

Third. Reduce all zones to the minimum.

The amendment in question forces you to adopt the third method. There is no choice as we shall see. Let us examine the first suggested method; that is, to scale up those zones which are insufficient in power and stations to the maximum.

You would bring up zone 3 with 88 stations and the station power of about 45,000 watts; bring it up to the station power, say, of zone 1, New England, New York, and so forth, with a station power over 200,000 watts and 95 stations. Radio engineers tell us that you can not do that; to do that would make confusion worse confounded, because the radio spectrum would become blurred as it were, or, to use another figure, the bucket is overflowing. We have too many stations already and we can not add to them, or rather add to the number of wave lengths, without causing a great deal of havoc and confusion.

Then again if you adopt that policy of lifting up the lower-power zones to the higher-power zones it does not follow that the radio broadcasting owners in the South would willingly make application for higher power or more stations. You can not force them to come up to the standards that exist in other zones. So that method of procedure fails. Then, from the scientific standpoint, it is quite impossible.

What is the second method of procedure? It is a gradual equalization in order to give some sort of satisfaction to the Members of this House from the South and from some of the other complaining zones—although I must say at this moment I believe most of the complaints have come from the Members from the Southern States and not elsewhere—I would create an equalization, but would do it gradually, not with one fell swoop, not suddenly, as you require it to be done by this proposed amendment. The amendment uses mandatory language. Those of you who are familiar with the interpretation of statutes and the construction of various acts know that where the word "shall" is used—and you use the word "shall" in this amendment—those who are in authority to enforce the act must act. They have no discretion. It is their duty mandatorily to put into effect the provisions of the act. In this amendment you do not give them time. You say that it must be done, and since the amendment will go into effect immediately, then this so-called leveling process would have to go into effect immediately. I say that that is wrong. You could easily do it within a proper time, and if a proper amendment were brought forward I would willingly support it. I am told that of the 554 simultaneous stations—that is, stations operating at one given time—300 can be taken off the air "for cause." When I say "for cause" I mean for legal cause, because the radio act provides that proceedings may be instituted against stations which offend against the radio act of 1927 or which offend against the rules and regulations laid down by the Radio Commission. Numbers of those 300 stations have been guilty of "jumping" their wave lengths, and others have been guilty of failing to abide by orders of the commission, which confines their broadcasting to certain periods of time.

As a result of the disobedience of the mandates and orders of the commission, some 300 of these stations can be taken off the air. Then what would follow? There is the opportunity to the men from the South. They could insist, and rightly so, that those stations and the station power inherent in them be given to zone 3, and then without any undue disturbance, with all fairness and justice, there would be brought about a just and equitable distribution of stations.

The third procedure, which is the procedure of this amendment, is that there would be a scaling down to the lowest level. There is no other alternative left. All of the other zones which have preponderance of stations would have to come down to the level of zone 3, and there would have to be taken from zone 1 a number of stations to make an equal distribution and division between the southern zone and the north and western zones.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. CELLER. Yes.

Mr. McKEOWN. I wish the gentleman would explain to this House why the other zones would have to come down to the third zone. The first zone, in which the city of New York is located, is one of the small zones, so far as area is concerned, and has a population of 24,000,000 people, approximately. It is allowed 193,000 watts power, whereas the southern zone, with a large area, with more population, has only 45,000 watt power, and the zone in Pittsburgh and Philadelphia, with 40,000 less population than the first zone, are granted barely more than half the power of the first zone. Why would it be necessary to bring those down?

Mr. CELLER. With all due respect to the gentleman's observation, I believe that he has an improper slant on this whole problem. Let us take zone 1 and zone 3. The gentleman resides in zone 3 and I reside in zone 1. I have taken the trouble the last few days to determine the radio population, not the population in general, but the radio population in zone 3 and zone 1. The southern zone has, shall we say, 30 per cent negro population. It may be more. Does not that have an effect on the situation? Comparatively few of the negroes in the gentleman's State have radio sets, and you can not bunch the colored population together with the white population and base your demands upon the combined total. The gentleman knows that the negro in the South is the victim of great poverty and is unable to purchase radio sets. It is quite improper to use general population as a standard. The test is, what is the radio population?

Mr. McKEOWN. Will the gentleman give the committee information as to what per cent of the people own radio sets, as compared with the North, and also will the gentleman tell the House in counting radio population the difference between an unfortunate negro population who do not have many receiving sets, and a lot of foreign population that can not understand the English language?

Mr. CELLER. Oh, that is beside the point.

Mr. SCHAFER. Can not they understand music?

Mr. CELLER. I will answer the gentleman from Oklahoma, however, and say this: I shall be very glad to put into the RECORD the number of people who listen and have receiving sets in the various States of zone 3, and compare that with the number of people who listen and have receiving sets in zone 1. I shall not take the trouble to read the individual States, but I will give you the total. The actual radio population in zone 3, the gentleman's zone, is 1,037,950, and the actual radio population in zone 1 is 1,444,000.

Receiving sets, January 1, 1927

ZONE 3	
Texas	277,550
Oklahoma	100,750
Arkansas	52,000
Louisiana	83,200
Mississippi	49,400
Alabama	68,250
Tennessee	97,500
Georgia	91,750
North Carolina	91,550
South Carolina	48,100
Florida	77,900
	1,037,950

ZONE 1 (EXCLUSIVE OF PORTO RICO AND VIRGIN ISLANDS)	
New York	655,850
New Jersey	193,700
Maryland	81,900
Delaware	13,650
District of Columbia	42,900
Connecticut	79,950
Rhode Island	43,550
Massachusetts	239,200
Vermont	21,550
New Hampshire	27,650
Maine	44,200
	1,444,100

In rough figures the radio population of zone 1 is just under 50 per cent greater than the radio population of the gentleman's zone, while the said zone 1 has less than 10 per cent more stations than zone 3. That is, zone 3 has 88 stations and zone 1 has 98 stations. Zone 1, with a little less than 50 per cent more population, should have a little less than 50 per cent more stations.

When it comes to station power the amount of watts allotted to zone 3 is insufficient, but who is to blame for that? The South has not petitioned for high-powered stations as has the North. Had such requests been received I do not believe the Radio Commission would have discriminated against the South.

I will also say this: I made direct inquiry of the Radio Commission, and I discovered this, that zone 3 had actually received 12 new stations during the past year, and zone 1 has not received any except one at Saranac Lake, for the veterans in the veterans' hospital, and even then that station was for a very limited period, from 10 o'clock to 12 o'clock in the morning, with a very low power. So that you see the Radio Commission, after all, has been trying to deal out even-handed justice, not only in the gentleman's State, but in mine. It has refused hundreds of applications in the North and the West, and has actually granted 12 applications for new stations in the gentleman's zone.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield there?

Mr. CELLER. In a moment. The complaint has been made that the farmers are the ones who are suffering from this alleged unfair allocation of stations. I have gone to the trouble to see how the farmers actually fare in the gentleman's State and in the other neighboring Southern States, and I find that comparatively very few farmers have radio sets or listen in on the radio.

Let me read some very significant figures in reference thereto. These figures are as of date January 1, 1927. I tried to get figures to date, but I could not get them. In Alabama there are two hundred and thirty-seven thousand and odd farms, and in that large number of farms we find only some 6,000 radios. Ninety-seven per cent of the farmers of Alabama have no radios. Only 3 per cent of the farmers of that State have radios.

Take Arkansas as another example. Only 7 per cent of the farms have radios. In Florida only 3 per cent of the farms have radios. In Louisiana only 2 per cent have radios. In Mississippi only 1 per cent; in North Carolina, 3 per cent; in South Carolina, 4 per cent; in Tennessee, 4 per cent; in Texas, 8 per cent. The above comprise the States of zone 3. These figures show the reason why there are fewer stations in the South. The station owners only go where there is business; where there are listeners; where there is a demand for the broadcasting of programs.

Now, what is the situation in reference to the farmers in my State? Be it known that we have a great many farmers in New York and in the other States included in zone 1. Forty-two per cent of the farmers in New York have radios; 25 per cent of the farmers in Connecticut have radios; 22 per cent of the farmers in Maryland have radios; 75 per cent of the farmers in Massachusetts have radios; 41 per cent of the farmers in New Hampshire; 52 per cent of the farmers in New Jersey; 64 per cent of the farmers in Rhode Island; 32 per cent of the farmers in Vermont.

Now, what is the situation with reference to the farm population in zone 5, that zone being along the Pacific coast? I am just giving these interesting comparative figures. We find in Arizona 17 per cent of the farmers have radios. We find that in California 34 per cent of the farmers have radios. We find that in Colorado 42 per cent of the farmers have radios. In Idaho, 25 per cent; in Montana, 40 per cent; in Oregon, 34 per cent; in Utah, 7 per cent; in Washington, 28 per cent; in New Mexico, 4 per cent.

In other words, complaint is made that the farmers have not been receiving proper radio consideration in zone 3. But there are comparatively few farmers that have radio sets there, and so, surely, that argument vanishes into thin air.

Mr. McKEOWN. Will the gentleman yield there?

Mr. CELLER. Yes.

Mr. McKEOWN. On what authority does the gentleman give his figures?

Mr. CELLER. I am reading from a volume by a radio engineer, Edgar H. Felix, a member of the Institute of Radio Engineers and contributing editor of the magazine called Radio Broadcast.

Mr. McKEOWN. Does the gentleman contend that when one station in his zone alone has 5,000 more watts than all the stations that he speaks about and which have been licensed in the South—does the gentleman think that is quite fair, in view of the fact that the more area you have, the more power you need, and the more congested the population, the less power you need?

Mr. CELLER. With respect to those stations in New York and those in New Jersey and Illinois, of which the gentleman speaks, the owners thereof were willing to take their chances in 1920 and 1921, but the men in the South, the business men in the South and in other States, were afraid to take the chance. Now, these men having come into the field in the early days of radio, and having spent vast sums of money in the development of radio and in the erection of all these broadcasting stations, equipped with the most delicate and intricate kind of machinery, and having furnished the funds for all sorts of engineering talent for the development of their stations and the promotion of the science and art in general, they are entitled to the advantage. The gentleman from Oklahoma is a good enough lawyer to know this also, that no matter what you do in this House, you can not take away their vested rights, try as you will. Those stations having been in existence since 1921, 1922, and 1923, they have a right to continue. Their owners were the pathfinders. They blazed the trail. They are entitled to their gains.

I say this also, as I said before: There is some justification for the gentleman's complaint, and there is a remedy, but you have selected an improper remedy. You ask that this be done immediately at one fell swoop, and you would force the Radio Commission with mandatory language.

I would have you do it this way: When a station violates the law or a rule or regulation, take that license away. You have a right to do so; and then give those stations and power to your State and the other complaining States.

I will say to the gentlemen from New Jersey—and I would like them to listen if they are in the room, and the gentlemen also from Massachusetts, and Ohio, and Illinois, and Washington, and California—hearken well at the attempt to cut down your stations. Let me read to you what is going to happen in your States if this amendment goes through.

I am sure you will hear from your constituents if you vote for this amendment, and I am informed, gentlemen, that an attempt may be made on the next Monday suspension day to pass this bill under suspension of the rules without any semblance of debate.

Here are the cuts in number and power of broadcast stations imposed by equal license clause:

	Power (watts)		Number of stations	
	Present	Proposed	Present	Proposed
New Jersey	49,000	3,200	25	7
New York	119,000	11,000	67	20
Massachusetts	19,000	3,750	18	2
Pennsylvania	57,000	12,000	33	24
Ohio	23,000	8,000	25	18
Illinois	55,000	8,000	70	15
New Mexico	5,050	2,200	3	4
Washington	10,700	2,200	19	4
California	26,000	9,000	50	17

Mr. McKEOWN. Will the gentleman yield?

Mr. CELLER. Yes.

Mr. McKEOWN. I am interested in the gentleman's statement that these pioneer builders have acquired vested rights in the air of this country. The gentleman is the first man who has had the courage to come and tell us here in Congress that that was the contention of these pioneer constructors, that they have prior rights in the air; but the gentleman will admit that if his pioneer stations should be entitled to 50,000 watts, which is 5,000 watts more than all of the stations in zone 3, that is no reason why you should still retain 193,000 watts as against Pennsylvania, West Virginia, Kentucky, and Ohio, where they have only half the watt power that you have in your zone.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CELLER. May I have additional time in which to answer the gentleman?

Mr. SANDLIN. The gentleman heard the statement of the gentleman who has charge of the time on this side, and in view of that statement I would not feel warranted in yielding further time.

Mr. CELLER. I am sorry I have not the time to answer the gentleman.

Under leave to extend my remarks I offer the following: Commissioner Caldwell, of the Radio Commission, a very able radio engineer, has pointed out that the amendment in question

imposing equal powers and wave lengths would require the reduction of all zones to the level of the least favored. He says:

Since the southern zone (third) has only 45,000 watts total power, this figure would also become the limit of power for the important first zone, which includes New Jersey, the Eastern States, and New England.

Of this 45,000 watts total first-zone power, New Jersey, e. g., would be entitled to its "equitable" proportion under the clause, presumably based upon its population and area. New Jersey has one-eighth of the population and one-twentieth of the area of the first zone. Striking an average between these fractions, we obtain one-fourteenth. One-fourteenth of 45,000 watts is 3,200 watts.

Thus, 3,200 watts would, under the proposed redistribution of the radio-station powers, be the total power available for the entire State of New Jersey, which now has nearly 50,000 watts.

With 3,200 watts available for all 17 stations in New Jersey, several alternatives are offered.

(A) All New Jersey stations might be closed down except the two which undoubtedly have the largest audiences, WJZ and WOR. These stations, with powers and investments, respectively, of, WJZ 30,000 watts, $500,000, and WOR 5,000 watts, $175,000, could then be continued to serve the public; but with their powers cut to, say, 2,600 watts and 600 watts, respectively. So we would have:

	Watts
WJZ	2,600
WOR	600

All other stations closed down.

B. Or if it is assumed that the clause indicates that New Jersey must have its equitable proportion of the total number of stations per zone (which is 93), one-fourteenth of 93 gives, say, 7 stations for your State. Power of 3,200 watts among the present 7 largest stations in New Jersey could then be divided proportionately as follows:

	Watts
WJZ	1,920
WOR	320
WFG	320
WLWL	320
WODA	65
WGL	65
WHAP	65

All other stations closed down.

Similarly, in New York State WEAF and WGY would have to be cut to 5,000 watts each, WNYC to 50 watts, WHN to 50 watts, and so on.

Corresponding calculations can be performed for other States, showing the havoc to radio listeners, East, South, and North, which such a law would bring, for these New York and New Jersey stations furnish programs to the whole country, and particularly to the South.

Much criticism has been heaped upon the Radio Commission and Commissioner Caldwell particularly, and the latter has said some intemperate things about Congress, but when we consider how shabbily Congress has treated the commission, one can not blame Caldwell too much for his becoming impatient and supersensitive. Congress has hamstrung the commission. It appropriated no funds so that the commission could operate, employ experts, or purchase necessary stationery and apparatus. To date, three commissioners have received no salary whatsoever. Three of them are yet to be confirmed by the Senate. These commissioners feel the uncertainty of their tenure. The permanency of their appointment hangs by a thread. No wonder there has been difficulty in fixing a policy. Their path was made all the more difficult by the death of Colonel Dillon in October and Admiral Bullard in November. Added to that, Bellows resigned in November. The present board consists of Caldwell, an engineer; Pickard, newspaper man; Lafount, business man; and Sykes, a lawyer, who is chairman. A fifth man is yet to be appointed by the President. Is not Congress to blame for some of this muddle?

If the amendment goes into effect one third of the radio sets in this country would be rendered useless. One-third of the 7,000,000 sets now in use would be sent to the junk pile by this new provision. Mr. Baker, of the National Association of Broadcasters, says:

Surveying the stations as they are now located, in the terms of this provision, indicates that the commission would have to scale down the power and readjust the allocations in such a way that the highest powered station in the country could utilize only 1,000 watts, meaning that the largest dependable service area of any station would be a radius of between 50 and 75 miles, and this would not be entirely dependable.

The committee entirely disregards the fact that approximately one-third of the receiving sets in use in the United States to-day are located beyond a 50-mile radius from any station. Accordingly, under the terms of this provision, fully one-third of the listeners could obtain dependable service from no radio station in existence to-day.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield 20 minutes to the gentleman from Washington [Mr. SUMMERS].

Mr. SUMMERS of Washington. Mr. Chairman, your committee reports the Agricultural appropriation bill after more than 120 hours of hearings during which 1,300 pages of testimony were taken. The index lists 550 witnesses, and special subjects considered—as a matter of fact literally thousands of items in behalf of agriculture were considered. The bill carries $132,308,849.88, of which $71,000,000 is for Federal-aid roads and $6,500,000 for national-forest roads and trails. To this may be added $11,010,500 permanent annual appropriation, making a grand total of $143,319,349.88.

The scope of the work done by the department in behalf of producers and consumers of farm products comprises many exceedingly interesting and instructive chapters of scientific and economic endeavor. Time will not permit every Member to consider all of this material. Therefore from this wealth of data I have selected what I believe will give a comprehensive understanding of the bill and the activities of the department.

It is easy to criticize when some bureau does not meet with our approval, but I want to say the value of the Department of Agriculture to this country is beyond appraisal or estimate.

In addition to its own several buildings the department has under lease 22 buildings or parts of buildings in this city. The rentals run from $35,000 down to $360 for an alley structure. Total rentals are $175,300. The department employs 4,831 persons here in the District and 16,871 outside the District of Columbia, a total of 21,702 civil-service employees. A very large number but small in comparison with 308,740 in the Post Office Department; 51,532 in the Treasury; 42,292 in the War Department; 43,425 in the Navy Department; and even less than the Veterans' Bureau, which employs 23,696.

The activities of the department extend around the earth, as my remarks will show, and into the forests and orchards and fields and gardens and herds and into the earth and in the air and into every kitchen in the United States.

Insular experiment stations $246,400

Agricultural experiment stations are maintained at Sitka, Kodiak, Matanuska, and Fairbanks in Alaska. The principal function of these stations is the development of a type of agriculture suited to the respective regions.

Small fruit and vegetable experiments, animal husbandry, grain and forage crops, root crops, stock breeding, dairying, and general farming are studied at the various stations.

The Hawaii station is endeavoring to diversify the agriculture of the Hawaiian Islands without disturbing the major agricultural activities—sugar production and pineapple growing. The station also is supervising boys' and girls' club work on all the islands.

The Porto Rico station is directed to the development and diversification of agriculture in general.

The Guam station is endeavoring to develop a type of tropical agriculture suited to the island of Guam and its people.

At the Virgin Islands station the principal investigations in progress are designed to diversify the agriculture of the islands and develop it along new lines. The principal agricultural industries of the islands at this time are sugar production and stock raising, and the station is giving attention to the problems of plant and animal breeding for the improvement of present stocks. Experiments are in progress for the improvement of corn and for restoring Sea Island cotton production to its former importance.

Farmers' cooperative demonstrations $1,462,640

This appropriation is available for salaries of employees of the Department of Agriculture with headquarters in Washington, general office expenses, and for cooperation with State agricultural colleges in carrying on extension work in agriculture and home economics in all its phases through the payment of field salaries of county agricultural agents, county home demonstration agents, club workers, farm management demonstrators, and the necessary supervising officers located in the various States.

Cooperative agricultural extension work $1,300,000

These funds supplement the permanent annual appropriation of $4,580,000 provided under the Smith-Lever Act of May 8, 1914, paid direct to the State colleges of agriculture as Federal aid for the promotion of extension work in agriculture and home economics. Programs of work and expenditures under Federal Smith-Lever funds are supervised by the Department of Agriculture.

Agricultural exhibits at fairs $103,300

This appropriation covers the preparation and display of agricultural exhibits at State and interstate fairs and expositions. Several million people are reached annually through agricultural exhibits which are designed to instruct as to better practices and encourage their adoption and to present the results of the

department's research and other activities in an interesting and effective way.

Cooperative farm forestry $60,000

This appropriation is utilized in the cooperative employment of extension foresters in the various States who are engaged in carrying out the work specified under section 5 of the Clarke-McNary reforestation act, and provides specifically for assisting owners of farms in establishing, improving, and renewing wood lots, shelter belts, windbreaks, and other valuable forest growth, and in growing and renewing useful timber crops.

Weather Bureau $2,705,000

Provision is made for continuing during 1929 the maintenance of a radio broadcasting station at Washington, D. C., in the aid of aviation and for employees in Washington engaged upon the scientific meteorological, climatological, river and flood, marine, and solar radiation work of the bureau.

Provision is made for the maintenance of the field stations of the Weather Bureau. One hundred and ninety-six of these are regular stations—that is, stations manned by commissioned personnel, and 1,965 are substations, the observers at which are paid wages ranging from 25 cents per observation to $40 per month.

Horticultural protection $31,500

The field activities in the investigational, observational, and forecast work in the protection of horticulture is of great service to horticultural interests, principally in California, Washington, Oregon, and New York. The employees paid from the appropriation travel almost continuously during certain periods of the year and by means of intensive observational and forecast work enable fruit growers and others to protect their fruit culture from frost by means of smudges, and so forth, to conduct extensive spraying of trees at a propitious time, and to harvest crops with the least danger of loss as a result of adverse meteorological conditions.

Aerology $266,500

These funds provide for activities both in the field and at Washington, D. C., in connection with the protection of air navigation and the aid of general forecasting by means of the study and observations of the upper air. The work in the field is conducted by means of kite flights and theodolite observations on free balloons. Self-recording instruments on the kites give a record of temperature, pressure, humidity, wind velocity, and other meteorological data. Observations on free balloons show the velocity and depth of air currents.

BUREAU OF ANIMAL INDUSTRY

Inspection and quarantine of livestock $732,300

Work done under this head includes the eradication of scabies in sheep and cattle, the States most heavily infected with sheep scabies being Arizona, New Mexico, Wyoming, California, Texas, Colorado, South Dakota, Oregon, and Nebraska, and those chiefly involved with cattle scabies being Nebraska, Texas, Montana, South Dakota, Colorado, Kansas, Wyoming, and New Mexico; the supervision of interstate transportation of livestock at stockyards, involving the inspection of millions of animals, dipping where necessary, and the cleaning of thousands of cars; and the inspection of animals offered for import, maintenance of quarantine stations, supervision of importation of hides, hay, straw, and so forth, inspection of animals for export, and of vessels carrying such animals.

Mr. O'CONNELL. Will the gentleman yield?

Mr. SUMMERS of Washington. Yes.

Mr. O'CONNELL. The gentleman is making a most interesting address. I am very much interested in it, and I would like to ask whether the gentleman can insert approximately how much has been appropriated this year for the Bureau of Animal Industry?

Mr. SUMMERS of Washington. I have not before me the totals for the Bureau of Animal Industry, but I have them for the different activities of the bureau. In the report the gentleman will find the total given.

Mr. O'CONNELL. It is a very important branch of the department.

Tuberculosis eradication $5,736,310

Mr. SUMMERS of Washington. The object of this work is to arrest the spread of tuberculosis among livestock through campaigns for the control and eradication of this disease, in cooperation with State agencies. This appropriation represents the contribution of the Federal Government in the shape of indemnities for animals slaughtered and in the general supervision of the work. The movement was started as a Federal-aid proposition, and the States look to the Federal Government for leadership. Contributions by the States toward the prosecution of the eradication campaigns amount to approximately $11,000,000 per annum. Of the 58,000,000 cattle in the United States 19,000,000 were tested or under observation during 1927.

Eradicating cattle ticks $719,200

This appropriation is used cooperatively for the payment of salaries and travel and office expenses of veterinarians and agents in Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana, Arkansas, and Texas, engaged in the eradication of the southern cattle tick, which spreads splenetic fever among cattle. As counties are cleared up they are released from Federal quarantine, and their livestock may then be shipped north without restriction. The States generally are contributing larger sums to this work than the appropriations provided by the Federal Government. The work is done under State law and regulation, Federal money being expended for supervision, to insure that all measures of eradication are so carried out as to warrant the release of cleaned areas from quarantine.

Animal husbandry investigations $510,200

Activities under this paragraph include: (1) Studies of problems in sheep and goat production, breeding, and management. The work is done principally at Beltsville, Md., Middlebury, Vt., Miles City, Mont., McNeill, Miss., Newell, S. Dak., and at the sheep station in Idaho. Laboratory studies on wool are also under way. (2) Studies of problems relating to cost of production, grazing, feeding, wintering, fattening, and breeding of beef cattle are conducted in West Virginia, Texas, and several other States. (3) Swine feeding and breeding investigations are also carried on under this appropriation. (4) Poultry studies under way, chiefly at Beltsville, include work on inbreeding, the influence of thyroid in the ration on feather growth as connected with molt, on inheritance of egg production and egg hatchability, egg shape as a determining factor in sex, and value of vegetable proteins as food for poultry as contrasted with proteins from animal sources in relation to improved egg production. (5) Other work under this item includes studies of horse breeding, feeding, and management chiefly at Middlebury, Vt., and in Wyoming, genetic and nutrition research performed at the animal husbandry farm at Beltsville, Md.

Diseases of animals $266,140

The general investigational work relating to animal diseases is done under this appropriation. Some of the more important problems now being studied are contagious abortion, including field and laboratory work at Bethesda, Md., and here in Washington; stock poisoning by plants, including summer studies in the Rocky Mountain region and laboratory work in Washington; round worms and other intestinal parasites of sheep at McNeill, Miss.; internal parasites of hogs, and the development of the McLean County, Ill., system of sanitation at Moultrie, Ga.; studies of anthelmintics and mange mites; miscellaneous pathological and biological studies. The pathological experiment station at Bethesda, Md., is maintained under this item.

Eradicating hog cholera $463,070

Hog cholera control work is now carried on cooperatively with 32 States. In carrying out the control work, Bureau of Animal Industry veterinarians stationed in cooperating States investigate reported outbreaks, make autopsies to diagnose the disease, hold demonstrations of the serum treatment, train laymen to administer this treatment in sections where there are no veterinarians, give advice on disinfection, and address meetings of farmers on the subject of hog cholera and its control; in short, keep in close touch with conditions and render expert aid on the spot.

This item also provides for the enforcement of the virus-serum toxin act. This work requires the inspection in 60 cities of 91 establishments producing anti-hog cholera serum, hog-cholera virus, aggressins, bacterins, vaccines, and so forth. All animals offered are closely inspected, and all operations supervised to insure the production of effective protective remedies.

Hog-cholera research work which resulted in the discovery of the serum now used to combat cholera, is now directed to perfect the method of immunization, first by cheapening it, and second by obviating failures that now occur at certain times.

Eradicating dourine $27,800

Dourine, a syphilitic disease of horses, is found now in Arizona and South Dakota, almost entirely on the Indian reservations. In combating the disease the Office of Indian Affairs takes samples of blood of suspected horses, and these samples are sent to the laboratories of the Bureau of Animal Industry for testing. The results of such tests are reported back to the Indian Office, and horses which show presence of the disease are slaughtered, and the owners indemnified by the Indian Office. The Bureau of Animal Industry also investigates reported cases of dourine outside of the Indian reservation.

Enforcement of the packers and stockyards act $410,000

The packers and stockyards act is designed to prevent and correct irregularities or abuses that may exist in the operations of persons engaged in the livestock and meat-packing industry. Unfair, unjustly discriminatory, or deceptive practices, the control of prices, or the establishment or monopolies in connection with the buying or selling of livestock in commerce, and the handling of meat or meat products in commerce are defined as violations. Provision is made for supervision of rates and charges of stockyard owners and market agencies at public markets. The act requires that rates and charges shall be reasonable and nondiscriminatory. The Secretary of Agriculture may fix such rates and charges.

Meat inspection $2,218,400

This fund, together with a permanent annual appropriation of $3,000,000, is used for the purpose of enforcing the provisions of the meat inspection act. This law requires that all meat or meat food products transported interstate or abroad be inspected by the Federal Government.

Eradication of foot-and-mouth and other contagious diseases of animals $100

It is well understood that the sum specified would be utterly inadequate to meet the expenses of any outbreak of foot-and-mouth disease. In each case Congress has provided sufficient funds in special enactments in deficiency acts. The present item provides that where an emergency exists which threatens the livestock industry the Secretary of Agriculture may make expenditures from any unexpended balances of appropriations heretofore made by Congress for foot-and-mouth disease.

Several outbreaks of foot-and-mouth disease have occurred in this country. It is the policy of the department to employ the promptest and most strenuous measures to stamp out the disease the moment it appears in order to guard the immense livestock interests of the country from tremendous losses.

Dairy investigations $452,000

Under this appropriation scientific investigations of the fundamentals of the dairy industry are conducted. These investigations embrace (a) the breeding, nutrition, and management of dairy cattle, with a view to increasing the average milk and butterfat production of dairy cows through the application of scientific and economical methods; (b) market milk investigations involving research in sanitary methods for improving city milk supplies, studies of the relative efficiency of different types of dairy machinery, the relative efficiency and economy of various methods of sterilizing dairy utensils on the farm and in milk plants, efficiency of milk-plant operation, transportation of milk, and studies of factors affecting the commercial value of milk and cream, such as the effect of various feeds on the flavor and odor of milk, viscosity of cream, foaming of milk, and so forth; (c) laboratory investigations of problems concerned in the manufacture and utilization of dairy products and by-products, such, for instance, as the manufacture of Swiss and other so-called foreign cheeses, investigations of the bacteriological and chemical problems of milk, as grading milk for manufacturing purposes, the taxonomy and physiology of the casein-digesting bacteria of milk, and factors which affect the lactic-acid fermentation, condensing and evaporation investigations to ascertain the causes of coagulation of evaporated milk in sterilization, manufacture of milk powders, including methods of making skim-milk powder especially adapted for bread making, the improvement of the keeping quality of milk powder, the effective utilization of skim milk through the manufacture of poultry feeds, the discovery of processes for the manufacture of other by-products such as the separation of the protein from whey in soluble form, and such investigations of bacteriological and other problems in the manufacture of ice cream; and (d) investigations of dairy manufacturing problems on a commercial scale, the introduction into new territories of improved processes for the manufacture of butter, cheese, and other dairy products and by-products; investigations of methods for increasing milk and butterfat production of dairy cattle through dairy herd improvement and bull associations; the introduction of such methods as are found most efficient; inspection of renovated butter factories; and the supervision of the packing of butter for the United States Navy.

BUREAU OF PLANT INDUSTRY

Pathological laboratory $114,440

The problem dealt with in this laboratory involves laboratory, greenhouse, and field experiments with bacterial and fungous diseases and the various field and garden crops and ornamentals.

The plant-disease survey project covers the study and recording of the geographical distribution, prevalence, and rate of spread of plant diseases in the United States, and estimates of losses caused by plant diseases.

The mycology project covers the collection, preservation, and identification of all plant parasites and other fungi having relation to injury or destruction of economic plants and plant products. Investigations in mushroom culture are also carried on.

Fruit diseases $174,400

The work under this paragraph includes the investigation of diseases of fruits and fruit trees, including citrus and subtropical fruits, grapes and small fruits, the fruit rots and decays, and the diseases of the pecan and other nut diseases. Experiments are conducted on a large scale in the control of fruit diseases by spraying, by disinfection, by eradication, and by other methods.

Citrus canker eradication $40,000

The Bureau of Plant Industry, in cooperation with the Gulf States, is conducting a campaign for the eradication of citrus canker, a bacterial disease of citrus fruits and trees, by the thorough inspection of nurseries and citrus groves, formalin treatment of infected soil, protective spraying of groves exposed to infection, and destruction of diseased trees. As a result of the vigorous campaign, the disease has been practically eliminated, but scattered infections still occur sporadically.

Forest pathology $150,000

The work done under this paragraph consists of investigations of such diseases of forest and shade trees as are of serious economic importance, with a view to the control of these diseases. Examples of diseases under investigation are the white-pine blister rust, the chestnut blight, the heart rot of Douglas fir, and of many other tree diseases.

Blister rust control $445,020

Under this item cooperative programs are conducted for the suppression and control of white-pine blister rust. Control programs in the eastern and western United States are being prosecuted jointly by the department and the responsible State agencies in the affected States.

Vegetable and forage diseases $200,500

Investigations are carried on dealing with diseases affecting potatoes, vegetables, forage, and other crops, including incidental work on cotton and ornamentals, to determine their cause, the conditions of temperature, humidity, and so forth, under which they develop, the localities where they are most serious, the losses incurred, the methods of disease transmission from plant to plant and field to field, the means of overwintering, and, finally, to develop control measures for the various troubles. Investigations are also carried on in cooperation with the Bureau of Agricultural Economics in connection with the transit, marketing, and storage of vegetables, to determine the cause of the trouble encountered, and whether they originate in the field or after shipment.

Crop physiology and breeding $90,160

The following work is conducted hereunder: Citrus breeding, undertaken primarily to secure new oranges, lemons, and similar fruits equal in quality to the standard sorts now grown commercially in the United States, but possessing a greater degree of resistance to cold and disease; date culture and breeding, with the object of establishing commercial date culture in the United States; incidental breeding work on dates to create new varieties especially suited to American conditions; and Smyrna-fig culture and breeding work.

Plant nutrition $16,780

Plant-nutrition investigations deal with the growth, development, and composition of plants as affected by the length of day, the influence of certain crops on other crops following in the rotation, the plant-food elements, and the relative plant-food requirements of crops commonly grown in rotation. The work is carried on with the same personnel as the tobacco investigations.

Cotton, rubber, and other tropical plants $255,800

The work under this item is directed chiefly to acclimatization and adaptation in the southern and southwestern United States of varieties of cotton, corn, and other crop plants of tropical origin; the breeding of superior varieties of cotton and the improvement of cotton-culture methods under boll-weevil conditions; and investigations of rubber-producing possibilities in the United States, Philippine Islands, West Indies, Canal Zone, and elsewhere in tropical America.

Work in hard-fiber production is carried on in the Philippine Islands and Porto Rico, flax in Michigan and Oregon, and hemp in Wisconsin and Kentucky.

Drug and other plants $58,200

Scientific studies are made of the methods of producing, drying, and preserving crude botanical drug crops which may be grown in this country, such as safflower, hemp, and perilla, the oils from which are a satisfactory supplement to linseed oil. Work is also in progress on the introduction and establishment of essential oil crops, the products from which are extensively used by the manufacturers of perfumes and medicinal preparations. The successful introduction of the Japanese mint plant, from which the commercial supply of menthol is obtained, is a conspicuous example.

Nematology $54,340

These investigations deal primarily with the study of minute eel-worms or nemas, certain species of which infest the roots of important crop plants and seriously injure them. Some species of nemas are found to be beneficial, destroying insects or other species of injurious nemas.

Seed laboratory $70,000

Samples of seeds submitted by farmers, seedsmen, and others are tested to determine the proportion of pure seeds present, the kinds and proportion of weed seeds present, and the germination of the pure seed. In enforcing the Federal seed act, samples of all shipments of seeds subject to the act are drawn by customs officials at the time of entry. These samples are examined to determine whether or not they comply with the requirements of the Federal seed act. Each year collaborators are appointed who collect from seed dealers samples of various commercial seeds. These are examined for the presence of adulterations, and purchases based on these samples are made through the collaborators. The analyses of the purchase lots which are found to be adulterated or misbranded, together with the names of the dealers from whom purchased are published. This form of publicity has eliminated in a large way the sale of adulterated or misbranded forage-crop seeds in the United States.

Cereal crops and diseases $745,000

Cereal investigations cover methods of production, methods of improvement, and methods of control of the diseases of wheat, rye, emmer, spelt, oats, barley, rice, corn, grain sorghums, broomcorn, proso millet, seed flax, and buckwheat; also the eradication of the common barberry, an intermediate host of the wheat rust. The 13 States interested in spring-wheat production are cooperating to eradicate the common barberry throughout this area as a means of controlling epidemics of black stem rust of wheat. Since the cooperative campaign began in 1918, the States have aided the Federal Government in financing the work; in the fiscal year 1927 the 13 States contributed $88,197 and the Federal allotment was $375,000.

Tobacco investigations $60,000

Tobacco investigations include all phases of growing, curing, and handling tobacco, with the exception of tobacco insects and their control. The work consists of observations on the growing plant and technical examination of leaf tobacco produced under specially controlled conditions. The aim is to determine the relation of the chemical composition to the quality of leaf tobacco, the causes of poor burning qualities, relation of the nutrition of the plant to the aroma, color, and other important characteristics, factors controlling the nicotine content, the causes of parasitic and nutritional diseases, the specific effects of each of the nutrient elements on the development of the plant, and the nature of the processes of ripening, curing, and fermentation.

Alkali and drought-resistant crops $23,920

Under this appropriation studies are made to ascertain the adaptability of various crop plants to alkali soils and to soils having a limited water content and to determine the physiological effects of alkali and of drought upon the growth of plants. An important phase of the investigational work is the development of a type of long-staple cotton thoroughly adapted to irrigated land in Arizona and California.

Sugar plants $196,000

Projects under this item consist of a study of the diseases of sugar beet, sugar cane, and sorgo; collection of data on distribution of the diseases; by determination of the nature and amount of losses due to such diseases, laboratory investigations of the biological aspects of the diseases; and the application of control measures determined by field and laboratory experiments. Improvement of the desirable properties of sugar beet, sugar cane, and sorgo, such as increased tonnage and sugar content, resistance to diseases and adaptability to new conditions, are brought about by foreign exploration for new varieties and breeding with stock so obtained.

Botany $47,780

The work carried on under this item includes the identification of plants for the various bureaus and branches of the department and for other organizations and individuals doing similar work. For this work of identification the office maintains an authentically named collection of cultivated plants, and for wild plants it uses the National Herbarium. The domestication and improvement of one of our wild fruits, the blueberry, has been undertaken. These investigations have developed the fact that many wild plants supposed to be difficult or impossible of cultivation can be grown readily if given the types of soil they require.

Dry-land agriculture $208,050

The office of dry-land agriculture was organized in 1905 for the purpose of investigating the problems of the agricultural development of the Great Plains area. This area includes all of Montana, North and South Dakota, Nebraska, Wyoming, Colorado, Kansas, Oklahoma, Texas, and New Mexico lying between the 5,000-foot contour on the eastern slope of the Rocky Mountains and the ninety-eighth meridian of longitude. All this region is classed as semiarid. The normal annual precipitation ranges from as low as 10 inches to as high as 30 inches, by far the larger portion of it, however, having from 12 to 15 inches. The conservation of moisture is the all-important major problem of the agriculture of this entire region. This project can be subdivided into a very large number of minor problems, such as depth and manner of plowing, tillage after plowing for preparation of seed-bed, intertillage between rows during growth of rowed crops, alternate cropping, and so forth.

Western irrigation agriculture $142,095

The object of this appropriation is to investigate agricultural conditions and determine by field studies and experiments in crops, rotations, and cropping methods best suited to successful farming in the arid and semiarid regions of the western United States, and, in cooperation with the Reclamation Bureau of the Department of the Interior and the various State experiment stations interested, to work out methods of improving these conditions.

Nut culture $44,040

These investigations are devoted to a study of the important commercial nut crops of the United States, including almonds, walnuts, and filberts on the Pacific coast, and pecans and other native nuts of the South and the eastern part of the United States. Special studies are being conducted in connection with almonds and walnuts in California and pecans in the South Atlantic and Gulf States.

Pomology $240,000

Fourteen thousand three hundred and forty dollars will be expended for investigations in removing arsenical spray residues and to study the keeping quality of fruits treated for removing arsenical spray residues. The effect of the washing treatment and the incomplete drying upon the keeping quality of apples is of greatest importance, as the preliminary tests indicate the danger of serious rot epidemics. There is great need for experimental work on the use of disinfectants with the wash water and of extensive storage experiments on treated apples.

The work also includes investigations of the production of grapes, deciduous small fruits, citrus, and other orchard fruits and their improvement by breeding or by methods of culture, together with investigations upon improvements in utilization, either by canning, drying, or other forms of preservation, and the behavior of these fruits in transit and in storage. A portion of the transportation studies are carried on in cooperation with the Interstate Commerce Commission.

Gardens and grounds $89,500

This appropriation provides for the maintenance of a range of 32 greenhouses, at which is carried on the following work: The inspection and fumigation of plants; the propagation of blueberries and evergreen shrubs; general hybridization work; seed testing; experimental work with citrus and other tropical fruits; propagation of plants for ornamenting the grounds of the department and those of the Weather Bureau; the growing of a collection of grapevines for miscellaneous experimental work; experimental work with alfalfa, clover, cowpeas, and beans; experimental work with florists' crops, including roses, carnations, and chrysanthemums; producing and growing a collection of hybrid amaryllis bulbs; plant-breeding work; and pathological work of the Bureau of Plant Industry.

Horticulture $140,000

Under this paragraph investigations are conducted on the production, handling, and breeding of potatoes and other truck crops, and on the behavior of these perishable products, with

especial reference to shrinkage and deterioration in storage and in transit. A portion of the transportation studies are carried on in cooperation with the Interstate Commerce Commission.

Nursery stock investigations $21,800

These funds are used for studies relating to the production and uses of fruit trees and ornamental stock under American conditions, to provide the needs of American nurseries. The investigations include apple, pear, peach, plum, and citrus stocks propagated from seed, as well as through vegetative means.

Arlington Farm $57,000

Arlington Farm, Virginia, is used for the maintenance of the facilities required to make the farm a suitable field laboratory for the investigational units of the department in Washington.

Foreign plant introduction $190,000

Foreign agricultural exploration work for the purpose of assembling promising varieties of fruits, vegetables, or other plants for testing in different regions of the United States has been carried on in various parts of the world. Extensive correspondence is carried on with cooperators, botanic gardens, nurserymen, and others in all parts of the world for exchange of new plant material. The new varieties are held under quarantine observation for a sufficient period and later are distributed to cooperators, State experiment stations, and others able to carry on satisfactory tests.

Forage crops $142,500

Ten thousand dollars for expansion work with soy beans and miscellaneous legumes and grasses and of winter cover crops in the South.

Within the past decade the soy-bean acreage has increased from 500,000 to 2,500,000 acres, and new uses for the crop are being constantly developed. The varieties are so numerous and the possibilities of breeding varieties more suitable for oil or for some other quality so great that these trials must be extended rather than curtailed. There is no reason why varieties suitable for forage or for the production of oil, oil meal, or human food should not be developed for most parts of the United States. It is hardly necessary to enlarge on the opportunities waiting for work with velvet beans, cowpeas, Brazilian peanuts, pigeon peas, and other legumes of that type.

Under this appropriation field studies are conducted at field stations throughout the United States, and cooperative relations are maintained with nearly all of the State experiment stations and the insular experiment stations, pertaining to the production and improvement of all crop plants used for forage either as hay, fodder, silage, or pasture; and, incidentally, of all plants used for green manuring, turf production, and soil binding. Among the more important groups of plants concerned in these investigations are the grasses, clovers, alfalfa, sorghums, millets, soy beans, field peas, velvet beans, vetches, melilots, cacti, and lespedezas.

Biophysical laboratory $35,812

Under this item the bureau is charged with the investigation of the physical laws involved in the growth and reproduction of plants. Viewing the growth and reproduction of plants from this angle, investigation of more urgent problems that involve the response of agricultural plants to heat, light, moisture, electric currents, and the chemical composition of the soil are undertaken.

Mr. O'CONNELL. Will the gentleman yield?

Mr. SUMMERS of Washington. Yes; I yield.

Mr. O'CONNELL. Where are those soy-bean locations?

Mr. SUMMERS of Washington. They are grown throughout the United States, as far as I am informed. They are grown in the Mississippi Valley, some out in the far West, and I believe in the far East. This crop was almost unknown in this country a few years ago, but it is now grown in the sections mentioned and in the South.

FOREST SERVICE

Protection and administration of the national forests $6,344,000

During the calendar year 1926 fire destroyed over a billion feet of timber on 596,000 acres of Government land on the national forests. A careful estimate places the damage at over $4,500,000. The public is becoming intolerant of such losses on these vast public properties upon which industry is steadily becoming more dependent for its supply of raw material. The sum of $2,464,808 was expended for fighting fires on the national forests in the season of 1926, and all but a small part of this sum was required to fight fires which should have been checked while small, or prevented altogether had the bureau been properly equipped.

Fighting forest fires, aerial fire control, land classification, sanitation, and fire-prevention equipment and supplies, range investigations, planting on national forests, forest resources, improvements on national forests, distribution of forest planting stock, and many other items, some of which I shall discuss, come under this general head.

The national forests are not fully appreciated by the people of the whole country, and sometimes I think not wholly appreciated by the Members of Congress.

Mr. O'CONNELL. I would say to the gentleman that I have been in most of them and I appreciate them.

Mr. SUMMERS of Washington. They do not belong to any section of the country. They belong to all of the people of the United States. In many of the States from 25 to 75 per cent of the lands are in national forests and public lands, and therefore not on the tax rolls. If on the tax rolls, they would pay $14,000,000 annual taxes to the States. It becomes rather burdensome for some of the States to conduct all of the activities of the State, because of this large area of national forests and public lands lying within them. So it is not always an advantage to have these national forests in a State, because no tax returns come from them and often it is necessary for the State to build the roads leading up to them in order that they may be utilized and sometimes to do a great deal of the work through them; and still we have a pretty hard struggle to get out of the Federal Treasury anything like a reasonable amount of funds for the proper care and protection of these forests. The timber which is lost by reason of forest fires belongs to your State just the same as it does to mine. Not very much of it is in my district, although much of it is in the Rocky Mountains and the Western States. The public is becoming intolerant of these great losses of timber, much of which could be prevented if we had proper fire protection and if we had the necessary roads leading up to and into the forests, so that when a fire is first discovered it could be combated while small.

It is a very sad sight to see a great forest fire licking up and destroying within a few hours timber that has required from three hundred to a thousand years to grow. Such destruction should not be permitted to continue, but it will continue till we have roads and trails by which we may more readily reach the conflagration.

Forest products investigations $505,000

The bulk of forest products research is done at the Forest Products Laboratory, Madison, Wis., where there is a staff of trained foresters, engineers, and chemists equipped with laboratories and other facilities. These specialists are constantly engaged in the laboratory, at industrial plants, and in the forest in experimenting on and studying the best ways to use wood, with the major object, of reducing waste of timber and prolonging our forest supplies, and also of increasing the value of timber and thus encouraging its growth as a crop. The Forest Service is therefore attempting to insure adequate timber supplies for our national needs by (1) growing timber on the national forest and encouraging timber growing on privately-owned lands, and (2) through forest products research, encouraging a less wasteful use of our present timber supply and that to be grown in the future.

A few examples will illustrate the work. The laboratory has developed practical means of making paper from species hitherto unused for that purpose, thus tending to reduce the great pressure on our spruce and aspen supplies. It has made a nation-wide study of lumber grading and developed the basic foundation for standard lumber grades recently adopted by the lumber and wood using industries. It has developed methods of kiln-drying lumber that are greatly reducing waste from poor seasoning of wood. It has developed box and crate making into a science that not only saves wood but a vast loss of commodities in shipment. Besides these and many other similar projects which have immediate importance and application, the laboratory has done a great deal of fundamental research on the chemical and physical nature of wood, this work being of basic importance in developing new uses for wood.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. SUMMERS of Washington. I know of a paper-pulp mill costing a couple of millions of dollars, and that is but one unit of three or four units that are to follow, which is utilizing waste material from a big sawmill, that would otherwise be burned. For 75 years this waste has been burned, but through the work of the forest-products laboratory, supplemented by private funds to the extent of about $100,000, a new method has been devised by which they use a variety of wood which grows in great quantities in the West. In the past they have not been able to use this wood, because of the resin it contains. Here is a waste product salvaged, which I should say is worth

many millions of dollars every year, and thereby the forests are conserved.

Mr. BLACK of New York. Will the gentleman yield?

Mr. SUMMERS of Washington. I yield.

Mr. BLACK of New York. I understand that for years they have been using this by-product as a binder on State roads. They have been using it in New York State for 10 years anyway.

Mr. SUMMERS of Washington. What particular product does the gentleman refer to?

Mr. BLACK of New York. The by-products of a pulp mill, to which, as I understand, the gentleman was referring.

Mr. SUMMERS of Washington. No; I was referring to the by-products of a sawmill that uses Douglas fir, a material that they had not been able to use for paper making previously.

Silvical investigations $354,000

The Department of Agriculture several years ago adopted a program of establishing 11 regional forest experiment stations. The funds under this appropriation are used for the upkeep of these stations. Each station has a staff of trained foresters, who study the forests of their region to ascertain how to control the forest-fire evil, make current logging practices less destructive, cut old timber so a new crop will start naturally, or, if natural reproduction fails, determine what trees are best to plant and how to plant them, how much timber different kinds of forest land can produce; in short, how best to grow timber crops.

Forest-fire cooperation $1,100,000

Of the total of $1,000,000 available for work in 1928, under the first three sections of the Clarke-McNary reforestation act, $950,000 is used for cooperating with the States in the prevention and suppression of fire on forest lands in State and private ownership. Thirty-six of the 39 timber-producing States now receive cooperation of this nature. The Federal fund is allotted to the States on the basis of the estimated cost of protecting State and private forest lands, and on the basis of a budget prepared in accordance with an agreement with each State. Federal expenditure is made in the form of reimbursement to the State for the Government's pro rata share of expenditures incurred on the basis of the budget submitted. The expenditure of funds and the results secured are carefully inspected in every cooperating State. The cooperation is not continued unless reasonable standards are attained.

Timber-taxation studies: Under authority of the Clarke-McNary law the department expends in the neighborhood of $50,000 yearly for a nation-wide study of forest taxation. The general property tax is difficult of application to forests, because trees require many years to reach maturity, and recurrent annual taxes on growing timber without corresponding annual returns from which to pay the taxes are a discouragement to reforestation. The study aims to determine just how heavily forests are now taxed as compared with other forms of property, the effect of present tax methods on reforestation, and possible modification in tax methods to insure fairness both to the timberland owner and to the local communities dependent on tax revenues. The study is in charge of a tax expert, aided by a small staff of economists and foresters, and involves field studies of tax records, tax methods, values of forest properties, sources of local revenue, and constitutional and legal constrictions on forest-tax reform.

Cooperative distribution of forest-planting stock $75,000

This $75,000 is provided for conducting work under section 4 of the Clarke-McNary law and is allotted to 36 States. These allotments are made primarily for the establishment of new nurseries, the enlargement of existing nurseries, and the purchases of seed, all in connection with the distribution of forest-planting stock for use on farms. As in forest-fire cooperation, the States make the original disbursements and claim reimbursement for the Government's pro rata share of the expenditures incurred. Total State budgets for the current fiscal year amount to $325,000.

Under this item the work is being carried on under the bill put through this House by the gentleman from New York [Mr. CLARKE] a few years ago. Reforestation is going on throughout the country and I think the House should know that provision is being made, and will continue to be made, to replenish our forests as provided in that bill, and also to protect them as is provided in another provision of the same bill.

Mr. CLARKE. May I interrupt the gentleman a moment?

Mr. SUMMERS of Washington. Yes.

Mr. CLARKE. I hope a little later to-day or to-morrow to present to the House the story of the great reforestation movement that has gone on and to show how under the leadership of the Clarke-McNary bill, 41 States are cooperating in this wonderful, forward-looking enterprise.

Mr. SUMMERS of Washington. Many of the undertakings of the Department of Agriculture read like romance. It is the most interesting work I have been engaged in during the almost 10 years I have been in Congress. I appreciate my position as a member of the committee that prepares the agricultural appropriation bill. It is a pleasure to serve under the genial leadership of Mr. DICKINSON of Iowa, and with Mr. BUCHANAN, ranking Democratic member, who has been connected with agricultural legislation and appropriations for many, many years, and with Mr. WASON of New Hampshire and Mr. SANDLIN of Louisiana, who with myself, constitute the committee. We work congenially. Our hearings, as I have said, have been very extensive, but they have been interesting and have brought out the real work that is being done in behalf of the people by this department of the Government.

Mr. LOWREY. Will the gentleman yield a moment?

Mr. SUMMERS of Washington. I yield to the gentleman from Mississippi.

Mr. LOWREY. I want to express my appreciation for this wonderfully interesting and informing speech and to say that I hope the gentleman will have many copies of it published and I want to pay for my share of them to send to the farmers in my district. I am sure other Members will be glad to do the same thing. The gentleman has given us some very valuable information.

Mr. SUMMERS of Washington. I may say to the gentleman from Mississippi that while I have made this address very comprehensive, and I have thought perhaps too comprehensive, it is the only way I could give a picture of what is being done. I have not had in mind having any copies printed because it is a rather lengthy speech, but that can be done, of course, if there is a demand.

Acquisition of additional forest lands $1,000,000

This appropriation is used to carry out the policy established by Congress through the enactment of the act of March 1, 1911 (36 Stat. 961), and confirmed and extended by the act of June 7, 1924 (43 Stat. 653). Under the first act 22 purchase areas (now consolidated into 18) have been established, of which 48 per cent of the purchasable area, 2,835,601 acres, has been acquired or approved for acquisition to date at a total cost of $14,007,775.91, exclusive of administrative costs of purchase. The completion of purchases within these areas, with the possible addition of two or three other areas needed to round out the system, will cost approximately $25,000,000. Under the second act, two purchase areas have been established, one in Michigan and one in Minnesota, within which the area purchased or approved for acquisition to date is 57,140 acres valued at $57,484.96. Three other areas in the Lake States are in readiness for presentation to the National Forest Reservation Commission for approval, and the entire program in the Lake States under the act of June 7, 1924, contemplates the acquisition of a total of 2,500,000 acres of land at an estimated cost of $6,250,000.

Payments to States and Territories from the national forests fund $1,285,000

Twenty-five per cent of all money received from each national forest during any fiscal year is paid at the end thereof by the Secretary of the Treasury to the State or Territory in which the national forest is situated, to be expended as the State or Territorial legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the national forest is situated. When any national forest is in more than one State or Territory or county, the distributive share to each from the proceeds of the forest is proportionate to its area therein.

Cooperative work, Forest Service $1,500,000

All moneys received as contributions toward cooperative work in forest investigations, or the protection and improvement of the national forests, including deposits received from timber purchasers to cover the cost to the United States of disposing of brush and other débris resulting from cutting operations in sales of national forest timber, are covered into the Treasury and constitute a special fund, which is appropriated and made available until expended as the Secretary of Agriculture may direct, for the payment of the expenses of the investigations, protection, or improvements by the Forest Service, and for refunds to the contributors of amounts paid in by them in excess of their share of the cost of the investigations, protection, or improvements. Annual report is required to be made to Congress of all moneys received as contributions for such cooperative work.

Roads and trails for States, national forests fund $530,000

An additional 10 per cent of all moneys received from national forests during each fiscal year is available at the end thereof, to be expended by the Secretary of Agriculture for

the construction and maintenance of roads and trails within the national forests in the States from which such proceeds are derived.

BUREAU OF CHEMISTRY AND SOILS

Agricultural chemical investigations $246,000

It is proposed to investigate the needs of domestic cane growers, particularly in Louisiana.

A study of the causes of the deterioration of foods will be made. Large economic losses are caused after the harvesting of the raw products, during transportation, and after their transformation into manufactured food products.

Increased funds are needed for the study, development, and application of equipment and processes for taking off and curing hides and skins. The work contemplated on hides and skins is a continuation and expansion of the bureau's part in the broad program of research on the conservation of hides and skins already initiated by the department, and carries the indorsement of numerous organizations of those engaged in farming, cattle raising, dairying, and other agricultural pursuits, and of the hide and leather industries. The bureau's part in the program deals with the elimination of an estimated annual loss of $20,000,000 in raw materials, which arises from improper skinning and curing.

Increased funds are provided for extending fundamental investigations on the chemical properties and utilization of lignin. Lignin constitutes about one-third of the dry material of straw, corncobs, cornstalks, and other similar farm waste. Its chemical utilization is one of the most important problems confronting the agricultural industries at the present time. Among the possible industrial uses for lignin already developed by the bureau may be mentioned its use in the manufacture of tanning materials, dye intermediates, varnishes, lacquers, and organic chemicals.

Under this appropriation basic scientific research in agricultural chemistry is carried on, and the results of such research are applied to the solution of problems involved in the production, preservation, and profitable utilization of farm crops. Studies are made with a view to increasing the protein content of wheat and other grains, thus enhancing both nutritive and market values. The chemical composition of a great variety of feedstuffs is determined with especial reference to the nutritionally essential amino acids, in order to furnish practical feeders with information that will enable them to make the most economical combinations of available feedstuffs. Studies are made of the vegetable oils in order that they may be more profitably utilized. Methods for manufacturing marketable products from cull and surplus fruits and vegetables are developed. Improvements are made in processes for manufacturing paper and for tanning leather. Carbohydrate investigations are conducted. Studies are made of the physiological effects of foods and drugs on the human organism. Investigations are directed toward finding the causes and reducing the losses from deterioration and spontaneous combustion in grains and other farm crops.

Color investigations $72,921

Experiments to develop processes for the manufacture of fast dyes in order to make this country independent of any foreign country are carried on under this appropriation. American manufacturers now produce vat dyes of brilliant color and lasting quality as the result of processes developed in this work for making cheaply and of remarkable purity phthalit anhydride, one of the essential dye intermediates, which formerly could be obtained only in Germany. More than 300 dyes, chemicals, and drugs can be manufactured from this one intermediate. More than 20 other processes have also been worked out. Work is done on dyes used as biological stains in identifying the various microorganisms that produce disease. Without stains of known composition, disease producing bacteria can not certainly be identified.

The CHAIRMAN. The time of the gentleman from Washington has again expired.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. SUMMERS of Washington. For instance, they are finding that out of cornstalks and wheat straw and that sort of thing they are able to make permanent dyes. They are also able to make out of these waste materials the mouthpiece and other parts for telephones and material of that kind. This is a very valuable work that I doubt if any of us appreciate unless we dig into these extensive hearings or unless you should have the patience to follow through the remarks I am making, which, after all, are taken largely from the 1,300 pages of hearings to which I have referred.

Sirup and sugar investigations $35,234

This work has for its object the development of improved methods for the manufacture of cane, sorghum, maple, and other table sirups and their application in the industries. Chemical problems relating to the maximum yield of sugar from cane and from beets are investigated in order to assist manufacturers of domestic sugar to increase their yield and also to bring larger returns to the growers of cane and of sugar beets.

Insecticide and fungicide investigation $44,800

Of this, $10,000 will be used for continuation during 1929 of work on insecticides and fungicides to meet the excess spray residue situation, which is emergent.

Under this item chemical problems relating to the composition, manufacture, action, and application of insecticides and fungicides are investigated. The object of the work is to develop chemical compounds for the more effective control of insects and fungi which are cheaper and better than those in general use in order to reduce the enormous losses that occur from these causes in the growing of crops. This work is carried on in cooperation with the Bureau of Entomology and Plant Industry.

Plant-dust explosions and farm fires $42,743

Ten thousand dollars will be used for the study of farm fire prevention.

The annual fire loss in the United States is approximately $570,000,000, and it has been estimated that $150,000,000 is due to losses on farms and in rural communities. These figures do not take into consideration the losses due to the deterioration and spoilage of farm products, which is closely related to the spontaneous-combustion phenomenon. It has been estimated that about 3,500 lives are lost annually as a result of farm fires.

Investigations are made of the causes of the destructive dust explosions that occur in flour mills, grain elevators, threshers, and other manufacturing plants where plant dusts are generated, and methods are developed for preventing such explosions. The research work of the bureau has been practically confined to the dust-explosion hazards in the grain-handling industry which have caused extensive losses of life and property. Records of approximately 270 dust explosions in plants in the United States and foreign countries have been obtained. In 66 of these explosions 444 lives were lost, and in 83 of them 780 people were injured. The total money loss in 132 explosions was approximately $32,917,000, an average of more than $250,000 for every explosion. The bureau is conducting special research investigations to determine the causes of these explosions and the circumstances favorable to their origin. More than 21,000 establishments in various industries in the United States, manufacturing products with an annual value in excess of $6,779,449,000, are subject to the dust-explosion hazard. The bureau investigations have shown that extensive losses have also been experienced from dust explosions and fires in grain-threshing machines, particularly in the Pacific Northwest, and from cotton-gin fires in the Southwest.

Fertilizer investigations $290,000

The fertilizer industry is on the verge of producing ammonia for fertilizer purposes. It is essential that this be converted into a diversification of nitrogen compounds for agricultural use. Among these are urea, nitrates, and organic ammoniates. The fundamental work on these problems must be intensified. The successful solution of these problems will be of material benefit to the farmer.

The most conspicuous constituent of the modern complete fertilizer being soluble phosphate, it is highly desirable that this ingredient be made obtainable in some more desirable form than the present low-grade acid phosphate. Intensified research must be expanded to obtain this fertilizer essential in more concentrated forms. Potash, for which the farmer is still largely dependent on Europe, should be obtained from the large American sources already surveyed. A chemical investigation of these raw materials is essential. Many other fundamental fertilizer studies are under way.

Soil survey investigations $253,000

This work comprises the surveying, mapping, and classifying of the soils of important areas in different parts of the country. The purpose is to acquire a knowledge of the soils and construct a soil map of the United States for use of those interested in the development of agriculture. The soil survey determines what the soils are, where they are, the predominating types, and how much there is of each kind, furnishing a fundamental basis on which to establish experiments and to interpret results.

Soil microbiology ---------- $40,840

Experiments with pure cultures of legume bacteria are carried on throughout the United States. Commercial cultures for legume inoculation are inspected for the purpose of determining those of inferior quality. Rotation experiments are conducted in the field and in the greenhouses at the Arlington Farm to determine whether the nitrogen balance of the soil can be maintained without using chemical fertilizers.

Soil fertility investigations ---------- $126,850

The work comprises a fundamental study of the biochemical relationships existing between plants, soils, and fertilizers and is carried on through field experiments and laboratory and greenhouse studies. It includes the testing of many fertilizer ratios or formulas in order to ascertain the ratio best suited for profitable crop production in particular regions. Comparative values of the various nitrogen carriers, and phosphate carriers as used in commercial fertilizers are under investigation in order to ascertain the particular carriers best suited for any specific crop or soil.

The Bureau of Soils points out to us that soil erosion takes twenty times as much fertility from the soil every year as the growing of crops, and still this is a matter that up to this time has had only haphazard or very little consideration. Some counties contain very large areas which have been cut into gullies and made wholly useless now, and perhaps for all time to come, whereas such erosions could have been prevented had proper attention been given and proper emphasis laid on this work at an earlier date.

BUREAU OF ENTOMOLOGY

Deciduous-fruit insects ---------- $319,500

The work being carried out with the funds available under this appropriation consists of life history studies on and the development of means of control for insects attacking such deciduous fruits as apple, plum, peach, and so forth, as well as those injurious to grapes, nuts, blueberries, and so forth. It provides for investigations on such well-known pests as the codling moth, apple maggot, plum curculio, peach-tree borer, grape leaf hopper, pecan weevil, and so forth. It also includes investigations conducted to determine means of artificial control other than application of arsenical sprays or dusts. It provides for large-scale experiments in orchards and vineyards to determine the best and most economical means of controlling, with different insecticides, injurious insects. It includes the research of the Japanese and Asiatic beetles. These investigations involve experiments to determine means of preventing spread of these pests; the development of artificial natural means of controlling them. The results of these investigations are published in the form of bulletins, circulars, and leaflets, and are distributed to interested growers and others.

Tropical, subtropical, and ornamental plant insects ---------- $113,000

The investigations carried on under this appropriation include studies on the biology of insects injurious to tropical, subtropical, and ornamental plants and the development of means for their control.

The results of these investigations are of service to the citrus industry, the date industry, the bulb industry, the florists, and to nurseries and companies dealing with landscaping ornamentals.

Truck-crop insects ---------- $228,090

The work done under this appropriation includes life history studies on and the development of means of control of insects attacking truck and garden crops, such as peas, beans, spinach, turnips, potatoes, sweet potatoes, and so forth, and such related crops as sugar beets and tobacco. It provides for investigations of such well-known insects as the Changa, the seed-corn maggot, cucumber beetles, the onion maggot, vegetable weevils, the tomato fruit worm, the potato beetle, the pea aphis, the sweet-potato weevil, the sugar-beet leaf hopper, the Mexican-bean beetle, the bean leaf hopper, and so forth. It also provides for investigations of aphids and other insects injurious to berries, and includes the study of the biology of those forms which transmit Mosaic diseases. It includes investigations on a variety of soil-inhabiting wireworms, cutworms, and white grubs which attack truck and garden crops. The investigations on artificial, cultural, or natural means of controlling the Mexican-bean beetle are also included under this appropriation. The results of these investigations are disseminated to growers and others interested by means of bulletins, circulars, leaflets, and advice is given freely to many applicants through correspondence.

Forest insects ---------- $185,000

The principal activities of the branch of forest insects are the study of insects affecting forest trees, insects affecting forest products, shade tree and hardy shrub insects, cooperative forest insect control and gipsy and brown tail moth research.

Cereal and forage insects ---------- $433,740

The principal projects on which work is now being done are alfalfa weevil, hessian fly, chinch bug, grasshoppers, forage insects, cereal insects, and European corn borer research.

Cotton insects ---------- $280,000

The work done under this appropriation consists of investigations on the biology of and the development of means of control of insects injurious to cotton, and includes studies on such well-known insects as the cotton boll weevil, the Arizona weevil, the pink bollworm, the cotton stainer, cotton flea hopper, etc. It provides for experiments on spraying, dusting, and so forth, leading to the control of these insects and includes the development of various types of dusting machinery including the necessary attachments used in dusting by airplane. It also includes the investigation on the pink bollworm. The information gained from these investigations is given to the public in the form of publications issued by the department and other statements given through the press and to correspondents.

Insects affecting man and animals ---------- $80,180

The work done under this appropriation includes investigations on the biology of and the determination of means for control of insects affecting man, cattle, horses, sheep, goats, poultry, and other animals and birds, including studies on such well-known insects as fleas, flies, mosquitoes, the cattle grub, the horn fly, the wool maggot, the screw-worm, poultry lice, mites, ticks, and so forth. Certain phases of the investigations are done in cooperation with the Bureau of Animal Industry and the United States Public Health Service. The work is primarily that of developing means of control rather than the application of such remedies. The results of these investigations are given to the public through the regular department publications, press releases, and correspondence, and they also serve as a basis for eradicative operations conducted by other agencies.

Stored-product insects ---------- $51,900

The investigations now being conducted under this appropriation are: (1) Insects attacking wheat, corn, all small grains, and cereal products, including breakfast foods, the products of flour mills, bakeries, and so forth; (2) weevils attacking beans and peas; (3) insects attacking dried fruits in California; (4) insects that are destructive to articles in warehouses, such as fabrics, furniture, and so forth; (5) investigations into the possibilities of cold-storage temperatures in preventing losses to agricultural products in storage; (6) investigations of new and useful fumigants that may lessen the present danger that exists in the use of fumigants now recommended; and (7) a general, though necessarily limited, study of household pests, such as bedbugs, cockroaches, clothes moths, and so forth.

Taxonomy and interrelations of insects ---------- $130,000

The work done under this appropriation consists of the study of insects as such, and includes: (1) The identification and classification of insects; (2) the study of their structures; (3) the study of their relation to climatic factors; (4) the recording of their abundance and general movement; (5) the furnishing of advice as to their probable usefulness in new areas in assisting in the suppressing of other forms which are injurious. It is primarily of a service nature. By supplying the names for insects the specialists employed under this appropriation furnish a key to the records on injury, habits, distribution, and means of control, as determined by previous study, to all other units of the bureau, to agricultural colleges, State experiment stations, and other agencies investigating injurious or beneficial insects. There are over 650,000 described species of insects. Many of these are injurious; many are beneficial. Many of those which are beneficial look so much like those which are injurious that only a specialist who has access to large collections and libraries can distinguish between the injurious and beneficial. The determination made by these specialists is the starting point of most entomological investigations, and it is through their work that we realize that undesirable aliens, like the Mexican fruit worm, and so forth, have entered our country. This service is of the greatest value to all field investigators and on its accuracy much depends. The study of the structures of insects is not only a necessary part of the science of their classification but the results obtained are of use to those who deal with devising means of control.

Bee culture ---------- $49,380

The funds under this appropriation are being used for the study of the behavior of bees to ascertain the responses of bees

to artificial and natural stimuli to the end that beekeepers may utilize to the utmost the natural habits of bees in increasing the production of wax and honey.

BUREAU OF BIOLOGICAL SURVEY

Maintenance of mammal and bird reservations $69,000

The bureau supervises 77 Federal big-game and bird reservations and administers and maintains warden forces upon the more important of these reserves. The five big-game refuges are:

The Winter Elk Refuge at Jackson Hole, Wyo.
The Montana National Bison Range.
The Wing Cave Game Preserve.
Sullys Hill Game Preserve, S. Dak.
Niobrara Reservation, Nebr.

Economic investigations $595,500

The bulk of this appropriation is expended in serving the public through the development of practical methods for the control or eradication of injurious rodents and predatory animals, and the demonstration of these methods to farmers, stockmen, orchardists, and others interested in the destruction of these animals. Extensive campaigns on the national forests in the West and on other areas and in local communities are carried on for the wholesale destruction of rodents and predatory animals. This work is conducted by trained men who are stationed in rodent and predatory animal infested States and who cooperate with State and county officials, associations of stockmen and farmers, and individuals. These cooperative agencies, in addition to the individual service rendered, contribute to the work nearly twice the amount of money expended by the Federal Government.

Biological investigations $40,000

This scientific work conducted by the biological investigations division is the fundamental basis for most of the bureau's activities. It includes biological surveys of States; technical laboratory studies on the classification of North American birds and mammals; studies the habits of mammals in relation to crops and forests, conducted chiefly from stations at Tucson, Ariz., and Puyallup, Wash. The division conducts field investigations of big game mammals; studies the distribution and migration of birds, through censuses of waterfowl and other birds in which about 3,000 cooperators take part, and banding of birds by 1,200 cooperators as a means of securing data on seasonal and local movements of birds.

Protection of migratory birds $163,000

This project consists of the enforcement of the migratory bird treaty and Lacey Act by maintaining a warden service throughout the State to the limit of available funds, and by cooperating with State and local authorities in the work; in conducting necessary investigations of migratory birds to obtain information required in connection with the administration of the laws and regulations; supervision of importations of foreign birds and other animals into the United States, including inspection service at ports of entry to prevent the introduction into this country of injurious species; and the assembling of data and publication of the annual game-law bulletin, game-law poster, directory of game-protection officials, and other information.

Reindeer, game, and fur bearers in Alaska $100,000

From headquarters at Fairbanks, Alaska, in cooperation with the Alaska Agricultural College, are conducted investigations, experiments, and demonstrations for improving and increasing the reindeer industry in Alaska, and the results attained are made known to reindeer owners, who are benefited by adopting the improved methods. This department cooperates with the Bureau of Education in connection with the reindeer under the latter's control.

Upper Mississippi River refuge $40,000

This appropriation is being used for the acquisition of land and land and water areas to be set apart as a wild life and fish refuge along the upper Mississippi River, as authorized by the act of June 7, 1924.

BUREAU OF PUBLIC ROADS

Road building and maintenance $70,000

Maintenance of experimental highways and experiments in the use of local materials and road construction and maintenance studies.

Agricultural engineering $244,290

The agricultural engineering activities of the Bureau of Public Roads are carried forward under three major subdivisions: (1) Irrigation, (2) drainage, and (3) farm structures and mechanical problems. The work is largely of a research character and in general is conducted in cooperation with colleges or other State agencies.

BUREAU OF AGRICULTURAL ECONOMICS

Farm management and practice $372,250

This appropriation covers studies of farm management and farm organization problems, costs of production, farm credit, insurance, taxation, farmers' return for capital and labor, farm ownership and tenancy, labor, land settlement and utilization, and farm-life problems. Recommendations are made for crop and livestock adjustments based upon close study of farm organization and costs and of changing agricultural conditions. Farmers are assisted in keeping records and accounts of their operations. Studies are made with respect to the use, value of land, the classification of lands yet to be brought under cultivation, and the methods of development which will result in the proper use of each class of land. Assistance is given to farmers in obtaining credit, and special studies are being made with regard to farm insurance problems. Farm taxation is being studied in an effort to find means of relieving agriculture of a part of its present heavy burden. The greater part of the work under this appropriation is carried on in close cooperation with State agencies and with other departments of the Government.

Marketing and distributing farm products $715,000

Special studies will be made of transportation, market-price trends; marketing livestock, meats, and wool; marketing dairy and poultry products; marketing hay, feed, and seed; cotton handling and marketing; State cooperation in marketing work; and the development and extension of the agricultural outlook work which involves research studies on the fundamental economic principles underlying the production and marketing of farm products.

Under this appropriation are conducted the research projects connected with the marketing of farm products in general. The work includes the preparation of standards for farm products and conferences with the trade in regard to their use. The methods of handling, grading, packing, shipping, and marketing farm products are studied and recommendations made for improvements. Numerous laboratory problems are under way, such as spinning tests of various types and grades of cotton, and milling, baking, and chemical studies to determine the intrinsic value of wheat. Studies are made for the purpose of establishing additional commercial and scientific uses for cotton and its by-products. All available facts with regard to the production of and probable demand for farm products are published periodically. A number of projects are conducted in cooperation with State agencies covering various marketing problems.

Crops and livestock estimates $738,000

Crop and livestock estimates: This work covers 74 crops in addition to the different classes of livestock.

Foreign competition and demand: Approximately $89,000 of the funds made available under this paragraph are specifically set aside, by proviso, for collecting and disseminating to American producers, importers, exporters, and other interested persons, information relative to the world supply of and need for American agricultural products, marketing methods, conditions, price, and other factors.

Market inspection of farm products $388,455

This service enables any interested party to secure at any point where the service is maintained, an inspection by a representative of the Department of Agriculture and a certificate, which is prima facie evidence in all courts of the United States as to the statements therein contained. These certificates cover the class, quality, and/or condition of agricultural products offered for shipment, or received in interstate commerce. The service has been inaugurated on fruits, vegetables, butter, cheese, eggs, meats, hay, beans, soy beans, and broom corn.

The service is, in a large measure, self-supporting, as fees are collected and turned into the Treasury as miscellaneous receipts. One hundred and ninety-three thousand cars of fruits and vegetables were inspected at shipping point in 1927. Of these 201 reinspections were made at receiving point and 115 cars were rejected. Practically perfect results, only 115 rejections out of 193,000 cars. Shippers tell me that shipping-point inspection is saving more than $5,000,000 annually to shippers and producers and at the same time it offers the only guaranty to the wholesale and retail purchaser. As the author of the shipping point inspection law, I am naturally highly gratified with these results.

Market news service $1,076,355

This item covers the collection and dissemination of market information by telegraph, telephone, radio, and other means. Information regarding the market supply, commercial movement, location, quality, condition, market price, and so forth, on all the principal agricultural products is collected and compiled by representatives of this bureau and given the widest

possible publicity. This furnishes a guide to producers and shippers as to markets where the best demand exists for their products. The leased-wire service extends to Boston, in the north; to Jacksonville, Fla., in the southeast; to Chicago, Minneapolis, St. Paul, Kansas City, and Omaha, west to San Francisco; and south to Fort Worth and San Antonio, Tex., touching various points between these cities. Temporary field stations are operated in producing districts during the movement of important crops, and information is furnished to various points in the field by commercial wires and radio.

Cooperative marketing..... $260,000

The act of July 2, 1926, creating a division of cooperative marketing requires the department to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for the calling of advisors to counsel with the Secretary on cooperative activities; and to authorize cooperative associations to acquire, interpret, and disseminate crop and market information.

Estimates of grade and staple lengths of cotton..... $400,000

This is a new item for the purpose of carrying into the effect the provisions of an act entitled "An act authorizing the Secretary of Agriculture to collect and publish statistics of the grade and staple length of cotton," approved March 3, 1927.

The act cited directs the Secretary of Agriculture to collect and publish annually, statistics or estimates covering the grades and staple length of stocks of cotton, known as the "carry-over" on hand on the 1st day of August of each year in warehouses and other establishments. Following such publication he is directed to publish at intervals estimates of the grade and staple length of cotton of the then current crop, it being provided that not less than three such estimates shall be published with respect to each crop. It is further provided that in any such statistics or estimates published, the cotton which is tenderable under the United States cotton futures act shall be stated separately from that which may be untenderable. Work of a preliminary nature is being carried on during the fiscal year 1928 with funds provided for this purpose under the appropriation "Crop and livestock estimates."

Enforcement of cotton futures act and cotton standards act.. $207,000

Under both of these acts the department is authorized to promulgate standards for cotton. The cotton futures act provides for the regulation of the cotton-future exchanges and for the classification of cotton delivered on future contracts. Under this act supervision is maintained over designated spot markets, and a cotton price quotation service is maintained. In addition to furnishing authentic information of prices these quotations serve as a basis for the settlement for cotton, other than middling, delivered on future contracts.

The cotton standards act makes mandatory the use of the official cotton standards in interstate and foreign commerce, provides for the classification of spot cotton by representatives of the department, and for the licensing of cotton classers. Universal cotton standards have been promulgated under this act and these have been adopted by the principal foreign cotton exchanges.

Enforcement of the grain standards act..... $758,650

This act requires the Department of Agriculture to promulgate standards for grain, the use of which is mandatory in interstate commerce, and to supervise the inspection of such grain by licensed inspectors. This law involves very heavy service and regulatory work, and constant vigilance must be exercised by representatives of the department in order to prevent violations of the law, such as fraudulent loadings of cars, and so forth, are detected and penalties imposed.

Under this act the department inspects warehouses for the storage of certain farm products, and issues licenses to warehousemen who comply with the provisions of the law. A continuous check is kept upon the operation of the licensed warehouses. The main purposes of the warehouse act are to safeguard the storage of farm products and to furnish a warehouse receipt which will be acceptable as collateral for loans, and thus furnish the farmer with a means of securing credit as an aid to the orderly marketing of his crop. Bankers have strongly indorsed the work of the department under this act, and the licensed warehouse receipt is being universally accepted as collateral. The original act covered only cotton, grain, wool, and tobacco. Under a subsequent amendment, warehouses may now be licensed for the storage of other agricultural products, and regulations under the act have been extended to cover peanuts, potatoes, broomcorn, dry beans, dried fruits, and sirups, both cane and maple, canned foods, and cottonseed.

Enforcement of the standard container and produce agency acts..... $30,000

The standard container act is a regulatory act whose administration is carried on largely through educational work with package-manufacturing concerns. The law provides for standard specifications for climax baskets and baskets and containers for small fruits, berries, and so forth. Manufacturers are manifesting an increasing desire to cooperate with the department in securing the enforcement of the law and voluntarily submit samples of the containers which they intend to manufacture. A very large number of sample containers are tested and the manufacturers notified of changes which are necessary to bring such containers within the provisions of the act.

The produce agency act covers three important propositions: It makes it a misdemeanor (1) for anyone receiving perishable farm products in interstate commerce for or on behalf of another to dump, abandon, or destroy the products so received without good and sufficient cause therefor; (2) for anyone receiving such products for or on behalf of another in interstate commerce to fail, knowingly and with intent to defraud, to account truly and correctly therefor; and (3) for anyone receiving such products in interstate commerce, for or on behalf of another, to make any false statement, knowingly and with intent to defraud, concerning the handling, condition, quality, quantity, sale, or disposition thereof.

BUREAU OF HOME ECONOMICS

Home-economics investigations..... $120,000

The bureau maintains no field stations, the investigational work in home economics being performed in Washington, and the results disseminated in the form of bulletins and other publications. The principal projects under way include studies of food composition, nutritive value, methods of preparation, and use, in order to furnish information in a practical form for the more effective utilization of these products. Special emphasis now is being given to dietary studies, problems of feeding young children, vitamin and mineral content of food, home canning methods, and the extension of the use of soft wheat flour. Economic studies also are carried on in order to furnish information to guide the housewife in wise buying. An effort is being made to determine what is an adequate standard of living for the farm family, these studies involving detailed analyses of expenditures for food and clothing and a special investigation of household accounts and their use in planning a household budget. Since so large a proportion of the family resources in time and money goes to clothing, special studies are being made to furnish information as to wise choice, care, and construction of clothing.

PLANT QUARANTINE AND CONTROL ADMINISTRATION

Enforcement of foreign plant quarantines..... $500,000

These funds provide for the payment of salaries and miscellaneous expenses in connection with the enforcement of foreign plant quarantines, the purpose of which is to regulate the importation of nursery stock and other plants and plant products; to prevent movement of cotton and cottonseed from Mexico into the United States; and to prevent the entrance of such insects as the pink bollworm, the Mexican fruit worm, and so forth, into this country.

Preventing spread of pink bollworm of cotton..... $687,800

The work under this item is for the control and eradication of the pink bollworm in Texas, New Mexico, Arizona, and elsewhere. It provides for the prevention of the movement of cotton from restricted areas except under Federal inspection and certification and the enforcement of all quarantine regulations against this pest. It also provides for the supervision of the treatment and crushing of infested seed; and for necessary scouting to determine spread or new outbreaks in the United States and in Mexico near the border.

Preventing spread of moths..... $556,380

These funds are being used to prevent further spread of the gipsy moth and the brown-tail moth in this country. The extermination of the gipsy moth is sought in its present restricted area in the State of New Jersey as well as the extermination of isolated colonies in the barrier zone, a strip of territory averaging 25 to 30 miles in width along the western border of the New England States, and the area in New York east of the Hudson River. This strip extends from Long Island Sound to the Canadian border. New Jersey is making annual appropriations for work in that State and cooperates with the department. Field work in the territory east of the barrier zone is carried on by the States concerned, the Federal-control work being confined to the New Jersey area and the barrier-zone territory. New York is carrying on the work in certain

areas west of the zone under the same plan as that conducted by the department in the barrier zone.

Inspection and certification of shipments of plant material which might carry the gipsy or brown-tail moths into new areas and the enforcement of quarantines relating to these two pests are also provided for under this item.

Preventing spread of European corn borer..... $887,660

The work done under this appropriation provides for the prevention of spread of the European corn borer, the enforcement of the quarantines, and for the clean-up of heavily infested areas in order to prevent the further long-distance spread of this insect. During 1927 nearly $9,000,000 was expended in a "corn borer clean-up campaign."

Preventing spread of Mexican fruit worm..... $100,000

This is a new item to cover regulatory activities on the Mexican fruit worm. The presence of this pest in the lower Rio Grande Valley of Texas is a menace to the entire southern fruit industry from Florida and Georgia to California.

The work done under this appropriation provides for the eradication of the Mexican fruit worm by the maintenance of a host-free period during the summer months, and for the prevention of its spread by the enforcement of quarantines. It also provides for any other regulatory measures necessary to eradicate this pest in the United States.

Certification of exports..... $30,000

This project provides for the certification, as to freedom from injurious insects and plant diseases, of fruits, vegetables, and plants intended for export in order that they may meet the sanitary requirements of foreign countries.

Grain futures administration..... $135,000

This appropriation provides for the administration of the provisions of the grain futures act of September 21, 1922, which brings under the supervision of the Federal Government certain phases of the business conducted on all grain future exchanges in the United States. This law requires that adequate records be kept by members of these exchanges of all transactions in grain for both cash and future delivery, and that such records shall be subject to inspection by the Federal Government; that reports respecting such transactions shall be made to the Secretary of Agriculture upon request; and that the dissemination of false and misleading information about crop and market conditions be prevented; that manipulation or attempts to manipulate or corner the grain futures market be suppressed. It also prohibits discrimination by grain future exchanges against cooperative associations of producers who desire membership and who agree to meet the conditions lawfully required of other members, except in respect to patronage dividends, and provides for investigation and dissemination of information concerning grain marketing.

In carrying out the provisions of the act, daily reports are required from the clearing members of the contract markets, showing volume of trades and open contracts in the various grains and futures. These reports are checked for inaccuracies and compiled, and the figures concerning the volume of trades are made public daily. The reports are then carefully studied with a view to determining the factors which influence grain prices. In order to keep a further check on the possibilities of manipulation, reports of individual accounts are required from members and individuals themselves, when their trading exceeds certain specified amounts, which for the Chicago Board of Trade is one-half million bushels. Whenever it appears that the transactions of any individual or group of individuals is of such character as to have undue influence on prices, the matter is then referred to the business conduct committee on the exchanges for appropriate action. In addition to the studying of these reports, general observations are made of the activities of the entire grain-marketing machinery and a constant check is made of the market news and gossip relating to crop and market conditions with a view to determining authenticity, locating sources, and correcting false and misleading information.

Enforcement of the food and drugs act..... $938,000

This appropriation provides for the enforcement of the Federal food and drugs act, commonly called the pure food law. The purpose of this act is to prevent the shipment into interstate or foreign commerce and the manufacture and sale in the District of Columbia and other territory in which the Federal Government has jurisdiction of adulterated or misbranded foods and drugs. To enforce this act it is necessary to maintain supervision of the enormous volume of foods and drugs shipped within its jurisdiction. This requires the inspection of food factories, the examination of shipments, the analysis of samples, and the presentation of evidence in court.

Enforcement of the tea importation act..... $41,055

Under the tea act every consignment of tea imported into the United States is inspected both as to purity and quality. A board of tea experts determines a suitable standard for tea each year, and no tea for beverage purposes is permitted entry into the United States that falls below that standard. Before the enactment of the tea importation act much low-grade tea that was unfit for use was sent to the United States.

Enforcement of the insecticide act..... $215,000

Out of 2,000 shipments of various insecticides and fungicides sampled and examined under the act during the last two years more than 600 were found to be worthless for killing insects and others were found to contain chemicals that seriously injured the trees or crops upon which they were applied.

The insecticide act places upon the department the responsibility of regulating interstate shipments and importations of insecticides and fungicides into the United States at the various ports of entry. The provisions of the law are designed to protect farmers, fruit growers, market gardeners, and stock and poultry raisers from fraudulent, misbranded, and adulterated insecticides and fungicides. Products used to rid the household of insects and disinfectants, germicides, and so forth, which are used to combat or kill bacteria also come within the scope of the work. The enforcement of the law has had a marked effect upon the industry engaged in the manufacture and sale of insecticides and fungicides, and each year sees progress in the direction of more truthful statements and a higher quality in most of the products on the market. However, the manufacturing and use of insecticides and fungicides has tremendously increased since the inception of this regulatory work, and the Insecticide and Fungicide Board is constantly confronted with new problems and new products requiring inspection. Especially important at present are disinfectants, boll-weevil remedies, lice preparations, calcium arsenate, lime-sulphur preparations, and fungicides used on the Pacific coast. Provision is made for experiments and demonstrations in livestock production in southern United States, $54,000, and experiments in dairying and livestock production in western United States, $60,000.

Forest roads and trails..... $6,500,000

The funds made available by this item are used for the following purposes:

(1) Forest highways: For the survey, construction, and maintenance of roads which are necessary to the administration, protection, and development of the national forests but which are of greater value to the States, counties, or communities within or near the forests than to the Federal property itself. The difference between this appropriation and the Federal aid provided for by other sections of the Federal highway act is that the forest highway fund is based upon the ownership of land by the Federal Government and is made in order that this may be developed and protected.

(2) Forest road development: For the survey, construction, and maintenance of roads and trails which are necessary to the administration, protection, or development of the national forests and which are of greater value for this purpose than they are to the States, counties, and communities within or near the forests. Of the total expenditure to date, 35 per cent has been used for the construction and maintenance of trails primarily for use in protecting the national forests from fire. During the past few years Congress has authorized, for forest roads and trails, several millions more than have been expended. The language of the bill now before us permits the utilization of that accumulated fund.

Federal aid highway system..... $71,000,000

This item provides funds for cooperation with the several States in the construction of the Federal aid highway system under the terms of the Federal highway act. This system comprises approximately 185,000 miles of the main highways of the country selected by the States and approved by the Secretary of Agriculture. Federal aid road work was started under the Federal aid road act in 1916. Up to October 31, 1927, provision had been made for the improvement with Federal aid of 78,841.3 miles of highway. Since 1925 authorizations for the work have been at the rate of $75,000,000 per year. Under these authorizations the work has been carried forward by the Secretary of Agriculture acting through the Bureau of Public Roads, and funds are appropriated as required to make payments to the States. Accumulated Federal highway funds are also available under this bill.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. COLE].

Mr. COLE of Iowa. Mr. Chairman and gentlemen, my purpose in asking time to address the House for a few minutes is to get into the RECORD some facts about the administration of the so-called flexible clause in the tariff act.

In his remarks yesterday the gentleman from Arkansas [Mr. OLDFIELD], whom we all recognize as one of the leaders on the

Democratic side of the House, made a reference to the increase in the duty on pig iron. He tried to contrast that action on the part of the President with the attitude of the same President toward agriculture.

I recall also that a Senator from the same State [Mr. CARAWAY] at the St. Paul conference on agriculture held last spring made a similar reference to this matter. Mr. CARAWAY in a dramatic manner said that the President, after he had vetoed the McNary-Haugen bill, "with the same pen" signed the proclamation increasing the duty on pig iron by 50 per cent. Fifty per cent for industry and not a cent for agriculture!

Eloquent phraseology! But when the facts are connected up with these phrases the eloquence is dissipated.

In response to many inquiries, I looked up the facts last spring, and I sought yesterday to inject some of them into the speech of the gentleman from Arkansas [Mr. OLDFIELD].

Was the President in increasing the duty on pig iron guilty of showing undue favoritism for so-called industry?

When the present tariff act was passed what is known as section 315 was included. Under this section inequalities in rates that arise may be corrected without awaiting the action of Congress. It was hoped that quick and responsive action would be taken under this section, but such hopes have long since been dissipated.

Applications for increases or decreases in rates under this so-called flexible clause are referred to the United States Tariff Commission. A somewhat tedious procedure must be followed by the commission, including inquiries as to the cost of the articles affected both at home and abroad. When a recommendation is made by the commission, and then only, the President may act or he may refuse to act.

In the six years, I think, over 600 applications for changes in rates have been filed, and, I think, in less than 30 have the investigations been completed by the Tariff Commission.

I have the exact facts as of last July. At that time the applications so made had reached 573. In 23 cases reports had been made to the President and in 15 of these increases had been proclaimed by the President.

Six of these increases affected chemical products. Since the World War we have made efforts to develop our chemical industries, for the war taught us the need of such developments. These increases were as beneficial to agriculture as to industry.

Four of the increases affected agricultural products, namely, wheat, wheat products, butter, and cheese.

The five other increases related more or less to so-called industries, such as taximeters, men's sewed straw hats, print rollers, gold leaf, and pig iron. None of these industrial increases is important unless it be pig iron.

What are the facts about the increase on pig iron? How big a boon was that to industry? In the Fordney-McCumber law the duty on pig iron was placed at 75 cents a ton, certainly not an excessive duty on the face of it. It was at least not a prohibitive duty, for since its enactment whole cargoes of such iron have been shipped into the United States, some of them from so far away as British India, where men still labor for 30 cents a day, more or less, and generally less.

After an investigation stretching over years the Tariff Commission recommended to the President that the duty be increased the full amount permissible under section 315; that is, 50 per cent.

In an oratorical speech delivered by an orator like my friend from Arkansas and in the presence of an audience not acquainted with the facts, "50 per cent" sounds like an astounding increase for a "wicked industry."

But when that 50 per cent is reduced to facts and cents, we find that it amounts to only 37½ cents on a whole ton, or 2,000 pounds, of pig iron. This increase made the duty on pig iron $1.12½ a ton. That still is neither large nor prohibitive, for pig iron is still being imported, displacing similar materials from American mines mined by American labor and puddled, or whatever the process is, by American labor receiving American wages instead of 30 cents a day in India.

Mr. OLDFIELD. Will the gentleman yield?

Mr. COLE of Iowa. I will.

Mr. OLDFIELD. Has the gentleman the figures as to how much pig iron was imported and how much exported?

Mr. COLE of Iowa. No; I have not.

Mr. OLDFIELD. Will the gentleman put them in his speech?

Mr. COLE of Iowa. I will try and get the figures.

If all orators would deal in facts instead of seeking effects, they would mention also that the President "with the same pen" that he signed the increase of 37½ cents a ton on pig iron signed the increase on butter from 8 cents a pound to 12 cents a pound, another 50 per cent increase. They omit this fact because they do not want the people of the country to know that the President has taken thought of agriculture as well as of industry.

In the Underwood tariff, enacted by the party of which my colleague from Arkansas is an exponent on the tariff, the duty on butter was placed at 2½ cents a pound. That was the consideration that the gentleman's party gave to this great dairy product in which farmers from one end of the country to the other are interested. That rate was certainly no "sop" to the farmer.

Under that low duty butter was imported at such a rapid rate, displacing American butter in our home markets and depressing prices, that in the emergency tariff enacted in 1921, when the Republicans came into power, the duty was increased to 6 cents a pound. But imports still continued and so the duty was increased to 8 cents a pound in the act of 1922.

Even under a duty of 8 cents a pound we continued to import butter, sometimes at the rate of 30,000,000 pounds a year, not only from Denmark and Holland but from Australia and New Zealand.

The dairy interests then applied for relief under the flexible clause. After careful investigations as to costs of producing butter at home and abroad, the Tariff Commission recommended the increase and the President proclaimed it, signing with the same kind of a pen, if not the same pen, that he later used in declaring the increase on pig iron.

With that magic pen the President increased the duty on butter 4 cents a pound, or $80 a ton, while the increase on pig iron—that oratorical sop to industry—was only 37½ cents a ton.

Mr. EVANS of California. What is the tariff on butter now?

Mr. COLE of Iowa. The increase made by the President, let me repeat, was 4 cents a pound, making the present rate 12 cents a pound. The increase amounts to $80 a ton on butter, as compared with an increase of 37½ cents a ton on pig iron.

Mr. W. T. FITZGERALD. Will the gentleman insert in his remarks what the tariff is on poultry, with especial reference to incubator chickens being brought in from Canada?

Mr. COLE of Iowa. I will try to get them, but I am not sure that I can on such short notice.

It may not be irrelevant, incompetent, or immaterial to say that the farmers are willing to pay 37½ cents a ton more for their pig iron so long as they can get $80 a ton more for their butter. The difference between 37½ cents and $80 is quite material to them.

By marketing nine and a fraction pounds of butter at the increase of 4 cents a pound they can pay the increased duty of 37½ cents on a whole ton of pig iron. And a ton of pig iron when reduced to nails, barbed wire, and even farm machinery goes quite a ways even on a modern farm.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. COLE of Iowa. Yes.

Mr. BANKHEAD. Do I understand from the gentleman's remarks—and it seems to be so indicated—that he is entirely satisfied with the present industrial schedules of the Fordney-McCumber Tariff Act as affecting the interests of the farmer and his State?

Mr. COLE of Iowa. I would not want to make the sweeping statement that I am entirely satisfied. I do not know that I am entirely satisfied with anything, not even with the plan of salvation. [Laughter.] But I think that on the whole I am satisfied. I am willing to accept the existing industrial schedules until and unless evidence is submitted that is conclusive to me that they ought to be changed. [Applause.]

Mr. BANKHEAD. My question was aroused by the fact that some of the representatives from the gentleman's section of the country have been charging that the industrial schedules were too high and oppressive as against the farmer, and that unless they could get certain characters of farm relief, in justice to the farmers of their country, they would be compelled to attack the exorbitant industrial schedules of the Fordney-McCumber Tariff Act.

Mr. COLE of Iowa. I think that some of the industrial schedules in comparison with the present agricultural schedules are too high; but, for one, I am not in favor of leveling them down. I am not in favor of punishing industry, throwing men out of work for the sake of getting some benefit for agriculture. That is not the way that I would go at it. I would not destroy the purchasing power of my customer and hope to get anything out of the transaction for myself. Rather I would level the agricultural schedules up, and that is what we are going to ask for, and I think it will be given us if the Republican Party is in power.

I do not think any man from my State is in favor of punishing industry, but we are all in favor of getting a little more for agriculture, and I think we are entitled to it.

Conditions have been changed entirely since the Fordney-McCumber Tariff Act was enacted, especially with reference to agriculture. In making that tariff act I think they granted us all that we asked for at that time. But the conditions were different then and they are different now. The changes that have been brought about in agriculture since 1922, I think, entitle us to certain increases in tariff rates on agricultural products.

Mr. BANKHEAD. So that the gentleman seems to think that a raise in the agricultural schedules in the tariff will very largely meet the present difficulties of the agricultural sections without other relief?

Mr. COLE of Iowa. I would not want to make that sort of a sweeping statement, either. I do not like to make sweeping statements of any kind at any time. I do not like to make any statements unless I know the facts on which they are based.

Mr. LOZIER. Mr. Chairman, will the gentleman yield?

Mr. COLE of Iowa. Yes.

Mr. LOZIER. The gentleman does not take issue with the statement of Secretary Wallace and President Coolidge that the domestic price of farm commodities sold in America is controlled by the price in the world market? The gentleman is in harmony with the attitude and claim of Secretary Wallace and President Coolidge on that question, is he not?

Mr. COLE of Iowa. That question is a big order and I can not undertake to answer it here. I would be very glad to discuss that if I had an hour's time, but now I want to hasten on and finish my speech.

Mr. OLDFIELD. The gentleman does not expect the present Congress, which is Republican in both Houses, to increase these duties on agricultural products, does he?

Mr. COLE of Iowa. I am afraid that the present Congress can not reach that question, at least not at this session. The revision of the tariff is, as you know, a year's job, and we have not time to do it now.

Now, I will not dwell longer on that, but before closing I do want to make reference to sugar. The gentleman from Arkansas [Mr. OLDFIELD] made a reference to the tariff on sugar. I do not know what his exact attitude is, but I assume he is in favor and has been in favor of lowering the tariff on sugar.

Mr. OLDFIELD. The present tariff carries a cent a pound. The Tariff Commission reported to the President that $1.23 was sufficient to equalize the difference in the cost of production here and abroad. The President ignored the report of the commission and let it stay as it is. In other words, he called on the Tariff Commission for a report, and when they reported he paid no attention to the report.

Mr. COLE of Iowa. I will say to the gentleman from Arkansas that I am glad the President used his discretion.

Mr. OLDFIELD. Do you want the rate to be made higher on sugar?

Mr. COLE of Iowa. I would not hesitate a minute to put up the tariff on sugar.

Mr. OLDFIELD. You want to put an embargo on sugar, do you?

Mr. COLE of Iowa. Oh, no. Plenty of arguments, however, could be made in favor of increasing the tariff half a cent a pound. In fact I would not hesitate to increase it a cent a pound. I know something about sugar, because I have studied it for six years in connection with my efforts to get a little recognition for corn sugar. I am in favor of the American people supplying their own wants in a much greater degree than they do at the present time. I would put the duty up rather than put it down, and the President of the United States is to be honored on the part of the farmers as much for keeping the duty on sugar up as he is to be honored for raising the duty on butter. [Applause.] By lowering the duty it would be possible to destroy the beet-sugar industry of the country, and to crush the cane-sugar industry of Louisiana.

Those who are acquainted with the beet-sugar industry know that it exists under the present tariff rates on a very slender margin of profit, if profit at all. We are now producing sugar at the rate of 1,000,000 tons a year from beets. The beet fields are scattered over the country. They glorify diversified agriculture. Beet money is like butter money, an ever present help to the farmers. Labor in the factories also is benefited.

We are still importing nearly two-thirds of the sugar we consume. Would the gentleman from Arkansas import it all? Is a cane field in Cuba more to him than a beet field in Arkansas?

Mr. OLDFIELD. If you make the sugar tariff as high as 10 cents a pound, no doubt we could produce all the sugar we consume in this country. Would you favor that?

Mr. COLE of Iowa. I would avoid making such a sweeping statement as a duty of 10 cents a pound.

Mr. OLDFIELD. Would the gentleman raise it to the point where this country can produce all the sugar we use?

Mr. COLE of Iowa. No. I would not be in favor of that. I do not think we could achieve all of that within reason. At present, however, we are importing over 60 per cent of our sugar, and are growing only one-third of the sugar we consume. I would like to see the time come when we would produce 66⅔ per cent and import only the other third, 33⅓ per cent.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. DICKINSON of Iowa. I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman is recognized for five minutes more.

Mr. LOWREY. Mr. Chairman, will the gentleman yield?

Mr. COLE of Iowa. Yes.

Mr. LOWREY. The gentleman speaks of not being very well satisfied with the present plan of salvation. I was wondering if he had as little chance of getting by on that as the farmer has of getting by on the present protective tariff?

Mr. COLE of Iowa. I think I should be satisfied if I had the farmer's chance. [Laughter.]

Mr. BLACK of New York. You mean the snowball farmer's?

Mr. COLE of Iowa. No. I never talk about any farmers except actual farmers. I do not even talk about landowners.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. COLE of Iowa. Yes.

Mr. MADDEN. Speaking of the duty on sugar, would the gentleman favor a tax on corn sugar of 10 cents a pound?

Mr. COLE of Iowa. No. But I have this assurance, that by the middle of June or earlier——

Mr. MADDEN. This year?

Mr. COLE of Iowa. Yes; we shall be producing sugar from corn at the rate of 1,000,000 pounds a day. We have had a hard fight and it has not yet been entirely won. Corn sugar is an American sugar that is coming to the front, and all the forces of evil can not keep it down! [Applause.]

Mr. W. T. FITZGERALD. Mr. Chairman, will the gentleman yield?

Mr. COLE of Iowa. Yes.

Mr. W. T. FITZGERALD. Is the yield in corn sugar 25 per cent?

Mr. COLE of Iowa. It is about 23 pounds from a bushel.

Mr. MADDEN. And how is artichoke sugar coming on?

Mr. COLE of Iowa. So far as the artichoke sugar is concerned, that is being developed by the Bureau of Standards, with the encouragement of the great committee headed by the gentleman from Illinois [Mr. MADDEN]. His committee are entitled to the credit for that development, because it has seen fit to give the Bureau of Standards another $25,000 to carry on those experiments.

Mr. COLTON. Mr. Chairman, will the gentleman yield?

Mr. COLE of Iowa. Yes.

Mr. COLTON. Has the gentleman incorporated in his bill a provision against the mixing of this corn sugar with honey?

Mr. COLE of Iowa. Yes. There is a provision to that effect. We have no desire to interfere in any way with honey.

I will conclude by saying that there is now pending before the Tariff Commission another increase on a major agricultural product, corn. The duty on that staple is now 15 cents a bushel. We are asking that it be increased 50 per cent, or to 22½ cents a bushel. The Tariff Commission, as usual and as always, is full of delays, but I doubt not that when they get ready to make their recommendation the President, still using that same pen, will declare it.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. COLE of Iowa. Yes.

Mr. BANKHEAD. I was in hopes that the gentleman would make some reference to the reduction of the tariff on farm implements and machinery. Our people in Alabama are hoping for something of that kind, because thus far they have only received a reduction on Mexican bobwhite and paintbrush handles.

Mr. COLE of Iowa. I am glad your farmers are satisfied with the relief that has been granted on bobwhites.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. CLARKE]. [Applause.]

PROGRESS UNDER THE CLARKE-M'NARY ACT (JUNE 7, 1924)

Mr. CLARKE. Mr. Chairman, I am especially pleased to have in my audience Brother Westcott, who fought in the Civil War with my father.

On June 7, 1924, the President signed the Clarke-McNary bill establishing a national forest policy for the United States.

Since that time I have been actively at work seeking to bring to the States the vision of the possibilities through cooperation in reforestation that could be theirs under this bill; the response, even in this brief period, has been so wonderful that I set forth in the RECORD in great detail a report of progress dedicated to service to all the children of all the to-morrows.

In the fiscal year 1925 the Federal appropriation available for cooperation with the States in the protection of State and privately owned timberland against fire was $400,000. This appropriation has increased under the Clarke-McNary law to $1,000,000 for the fiscal year 1928.

The number of cooperating States has increased from 29 in 1925 to 36 in 1928.

The area of forest land classified as needing protection has increased from 272,629,000 acres to 359,209,000 acres, and the area of forest land that is actually being protected has increased from 163,000,000 to more than 196,000,000 acres.

At the present time all but one of the important timber-producing States have at least made a beginning in the protection of their forest lands against fire. This showing speaks for itself. Without doubt the extension of forest fire protection over a larger area of forest land and the giving of better protection to many areas were given distinct impetus by the provisions of the Clarke-McNary law.

Under the provision of this law the Forest Service which administers it has sought to have funds expended in forest-fire prevention activities and the prompt suppression of small fires as contrasted to fighting large fires. In other words, more and more emphasis has been put upon the prevention of large fires. Just as much money may be spent that way, but if the efforts are successful there will be to show for it unburned timberland.

Clarke-McNary funds have been used in part during the last two years to help finance an experiment on Cape Cod. This was an experiment in forest-fire prevention. Special patrolmen were put to work on a limited area on Cape Cod. A series of talks was given each year by some one connected with the State forest service before schools, chambers of commerce, and so forth, in that region, and literature was distributed among all people visiting the region during the summer. The Cape Cod population increases several fold during the summer season, and the cape, in fact, is very much dependent upon the influx of summer visitors and summer residents for its income. The continuance of this source of revenue to the local people is dependent to a large degree upon keeping this region beautiful. That, in part, was the reason for carrying on the experiment in this particular location. Further, the vegetation is such that forest fires burn very rapidly and are set quite easily. The results of the experiment have been very interesting. Briefly, in two years the expenditures for forest-fire activities have been less by 11 per cent than under the old system, and the acreage of land burned over has been reduced by 72 per cent. If the experiment continues successful, it may point the way to a line of activity that should be followed more extensively in other States than is the case at present. So far at least the experiment has proved very much worth while.

Expenditures by the States in forest-fire prevention and suppression have amounted to nearly $2,000,000 in each of the last three years, while private expenditures have varied from $500,000 to $1,900,000. The total of State and private expenditures has been nearly treble that of the Federal Government during the same period.

Previous to the enactment of the Clarke-McNary law 18 States were maintaining forest nurseries and distributing forest trees to people within their borders who wished them for reforestation purposes. In the fiscal year 1926, the first year in which appropriations were available under the law, the number of States jumped to 29; Porto Rico also took up this activity. In the fiscal year 1927, 32 States, also Porto Rico and Hawaii, engaged in the distribution of forest trees to farmers in cooperation with the Forest Service under the Clarke-McNary law. In the present fiscal year 1928, 34 States in addition to Porto Rico and Hawaii are cooperating in this project. There is no question that the Clarke-McNary law has been a very distinct stimulus to this activity.

In the year just previous to the enactment of the law farmers were planting from 12,000,000 to 15,000,000 trees a year, a number sufficient to cover 12,000 to 15,000 acres of land. In the year 1927 there were distributed to farmers in the cooperating States 24,500,000 trees, or enough to plant, in round figures, 24,500 acres of land. During the year 1928 it seems perfectly safe to assume that forest trees to the number of 40,000,000 to 50,000,000 will be planted by farmers and organizations in these cooperating States. The effect of the law has been not only to increase the amount of planting by farmers but it has given a nation-wide aspect to this form of activity.

Cooperative expenditures by the Federal Government for the growing and distribution of trees to farmers increased from $45,000 in 1926 to $71,000 in 1927. Expenditures by the States increased in the same period from $223,000 to $242,000.

The law provides for the collection and distribution of forest-tree seed. At the request of State foresters the Forest Service undertook in the fall of 1927 to collect a large quantity of red-pine seed. This kind of seed is rather difficult to procure, and in the past few years State foresters have been obliged to pay from $10 to $22 a pound for it. The Forest Service is fortunately situated in respect to collecting red-pine seed, because on and near the Minnesota National Forest this pine occurs abundantly and probably reaches better development than in any other part of the United States. As a result of efforts put forth by the Forest Service in that region, about 1,500 to 1,800 pounds of seed will be secured and made available to State foresters at a cost of about $5 a pound. Orders have already been placed by State foresters for 1,300 pounds.

Section 5 of the Clarke-McNary law provides for cooperation with the States in assisting owners of farms to improve their farm woods. The effect of the passage of the law was reflected in an immediate large increase in the funds allotted and expended by the States, an increase of about 60 per cent or about $12,000 over the 1924 expenditures. This increase kept up at about the same rate in 1926 and 1927, with the result that during the fiscal year 1927, 30 States expended nearly $85,000, or an increase of about 350 per cent over 1924.

The availability of Federal funds for the first time in the year 1926 was largely responsible for 26 States engaging in cooperative farm forestry, whereas only 6 were carrying on such a project in 1924, before the passage of the act. Thirty-one States are cooperating during the present fiscal year of 1928.

During the fiscal year 1926 a total of 9,972 farms in 558 counties reported better practice in growing timber as a farm crop. Of these, 3,358 consisted of better management of existing woodlands, 3,651 making forest plantations mostly in worn-out or idle land, and 1,675 planting windbreaks for the protection of crops or farmsteads. In showing the results of forestry demonstration, 2,284 woods or field meetings were held for the benefit of the adult farmer.

Each extension forester is carrying on the teaching of timber growing to agricultural county agents and the public by means of meetings held in public halls and schoolhouses, by means of distributing quantities of Federal and State literature, posters, and leaflets, and by exhibits.

Progress in forest legislation during the last three years has been noteworthy. Georgia, Idaho, Missouri, Oklahoma, Mississippi, Florida, South Carolina, and Delaware made provision during that period for forestry departments, the appointment of State foresters, and the protection of forest lands against fire. Illinois created a department of conservation, with forestry included, in its field of duties; Rhode Island strengthened its forestry organization by putting it under the Department of Agriculture.

Compulsory forest-fire patrol of forest lands has been provided by the States of Idaho and West Virginia, and Idaho has made the disposal of slash resulting from logging operations mandatory throughout the State. As an aid to forest-fire prevention the States of Massachusetts and Pennsylvania have joined others in giving the governor power to close the fishing and hunting season in periods of grave fire danger. New Hampshire has found its portable sawmills a source of danger to the woods; in order to keep a better line on where these are operating, legislation was passed requiring all such mills to register with the State forester, and thus keep him advised of their location. In general, the fire laws were strengthened in the States of Montana, Oregon, California, Pennsylvania, Washington, New York, Nevada, and Utah.

Section 3 of the Clarke-McNary law makes provision for the study of forest taxation. The Forest Service is now proceeding on that study under the guidance of Doctor Fairchild, who now has a staff of six or eight technical men and a clerical force at work. Field work commenced in the Lakes States region over a year ago and is now practically complete, and, although the office work for Wisconsin and Minnesota will continue during the winter months, Doctor Fairchild plans to commence work in the Pacific Northwest next June and will probably at the same time carry on work in at least one other region. It will be five years perhaps before the study can be completed. In the meantime the Forest Service work can not say with any finality what the provisions of an ideal forest tax law should be as to any particular region, but in due course we should have full information that should be of great assistance, because it

will be the best judgment of those who see the picture of forests in all of its economic, industrial, and other far-reaching aspects.

The great difficulty with forest taxation in America has been that it seems to have been the concern mostly of foresters and lumbermen and that our public-revenue authorities and the local assessors have had such a short-time view of the problem instead of recognizing it in the long-term view as a factor in permanent land utilization.

FORESTS AND FLOODS

No far-seeing man but what realizes that every forest fire in the Mississippi Valley and all the valleys of its tributaries makes a contribution to floods. Every abandoned farm, and millions of idle acres that are now a total economic loss, poor lumbering, overgrazing, and other personified selfish practices tend sooner or later to add their contribution to the crest of some flood. It is estimated that 30 per cent of the volume going down the great Father of Waters is soil or silt. Trees with their branches reaching outward and upward slow up action of the melting sun, delay the run-off, and all are contributing factors in diminishing the volume flowing to the sea.

FOREST RESEARCH

Three great forestry conferences have been held to consider the wider utilization of wood products, and direct, tangible results of these conferences are the result. The University of Wisconsin in its forest-products laboratories is giving courses to logging superintendents, to wood bosses and forest rangers that are forward looking and forest conserving.

Congressman MCSWEENEY has introduced a bill that should have the early consideration of the Congress seeking to enlarge the activities in research work.

My own State of New York is leading the way in the planting of trees. Practically 26,000,000 trees were planted from our State nurseries in 1927. Beloved Tom Luther, as an individual, for the fourth year in succession has planted over a million trees. The New York Development Association (Inc.) has just set forth upon a program that calls for the planting of 1,000,000,000 trees in the next 15 years. Our women's clubs, Boy Scouts and Girl Scouts, farm and home bureaus and the 4-H clubs, all are engaged in tree-planting projects that set up in the youngsters' minds ideas of constructive activities rather than destructive ones. "Bending twigs and inclining trees" is one great incident of service, and much of this great inspirational, helpful work is directly attributable to the national leadership in reforestation under the Clarke-McNary bill.

Senator Hewitt, able and farseeing, has introduced two bills in the New York State Legislature, one providing for funds and the formation of a committee to study forest problems in the State of New York and make definite recommendations; the other to provide for a possible bond issue up to $100,000,000 to carry forward a 20-year program in the State of New York, and appropriating for the carrying out of this program up to $5,000,000 annually.

The demand of to-day is that the bill just passed by the Senate, known as the McNary bill, S. 1181, and introduced in the House by Congressman WOODRUFF, is the need because it makes available upon passage and approval of the bill by the President, $1,000,000; available July 1, 1928, $2,000,000; available July 1, 1929, $3,000,000; available July 1, 1930, $4,000,000; available July 1, 1931, $4,000,000; available July 1, 1932, $5,000,000; available July 1, 1933, $5,000,000; available July 1, 1934, $5,000,000; available July 1, 1935, $5,000,000; available July 1, 1936, $6,000,000; in all for this period, $40,000,000, to be available until expended.

This McNary-Woodruff bill may be properly termed "a supplementary law to create a fiscal policy covering section 7 of the Clarke-McNary bill of 1924," and bringing it to a fuller fruction.

GYPSY MOTH

We all feel that the work of preventing the spread of the gypsy moth is of vital importance; and the expenditure, at least, equal to last year should not be cut down to hamper this work in the barrier zone. The Bureau of the Budget estimate reduced the amount to be expended from $686,000 to $556,380 a year, a loss of $130,000. Every student familiar with this work feels that this cut should not be allowed, as do I, or else we will have another corn-borer problem on our hands and forests wiped out. The penny wise, pound foolish, picayune cutting down of such appropriations is a short-sighted policy and the Congress, which is the final authority, should not permit it.

May I intrude further on your time and patience by picturing again what I saw when traveling with the Senate reforestation committee in New England as to the great ramifications of helpfulness that come through a national reforestation policy.

In the New England States, largely in New Hampshire, is the White Mountain National Forest. Why a national forest instead of a State forest is the question that naturally propounds itself, and here is my explanation: It was my privilege to be invited by the select committee of the United States Senate to accompany it in its investigations that were carried on in 18 different States. We held our meeting in New York State and journeyed to Boston; from Boston our objective was this White Mountain National Forest.

As we journeyed toward it, we traveled for miles along the Merrimac River. We found community after community with their great manufacturing establishments dependent upon that stream for the employment offered to many thousands of people, dependent upon the evenness of the flow of that river for power that was harnessed, used, then harnessed and used again. We found the increase in the flow of the water and the steadiness of the flow of the Merrimac, even to its lowest reaches in Massachusetts, was due to this national forest way up in the New Hampshire hills. Looking to the west you could see the Vermont hills, and trickling down through the valleys were streams, feeders of the mighty Connecticut. With extreme fluctuation in the flow of the river largely eliminated because the run-off of the water was slower, due to the forests, with a greater amount of water in the river during the entire year, meaning increasing the depth of the flow by 5 or 6 inches, thanks to a national forest in the hills of New Hampshire. As we journeyed down the Androscoggin River into Maine we found history again repeating itself, mills and more mills, water power after water power, employment and more employment to thousands of people.

We also learned that during the summer in that national forest well over 2,000,000 people spent their vacations. So it follows, as the day the night, that every New England State shared in the benefits of a national law that is gradually building up a greater White Mountain forest, that will prove of immense service in every phase of the economic and industrial life of the New England States as well as in the commerce of the Nation. We need such national forests established in and about this State and in and about many of the other forest regions to the north, south, and west. The first national forest has been created under the Clarke-McNary bill—when the President by Executive order took out of the War Department and placed under the Secretary of Agriculture about 79,000 acres of the Fort Bennings, Ga., military reservation, and we expect to dedicate it to growing more trees for our people, and there are other military reservations to follow (two in New York State). And it is up to the States to enlarge on and broaden out their State policy of reforestation and get it going, so that they can join hands with the National Government in a program that shall tell the world of to-day that they are not falling down in their opportunity to bring back to our hills and dales the trees, to adorn and make more helpful the to-morrows, under that national leadership offered in the Clarke-McNary bill.

Theodore Roosevelt, that great American and pioneer conservationist, said:

> A people without children would face a hopeless future. A country without trees is almost as helpless; forests which are so used that they can not renew themselves will soon vanish, and with them all their benefits. When you help to preserve our forests or plant new ones you are acting the part of good citizens.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. MANLOVE].

Mr. MANLOVE. Mr. Chairman, a few days ago I introduced a bill, the general purpose of which was to increase the tariff on certain farm and agricultural products. At the present time I desire only to ask permission to introduce in the RECORD as a part of my remarks a comparative schedule which gives the present duty contained in the tariff law, together with the proposed duty which is incorporated in my bill. I feel the passage of this measure would be of material benefit to the agricultural and fruit-growing as well as the entire population of our country. [Applause.]

I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD in the manner indicated, and I yield back the remainder of my time.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The statement referred to follows:

Commodity	Present duty	Proposed duty
Cattle, weighing less than 1,050 pounds each.	1½ cents per pound	3 cents per pound.
Cattle, weighing 1,050 pounds each or more.	2 cents per pound	4 cents per pound.
Fresh beef and veal	3 cents per pound	6 cents per pound.
Tallow	½ cent per pound	3 cents per pound.
Oleo oil and oleo stearin	1 cent per pound	Do.

Commodity	Present duty	Proposed duty
Cattle hides, dry and salted	Free list	8 cents per pound.
Cattle hides, wet salted	do	6 cents per pound.
Calfskins, dry or dry salted	do	16 cents per pound.
Calfskins, wet salted	do	10 cents per pound.
Swine	½ cent per pound	3 cents per pound.
Fresh pork	¾ cent per pound	Do.
Bacon, hams, and shoulders, and other pork, prepared or preserved.	2 cents per pound	4 cents per pound.
Lard	1 cent per pound	2 cents per pound.
Lard compounds and lard substitutes	4 cents per pound	4 cents per pound.
Extract of meat, including fluid	15 cents per pound	30 cents per pound.
Meats, fresh, prepared, or preserved, not specially provided for.	20 per cent ad valorem.	30 per cent ad valorem.
Milk, fresh	2½ cents per gallon	10 cents per gallon.
Sour milk or buttermilk	1 cent per gallon	2 cents per gallon.
Cream	20 cents per gallon	40 cents per gallon
Milk, condensed or evaporated, in hermetically sealed containers, unsweetened.	1 cent per pound	2 cents per pound.
Milk, condensed or evaporated, in hermetically sealed containers, sweetened.	1½ cents per pound	3 cents per pound.
Milk, all other	1⅜ cents per pound	2¾ cents per pound.
Whole-milk powder	3 cents per pound	6 cents per pound.
Cream powder	7 cents per pound	14 cents per pound.
Skimmed-milk powder	1½ cents per pound	3 cents per pound.
Malted milk and compounds or mixtures of, or substitutes for milk or cream.	20 per cent ad valorem.	40 per cent ad valorem.
Butter	12 cents per pound	16 cents per pound.
Oleomargarine and other butter substitutes.	8 cents per pound	Do.
Cheese and substitutes therefor	5 cents per pound, but not less than 25 per cent ad valorem.	10 cents per pound, but not less than 40 per cent ad valorem.
Birds, live; poultry	3 cents per pound	6½ cents per pound.
Birds, all other, valued at $5 or less each	50 cents each	75 cents each.
Birds valued at more than $5 each	20 per cent ad valorem.	40 per cent ad valorem.
Birds, dead, dressed or undressed; poultry	6 cents per pound	12 cents per pound.
Birds, all others	8 cents per pound	16 cents per pound.
Birds, all of the foregoing, prepared or preserved in any manner and not especially provided for.	35 per cent ad valorem.	70 per cent ad valorem.
Eggs of poultry, in the shell	8 cents per dozen	15 cents per dozen.
Whole eggs, egg yolk, and egg albumen frozen or otherwise prepared or preserved, and not especially provided for.	6 cents per pound	15 cents per pound.
Dried whole eggs, dried egg yolk, and dried egg albumen.	18 cents per pound	53 cents per pound.
Corn or maize, including cracked corn	15 cents per bushel of 56 pounds.	30 cents per bushel of 56 pounds.
Corn grits, meal, and flour, and similar products.	30 cents per 100 pounds.	60 cents per 100 pounds.
Bananas, green or ripe	Free list	50 cents per bunch.
Cherries, in their natural state, sulphured, or in brine.	2½ cents per pound	2½ cents per pound.
Pitted cherries, in their natural state, sulphured, or in brine.	do	5 cents per pound.
Maraschino cherries and cherries prepared or preserved in any manner.	40 per cent ad valorem.	50 per cent ad valorem.
Beans, not specially provided for, green or unripe.	½ cent per pound	3 cents per pound.
Beans, dried	1¾ cents per pound	5 cents per pound.
Beans, in brine, prepared or preserved in any manner.	2 cents per pound	Do.
Onions	1 cent per pound	3 cents per pound.
Garlic	2 cents per pound	2 cents per pound.
White or Irish potatoes	50 cents per 100 pounds.	1 cent per pound.
White dried, dehydrated, or desiccated potatoes.	2¾ cents per pound	5 cents per pound.
Potato flour	2½ cents per pound	Do.
Tomatoes, in their natural state	½ cent per pound	3 cents per pound.
Tomato paste	40 per cent ad valorem.	40 per cent ad valorem.
Tomatoes, all other, prepared in or preserved in any manner.	15 per cent ad valorem.	Do.
Vegetables in their natural state, not specially provided for.	25 per cent ad valorem.	Do.
Vegetables if cut, sliced, or otherwise reduced in size, or if parched or roasted, or if pickled, or packed in salt, brine, oil, or prepared or preserved in any other way and not specially provided for; soy beans, prepared or preserved in any manner; bean stick, miso, bean cake, and similar products, not specially provided for; soups, pastes, balls, puddings, hash, and all similar forms, composed of vegetables, or of vegetables and meat or fish, or both, not specially provided for.	35 per cent ad valorem.	50 per cent ad valorem.
Hay	$4 per ton	$6 per ton.
Straw	$1 per ton	$1 per ton.
Horse-radish roots	Free list	40 per cent ad valorem.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. DEMPSEY].

Mr. DEMPSEY. Mr. Chairman, the adoption on the 24th of February by the Committee on Rivers and Harbors of a project for the improvement of the Black River inside Lorain Harbor, Ohio, marks another long and important step in a steadily changing policy as to the improvement of inner harbors on the Great Lakes. That policy has been for the Federal Government to improve the entrance and the outer harbor, and for the locality to provide and maintain the inner harbor.

This policy has entailed a large expense on the different cities on the Great Lakes, and has been in direct contrast with the policy as to ocean ports, where the Federal Government has provided, as a rule, for the entire harbor.

The following is a list of important harbors near the ocean, with a statement of the distance each of them is from the sea, viz:

New Orleans, La., 106 miles from Gulf of Mexico.

Philadelphia, Pa., 105 miles from Delaware Bay.

Baltimore, Md., 151 miles from Hampton Roads; 130 miles Chesapeake Bay.

Richmond, Va., 104 miles from Atlantic Ocean.

Wilmington, Del., 82 miles from Atlantic Ocean.

Jacksonville, Fla., 82 miles from Atlantic Ocean.

Sacramento, Calif., 104 miles from Pacific Ocean; 52 miles bay, 20 miles river, 32 miles canal.

The Government has done the work of providing and maintaining the channels to the harbors of all of these places, and it has also provided the funds and done the work to improve the harbors themselves, a practice which I am far from criticizing, and on the contrary commend.

The exceptions to the rule that the Federal Government will provide only the entrance and the outer harbor on the Great Lakes are the following, where the name of the port is followed by the river connecting with the Great Lakes, on which the Government has expended money, and the amount which has been expended in each instance, viz:

Toledo, 15½ miles of the Maumee River	$4,993,118
Detroit, about 1 mile of the Rouge River	718,283
Chicago, 4 miles of the Chicago River and its branches	1,941,749
Calumet, 5½ miles of the Calumet River, the total expended on river and harbor	4,120,783
Grand Haven Harbor, Mich., on 39 miles of the Grand River and on the harbor	2,128,924

The improvement of the inner harbors and of the streams leading to them in all of the above instances, the adoption of the Lorain project last Friday, and a few days ago the approval of the report for the improvement of Grand Haven Harbor and Grand River, Mich., all mark what General Deakyne, Assistant Chief of Engineers, characterized in the hearing this morning as a tendency to change the policy on the Great Lakes so as to conform to that adopted on the ocean, to wit, for the Federal Government to assume the expense of improving inner harbors and connecting streams, or an equitable part of it, as well as that of the entrance and outer harbor.

This has an important bearing on conditions in Buffalo. The Buffalo River needs straightening, stabilization of its banks, and provision against freshets. A large number of important industries are located along this river, and the difficulty of navigating the Buffalo River, with its tortuous course, caving banks, and liability in the spring and fall to damage from freshets, is a serious loss. All of these disadvantages could be largely, if not wholly, obviated.

There are many great advantages to be derived from having the work of improving Buffalo River done by the Federal Government. First of all it will be of great value to have the Government engineers make a comprehensive and detailed survey of the stream, and determine just what should be done to make it easiest and most economical of navigation, and to reduce the maintenance charges to a minimum. The Federal engineers devote their lives to work of this kind, and they are the only engineers who do any considerable amount of this kind of work. They are naturally, therefore, the best qualified to devise the plan which will bring the best results, and at the lowest cost. They will appreciate and understand, too, what the needs of navigation are, not alone in Buffalo, but on the entire Great Lakes system, of which Buffalo River is a part, and their plan will, therefore, naturally, be one which will coordinate this river with all of the other channels of the Great Lakes, and make it a workable and economically navigable part of these channels.

Next, when once the river has been made a Federal project, it will be maintained on the same basis as the other channels. Progress will, from time to time, be made in deepening and otherwise improving these channels, and the development of this river will go hand in hand with other improvements. At the present moment the Committee on Rivers and Harbors is expecting a report on the deepening of the Great Lakes' channels. This will, it is understood, provide for a depth of 25 feet, instead of the 20 feet, which is that provided by the legislation dealing with these channels. To meet this added depth on Buffalo River will not alone require a large expenditure but it will require expert planning to determine just how it can best be obtained, how bridges and sharp bends should be dealt with, besides a large number of allied but equally important questions. So, not alone from a standpoint of saving

expense to the municipality, but from that of making Buffalo River the really valuable stream it should be for water-borne commerce, it would be of the very greatest importance to have it adopted as a project by the Federal Government.

On the Great Lakes is by far the largest and most valuable water-borne commerce we have. The policy of the Federal Government as to improvements on the Great Lakes system should be liberalized so that valuable streams with a large commerce, like Buffalo Creek, can be modernized, and the commerce on them carried conveniently, expeditiously, and economically.

With an increased diversion of 40,000 cubic feet at Niagara (which is bound to come soon), giving us, as it will, 1,200,000 additional horsepower, we are sure to have a tremendous growth in manufacturing and in freight on the Niagara frontier, and we will need to have the Buffalo River straightened, its banks stabilized, and need an American deep waterway from Buffalo to Olcott, to provide for carrying the frontier freight to and from the East and between the different points on the frontier.

I am very earnestly working for, and hope to secure in the near future, this added diversion for power at Niagara; a deep-waterway canal from Buffalo, by way of Tonawanda, Lockport, and Olcott, to connect Lake Ontario with and make it a part of the Great Lakes system; the improvement of Buffalo River; and the deepening of the Niagara River from Tonawanda to Niagara Falls. With these improvements secured, Buffalo ought soon to be as large as either Cleveland or Detroit. Indeed, Buffalo, the Tonawandas, Niagara Falls, and Lockport will, when these advantages have been realized, become so closely connected as to be practically one great, growing, and prosperous locality, if not one city.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield two minutes to the gentleman from Iowa [Mr. LETTS].

Mr. LETTS. Mr. Chairman and gentlemen of the committee, the whole country at this time is exceedingly interested in all questions relating to radio. I am sure that every Member of this House is making an intensive study of results at the close of the first year of the administration of the radio law. Out in our town we have a man who is one of the pioneers in radio, a man who has made a close study of radio matters from its inception and is now the manager of one of the best stations in the country. I have before me a splendid statement by him which appears in the Davenport Daily Times of February 28. It is somewhat critical of the administration of the law and somewhat critical of Congress and its understanding of the subject and of the provisions of the law. It is analytical of proposed changes with respect to this law.

Mr. O'CONNELL. Is this statement by the gentleman to whom the gentleman from Iowa referred in the first portion of his remarks?

Mr. LETTS. Yes. I think it will be helpful to the Members of this House in understanding the matter if they may have the opportunity to read it. Therefore I ask unanimous consent to extend my remarks in the RECORD by publishing therein this short statement by Dr. Frank W. Elliott, of Davenport, Iowa, who was formerly president of the National Broadcasters Association and at the present time one of the directors of that association.

The CHAIRMAN. Is there objection?

There was no objection.

The statement is as follows:

[From the Davenport Daily Times, February 28, 1928]

ELLIOTT ATTACKS RADIO REGULATION MEASURE PENDING BEFORE CONGRESS; TRUST WOULD CONTROL BROADCASTING

Dr. Frank W. Elliott, past president and now a director of the National Broadcasters' Association and manager of station WOC of Davenport, to-day opened fire on the radio regulation bill pending before Congress.

"It will put broadcasting into the hands of the great Radio Trust," he declared.

The section of the proposed regulatory measure to which Doctor Elliott protests is that which provides for the allocation of stations according to the population and area of the States.

"This would have the effect of closing some of the finest stations in the country, and would provide for others where there are none now and where there is no need or desire for one," he said.

"The radio artists can not be persuaded to leave the centers of population and the smaller stations would be compelled to subscribe to chain programs controlled by the great radio interests.

SITUATION GRAVE

"The radio situation in Washington is exceedingly grave. The House Merchant Marine and Fisheries Committee has just reported the radio bill recently passed by the Senate by adding a proposal which amends paragraph 2, section 9 of the present radio act in such a manner that it requires one-fifth of all license wave lengths and power be allocated to each of the five radio zones without regard to population or area.

"The second part of the proposal requires distribution of this one-fifth equitably, among the several States, in each zone according to population and area. It disregards test of service as evidence by the listeners, and directs every attention to the location of transmitters.

"It must be evident to everyone that a wide variety of programs is necessary for the approval of radio listeners, and that large centers furnish the greatest amount of this talent. Under the proposal, stations not located in the remote sections of the country would be either obliged to close down, or almost entirely curtail their service. Chain programs, which are now rapidly covering the country, will be greatly augumented by this proposal, and it is not difficult to foresee a gigantic network of wires out of the great centers, completely dominating the radio field.

CONGRESS JEOPARDIZES RADIO

"Radio must be intelligently and scientifically controlled. Congress, with its limited knowledge of radio and its tendencies to inject politics into everything it does, will, in my opinion, jeopardize the best interest of the radio public if legislation is passed merely for the purpose of favoring special interests, and of already too powerful commercial combinations. Radio is one of the greatest blessings that this country has ever enjoyed, and it is to be hoped that no such dangerous experiments as those recently proposed by the committee, will ever be adopted by Congress.

"A good example of the lack of wisdom on the part of Congress in the present radio law, as compared with what could have been accomplished had Congress delegated proper authority to the Department of Commerce, is well understood by the listeners of the Middle West. Conditions are not better; they are even worse than under the radio act of 1912. Instead of making any improvement, Congress in trying to safeguard public interest, without an adequate knowledge of the proper methods, and with its apparent distrust of qualified agencies of information, made a monumental hodgepodge of the whole job, and even worse proposals are made in their most recent attempts.

"It is high time for the radio listeners of the country to become aroused and denounce any such impractical proposals. If the proposed amendments should be adopted, radio listeners can expect no benefit or let-up in interferences under such a proposal. On the contrary, they are very apt to be obliged to listen to one or two programs, and under the terms and conditions laid down by the so-called Radio Trust."

Mr. BUCHANAN. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. CASEY].

Mr. CASEY. Mr. Chairman, I have a brief statement to make with reference to the rather unfortunate and unpleasant situation which arose in the House the other day between myself and the gentleman from Nebraska [Mr. SIMMONS]. In view of the statement of the gentleman from Texas [Mr. BUCHANAN] that no additional time will be granted, I request that I be not interrupted until I have completed my statement, after which I will be very glad to yield to any one desiring to ask a question.

Mr. Chairman, the other day I rose in my place in the House and made a unanimous-consent request to strike from the CONGRESSIONAL RECORD certain language inserted into my speech without my knowledge or consent, charging at that time that, in my opinion, the language inserted, as it referred to me, was absolutely untrue; and, further, that whoever did this had violated the rules of the House. Considerable interest was shown in the question raised by me by several Members and at the suggestions of the gentleman from Michigan [Mr. CRAMTON] I temporarily withdrew my request for the time being. Later in the day I renewed my unanimous-consent request, the gentleman from Nebraska [Mr. SIMMONS] then being on the floor. The statement I made in the earlier part of the day is as follows:

Mr. CASEY. Mr. Speaker, I rise to make a unanimous-consent request that certain language printed in the CONGRESSIONAL RECORD during my remarks on the District of Columbia appropriation bill the other day, which was inserted without my knowledge or consent—by whom I do not know—be stricken from the RECORD.

I have in my hand the reporter's copy of my speech, just referred to. After the House adjourned on Friday, February 24, I took it to my office and corrected the reporter's copy of the speech I had made during the session of the Committee of the Whole. I then handed the copy to the messenger, as we all do, to take it to the Government Printing Office to be printed in the CONGRESSIONAL RECORD as part of the proceedings of that day. Judge of my surprise and amazement when I read the CONGRESSIONAL RECORD the next morning and discovered that somebody had inserted language into my remarks that did me a great injustice and put me in a rather embarrassing position in the eyes of the Members of the House, because the language inserted as

it referred to me is absolutely untrue; and furthermore, Mr. Speaker, whoever is responsible for this is guilty of a violation of the rules of the House of Representatives.

* * * * * * *

The statement that the bill was reported to the full committee by unanimous consent is untrue and does me a great injustice, because the hearings will show that in the committee I was opposed to the proposition of closing the doors of the public schools to all children not dwelling in the District of Columbia. I opposed it on the floor of the House, which can be verified by the previous day's proceedings, and I was opposed to it when it was under discussion under the five-minute rule. The insertion of this language or any language into my remarks without my consent is a violation of the rules of the House. Mr. Speaker, I therefore ask unanimous consent that the language indicated by me be stricken from the CONGRESSIONAL RECORD.

As I stated a moment ago, later in the day I renewed my unanimous-consent request, and then yielded to the gentleman from Nebraska [Mr. SIMMONS], the chairman of the subcommittee on the District of Columbia appropriation bill.

Quoting Mr. SIMMONS:

Mr. SIMMONS. Mr. Speaker, in the debate in the House last Friday the transcript shows that I addressed the gentleman from Pennsylvania and asked if he would yield. He answered "yes." Then the transcript shows that I stated that "I would like to call the gentleman's attention to the fact that it was thoroughly discussed—that was, the amendment then under consideration—and to the fact that at first the gentleman from Pennsylvania [Mr. WELSH] objected to this being done unless we would take care and not cause any hardship to the children now in the District schools."

"The gentleman was present at the meeting and stated he did not want to cause any hardship for the children then in the schools, and we drafted the amendment to meet the wishes of the gentleman and his colleague from Pennsylvania [Mr. WELSH]."

Then the gentleman from Nebraska continued:

After the adjournment of the House on Friday I corrected some of the transcript of the discussion that was brought to me in my office and went to my residence, which is about 5 miles from the Capitol. Along about 7 or 7.30 o'clock in the evening some one from the reporters' office called me over the telephone and asked if he could read my statement to me over the telephone for approval or disapproval, to save him coming out the 5 miles to my residence with the transcript. He read it to me, and as I remember it, I dictated over the telephone, and whoever it was took it down and read back to me the language to which the gentleman from Pennsylvania objects, I asking that he change my statement so that it would read as follows:

"I would like to call the gentleman's attention to the fact that this paragraph was in the bill when the subcommittee reported to the full committee, and it was printed in italics in the report that the subcommittee presented to the main committee. The gentleman made no objection either in the subcommittee or the full committee to the language being in the bill; the bill was reported unanimously by the full committee; it was thoroughly discussed in the subcommittee and the full committee, and to the fact that at first the gentleman from Pennsylvania objected to this being done, unless we would take care of and not cause any hardship to the children now in the District schools. The gentleman was present at the meeting and stated that he did not want to cause any hardship for the children then in the schools. No one on the committee desires to cause any hardship, and we drafted the amendment to meet the wishes of the gentleman and his colleague from Pennsylvania."

I assumed then and I assume now that I had the right to amplify the statement that I had made by setting out in brief detail the facts covered by the original statement. * * * I believe that I was entirely within the rules of the House in doing what I did. * * * The statements that I made on the floor were the facts then, and the statement that I amplified and stated in the RECORD were the facts when I made them. They are the facts now. However, if the gentleman from Pennsylvania does not want them in the RECORD, I have no objection to their being stricken out of his speech in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania that certain language be stricken out?

There was no objection.

The Speaker of the House, upon a parliamentary inquiry made by the gentleman from Tennessee at the opening of the session to-day, ruled that any Member who inserted language not spoken on the floor of the House or in Committee of the Whole into the speech of another Member without the consent of the other Member is guilty of a violation of the rules of the House of Representatives. The Speaker having decided that question between myself and the gentleman from Nebraska [Mr. SIMMONS], it is not necessary for me to go into that phase of it any further.

Now, I want to direct my remarks to the other phase of this question, as to the correctness of the statement made by the gentleman from Nebraska [Mr. SIMMONS]. I read from his language as it appears in the RECORD. After he had plenty of time to consider it and weigh what he was going to say, he again repeated on the floor of the House and in the CONGRESSIONAL RECORD the outrageous statement he had made a few days previous. I quote from the gentleman's remarks:

Mr. SIMMONS. I would like to call the gentleman's attention to the fact that this paragraph was in the bill when the subcommittee reported to the full committee.

That statement is untrue, because of the fact that the subcommittee was never called together and never passed upon the language as printed in the bill. Then the gentleman goes on:

It was printed in italics in the report that the subcommittee presented to the main committee.

That statement is also untrue, because the subcommittee did not have any meeting from which the bill could be reported; as far as I am concerned, I never saw the report until I secured a copy of it at the meeting of the full committee. The inference is that it was printed in italics and that I knew all about it and did not object to it. It may have been printed in italics, but so far as me seeing the report and agreeing to it or not objecting to it, I repeat there never was a meeting of the subcommittee called to consider the report, therefore I could not have seen it or known what was in it. I do not know who wrote the report, nor do I know who prepared the language in the bill as reported to the full committee and the House. Then the gentleman from Nebraska continues:

The gentleman made no objection either in the subcommittee or the full committee to the language being in the bill.

Of course I did not object. I could not make objection to it in the subcommittee when there was no meeting of the subcommittee called to pass upon the language in the bill or the report. Then the gentleman from Nebraska continues:

The bill was reported unanimously by the full committee, it was thoroughly discussed in the subcommittee and the full committee.

It was not discussed in the subcommittee, because there was no meeting of the subcommittee called for the members to pass upon the bill or the report as prepared by somebody—I know not who. I read further from Mr. SIMMONS's remarks:

And to the fact that at first the gentleman from Pennsylvania [Mr. WELSH] objected to this being done unless we would take care of, and not cause any hardship to, the children now in the District schools.

That statement is true. I also objected to anything being done in the subcommittee or by the full committee or by the House of Representatives or anyone else that was going to be harmful to the innocent children in preventing them from coming into the District and attending the public schools of the District. The gentleman from Nebraska continues (I am still reading from his remarks as they appear in the CONGRESSIONAL RECORD):

The gentleman was present at the meeting and stated he did not want to cause any hardship for the children then in the schools. No one on the committee desires to cause any hardship.

I wish I could believe that to be true. Then the gentleman from Nebraska continues:

And we drafted the amendment to meet the wishes of the gentleman and his colleague from Pennsylvania [Mr. WELSH].

I want to say to the members of the committee that statement is untrue, because I never knew that this provision to close the doors of the public schools to the children was in the bill, I never was consulted about the matter after I positively protested against it going into the bill. Since this question arose I took the liberty to speak to two other members of the subcommittee; I have no desire to involve them or anyone else in this unpleasant and unfortunate situation. I spoke to the gentleman from New York, my colleague [Mr. GRIFFIN], and he informed me he had no knowledge of the subcommittee ever meeting to pass upon the language of the report or the language of the bill.

I also spoke to my colleague from Pennsylvania [Mr. WELSH]. He likewise informed me that he had no knowledge of the subcommittee ever being called together to pass upon the language in the bill or the language in the report, and the first time that we three members of the subcommittee knew what was in the report or in the printed bill was when we were called into a meeting of the full Committee on Appropriations for the consideration of the bill. A copy of it was laid on the table, also a copy of the report, and the chairman of the subcommittee, the gentleman from Nebraska [Mr. SIMMONS], then arose and read from the report such parts of the report as he chose to read; we followed him as best we could to get such information

from his remarks as it were possible with reference to the bill and the report, which the chairman states was unanimously reported from the subcommittee.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. CASEY. Mr. Chairman, I ask unanimous consent that I may proceed for five additional minutes.

The CHAIRMAN. The time is controlled by the gentleman from Texas and the gentleman from Iowa.

Mr. BUCHANAN. So far as I am concerned, I can not grant any extension, in accordance with my statement a while ago. If the gentleman on the other side chooses to give him five minutes, I have no objection.

Mr. CASEY. Mr. Chairman, I ask unanimous consent——

The CHAIRMAN. The Chair must repeat that he is powerless in the matter. Consent must come from the two gentlemen in control of the time.

Mr. CASEY. I was not going to ask unanimous consent to continue but to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that he may extend his remarks in the RECORD. Is there objection?

Mr. SIMMONS. Reserving the right to object, I would like to have the gentleman from Iowa [Mr. DICKINSON]——

Mr. CASEY. Mr. Chairman, I withdraw the request.

Mr. SIMMONS. I am going to try to get the gentleman additional time. I ask the gentleman from Iowa [Mr. DICKINSON] to give the gentleman from Pennsylvania [Mr. CASEY] five additional minutes.

Mr. DICKINSON of Iowa. Mr. Chairman——

Mr. CASEY. Mr. Chairman, I withdraw my request.

The CHAIRMAN. Which request—for the five minutes or for the extension?

Mr. CASEY. Either or both; my understanding is that I have only one request pending; that is, to extend my remarks in the RECORD, which I have withdrawn.

Mr. BUCHANAN. Mr. Chairman, I yield 20 minutes to the gentleman from Colorado [Mr. TAYLOR].

MAJ. GEN. WILLIAM CRAWFORD GORGAS

Mr. TAYLOR of Colorado. Mr. Chairman and ladies and gentlemen of the House, I am going to ask your indulgence a few minutes to informally talk to you on a matter of sentiment, of national pride.

My wife and I spent the recent holiday recess of Congress, as we have several times before, on a trip to Panama. While there we again visited the wonderful United States Government hospital on the Canal Zone, on our own soil and under our own flag. I want to give you a brief description of that hospital and the impressions it made upon me.

Having in recent years had quite a varied experience with the surgical equipment of numerous hospitals, both Government and private, I feel that I can qualify as an unofficial and nonprofessional expert on hospitals.

THE ANCON HOSPITAL

In 1883 the first French canal company built the old Ancon Hospital on terraces laid out on a reservation of 80 acres on the north and northeast slopes of an extinct volcano about 650 feet high and known as Ancon Hill. The word Ancon is derived from a Greek word meaning an elbow, or a prominent point. It is a splendid and healthy location facing the city and bay of Panama. The hospital was operated by the French Sisters of St. Vincent de Paul. From 1883 to 1889 when the French did their most active work on the canal this hospital was filled with patients. There were more than 5,000 deaths in the hospital and about one-fourth of them were caused by yellow fever quite largely contracted after entering the hospital. In fact, this hospital itself became one of the principal centers for the propagation and spread of yellow fever, because it was not then known that this disease is communicated by the stegomyia mosquito, which breeds only in comparatively clear and clean water. The French sisters beautified the grounds with many ornamental plants and flowers and to protect them from the myriads of ants that abound on the zone they surrounded their flower beds with a concrete curb grooved to hold a ribbon of water. Not only that but the feet of the cots were placed in little pans of water to keep the ants and other insects from crawling up, and the attendants seem to have never noticed the mosquito wigglers swarming in all the stagnant water in all these pans and ornamental bowls of flowers. The wards were not even screened and when yellow-fever patients were brought into the hospital the mosquitoes bred there would promptly suck the poison from their blood and quickly spread it to all the other patients. The yellow-fever ward was known as the St. Charles, and it is authoritatively stated that more people died from yellow fever in this building than in any other hospital in the world. Practically one-third of all the white employees of the French company died of yellow fever and pernicious malaria.

The hospital became a horrible death trap, and remained so until General Gorgas went there. Fortunately for the many thousands that might otherwise have died in this hospital, the old French company became utterly bankrupt in 1889, and from that time for 15 years, until the possession of the canal and all the French property was turned over to the United States in the spring of 1904, the work on the canal was only carried on in a perfunctory manner, and the use of this hospital was luckily insignificant. From 1898 until 1902, General Gorgas had been the chief sanitary officer of Habana. In that capacity he was in close contact with the Walter Reed board in its investigations into the cause and manner of transmission of yellow fever, and he so vigorously put the discoveries of the board into practical application that in seven and a half months, from February 1, 1901, to September 15, 1901, he completely eradicated yellow fever from Habana, where it had existed continuously for over 150 years. He changed Habana from one of the worst pest holes in the world to the beautiful healthful city it is to-day. In March, 1904, General Gorgas with three associates appointed at his request—John W. Ross, Maj. Louis A. Legarde, and Maj. Cassius E. Gillette—was ordered to accompany the Panama Canal Commission as its sanitary adviser for the purpose of protecting the force during the construction of the canal. He promptly made an investigation and made a detailed report of what he and his advisers deemed necessary to clean up that zone and protect the officials and employees; and as a result he was, in April, 1904, ordered to report to the Panama Canal Commission as the chief sanitary officer for the Isthmus. The French company formally transferred the title to all the canal property to the United States on May 4, 1904, and immediately thereafter General Gorgas began work, and he loyally stuck to it day and night for 10 years. In all the history of the world there has never been a more gigantic or important task placed upon any one man. We were very soon to have 40,000 employees on the Isthmus, and their lives were in his hands.

In the olden days the Isthmus of Panama had been the scene of unspeakable villainies, massacres, piracies, and human slavery in its most brutal forms. The whole 40-mile stretch, composing what is now the Canal Zone, was known throughout the world as the "white man's grave." It was one sweltering rendezvous of death and disease. In all the world there was perhaps not concentrated in any single spot so much disease. The Isthmus was largely a damp tropical jungle, intensely hot, swarming with mosquitoes, snakes, lizards, alligators, and all manner of reptile and insect life covered this oozy ground. It was the home of yellow fever, typhus, malaria, and dysentery. At each end of this pestilent neck of land was a small city, Colon on the Atlantic side and Panama on the Pacific, both without underground sewers or piped or clean drinking water. It was a dark and gloomy jungle, the breeding place of all kinds of tropical diseases, especially yellow fever and malaria. At one time 500 young engineers came from France and went to work in the swamps, and not one of them lived to draw his first month's pay. There is a record of the death of 22,819 laborers and no one will ever know the number of unrecorded deaths. It was the stalking ground of death, with the rainy season lasting from about April 15 to December 15, when the people died of yellow fever in four or five days, and the dry season lasting the other four months, when they died of pernicious fever in from 24 to 36 hours. Epidemics always took place whenever the Isthmus was crowded with strangers. This was the appalling condition confronting General Gorgas and his little band of assistants when our Government paid $40,000,000 for it and took over the Canal Zone in May, 1904. Our engineers had the skill, our people had the ambition, and our Government had the money to build the canal. But it never would have been built without the genius of General Gorgas. Within less than two years after he obtained the necessary help and supplies he exterminated the mosquitoes, eradicated yellow fever and malaria, and cleaned up the zone and made possible the building of the canal. Our country would never have tolerated the appalling loss of life—one-third of the entire white population—that the French suffered. We would have been compelled to select Nicaragua for the construction of the canal, and the Isthmus of Panama would be to-day in substantially the same condition that it was 25 years ago.

The Canal Zone is to-day healthier than the average American community. And it is occupied by many thousands of healthy and contented American citizens who are helping to maintain and operate the great canal; but it is doubtful if any American citizens or many people of any kind would be on

the Isthmus to-day if the splendid work of General Gorgas had not been performed.

When he took charge he immediately tore out the old water pots and troughs of the old Ancon Hospital that had been prolifically breeding the yellow fever for over 20 years, and screened the wards, and completely eradicated the mosquito and the yellow-fever breeding in that hospital.

Maj. Louis A. Legarde, who had come there with General Gorgas, was at once installed as the first superintendent of the hospital.

Under the general's direction, and the immediate supervision of Major Legarde, the work of cleaning up the grounds and repairing the buildings was at once begun. The old wooden buildings that had been built over 20 years before, and most of them little used or kept up, were torn down or repaired, rebuilt, remodeled, and greatly enlarged, and many new buildings were built; so that in a comparatively brief period there were within the hospital reservation about one hundred suitable and modern buildings, with a total capacity of 1,200 patients. Our Government has spent many millions of dollars upon this hospital, substituting modern and handsome concrete buildings for the old frame structures, and putting in modern surgical and other equipment. For many years it has been known as "the New Ancon Hospital," and it has been proclaimed by many to be the most beautiful hospital in the world. Every American citizen who can do so should visit the Canal Zone and see this splendid American hospital that is now well known throughout and patronized by many people of Central and South America.

This New Ancon Hospital is a magnificent monument to the spirit of America and the genius of General Gorgas.

On my recent visit, as I walked through some of the magnificent buildings and over the exquisitely beautiful grounds of this great hospital, as I had done several times in former years with General Gorgas himself, and remembered the supreme pride that he took in the buildings and the great development and modern equipment and wonderfully beneficial use and great international success of that hospital, and when I thought to myself of the several other splendid Government hospitals, including the almost equally beautiful Letterman Hospital at the Presidio of San Francisco, named after Major Letterman; and the Tripler Hospital at Honolulu, named after General Tripler; and the great Walter Reed Hospital adjoining our Capital City, named after Maj. Walter Reed; and also several other fine hospitals named after Army physicians who rendered distinguished services to our country, and reflected that the name "Ancon" had no particular meaning or signification that at all warranted that great hospital bearing that name, the thought came most forcibly to me that this hospital, made possible only by General Gorgas, should, as a proper recognition of his services and his genius, and by every reason of fitness, appropriateness, justice, national pride, and patriotism, be named the Gorgas Hospital.

I have scarcely ever in my life had a thought come to me so spontaneously and so forcibly as that did at that time. I could not conceive of how any red-blooded American could object to a tribute of that kind, that is so preeminently fair and so richly merited. No hospital in the world ever more justly deserved to bear the name of its creator.

It seemed to me that if there are a hundred and twenty million people under our flag that there ought to be that many perfectly good reasons why this hospital, which he rebuilt and where he lived and so grandly served his country, should bear the name of one of the greatest men our Nation or the world has ever known. The change will not cost one dollar. It will not injure one human being. It will not affect a dollar's worth of property rights. Congress will honor itself, and each of us will honor our country and ourselves, by making this change. I firmly believe our act will be an inspiration to the youth of America as long as the Stars and Stripes float over our country.

For the purpose of attempting to carry out that thought, on my return to Washington I wrote and introduced H. J. Res. 175 on January 20, 1928, which reads as follows:

Joint resolution to change the name of the Ancon Hospital in the Panama Canal Zone to the General Gorgas Hospital

Resolved, etc., That in recognition of his distinguished service to humanity and as a fitting perpetuation of the name and memory of Maj. Gen. William Crawford Gorgas, from and after the passage of this act the Government hospital within the Canal Zone, near the city of Panama, heretofore known as the Ancon Hospital, shall hereafter be known and designated on the public records as the General Gorgas Hospital.

SEC. 2. That the change in the name of the said hospital shall in no wise affect the rights of the Federal Government, or any municipality, corporation, association, or person; and all records, maps, and public documents of the United States in which said hospital is mentioned or referred to under the name of the Ancon Hospital or otherwise, shall be held to refer to the said hospital under and by the name of the General Gorgas Hospital.

The resolution was referred to the Committee on Military Affairs and that committee promptly and unanimously favorably reported the resolution without any amendment. When it was called to the attention of the Committee on Interstate and Foreign Commerce objection was made to the jurisdiction of the Military Affairs Committee on the ground that matters pertaining to the Panama Canal Zone are, generally speaking, handled by the Committee on Interstate and Foreign Commerce. Thereupon Speaker LONGWORTH referred the resolution to the latter committee, which likewise very promptly and unanimously favorably reported the resolution. The committee recommended one amendment, namely, that it be called "The Gorgas Hospital" instead of "The General Gorgas Hospital." That amendment is perfectly satisfactory to Mrs. Gorgas and to me and I think to all of the general's friends. No title is necessary to his fame. The world knows only one Gorgas.

I may say that I have been very much gratified to receive a large number of commendations of this resolution, and I especially appreciate one from the widow of General Gorgas, as follows:

1661 CRESCENT PLACE,
Washington, D. C.

Hon. EDWARD T. TAYLOR,
House of Representatives, United States.

MY DEAR MR. TAYLOR: I was very much surprised and pleased to hear that you had introduced the joint resolution in the House of Representatives to change the name of Ancon Hospital, in the Panama Canal Zone, to the General Gorgas Hospital.

It is most gratifying to have this recognition of Doctor Gorgas's work in Panama, and I hope this bill may pass.

We lived at Ancon the 10 years we were on the Isthmus, the first 3 years in one of his wards of the hospital. The place is full of memories, and Doctor Gorgas loved it. That the hospital may hereafter bear his name pleases me beyond measure.

Many thanks to you, my dear Mr. TAYLOR, and to the Members who are interesting themselves in this measure.

Cordially,
MARIE D. GORGAS.

JANUARY 26, 1928.

Also a letter from Surg. Gen. Hugh S. Cumming as follows:

TREASURY DEPARTMENT,
PUBLIC HEALTH SERVICE,
Washington, January 27, 1928.

Hon. EDWARD T. TAYLOR,
House of Representatives, Washington, D. C.

MY DEAR MR. TAYLOR: My attention has just been directed to House Joint Resolution 175, introduced by you for the purpose of changing the name of the Ancon Hospital in the Panama Canal Zone to the General Gorgas Hospital.

This is a real inspiration, and I congratulate you for having thought of such an appropriate memorial to this great sanitarian and administrator, whose name will always be inseparably connected with health and sanitation on the Canal Zone.

Sincerely yours,

H. S. CUMMING, *Surgeon General.*

When the bill was before the Committee on Military Affairs the following letter was addressed by Major General Ireland, Surgeon General of the War Department, to Mr. JAMES, the acting chairman of that committee:

WAR DEPARTMENT,
OFFICE OF THE SURGEON GENERAL,
Washington, January 23, 1928.

Hon. W. FRANK JAMES,
House of Representatives, Washington, D. C.

MY DEAR MR. JAMES: In compliance with your request, I have to state that House Joint Resolution 175, introduced into the House of Representatives on January 20, 1928, by Mr. TAYLOR of Colorado, to change the name of Ancon Hospital to General Gorgas Hospital, has been brought to my attention.

It seems to me that this change of name would be a very appropriate way to honor the memory of General Gorgas, who was the head of the sanitary department on the Canal Zone during the entire time the canal was under construction.

May I say that Ancon Hospital does not belong to the War Department, but was built and is administered by the Isthmian Canal authorities.

Very sincerely yours,

M. W. IRELAND,
Major General, the Surgeon General.

Mr. MORTON D. HULL. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes; I yield to the gentleman from Illinois.

Mr. MORTON D. HULL. The gentleman is familiar with the fact that there is a bill before the House for a Gorgas memorial?

Mr. TAYLOR of Colorado. Yes; and I hope that research laboratory may be built. The idea is a splendid one. Of course, that has nothing to do with the name of this hospital. That memorial building is proposed to be erected in the Republic of Panama at some distance and on the opposite side of the city of Panama from this hospital, as I understand it. If I have time, I will refer to that matter again before I conclude.

I hope some day to see a monument or memorial building or some kind of a structure at some suitable place on the zone or some appropriate recognition of the splendid services of all the great engineers and others who helped to construct that canal: John F. Stevens; Gen. George W. Goethals, chief engineer and chairman of the commission, who passed away a few days ago; and Col. William S. Sibert, the genius of the locks, whose creation of the Gatun Dam and locks and lake added glory to American engineering; and Col. H. F. Hodges and Rear Admiral H. H. Rousseau, of the United States Navy, and many others.

Colonel Gaillard is the only one of all of them that I know of who has received a substantial, well-deserved, and lasting monument to his memory and memorial to his services on the zone. President Wilson immortalized Gaillard's fame as an engineer by issuing an Executive order changing the name of Culebra Cut and naming it after Colonel Gaillard, as follows:

EXECUTIVE ORDER

It is hereby ordered that the portion of the Panama Canal through the continental divide heretofore known as "Culebra Cut" shall hereafter be named "Gaillard Cut" in honor of the late Lieut. Col. D. D. Gaillard, Corps of Engineers, United States Army.

As a member of the Isthmian Canal Commission from March 16, 1907, to December 5, 1913, Lieutenant-Colonel Gaillard was in charge of the work in Culebra Cut until its virtual completion, being compelled to abandon his duties in July, 1913, through an illness which culminated in his death on December 5, 1913. His period of Panama Canal service included the years of most active construction work. He brought to the service trained ability of the highest class, untiring zeal, and unswerving devotion to duty.

I deem it a fitting recognition of Lieutenant Colonel Gaillard's service to the country to rename in his honor the scene of his life's triumph.

WOODROW WILSON.

THE WHITE HOUSE, *April 27, 1915.*

There are three great names that will always stand out in history in connection with the construction of the Panama Canal. The greatest act, an one that will be longest remembered, in my judgment, in the life of President Roosevelt, was in making it possible for the Panamanian Republic to maintain its independence and its existence as a republic, and in taking over the gigantic French fiasco on the Isthmus and making it possible for our country to get possession of the Canal Zone. I think that was the greatest benefit to our country and to humanity of the many acts in his long and marvelously useful and vigorous career.

Next in order is General Gorgas, who is given the credit by every nation in the world, of making it possible for our country to build the canal at that place.

And third, General Goethals, who came there after the work of General Gorgas had made it possible, and was the iron hand, the executive force, and the dominating spirit over the 40,000 employees that drove the work to a successful completion.

Each of those three men was ideally suited for the great task he performed, and not one of their names has been preserved or honored in any suitable way upon that scene of his greatest life work.

Personally, I think the canal ought to have been called the Roosevelt Canal; and I feel that one of the great locks should be named after General Goethals, another one after General Sibert, and that the other lock should be named after the next most deserving person on this great work.

I believe monuments of that kind and at that place would be much more fitting, suitable, and lasting than any others. Stone monuments and bronze statues are temporary and fleeting, and little noticed these days. I do not think great constructions of that kind should permanently retain insignificant and meaningless names. I think this would recognize and encourage patriotism. I feel it is a worth-while idea which has no relation to politics or money-making or other ulterior purpose.

Those great works of engineering skill and genius would be a living and lasting monument to their memory for possibly several hundred years, or at least until our country makes that a sea-level canal, which we will do some time.

However, these are matters that Congress will, I am sure, suitably handle some time.

General Gorgas stands out alone. He was not an engineer. He was a physician; he became the whole world's physician. He made possible the building of the "The eighth wonder of the world," the greatest physical undertaking since the building of the Egyptian pyramids. No one would have ever had any career on the Zone, other than death, if Gorgas had not first cleaned and redeemed that 400-year-old cesspool of disease before they went there. In two years he converted that horrible jungle into a delightful health resort, which it has been ever since.

He passed away nearly eight years ago and our country has not yet, to my knowledge, erected any monument or even a tablet to his memory.

That great hospital that he first made possible and then supervised the construction of, is his natural, permanent, and most suitable, proper, and appropriate monument and memorial; and that honor would not in any way conflict with or detract from the just fame and glory of anyone else. It would be a thousand times more appropriate than a stone monument that would cost a million dollars. From my acquaintance with him I do not believe he would care much for a stone monument or a bronze statue. I believe if he were alive he would very much more appreciate the actions of Congress in passing this resolution than in any of the many other honors that Congress has conferred upon him.

BIOGRAPHICAL SKETCH

I trust the Members of the House would be pleased to have your memories refreshed by a very brief and informal reiteration of a few of the main features of the life and services of General Gorgas. Every one should read his work on "Sanitation in Panama," and also the book entitled "William Crawford Gorgas, His Life and Work."

I am compelled by my limited time to speak rapidly and from memory only, and may not be technically exact. He was born at Mobile, Ala., October 3, 1854. He was the son of Gen. Josiah Gorgas, chief of ordnance of the Southern Confederacy during the Civil War, and who was afterwards president of the University of the South, at Sewanee, Tenn. And also president of the University of Alabama.

His mother was a daughter of Governor Gayle, of Alabama.

General Gorgas spent his boyhood days in part in Alabama and, during the war, with his mother in Richmond, Va., and afterwards in Baltimore, Md. He tried very hard, but failed to get an appointment to West Point.

He attended the University of the South and graduated in 1875, with an A. B. degree. He entered the Bellevue Hospital Medical College of New York, from which he graduated with a M. D. degree in 1879.

On June 16, 1880, he was commissioned in the Medical Department of the United States Army as a first lieutenant.

In 1885 he was sent to Brownsville, Tex., for service in connection with an epidemic of yellow fever. In his work he contracted yellow fever himself and came near dying, but fortunately for the world he recovered and was thereafter immune to that disease.

He rendered such splendid services that he was promoted to the rank of captain that year. While he was stationed at Brownsville, a young lady, Miss Marie Cook Doughty, came there to visit her sister, the wife of an Army officer. She was taken with yellow fever; her recovery was pronounced hopeless; her grave was dug; and Captain Gorgas had agreed to read the funeral services the next day. Instead of that he succeeded in saving her life and married her, and she was his constant companion and splendid helpmate from that time until his death, 35 years afterwards, and she lives here in the city of Washington at the present time. [Applause.]

At the outbreak of the Spanish-American War in 1898 he went to Cuba with our forces. He was promoted to the rank of major, and as the chief sanitary officer of Habana from 1898 to 1902 he made the first actual practical demonstration in the world of the eradication of yellow fever. Yellow fever met its master in Habana for the first time in history. To Gorgas belongs the credit of having originated and executed the methods for the extermination of the stegomyia.

For this distinguished service Congress promoted him to the rank of colonel in 1903, and he was appointed Assistant Surgeon General of the United States Army.

As before stated, in May, 1904, he was appointed chief sanitary officer of the Panama Canal Zone, and held that position 10 years, from before work was commenced until the canal was completed.

In 1907 he was appointed a member of the Panama Canal Commission; and in 1914 he was promoted to the position of Surgeon General of the Army, with rank of brigadier general.

His world-renowned work of wiping out yellow fever and malaria from the Isthmus of Panama and cleaning up the cities of Panama and Colon, exterminating the stegomyia mosquito, and reducing the death rate to less than it was in any State or city in the United States, and thereby, for the first time, making it the healthy place it has been ever since, and making it possible to build the canal, was the greatest and most far-reaching and important work of his life. That was the greatest triumph of his marvelous life.

For that unparalleled service to his country and to the world, Congress in 1915 gave him a vote of thanks and promoted him to the rank of major general.

On October 4, 1918, having reached the age limit of 65 years, he was retired from the Army.

From the time our country entered the World War, on April 6, 1917, until the armistice on November 11, 1918, as Surgeon General of the entire United States Army of over 4,000,000 men, he made the greatest record that has ever been made by such an officer in the world. He organized the greatest, best equipped, and most complete and efficient Medical Corps in all history. He had 35,000 officers and 250,000 enlisted personnel under his command, and built, furnished, and equipped sufficient hospitals in Europe and in the United States to properly care for 4,000,000 men.

For the first time in the history of our country, or any other country it is believed, he had the Medical Corps definitely and specifically specialized, so that all wounds, diseases, and complaints of every kind were treated by a thoroughly competent professional specialist in that line, and thereby reduced the death rate in our Army to below that of any other army in the war.

From the time of his great success in Habana, and especially after his world-famous achievements on the Isthmus of Panama, he was constantly appealed to by nearly every nation to come to them and exterminate the fever and malaria and redeem their stricken districts as he had in Habana and Panama.

From time to time, when he could get away for a short time, he obtained temporary leave of absence and went to Ecuador, Peru, Colombia, Brazil, Venezuela, South Africa, and other countries. After his retirement he was selected as the chief of the Rockefeller yellow-fever foundation, and was constantly eradicating disease-infected places in many countries.

He had the supreme gratification of his life's hope and ambition to eradicate yellow fever from practically the entire world, when at the invitation of the British Government, to investigate some yellow-fever conditions on the West Coast of Africa, he, on May 8, 1920, with his wife and personal staff, sailed for London for that purpose. He reached London safely, and went to Belgium and visited a few days with King Albert, who decorated him with a gold medal in recognition of his services to mankind, and then returned to London, where, on May 30, he had a slight paralytic stroke. He was taken to the Queen Alexandra Military Hospital. King George had before that made an appointment to see the general, and when the King learned of the general's illness, he said:

If General Gorgas is too ill to come to the palace to see me, I shall go to the hospital to see him—

And he did so, and personally presented the general the Insignia of Knight Commander of the Most Distinguished Order of St. Michael and St. George. My understanding is this order of knighthood is the highest distinction that the King of England can confer upon anyone not a British subject.

On July 4, 1920, when throughout our country from Plymouth Rock to the Golden Gate we were proudly celebrating our national independence, in the serene Indian summer of life, at the meridian of his fame, the angel of death beckoned him, and his great soul passed to the great beyond.

King George ordered a formal state funeral in St. Paul's Cathedral, which was conducted with all the honors that could be given a victorious British major general, which is the highest honor that Britain could pay a distinguished American. A leading British periodical published the following description of the funeral:

A riderless horse walked up Ludgate Hill the other day behind its sleeping master; and if a horse can feel and know what happens, its heart must have been breaking—unless there came to it new strength in the pride it felt in the sight of its master sleeping under the Stars and Stripes on his way to St. Pauls.

For what was happening that day up Ludgate Hill was a rare and stirring thing. I looked down from the windows of the little house with green shutters in the very shadow of the dome, and I thought that here, indeed, was a public opinion of which our London and our country and all the entire world might well be proud. For here was no great Englishman, no great Briton, going to his rest; here was a ragged, barefoot boy of Baltimore being carried to St. Pauls after his life work was done.

He had done for the world one of the greatest things that an American brain has ever done; he had made the Panama Canal after thousands of people had died in the attempt.

Now, think how he began his life. This is what he told us:

"I first came to Baltimore a ragged, barefoot little rebel, with empty pockets and empty stomach. My father had gone south with Lee's army. At the fall and destruction of Richmond my mother's house with all that she had was burned, leaving her stranded with six small children. She came to Baltimore and was cared for by friends. These memories are vivid with me and can never be effaced."

And the other day he rode up Ludgate Hill, sleeping his last sleep on earth, wrapped in the Stars and Stripes. There were thousands of men and women and children standing still, there were hundreds of men in khaki passing by, there were ambassadors and other great people, and the lonely woman who was on her way with her hero to conquer disease in Peru when death took him from her. And there was the riderless horse.

All these came up Ludgate Hill, and as the sun poured down on this ancient way, our hearts and ears throbbing with the solemn music of the dead march, we knew that we were looking on the passing of a man whose name would shine for ages in the history of our race.

It seemed good that death should find him here, for so there came our opportunity to do a great man honor. He passed through the great door through which the sun streams into the nave of St. Pauls, and there he lay with Nelson and Wellington and all that mighty host who came this way and passed into the universe.

They will take him to his own land, but in truth he belongs to us all. He was one of life's great helpers, for he cleaned up foul places and made them sweet, and now, as they said of Lincoln, "he belongs to the ages."

The general's remains were brought home on an American transport; the body lay in state for four days in Washington, when it was buried with the highest military honors on one of the most beautiful slopes of Arlington—the Westminster Abbey of America's heroic military dead—overlooking the Capital of the great Nation he loved and served so well.

HIS CHARACTER AND FAME

No words are sufficiently eloquent to do justice to the name and fame of General Gorgas. I knew him for 11 years, not intimately, but fairly well. I had brief visits with him on each of several trips to the zone when the canal was in the course of construction, and a number of times afterwards in Washington. It was a rare privilege to know him and a genuine delight to converse with him. There is nothing that I can say about him that has not been frequently and more eloquently said by others.

He was the most modest and mildest mannered great man I have ever known. He had the engaging simplicity of the truly great. He was quiet and unaffected, and always a courteous and princely gentleman of the old school. His kindly and gracious manner, his invariably courteous and considerate treatment of all, endeared him to everyone. No one could resist being attracted by the pleasing magnetism of his wonderful personality. He was of a retiring disposition, and his sincerity and honesty of purpose inspired universal admiration and confidence.

While his manners were always gracious and dignified, there was always an individual suavity and a kindly smile. He personified and shed around him a light of good will, kindness, fellow feeling, warm-heartedness, and the graciousness and charming simplicity of a true man and a perfect gentleman. A nobler man than whom never lived. He was transparently honest.

While he was the supreme head, the Surgeon General, and chief commander of the 35,000 officers and the 250,000 enlisted personnel under his command in the Medical Corps of the American Army during the World War, he did not depend so much upon giving orders as upon tactfully obtaining hearty and enthusiastic cooperation. He was gentleness, fondness, and poise personified. Yet underneath was the fixed determination of a man who was sure of himself. He had a firm but gentle hand. He had a genial and unaffected love for his fellow man, and he was the most beloved medical officer in the United States Army.

Those truly noble traits were the secret of his marvelous success and the affection that all had for him. He was indeed a servant of mankind and a benefactor of humanity. He was a citizen of the empire of humanity and of the kingdom of man. Napoleon sold the great Louisiana Territory to our country for a song because his army had been annihilated at Santo Domingo by yellow fever.

The name of Gorgas will go down in all history as the man who stamped out of the civilized world forever that horrible

disease. He has freed countless millions from suffering and premature death. He made this world safer for his fellow man. The entire world is much richer and happier because he lived and labored. Historians may differ as to what man has caused the most deaths in the world, but they will never differ as to who has saved the most lives. [Applause.]

In my judgment, our country has produced probably only five names that will go down in history and be revered as long as the human race inhabits this planet. Those great names are George Washington, Thomas Jefferson, Abraham Lincoln, William C. Gorgas, and Thomas A. Edison.

The name of each of them throughout the world will always be an inspiration, a symbol of genius, generosity, and service to humanity.

General Gorgas was America's ambassador of mercy to the whole world. He was America's most distinguished citizen and the world's greatest physician. His field was the human race on this planet. He enriched science and life, and countless posterity will call his name blessed.

His greatest service to humanity was rendered on the Isthmus of Panama, and that is and should be his memorial and his monument for all time.

He was the greatest benefactor the suffering world has ever had. He filled the world with admiration for his unparalleled genius and service to humanity. He belonged to and honored the United States of America. But his fame and his life work now belong to the entire human race. Every nation in the world is proud of him, and nearly all of them have honored him in some way. He not only served his country and his generation nobly and grandly, but the billions of human beings yet unborn will forever owe him an everlasting debt of gratitude. He was the greatest sanitarian the world has ever produced. He was the economic savior of Cuba and the redeemer of the Tropics.

His work and his fame are destined to grow with the years. His life is a glory that stands apart, unrivaled and unapproached. The inspiration of his example extends to the uttermost ends of the earth.

He laid down his life for all humanity—that throughout all the ages the human race might be the legatee, the beneficiary of his genius, his character, and his life work.

He was an honor to our beloved country and to the human race. Fame herself has placed the laurel upon his immortal brow, and as long as time shall carry the record of human achievements every nation on this planet will proudly pay tribute to the memory of William Crawford Gorgas. [Applause.]

Mr. BUCHANAN. Mr. Chairman, I yield three minutes to the gentleman from Ohio [Mr. McSWEENEY].

Mr. McSWEENEY. Mr. Chairman and gentlemen of the committee, I have asked for just a few minutes to express to the House my profound grief at the death of our good friend, Mr. Edgar Wallace, who as you all know was the legislative representative of the American Federation of Labor. When I first came to Congress Mr. Wallace often came to my office, as he continued to do until his death. I talked with him frequently and found that he was not a propagandist, but a man trying to give to me and to other people information along the line of the work he was interested in. I heard several little things from him as to his youth. I asked him to give me some incidents of his boyhood and young manhood. I found that he was born in England, and that when a lad of 11 years of age he worked in the coal mines of Cornwall. He used to lie on his side on the damp floor of the mine and pick with his pick against the black wall and get the coal out and push it down with his feet so that the men could gather it and put it in the cars. His industry and effort led him to come to America. Here he affiliated himself with the workers of this country, and his great sincerity of purpose and his highmindedness and everything that goes to make a conscientious and honest worker gained for him recognition in this great organization, the Federation of Labor, and the intrepid leader of that great organization, Mr. Gompers, made him its legislative representative. Those of you who have had contact with him know that he was ardent, sincere, and supremely honest in everything that he undertook to do for his people. Coming down here and living in Washington did not cause him to forget the hardships of his own youth nor those his colleagues are undergoing who are now members of that great organization. He was always mindful of them. I took an added interest in him, because I was a member of the Committee on Agriculture and he came before that committee four years ago. He said that America could not have a lop-sided prosperity, that the laborers in other fields of industry would suffer if the dollar earned upon the farm was not given its just purchasing power. He came back to our committee, not in an "I told you so" manner, a few days ago and said that his prophecy of four years ago had come true, that the laborers had suffered because a third of the population of America had been cut down in their power to purchase the commodities made by the hands of his colleagues in other lines of endeavor. He was willing to have the farmer aided, even if it resulted in a slight increase in the cost of the things which his fellow laborers had to purchase.

I know that the federation can find among their numbers a worthy successor who will honestly and in a broad-minded way present the cause of the federation.

Hamlet, when leaving this life, said, "I die, thou livest; report me and my cause aright to the unsatisfied." I say to you, Edgar Wallace died; we live. Let us always struggle to report him and his cause aright to the unsatisfied.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BUCHANAN. Mr. Chairman, I yield 20 minutes to the gentleman from Kansas [Mr. AYRES].

Mr. AYRES. Mr. Chairman, I do not intend to make a tariff speech this afternoon, although that seems to be the order of the day. However, in view of the speech that was made by the genial gentleman from Michigan [Mr. KETCHAM] a few days ago relative to the present tariff law being so beneficial to the farmers of the country, I thought it might be well to make a few observations at this time. I suppose when the gentleman made his speech he was thinking of what was said in the press throughout the country at the time the Fordney-McCumber tariff bill was under consideration, and I think about the time it was passed. I was not in Congress at that time, as I had accepted an invitation from my constituents to come back and visit with them for a couple of years. Therefore, in the language of Will Rogers, I saw it in the press. The report at that time was that the agricultural schedule of the Fordney-McCumber Tariff Act was so framed that it would add anywhere from $250,000,000 to $300,000,000 annually to the income of the agriculturists of the country. This law has been in operation since September, 1922, or five and a half years.

So, if that statement—that it would add anywhere from $250,000,000 to $300,000,000 to the income of agriculture—was true, it seems to me it should have added at this time at least $1,500,000,000 to the income of agriculture.

It may be that the agriculturists of Michigan are receiving their proportion of that $1,500,000,000; but I am quite sure that the agriculturists of the State of Kansas have not received their share, at least I have had no such notice to that effect.

Now, among other things, he said this:

> Now, to sum it all up, my good friends, I trust the logic, the cold logic of these figures, that are impersonal and have nothing of a political flavor in them whatsoever, may speak the cold, hard truth, and I hope they will be consulted by the next one of my good Democratic friends who wants to rise up here and declare that the Fordney-McCumber Act has been responsible for the ills of the farmer.

He says further:

> Putting it now in a final word and in the terms that the farmer himself usually uses, his commodity dollar—in other words, the amount of his commodities that he would have to exchange for commodities of other kinds that he buys, according to the old plan of trade and barter—his commodity dollar was a 70-cent dollar in October, 1922, and in October last it was a 92-cent dollar, or an increase in the relative purchasing power of the farmer's commodity of 32 per cent since 1922.

I do not know just how he arrives at these figures; but I was interested in that statement and asked him to yield, and wanted to ask him some questions; but, of course, he was limited as to time, just as I am this afternoon. But I recollect having written to the Secretary of Agriculture after I came back to Congress and asked him regarding the purchasing power of the farmer's dollar. I have a statement from former Secretary Wallace, who was Secretary of Agriculture at that time, and also a statement from the present Secretary of Agriculture, Mr. Jardine. I asked that the purchasing power of the farmer's dollar be given from the year 1913 up to the year 1925, and here is what the two Secretaries of Agriculture gave me:

	Cents
1913	100
1914	105
1915	103
1916	97
1917	107
1918	112
1919	112
1920	96
1921	84
1922	89
1923	61.3
1924	62.4
1925	60.3

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. AYRES. Not now, if the gentleman please. I am going to make a more elaborate speech on the tariff later on.

Mr. MADDEN. The gentleman is relying on somebody's statement in regard to these figures, is he not?

Mr. AYRES. I simply relied upon the gentlemen whose duty it is to collect those statistics and report what the purchasing power of the farmer's dollar may be. I called upon the Agricultural Department a few days ago and told them I wanted the latest figures, and in reply I received data showing that in 1926 it was 62 cents and in 1927 it was 66 cents.

I am relying upon the statements of the Secretaries of Agriculture on this matter.

Now, if the farmers of the country are so well satisfied with the Fordney-McCumber Act, I should like to know why it is at this session of Congress 61 bills have been introduced to amend the present tariff law; 61 bills. I have them all here, and I want to say that of those 61, 36 of them were introduced by Republicans and 25 by Democrats. I am not going to call attention to all these bills, but I want to call attention to a few of them.

At the beginning of this session of Congress, on the 5th of December, Mr. FRENCH, of Idaho, who is a conservative man, introduced a bill wherein he asked for an increase of tariff rates on such farm products as eggs. On the same day he introduced another bill in which he asked for an increased tariff on butter. He also introduced another bill on the same day asking for an increase of duty on all grass seeds, such as alfalfa and clover seed. Then he introduced still another bill wherein he asked for an increase of the duty on such farm products as peas, both dried and green, and on the same day still another bill in which he asked for an increase of the tariff on onions.

And then Congressman LAMPERT, from the State of Wisconsin, and others from the Northwest country, on the same day introduced a bill asking for a tariff on calf and veal leather. Then the gentleman from Colorado [Mr. TAYLOR] introduced a bill wherein he asked that hides be taken off the free list and put on the protected list. The gentleman from Indiana [Mr. HOGG] introduced a bill wherein he asked that the tariff rate be increased on onions. Then we have another Republican from the northwest country, Wisconsin [Mr. SCHAFER], who introduced a bill asking that calfskins and veal leather be put on the protected list, and then the gentleman from Minnesota [Mr. SELVIG] asked for an increase of the tariff rates on turnips, milk, butter, cheese, poultry, eggs, buckwheat, and a number of other farm products.

Then Representative GOODWIN, from the State of Minnesota, a Republican, asked that the tariff be increased on sago flour. Also, he introduced another bill at that time asking that the tariff be increased on tapioca and tapioca flour. He also introduced another asking that the tariff be increased on Irish potatoes. Then the gentleman from Wisconsin, Mr. LAMPERT, introduced another bill asking that the tariff be increased on peas. Then we have another Republican, the gentleman from the State of Texas, Mr. WURZBACH, and he asked that the tariff be increased on onions. Then we have a Democrat from Montana asking that the tariff be increased upon several farm products.

Mr. MADDEN. Why does not the gentleman give his name?

Mr. AYRES. Then we have last, but not least, the chairman of this subcommittee, Mr. DICKINSON of Iowa. He asked that the tariff be increased on not less than 15 or 20 products which are produced by the farmer, including such articles as corn, and he asked that cattle hides be placed upon the protected list; he asked that the tariff be increased on swine, on raw meats, extracts of meats, and various and sundry articles. Then we have Mr. WURZBACH introducing another bill asking that the tariff be increased on several articles, such as tomatoes, onions, and various articles produced by farmers. Then we have the gentleman from Iowa [Mr. COLE], who spoke this afternoon and said he was satisfied with the tariff on the whole—I do not know what he meant by that statement when I read the bill he has introduced wherein he is asking that the tariff be increased on certain farm commodities. I might go on and on, but time will not permit. As I say, there have been 61 tariff bills introduced at this session of Congress asking for a change in the present law.

Mr. MADDEN. Why did not the gentleman read the names of Democrats who have introduced bills?

Mr. AYRES. I am perfectly willing to read them. We have so far, I think, eight Democratic bills, including one introduced by myself, where they have asked for an increase of the tariff on farm commodities.

Mr. MADDEN. I notice the gentleman was very careful not to read the names of Democrats.

Mr. AYRES. No; I beg the gentleman's pardon. I called his attention in the first place to the fact that there were 25 bills introduced by Democrats and 36 by Republicans. I am perfectly willing to say to the gentleman that I introduced a bill myself to raise the tariff on farm products but at the same time to reduce it on manufactured products which, I think, is the only way by which you can bring about an equality, as far as the tariff is concerned, between manufactured articles and farm products.

Now, last but not least is the gentleman from Michigan, [Mr. KETCHAM], who has introduced a bill which is called the debenture plan. This is what he said in the RECORD, or, at least, he is responsible for this statement because he asked for leave to extend his remarks and said he had had this statement concerning the debenture plan prepared. In that statement it is said:

> Since the inequalities resulting from the tariff system are one of the sources of difficulty, the logical and sensible thing to do is to apply the remedy at that point.

Further:

> Opponents of the export debenture plan usually base their opposition on the plea that it is a subsidy. The plan is no more a subsidy than is the protective tariff.

Then it goes on to say:

> The farmer is asking merely that there be applied to his problem some of the same spirit of tariff adjustment and modification as is already being used to accommodate industry and capital.

Evidently when the gentleman from Michigan was stating the object of the debenture plan he was not as favorably inclined to the present tariff as he seemed to be when he spoke the other day.

So I could go on if I had the time and call attention to many more of the same kind of speeches that have been made by Republican Congressmen as well as some Democratic Congressmen, representing agricultural districts, showing that they are not satisfied with the present tariff. Notwithstanding that fact when the McMaster resolution, which called for a tariff revision during the present session of Congress, was up before the House for consideration a few days ago I am inclined to think the RECORD will show that practically all of the Representatives from the agricultural districts of the West and Northwest voted to table that resolution and not consider it. There were a few exceptions. [Applause.]

Mr. SANDLIN. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. BLACK].

Mr. BLACK of New York. Mr. Chairman and gentlemen of the committee, sincerity from a candidate is a rarity. Hoover, who has done such unusual things as turning from internationalist to American, from Democrat to Republican, from mining engineer to political mechanic, from loud speaker to muffler, has proven sincere as a candidate. He announced that he would follow the Coolidge policies and proved as good as his word by straddling on major problems. He tried to follow Coolidge and he got his trigonometry all tangled up and now he is just another good man gone wrong. He slipped into the Ohio primaries, got his geography all mixed up, went to Florida by mistake, and came back to Washington to start all over again.

But he must have fallen off a horse and got bitten by a fox in his early days hunting in merry England. He calls prohibition a great social experiment and that satisfies the Women's Christian Temperance Union and flaming youth. He says it is a great economic experiment and that satisfies the bootlegger and the professional panhandling dry.

On flood relief he is a bit hazy. He remembers there was a flood, whether it was on the Rhine or the Thames he is not quite sure. Something ought to be done about it. It was good first-page stuff once.

But we should not expect too much of Herbert—he has been hanging around these Republicans eight years and they have been just hanging around. They took one chance. They gave away the naval oil reserves and they got all messed up. So since then they have done nothing at all. [Laughter and applause.]

Herbert himself has been active—if being vocal is being active. If Great Britain ever sees his mimeograph fleet they will want a 5–5–3 ratio on press releases. He has been a sort of combination comptometer, printing press, and radio. He has issued as many statements as a distinguished interrogating Senator and they mean just as much. Howling Herbert is the antithesis of Silent Cal. Every time a cow had a calf the Department of Commerce, alias Hoover, took credit. The responsible bull had to let the political bull christen the youngster. [Laughter.]

Every bulletin from the Department of Commerce was longer than a presidential message—and just as eventful. He has used

up more paper than Wilbur's paper Navy. He was the fellow who played the bass drum and the other doodads in the White House orchestra.

He is qualified, though. He was a sort of substitute President. When Coolidge would get tired doing nothing, Herbert would do it for him. Every time Kellogg had a nervous breakdown, Herbert was a sort of head keeper. When Jim Davis could not settle the coal troubles, Herbert gave him an alibi by proving that even the great god Hoover could not do it. When Jardine got annoyed at the American farmers, Hoover made faces at the British planters. When Wilbur could not put the country to sleep with bedtime stories, Herbert made a speech. He has not always been successful as a kibitzer. When he went over to run the Treasury he backed out before Uncle Andy as if he were leaving his old playmate, King George. He backed out, though, for another reason. Mellon, of course, never kicked the high tambourine like Wilbur, but Herbert was taking no chances.

Of course, Herbert, formerly of Red House, Hornton Street, London, would make a great President. We would be the most efficient unit in the British Commonwealth of Nations. We, in parliament, would have to get satin-knee breeches and silk stockings; also a supply of sawdust for padding the lower limbs. The house of lords at the other end of the Capitol would have to wear those trick wigs of the king's bench. The Democrats would wear white ones, the Republicans blue, and the Northwest group red. BORAH would have all three wigs for lightning-change purposes. Big Bill Thompson would have a blooming governor general over him in the province of Chicago.

My friend TILLMAN the other day in speaking of Hoover had something to say of Mark Antony. But TILLMAN lives too far from Broadway to realize the full dramatic possibilities of his idea, so I would whisper to Julius Cæsar Hoover as he goes forth with all gall—

Yon Cassius Calvin hath a lean and hungry look. Take care, Herbert, old dear, that you are not stabbed in the back with a flapjack. Cheerio!

[Laughter and applause.]

Mr. SANDLIN. Mr. Chairman, I yield 20 minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN of Missouri. Mr. Chairman and Members of the House, I again desire to invite your attention to the toll-bridge situation. It is my humble opinion that unless the Congress takes some action the people of the country will be in the clutches of another monster, this time a toll-bridge trust. The possibilities of a toll-bridge trust are far from being remote, and I feel I am in a position to-day to disclose facts which warrant this statement.

Members will recall I recently addressed the House on the subject of toll bridges, at which time I stated that in certain cases bonds and other securities issued in connection with the construction of toll bridges were beyond the control of the blue-sky departments of the various States. After talking with bridge contractors, as well as investment bankers, I again assert, in some cases the blue-sky officials have no control over these securities.

My contention is, the Congress in granting consent for the construction of these bridges protects the city, county, or State by the recapture clause, but you do not extend any protection whatsoever to the purchaser of the securities because you wait until after the bridge is constructed before you require the promoter to file a statement of cost. I feel, as it is the Congress that makes the project possible, the Congress should in some way—and I care not how—demand that before the plans and specifications are approved a limitation be placed in keeping with the actual cost of construction, financing, and so forth, plus 10 per cent, on the securities that can be issued.

I proposed to read to the House an article from one of the great newspapers of the United States, the St. Louis Post-Dispatch. I was astonished when I read this article, and I feel you will likewise be astonished. In large type the headlines read:

BRIDGE PROMOTER FOSTERS SCHEMES FOR 33 PROJECTS—TOLL SITES IN CARONDELET DISTRICT AND AT END OF OLIVE STREET ROAD AMONG AGENT'S PLANS—DENIES COMPANY WILL SELL STOCK—EUGENE M. ELLIOTT, OF CHICAGO, SAYS HE IS EMPLOYED TO FIND LOCATIONS FOR STRUCTURES OVER UNITED STATES

The article follows:

A promoter, employed by a large New York financial and engineering firm to locate highway toll-bridge sites and obtain local and congressional franchises for constructing them, is fostering the projects now pending for a bridge over the Mississippi in the Carondelet district and one over the Missouri at the end of Olive Street Road for a short cut to the Kansas City Road.

He is fostering also the projects for other toll bridges—at Hermann, Arrow Rock, and near Independence, Mo., over the Missouri, and at Golconda, Ill., and Augusta, Ky. (near Cincinnati), over the Ohio. In all, he has about 33 toll-bridge schemes scattered about the country. Of these, he says, his principals definitely plan now to proceed with construction of 16, including the Olive Street Road crossing, near Chesterfield; the one at Hermann and the one near Independence, at Liberty Landing. He declines to state where others are located or to enlarge on the financial and physical plans of any of the proposed structures.

WORKS FOR NEW YORK FIRM

The promoter, known in various parts of the country as a "high-pressure salesman," is Eugene M. Elliott, of Chicago, operating a firm of nominal capitalization, E. M. Elliott & Associates (Inc.). He is acting in behalf of J. G. White & Co., of New York. Elliott says he is under contract with this concern to locate sites and arrange franchises for a fixed compensation.

In addition, Elliott points out, he has the opportunity to profit personally in speculation on real estate near bridgeheads. He would not say whether he was indulging in such speculation in the St. Louis district. All franchises, including those already obtained by him from the St. Louis and St. Charles County courts are assigned to White & Co., Elliott says. White & Co. will arrange the financing of the various projects through bonds and debentures, Elliott explains, but will not offer stock for sale. In keeping with terms of the congressional grants, he adds, all promotion and financing costs, including his compensation, will be limited to 10 per cent of construction cost.

Whether any of his compensation will come in securities of bridge companies, Elliott will not say. He does not plan to handle sale of any securities, and he is not licensed in Illinois or Missouri to do so.

LOCATES CHESTERFIELD SITE

Several months ago Elliott located the proposed Chesterfield bridge. After the St. Louis County court granted a franchise for it, and while similar application was pending in the St. Charles County court, a newspaper item about desire of citizens for the Carondelet bridge attracted Elliott, and a representative of his got in touch with Stewart D. Flanagan, a lawyer, president of the Carondelet Improvement Association.

A week ago last night Elliott, visiting St. Louis, addressed that association, which then voted to authorize Flanagan to help the project in any way he could and to arrange for messages to Congressman NIEDRINGHAUS in favor of the congressional franchise. Citizens of Dupo, Ill., also eager for this bridge, attended the meeting. Bills for congressional franchises for the Carondelet and Chesterfield bridges are pending in committee.

At the association meeting Elliott declared a subsidiary of his employer, the J. G. White Engineering Corporation, was studying traffic potentialities of the Carondelet crossing and physical features. He expressed the opinion that this bridge would be built and would pay for itself in a comparatively short time. If it isn't built, he asserted, the franchise will be returned.

TO FORM LOCAL COMPANY

Supposing the bridge costs $3,000,000, Elliott told the gathering, $2,000,000 of the money will be raised through White & Co.'s banking connections and the remainder will be covered by White & Co. Of the income from tolls, he declared, 92½ per cent will be devoted to paying off the funded debt, leaving the balance for profits. A local company will be formed, he said. In a subsequent interview with a Post-Dispatch reporter, Elliott declined to make any further explanation of the financial set-up contemplated. He indicated similar arrangements would be made in the other bridge projects.

Two weeks ago, after delaying for a time in an effort to get a guarantee from Elliott that the Chesterfield bridge would be built, the St. Charles County court granted a franchise there.

Franchises for the toll bridges at Hermann, Arrow Rock, and Liberty Landing, Mo., and Golconda, Ill., have been passed by one House of Congress and are pending in the other. Most of the stock of the Centennial Bridge Co., which has the Liberty Landing franchise, is held in the name of Elliott. At Independence it was stated this company plans to finance itself by preferred stock and bonds sold to the public through banking houses. The Golconda franchise is in the name of Mayor Charles Abbott, of Golconda, who was assured through correspondence of the backing of White & Co.

BETTER BUSINESS BUREAU REPORT

The Chicago Better Business Bureau reported, after an interview with Elliott last summer, that his firm, besides obtaining bridge franchises, had the purpose of forming operating corporations, placing bonds, accepting bids, and supervising engineering, taking as remuneration shares of stock in the companies formed and commissions from construction companies.

Elliott went to Florida in 1922 and became securities sales manager of the firm that built a 6-mile bridge over the bay between Tampa and St. Petersburg. He was successful in this. He bought 27,000 acres of land at the St. Petersburg end and made large personal profits in its sale, as the bridge increased its value. In connection with this business, the Federal Government attached some of his property under a $503,238 claim for income taxes and fines, although Elliott contended his profits then were paper only. Eventually he settled for $122,932.

Elliott, who says he is worth $800,000 to $1,000,000 now, owning a yacht, a St. Petersburg estate, and a Rolls-Royce, has one or two small judgments against him in Chicago, which, he states, "I am paying off as fast as I can."

I have asked the chairman of the bridge committee not to call up any additional bills in which Elliott and associates are interested until I complete my investigation. He has assured me he will not do so. If any bills where the consent to construct is vested in ELLIOTT and his associates are called up I will be compelled to object.

Mr. DENISON. Will the gentleman yield there?

Mr. COCHRAN of Missouri. Yes.

Mr. DENISON. I do not want to be misunderstood about the matter. I understood the gentleman to ask me not to bring up any bills until the next consent day, which I am not going to do, of course.

Mr. COCHRAN of Missouri. Then we misunderstand each other. I want to say that if the gentleman calls up any of these bills before I complete my investigation, I will be compelled to object to them.

Mr. DENISON. Let me keep the gentleman from Missouri straight about the matter. I merely call up these bills as chairman of the subcommittee as a matter of convenience for the Members who introduce them. They come up on consent day, and on the next consent day these bills will come up naturally in their order just as other bills on the Consent Calendar, and I merely told the gentleman from Missouri I did not have any purpose of calling up any bridge bills until the regular consent day.

Mr. COCHRAN of Missouri. I fully understand and I did not mean to convey the impression that the gentleman was calling up these bills for any individuals.

The day following the same paper carried this editorial:

THE TOLL-BRIDGE GAME

The toll road—that relic of ancient times—is practically extinct in the United States, but it looks as though the toll bridge is just coming into its own. Eugene M. Elliott, a high-powered salesman from Chicago, plans to introduce the toll bridge on a grand scale in and around St. Louis. He has various projects in the fire—one over the Mississippi at Carondelet, one over the Missouri at the end of Olive Street road, others at Hermann and Arrow Rock, not to mention projects at more remote localities. It is Mr. Elliott's business to plaster toll bridges upon the populace wherever he can, and it appears he is about to do a thriving business hereabouts.

Mr. Elliott represents J. G. White Co., a huge public utility corporation of New York, which will finance the projects. It is said that not more than 10 per cent of the construction costs will go for promotion and financing. Mr. Elliott gets his cut from this 10 per cent, besides what he can pick up by speculating in lands in proximity to the bridges. Of the income from tolls after the bridges are built, 92½ per cent will go to pay off the funded debt, leaving the rest for profits. Of course, the major part of the financing will be accomplished by selling bonds to the public.

In other words, the public holds the bag. It buys the bonds, putting up money for construction. It also pays tolls to work off the bonds. Eugene M. Elliott and J. G. White Co. jointly furnish the brains and jointly rake in the profits. While we believe thoroughly in rewards for brains and enterprise, we fail to see why the public should let Mr. Elliott and the White company enrich themselves at its expense. The public can build these bridges itself without paying promotion fees and profits to professional organizers.

Painfully and laboriously the public is buying St. Charles Bridge from its private owners. How much better and cheaper it would have been for the State to build this bridge itself! Are we to have a recurrence of this nuisance at Carondelet and at the end of the Olive Street road? Not if public leadership asserts itself and shows some business acumen.

The St. Louis Globe Democrat, another great newspaper, carried the following editorial during the week, which shows where some cities in Missouri are now purchasing old toll bridges. The editorial is as follows:

TEARING DOWN RIVER BARRIERS

Jefferson City business men have about completed organization of a company of civic groups for the commendable purpose of tearing down another toll barrier across the Missouri River. This organization, headed by Mayor C. W. Thomas, has plans for taking over the highway bridge connecting Cole and Callaway Counties at Jefferson City and, in capacity of a holding company, applying the toll proceeds to the discharge of the purchase price, releasing the paid-for structure to the State as soon as earnings have repaid the investment. Thus, with the same plan that is being worked out by a holding company organized in St. Louis and St. Charles County for the purchase of the St. Charles Highway Bridge, the last toll bridge across the Missouri River in the State will be made free.

Under this program at Jefferson City the crossing there will be free of purchase debt in from five to seven years, or almost as soon if not as soon as the St. Charles crossing is open for the public without fee. Within the last few months tolls were lifted from a Missouri River bridge at Kansas City under a Jackson-Clay County bond issue and St. Joseph has voted funds for a free bridge across the river at that point. In the last few years Federal-aid bridges have been built under the McCullough-Morgan law at Waverly, Lexington, Glasgow, and Boonville. Few States bisected by a great stream to compare with the Missouri are so well situated with reference to open passage from one section to the other. Jefferson City is to be specially congratulated by citizens of the State for making the movement unanimous.

But as communities are moving to tear down toll barriers to free passage other movements are on foot for the construction of other toll bridges across the stream in the State. These, of course, are ventures of private capital and the promoters must see potential demand for such structures to offer their money in the undertakings. There can be no objection to such enterprises. But communities so favored can not but anticipate the time when public use will put these proposed bridges, too, on the scales of demand and place them up for public purchase through toll earnings. So the public has a right to view with interest matters of financing and totals of investment they will some day be called upon to assume.

I submit this statement from a great newspaper showing where one individual admits he is promoting 33 projects, some in his own name, some in the names of others, and where he says all such grants are finally assigned to one corporation, warrants the expression that the public is liable to be in the hands of a toll-bridge trust.

I have considerable information regarding the financing of toll bridges, but I want to be fair and not make any statement I can not support with facts.

For the time being I will refer to one project, because that project is mentioned in the article I just read. It is the so-called Gandy Bridge in Florida between Tampa and St. Petersburg. I am still investigating this matter, but I am in a position to disclose now the actual cost of construction of this bridge was $2,100,000. The financing, promotion, and overhead was given at $2,400,000, or 125 per cent above the cost of construction. Bonds and other securities have been issued in connection with this project amounting to $4,900,000. The authority for this statement is the railroad commission of the State of Florida.

Mr. CANNON. Will the gentleman yield?

Mr. COCHRAN of Missouri. I yield to the gentleman.

Mr. CANNON. I notice in the clipping which the gentleman includes in his remarks, or which I presume the gentleman will include in his remarks, that reference is made to the proposed bridge at Hermann, Mo., which was authorized under a bill which I introduced and which recently passed both the House and the Senate. Is it the gentleman's understanding that any one man who is not a resident of Hermann or of the adjoining counties had anything to do with promoting the proposition to authorize the construction of bridges at Hermann, Mo., or Washington, Mo.?

Mr. COCHRAN of Missouri. The only reply I can give to the gentleman is that I read that from an article in a most responsible newspaper—the St. Louis Post-Dispatch. I have not verified the statement, but the St. Louis Post-Dispatch quotes Mr. Elliott himself as saying that the Hermann bridge is one of the projects that is going to be finished.

Mr. CANNON. Does it say that Mr. Elliott had anything whatever to do with securing the introduction or passage of these bills in the House?

Mr. COCHRAN of Missouri. No; nothing whatever.

Mr. CANNON. The only connection, then, according to the gentleman's statement, that Mr. Elliott has with the legislation relating to these bridges is to be had after the authorization is secured.

Mr. COCHRAN of Missouri. So far as I am concerned; yes, sir.

Mr. CANNON. The relations, then, of Mr. Elliott are not with any Member of the House but with the communities to be benefited by these bridges at Hermann and Washington, Mo.

Mr. COCHRAN of Missouri. I have no information whatsoever about that.

The article discloses Mr. Elliott profited by reason of this project. He was the securities sales manager, so the report of

the Better Business Bureau says. If the Congress will order an investigation of all toll-bridge projects to be conducted jointly by the Chief of Engineers of the War Department and the Bureau of Public Roads of the Department of Agriculture, we will get the facts. I am informed such an investigation can be conducted at a reasonable cost, and can be completed in three months. I can tell you now the Bureau of Public Roads has attempted to get at the bottom of some of the projects, but has been denied the information asked for by the promoters. The fact that information has been denied should be sufficient to warrant the Congress to act.

I am informed by Government officials in some instances approaches connect with the Federal-aid road, which I understand is a violation of the law. If this be true it means an individual or corporation charges a toll for the citizen to reach the public highway.

The gentleman from Illinois [Mr. DENISON] has introduced a bill—H. R. 11485. It was only a few minutes ago that I secured a copy. While it appears to be an improvement over existing law, in my examination I failed to find where it affords any protection to the purchasers of the securities prior to the construction of the bridge.

Next year practically all the State legislatures will convene. I sincerely hope the States will see the wisdom of having their State highway departments erect toll bridges, sell bonds, create sinking funds, and after the operating expenses are paid place the balance in sinking funds to be used to pay the interest and retire the bonds so that the bridge will finally pay for itself and then be opened to the public free of tolls.

Mr. CANNON. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. The control of time is in the gentleman from Iowa and the gentleman from Texas.

Mr. DICKINSON of Iowa. Mr. Chairman, I will yield the gentleman three minutes.

Mr. CANNON. Mr. Chairman, I always listen with interest to anything that my colleague has to say either on the floor or elsewhere. He is one of the most valuable Members of the House. But in this instance he appears to be laboring under a slight misapprehension—in one respect, at least. He vouches for newspaper statements, which he quotes, to the effect that Eugene M. Elliott, of Chicago, has been employed to "obtain congressional franchises" for a number of bridges, and that he is "fostering schemes" for bridges at Hermann, Mo., and elsewhere; and the gentleman proposes that Congress order an investigation.

I introduced companion bills authorizing bridges at both Hermann and Washington, Mo., and the man referred to had nothing whatever to do either with the inception and introduction of the bills or with their passage through the House and Senate. That is conclusively proven by the fact that both bills were introduced in the Sixty-ninth Congress and passed the House before he ever heard of Hermann or Hermann ever heard of him. No promoter, broker, or lobbyist has approached me on the subject either before or after the introduction of the bills authorizing the construction of these two bridges or the bridge across the Mississippi at Louisiana, which was authorized in the same Congress and which will be opened for traffic this month.

As a matter of fact, the bill for the bridge at Hermann was introduced at the request of the commercial club of that city and was indorsed by practically every business and professional man of the community including Hon. R. A. Breuer, judge of the thirty-second judicial district of Missouri; Hon. Charles A. Egley, mayor of Hermann; Judge H. L. S. Stolte, probate judge of Gasconade County; and R. W. Hilte and O. H. Nienhueser, president and secretary, respectively, of the local chamber of commerce and others.

These men or their representatives, I understand, after canvassing a number of propositions, have entered into negotiations with Elliott for the construction of the bridge, but he had nothing whatever to do with legislation granting the franchise. The business men of Louisiana arranged with Compton & Co. to finance their bridge and the citizens of Washington with still another company. Each community after arranging for legislation authorizing construction of their bridge proceeded to make provision independently for its construction and each of the three happened to select a different firm. The suggestion that promoters fostered these three bridges or any one of them or arranged with me for legislation authorizing them is wholly beside the facts. All three bills were introduced and had passed the House in the Sixty-ninth long before even preliminary negotiations had been taken up for their financing or construction.

Now, with the proposal that the State or Federal Government build these bridges I am in heartiest accord. I do not favor toll bridges except as a last resort. But I certainly prefer a toll bridge to no bridge at all. If the gentleman had stood on the banks of these rivers as I have for hours waiting for the ferry or had reached the river too late for the last ferry and been compelled to remain all night he would be glad to pay a bridge toll—especially when such toll is invariably much less than the toll charged by the ferry. In addition to its inconvenience ferriage is attended by some little danger. Only recently an automobile on a ferry crossing the river in my district rolled off the boat and was lost with all occupants. And of course, in winter, when the river is filled with ice, crossing even on a ferry is out of the question. If the gentlemen who are so solicitous about these bridge tolls will consult those who expect to pay them they will find that the prospective patrons are more than anxious for the opportunity to pay the toll and escape the delay, inconvenience and danger and cost of ferriage to which they are subject under present conditions.

There are no public funds available for the construction of these bridges. The local communities have taken up that question with the Missouri State Highway Commission, and I have taken it up with the commission myself; and the commission which has the allocation of all State and Federal highway funds invariably replies that no money is available for such bridges or will be available for many years to come. Furthermore, the Missouri State Highway Commission has written to me officially, indorsing the construction of these bridges by private enterprise. I agree with the gentleman in his advocacy of free bridges, but where it is a choice between a toll bridge and no bridge at all, as it is in this instance, I will take the toll bridge and pay the toll gladly, and every citizen of the communities to be served by these bridges takes that point of view.

I join the gentleman in the hope that the State will see the wisdom of having the highway commission erect such bridges and maintain them toll free, but until it does so erect them let us authorize the communities which need them to build them with private capital under the ample safeguards provided by these bills.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DICKINSON of Iowa. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TREADWAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11577, the Agricultural appropriation bill, and had come to no resolution thereon.

COMMITTEE ON WAR CLAIMS

Mr. STRONG of Kansas. Mr. Speaker, by direction of the War Claims Committee, I ask unanimous consent that that committee may be authorized to sit during sessions of the House for 30 days, and that is to include the four subcommittees.

The SPEAKER. The gentleman from Kansas asks unanimous consent that the Committee on War Claims and the subcommittees be authorized to sit during the sessions of the House for 30 days. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, the gentleman from Kansas did me the courtesy to speak to me about this a few minutes ago. I understand it is at the request of the committee, and I am sure there is no objection.

The SPEAKER. Is there objection?

There was no objection.

FREMONT NATIONAL FOREST AND BIG HORN NATIONAL FOREST (H. DOC. NO. 192)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with accompanying papers, ordered printed and referred to the Committee on Agriculture:

To the Congress of the United States:

I am transmitting herewith for the consideration of the Congress copies of resolutions adopted by the National Forest Reservation Commission at its meeting held on February 18, 1928, together with letters from the Secretary of Agriculture relating to the proposed addition of certain public lands to the Fremont National Forest, in the State of Oregon, and the Bighorn National Forest, in the State of Wyoming, which have been submitted by the President of the National Forest Reservation Commission.

CALVIN COOLIDGE.

THE WHITE HOUSE, *March 1, 1928.*

ENROLLED BILL SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title, when the Speaker signed the same:

H. R. 8227. An act authorizing the Sunbury Bridge Co., its successors and assigns to construct, maintain, and operate a bridge across the Susquehanna River at or near Bainbridge Street, in the city of Sunbury, Pa.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval bills of the House of the following titles:

H. R. 121. An act authorizing the Cairo Association of Commerce, its successors and assigns to construct, maintain, and operate a bridge across the Ohio River at or near Cairo, Ill.; and

H. R. 5679. An act authorizing the Nebraska-Iowa Bridge Corporation, a Delaware corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River between Washington County, Nebr., and Harrison County, Iowa.

ADJOURNMENT

Mr. DICKINSON of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned until to-morrow, Friday, March 2, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, March 2, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned farm areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects (H. R. 6091).

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10 a. m.)

To amend the World War veterans' act, 1924 (H. R. 10160).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

To further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States (S. 744).

To promote, encourage, and develop an American merchant marine in connection with the agricultural and industrial commerce of the United States, provide for the national defense, the transportation of foreign mails, the establishment of a merchant-marine training school, and for other purposes (H. R. 2).

To amend the merchant marine act, 1920, insure a permanent passenger and cargo service in the North Atlantic, and for other purposes (H. R. 8914).

To create, develop, and maintain a privately owned American merchant marine adequate to serve trade routes essential in the movement of the industrial and agricultural products of the United States and to meet the requirements of the commerce of the United States; to provide for the transportation of the foreign mails of the United States in vessels of the United States; to provide naval and military auxiliaries; and for other purposes (H. R. 10765).

To amend an act of Congress approved July 3, 1926, being Private Act No. 272, and entitled "An act conferring jurisdiction upon the Federal District Court for the Western Division of the Western District of Tennessee to hear and determine claims arising from the sinking of the vessel known as the *Norman*" (H. R. 10646).

To amend sections 116 and 118 of the Judicial Code (H. R. 5690).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

393. A letter from the Secretary of the Navy, transmitting draft of a bill "To authorize the Secretary of the Navy to advance public funds to naval personnel under certain conditions"; to the Committee on Naval Affairs.

394. A letter from the Secretary of the Navy, transmitting draft of a bill "For the conservation, care, custody, protection, and operation of the naval petroleum and oil shale reserves, and for other purposes"; to the Committee on Naval Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WYANT: Committee on Interstate and Foreign Commerce. S. 2800. An act authorizing E. K. Morse, his successors and assigns (or his or their heirs, legal representatives, and assigns), to construct, maintain, and operate a bridge across the Delaware River at or near Burlington, N. J.; with amendment (Rept. No. 801). Referred to the House Calendar.

Mr. LUCE: Committee on the Library. H. R. 11200. A bill donating to the Ohio State Archæological and Historical Society two dedication stones formerly a part of one of the locks of the Ohio & Erie Canal; without amendment (Rept. No. 802). Referred to the Committee of the Whole House on the state of the Union.

Mr. GILBERT: Committee on the Library. H. R. 11482. A bill to amend section 2 of an act entitled "An act to authorize an appropriation for the care, maintenance, and improvement of the burial grounds containing the remains of Zachary Taylor, former President of the United States, and the memorial shaft erected to his memory, and for other purposes," approved February 24, 1925; without amendment (Rept. No. 803). Referred to the Committee of the Whole House on the state of the Union.

Mr. CHINDBLOM: Committee on Ways and Means. H. J. Res. 126. A joint resolution providing for the cooperation of the United States in the Pacific Southwest Exposition in commemoration of the landing of the Spanish padres in the Pacific southwest and the opening of the Long Beach, Calif., world port; with amendment (Rept. No. 804). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. S. 1181. An act authorizing an appropriation to be expended under the provisions of section 7 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended; with amendment (Rept. 805). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. H. R. 10544. A bill to abolish the office of administrative assistant and disbursing officer in the Library of Congress and to reassign the duties thereof; with amendment (Rept. 806). Referred to the Committee of the Whole House on the state of the Union.

Mr. ANDREW: Committee on Naval Affairs. H. R. 9289. A bill to provide additional pay for personnel of the United States Navy assigned to duty on submarine vessels and diving duty; with amendment (Rept. No. 807). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of South Dakota: Committee on World War Veterans' Legislation. H. R. 4964. A bill to authorize the city of Muskogee, Okla., to remove and retain title to the boilers from the Municipal Hospital Building recently conveyed by the city to the United States Veterans' Bureau Hospital No. 90, at Muskogee, Okla.; without amendment (Rept. No. 808). Referred to the House Calendar.

Mr. GREEN of Iowa: Committee on Ways and Means. H. R. 10083. A bill to provide for advances of funds by special disbursing agents in connection with the enforcement of acts relating to narcotic drugs; without amendment (Rept. No. 809). Referred to the House Calendar.

Mr. LUCE: Committee on the Library. H. J. Res. 75. A joint resolution authorizing the erection of a monument to the memory of Sacajawea, or Bird Woman; with amendment (Rept. No. 810). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. H. R. 8132. A bill authorizing the appropriation of $2,500 for the erection of a tablet or marker at Medicine Lodge, Kans., to commemorate

the holding of the Indian peace council, at which treaties were made with the Plains Indians in October, 1867; without amendment (Rept. No. 811). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SPEAKS: Committee on Military Affairs. H. R. 851. A bill for the relief of Alfred Chapleau; without amendment (Rept. No. 812). Referred to the Committee of the Whole House.

Mr. HOFFMAN: Committee on Military Affairs. H. R. 9722. A bill for the relief of Allen Nichols; without amendment (Rept. No. 813). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRITTEN: A bill (H. R. 11616) to authorize alterations and repairs to certain naval vessels; to the Committee on Naval Affairs.

By Mr. BUTLER: A bill (H. R. 11617) for the conservation, care, custody, protection, and operation of the naval petroleum and oil shale reserves, and for other purposes; to the Committee on Naval Affairs.

By Mr. HILL of Alabama: A bill (H. R. 11618) to transfer hairy vetch seed from the dutiable list to the free list; to the Committee on Ways and Means.

By Mr. DYER: A bill (H. R. 11619) to adjust the salaries of criers and bailiffs of the United States district courts; to the Committee on the Judiciary.

By Mr. RAYBURN: A bill (H. R. 11620) to amend subsection (B), section 96, Federal bankruptcy act; to the Committee on the Judiciary.

By Mr. VINSON of Georgia: A bill (H. R. 11621) to authorize the Secretary of the Navy to advance public funds to naval personnel under certain conditions; to the Committee on Naval Affairs.

By Mr. FOSS: A bill (H. R. 11622) to amend the first paragraph of section 7 of the act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes," approved February 28, 1925; to the Committee on the Post Office and Post Roads.

By Mr. MORIN: A bill (H. R. 11623) to authorize construction at the United States Military Academy, West Point, N. Y.; to the Committee on Military Affairs.

By Mrs. ROGERS: A bill (H. R. 11624) to provide double total disability to blind veterans, with an increase in compensation, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. LEAVITT: A bill (H. R. 11625) to amend the act of February 16, 1928, entitled "An act granting the consent of Congress to the State of Montana, Valley County, Mont., and McCone County, Mont., or to any or either of them, jointly or severally, to construct, maintain, and operate a bridge across the Missouri River at or near Glasgow, Mont."; to the Committee on Interstate and Foreign Commerce.

By Mr. McDUFFIE: A bill (H. R. 11626) to enable the promotion against the United States of proceedings in the nature of suits in admiralty to establish the claims of and/or by J. W. Hunter, as managing owner and operator of the late American schooner *Three Marys*, on behalf of himself and his coowners or the successor or successors in interest of them or any of them; and the claims of and/or by the successors in interest of J. W. Corry, lately managing owner and operator of the late American schooner *Frederick A. Duggan*, on behalf of themselves and their coowner; by reason of loss and damage suffered and sustained by them as a proximate result of restraint and/or detention, directly or indirectly, of the said schooner *Three Marys*, and as a proximate result of restraint or detention, directly or indirectly, of the said schooner *Frederick A. Duggan*, by authority of the United States, by whatever agency exercised, for the purpose of preventing sailing vessels of the United States from encountering the danger of destruction by enemy submarines; to declare the tribunal to hear and determine such claims; to set up the machinery for such hearing and determination; to provide for the payment of such claims as may be established, and for other purposes; to the Committee on the Judiciary.

By Mr. EVANS of Montana: A bill (H. R. 11627) to provide for the protection of municipal watersheds within the national forests; to the Committee on the Public Lands.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 11628) to authorize the expenditure of $60,000 for certain improvements at Concho Indian School at Concho, Okla.; to the Committee on Indian Affairs.

By Mr. LEAVITT (by department request): A bill (H. R. 11629) to amend the proviso of the act approved August 24, 1912, with reference to educational leave to employees of the Indian Service; to the Committee on Indian Affairs.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. VINSON of Kentucky: Memorial of the Senate of the State of Kentucky, memorializing Congress for prompt and favorable action on the Tyson-Fitzgerald bill (H. R. 500) providing relief for disabled emergency Army officers; to the Committee on World War Veterans' Legislation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWNING: A bill (H. R. 11630) granting a pension to Malissa E. Crouse; to the Committee on Pensions.

By Mr. BULWINKLE: A bill (H. R. 11631) granting an increase of pension to Nancy Wild; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 11632) granting an increase of pension to Katie Mulford; to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 11633) granting an increase of pension to Emily S. Harris; to the Committee on Invalid Pensions.

By Mr. DRANE: A bill (H. R. 11634) for the relief of Carrie S. Abbe; to the Committe on Pensions.

By Mr. DYER: A bill (H. R. 11635) granting permission to Felix Cordova Davila, Resident Commissioner to the United States from Porto Rico, to accept the decoration of "Caballero Comendador" and insignia of the "Royal Order of Isabel la Catolica" tendered him by the Kingdom of Spain; to the Committee on Foreign Affairs.

By Mr. FISH: A bill (H. R. 11636) granting an increase of pension to Margaret A. Monahan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11637) granting an increase of pension to Ella C. Dunham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11638) granting an increase of pension to Mary E. Hyatt; to the Committee on Invalid Pensions.

By Mr. FLETCHER: A bill (H. R. 11639) granting an increase of pension to Margaret C. Finch; to the Committee on Invalid Pensions.

By Mr. FREEMAN: A bill (H. R. 11640) granting a pension to Lydia M. Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11641) granting a pension to Emmersancy J. Hayford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11642) granting a pension to Julia Pleffert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11643) granting a pension to Edward J. Noble; to the Committee on Pensions.

Also, a bill (H. R. 11644) granting an increase of pension to Lizzie J. Grosvenor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11645) granting an increase of pension to Harriet E. Ashbey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11646) granting an increase of pension to Carrie Latham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11647) granting an increase of pension to Elizabeth H. Shelley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11648) granting an increase of pension to Helen M. Steward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11649) granting an increase of pension to Annie E. Phillips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11650) granting an increase of pension to Margaret W. Lathrop; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11651) granting an increase of pension to Martha J. Caryl; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11652) granting an increase of pension to Adelaide P. Sawyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11653) granting an increase of pension to Emma T. Barnes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11654) granting an increase of pension to Sarah J. Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11655) granting an increase of pension to Mary J. Hayes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11656) granting an increase of pension to Mary A. Burrows; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11657) granting an increase of pension to Mary Britton; to the Committee on Invalid Pensions.

By Mr. GAMBRILL: A bill (H. R. 11658) for the relief of John Maika; to the Committee on Claims.

By Mr. GOLDSBOROUGH: A bill (H. R. 11659) for the relief of the Charlestown Sand & Stone Co., of Elkton, Md.; to the Committee on Claims.

By Mr. HALE: A bill (H. R. 11660) granting an increase of pension to Ella F. Paige; to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 11661) granting an increase of pension to Clara L. Ross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11662) granting a pension to Charles Smith; to the Committee on Invalid Pensions.

By Mrs. KAHN: A bill (H. R. 11663) granting a pension to Matilda Wright; to the Committee on Pensions.

By Mr. KENDALL: A bill (H. R. 11664) granting a pension to Isabell Critchfield; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 11665) for the relief of Edward McDonald; to the Committee on Military Affairs.

By Mr. MacGREGOR: A bill (H. R. 11666) for the relief of Michael Kargul; to the Committee on Claims.

Also, a bill (H. R. 11667) granting a pension to Fred L. Stewart; to the Committee on Pensions.

By Mr. MONTAGUE: A bill (H. R. 11668) granting an increase of pension to Nannie E. Dunham; to the Committee on Invalid Pensions.

By Mr. NIEDRINGHAUS: A bill (H. R. 11669) granting an increase of pension to Edith Quick; to the Committee on Pensions.

By Mr. O'CONNOR of Louisiana: A bill (H. R. 11670) granting a pension to Mary Agnes Staats; to the Committee on Pensions.

By Mr. PERRY: A bill (H. R. 11671) granting a pension to Lindsay Powers; to the Committee on Pensions.

By Mr. REECE: A bill (H. R. 11672) granting a pension to Sara Saylor; to the Committee on Pensions.

By Mr. SANDERS of New York: A bill (H. R. 11673) granting an increase of pension to Ellen I. Willson; to the Committee on Invalid Pensions.

By Mr. SCHAFER: A bill (H. R. 11674) for the relief of the George C. Mansfield Co. and George D. Mansfield; to the Committee on Claims.

By Mr. SHREVE: A bill (H. R. 11675) granting an increase of pension to Ellen Higley; to the Committee on Invalid Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 11676) granting an increase of pension to Anna M. Orcutt; to the Committee on Invalid Pensions.

By Mr. SWICK: A bill (H. R. 11677) granting an increase of pension to Elizabeth Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11678) granting an increase of pension to Lucinda B. Mitchell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11679) granting an increase of pension to Savilla A. Barge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11680) granting an increase of pension to Catherine Ann Miller; to the Committee on Invalid Pensions.

By Mr. VINSON of Kentucky: A bill (H. R. 11681) granting a pension to Joseph L. Short; to the Committee on Pensions.

By Mr. BACON: Joint resolution (H. J. Res. 225) to readmit Cornelia Roosevelt von Zedlitz to the character and privileges of a citizen of the United States; to the Committee on Immigration and Naturalization.

By Mr. W. T. FITZGERALD: Resolution (H. Res. 129) that the sum of $200 be paid to Margaret Elma Naylor for extra and expert services to the Committee on Invalid Pensions; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4743. Petition of sundry citizens of Tulsa, Okla., presenting charges and affidavits against Judge Franklin E. Kennamer, judge of the United States court for the northern district of Oklahoma; to the Committee on the Judiciary.

4744. By Mr. BUCKBEE: Petition of Glen Ketcham and 23 other citizens of Sheridan and Ottawa, Ill., protesting against the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4745. By Mr. BURTON: Resolution adopted by the Fairport Board of Trade, Fairport Harbor, Ohio, requesting that the local financial contribution requested by Congress for the extension of the present breakwater at Fairport Harbor be waived; to the Committee on Rivers and Harbors.

4746. By Mr. ENGLEBRIGHT: Petition of F. E. Brown and 129 citizens of Fair Oaks, Calif., protesting against House bill 78; to the Committee on the District of Columbia.

4747. Also, petition of Mrs. E. L. Robinson and other citizens of Fair Oaks, Calif., protesting against House bill 78; to the Committee on the District of Columbia.

4748. By Mr. MURPHY: Petition of L. E. Holloway, of Columbiana, Ohio, protesting against the passage of the Oddie bill; to the Committee on the Post Office and Post Roads.

4749. By Mr. FRENCH: Petition of eight citizens of Holcomb, Idaho, protesting against enactment of House bill 78, or any compulsory Sunday legislation; to the Committee on the District of Columbia.

4750. By Mr. FULBRIGHT: Petition of Civil War veterans and auxiliary organizations of Cape Girardeau, Mo., in favor of House bill 7206; to the Committee on Invalid Pensions.

4751. By Mr. GALLIVAN: Petition of William Smith, first vice president, Cigar Makers International Union, 202 Dudley Street, Roxbury, Mass., protesting against passage of House bill 9195, pertaining to Cuban parcel-post arrangements; to the Committee on Ways and Means.

4752. By Mr. GARBER: Letter of Cheney Bros., manufacturers, of South Manchester, Conn., in support of the Capper-Kelly bill, known as the resale price maintenance bill; to the Committee on Interstate and Foreign Commerce.

4753. Also, letter of Oklahoma Historical Society, of Oklahoma City, Okla., in support of House bill 6040, providing for an appropriation for the printing of the official papers of the Territories of the United States; to the Committee on Printing.

4754. By Mr. GARNER of Texas: Petition of citizens of Harlingen, Mercedes, and La Feria, Tex., against compulsory Sunday observance; to the Committee on the District of Columbia.

4755. By Mr. HADLEY: Petition of residents of Snohomish, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

4756. By Mr. HAUGEN: Petition of seven citizens of Mason City, Iowa, protesting against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4757. Also, petition of 15 citizens of Riceville, Iowa, protesting against the enactment of House bill 78 or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4758. By Mr. HOGG: Petition of John W. Covert and 75 other citizens of Lagrange County, Ind., protesting against passage of the Lankford bill; to the Committee on the District of Columbia.

4759. By Mr. KENDALL: Petition of Isaac H. Burford and other citizens of Uniontown, Pa., protesting against compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4760. By Mr. KIESS: Petition from citizens of Wellsboro, Pa., protesting against the passage of House bill 78, known as the Lankford bill; to the Committee on the District of Columbia.

4761. By Mr. KINDRED: Petition of the National Bottlers' Gazette, urging the United States Congress, in behalf of House Resolution 123, to appoint a committee to investigate the official acts of the Federal Trade Commission in reference to the so-called Aluminum Trust, the so-called Bread and Baking Trust, and all other combinations dealing with household commodities; to the Committee on Rules.

4762. By Mr. KOPP: Petition signed by W. F. Clements and 46 other residents of Fort Madison, Iowa, in opposition to the Lankford Sunday observance bill; to the Committee on the District of Columbia.

4763. Also, petition signed by Olive L. Olson and eight other residents of Winfield, Iowa, and vicinity, protesting against the passage of the Lankford Sunday observance bill; to the Committee on the District of Columbia.

4764. By Mr. KORELL: Petition of citizens of Portland, Oreg., against the Lankford bill (H. R. 78); to the Committee on the District of Columbia.

4765. By Mr. LINDSAY: Petition of Queensboro Chamber of Commerce, favoring Federal jurisdiction and control of the construction of adequate flood control measures on the Mississippi River, at Federal expense, as outlined in referendum

No. 51 of the United States Chamber of Commerce; to the Committee on Flood Control.

4766. Also, petition of Powel Crosley, jr., protesting against proposal offered by the Merchant Marine and Fisheries Commitee, to require equal allotment of broadcasting power and licenses; to the Committee on the Merchant Marine and Fisheries.

4767. Also, petition of V. Bernard Siems, on behalf of the engineering profession, urging support of House bill 11026, providing for the coordination of the public health activities of the Government; to the Committee on Interstate and Foreign Commerce.

4768. Also, petition of E. N. Nockels, secretary and general manager Chicago Federation of Labor, and radio station WCFL, protesting against the amendment of paragraph 2, section 9, of the radio act of 1927, proposing to allocate frequencies in accordance with the established radio zones; to the Committee on the Merchant Marine and Fisheries.

4769. By Mr. LINTHICUM: Petition of Mrs. M. E. Cullinan, president Women's Auxiliary to the Railway Mail Association of Baltimore, indorsing House bill 25 and Senate bill 1727; to the Committee on the Civil Service.

4770. Also, memorial from Baltimore Federation of Churches, Baltimore, Md., and signed by many Baltimore residents, registering opposition to naval increase as proposed by present legislation; to the Committee on Naval Affairs.

4771. Also, petition of Christopher J. J. Witteman, United States custom guard, Baltimore, indorsing House bill 10644; to the Committee on Ways and Means.

4772. By Mr. MEAD: Petition or memorial of Hamburg Chamber of Commerce, regarding the Griest postal rate bill; to the Committee on the Post Office and Post Roads.

4773. By Mr. MILLER: Petition of citizens of Seattle, Wash., protesting passage of House bill 78; to the Committee on the District of Columbia.

4774. By Mr. NELSON of Maine: Petition of sundry residents of Waldo County, Me., against the proposed Lankford Sunday bill; to the Committee on the District of Columbia.

4775. By Mr. NEWTON: Petition of Mrs. Axel Larson, of Minneapolis, and others, against compulsory Sunday observance bill; to the Committee on the District of Columbia.

4776. By Mr. O'CONNELL: Petition of the Fritzsche Bros. (Inc.), of New York City, favoring the passage of the parcel post bill (H. R. 9195); to the Committee on Ways and Means.

4777. By Mr. OLIVER of New York: Petition of Bronx County Civil Service Employees Association (Inc.), protesting against efforts to relax, alter, amend, or repeal the civil service requirements in regard to employees of the Prohibition Bureau; to the Committee on the Civil Service.

4778. By Mr. RAMSEYER: Petition of residents of Oskaloosa, Iowa, protesting against the passage of the Lankford bill (H. R. 78), or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4779. By Mr. ROBINSON of Iowa: Petition from Rev. John Gammons, D. D., pastor of the Methodist Episcopal Church at Earlville, Iowa, which petition was voted unanimously by his congregation, against the large increase in our Navy; to the Committee on Naval Affairs.

4780. By Mrs. ROGERS: Petition of Ralph Wright, Henry J. Bridges, and other citizens of Hudson, Mass., against the enactment of House bill 78, to secure Sunday as a day of rest, etc.; to the Committee on the District of Columbia.

4781. Also, petition of H. S. Sanborn, of 37 Walnut Street, Natick, Mass., against House bill 78, requiring compulsory Sunday observance; to the Committee on the District of Columbia.

4782. By Mr. SANDERS of Texas: Petition of several citizens of Kaufman County, Tex., in behalf of the Hudspeth bill, to prevent gambling in cotton futures and to make it unlawful for any person, corporation, or association of persons to sell any contract for future delivery of any cotton within the United States, unless such seller is actually the legitimate owner of the cotton so contracted for future delivery at the time said sale or contract is made; to the Committee on Agriculture.

4783. By Mr. SUMMERS of Washington: Petition signed by M. Franks and 121 others, of the State of Washington, protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4784. Also, petition signed by Mr. A. E. Wesseler and 19 others, of the State of Washington, protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4785. By Mr. SWICK: Petition of J. C. Glass and 18 other residents of New Castle, Lawrence County, Pa., protesting the passage of the Lankford bill, or any other measure proposing compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

4786. By Mr. TAYLOR of Colorado: Petitions from citizens of Cortez, Colo., protesting against the passage of the Lankford bill, or any other legislation to enforce compulsory Sunday observance; to the Committee on the District of Columbia.

4787. By Mr. THOMPSON: Petition of 16 citizens of Delta, Ohio, protesting against the passage of House bill 78, the so-called compulsory Sunday observance bill; to the Committee on the District of Columbia.

4788. By Mr. WASON: Petition of W. W. Eastman and 173 other residents of Hill, N. H., protesting against the passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4789. By Mr. WELLER: Petition of citizens of the State of New York, in favor of House bill 6518; to the Committee on the Civil Service.

4790. By Mr. WELSH of Pennsylvania: Petition bearing 563 signatures of citizens of Philadelphia, Pa., opposed to House bill 78, known as Lankford Sunday observance bill; to the Committee on the District of Columbia.

SENATE

FRIDAY, *March 2, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Most merciful God, who art of purer eyes than to behold iniquity, and hast promised forgiveness to all who confess and forsake their sins, we bow before Thee in an humble sense of our own unworthiness, acknowledging our manifold transgressions of Thy righteous laws. Reform whatever is amiss in the temper and disposition of our souls, that no unholy thoughts, unlawful designs, or inordinate desires may rest there. Purge our hearts from envy, hatred, and malice, that we may never suffer the sun to go down upon our wrath, but may always go to our rest in peace, charity, and good will, with a conscience void of offense toward Thee and toward men. Grant this, we beseech Thee, for the sake of Him who is our Master and our Savior, Jesus Christ, Thy Son, our Lord. Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the enrolled bill (H. R. 8227) authorizing the Sunbury Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Susquehanna River at or near Bainbridge Street, in the city of Sunbury, Pa., and it was thereupon signed by the Vice President.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	McKellar	Shipstead
Barkley	Fess	McLean	Shortridge
Bayard	Fletcher	McMaster	Smith
Bingham	Frazier	McNary	Smoot
Black	George	Mayfield	Steck
Blaine	Gillett	Metcalf	Stelwer
Blease	Glass	Moses	Stephens
Borah	Gooding	Neely	Swanson
Bratton	Gould	Norbeck	Thomas
Brookhart	Greene	Nye	Tydings
Broussard	Hale	Oddie	Tyson
Bruce	Harris	Overman	Wagner
Capper	Harrison	Phipps	Walsh, Mass.
Caraway	Hayden	Pine	Walsh, Mont
Copeland	Heflin	Pittman	Warren
Couzens	Howell	Ransdell	Waterman
Curtis	Johnson	Reed, Pa.	Watson
Cutting	Jones	Robinson, Ark.	Wheeler
Dale	Kendrick	Robinson, Ind.	Willis
Deneen	Keyes	Sackett	
Dill	King	Schall	
Edge	La Follette	Sheppard	

Mr. ROBINSON of Arkansas. I wish to announce that the Senator from New Jersey [Mr. EDWARDS] is necessarily detained from the Senate by illness in his family.

The VICE PRESIDENT. Eighty-five Senators having answered to their names, a quorum is present.

LANDS FOR LIGHTHOUSE PURPOSES

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of Commerce, transmitting a

draft of proposed legislation "to authorize the Secretary of Commerce to dispose of certain lighthouse reservations and to acquire certain lands for lighthouse purposes," which, with the accompanying papers, was referred to the Committee on Commerce.

PETITIONS AND MEMORIALS

Mr. DILL presented a petition of sundry citizens of the State of Washington, praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. PHIPPS presented a petition of sundry citizens of Hayden, Colo., praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. SHEPPARD presented a resolution adopted by the St. Louis Catholic Society, of Castroville, Tex., protesting against the treatment of Catholics in Mexico and urging our Government to use its good offices so as to promptly bring about a peaceful solution of the situation, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of San Antonio, Tex., praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. FRAZIER presented the petition of Viola Hezel Wishek and 30 other citizens of Ashley, N. Dak., praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. DENEEN presented petitions of sundry citizens of Chicago and Tuscola, in the State of Illinois, praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. CURTIS presented resolutions adopted by the Order of United Commercial Travelers of America, at Salina, Kans., favoring the adoption of measures for the further and better control of radio broadcasting, which were referred to the Committee on Interstate Commerce.

Mr. WALSH of Massachusetts presented 20 letters in the nature of petitions from sundry citizens of Marblehead, Mass., praying for the passage of the so-called Brookhart bill (S. 1667), relative to the distribution of motion pictures in the various motion-picture zones of the country, which were referred to the Committee on Interstate Commerce.

Mr. COPELAND presented a resolution adopted by the American Cider Vinegar Manufacturers' Association at Rochester, N. Y., protesting against the passage of legislation which would permit the use of dextrose or levulose in the manufacture of prepared foods without declaration upon the labels, which was referred to the Committee on Manufactures.

He also presented a resolution adopted by the county committee of the New York County organization of the American Legion, favoring the passage of pending legislation "to send the Gold Star Mothers on a pilgrimage to the graves in France," which was ordered to lie on the table.

He also presented a telegram in the nature of a memorial from the Buffalo (N. Y.) Radio Trades Association, signed by Elmer C. Metzger, president, remonstrating against amendment of existing radio legislation, which was referred to the Committee on Interstate Commerce.

He also presented a resolution adopted by the board of directors of the Social Hygiene Society of the District of Columbia, favoring the passage of the bill (H. R. 6664) to establish the woman's bureau of the Metropolitan police department of the District of Columbia, etc., which was referred to the Committee on the District of Columbia.

Mr. JONES presented a memorial of members of the East Sixty-fourth Street Methodist Episcopal Church, of Tacoma, Wash., remonstrating against adoption of the proposed naval building program, which was referred to the Committee on Naval Affairs.

He also presented a resolution adopted by the city commissioners of Bremerton, Wash., favoring the passage of the so-called Dale-Lehlbach bill, relative to the retirement of civil-service employees, which was referred to the Committee on Civil Service.

He also presented a memorial numerously signed by sundry citizens of Yakima and vicinity, in the State of Washington, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented petitions of members of the Federated Teachers of the public schools of Tacoma, and of sundry citizens of Tacoma, Seattle, and Wenatchee, all in the State of Washington, praying for the passage of legislation creating a Federal department of education, which were referred to the Committee on Education and Labor.

Mr. McLEAN presented a letter in the nature of a petition from the Manufacturers Association of Connecticut (Inc.), of Hartford, Conn., favoring the passage of the so-called Brown forestry bill, authorizing an appropriation of $75,000 for three years to be used in the study of paper-mill wastes, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution of the Hartford (Conn.) Chapter, Reserve Officers Association of the United States, favoring the adoption of the proposed naval building program, which was referred to the Committee on Naval Affairs.

He also presented papers in the nature of memorials from the congregation of Immanuel Congregational Church and the Young Woman's Christian Association, both of Hartford; Grange No. 91, Patrons of Husbandry, of Seymour; and Everyman's Bible Class, of the Wethersfield Congregational Church, of Wethersfield, all in the State of Connecticut, remonstrating against the adoption of the proposed naval building program, which were referred to the Committee on Naval Affairs.

He also presented petitions of Williams Post, No. 55, Grand Army of the Republic; H. C. Latham Camp, No. 19, Sons of Union Veterans of the Civil War; Relief Corps Volunteers, No. 12; and Phoebe Rathbun Tent, No. 3, Daughters of Union Veterans of the Civil War, all of Mystic, Conn., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

He also presented memorials of Uncas Council, No. 25, Order United American Mechanics, and the Bridgeport Savings and Loan Association, both of Bridgeport, Conn., remonstrating against the passage of Senate bill 1752, to regulate the manufacture and sale of stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

INJUNCTIONS BY COURTS

Mr. McKELLAR. Mr. President, I ask unanimous consent to have printed in the RECORD and referred to the Judiciary Committee a telegram from the Knoxville Central Labor Union in reference to injunctions.

There being no objection, the telegram was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

KNOXVILLE, TENN., *March 2, 1928.*

Hon. K. D. McKELLAR,

Senate Office Building, Washington, D. C.:

Following resolutions passed at mass meeting, unanimous:

"Whereas there is pending in Congress the Shipstead anti-injunction bill; and

"Whereas this bill is directed to prevent the use of the injunction in restraint of liberty and to abolish government by injunction: Therefore be it

"*Resolved*, We, the representatives of the organized labor movement of Knoxville and vicinity, do indorse the Shipstead anti-injunction bill and call on our Senators from this State and Representative in Congress from this district to support this bill by their voice and vote.

"Whereas the American Federation of Labor is making efforts to secure legislation that will enable the States to obtain relief from convict-labor competition;

"Whereas many industries as well as free labor are suffering from the use of this unfair competition of the inmates of penal and reformatory institutions;

"Whereas there is pending in Congress the Cooper-Hawes bill, which will abolish this unfair competition and subject all convict-made goods sent into a State to the laws of such State, and thereby protect the free manufactures and free labor: Therefore be it

"*Resolved*, That the representatives of organized labor in Knoxville and district in mass meeting do indorse the Cooper-Hawes bill and call on our Senators from this State and Representative in Congress from this district to support this bill by their voice and vote."

KNOXVILLE CENTRAL LABOR UNION,
SAM C. GODFREY, *President.*

ADMINISTRATION OF VETERANS' BUREAU

Mr. ROBINSON of Arkansas. Mr. President, I ask leave to have printed in the RECORD at this point in connection with my remarks a letter which I have received from John G. Pipkin, commander of the American Legion, Department of Arkansas, Some time ago, pursuant to the custom which prevails here, there was printed in the RECORD at my request Concurrent Resolution No. 11, adopted by the General Assembly of the State of Arkansas, reflecting on certain features of the administration of the Veterans' Bureau. The letter from Commander Pipkin has relation to the subject matter of that resolution, and I ask that the letter be given the same publicity that was

given the resolution, and that therefore it be printed in the RECORD at this point.

There being no objection, the letter was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

THE AMERICAN LEGION, DEPARTMENT OF ARKANSAS,
Little Rock, Ark., February 19, 1928.

Hon. JOE T. ROBINSON,
United States Senator, Washington, D. C.

MY DEAR SENATOR: Some time ago Watson B. Miller, chairman of the American Legion legislative committee in Washington, D. C., wrote me relative to the merits and history of House Concurrent Resolution 11, which you had recently introduced in the Senate. No doubt this resolution was simply handled by you as a matter of routine, you presuming that it was a part of the regular Legion legislative program or the bona fide wish of the Arkansas Legislature. I believe a review of the facts will reveal that it represents neither of the above.

The Department of Arkansas did not sponsor this Resolution 11 last year, nor did they know that any such resolution had been introduced. The United States Veterans' Bureau did not know of any such either. The resolution did not authorize its circularization, but the secretary finally sent you one upon the insistent urging of its author, Mr. Walter M. Purvis, a local lawyer.

Regardless of the above, I would be in favor of the resolution if I thought it was necessary or justified in the premises. But in this case I feel sure that there are no reasons for any such resolution ever being introduced. The Veterans' Bureau have regularly constituted examining boards to pass on mental and other cases. They have reviewing boards. And, besides, we have the civil courts, where writs of habeas corpus can be availed of if necessary. No one wants to put a sane man in the hospital out at Fort Roots. However, the majority of men out there claim that there is nothing the matter with them, which is readily understood by all of us.

Mr. Purvis, some time back, was interested in getting a man out of hospital No. 78 who was being held as an insane man. He had killed two men in the Army. Upon being released via the habeas corpus route he proceeded to attempt to kill another man, but fortunately his aim was bad. He now is in the State Hospital for Nervous Diseases. So this is the only case that any of us know about which could serve as the basis for the Resolution No. 11.

Since there will likely arise some suspicion against the local Veterans' Bureau, which will be entirely unjust, if this Resolution 11 goes through and gets publicity, I am suggesting and recommending that you withdraw same from the Senate files. I feel that any such proposed legislation should come through national channels, for it is not local in its application. The American Legion and the Arkansas Service Bureau are here to help ex-service men in all matters, and no such complaints as indicated in the Resolution 11 ever came to our attention.

In closing, I wish to express to you the great appreciation that the American Legion, Department of Arkansas, feels toward you, for you have always been ready to serve us both in and out of the Halls of Congress.

With best wishes and regards, I am,

Sincerely yours, JOHN G. PIPKIN,
Commander American Legion, Department of Arkansas.

RADIO CONTROL BILL

Mr. WALSH of Massachusetts. Mr. President, for several days I have received telegrams and letters from sundry citizens of Massachusetts protesting against that section of the new radio control bill pending before the House providing for equal wave lengths and equal power in each of the five radio zones. I ask that these letters and telegrams be treated as petitions and be referred to the Committee on Interstate Commerce.

The PRESIDING OFFICER (Mr. WILLIS in the chair). That reference will be made.

Mr. WALSH of Massachusetts. I also present a letter typical of complaints made to me, and ask to have it printed in the RECORD, together with a letter from a Federal radio commissioner.

The PRESIDING OFFICER. Without objection, the letters will be printed in the RECORD.

The letters are as follows:

WESTWOOD, MASS., *February 27, 1928.*

Senator DAVID I. WALSH,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: In this evening's Boston Traveler there appears an article to the effect that there is now before Congress a radio bill which, if enacted into law, will cripple the broadcasting stations and systems of this section of the country by reducing the powers of the stations so that many of them will only be heard about 1 mile away. I inclose the clipping so that you may understand what the article is about.

I wish to say that if this new radio bill is to have any such provisions as stated in the clipping I wish to go on record as most emphatically protesting against the enactment of this bill, and I hope that you will see your way clear to use your powers to defeat this bill as far as it lies in your ability to do so.

It seems to me that the public investment in radio sets is now too great to have bills passed that will make this vast investment useless by making it impossible to hear anything on them.

I might say that instead of doing this there should be some effort made to lessen the heterodyning of stations every time there happens to be a night favorable for distance reception by reducing the number of radio stations as fast as this legally becomes possible. The remaining stations should be made to keep up a certain standard of excellence in the quality of their transmission and their program. If some of these stations had to furnish a definite quality of program they would soon quit, and that would leave so much more room for real musical programs.

While writing, I might say that I wish to go on record as being opposed to any tax on radios or broadcasting, as I believe that our present admirable broadcasting systems can continue to carry on without the support of the Government, and the revenues of the Government seem ample to properly control the broadcasters from attempting a monopoly of the thing, if properly exercised powers are used with discretion and common sense.

Very sincerely yours for better broadcasting,

RICHARD ROGERS.

FEDERAL RADIO COMMISSION,
Washington, D. C., March 1, 1928.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

DEAR SENATOR WALSH: Answering your letter of February 29, concerning the telegram reading as follows:

"We protest against cancellation of licenses of Massachusetts radio stations. Will you please help?"

I know of no cancellation of licenses of Massachusetts radio stations by the commission. There is, however, now pending before the House of Representatives the amended bill reported favorably by its Committee on Merchant Marine and Fisheries, which would provide for equalizing the radio power and stations in the five radio zones. Under this rearrangement, a rough calculation shows that Massachusetts would have its present power of 19,000 watts cut to 3,750 watts, and its 18 stations cut to 8 stations, in order to put New England on the same basis as certain States in the South which have very few radio stations and very few radio listeners. This clause will have the effect of destroying stations in Massachusetts and throughout the North, East, and West—stations which are serving the South in the absence of their own stations. As you are aware, the commission can not order stations to be built unless applications are made. There have been few applications from the South, since, as you realize, radio stations are costly. To erect a 5,000-watt station costs about $150,000, and an equal sum is required for its operation each year.

It is my hope that the clause referred to, and which your correspondent evidently has in mind, will not be passed by the House, and certainly I trust that it will be held up by the deliberate good judgment of the Senate.

Very truly yours,

O. H. CALDWELL, *Commissioner.*

Mr. McKELLAR. Mr. President, in that connection I want to say that I have received a large number of letters and telegrams from my part of the country, protesting most vigorously against the unequal division of radio wave lengths, and asking that the bill which is passed grant equal privileges and rights to the various parts of the country.

Mr. WALSH of Massachusetts. I think the Senator will find that the letter from the radio commissioner will give him information that he does not now possess.

Mr. McKELLAR. I hope it will. I have a letter from the commissioner which does not give me that hope.

REPORTS OF COMMITTEES

Mr. JONES, from the Committee on Commerce, to which was referred the bill (S. 3434) for the control of floods on the Mississippi River from the Head of Passes to Cairo, and for other purposes, reported it without amendment and submitted a report (No. 448) thereon.

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the resolution (S. Res. 51) requesting the Secretary of Agriculture to report to the Senate at the beginning of the second regular session of the Seventieth Congress his views as to whether the insurance of the farmer by the Federal Government against droughts, floods, and storms would be consistent with sound governmental and economic policy, reported it with an amendment and submitted a report (No. 449) thereon.

He also, from the same committee, to which was referred the bill (S. 1731) to provide for the more complete development of vocational education in the several States, reported it with amendments and submitted a report (No. 451) thereon.

Mr. REED of Pennsylvania, from the Committee on Military Affairs, to which was referred the bill (H. R. 7008) to authorize appropriations for the completion of the transfer of the experimental and testing plant of the Air Corps to a permanent site at Wright Field, Dayton, Ohio, and for other purposes, reported it without amendment and submitted a report (No. 450) thereon.

Mr. DALE, from the Committee on Commerce, to which was referred the bill (H. R. 9484) granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tombigbee River, at or near Aliceville, on the Gainesville-Aliceville road, in Pickens County, Ala., reported it with amendments and submitted a report (No. 457) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 8899) granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free bridge across the Tombigbee River at or near Epes, Ala. (Rept. No. 458);

A bill (H. R. 8900) granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free bridge across the Tombigbee River near Gainesville on the Gainesville-Eutaw road between Sumter and Green Counties, Ala. (Rept. No. 459);

A bill (H. R. 8926) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River near Garland, Ark. (Rept. No. 460);

A bill (H. R. 9019) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the Ouachita River at or near Calion, Ark. (Rept. No. 461);

A bill (H. R. 9063) to extend the times for commencing and completing the construction of a bridge across the Chattahoochee River at or near Alaga, Ala. (Rept. No. 462);

A bill (H. R. 9204) granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the Current River at or near Success, Ark. (Rept. No. 463); and

A bill (H. R. 9339) granting the consent of Congress to the board of county commissioners of Trumbull County, Ohio, to construct, maintain, and operate a free highway bridge across the Mahoning River at Warren, Trumbull County, Ohio (Rept. No. 464).

COL. CHARLES A. LINDBERGH

Mr. REED of Pennsylvania. From the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 10715) to authorize Col. Charles A. Lindbergh, United States Army Air Corps Reserve, to accept decorations and gifts from foreign governments, and I ask unanimous consent for its immediate consideration.

There being no objection, the bill was considered as in Committee of the Whole and it was read, as follows:

Be it enacted, etc., That Col. Charles A. Lindbergh, United States Army Air Corps Reserve, is hereby authorized and permitted to accept decorations, medals, certificates, or gifts which have been heretofore or may hereafter be tendered him in recognition of services, exploits, or achievements, by the government of any foreign state with which the Government of the United States was at the time of such tender and acceptance on friendly terms; and the consent of Congress required therefor by clause 8 of section 9 of Article I of the Constitution is hereby expressly granted.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. JONES. Mr. President, I did not object to the consideration of the bill which has just been passed, but I regret its passage. I hope that Colonel Lindbergh will respectfully decline to accept any decorations under it. It would detract from what he has done and from what he has shown himself to be. He needs no decoration. He is loved and admired by more people than any man in the world's history, not so much because of his wonderful exploit but because of what he is and the genuine man he shows himself to be.

AGRICULTURAL RELIEF

Mr. McKELLAR. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Robin Hood, appearing in the Cooperative Marketing Journal for January, 1928, relative to cooperative marketing.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE "CO-OP BUSTERS"

(By Robin Hood)

The fight against the cooperatives, unprincipled and bitter, old as the oldest association, has suddenly taken on a new aspect. Instead of the sly tactics which have characterized most of the efforts to stem the steadily rising tide of farmers' cooperatives, dealer interests have now combined for an open national welfare calculated to destroy the legal foundations of the movement. Talking in terms of a million-dollar budget, and with plans to influence Congress and the Supreme Court, a new organization has been formed to plan and direct the battle. It is known as the Federated Agricultural Trades of America, has established headquarters in Chicago, and claims to represent dealers interested in the following commodities: Grain, cheese, vegetables, eggs, butter, fruit, tobacco, sugar, potatoes, livestock, cotton, wool, flour, ice cream, milk, and poultry.

But this is getting ahead of the story. Let us start at the Palmer House, in Chicago, November 30.

It was a conference of 200 middlemen with sore fingers. They were crying because the economic development of the Nation had forced farmers to push open the door of cooperative marketing, and the door had slammed their fingers as it swung back.

Presiding was a man from Salt Lake City, W. F. Jensen. He owns a string of creameries in the far West. Somebody said this chief of the "co-op busters" called his plants the Mutual Creameries. Ironical! His is an upstanding case of sore fingers, for the Challenge Cream and Butter Association, farmers' cooperative, has entered his territory and is serving farmers so well that Mr. Jensen declares in his official address: "We must * * * protect the billions of dollars of invested capital which we represent."

There were a multitude of sore fingers among the rest of the creamery representatives. In fact, the American Association of Creamery Butter Manufacturers sponsored the meeting. A man from the Land O' Lakes region, who omitted to give his name, solemnly pointed out that the cooperatives were destroying private business—the "very root of modern civilization." The anæmic-appearing Wisconsin man sitting beside me leaned my way and whispered: "He's sure right. He's lost thousands in the last couple of years, and I haven't had a good month since that damn Land O' Lakes outfit started in my town." All of which is a splendid testimonial for the Land O' Lakes Creameries (Inc.), which is apparently rendering a service that the farmer thinks is more satisfactory than that of the man who was speaking. All told, the speeches by butter manufacturers proved hundreds of private creameries are being left high and dry by the transfer of farmers' patronage to cooperative creameries.

Another sore finger appeared when a man introduced as L. B. Kilbourne, of Minneapolis and Chicago, arose. The obliging gentleman on my right informed me that Mr. Kilbourne was a big produce man, owner of the largest cold-storage plant in Chicago. Kilbourne agreed that American business and the American Nation would rapidly go to the bow-wows unless something was done about the co-ops. He buys poultry products in the territory where the Lake Region Cooperative Egg and Poultry Association is enjoying a thriving business.

Mr. Kilbourne said cooperatives were all right as long as small groups remained small, but when they got together into large groups they were obnoxious to private business.

Then there appeared one Charles Droste, introduced as one of 12 representatives of the New York Mercantile Exchange—a dozen plaintiff cases of sore fingers. Said Charlie was given a great ovation for declaring, "These cooperatives are not an economic movement, but are a political and agitators' movement. We must save the farmer from himself by telling him all the truth, so he'll know what this is all about."

WEIRD CHARGES MADE AGAINST COOPERATIVES

A native son, named Bell, gained the floor. Possessed of all the appurtenances of an orator, except a stump to stand on, this Californian assured us that there was no place in the world so pleasant to live in as Long Beach. It was to be gathered that he had made enough handling farm products for Iowa farmers to be able to devote real attention to the evils of cooperation.

"The cooperatives are the result of professional agitators and weak sisters," he assuaged the burned fingers. "Weak sister farmers have allowed professional agitators to make them believe they are not getting a square deal." With a brilliant flight of oratory, he made a nonstop trip clear across the Atlantic and landed hard upon poor unsuspecting Denmark. That little country is morally dead, he said, and proved it—to his satisfaction—by pointing out that Denmark stayed out of the World War! And why? "The patriotic life of Denmark is dead, because of its socialistic cooperative notions of agricultural trade!"

Before the meeting ended we had been told that cooperation is also communism, bolshevism, fascism, and, capping the climax, dictatorship. The middleman system alone is democratic! It was exceedingly unfortunate that professors of political science were not present;

a new crop of textbooks would doubtless have been inspired. Then, too, a political scientist might have been able to explain away the incongruity of cooperation being both a form of communism and a form of dictatorship, to say nothing of the democracy of middlemen.

DEALERS IN LIVESTOCK AND GRAIN MOST VEHEMENT

But there were other sore fingers in attendance. The livestock exchanges were well represented and paid their compliments to the various Producers and Farmers' Union terminal cooperative commissions. "Fight this great growing menace!" pleaded a Mr. Laverly, from Omaha, who had seen his business gradually slipping away to the cooperatives during the past 10 years. A livestock exchange official, whose name was lost in a rumble of applause, was called upon to expose a bureaucratic monster within the United States Department of Agriculture—the Bureau of Agricultural Economics in general and the division of cooperative marketing in particular.

His pet peeve was the fact that the bureau had usurped certain holy functions of the livestock exchange, specifically the distribution of statistical information regarding prices and movements of livestock. He was distinctly agitated because "the Government is wasting millions of dollars trying to duplicate information with which the livestock exchanges have been serving farmers for generations." He omitted to say that Congress instructed the bureau to disseminate this statistical information because Congressmen had discovered the livestock exchanges' information to be not always altruistically reliable. Doubtless, this was an unintentional and inadvertent omission, but it is not as easy to understand his omission to say that Congress enacted the packer and stockyards control legislation because its investigators discovered many ways in which the farmers' accounts were plundered at the livestock terminals.

If the livestock dealers had sore fingers, the grain dealers had sore thumbs. A dignified prosperous-looking Babbitt was called to the platform and was introduced as Charles Quinn, secretary of the National Grain Dealers Association. He pointed out that cooperative associations were taking business away from private agencies, including country and terminal elevators, thus leaving the owners of millions of dollars' worth of physical property stranded high and dry with facilities either empty or far short of capacity. This amounted to confiscation. But this was not the worst of the story, according to this altruistic secretary, for farmers were being bumfuzzled by agitators to embark upon a plan of marketing "which we as business men know can not succeed." For these two reasons he said, "You men must abandon your business, if necessary, to give the attention to these things demanded as the result of these cooperatives and the enabling activities of bureaucrats in Washington."

COOPERATION CALLED MOST DANGEROUS THEORY OF LIFETIME

One of the speakers was worried about taxes. Apparently he had been working on some tax returns and couldn't find satisfactory ways to evade high income taxes on his profits. He encouraged the assembly to believe that the cooperatives were exempt from taxes, omitting to say that cooperatives pay thousands upon thousands of real estate and indirect taxes yearly. He tried to create a stir over the fact that cooperatives pay no income taxes, losing sight of the fact that cooperatives are nonprofit organizations and therefore can not have incomes. Perhaps the speaker knew this, but, if so, he didn't choose to tell. Some one might have shown him that he wouldn't be required to pay any income tax either if he followed the example of the cooperatives and paid back all his profits to the farmers.

Another victim of sore fingers, an officer of a grain exchange, was given the floor. If we heard correctly, his name was Patterson, but the meeting was so well warmed up by this time that every speaker was applauded before and after talking, and one who acted merely as a spectator in a back seat couldn't hear names clearly. This self-styled friend of the grain farmer began on the defensive with the bromide of 50 years of good standing: "The grain exchanges are as near perfect as it is possible to make them." Then a second bromidic salt: "Cooperation is radical and socialistic. It is the most dangerous theory ever brought to this country during my lifetime. The cooperatives have seized Washington because heretofore you haven't had the guts to fight them. They are attempting by bureaucratic government to petrify private business and economic law."

DEALERS EXPRESS PREFERENCES FOR PRESIDENT OF UNITED STATES

It was an oration that shook the walls, and the 200 cases of sore fingers applauded until there were 200 cases of sore hands. It was a glorious speech. The lid was off. Everyone of the 200 was ready to prove that he had the "guts" to fight for the inalienable right to extract a toll from the farmer's products and for the inalienable right of the deluded farmer to have protection from the activities of professional organizers and salaried bureaucrats.

Of course, there were a few discordant notes. One man gained the floor, presumably to tell why cooperatives should be dissolved, but instead made an eloquent speech nominating Herbert Hoover for President of the United States. For a time the 200 forgot their business and convened a political convention. Al Smith was nominated for the Democrats; and then Reed and even Ritchie. Seemingly nobody in the group wanted as out-and-out co-op friend as Lowden. Finally, Calvin Coolidge was renominated and the 200 delegates returned to the pressing business of ministering to sore fingers.

Another somewhat discordant note was sounded by F. M. Hudson, manager of the Los Angeles produce exchange. He wanted it thoroughly understood that he personally was strong for the program of busting co-ops but that some rather prominent members of his exchange were cooperatives and, therefore, as an official, he was compelled to remain silent. This, of course, proved a good testimonial for all of southern California's cooperatives.

FARMERS TELL THEM THEY'RE FAR BEHIND THE TIMES

Among the organizations officially represented was the Illinois Manufacturers Association, which had delegated Charles A. Ewing as its spokesman—a very serious blunder on the part of the ring leaders of the Palmer House circus and perhaps a choice bit of humor displayed by the Illinois manufacturers, for Mr. Ewing is a director of the Chicago Livestock Producers Association. Well, when Mr. Ewing was invited to speak he told tales out of school.

"We farmers have lost more in this past five years than all the money invested in your businesses," he told the assembly. "Farmers have been getting such a small part of the ultimate value of their products that they have been compelled to go after a part of the distributive profits. The development of agriculture from the primitive to the commercial stage has brought about changed conditions. The trouble is that private business in the marketing end has not kept up with the changes, and alert men from the marketing system itself have gone with the cooperatives and helped develop them—and in doing so left the rest of you fellows behind. It is not the work of agitators nor the assistance of Government bureaucrats that pushed your old methods of business out, but it is the efficiency of the cooperative system itself."

It was a bitter pill for some of the 200 to swallow, but the program was too well staged and the plans too thoroughly mapped out in advance for such remarks to prove much of a deterrent. Nevertheless, Mr. Ewing did spoil any hopes for good publicity the co-op busters may have had, for the Chicago Tribune next day briefly reported the meeting under the headline: "Story of lost farm billions wins aid of business men."

CHAIRMAN JENSEN STATES PURPOSE OF DEALERS

The shrewdest speech of the meeting was made by the chairman, W. F. Jensen, who, it was generally understood, would get ample compensation as long as the new organization carries on its crusade of co-op busting. He presented a written speech crammed with artful combinations of words, skillful innuendo, and ingenious inferences. His speech deserves more attention than the rest for the simple reason that he tried to camouflage his program of co-op busting with a screen of propriety and righteousness, as evidenced by his statement of purpose in the following paragraphs:

"The purpose of this conference, as stated in the call, is not to make a fight on agricultural cooperation. We are not opposed to agricultural cooperation kept within legal and constitutional limits, and which is a genuine attempt made by farmers to better themselves.

"We believe, however, that this issue and all cooperative farmer development should stand on its own feet in order to be and constitute a sound and meritorious effort in our economic life.

"We are opposed to the cooperative issue and this new development if it requires artificial stimulation or Government subsidies, which must be carried in part or as a whole by the taxpayers in other lines, or by competitive business. We believe such a program is entirely foreign to our American traditions and unworthy of adoption.

"Agricultural cooperation, expressed in a genuine attempt of producers to assemble and market their own products, or to improve their condition, is the right and privilege which they possess as citizens of our great Republic and under our Constitution, and if they succeed and by reason of their success eliminate and perhaps destroy some established enterprise there is nothing to be said by our side.

"However, this expression for a change, or the farmer's desire in any community resulting in actually substituting cooperative marketing for individual enterprise, should not be the result of propaganda and the strenuous urge going out from our Department of Agriculture in such a continuous stream, or by reason of work done by the multitude of public servants employed for that purpose. And those laws which show class favoritism should be repealed or declared unconstitutional.

CHARGE THAT COOPERATION IS NOT FARMERS' SELF-EXPRESSION

"It is not right that our Federal and State Governments, aided by legislation as they have been, should render special service in order to build competitive business, partially, if not wholly tax exempt, or to aid and develop any form of business which has the effect of depriving anyone of his property and other constitutional rights.

"It is unfortunate that any part of business should become involved in politics, but that is the situation confronting us now. We can not underestimate the formidable forces back of the cooperative marketing of agricultural products, which forces have become a menace to invested capital and the established way of handling farm products.

"The present issue, which is backed so strongly by our Government, is decidedly different from the cooperative development we have had

with us for many years. The issue now is that of cooperative marketing—not in a small way, but on a national scale, and in the big terminal markets—for the purpose of establishing producer control of value, it may be said, without regard to the principle of supply and demand.

"It would seem that under the guise of farm relief this plan, which has strong support, might lead to the use of public funds and that the outcome is questionable and might lead to great disaster.

"The cooperative-marketing development can not be said to be a genuine producer demand. Only here and there is that true. It is a political question, sponsored by politicians and professional organizers, both influencing the administration as an offset to the unrest among our farmers and producers, due to their inability to meet the world's competition in the marketing of surplus products."

ASSUMING 2,000,000 FARMERS HAVE BEEN HOODWINKED

The danger of such arguments as Mr. Jensen makes in the above paragraphs lies in the pure ingenuity for distortion of facts. The careless thinker might easily pass over Jensen's false premise, and, assuming it, think he had stated a justifiable case for those middlemen whose businesses had suffered. The fact of the matter, however, is that when Jensen assumes that the cooperative movement is not the farmers' self-expression but is the work of propagandists and professional organizers, he is laying down a brazen premise that insults the intelligence of every man who has observed the movement. The inference that more than 2,000,000 American farmers can be hoodwinked and kept hoodwinked for many years by professional propagandists and organizers is too preposterous for much discussion. Yet Jensen's whole argument is more or less based on this notion that agricultural cooperation is not the result of the desires of the producers themselves.

Of course cooperatives have received encouragement from official Government agencies; the same is true of the cooperatives in every nation on the face of the earth. But nearly 2,000,000 farmers were cooperative members before the Federal Government ever established a division to deal with the movement. Moreover, the aid and encouragement is of a very proper kind. Government agencies in this country do not organize cooperatives, but they do tell how not to organize. The effort of the Division of Cooperative Marketing is directed toward the dissemination of information that will insure the cooperative movement of developing along sound lines and not unsound lines. Mr. Jensen therefore gives the lie to his own words when he opposes the work of this particular division, as he did at another point in his speech.

The real motive of Mr. Jensen's ache doubtless lies in the paragraph above, where he said: "The issue now is that of cooperative marketing—not in a small way, but on a national scale."

OBJECTION ONLY TO LARGE-SCALE COOPERATIVES

As long as little cooperatives remained little they had no sales outlets except through private dealer agencies in the terminals and central markets. Organized as locals, the cooperatives were just a very convenient agency to assemble farm products for the big dealers, and the big dealers welcomed them. As long as cooperatives remained locals they only suffered the opposition of local dealers, but now that the associations are regional and national they conflict with the business of regional and national dealers. The larger cooperatives grow, the larger are the dealers affected, of course. Until a few years ago only the little fellows fought cooperatives, but now the bigger ones are coming into the fray. Jensen's position is just as much as to say: "A little cooperative is a good thing, but a big cooperative is not." The fallacy of the view is self-evident.

A large portion of the speech was devoted to Denmark. The following extract illustrates the speaker's adroit effort to make capital out of nothing:

"There is no question that Denmark has reached a high state in its agricultural development, and can teach a good many lessons in farming. Cooperation started in Denmark about 40 years ago and since then most of the Danish farmers, not all, have associated themselves in many enterprises. They have cooperative creameries, egg-packing and meat-packing plants, feed stores, merchandise stores, and many other branches, including banks, insurance societies, etc. The result of the farmer's entrance into business in Denmark was, of course, the almost complete elimination of commercial life as carried on by individuals, especially in the small towns and villages throughout Denmark.

"Whether the Danish farmer is receiving more for his product by reason of cooperation than he would otherwise receive, I can not say. He is, of course, governed by the world's market; but he has improved the quality of his product and he has established a high standard of efficiency in his dairy herds and other livestock."

WHAT WAS IT THAT BUILT DANISH AGRICULTURE?

Needless to say, Jensen did not choose to point out the moral of each paragraph. The first evident fact is that the cooperative marketing system in Denmark was so much more efficient and satisfactory to the producers than the private agencies handling farm products, that the dealer interests were unable to withstand the competition. A better evidence of the soundness of the cooperative system would be hard to find.

In the second paragraph Jensen attributes Danish agricultural success to standardization and improvement in the quality of products. Absolutely true! The greatest benefit in cooperation is that cooperatives standardize their products, educate farmers to produce higher-quality products, pay them in accordance with grade, and provide a genuine money motive for producing high-quality products instead of grades calculated merely to "get by." Illustrating this point further, wheat growers knew little or nothing of the desirability or profit in producing high-protein content wheat until the cooperatives began to recognize this real criterion of milling value. Similarly, cotton growers generally knew practically nothing of the grade and staple values of various varieties until the cotton pools started operations. Grading of livestock for the direct benefit of the producer is relatively new, brought on by the cooperative movement. And so on, through the list of commodities down to the outstanding cases of the fruit and vegetable groups, it is possible to show that standardization is one of the foremost purposes of cooperation. In fact, there is an old saying in the literature of the movement: "Organize, standardize, and merchandise." Mr. Jensen made a damaging admission when he credited Danish success to standardization, because by so doing he credited it to cooperation.

JENSEN SAYS HE IS INSPIRED BY PATRIOTISM

Another paragraph of the speech deserving special attention is the following scintillating passage:

"In conclusion, let me say that I believe we must prepare ourselves to encounter these new ideas and suggested changes in our business life. * * * We must do this, not merely for selfish reasons, in order to protect the billions of dollars of invested capital and upwards of a million workers which we represent, but for patriotic reasons, in order to avoid a great national disaster."

Inasmuch as Mr. Jensen and other dealers with sore fingers are the only ones in this wide and great Republic who fear that disaster will befall the Nation unless the cooperatives are "busted," we are confident that patriotism hardly explains the crying and bawling of those in attendance at Mr Jensen's sore-finger party. The true explanation rests in the fact that Mr. Jensen and the others have a few dollars invested in private businesses that are unable to render a service to farmers comparable with the service of the cooperatives, and, as a consequence, are succumbing to an inevitable tide of changing economic conditions.

The immediate plan of the Federated Agricultural Trades is to send a lobby to Congress and to employ attorneys who will contest the validity of the Capper-Volstead Act, and will endeavor to set aside the cooperative marketing act of 1926, which established the division of cooperative marketing. Besides doling out a mass of propaganda that will be laughed at, we see little that the "co-op busting" Federated Agricultural Trades of America can do. Neither is there anything for the cooperatives to do except to keep a weather eye on the lookout and wait the passing of this little blow.

The resolutions tell little of what is to come. The original draft presented in the call for the meeting was deleted of much of its venom, and when the resolutions committee returned with its long-delayed report the following resolutions were adopted without discussion:

TAME RESOLUTIONS ADOPTED BY DEALERS

"1. Preamble. Believing that the welfare of America is inseparable from the welfare of its agriculture; that the unsettled agricultural condition is at the present time creating a disturbance in general business and is tending to create bureaucratic control—un-American in principle—in place of individual initiative and activity, and being desirous of equalizing the benefits that should accrue to all lines of legitimate business; and

"2. Whereas the Agricultural Trades of America represent several million dollars of invested capital, and the activities of more than a million American citizens, who have made their investments and contributed their share toward the social, agricultural, industrial, and commercial life of America, based upon the traditions of the past and on the rights of individuals as set forth in the Constitution of the United States and in harmony with the inventions and methods of modern times; and

"3. Whereas while we recognize the right which producers have to associate themselves together for the purpose of marketing the products of their own labor, we are opposed—as class legislation—to the Capper-Volstead Act, which has permitted producer associations to deal in nonmember production, thereby becoming traders and having immunity from our trust and tax laws; and

"4. Whereas we are opposed to the work being done by the Department of Agriculture through the Bureau of Cooperative Marketing, the Bureau of Agricultural Economics, the many county agents throughout the United States, and other Federal and State agencies, so far as it threatens to destroy existing marketing agencies and established enterprises of the agricultural trades: Be it

"5. *Resolved,* That we suggest a closer working arrangement between the agricultural producers and the agricultural trades, in order that questions of national importance may thus be solved more satisfactorily and with greater dispatch, and that in their adjustment government shall not be permitted to exceed its just and constitutional limits in extending to any organization financial, bureaucratic, or legislative aid not extended to others: Be it further

"6. *Resolved*, That a permanent nonprofit-making organization be formed, to be known as the Federated Agricultural Trades of America, and that the Chair be authorized to appoint, at its discretion, a committee of 15 consisting of himself and 14 others, within two weeks' time to apply for the necessary charter, prepare a constitution and by-laws, set up a schedule of dues, solicit members, and do such other things as may be necessary to perfect a permanent organization."

FLOOD CONTROL

Mr. CARAWAY. Mr. President, in view of the fact that the report to accompany the bill for flood relief is, I understand, prepared and ready for publication, I want to take a moment of the time of the Senate to read a little memorandum which I have touching flood control. First, I want to say that we people who are vitally concerned feel that the House bill more nearly meets our needs than the bill reported by the Senate Committee on Commerce. I want to read something of the efforts to ascertain what the facts were and what the remedies required were as put forth by the Committee on Flood Control in the House:

The Flood Control Committee met first on November 7, 1927, and was in session for 63 days. Six volumes of testimony were taken, consisting of 5,000 pages and more than three and one-half million words. More than 300 people appeared before the committee, some of whom represented the following important nationally known organizations:

United States Chamber of Commerce.
American Legion.
American Federation of Labor.
American Farm Bureau Federation.
Three former presidents of American Society of Engineers.
Forty Senators and Representatives.
Governors of States.
State officials.
Mayors of large cities.
State engineers.
Levee district engineers.
American Bankers' Association.
Investment Bankers' Association.
Chicago flood-control conference.

Three advisory engineering committees, one from the American Society of Engineers, one from the University Engineers, and one from the railroad engineers of the Mississippi Valley.

Army engineers and Mississippi River Commission engineers.

One hundred and fifty resolutions adopted by civic and fraternal organizations were presented to the committee.

The committee received more than 300 manuscripts containing flood-control plans.

The committee received more than 5,000 letters and telegrams from all over the United States.

Representative REID, chairman of the Flood Control Committee of the House of Representatives, made two trips to the flooded area, one for a duration of 10 days during the flood, and one after the flood, at which time he remained more than three weeks. On these trips he had with him a secretary and took notes. He traveled many hundreds of miles by airplane, train, and boat.

John F. Stevens, president of the American Society of Civil Engineers during 1927, and the man who Colonel Goethals said was responsible for the success of the Panama Canal project more than any other one man in America, testified before the Reid Flood Control Committee. His testimony is contained in 16 pages of the hearings before the Committee on Flood Control.

Representative E. E. COX, of Georgia, a member of the Flood Control Committee, stated that Representative FRANK REID, in his opinion, had a more complete knowledge of the flood-control situation than any man in America.

Mr. President, I wish briefly to call the attention of the Senate to a few additional facts and circumstances.

The greater damage from the flood of 1927 that came to Arkansas was caused by the overflow of tributaries of the Mississippi River, rather than from the waters of the Mississippi itself. The floods in the tributaries, however, were greatly added to and aggravated by the floods in the Mississippi River. There can be no protection from floods in that State, however, unless the tributaries receive consideration and protection be extended up their courses.

I wish to call the attention of the Senate to these conditions. I shall take each tributary of the Mississippi in my State separately. By "tributary" I mean only those which are navigable streams under the control exclusively of the Government. At this time, however, I shall speak only of the Arkansas.

This river rises in central Colorado and is 1,500 miles in length, flowing through Colorado, Kansas, Oklahoma, and Arkansas, and emptying into the Mississippi River below the south central line of that State.

One of its tributaries is the South Canadian, which rises in Colorado and flows through New Mexico, Texas, and Oklahoma, and empties into the Arkansas near Muskogee in Oklahoma. Another is the Cimarron, which rises in southern Colorado and flows through Kansas and Oklahoma. A third is the Grand or Neosho River, which rises in Kansas and flows through Oklahoma and empties into the Arkansas near Muskogee in Oklahoma. There are also other tributaries that flow through one or more States.

The estimated damage done in the State of Oklahoma by floods in the year of 1927 from the Arkansas River was more than $20,000,000. But the greater damage caused by floods in the Arkansas River was along its valley from Fort Smith, Ark., to its mouth.

The Jadwin plan for flood control provides for a high levee protection on the Arkansas River from its mouth to Pine Bluff. Prior to this the Mississippi River Commission has assisted in erecting and maintaining levees on this river from its mouth to the Lincoln and Jefferson County lines. Therefore, the only additional protection under the Jadwin plan is by heightening and strengthening the levees from the Mississippi up the Jefferson and Lincoln County lines and by a new levee from that line up to Pine Bluff.

Inasmuch as it is observable and will be made plain from the figures herewith quoted that a very substantial part of the damage done was above Pine Bluff it becomes apparent that the Jadwin plan offers no protection for the very large area which suffered very severely from the recent flood and will suffer from future floods.

In the territory wholly excluded from the Jadwin plan is possibly the most thickly populated section of the State. It is dotted with cities and towns ranging in population from a thousand up to almost 100,000.

Approximately 2,000,000 cubic feet per second of water passed down the Mississippi River at Natchez during the flood.

The extreme low-water gauge of the Arkansas River at Little Rock is 1,100 cubic feet per second. Its bank-full capacity at Little Rock is 200,000 cubic feet per second. During the recent flood 815,000 cubic feet per second of water passed Little Rock, or better than seven hundred times more than its low-water flow. On the same date, April 21, 1927, there passed Clarendon on the White River, a tributary of the Arkansas, 425,000 cubic feet of water per second. The combined flow of the Arkansas and this tributary was more than 1,200,000 cubic feet per second of water, or 60 per cent of the volume passing Natchez on that date.

Some of the damages suffered in the counties mentioned are set out herein.

Along the valley of the upper Arkansas River are the counties of Crawford, Yell, Pope, Conway, Faulkner, Pulaski, Jefferson, and Lonoke. In these counties private levee districts have constructed levees and in the construction of which the Government furnished no aid. Most of the waters that come down this river comes from Colorado, Kansas, New Mexico, Missouri, and Oklahoma. It therefore seems that this tributary is entitled to the same thoughtful consideration and relief to which the parent stream, the Mississippi River, is. It is evident that the problem is not of local origin and can not be controlled by local levees, and not to make it a part of the general plan for flood protection for the lower Mississippi would be both unwise and unjust.

I have before me statistics showing the damages wrought by this flood in the Arkansas Valley. I shall not take the time of the Senate to read them, but ask leave to print them in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

SEBASTIAN COUNTY, ARK.

(Prepared by County Farm Agent C. H. Alspaugh and Walter H. McConnell, secretary of the Fort Smith Chamber of Commerce)

Damage to real estate	$75,000
Damage to buildings and contents	10,000
Crop loss	100,000
Damage to roads	50,000
Industrial loss	100,000
Total	335,000

CRAWFORD COUNTY, ARK.

(Prepared by a committee of business men from Mulberry, Alma, and Van Buren under direction of J. O. Porter and A. V. Henderson)

Damage to real estate	$850,000
Damage by crop loss	1,500,000
Damage to houses, barns, and contents	$150,000
Damage to roads, bridges, etc	100,000
Damage to levees	150,000
Total	2,750,000

FRANKLIN COUNTY, ARK.

(Prepared by J. Steve Turner and John R. Davidson)

Damage to real estate	$750,000
Damage by crop loss	250,000
Damage to buildings and contents	25,000
Total	1,025,000

LOGAN COUNTY, ARK.

(Prepared by Doctor Higdon and other citizens of Logan County)

Damage to real estate	$170,000
Damage by crop loss	173,245
Total	343,245

JOHNSON COUNTY, ARK.

(Prepared by Lee Cazort, Guy Cazort, W. R. Hunt, W. W. Thompson, F. A. Blackburn, W. M. Bynum, and C. M. Tuggle, the county agent)

Damage to real estate	$1,150,000
Damage by crop loss	770,000
Damage to buildings and contents	100,000
Damage to highways and railroads	42,560
Damage to coal mines	80,000
Total	2,142,560

POPE COUNTY, ARK.

(Prepared by County Judge Quince Hill, Oscar Wilson, E. W. Hogan, Earl Darr, E. A. Williams, et al.)

Damage to real estate	$3,187,500
Damage by crop loss	581,000
Damage to buildings and contents	22,000
Damage to highways	10,000
Total	3,800,500

YELL COUNTY, ARK.

(Prepared by W. E. McClure, mayor of Dardanelle; T. E. Wilson, former county judge; Joe D. Gault, former county sheriff, et al.)

Damage to real estate	$1,200,000
Damage by crop loss	2,500,000
Damage to buildings and contents	100,000
Damage to levees and roads	70,000
Total	3,870,000

CONWAY COUNTY, ARK.

(Prepared by E. E. Mitchell, A. M. Fiser, J. S. Moose, Robert Stallings, Garland Dowdle, and Tom Davis)

Damage to real estate	$2,120,000
Damage by crop loss	500,000
Property damage	480,000
Levees	100,000
Roads and bridges	250,000
Total	3,450,000

FAULKNER COUNTY, ARK.

(Prepared by A. M. Ledbetter, examiner of real estate values for the Federal land bank, and H. D. Russell, mayor of Conway)

Damage to real estate, crop loss, buildings and contents, levees and roads	$1,070,102

PULASKI COUNTY, ARK.

(Prepared by County Agent J. W. Sargent and County Judge C. P. Newton)

Damage to real estate, crop loss, buildings and contents, livestock, and drainage canals	$2,627,000

JEFFERSON COUNTY, ARK.

(Prepared by Charles E. Taylor, former mayor of Little Rock and now secretary-manager of Pine Bluff Chamber of Commerce, and J. H. Means, president of the Pine Bluff Chamber of Commerce)

Damage to real estate, buildings and contents, crop losses, and levee losses	$4,500,000

LONOKE COUNTY, ARK.

(Prepared by the Mississippi River Flood Control Association)

The item upon which this item is based varies from other counties but is by above source given as $261,150.

PERRY COUNTY, ARK.

(Prepared by the Mississippi River Flood Control Association)

Damage to real estate, buildings and contents, crop losses, etc	$31,975
This makes a grand total of damages suffered from items above listed	26,206,532

Mr. CARAWAY. Mr. President, more than 12,000 people were driven from their homes in this area, 30 per cent of whom never returned because their houses and everything they possessed were either totally destroyed or so seriously damaged that they were utterly discouraged. Seventy lives were lost in the counties mentioned. All of this property was destroyed and all of these lives were lost in a section for which the Jadwin plan makes no provision whatever. There can be no successful restoration of this vast territory, the most thickly populated of the State, unless the bill reported to the Senate shall be amended.

The levees along the Mississippi River in Arkansas held except three minor breaks north of the Arkansas River. The water, therefore, which went into Jefferson, Lincoln, Desha, Drew, and Chicot Counties was Arkansas River water which came through two breaks between Pine Bluff and the mouth of the Arkansas River. The Pendleton break was the more destructive.

The damage suffered in Arkansas was almost a third greater than that incurred in the State of Mississippi, as a result of this flood.

It becomes, therefore, imperative that if the State is to receive protection from a recurrence of floods the Arkansas River must be included in the plan; and, in addition to the Arkansas River, the White, the Red, the Ouachita, and other navigable tributaries of the Mississippi which will be mentioned at another time and which are of equal importance and must receive consideration.

But particularly referring again to the Arkansas. The levees have been so destroyed that a bank full rise now spreads its waters over thousands of acres of fertile lands.

The Nation recognizes this as an obligation everywhere accepted save here in Washington. It would seem that it is just as much a duty to protect the country from the ravages of floods as from the incursion of hostile armies.

I merely wanted to call attention to these facts at this time, Mr. President, and from time to time I shall call attention to the necessity of protecting other tributaries in the State. I am hopeful that the Senate will see the wisdom of extending the flood control to the tributaries, because there is the seat of the greatest trouble.

Take the break at Pendleton Bend, on the Arkansas River, during the recent flood. It swept away practically every vestige of buildings, fences, everything that man had put upon the land, in an area 10 miles wide and 21 miles long. All of the water that went into the southeast part of the State of Arkansas came from that break, much as the water that went into the State of Louisiana came from that break, and yet the flood control bill, if it be enacted into law in its present form, will leave that situation untouched.

Mr. ROBINSON of Arkansas. Mr. President, in connection with the subject matter of flood control as it relates to the tributaries of the Mississippi River, I desire to offer an amendment, which I ask to have printed and lie on the table. I also ask that it may be printed in the RECORD.

The amendment intended to be proposed by Mr. ROBINSON of Arkansas to the bill (S. 3434) for the control of floods on the Mississippi River from the Head of Passes to Cairo, and for other purposes, ordered to lie on the table and to be printed, is as follows:

SEC. 2. The Secretary of War, through the Corps of Engineers, United States Army, is hereby authorized and directed to prepare and submit to Congress at the earliest practicable date projects for flood control on all tributary streams of the Mississippi River system subject to destructive floods. The investigations will include:

The Red River and tributaries.
The White River and tributaries.
The Arkansas River and tributaries.
The Ohio River and tributaries.
The Missouri River and tributaries.
The Illinois River and tributaries.

SEC. (b) The sum of $5,000,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, in addition to amounts authorized in the river and harbor act of January 21, 1927, to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers or for the preparation of the flood-control projects authorized in paragraph (a) of this section.

Hereafter all works for the improvement of navigation and for controlling floods of the Mississippi River, its tributaries and outlets, including surveys and investigations in connection therewith, shall be prosecuted under the direction of the Secretary of War and the supervision of the Chief of Engineers in accordance with such plans, projects, and specifications as may be approved by the Chief of Engineers, or as may be expressly authorized by Congress.

Mr. ROBINSON of Arkansas. Mr. President, the Committee on Commerce was good enough to insert in the bill a provision that has relation to this subject, which is section 8. There is an appropriation of $5,000,000 provided for "as an emergency fund, to be allotted by the Secretary of War on the recommendation of the Chief of Engineers in rescue work or in the repair or maintenance of any flood-control work on any tributaries of the Mississippi River below Cairo threatened or destroyed by flood."

Experience gained during the flood of 1927 shows the imperative necessity for a provision of this character. In addition to this provision, however, I think a further provision should be incorporated in the bill directing the Secretary of War at the earliest practicable date to prepare and submit to Congress flood-control projects for tributaries of the Mississippi River. That is the purpose of the amendment which I have proposed.

AFFAIRS IN NICARAGUA

Mr. DILL. Mr. President, the Associated Press dispatch this morning tells us that five more American marines have been killed in Nicaragua in the process of preparing the people of that country for an election there. One of the killed and one of the wounded were boys from my State. I wish to read some portions of that dispatch in order that it may be in the RECORD and that the American people in the future who wish to learn how we prepare for elections in foreign countries may be informed.

MANAGUA, NICARAGUA, March 1.—While American marines were massing in northern Nicaragua to-day, in pursuit of the Sandino rebels, eight of their comrades, wounded from ambush Monday, were under treatment in the town of Condega.

The five men killed by machine-gun rifle fire that met the marine detachment near Daraili Monday were buried near the place they fell.

The Senator from Alabama [Mr. HEFLIN] a day or two ago submitted a resolution making provision for bringing back to the United States the bodies of the dead marines. I suggest to him that he amend his resolution to include those who have died since his resolution was offered. It may be found necessary if we do not do that to prepare a bill to enable the gold-star mothers of the Nicaraguan war to visit Nicaragua in order that they may see where their sons have died and been buried.

Mr. MAYFIELD. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. MAYFIELD. Can the Senator advise us what disposition has been made of the resolution introduced early in the session of the Senate by the Senator from Alabama?

Mr. DILL. I presume it sleeps the sleep that has no awakening in the Foreign Relations Committee, where all such resolutions have died up to this time.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Idaho?

Mr. DILL. I do.

Mr. BORAH. I desire to say to the Senator that, while the resolutions referred to have not been reported, the committee has taken, I think, all the evidence that there is to be had with reference to the military operations in Nicaragua. That evidence is now in the hands of the Public Printer and will be available to the Senate and to the public perhaps within the next 48 hours.

My opinion is, Mr. President, that we have all the facts in those hearings. Admiral Latimer testified before the committee, as did General Lejeune and General Clark; and while we have not gone into the question of concessions or the financial operations of American nationals in Nicaragua, we have, in my opinion, fully exhausted the facts with reference to what took place there from a military standpoint; and those facts, as I have said, will be available to the Senate, in my opinion, in the next 48 hours.

Mr. DILL. Mr. President, may I ask the Senator before he takes his seat whether the committee has voted on any of the resolutions as to whether or not they will be reported to the Senate?

Mr. BORAH. No; the committee has not done so. I will remind the Senator of the fact that when the resolutions were first submitted we were approaching the Habana conference. The supposition was that these matters would have a hearing at Habana, where the governments of Central America, including Nicaragua and other governments, would be heard. It was thought wise upon the part of all parties, including some of the advocates of the resolutions, that the consideration of those matters should not be urged during the pendency of the conference at Habana. For that reason consideration was postponed. I will say to the Senator, however, that the committee has had this subject before it, has discussed the subject, and has interchanged views in regard to it from time to time since the resolutions were submitted. We have considered the matter at some three or four meetings of the committee.

Mr. DILL. I may say to the Senator that the newspaper reports were to the effect that the chairman of the Foreign Relations Committee had said he was satisfied with the reports and information given his committee, and that no reports or resolutions were necessary.

Mr. BORAH. In so far as the newspaper reports indicated that the chairman went further than to say that he was satisfied as to the military operations, they were in error. What I did say, and what I now say, was that in my opinion the committee has exhausted the subject so far as the military operations in Nicaragua are concerned, or so far as the doings of our Navy in Nicaragua are concerned, and I do not know of any further facts to gather upon that subject; but, as I said and I now say, we did not undertake to go into the question of concessions. The committee will take up those matters later, and I trust will act upon these resolutions in some form.

Mr. DILL. Can the Senator give us any idea when the committee will take up and vote on these resolutions?

Mr. BORAH. No; I am unable to say when it will be done, but let me say this to the Senator: I do not know of any information we can gather by hearings that we have not already got.

Mr. DILL. I am not asking for hearings; I am asking for some report of the resolution that will give the Senate an opportunity to vote on the question of whether we are going to continue to have our marines carrying on war in Nicaragua.

Mr. BORAH. There is no resolution before the committee that will determine that question, in my opinion.

Mr. DILL. There are resolutions there that if voted upon and passed by the Senate would direct the President to withdraw the marines.

Mr. BORAH. Mr. President, I do not wish to discuss that question now; but I do not know of any authority upon the part of Congress to direct the President to withdraw the marines.

Mr. DILL. I think we might well pass the resolution and see whether it will have any effect on the President. It at least would show the country where the Congress stands.

Mr. BORAH. So far as I am individually concerned, I have no desire to pass a resolution, if I feel we have no authority to act, to see what effect it will have on the President.

Mr. DILL. The Senator must remember that other Senators might differ with him in their desires, and other Senators would like to vote on such a proposition, and differ with him as to the authority.

Mr. BORAH. The Senator from Idaho was only expressing his individual view; that is all.

Mr. BRUCE. Mr. President——

Mr. DILL. We have passed other resolutions when Senators opposed to them doubted our authority to do so, but we have found that they had very desirable effects. I remember several occasions in the last two or three years when we have passed such resolutions; and I hope the Foreign Relations Committee will not take the attitude that the Senate can not vote on these questions simply because the Senator from Idaho himself thinks it is not a proper vote to cast.

Mr. BORAH. No; neither will it likely take action because the Senator from Washington thinks it proper.

Mr. CARAWAY. Mr. President——

Mr. DILL. I yield to the Senator from Arkansas.

Mr. CARAWAY. Does the Senator recall that we passed a resolution asking that the army of occupation in Germany be withdrawn?

Mr. DILL. I do not myself recall that fact.

Mr. CARAWAY. Yes; we did.

Mr. DILL. But that was the army of occupation, not the Army that was fighting.

Mr. CARAWAY. We merely requested the President to do it.

Mr. DILL. But the condition was very different there, because the Congress had declared war and sent the Army to Germany. Congress has never passed on the question of whether or not the marines should go down to Nicaragua.

Mr. CARAWAY. The Senator misunderstands me. I was referring to the question of whether the Senate should pass a resolution asking the President to do something that lay within his power. The Senate did pass such a resolution in regard to the army of occupation in Germany.

Mr. DILL. Oh, the suggestion that the Senate is without authority to do these things is the suggestion of those who do not want to meet the issue. It is always the suggestion that is raised when they do not want to face this issue. We have repeatedly voted on resolutions which Senators said the Senate had no authority to pass, such as the Denby resolution and the third-term resolution.

Mr. SHORTRIDGE. Mr. President, will the Senator permit me to ask him a question?

Mr. DILL. Yes; I yield to the Senator from California.

Mr. SHORTRIDGE. Does the Senator wish to have the marines now or immediately withdrawn from Nicaragua?

Mr. DILL. Yes; I want them withdrawn.

Mr. SHORTRIDGE. Does the Senator wish to leave American citizens, their lives and their property, at the mercy of a bandit, Sandino?

Mr. DILL. I may say to the Senate that there is no proof that the lives of American citizens are in danger; and we are not in the business of protecting the property of American citizens all over the world by having marines stationed there for the purpose of enabling our citizens to make profits by such action.

Mr. SHORTRIDGE. Permit me, then, to observe—and I may take the time later to give the details—that there was an American citizen in Nicaragua, a very prominent citizen and a very patriotic citizen, who had his property stolen and his life threatened, and was obliged to flee from the country because of this same bandit, Sandino. I wish to commend to the Senator from Washington the reading, and may I say the careful reading, of an article which appears in this week's issue of the magazine called Liberty; and if the Senator during the day or this evening, in the quiet of his study, will read that article, I express the belief that his views will be very materially modified. I commend that article to the Senator from Washington.

Mr. DILL. Let me say to the Senator that I read that article this morning before I came to the Capitol, and it was one of the reasons why I was induced to stand on the floor and make the speech I am making.

Mr. SHORTRIDGE. Then the Senator is a type of American with which I am not in sympathy, and he disappoints me greatly.

Mr. DILL. I do not care particularly about that. I do not want the sympathy of any American who would have men who are enlisted in the armed forces of the United States, to protect this country and its flag, used to protect the property of men who have made investments in a foreign land on which they are attempting to profiteer at the expense of the people of that country. [Manifestations of applause in the galleries.]

Mr. SHORTRIDGE. I want to say to the Senator from Washington that Charles Butters, of California, who went to Nicaragua lawfully, was in the peaceful possession of property lawfully acquired; that his property was stolen from him; that he was threatened with death and was obliged to flee from the country. As for me, I want the United States of America to protect such a citizen wherever he may be, whether it be in Nicaragua or in any other country on this earth.

Mr. DILL. The Senator is now arguing about the reason why the marines were sent in. A moment ago he challenged me because I was objecting to the marines being kept there; and I made the statement that the lives of Americans are not in danger, and that it is not the business of this Government to keep its troops in every part of the earth because American people may have been in danger at some time or other in the history of that country, and to enable those people to make profits on their foreign investments.

Mr. SHORTRIDGE. I wish the spirit of Andrew Jackson were a little more visible in the Senate. No American would then be robbed of his property or have his life threatened in any country or on any sea without Uncle Sam going to his defense.

Mr. DILL. I do not remember whether Andrew Jackson sent armed troops all over the earth to do all the things the Senator suggests.

Mr. SHORTRIDGE. Well, I do.

Mr. EDGE. Mr. President, the Senator suggests that he wants the marines immediately withdrawn from Nicaragua. Does the Senator believe that this country should repudiate a solemn contract entered into with the leaders and representatives of both political parties in Nicaragua and recall the marines after agreeing with these accredited representatives that we would use our best offices to try to see that they should have a fair election?

Mr. DILL. I am not going to enter into any argument with the Senator about that other than to say that that agreement was made with one band of men who could not keep control down there without the use of the armed forces of this country, and with the leaders of the other band, whom they bought off by paying them for their ammunition and their guns, and others whom they forced to sign the agreement. I do not consider it a legal contract in any sense; and I would have the marines bring out those Americans who might be in danger and let the people of Nicaragua run their own Government.

Mr. LA FOLLETTE. Mr. President——

Mr. EDGE. In other words, the Senator would repudiate a solemn contract made on behalf of the President of the United States with the representatives of both political parties, withdraw the marines, and encourage a renewal of the bloodshed that was happening up to the time the armistice was signed?

Mr. DILL. It will not be American blood shed, and that is what I am objecting to. I am objecting to the spending of American lives to buy profits for men who have made investments in Nicaragua.

Mr. LA FOLLETTE. Mr. President——

Mr. EDGE. Certainly the present understanding with Nicaragua has nothing whatever to do with concessions and nothing whatever to do with investments. It is a plain, clear, thoroughly understandable proposition that we will offer our best offices to try to bring about the one thing that everyone, as far as I have been able to find out, hopes can be brought about—a fair expression of opinion of the Nicaraguan people as to who shall be President of that Republic. If we withdraw our marines to-day, we leave that country with a chaotic condition; we repudiate our own obligations; we put ourselves in an absolutely indefensible position before the world.

Mr. DILL. Let me say to the Senator it is never too late to do right.

Mr. SMOOT. Mr. President, I ask for the regular order of business.

The VICE PRESIDENT. The introduction of bills and joint resolutions is in order.

Mr. DILL. Mr. President, I started to read an article, and I think I might be permitted to finish that article. It affects boys killed in Nicaragua who come from my State.

Mr. BORAH. I ask unanimous consent that the Senator be permitted to read the article.

Mr. SMOOT. All I want to do is to carry out the unanimous-consent agreement which was made yesterday.

Mr. BRUCE. Mr. President——

Mr. DILL. I do not yield.

Mr. BRUCE. I am not asking the Senator to yield. The Senator from Idaho is asking unanimous consent that the Senator from Washington be permitted to proceed, and I think the Senator will feel just a little ashamed of himself when I say that I rose for the purpose of seconding the motion of the Senator from Idaho that the Senator from Washington be allowed to proceed.

Mr. DILL. I thank the Senator.

Mr. SMOOT. I have no objection to that, providing the Senator just reads the article, and then we can take up morning business. We have a unanimous-consent agreement that we would take up the calendar this morning; and I do not want to have the whole two hours spent on a question that is not before the Senate.

The VICE PRESIDENT. Without objection, the Senator from Washington will read the article.

Mr. DILL. I appreciate the courtesy, and if I had not been interrupted I would have finished long ago.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator to permit me just one question?

Mr. DILL. I can not yield to the Senator.

Mr. SHORTRIDGE. The Senator declines to yield?

Mr. DILL. I can not yield, because permission was granted that I might read the article, and if I do yield I will get into an argument with the Senator.

The eight wounded, one of them in a serious condition, were transported to Condega, having been given emergency treatment en route by a medical officer who joined the pack train yesterday. The men will be held at Condega until they can be moved either to Esteli or Ocotal, marine bases, 30 miles away.

WILL BE MOVED TO CAPITAL

As soon as their condition permits they will be transported by airplane to Managua. Condega has no landing field, but Ocotal and Esteli have.

As soon as word of the encounter was received three detachments of marines were sent from points in the vicinity. Capt. William K. MacNulty, of the Eleventh Regiment, who was on another mission with 85 men, also joined forces with Lieut. Edward F. O'Day, leader of the ambushed patrol.

Three marines were killed in the action and two died from their wounds. Those slain were Pvts. John C. Pump, Council Bluffs, Iowa; George E. Robbins, San Antonio, Tex.; and Albert Schlauch, Jamestown, N. Dak.

TWO DEAD FROM WOUNDS

Those who died from their wounds were Corpl. Cicero D. Austin, Crockett, Tex., and Pvt. Curtis J. Mott, Trenton, Wash.

Pvt. Lem C. Davis, Nixon, Tex., was seriously wounded, being shot in the left shoulder.

Those slightly wounded were Sergt. Wilbourn C. Christian, Northport, Ala., shot in hip; Sergt. Charles Hisham, Longmire, Wash., shot in thigh; Pvt. Lewis E. Ballard, Troy, N. Y., shot in foot; Pvt. Raymond B. Carter, Payson, Utah, shot in leg; Pvt. Peter C. Crum, Omaha, Nebr., shot in foot; Pvt. Linton C. Maynard, Ranger, Tex., shot in elbow; and Pvt. Clarence E. Phelps, Portland, Colo., injuries not stated.

FIRST WORD IN FIVE WEEKS

SAN ANTONIO, TEX., March 1.—A newspaper dispatch saying that George E. Robbins had been killed with four other marines in the Nicaragua ambush was the first word his mother, Mrs. Agnes Robbins, of this city, had received of her son in five weeks, she said to-day. Robbins enlisted here October 12. Three sisters and a brother live in Houston, Tex.

COUNCIL BLUFFS, IOWA, March 1.—John C. Pump, Council Bluffs, killed in action in Nicaragua, enlisted in the Marine Corps last October.

The last word his parents, Mr. and Mrs. Emil A. Pump, had from him was a letter from San Diego, Calif., dated January 7, in which he said his company was embarking for Nicaragua.

Pump was graduated from high school at Denison, Iowa, and studied law for two years at Creighton University, Omaha.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. REED of Pennsylvania:

A bill (S. 3458) to create the reserve division of the War Department, and for other purposes; and

A bill (S. 3459) to amend an act of Congress approved March 4, 1927 (Public, No. 795, 69th Cong.), to provide for appointment as warrant officers of the Regular Army of such persons as would have been eligible therefor but for the interruption of their status, caused by military service rendered by them as commissioned officers during the World War; to the Committee on Military Affairs.

By Mr. SACKETT:

A bill (S. 3460) granting a pension to Harriett Morgan (with accompanying papers); and

A bill (S. 3461) granting a pension to James F. Taylor (with accompanying papers); to the Committee on Pensions.

A bill (S. 3462) granting the consent of Congress to the Maysville Ohio River Bridge Co., and its successors and assigns, to construct a bridge across the Ohio River at or near Maysville, Ky.; to the Committee on Commerce.

By Mr. CAPPER:

A bill (S. 3463) to recognize commissioned service in the Philippine Constabulary in determining rights of officers of the Regular Army; to the Committee on Military Affairs.

By Mr. WHEELER:

A bill (S. 3464) granting a pension to Rudolph Lange; to the Committee on Pensions.

A bill (S. 3465) for the relief of Charles Parshall, Fort Peck Indian allottee of the Fort Peck Reservation, Mont.; to the Committee on Indian Affairs.

By Mr. SMOOT:

A bill (S. 3466) to amend the naval record of Edwin Rodman; to the Committee on Naval Affairs.

By Mr. WAGNER:

A bill (S. 3467) for the relief of Thomas Vincent Corey; to the Committee on Naval Affairs.

By Mr. NYE (by request):

A bill (S. 3468) to accept the cession by the State of California of exclusive jurisdiction over the lands embraced within the Lassen Volcanic National Park, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. CURTIS:

A bill (S. 3469) authorizing the payment of war-risk insurance to Alice M. Smith and E. R. Smith (with accompanying papers); to the Committee on Finance.

A bill (S. 3470) granting a pension to Mary M. Baldwin (with accompanying papers);

A bill (S. 3471) granting an increase of pension to Lou Milburn (with accompanying papers);

A bill (S. 3472) granting an increase of pension to Martha A. McLin (with accompanying papers);

A bill (S. 3473) granting an increase of pension to Jennie McClaury (with accompanying papers);

A bill (S. 3474) granting an increase of pension to Emma L. Kennedy (with accompanying papers);

A bill (S. 3475) granting an increase of pension to Sarah S. Ewing (with accompanying papers);

A bill (S. 3476) granting an increase of pension to Annie Earnest (with accompanying papers);

A bill (S. 3477) granting an increase of pension to Maggie J. Miller (with accompanying papers); and

A bill (S. 3478) granting an increase of pension to Sarah Shuck (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 3479) to carry out the findings of the Court of Claims in the cases of labor performed in excess of 8 hours per day at certain navy yards; and

A bill (S. 3480) for the allowance of certain claims for extra labor above the legal day of 8 hours at certain navy yards certified by the Court of Claims; to the Committee on Claims.

By Mr. DENEEN:

A bill (S. 3481) granting an increase of pension to Thomas E. Roberts; to the Committee on Pensions.

By Mr. BAYARD:

A bill (S. 3482) granting a pension to Nellie Hayman (with accompanying papers); to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 3483) for the relief of the heirs of W. H. May, deceased; to the Committee on Claims.

By Mr. REED of Pennsylvania:

A joint resolution (S. J. Res. 106) to amend Public Resolution No. 65, approved March 3, 1925, authorizing the participation of the United States Government in the International Exposition to be held in Seville, Spain; to the Committee on Foreign Relations.

COTTON PRICES

Mr. SMITH. Mr. President, I desire to give notice that on Wednesday next the hearings on Senate Resolution 142 will begin in the Agricultural Committee room in the Senate Office Building.

Mr. McKELLAR. Will the Senator state the subject of the resolution?

Mr. SMITH. It is the resolution for an investigation of the cotton market. I shall be glad to have the press give as great publicity as possible to this announcement, so that any interested parties who desire to give testimony may govern themselves according to this notice.

NATIONAL ORIGINS DECEPTION

Mr. NYE. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial appearing in the St. Paul Pioneer Press under date of February 29, 1928, under the heading "National-Origins Deception."

The VICE PRESIDENT. Is there objection?

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NATIONAL-ORIGINS DECEPTION

Accompanied by a fanfare of trumpets to disguise its deception, what purports to be a revision of immigration quotas is put before the Senate. The new figures are calculated to pave the way for the revolution in restrictive immigration under the alluring title of "national origins," which is to go into effect next July but against which a swelling protest is rising.

The change was postponed by Congress once before, because of the preposterous results in immigration control that it would introduce.

The new juggling turns out to be hardly better than the old. It would have the same result of shutting down on north European immigration which has proved most valuable in building of the country. It would slam the door in the face of desirable immigrants from Scandinavian and Germanic countries and increase only British. America certainly never intended anything like that when it took up the policy of restricting immigration four years ago.

The proposed new quota figures are put forward in such a way as to create an impression that Nordic allotments are to be increased over their present numbers. If this is done deliberately, it is deceptive and fraudulent. The fact is that if the so-called national-origins system is permitted to go into effect next July the quotas of Sweden will be reduced from the 9,561 of present schedules to 3,399; of Norway from 6,453 to 2,403; of Germany from 51,227 to 24,908; of the Irish Free State from 28,567 to 17,427.

By a sly joker, which has been generally overlooked, the advocates of closing America's doors as completely as possible to new blood will contrive to reduce total immigration by about 30 per cent. The present quota of Great Britain and North Ireland is 34,007. But actual immigration from those countries is only about 24,000 a year. They do not nearly use up the existing quota, yet it is proposed to almost double Great Britain's present allotment, making it 66,000, or nearly three times as many as seek to come in.

The national-origins system would supposedly admit 150,000 immigrants a year from all Old-World countries. But by the allotment of 40,000 more to Great Britain than that country can use, the actual immigration allowed would be cut down close to 110,000 a year. This is a crafty method of juggling figures to raise the bars against even the most desirable races. It is fanaticism, 100 per cent Americanism, and insidious bigotry carried to the extreme.

In 1924, when the present immigration law was passed, the so-called national-origins plan of regulating newcomers was adopted. A total of 150,000 immigrants a year was fixed as the maximum. These would be divided among countries of the world, not including North and South America, in the same proportion which persons tracing their origin to that particular country and already in the United States bore to the total American population in 1920.

But lack of official records made the task of tracing nationalities back to the beginning of American Government so difficult that the national-origins clause was postponed and the present quota system temporarily substituted.

A committee of three Cabinet members was designated meantime to work out the new allotments. That committee made its first report last year, submitting certain estimates of new quotas from each country, but adding the extraordinary statement that due to the haphazard methods necessarily employed in arriving at the figures it would refuse to assume responsibility for its own work. Thereupon, operation of the national origins clause was again postponed until June 30, 1928, and the same Cabinet committee has now submitted another report, with revised figures.

It is this second guesswork compilation that is proclaimed in Washington dispatches as giving increased immigration quotas to so-called Nordic races. In reality it is merely a comparison between last year's disowned schedules and this year's renewed attempt at figure juggling without accurate data on which to base the allotments. The new figures are not a comparison with quotas now in use. The much-heralded increases for northern races are in reality harshly restrictive decreases for those very races who have built up Minnesota and the Northwest. Sweden, Norway, Germany, Ireland, all are radically reduced in numbers of their people who may come into America. Only the British, who are well content at home and in their colonies, have the door of opportunity opened wider for them, a door which they do not care to enter.

Congress will do a good day's work if it throws the national origins clause out of the window.

CALF-LEATHER INDUSTRY

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from the previous day, Senate Resolution 163, submitted by the Senator from New York [Mr. COPELAND].

Mr. COPELAND. Mr. President, yesterday the Senator from Utah [Mr. SMOOT] asked that the resolution go over for a day.

Mr. SMOOT. I will say to the Senator that I have not yet received the information asked for, but if the Senator wants to have the resolution passed, I shall not object this morning. I think the information is already in the hands of the Tariff Commission, and it will take only a short time to report it.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was read and agreed to, as follows:

Resolved, That the United States Tariff Commission is hereby requested to investigate and report to the Senate the extent of sales of foreign calf leather in the United States since January 1, 1925, and the rates of wages paid calf tannery workers in the United States and competing countries.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were subsequently signed by the President pro tempore:

H. R. 5818. An act authorizing J. H. Peacock, F. G. Bell, S. V. Taylor, E. C. Amann, and C. E. Ferris, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Prairie du Chien, Wis.;

H. R. 7201. An act to provide for the settlement of certain claims of American nationals against Germany, Austria, and Hungary, and of nationals of Germany, Austria, and Hungary, against the United States, and for the ultimate return of all property held by the Alien Property Custodian;

H. R. 7948. An act to extend the times for commencing and completing the construction of a bridge across the Delaware River at or near Burlington, N. J.;

H. R. 9136. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes;

H. R. 10298. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near New Orleans, La.;

H. R. 10635. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes;

S. J. Res. 88. Joint resolution authorizing the erection on public grounds in the District of Columbia of a stone monument as a memorial to Samuel Gompers;

H. J. Res. 141. Joint resolution to authorize the President to invite the Government of Great Britain to participate in the celebration of the Sesquicentennial of the Discovery of the Hawaiian Islands, and to provide for the participation of the Government of the United States therein; and

H. J. Res. 223. Joint resolution making an additional appropriation for the eradication or control of the pink bollworm of cotton.

THE CALENDAR

The VICE PRESIDENT. Under the unanimous-consent agreement, the Senate will proceed to the consideration of unobjected bills on the calendar, beginning with Calendar No. 317.

The bill (H. R. 7030) to amend section 5 of the act of March 2, 1895, was announced as the first bill on the calendar, beginning at the point reached on the last call.

Mr. ROBINSON of Arkansas. Mr. President, I think there should be an explanation of this bill, particularly in view of the fact that no report appears to accompany it. In the absence of the chairman of the Committee on Post Offices and Post Roads, who reported the bill, I think it should go over.

The PRESIDING OFFICER (Mr. FESS in the chair). The bill will go over.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. KING. When we ceased working upon the calendar the last time, the Senate was considering Order of Business 316, the bill (S. 3194) to establish the Bear River migratory-bird refuge.

The PRESIDING OFFICER. The unanimous-consent agreement entered into yesterday was that the Senate should begin the consideration of unobjected bills on the calendar, starting with Order of Business 317. The bill to which the Senator from Utah refers was objected to when reached on the last call, the Chair is informed.

The bill (S. 1666) to grant authority to the Postmaster General to enter into contracts for the transportation of mails by air to foreign countries and insular possessions of the United States for periods of not more than 10 years, and to pay for such service from the appropriation of foreign mails at fixed rates per pound or per mile, and for other purposes, was announced as next in order.

Mr. NYE. There should be an explanation of the bill.

Mr. KING. I should like to have an explanation of the bill. It seems to be a very important measure. I would like to know what is involved, and to what extent it departs from existing law.

Mr. PHIPPS. I ask that it may go over, without prejudice, and we can return to it later.

The PRESIDING OFFICER. The bill will go over without prejudice.

RURAL POST ROADS

The bill (S. 2327) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, was announced as next in order.

Mr. McKELLAR. Mr. President, I have no objection to this bill, but I want to offer an amendment, which I will ask the clerk to read.

Mr. DILL. I object to the bill being taken up at this time.

Mr. ROBINSON of Arkansas. Let the amendment be reported.

Mr. McKELLAR. I hope the Senator will not object to the amendment being reported.

Mr. DILL. I withhold my objection.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 2, after line 17, add the following:

SEC. 3. That for the purpose of carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, there is hereby authorized and directed to be appropriated, out of any money in the Treasury not otherwise appropriated, the following sums, to be expended in the improvement of rural post roads over which rural carriers travel in serving the rural routes other than those now included in the Federal-aid road system: The sum of $50,000,000 for the fiscal year ending June 30, 1929; the sum of $75,000,000 for the fiscal year ending June 30, 1930; and the sum of $100,000,000 for the fiscal year ending June 30, 1931.

SEC. 4. For carrying out the provisions of this act the Secretary of Agriculture shall apportion to each of the States according to the mileage of rural routes, provided that the States appropriate a like amount. The money shall be apportioned to each rural route in the United States in proportion to its mileage, but none of this appropriation shall be spent in the construction or maintenance of roads built by Federal aid heretofore and known as the Federal road system. The expenditure

of this money shall be by the highway departments of the various States in cooperation with the Bureau of Public Roads, United States Department of Agriculture, and the Post Office Department of the United States.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. BAYARD. I object.

The PRESIDING OFFICER. The bill goes over, under objection.

DOUBLE PENSIONS IN SUBMARINE CASUALTIES

Mr. STECK. Mr. President, I was necessarily absent when the calendar was called the last time, and I ask unanimous consent to go back to calendar No. 315, Senate bill 2998, granting double pension in all cases where an officer or an enlisted man of the Navy or Marine Corps dies or is disabled as a result of a submarine accident. It is a bill to which I am sure there will be no objection, and one in which I am very much interested.

Mr. SMOOT. If the Senator will wait, we may get through with the calendar, and if we have time, there will be no objection to considering the bill he has in charge.

Mr. ROBINSON of Arkansas. The Senator from Iowa has stated that he thinks there will be no objection to the consideration of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. SMOOT. Just a moment. I would like to see what the bill is.

Mr. STECK. It is a bill to grant double pensions to dependents of those killed in submarine accidents.

Mr. SMOOT. Is there a favorable report?

Mr. STECK. There is a favorable report from the Committee on Pensions, a unanimous report, I understand.

Mr. JONES. Mr. President, I want to ask the Senator whether there is any question about the bill applying to the dependents. There is nothing said about the widows or the minors, and no reference to any law which controls the granting of a pension to dependents.

Mr. STECK. It says "the amount of pensions allowable shall be double that authorized to be paid under the present law."

Mr. JONES. I can not tell from a reading of the bill whether that applies to dependents, to widows and minor children, or not.

Mr. STECK. It does. It applies to the dependents of officers or enlisted killed, or to the disabled officers or enlisted men themselves.

Mr. JONES. What language is there in the bill which warrants that construction?

Mr. STECK. It says "the amount of pension allowable."

Mr. JONES. The amount of pension allowable to whom—the disabled man?

Mr. STECK. The amount of pension allowable in case the claim is made by the dependents where the man was killed.

Mr. SMOOT. Under what law? There must be some provision of law.

Mr. STECK. There is existing law which provides for pensions.

Mr. SMOOT. There are three or four pension laws applying to dependents.

Mr. ROBINSON of Arkansas. Mr. President, I think the report answers that question, under the third paragraph, where it says:

> Under acts of July 14, 1862, and March 19, 1886, the rates of pension provided for widows and dependents are $12 per month for widows of enlisted men, $15, $17, $20, $25, and $30 per month to widows of officers according to rank, with $2 per month additional for each minor child under 16 years of age.

The provision in the bill plainly is intended to double the allowances referred to in that paragraph.

Mr. SMOOT. The bill ought to refer to those acts.

Mr. ROBINSON of Arkansas. It does not need to refer to them. It says, "The rates allowed"; and the rates allowed are those which are embraced and mentioned in the paragraph I have read.

Mr. JONES. But that is a reference in the report, and it is not in the language of the bill.

Mr. ROBINSON of Arkansas. That is equivalent to saying the rates allowed are authorized by law. The language is perfectly clear to my mind as a matter of legal construction. I find no difficulty in construing it, and the department evidently found no difficulty.

Mr. JONES. I ask the Senator whether the department expressed any view with reference to the construction they give this language?

Mr. STECK. The wording of the bill was submitted to the solicitor for the department and it meets with his approval.

Mr. JONES. What does he say will be the effect of the language?

Mr. STECK. Just exactly as is contained in the report, that it will double the existing pensions as provided in the laws which are mentioned in the report and which have been referred to by the Senator from Arkansas.

Mr. JONES. I am satisfied that that is the intention of the bill, and I am in favor of it; but I doubt very seriously, when it comes to a final construction, whether that will be the construction.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. STECK. I yield.

Mr. COPELAND. I do not know why we should waste words over it. It is perfectly clear that if, under the present laws, a man is entitled to a pension, instead of having the pension which is named in the law at present, it will be doubled. It is perfectly clear.

Mr. STECK. That is the wording of the bill, as I understand it.

The PRESIDING OFFICER. Is there objection to returning to Calendar No. 315?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. FLETCHER. The language of the bill is "the amount of pension," and in the report the reference is to the rate of pension. Is there any difference in the meaning there, or should the word be "rate" instead of "amount"?

Mr. STECK. I think that is purely a difference in words. I think the wording of the bill is sufficient and is correct. It was not drawn by me personally, I may say. It met the approval of the department.

Mr. KING. Mr. President, I would like to ask the Senator from Iowa what effect, in his opinion, this legislation will have upon future legislation. For instance, persons have written me suggesting that the relatives and dependents of those who are killed upon the battle field should receive double the pensions of relatives of those who died in the service but not in battle. Others have insisted that aviation is a dangerous pursuit, and that the dependents of those who are killed in falling from airplanes or as the result of aeronautical accidents should receive double pensions. I was wondering what the end will be. Every employment is considered to be dangerous, and application will be made that additional pensions shall be paid.

Mr. STECK. Such a law is already in existence with reference to flyers. They are entitled to double pension, and also some extra pay, as the Senator probably knows. The idea behind the bill was that this service is, like flying, extra hazardous, and an attempt was made in the bill, which meets the approval of the department, to limit it to injuries or deaths which occur by reason of the extra hazard of the service.

At this time there are only two casualties to which this measure would apply; that is, with reference to the sinking of the submarine *S–4* and the submarine *S–51*.

Mr. TYDINGS. Mr. President, I would like to say for the information of the Senate—it may not be generally known—that officers and enlisted men on submarines can not get life insurance, because the life-insurance companies refuse to insure men who are assuming that risk, whereas in all other branches of the Navy they can get insurance, except in aviation.

Under the present law there is no extra pay for those engaged in service on submarines, and therefore it is unfair to expect a man who is, of course, like any other sailor or officer in the Navy, to go out and assume a risk, to put him up against that extra risk, and give him nothing in the way of insurance which every other naval officer or enlisted man can get. The purpose of the bill is to take the place of insurance which the men could get if they were assigned to a battleship or to a destroyer.

Mr. WALSH of Massachusetts. As I understand the bill, it provides that the same pension law shall apply to officers and enlisted men of the Navy who are injured as the result of a marine accident that is now applicable to officers and enlisted men in the Army in the case of injury or accident.

Mr. STECK. Yes.

Mr. BLAINE. Mr. President, will the Senator yield?

Mr. STECK. I yield.

Mr. BLAINE. If a bill of this character is passed it would appear to me that the basis for compensation rests upon the hazardous occupation in which the officers and enlisted men are engaged when they go upon a submarine. Therefore, for the same reason, why should it not apply to those engaged in the Air Service?

Mr. STECK. There is already a law applicable to those engaged in the Air Service. They are already covered by similar legislation.

Mr. BLAINE. Then why should it not also be extended to the marines who are in Nicaragua, a most hazardous occupation, called down to Nicaragua without an expression of policy on the part of Congress, which alone has the power to declare war? These marines are sent into a strange territory and a strange climate against the terrible so-called bandit Sandino, about whom the Senator from California [Mr. SHORTRIDGE] has told us, and proof of the hazards of that occupation was presented by the distinguished Senator from Washington [Mr. DILL] this morning. Another 5 men have been added to the casuality list, and perhaps before the sun goes down we shall have another 5 or 10 added to the list. The Nicaraguan situation involves a hazard quite as serious as the submarine hazard. I think the mothers, the wives, and the children of the men who have been killed in Nicaragua are entitled to consideration by Congress under the circumstances.

Mr. TYDINGS. Mr. President, if the Senator from Iowa will yield——

Mr. STECK. Certainly.

Mr. TYDINGS. I said to the Senate just a moment ago, and I do not think the Senator from Wisconsin heard me, that men engaged in submarine duty can not get life insurance because the life-insurance companies will not write such insurance. There is no man in Nicaragua who can not get life insurance because he is in the Marine Corps. This bill is to take care of the dependents, because those dependents were deprived of a right of protection which every other officer and enlisted man in the Army and Navy and Marine Corps can obtain.

Mr. BLAINE. Does the Senator contend that any life-insurance company is soliciting the writing of policies on the lives of the men who have been sent to Nicaragua under an order given by the President?

Mr. REED of Pennsylvania. Mr. President, the United States Government itself sent those men there, and not the President.

Mr. STECK. I must refuse to yield further for the discussion of a subject which is not pertinent to the bill under consideration.

Mr. BLAINE. I would like to ask the Senator another question.

Mr. STECK. I yield for any question pertinent to the bill.

Mr. BLAINE. I understand the Government insurance plan applies to officers and enlisted men in the submarine service.

Mr. STECK. I do not believe the Senator, and I disagree as to the purpose of the bill. I hope the Senator will not obstruct the passage of the bill by bringing up other matters at this time.

Mr. BLAINE. Mr. President, I think in all seriousness the bill ought to go over until proper amendments, as I view it, can be offered.

The PRESIDING OFFICER. Under objection, the bill goes over.

RURAL POST ROADS

The bill (S. 1341) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, was announced as next in order.

Mr. BRUCE. Let the bill go over.

Mr. ODDIE. Mr. President, will the Senator from Maryland allow me to make a very brief statement to the effect that a bill in much the same form as this passed the Sentae last year.

The PRESIDING OFFICER. Does the Senator from Maryland withdraw his objection?

Mr. ODDIE. Will the Senator from Maryland allow me to make a brief explanation?

Mr. BRUCE. It is a bill of too much importance to be passed in this way. It imposes too great burdens upon the States to be passed without careful consideration, which can not be given under the five-minute rule.

Mr. ODDIE. Practically the same bill passed the Senate last year. It has been approved by the American Association of State Highway Officials. It provides for the improvement in the allocation of the funds for Federal-aid road building in the public-land States. It does not provide for any more money for any State. It eliminates certain provisions in the law that were found to be unnecessary and impractical. I wish the Senator would withdraw his objection.

Mr. BRUCE. This road system bears with particular severity on the State of Maryland, and I wish to have an opportunity to examine the bill. I have not had an opportunity to read it and look into its effect, and I wish to have the opportunity to do so.

Mr. ODDIE. This is not the regular annual Federal aid appropriation bill. That was called previously this morning and went over under objection.

Mr. BRUCE. Then I am under misapprehension. However, I shall be glad to state that later on I may withdraw my objection, but for the present I object.

The PRESIDING OFFICER. Under objection the bill goes over.

OIL AND GAS PERMITS

The bill (H. R. 5783) to grant extensions of time of oil and gas permits was announced as next in order.

Mr. LA FOLLETTE. Mr. President, I withhold any objection pending the outcome of the question on the Senate committee amendments. Should the Senate committee amendments be rejected, I shall have no objection to the passage of the bill. In fact, I think it should be passed.

Mr. SMOOT. Mr. President, I will assure the Senator that I shall ask that the Senate committee amendments be rejected, and the bill passed just as it came from the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands and Surveys with amendments, on page 2, in line 1, after the word "years," to insert the words "or for such additional period or periods he may deem reasonable or necessary for the full exploration of the land described in the permit"; and on page 2, after line 15, to insert the words "or for such additional period or periods as the Secretary of the Interior may deem reasonable or necessary for the full exploration of the land described in the permit," so as to make the bill read:

Be it enacted, etc., That any oil or gas prospecting permit issued under the act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, or extended under the act entitled "An act to authorize the Secretary of the Interior to grant extensions of time under oil and gas permits, and for other purposes," approved January 11, 1922, or as further extended under the act of April 5, 1926, may be extended by the Secretary of the Interior for an additional period of two years, or for such additional period or periods as he may deem reasonable or necessary for the full exploration of the land described in the permit, if he shall find that the permittee has been unable, with the exercise of reasonable diligence, to begin drilling operations or to drill wells of the depth and within the time required by existing law, or has drilled wells of the depth and within the time required by existing law, and has failed to discover oil or gas, and desires to prosecute further exploration.

SEC. 2. Upon application to the Secretary of the Interor, and subject to valid intervening rights and to the provisions of section 1 of this act, any permit which has already expired because of lack of authority under existing law to make further extensions, may be extended for a period of two years from the date of the passage of this act, or for such additional period or periods as the Secretary of the Interior may deem reasonable or necessary for the full exploration of the land described in the permit.

Mr. SMOOT. I ask that the Senate committee amendments be disagreed to.

The amendments were rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SMOOT. Mr. President, there is on the calendar a similar bill (S. 1155) to grant extensions of time under oil and gas permits. I ask that it be indefinitely postponed.

The PRESIDING OFFICER. Without objection, the bill will be indefinitely postponed.

COMPENSATION OF REGISTERS OF LOCAL LAND OFFICES

The bill (S. 766) to fix the compensation of registers of local land offices, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, I would like to have some one familiar with the bill state what change it makes in existing law.

Mr. WARREN. Mr. President, originally, over 100 years ago, the salary was fixed at $500 a year, with compensation from fees of the office up to, but not exceeding, $3,000 a year. That was before the register had likewise become the receiver. Now the duties of register and receiver are all performed by the register of the land office, and yet that same old law, more than 100 years old, governs his compensation. The bill now before the Senate would increase the salary to $1,000 a year and the limit of compensation from the fees is increased to $3,600.

Mr. ROBINSON of Arkansas. Mr. President, what would be the total increased cost incurred in the administration of the Land Office?

Mr. WARREN. It would be $600 for the register. I wish the Senator to understand that the Interior Department has already abolished one of the two offices.

Mr. ROBINSON of Arkansas. But that is not done by the bill now before us. That was done as a measure of economy some years ago. It is now proposed to increase the salaries of the officers who remain, so as to permit them to receive greater compensation than they are now receiving. It becomes a question in my mind whether any final economy results. We abolish one of the offices and combine the duties of the register and the receiver in one officer for the simple reason that in many of the land districts, at least, the duties are not so great as they formerly were. Now, it is proposed to increase the salaries of all receivers. I must object to the present consideration of the bill.

The PRESIDING OFFICER. The bill goes over.

AVIATION FIELD AT PARCO, WYO.

The bill (S. 2858) to authorize the use of certain public lands by the town of Parco, Wyo., for a public aviation field was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment, on page 1, line 4, after the word "lease," to insert the words "subject to valid existing rights"; and on page 2, line 2, after the word "land," to insert the following proviso: "*Provided further*, That there shall be reserved to the United States all gas, oil, coal, and other mineral deposits found in the land, and the right to prospect for, mine, and remove the same: *And provided further*," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to lease, subject to valid existing rights, to the incorporated town of Parco, Wyo., the south half of section 12, township 21 north, range 86 west of the sixth principal meridian, for the establishment and maintenance of a public aviation field: *Provided*, That said lease shall be for a period of 20 years, and shall be subject to renewal for a like period, on condition that the town officials pay to the United States Government a rental of $1 per annum for the use of said land: *Provided further*, That there shall be reserved to the United States all gas, oil, coal, and other mineral deposits found in the land, and the right to prospect for, mine, and remove the same: *And provided further*, That the mayor and council of Parco shall, in a manner satisfactory to the Secretary of the Interior, agree to assume the expense of clearing and maintaining the aviation field, and shall also agree that Government departments and agencies operating aircraft shall always have free and unrestricted use of said field and the right to erect and install upon said land such structures and improvements as the heads of such departments and agencies may deem advisable, including facilities for maintaining supplies of fuel, oil, and other materials for operating aircraft, and that in case of emergency, or in event it shall be deemed advisable, the Government of the United States may assume absolute control of the management and operation of said field for military purposes.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF COTTON-FUTURE EXCHANGES

The bill (S. 1414) for the prevention and removal of obstructions and burdens upon interstate commerce in cottonseed oil by regulating transactions on future exchanges, and for other purposes, was announced as next in order.

Mr. COPELAND. Mr. President, I am forced to object to the present consideration of the bill.

The PRESIDING OFFICER. The bill will go over.

Mr. COPELAND. I do this without prejudice at all toward the bill, but because numerous protests have come to me from my city regarding it. I do not know the merits of their contentions, but it is only right that I should inquire into the matter before I consent to the consideration of the bill.

Mr. MAYFIELD. Mr. President, I will say that the bill does for cottonseed-oil products the same as the Smith-Lever Act did for grain and the same as the Capper-Tincher Act did for grain. It simply places the exchanges dealing in cottonseed-oil products under the supervision of the Secretary of Agriculture. The bill has the indorsement of the Secretary of Agriculture. It is reported unanimously by the Committee on Agriculture and Forestry of the Senate and is supported by all Senators from the cotton-growing States, including the Senators from Louisiana. It simply places these exchanges under the supervision of the Secretary of Agriculture.

Mr. COPELAND. Let me say to the Senator from Texas that I assume he is entirely correct; and I hope I shall be able to withdraw my objection later, but in view of the protests, I must object at this time.

Mr. MAYFIELD. I shall not insist on the Senator withdrawing his objection now, and I shall be glad to discuss the matter with him in person.

The PRESIDING OFFICER. Under objection the bill goes over.

BILL PASSED OVER

The bill (S. 1728) placing service postmasters in the classified service was announced as next in order.

Mr. BLEASE and others. Over.

Mr. DALE. Mr. President, I hope the Senator from South Carolina will not object to the consideration of the bill.

The PRESIDING OFFICER. Is the objection withdrawn? The bill goes over.

AMENDMENT OF HAWAIIAN HOMES COMMISSION ACT

The bill (H. R. 6989) to amend the Hawaiian Homes Commission act, 1920, approved July 9, 1921, as amended by act of February 3, 1923, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That section 204 of the Hawaiian Homes Commission act, 1920, is hereby amended to read as follows:

"SEC. 204. Upon the passage of this act all available lands shall immediately assume the status of Hawaiian home lands and be under the control of the commission, to be used and disposed of in accordance with the provisions of this title, except that:

"(1) In case any available land is under lease by the Territory of Hawaii, by virtue of section 73 of the Hawaiian organic act, at the time of the passage of this act, such land shall not assume the status of Hawaiian home lands until the lease expires or the Commissioner of Public Lands withdraws the lands from the operation of the lease. If the land is covered by a lease containing a withdrawal clause, as provided in subdivision (d) of section 73 of the Hawaiian organic act, the Commissioner of Public Lands shall withdraw such lands from the operation of the lease whenever the commission, with the approval of the Secretary of the Interior, gives notice to him that the commission is of the opinion that the lands are required by it for the purposes of this title; and such withdrawal shall be held to be for a public purpose within the meaning of that term as used in subdivision (d) of section 73 of the Hawaiian organic act;

"(2) Any available land, including land selected by the commission out of a larger area, as provided by this act, as may not be immediately needed for the purposes of this act, may be returned to the Commissioner of Public Lands and may be leased by him as provided in subdivision (d) of section 73 of the Hawaiian organic act; any lease of Hawaiian home lands hereafter entered into shall contain a withdrawal clause, and the lands so leased shall be withdrawn by the Commissioner of Public Lands, for the purposes of this title, upon the commission giving five years' notice of such withdrawal;

"(3) The commission shall not lease, use, nor dispose of more than 20,000 acres of the area of Hawaiian home lands, for settlement by native Hawaiians, in any calendar five-year period."

SEC. 2. Section 213 of the Hawaiian Homes Commission act, 1920, as amended by act of February 3, 1923, is hereby further amended to read as follows:

"SEC. 213. There is hereby established in the treasury of the Territory a revolving fund to be known as the Hawaiian home loan fund. The entire receipts derived from any leasing of the 'available lands' defined in section 203, these receipts including proportionate shares of the receipts from the lands of Humuula Mauka, Piihonua, and Kaohe Hakuu, of which lands portions are yet to be selected and 30 per cent of the Territorial receipts derived from the leasing of cultivated sugar-cane lands under any other provision of law, or from water licenses, shall be covered into the fund until the amount of moneys paid therein from those three sources alone shall equal $2,000,000. In addition to these moneys and the moneys covered into the revolving fund as installments paid by lessees upon loans made to them as provided in paragraph 2 of section 215, there shall be covered into the revolving fund all other moneys received by the commission from any source whatsoever."

Mr. JONES. Mr. President, may we have just a brief explanation as to what changes the bill proposes to make?

Mr. WILLIS. Mr. President, the Senator from Arizona [Mr. HAYDEN] reported the bill. There is a unanimous report from our committee, but if the Senator from Arizona will do so I shall be glad to have him explain it.

Mr. HAYDEN. The original Hawaiian homes act was passed as an experiment in an effort to induce the native Hawaiian people to go back to the land, become farmers, and build homes for themselves. That experiment has been conducted for five years and has been a complete success. There have been over 3,000 acres reclaimed and made available to them out of the

public lands in Hawaii. The purpose of the bill is to extend the act so it will apply to all the islands and make the benefits available to all the people of the Hawaiian race.

Mr. WILLIS. Will not the Senator also call attention to the fact that the revolving fund provided for in the bill comes not at all out of any Federal appropriation but entirely out of the Territorial funds?

Mr. HAYDEN. All of the money provided for in the bill is appropriated by the Hawaiian Legislature. The bill is framed in accordance with a memorial of the Hawaiian Legislature. It has been very carefully considered by the Hawaiian Homes Commission and the Interior Department and should be passed.

Mr. SMOOT. I have no objection to the passage of the measure, but I simply wish to say that if similar legislation had been enacted about 10 years ago the natives of the Hawaiian Islands would have been much better off than they are to-day.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. WHEELER. I object.

The PRESIDING OFFICER. Being objected to, the bill goes over.

WILLIAM A. LIGHT

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1691) for the relief of William A. Light. It proposes to pay in full settlement against the Government $1,524.89 to William A. Light, of Valentine, Ariz., as compensation for injuries sustained on September 26, 1916, in the discharge of his official duties as superintendent of the United States Indian school agency at Mescalero, N. Mex.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AGRICULTURAL DAY

The joint resolution (S. J. Res. 61) to provide for an agricultural day was considered as in Committee of the Whole.

Mr. KING. Mr. President, I should like an explanation of what the joint resolution proposes.

Mr. CAPPER. Mr. President, a similar joint resolution passed in the closing days of the last session of the Senate but failed to receive consideration in the other House. It had its origin with the National Grange. It merely proposes to designate the first Thursday in October of each year as a day when attention will be called to the outstanding importance of agriculture as an industry.

Mr. ROBINSON of Arkansas. Does the measure propose to create another legal holiday?

Mr. CAPPER. The joint resolution expressly states that it will not create another legal holiday.

Mr. ROBINSON of Arkansas. I observe that the language of the joint resolution provides for the appropriate observance throughout the United States of the first Thursday in October of each year as Agricultural Day. How is that observance to be secured?

Mr. CAPPER. The joint resolution provides that it shall be done by the President by proclamation or otherwise, directed to the governors of the several States of the United States, so that a simple letter written by the President to the governors calling attention to this Agricultural Day is all that will be required. Representatives of every national farm organization in the country appeared before the Committee on Agriculture and Forestry in favor of the measure. It also had the unanimous support of that committee in its favor.

The PRESIDING OFFICER. Is there objection to consideration of the joint resolution?

Mr. SMOOT. Mr. President, I shall have no objection to the passage of the joint resolution if it does not provide that there shall be another legal holiday, and I see that it expressly provides that it shall not be so considered. I trust that we are not going to have any more legal holidays in the United States.

Mr. CAPPER. The Committee on Agriculture and Forestry was of the same opinion as that expressed by the senior Senator from Utah.

Mr. KING. Mr. President, I shall not object to the consideration of the joint resolution, but I wish to offer an amendment to it. I think, as the joint resolution will be interpreted, if it shall become a law, the final result will be a legal holiday for all employees of the Government on Agricultural Day, and, of course, the purpose is to have a legal holiday in the States. On page 1 I move to strike out, in lines 7, 8, and 9 of the joint resolution, the following words:

and it is the sense of the Congress that such holiday should be appropriately observed throughout the United States.

I do not think it is the business of Congress to tell the States what they should do in regard to holidays. That is for the States to determine for themselves. Congress is not a vast overlord to tell the States when, in its opinion, they should establish holidays. I believe it would be an affront to the States to do so. I therefore think the words I have read should go out of the joint resolution; and if the Senator from Kansas [Mr. CAPPER] is correct, that it is not intended that Agricultural Day shall be made a legal holiday, let us indicate that a little more clearly by eliminating the language to which I have referred.

The PRESIDING OFFICER. The amendment proposed by the junior Senator from Utah will be stated.

The CHIEF CLERK. On page 1, line 7, after the words "Agricultural Day," it is proposed to strike out the comma and the words "and it is the sense of the Congress that such day should be appropriately observed throughout the United States," so as to make the joint resolution read:

Resolved, etc., That in order to encourage consideration of the basic relationship of farming and agriculture to the well-being of the people of the Nation, it is hereby declared that the first Thursday in October of each year is designated as Agricultural Day. The President is requested to communicate this declaration, by proclamation or otherwise, to the governors of the several States of the United States and to request them to take such action as they may deem advisable in order to bring about observance of such day. This resolution shall not be construed as establishing a legal public holiday.

Mr. MCNARY. Mr. President, supplementing the remarks made by the author of the joint resolution, the junior Senator from Kansas [Mr. CAPPER], I desire to say that when this measure came before the Senate Committee on Agriculture and Forestry all of the major farm organizations were represented. They asked that this day of observance be created, not as a legal holiday but by some act of Congress so that the States, speaking through their governors, might have their attention called to it. Personally, I see no objection to the elimination of the words as suggested by the Senator from Utah [Mr. KING]. That amendment would leave the substance of the joint resolution, namely, that some reference should be made to a holiday such as might be designated by the governors of the States by proper proclamation; and, if it be agreeable to the author of the bill, as chairman of the committee from which the resolution was reported, I shall have no objection to the elimination of that language.

Mr. CAPPER. I have no objection to the amendment suggested by the Senator from Utah.

The PRESIDING OFFICER. Does the Senator from Kansas accept the amendment?

Mr. CAPPER. I do.

Mr. SHORTRIDGE. Mr. President, in order to allay the fears of the Senator from Utah [Mr. KING], I desire to suggest that the last sentence of the joint resolution read:

This resolution shall not be construed as establishing a legal public holiday.

Mr. CAPPER. That is correct. The Senator from Utah [Mr. KING] now understands that.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Utah [Mr. KING].

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

DESCHUTES PROJECT IN OREGON

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1186) to provide for the construction of the Deschutes project in Oregon, and for other purposes, which had been reported from the Committee on Irrigation and Reclamation with amendments.

The first amendment was, on page 1, section 1, line 7, after the word "construct," to strike out the words "at Benham Falls, on the Deschutes River, in the State of Oregon, a storage reservoir and incidental works sufficient in size and the necessary canals and conduits for the delivery of water from said reservoir and said river to irrigate the lands requiring irrigation, and which he may find to be feasible for irrigation on the following units of the Deschutes project in the State of Oregon, namely: The north unit, east unit, Powell Buttes irrigation district, west unit, south unit, and Tumalo irrigation district," and in lieu thereof to insert "reservoir, or reservoirs, and incidental works of sufficient capacity to store, and canals, conduits, and other works of sufficient capacity to deliver such

water as may be necessary for the reclamation, through irrigation, of any unit, units, or parts of units, described, considered, or referred to in the 1914 Deschutes project report (prepared by the Interior Department in cooperation with the State of Oregon), which he may find to be feasible," so as to make the section read:

That in accordance with the provisions of the act of June 17, 1902 (32 Stat. L. 388), known as the reclamation law, and acts amendatory thereof or supplementary thereto, the Secretary of the Interior is hereby authorized and empowered to construct a reservoir, or reservoirs, and incidental works of sufficient capacity to store, and canals, conduits, and other works of sufficient capacity to deliver such water as may be necessary for the reclamation, through irrigation, of any unit, units, or parts of units, described, considered, or referred to in the 1914 Deschutes project report (prepared by the Interior Department in cooperation with the State of Oregon), which he may find to be feasible.

Mr. SMOOT. Mr. President, I have not had time to read the bill through or to read the report, but I wish to ask the Senator who introduced the bill if this project falls within the class of regular reclamation projects?

Mr. McNARY. Yes. I will say to the Senator that this bill does not ask for an appropriation of money. It refers to a project which must be built, if ever, in the usual way under the reclamation act of 1902, namely, in accordance with estimates submitted by the Secretary of the Interior and also in accordance with estimates made by the Director of the Budget and submitted by the President to Congress, and acted upon favorably by the appropriate committees of Congress. It does not in any way change the law. There is an amendment in the bill which the committee had inserted which directs the Secretary of the Interior to submit estimates of probable cost for the purpose of determining whether, in the opinion of those interested in the project and the Congress, it is a feasible one. It does not in any way commit Congress to the construction of this project. It is in the nature of an inquiry, of securing further data. The committee after considering the bill reported unanimously in favor of its adoption. It requires no money, I repeat, and does not affect the status of the project at all; but it does ask for an estimate of the amount of money necessary for the construction of the project.

Mr. SMOOT. I notice that the bill provides:

there is hereby authorized to be appropriated from any money in the reclamation fund such amounts as may be necessary to carry out the purposes of this act, to be appropriated from time to time upon estimates made by the Secretary of the Interior.

That money will come out of the reclamation fund, will it not?

Mr. McNARY. Certainly, if the project is found to be feasible following the estimates and if in the future the Secretary shall report it favorably for the consideration of Congress.

Mr. SMOOT. Then the only money that will be expended in case the report shall be adverse will be for examinations and surveys?

Mr. McNARY. I will say to the Senator that a complete examination has been made. I merely want the Secretary to submit to Congress an estimate of the cost of the project. It will require no new survey and no expenditure of money, in my opinion, whatsoever.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. McNARY. I shall be glad to yield.

Mr. KING. I notice that the title of the bill reads:

To provide for the construction of the Deschutes project in Oregon, and for other purposes.

Does not the Senator agree that it might be better and obviate any supposed commitment to amend the title so that it would read something like this?—

To secure data with respect to the feasibility of constructing the Deschutes project, Oregon.

Mr. McNARY. Mr. President, the title is in the usual form in which similar bills have been passed. I would not desire to have it changed, because it does not commit the Government until the estimates are submitted, if it shall be found feasible by the Secretary of the Interior, and estimated for by the Director of the Budget, and approved by Congress. So I would prefer to leave the title as it is.

Mr. KING. The Senator states that the titles of similar bills which have provided for the securing of such data have been in the same form?

Mr. McNARY. Yes. Last year the Senator from Wyoming [Mr. KENDRICK] introduced such a bill, which was passed in connection with a Wyoming irrigation project, and the Senator from Texas [Mr. SHEPPARD] and other Senators, as I now recall, also had similar bills passed.

Mr. KING. Then the department construes measures of this kind as not committing the Government at all to the construction of the projects?

Mr. McNARY. Not at all.

Mr. SMOOT. I will inquire of the Senator if he thinks section 3 of the bill is necessary? It reads:

SEC. 3. That to enable the Secretary of the Interior to continue surveys and investigations, to negotiate the necessary contracts for the repayment of the cost of said project, or the units thereof, and for the purpose of constructing said storage reservoir, incidental works, canals, conduits, and appurtenant structures, there is hereby authorized to be appropriated from any moneys in the reclamation fund such amounts as may be necessary to carry out the purposes of this act, to be appropriated from time to time upon estimates made by the Secretary of the Interior.

Mr. McNARY. That provision is necessary in order to obtain the data.

Mr. SMOOT. Is an appropriation for that purpose authorized?

Mr. McNARY. Not at all. The survey has already been made. I want the Interior Department merely to submit to Congress an estimate. For a survey, this bill is not required, because the act of 1902 and the amendatory acts permit the Secretary of the Interior to make the surveys; so whatever construction may be placed on it, I am not asking for anything that is not now existing law.

Mr. SMOOT. I am perfectly aware of that and, therefore, I thought that the language to which I have referred was unnecessary for that reason.

Mr. McNARY. If it is unnecessary, it is harmless, in any event.

Mr. SMOOT. All the other projects have been constructed under existing law.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The next amendment of the Committee on Irrigation and Reclamation was, on page 3, after line 12, to insert:

The Secretary of the Interior is hereby directed to submit to Congress, in accordance with section 16 of the act of August 13, 1914 (38 Stat. 686), estimates of the amount of money necessary to be expended for the construction of any unit or units or parts of units referred to in section 1 of this act, which he may find to be feasible.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

G. W. GILKISON

The bill (H. R. 5380) to correct the military record of G. W. Gilkison was announced as next in order. The bill had been reported adversely from the Committee on Military Affairs.

Mr. REED of Pennsylvania. I move that the bill be indefinitely postponed.

The motion was agreed to.

JOSEPH M. BLACK

The bill (H. R. 9151) for the relief of Joseph M. Black was announced as next in order. The bill had been reported adversely from the Committee on Military Affairs.

Mr. REED of Pennsylvania. I move that the bill be indefinitely postponed.

The motion was agreed to.

FORT M'HENRY, MD.

The Senate as in Committee of the Whole proceeded to consider the bill (H. R. 204) to authorize an additional appropriation for Fort McHenry, Md.

The bill was read, as follows:

Be it enacted, etc., That the sum of $81,678 is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for further carrying out the provisions of the act approved March 3, 1925, chapter 425 (Public, No. 543), entitled "An act to repeal and reenact chapter 100, 1914 (Public, No. 108), to provide for the restoration of Fort McHenry, in the State of Maryland, and its permanent preservation as a national park and perpetual national memorial shrine as the birthplace of the immortal Star-Spangled Banner, written by Francis Scott Key, for the appropriation of the necessary funds, and for other purposes," approved March 3, 1925 (43 Stat. L. 1109).

Mr. JONES. Mr. President, let us have a brief explanation of that bill.

Mr. REED of Pennsylvania. Mr. President, the bill authorizes an appropriation to complete the restoration of Fort McHenry, Md., which is historically important because it was the site of the attack that inspired the writing of The Star-Spangled Banner. In the last Congress a bill was introduced carrying $192,000 for this purpose, but after further study by the War Department it was found that that was needlessly large and the department has recommended an appropriation of only $81,678, as carried by the bill.

Mr. JONES. This bill merely provides for the preservation of Fort McHenry as a national park?

Mr. REED of Pennsylvania. That is all.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSIONS FOR AVIATION DUTY

The bill (S. 3198) to amend the act of March 3, 1915, granting double pension for disability from aviation duty, Navy or Marine Corps, by inserting the word "Army," so as to read "Army, Navy, and Marine Corps," was announced as next in order.

Mr. KING. Let that bill go over.

Mr. ROBINSON of Arkansas. Mr. President, I think there should be an explanation of the purposes and effect of the bill.

Mr. KING. I have asked that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

GEORGE W. BOYER

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2657) for the relief of George W. Boyer, which was read, as follows:

Be it enacted, etc., That the claim of George W. Boyer, of Pine Grove, Pa., owner of the barge *Pine Grove,* against the United States of America for damages alleged to have been caused by collision on December 7, 1925, between said barge and the highway bridge at Coinjock, N. C., while said bridge was owned and operated by the United States, may be litigated and determined in the District Court of the United States for the Eastern District of Virginia, sitting as a court of admiralty and acting under the rules governing such courts, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States of America in favor of said George W. Boyer, or against said George W. Boyer in favor of the United States of America, ascertained upon the principles and measures of liability applicable in like cases in admiralty between private persons or corporations, with the same right of appeal: *Provided,* That notice of any suit brought by George W. Boyer by virtue hereof shall be given to the Attorney General of the United States in the manner provided by any order entered by the District Court of the United States for the Eastern District of Virginia, at Norfolk, in said cause, and it shall be the duty of the Attorney General of the United States to cause the United States attorney for the eastern district of Virginia at Norfolk to appear on behalf of the United States and protect and defend its interests: *Provided further,* That the proceeding hereby authorized shall be begun within four months from the date of the passage of this act.

Mr. JONES. Let us have a brief explanation of that bill.

Mr. SWANSON. Mr. President, this bill is in the usual form and provides that there shall be referred to the proper district court of the United States a claim for damages arising because of a collision of the barge *Pine Grove* with the highway bridge at Coinjock, N. C. Instead of paying for the damages outright by act of Congress, it is proposed to allow the claimant to sue in the district court of the United States where the Government of the United States may defend itself. As I have said, it is in the usual form, and I think the bill should be passed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RURAL POST ROADS

Mr. ODDIE. I ask unanimous consent that the Senate recur to Order of Business No. 320, being the bill (S. 1341) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. PITTMAN. Mr. President, I have examined the bill very carefully, as I did the bill which was before the Senate during the last Congress, and I wish to join with the Senator from Nevada in urging its passage.

Mr. ROBINSON of Arkansas. May I ask if the amendments which have been reported to the bill were contained in the bill which was before the Senate during the last Congress?

Mr. PITTMAN. There were some of the amendments in the bill which passed last year. But other amendments have been added, in order to accomplish the same objects which were provided for in that bill. However, since the passage of the bill the road bureau has stated that without the amendments proposed the bill would not accomplish the purpose desired and contemplated.

Mr. SMOOT. Was a report made on the bill?

Mr. ODDIE. There is a favorable report from the department including a suggestion for the clarification of the wording in part of the bill used last year, and I have made the change suggested by the department.

Mr. SMOOT. There is no report in my calendar.

Mr. ODDIE. I have the report from the department right here.

Mr. SMOOT. It is a favorable report, is it?

Mr. ODDIE. There was one amendment offered by the Senator from Washington [Mr. JONES], which appears on page 5, lines 1 to 10. I have accepted that amendment and have had it incorporated in the bill. That was not covered in the department's report; but everything else in the bill was reported upon favorably by the department.

Mr. ROBINSON of Arkansas. Mr. President, what is the effect of that amendment?

Mr. ODDIE. It qualifies the provision in section 4 for protecting highway road markers, which prevents objectionable advertising signs on the main Federal-aid highways. The amendment is as follows:

Provided, That nothing herein shall be held to prohibit the highway department of any State from authorizing motoring organizations, associations, and corporations, heretofore engaged in sign-posting work under the direction of such highway departments, to erect and maintain such highway markers and directional signs when done without expense to the State or the United States, or to place on such markers and directional signs the insignia or name of the agency so designated, when done in a manner approved by such highway department.

Mr. ROBINSON of Arkansas. I think that is a good amendment.

Mr. SHORTRIDGE. That was acceptable, was it? That meets the objections——

Mr. ODDIE. That meets the objection heretofore made by important road organizations in the State of California and other Western States.

Mr. BLAINE. Mr. President, I should like to inquire the purpose of attaching a penalty with respect to this provision by the Government of the United States. It seems to me that that is a question of police regulation for the respective States, and this provision simply means that there will be double jeopardy. Are not the States competent to regulate the use of highways within the respective States?

Mr. ODDIE. They are to a certain extent, Mr. President; but much of this work is done with Federal aid, and I will say to the Senator from Wisconsin that the American Association of State Highway Officials has indorsed this provision in regard to the penalties for defacing the road markers.

Mr. BLAINE. Yes; but those officials have no authority to impose upon the people of a State the possibility of a double jeopardy, and to surrender the police jurisdiction of the respective States over these matters. I think all of that part which refers to penalties respecting a purely local police regulation should be stricken out.

I am not opposed to the bill. I am just opposed to imposing upon the States this kind of legislation. I think the States are capable of regulating these matters themselves.

Mr. SMOOT. Mr. President, many of these are interstate roads, and without the penalty the provision would be ineffective. If you take out the penalty, you might just as well reject the amendment.

For instance, in my State the road goes right through the State of Utah into Nevada. You go from Salt Lake City out to the boundary line of Utah within a couple of hours or three hours, with a good automobile, and then you are in the State of Nevada.

Mr. BLAINE. Mr. President, let me call attention to the fact that this penalty attaches to that which the highway department of a State does. If the highway department does not do it, the penalty does not attach. Why have it attach, when the State has jurisdiction to do what the bill proposes that the State may do? Why attach a penalty? Why not leave that to the State?

Mr. ODDIE. Mr. President, this work is financed partly by the Federal Government under the Federal-aid system.

Mr. SMOOT. Largely.

Mr. BLAINE. Is it not a very small portion?

Mr. ODDIE. It is 50 per cent in most States, and in the so-called public-land States the contribution of the Federal Government is increased in proportion to the acreage of public lands in those States.

Mr. BLAINE. In my own State we expend perhaps twenty or twenty-five times as much as the Federal Government contributes. Why have this additional penalty? Why have the possibility of double punishment? Why take away from the States their proper jurisdiction to pass laws with reference to their police powers? I think it is an indirect violation of the ninth amendment and the tenth amendment, and it is going to lead to this, if the Senator will yield just for the suggestion: The time is very close at hand when it will be proposed that the Federal Government take over the policing of all highways in part constructed by Federal funds, and we will find our States deprived of their ordinary police powers with respect to these matters.

I think the States can be trusted to carry out their police powers, and I am opposed to any provision with respect to matters of this kind when the States themselves are vitally interested, and when the duty rests upon them, and when they will discharge that duty.

I must object to the bill in the present situation, unless the Senator will strike out the penal provision imposing the possibility of double jeopardy.

Mr. ODDIE. Mr. President, one reason for the necessity for this provision is this:

There are places in the desert country where losing one's way on the roads means death. I personally have been in that country for many years, and I know that several times I have come very close to death by reason of the lack of highway signs; and there are people who willfully destroy those signs.

Mr. BLAINE. Permit me to suggest that I am not objecting to the provision with respect to placing the signs; but why not let your State protect your citizens? Is it going to fail in its duty? I think not.

Mr. ODDIE. No, Mr. President; but my State and the highway departments of all the States have asked that this provision be put in the bill.

Mr. BLAINE. I do not think the highway department ever thought of the question of the penalty.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. ODDIE. Will the Senator waive his objection and let the bill go through in this way and let it go to conference, so that the matter can be adjusted there? If not, I will ask that the matter go over for five minutes, so that I can discuss the matter with the Senator from Wisconsin.

The PRESIDING OFFICER. The bill will be passed over without prejudice. The clerk will state the next bill on the calendar.

PAUL D. CARLISLE

The bill (S. 3201) for the relief of Paul D. Carlisle was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the stoppage placed against the pay of Paul D. Carlisle, a major on the retired list of the United States Army, in the sum of $341.28, by reason of the absence with leave not in a full-pay status, be, and the same hereby is, removed, and in case the sum, or any part thereof, has been already deducted from his pay the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Paul D. Carlisle the sum of $341.28, or such lesser sum, equal in amount to the sum so deducted.

Mr. JONES. Mr. President, I should like to have an explanation of that bill.

Mr. SHEPPARD. Mr. President, the War Department advised this officer that he was entitled to leave of absence for something like three and a half months. He took that leave of absence. After that he was retired. Before he was retired they checked up his pay, and in checking up his leave records they decided that he was not entitled to the three and a half months, but was entitled to only 2 months and 11 days, and therefore they docked his pay for that amount. The War Department says the error should be cured by this bill; that the officer was not to blame for taking the excess leave.

Mr. SMOOT. He must have known how much leave he had.

Mr. SHEPPARD. He took the word of the department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

W. H. KAUFMAN

The bill (S. 2061) for the relief of W. H. Kaufman was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 5, after the words "sum of," to strike out "$50" and insert "$25," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to W. H. Kaufman, out of any money in the Treasury not otherwise appropriated, the sum of $25, in full satisfaction of all claims against the United States for damage to his crops caused by the landing of a United States Forest Service airplane engaged in forest-fire patrol.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OLD DOMINION LAND CO.

The bill (S. 2926) for the relief of the Old Dominion Land Co. was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and to insert:

That the Comptroller General of the United States be, and he is hereby, authorized and directed to certify for payment to the Old Dominion Land Co., from any money in the Treasury not otherwise appropriated, the sum of $3,314.40, on account of destruction by the United States of two buildings formerly located on premises leased from the claimant in connection with Camp Hill and Camp Stuart, Va.

Mr. JONES. Mr. President, may we have an explanation of that bill?

Mr. HOWELL. Mr. President, this is a case where two buildings on property leased for cantonment purposes were destroyed or removed. The Comptroller General has held that there was an implied contract against waste on this property, and that the removal of the buildings was not authorized under the lease. Therefore, after investigation, it has been determined that the value of these buildings was as stated in the bill; and, while the Secretary of War does not directly recommend the payment of this bill, it was forwarded by the War Department to the Claims Committee with the request that the bill for the reimbursement of this company be reduced.

Mr. JONES. Is there any question as to the value of the buildings?

Mr. HOWELL. The Comptroller General went into the matter and determined that this was the amount due, and that if the claim was to be allowed this was not excessive.

Mr. JONES. Has this property been turned back to the original possessors?

Mr. HOWELL. That is my understanding—that the property has been turned back, and the matter closed.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHIPPEWA INDIANS OF MINNESOTA

The bill (S. 2342) providing for a per capita payment of $25 to each enrolled member of the Chippewa Tribe of Minnesota from the funds standing to their credit in the Treasury of the United States was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments, on page 2, line 2, after the words "distribution of," to strike out "$100" and to insert "$25"; in line 3, after the word "each," to insert "of the"; and in the same line, after the word "enrolled," to strike out "member of the tribe" and insert "Chippewa Indians of Minnesota," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States so much as may be necessary of the principal fund on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889 (25 Stat. L. 642), entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to make therefrom a per capita payment or distribution of $25 to each of the enrolled Chippewa Indians of Minnesota, under such rules and regulations as the said Secretary may prescribe: *Provided*, That before any payment is made hereunder the Chippewa Indians of Minnesota shall, in such manner as may be prescribed by the Secretary of the Interior, ratify the provisions of this act and accept same: *Provided further*, That the money paid to the Indians as authorized herein shall not be subject to any lien or claim of attorneys or other parties.

Mr. SMOOT. Mr. President, I was going to ask the Senator from Minnesota [Mr. SHIPSTEAD] whether there was not a provision in the last Interior Department appropriation bill authorizing an annual per capita payment to these Indians.

Mr. REED of Pennsylvania. Mr. President, the bill is objected to by the Secretary of the Interior, who says there is no necessity for the payment, and it is objected to by the Budget Bureau; and I therefore ask that it go over.

Mr. JONES. Mr. President, let me suggest to the Senator that a representative of the Indian Bureau was present before the committee, I remember—I happened to be present when this matter was heard—and he thought it would be well to make this $25 payment. He thought it was quite desirable under the conditions there. The bill as originally presented was objected to, I think, by the department and also by the Budget; but as amended by the committee the amount is cut down to $25, which the representative of the department who was present before the committee thought was a proper thing to do.

Mr. REED of Pennsylvania. I understand that these Indians have about $4,500,000 in their fund to their credit. It is not likely to be increased much. It will take about $400,000, pretty nearly 10 per cent of it, to pay each Indian $25. The Secretary of the Interior, in reporting on the bill, says that it ought to be held for times when their crops are short, to tide them over emergencies; that in the last season their crops were not short, and that there is no occasion for paying them anything.

I see the Senator from North Dakota [Mr. FRAZIER] here now, and I will ask him for an explanation of the bill.

Mr. FRAZIER. Mr. President, both the Senators from Minnesota were very much in favor of a small allotment to these Indians.

It seems that these particular Indians depend a great deal on the wild-rice crop upon the lakes in Minnesota in their territory. A great deal of wild rice grows there, and they depend largely upon the wild rice for their food in the winter. They also sell to the stores a good deal of the wild rice that they gather there. I had a letter from one of the storekeepers in that locality, and he said that on account of the short wild-rice crop they could not buy it at the stores, that the Indians did not have enough to live on, and he was very strongly in favor of their getting at least a small per capita payment. All who have expressed themselves on the matter think there should be a small per capita payment, and we thought $25 was about right.

Mr. ROBINSON of Arkansas. Mr. President, if the Senator will yield, I notice that there is printed in the report a petition, signed apparently by a great many Indians, setting forth substantially the facts stated by the Senator from North Dakota. They say:

> Our gardens were killed by frost, the wild-rice crop of last fall was very poor, and our people are suffering from hunger and cold.

That petition is signed by a large number of Indians. It looks to me, if that showing is made, as if they ought to be permitted to have at least a small amount of their own money.

Mr. BRATTON. Mr. President, will the Senator from North Dakota yield?

Mr. FRAZIER. I yield.

Mr. BRATTON. That statement was made by one of the Senators from Minnesota before the committee in the presence of the Commissioner of the Bureau of Indian Affairs, and, as I recall, was not controverted by him in any way.

Mr. FRAZIER. It was not.

Mr. BRATTON. I take it that that statement stands undisputed.

Mr. SMOOT. Mr. President, I ask whether in the Interior Department appropriation bill a payment was not provided for on behalf of these Chippewa Indians.

Mr. FRAZIER. I think not.

Mr. SMOOT. The Senator will remember that there were three or four, and I do not remember whether there was one for this purpose or not. That is the reason only I asked the question. If there was, of course, there would be no necessity for this legislation.

Mr. FRAZIER. It is my understanding that there was not.

Mr. REED of Pennsylvania. I withdraw the objection.

Mr. FLETCHER. Mr. President, I notice in the petition that they say that they ought to have $50 per capita, and that anything else would be inadequate; but if they are satisfied with $25, I suppose we should have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing for a per capita payment of $25 to each enrolled member of the Chippewa Tribe of Minnesota from the funds standing to their credit in the Treasury of the United States."

RURAL POST ROADS

Mr. ODDIE. Mr. President, I ask unanimous consent to return to Calendar 320, Senate bill 1341, to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

I have discussed this matter with the Senator from Wisconsin, and to correct what I think should have been corrected after studying the matter——

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Post Offices and Post Roads with amendments, on page 3, in line 14, after the word "Agriculture," to strike out down to and including the word "State," on line 1, page 4, and to insert "upon request from the State highway department of such State, may increase the share payable by the United States to any percentage up to and including the whole cost on projects on the primary system of Federal-aid highways and on projects on the secondary system when the latter is a continuation of a route on the primary system or directly connects with a route on the primary system of an adjoining State, but the average Federal pro rata allotted to all Federal-aid projects in any such State during any fiscal year shall not exceed the pro rata authorized in such State under the provisions of this act"; and on page 4, line 25, to strike out after the word "Agriculture" the words "and any person, firm," and insert "*Provided*, That nothing herein shall be held to prohibit the highway department of any State from authorizing motoring organizations, associations, and corporations, heretofore engaged in sign-posting work under the direction of such highway departments, to erect and maintain such highway markers and directional signs when done without expense to the State or the United States, or to place on such markers and directional signs the insignia or name of the agency so designated, when done in a manner approved by such highway department," so as to make the bill read:

Be it enacted, etc., That paragraph 4, section 4, of the act entitled "An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes," approved June 19, 1922 (42 Stat. L. 660), prescribing limitations on the payments of Federal funds per mile which the Secretary may make, is hereby amended by adding at the end thereof a further proviso, as follows:

"*And provided further*, That the Secretary of Agriculture may make payments in excess of the above limitations per mile in the case of any project involving construction in mountainous, swampy, or flood lands, on which the average cost per mile for the grading and drainage structures other than bridges of more than 20 feet clear span will exceed $10,000 per mile; and also in the case of any project which, by reason of density of population or character and volume of traffic, the State highway department and the Secretary of Agriculture may determine should be improved with a surface of greater width than 18 feet. In no event shall the payments of Federal funds on any project under this proviso exceed 50 per cent of the cost of the project, except as such payments are authorized to be increased in the public-land States."

SEC. 2. That the paragraph of section 6 of the Federal highway act, approved November 9, 1921, which reads as follows: "Not more than 60 per cent of all Federal aid allotted to any State shall be expended upon the primary or interstate highways until provision has been made for the improvement of the entire system of such highways: *Provided*, That with the approval of any State highway department the Secretary of Agriculture may approve the expenditure of more than 60 per cent of the Federal aid apportioned to such State upon the primary or interstate highways in such State," is hereby repealed.

SEC. 3. That section 11 of the Federal highway act, approved November 9, 1921 (42 Stat. L. 212), as amended or supplemented, be further amended by adding at the end of the second paragraph thereof the following:

"*And provided further*, That in the case of any State containing unappropriated public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per cent of the total area of all lands in the State in which the population, as shown by the latest available Federal census, does not exceed 10 per square mile of area, the Secretary of Agriculture, upon request from the State highway department of such State, may increase the share payable by the United States to any per-

centage up to and including the whole cost on projects on the primary system of Federal-aid highways and on projects on the secondary system when the latter is a continuation of a route on the primary system or directly connects with a route on the primary system of an adjoining State, but the average Federal pro rata allotted to all Federal-aid projects in any such State during any fiscal year shall not exceed the pro rata authorized in such State under the provisions of this act.

SEC. 4. That hereafter the shield or other insignia of the United States as shown on the seal of the United States, or any simulation thereof shall not be used as a highway marker, directional sign, or advertising medium on or along any road or highway in the United States, which is a part of or may become a part of the primary or interstate or secondary or intercounty highway system as designated in accordance with the Federal highway act of November 9, 1921, except where heretofore or hereafter so used by the highway departments of the several States acting cooperatively through their organization, known as the American Association of State Highway Officials, and with the United States Department of Agriculture: *Provided*, That nothing herein shall be held to prohibit the highway department of any State from authorizing motoring organizations, associations, and corporations heretofore engaged in sign-posting work under the direction of such highway departments to erect and maintain such highway markers and directional signs when done without expense to the State or the United States, or to place on such markers and directional signs the insignia or name of the agency so designated, when done in a manner approved by such highway department; and any person, firm, organization, corporation, or association who shall use or shall simulate and use such shield or other insignia of the United States as a highway marker, directional sign, or advertising medium for or along such highways, or who shall destroy, mutilate, deface, tear down, or remove any such highway marker or directional sign heretofore or hereafter erected by the highway department of any State on said system of highways, shall be deemed guilty of a misdemeanor and shall be punishable by a fine of not to exceed $100 or by imprisonment for not more than 30 days, or by both such fine and imprisonment, in the discretion of the court.

SEC. 5. All acts or parts of acts in any way inconsistent with the provisions of this act are hereby repealed, and this act shall take effect on its passage.

The amendments were agreed to.

Mr. ODDIE. Mr. President, I ask that the bill be further amended by striking out the word "such," on line 12, page 5, and inserting the word "any."

The amendment was agreed to.

Mr. ODDIE. I move to amend, on line 15, page 5, by striking out the word "such," and on lines 16 and 17 by striking out the words "highway department of any State" and inserting in lieu thereof the words "the Bureau of Public Roads, at the expense of the Federal Government."

The purpose of this amendment is to make the penalty apply only to signs erected by the Federal Government and at the expense of the Federal Government.

The amendment was agreed to.

Mr. BRUCE. Mr. President, may I ask the Senator from Nevada whether that is the bill about which we arrived at an understanding a moment ago?

Mr. ODDIE. It is the same bill.

Mr. REED of Pennsylvania. Mr. President, I send to the desk the following amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 5, after line 21, add a new section, as follows:

SEC. 5. In every case in which, in the judgment of the Secretary of Agriculture, it shall be practicable to plant and maintain shade trees along the highways authorized by said act of November 9, 1921, and by this act, the planting of such trees shall be included in the specifications provided in section 8 of said act of November 9, 1921.

Mr. ODDIE. Mr. President, I ask the Senator from Pennsylvania if he will not withhold the amendment until the regular Federal aid highway bill comes up?

Mr. REED of Pennsylvania. Mr. President, I propose to offer the amendment to that, too. The Senator will notice that it does not compel the specification of shade trees in any case. It is only in those cases in which, in the judgment of the Secretary of Agriculture, it is practicable and desirable that shade trees should be planted. Then he shall specify them, as he would the other details of the road.

I do not mean to make any lengthy remarks upon the subject. Two years ago the Senate adopted the same amendment without apparent objection from any source. I was compelled to take a train in the middle of the afternoon, and just after I had left the Senate a motion was made to reconsider and strike out the amendment. It was done without debate, and I think without the Senate knowing what was going on.

All of us realize the necessity in this country of protecting our roads, if we can, by the use of shade trees, where it will not injure a road or be to the disadvantage of the public.

Mr. ODDIE. Mr. President, I accept the amendment.

Mr. BLAINE. Mr. President, I hope this amendment will not be inserted in the bill. Just as I suggested a few moments ago, the time is not far distant when the Federal Government is going to reach out its hands and attempt to assume complete jurisdiction over highways to which they contribute very little money in comparison with what the States contribute.

In some sections it is a positive injury to a highway to have shade trees along the highway, and we are endeavoring to cut them out and clear the roadsides, so that the highway might have its proper drainage and the proper sun and the proper air in the springtime and in seasons of great rainfall and in the wintertime, because of the snow that fills in the cuts and the grades, and is held in them for months many, many feet deep. Here is a proposal to turn over to an individual in the city of Washington, far away from those localities, the power to compel the planting of shade trees along those highways.

I think this is yielding a duty and a right that belongs to the respective States of this Nation, and for that reason I hope the amendment will not be adopted. I think this is a bill which, in view of the circumstances that have arisen this morning, really ought to go over for very deliberate consideration. Therefore I am persuaded to object.

The PRESIDING OFFICER. The bill will go over.

Mr. MOSES obtained the floor.

Mr. ODDIE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Nevada?

Mr. MOSES. I yield.

Mr. ODDIE. I will ask the Senator from Pennsylvania if, in the face of this objection, he will not consent to withdraw the amendment?

Mr. REED of Pennsylvania. No; Mr. President, certainly it is high time that in the United States we should begin to give some thought to the beauty of our countryside.

Mr. FLETCHER. Regular order!

Mr. MOSES. Under the regular order, I am recognized. I ask unanimous consent to return to Calendar No. 318.

Mr. FLETCHER. I object. If the Senator will allow the next bill on the calendar to be passed, to which there can be no objection, I will make no objection to his request.

Mr. MOSES. Does the Senator mean Calendar No. 341?

Mr. FLETCHER. Calendar No. 341. I want to have that bill disposed of.

JOE W. WILLIAMS

The PRESIDING OFFICER. The clerk will report Calendar No. 341.

The CHIEF CLERK. Senate bill 484, a bill for the relief of Joe W. Williams.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. HEFLIN. Mr. President, it is almost 2 o'clock, and as there are a great many bills which have not been reached, I suggest to the Senator from Kansas that we go ahead with the calendar after 2 o'clock.

Mr. CURTIS. Mr. President——

Mr. MOSES. I still have the floor, and I yield to the Senator from Kansas.

Mr. CURTIS. It was my intention to ask at 2 o'clock that the unfinished business be temporarily laid aside and that we proceed to the consideration of unobjected bills on the calendar. I do hope, if that consent shall be given, that Senators will confine themselves to short debate, to the five minutes allowed under the rule, and that they will not continue to ask us to go back and take up bills that have been passed over. In this way we can devote all the afternoon to the consideration of measures to which there is objection, and I hope that we may complete the calendar.

Mr. ODDIE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. ODDIE. I will ask what is before the Senate now?

Mr. MOSES. The Senator from New Hampshire is before the Senate.

Mr. ODDIE. What bill?

The PRESIDING OFFICER. Senate bill 484, for the relief of Joe W. Williams.

Mr. ODDIE. I will ask that that go over until I have an opportunity to study it.

Mr. FLETCHER. Mr. President, may I say to the Senator that it is a bill which affects simply the question of adjusting some confusion in the title of lands in Alabama and Florida.

Everybody is in favor it; the department is in favor of it, and it merely enables the quieting of the title.

Mr. ODDIE. Under those circumstances, I withdraw my objection.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to convey by patent to Joe W. Williams, of Chipley, Fla., the west half of the west half of section 19, township 7 north, range 12 west, Houston County, Ala., upon payment by the said Joe W. Williams to the United States of the sum of $1.25 per acre, at any time within 90 days after the enactment of this act: *Provided*, That upon default on the part of said Williams in making such payment within said period, all rights hereby conferred shall lapse.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TRANSPORTATION OF MAILS BY AIR TO FOREIGN COUNTRIES

Mr. MOSES. Mr. President, I renew my request for unanimous consent to return to Calendar No. 318, Senate bill 1666, to grant authority to the Postmaster General to enter into contracts for the transportation of mails by air to foreign countries and insular possessions of the United States for periods of not more than 10 years, and to pay for such service from the appropriation of foreign mails at fixed rates per pound or per mile, and for other purposes.

Accepting the rebuke of the Senator from Kansas about returning to bills on the calendar, I will say that I was engaged in a subcommittee with a hearing and could not be here when the calendar was called earlier in the day.

Mr. CURTIS. Mr. President, the so-called rebuke was not intended as a rebuke. It was a warning simply that if we are to get through with the calendar we should not go back to bills to which objection has been made.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire? The Chair hears none.

Mr. MOSES. Mr. President, I report back favorably from the Committee on Post Offices and Post Roads the bill (H. R. 7213) to grant authority to the Postmaster General to enter into contracts for the transportation of mails by air to foreign countries and insular possessions of the United States for periods of not more than 10 years, and to pay for such service at fixed rates per pound or per mile, and for other purposes.

This bill is identical with Senate bill 1666 and has been passed upon by the Committee on Post Offices and Post Roads. It applies simply to an authorization of the Postmaster General to make contracts for the carrying of air mail into foreign countries. He already has the authority to make contracts for the transportation of mail as between the States, but none as to the transportation of mail into foreign countries by air. There is a development of air mail routes into Latin America particularly, which it is desired to make use of by reason of this legislation. The bills are exactly the same in terms, almost exactly the same in language, and I would like, if unanimous consent is granted to return to the consideration of this bill, to substitute the House bill for the Senate bill, and to ask for its passage.

Mr. KING. I would like to ask the Senator if there is any necessity for this legislation at the present time.

Mr. MOSES. This legislation covers no increase in appropriation whatever. It simply gives the Postmaster General the authority to make contracts under the existing appropriation for air mail transportation, so that there may be air mail transportation between this country and Latin America. There is not a cent involved in it; it is merely a matter of discretion and judgment on the part of the Postmaster General, and it is essential only in so far as it is generally regarded as essential to bring about the development of air mail transportation.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator a question?

Mr. MOSES. I yield to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. Referring to the proviso on page 2, that "in the award and interpretation of the contracts herein authorized, the decision of the Attorney General shall be final, and not subject to review by any officer or tribunal of the United States, except by the President and the Federal courts," is that a change in existing law or a new law?

Mr. MOSES. No; it is not a change in the existing law. It is a fact that exists with respect to all contracts which are made by the Post Office Department for transportation of mails, whether by rail, by bus, by water, or in any other way whatever.

Mr. KING. What is the necessity of the limitation?

Mr. MOSES. I will say to the Senator from Utah that it is in order to obviate the constant recourse which used to be had by contractors for carrying the mails when they would find themselves frequently in a situation where, by reason of physical conditions, they found it more expensive to carry the mails than they had anticipated when they made their bid and accepted the contract, and they kept coming here repeatedly to Congress for relief by legislation. It is in order to do away with all that, and to make whatever contract is entered into final and conclusive.

Mr. ROBINSON of Arkansas. Congress can not estop itself from further legislation on the subject. This would not prevent the Congress itself, either now or at another session, from repealing this provision or enacting any other it wanted to.

Mr. MOSES. That is true; but it will provide to the Senator from Arkansas, in his capacity as a member of the Committee on Post Offices and Post Roads, with ample justification for refusing to consider such pleas as are brought to us.

The PRESIDING OFFICER. Is there objection to substituting House bill 7213 for Senate bill 1666?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider House bill 7213, which was read, as follows:

Be it enacted, etc., That when, in his judgment, the public interest will be promoted thereby, the Postmaster General is authorized to enter into contracts for the transportation of mails by air to foreign countries and insular possessions of the United States for periods of not more than 10 years, and to pay for such service at fixed rates per pound or per mile; and the Postmaster General is hereby authorized to award such contracts to the bidders that he shall find to be the lowest responsible bidders that can satisfactorily perform the service required to the best advantage of the Government: *Provided*, That the rate to be paid for such service shall not in any case exceed $2 per mile: *And provided further*, That in the award and interpretation of the contracts herein authorized, the decision of the Postmaster General shall be final, and not subject to review by any officer or tribunal of the United States, except by the President and the Federal courts.

SEC. 2. The Postmaster General shall make and issue such rules and regulations as may be necessary to carry out the provisions of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. The Senate bill will be indefinitely postponed.

ORDER OF BUSINESS

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate Joint Resolution 46.

Mr. CURTIS. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed with the consideration of unobjected bills on the calendar until the calendar is completed, with the exception that I understand the Senator from New York [Mr. COPELAND] desires to present his resolution, which will take just a few moments.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas?

Mr. KING. I suppose the Senator means when the call of the calendar is completed we are not to return to the beginning?

Mr. CURTIS. That is my idea. I will state that if the call of the calendar is completed this afternoon, it is my intention to ask that when the Senate adjourns to-day it shall adjourn to meet at noon Monday next.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas? The Chair hears none. The unfinished business is temporarily laid aside. The clerk will state the next bill on the calendar.

RURAL POST ROADS

Mr. ODDIE. Mr. President, I ask unanimous consent to return again to Calendar 320, the bill (S. 1341) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada?

Mr. LA FOLLETTE. I will withdraw my objection for the present.

Mr. ROBINSON of Arkansas. I think we should proceed with the calendar.

Mr. ODDIE. I think the last objection has been settled, and that we can get through with the consideration of the measure in a few minutes.

Mr. LA FOLLETTE. I reserve the right to object.

The PRESIDING OFFICER. That is equivalent to objection.

Mr. LA FOLLETTE. Very well; I withhold my objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. ODDIE. The last amendment to the bill is proposed by the Senator from Pennsylvania. I have just consulted with him and the Senator from Wisconsin about it, and we have decided that with this amendment the bill will be accepted. I therefore will offer the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 5, after line 21, insert the following new section:

SEC. 5. In every case in which, in the judgment of the Secretary of Agriculture and the highway department of the State in question, it shall be practicable to plant and maintain shade trees along the highways authorized by said act of November 9, 1921, and by this act, the planting of such trees shall be included in the specifications provided in section 8 of said act of November 9, 1921.

Mr. REED of Pennsylvania. I accept that modification of my amendment.

The amendment as modified was agreed to.

The bill was reported to the Senate and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF LANDS NEAR GARDEN CITY, KANS.

The bill (S. 2545) to authorize the sale of certain lands near Garden City, Kans., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the State of Kansas be, and it is hereby, authorized to sell all or any part of the following-described land granted to said State under the provisions of the act of Congress approved June 22, 1916, to wit: Sections 25, 26, and 35 in township 24 south, and sections 1 and 2 in township 25 south, all in range 33 west of the sixth principal meridian, notwithstanding the restrictions contained in said act: *Provided*, That the proceeds of said sale shall be used to purchase land in sections 23 and 24 in township 24, range 33, and in sections 19 and 30 in township 24, range 32, all in Finney County, Kans., to be used as a State game preserve.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC LANDS IN OKLAHOMA

The bill (S. 2725) to extend the provisions of section 2455, United States Revised Statutes, to certain public lands in the State of Oklahoma was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That all the provisions of section 2455, United States Revised Statutes, as amended, be, and they are hereby, extended to surveyed, unreserved, unappropriated nonmineral public lands in that part of the State of Oklahoma formerly comprised in Oklahoma Territory: *Provided*, That this act shall not apply to any such area where under existing law such lands are now subject to public or private sale: *Provided further*, That the proceeds of all sales hereunder shall be deposited in the Treasury of the United States to the credit of such fund or funds as may be provided by existing law for the disposition of such lands.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

IMPERIAL COUNTY (CALIF.) HIGHWAY

The bill (H. R. 5686) granting a right of way to the county of Imperial, State of California, over certain public lands for highway purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized, subject to valid existing adverse rights, to grant to the county of Imperial, State of California, for use as a public highway all the right, title, and interest of the United States of America in and to all or any of the following-described property, situated in the county of Imperial, State of California, being 80 feet in width and lying 40 feet northerly and southerly of and parallel with the following-described center line:

Beginning at the common corner of sections 1, 2, 11, and 12 of township 17 south, range 16 east, San Bernardino base and meridian; thence easterly along the section line between sections 1 and 12 of township 17 south, range 16 east, and between sections 6 and 7, 5 and 8, 4 and 9, 3 and 10, 2 and 11, and 1 and 12 of township 17 south, range 17 east, and along the southerly line of sections 6, 5, and 4 of township 17 south, range 18 east, San Bernardino base and meridian, to a point in the southerly line of the last-mentioned section 4, which point is 828.42 feet westerly of the southeast corner of said section; thence northeasterly around a circular curve having a radius of 2,000 feet concave to the northwest, a distance of 1,570.80 feet to a point; thence north 45 degrees east, 5,810.17 feet to a point; thence northeasterly around a circular curve having a radius of 2,000 feet concave to the southeast, a distance of 1,570.80 feet to a point in the northerly line of section 2, township 17 south, range 18 east, San Bernardino base and meridian, which point is 828.42 feet easterly of the northwest corner of the last-mentioned section 2; thence easterly along the northerly line of sections 1 and 2, township 17 south, range 18 east, San Bernardino base and meridian, to its intersection with the center line of the California State highway extending from Holtville, Calif., to Yuma, Ariz.: *Provided*, That the Secretary of the Interior be, and he hereby is, authorized, as a condition precedent to the granting of said parcels of land for the purposes herein specified, to prescribe such conditions, to impose such limitations and reservations, and to require such bonds or undertakings as he may deem necessary in order to protect valid existing rights in and to said lands, including reclamation and public water reserve purposes: *Provided further*, That the grant herein made shall not apply to the southwest quarter, section 1, township 17 south, range 16 east, San Bernardino meridian.

SEC. 2. That the land herein ceded shall revert back to the United States when same shall cease to be used as a public highway.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ZUNI INDIAN RESERVATION, N. MEX.

The bill (S. 1456) to authorize an appropriation for a road on the Zuni Indian Reservation, N. Mex., was considered as in Committee on the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment on page 1, line 10, after the word "practicable" to insert the following additional proviso: "*And provided further*, That the proper authorities of the State of New Mexico or the county of McKinley shall agree to maintain such road free of expense to the United States," so as to make the bill read:

Be it enacted, etc., That there is hereby authorized an appropriation of $8,000, out of any money in the Treasury not otherwise appropriated, for the construction of that portion of the Gallup-St. Johns highway within the Zuni Indian Reservation, N. Mex., under the direction of the Secretary of the Interior and in conformity with such rules and regulations as he may prescribe: *Provided*, That Indian labor shall be employed so far as practicable: *And provided further*, That the proper authorities of the State of New Mexico or the county of McKinley shall agree to maintain such road free of expense to the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF FEDERAL RESERVE ACT

The bill (S. 1989) to amend the third paragraph of section 13 of the Federal reserve act was considered as in Committee of the Whole. The bill had been reported from the Committee on Banking and Currency with amendments, on page 2, line 1, to strike out the words "are drawn to finance" and to insert in lieu thereof the words "grow out of," and on page 2, line 3, after the word "marketable" to insert the words "agricultural and other," so as to make the bill read:

Be it enacted, etc., That the third paragraph of section 13 of the Federal reserve act be amended and reenacted to read as follows: "Upon the indorsement of any of its member banks, which shall be deemed a waiver of demand, notice, and protest by such bank as to its own indorsement exclusively, and subject to regulations and limitations to be prescribed by the Federal Reserve Board, any Federal reserve bank may discount or purchase bills of exchange payable at sight or on demand which grow out of the domestic shipment or the exportation of nonperishable, readily marketable agricultural and other staples and are secured by bills of lading or other shipping documents conveying or securing title to such staples: *Provided*, That all such bills of exchange shall be forwarded promptly for collection, and demand for payment shall be made with reasonable promptness after the arrival of such staples at their destination: *Provided further*, That no such bill shall in any event be held by or for the account of a Federal reserve bank for a period in excess of 90 days. In discounting such bills Federal reserve banks may compute the interest to be deducted on the basis of the estimated life of each bill and adjust the discount after payment of such bills to conform to the actual life thereof."

Mr. KING. Mr. President, I ask for an explanation of the bill.

Mr. SHEPPARD. Mr. President, the intermediate rural credits act amended the Federal reserve act so as to extend

the privilege of rediscount to drafts, with bills of lading attached, drawn to finance the shipment of agricultural products. The Federal reserve banks held in administering this law that the term "agricultural" referred only to raw agricultural products and, therefore, did not extend the privilege to finished agricultural products such as cottonseed oil, bran, flour, canned corn, and things of that kind. The Federal Reserve Board feels that if the privilege is extended to finished agricultural products it will be of great benefit to agriculture and to commerce as well, and will carry out the original intention of the first enactment.

Mr. ROBINSON of Arkansas. The Federal Reserve Board makes no objection?

Mr. SHEPPARD. The Federal Reserve Board recommends it.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL INDEFINITELY POSTPONED

The bill (H. R. 972) for the relief of James C. Simmons, alias James C. Whitlock, was announced as next in order. The bill had been reported adversely from the Committee on Military Affairs.

Mr. REED of Pennsylvania. I move that the bill be indefinitely postponed.

The motion was agreed to.

FRED R. NUGENT

The bill (H. R. 4536) for the relief of Fred R. Nugent was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Fred R. Nugent, who was a private in the Hospital Corps, United States Army, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 7th day of April, 1899: *Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROTECTION OF FISH IN THE DISTRICT OF COLUMBIA

The bill (S. 2972) for the further protection of fish in the District of Columbia and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That section 2 of the act of May 17, 1898, entitled "An act for the protection of fish in the District of Columbia," etc, as amended by the act of March 3, 1901, entitled "An act to amend the acts for the protection of birds, game, and fish in the District of Columbia," be, and the same is hereby, further amended so as to read as follows:

"SEC. 2. That no person shall catch or kill in the waters of the Potomac River or its tributaries within the District of Columbia any black bass (otherwise known as green bass and chub), crappie (otherwise known as calico bass and strawberry bass), between the 1st day of January and the 29th day of May of each year, nor have in possession nor expose for sale any of said species between the dates aforesaid, nor catch or kill any of said species of fish at any other time during the year except by angling, nor catch nor kill any of the aforesaid species by what are known as out lines or trot lines, having a succession of hooks or devices."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 1131) to encourage and promote the production of livestock in connection with irrigated lands in the State of Wyoming was announced as next in order.

Mr. KENDRICK. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

NELLIE KILDEE

The bill (S. 1755) for the relief of Nellie Kildee was considered as in Committee of the Whole.

Mr. NYE. Mr. President, an error has occurred in the printing of this bill, on page 1, line 9. I move to strike out the numerals "1901" and to insert in lieu thereof the numerals "1902."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 1, line 9, strike out "1901" and insert "1902," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent for the east half of the southwest quarter, and the west half of the southeast quarter of section 15, in township 44 north, and range 3 east, Boise meridian, in the State of Idaho, to Nellie Kildee, who settled and established residence thereon in 1902, when unsurveyed, upon which she put valuable improvements and fully complied with the homestead law prior to its withdrawal in 1906 for forestry purposes, and whose entry was canceled by the Department of the Interior and motion for the exercise of supervisory authority denied.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LYN LUNDQUIST

The bill (S. 1756) for the relief of Lyn Lundquist was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to issue patent for the west half of the northeast quarter and the east half of the northwest quarter of section 15, in township 44 north, and range 3 east, Boise meridian, in the State of Idaho, to Lyn Lundquist, who settled and established residence thereon in 1902, when unsurveyed, upon which he put $3,000 worth of improvements and fully complied with the homestead law prior to its withdrawal in 1906 for forestry purposes, which claim was canceled March 26, 1914, and motion for the exercise of supervisory authority denied January 21, 1920.

Mr. JONES. Mr. President, I would like to have a brief explanation of the bill.

Mr. BORAH. Mr. President, the most I can say about the bill is that it has been here so long that the details have almost escaped me. It has passed the Senate three different times. It has never passed the House. It is a bill for the purpose of authorizing the Secretary of the Interior to issue patents to these people. The contention has been that they had not performed the work, but the committee on three different occasions found that they did.

Mr. JONES. I understand the committee found that they had complied with the homestead law?

Mr. BORAH. Yes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REGISTRATION OF LOBBYISTS

The bill (S. 1095) to require registration of lobbyists, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with amendments.

The first amendment was, in section 1, page 1, line 4, after the word "engage," to strike out "whether," and in the same line, after the word "pay," to strike out "or otherwise"; and on page 2, line 3, after the word "Senate," to strike out "or by any other means. Third. In this act the word 'person' shall include both male and female, and the singular shall include the plural," so as to make the section read:

That a lobbyist, within the meaning of this act, is one who shall engage, for pay, to attempt to influence legislation, or to prevent legislation, by the National Congress.

Second. Lobbying, as defined and understood in this act, shall consist of any effort to influence the action of Congress upon any matter coming before it, whether it be by distributing literature, appearing before committees of Congress, or interviewing or seeking to interview individual Members of either the House of Representatives or the Senate.

The amendment was agreed to.

Mr. BRUCE. Mr. President, I am in sympathy with the general object of this bill. I think it is a good thing to require persons who endeavor to influence legislation to register. We have in Maryland a registration statute which requires everyone who goes to Annapolis, in the attempt to influence legislation, as a matter of pecuniary employment, to register his name, address, and so on, in a book.

That statute has not proved, practically speaking, entirely effective; but it is such a statute, it seems to me, as any State should as a matter of sound policy enact. But when a bill of this sort is introduced it is very easy, it seems to me, for it to overstep the mark; that is to say, not properly to discriminate between persons who are bringing perfectly legitimate forms of persuasion to bear upon legislative action and persons whose relations to legislation are such that any influence they may

exert might very well be carefully watched. The bill does not draw any distinction between lobbyists for pay.

Mr. CARAWAY. That is only where lobbying is their sole occupation. That is what they are doing it for, not because they have an interest as citizens but because they are paid to do it. That is the only point.

Mr. BRUCE. That is right. I think that is a sound distinction, but I submit this case to the Senator: Here is some one who happens to be the secretary of an association which is interested in pushing something legislatively. He receives a salary. Is he also to register when it becomes his duty as such secretary to distribute some literature, for instance, in behalf of his association? It might be, of course, that that literature, so far from being opprobrious in any respect, might be of a character eminently to promote the public welfare. Indeed, it might well relate to the work of some philanthropic or eleemosynary body? It seems to me that the language "a lobbyist within the meaning of this act is one who shall engage for pay"——

Mr. CARAWAY. That is it. If he is not hired for that purpose, then he does not fall within the provisions of the bill. But if some one hires him to come here and he accepts money to influence legislation, then it is his duty to register so we may know who hired him.

Mr. BRUCE. That is true, but suppose the person who comes here is acting as secretary of an association and as a part return for his salary as such secretary, we will say, is charged with the duty of promoting some measure pending in Congress by the distribution of literature.

The PRESIDING OFFICER. The time of the Senator from Maryland has expired. Does the Senator from Maryland object? We are under the five-minute rule.

Mr. BRUCE. I am sorry. It is a bill of the utmost importance. I am thoroughly in sympathy with it. What I was going to suggest was that it might well read "special pay."

Mr. CARAWAY. Mr. President, I will take the floor in my own behalf and I yield to the Senator from Maryland.

Mr. BRUCE. It seems to me the words "special pay" might answer the purpose, though that is not very apt language, I confess. Language ought to be employed that would discriminate between somebody who is paid especially for the purpose of coming down here and looking after legislation pending in Congress, and the secretary of some charitable association, for instance, who comes merely as an incident of his general duties.

Mr. CARAWAY. There is no question that he would have to accept employment for the purpose.

Mr. BRUCE. I do not think that the absence of such a distinction is quite proper, though I may be wrong.

Mr. ROBINSON of Arkansas. Mr. President, will my colleague yield?

Mr. CARAWAY. Certainly.

Mr. ROBINSON of Arkansas. I think it is a very grave question whether the amendment ought to be adopted without at least some further modification.

To illustrate what I mean, the bill would then apply only to persons who are directly employed to come here to influence legislation. The vast majority of lobbyists would be relieved from any responsibility to register under the provisions of the bill if the amendment now under consideration should be agreed to. Hundreds of men come here who are the paid representatives of corporations and of individuals interested in legislation. They are not specially employed for the purpose of lobbying against legislation, but while in the employ of the corporation or of the individual interested they are permitted or directed to come to Washington to oppose or to favor legislation. I doubt whether there are very many instances where lobbyists are specially employed to oppose or to favor certain measures. I think the bill as originally prepared by the junior Senator from Arkansas [Mr. CARAWAY] is far preferable to the bill as it will be after this amendment shall have been agreed to.

Mr. BRUCE. That was just the point I was endeavoring to make. As the bill originally read, before this amendment was suggested by the committee, it read "whether for pay or otherwise."

Mr. CARAWAY. The committee has recommended the words "or otherwise" be stricken out.

Mr. BRUCE. The words "or otherwise," it seems to me, certainly ought to be stricken out.

Mr. CARAWAY. I hope there will be no objection to the amendment as it is reported by the committee. I think it will meet the very purpose with which the Senator is in sympathy. The other amendment the Senator suggested to use the other day I should be happy to accept; that is, page 3, at the beginning of line 21, to strike out the word "and" and to insert the word "or."

Mr. BRUCE. And then to add, after the words "12 months," at the end of line 22, the words "or be both fined and imprisoned as aforesaid, in the discretion of the court."

Mr. CARAWAY. I would have no objection to that amendment.

Mr. BRUCE. I think the measure ought to be framed in that way so as to leave it in the discretion of the court either to impose a fine or imprisonment, or both.

Mr. WALSH of Massachusetts. Mr. President, will the Senator from Maryland yield to me?

Mr. BRUCE. Certainly.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. CARAWAY] has the floor.

Mr. CARAWAY. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. I wish to suggest to the Senator from Maryland [Mr. BRUCE] that no effective lobby act can be expected unless provision is made to include under the provisions of the act all who receive yearly salaries and who appear in favor of or against legislation. In some of the States of the Union where lobby acts have been passed providing for registration of those only who receive special fees for appearing in favor of or against legislation the result has been that many lobbyists who received annual retainers and therefore did not have to make any report escaped the purposes of the act. It seems to me such acts should include all who either for yearly salaries or for special retainers appear in favor of or against legislation. I do not see how we can secure an effective act otherwise.

Mr. BRUCE. That may be; but in that event certainly a tremendously large registration book would be required. It would be like the Domesday Book. For instance, take the recent hearing on the electric light and power industry, where there were gathered at one time in the committee room 60 or 75 official representatives of the various electric light and power companies. They occupied pretty nearly all of the chairs in the room. Every one of them was probably in receipt of a salary from some electric light or power company. Is every one of them to register his name and address and then from month to month the amount of compensation that he received for his services here as a legislative agent?

Mr. CARAWAY. I think he would. I think that would come within the provisions of the proposed act.

Mr. WALSH of Massachusetts. I will say to the Senator from Maryland [Mr. BRUCE] that the Massachusetts law, after which this is modeled, has worked extremely well. The result has been to provide a very helpful agency in letting the public know who appeared for hire in favor and against legislation.

Mr. BRUCE. So far as I am concerned, I will say to the Senator from Massachusetts——

The PRESIDING OFFICER. The time of the Senator from Arkansas [Mr. CARAWAY] has expired.

Mr. BRUCE. I merely want to offer one amendment, Mr. President.

Mr. GEORGE obtained the floor.

Mr. BRUCE. Mr. President——

Mr. GEORGE. I yield to the Senator from Maryland.

Mr. BRUCE. On page 3, line 21, I move to strike out the word "and" and to substitute the word "or"; and after the words "12 months," at the end of line 22, I move to add the words "or be both fined and imprisoned as aforesaid in the discretion of the court."

Mr. CARAWAY. I should have no objection to that amendment. I do not want to make it mandatory that the court shall imprison a defendant, but that he may fine or imprison in his discretion.

Mr. BRUCE. That is correct. I think the court should have the discretion to do either or both.

The PRESIDING OFFICER. The first amendment proposed by the Senator from Maryland [Mr. BRUCE] will be stated.

The CHIEF CLERK. The first amendment is on page 3, line 21, to strike out the word "and" and to insert the word "or."

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Maryland.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment proposed by the Senator from Maryland will be stated.

The CHIEF CLERK. On page 3, at the end of line 22, it is proposed to insert the words "or be both fined and imprisoned as aforesaid in the discretion of the court."

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Maryland.

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia desire to address himself to the amendment of the Senator from Maryland which has just been stated?

Mr. GEORGE. Mr. President, I wish to address a question to the Senator from Arkansas, because I have not had time to study the bill. Does the bill define as a lobbyist one who appears for himself because of his interest in legislation?

Mr. CARAWAY. No, sir; it would not abridge the right of petition. The first section says:

That a lobbyist within the meaning of this act is one who shall engage for pay—

It is the man who hires himself out to influence legislation, either to promote or defeat legislation, which the bill is aimed to reach. It does not undertake to curtail the right of petition, the right of people who feel interested in legislation to come here and make all the representations they want to make. They could do that without falling within the provisions of the bill.

Mr. GEORGE. The citizen himself who is affected by legislation and who appears in behalf of such legislation or in opposition to such legislation is not within the bill?

Mr. CARAWAY. Absolutely not.

Mr. GEORGE. Is the definition of lobbyist broad enough to include the representatives of newspapers?

Mr. CARAWAY. It would not, because their purpose and business is not that of lobbying. The bill affects those who come here for hire. The newspapers may make any representations and take any position they may wish and wage any kind of crusade they desire for or against legislation. The bill will not abridge the freedom of the press nor the freedom of speech nor the right of petition, and it is not intended to do so.

Mr. GEORGE. It would not include a case where a newspaper or publication received special compensation to champion or to oppose legislation?

Mr. CARAWAY. I think if a newspaper should hire itself out for that purpose it would be included under the bill.

Mr. GEORGE. It would cover such a case?

Mr. CARAWAY. Yes.

Mr. McKELLAR. As I understand, the bill applies only to those who lobby for pay.

Mr. CARAWAY. That is all that is provided for.

Mr. SMOOT. Mr. President, may I ask the Senator a question?

Mr. CARAWAY. The Senator from Georgia has the floor.

Mr. GEORGE. I merely wished to say in that connection that America's most distinguished humorist, Will Rogers, in the morning press seems to have placed himself in the class of lobbyist, as I think. He declares for the Madden bill, or the American Cyanamid Co.'s offer for Muscle Shoals. Notwithstanding the fact that he is a humorist, his statement is evidently influenced by the hope that he will receive "pay," since his statement deals neither with facts nor is confined to the truth.

Mr. SMOOT. Mr. President, I wish to ask the Senator if the bill as amended would require a person to register who may be appointed by a chamber of commerce for the purpose of coming to Washington in regard to a certain piece of legislation and who received no compensation other than his railroad expenses?

Mr. CARAWAY. The bill would not do that. Citizens could get together and pay the expense of a thousand people if they so desired to come here and make representations as to their rights or interest, and they would not fall within the provisions of the bill.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Maryland.

Mr. BLEASE. Mr. President, I have no objection to the passage of this bill, but I think a great deal more has been said about the lobby question than is justified by the facts. It may be possible that I have not sufficient influence in the Senate or even sufficient control of my own vote to have any so-called lobbyists approach me, but in my three years of service in the Senate up to this time there has not been a single man or woman as the representative of any corporate interest or any private interest who as a lobbyist has called on me or has attempted to control my vote in respect to any measure which has been before the Senate. I think the recent articles published in newspapers in reference to a great lobby being active in Washington in opposition to the resolution of the Senator from Montana [Mr. WALSH] are an insult to and an outrage upon every Member of this body. I saw no signs here of any great lobby; I saw no signs of any Senator being unduly influenced, and yet we have read slurs in some of the newspapers, even going so far as to give the names of individual Senators, and attempting to belittle the Senate as a body before the American people.

In my opinion, a bill or a resolution bringing before the bar of the Senate those who do that kind of writing and who spread that kind of talk and requiring them to show what Senator has been unduly influenced by some lobbyist or what Senator has changed his vote or his position on measures because of some reward or the hope of some reward, political or otherwise, would do more good and have a better effect in placing the Senate, individually and collectively, in a proper light before the American people, than a bill along the lines of the one now pending.

As I have said, I do not object to the bill, but I merely wanted to put myself on record as condemning, so far as I am concerned, this outrageous talk and writing that is continually going on about Senators being unduly influenced by somebody on the outside.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The question is on the amendment offered by the Senator from Maryland.

Mr. KING. Mr. President, under the definition of a lobbyist it occurs to me that persons who speak to Senators when they are home or who write to them from their homes regarding legislation prospective or pending in Congress, if they are paid, would come under the denunciation of the proposed statute.

Mr. CARAWAY. Of course, if they hire out to influence legislation they would come within the provisions of the bill.

Mr. WALSH of Massachusetts. Why should they not? Why should we not know who they are?

Mr. KING. Mr. President, I wish to ask the Senator a further question. Take a case of this character. I recall when I was home last summer that persons who are interested in a grazing act in a section of the State employed one of their neighbors to come to Salt Lake City and confer with me and, I am inclined to think, to confer also with the senior Senator from Utah [Mr. SMOOT], as to certain legislation in regard to the public domain. Undoubtedly that person was paid for his services or for the journey, some 300 or 400 miles. He did not come to Washington; he did not contemplate doing so; but he wanted to get the views of Senators, or at least one Senator, as to the possibility of such legislation. Would he be amenable to the provisions of this proposed act?

Mr. CARAWAY. There might be a line of demarcation there about which I could not tell. Of course, the act speaks for itself. It has in contemplation only those who come to Washington to undertake to influence legislation. Under a hypothetical case, I do not know. I have a very strong opinion about it, but I do not want to make an expression of opinion.

Mr. KING. What would the Senator say regarding this matter: I have received probably a thousand pieces of literature from various parts of the Southern States in regard to flood control. Much of it undoubtedly has been paid for by individuals. Some of the literature has come from representatives of organizations, and those representatives undoubtedly were paid. Would such a person have to register, although he does not come here?

Mr. CARAWAY. Of course he is not going to register if he does not come here, because he could not register down there. There are any number of cases where there might be technical violations, as there are of every law on the statute books, that nobody ever expects to come within the provisions of the law, and nobody expects ever to try to enforce the law against them. It is the purpose of the measure to require publicity. That is the idea of the bill. For instance, we receive telephone messages——

Mr. KING. I want to ask one or two other questions, and my time is limited.

Mr. CARAWAY. I beg the Senator's pardon.

Mr. KING. I just want to get the Senator's view. Take another case: I have had perhaps 10 or 15 telegrams and letters from various game organizations and from wardens, some in favor of and some protesting against a certain bill which is pending in the Senate. Undoubtedly those wardens were paid. Undoubtedly some of the secretaries of the organizations for the protection of game, wild birds, and so forth, are paid. Would they come within the provisions of the statute?

Mr. CARAWAY. I do not think so; but——

Mr. KING. I confess that I am not able to determine the implications and the far-reaching effects of this measure.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield; and if so, to whom?

Mr. KING. I am trying to get the view of my friend from Arkansas, because I respect his view very much.

Mr. CARAWAY. I am trying to give it to the Senator.

My view of the matter is that, like any other law, this law will have to be enforced with common sense. I have not the remotest idea that any court would say that it would curtail the right of petition, representation, and direct appeal to Members of Congress. It only applies to that class of people who make a profession of influencing or who have for the time being the occupation for hire of influencing legislation.

Mr. KING. May I say to the Senator that I received this morning a letter from a gentleman who represents, I know, a number of persons who are interested in a certain bill, the Army retirement bill. He has, I am advised, been traveling around, receiving pay, and he has written me asking me to support the bill. Would he come within the terms of this bill?

Mr. CARAWAY. If he were to come here lobbying for the bill he would.

Mr. KING. He does not come here. He writes me.

Mr. CARAWAY. I do not think his writing the Senator a letter from out in Utah would be construed by any court on earth as bringing him within the provisions of the bill. That is my judgment about the matter.

Mr. KING. It seems to me that he would be within its provisions. It seems to me the bill would apply to any person who interviews or seeks to interview a Senator, whether he is here or whether he is at home or on a railroad train.

Mr. BRUCE. Or, if the Senator will allow me to interrupt him, who distributes literature.

Mr. KING. Or who distributes literature. I think such a person would come within the provisions of the bill. It is very dangerous, it seems to me. I think it would prevent chambers of commerce or others from distributing literature unless they registered. They would have to come here and register. The bill is very far-reaching in its effects.

The PRESIDING OFFICER. The time of the Senator from Utah has expired.

Mr. BRUCE. Mr. President, this bill is a matter of very great importance; and, of course, it would not be going through as rapidly as it is but for the fear on the part of Members of the Senate of being exposed to misconception and misconstruction and told that they passed this bill because they were afraid not to pass it. We are all in sympathy with the general purposes of the bill, apparently. Why should we not, however, perfect its provisions so as not to do needless injustice to anybody?

Mr. BORAH. Mr. President, this bill has had pretty thorough consideration in the committee. I do not think Senators are hesitating to oppose it simply for fear they might be thought to be siding with the lobbyists. It may be possible that the bill needs some further consideration, but my judgment is that the bill is effective for the purpose for which the author introduced it. If there is any criticism of the bill it is because already it has been liberalized, if I may say so, rather than made drastic. I think the bill ought to pass.

Mr. BRUCE. Mr. President, let me ask the Senator from Idaho if he feels satisfied that this bill discriminates clearly between legitimate propaganda and lobbying?

For instance, take our friends of the Anti-Saloon League. They had a paid agent here, Mr. Wheeler, and so did the Association Against the Prohibition Amendment, perhaps. Mr. Wheeler was paid by the year. He was paid to carry on perpetual lobbying, you may say, at the Capitol; and so there are charitable organizations, organizations in the United States, which have secretaries who are constantly mailing literature of every sort—most valuable literature, most useful literature—to Members of Congress. What I should like to know is, would it be possible for the counsel or the secretary of the Anti-Saloon League, or the counsel or the secretary of the Association Against the Prohibition Amendment, or the secretary of the League of Women Voters, or the secretary of any public-spirited association to send me as a Senator literature without incurring the penalties of this bill in case there had not been registration?

My cry is the cry of Goethe on his death bed, "Light! More light!" When any question is pending in this body, the first thing I do is to turn to every scrap of written material, pro or con, relating to the question; and I presume that this is the course pursued by every other Member of the Senate.

I do not want to be cut off from sources of light because it is believed that close by sources of light there are sources of darkness. This bill says that a lobbyist within the meaning of the bill is one who shall engage in certain activities for pay—for what sort of pay? For pay pro hac vice for the particular legislative purpose in hand, or pay as a secretary by the year for carrying on the general duties of secretary of an association?

There certainly is a valid distinction there that should be observed. We do not want unduly to restrict the right of disinterested individual men and women to come here and to enlighten us with regard to public questions.

Mr. CARAWAY. Nobody could put that construction on it.

Mr. BRUCE. I hope not. As I say, I am absolutely friendly to this bill if it is properly safeguarded.

Of course, I think that there is no little claptrap talked about lobbying. The other day the representatives of the electric light and power interests who gathered in the committee room of the Interstate Commerce Committee were all stigmatized as lobbyists. They had just as much right to be in that room as the members of the Interstate Commerce Committee themselves. They were American citizens, corporate officers, owners of property, charged with responsibilities only less great than the public responsibilities with which we are charged. Why did not they have as much right to their seats in that committee room as we have to our seats in this Chamber? If, however, one of them was prepared for a special compensation to ply a Member of this body with corrupt solicitations or influences of any sort, or even ordinary argumentative persuasion, he should be made to register, and, of course, should be punished if he violated the terms of his registration.

The PRESIDING OFFICER. The time of the Senator from Maryland has expired.

Mr. BRUCE. I do ask the Senate, by unanimous consent, to allow this discussion to continue, without reference to myself, in order that the bill may be perfected.

Mr. CURTIS. Mr. President, unanimous consent was given to consider unobjected bills. The Senator realizes that if the bill is to be discussed at length we have morning hours when bills can be so discussed. If this bill is to take the two hours, I hope somebody will object to it so that we may go on with the calendar.

Mr. BRUCE. But I do not think we will find——

Mr. COUZENS. I object, then, if that is all there is to it.

The PRESIDING OFFICER. Objection is heard. The bill will be passed over.

Mr. BRUCE. Mr. President, I will say nothing more about the bill. Let us put it through. Let us pass it right now. I will take my chances on it.

Mr. CARAWAY. I hope the Senator from Michigan will withdraw his objection in view of that statement.

Mr. COUZENS. I do not object if we are going to proceed according to the unanimous-consent understanding, but if we are going to debate the bill all afternoon I will object.

The PRESIDING OFFICER. Does the Senator from Michigan withdraw his objection?

Mr. COUZENS. I withdraw my objection.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Maryland, which will be stated.

The CHIEF CLERK. On page 3, at the end of line 22, it is proposed to insert "or be both fined and imprisoned as aforesaid, in the discretion of the court."

The amendment was agreed to.

The next amendment of the Committee on the Judiciary was, in section 2, page 2, line 18, after the word "incident," to strike out "to the carrying on of his calling as a lobbyist" and to insert "to his employment. The Clerk of the House of Representatives and the Secretary of the Senate shall within six days after any lobbyist shall have registered under the provisions of this act file with their respective bodies and have printed in the CONGRESSIONAL RECORD the information required by this act to be registered. And each month the Clerk of the House of Representatives and the Secretary of the Senate shall likewise file with their respective bodies and have printed in the CONGRESSIONAL RECORD a copy of the financial report required by section 3 hereof," so as to make the section read:

SEC. 2. Any person, before he shall enter into and engage in lobbying as defined in this act, shall register with the Clerk of the House of Representatives, and the Secretary of the Senate, and shall give to these officers his name, address, the person, association, or corporation by whom or by which he is employed, and in whose interest he appears as a lobbyist. He shall also disclose the interest he himself may have, or those whom he represents, in the proposed legislation, or for the defeat of legislation. He shall likewise state how much he has been paid, and is to receive, and by whom he is paid, or is to be paid, and how much he shall be allowed for expenses incident to his employment. The Clerk of the House of Representatives and the Secretary of the Senate shall within six days after any lobbyist shall have registered under the provisions of this act file with their respective bodies and have printed in the CONGRESSIONAL RECORD the information required by this act to be registered. And each month the Clerk of the House of Representatives and the Secretary of the Senate shall likewise file with their respective bodies and have printed in the CONGRESSIONAL RECORD a copy of the financial report required by section 3 hereof.

The amendment was agreed to.

The next amendment was, in section 4, page 3, line 14, after the word "oath," to insert "and he shall at the time he reg-

isters file a written authorization of his employment by the person by whom he is employed," so as to make sections 3, 4, 5, 6, and 7 read:

SEC. 3. At the end of each month he shall file with the Secretary of the Senate and the Clerk of the House of Representatives a report of moneys by him expended in carrying on his work as a lobbyist, to whom paid, and for what purpose, and give the names and date of any person or persons whom he has entertained as such lobbyist, and what the expense of this entertainment was.

SEC. 4. Reports required to be made shall be under oath, and he shall at the time he registers file a written authorization of his employment by the person by whom he is employed.

SEC. 5. Any person who may engage in lobbying without first complying with the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than $100 and not more than $1,000 and be imprisoned in a common jail for not less than 1 month nor more than 12 months.

SEC. 6. Any lobbyist who shall make a false affidavit, where an affidavit is required in the provisions of this act, shall be deemed guilty of perjury, and upon conviction shall be punished as provided by statute for such an offense.

SEC. 7. A new registration shall be necessary for each session of Congress.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WAR-TIME RANK FOR RETIRED ARMY OFFICERS

The bill (S. 2258) to give war-time rank to certain officers on the retired list of the Army was announced as next in order.

Mr. KING. Let that go over.

Mr. TYSON. Mr. President, will the Senator from Utah withhold his objection in order that I may explain the purpose of the bill?

Mr. KING. I withhold the objection.

Mr. TYSON. Mr. President, this is a bill that passed the Senate in practically the same form last year, and went to the House. It is for the purpose of permitting the President of the United States to nominate, and by and with the advice and consent of the Senate to appoint, any commissioned officer of the Army who served in the Army of the United States during the World War, whose service during that war was creditable, and who has been or hereafter may be retired according to law, to a rank on the retired list at the highest rank held by him during the World War, provided that no increase of pay and allowances shall result from the provisions of this act.

Mr. President, there are a great many officers of the Army who are at this time very far advanced in age. Many of them had a higher rank during the war than they have in the Regular Army at this time; and they feel that they ought to be allowed to have the rank which they held during the World War. I hope the Senator from Utah will withdraw his objection, and that the Senate will pass the bill. The officers of the Army are very anxious to have the rank which they held during the World War in order that their posterity may feel that they were entitled to that rank, and were not demoted, as many of them were, as the Senate well knows, after they came back from the World War.

The bill does not apply to any particular rank, but applies to officers of all ranks of the Army who were in the World War and who held a higher rank during the World War, and it is within the discretion of the President. He is not required to nominate any of these men unless he desires to do so.

It seems to me, Mr. President, that the bill is a very worthy one, and one that the Senate ought to pass.

Mr. KING. Mr. President, if these officers are on the retired list, and receive this promotion and this higher rank, would it advance them to the same emoluments as persons in that class?

Mr. TYSON. Not at all. Not a single penny of pay would they get in any way for this increased rank due to retirement.

Mr. KING. I withdraw the objection.

The PRESIDING OFFICER. The objection is withdrawn.

Mr. REED of Pennsylvania. Mr. President, I hope the bill will pass, as it passed last year, but I want to suggest a grammatical change to the Senator—that in line 9, on page 1, he strike out the words "may be" and put in "shall have been," because, of course, it is the intention of the bill that this brevet rank shall not be given until the officer retires.

Mr. TYSON. I shall be glad to accept the amendment.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs, with amendments, on page 1, line 6, after the word "Army," to strike out "not above the grade of brigadier general"; on the same page, line 10, after the word "to," to strike out "an advanced grade" and insert "a rank"; and on page 2, line 1, before the word "held," to strike out "grade" and to insert "rank," so as to make the bill read:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint any commissioned officer of the Army who served in the Army of the United States during the World War, whose service during that war was creditable, and who has been or hereafter may be retired according to law, to a rank on the retired list, at the highest rank held by him during the World War: *Provided*, That no increase of pay and allowances shall result from the provisions of this act.

The amendments were agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania offers an amendment, which will be stated.

The CHIEF CLERK. On page 1, line 9, after the word "hereafter," it is proposed to strike out "may be" and insert "shall have been," so as to read:

Whose service during that war was creditable, and who has been or hereafter shall have been retired according to law.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DOUBLE PENSIONS IN SUBMARINE CASUALTIES

Mr. TYDINGS. Mr. President, I ask unanimous consent that we recur to Senate bill 2998, granting double pension in all cases where an officer or enlisted man of the Navy or Marine Corps dies or is disabled as a result of a submarine accident. The Senator from Wisconsin, who objected this morning, has withdrawn his objection. I ask that the bill now be considered.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maryland?

Mr. CURTIS. If it is not going to lead to debate, I shall not object. I shall feel obliged to object if it leads to debate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That in all cases where an officer or enlisted man of the Navy or Marine Corps, while employed in actual duty on a submarine, dies or is disabled by an injury incurred in line of duty by reason of the increased hazard of the service, the amount of pension allowed shall be double of that authorized to be paid should death or disability have occurred by reason of an injury received in line of duty not the result of a submarine accident.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 1940) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

COLUMBIA BASIN RECLAMATION PROJECT

The bill (S. 1462) for the adoption of the Columbia Basin reclamation project, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

Mr. JONES. Mr. President, I know that the objection takes the bill over, but there is an amendment offered by the Senator from Idaho [Mr. BORAH] which meets the objection of the two Senators from that State, and I would like to have the amendment agreed to, and then the bill, of course, will go over.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. The Senator from Idaho proposes the following amendment: At the proper place insert a proviso to read as follows:

Provided, That no appropriation for construction under the gravity plan shall be made until a compact shall have been entered into between the States, either to determine the allocation of waters and definite storage elevation and areas or to determine the basic principles that for all times shall govern these matters: *And provided further*, That the passage of this act shall not in any respect whatever prejudice, affect, or militate against the rights of the State of Idaho, or the residents or the people thereof, touching any matter or thing or property

or property interests relative to the construction of the Columbia Basin project.

Mr. KING. Mr. President, if it is understood that as a result of my consenting that this amendment shall be added to the bill it does not advance it to a better stage or my consent is not regarded as a waiver of objection to its consideration I shall not object.

The PRESIDING OFFICER. The Senator can object to the bill at any stage. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KING. I object to the consideration of the bill.

The PRESIDING OFFICER. The bill will go over, under objection.

JOSEPH F. RITCHERDSON

The bill (H. R. 519) for the relief of Joseph F. Ritcherdson was announced as next in order.

Mr. KING. Let that go over.

Mr. CURTIS. Mr. President, this soldier, Joseph F. Ritcherdson, would get no money benefit from this measure, because he already draws a pension. The object simply is to give him recognition by giving him a discharge. There is no question but that he served for two years in the Army. He already draws a pension under private act. The bill was reported favorably by the Committee on Military Affairs, and I hope there will be no objection.

Mr. KING. I would like to ask the Senator if the soldier was dishonorably discharged?

Mr. CURTIS. He had no discharge whatever; that is the trouble. The soldier enlisted as a musician and instead of serving as a musician he served as a private in the Army. He was a boy about 14 years old, who substituted for a musician, and served for two years in the Southland, going wherever the organization went. He draws a pension now for that service, but he does want a discharge, and I think he is entitled to it. He is 80 years of age now.

Mr. KING. This would not increase the pension?

Mr. CURTIS. It would not increase his pension at all.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SURETY BONDS OF POSTAL EMPLOYEES

Mr. PHIPPS. Mr. President, this morning when Calendar No. 317, House bill 7030, was reached I allowed it to go over because I did not have at hand the report of the department on the bill. I ask unanimous consent to return to the consideration of the bill.

Mr. CURTIS. If no debate results, I have no objection.

Mr. KING. Let the Senator explain the bill. I have no objection to its consideration.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7030) to amend section 5 of the act of March 2, 1895.

Mr. PHIPPS. The department advises as follows:

> Renewing bonds every four years means extra expense to the employees and more work for the department in recording the filing of the bonds. The proposed amendment, which is made in the interest of economy, reads as follows:
>
> "*Provided*, That the payment and acceptance of the annual premium on corporate surety bonds furnished by postal officers and employees shall be a compliance with the requirement for the renewal of such bonds within the meaning of this act."

This is a matter, Mr. President, which might really have been passed upon by the department itself, but they did not feel that they had the authority. It does not make any change in the status of the bond whatever, but at the expiration of the four years the Government employee in the Postal Service having paid his annual premium, the bond continues on, the surety having already been approved by the postal authorities.

Mr. KING. Mr. President, a few weeks ago I received a number of letters from a surety company objecting to a bill; I do not know whether it is this bill or not, and I am inclined to think it is not. I have no objection to the passage of the bill, with the understanding that if, upon examining the files in my office, I discover that the objections were to this bill, the Senator will consent on Monday to a reconsideration of the vote by which the bill was passed, and that it be placed back on the calendar.

Mr. PHIPPS. I think that is a perfectly fair proposition. I think the Senator will find that the objections relate to a different matter entirely.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF HAWAIIAN HOMES COMMISSION ACT

Mr. WILLIS. Mr. President, a few moments ago, under the objection by the Senator from Montana [Mr. WHEELER], we passed over Calendar 326, House bill 6989, to amend the Hawaiian Homes Commission act, 1920, approved July 9, 1921, as amended by act of February 3, 1923. I have since conferred with the Senator, and he advises me that he has no objection now to the consideration of the bill. I therefore ask unanimous consent to return to the consideration of the blil.

The PRESIDING OFFICER. Is there objection?

Mr. WILLIS. It is the Hawaiian homes act, which the Senator from Arizona [Mr. HAYDEN] explained.

Mr. LA FOLLETTE. I desire to ask the Senator to explain the bill.

The PRESIDING OFFICER. Is there objection to returning to the consideration of the bill?

Mr. LA FOLLETTE. Not if the Senator from Kansas will permit the Senator from Ohio to make an explanation of it.

Mr. CURTIS. If the explanation will last only about two minutes, I shall not object. I insist on going through this calendar this afternoon.

Mr. WILLIS. I think the Senator from Kansas is right, and I shall take only one minute.

The purpose of this Hawaiian homes act is to enable the native Hawaiian people to get back upon the land. That is the gist of it. A resolution was passed through the Hawaiian Legislature along this line.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DIVISION OF SAFETY, DEPARTMENT OF LABOR

The bill (S. 1266) to create in the Bureau of Labor Statistics of the Department of Labor a division of safety, was announced as next in order.

Mr. BAYARD. Let that go over.

Mr. SHORTRIDGE. Mr. President, I hope the Senator will permit this bill to pass. It was introduced at the instance of the Secretary of Labor, and was quite fully considered by the Committee on Education and Labor. It has been reported by the committee without amendment, it has been twice considered by the committee, and twice reported favorably. It is companion to a bill pending in the House. I must assume that Senators by this time are more or less acquainted with the scope and purpose of the bill.

Mr. BAYARD. I know the purpose of the bill, I may say to the Senator, and that is the reason why I object to it.

Mr. SHORTRIDGE. I hope the Senator will permit me to add this. I hold in my hand a letter addressed to me by Mr. Stewart, the Commissioner of Labor Statistics, accompanied by a letter addressed to him by the bureau of labor and statistics of the State of Arkansas.

I do not wish to take up the time of the Senate if it will be unavailing, but I am now taking up this time, addressing myself immediately to the Senator from Delaware, to the end that he will between now and the next call of the calendar make a further examination, and a more effectual one, to the end that the bill may come up for full consideration by the Senate. I understand the Senator's position, but I hope to persuade him that it is a meritorious measure.

Mr. BAYARD. I am fully aware of the subject matter of the bill, and I am thoroughly opposed to it in principle. More than that, I contend, knowing the facts as I do know them, that there is no valid reason why this legislation should be passed. This is taken care of in nearly all the States, and there is no necessity for having it taken care of by a Federal bureau.

Mr. SHORTRIDGE. I suppose I must conclude that any appeal of mine would be unavailing.

Mr. BAYARD. We have the necessary machinery now in our State, and the other States have, and they can compare their notes back and forth. It is wholly unnecessary for the Federal Government to stick its nose into this matter.

Mr. SHORTRIDGE. I think I understand the position of the Senator from Delaware, and he need not repeat it.

The PRESIDING OFFICER. Under objection, the bill will be passed over.

POULTRY DISEASES

The bill (S. 2030) to provide for research into the causes of poultry diseases, for feeding experimentation, and for an educational program to show the best means of preventing disease in poultry, was announced as next in order.

Mr. KING. I would like to have an explanation of the bill.

Mr. COPELAND. Mr. President, the poultry industry is the fourth largest industry in America. The poultry industry amounts to a billion dollars a year, and I am sorry to say that certain diseases are decimating the flocks of poultry in this country, particularly in the Mississippi Valley. The purpose of this measure is to give sustaining legislation to permit the agricultural appropriation subcommittee, when it gets to it, to consider on its merits the justification for the expenditure of sums for meeting experimentation and for the study of these diseases, in order that they may be wiped out.

Mr. REED of Pennsylvania. Mr. President, will the Senator submit to a question?

Mr. COPELAND. Of course.

Mr. REED of Pennsylvania. I notice by the report that the department says it already has all the authority that this act gives.

Mr. COPELAND. The committee gave consideration to that, may I say to the Senator from Pennsylvania, and since then the committee itself decided that there was not ample authority, and that they need this sustaining legislation.

Mr. SMITH. Mr. President, I would like to state in behalf of this measure that there is not a matter of more urgent importance. There are certain features of it that it might not be well to discuss on the floor of the Senate, but the measure is very important and very essential to the preservation of the poultry industry in this country. I think the bill as reported from the committee, after having been thoroughly investigated, is one which well deserves passage at the hands of this body.

Mr. REED of Pennsylvania. Mr. President, I am strongly in favor of giving the department this authority and I believe that it ought to be done, and I believe the bill ought to pass, but surely the Senator will permit me to suggest that section 2 and section 4 are not in the form in which authorizations ought to be passed by Congress. If they are intended to be appropriations, then the bill ought to go to the Committee on Appropriations.

Mr. COPELAND. We must have the sustaining legislation, and I am perfectly willing that the question of appropriations be entirely omitted now and that the appropriations be merely authorized at this time.

Mr. REED of Pennsylvania. That is what I mean, that they ought to be expressed as authorizations instead of a direction to the Secretary of the Treasury to pay.

Mr. SMITH. I think perhaps, if the Senator from New York will allow me, if the bill were amended so as to make it an authorization rather than a direction, it would fulfill all that is necessary.

Mr. REED of Pennsylvania. That is exactly the point.

Mr. KING. Mr. President, I am unwilling to consent to an appropriation now of $30,000. That amount may not be necessary. The Agricultural appropriation bill, which will be before us within a few days, carries an enormous appropriation. I have no doubt some fund is provided in the bill which would be available for just such experimentation as is called for here.

Mr. SMITH. Mr. President, I think the Senator is in error, because of the particular features to which this bill pertains.

Mr. KING. I withhold the objection for a moment.

Mr. COPELAND. I want the Senator from Pennsylvania to suggest the language, because the only thought is to authorize this matter, so that it can be dealt with.

Mr. REED of Pennsylvania. Mr. President, in order to bring it to the attention of the Senate, I move to strike out section 2 and to substitute instead the following words:

That to carry out the provisions of section 1 of this act the sum of $30,000 is hereby authorized to be appropriated.

Mr. COPELAND. I am glad to accept that amendment.

Mr. KING. Mr. President, why does the Senator from Pennsylvania suggest so large a sum?

Mr. REED of Pennsylvania. Because that is the sum carried by the bill itself. I do not know anything about the amount that is needed. I take it from the bill as it is written.

Mr. JONES. Mr. President, I am going to object to the consideration of the bill at this time. There may be a provision in the agricultural appropriation bill which will cover this matter.

The PRESIDING OFFICER (Mr. FESS in the chair). Under objection, the bill will go over.

PEARL RIVER BRIDGE, LEAKE COUNTY, MISS.

The bill (S. 3118) to authorize the construction of a temporary railroad bridge across Pearl River at a point in or near section 35, township 10 north, range 6 east, Leake County, Miss., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce, with an amendment, on page 1, line 6, after the word "point," to insert the words "suitable to the interests of navigation," so as to make the bill read:

Be it enacted, etc., That the Pearl River Valley Lumber Co. is hereby authorized to construct a temporary railroad bridge connecting its timber holdings and its lands and timber across Pearl River at a point suitable to the interests of navigation in or near section 35, township 10 north, range 6 east, Leake County, Miss., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OHIO RIVER BRIDGE, GOLCONDA, ILL.

The bill (H. R. 7183) authorizing C. J. Abbott, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Golconda, Ill., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 2, line 23, at the beginning of the section, to insert the words "Sec. 4."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

OHIO RIVER BRIDGE, MOUND CITY, ILL.

The bill (H. R. 66) authorizing B. L. Hendrix, G. C. Trammel, and C. S. Miller, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Mound City, Ill., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 2, line 19, to strike out the name "Trummel" and insert the name "Trammel."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MISSISSIPPI RIVER BRIDGE, LANSING, IOWA

The bill (H. R. 5803) authorizing the Interstate Bridge Co. of Lansing, Iowa, its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Lansing, Iowa, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE, SOUTH DAKOTA AND NEBRASKA

The bill (S. 2827) granting the consent of Congress to the States of South Dakota and Nebraska, their successors and assigns, to construct, maintain, and operate a bridge across the Missouri River, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 1, line 4, after the word "Nebraska" to strike out the words "their successors and assigns"; on page 2, line 6, after the words "South Dakota" to strike out the words "their successors and assigns"; and on page 2, line 19, after the word "Nebraska" to strike out the words "their successors and assigns,"

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill granting the consent of Congress to the States of South Dakota and Nebraska to construct, maintain, and operate a bridge across the Missouri River at or near Niobrara, Nebraska."

PEARL RIVER BRIDGE, MADISON AND RANKIN COUNTIES, MISS.

The bill (S. 3119) to authorize the construction of a temporary railroad bridge across Pearl River in Rankin County, Miss., and between Madison and Rankin Counties, Miss., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Pearl River Valley Lumber Co. is hereby authorized to construct a temporary railroad bridge connecting its timber holdings and its lands and timber across Pearl River at a point between or near sections 33 and 34, township 8 north, range 3 east, in Madison County, Miss., and sections 3 and 4, township 7 north, range 3 east, in Rankin County, Miss., and between Madison County and Rankin County, Miss., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ATCHAFALAYA BRIDGE, MORGAN CITY, LA.

The bill (H. R. 449) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a toll bridge across the Atchafalaya River at or near Morgan City, La., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE, WABASHA, MINN.

The bill (H. R. 6476) authorizing the Wabasha Bridge Committee, Wabasha, Minn., to construct, maintain, and operate a bridge across the Mississippi River at or near Wabasha, Minn., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COLUMBIA RIVER BRIDGE, HOOD RIVER, OREG.

The bill (H. R. 7199) granting the consent of Congress to the Oregon-Washington Bridge Co. to maintain a bridge already constructed across the Columbia River near the city of Hood River, Oreg., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SNAKE RIVER BRIDGE, HEYBURN, IDAHO

The bill (H. R. 7371) to legalize a bridge across the Snake River near Heyburn, Idaho, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the free highway bridge now being constructed by the State of Idaho across the Snake River near Heyburn, Idaho, if completed in accordance with plans accepted by the Chief of Engineers and the Secretary of War as providing suitable facilities for navigation, shall be a lawful structure, and shall be subject to the conditions and limitations of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, other than those requiring the approval of plans by the Chief of Engineers and the Secretary of War before the bridge is commenced.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TENNESSEE RIVER BRIDGE, MARSHALL COUNTY, ALA.

The bill (H. R. 7375) granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Guntersville on the Guntersville-Huntsville road in Marshall County, Ala., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge and approaches thereto across the Tennessee River at a point suitable to the interests of navigation at or near Guntersville on the Guntersville-Huntsville road in Marshall County, in the State of Alabama, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ST. LOUIS RIVER BRIDGE, WISCONSIN AND MINNESOTA

The bill (H. R. 7909) to authorize the maintenance and renewal of a timber-frame trestle in place of a fixed span at the Wisconsin end of the steel bridge of the Duluth & Superior Bridge Co. over the St. Louis River between the States of Wisconsin and Minnesota was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TENNESSEE RIVER BRIDGE, MADISON AND MORGAN COUNTIES, ALA.

The bill (H. R. 7914) granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Whitesburg Ferry, on the Huntsville-Laceys Spring road between Madison and Morgan Counties, Ala., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TENNESSEE RIVER BRIDGE, JACKSON COUNTY, ALA.

The bill (H. R. 7915) granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Scottsboro, on the Scottsboro-Fort Payne road in Jackson County, Ala., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MONONGAHELA RIVER BRIDGE, PA.

The bill (H. R. 7925) granting the consent of Congress for the maintenance and operation of a bridge across the Monongahela River between the borough of Glassport and the city of Clairton, in the Commonwealth of Pennsylvania, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLAIMS ARISING FROM SINKING OF VESSEL "NORMAN"

The bill (S. 851) to amend an act of Congress approved July 3, 1926, being Private Act No. 272, and entitled "An act conferring jurisdiction upon the Federal District Court for the Western Division of the Western District of Tennessee to hear and determine claims arising from the sinking of the vessel known as the *Norman*," was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the act of Congress approved July 3, 1926, being Private Act No. 272, and entitled "An act conferring jurisdiction upon the Federal District Court for the Western Division of the Western District of Tennessee to hear and determine claims arising from the sinking of the vessel known as the *Norman*," be and the same is hereby, amended so as to make sections 1, 2, and 3 read as follows:

"SECTION 1. That jurisdiction is hereby conferred upon the Federal District Court for the Western District of Tennessee to hear and determine in actions at law all claims, however arising, irrespective of the amount, for damages, whether liquidated or unliquidated, for personal injury, death, or loss or damage to property against the United States of America growing out of the sinking of the vessel known as the *Norman* on the Mississippi River on or about May 8, 1925, near Memphis, Tenn. Suits for damages sounding in tort are expressly allowed to be brought hereunder against the United States of America and when filed shall be triable upon the same principles and measures of liability as in like suits at law between private individuals or corporations: *Provided*, That the United States shall not set up either lack of authority or want of negligence on the part of its officers and agents in charge of said boat at the time of said accident: *Provided further*, That recovery under this act shall be the sole right of recovery for such claims under law of the United States, and that the total amount recovered in any case brought under the provisions of this act for personal injury or death shall not exceed the sum of $15,000. Should employees elect to sue hereunder their right of recovery shall be limited to the provisions of this act.

"SEC. 2. Any such claim may be instituted at any time within two years after the passage of this act notwithstanding the lapse of time or any statute of limitation. No statute for the limitation of the liability of the owner of any vessel shall be applicable to any such claim. Proceedings in any action under this act and appeals therefrom and payment of the judgment therein shall, except when inconsistent with the provisions of this act, be had as in the case of claims over which the court has jurisdiction in actions at law under the first paragraph of paragraph 20 of section 24 of the Judicial Code, as amended.

"SEC. 3. Service on the United States of America under any suit instituted under this act shall be had on the United States district attorney of the Western Division of the Western District of Tennessee, and the clerk of the United States district court of said district shall also send to the Attorney General of the United States a certified copy of the summons and declaration so filed. Said action shall be docketed and tried as any other suit at law pending in said court and tried by jury, or by stipulation of the parties a jury may be waived

as in other suits at law: *Provided, however,* That in all suits so filed under this act the claimants, in order to obtain a judgment against the United States of America, shall only be required to prove that they are the proper legal parties entitled to the recovery sought and the amount of damages suffered, if any, not exceeding $15,000."

Mr. JONES. Mr. President, this is quite an important bill. I should like to have some explanation of it.

Mr. McKELLAR. I shall be glad to comply with the request of the Senator from Washington. A bill of this kind was passed last year. It is for the purpose of determining the damages of various people who were drowned because of the sinking of the steamer *Norman* near Memphis several years ago.

Mr. JONES. I have no objection to the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HORACE G. KNOWLES

The bill (S. 3325) for the relief of Horace G. Knowles was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $7,296.49 to Horace G. Knowles as salary for the period of March 30, 1909, to December 22, 1909, during which period he was commissioned as a minister of the United States to Nicaragua and was all that whole period under instructions to await orders of the State Department.

Mr. JONES. Mr. President, I would like to have the bill explained.

Mr. REED of Pennsylvania. Mr. President, I have been reading the report. Mr. Knowles was appointed commissioner to Nicaragua and was confirmed by the Senate. He was called home from Rumania, where he had been stationed, and was held here in Washington because the legation in Nicaragua was closed owing to the revolution. For some reason he was not permitted to be paid because of a ruling by the Treasury Department or the Comptroller General. The bill is to give him pay while he was waiting here under orders until it was possible for him to get to his post in Nicaragua.

Mr. KING. May I inquire of the Senator whether during the time he was here he was denied the compensation which he was receiving in Rumania?

Mr. REED of Pennsylvania. It seems that he was receiving a limited pay to which he was entitled under what is called the period of instruction that he was supposed to go through. His pay continued at that rate, but not at the full rate for a qualified minister.

Mr. McKELLAR. Is the amount now appropriated for the full rate or is it the full rate less the amount which has already been paid?

Mr. REED of Pennsylvania. This is the amount of the shortage.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 3023) to revise the boundary of a portion of the Hawaiian National Park, on the island of Hawaii, in the Territory of Hawaii, was announced as next in order.

Mr. LA FOLLETTE. Mr. President, I would like to have an explanation of the bill.

Mr. NYE. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

LOTS IN ST. MARKS, FLA.

The bill (H. R. 9842) to provide for the survey, appraisal, and sale of the undisposed lots in the town site of St. Marks, Fla., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior may cause all public lands within the Government town site of St. Marks, situated in sections 2, 3, 10, and 11, township 4 south, range 1 east, Tallahassee meridian, Florida, established by the act of March 2, 1833 (4 Stat. 664), to be surveyed into lots, blocks, streets, and alleys as he may deem proper and when the survey is completed cause said lots to be appraised by three competent and disinterested persons appointed by him and report their proceedings to him for action thereon. If such appraisement be disapproved, the Secretary of the Interior shall again cause the said lands to be appraised as before provided; and when the appraisal has been approved he shall cause the said lots to be sold at public sale to the highest bidder for cash at not less than the appraised value thereof, first having given 60 days' public notice of the time, place, and terms of the sale immediately prior thereto by publication in at least one newspaper having a general circulation in the vicinity of the land and in such other newspapers as he may deem advisable; and any lots remaining unsold may be reoffered for sale at any subsequent time in the same manner at the discretion of the Secretary of the Interior, and if not sold at such second offering for want of bidders, then the Secretary of the Interior may sell the same at private sale for cash at not less than the appraised value thereof: *Provided,* That the square embracing the lands now being used as a burying ground be set aside as a cemetery for the use of the town of St. Marks, Fla.: *Provided further,* That the municipality of St. Marks, Fla., shall have a right for 90 days subsequent to the filing of the plat of survey of said town site to select and receive patent to any two blocks desired for public park purposes, not exceeding 5⅞ acres in area.

Mr. JONES. Mr. President, I would like to have an explanation of the bill.

Mr. OVERMAN. In the absence of the Senator from Florida [Mr. FLETCHER], who had to leave the Chamber, I was requested to say that he hopes the bill will pass. It has been approved by the department and everyone interested. It has relation to about 5 acres of land in town lots in St. Marks, Fla.

Mr. JONES. I see that the bill provides for a proper appraisal, and so on, so that I think the interests of the Government are fully protected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 445) authorizing the Secretary of the Interior to enter into a cooperative agreement or agreements with the State of Montana and private owners of lands within the State of Montana for grazing and range developments, and for other purposes, was announced as next in order.

Mr. KING. I suggest that the bill be passed over temporarily.

The PRESIDING OFFICER. The bill goes over temporarily.

The bill (H. R. 6684) to amend section 2455 of the Revised Statutes of the United States, as amended, relating to isolated tracts of public land, was announced as next in order.

Mr. JONES. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

APPROVAL OF ACT 25, SESSION LAWS OF 1927, HAWAII

The bill (H. R. 84) to approve Act 25 of the Session Laws of 1927 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Waimea and Kekaha, in the district of Waimea, on the island and in the county of Kauai, Territory of Hawaii," was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That Act No. 25 of the Session Laws of 1927 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Waimea and Kekaha, in the District of Waimea, on the island and in the county of Kauai, Territory of Hawaii," passed by the Legislature of the Territory of Hawaii and approved by the Governor of the Territory of Hawaii on March 26, 1927, is hereby approved: *Provided,* That the authority in section 15 of said act for the amending or repeal of said act shall not be held to authorize such action by the Legislature of Hawaii except upon approval by Congress in accordance with the organic act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (H. R. 6194) for the relief of Frank Stinchcomb was announced as next in order.

Mr. KING. Let the bill be passed over.

The PRESIDING OFFICER. The bill goes over.

ADDITIONAL PAY FOR SUBMARINE PERSONNEL

The bill (S. 3131) to provide additional pay for personnel of the United States Navy assigned to duty on submarines and to diving duty was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That hereafter all officers of the Navy on duty on board a submarine of the Navy shall, while so serving, receive 25 per cent additional of the pay for their rank and service as now provided by law; and an enlisted man of the United States Navy assigned to duty aboard a submarine of the Navy, or to the duty of diving, shall, in lieu of the additional pay now authorized, receive pay, under such regulations as may be prescribed by the Secretary of the Navy, at the rate of not less than $5 per month, and not exceeding $30 per month, in addition to the pay and allowances of his rating and service: *Provided,* That divers employed in actual salvage operations in depths of over 90 feet shall, in addition to the foregoing, receive the sum of $5 per hour for each hour or fraction thereof so employed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY M. JONES

The bill (H. R. 2524) for the relief of Mary M. Jones was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mary M. Jones, out of any money in the Treasury of the United States not otherwise appropriated, in full settlement against the Government, the sum of $1,035, in compensation for damages caused and sustained to property in Linn County, Oreg., such loss being caused by fire set from burning material from an Army airplane on or about July 1, 1924, the said airplane being in fire-control service under the direction of the Forest Service.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC HEALTH SERVICE ADVERTISING

The bill (S. 3294) for the relief of certain newspapers for advertising services rendered the Public Health Service of the Treasury Department, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized, notwithstanding the provisions of section 3828 of the Revised Statutes of the United States, to settle, adjust, and certify the following claims for advertising services rendered the Public Health Service, Treasury Department, namely, the claims of certain Chicago newspapers for advertising services rendered October 3, 1918, amounting in all to $2,894, under the appropriation "Suppressing Spanish influenza and other communicable diseases, 1919"; the claim of a Houston (Tex.) newspaper, $65.17, and the claim of a New York newspaper, $30, for advertising services rendered between June and October, 1920, under the appropriations "Pay of personnel and maintenance of hospitals, Public Health Service, 1920," and "Maintenance, marine hospitals, 1921."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 1956) for the relief of Levi R. Whitted was announced as next in order.

Mr. KING. Mr. President, will the Senator from North Carolina give us a brief explanation of the bill?

Mr. OVERMAN. I ask that the bill may go over temporarily.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2069) to extend the provisions of section 1814 of the Revised Statutes to the Territories of Hawaii and Alaska was announced as next in order.

Mr. LA FOLLETTE. Mr. President, I would like to have an explanation of the bill or else I must ask that it may go over.

Mr. CURTIS. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2292) providing for the employment of certain civilian assistants in the office of the Governor General of the Philippine Islands, and fixing salaries of certain officials, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

MATTIE HALCOMB

The bill (S. 1434) for the relief of Mattie Halcomb was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment, on page 1, after line 2, to strike out all after the enacting clause, and to insert in lieu thereof:

Be it enacted, etc., That Mattie Halcomb, mother of Henry Grady Halcomb, late ship's cook, second class, United States Navy, is hereby allowed an amount equal to six months' pay at the rate said Henry Grady Halcomb was receiving at the date of his death: *Provided*, That the said Mattie Halcomb establishes to the satisfaction of the Secretary of the Navy the fact that she was actually dependent upon her son, the late Henry Grady Halcomb, at the time of his death.

SEC. 2. That the payment of the amount of money allowed and authorized to be paid to the said Mattie Halcomb is authorized to be made from the appropriation "Pay, subsistence, and transportation of naval personnel."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Mattie Halcomb."

OUACHITA RIVER BRIDGE, HARRISONBURG, LA.

The bill (H. R. 5727) to extend the times for commencing and completing the construction of a bridge across the Ouachita River at or near Harrisonburg, La., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WABASH RIVER BRIDGE, VINCENNES, IND.

The bill (S. 2965) authorizing the State of Indiana, acting by and through the State highway commission, to construct, maintain, and operate a toll bridge across the Wabash River at or near Vincennes, Ind., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 3, after line 17, to insert the following:

SEC. 5. The act of Congress approved February 13, 1925, authorizing the States of Indiana and Illinois to construct a bridge over the Wabash River at Vincennes, Ind., is hereby repealed.

And on page 3, line 22, strike out the section number "5" and insert the numeral "6," so as to make the bill read:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, the State of Indiana, acting by and through the State highway commission, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Wabash River, at a point suitable to the interests of navigation, at or near Vincennes, Ind., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the State of Indiana, acting by and through the State highway commission, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said State of Indiana, acting by and through the State highway commission, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of tolls so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize an amount not to exceed the cost of such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 10 years from the completion thereof. After a sinking fund sufficient to pay an amount not to exceed the cost of constructing the bridge and its approaches shall have been so provided, such bridge shall thereafter be maintained and operate free of tolls. An accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 5. The act of Congress approved February 13, 1925, authorizing the States of Indiana and Illinois to construct a bridge over the Wabash River at Vincennes, Ind., is hereby repealed.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE, CHESTER, ILL.

The bill (H. R. 6973) authorizing E. H. Wegener, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Chester, Ill., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COOSA RIVER BRIDGE, CHEROKEE COUNTY, ALA.

The bill (H. R. 8530) granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a bridge across the Coosa River near Cedar Bluff, in Cherokee County, Ala., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REREFERENCE OF BILL

Mr. WILLIS. Mr. President, a few moments ago Calendar No. 395, the bill (S. 2069) to extend the provisions of section 1814 of the Revised Statutes to the Territories of Hawaii and Alaska, was objected to by the Senator from Wisconsin [Mr. LA FOLLETTE]. My attention has been called to the fact that under the practice this bill, while reported from the Committee on Territories and Insular Possessions, really ought to have gone to the Committee on the Library, since it relates to a matter here in the Capitol. I ask, therefore, that the bill be taken from the calendar and referred to the Committee on the Library.

The PRESIDING OFFICER. Without objection, it is so ordered.

POULTRY DISEASES

Mr. JONES. Mr. President, a short while ago I objected to the immediate consideration of Order of Business No. 360, being Senate bill 2030, to provide for research into the causes of poultry diseases, and so forth. I objected to the consideration of the bill to which I refer because I thought that its subject matter would be cared for in the agricultural appropriation bill. I have since examined the latter bill hurriedly, and I am inclined to think that it probably does not give the authority which may be necessary; so I withdraw my objection to the consideration of the bill which I have named.

The PRESIDING OFFICER. Is there objection to returning to the consideration of the bill named by the Senator from Washington?

Mr. SACKETT. Mr. President, I hope the bill may be passed. Its passage is essential in the States which are engaged in shipping poultry.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2030) to provide for research into the causes of poultry diseases, for feeding experimentation, and for an educational program to show the best means of preventing disease in poultry, which was read, as follows:

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized to have the Bureau of Animal Industry institute research into the causes of influenza, infectious bronchitis, white diarrhea, and other diseases of poultry, also that he be authorized to conduct feeding experimentation with a view to increasing the physical welfare of poultry.

SEC. 2. That to carry out the provisions of section 1 the Secretary of the Treasury is authorized and directed to set aside the sum of $30,000, to be paid to the Secretary of Agriculture in the usual way.

SEC. 3. That the Secretary of Agriculture is hereby authorized to have the Bureau of Animal Industry arrange an educational program to present to farm agents and others who may be interested in the improvement of the health of poultry, ways of preventing disease, and to give to the public methods of practical poultry sanitation at the discretion of the Secretary.

SEC. 4. That to carry out the provisions of section 3 the Secretary of the Treasury is authorized and directed to set aside the sum of $20,000, to be paid to the Secretary of Agriculture in the usual way.

Mr. KING. Mr. President, I move to reduce the amount of the proposed appropriation from $30,000 to $20,000.

Mr. SMITH. Mr. President, I hope the Senator from Utah will not offer that amendment, because if the work contemplated in the bill is efficiently done it will be worth a hundred times the amount proposed to be appropriated. We had better have it done as thoroughly as may be rather than to restrict the bureau at the very initial period of the investigation.

Mr. KING. I had in mind the fact that the agricultural appropriation bill will soon be here.

Mr. SACKETT. Mr. President, the poultry industry is really the fourth largest agricultural industry in this country. It has never as yet had adequate protection, and it is proposed by this bill to make researches and studies which will result in the protection of shipments of poultry in interstate commerce.

Mr. KING. If the Agricultural Department should take some of its very large and, I think, extravagant appropriations for other purposes and apply a portion of them to this investigation it would perhaps be rendering a public service.

The PRESIDING OFFICER. Does the Senator from Utah offer the amendment which he has suggested?

Mr. KING. I withdraw the amendment.

Mr. REED of Pennsylvania. Mr. President, I move to strike out section 2 of the bill and to insert in lieu thereof the following words:

That in order to carry out the provisions of section 1 of this act the sum of $30,000 is authorized to be appropriated.

Mr. SMITH. Mr. President, I think that that amendment would, if adopted, put the bill in proper shape, because it would make the necessary authorization.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. REED of Pennsylvania. I move to strike out section 4 and to insert the following:

That in order to carry out the provisions of section 3 of this act the sum of $20,000 is authorized to be appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALABAMA, WISCONSIN, ILLINOIS, MINNESOTA, AND LOUISIANA BRIDGE BILLS

The following bridge bills were severally considered as in Committee of the Whole, reported to the Senate without amendment, ordered to a third reading, read the third time, and passed:

H. R. 8531. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River on the Columbiana-Talladega road between Talladega and Shelby Counties, Ala.;

H. R. 8726. An act authorizing Oscar Baertch, Christ Buhmann, and Fred Reiter, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Alma, Wis.;

H. R. 8740. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a free highway bridge across the Little Calumet River in Cook County, State of Illinois;

H. R. 8741. An act authorizing the Dravo Contracting Co., its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Chester, Ill.;

H. R. 8743. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near St. Paul and Minneapolis, Minn.;

H. R. 8818. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Red River at or near Moncla, La.;

H. R. 8837. An act authorizing the American Bridge & Ferry Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Cassville, Wis.;

H. R. 8896. An act granting the consent of Congress to the State of Alabama to construct, maintain, and operate a free highway bridge across the Conecuh River on the Brewton-Andalusia Road in Escambia County, Ala.; and

H. R. 9064. An act granting the consent of Congress to the highway department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River at or near Pell City, on the Pell City-Anniston Road between Calhoun and St. Clair Counties, Ala.

BILLS REPORTED FROM COMMITTEE ON MILITARY AFFAIRS

Mr. REED of Pennsylvania. Mr. President, I wish to state to the Senate why it is that about 25 bills reported from the Committee on Military Affairs and next on the calendar are found in one place. The War Department sent the committee about 40 suggested bills, some of which the committee did not approve and some of which we wished further to study, but after hearing the Secretary of War explain in detail these particular bills the committee was unanimous in voting to report them. Almost every member of the committee was present during the discussion. Each bill was taken up carefully and in detail. Many bills were not agreed to and were withheld, either permanently or for further explanation. Each of the bills that follow on the calendar I shall be glad to explain one by one as we get to them; but I simply wish the Senate to understand that these bills are here after full consideration by the Military Committee.

Mr. KING. May I ask the Senator from Pennsylvania whether they are for the purpose of giving higher grades or greater compensation to officers?

Mr. REED of Pennsylvania. I do not think there is a single case of that kind except one private bill to correct a clerical error in the length of the commissioned service of an officer.

Mr. KING. I notice in one bill that there is a provision for mileage apparently changing the cost of transportation.

Mr. REED of Pennsylvania. That is rather an economy than an additional allowance, as I will explain when we get to the bill.

TRANSFER OR LOAN OF AERONAUTICAL EQUIPMENT

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1822) to authorize the Secretary of War to transfer or loan aeronautical equipment to museums and educational institutions, which was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized in his discretion to transfer or loan to museums or properly accredited schools, colleges, and universities, for exhibition or instructional purposes, any aircraft, aircraft parts, instruments, or engines that have become obsolete or impaired to the extent that repair would not be economical: *Provided*, That such aircraft, aircraft parts, or engines will not be used in actual flight: *Provided further*, That no expense shall be caused the United States Government by the delivery or return of said property.

Mr. REED of Pennsylvania. The bill which is now under consideration proposes to provide for the loan to colleges of obsolete aviation equipment on condition that it shall not be used in flying.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANK STINCHCOMB

Mr. WALSH of Massachusetts. Mr. President, I ask unanimous consent to return to Order of Business 389, being the bill (H. R. 6194) for the relief of Frank Stinchcomb. There is now no objection to the consideration of the bill, the Senator who objected when it was reached on the calendar having withdrawn his objection.

Mr. JONES. Mr. President, what is the object of the bill, I will ask the Senator from Massachusetts?

Mr. WALSH of Massachusetts. The bill relates to the computation of service of a lieutenant in the Navy, but it does not involve any expense.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

Mr. JONES. Who asked that the bill go over?

Mr. WALSH of Massachusetts. The Senator from Utah [Mr. KING] asked that it go over, but he has withdrawn his objection. As I have explained, the bill involves no expenditure of money, but merely fixes the officer's status on the pay roll.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that an act for the relief of Frank Stinchcomb, approved June 6, 1924 (43 Stat. L. 1374), be amended by adding thereto the following: "*Provided*, That if appointed a lieutenant in the regular Navy he shall be entitled to count all service which he would have been entitled to count had he been appointed a lieutenant in the United States Navy under the act of June 4, 1920, for pay and all other purposes: *Provided*, That no back pay or allowances shall accrue to this officer by reason of the passage of this act."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TRANSPORTATION ALLOWANCE

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1825) to amend section 12 of the act approved June 10, 1922, entitled "An act to readjust the pay and allowances of commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," as amended by the act of June 1, 1926 (44 Stat. L. 680), so as to authorize an allowance of 3 cents per mile, in lieu of transportation in kind, for persons using privately owned conveyances while traveling under competent orders, which was read, as follows:

Be it enacted, etc., That section 12 of the joint service pay act of June 10, 1922, as amended, be further amended by inserting between the first and second paragraphs the following:

"Individuals belonging to any of the services mentioned in the title of this act, including the National Guard and the reserves of such services, traveling under competent orders which entitle them to transportation or transportation and subsistence as distinguished from mileage, who, under regulations prescribed by the head of the department concerned, travel by privately owned conveyance shall be entitled, in lieu of transportation by the shortest usually traveled route now authorized by law to be furnished in kind, to a money allowance at the rate of 3 cents per mile for the same distance: *Provided*, That this provision shall not apply to any person entitled to traveling expenses under the 'subsistence expense act of 1926.'"

Mr. REED of Pennsylvania. Mr. President, at the present time the law entitles an officer who travels under orders in his own automobile to be paid his entire expense for gasoline and oil on the presentation of receipts therefor. Such bills average more than 3 cents a mile, but in order to save the bother to the officer concerned and the clerical work on the part of the Government it seems to be wise to establish a low rate per mile. This bill establishes an allowance of only 3 cents per mile, as against 7 cents per mile if the officer travels by train. It will result in an economy to the Government and the saving of clerical work.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GENERAL STAFF CORPS ELIGIBLE LIST

The bill (S. 1828) to amend the second paragraph of section 5 of the national defense act, as amended by the act of September 22, 1922, by adding thereto a provision that will authorize the names of certain graduates of the General Service Schools and of the Army War College, not at present eligible for selection to the General Staff Corps eligible list, to be added to that list, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the second paragraph of section 5 of the national defense act, as amended by the act approved June 4, 1920, and further amended by the act of September 22, 1922, be, and the same is hereby, amended to read as follows:

"After the completion of the initial General Staff Corps eligible list, the name of no officer shall be added thereto unless upon graduation from the General Staff School he is specifically recommended as qualified for General Staff duty, and hereafter no officer of the General Staff Corps, except the Chief of Staff, shall be assigned as a member of the War Department General Staff unless he is a graduate of the General Staff College or his name is borne on the initial eligible list: *Provided*, That nothing herein shall operate to debar the name of any graduate of the Army War College, the Command and General Staff School, or the former General Staff College, General Staff School, Army Staff College, the Staff College, the School of the Line, the Army School of the Line, or the Infantry-Cavalry School from being added to the General Staff Corps eligible list if the manner of the performance of his duties and quality of his work is such as to indicate that he has since become well qualified for General Staff duty, and he is so recommended by a board of general officers: *And provided further*, That the name of any National Guard or reserve officer who has demonstrated by actual service with the War Department General Staff during a period of not less than six months, as hereinafter provided for, that he is qualified for General Staff duty, may, upon the recommendation of a board consisting of the general officers of the War Department General Staff, assistants to the Chief of Staff, be added to said eligible list at any time. The Secretary of War shall publish annually the list of officers eligible for General Staff duty, and such eligibility shall be noted in the annual Army Register. If at any time the number of officers available and eligible for detail to the General Staff is not sufficient to fill all vacancies therein, majors or captains may be detailed as acting General Staff officers under such regulations as the President may prescribe: *Provided*, That in order to insure intelligent cooperation between the General Staff and the several noncombatant branches, officers of such branches may be detailed as additional members of the General Staff Corps under such special regulations as to eligibility and redetail as may be prescribed by the President, but not more than two officers from each such branch shall be detailed as members of the War Department General Staff."

Mr. REED of Pennsylvania. Mr. President, in explanation of that bill, let me say that at present there are a number of graduates of the Army War College, the Command and General Staff School, the former General Staff College, as it was called, the General Staff School, and the School of the Line who to-day are ineligible for appointment to the staff, although their service has been highly creditable. The new language which this bill adds to the existing law is found on page 2 between lines 9 and 19. The result will be to widen the field of choice for staff duty. At present the department thinks the field of choice is too much restricted.

Mr. ROBINSON of Arkansas. How is it restricted now, may I ask the Senator.

Mr. REED of Pennsylvania. It is restricted by the law which the Senator will find at the top and at the bottom of page 2, which provides:

After the completion of the initial General Staff Corps eligible list, the name of no officer shall be added thereto unless upon graduation from the General Staff School he is specifically recommended as qualified for General Staff duty, and hereafter no officer of the General Staff Corps, except the Chief of Staff, shall be assigned as a member of the War Department General Staff unless he is a graduate of the General Staff College or his name is borne on the initial eligible list.

A large number of officers with high credit for past service had all the schooling that was available to them at the time of their study before the staff college was organized, and the department feels that, in fairness to those officers, they ought to be eligible for selection if they are considered desirable.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COLLECTION OF INDEBTEDNESS OF ENLISTED MEN

The bill (S. 1829) to authorize the collection, in monthly installments, of indebtedness due the United States from enlisted men, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That under such regulations as the Secretary of War shall prescribe, when it has been administratively ascertained that an enlisted man of the Army is indebted to the United States or any of its instrumentalities, the amount of such indebtedness may be collected in monthly installments by deduction from his pay on current pay rolls: *Provided*, That the aggregate sum of such deductions for any month shall not exceed two-thirds of the soldier's rate of pay for that month: *And provided further*, That whenever any part of the pay of a soldier for a certain month shall have been legally forfeited by sentence of court-martial, or otherwise legally authorized to be withheld, then no deduction under this act shall be so applied as to reduce the actual pay received by the soldier for that month below one-third of his authorized rate of pay therefor: *And provided further*, That the Secretary of War, under such regulations as he shall prescribe, may cause to be remitted and canceled, upon honorable discharge of the enlisted man from the service, any such indebtedness incurred during the current enlistment and remaining unpaid at the time of discharge: *And provided further*, That nothing in this act shall be construed to prevent collections of such indebtedness on final statements from pay, in the proportions hereinbefore indicated, or from clothing allowance savings.

Mr. REED of Pennsylvania. Mr. President, the bill now under consideration seems to me to be highly desirable from the standpoint of the welfare of the enlisted men. At present if an enlisted man owes anything to the Government his entire pay is taken each month until the Government is reimbursed. This bill limits the amount of the deductions to two-thirds of his monthly pay. The Government in the end will get its money back, but the man in the meantime will have something on which to live. Great embarrassment is caused to some men whose full monthly pay is taken for two or three months in that way.

Mr. KING. How do they become indebted to the Government?

Mr. REED of Pennsylvania. The indebtedness may arise in various ways. The Senator will understand that allotments absorb part of the enlisted man's pay; his war-risk insurance takes another slice out of his month's pay; and if he is found guilty by court-martial of some minor infraction and sentenced to forfeit say one half of his pay, if the other half is taken up by allotments, the result is that he has nothing whatever coming to him at the end of the month.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. TYDINGS. He might also lose a piece of his equipment, such as his rifle or other article, and would be obliged to make it good.

Mr. REED of Pennsylvania. Yes; but the commonest case is that of sentence by summary court. Of course, if he damages or loses Government property, he is held liable for that.

Mr. KING. Suppose he leaves the service before the Government has been paid?

Mr. REED of Pennsylvania. In that case the Government loses just as it loses now. If he is discharged with an honorable discharge any balance of indebtedness remaining unpaid is canceled. That, I understand, is the law to-day.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXCHANGE OF DETERIORATED AND UNSERVICEABLE AMMUNITION

The bill (S. 1833) to amend the act approved June 1, 1926 (44 Stat. L. 680), authorizing the Secretary of War to exchange deteriorated and unserviceable ammunition and components, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the act of June 1, 1926, authorizing the Secretary of War to exchange deteriorated and unserviceable ammunition and components, and for other purposes (44 Stat. L. 680), be, and the same is hereby, amended to read as follows:

"That the Secretary of War be, and he is hereby, authorized to exchange deteriorated and unserviceable ammunition and components thereof for ammunition or components thereof in condition for immediate use, or to sell the same and procure new ammunition or components thereof from the proceeds of such sales: *Provided*, That the proceeds of such sales also shall be available to defray either the whole or part of the expenses of the necessary breaking down of deteriorated and unserviceable ammunition, of preparing ammunition or components for sale, of selling, and of reconditioning and placing in storage ammunition or components to be retained, and he shall make statement of his action under this provision in his annual report."

Mr. McKELLAR. Will the Senator explain that bill?

Mr. REED of Pennsylvania. Yes. Under the present law the Secretary of War has authority to exchange deteriorated ammunition, but the authority extends only to an exchange of it. If he finds, for example, a charge for a .75 gun with its brass case and its shell has deteriorated so as to become completely useless, all the Secretary can do now is to make an arrangement to exchange that with somebody for a piece of good ammunition. In that way he is limited in respect to the number of people with whom he may deal. This bill would allow him to sell it as well as to barter it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

APPROPRIATIONS FOR ARMY CONTINGENCIES

The bill (S. 2387) to authorize appropriations for contingencies of the Army, was announced as next in order.

Mr. McKELLAR. Mr. President, I should like an explanation of that bill.

Mr. REED of Pennsylvania. Mr. President, at the present time there is a military-contingent fund which may be used for necessary entertainment of distinguished guests or foreign officers who come to military posts. For example, a distinguished admiral of some other navy stops at Honolulu and is there entertained by the commander of the Hawaiian department. There is a small contingent fund on which he is permitted to draw for that entertaining. This bill does not provide any increase in the amount, but it widens the authority so as to allow for contemporaneous entertainment of American officers who may happen to be in the assemblage.

It is a trivial thing. It is explained in the report by the statement of the Secretary that at present many commanding officers in the Army are required to defray from their personal funds large amounts annually in the official entertainment of distinguished foreigners and high officials.

Mr. ROBINSON of Arkansas. What is the total amount expended for the purposes contemplated by the bill?

Mr. REED of Pennsylvania. I am not familiar with the amount that is now expended; but they make an estimate here that the passage of this bill will not cause an expenditure of more than $6,000 per annum.

Mr. ROBINSON of Arkansas. That is, it will not increase the amount by more than that?

Mr. REED of Pennsylvania. That is the estimate. If the Senator would like the bill to go over, I will get the exact figures.

Mr. ROBINSON of Arkansas. Oh, no; I do not ask that.

Mr. McKELLAR. I should rather have the Senator put in a provision, if he will, putting a certain limitation on it, because he can easily see that if extended too far it might cause adverse comment.

Mr. REED of Pennsylvania. I do see that, and I think I ought to have the figures to give the Senate before I ask that the bill be taken up; so I will ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

PAY OF NATIONAL GUARD OFFICERS AND ENLISTED MEN

The bill (S. 2537) to amend section 110, national defense act, so as to provide better administrative procedure in the disbursements for pay of National Guard officers and enlisted men, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the second paragraph of section 110, national defense act, as amended, be, and the same is hereby, amended to read as follows:

"All amounts appropriated for the purpose of this and the last preceding section shall be disbursed and accounted for by the officers and agents of the Finance Department of the Army, and effective as soon as practicable after July 1, 1928, all disbursements under the foregoing

provisions of this section shall be made for such three months' periods for the various units of the National Guard as shall be prescribed in regulations issued by the Secretary of War and on pay rolls prepared and authenticated in the manner prescribed in said regulations: *Provided*, That for the period necessary to put into operation the payment plan herein provided for, the Secretary of War is authorized to fix initial pay periods of less than three months for such number of units as he may deem necessary: *And provided further*, That stoppages may be made against the compensation payable to any officer or enlisted man hereunder to cover the cost of public property lost or destroyed by, and chargeable to, such officer or enlisted man."

Mr. REED of Pennsylvania. This bill is made necessary by the fact that the present law provides for the paying of National Guard officers at the end of every three-month period, and a definite quarter is fixed at the end of which all officers have to be paid. What it is desired to do is to stagger those payments, so that fewer clerks can do the work by working steadily at it throughout the year.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INJURIES TO MEMBERS OF CIVILIAN COMPONENTS OF ARMY

The bill (S. 2948) to amend section 6, act of March 4, 1923, as amended, so as to better provide for care and treatment of members of the civilian components of the Army who suffer personal injury in line of duty, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That section 6 of the act approved March 4, 1923, entitled "An act to extend the benefits of section 14 of the pay readjustment act of June 10, 1922, to validate certain payments made to the National Guard and reserve officers and warrant officers, and for other purposes," as amended by an act approved June 3, 1924, be, and the same is hereby, amended to read as follows:

"SEC. 6. That officers, warrant officers, and enlisted men of the National Guard who suffer personal injury in line of duty while at encampments, maneuvers, or other exercises, or at service schools, under the provisions of sections 94, 97, and 99 of the national defense act of June 3, 1916, as amended; members of the Officers' Reserve Corps and of the enlisted reserve corps of the Army who suffer personal injury in line of duty while on active duty under proper orders; and persons hereinbefore described who may now be undergoing hospital treatment at Government expense for injuries so sustained; shall, under such regulations as the President may prescribe, when hospital treatment is necessary for appropriate treatment of such injury, be entitled to hospital treatment, including medical treatment, at Government expense, until the disability resulting from such injury can not be materially improved by further hospital treatment, and, during the period of hospitalization, to the same pay and allowances whether in money or in kind that they were entitled to receive at the time such injury was suffered, and to transportation to their homes at Government expense when discharged from hospital. Officers, warrant officers, and enlisted men of the National Guard who suffer personal injury in line of duty when participating in aerial flights prescribed under the provisions of section 92 of said national defense act as amended shall, under regulations prescribed as aforesaid, be entitled to the same hospital treatment, including medical treatment, pay and allowances, and transportation to their homes, as if such injury had been suffered while in line of duty at encampments, maneuvers, or other exercises under the aforementioned section 94 of the national defense act; and members of the Officers' Reserve Corps and enlisted reserve corps of the Army injured in line of duty while voluntarily participating in aerial flights in Government-owned aircraft by proper authority as an incident to their military training, but not on active duty, shall, under regulations prescribed as aforesaid, be entitled to the same hospital treatment, including medical treatment, pay and allowances, and transportation to their homes, as if such injury had been suffered while on active duty under proper orders. No person hospitalized under the foregoing provisions of this section on account of any personal injury suffered shall be entitled to receive, in connection with such injury, pay or allowance other than hospital treatment, including medical treatment and transportation, as herein provided, for more than six months; but for any remaining period of such hospitalization he shall be entitled to subsistence at Government expense: *Provided*, That the pay and allowances of members of the Officers' Reserve Corps and the enlisted reserve corps of the Army on active duty shall not be limited hereby. Members of the Reserve Officers' Training Corps and members of the civilian training corps who suffer personal injury in line of duty while at camps of instruction under the provisions of sections 47a and 47d of said national defense act as amended shall, under regulations prescribed as aforesaid, be entitled to hospital treatment, including medical treatment and transportation to their homes, as in the case of persons hereinbefore described, and to subsistence during hospitalization. If the death of any person mentioned herein occurs while he is undergoing the training or hospital treatment contemplated by this section, the United States shall, under regulations prescribed as aforesaid, pay for burial expenses and the return of the body to his home a sum not to exceed $100.

"The validation, under this section as heretofore standing, of certain expenditures previously made by the Government shall not be disturbed."

Mr. REED of Pennsylvania. Mr. President, the explanation of this bill is simple. It is merely to correct a quibble raised by some of the law officers of the department in regard to the words in the present law that provide for treating these boys who go to civilian camps in summer, or Reserve Officers' camps, or Officers' Reserve Corps summer training, and get hurt in the course of their training. The present law provides that they shall receive medical attention "until fit for transportation home." It is held, because of the use of those words, that the Government has no right to treat them after the moment at which they are physically able to travel without risk to their lives.

I think Congress never meant anything of that sort; but the Judge Advocate General has held that those words mean that all that the Army can give a boy who is hurt is merely such restoration as is necessary to fit him for transportation to his home; and, no matter how bad his condition when he gets home, the very fact that he went there is evidence that he was fit for transportation, and therefore treatment can not be furnished. This is merely to allow them to carry him on the end of his illness.

Mr. KING. This bill does not provide for indefinite care or for compensation during the period of illness brought about by the accident or any malady that may have resulted from the boy's service?

Mr. REED of Pennsylvania. No, Mr. President; it gives no compensation whatever—merely medical treatment by Army doctors—and I can not see that it will involve any considerable increase in cost to the Army. I know it was intended by Congress, when it passed the original law, that such treatment should be given.

Mr. SMITH. Mr. President, does not the Senator think that if it did involve considerable cost, if the injury was sustained during the service in training, it should be incurred?

Mr. REED of Pennsylvania. I think it should; and I think that is what Congress meant.

Mr. HEFLIN. Mr. President, that is the suggestion I intended to make. The Senator from South Carolina is right. If the boy is hurt in the line of duty and disabled, if he can not work, and he lies in a hospital or at home, why should not the Government have him treated and pay him for the time he has lost, too?

Mr. SMITH. Does the amendment cover that?

Mr. REED of Pennsylvania. It certainly will take care of his medical treatment. It does not provide for any pension.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF NATIONAL DEFENSE ACT

The bill (S. 2950) to amend the second paragraph of section 67, national defense act, as amended, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the second paragraph of section 67, national defense act, as amended, be, and the same is hereby, amended to read as follows:

"The appropriation provided for in this section shall be apportioned among the several States and Territories under just and equitable procedure to be prescribed by the Secretary of War and in direct ratio to the number of enlisted men in active service in the National Guard existing in such States and Territories at the date of apportionment of said appropriation, and to the District of Columbia, under such regulations as the President may prescribe: *Provided*, That the sum so apportioned among the several States, Territories, and the District of Columbia shall be available under such rules as may be prescribed by the Secretary of War for the actual and necessary expenses incurred by officers and enlisted men of the Regular Army when traveling on duty in connection with the National Guard; for actual and necessary expenses incurred by officers of the Regular Army, and reserve officers holding commissions in the National Guard on active duty in the Militia Bureau or the War Department General Staff, while traveling in attending the annual conventions of the National Guard Association of the United States and The Adjutants General Association; for the transportation of supplies furnished to the National Guard for the permanent equipment thereof; for office rent and necessary office expenses of officers of the Regular Army on duty with the National Guard; for the expenses of the Militia Bureau, including clerical services; for expenses of enlisted men of the Regular Army on duty with the National Guard, including an allowance for quarters and subsistence provided in section

11 of the pay readjustment act of June 10, 1922, medicine, and medical attendance; and such expenses shall constitute a charge against the whole sum annually appropriated for the support of the National Guard and shall be paid therefrom and not from the allotment duly apportioned to any particular State, Territory, or the District of Columbia; for the promotion of rifle practice, including the acquisition, construction, maintenance, and equipment of shooting galleries, and suitable target ranges; for the hiring of horses and draft animals for use of mounted troops, batteries, and wagons for forage for the same; and for such other incidental expenses in connection with lawfully authorized encampments, maneuvers, and field instruction as the Secretary of War may deem necessary, and for such other expenses pertaining to the National Guard as are now or may hereafter be authorized by law."

Mr. REED of Pennsylvania. Mr. President, the explanation of that bill is that it is simply to allow travel expense for those officers who attend National Guard conventions or conventions of adjutants general. It will involve practically no expenditure of money whatever, and will not result in an increase in appropriations.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ISSUE OF ARMS, ETC., FOR PROTECTION OF PUBLIC MONEY AND PROPERTY

The bill (S. 3058) to amend that provision of the act approved March 3, 1879 (20 Stat. L. 412), relating to issue of arms and ammunition for the protection of public money and property, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the provision relating to issue by the Secretary of War of arms and ammunition for protection of public money and property, contained in the act of March 3, 1879 (20 Stat. L. 412), be, and the same is hereby, amended to read as follows:

"That upon the request of the head of any department or independent agency of the Government, the Secretary of War be, and he hereby is, authorized to issue arms, suitable accouterments for use therewith, and ammunition whenever they may be required for the protection of the public money and property, and they may be delivered to any officer of the department or independent agency designated by the head of such department or independent agency, to be accounted for to the Secretary of War, and to be returned when the necessity for their use has expired: *Provided, however*, That hereafter the cost of all ammunition issued, the cost of replacing borrowed arms and accouterments which are lost or destroyed or are irreparable, the cost of repairing arms and accouterments returned to the War Department, and the cost to the War Department of making and receiving shipments under the authority of this act shall be covered by transfer of funds from the department or independent agency concerned to the credit of War Department funds."

Mr. KING. Mr. President, I should like an explanation of that bill.

Mr. REED of Pennsylvania. Mr. President, the effect of the proviso which is added by this bill will be to relieve the War Department in the future of charges against its appropriations for stores which it issues to the Postmaster General and the Secretary of the Treasury. It is not estimated that there will be any increase in cost. The bill seems to have been omitted from my calendar, so that I can not speak by the book; but the purpose of the bill is to authorize transfers in appropriations from the departments that receive these arms of the War Department itself. It is a mere bookkeeping matter, and does not increase the cost to the Government.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RECOVERY OF BODIES OF OFFICERS, SOLDIERS, ETC.

The bill (H. R. 230) to authorize an appropriation for the recovery of bodies of officers, soldiers, and civilian employees was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sum as may be necessary to pay the expenses incident to the recovery of bodies of officers, cadets, United States Military Academy, acting assistant surgeons, members of the Army Nurse Corps, warrant officers, enlisted men, and civilian employees, under such regulations as the Secretary of War may prescribe.

Mr. REED of Pennsylvania. Mr. President, at the present time the Government has authority and appropriations for the burial of bodies, for their transportation to their homes, and for all of the expense resulting from a drowning case, but it has not authority to pay anybody to try to recover the body if it is not found at the time of the accident. Once in a while it becomes necessary to drag a stream or a lake to try to recover a body; but the Comptroller General has ruled, I understand, that there is no money available for that purpose.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FORT MONMOUTH MILITARY RESERVATION, N. J.

The bill (H. R. 233) to provide for the purchase of land in connection with the Fort Monmouth Military Reservation, N. J., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That The Secretary of War is hereby authorized and empowered to acquire a strip of land lying along the easterly side of the Red Bank-Eatontown Highway, bordering on and for use of Fort Monmouth Military Reservation, N. J., and there is hereby authorized to be appropriated for such purpose a sum not to exceed $1,000 out of any money in the Treasury not otherwise appropriated.

Mr. REED of Pennsylvania. That is a strip of land running along a vacated street-railway track.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUBSISTENCE OF CANDIDATES ATTENDING TRAINING CAMPS

The bill (H. R. 234) to amend section 47d of the national defense act, as amended, so as to authorize an allowance of 1 cent a mile for subsistence of candidates in going to and returning from camp was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That section 47d of the national defense act, as amended by the act approved June 4, 1920 (41 Stat. 779), be, and the same is, further amended by inserting between the words "mile" and "for" in the fourteenth line of said section 47d the following language to wit:

"Or, at the option of the Secretary of War, transportation in kind may be furnished, and in addition thereto candidates may be paid a subsistence allowance at the rate of 1 cent a mile within such limits as to territory as the Secretary of War may prescribe."

Mr. REED of Pennsylvania. Mr. President, at the present time the students going to these citizens' summer camps are paid the cost of their meals while traveling, provided they bring a receipt to show what they paid. It requires a lot of clerk hire, but in the end it costs more than an average of a cent a mile. This is to help everybody by establishing a flat rate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TRAVEL EXPENSES FOR SURVEYS OF BATTLE FIELDS

The bill (H. R. 235) to authorize the payment of travel expenses from appropriations for investigations and surveys of battle fields was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That mileage of officers of the Army and actual expenses of civilian employees traveling on duty in connection with the studies, surveys, and field investigations of battle fields shall be paid from the appropriations made from time to time to meet the expenses for these purposes.

Mr. REED of Pennsylvania. This bill is due to a ruling of the Comptroller General that the travel of officers in going to a battle field could not be paid out of an appropriation to make a survey of the battle field after they got there.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INCLUSION OF ARMY NURSES IN LAW GRANTING SIX MONTHS' PAY TO BENEFICIARIES

The bill (H. R. 238) to amend an act entitled "An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct," approved December 17, 1919, so as to include nurses of the Regular Army, was considered as in Committee of the Whole.

Mr. REED of Pennsylvania. Mr. President, this simply extends the privilege to nurses regularly employed in the Army. It has been ruled that they were not enlisted persons.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISPOSITION OF REMAINS OF MILITARY PERSONNEL AND CIVIL EMPLOYEES OF THE ARMY

The bill (H. R. 248) to authorize appropriations to be made for the disposition of remains of military personnel and civilian employees of the Army was considered as in Committee of the Whole.

Mr. REED of Pennsylvania. Mr. President, this is general legislation which has been carried in the War Department appropriation bill for many years; and in the desire to shorten that bill we are putting it in general legislation.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LANDS IN PENNSYLVANIA

The bill (H. R. 5476) to authorize the Secretary of War to sell to the Pennsylvania Railroad Co. a tract of land situate in the city of Philadelphia and State of Pennsylvania was considered as in Committee of the Whole.

Mr. JONES. Mr. President, I should like to know why the bill specifies that this land shall be sold to the Pennsylvania Railroad Co.

Mr. REED of Pennsylvania. It is really an exchange. This is a tract of land used for a system of tracks in North Philadelphia at the depot now being used by the Shipping Board. The railway tracks in that neighborhood are being elevated, and the yards owned by the Government will soon cease to have any connection with any railway system because of the elevation. The railroad has offered to provide a tract of substantially the same acreage, and, they say, of equal value, and to take over this yard area from the Government.

The committee in the House of Representatives was somewhat skeptical as to the fate of the Government in these exchanges of land, and therefore it amended the bill in the House to require appraisals and to forbid a sale for less than the appraised value.

Mr. ROBINSON of Arkansas. There is no authority here for a transfer or exchange of lands. The authority is for the sale; but I presume the War Department already has authority to purchase the tract that it desires.

Mr. REED of Pennsylvania. I understand so.

Mr. ROBINSON of Arkansas. Manifestly, the only purchaser for the land probably would be the Pennsylvania Railroad Co.

Mr. REED of Pennsylvania. Yes; the only purchaser could be that company.

Mr. JONES. Does the Government need this land?

Mr. REED of Pennsylvania. It is part of the Shipping Board facilities there. The War Department has the title, I believe. It is charged to the War Department; but I understand that the only use for the land at present is the use to which the Shipping Board is putting it.

Mr. McKELLAR. Does the land border on the water, or not?

Mr. REED of Pennsylvania. It is not right at the water. I understand that the piers are not to be changed, but the purpose of this exchange is to enable them to get from the railroad company another area on which tracks can be constructed that will lead to these same piers.

Mr. ROBINSON of Arkansas. They do not require this particular tract any longer, according to the report, for military purposes.

Mr. REED of Pennsylvania. That is my understanding.

Mr. ROBINSON of Arkansas. That is what the Secretary of War states in his letter.

Mr. JONES. Does the Shipping Board require it?

Mr. McKELLAR. I was just going to ask, does the Shipping Board desire the property?

Mr. REED of Pennsylvania. I do not understand that the Shipping Board has made any objection to this bill, but I suggest that we allow the bill to go over.

Mr. JONES. I think it had better go over.

Mr. REED of Pennsylvania. I will get a report from them.

Mr. JONES. I hope the Senator will find out, too, if they actually exchange lands, why they need other lands.

The PRESIDING OFFICER. The bill will be passed over.

PURCHASE OF HORSES AND MULES

The bill (H. R. 7195) to provide for the purchase of horses and mules for the Military Establishment was considered as in Committee of the Whole.

Mr. REED of Pennsylvania. Mr. President, the whole purpose of this bill is to use the appropriation for the purchase of mules, under the requirement that they shall be purchased in the open market. The present law does not make that requirement.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CIVILIAN CARETAKERS FOR NATIONAL GUARD

The bill (H. R. 242) to amend section 90 of the national defense act, as amended, so as to authorize employment of additional civilian caretakers for National Guard organizations, under certain circumstances, in lieu of enlisted caretakers heretofore authorized, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 2, line 1, to strike out the comma after the word "lieutenant" and the words "and that," and to insert after the word "further," in line 2, the word "that," so as to make the bill read:

Be it enacted, etc., That the second proviso of section 90 of the national defense act, as amended by the act approved May 28, 1926 (44 Stat. 673–674), be, and the same is hereby, amended so as to read: "*Provided further*, That in each heavier-than-air squadron one caretaker may be a commissioned officer not above the grade of first lieutenant: *And provided further*, That in any organization whenever it shall be found impracticable to secure the necessary competent caretakers for the materials, animals, armament, or equipment thereof from the personnel of such organization, the organization commander may employ civilians for any or all except one of the caretakers authorized for the organization, and such civilians shall be entitled to such compensations as may be fixed by the Secretary of War."

The amendment was agreed to.

Mr. REED of Pennsylvania. Mr. President, the present law requires that a certain proportion of the caretakers shall be men enlisted in these military organizations. In some of the organizations it is found impossible to get men who can give all of their time to the care of the animals, and it is necessary to hire caretakers at a low rate of pay. The rate of pay is fixed by regulation, and an appropriation is made separately each year in the Army appropriation bill to pay these caretakers. This simply authorizes what many organizations now are doing out of their own pockets. It allows all of the caretakers, save one, to be engaged from civilians, instead of their being enlisted men.

Mr. KING. I notice that it requires that there shall be at least one officer of the grade of lieutenant, or above. Is that important?

Mr. REED of Pennsylvania. That is in the present law, and that is in connection with taking care of airplanes. The first proviso is in the present law. The second proviso relates to organizations employing animal-drawn equipment. The reason why the commissioned officer is required in heavier-than-air outfits is because there is so much fragile material belonging to the Government. It requires great care.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CAPT. GEORGE E. KRAUL

The bill (H. R. 3510) to authorize the President, by and with the advice and consent of the Senate, to appoint Capt. George E. Kraul a captain of Infantry, with rank from July 1, 1920, was considered as in Committee of the Whole.

The bill had been reported by the Committee on Military Affairs with an amendment, on page 1, line 3, after the word "That," to insert the words "in order to rectify an admitted error of the War Department in the computation of commissioned service," and a comma, so as to make the bill read:

Be it enacted, etc., That, in order to rectify an admitted error of the War Department in the computation of commissioned service, the President of the United States be, and he hereby is, authorized to appoint, by and with the advice and consent of the Senate, George E. Kraul a captain of Infantry in the Regular Army of the United States, with rank from July 1, 1920: *Provided*, That no back pay or allowances shall accrue as a result of the passage of this act, and there shall be no increase in the total number of captains of the Regular Army now authorized by law by reason of the passage of this act.

Mr. REED of Pennsylvania. Mr. President, I would like to say a word about this bill. The committee has definitely set its face against putting any man into the Army by private bill. This bill is an exception, as appears by the amendment, because of a clerical error of the clerk in The Adjutant General's office who calculated the length of this man's commissioned service for the purpose of determining his place on the promotion list. Captain Kraul is now in the Army. It does not add any officer, but simply puts Captain Kraul in his admittedly proper place on the list.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CARLISLE BARRACKS RESERVATION

The bill (H. R. 5635) to amend the act approved June 7, 1924, authorizing the Secretary of War to sell a portion of the

Carlisle Barracks Reservation was considered as in Committee of the Whole.

Mr. REED of Pennsylvania. Mr. President, under a law we passed in 1924, the Secretary of War was authorized to sell certain land and use the proceeds from the sale for buying two other tracts. The proceeds were not enough to buy both tracts, and this changes the law simply to enable him to buy one, but no authorization is given to buy any other.

Mr. McKELLAR. Mr. President, I want to remark in passing that it seems to me that giving to the Secretary of War or to any other executive officer of the Government the right to sell property, and then with the proceeds buy other property, is a very bad practice. We should always cover the money into the Treasury, and make an appropriation for the purchase of the property we desire to buy.

Mr. REED of Pennsylvania. I agree with the Senator, and if the law did not already read that way, I would ask to have the sale and purchase separately authorized. I think that ought to be done.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF NATIONAL DEFENSE ACT

The bill (S. 1823) to amend section 2 of the act approved June 6, 1924 (43 Stat. L. 470), entitled "An act to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes," was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 2, line 5, after the word "arms," to insert a colon and the following proviso: "*Provided*, That not more than 5 per cent of the total commissioned strength of the Army shall be so excepted at any one time," and a semicolon.

The amendment was agreed to.

Mr. REED of Pennsylvania. Mr. President, this is intended to amend the Manchu law. The Manchu law, as the Senate will remember, is that which is designed to prevent staff officers holding staff positions throughout their whole military career, out of touch with troops. The present law requires that every officer shall spend a certain part of each four years of service on duty with troops, so that every staff officer has a taste of field service. That is all right and the committee does not propose to change it, nor does the War Department ask us to do so; and it will be found on looking at this bill that it does not propose to change that practice with regard to general staff officers.

There are other officers, however, who are covered by the general wording of the law whose work is seriously interrupted. For example, in the Chemical Warfare Service there are a large number of technical experimenters at work. To take them away from their laboratories and send them out with troops interrupts their work, and it does the Government no good.

Mr. McKELLAR. Mr. President, would it not mean the teaching of other officers to perform those particular duties? It seems to me that the Manchu law has been of the greatest value to the Army. The Senator will not recall, perhaps, but some time before the late war there was a large accumulation of officers principally here in Washington. It almost became a scandal in the Army, and it brought about the passage of the Manchu law. I think we ought to conform to that law. I believe that officers of the Army should be required to serve with troops, certainly once in every four years. I doubt the wisdom of this bill and hope the Senator will let it go over, so that we may look into it.

Mr. REED of Pennsylvania. I will be very glad to let it go over, and we can discuss it more fully.

Mr. ROBINSON of Arkansas. Before it is passed over, Mr. President, let me ask if the changes in existing law as provided in this bill are confined to such persons in such technical service as is suggested by the Senator from Pennsylvania.

Mr. REED of Pennsylvania. The bill would apply to all officers except those in the General Staff Corps. The exception is shown on page 1. I do not mean to press the bill now. I am going to ask that it go over, but let me give the Senator an illustration.

In France the head of the Graves Registration Service was an officer who had been in France for three years, who knew the ground thoroughly, who had learned to speak French fluently, who had all the problems at his finger tips, so that he could almost tell in what part of any cemetery any man was buried. He was taken away, brought back here to serve with troops as the result of the Manchu law, and we had to send an officer to take his place, who, in the nature of things, would not have any of that information. It seriously impeded the work, and cost the Government money. That is the theory of the department in asking for the legislation.

Mr. McKELLAR. But, instead of having one officer who could do that particular work, when there was a change made, at the end of the third year, we would have another officer who could do the work. It cuts both ways, and taking it by and large, I am constrained to believe that it is of immense value to the Army to have its officers serve with troops at least every four years.

Mr. REED of Pennsylvania. I agree with the Senator about the value of the Manchu law in general. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

WITHHOLDING OF PAY OR ALLOWANCES IN THE MILITARY SERVICE

The bill (S. 1830) to authorize the Secretary of War to withhold pay or allowances of any person in the military service to cover indebtedness due the United States or its military agencies or instrumentalities was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments. The first amendment was, on page 1, line 4, to strike out "him" and insert "them."

The amendment was agreed to.

Mr. JONES. Mr. President, may I ask the Senator if the word "respectively" should not come after the word "them"? It does not mean that these regulations shall be made jointly by the Secretaries of War and Navy?

Mr. REED of Pennsylvania. I think that amendment would be appropriate.

Mr. JONES. I suggest that amendment.

Mr. REED of Pennsylvania. This bill is made necessary by a recent decision of the courts, which changed the practice of a hundred years in both the Army and the Navy. Always before if an officer were indebted to the Government, the amount of his indebtedness was deducted from his pay. Now, for the first time in a century, it has been held that the law gives us no right to do that.

Mr. ROBINSON of Arkansas. Does the Senator mean that that is a ruling of the Comptroller?

Mr. REED of Pennsylvania. No; a decision of the courts.

Mr. McKELLAR. Of the Supreme Court?

Mr. REED of Pennsylvania. Yes; of the United States Supreme Court.

Mr. JONES. I offer an amendment. I move after the word "them" to insert the word "respectively."

Mr. McKELLAR. Where?

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 1, line 4, after the committee amendment, insert the word "respectively," so that it will read "by them respectively."

The amendment was agreed to.

Mr. ROBINSON of Arkansas. Does that mean that each secretary may prescribe rules, independent of the rules prescribed by the other?

Mr. JONES. I think so. They deal with their own departments.

Mr. REED of Pennsylvania. Each would prescribe the regulations for his own department.

The PRESIDING OFFICER. The clerk will state the next amendment of the committee.

The CHIEF CLERK. On page 1, after the word "War," insert the words "or the Secretary of the Navy"; on the same page, line 7, after the word "military," insert the words "or naval"; on page 2, line 3, after the word "Army," insert the words "or Navy"; and on line 7, after the word "War," insert the words "or the Secretary of the Navy."

The amendments were agreed to.

Mr. JONES. Mr. President, I want to ask the Senator this question: We passed a bill a short time ago dealing with indebtedness of members of the Army. Does not this modify that?

Mr. REED of Pennsylvania. That dealt with the indebtedness of enlisted men. This relates to officers.

Mr. JONES. This says "any person in the military service." It seems to me this covers privates as well as officers.

Mr. REED of Pennsylvania. The two would be considered together. I suppose the reason why the word "persons" is put in is for the purpose of covering warrant officers, nurses, and other persons of that character. The use of the word "officer" would not be quite broad enough. The other measure covers enlisted men.

Mr. JONES. This bill would not be considered as modifying the other measure to that extent? This may become a law after the other becomes a law.

Mr. REED of Pennsylvania. Yes; that would be true, because the other, as I recall it, is a House bill. I suggest that we let this bill go over.

The PRESIDING OFFICER. The bill will be passed over.

SECRET MILITARY MATERIAL

The bill (S. 1831) to authorize the Secretary of War and the Secretary of the Navy to class as secret certain material, apparatus, or equipment for military and naval use was announced as next in order.

Mr. McKELLAR. Mr. President, will not the Senator explain the bill?

Mr. REED of Pennsylvania. In the first place, the committee was unwilling to give that authority to the Secretary of War or to the Secretary of the Navy. We believed that if it was to be given to anyone, it ought to be given to the President himself. Therefore the amendments which the Senator sees in the bill.

There are a number of military secrets in all armies that have to be exposed if the goods which they cover are bought on specifications and by open bidding. To give a good illustration, the eyepieces of the German gas masks in the last war were made of some material, or in some such way, that they would not get dim from the moisture of one's breath. Nobody during the war could learn how those were made. If the United States makes an invention like that, in order to get the articles manufactured and to purchase them from the lowest bidder it has to advertise its specifications, and the moment it does so, the military value of the invention is gone.

There are not many things of that sort, a few of the fire-control instruments, perhaps, and some of the Signal Corps apparatus, and a few tricks they have in aviation, not many; but it is desirable that we shall keep them secret if we can. The discretion ought to be in the President; not in any subordinate officer.

Mr. LA FOLLETTE. Mr. President, I ask that the bill may go over.

Mr. McKELLAR. Before it goes over, may I call the attention of the Senator from Pennsylvania to the fact that the language used in the bill is very broad, being "any material, apparatus, or equipment for military or naval use." That would include everything, and I was wondering if some limitation could not be made. I merely make the suggestion. I hope the Senator will consider it when the bill comes up again.

Mr. ROBINSON of Arkansas. May I suggest to the Senator in the same connection that the language he has quoted is modified by that which follows, "or equipment for military or naval use which is of such a nature that the interests of the public service would be injured by publicly divulging information concerning them," and so forth.

Mr. McKELLAR. Yes; that is true, but still it is very broad.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The bill goes over, under objection.

BILL PASSED OVER

The bill (S. 1838) to amend section 110 of the national defense act by repealing and striking therefrom certain provisions prescribing additional qualifications for National Guard State staff officers, and for other purposes, was announced as next in order.

Mr. REED of Pennsylvania. I ask that the bill may go over. Some Senators wish to consider it further.

The PRESIDING OFFICER. The bill will be passed over.

WAR DEPARTMENT MEDALS AND BADGES

The bill (H. R. 8309) to amend an act entitled "An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department," approved February 24, 1923, was considered as in Committee of the Whole.

Mr. ROBINSON of Arkansas. Mr. President, may we have an explanation of the reason for the bill?

Mr. REED of Pennsylvania. The only need for it is to make it an offense to wear the distinguished flying cross, a decoration which has been authorized since the passage of the original act of 1923. The flying cross was not included in that act because it did not then exist. This bill modifies it only to insert those words, but the bill as it passed the House put the soldier's medal ahead of the flying cross. The amendment made in our committee merely reverses the order in which the words occur.

Mr. ROBINSON of Arkansas. Does not the Senator think the language should be "any person who knowingly offends against the provisions of this section"?

Mr. REED of Pennsylvania. I had not paid attention to that because it is the old law. I agree with the Senator that the word "knowingly" might well be inserted.

Mr. ROBINSON of Arkansas. It seems to me under that provision a gallant young flyer who permitted his sweetheart to wear his medal might suffer the painful embarrassment of having her fined $250.

Mr. REED of Pennsylvania. Whereas the fine ought to be paid by him?

Mr. ROBINSON of Arkansas. Whereas there ought not to be any fine at all in such a case.

The bill had been reported from the Committee on Military Affairs with amendments, on page 1, line 10, to strike out the words "soldier's medal," and on page 2, line 1, after the word "cross" to insert the words "soldier's medal."

The amendments were agreed to.

Mr. REED of Pennsylvania. I move to amend by inserting on page 2, line 11, after the word "who," the word "knowingly."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 2, line 11, after the word "who," insert the word "knowingly," so as to make the bill read:

Be it enacted, etc., That the act entitled "An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department," approved February 24, 1923 (sec. 1425, title 10, U. S. Code), be amended so as to read as follows:

"That hereafter the wearing, manufacturing, or sale of the Congressional Medal of Honor, distinguished-service cross, distinguished-service medal, distinguished-flying cross, soldier's medal, or any other decoration or medal which has been, or may be, authorized by Congress for the military forces of the United States, or any of the service medals or badges which have been, or may hereafter be, awarded by the War Department, or the ribbon, button, or rosette of any of the said medals, badges, or decorations, of the form as is or may hereafter be prescribed by the Secretary of War, or of any colorable imitation thereof, is prohibited, except when authorized under such regulations as the Secretary of War may prescribe.

"Any person who knowingly offends against the provisions of this section shall, on conviction, be punished by a fine not exceeding $250 or by imprisonment not exceeding six months, or by both such fine and imprisonment."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CONSTRUCTION AT WEST POINT

The bill (H. R. 9202) to authorize construction at the United States Military Academy, West Point, N. Y., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments, on page 1, line 3, after the word "authorized," to strike out the words "the razing of the old cadet mess hall at the United States Military Academy, West Point, N. Y., and," and in line 6, after the word "barracks," to insert the words "at the United States Military Academy, West Point, N. Y.," so as to make the bill read:

Be it enacted, etc., That there is hereby authorized the construction of a new cadet barracks at the United States Military Academy, West Point, N. Y., at a total cost of not to exceed $825,000: *Provided*, That the Superintendent of the United States Military Academy, West Point, N. Y., with the approval of the Secretary of War, is authorized to employ architects to draw the necessary plans and specifications from funds herein authorized, when appropriated.

The amendments were agreed to.

Mr. KING. Mr. President, I recall that a few years ago we made very liberal appropriations for West Point and it was stated then, as I recall, that ample provision had been made for the institution for many years. Why is it that so large an appropriation is now required?

Mr. REED of Pennsylvania. Because of the increase in the number of officers in the Army and a consequent increase in the number of cadets at the academy. Congress has recently authorized a further increase to take care of the sons of soldiers of the World War who were killed. The Congress has already authorized the razing of the old mess hall and has appropriated $135,000 for the purpose. That building is to be replaced by the new cadet barracks and the appropriation of $135,000 authorized the preparation of the plans for the new barracks. We were unwilling to go further than that in the appropriation bill this year. It was not necessary to appropriate the balance of the money. That is why in the appropriation bill, as in the housing bill which we passed, we declined to include the cost of building the new barracks.

Mr. JONES. Mr. President, can the Senator tell me how many cadets the proposed new barracks will care for?

Mr. REED of Pennsylvania. I can read that from the report, if the Senator please:

The present barracks facilities provide for the accommodation of 875 cadets. As a result cadets are living three in a room designed for two. The crowded conditions interfere with studies and are unhealthy and uncomfortable. To adequately care for 1,200 cadets, another barracks to accommodate 325 cadets (or 163 rooms, the equivalent of a little more than 10 of the present divisions) is required as soon as possible.

Mr. JONES. Is it expected to increase the membership at West Point to 1,200?

Mr. REED of Pennsylvania. The membership of West Point is now authorized at 1,200.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ANNIVERSARY OF DISCOVERY OF HAWAIIAN ISLANDS

The bill (H. R. 81) to authorize the coinage of silver 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the discovery of the Hawaiian Islands by Capt. James Cook, and for the purpose of aiding in establishing a Capt. James Cook memorial collection in the archives of the Territory of Hawaii, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in commemoration of the one hundred and fiftieth anniversary of the discovery of the Hawaiian Islands by Capt. James Cook, and for the purpose of aiding in establishing a Capt. James Cook memorial collection in the archives of the Territory of Hawaii, there shall be coined in the mints of the United States silver 50-cent pieces to the number of 10,000, such 50-cent pieces to be of a standard troy weight, composition, diameter, and design as shall be fixed by the director of the mint and approved by the Secretary of the Treasury, which said 50-cent pieces shall be legal tender in any payment of their face value.

SEC. 2. The coins herein authorized shall be issued only upon the request of the Cook Sesquicentennial Commission of Hawaii and in such numbers and at such times as they shall request upon payment by such commission to the United States of the par value of such coins.

SEC. 3. All laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same, regulating and guarding the process of coinage, providing for the purchase of material, and for the transportation, distribution, and redemption of the coins, for the prevention of debasement or counterfeiting, for security of the coin or for any other purpose, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized: *Provided*, That the United States shall not be subject to the expense of making the necessary dies and other preparation of this coinage.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REIMBURSEMENT TO STATE OF NEVADA

The joint resolution (S. J. Res. 41) directing the Comptroller General of the United States to reopen, readjust, and resettle the account between the State of Nevada and the United States was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on the Judiciary with an amendment to strike out all after the resolving clause and insert:

That the Comptroller General of the United States is authorized and directed to reopen, restate, and resettle the account of the State of Nevada for moneys advanced and expended in aid of the Government of the United States during the War between the States, and on such restatement and resettlement (1) to assume the balance due the State of Nevada on January 1, 1900, as being correctly stated in the account set forth in the reports of the Secretary of the Treasury printed in House Document No. 322 and Senate Document No. 441, Fifty-sixth Congress, first session; (2) to add to such balance the interest certified by the Governor and the Comptroller of the State of Nevada as actually paid by said State from January 1, 1900, to the date of the approval of this joint resolution, in the principal sums so advanced and expended; and (3) after deducting the amounts repaid by the United States to the State of Nevada since January 1, 1900, to certify to Congress for an appropriation the balance found due the State of Nevada.

Mr. PITTMAN. Mr. President, I wish to say that the joint resolution provides that the Comptroller General shall readjust the account between the State of Nevada and the United States for expenditures made by that State during the Civil War in the raising of ample troops to keep open the Overland Trail during that war. The request was made in 1861 under the act of 1861. Nevada at that time called for volunteers under the Territorial act, and enlisted 1,180 men. She spent a total sum of $109,000 in that matter. She has only been paid the sum of $22,000 since that time. The Territory borrowed the money to raise the troops and had to pay interest on it. The Territorial act authorizing the enlistment and pay of such volunteers was approved by Congress. When the State came into the Union in 1864 under the enabling act it had to assume the debts of the Territory. It assumed this debt and issued its bonds in payment of it.

The bonds have never been paid off and are still drawing interest, although legislation affecting the matter has passed the Senate five separate times, but was not acted upon in the House.

The situation is that the matter was adjusted up to 1890. In 1890 a similar measure was passed calling upon the Comptroller General to adjust the account. The final statement of his adjustment was as follows:

Total paid by the State for which no reimbursement has been made, $462,441.97.

We want the adjustment brought up to date from that time.

Mr. ODDIE. Mr. President, I hope the joint resolution will pass. It is exceedingly just. The Judiciary Committee have approved it unanimously and it should be followed by a measure at a later time making the necessary appropriation.

Mr. JONES. Mr. President, I want to ask the Senator from Nevada if the language "certified to Congress for an appropriation of the balance found due to the State of Nevada" is sufficient authorization for an appropriation?

Mr. PITTMAN. It is not, although it anticipates an appropriation. That is the reason why the joint resolution went to the Committee on the Judiciary. It was first taken up by a subcommittee of which the Senator from Colorado [Mr. WATERMAN] was chairman, and then went to the full committee and received a unanimous report.

Mr. JONES. I wonder if the Senator from Nevada would have any objection to making it read, "certify to Congress the balance found due the State of Nevada, and appropriation for the same is hereby authorized"?

Mr. PITTMAN. I do not ask that that language be inserted at this time, for I am satisfied Congress will appropriate the money to settle the account as adjusted in accordance with this resolution, and this is the regular form.

Mr. JONES. Very well.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on the Judiciary.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PITTMAN subsequently said: Mr. President, I ask unanimous consent that in connection with the passage of Senate Joint Resolution 41, following its passage there be printed in the RECORD the report of the committee, which is very short, and statements before the Judiciary Committee, by Mr. Frank Norcross and Mr. Charles J. Kappler in reference to the matter, which I hand to the clerk.

There being no objection, the report and statements were ordered to be printed in the RECORD, as follows:

[S. Rept. No. 433, 70th Cong., 1st sess.]

REIMBURSEMENT OF NEVADA

Mr. WATERMAN, from the Committee on the Judiciary, submitted the following report, to accompany Senate Joint Resolution 41:

The Committee on the Judiciary, to which was referred the resolution (S. J. Res. 41) directing the Comptroller General of the United States to reopen, readjust, and resettle the account between the State of Nevada and the United States, reports the same favorably to the Senate and recommends that the resolution do pass with the following amendment:

Strike out all of that part of the resolution after the resolving clause and insert in lieu thereof the following:

"That the Comptroller General of the United States is authorized and directed to reopen, restate, and resettle the account of the State of Nevada for moneys advanced and expended in aid of the Government of the United States during the War between the States, and on such restatement and resettlement (1) to assume the balance due the State of Nevada on January 1, 1900, as being correctly stated in the account set forth in the reports of the Secretary of the Treasury printed in House Document No. 322 and Senate Document No. 441, Fifty-sixth Con-

gress, first session: (2) to add to such balance the interest certified by the Governor and the comptroller of the State of Nevada as actually paid by said State from January 1, 1900, to the date of the approval of this joint resolution, on the principal sums so advanced and expended; and (3) after deducting the amounts repaid by the United States to the State of Nevada since January 1, 1900, to certify to Congress for an appropriation the balance found due the State of Nevada."

The joint resolution has for its ultimate purpose the reimbursement of the State of Nevada for moneys actually advanced and expended on account of debts and obligations contracted by the Territory of Nevada at the request of the United States and assumed by the State at the time of its admission into the Union, in raising, equipping, and compensating soldiers called into the service of the United States during the years 1863 to 1865, inclusive, for the purpose of guarding and keeping open the Overland mail and emigrant route to the Pacific coast.

FACTS OF THE CASE AS DISCLOSED BY VARIOUS OFFICIAL REPORTS

In pursuance of the act of Congress of March 3, 1899 (30 Stat. 1206), referred to in the joint resolution, the Secretary of the Treasury was directed—

"to investigate and report to Congress * * * the amount furnished by said State of Nevada or by the Territory of Nevada and assumed by said State * * * with such interest on the same as said State has actually paid, together with what amounts have been heretofore paid by the United States."

The Secretary of the Treasury, on January 19, 1900, in compliance with said act, transmitted "a statement of the case made by the Auditor of the War Department" of date January 18, 1900, from which it appears that with interest paid by the State to December 31, 1899, there remained "the sum of $462,441.97 for which the State has not been reimbursed." (H. Doc. 322, 56th Cong., 1st sess.) In a subsequent report under the same act of Congress the Secretary corrected the balance due theretofore given, showing the sum of $439,222.72 due the State instead of $462,441.97. (S. Doc. 441, 56th Cong., 1st sess.) The State has never been reimbursed in this amount, or any material portion thereof, but whatever sums have been paid will, after including interest paid by Nevada to date, be deducted by the Comptroller General in adjusting and settling the account under Senate Joint Resolution 41, with the statement of the Secretary of the Treasury of January 19, 1900, as modified June 4, 1900, forming the basis of calculation.

The Senate in the Fiftieth, Fifty-first, Fifty-third, Fifty-fifth, and Fifty-sixth Congresses passed measures for the reimbursement of Nevada for such expenditures, and it would seem is committed by vote and by sentiment to the payment of the same. Committees of the House have invariably reported favorably. (Hearings, p. 30.)

The Territory of Nevada was created by act of Congress March 2, 1861 (12 Stat. 210), embracing a very large portion of what was then known as the Great American Desert, in which had been discovered extremely valuable gold and silver mines and across which the Overland mail and emigrant route extended for nearly 500 miles.

The exigency of the situation then existing is illustrated by the following excerpt from one of numerous calls made upon the Territory by the commanding general of the Pacific to furnish troops in an emergency:

[Hearings, pp. 17, 18, and S. Rept. No. 1286, 50th Cong., 1st sess.]

The Indian disturbances along the line of the Overland mail route, east of Carson City, Nevada Territory, threaten the entire suspension of our mail facilities as well as preventing any portion of the vast immigration approaching from the East reaching Nevada. * * * My force immediately available on that line is small. It is impossible for us at this moment to purchase horses and equipment. Each man would have to furnish his own. * * * Even one company will be accepted.

G. WRIGHT,
Brigadier General, United States Army, Commanding.

The Territorial legislature adopted "An act to encourage enlistments and give bounties and extra pay to our volunteer soldiers," approved February 20, 1864. It was under this act that most of the enlistments going to make up the regiment of Cavalry and a battalion of Infantry furnished by the Territory, in all, 1,180 men, were secured and the debt, later assumed by the State, contracted. The so-called "bounties" consisted of $10 per recruit allowed to captains of companies in lieu, and the "extra pay" of $5 per month to soldiers in addition to the Army pay. The Territory was without money and authorized a bond issue for the purpose.

A board of Army officers appointed under the act of Congress approved June 27, 1882 (22 Stat. 111), reported that the so-called "bounty" pay to captains was for "enlisting, lodging, and subsisting the men of their companies prior to their entering the United States service in lieu, * * * and, under the circumstances, this expense was economical." Concerning the so-called "extra pay" they reported:

"We are decided in the conviction * * * that the legislature was mainly instigated by a desire to do a plain act of justice * * * by placing them on the same footing, as regards compensation * * * their compensation from all sources did not exceed, if indeed was equal to, the value of the money received as pay by the troops stationed elsewhere." (Hearings, p. 23.)

Notwithstanding the facts, the board of Army officers, as has the Court of Claims (45 C. Cls. 264), felt compelled, while recognizing the equity of Nevada's case, to deny reimbursement because of the use by Nevada of the expression "bounty and extra pay," terms which did not correctly set forth the true nature of the payments intended to be made.

The act of Congress creating the Territory of Nevada provided that copies of all acts of the legislature must be submitted to Congress. Congress interposed no objection to the act creating this debt. (Hearings, p. 24.)

The Journals of the Senate and House of Representatives show that the Territorial act providing for extra pay to the Nevada volunteers was forwarded to Congress, laid before each House, and referred to the Committee on Territories. Congress, though it had the power to disapprove said act, did not so disapprove; although on another occasion in 1863 Congress passed an act expressly nullifying section 24 of the Nevada Territorial act relating to corporations. Had Congress disapproved of the extra pay it would therefore have so declared by an act. By approving said Territorial act Congress accepted said Territorial act as a modification of the act of 1861 and the regulations made thereunder, so far as Nevada alone was concerned, and thereby made such extra pay here in dispute valid. These important facts were not presented to the Army officers or the Court of Claims; if they had been, said Army officers and the court would, instead of rigidly adhering to the act of 1861 and the regulations, undoubtedly have rendered a favorable decision. In any event, it is now proven for the first time that such extra pay was made by the Territory of Nevada with the approval of Congress.

CONDITIONS PREVAILING IN NEVADA TERRITORY IN 1863–64

On March 21, 1864, Congress, for national purposes, passed an enabling act authorizing the people of the Territory of Nevada to adopt a constitution and be admitted into the Union as a State at a time when the people were wholly unprepared, from population, taxation, resource, and financial standpoints, to assume the burdens of statehood. This will be more fully realized when it is remembered that at such time, namely, in 1863 and 1864, the Territory of Nevada embraced a large desert and mountainous area with a limited population perhaps of not more than 15,000 persons. The inducement to go into that region was the discovery of rich mines on what is known as the Comstock lode. Men were scarce, and under the existing law of supply and demand the wages of labor and prices of supplies in Nevada were necessarily greatly in excess of those prevailing in other sections of the country. There were no regular United States troops operating in that vast desert region. Such United States troops as had been stationed in the far West had been transferred east during the early part of the war, and for such reason volunteers were called for from that locality, where hostile Indians abounded and who interfered with the overland route from Salt Lake City to San Francisco.

The cost of living and wages of labor in Nevada during the War between the States were from 50 to 100 per cent higher than in the Atlantic States. Under such extreme conditions prevailing it was found necessary by the Territory of Nevada, acting under the advice of the Army officers, to pass acts providing for the payment of $10 per recruit to captains and $5 per month to soldiers in addition to the regular Army pay, as an inducement to secure speedy enlistments of men to fight the Indians on the desert and in the mountains, incited to hostilities by the general war conditions prevailing, and of course partially to cover the high cost of living.

It may here be added that had not the patriotic impulses of the people of the Territory of Nevada been most fervent in behalf of the Union, as the record shows they were, it is doubtful if, under the conditions prevailing in Nevada at that time, and in fact, upon the whole Pacific coast, it would have been possible to have obtained the enlistment of men for the United States Army service against the Indians to guard the overland route where men were readily employed in the mines at wages ranging from $5 to $10 per day in gold.

The conditions existing in such Territory at that time can be appreciated when we find that the Quartermaster General estimated the cost of a bushel of corn purchased at Fort Leavenworth, Kans., and delivered at Salt Lake City, Utah, was $17 a bushel. (Report Secretary of War, 1865–66, pt. 1, pp. 23–112; also report General Halleck to Secretary of War, dated October 18, 1866; War Department Annual Report, 1866, pp. 31–32.)

To understand the conditions in Nevada at that time it must be borne in mind that there were no railroads crossing the continent at that period. The Panama and Cape Horn routes had been closed, and snows on the Sierra Nevada Mountains blocked for eight months in the year travel from the Pacific coast to the interior.

The great Comstock mines, then the greatest gold and silver producers in the world, were supplying their resources for the support of the Government, and there was only one trail that could be kept open, and that was the overland trail through Nevada.

Out of its population of 15,000 persons over 1,100 volunteered. They abandoned from $5 to $10 a day in the mines and suffered hard-

ships as no other soldiers ever suffered. They supplied their own horses and equipment and lived as best they could. They kept the communication open in the face of numerous and severe Indian wars.

CONGRESS ESTOPPED FROM DENYING RELIEF

Technically, it has been construed that the Federal law allows no bonus to soldiers. What inducement was there in the sum of $10 for officers for each recruit, which sum was expended for enlisting, lodging, and subsisting the men prior to entering United States service, in lieu, and $5 a month for privates? These sums were not a bounty; they were only essential as increased pay to permit soldiers and officers to exist under the laws of supply and demand prevailing in the Territory in 1863 and 1864, and so the Army board found. Congress, which passed upon the acts of the Territory, found no objection to this extra pay, although Congress had a right to refuse to ratify it. Congress is now and ever since has been estopped from denying reimbursement after it forced the admission of the Territory of Nevada into the Union under the condition that it should assume such obligations incurred by the Territory, and in view of the fact Congress approved the Territorial act providing for extra pay.

HISTORICAL FACTS COVERING NEVADA STATEHOOD

Charles A. Dana, then Assistant Secretary of War, is authority for the statement, undoubtedly true, that the administration of President Lincoln—

"had decided that the Constitution of the United States should be amended by the adoption of the thirteenth amendment. * * * It was believed that such an amendment would be equivalent to new armies in the field, that it would be worth at least a million men. * * * When that question (ratification) came to be considered * * * one State more was necessary. The State of Nevada was organized and admitted into the Union to answer that purpose." (Dana's Recollections of the Civil War, p. 174.) (Hearings, p. 16.)

The State being thus practically forced into the Union for national reasons was bound to assume and discharge the debts contracted by the officers of the Territory, all of whom were appointed by and in the pay of the General Government and, in fact, were officers thereof. It did so as part of its constitution, which was approved by President Lincoln. The response of the people of the Territory to the call of Congress had also the effect of shifting the burden of the cost of its government from the Nation to the State, which effected a saving to the General Government many times greater than all the debts and obligations for war purposes paid by the State and for which the State now seeks reimbursement.

STRICT CONSTRUCTION OF ACTS AGAINST NEVADA

While the construction placed on the acts of Congress by the board of Army officers and the Court of Claims was unquestionably rigid and strict instead of liberal, as later held, they should be construed by the Supreme Court in New York *v.* United States, (160 U. S. 598) deemed necessary, perhaps, because of their general application, still such construction as applied to the peculiar and unusual conditions prevailing at the time in Nevada could not do otherwise than produce and effect an injustice calling for relief. Likewise the board of Army officers, due to their rigid construction, held that interest on money borrowed by a State for the common defense could not be allowed, yet the Supreme Court, in New York *v.* United States, supra, held interest so paid as a proper charge and cost.

The statement made by Congressman UNDERHILL, of Massachusetts, chairman of the House Committee on Claims while the claims bill, H. R. 9285, was under consideration January 30, 1928 (CONGRESSONAL RECORD, 70th Cong., p. 2187), aptly applies to what should have been done in the Nevada case, which we here quote with approval:

"Many of the reports from the Comptroller General are based on a strict interpretation of the letter of the law and technicalities. Of course I would not have the comptroller go against the law, but I think if I were in his place I could stretch my conscience to the extent of finding a reasonable interpretation of the law rather than a strict interpretation of the letter of the law."

MORAL OBLIGATION TO REIMBURSE NEVADA

Congress, on July 27, 1861, passed an act entitled "An act to indemnify the States for expenses incurred by them in defense of the United States" (12 Stats. 276), and it is not unlikely that the officials of the Territory, so far from the seat of government, in those extraordinary days construed this act to warrant incurring any debt which circumstances seemed to them to require. As to any regulations made thereunder, it is doubtful if the Territorial officials ever saw them. In any event, the emergency was great and was met, effectually, by means that the board of Army officers conceded were both "economical" and "a plain act of justice." The debt having been contracted by the Territory under an act of its legislature which Congress, having the opportunity, had not objected to, Congress would not only be estopped but would be in honor bound to reimburse the Territory.

When the people of Nevada Territory were, for national exigencies, called upon by Congress to organize a State government, still greater it would seem is the moral obligation resting upon Congress to provide for reimbursement for debts so required to be assumed and which were incurred in common defense for the benefit of the United States and at its urgent calls. As was said by the Supreme Court of the United States in the sugar bounty cases (U. S. *v.* Realty Co., 163 U. S. 427):

"That even though in its purely legal aspects an invalid law could not be made the basis of a legal claim, the planter had acquired a claim against the Government of an equitable, moral, or honorable nature; that the Nation, speaking broadly, owed a "debt" to an individual when his claim grew out of right and justice—when, in other words, it was based upon considerations of a moral or merely honorary nature."

Under this opinion the bounties were paid.

The reimbursement of Nevada plainly and strongly grows out of "right and justice," and the Senate having heretofore, after exhaustive reports, on five separate occasions, passed measures for payment, your committee concur in such action.

SENATE PASSED AMENDMENT FOR PAYMENT

In the Fifty-sixth Congress the Senate committee reported the following amendment to the sundry civil appropriation bill, H. R. 11212:

"To pay the State of Nevada the sum of $462,441.97 for moneys advanced in aid of the suppression of the rebellion in the Civil War, as found and reported to Congress January 22, 1900, by the Secretary of the Treasury, as provided by the act approved March 3, 1899 (30 Stat. 1206)."

Before the adoption of this amendment the following Senators spoke in support thereof:

"Senator HAWLEY, of Connecticut. There is no sort of question as to its justice.

"Senator HALE, of Maine. The Senate is committed to this State claim, by vote, by sentiment, and it is only a question of time when it will pass.

"Senator TELLER, of Colorado. If there are any claims that are just and proper which the United States ought to pay, this is one of them. It is as sacred an obligation, in my judgment, as the national bonds." (CONGRESSIONAL RECORD, 56th Cong., 1st sess., vol. 33, pt. 7, p. 6278.)

FORMER REPORTS OF THE SECRETARY OF THE TREASURY

The Secretary of the Treasury in his report responding to the act of Congress approved March 3, 1899 (30 Stat. 1206), set forth the actual amounts paid by Nevada and not reimbursed as follows (H. Doc. No. 322, 56th Cong., 1st sess.; S. Doc. 441, 56th Cong., 1st sess.):

Amount of claim of the State of Nevada, including interest up to June 30, 1899 (Report of the Secretary of War, p. 10, S. Ex. Doc. 10, 51st Cong.)	$412,600.31
Amount of interest paid by Nevada from June 30, 1899, to December 31, 1899	58,401.27
	471,001.58
Amount which the State was reimbursed April 10, 1888, under act of June 27, 1882	8,559.61
Total paid by the State for which no reimbursement has been made	462,441.97

In a subsequent report, printed in Senate Document 441, Fifty-sixth Congress, first session, the Secretary corrected the above amount by deducting the sum of $23,219.25 paid January 13, 1899, leaving the balance, which had not been reimbursed, $439,222.72.

On July 1, 1910, under the decision of the Court of Claims and the Comptroller of the Treasury, an additional sum was allowed as interest on the $8,559.61 amounting to $12,283.04, leaving a balance due and not reimbursed of $426,939.68.

In addition there should be added interest on the principal sum from January 1, 1900, to date of passage of the joint resolution.

The object and purpose of Senate Joint Resolution 41 is to direct the Comptroller General of the United States to accept as a basis for calculation the undisputed statement of the Secretary of the Treasury printed in House Document 322, as modified by statement in Senate Document 441, Fifty-sixth Congress, first session, and to add thereto the interest on the principal sum borrowed in aid of the Government paid by the State of Nevada since December 31, 1899; then to deduct from such sum the $12,283.04 heretofore paid by the United States under the Court of Claims decision, and the balance resulting should be the amount to be submitted by him to the Budget for a proper estimate to Congress in time to be inserted in one of the general appropriation bills.

In view of the fact that the reimbursement of Nevada passed the Senate five times, and on account of the peculiar merit, on the ground of right and justice, such reimbursement possesses, and because Nevada is not asking reimbursement of a penny she has not actually expended in good faith, your committee recommends that Senate Joint Resolution 41 do pass.

COMMITTEE ON THE JUDICIARY, UNITED STATES SENATE,
Wednesday, January 25, 1928.

* * * * * * *

Senator WATERMAN. Are you ready to proceed, gentlemen?

Mr. NORCROSS. Before I make my statement I wish to offer a memorial by T. B. Balzar and Morley Griswold, governor and lieutenant

governor and adjutant general, respectively, and various State officials, which was passed by the Legislature of the State of Nevada, for the record.

Senator WATERMAN. It may go in as part of the record.

The paper referred to is as follows:

A MEMORIAL FOR THE REIMBURSEMENT OF THE STATE OF NEVADA FOR EXPENDITURES MADE IN AID OF THE GOVERNMENT OF THE UNITED STATES DURING THE WAR BETWEEN THE STATES

[Extract from the CONGRESSIONAL RECORD, December 15, 1927]

Memorial from the officials of the State of Nevada (the legislature not being in session) asking for the reimbursement of the State for moneys actually advanced and expended by the State in aid of the Government of the United States during the War between the States

MEMORIAL OF THE STATE OF NEVADA

To the Senate and House of Representatives of the United States:

Your memorialists, the executive officers of the State of Nevada (the legislature not now being in session), respectfully pray that an appropriation be made to reimburse the State of Nevada for moneys actually expended by the State for costs, charges, and expenses incurred in enrolling, equipping, and compensating her military forces during the Civil War in response to the urgent calls of and under proper requisitions made by the commanding officer of the Military Department of the Pacific, under direct authority of the President and the Secretary of War, upon the understanding that all such costs, charges, and expenses actually incurred in raising troops for the United States would be reimbursed to the State.

The expenditures made by the State of Nevada for and on account of the United States, and at its most urgent call, are set forth by the Secretary of the Treasury pursuant to the act of Congress approved March 3, 1899 (30 Stat. 1206), as follows:

"The amount expended by the State of Nevada, with such interest on the same as the State had paid, between February 10, 1865, and June 30, 1889, amounts in all to the sum of $412,600.31. * * * From June 30, 1889, to December 31, 1899, the State of Nevada has paid the sum of $58,401.27 as interest upon money paid by the State in aiding * * * in the Civil War. (The Supreme Court of the United States in the New York case (160 U. S. 598) held interest paid by the State on borrowed money a proper cost or charge.) * * * The total amount expended by the State of Nevada or by the Territory of Nevada and assumed by said State, with such interest on the same as the said State has actually paid, amounts to $471,001.58. * * * The sum of $8,559.61 was allowed and paid the State of Nevada. * * * This amount, deducted from the total paid by the State of Nevada, leaves the sum of $462,441.97 for which the State has not been reimbursed." (H. Doc. 322, 56th Cong., 1st sess.)

No part of the sum actually expended has been reimbursed the State of Nevada other than the small amount credited, although the costs, charges, and expenses, including interest, incurred by other States in aid of the Government during the Civil War have been paid said States.

The State of Nevada is in urgent need of the sum due her from the United States, and your memorialists believe that if the attention of Congress is again invited to this matter it will appreciate the justness of her request for reimbursement.

Your attention is respectfully called to a few salient facts. The Territory of Nevada was created by act of Congress approved March 2, 1861. It embraced a generally mountainous and desert region of nearly 100,000 square miles and comprised a then population, exclusive of Indians, of but approximately 15,000. A Territorial government was made necessary by the then recent discoveries of great gold and silver mines. Early in 1861 the Government withdrew all troops from the Pacific coast, excepting one regiment of Infantry and three batteries of Artillery, to guard practically the entire Mexican cession and the Oregon country, nearly one-third of the area of the United States. In 1863, by reason of activities at sea, the ocean route to the Pacific was closed. The overland route was left the only means of communication. This route also was threatened with closure by warring Indians and bandits. The Territory of Nevada was called upon to furnish troops in this exigency. This required money, which the Territorial treasury did not possess. The Territory authorized a bond issue and answered the Government's urgent calls with a regiment of Cavalry and a battalion of Infantry.

The overland route was kept open to California and the Comstock Lode and other Nevada mines were permitted to continue operations. These mines turned into the Treasury of the United States during the years of and immediately following the Civil War $500,000,000 of gold and silver. On March 21, 1864, just two months after the people of the Territory had overwhelmingly defeated a proposed State constitution, authorized by act of the Territorial legislative council, Congress passed an enabling act and the people of Nevada were asked to assume the obligations of statehood. So important is this matter that we quote from Charles A. Dana, then Assistant Secretary of War, the following excerpt from his book Recollections of the Civil War:

"The administration had decided that the Constitution of the United States should be amended so that slavery should be abolished. This was not only a change in our national policy, it was also a most important military measure. * * * It was believed that such an amendment would be equivalent to new armies in the field—that it would be worth at least a million men. * * * When that question came to be considered, the issue was seen to be so close that one State more was necessary. The State of Nevada was organized and admitted into the Union to answer that purpose."

The author proceeds and quotes President Lincoln, when the question of the vote upon admission was in doubt, as saying:

"Here is the alternative: That we carry this vote or be compelled to raise another million, and I don't know how many more, men, and fight no one knows how long."

The State was morally bound to assume the Territorial debts and obligations. It did so as a part of the Constitution. President Lincoln, with whom Congress alone left the matter, upon receipt of a copy of the Constitution, sent by telegraph, approved the same with that provision.

We call the attention of Congress to the fact that the appropriate committees of both the Senate and House of Representatives have in past years repeatedly made exhaustive investigations of Nevada's war expenditures and have in every instance reported upon the same favorably, and that the Senate on three separate occasions passed measures carrying an appropriation for reimbursement. In this connection we crave the indulgence of the Congress to be permitted to have three distinguished statesmen, among the many who have considered the matter, again speak in behalf of our State:

Senator Hawley, of Connecticut: "There is no sort of question as to its justice."

Senator Hale, of Maine: "The Senate is committed to this State claim by vote, by sentiment, and it is only a question of time when it will pass."

Senator Teller, of Colorado: "If there are any claims that are just and proper which the United States ought to pay, this is one of them. It is as sacred an obligation, in my judgment, as the national bonds." (CONGRESSIONAL RECORD, 56th Cong., 1st sess., vol. 33, p. 6278.)

It is respectfully submitted, in conclusion, that the conditions under which these expenditures were made were in many respects peculiar to Nevada alone; that the justice of reimbursement has not only been established, but we believe a moral obligation is also involved stronger, if possible, than the mere legality of the obligation; that since reimbursement has been so long delayed it would be but an act of tardy justice to appropriate the sum necessary for such reimbursement at the present session of Congress.

Done at Carson City, State of Nevada, this 5th day of December, 1927.

J. B. BALZAR,
Governor
MORLEY GRISWOLD,
Lieutenant Governor and Adjutant General.
W. G. GREATHOUSE,
Secretary of State.
M. A. DISKIN,
Attorney General.
GEORGE B. RUSSELL,
State Treasurer.
ED. C. PETERSON,
State Comptroller.
GEORGE WATT,
Surveyor General.
WALTER W. ANDERSON,
Superintendent of Public Instruction.
A. J. STINSON,
State Inspector of Mines.

STATEMENT OF FRANK H. NORCROSS, RENO, NEV.

Mr. NORCROSS. In the statement that I will make, with respect to the application of the State of Nevada for reimbursement for moneys expended by the State and debts assumed by the State, which were originally contracted for by the Territory of Nevada, I will endeavor to give a general history of the entire matter.

Senator WATERMAN. All of the debts of the Territory and all of the claims which the Territory had against others passed to the State?

Mr. NORCROSS. Yes. The Territory of Nevada was created by an act of Congress, March 2, 1861. The Territory was undoubtedly created as the result of the discovery of the Comstock Lode and the rush of miners to this western country, and undoubtedly also grew out of the political condition then existing on the Pacific coast on account of the breaking out of the Civil War. At that time it was extremely doubtful as to what the attitude of the Pacific coast would be. That is a matter of history, and I will not occupy any time on that.

Senator WATERMAN. Right there; I notice that this resolution says "the amount of money actually advanced and expended by the State of Nevada." Now, none of the moneys were advanced by the State, but were previously advanced by the Territory. Is that right?

Mr. NORCROSS. That is not exactly right. Practically all of the money was paid by the State, but a great portion of the debt was

contracted by the Territorial governor preceding the organization of the State, so that almost the entire amount for which the State asks reimbursement was contracted originally by the Territory, and then, upon the organization of the State government, it was assumed by the State and paid by the State.

Senator WATERMAN. There has never been any question raised with reference to that situation at all?

Mr. NORCROSS. That situation has been covered in various reports of Senate and House committees when this matter was before the Congress a number of years ago and prior to the time the case was before the Court of Claims, although I will explain that a little later.

Senator WATERMAN. I just wanted to get the foundation of this; that is all.

Mr. NORCROSS. The situation which governed the contracting of this debt is substantially this:

In 1863, two years after the organization of the Territory, by reason of the activities at sea, the Panama route to the Pacific and the route via the Horn was closed. The only remaining communication with California and the Pacific coast was the Overland Trail. At that time there were very few United States troops upon the Pacific coast. At the breaking out of the Civil War all of the troops then in California were ordered to the Atlantic coast. There was left but one regiment of Infantry and three batteries of Artillery to guard what was practically the entire Mexican cession alone, so that the situation which arose later made it absolutely necessary to raise additional troops. The breaking out of Indian wars, in the latter part of 1863, threatened the entire closure of the overland route.

General Wright, who was in command of the military on the Pacific, called upon Governor Nye, of the Territory, to raise additional troops, and stated that it would be necessary for the men to provide their own horses and equipment, that he could furnish arms and ammunition, but anything more than this would have to be furnished by the troops.

A few troops were raised prior to the passage of legislation. The legislature—I think it was in the fall of 1863, or early in 1864—passed an act providing for the encouragement of enlistments in the Territorial forces. That act provided for the payment to captains of $10 per recruit, and for the soldiers $5 per month, and it was designated in the act as "bonus and extra pay."

This expression has governed the legal questions which have subsequently arisen and were controlling in the decision rendered finally in 1910 by the Court of Claims.

The State government was organized in 1864, but before going into that I will refer briefly to the legal points that have been raised against the reimbursement of Nevada.

As I have stated, the whole objection was based upon the use in the Territorial act of the words "bonus and extra pay," because, as I understand it, the policy of the Government was not to allow what was called the "bonus and extra pay."

It is the contention of the State of Nevada that, as a matter of fact, it was not "bonus and extra pay"; and we think that established by the Board of Army Examiners appointed under an act passed by Congress in 1882 to consider the reimbursement of a number of States, including Texas, California, Oregon, Nevada, Nebraska, and, I think, Colorado also. This Board of War Claim Examiners considered the statement furnished by Nevada for its expenditures in great detail. The report was filed, and it is of record, but the important point in the matter is this, that while the Board of War Claim Examiners, consisting all of Army officers—and, as we contend, unacquainted with the law—took the position that while these expenditures were under the circumstances necessary and, as a matter of actual fact, were not "extra pay," but, nevertheless, because the Territorial act had so declared, that that was controlling upon the board.

That, in substance, is the effect, as I understand it, of the decision of the Court of Claims.

Senator WATERMAN. Let me ask you right there one question, if you will.

Mr. NORCROSS. Yes.

Senator WATERMAN. What is Nevada seeking? Merely a recoupment of this "bonus and extra pay"? Is that the sum and substance of the whole thing?

Mr. NORCROSS. It is the main amount of the original debt. In addition to that, it is asking interest, under the decision of the case of New York *v.* United States, which was appealed from the Court of Claims; and, in fact, the claim of the State of New York was for disbursements during the war.

Senator WATERMAN. Then, so far as the principal sum is concerned, it is "bonus and extra pay"; that is what it is?

Mr. NORCROSS. That is what the Army officers say it is. With reference to the matter of the interest, it is interest that has been actually paid by Nevada on money borrowed in aid of the common defense.

Senator WATERMAN. It is interest actually paid by Nevada on that sum?

Mr. NORCROSS. Yes.

Senator WATERMAN. So they want to be recouped for that interest?

Mr. NORCROSS. Yes.

Senator WATERMAN. In addition to the principal?

Mr. NORCROSS. Yes; the Supreme Court held such interest is part of the principal.

Senator WATERMAN. And they are asking no interest upon the total of that?

Mr. NORCROSS. Oh, no.

Senator WATERMAN. None at all; they are just asking for that which they paid out and nothing more?

Mr. NORCROSS. That is all, just to be reimbursed upon the amount it actually paid out.

Senator WATERMAN. I understand your claim now.

Mr. NORCROSS. Now, briefly, on the merits. The State has always heretofore claimed an absolute legal liability under the original act of Congress of 1861 or 1862, which is general and, of course, applied to the entire country.

Then, also, the act of 1882, which created this Board of War Claims Examiners. That act generally, or the important feature of it, provided this, in substance, that the Board of War Claims Examiners should not make any allowance for any of these States or Territories which would be in excess of the amounts paid to Government troops under a similar condition. Now, it was always the contention of the State of Nevada that under that act the State was at the time entitled to reimbursement. So far as the history of this claim is concerned, that was the position of the Senate, taken on four several occasions, because the Senate on four several occasions passed the act providing for the payment of the full amount of this claim.

Senator WATERMAN. The Senate has four times provided for the payment of this claim; is that right?

Mr. NORCROSS. Yes.

This might be a good place to refer to statements made concerning this matter when it was before the Senate. Here is the statement of Senator Teller, and I am reading from pages 6278 and 6279 of volume 33, part 7, Fifty-sixth Congress, first session, of the CONGRESSIONAL RECORD.

Senator ODDIE. What is the date of that?

Mr. NORCROSS. It is May 31, 1900. Here is the statement of Senator Teller [reading]:

"Mr. President, I just want to say one word about this matter. If there are any claims that are just and proper which the United States ought to pay, this is one of them. It has had all the care and attention it is possible to give a claim. Every dollar of this account has been found by the Treasury Department to be due the State of Nevada. The State has been kept out of it for thirty-odd years, and it is an expenditure that all of the States of the West were compelled to make from time to time. Most of them have been recognized and paid, and there is no reason why this should not be paid. It is as sacred an obligation, in my judgment, as the national bonds, and the conditions are such that everybody knows that the Government can pay it now as well as at any other time. The State of Nevada demands that if the Government is ever to pay it, the thing ought to be paid now."

And then from Senator Hawley, of Connecticut. The statement of Senator Hawley is as follows [reading]:

"Mr. President, I have served a good many years on the Committee on Military Affairs, and at every Congress I have heard this bill discussed from beginning to end. There is no sort of question as to its justice. It is just as much due as your board bill which you pay every month."

And I will read a portion taken from a statement made by Senator HALE, of Maine [reading]:

"I want to say to the Senator from Nevada that I know he is reasonable; that the Senate is committed to this State claim by vote, by sentiment, and it is only a question of time when it will pass."

Senator ASHURST, just before you came in I read the statement of Senator Teller, of Colorado. I had just referred to the question of the legality, as the State had heretofore contended, with respect to the disbursements on account of the $5 per month, so-called extra pay to the troops that were raised, and a $10 allowance, which was called a "bonus" in the Territorial act, which was given to captains of companies for recruits. The board of Army examiners, consisting of three officers, made an exhaustive examination of all of these accounts, and with respect to the $5 per month, so-called extra pay, they stated that in view of the high cost of living on the Pacific coast and the tremendous expense of transporting into that section, the extra pay, so called, did not exceed, if indeed it equaled, the pay that was received by soldiers in other parts of the country.

With respect to the $10 bonus, they made this statement, that it was intended, and actually did cover the expenses of transportation, of recruiting, of subsisting, and lodging, and all of the incidentals which went to prepare a soldier for mustering into the United States service, but concluded that statement with the expression that, as a matter of fact, it was economical, so that upon the strict merits of the matter there was, in fact, no extra pay.

Senator WATERMAN. May I interrupt you right there?

Mr. NORCROSS. Yes.

Senator WATERMAN. Senator ASHURST, as I understand the development up to this time, this "bonus and extra pay," so denominated by

Nevada and provided for by statute, had been repudiated by the board and by the Government up to this time, together also with interest, which, in fact, the Territory and State has paid upon that sum of money so advanced to these soldiers; and, further, that when these men were enlisted they had to outfit themselves, except as to arms and ammunition, and these soldiers went in from Nevada and the State or Territory allowed them this $15 referred to, and the Government gave them only arms and ammunition, but they had to forage around, or do something to feed themselves and cloth themselves. Is that a correct statement?

Mr. NORCROSS. That is substantially correct. They could not furnish the soldiers with horses or equipment, about which there can be no question. There was a total of 1,180 men finally mustered into the service, and the facts show that those men, in the main, kept open the Overland Trail, which was considered a military necessity, and which, so far as the financial benefit to the country is concerned, tremendous.

At that time, as you gentlemen can yourselves verify in history, the Comstock mine was then the greatest producer of precious metals of any mine in the world, and it is probable that if the Overland Trail had been closed, the mines would have had to follow, because, as shown by reports at that time, the Sierra Nevada Mountains were closed by reason of snows for six months of the year, and a large portion of the supplies were coming from the East.

That was the situation, so far as the Territory was concerned. Now, in that connection, we take this position, because we believe there is involved in this reimbursement a tremendous moral obligation for the Government to recognize.

Senator WATERMAN. And you base your case entirely upon that?

Mr. NORCROSS. We have to very largely now. I have explained what has been the legal position heretofore taken, which is that these payments were not in fact "bonus or extra pay."

Let me, right in that connection, say this: That even the Territory followed what was theretofore the established policy of the Government in respect to troops in far-distant countries. Following the Mexican War and the admission of California into the Union the Government in its military appropriation bills provided for the payment for troops upon the Pacific coast of double pay to that paid in any other part of the United States, and that was in time of peace, and even at that time expenses and the cost of supplies in California could not be a circumstance to what they were in the desert region of Nevada in the early sixties.

Senator ASHURST, I think, probably knows something about that, and the Senator from Colorado also.

Senator WATERMAN. I would like to ask a question right there. We had a claim the other day with reference to New York City. Have you any familiarity with that?

Mr. NORCROSS. No; I have not.

Senator WATERMAN. You have not. Very well.

Senator PITTMAN. Let me interrupt you right there to see if I follow you. Is it the fact that the United States had declared against paying bonuses?

Mr. NORCROSS. I would not say the United States had declared against bonuses. The original act of 1861 or 1862 provided substantially that the Government would reimburse the States for all expenditures. Previous to 1861, under the act of 1850, bounties were paid by the United States.

Senator PITTMAN. I think I understand.

Senator WATERMAN. Do I understand that your position toward this claim is that it is predicated more upon what the policy of the Government had been with reference to affording some relief to Nevada that it is not affording to somebody else? Is that about the objection?

Mr. NORCROSS. If I understand your question: Taking the history of Nevada's reimbursement case, so far as it has been before the Congress in the past years, the Senate has, as I have stated on four occasions, after its committee submitted exhaustive reports, even after the board of Army officers had reported adversely, passed provisions for the reimbursement of Nevada in full together with the interest Nevada actually paid on the principal borrowed in aid of the common defense.

On each several occasions the House committees, considering that matter, had also reported favorably. There was nothing adversely reported against the Nevada case by either the House or Senate committees, but it apparently was impossible to get the House itself to pass the measures, except the act of March 3, 1899, directing the Secretary of the Treasury to report the amount due, which is printed in House Document 332, Fifty-sixth Congress, first session.

Senator WATERMAN. The action of the Senate and House and of this board had been founded on a plan suitable to the policy, and that this kind of expenditure made by Nevada was not recognized by the board or the Government as a matter of policy. Is that it?

Mr. NORCROSS. I think possibly that would be putting it a little too strong. Apparently, when the matter was considered by the House many years ago, there was apprehension at that time that it might create a precedent upon which other States could come in, which apprehension if expressed is unfounded.

Senator WATERMAN. Exactly.

Mr. NORCROSS. A little later I am going to cover that matter, so far as the Territory and State of Nevada is concerned. There is no possible element of precedent here, because Nevada's claim is unique, and stands alone; but this situation I will cover fully a little later.

Senator PITTMAN. I want to ask you what was the regulation of 1861, upon which the Court of Claims turned this case down?

Mr. NORCROSS. The act of July 27, 1861 (12 Stat. 276), provided:

"That the cost, charges, and expenses properly incurred by any State in raising troops to protect the rights of the Nation would be made by the General Government."

Senator ASHURST. That is an act of Congress?

Mr. NORCROSS. Yes; the act of March 8, 1862 (12 Stat. 615), provided that the act of 1861 should embrace the expenses before, as well as after its approval.

Senator ASHURST. What was the date of that act?

Mr. NORCROSS. July 27, 1861; and the second one, which was designed to remove any question as to whether it would apply to expenses contracted both before or after, was passed March 8, 1862.

It has always been our contention that under the provisions of that act, the Territorial officials would have been justified in proceeding. As to the regulations made thereunder it is doubtful if Nevada ever knew of them.

Senator PITTMAN. As Senator WATERMAN said, the desire, of course, was to have uniformity. Whether that uniformity meant uniformity throughout the United States or not is another question in my mind. I should judge from what the military board stated to the investigating committee, that they felt that it was an economical arrangement, and they felt it was not too much, and that it was inequitable to apply a uniform payment in that section of the country, but that the legislature of the Territory had practically established this form by designating it as a bonus and an additional payment.

Senator WATERMAN. That is it, and it was not policy to pay that.

Senator PITTMAN. To pay a bonus and an additional amount.

Senator WATERMAN. Now, you suggested a moment ago, when I interrupted you, that it could not establish a precedent, because there is no other case like it. Now, the conditions in Nevada, I imagine, were entirely different from the conditions in any other State or Territory in the country at that time; therefore it takes it out and puts it in a class by itself, and for that reason it does not establish a precedent to anybody else. Is that correct?

Mr. NORCROSS. That is correct. And you will find, in the decision of the Court of Claims passing on this, that they did not refer to the act of 1882 which created this Army board. That act of 1882, provided, in effect, that no greater allowance should be given to any State or Territory for its troops than that paid to troops in the same country.

Now, it has been the contention of the State that under the language of that act, properly construed, that as there were no United States troops in that country, no troops except those raised by the Territory of Nevada, and some raised in California under the same, similar condition, that under the language of the act troops there were not paid more than were paid in the same country, because there was no other country like Nevada at that time.

Senator WATERMAN. Well, I do not think we need to discuss very much more the legal aspect of that.

Mr. NORCROSS. No.

Senator WATERMAN. And the question is, as Senator PITTMAN has said, the Court of Claims passed on the legal aspect of it. The question is whether, as a matter of substantial justice, under the peculiar conditions existing at the time, the Government should be lenient with this thing and reimburse to the State of Nevada these amounts which it paid out for the benefit of the country as a whole; and I agree that they are entitled to be reimbursed. That is the whole thing, is it?

Mr. NORCROSS. That is the whole thing.

In conclusion, I want to stress the two main points which, in my judgment, present a great moral obligation here.

First, under the Territorial form of government, the officers were really Federal officers, and the governor and legislature were paid directly from the Treasury of the United States.

Senator ASHURST. And appointed by the President?

Mr. NORCROSS. Appointed by the President, except the members of the Territorial council. They were elected by the local people, but in the Nevada Territorial form, the legislation rested in both the governor and the Territorial council, but all were paid directly from the Treasury of the United States, but they were all, in effect, officers of the Government. So much for that.

Now, in 1864, as is shown by the book "Recollections of the Civil War," written by Charles A. Dana, the great editor of the New York Sun, who was Assistant Secretary of War during the administration of President Lincoln. He states in that book, and I will ask permission to read into the record just a short expression from that conclusion. He states that the administration had finally determined that a constitutional amendment abolishing slavery would have a moral effect, the equivalent of raising another army of a million men and "fight no one knows how long." He quotes that as the language of President Lincoln. When they canvassed the situation, they found they were one State short of the necessary three-fourths to ratify

such an amendment, and, he states, that then Lincoln made the announcement that "we will make a State out of the Territory of Nevada." They called on the State, or Territory, to enter into the Union. They passed an enabling act, and so great was the haste to get Nevada into the Union that Congress, after it first passed the act, amended it by putting the election just one month ahead for the vote upon the Constitution. The Territory of Nevada telegraphed that Constitution to President Lincoln, and the State subsequently paid thirty-four hundred and odd dollars for that dispatch, but the State is not asking for reimbursement on that account. I only mention that to show the great desire of President Lincoln's administration to get the State into the Union.

Senator WATERMAN. There is no question about that.

Mr. NORCROSS. Here is what happened. The State certainly was morally obliged to assume the debt of the Territory. It did so in a constitutional provision, and that Constitution was approved by Abraham Lincoln.

Senator WATERMAN. That is what the Federal Constitution did.

Mr. NORCROSS. Yes. So that it is our contention that that creates a moral obligation. The Government wanted Nevada into the Union, and there were 16,000 voters in that vast Territory at that time. There were only one thousand and some odd dollars in the treasury of the Territory. The Government immediately shifted a burden of thirty thousand and odd hundred dollars a year to the shoulders of the future people of the Territory to maintain a State government, but the Government saved three or four times the amount of this claim in what it would have had to pay the Territorial officers. In addition to that, the State, upon coming into the Union, had to borrow, and did borrow, $100,000 to keep its own government going for the first year, and for that it had to pay, and did pay, 2 per cent per month interest.

Now, the facts are probably these, that the people of the little State of Nevada have probably paid for the privilege and honor of being a State millions and millions of dollars that they would not otherwise have had to pay. It borrowed, in order to pay this very debt contracted by the Territory for war expenditures, in aid of the common defense $100,000, for which it paid 1½ per cent per month interest for the first few years. The State, in 1866, I think it was, passed its first large bond issue, on which bond issue it had to pay 10 per cent, which was designed to take up all of the obligations. There is a report of the secretary of the State treasurer in the report of 1867, in which the State treasurer stated that he had been to New York City endeavoring to sell the State bonds at 10 per cent, and he was unable to do so.

The next legislature passed another act which provided for the issue of bonds on a 12 per cent per annum rate, and before that legislature adjourned it amended the act to increase it to 15 per cent, which was the rate the State had to pay because virtually at that time it had no resources and no credit. There was practically none in that vast country, except the Comstock Lode and a few other mines.

Now, that generally is the main ground that the State is asking for this reimbursement; first, that as a matter of actual fact, this was not a bonus nor extra pay.

Senator PITTMAN. But it was a necessary payment?

Mr. NORCROSS. It was an absolutely necessary payment to keep the overland route open. That is shown by the Government's reports and acknowledgments.

Senator ODDIE. I think a brief statement would be well, as to the great benefit then derived from the Comstock mines to the Government at that time, showing they have continued to the present.

Mr. NORCROSS. I am glad you mentioned that, Senator. I did state some time ago that the closing of the Overland Trail would undoubtedly have closed the Comstock mines. The Comstock mines in 1863 were at the height of their production. There was greater production later, but during the years of the Civil War, and in the decade immediately following, those mines practically turned into the Treasury of the United States a half billion dollars. It is said that the production from the Comstock Lode alone enabled the Government to assume specie payments 10 years sooner than it otherwise could have done. If the mines had been closed in 1863, it is difficult to say when they would have been opened again, but it certainly is a fact that they might have been closed and probably would have been had not the troops been raised by the Territory of Nevada.

Senator WATERMAN. They had to get supplies from somewhere, and they could not get them unless the way was open.

Mr. NORCROSS. Yes. Just to illustrate the cost of nearly everything in the Territory at that time. In this report of the board of Army officers, in support of their statement that the pay received by the Nevada troops did not average, if indeed it equaled, the pay of other troops, the cost of transportation from Fort Leavenworth to Salt Lake City on a bushel of corn, the freight alone was $17, and that was still 500 miles east of the Comstock Lode at Carson, Nev. That is only an illustration of a number of substantial things. When these men went into the service with $5 extra pay, they could have gone into the mines of the Comstock Lode and received from $5 to $10 per day. There is nothing on earth, that I can conceive of, that would have induced these men to have gone into the service at that time except for the highest motives of patriotism.

Senator WATERMAN. I do not think you could get anywhere without running right up against the word "patriotism."

Mr. NORCROSS. And then there was another inducement for them not to go into the service, it being the fact, that one great mine having been found in that vast country, these men could go prospecting with a chance of finding another. So that the troops were certainly entitled to great credit, I think.

There is, in the report to the Secretary of War—I think this occurred during the latter part of 1864 or 1865—when two or three companies of troops were sent from Salt Lake City, and they must have included Nevada troops, at least in part, went over into Idaho and fought a band of Indians and annihilated them, and it was reported that some sixty-odd, if I recollect it, were lost—killed or wounded, and the troops suffered severely from frostbite. Just a little while before the call for troops, volunteers in Nevada from Virginia City and Carson, under Major Ormsby fought the Piute Indians on Pyramid Lake and were virtually annihilated by the Indians. Later a second battle of Pyramid Lake was fought by volunteer troops under Captain Storey, after whom Storey County was named. Captain Lassen, after whom Lassen County, Calif., was named, was killed with his band of troops in Washoe County, just shortly before the massacre of Major Ormsby near there in a fight with the Indians; so you can see there was really hard fighting in that section of the country during that period of time, in order to guard the overland route and keep the Indians under subjection.

Senator ASHURST. The Adjutant General's office has a muster roll showing who were in the service?

Mr. NORCROSS. They are all reported; yes. When this matter was before the Senate and House a number of years ago, the claim of Nevada was presented, all the items to a cent.

Senator ASHURST. How much did it amount to?

Mr. NORCROSS. The principal, about $110,000, with interest.

Senator ASHURST. That is interest which Nevada paid?

Mr. NORCROSS. The principal and the interest which the State has actually paid would add approximately half a million dollars on top of it.

Senator ASHURST. The State is asking for the principal and the amount of money that the State paid out as interest on it?

Mr. NORCROSS. Yes, sir.

Senator ASHURST. You are asking the interest from the Government; you are asking what the State has paid out for interest?

Mr. NORCROSS. Yes, sir.

Senator WATERMAN. I imagine that has all been audited, hasn't it?

Mr. NORCROSS. Yes, sir; up to 1899.

Senator ASHURST. You are not asking our Government to pay interest, but you are asking to be reimbursed for what you have paid out as interest only?

Mr. NORCROSS. Yes.

Senator ASHURST. You are asking just what the State paid out in interest, but you are not asking the Government for interest on your claim?

Mr. NORCROSS. No; just reimbursement for the interest paid, according to the decision of the Supreme Court in the New York case, reported in 160 U. S. 547.

Senator ODDIE. There have been recent statements of accounts sent from the State of Nevada, have there?

Mr. NORCROSS. From 1900 to the present time——

Senator ODDIE. Do they appear here?

Mr. NORCROSS. Not in that report, but we will present that to the committee.

Senator PITTMAN. I suggest, Mr. Chairman, that this report of the Treasury Department, made in 1900, be incorporated in the record.

Senator WATERMAN. I think that is a good idea. It is so ordered.

Senator PITTMAN. Because we are trying now to get some kind of a report from that date on up to now.

Senator WATERMAN. Well, he may have it copied in.

Senator PITTMAN. Unfortunately, he does not have that, because he could not do it until he got the report of the comptroller of the State of Nevada, consequently he reported on this resolution before receiving the State comptroller's report and could not bring it up to date, and what we request is that this be brought up to date and have a full report.

The report is as follows:

[H. Doc. No. 322, 56th Cong., 1st sess.]

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., January 19, 1900.

SIR: Referring to the act of March 3, 1899 (30 Stat. 1206), upon the subject of the claim of the State of Nevada for moneys advanced in aid of the suppression of the rebellion in the Civil War, and calling for

report to Congress by the Secretary of the Treasury thereon, I have the honor to transmit herewith copy of statement of the case made by the Auditor for the War Department January 18, 1900.

Respectfully,

L. J. GAGE, *Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

TREASURY DEPARTMENT,
OFFICE OF AUDITOR FOR THE WAR DEPARTMENT,
Washington, January 18, 1900.

SIR: In reply to your communication of March 11, 1899, requesting a report under provisions of act of March 3, 1899, paragraph "State claims" (Public 190), upon the claim of the State of Nevada for moneys advanced in aid of the suppression of the rebellion in the Civil War, I have the honor to state the following:

On December 24, 1889, the Secretary of War, acting in accordance with a resolution of the Senate of February 27, 1889, transmitted a full and complete statement showing the amount expended by the State of Nevada, with such interest on the same as the State had paid between February 10, 1865, and June 30, 1889, amounting in all to the sum of $412,600.31. This report is found in Executive Document No. 10, first session, Fifty-first Congress.

From a certified statement of Samuel P. Davis, State comptroller of Nevada, made on December 19, 1899, it appears that since the time covered by the report of the Secretary of War, i. e., from June 30, 1889, to December 31, 1899, the State of Nevada has paid the sum of $58,401.27 as interest upon money paid by the State in aiding in suppressing the rebellion of the Civil War. Accordingly, assuming this statement to be correct, the total amount expended by the State of Nevada, or by the Territory of Nevada and assumed by the State, with such interest on the same as the said State has actually paid, amounts to $471,001.58.

Upon reports of an examination of this claim made by the State war claims examiners, the Third Auditor and the Second Comptroller of the Treasury, under act of June 27, 1882, the sum of $7,559.61 was allowed and paid to the State of Nevada on April 10, 1888. This amount, deducted from the total amount paid by the State of Nevada, leaves the sum of $462,441.97 for which the State has not been reimbursed. The following is a tabulated statement of this claim:

Amount of claim of the State of Nevada, including interest up to June 30, 1889, as shown in the report of the Secretary of War (see page 10, S. Doc. No. 10, 51st Cong.)	$412,600.31	
Amount of interest paid by Nevada from June 30, 1889, to December 31, 1899	58,401.27	
Total claim		471,001.58
Amount which the State was reimbursed on April 10, 1888, under act of June 27, 1882		8,559.61
Total paid by the State for which no reimbursement has been made		462,441.97

Respectfully,

F. H. MORRIS, *Auditor.*

[S. Doc. No. 431, 56th Cong., 1st sess.]

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, June 4, 1900.

SIR: Referring to the act of March 3, 1899 (30 Stat., p. 1206), upon the subject of the claim of the State of Nevada for moneys advanced in aid of the suppression of the rebellion in the Civil War, and calling for report to Congress by the Secretary of the Treasury thereon, I have the honor to transmit herewith copy of the report of the Auditor for the War Department of May 28, 1900, amending his report of January 18, 1900, which was transmitted to the Senate by this department January 19, 1900.

Respectfully,

L. J. GAGE, *Secretary.*

The PRESIDENT OF THE SENATE.

TREASURY DEPARTMENT,
OFFICE OF THE AUDITOR FOR THE WAR DEPARTMENT,
Washington, May 28, 1900.

SIR: In my reply of January 18, 1900, to your request of March 11, 1899, for a report under the provisions of the act of March 3, 1899 (Public, No. 190), upon the claim of the State of Nevada for moneys advanced during the War of the Rebellion, the balance reported to be due the State was given as $462,441.97.

A reexamination of the account shows that this amount should be reduced by the sum of $23,180.92, allowed by Treasury settlement No. 425, of January 13, 1899, and the further sum of $38.33, being a double charge in the account, making the amount to be deducted $23,219.25, leaving a balance of $439,222.72 due the State instead of the above.

Respectfully,

F. H. MORRIS, *Auditor.*

The SECRETARY OF THE TREASURY.

OFFICE OF STATE CONTROLLER,
Carson City, Nev., January 19, 1928.

Hon. J. R. MCCARL,
Comptroller General, Washington, D. C.

SIR: I herewith present a statement of the amount of interest paid by the State of Nevada on the principal of its Civil War claims from December 31, 1899, to December 31, 1927:

Interest on the principal, Dec. 31, 1899, to June 30, 1910	$58,401.97
Interest on principal from June 30, 1910, to Dec. 31, 1927	86,588.92
Total	144,990.87

Respectfully submitted.

ED. C. PETERSON, *State Controller.*

I certify that to the best of my knowledge the above amount is correct.

[SEAL.] ED. C. PETERSON, *State Controller.*

Subscribed and sworn to before me this 19th day of January, 1928.

EVA HATTON,
Clerk of Supreme Court, State of Nevada.

Senator ASHURST. When was the last amount of interest paid?

Mr. NORCROSS. The State has never been able to pay any of its bonded indebtedness, other than with other bonds issued later on.

Senator ASHURST. Was that all refunded in some other obligation?

Senator WATERMAN. You are paying interest on it now, aren't you?

Mr. NORCROSS. Yes; we are paying interest at the rate of 5 per cent.

Senator PITTMAN. This is the report we are waiting on from the comptroller general of Nevada; and we can follow it on to the Treasury Department here, so that they will be in a position where they can either approve or disapprove it.

Mr. NORCROSS. Yes.

Senator ASHURST. What is the assessed valuation of the State property now; isn't it around five or six hundred million dollars?

Mr. NORCROSS. My recollection is that it is around six hundred million now.

Before I finish, gentlemen, I would like to read into the record from this book, Recollections of the Civil War, about which I spoke a moment ago.

Senator WATERMAN. Just read that into the record.

Mr. NORCROSS. I am reading from Recollections of the Civil War, by Charles A. Dana. The State did not have the benefit of this when the matter was up in 1898. I am reading from page 174. [Reading:]

"The administration had decided that the Constitution of the United States should be amended so that slavery should be prohibited. This was not only a change in our national policy, it was also a most important military measure. It was intended not merely as a means of abolishing slavery forever, but as a means of affecting the judgment and the feelings and the anticipations of those in rebellion. It was believed that such an amendment to the Constitution would be equivalent to new armies in the field, that it would be worth at least a million men, that it would be an intellectual army that would tend to paralyze the enemy and break the continuity of his ideas. In order thus to amend the Constitution it was necessary first to have the proposed amendment approved by three-fourths of the States. When that question came to be considered, the issue was seen to be so close, that one State more was necessary. The State of Nevada was organized and admitted into the Union to answer that purpose. I have sometimes heard people complain that Nevada is superfluous and petty, not big enough to be a State; but when I hear that complaint I always hear Abraham Lincoln saying, 'It is easier to admit Nevada than to raise another million soldiers.'"

And then this is a quotation that he speaks of the measure, no doubt, in the House of Representatives.

Senator ASHURST. Yes.

Mr. NORCROSS. This a quotation from Abraham Lincoln that he uses [reading]:

"Here is the alternative, that we carry this vote or be compelled to raise another million, and I don't know how many more men, and fight no one knows how long."

They needed the 3 votes on the new armies——

Senator ASHURST (interposing). It was 2 votes in the Senate and 1 in the House, and they needed 1 more vote for the ratification of the thirteenth amendment, I suppose?

Mr. NORCROSS. No; it was 3 votes in the House of Representatives; they needed 3 votes to pass it in the House, because of a certain position being taken.

Senator ASHURST. There were more amendments, the thirteenth, fourteenth, and fifteenth——

Mr. NORCROSS (interposing). No; this referred to the enabling act, to admit Nevada into the Union.

Senator PITTMAN. Does that cover your statement, Mr. Norcross?

Mr. NORCROSS. Yes.

Senator PITTMAN. As to this resolution, Judge Norcross knows more about this case than any of us; in fact, I don't know very much about it at all, except from what I have heard from time to time through the committee.

Mr. Kappler has been retained by the State to represent them here legally, and I have no doubt that he will be able to assist the Representatives in Congress in getting together the matter referred to by Judge Norcross for your convenience, if you need it.

Senator WATERMAN. I would like to have the whole thing before me.

Every time this claim, covering this $5 and this $10 paid by the Territory of Nevada, has come before the Senate committee, if I understand you, the Senate committee has approved that claim.

Mr. NORCROSS. That is absolutely true, Senator WATERMAN. The Senate has always passed the bill. The House committees on every occasion reported favorably and made exhaustive and strong reports, but the appropriation was unfavorably acted upon in the House, chiefly, I suspect, because the true situation of the Nevada case, differing as it does all others, was not clearly presented at the time.

STATEMENT OF MR. CHARLES J. KAPPLER, ATTORNEY AT LAW, WASHINGTON, D. C.

Mr. KAPPLER. Mr. Chairman and members of the committee, Judge Norcross has quite thoroughly gone over the history and merit of this matter of reimbursement to Nevada, but my statement is intended to cover largely the merits of the case, in consecutive form, and from the standpoint of equity, fair dealing, right, and justice.

1. The Territory of Nevada was organized under the act of Congress approved March 2, 1861 (12 Stat. 210).

2. The State of Nevada was admitted into the Union by the enabling act approved March 21, 1864 (13 Stat. 30).

3. The act of July 27, 1861 (12 Stat. 276), provided that the costs, charges, and expenses properly incurred by any State in raising troops to protect the authority of the Nation would be met by the General Government. The act of March 8, 1862 (12 Stat. 615), provided that the act of 1861 should embrace expenses before as well as after its approval. The acts of June 27, 1882 (22 Stat. 111), and August 4, 1886 (24 Stat. 217), were remedial statutes.

4. The Government of the United States during the war between the States, after nearly all regular troops on the Pacific coast had been transferred to the East, called upon the Territory and State of Nevada on three separate occasions to raise and equip soldiers to keep open the overland route and to quell Indian hostilities, which service theretofore had been performed by the Regular Army, on the basis of the acts of 1861 and 1862, supra, and the following letter from the Secretary of State, William H. Seward, sent to the governors of States and Territories under date of October 14, 1861:

"The President has directed me to invite your consideration to the subject of the improvement and perfection of the defenses of the State over which you preside, and to ask you to present the subject to the consideration of the legislature when it shall have assembled.

"Such proceedings by the State would require only a temporary use of its means. The expenditures ought to be made the subject of conference with the Federal authorities. Being thus made with the concurrence of the Government for general defense, there is every reason to believe that Congress would sanction what the State should do, and would provide for its reimbursement."

The first call on Nevada for troops was made in the following dispatch:

HEADQUARTERS OF THE ARMY,
Washington, D. C., April 15, 1863.

Brig. Gen. G. WRIGHT, *San Francisco, Calif.:*

The Secretary of War authorizes you to raise additional regiments in California and Nevada to reinforce General Conner and protect overland routes. Can not companies be raised in Nevada and pushed forward immediately? General Conner may be able to raise some companies in Utah or out of emigrant trains.

H. W. HALLECK, *General in Chief.*

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, Calif., April 2, 1863.

His Excellency O. CLEMENS,
Governor of Nevada Territory, Carson City, Nev.

SIR: I have been authorized by the War Department to raise volunteer companies in Nevada Territory for the purpose of moving east on the overland mail route in the direction of Great Salt Lake City. If it is possible to raise three or four companies in the Territory for this service I have to request your excellency may be pleased to have them organized. I should be glad to get two companies of Cavalry and two of Infantry, the mounted troops to furnish their own horses and equipments. Arms, ammunition, etc., will be furnished by the United States. Should your excellency consider it impossible that this volunteer force can be raised, even one company will be accepted. I will send you a plan of organization, and an officer with the necessary instructions for mustering them into the service.

With great respect, I have the honor to be,
Your obedient service.

G. WRIGHT,
Brigadier General, U. S. Army, Commanding.

The second call follows:

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
San Francisco, December 22, 1863.

SIR: The four companies of Cavalry called for from the Territory of Nevada have completed their organization; two of the companies have reached Camp Douglas, Utah, and the remaining two are at Fort Churchill, Nev. On the representations of Governor Nye that additional troops might be raised in Nevada, I have, under the authority conferred upon me by the War Department, called upon the governor for a regiment of Infantry and two more companies of Cavalry.

G. WRIGHT,
Brigadier General, United States Army, Commanding.

ADJUTANT GENERAL UNITED STATES ARMY,
Washington, D. C.

The third call follows:

HEADQUARTERS DEPARTMENT OF THE PACIFIC,
Virginia City, October 13, 1864.

SIR: I have the honor to acquaint you that I have received authority from the War Department to call on you, from time to time, as the circumstances of the service may require, for not to exceed in all, at any time, one regiment of volunteer Infantry and one regiment of volunteer Cavalry, to be mustered into the service of the United States as other volunteer regiments under existing laws and regulations.

Under this authority I have to request you will please raise, as soon as possible, enough companies of Infantry to complete, with those already in the service from Nevada, a full regiment of Infantry. Brigadier General Wason will confer with you and give all the information necessary as to details for this service.

IRWIN MCDOWELL,
Major General, Commanding Department.

His Excellency JAMES W. NYE,
Governor of Nevada Territory.

5. The Territory and State of Nevada under such calls raised, equipped, mounted, subsisted, and paid 1,180 men, enlistments being for three years (S. Rep. 154, 54th Cong., 1st sess., p. 70–71).

6. The Nevada volunteers in conjunction with California volunteers were employed in guarding and protecting the overland mail and emigrant routes and in keeping in subjection the Indian tribes that roamed over the country adjacent thereto. (Report Secretary of War, dated November 25, 1889.)

7. United States Army officers, the governor, and The Adjutant General, all Government officials, and the Territorial legislature advised together on the enactment of the necessary legislation for raising troops and paying expenses incurred, supervised the raising and equipping of said men and putting them into active military service of the United States, as well as consulted on ways and means for Nevada to procure the money with which to meet the necessary expenses incurred.

8. The Territory and the State, in order to enroll, subsist, clothe, supply, equip, pay, and transport the volunteers and place them in the service of the United States (their treasury being low in funds), were compelled to issue bonds, at the then prevailing rates of interest, to meet the cost thereof.

9. The Territory and State advanced and expended such money in good faith on the assurance of Secretary of State Seward, and the acts of 1861 and 1862, supra, that the use of the Territory's means would be but temporary, as reimbursement for such expenditures would be made by Congress.

10. No money was expended that was not absolutely necessary in order to raise, supply, and equip the mounted troops required in that sparsely populated desert region so urgently called for by the United States. Conditions such as existed in Nevada during the war did not prevail in any other section of the country, and therefore the case of Nevada stands unique and alone.

11. The Secretary of the Treasury has reported to Congress that the Territory of Nevada and the State of Nevada (Nevada assuming the obligations of the Territory when admitted into the Union as a State in 1864) actually expended for and on behalf of the Government during the war between the States and for interest charges on money borrowed for the benefit of the Government, the sum of $462,441.97, which sum, less $23,219.25 paid on account January 13, 1899 (S. Doc. 431, 56th Cong., 1st sess.), and less $12,283.04 paid on account July 1, 1910, has not been reimbursed.

12. It is not disputed that the Territory and State of Nevada actually expended said sum of $462,441.97 for the common defense, as reported by the Secretary of the Treasury in House Document 322, Fifty-sixth Congress, first session, based on the evidence presented.

13. The larger part of Nevada's costs and charges was erroneously disallowed by the board of Army officers appointed under the acts of 1882 and 1886 on the assumption the law did not provide for payment of interest on money borrowed by the State for the benefit of the United States. Since the disallowance was made, the Supreme Court of the United States, in the similar case of New York *v.* United States (160 U. S. 598), has held where a State had paid interest on money borrowed and paid out and expended for the "common defense," the

amount of such interest should, like the principal, be fully reimbursed. The opinion of the Supreme Court in the New York case so aptly presents the duties and responsibilities of the General Government, under the Constitution, to the several States in time of war and its obligation to reimburse moneys expended by States in aid of the "common defense," such presentation so peculiarly applying to the case of Nevada, that the following is quoted therefrom:

"The duty of suppressing armed rebellion, having for its object the overthrow of the National Government, was primarily upon that Government and not upon the several States composing the Union. New York came promptly to the assistance of the National Government by enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting troops to be employed in putting down the rebellion. Immediately after Fort Sumter was fired upon its legislature passed an act appropriating $3,000,000, or so much thereof, as was necessary, out of any moneys in its treasury not otherwise appropriated, to defray any expenses incurred for arms, supplies, or equipments for such forces as were raised in that State and mustered into the service of the United States. In order to meet the burdens imposed by this appropriation the real and personal property of the people of New York were subjected to taxation. When New York had succeeded in raising 30,000 soldiers to be employed in suppressing the rebellion, the United States, well knowing that the national existence was imperiled, and that the earnest cooperation and continued support of the States were required in order to maintain the Union, solemnly declared by the act of 1861 that 'the costs, charges, and expenses properly incurred' by any State in raising troops to protect the authority of the Nation would be met by the General Government. And to remove any possible doubt as to what expenditures of a State act would be so met, the act of 1862 declared that the act of 1861 should embrace expenses incurred before as well as after its approval. It would be a reflection upon the patriotic motives of Congress if we did not place a liberal interpretation upon those acts, and give effect to what, we are not permitted to doubt, was intended by their passage.

"Before the act of July 27, 1861, was passed the Secretary of State of the United States telegraphed to the Governor of New York, acknowledging that that State had then furnished 50,000 troops for service in the War of the Rebellion, and thanking the governor for his efforts in that direction. And on July 25, 1861, Secretary Seward telegraphed: 'Buy arms and equipments as fast as you can. We pay all.' And on July 27, 1861, that 'Treasury notes for part advances will be furnished on your call for them.' On August 16, 1861, the Secretary of War telegraphed to the Governor of New York: 'Adopt such measures as may be necessary to fill up your regiments as rapidly as possible. We need the men. Let me know the best the Empire State can do to aid the country in the present emergency.' And on February 11, 1862, he telegraphed: 'The Government will refund the State for the advances for troops as speedily as the Treasurer can obtain funds for that purpose.' Liberally interpreted, it is clear that the acts of July 27, 1861, and March 8, 1862, created on the part of the United States an obligation to indemnify the States for any costs, charges, and expenses properly incurred for the purposes expressed in the act of 1861, the title of which shows that its object was 'to indemnify the States for expenses incurred by them in defense of the United States.'

"So that the only inquiry is whether, within the fair meaning of the latter act, the words 'costs, charges, and expenses properly incurred' included interest paid by the State of New York on moneys borrowed for the purpose of raising, subsisting, and supplying troops to be employed in suppressing the rebellion. We have no hesitation in answering this question in the affirmative. If that State was to give effective aid to the General Government in its struggle with the organized forces of rebellion it could only do so by borrowing money sufficient to meet the emergency, for it had no money in its treasury that had not been specifically appropriated for the expenses of its own government. It could not have borrowed money any more than the General Government could have borrowed money without stipulating to pay such interest as was customary in the commercial world. Congress did not expect that any State would decline to borrow and await the collection of money raised by taxation before it moved to the support of the Nation. It expected that each loyal State would, as did New York, respond at once in furtherance of the avowed purpose of Congress, by whatever force necessary, to maintain the rightful authority and existence of the National Government.

"We can not doubt that the interest paid by the State on its bonds issued to raise money for the purposes expressed by Congress constituted a part of the costs, charges, and expenses properly incurred by it for those objects. Such interest, when paid, became a principal sum as between the State and the United States; that is, became a part of the aggregate sum properly paid by the State for the United States. The principal and interest so paid constitutes a debt from the United States to the State. It is as if the United States had itself borrowed the money through the agency of the State. We therefore hold that the court below did not err in adjudging that the $91,320.84 paid by the State for interest upon its bonds issued in 1861 to defray the expenses to be incurred in raising troops for the national defense was a principal sum which the United States agreed to pay, and not interest within the meaning of the rule prohibiting the allowance of interest accruing upon claims against the United States prior to the rendition of judgment thereon."

14. Had the Territory and State of Nevada failed to raise the troops called for by the Government, the Government would have been compelled to raise the troops east of the Rocky Mountains and equip and transport them west to suppress Indian hostilities and keep open the important overland route (there being no railroads) between Salt Lake City and San Francisco, considered a military necessity by the Government, which task was performed for the Government by Nevada by virtue of the expenditures for which she now seeks reimbursement.

15. The military authorities of the United States well knew at that time the exact condition of the region embracing Nevada and of the roads across the mountains leading thereto; of the cost of transportation; of the prices of labor and supplies as well as of their own inability to furnish either horses or equipment for military service that required mounted troops.

16. During the War between the States men were scarce in Nevada, and under the then existing laws of supply and demand wages and prices of supplies in Nevada were necessarily greatly in excess of those prevailing in other sections of the country. (This is well known to those familiar with conditions prevailing in newly discovered mining regions.) There were no United States Regular troops operating in that vast desert and mountain region; hostile Indians abounded and seriously interfered with overland travel and the mails. The cost of living and wages of labor in Nevada during the war were at least 50 per cent, and in many instances 200 per cent higher than in the Atlantic States; and under such extreme conditions inducements above the Regular Army pay necessarily had to be offered and given to secure speedy enlistment of men to fight the Indians, incited to hostilities by the general war conditions, on the desert and in the mountains. Such inducements as were granted by the legislature of the Territory and State in order to comply with the urgent calls of the Government, however, did not exceed the costs which the Government would have been compelled to incur in raising troops east and transporting them to the far West. This is conceded by Army officers, especially by Major Biddle, who examined the accounts of Nevada, and who stated that the laws in force at the time of the expenditures were not equitable ones to apply to the reimbursement of the far West States, where the laws of supply and demand were so exceptionally different. (S. Ex. Doc. 1, 51st Cong., 1st sess.) It is indeed doubtful if an undertaking to raise and equip troops in the East and transport them west would have been feasible at that particular time, considering the necessity and haste the situation demanded and the serious condition of affairs at the principal seat of war in the East.

17. The majority of the board of Army officers, under the said acts of June 27, 1882, and August 4, 1886, reported on the question of the additional payments made by Nevada to the soldiers as follows:

"This bounty was paid to captains for expenses incurred by them in enlisting, lodging, and subsisting the men of their companies prior to their entering the United States service, in lieu thereof, as is shown by the fact that no other bills are presented for these expenses, and under the circumstances this expense was economical; but this claim having been submitted by the State of Nevada as a premium or bounty, the examiners are debarred from considering it as under the second section of the act of 1882 no higher rate can be allowed than was paid by the United States, which was $2 per enlistment."

According to this report, it appears the "additional" pay was in name and form only and that Nevada's expenses were economical and to the advantage of the United States, but simply because she used the words "premium or bounty," although the above report plainly shows the additional sums paid to captains was for expenses incurred by them in enlisting, lodging, and subsisting the men in lieu of other allowances, the Army officers disallowed such reimbursement, notwithstanding Congress intended in passing the said act, as the debates and reports show, to cover the Nevada expenditures in full. Secretary of War Robert T. Lincoln, writing to Senator Maxey, January 26, 1884, said: "This statute is deemed sufficiently broad to embrace all proper claims of said State and Territory of Nevada"; and Senator Maxey subsequently, in Senate Report No. 406, Forty-eighth Congress, first session, on S. 657, stated:

"It is deemed by the department that the act approved June 27, 1882, is sufficiently broad to embrace all proper claims of Nevada, whether as a State or Territory, and no additional legislation is necessary."

While the Territorial and State statutes used the word "bounty" to describe an allowance payable to captains of companies for each volunteer recruit secured or enlisted, it was not a bounty in any true sense of that term whatsoever. The majority report was in error in saying that this portion of Nevada's expenditures was "submitted by the State of Nevada as a premium or bounty." The application for reimbursement recited that it was for "recruiting, enlisting, organizing, and enrolling."

In view of the fact that the Army officers found that the expense was for "enlisting, lodging, and subsisting the men of their companies prior to their entering the United States service" and that "under the cir-

cumstances this expense was economical," it is not easy to account for the disallowance upon any technical reason that it was a bounty because it just happened to be so called in the Territorial and State statutes.

18. From June 17, 1850, continuously until August 3, 1861, the practice of the War Department under the laws of Congress was to pay each soldier enlisted, recruited, or reenlisted in the Far West States, a sum of money which, while Congress termed it a "bounty" yet it in fact and effect was, and was intended to be merely extra or additional pay in the form of a constructive mileage equivalent to the cost of transportating a soldier from New York City to the place of such enlistment or reenlistment, estimated at $160 (S. Rept. 544, pt. 2, 55th Cong., 2d sess., p. 12); said sum was to be paid to each Pacific-coast soldier as follows:

"SEC. 3. And be it further enacted, that whenever enlistments are made at or in the vicinity of the said military posts and remote and distant stations, a bounty equal in amount to the cost of transporting and subsisting a soldier from the principal recruiting depot in the harbor of New York to the place of such enlistment be, and the same is hereby, allowed to each recruit so enlisted." (Act June 17, 1850.)

In addition, in consequence of the high cost of living in the Pacific Coast States, on September 28, 1850, Congress passed an act paying to every commissioned officer serving in those States an extra $2 per day and to all the enlisted men serving in the United States Army in those States double the pay then being paid to the troops of the Regular Army.

While the above acts were subsequently repealed, still if the necessity for this character of alleged bounty for the Regular Army of the United States existed in a time of profound peace—and no one doubts but that a necessity therefore did exist—then how much greater the necessity for a similar treatment in a period of actual war, when the land carriage for supplies over a distance of 2,000 miles from the Missouri River to the Pacific coast was simply impossible, or at least impracticable, there not being then any overland railroad, and the two sea routes via Cape Horn and the Isthmus of Panama, as reported by the Secretary of War, being both hazardous and expensive.

It is submitted if it was just, necessary, and reasonable to grant such a bounty to men enlisting in the Regular Army serving in remote localities in time of peace, then the allowance by Nevada of a bounty (in name only) to its volunteers when they were in the actual and active service of the United States in time of war, and while the exigencies exceeded in degree those under which the United States had theretofore paid a much larger sum to its own Regular Army serving in the far West in a time of peace, may be considered unquestionably necessary and reasonable and deemed by Nevada and the Army officers advising her in 1863 and 1864 to be in harmony with the policy so long and so often pursued by the United States; and, consequently, it is contended the board of Army officers should have held Nevada's expenses as necessary and reasonable and to the manifest best interests of the General Government, and within the true intent and meaning of the acts of 1861–62, 1882, and 1886.

The board of Army officers were authorized by Congress and in instruction by the Secretary of War, to examine, consider, and pass upon the "necessity for and reasonableness of" Nevada's expenditures, and in their report they say:

"We are decided in the conviction that in granting them this extra compensation, the Legislature of Nevada was mainly instigated by a desire to do a plain act of justice to the United States Volunteers raised in the State and performing an arduous frontier service, by placing them on the same footing as regards compensation with the great mass of the officers and soldiers of the United States Army serving east of the Rocky Mountains. * * * When measured by the current prices of the country in which they were serving, their compensation from all sources did not exceed, if indeed it was equal to, the value of the money received as pay by the troops stationed elsewhere, i. e., outside of the Department of the Pacific." (S. Ex. Doc. 10, 51st Cong., 1st sess.)

Yet, notwithstanding these views held and expressed by the Army officers, they proceeded to disallow on technical grounds solely, void of all fairness, Nevada's expenditures; especially is such disallowance unjust in view of the fact that said Army officers themselves interpreted the alleged "bounty" as an allowance for enlisting, lodging, and subsisting the newly recruited soldiers in lieu of all other allowances, and found that said expenses were economical to the United States and that the expenditures were necessary and reasonable.

It must be kept in mind that the Government, through its Army officers and its Governor of Nevada Territory appointed by the President and The Adjutant General, was at all times cognizant of the conditions prevailing in Nevada, and also cognizant of the war enactments passed by the Territorial legislature on the recommendation of said governor and commanding officer of the United States Army, to meet the extreme situation, all of which enactments were forwarded to the President and the Congress at Washington as provided by law, and, without question, approved. There is nothing in the records to the contrary. Nevada was never advised by the commanding officers of the Department of the Pacific, under whose auspices the troops were raised, or by the President, or the Secretary of War or of State, that the expenditures, "the necessity for and reasonableness of" which have never been disputed, authorized by the Territorial and State legislatures and approved by the governor, would not be reimbursed as provided by the acts of 1861 and 1862, and as officially promised by the Secretary of State in his letter of October 14, 1861. If the construction of the acts of 1861–62, 1882, and 1886, as applied by the Army officers and subsequently by the Court of Claims under the acts of February 14 and May 27, 1902 (32 Stat. 235–236, 45 Ct. Cls. 264), to Nevada's war expenditures, is adhered to, then it is evident that the Government is not carrying out its plighted faith to Nevada, and is in honor bound to make proper reimbursement.

The applicable law on the subject of legislative acts passed by a Territory of the United States is contained in sections 1844 and 1850 of the Revised Statutes of the United States (1878) reading as follows:

"SEC. 1844. The secretary (of the Territory) shall record and preserve all the laws and proceedings of the legislative assembly and all acts and proceedings of the governor in the executive department; he shall transmit one copy of the laws and journals of the legislative assembly, within 30 days after each session thereof, to the President and two copies of the laws within like time to the President of the Senate and to the Speaker of the House of Representatives for the use of Congress. * * *

"SEC. 1850. All laws passed by the legislative assembly and governor of any Territory, except in the Territories of Colorado, Dakota, Idaho, Montana, and Wyoming, shall be submitted to Congress and if disapproved shall be null and of no effect."

In the act of Congress authorizing the organization of the Territory of Nevada is contained the following:

"SEC. 3. The secretary of said Territory shall * * * on or before the 1st day of December in each year transmit to the President of the United States, to the Speaker of the House of Representatives and the President of the Senate for the use of Congress one copy of the laws passed by the legislative assembly." (12 Stat. 210.)

The question arising as to the validity of a certain act relating to civil suits, passed by the legislative assembly of the Territory of New Mexico, the Supreme Court of the United States in A., T. & S. F. R. R. Co. *v.* Sowers (213 U. S. 54), held that in view of the fact that the law of the Territory of New Mexico had been submitted to Congress as required by the organization act and section 1850 of the Revised Statutes and same had not been disapproved, it would be assumed that such law had been approved by Congress.

Therefore it would seem to follow that as the Territorial acts of Nevada (all Territorial officers as well as the assembly being strictly under the jurisdiction of, and paid by, the United States), authorizing the expenditure of money, including additional pay (if additional pay it was) to United States Volunteers in aid of the Government, having been submitted to the President and to Congress as required by law and the same not having been disapproved, such expenditures under said acts made were consequently made with the cognizance, sanction, and approval of the United States; and any act of Congress subsequently passed having the effect of denying reimbursement in full for such expenditures would be an abridgement of the liability of the United States to Nevada after such expenditures had been made and after the Government had received the full benefit therefrom. While Congress may have the power to do this, still it has been the policy of the Government not knowingly to exercise such power in any given case, and Congress has been quick to relieve itself of the moral obligation thus imposed upon it in order to do right and justice when a case of that character has arisen. (U. S. *v.* Realty Co., 163 U. S. 427; U. S. *v.* Cook, 257 U. S. 523.)

19. Another error, it is contended, was committed by the Army officers and later by the Court of Claims in construing the act of June 27, 1882 (22 Stat. 112), by failing to give full weight to the remedial character of the act and liberally to construe the acts of 1861–62. The reason assigned for the disallowance of Nevada's additional pay to the volunteers was that "it was a higher rate than was allowed and paid by the United States for similar services in the same grade and for the same time in the United States Army serving in Nevada." The Army officers and the Court of Claims apparently overlooked the fact that there was no part of the United States Army "serving in Nevada for the same time" other than Nevada and California volunteers. There was no other army available; hence the necessity of raising troops locally to keep open the overland route as a military measure and also to protect the settlers against hostile Indians. It is at least very doubtful if "similar services" were being rendered by any other portion of the Army, and certainly the conditions under which they were rendered were wholly different, as explained by said Army officers in paragraph 18, supra. Therefore, there was no proper basis for comparison between the pay of regular United States soldiers and what it was found necessary for Nevada in a great emergency to pay the newly recruited volunteers in that particular Territory. Under these circumstances, it is submitted, the provisions of the acts of 1882 and 1902, as well as acts of 1861–62, should have been liberally construed in favor of the ex-

penditures actually made by Nevada in aid of the Government and at its urgent request, as set forth by the Supreme Court in New York v. U. S., supra, as follows:

"Liberally interpreted, it is clear that the acts of July 2, 1861, and March 8, 1862, created on the part of the United States an obligation to indemnify the States for any costs, charges, and expenses properly incurred for the purposes embraced in the act of 1861, the title of which shows that its subject was to indemnify the States for expenses incurred by them in defense of the United States."

20. Necessity for furnishing the troops was great and urgent, as the calls disclose, and time was an important element. Under the circumstances, Nevada did what the Government expected of her in the most economical, practical manner compatible with carrying out the instructions of the Government. Necessity, time, and speed being the prime factors in such an emergency, as they always are in stress of war, expenses to be incurred under such stress in raising, equipping, and maintaining troops in that sparsely settled, barren desert region during Indian excitements, and with extremely high prices prevailing, could not be permitted to defeat the very purpose sought to be accomplished by the Government. (New York v. U. S., 160–598, supra.) The Territorial officials and the Army officers, all appointed by the President and acting as agents of the Government, being on the ground were undoubtedly the best judges as to what had been done under the emergency facing them and of the necessity for and reasonableness of expenses to be incurred. In incurring these expenses the Territory and State, it should be borne in mind, stood in the shoes of the Government whose constitutional duty it was to provide the troops, and that Government had expressly directed the State to raise and equip such troops in its behalf. Yet the expenses necessarily incurred by Nevada and the method employed in incurring them were, as stated by Major Biddle, economical; they likewise did not exceed the Government's allowance to soldiers under the act of 1850, nor what the costs would have been had the Government itself been required to raise, equip, and send troops to the far West under the most exceptional conditions prevailing in 1863, in that desert region 2,500 miles from the seat of government and at a time when the armies of the Government in the East were in the midst of many sanguinary battles, including Fredericksburg, Gettysburg, and Chambersburg.

21. The patriotic impulses of Nevada were not questioned during the war. The Government gratefully accepted her contribution of men and advancement of money upon which she is still paying interest in aid of the preservation of the Union. There was no question then as to the services she rendered. President Lincoln showed he appreciated what Nevada actually meant to the Union when he said, as reported by Charles A. Dana in his Recollections of the Civil War, pages 174, 175, at the time Nevada was admitted as a State in the Union:

"Here is the alternative: That we carry this vote or be compelled to raise another million, and I don't know how many more men, and fight no one knows how long."

22. Unquestionably the Government is legally, morally, and equitably obligated to reimburse Nevada the money she actually expended at its request in aid of the Nation of which she has thus far been deprived either through technical construction of the law or by the rigid letter of the existing law by the Army officers and the Court of Claims notwithstanding the Army officers conceded the expenditures so made were necessary and reasonable, and the manner in which made was economical and that the existing law was most inequitable to apply to an unusual and extreme case such as that of Nevada; and the Court of Claims saying—

"that laws were enacted by the State at the instance of the officer commanding the military department of the Pacific to provide funds with which to meet the expense of volunteers was quite natural and commendable under the conditions existing there, both to the officer and the legislature, and may give rise to some equity in favor of the claim."

It is submitted there should have been no hard and fast rule applied on the point whether or not the expenditures, made during those confessedly extraordinary and trying days and in that barren region where under the laws of supply and demand in operation at the time prices were at least 50 per cent higher than in any other section of the country, were incurred strictly according to the letter of the law without considering the spirit thereof or the necessity, time, conditions, and prices existing in the region in which expended, which made compliances impossible. The failure to take all these factors into consideration has caused a great injustice of long standing to be done to Nevada.

Furthermore, the acts of 1861 and 1862 and the regulations were general acts passed in the early war period when it was thought the war would be confined to the South and the East and consequently did not have in view an exceptional case such as Nevada now presents; nevertheless if liberally construed, as held by the Supreme Court they should be, said acts would meet Nevada's situation; in other words, said acts and regulations were held to apply to the States of New York and Pennsylvania, for instance, where men, equipment, supplies, and transportation were plentiful, while said acts were interpreted equally to apply to the barren region embracing Nevada where men, equipment, supplies, and transportation were scarce and prices in consequence extremely high. In the former instance the laws and regulations could be justly applied, but in the latter instance such laws and regulations, if intended to apply, were wholly inequitable and impossible of just application and required special treatment.

Comptroller Tracewell, in a report made May 10, 1910, set for that the acts of July 27, 1861, and the joint resolution of March 8, 1862, authorizing reimbursement to any State of the costs, charges, and expenses properly incurred for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aid of the Government during the war between the States had at one time been considered not applicable to the far Western States and Territories, which report tends to show that such laws were inequitable to apply to the far Western States and Territories by virtue of the laws of supply and demand operating differently in that barren region, and in effect holds the bounty acts of 1850 justly applicable.

23. There is no danger of setting a precedent by Congress making reimbursements to Nevada of the money she actually expended for the Nation. No other case can be cited on a parallel with it. Furthermore, Congress itself carries the shield of protection to the Treasury in all such cases, should they arise. It may be taken for granted that no case without great merit will receive its approval. That the Nevada reimbursement is just, meritorious, and honorable can not and has not been denied. Congress on grounds of justice and right has repeatedly passed acts appropriating money. In two recent cases passed during the Sixty-ninth Congress, although such cases do not appeal to equity and morals and fair dealing to the same extent as does the Nevada case, Congress by the act approved March 3, 1926 (44 Stat. 160), paid the Omaha Indians the sum of $374,465.02 as interest, notwithstanding the Supreme Court had held interest was not due. (U. S. v. Omaha Indians, 253 U. S. 275.)

By the act approved June 12, 1926 (44 Stat. 740), Congress granted to the Kiowa, Comanche, and Apache Indians $1,000,000 or more in the Treasury, being money received from oil lands and oil mining leases in the Red River, notwithstanding the Supreme Court of the United States in Oklahoma v. Texas (260 U. S. 606; and 261 U. S. 345), to which said Indians were parties, held that the Kiowa, Comanche, and Apache Indians had no right to said money whatsoever; that the right, title, and interest thereto was in the United States.

By the act of March 2, 1895 (28 Stat. 910–933), being the sugar bounty act appropriating money to pay bounties to persons who had been prevented by the repeal of the act of 1890 from obtaining bounties for the production of sugar before the act was repealed, Congress appropriated a large sum of money for their relief; and the Supreme Court of the United States in United States v. Realty Co. (163 U. S. 427), held—

"That the case as presented to Congress was enough upon which to base the assertion that there was a moral and honorable claim upon the Public Treasury, which that body had the constitutional right to recognize and pay; that even though in its purely legal aspects an invalid law could not be made the basis of a legal claim, the planter had acquired a claim against the Government of an 'equitable, moral, or honorable nature'; that the Nation, speaking broadly, owed a 'debt' to an individual when his claim grew out of right and justice—when, in other words, it was based upon considerations of a moral or merely honorary nature."

By the act approved May 27, 1908 (35 Stat. 318), Congress appropriated $250,000 to pay the contractor of the Post Office Building at San Francisco for increased costs of work above his contract price caused by delay and enhanced prices of labor and material due to the earthquake and fire in April, 1906. The architect of the building claiming 5 per cent from the Government of the extra amount awarded the contractor filed suit, and the case went to the Supreme Court. The Government contended that the amount awarded the contractor under the act of Congress was a mere gratuity and can not be properly treated as a part of the cost of the construction. Chief Justice Taft, in rendering the court's opinion in United States v. Cook (257 U. S. 527), said:

"It is not helpful to point out that the United States need not have varied the terms of the main contract, or that no consideration moved to it in the change, or that the contractor could not have recovered anything additional in a suit without the legislation. There was the moral consideration which properly induced the recognition of an honorable obligation by Congress, and turned an unenforceable equity into a binding and effective provision."

The Chief Justice then quoted the citation from United States v. Realty Co., supra, and awarded the architect 5 per cent of the amount.

Compare the above cited acts of Congress, expressly recognizing moral, equitable, or honorable obligations covering sugar bounties and contractor's losses arising in time of peace with the moral, equitable, and honorary, and, it may be added, legal obligation resting upon the Government to reimburse Nevada for moneys she actually expended or advanced in aid of the Government in time of a great war, involving the life of the Nation, at its urgent calls, and how can Congress justly refuse to redeem such obligation?

It may be argued that Congress in recognizing moral obligations to the Indians, notwithstanding adverse opinions by the Supreme Court, did so on the ground they were wards of the Government. In reply it may be said that the people of the Territory of Nevada who came to the aid of the Government by supplying men and money in a great emergency were also in effect wards of the Government while a Territory of the United States and when most of the money now sought to be reimbursed was expended. Congress had plenary power over the Territory and its people, the same as it had over the Indians; the President appointed the governor and all other officials, and even the members of the Territorial legislature were paid by the United States; and every act passed by such legislature was required by law to be transmitted to Congress, and Congress had the power to disapprove any act so passed. Congress and the departments of the Government themselves were part and parcel of the legislative department of the Territory of Nevada, and by not disapproving the Territorial legislative enactments granting the additional pay to its volunteers, now disputed, thereby participated therein and sanctioned and approved such payments as "necessary and reasonable."

In the Nevada case Army officers and the Court of Claims, inferior tribunals, rendered unfavorable decisions, while in the Omaha and in the Kiowa, Comanche, and Apache cases the Supreme Court of the United States, the highest court, rendered adverse opinions, notwithstanding which Congress appropriated large sums of money, totaling over twice the sum due Nevada, to carry out moral, equitable, honorable obligations of the Government based on right and justice.

The uncontroverted and cruel fact remains that Nevada for her patriotic and devoted efforts in aid of the Government at its urgent calls during the War between the States has been left out in the "cold"; that in good faith in carrying out the instructions of the Government in a crisis Nevada actually expended the sum of $462,441.98 on behalf of the Nation, on the official assurance she would be reimbursed, and for which, except as to certain small payments, she has not been reimbursed, as reported by the Secretary of the Treasury, and that her citizens to-day are still paying interest on money borrowed to aid in the common defense. What has been allowed Nevada under the construction of the Army officers and the Court of Claims is but 2½ per cent of the actual amount of money she expended or obligated herself to pay, while other States, wholly differently situated, have received practically the entire amount expended. If there ever was a case that ought to appeal to the conscience and the sense of justice of the Congress, this is the one.

25. That Nevada is entitled to full reimbursement has been declared by prominent Senators familiar with the facts in the following strong terms:

Senator Hawley, of Connecticut: "There is no sort of question as to its justice.

Senator Eugene Hale, of Maine: "The Senate is committed to this State claim by vote, by sentiment, and it is only a question of time when it will pass.

Senator Teller, of Colorado: "If there are any claims that are just and proper which the United States ought to pay, this is one of them. It is as sacred an obligation, in my judgment, as the national bonds." (CONGRESSIONAL RECORD, 56th Cong., 1st sess., vol. 33, pt. 7, p. 6278).

26. Bills providing for the reimbursement of Nevada passed the Senate in the Fiftieth, Fifty-first, and Fifty-fourth Congresses.

By the act of March 3, 1899 (30 Stat. 1206) the Secretary of the Treasury was directed to report to Congress the amount of money actually expended by Nevada in aid of the Government.

On January 18, 1900, the Secretary of the Treasury reported the amount as "$462,441.97 which has not been reimbursed." (H. Doc. 322, 56th Cong., 1st sess.)

In the Fifty-sixth Congress, first session, the Senate again passed the following item in H. R. 11212, the sundry civil appropriation bill:

"To pay the State of Nevada the sum of $462,441.97 for moneys advanced in aid of the suppression of the rebellion in the Civil War, as found and reported to Congress on January 22, 1900, by the Secretary of the Treasury, as provided in the act approved March 3, 1899 (30 Stat. 1206)." (CONGRESSIONAL RECORD, 56th Cong., 1st sess., vol. 33, pt. 7, p. 6278.)

Thus making four times the Senate passed the item paying Nevada. While invariably favorable reports on bills have been submitted to the House by the appropriate committees in various Congresses since 1890, the House for one reason and another, failed to pass same.

On January 13, 1899, the sum of $23,219.25 in addition to the $8,559.61 originally allowed by the Army officers, was allowed and paid. (S. Doc. No. 431, 56th Cong., 1st sess.)

Under the acts of Congress approved February 14, 1902 (32 Stat. 30), and May 27, 1902 (32 Stat. 235), the case was referred by the Secretary of the Treasury to the Court of Claims, with the result that the sum of $12,283.04 as partial interest on the $8,559.61, supra, was paid on July 1, 1910.

The total balance due Nevada is $426,938.68, together with interest actually paid since 1900, which has not been reimbursed.

Mr. NORCROSS. May I add this, that the very last time this matter was before the Congress, in a conference committee between the Senate and the House there were a number of claims pending at that time. The conference committee was unable to agree, but they put in that act a special provision with reference to Nevada, and upon that act Secretary Gage made the report, a copy of which was filed here, setting out the claim in full, showing that both Houses, and even the conference committee, at that time recognized that there was in Nevada this peculiar condition which needed special consideration.

Senator ASHURST. It was necessary to maintain the overland route. There was, prior to that time, from about 1850, I think, to the outbreak of the war, what is known as the Butterfield State Line; we had the Butterfield State Line, which is about 2,500 miles in length, extending from St. Louis to San Francisco, but when the war broke out it had to be closed, so that only left open the overland route.

Mr. KAPPLER. And because of the Indian hostilities then existing in that mountainous country, it was necessary to raise these Nevada troops to protect and keep open this line of transportation.

Mr. NORCROSS. There is another question in my mind that I want to mention. James W. Nye, who was selected by President Lincoln as Governor of the Territory of Nevada, was selected to perform a great public service to the western coast. That was because Nye had stumped the entire western country with Secretary Seward. He was chairman of the metropolitan board of police of New York City. He was one of the great stump riders, and from time to time went with Thomas Starr King to California, and he is credited with keeping the Pacific coast loyal during the Civil War.

There is no question but that Nye was close to the administration, and Nye was the man who raised the troops and kept the overland route over the desert and the mountains open. Those matters are of record, and part of the history of the times.

Senator WATERMAN. Senator ASHURST, what have you to say about it?

Senator ASHURST. I am for it.

Senator WATERMAN. Yes; I think it is a matter that should have our approval, and I think there are a great many other reasons for that, irrespective of the legal aspect of it.

I would like for you, Mr. Norcross, or somebody, prepare a precise and positive statement of the facts as you have given them here to-day. I am asking you to do that, because I have so many things to do.

Mr. NORCROSS. I will be very glad to do that.

Senator WATERMAN. There are several controlling reasons here why Nevada should be recognized in this matter, if you base it on what has been brought out here to-day. I think we can do that, can't we, gentlemen?

Senator ASHURST. Yes.

Senator WATERMAN. Judge Norcross can prepare the facts and we can very briefly get to the solution of the propositions that are involved therein, and get it in the record.

Mr. NORCROSS. I will be very glad to do that.

Whereupon, at 11 o'clock a. m., Wednesday, January 25, 1928, the hearing of the subcommittee was closed.

BILL PASSED OVER

The bill (S. 3092) to enable the George Washington Bicentennial Commission to carry out and give effect to certain approved plans was announced as next in order.

Mr. BLEASE. I object.

The PRESIDING OFFICER. Objection is heard, and the bill goes over.

DEDICATION STONES FROM LOCKS OF OHIO & ERIE CANAL

The bill (S. 3292) providing for turning over to the Ohio State Archæological and Historical Society two dedication stones formerly a part of one of the locks of the Ohio & Erie Canal was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Attorney General is hereby authorized and directed to turn over to the Ohio State Archæological and Historical Society for preservation in the museum of said society the two dedication stones formerly a part of one of the locks of the Ohio & Erie Canal, and now located on the reservation of the United States Industrial Reformatory at Chillicothe, Ohio.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALARY OF LIBRARIAN OF CONGRESS

The bill (H. R. 9036) to increase the salary of the Librarian of Congress was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Librarian of Congress on and after July 1, 1928, shall receive salary at the rate of $10,000 per annum.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RELIEF OF STATE OF NORTH CAROLINA

The bill (S. 3097) for the relief of the State of North Carolina was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment, in line 4, after the word "pay," to insert the words "out of any money in the Treasury not otherwise appropriated," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the balance due the State of North Carolina of $118,035.69, as certified by the Comptroller General of the United States as of February 29, 1928.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL ARCHIVES

The bill (S. 1169) to create an establishment to be known as the national archives was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Library with the following amendments:

Page 2, line 6, strike out the word "his" where it appears the first time and insert the word "their."

Page 2, line 12, after the word "transfer," strike out the remainder of the paragraph and insert in lieu thereof "but the archives council hereinafter provided for by section 5 shall have authority to accept or decline the deposit of any such materials."

Page 2, line 24, after the word "secretary," insert "the executive officer of the Public Buildings Commission."

Page 2, line 25, after the word "department," insert "or independent establishment."

Page 3, line 22, after the word "room," strike out the comma and insert the word "and."

Page 3, lines 22 and 23, strike out the words "and the superintendency of the building."

Strike out the word "archive" wherever it appears in the bill and insert in lieu thereof the word "archives."

So as to make the bill read:

Be it enacted, etc., That there is hereby created an establishment to be known as the national archives, the head of which shall be the Librarian of Congress, hereby entitled "director of the national archives," who shall have general charge of the national archives building and of all records, documents, and other materials deposited therein.

SEC. 2. That from and after the date when the exterior walls of the national archives building have been completed the head of each executive department and independent establishment of the United States Government and the chairman of the Board of Commissioners of the District of Columbia are authorized and directed to submit to the said director a list or successive lists of all records, papers, documents, charts, etc., in their custody which in his judgment should be filed in the national archives building.

SEC. 3. That the said director and the official submitting any such list shall jointly have authority to arrange for the transfer to the national archives building of any such records, papers, documents, charts, etc., which may be designated by the director for transfer, but the archives council, hereinafter provided for by section 5, shall have authority to accept or decline the deposit of any such materials.

SEC. 4. That under the direction of the said director the immediate charge of the building and its contents shall be exercised by an officer known as the archivist of the United States, who shall be appointed by the director from among such persons as are qualified for the higher grades of the professional and scientific service, as defined in the classification act of 1923.

SEC. 5. That there be established an archives council, consisting of the director, who shall be its chairman, the archivist, who shall be its secretary, the executive officer of the Public Buildings Commission, a member appointed, respectively, by each head of an executive department or independent establishment which has deposited in the archives building, from its files, an amount of material in excess of 50,000 cubic feet, and a member of the American Historical Association appointed by the director from among persons who are or have been members of the executive council of that association; the last-mentioned member to serve without compensation, except repayment of expenses actually incurred in attending meetings of the archives council; and that the archives council shall hold at least one meeting in every year.

SEC. 6. That the director shall have authority, by and with the advice and consent of the archives council, to make regulations concerning the classification, custody, use, and loan of materials deposited in the national archives building, and concerning the destruction of useless papers deposited therein.

SEC. 7. That there be two assistant archivists, appointed by the director from among such persons as are qualified for the professional and scientific service as defined by the classification act of 1923, one of these assistant archivists to have charge of the division of general administration, including personnel, disbursements, supplies, mail and files, the photographic room, and the bindery, the other assistant archivist to have charge of the division of operations, including classification and indexing, the library, the map room, the superintendency of the public search room, and the superintendency of stacks and rooms for Government searches, and that in addition to the two assistant archivists the director shall have authority to appoint such other employees as he shall find necessary for the service of the establishment.

SEC. 8. That in order to advise and prepare plans respecting the publication of historical materials in the national archives there be established a commission on national historical publications, to consist of the director, who shall be its chairman, the archivist, who shall be its secretary, the chief of the historical section of the War Department General Staff, the superintendent of naval records in the Navy Department, the chief of the division of manuscripts in the Library of Congress, and two members of the American Historical Association, appointed by the director from among those persons who are or have been members of the executive council of that association, the members of this commission to meet at least once a year and to serve without compensation except repayment of expenses actually incurred in attending meetings of the council.

SEC. 9. That such appropriations as may be necessary to provide for the salaries of officers and employees of the establishment and for expenditures for its service and for the maintenance of the national archives building are hereby authorized.

The amendments were agreed to.

Mr. SMOOT. Mr. President, is this Calendar 449 we are considering?

The PRESIDING OFFICER. It is.

Mr. KING. I ask that the bill may go over. There is no necessity for it. We have not an archives building. What is the necessity of anticipating?

Mr. FESS. We are to have an archives building very soon, and this is simply presenting the organization so as to take care of the situation when it arrives.

Mr. SMOOT. I shall have to ask that the bill go over.

Mr. FESS. A similar bill was offered at the last session by the Senator from Utah himself.

Mr. SMOOT. No; it is quite different from the bill I offered then.

The PRESIDING OFFICER. Objection is heard, and the bill will go over.

BILL PASSED OVER

The bill (H. R. 8725) to amend section 224 of the Judicial Code was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. Objection is heard, and the bill goes over.

BILLS INDEFINITELY POSTPONED

The bill (S. 1928) to provide for appointing Robert J. Burton, a former field clerk, Quartermaster Corps, a warrant officer, United States Army, which had been reported adversely from the Committee on Military Affairs, was announced as next in order.

Mr. REED of Pennsylvania. I move that the bill be indefinitely postponed.

The motion was agreed to.

The bill (H. R. 2649) authorizing the President to reappoint John P. Pence, formerly an officer in the Signal Corps, United States Army, an officer in the Signal Corps, United States Army, which had been reported from the Committee on Military Affairs adversely, was announced as next in order.

Mr. REED of Pennsylvania. I move that the bill be indefinitely postponed.

The motion was agreed to.

BILLS PASSED OVER

The bill (S. 2966) for the relief of Oliver C. Sell, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. Objection is heard, and the bill goes over.

The bill (H. R. 2294) for the relief of George H. Gilbert was announced as next in order.

Mr. KING. Over.

The PRESIDING OFFICER. Objection is heard, and the bill goes over.

FEDERAL RESERVE BOARD

The bill (H. R. 6491) to amend section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended, was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, there should be an explanation of the bill.

Mr. EDGE. Mr. President, I shall be very glad to make a brief explanation. The bill simply changes the existing law permitting the Federal Reserve Board to pass upon the application of directors to serve as directors of more than one institution. The old Kern law provided that they may serve in three institutions. The present law reads:

Provided such banks are not in substantial competition.

The Federal Reserve Board has said that that language rather defeats the old Kern amendment, and has asked that it be changed to this form, using the words "if, in its judgment, it is not incompatible with the public interest." In other words, the object is to promote competition, and the mere fact that a banker can not be a director of any other institution if there is substantial competition, more or less discourages competition. I might say that the Senator from Virginia [Mr. GLASS] introduced a similar bill last year and it passed the Senate, but in the conference between the two Houses on the McFadden bill it was not included. I read this short paragraph from the Federal Reserve Board letter, which I received a day or two ago.

On behalf of the Federal Reserve Board, I wish to thank you and the other members of the committee for the action taken in reporting the bill. It has been extremely difficult for the board to function intelligently under the present law, and I am sure that if this amendment is enacted, it will enable us to function more in accordance with the original intent of the law.

Mr. ROBINSON of Arkansas. This bill does not, as I understand it, in any sense change the definition in the law of the institutions which may have interlocking directors?

Mr. EDGE. Not in the slightest degree. The national banks have been more or less at a disadvantage, as I have already explained, because the question of competition is always arising when the board begins deciding on applications for a permit, but in the case of State institutions, of course, the Federal Reserve Board has absolutely no jurisdiction and interlocking directors may be named ad libitum.

Mr. LA FOLLETTE. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will go over.

GEORGE WASHINGTON BICENTENNIAL COMMISSION

Mr. FESS. Mr. President, I was called to the telephone a moment ago when Order of Business 445, being the bill (S. 3092) to enable the George Washington Bicentennial Commission to carry out and give effect to certain approved plans, was reached on the calendar and was objected to.

The PRESIDING OFFICER. As the Chair recalls, the bill was objected to by the Senator from South Carolina.

Mr. BLEASE. Yes.

Mr. FESS. Will the Senator from South Carolina withhold his objection for a moment?

Mr. BLEASE. I should be willing to do so, but the fact being that I objected to the bill at the request of another Senator, I could not now consent to its consideration.

Mr. LA FOLLETTE. Regular order, Mr. President.

BILLS AND JOINT RESOLUTION PASSED OVER

The bill (S. 759) to give the Supreme Court of the United States authority to make and publish rules in common-law actions was announced as next in order.

Mr. SACKETT and Mr. McKELLAR asked that the bill go over.

Mr. CURTIS. Mr. President, I observe that that bill has been adversely reported.

Mr. SACKETT. But a minority report on the bill has been filed by the Senator from Illinois [Mr. DENEEN], and I therefore ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

CLAIMS OF GRAIN ELEVATORS AND GRAIN FIRMS

The joint resolution (S. J. Res. 59) authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920, as per a certain contract authorized by the President, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. SMOOT. Mr. President, I should like to ask the Senator from Minnesota [Mr. SHIPSTEAD], who introduced the joint resolution, whether there is a report on it from the department? I do not see any such report.

Mr. SHIPSTEAD. The report on the joint resolution is Report No. 441.

Mr. SMOOT. But there is no report from the department on the measure.

Mr. SHIPSTEAD. Mr. President, I can say to the Senator from Utah that the joint resolution was sent to the Department of Agriculture and that department reported back that they knew nothing about it. It was then sent to the man who represents the United States Grain Corporation, but no reply has been received. The letter was sent to that corporation early in January, but there has been no reply received by the Senate Committee on Agriculture since the letter was sent.

Mr. SMOOT. There was, then, neither a favorable nor an unfavorable reply sent?

Mr. SHIPSTEAD. No; the last time I inquired of the Senator from Oregon [Mr. MCNARY], the chairman of the committee, he said he had not heard from the man to whom the letter was addressed. I thought it rather peculiar that an answer to the letter had not been made.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Utah yield to me?

Mr. SMOOT. I first desire to ask what length of time was allowed to furnish a report between the time when the joint resolution was reported out of the committee and the time the request to which the Senator refers was made?

Mr. SHIPSTEAD. I should estimate it was about a month.

Mr. SMOOT. They ought to have been able to have made some kind of a report in that time. Would the Senator from Minnesota object to letting the joint resolution go over to-day, and I shall write a letter to ascertain if I can get any reasons why an answer has not been made?

Mr. SHIPSTEAD. Of course, if the Senator objects to the consideration of the joint resolution, I can only agree to his request.

Mr. SMOOT. I should like to know a little more about the matter, I think, without expressing any opinion whether the legislation ought to be enacted or not.

Mr. SHIPSTEAD. Mr. President, I might say that I am informed that a measure similar to the joint resolution was submitted to the Committee on War Claims of the House of Representatives, and after hearing the witnesses who were in favor of the measure it was insisted that a Mr. Dudley come down to the committee. He came, and I understand he objected, but I am informed that the House Committee on War Claims reported favorably on the bill in that body.

Mr. SMOOT. I will look the matter up.

FLOOD CONTROL

Mr. JONES. Mr. President, when I presented the report on the flood control bill I intended to ask that the junior Senator from Missouri [Mr. HAWES] might have the privilege of filing a minority report should he desire to do so. I do not think any such request is necessary, but he asked me to make it, and I now make the request that he may have that privilege.

The PRESIDING OFFICER. The request will be noted and granted.

LIEUT. ROBERT STANLEY ROBERTSON, JR.

The bill (S. 1377) for the relief of Lieut. Robert Stanley Robertson, jr., United States Navy, was announced as next in order.

Mr. KING. I ask that the bill go over.

The PRESIDING OFFICER. Objection being heard, the bill goes over.

CHARLES R. SIES

The bill (S. 151) for the relief of Charles R. Sies was announced as next in order.

Mr. KING. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

LIEUT. HENRY C. WEBER, UNITED STATES NAVY

The bill (S. 2442) for the relief of Lieut. Henry C. Weber, Medical Corps, United States Navy, was announced as next in order.

Mr. KING. I ask that the bill go over.

Mr. LA FOLLETTE. Mr. President, will the Senator withhold his objection for a moment?

Mr. KING. Yes.

Mr. LA FOLLETTE. Mr. President, this bill merely seeks to restore to his proper grade an officer now in the Navy. The delay occasioned by his not being notified of his appointment and confirmation following his examination, which was successfully passed, was not the fault of the officer in question but was the fault of the department and of the Senate. No charges, as I am advised by the chairman of the committee, were filed against the confirmation, nor was there any objection raised against it. Therefore, in order to correct the injustice which has been done to this officer, who has given excellent service, this bill has been introduced and I hope the Senator will not insist upon his objection. I have looked into it very carefully, and I think it is a meritorious case.

Mr. SMOOT. Mr. President, I have not read the entire bill, but I see that the Acting Secretary of the Navy, in closing his report, says:

In view of the foregoing, the Navy Department recommends that this bill be not enacted.

Mr. LA FOLLETTE. Yes; that this true; the Navy Department does not recommend the bill, but the Naval Affairs Committee went into the matter, as the chairman of the committee will state, and I have gone into it myself, and I can not see any reason why the Navy Department should take the position it has taken, because the facts show that it was not the fault of the officer but the delay was occasioned both by the department and the Senate.

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Maine?

Mr. LA FOLLETTE. I yield.

Mr. HALE. Mr. President, let me say that, as I recall it, I informed the Senator the other day that the delay was occasioned in the Senate. I have, however, had the matter looked up since that time, and I find that the delay was in the department itself. This officer took an examination on October 30, 1918, and two months afterwards, in January, 1919, he was informed by the department that he had passed the examination. On March 1, 1919, four months after taking the examination, he was notified of his confirmation by the Senate. However, on February 4, 1919, he had reached the maximum age limit of 32 years for this promotion and his commission was withheld. The delay was due to no fault on his part.

Mr. LA FOLLETTE. Mr. President, the statement of the Senator *from* Maine shows that responsibility for the delay rests entirely upon the Navy Department.

Mr. HALE. Entirely.

Mr. LA FOLLETTE. And yet this officer had completed the examination; had qualified in every respect, and at the time he took the examination was serving in the Navy.

Mr. HALE. That is entirely true. It is fair to say that the situation which arose was the fault of the Navy Department.

Mr. SMOOT. Mr. President, I have not had the time to read the entire report, but I noticed the closing sentence in the letter from the Navy Department to which I have referred.

Mr. LA FOLLETTE. The only explanation I can make is that the Navy Department does not want to admit that it has done a wrong in this case; but it has done a wrong to this officer, and in justice to him it should be corrected.

Mr. HALE. I agree with the Senator that an injustice has been done which should be corrected.

Mr. KING. Mr. President, that may be so; but until we have a further explanation on the part of the Navy Department I think the bill had better be passed over.

The PRESIDING OFFICER. Objection is heard, and the bill will be passed over.

Mr. LA FOLLETTE. Mr. President, I ask to have placed in the RECORD, in connection with the bill which has just been under discussion, a letter from Mrs. Henry C. Weber; and I should like to state that if the Congress has so far abrogated its legislative functions that it can not correct injustices of this character, then we have reached a pretty pass.

The PRESIDING OFFICER. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

1346 CHESTNUT STREET,
Waukegan, Ill., January 31, 1928.

HON. ROBERT B. HOWELL,
Committee on Naval Affairs, United States Senate,
Washington, D. C.

MY DEAR SENATOR: I have received a printed copy of the letter of the Acting Secretary of the Navy, dated January 21, 1928, addressed to the chairman of the Committee on Naval Affairs, United States Senate, Washington, D. C., giving the views and recommendations of the Navy Department with reference to the bill (S. 2442) for the relief of my husband, Lieut. Henry C. Weber, Medical Corps, United States Navy.

In view of the fact that Lieutenant Weber is now serving with the Third Brigade of United States Marines in China, I have been asked to give appropriate attention to any developments in connection with this bill. I therefore beg leave to quote and comment upon certain statements contained in the above-mentioned letter from the Acting Secretary of the Navy. The fourth paragraph of this letter states that—

"Lieutenant Weber was in 1918, while serving under his temporary appointment as an assistant surgeon in the Navy, examined for permanent appointment to the Medical Corps in accordance with the general law. He was found qualified on examination and was nominated to the Senate. Prior to confirmation by that body he had passed the maximum age limit of 32 years and could not, therefore, receive an appointment. Subsequently he entered the permanent Navy under the provisions of section 5 of the act of June 4, 1920 (41 Stat. 835), which fixed the maximum age limitation for appointees to the Medical Corps at 42 years."

It is believed that an amplification of the statements contained in the foregoing paragraph will conduce to a more ready and complete understanding of the merits of Lieutenant Weber's claim. The facts are that on October 30, 1918, while serving as a temporary lieutenant in the Medical Corps of the Navy, Lieutenant Weber took the examination for appointment to the regular Navy. At this time he was well below the maximum age limit of 32 years fixed by the general law. The Navy Department informed him on January 2, 1919 (after a lapse of two months), that he had passed this exmination. An announcement was made on March 1, 1919 (four months after taking the examination and two months after receiving notice that he had passed it) that his appointment had been confirmed by the United States Senate. Inasmuch, however, as Lieutenant Weber had reached the age of 32 years on February 4, 1919, his commission was withheld by the Navy Department. Please note that Lieutenant Weber satisfactorily complied with all requirements for appointment over three months before reaching the maximum age limit of 32 years.

In the fifth paragraph fo the departent's letter it is stated that—

"The bill S. 2442 would, if enacted, result in an immediate additional cost to the Government of approximately $1,150 per annum."

The department evidently is under a misapprehension in making this statement. The facts are that Lieutenant Weber is at the present time receiving the pay and allowances of the fourth pay period, the pay of a lieutenant commander of the Navy, to which the Comptroller General of the United States, in a decision rendered on October 21, 1927 (copy attached), stated he was entitled to receive from June 2, 1927, under the provisions of paragraph 5 of section 1 of the act of June 10, 1922.

The enactment of this bill would therefore involve no increased expense to the Government until Lieutenant Weber had completed 23 years of service, when as a lieutenant commander of the Medical Corps of the Navy he would receive the pay of the fifth pay period. By that time, however, he would in all probability have attained the rank of a lieutenant commander in the Medical Corps of the Navy in the ordinary course of events.

The sixth paragraph of the department's letter states that—

"A bill (H. R. 16197, 69th Cong.) which is similar to the bill S. 2442 was referred to the Bureau of the Budget with the above information as to cost and a statement to the effect that the Navy Department contemplated recommending that the proposed legislation be not enacted in view of the fact that it is not for the general good of the service and that it would establish an undesirable precedent in that many other officers with longer service would be equally justified in asking similar relief. Under date of January 29, 1927, the Director of the Bureau of the Budget advised the Navy Department that this report would not be in conflict with the financial program of the President."

It is respectfully submitted that any legislation having as its object the correction of an injustice unintentionally inflicted upon Lieutenant Weber, as this bill does, is a substantial contribution to the morale of the service and therefore for its general good.

The assertion that "it would establish an undesirable precedent in that many other officers with longer service would be equally justified in asking similar relief" is not believed to be justified by the conditions of this particular case. The claim of Lieutenant Weber is not based upon length of service but upon the fact that he satisfactorily complied with all requirements imposed upon him in ample time to receive appointment before attaining the maximum age limit of 32 years contained in the general law, and that it was due to long and apparently unnecessary delay on the part of the Government and through no fault of his that he was deprived of appointment.

By reference to the register of commissioned and warrant officers of the United States Navy and Marine Corps it will be noted that the officers who took the examination for appointment to the Medical Corps of the Navy at the same time as Lieutenant Weber did, on October 30, 1919, were appointed on and took precedence as of December 10, 1918.

Had Lieutenant Weber been commissioned in the Medical Corps of the Navy as of December 10, 1918, he would have received promotion to the grade of lieutenant commander in that corps during the summer of 1926. The result of the delay in Lieutenant Weber receiving his commission in the regular Navy has been to subject him to a loss of approximately 100 numbers and possibly to postpone promotion to the grade of lieutenant commander in the Medical Corps of the Navy from 8 to 10 years.

The proposed bill is designed to correct this injustice in so far as it may be done by legislation. It will give Lieutenant Weber the rank that he would have received had his case been acted upon with reasonable promptitude. At the same time, however, its enactment will involve no increased expense whatever to the Government.

In view of the facts and circumstances outlined herein, I wish to ask, in behalf of Lieutenant Weber, that this bill for his relief be given the

further careful consideration of the committee of which you are a member, and that it be accorded the favorable consideration that its merits would seem to justify.

Very respectfully,

Mrs. HENRY C. WEBER.

JOSEPH CUNNINGHAM

The bill (S. 2733) to amend the military record of Joseph Cunningham was announced as next in order.

Mr. KING. I ask that the bill go over.

Mr. SHORTRIDGE. Mr. President, the amendment to the bill is merely a verbal change. It does not in any wise affect the purpose or scope of the measure.

The PRESIDING OFFICER. The Chair will say that objection was heard to the consideration of the bill.

Mr. SHORTRIDGE. Then I shall not waste time in discussing it.

The PRESIDING OFFICER. The Chair understood the Senator from Utah [Mr. KING] to object.

Mr. KING. If the Senator from California desires to make an explanation, I shall withhold the objection.

Mr. SHORTRIDGE. I do not care to say anything more. The amendment, however, merely strikes out unnecessary words in the bill. I think it a meritorious measure.

The PRESIDING OFFICER. The bill will be passed over.

JOHN LEWIS BURNS

The bill (S. 1852) to correct the naval record of John Lewis Burns was considered as in Committee of the Whole. It directs the Secretary of the Navy to correct the naval record of the late John Lewis Burns, gunner, United States Navy, to show that his death on August 6, 1918, while attached to the U. S. S. *North Carolina*, was incurred in line of duty and was not due to his own misconduct.

Mr. REED of Pennsylvania. That is another bill which the Navy Department recommends be not enacted. I think it ought to be explained before it shall be passed.

Mr. SHORTRIDGE. The Navy Department is not the legislative branch of the Government.

Mr. HALE. Mr. President, this is the case of an enlisted man who served in the Navy for 13 years. In 1917 he was temporarily appointed a gunner, commissioned rank, and served on active duty until August 6, 1918, when he was admitted to the Naval Hospital at Portsmouth, N. H., and died on that day. He died as the result of a gunshot wound, not incurred in the line of duty, while on board the *North Carolina*. He shot himself at about 4.45 a. m., was immediately transferred to the Naval Hospital at Portsmouth at 5.15, and died at 6 a. m.

It is claimed that the argument used and submitted to the board of inquiry charging suicide was entirely circumstantial; that his death may have been accidental, or caused by another, or that Burns was temporarily insane; it being further claimed that in view of Burns' long naval record he should be given the benefit of the doubt.

I will say, that now in the Navy when a man shoots himself, and nobody has actually seen the act, it is the policy of the department to consider the death as having occurred in line of duty; he is given the benefit of the doubt. That policy has been followed since 1923.

Mr. KING. I wish to ask the Senator from Maine if it is the rule of the department simply because there is not an eyewitness to the death of an enlisted man, though the circumstances pointing to suicide may be very strong, that the department will regard the death as not an act of self-destruction?

Mr. HALE. At the present time that is true. It was not the case at the time when Burns died.

Mr. KING. No matter how strong the circumstances may be and how clear it is that the man committed suicide?

Mr. HALE. Unless some one has actually seen the act, the man is given the benefit of the doubt. That is now the policy of the department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE AT OR NEAR QUINCY, ILL.

Mr. DALE. From the Committee on Commerce I report back favorably without amendment House bill 9849, to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Quincy, Ill., and I submit a report (No. 452) thereon.

I ask unanimous consent for the immediate consideration of this bill and several other bridge bills which I have here.

Mr. CURTIS. Mr. President, are these bridge bills in the regular form?

Mr. DALE. They are; yes, sir.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Vermont?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CUMBERLAND RIVER BRIDGE, CLAY COUNTY, TENN.

Mr. DALE. From the Committee on Commerce I report back favorably, without amendment, House bill 9139, granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Lafayette-Celina road in Clay County, Tenn.; and I submit a report (No. 453) thereon.

I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TENNESSEE RIVER BRIDGE, MARION COUNTY, TENN.

Mr. DALE. From the Committee on Commerce, I report back favorably, with an amendment, House bill 9147, granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River, on the Jasper-Chattanooga road in Marion County, Tenn.; and I submit a report (No. 454) thereon.

I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was, on page 2, line 10, to strike out the words "cost of the bridge and its", and to insert in lieu thereof "cost of the bonds authorized under the law of the State of Tennessee for the construction of this and other bridges, and their," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the highway department of the State of Tennessee to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River, at a point suitable to the interests of navigation, on the Jasper-Chattanooga Road, in Marion County, Tenn., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bonds authorized under the law of the State of Tennessee for the construction of this and other bridges and their approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 25 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

TENNESSEE RIVER BRIDGE, KNOX COUNTY, TENN.

Mr. DALE. From the Committee on Commerce, I report back favorably, with an amendment, House bill 9197, granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Knoxville-Maryville road in Knox County, Tenn., and I submit a report (No. 455) thereon. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill.

The amendment was, on page 2, line 10, to strike out the words "cost of the bridge and its" and to insert in lieu thereof "cost of the bonds authorized under the law of the State of

Tennessee for the construction of this and other bridges, and their," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the highway department of the State of Tennessee to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River at a point suitable to the interests of navigation, on the Knoxville-Maryville Road in Knox County, in the State of Tennessee, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bonds authorized under the law of the State of Tennessee for the construction of this and other bridges and their approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 25 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

TENNESSEE RIVER BRIDGE, ROANE COUNTY, TENN.

Mr. DALE. From the Committee on Commerce I report back favorably, without amendment, House bill 9196, granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Decatur-Kingston road in Roane County, Tenn., and I submit a report (No. 456) thereon.

I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MEDICAL OFFICER ASSIGNED TO DUTY AS PERSONAL PHYSICIAN TO THE PRESIDENT

Mr. REED of Pennsylvania. From the Committee on Military Affairs I report back favorably, with amendments, Senate bill 3456, allowing the rank, pay, and allowances of a colonel, Medical Corps, United States Army, to the medical officer assigned to duty as personal physician to the President. It would give him temporary rank, as amended, and it would not interfere with the rank of other officers on the promotion list.

Mr. ROBINSON of Arkansas. I think there are a number of precedents for the action, if I remember correctly.

The PRESIDING OFFICER. Does the Senator from Pennsylvania ask for the present consideration of the bill?

Mr. REED of Pennsylvania. I do.

The PRESIDING OFFICER. Is there objection to the request?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, on page 1, line 5, after the word "the," to strike out "rank" and insert "temporary rank and the"; in line 6, after the word "Army," to insert "while so serving"; and, after the word "Army," to strike out "*Provided*, That the officer now assigned to that duty shall have the rank, pay, and allowances herein provided from the date of his assignment," so as to make the bill read:

Be it enacted, etc., That the officer of the Medical Corps, United States Army, who is now assigned to duty as the personal physician to the President, shall have the temporary rank and the pay and allowances of a colonel, Medical Corps, United States Army, while so serving.

The amendments were agreed to.

Mr. LA FOLLETTE. Mr. President, before this bill is passed I think we ought to be very careful to ascertain whether or not the department has approved it.

Mr. CURTIS. Does the Senator object?

Mr. LA FOLLETTE. I ask if the department has approved the bill?

Mr. REED of Pennsylvania. I understand that the department is in favor of the bill.

Mr. LA FOLLETTE. Has the Senator any written report from the department on the bill?

Mr. REED of Pennsylvania. I have no written report.

Mr. LA FOLLETTE. Then I shall feel constrained to object.

The PRESIDING OFFICER. Objection is heard.

Mr. LA FOLLETTE subsequently said: Mr. President, I withdraw my objection to the consideration of Senate bill 3456.

The PRESIDING OFFICER. The objection is withdrawn.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

ADJOURNMENT UNTIL MONDAY

Mr. CURTIS. I move that the Senate adjourn until Monday next at 12 o'clock.

The motion was agreed to; and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, March 5, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 2, 1928

UNITED STATES JUDGE

John E. Martineau to be United States judge, eastern district of Arkansas.

FOURTH JUDGE OF CIRCUIT COURT OF HAWAII

Edward M. Watson, of Hawaii, to be fourth judge, circuit court, First Circuit of Hawaii, vice John R. Desha, resigned.

PROMOTIONS IN THE REGULAR ARMY

MEDICAL ADMINISTRATIVE CORPS

To be captain

First Lieut. Willard Mortimer Barton, Medical Administrative Corps, from February 20, 1928.

[NOTE.—Capt. Willard Mortimer Barton was nominated February 24, 1928, and confirmed February 28, 1928, under the name of William Mortimer Barton. This message is submitted for the purpose of correcting an error in the name of nominee.]

To be major

Capt. George Stanley Clarke, Infantry, from February 24, 1928.

To be captains

First Lieut. Harold Paul Stewart, Cavalry, from February 24, 1928.

First Lieut. Darrow Menoher, Cavalry, from February 26, 1928.

To be first lieutenants

Second Lieut. Alden Rudyard Crawford, Air Corps, from February 24, 1928.

Second Lieut. Rochester Flower McEldowney, Field Artillery, from February 24, 1928.

Second Lieut. Thomas Merritt Lowe, Air Corps, from February 26, 1928.

Second Lieut. Kevin O'Shea, Cavalry, from February 28, 1928.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

INFANTRY

Lieut. Col. Leo Asa Dewey, Adjutant General's Department, effective May 15, 1928, with rank from April 27, 1921.

Maj. George Veazy Strong, Judge Advocate General's Department (detailed in the General Staff Corps), with rank from May 15, 1917.

AIR CORPS

Second Lieut. Demas Thurlow Craw, Infantry (detailed in Air Corps), with rank from June 12, 1924.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 2, 1928

UNITED STATES JUDGE

John E. Martineau to be United States judge, eastern district of Arkansas.

REAPPOINTMENT IN THE OFFICERS' RESERVE CORPS OF THE ARMY

GENERAL OFFICER

To be brigadier general, Corps of Engineers Reserve

Brig. Gen. Jay Johnson Morrow, from March 5, 1928.

POSTMASTERS

ARKANSAS

Ida L. Carter, Parkin.

IDAHO

Clarence P. Smith, Eden.
John E. McBurney, Harrison.
Hannah H. Bills, Kimberly.
William W. McNair, Middleton.

ILLINOIS

Bryce E. Currens, Adair.

INDIANA

Jesse Dowen, Carbon.
Joseph W. Morrow, Charlestown.
LaFayette H. Ribble, Fairmount.
Roy Sargent, Syracuse.
William I. Ellison, Winona Lake.

IOWA

Abe Abben, Little Rock.
Edna Hesser, Nichols.

MAINE

Hugh Hayward, Ashland.
Thomas E. Wilson, Kittery.
Winfield L. Ames, North Haven.
Harry S. Bates, Phillips.
Hiram W. Ricker, jr., South Poland.
George E. Sands, Wilton.
Parker B. Stinson, Wiscasset.

NEW YORK

Henry L. Sherman, Glens Falls.

OKLAHOMA

George H. Passmore, Cromwell.

WASHINGTON

Nellie Tyner, Dishman.
Harry B. Onn, Dryad.

HOUSE OF REPRESENTATIVES

FRIDAY, *March 2, 1928*

The House met at 12 o'clock noon.

The Rev. John Compton Ball, of the Metropolitan Baptist Church, of Washington, D. C., offered the following prayer:

Our Heavenly Father, we bow in Thy divine presence and invoke Thy divine blessing, that it may rest upon all the deliberations of this day, knowing full well that anything done without Thy favor is bound to come to naught, and that only as we move in conformity to Thy will can we hope for continued individual and national prosperity.

And at this time, as we are one great family, we pray especially for the wife of the President of the United States as she sits in anxiety by the bedside of her mother, and we pray that she may realize the fulfillment of the promise that underneath is the everlasting arm; and what we ask for her we ask for every citizen of these United States in the lowliest and humblest station. Bless the Speaker and every Member of this House. For Christ's sake. Amen.

The Journal of the procedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 6073. An act granting a permit to construct a bridge over the Ohio River at Ravenswood, W. Va.; and

H. R. 7921. An act authorizing A. Robbins, of Hickman, Ky., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Hickman, Fulton County, Ky.

The message also announced that the Senate had passed without amendment a bill of the following title:

H. R. 7948. An act to extend the times for commencing and completing the construction of a bridge across the Delaware River at or near Burlington, N. J.

The message also announced that the Senate agrees, with amendments, to the amendment of the House of Representatives to the bill (S. 700) entitled "An act authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes."

ORDER OF BUSINESS

The SPEAKER. Under the special order of the House the Chair recognizes the gentleman from New York [Mr. SIROVICH] for 30 minutes.

Mr. LINTHICUM. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Maryland makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. SNELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 40]

Allen	Drewry	Kiess	Rutherford
Almon	Edwards	Kindred	Sears, Nebr.
Anthony	England	Kopp	Somers, N. Y.
Beck, Pa.	Estep	Kunz	Sproul, Ill.
Beck, Wis.	Foss	Langley	Steagall
Beedy	Fulmer	Larsen	Stevenson
Beers	Gallivan	Leatherwood	Strong, Pa.
Berger	Gambrill	Lindsay	Strother
Boies	Golder	Lyon	Sullivan
Britten	Goodwin	Michaelson	Sweet
Burdick	Graham	Moore, N. J.	Swick
Bushong	Griffin	Morgan	Taylor, Tenn.
Campbell	Hall, Ill.	Morin	Thompson
Carew	Hancock	Nelson, Me.	Tillman
Carley	Hare	Nelson, Wis.	Tilson
Chapman	Harrison	Norton, N. J.	Tucker
Christopherson	Haugen	O'Connor, N. Y.	Warren
Connally, Tex.	Hill, Ala.	Palmer	Weller
Connolly, Pa.	Hope	Perkins	White, Colo.
Cooper, Ohio	Houston	Porter	Williamson
Crosser	Hughes	Prall	Wingo
Crowther	Igoe	Quayle	Winter
Curry	Irwin	Ransley	Wolverton
Davey	Johnson, S. Dak.	Rathbone	Wood
Douglas, Ariz.	Kearns	Reed, N. Y.	Wurzbach
Doutrich	Kelly	Romjue	
Doyle	Kendall	Rubey	

The SPEAKER. Three hundred and twenty-six Members are present, a quorum.

Mr. SNELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

QUESTION OF PRIVILEGE

Mr. CRAMTON. Mr. Speaker, I rise to a question of the privilege of the House. I observe that the gentleman from New York [Mr. SIROVICH] has brought into the House and displayed upon the table, apparently for use in connection with the speech he is about to make, various bottles and paraphernalia. My only information as to the use to be made of them comes from a newspaper article in the Washington Herald this morning, which purports to quote a statement issued by the gentleman from New York [Mr. SIROVICH] which, in brief states that he "will set up a laboratory on the floor of the House to-day, and give a practical demonstration," and, further, that he "will invite Members of the House to test the stuff he runs through his chemist's apparatus," the article having to do with the question of alcohol, denatured and otherwise. I make the point of order that the rules of the House do not permit the setting up of such a laboratory, and the other performance which this newspaper announces is the purpose of the display which is before us.

The Constitution appreciated the desirability of orderly conduct in the House when it gave the House express authority to punish for disorderly conduct. The question as to what would be the situation if the gentleman from New York should go so far as the article states and attempt to give to Members of the House liquor while the House is in session I do not need to urge upon the Speaker at this time. Until the gentleman from New York makes that attempt I shall assume that he would not perpetrate an action of that kind, which would in my judgment be disorderly conduct, which would not be in order even by unanimous consent.

I simply urge at this time that the exhibits which are to accompany the speech are akin to the reading of a paper in a speech. They can not be of a higher privilege, certainly. Whether such exhibits are of as high a privilege as the read-

ing of a paper, I am not sure. Certainly one could not claim for some inanimate object or demonstration he wished to use in connection with a speech a greater privilege than he could for a paper which he wished to read as a part of his speech.

So, for the present, I make the point of order that without the unanimous consent of the House the bottles and paraphernalia have no right on the floor of the House while the House is in session, and I object to their presence and use.

Mr. LINTHICUM. Mr. Speaker, the gentleman's citation of the article from some newspaper is merely to give color to the question before the House. The question before the House at the present time is simply this: Has the gentleman from New York [Mr. SIROVICH] the right to exhibit certain drugs used by the prohibition officials in the denaturing of industrial alcohol? Has he the right to read the greatest book on the effect of drugs ever written, the Pharmacopœia of the United States Government, from which all of the definitions of these drugs and their effect upon the human system are taken?

Further, whether he has the right to exhibit certain test tubes and raw cotton and another little exhibit here which amounts to nothing. Heretofore we have had demonstrations of various things on the floor of the House. I remember very distinctly a very able speech, and a very interesting speech, delivered by the gentleman from Connecticut, the leader on the Republican side of the House [Mr. TILSON], in which he exhibited arms of various kinds and explained their mechanism, effect, and range.

I remember another time when the gentleman from Kentucky, Mr. Stanley, who afterwards became a Senator of the United States, had a number of bottles and blended whisky on the floor of this House to demonstrate how easily it could be made.

Now the question is, if you carry out what the gentleman from Michigan [Mr. CRAMTON] says to the extreme point, you could not bring a map on the floor of this House, and you could not bring anything else to show, demonstrate, or explain your speech, which would make it more interesting and intelligent to the Members.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield there?

Mr. LINTHICUM. Yes.

Mr. SCHAFER. It may be interesting to call the Chair's attention to a precedent set about a year ago, on Lincoln's birthday, when a former Member of this House, former Congressman Upshaw, made a prohibition speech under the guise of a Lincoln memorial address, and exhibited on the floor of this House, right here, whisky bottles a great deal larger than these, which he claimed to have found in a waste basket over in the House Office Building. A precedent was thus set in this House by a man we can not say is a wet man, and this same gentleman said at a recent meeting in Washington, "Praise God, from whom all blessings flow," when it was announced that Mr. Kresge, of New York, had donated $500,000 to the antisaloon men. [Laughter.]

Mr. CRAMTON. Mr. Speaker, will the gentleman yield for a question?

Mr. LINTHICUM. Yes.

Mr. CRAMTON. Exhibits under the rule are perhaps permitted by unanimous consent, but in this instance, because of this announced publicity, which demonstrates the purpose of the exhibit, it would be to bring ridicule upon the House.

Mr. LINTHICUM. The gentleman asked me to yield for a question, not for a speech.

Mr. CRAMTON. I am simply stating that the precedent the gentleman speaks of was only by unanimous consent.

Mr. LINTHICUM. Will the gentleman give his consent to the gentleman from New York demonstrating and experimenting? The question of publicity is not before this House. The question is whether the gentleman can demonstrate and explain the dangers of deadly poisonous drugs in industrial alcohol by the exhibits which he has here, and whether he can read from the greatest book that ever was written on the subject for this information; and then the question is whether or not he can experiment. If the House does not want to allow any experiments, then there will be no experiments.

Mr. GREEN of Florida. The House the other day decided this very identical question. Therefore the matter is not before the House.

Mr. LINTHICUM. I know that the House decided several days ago to authorize the Prohibition Unit to use deadly poisonous drugs in denaturing industrial alcohol; but I do not think that action is the last word in the House on that subject. I assert that the gentleman from New York [Mr. SIROVICH] has the right to show these exhibits, and the question as to the propriety of the experiment is not before the House.

Mr. SNELL. Mr. Speaker, the gentleman from Michigan in explaining his point of order against the exhibit to be used by the gentleman from New York [Mr. SIROVICH] says this furnishing of exhibits is nearest to, or akin to, the reading of a paper or article which is covered by a rule. Granting that that is so—and I believe that statement is correct—I want to call the attention of the Speaker to Rule XXX, which provides:

> When the reading of a paper other than one upon which the House is called to give a final vote is demanded, and the same is objected to by any Member, it shall be determined without debate by a vote of the House.

I ask that without further debate that question be put to a vote of the House, in accordance with the provisions of the rule just read to the House.

Mr. BLACK of New York. As I understand it, Mr. Speaker, Rule XXX applies only to papers, and it requires a terrific stretch of the imagination to make Rule XXX cover this proposed demonstration. I think the entire situation was covered by the request of the gentleman from Maryland [Mr. LINTHICUM], when he asked that the gentleman from New York [Mr. SIROVICH] should be allowed to make this address and to explain certain data. There is no word about exhibits in the precedents. We know that from time to time we have had exhibits before the House. So the question recurs to the unanimous-consent request of the gentleman from Maryland, which included the reference to certain data. As to "data," the dictionary—Webster's dictionary, a copy of which rests over there on a shelf behind the Sergeant at Arms—says that "datum," the singular of "data," means among other things an element on which can be based the relation of other elements, and here are certain chemical elements plainly coming within the meaning of the word "data."

The time to object has gone by. The time to object was when the gentleman from Maryland made his request. It is too late now.

Mr. LAGUARDIA. Mr. Speaker, I desire to make the point of order that the point of order made by the gentleman from Michigan [Mr. CRAMTON] is premature. The gentleman from New York has not been recognized under the order of the House and has not attempted to address the House or to use any of these exhibits, and therefore the point of order made by the gentleman from Michigan is premature.

The SPEAKER. The gentleman from New York [Mr. SIROVICH] is recognized.

Mr. CRAMTON. Mr. Speaker, I want to make one additional remark. I am heartily in favor of freedom of debate, but to any attempt that will bring the House into disrepute I shall object.

I was proceeding on the basis of publicity, as understood from the press announcement from the gentleman from New York. The gentleman from Maryland [Mr. LINTHICUM] has made certain suggestions, and the gentleman from New York [Mr. BLACK] has made certain suggestions; and if the only use that the gentleman from New York [Mr. SIROVICH] will make of these bottles and other paraphernalia is purely to let them rest there on the table and be discussed in his speech, I have no objection, with the understanding, however, that there will be no laboratory experiments carried on in this Chamber and no passing of drinks in this Chamber. [Laughter.] If he proposes to confine his use of these objects and exhibits simply to explain the subject of his speech, I shall not object.

Mr. SIROVICH. I want to assure my distinguished friend from Michigan that I have no desire to humiliate any Member of the House or to bring the House into disrepute, but I desire only to deliver an address, with no personal animus to either wets or drys, but which I hope will be instrumental in bringing my views upon the subject of poisoned alcohol clearly before the membership of this House.

Mr. CRAMTON. I am not concerned about the text of the gentleman's address.

Mr. SIROVICH. To please the gentleman from Michigan, I will not perform any experiment.

Mr. CRAMTON. Mr. Speaker, I withdraw my objection and my point of order.

The SPEAKER. The gentleman from New York [Mr. SIROVICH], is recognized for 30 minutes. [Applause.]

Mr. GREEN of Florida. Mr. Speaker, I make the same point of order that was made by the gentleman from Michigan. This is no time for any such exhibition, because this is no brewery.

Mr. VESTAL. Mr. Speaker, will the gentleman from New York yield to me for a moment?

Mr. SIROVICH. I yield.

Mr. GREEN of Florida. Mr. Speaker, I made a point of order. I make the same point of order as made by the gentle-

man from Michigan [Mr. CRAMTON]. Mr. Speaker, I withdraw my point of order.

The SPEAKER. Does the gentleman from New York yield to the gentleman from Indiana?

Mr. SCHAFER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SCHAFER. The gentleman from Florida [Mr. GREEN] has just made a point of order. I do not believe he can withdraw that point of order except by unanimous consent, and I object to it. Let him go through with his point of order.

The SPEAKER. The gentleman may withdraw his point of order.

Mr. VESTAL. Mr. Speaker, I ask unanimous consent that the Committee on Patents be permitted to sit this afternoon during the session of the House.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the Committee on Patents be permitted to sit this afternoon during the session of the House. Is there objection?

There was no objection.

Mr. SCHAFER. What about the point of order?

The SPEAKER. There is no point of order pending, and the gentleman from New York is recognized for 30 minutes.

DENATURANTS IN ALCOHOL

Mr. SIROVICH. Mr. Speaker, ladies and gentlemen, I want to thank the House for its gracious courtesy in granting me the unanimous consent of this distinguished body to speak for half an hour upon the subject of poison in denatured alcohol. I sincerely trust that you will not consider it an imposition upon my part if I respectfully request you to be kind enough to refrain from interrogating me until I have concluded my remarks, when I shall be exceedingly pleased to answer any questions that any Member of the House is desirous of asking me.

At the very outset of my remarks, ladies and gentlemen, I want to say to the membership of this House that I am a total abstainer and have never participated in the drinking of any alcoholic beverage, and that my sainted father, who was a clergyman, never indulged in any alcoholic beverages, either. As a doctor of 23 years' standing, practicing in my chosen vocation, and as a fellow of the American College of Surgeons, it might be of interest for you to know that since prohibition went into effect, while I have the right to prescribe alcohol for medicinal purposes, the records of the Prohibition Department will show that I have never prescribed a drop of alcohol for any human being. [Applause.] I want to say to my distinguished friend from Michigan that I am not here to talk against the drys, nor am I here to talk against the wets, but as a student of science, and as a lover of humanity, and above all as one who is anxious to see the Constitution of our United States upheld and the eighteenth amendment respected and honored and honestly and rigidly enforced so long as it is upon our statute books, that I contend that the dictates of humanity demand that our Government cease at once putting poison into denatured alcohol, which is destroying the lives of thousands of our human beings and depriving them of their inalienable constitutional rights to the pursuit of life, liberty, and happiness, and I am further convinced that the removal of poison from denatured alcohol would not be depriving honest industry of any rights it is entitled to, nor jeopardize the integrity and safety of any business that is desirous of legitimately using industrial alcohol for their respective industries. [Applause.]

What is the purpose of my address? My object in discussing poison alcohol with you is to enlighten the House membership upon a subject upon which much confusion and misgivings exist. When you take alcohol and remove the water contained in it you dehydrate it, and you will find we have left 99 per cent alcohol. In the nomenclature of chemistry we call this 99 per cent alcohol or absolute alcohol or ethyl alcohol or grain alcohol. These three terms are interchangeable and they mean one and the same thing. What is this absolute alcohol or ethyl alcohol or grain alcohol used for? It is used for three different purposes. In the first place, we use it in medicines, and for that purpose it is called medicinal alcohol. There is hardly an herb, there is hardly a drug or chemical that is soluble in any other media but that of absolute alcohol, and when any human being takes it, whether he be wet or whether he be dry, that individual is drinking alcohol given to him for medicinal purposes. In every hospital of the United States, in every city and State institution, in every hospital under the jurisdiction of the United States Army and Navy, we are to-day using medicinal alcohol when we give medicines to human beings to allay their anguish and suffering and to assuage their pain. So much for medicinal alcohol.

Let us now discuss the subject of beverage alcohol, which is alcohol that is used for human consumption. In gin, rum, cognac, brandy, or whisky you find 45 to 50 per cent alcohol. Every time you drink light wines, red wines, white wines, champagne you partake of an alcoholic content of 10 per cent to 18 per cent. When your gustatory desire prompts you to drink ale, stout, or porter you are taking alcohol containing between 4 and 6½ per cent, and when you drink plain ordinary beer you are taking between 1 to 3½ per cent alcohol. Thus one glass of whisky containing 50 per cent alcohol is the equivalent of 18 glasses of beer containing 3 per cent alcohol.

Now, there are two views in the United States concerning beverage alcohol. One is that of a group of honest, sincere, loyal American citizens, who contend that beverage alcohol is detrimental for human consumption, and is responsible for all the wickedness found in our Nation, and that from a social, physical, economic, and political standpoint beverage alcohol has destroyed the home, interfered with the economic welfare of our country, destroyed the physical welfare of our fellowmen, and is chiefly responsible in corrupting the body politic of our Nation.

On the other hand, there is the equally sincere and honest wet element of our country, who believe in moderation and in temperance, and who contend that those who believe in moderation and temperance should not be crucified upon the altar of the drunkard. The wets, so called, deny that from a social, from a physical, and from an economic standpoint temperance has ever harmed any human being; but on the other hand, they contend that from a political standpoint modern prohibition has brought more corruption to-day in Government than has ever existed in the history of our Nation. [Applause.]

On the medical side we have two groups of physicians. One who are firmly convinced that beverage alcohol serves no remedial purpose to human beings, while on the other hand we have equally great authorities on the other side who contend that beverage alcohol taken in moderation is a tonic to the system, is converted into carbon dioxide and water and heat and energy without leaving behind any refuse whatsoever.

Now, my fellow colleagues, having discussed with you the subject of medicinal alcohol and of beverage alcohol, I come to the subject I am most anxious to deal with—that is, the subject of industrial alcohol.

What do we mean by industrial alcohol? Industrial alcohol means the utilization of absolute alcohol, ethyl alcohol, or grain alcohol—which means the same thing—for use in the various industries and the great manufacturing organizations of our Nation who need absolute alcohol in their respective lines of endeavor. We use industrial alcohol in moving pictures, automobiles, paints, varnishes, furniture, leather, candies, cologne, and so forth. Pretty nearly every industrial plant in the Nation utilizes industrial alcohol.

Up to the year 1906 industrial alcohol, medicated alcohol, and beverage alcohol paid the Government of the United States a tax of $1.10 per gallon, but in 1906 the business industries of our country petitioned Congress to remove the tax on industrial alcohol in order that it might be able to compete with foreign governments who had removed the tax on their industrial alcohol. So by act of Congress, in June, 1906, the tax on industrial alcohol was removed and we never had any trouble with industrial alcohol from 1906 to 1920. However, not to have industrial alcohol compete with tax-paid medical and beverage alcohol, the Government denatured the pure alcohol with violent and toxic poisons.

In 1920, when prohibition went into effect, unscrupulous malefactors and criminals and corrupt influences, realizing the opportunities of great wealth, went into industrial avenues for the nefarious purpose of diverting and converting poisoned industrial alcohol for beverage purposes. They began to take from the Government large quantities of this denatured and poisonous alcohol in order to utilize it for bootleg purposes.

So in 1920 thousands of industries sprang up like mushrooms over night, and began to take from the bonded warehouses and from the denaturing plants of the Government industrial alcohol, ostensibly for industrial purposes, but actually for no other purpose but for bootlegging beverage purposes. So these poisons that the United States Government put in, in 1906, which were poisons like methyl alcohol, which is called wood alcohol, or carbolic acid, or bichloride of mercury, or formaldehyde, or brucine, and countless other products, were used by these unscrupulous and alleged business men for their terrible machinations, the bootleg industry, to disseminate amongst the unthinking and unsuspecting citizenry these awful Government-poisoned liquors. Mr. Chester Mills, the former Republican prohibition director of the city of New York, stated that while the total consumption of industrial alcohol in the United States was from 60,000,000 to 70,000,000 gallons per

year in and around New York City, there was diverted over 12,000,000 gallons of industrial alcohol, which fell into the hands of the bootlegging fraternity, and ultimately found its way to maim, cripple, and murder indiscreet citizens, some of which unfortunately came even from the district I represent.

These bootleggers hire half-baked chemists, who try to take out these poisons that the Government of the United States has put in, but are never successful in entirely eliminating them, and the proof of this is contained in the statement of Chester P. Mills, that the Government seizures of bootleg whisky, which amounted to 500,000 gallons last year and examined by Government chemists, were found to contain traces of poison in 99 per cent of the 500,000 gallons seized.

As a matter of courtesy and to please my good friend, the distinguished gentleman from Michigan [Mr. CRAMTON], for whom I have the highest regard, I may say that I have no intention of offending any Member of this House, but this [indicating] is only ethyl alcohol, plain grain alcohol, or absolute alcohol.

If I take this ethyl alcohol and mix it with this wood alcohol [indicating], what do you think would happen? Quoting the United States Pharmacopœia, which lies here before you, one draft taken by any Member of this Congress or his family would in 90 per cent of the users cause total blindness within 24 to 48 hours and they would remain permanently blind. Do you not think, therefore, ladies and gentlemen of this House, that I am justified in appealing to you in the name of humanity to stop these inhuman activities of which the Government is particeps criminis?

Here is another drug [indicating] which the Government uses. It is a solution of bichloride of mercury. When a human being takes industrial alcohol containing this bichloride of mercury what happens? In 48 hours to 2 weeks his kidneys diminish functioning, and in 3 or 4 weeks, when the kidneys cease entirely to function, he dies of uremic poisoning or acute Bright's disease. Shall we go on with that?

Now, take the third drug [indicating]. It is carbolic acid. When carbolic acid is not taken out of the denatured alcohol and goes into the stomach, it burns up the mucous membrane of the esophagus, destroys the coating of the stomach, then goes into the portal circulation, into the liver, and destroys the life of the unfortunate victim.

Then, take benzene [indicating]. If benzene goes into the stomach of a human being it causes hemorrhage of the lungs.

Here is brucine sulphate [indicating], which is related to strychnine. Taken into the stomach of a human being it causes paralysis of his muscles, disease of the nerves, and convulsions.

Is it necessary for me to go on and enumerate the countless things that happen to these unsuspecting citizens who partake of this denatured alcohol diverted by thousands of gallons, colored with caramel and other forms of aniline dyes?

Mr. Speaker, I yield to no man for the loyalty, for the devotion, and for the patriotism that I have for my country; but, loving it as I do, I believe the time for petition has gone by, the day for remonstrance has ceased, and the moment for action has arrived, when, in the name of God and our country, poison should be taken out from denatured alcohol and such drugs substituted that will be malodorous, unpotable, unpalatable, and nauseating to the human system. Such denaturing will accomplish the same results without maiming, blinding, and destroying life. [Applause.]

Is there anything wrong in this? Germany uses pyridine to denature alcohol. France uses malachite green. Here is a sample of pyridine, a drug that is made from decomposing animal matter. One whiff of this drug and you stop drinking at once. Here is another drug, diethylphthlate. If taken into the stomach it causes nausea and nature throws it out as vomit. What wrong does any Member of this House do, what wrong can happen to my good friend, Mr. GREEN of Florida, or my friend from Michigan [Mr. CRAMTON], or any dry or any wet Member in this House, if we help the Government and the chemists of the United States to take out the poisons that are killing hundreds of thousands and maiming others and putting in instead those drugs that are malodorous, that are unpotable, unpalatable, nauseating to the human system, and that stay in the alcohol without affecting the business industries of our Nation? [Applause.]

Mr. CRAMTON. Mr. Speaker, will the gentleman yield to me for a question at this time?

Mr. SIROVICH. I am always willing to extend any courtesy to the distinguished gentleman from Michigan. I yield. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 10 minutes remaining.

Mr. SIROVICH. Since I have 10 minutes left, in fairness to all, I am quite willing to allow the 10 minutes to be used in answering any question that any Member of the House may ask.

Mr. CRAMTON. I thank the gentleman. My only reason for rising and asking the gentleman to yield is because the gentleman has referred to me. I appreciate the speech that the gentleman has made, and I appreciate his point of view.

The harm, as I understand it, is this, that the things which the gentleman suggests might be used as denaturants would fail in two respects. First, they would not comply with the needs of the industries using the alcohol and, second, they could be so easily removed from the alcohol that it would make them ineffective as a protection.

Mr. SIROVICH. To answer the gentleman, I have here taken verbatim from an article by Mr. Chester P. Mills, former prohibition administrator of the district including New York, appearing in Collier's Magazine for October 15, 1927, an extract for the benefit of the Members of this House. Let me say that Chester P. Mills is a graduate of West Point, and one of the best prohibition administrators that the city of New York has ever had. He brought down the diverted and converted alcohol from 12,000,000 gallons to 500,000 gallons a year. Am I right, Mr. CRAMTON, in assuming that Chester P. Mills was a very efficient prohibition agent?

Mr. CRAMTON. I have no information on the subject.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. SIROVICH. I can not yield to two gentlemen at once. I should be very glad to yield to the gentleman afterwards, but from the standpoint of physics, no two things can occupy the same space at the same time. [Laughter.]

I want now to read this extract from the article taken from Collier's of October 15, 1927, which will answer my friend from Michigan, the leader of the dry forces in the House:

> Investigation by the prohibition unit developed the suitability of certain complex oil compounds of an odorous and disagreeable nature but of themselves nonpoisonous. These when put in units of 100 gallons of ethyl alcohol will not only remain with the alcohol under manipulative treatment, but will so mar the concoction in which they may be employed that nobody can consume it unknowingly.

Mr. BLANTON. Mr. Speaker, will the gentleman now yield?

Mr. SIROVICH. Yes. I yield to my friend from Texas.

Mr. BLANTON. I think our scientific friend said that this distinguished ex-prohibition enforcer was a graduate of West Point?

Mr. SIROVICH. So I understand.

Mr. BLANTON. When he went there to get his instruction at the expense of the people of the United States, he promised the country a military career, did he not?

Mr. SIROVICH. Does the gentleman want me to defend his military career or his career as a prohibition enforcement officer? The gentleman himself seems to be an authority upon every subject, and he ought to know.

Mr. BLANTON. And, therefore, he fell down on the first obligation he undertook for the United States.

Mr. SIROVICH. I yielded for a question, and not for a speech.

Mr. BLANTON. He must have fallen down in the first undertaking of his life, as he did not stay in the Army after we educated him at West Point.

Mr. SIROVICH. I am not interested in his fall, but in lifting him up. [Applause and laughter.]

Mr. WILLIAM E. HULL. Mr. Speaker, will the gentleman yield?

Mr. SIROVICH. Yes.

Mr. WILLIAM E. HULL. I have listened carefully to the gentleman's speech, all of which I know to be true, because I was a distiller for 28 years. I want to ask this question for the benefit of the gentleman and for the benefit of the House. Would it not be better if the law permitted alcohol to be delivered to the manufacturing plants without any denaturants in it whatever, and provide that those receiving that alcohol be subject to imprisonment in the penitentiary if they diverted it for any purpose except what they got it for?

Mr. SIROVICH. Mr. Speaker, the gentleman is asking a very interesting question, and for the benefit of Members of the House I want to say that when liquor is manufactured it first goes to the distillery. From the distillery it goes to the Government bonded warehouse, and from the Government bonded warehouse it goes to the third place, which is called the denaturing plant. From the denaturing plant it goes to the fourth place, the various industries that require it. What happens is that many times in the bonded warehouse, and particularly in the denaturing plant, some of our prohibition officials turn their backs when the denaturants are put in; but the greatest diversion of denatured or industrial alcohol is found mainly when it goes to the industries, and if the Members of the House will find out how many people were getting industrial-alcohol permits before prohibition went into effect and then see how the

business has grown and multiplied since prohibition, I think they would be startled and surprised. I would like the gentleman from Michigan to realize how many hundreds and thousands of new enterprises have gone into the industrial-alcohol business and have gotten permits through unscrupulous politicians and have diverted this industrial alcohol for bootleg purposes. In my district I have had prohibition agents going around before election giving constituents beverage alcohol to vote against me. Surely, it would be far better to trust honest business men.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. GREEN of Florida. Will the gentleman yield there?

Mr. ROBSION of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. SIROVICH. I will yield to the gentleman from Florida [Mr. GREEN] first. I certainly would be in favor of putting alcohol into the hands of the honest business industry, which has used alcohol away back before 1915, before prohibition went into effect, and impose such a penalty as 10 or 15 years' imprisonment and a fine of from $10,000 to $25,000 for diversion of industrial alcohol in violation of the law, rather than continue the present method of being instrumental in murdering even one guiltless human being. [Applause.]

Mr. GREEN of Florida. Does the gentleman believe that our Government, in denaturing alcohol, should have in view primarily the interests of the industries of our country or the interests of those who unlawfully traffic in alcohol?

Mr. SIROVICH. My dear sir, I believe in protecting both; but if it were a question of protecting the one as against the other, I always stand for the protection of life as against the protection of property. [Applause.]

Mr. ROBSION of Kentucky. Will the gentleman yield now?

Mr. SIROVICH. Yes.

Mr. ROBSION of Kentucky. I am very much interested in the gentleman's speech. I am a dry, but I think the question is open to discussion at any time. I understand the gentleman has been a distinguished physician for a number of years?

Mr. SIROVICH. For 23 years.

Mr. ROBSION of Kentucky. And he has never prescribed alcoholic liquors and never has used them himself?

Mr. SIROVICH. That is correct.

Mr. ROBSION of Kentucky. Why has the gentleman done that?

Mr. SIROVICH. I will be glad to explain that. First, I want to inform the distinguished gentleman that my father was a clergyman and never indulged in alcoholic beverages. Second, in our home liquor was never used. Third, personally, I do not drink and do not smoke. Fourth, in my profession from the year 1906 to 1920, while prohibition was not in effect, I prescribed alcohol from time to time in the practice of my profession in such diseases as pneumonia, typhoid fever, dysentery, and other infectious diseases. Fifth, since prohibition went into effect in 1920 I have never prescribed alcohol, so that I could live under the law and honestly feel that I was upholding the Constitution of the United States and religiously observing the letter and the spirit of the eighteenth amendment. [Applause.]

Mr. SUMMERS of Washington. Mr. Speaker, will the gentleman yield?

Mr. SIROVICH. Yes.

Mr. SUMMERS of Washington. Will the gentleman indicate the difference between the denaturing of alcohol in this country and in foreign countries?

Mr. SIROVICH. Yes; I shall be very glad to do that. In France and in Germany they no longer use the denaturizing constituents that our country utilizes. In France a man can get all the liquor he wants, because there is no prohibition. In Germany they use pyridine. Now, if the gentleman from Michigan [Mr. CRAMTON] will permit me, I will be pleased, if he has no objection, to pass this specimen of pyridine around so that every Member of the House may smell it. [Laughter.]

Mr. CRAMTON. Mr. Speaker, I make a point of order.

Mr. LINTHICUM. Mr. Speaker, I move that the gentleman from Michigan be allowed to smell it. [Laughter.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. CRISP. Mr. Speaker, I ask unanimous consent that the gentleman may have 10 minutes more. He is giving the House a very interesting address.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LINTHICUM. I move, Mr. Speaker, that the gentleman from New York be permitted to allow the gentleman from Michigan to smell that pyridine. [Laughter.]

Mr. SIROVICH. I ask, Mr. Speaker, that that remark be expunged from the RECORD. [Laughter.]

In Germany they use pyridine, which is made from decomposed animal matter, and the odor is so offensive and obnoxious that instead of putting poison in alcohol, one whiff of this would be sufficient to effectually denaturize it. That is the reason why I wanted to pass it around. In France they use a preparation called malachite green and a form of petroleum.

Mr. DENISON. Mr. Speaker, will the gentleman yield?

Mr. SIROVICH. I yield to the gentleman from Illinois.

Mr. DENISON. Can these chemicals which are not poisonous be adopted for use here?

Mr. SIROVICH. Yes. It is impossible to completely remove them just as it is impossible to remove entirely methyl alcohol. However, I could take samples, if the gentleman from Michigan [Mr. CRAMTON] would permit, and show you exactly what can be removed and what remains——

Mr. RAMSEYER. Mr. Speaker, will the gentleman yield?

Mr. SIROVICH. Yes.

Mr. RAMSEYER. Could you not use that in this country?

Mr. SIROVICH. The law you passed last week would not permit us to take the poison out of industrial alcohol.

Mr. RAMSEYER. Could we not use that?

Mr. SIROVICH. It is optional with the Government. But as I read the law last night, the law is mandatory, and since 1906 the Treasury Department and the collector of internal revenue are commanded to put poison in the alcohol.

Mr. RAMSEYER. You think under the existing law, what you recommend would be better?

Mr. SIROVICH. Unquestionably. Now, I want to say that I knew nothing about Mr. LINTHICUM'S amendment until I came into the House last week. I was never called upon to speak or asked to speak, but during the debate I participated in it. It was with that object that I came here, not to discuss the question of wets and drys but to present an honest statement to the House; so that we might prevent unsuspecting and innocent citizens from being poisoned by the Government of our country. [Applause.]

Mr. HUDSON. Will the gentleman yield?

Mr. SIROVICH. I yield to the gentleman from Michigan.

Mr. HUDSON. Is it not the statement of the department that they are constantly trying, through their laboratories, to find denaturants that are not poisonous and that they have authority to use them?

Mr. SIROVICH. I have given you some light now, but I find it is mandatory upon the Government officials to use poisons in denaturing alcohol.

Mr. HUDSON. That is the gentleman's opinion?

Mr. SIROVICH. I read the law only last night.

Mr. HUDSON. But it is not the opinion of the department, and if the gentleman will be fair he will have to say that the department is constantly, through its laboratories, trying to find denaturants that will not do this.

Mr. SIROVICH. They do not have to go very far. I found these for them. [Laughter.]

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. SIROVICH. I yield.

Mr. WILLIAM E. HULL. It is true that the formulas are made by the Government, and it is a part of the law that they must use either wood alcohol or the other ingredients the gentleman has referred to. That is the law. But you can use pyridine as a denaturant, and we have used it in many cases.

Mr. SIROVICH. Exactly.

Mr. WILLIAM E. HULL. And it will do just what the doctor says, but the trouble in using pyridine in this country is that the average buyer will not buy it with pyridine in it when he can buy it with wood alcohol in it.

Mr. SIROVICH. Exactly.

Mr. CRISP. Will the gentleman yield?

Mr. SIROVICH. I will yield to the distinguished gentleman from Georgia.

Mr. CRISP. What is the cost economically of using the denaturants you have mentioned and the denaturants that are now used.

Mr. SIROVICH. They are approximately the same. There is no difference.

Mr. BLANTON. Will the gentleman yield?

Mr. SIROVICH. I yield to the gentleman from Texas.

Mr. BLANTON. Is it not a fact that the very best whisky to some topers is absolutely abhorrent and obnoxious for them to smell, and is it not a fact that when they do drink it for its effect that many of them hold their noses when they drink it? [Laughter.]

Mr. SIROVICH. For the benefit of my friend, Mr. BLANTON, I will even enlighten him upon that. You are talking about the pathological specimens of our country, the psychological constitutional inferior groups. In our lives there are two types of worlds. One is the world of reality and the other is the world of dreams. The world of reality is the one in which we struggle, toil, and drudge in order to eke out an existence. While the world of dreams is a world of fantasy and a world of imagination. Many of these poor wretches we have been talking about can not get along in the world of reality because it is too hard for them. They can not struggle and toil. What do they do? They are the ones who become over-indulgent and become drunkards, and when they become drunkards or topers they go from the world of reality through the medium of intoxication into the world of dreams. So, under the influence of intoxication, they are millionaires, they are scientists, they are even Members of Congress. [Laughter.] And they run for the Senate. They do everything. And so I want to say to my distinguished friend that when you deny to these pathological, constitutional inferior groups the privilege of being topers, you increase the numbers in the penitentiaries of our country and throughout the dry States of our Nation who are great users of drugs, of cocaine, of heroin, and of morphine, that takes the place of liquor, and under the influence of these drugs they run away from the world of reality into the world of dreams. [Applause.]

Mr. BLANTON. Getting back to my question, is it not a fact that no matter how abhorrent and obnoxious the smell, they still use it? Is not that a fact?

Mr. SIROVICH. Well, to some people a smell is an odor, and they like it. Even a rose may smell and smell until it finally decomposes and is a stench to us. But you are speaking of pathological people while I am speaking of the citizens of our country, those who should be protected. As a matter of fact, our laws are made not only to protect the strong but they are made to protect the weak.

Mr. MENGES. Will the gentleman yield?

Mr. SIROVICH. I yield to the gentleman from Pennsylvania.

Mr. MENGES. Is it not a fact that the industries which are using industrial alcohol would refuse to use it if the gentleman would use pyridine, which is rotten bone oil, to denature it? The industries which are using denatured alcohol would refuse to use it if he would denature it with pyridine.

Mr. SIROVICH. The industries of the United States are no more progressive than the industries of Germany, and the industries of Germany use it just the same.

Mr. MENGES. The industries of Germany do not begin to use denatured alcohol in any way, shape, or form in the quantities we are using it and for the purposes we use it.

Mr. SIROVICH. That is true, since the war.

Mr. MENGES. We use from eighty to ninety times more than they use.

Mr. SIROVICH. But will not the gentleman agree with me that some of the greatest chemists perhaps of the world are found in Germany, and that they have been the pioneers in this form of scientific investigation?

Mr. MENGES. I am not ready to concede that. I think our Government has men employed in the very business that the gentleman is talking about who are the equal of any German chemists. [Applause.]

Mr. SIROVICH. I agree with the gentleman in that.

Mr. Speaker, I want to thank you and the membership of this House for the gracious courtesy you have extended me and the patience with which you have listened to my remarks. [Applause.]

Mr. MEAD. Mr. Speaker, will the gentleman yield?

Mr. SIROVICH. Yes; I yield to my colleague from New York.

Mr. MEAD. Mr. Speaker, this lecture has been one of the most interesting and educational we have ever been privileged to listen to in the House, and I want to leave the suggestion with the distinguished gentleman from New York, that he consider finishing his splendid lecture in the caucus room, or in one of the committee rooms of the House Office Building, where those of us, who would like to see the demonstration that the gentleman intended to give us can actually be put on.

ADDRESS OF HON. THOMAS A. YON

Mr. GREEN of Florida. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including a speech delivered by my colleague, the gentleman from Florida [Mr. YON], delivered at the annual business dinner of the Boston Boot and Shoe Club, at Boston, Mass., February 15, 1928.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GREEN of Florida. Mr. Speaker and fellow Members of the House, under permission just given me to extend my remarks, I include herewith speech recently delivered by my colleague, the Hon. THOMAS A. YON, of the third Florida district. This speech was delivered before the annual business dinner of the Boston Boot and Shoe Club at Hotel Statler, Boston, Mass., the evening of February 15, 1928. Few Congressmen have ever had the honor of invitation to travel so long a distance and speak to an industrial organization which is so old and well known as this boot and shoe organization. In this speech my colleague stressed some of Florida's greatness as well as expounding sound economic truths.

The speech is as follows:

Mr. President and gentlemen, I was happy, indeed, when I read your invitation to be your guest at your dinner here in this old historic city of Boston. Of course, I ought to feel at home with such a splendid lot of gentlemen, engaged in the various capacities in the shoe industry, and I hope you have also some of my old comrades—"the boys with the sample cases"—that group that means so much to your industry, for were it not for the distribution from your factories to the various stores and shops throughout this country and the world at large, the factories could not operate very long. That group of good fellows—the traveling men. Those boys who meet each day the difficulties encountered in the life on the road and overcome them. Those boys that oftentimes meet a situation under the circumstances surrounding them, makes him rather frown than smile, but smile they do, and thusly turns many a bad situation to good advantage. Yes, gentlemen, these boys are the lifeblood of our commercial and business life.

Now, my hosts, I want to say in the outset that I am happy to be with you. I bring a message of good will and welcome to you that might want to visit my State, the southernmost State, that is situated down between the Atlantic and the blue waters of the Gulf of Mexico. I bring you a message from the land of sunshine and flowers and peerless Florida watermelon. I judge some or the most of you have visited my State at some time or other, and may be, no doubt, at the present time your club membership is represented there, judging from what your good secretary wrote me, Mr. Anderson.

Yes; I come from Florida to this, the "Old North State," and to its heart, the "Hub City." I have always had a desire to come here and an interest in this section. This section where landed the Pilgrim Fathers, that braved the perils of an almost unknown sea that they might plant themselves on this soil to face the dangers of savage attacks, and the hard winters that were before them, that they might worship God as their consciences dictated. To this old city, of tea-party fame, of Bunker Hill, and the land of Paul Revere, and the Minute Men, and in this section that the shoe industry first took root in America, and which has been such a source of large industrial development, reaching into almost every part of this great country of ours; and, too, my hosts, I have an especial interest in you and your factories, although, I sold shoes for an old southern firm, for many years, distributing them to the country stores, commissaries, and in the villages, towns, and cities of northern Florida. A great many of these were made by your New England factories, and for that reason, I have always, from a shoe standpoint, wanted to visit you. I guess you must make good shoes, or else I couldn't have sold myself with them, to a good constituency, God bless them, the best people in the world. I will let you draw your conclusion, but I am happy in the thought, that I really don't believe that it was any bad motive on my good people's part in honoring me thusly, one who had never sought office before, enough to send a hard-working shoe peddler to the greatest law-making body in the world. In speaking of the Congress, of course, there is a great misunderstanding on the part of the average American as to what great difficulties that body has to encounter.

With thousands of bills a session, touching on every conceivable subject; with all kinds of groups to urge some special legislation or idea before the 45 different committees of the House and like number of the Senate; and also, besides this, we have to work out and get down to the best things for the country as a whole that produce means of raising revenue for running the Government, and the appropriations to care for each and every governmental activity and paying interest on its public debt, which appropriations in the end reach the stupendous total of over $4,000,000,000 annually. These appropriations are for exercising and carrying on the official provisions of each of the departments—the Army, Navy, rivers and harbors, Government aid in local road building in the States, etc., and I will add that the appropriations for this last purpose are entirely too meager, because the relatively small appropriations made have benefited the American people per dollar more than any other moneys that the Government has provided; because, aside from the encouragement it has given the States in developing their road systems, in this development it has benefited every class and condition of our people, for these roads are used and open to everybody. One of the most difficult problems the Congress has to deal with now is our agricultural problem. You, the leaders of thought in your industry, can't afford to not lend your

assistance in helping solve it. Why? Because the country can't continue in a prosperous condition with half prosperous and half impoverished; for you may not have realized it yet, but it is a fact that millions of farms are loaded under a burden of debt and getting deeper, where possible, that we might have food and raiment, and the farms and ranches of America ought to be enabled to furnish these, and do so with a reasonable return of reward for their labor; and, too, we can't afford to have a lopsided economic condition exist, for it is dangerous.

The whole structure is in danger of toppling over. I have too often heard complaints as a shoe salesman from merchants in my territory, when crops were poor or when prices were seriously low, and that has been the condition for practically the last seven or eight years. Now, as to your industry, I know you have your problems. Since 1920 most all manufacturers, wholesalers, and retailers have had depreciation, style changes, that always creates a dead-stock problem and other things to contend with. Also, another thing, too, that is affecting a great many in your industry, is combinations, consolidations, in tanning and manufacture. The chain-store business and mass buying is affecting others. All of these are problems for you to work out, and I am sure you are capable of coping with your difficulties, but I hope that you will not make it so that the individual effort will be too difficult of attainment. The New England shoe industry has been made great by the hundreds of individuals at the head of their institutions. I would remind you that loyalty to these employers as individuals by the employees, with the feeling of individuality toward each on their part, has enabled you in the past to produce style and workmanship and merchandise that has made hundreds of your houses famous throughout the land. Now, I want to briefly refer again to my State.

We have a most wonderful State. We are not dead nor altogether broke. If we were, we couldn't have paid to the Government for internal taxes for fiscal year ending June 30, 1927, the large totals of $44,483,095, of which upward of $35,500,000 was for income taxes, or about the tenth in rank in payments of the States in the Union. We also are not collecting State income and inheritance taxes and no State bonded debt.

We have a most wonderful highway system, leading to all sections of the State, numbering thousands of miles of paved roads, leading along beautiful palm-fringed inland seas, across beautiful rivers and streams, and over hills and through dales, and where the clear waters of many thousands of lakes sparkle like diamonds in a setting hard to describe; and, I will add, that no doubt numbers of you have been to some part of Florida, but you haven't yet, many of you, been privileged to visit the "last great west," western Florida, that section that holds the capital city, Tallahassee, and beyond to the westward to Pensacola, a distance of over 200 miles, of "God's country." Western Florida, with its miles of snow-white sand of the Gulf of Mexico's beach, with its bays and bayous, its rivers and lakes, and miles of beautiful, shaded streams will ever act and attract as a magnet to ever-increasing thousands from a clime less favored than this. Western Florida, with its millions of acres of fertile, arable soil, broken by gentle, rolling hills, breaking off into peaceful, verdant valleys will provide happy homes for thousands more from less-favored agricultural regions than these. Western Florida with her cities, towns, and villages, peopled by a courteous, hospitable people, will claim thousands more to enjoy the advantages of schools, churches, and other associations that the other parts of the world are unable to provide. So, now, my genial hosts, won't you pay us a visit? We will be glad to have you. And thanking you for this happy occasion, I will close.

THE LATE HON. EDWARD COOPER

Mr. BACHMANN Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. BACHMANN. Mr. Speaker, it is with deep regret that I announce to the House the death of one of West Virginia's foremost and distinguished citizens, Hon. Edward Cooper, of Bramwell, a former Member of this House, who passed away last night at Bluefield. Mr. Cooper was born at Treverton, Pa., February 26, 1873. He moved to West Virginia in 1875, in which State he had since lived. He was a graduate of Washington and Lee University and for a short time engaged in the practice of law. At the death of his father he abandoned the law and engaged actively in the development of coal properties in southern West Virginia. Mr. Cooper served as a Member of this House in the Sixty-fourth and Sixty-fifth Congresses. His death has removed from our midst one whose memory will live for years to come, and one who will be greatly missed by all who knew and loved him.

OSAGE INDIANS IN OKLAHOMA

Mr. LEAVITT. Mr. Speaker, I am directed by the action of the Committee on Indian Affairs to ask unanimous consent that the bill (H. R. 9033) to amend section 1 of the act of Congress of March 3, 1921 (41 Stat. L. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes,'" and the report thereon be returned to the Committee on Indian Affairs for further consideration.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

AGRICULTURAL APPROPRIATION BILL

Mr. DICKINSON of Iowa. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11577) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes; and pending this motion I would like to see if we can reach an agreement with reference to limiting general debate. We have been having very extensive general debate for some little time. My demands are about exhausted, and I would like to ask the gentleman from Texas what he has to suggest with reference to limiting debate.

Mr. BUCHANAN. Mr. Speaker, I am not in position to complain, neither am I in position to make a request for a long continuance of general debate, because the other side of the House has already yielded to me one hour more than has been consumed on that side of the aisle. While I have requests for five hours of time unfulfilled and would like to see every man have an opportunity to present his ideas to the committee, still in good conscience I am going to have to put myself upon the generosity of the other side, and I will ask the gentleman from Iowa to suggest how much time for general debate should be allowed.

Mr. DICKINSON of Iowa. Mr. Speaker, I would like to inquire if 2 hours and 20 minutes, 1 hour and 30 minutes to be given to the gentleman from Texas and 50 minutes to be in the control of myself, would be satisfactory to the gentleman from Texas?

Mr. BUCHANAN. It would have to be satisfactory, Mr. Speaker.

Mr. DICKINSON of Iowa. Mr. Speaker, I ask unanimous consent that general debate close in 2 hours and 20 minutes, 1 hour and 30 minutes to be in the control of the gentleman from Texas and 50 minutes to be in the control of myself.

The SPEAKER. The gentleman from Iowa asks unanimous consent that general debate proceed for an additional 2 hours and 20 minutes, 1 hour and 30 minutes of the time to be controlled by the gentleman from Texas and 50 minutes by himself. Is there objection?

Mr. BLANTON. Mr. Speaker, merely for information, would the gentleman indicate to the House whether he intends to read more than the first paragraph of the bill this afternoon?

Mr. DICKINSON of Iowa. We want to read as far as we can because we want to finish the bill to-morrow.

Mr. BLANTON. We did not get the printed bill until yesterday morning, and we have not yet finished checking it up.

Mr. DICKINSON of Iowa. The gentleman will have all day to-day.

Mr. BLANTON. Yes; but there are some important committee meetings intervening. I am conducting an important investigation before the Gibson committee. Could we not have an understanding that the bill will not be read to-day beyond the first paragraph?

Mr. DICKINSON of Iowa. No; we must read more than that, because we want to pass the bill to-morrow, if possible.

Mr. BLANTON. The reading of the bill under the five-minute rule will not begin before 4 o'clock?

Mr. DICKINSON of Iowa. No.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11577), the agricultural appropriation bill, with Mr. TREADWAY in the chair.

The Clerk read the title of the bill.

Mr. DICKINSON of Iowa. Mr. Chairman, in order to help relieve the congestion of oratory on the Democratic side of the House, I yield 10 minutes to my good friend, the gentleman from Missouri [Mr. DICKINSON].

Mr. DICKINSON of Missouri. Mr. Chairman, I desire to call the attention of the committee and the country to a great Democratic convention recently held in the city of St. Joseph, in my State of Missouri, on the 28th day of February, 1928, where certain declarations of principles were written into the platform

adopted in that convention, which I shall read in the RECORD as a part of my remarks.

The platform there adopted first declared the allegiance of the Democratic Party to the time-honored principles which characterized our party as the exponent of free government and the champion of the rights of all the people, and then in well-chosen words paid tribute to the great career and public record and service and leadership, the unquestioned honesty and courage and ability of the Hon. JAMES A. REED, and concluded its platform by adopting as its declaration of principles the words of Senator REED uttered elsewhere in a great speech, which reads as follows:

Let us rally our forces to the flag of the Constitution, let us make our fight beneath banners proclaiming:

The inalienable rights of the citizens, among which are liberty of conscience, without coercion, criticism, or obloquy.

The right of every man to worship God according to the dictates of his own conscience, and that none shall make him afraid.

The right of free speech, free press, and peaceable assemblage.

The right of each citizen to regulate his own personal conduct, chart his own course through life, determine his own habits, and to control the affairs of his own household, free from all restraints, save that in the exercise of these natural privileges he will not interfere with the rights of others.

Let us reassert the truth of the doctrine that if this people are to remain free, local self-government and the sovereignty of the States must be preserved.

That Federal power should be brought within the limits not only of the letter but also within the spirit of the Constitution.

The march of centralization must be arrested.

Government by boards and bureaucracies must cease.

Let us demand:

The honest administration of government.

The swift and sure punishment of all public plunderers, bribe mongers, and other malefactors.

The equalization of the burden of taxation.

The repeal of all laws creating special privileges.

The liberation of honest business from oppressive interference by governmental agents.

The prosecution and punishment of those who by trusts, combinations, and restraints of trade make war on honest business and despoil the people.

Let us advocate the American doctrine, which places the interests of our country and our people above that of any and all other aims to make American citizens the freest, happiest, and most prosperous people on earth, and which rejects all policies calculated to imperil the rights or jeopardize the majesty and security of the United States.

Let us demand that the Government shall in all proper ways assist in the development of the natural resources of the land; that it shall immediately develop and execute a plan to control and conserve our great inland waters; harness their power, develop the arid lands of the West, protect the great valley States from inundation, and place upon our mighty rivers and lakes, argosies which will bear an immense commerce, thus commercially uniting the interior States with the Panama Canal.

We should insist upon the encouragement and development of a great merchant marine which will not only carry our commerce to all ports of the world in American ships and beneath the American flag but which will also strengthen our defense upon the seas in case of war.

Our demand should be for honest elections, the jailing of every rogue who pollutes the ballot, the expulsion from office of every man whose title is tainted with fraud or whose certificate was obtained by corrupt methods, whether practiced by himself or on his own behalf.

And then unanimously instructed the delegates there elected to the Democratic National Convention to be held at Houston, Tex., on June 26, 1928, to cast their votes for the nomination of Senator JAMES A. REED for President of the United States and to vote as a unit so long as his name is before the convention and until personally released by him. [Applause.]

Mr. DICKINSON of Iowa. Mr. Chairman, I yield 20 minutes to the gentleman from Nebraska [Mr. SHALLENBERGER].

Mr. SHALLENBERGER. Mr. Chairman and gentlemen of the House, I thought I had arranged with some young man in charge of the Hall to bring into the House and exhibit a display made by the Department of Agriculture, so that I might explain the purposes and the manner in which the new plan of grading of beef is being carried on in the different livestock centers of the Nation. That exhibit is now here.

The manner in which the Department of Agriculture and the principal packing houses are endeavoring to grade and stamp fresh beef so the consuming public, when they purchase it of the retailer, can be protected as to the quality of the beef they buy is quickly discovered from the placards displayed upon the easel here, and which are furnished by the Department of Agriculture.

The beef carcass in the cooler is graded and stamped by United States expert inspectors with a rolling stamp and a vegetable dye, applying it from the neck to the tail through the quarters, and also over other portions of the carcass if required, so that every portion of the beef sold to the public will bear the United States stamp. Every one of you who have been in a packing house know that every animal slaughtered and sold bears a United States stamp to show its health and fitness for food. The stamp shown in the picture is applied as a guaranty of the quality and grade of the beef so branded.

The movement to put in practice this plan of grading and branding beef so that the public will know what they are buying had its origin in a meeting called by the principal feeders and producers and processors and sellers of beef in the United States, held at Kansas City, Mo., about a year and a half ago. Hundreds of men engaged in the production and sale of beef came to the convention from every section of our country.

Many of the largest feeders and producers of beef in the different sections of the country were there. Representatives of the great packing interests and the commission men who sell beef cattle in the open market were there. Representatives of many market and retail and wholesale food associations attended.

The discussion of this question was had for almost two days. Out of that came the organization of the Better Beef Association, an organization to bring this matter directly to the attention of the Government and of the people. The men who were elected as officers of the Better Beef Association were representative men of the beef industry in the country. The president, Mr. Oakleigh Thome, is from the State of New York, a man who breeds and feeds a great number of the best beef cattle produced in the State of New York. The vice chairman of the Better Beef Association is the manager of the largest beef-producing ranch in the world, Mr. Kleeberg, of Texas. The secretary of the Better Beef Association is a representative connected with the livestock and packing business and the stockyards in Chicago, the greatest livestock center in the world. The directors of that association are from many of the principal livestock and beef producing sections of the country. I state this in order that you may know the character of the men behind this movement.

Mr. HUDSPETH. Will the gentleman yield?

Mr. SHALLENBERGER. I will.

Mr. HUDSPETH. There are two Kleebergs.

Mr. SHALLENBERGER. I know that, Mr. HUDSPETH. Our vice chairman is the younger man. After the organization had been perfected it adjourned to a later meeting at Chicago.

At Chicago the packers, representatives of the Agriculture Department, and 50 beef producers from different portions of the country finally agreed on the plan which has since been put in practice. The packers, with the Government experts approving, have established three grades—prime beef, which is the best; the second grade is choice beef; and third grade is good beef.

For the present at least it was not thought best to carry the Government grading below "good," because if you go below the three grades mentioned, it was feared by some interests there might be implications that would hurt the sale of the product.

These grades of beef are a warrant to the public as to quality in meats. The public desires good meat. There are many people who want the best beef they can buy.

Mr. CANNON. And the gentleman says that this is limited now to only 10 cities in the United States?

Mr. SHALLENBERGER. Yes; because there was a limited amount of Government money to use. We were forced to begin grading and stamping at only 10 packing centers. Since the plan has proved a success, we want to extend it so all sections may have its benefits.

Mr. LAGUARDIA. And who does the grading?

Mr. SHALLENBERGER. The United States Government inspectors. I want now to give the names of the organizations that are behind this movement, who have indorsed it, and for whom I am now speaking on this floor.

I have telegrams in my pocket from several organizations, of one I am a director myself, and I say to you in all honesty that I feel I speak on this floor as a representative of the beef-cattle industry throughout the country. First, on the list is the Natonal Livestock Association of America, and it is the largest livestock association in the world. It represents thousands of men with billions of invested capital. Second, there is the Texas and Southwest Cattle Growers Livestock Association; I think it very likely the second largest beef producers' organization in America. Next is the National Livestock and Meat Board. This is an organization of packers and beef-cattle interests

formed for the purpose of promoting the production and marketing of beef. Next is the Kansas Livestock Association. The State of my colleague, Mr. HOCH, who will tell you more about this matter. The Corn Belt Meat Producers' Association of Iowa and the Middle West represents those men who take the cattle from the great ranges and fatten them with corn. Then there is the Nebraska Livestock Association, the Michigan Beef Producers' Association, the Eastern States Aberdeen Association. The people in the Eastern States are now producing some of the finest beef cattle in the world. Cattle are grown and fattened in Pennsylvania, in New England, in New York, and in Virginia as good as can be found anywhere. The Shorthorn Breeders' Association, the Hereford Cattle Breeders' Association, and the National Aberdeen-Angus Association; and, lastly, the Better Beef Association. All stand behind this proposition and are asking for this service.

Mr. HUDSPETH. There is the cattle raisers' association known as the Highland-Hereford Association in my district, and we have taken prizes from everything in Chicago, Kansas City, and everywhere else.

Mr. SHALLENBERGER. Yes; Mr. Mitchell, who is very active in that association, is one of our directors. He is one of our best supporters.

Mr. ALLGOOD. What precautions are taken or can be taken to keep a dealer who is not responsible from counterfeiting?

Mr. SHALLENBERGER. I do not believe anyone will take upon himself the responsibility of counterfeiting a stamp of the United States Government. I am sure that there are laws in this country which apply severe penalties to anyone who would attempt to use a Government stamp on beef without authority.

Mr. ALLGOOD. There is a penalty, then, attached to it?

Mr. SHALLENBERGER. Yes; he would be guilty of fraud. Federal grading and stamping is now in force at Chicago, Boston, Philadelphia, Kansas City, Omaha, St. Joseph, Sioux City, St. Paul, and Topeka, Kans. The four great packing houses of this country—Armour, Swift, Wilson, and Cudahy—process and sell 56 per cent, or more than half, of all of the beef sold in the United States. So far we have only applied the grading and stamping service to the packers mentioned. The service is still in its infancy, but we hope, like all good children, it will grow.

Here are some reasons why we think we are entitled to this service. The beef-cattle industry has suffered perhaps greater losses in the deflation following the war in the last seven years than any other business in this country. You men who live in the beef-cattle country know that bankruptcy and disaster has practically swept out of business a great majority of the men who before the war were engaged in beef production. One-half of the income from American farms comes from sale of cattle and the products of cattle. The cow and her sons and daughters earn four and a half billion dollars of the incomes for American farmers every year, and the total income of all of the farms in the United States last year was practically $9,000,000,000. So I speak only the truth when I say that the cattle industry of America produces half of the income of our farmers and is our greatest source of food essential to national existence. This service for which I am pleading is vital to the great livestock industry.

Mr. DICKINSON of Iowa. How much of that is beef products and how much dairy?

Mr. SHALLENBERGER. About two-thirds of it is dairy products at present, because dairy products have been in the ascendency, and beef has been depressed, but it is changing now. The State of Iowa, which the gentleman so ably represents, is second in the Union in the value and number of its cattle, Texas only exceeding Iowa.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. LAGUARDIA. Can the gentleman say how much this decrease has been? Because it has not been reflected in the retail price to the consumer.

Mr. SHALLENBERGER. I will touch on that later. The beef-cattle business is just beginning to get on its feet. It is the first time in seven years when there has been any money in the beef-cattle business. A decrease of 12,000,000 head of cattle on the farms of America in eight years tells the tale of the disaster that overtook the cattleman. The steady decline in the amount of beef sold has at last put the law of supply and demand to work. For the first time beef producers can look their cattle in the face with any comfort. We want your help to continue the work of the Department of Agriculture and aid both producer and consumer. Practically one-half of all the cattle that are sold for beef in the public markets are not, strictly speaking, beef cattle at all. They are simply by-products of the dairy business. There are more cattle in dairy herds than in beef herds. When a cow is no longer profitable in the dairy herd she is sold for beef. Heretofore, so far as the public is concerned, there has been no way by which the beef consumer could tell beef quality, except by his own judgment. There has been no brand or mark upon it to show the quality or grade of the beef.

And the ordinary buyer has no expert knowledge about beef. The Bureau of Economics in the Department of Agriculture made an investigation in 27 States and found that 90 per cent of the people who buy beef know little or nothing about quality of beef. This shows how essential it is to have some stamp on the beef for the information of the public. Beef is stamped by the Government in three grades, prime, choice, and good. At present only 7 per cent of beef marketed is prime.

Eight per cent is choice, about 15 per cent is good, so that the three grades now standardized and stamped by the Government is about one-third of the beef coming to the central markets.

This service is new. Yet in nine months the Department of Agriculture informs me there have been 25,000,000 pounds of beef graded and branded by the Government and sold under this guaranty of quality to the public.

You see how quickly the public is taking hold of it. Every section of the country should be given the benefit of this service. Then we will have honesty in the beef-selling business. It will benefit the public and benefit agriculture also.

Mr. LOZIER. Mr. Chairman, will the gentleman yield there?

Mr. SHALLENBERGER. Yes.

Mr. LOZIER. Would this grading of beef be reflected in increased prices, and would the spread between the prime grades and the inferior grades be accentuated by this system?

Mr. SHALLENBERGER. Not at all. I am glad the gentleman brought that question up. The first thought perhaps would be that the price of beef would be raised in consequence of this branding practice, but that has not occurred at all. It simply results in this, the beef furnished to the consumer is now sold upon its merits. The demand for the best beef does not interfere or affect prices of cheaper beef. The man who has produced first-class beef, beef that is prime and good should receive some benefit from his efforts.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. SHALLENBERGER. May I have a little more time?

Mr. DICKINSON of Iowa. I have two additional minutes that were yielded back to me, and I yield them to the gentleman from Nebraska.

Mr. SHALLENBERGER. It may be asked why ask the Federal Government to pay the slight cost of grading and stamping the beef offered for public sale at public wholesale markets?

The answer is the service is in the public interest. It is for the welfare and benefit of both producer and consumer. It promotes honesty in trade and commerce. The Federal Government now inspects and stamps every carcass of beef permitted to be slaughtered and sold at public markets. A stamp is affixed—that certifies the animal's fitness for food. A Federal stamp guaranteeing the grade and quality of the food is also in the public interest and is the certificate the public will recognize. The amount asked for to continue and expand this very necessary and beneficial service is a mere trifle when compared with the amount of our annual appropriations for similar inspection services or balanced against the benefits it brings to the beef producing and consuming public.

I append some interesting tables showing the menace to our food supply because of our decreasing numbers of cattle, sheep, and hogs that is confronting the country. In 10 years it will be noted, the number of cattle on the farms has declined 12,000,000. The number of hogs since 1920 is practically at a standstill.

TABLE No. 1.—*Livestock on farms January 1*

	All cattle	Hogs	Sheep
1928	55, 696, 000	58, 969, 000	44, 545, 000
1927	56, 872, 000	54, 408, 000	41, 846, 000
1926	59, 827, 000	51, 223, 000	40, 748, 000
1925	64, 928, 000	54, 234, 000	39, 134, 000
1924	66, 506, 000	66, 130, 000	38, 300, 000
1923	67, 240, 000	68, 427, 000	37, 223, 000
1922	65, 632, 000	57, 834, 000	36, 327, 000
1921	65, 587, 000	56, 097, 000	37, 452, 000
1920	67, 120, 000	59, 344, 000	39, 025, 000

Our human population has increased 3 per cent, but our cattle available for food have decreased 20 per cent.

Table No. 2 shows variations to-day in wholesale prices of beef and pork products. It will be noted that pork loins of best quality are quoted at 15 cents per pound; best beef loins at three and one-half times as much. Here is the reason: Beef sold

for food in 1927 was 632,000,000 pounds less than in 1926. On the other hand, pork sold for food in 1927 shows an increase of 352,000,000 pounds over 1926.

The law of supply and demand has resulted in a pronounced rise in the price of beef on the farm and a decline in prices paid for hogs and hog products.

TABLE No. 2.—*Wholesale beef and pork prices February 28, 1928, at Kansas City*

BEEF CUTS	Cents
No. 1 loins	52
No. 2 loins	43
No. 3 loins	22
No. 1 ribs	37
No. 2 ribs	32
No. 3 ribs	16
No. 1 chucks	16
No. 2 chucks	14
No. 3 chucks	12
No. 1 rounds	21
No. 2 rounds	18
No. 3 rounds	14
PORK CUTS	
Loins, light	15
Plain shoulders	11
B. S. butts	18
Spareribs	10
Loins, heavy	11½
Skinned shoulders	11
Leaves	11
SMOKED AND CURED	
First hams	21½@32½
First bacon	31@32
First grade lard	12½

The men and women who buy meat foods for the American home and who are not experts in determining the quality and grade of beef they are buying need the stamp of the Government to help them to get the benefit of expert inspection and to get what they pay for.

Gentlemen, Federal grading will give the consuming public and the producer the benefit of inspection and honesty in business. You are annually appropriating millions of dollars for all forms of agricultural activity. Ten million dollars has been appropriated for the eradication of the corn borer, and to read the hearings of this committee the farmers do not want the work done. The cattlemen of the country come to this Congress and ask for this small sum of $50,000 for protection of both producers and consumers. I hope before the Congress adjourns you will grant to them this additional appropriation. [Applause.]

The CHAIRMAN. The time of the gentleman from Nebraska has again expired.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. HOCH].

Mr. HOCH. Mr. Chairman, I regret that Governor Shallenberger did not have more time to discuss this very interesting and important subject. I want to add just a few words, in the few moments I have, on the same subject and give the practical legislative situation. This experiment has been carried on since last May and the private interests involved, the producers and others have appropriated and spent about $35,000 of their own money upon it.

When the hearings upon this bill were being held there had been no estimate from the Budget Bureau received and, therefore, the subcommittee had no estimate before it. Before the hearings were finished Mr. Mercer, of my own State of Kansas, who has been for many years our State livestock commissioner, and who is chairman of the National Livestock and Meat Board, and Mr. Gunn, of Iowa, who represents the Corn Belt Meat Producers Association, and Mr. Pollock, of Chicago, who is secretary of this National Livestock and Meat Board, came here and appeared before the committee. They had not had occasion to present the matter to the Budget Bureau. So arrangements were made, and I accompanied those gentlemen to the Budget Bureau, and this matter was fully presented to the Budget Bureau. After that presentation the Budget Bureau was so impressed with the value of this experiment, which is along the line of honest merchandising, and if it works will certainly prove to be of benefit both to the consumer and the producer, that the Budget Bureau sent in an estimate of $50,000 to continue this experiment for another year, $10,000 of which was to be made immeditely available. But that estimate came in after the hearings had been closed. The subcommittee did not include the item, largely, I must believe, because the hearing had been incomplete for the reason I have stated. I took it upon myself to write to the Secretary of Agriculture and ask him to state the attitude of the department toward this proposition, and he sent me a very interesting letter. I have not the time to read it, but I am going to ask to insert it in the RECORD. In that letter he outlines clearly the whole situation and gives earnest indorsement of the department to this very valuable work and to the proposed appropriation as recommended by the Budget.

In the minute I have left I simply want to express the hope that the department will have the opportunity to go before the Senate committee when it is considering this bill and fully present this matter. If the Senate committee after that hearing sees fit to include the item, which is certainly a small amount considering the importance of this project, I hope our conferees—and I am sure they will—will give it the most careful consideration when they get into conference.

It is not my present purpose to offer an amendment on the floor, and I understand Governor SHALLENBERGER is not planning to do it. We greatly regret that the subcommittee did not see fit to include the item, though we realize that the hearings had been somewhat incomplete, for the reason I have stated. But we do believe that if opportunity were afforded to present the matter fully the subcommittee and the House would approve it. But we realize that the House hesitates to include items not recommended by the committee, and we express the earnest hope that with the Budget estimate before the Senate committee when it gets this bill the matter will be gone into thoroughly. If that is done, we believe the Senate committee will include the item. In the meantime we ask those who will be House conferees to give further consideration to the matter. If they will do that we believe they will come to the conclusion that this small appropriation asked by all these men deeply interested in the great livestock industry of the country, and approved by the President, will conclude that this experiment is altogether worth while. If this work proves practicable it will be of great benefit to the industry and to the consuming public. If it does not, no one will ask to have it continued. Let us give it a fair trial. [Applause.]

Mr. Chairman, under the leave granted to do so, I insert the following letter from the Secretary of Agriculture:

DEPARTMENT OF AGRICULTURE,
Washington, February 29, 1928.

Hon. HOMER HOCH,
House of Representatives.

DEAR MR. HOCH: I have your letter of February 25 with reference to the supplemental estimate of $50,000 submitted by the Bureau of the Budget to continue the experiment in the grading and marking of dressed beef. This estimate also provided that $10,000 of the total amount should be made available immediately upon passage of the appropriation bill in order to continue the experiment during the remainder of this fiscal year.

This department, through the Bureau of Agricultural Economics, has been working for several years upon definite grades for meats. This work is a part of the general program to encourage the marketing of farm products according to uniform and definite standards which we believe is basic to the efficient marketing of these products. Work is also being done in formulating grades for the live animals, and these grades are being closely correlated with the grades for meats, so that when they are generally put into use producers will be able to plan their production programs according to consumer demands as measured by the consumption of meats of the different qualities.

While grading and sorting of meats has been done for years by the meat trade, no uniform quality standards have been followed. What is "choice" to-day may be called "good" or "prime" six months hence, and there are sections or markets where the "medium" grade, as recognized by the United States standards, is locally called "good" or "choice." All of this means confusion so far as a general understanding of the qualities and values of meats is concerned.

I have promulgated official grades for dressed beef which have been generally accepted in the industry. The next step in the program is a plan to put these grades into general use in such a way that the benefits of standardization will accrue both to producer and consumer. Although the meat industry has for years used trade labels, generally indicative of quality, on processed meats, it seemed to be the prevailing opinion that the same indication of quality was impracticable for fresh meats. The department, however, discussed with all interests in the industry the possibility of carrying the standardization work to the consumer in a practical way, with the result that about a year ago the National Livestock and Meat Board, which comprises all the principal livestock producers' associations, the packers, the commission merchants, and the organized retail meat dealers, suggested that an experiment be undertaken by the department in order to determine the feasibility of marking dressed beef according to uniform standards in such a way that the product itself would show the grade when purchased by the consumer.

Accordingly, on May 2, 1927, the Bureau of Agricultural Economics inaugurated such an experiment, confining it to two grades, namely, "prime" and "choice." A roller stamp was designed which could be so used that practically each retail cut of meat would be marked with its grade. The National Livestock and Meat Board also appropriated

$25,000 for the purpose of carrying on an educational campaign to inform producers and consumers of the advantages of buying and selling meats on a definite quality basis. Since the experiment was started representatives of the department have marked, or supervised the marking, of approximately 25,000,000 pounds of "prime" and "choice" beef. The experiment has been carried on in 10 cities. As a result a great deal of interest has been aroused on the part of producer organizations and retail meat dealers, but being limited to two grades, it affected only a very small percentage of the total meat slaughtered. Some of the leaders in the industry believe it should be continued for a longer period and in a larger way to determine its practical value, if applied more generally. In an effort, therefore, to make the experiment more comprehensive, we recently expanded the work to include the "good" grade, which, together with the grades of "prime" and "choice," will give a representative sample from approximately 27 per cent of the beef slaughtered.

The stamping of the grade upon the carcass shows to the consumer in a practical way the differences in the quality of meats and enables the producer to adjust his production program according to the consumer demand for different qualities. The factors that make for quality in meats are little understood by the average housewife, and it is believed that an educational program carried on in this practical way will do more to reduce misrepresentation and substitution than any other methods thus far devised. In view of the widespread interest that is being manifested in this experiment and because of its importance both to producers and consumers, I have concurred in the recommendation of the National Livestock and Meat Board that the experiment be continued for another year on a somewhat broader basis for the purpose of determining whether it is feasible and practical. The results obtained from two years' practical demonstration should provide the necessary facts to reach a sound conclusion as to the future use of this plan. Therefore, the supplemental estimate submitted by the Bureau of the Budget has my full indorsement.

Sincerely yours,

W. M. JARDINE, *Secretary.*

Mr. WASON. Mr. Chairman, I yield three minutes to the gentleman from Michigan [Mr. HUDSON].

Mr. HUDSON. Mr. Chairman and gentlemen of the committee, I want to address the committee for a moment and ask for permission to extend my remarks by the insertion in my remarks of a statement from Commissioner Doran, of the Department of Prohibition.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

Mr. LINTHICUM. Mr. Chairman, reserving the right to object, I would like to have the letter reported. I would like to know what it is.

Mr. HUDSON. I will be glad to read it if you will give me the time. It is contained in Senate Document No. 195.

Mr. LINTHICUM. What is the purport of it?

Mr. HUDSON. It explains their position on the matter of formulas and the use of denaturants.

Mr. LINTHICUM. I do not like to object to anything that is going to enlighten the House on the question of deadly poisons in industrial alcohol, but I wish the gentleman would speak about it for a few minutes and tell us what it is.

Mr. HUDSON. I am going to do that, but I want to get authority to insert this statement.

Mr. LINTHICUM. If the gentleman is going to speak on it, I will have no objection.

Mr. HUDSON. I shall be glad to do so if you will give me the time.

Mr. LINTHICUM. I yield the gentleman all of my time.

Mr. HUDSON. I am going to speak on the matter.

Mr. LINTHICUM. Mr. Chairman, I reserve the right to object until the gentleman speaks about the matter.

The CHAIRMAN. The Chair suggests that the gentleman from Michigan proceed with his statement and at the conclusion of it ask for this unanimous consent.

Mr. HUDSON. Mr. Chairman, we have listened this morning to a very interesting and in many ways able discussion of the matter of the use of poisons in the denaturing of alcohol. To my mind there were several things brought out in that discussion this morning that ought to be clearly brought into the RECORD to-day, one of those things being the position of the Government in regard to this particular matter.

We have at the present time at the head of the Prohibition department of the Treasury Department a very able and very conscientious gentleman, who, for a number of years, has been the head of the industrial alcohol and chemical division, Doctor Doran. He has stated over and over again that the department is attempting, in using denaturants, to use such as are not know as toxic and yet will be of such value that the industries can use the denaturants successfully.

I am sure the gentleman who spoke this morning did not want to convey the impression that the department is not taking all these precautions; and I am sure the gentleman did not want to carry the impression that these denaturants, as provided by the regulations of the department, do not make a liquid that even by smell or taste would reveal to the purchaser very quickly that they are not for beverage purposes. In furtherance of this policy the department places upon all these packages containing the denaturants that are of a poisonous character the skull and crossbones, so that no one can call themselves innocent if they partake of them and can not state that they do not know the contents.

To my mind, Mr. Chairman, we have got to consider the fact that in this question we are dealing with a class of criminals, as the gentleman from New York said this morning, who are of the lowest type, men who will take this industrial alcohol and try to take out of it the denaturants and attempt to make a potable liquid and place it upon the market, knowing without any equivocation that they are placing before such a consumer a drink that contains a poison. It seems to me we ought to turn our attention to the question of placing these men who are themselves criminals where they belong rather than discommoding the industrial alcohol industry.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. HUDSON. Mr. Chairman, I ask unanimous consent that in connection with my remarks I may place in the RECORD this statement of Doctor Doran. I am sure my friend, the gentleman from Maryland, can have no objection to it at all. It is not controversial.

Mr. LINTHICUM. Mr. Chairman, reserving the right to object, I would like to ask whether the gentleman can get a minute or two more so I can ask a question. Then I shall not object.

Mr. WASON. I am sorry we have not more time to yield to the gentleman from Michigan.

Mr. LINTHICUM. I shall not object. I want all the information I can obtain upon the subject.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The statement referred to follows:

EXHIBIT A (7)

(T. D. 3941)

REPORT ON USE OF DENATURANTS IN INDUSTRIAL ALCOHOL

After many years of effort along educational lines, Congress, on June 7, 1906, passed the first denatured alcohol act, also known as the tax-free industrial alcohol act, that was primarily designed to promote the use of alcohol in the arts and industries by relieving the alcohol so used from the high excise tax imposed on all distilled spirits. The burden of this tax is apparent, for at the present time the tax on distilled spirits as applied to high-proof alcohol is approximately ten times the value of the commodity itself. The method adopted by Congress in 1906 and reiterated in the industrial-alcohol title of the national prohibition act was the required addition to this alcohol, which was intended for use in the arts and industries, of methyl or wood alcohol (now known as "methanol") and other suitable denaturing materials that would destroy its character as a beverage by rendering it unfit for such use. The national prohibition act employed a slightly different wording than the original act of 1906, by merely stating that the alcohol withdrawn for industrial use should be denatured by the addition of such materials as would render it unfit for use as an intoxicating beverage. At the time of the passage of the act of 1906, the United States was the only one of the large countries who had not recognized and fostered the industrial use of alcohol by relieving it from burdensome taxation. Denatured alcohol is not legally intended for any internal medicinal or food use; all alcohol so used is released pure after tax payment. Industrial alcohol plays the same rôle in organic chemical operations as is played generally by water in inorganic chemical operations. Industrial alcohol alone or in combination with other combustibles may play an important part in the future motor-fuel problem. England as far back as 1855 employed a crude grade of methanol for the denaturing of alcohol for industrial use. At the present time English methylated spirits contain 10 per cent of crude methanol.

The development of the highly organized German chemical industry was based to a very great extent on the fostering of the industrial use of alcohol; and while Germany undoubtedly had the most extensive development along these lines, there was a large development in France and England prior to 1906. The first formula adopted for denaturing alcohol in the United States followed quite closely the established European practice, and while the denaturing of alcohol in the United States has been extensively developed along rather specialized lines, the European governments have adhered quite closely to the

use of the methanol as the main basic denaturant for both general and special purposes. Great Britain and Canada use from 10 per cent up to as high as 30 per cent of methanol. The maximum ever used in the United States was the first formula authorized in 1906, employing 10 parts of methanol to 100 parts of ethyl alcohol, or slightly less than 10 per cent. Following the act of 1906, the industrial use of alcohol broadened in the United States, reaching its maximum volume in the Great War and being employed in many new industries in the active period following the Great War. The passage of the national prohibition act was coincident with the development of a large and varied chemical industry in the United States, and the further development of specialized formulas for specialized industries enabled these industries to maintain themselves through the period of adjustment incident to the taking effect of national prohibition. The special formulas primarily designed for particular industries take due account of the chemical and commercial factors making for efficient production. For example, in the rayon industry one of the principal grades is the nitrosilk, which is a colloidal solution of nitrocellulose in an alcohol-ether mixture. In this case, the denaturant employed is ether itself and its use not only renders the alcohol unfit for beverage purposes but gives a mixture satisfying every scientific and manufacturing consideration. Another example of the application of specialized formulas is the employment of a generally used basic perfume material for the alcohol designed and intended for the perfumery and toilet-water trade. This substance, known chemically as "diethylpthalate," when added to the alcohol renders it extremely bitter and distasteful, and yet the chemical is itself odorless and is a logical component of complex perfume mixtures.

It will thus be seen that in the employment of these specialized formulas it has been the effort of the department, in cooperation with the industries themselves, to devise formulas that will render the alcohol unfit for beverage purposes and yet enable the industry to employ the material in the most efficient manner. There are over 60 of such specialized formulas and about half of them were authorized prior to 1920. None of these mixtures are available to the public at large but are only procurable under the permit system in effect since 1906 and very much developed since 1920.

The permit administration of the national prohibition act has developed within the past year along more effective lines and there has been a noticeable increase in unlawful manipulation of completely denatured alcohol. Inasmuch as it is the expressed intent of the act that these formulas be available generally for lawful purposes, such as domestic fuel and automobile antifreeze solutions, it is necessary that they be of such a nature as to render the alcohol, not necessarily highly toxic, but objectionable and obnoxious when used as a beverage, making it practically impossible for any person to consume one of these treated concoctions either deliberately or unwittingly and not at the same time be fully informed that the liquid is unfit for consumption. As a further precaution against accidental use, the regulations require these formulas to be sold under skull and cross-bone label. Current scientific work of the department, therefore, is being directed with a view to strengthening these formulas, not by rendering them more toxic, but by rendering them less potable, and in the working out of these problems partial success has already been obtained. Many factors bearing on the problem require extended scientific investigation. For example, the denaturing substances employed must be of such a nature as to remain with the alcohol under a most severe manipulative treatment. The substance must be noncorrosive, and, in the quantity used nontoxic, and the compounded formula must be suitable for lawful industrial use. There is a misapprehension in the public mind as to the underlying reasons for the use of denaturing grade of methanol. There is no doubt in the mind of any well-informed chemist that the long-standing use of methanol by all countries is based on sound scientific principles. Being closely related chemically to ethyl alcohol (ethanol), having a boiling point only slightly below that of ethyl alcohol, and having the physical properties closely resembling ethyl alcohol, it is a substance that can not easily be removed. It is not employed because of the fact that methanol as such is commonly known to be a dangerous liquid to consume and, therefore, that physical harm will result to the drinker, but because of the fact that the denaturing grade of methanol carries distinctive odorous substances commonly designated as pyroligneous compounds that, by their characteristic odor and taste, at once disclose to the individual the patent fact that the mixture or liquid is unfit for consumption. The fact that methanol forms constant boiling-point mixtures with ethyl alcohol and if redistillation is attempted carries over with it in the distillate these odorous pyroligneous compounds discloses the chief reason for its world-wide employment as a basic denaturing agent.

The current investigational work by the department has developed the suitability of certain complex oil compounds of an odorous and disagreeable nature but of themselves nontoxic, which, when used with a minimum quantity of methanol, will not only remain with the alcohol under manipulative treatment but will so mark the concoction in which it may be employed by a criminal that nobody will consume the same unknowingly but only by a deliberate and willful act. The protection and encouragement of lawful industrial alcohol use, coupled with maximum protection of the public, is the aim and object of the department's scientific work on this subject. The present development of chemical industry in the United States and the fact that other countries are adopting some of our special methods is evidence of the constructive course pursued by the department. The present system of denaturation meets with the approval of those industries whose continued welfare is essential to the public good. A weak policy of denaturation would break down industry by making easy openings for illegal operations, would be contrary to sound policy, and would actually lessen the protection afforded the public. The scientific departments of industrial organizations are in continuous and hearty cooperation with the department's chemists and constant investigations are being conducted with a view to more effective administration.

J. M. DORAN, M. D.,
Head, Industrial Alcohol and Chemical Division.

Mr. SANDLIN. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. SWANK].

Mr. SWANK. Mr. Chairman and gentlemen of the committee, the first words I ever uttered on this floor were in behalf of a wounded soldier of the World War, and it is always a pleasure to lend assistance to our soldiers of all wars and their dependents. The first day of the Seventieth Congress I introduced the following bill for the relief of veterans of the World War:

[H. R. 347, 70th Cong., 1st sess.]

A bill to amend section 205 of the World War veterans' act, 1924

Be it enacted, etc., That section 205 of the World War veterans' act, 1924, is amended to read as follows:

"That each regional office shall have jurisdiction over all claims for benefits under the World War veterans' act of 1924 of all claimants who reside within the jurisdiction of each regional office. All claims heretofore reviewed by the central board of appeals or area board of appeals since the passage and approval of the World War veterans' act of 1924 shall forthwith be returned and reviewed by the regional office having jurisdiction over said claims, and said claims shall be rerated by the claims and rating board of said regional office. The findings and ratings of any regional office having jurisdiction of such claims shall be final and binding upon the Veterans' Bureau unless appealed to the central office or central board of appeals for review, upon application in writing by the claimant or his legal guardian.

"Except in cases of fraud participated in by the beneficiary, no reduction in compensation shall be made retroactive, and no reduction or discontinuance of compensation shall be effective until the first day of the third calendar month next succeeding that in which such reduction or discontinuance is determined."

The bill provides that the central office of the Veterans Bureau here in Washington can not appeal a rating made by a regional office, unless the soldier affected desires the appeal. It also provides that all claims heretofore reviewed by the central board of appeals since the approval of the World War veterans' act of 1924 shall be returned and reviewed by the regional office having jurisdiction of such claims.

Mr. Chairman, I believe that the regional office is better equipped and better qualified to rate a claim within its jurisdiction, near the soldier, and has a more complete understanding of the full situation, than any board here in Washington can possibly have, no matter how careful the members may be nor how fair they act. The members of the appeal boards are far away and the case is decided upon the cold facts submitted without any personal knowledge of the claimant. When the rating board of a regional office rates a claim the members of the board are many times in personal contact with the soldier, talk to him and his acquaintances, and know more about the claim than when it is submitted on paper. When a physician in that office talks to a claimant he understands his case far better than can be expressed on paper to some person 1,500 or 2,000 miles away. It is similar to the trial of a case in court. In the trial court the judge and jury not only hear the witnesses, but observe their demeanor on the witness stand, and are thereby better judges of the truthfulness of the testimony, than is any Supreme Court who decides the case from the printed record, and never sees the witness, or the parties to the suit. Many cases that are rejected by the Veterans' Bureau, would in my opinion, receive favorable consideration if the officials could see the soldier and talk with him and his acquaintances. Many times the claimant's family can go to the regional office and talk with the officials about a claim, or are near where those officials can see them and get needed information concerning many claims. I do not care how sympathetic and careful the officials of the Veterans' Bureau may be in considering the evidence filed in support of a claim, they decide the case upon the written evidence submitted, and do not see and talk with the claimant and his witnesses.

Mr. VINSON of Kentucky. It occurs to me that the Government ought to be satisfied when it has adjudicated particularly the rates and disability of the soldier. When they have all the evidence on their side, they have their physicians examine him and they make the rate.

Mr. SWANK. The gentleman is correct, and if there is a doubt it should be resolved in favor of the soldier.

Mr. HASTINGS. And the Government has charge of all the records of the soldier.

Mr. SWANK. Yes; and my bill provides that the claim shall not be appealed unless the soldier wants that action taken.

Mr. HASTINGS. It is largely a question of fact and the gentleman thinks it ought to be left to the local authority to pass on it.

Mr. SWANK. And let the soldier appeal if he wants to.

Under the present law a soldier can appeal his claim if he so desires, but I do not believe the central office in Washington should be permitted to appeal the claim and rerate the same against the wishes of the soldier. I have been informed that many times a claim has been appealed from the regional office after it has made a rating upon consideration of all the evidence surrounding the case, and that the central office has reduced the rating and sometimes disallowed the claim altogether. I am opposed to a continuance of that procedure, and the purpose of this bill is to stop such practice. If this bill is enacted into law it will also lessen the expense of the bureau for there will not be many cases appealed before the central board of the Veterans' Bureau with proper administration in the regional offices. The regional offices are well equipped to handle and rate these claims under their respective jurisdictions, and I have never seen any reason for taking appeals unless the soldier himself desires his claim considered by the central office.

I believe my colleagues want to do what, in your opinion, is the best for our soldiers. I am before you at this time because I want to better the conditions of our ex-service men, and to simplify as much as possible the rating system of the bureau, and make it as easy as we can on these boys and their dependents. Some may say that sometimes a soldier receives more than he is entitled to, but I have never seen a soldier who receives more than should be paid him, and I do know of many who do not receive a sufficient amount to compensate them for their service-connected disabilities. I handle hundreds of these claims each year, and many times claims are disallowed when the evidence could just as easily and logically be construed in favor of the soldier as against him, and his compensation be granted. In my judgment, when there is a question of a doubt as to the disabilities of a soldier or as to whether or not his disabilities were caused by his service in the Army, then in that event all doubt should be resolved in favor of the soldier.

Since the good people of the fifth Oklahoma district, that I have the honor to represent in the American Congress, sent me here, I have been successful in assisting more than 610 of our soldiers to get favorable action on their claims before the bureau. Most of my office work consists in helping with these claims, and it is always a pleasure to render such assistance. I do not know of any better service that a Member of Congress can render than to help these worthy soldiers, who have been wounded, maimed, and in broken health caused by their Army service. So long as the people keep me here I shall continue that course along with my other duties.

Do what we will and exert all the efforts we can in behalf of our soldiers, the defenders of our country and our homes, it will be impossible to reward them for their loss of health, wounds, and loss in earning capacity. More liberal construction should be given evidence filed by a soldier, and especially when he is incapacitated. There is no soldier who would not gladly give up any compensation that he receives if he could be given back his health, position, and earning power. That can not be done, and we should therefore do everything possible to relieve them, that no soldier who defended this Republic and offered his life for his country, or his dependents, should ever be in want of the necessities of life. We can not do too much. At this time I wish to congratulate the House for passing unanimously, on the 20th day of February, 1928, the bill extending for two years the time for soldiers to file their claims for adjusted compensation. I also hope that both Houses of Congress will soon enact a law granting compensation to soldiers whose disabilities prevent them from earning a living, regardless of whether such disabilities are service connected or not, and that the President of this great country will approve such a measure.

Mr. Chairman, I hope the bill I have presented here may become a law, for it will be of great relief to our soldiers.

I ask permission here to insert that part of letters and telegrams from soldiers and Legion posts relating to this bill and approving the same, as follows:

CUSHING, OKLA., *December 21, 1927.*

Hon. F. B. SWANK,
Congress of the United States,
House of Representatives, Washington, D. C.

MY DEAR MR. SWANK: It gives me great pleasure, as adjutant of the local post of the American Legion, to reply to your letter of the 17th instant with regard to bill to prevent the Central Board of Appeals in Washington from appealing and changing a soldier's rating by the regional office unless the soldier himself desires such appeal.

This bill was read, as well as your letter, and discussed thoroughly, and it is the entire post's wish that we stand back of same 100 per cent. It certainly has our approval and is a bill which will mean much to those who need all the support they can possibly receive. We also as a post of the American Legion wish to express our appreciation to you for the interest shown to those "buddies" who are so in need, and take this opportunity of thanking you and assuring you that we are behind you 100 per cent.

Very sincerely yours, DONALDSON WALKER POST, No. 108.
J. C. SMITH, *Adjutant.*

ROBERT GORDON DAVENPORT POST, No. 87, AMERICAN LEGION,
OFFICE OF SERVICE OFFICER, DEPARTMENT OF OKLAHOMA,
Pauls Valley, Okla., December 23, 1927.

Hon. F. B. SWANK, M. C.,
Washington, D. C.

DEAR JUDGE SWANK: We are in receipt of your letter of the 14th, inclosing copy of bill you have introduced to amend section 205 of the World War veterans' act. We have carefully read this bill and are enthusiastically in favor of it. We trust that Congress will pass the same without any delay.

The writer served as a claim examiner in the Veterans' Bureau at Dallas for a period of 10 months following his graduation from the law school at Norman, in 1922, and based upon his experience gained there and his experience as service officer for this post since April, 1923, we feel that we are in a position to know something of the working of the Veterans' Bureau. We believe that the passage of your bill will be beneficial to a large body of ex-service men, and the local post is glad to know of your interest in behalf of the ex-service men of this State.

With best holiday greetings for you and yours, we are

Yours truly,

JOE W. CURTIS.

SULPHUR, OKLA., *December 24, 1927.*

Hon. F. B. SWANK,
Washington, D. C.

DEAR SIR: Received your letter, and will say as an active member of our post of the American Legion here at Sulphur that your bill meets with my approval and sincerely hope it will become a law.

Yours truly,

PAUL V. ANNADOWN.

YALE, OKLA., *December 26, 1927.*

Hon. F. B. SWANK.

DEAR SIR: Received your letter and House bill 205 and its amendment, 21st instant, and will say that I took it up at my post meeting last Wednesday night, and everyone was favorable toward it. In fact, it was voted on and passed unanimously and sent to our legislative committee at headquarters. So not being the rules of the order to vote singular as a post, but we can approve of same and send it to our committee, which we did. And you can rest assured that you have the hearty approval of the whole membership of this post, and thank you very much for the actions you have taken in this and other such legislation.

We have no unlimited amount of trouble on this one point, and we hope this will be much easier handled now and should with this amendment.

Any time I can be of any assistance to you in this respect it will be a pleasure to me.

Very truly yours, EGBERT E. HAYS,
Yale, Okla., Box 291.

FLETCHER O'DELL PLEDGER POST, No. 88, AMERICAN LEGION,
Norman, Okla., December 28, 1927.

Hon. F. B. SWANK,
Washington, D. C.

DEAR MR. SWANK: At the regular meeting of Post No. 88, December 22, H. R. 347, introduced in the House of Representatives December 5 by you, was taken up and discussed. The sentiment of the service men in this post was that the amendment should be enacted immediately. A resolution was passed indorsing your amendment and authorizing the post officers to offer you any assistance which we might be able to give in gathering data or in any other way they might aid you in getting this bill across.

As commander of the Norman Post I wish to take this opportunity to thank you for your tireless effort in behalf of the disabled service

men of our community. We want you to feel that you are entitled to call upon this post at any time for any help we may render you in these matters.

Sincerely,

MILT PHILLIPS,
Post Commander.

THE AMERICAN LEGION, DEPARTMENT OF OKLAHOMA,
Oklahoma City, Okla., December 29, 1927.

Hon. F. B. SWANK,
House of Representatives,
Washington, D. C.

SIR: I certainly appreciate your promptness and interest in behalf of Mr. Hyden. I trust that we will soon be able to have his claim in the pension department adjudicated.

I also want to take this opportunity to thank you for sending a copy of H. R. 347. We heartily indorse this amendment to the World War veterans' act, and want to thank you for your introducing the bill and having it passed the first day of the session of the House of Representatives.

Very truly yours,

C. B. DOLLARHIDE, *Service Officer.*

THE AMERICAN LEGION, OKLAHOMA CITY POST, NO. 35,
Oklahoma City, December 30, 1927.

Hon. F. B. SWANK, M. C.
House of Representatives,
Washington, D. C.

DEAR MR. SWANK: Owing to a mix-up in who was to write to you in regard to the action of our post on your H. R. 347, which was read and approved at our last meeting, I'm not going to wait any longer to give you the information.

The bill was read in the regular procedure of the post meeting, on December 20, and approved by the post; many of us know the import of this bill, and are behind it and you to a man.

Thanking you on behalf of the post and also again for myself, I am

Yours truly,

FRED W. HUNTER.

LEBRON POST, AMERICAN LEGION, NO. 58,
DEPARTMENT OF OKLAHOMA,
Guthrie, December 31, 1927.

Hon. F. B. SWANK,
Member of Congress, House Office Building,
Washington, D. C.

DEAR SIR: I have at hand your good letters of December 17 and December 27 with reference, respectively, to H. R. 347, your bill to amend section 205 of the World War veterans' act of 1924, to give the ex-soldier better advantages with reference to ratings under the act, and to prevent appeals by the central board from the regional office ratings against the desire of the soldier, and to your good work in checking the list of dependents of men who lost their lives in the war, and assisting them to get their adjusted compensation.

I wish to thank you very much for your efforts and interest on behalf of the veterans of the late war, and to assure you that they are appreciated by the members of this post.

Yours very truly,

A. G. C. BIERER, Jr., *Post Commander.*

STILLWATER, OKLA., *January 10, 1928.*

Hon. F. B. SWANK,
Washington, D. C.

DEAR MR. SWANK: I have your letter dated December 17, 1927, relative to changing a soldier's rating by the regional office.

The above-mentioned matter was referred to the American Legion of Stillwater on January 5, which was the first meeting since I received your letter, with an attendance at that meeting of about 80 members. They voted unanimously to indorse the bill which you presented.

The above-mentioned bill has been referred to the legislative committee of the American Legion and you will soon receive the expression of the Legion through them.

Yours very truly,

CECIL G. JONES.

STILLWATER, OKLA., *January 11, 1928.*

Hon. F. B. SWANK,
Representative fifth district Oklahoma, Washington, D. C.:

Carter C. Hanner Post, No. 129, indorses House bill 347 and recommends its passage.

HUGH J. NESTER, *Adjutant.*

Mr. SANDLIN. Mr. Chairman, I yield 20 minutes to the gentleman from Tennessee [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman, I shall be unable to say all I want to say and quote all the documents that I have, and I ask unanimous consent to extend my remarks in the RECORD by incorporating in these remarks some tables and statistics of broadcasting institutions, some Supreme Court decisions, and a few official letters.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD by incorporating certain Supreme Court decisions, letters and statements from officials, and extracts from other sources, as well as tables. Is there objection?

There was no objection.

Mr. DAVIS. Mr. Chairman, radio is now a very important problem, and in which there is a very wide general interest. The public is especially interested in radiobroadcasting. There are millions of owners of radio receiving sets. It is estimated that approximately half a billion dollars is spent annually in this country for radio apparatus.

The first measure dealing with this subject was enacted by the Congress in 1912. Radio was then in its infancy, and there has been a tremendous development since that time. The need of new legislation on the subject was apparent, and various efforts to enact additional legislation were made during the past several Congresses. Prior to the last Congress the Committee on the Merchant Marine and Fisheries of the House had prepared and voted out several bills, one of which passed the House; but all of those attempts at general legislation were thwarted by the opposition and activities of the radio monopoly. During the last Congress the House and the Senate passed different radio bills, both of which went to conference. There finally emerged from conference a bill different in many respects from both the House and Senate bills, and the conference report bill was finally adopted after much opposition and approved. It was the only bill of a general nature which had the approval of the radio monopoly. Subsequent events have vindicated my criticism of features of that bill and my predictions as to what would result. My apprehension was increased when the personnel of the commission created by the act was announced.

The act created a commission of five members, one of whom should be an actual bona fide resident of each of the five zones established by this act. The act provided that this commission during the first year after their appointment should have original jurisdiction in granting or refusing licenses, assigning wave lengths and station power, the authority to revoke licenses under certain conditions, and so forth. The act further provided that during such year the commissioners should receive an annual salary of $10,000 each. The act also provides that from and after one year all the powers and authority vested in the commission, except as to revocation of licenses, shall be vested in and exercised by the Secretary of Commerce; except that it is made the duty of the Secretary of Commerce to refer to the commission for its action any application for a license or renewal or modification, as to which a dispute, controversy, or conflict arises, and any aggrieved party may appeal from a decision of the Secretary of Commerce.

Furthermore, the act provides that "the Secretary may refer to the commission at any time any matter the determination of which is vested in him by the terms of this act."

The commission is given power and jurisdiction to act upon and determine any and all matters thus referred or appealed to it.

Two of the nominees for places on the Federal Radio Commission were confirmed by the Senate, but the Senate failed to confirm the other three. After the last Congress adjourned the President reappointed the members of the commission who had not been confirmed, and the commission entered upon the performance of its duties. By reason of deaths and changed personnel and a lack of adequate funds it is conceded that the commission has been handicapped, but this does not afford any justification for affirmative action taken that was not in the public interest. Although Commissioner Caldwell stated at the hearings that he considered that 70 per cent of the work to be accomplished by the commission had been performed, yet this was apparently not the view of the other members of the commission, and it is certainly not the view of the Congress or of the public generally.

A large number do not believe that the commission has improved the situation at all, and many are of the opinion that the work they have done was worse than to have done nothing at all. They have been credited with stopping "wave jumping," which followed in the wake of the court decision which held, in effect, that the Secretary of Commerce possessed but very little authority under the 1912 act, but this result was effected by the act itself.

PENDING BILL

The Senate during the present session passed a bill, S. 2317, amending the radio act of 1927, extending for another year the original jurisdiction of the commission but restricting the period of licenses during that period and also embracing section 4, providing that the term of office of each member of the

commission shall expire on February 23, 1929, and thereafter commissioners shall be appointed for terms as provided in the radio act of 1927.

This Senate bill was referred to the Committee on the Merchant Marine and Fisheries of the House, which committee favorably reported the bill with amendments reducing the period of broadcasting licenses to three months and of other classes of licenses to six months prior to January 1, 1930, and with another amendment striking out said section 4 of the Senate bill, and with another amendment substituting for the second paragraph of section 9 of the existing law a provision designed to insure a fair distribution of broadcasting licenses as follows:

The licensing authority shall make an equal allocation to each of the five zones established in section 2 of this act of broadcasting licenses, of wave lengths, and of station power; and within each zone shall make a fair and equitable allocation among the different States thereof in proportion to population and area.

It was recognized that there existed a very unequal and unfair allocation of broadcasting licenses, wave lengths, and station power, and this provision in the act for which this amendment is proposed as a substitute was designed to insure more equitable distribution.

The White radio bill, which was reported by the House committee and was passed by the House, contained a stronger and more definite distribution provision, but, like many other provisions in both the House and Senate bills which were designed to protect the public interest, the distribution provision in the House bill was changed and weakened in conference. There had been no criticism whatever of the equitable distribution clause either in the House committee or in the House. However, after the emasculation process was applied in conference, in discussing the conference report in the House on January 29, 1927, I called attention to the significance of the change and that the provision in the conference bill was ambiguous and susceptible of two interpretations. It appeared at the hearings that members of the Radio Commission differed in their interpretation of the clause, and members of the commission suggested that the clause should be clarified and made unambiguous.

As a matter of fact, the Radio Commission has utterly disregarded the equitable distribution clause in the existing law under either interpretation thereof.

The proposed amendment is clear enough that it can not be misconstrued, misunderstood, or disregarded by the commission unless they are disposed to violate an unequivocal provision of the law which they are sworn to administer. The amendment is intended to insure an equal distribution as between the zones and a fair and equitable distribution as between the different States and communities within each zone. An equal distribution as between the different zones is entirely fair, as the first four zones are substantially equal in population, and the fifth zone, while considerably smaller in population, is so much larger in area that it is considered that it should be placed on the same basis as the other zones. As the States and other subdivisions and cities in each zone vary so in population and area, it is considered proper that there should be a fair and equitable allocation among them.

Of course, it is not expected that this result can be effected immediately, but that it can be worked out in the course of a reasonable time. Furthermore, of course, this provision would necessarily be administered in the light of the other provisions in the act, including the provision in the same section immediately preceding, which is as follows:

The licensing authority, if public convenience, interest, or necessity will be served thereby, subject to the limitations of this act, shall grant any applicant therefor a station license provided for by this act.

In order that the present unfair and discriminatory allocation may be understood, attention is called to the following:

Analysis of broadcasting licenses by zones

	Population	Population, per cent	Area, square miles	Area, per cent	Number of stations	Total station power in watts	Per cent of station power	Stations with over 1,000 watts	Per cent of receiving sets
Zone 1	24,378,131	22.73	129,769	3.63	138	223,305	36.98	12	24.20
Zone 2	24,337,341	22.69	247,517	6.93	115	106,805	17.68	7	21.04
Zone 3	24,826,050	23.14	761,895	21.33	102	47,105	7.80	4	15.97
Zone 4	24,492,986	22.83	658,148	18.42	215	164,870	27.30	26	25.01
Zone 5	9,213,720	8.59	1,774,447	49.68	131	61,785	10.24	8	13.11
Total	107,248,228	100	3,571,776	100	701	603,870	100	57	100

These figures are based on the January set-up, since which there have been a number of changes of a minor nature, as such changes are taking place all the time; but such changes will not materially affect the comparative figures, so that these statistics are substantially correct.

The gentleman from New York [Mr. CELLER] made a speech on the floor the other day, in which he stated that he was just advised by the Radio Commission that there are now 680 radio stations; it is a fact that a number of small stations have either not applied for renewal of licenses or been denied renewals, but they are unimportant and the changes effected by them in the aggregate are relatively unimportant. Mr. CELLER also took the position that in view of the fact that 126 stations split time that half that number should be eliminated from the calculation. There is no logic in that insistence as we are dealing with outstanding broadcasting station licenses. The fact that 126 stations are required to split time only serves to accentuate my insistence that a comparatively few stations are given desirable wave lengths and power, and that a large number of other stations are not given proper consideration. However, following Mr. CELLER's line of argument, and considering the table given by him, the discrimination is just as apparent.

Below is the table given by Mr. CELLER, together with the percentages of population and power which I have added, based upon his figures:

Zone	Average population	Population per cent	Number of stations	Power in watts	Percentage of power
First	23,000,000	21.65	95	202,400	36.75
Second	24,000,000	22.6	93	103,700	18.82
Third	25,000,000	23.54	88	45,570	8.27
Fourth	25,000,000	23.54	166	139,000	25.22
Fifth	9,213,920	8.67	112	60,620	11
Total	106,213,920	100	554	551,000	100

The population figures furnished by me are exactly as given in the official census of 1920; Mr. CELLER is less accurate in that in most instances he gives round numbers, and furthermore he made a mistake of 1,213,920 in his addition, which I have corrected.

The gentleman from New York [Mr. CELLER] states that, in rough figures, the radio population of zone 1 is just under 50 per cent greater than the radio population of the third zone, whereas the figures of receiving sets which he himself inserts in the RECORD are that the number in the first zone are 1,144,100, whereas the receiving sets in the third zone are 1,037,950.

I shall insert in the RECORD as an exhibit to my speech the estimated number of receiving sets in the different radio zones and States. These estimates were made by a reliable radio magazine, as of January 1, 1927; I have been unable to locate a later estimate.

There are many other inaccuracies and specious arguments in the remarks of the gentleman from New York [Mr. CELLER], which I shall not take time to point out.

The following are statistics giving:

Broadcasting stations by zones and States

First zone	Population	Stations	Total station power in watts	Stations with over 1,000 watts
Maine	768,014	3	850	
New Hampshire	443,083	3	650	
Vermont	352,428	3	160	
Massachusetts	3,852,356	20	19,565	a 1
Connecticut	1,380,631	5	2,100	
Rhode Island	604,397	10	2,750	
New England	7,400,909	44	26,075	1

Broadcasting stations by zones and States—Continued

First zone	Population	Stations	Total station power in watts	Stations with over 1,000 watts
New Jersey	3,155,900	21	17,280	b 2
Delaware	223,003	1	100	
Maryland	1,449,661	5	5,700	c 1
District of Columbia	437,571	3	11,150	d 1
Porto Rico	1,299,809	1	500	
Virgin Islands	26,051	0	0	
	13,992,904	75	60,805	5
New York	10,385,227	63	162,500	e 7
Zone totals	24,378,131	138	223,305	12

EXPLANATORY NOTES

a—WBZ-Springfield, Mass., Westinghouse Electric & Manufacturing Co.... [1] 15,000
b—WPG-Atlantic City, N. J., Municipality of Atlantic City.... 5,000
b—WOR-Newark, N. J., L. Bamberger & Co.... 3,500
c—WBAL-Baltimore, Md., Gas and Electric Light & Power Co.... [1] 5,000
d—WTFF-Washington, D. C., Independent Publishing Co.... 10,000
e—WEAF-New York, N. Y., National Broadcasting Co.... [1] 50,000
e—WEAF-New York, N. Y., National Broadcasting Co.... [1] 5,000
e—WJZ-New York, N. Y., Radio Corporation of America (transmitter at Bound Brook, N. J.).... [1] 30,000
e—WGY-Schenectady, N. Y., General Electric Co.... [1] 50,000
e—WHAM-Rochester, N. Y., Stromberg Carlson Telephone Manufacturing Co.... [1] 5,000
e—WABC-Richmond Hill, N. Y., Atlantic Broadcasting Co.... [2] 2,500 / [3] 5,000
e—WLWL-New York, N. Y., Missionary Society of St. Paul.... 5,000

[1] Members of National Broadcasting Co. Chain.
[2] Night.
[3] Day.

Second zone	Population	Stations	Total station power in watts	Stations with over 1,000 watts
Pennsylvania	8,720,017	45	59,845	a 1
Virginia	2,309,187	10	2,365	
West Virginia	1,463,701	3	400	
Ohio	5,759,394	31	27,670	b 4
Michigan	3,668,412	23	15,475	c 2
Kentucky	2,416,630	3	1,050	
Zone totals	24,337,341	115	106,805	7

EXPLANATORY NOTES

a—KDKA—E. Pittsburgh, Pa., Westinghouse Electric Co.... [1] 50,000
b—WLW—Cincinnati, Ohio, Crosley Radio Co.... [1] 5,000
b—WSAI—Cincinnati, Ohio, U. S. Playing Card Co.... [1] 5,000
b—WAIU—Columbus, Ohio, American Insurance Union.... 5,000
b—WTAM—Cleveland, Ohio, Willard Battery.... [1] 5,000
c—WJR—Detroit, Mich., Free Press, General Motors, etc.[2].... [1] 5,000
c—WCX—Pontiac, Mich., Free Press, General Motors, etc.[2].... 5,000

[1] Members of National Broadcasting Co. chain.
[2] WJR and WCX divide time.

Third zone	Population	Stations	Total station power in watts	Stations with over 1,000 watts
North Carolina	2,559,123	4	1,750	
South Carolina	1,683,724	1	75	
Georgia	2,895,832	5	1,950	
Florida	968,470	12	5,660	
Alabama	2,348,174	5	1,375	
Tennessee	2,337,885	17	9,805	a 1
Mississippi	1,790,618	1	250	
Arkansas	1,752,204	3	1,550	
Louisiana	1,798,509	13	3,435	
Texas	4,663,228	31	19,130	b 3
Oklahoma	2,028,283	10	2,925	
Zone total	24,826,050	102	47,105	4

EXPLANATORY NOTES

a—WSM—Nashville, Tenn., National Life & Accident Insurance Co. (on wave length with Canada).... [1] 5,000
b—WBAP—Fort Worth, Tex., Carter Publishing Co.... [1] 5,000
b—WOAI—San Antonio, Tex., Southern Equipment Co. (WBAP and WOAI divide time and are on wave length with Canada).... 5,000
b—KTSA—San Antonio, Tex., Alamo Broadcasting Co.... 2,000

[1] Members of National Broadcasting Co. chain.

Broadcasting stations by zones and States—Continued

Fourth zone	Population	Stations	Total station power in watts	Stations with over 1,000 watts
Indiana	2,930,390	18	6,315	a 1
Illinois	6,485,280	70	83,170	b 13
Wisconsin	2,632,067	19	6,335	
Minnesota	2,387,125	18	10,130	c 1
North Dakota	646,872	6	720	
South Dakota	636,547	10	2,345	
Iowa	2,404,021	25	25,200	d 4
Nebraska	1,296,372	17	5,930	e 1
Kansas	1,769,257	8	3,950	f 1
Missouri	3,404,055	24	17,015	g 5
Zone total	24,492,986	215	164,870	26

EXPLANATORY NOTES

a—WOWO—Fort Wayne, Ind., Main Auto Supply Co (6 a. m. to 6 p. m.).... 2,500 / 5,000
b—KYW—Chicago, Ill., Westinghouse E. & M. Co. (after 10 p. m.).... [1] 2,500 / 5,000
b—WLIB—Chicago, Ill., Liberty Weekly, Inc.... [1] 15,000
b—WGN—Chicago, Ill., Tribune Co....
b—WSBM—Glenview, Ill., Atlas Investment Co.... 5,000
b—WLS—Chicago, Ill., Sears-Roebuck Co.... 5,000
b—WCBD—Zion, Ill., Wilbur Glen Voliva....
b—WHT—Chicago, Ill., Radiophone B. Corp.... 5,000
b—WIBO—Chicago, Ill., WIBO Broadcasting Co....
b—WJAZ—Chicago, Ill., Zenith Radio Corporation.... 5,000
b—WMBI—Chicago, Ill. Moody Bible Inst....
b—WORD—Batavia, Ill., Peoples Pulpit Association (one-fourth time only.... 5,000
b—WMBB—Chicago, Ill., American Bond & Mortgage Co.... 5,000
b—WOK—Chicago, Ill., American Bond & Mortgage Co....
c—WCCO—Anoka, Minn., Washburn-Crosby Co. (6 a. m. to 6 p. m.).... [1] 5,000 / 7,500
d—KTNT—Muscatine, Iowa, Norman Baker.... 2,000
d—WHO—Des Moines, Iowa, Bankers Life Co.... [1] 5,000
d—WOC—Davenport, Iowa, Palmer School of Chiropractic.... [1] 5,000
d—KOIL—Council Bluffs, Iowa, Mona Motor Oil Co....
e—KFAB—Lincoln, Nebr., Buick Auto Co. (station KFAB shares time with KOIL.).... 5,000
f—KFKB—Milford, Kans., Dr. J. R. Brinkley (7 a. m. to 7 p. m).... 1,500 / 2,500
g—KMOX—Kirkwood, Mo., Voice of St. Louis, Inc.... [1] 5,000
g—KWK—St. Louis, Mo., Gr. St. Louis Broadcasting Co. (shares time with WMAY and KFKA) 6 a. m. to 6 p. m.).... [1] 1,000 / 2,000
g—KFEI—St. Joseph, Mo., Scroggin & Co. Bank (6 a. m. to 6 p. m).... 2,000 / 1,000
g—KMBC—Independence, Mo., Midland Broadcasting Co....
g—KLDS—Independence, Mo., Reorg. Church of J. C. and Latter Day Saints.... 1,500

[1] Members of National Broadcasting Co. chain.

Fifth zone	Population	Stations	Total station power in watts	Stations with over 1,000 watts
Montana	548,889	4	660	
Idaho	431,866	4	2,275	a 1
Wyoming	194,402	1	500	
Colorado	939,629	15	6,450	b 1
New Mexico	360,350	1	5,000	c 1
Arizona	334,162	5	765	
Utah	449,396	4	1,200	
Nevada	77,407	0	0	
Washington	1,356,621	24	11,975	d 2
Oregon	783,389	15	5,390	e 1
California	3,426,861	54	26,460	f 2
Hawaii	255,912	1	500	
Alaska	55,036	3	610	
Zone totals	9,213,720	131	61,785	8

EXPLANATORY NOTES

a—KFAN—Boise, Idaho, School District.... 2,000
b—KOA—Denver, Colo., General Electric Co.... [1] 5,000
c—KOB—State College, N. Mex., College of Agriculture and Mechanic Arts.... 5,000
d—KJR—Seattle, Wash., Northwest Radio Broadcasting Co.... 2,500
d—KGA—Spokane, Wash., Northwest Radio Service Co.... 2,000
e—KEX—Portland, Oreg., Western Broadcasting Co.... 2,500
f—KFI—Los Angeles, Calif., E. C. Anthony (Inc.).... [1] 5,000
f—KGO—Oakland, Calif., General Electric.... [1] 5,000

[1] Members of National Broadcasting Co. chain.

The foregoing statistics are likewise based upon the January set-up, since which there have been some changes which will cause but slight change in the final results, and particularly from a comparative standpoint. I have undertaken to keep up with all important changes and to correct these figures accordingly, and do not think that I have overlooked any important change.

RADIO MONOPOLY

In order to obtain a correct picture of the situation and to understand the source of the opposition to the proposed distribution clause, it is necessary to call attention to the radio monopoly.

The Committee on the Merchant Marine and Fisheries on February 22, 1923, unanimously reported a resolution requesting the Federal Trade Commission to investigate and report to the House of Representatives the facts relating to the alleged radio monopoly. This resolution was called up under a unanimous-consent request and adopted by the House without opposition March 3, 1923.

The Federal Trade Commission conducted the investigation and made its report December 1, 1923. This report, together with the appendix, contains 347 pages. I respectfully urge Members of Congress to read said report.

The Federal Trade Commission, under its own motion, filed a complaint, commencing and concluding as follows:

APPENDIX

United States of America, before Federal Trade Commission. In the matter of General Electric Co., American Telephone & Telegraph Co., Western Electric Co. (Inc.), Westinghouse Electric & Manufacturing Co., the International Radio Telegraph Co., United Fruit Co., Wireless Specialty Apparatus Co., and Radio Corporation of America, Docket No. 1115.

COMPLAINT

Acting in the public interest, pursuant to the provisions of an act of Congress approved September 26, 1914, entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," the Federal Trade Commission charges that the various persons, corporate and individual, mentioned in the caption hereof, and more particularly hereinafter described and hereinafter referred to as respondents, have been and are using unfair methods of competition in commerce in violation of the provisions of section 5 of said act, and states its charges in that respect as follows:

Then follows detailed charges of the specific written contracts entered into between these different defendants and the manner in which they are violating the laws.

The complaint concludes as follows:

PAR. 30. By reason of the facts and acts of the respondents set forth in the preceding paragraphs Nos. 8 to 29, inclusive, the respondents have combined and conspired for the purpose and with the effect of restraining competition and creating a monopoly in the manufacture, purchase, and sale, in interstate commerce, of radio devices and apparatus, and other electrical devices and apparatus, and in domestic and transoceanic radio communication and broadcasting by the following means:

(1) Acquiring collectively, directly and indirectly, patents and patent rights covering all devices and apparatus known to and used in any and all branches of the practice of the art of radio, and combining and pooling, by assignment and licensing, rights thereunder to manufacture and use and/or sell such devices and apparatus, competing and noncompeting, and allotting certain of such rights exclusively to certain respondents.

(2) Granting to the Radio Corporation of America the exclusive right to sell such devices and apparatus manufactured under said patents and patent rights and restricting purchases by the Radio Corporation of America of devices and apparatus useful in the art of radio to certain respondents and apportioning such purchases among them.

(3) Restricting the competition of certain respondents in the respective fields of manufacture and commerce of other respondents.

(4) Attempting to restrict and restricting the use of radio communication and/or broadcasting of articles manufactured and sold under said patents and patent rights.

(5) Acquiring the equipment heretofore existing in this country essential for transoceanic radio communication and perpetuating the monopoly thereof by refusing to supply to others apparatus and devices necessary for the equipment and operation of such service.

(6) Entering into exclusive contracts and preferential agreements for the handling of transoceanic radio traffic and the transmission of radio messages in this country, thereby excluding others from the necessary facilities for the transmission of radio traffic.

(7) Agreeing and contracting among themselves to cooperate in the development of new inventions relating to radio and to exchange patents covering the results of the research and experiment of their employees in the art of radio, including patents on inventions and devices which they may obtain in the future, seeking thereby to perpetuate their control and monopoly of the various means of radio communication and broadcasting beyond the time covered by existing patents owned by them or under which they are licensed.

PAR. 31. The above alleged acts and practices of respondents are all to the prejudice of the public and of respondents' competitors and constitute unfair methods of competition in commerce within the intent and meaning of section 5 of an act of Congress entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914.

Wherefore, the premises considered, the Federal Trade Commission, on this 24th day of January, A. D. 1924, now here issues this its complaint against said respondents:

The Federal Trade Commission includes in the appendix to said report numerous admitted written contracts entered into between the different members of the monopoly. I do not see how it is possible for any lawyer to read those contracts and reach any other conclusion than that on their face they violate the Sherman and Clayton Anti-trust Laws and the Federal Trade Commission act.

I regret to state that this complaint has not yet been heard by the Federal Trade Commission. It was a considerable time before the pleadings were made up, and they have not yet completed the taking of proof.

The market assets of these members of the Radio Trust aggregate about $5,000,000,000, including the subsidiaries of the American Telephone & Telegraph Co. The recent annual report of the latter company shows it to be the largest concern in the world. The radio monopoly is doubtless the largest and most effective monopoly in the world. It dominates and controls every phase of the radio industry. I shall later refer to some of its activities and unfair methods. For the present I shall call attention to its dominance of communicative service.

As evidence of the "strangle hold" which the radio monopoly has in the broadcasting and commercial radio field I call attention to the following facts, which constitute a résumé of official data filed by the Federal Radio Commission at recent committee hearings, as follows:

MONOPOLY BROADCASTING STATIONS

The Westinghouse Electric & Manufacturing Co. has five broadcasting licenses, with 70,500-watt power.

The General Electric Co. has three broadcasting licenses, with 57,500-watt power.

The Radio Corporation of America has three broadcasting licenses, with 31,000-watt power.

The National Broadcasting Co. (owned by the Radio Corporation of America, the General Electric Co., and Westinghouse Co.) has two broadcasting licenses, with 55,000-watt power.

This makes a total station power of 213,000 watts, as compared with 390,660-watt power granted the remaining 687 broadcasting stations.

Nine of these monopoly stations, with a total watt power of 206,500, are on the 25 cleared channels.

Three of these monopoly stations, with 50,000-watt power each, one with 30,000, and one with 15,000-watt power are on the cleared channels.

The Federal Radio Commission has "cleared" 25 channels or wave lengths between 600 and 1,000 kilocycles, or between 499.7 and 299.8 meters. Wave lengths within this range are decidedly the most valuable for broadcasting.

Chain stations, including the nine monopoly stations just mentioned, are placed on 24 of these cleared channels. Thirty-one of the National Broadcasting Co. chain stations are placed on these cleared channels. The stations on these 25 cleared channels are licensed to use a total of 323,700-watt power, as compared to a total of 279,920-watt power granted to the 623 other stations which are crowded together on the remaining 64 less valuable wave lengths available for broadcasting. It will thus be seen that there are an average of more than 9½ of these latter stations on a wave length.

A broadcasting license may be worthless, as most of them are. The usefulness and value of a broadcasting license depends upon the wave length, and as to whether the licensee has an exclusive or substantially exclusive wave length or is placed on the same wave length with numerous other stations, and as to the amount of station power authorized to be used.

COMMERCIAL RADIO STATION LICENSES

While the general public is more interested in broadcasting than any other phase of radio, yet there are other features, uses, and potentialities that are very much more valuable than broadcasting. In this field there has been even a greater discrimination and favoritism to the monopoly than in the broadcasting field, if that be possible.

For instance, the Radio Corporation of America has 56 station licenses, 72 calls, and 132 wave lengths, with an aggregate of 4,226,950-watt station power; 13 of these stations are each authorized to employ 200,000-watt power.

The Westinghouse, General Electric, American Telephone & Telegraph Co., and Tropical Radio Telegraph Co. have 16 commercial stations authorized to use 41 wave lengths and 188,000-watt power.

The total power granted all other commercial radio stations combined amounts to only 674,387 watts.

It will be noted that the Radio Corporation of America is granted more than seven times as much station power as all the stations combined, exclusive of monopoly stations.

With the exception of the Mackay Radio & Telegraph Co., no other commercial station other than the monopoly stations is granted more

than 5,000-watt power. The Mackay company has one station authorized to use 125,000 watts, one 75,000 watts, two 30,000 watts, and some stations authorized to use lesser power. The Mackay company has, all told, 10 licensed stations.

Excluding the monopoly companies and the Mackay company, there are no stations authorized to use over 5,000 watts and only eight authorized to use this much power, they being chiefly packers' stations in Alaska. An interesting feature is that there are 102 licensed commercial stations in Alaska, chiefly packers and canners.

Competitors of the Radio Corporation of America are begging for more commercial licenses, wave lengths, and power.

And yet the different branches of the Government are unable to procure the allocation of as many radio wave lengths as they consider they need, with the result that a fight has developed in the interdepartmental radio committee between the Army and the Navy over the division of the comparatively small number of wave lengths allocated for Government use.

EXPERIMENTAL STATIONS

According to data furnished by the Federal Radio Commission at the committee hearings, as of February 1, 1928, the monopoly stations have been favored in this field as follows:

The Radio Corporation of America has 17 stations licensed to use wide ranges of wave lengths covering the entire range and a total of 404,100-watt station power; has 2 stations licensed to employ wide ranges of wave lengths and to use unrestricted power.

The Westinghouse Electric & Manufacturing Co. has two stations licensed to use variable wave lengths and 50,500-watt power and 6 stations authorized to use variable wave lengths and unrestricted power.

The General Electric Co. has 15 stations authorized to use wide ranges of wave lengths and a total of 380,250-watt power and one station authorized to use a wide range of wave lengths and unrestricted station power.

The American Telephone & Telegraph Co. has 5 stations authorized to use wide ranges of wave lengths with 180,700-watt power; 2 stations with unrestricted wave lengths and 50,500-watt power; 1 station with wave length of 500 to 300 meters and unrestricted power; 1 station with unrestricted wave length and unrestricted power.

The Tropical Radio Telegraph Co. has 6 stations licensed to use unrestricted wave lengths and unrestricted power.

It is thus seen that these five monopoly companies have 41 stations authorized to use wide ranges of wave lengths and to employ a total of 1,072,550-watt station power; and 4 stations authorized to use wide ranges of wave lengths and unrestricted power; and 13 stations authorized to use unrestricted wave lengths and unrestricted station power; making a total of 58 stations. On the other hand, all other experimental stations licensed by the Federal Radio Commission are as follows:

Ninety-three stations authorized to use either specific or varying wave lengths and 114,380-watt station power; 21 stations with assigned wave lengths and unrestricted station power; 6 stations with unrestricted wave lengths and unrestricted station power; making a total of 120 stations.

These experimental stations are authorized to use wave lengths ranging from 1 meter to 15,000 meters; numerous stations are authorized to use the meter range assigned for broadcasting, 200 to 550 meters. Naturally they will conflict and interfere with broadcasting stations.

Mr. McREYNOLDS. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. Yes.

Mr. McREYNOLDS. Where are those unrestricted stations located?

Mr. DAVIS. At various places, particularly in the East. Naturally the Radio Trust is satisfied with the situation. The Radio Commission has given them the cream. It has favored them beyond measure. Consequently, as has always been their policy, the monopoly is opposed to any legislation which may result in breaking their strangle hold on the radio industry. They have all the high-powered stations and do not want independent stations to have any such licenses.

MONOPOLY OPPOSING EQUALIZATION CLAUSE

Wherefore, when the House committee reports a bill containing a provision designed to insure a fair equalization of broadcasting licenses, wave lengths, and power among the different zones throughout the country, the radio monopoly immediately gets very busy. Their lobbyists are infesting Capitol Hill. Their propagandists have been busily at work. Their faithful ally, Commissioner Caldwell, gave out a statement which misrepresented the purposes and effects of the equalization amendment. He gave figures and conclusions based upon an absolutely false premise. He arrogantly and intemperately criticized the committee and the Congress. I gave out a statement exposing the fallacies and misstatements in his unfair and abusive statement. Senator DILL inserted my reply in the CONGRESSIONAL RECORD, which appears on page 4011 of the RECORD of March 1.

Caldwell's criticism of Congress and pending legislation is, to say the least of it, extraordinary and a breach of propriety. In the conduct of his propaganda operations, he sent to the radio stations in the first zone the following communication:

RADIO STATIONS, FIRST ZONE

If you have followed newspaper reports of the recent discussions in the committees of Congress charged with radio legislation, you have undoubtedly detected both (1) a very evident dissatisfaction with the present distribution of radio stations, powers, and frequencies throughout the various States, and (2) a demand for these to be more "equitably" divided as between States.

In view of the fact that at present a very few States and metropolitan communities have a high concentration of radio, while nearly 40 other States are far below the average of the country, it is apparent that any redistribution in accordance with the "State rights" views of Congress must mean withdrawal of many wave lengths from centers and States now having an excessive proportion, as well as reduction of powers in such communities also.

Since such redistribution will be chiefly at the expense of the congested first-zone area (which now has by far the greatest power, and also certain excessive channel concentrations), I feel it my duty to call this impending situation to your attention at this time in order that you may duly regard it in your future plans for operation.

O. H. CALDWELL, *Commissioner.*

This letter admits our contention as to the present unfair allocation, and at the same time it is very evidently intended to arouse opposition to the pending provision on the part of the radio stations in the first zone.

Then L. S. Baker, managing director of the National Association of Broadcasters (Inc.), who always works for and with the monopoly on radio legislation, sent out communications to stations throughout the country grossly misrepresenting the facts, and unjustly and abusively criticizing the committee which reported the bill containing the provision under discussion.

The first statement in Baker's communication is as follows:

Besides unjustly and unfairly disregarding the request of others to be heard on the subject of amendments to the radio law beyond the extension of the life of the commission, the House Merchant Marine and Fisheries Committee with utter disregard for all known radio principles has favorably reported a proposal which, if it became law and was enforced by the Radio Commission under present conditions, would render useless or obsolete practically one-third of the radio sets of the country, or approximately $230,000,000 worth of equipment purchased by listeners.

This entire statement is absolutely and unqualifiedly false. The reverse is true.

He charges the House committee with "complete ignorance" and talks of a "legislative brain storm." He tries to camouflage his efforts in behalf of the radio monopoly by pretending concern for radio listeners. He concludes his infamous statement as follows:

Again if, through neglect, Congress fails to extend the life of the commission with full and constituted authority and adequate appropriation as provided for in the radio act of 1927, with confusion resulting because of a transfer of this authority from the commission to the Department of Commerce, when the job is only half done, one of the greatest crimes of the entire history of democratic representation in government, affecting millions of people, will have been perpetrated by those who are supposed to represent and protect the people's interest.

As evidence of the insincerity and duplicity of Baker and those he is serving, attention is called to the fact that he and the remainder of the radio monopoly and their allies were originally opposed to a radio commission, insisting that full authority should be left in the Department of Commerce. After the Senate had passed a bill conferring exclusive jurisdiction over radio in a commission authorized to act full time upon annual salaries, and the House had passed a bill continuing jurisdiction in the Secretary of Commerce, but creating a commission with authority to hear appeals from the Secretary, and both bills had gone to conference, this self-same Baker, along with others who are now fighting this equalization provision, sent communications to the conferees, which declared, in part, as follows:

The committee, eliminating all considerations except those of the good of the radio listeners and the industry, and the existing subject matter in the Senate and House bills, favors a control consisting of two bodies, a Federal Radio Commission and the Department of Commerce, whose functions shall be as determined in the House bill.

And yet, "if through neglect the Congress fails to extend the life of the commission with full and constituted authority," such as it possessed during the first year, and should, on the other hand, permit the initial authority to vest in the Secretary of Commerce, as Baker and his crowd insisted in Decem-

ber, 1926, should be done, he and his association state in their propaganda that "one of the greatest crimes of the entire history of democratic representation in government, affecting millions of people, will have been perpetrated by those who are supposed to represent and protect the people's interest."

Is it possible that such vicious and unconscionable assaults upon Congress as this and such misrepresentation of facts can deter the Members of Congress from performing their duty to protect the public from the machinations of the radio monopoly?

CLAIM OF VESTED RIGHTS

The arguments of Caldwell, Baker, and other defenders of the radio monopoly and their methods are also predicated upon the doctrine of "vested rights" in the air, which we emphatically deny to exist, and which are denied and guarded against in the radio act of 1927, although the provisions guarding against the acquirement of vested rights were weakened in conference. Caldwell made a spirited defense of the monopoly at the hearings, referring to their benevolent (?) work. They talk about the investments in broadcasting apparatus which would be destroyed by this equalization clause. In the first place, such property would not be destroyed. In the second place, no broadcaster has ever received a broadcasting license for a longer period than 90 days, so that he went into the business with his eyes open, and consequently acquired no vested rights. In the third place, the investments of the radio monopoly in broadcasting apparatus certainly can not mean more to them than the amounts which the hundreds of independent broadcasters have invested in broadcasting apparatus which they had to purchase from the monopoly. Under the present set-up these investments of hundreds of independent broadcasters are practically useless and valueless. Are they not entitled to quite as much consideration as the monopoly from a property standpoint? However, it is certainly the spirit of the radio act that the interests of the listeners should be first considered. The investments in broadcasting apparatus are small indeed compared to the investment of the citizens in receiving sets. Under the present situation a vast number of receiving sets are either useless or practically so.

PURPOSE AND EFFECT OF EQUALIZATION AMENDMENT

The purpose and effect of this amendment would not be to destroy but to improve the general situation. Under the present situation there exists a gross and unfair discrimination against the second, third, and fifth zones and against the citizens of nearly all of the States. Caldwell states: "Nearly 40 States are far below the average of the country." Statistics show even a larger number than that.

We insist upon a fair distribution throughout the country of licenses, wave lengths, and power. We insist that it is unfair for all of the high station power to be given to a few monopoly stations within a small area in the East. If such power is necessary to constitute a national station, why are not the Middle West, the West, the Southwest, and the South entitled to their fair quota of national stations? Are a few monopoly-owned stations to be the only ones with a national audience? Although there are three monopoly stations in the East with 50,000-watt power each, one with 30,000 and one with 15,000-watt power, yet west and south of Pittsburgh there is but one station with as much as 15,000-watt power (WLIB, owned by Liberty Weekly (Inc.), Elgin, Ill.); and within that immense area south and west of Pittsburgh there is only one other station with as much as 10,000-watt power.

Even within the first zone there exists a very unfair allocation. For instance, the six New England States have 30 per cent of the population and 31 per cent of the receiving sets in the first zone, and yet have only 8½ per cent of station power granted in the first zone; more than half of the station power granted in New England is given to one monopoly station. Substantially the same situation obtains with respect to all the other States in the first zone except New York, which has only 43 per cent of the population and 45 per cent of the receiving sets, and yet has over 72 per cent of power in the first zone.

We deny and resent the insistence that no worth-while program can come out of any except a monopoly station or a New York station. The fact of the business is that, with the exception of a semioccasional high-class program, the average advertising programs of the big monopoly stations are no better than, and in many instances not as good as, the average nightly program of numerous other stations. Furthermore, not everybody is interested in their customary advertising programs, and those who do like to hear the programs from those stations at times do not want to be compelled to listen to them to the exclusion of all other programs from worthy stations located elsewhere.

We want broadcasting licenses fairly distributed in such a manner that those who desire to do so may listen to the New York and chain stations when they want to, but may, when they so desire, listen to programs broadcast by stations elsewhere throughout the country, including their own zones, States, and cities. Most people naturally desire a variety of programs. Many mature thinking people are not as much interested in jazz, grand opera, or any other music as they are in listening to addresses, sermons, convention proceedings, agricultural and home economic information, and various other matters of sectional or State interest. Under the present situation, generally speaking, the reception of such programs is either impossible or unsatisfactory because of the fact that the stations are so crowded together on the same wave lengths that there is inevitable confusion and heterodyning; and in many other instances there is a lack of adequate station power.

A fair equalization of licenses, wave lengths, and power would not necessarily be effected by a reduction of the most-favored zones to that of the least-favored zones, as falsely insisted by Caldwell and other opponents of this distribution amendment. Such course would be exceedingly unwise and no sensible commission would pursue such course. Under the plain provisions of the amendment the equalization could be brought about by bringing the less-favored zones up to the more favored, or by both increases and reductions. As a matter of fact, the members of the Radio Commission have repeatedly stated that there should be a reduction in the congested areas. Such reduction would be beneficial rather than detrimental to the listeners in such congested areas. As it is, the air is so cluttered up by broadcasting from numerous stations within congested areas that local reception is frequently very unsatisfactory and listeners in those congested areas state that ordinarily they can not satisfactorily hear the programs of any except a very few of their stations. Furthermore, they complain that they are unable to receive programs from other sections of the country.

We want to hear New York at times, but we should also like for those citizens in New York who desire to do so to have the privilege of hearing our stations. New York is a great city, but not all of the good things come out of New York. I have a letter from a New Jersey club in which they enumerate various independent stations throughout the country which give most entertaining programs. The letter states in part:

> There is a wide difference of opinion as to what constitutes the best program. Those originating in WEAF and WJZ (New York monopoly stations) are very good, but rarely have any novelty about them. Take your own State stations WSM; I'll bet that they and WLS have a larger "air audience" on Saturday nights than any two other 5,000-watt stations in the country. Their programs are so different from what we hear from the NBC studios that I know hundreds of fans who regularly tune in for them every Saturday night.

The same letter also highly compliments station WEEI, Boston, but complains that it only has 500-watt power on a shared wave length, and that its programs are smeared unmercifully.

This letter is typical of numerous other letters I have received.

A fair distribution of broadcasting licenses will render all receiving sets much more useful and satisfactory than at present. It will likewise render all broadcasting apparatus and stations more useful and valuable with the possible exception of a few of the very high-powered monopoly stations. If they are rendered less valuable to their owners it will be for no other reason than that they will have competition in the broadcasting field which they substantially dominate under the present set-up. That is naturally undesirable from their own selfish standpoint, but is it undesirable from the standpoint of the general public?

FAVORITISM TO STATIONS OPERATING FOR A PROFIT AND DISCRIMINATION AGAINST WORTHY CLASSES OF STATIONS

There has not only been discrimination against various sections and most of the States but there has also been discrimination against certain classes of stations, chiefly educational institutions and other high types of noncommercial stations. There has been especial discrimination in favor of advertising stations. The large monopoly stations broadcasting advertising programs are being especially favored. As bearing upon this subject, I beg to quote from the recent hearings before the Committee on the Merchant Marine and Fisheries on the pending bill:

> Mr. DAVIS. In other words, as I understand, you recognize the fact that there is a useful and proper place not only for what might be termed national stations but for regional stations and State stations and purely local stations; is that correct?
>
> Commissioner PICKARD. Yes, sir.
>
> Mr. DAVIS. And you think proper provision should be made for all of them?
>
> Commissioner PICKARD. Yes, sir.
>
> Mr. DAVIS. You were formerly with the Kansas Agricultural College, were you not?

Commissioner PICKARD. Yes, sir.

Mr. DAVIS. And then you were in the Department of Agriculture at the head of the agricultural radio service?

Commissioner PICKARD. That is right, sir.

Mr. DAVIS. I assume, then, you realize the very useful service that is being rendered and is susceptible of being rendered the public by universities and particularly agricultural stations?

Commissioner PICKARD. Indeed I do.

Mr. DAVIS. In that connection I wish to call attention to the fact that at the Fourth National Radio Conference held in Washington in 1926, at which were in attendance leading representatives of radio broadcasters and of radio commercial services, dealers, the various Government departments interested in radio, together with inventors and various other representatives of the radio industry, committee No. 1, which was appointed by Secretary Hoover, who was president of the convention, was a committee of 32 members of the conference appointed to study and make a report on the allocation of frequencies of wave lengths. The chairman of that committee was Dr. J. H. Dallinger; the secretary was Col. J. F. Dillon, formerly a member of this commission; and among others on that committee were H. A. Bellows, who was formerly a member of the commission; H. P. Maxim, president of the amateur association, known, I believe——

The CHAIRMAN. That is known as the American Relay League.

Mr. DAVIS. Also Mr. M. Goldsmith, an engineer and vice president of the Radio Corporation of America, and various others. This committee made a unanimous report, which was adopted without controversy by the convention, and a part of that report states as follows:

"The committee recommends affirmative action by the conference on the resolution quoted in Appendix A, submitted by the Department of Agriculture, for provision for adequate broadcast and dissemination of agricultural educational information.

"Now, this Appendix A, which, as I recall, was the only resolution presented with any report having a direct reference to specific legislation, is as follows:

"Whereas the Federal Government, through the United States Department of Agriculture and the State governments through State universities, agricultural colleges, and departments of agriculture, are conducting public extension services in the distribution of material of an educational, informative, and economic character;

"Whereas the United States Congress and the State legislatures have provided for these services through appropriations approximating more than $100,000,000 annually, of which $70,000,000 is for agricultural support and equipment of the colleges and universities; $9,000,000 for experiment stations, and $23,000,000 for services and research by the Federal Department of Agriculture, in addition to hundreds of millions of dollars in permanent equipment;

"Whereas the distribution of the information gathered by these agencies to the public, particularly the rural districts, is a matter of national importance;

"Whereas radiobroadcasting presents the most satisfactory and economical method of reaching the public with this important information and of making effective the public investment in these agencies;

"Whereas these institutions have immediately at hand among the regular staffs abundant material for educational and public-service programs with practically no additional cost: Be it

"*Resolved*, (1) That full recognition should be given by the Department of Commerce to the needs of these services, and (2) that adequate, definite, and specific provision should be made for these services within the broadcasting band of frequencies."

Mr. DAVIS. Are you in accord with the expressions contained in that resolution?

Commissioner PICKARD. Yes, sir.

There will also be found as an exhibit to my speech a letter of January 11, 1927, from the Association of College and University Broadcasting Stations, which consists of 42 members.

And yet so little consideration has still been shown these State agricultural colleges and other agricultural institutions that on October 24, 1927, Secretary of Agriculture Jardine addressed a letter to the Federal Radio Commission calling attention to the splendid and valuable service being rendered by such stations, and asking for protection and consideration in the broadcasting field.

I quote from the said hearings further:

Mr. DAVIS. You take a State like Kansas, for instance. How much power would you say your State agricultural station would need to reach all the farmers and housewives of that State consistently?

Commissioner PICKARD. In bad weather, in bad reception weather, it would need from 5,000 to 10,000 watts to do the job. I have encouraged them to go to more power. They should have it, especially for the daylight work. I would like to point out to you, Judge Davis, that most colleges stress the daytime operation. They feel they have less competition from other stations and less interference and that more effective work can be done in the daytime.

Mr. DAVIS. These college stations are some of the stations which are broadcasting not for profit?

Commissioner PICKARD. That is right, sir.

Mr. DAVIS. But simply for public service. Is that not so?

Commissioner PICKARD. That is right; yes, sir.

Mr. DAVIS. And as indicated in this resolution, and as a matter of common knowledge, both the National Government and the various State governments and the various counties and municipalities are annually appropriating enormous sums of money to educate the youth of the country as well as to furnish information to the adults. That is true, is it not?

Commissioner PICKARD. Yes, sir.

Mr. DAVIS. I will ask you if some responsibility does not rest upon the Government and upon the representatives of the Government with respect to broadcasting, to undertake to cultivate a taste for things worth while, rather than yield to so large an extent to the desire on the part of youth for jazz music and things of that sort?

Commissioner PICKARD. Yes; I think you are entirely right, Judge Davis.

Mr. DAVIS. But at the same time, nearly all of the valuable wave lengths are given to stations which devote a large part of their program to jazz and popular music, in which a great many people are not interested at all; is not that true?

Commissioner PICKARD. I believe the program directors have tried to give their listeners what they want; I think that is an answer to your question.

Mr. DAVIS. I will say I do not think they have done it, though.

Commissioner PICKARD. I am not sure, either.

Mr. DAVIS. I think they have lacked a whole lot of doing it. I think they have given entirely too much recognition to that portion of our population which wants that character of programs and have overlooked the fact that more mature people and more serious-minded people, who perhaps are not as prone to give expression to their views by writing letters and such things as that, do not care for that but do care for things that are more worth while.

Commissioner PICKARD. Yes; I think your deduction is a correct one.

COMMISSION'S EXCUSE FOR NOT MAKING MORE EQUAL DISTRIBUTION

The chief excuse of the commission for not making a more equitable distribution of broadcasting licenses, wave lengths, and power has been that there was no demand for same in the zones and States below their quota.

Speaking with particular reference to the situation in the third, or southern zone, Admiral Bullard, former chairman of the Federal Radio Commission, stated last August:

It is a fact that the Southern States are not particularly well represented in the broadcasting field. But it is also a fact that the commission can not be held responsible for this state of affairs; because, if the people of the South do not want broadcasting stations and do not make applications for them, the commission can not take any action whatsoever.

Then Judge Sykes, when he was on the stand, in discussing this subject, made substantially the same statement; then Commissioner Caldwell made substantially the same statement, and he said, in part, that "Just as far as applications from the South have been made, they have been recognized, etc.

In an effort to defend his failure to protect the interests of his own zone, Commissioner Sykes was willing to reflect on that great section of the country by stating that his section had been backward in the matter.

In this connection, I wish to state that at first I assumed that Commissioner Sykes was naturally desirous of seeing that the intolerable situation in his zone should be improved, and that his desires and efforts were being thwarted by the other members of the commission. However, in the light of his untenable excuse for the South not receiving fair treatment and his rush to the defense of the unconfirmed nominees on the Radio Commission, including Caldwell, urging the Senate to confirm them, I have been compelled to recede from my former opinion. I can not believe that Commissioner Sykes is at heart disloyal to his own section; in my opinion Commissioner Caldwell has dominated the commission and Commissioners Sykes and Pickard have been "me-too" men, not having the courage to vigorously assert their opinions and insist upon fair treatment for the neglected sections of the country. Although Commissioner Lafount has only been on the commission for two months, yet he got busy and induced the commission to make 70 changes in his zone in order to improve the situation therein.

APPLICATIONS FOR LICENSES, BETTER WAVE LENGTHS, AND MORE STATION POWER

In accordance with a request therefor made at the committee hearings, the commission filed a list by zones of applications for new licenses, different wave lengths or more power, together

with action thereon, or the lack of action where such was the case. This information completely refutes the excuse that has been made that better treatment had not been accorded the third zone and other sections because there had been no applications therefor, and that the commission could not initiate applications.

This data in detail appears on pages 41 to 51 of the recent hearings before the Committee on the Merchant Marine and Fisheries of the House, and I invite particular attention to same. However, I wish to give a synopsis of that data as follows:

APPLICATIONS FOR NEW BROADCASTING-STATION LICENSES

FIRST ZONE

One application at Saranac Lake, N. Y., granted for 10 watts.

Nine applications from New York, Massachusetts, New Jersey, and District of Columbia still pending.

SECOND ZONE

Four applications granted for a total of 130-watt power on high kilocycle bands.

Nine applications disapproved.

Ten applications still pending.

THIRD ZONE

Eleven applications approved for a total of 1,145-watt power, all on high kilocycle frequencies.

Commissioners Sykes and Caldwell had much to say about the new licenses they had granted in this zone.

Twenty-six applications still pending.

FOURTH ZONE

Six applications granted for a total of 5,825-watt power, including a 5,000-watt station in Chicago.

The commission has also issued a permit to a company owned or controlled by Samuel Insull to construct a 50,000-watt station with studio in Chicago and transmitter out of the city.

It is stated in the application that this station is to be used by seven designated public utilities. It is also stated that "the policy of this station will be to furnish to the public a service which will foster and promote the cordial relations with the public which the station owners as public utilities now enjoy."

Attention is called to the fact that Chicago is already the most congested area in the country, except New York City. Not counting the Insull station, which is expected to be completed by April 1, Illinois—chiefly Chicago—has more station power than the other nine States in the fourth zone combined.

Thirty-four applications in the fourth zone have been denied, 3 applications in Kansas, 5 in Missouri, 2 in Indiana, 5 in Minnesota, 1 in Wisconsin, 1 in North Dakota, 1 in South Dakota, 4 in Illinois, and 9 in Iowa.

Ten applications for new licenses in the fourth zone are still pending, of which 3 are from Indiana, 2 North Dakota, 1 South Dakota, 1 Kansas, 1 Iowa, and 2 Illinois.

FIFTH ZONE

Six applications granted for a total of 750-watt power, all on high-kilocycle frequencies.

Twenty applications have been disapproved.

Two applications are still pending.

Existing stations that have applied for change in power or wave length and power

GRANTED

	Number stations	Power requested	Power granted
First zone	22	89,655	81,905
Second zone	7	6,350	2,215
Third zone	13	27,550	9,615
Fourth zone	20	141,100	27,065
Fifth zone	15	11,650	6,215

It will be noted that the first zone, which already had much more power than any other zone, was granted decidedly a larger per cent of the amount requested than any other zone. Ten New York stations were granted 60,500 watts of the power granted in the first zone.

Existing stations that have applied for change in power or wave length, which applications are

PENDING

	Number stations	Power requested
First zone	11	15,150
Second zone	5	22,100
Third zone	10	48,500
Fourth zone	15	83,900
Fifth zone	18	20,600

Existing stations that have applied for change in power or wave length, which applications are

DENIED

	Number stations	Power requested
Second zone	1	500
Fourth zone	6	10,000
Fifth zone	5	2,650

INFORMAL APPLICATIONS

The foregoing data with respect to applications only includes formal applications upon regular application forms procured from the commission. In transmitting the lists of applications and action thereon, the Secretary of the Federal Radio Commission wrote to the committee as follows:

> Besides these formal applications requested, the commission has received hundreds of casual or informal inquiries for station licenses, increased power, or channels, each of which has been promptly answered, and the conditions in the broadcasting band carefully explained with the result that no formal application has been filed.

In his speech the other day, instead of taking the magnanimous position that he did not want the radio monopoly or the stations in his city to "hog the air," the gentleman from New York [Mr. CELLER], rehashed the unfair and misleading arguments advanced by the agents of the radio monopoly against a fair distribution of broadcasting licenses. In his belabored effort to show that the third, or southern zone, was not entitled to any more consideration, he quoted some very inaccurate figures as to farmer ownership of receiving sets in that section, which had been palmed off on him by somebody. He otherwise reflected upon the citizenship of that great section. New York is a great city and has as good citizens as may be found anywhere; the same is true with respect to the citizenship in the third zone. We are perfectly willing to compare citizenship with New York City. It is true that we have a considerable number of negroes with us, but they all speak and understand the English language and they are all American citizens and loyal to their country. As a matter of fact, I have some very near and very dear relatives residing in New York City and that constitutes an additional reason why I wish to improve radio reception in that city.

While he has ordinarily taken a contrary position, yet I am surprised that the gentleman from New York is lined up in this instance with the radio monopoly. In the last Congress he made a speech in the House in which he said in part:

> We suffer tremendously in New York by virtue of our inability to control the New York Telephone Co., and this great and mighty combine, the Bell system, stretching all over the territories covered by your constituencies, gentlemen, because of the evils it is guilty of, goes unpunished and uncontrolled. There is no control whatsoever over the telephone companies, and I desire to read you the many companies that enter into this combine. There are, for example, the New England Telephone & Telegraph Co., the Chesapeake & Potomac Telephone Co., the Cumberland Telephone & Telegraph Co., the Illinois Bell Telephone Co., the Ohio Bell Telephone Co., the Wisconsin Telephone Co., the Southern Telephone Co., the Northwestern Bell Telegraph & Telephone Co., the Southwestern Bell Telephone Co., the Mountain States Telephone & Telegraph Co., the Pacific Telephone & Telegraph Co., and with all their ramifications and with all their subsidiary companies they control not only wired and wireless telephonic and telegraphic communication in all its branches, all the basic patents with reference thereto, the manufacture and distribution of all machinery and appliances used by them. They reach out in almost very direction.
>
> The American Telephone & Telegraph Co., with its various subsidiaries and associated companies, constitutes the most gigantic trust in America. Moreover, it has a tighter hold and more direct control over the lives of ordinary people and all phases of business than any other corporation whatsoever.

The gentleman from New York was correct in his characterization of the American Telephone & Telegraph Co., except that it is not the most gigantic trust in America, for the reason that it is only one of the several members of the Radio Trust, and the whole is larger than any of its parts. This shows what we have the fight when we undertake to legislate in the interest of all the people with respect to radio.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. SANDLIN. I yield the gentleman 15 additional minutes.

The CHAIRMAN. The gentleman from Tennessee is recognized for 15 additional minutes.

METHODS OF THE MONOPOLY

Mr. DAVIS. I want to say that this monopoly is no respecter of persons. I want to call your attention to one of the practices of the radio monopoly. You know the great Loyal Order of Moose, which, I believe, was organized by our distinguished Secretary of Labor. The Supreme Lodge of the World, Loyal Order of Moose, have a broadcasting station at Mooseheart, Ill. The call letters of this station, WJJD, are in honor of Secretary of Labor Davis. This station is authorized to use only 1,000 watt power, and divides time with a Chicago station. Having a large membership throughout the country, who are naturally interested in this order and its broadcasting station, they, like numerous other independent stations, have an application on file with the Radio Commission for more power, asking for the privilege of using 20,000 watt power; they have also sought at a public hearing to secure this increased power. However, these applications are still pending. In this connection, do you not think that this splendid order, with its very large membership, was more entitled to a 20,000-watt station than Samuel Insull was entitled to a 50,000-watt station to broadcast propaganda in the interest of his various utilities?

Reverting to the methods of the radio monopoly, I call attention to what has happened to station WJJD, which is typical of what has happened to other independent stations. I shall let this correspondence speak for itself. I read:

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, February 18, 1928.

Hon. EWIN L. DAVIS,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: Replying to your letter of February 9 with reference to the use of a Western Union wire in the hook up of our radio station at Mooseheart with the Palmer House in Chicago, would say that I took this matter up with our radio manager at Mooseheart and am just in receipt of a reply from him, copy of which I inclose for your information.

I trust this explanation is satisfactory. With kindest regards, I am,

Most cordially yours,

JAMES J. DAVIS.

Here is the letter which he incloses and to which he refers:

LOYAL ORDER OF MOOSE,
Station WJJD, February 16, 1928.

Mr. JAMES J. DAVIS,
United States Secretary of Labor,
Washington, D. C.

DEAR MR. DAVIS: I am returning the letter of Congressman DAVIS regarding the use of Western Union and telephone lines in connection with our broadcasting station, WJJD.

When we connected with the Palmer House in Chicago, necessitating private broadcasting lines in Mooseheart, we procured estimates from the Illinois Bell Telephone Co., also from the Western Union. However, as the telephone company had an installation charge of some $10,000 which was not charged by the Western Union, we contracted for the Western Union lines.

Since that time, however, it has not been possible for us to connect any telephone lines with our Western Union circuits, which has prevented the broadcasting of any chain programs. It seems that the telephone company has a ruling that they will not permit any telephone lines to be connected in any way with Western Union lines, although I understand that the Western Union Co. has no objection to having the telephone lines connected with theirs.

The Western Union lines have proved very satisfactory, although I believe it will be necessary for us to replace them with telephone lines in the operation of our new transmitter, inasmuch as until we have telephone lines we will be prevented from participating in national broadcasting.

Sincerely and fraternally yours,

C. A. HOWELL.

Mr. ABERNETHY. It is a great benevolent order?

Mr. DAVIS. Of course, it is a great benevolent order.

Now, the stranglehold of this Radio Trust is such that if an American citizen or company obtains a license from his or its government to operate under a broadcasting license, that is not all; it must first pay a fee to the American Telephone & Telegraph Co.; in the case of an ordinary station some $2,000 or $3,000; and then they must buy the broadcasting apparatus from the monopoly, and then if they want any chain broadcasting they have got to make a contract for the use of a wire, not with some independent company but with a member of the radio monopoly, the American Telephone & Telegraph Co.

Then, as in the case of the Mooseheart station, before they are given the privilege of paying for radio service over a telephone wire they must make the American Telephone & Telegraph Co., or its subsidiary, a present of $10,000. Unless they comply with the terms of the telephone member of the monopoly the National Broadcasting Co. will not permit the station to receive its chain program. The National Broadcasting Co. was organized and is owned by the Radio Corporation of America, the General Electric Co., and the Westinghouse Electric & Manufacturing Co., all members of the monopoly.

The Radio Trust harasses its competitors in the manufacture of receiving apparatus in various ways. It forced 25 or 30 of the independent manufacturers to enter into written contracts under which it required each of them to pay a royalty of 7½ per cent on the full invoice price of their completed sets and a minimum of $100,000 a year, and also required the independents to buy vacuum tubes from the trust, this practically destroying the business of the independent tube manufacturers.

In the case of Arthur D. Lord, receiver in equity for the DeForest Radio Co. *v.* The Radio Corporation of America (Equity No. 670), in the United States District Court for the District of Delaware, the court on February 6, 1928, enjoined enforcement by the defendant of the contracts for the sale of tubes on the ground that such agreements constituted an unfair method of competition and would be in violation of the Sherman Act and Clayton Act.

In another case, the DeForest Radio Co. brought suit against the Radio Corporation of America in the court of chancery in New Jersey, charging that the defendant for the past two or three years had planted spies in complainant's factory in Jersey City to learn its trade and trade secrets, such spies holding jobs in the complainant's factory and all the while pretending to loyally serve both employers, for pay from each, and seeking to enjoin the Radio Corporation of America to remove the spies, discontinue the practice, and from making use of the information obtained.

The Radio Corporation of America admitted imposing its spies, as employees, on the complainant, but claiming that their purpose was to obtain information to prove that complainant was infringing some of its patented devices; it being specifically claimed by defendant that the complainant was using a certain thoriated wire in violation of what is known as the Langmuir patent, which patent the Radio Corporation was licensed to use, that issue then pending in the court to be determined. In this connection it is interesting to note that the DeForest Radio Co. won their case against the General Electric Co. within the last month in the decision rendered by the United States District Court of Delaware, in which the said Langmuir patent was held to be invalid.

The case relative to the spies was heard by Vice Chancellor Backes, who decided the issues against the Radio Corporation of America, who appealed the case to the Court of Appeals of New Jersey, where said case was heard and the decision of the lower court affirmed by all 15 members of the court of appeals, the opinion of the vice chancellor thus affirmed by the higher court concluding as follows:

I am not at all content with its explanation that the defendant's aim was solely self-protective. I am impressed that it sought a line on all of the complainant's activities, and certainly its orders to the spies were not short of that. Their espionage was general. However that may be, the case, as it stands, convicts the defendant by its confession, of unlawful conduct by mean and reprehensible methods, for no one admires a spy nor his works, not even his employer. Whether spying through debauched servants is justifiable, and whether the facts upon which the justification rests, convict the claimant of unclean hands, are matters to be settled only at final hearing, and until then the defendant will be enjoined and the information impounded. (99 New Jersey, E. Q. Rep. 456.)

These are some typical instances of methods employed by the radio monopoly, which is bending every energy to defeat the distribution amendment reported by the House committee. Not only are their lobbyists assiduously working on Capitol Hill, but their propagandists are sending communications to broadcasters throughout the country misrepresenting the facts and representing that such broadcasters will either lose their licenses or have their power substantially reduced if this equalization provision is adopted. Misled by this false propaganda, many broadcasters are wiring their Members of Congress, urging them to oppose this legislation. In the vast majority of such cases such broadcasters would not only not be disturbed but could obtain increased station power if desired. However, I regret to say that some Members of Congress, acting upon such telegrams and without investigating the true situation are apparently preparing to vote against the interests of their constituents.

The bill, including this amendment, will probably be acted upon in the House next Thursday. The radio monopoly is strongly in favor of extending the present jurisdiction of the Federal Radio Commission, as they have performed to their

entire satisfaction, but they will bend every energy to defeat the equalization provision. I sincerely hope that in the meantime the Members of the House will investigate for themselves. I respectfully suggest that they read the committee report, the statement of Commissioner Caldwell, and my reply thereto, and the various official statistics which I shall insert in the RECORD in connection with this speech.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. DAVIS. I yield to my distinguished colleague from Tennessee.

Mr. GARRETT of Tennessee. Does the gentleman think that the bill as reported from the committee, which I have not had the opportunity of examining, will give some relief from this situation, considering the amendments that I understand are proposed in connection with the extension of the life of the commission?

Mr. DAVIS. There is no question about that. It will afford great relief.

I am in favor of extending the present jurisdiction of the commission, provided the amendments restricting their power during the next year and directing an equalization of broadcasting licenses shall also be adopted, but I am opposed to extending the jurisdiction of the commission without such amendments.

There are many other measures, such as I advocated during the consideration of the radio bill in the last Congress, which, in my opinion, would do much toward curbing this monopoly, but the committee decided not to consider antimonopoly provisions at this time, although it was tentatively agreed that they would be considered later.

What we are particularly seeking in the measure under discussion is to give the commission another year within which to perform the service which they were expected to do during the first year, but to prevent them during that period from freezing the present intolerable situation by the issuance of licenses for three and five years, and also directing that they shall equalize broadcasting privileges so that we may have fairly distributed throughout the country some great national broadcasting stations, some zone or sectional stations, and State and local stations, so that the owner of a receiving set may satisfactorily receive the program from whatever station he desires, and not be compelled to listen to only a few stations, as is generally the case now. [Applause.]

Estimated number of receiving sets in the different radio zones and States, as of January 1, 1927

FIRST ZONE

State	Number receiving sets	Per cent of total in United States
Maine	44,200	0.68
New Hampshire	27,650	.41
Vermont	21,550	.33
Massachusetts	239,200	5.68
Connecticut	79,950	1.23
Rhode Island	43,500	.67
New York	655,850	10.09
New Jersey	193,700	2.98
Delaware	13,650	.21
Maryland	81,900	1.26
District of Columbia	42,900	.66
Total	1,445,050	24.20

SECOND ZONE

Pennsylvania	503,100	7.74
Virginia	91,000	1.40
West Virginia	60,450	.93
Ohio	363,350	5.59
Michigan	271,700	4.18
Kentucky	78,100	1.20
Total	1,367,700	21.04

THIRD ZONE

North Carolina	91,550	1.41
South Carolina	48,100	.74
Georgia	91,750	1.41
Florida	77,900	1.20
Alabama	68,250	1.05
Tennessee	97,500	1.50
Mississippi	49,400	.76
Arkansas	52,000	.80
Louisiana	83,200	1.28
Texas	277,550	4.27
Oklahoma	100,750	1.55
Total	1,037,950	15.97

Estimated number of receiving sets in the different radio zones and States, as of January 1, 1927—Continued

FOURTH ZONE

State	Number receiving sets	Per cent of total in United States
Indiana	176,300	2.72
Illinois	468,000	7.20
Wisconsin	169,000	2.60
Minnesota	148,850	2.29
North Dakota	38,850	.60
South Dakota	39,150	.60
Iowa	182,000	2.80
Nebraska	100,500	1.55
Kansas	101,000	1.55
Missouri	201,500	3.10
Total	1,625,150	25.01

FIFTH ZONE

Montana	31,200	0.48
Idaho	27,300	.42
Wyoming	14,950	.23
Colorado	82,550	1.27
New Mexico	21,350	.33
Arizona	24,700	.38
Utah	40,950	.63
Nevada	5,200	.08
Washington	120,250	1.85
Oregon	71,500	1.10
California	422,100	6.34
Total	862,050	13.11

Hawaii and Alaska included in fifth zone; no figures available.

THE ASSOCIATION OF COLLEGE AND UNIVERSITY BROADCASTING STATIONS,
University Place, Nebr., January 11, 1927.

Hon. EWIN L. DAVIS,
United States House of Representatives,
Washington, D. C.

DEAR SIR: Under date of December 30 we submitted to you a copy of certain resolutions which were drawn up by a committee representing the college broadcasting stations at the Philadelphia meetings of the American Association for the Advancement of Science. Word has just reached us from friends in Washington advising us that there is a tendency on the part of some members of the conference committee on radio to leave out the provision in the Dill bill which instructed the commission to give due regard to the needs of broadcasting stations in educational institutions in the assignment of wave lengths and program hours.

From our standpoint this clause is a very necessary one especially since great pressure will be brought to bear by the business interests to retain every possible advantage in the allotment of wave lengths. Many of our large colleges and some of our State universities are now operating on wave lengths so crowded that satisfactory broadcasting is almost hopeless, and are compelled to be in constant competition with commercial stations, whose programs consist largely of the cheapest kind of jazz and in constant efforts to sell goods. Our organization has no funds available for lobbying in order to present our viewpoint and we respectfully urge that you give us the benefit of special instructions along the lines indicated, in order that the high type of noncommercial programs presented by college stations shall not be completely lost, in the hopeless competition with the advertiser's stations, whose sole claim for time is their desire to sell goods.

Very respectfully yours,

THE ASSOCIATON OF COLLEGE AND UNIVERSITY BROADCASTING STATIONS.
By J. C. JENSEN, *Secretary.*

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

Mr. SANDLIN. Mr. Chairman, I yield to the gentleman from Illinois [Mr. ADKINS].

Mr. ADKINS. Mr. Chairman, the time for general debate having expired on this side, I ask unanimous consent to have incorporated in the RECORD a speech I made over the radio on farm relief.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks by the insertion of a speech made by him over the radio on farm relief. Is there objection?

There was no objection.

Mr. ADKINS. Mr. Chairman, under the leave to extend my remarks in the RECORD I include the following speech I made over the radio on farm relief:

Ladies and gentlemen of the radio audience, when Charlie Stengle of the National Farm News asked me to address you to-night, I knew he expected me to talk on the farm situation.

When the "bottom dropped out" of the prices of staple farm commodities in 1920 and 1921, of which we produce an exportable surplus, commodities which in most cases the world's price was the domestic price, our farm leaders after studying the situation decided that the producers of such commodities were at a disadvantage because the tariff did not protect them against the cheap labor and cheap lands of some other countries to the extent that other commodities were protected.

Observing that about every other major activity had a Federal board or commission that functioned either directly or indirectly to stabilize the price of the service these activities render society, representatives of many farmers came to Washington four years ago, asking for a law providing for such a board with power to direct, through some business agency, the marketing of certain farm commodities selling below the ratio price of other commodities, and providing for a Government loan and what has become known as an "equalization fee" collected on the commodity being marketed to pay for the service incident to disposing of the same. After long and exhaustive hearings this bill was defeated.

Then again at the second session of the Sixty-ninth Congress, these farm Representatives came back reinforced by other farm leaders, who after studying the plan had become convinced it was the best thing that could be worked out, and the combined influence of these groups tried to convince Congress that the bill proposed should be passed and Congress passed it and the President vetoed it. This bill had eliminated many features that had been objected to in the other bills.

We now have the same kind of farm relief proposed again with an attempt to eliminate all the objections raised by the President in his veto message in the last bill except the "equalization fee." I do not think this bill would be objected to if the equalization fee was left out, but the farmers do not want it without the "fee." Why? They maintain they can do all the things provided for under this bill now under existing laws, and the only new things provided for would be the board and the loan.

The cotton and the tobacco cooperatives, and, in fact, all the proponents of this bill who appeared before the Committee on Agriculture, say they do not want the law without the "fee," and they would not attempt to operate under it if we should pass it without the "fee." If they did, they would operate until they lost the money loaned and the "show would be over," and they would have no means to meet the losses. They would likely have losses except when they were operating on a rising "world market." The objection to this legislation comes largely from large consuming centers—the millers and the exchanges. It would be amusing to the farmer, if this situation was not so serious, to hear the opponents to this legislation from consuming centers "swear themselves" in as the friends of the farmer, and, in fact, about every opponent from these localities does that the first thing and then proceeds to try and show that if the farmer gets a decent price for his commodity he will overproduce and bring disaster to himself. If it should turn out that way, certainly the consumers would not be hurt. The miller would not be hurt; if he bought cheap wheat, he could sell cheap flour. The commission merchant would be benefited, for the more bushels produced the more commission he would get, and nobody be hurt but the farmer.

Then their heart bleeds for the farmer when they think of his having to pay that "equalization fee." That is what gives them the "nightmare"; why? Twenty-five years ago, when the farmers started the local cooperative elevator to remedy a bad condition in the local grain trade, they knew their competitors would pay more than the grain was worth for a time and take the trade away from them and put them out of business, so the farmers put this fee in the by-laws of their companies, except they called it a "penalty clause" then, and providing that when one of their stockholders sold his grain to their competitor he must pay to his own company a penalty or equalization fee which if the competitor should buy all their grain there would be enough money paid in through his penalty clause to keep the farmers' company running. How their competitors did complain about that, but learned they could not put the farmers' company out of business under such a system. There has been no use for such a provision in their by-laws, in most cases, for 15 years. In 10 or 15 years if cooperatives continue to develop successfully and this scheme becomes a law and operates successfully, they will not need the "equalization fee."

This "equalization fee" will not hurt the miller nor the commission man; will be strong competitor for the speculator who fears he can not compete with such a system. If this scheme stabilizes the markets as its proponents contend and prevents the violent "ups and downs" in the markets, a large army of "lambs" that operate on a "shoe string" and buy on a rising market and compelled to liquidate as soon as the market breaks and dump their contracts on the market at one time, precipitating a violent drop in the market, will not operate and the speculating will be done by strong men financially who will not have to liquidate on every break and depress the market more than supply and demand warrants. Newspapers under date of February 26, 1928, carried Associated Press item, headed "Chicago, February 25. Hugh receipts of corn send markets lower." If huge receipts of cash corn, wheat, or cotton send the price of these commodities lower, "huge receipts" of contracts thrown on the speculative market would have the same effect on the future market, temporarily at least, which does the producer harm and the consumer no good.

The legitimate speculator is a very necessary fellow under our present system of marketing. The farm organizations backing the McNary-Haugen bill think the violent changes in prices on our exchanges will be avoided through the operation of this bill. If they are right, the producer and consumer will both be benefited; if they are wrong, the farmer will pay the bill through the "equalization fee," and nobody else is harmed.

Some learned constitutional lawyers bring out the old stock argument, "unconstitutional." The opponents of this legislation as a last resort shed "crocodile tears" over the Constitution and say the "equalization fee is unconstitutional." The old Constitution is a mighty good document, and its limitations are not so rigid but what a learned judiciary can always render an opinion, within its limitations, in line with modern, sound, public policy, thanks to the wisdom of its founders.

In the evolution of our economic affairs, made necessary to develop our resources fast enough to meet the needs of our ever-increasing population, it has been necessary for various business, transportation, and manufacturing enterprises to go out of business or become a part of the new and more efficient organization. The auto builder and garage supplanted the carriage builder and livery-stable man; the shoe manufacturer supplanted the local shoemaker; the wagon factory put the local wagon maker out of business; the railroad put the stagecoach line, the freighting company, the canal boat, and other agencies of transportation out of business, all because they meet the needs of the people more efficiently and expeditiously.

Some years ago the newspapers carried a story about the opposition to encouraging the development of railroads which stated, at Lancaster, Ohio, it was proposed to debate the subject as to the advisability of encouraging the building of railroads, and application was made to the school board for the use of the schoolhouse in which to hold this debate. The school board met and adopted a resolution, which read something like this:

"The people are welcome to the use of the schoolhouse to debate all proper questions, but such things as railroads and telegraphs should not be thought of; the Lord never intended that intelligent people should ride across the country by steam at the terrific rate of 15 miles an hour." No doubt some of those old fellows owned stock in a stagecoach company, canal boat, or some other transportation enterprise serving the public at that time. The railroads were built, and the old agencies, that met the needs of the people in their time, passed on. No individual or corporation has been able to stand in the way of progress, against the "tide" of economic necessity. Neither has any political party.

The leaders of the great political parties did not have foresight enough to solve the slavery and secession question. But after long agitation, which shook the very foundation of our country, resulted in a new party which championed the cause and settled the question at great cost of blood and treasure.

The appeal of the Republican Party to a large portion of the farm population of the Middle West that the tariff will solve this problem will not appeal to them, because they do not believe the tariff is effective on products that they produce an exportable surplus of. The appeal of the Democrats to reduce the tariff to solve this problem will fall on deaf ears, because these farmers feel no Democrat will want to reduce the tariff on any commodity produced in his locality. They will very likely not ask you whether you are a Democrat or a Republican, but will ask you if you are for the "equalization fee" should you be a candidate for a national executive or legislative position.

The Republican and Democratic National Conventions put planks in their party platforms declaring for "farm relief" which, to my mind, makes this question a nonpartisan question. I think the leaders of both political parties in Congress had better give some consideration to what the farm leaders think farm relief means.

Will our political parties function to solve this problem satisfactorily to a large and important part of our people and demonstrate the efficiency of party government in a crisis of this kind; or will they encourage the development of "bloc government" and have our National Congress controlled by combinations of "blocs" instead of political parties? As a strong advocate of party government, I do not believe the leaders of the two great parties appreciate the seriousness of this situation from the standpoint of party government.

Mr. SANDLIN. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. LOZIER].

Mr. LOZIER. Mr. Chairman and members of the committee, for several years we have had "a farm problem" in the United States growing out of the adverse economic condition in which American agriculture found itself, as a result of legislative favoritism to other industries, and wrongful ex-

ploitation by other vocational groups. That problem is still unsolved. Between 1920 and 1925 American agriculture was deflated to the extent of practically twenty-one billions of dollars. According to the fourteenth decennial census, in 1920 the agricultural wealth of the American people was $78,000,000,000. In 1925, according to the farm census, the agricultural wealth of the American people had shrunk to $57,000,000,000, a loss of $21,000,000,000 in five years. At all times in our national history, prior to 1921, agriculture was the greatest of all our basic industries.

In 1920 the total capital invested in manufacturing in the United States amounted to about $44,000,000,000, having doubled in the six years between 1914 and 1920. The total property investment in the railroads of the United States in 1920 was approximately $20,000,000,000, and the total capitalization of all mines and quarries in the United States in 1920 was approximately $8,000,000,000, or a total of $72,000,000,000, which represents the combined wealth of manufacturing, railroads, and mines and quarries of the Nation, as against $78,000,000,000, the value of our agricultural resources in 1920. That is to say, in 1920 our agricultural wealth was $6,000,000,000 more than the combined wealth of railroads, manufacturing, mines, and quarry interests of the Nation.

In the last five years, from 1920 to 1925, agricultural values were destroyed or deflated, if you prefer that term, to the extent of $21,000,000,000, or more than one-fourth of the total value of the agricultural resources of this Nation. In that same period of five years the wealth of the manufacturing industries of this country increased by leaps and bounds. While no official data is available, it is fair to assume that the present value of the manufacturing interests of America is approximately $55,000,000,000.

The railroads are now claiming a valuation of something like $30,000,000,000, an increase of about $10,000,000,000 in 10 years. While the value of agricultural property in the United States has shrunk $21,000,000,000 from 1920 to 1925 and still continues to shrink, in the same period the wealth of the manufacturing industry increased $11,000,000,000, the wealth of the railroads increased probably $10,000,000,000, and the wealth of the mines and quarries increased correspondingly.

Agriculture has long since ceased to be a profitable occupation, although it is by odds the greatest of all basic industries. If agriculture fails to function efficiently, the world goes hungry.

The distress of agriculture is being strikingly reflected in the reduced activities in the industrial districts of the New England and Middle Atlantic States. The slowing up process is especially noticeable in the textile industries.

On January 31, 1928, there were 36,349,130 spindles in place in the United States, of which 31,697,876 were active during January and 4,651,254, or nearly 13 per cent, were idle during that month. Of the idle spindles, only a fraction over half a million were in cotton-growing States and over 4,000,000 were in the New England States. The active spinning hours in January, 1928, were 295,000,000 less than in the corresponding month in 1927 and less than in any preceding January since 1921. But what is more significant, for the month of January, 1928, the average spindle hours for spindles in place was 308 in the cotton-growing States and only 143 in the New England States. These figures indicate very clearly that the textile mill district of the United States is gradually moving from the New England States to the South, where raw cotton is grown and an adequate supply of hydroelectric power is now or soon will be available at a low cost. I will also add that the number of spindles in place January 31, 1928, was 1,000,000 less than on the same date in 1927 and the lowest since 1921.

By maintaining the tariff unreasonably high on commodities that the farmers must buy and by denying to the agricultural classes equality of opportunity with other industries, the buying power of the farmer has been tremendously reduced, and consequently he can not buy and pay for the commodities produced in the mills and factories of the New England States.

When the farmer is prosperous and full handed, he is one of the best customers of the manufacturers, and all branches of business derive an immediate and substantial benefit from the prosperity of the farmers. But when the farmer can not sell his commodities at a price that will return to him the cost of production and afford a living profit he can not buy the products of the highly protected mills and factories.

The industrialists are following a short-sighted policy by bearing down too heavily upon the agricultural classes, refusing to restore a proper balance between agriculture and the other great industries and denying to agriculture a fair share of the new wealth that annually accrues to the American people. No prosperity can be nation-wide or enduring if confined to a few favored groups, and prosperity in which the farmer is not permitted to participate is not the kind of prosperity that will promote our national welfare.

The great financial journals and captains of industry are now frankly admitting that our so-called prosperity can not continue unless this nation-wide agricultural distress is relieved. What a few years ago was considered a farm problem has long since become a national problem, upon the proper solution of which the welfare of all other vocational groups depends.

The condition of the agricultural classes is largely due to discriminatory legislation and wrongful and arbitrary manipulation of economic laws. Many of the farmers' burdens are the result of legislative policies enacted for the benefit of certain favored classes. Moreover, other great industries, by reason of organization and their great wealth and power, have secured control of the economic machinery of the Nation, which they have arbitrarily manipulated to their advantage and to the great detriment of the agricultural classes. These legislative and economic handicaps must be removed before agriculture can be restored to its rightful place among the profitable occupations. A delay of justice is a denial of justice, and the sooner a proper balance is restored between agriculture and the other great basic industries the sooner we will have genuine, nation-wide, and enduring prosperity.

Science tells us that life is in the blood, and if the blood of the human body be congested in the brain apoplexy results. If the blood be congested in the lungs pneumonia is inevitable. If the blood instead of being distributed properly among the various organs and parts of the body is concentrated and congested in one part of the body, the limbs from which the blood is withdrawn atrophies and decays and disease and death quickly follow. What the blood is to the human body, wealth and prosperity are to our body politic and business life. We have in the United States now an economic system which has resulted in the wrongful congestion of the wealth and prosperity of this Nation in a few sections of the country and in a few favored groups, to the exclusion of other sections and other vocational groups. I plead for economic justice for the American farmer. I plead for a square deal for those who produce the food of the Nation. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. SANDLIN. I yield 10 minutes to the gentleman from Georgia [Mr. BRAND.]

Mr. BRAND of Georgia. Mr. Chairman, in January of this year I received a letter from the Boston University School of Education, Boston, Mass., in which the writer states—

> We are undertaking a survey to determine the 10 most pressing national problems in politics, economics, history, and civics. Will you kindly list on the inclosed sheet these 10 problems as you see them and number them in order of importance?

Thereafter, and on January 27, I replied, listing what I conceived to be the 10 most pressing national problems. They are as follows:

1. The agricultural problem.
2. The necessity for national legislation protecting depositors and guaranteeing payment of deposits when a bank, a member of the Federal reserve system, becomes insolvent.
3. Legislation for flood control by the Government of the United States.
4. A sweeping reduction of freight rates, particularly on the necessaries of life.
5. Revision of the tariff in the interest of the consuming public.
6. A thorough investigation of the Agricultural Department as related to cotton in all its phases.
7. Legislation declaring nonmailable the circulation of foreign-language newspapers in America unless such newspapers contain a complete English translation of the same, if such papers advocate opposition to organized forms of government, overthrow by force or violence of the United States Government or of any State of the United States or any political subdivision thereof.
8. Reduction of taxes for the rank and file of the citizens as well as for large corporations and the wealthy classes.
9. Enforcement of the law in respect of the deportation of undesirable citizens.
10. A nation-wide system of teaching or bringing directly to the attention of the young people of the present generation the evils, as affecting the mind and body, of intemperance and the supreme importance of living sober lives.

I am making these answers a part of my speech because they express my views as to the duties of this Congress long entertained. I have tried to keep the faith and to stand by my creed in regard to the subject matters dealt with by preparing and introducing in the House of Representatives from time to time

bills the purpose of which was to make effective some of the suggestions embodied in these 10 answers.

On January 9, 1928, I introduced a resolution to investigate the Department of Agriculture and the activities of the New Orleans, New York, and Chicago cotton exchanges. This resolution can be found in the RECORD of February 17, page 3210.

Similar resolutions have not only been subsequently introduced in the House, but also in the Senate, one prior to the holidays and one since the holidays. Whether the investigation called for by these various resolutions will be had and held by Congress, and if so, what the results will be, is problematical.

On account of the price-situation report released September 15, 1927, by the Department of Agriculture, the expression of the opinion that the prices of cotton would decline had a fatal and disastrous effect upon the cotton producer and his creditors. Cotton began to decline promptly. It has never reached the level prior to this infamous assumption of authority on the part of the department in predicting the decline of the prices. Since I have been a Member of Congress there is no parallel in official misconduct, ranking in importance and magnitude with the unprecedented losses and disastrous consequences which resulted from this report since the adoption of the deflation policy of 1920. The truth is, whether the conclusion reached is just or not, the cotton producers of the Southern States have lost confidence in the Agricultural Department. The department's guesses in regard to acreage, and acreage abandoned, in regard to the probable production of cotton, in regard to the damage to crops by drought, wet weather, and the boll weevil, in regard to the amount of the carry-over, and the mistakes of the department in regard to the reports of cotton ginned, intensified and magnified by the prediction as to the decline in the prices of cotton, have in the minds of cotton producers destroyed their faith in the integrity of this department.

The only consolation I can see in sight is a strong probability that this Congress will again enact some character of farm relief legislation. It would be utterly inexcusable and indefensible if Congress should adjourn without enacting either the McNary-Haugen bill as it passed the last Congress, if that can not be improved upon, or some other proposed farm relief legislation. I voted for the McNary-Haugen bill which passed the Sixty-ninth Congress, and unless I have the opportunity of voting for some better farm relief legislation, I shall vote for this bill again, despite all the threats and rumors of another veto by President Coolidge.

On December 13, 1927, I introduced a bill which is substantially a copy of the bill I introduced at the Sixty-ninth Congress, to amend the Federal reserve act, the purpose of which amendment was to require the Government of the United States to guarantee payment of deposits to depositors when a member bank of the Federal reserve system becomes insolvent.

Such legislation as is proposed in my bill may not become a law at this session of Congress, but as sure as the tides come and go, and notwithstanding the opposition of the great bankers of this country, North and South alike, this character of legislation sooner or later will be put upon the statute books of this Government.

On December 19, 1927, I introduced a bill the purpose of which was to exclude from the mails foreign-language newspapers containing—

First. Matter in opposition to organized government.

Second. Overthrow by force or violence the Government of the United States, or any State of the United States, or any political subdivision thereof.

Third. The duty, necessity, or propriety of the unlawful assaulting or killing of any officer under the Government of the United States, or of any State of the United States, or any subdivision thereof, unless the newspaper containing the treasonable matter carries therein a full translation thereof in English.

This bill should not be construed as in any sense antagonistic to the foreign-language newspapers circulated in this country, provided their columns contain no matter which is prohibited by the bill, and whose columns are free of the treasonable conduct set forth therein, and not then if such matter is translated into English.

In February, 1928, I introduced a bill providing for canceling naturalization certificates when a naturalized citizen has been guilty of fraud or by his acts or declarations has ceased to be a man of good moral character.

Under present law there is no provision for revoking the order of the court naturalizing an alien, notwithstanding after the date of the naturalization order or certificate he may become, for instance, an anarchist—he may advise in the bombing of courthouses and other public offices—conspire to kill judges of the State and Federal courts who do not execute the laws and enter judgment and decrees according to his way of thinking.

Machinery is provided for a hearing, after giving the alien due notice before the court which naturalized him, and in no case does the law become effective beyond five years after the date of naturalization papers.

This proposed legislation has met with the approval of the United States Department of Labor. Since I introduced the bill, I have for the first time been officially informed that in the annual reports of the Commission of Naturalization for the years 1924, 1925, 1926, and 1927 substantial recommendations have been made favorable to such legislation.

On February 17, 1928, I introduced a bill to amend the World War adjusted compensation act, which is practically the same bill I introduced at the Sixty-ninth session of Congress, the purpose of which is to give the veteran of the World War the option of surrendering his insurance certificate and obtaining thereon its full cash value at the time of the surrender.

Ninety out of every one hundred veterans in my district, in my opinion, and throughout the State of Georgia, particularly in the agricultural sections, prefer to have had a cash bonus instead of a 20-year bonus certificate. This is true primarily because these boys need the money now, and it has always been my opinion, and I have so voted on three different occasions, that they should have been paid a cash bonus instead of being given a promise to pay maturing in 20 years from date. The Government called for these boys in time of national distress; they answered the call and rendered the service; in their hearts they now call upon the Government to exchange this 20-year proposition, which is practically worthless to them, and give them the cash or nothing. Congress has been willing to answer this call, and has done so, but those higher in authority, in the Treasury Department, in the Veterans' Bureau, and in the White House, Republicans and Democrats alike, up to date have been unmindful of their call.

You observe in answer to the tenth and last question propounded by the Boston University School of Education, I have confined my answer to one class of citizens, namely, the young men and women of the country. I do not assume the right or claim the privilege of counseling or advising men and women of mature years or beyond the age limit as fixed by the States. My observations and those who I have in mind is restricted to that group of young people whose character is in formative period and who are still minors under the law.

The drinking of intoxicating whiskies on the part of young people is a dangerous and perfectly useless habit. If young men knew or would inform themselves of the effect it has upon the body and the mind, they would never let strong drink pass their lips. Human experience and scientific information teaches that the drinking of intoxicating whiskies warps and impairs the mind and body, dulls the imagination, destroys ambition, dwarfs the souls of men, and shuts the door of hope to a successful life, and eliminates the promise of becoming useful citizens.

The question of drinking intoxicating whiskies on the part of young people, if reports of the press and the proceedings of the courts are to be relied upon, is fast becoming a national peril. The most effective influence for the correction of this situation is in the home. The parents in the home should impress upon their children respect for the law and the importance of observing the law.

In addition, I think it is the duty of all patriotic citizens, both men and women, in an appropriate way and from time to time to bring to the attention of the youth of this Nation the evils of intemperance as it affects the mind and body. Persuasion and friendly counsel, argument and information, is the most influential way of convincing them to lead sober lives. This can not be accomplished solely by threats of prosecution or punishment.

This is a field of greatest usefulness and wherein all civic organizations and women's clubs, the teachers in literary schools, the teachers and professors in colleges, the press, prohibition leaders and lecturers, both men and women, and the ministers of the Gospel of all religious denominations can play an important part.

History teaches that amid the great variety of treatment to which drunkenness was subjected by the ancients, all lawgivers seem to agree in treating it as without excuse. Whatever individuals may think and say, no nation treats it as meritorious. Yet Darius is said to have ordered it to be stated in his epitaph that he could drink a great deal of wine and bear it well—a virtue which Demosthenes observed was only the virtue of a sponge. At the Greek festival of Dionysia it was a crime not to be drunk—this being a symptom of ingratitude to the god of wine—and prizes were awarded to those who became drunk most quickly.

And the Roman bacchantes, decked with garlands of ivy and amid deafening drums and cymbals, were equally applauded; but at length even the Bacchanalia were suppressed by a decree of the senate 186 B. C.

Notwithstanding these exceptions, the offense of drunkenness was a source of great perplexity to the ancients, who tried nearly every possible way of dealing with it.

Severe treatment was often tried to little effect. The Mosaic law seems to have imposed stoning to death, at least if the drunkenness was coupled with any disobedience of parents. The Locrians, under Zaleucus, made it a capital offense to drink wine if it was not mixed with water; even an invalid was not exempted from punishment unless acting under a physician's order. Pittacus, of Mitylene, made a law that he who, when drunk, committed an offense should suffer double the punishment which he would do if sober; and Plato, Aristotle, and Plutarch applauded this as the height of wisdom. The Roman censors could expel a senator for being drunk. Mahomet ordered drunkards to be bastinadoed with 80 blows.

Other nations thought of limiting the quantity to be drunk at one time or at one sitting. The Egyptians put some limit, though what it was is not stated. The Spartans had some limit. The Arabians fixed the quantity at 12 glasses a man; but the size of the glass was not, unfortunately, defined by the historians. The Anglo-Saxons went no further than to order silver nails to be fixed on the side of the drinking cups, so that each might know his proper measure. And it is said that this was done by King Edgar after noticing the drunken habits of the Danes. Lycurgus of Thrace went to the root of the matter by ordering the vines to be cut down, and his conduct was imitated in 704 by Terbulus, of Bulgaria. The Suevi prohibited the importation of wine, and the Spartans tried to turn the vice into contempt by systematically making their slaves drunk once a year to show their children how foolish and contemptible men looked in that state.

Drunkenness was deemed much more vicious in some classes of persons than in others. The ancient Indians held it lawful to kill a king when he was drunk. The Athenians made it a capital offense for a magistrate to be drunk, and Charlemagne caused a law to be enacted that judges on the bench and pleaders should do their business fasting. The Carthaginians prohibited magistrates, governors, soldiers, and servants from any drinking.

Thus you see the waves of legal thought and action have, for over 20 centuries, dashed against the habitual and intemperate use of intoxicating liquors. I speak not of the moral and religious crusades which have been and are being directed against the habitual drunkard and drunkenness. I echo rather the voice of the law, and declare to you that at no time in the past have there not been legislation and enactments among all the peoples of the earth, whose purpose was to prevent men from debauching themselves by the excessive use of stimulants. The thunders of the centuries manifest their disapproval of the intemperate use of intoxicating whiskies. Holy Writ itself warns us not to put the bottle to our neighbor's lips and to tarry not long over the wine cup, describing its evil effects in that scorching, blistering saying which is written that—

> In the end it biteth like an adder and stingeth like a serpent.

[Applause.]

Mr. BUCHANAN. Mr. Chairman, I yield five minutes to the gentleman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR of Louisiana. Mr. Chairman and gentlemen of the committee, on yesterday I did not have an opportunity to respond to our genial friend from Iowa when he suggested that I was for flood control and not for farm relief. I am sincerely so, and at the last session was a very enthusiastic advocate of the Aswell plan, which provides for an economic and efficient system of marketing and distributing agricultural products. I think our friend from Iowa forgets for the moment that the greatest relief can be had for the entire agricultural section of our country by the adoption of a comprehensive flood-control plan. Flood control means improvement of the Mississippi River and its tributaries, which will naturally make for cheaper transportation and realize the wonderful dream of Secretary Hoover. It will bring into existence as a transportation factor newer, finer, and larger boats and barges than the steamboats of a generation ago and realize the hopes of the gentleman and his constituents who live in the imperial State of Iowa. It will meet with the views of the river cities of the Mississippi Valley, who have spoken eloquently in convention a few days ago of the bright days ahead for waterways and water transportation; and I will ask that I may incorporate in these remarks a letter with accompanying resolutions received from the secretary of that convention, which, in my judgment, are illuminating with reference to the needs of river improvement in regard to bringing about lower freight rates to the people of the Middle West. Both the letter and the resolutions express the hope of a transportation factor in developed waterways that will become not a rival but a powerful ally of our railroads, making for an enormously increased tonnage, which will cause lower freight rates and tremendously increased earnings resulting from a wonderfully expanded business.

I repeat, Mr. Chairman and gentlemen, that I do not believe that our genial friend from Iowa meant that flood control and farm relief were antagonistic and irreconciliable. I am certain that he knows or will conclude that they go hand in hand, that farm relief is largely dependent upon the improvement of the waterways of this country, and whenever that improvement comes the gentleman's constituents will receive that relief in the way of better prices for their products for which he has been fighting so long and eloquently and strenuously in this House. And I will add that I do not think the farmers and people generally have a better advocate or greater champion than our friend Mr. DICKINSON.

Mr. DICKINSON of Iowa. Will the gentleman yield?

Mr. O'CONNOR of Louisiana. I will be glad to.

Mr. DICKINSON of Iowa. I am glad to know that the gentleman from Louisiana is committed to the program of farm relief, but I want to suggest, when he says that the farm relief should include flood control, that there has only been two men who are in favor of the Aswell proposition; one was Mr. Yoakum and the other Mr. ASWELL. I was afraid yesterday that the gentleman from Louisiana had given him one more convert.

Mr. O'CONNOR of Louisiana. I was under the impression that the gentleman from Iowa and his associates at the last session were afraid to let the Aswell bill come to a vote on account of the number of adherents it had. [Laughter.] May I ask the gentleman from Iowa if in his brilliant efforts he has reached the White House and has been able to expose the fallacies that he thinks underlies the veto of the bill which I understand is fundamentally the same as the bill that will be reported out of the committee soon?

I notice that the gentleman from Iowa is absolutely deaf to that inquiry.

Mr. HASTINGS. Does the gentleman from Louisiana pause for a reply?

Mr. O'CONNOR of Louisiana. Yes; I pause. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by incorporating the letter and resolutions referred to.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The matter referred to is as follows:

RIVER CITIES CONVENTION OF THE UPPER MISSISSIPPI VALLEY HELD IN MINNEAPOLIS FEBRUARY 20, 1928

MINNEAPOLIS, MINN., *February 27, 1928.*

Hon. JAMES O'CONNOR,
Member of Congress, House of Representatives,
Washington, D. C.

DEAR SIR: Inclosed herewith are certain resolutions unanimously adopted at a convention of the river cities of the upper Mississippi Valley held in Minneapolis on February 20, 1928. These resolutions, transmitted to you by the direction of the convention, present certain objections to the Denison bill (H. R. 10710), to which your earnest consideration is invited. The objections in part may be briefly summarized as follows:

First. To section 3c, authorizing the Secretary of War to discontinue any part of the operation of the facilities belonging to the corporation. It is believed that such power, like the power of sale, or other disposition, should be vested in Congress and not in a Cabinet officer, in whose selection the interested communities have no voice. It would be very difficult, if not impossible, to induce these communities to invest in terminal facilities usable only in connection with the barge line, with the possbility of a summary termination of its operations. It would be very unfair to the investment already made in such terminals to destroy their value by Executive order. These investments were made in reliance upon existing law vesting in Congress the power of termination. Other objections to this section, and equally vital, will readily occur to you.

Second. To the failure of the bill to declare the policy of the Government with respect to the disposition of the line after the demonstration period has been concluded. In this connection it should be explained that a series of conferences was had in Washington the latter part of 1927 and the early part of 1928 between the Secretary of War and representative shippers from Chicago and points on the Mississippi River. Following this conference the Secretary of War, on January 18, 1928, transmitted to the chairman of the Interstate and Foreign Com-

merce Committee of the House a letter from which the following quotation is made:

"I should favor the authorization of the service as a temporary demonstration, preferably with a provision in the authorization bill indicating the conditions under which the line should be disposed of, after the demonstration had been concluded. Such general conditions might include the following suggestions:

"1. When it shall be provided by law that a private water carrier can not be controlled by any competing carrier.

"2. When a sufficiently broad structure of joint-rate and through-route arrangements with rail carriers, based upon a division of revenue which experience shall have demonstrated to be fair to both rail and water lines, shall have been created. This must be so extensive that the entire public needing this transportation facility may have on fair terms opportunity to obtain this economy in transportation.

"3. When the channels of the Mississippi system shall have been so improved or maintained that the best possible conditions for navigation have been procured, and the system of maintenance so perfected that those conducting barge-line operations shall have certainty of an available channel.

"4. When satisfactory terminal arrangements and facilities shall have been created. Occasionally there must be municipal enterprises toward the creation of which the assistance of the Federal Government is and will continue to be for some time to come a necessity."

It is submitted that the foregoing quotation, in substance at least, should be incorporated in the bill as a statement of governmental policy. Such a statement would go a long way toward allaying the feeling that has developed that the line would prematurely pass into the hands of private interests, which, even though so inclined, would be powerless to cope with the difficulties of the situation.

We earnestly request your consideration of these resolutions and the amendment to the bill in accordance therewith. The future of the Middle West, already clouded by the operation of the Panama Canal, will be most seriously jeopardized if the barge line is discontinued before thorough demonstration upon the entire Mississippi and its tributaries shall have been made.

Yours truly,

H. G. BENTON, *Secretary.*

Resolution, unanimously adopted by the River Cities Convention of the Upper Mississippi Valley at Minneapolis, February 20, 1928

Whereas the inland waterways act establishing transportation service and facilities on the Mississippi River system provides that "the operation of any such facilities shall not be discontinued * * * until authorized by Congress"; and it is proposed in the Denison bill, H. R. 10710, section 3–c, that "if the Secretary of War deems it advisable in the public interest to discontinue any part of the operation of the transportation or terminal facilities belonging to the corporation, he is authorized to do so, and to make a report thereof with his reasons therefor to Congress"; and

Whereas States, municipalities, and private industries have invested millions of dollars in terminal facilities on the faith of the continuance of those lines and depend on the use of these facilities to pay the carrying charges on their loans and retire their investments, and any recession or abandonment of service would entail widespread dislocation of business and loss of capital; and

Whereas extensive joint relations with rail and water carriers, which are of substantial value to the public, have been built up through years of effort and litigation and at great expense to the corporation, and these relations would be destroyed were the line discontinued: Now, therefore, be it

Resolved, That we are unalterably opposed to any change in the present law which would vest in others than our chosen Representatives in Congress the power or authority to discontinue the operation by the Inland Waterways Corporation of any established lines of transportation.

We hold, however, that water carriers under proper conditions should be privately operated. A body of law, therefore, must be developed which will encourage the investment of private capital in common-carrier enterprises on navigable waterways, protect such investments, and procure for such enterprises all needed joint relations with railroads without unnecessary delay or expense.

Meanwhile, the Federal Government should establish an adequate service of common carriage on the Mississippi River, its tributaries, and connecting waterways, as fast as these several projects are rendered navigable and maintain such service in the public interest until private capital can be attracted to this field of transportation.

Government operation should terminate when the following have been accomplished:

1. When it shall be provided by law that a private water carrier can not be controlled by any competing carrier.

2. When a sufficiently broad structure of joint rate and through route arrangements with rail carriers, based upon a division of revenue which experience shall have demonstrated to be fair to both rail and water lines, shall have been created. This must be so extensive that the entire public needing this transportation facility may have on fair terms opportunity to obtain this economy in transportation.

3. When the channels of the Mississippi system shall have been so improved or maintained that the best possible conditions for navigation have been procured, and the system of maintenance so perfected that those conducting barge-line operations shall have certainty of an available channel.

4. When satisfactory terminal arrangements and facilities shall have been created. Occasionally there must be municipal enterprises toward the creation of which the assistance of the Federal Government is and will continue to be for some time to come a necessity.

These principles should be embodied in a legislative definition of national policy.

Resolved further, That a copy of these resolutions be forwarded to all the Senators and Representatives in Congress of the States affected by waterways development in the Mississippi Valley system.

Mr. DICKINSON of Iowa. Mr. Chairman, I yield to the gentleman from Missouri [Mr. NELSON].

Mr. NELSON of Missouri. Mr. Chairman, I ask unanimous consent to revise and extend my remarks by including a few findings from Missouri farmers in answer to questions that were submitted to them and some other official documents.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to incorporate in his remarks some official documents representing different farmers' organizations. Is there objection?

There was no objection.

Mr. NELSON of Missouri. Mr. Chairman, what this country needs right now is a megaphone for every farmer and an ear trumpet for every Congressman.

It is much more important that we know what the folks back home are thinking, and that we give serious heed to their thoughts, than that it be made possible, as once was proposed, for our constituents to listen in on Congress. Believing this, I recently undertook to learn what farmers of the great State of Missouri are thinking.

With so many presuming to speak for the farmer, I felt that it would be better by far that he speak for himself. And may I digress to say that the farmer would fare better if he saw to it that more of his own occupation were nominated and elected to Congress so that they might be heard in this House. The place to begin on such a program is in the primaries, where nominations are made; the time to end, not until the polls close in November.

Two years ago, in a full-page advertisement paid for by a big livestock commission firm, I read this:

A Nebraska cattle feeder at Chicago last week, when asked his opinion of pending legislation in the line of farm relief remarked: "We pay no attention to what Congress is doing; our salvation lies in work." He stressed the last word.

Most appropriately, this advertisement in headed, "For men must work and women must weep." Do the representatives of special interests, of great accumulations of capital pay no attention to what Congress is doing? Do they hold that their entire salvation lies in work? The suggestion is ridiculous. Big business not only knows what Congress is doing, but tries to direct, and seemingly with considerable success, what Congress shall do.

What are the facts as to this man on the farm, this man who despite his determination to keep a stiff upper lip, may have a tired and discouraged look in his eyes? Hoping to secure first-hand information, I have just gone through replies to questions submitted to some 500 Missouri farmers. The men answering represent every section of a State of wonderfully diversified agricultural resources, of crops of every kind from corn to cotton. Some belong to one farm organization, some to another, some to none. Missouri being rather evenly divided politically, it is fair to assume that the replies represent in about equal numbers the voters both of the Democratic and Republican Parties, as well as Progressives.

Before having these Missouri farmers speak for themselves, I believe you should be told a little more about the men who replied to the questionnaire which was circulated during Missouri farmers' week at the College of Agriculture. They represent a high average of intelligence and are among our most prosperous rural people.

To the first question, "Are farm conditions growing better or worse in Missouri?" 60 per cent answered "better," 35 per cent "worse," and 5 per cent saw no change. A summary of the replies represented by the 60 per cent indicated that such optimism was based upon the fact that after seven or eight years of hard times, during which many had lost all, farmers were slowly adjusting themselves to the tasks before them. Many frankly suggested that as conditions had been just as

bad as they could be, any change must be for the better. The 35 per cent who believed conditions growing worse mentioned, among other matters, soil depletion, impaired credit, buildings and fences run down, farm machinery used and mended just as long as it could be and which now must be replaced with new machinery at high prices.

"Are farms going up or down in price, or is there no noticeable change?" Twelve per cent answered "up"; 80 per cent, "unchanged"; and 8 per cent, "down." In connection with this question is another, "Do you think this a good time to invest in farm lands?" Answers were: Sixty-six per cent, "yes"; 30 per cent, "no"; and 4 per cent, "undecided." Among the reasons given by those who expect to see an advance in the price of farm lands were: "Because you can get farms at your own price." "If there is a bottom, we surely have reached it in farm values." "Farmers are discouraged and will sell cheap." "The sheriff is about the only man who can sell a farm these days." "Some land can be bought for interest and taxes and any amount merely by assuming the mortgage." Reasons why this is a poor time to invest in farm land included: "Most farms are being operated at a loss." "Farm taxes are too high." "Many who have little or no equity in farms having to pay high taxes on the total value." "Land is getting poorer, debts larger, and improvements are running down." "Farmers are still leaving the farms, there being 200 vacant farms in this central Missouri county."

Replying to the question, "What is the outlook for farming generally?" Twenty-seven per cent of the replies were "fair," 25 per cent "good," 14 per cent "better," 8 per cent "slightly better," 10 per cent "poor," 8 per cent "unchanged," 6 per cent "very poor," and 2 per cent "bad." Comments under this question included: "All right for well-equipped, educated farmer with ample capital." "It is impossible to tell what the outlook is." "A philanthropist might try it." "Fair, but the farmer should be slow to expand." "Under present conditions farming can mean only peasantry." "There is still plenty of work, no end of it, but at poor pay." "The slump after the war took the 'pep' out of us farmers, and hope long deferred has made the heart sick." "At present prices for what we raise, many farmers are going broke. Then they abandon their farms and go to the cities to get better wages. They will come back. This is why I think land will go up in price. The factories will overdo things. The farmer will have no money to buy and those who have gone to town will come back to the farm or starve." "Do you know that 75 per cent of the farmers are over 40 years old? What is going to happen in the next 10 years unless conditions change so that young men will be attracted to the farm?"

Some of the most interesting replies were made to the question, "Why have so many farmers failed in business since 1920"? Here summarized and in some cases in exact language are leading replies:

"Deflation." "Slump in land values and prices in everything produced on farm." "Low buying power of the farmer's dollar." "High cost of production." "Legislative handicaps, such as protective tariff, transportation act, and immigration law." "Everybody except the farmer helped through legislation, having both to sell and buy at the other fellow's price."

Some of the questionnaire sheets as filled out by farmers included a half dozen different reasons for farm failures since 1920. All these just quoted were included in the replies of more than 25 per cent of those who answered. Other reasons given for farm failures were: "Decline in prices of farm products heavier and more abrupt than drop in prices of what the farmer had to buy." "Debts contracted and low prices followed." "Land and livestock bought at high prices." "Overexpansion and sometimes bad management; the farmer is not infallible." "Inability to adjust business to changed conditions." "Because the tariff can't be made to do as much for the farmer as for the manufacturer." "High cost of marketing, especially high freight rates." "Lack of organization needed to meet organization in other lines." "Most farmers who have failed since 1920 have failed, I think, because of the deflation in prices in land and livestock and because they have tried to have automobiles and other luxuries like their town friends, and they simply can not afford them in our section of the country." "The Government caused the farmer to inflate his business, refused to allow his products to seek their natural price level in war times, as they did all manufactured products, then threw the entire cost of deflation on him. No other business on earth could have withstood the shock without cooperation from its Government. The farmer's greatest handicaps are lack of consideration and support by the Government; lack of a proper financing system, and nonappreciation of the farmer as a man and wealth producer." "When times were good, farmers, like other men, bought too heavily of lands, automobiles, and other things that could be bought on credit, and often mortgaged their lands that were free and clear, and the slump came, so that with bad crops, low prices for farm products, and what they had to buy still at war prices, with high taxes and heavy interest charges, most of them are in a very close place. Insurance companies and loan companies have to take thousands of acres of farm lands. We must have relief soon or the whole country will be bankrupt. We need economy—first, for the individual; second, for the county; third, the State; and fourth, the Nation."

Naturally, in reply to the question, "What are the farmers' greatest handicaps?" we find practically the same expressions as already given. They include "Spread between purchase and sale price." "Fluctuating markets; lack of capital or of collective buying and selling power." "Inability to control surplus production." "A dollar that will not go as far as the town dollar." "Inability to farm as well as we know, because we have had to rob the soil while trying to meet interest and taxes."

"The other fellow," comments one farmer, "says what he will give us for our goods and tells us what we must pay him for his. The farmer is the only manufacturer who does not control either the output or the price of his own product." Another answers, "Poor marketing methods and sometimes poor farming. The latter is due in part to the fact that higher wages and shorter hours in the cities attract many who would make efficient farm hands. In view of what it costs us to produce crops and at present prices we can not pay city salaries. The result is that the farmer himself has to take the lead and set the pace."

"The policies of the present administration and the one before it represent the farmers greatest handicaps. Everybody except the farmer has been doing well, and he does not seem to have many friends." "Did you ever think what would happen to any enterprise that let his competitor come in and take 10 cents out of every dollar he produced? Now, the facts are that—a part of the time since 1920—the farmer got only sixty-odd cents out of the dollar he produced and very little of the time over 81 to 83 cents. There is no reason why the investment of the farmer should not earn him interest."

"What are some of the things that would make country life more enjoyable, attractive, and desirable?" Notwithstanding the ambitious road-building program throughout the Nation, and especially in Missouri, "Roads" was the answer on which most farmers agreed, 45 per cent so replying. Evidently there is a decided demand for from-farm-to-market roads. The next reply on which most farmers agreed was, "Better rural schools," while "Farm conveniences, including some modernizing of the home," closely followed.

Some individual replies are, "A decent income only." "A square deal such as Roosevelt stood for." "A better community spirit; organizations for social recreation;" and "At par farm dollar." "Such things as a better farm income could buy." "Conditions changed so that we would not have to fight from dark until daylight for existence." "A little more profit mixed with hard labor." "Given the price, we will show the world."

"Money," was the terse answer of one, and "Profit," the short reply of another. One satisfied farmer answered, "Farm life is all right now." "The right kind of legislation; adjusting taxation; development of waterways; development of our school system, as lack of education is one of the greatest problems of the farmer. Average farmer does not know the fundamentals of soil fertility, the balancing of rations, and so forth; control of surplus would eventually break down; greater appropriation to college of agriculture and extension department would help greatly," adds another.

Illuminating replies were received in answer to the question, "What advantages, if any, does the farm family enjoy over the city folk?" Members of one group suggest, "Search me." "Few have to bother with paying income taxes." "None." "The farmer gets 12 to 16 hours of hard work, while the man in the city works from 6 to 8 hours." "City people have us skinned a mile." "There can be no apparent advantage without financial success." "Most advantages are more sentimental than real."

More optimistic are those who answer, "The farmer lives close to nature and can enjoy the great out-of-doors." "The country is the best place to rear a family." "The farmer has the right to exercise his managerial ability." "On the farm one enjoys nearness to life, the companionship of growing, living things." "On the farm, even if times are hard, as they have been, we have pure air and good food."

A question of intense interest to Congress and the country at this time is, "Would legislation by Congress help the farmer?" Replying to this, 62 per cent of those who answered the question hold that it would, 24 per cent answer "possibly," while 14 per

cent say "no." Individual replies follow: "It would help his mental attitude." "It certainly would help us." "Go easy on the tariff. Some people do not realize what the tariff does for the country." "Repeal the high protective tariff, which was framed to help New England and the East and to fool us farmers." "Repeal or reduce the tariff, thus placing agriculture and all other industries on the same basis." "Give us a tariff law that will actually protect us on prices. Manufacturers have that kind." "Gradually take away protection from the so-called 'infant industries,' which have grown to be powerful and arrogant." "No legislation will solve the problem. We might as well go to work and quit talking about it." "Pass a real farm relief bill, so we will not have to sell our crops at prices fixed on world markets."

Next to the last question was, "What would you suggest be done by way of repeal or revision of present laws or passage of new ones?" Fifty-six per cent of those who replied advocated the passage of the McNary-Haugen or similar measure with equalization fee, while the number holding that a readjustment or revision of the tariff is needed was but slightly less. Individual replies include: "Take the tariff off of steel so the farmer can get a new plow at a reasonable price." "Quit protecting machinery and clothing material or protect agriculture in an effective way." "Give us any kind of legislation which will place the farmer's dollar on an equal basis with industry's dollar." "Capper-Ketcham bill." "Reforestation, but no more reclamation." "Require stocks, bonds, and other such papers to be registered for taxation purposes." "A better marketing act." "More general and more liberal provision for agricultural teaching." "All we want is an even break with other industries. Then if we haven't brains enough to manage our own farms we ought to give up." "Repeal laws guaranteeing public utilities, rails, and others returns on investments when of questionable value. The effect of this and similar legislation has crippled our basic industry—agriculture." "Remove the handicaps and we will take care of ourselves." "Provide storage for surplus crops on which 80 per cent could be borrowed." "A bill to encourage more direct and orderly marketing." "Lower freight rates and development of inland waterways would be of great benefit to all concerned." "No more reclamation projects until land now under cultivation can be made to pay." "Lower tariff, lower freight rates, water transportation in the interior, Government aid for rural education." "Lower protective tariff on commodities other than farm articles to a place where farm products have equal show." "The McNary-Haugen bill should be given a trial to see if it would work. It might cost something to find out, but it would be worth it." "Either pass laws favoring the farmers or repeal laws favoring big business, so the farmer can compete on equal terms." "Give the farmer the same protection that industry and labor have." "The revision of the tariff and some kind of legislation that will help the farmer market his produce and livestock in an orderly way." "All farm products should at least have a high protective tariff. American markets for American farmers. Keep out China's eggs and Danish butter. Keep out Argentine beef and corn. Enforce pure food act and advertise the value of meat as food." "The passage of some law or measure to protect the farmer similar to the protective tariff for manufacturers." "In regard to legislation by Congress, unquestionably something should be done; but what? I do not believe in price fixing or control, but under present conditions the farmer is entitled to be placed on an equality with labor and industry. My idea is that, given an equal opportunity, the law of supply and demand will govern equitably, and any industry that can not stand on its own feet should fall." "If the tariff were taken off of what we buy, perhaps we wouldn't need any price fixing to help us on what we sell." "Either repeal the high protective tariff or pass a bill such as the McNary-Haugen bill to make tariff effective on farm products."

The final question was, "If not legislative action, what then is the greatest need of farmers?" "Organization," answered 26 per cent; while 24 per cent replied, "Cooperation." Among the replies to this questionnaire we find a great diversity of opinion, much of which had been expressed in answer to preceding questions. A few individual answers were: "Better selling agencies." "Drop politics and vote for the best man for the place." "Quit talking and keep hitting." "To stand up and fight for our rights." "Reduction in taxes and economy in Government." "Too much advice and too many people telling us how to run our business." "To take more interest in government and politics instead of leaving everything to the other fellow who generally is not for us." "The question of the farmer will not be solved by legislation, but rather by education. Farmers must reduce the cost of production, and this must be done by means of education. Legislation and cooperation will not have much influence on cost of production. Agriculture must be emphasized in the rural schools so it will reach more children."

Some seven years ago and near the close of the Wilson administration, in a speech here in the House, I briefly reviewed the seven years through which the country had just passed, years marked by unprecedented prosperity for the farmer. At that time I expressed the fear that, as in Pharoah's dream, the period of plenty, the years of the fat kine through which we had just passed, might be followed by years of adversity, years of "lean kine" and "blasted corn upon the stalk." So far as the farm is concerned, my fears were well founded. Until recently, though, the great cities continued to enjoy prosperity, the people there piling up fortunes, while in the rural regions there was wreck and ruin.

A year ago, in discussing the farm situation, I gave it as my opinion that the big, self-satisfied cities could not hope permanently to prosper at the expense of the country. I predicted that the time would come when they, too, must "take the count." Washington papers tell of the arrival here of "General" Coxey, who 34 years ago led upon Washington his famous "army" of 5,000 unemployed, and who holds that with 5,500,000 people now out of work, present conditions are similar to the crisis in 1894. This unemployment is confined to no one city. The New York Times tells of "lodging houses crowded to capacity with men who want work but can not find it, while the employment agencies struggle with hordes of applicants for jobs that do not exist."

The seriousness of the situation, long denied, is now generally conceded. As to conditions in the country, few now claim that there is prosperity for the farmer. In fact, more figures than anyone will ever take the time to read have been inserted in the RECORD to show farm losses since 1920. I shall insert none of these official figures. A fact now conceded by all needs no such proof.

I might quote at length from the rural press, ever close to the farmer and his family and always the champion of the country community. I shall, though, include but one clipping. This is from a county seat weekly, Republican in politics, whose able editor says:

> Farmers are coming in and saying they don't know how they are going to pull through. They say their debts and their interest is eating them up like a cancer. People living in town say they are harder pressed than they ever were. Everything considered, the day is dark as night for a lot of people. What is true in and around our little city is true all over the State of Missouri, in the big towns and in the little towns. This is the report brought here by the big daily papers and by traveling salesmen. These traveling salesmen declare that they are selling fewer goods to retail merchants than ever before.

A letter from one farmer in my home county is typical of hundreds. He says:

> I hope you can see your way clear to do all you can for the passage of the McNary-Haugen bill. It may not be a cure-all for our farm ills, but we are anxious to give it a trial. Farmers are grabbing at straws, just as a drowning man would. We are staggering under taxation and increased cost of our farm operations, together with lower prices for what we have to sell. Taxes are increasing at an alarming speed. If the eastern capitalist could see the number of farm owners who are being closed out through sheriffs' sales, they surely would be willing for us to have some relief. While big business is being looked after, why should the farmer be neglected?

The country approaches a crisis. The farmer after a long, hard fight asks, "What can we do?" He can not work harder, he can not put in longer hours. There is an end to human endurance. He is not a bolshevist. The replies from the hundreds of Missouri farmers to which I have referred are not intemperate. They make no demands and suggest no action that is unreasonable. In short, all that the farmer asks is a "square deal" for himself and his family. Longer denied this, he knows that he must fail. But I would warn this Congress that when he goes down he will not go alone.

Mr. BUCHANAN. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, at the south entrance to the basement of the House Office Building there is a truck, the body of which was specially built in Philadelphia to transport between cities, with a secret compartment in it, one hundred and twenty 5-gallon cans of intoxicating liquors. The body is built specially on a Republic chassis. The tires on the front wheels are half again as large as the ordinary tires on a truck to carry the load it is expected this truck would carry. I wish every Congressman would go there and look at it. Unless you know the combination it would take you 30 minutes to find that

secret compartment, but when you are on to the combination, by removing three bolts you open a secret panel, and there is the compartment that holds one hundred and twenty 5-gallon cans. The owner of that truck testified before our Gibson committee to-day, under oath, that he had it specially made to transport liquor, that he was under contract with three prominent bootleggers, whose names and addresses he gave us here in the District, and that they were to pay him $175 a load for bringing it into Washington; that since last summer he has been engaged with that truck in doing nothing else than bringing in liquor. He has brought here load after load from Philadelphia, from Lancaster, from Chester, and from Baltimore, under police protection, and he said that when he had it built he was assured by these three bootleggers that he would have police protection, both in the places where he got it and here in Washington, and that he has had it for every load but one, when recently he was hijacked here by policemen and had his truckload of whisky stolen from him.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. In a moment, and then I will yield. His two drivers, who have driven that truck for him on all these loads, testified before our Gibson committee under oath to-day that since last summer they had been engaged in bringing that truck here into Washington full of liquor from these various places under police protection, and that they knew when they engaged in the business that they would have police protection; and that they have never been bothered by police anywhere except on the last load, when they were hijacked by two policemen and their liquor stolen from them. They said they were bringing in the last load from Philadelphia, which embraced not only these 5-gallon cans of intoxicating liquors but also five kegs of Scotch malt from which these bootleggers make Scotch whiskey; that when they reached Washington and came in on the Bladensburg Road and down Maryland Avenue to Fourteenth Street at 5 o'clock in the morning, when it was still dark, a policeman—whose name they gave and whom they identified among five different policemen—stopped them and had them get out, and told them to show him that special compartment where the liquor was; and then he had them drive around another street where another policeman met him; and they told these drivers that if they had any regard for their future and their families to skin out and run, and that they would not be caught; that the policeman said: "We can not run fast; we won't catch you," and deliberately let them get away; and then the two policemen hijacked that load of liquor. Then in the secret hours of night, at a professional bondsman's house here, after the policemen had been identified by these drivers, we learn that these policemen with these three bootleggers had a secret conference and agreed to give most of the liquor back to the bootleggers if they were not to be prosecuted by them.

That is what goes on in this Nation's Capital, when we have such distinguished scientific speeches as we had to-day from our distinguished friend from New York [Mr. SIROVICH].

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. That is what goes on in the Nation's Capital when the bootleggers think that Congress applauds subjects that they are specially and vitally interested in.

Mr. O'CONNOR of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. In a moment. No one has a higher regard personally than I for our distinguished and talented colleague from New York, Doctor SIROVICH. I think just as much of him as you do. I think his speech was just as scientific as you thought, but it is improvident; it is not for the good of the cause nor the good of the law that such speeches are made in the Halls of Congress.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield there?

Mr. BLANTON. In a moment I will yield.

Mr. SCHAFER. All right; we will remember that.

Mr. BLANTON. During my investigation of former Commissioner Fenning, I called attention to the fact that there were White trucks that for so much per truck load by the prince of bootleggers in Baltimore would bring not corn whisky but the finest Scotch, which came on his own yacht to Baltimore—that for so much a truck load they had been bringing it into Washington under police protection, and it has been going on ever since. It did not stop with the ousting of Commissioner Fenning. There is a higher up now in that police department that must be put out of office, because he is not enforcing the law.

We have one of the finest police departments here in the world. Most of the men are splendid, fine men, who want to do their duty, but when there is rottenness at the head of it, that demoralizes the whole force.

It ought to be stopped, and word ought to go out from the Halls of Congress to every bootlegger in the Nation and to the police force of this District, and to the commissioners, that this Congress stands for the strict enforcement of the law. Will the gentleman from Wisconsin [Mr. SCHAFER] O. K. that?

Mr. SCHAFER. I am always in favor of enforcing the laws on the statute books, and as to all prohibition legislation; but I also assert my right to favor the amendment of the existing law and the amendment to the Constitution.

Mr. BLANTON. You would have to modify the Constitution first, would you not?

Mr. SCHAFER. No. The Constitution does not say that five-eighths of 1 per cent is in violation of the Constitution.

Mr. BLANTON. The modification that would satisfy the gentleman from Wisconsin and his thirsty constituents would have to be such that you could buy intoxicating liquor. Is not that so?

Mr. SCHAFER. No; I do not believe that 2¾ per cent by weight is intoxicating.

Mr. BLANTON. Oh, the gentleman from Wisconsin is splitting hairs. I do not believe the gentleman to be socialistic, but he is getting perilously near the border line on that subject.

Mr. O'CONNOR of Louisiana. In view of the fact that the effect of the speech to which the gentleman refers would tend to decrease the quantity of liquor drunk, why should you object to it?

Mr. BLANTON. I will tell you. When a man now buys liquor from a bootlegger he knows that he takes his life into his own hands, and that knowledge deters him from buying it. But if you can send a specially constructed truck that transports liquor forbidden by law and bring it here to the United States Capital, 600 gallons at a load, if it were not poisoned you would have it sold and used indiscriminately by the people of this District to their great detriment. But those, many of them, who otherwise might buy and drink it do not do so generally when they realize that it may be poisoned, as many of them are as much afraid of it as they are afraid of the bite of a rattlesnake.

We, who are Members of Congress, who have made these laws ought to uphold the strict enforcement of them. You will remember that two years ago this month one of our House Office policemen, a fine fellow, named George H. Chorley, apprehended a bootlegger named George L. Cassidy bringing whisky into the House Office Building. You will remember that Cassidy was called the "Green hat man." He had already delivered one load of bottled whisky into the House Office Building and was seeking to bring in his second load when Chorley caught him. He then had four quart bottles of whisky in his satchel. I personally saw this whisky. Our colleague from Ohio, Mr. MURPHY, saw it. Our colleague from Michigan, Mr. CRAMTON, saw it. Our colleague from Ohio, Mr. COOPER, saw it. Several other colleagues saw it. Policeman Chorley has been ready at all times to appear and testify against this bootlegger, yet the district attorney of this great city of Washington has never yet brought this bootlegger to trial, and it was a whole year before he had him indicted. And he has been indicted now for about a year, and yet this district attorney's office has never yet brought him to trial. There ought to be a complete cleaning up made of our district attorney's office from top to bottom of it.

You will remember the colored brute who confessed to assaulting and murdering in cold blood the poor telephone girl between the Capitol and the Congressional Library has not yet been electrocuted. Why has he not been? What is causing the delay? The white man who, several months later, murdered a woman in Virginia near by has been hung months ago, so long that people have almost forgotten about it. Just why is it that the law is enforced so slowly, and many times not at all, by our district attorney's office here? There must be a housecleaning before long, and we must do some clean sweeping when the time comes.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SANDLIN. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. MEAD].

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

Mr. MEAD. Mr. Chairman, Members of Congress, in bringing to the attention of the Congress and the country the serious question of unemployment, I am not prompted by partisan motives, but with a sincere desire to join with others who are interested in securing the approval of legislation which shall provide for a broad and comprehensive study of the question as well as to suggest to Congress and the country a policy or pro-

gram which will reduce the number of our unemployed to its lowest possible minimum.

Next to universal peace the biggest problem of our day in this country as well as in every other country is the great problem of unemployment. Its proper solution will relieve many other perplexing problems, including our agricultural problem. It will also reduce the tax burdens now overwhelming our cities, towns, and villages. It will greatly lessen the work now forced upon social service and charity organizations. It will decrease the number now housed in almshouses and other abiding places throughout the land. It will sharply decrease the temptation that prompts men to crime, with a consequent diminishing number of those held in solitary confinement. In a word, it will supplant the misery and grief that accompanies great periods of industrial depression with the contentment and happiness that goes with steady, uninterrupted employment.

Much of our trouble has its source in the tremendous increase in production brought about by modern machinery, mass production, and the consolidating and merging of separate industrial units into one gigantic corporation, which permits of more efficient methods of production. I find the following information on this subject in the 1926 edition of the Yearbook of the United States Department of Commerce and also from the Handbook of Labor Statistics from the United States Bureau of Labor Statistics.

The increase in production as well as the increase in production per worker and per hour of work has been tremendous in the last generation. The United States Department of Commerce made a study of the question for the period between 1899 and 1925. Nearly half as much again is produced in agriculture. Three and a half times as much is produced in mining. Two and three-fourths times as much is produced in manufactures. Nearly three times as much output has occurred in railway transportation.

More workers have been occupied in these industries except in agriculture. Output per worker, therefore, is important. In agriculture, manufactures, and railway transportation output each worker in 1925 produced nearly one and one-half times as much as 25 years ago. In mining each worker produced almost exactly twice as much.

These are not expressed in terms of prices but in terms of things themselves. For example, it would mean that the miner of 1899 produced a ton, whereas the miner of 1925 produced about two tons, or to be exact, one and ninety-nine hundredths tons.

If it is value of output that is wanted, though this does not tell us as much, the output per farmer in prices was three and a half times as much; per miner was four times as much; per manufacturing worker was nearly three times as much; and per railway man was over twice as much

The Department of Commerce presents figures for the period since the war. By 1925 there were from 7 to 9 per cent fewer workers in agriculture, manufactures, and on railways than in 1919 and the same number of miners. Yet those still at work produced from 5 to 30 per cent more, varying from industry to industry, and each worker produced from 15 to 40 per cent more than each worker had produced the year after the war ended.

The United States Department of Labor adds to those figures and places them on an hourly basis. Anthracite workers produced no more and even slightly less in 1924 than in 1913. Bituminous workers per shift produced, however, nearly a ton more.

In a New England cotton mill each worker per hour of work produced eight times as much as in 1838 and two and a third times as much as in 1890. In 1925 each worker produced nearly three-fifths more per hour than at the end of the war.

Here are the figures for the increase in production per hour of work: Boots and shoes, one-sixteenth more; tanning, slaughtering, and cane-sugar refining, one-fourth more; flour milling and paper and pulp, one-third more; blast furnaces, one-half more; steel works and rolling mills and cement works, three-fifths more; petroleum refining, four-fifths more; automobiles, two and three-fourths more; and rubber tires, over three times more. For each hour of work done per man on railways now there is two and a half times as much traffic hauled as 35 years ago. There is 40 per cent more traffic hauled per man per hour than before the war.

In any well-organized society this increase in the volume of production would mean a similar increase in welfare of all classes of society. However, this is not the case; wages have not gone up equally with the increase of production, although average wages have shown an increase in the more recent part of this period of larger production. The result is that one class of our industrial society has not received its fair share of this larger productivity. Nearly all the excess which should have gone to the working forces has been received by the richer classes of our society. They in turn saved and converted this surplus into capital and instruments of production and in that way further increasing the total products of industry. The result of this unjust system is that our country is now in a condition of industrial depression. By some it is termed a mild depression or a slowing down of the wheels of industry. Nevertheless it is general; it embraces nearly all industry in every part of the country. We are producing more goods to-day than we are able to sell, but this excessive production does not by any means exceed the popular wants of our people. If those who would and need to consume more had the necessary money to satisfy their desires all of the goods produced by industry would find no difficulty in securing a ready market.

Many of our industries as a result of the present situation are operating only part time. Among these industries can be listed the textiles, shoes, flour, steel, agriculture, railroads, and many others. Every one of these industries could be maintained in steady operation if an increase of wages with its attendant greater buying power could be given to the workers who are now receiving meager incomes. If necessary, and I for one believe that it is, a shorter work day must be given to the employees of industry so as to provide sufficient employment to take care of those who are supplanted by machines and other labor-saving devices. Thirty years ago John A. Hobson, a British economist, stated the problem as it actually exists today.

It is a problem of underconsumption and not one of overproduction. Too much of the national income is saved and not enough consumed. Those who have the power to consume more have not the desire while those who have the desire have not the power.

Therefore, our remedy is to increase the consuming power of our working class and to decrease the saving power of the wealthier class. Business can not be kept going unless its products are consumed and unless our workers have steady employment and the necessary power to make their wants effective, the products of industry will not be consumed. In theory the remedy is simple enough. Increase the income of the lowest paid classes, the working classes, and by doing so you increase their power to consume and in that way you bring about an increase in employment. However, we are up against a practical proposition that will not be solved as easily as all that. To shorten the workers' hours may necessitate a general minimum wage law but a recent decision of the Supreme Court takes that out of the question. Minimum wage laws in the several States as well as by agreement with labor unions will be most helpful. Outlawing the 10 and 12 hour day, substituting a 5-day week would amount to an increase in wages in some occupations but its benefits would not entirely relieve the situation. Other suggestions include pension and retirement legislation as well as the adoption by private enterprise of a uniform retirement system which would take from industry many of our aged workers, better child labor laws in some of the States where they are not on a par with the more progressive commonwealths of the Nation. All of these recommendations should be considered by a legislative committee which my resolution would create in connection with this unemployment crisis.

I am not optimistic about the adoption of an effective remedy in the near future. However, we must realize the seriousness of the evil and when it is appreciated by the intelligent business men of our Nation I am sure they will join in its proper solution. The problem to-day is one of distribution and if our industrial leaders who have proven their superb efficiency with regard to increasing production will turn their attention to this present evil they will soon remedy the present methods of distribution.

I am therefore going to introduce a resolution calling for the creation of a joint committee to be appointed by the House and Senate to investigate this question of unemployment. Living in what has been termed by our President a most prosperous era, we find an army of nearly 4,000,000 people tramping the streets of our industrial cities and our rural communities looking for work. We find the almshouses and the other abiding places of the Nation filled with our unfortunate fellow Americans who want work, not charity.

This joint committee, in conjunction with the Labor Department, could initiate a study of the question and recommend remedial legislation to Congress, and they could authorize the Labor Department to furnish us constantly and regularly with information as to the number of men unemployed as well as the nature and the character of the work they had been doing, so that with this information we could intelligently consider this all-important problem of unemployment. [Applause.]

Mr. DICKINSON of Iowa. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. SCHAFER].

The CHAIRMAN. The gentleman from Wisconsin is recognized for five minutes.

Mr. SCHAFER. Mr. Chairman, ladies and gentlemen of the House, I did not want to discuss prohibition at this time, but in view of the interjection of the prohibition questions by the distinguished gentleman from Texas [Mr. BLANTON], who aspires to sit in the body at the other end of the Capitol in the near future, I will say a few words on the matter that he has brought to our attention.

I wish to state that if any bootlegger has violated the law and has received protection from police officials, I am in favor of having those police officials, be they in high or in low positions in the department, sent to the penitentiary at Atlanta.

I can not let the moment pass by without referring to the criticism by the gentleman from Texas of the wonderful address delivered this afternoon by our distinguished colleague from New York [Mr. SIROVICH]. The able, interesting, and educational speech of the gentleman from New York was appreciated and applauded by both those classed as "dry" and "wet," clearly showing that the gentleman's speech was not a bad thing for the country, as believed by the gentleman from Texas [Mr. BLANTON]. I would like to call the attention of the gentleman from Texas, who is not here at present, although I asked him to remain after delivering his speech——

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield there?

Mr. SCHAFER. In a minute. I would like to call his attention to the fact that about a year ago, on Lincoln's birthday, the then acknowledged leader of the dry forces in the House of Representatives, the gentleman from Georgia, Mr. Upshaw, delivered a prohibition address in the guise of a Lincoln memorial address, and he had on this very table, not pint bottles which formerly contained intoxicating liquor but quart bottles, much larger than any of the exhibits of the gentleman from New York [Mr. SIROVICH], which exhibits were objected to by the present dry leader in the House, the gentleman from Michigan. Mr. Upshaw in the course of his remarks informed the House and the people of the country that the bottles exhibited by him were found in the Capitol and in the House Office Building.

If the gentleman from New York in making his constructive address to-day will cause citizens of the Nation to disrespect the laws and go wrong because of bringing in exhibits, as the gentleman from Texas believes, then I say the former dry leader, the gentleman from Georgia, Mr. Upshaw, established a precedent, which should have been criticized by his assistant dry leader, the gentleman from Texas [Mr. BLANTON].

I sincerely hope that in the forthcoming presidential campaign the Anti-Saloon League will put a complete ticket in the field on the Prohibition ticket and confine the issue upon which candidates will run to that of prohibition. I would suggest that they name the distinguished gentleman from Texas, who is now a candidate for Senator, as their presidential candidate, and have the very notorious gentleman from New York, Mr. Kresge, as his running mate for the Vice Presidency. I refer to the Mr. Kresge who was recently found by the courts of this land to be maintaining a love nest, and who a few months ago was the financial angel who contributed $500,000 to the slush fund of the Anti-Saloon League.

Mr. MEAD. Will the gentleman yield?

Mr. SCHAFER. Yes.

Mr. MEAD. I would like, in justification of the great State of New York, which I represent, to move Mr. Kresge to Michigan, because I think he is a citizen of Michigan, the home of Mr. CRAMTON, rather than a citizen of New York, the home of Mr. SIROVICH.

Mr. SCHAFER. But was not that love nest in New York?

Mr. MEAD. Yes; he had the love nest there.

Mr. SCHAFER. And was not his wife's divorce, suit for which was filed after her discovery of the love nest, granted in New York?

Mr. MEAD. Yes; but New York is such a big city that he might have been able to maintain a love nest there, but we pride ourselves on the fact that he does not belong to New York.

Mr. SCHAFER. After these distinguished dry gentlemen are elected on the prohibition ticket, I would suggest that the bellwethers of the Anti-Saloon League be appointed to positions in the Cabinet and that Cabinet should certainly include the former dry leader in the House, Mr. Upshaw, who, at the meeting where Mr. Kresge donated his $500,000 to the slush funds of the Anti-Saloon League, sang "Praise God from whom all blessings flow."

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

The CHAIRMAN. All time having expired, the Clerk will read the bill for enactment.

The Clerk read as follows:

For Secretary of Agriculture, $15,000; Assistant Secretary and other personal services in the District of Columbia, including $7,294 for extra labor and emergency employments, in accordance with the classification act of 1923, and for personal services in the field, $642,000; in all, $657,000, of which amount not to exceed $633,800 may be expended for personal services in the District of Columbia: *Provided*, That in expending appropriations or portions of appropriations, contained in this act, for the payment for personal services in the District of Columbia in accordance with the classification act of 1923, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such act, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year and then only to the next higher rate: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed, as of July 1, 1924, in accordance with the rules of section 6 of such act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade, in the same or different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the classification act of 1923, and is specifically authorized by other law: *Provided further*, That the Secretary of Agriculture is authorized to contract for stenographic reporting services, and the appropriations made in this act shall be available for such purposes.

Mr. DICKINSON of Iowa. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TREADWAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration H. R. 11577, the Agricultural Department appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles, when the Speaker signed the same:

H. R. 7201. An act to provide for the settlement of certain claims of American nationals against Germany and of German nationals against the United States, for the ultimate return of all property of German nationals held by the Alien Property Custodian, and for the equitable apportionment among all claimants of certain available funds;

H. R. 5818. An act authorizing J. H. Peacock, F. G. Bell, S. V. Taylor, E. C. Amann, and C. E. Ferris, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Prairie du Chien, Wis.;

H. R. 7948. An act to extend the times for commencing and completing the construction of a bridge across the Delaware River at or near Burlington, N. J.;

H. R. 9136. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes;

H. R. 10298. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near New Orleans, La.;

H. R. 10635. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes;

H. J. Res. 141. Joint resolution to authorize the President to invite the Government of Great Britain to participate in the celebration of the sesquicentennial of the discovery of the Hawaiian Islands, and to provide for the participation of the Government of the United States therein; and

H. J. Res. 223. Joint resolution making an additional appropriation for the eradication or control of the pink bollworm of cotton.

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. J. Res. 88. Joint resolution authorizing the erection on public grounds in the District of Columbia of a stone monument as a memorial to Samuel Gompers.

BILL PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval a bill of the House of the following title:

H. R. 8227. An act authorizing the Sunbury Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Susquehanna River at or near Bainbridge Street, in the city of Sunbury, Pa.

AGRICULTURE APPROPRIATION BILL

The committee resumed its session.

Mr. DICKINSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11577), making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11577, with Mr. TREADWAY in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of H. R. 11577, the Agricultural Department appropriation bill, which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. JONES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JONES: Page 3, line 11, after the word "purposes" insert: "*Provided further*, That no part of the funds appropriated by this act shall be used for the payment of any officer or employee of the Department of Agriculture who, as such officer or employee, or on behalf of the department or any division, commission, or bureau thereof, issues or causes to be issued, any prediction, oral or written, or forecast with respect to future prices of agricultural products or the trend of same."

Mr. DICKINSON of Iowa. Mr. Chairman, I make the point of order that that is not germane to this paragraph of the bill.

Mr. JONES. Mr. Chairman, I would like to be heard on that. This amendment is offered where the salaries of the department are provided for. That is the place where a limitation would naturally be placed. I provide that no part of the funds appropriated by this bill shall be paid for the salaries of these people if they give out these predictions. Some years ago, when an amendment was offered to the naval bill, in which provision was made for the discharge of minors, it was made to the salary provision and had to be made that way in order to make it in order as a limitation.

Mr. DICKINSON of Iowa. Will the gentleman yield?

Mr. JONES. Yes.

Mr. DICKINSON of Iowa. There is not a single, solitary item in this section of the bill that has to do with the Bureau of Economics. This is absolutely for the Secretary's office.

Mr. JONES. If the gentleman will read it, he will see that it is for the Secretary of Agriculture, Assistant Secretary, and other personal services in the District of Columbia, and there are also two or three provisions providing not only for the people here in Washington but for those in the field service.

Mr. DICKINSON of Iowa. But it has nothing to do with the bureau that issues these forecasts.

Mr. JONES. As a limitation on the salary provision it has a tendency to restrict expenditures and by terms applies to all the bill, and therefore, as I see it, it can only come at this point in the bill, without being subject to the point of order that it is legislation on an appropriation bill. The provision of the amendment is that no part of the funds herein appropriated shall be used for the payment of any official or employee of the department who gives out these price predictions.

Mr. DICKINSON of Iowa. And none of the employees paid under this provision gets out any price prediction, unless the gentleman wants to make it apply to the Secretary.

Mr. JONES. I say that no official who is provided for under the first paragraph of the bill shall receive his salary if he gives out these predictions. In other words, it is strictly a limitation on the expenditure for salaries. It could not go anywhere else. There was quite a contest when we had up the provision about the discharge of minors enlisted in the Navy, as to whether it was permissible to offer this kind of an amendment, and the Chair ruled that it was in order.

That was offered where the salary provision appeared, and it provided that no part of the funds appropriated by the whole bill should be used for the payment of any officer who enlisted a minor or a boy under 21 years of age without the written consent of his parents or guardian. It is strictly a limitation, if the rulings heretofore made are right, and strictly a restriction.

It does not make any difference about the substance, because it is not a question of the germaneness of the activity itself, but is a question of a limitation on the expenditure.

The CHAIRMAN. Will the gentleman permit an interruption by the Chair?

Mr. JONES. Certainly.

The CHAIRMAN. Will the gentleman quote the paragraph of the naval bill to which he refers where the provision with respect to minors was inserted?

Mr. JONES. I do not recall that; but I can quote almost literally the amendment, because I helped at the time to draft the amendment, and am therefore familiar with its provisions.

The CHAIRMAN. Can the gentleman offer the citation?

Mr. JONES. I can not offer the citation just now, because I thought general debate would last all day, and I did not expect this item to be reached this afternoon; but it was some two or three years ago when the appropriation bill for the Navy was up, and, as I remember, the gentleman from Texas [Mr. CONNALLY] offered an amendment worded practically in this way. It was offered to the salary provision with respect to officers and the amendment provided that no part of the funds appropriated by the act should be available for the pay of any officer who enlisted a boy under 21 years of age without the written consent of his parents or guardian. I also offered an amendment to the amendment, and both amendments were adopted.

There was quite a discussion in the committee as to whether or not it was germane, and as to whether or not it was a limitation. The Chair ruled that, being strictly a limitation, this was the proper place to offer the amendment, and also ruled that the amendment was not subject to the point of order.

This is practically the situation we have here. The Chair will note the suggestion that the only way this kind of an amendment can be put on an appropriation bill is to put it in the form of a limitation. This is the only way in which any such provisions can be put on an appropriation bill, because otherwise it would be legislation. This is a limitation on expenditures. Under the provision which sets out the compensation and provides for the compensation of the Secretary and all of the employees in Washington and in the field there is a general provision for the employment and pay of these officers. I am now putting the limitation in a form that would tend to reduce expenditures, and that is the theory on which a similar amendment was held in order; that is, if any officer does these things, it will reduce the expenditures because his salary could not be paid. This is the theory on which it may be presented, and it is the theory on which it is germane to this paragraph; and if it is not germane to the paragraph where the salaries are provided for, as a limitation, I pray the Chair where would it be germane and where would it be applicable?

Time after time this kind of an amendment has been offered. The question was clearly discussed when this question was up before with respect to the Navy bill, and a number of citations were given. The Chair, after thoroughly considering all of them, ruled that it was a limitation, and it was held in order. As I see it, the only theory on which this amendment could be offered anywhere in the bill is on the theory that it is a limitation on expenditures placed in an appropriation bill, and is therefore germane.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard?

Mr. DICKINSON of Iowa. Mr. Chairman, a careful reading of this amendment shows it is not a limitation but is purely a penalty clause upon the officers of the department for doing certain things. If it is to be a limitation applying to the entire department, it would come at the end of the bill. I do not see how it can affect anything here except the item of $91,000, and none of these employees is involved in this type of work.

The CHAIRMAN. The Chair would call the gentleman's attention to the fact that the gentleman from Texas does not offer the amendment after line 14, page 3, where the $91,000 appears, but at the end of line 11, after the word "purposes."

Mr. DICKINSON of Iowa. Yes; that is true.

The CHAIRMAN. So the Chair would consider it relates back to the other sum, near the top of page 2.

Mr. DICKINSON of Iowa. With reference to the entire salaries of the department.

The CHAIRMAN. The amendment as offered by the gentleman from Texas is to be inserted on page 3, line 11, after the

word "purposes," and the gentleman from Iowa has just referred to $91,000. These figures do not appear until the end of line 14, on page 3, and therefore it would seem to the Chair that the limitation, if it is a limitation, would apply to the figures further back, and therefore the argument of the gentleman that it applies only to the employees of the mechanical shops and power plant of the Department of Agriculture would not be well taken.

Mr. DICKINSON of Iowa. I suggest for the consideration of the Chair that this is only a penalty clause rather than a limitation.

Mr. JONES. That same point was made as to the other provision which I have called the Chair's attention to.

Mr. DICKINSON of Iowa. The proper place would be at the end of the bill.

Mr. JONES. A substitute for the whole bill can be offered after the first paragraph.

Mr. DICKINSON of Iowa. That is where the substitution is in the nature of an amendment?

Mr. JONES. Anything that affects the whole bill actually comes at the beginning or at the conclusion of the bill.

Mr. SANDLIN. Will the gentleman yield?

Mr. JONES. Yes.

Mr. SANDLIN. Does the gentleman's amendment apply to appropriations further on in the bill?

Mr. JONES. Yes.

Mr. SANDLIN. From what the Chair has just said it would imply that he thinks it only goes to the part preceding the amendment.

Mr. JONES. It would apply to appropriations further on.

Mr. SANDLIN. If it did not apply to appropriations carried further on in the bill it would not accomplish the purpose which the gentleman seeks.

Mr. JONES. It will apply to appropriations further on in the bill.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Texas offers an amendment at the end of line 11 making provision that none of the funds appropriated by this act shall be used for the payment of the salary of any employee of the Department of Agriculture who makes a forecast as to the future price of agricultural products or the trend of the same.

The gentleman from Iowa regards this as not germane to the paragraph and in the nature of a penalty rather than in the nature of a limitation. The gentleman from Texas made reference to language similar to this in the naval bill in March, 1924. On that occasion there appears to have been a series of amendments offered by the gentleman from Texas [Mr. CONNALLY], and a point of order was made against the amendments by the gentleman from Ohio [Mr. BEGG]. After argument the Chairman of the Committee of the Whole, the gentleman from Illinois [Mr. GRAHAM], after quoting a decision made the previous year by the gentleman from Ohio [Mr. LONGWORTH], held that it was a proper amendment, that it was a limitation, and overruled the point of order. In view of the decisions of these high authorities the Chair feels constrained to hold that the amendment offered by the gentleman from Texas is in order and overrules the point of order.

Mr. JONES. Mr. Chairman, I think the committee should accept this amendment. The provision in the bill for giving facts in reference to matters that might affect prices is not interfered with in any way. The amendment which I have drafted will only forbid the actual forecast of prices. Everyone from the cotton section remembers that last fall the department, when cotton was selling at a good figure, gave out a forecast of lower prices and cotton tumbled several dollars a bale. This caused great losses to the cotton grower. I am told that price predictions were given as to wheat two or three years ago, though I have no personal knowledge as to that. I think it is perfectly all right for the department to give all the facts. I think the committee wisely put an appropriation in the bill providing that the department may give out the facts, but when they try to determine what the price is going to be that is a mere conclusion from facts which anyone else is at liberty to draw, and in many instances other people are in a better position to forecast these prices.

Mr. BLACK of Texas. And an added vice to it is that whenever the department or the Government makes a forecast of that kind it inevitably has resulted in a lower price. It can have no other effect. I am heartily in favor of the amendment and I hope it will be adopted by the House.

Mr. JONES. I thank my colleague for that suggestion. He is entirely correct. He has made a thorough study of this problem, and I wish to thank him. I think the committee should agree to the amendment for the further reason that these predictions, when they have the effect they had last fall, get the people out of humor with the department and it tends to hamper their work in other lines. They resent the activity of the department and it tends to bring it into disrepute and into a bad light without accomplishing any good purpose. The department can furnish all the facts that are necessary on which conclusions can be drawn. This amendment will not interfere in any way with their legitimate activities. They can secure those facts and make them known to the public. If there is any good purpose that can possibly be served by the department predicting a change of prices, and especially lower prices, which they did last fall, I do not know what it is.

Last fall it was given out during the marketing season, or at least it was taken advantage of during that season. There was an upward trend at the time. That is when the farmer sells the most of his commodity. The price immediately tumbled several dollars a bale, causing a great loss.

The same thing might happen in wheat or other commodities. The department should, in my judgment, limit its findings to the facts themselves. We want any and all facts. When they go into the realm of speculation, then a desk man who has accumulated these things is more likely to make mistakes than a man whose business it is to handle the practical side. I hope the committee will adopt the amendment.

Mr. GARRETT of Tennessee. Mr. Chairman, of course, we all recognize the fact that this is rather a crude way to reach an end. That is not the fault of the gentleman from Texas [Mr. JONES]. He is dealing with the question in the only way that he can deal with it under the parliamentary situation. I am going to vote for the amendment. I am not given to trying to find things in the departments of the Government at which to level captious criticism, but in my deliberate opinion the action of the Department of Agriculture last September, in giving out that statement, expressing an opinion as to the nonjustification of the price that was then being paid for cotton, was the most unwarranted, the most brutal act unaccompanied by corruption that has occurred within my service in the Congress of the United States.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. LAGUARDIA. Was it the information that was sent out in the usual bulletin, or was it the construction that was put on that information by some manipulators in my city and sent down into the cotton section of the country? Was it not the latter that did the most damage?

Mr. GARRETT of Tennessee. The statement resulted in a fall in the market, and whether it was by the manipulation of gamblers——

Mr. LAGUARDIA. That is my understanding.

Mr. GARRETT of Tennessee. I do not know. Certainly I know that the statement could have been of benefit to nobody on earth except those who had theretofore sold cotton short. Here is what was the situation, and I hope that the committee will bear with me for a moment, because I do hope that this thing will never occur again. The early estimates based on facts, such as the Department of Agriculture had been gathering for many years, were given as to how many bales of cotton would be produced.

The market adjusted itself to that sort of condition, based on the information that was had from this Government source coupled with other information, and upon the basis of those reports spot cotton became bullish. The price of cotton began to go up and suddenly, without warning, there came from the Department of Agriculture a statement, not of fact, not one to the effect that there would be more cotton produced than the earlier estimate indicated, but a gratuitous statement of opinion that notwithstanding the accuracy of the estimate of production, the price that was then being paid was not justified. I do not know whether the Secretary of Agriculture had anything to do with it or not. He may never have seen that statement before it was issued. I do not undertake to say about that. He later assumed responsibility for it. He ought to have seen any such statement as that before it was issued, certainly.

Mr. COLE of Iowa. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. COLE of Iowa. Admitting that an error was made in that particular case—and, from the gentleman's statement, I am inclined to agree with him—would it be a good policy to adopt at the present time to take away from that department the power to issue informative information?

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GARRETT of Tennessee. Mr. Chairman, I ask unanimous consent to proceed for five minutes longer.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. This amendment, as I caught the reading of it, and I am sure that I am correct, does not take away from the department the authority to issue estimates of production based on the information which they gather. What it undertakes to take from the department is the authority to express a guess about the trend of prices. What is expected of the Department of Agriculture is to give the best information they can as to how much cotton is going to be produced or how much wheat is going to be produced, based on the crop conditions on the day that the reports come in. Here the Secretary of Agriculture, not giving the facts as to the production of bales of cotton, apparently not even basing his idea on the number of bales that he thought were going to be produced, volunteers to give out an official statement to the effect that the price being paid was too high. Let us follow that up for a moment. When they came to give out subsequent estimates of production, almost every estimate went down and down and down, and in the end there were actually fewer bales of cotton produced in 1927 than it was first thought in the early estimates would be produced. Nevertheless this peculiar thing occurred, one of the most remarkable things in the history of cotton marketing in all the years. Starting out with a crop estimate and prices based upon that crop estimate, and with the estimate thereafter, of actual production going down, down, down, notwithstanding the fact that in the end it was demonstrated that there was less cotton produced than the first estimate indicated would be produced, cotton continued to fall in price. That is an artificial condition. Bear in mind that the 1926 crop of cotton had been more nearly exhausted in the spinning, notwithstanding its tremendous size—nearly 19,000,000 bales—than any crop of cotton for many years. In other words, the spinners had taken more, and the 1926 crop was out of the way, and was nowhere where it could influence the market. The Secretary did not base anything on any hang-over cotton from 1926, but simply gave out the statement and lost to the South $80,000,000 to $100,000,000 by a paragraph not more than an inch long in the average newspaper, and then the surprising thing was that when called to task concerning it, the Secretary of Agriculture seemed surprised that anybody would pay any attention to anything that he said.

That was his explanation about it to the farmers. However, it had been done; it vitally affected the interests of the farmers, because you must remember that was in the very midst of the cotton marketing.

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. LAGUARDIA. Did this particular report which caused all the trouble differ to any extent in phraseology and estimate from other previous reports?

Mr. GARRETT of Tennessee. This report did not have any estimate of production at all. It simply had the statement, without referring to production, that the trend of prices was downward, and the idea of it was that the price then being paid to the farmer—because it was the farmer who was then getting the money—the price then being paid to the farmer was not justified by the conditions.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. DICKINSON of Iowa. Mr. Chairman, in every farm-relief bill that has been introduced into this House in the last five years most of the machinery of that whole bill revolved around the question of outlook and the forecast with reference to agriculture. It is my judgment that if you adopt this amendment you are not only going to prevent them from including the outlook and forecast but you are going to curtail the entire scope of the work of the Bureau of Economics in the Department of Agriculture.

I have already had before me the question of whether or not this matter of price and the limitation with reference to price was going to materially affect the work of this department. I have taken the last forecast issued in February, 1928, the very latest bulletin we have, and I have marked in red the amount of that work which would be cut out if you were to limit this department in the matter of price forecasts, and you are going absolutely to disorganize the whole outlook and forecasting work of the department and rendering hopeless much of the agricultural legislation that you are proposing here, because you would then have nothing in the Department of Agriculture which would give you information upon which a farm board could act.

And I want to say this, that when they are advised on the agricultural outlook, in the planting season, it is very necessary for the farmers that the matter of crop acreage and production would be reflected in the price when the crop matures.

Mr. GARRETT of Tennessee. There is no objection to that, but that is not what the department did. There is no objection to be made to the department's telling how much is produced and telling how many acres have been planted. That is desired.

Mr. DICKINSON of Iowa. But the very fact that you can not make any references to price simply means that they are going to give out here the announcement that you are going to have so many million bales and take your chances and let the speculators run their course. Now, if this information is going to be of any use to anybody, it ought to be of use to the producer, and it ought not to be a mere guess.

Mr. GARRETT of Tennessee. It should be information. The farmer does not want a guess.

Mr. DICKINSON of Iowa. If a price was given on cotton in the harvest season, that is something I do not approve of, but I do not approve of the price outlook they announced. I think they made a mistake. I do not think they should have gone into the matter of price determination, so far as that is concerned; but I do not want you to disorganize the bureau here and render it helpless by limiting this work simply because it has made one mistake.

Mr. JONES. I have so worded my amendment that it applies only to conclusions as to price. It has nothing to do with the factors that affect the price. They can give all the outlook as to production and the factors that might go to a man's conclusion as to the probable price. Some of the bills now pending would do that. But this amendment simply forbids their making predictions as to price.

Mr. DICKINSON of Iowa. The suggestion I make is simply this, that when you are giving out an outlook in the spring, very naturally the thing that determines the farmer in determining his acreage is the question of whether he will get reasonable return from his crop. On the whole the farmer naturally looks to a downward trend in these commodities, and this downward trend is indicated in these outlooks published in February, and that naturally has an effect on the farmer in determining his acreage.

Perhaps the Department of Economics made that one mistake. But I wonder whether, because the department made one mistake, you are going to disorganize this whole machinery of the bureau that has taken six years to build up; the machinery on which most of the agricultural activities discussed in this House are based, and the outlook and conditions which are going to guide the producers of this country in the future.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. DICKINSON of Iowa. I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. OLDFIELD. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. OLDFIELD. I recall, Mr. Chairman, the statement in regard to the trend of the price in cotton, and I know that the farmers believe that that beat down the price of cotton very materially.

Mr. DICKINSON of Iowa. Just before this was given out by the Department of Agriculture, was not the price of cotton going down?

Mr. GARRETT of Tennessee. No, indeed; it was rising.

Mr. CRISP. The tendency was up.

Mr. OLDFIELD. The question I would like to ask the gentleman is this: Did the Secretary of Agriculture also forecast a downward trend in others products, like wheat and corn?

Mr. DICKINSON of Iowa. I am not familiar with those various commodities.

Mr. OLDFIELD. I never heard of it if he did. I am sure that if the Secretary of Agriculture had made the same sort of prediction about corn, wheat, and livestock, and it had the same effect it had on cotton, there would not be any objection to this amendment.

Mr. DICKINSON of Iowa. Is it not true that all of this simply emphasizes the fact that the department made one mistake in issuing a bulletin?

Mr. OLDFIELD. I am afraid the Secretary of Agriculture will make the same mistake, and we do not want him to make that mistake again.

Mr. GARRETT of Tennessee. We want to guard him against any possibility of making another mistake of this kind.

Mr. DICKINSON of Iowa. I do not want the department hampered in this way.

Mr. OLDFIELD. This man might not always be Secretary of Agriculture, and his successor might make the same mistake. I do not think this Secretary would make the same mistake, and he ought not to make it.

Mr. DICKINSON of Iowa. Gentlemen, talk about making one mistake. Let me read this to you from the annual report of the Secretary of Agriculture:

OUTLOOK CROP FORECASTS ACCURATE

Considering the recent development of this work and the lack of complete information on many points that must be considered, the conclusions presented in the outlook statements have been remarkably accurate. In even the earliest reports nearly 90 per cent of the outlook statements on individual commodities turned out to be correct, and in the 1925 report and the 1926 report subsequent events proved that more than 95 per cent of the statements were correct.

Mr. OLDFIELD. That does not say anything about prices. It only refers to the number of bales of cotton and the number of bushels of wheat, and so on.

Mr. DICKINSON of Iowa. All of this has to do with the agricultural outlook and the forecast as to what we are going to do in the future.

Mr. CARSS. Does it mention the price or the number of bales of cotton or bushels of wheat that will probably be produced?

Mr. DICKINSON of Iowa. It gives everything. The thing which I think is worrying most people about this is the advisability of these forecasts being made when the time of the harvest period comes on. I do not know how we can limit the time when that can be given out.

Mr. CARSS. If it did not mention the price that would probably prevail, would not the report be as informing and useful? Would it not be just as effective as if it did include the price?

Mr. DICKINSON of Iowa. Let me ask the gentleman this: Suppose you say we are going to have so many million bushels of corn or wheat—shall we leave it for the farmer to interpret it? As a matter of fact, he does not usually interpret it; the speculator interprets it, and I believe that is what has happened here; the speculators took advantage of this, and would you rather have the speculator make this interpretation for the producer or would you have the department do it for him?

Mr. CARSS. I do not want either one to make the interpretation.

Mr. DICKINSON of Iowa. Somebody has got to do it.

Mr. CARSS. I want to say that the farmer is not half as foolish as some people think. The farmer, when there is liable to be a great production, naturally figures on it.

Mr. BYRNS. Will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. BYRNS. I think the gentleman has already indicated his answer to the question I have in mind. Do I understand the gentleman from Iowa to take the position that an employee in the Agricultural Department, whose judgment may or may not be good, and who may or may not have full information with reference to what may occur in the future, should be given the authority to issue an opinion relative to the future prices of products under the stamp of the Government?

Mr. DICKINSON of Iowa. It is my judgment he should be permitted to indicate a future price trend, in view of the information he can secure under this bill—and if he has not the proper facilities for getting the information I want to give them to him—I believe he ought to be able to indicate the price trend on a commodity, because that is the very thing that determines the outlook with reference to the production.

Mr. BYRNS. The amendment offered by the gentleman from Texas does not in any way interfere with the right of the department and the duty of the department to acquire all that information?

Mr. JONES. Not at all.

Mr. DICKINSON of Iowa. But what about the price trend?

Mr. BYRNS. And the gentleman's amendment does not interfere with the right of the department to furnish that information to the public, but I can not agree with the gentleman that an employee in the Agricultural Department, whose judgment, as I say, may or may not be good, and who may know nothing about the subject, should be permitted, under the authority and stamp of the Government, to issue a statement to the country saying that in his opinion the future price is going to be high or low.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. DICKINSON of Iowa. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. DICKINSON of Iowa. If we have competent men in the Bureau of Economics—active men—I think we should give them the fullest authority, and if we do not have such men we ought to get them. We believe they now have in that bureau the most competent men to be secured under existing circumstances. They have the best facilities and probably the most far-reaching facilities for acquiring this information. Now, if you take away from them the right to issue an indication as to the price trend you are curtailing the work we are organizing this whole department to do, and that is the question as to whether or not we should have an additional acreage of land planted in certain commodities.

Mr. BYRNS. The trouble with the gentleman's position is this: That he seeks to give these officials in the department—and I am not questioning their ability or their sincerity or honesty—the authority to issue an opinion as to what may happen in the future, and that opinion is backed by the whole Government of the United States.

Mr. DICKINSON of Iowa. Let me suggest to the gentleman from Tennessee that there are forecasts being issued by practically every business concern in this country. You get them from the National City Bank of New York on business affairs. They have to do with whether or not certain investments are going to be good or bad, and what is going to happen in business. Now, what you are to do here is to say to the Department of Agriculture, that is trying to be the friend of the farmer, that they can not go into this field and do the same thing for the farmer and the producers of these commodities, although business concerns do it for the man who is interested in the business lines of this country.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. DICKINSON of Iowa. I yield to the gentleman.

Mr. GARRETT of Tennessee. Let me say to the gentleman, first, we want no more such friends as those who, when cotton is selling at a good price, give out a statement of opinion which brings the price down. This is not friendly to the farmer, and let me say to the gentleman, that the gentleman is defending a policy which was never adopted before as to cotton. Whatever of policy there is about this, price-trend utterance in regard to cotton was new. It was never indulged in before last summer. The policy of the Congress has been to let the Department of Agriculture get facts as best it could, in regard to cotton production, and wheat production, and corn production, and potato production, and the production of various other farm products, and give out the information where all mankind might have it, but the Congress of the United States has never authorized the Department of Agriculture to give to the country its guess about price tendency or price trend, and I do not think it should ever do so.

Mr. DICKINSON of Iowa. Does the gentleman from Tennessee believe in forecasts at all?

Mr. GARRETT of Tennessee. As to facts of production. I do not want that fellow's opinion about what the price is going to be. Give me the facts of production. This is the way Congress, if I understand it correctly, has tried to limit the activities of the statistical or the economic bureau of the Department of Agriculture.

Mr. DICKINSON of Iowa. As a matter of fact the very purpose of this work is for the benefit of the producer. I concede that the prediction was not justifiable with reference to this one estimate on cotton and the price trend. I think they made a similar prediction with reference to wheat sometime ago.

Mr. GARRETT of Tennessee. The gentleman from Texas so stated. I do not personally know.

Mr. DICKINSON of Iowa. And I do not believe it is a bad thing for the farmers of the country to be told that if they raise so many hogs in the season of 1928 they are going to get a lower price for them in the fall of the year.

Mr. GARRETT of Tennessee. But that is not what they told the cotton farmers of the South.

Mr. DICKINSON of Iowa. I would like to say to the gentleman from Tennessee that I have already admitted they made a mistake, and I am willing to do my best to try to get them not to make a mistake of that kind again; but I believe that if you limit them on the question of outlook and forecast in price trend you are materially limiting the usefulness of this bureau, which is a most important bureau of the Department of Agriculture.

Mr. BUCHANAN. Mr. Chairman, let us not grow hysterical over a mistake of the past and by precipitant action injure the future.

There is a time, a place, a manner, and a method for doing all things that ought to be done. There is one way that this legislation ought to be framed, and an attempt to remedy an

evil, or a so-called evil, by an amendment or a limitation upon an appropriation bill that will run through the entire Bureau of Economics and cut into it here and there and cripple its activities is not the way this should be done.

My colleague, the gentleman from Texas [Mr. JONES], is on the legislative Committee on Agriculture. I understand there are several bills pending before that committee where they can conduct hearings and shape the legislation so they can accomplish what they want to accomplish and what I believe should be accomplished without injuring the other activities of this bureau.

Mr. JONES. Will the gentleman yield?

Mr. BUCHANAN. Yes; I yield.

Mr. JONES. But there are appropriations carried in this bill that might be under way before general legislation can be had, and this amendment affects this year's appropriation bill.

Mr. BUCHANAN. Oh, this appropriation is not effective until the next fiscal year and your legislative bill that would come out at this session would not be effective until the next fiscal year. They would go into force at identically the same minute.

Mr. JONES. Yes; but you have in this bill the same kind of provision you had last year and they gave out these price forecasts this last year and I do not want them to do it under the appropriations we are making now, and this limitation is for this bill.

Mr. BUCHANAN. Let us see whether the gentleman's statement is correct or not. The Bureau of the Budget sent to us certain estimates carried under certain language, and here is part of the language that the members of the Committee on Appropriations cut out from the language as approved by the Bureau of the Budget:

> And for collecting and disseminating information on the adjustment of production to probable demand for the different farm and animal products, including the influence of production and demand on prices of agricultural products.

Now, listen to this:

> Including the influence of production and demand on agricultural products.

These lines were cut out of the bill.

Mr. BYRNS and Mr. JONES rose.

Mr. BUCHANAN. I can not yield to two men at one time. I yield to the gentleman from Tennessee.

Mr. BYRNS. The gentleman says the committee cut out that language and did so by practically a unanimous vote. Does not the amendment of the gentleman from Texas emphasize the very same thing and do the very same thing that the committee indicated it wanted to do when it struck out that language?

Mr. BUCHANAN. Yes; the amendment of the gentleman from Texas emphasizes the same thing, and if it stopped there I would not say a word, but the amendment of the gentleman from Texas goes back further and reaches through the entire Bureau of Agricultural Economics.

Let me tell you what it does. It prohibits any prediction in long-range or short-range predictions on future prices and visits that prediction with a severe penalty. The Bureau of Agricultural Economics publishes every year not the immediate prices, but it tells you the supply on hand of hogs, cotton, wheat, and other agricultural products throughout the world. It tells you of the demand and consumption and whether a probable surplus is coming, and whether you ought to plant largely that product or raise a great many hogs or cattle and what the probable demand and supply will be, and what influence they will have on the price for the following year and enables the farmer to regulate his planting by the supply, the demands, and price. But the amendment of the gentleman from Texas would prohibit the publication of this information. Therefore I say that his committee should take that question up, work it out, and present to this House a carefully drawn bill, clearly defining the duties and limitations of the department relative to price trends and this without injuring other activities of the Department of Agriculture.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BUCHANAN. I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BUCHANAN. Now, let me read the report of this Appropriations Committee. After striking out the language I referred to it indicates clearly to the department that they must not predict as to short-range prices, the report says:

> Price prediction: The committee has striken out new language contained in the Budget under which the department proposed to continue its forecasts of prices and price trends for the various agricultural products. It is believed that the department may properly gather and disseminate statistics and other data pertaining to the supply of such products and the demand therefor, but that the Government should not sponsor conclusions to be drawn from such data.

Now, I submit that the action of this committee in striking out the language of the Budget and that the action of this committee as reflected in this report is binding upon the department without taking the risk of adopting a radical amendment, without investigation, without consideration, and without proper safeguards.

Do not misunderstand my position. I agree with my friends, the gentleman from Texas [Mr. JONES] and the gentleman from Tennessee [Mr. GARRETT], that it was an unfortunate mistake the department made last year in predicting that the price of cotton would go down. When that was published in the papers I was in my home town and I wired the department promptly that I felt the province of the department was to gather data and get facts and publish the data and facts and let the people draw their own conclusions. That was my position then and it is my position now. But let us not take hasty action on an ill-considered and hastily drawn amendment and irreparably injure the Bureau of Agricultural Economics in its commendable efforts to advance the agricultural interests of the Nation.

Mr. CRISP. Mr. Chairman, I rise to support the amendment of the gentleman from Texas, and I do it because I do not desire the Department of Agriculture to have the power to do again what they did last year in the midst of the harvesting of the cotton crop when they issued the statement that prices were to go down. As to the prediction of prices on wheat, corn, and other things, I am willing to vote for it or not, as gentlemen who represent those States where they raise them desire.

Here are the facts relative to the statement issued by the department last September. The department, on September 8, had just issued a statement and forecast on the production of cotton during 1927. That statement showed a lower expectant yield than the August statement issued by the department of about 800,000 bales. Cotton went up on the statement, and in my community cotton was selling for 23 cents a pound, and the New York future price was a little over 24 cents. I want to say to the gentlemen not from cotton States that the farmers who raise the cotton do not get the price you read in the paper that cotton is bringing in New York. They get about a cent and a quarter less than the New York price, which the buyers of cotton say is required for freight to get the cotton to New York, where the price is fixed. Cotton was selling in Americus, Ga., my home town, for about 23 cents a pound and had gone up on the September estimate of the Department of Agriculture. Under the law the Department of Agriculture could not issue another statement as to production until October. The Department of Agriculture, on September 15, without authority of law, issued a statement that the price on cotton was to go down. The price of cotton immediately dropped from seven to ten dollars a bale.

Now, what was the vice of that unauthorized statement?

If any big cotton house like Anderson, Clayton & Joy or Hubbard & Co. had issued a statement of that kind, that the trend of the price of cotton was downward, it would not have had much effect on the trade, for the public would have thought they were bears on the market and wanted the price to go down, but when the Department of Agriculture issued the statement the world consumers of cotton naturally assumed that the Department of Agriculture had some inside information—possibly that their estimate of production was wrong, that they knew what they were talking about, that the Government had inside information—and cotton broke and it has never reached 22 cents in Georgia since. To-day it is selling in my State for 17 or 18 cents, and that unwarranted, unjustifiable act of the department cost the farmers of the Southern States over $200,000,000.

Mr. GARRETT of Tennessee. Then the cotton crop ultimately was shorter than the department predicted?

Mr. CRISP. Yes. The production of cotton in 1927 was about 4,000,000 bales less than the production in 1926, and the world's consumption of cotton in 1927 was the largest the industry has ever known.

If the law of supply and demand was justly operating, cotton to-day ought to be selling for at least 25 cents a pound. Our people who had toiled to make this cotton felt outraged at the action of the department. From my home town I wired the Secretary of Agriculture and the President, asking them to correct the evil, calling attention to the vice, and pointed out the effect on the trade, stating that that statement coming from the Department of Agriculture had broken the price of cotton. Secretary Jardine sought to mitigate the damage. He gave out a statement referring to the department's

statement of August, in which the prediction was made cotton would go lower. That the department's information showed the growing crop was in a less favorable condition than when the September statement was published. Friends, the August statement had no publicity. The September statement was given wide publicity. You can shatter the vase, if you will, but the scent of the roses will linger still. This action of the department broke the price of cotton, and it has never reached the price it was bringing on September 15 and where under the law of supply and demand the production of cotton entitled it to go, and I for one am not willing to take the chance of permitting the Department of Agriculture to have the authority to make a similar statement at any time in the future, and I propose to support the amendment.

My friend from Texas [Mr. BUCHANAN] says that this is not the method or the place to correct this evil, but that the Committee on Agriculture is the proper committee to report such legislation. Bills are pending before that committee. The Lord knows whether or not they are going to report them out, and, if so, when; and if they report them out, it is a question as to whether or not they will be considered by the House or by the Senate. Now is the accepted time, because you know that this appropriation bill is going to pass, for it is one of the necessary supply bills. Therefore those friends who desire to stop this sort of thing should exercise common sense and judgment and vote for this amendment.

Mr. JONES. Mr. Chairman, I first drafted this amendment as applicable only to cotton, and at the suggestion of some Members on the committee I included all other agricultural products. If gentlemen prefer, I am willing to limit it to future cotton prices or the trend of the same, and then I do not think anybody can object to the amendment.

Mr. DICKINSON of Iowa. I will say to the gentleman from Texas that I think it is an unfortunate amendment, even if we limit it to cotton, but if you limit it to cotton it will decrease its undesirability.

Mr. STRONG of Kansas. But why limit it to cotton?

Mr. JONES. I am interested in getting this thing through, and I ask unanimous consent to modify the amendment.

Mr. BLANTON. You can get it through without emasculating it.

Mr. KETCHAM. It is not emasculating it if he gets what he wants.

Mr. JONES. Mr. Chairman, some of these gentlemen want to vote on the amendment as it is. I shall let the committee vote on it, and if it is defeated, then offer it the other way; that is, I shall then offer it as to cotton alone.

Mr. DICKINSON of Iowa. Mr. Chairman, I move to amend the amendment by striking out the words "of agricultural products" and inserting in lieu thereof the word "cotton."

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment to the amendment offered by Mr. DICKINSON of Iowa: Strike out the words "agricultural products" and insert in lieu thereof the word "cotton."

Mr. BYRNS. Mr. Chairman, if that amendment to the amendment is adopted, is it not an express invitation to the Department of Agriculture to make forecasts as to prices of every other agricultural product?

Mr. DICKINSON of Iowa. No.

Mr. BYRNS. In other words, when we have this amendment now pending and the House by a vote limits it to cotton, it is an express invitation to the Department of Agriculture to make its forecast as to prices on all other agricultural products. They can not construe it in any other way.

Mr. DICKINSON of Iowa. Let me say to the gentleman that we think we have sufficient safeguards in the bill elsewhere and that we are perfectly willing to risk the department. If the cotton boys want their limitation on cotton, then they have the opportunity to get it.

Mr. BLANTON. But we are corn boys as well as cotton boys.

Mr. BYRNS. If it is inherently wrong as to cotton, then it is equally wrong as to wheat and corn and every other product. I can not see why any exception should be made.

Mr. DICKINSON of Iowa. I do not think it is wrong with reference to either.

Mr. KETCHAM. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. KETCHAM. Mr. Chairman, it seems to me that the amendment proposed by the gentleman from Iowa [Mr. DICKINSON] is altogether in the interests of fair play. So far as I know, in the hearings held before the Committee on Agriculture on these various bills, they were only directed toward one crop of cotton, and the sentiment here seems to be unanimous on the part of those who represent the cotton districts that these price trends shall be eliminated. It strikes me that this is a happy solution to a rather difficult situation. The only word of admonition that I would give is this: That it is a very dangerous proposition in a half hour at the close of a day's session to take an action that may possibly upset the very carefully arranged program of the Department of Agriculture, which has been built up with reference to rendering the very best service that department can render, and certainly the years of effort in the department on the part of conscientious men ought not just simply to be cast aside with a mere gesture, saying that because it happens to have affected us adversely in this particular the whole scheme relating to price trends ought to go into the discard. On the other hand, if you men who have gone into this thoroughly and have had the experience you say you have, ask that it shall be done, I can see no reason why you should not have your remedy. I believe you will ask that the price trends will be restored. At your request, however.

Mr. BLANTON. We have had months to think it over.

Mr. BROWNING. And the gentleman does not take into consideration what the Department of Agriculture in less than 30 minutes did to us.

Mr. ADKINS. Mr. Chairman, Mr. Tenny, of the Department of Agriculture, before the Committee on Agriculture, stated on August 15, 1927, the department issued a statement that the trend of cotton prices would be lower at that time; their chart shows cotton was a little more than 19 cents; it advanced to 24 cents, then had dropped to 21 cents when the September 15 statement was issued, and still continued to decline. You will find this testimony on page 24 and page 30, Serial F, Hearings of the Committee on Agriculture.

But be that as it may, the situation with me is this: Our grain trade, the men in the grain trade, after they get the grain in their hands, or the cotton, for that matter, have just as good facilities for getting knowledge of the situation as to prices in the future of their commodity as the Government has, and they use that information in feeding their grain or their cotton back on the market. Now, the only information that the farmer can have, with the crop in his hands, which he does not have to sell immediately, is the information he can get from the Government, or he must buy this information of private enterprise. If the farmer has 2,000 bushels of wheat to sell, he goes to his grain man and consults with his neighbors and reads the papers and gets all the information he can get of the probable future trend of prices. He naturally likes to sell at the most advantageous time, and if the privilege is taken away from the Department of Agriculture of furnishing the farmer with information, he would be at a very great disadvantage in the first sale, because he can not get the information that the trade has.

They have just as good facilities as the Government has, but the farmer has not got those facilities, and he must rely upon the newspapers and the reports that he gets. So far as I am concerned, representing a purely corn and oats and wheat community, I know my constituents are glad to get that information.

Mr. STRONG of Kansas. Suppose, while the planter is debating the question whether or not he will sell his crop or not, the announcement comes from the Department of Agriculture that the price trend is downward?

Mr. ADKINS. If that is true, and it is only true eighty-nine times out of a hundred, as is the case with our weather predictions; their statistics only in eighty-six times out of a hundred have been true—if that is true, the trade has got that information before the farmer gets it. Why should not the farmer be placed on the same footing and sell before the long trend downward begins?

Mr. STRONG of Kansas. He does not have that information, because, when the announcement comes out the next morning, the price has gone down before the farmer can unload.

Mr. ADKINS. If the speculator got that information, would not the market go down just the same, and the speculator would have the same chance that the farmer has to unload? I contend the farmer should have the same opportunity that the speculator has.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The question is on agreeing to the amendment offered by the gentleman from Iowa to the amendment offered by the gentleman from Texas.

The question was taken, and the amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Texas, as amended.

Mr. HOWARD of Nebraska. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the amendment will again be read.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment as amended.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. JONES. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 62, noes 48.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read on page 3 down to line 15.

Mr. DICKINSON of Iowa. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TREADWAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 11577) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes had come to no conclusion thereon.

FARMERS' FINANCE CORPORATION

Mr. LANKFORD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of proposed farm relief legislation and to insert a statement by myself on this subject before the Committee on Agriculture of the House, and in connection therewith certain colloquies between members of the committee and myself.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks on the subject of farm relief legislation by inserting a statement made by himself on that subject before the Committee on Agriculture and certain colloquies in connection therewith. Is there objection?

There was no objection.

Mr. LANKFORD. Mr. Speaker, under leave to have printed in the RECORD a statement made by me before the Committee on Agriculture of the House on February 25 last I submit the following:

Mr. LANKFORD. Mr. Chairman and gentlemen of the committee, I have attended all these hearings before this committee, which have lasted for six weeks or longer, and wish to state that I have enjoyed them very much. I have received much very valuable information from the various witnesses who have appeared here, and from the suggestions and questions of members of the committee. I have ascertained the slant of various people on this great problem of farm legislation. There is one thing, though, that I knew before I came to these hearings, and my information has not been strengthened in that respect; that is, that the American farmer really needs some helpful legislation. There is a real farm problem to be solved by this Congress, some future Congress, or left unsolved.

I sympathize with the farmer. I was born on a farm, and can truthfully say I was born "way down South in Dixie," "way down upon the Suwanee River," in a country log house, in a Georgia cotton field, at "home, sweet home."

Mr. CLARK. On Sunday?

Mr. LANKFORD. I am not sure whether I was born on Sunday or not. But I was born on the 7th day of the month, 1877, and seven has been a lucky number with me from that day to this. I will say furthermore that a man who was born out in the country on the farm and worked six days does not worry about resting on the seventh day. He is perfectly willing that there be enacted a law providing for one day of rest in seven.

I wish to say this, that I have introduced a bill for Sunday observance, but I am not here to push that bill at present. I have asked that no hearings be held now on that bill simply because I want to give all of my time to an effort to work out something worth while for the American farmer. I have that at heart, because I was born and raised on the farm. I helped plant cotton when I was a boy; I crawled on my hands and knees and thinned that cotton until I felt like my back would break; I plowed it day after day until I could hardly get one foot ahead of the other; then I picked it until my back was almost blistered in the sun where my waist and trousers did not happen to come together; and then I saw my father, with that cotton ginned, go to market, and heard him ask the merchant, "How much will you give me for it"—saw him sell it, and then walk in the store and say, "How much will I have to give you, Mr. Merchant, for the coffee pot, for the potash, for the Arm & Hammer brand of soda," and for the various articles that my father bought and carried back home. I did not believe it was fair for a man who was buying that cotton we had grown to name the price and also to name the price at which my father bought the stuff we needed at the home.

Mr. KINCHELOE. What is your theory on the McNary-Haugen bill?

Mr. LANKFORD. I voted for the Haugen bill before, and I will talk about that a little later.

The real question before this Congress is to work out some plan to help the farmer get a better price for his products. Let me say just here that I voted for the McNary-Haugen bill every time; I voted for the NcNary-Haugen bill, Mr. KINCHELOE, when I was the only member of the delegation from Georgia to vote for it. I voted for it later when some other Members from Georgia joined me.

Mr. ASWELL. Are you for it now with the equalization fee in it?

Mr. LANKFORD. I would probably vote for it with the equalization fee in there, although I am not an enthusiastic supporter of the equalization-fee idea.

I wish to say I think it would be better for this committee to report the McNary-Haugen bill out without the equalization fee if it is reported at all. I would much prefer for the committee to do that. I have never been a strong advocate for the equalization fee. It was suggested a little while ago that the equalization fee is not a tax. That is true. It may not be a tax in the accepted term. But, regardless of whether a tax or not, the farmer, when he pays it, will think it is a tax. He will feel it is a tax, and not only will he feel it is a tax, but he will resent it being left in the bill.

Mr. ASWELL. Do you think you ought to vote your conviction whether you get a law or not?

Mr. LANKFORD. I am in favor of so amending the bill as to secure the passage of a good law at this time, if possible. I would not be in favor, let me say, of so amending this bill as to make it objectionable simply because we want to secure a law. There is danger always in legislation, as I see it, that goes just far enough to amount to an excuse of a bill, and yet not do what it ought to do for the farmer; and then the American farmer would feel like we had passed something for him, later on become dissatisfied with it and disheartened and not be willing even to have a stronger and better bill passed; and those who oppose real farm relief would later on say, "You have done this. You have passed a bill for the farmer. It is a failure. Why take up more time with farm relief?"

I do favor the passage of a bill which will be real farm relief. I would not favor a bill which I thought would not help the farmer, but which might wreck his hopes for a measure in the future.

Mr. KINCHELOE. Mr. LANKFORD, is the McNary-Haugen bill as it is drawn and pending before the committee, with the equalization fee eliminated, your choice of the bills so far pending before the committee?

Mr. LANKFORD. No; I would prefer the bill I introduced, Mr. KINCHELOE. But of the bills other than mine to which the committee has given consideration and upon which you had hearings before you came to my bill, I would prefer the McNary-Haugen bill with the equalization fee eliminated—I would prefer that to the Crisp-Curtis bill.

Mr. KINCHELOE. Or the debenture plan?

Mr. LANKFORD. I think the debenture plan could be passed along with the McNary-Haugen bill; as they are not inconsistent. You might pass the debenture plan and raise money for the farmer in that way through the sale of debentures, and still pass the McNary-Haugen bill. They are not inconsistent at all, as I see it; they could be worked in harmony; they could be worked both at the same time. I do not see that the passing of the debenture plan would prevent the passage of the McNary-Haugen bill. I think you could pass the McNary-Haugen bill with the equalization fee or without it, and also pass the debenture plan, if you wished.

I like the debenture plan. I think the debenture plan would help the American farmer. I believe it would cause him to get more for his products. I do believe that the debenture plan falls down on one proposition. I do not believe the debenture plan solves sufficiently the question of overproduction, and I think that is the greatest problem of all. The one problem which must be solved eventually is the control of production and marketing in behalf of the farmer.

Mr. KINCHELOE. Do you think the McNary-Haugen bill would do it with the equalization fee eliminated? That is the question which has been bothering my mind a long time.

Mr. LANKFORD. Of course, it would enable the board to take cotton off the market, as has been explained here. I have never been very strong for the McNary-Haugen bill. I voted for it, however, as the best bill in sight.

Mr. KINCHELOE. I mean overproduction. You take the Curtis-Crisp bill and these other bills—and I am not saying that in a criticizing way. I know it is as fundamentally sound as anything in the world that whenever you increase the price of agricultural products in this country—that is, if the seasons are favorable—you are going to increase production.

Mr. LANKFORD. You are going to increase production.

Mr. KINCHELOE. Absolutely.

Mr. LANKFORD. And you wreck the very machinery by which you propose helping the American farmer. So the greatest problem is the control of overproduction or the problem of marketing what has been produced. It would be all right for the American farmer to produce an abundance if he was able to keep it off the market. If he is able to look the world in the face and say, "It does not make any difference

what I produce, I am not offering it for sale at all, and you can not get it."

Mr. PURNELL. What, in substance, is your plan?

Mr. LANKFORD. I intend to get to that.

Mr. PURNELL. I want you to present a skeleton, at least, of your plan you have in mind.

Mr. LANKFORD. I would be very glad to do that, as fully as possible before time of adjournment this morning.

Mr. PURNELL. I think you had better go right to it.

Mr. LANKFORD. The bill I introduced is H. R. 77, patterned along the line of the war finance corporation act. I used the war finance corporation act as a basis for my bill. I used the first six or seven sections of that act, simply changing the name of the agency to the farmers finance corporation.

Mr. PURNELL. How much of an appropriation would be involved in your bill?

Mr. LANKFORD. I think I mentioned $500,000,000. That would be a matter for the committee to figure out, provided my plan is worthy of acceptance. That is a mere matter of detail. I provide in section 8—if I may have the attention of the gentleman from New Jersey, Mr. FORT, and others——

Mr. FORT. I was just asking what had been going on before I arrived, Mr. LANKFORD.

Mr. LANKFORD. Section 8 provides—

"that the corporation shall be empowered and authorized to make advances on farm products as collateral security to any bank, banker, trust company, or farm organization in the United States which has rendered financial assistance to any farmer, group of farmers, or farm organizations."

And this plan is a little different from the plan of ordinary bills, and I want to get it thoroughly before this committee.

Let me go over that again. The bill provides for the advance of money to certain banks, provided those banks have made advances to individual farmers of money.

"Provided"—

now, here is the milk of the coconut and the gist and heart of the bill, if it has any—

"these advances are made through the banks only to the individual farmer: *And provided*, The farmers receiving such financial assistance shall have entered into contract with the corporation, as set out in section 11 of this act, and shall have kept and abided by all contracts so made."

Now, this contract which is set out in the bill is a rough, crude contract drawn by me—which could be amended by the committee—provides that these farmers shall control their production as dictated and as determined by the cotton advisory council or the wheat advisory council, or other commodity advisory council.

It provides further that not only shall these farmers control the acreage which they plant each year, but they agree and obligate themselves not to sell any cotton whatever after they begin obtaining these loans, unless the cotton advisory council determines that a sale shall be made.

Mr. PURNELL. In other words, they borrow money on their crop and hold it on their own farms?

Mr. LANKFORD. On their own farms, or in warehouses, or in whatever way is necessary, so as to make the cotton to be produced actually for the debt. The plan is simply this, stated in other words, that we will create the farmers' finance corporation, which will loan money through the banks to the individual farmers, to enable them to hold their cotton, provided the planters of 75 per cent of the acreage of cotton in the United States shall have signed the contracts agreeing to the control of their acreage planting and agreeing to a control of the marketing.

Mr. PURNELL. What percentage of the value of the crop held by each individual farmer would you permit him to draw a loan upon?

Mr. LANKFORD. The bill provides for loans to the full value of the commodities. I say in the bill that he shall be authorized to borrow the average price at which that cotton has sold for the last 10 years.

Mr. ASWELL. Do you think you could get 75 per cent of the planters to sign that?

Mr. LANKFORD. I do not know; I believe we could. I believe you would be offering the farmers so much under this bill that they would sign up. I have great faith in the American farmer signing up contracts if you once offer him something to sign for.

Mr. PURNELL. In other words, you give him a loan on the basis of the full market value at the time the loan is made?

Mr. LANKFORD. No; I would go further. The bill provides for the full market average value for which the commodity sold for the preceding 10 years, which might be higher than the value at time of the loan.

I realize this, Mr. PURNELL, that if you loan the farmer the average price at which cotton has sold for the last 10 years, or the average price at which wheat has sold for the last 10 years, and cotton is selling at 4 or 5 cents below that, or wheat is selling at several cents below that price, it would be a foolish thing for the Government's agency to make that kind of a loan without additional safeguards.

Mr. PURNELL. Suppose the market price is below that average and a loss is sustained. Who is to pay that?

Mr. LANKFORD. That is a proper question and I am glad to answer it.

If 75 per cent of the producers of a commodity sign contracts that they will control their production, and, furthermore, that not only will they control their production but that they will not offer for sale a single bushel of wheat or a single pound of cotton when the operation begins, but that they will hold it; if they need money, they will borrow it from the bank and only sell for a fair price; there will be no loss. The price can not drop below that average price at which they can borrow money. Why? Because the farmer will not sell below a price at which he can borrow money under the provisions of this bill. I provide in the bill that the commodity itself shall be the sole and only collateral for the debt, and that no judgment can be taken against the individual farmer for any loss.

Mr. ADKINS. Will you yield for a question?

Mr. LANKFORD. Yes; I will be glad to, Mr. ADKINS.

Mr. ADKINS. In my own country, where they have only 5 per cent of the storage facilities for wheat and oats, do you think you can get them to go into a contract of that kind?

Mr. LANKFORD. I am not so sure about that in the wheat section. Of course, if they could get them to go into it, I believe it would work. You know more about the wheat proposition than I do.

I provide in the bill that there shall be such storage as shall be necessary, and I provide further in the bill that if possible and practical and feasible that the farmer be allowed to keep his commodity and store it himself, by properly insuring it, and making him responsible for it.

Mr. ADKINS. The point I had in mind is that practically all of them have practically no storage facilities for that, whether they would go into a contract of that kind or not, and then have to build storage bins.

Mr. LANKFORD. I believe it can be worked out. It can be worked out for them to hold it separately or that wheat to be stored in bins and shipped to places where it could be held, but for the farmer still to retain his title in so many bushels of wheat of a certain grade, stored for his use. He could hold the receipt instead of holding the actual wheat.

Mr. SWANK. Do you make any provision for the acquisition of warehouses?

Mr. LANKFORD. I left that as a matter of detail to be worked out later. If the committee should decide that my bill embodies a good idea, that is properly a matter that can be worked out later.

I provide, if possible, that you would let the individual farmer hold his own commodity. He might conceivably ship it off, but it would be a crime, and I believe the average farmer can be trusted to hold it; and the loans being made through the banks, and the banks, knowing that that commodity is put up as collateral, would keep in touch with the collateral.

Mr. JONES. Just a question there: If you put that plan into operation and had your 75 per cent to sign, what would there be to prevent the other 25 per cent from increasing their acreage or making their sales any time they wanted to and taking advantage and possibly getting a higher price than those who had signed?

Mr. LANKFORD. The bill would prevent that.

Mr. JONES. What would there be to prevent new acreage by people who had not theretofore been in business?

Mr. LANKFORD. The question of new acreage would be solved under provisions in the bill. I provide this, however, that these loans shall only be made when planters of 75 per cent of the acreage for the ensuing year have signed the contract, to control the production and marketing. The bill provides that 10 per cent more must sign within 12 months from the time operations begin, and therefore 85 per cent must come in within 12 months after operation. Then I provide, further, that 10 per cent more must come in within the next year; and then that 7 per cent more shall come in within the next year, running it up to 97 per cent of the planters.

If the bill does work, if the plan is a good one, and if the American farmer finds he can borrow at the average price of his commodity and that there has been an organization perfected which enables him to control his production, which enables him to control the price, and name his price within reason, they will sign up 10 per cent more each year until they have 97 per cent in. The other fellows will be forced in just like labor unions force them in when they cry "scab," "not friends," "not in sympathy with the laboring man," "not dealing fair," etc. In other words, I believe they will sign up these contracts. If they do sign up these contracts, then it would solve the overproduction problem and marketing problem, and would enable the farmer to do exactly what I said that my father could not do in the way of naming the price of his cotton. It would enable the farmers by this organization to get together and simply say, "We will not sell cotton or wheat except at a certain price. We produced this year an alleged overproduction, but that overproduction does not hurt you; it is not for sale." Or "We have for sale as much wheat as you need at a reasonably fair price. We have only as much cotton for sale as you are willing to pay us a fair price for."

The farmer for once in the history of the world by this organization could look the rest of the world in the face and say, "Cotton is so much a pound; how much do you want?" Or "Wheat is so much a bushel; how much do you want?" He could not do that to an unreasonable extent; he could not name a price of $5 a bushel for wheat; he could not name a price of a dollar a pound for cotton. But he could name a price for his commodity within reason, just like the producers of steel and the producers of shoes and the producers of hats and clothing name the price of the articles which they produce, within reason.

Mr. JONES. Unfortunately, he could do that, if he could get anything like approximately a hundred per cent, law or no law. If you got 97 per cent in you would not need any law.

Mr. LANKFORD. This is true, that if it worked at all the Government could not lose any money on it and then, again, in a little while the farmer would be absolutely independent; he would be absolutely master of his own fate and his own destiny.

The bill has another idea, Mr. JONES, and I will come to you, Mr. MENGES, later; I see your hand up for a question.

There is another feature of the bill which I think is really worth while, and that is this: It has a complete referendum in it. If you pass the McNary-Haugen bill the farmer may say he does not want it. If you pass my bill it enables 75 per cent of the producers of commodities to sign contracts and organize. Suppose they do not do it? No harm has been done. Suppose they sign up 75 per cent, and then decide they do not want it next year; it goes out of force and out of effect: they determine whether the bill shall go into operation; they determine whether 75 per cent under the bill shall begin operations as to any particular commodity. They might decide they want to operate as to cotton and let the McNary-Haugen bill apply as to wheat and other commodities. If they liked it, they would get the additional signers; if they did not like it, they would not get new signers and they would repeal the bill. That is a most perfect referendum, not to the voters of the country, but to the producers themselves; not to a majority, but to three-fourths of them. If the bill is not good, it would not go into effect; if it is good and they keep it in effect, it provides for the control of production and marketing, not by force, not by low prices, not by an equalization fee, not by anything else, but by a contract entered into mutually for the farmers themselves. All right, Mr. MENGES, I will be glad to yield to you.

Mr. MENGES. Your bill would not go into operation, then, until 75 per cent of the farmers had signed your contract?

Mr. LANKFORD. It would not. Let me say here, gentlemen of the committee, I have done this: Not only have I introduced this bill with this contract idea in it, but I have modified and reintroduced some of the other bills. I took the McNary-Haugen bill and I made it "Title I"; I took my bill and made it "Title II"; reintroduced the two fastened together as one bill. This committee can pass the two—the McNary-Haugen bill as Title I and my bill as Title II. Let them go into effect as far as being the law of the land is concerned. But suppose the cotton growers in Georgia and in Texas, in the district of Mr. JONES and in the district I represent——

Mr. JONES. Why did you not introduce the debenture bill as "Title III"?

Mr. LANKFORD. I am getting to that a little later. I will take care of your bill also just as much as I did the others. Suppose the two pass; suppose that the cotton growers in Georgia say, "We will sign up; we will take the provisions of bill 77," and they sign up and begin to operate under that. They would not need the terms of the McNary-Haugen bill.

Suppose the people out West and the farmers there decide they want to have the McNary-Haugen bill and they do not care to operate under my plan. Then you could let them operate under the McNary-Haugen bill. They are not at all inconsistent.

Now, Mr. JONES, I will say that I did not introduce the debenture plan along with the other bills, but I thought of doing that. I have not done it. I will tell you what you can do, I believe, and I will submit it to the committee after consideration to say whether or not I am right: The McNary-Haugen bill could be put in the bill as Title I, or put yours in as Title I, if you had rather have yours first; the debenture plan as Title II, and put my plan as Title III. Wherein are the three inconsistent? The farmers would be getting their help under the debenture plan. They might not need the provisions of the McNary-Haugen bill. It might not be necessary to declare the operating period if the debenture plan was in effect. It would not be inconsistent with the McNary-Haugen bill. You could use my plan and work it with either one. So, as I say, the three plans are not at all inconsistent. If one part does not work, you have got the other part to fall back on, and vice versa. I think that may be a pretty good idea.

Mr. ADKINS. Your contract idea is all very good, Mr. LANKFORD, but haven't we got a law to do all that. The Supreme Court has recently ruled favorably on the validity of these contracts; and yet the farmers wherever they have tried that have fallen down under it until they do not proceed to operate. Do you think they would operate any better by providing that authority for them?

Mr. LANKFORD. This would be true in reference to the contract: The bill provides that 75 per cent of the farmers must have signed these contracts and be living up to them. Suppose one man did not sign up the contract. You get another man in his stead.

Mr. ADKINS. I understand that. We already have authority of law to do that. The contracts have been tried out by the courts and found to be constitutional. Do you think that passing another bill is going to be a greater inducement for the farmer to do that?

Mr. LANKFORD. Mr. ADKINS, that is a very proper question, and I am glad you asked it. This is true: The farmers say, perhaps, if they sign up contracts they have no knowledge the other fellow will sign. A man signs a contract and he will say, "I am no better off than I was before. I am reducing acreage and the other man is not reducing acreage. I do not know whether my commodity is going to be any higher in price because of the fact I signed the contract." He has no reason to sign a contract.

Under my plan he signs the contract. He says: "Now, this contract is not binding on me because it is so provided in the bond that unless 75 per cent of the producers for the particular year sign, this contract is not binding on me, and if enough sign it, my price will be stabilized at the average price." And he says: "Furthermore this contract is not binding on me unless enough people sign it to enable the farmers to be masters of their own fortune and control the market, naming their prices within reason and thereby naming their profits within reason."

Mr. ADKINS. You did not quite get my question.

Mr. LANKFORD. All right.

Mr. ADKINS. The point is, they do not operate under your system now, when they have a right to do it. Do you think there is anything in your bill that would make it an inducement for them to operate?

Mr. LANKFORD. Absolutely.

Mr. ADKINS. They have a right to go into all that stuff—and sign contracts to limit production and marketing now.

Mr. LANKFORD. They have a right to that now.

Mr. ADKINS. And they do not operate under it?

Mr. LANKFORD. That is right.

Mr. ADKINS. They have tried it and fallen down. The point I have in mind is whether simply passing this bill of yours would induce them to do it.

Mr. LANKFORD. Simply because with my bill there would be machinery set up to establish borrowing powers at the average price at which a commodity had been sold for the last 10 years. Therefore their price would be stabilized at a very satisfactory amount to them, and there would be all kinds of reasons for them to sign the contract.

Mr. ADKINS. Do you think the additional borrowing power would be an inducement?

Mr. LANKFORD. Absolutely. The great trouble with the farmer to-day is that he can not control his sales. He can not control the time when he is going to sell his commodity. Why? Because his taxes are due, his interest is due, or because his bank note is due. He must sell his cotton. But cotton is down in price. He can not wait for it to go up. But if my bill goes into effect he can borrow the average price at which the cotton has been selling for the past 10 years and put his cotton up as the sole security. My bill would stabilize the price at the figure at which he could borrow. He would sign the contract because he would know that unless enough signed it to make it effective the contract could not go into effect, and he would know that whenever enough signed it to carry it into effect then the price would be stabilized.

So I think that the plan is really worth while, and I submit it to the committee for their careful consideration.

Let me say this—I presume the committee is anxious to adjourn, and I will hasten to a conclusion.

Let me say just this much on the McNary-Haugen bill before I resume my seat: I feel that a man has a right to criticize his own self, and I think a man who votes for the bill should be permitted to criticize that bill, especially when he may vote for it again. I started to say a little while ago—and some one interjected a question and changed my line of thought—that the equalization fee was dangerous for political reasons; and then I said we should not be controlled by that to a great extent, and yet we are all more or less selfish, some more so than others. But let us get away from the political side of it.

Here is another danger in the equalization fee: If the McNary-Haugen bill passes it will either make the cooperatives of the country or break them. They will have had their opportunity. People will say: "The cooperatives got the law they wanted and it failed to work." It will either mean their destruction or their salvation.

All right. Now, will the equalization fee be popular with the American farmer? Will the American farmer want to pay it? Will it force the American farmers to go into the cooperatives, or will he feel like he is being mistreated? Will he feel like he is having to carry a burden he does not want to carry; will he feel like unjust pressure has been put on him; will he feel that it is not a square deal and that you are trying to force him to do something he does not want to do and therefore say, "I will not join"? He will pay the fee under protest, I

fear, and even though the bill works well, will it not be more or less unpopular and hard on the cooperative associations?

Then there is another objection I have to the McNary-Haugen bill which I hope this committee will remedy, if possible, before they vote the bill out, either with the equalization fee or without it. I am concerned about the individual American farmer. I am concerned about the farmer who carries his cotton to market, as my father did, and sells one bale or two bales.

Now, the McNary-Haugen bill would provide for taking a certain amount of the commodity off the market. The organization would buy that commodity from the poor fellow who has to sell. That commodity passes out of his hands; it passes into the control of the cooperative association. They may hold it off the market; they may dispose of it as they please. Prices may be boosted by operations, but the poor fellow has already sold out. He has lost. And he has lost because his cotton was sold too low. Cotton may go up. People may say, "Oh, well, the South is getting a good price for its cotton. Cotton is bringing a better price," but the poor man who sold it lost. He is out. That is the objection I have to the export plan. That is the objection I have to the plan of my good friend from Georgia, Mr. CRISP. That is the objection I have to nearly all these plans that do not take care of the poor fellow who planted and made the cotton where you boost the price after it is too late for him.

Now, if you can work out some plan in the McNary-Haugen bill through the drafting service or through members of the committee, providing that when cotton is bought from a fellow who does not belong to the cooperatives, and later on the cotton goes up that in some way you will take care of him so he will not lose, you will thereby improve the bill very much. It will be a wonderful help to the bill if you can work that out and put it in the bill. I am for the plan I suggest here in my bill, because I have drawn that plan in the interest of the individual. He holds his own cotton. He may borrow money on it, and manipulate any way he pleases. But he does not sell it at a sacrifice; he holds it, and when cotton goes up he gets the benefit of the increase.

I have another suggestion which I wish to make to the committee. I took the McNary-Haugen bill and performed a simple, painless, bloodless operation by trimming out of that bill the equalization-fee provisions and inserting in lieu thereof the debenture plan in a modified form. I provided that the debentures be issued not to the exporters but that the proceeds go into the stabilization fund of the McNary-Haugen bill so as to make unnecessary the equalization fee and yet give the farmers the benefit of the other provisions of the McNary-Haugen bill. I believe this plan is preferable to the present plan of an equalization fee. I know that I like the idea much better.

I also took my contract, production, and marketing control plan and grafted it into the McNary-Haugen bill and reintroduced it as an independent bill as a suggestion, but I am free to confess that I think my original plan is much better for many reasons, which I shall be glad to explain to this committee should the committee ever wish to take up the idea of comparison of the two plans.

In fact, Mr. Chairman, my faith in my farmers' finance corporation plan, with its production and marketing control by contract features, has been very much strengthened from day to day as I have attended these hearings. I am sure that real farm relief can only come with a proper control of production and marketing and that there can only be established proper control by contracts entered into by the farmers with all concerned under an enabling act of Congress such as my bill provides. All the other bills introduced by other Members fail in this most essential respect.

Proper control of production and marketing means control of prices by the farmers themselves and hence the naming by them of their own profits in reasonable bounds.

I have studied this problem for years and for the last six weeks I have attended hearings of this committee for two hours each day and worked until midnight each night reading bills and speeches, drawing bills and collecting data on this matter, and my very best judgment is that we must work out a plan to enable the farmer to name within reason the price of the commodities which he sells as other businesses and enterprises do, or else we must leave this problem unsolved for the present.

Another most important feature of my bill is that it provides for the selection of the various commodity councils by the governors of the commodity growing States at first, until the farmers become properly organized and then by the farmers themselves. Some may suggest that these must be appointed by the President. It will be seen though that these councils are in no sense composed of Federal officials but only a part and parcel of an organization, the functioning of which is recognized by the bill under its contract features. These officials are no more Federal officials than are the road officials of a State Federal officials, because they and their works are recognized by the contract or law whereby the Federal Government matches State road funds in the construction of good roads in the country. This feature of the bill safeguards the rights of the farmer and makes sure the selection of his friends for the administration of the farmer's most important affairs under this bill.

Some may suggest that my bill provides for price fixing and is therefore objectionable. Let me say I think that it is clearly price fixing in its nature and provisions and that is just the reason I am so much in favor of it. Congress has passed laws to help everybody else fix prices of what they sell. Why not extend this privilege to the farmer? I have no patience with any plan of so-called farm relief which attempts to help the farmers without helping them get a better price for their products.

Too many farm relief bills attempt to please the farmer without giving him any real relief. They attempt to work out a plan satisfactory to the farmer and yet leave him to be preyed upon by those who speculate on his products. They propose to help the farmer and yet leave him at the mercy of the middlemen. Real relief can not be secured in this way. Again, many of the bills seek to help some one help the farmer indirectly and charge too much for the service, or help the farmer by handling his commodities at an exorbitant charge for the service. All this is wrong.

Again, Mr. Chairman, many object to all bills which vote any financial assistance to the farmer on the idea that the farmer should not receive a subsidy from the Treasury. Subsidies have been from time to time granted to other folks. Why not grant a subsidy to the farmers? The farmers will never, by any scheme we may pass, get back one-tenth of what has been unjustly taken from them by discriminatory legislation. But, Mr. Chairman, my bill does not provide for a plan that will lose the Government any amount. It only provides for the elimination of unnecessary profits of certain middlemen who are unnecessary and really amount to parasites, living on what they do not at all produce.

I have taken many of the bills which have been introduced by others and amended them so as to make them much more effective in the way of helping the farmer. I reintroduced them in their modified form to get before this committee and the country just how simple is the remedy of real farm relief if we will only determine to pass such a measure. I hope this committee will bring out the very best possible bill.

I have been glad in the past to suggest and help secure many splendid changes in the McNary-Haugen bill and know the bill is very much improved over its original form, but it is yet far, far from a perfect bill. I believe that it can only be made perfect by giving the farmers complete control of their products and the sale of the same.

I have been glad to attend all the hearings of this committee at this Congress and am glad now on the last day of these hearings to submit my conclusions on this great question. I realize that my plan may not be accepted just now, but I hope for it to be eventually written into law.

I have submitted my bill to many farmers, farm organizations, Members of Congress, Senators, and Cabinet members, and have yet to find the first man to say it will not work if the farmers want it and sign up the contracts. I am offering it because I feel it will work and that the farmers will approve it and sign the contracts.

The farmers will organize if we will make organization really worth while to them. They are a little shy of organizations because too often they are led into organizations by those who wish to exploit and to plunder them. My bill provides for the most effective farm relief ever offered, provided the farmers themselves will approve the plan and put it into effect.

So the only question in doubt is, Will the farmers sign the contracts suggested by my bill?

The farmers organized and won our independence more than a century ago. They have organized and given their country assistance in every war. They helped to put over the Liberty loan drive during the last war and sent their sons across the seas to fight at the call of their country. So, Mr. Chairman, I am sure they will enter into a plan with their neighbors to win for them and their children a new freedom of naming within reason the price of the products of their own toil. Let us do our part, and knowing the farmers as I do I vouch for their faithful discharge of their duty in full, as they have ever done.

Mr. Chairman, I wish to thank you and this committee for the courtesies shown me and for your most attentive attention to my presentation of this matter, in which we are all so much interested.

The CHAIRMAN. Thank you, Mr. LANKFORD; your statement is greatly appreciated.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOWARD of Nebraska. Mr. Speaker, I ask unanimous consent that to-morrow morning I may be permitted to make a verbal report of the House membership which attended the Interparliamentary Conference in Paris last August, to occupy the space of eight minutes, I reckon.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that to-morrow, after the reading of the Journal and the disposal of business on the Speaker's table, he may be permitted to address the House for eight minutes. Is there objection?

Mr. SNELL. Reserving the right to object, Mr. Speaker, we are very anxious to complete this bill to-morrow. I think many Members are anxious to get away and finish it to-morrow. I suggest that the gentleman defer his request until a later day.

Mr. HOWARD of Nebraska. I can not resist the tearful pleading of my brother from New York, and I withdraw the request.

ADJOURNMENT

Mr. DICKINSON of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 8 minutes p. m.) the House adjourned until to-morrow, Saturday, March 3, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, March 3, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

COMMITTEE ON AGRICULTURE

(10 a. m.)

To insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned farm areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects (H. R. 6091).

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10 a. m.)

To amend the World War veterans' act, 1924 (H. R. 10160).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

To further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States (S. 744).

To promote, encourage, and develop an American merchant marine in connection with the agricultural and industrial commerce of the United States, provide for the national defense, the transportation of foreign mails, the establishment of a merchant-marine training school, and for other purposes (H. R. 2).

To amend the merchant marine act, 1920, insure a permanent passenger and cargo service in the North Atlantic, and for other purposes (H. R. 8914).

To create, develop, and maintain a privately owned American merchant marine adequate to serve trade routes essential in the movement of the industrial and agricultural products of the United States and to meet the requirements of the commerce of the United States; to provide for the transportation of the foreign mails of the United States in vessels of the United States; to provide naval and military auxiliaries; and for other purposes (H. R. 10765).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

Relative to the appropriation for additional expenses at the naval mine depot, Yorktown, Va. (H. Con. Res. 20).

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

To amend the immigration act of 1924 by making the quota provisions thereof applicable to Mexico, Cuba, Canada, and the countries of continental America and adjacent islands (H. R. 6465).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LINTHICUM: Committee on Foreign Affairs. S. J. Res. 30. A joint resolution to provide for the expenses of participation by the United States in the Second Pan American Conference on Highways at Rio de Janeiro; without amendment (Rept. No. 814). Referred to the Committee of the Whole House on the state of the Union.

Mr. LINTHICUM: Committee on Foreign Affairs. S. J. Res. 31. A joint resolution to provide that the United States extend to the Permanent International Association of Road Congresses an invitation to hold the sixth session of the association in the United States, and for the expenses thereof; without amendment (Rept. No. 815). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORROW: Committee on Indian Affairs. H. R. 9483. A bill to provide for the acquisition of rights of way through the lands of the Pueblo Indians of New Mexico; with amendment (Rept. No. 816). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. S. 2569. An act providing for horticultural experiment and demonstration work in the semiarid or dry-land regions of the United States; without amendment (Rept. No. 819). Referred to the Committee of the Whole House on the state of the Union.

Mr. HERSEY: Committee on the Judiciary. H. R. 9588. A bill to amend the national prohibition act, as amended and supplemented; without amendment (Rept. No. 822). Referred to the House Calendar.

Mr. DYER: Committee on the Judiciary. H. R. 5724. A bill to prevent desecration of the flag and insignia of the United States and to provide punishment therefor; without amendment (Rept. No. 823). Referred to the House Calendar.

Mr. BLANTON: Committee on Indian Affairs. H. R. 5479. A bill to provide for the purchase of land, livestock, and agricultural equipment for the Alabama and Coushatta Indians in Polk County, Tex., and for other purposes; with amendment (Rept. No. 824). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. JOHNSON of Illinois: Committee on Military Affairs. H. R. 4204. A bill for the relief of Thomas M. Richardson; without amendment (Rept. No. 817). Referred to the Committee of the Whole House.

Mr. MORROW: Committee on Indian Affairs. H. R. 10475. A bill to authorize the Secretary of the Interior to issue a patent to the Bureau of Catholic Indian Missions for a certain tract of land on the Mescalero Reservation, N. Mex.; without amendment (Rept. No. 818). Referred to the Committee of the Whole House.

Mr. WOODRUM: Committee on War Claims. H. R. 5944. A bill for the relief of Walter D. Lovell; with amendment (Rept. No. 820). Referred to the Committee of the Whole House.

Mr. HILL of Alabama: Committee on Military Affairs. H. R. 10139. A bill for the relief of Edmund F. Hubbard; without amendment (Rept. No. 821). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 11659) for the relief of the Charlestown Sand & Stone Co., of Elkton, Md., and the same was referred to the Committee on War Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HUDSPETH: A bill (H. R. 11682) to provide for the construction of an addition to the post-office building at San Angelo, Tex.; to the Committee on the Public Lands.

By Mr. JAMES: A bill (H. R. 11683) to create the reserve division of the War Department, and for other purposes; to the Committee on Military Affairs.

By Mr. JENKINS: A bill (H. R. 11684) to amend section 24 of the immigration act of 1917; to the Committee on Immigration and Naturalization.

By Mr. SINNOTT (by departmental request): A bill (H. R. 11685) to accept the cession by the State of California of exclusive jurisdiction over the lands embraced within the Lassen Volcanic National Park, and for other purposes; to the Committee on the Public Lands.

By Mr. WAINWRIGHT: A bill (H. R. 11686) to provide for the placing of the names of certain individuals on the rolls of the War Department, and to authorize the Board of Regents of the Smithsonian Institution to make certain recommendations; to the Committee on Military Affairs.

By Mr. BOX: A bill (H. R. 11687) to increase the immigration border patrol for the purposes of enforcing the immigration laws on and adjacent to the boundary between the United States and the Republic of Mexico and elsewhere; to the Committee on Immigration and Naturalization.

By Mr. CRAIL: A bill (H. R. 11688) for the correction of the naval records of officers and sailors who served on the *Harvard* and the *Yale* during the Spanish War; to the Committee on Naval Affairs.

By Mr. TEMPLE: A bill (H. R. 11689) to repeal section 3583 of the Revised Statutes; to the Committee on Banking and Currency.

By Mr. ROWBOTTOM: A bill (H. R. 11690) to extend the time for construction of a bridge across the Ohio River between Vanderburg County, Ind., and Henderson County, Ky.; to the Committee on Interstate and Foreign Commerce.

By Mr. COHEN: A bill (H. R. 11691) to establish a landing field for aircraft at Governors Island, N. Y., and for other purposes; to the Committee on Military Affairs.

By Mr. BRIGHAM: A bill (H. R. 11692) authorizing the Gulf Coast Properties (Inc.), a Florida corporation, of Jacksonville, county of Duval, State of Florida, its successors and assigns, to construct, maintain, and operate a bridge across Lake Champlain at or near East Alburg, Vt.; to the Committee on Interstate and Foreign Commerce.

By Mr. ZIHLMAN: A bill (H. R. 11693) to provide an additional method for collecting taxes in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 11694) for the relief of Ella Kepner; to the Committee on War Claims.

Also, a bill (H. R. 11695) granting an increase of pension to Amelia O'Donnell; to the Committee on Invalid Pensions.

By Mr. BACON: A bill (H. R. 11696) granting an increase of pension to Abby J. Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11697) conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *San Tirso* against the United States, and for other purposes; to the Committee on Claims.

Also, a bill (H. R. 11698) conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *W. I. Radcliffe* against the United States, and for other purposes; to the Committee on Claims.

Also, a bill (H. R. 11699) conferring jurisdiction upon the United States Court for the Southern District of New York to hear and determine the claim of the owner of the French auxiliary bark *Quevilly* against the United States, and for other purposes; to the Committee on Claims.

By Mr. BEERS: A bill (H. R. 11700) granting an increase of pension to Rebecca E. Hefright; to the Committee on Invalid Pensions.

By Mr. BLANTON: A bill (H. R. 11701) to authorize payment of withheld earned salary to Albert J. Headley, an inspector of the Metropolitan police department of the District of Columbia; to the Committee on the District of Columbia.

By Mr. BRIGHAM: A bill (H. R. 11702) granting an increase of pension to Minnie C. Holland; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 11703) for the relief of James Henry Hicks; to the Committee on Naval Affairs.

Also, a bill (H. R. 11704) granting a pension to Gabriel Bolier; to the Committee on Pensions.

Also, a bill (H. R. 11705) granting a pension to Matilda Towers; to the Committee on Invalid Pensions.

By Mr. DEAL: A bill (H. R. 11706) to provide for an examination and survey of Lafayette River, Va.; to the Committee on Rivers and Harbors.

By Mr. DE ROUEN: A bill (H. R. 11707) to provide for a survey of Bayou Plaquemine Brule with a view of securing increased depth and width in the present navigable channel; to the Committee on Rivers and Harbors.

By Mr. EVANS of California: A bill (H. R. 11708) to provide for appointing Benjamin H. Griffin, sergeant, Reserve Officers' Training Corps, detached enlisted men's list, a warrant officer, United States Army; to the Committee on Military Affairs.

By Mr. FENN: A bill (H. R. 11709) granting an increase of pension to Marie Emelie Allen; to the Committee on Invalid Pensions.

By Mr. HOUSTON of Delaware: A bill (H. R. 11710) for the relief of George E. Megee; to the Committee on Claims.

By Mr. LOZIER: A bill (H. R. 11711) granting an increase of pension to Hariette J. Cochran; to the Committee on Invalid Pensions.

By Mr. MAJOR of Illinois: A bill (H. R. 11712) granting an increase of pension to Elzora Barnes; to the Committee on Invalid Pensions.

By Mr. MARTIN of Massachusetts: A bill (H. R. 11713) granting an increase of pension to Helen S. Cates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11714) granting a pension to Catherine M. Howard; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 11715) to correct the military record of Charles W. Bendure; to the Committee on Military Affairs.

By Mr. SEARS of Florida: A bill (H. R. 11716) authorizing and directing the Secretary of the Interior to issue patents to Ethel L. Saunders, and for other purposes; to the Committee on the Public Lands.

By Mr. SEARS of Nebraska: A bill (H. R. 11717) granting an increase of pension to William H. Gray; to the Committee on Pensions.

By Mr. VINSON of Kentucky: A bill (H. R. 11718) granting an increase of pension to Sarah Gallagher; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4791. By Mr. BACON: Petition of citizens of the town of Babylon, Suffolk County, State of New York, protesting against the proposed compulsory Sunday observance law; to the Committee on the District of Columbia.

4792. By Mr. BLAND: Petition of citizens of Hampton, Fort Monroe, and Fort Eustis, Va., opposing compulsory Sunday observance legislation, especially House bill 78; to the Committee on the District of Columbia.

4793. Also, petitions of citizens of Newport News, Va., opposing compulsory Sunday observance legislation, especially House bill 78; to the Committee on the District of Columba.

4794. By Mr. BROWNE: Petition of the board of Lafayette County, Wis., urging Congress to pass such legislation that the present import duties on Swiss, brick, and Limburger cheese be increased about 50 per cent; to the Committee on Ways and Means.

4795. By Mr. CARTER: Petition of local joint-executive board of the Allied Culinary Workers and Beverage Dispensers of San Francisco, Calif., urging legislation prohibiting the entry of Philippine laborers into this country; to the Committee on Immigration and Naturalization.

4796. By Mr. CHAPMAN: Petition of C. W. Rule, B. F. McGruder, G. Wade Hampton, V. B. Snowden, Lucien Rule, and Mary P. Wilhoyte, and 24 other citizens of Goshen, Oldham County, Ky., protesting against a big Navy program; to the Committee on Naval Affairs.

4797. Also, petition of J. H. Gay, Newt M. Gay, Hervey McDowell, Robert S. Hart, James Gay, and R. M. Garrett, and 13 other citizens of Pisgah, Woodford County, Ky., protesting against a big Navy program; to the Committee on Naval Affairs.

4798. By Mr. COCHRAN of Pennsylvania: Petition of Wesley V. Fox and other residents of Russell, Warren County, Pa., protesting against the passage of House bill 78, or any other compulsory-observance legislation; to the Committee on the District of Columbia.

4799. By Mr. CONNOLLY of Pennsylvania: Petition submitted by the Federal Employees Union No. 23, of Philadelphia, Pa., signed by sundry citizens of the fifth congressional district, favoring the passage of the Welch bill (H. R. 6518) to reclassify and increase the salaries of Federal employees, and the Lehlbach bill (H. R. 492) to amend an act entitled "The classification act of 1923," approved March 4, 1923; to the Committee on the Civil Service.

4800. By Mr. CORNING: Petition of sundry citizens of the city of Albany, N. Y., in opposition to the passage of House bill 78, known as the Lankford bill, relating to Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

4801. By Mr. CRAIL: Petition of Chamber of Commerce of San Pedro, Calif., indorsing House Bill 5543; to the Committee on Naval Affairs.

4802. Also, petition of R. B. Hale, president California Development Association, requesting and urging certain provisions be included in census bill as follows: A sufficient general appropriation to provide for a more complete and accurate farm census; appropriation for a special census of irrigation and drainage as was taken in 1920 and previous decades; that the agricultural census be taken not later than the month of January; to the Committee on the Census.

4803. Also, petition of sundry citizens of Los Angeles County, Calif., against the passage of the Brookhart bill (S. 1667); to the Committee on Interstate and Foreign Commerce.

4804. Also, petition of sundry citizens of Los Angeles County, Calif., for the passage of the Tyson-Fitzgerald bill (S. 777 and H. R. 500); to the Committee on World War Veterans' Legislation.

4805. By Mr. CULLEN: Resolution of the Loggia Ortigia, requesting the President to proclaim October 12 as Columbus day for the abservance of the anniversary of the discovery of America; to the Committee on the Judiciary.

4806. By Mr. DRANE: Petition of citizens of Florida, against compulsory Sunday observance legislation (H. R. 78); to the Committee on the District of Columbia.

4807. By Mr. GALLIVAN: Petition of L. C. Wason, president Aberthaw Co., 80 Federal Street, Boston, Mass., recommending passage of House bill 5772, known as the Day labor bill; to the Committee on Labor.

4808. By Mr. HADLEY: Petition of residents of Snohomish and King Counties, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

4809. By Mr. HOWARD of Nebraska: Petition signed by William P. Jones, of Winnebago, Nebr., and about 202 other signatures, protesting against the passage of the Lankford Sunday observance bill, or any other legislation providing for such compulsory observance of the Sabbath in the District of Columbia; to the Committee on the District of Columbia.

4810. By Mr. JOHNSON of Texas: Petition of Mrs. Percy V. Pennybacker, of Austin, Tex.; Dallas Chapter, No. 43, Disabled American Veterans of the World War, of Dallas, Tex.; and Lieut. Col. Uel Stephens, Infantry Reserves, of San Antonio, Tex., indorsing the Tyson-Fitzgerald bill (S. 777) for the retirement of disabled emergency officers; to the Committee on Military Affairs.

4811. By Mr. JOHNSON of Oklahoma: Petition of John H. Bell and 21 other citizens of Rush Springs, Okla., asking for legislation to increase pensions for Civil War veterans and their widows; to the Committee on Invalid Pensions.

4812. By Mr. HOOPER: Petition of D. D. King and 18 other residents of Oshtemo, Mich., in favor of the enactment of compulsory Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

4813. By Mr. KING: Petition against compulsory Sunday observance signed by Ralph Hart, 442 South Chambers Street, Galesburg, Ill., and a number of other citizens of Galesburg, Ill.; to the Committee on the District of Columbia.

4814. Also, petition against compulsory Sunday observance, signed by W. R. Quarterman, 883 Arnold Street, Galesburg, Ill., and a number of other citizens of Galesburg, Ill.; to the Committee on the District of Columbia.

4815. By Mr. LINDSAY: Petition of the New York Photo-Engravers' Union No. 1, New York City, approving Senate bill 1482 and similar bill by Mr. LaGuardia; also favoring Cooper-Hawes bill (H. R. 7729 and S. 1940); to the Committee on the Judiciary.

4816. Also, petition of Apprentice National Organization Masters, Mates, and Pilots of America, opposing favorable report on House bill 11137, on basis of resolution passed at regular meeting February 28; to the Committee on the Merchant Marine and Fisheries.

4817. By Mr. MAPES: Petition of Rev. Edward Huibregtse and 61 other residents of Byron Center, Mich., recommending the enactment by Congress of House bill 78; to the Committee on the District of Columbia.

4818. By Mr. MICHENER: Petition of sundry citizens of Washtenaw and Wayne Counties, Mich., protesting against the passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4819. By Mr. O'CONNELL: Petition of the Maritime Exchange of New York City, protesting against the appropriation of $12,000,000 for reconditioning the steamers *Mt. Vernon* and *Monticello;* to the Committee on Naval Affairs.

4820. By Mr. QUAYLE: Resolution adopted by the board of directors of the Maritime Association of the port of New York, protesting against the appropriation of $12,000,000 for reconditioning the steamers *Mount Vernon* and *Monticello;* to the Committee on the Merchant Marine and Fisheries.

4821. By Mr. RATHBONE: Petition signed by 8,971 persons of Chicago, Ill., protesting against House bill 78, providing for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

4822. By Mr. REID of Illinois: Petition of citizens of Will, Kane, and Kendall Counties, Ill., protesting against the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

4823. By Mr. STRONG of Kansas: Petition of A. K. Mills and 28 other citizens of Salina, Kans., protesting against the passage of the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4824. By Mr. SWING: Petition of citizens of Arlington, Calif., and communities, protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4825. Also, petition of citizens of Rialto, Calif., and vicinity, protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4826. Also, petition of citizens of San Bernardino, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4827. Also, petition of citizens of Riverside, Calif., and other communities protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4828. Also, petition of citizens of San Diego County, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4829. By Mr. VINCENT of Michigan: Petition of residents of Eagle and De Witt, Mich., protesting against compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4830. By Mr. WYANT: Petition of New Kensington Post, No. 347, the American Legion, approving passage of naval bill; to the Committee on Naval Affairs.

4831. Also, petition of 67 citizens and voters of Export, Pa., protesting against proposed naval building program; to the Committee on Naval Affairs.

HOUSE OF REPRESENTATIVES

SATURDAY, *March 3, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Infinite Spirit, from behind the veil of sense and force in that golden land of the unseen, there is the source from where flow the sweetest harmonies of the soul. Lift us up and away to those upper ranges, where the breath is not stifled and the room is not cramped, and where our divine natures can climb on and on. Lead us above the level of our own poor understanding and into the paths where God's hand is upon us, where the charm of character is so focused in our personality that it shall emit good influences even as the sun sheds his rays. Definitely direct us so that ambition to rule shall be supplanted by the passion to serve. Father, in the shadow of Thy holy presence let us walk; then we shall know of the newer, richer, and deeper meaning of life. Through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 81. An act to authorize the coinage of silver 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the discovery of the Hawaiian Islands by Capt. James Cook, and for the purpose of aiding in establishing a Capt. James Cook memorial collection in the archives of the Territory of Hawaii;

H. R. 84. An act to approve Act 25 of the Session Laws of 1927 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Waimea and Kekaha, in the district of Waimea, on the island and in the county of Kauai, Territory of Hawaii";

H. R. 204. An act to authorize an additional appropriation for Fort McHenry, Md.;

H. R. 230. An act to authorize an appropriation for the recovery of bodies of officers, soldiers, and civilian employees;

H. R. 233. An act to provide for the purchase of land in connection with the Fort Monmouth Military Reservation, N. J.;

H. R. 234. An act to amend section 47d of the national defense act, as amended, so as to authorize an allowance of 1 cent a mile for subsistence of candidates in going to and returning from camp;

H. R. 235. An act to authorize the payment of travel expenses from appropriations for investigations and surveys of battle fields;

H. R. 238. An act to amend an act entitled "An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct," approved December 17, 1919, so as to include nurses of the Regular Army;

H. R. 248. An act to authorize appropriations to be made for the disposition of remains of military personnel and civilian employees of the Army;

H. R. 449. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a toll bridge across the Atchafalaya River at or near Morgan City, La.;

H. R. 519. An act for the relief of Joseph F. Ritcherdson;

H. R. 2524. An act for the relief of Mary M. Jones;

H. R. 4536. An act for the relief of Fred R. Nugent;

H. R. 5635. An act to amend the act approved June 7, 1924, authorizing the Secretary of War to sell a portion of the Carlisle Barracks Reservation;

H. R. 5686. An act granting a right of way to the county of Imperial, State of California, over certain public lands for highway purposes;

H. R. 5727. An act to extend the times for commencing and completing the construction of a bridge across the Ouachita River at or near Harrisonburg, La.;

H. R. 5783. An act to grant extensions of time of oil and gas permits;

H. R. 5803. An act authorizing the Interstate Bridge Co., of Lansing, Iowa, its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Lansing, Iowa;

H. R. 6194. An act for the relief of Frank Stinchcomb;

H. R. 6476. An act authorizing the Wabasha Bridge Committee, Wabasha, Minn., to construct, maintain, and operate a bridge across the Mississippi River at or near Wabasha, Minn.;

H. R. 6973. An act authorizing E. H. Wegener, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Chester, Ill.;

H. R. 6989. An act to amend the Hawaiian Homes Commission act, 1920, approved July 9, 1921, as amended by act of February 3, 1923;

H. R. 7030. An act to amend section 5 of the act of March 2, 1895;

H. R. 7195. An act to provide for the purchase of horses and mules for the Military Establishment;

H. R. 7199. An act granting the consent of Congress to the Oregon-Washington Bridge Co. to maintain a bridge already constructed across Columbia River near the city of Hood River, Oreg.;

H. R. 7213. An act to grant authority to the Postmaster General to enter into contracts for the transportation of mails by air to foreign countries and insular possessions of the United States for periods of not more than 10 years, and to pay for such service at fixed rates per pound per mile, and for other purposes;

H. R. 7371. An act to legalize a bridge across the Snake River near Heyburn, Idaho;

H. R. 7375. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Guntersville on the Guntersville-Huntsville road in Marshall County, Ala.;

H. R. 7909. An act to authorize the maintenance and renewal of a timber frame trestle in place of a fixed span at the Wisconsin end of the steel bridge of the Duluth & Superior Bridge Co. over the St. Louis River between the States of Wisconsin and Minnesota;

H. R. 7914. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Whitesburg Ferry on the Huntsville-Laceys Spring road between Madison and Morgan Counties, Ala.;

H. R. 7915. Granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Scottsboro on the Scottsboro-Fort Payne road in Jackson County, Ala.;

H. R. 7925. Granting the consent of Congress for the maintenance and operation of a bridge across the Monongahela River between the borough of Glassport and the city of Clairton, in the Commonwealth of Pennsylvania;

H. R. 8530. Granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River near Cedar Bluff in Cherokee County, Ala.;

H. R. 8531. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River on the Columbiana-Talladega road between Talladega and Shelby Counties, Ala.;

H. R. 8726. An act authorizing Oscar Baertch, Christ Buhmann, and Fred Reiter, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Alma, Wis.;

H. R. 8740. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a free highway bridge across the Little Calumet River in Cook County, State of Illinois;

H. R. 8741. An act authorizing the Dravo Contracting Co., its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Chester, Ill.;

H. R. 8743. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near St. Paul and Minneapolis, Minn.;

H. R. 8818. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Red River at or near Moncla, La.;

H. R. 8837. An act authorizing the American Bridge & Ferry Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Cassville, Wis.;

H. R. 8896. An act granting the consent of Congress to the State of Alabama to construct, maintain, and operate a free highway bridge across the Conecuh River on the Brewton-Andalusia road in Escambia County, Ala.;

H. R. 9036. An act to increase the salary of the Librarian of Congress;

H. R. 9064. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River at or near Pell City on the Pell City-Anniston road between Calhoun and St. Clair Counties, Ala.;

H. R. 9139. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Lafayette-Celina road in Clay County, Tenn.;

H. R. 9196. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Decatur-Kingston road in Roane County, Tenn.;

H. R. 9842. An act to provide for the survey, appraisal, and sale of the undisposed lots in the town site of St. Marks, Fla.;

H. R. 9849. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Quincy, Ill.; and

H. R. 10715. An act to authorize Col. Charles A. Lindbergh, United States Army Air Corps Reserve, to accept decorations and gifts from foreign governments.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 484. An act for the relief of Joe W. Williams;

S. 851. An act to amend an act of Congress approved July 3, 1926, being Private Act No. 272, and entitled "An act conferring jurisdiction upon the Federal District Court for the Western Division of the Western District of Tennessee to hear and determine claims arising from the sinking of the vessel known as the *Norman*";

S. 1095. An act to require registration of lobbyists, and for other purposes;

S. 1186. An act to provide for the construction of the Deschutes project in Oregon, and for other purposes;

S. 1341. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes, approved July 11, 1916, as amended and supplemented, and for other purposes;

S. 1434. An act for the relief of Mattie Halcomb;

S. 1456. An act to authorize an appropriation for a road on the Zuni Indian Reservation, N. Mex.;

S. 1691. An act for the relief of William A. Light;

S. 1755. An act for the relief of Nellie Kildee;

S. 1756. An act for the relief of Lyn Lundquist;

S. 1822. An act to authorize the Secretary of War to transfer or loan aeronautical equipment to museums and educational institutions;

S. 1825. An act to amend section 12 of the act approved June 10, 1922, entitled "An act to readjust the pay and allowances of commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," as amended by the act of June 1, 1926 (44 Stat. L. 680), so as to authorize an allowance of 3 cents per mile, in lieu of transportation in kind, for persons using privately owned conveyances while traveling under competent orders;

S. 1828. An act to amend the second paragraph of section 5 of the national defense act, as amended by the act of September 22, 1922, by adding thereto a provision that will authorize the names of certain graduates of the General Service Schools and of the Army War College not at present eligible for selection to the General Staff Corps eligible list to be added to that list;

S. 1829. An act to authorize the collection, in monthly installments, of indebtedness due the United States from enlisted men, and for other purposes;

S. 1833. An act to amend the act approved June 1, 1926 (44 Stat. L. 680), authorizing the Secretary of War to exchange deteriorated and unserviceable ammunition and components, and for other purposes;

S. 1852. An act to correct the naval record of John Lewis Burns;

S. 1989. An act to amend the third paragraph of section 13 of the Federal reserve act;

S. 2030. An act to provide for research into the causes of poultry diseases, for feeding experimentation, and for an educational program to show the best means of preventing disease in poultry;

S. 2061. An act for the relief of W. H. Kaufman;

S. 2258. An act to give war-time rank to certain officers on the retired list of the Army;

S. 2342. An act providing for a per capita payment of $25 to each enrolled member of the Chippewa Tribe of Minnesota from the funds standing to their credit in the Treasury of the United States;

S. 2537. An act to amend section 110, national defense act, so as to provide better administrative procedure in the disbursements for pay of National Guard officers and enlisted men;

S. 2545. An act to authorize the sale of certain lands near Garden City, Kans.;

S. 2657. An act for the relief of George W. Boyer;

S. 2725. An act to extend the provisions of section 2455, United States Revised Statutes, to certain public lands in the State of Oklahoma;

S. 2827. An act granting the consent of Congress to the States of South Dakota and Nebraska to construct, maintain, and operate a bridge across the Missouri River at or near Niobrara, Nebr.;

S. 2858. An act to authorize the use of certain public lands by the town of Parco, Wyo., for a public aviation field;

S. 2926. An act for the relief of the Old Dominion Land Co.;

S. 2948. An act to amend section 6, act of March 4, 1923, as amended, so as to better provide for care and treatment of members of the civilian components of the Army who suffer personal injury in line of duty, and for other purposes;

S. 2950. An act to amend the second paragraph of section 67, national defense act, as amended;

S. 2965. An act authorizing the State of Indiana, acting by and through the State highway commission, to construct, maintain, and operate a toll bridge across the Wabash River at or near Vincennes, Ind.;

S. 2972. An act for the further protection of fish in the District of Columbia, and for other purposes;

S. 2998. An act granting double pension in all cases where an officer or enlisted man of the Navy or Marine Corps dies or is disabled as the result of a submarine accident;

S. 3058. An act to amend that provision of the act approved March 3, 1879 (20 Stat. L. 412), relating to issue of arms and ammunition for the protection of public money and property;

S. 3097. An act for the relief of the State of North Carolina;

S. 3118. An act to authorize the construction of a temporary railroad bridge across Pearl River at a point in or near section 35, township 10 north, range 6 east, Leake County, Miss.;

S. 3119. An act to authorize the construction of a temporary railroad bridge across Pearl River in Rankin County, Miss., and between Madison and Rankin Counties, Miss.;

S. 3131. An act to provide additional pay for personnel of the United States Navy assigned to duty on submarines and diving duty;

S. 3201. An act for the relief of Paul D. Carlisle;

S. 3292. An act providing for turning over to the Ohio State Archæological and Historical Society two dedication stones formerly a part of one of the locks of the Ohio & Erie Canal;

S. 3294. An act for the relief of certain newspapers for advertising services rendered the Public Health Service of the Treasury Department;

S. 3325. An act for the relief of Horace G. Knowles;

S. 3456. An act allowing the rank, pay, and allowances of a colonel, Medical Corps, United States Army, to the medical officer assigned to duty as personal physician to the President;

S. J. Res. 41. Joint resolution directing the Comptroller General of the United States to reopen, readjust, and resettle the account between the State of Nevada and the United States; and

S. J. Res. 61. Joint resolution to provide for an agricultural day.

The message further announced that the Senate had passed with amendments, in which the concurrence of the House is requested, the following bills:

H. R. 66. An act authorizing B. L. Hendrix, G. C. Trammell, and C. S. Miller, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Mound City, Ill.;

H. R. 242. An act to amend section 90 of the national defense act, as amended, so as to authorize employment of additional civilian caretakers for National Guard organizations, under certain circumstances, in lieu of enlisted caretakers heretofore authorized;

H. R. 3510. An act to authorize the President, by and with the advice and consent of the Senate, to appoint Capt. George E. Kraul a captain of Infantry, with rank from July 1, 1920;

H. R. 7183. An act authorizing C. J. Abbott, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Golconda, Ill.;

H. R. 8309. An act to amend an act entitled "An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department," approved February 24, 1923;

H. R. 9197. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Knoxville-Maryville road in Knox County, Tenn.;

H. R. 9147. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Jasper-Chattanooga road in Marion County, Tenn.; and

H. R. 9202. An act to authorize construction at the United States Military Academy, West Point, N. Y.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval bills and joint resolutions of the following titles:

H. R. 5818. An act authorizing J. H. Peacock, F. G. Bell, S. V. Taylor, E. C. Amann, and C. E. Ferris, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Prairie du Chien, Wis.;

H. R. 7201. An act to provide for the settlement of certain claims of American nationals against Germany, Austria, and Hungary, and of nationals of Germany, Austria, and Hungary against the United States, and for the ultimate return of all property held by the Alien Property Custodian;

H. R. 7948. An act to extend the times for commencing and completing the construction of a bridge across the Delaware River at or near Burlington, N. J.;

H. R. 9136. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes;

H. R. 10298. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near New Orleans, La.;

H. R. 10635. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes;

H. J. Res. 141. Joint resolution to authorize the President to invite the Government of Great Britain to participate in the celebration of the Sesquicentennial of the Discovery of the Hawaiian Islands, and to provide for the participation of the Government of the United States therein; and

H. J. Res. 223. Joint resolution making an additional appropriation for the eradication or control of the pink bollworm of cotton.

PHILIPPINE INDEPENDENCE

Mr. DYER. Mr. Speaker, the Commissioner from the Philippine Islands [Mr. GABALDON] is resigning shortly and returning to the Philippines, and he has asked me to make the unanimous-consent request for him that he may be allowed to extend his remarks in the RECORD.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the Commissioner from the Philippines [Mr. GABALDON] may be permitted to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GABALDON. Mr. Speaker and gentlemen of the House: Once more and for the last time I shall avail myself of your courtesy and tax your indulgence in the interest of the cause

of Philippine freedom. I say for the last time, because, although my term does not expire until March 4, 1929, I have fully decided to heed the urgings of the inhabitants of my Province to again represent them in the lower house of our legislature and consequently to tender my resignation as a Resident Commissioner from the Philippine Islands to the United States.

I have served with you for seven years. Personally, I love you, one and all, and admire the spirit of fair play that characterizes the conduct of this, the greatest and the fairest legislative body in the world. Here a man may speak his sentiments, whether he be right or wrong, and without being shot at sunrise. But even in spite of my affection for you on all these grounds, I am leaving disappointed because independence has not been granted my people as solemnly promised.

I do not blame you individually, gentlemen of the House, for the failure of the United States to grant us independence. I only wish that our fate was in your hands. But forces more powerful, forces that you do not see, and that you do not individually come in contact with, insiduous forces that threaten the ultimate success of this the greatest Republic on earth to-day, are responsible for the denial of freedom to the Filipino people.

In these, undoubtedly my last remarks to appear in the CONGRESSIONAL RECORD, I intend to speak frankly. Some man, I do not know whom, but he was a wise man, said: "When in doubt what to say, tell the truth." That is what I shall now do, not the truth perhaps as some of you may see it, but the truth as I see it. I shall do this not to be harsh, but to do what I believe is my duty. If I record here the sincere feelings of my heart, no matter what the consequences, I will have fulfilled my obligations to myself and to my people. But if I leave without uttering those convictions I would forever have to reproach myself with the thought that my conscience had pointed out my duty, but that I had not had the manhood or the courage to obey. Better, then, for me to speak plainly but honestly and submit myself and the case of the Filipino people to your judgment.

First of all, allow me to call your attention to the apparent tendency of those who were sent to the Philippine Islands to represent and exercise the sovereignty of the United States in those islands during the last seven years to discredit the Filipinos and to depict them before the world as utterly incapable of managing their own affairs and thus justify a curtailment of the governmental powers already granted to them. The records of the Sixty-eighth, Sixty-ninth, and the present Congresses contain evidence of the efforts made to nullify the avowed policy of the United States in connection with the Philippine Islands from the very moment that those islands came under the political tutelage of this Republic down to the time of the enactment of our present organic act, in which it is clearly stated that "it has always been the purpose of the people of the United States to withdraw their sovereignty over the Philippine Islands and to recognize their independence as soon as a stable government can be established therein."

During the present session of this Congress, two bills bearing all the earmarks of unrestrained imperialism have been favorably reported—one by the Senate Committee on Territories and Insular Possessions, taking away from the Philippine Senate the power vested in that body by the Jones Act to confirm appointments of officers for the non-Christian provinces without any reason to support such a reactionary step except the complaint of the Governor General of the Philippines that he could not obtain the assent of the Philippine Senate to certain nominations submitted by him, and the other by the House Committee on Insular Affairs, setting aside yearly the sum of $125,000 out of the taxes levied on Philippine goods imported to this country, which, to this day, have been disposed of only by an act of the Philippine Legislature, for salaries and traveling expenses of certain assistants to the Governor General.

My colleague and myself have strenuously opposed the enactment of the measures to which I have just made reference at the time of their consideration by the respective committees of this Congress, but the sentiments expressed by us in behalf of our constituents seemed of no avail, while the letters addressed by the newly appointed Governor General of the Philippines to the chairmen of the Senate Committee on Territories and Insular Possessions and the House Committee on Insular Affairs on the eve of his departure to assume his post urging the passage of such measures, apparently carried more weight in the minds of those who voted to report them favorably to their respective bodies than the opposition of 12,000,000 Filipinos as voiced by us.

It has been alleged that the President of the Philippine Senate and the Speaker of the House of Representatives of the Philippines have agreed on the necessity of providing the Governor General with additional assistants besides those granted to him by the laws of the Philippine Islands. Mr. Speaker and gentlemen of the House, I only have to refer you to the testimony of the President of the Philippine Senate before the Committee on Territories and Insular Possessions of the Upper Chamber of this Congress offered in December of last year, to convince you that the Philippine leaders agreed to provide the necessary funds for the payment of the salaries and traveling expenses of the governor's assistants, but not to a curtailment of the powers granted to and enjoyed by the legislative branch of our Government as it is intended by H. R. 8567 reported by the Committee on Insular Affairs of this House. The President of the Philippine Senate said on that occasion:

> When the Philippine Legislature, without pressure on the part of anyone, gracefully meets the wishes of the administration here and appropriates the money that they say is required for help to the Governor General, it seems to me inexcusable to insist that the same thing should be done by the Congress. It looks to me like a deliberate invitation for trouble.

STIMSON'S PHILOSOPHY SHOULD MAKE FILIPINOS LAUGH

The new Governor General of the Philippines, the Hon. Henry L. Stimson, has now arrived in Manila and has made public the views that will guide him in his Philippine policies. His words and his views are those of the late Governor General Wood; therefore I disagree with them.

Governor Stimson suggests to the Filipinos, in effect if not in exact words, that the way for them to hurry independence is to accelerate development of our natural resources.

For the benefit of Americans who may not know what is in the back of his mind, I will explain that what he really means is for the Filipinos to let down the bars for the influx of enormous sums of American capital.

For a man to look me in the face and tell me that the greater the American investments in the Philippines the more quickly we will be given our independence is to convince me that he intends that assurance only as humor. Now, if this philosophy is intended as a joke, I am willing to laugh heartily with the Governor General, for I must admit it is a perfectly good joke.

The very reason that we have not been given our independence is the investment of American capital in the islands. Every additional dollar of American investment there is an additional nail in the coffin of our independence. This statement is not original with me. It has been frequently made in the Philippines. I do not know the name of its author, but whoever he was, he was right. It is the Americans who have investments in the Philippines who are working the hardest against our independence. I am not opposed to American investments in the islands, but I am opposed to the investment of a single additional dollar of such capital until after we have been made a free and independent people.

Said Governor Stimson in his inaugural speech:

> I believe that nowhere in the world are relations of capital to the public watched with more jealous eyes than to-day in the United States. The abuses of capital which excited criticism a generation ago have been cured. The American captains of industry to-day have a very different standard of duty toward the public from their predecessors of the nineteenth century.

Then God forgive those "predecessors of the nineteenth century." If they had anything on that great captain of industry of this twentieth century, Harry F. Sinclair, multimillionaire oil man, and former United States Senator Albert B. Fall, they must indeed have been bad.

According to sworn testimony, Fall, while Secretary of the Interior in the cabinet of the late President Harding, leased to Sinclair Government oil lands, which had been reserved for the United States Navy, worth $300,000,000. Following this generosity with the property of the American people, Sinclair had $100,000 delivered to Fall "in a suitcase," and placed in a safety deposit box in the name of "A. B. Fall" $230,000 more in Liberty bonds. All this happened more than three years ago, and neither Sinclair nor Fall have ever served a day in jail.

And now it comes out that Sinclair secretly contributed $260,000 to the campaign funds of the National Republican Party. What frightens me as a Filipino is the knowledge that those American "captains of industry" who have millions invested in the Philippines are also heavy contributors to the campaign chest of the Republican Party. In the name of God, Members of the American Congress, I beseech you to give us our independence before the Philippines, like the "Teapot Dome" and the naval oil lands, are donated to campaign contributors whose mouths are watering for our golden natural resources.

MY CHOICE IS COMPLETE INDEPENDENCE, NOT MERE AUTONOMY

It may be that some of my countrymen would be satisfied with some form of local self-government, or autonomy, under the sovereignty of the United States, in lieu of complete and absolute independence. I question neither the sincerity nor the patriotism of those of my countrymen who so believe, but for myself nothing will be satisfactory to me but to see my beloved Philippines as free and independent a nation as is any other free and independent country of the world. Only by being as free and independent as other nations will Filipinos or the Philippines ever be as respected as are they. No subservient race or nation will ever receive the consideration or the respect accorded a free people. There are several South American nations which do not begin to possess the area, population, natural resources, foreign or domestic trade, or, according to the United States Bureau of Census, anything like the percentage of literacy that the Philippines possess, yet their ambassadors, their ministers, their governments, and their nationals, are treated to the same respect, consideration, and on the same basis of equality as the representatives of the greatest nations on earth. Their slightest complaint is accorded immediate and respectful consideration by the American Department of State. You never hear of lecturers and propaganda bureau in the United States conducting systematic campaigns to defame their people and ridicule their customs. The United States Government would not tolerate within its borders such campaigns of villification and abuse against the people of a friendly independent nation.

There are no Katherine Mayos going to independent nations and later picturing their peoples as "no more capable of self-government than the cattle in the fields" and their governments as orgies of "destruction, decay, loot, bribery, and graft," as she did the Philippines. These vile propagandists for imperialism, who confine their "investigations" to the sewers, and then represent the filth they find there as typical of an entire people or country, are only sent to lands inhabited by dependent peoples who are aspiring for independence, and against whom campaigns of misrepresentation are conducted solely to ridicule their claims for freedom.

THE MOTIVE

The motive behind Miss Mayo's bitterly prejudiced articles is not far to seek. The plain object was to prejudice Members of Congress against early Philippine independence.

It is pertinent in this connection to direct attention to the fact that the organization which was most conspicuous at that time in gloating over the infamy that the Mayo articles heaped upon the Filipino people was the American Chamber of Commerce of Manila, which is composed of Americans having investments in the islands and which almost immediately after the appearance of the Mayo articles opened American headquarters for opposing the aspirations of the Filipino people, at 66 Broadway, New York City.

A sympathetic and laudatory review of the Mayo articles was contained in a pamphlet issued by the organization mentioned, dated December 27, 1924, which was sent to all Members of Congress and broadcasted throughout the United States.

Furthermore, while the heads of the second Philippine Parliamentary Mission were still on the high seas en route to the United States to ask independence, the American Chamber of Commerce at Manila passed resolutions calculated to undermine the influence of and prevent the success of the mission, the official spokesmen of the Filipino people. The resolutions asked the cooperation of chambers of commerce of American cities to bring about a territorial form of government in the Philippines, and criticized the mission for incurring the expense for the trip to the United States.

I take advantage of this opportunity to warn the American Chamber of Commerce of Manila that by such conduct and by encouraging such exaggerated and insulting propaganda as the Mayo articles and book, it is sowing an ill wind. For it is not to the best interests of American capital in the Philippines to thus poison the mind of the American people against Filipinos.

I do not think it wrong for American business men to aspire to broader markets and profitable business in the Philippines. If they are willing to abide by our laws for the safeguarding of our natural resources for the Filipino people, I will not oppose an increase of American capital after independence is granted. I oppose it now only as a matter of self-defense.

Filipinos who prefer autonomy to independence may speak for it, but I have had enough experience to convince me that there is no use for Filipinos longer to deceive themselves.

As long as they have merely autonomy and not independence they will be obliged to submit to abuse, ridicule, misrepresentation, and calumny, carrying on their backs a horde of evil muckrakers whose mission and profession is to represent those races seeking to throw off gratuitous alien rule either as "helpless little children," as peoples essentially ignorant, irresponsible, and inefficient, or else as vicious near humans just emerged from savagery.

If under autonomy we have an American Governor General—in whose selection, by the way, we have no voice—the only type of an American who can receive the appointment under an administration like the present one is some one known positively to be opposed to independence. Believing, therefore, the Filipinos should not be granted independence, and with the Filipino leaders pressing their rights and readiness for independence, such a Governor General is soon forced into the natural position of wanting to convince others that his position against the readiness or capacity of the Filipinos for independence is right. To do so he must necessarily contend that the attitude of the Filipinos is wrong. Always henceforth he must depict himself right, the Filipinos wrong. He, being an American and a prominent one, will have the ear of the President of the United States and the support of the American newspapers. Always the President and the press of his own people will proclaim him in the right, and to place him in the right they also must and will place the Filipinos as in the wrong.

Now let us assume we obtain such a measure of autonomy as would permit a Filipino Governor General. If a Filipino should be appointed by the present administration, or one similarly conservative and similarly opposed to independence, it would undoubtedly be a Filipino who would be recommended by or be satisfactory to the opponents of independence, i. e., one who, no matter how many times he might have declared himself to be for immediate, absolute, and complete independence, was known secretly to be "satisfactory" to the "powers that be." I regret to say that I believe Filipinos could be found who would consent to fill such a rôle, and that there will always be such men, not only in the Philippines, but in every country on earth. I very much fear such an appointee would be unsatisfactory to the Filipino people, because he would either serve his masters through whose recommendations he was chosen, or he would soon be supplanted by another Filipino Governor General who would. If, after his appointment, he should work openly and frankly for the cherished goal of his people, he could expect nothing but early dismissal.

Now, let us assume that the United States were willing for us to elect our own Governor General, and the Filipino people would in turn elect a genuine Filipino patriot who would put forth every effort to make his people free and independent. In that case, his every act would be seized upon as an opportunity for criticism and denunciation and made to appear as an argument against Philippine independence. Filipinos need not doubt that such would be the case. Most Americans resident in the islands, most Americans having as much as a single dollar invested there, 90 per cent of the Army and Navy officers who have ever seen service there or who ever expect to, have always, as Filipinos know only too well, been bitterly opposed to the very suggestion of independence, and always will be. These forces may be relied upon without the least possibility of failing us to see a mountain in the tiniest molehill of a mistake that an elected Filipino Governor General might make. It is only necessary to recall what a campaign of misrepresentation and abuse these men carried on against Francis Burton Harrison simply because he honestly and sincerely favored Philippine independence, to imagine what lies they would concoct in order to make anti-independence publicity for American newspapers.

What I want for my country is independence, and because I want independence, I am opposed to the acceptance on the part of the Philippines of autonomy as even a temporary substitute for it. I take this attitude because I want independence at the very earliest day I can get it, and the acceptance of autonomy will not be a step in the direction of independence, but a step away from it. Under present conditions the Filipinos are always placed on the defensive. For instance, the pending Kiess and Willis bills places us on the defensive, because the supporters of those measures claim that the authority now reposed in the Philippine Legislature under the Jones law should be transferred to the Governor General, and we are placed in a position where we must defend the justice of and the justification for the present provisions of the Jones law in order not to lose powers of self-government that we already possess. The Wood-Forbes report put us on the defensive because we had to deny the many counts contained therein against our readiness to govern ourselves. The Katherine Mayo articles and book placed us on the defensive because she misrepresented us in the most vile and venomous manner that a human being could stoop to, and we were obliged to answer her.

Every committee of Congress that visits the Philippines puts us on the defensive, because there will always be some mem-

bers of it who will come back and oppose us. Just as long as we have a system of government short of complete independence, we are going to be eternally lied about, belittled, and placed on the defensive. There is no form of autonomy that will save us from it; Filipino Governors General will simply constitute a new source of anti-independence propaganda, and thus delay independence that much longer. Independence, and that, alone, will stop the ever-recurring, humiliating and vengeful attacks upon our race, our culture, and our country, because independence alone will remove the cause of these attacks.

The United States has definitely, officially, and, therefore, legally promised us independence. Even as great as it is, the United States can not refuse to carry out its compact without dishonoring itself before the whole world. If we Filipinos stand steadfast to an insistence that America's pledge be redeemed in full, as written on the statutes and before God, the United States will be honor bound to fulfill it, and ultimately will actually do so. But an agreement on our part to anything short of independence will be considered in the United States, especially with those unseen powers that be but that actually control the policies of the United States, as a "final solution of the Philippine problem," and independence will be lost forever. To the Filipinos I say this: Stand firm. Insist upon that which has been promised us. Autonomy will perhaps give our leaders more power, but only more power over you. Independence alone will place power exclusively in your own hands. I am not speaking for my own personal gain or for my own political advancement. I am speaking now for the Filipino race and for the Philippine nation to be. And if the present generation is unable to agree with me, I still desire to submit our case for the consideration of the generations of Filipinos to come.

AUTONOMY NOT A SOLUTION BUT A DELUSION

For my race to depend upon any form of autonomy as a solution of their problems will be to depend upon a mighty slender reed. In the first place, I predict that Congress will never grant, even substantially, local self-government unless the Filipino leaders previously pledge themselves to consider it a "solution of the Philippine problem" for a good many years to come and agree themselves to refrain from advocating complete independence for that period. That was the offer substantially made at the time that the Fairfield "commonwealth" bill was pending in June, 1924. The theory, or at least the hope, is that at the end of a long period of non-agitation for independence the Filipinos may not want independence.

But if the leaders would subscribe to non-agitation, I predict that even then the United States, at least with an administration in power that is anything like the present one, would not concede to a form of autonomy that would make us real masters of our own affairs. It will be recalled that one of the four recommendations of the Wood-Forbes report of October 8, 1921, was this:

4. We recommend that under no circumstances should the American Government permit to be established in the Philippine Islands a situation which would leave the United States in a position of responsibility without authority.

This philosophy was not original with Messrs. Wood and Forbes, for the Republican Party heads, convened in Philadelphia on June 19, 1900, had adopted the slogan concerning the Philippines:

Our authority can not be less than our responsibility.

In other words, as long as the United States holds the slenderest string to the Philippines, under whatever form of autonomy, it will place its authority above that of the Filipinos and be our master. It is foolish, therefore, for the Filipinos to expect that any form of autonomy that can be devised will be satisfactory even as a temporary substitute for independence. The mere suggestion that there could be a satisfactory substitute for a people's liberty is a travesty. There is one statement at least in the Wood-Forbes report that I agree with, and that is the assertion that—

independence under the protection of another nation is not true independence.

AUTONOMY WILL MEAN A NEW, RADICAL POLITICAL PARTY

If Filipino leaders agree to a compromise short of complete independence, it will not, in my judgment, "solve the Philippine problem" at all, nor will it have a "quieting" effect on Philippine politics. On the other hand, I believe that any Filipinos who agree to such a compromise will sooner or later be retired to private life. And if this does not happen, it may very easily lead to the formation of a new party that will honestly work for complete independence. If all Filipinos who want complete independence affiliate with one party, and those who are satisfied with something less affiliate with another, I believe an out-and-out complete independence party will ultimately gain the ascendency.

I can never be convinced that the soul of the Filipino people is not for independence. I can not believe that there will be no more Rizals, Mabinis, Bonifacios, or Del Pilars spring from a race that gave those patriots to the world. I am eagerly awaiting and expecting some man, possibly some young man who has been trained in the United States, to prove himself the leader that can unite the Filipino people behind him and win them the independence that our race for centuries has aspired to so consistently.

To those Filipinos whom my position may not be for the immediate moment understandable, I plead for their sympathetic consideration on the ground that I, like themselves, have independence as my one and only political wish in this world. And I believe that if we are to attain it, we Filipinos must continue to insist upon complete independence, and to take the position that nothing less will be satisfactory to us. Unfortunately, Americans have, with or without justification, become imbued with the conviction we do not really desire complete independence. We therefore have before us now the necessity of convincing them to the contrary. The only way we can do so is to refuse our consent to anything less than absolute and complete independence. Solicited autonomy is but a beautiful phase of voluntary slavery. Even if there should develop a strong sentiment for it, I will never personally yield to such a compromise. In all my life-long advocacy of independence, I have been sincere about it, and I would rather have conditions remain exactly as they are now than accept anything less than independence. This is not unreasonable to the United States. I ask only for that which has been repeatedly promised us. That is my defense to this and future generations, and I make no apology.

NO INDEPENDENT COUNTRY WOULD CHANGE PLACES WITH PHILIPPINES EVEN TO BE ASSOCIATED WITH UNITED STATES

Even if Americans should obtain a contrary opinion from these remarks, I am not against the United States or the people of the United States. I believe the American people are the most altruistic people on earth, and if it were within their power to vote on the subject they would grant us independence. Unfortunately, however, they can not vote on this subject specifically. The United States is the greatest nation on earth to-day, and promises to continue to be so for as far ahead as anyone can now foresee.

What I am objecting to, however, is the action of the United States in failing to give the 12,000,000 people of the Philippines the independence that it promised them. As great as the United States is, there is not an independent country on earth to-day that would care to exchange the sovereignty of its own people for that of this great country.

Let us imagine that at the recent Pan American Conference at Havana, Mr. Hughes, the American delegate, had addressed the representatives of the South American Republics as follows:

You all know that the United States has been exercising its sovereignty over the Philippines for more than a quarter of a century. We consider that the Filipinos are therefore a very fortunate people. Although they have been deprived of political independence, they have had the benefit of American culture and tariff-free access to American markets for Philippine products. To the end that these incomparably valuable blessings may be enjoyed by the largest possible number of fellow men, the United States desires to offer indisputable evidence of its generosity by its willingness to extend its sovereignty to any of our sister Republics desiring it under the same conditions that it is being enjoyed to-day by the people of the Philippines. This offer will remain open indefinitely.

What would have happened? Why, every delegate would have considered himself insulted. The tiniest, most insignificant South American country would not only have rejected it with scorn, but its every man, woman, and child would be willing to give up their lives on the battle field rather than have such an arrangement forced upon them. Now, if the tutelage which the United States is forcing upon the Philippines is such a godsend as the imperialists assert, why is it that no other country wants it?

It certainly appears that independence to those possessing it and therefore familiar with its defects as well as its virtues is held greatly preferable to any form of mere local autonomy that can be devised. And because independence has been so satisfactory, without exception, to those nations that have it, including our guardian, the United States, the Filipinos would like to enjoy its blessings themselves.

The inability of our imperialist friends to understand why we should not be satisfied with the heavenly political arrangement under which we now exist reminds me of a story I heard

of a slave who had been liberated in one of the Southern States at the close of the Civil War and had made his way to one of the free States of the North. He was interrogated by one of those species of the genus homo who can not understand why anyone but himself should want to be free.

"Well, Rastus," he asked, "didn't you have a good master down South?"

"Yas, sah; yas, suh; indeedy, I did, suh; one of de best marsters anybody could want, suh."

"Well, didn't you get enough to eat?"

"Yas, suh; plenty to eat, suh; plenty, suh."

"Didn't you have a good place to sleep?"

"'Deedy I did, suh; jes a fine place to sleep, suh."

"Well, Rastus, why wasn't you satisfied then?"

"Well, suh," replied Rastus, "it's jes dis way, suh, when I left down dar, my job was still open, and if you want it, suh, you're welcome to go down and git it."

To be governed by an alien people over our protest is oppression. To govern oursleves, however badly, is liberty. Under the former, a people is helpless to correct misgovernment; under the latter, they may correct abuses by changing their officials, and if they do not do so they then have no one to blame for existing conditions but themselves.

AUTONOMY DENIES US EVEN THE RIGHT TO BE PATRIOTIC

Under any form of autonomy, we are denied even the right to be patriotic. Patrick Henry said: "Give me liberty, or give me death." And the Americans have immortalized him. If Filipinos should say it in the sense that Patrick Henry did, our portion would be death. Americans proclaim the principle of: "Our country, right or wrong." Antonio D. Paguia declared the late General Wood was like a big tree that cast no shadows, and he went to jail.

Americans celebrate their great men like Lincoln, but the Coolidge administration is certainly lax in carrying out the principles of Lincoln. The great emancipator said: "No man is good enough to govern another without that other man's consent." The American Declaration of Independence declared that "governments derive their just powers from the consent of the governed." If this political philosophy is right, the United States has no just powers in the Philippines. We have been governed without our consent and in spite of our protest for 30 years. Lincoln also said:

> Those who deny freedom to others deserve it not for themselves, and under a just God can not long retain it.

If, then, God is just, the United States must either keep its pledge to give us our independence, or else it deserves to lose its own. That's according, not to me, but to Abraham Lincoln.

"Observe justice and good faith toward all nations," advised George Washington. We were promised ever-increasing self-government terminating in independence, and are now offered "backward steps." Is this the observance of justice and good faith?

Congress promised us, in the Jones law, the withdrawal of American sovereignty and the recognition of our independence "as soon as a stable government could be established therein." That act was supported by both Democrats and Republicans and signed by the President of the United States.

The stable government provided for in this act was established at once. It has continued to function from that time to this. It is as stable as any other government in the world.

For almost 11 years the condition exacted by this covenant has been loyally fulfilled and for almost 11 years the United States on one pretense and another has been evading its solemn obligations and disregarding its plighted word.

Let us have the plain truth. You would not do this with any nation capable of compelling you with armed forces to keep your covenants. You would not enter into an agreement with Great Britain or France or any other country that has armies and battleships and then for 11 years sidestep the promises you had made. You are fond of saying that right makes might and that the faith of the United States is unimpeachable whether with small nations or with great. Before that assertion is repeated again I think the American record with the Philippine Islands should be carefully reviewed.

I call your attention to the fact that there is much in history to back up the warning of Lincoln. Rome fell. Its fall was as much due to its action in governing peoples against their will, to its imperialism, as to any other one reason. Is the United States, then, to take no lesson from the sad experiences of the Roman Empire?

I must say to you plainly, but in no unkind spirit, that we do not need your tuition in self-government. We can manage our own affairs a great deal better than you can manage them, and even if we could not, that would be no just concern of yours. The records of this world are full of the failure of the men of one clime, environment, tradition, and psychology to dominate the lives of men of a totally different clime, environment, background, and psychology. All such attempts have ended in but one of two ways; in the annihilation of the subjugated people or the destruction of the empire that sought to subjugate them. If in the face of all the demonstrations in history you are determined to walk that path of dissimulation, proceed. But I should like to record a prophecy now that the historian of the future will date the downfall of the American Empire from the time when in defiance of its solemn undertakings the United States undertook to manage the affairs of a people 10,000 miles away, of a different and irreconcilable temperament.

WORDS AND ACTIONS DO NOT HARMONIZE

President Coolidge, speaking before the Sixth Pan American Congress at Habana, Cuba, said:

> Our most sacred trust has been, and is, the establishment and expansion of the spirit of democracy. We have put our confidence in the ultimate wisdom of the people. We are thoroughly committed to the principle that they are better fitted to govern themselves than anyone else is to govern them. It is better for the people to make their own mistakes than to have some one else make their mistakes for them.

Charles E. Hughes, chairman of the United States delegation at the same congress in Habana, said:

> We have no policy of aggression. We wish for all of them, not simply those great in area and population and wealth, but for every one, to the very smallest, strength and not weakness.
>
> We do not wish their territory. We have troubles enough at home without seeking responsibilities abroad.

These are noble sentiments, worthy of Washington, Jefferson, and Lincoln. They are in accord with the immortal Declaration of Independence. But they are not in accord with America's relationship with the Philippine Islands. I call upon the whole world to witness the fact that they are not. If President Coolidge is sincere in his statement that "it is better for the people to make their own mistakes than to have someone else make their mistakes for them," why is he so determined in his unwillingness to allow the 12,000,000 Filipinos make their own mistakes, and the opportunity to profit from those mistakes if they do make them?

"We have no policy of aggression," said Mr. Hughes. What, then, does he call America's action in the Philippines? The Wood-Forbes report states that the United States obtained the Philippines "by conquest." Does Mr. Hughes maintain that "conquest" is not "aggression"?

WE CAN EXIST WITHOUT FREE ACCESS TO AMERICAN MARKETS; ALL OTHER COUNTRIES ARE EXISTING WITHOUT IT

Retentionists are fond of asserting that independence would annihilate Philippine commerce and destroy Philippine industries, because Philippine products now entering the United States duty free would be barred by America's tariff wall. The answer to this is that the foreign trade of practically every republic on earth, however small, shows a higher percentage of increase in recent years without American sovereignty and tariff-free access to American markets, than does that of the Philippines with both. If the little South American republics, with less population, less resources, and much lower literacy, can thrive commercially with independence, why assume a Philippine Republic could not also exist?

In this connection I desire to insert a self-explanatory chart on this subject taken from The Philippine Republic magazine, and based on figures reported in the New York World Almanac:

Comparative gains in foreign trade of Philippines and South American Republics

Country	Area in square miles	Population	Foreign trade		
			1921	1924	Per cent gain
Philippines	115,026	[1] 11,568,494	$203,953,896	$243,355,500	20
Ecuador [2]	118,627	1,500,000			61
Costa Rica	23,005	498,435	21,061,773	28,568,249	39
Salvador	7,225	1,550,000	16,948,042	35,326,000	113
Guatemala	48,290	2,119,165	25,747,328	42,728,538	68
Venezuela	393,976	3,000,000	44,192,402	[3] 59,713,527	31
Chile	289,796	3,774,485	297,497,313	375,226,935	28
Brazil	3,276,358	30,635,605	437,314,937	765,013,350	75
Argentine	1,153,418	9,548,092	1,267,790,000	1,771,587,710	39

[1] Estimated.

[2] For Ecuador export figures only were available for 1923 and 1924, as follows: 1923, $18,655,770; 1924, $29,776,209. Gain in exports in one year, 61 per cent.

[3] Foreign trade for 1923.

LET US CONSIDER HAWAII

Let us take the case of Hawaii. Hawaii has been under the American flag longer than the Philippines. It is prosperous, but not for the Hawaiians, but for the Americans who have gained control of the richest regions of the islands. Hawaiians are lucky even to get the opportunity to earn their daily bread from the foreign owners of their own soil. I want no such a condition for the Philippines.

I call attention to the following editorial from the Tribune, Manila, which deserves careful consideration, especially by Filipinos who imagine that autonomy will protect us:

[From the Manila Tribune]

REMEMBER HAWAII

It would not be hard to visualize a prosperous Philippines a decade or more from to-day if our leaders would agree to plans which would make the magnates invest millions of dollars in the rubber industry in this country. Plantations would push the wilderness back; new roads would connect the interior country with maiden seaports; the land settlement problem in Mindanao would be solved; a railroad system would connect distant ports in that island; the scale of wages would rise and the standard of living correspondingly; the demand for articles of necessity and luxury would increase, and so would the volume of business.

Yet our leaders have acted most wisely in making haste slowly. For the capital that comes to a colonial possession makes for the perpetual retention and tutelage of the subject race. If capital would only be content with vast returns on investments, if it would not look to the flag of its nation as a guaranty for the permanence of its business, if it would accept the hazards that are predicated on its location in a country not permanently under its own government as part of the game of business without trying to influence federal legislation affecting these islands, its entry here would be a blessing. But it must not only have material rewards but also seek the perpetual subjection of a race. Its dividends are dollars and the submission of the nationals to foreign domination. Its gospel is written in characters from which are omitted the right of a race to self-sovereignty; and the pride and the dignity that go with freedom. It simplifies life in the colony, but it degrades the human soul to the level of abject submission.

Remember Hawaii! A paradise of the Pacific, it is true; but a paradise for whom? Not for the Hawaiians, who, living in miserable hovels, are now a race with no ambition to assert themselves, their memory of their days of complete freedom fast fading before the omnipotence of vested interests. The story of their disappearance as a nation is a warning to be heeded. The lesson of how gradually they have fallen should not be lost to us whose destiny would be identical with theirs were we to sacrifice to temporary material benefits the restoration of our republic.

It is moreover a strange coincidence that the power which has brought about the circumstances leading to the conquest of Hawaii is also the power which to-day controls us and has the authority to render final decision on the Philippine question. We have faith in the rectitude of America's purpose here in spite of recent happenings that would make us lose our confidence in her vaunted altruism. But Hawaii is like a message to us; a land of prosperity, yet also the graveyard of a whole race, and we can not forget Hawaii.

Remember Hawaii!

AMERICANS WILL NEVER TREAT FILIPINOS ON BASIS OF SOCIAL, RACIAL, OR POLITICAL EQUALITY

Filipinos can never expect to enjoy the maximum of happiness under American sovereignty. Although itself made up of nearly every race under the sun, the American people are the most race conscious people in the world to-day.

No matter what benefits we might derive through political connection with the United States, Filipinos can never be completely happy because Americans will never treat us on a basis of social, racial, or political equality. The Filipino people are modest, but they also have pride and self-respect. This holier than thou attitude assumed by Americans resident in the Philippines—who as a matter of fact are not a bit holier than ourselves—is an affront to our intelligence and sense of observation.

Allow me here to quote a few excerpts from an article in the Nation, New York, by Mrs. Frances Parkinson Keyes, wife of Senator HENRY W. KEYES, of New Hampshire, who was a visitor in the Philippines during Christmas season of 1926:

"I don't know at all how they live—in a very slack, haphazard way, I suppose; but since I have never been in a Filipino house, I really can't judge."

"You've never been in a Filipino house?" I echoed stupidly, staring at my hostess across a table bright with poinsettias, and glittering with wafer-thin, cut shells which served as place cards. Her casual statement, a nonchalant fragment of dinner-party small talk, was to me so astonishing as to be stunning. She was the wife of a United States official who has been for years in the Philippine Islands, and she lived in the "best" residential section of Manila, surrounded on every side by Filipino neighbors. And when she had reiterated, with slightly more detail, what she had said before, it was all I could do to keep from exclaiming, "Well, you certainly have missed a great deal!"

For I had come to this dinner almost directly from a Filipino house; and the picture of elegant and ordered living which I had carried away with me was still as softly vivid as if it had been colored on my consciousness by a master painter: At the end of a driveway which wound quietly up a little hill stood a large garden, the generous green of its central plot fringed with roses; and my hostess, as she greeted me at the open door, handed me a bouquet of dusky roses, their perfume as heavy as their own rich crimson heads. Her satin saya was looped up on one side to show a petticoat of fine lace; the same fine lace was etched against the sheer piñar cloth, made of pineapple fiber, of her camisa (bodice); and her neckerchief was fastened with a superb diamond brooch.

"You would like to go upstairs, perhaps," she suggested, "before you take your place in the receiving line?"

She led me up a stairway with a balustrade of dark hardwood, exquisitely carved, into a bedroom where this hardwood and this carving were repeated in every piece of furniture—in the immense, canopied four-post bed, in the dressing table, cheval glass, wardrobe, and chairs. I could not refrain from exclamations of admiration; and I received my reward when I was taken into four other bedrooms, each more beautifully furnished than the last. Then I was conducted downstairs again, to the spacious drawing room. The portrait of my host's mother, painted by a Filipino artist when she was 16—a dainty, wistful, expectant 16, as the artist had understood and interpreted—hung over the grand piano; the casement windows, with their tiny square panes of opalescent shell—that same shell which my American hostess used for dinner cards, and which serves, in the Philippines, so many beautiful and varied purposes—were thrown open to let the mellow afternoon light stream in over burnished brass bowls filled with flowers over bits of golden brocade gleaming down the length of polished tables, over Chinese rugs of Ming blue spread across a shining floor. Here, in course of time, after I had met a hundred or so women, all dressed, like my hostess, in that lovely costume which is surely one of the most suitable and striking of national dresses, and nearly as many men, in spotless linen and pongee, all cordial, sophisticated, and charming, my hostess brought refreshments to me—pale tea in a thin, priceless cup; sherbet in carved crystal; frosted cakes on a pierced silver salver * * * yes, certainly, the woman who lives for years where she might go daily to houses like these, and never enters one of them, misses a great deal.

I spoke of this episode to another American woman, also long resident in the Philippines. Her comment, also, was surprising.

"Oh, their houses are pretty, many of them," she said, with a little disparaging laugh, "and they're pretty, quite pretty, often. I agree with you that the costume is lovely, and the women are really hospitable, charming, and gracious. But they haven't any mentality. Their education is superficial. They don't read. You never see a book in a Filipino house."

Passing over, for the moment, the rather formidable array of women doctors, lawyers, and educators who had been presented to me during my brief stay. I nevertheless ventured to disagree with her. For I had sat, the greater part of the evening before, with another old friend, a Filipino woman whom I had known before coming to the Islands, in her library. This library so far surpassed my own—and I am proud of my library—that I was green with jealousy. It was a large room—much larger than mine—and the books were crowded on three sides, clear to the ceiling, row after row; on the fourth side, under the broad windows, three more rows of books were squeezed in. The large central table was covered with magazines and newspapers in several languages; the latest works of fiction, biography, history, and travel were scattered lavishly about; and as the owner of these envied treasures talked with me about what she had "recently read" my sense of being almost illiterate myself grew stronger and stronger, such was the variety, depth, and extent of her reading.

The Spaniard, with all his faults as a colonist, did not shut his eyes to the fact that the Philippines were producing men and women of culture, refinement, and intellect, and mingled with them socially as a matter of course. The American colonist, loudly proclaiming his superiority, refuses to do anything of the kind. The line of cleavage between the two races—Anglo-Saxon and Malay—has been drawn as it certainly is not drawn in Java, where the Dutch, it would seem, are facing much the same problem which confronts us in the Philippines, with another Malay race.

And how are the Dutch dealing with it? By recognizing, first of all, the Javanese as a social equal, if, by birth, breeding, and education he is entitled to such recognition. The native sultans and regents have been shorn of all but nominal power; but the Dutch residents and governors and the governor general invite them to dinner and dine with them in return, display and exact respect for their religious and

domestic customs, and address them in terms of brotherly affection. This may be merely surface courtesy; but it certainly results in a smooth and pleasing surface.

* * * * * * *

Is it possible that in denying social privileges to a race peculiarly sensitive in regard to such recognition we have been guilty not only of an offense against good manners, but of a national blunder the consequences of which may be grave? Mr. Hughes is generally supposed to have forfeited the Presidency because of his failure to shake hands with Senator JOHNSON. Are we to forfeit the Philippines because we have, so to speak, refused to shake hands with the Filipinos? We need not go as far as the Dutch; we may leave aside all question of racial intermarriage, the advisability of which we shall probably always question, and which—let us not forget—the races with which we *decline to* intermarry question quite as anxiously as we do. Might it not be well to admit that there are Filipinos who are our social equals, and to accept the hospitality which they, more than any other race with which I have come in contact, offer so lavishly and so whole-heartedly? Might it not be well perhaps to offer them a little in return?

It is no idle epigram, more graceful than veracious, which states that the fate of nations has often been decided over a dinner table. It is the sober truth. And it is a truth to which we might listen with profit in considering the problem of the Philippines.

FILIPINOS WILL NEVER BE SATISFIED UNDER RULE OF A DIFFERENT RACE

Were my people of the same race as that of our sovereign, as in the case of Canada and Great Britain, my position toward autonomy under the sovereignty of the United States might be conceivably different. It would not be so humiliating to be governed, even against my will, by people of my own race, but to be governed over my protest by a people who consider themselves superior, and are not always too careful to let us know it, and whose convictions make it impossible for them to frankly shake hands with me on a basis of political and social equality, creates an atmosphere about my daily life that is intolerable and against which I desire to be considered as protesting with all the power of my being. Americans may understand my feelings by imagining how they would feel to be governed by a race as different from their own as Filipinos are different from Americans.

America's administration of the Philippines is far more satisfactory than was that of Spain, I admit. But before American occupation of the islands, a Filipino, General Azcarraga, became Prime Minister of the Spanish Government. Right now, one of the ablest military leaders of Spain, Lieut. Gen. Castro Girona, is commanding the Spanish troops in Melilla, Morocco. He was born in the island of Palawan in the Philippines. Lieut. Gen. Aleguer Felio, commanding the Spanish troops in Andalusia, is also a Filipino; in fact, there are many Filipinos in the Spanish Army to-day. The assistant secretary of finance in the present Spanish régime is a Filipino. It is hardly necessary to suggest that if we were American territory in whatever form, even as a State of the Union, no Filipino, no matter how brilliant and how worthy, not even if he were Jose Rizal, could reach such positions in the American Government. Even right now, Filipinos graduated from the United States Naval Academy at Annapolis are not permitted to serve aboard American vessels, but can only be transferred to the Army to command Filipino troops in the Philippines.

Filipino graduates from the United States Military Academy at West Point are likewise restricted to the command of Filipino troops. And allow me to call the attention of Congress to the fact that only recently mobs in various points in the State of Washington attacked law-abiding Filipinos and threatened them that if they did not depart within 24 hours their lives would not be worth a dime. Some of my countrymen there were obliged to apply to the police stations and request to be locked up for their own protection. I protest against this treatment on the ground that it is absolutely opposite to the treatment we accord Americans in the Philippines. If a single American had been so treated in the Philippines, the American Army and Navy would have been called out if necessary to protect him, and the American press would have denounced us as savages.

Rev. Samuel W. Stagg, in a recent article entitled "Why I respect the Filipino," printed in the Observer, Manila, described Filipino hospitality to Americans in the islands, as follows:

I respect the Filipino because he respects himself. There is an innate manliness about him. He has a deep-seated personal pride. No one could ever make a Filipino pull a rickshaw. While he is seldom overbearing, he insists on fair and respectful treatment. There is nothing that stirs the heart of the Filipino more quickly than disrespect. The present nationalistic movement of the country is an outgrowth of this Filipino trait. Because he respects himself he wishes to govern himself.

I respect the Filipino because he is innately a gentleman. In my travels throughout the archipelago I have yet to be treated disrespectfully by a Filipino. Everywhere I have been received with unfailing courtesy and kindness.

I respect the Filipino because of his hospitality. One day while traveling in Cagayan Valley my tire blew out. Fixing it was a hot, dirty task. I had hardly finished when an old lady beckoned to me from a near-by nipa hut. She had prepared a big bowl of cold water, soap, and a clean towel for me. While I washed, she filled a glass of cool coconut milk for me to drink. Why did she do this? I was a perfect stranger to her. I probably would never see her again. Her hospitality was as free as sunlight. I could multiply such instances by a hundred. I can never repay the Filipino for the hospitality he has extended to me.

PHILIPPINES WEAKENS UNITED STATES AND STRENGTHENS JAPAN

Two other contentions of the opponents of Philippine independence that I desire to take issue with are, first, that American sovereignty in the Philippines is a protection to us; and, second, that it is a source of military strength to the United States in the Pacific.

The American flag flying in the Philippines is not a protection to the Philippines, but a menace. Should Japan and the United States ever go to war, Japan would undoubtedly immediately seize the Philippines if the American flag should be still flying there at that time. There is nothing in the world to prevent Japan from taking the Philippines any time she desires. American military authorities so admit. Should the United States attempt to recapture them from Japan, the Philippines would be reduced to a no-man's land by the time the Americans and the Japanese got through fighting for its possession. Philippine lives and Philippine property would pay the penalty.

In case of war with the United States Japan would be fully justified in taking the Philippines if the American flag flew there. If the flag of a Filipino republic flew there, however, it would be no military menace to Japan, and the latter could not justify before the world the seizing of the Philippines, and there is no reason to believe she would do so.

If the principle of the Monroe doctrine by which the United States justifies its action in forbidding any outside power to acquire possessions in the Americas is well taken, then the United States is not justified in flying its flag in Asia almost under the nose of Japan. The United States is now in a position of doing to Japan what it will not allow Japan to do to the United States.

Japan makes no protest, however, because it is of the greatest interest to Japan to have the American flag in the Philippines. In the event of war—and nations build battleships because of the possibility of war—Japan would have but to take the Philippines, and thus force the United States to come to the Orient, her own home waters, to fight the war. This advantage would be worth to Japan the fighting strength of an additional entire battle fleet, hundreds of thousands of men, and enormous sums of money, as compared with a reverse situation. A reverse situation would be one in which the Philippines were a republic and not a possession of the United States. In that case the Philippines would not be a factor in the war, and Japan would face the necessity of traveling across the Pacific to America's own battle grounds, where she would have neither a naval base nor military depots. It would undoubtedly be very difficult for the United States to defeat Japan in the Orient, and would require enormous expenditures and sacrifices. On the other hand, Japan could not hope to defeat the United States on this side of the Pacific. The insistence of the United States in retaining the Philippines very clearly gives Japan the opportunity to herself select the site for a struggle with the United States, should that ever eventuate.

Japan is therefore not doing a single thing to aid Philippine independence, assertions by our opponents to the contrary notwithstanding. Japan, however, fully understands the Filipino's aspirations for a government of Filipinos, by Filipinos, and for Filipinos, and, placing herself in the shoes of the Filipinos, she heartily sympathizes with their feelings. The Japanese—the very poorest, lowest, most down trodden individual of them—would rather die a thousand deaths than be governed for a single 24 hours by men of another race, and particularly by men of the white race.

It is said that Japan hopes and expects some day to be able to amalgamate and obtain the moral support of the colored races of the earth by leading the campaign for racial equality. This issue is coming more and more to the forefront with each passing year. The colored races know that the United States has promised to give the Filipinos their freedom, and that instead of doing so is only making one excuse after another.

Japan will be in a position to make use of this fact for anti-American and anti-white-race propaganda purposes as long as the United States continues to violate its pledge to give independence to the Philippines.

While it is greatly to the interest of Japan to have the Filipinos denied independence, for the reasons stated above, the Premier of Japan some years back declared that that nation would be one of the first to agree to the neutrality of the islands if they were made independent. I have no fear of Japan seizing the Philippines if we are given independence. It is not the American flag that would protect us if Japan did wish to take the islands, but the certainty that not only the United States but Great Britain, France, and Holland also, would come to our rescue for their own selfish interest, for the Philippines in Japanese hands would constitute a direct menace to Australia, India, and the other possessions of these nations in Asia. Great Britain, even if the United States had no interest itself, would never stand by idly and permit the Japanese flag to be raised in the Philippines. The strategic and commercial importance of the Philippines, instead of being a source of danger to us, is, on the contrary, what makes for our safety. Mutual jealousies among the powers will be our best and, as a matter of fact, only protection against any nation attempting to seize us if we become independent. It is the old game of diplomacy.

Moreover, Japan's desire is for peace and not for conquest. She knows very well that to throttle a Philippine Republic after the United States had set it up as such would bring the greatest naval powers in the world down upon her overnight. Japan naturally desires her share of Philippine trade, which she has a perfect right to aspire to, and the better she treats Filipinos and a Philippine Republic, once it is set up, the more good will there will be between the two nations—and the more good will, the more business.

If Japan had wanted the Philippines she could have taken them easily either before or during the Spanish-American War. If Japan is such a land grabber as some aver, why is it that she does not take independent Siam, or Java? The latter is populated by 35,000,000 people, is far richer than the Philippines, and owned by the Netherlands, whose navy is absolutely hopeless as compared with that of Japan. Personally, I have no fear of Japan's good intentions toward us; I regret to say that it is the United States that I most fear. The flag of our Republic was hauled down not by Japanese soldiers, but by American soldiers after we had helped them to defeat Spain, and although 30 years have passed, and although we have been promised our independence, the American flag still flies in the Philippines.

PROPOSED LEGISLATION WOULD SUBSTITUTE AUTOCRACY FOR DEMOCRACY

Mr. Speaker, certain legislation is proposed in bills already favorably reported by the House Committee on Insular Affairs, and the Senate Committee on Territories and Insular Possessions, which I desire to condemn in the strongest words that I can command.

I refer to H. R. 8567 and S. 2787. The latter measure would amend the Jones Act to permit the appointment of governors of non-Christian Provinces in the Philippines by the Governor General without the advice and consent of the Philippine Senate, which at the present time has the power to either approve or reject such appointments.

H. R. 8567 would also amend the Jones Act by having Congress allow the Governor General $125,000 annually from internal revenues collected on Philippine products in the United States, for the purpose of hiring "civilian assistants and technical advisers," or "emergency assistants," all of whom would thus be independent of the Philippine Legislature. The effect of such legislation would be to provide a legal and permanent private or "kitchen cabinet" for the Governor General in the selection of whom neither the Philippine Senate or any Filipino would have the slightest voice, and who would yet be in a position to exert, as the advisers or cabinet of the Governor General, a tremendous if not a deciding influence on his every act. We have every ground to fear that such an influence would be exercised in Philippine affairs, and that the Governor General would place the counsel of such a body above that of Philippine legislators and Filipino heads of departments, because we have witnessed such a result time and again in the last seven years, when the late Governor General Wood accepted the advice of his private "military cabinet" and rejected the viewpoint of Filipino officials.

H. R. 8567 would also authorize an increase of the annual salaries of the Governor General from $18,000 to $25,000; vice governor, from $10,000 to $15,000; chief justice of the supreme court, $8,000 to $10,500; associate justices, $7,500 to $10,000; auditor (Ben T. Wright), $6,000 to $15,000; assistant auditor, $3,000 to $7,500, and a second assistant auditor from $3,000 to $6,000.

As the result of inroads made upon Philippine autonomy during the incumbency of the late Governor General Wood, very little of that measure of it granted us in the Jones Act still remains.

These bills promise to be the beginning of the end of what does remain. They will in effect be substituting autocracy for what democracy still exists in the islands.

BILLS CONTEMPLATE "BACKWARD STEPS" IN AMERICA'S PHILIPPINE POLICY

If these bills are enacted into law, it will mean that the United States has broken faith with the Filipino people. It will mean that the great confidence that the Filipino people have placed in the promises and the assurances of American officials has been misplaced; that the Filipino people have from the very first been fooled and deceived. Every proposal embraced in this threatened legislation is an indisputable and irrefutable "backward step" in America's policy toward the Philippines, whereas we have been officially assured from the very outset of our relations with the United States that there would be no backward steps, but that, on the other hand, America's policy would be ever-increasing powers of local self-government, ending in complete independence. This has been up to this day the consistent policy of Congress and the policy throughout the administrations of five American Presidents.

Dr. Jacob B. Schurman, president of the first Philippine Commission, in 1899 construed America's policy to mean:

> Ever-increasing liberty and self-government, * * * and it is the nature of such continuously expanding liberty to issue in independence.

President Coolidge, upon taking office, expressed his intention of following the general lines of the Harding administration. And President Harding, in his letter to the visiting Philippine Mission in the summer of 1922, had said:

> No backward step is contemplated, no diminution of your domestic control is to be sought.

In the same letter, referring to the Jones Act, which is the identical law that the bills in question propose to emasculate, President Harding said:

> The progress made toward self-government in that act (the Jones Act) is not to be challenged, and I think there is no American authority, in Congress or out, suggesting any backward course.

The bills H. R. 8567 and S. 2787 would strip the Philippine legislature of vital powers, rights, and responsibilities, and give the Governor General a correspondingly increased power, constituting the most reactionary backward steps in America's Philippine policy that have been attempted in 20 years.

In view of what the United States has promised us time and again it would not do, and what these bills now propose to do, I can not perceive how Congress can enact this legislation without admitting before the whole world that it has all along been deceiving its wards, the 12,000,000 inhabitants of the Philippine Islands.

ARGUMENTS AGAINST BILLS PRESENTED TO HOUSE COMMITTEE

In further description of the bills under discussion, I desire here to include in my remarks extracts from my arguments in opposition to the measures before committees of Congress:

> I am opposed to the salary increases specified in section 1 of H. R. 8567 as a matter of principle. It will be recalled by some of the gentlemen present at this hearing that the Jones Act, or the act of Congress which is proposed to be amended by the bill under consideration, was enacted with the acquiescence of the constitutional representatives of the Filipino people, and, therefore, the United States Congress, in fixing the salaries set forth in the present Philippine organic act, can not be accused of having imposed a burden upon the Filipino taxpayer without his knowledge and consent. In the present instance, however, I believe that Congress would incur in the undemocratic act—regarded as nothing short of tyrannical by the founders of this great Republic—of taxing a people without giving that people the opportunity to be heard. The Philippine Legislature, the only official agency in the insular governmental system entitled to speak for that people, not being now in session, it is impossible to obtain its opinion on the proposed salary increases, and certainly I do not regard either myself nor any one else claiming to represent the people of the Philippines authorized to speak for them on this subject without specific instructions from the Philippine Legislature.
>
> While I fully recognize and accept the authority of the United States Congress to enact laws for the Filipino people with or without that people's consent, it would seem that the representative system of government implanted in the islands imposes upon this Congress the duty of adhering to that fundamental principle of government that "taxation

without representation is a tyranny." The least that this Congress could be expected to do in the present instance is to extend to my constituents that courtesy and regard for the rights of others which have ever been present in the dealings of this great and powerful country with another of lesser importance and strength. The Filipinos, as many of you perhaps know, due to their long association with Spain, have imbibed many of the traits and characteristics of all Latin races, and among those traits and characteristics stands in bold relief what we call "amor propio" or individual and race pride. In other words, they are very sensitive, and discourtesy or disregard of that pride is deeply resented by them. On the other hand, they are so appreciative of the things done for them, no matter how insignificant, that they are always ready to please those who treat them courteously and squarely, irrespective of the discomforts and even hardships that that action may later bring forth.

Since the proposed salary increases are not in my estimation of an urgent nature, I would propose that this matter be left in abeyance until the next session of the Philippine Legislature in order that the constitutional representatives of those who pay the taxes from which such salaries are to be paid out may express their opinion on the subject.

In regard to section 2 of the bill, I find myself constrained to also oppose it, for the fundamental reason that it is a reflection upon the sense of duty of the Filipino legislators. If the civilian assistants and technical advisers are needed, I am sure that the Philippine Legislature will not hesitate to appropriate the necessary funds for their salaries and traveling expenses. In fact, that body included in the appropriation bill for 1928 the sum of $75,000 for such advisers and assistants, but the Acting Governor General vetoed the item. On the other hand, it would seem as though the Congress of the United States, sitting at a distance of over 10,000 miles from the Philippines, knows more about the needs of the Filipino people and their government than the official agency created by that very Congress to look after the domestic affairs of that people and which functions right in their midst and is composed of men selected by and from amongst such people. The Filipino legislators have already expressed their views on the subject, and I am sure I voice their sentiments when I say that I would rather the Government of the United States withdraw from the control of the Philippine Legislature the whole amount derived from taxes levied and collected in this country upon goods or merchandise brought into the United States from the Philippines for other than insular purposes, than change the present system of disposing of that amount.

I regret exceedingly that I have now to make reference to certain statements made before this committee by Governor General Stimson, in his absence. But as on the previous meeting of this committee the Resident Commissioners from the Philippine Islands were not given the opportunity to express their views on the measure under consideration, I was unable then to present my objections to those statements which I consider of vital importance for the proper elucidation of the phases of the Philippine question dwelt upon by him. I refer to his assertion that one of the greatest burdens that rests upon the shoulders of the Governor General of the Philippines is the supervision and control over the workings of the insular government. He claimed that to carry out properly that power of supervision and control, it is essential that he be given the means with which to accomplish such an important task. It is indeed surprising that Governor Stimson should find it necessary to secure the services of men thoroughly prepared to advise him on the varied and complicated problems of government besides those of the officials designated by law to render him and the Philippine government such services. In other words, he wants a legal adviser in spite of the fact that there is an attorney general in the Philippine Islands who is charged by law with the duty of rendering him advice on legal matters; he wants an adviser on questions of sanitation and health, notwithstanding the fact that we have a director of health.

To give you an illustration. It would be as if the President of the United States, despite the fact that he is given by law the assistance of an Attorney General, a Secretary of the Interior, a Secretary of Labor, a Secretary of Commerce, a Postmaster General, etc., should insist upon employing men supposedly experts on the subjects coming within the sphere of activities of these different officials, disregarding them and their opinions when taking action on matters which come properly under their respective jurisdictions. If those holding corresponding positions in the Philippine government are incapable of performing their duties to the satisfaction of the Governor General, this official should remove them and appoint in their stead others who, in his estimation, could better perform such duties. It may be asserted that because of the fact that the appointment of said officials is subject to confirmation by the Philippine Senate it is impossible for the Governor General to obtain that confirmation whenever the persons nominated by him are not agreeable to the Philippine Senate for reasons other than their capacity to perform the duties and discharge the responsibilities prescribed by the statutes. This is, however, a puerile assertion and is without foundation.

The United States Government, and particularly this Congress, has the power to change at any time the organic law of the Philippines, and I am sure that that change will be made if the Governor General could prove that the men who are supposed to be his advisers under the law are incapable of performing their duties to his satisfaction and the Philippine Senate refuses to replace them with others better fitted to perform such duties. This is exactly the thing that you would do in connection with your own Government should a situation such as I have just referred to present itself, instead of authorizing your President to employ advisers who have no constitutional or statutory standing. In the case of the Philippines, the interference of such advisers in governmental affairs is more to be resented for the reason that the Governor General of the Philippines, as you well know, is not responsible to the Filipino people as the President of the United States is to the American people. To make a long story short, permit me to remind you that the avowed policy of the United States Government and people as expressed by those authorized to speak for that Government and that people is to train the inhabitants of the Philippines in the arts of self-government, and certainly you would be doing the opposite of that policy if you make the Philippine participation in governmental affairs a mere fiction instead of a real fact.

Furthermore, you would be saving our people a great deal of expenditure and you would teach us a lesson in sincerity if, instead of resorting to subterfuge, you should come out squarely and frankly and enact a law making of the Governor General of the Philippines the whole Philippine government.

In closing I wish to reiterate my opposition to the whole bill, for the further reason that it practically takes away from the Philippine Legislature powers granted to it by present acts of Congress without sufficient reason for such withdrawal and because the bill under consideration nullifies the purpose of the present Philippine organic act, which is the granting of "a more autonomous government" to "those islands."

RECEPTION BEFORE SENATE COMMITTEE

My reception by the Senate Committee on Territories and Insular Possessions convinced me more than ever, if I needed further conviction on that point, of the necessity of Philippine independence if the affairs of the Philippines and the Filipino people are ever to receive the sympathetic consideration that they are entitled to.

Being informed the day previous that my colleague, Resident Commissioner PEDRO GUEVARA, and myself would be given a hearing on February 1, I informed the committee that Commissioner GUEVARA had been stricken with a heart attack and pneumonia, and was confined to the Emergency Hospital, and requested a postponement of the hearing, but this was declined.

Therefore I appeared before the committee and presented my objections to the bills, but only two of the 15 members of the committee were present to hear them. Immediately after this hearing the two members retired in an executive session, and reported and recommended the passage of the bill I had just opposed.

I have no doubt that the necessary majority of the committee had orally or in writing agreed to the favorable reporting of the bill, but they must have done so without hearing my argument against it.

My experience of seven years as Resident Commissioner in Washington has convinced me that the average Member of Congress is too busy with affairs concerning his own country to give Philippine matters the attention they must receive to be intelligently and fairly passed upon. The Philippines are 10,000 miles distant from Washington, the American Representative or Senator has few if any constituents there, and the result is he does not have a direct personal interest in Philippine affairs. It is but natural that he should neglect them, because he is too busy with matters concerning his own people. Since American legislators are really too busy to give close attention to the government of the Philippines, they should grant us independence in order that Philippine problems will not be slighted. Philippine legislators have more interest in the correct solution of problems concerning their own people and their own country than even the best-intentioned American legislators can possibly have. This is not intended as a criticism of Members of Congress, but is merely recorded as a fact that fair-minded men can not deny.

STATEMENT BEFORE SENATE COMMITTEE

An excerpt from my statement before the Senate Committee on Territories and Insular Possessions on February 1, 1928, is presented here to further reveal what handicaps confront the representatives of the Filipino people in Washington:

Commissioner GABALDON. Mr. Chairman, it is with deep regret that I have to announce the inability of my colleague, Commissioner PEDRO GUEVARA, to be present at the hearing this morning, due to illness. Mr. GUEVARA yesterday suffered a heart attack a few moments after leaving the House Committee on Insular Affairs and had to be taken to the Emergency Hospital. I asked the secretary of this committee to make this fact known to the chairman and requested postponement

of this hearing. While I was at the Emergency Hospital yesterday afternoon to inquire as to the condition of my colleague, I was notified by the office of the chairman of this committee that my request was declined.

I came fully prepared to discuss in detail with the members of this committee the provisions of Senate bill 2292, and it was my intention to dwell upon the meaning and effects of Senate bill 2787 when I learned that this proposed legislation was to be taken up also at this meeting. However, in view of the fact that there are only two members of the committee present, the chairman and Senator BINGHAM, I consider it unnecessary and a useless expenditure of your time as well as of mine to proceed as I intended at first. Mr. Chairman, there could not, there can not be full discussion and thorough comprehension of the nature and scope of these bills, and most important of all, of their far-reaching effect upon the system of government you have implanted in the islands and upon the relations of the American and Philippine Governments and the American and the Filipino peoples were they enacted into law, unless both sides, your committee representing the American Government, on the one hand, and the Resident Commissioners representing our Government and speaking for our people, on the other, sit together and all discuss the various aspects of the proposed measures, but as it is, there are only 2 on your side out of 13 members composing the committee and myself alone on the other. The two bills that are to be considered this morning are of vital interest to the Filipino people because both propose to curtail the autonomy you have already granted to us—one bill taking away the right to appropriate and the other removing the power, even only in part, to confirm appointments.

Mr. Chairman, in the official letter received by my colleague and myself notifying us of this hearing, we were told that between us we could have only 45 minutes; and when the chairman opened the session this morning at almost a quarter of 11, he declared that he would adjourn the session at 15 minutes after the hour of 11. I leave it to the chairman of the committee and to the only other member of that body here present to say whether it is humanly possible for us within that short period of time to convince the committee that the measures under consideration should not be reported. I am absolutely certain that were the chairman, as a Member of the Senate, and his colleague, Senator BINGHAM, faced with the same situation that I am now facing—the consideration of measures curtailing the rights and prerogatives of the body to which they belong—they would not only insist on a full discussion but most vigorously protest against a seeming attempt to railroad these bills through the committee without giving ample opportunity to both sides to fully acquaint themselves with the magnitude of the questions involved. In view, however, of the announcement made by the chairman that the committee would adjourn this session at 11.15, as stated in the communication notifying us of this hearing, irrespective of whether we have completed the presentation of our arguments against the bills under consideration, the best that I can do in this connection is to beg leave to insert in the record of these proceedings written statements by my colleague and myself regarding these measures, even though I am aware that they will not in the least influence the members of this committee in so far as the reporting of these two bills is concerned, for they would have no time to peruse our statements since the chairman has announced that an executive session is to be held at the expiration of the time granted us to present our testimony.

AGRICULTURAL APPROPRIATION BILL

Mr. DICKINSON of Iowa. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11577) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11577, the agricultural appropriation bill, with Mr. TREADWAY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 11577, which the Clerk will report by title.

The Clerk read the title of the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF INFORMATION

For necessary expenses in connection with the publication, indexing, illustration, and distribution of bulletins, documents, and reports, including labor-saving machinery and supplies, envelopes, stationery and materials, office furniture and fixtures, photographic equipment and materials, artists' tools and supplies, telephone and telegraph service, freight and express charges; purchase and maintenance of bicycles; purchase of manuscripts; traveling expenses; electrotypes; illustrations, and other expenses not otherwise provided for, $379,500, of which not to exceed $338,000 may be used for personal services in the District of Columbia in accordance with the classification act of 1923.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word. I rise at this time for the purpose of adding a statement in the RECORD in connection with the statements made yesterday by the gentleman from Nebraska [Mr. SHALLENBERGER] and the gentleman from Kansas [Mr. HOCH]. They both recommend appropriations and indicate that appropriations will be added in the other body to carry on permanently an experiment which is now going on in the market of dressed beef. They have given it a great deal of study from the standpoint of the cattle raisers and the producers, but like all these matters that come up the consumer has no opportunity of being heard and we do not know how it will affect the consumer.

I am sure that gentlemen coming from agricultural districts will admit that those of us coming from industrial and consuming districts are always willing to cooperate. In turn, however, we would ask that you take into consideration more than you do the plight of the consumers.

It was suggested yesterday that the price of beef had gone down, but I can assure you gentlemen that if the price of beef has gone down it has not been reflected in the retail price paid by the consumers in the cities. Meat in New York City to-day, gentlemen, is a luxury. You can not add another fraction of a cent to the retail price of meat in New York. I do not know where it is going. I tried to find out something about the matter some time ago. I conferred with cattle raisers and I went to Chicago to see what was going on there. The packers say they are not getting it and we knew the cattle raisers were not getting it, yet the retail price of meat in New York City was simply exorbitant.

The producers, after all, have the Department of Agriculture to go to and they can bring about changes, but at no stage of the study made in connection with these systems of marketing has the consumer a chance to be heard.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SUMMERS of Washington. Some of us believe that this would be especially to the advantage of the consumer, and the main purpose of it is to let him know what he is buying, so that he may buy the higher price or medium price or low price beef and not have to pay a high price for the low-price beef.

Mr. LAGUARDIA. In response to that I will say that there is not a woman in New York City who is keeping house that needs to have the brand of the Department of Agriculture to tell her whether meat is prime meat or choice meat or no good meat. She knows it.

Mr. SUMMERS of Washington. I will admit that the housewives in New York City are brilliant, but that does not conform to the situation over the country.

Mr. LAGUARDIA. If you were paying 75 cents a pound for steak, and if the only good prime roast beef you could get was by seeing it in the window of a butcher, and you had to wait until the 4th of July to buy it, I will tell the gentleman from Washington he would become an expert in the selection of meat. [Applause.] We do not need a rubber stamp on meat to tell us whether meat is good meat. What we need is this: We need meat at prices which we can afford to pay, and if you keep on adding more rules and more regulations, and if you keep on playing in with the packers, I will tell you that the people in the industrial centers of the East will soon be on an absolutely meatless diet.

Mr. ARENTZ. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. ARENTZ. At the present time high-class beef is classed as prime, choice, and good; below that you have about 10 other grades. If you go into a market to buy a high-class piece of meat without this regulation or without this classification you are liable to get meat from an old cow from some dairy herd instead of choice western beef. The provision under discussion assures a purchaser of high-class meat in a retail shop of just what he or she is entitled to obtain for the price paid. If that is not in the interest of the consumer I do not know what is. If you pay 75 cents a pound for a high-class piece of beef, under this arrangement you know it is high class and that it is not a part of an old dairy cow.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LAGUARDIA. I ask unanimous consent, Mr. Chairman, to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LAGUARDIA. In reply to the gentleman from Nevada I will say that the gentleman himself does not believe that

the retail butcher is going to say, "This is prime beef, this is choice beef, and this piece is no good; it comes from the prairies or comes from somewhere else and is no good at all." He will sell anything he has in his refrigerator.

Mr. ARENTZ. He will tell you, "All the beef I have here is prime beef"; but if the consumer is taught to understand that there is a mark on that beef stamping it prime, choice, or good, the butcher can not tell the consumer that all of it is prime beef when, in fact, little or none of the meat in his shop is other than cheaper-grade meat.

Mr. LAGUARDIA. And my reply is that the housewives of New York know beef when they are buying it, and a rubber stamp is not going to change matters.

Mr. ARENTZ. They do not know good beef or choice beef when they see it.

Mr. LAGUARDIA. Oh, yes; you just give us an opportunity to buy it. I would like to appeal to the cattle raisers and the gentlemen from cattle-raising districts to establish a more direct contact with the consumers. If you commence to play with the packers we will both get "stuck." There is no doubt about it. The producer is not going to get a fair price and the consumer will have to pay an exorbitant price.

What we want is the opportunity of buying your beef, and if the only reason you have for stamping your beef in this way is to educate the housewives of New York City, I say do not worry about that, because we know good beef when we see it. What we do want is to cooperate with you in bringing about a marketing condition that will permit the cattle raiser to get a fair price for his beef and also put the retail price of meat in the industrial centers, especially New York City, within the reach of the average working man and woman. If you keep on adding new burdens, if you keep on adding more inspections, if you keep on making the marketing more cumbersome, I repeat now what I have said before, that even the limited use of meat in New York City to-day will be reduced and we will soon be on the meatless diet of the Russian peasant.

I submit that when a matter like this comes up and is flashed upon us, we do not know what is going on out in Chicago. We do not know of your conferences with the stockyards of Chicago and the packing houses. We do not know of your conferences with the Department of Agriculture. I submit when these things happen you ought to get in touch with the department of markets of our great cities, and you ought to get in touch with some of the consumers' organizations so that we at least will have a "look in."

Mr. SUMMERS of Washington. Will the gentleman yield for a moment?

Mr. LAGUARDIA. I yield.

Mr. SUMMERS of Washington. As I understand, the big packers are the only ones who are not favoring this plan.

Mr. LAGUARDIA. Well, that much is in your favor, but let me suggest that before you flash anything like this on us you give the consumers a chance anyhow. If the increasing price of meat continues, I will tell you now that we are going on a meat strike in New York. We will stop eating meat for a while.

Mr. DICKINSON of Iowa. Oh, no; eat pork.

Mr. LAGUARDIA. No; they can not eat pork in my district, and the gentleman knows it. [Laughter.]

Mr. COCHRAN of Missouri. Mr. Chairman, I move to strike out the last two words.

The paragraph just read and the paragraph to follow deals with the Bureau of Information, and also has to do with the distribution of the publications of the Department of Agriculture.

This is one Government agency Members of Congress are required to contact almost every day in the year. This applies to the Representatives from the cities as well as the ones from the country. We receive our annual allotment of bulletins and various other documents from this department, and as it is now the policy to advertise the publications over the radio and through the press and tell the people to write their Congressmen, we receive requests daily for Farmers' Bulletins and various other publications of this great department. As the bulletins deal with matters of interest to the residents of cities, I distribute them among my constituents who accept my invitation to write for them. I am now sending out the general letter to the residents of my district.

In order to arrive at some definite idea of the time it would take to get the bulletins in the hands of my constituents, I sent three letters to friends in St. Louis, and at the same time I sent an order to the Department of Agriculture requesting them to send bulletins to the same three people. In one instance it took 10 days, in another instance it took 11 days, and in the third instance it took 12 days to get the publications to my constituents.

I then investigated the matter and found in the distribution branch of the division of publications they are about six days in checking up the lists before they are sent to the Superintendent of Documents. That is, so many orders have been received that this division is six days back in its work. At the Printing Office I found many of the employees are working until 9 o'clock at night, but still they are three or four days back in filling the orders. In all you see it takes about two weeks to get the publications in the mail after the request is made.

During my 16 years of dealing with Government agencies I have found three men who stand out among many other efficient employees of the Government in possessing a most complete knowledge of not only the laws, rules, and regulations, but of every detail in connection with the department in which they are employed. They are our good friend Andy Smith, the CONGRESSIONAL RECORD clerk, with whom every Member of Congress comes in contact almost daily; Francis Cleary, assistant chief of the congressional distribution section of the Department of Agriculture; and Jesse Powell, the chief clerk of the division of information of the office of The Adjutant General of the Army.

Now, I am calling this matter to the attention of Members of the House because it is your constituents and mine who are required to wait for the bulletins and other publications requested, due solely to the fact that at this season of the year we are flooding the department with requests and not providing any additional help. You all know Mr. Cleary practically occupies a dual position in that while he is under the general supervision of the Department of Agriculture, he receives specific instructions regarding distribution of publications direct from the various congressional offices. We also know that we find it necessary to consult with Mr. Cleary and secure from him information and advice which will enable us to place before our constituents publications best suited for their needs. This contact is either by correspondence, telephone calls, or personal visits to the office of the Members.

Millions of lists and bulletins pass through his hands. It is probably due to the efficient work and general cooperation of this man that the work is not further behind. The keeping of the accounts of the allotment of publications to Members is also under his jurisdiction, and this is a very important duty, because information in reference to the number of bulletins to the credit of a Member is confidential. It is a clearing house for all congressional requests for agriculture information. As you know, this bill carries $132,308,849.88. Hundreds of millions of dollars have been heretofore appropriated for this department, as a result of which most valuable data and information has been acquired; in fact, the department is a veritable storehouse of information on agriculture and kindred subjects, and it would seem to me a very poor policy to have researches, experiments, and investigations of every character and then not take proper means to get this great mass of information to the public when it is desired without unnecessary delay; and it is for this reason alone I am suggesting that some steps be taken to expedite the handling of congressional requests.

I will not offer an amendment, but I will ask the chairman of the subcommittee, the gentleman from Iowa [Mr. DICKINSON], if he will get in touch with officials at the department or make a quiet investigation, and if he finds my information correct provide, say, three or four thousand dollars to employ extra help during periods when the regular force can not take care of the work.

Take, for instance, a man in your district who is raising chickens, and he writes for information on poultry diseases. If it is going to take two weeks from the time the request reaches Washington to get the information to him, he might lose his entire flock.

I believe in giving prompt service to my constituents. I do not go home of an evening until the mail received in my office during the day is answered. There is no fault in the bureau; the fault rests with Congress. We flood them with requests at a certain period of the year and make no provisions for additional help.

You are not going to get this information from the division chiefs, because, as we all know, they are being daily schooled in economy.

When the Department of the Interior appropriation bill was pending I called the attention of the gentleman from Michigan [Mr. CRAMTON] to the fact that the bureau was 6 to 12 months behind in settling claims. The gentleman from Michigan told me that the Commissioner of Pensions refused to tell the subcommittee that it needed additional help. Two days after the bill reached the Senate a letter from the other end of the Avenue came down asking the Senate Appropriations Committee to give them more money for additional

help, and it was allowed. It appeared the commissioner's lips were sealed. You will find this in all departments.

You will have to make the investigation in some other way. If the committee wants the delay in sending out these bulletins to their constituents in order to save a few dollars, that is another matter.

Now, one thing more. Here is a bulletin called the Radio Cook Book, advertised over the radio and through press releases. I was flooded with requests for that publication. I called on the Department of Agriculture and was only allowed 100 copies. They have made a reprint, but have declined to give an additional hundred copies to Members of Congress. It is a publication couched in plain language, so that any child can understand. It is credited to the Bureau of Home Economics. For some reason they will not print it as a Farmers' Bulletin. It is the best publication that has come from the Agricultural Department for use in large cities.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. COCHRAN of Missouri. I ask for two minutes more.

The CHAIRMAN. Without objection, the gentleman will proceed.

Mr. COCHRAN of Missouri. Our best friends, our good wives, issued a congressional cookbook which was advertised all over the United States. The word "congressional" being used, I received 150 or more requests for this $3 or $5 book. I used this publication of the Bureau of Economics trying to square myself with my constituents. [Laughter.] I ran out of them and could not get any more. If you are going to publish a book of this character it certainly ought to be issued in some way so that Members can distribute it in large cities, especially if the department proposes to advertise over the radio and in the press the value of the publication. The department denies it ever suggests in broadcasting that the publications can be secured from Members of Congress, but we receive the requests nevertheless.

The pro forma amendment was withdrawn.

The Clerk read as follows:

To carry into effect the provisions of an act entitled "An act to authorize the more complete endowment of agricultural experiment stations," approved February 24, 1925, $2,400,000.

In all, payments to States for agricultural experiment stations, $3,840,000.

Mr. HOUSTON of Hawaii. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 7, line 8, after the end of the paragraph insert a new paragraph, as follows:

"To carry into effect the benefits of the act of March 2, 1887, and supplementary acts in the order and amounts designated by those acts for use in the Territory of Hawaii, $15,000."

On page 7, line 9, after the word "States," insert the words "and Territories"; on page 7, line 10, strike out "$3,840,000" and insert "$3,855,000."

Mr. HOUSTON of Hawaii. Mr. Chairman, the Territory of Hawaii comes before this House at the present time and asks that that which we feel has already been legislated upon be put into this law in order that by administrative action there can be no miscarriage of the clear intent of the law. At the present time the University of Hawaii, which is the agricultural college, is in receipt of $50,000 per year allowed to all agricultural colleges by the second Morrill Act and the Nelson amendment. It is not, however, in receipt of the Federal aid coming to the agricultural colleges by reason of the Hatch, Adams, and Purnell Acts nor the Smith-Lever Act. The first three acts specifically provided for States and Territories and, therefore, should apply to the Territory of Hawaii; the second ground on which we claim this is not new legislation is that the organic act of the Territory of Hawaii in section 5 as passed by this Congress provides as follows:

The Constitution, and except as otherwise provided, all the laws of the United States, including laws carrying general appropriations, which are not locally inapplicable shall have the same force and effect within the Territory of Hawaii as elsewhere in the United States.

Now, the administrative decision on the application of these various benefits to Hawaii is based upon an opinion rendered to the Secretary of Agriculture by the Attorney General of the United States.

In that opinion, rendered in answer to a letter in which Territories and possessions, mind you, were involved, as though they were the same thing, the Attorney General failed absolutely to take into consideration section 5 of the organic act for the Territory of Hawaii. It should be remembered that the Territory of Hawaii is the only Territory in this country which is an organized one, and which contains that particular and specific provision in its organic act.

Mr. CLARKE. Mr. Chairman, will the gentleman yield?

Mr. HOUSTON of Hawaii. Yes.

Mr. CLARKE. Has the gentleman taken this matter up with the Attorney General?

Mr. HOUSTON of Hawaii. The matter was taken up with the Secretary of Agriculture, and he asked the opinion of the Attorney General. Recently I sent a letter to the Attorney General and received a reply that the opinion having been given to the Secretary of Agriculture, he could not review that opinion except upon the receipt of a request to do so by the Secretary of Agriculture. We have not yet been able to get them to do that. I come now at this late hour because of the fact that I tried to put in a special act, wherein these matters would be all taken care of in a special bill; and although the sum called for was exceedingly small, we reduced it to $15,000 per year for the first year, it was held to be against the financial program of the President; and, therefore, without having had an opportunity to appear before the Committee on Agriculture, I come here before the House and ask that upon this showing it may be accepted as an amendment. If, however, the chairman of the subcommittee feels that the showing is not sufficient, I shall withdraw the amendment.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. HOUSTON of Hawaii. Yes.

Mr. CHINDBLOM. I observe that the gentleman increased the total of payments to States and Territories for agricultural experiment stations by $110,000.

Mr. HOUSTON of Hawaii. That is a mistake. I acknowledge that. That should have been $15,000, and I ask that the correction be made.

Mr. CHINDBLOM. It would be necessary to modify the amendment.

Mr. HOUSTON of Hawaii. Yes. I ask unanimous consent that that modification be made.

The CHAIRMAN. Without objection, the modification will be made in accordance with the request of the gentleman from Hawaii.

There was no objection.

Mr. DICKINSON of Iowa. Mr. Chairman, will the gentleman yield?

Mr. HOUSTON of Hawaii. Yes.

Mr. DICKINSON of Iowa. These various acts have never been extended to Territories or to possessions beyond continental United States. There is already a program proposed, as I understand it, whereby both Alaska and Hawaii want to be brought within the provisions of this act. I think it is the opinion of the Budget officer that if one is brought in both ought to be brought in, and if they are brought in it ought to be under legislation and not by amendments of this kind. I assure the gentleman that I am perfectly friendly to the interests of both Alaska and Hawaii, as is shown by this legislation, but that I feel that it should be the legislative committee that should bring about the extension of this service, because the extension service is the child of the legislative committee and not the child of the Appropriations Committee.

Mr. HOUSTON of Hawaii. Will the gentleman permit me to call his attention to the fact that the Purnell Act, passed in 1925, refers specifically to the Territories, and at that time there were no noncontiguous Territories in the Nation except Alaska and Hawaii, and it certainly must have been the intention of Congress when legislating at that time to mean something by those words "and Territories," because it is always assumed that Congress does not use words that have no meaning in particular. But we are not insisting on that point. We are making our plea on section 5 of the organic act. That is the thing to which I shall always come back. It says specifically that all laws carrying general appropriations which are not locally inapplicable are in full force in the Territory of Hawaii. This is a general appropriation bill and it should be applicable to Hawaii; the legislature has petitioned to that effect.

Mr. DICKINSON of Iowa. It is my feeling that this is a matter that should be brought before the legislative committee, and it is my hope that when the gentleman consumes his time that he will withdraw the amendment so that it will not be necessary to make the point of order.

Mr. HOUSTON of Hawaii. Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

Mr. ELLIOTT. Mr. Chairman, let me ask the gentleman from Hawaii a question. Is it not a fact that the Territory of Hawaii came into this Government by treaty, and by the terms of that treaty it was understood that the Territory was to have the same rights as a State, without having statehood?

Mr. HOUSTON of Hawaii. That is true, and we feel that we have certain rights in the matter that are not lived up to.

The treaty of annexation negotiated in 1897 consummating the annexation of the Republic of Hawaii contains these words:

* * * That those islands shall be incorporated into the United States as an integral part thereof.

We feel that to agree to this amendment will only be keeping faith with Hawaii in accordance with that treaty and the organic act passed by this Congress.

The CHAIRMAN. The time of the gentleman from Hawaii has expired.

The Clerk read as follows:

Total, Office of Experiment Stations, $4,216,400, of which amount not to exceed $122,574 may be expended for personal services in the District of Columbia.

Mr. McKEOWN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

That the Secretary of Agriculture is hereby authorized, for the crop of 1928, to make advances or loans to farmers in the pest-stricken areas of Oklahoma, South Carolina, and Georgia, and the flood-stricken areas of Minnesota and North Dakota, where he shall find that special need for such assistance exists, for the purchase of cottonseed and seed grain for seed purposes, and fertilizers for crop production, and, when necessary, to procure such seed and fertilizers and sell same to such farmers. Such advances, loans, or sales shall be made upon such terms and conditions and subject to such regulations as the Secretary of Agriculture shall prescribe, including an agreement by each farmer to use the seed and fertilizer thus obtained by him for crop production. A first lien on the crop to be produced from the seed obtained through a loan, advance, or sale made under this section shall, in the discretion of the Secretary of Agriculture, be deemed sufficient security therefor. The total amount of such advances, loans, or sales to any one farmer shall not exceed the sum of $300. All such advances or loans shall be made through such agencies as the Secretary of Agriculture shall designate. For carrying out the purposes of this act there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $1,500,000, to be immediately available.

SEC. 2. That any person who shall knowingly make any false representation for the purpose of obtaining an advance, loan, or sale under this act shall, upon conviction thereof, be punished by a fine of not exceeding $1,000 or by imprisonment not exceeding six months, or both.

Mr. DICKINSON of Iowa. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Iowa reserves a point of order on the amendment.

Mr. McKEOWN. Mr. Chairman, I am aware that this amendment is subject to a point of order under the rules of the House, but I had hoped that no one would make the point of order, for this reason: I have pursued the method inaugurated here under the Budget system. I wanted this to apply to the whole of the United States. I introduced a bill applying it to Oklahoma. But here was the situation: The Budget Bureau will not approve this small seed loan for the distressed farmers. I want to ask gentlemen of the House in all fairness and candor what other course is a Member of this House to pursue if his bill is vetoed by the Bureau of the Budget before it comes before the House rather than after it has passed the House and Senate?

Now, I have a letter here from the Secretary of Agriculture which shows the desperate situation existing in the State of Oklahoma. There are 22 counties in the State of Oklahoma where the boll weevil last year absolutely destroyed the cotton crop. The farmers there are in wretched shape. They went out of that district in hundreds, in wagons and cars, into neighboring areas to pick cotton on which to live. I am simply asking that Congress do for Oklahoma what it has done for other parts of the country. I voted for measures for relief last Congress and during other Congresses. We granted seed loans to the Northwest, and I voted for it; and now, when we come to my section of the country the Budget Bureau says, "This is not in accordance with the President's financial program." There is nothing else to do after an ineffectual appeal to the Bureau of the Budget but to appeal to the Committee on Appropriations and to this House. The Secretary of Agriculture had an investigation made, and what does he say? He says:

DEPARTMENT OF AGRICULTURE,
Washington, D. C., March 2, 1928.

Hon. GILBERT N. HAUGEN,
Chairman Committee on Agriculture,
House of Representatives.

DEAR MR. HAUGEN: In response to your request of February 2 for a statement with reference to H. R. 7942, introduced by Mr. McKEOWN, authorizing an appropriation of $1,000,000 for the purchase of cottonseed and other seeds to be supplied to farmers in the pest-stricken areas of Oklahoma, I am transmitting herewith such information as we have on crop-failure areas in Oklahoma and other States in 1927, and, in accordance with the expressed desires of the Committee on Agriculture at a hearing on this bill on February 2, a suggested draft of the bill to make it applicable to crop-failure areas generally.

Weather conditions during the summer of 1927 in southern Oklahoma were extremely favorable for the development of the cotton boll weevil and as a consequence destruction of the cotton crop by this insect was unusually severe. The statistician in Oklahoma for the division of crop and livestock estimates of the Bureau of Agricultural Economics of this department reports that abandonment of acreage planted to cotton in 1927 ran as high as 92 per cent in Johnston County, 85 per cent in Marshall County, 60 per cent in Carter County, and 56 per cent in Bryan County. Ginnings of cotton in Johnston County prior to December 1, 1927, were reported as 623 bales as compared to 8,037 bales for the same date in 1926. Corresponding figures for Marshall County are 742 and 6,870 bales; for Carter County, 1,645 and 14,216 bales; and for Bryan County, 2,167 and 9,131 bales, respectively. In 12 counties in south central Oklahoma ginnings to December 1, 1927, amounted to 81,618 bales, while those to December 1, 1926, were 203,014 bales. Of the 81,618 bales ginned in 1927, 67,000 bales were in the three counties of Stephens, Jefferson, and Garvin, so that less than 15,000 bales were produced in the other nine counties. Serious curtailment of the cotton crop occurred also in certain counties in southeastern and east central Oklahoma.

Conditions favorable for the development of boll-weevil damage also prevailed in 1927 in sections of eastern and southern South Carolina and southeastern Georgia. Average yields of cotton in the lower half of South Carolina in 1927 were less than half those obtained in 1926. Because of failure of farmers to repay advances made on the 1927 crop it is reported that banks and merchants in many cases will be unable to make the usual advances for seed and fertilizer for the 1928 crop.

In the spring and summer of 1927 continued rains and floods prevented planting of much of the normal acreage of crops in several counties of northwestern Minnesota and northeastern North Dakota, particularly Marshall, Kittson, and Roseau Counties in Minnesota, and Grand Forks, Walsh, and Pembina Counties in North Dakota. These counties in the Red River Valley are normally among the most productive in the spring-wheat region, but because of inability to sow the usual acreage of spring grains and because of bank failures some farmers are said to be without means to finance their spring seeding.

It is our understanding that the American Red Cross has sufficient funds available to provide for the needs of flood sufferers in the Mississippi Valley and in Vermont, including planting seed for those who do not have seed nor facilities with which to obtain it. For this reason we have not given consideration to these regions in this discussion. If the Congress provides a broad, general authorization for loans to farmers in flood-stricken and pest-stricken areas and it later appears desirable to supplement the activities of the American Red Cross in the flood regions in which that organization is operating, this action will be taken in cooperation with that agency to avoid duplication of effort.

While crop failures were severe and credit conditions are now unfavorable in the sections mentioned in the foregoing paragraphs, the areas are much smaller than those for which appropriations were made for loans in 1921 and 1922 and authorized in 1927. Attention of the committee is also called to the fact that no previous authorization has been made for loans in pest-stricken areas, the previous loans having been made in regions in which crop failure was due to drought or flood.

In accordance with the request of the committee, the bill has been drafted to authorize an appropriation for loans in the flood-stricken and pest-stricken areas of the United States. If the Congress determines that such an appropriation should be made, the department would prefer to have the areas in which loans are to be made definitely established by the Congress. The department has no reports of serious crop failures in sections other than those discussed in the Committee on Agriculture on February 2 and in the preceding paragraphs of this letter.

* * * * * * *

Very truly yours,

W. M. JARDINE, *Secretary.*

(Inclosures: Referred to the Budget Bureau, as required by Circular No. 49 of that bureau, and under date of February 24, 1928, the department was advised by the Director of the Bureau of the Budget that the legislation proposed in H. R. 7942 and in the substitute drafts sub-

mitted with the foregoing report would be in conflict with the financial program of the President.)

You will observe that the Secretary says he wanted the bill to name the specific places that he had investigated, so that he could go ahead and make the loans in that particular territory. You will notice he says:

If the Congress determines that such an appropriation should be made, the department would prefer to have the areas in which loans are to be made definitely established by the Congress.

Now, those facts are true. Those people are in a desperate shape. Congress has followed the policy heretofore of aiding the other parts of the United States, and here comes Oklahoma, which pays into the Treasury enormous sums of money, and asks that it be given similar relief. The bankers of the country are trying to save the banks of that part of the country. In one county in the district of one of my colleagues all the banks have failed.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. McKEOWN. May I have two minutes more?

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. McKEOWN. My amendment is subject to a point of order. I had hoped that no Member would make the point of order. I appeal to you, gentlemen, to grant this relief. We have no other way to get it. And I want to say to you that if the policy is to say "no" to the poor, unfortunate farmer in one section of the country when you have granted relief to another section of the country, the farmer wants to know it. The farmers in Oklahoma want to know, if you can not make a loan to them of $1,500,000, where do you get the money to build the $750,000,000 Navy, as is proposed? I put it up to you, gentlemen. If you want to make a point of order, you have to make it; that is all. [Applause.]

The CHAIRMAN. The gentleman from Iowa [Mr. DICKINSON] reserves a point of order.

Mr. HASTINGS rose.

The CHAIRMAN. Does the gentleman from Oklahoma desire to be heard?

Mr. HASTINGS. Mr. Chairman, I just want to say a word to supplement the statement of my colleague from Oklahoma [Mr. McKEOWN] as to the real necessity for this appropriation at the present time.

What my colleague states about the farming conditions in the eastern part of Oklahoma is quite true. Along with the other members of the Oklahoma delegation and members from other State delegations we appeared before the Budget Bureau on this legislative bill, and in that hearing, I think, we conclusively showed the true conditions with reference especially to cotton in eastern Oklahoma and elsewhere throughout the country. It was shown that in perhaps 22 counties in eastern Oklahoma the yield of cotton was less than 19 per cent of the normal crop, and there really was much distress there and necessity for this appropriation.

It is really difficult to overdraw the conditions in certain agricultural sections of our country. In the first place, 1927 was a very rainy season and it made the ravages of the boll weevil much more disastrous. The boll weevil has only recently been extended as far north as the middle part of Oklahoma. I am not overdrawing the picture when I say that while there was on an average of less than 19 per cent of a cotton crop in 22 counties of eastern Oklahoma, from quite a number of fields not a lock of cotton was picked. As a result we have had business depression in certain sections. The farmers deserve and need help. They have appealed to their representatives in Congress. Some weeks ago a bill was introduced in the House authorizing such an appropriation to assist the farmers in securing a loan through the Department of Agriculture to buy seed and fertilizer such as is contemplated by this very same amendment. This bill was referred to the Committee on Agriculture, and following the usual course it was in turn referred to the Secretary of Agriculture for a report. We had every reason to believe that the Secretary of Agriculture was sympathetic. His department then referred the bill to the Bureau of the Budget, following the custom in all bills calling for an appropriation from the Treasury.

We presented the matter in very great detail to the Director of the Bureau of the Budget. The delegation that presented it came away feeling it had received a sympathetic hearing and that the director understood the situation and that the report would be favorable. You may imagine our surprise, therefore, when we were advised that it was disapproved on the ground that it was against the financial program of the President.

Last year about $8,000,000, as I now recall, was authorized to be appropriated for the very same purpose, largely to be applied to the wheat-growing States of the Northwest. Some, however, was to be used in the South. The same principle was involved. It is difficult to understand the philosophy upon which this bill was disapproved. We are more than disappointed. While this amendment is subject to a point of order, without a favorable recommendation from the Bureau of the Budget, we had hoped that the necessities of the case would so strongly appeal to the Members of the House that the point of order would not be made.

Mr. DICKINSON of Iowa. Mr. Chairman, I am compelled to make the point of order, because the legislative committee is the committee through which we always do these things.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

Mr. LANKFORD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The Chair has just sustained a point of order on the pending amendment, so there is nothing now before the committee. The gentleman may move to strike out the last word of the former paragraph.

Mr. LANKFORD. Mr. Chairman, I make that motion.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. LANKFORD. Mr. Chairman, at this time I wish to call the attention of the committee to this particular bill. If you will take the bill and read it through from start to finish and look for appropriations in the bill in the way of helping farmers produce more you will find there have been a great many appropriations made in that respect. There are plenty of appropriations to fight the various pests and diseases.

Mr. DICKINSON of Iowa. Will the gentleman yield?

Mr. LANKFORD. Yes.

Mr. DICKINSON of Iowa. Does the gentleman contend that in order to help relieve the farmer of pests which destroy his crops that you are helping him produce more? We are simply helping him to produce better and on a scale where he can be efficient and where he knows his product is not going to be destroyed and that he will have a market for it.

Mr. LANKFORD. That is true; and I am not wishing to criticize that line of appropriations.

Mr. DICKINSON of Iowa. All of the extensions in this bill are for that very kind of work.

Mr. LANKFORD. That is true; and I do not wish to criticize appropriations made for fighting those pests. I do not mean to criticize appropriations made for helping the farmer to experiment in production. I do not mean to criticize appropriations made for schools which experiment in producing and helping the farmer to produce more. I do not wish to criticize the appropriations made for soil tests and all of those various kinds of things in the bill. Neither do I wish to criticize appropriations made to print cookbooks for the purpose of helping the housewife and the consumer prepare the food after it gets to the ultimate consumer. What I wish to do is to call the attention of the committee and Congress to the absence of any appropriation in this bill—and that is not a criticism leveled at the committee or the Department of Agriculture, but at the failure of the law to authorize the appropriations—there is an absence of any appropriation in this bill for the purpose of experimenting in getting the food of the producer from the producer to the ultimate consumer at the least possible cost.

Mr. DICKINSON of Iowa. Will the gentleman yield?

Mr. LANKFORD. Yes.

Mr. DICKINSON of Iowa. We have expanded in the news service; we have expanded in the marketing machinery; we have expanded in all of the experiments having to do with inspection and assistance; and there is in the bill provision for research work which will develop additional facts and information on the question of how to avoid the complications that are now facing the farmer in marketing and having proper transportation for these commodities. I am afraid the gentleman does not compass all there is in this bill.

Mr. LANKFORD. I would be glad to have the Members of the House take the bill, go through it, and find where there is any appropriation in this bill to experiment in selling the food of the producer directly from the producer to the consumer and trimming out the unnecessary middleman, who makes a profit out of that food. The great problem to-day is getting the food from the producer to the ultimate consumer. Now, there may be appropriations in the bill to experiment in cooperative marketing, but those appropriations to a large extent, if not entirely, go to the organization of farmers in producers' clubs which sell wholesale. What I mean is this: I was out West last summer——

Mr. DICKINSON of Iowa. Will the gentleman yield?

Mr. LANKFORD. Let me make this point, and then I will be glad to yield. I was out West last summer and I saw that the farmers there had organized to sell eggs in large quantities to the consuming public. I asked them to whom they sold the eggs. They said they sold them to one big concern in New York City. I said, "Do the men of that concern eat all of those eggs?" They said, "No; they sell them to the jobbers, to the retail men, and finally down to the ultimate consumer." The point I am making now and the point I was making then is that we have never brought the ultimate consumer in close enough touch with the producer. I saw great canneries there, men who were canning large amounts of salmon. They told us how they were working together in cooperation in the sale of the salmon. I said, "To whom do you sell your salmon?" They said, "Why, we sell them to some concern in the city of New York."

They seemed delighted with the situation and said, "We have a wonderful marketing system. That great concern of distributors take all the salmon we can place on the market." I said, "Do the members of that concern themselves eat all that salmon which they buy from you?" Of course, they said "No" as I expected. I then said, "My good friends, to my mind, your marketing organization is only half organized. You have only organized the selling part of the machine and still let the middlemen make unconscionable profits out of you and the ultimate consumers. You need more organization of the consumers, and you need to be in much closer touch with the ultimate consumers."

I found that the same defects were in the marketing of cream and other milk products and also in the marketing of the fruits of that great western country.

Cooperative marketing is fine in so far as it goes, but it has only begun in the great work that should be done in the way of bringing the producer and ultimate consumer in closer touch. Proper organization of producers, to my mind, would bring about the practical elimination of most middlemen. As now, in effect, cooperative marketing only collects food and food products as well as other farm products in large quantities, so that the speculator can the more easily get possession of practically all, if not all, of a certain commodity and thus form practically a monopoly as to that particular product. Of course, the producer finds a market for his product and possibly gets more for this product than he would get, if acting separately and as individuals, but the ultimate consumer does not get any additional advantage and the producer fails to get as much for his product as he should receive.

There should be complete organization at both ends of the line, and the producers and the consumers should have the fullest control of both organizations. There should be only such intermediaries as the producer and consumer desire and as they find to be necessary. Practically all middlemen who handle perishable food products are expensive, unnecessary parasites and only cause the food to deteriorate and rot while they are attempting to squeeze out their profits and thus rob the farmers and consumers by charging not for a real service but for a rank injustice.

Congress seems to have never made a serious effort to pass legislation to bridge the yawning, hungry, awful chasm which is between the producer and the ultimate consumer, except it has refused to help eliminate this great gap and has assisted the profiteer and speculator to become more thoroughly entrenched between the producer and the consumer. The thing that alarms me, Mr. Chairman, is that it is almost impossible to get many of those who pose as the friends of the farmer to give serious consideration to this awful means of robbing both the producer and the consumer.

Read the so-called farm relief bills and you will find that practically all of them are so worded as to take care of the middleman. Very few of them strike at the real evil. Those that go to the heart of the trouble have very little, if any, chance of passing in the near future. The real farm problem with most people seems to be just how little can be done for the farmer and yet secure his approval of a further extension of a general scheme to exploit him.

The middleman and speculator names the price at which he buys from the farmer and then names the price at which he sells to the consumer. Even the peanut parcher tells the farmer what he will give him for the peanuts and then when he gets them he tells the farmer what he will charge him for a paper sack of parched peanuts.

Again let me say—and it can not be said too often—that the farmer can never be placed on a parity with other businesses and enterprises until he is empowered to name within reason the price of the products of his own toil.

Let me repeat what I have tried to say before. It is reasonably easy to secure appropriations to help the farmer produce and enslave his family to yield an abundant harvest, but as soon as the commodity is ready for sale he is left at the mercy of the middleman without any real help from appropriations or other governmental agencies. Then, again, there is help for the consumer after he gets the food or food product from the middleman, but only then. There is no governmental assistance to either producer or ultimate consumer in their efforts to span the great gulf which separates them.

Now, let us look at the present agricultural appropriation bill, which carries approximately $140,000,000.

The first two and a half pages make appropriations for salaries, not of farmers but of employees here in Washington. Last half of page 3 and first part of page 4 make appropriations for stationery, blank books, twine, paper, gum, dry goods, soap, brushes, brooms, mats, oils, paints, glass, lumber, ice, fuel, water, newspaper clippings, washing towels, automobiles, motor cycles, and so forth and so on. Nothing here helps the farmer to sell at a better advantage. No doubt the speculator makes a profit and a large one out of some of the articles which are sold to the department.

Pages 4 to 10, inclusive, provide for appropriations for bulletins, printed data, and experiment stations, together with exhibits at fairs, and so forth, all of which is for some purpose other than helping the farmers sell their products for a better price and more directly to the consumer. Page 11 is for forestry and is good, but in no way helps the farmer to solve his marketing problems. Page 11 provides also for money to help rehabilitate flood-stricken areas so more can be produced, but in no way helps the poor fellows sell what they produce.

Pages 12 to 49, inclusive, provide appropriations for the following purposes in the order named, to wit: Weather Bureau, Bureau of Animal Industry, meat inspection, eradication of foot-and-mouth disease, and so forth, Bureau of Dairy Industry, Bureau of Plant Industry, Forest Service, Bureau of Chemistry and Soils, Bureau of Entomology. These are all splendid activities, but not a one of them is engaged in the all-important matter of helping the producer get a fair price for what he produces. They all only help in production. The farmer needs not only help to produce, but also help to sell what he produces.

From the top of page 50 to the middle of page 53 appropriates money to protect game preserves, all of which in no way helps the farmer in his most important problem of securing a proper marketing system.

From middle of page 53 to the middle of page 55 provides help for good roads, a splendid cause, but not used as they should be, for furtherance of the sale of farm products directly from the producer to the consumer. Then again, if good roads had never been needed by anyone except the farmer and his mule and wagon, they would have never all been built. They have been built for everybody and their automobiles. Of course, I am in favor of good roads. I am just stating that money appropriated for good roads may swell the amount of the agricultural appropriation bill, but like many other items it is not for the farmers solely and only, but also for other folks. In fact, there is very little appropriated for the farmer without a large part of the appropriation eventually finding its way to the pockets of those who do not farm. A large amount of so-called agricultural appropriations never reach the farmer at all. It has been estimated that only one dollar out of every seventy so appropriated for the farmer ever actually reach the farmers' pockets.

But let us look at the present agricultural appropriation bill just a little further. Beginning at the middle of page 55 appropriations are made for the Bureau of Agricultural Economics. First, as usual, comes $268,000 for salaries, so forth and so on, in the District of Columbia. Then there is provided $372,250 to investigate and encourage the adoption of improved methods of farm practice and farm management, but not a red cent to help the farmer sell directly from the producer to the ultimate consumer. Then there follow several pages of provisions in the way of appropriations for investigations, securing information, compiling data, making research, issuing bulletins, diffusing information, telling the farmers about technical matters, broadcasting scientific conclusions, predictions as to supply and demand, and almost everything else that can be thought of in connection with farming which helps the speculator about as much as it does the farmer, or more, but nowhere is there to be found a genuine bona fide effort or appropriation to honestly endeavor to help the farmer sell his products free from the profits of unnecessary middlemen. Thus it is that from the middle of page 55 to the top of page 63 there is no appropriation to help the farmer with his real problem of getting a rea-

sonable price for what he sells. There are, of course, appropriations which may or may not help the farmer to some extent. For instance, there are appropriations in connection with the United States cotton futures act, United States cotton standards act, and the grain standards act, but these only help the farmer remotely, if at all.

On page 63 to the middle of 64 are appropriations for the Center Market here in Washington, in which is operated a general market business in which farm products are sold, in most cases after a half dozen or more unnecessary profits have been made out of what the farmer produced. Center Market is maintained, evidently, for the encouragement and promotion of the speculation by middlemen in farm products. It is certainly not operated for the purpose of encouraging the sale of farm products directly from the producer to the consumer without unnecessary profits to middlemen.

From the middle of page 64 to the end of the bill are appropriations for the Bureau of Home Economics, plant quarantine and control administration, enforcement of grain futures act, food, drug, and insecticide administration, and miscellaneous appropriations in which are included everything that can be thought of that is not included in the first part of the bill, except appropriations to help the farmer sell his products to the very best advantage regardless of the favored middlemen.

Mr. Chairman, I am not now criticizing these appropriations, except to show that they are mere chicken feed as compared to what we should do for the farmers of the Nation. Most of these appropriations help the middlemen and profiteer more than they do the farmer, and many of them very probably are a real detriment to the best interest of the farmer. None of them are for the purpose of helping the farmer sell to a better advantage by elimination of the unnecessary middlemen's profits. Some of them, it is true, help the farmer to sell, but they also help others to make unconscionable profits out of the farmer.

I repeat again and again, we are not attempting to solve the farmers' problems in the right way. Real relief can only come by helping the farmer sell not only his perishable products but also the basic commodities at a better price and under a system whereby he can name the price of his own products within reason and thereby become free and independent.

Nearly all the farm relief bills are, to my mind, vicious, because they attempt to help the farmer and yet leave him the prey of all other businesses and enterprises. The farmer should be placed on an equality with other folks, and there is no real farm relief except that which places the farmer on an equality with other folks, businesses, and enterprises.

I have worked out a system and introduced it in the form of a bill which, to my mind, will solve the farmers' problems in so far as cotton, tobacco, and other basic commodities are concerned. I have urged the Committee on Agriculture of the House to favorably report my bill in this respect. I shall also urge this committee to give favorable consideration to my bill to authorize the Department of Agriculture to embark in a line of experiments in the organization of consumers' clubs and producers' clubs and the sale of food and food products more directly from the producer to the ultimate consumer.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. LANKFORD. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to proceed for five additional minutes. Is there objection?

Mr. DICKINSON of Iowa. Mr. Chairman, reserving the right to object—and I am not going to object—we are very anxious to get this bill through. We were exceedingly liberal with general debate, and most of the Members had every opportunity to express themselves, and I am not sure but what the gentleman had some time in general debate.

Mr. LANKFORD. I had 20 minutes, but yielded it back, as I was busy preparing my statement for use before the Committee on Agriculture.

Mr. DICKINSON of Iowa. As a matter of fact, we yielded to your side two hours more than we used on this side.

Mr. LANKFORD. I did not use a minute in general debate.

Mr. DICKINSON of Iowa. I hope gentlemen are not going to continue to ask for additional time, because I would like to get home early on Saturday afternoon.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LANKFORD. Mr. Chairman and gentlemen of the committee, I wish to impress upon you the fact that we are only organizing the marketing proposition at one point on the line. What we need is this: We need an organization not only of the producers, but an organization of the consumers and the elimination, so far as possible, of the unnecessary middlemen, who make a profit without really rendering any service.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. LANKFORD. Yes.

Mr. SUMMERS of Washington. Does the gentleman have an idea that Georgia watermelons, for instance, could be marketed direct in Washington?

Mr. LANKFORD. I am absolutely sure of it. I know of no reason why a Georgia watermelon should not be marketed direct just as a 5-cent newspaper is sent direct to the man who reads it. I know of no reason why a watermelon should not be sent to a man's home who wants that melon, just as the dairyman sends a bottle of milk to your front porch every morning. I know of no reason why the market basket, made up by the producer of that market basket, should not be sent to the ultimate consumer direct under a proper contract, helping that consumer buy the commodities direct from the producer and trimming out the unnecessary middlemen, just the same as newspapers and other articles are distributed.

I realize, when you begin to figure on legislation to eliminate the middleman, there are a great many people who seriously object; but, gentlemen of the committee, the great problem to-day of farm relief is to work out some plan whereby the man who produces can sell his commodity at a better price. I am not criticizing the Department of Agriculture, but the great problem with the wheat grower, with the cotton grower, and the producers of vegetables and other farm products is not so much that he can not produce but that he can not receive what he is entitled to when he goes to sell it; and all of our legislation in the past has been along the line of helping the farmer produce more.

We appropriate money to fight boll weevil and fight corn borer, and that is all right; but we do not appropriate any money to fight the two-legged, 200-pound corn borer and boll weevil, who occupies a cushioned seat, and who destroy that commodity, in so far as the farmer is concerned, after it is produced. You want the farmer to produce. You want the farmer to toil; you want him to labor; you want him to produce in abundance; but when he does produce you do not take care of him sufficiently when he goes to sell his commodities.

Let me say we can never settle the farm problem until we work out for the farmer a better marketing system. We must do it. It matters not whether we pass the McNary-Haugen bill, it matters not what legislation we pass, until we can help the farmer sell his product to better advantage and get a better price for it and eliminate the unnecessary middlemen, we can not solve the problem.

Mr. HASTINGS. Of course, the gentleman is in favor of the McNary-Haugen bill?

Mr. LANKFORD. I voted for the McNary-Haugen bill, and I may vote for it again; but I know of some very much better bills than the McNary-Haugen bill that I would like to support. I have introduced one myself that is an improvement over that bill in that it does the very thing I have suggested. My bill seeks to enable the farmers themselves by proper organization and by proper contract to control their production and marketing and thus eliminate unnecessary and expensive middlemen and within reasonable limits name the price at which they sell the products of their own toil.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

The pro forma amendment was withdrawn.

The Clerk read as follows:

For cooperative agricultural extension work, to be allotted, paid, and expended in the same manner, upon the same terms and conditions, and under the same supervision as the additional appropriations made by the act of May 8, 1914 (38 Stat. L. 372), entitled "An act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture," $1,300,000; and all sums appropriated by this act for use for demonstration or extension work within any State shall be used and expended in accordance with plans mutually agreed upon by the Secretary of Agriculture and the proper officials of the college in such State which receives the benefits of said act of May 8, 1914: *Provided*, That of the above appropriation not more than $300,000 shall be expended for purposes other than salaries of county agents.

Mr. GARRETT of Tennessee. Mr. Chairman, I offer an amendment.

The CHAIRMAN (Mr. RAMSEYER in the chair). The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARRETT of Tennessee: On page 10, line 11, strike out the figures "1,300,000" and insert in lieu thereof the figures "1,580,000."

Mr. GARRETT of Tennessee. Mr. Chairman, in my opinion one of the most valuable works which the Department of Agriculture performs is this cooperative demonstration work. It brings the individual farmer in direct contact with the expert. He does not have to obtain his information by reading and he does not have to follow theories, but has the actual work done for him there.

This work was established in Tennessee a good many years ago and has been gradually spreading. I ascertained from a reading of the hearings that 465 agents are needed in order to fill the applications that are before the department. It seems to me we could very well afford to increase this appropriation by the $280,000 which I understand to be the amount that would be required to fill all the requests pending before the department.

Mr. DICKINSON of Iowa. Mr. Chairman, the subcommittee is very friendly toward the extension service. It is true there are now a good many applications on file for agents that apparently have not been supplied on account of the limitation of funds.

It seems to me that this amount of $280,000 would be a little beyond the requirements, because all of the different counties certainly would not be able to arrange their machinery and get cooperation of other States at one time. I am wondering if it would be satisfactory to the gentleman not to include so large an amount as $280,000, but make it $150,000?

Mr. GARRETT of Tennessee. I would be willing to take what I could get agreeably rather than make a fight for more and lose it. It is my thought that there are in fact now applications where the requisite procedure has been had in the counties amounting to 465 of all classes. That is the understanding I got from the hearings.

Mr. DICKINSON of Iowa. I would be inclined to accept an amendment for $150,000 without a contest.

Mr. BUCHANAN. If the gentleman will yield, I think the Budget should have included the $280,000. That is the figure the department says is necessary in order to meet the demands for all the applications that are now on file.

Let us analyze that for a minute. Here is a great fund, a part of it an annual appropriation, an automatic appropriation. Forty-seven States have made application, which are on file. Mind you, this is a cooperative fund. The Federal Government pays a portion, the State pays a portion of the salary, and the county in which the county agents are pays a portion of the salary.

Forty-seven States have filed applications and the counties and States have set aside their portion of the salaries. The question is, Are we going to treat them all alike—are we going to give the money to some agents in some counties? And if so, all should receive it.

I will say to my colleague on the committee that the $280,000 increase which the gentleman from Tennessee has offered in his amendment will meet only the applications now on file, and before the next Congress convenes there will be further applications on file, so that instead of this amount being too large it is really too small, because it does not anticipate the future.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. DICKINSON of Iowa. I yield.

Mr. GARRETT of Tennessee. It is a fact that in many of the States—I know it is true in my State—the authorities that handle the funds have discouraged the counties from making application. There would be more on file from my State than there now are on the waiting list were it not for the fact that they have been discouraged by the statement that the Federal appropriation was not sufficient. I hope the gentleman from Iowa will be willing to accept my amendment.

Mr. DICKINSON of Iowa. I will say to the gentleman that I am a friend of the extension service, as everybody knows. I know that these applications are on file. I thought I could get the gentleman to reduce the amount, but if he persists in making it $280,000, I shall not object.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. GARRETT].

The amendment was agreed to.

The Clerk read as follows:

Flood-devastated farm area relief: To enable the Secretary of Agriculture to carry into effect the provisions of the act entitled "An act for the purpose of rehabilitating farm lands in the flood areas," approved January 26, 1928, including the employment of persons and for traveling, subsistence, and other necessary expenses, $400,000, of which amount $110,000 shall be immediately available.

Mr. GARRETT of Tennessee. Mr. Chairman, just a word in order to get some information. I have been through the hearings, and this $110,000 to be immediately available seems to be all that the department itself can use.

Mr. BUCHANAN. It is, between now and the time the bill becomes a law.

Mr. GARRETT of Tennessee. The original authorization was $500,000, but I note that that is reduced, and the department seems to be agreeable to it.

Mr. BUCHANAN. That was based on commencing on January 1 of this year.

Mr. GARRETT of Tennessee. The original authorization passed the House was $500,000, but I note the Secretary of Agriculture stated that it might not be necessary to use that because of the fact, as the gentleman now says, that they would begin on the 1st of January. I withdraw the pro forma amendment.

The Clerk read as follows:

Cereal crops and diseases: For the investigation and improvement of cereals, including corn, and methods of cereal production and for the study and control of cereal diseases, including barberry eradication, and for the investigation of the cultivation and breeding of flax for seed purposes, including a study of flax diseases, and for the investigation and improvement of broomcorn and methods of broomcorn production, $728,000, together with not to exceed $17,000 of the unexpended balance of the appropriation for this purpose for the fiscal year 1927: *Provided*, That $375,000 shall be set aside for the location of and destruction of the barberry bushes and other vegetation from which rust spores originate: *Provide further*, That $75,000 of this amount shall be available for expenditure only when an equal amount shall have been appropriated, subscribed, or contributed by States, counties, or local authorities, or by individuals or organizations, for the accomplishment of such purposes.

Mr. NEWTON. Mr. Chairman, my purpose in offering this pro forma amendment is to call attention to the appropriation of $375,000 to be used for the detecting and destruction of the barberry bushes and other plants from which rust spores originate.

Black-stem rust has cost the farmer of the upper Mississippi Valley States many millions of bushels of grain annually. The scientists tell us that a single barberry bush is capable of producing 50,000,000,000 rust spores, and that each one of these spores, after it has left the barberry bush, can create a rust pustule on a stem of grain which will contain approximately 500,000 spores, and that each one of these can, in turn, produce new rust pustules every week or so during the growing season. Under certain climatic conditions the spread of the disease is much more favorable. This was illustrated during the last year, when conditions were ideal for the spread of the rust spores. The rust parasite appears to develop best in rather warm, moist weather.

Probably the greatest loss occurred in 1916, when it ran about 180,000,000 bushels. During the years 1915–1920 the average annual loss amounted to 44,300,000 bushels. During the years 1921–1927 the average annual loss had been reduced to 12,300,000 bushels. This was largely due to the extending of the work of the Department of Agriculture for rust eradication. This extension was in a large measure due to the efforts of Mr. Sydney Anderson, then representing a Minnesota district in the House. He was chairman of the subcommittee in charge of appropriations for the Department of Agriculture. The saving to the farmer is perfectly obvious.

This last year the loss was substantially above the average for the past seven years. It amounted to just under 20,000,000 bushels. Weather conditions were perfectly ideal for rust propagation and development. If it had not been for the previous good work of the Department of Agriculture the loss this last year might possibly have reached the tremendous losses of the year 1916.

Mr. Chairman, the average annual loss has been reduced in the period of a very few years from 44,000,000 bushels to 12,000,000 bushels. This is remarkable progress. I note from the hearings that the subcommittee suggests the possibility of decreasing the appropriation this coming year and further decreasing it in succeeding years. I presume that this suggestion was merely made with the idea generally of keeping appropriations down. I hope that was the case, for it would be a great mistake to reduce this appropriation in the near future—in fact, it would be better if the committee could see its way clear this coming year to recommend a substantial increase in this appropriation. The sooner the barberry bush is eradicated the sooner losses from rust will practically disappear. An outlay

of $375,000 is a small amount of money compared to the gross saving annually by this prevention work. My purpose, therefore, in offering this pro forma amendment is to call to the attention of the distinguished chairman of the subcommittee in charge of this bill the desirability of not only continuing this work but of extending it.

Mr. ADKINS. Mr. Chairman, will the gentleman yield?

Mr. NEWTON. Yes.

Mr. ADKINS. In addition to that, it has gotten to be a splendid adjunct to the schools, in making a berth for the football boys during the summer vacation, so that they may go around hunting barberry bushes.

Mr. NEWTON. If that comes in as incidental to this work, as one who enjoys that sport, I certainly would not object to it.

Mr. ADKINS. It serves a double purpose.

Mr. NEWTON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

Western irrigation agriculture: For investigations in connection with western irrigation agriculture, the utilization of lands reclaimed under the reclamation act, and other areas in the arid and semiarid regions, $142,095.

Mr. LOZIER. I move to strike out the last word.

The CHAIRMAN. The gentleman from Missouri is recognized for five minutes.

Mr. LOZIER. Mr. Chairman, the nation-wide distress of the great basic industry of agriculture has become so acute and is affecting other lines of business so tremendously that it has ceased to be a farm problem and is now a national problem. Other occupations are beginning to realize that the prosperity of the agricultural classes is the foundation of genuine national prosperity, and unless the farmers enjoy a reasonable degree of prosperity the welfare of all other vocational groups will be injuriously affected. I quote from a recent issue of the St. Louis Globe-Democrat:

A representative committee of railroad executives and industrial heads probably will be formed by H. M. Bixby, president of the chamber of commerce, to study the economic conditions confronting farmers in St. Louis territory at first hand, it was learned yesterday.

Prosperity of farmers in St. Louis trade territory has its reflection on the industrial and commercial life of St. Louis, and it has been pointed out that business leaders here will be anxious to cooperate in such a plan, which will redound eventually to their own benefit.

It seems that the thoughtful leaders in the industrial, commercial, and transportation world have awakened to the gravity of the agricultural situation and realize that the railroads, factories, and business groups can not expect a continuance of their present prosperity unless there is a speedy and substantial improvement in the economic condition of the agrarian population. Indeed, a very considerable part of the tonnage carried by the railroads consists of farm products, for many of which the farmer gets less than the cost of production, which means that he can not continue indefinitely to produce at a loss the food supplies which are necessary to satisfy the hunger of the American people.

Unless farm commodities can be produced at a profit, the farmer will be forced by the logic of the situation to only produce a sufficient supply to meet his own needs, and will cease to produce the surplus which is required to feed the tens of millions of men and women in the United States who depend on the farmer for their food supplies. The far-reaching effects can scarcely be exaggerated. Those who do not produce their own food supplies will quickly feel the pangs of hunger. The railroads will face a radical reduction in their revenues. The manufacturer will lose his best market, because the buying power of the agricultural classes has been destroyed.

It is therefore not strange that Mr. Bixby, president of the St. Louis Chamber of Commerce, is alarmed at the disaster which threatens the agricultural classes. He well knows that the commercial, industrial, and transportation classes can not permanently prosper unless a fair degree of prosperity comes to the 30,000,000 American people who either directly or indirectly depend on agriculture for a livelihood. Nor can Mr. Bixby and other captains of industry overlook the all-important fact that the great prosperity of the industrial, commercial, financial, and transportation classes is largely due to legislation that has stabilized the price of these other great industries and artificially inflated their profits. Without legislative favoritism these other vocational groups would not be enjoying their present unprecedented prosperity.

The eastern bankers and big business groups have viciously opposed the McNary-Haugen bill, in fact all legislation designed to stabilize and advance the price of farm commodities to higher levels. In view of this hostility of the eastern bankers, it is significant that the Illinois Bankers' Association recently went on record as approving the revised McNary-Haugen bill. Evidently this is because the farm problem is better understood in the West than in the East, and also because in the Middle West there is a closer relation between the city and farm populations. The bankers in the great agricultural States realize that their prosperity, yes, their existence, depends on the welfare and prosperity of the agricultural classes, and therefore they are more sympathetic in their views as to farm-relief legislation.

The sensible, thoughtful, long-headed and far-seeing western banker knows that his bank can not be prosperous if the great basic industry, agriculture, is in distress and facing insolvency. Hence, he is less inclined to find fault with farm-relief measures and more disposed to assist the farmers in securing legislation that will increase their purchasing power and aid in placing agriculture on a stable and prosperous basis.

The Illinois Bankers' Association boldly asserts that the farmers' deplorable condition is not due alone to natural and economic factors but results, in a large measure, from governmental favoritism and discriminatory legislation enacted for the specific purpose of aiding the manufacturing industries and other groups that have long been the beneficiaries of paternalistic supervision and legislative bounties.

The Illinois Bankers' Association, in the face of this nation-wide agricultural distress, after years of thoughtful and intelligent investigation and consideration, has reached the conclusion that the enactment of the McNary-Haugen bill will materially aid in restoring a proper balance between agriculture and the other great basic industries.

The President and his party leaders in and out of Congress preach the doctrine of patience and procrastination to the farmers, well knowing that the industrial, commercial, financial, and transportation classes are being "babied," favored, and protected by special-privilege laws which stabilize these other industries and insure them excessive profits, even under adverse economic conditions, and this is being done at the expense of the American farmer. It can not be denied that the farmer has been given "a raw deal" by the President and his party, and it remains to be seen whether or not the President and his advisers will stubbornly continue to block farm-relief legislation and thereby deny to the agricultural classes the consideration and equality of opportunity so generously granted to other vocational groups.

It is to be hoped that the industrial, financial, commercial, and transportation groups will lend their powerful influence toward giving agriculture a square deal by relieving it of the artificial, economic, and legislative handicaps with which it is now burdened. It is imperative that a proper balance be restored between agriculture and the other great basic industries. If this is done, we will have a well-balanced, nation-wide prosperity, in which all sections and occupations will participate, which will certainly be an improvement over the sectional, jug-handled, lopsided prosperity that is now enjoyed by only a few favored groups. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

The Clerk read as follows:

Total, Bureau of Plant Industry, $4,216,436, of which amount not to exceed $1,488,400 may be expended for personal services in the District of Columbia.

Mr. JONES and Mr. LANKFORD rose.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. JONES. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. JONES. Mr. Chairman, I just want to thank the House for adopting the amendment which I offered yesterday. It means much to the people of the South. The matter came up rather unexpectedly, and some of the Members have asked for the report from the department in that connection. I will read from the report of the department the paragraph containing this forecast and the paragraph preceding it. I read:

Crop conditions in the United States on September 1 indicate a production of only 12,692,000 bales, a decline of 800,000 bales during August. Declines occurred in all States except New Mexico, Arizona, and California, the principal decline being registered in Oklahoma. In all important cotton States the weevil is the dominating factor in the situation. Propagation of this pest has been accelerated by wet weather over much of the belt. Infestation increased materially in all infested areas, and the area where weevils were prevalent extended

northward materially during the month of August. The extent of infestation has quite generally checked fruiting and the probability of any important top crop is small over large areas.

As the size of the crop is becoming more definitely established, the market should become more stable, and the tone in the yarn and finished-goods market should be more settled. Due to the fact that the prospects of a top crop are very small, cotton will be ginned unusually early this year. As was indicated in last month's report, should the present estimate of production be realized, and past relationships between supply and price prevail, it is likely that prices will decline in the next few months.

The last part of that statement sounds peculiar, following the statement about the decline in the production of cotton and the extent of the ravages of the boll weevil. It would seem that the first part of the statement would justify a forecast of price advance rather than a price decline. I assume, however, that they took into consideration other conditions which they did not mention. But when the trade saw fit to use that—and this occurred, mind you, during the marketing season—they picked out these last few lines and circulated them generally throughout the United States. What was the result? Here is a report in the Dallas Morning News, September 15, 1927, and the same thing, practically, appeared in the Wall Street Journal and in the newspapers generally, giving the account of the market the day before this report was issued. I read:

Cotton soars $3 a bale again. Late dealings bring gain of $6.50 over Tuesday's low mark.

What happened on the day the forecast was given out?

The Dallas News of the next day, giving an account of the market for the day on which this price forecast was issued, contains the following statement:

Market disrupted. Decline of $7.50 per bale in New York as New Orleans protests.

In other words, the last three or four lines of this report was sent hurtling through the United States, and the market broke from $6.50 to $7.50 per bale, causing untold losses to the cotton section. The Associated Press article carrying the story of the result uses the following language:

Bombarded with protests from the Southland and telegrams of inquiry concerning the validity of governmental opinion on the future prices of cotton, which Thursday sent the market down $6.50 a bale at New Orleans, the Bureau of Agriculture Economics Thursday night withheld a statement of its position pending a conference of its chiefs with Secretary Jardine.

Quoting the article further in reference to the explanation made by Mr. Marquis of the department, we find the following:

The chief of the bureau, was absent from his office Thursday. In his absence J. C. Marquis, director of publicity for the bureau, buffeted the storm with a declaration that the statement was contained in a publication of limited circulation intended primarily for economists and field agents. It was almost identical with a cotton-price review published a month ago, he said, adding that if carried by the press in its entirety it would not have caused the New Orleans reaction.

"It was a long-range forecast," Marquis said, "and should not apply to the present market." The statement, he explained, was not issued as a regular press release.

Marquis's explanation was given after earlier in the day it had been declared at the bureau that there was no new prediction regarding cotton prices which warranted Thursday's break. The suggestion was given at that time that the report credited to the bureau was based "on a mere fragment" of the review of last month, and no reference was made to the statement released for Thursday.

In other words, it was claimed that a part of the report of the Department of Agriculture was used and the market thus disrupted.

It seems that not much attention was paid to the report until some of the bears wanted to use it for the purpose of running down the market. I object especially to these reports being made during the marketing season.

We had some hearings before the Committee on Agriculture recently upon a bill introduced by Mr. McDUFFIE, who, by the way, made a very fine statement in behalf of his bill, which covers what is sought to be accomplished by this amendment. A number of other Members have introduced bills reflecting the sentiment of those who represent the cotton section. Representatives of the department also appeared at that hearing and gave their reasons for the work they were trying to do. One of their reasons for wanting to give cotton-price forecasts was in order to give farmers information, so that the farmer might be able to gauge his cotton acreage so as to avoid too great a surplus. But the trouble is that it was given out not at planting time but at marketing time. I may add, in justice to the department, that cotton had broken some several days before this forecast. But for the last few days before the forecast it had had an upward trend. It had gone up $3 per bale the day before and there had been a net advance for the previous few days of several dollars per bale. But when the price-decline forecast was given out it immediately declined several dollars per bale and continued to have a net decline for several days thereafter.

The department does some fine work in gathering statistics, in furnishing information. It has some wonderfully able men who do some fine work in this regard. Mr. Lloyd S. Tenney is one of the ablest men in the Government service. He has some very able lieutenants and assistants. Let them learn all the facts and give us all the facts. But I think they should not give conclusions and guesses as to future prices.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. JONES. Mr. Chairman, may I have five minutes more?

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. JONES. What I quoted from is a statement on the price trend that the department had given out and about which we were talking yesterday. It was a statement covering the price trend, and yet these speculators who had evidently sold short took the opportunity to use it. While cotton had gone up the day before the statement was issued, the price went down $6.50 and $7.50 a bale the moment it was issued, and it continued on the 16th and 17th and 18th and 19th in the month of September, with slight fluctuations on the downward trend from the day the announcement was made. It finally recovered after five or six days and came back two or three dollars a day from the low mark.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. JONES. Yes.

Mr. RANKIN. The gentleman is aware of the fact, of course, which was brought out here, that 250,000 or 300,000 bales in New York were used, it is alleged, to depress the market?

Mr. JONES. Yes.

Mr. RANKIN. I wondered if the gentleman had gone into this proposition sufficiently to see how much of that cotton was offered on the day this report was issued or a few days following.

Mr. JONES. I have not that data before me, but I will state to the gentleman that it is my understanding that 150,000 to 200,000 bales of low-grade cotton is always kept on hand by the New York Cotton Exchange simply for the purpose of tendering and retendering, that it is not of a quality that can be used by the spinners, or at least much of it is not, and they simply bandy it about tendering the same cotton again and again, knowing that it will probably not be accepted. In fact, they would probably be disappointed if it were accepted.

Mr. RANKIN. It is a fact that Senator SMITH, of South Carolina, is going to begin an investigation next Wednesday? That is a fact, is it not?

Mr. JONES. Yes; I understand so.

Mr. RANKIN. They not only propose to investigate the concentration of this cotton in New York but also propose to investigate the activities of the Bureau of Economics in the Department of Agriculture in giving out these reports?

Mr. JONES. I do not know just how much the investigation will cover, but I am glad to know that is to be done. I think the cotton exchange should be investigated, nor can I see any objection to the other phase of the investigation. If the department gave out the price forecast in good faith it is to its advantage to have that fact established, and if it did not we want to know it. I do not question their motive, but I do think the issuing of the forecast at that time was a great blunder.

In that connection I want to call attention to a suggestion by my colleague [Mr. BLACK], who has studied this question a good deal. He said that in order for the Department of Agriculture to function in the best manner it must have the confidence of the people, and that price forecasts of the kind mentioned tend to undermine that confidence. I do not think anything can be done that would shake their confidence more than these conclusions or guesses at a thing that is labeled price. They can and should give to the public all the factors that go into it—the production, the weather conditions, the acreage that has been planted, and all of the other facts that go into cotton and the production of other commodities. But I do believe, especially during the marketing season, that it is unwise to have the people who sit here at a desk in Washington and mull over these statistics—and they have some very valua-

ble men there; I am not criticizing the ones who do that as men, but I am just criticizing the system—guess at matters of price and give price forecasts and forecasts as to the trend of prices. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has again expired. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

In all, for the use, maintenance, improvement, protection, and general administration of the national forests, $6,344,000: *Provided*, That the foregoing amounts appropriated for such purposes shall be available interchangeably in the discretion of the Secretary of Agriculture for the necessary expenditures for fire protection and other unforeseen exigencies: *Provided further*, That the amount so interchanged shall not exceed in the aggregate 10 per cent of all the amounts so appropriated.

Mr. LANKFORD. Mr. Chairman, I move to strike out the last word. I just wish to call the committee's attention again to the same proposition I was speaking about a few minutes ago, that this entire appropriation bill provides money to take care of agriculture up to the place where the farmer finishes production. Every item so far has been along the line of helping the farmer up to where he has done all he can do—has toiled, has labored, has produced, and has his commodity ready for the market—but the bill is strangely silent as to anything in the way of help for the farmer in getting that commodity to the ultimate consumer. I would be glad right now for the gentleman from Iowa [Mr. DICKINSON] to tell me just what appropriations in this bill he contends are intended for the purpose of helping the farmer sell his commodity more directly to the consumer than is now in vogue under the present system, if any. I am making the contention that there is a great gap between the producer and the consumer which has not been properly covered.

Mr. DICKINSON of Iowa. Will the gentleman yield?

Mr. LANKFORD. Yes.

Mr. DICKINSON of Iowa. The gentleman is making the contention that it is the business of the Government to take his watermelons from the patch in Georgia and deliver them to me individually out in Iowa. The Government is never going to do that.

Mr. LANKFORD. Does the gentleman contend it is not the duty of the Government to experiment in the sale of farm products directly from the producer to the consumer?

Mr. DICKINSON of Iowa. Let me suggest to the gentleman that we have in the bill an item reading as follows:

For acquiring and diffusing among the people of the United States useful information on subjects connected with the marketing, handling, utilization, grading, transportation, and distributing of farm and nonmanufactured food products.

Mr. LANKFORD. That may be in the bill.

Mr. DICKINSON of Iowa. It is in the bill. We are doing work under it and spending money for it.

Mr. LANKFORD. Are there any experiments being made in the way of selling the farmers' products directly from the producer to the consumer and eliminating thereby the unnecessary middlemen and the unnecessary profits made by middlemen?

Mr. MADDEN. Will the gentleman yield to me?

Mr. LANKFORD. I will be glad to yield to the chairman of the committee.

Mr. MADDEN. The gentleman must have a comprehensive knowledge of the conditions under which we do business between the producer of agricultural products and the consumers, and he is anxious to see that the most expeditious and the most economical method is pursued in the sale and distribution of such commodities. Now, I wish the gentleman would suggest the plan he has in mind, because we will be very happy as a committee to look into it very carefully, and perhaps we will be given some knowledge and experience that we do not now possess.

Mr. LANKFORD. I will say to the gentleman that I have introduced a bill—H. R. 79—which does that identical thing; and I think that bill, if adopted, will help to carry into effect the very purpose I have in mind. That is a bill authorizing the Department of Agriculture to experiment in the organization of producers' clubs and the organization of consumers' clubs and the sale of food and food products directly from those producers' clubs to those consumers' clubs.

Mr. MADDEN. I wish the gentleman would make a map of it so we can see what it means.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. LANKFORD. Mr. Chairman, I ask unanimous consent to proceed for two additional minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to proceed for two additional minutes. Is there objection?

Mr. DICKINSON of Iowa. Mr. Chairman, I have been very friendly to the gentleman and I do not think he should ask for additional time.

Mr. MADDEN. This is an academic question and I do not think we should take the time to discuss academic questions.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

Mr. MADDEN. I object.

The Clerk read as follows:

FOREST-FIRE COOPERATION

For cooperation with the various States or other appropriate agencies in forest-fire prevention and suppression and the protection of timbered and cut-over lands in accordance with the provisions of sections 1, 2, and 3 of the act entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote continuous production of timber on lands chiefly valuable therefor," approved June 7, 1924, including also the study of the effect of tax laws and the investigation of timber insurance as provided in section 3 of said act, $1,100,000, of which $41,900 shall be available for personal services in the District of Columbia and not to exceed $3,000 for the purchase of supplies and equipment required for the purposes of said act in the District of Columbia.

Mr. CARTWRIGHT. Mr. Chairman, I ask unanimous consent to extend my remarks on the McKeown seed amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. CARTWRIGHT. Mr. Chairman, I have taken the floor at this time in behalf of the McKeown amendment, which provides, among other things, that the Secretary of Agriculture be authorized, for 1928 crops, to make advances or loans to farmers in the pest-stricken areas of Oklahoma.

I had contemplated introducing a bill to take care of the situation, but decided it would be better to have an older Member introduce it, and sought the cooperation of my colleague, Mr. MCKEOWN, from my adjoining district. We, in company with others, went before General Lord, the Budget officer, and showed the true conditions. Our hopes were high that we would receive a favorable report, but were unpleasantly surprised when the Budget Bureau reported:

This is not in accordance with the President's financial program.

So there is nothing left but to offer this amendment as a means of last resort to help the pest-stricken farmers.

I want to read you a letter from one of the best citizens in my district which will give some idea of the desperate situation in our part of the country.

BOSWELL, OKLA., *February 23, 1928.*

Hon. WILBURN CARTWRIGHT,
Washington, D. C.

DEAR MR. CARTWRIGHT: Am just in receipt of your favor telling me about the revival of the appropriation bill and the chances for help for our people.

This is the best news we have received in a long time, and we certainly hope you and your faithful friends will be successful in getting this over, as it means far more to our people than any of you can imagine. It touches the very life of every hungry child in this country. It touches the life of every farm and fireside. It would be hard for the man who has plenty to eat, and the wherewithal to be clothed, and no fears of the future, to realize what this means to us. It will place hope where no hope exists; confidence in the strong arm of the Government, where suspicion now exists; prosperity, where the wolf now howls. If you could only see how the farmer has worked up until now, hoping against hope, that we would get the help to finish—how downcast he was when the bill seemed lost a few days ago, you could then realize what it means to us.

Here is hoping that our great Government will remember that if God can see the raven's fall and hear its cry, surely our representatives will not pass unheeded, the hungry children here.

Your friend,

R. L. LOWDERMILK.

I have received many such communications from individuals and organizations in Oklahoma, especially from the Red River part of the State.

I am here to tell you that these farmers are in dire need. If you will adopt this amendment you will confer a benefit that will save a people and help a good farming country. All they want is a chance to make this crop. They will return

this money with interest and the department will not be out anything in the long run. These people have pride and would rather not have the aid than to be placed in the attitude of beggars, when they know that they only need a chance to repay. They want help without humiliation. With several crop failures, so many of them are stranded and the future looks hopeless. They have the muscle and grit, but no seed to start their spring planting, and if something is not done these people, our own honest, hard-working American farmers, will actually face starvation. If you could understand the necessity for quick action I am sure you would act speedily.

I am not taking into consideration the few who own their own homes and have assets that enable them to get accommodations at the bank. I am sponsoring the cause of the man who rents, who is willing and anxious to work and be a decent citizen, who believes in his country, yet has no funds to make a crop, nor to move where he can get work. And, Mr. Chairman, it is not sentiment that moves me to plead in their cause, however that may appeal to me, but it is a matter of business, common sense, and fair play. It has been done in many similar instances throughout the United States.

These people do not want cars, gasoline, nor luxuries—they do not want these things until conditions with them will justify same. They are asking for a fund that will furnish them the real necessities of life until they can make another crop. During the last failures they have been making ties and posts for sale, but now practically all the timber is gone, and there is nothing to aid them with their endeavors to make another crop. They have no assets on which to borrow money except their future crops, and the banks will not take this as security. I am not censuring the banks by any means, for they must meet regulations which do not cover such cases.

In fact, the banker, the individual, and the merchant are in about the same boat. In consequence of the crop failures we have had one bank failure after another and one business failure after another. There were five banks in my home town, and four of them have failed. At one time there was not a bank left in one of the best counties in my district. There have been 209 bank failures in the State of Oklahoma during this distressing period.

This unfavorable condition is largely due to the destructive operation of the boll weevil; but even with those who produced some cotton, they were robbed of a fair price, due largely to an unfavorable forecast of prices on the part of the Department of Agriculture here at Washington, and because of the further fact of the prediction of the ginnings by Secretary Jardine. In Oklahoma alone his guess was over 60,000 bales too high. Such erroneous forecasts and uncalled-for price predictions cost our farmers an enormous sum.

Fellow Members, I believe in every angle of self-reliance; but a real condition exists here, and these people are in dire need of governmental aid. I was reared on a rented farm, and all my people know hardships. There is no phase of farming conditions that I have not had experience with. I am here to tell you that no set of calamity howlers can fool me. I can understand a real condition when I see it. I know these people; I have been with them in town and country; I know the situation exists as I have described it.

Will you meet the situation? If you say "no," they are going to ask where you get the $750,000,000 for the proposed Navy. I have put the proposition up to you.

Mr. LEAVITT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Montana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEAVITT: On page 43, line 17, after the word "act," strike out the figures "1,100,000" and insert in lieu thereof "1,200,000."

Mr. LEAVITT. Mr. Chairman and members of the committee, the purpose of this amendment is to restore to the bill the amount that was approved by the Bureau of the Budget for forest-fire cooperation under the Clarke-McNary Act.

The facts are that the Forest Service in carrying out the purposes of the Clarke-McNary Act having to do with cooperative fire control presented to the Budget an estimate of $1,500,000. In the Budget this was reduced to $1,200,000, and in the committee another $100,000 was removed from the item.

The seriousness of this situation lies in the fact that the national policy which was undertaken under the Clarke-McNary Act of cooperation in protecting the forests from fire, between the Federal Government, the States, and the private owners, can not go ahead according to the purposes of that act and the established national policy if we do not in Congress supply the funds that are required from the standpoint of the Federal Government.

Thirty-three States, beginning in 1926, under the Clarke-McNary Act, have been cooperating in the protection of privately owned and State-owned forests. One new State came in during the fiscal year 1927—Mississippi. Three States are qualifying for the fiscal year 1928, namely, Delaware, Florida, and South Carolina. There are three States remaining which will probably qualify in the fiscal year of 1929—Arkansas, Illinois, and Indiana.

There are areas that are intended for protection under the Clarke-McNary Act totaling 381,000,000 acres. At the present time the area protected under this cooperative plan is 196,000,000 acres, and there are still remaining 185,000,000 acres to be brought in under the plan.

Here is an interesting thing as to the efficiency of the cooperative plan:

In 1926 there were 33,867 fires on these protected areas that burnt over 4,755,000 acres, which is only 2.41 per cent of the areas under these cooperative protective agreements, while on the unprotected area there were 57,926 fires, and they burned over 19,561,000 acres, or 10.6 per cent of the area that had not been protected. That was over four times the percentage of the area on the protected areas.

Under the Clarke-McNary Act the existing authorization is up to $2,500,000 per year, or one-fourth of the cost of protection is to be paid by the Federal Government. The principle behind the Clarke-McNary Act is that 50 per cent of the cost shall be borne by private agencies, 25 per cent shall be borne by the States, and 25 per cent by the Government.

Here is the sad fact about the progress of this work: The job is now less than half done, and negotiations are under way to bring other States within the agreement. Forty-seven per cent of the total necessary annual outlay is all that is available, and from the entire forestry standpoint there is nothing so basic and so necessary as fire protection.

The whole cooperative program halts if the Federal Government halts in its appropriations, as the States and the private agencies are ready to cooperate. I think there must have been some error on the part of the committee in leaving out this increase. It was agreed to by the Budget, although the Budget had decreased the proposal of the Forest Service, which was originally $1,500,000. The Budget decreased it by $300,000, and the committee, without giving any reason in the hearings, has reduced it another $100,000.

Mr. DICKINSON of Iowa. Mr. Chairman, in reference to this cooperative fire control, I will say we have put in very liberal allowances for fire control in various provisions of the bill. This is one of the places where we felt there might be some reduction. We believe if there is a showing that the additional amount will be required, as suggested by the gentleman who just left the floor, there will be ample time for that showing before the Senate. It is my hope that the committee will not see fit to include this amendment at this time.

Mr. ABERNETHY. Will the gentleman yield for a question?

Mr. DICKINSON of Iowa. Yes.

Mr. ABERNETHY. The gentleman in his remarks the other day referred to me as the "blueberry" man from North Carolina, and I am wondering if the blueberry investigation is included in this bill.

Mr. DICKINSON of Iowa. The blueberry investigation is included in the bill and the credit therefore goes to the gentleman from North Carolina.

Mr. ABERNETHY. I understand it will be the continuing policy of the committee to carry on this work?

Mr. DICKINSON of Iowa. Yes.

Mr. BYRNS. As long as they keep the gentleman from North Carolina in Congress.

Mr. ABERNETHY. I thank the gentleman.

Mr. GREEN of Florida. We are interested in that in Florida, too.

Mr. DICKINSON of Iowa. I want to say that the gentleman from Maine was also included in the campaign. So the gentleman from North Carolina is not alone.

Mr. ABERNETHY. But is there enough appropriation to take care of all of us?

Mr. DICKINSON of Iowa. Yes, indeed.

Mr. GREEN of Florida. I would like to know if it takes care of us in Florida, because we have thousands of acres in Florida producing blueberries.

Mr. SINNOTT. Mr. Chairman, the amendment offered by the gentleman from Montana is a very important amendment. It raises the question of whether or not Congress is going to keep faith with the principles announced in the Clarke-McNary Act.

The principles announced in the McNary-Clarke Act, with the policy adopted by the Secretary of Agriculture and the Chief Forester, provides that the State shall put up $3 to the Gov-

ernment's $1. The States have endeavored to do this, and yet we have been unable to get sufficient Government funds appropriated to match State moneys. The Agricultural Department actually needs $1,500,000 in order to cooperate with the States and meet the funds that the States and the organizations in the States have provided for this work.

The $1,500,000 estimate of the Agricultural Department went to the Budget Board. The Budget Board cut it down to $1,200,000, and the Forestry Service felt that they might try to get along with that amount, and yet the committee has cut it down an additional $100,000.

Now, what does that mean to the State of Oregon? Oregon put up this year $240,000—put up by the State and associations interested in preserving timber and the protection from forest fires. The Government ought to put up $80,000 to meet the $240,000 in a ratio of 1 to 3. If this bill is passed with this limitation we will get in our State for forest-fire protection on these lands $44,000, $36,000 less than is necessary and less than the Government's share.

This does not concern Oregon alone, but it concerns every State in the Union that has any timber in it, and I hope the amendment of the gentleman from Montana will be adopted, so that we will keep faith not only with the States, but with the policy adopted by Congress when the McNary-Clarke bill was passed.

Mr. ENGLEBRIGHT. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen of the committee, there are some 17,000,000 acres of valuable timber lands in the State of California that will be given greatly reduced fire protection if the $100,000 amendment as offered by the gentleman from Montana is not carried. This morning I received the following telegram from the California Forest Protective Association:

Forest-protection funds approved by Bureau of Budget under Clarke-McNary Act are urgently needed. Budget figures have been cut 100,000 by House committee. Hope this amount can be reinstated to figure approved by Budget Bureau. Rainfall deficiencies indicate need for increased forest protection in California this season.

Also, a telegram from M. B. Pratt, state forester of California, as follows:

I urgently request your aid toward reinstatement of 200,000 Clarke-McNary increase.

The State forester of California, the owners of private timber land, and the Federal Government will be greatly hampered if this amount is reduced. I trust the committee will consent to put back in the bill the amount recommended, and, as the gentleman from Oregon says, to keep faith with the States, and especially the States on the Pacific coast.

Mr. LEAVITT. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. LEAVITT. Mr. Chairman, I think the reason for reduction of $100,000 should be stated to the House. I do not believe the committee can present any good reason. This proposal does not pertain to certain Western States alone but to all the States. It has nothing to do with the national forests. It has to do with the timber of the States and privately owned timber land. It goes directly to the question of whether or not this Congress is going to keep faith with the States in its own proposal for the protection of the forests from fire, necessary to the welfare of the entire community.

Mr. GREEN of Florida. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. GREEN of Florida. It probably will be of interest to know that a number of organizations for the preservation of timber lands of the South—in my State in particular—are advocating this additional appropriation; it is not confined to any one or two States but it is indorsed by all the timber people.

Mr. LEAVITT. I wish to place in the RECORD the names of the States that are now cooperating and interested: Maine, Vermont, New Hampshire, Rhode Island, Connecticut, Delaware, Maryland, Ohio, Indiana, Illinois, Virginia, West Virginia, North Carolina, South Carolina, Kentucky, Tennessee, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Oklahoma, Arkansas, Missouri, Michigan, Wisconsin, Minnesota, South Dakota, Montana, Idaho, Washington, Oregon, California, and New Mexico. All of the States except those where there are no great forests. As I said, steps are under way or completed to bring in Delaware, Florida, South Carolina, Arkansas, Illinois, and Indiana.

Mr. GREEN of Florida. Florida is in it now.

Mr. LEAVITT. It is intended to come in in the fiscal year of 1928. Now, the situation is this, that there is only one way the Federal Government can proceed in meeting these obligations, and that is to put adequate funds into this appropriation. It must cooperate with the States. It should not reduce the amount under this cooperative form of fire protection.

There is no other way that it can proceed, and as added areas come in, and added applications are taken on, under our authorization and established policy, we are obliged to go up to two and a half million dollars a year and beyond, if it becomes necessary. All that is being asked in the present amendment for this cooperative plan is $1,200,000, and I call particular attention to the fact that the States and private owners are now meeting their share to the extent of 48½ per cent of the total to which it is intended this may ultimately go, while the Government, which originated the policy, which established a national pledge, is meeting its share only to 37 per cent at the present time. What the committee has proposed now is, instead of giving funds to go on and keep up with the States, that we shall go even below what the Budget is willing to give, and cut off $100,000 rather than give what was intended by the Budget. And the Budget had already cut the Forest Service recommendation by $300,000. And it is the Forest Service only, because they are charged by law with the administration of these cooperative agreements, not because the timber is in the national forests. The Budget already reduced their estimate $300,000, and now the committee cuts off another hundred thousand dollars.

Mr. PEAVEY. Mr. Chairman, will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. PEAVEY. Is it not a fact that the National Government in nearly every State in the Union has repeatedly affirmed and reaffirmed the position in favor of reforestation, and is it not a further fact that this law and the work done under this act along the matter of fire prevention is the most effective reforestation that can be done?

Mr. LEAVITT. The whole forestry program depends primarily upon fire protection. Planting and forest management and every other kind of procedure falls flat without adequate fire protection.

Mr. SINNOTT. And the gentleman's amendment is the Budget recommendation?

Mr. LEAVITT. That is all.

The CHAIRMAN. The time of the gentleman from Montana has expired?

Mr. SCHAFER. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for one minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SCHAFER. If this amendment be agreed to, we will still not have the total amount that the department asked for originally when making its request upon the Budget?

Mr. LEAVITT. We will still be $300,000 below the request.

Mr. SCHAFER. Does the gentleman not think that we ought to offer an amendment to include that $300,000?

Mr. LEAVITT. I think that would be sound policy, yes; but I am not making the offer of the amendment in that form because I can see no reason why anybody interested in any State having any timber in it should refuse to vote for the amendment to restore the figures approved by the Budget.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana.

The amendment was agreed to.

The Clerk read as follows:

For insects affecting deciduous fruits, grapes, and nuts, and including research on the Japanese and Asiatic beetles, $319,500.

Mr. HILL of Washington. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the committee a few questions regarding the appropriations on the subject involving the spray residue problem, rather to confirm, I think, what I get from the reading of the appropriation bill and the hearings. Of course, I appreciate the fact that the committee has recognized this problem and that appropriations for it have heretofore been made, and in this bill provision is made to take care of it. But I understand that these appropriations are split up under three bureaus—the Bureau of Plant Industry, the Bureau of Chemistry and Soils, and the Bureau of Entomology. My understanding from this bill is that under the Bureau of Plant Industry there is provided here $14,340, that under the Bureau of Chemistry and Soils there is the sum of $10,000, and under the Bureau of Entomology there is the sum of $10,000, making a total for the study of the spray residue problem in all of its phases under these three bureaus of $34,340. Is my information correct on that?

Mr. SUMMERS of Washington. Mr. Chairman, I think the figures that the gentleman has given are correct. We put in a special amount of about $4,400 to speed up that work, and some other things in connection with the laboratory at Wenatchee.

Mr. HILL of Washington. Does that pathological laboratory come under the Bureau of Chemistry and Soils or under the other bureau?

Mr. SUMMERS of Washington. They have two specialists there, and they come under two bureau heads.

Mr. HILL of Washington. I understand that one is a pathologist?

Mr. SUMMERS of Washington. Yes.

Mr. HILL of Washington. And the other is a physiologist. That is, one has to do with the fruit diseases and the other has to do with the physiological condition of the fruits under certain conditions, the conditions of maturity and the condition of the fruit in handling and storage and transportation, and so forth.

Mr. SUMMERS of Washington. For the information of the gentleman I will say that both were increased because of the great importance and pressing need for the working out of some of the problems that have been costing the fruit men heavily, and there is an increase to take care of studies in precooling, storage, and shipment of fruit. An increase of $19,400 was added for the Wenatchee and Yakima offices. Of course, the freight rate is tied up in the solution of that problem.

Mr. HILL of Washington. Before the gentleman gets away from the other subject, for the current year, under the deficiency appropriation bill passed at this session of Congress, was there not appropriated under these different heads about $30,000 which is now being used in the solution of the problems connected with the industry there relative to spray residue and also to the question of precooling and the handling in transportation and storage?

Mr. SUMMERS of Washington. I have not the figures carried in the deficiency appropriation bill, but that work is being carried on at this time; and we are adding to it so as to speed up the solution of the problems.

Mr. HILL of Washington. Am I correct in the understanding that for the investigation of the handling of fruit in storage and in transportation there is in this bill provided $15,000?

Mr. SUMMERS of Washington. That is correct.

The CHAIRMAN. The time of the gentleman from Washington has expired, and the Clerk will read.

The Clerk read as follows:

For insects affecting forests and including research on the gypsy and brown-tail moths, $185,000.

Mr. ENGLEBRIGHT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ENGLEBRIGHT: Page 49, line 7, strike out "$185,000" and insert "$210,000."

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from California. The gentleman from California is recognized for five minutes.

Mr. ENGLEBRIGHT. Mr. Chairman and gentlemen of the House, the purpose of the amendment that I have just offered is to give an increase of $25,000 over the amount as reported in the bill now before the House.

It has been conservatively estimated by competent authority that at least $30,000 should be made available this year to the Bureau of Entomology over and above the regular appropriation for insects affecting forests. This additional amount is necessary to meet a most critical and urgent need of further and more complete investigation of the pine or the western tree killing bark beetle, which are causing enormous pine timber losses annually. It will provide funds for control and research work, for the purpose of checking and stopping the present startling destruction of pine timber by this insect.

The protection of our forests and timberlands from insects is of scarcely less importance than their protection from fire. The bark beetle is not as spectacular in its destruction of our forests, perhaps, as is fire; but, nevertheless, these insects are destroying annually thousands of acres of the Nation's choicest pine timber forests. In some of the most hazardous fire areas of our national forests the bark beetle is causing as great an annual loss to the timber as fire.

In the extensive and valuable national pine forests and private timberlands of the Western States and the Pacific coast a most serious situation now exists due to the yearly increasing amounts of mature timber killed by the pine or western bark beetle.

Pine or bark beetles are a highly specialized group of insects and are represented by numerous species, none of which exceeds the ordinary house fly in size.

The bark beetle attacks the living trees in swarms of about 2,500 and burrow through the bark into the sap tissue, in which each female excavates winding galleries for the purpose of depositing eggs. In a short period of time these galleries girdle the tree and destroy the sap tissue, resulting in the death of the tree. The eggs hatch within four or five days into small whitish larvæ, which mine at right angles from the primary gallery through the outer layers of the inner bark until they have completed their growth, which requires from about 20 to 30 days. They then bore into the outer corky bark, where they excavate little cells in which to transform themselves, first to the pupa and later to the adult. When the broods of the first generation have thus developed—in about 60 or 70 days—they bore out through the bark and fly to other trees to repeat the process and continue their depredations. They may select trees close at hand or may fly quite a long distance before making a selection. The broods of the beetles hatched late in the summer pass the winter in the outer bark of the trees killed by them the previous summer. The adults of the overwintering broods emerge in May, June, and July, varying with seasons, latitude, and altitude.

There are many striking examples of the destruction caused in the past in the timber areas of the United States by the bark beetle. In 1890–1892 a destructive invasion of the southern-pine beetle extended from the western border of West Virginia, through Maryland and Virginia to the District of Columbia, northward into southern Pennsylvania, and southward into North Carolina. In this area, aggregating 75,000 square miles, a very large percentage of the mature and small trees of the various species of pine and spruce was killed by this beetle.

In many places in West Virginia and Virginia nearly all the pine trees of all sizes on thousands of acres were killed. Since 1902 the bark beetle has been more or less active in the Southern States from Virginia to Texas, and in some localities they have killed a large percentage of the stand. This species is a constant menace to the pine forests of the Southern States. During the periods between 1818 and 1900 there were several outbreaks of the bark beetle in the spruce forests of New York and southern Canada. The bark beetle caused the death of a very large percentage of the mature spruce over an area of thousands of square miles. In the aggregate many billions of feet of the best timber were destroyed. The large areas of this dead timber furnished fuel for devastating forest fires, with the result that in most areas there was a total loss.

The bark beetle has from time to time during the past 50 years caused widespread devastation in the Rocky Mountain region to forests of spruce, in some areas killing from 75 to 90 per cent of the timber of merchantable size.

Another striking example of the destructive powers of the bark beetle is found in the Black Hills National Forest of South Dakota, where in past years a large percentage of the merchantable timber of the entire forest was killed. It is estimated that more than a billion feet of timber was destroyed in this forest as the direct result of the work of the beetle.

In Montana the lodge pole pine has been killed in vast areas by the bark beetle, to the extent that it will require a century to replace it by normal growth. Twenty years ago in one locality in northeastern Oregon in three years' time it is estimated that 90 to 95 per cent of the timber in a dense stand of lodge pole pine covering an area of 100,000 acres was killed by the bark beetle.

The foregoing facts with reference to the destruction of pine and spruce timber by the bark beetle have been taken from the records of the Bureau of Entomology.

Large areas of the most valuable pine-timber forests of the Pacific coast and Western States are now threatened with destruction by the bark beetle. It is in this mature reserve stand of pine timber which for the next few decades will provide the most available supply of high-grade lumber that the losses caused by the bark beetles are now most evident. The stumpage value of pine timber killed in the Western States and the Pacific coast by the bark beetle is now estimated to exceed $15,000,000 annually. This amount, gentlemen of the House, represents only the stumpage value, or the value of the trees standing on the ground. The lumber-value loss annually at only $10 per thousand would exceed $150,000,000. In southern Oregon and northern California, where the bark-beetle menace is positively acute, the Bureau of Entomology advises me that a conservative estimate of the losses to this region for the past year in yellow-pine timber alone killed by the bark beetle will be at least 700,000,000 board feet. This timber has a stumpage value of from $5 to $8 per thousand. Representing a

stumpage loss of from $3,500,000 to $5,600,000, at only $10 per thousand, the lumber-value loss for the past year was from $35,000,000 to $56,000,000. The annual losses for the past few years resulting from bark beetles in California and adjacent timber belt in southern Oregon can best be illustrated by the following tabulations of specific areas where the Bureau of Entomology has conducted accurate surveys. These figures represent yellow pine only and do not take into consideration periodic losses in sugar pine, Jeffrey pine, and fir:

WESTERN PINE BEETLE LOSS

On Happy Camp, lava bed area of Modoc National Forest, Calif., and intermingled private holdings, on approximately 377,000 acres

	Per cent of stand killed	Volume, board feet
1921	0.92	45,990,000
1922	.75	37,381,000
1923	.40	19,760,000
1924	.71	35,590,000
1925	1.09	68,350,000
1926	2.04	115,200,000
1927	3.26	183,900,000
Total	9.17	506,171,000

The present infestation shows a decided increase over that of last year, and in some places has caused a loss of 14 per cent of the stand for the year. This area first came under observation in 1922 and has been examined each year since. These surveys show that starting with 1921 the infestation declined to an endemic stage in 1923, and then, following the dry winters of 1923 and 1924 started to increase, and for each succeeding year practically doubled in volume over that of the previous year. As a result, the losses suffered in 1926 and 1927 were tremendous. The losses in 1927 on six sample plots were sixteen times as great as that for 1923.

MODOC NATIONAL FOREST

The check station (T. 44, R. 53, sec. 36) which has been considered regularly since 1921 has shown a percentage of stand killed as follows:

	Per cent
1921	0.89
1922	1.89
1923	.51
1924	1.75
1925	3.82
1926	5.57
1927 (estimated)	5.57
Total	20.00

Thus 20 per cent of the stand on this section has been killed by beetles during the past seven years. On sections farther north in this unit a much higher percentage of stand has been lost, amounting in some cases to more than 50 per cent.

WESTERN PINE BEETLE LOSS

On Klamath Indian Reservation, Oreg., 315,000 acres Indian Service land and 75,000 acres private land

	Volume, board feet	Per cent of stand killed
1923	21,574,000	0.48
1924	56,070,000	1.24
1925	83,475,000	1.85
1926	119,950,000	2.66
1927	94,520,000	2.12
Total	375,589,000	8.35

During the five-year period just past the accumulated loss over the entire area has been 8.35 per cent of the stand. The losses on the Black Hills unit alone have totaled 14.75 per cent of the stand. On some areas of this unit nearly 50 per cent of the stand has been killed.

WESTERN PINE BEETLE LOSS

In the Klamath Lake regions, including timberlands in southern Oregon and northern California, over an area of 1,200,000 acres

	Volume killed, board feet	Per cent of stand killed
1918	255,500,000	2.00
1919	191,500,000	1.50
1920	123,410,000	.97
1921	119,705,000	[1].94
1922	104,975,000	[1].82
1923	74,426,000	[1].58
1924	129,355,000	[1].01
1925	252,880,000	1.98
1926	278,680,000	2.18
Total in 9 years	1,530,431,000	12.0

[1] Control started. [2] Control stopped.

These losses are occurring in the heart of the yellow-pine district of the Pacific coast. A conservative value of this timber is $5 to $8 per thousand stumpage.

Mr. M. B. Pratt, State forester of California, advises me that probably more valuable timber is now being lost annually in the national forests and private timberlands of the States of Washington, Oregon, and California from bark beetle than by fire. The California Forest Protective Association, in a recent communication to me, stated that last year in Modoc County, Calif., the stumpage value loss in beetle-killed timber exceeded $2,000,000 and that there was over 20,000 acres of bettle-killed trees in the Yosemite National Park.

The private timberland owners and lumber companies of southern Oregon and northern California are making heroic efforts to combat the menace, which not alone has already caused them great financial loss, but in some localities threatens ruin. They can make but little headway in the combat, however, when their holdings are surrounded by thousands of acres of Government infested timber. The manager of the Long Bell Lumber Co., a company operating in northern California, with headquarters at Weed, in communication to me states:

If this little beetle was something that we could get out and have a free-for-all fight with, the game would be easy, but such is not true, hence we really have a big battle on our hands. Wish to advise you that we are cutting this year what is known as timber on Cedar Mountain. Our original estimate of this timber was 70,000,000 board feet. In a recent cruise made as to live timber thereon, we figure that we will be very lucky if we cut 50,000,000 board feet. Intermingled with this timber are certain Government 40-acre tracts that are very badly infested, the Government loss being in line with our loss.

We wish to advise you that our company covering a period of two years has spent approximately $45,000 in cutting down and burning pine trees that had been newly infested with pine beetles, in the hope of controlling further infestation in our timber lands. We found that our work in this connection was helpful, yet it did not perfect the situation. New ways must be found in fighting this pest. Our work was under the direction of the Bureau of Entomology and it met with their approval as to the best known methods at the time.

It will be noted from the foregoing letter that the loss in timber represents a loss of about 30 per cent of the total stand.

There is an important feature in connection with the bark-beetle situation that should not be lost sight of, and that is its direct relation to the increase of the forest-fire hazard. The dying and dead beetle-infested trees in groups form ideal spots for the origin and spreading of crown fires.

Control methods have been devised by the Bureau of Entomology consisting of searching out and cutting the infested trees and then destroying the insect broods by burning or exposure to weather.

When applied at the right seasons, these methods have proved to materially reduce losses. At present these control methods are the only practical means that have been found for the protection of our most valuable timber stands against bark-beetle losses. The theory that killing the broods in a large percentage of the trees will reduce the infestation to just such an extent sounds reasonable. It does not take into consideration, however, the fact that under favorable conditions these insects have extraordinary powers of multiplication and that under these same conditions possibly fewer beetles are required to overcome the resistance of the tree. In some localities fall control work gives better results than spring work. It seems to appear evident that the beetles' ability to increase is conditioned by physiological changes in the trees brought about by deficiency in rainfall or opening of the stand, which allows greater desiccation. In other words, it is dependent on the exact condition of the host. It seems reasonable that the future progress in the application of preventive and control measures is largely dependent on the determination of the relation of the killed trees to the annual increment and on a determination of the conditions responsible for an increase in the beetle population. There is a most urgent need for research work which will provide a better understanding of the natural factors that govern the increase of bark beetle. Such studies should provide the foundation for improvement of control methods and the management of forest areas, with the idea of preventing conditions that favor bark-beetle increase.

The present appropriation bill provides $185,000 for insects affecting forests, including research on gypsy and brown-tail moths. This item is on page 49, lines 6 and 7. The $185,000 is to be expended and allocated as follows:

Gypsy and brown-tail moth research $95,620

This subproject includes investigations leading toward means of artificial control on the gypsy and brown-tail moths in the New England States. It includes the development of more effective and economical sprays and spraying machinery, the

introduction of beneficial parasites and predators which aid in the control of these insects, and studies of the parasites in foreign countries to provide for the importation, colonization, and liberation of these beneficial insects. Heretofore this project has been included under another division of the Bureau of Entomology and for administration reasons has been transferred. It should not in any way be confused with previous forest-insect investigations and is not an increase in appropriations for this work. This same amount of money has been spent for several years under a project known as gypsy-moth control.

Forest-insect investigations $89,380

The balance of the 1929 appropriation—$89,380—is that part of this total appropriation which is used for strictly forest-insect work. It is subdivided into projects as follows:

Insects affecting forest trees $28,090

This money is spent on investigations of insects affecting the growth and management of timber crops in the eastern United States. It includes cooperation with the Forest Service experiment stations in the Lake States, New England States, southern Appalachians, and Gulf coast regions. It also covers general supervision expenditures of the Washington office.

Insects affecting forest products $5,570

This is a general project covering all insects affecting crude and finished forest products. It includes the investigations on such injurious insects as powder-post beetles and termites. The money is practically all spent in eastern United States.

Shade tree and hardy shrub insects $3,890

This consists of the dissemination of advice on the control of insects injurious to shade and ornamental trees.

Cooperative forest insect control $41,930

This includes investigations of the western species of tree-killing bark beetles leading to more effective and more economical methods of control. It also provides for cooperative service to other Federal land-managing bureaus in the control of forest insect epidemics. In recent years this latter form of service has expanded so rapidly that it has been necessary to greatly curtail the research work which has previously been done on these insects. At the present time somewhat over half of this $41,930 will be spent in rendering service to other Federal bureaus.

INCREASE UNDER PROJECT—COOPERATIVE FOREST INSECT CONTROL

The 1929 appropriation bill item of increase of $4,000 is for cooperation with the National Park Service in the control of insect outbreaks. This does not represent an actual increase, since in previous years the National Park Service has transferred a similar amount of money to the Bureau of Entomology to aid in this work. Their appropriation has been reduced by this amount.

The bill also provides $5,810 for cooperative forest insect control, which will be utilized in enlarging this work in the Western States.

The committee report on the bill before the House indicates that the $185,000 for forest insect control includes an increase of $9,810 for this work over last year's appropriation. The $9,810 is made up of the $4,000 item for cooperation of the National Park Service and $5,810 for enlarging the cooperative insect control in the Western States. As has been explained, the $4,000 amount has been transferred from the national park funds, with a similar reduction to the national park appropriations, so that the actual increase for bark-beetle control work is only $5,810. This amount is not sufficient to meet and investigate the present and alarming menace to the western pine forests.

We are expending approximately $15,000,000 annually, including the item for road building, for the protection, control, and development of our national forests; yet we seem to hesitate to make a small appropriation for the purpose of primary importance, that of protecting the life of the trees. As I have already explained to you, the losses in the western pine forests are $150,000,000 annually in lumber value from bark-beetle depredations, and vast areas are now threatened with more complete destruction. I want this House to be advised of this fact, so that adequate appropriations may be made available now and in the future for the purpose of protecting our magnificent pine forests from the rank and insidious cancer from which they are now suffering.

The House should vote the proposed additional $25,000, so as to give the Bureau of Entomology the funds necessary for the research work required on this vital subject. [Applause.]

Mr. DICKINSON of Iowa. Mr. Chairman, there is an increase in the item allowed by the committee of $10,000—$4,000 for work in the national parks and $6,000 for work on the bark beetle in the Rocky Mountains. They have been working under these various paragraphs for many years. We have made the necessary extensions here to extend the work into the new field, and in view of the fact that the findings of the department have been well established by research work in the years gone by, I hope the amendment will be defeated.

Mr. LEAVITT. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Montana moves to strike out the last word.

Mr. LEAVITT. Mr. Chairman, I wish to read into the RECORD a telegram which I have received, reading as follows:

TACOMA, WASH., *February 22, 1928.*

Hon. SCOTT LEAVITT,
Member of Congress, Washington, D. C.:

Western Forestry and Conservation Association, representing Federal, State, and private timber ownership in States of Montana, Idaho, Washington, Oregon, and California, to-day in annual meeting, after thoroughly reviewing forest-insect situation, realize that yearly timber losses aggregating millions of dollars have occurred and that such losses are increasing rapidly. Situation demands that more effective insect-control methods be developed. This is a scientific problem and the Bureau of Entomology is in position to solve it, providing adequate funds are appropriated for enlargement of personnel and more intensive study of control methods in western timber. We strongly urge your further valued support of item $30,000 in agricultural bill for forest-insect research.

WESTERN FORESTRY AND CONSERVATION ASSOCIATION.

That came from a meeting of the association at Tacoma, Wash., on the 21st of February.

Now, I wish to say, Mr. Chairman, very little in addition to what the gentleman from California [Mr. ENGLEBRIGHT] has said in regard to the damage by the pine beetle. What he has said is absolutely true. The bark beetle is not as spectacular in its attack on the forest as are the forest fires, but day by day and year by year these bark beetles take their way through the forests until they destroy absolutely thousands upon thousands of acres.

Eradication is costing at the present time, by methods which have been in vogue, up to $4 a thousand feet. Among some of the methods used are the falling of the timber and the limbing and burning. Experiments are under way to take off the limbs and not take off the bark, and other modifications of the plans that have been in effect.

Within the last year or so a very interesting experiment has been under way in the lodge-pole-pine area in Montana. The lodge-pole pine is a small tree. Experiments have been made with the use of an arsenic solution to put into the trees where these insects are harbored, and those experiments have been attended with good results. But it is necessary that there should be adequate funds to determine the value of this method. The belief of the scientists is that if these experiments can be carried out the pine beetle can be checked in his depredations, at a cost of about 25 cents a thousand feet. But there is no provision for meeting the situation in the Southern States and many of the other States where the pine beetle has begun his depredations, and other places where it has been under way for a long time are not provided for.

Some conception of the importance of the work may be gained from just one instance which I wish to give to you. On a 2,000,000-acre area in southern Oregon and northern California, a section of the country I am personally somewhat acquainted with, the control work was under way from 1921 to 1924. It was determined that something over 170,000,000 board feet of timber was killed there annually in the nine-year period of 1918 to 1926.

Mr. SINNOTT. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. SINNOTT. What is the market value of that 170,000,000 board feet of timber?

Mr. LEAVITT. The loss is more than $61,000,000, or an annual loss of about $7,000,000 in that one area, due to the depredations of the pine beetle.

What is being asked in this bill is an adequate fund, the kind of a fund that is asked for by scientists, and not the small and niggardly amount that is given by the Budget and by the committee. Enough money is being asked so that these experiments can be carried forward in the different parts of the country, this situation met and this terrible devastation stopped.

Mr. McMILLAN. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. McMILLAN. Do I understand the gentleman to say that there is no provision in this bill to provide a remedy for the pine beetle in the South?

Mr. LEAVITT. I am taking the statement of the chairman of the committee, in which he just gave the places where

it was intended to use this money, and I heard nothing about work in the South.

Mr. McMILLAN. I might say to the gentleman that this applies equally as well in the South.

Mr. LEAVITT. It certainly does, and the situation there is becoming more severe.

The CHAIRMAN. The time of the gentleman from Montana has expired.

Mr. DICKINSON of Iowa. Mr. Chairman, I am in sympathy with these gentlemen from the West, but if every time we received a telegram we should come in and ask for $25,000 the whole Budget system would be busted. That is all. As a matter of fact, we are doing the very line of work the gentleman is suggesting. They are working out a remedy and we are giving them an extra man for further research work. We have been very generous with the various gentlemen who have wanted additional amounts for specific projects. As I say, this research is already going on in the department, and it is my judgment that we have made ample provision for all of the additional research needed. If every time we have a few acres of corn eaten up by the corn borer we should come in here and make another demand for additional money, we would be raiding the Treasury all the time. The fact is that ample funds have been given for this research work, and there is no doubt about that. We are trying to find a scientific remedy to see whether this depredation of the pine beetle can be stopped. When the Government has done that it has done its duty.

Mr. Chairman, I ask for a vote on the amendment, and I hope the amendment will be voted down.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The amendment was rejected.

Mr. YON. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen of the committee, I have a little project to offer. The gentleman from North Carolina [Mr. ABERNETHY] is somewhat interested in the same project and it seems the committee has taken care of his little appropriation.

Of course, as you know, as a new Member of the House I am anxious to do something for development of my State. My people are interested in the development of a great section of my State, in the production of a native blueberry. It is very luscious and delightful fruit; it ships well and will mean a great deal to the horticultural life of my section.

I do not rise for the purpose of offering anything that will seem to run over the committee, or anything of that sort, but I just want to get consideration of an amendment to take care of the blueberry in my State.

Of course, you ate some of my fruit at the beginning of the session, that known as the Satsuma orange. We have another fruit we are developing very largely, and that is the native blueberry. It is a fruit we want to propagate, develop the stock, and make it more useful to the people of the country, and let you know how really good it is. People have frequently written to me for literature regarding this fruit, but I have nothing with reference to it. The Department of Agriculture has made no extensive study of it for lack of funds, and there is no information we can give proposed growers of this fruit.

What I want is to add a little appropriation to that made to carry on the work in North Carolina, New Jersey, and Maine, and make it operative in my State. I ask permission, by unanimous consent, to offer an amendment.

Mr. DICKINSON of Iowa. Mr. Chairman, I am sorry, but I am compelled to object.

Mr. YON. I thank the gentleman anyway. [Applause.]

The Clerk read as follows:

For insects affecting cotton and including research on the pink bollworm of cotton, $280,000, of which $10,000 shall be immediately available.

Mr. HASTINGS. Mr. Chairman, I want to invite the attention of the gentleman from Iowa to the $10,000 item in line 12 of page 49. The report of the committee shows this is for boll-weevil demonstration work and is to be used in Oklahoma.

Mr. DICKINSON of Iowa. Yes.

Mr. HASTINGS. I simply want a definite understanding, and I want to ask if the representative of the Department of Agriculture said that the $10,000 would be sufficient for this purpose?

Mr. DICKINSON of Iowa. Yes. We got in touch with the Department of Agriculture by reason of the serious situation that exists in the State of Oklahoma, and they said they could put on the necessary demonstrations down there to demonstrate the remedy for the boll-weevil situation for $10,000. We put in the $10,000, and in our report it is directed to be used in Oklahoma, and the department so understands it.

Mr. HASTINGS. I thank the gentleman.

The Clerk read as follows:

For bee culture, $49,380, together with not to exceed $3,000 of the unexpended balance of the appropriation for this purpose for the fiscal year 1927.

Mr. COLE of Iowa. Mr. Chairman, I move to strike out the last word.

I want to ask the chairman of the subcommittee whether in connection with this item for bee culture, on page 49 of the bill, the additional sum of $20,000 asked for by the United States Bee Laboratory was given any consideration in the subcommittee?

Mr. DICKINSON of Iowa. Oh, yes; we had hearings on it, and this is for establishing a bee station in Louisiana.

Mr. COLE of Iowa. No; this is another item. This is for conducting studies in the food value of honey in Washington, D. C., and through agents in the field.

Mr. DICKINSON of Iowa. We felt the committee could not make the expansion that was asked all along the line in the bee industry. We have several items in the bill for study and also for bee propagation and the establishment of a bee station. The result was we put more money in the bill for bee culture and the study of bee interests and the study of honey as a food than has ever been in the bill before by a considerable amount. The result was we had to eliminate some items.

Mr. COLE of Iowa. This item was not recommended by the Budget?

Mr. DICKINSON of Iowa. No; it was not recommended by the Budget.

Mr. COLE of Iowa. I had intended to offer an amendment on the floor and see if I could not get this item included in the bill, but I am afraid we have not enough "bee" men here.

Mr. DICKINSON of Iowa. In view of the increases that have been made here for this purpose, I hope the gentleman will not offer the amendment.

Mr. COLE of Iowa. If this amendment should be inserted in the Senate, the gentleman's committee, I am sure, will have no particular objection to it.

Mr. DICKINSON of Iowa. We will give it very careful consideration.

Mr. COLE of Iowa. I think, then, our best procedure, I will say to the gentleman from Nebraska [Mr. SIMMONS], who is vitally interested with me in this matter, is to proceed to get this inserted in the Senate and get it through the House in that way. And may I add that I am advocating this appropriation for honey because I believe in the policy of supplying ourselves with more sugar out of our own resources, and honey is a supersugar.

The consumption of sugar in the United States has reached 110 pounds per capita. The total consumption may soon reach 16,000,000,000 pounds, an inconceivable aggregate. With perhaps not more than 6 per cent of the world's population we are consumers of 30 per cent of the world's sugar output.

Instead of developing our own resources we have been content to import nearly two-thirds of our sugars. Consuming, as I have said, 30 per cent of the world's sugar, we produce only 4 per cent of it. If to this continental production we add that of the insular possessions, we still have only 11.5 per cent of the world's production.

Our sugar consumption is so vast that there is more than ample room in the American markets for all the honey we can possibly produce, for all the maple sugar and for all the cane and beet sugar, and if we add to these sugar supplies so much as we can make from corn and, maybe, artichokes for use in certain industries, we shall still have left an ample market for much of the surplus sugar of Cuba.

To promote the development of our own industries I would not hesitate to place an additional tariff on imported sugar. I hope that the maple-sugar interests will get the additional tariff protection for which an application is now pending before the Tariff Commission.

I hope also that the small appropriation that the honey interests are asking for will be granted in connection with this appropriation bill.

If it is objected that the tariff on sugar is a tax, I would reply to that by saying that if it is a tax—which we do not concede—it is the most just and equitable of all our taxes. We need revenues to run the Government. Those that we obtain through a tariff on sugar are equitably distributed. Every man and woman who consumes sugar contributes his or her mite, and the cost of collecting these mites is very small, for it is done through the customhouses.

And rest assured that sugar prices would not go down if the tariff were reduced on sugar. Any material reduction in that tariff would close every beet-sugar factory in the country and

hamper all other sugar activities, including honey. And when the sugar importers have established what would be a virtual monopoly, what would they do with prices? Reduce them or increase them? What did they do a few years ago, when they thought that they were in control? Did we not have 20-cent sugar on a fictitious shortage?

The Clerk read as follows:

For investigating the food habits of North American birds and other animals in relation to agriculture, horticulture, and forestry; for investigations, experiments, and demonstrations in connection with rearing fur-bearing animals; for experiments, demonstrations, and cooperation in destroying mountain lions, wolves, coyotes, bobcats, prairie dogs, gophers, ground squirrels, jack rabbits, and other animals injurious to agriculture, horticulture, forestry, animal husbandry, and wild game; and for the protection of stock and other domestic animals through the suppression of rabies in predatory wild animals, $595,500, together with not to exceed $12,000 of the unexpended balance of the appropriation for this purpose for the fiscal year 1927.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and gentlemen, here is a bill that appropriates $133,000,000 to encourage, assist, and promote the welfare of agriculture of the United States. My constituents at home are anxiously awaiting the good work of the department so that they may once more indulge in good American food of juicy roast beef and luscious tender beefsteak.

But can you imagine how gratified the people of New York City and the other cities will be when to-night they go home and read this release of the Department of Agriculture for publication Saturday afternoon, March 3, 1928, which will tell the people of New York City, "Do not worry—no more high cost of living—we are going to furnish your tables now with good, wholesome meat. We are experimenting in the development of the jack rabbit." We ask for juicy steaks and you give us jack rabbits.

Mr. DICKINSON of Iowa. Will the gentleman yield?

Mr. LAGUARDIA. In just a moment.

This is under an appropriation of $15,000. The movement was inaugurated in great pomp and form in the State of California at Fontana, where they celebrated with a large banquet and ball. They had the real exhibits there of jack rabbits in various forms of development. [Laughter.]

Great work! If a city Member even moves to strike out the last word in this bill, it is resented.

I have an amendment right now that I am going to offer at the proper place where the consumer is going to ask for a look-in on all this cooperation and marketing that we are appropriating for. I will tell you agriculturists—and I have said this before—you have simply got to cooperate with us, because some day the people who are paying this $133,000,000 are going to stand up and put up a real kick.

Mr. SCHAFER. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SCHAFER. Do not the constituents of the gentleman ever eat jack rabbits? [Laughter.]

Mr. LAGUARDIA. Give us steak.

Mr. SCHAFER. I notice a great many of your French citizens do.

Mr. LAGUARDIA. We are asking for steak.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. LAGUARDIA. I will come to the gentleman in a moment.

Mr. STRONG of Kansas. The gentleman is after the "jack," not the rabbit.

Mr. LAGUARDIA. That is what you farmers are trying to get.

Mr. STRONG of Kansas. Yes.

Mr. LAGUARDIA. But God help the poor farmers if you do not put up a better showing than you have been putting up. You have been fussing over an agricultural relief bill and you do not know what it is all about. You brought in here a bill that you could not agree on amongst yourselves and you do not know now what you want.

Mr. STRONG of Kansas. Talk to the Committee on Agriculture; do not talk to me. We want a little of the "jack," and that is what we have been after for a long time.

Mr. LAGUARDIA. If you had any sense you would get it, because we are paying the prices. [Applause.]

Mr. STRONG of Kansas. If we had your sense, we would get the "jack."

Mr. LAGUARDIA. We are paying the prices, but the poor farmer is not getting them. This bill carries $133,000,000, and I will tell you right now that consumers expect to get some consideration.

I will keep my amendment until the proper time to offer it, and in the meantime I congratulate the committee on their successful "jack-rabbit" experiment.

The Clerk read as follows:

Total, Bureau of Public Roads, $440,880, of which amount not to exceed $200,000 may be expended for personal services in the District of Columbia.

Mr. PEAVEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. PEAVEY: Following line 12, on page 55 of H. R. 11577, insert the following:

"The Secretary of Agriculture is authorized to enter into contracts or to secure options to purchase explosives or materials for explosives for distribution for agricultural, land-clearing, and road-building purposes at not more than cost, plus a minimum administration charge. The Secretary of Agriculture is authorized to take over from any governmental department or establishment explosives or components for explosives, and to prepare and distribute such explosives for the above purposes in the same manner as heretofore. Any governmental department or establishment is authorized to transfer explosives or components for explosives to the Secretary of Agriculture when same are available as surplus. The Secretary of Agriculture is authorized to use not to exceed $25,000 of the administrative fund provided by the Federal aid road act of July, 1916, as amended, for supervising the preparation, distribution, and use of explosives as herein contemplated, and said fund shall be reimbursed by a plus charge over the contract cost to be paid by the user. In the same manner, any administrative expenses incurred by agricultural colleges or other agencies acting as agents of the Secretary of Agriculture in the distribution of explosives to individuals within the States shall be reimbursed by adding to the contract price an amount determined by the Secretary of Agriculture to be a fair cost for this service."

Mr. DICKINSON of Iowa. To that, Mr. Chairman, I reserve a point of order.

Mr. PEAVEY. Mr. Chairman, I would like to say to the members of the committee at this time that this amendment does not contemplate any expenditure of money. It does contemplate a small revolving fund of $25,000. It is offered as an amendment, and the letters which will appear in the RECORD at the end of this speech will show that there was no opportunity to present it to the committee when the committee was holding its hearing.

I want to say that this is asking the House to reinsert in the agricultural appropriation bill this year almost the identical service that the Government has been carrying on for the past eight years. It is contemplated to carry on the service in practically the same manner as carried on heretofore.

I will explain the difference between the two propositions. In 1920 under an act of Congress the Bureau of Public Roads in the Department of Agriculture had distributed to the agricultural sections surplus war explosives for blasting stumps. The cost of the explosives was returned to the Government by the users. These explosives were recartridged and made usable for the purpose by contract between the Government and the du Pont Co.

I have been informed that there are gentleman who have reserved a point of order against my amendment, but I feel that the gentlemen will concede that this proposal to discontinue this needed and worthy Government service of distributing explosives to the settlers in the cut-over areas has been done by the direction and design of the War Department.

These explosives are no longer available owing to the fact that in the second session of the Sixty-ninth Congress the War Department asked permission hereafter to trade in all deteriorated and surplus explosives to be credited on new explosives, and therefore there is now no available explosives for the War Department to distribute through the Agricultural Department.

Mr. Chairman, the action of the War Department in seeking to stop this distribution of explosives to the settlers of States like Wisconsin, Minnesota, and Michigan is, in my own opinion, the most high-handed and inconsiderate misuse of authority conferred by Congress that any bureau of the Government has ever perpetrated.

These farmers of the cut-over timberland areas are poor, but they are good citizens, and as such they contribute much to the prosperity and development of this country. They pay taxes, they contribute in payment of direct Federal revenue, but they contribute far more by the payment of indirect taxes. They pay freely and honestly their full share in whatever amount it be that goes to support the Government and from which several hundred million dollars is annually appropriated to maintain the War Department.

The distrust and resentment bred by such injustice on the part of the War Department, which is dependent upon these people at least partially, will be readily recognized by everyone interested in the internal welfare of our country. When bureaucrats in charge of governmental departments at Washington, to gratify personal whims or their own convenience and desires, contrive to draft their own appropriation bills so as to deprive a million or two of poor settlers of a much needed and inexpensive Government service it would seem about time that Congress did something to curb this misuse of arbitrary power.

Until such a time this amendment will provide a small revolving fund to carry on the supervision of the work of distribution through the Agricultural Department to the several States.

This same distribution will be made in this manner: The Government will contract with the du Ponts or some other large explosive company to furnish suitable explosives, and these new explosives will be furnished to the users at cost in the same manner that the explosives were distributed heretofore.

Mr. Chairman, I want to say further that if there be reference to the point of order against my amendment on the ground that it puts the Government in business that, had I my own way in the matter, I would eliminate this question entirely by having the Government appropriate sufficient money from the Public Treasury to distribute these explosives to the settlers "free." The Government is now giving millions annually to different irrigation reclamation projects all over the West and to large drainage projects in the South. Why should not the Government aid and encourage the reclamation of the cut-over timber or stump lands in northern Wisconsin, Minnesota, and Michigan by furnishing the explosives actually necessary to blow the stumps on each 80 or 160 acres for farm use?

Now, in the limited time I am given I want to explain the vital importance from the standpoint of the people affected. This will benefit the States of Wisconsin, Michigan, Minnesota, Washington, Missouri, and some other States. They are the principal users of explosives for that purpose. Let me call attention to the people that have been affected and that are affected.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CARSS. Mr. Chairman, I ask that the gentleman have three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PEAVEY. Mr. Chairman, I might say to the gentlemen of the committee that these people are for the most part poor people. They emigrated from cities to the country to build themselves homes. They live under the most straightened circumstances. It is well-nigh impossible for these settlers to accumulate a sufficient amount of money with which to pay for explosives to clear more land on which to support their livestock and their families.

These settlers are the last of the Nation's pioneers; they live in the wilderness. They suffer all the privations and hardships of the frontier. They have to build their own roads and schools. Wolves prey on their stock, and the wild deer eat their gardens. Surely the Government could well afford to match the courage and hardihood of these backwoods settlers, their wives, and children by supplying the explosives necessary to blast the stumps to reclaim a home. No one will deny that the Government, as a matter of sound policy, should give more to help and aid these settlers in securing explosives than it does to users of stamped envelopes in lots of 500 to 100,000, which it is now furnishing at cost through the Government Post Office Department. It furnishes this service "free" to those who could easily survive without aid. Then why not help those who need it to build homes and develop the cut-over areas of the United States.

If this service, which has been carried on for eight years, is stopped, it means that thousands of these people now trying to carve out homes from these cut-over lands will be forced to quit and the country will be the loser thereby.

To reclaim even a 20 or 40 acre farm home from among the stumps and brush is a disheartening task, requiring 5 to 20 long, hard years of labor. Thousands of courageous home builders have undertaken it and failed, not because they were not industrious, frugal, and persevering but because it was a human impossibility to feed and clothe a wife and children, pay an occasional doctor bill, and save any actual cash with which to purchase explosives to clear more land. Many a brave father, with the natural love of the American man for a home, has bravely started out, with the result that here and there all over the cut-over sections of Wisconsin, Minnesota, and Michigan the traveler sees to-day the mute evidence of blasted hopes of what might have easily become a good farm home had the Government furnished to the man the explosives necessary to remove the stumps left as a result of exploitation of the timberlands of the great Northwest States under Government contract.

Five to fifteen dollars per acre expended for explosives by the Government in reclaiming these rich agricultural lands would not be a gift nor would it be a charity, but, on the contrary, would be the best investment in the reclamation of agricultural land ever made by the United States. Every acre of these lands so cleared and reclaimed will produce in new wealth each year two or three times what the explosives necessary to clear it would cost. Once reclaimed, it is reclaimed forever, without one cent necessary for maintenance or support.

There is another reason why this amendment should be adopted, Mr. Chairman. Furnishing cheap explosives to the farmers in the cut-over timber sections is a just and indirect method of voting "farm relief" to the Wheat and Corn Belts.

We raise cows, sheep, chickens, potatoes, and fruit. We feed clover and alfalfa hay, but we buy much of our ground feed, cracked corn, bran, and shorts, and all our flour from the wheat and corn States. So, Mr. Chairman, when you lend aid and assistance to the northern settlers in the cut-over timber areas you not only help him directly, but indirectly you give relief to the Corn and Wheat Belt farmers, enabling our people to buy their surplus grain. On best figures obtainable the people of my congressional district last year purchased more than $1,000,000 worth of corn and wheat products.

Therefore, I hope that the members of this committee will see fit to insert this provision in the bill so that this service may be continued as it has been in the past.

Mr. BROWNE. Mr. Chairman, will the gentleman yield?

Mr. PEAVEY. Yes.

Mr. BROWNE. In what year was this appropriation dropped?

Mr. PEAVEY. This appropriation has not yet been dropped. It is now being carried forward in 1928, but it is not carried in this bill.

Mr. BROWNE. It was provided for in the last bill?

Mr. PEAVEY. Yes; and in the years previous to that.

Mr. Chairman, under the permission granted me to extend my remarks, I submit the following letters:

FEBRUARY 21, 1928.

Secretary WILLIAM M. JARDINE,

Department of Agriculture, Washington, D. C.

MY DEAR MR. SECRETARY: Through the public press and other notices the people of my district and the entire Northwest have been notified that the distribution of surplus war explosives (sodotol, pyrotol, etc.) would be discontinued.

To the depressing and distressing conditions now confronting the farmers of the Northwest, and particularly the small, partially developed, cut-over farm owners of north Wisconsin, Minnesota, and Michigan, this action on the part of the Government is a most severe blow. In fact, I do not hesitate to say to you, Mr. Secretary, as a matter of personal knowledge, that it will mean the abandonment of many new homes in the cut-over sections of America. For the past five or six years these new settlers have found it most difficult to make a living and keep their farms, but, more than any one thing, the action of the Government in distributing the cheap explosives with which to clear the land, to feed the stock, and support their families encouraged them to "hang on." Faced with the necessity of buying high-priced explosives at retail prices will not only cause untold misery and discouragement to these settlers, but will cause thousands of them to give up the struggle.

I have been in communication with Maj. Gen. C. C. Williams, Chief of Ordnance, who informs me that under Act 318, Sixty-ninth Congress, secured by the War Department, this distribution of explosives has been discontinued at the request and upon the advice of the War Department.

I am writing this letter, Mr. Secretary, to ask your opinion and also if you would be willing to include in your appropriation request from Congress a sum sufficient to purchase deteriorated explosives at a reduced price from the War Department, together with such sum as would be necessary to cover the cost of distribution in your department?

If you do not care to indorse a complete undertaking, as I have suggested above, would you sanction appropriation by Congress of about $100,000, a sum sufficient to cover the cost of distribution in your department, including the purchase at wholesale of the cheapest explosives obtainable by the Government and the distribution of this explosive at cost to the settlers in the same manner that you have distributed pyrotol and sodotol in the past?

Permit me, Mr. Secretary, to again assert that such a course on the part of the Government would act as actual and positive relief to these settlers, who now have insufficient cleared land with which to support their livestock and thereby their families. I appeal to you in their name that this Government service of distributing surplus war explosives suitable for land clearing be not stopped by the Government

without some substitute or similar service to take its place, for such a course on the part of the Government will mean that many of these poor, cut-over land settlers will be "starved out."

I will appreciate your answer and any suggestions you may care to offer relative to the solution of this problem.

Yours very truly, ——— ———.

(This letter remained unanswered at date of printing.)

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF PUBLIC ROADS,
Washington, D. C., October 5, 1927.

Hon. H. H. PEAVEY,
Washburn, Wis.

MY DEAR MR. PEAVEY: Receipt is acknowledged of your letter of October 1 inquiring with regard to the prospects for future distribution of surplus war explosives to farmers.

From present indications the distribution of these explosives will cease some time next spring, owing to the fact that the stock of smokeless powder which forms the basis of pyrotol will by that time become exhausted. Our agreement with Wisconsin this year contemplates the distribution of 1,200,000 pounds in that State. Of this, we already have received orders for 965,200 pounds. It is expected that the entire amount will have been shipped not later than March 31, and the cooperative agreement with the College of Agriculture, University of Wisconsin, expires on that date.

So far as now known, there will be no further distribution of explosives for agricultural use after pyrotol is exhausted.

Very truly yours,

S. H. MCCRORY,
Acting Chief of Bureau.

DECEMBER 12, 1927.

Hon. FRANK JAMES,
Chairman Committee on Military Affairs,
House Office Building, Washington, D. C.

DEAR SIR: For some years past the Departments of the Interior and Agriculture have been distributing, through the different State agricultural departments, sodotol, pyrotol, and other surplus Government war explosives suitable for blasting stumps in land clearing.

Through notices inserted in the public press of Wisconsin and other States information is given that this service is to be discontinued next March, 1928, for the reason that the supply will be exhausted by that time.

Under the present distressing conditions prevailing among the settlers in the cut-over timberland sections of Wisconsin, Michigan, and Minnesota, it will be utterly impossible for 99 per cent of these small farmers to buy high-priced dynamite for stump blowing. This, in fact, means that there will be no more land cleared to speak of in those areas and thousands of poor people with insufficient cleared acreage to support their families and their stock will be forced to leave the land to move to some city to seek a livelihood.

It occurred to me that yourself or your honorable committee would be in a position to know or find out if the United States Government in some of its ammunition dumps did not have powder unfit for military purposes which might be transferred or converted to the Bureau of Agriculture for this purpose.

I earnestly solicit this information, as well as any recommendations or suggestions that you might care to offer, to the end that this valuable and almost necessary Government service to the people living in the cut-over land areas may be continued.

I beg to remain,

Very respectfully yours,

——— ———.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., December 13, 1927.

Hon. HUBERT PEAVEY,
Room 49, House Office Building, Washington, D. C.

MY DEAR HUBERT: I am in receipt of your letter of December 12, and will see what can be done in this matter and write you again.

With best personal regards, I am,

Very truly yours,

W. FRANK JAMES.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., December 16, 1927.

Hon. HUBERT PEAVEY,
Room 490, House Office Building, Washington, D. C.

MY DEAR HUBERT: As per my letter of December 13, I have looked into the matter contained in your letter of December 12, and beg to inclose a letter from Maj. Gen. C. C. Williams, Chief of Ordnance.

With best personal regards, I am,

Very truly yours,

W. FRANK JAMES.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ORDNANCE,
Washington, December 14, 1927.

Hon. W. FRANK JAMES,
Chairman Military Affairs Committee,
United States House of Representatives, Washington, D. C.

MY DEAR MR. JAMES: In response to the accompanying letter of Mr. PEAVEY, I would call your attention to the first paragraph of Chapter IV of the act making appropriations for the support of the Army for the fiscal year ending June 30, 1920, approved July 11, 1919. Under the authority of this law millions of dollars' worth of smokeless powder, T. N. T., and other explosives were transferred to the Agricultural Department, and it is understood that much was used in the manufacture of agricultural explosives.

Since, however, the enactment of the law, Public Act 318, Sixty-ninth Congress, this practice has been discontinued and such ammunition and components as became deteriorated are now being exchanged for new components under the authority of this act. This exchange of deteriorated ammunition for new ammunition is vitally neessary as a measure of economy in maintaining the war reserve of ammunition and components.

It is regretted, therefore, that we are unable to comply with request contained in Mr. PEAVEY'S letter.

Very sincerely yours,

C. C. WILLIAMS,
Major General, Chief of Ordnance.

Mr. CARSS. Mr. Chairman, I want to add a word to what has been said by the gentleman from Wisconsin [Mr. PEAVEY]. The northern part of Minnesota, extending along the Canadian border, contains many thousand acres of these cut-over lands. Our people have gone out on those lands, as the gentleman says. They are poor people. They go out there with virtually nothing but their bare hands, and they are trying to carve out little homes for themselves in the wilderness. They find that the best agency for the clearing of land is high explosives. They have tried other methods, but there is nothing so cheap or so effective as these high explosives. In the past we have taken a lot of surplus war materials, such as picric acid and T. N. T., and worked it over and produced a material equal to about 40 per cent dynamite. These people have been using that. Instead of taking this material out and throwing it into the ocean, as was at one time proposed, we have been able to clear thousands of acres of land with it. They have just gotten nicely started on this work, and I hope the committee will see fit to approve the amendment of the gentleman from Wisconsin. It may be subject to the point of order, but I would like to see the amendment prevail.

Mr. DICKINSON of Iowa. Mr. Chairman, in the former bills there was an arrangement whereby there was an exchange between the War Department of surplus deteriorated war explosives and the Department of Agriculture. Legislation was passed that did away with that, and now the War Department is trading in their deteriorated explosives for new explosives. Therefore there is no longer a supply available. The amendment offered by the gentleman from Wisconsin will create a revolving fund and put the Government in business in a way that I think is very ill advised. I therefore make the point of order.

The CHAIRMAN. Does the gentleman from Wisconsin desire to be heard on the point of order?

Mr. SCHAFER. It will not put the Government in business as much as the so-called McNary-Haugen bill will, will it?

Mr. DICKINSON of Iowa. I do not care to discuss that.

Mr. PEAVEY. Does the gentleman say that there is no longer any available supply of surplus war explosives in any department of the Government?

Mr. DICKINSON of Iowa. I did not say that, but under the law there is a way by which they trade in old explosives for new explosives. Therefore, they are not available as in prior years.

Mr. PEAVEY. That pertains only to the War Department.

Mr. DICKINSON of Iowa. There is no other department that has surplus war explosives.

Mr. PEAVEY. Does not the Navy Department?

Mr. MADDEN. Oh, no; I do not think the Navy Department has.

The CHAIRMAN. Can the gentleman from Wisconsin cite the Chair to any permanent law in answer to the point of order?

Mr. PEAVEY. Mr. Chairman, I can not at this time cite any existing law, but will call the Chair's attention to the exact precedent of the Bureau of Public Printing, wherein they purchase by contract printed envelopes and sell them through Government post offices. The authority for this service is contained in the Post Office Department's appropriation bill and is much more objectionable from the standpoint of the Government's entry into business than the service of distributing

explosives. I say frankly that I do not consider myself competent to argue a question of parliamentary rules with the gentleman in charge of the subcommittee.

Mr. MADDEN. The gentleman will admit that it is a change of law, will he not?

Mr. PEAVEY. I think not.

The CHAIRMAN. As the Chair understands the matter, if this interchange has been previously made it has been because of a provision in some appropriation bill and was applicable only to the year when the exchange was made. It is not permanent law. Unless the gentleman from Wisconsin can cite some permanent law authorizing such an exchange, the Chair will be constrained to sustain the point of order. The Chair will be glad to hear from the gentleman from Wisconsin.

Mr. PEAVEY. I do not see myself any great difference from the standpoint of legislation in this respect that in each case the Government is contracting probably with the same company for the same service.

Mr. MADDEN. Oh, not at all.

Mr. DICKINSON of Iowa. Let me suggest that formerly there was Government property which was in the hands of the Government which was declared deteriorated for the purpose for which the Government used it. The War Department transferred that property to another department of the Government, which can be done under the provisions of the former appropriation bill, and that was distributed through this agency of Government property; but now your Government property is gone; you do not have this surplus material. This provision would permit you to go out and make a contract whereby the Government practically buys it and creates a revolving fund and resells it to the individual, which ought not to be done.

Mr. PEAVEY. Under the past laws affecting this Government surplus, if the gentleman will inquire, I believe he willl find that the contract was made by the Government at about 6 or 7 cents a pound, for which the Government furnished about 15 or 20 per cent of the components that went into that explosive, and the du Pont Co. furnished all the rest.

The CHAIRMAN. The Chair desires to call the gentleman's attention to the fact that his amendment would authorize the Secretary of Agriculture to enter into contracts and secure advice and purchase explosives. Surely that is legislation, provided there is no citation of permanent law, and the Chair, having not received such citation, will sustain the point of order. The Clerk will read.

The Clerk read as follows:

For acquiring and diffusing among the people of the United States useful information on subjects connected with the marketing, handling, utilization, grading, transportation, and distributing of farm and nonmanufactured food products and the purchasing of farm supplies, including the demonstration and promotion of the use of uniform standards of classification of American farm products throughout the world, including scientific and technical research into American-grown cotton and its by-products and their present and potential uses, including new and additional commercial and scientific uses for cotton and its by-products, and for collecting and disseminating information on the adjustment of production to probable demand for the different farm and animal products, independently and in cooperation with other branches of the department, State agencies, purchasing and consuming organizations, and persons engaged in the marketing, handling, utilization, grading, transportation, and distributing of farm and food products, and for investigation of the economic costs of retail marketing of meat and meat products, $715,000: *Provided*, That practical forms of the grades recommended or promulgated by the Secretary for wool and mohair may be sold under such rules and regulations as he may prescribe, and the receipts therefrom deposited in the Treasury to the credit of miscellaneous receipts.

Mr. COLTON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Utah moves to strike out the last word. The gentleman is recognized for five minutes.

Mr. COLTON. I do this, Mr. Chairman, for the purpose of asking the chairman of the subcommittee a question. There has been a great deal of complaint among the growers of lambs, particularly, against the practice of the department in forecasting and predicting prices. As I understand the language of this bill now, the department would not be authorized under the language of the bill to make such predictions and forecasts.

Mr. DICKINSON of Iowa. The language as it is in the bill would permit it, as I understand it, to collect and disseminate information; it would permit them probably to make general forecasts; but it would not permit them to specifically say that the price would be up or down, but simply give information indicating the price trend.

Mr. COLTON. I am glad to hear the gentleman say that. The department is doing a wonderful amount of good in disseminating information as to the probable crop conditions——

Mr. DICKINSON of Iowa. Forecast and outlook work——

Mr. COLTON. Yes; regarding the production of lambs and wool. But in the past it has frequently gone further than that, and predicted the lowering or the raising of prices. Sometimes they have been right, and sometimes they have been wrong; but in most cases their prediction has had a bad effect. Those who buy these products, particularly lambs, go out among the growers and use these statements to bear down the prices. I understand from the chairman of the subcommittee that this practice will not be followed in the future.

Mr. DICKINSON of Iowa. Yes.

Mr. BLACK of Texas. Mr. Chairman, will the gentleman yield?

Mr. COLTON. Yes.

Mr. BLACK of Texas. I think the gentleman is correct when he says the department is doing very valuable work in making statements concerning production, distribution, and demand, and things of that kind, but when it goes into the field of prophecy and undertakes to say what the trend of price will be, the result in the long run will be that it will destroy the confidence of the producers. The ability of the department to aid the producers will be thereby seriously interfered with.

Mr. COLTON. I think the gentleman is right. The thing against which we are complaining is that they go out and predict prices, and that is a thing which the people do not want. I am glad that the department is not authorized to do that under this language.

Mr. MADDEN. Mr. Chairman, I am not going to take up much of the time of the committee. I want to say that the Bureau of Agricultural Economics, when it collects and disseminates information as to crops, does a good work. It may say what it thinks proper about the wisdom of increasing or diminishing the acreage of crops in certain lines. It gives information, then, from which the marketing associations or anybody else might properly be able to reach a conclusion as to what the probable price of the various commodities might be.

But just let us suppose for a minute that we put the Government of the United States into the field of telling what the price of given commodities is to be. Suppose that what it says about it turns out to be wrong. Do you not see what an opportunity there is for the people to whom the information is given to feel that the Government has invaded a field which does not belong to it?

What is the agency through which the Government is to disseminate this information as to probable prices? The Chief of the Bureau of Agricultural Economics. Who is he? He is a subordinate who obtained his place through the civil service. He may have scientific knowledge of the subject in connection with which his employment is given by the Government, but when he gives out the information that is proposed or suggested in what my friend from Utah [Mr. COLTON] has talked about, he is understood to be the Government of the United States. The people of the United States do not realize that he is merely a subordinate; that he speaks as the Government, however, without having any governmental authority whatever, and he binds the Government to the accuracy or inaccuracy of the statements he makes, and nobody but the Chief of the Bureau of Agricultural Economics knows that it is only the Bureau of Agricultural Economics that has spoken. Everybody who reads the story accepts the statement of the Chief of the Bureau of Agricultural Economics as the statement of the Government of the United States, and will assume at once that the great Government of the United States has put the stamp of its approval on the prediction of a prospective price of any commodity in agriculture. It is absurd. It is a thing that would be inexcusable to grant any such authority anywhere in the Government. Not even the President of the United States ought to be granted any such authority as that. And surely we should be too wise and too considerate of the public interests to place in the hands of any man the power to bind the Government in making the mistake of either putting the predicted price too high or too low.

And who knows who the Chief of the Bureau of Agricultural Economics in the Department of Agriculture is, or will be tomorrow? Who knows what incentive might be employed to influence him in making predictions one way or another? Who knows how far we can go to trust him? Whence does he come? Where does he acquire his knowledge or experience? Who can tell that what he says or what he is about to say is worth any more than the opinion of any other man? And yet in the face of that situation he might overwhelm every man engaged in

agriculture in the United States with a statement in the name of the Government of the United States that this is going to happen or that is not.

Mr. SANDLIN. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. SANDLIN. I will ask the gentleman from Illinois whether it is not a fact that had the original language stayed in this bill and had not been stricken out by the committee that that agency of the department would have had the authority to do the very thing against which the gentleman is now protesting.

Mr. MADDEN. That is true.

The CHAIRMAN. The time of the gentleman from Illinois has expired. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. LAGUARDIA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

Amendment offered by Mr. LAGUARDIA: On page 56, line 13, after the word "world," insert "including a daily price list of farm products paid to farmers or producers, such price list to be widely diffused and published for the information of consumers in all cities having a population of over 500,000 inhabitants."

Mr. DICKINSON of Iowa. Mr. Chairman, I make a point of order against this amendment.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. DICKINSON of Iowa. The point of order is that it is legislation extending the services of the bureau in a way that is not provided in the authorization for the giving out of information. It is asking the bureau to do an impossible thing for the reason that there is no way by which the price paid to the farmer for farm products at the location of the farm may be determined by the department.

Mr. LAGUARDIA. Mr. Chairman, if this amendment is out of order, then the whole paragraph is out of order. If it is impossible for the bureau to obtain this information, then all the information that this bureau is giving out is likewise impossible.

Mr. DICKINSON of Iowa. That is the conclusion of the gentleman from New York.

Mr. LAGUARDIA. No; it is the gentleman's conclusion, not mine. He made it and I do not accept it. The function of the Bureau of Home Economics is the giving out of information for which this very paragraph provides, namely:

for acquiring and diffusing among the people of the United States useful information on subjects connected with the marketing, utilization, grading, transportation, and distributing of farm and nonmanufactured food products.

It also includes scientific and technical research, and among other things it includes cooperation with other branches of the department, State agencies, purchasing, and consuming organizations. The very purpose, Mr. Chairman, of this bureau is to give this kind of information, and my amendment calls not for an estimate but for prices heretofore paid, an accomplished fact. It is limiting the information and it is not as broad as the general purpose of this paragraph.

The CHAIRMAN. The amendment offered by the gentleman from New York provides:

including a daily price list of farm products paid to farmers or producers, such price list to be widely diffused and published for the information of consumers in all cities having a population of over 500,000 inhabitants.

The Chair would like to ask the gentleman from Iowa, before ruling, whether he considers his point of order in any way dependent upon the language of the amendment relative to the provision providing that a price list be furnished?

Mr. DICKINSON of Iowa. That was the exact part of the amendment against which I proposed the point of order.

The CHAIRMAN. Against the furnishing of the price list?

Mr. DICKINSON of Iowa. Yes. I could extend the point of order by saying it is a discriminatory provision for the reason that it limits this distribution to certain localities of certain population.

The CHAIRMAN. The Chair does not consider that the latter part of the gentleman's point of order is well taken, but is somewhat uncertain as to whether or not the language of the law would permit the method which the gentleman from New York desires to establish, namely, the distribution of a daily price list.

Mr. LAGUARDIA. It is just information.

The CHAIRMAN. But it specifies the manner of the distribution of the information.

Mr. LAGUARDIA. The whole paragraph does that.

The CHAIRMAN. So far as the remainder of the paragraph is concerned, of course, any opportunity to make a point of order against it has expired. It is too late, because the matter has been discussed. It was not made when the paragraph was read, so that is not involved.

Mr. LAGUARDIA. But an amendment germane to this paragraph is involved.

The CHAIRMAN. Certainly. The language of the organic act with reference to the establishment of the Department of Agriculture reads as follows:

The general design and duties of which shall be to acquire and diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of that word.

In view of that very broad language, the Chair is disposed to overrule the point of order. The question is on agreeing to the amendment offered by the gentleman from New York.

Mr. LAGUARDIA. Mr. Chairman, I desire to be heard on the amendment.

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. LAGUARDIA. Mr. Chairman, New York City, with its 6,000,000 people and paying 70 per cent of the taxes, apologizes for taking five minutes on this bill.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. LAGUARDIA. I can not yield now.

Mr. CHINDBLOM. Does the gentleman from New York mean to say that with 6,000,000 people in New York it pays 70 per cent of the taxes?

Mr. LAGUARDIA. New York State does.

Mr. BEGG. If the gentleman will permit, New York State does not pay anywhere near 70 per cent.

Mr. MADDEN. It is about 25 per cent.

Mr. LAGUARDIA. Yes; against the whole country.

Mr. MADDEN. Is not that what we are dealing with—the whole country?

Mr. LAGUARDIA. Mr. Chairman, I do not want this taken out of my time.

The CHAIRMAN. If the gentleman yielded it will be taken out of his time.

Mr. LAGUARDIA. I do not yield, Mr. Chairman.

Mr. MADDEN. May I ask if the gentleman will yield to me?

Mr. LAGUARDIA. I can not yield now, Mr. Chairman.

All we are asking is this: You representatives of the farmers have been complaining that you do not know the spread between the price the consumers pay and the price you are getting. Now, unless you are "dog robbing" for the middlemen, unless you are trying to double-cross the farmer, you ought to go with us on this amendment. [Laughter and applause.] Unless you are for the stock-ticker fellow that we are fighting in my city, there is no reason why the information as to prices paid to farmers and producers for their product—not guesses like you had on cotton, but past performances as to what has been done—should not be made known to the people of the cities by this Bureau of Home Economics.

The reason I mention cities of 500,000 inhabitants is this: The smaller cities are in the midst of farming districts and are in a position to obtain the information, and they know about it. But take a city like New York, Boston, Philadelphia, or Chicago; we do not know. The tenement-house dwellers of my district do not know, and there is this combination of the stock gambler, of the middleman, of the manipulator, and of the commission merchant, with whom we do not want to have anything in common, and what we are seeking to establish is this contact between producers and consumers.

Mr. BEGG. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. BEGG. I would like to ask the gentleman a question in respect of his statement. Is the gentleman seeking to get the price of dressed meat; that is, what the retailer paid for that dressed meat, or does the gentleman want the price of the live animal?

Mr. LAGUARDIA. I want it made known how much the farmer who is digging his potatoes is getting for them.

Mr. SIMMONS. He is not getting very much.

Mr. LAGUARDIA. The gentleman from Nebraska [Mr. SIMMONS] is keeping house here in Washington and the gentleman knows the prices he is paying for potatoes here.

Mr. BEGG. Is it not a fact that every daily in every city in the land, big and little, to-day carries the prices of all commodities and of all kinds of livestock?

Mr. LAGUARDIA. Yes.

Mr. BEGG. Then what is the gentleman going to accomplish by his amendment?

Mr. LAGUARDIA. But is it not the fact that the farmers are not getting those prices?

Mr. BEGG. That does not enter into it. I want to know what kind of information the amendment of the gentleman is going to furnish.

Mr. LAGUARDIA. I want the actual information. I do not want the gambler's prices or the stock-ticker prices. The farmer does not get those prices and he never has got them.

Mr. BEGG. Yes; he does, in the main.

Mr. LAGUARDIA. We are appropriating here $715,000 and this bureau has its agents out in the field. Let them find out how much the farmers are getting for their products and let them broadcast that information.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SUMMERS of Washington. I am very much interested in the gentleman's amendment and I can give the gentleman a very simple formula, which is this: Every time the consumer pays $3 for an article, if he will say that the producer gets $1 of that he will have it worked out about right.

Mr. LAGUARDIA. This amendment will bring out that very forcibly.

Mr. CARSS. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. CARSS. The best figures we can give the consumer in the city is that he is paying $1 for 26 cents' worth of farm products; in other words, the farmer is getting 26 cents for one dollar's worth of products.

Mr. LAGUARDIA. Why not bring out those facts?

Mr. CARSS. I am in favor of bringing them out and finding out what the farmer actually receives.

Mr. LAGUARDIA. Yes.

The CHAIRMAN. The time of the gentleman from New York has expired.

The question is on the amendment offered by the gentleman from New York [Mr. LAGUARDIA].

The question was taken; and on a division (demanded by Mr. LAGUARDIA) there were—ayes 10, noes 39.

So the amendment was rejected.

Mr. LAGUARDIA. Mr. Chairman, under the ruling made by the Speaker the other day, I ask unanimous consent to revise my figures on the amount of taxes paid.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. STRONG of Kansas. Mr. Chairman, I move to strike out the last word.

Just a few minutes ago the gentleman from New York [Mr. LAGUARDIA] said that those who were fighting for farm legislation and had been fighting for it for a long time "did not have sense enough" to prepare it or to get it through Congress, and that he was going to introduce an amendment shortly that would enable the people of the great city of New York to get these products at somewhere near what the farmer is paid. So I have been waiting until the amendment was proposed to see how far the gentleman got with his effort.

I wonder if it ever occurred to the gentleman that perhaps these high-powered brains they have in the city might endeavor to get the price the farmer receives instead of charging the farmer with not having any sense because he does not get the price that the city man pays. The farmer does not control the markets. The farmer does not control the commission men or the transportation facilities. They are mostly owned by our city brethren.

It seems to me if it is a matter of brains, the city men ought to be able to get the things that they consume somewhere near the price the farmer is paid for them. We produce and sell the food that the gentleman from New York eats; for instance, a perfectly good beefsteak for 15 cents a pound. Is it our fault or are we to be charged with lack of brains because the gentleman pays 75 cents a pound for it? It does seem to me that the gentlemen of the cities ought to help us solve this problem, and yet when we come in with a bill for agricultural relief and the roll is called, what do we find? We find the Representatives from agricultural districts all voting for the legislation, while the gentlemen from the city districts generally vote against it.

Mr. HOWARD of Oklahoma. Will the gentleman yield?

Mr. STRONG of Kansas. I will be very glad to.

Mr. HOWARD of Oklahoma. May I not suggest that the gentlemen from the cities, with all their brains, might help us some if they would assist in reducing freight rates on what the farmer produces?

Mr. STRONG of Kansas. I will suggest to my friend from New York, who has been of help to us in agricultural legislation, that if it is a matter of brains, that these gentlemen who control the avenues through which we must sell our product should help us to give the farmers a better price for their products.

Mr. LAGUARDIA. Mr. Chairman——

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. DICKINSON of Iowa. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close at the end of five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa? The Chair hears none.

Mr. STRONG of Kansas. Reserving the right to object, I do not think it is fair to let the gentleman from New York with all the brains have all the time, but I withdraw my objection. [Laughter.]

Mr. LAGUARDIA. Mr. Chairman, I hope the gentleman from Kansas will not charge the gentleman from New York with the responsibility for something that nature has attended to. [Laughter.]

Mr. STRONG of Kansas. I am glad the gentleman admits it.

Mr. LAGUARDIA. Mr. Chairman, I want to make it very clear that my amendment sought to do the very thing that the gentleman from Kansas so well expressed. All right; assume that all the stock manipulators and gamblers and commission merchants are in the cities. You had an opportunity not five minutes ago to line up against them by voting for my amendment but you did not do it. Let the record show right now that the majority of Members on the floor at the time my amendment was offered are from agricultural districts, and yet they stood upon a division and voted to prevent the people in the cities, the consumers, finding out how much their constituents are getting for the products we buy.

I have nothing to apologize for in offering the amendment I did. But the gentleman from Kansas will read and reread the statement he made. He will have to avail himself of the ruling by the Speaker and fix up his remarks or he will have to do some explaining if he does not.

Mr. STRONG of Kansas. I expect to let my remarks stand.

Mr. LAGUARDIA. Well, the gentleman better sleep over it.

Mr. STRONG of Kansas. All right. I sleep pretty good; farmers always sleep well.

Mr. LAGUARDIA. The gentleman from Kansas lined up with the other Representatives of the farming districts to prevent the consumers from getting the information as to what the farmers are getting for their products. If the gentleman can sleep soundly after that, again I say "God help the farmer."

Mr. SCHAFER. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SCHAFER. I have no doubt that the gentleman's amendment would have carried if we had been able to force a roll call. I do not see how any farmer Representative could vote against the amendment.

Mr. LAGUARDIA. I agree with the gentleman. Unfortunately we can not have a roll call in Committee of the Whole when an amendment is voted down. I tried once to amend the rules in that respect, but failed.

Mr. SCHAFER. I want to give the gentleman this thought, that the fact that his amendment was not adopted is not evidence that Members of the House are opposed to it.

Mr. LAGUARDIA. I voted for the agricultural bill, and in all likelihood I will do it again. What I am trying to do is to give the consumers the opportunity of cooperating with the sincere representatives of the farmers in bringing about a closer unity between the consumers and the producers so that they can conduct a campaign of education and put the political farmer out of business as well as the speculating and gambling stock-ticker exploiters. [Applause.]

The Clerk read as follows:

To enable the Secretary of Agriculture to carry into effect the act entitled "An act to fix standards for Climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and for other purposes," approved August 31, 1916, and the act entitled "An act to prevent the destruction or dumping, without good and sufficient cause therefor, of farm produce received in interstate commerce by commission merchants and others and to require them truly and correctly to account for all farm produce received by them," approved March 3, 1927, including the purchase of such perishable farm products as may be necessary for detection of violations of the latter act: *Provided*, That all receipts from the sale of such products shall be credited to this appropriation, and shall be reexpendable therefrom, and including the employment of such persons and means as the Secretary of Agriculture may deem necessary in the city of Washington and elsewhere, $30,000.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to speak out of order.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to speak out of order. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Chairman, the Gibson committee has developed the most remarkable situation here in Washington which you can imagine. The enforcement of the law is primarily in the hands of the President of the United States. But it is not enforced. So far as enforcement of prohibition is concerned in the District of Columbia, it is left in the hands of the district attorney's office. We had before us the assistant district attorney, who is in charge of the remarkable situation that I presented to you yesterday, where the owner of a specially built liquor-transporting truck testified before the district attorney, and before our committee, that he was running a truck with a secret compartment between various towns in Pennsylvania and the city of Washington, bringing in as much as one hundred and twenty 5-gallon cans of intoxicating liquor at one trip; that he had the truck specially made with a secret compartment for that purpose; that he had brought in load after load since last summer. And he gave the names and addresses of the three bootleggers who employed him to do it. Your assistant district attorney admitted this morning that he had offered immunity to these three bootleggers who are having this liquor brought in, and that it was under the direction of District Attorney Peyton Gordon that he offered them immunity if they would talk, his purpose being to get the one policeman who hijacked their liquor, when, as a matter of fact, the district attorney knows that the three bootleggers themselves know of the hijacking only from hearsay, while the district attorney and his assistant have the sworn statements of other witnesses who were present at the hijacking and who have definitely identified the main hijacking policeman.

He was willing, and he said that the district attorney, Hon. Peyton Gordon, whose name is now up before another body for confirmation as a judge on the bench, offered immunity to these bootleggers if they would "squeal" on this policeman, and they refused. And that is the only reason now that they have not immunity. If they had accepted his offer they would be immune from all punishment. There has been brought to our attention by some substantial leading citizen of this District that out here on the northeast corner of East Capitol Street and Fifth Street, at what is known as Simms's Delicatessen, there is liquor sold there regularly, and that your superintendent of police has been there at night many times to drink with Simms, the proprietor. That was testified to before us under oath this morning by a substantial citizen of Washington. And that the man Simms in his drunken revelry from time to time has boasted to our witness that not a policeman will arrest him, because he drinks with the superintendent of police. We have had brought to our attention by substantial citizens of this District that at 1004 Twentieth Street NW. there is an open saloon, running day and night, that anybody but a policeman can get whisky there whenever he wants it; that at 2500 G Street NW. there is another one open, where you can get whisky whenever you want it; that at Twenty-seventh and K Streets NW. there is another one running in open violation of the law; and that right across the street from a police station at 2035 K Street NW. there is another one, where officers in the police station can look across and see what is going on, and that that open saloon has been going on there for months and months.

Who is responsible for it? Ah, you can not tell me that the responsible officers of this Government are asleep to this situation. I call on the President of the United States to tell these commissioners here that if they do not put a stop to it, he is going to remove them, and to call on the superintendent of the police and tell him that if he does not hold every one of the 1,348 policemen responsible for what goes on on their beats he is going to remove everyone of them.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

Mr. DICKINSON of Iowa. Mr. Chairman, we are very anxious to finish this bill this afternoon.

Mr. BLANTON. But I have let the gentleman proceed all day long without taking a moment of time. This is most important.

Mr. DICKINSON of Iowa. But will it not keep until Monday?

Mr. BLANTON. It involves enforcement of the law. I only want five minutes more.

Mr. DICKINSON of Iowa. Make it two minutes, and I shall not object.

Mr. BLANTON. No; five minutes. This is all the time that I have asked.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BLANTON. I am calling on your President and mine to do what the Constitution says he should do, and to do what I saw him and heard him hold up his hand to high heaven, and say he would do, and that is, to enforce the law of this land.

Talk about your enforcement officers that your superintendent of police has put in charge of prohibition enforcement! The majority of them drink regularly, and are frequently drunk. I call attention to the evidence that very substantial citizens of the District have brought before us in this respect. One of your policemen in the ninth precinct, Officer Stepp, until he was put in charge of this prohibition enforcement, was hard up all of the time, borrowing money, a quarter at a time, from his colleagues. Now he has a fine $2,000 automobile, and recently we have been informed he made a trip up north and bought $3,000 worth of silver fox hides and brought them back to Washington. Prohibition enforcement here in the District for a police officer is quite a remunerative job. And we had one of your bondsmen here in the District, a man who bonds criminals, come before our committee and testify to-day that after this hijacking proceeding, when the three bootleggers came to him and told him about being hijacked out of $3,100 worth of intoxicating liquors by a policeman, he told them they ought to squawk and put the policeman in jail, and they were going to squawk, but a friend of that policeman got him around there with these bootleggers between 10 and 11 o'clock at night, in this bondsman's office in the basement of a building down here, and the hijacking policeman agreed to turn their liquor back, and they have not squawked on him, and he did turn the liquor back.

Is this going on with impunity here within a stone's throw of the Nation's Capitol? I call on the President, as the chief law enforcer, to see to it, first, that there is somebody qualified and determined put in this district attorney's office to enforce the law. Do you know who this present assistant district attorney is? He admitted that he did not get his license to practice until October, 1923, and he was made a clerk in January, 1924. He said he had never tried a case in his life, and then, after being clerk a while, Peyton Gordon made him chief enforcer of the law in his district attorney's office at $3,000 per year—a poor, green, young lawyer that has no ability and no experience around the courthouse at all.

Mr. LaGUARDIA. What office did he hold?

Mr. BLANTON. He is an assistant district attorney, and probably when the other body confirms his chief as a judge he may be made district attorney. I do not know. I want to tell you something. If I were in charge of enforcement of the law of this District, I could enforce it and stop these violations in a week. I would tell every one of those 1,348 policemen, "I am going to hold you responsible for what goes on on your beat, and if you let a single thing go on there that is against the law, I am going to have you put off the force." That is the way that I would talk to them.

The President can enforce the law if he wants to. He does not want to do it. No; I will take that back; he does want to do it, but as long as he has got a "wet"—as long as he has a man of the great financial standing and influence of Andrew W. Mellon—at the head of law enforcement on prohibition, he will never get it, because he is not strong enough. That is all I have to say. I thank you, Mr. Chairman. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COMPLETION OF WOOL WORK

To enable the Bureau of Agricultural Economics to complete the work of the domestic wool section of the War Industries Board and to enforce Government regulations for handling the wool clip of 1918 as established by the wool division of said board, pursuant to the Executive order dated December 31, 1918, transferring such work to the said bureau, $8,000, and to continue, as far as practicable, the distribution among the growers of the wool clip of 1918 of all sums heretofore or hereafter collected or recovered with or without suit by the Government from all persons, firms, or corporations which handled any part of the wool clip of 1918.

Mr. BYRNS. Mr. Chairman, I move to strike out the paragraph beginning on line 14, page 62, and ending with line 2 on page 63.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

Amendment offered by Mr. BYRNS: Beginning on page 62, line 14, and ending with line 2 on page 63, strike out the entire paragraph.

Mr. BYRNS. Mr. Chairman, in view of the action of the committee, and particularly of the subcommittee, to the attention of some of whom this particular appropriation has been called, I suppose I would be unduly optimistic if I should expect this motion to prevail. But I at least want to call the attention of the House to the situation that exists with reference to this appropriation.

This is an illustration, to my mind, of what you all know to be a fact, that once you make an appropriation and put employees on the roll, it is very difficult to get them off.

Back in 1918 the Government came to the conclusion that there might possibly be a shortage in wool for the use of the Government, and the War Industries Board established certain regulations in regard to wool. In those regulations was a provision fixing the profits for wool dealers, country dealers, and also central dealers. The wool dealers who had made a profit in excess of the amount named in this regulation were required to pay the excess back to the Government for distribution when possible among the woolgrowers. Some $700,000—probably $750,000—has been collected. About $450,000 of that has been distributed, and the officials of the Government state that the other $300,000 is in the Treasury and will probably remain there, subject to the disposition of Congress. I take it that in the very nature of things the small or individual woolgrower has never received and never will receive a refund, for he can not be located. It is estimated that there is about $700,000 to be collected.

The money that has been collected has been paid in voluntarily, but there are some 32 dealers—large dealers, I take it—who have refused to pay, insisting that these regulations were invalid, and that the War Industries Board had no right to make such regulations. Suits have been brought, as I understand, against all of those dealers.

I am not here protesting against those suits, but what I am here protesting against is the delay in the final determination of those suits. Congress has appropriated $144,000 up to date for this wool distribution, and the amount in this bill would carry the appropriation to beyond $150,000. Those suits, most of them if not all of them, have been pending four or five years. There is no reason in the world why a conclusion should not have been reached, the cases carried to the Supreme Court, and a final determination had as to whether or not the War Industries Board had the right to impose this penalty or make this regulation, because if the Supreme Court should decide that these regulations were valid, of course, all those suits would go against the defendants, and they will be compelled to pay back the money in excess of the profits allowed.

Now, what has happened? Down in my own city one or two dealers have been sued. Their attorney tells me that at every term of court for several years back the Government attorney has asked the court to continue the case on the ground that some suit in some other jurisdiction will shortly be carried to the Supreme Court and the matter determined finally, and, of course, the determination in the Supreme Court one way or the other would settle that case.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. BYRNS. Yes.

Mr. MORGAN. Is it not a fact that the district court in Baltimore ruled that the Government was without authority to make the collections of the amount due?

Mr. BYRNS. That is true.

Mr. MORGAN. And is it not a fact also that that question was taken up with the Solicitor of the Department of Agriculture ancillary to the Supreme Court, and the Supreme Court in October decided that it would not be adjudicated?

Mr. BYRNS. That was the case of the United States against McFarland, to which the gentleman from Ohio refers. That case was decided against the Government by the district court. The Government then appealed the case to the circuit court of appeals, and the circuit court of appeals affirmed the judgment of the lower court, holding that those regulations were invalid. Thereupon the Government attorney sued out a writ of certiorari and brought the case to the Supreme Court.

If my information is correct, while he set out in his petition for certiorari objections to the action of the circuit court of appeals in holding these regulations invalid, in the brief he filed he did not stress them, and I am informed that the Government attorney made an oral statement to the court, in which he said that inasmuch as the Government had not in its written brief relied upon these regulations, he understood, under the rules of the court, that it had, in fact, waived any objection to the opinion of the circuit court of appeals in holding them invalid.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BYRNS. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. BYRNS. Thereupon the Supreme Court, having nothing before it but a question of fact, dismissed the petition for certiorari and, of course, the case went back to its former status and these particular defendants have been relieved.

Now, the trouble about it is this: There was an opportunity for the wool section of the Agricultural Department to have secured a ruling with reference to these regulations, and if the Supreme Court had affirmed the circuit court of appeals then, of course, these 32 cases would have been thrown out of court. On the other hand, if the Supreme Court had sustained these regulations these 32 defendants would have been required to have paid in the money claimed by the Government. It is charged by those interested in these matters, charged by the defendants in these cases and their attorneys, that the very reason why the Government attorneys did not insist upon the Supreme Court settling the question of law then and there was because if it had been done these regulations would have been declared invalid and it would not have been necessary to carry this appropriation from year to year. And the fact that the Government attorneys by their own act failed to get a decision from the Supreme Court on the question of law involved bears out the contention.

Mr. MORGAN. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. MORGAN. In view of the decision by the court, does not this matter now rest with the Attorney General's department to prosecute the cases?

Mr. BYRNS. Exactly. I am glad the gentleman asked that. I am not seeking to have these cases dismissed. If these defendants owe this money I want it paid. These cases are being handled by the United States district attorneys and not by an accountant and auditor in the Agricultural Department, and the Department of Justice can take them on to the Supreme Court and have them finally adjudicated.

Mr. MORGAN. Will the gentleman yield further?

Mr. BYRNS. Yes.

Mr. MORGAN. Is it not also a fact that all of the accounts in connection with this transaction, or the 1918 cases and prior transactions, have been audited?

Mr. BYRNS. That is my understanding, I will say to the gentleman, and, therefore, it seems to me here is an opportunity to save at least $8,000 in this bill and put one or two or three men, as the case may be, off the Government roll. I hope this amendment will prevail.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. BYRNS. Yes.

Mr. CHINDBLOM. If the gentleman's motion prevails, are there any funds available to the Agricultural Department for handling this matter? Can they do anything?

Mr. BYRNS. These funds, according to these hearings, are used to pay an accountant and auditor. That is what Mr. Tenney said in his statement to the committee. Of course, if that statement is correct, there would not be any money for the auditor and accountant. As the gentleman from Ohio says, these claims have all been audited and the only question now is a legal question, and this can be and is being handled through the Department of Justice. There is no excuse for continuing these particular employees on the pay roll.

Mr. MORGAN. And it rests wholly upon a legal question, does it not?

Mr. BYRNS. It does. Why, if it had been really desired to bring these cases to a conclusion, an agreed state of facts could have been submitted to the court and the legal question determined long ago. That policy has not been pursued because a final determination would have made this appropriation no longer necessary and would have taken some gentlemen off the pay roll of the Government. There is no excuse for this delay. Let me quote from a letter which I received from Mr. Louis Leftwich, a highly reputable and very prominent attorney of Nashville, Tenn. He says, among other things:

Since I spoke to you last summer I have been informed that another wool case was tried in the United States District Court for the Northern District of New York. This case was styled "United States of America v. S. E. Avery." I am inclosing you a copy of the opinion of the

district judge, who held these regulations invalid and granted the defendant's motion for a directed verdict.

You will also recall that I told you about the case of United States *v.* W. A. McFarland and J. Norris McFarland, trading as Henry Marcus & Son. This case was decided against the Government by the district court, and on appeal to the Circuit Court of Appeals for the Fourth Circuit was affirmed by that court. The case is reported in fifteenth Federal (2d), 823. The circuit court of appeals had the question squarely before it of the validity of the regulations and held them invalid. The Government took the case to the Supreme Court on a petition for writ of certiorari and claimed that the circuit court of appeals erred in holding that:

(1) The War Industries Board was without authority to make the regulations limiting profits.

(2) The regulations had not been ratified by Congress.

(3) The respondents had not agreed to pay over the excess profits to the Government.

(4) The Government was seeking to recover a penalty.

(5) In failing to hold that the respondents were estopped to deny the validity of the regulations.

In the brief filed in behalf of the Government in the Supreme Court it did not argue the first and second of these alleged errors, and in the oral argument counsel for the Government stated that he understood that under the rules of the Supreme Court he was deemed to have waived these alleged errors. This being so, the Government had only its contract theory to argue and fell back on what was really a question of fact, and this had been decided against the Government in the lower court. In other words, the Government, it seems to me, in order not to have an opinion from the Supreme Court on the merits of the case, waived these questions; and there being no question of law before the Supreme Court, it entered an order revoking the certiorari granted by it.

It is very apparent to me that this stand on the part of the Government was taken in order that it might not be precluded from trying numerous cases scattered all over the country because, I think, beyond a question, that the Supreme Court would have sustained the circuit court of appeals if it had been in position to decide the case on its merits. Of course, the longer these people who are in charge of the work attempting to collect these profits can keep these cases in the courts, the more salary they will draw; and if Congress will appropriate money to carry this work on at every session, I suppose that an effort will be made to keep these cases in court indefinitely. As I have stated before, in every case that has been tried the district courts have held these regulations invalid and dismissed the Government's suit.

The Avery case, to which I have called your attention, was just recently tried in the United States Circuit Court of New York, and Judge Cooper, in a very elaborate opinion, a copy of which you will find inclosed, held the regulations invalid.

There is no reason in the world for this little bureau being maintained at a cost to the Government. The Government has already spent about $120,000 in these appropriations, and certainly after the lapse of seven or eight years there can be no valid argument presented to the Appropriations Committee to continue this bureau and this work. To do so would be to continue to harrass these wool dealers who have been hauled into court and can not get a trial.

In the cases I represent in Nashville we have been requested by counsel representing the Government to continue the case each time the docket is called, the ground for continuance being that a case is on its way to the Supreme Court, and that a final decision there will, of course, settle the question. The Government had a chance to get a final decision in the Marcus case, above mentioned, to take the position that I have above outlined. The Government did get a decision by the circuit court of appeals, which, of course, if not binding, is slightly persuasive.

Let me quote from another letter from a Chicago concern, which finds itself in a position where it can not secure a final determination of its case, and is being subjected to large expense by reason of the failure of the Government to bring some one of these cases to a final determination:

What we wish to bring to your attention is that we have for six years been harassed and annoyed by the Bureau of Markets in connection with a claim that had no basis in fact and under regulations which the United States circuit court of appeals holds has no basis in law. We quote from the synopsis of the decision of the United States circuit court of appeals in United States *v.* McFarland (15 Fed. Rep. (2d) p. 827), as follows:

"Regulations of War Industries Board organized by Council of National Defense created under act, August 29, 1916, section 2, forbidding more than 4 per cent profit by wool dealers held unauthorized under Constitution or statutes.

"Agricultural appropriation bill for 1920 and subsequent appropriation acts authorizing appropriation for Bureau of Markets to collect and distribute excess profits made by wool dealers held not ratification of regulations of War Industries Board limiting profits.

"One can not by agreement subject himself to payment of penalty for something he may hereafter do.

"Congress may not ratify imposition of penalty after the act to be penalized has been committed."

The Bureau of Markets applied to the United States Supreme Court for writ of certiorari to determine, first, whether the regulations were lawful, and, second, whether the appropriations constituted a ratification. The writ was granted, and on the argument the Government abandoned these two propositions, and thereupon the United States Supreme Court revoked the writ of certiorari and dismissed the case.

We do not feel that the Congress of the United States should continue to appropriate money for the prosecution of claims against business houses under regulations which have been decided to be invalid, especially in view of the fact that the regulations, although invalid, were, as the United States circuit court of appeals has said, substantially followed and achieved all that was hoped for them. We have, like the others engaged in the wool business, been harassed and put to unending expense through the activities of the Bureau of Markets for a period of over seven years; Congress has appropriated for and given the greatest latitude to the Bureau of Markets in the matter, and yet the net result is a decision that the regulations which it attempts to enforce are invalid. We do not feel that this industry should be subjected to further persecution.

What I am insisting on is that these cases should be brought to a final determination and not delayed merely to pay salaries in the Agricultural Department, for which Congress up to this time has appropriated over $150,000, not taking into consideration the costs to the Department of Justice, which is really prosecuting the cases in the various courts. There can be no excuse for this long delay.

Mr. DICKINSON of Iowa. Mr. Chairman, the gentleman from Tennessee has made quite a complete statement of the history of this litigation; but the minute you deny this appropriation you might as well dismiss these cases. The 32 cases that are now in court are the ones involving the big fellows, who employed good enough lawyers that they think they are going to get out of this, and if they can get these cases out of the hands of the Department of Agriculture it is their hope that they will be able to dismiss the litigation so that they can go in and get a verdict for their men and for their clients, and then there will not be any more litigation.

As a matter of fact, the Government and the department went along fine, and they had Federal court after Federal court holding that the wool contracts were valid. All at once they landed in the circuit court over here at Baltimore, and that Federal judge held that the wool contract was invalid and that therefore the Government was not entitled to recover.

We have already recovered by agreement some $700,000, and we have also recovered in a number of suits before Federal judges a number of verdicts where the amounts were paid in full.

The purpose of this item in the bill is to continue the same machinery and to take this before another Federal judge. As I say, the Government has gone through several of these cases and has recovered judgments in Federal courts, a number of judges having held that these wool contracts were valid. When they landed in the Federal court in Baltimore that judge held that the contract was invalid. Then they appealed to the circuit court, and the circuit court said, in review, that the contract was invalid, and on certiorari the case was carried to the Supreme Court. But the Government found that the record in that case was not the one on which they wanted to complete their argument before the Supreme Court. Therefore they want this appropriation to make a test case on their part, if you please, and to carry one of these contracts to the Supreme Court, and they will select the suit on which the appeal is to be made.

Mr. BYRNS. Will the gentleman yield?

Mr. DICKINSON of Iowa. Let me suggest this before I yield to the gentleman: Not a single, solitary, verdict has been appealed from on the part of the defendants where the judges have held in favor of the Government, but it was when this Federal court in Baltimore held it was invalid in that particular suit that they took it up on certiorari, and the Government, as the gentleman has said, did not press the suit in the matter of the findings on the merits and on the validity of the contract.

If we have spent $130,000 and have collected over $700,000, and if there is $400,000 yet involved and what we want is to test the validity of this contract in the Supreme Court in a case that we want to prepare, then I am wondering if we had not better include this little item in the bill in order to complete the program.

Mr. BYRNS. Will the gentleman yield?

Mr. DICKINSON of Iowa. I yield to the gentleman.

Mr. BYRNS. Of course, the same legal question is involved in all of these cases. I am not protesting against the suits. What I am protesting against is this delay upon the part of the Government in bringing some of these cases to trial and in

keeping these cases in court against the wishes of the defendants and their attorneys. I know that three years ago I raised this same question on the floor of the House. It was then said that it would be settled during the next year, and yet every year we come along with a new appropriation, and this year the gentleman has increased the appropriation by $5,000 over what it was last year.

Mr. DICKINSON of Iowa. Let me say in reply to the gentleman that every lawyer in this House knows that where you have the same question involved in similar suits, there is only one thing to do, and that is to wait until you get to the end of your journey on your contest suit. The Supreme Court did not pass on the merits of this contract, and if you gentlemen refuse this appropriation you are going to disorganize the program of collection so that the big fellows, the men who ought to pay the Government and have not paid it, are going to escape the litigation and get their suits dismissed.

Mr. HASTINGS. How much is involved in these suits?

Mr. DICKINSON of Iowa. Four hundred thousand dollars.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The amendment was rejected.

The Clerk read as follows:

Total, Bureau of Agricultural Economics, $5,548,280, of which amount not to exceed $2,024,700 may be expended for personal services in the District of Columbia.

Mr. LOZIER. Mr. Chairman, I move to strike out the last word.

I shall speak briefly, because I realize the hour is late and it is important to conclude the reading and vote on this bill this evening.

The gentleman from New York [Mr. LAGUARDIA] called attention to the fact that this agricultural appropriation bill carries $132,000,000. Of this amount the sum of $71,000,000 is to be expended on highways, and while the "good roads" activities of the Federal Government are carried on through the Department of Agriculture, the expenditure of public funds for highways should not be charged against the Department of Agriculture alone, because all vocations and lines of business get the benefit of the outlay for good roads. After deducting the $71,000,000 item carried in the pending bill for the construction of highways, we find that the bill provides an appropriation of approximately $61,000,000 for the activities which relate exclusively to agriculture, which I am sure, all will agree, is a very modest expenditure by the Government in the interest of this great basic industry. I am quite sure the gentleman did not mean to criticize the amount of the appropriation carried by this bill, nor would he desire to circumscribe the activities of the Department of Agriculture. I do not believe any Member of this House would vote to reduce these appropriations or to cripple in any way the useful activities carried on by this branch of our Government.

These appropriations are to support activities which have grown up since the establishment of the Department of Agriculture under the first administration of Mr. Cleveland. These activities represent the growth of this great department under the supervision of the nine Secretaries of Agriculture—Norman J. Coleman, of Missouri; Jeremiah M. Rusk, of Wisconsin; J. Sterling Morton, of Nebraska; James Wilson, of Iowa; David F. Houston, of Missouri; E. T. Meredith, of Iowa; Henry C. Wallace, of Iowa; Howard M. Gore, of West Virginia; and William M. Jardine, of Kansas.

Iowa produced 3 of these Secretaries of Agriculture; Missouri, 2; Nebraska, 1; Wisconsin, 1; Kansas, 1; and West Virginia, 1.

Later, if I can find the time, I will extend and revise my remarks, and call attention to the achievements of these men and the great growth of this governmental agency, but at the present time I can not refrain from paying a tribute to Henry C. Wallace, whom I consider one of the greatest, if not the greatest, Secretaries of Agriculture. He was not of my political faith, but for 20 years I followed him with ever-increasing interest and confidence. I regularly read Wallace's Farmer, the great agricultural paper of which he was the able editor. I read his speeches and writings, and I want to testify that the American farmer never had a firmer, truer, more loyal, more devoted, more intelligent, or more aggressive friend than Henry C. Wallace. He had a brain that clearly comprehended the legislative and economic handicaps under which the American farmer staggers. He had a heart that beat in sympathy with the heart throbs of the millions of men and women who, in their humble environment and under exceedingly discouraging conditions, produce the food that satisfies the hunger of mankind. And he had at all times the courage to speak his convictions. As Secretary of Agriculture, he never deviated a hair's breadth from what he conceived to be his duty to the American farmers, although he was surrounded by timeservers and those who spoke the language of special privilege. In his death American agriculture lost its ablest advocate and most influential and aggressive champion. I rejoice that his fight for agriculture is being carried on by his family and business associates. If agriculture had a few more crusaders like Henry C. Wallace and a few more newspapers like Wallace's Farmer, it might escape the disaster that now confronts it. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

The Clerk read as follows:

For the control and prevention of spread of the pink bollworm, including the establishment of such cotton-free areas as may be necessary to stamp out any infestation, the erection and repair of necessary inspection stations, and for necessary surveys and control operations in Mexico in cooperation with the Mexican Government or local Mexican authorities, $687,800, of which $200,000 shall be immediately available: *Provided*, That the cost of each such station shall not exceed $500, and that the total amount expended for such stations in one year shall not exceed $2,500: *Provided further*, That not to exceed $200,000 may be available for reimbursement to cotton-growing States for expenses incurred by them in connection with losses due to enforced nonproduction of cotton in certain zones in the manner and upon the terms and conditions set forth in Senate Joint Resolution 72, approved August 9, 1921: *Provided further*, That no part of the money herein appropriated shall be used to pay the cost or value of crops or other property injured or destroyed.

Mr. BUCHANAN. Mr. Chairman, under the agreement by which the House passed joint resolution this appropriation was to be reduced $200,000. So I move that the figures "$687,800" be stricken out and "$487,800" be inserted; and on page 66, after the comma, strike out the words "of which $200,000 shall be imediately available."

The Clerk read as follows:

Page 66, line 16, strike out the figures "$687,800" and insert in lieu thereof "$487,800"; and after the comma strike out the language and figures "of which $200,000 shall be immediately available."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The amendment was agreed to.

The Clerk completed the reading of the bill.

Mr. DICKINSON of Iowa. Mr. Chairman, I ask unanimous consent that the Clerk be authorized to correct the totals.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the Clerk be authorized to correct the totals. Is there objection?

There was no objection.

Mr. DICKINSON of Iowa. Mr. Chairman, I ask unanimous consent that on page 74, line 15, the word "not" be inserted in front of the word "more," so that it will read "not more than."

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. DICKINSON of Iowa. Mr. Chairman, I move that the committee do now rise and report the bill with sundry amendments to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TREADWAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11577) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. DICKINSON of Iowa. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. DICKINSON of Iowa, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ORDER OF BUSINESS

Mr. BANKHEAD. Mr. Speaker, before we adjourn I would like to ask the majority leader if there has been any change in the announced program of calling up for consideration on Tuesday next the constitutional amendment?

Mr. TILSON. I had just risen to make a statement that will answer the gentleman's inquiry. On next Tuesday what is called the Norris resolution, providing for an amendment to the Constitution, will be taken up for consideration.

Mr. BLACK of Texas. Is it planned to go on with the Consent Calendar on Monday?

Mr. TILSON. The Consent Calendar is quite large, and I am sure will require the entire day Monday.

Mr. HASTINGS. What time is to be given to general debate on the constitutional amendment?

Mr. TILSON. The rule provides for the length of time for general debate.

Mr. SNELL. The rule provides for five hours' general debate.

FARM RELIEF

Mr. HOWARD of Nebraska. Mr. Speaker, I ask unanimous consent to address the House for one minute, and in connection with that I ask unanimous consent that I may have the privilege of revising and extending my remarks by incorporating therein some quotations and an address delivered by a citizen of Nebraska.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to address the House for one minute and to incorporate in his remarks certain quotations and an address. Is there objection?

Mr. CHINDBLOM. Is the gentleman too modest to name the citizen?

Mr. HOWARD of Nebraska. Oh, no; I am proud to name him. He is Mr. Mark W. Woods, a distinguished member of the political party of the gentleman from Illinois.

Mr. CHINDBLOM. That will be splendid.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOWARD of Nebraska. Mr. Speaker, in the one minute allotted to me, of, course, I may not be able to touch the hem of the garment of the most serious problem now confronting the country and confronting the membership of this House; but in the leave granted to me I shall try to make known to my fellows somewhat the emergency confronting us, and will, with the permission which has been granted, convey to them what I regard as the most remarkable address upon the subject of agriculture delivered during the present year, with the exception, perhaps, of what I intend to make on my own account. [Laughter.]

Mr. Speaker. I feel that words of mine might mar the worth of the radio address by Mr. Woods, and I submit it entire, unblemished by my own interpolations, as follows:

WHAT THE VETO OF M'NARY-HAUGEN BILL COST AMERICAN AGRICULTURE

By Mark W. Woods, Lincoln, Nebr.

There is an old saying, and a true one, that what is everybody's business is nobody's business. In order to rivet your attention to this issue I am going to make a few very bold declarations so that you will realize how important this subject is to you. I am going to show you that the veto of the McNary-Haugen bill cost the people of Nebraska more than $100,000,000 in 1927. I am going to show you that the value of farm lands and farm buildings in Nebraska alone has depreciated an average of $200,000,000 a year in the last seven years. I am going to show you that had this legislation, which passed both Houses of our Congress, been signed by the President and put in operation, not less than $100,000,000 a year of the value that has been taken from the people of the State of Nebraska by depreciation would be restored each year.

I appreciate the opportunity extended to me to discuss what is considered by the best thinkers in the United States to be the most important legislation that has come before our Congress in many years. Not important only to the class of people that it directly affects but important to all the people of this great Republic that has for its foundation rock the principles of equality for all, and if there are to be special privileges they shall not be granted to one group and denied to another.

The present high standard of living in the United States has been brought about and can only be maintained by the principles of protection. That these protective principles given through special legislation should be granted to industry, capital, and labor and denied to 30,000,000 of our people who are producing our food products and our raw material is contrary to our national policy—is unbelievable.

A majority of the people of the United States have spoken through their Congressmen and Senators by passing the McNary-Haugen bill. They did not speak as a party, as they considered this broad economic question greater than party. I will undertake to show you what the veto of the McNary-Haugen bill cost the people of Nebraska and cost various of our neighboring States as much or more. That we may start with the proper understanding, I want to say that there is not a man or woman within the sound of my voice, no matter what business they are in, no matter to what profession they belong, who are not in exactly the same position as the man who is holding the plow. Nebraska is purely an agricultural State; has no other resources, and every dollar of the money that you get or that I get or that anybody else gets who lives in Nebraska must originally come out of the ground. So, my friends, I want you not to fool yourselves by thinking this is a problem for the farmers. It is your problem and my problem, and we must make it our business.

All history shows that whenever the agrarian population of a nation is by legislation or other force of circumstances placed in a condition where it can not make money, the farm becomes unattractive and the people turn their faces toward the cities. In the last seven years the census report shows that 14,000,000 of them have left the farm—an average of 2,000,000 people a year. The inevitable happened. These people, not being skilled workmen, could not compete with skilled labor in the towns and cities and could not obtain suitable nor steady employment, nor command adequate wages. The result was that many of them have drifted back into the country with reduced or exhausted capital, discouraged, disheartened, to take up life again on the farms as tenants. The standard of rural life was lowered by this transition. And the continual augmenting of this group menaces our high state of civilization.

It has been clearly recognized by many of the great economists in our country that unless some way can be found to give the 30,000,000 people who are raising our food products and raw material, by some national cooperative movement, a bargaining power by which they can have something to say about the price they receive for what they have to sell, then that great group inevitably must be submerged.

Let me tell you a little experience that I personally had in 1923. In the great deflation that followed after the war, as you know, land values went down until in 1923 we felt they had reached the low point and our company bought 5,000 acres of land in Iowa in the heart of the greatest Corn Belt in the world, fairly well improved farms at prices ranging from $75 to $85 an acre. At that time we did not understand any more than many of the people of Nebraska do to-day, any other reason for this greatly depressed price on farm land other than it was the natural aftermath of the World War. We believed that investments in good farm lands in Nebraska and Iowa at these low prices were sound and would inevitably be big money-makers in the years to come.

Shortly after making this deal I journeyed down to the city of New York, and at luncheon one day I told a number of eastern bankers that we thought Nebraska and Iowa farm lands had reached the bottom and that it was a great time to buy. One of the gray-haired presidents said, "Mr. Woods, I am afraid you will have to carry those farms a long time." I asked him what made him think so, and he said he could not see any immediate future for a better price on farm products, and that their economists had figured out that it would be seven years yet before we could expect any appreciable advance. I told him that if he had some long-haired political economist who could give me his reasons why these lands would not be a good investment at that time I certainly would like to meet him.

I found out something I did not know—that these great banking institutions employ a corps of the very best economists that money can hire, and at the head of this particular group was a man they were paying $25,000 a year—a man of international reputation. I spent the afternoon with him. He took me into a large room, one end of which was covered with a blackboard charted with many different colored lines. The first line I noticed starting in 1920 and running to 1930 was marked "cattle." Now, I thought I knew something about the cattle business. I was raised in it and had been in it all my life. We had just completed the purchase of some 300 registered Hereford cows at $50 a head that four years before had sold for an average of $300 per head. This was in 1923. And I noticed that the cattle line kept going on down to 1925, then straightened out and commenced to rise in 1926, with a very marked rise in 1927. I said, "My friend, tell me how you figure the future price on cattle." He said, "They will continue to go down, because people will be forced to pay the money they owe on chattel mortgages and otherwise and their cattle will be forced on the market and absorbed at distressed prices in order to satisfy, if possible, their creditors. We figure this will culminate in 1925 or 1926"—two years in advance of when I was talking with him. He said, "That is what we call the swing of the starvation pendulum. The population will increase and the cattle population decrease, and at this period cattle will commence to increase very materially in value on account of the great shortage that will have been created." The next line I noticed was a yellow line marked "land," starting in 1920 and continuing downward until 1928 and then gradually straightening out.

I said, "Your explanation on cattle may be reasonable but please explain to me how you figure the price of land." He then spent two hours in telling me what I have to tell you in 10 minutes in order to not overrun my time. He said, "Mr. Woods, there are more than 6,000,000 individual farms in the United States. That means that 30,000,000 people actually reside on these farms. In addition to that, there are the villages, the towns, and smaller cities, all rural in their character, and all directly dependent on the farms in their immediate

vicinity. They are located from the Allegheny to the Rocky Mountains and from the Gulf of Mexico to the Great Lakes. They are divided, not only in the East and West but in the North and South. The people who own or operate them are of different nationalities, have different religions, and we can see no way in which they can be so coordinated that they can, by any means or method, get any bargaining power; therefore they are destined to suffer until the starvation pendulum swings for them and drives enough of the people off the land so that the consumption of this country reaches a point where there will be a scarcity of food products, then the price will rise, in all probability, just as much too high as it has gone too low. And remember that an acre of farm land is only worth what it will pay a reasonable rate of interest on in return, together with upkeep and taxes." "Also please remember," he said, "That all the other great groups that comprise our people are organized, and that during the war period they were induced by Government cooperation to more strongly organize and cooperate. They were given protection behind walls built by legislation so that they could entrench themselves and make the other group pay, to a large extent, the cost of this great World War."

Labor, thoroughly organized in all its branches, obtained legislation that gave them the right of collective bargaining, that gave them the immigration law, and during this great postwar deflation while our agriculture has sunk so low yet labor has maintained its peak wartime price.

As an illustration, we are operating coal mines in southern Illinois. The State gave the coal miners in Illinois protective legislation, so that we can not work a man in the coal mines who does not belong to the coal miners' union in Illinois. The coal miners of Germany are working six 8-hour days in the mines for $6.80 for the six days' work. We are paying the cheapest boy, who never goes below the ground, $7.50 for 8 hours' work under the Jacksonville agreement, and we are paying $1.08 a ton for mining coal, which enables a miner to earn from $16 to $20 for 8 hours' labor underground. If the law of supply and demand had not been interfered with, if the protective legislation for organized labor called the immigration law had not been passed, we could go to Germany and import miners that would be glad of the opportunity to work for $10 or $15 a week.

Industry realized that if it is going to keep its mills open it must have legislative protection, and it got it in the way of a higher tariff, so that the union wage earner and the great industrial mills of the East and the owners of these great mills do not have to sell their products in competition with the pauper labor of war-torn Europe, as the farmers do; but entrenched behind the tariff wall, and because 90 per cent of all they produce is sold to the people of this country, enables them to get an American price, which not only enables them to pay their union wage earners the highest price they ever received in the history of this world, but also enables the owners to make handsome profits.

Capital came along and got the same protection by creating the Federal reserve, and the price of money is fixed every day by the Federal Reserve Board. The railroads, realizing that they would have to pay these protective prices for steel and equipment, and that they could not break the labor organization but would have to continue to pay them their high wages, appealed to Washington for legislation that would enable them to live, and they got it in the way of a transportation act and the Esch-Cummins bill, which allows the railroads to earn a return of 5½ per cent interest net, after paying depreciation and operating expenses, on the valuation fixed by the Interstate Commerce.

Now, my friends, this economist in New York showed me that all the great classes of society that make up the population of the United States had combined to take care of themselves, had gotten legislation through Congress to take care of each one of them individually, and he said: "You will have to find some way for the agriculturalists of this country to make a combination so that they can be lifted up into this protective column, or else they will have to pay the cost of this war," and, my friends, the agriculturalist is to-day paying the cost of the war. Do not misunderstand me. Organized agriculture are not seeking or attempting in any way to tear down any of these protective measures. They do not want the laborer in the mine, on the railroad, or in the factory to be forced to compete with the cheap labor of the rest of the world. They do not want the high standard of living of the people of the United States lowered one iota. Their representatives in Congress have voted for every one of these protective measures. They are now simply demanding that they be given legislation so that the millions of laborers on the American farms do not have to compete with the peon, peasant, and pauper labor of the rest of the world.

Now, let us see what has happened. The assessed valuation of agricultural land and agricultural equipment—mind you, I am talking about the assessed valuation, assessed for taxes—has gone down since 1920, $20,000,000,000. The assessed valuation right here in Nebraska has gone down since 1920, $1,500,000,000, and remember $20,000,000,000 is two billion more than our entire national debt, and at the same time the debts on our farms have increased from four billion to twelve billion dollars. The National Industrial Conference Board figures what portion of the national income the different groups in society get each year. They tell you that the 30,000,000 people who are actually on the farms producing food products and raw material got between 7 and 8 per cent of our national income last year and that the 52,000,000 who are on the farms or in rural America absolutely dependent upon agriculture got an equally small proportion of our national income.

Organized agriculture, realizing what a tremendous handicap they were under, asked Congress in the first McNary-Haugen bill to pass legislation that would give agriculture a chance to organize so that they could have a bargaining power when they exchanged their food products for the products of organized labor, organized industry, and organized capital. They realized that it meant a cooperative sanctioned by the Government so that in each commodity all those benefited would have to share in the cost of disposing of the surplus or the orderly marketing thereof. All other kinds of cooperation have failed because those who refused to join and pay any of the costs of the operation got the full benefit.

Under the McNary-Haugen bill, had the President signed it, the wheat growers of the United States would have received net $240,000,000 more for their wheat this year. The wheat growers of Nebraska would have received $24,000,000 more money and had it in their pockets to-day. Let me show you how it would have operated. Under the provisions of the McNary-Haugen bill 60 per cent of the actual producers of wheat would have had to appeal through their several organizations to the Federal Farm Board (which would have been appointed) and ask the board to declare an operative period on wheat in order to make the tariff effective. The tariff on wheat is 42 cents a bushel. It has not been effective once during this year, simply because we raised 800,000,000 bushels of wheat, and 200,000,000 bushels of it had to be exported. Consequently, the farmers of the United States (because they had no way to absorb or handle that surplus) had to take Liverpool prices for their entire 800,000,000 bushels. This meant that the laboring man on the farm, as well as the farm owner, had to sell the products of his acres and his labor in competition with the cheap labor in the Argentine, where wheat is raised on cheap land, in competition with the cheap land and labor in Canada, Australia, and Russia, and because he had no great cooperative such as would be organized under the McNary-Haugen plan he could not make the tariff of 42 cents a bushel effective. Our Congress placed this tariff on wheat because they say it cost the American farmer 42 cents a bushel more to raise wheat than it does the Canadian or the Australian farmer.

We produced this year in the United States 800,000,000 bushels of wheat. Our home consumption would take 600,000,000 bushels of it. Two hundred millions bushels therefore has to be exported abroad and sold at a world price. Consequently, if we made the tariff effective we would have to buy in the home market the whole 800,000,000 bushels of wheat at the world's price, plus the tariff of 42 cents. Consequently, when we sold the 200,000,000 bushels abroad we would have to lose 42 cents a bushel on it, which would be $84,000,000. In order that the industry benefited—that is the wheat raisers—should pay this loss themselves, it would be necessary to put an equalization fee of 12 cents a bushel on the 800,000,000 bushels as it moved in commerce. That means that when the farmer took 1,000 bushels of wheat to market the Federal farm board would, through these agents, through the regular wheat-buying channel over the country, authorize them to buy this wheat at Liverpool prices, which is the world's price, plus 42 cents which is the tariff, and to pay the farmers that price, less 12 cents a bushel, which would be the equalization fee. This, you see, would give the farmer net 30 cents a bushel more for his wheat than he did get, and this equalization fee of 12 cents would be collected by the miller or the elevator man and remitted to the Federal farm board to be replaced in the revolving fund, and 12 cents a bushel on 800,000,000 bushels would bring in $96,000,000. So you see it would be paying the loss of the $84,000,000 and leave $12,000,000 for expenses.

The farmers of Nebraska raised 80,000,000 bushels of wheat. Had the President signed this bill they would have received 30 cents a bushel more than they did get for it, and that means that they would now have $24,000,000 in their pockets that they haven't got. The wheat raisers of the United States who raised 800,000,000 bushels of wheat would have had 30 cents more a bushel in their pockets, and that would mean $240,000,000.

And let me say to you that this much-misquoted equalization fee is the safeguard against undue expansion and overproduction. The Federal farm board would keep the producers informed as to the quantities placed in storage. If, in spite of this information, there was overproduction, a larger amount would have to be placed in storage and the costs would proportionately increase, so that the equalization fee would have to be increased, possibly to 20 cents or more per bushel, until the wheat in storage found its way finally to the market. The plan holds within itself automatically the safeguard against excess production. It is the governor that would control not only the marketing in an orderly manner, but the limitations of the quantity produced. The opponents of the equalization fee recognize that once it got under way it would tie together the largest group of people ever drawn into one organization, and for fear that this group would dominate legisla-

tion and governmental policies they prefer to hold this advantage in their own hands.

To defeat the equalization-fee plan the President and his supporters are agreeable that the Government appropriate vastly more than the McNary-Haguen bill supporters ask for to set the machinery going. The opponents of the measure insist on an appropriation in the form of a subsidy, a contribution, or sop—a dole. This involves a great menace, because it would open the United States Treasury to the insistent demand of every kind of organized society for subsidies of a similar nature and always in increasing volume. The supporters of the McNary-Haugen measure insist that the agricultural industry shall stand on its own foundation, and that the cost of the operation shall be paid by the people directly benefited; that is, the producers themselves.

The revolving fund advanced by the Government would have been used to pay the loss on wheat until the equalization fee came in. As the equalization fee came in it would all go to the revolving fund and would leave it intact. Consequently, you see that this would not be a subsidy. The wheat raiser would pay his own bill. The tariff would have been made effective. The Department of Agriculture tells you that $1 a bushel difference on the price of wheat makes a difference of half a cent on a loaf of bread. The 42 cents advance then would mean one-fourth cent per loaf of bread.

In the same way the Federal farm board would handle cotton. We have no tariff on cotton. It is purely a question of orderly marketing. When Sir Josiah Stamp, the noted English economist, spoke in Washington a year ago before a committee of agriculturists, economists, and cotton men, he made this statement: "The asinine way in which America handles her cotton is lamentable. You produce 60 per cent of the cotton of the world and still you let Liverpool make your price. Your Agricultural Department will show you, as does ours, that there never has been a five-year period in our history when the world had a surplus bale of cotton. In other words, the world has never produced a surplus bale of cotton, neither has it produced a surplus bushel of wheat over a period of years. Now, why don't you market this cotton the same as we market our rubber, and the same as Brazil markets her coffee? This can be done by an organization of the cotton growers with an equalization fee assessed against each bale of cotton that moves in commerce to pay the cost of the storing and orderly marketing, and by that means see that your producer gets a living price for his cotton and that you stop making gamblers out of our spinners, and the world will be better off."

My friends, if the McNary-Haugen bill had not been vetoed you would have had a farm board continually in session in Washington looking after your interests, seeing what legislation could be passed for your benefit, and opposing legislation that would operate against your interests. Industry, labor, and capital have not overlooked the importance of this matter.

Industrial alcohol is to-day manufactured almost exclusively from a by-product manufactured from Cuban sugar called blackstrap, which comes into this country with practically no tariff. The Cuban sugar plantations are largely owned by the great New York financial interests and it is to their selfish interests that no tariff is placed on blackstrap. Dean Curtiss, of Iowa, in a speech at Ames, Iowa, a few days ago made the statement that if a proper tariff was placed on blackstrap it would mean 150,000,000 bushels a year of a lower grade of our corn that moves in trade would be absorbed, and the Chicago Board of Trade says that the absorbing of this amount of corn will raise the price 15 cents overnight.

Your Federal farm board would also see that the President raised the tariff on corn 7½ cents a bushel, which he has a perfect right to do under the present tariff law. You will remember that organized agriculture has been pleading with the President for more than a year to give us this tariff increase on corn, but it only took the United States Steel Corporation a few weeks to get an increase of 50 cents a ton on pig iron which was being shipped in over our tariff wall. You understand that it makes a big difference whose ox is being gored.

We are to-day importing more than 3,000,000 bushels of Argentine corn per month. Fifteen cents a bushel on this year's corn crop in Nebraska would mean $45,000,000 to our farmers and more than $60,000,000 to the farmers of Iowa.

How about hogs and cattle? Do you know, my friends, that we are the dumping ground for all the world for the hides, with very low tariff? Do you know that if you are wearing a pair of Russian leather shoes, the leather comes from Russia? And do you know that for the past seven years it has hardly paid any of us to skin a critter that died on our farms and ranches? Do you know that a very large per cent of the oils and fats in this country are imported with a very low tariff? And do you know that 25 per cent of them, such as coconut oil, are produced by people in the Tropics who wear nothing but a breechcloth? And do you know that these oils take the place of 2,000,000 cows in the United States, and 40,000 cows in Nebraska alone? And that is the kind of competition that a man on a Nebraska farm who raises hogs and milk cows has to compete with.

Do you know that a cent a pound on United States pork is $100,000,000, and do you know that the price of hogs in the United States has been reduced 3 cents a pound, or $3 a hundred, in the last four months? Do you know that means $300,000,000 to the farmers of America? Do you know that if the President had signed the McNary-Haugen bill we farmers and we business men in this State would have received for our 1927 crop, conservatively speaking, $100,000,000 more than we will get for it?

There is some excuse for a man living in the industrial East, where food products have to be purchased, opposing this legislation if he is selfish, if he is not a student of history, if he thinks this country has reached the zenith in civilization, if he is content to see our Government make the mistake of oppressing the farm population. He is not our kind of an American citizen.

I heard an eastern banker make a speech the other day. He said, "My friends, you must remember that since the days of Pharaoh agriculturists have been in the peasant and peon class, but remember that they are the best fed and clothed people in the world; that they have three square meals a day of potatoes, meat, and brown gravy, but that electric lights, bathtubs, high-powered cars, and higher education were never meant for them."

I have told you the story of agriculture. If we can be placed on an equality with industry, labor, and capital, then you are living in a country that will become even richer than the industrial East is to-day, because you produce food—an article that all people have to have—food and raw material for the manufacture of nearly everything. If you are content to take what you can get in this great scheme of life and let your children and you struggle on trying to do business on an 80-cent dollar, then forget the McNary-Haugen bill. But if you insist that you belong to a group of people that are the very foundation rock of our Government, that have always been first to come to the defense of our country and maintain her honor at home or abroad, then, my friends, you must say to the world that you will not be submerged and that special privileges that have been granted to others must be granted to you.

You can not win this fight by thinking about it. You will have to make yourself a part of it; you have to talk it to your neighbors, to your friends, your wife, your mother, and your father and help these men who are trying to help you—men like Senator NORRIS, Senator HOWELL, Governor Lowden, Vice President DAWES—men like the Governor of Nebraska, who has been one of the staunchest and hardest workers and is going up and down the country like a John the Baptist, not asking, but demanding that agriculture be given equal rights; men like every Member in Congress from Nebraska, regardless of politics. This is not a political question; it has never been made a football of partisan politics. My friends, we have to get behind these men and say in no uncertain words so that it can be heard all over the country, that we have joined hands with our sister States reaching from the Gulf of Mexico to the Great Lakes and from the Allegheny to the Rocky Mountains, in demanding equal rights and privileges for all.

LEAVE OF ABSENCE

By unanimous consent, leave was granted to Mr. SABATH, for an indefinite period, on account of illness.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred to the appropriate committee, as follows:

S. J. Res. 41. Joint resolution directing the Comptroller General of the United States to reopen, readjust, and resettle the account between the State of Nevada and the United States; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 84. An act to approve Act 25 of the Session Laws of 1927 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Waimea and Kekaha, in the district of Waimea, on the island and in the county of Kauai, Territory of Hawaii";

H. R. 204. An act to authorize an additional appropriation for Fort McHenry, Md.;

H. R. 230. An act to authorize an appropriation for the recovery of bodies of officers, soldiers, and civilian employees;

H. R. 233. An act to provide for the purchase of land in connection with the Fort Monmouth Military Reservation, N. J.;

H. R. 234. An act to amend section 47d of the national defense act, as amended, so as to authorize an allowance of 1 cent a mile for subsistence of candidates in going to and returning from camp;

H. R. 235. An act to authorize the payment of travel expenses from appropriations for investigations and surveys of battle fields;

H. R. 238. An act to amend an act entitled "An act to provide for the payment of six months' pay to the widow, children, or

other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct," approved December 17, 1919, so as to include nurses of the Regular Army;

H. R. 449. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a toll bridge across the Atchafalaya River at or near Morgan City, La.;

H. R. 519. An act for the relief of Joseph F. Ritcherdson;

H. R. 2524. An act for the relief of Mary M. Jones;

H. R. 4536. An act for the relief of Fred R. Nugent;

H. R. 5635. An act to amend the act approved June 7, 1924, authorizing the Secretary of War to sell a portion of the Carlisle Barracks Reservation;

H. R. 5686. An act granting a right of way to the county of Imperial, State of California, over certain public lands for highway purposes;

H. R. 5727. An act to extend the times for commencing and completing the construction of a bridge across the Ouachita River at or near Harrisonburg, La.;

H. R. 5783. An act to grant extensions of time of oil and gas permits;

H. R. 5803. An act authorizing the Interstate Bridge Co., of Lansing, Iowa, its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Lansing, Iowa;

H. R. 6194. An act for the relief of Frank Stinchcomb;

H. R. 6476. An act authorizing the Wabasha Bridge Committee, Wabasha, Minn., to construct, maintain, and operate a bridge across the Mississippi River at or near Wabasha, Minn.;

H. R. 6973. An act authorizing E. H. Wegener, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Chester, Ill.;

H. R. 6989. An act to amend the Hawaiian Homes Commission act, 1920, approved July 9, 1921, as amended by act of February 3, 1923;

H. R. 7030. An act to amend section 5 of the act of March 2, 1895;

H. R. 7195. An act to provide for the purchase of horses and mules for the Military Establishment;

H. R. 7199. An act granting the consent of Congress to the Oregon-Washington Bridge Co. to maintain a bridge already constructed across Columbia River near the city of Hood River, Oreg.;

H. R. 7213. An act to grant authority to the Postmaster General to enter into contracts for the transportation of mails by air to foreign countries and insular possessions of the United States for periods of not more than 10 years, and to pay for such service at fixed rates per pound or per mile, and for other purposes;

H. R. 7371. An act to legalize a bridge across the Snake River near Heyburn, Idaho;

H. R. 7375. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Guntersville on the Guntersville-Huntsville road in Marshall County. Ala.;

H. R. 7909. An act to authorize the maintenance and renewal of a timber-frame trestle in place of a fixed span at the Wisconsin end of the steel bridge of the Duluth & Superior Bridge Co. over the St. Louis River between the States of Wisconsin and Minnesota;

H. R. 7914. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Whitesburg Ferry, on the Huntsville-Lacey's Spring road between Madison and Morgan Counties, Ala.;

H. R. 7915. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Scottsboro, on the Scottsboro-Fort Payne road in Jackson County, Ala.;

H. R. 7925. An act granting the consent of Congress for the maintenance and operation of a bridge across the Monongahela River between the borough of Glassport and the city of Clairton in the Commonwealth of Pennsylvania;

H. R. 8530. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River near Cedar Bluff, in Cherokee County, Ala.;

H. R. 8531. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River on the Columbiana-Talladega road between Talladega and Shelby Counties, Ala.;

H. R. 8726. An act authorizing Oscar Baertch, Christ Buhmann, and Fred Reiter, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Alma, Wis.;

H. R. 8740. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a free highway bridge across the Little Calumet River in Cook County, State of Illinois;

H. R. 8743. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near St. Paul and Minneapolis, Minn.;

H. R. 8818. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Red River at or near Moncla, La.;

H. R. 8837. An act authorizing the American Bridge & Ferry Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Cassville, Wis.;

H. R. 8896. An act granting the consent of Congress to the State of Alabama to construct, maintain, and operate a free highway bridge across the Conecuh River on the Brewton-Andalusia road in Escambia County, Ala.;

H. R. 9036. An act to increase the salary of the Librarian of Congress;

H. R. 9064. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River at or near Pell City, on the Pell City-Anniston road, between Calhoun and St. Clair Counties, Ala.;

H. R. 9139. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Lafayette-Celina road in Clay County, Tenn.;

H. R. 9196. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Decatur-Kingston road in Roane County, Tenn.;

H. R. 9842. An act to provide for the survey, appraisal, and sale of the undisposed lots in the town site of St. Marks, Fla.;

H. R. 9849. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Quincy, Ill.; and

H. R. 10715. An act to authorize Col. Charles A. Lindbergh, United States Army Air Corps Reserve, to accept decorations and gifts from foreign governments.

ADJOURNMENT

Mr. DICKINSON of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 46 minutes p. m.) the House adjourned until Monday, March 5, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Monday, March 5, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

To amend the immigration act of 1924 by making the quota provisions thereof applicable to Mexico, Cuba, Canada, and the countries of continental America and adjacent islands (H. R. 6465).

SUBCOMMITTEE OF THE COMMITTEE ON MILITARY AFFAIRS

(10.30 a. m.)

A hearing to consider bills concerning Army transport officers' retirement.

EXECUTIVE COMMUNICATIONS, ETC.

395. Under clause 2 of Rule XXIV, a letter from the Acting Secretary of Commerce, transmitting draft of a proposed bill "To authorize the Secretary of Commerce to dispose of certain lighthouse reservations and to acquire certain lands for lighthouse purposes," was taken from the Speaker's table and referred to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. FROTHINGHAM: Committee on Military Affairs. H. R. 5789. A bill to authorize the award and supply of service medals to individual soldiers as prescribed by Army regulations for the rendition of certain services; with amendment (Rept. No. 831). Referred to the Committee of the Whole House on the state of the Union.

Mr. ANDREW: Committee on Naval Affairs. H. R. 11526. A bill to authorize the construction of certain naval vessels, and for other purposes; without amendment (Rept. No. 834). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. BOYLAN: Committee on Military Affairs. H. R. 2821. A bill for the relief of John Heinzenberger; with amendment (Rept. No. 825). Referred to the Committee of the Whole House.

Mr. GUYER: Committee on Claims. H. R. 5978. A bill for the relief of Clifford D. Ham, collector general of customs, administrator of Corinto Wharf, Republic of Nicaragua; with amendment (Rept. No. 826). Referred to the Committee of the Whole House.

Mr. MOORE of Virginia: Committee on Foreign Affairs. H. R. 6360. A bill for the relief of Edward S. Lathrop; with amendment (Rept. No. 827). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 8185. A bill for the relief of the Great Western Power Co. of San Francisco, Calif.; with amendment (Rept. No. 828). Referred to the Committee of the Whole House.

Mr. HUDSPETH: Committee on Claims. H. R. 8748. A bill for the relief of James W. Bass, collector of internal revenue, Austin, Tex.; without amendment (Rept. No. 829). Referred to the Committee of the Whole House.

Mr. SCHAFER: Committee on Claims. H. R. 8807. A bill for the relief of James O. Williams; without amendment (Rept. No. 830). Referred to the Committee of the Whole House.

Mrs. LANGLEY: Committee on Claims. H. R. 2473. A bill for the relief of Louie June; with amendment (Rept. No. 832). Referred to the Committee of the Whole House.

Mr. STEELE: Committee on Claims. H. R. 6704. A bill for the relief of Harry Pincus; with amendment (Rept. No. 833). Referred to the Committee of the Whole House.

Mrs. LANGLEY: Committee on Claims. H. R. 6930. A bill for the relief of E. C. Howze; with amendment (Rept. No. 835). Referred to the Committee of the Whole House.

Mr. HARE: Committee on War Claims. H. R. 8034. A bill for the relief of Carteret Street Methodist Episcopal Church South, of Beaufort, S. C.; with amendment (Rept. No. 836). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the joint resolution (H. J. Res. 221) authorizing the award of a medal of honor to Ralph E. Updike, and the same was referred to the Committee on Naval Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ENGLEBRIGHT: A bill (H. R. 11719) to revise the boundaries of the Lassen Volcanic National Park, in the State of California, and for other purposes; to the Committee on the Public Lands.

By Mr. OLDFIELD: A bill (H. R. 11720) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a toll bridge across the White River at or near Newport; to the Committee on Interstate and Foreign Commerce.

By Mr. NEWTON: A bill (H. R. 11721) to limit the power of the Interstate Commerce Commission in the prescribing of rates, fares, and charges; to the Committee on Interstate and Foreign Commerce.

By Mr. ZIHLMAN: A bill (H. R. 11722) to establish a national military park at the battle field of Monocacy, Md.; to the Committee on Military Affairs.

By Mr. TARVER: A bill (H. R. 11723) to provide for the paving of the Government road known as the La Fayette Extension Road, commencing at Lee & Gordon's mill, near Chickamauga and Chattanooga National Military Park, and extending to La Fayette, Ga., constituting an approach road to Chickamauga and Chattanooga National Military Park; to the Committee on Military Affairs.

Also, a bill (H. R. 11724) to provide for the paving of the Government road, known as Ringgold Road, extending from Chickamauga and Chattanooga National Military Park, in the State of Georgia, to the town of Ringgold, Ga., constituting an approach road to the Chickamauga and Chattanooga National Military Park; to the Committee on Military Affairs.

By Mr. FENN: A bill (H. R. 11725) for the apportionment of Representatives in Congress; to the Committee on the Census.

By Mr. HAWLEY: A bill (H. R. 11726) to authorize the construction of a memorial building at Champoeg, Oreg.; to the Committee on Public Buildings and Grounds.

By Mr. SWING: A bill (H. R. 11727) to authorize an appropriation to pay half the cost of a bridge on the Soboba Indian Reservation, Calif.; to the Committee on Indian Affairs.

Also, a bill (H. R. 11728) authorizing the Secretary of the Interior to purchase certain land near Needles, Calif., as home sites for homeless Indians; to the Committee on Indian Affairs.

By Mr. DEAL: Resolution (H. Res. 130) to reimburse certain individuals for loss of oyster rights in Little Bay, Va., referred to the Court of Claims; to the Committee on Claims.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BYRNS: A bill (H. R. 11729) granting a pension to Alice C. Branch; to the Committee on Pensions.

Also, a bill (H. R. 11730) granting an increase of pension to Charlotte C. Brandau; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 11731) granting a pension to August Richards; to the Committee on Pensions.

By Mr. DEAL: A bill (H. R. 11732) to reimburse certain individuals for damages by reason of loss of oyster rights in Little Bay, Va., due to the taking of the Jamestown Exposition grounds for the purpose of a naval operating base; to the Committee on Claims.

By Mr. EVANS of California: A bill (H. R. 11733) granting a pension to Emma P. Tracy; to the Committee on Invalid Pensions.

By Mr. FURLOW: A bill (H. R. 11734) granting a pension to Mary Trimm; to the Committee on Invalid Pensions.

By Mr. HASTINGS: A bill (H. R. 11735) granting a pension to William A. Ford; to the Committee on Invalid Pensions.

By Mr. HOOPER: A bill (H. R. 11736) to correct the military record of Shadrach Frank Foster; to the Committee on Military Affairs.

By Mr. HOWARD of Nebraska: A bill (H. R. 11737) granting an increase of pension to Emma P. Jens; to the Committee on Pensions.

By Mr. KEARNS: A bill (H. R. 11738) granting a pension to Archie Stahl; to the Committee on Invalid Pensions.

By Mrs. LANGLEY: A bill (H. R. 11739) granting a pension to Walter B. Ward; to the Committee on Pensions.

Also, a bill (H. R. 11740) granting an increase of pension to Tildy J. Hamilton; to the Committee on Invalid Pensions.

By Mr. LANHAM: A bill (H. R. 11741) for the relief of Thomas Edwin Huffman; to the Committee on Claims.

By Mr. LONGWORTH: A bill (H. R. 11742) granting an increase of pension to Gondelia Randall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11743) granting an increase of pension to Ida F. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11744) granting an increase of pension to Plymouth Weeks; to the Committee on Invalid Pensions.

By Mr. McKEOWN: A bill (H. R. 11745) granting an increase of pension to Jennie Brothers; to the Committee on Invalid Pensions.

By Mr. MARTIN of Massachusetts: A bill (H. R. 11746) for the relief of Arthur Daniel Newman; to the Committee on Naval Affairs.

By Mr. MORGAN: A bill (H. R. 11747) granting an increase of pension to Mary L. Goodman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11748) granting an increase of pension to Caroline Kincaid; to the Committee on Invalid Pensions.

By Mr. STEVENSON: A bill (H. R. 11749) for the relief of H. A. Russell; to the Committee on Claims.

By Mr. SWANK: A bill (H. R. 11750) for the relief of Emma Page; to the Committee on Military Affairs.

By Mr. SWING: A bill (H. R. 11751) for the relief of Vinal S. Terry; to the Committee on Naval Affairs.

By Mr. WELLER: A bill (H. R. 11752) granting a pension to Lowell A. Chamberlain; to the Committee on Pensions.

By Mr. WOODRUM: A bill (H. R. 11753) for the relief of S. B. Pace, W. C. Turner, and S. A. Draper; to the Committee on Claims.

By Mr. WURZBACH: A bill (H. R. 11754) for the relief of Edward Knight; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4832. Petition of National Builders' Supply Association against the use of public moneys for the purchase of foreign construction materials for National, State, and municipal works; also favoring the passage of House bill 5772, regarding advertising contracts for all Government work; to the Committee on the Judiciary.

4833. By Mr. ANDREW: Petitions signed by Winthrop M. Comley, of Salisbury, and approximately 500 other residents of Amesbury, Newburyport, West Newbury, Rowley, and Haverhill, Mass., protesting against the passage of House bill 78, or any other compulsory Sunday observance measures; to the Committee on the District of Columbia.

4834. By Mr. CARSS: Petition of Swedish Mission Tabernacle Church, of Duluth, Minn., protesting against new quota provision in immigration law and favoring old quota provision; to the Committee on Immigration and Naturalization.

4835. By Mr. CHALMERS: Resolution of Woman's Association of Central Methodist Episcopal Church, of Toledo, Ohio, protesting against a competitive Navy; to the Committee on Naval Affairs.

4836. By Mr. CHAPMAN: Petition of R. T. Foree, Dr. L. G. Leslie, Dr. W. B. Oldham, Vernon Valentine, and Judge J. V. Pearce, and 19 other citizens of Henry County, Ky., advocating passage of a bill increasing the pensions of Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

4837. By Mr. COLE of Iowa: Petition of Richard F. Carne, of Cedar Rapids, Iowa, and 106 other signers, all residents of Cedar Rapids, Iowa, protesting against passage of House bill 78, or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

4838. By Mr. CURRY: Petition of citizens of the third California district, against House bill 78; to the Committee on the District of Columbia.

4839. Also, petition of citizens of the third California district, favoring increase in Civil War veterans' pensions and Civil War widows' pensions; to the Committee on Invalid Pensions.

4840. By Mr. DAVENPORT: Petition of Herbert G. Ellis and other citizens of New York State, protesting against the enactment into law of House bill 78; to the Committee on the District of Columbia.

4841. By Mr. DRANE: Petition of citizens of Limestone, Fla., urging passage of a Civil War pension bill providing relief for needy and suffering veterans and widows; to the Committee on Invalid Pensions.

4842. Also, petition of citizens of Tarpon Springs, Fla., urging passage of a Civil War pension bill providing relief for needy and suffering veterans and widows; to the Committee on Invalid Pensions.

4843. By Mr. EVANS of Montana: Petition of A. W. Yandon and other residents of De Borgia, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

4844. Also, petition of Olaf Eastlund and other residents of Kalispell, Mont., protesting against the Lankford Sunday observance bill; to the Committee on the District of Columbia.

4845. By Mr. FURLOW: Petition of several citizens of Freeborn County, Minn., against Sunday observance bill; to the Committee on the District of Columbia.

4846. By Mr. GALLIVAN: Petition of Massachusetts Forestry Association, Harris A. Reynolds, secretary, 4 Joy Street, Boston, Mass., recommending passage of the McNary-Woodruff bill, which carries an authorization of $40,000,000 for the acquisition of lands for national forests; to the Committee on the Public Lands.

4847. By Mr. GUYER: Petitions of citizens of Allen, Linn, and Wyandotte Counties, Kans., asking increased pensions for survivors and widows of the Civil War; to the Committee on Invalid Pensions.

4848. By Mr. HADLEY: Petition of residents of Everett, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

4849. Also, petition of residents of King County, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

4850. Also, petition of residents of Whatcom and Skagit Counties, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

4851. By Mr. HARDY: Petition presented by M. L. Rice, president Colorado Conference, signed by 1,120 citizens of the counties of Alamosa, Baca, El Paso, and Rio Grande, Colo., protesting against the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4852. By Mr. HERSEY: Petition of Olof Sodergren and 20 others, of Stockholm, Me., protesting against the passage of the Lankford Sunday bill; to the Committee on the District of Columbia.

4853. By Mr. HILL of Washington: Petition of Reuben H. Porter and 12 other persons, of Spokane, Wash., urging immediate legislation increasing the pensions of Civil War veterans and of the widows of such veterans; to the Committee on Invalid Pensions.

4854. Also, petition of A. A. Behrens and 15 others, of Spokane, Wash., urging immediate legislation increasing the pensions of Civil War veterans and of the widows of such veterans; to the Committee on Invalid Pensions.

4855. Also, petition of H. M. Berkey and 11 others, of Spokane, Wash., urging Civil War pension legislation carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

4856. Also, petition of Nellie Feather and 28 others, of Pend Oreille County, Wash., urging Civil War pension legislation carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

4857. Also, petition of E. C. Richardson and 84 others, of Spokane, Wash., urging immediate legislation to increase the pensions of Civil War veterans and the widows of such veterans; to the Committee on Invalid Pensions.

4858. Also, petition of E. S. Clark and 81 other persons, of Sumas, Bellingham, and other places in the State of Washington, requesting support of House bill 6518, known as the Welch bill, and House bill 492, to abolish the Classification Board; to the Committee on the Civil Service.

4859. Also, petition of Arthur Ginger and 56 other persons, of Noaksack, Everson, Lynden, and other places in the State of Washington, requesting support for House bill 6518, known as the Welch bill, and House bill 492, known as the Lehlbach bill, to abolish the Classification Board; to the Committee on the Civil Service.

4860. Also, petition of H. R. Yeakel and 30 other persons, of Everett, Wash., requesting support of House bill 6518, known as the Welch bill, and House bill 492, known as the Lehlbach bill, for the abolition of the Classification Board; to the Committee on the Civil Service.

4861. Also, petition of J. D. Mullane and 48 other persons, of Seattle, Wash., requesting support of House bill 6518, known as the Welch bill, and House bill 492, known as the Lehlbach bill, to abolish the Classification Board; to the Committee on the Civil Service.

4862. Also, petition of Mrs. E. M. May, Mrs. Olive McKee, and 23 others, of Spokane, Wash., protesting against passage of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4863. By Mr. HOOPER: Petition of R. E. Baxter and 17 other residents of Hillsdale County, Mich., protesting against the enactment of compulsory Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

4864. Also, petition of L. F. Westfall and 10 other residents of Hillsdale County, Mich., protesting against the enactment of compulsory Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

4865. By Mr. HUDSON: Petition of citizens of Pontiac and Flint, Mich., protesting against the enactment of legislation known as the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4866. By Mrs. KAHN: Petition of the San Francisco Board of Supervisors, San Francisco, Calif., urging that permission be granted in the immediate future for the construction of a bridge across San Francisco Bay; to the Committee on Interstate and Foreign Commerce.

4867. By Mr. KVALE: Petition of members of the Sorosis Club, Portland, Oreg., indorsing the Curtis-Reed education bill; to the Committee on Education.

4868. Also, petition of members of the Farmers' Livestock Shipping Association, Clara City, Minn., opposing House bill 9288; to the Committee on Agriculture.

4869. By Mr. LINTHICUM: Petition of Otho W. Jones, Earl Clifford, James E. Green, Thomas Tinsley, Edward L. Wagner, Thomas G. Spencer, Thomas W. Wilson, Richard A. Fantom, Mrs. Carrie M. Gray, John H. Eckert, and others, of Baltimore, indorsing House bill 10644; to the Committee on Ways and Means.

4870. Also, petition of United States Naval Academy Graduates' Association of Baltimore, Md., urging support of Congress on present plans for strengthening the Navy; to the Committee on Naval Affairs.

4871. Also, resolution of Baltimore City Medical Society, indorsing favorable action on legislation for retirement of emergency Army officers permanently disabled in line of duty during the World War; to the Committee on Rules.

4872. Also, petition of Messrs. H. Gamse & Bros., of Baltimore, registering opposition to the Jadwin plan providing that the State of Louisiana bear 20 per cent of the cost toward flood control; to the Committee on Flood Control.

4873. By Mr. MURPHY: Petition of Albert Capper, secretary of Local Union No. 10, National Brotherhood of Operative Potters, telling of the resolution passed by that body favoring the passage of House bill 7729, Capper-Hawes bill; to the Committee on Labor.

4874. By Mr. O'CONNELL: Petition of McGraw-Hill Publishing Co., New York City, N. Y., appealing to Congress to enact legislation before March 15, 1928, prolonging the life of the Radio Commission, unhampered by unnecessary restrictions; to the Committee on the Merchant Marine and Fisheries.

4875. Also, petition of the Chamber of Commerce of the State of New York, favoring in principle legislation in the Congress to facilitate the prosecution of criminal receivers of stolen property, commonly called the "fence"; to the Committee on the Judiciary.

4876. Also, petition of the Chamber of Commerce of the State of New York, condemning the enactment into law of the Shipstead-LaGuardia bills (S. 1482, H. R. 7759), or similar legislation which will impair the power of the Federal courts to issue injunctions in labor disputes or in other controversies; to the Committee on the Judiciary.

4877. By Mr. ROBINSON of Iowa: Petition against the further postponement of the national origins provision of the restrictive immigration act of 1924, signed by May Justman and about 50 members of the Ruth and Naomi Circle, of Dubuque, Iowa; to the Committee on Immigration and Naturalization.

4878. By Mr. SELVIG: Petition of R. B. Taralseth and 24 farmers and residents of Marshall County, Minn., protesting against the passage of House bill 6465, the purpose of which is to place Mexico and Canada on a quota basis; to the Committee on Immigration and Naturalization.

4879. Also, petition of G. E. Comstock and 37 farmers and residents of Clay County, Minn., protesting against the passage of House bill 6465, the purpose of which is to place Mexico and Canada on a quota basis; to the Committee on Immigration and Naturalization.

4880. Also, petition of T. H. Acker and 10 farmers and residents of Euclid, Polk County, Minn., protesting against the passage of House bill 6465, the purpose of which is to place Mexico and Canada on a quota basis; to the Committee on Immigration and Naturalization.

4881. By Mr. SINCLAIR: Petition of 10 residents of Corinth, N. Dak., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia

4882. Also, petition of 12 residents of Lark, N. Dak., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4883. Also, petition of William Larson, of Dunn Center, N. Dak., protesting against the enactment of compulsory Sunday observance bill (H. R. 78), or any similar measure; to the Committee on the District of Columbia.

4884. Also, petition of 63 residents of Wilton, N. Dak., for improvement in radio conditions; to the Committee on the Merchant Marine and Fisheries.

4885. Also, petition of 77 residents of Alexander, Arengard, Rawson, and Watford City, N. Dak., protesting against the enactment of compulsory Sunday observance legislation, and especially against the Lankford bill; to the Committee on the District of Columbia.

4886. Also, petition of 48 residents of Kenmare and Donnybrook, N. Dak., protesting against the enactment of compulsory Sunday observance legislation, and especially against House bill 78; to the Committee on the District of Columbia.

4887. Also, petition of the board of directors of the North Dakota Wheat Growers' Association, representing 23,000 farmers in North Dakota and Montana, urging improvement of radio conditions, particularly for independent stations engaged in broadcasting agricultural programs; to the Committee on the Merchant Marine and Fisheries.

4888. Also, petition of 31 residents of Hazen, Beulah, McGregor, Columbus, Noonan, Larson, and Wildrose, N. Dak., protesting against the enactment of compulsory Sunday observance legislation, and especially against House bill 78; to the Committee on the District of Columbia.

4889. By Mr. STRONG of Kansas: Petition of 23 citizens of Republic County, Kans., protesting against the passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4890. By Mr. SWING: Petition of citizens of Elsinore, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4891. Also, petition of citizens of Arlington, Calif., and other communities, protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4892. Also, petition of citizens of Arlington, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4893. By Mr. WELCH of California: Petition submitted by United States Employees' Association of California, containing 51 signatures, residents of Stockton, Calif., favoring the passage of House bill 6518, to reclassify and increase the salaries of Federal employees; to the Committee on the Civil Service.

4894. By Mr. WURZBACH: Petition of E. Reinars, V. L. Hattenback, J. J. Wensley, Pete Rippstein, and other citizens of San Antonio, Bexar County, Tex., protesting against the Lankford Sunday observance bill; to the Committee on the District of Columbia.

SENATE

MONDAY, *March 5, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O God of love, we yield Thee thanks for whatsoever Thou hast given us richly to enjoy, for health and vigor, for the love and care of home, for the joys of friendship, and for every good gift of happiness and strength. And since it is of Thy mercy that this another day is added to our lives, we rededicate unto Thee our spirits, souls, and bodies, humbly beseeching Thee to give us strength for the day's toil, courage in difficulty, guidance in perplexity. Save us from distrust and suspicion, from prejudice and want of sympathy with any of Thy children, from all unholy strife, and from whatsoever in us hinders Thy work on earth, that in fullness of joy we and all the people of this land may walk before Thee with a perfect heart. Through Jesus Christ our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed a bill (H. R. 11577) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 84. An act to approve Act 25 of the Session Laws of 1927 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Waimea and Kekaha, in the district of Waimea, on the island and in the county of Kauai, Territory of Hawaii";

H. R. 204. An act to authorize an additional appropriation for Fort McHenry, Md.;

H. R. 230. An act to authorize an appropriation for the recovery of bodies of officers, soldiers, and civilian employees;

H. R. 233. An act to provide for the purchase of land in connection with the Fort Monmouth Military Reservation, N. J.;

H. R. 234. An act to amend section 47d of the national defense act, as amended, so as to authorize an allowance of 1 cent a mile for subsistence of candidates in going to and returning from camp;

H. R. 235. An act to authorize the payment of travel expenses from appropriations for investigations and surveys of battle fields;

H. R. 238. An act to amend an act entitled "An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct," approved December 17, 1919, so as to include nurses of the Regular Army;

H. R. 449. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a toll bridge across the Atchafalaya River at or near Morgan City, La.;

H. R. 519. An act for the relief of Joseph F. Ritcherdson;

H. R. 2524. An act for the relief of Mary M. Jones;

H. R. 4536. An act for the relief of Fred R. Nugent;

H. R. 5635. An act to amend the act approved June 7, 1924, authorizing the Secretary of War to sell a portion of the Carlisle Barracks Reservation;

H. R. 5686. An act granting a right of way to the county of Imperial, State of California, over certain public lands for highway purposes;

H. R. 5727. An act to extend the times for commencing and completing the construction of a bridge across the Ouachita River at or near Harrisonburg, La.;

H. R. 5783. An act to grant extensions of time of oil and gas permits;

H. R. 5803. An act authorizing the Interstate Bridge Co., of Lansing, Iowa, its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Lansing, Iowa;

H. R. 6194. An act for the relief of Frank Stinchcomb;

H. R. 6476. An act authorizing the Wabasha Bridge Committee, Wabasha, Minn., to construct, maintain, and operate a bridge across the Mississippi River at or near Wabasha, Minn.;

H. R. 6973. An act authorizing E. H. Wegener, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Chester, Ill.;

H. R. 6989. An act to amend the Hawaiian Homes Commission act, 1920, approved July 9, 1921, as amended by act of February 3, 1923;

H. R. 7030. An act to amend section 5 of the act of March 2, 1895;

H. R. 7195. An act to provide for the purchase of horses and mules for the Military Establishment;

H. R. 7199. An act granting the consent of Congress to the Oregon-Washington Bridge Co. to maintain a bridge already constructed across Columbia River near the city of Hood River, Oreg.;

H. R. 7213. An act to grant authority to the Postmaster General to enter into contracts for the transportation of mails by air to foreign countries and insular possessions of the United States for periods of not more than 10 years, and to pay for such service at fixed rates per pound or per mile, and for other purposes;

H. R. 7371. An act to legalize a bridge across the Snake River near Heyburn, Idaho;

H. R. 7375. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Guntersville on the Guntersville-Huntsville road in Marshall County, Ala.;

H. R. 7909. An act to authorize the maintenance and renewal of a timber-frame trestle in place of a fixed span at the Wisconsin end of the steel bridge of the Duluth & Superior Bridge Co. over the St. Louis River between the States of Wisconsin and Minnesota;

H. R. 7914. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Whitesburg Ferry, on the Huntsville-Laceys Spring road between Madison and Morgan Counties, Ala.;

H. R. 7915. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Scottsboro, on the Scottsboro-Fort Payne road in Jackson County, Ala.;

H. R. 7925. An act granting the consent of Congress for the maintenance and operation of a bridge across the Monongahela River between the borough of Glassport and the city of Clairton, in the Commonwealth of Pennsylvania;

H. R. 8530. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River near Cedar Bluff, in Cherokee County, Ala.;

H. R. 8531. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River on the Columbiana-Talladega road, between Talladega and Shelby Counties, Ala.;

H. R. 8726. An act authorizing Oscar Baertch, Christ Buhmann, and Fred Reiter, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Alma, Wis.;

H. R. 8740. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a free highway bridge across the Little Calumet River, in Cook County, State of Illinois;

H. R. 8743. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near St. Paul and Minneapolis, Minn.;

H. R. 8818. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Red River at or near Moncla, La.;

H. R. 8837. An act authorizing the American Bridge & Ferry Co. (Inc.), its successors and assigns, to construct, maintain and operate a bridge across the Mississippi River at or near Cassville, Wis.;

H. R. 8896. An act granting the consent of Congress to the State of Alabama to construct, maintain, and operate a free highway bridge across the Conecuh River on the Brewton-Andalusia road, in Escambia County, Ala.;

H. R. 9036. An act to increase the salary of the Librarian of Congress;

H. R. 9064. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River at or near Pell City, on the Pell City-Anniston road, between Calhoun and St. Clair Counties, Ala.;

H. R. 9139. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Lafayette-Celina road in Clay County, Tenn.;

H. R. 9196. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Decatur-Kingston road in Roane County, Tenn.;

H. R. 9842. An act to provide for the survey, appraisal, and sale of the undisposed lots in the town site of St. Marks, Fla.;

H. R. 9849. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Quincy, Ill.; and

H. R. 10715. An act to authorize Col. Charles A. Lindbergh, United States Army Air Corps Reserve, to accept decorations and gifts from foreign governments.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	McKellar	Shortridge
Barkley	Ferris	McMaster	Simmons
Bayard	Fess	McNary	Smith
Black	Fletcher	Mayfield	Smoot
Blaine	Frazier	Metcalf	Steck
Blease	George	Neely	Steiwer
Borah	Glass	Norbeck	Stephens
Bratton	Gould	Norris	Swanson
Brookhart	Greene	Nye	Thomas
Broussard	Hale	Oddie	Tydings
Bruce	Harris	Overman	Tyson
Capper	Harrison	Phipps	Wagner
Caraway	Hawes	Pine	Walsh, Mass.
Copeland	Hayden	Pittman	Walsh, Mont.
Couzens	Heflin	Ransdell	Warren
Curtis	Johnson	Reed, Pa.	Waterman
Cutting	Jones	Robinson, Ark.	Watson
Dale	Kendrick	Robinson, Ind.	Willis
Deneen	Keyes	Sackett	
Dill	King	Sheppard	
Edge	La Follette	Shipstead	

The VICE PRESIDENT. Eighty-two Senators having answered to their names, a quorum is present.

HOUSE BILL REFERRED

The bill (H. R. 11577) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

PROPOSED INVESTIGATION OF PUBLIC UTILITIES

Mr. BLAINE. Mr. President, I desire to read for the RECORD and for the benefit of the Senate certain excerpts from a letter of William Green, president of the American Federation of Labor, and to make the reference intelligible I desire to inform the Senate that the matter to which the excerpts relate is the resolution introduced by the Senator from Montana [Mr. WALSH] providing for an investigation by the Senate of the power utilities of the country. On February 15 last the senior Senator from Indiana [Mr. WATSON], chairman of the Committee on Interstate Commerce, asked and obtained unanimous consent to have inserted in the RECORD a telegram. I will read the telegram:

MIAMI, FLA., *January 29, 1928.*

Hon. JAMES E. WATSON,
United States Senate, Washington, D. C.:

The executive council of the American Federation of Labor favors an investigation of power companies, but it believes such investigation should be made by competent experts free from partisan political significance.

WILLIAM GREEN,
President American Federation of Labor.

In a letter dated February 29 to myself Mr. Green, as president of the American Federation of Labor, said:

There is nothing in the telegram sent Chairman WATSON—

The telegram which I have just read—

that would justify the conclusion that the executive council of the American Federation of Labor believed that the Federal Trade Commission or any other special governmental body should be chosen to make the investigation provided for. No reference was made to the Federal Trade Commission by the executive council in its consideration of this matter. I am sure it was the opinion of the members of the council, when it considered the subject of an investigation of power interests, that said investigation would be made under the direction of a Senate committee by competent experts qualified to delve into the ramifications of the power interests and to make public the facts for public use and public consideration. It is difficult to understand how any other construction could be placed upon the attitude of the executive council. No construction other than the one I have herein set forth is justifiable. * * * No Member of the United States Senate had any authority to misinterpret the telegram sent by direction of the executive council, to put any other construction upon it than I have herein explained, or to question the sincerity or motives of the members of the executive council of the American Federation of Labor.

Mr. WATSON. Mr. President, while the Walsh resolution was being considered by the committee I received hundreds of letters and telegrams from all parts of the country in regard to the resolution, some one way and some another. Some of them I had inserted in the RECORD and others I did not. The telegram from Mr. Green came to me as I sat here, addressed to me as chairman of the Interstate Commerce Committee. I had it inserted in the RECORD. I placed no interpretation whatever upon it, and I did not ask anybody else to construe it one way or the other. It speaks for itself, and whatever it says, of course, is subject to Mr. Green's interpretation, but I put no interpretation upon its language.

SUPPLEMENTAL ESTIMATE OF APPROPRIATION—EIGHTH INTERNATIONAL DAIRY CONGRESS (S. DOC. NO. 68)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States transmitting a supplemental estimate of appropriation, amounting to $10,000, for the fiscal year 1929, to be immediately available, to cover the expenses of the United States in participating in the Eighth International Dairy Congress, to be held in Great Britain during June and July, 1928, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution of the Senate of Porto Rico, which was referred to the Committee on Territories and Insular Possessions and ordered to be printed in the RECORD, as follows:

SENADO DE PUERTO RICO,
San Juan, P. R.

I, José Muñoz Rivera, secretary of the Senate of Porto Rico, do hereby certify that the following resolution was approved by the Senate of Porto Rico on February 14, 1928:

Resolution to reaffirm Concurrent Resolution 6, entitled "Concurrent resolution to request the Congress of the United States to amend, reenact, and add certain sections to the organic act of Porto Rico," approved August 18, 1925, and for other purposes

The Senate of Porto Rico, affirming once more its sentiments and aspirations in favor of full and complete self-government for Porto Rico,

Resolves:

1. That Concurrent Resolution 6, entitled "Concurrent resolution to request the Congress of the United States to amend, reenact, and add certain sections to the organic act of Porto Rico," approved August 18, 1925, and it hereby is reproduced and confirmed anew; and consequently that the senate lend its most decided support to the approval of the several bills introduced in the House of Representatives of the United States by the Resident Commissioner of Porto Rico in Washington asking for reforms in the organic act so that Porto Rico may choose its own governor by popular election and obtain complete self-government.

2. That the Senate of Porto Rico make its own and ratify the cable which was sent by the president of the Senate and by the speaker of the House of Representatives of Porto Rico to the President of the United States relative to the speech made by him before the Pan American Congress now in session in Habana, Cuba.

3. That a protest be made by cable against the bills introduced by Senator BINGHAM which seek to restrict the powers of the Legislature of Porto Rico in the matter of budgets and appropriations and to except certain privileged taxpayers from the effect of the decision of the Supreme Court of the United States on the interpretation of the Butler bill amending the organic act of Porto Rico, which are matters of local interest and should remain within the exclusive jurisdiction of the legislature.

4. And, further, that a copy of this resolution, after being translated into English, be sent to the President of the United States, to the Resident Commissioner for Porto Rico in Washington, to the President of the Senate and the Speaker of the House of Representatives of the United States, to the chairman of the Committee on Insular Affairs of the House, and to the chairman of the Committee on Territories and Insular Possessions of the Senate.

In witness whereof I have hereunto set my hand and caused to be affixed the seal of the Senate of Porto Rico, at the city of San Juan, on this the 20th day of February, A. D. 1928.

[SEAL.] JOSÉ MUÑOZ RIVERA,
Secretary Senate of Porto Rico.

The VICE PRESIDENT also laid before the Senate cablegrams, which were referred to the Committee on Territories and Insular Possessions and ordered to be printed in the RECORD, as follows:

SAN JUAN, P. R., *March 5, 1928.*

Hon. PRESIDENT, MEMBERS, SENATE,
Washington, D. C.:

Liga Social Sufragista, Porto Rico, begs approval amendment section 35, Porto Rico organic act, introduced by Senator BINGHAM.

RICARDA RAMOS, *President.*

SAN JUAN, P. R., *March 5, 1928.*

PRESIDENT, MEMBERS, SENATE,
Washington, D. C.:

We beg you amend organic act Porto Rico granting woman suffrage Porto Rico, beginning 1928.

MILAGROS B. MEWTON,
President Pan American Association Women, Porto Rico.

Mr. SIMMONS presented a memorial of sundry citizens of North Carolina, remonstrating against alleged religious intolerance on the part of the Rumanian Government, which was referred to the Committee on Foreign Relations.

Mr. COPELAND presented a petition of sundry citizens of Ulster County, N. Y., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

He also presented a resolution adopted at a meeting of the Property Owners' Protective Association, of Kenmore, N. Y., favoring retention of the 1890 census as the basis of immigration quotas, without the national-origins provision contained in existing law or other restriction of a discriminatory nature, which was referred to the Committee on Immigration.

Mr. WARREN presented a resolution of the Lions Club of Kemmerer, Wyo., favoring the making of more adequate appropriations for forest-reserve work, which was referred to the Committee on Appropriations.

He also presented a telegram in the nature of a petition from the president of the Wyoming Society, Sons of the American Revolution, favoring restrictive immigration laws and the ex-

tension of quota restrictions to Mexican citizens, which was referred to the Committee on Immigration.

He also presented a resolution of the Lions Club of Kemmerer, Wyo., favoring provision for a forest experiment station for the intermountain region, which was referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted by the Chamber of Commerce of Cheyenne and the Lions Club of Kemmerer, in the State of Wyoming, favoring the making of increased appropriations for construction of designated highways on Federal reservations, which were referred to the Committee on Post Offices and Post Roads.

Mr. WILLIS presented petitions of sundry citizens of Bethel and Eaton, in the State of Ohio, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. CAPPER presented a petition of sundry citizens of Weir City, Kans., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. WATERMAN presented a petition of sundry citizens of Denver, Colo., praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. FESS presented petitions of sundry citizens of the State of Ohio, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. BRUCE presented a petition of sundry citizens of Baltimore, Md., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

DRAINAGE CENSUS

Mr. FLETCHER. Mr. President, I present a communication from the secretary of the board of commissioners of Everglades drainage district, Tallahassee, Fla., together with a resolution adopted at a meeting of the board held February 28, 1928, relative to a drainage census, which I ask may be printed in the RECORD and referred to the appropriate committee.

There being no objection, the communication and accompanying resolution were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

STATE OF FLORIDA,
BOARD OF COMMISSIONERS OF EVERGLADES DRAINAGE DISTRICT,
Tallahassee, Fla., March 1, 1928.

Hon. DUNCAN U. FLETCHER,
United States Senator, Washington, D. C.

MY DEAR SENATOR: At a meeting of the board of commissioners of Everglades drainage district, held February 28, 1928, a resolution was adopted relative to drainage census, and I was directed to forward inclosed copy to you for your consideration.

Yours very truly,

J. STUART LEWIS, *Secretary.*

Memorandum of resolution in re United States drainage census

Whereas there has been contained in former laws of Congress relating to making of decennial censuses a provision as follows:

"SEC. 8. Inquiries shall be made as to the quantity of land reclaimed by irrigation and drainage and the crops produced; also as to the location and character of irrigation and drainage enterprises, and the capital invested in such enterprises"; and

Whereas H. R. 393, making provision for the fifteenth and subsequent decennial censuses for the United States, does not contain the clause carried in former acts making appropriation for and instructing the taking of a drainage census in connection with the general census; and

Whereas board of commissioners of Everglades drainage district are of the opinion that by reason of the present and ever-increasing importance of drainage in Florida, the great amount of money involved in present enterprises, the many millions of acres now under drainage protection and increasing in area year by year, the protection of such lands from the effects of water for sanitary and agricultural purposes as conducive to the public health, convenience, and welfare, and for public utility and benefit, all with the purpose of making the said lands better suited for settlement, cultivation, and improvement, justifies the inclusion of drainage and reclamation in the provision for a census of the United States: Now therefore be it

Resolved, That the Senators and Representatives from Florida in the Congress of the United States be, and they are hereby, urged to secure a clause in the bill (H. R. 393) making provision for a census to include drainage and irrigation similar to that contained in the act providing for the Fourteenth Census of the United States.

HOMICIDES BY FEDERAL OFFICERS

Mr. TYSON. Mr. President, I am in receipt of a letter from the Nashville Bar and Library Association in which it is stated that at a recent meeting of the board of directors of that association there was a discussion "as to the fact that there seems to be an increasing number of murders by Federal officers and possemen without any substantial number of convictions, and the directors felt that they should formally adopt a resolution protesting against the defense of all such officers by the Federal Government irrespective of their apparent guilt or innocence, in the hope that some steps might be taken by the Secretary of the Treasury or Congress to rectify the present existing situation."

The letter is accompanied by a resolution adopted by the association referred to. I ask that the letter and the accompanying resolution may be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the letter and resolution were referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

NASHVILLE BAR AND LIBRARY ASSOCIATION,
Nashville, Tenn., February 11, 1928.

Hon. L. D. TYSON,
United States Senator, Washington, D. C.

DEAR SIR: At a recent meeting of the board of directors of the Nashville Bar and Library Association, composed of Messrs. Alfred T. Adams, Elmer D. Davies, W. M. Fuqua, John Bell Keeble, Louis Leftwich, W. E. Norvell, jr., and W. J. Wade, there was a heated discussion as to the fact that there seems to be an increasing number of murders by Federal officers and possemen without any substantial number of convictions, and the directors felt that they should formally adopt a resolution protesting against the defense of all such officers by the Federal Government, irrespective of their apparent guilt or innocence, in the hope that some steps might be taken by the Secretary of the Treasury or Congress to rectify the present existing situation.

I might further add that it appeared to be the general consensus of opinion of the board of directors that the jurisdiction of the Federal courts in trying cases against Federal officers or cases against others involving crimes against Federal officers should be limited rather than extended, as is now being sought by Attorney General Sargeant in his request to Congress to pass a bill making it a Federal offense to kill a Federal officer in order that justice may be better attained, as it apparently can be in the State courts.

In accordance with the directions contained in said resolution, I am herewith inclosing a certified copy of same.

Yours very truly,

NASHVILLE BAR AND LIBRARY ASSOCIATION,
ELMER D. DAVIES, *Secretary.*

Be it resolved by the directors of the Nashville Bar and Library Association, That they condemn and deprecate unlawful homicide either by private citizens or officers and they greatly deprecate the fact that while a substantial number of State officers have been convicted in State courts for unlawful homicide, practically all Government officers and possemen who have been accused of murder and indicted in the State courts, whether their victims were justifiably killed or not, have had their cases removed to the Federal courts throughout the country and it seemingly has been difficult to secure convictions; be it further

Resolved, That they consider it an unhealthy condition that district attorneys of the United States should lend their assistance in defending all of such cases, irrespective of merit, so removed to the Federal court, in that juries naturally feel that the prosecuting officer of the Government would not be defending unless an investigation had disclosed an apparent lack of guilt on the part of the officer; they realize that under section 771 of the Revised Statutes and other statutes it has been held to be the duty of district attorneys to defend such officers unless otherwise instructed by the Secretary of the Treasury; that, in their opinion, the Secretary of the Treasury should have each and every case carefully investigated and should instruct the district attorneys not to defend any such case where it is readily apparent that the killing was unjustified and that the officer was either guilty of murder in intentionally shooting one simply endeavoring to escape from arrest for the commission of a misdemeanor or was guity of manslaughter in using firearms in a reckless manner calculated to take human life. Or, if the Secretary of the Treasury will not so act, then that the Congress of the United States should repeal the said removal statute, Thirty-sixth Statute at Large, page 1097; be it further

Resolved, That in the opinion of the directors of the Nashville Bar and Library Association, the people of the United States can only be protected from the repetition of such unlawful acts by such action on the part of the Secretary of the Treasury or Congress and that the Secretary of the Treasury and each Member of Congress from this State

be furnished with a copy of this resolution certified under the hand of the secretary of this association.

I, Elmer D. Davies, secretary of the Nashville Bar and Library Association, hereby certify that the above is a true and correct copy of a resolution adopted by the board of directors of the Nashville Bar and Library Association at its regular meeting on Thursday, February 9, 1928, and as shown by the minutes of said meeting.

ELMER D. DAVIES.

COVE CREEK DAM

Mr. TYSON. Mr. President, I also have a letter from Mr. O. K. Leach, secretary of the Coal Creek Civitans, inclosing a certified copy of a house joint resolution, No. 50, passed by the last Legislature of Tennessee recommending that the name of the proposed Cove Creek Dam site be changed to Coal Creek Dam site. I ask that the letter and accompanying resolution be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the letter and accompanying resolution were referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

FIRST NATIONAL BANK,
Coal Creek, Tenn., March 3, 1928.

Hon. LAWRENCE D. TYSON,
United States Senator, Washington, D. C.

DEAR SENATOR: Inclosed you will find a certified copy of a joint resolution passed by the last Legislature of Tennessee recommending that the name of the proposed Cove Creek Dam be changed to Coal Creek Dam.

We will deeply appreciate the favor if you will use your best efforts to have this name changed in accordance with this resolution.

Yours very truly,

O. K. LEACH,
Secretary Coal Creek Civitans.

STATE OF TENNESSEE,
DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting:

I, Ernest N. Haston, secretary of state of the State of Tennessee, do hereby certify that the annexed is a true copy of House Joint Resolution 50, acts of 1927, the original of which is now on file and a matter of record in this office.

In testimony whereof I have hereunto subscribed my official signature and by order of the governor affixed the great seal of the State of Tennessee at the department in the city of Nashville this 1st day of March, A. D. 1928.

[SEAL.]

ERNEST N. HASTON,
Secretary of State.

House Joint Resolution 50

Whereas the United States surveyors and certain power companies have surveyed a site for a dam to be located on Clinch River near the city of Coal Creek, Anderson County, Tenn., and which location for a dam site is commonly called the Cove Creek Dam site; and

Whereas this dam is located within 4 miles of the city of Coal Creek, which is the nearest city or town to the proposed dam, and the city of Coal Creek is located on the Southern and Louisville & Nashville Railroads and the Dixie Highway; and

Whereas there is so much similarity between the names of Cove Creek and Coal Creek, and there have already been much confusion over these names, whether the dam site is Cove or Coal Creek, and the proposed dam site being located between where the streams of Cove Creek and Coal Creek empty into Clinch River, and the dam site being on Clinch River and not on either of these creeks; and the name of Coal Creek and the location of this city being well known over the State of Tennessee and surrounding States, and the location of the dam would be more easily ascertained if named for the city of Coal Creek: Therefore be it

Resolved by the House of Representatives of the General Assembly of the State of Tennessee (the Senate concurring), That we favor and desire, and we recommend to the Government surveyors and Federal authorities, that the name of the Cove Creek Dam site be changed to the Coal Creek Dam site.

Adopted April 26, 1927.

SELDEN MAIDEN,
Speaker of the House of Representatives.
HENRY H. HORTON,
Speaker of the Senate.

Approved April 27, 1927.

AUSTIN PEAY, *Governor.*

TRAINING OF RESERVE OFFICERS

Mr. COPELAND. Mr. President, I have here a letter in the nature of a petition from Lieut. Col. Weston Jenkins, president of the New York State Reserve Officers' Association of the United States. It is a very interesting comment upon the discussion which took place here relative to the relationship between the correspondence training during the year and the period of active duty. It is so illuminating that I should like to have this letter printed in the RECORD in connection with my remarks and referred to the Military Committee.

There being no objection, the letter was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

NEW YORK STATE ASSOCIATION,
RESERVE OFFICERS' ASSOCIATION OF THE UNITED STATES,
March 3, 1928.

Senator ROYAL S. COPELAND,
United States Senate, Washington, D. C.

DEAR SENATOR COPELAND: Permit me, on behalf of the Reserve Officers' Association of New York State, to express our appreciation to you for your stand in regard to the Thomas amendment. It is also a pleasure to note that you informed the Senate that your colleague, if he were present, would also have voted for that amendment.

It was my privilege to be ordered to active duty at Plattsburg last year in command of the Three hundred and ninetieth Infantry, which, as you know, is a reserve regiment. The Regular Army turned over the citizens' military training camp entirely to the Three hundred and ninetieth Infantry, and with this reserve regiment we inducted, processed, equipped, and initiated the training of 1,600 boys. The work was done to the satisfaction of Colonel Hughes, the commanding officer of Plattsburg Barracks, and paralleled in two weeks exactly the work that would have to be done in a time of emergency over the first two months. We all came home feeling that we had never spent a more profitable two weeks, both from the standpoint of military experience and personal satisfaction in accomplishment, and I certainly believe that no equivalent amount of money is better spent for the national defense than the modest sums which are used for active-duty training of reserve units.

I wish also to state that on my own behalf and on the part of the Reserve Officers' Association of New York State you may rest assured that all reserve officers attending camp this year will justify your faith in the project by the intensive work they will put upon it.

From perusal of the CONGRESSIONAL RECORD I think that both in the House and in the Senate there is a little misconception as to the relationship between correspondence training during the year and the period of active duty. In my judgment it is a mistake to say that the active-duty training is wasted unless an officer has applied himself to correspondence courses, etc., during the year. Of course, the ideal in this respect is an officer that will take up the correspondence courses and pursue them earnestly during the winter, attends conferences and other methods of military instruction provided by the Regular Army, and then goes to camp for 14 or 15 days and takes the active duty training. This is the ideal. However, the art of war is an exceedingly practical matter. Its most important phase, particularly in the lower ranks, is the handling of men, the habit of command, the ability to make decisions quickly, and this can only be acquired by practical work with troops. There are many officers and, during my experience in the World War, many excellent officers, who have not a studiously inclined mind. Theoretical study is a very difficult thing for them, but take such an officer and put him in the field with troops and he is in his element. Therefore, I would say that, while highly desirable to have officers take both the theoretical and practical instruction, I do not think that active-duty training is in any way wasted when it is given to an officer who is in earnest about it but not studiously inclined.

Pardon the length of this letter, but I feel that this whole question of the reserve project is so important that every phase of it should be carefully explained.

Respectfully yours,

WESTON JENKINS,
Lieutenant Colonel, Infantry Reserve,
President New York State Association, R. O. A.

CHAIN NEWSPAPERS—DINNER TO O. G. VILLARD

Mr. BLEASE. Mr. President, I ask leave to have two short articles, which I send to the desk, read by the Secretary.

The VICE PRESIDENT. Without objection, the Secretary will read, as requested.

The Chief Clerk read as follows:

[From the Evening Star, Washington, D. C., Friday, March 2, 1928]

VILLARD ATTACKS CHAIN NEWSPAPERS—NATION EDITOR CONDEMNS OUTSIDE CONTROL OF DAILIES AT TESTIMONIAL

The "chain" newspaper, which has been extending its hold rapidly throughout the United States during the past 10 years, represents a dangerous trend in American journalism, Oswald Garrison Villard, editor of the Nation, said last night at a dinner given in his honor at the Washington on the tenth anniversary of his editorship of that paper.

The point has been reached, Mr. Villard said, where some of the largest American cities no longer have a locally owned newspaper alive

to local interests but only papers owned and, to a large extent, edited in other cities, whose owners regard them solely as money-making organs.

PAPERS EASY TO ACQUIRE

There are two ways, he said, by which outside interests obtain control of the newspapers of a city. The first is to purchase outright. The second is to purchase by forming a stock company financed by selling preferred stock to local people, while the outside interests retain control by keeping all the common stock.

"A wealthy man," he said, "easily could purchase all the daily and weekly papers in States such as Idaho or Wyoming and thus completely control public opinion in those States. I am not sure but that a man like Henry Ford, if he wished to do so, could even purchase all the newspapers in Michigan, with the possible exception of the Detroit News, and thus dictate public opinion in one of the most important States in the Union."

STRIKE PROBE RELATED

He said he knew of one instance where certain power interests had purchased all the papers in a large California city and 15 other papers in that section of the State with the object of controlling public opinion.

Senator NYE, of North Dakota, was toastmaster at the dinner. Zona Gale and Carl Van Doren also spoke. Senator WHEELER, of Montana, told of his participation of the recent senatorial investigation of the Pennsylvania strike situation. He found the strikers, he said, living in conditions of extreme poverty and the strikebreakers imported by the companies held virtually as slaves.

[From the Washington Daily News, Friday, March 2, 1928]

GRIP ATTACKS SPEAKERS' TABLE AT DINNER TO THE NATION'S EDITOR

That was an odd but interesting gathering at the Nation dinner in the Hall of Nations last night, and my goodness, I thought they would never get through their dessert. We went in for the speeches after the dinner, which about 45 others did, too, and waited without until the last drop of demi-tasse was consumed.

The first people I saw were Doctor and Mrs. White, of St. Elizabeths; Peter Borras, of the Madrillion; and Frank R. Jelleff.

So that's the radical Oswald Garrison Villard, editor of the Nation, and what a peaceful gentle soul he is, you say.

GERM SHIPPED HERE

Well, I'm glad the grip germ did not get him, for it seemed to have attacked the speakers' table with a vengeance.

Senator NORRIS, who was to have presided, lost his voice and couldn't come, and Heywood Broun succumbed to the grip, I understand.

Senator NYE, the young and charming Senator from North Dakota, presided instead. He tried a little too hard to speak well, but now and then forgot himself and suggested a very human and delightful personality.

Carl Van Doren, who has a heavy head of hair and horn-rimmed glasses like General Lejeune but is nothing like him, said Heywood Broun meant to come but he knew he wasn't coming, and I'm glad he did, for then we wouldn't have heard Mr. Van Doren's charming talk.

SENATOR WHEELER FORGOT HIMSELF

Senator WHEELER made some delightful pokes at the Republican Party, but unfortunately thought he had to speak longer and got lost in a rather bitter attack on some Republican leaders.

I was interested in every single word Oswald Villard had to say, and so was everybody else, including Mrs. Harriman, who sat between him and Senator WALSH of Montana. Young BOB LA FOLLETTE, just below them, looked bored, but that may be his natural expression, and Zona Gale read her speech—and most too hesitatingly.

There were in the gathering Mr. and Mrs. Frederic William Wile, of course, and Mr. Finnerty and Maurice Long, and Janet Richards.

Abby Scott Baker and Interstate Commerce Commissioner and Mrs. Lewis was there, and I saw Drew Pearson and young Robert Pell, jr.

I liked the Nation already, but I'm going to read more regularly. I forgot to remind you that the dinner was in honor of Mr. Villard's tenth anniversary with the magazine, and it was at the Washington Hotel.—M. B.

THE AGRICULTURAL SITUATION

Mr. BLEASE. Mr. President, I present certain newspaper articles relative to the agricultural situation, which I ask may be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Dorchester County Record, March 1, 1928]

CARLOAD SHIPMENTS OF SWEET POTATOES—FOUR MOVING FROM ST. GEORGE THIS WEEK AT 50 CENTS A BUSHEL

County Agent T. M. Cathcart has been busy this week shipping sweet potatoes. He expects to ship three cars of banked sweet potatoes and a car of cured potatoes, and also a carload of mixed pea and soy bean hay.

He secured a price of 50 cents a bushel for banked sweet potatoes, with the hampers thrown in free of charge. This price of 50 cents net for banked sweet potatoes is bringing out quite a quantity for shipment.

He made arrangements to secure 5,000 hampers for shipment of all No. 1 potatoes, and asks all farmers who have potatoes for sale to get in touch with him.

[From the Dorchester County Record, March 1, 1928]

Here is an item of news from Chesterfield, S. C., to which Dorchester County Record invites the attention of its farmer readers:

"Two solid carloads of poultry amounting to 20,000 pounds and representing nearly $15,000 were bought in this section of the county within three days. The last car was loaded here this afternoon and shipped to Philadelphia. These are the first two cars to be shipped this year. However, there will be more cars to take up the spring supply of fryers. These two cars boost Chesterfield County's total up to 20 cars within the last two years."

Chesterfield farmers are raising poultry in quantity for carload shipments. Those carloads are never gotten up from the few hens the average farmer lets his wife have around the place.

The significant fact is that those carload shipments of poultry are bringing into Chesterfield County as much cash money as the boll weevil infested cotton of this county is bringing into it. And poultry can be raised and shipped every month in the year. There is always a market for it.

[From the Dorchester County Record, March 1, 1928]

FARM OUTLOOK—THE PROSPECT FOR 1928—EVERY FARMER SHOULD CAREFULLY STUDY THIS ARTICLE

(Prepared by Clemson College experts)

This report is made with the object of informing the farm interests of the State of certain conclusions drawn from a study of facts and conditions that influence South Carolina agriculture. The report was prepared in the various agricultural divisions of the college. In its preparation use was made of the facts given in the national Agricultural Outlook for 1928 and of other facts applying more specifically to South Carolina. It is expected that an Outlook statement may be made each year hereafter and that its scope may be broadened, so that it will serve as a source of information, and to some extent as a guide, for planning farm operations.

GENERAL FARM SITUATION IN SOUTH CAROLINA

The past year was "a boll-weevil year" for the entire coastal plains area and cotton growers are somewhat discouraged, while the Piedmont farmers are feeling better over a better crop and larger income than they have had for several years. In the tobacco-growing territory the effect of this will probably tend to cause an increase in tobacco acreage at the expense of cotton, notwithstanding the prospect for lower prices on flue-cured types of tobacco if there is any considerable increase of acreage over the entire flue-cured area. While cigarette consumption is increasing, it is reported that stocks of flue-cured tobacco are increasing more rapidly.

However, in a choice of cash crops, the veteran tobacco growers may figure that their chances with tobacco are as good as with cotton, considering that cotton is subject to price fluctuation as well as boll-weevil damage. The tobacco growers who pay attention to quality, yield per acre, and prevention of disease will continue to hold the leadership in production through periods of low prices and if anybody is forced out of production it will be those who follow slipshod methods whether in this State or some other.

"More than one crop" is fast becoming the rule in the coastal plains. Farmers are specializing in some one crop other than cotton, and this is being done by communities or regions. Asparagus, tobacco, hogs, poultry, and various truck crops are being perfected as a source of income by farmers in one or more counties of this section of the State.

In the Piedmont additional sources of income are being developed somewhat more slowly and in a more generalized way. Fruit crops, truck for local markets, dairying on a small scale, poultry raising, and the growing of more feed crops seem to offer the most likely opportunities for additional income.

FARM LABOR AND EQUIPMENT

The labor supply in South Carolina in 1928 will be largely determined by local conditions. That is to say, in sections immediately adjoining industrial centers or near extensive public-construction work, there will probably be local shortage of labor. The State has sufficient agricultural labor to care for the probable acreage of cultivated crops.

In those communities where the probable labor supply is insufficient to care for the normal cultivated acreage, it will pay farmers to prepare for the cultivation of their crops by securing labor-saving machinery, so that the available labor may care for a normal acreage. Where land is plentiful and labor scarce, the growing of crops that have a smaller labor requirement per acre should be considered. Of course, the growing of such crops would have to fit into a balanced system of farming.

COTTON

The present indication is that the 1928 cotton crop will be sold on a market that is feeling the influence of a smaller carry over than was the case with the 1927 crop, and about the same probable consumption as during the preceding year.

The South Carolina production is but a small factor in determining the market price, which is fixed on a basis of world supply and demand. There are at least two factors other than acreage which will determine production in this State the present year. These are amount of fertilizer used and boll weevil damage. The fertilizer applied to cotton largely determines the acre yield, other factors remaining constant.

Due to the fact that the farmers of the State as a whole received greater returns for the 1927 cotton crop than was anticipated at planting, the fall outlook was for greater consumption of fertilizer in 1928. When fertilizer prices are relatively high as compared with cotton prices, farmers tend to reduce their purchases of fertilizer; while if the opposite relationship exists, buying of fertilizer is heavier. The farmer estimates the profitableness of different applications at different prices of fertilizer and of cotton. Since the cotton market has declined 6 to 8 cents from the prices of last fall, the present prospect for the total amount of fertilizer to be used is not as great as was the late fall prospect.

The following extract on the boll weevil situation is quoted from the National Outlook: "The yield per acre will depend to a material extent upon the abundance of boll weevils. Weevils undoubtedly entered hibernation in the fall of 1927 in larger numbers and with greater vitality than for several years."

The individual grower should acquaint himself with the quality of cotton he produces, so that he will be in a position to demand the premium that the quality of his cotton warrants and seek a market where this is paid.

The corn-production problem of the South Carolina farmer is entirely different from that of the Corn-Belt farmer. In this State the production of corn is amost entirely for home consumption, very little being sold out of the State.

The present acreage of corn in South Carolina is more than sufficient to meet all State needs were the yield per acre increased to the point of economic production. The individual farmer's problem is, therefore, to get more acre yield at low acre yield at low cost per bushel.

SMALL GRAIN

The production of the small grains in South Carolina is mostly for home consumption, so that the individual farmer is not as much concerned in market prices as determined by the world market as is the midwest farmer. Our problem is one of economic production or increased acre yield.

A sufficient quantity of small grain should be produced to meet all needs for home use. Within reason the higher the acre yield the less it will cost to produce the quantity needed. Individual farmers should consider substituting oats for corn where it has been found possible to produce oats at a lower cost per unit of feed than corn.

GRAPES

Grapes should be planted only for local or near-by market. There is very small acreage grown in this State compared to peaches and in many communities no grapes are grown. It is not advisable to ship the varieties we grow in this State to northern markets. The acreage of California grapes is too much larger for profitable prices and our grapes can not compare with the California type as a dessert grape.

STRAWBERRIES

The outlook is fair in the six second early States, Southern California, Tennessee, Arkansas, South Carolina, North Carolina, and Virginia. The indicated acreage of 54,200 in 1928, while larger than in 1925, 1926, or 1927, does not seem excessive, unless an unusual season causes abnormal competition from Louisiana. The lower price in some States in 1927 may partly be explained by the unusually large yield per acre.

WATERMELONS

There seems to be no reason for reducing the acreage in South Carolina. If the growers will improve the quality of their product and ship only melons averaging 24 pounds or larger, they should have no reason to expect other than satisfactory prices with the present acreage.

SWEET POTATOES

The growers in South Carolina need to produce more No. 1 potatoes, which should reduce their cost of production. They should also use proper storage methods. Unless they do, satisfactory prices can not be expected with the present acreage.

There are many places in the State, however, where many vegetable crops can be grown for a local market at a profit. The grower will have to decide for himself whether or not crops are being raised in sufficient quantities in his locality. A survey of local conditions should be made in order to determine just how much of a demand can be expected and how many acres of these crops may be planted.

For those who live on heavily traveled roads there is good opportunity to sell vegetables at roadside market houses. This method of disposing of vegetables and fruits is largely used in the North and East. For those who produce quality vegetables, display them in an attractive manner, and charge a fair price it should prove remunerative. In many localities there are good openings for the production and sale of certain crops, but such conditions can only be found by an intelligent investigation.

Roadside markets provide an excellent outlet for fruits, and even more so than for vegetables, and where conditions are suitable for this method of marketing it would seem advisable to plant fruits of all different kinds adapted to that particular section. For best results with roadside markets one should have a succession of crops that would enable one to keep the roadside house supplied throughout the summer months with fruits and vegetables. The longer such markets are kept open during the year the better they become advertised, and this will help to obtain trade. Roadside market houses should be attractive and need not be expensive.

HOGS

In 1925–26 the high prices of hogs stimulated hog production to such an extent that we now have what is generally considered an overproduction. The swine industry is passing through the low period of its cycle. In 1927 there were from 6 to 8 per cent more pigs raised in the United States than in 1926. With corn prices 20 per cent higher and hog prices 30 per cent lower than last year, the corn-hog ratio is not as favorable for feeding hogs. Indications are that in 1927 there will be no decrease in corn acreage, but there will be a decrease in the number of hogs produced. This will make the corn-hog ratio more favorable for hog feeding.

It is encouraging to note that even during these low prices of pork the demonstration-fed hogs in this State have returned well above $1 per bushel for corn, and almost without exception the demonstrators have made money on their hog-feeding operations. It is predicted that in the next two years history will repeat itself and there will be considerably more money made on hogs than has been made this year. The hog cycle extends over a period of from three to five years. Since the cycle has now swung to its low level, the next two or three years should be exceptionally favorable for economical pork production. We may expect higher prices and greater profits for the years 1928–29 than we have had for the year 1927.

SHEEP AND WOOL

Breeding ewes are exceptionally hard to buy, high-grade ewes ranging in price from $14 to $16 per head. This is due to the fact that sheep producers in all of the sheep-producing States are trying to enlarge their flocks, hence the demand for ewe stock. Since 1922 the number of ewes in the United States has increased at the rate of 1,000,000 head per year. On January 1, 1928, the lamb crop estimates showed an increase of 6.5 over January 1, 1927.

With the increase in the supply of spring lambs from California and other spring lamb producing areas it is quite probable that the spring advance in price this year will be somewhat less marked than usual. In South Carolina the farmers have an opportunity to produce a better grade of lambs than they have been producing, consequently they are in position to make as much, if not more, on their spring lambs than they have been making. In view of the fact that California must ship her spring lambs practically across the United States for the best markets, South Carolina has a decided advantage from the standpoint of geographical location or nearness to market.

At this particular time it does not seem wise to go into the sheep business on a big scale, but it is a splendid time to gradually grow into the business and be in line for the higher prices which will come later.

The wool situation seems to be somewhat different from the lamb situation inasmuch as the outlook for wool prices indicates an advance; supplies abroad are light and foreign markets continue strong. There is also very little surplus wool in the United States and the textile centers seem to have renewed their confidence in the manufacture of woolen goods.

MULES

For the past few years mule production has on the average been unprofitable, consequently large numbers of farmers in mule-producing sections have discontinued the keeping of breeding animals. It is therefore probable that in the near future there will be fewer work animals than are needed. It would be a wise policy for the farmers of the South to replace the old animals by younger animals which would be serviceable over a longer period of years. By making this substitution when mules are relatively low in price there will be a considerable saving. Good roads and the adaptation of motor power to a great variety of farm work has been the chief cause for the oversupply of mules and the low prices of same.

BEEF CATTLE

In 1928 the market supply of cattle will probably be smaller than in 1927. The reason for this is that the number of cattle and calves on farms the country over January 1, 1928, was the smallest number since 1912. With the exception of 1921, the total slaughter of cattle and calves each year since 1917 has exceeded the number of calves born. The number of cattle on feed in the Corn Belt January 1, 1928, was 6

per cent below January 1, 1927. Stockers and feeders for the coming year will probably sell slightly in advance of the 1927 market. It appears that the beef-cattle industry is now at its lowest point in numbers of cattle. The beef-cattle cycle usually extends over a period of from 14 to 16 years and, judging from the past, it is expected that beef cattle will bring good prices for the next several years, and the cattle market for the next 12 months will probably remain steady, with fewer fluctuations than it usually has. This outlook for beef-cattle producers and cattle feeders is encouraging. The most difficult part of the cattle-feeding operations in South Carolina for the next years will be to buy the feeders at a reasonable price. Experienced cattlemen report that, as a general rule, there is more money in feeding cattle when they are relatively high in price than when they are relatively low.

DAIRYING

The dairy industry as a whole is on as strong a basis as a year ago. Expansion will be rather limited, due to insufficient cows. The high price of beef cattle seems to make it advisable to save heifer calves that are sired by good bulls in order to replace inferior cows now being milked while they can be sold for beef at good prices.

Since South Carolina is importing approximately $10,000,000 worth of dairy products a year, it seems that considerable expansion in this field for the State is advisable, if feed crops sufficient to care for the dairy cows are grown at home. Summer and winter legumes, including alfalfa in the Piedmont, seem to offer a good basis for some expansion in dairy production. There are creameries enough to assure markets for all the butterfat produced. There is a larger demand for milk to be manufactured into cheese, condensed milk, and butter. This demand is created by the increased consumption of fresh-fluid milk and sweet cream in the large centers of population which have reduced the opportunity for turning out these manufactured products in the old dairy sections of the country, due to the increased price that is paid on the open market for these fresh products.

An opportunity is especially offered farmers to increase their own supplies of milk and its products in order to more nearly meet their table demands.

The State now has 160,00 milk cows, and since we have 172,000 farms it is evident that many thousands of these farms do not have a family milk cow. The average family in the United States to-day spends 24¾ of every dollar used for the purchase of food supplies for dairy products. If this proportion of the grocery bill can be furnished farm families by producing their daily supplies at home it would materially reduce cash outlay for groceries needed on the farm.

EGG AND POULTRY

Conditions appear favorable for poultry producers in South Carolina during the coming year. With no noticeable increase in hens and pullets on farms throughout the country egg prices should remain strong, especially during the first part of the year. Indications are favorable for an increase in egg storage, which should tend to hold up prices during the season of heaviest production.

Stocks of dressed poultry are 18 per cent below those of last year. This condition should be reflected in higher prices for both broilers and cull hens.

Since South Carolina is a poultry and egg importing State, based on yearly production and consumption, there is ample opportunity for an expansion of the poultry business on a profitable basis, provided efficient production practices are followed. These include keeping standard-bred birds of high production, proper houses, suitable rations made up largely of home-grown feeds, rational culling, and attention to management and disease and parasite control.

REPORTS OF COMMITTEES

Mr. HALE, from the Committee on Naval Affairs, to which was referred the bill (S. 1955) for the relief of Lieut. Charles Thomas Wooten, United States Navy, reported it with an amendment and submitted a report (No. 467) thereon.

He also, from the same committee, to which was referred the bill (S. 2410) to amend section 1440 of the Revised Statutes of the United States, reported it without amendment and submitted a report (No. 468) thereon.

Mr. FESS, from the Committee on the Library, to which was referred the bill (S. 1369) to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington, reported it without amendment and submitted a report (No. 469) thereon.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 2859) for the relief of Francis J. Young, reported it without amendment and submitted a report (No. 470) thereon.

Mr. DENEEN, from the Committee on Claims, to which was referred the bill (H. R. 6579) for the relief of James W. Kingon, reported it without amendment and submitted a report (No. 471) thereon.

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (S. 2788) for the relief of Charlie McDonald, reported it without amendment and submitted a report (No. 472) thereon.

Mr. GEORGE, from the Committee on Military Affairs, to which was referred the bill (H. R. 4702) for the relief of Benjamin S. McHenry, alias Henry Benjamin, reported it with amendments and submitted a report (No. 473) thereon.

Mr. WATERMAN, from the Committee on Claims, to which was referred the bill (S. 2126) to provide for compensation for Ona Harrington for injuries received in an airplane accident, reported it without amendment and submitted a report (No. 474) thereon.

Mr. NYE, from the Committee on Claims, to which was referred the bill (H. R. 2809) for the relief of the heirs of Jacob Thomas, reported it without amendment and submitted a report (No. 475) thereon.

Mr. WATERMAN, from the Committee on Claims, to which were referred the following bills, reported adversely thereon:

A bill (S. 50) for the relief of the Security National Bank, of Lawton, Okla. (Rept. No. 476);

A bill (S. 1642) for the relief of William Volkert (Rept. No. 477); and

A bill (S. 2419) for the relief of R. Depue (Rept. No. 478).

RIGHTS OF WAY OVER VICKSBURG NATIONAL PARK

Mr. FLETCHER. From the Committee on Military Affairs, I report back favorably without amendment the bill (H. R. 11197) to authorize the Secretary of War to grant rights of way to the Vicksburg Bridge & Terminal Co. upon, over, and across the Vicksburg National Military Park at Vicksburg, Warren County, Miss., and I submit a report (No. 465) thereon. I call the attention of the junior Senator from Mississippi [Mr. STEPHENS] to the bill.

Mr. STEPHENS. Mr. President, I ask unanimous consent for the present consideration of the bill just reported by the Senator from Florida.

Mr. SMOOT. I should like to know what the bill provides.

The VICE PRESIDENT. The bill will be read.

The Chief Clerk read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and empowered to grant to the Vicksburg Bridge & Terminal Co., a corporation organized and existing under the laws of the State of Delaware, its successors and assigns, rights of way, in such location and under such conditions and regulations as are deemed advisable by the Secretary of War, for the construction, maintenance, and operation of railroad, telegraph, telephone, street car, water, gas, oil, and electric light and power lines, and a highway for vehicular traffic upon, over, and across the Vicksburg National Military Park in the county of Warren, State of Mississippi: *Provided*, That such construction, maintenance, and operation shall not interfere with the use of said military park for the purpose for which established: *And provided further*, That any and all work that may be required by the Secretary of War to be performed by the Vicksburg Bridge & Terminal Co., its successors and assigns, shall be without expense to the United States.

SEC. 2. That any other person, firm, corporation, copartnership, or association organized or existing under the laws of any State or Territory of the United States, or the trustees, lessees, or receivers thereof, having a franchise for the operation of railroad, telegraph, telephone, street car, water, gas, oil, and electric light and power line or lines may, upon obtaining a license from the Secretary of War, use the facilities mentioned, or any of them, upon payment to the Vicksburg Bridge & Terminal Co. of just compensation for such use; and if the parties concerned can not agree upon the amount of such compensation, the sum or sums to be paid for the said use shall be fixed by the Secretary of War.

SEC. 3. That no part of such rights of way as may be granted by the Secretary of War under the provisions of this act for the purposes aforesaid shall be used for any other purpose or purposes, and if any part thereof shall be so used, or shall cease to be used for the purposes for which granted, such part shall revert to the United States.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. SMOOT. I will ask the Senator if the bill is in regular form and has it been drawn up by the department?

Mr. STEPHENS. Yes, sir; and it meets the approval of the department.

Mr. SMOOT. Then, I have no objection to the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MENOMINEE RIVER BRIDGE, WISCONSIN AND MICHIGAN

Mr. DALE. From the Committee on Commerce I report back favorably without amendment the joint resolution (H. J. Res. 176) granting consent of Congress to an agreement or compact between the State of Wisconsin and the State of Michigan for the construction, maintenance, and operation of a highway bridge across the Menominee River, and I submit a report (No. 466) thereon.

I call the attention of the Senator from Wisconsin [Mr. BLAINE] to the joint resolution.

Mr. BLAINE. Mr. President, I ask unanimous consent for the immediate consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That the consent of Congress of the United States be, and it is hereby, given to the States of Wisconsin and Michigan to enter into the agreement or compact executed by the State highway commissioner of the State of Wisconsin and the Highway Commission of the State of Michigan pursuant to authority of chapter 87 of the Wisconsin statutes, and the authority of Act 354 of the public acts of 1925, and Special Act 98 of the public acts of 1927 of the State of Michigan: *Provided*, That nothing therein contained shall be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of said agreement, which agreement is in words and figures as follows:

AGREEMENT

MENOMINEE-MARINETTE BRIDGE AT BRIDGE STREET RELOCATION WISCONSIN HIGHWAY COMMISSION WITH MICHIGAN STATE HIGHWAY COMMISSIONER

This agreement, executed this 14th day of January, 1927, by and between Frank F. Rogers, State highway commissioner of the State of Michigan, with offices at Lansing, Mich., party of the first part; and the Wisconsin Highway Commission, with offices at Madison, Wis., party of the second part:

Witnesseth that:

"Whereas the existing interstate bridge, crossing the Menominee River at Bridge Street and joining the municipalities of Marinette, Wis., and Menominee, Mich., is in an unsafe condition and requires early reconstruction; and

"Whereas a proper plan for reconstruction involves a relocation and includes a grade separation and expensive approach fills and properly extends as a project from the center of Dunlap Square in the city of Marinette to the center line of Ogden Avenue in the city of Menominee; and

"Whereas the State boundary line, as determined by the United States Supreme Court in a late decision, lies entirely north of the proposed actual structure spanning the Menominee River, and thereby complicates the respective responsibilities of the two parties hereto both as regards construction and maintenance obligations.

"Now, therefore, it is hereby agreed:

"1. That this project shall, subject to changes to be hereafter mutually agreed upon as signified by joint approval of all subsequent plans and estimates, be built in accord with the preliminary plans prepared by the first party and marked "Exhibit A" and approved by the second party and hereto attached and considered as an integral part of this agreement, and that the detailed plans and specifications for the project shall be prepared by the first party subject to the approval of the second party.

"2. That each party shall either directly or through the respective cities, townships, and counties within which the work is situated, furnish and bear the full cost of all right of way and abutting and property damages arising from or necessary to the execution of the plans as they may be finally, mutually, and jointly approved by the said parties, as applying to property situated on the side of the existing interstate boundary line subject to the jurisdiction of the respective parties hereto or the respective cities, townships, and counties within the respective States.

"3. That aside from the stipulations stated in item 2 above, the entire cost of fully executing the project shall be borne equally by the respective parties hereto and that to this end any contribution or assessment, to be hereafter paid by the Chicago & North Western Railway Co. and/or by the Chicago, Milwaukee & St. Paul Railway Co. and/or by any other public-utility company affected by the project, shall be credited equally to the shares of the parties hereto and, further, that any contribution or assessment, which may be arranged by either party to be paid by a county, township, or municipality within the respective States, shall be guaranteed by the respective parties hereto, and that all payments and transactions in the handling of the construction of this project shall be directly between the parties hereto, each of whom agrees to act as its own collecting agent in dealing with the other contributing parties in their respective States.

"4. All contracts shall be let jointly by the first and second parties hereto, who shall jointly constitute the first party to all such contracts, and no contracts shall be let until after formal approval of awards by each party. The work of construction shall be administered under the joint supervision of the first and second parties as first party of all of the aforesaid contracts to be let under the terms of this agreement, but the second party hereto agrees that its inspection and supervision shall be administered through the representatives of the first party and not through direct dealings with the contractors, and that any matters of dispute in regard to the administration of the contracts shall be adjusted jointly by the bridge engineers of the respective parties hereto. Each party may retain such engineering assistance in supervising the work as it may deem necessary, and the cost of such engineering, including office work and administration as may become necessary, shall be considered a legitimate charge to the project. Estimates to the contractor shall be paid direct by each party hereto, each in the amount of 50 per cent of the total estimated amounts due under the provisions of the specifications of the first party and as approved by the second party, all estimates being prepared by the first party at two-week intervals or thereabouts, approved by the first party and submitted to the second party for approval, the second party making payment direct to the contractor on approval of estimates, and the first party likewise making payment to the contractor on receipt of copies of the estimates after being approved by the second party. Authorizations for extra work will be handled in the same manner as the original contracts. The engineering costs on this project will be considered as including expenditures made by each party prior to the date of the execution of this agreement as well as all such costs subsequent thereto.

"5. The work to be covered by this agreement is further indicated in an approximate preliminary estimate of cost known as Exhibit B, based on Exhibit A, attached herewith and considered as an integral part of this agreement. This estimate is for preliminary budget purposes, it being agreed that the shares of the respective parties shall be based upon the actual cost of the work.

"6. For the purpose of future maintenance it is hereby agreed that the first and second parties shall, upon completion of this project, each maintain that portion of the project (or bear the expense of doing so) which lies north and south, respectively, of the center of the third span measured from the north end of the river structure.

"7. That the first and second parties shall, through their respective United States Senators and Congressmen from the districts within which the project is situated, take the necessary steps to secure the approval of the United States Congress at the 1928 session, authorizing the construction of said project, and also the necessary approval of the United States War Department.

"In witness whereof the parties hereto have on the day first above written caused this agreement to be executed by their proper authorities.

"FOR THE STATE OF MICHIGAN,
"By FRANK F. ROGERS,
"*State Highway Commissioner.*
"FOR THE STATE OF WISCONSIN,
"By WISCONSIN HIGHWAY COMMISSION,
"(Signed) C. R. WEYMOUTH, *Secretary.*

"[SEAL.]

"Approved as to form.

"LINCOLN E. BRANDT,
"*Legal Adviser.*

"Approved December 1, 1927.

"(Signed) C. A. MELICK,
"*Bridge Engineer, Michigan State Highway Department.*"

SEC. 2. That the right to alter, amend, or repeal this resolution is hereby expressly reserved.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

A bill (S. 3484) for the conservation of rainfall in the United States; to the Committee on Agriculture and Forestry.

A bill (S. 3485) to amend section 4426 of the Revised Statutes of the United States, as amended by the act of Congress approved May 16, 1906; to the Committee on Commerce.

By Mr. FLETCHER:

A bill (S. 3486) granting an increase of pension to Emma M. Backus; to the Committee on Pensions.

A bill (S. 3487) to amend section 3207 of the Revised Statutes, as amended by section 1030 of the act approved June 2, 1924; to the Committee on Finance.

By Mr. WILLIS:

A bill (S. 3488) granting a pension to Herbert A. Maloney (with accompanying papers); and

A bill (S. 3489) granting an increase of pension to Jennie Lyle (with accompanying papers); to the Committee on Pensions.

By Mr. WALSH of Massachusetts:

A bill (S. 3490) granting a pension to Catherine Sullivan; to the Committee on Pensions.

A bill (S. 3491) for the relief of Fannie C. Marden; to the Committee on Claims.

By Mr. COPELAND:

A bill (S. 3492) granting an increase of pension to Lina Kimball; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 3493) granting a pension to Daisy Lee Demaree; to the Committee on Pensions.

By Mr. CUTTING:

A bill (S. 3494) granting a pension to Edward Sherlock; to the Committee on Pensions.

By Mr. SHIPSTEAD:

A bill (S. 3495) granting an increase of pension to Carrie Bissell (with accompanying papers); to the Committee on Pensions.

By Mr. HALE:

A bill (S. 3496) for the relief of Annie A. Divney; to the Committee on Commerce.

By Mr. REED of Pennsylvania:

A bill (S. 3497) to authorize an appropriation to complete the purchase of real estate in Hawaii;

A bill (S. 3498) to authorize an appropriation to complete construction at Fort Wadsworth, N. Y.; and

(By request.) A bill (S. 3499) to provide for the appointment from civil life of John Hafner to the grade of warrant officer, United States Army, and immediate retirement from the service; to the Committee on Military Affairs.

A bill (S. 3500) for the relief of the city of Philadelphia; to the Committee on Claims.

By Mr. FRAZIER:

A bill (S. 3501) to provide for the construction of a boarding school for Indian children at Belcourt, in the Turtle Mountain Indian Reservation, State of North Dakota;

(By request.) A bill (S. 3502) to amend the proviso of the act approved August 24, 1912, with reference to educational leave to employees of the Indian Service; and

(By request.) A bill (S. 3503) to authorize the Secretary of the Interior to purchase certain lots in the city of Needles, San Bernardino County, Calif., for Indian use, and authorizing an appropriation of funds therefor; to the Committee on Indian Affairs.

By Mr. KEYES (for Mr. MOSES):

A bill (S. 3504) granting an increase of pension to Hattie C. White (with accompanying papers); to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 3505) authorizing the Great Falls Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Potomac River at or near the Great Falls (with an accompanying paper); to the Committee on Commerce.

By Mr. BORAH:

A bill (S. 3506) for the relief of the owners of the British steamship *Larchgrove;* and

A bill (S. 3507) for the relief of the Eagle Transport Co. (Ltd.) and the West of England Steamship Owners' Protection & Indemnity Association (Ltd.); to the Committee on Foreign Relations.

By Mr. PINE:

A bill (S. 3508) to increase the number of members of the Federal Reserve Board, to make the board more representative, to provide for the proper control and equitable distribution of the credit supply, to establish closer contact between the Congress and its agent, the Federal Reserve Board, and for other purposes; to the Committee on Banking and Currency.

By Mr. RANSDELL:

A bill (S. 3509) authorizing the Secretary of Commerce to sell at private sale a portion of the Point aux Herbe Lighthouse Reservation; to the Committee on Commerce.

By Mr. GOODING:

A bill (S. 3510) authorizing the Secretary of the Interior to contract with the North Side Canal Co. with respect to the construction of certain works on the Minidoka reclamation project; to the Committee on Irrigation and Reclamation.

By Mr. CARAWAY:

A bill (S. 3511) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the White River at Cotter, Ark.; to the Committee on Commerce.

By Mr. REED of Pennsylvania:

A joint resolution (S. J. Res. 107) authorizing and requesting the Postmaster General to design and issue a special postage stamp in honor of the one hundred and fiftieth anniversary of the encampment of Washington's army at Valley Forge, Pa.; to the Committee on Post Offices and Post Roads.

By Mr. EDGE:

A joint resolution (S. J. Res. 108) tendering the thanks of the American people and the Congress of the United States to the Hon. Charles Evans Hughes, chairman of the delegation of the United States of America to the Sixth International Conference of American States; to the Committee on Foreign Relations.

FLOOD CONTROL

Mr. McKELLAR submitted two amendments intended to be proposed by him to the bill (S. 3434) for the control of floods on the Mississippi River from the Head of Passes to Cairo, and for other purposes, which were ordered to lie on the table and to be printed.

STANDARDS FOR HAMPERS, ROUND STAVE BASKETS, ETC.

Mr. BRUCE submitted an amendment intended to be proposed by him to the bill (S. 2148) to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENTS TO MUSCLE SHOALS RESOLUTION

Mr. NORRIS, Mr. McKELLAR, and Mr .METCALF each submitted an amendment intended to be proposed by them, respectively, to the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes, which were severally ordered to lie on the table and to be printed.

Mr. TYSON. I submit an amendment that I wish to offer to Senate Joint Resolution 46 relative to Muscle Shoals. I ask that the amendment be considered as read, that it lie on the table, and be published in the RECORD.

There being no objection, the amendment was ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

On page 5, after line 10, insert the following new sections:

"SEC. 9. In order to assure the farmers of the country of the Government's earnest endeavor to aid in the production of cheap fertilizers on a large scale and with the least practicable delay, and to encourage private manufacturers to use new methods in the endeavor to produce cheap fertilizers on a large scale—

"(a) As soon as the Secretary of Agriculture shall be reasonably satisfied from the experimentation and investigations herein provided for that a method has been found for the fixation of nitrogen which can be successfully used at Muscle Shoals, Ala., in the large scale manufacture of cheap fertilizers for the use of the farmers of the country, there shall be turned over to him nitrate plant No. 2 and all other Government property, real and personal, and all materials and equipment connected therewith and necessary in the operation of said nitrate plant No. 2, and not required in the operation of Dam No. 2 and steam plant No. 2, and not otherwise disposed of hereunder, to be used for the purposes hereinafter provided.

"The Secretary of Agriculture shall forthwith proceed to lease said nitrate plant No. 2 and such other property and equipment at Muscle Shoals as may be required and necessary of the property which has been turned over to him, for a term not exceeding 25 years, beginning not later than January 1, 1931, if practicable, upon such terms and conditions as will promote the large-scale production and distribution, by such method as he has found most successful, of cheap fertilizer for the use of farmers.

"Such lease may, in the discretion of the Secretary of Agriculture, in order to cheapen the cost of fertilizers, be without rental charge to the lessee, except reasonable charges to cover depreciation, maintenance, and repair of the plant as determined by the Secretary of Agriculture.

"The terms and conditions of the lease shall include (1) a stipulation and guaranty with suitable surety bond that the lessee will, as rapidly as possible, increase the production of such plant so that not less than 5,000 tons of fixed nitrogen will be produced and used in the manufacture of fertilizer during the first year of the lease; and, if same can be sold, in each year thereafter an amount exceeding by at least 5,000 tons the amount produced during the preceding year, until 40,000 tons per annum are produced and so used; (2) a stipulation and guaranty that the lessee will install the necessary plant and equipment to carry out the foregoing provisions with respect to production; and (3) a stipulation and guaranty that fertilizers will be manufactured and sold by the lessee at the lowest possible prices consistent with a fair and reasonable return for the lessee, such prices to be equitably adjusted in the lease.

"If no satisfactory lease can be made, subject to condition (2) above, the Secretary of Agriculture may agree to equip the plant for the lessee, as and when needed, from appropriations made out of the special fund.

"(b) If the Secretary of Agriculture is unable to lease nitrate plant No. 2 upon satisfactory terms and conditions, as above provided, he shall proceed as soon as practicable to operate or contract for the operation under his direction of such plant for the manufacture of fertilizers for farmers by the method found by him to be most successful, and dispose of fertilizers so manufactured at cost, which shall include all expenses in connection with the manufacture, except that no allowance shall be made on account of rental for plant No. 2. Within appropriations therefor, the Secretary of Agriculture shall increase the production of such plant so that not less than 5,000 tons of fixed nitrogen will be produced and used in the manufacture of fertilizers during the first year of operation, and, if same can be sold, in each year thereafter an amount exceeding by at least 5,000 tons the amount produced during the preceding year until 40,000 tons per annum are produced and so used.

"(c) For the purposes herein provided, whether nitrate plant No. 2 is operated by a lessee or by the Secretary of Agriculture, the Secretary of Agriculture is authorized to make alterations, modifications, or improvements in existing facilities or equipment of nitrate plant No. 2, to dispose of any part of such facilities, and to construct and operate new equipment and facilities; except that any equipment or facilities now at nitrate plant No. 2, which the Secretary of War considers necessary to retain for the manufacture of explosives for the national defense shall not be disposed of, but shall be retained and kept at all times in a serviceable condition for use.

"(d) Moneys received by the Secretary of Agriculture from sale of fertilizers or from any sale or lease of plant or facilities under this section shall be paid into the special fund provided for in section 5 and such fund shall be available for maintenance, operation, and upkeep of the plant and equipment of nitrate plant No. 2 in addition to the purposes specified in such section.

"(e) In making any lease or any contract for power the Secretary of War shall reserve the right to recapture the amount of power which the Secretary of Agriculture shall estimate may be needed by him under the conditions of this resolution and the same shall be supplied to the Secretary of Agriculture when and as needed, and at prices specified in section 8.

"SEC. 10. The Secretary of War is authorized and directed to maintain nitrate plant No. 2 in reasonably good order and condition until disposed of as provided for in this resolution or as otherwise directed by the Congress.

"SEC. 11. In any lease or contract for power or for the operation of any of the plants herein mentioned reasonable provision shall be made for recapturing and taking over by the United States the properties herein mentioned and cancellation of any contract herein provided for, when, in the opinion of the President of the United States, the national safety or welfare requires.

"The appropriations necessary for carrying out the purposes of this resolution are hereby authorized.

"On page 5, line 11, strike out '9' and insert in lieu thereof '12.'

"On page 5, line 15, strike out '10' and insert in lieu thereof '13.'"

Mr. SMITH. I offer an amendment in the nature of a substitute for the joint resolution (S. J. Res. 46) regarding Muscle Shoals, introduced by the Senator from Nebraska [Mr. NORRIS], and ask to have it printed, printed in the RECORD, and lie on the table.

There being no objection, the amendment was ordered to lie on the table, to be printed, and printed in the RECORD, as follows:

Strike out all after the resolving clause and insert in lieu thereof the following:

DECLARATION OF POLICY

SECTION 1. It is hereby declared to be the policy of the Government of the United States to maintain and improve the plants and facilities specified in section 3 of this resolution and to operate them to the fullest extent in order to further provide for the national defense by insuring an adequate supply of nitrates for use in time of war and to promote agriculture through the development of cheaper commercial fertilizers, it being the intent of this resolution that in time of peace such plants and facilities shall be operated solely for the benefit of agriculture.

MUSCLE SHOALS COMMISSION

SEC. 2. (a) There is hereby established a commission to be known as the Muscle Shoals commission (hereinafter in this resolution referred to as the "commission") to be composed of the Secretary of War and the Secretary of Agriculture.

(b) The commission shall continue in existence for a period of 10 years unless sooner terminated by act of Congress.

TRANSFER OF PLANTS AND FACILITIES

SEC. 3. The United States nitrate plants Nos. 1 and 2, located, respectively, at Sheffield, Ala., and Muscle Shoals, Ala., together with all real estate and buildings used in connection therewith, all tools, machinery, equipment, accessories, and materials thereunto belonging, and all laboratories and plants used as auxiliaries thereto; the fixed nitrogen research laboratory; the Waco limestone quarry in Alabama; and Dam No. 2, located in the Tennessee River at Muscle Shoals, its power house, and all of its hydroelectric operating appurtenances (except the locks), and all machinery, lands, and buildings in connection therewith, are hereby transferred to the commission for use by it in executing the functions vested in it by this resolution.

FUNCTIONS OF COMMISSION

SEC. 4. In carrying out the provisions of this resolution all functions vested in the President by the first two paragraphs of section 124 of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916 (including such of those functions as are now being exercised by the Secretary of War and the Secretary of Agriculture, respectively), shall, subject, to the approval of the President, be exercised by the commission.

DEVELOPMENT OF POWER

SEC. 5. (a) The commission is authorized and directed to utilize to the fullest extent the plants and facilities made available to it under section 3, and to construct, maintain, and operate such additional plants and facilities as it considers necessary, for the development of power by steam or water for the purposes specified in section 6. Any excess power developed may be disposed of, under such terms and conditions as the commission may prescribe, to any State or political subdivision thereof, or to any individual, partnership, association, or corporation.

(b) The commission shall give preference, in the disposition of such excess power, to the power requirements of States, political subdivisions of States, and public-service companies.

(c) In order to dispose of such power in the manner which the commossion considers most advantageous to the United States and to the public interest, the commission may enter into leases for terms of years, may make contracts, may construct and/or operate either singly or with any State or political subdivision thereof, or any individual, partnership, association, or corporation, transmission lines or other power projects, and do all other acts which it considers necessary to effectuate the purposes of this resolution.

PRODUCTION OF FERTILIZER

SEC. 6. (a) In order to further develop the art of nitrogen fixation, experiments shall be undertaken to produce mixed fertilizers on a commercial scale, so that the actual cost of such fertilizers may be determined. Fertilizers produced as a result of such experiments shall be offered to farmers, farm organizations, and to dealers at such prices as will cover the cost of production; or in the event that the cost of production of such fertilizers is excessive, they shall be offered at prices which the commission finds fair in order to meet commercial competition. In order that definite results may be obtained in such experiments, the facilities and equipment for each such experiment shall be utilized until it is satisfactorily shown that it is or is not commercially feasible to produce fertilizers by the method or process used in such experiment. The result of each such experiment and a statement of cost and sale prices of the fertilizers so produced shall be reported to Congress in the annual report provided for in section 10.

(b) Whenever the commission determines that it is commercially feasible to produce any such fertilizer, it shall be produced in the largest quantities practicable, and shall be disposed of at the lowest prices practicable, to meet the agricultural demands therefor, and to effectuate the purposes of this resolution.

(c) The commission is authorized to make alterations, modifications, or improvements in existing plants and facilities, to dispose of any part of such facilities, and to construct and operate new plants and facilities, in order to properly effectuate the provisions of this section.

MUSCLE SHOALS FUND

SEC. 7. There is hereby established in the Treasury a fund to be known as the "Muscle Shoals fund," and all amounts received by the commission in executing the functions vested in it by this resolution, together with all amounts appropriated or made available by section 8, shall be covered into such fund, and are reserved, set aside, and appropriated to be available for use by the commission in accordance with the provisions of this resolution. If at any time the commission determines that there is accumulated in such fund an amount in excess of that necessary to carry out the provisions of this resolution, such amount shall be covered into the Treasury as miscellaneous receipts.

APPROPRIATIONS

SEC. 8. (a) All unexpended balances of the amount appropriated under section 124 of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, and all unexpended balances of appropriations made for Muscle Shoals under any act making appropriations for the military and nonmilitary activities of the War Department are hereby transferred to the Muscle Shoals fund and made available for expenditure as are other amounts in such fund.

(b) There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000,000, to be available until expended for the purposes of this resolution.

PERSONNEL

SEC. 9. (a) The commission may (1) appoint and fix the salaries of such advisers and experts and, in accordance with the civil service laws appoint, and, in accordance with the classification act of 1923, fix the compensation of, such other officers and employees, and (2) make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for law books, periodicals, and books of reference, and for printing and binding) as may be necessary for the execution of the functions vested in the commission and as may be provided for by the Congress from time to time.

(b) The commission shall, to the extent deemed advisable by it, exercise its functions by and through the Department of War and the Department of Agriculture, and the engineering, technical, clerical, and other personnel of such departments. The Secretary of War and the Secretary of Agriculture shall detail for service with the commission such of the personnel of their respective departments as the commission deems necessary in carrying out the provisions of this resolution.

ANNUAL REPORT AND REGULATIONS

SEC. 10. (a) The commission shall submit to Congress at the beginning of each regular session a detailed report of its operations for the preceding fiscal year.

(b) The commission is authorized to make such regulations as may be necessary to effectuate the functions vested in it by this resolution.

PROVISION FOR NATIONAL DEFENSE

SEC. 11. The commission shall utilize the plants and facilities under its jurisdiction and shall dispose of the power developed under authority of section 5 in such manner and subject to the limitation that in the event of a national emergency such plants and facilities and such power shall be immediately available for use by the United States for the national defense.

SHORT TITLE

SEC. 12. This resolution may be cited as the "Muscle Shoals resolution of 1928."

Amend the title so as to read: "Joint resolution to create a commission for Muscle Shoals, and for other purposes."

CHANGE OF REFERENCE

Mr. JONES. Mr. President, some time ago I introduced the bill (S. 735) authorizing the conversion of the United States Veterans' Hospital No. 94, at American Lake, Wash., from a neuropsychopathic hospital into a general medical and surgical hospital, and authorizing an appropriation therefor. The bill was referred to the Committee on Public Buildings and Grounds. I understand, however, that the Finance Committee has dealt with measures of this kind in the past and apparently has jurisdiction over them. So I ask that the Committee on Public Buildings and Grounds may be discharged from the further consideration of the bill indicated by me and that the bill may be referred to the Committee on Finance.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, it is so ordered.

RECODIFICATION OF MARITIME LAW FOR WAR TIMES

On motion of Mr. BORAH, the resolution (S. Res. 157) favoring a restatement and recodification of the rules of maritime law in time of war was taken from the table and referred to the Committee on Foreign Relations.

INVESTIGATION OF BREAD PRICES

Mr. WALSH of Montana. Mr. President, there was transmitted by the Federal Trade Commission under date of January 11, 1928, a final report made pursuant to a resolution of the Senate, No. 163, agreed to February 16, 1924, directing an inquiry into the monopolization of the production of bread. I ask that it be referred to the Committee on Printing.

The VICE PRESIDENT. Without objection, it is so ordered.

ANNUAL REPORTS OF DISTRICT PUBLIC UTILITY COMPANIES

Mr. CAPPER. Mr. President, the law requires the public utility corporations of the District of Columbia to file with this body an annual report. All eight of the public utilities have filed with the Presiding Officer their annual reports for the year ending December 31, 1927. I ask unanimous consent that, in accordance with the usual practice, these reports may be printed as a Senate document.

There being no objection, the order was agreed to, and it was reduced to writing, as follows:

Ordered, That the annual reports of the following-named public utility companies in the District of Columbia for the year ending December 31, 1927, heretofore transmitted to the Senate, be printed as a Senate document: Capital Traction Co.; Chesapeake & Potomac Telephone Co.; Georgetown Barge, Dock, Elevator & Railway Co.; Potomac Electric Power Co.; Washington Gas Light Co.; Georgetown Gas Light Co.; Washington Railway & Electric Co.; and Washington Interurban Railroad Co.

STATISTICS RELATIVE TO UNEMPLOYMENT

The VICE PRESIDENT. Resolutions coming over from a preceding day are in order, and the Chair lays before the Senate a resolution, which will be read.

The Chief Clerk read the resolution (S. Res. 147) submitted by Mr. WAGNER February 15, 1928, as follows:

Whereas it is essential to the intelligent conduct of private and public business enterprises, to the proper timing for the inauguration of public works by the Federal Government, and the encouragement of similar undertakings by the States, to the formulation of sound economic policy, and it is prerequisite to the provision of relief against the hardship of unemployment and to the ultimate solution of the unemployment that accurate and all-inclusive statistics of employment and unemployment be had at frequent intervals; and

Whereas it is apparent that the United States is now suffering from a decided growth of unemployment, and no nation-wide statistics of unemployment in the United States are anywhere available:

Resolved, That the Secretary of Labor is hereby directed (1) to investigate and compute the extent of unemployment in the United States and make report thereon to the Senate, and together therewith to report the methods and devices whereby the investigation and computation shall have been made; (2) to investigate the method whereby frequent periodic report of the number of unemployed in the United States and permanent statistics thereof may hereafter be had and made available, and make report thereon to the Senate.

Mr. WAGNER. Very little need be said, Mr. President, for this resolution, because it speaks for itself in tones none of us can disregard. The need for the information which it requests from authoritative governmental sources is both obvious and urgent; it is reflected in the growing bread lines, in the larger number of men and women seeking work, in a constantly decreasing return for the worker, in a lowered standard of living for a large portion of our people, and in an economic loss that amounts to millions of dollars. For the present lack of such vital information I do not intend to criticize anyone, although the need has been evident for years.

It has been charged that some political scheme lurks behind this simple, humane resolution. Mr. President, if there were political advantage to be gained by an individual or a party through espousing the cause of the unemployed there would now be no need for this resolution. The problem of involuntary idleness would have been tackled long ago. This resolution speaks for millions who have no other means of self-expression. They have no great publicity organ proclaiming their plight from housetops or headlines. They can afford no expensive lobby in Washington. They can make no large campaign contributions to political parties. They ask no charity for all that; they ask what, I believe, the Government is obligated to give them—stimulation and encouragement so that they may earn their daily bread. This is not alone a humanitarian proposal; the solution of the problem of unemployment, if there is one, affects government and society as well as the individuals involved. It touches the very economic welfare of the Nation, and they are blind who attempt to look the other way when such a shadow casts its dark influence across the social and industrial order.

The situation we face now is not merely a temporary phenomenon. I believe it differs radically from the sort of unemployment which followed the armistice and the period of deflation. We are facing a change in industrial organization, and one which, in some respects, is as revolutionary as that which occurred in the beginning of the last century. Because it has come more slowly we are not so conscious of it; but it presages, in my opinion, a system that will bring new problems in its train. From farm and country there flows a steady stream of boys and girls to the city, seeking the advantages to be gained from urban life and searching for industrial or commercial employment. They no sooner reach the cities than they find small concerns becoming merged into larger and more economically operated units; they find one machine, the result of a recent invention, perhaps, accomplishing the task of a hundred workers. They are caught between the lack of opportunity on the farms at home and the Darwinian process of the survival of the fittest in the cities. Many are compelled to join the aimless floaters of society. Unless they can be given more permanent and profitable anchorage they may in time become a threat to civilized society. The evils we read about to-day on every front page at our breakfast table often spring from this very situation. If these floating fragments of our

population are to find mooring somewhere, we must provide them with some basis for security; and, with the exception of such fundamental things as religion and education, I know of no more stabilizing influence than the assurance of a steady job at a living if not what has come to be known as a "cultural wage."

The cityward drift of population, the increasing size of the industrial unit, and the corporate enterprises are making an ever-increasing proportion of our population depend upon wages as the sole means of gaining a livelihood. Wages, of course, depend upon employment; and the American workers know no greater fear than the fear of the loss of employment. If we are going to provide any basis of security for American life, we must at once begin to chart the phenomena of employment and unemployment and, in so far as it is possible, to subject them to our control. Exact information regarding the various phases of this problem is the essential need of American economic life. There can be no cure without recognition of the existence of the disease and a scientific diagnosis. Surely the genius which has created our highly complicated industrial system—one of the wonders of the world—can discover the remedy, or at least bring to bear some mitigating influence.

I note a tendency on the part of some public officials and economists to characterize as alarmists those who venture to focus attention on this unpleasant, unsolved problem; but it is one that must be faced. In a negative way President Coolidge recognized its importance in his last message to Congress, for he assigned the most important place in that message to this very question. In his very first paragraph he said:

> Wages are at a very high range. Employment is plentiful.

I wish the President would inform the Congress where he obtained that optimistic information. Where did he learn that "wages are at a high range"? Who told him that "employment is plentiful"? At a recent press conference, the press informs us, he discussed prosperity in glowing terms, but he said not a word about unemployment. Surely he has not consulted with statistical or industrial experts in his Department of Labor, for he would not have secured this information there. The data with which they would have supplied him, had he asked for it or cared for it, would have been quite different.

Let us consider how "plentiful" employment really is. As far back as last June the Commissioner of Labor Statistics would have informed the President that employment and wages were at a lower level than in 1926. Had the President studied the figures for November—the month during which he was preparing his message—he would have found that 15 of every 100 men engaged in manufacturing in 1923 had been dropped from the pay rolls by November, 1927, and that situation prevailed throughout the whole United States.

And where did he get his information concerning "the high range of wages"? I find no footnotes in the message giving his authorities. Had he consulted his own experts, including the Bureau of Labor Statistics, they would have informed him that total wages paid had declined as steadily as the volume of employment.

He could have found all kinds of evidence justifying a conclusion quite contrary to that he gave to the Congress in reporting on the state of the Union. Labor Department reports, statistics of employment offices, the human documents of welfare and charitable organizations, railroad records, industrial and commercial data, stories of business failures and farm foreclosures—all these would have spelled out for him in sharp, poignant letters that this country was then and is now in the grip of an unemployment problem so acute that it can not be neglected. Not even a believer in the most laissez-faire sort of government can disregard facts which not only picture a panorama of human hardship but reflect a situation that menaces orderly society and government.

Much evidence of unemployment has been collected and set down for all who care to consult it. I shall but summarize it briefly:

(1) Reports of the Bureau of Labor Statistics show a decline of more than 15 per cent in the number employed in manufacturing establishments. This, of course, does not completely show the extent of unemployment, for many still on the pay roll are employed only part time and are therefore partially unemployed.

(2) A decline of 13 per cent in the forces employed by Class I railroads of the country and a drop in freight-car loadings, with the lessened business activity which that portends.

(3) A sharp increase in the ratio of applicants for work to the number of positions listed by employment agencies.

(4) Account must further be taken of two additional factors, namely, that there has been at least a 5 per cent increase of population between 1923 and 1928, thereby increasing considerably the number seeking employment, and a net flow of population from farm to city of 3,100,000. Of this number, approximately 1,000,000 are in the wage-earning class.

The latest report of the Bureau of Labor Statistics, which is that for January, 1928, reveals that the barometer of factory employment continues to fall. Only a week ago the American Federation of Labor reported that one of every six of its members was out of work. Inasmuch as this applies largely to skilled labor, it seems obvious that the unskilled laborer is in an even more unfortunate position.

I can not say who furnished the President this misinformation about high wages and plentiful employment at a time when all the signs and all the evidence indicated that wages were dropping, and the ranks of the discontented were daily being recruited by new armies of the unemployed; but I do know that it was a grave responsibility to lull the Congress and the Nation into the belief that conditions were satisfactory. Its effect was to lead to congressional and national inaction, so that the crisis was permitted to become more acute. Three months, during which preliminary surveys might have been made, have slipped by; but to this day the administration has not yet decided whether to admit or deny the facts—whether to admit or deny the existence of an unemployment situation rivaling that of 1920. The administration, it would appear, is so blinded from gazing at the side of the shield which reflects prosperity that it can not bear to look upon the darker side. Conflicting reports come from the various departments charged with keeping us informed on this grave subject.

From Mr. Hoover's Department of Commerce, that watchtower of the administration that sees all, hears all, and knows all, the trumpets blare forth that all is well. Mr. Hoover's bright young men have scanned the horizon from California to Ohio, from the flooded areas to Vermont, all across the Nation, to discover not a single idle man. But if you adjust your receiver so as to tune in on the Department of Labor, you hear the admission:

"Yes; we have unemployment; why not admit it?"

Meanwhile, there come from private sources the usual mass of estimates, guesses, and surmises. Four million people, I am informed, is a conservative estimate of the number of those out of work. Four million people able and willing to work with no work for them to do.

If it is true that 4,000,000 men are out of work, it means that one of every ten of our wage earners is in idleness. We can only surmise how many are dependent upon that 4,000,000. Some say it represents a total population, men, women, and children, of 12,000,000 people, or more than the combined population of the first eight States taken in alphabetical order. If some great flood or calamity had removed such an army from productive enterprises, it would have stirred the Government and the Nation to relief measures commensurate with the problem. But because the unemployed have been with us so often in recent years, because the phenomenon is not heralded and accompanied by thunder and lightning and storm, we barely pause to pay it our respects. The Mississippi floods play no greater havoc with society than repeated epidemics of unemployment. Our social and industrial system, which is after all a delicate, tremulous thing, may yet stand or fall upon our solution of this basic, far-reaching, all-inclusive problem. With bread lines and idleness come diminution in purchasing power, a gradual slackening of business and industry and greater unemployment. Behind this economic curtain stalk misery, want, hunger, and discontent in all our cities.

Thus the vicious circle rotates as it always has during régimes of "normalcy" and so-called "economy." Twin sister to normalcy, it seems, is unemployment among a large portion of our people. The enormous loss of wealth from the present situation is almost beyond computation. Four million workers out of work who might be making an average of $5 a day represents $20,000,000 worth of earning and buying power. While our apostles of economy at Washington are doing away with drinking cups, paper clips, and pencils, and boasting of it in yearly reports, the flood gates of waste are open wide to permit the disappearance of $20,000,000 worth of human power. Millions are going without work and without sufficient food in our cities, while the farmers complain of surplus crops and consequent low prices.

Unfortunately, this administration and that which preceded it seem not to have profited from experience. More than seven years ago this country was suffering from the postwar condition of unemployment. The President called a conference to devise measures of emergency relief and methods of permanent correction. Now, is not the time to discuss whether that conference was successful in its endeavors. But we can review its discussions and accomplishments as a warning that we should not repeat the experience.

I read in the press that that conference is to be revived, or at least that one of its committees is to be resuscitated. It is not my purpose to disparage the efforts of any group of our people that take it upon themselves to attempt a solution of unemployment. But I believe that the time has now come when action must be taken, when responsibility must be placed upon the shoulders of those who are by law charged with its assumption.

Read in the light of seven years' experience one simple but fundamental idea stands out as the topmost recommendation of the conference of 1921: The need of more and better information.

Every committee, every subcommittee, and the conference itself invariably returned to this as its central theme and reiterated the common disappointment over the total lack of statistical data. Little could be accomplished because there was no basis upon which to begin. The conclusion reached was that no progress in the solution of this question could be made until accurate and nation-wide statistics of employment and unemployment conditions were available. In the report of the conference, which I have here, I find ten consecutive pages devoted to a discussion of the need of adequate information on the general subject. I ask leave at this point to print in the RECORD as part of my remarks a few excerpts from that report.

The PRESIDING OFFICER (Mr. FESS in the chair). Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

REPORT OF THE PRESIDENT'S CONFERENCE ON UNEMPLOYMENT, 1921

GENERAL RECOMMENDATIONS OF THE CONFERENCE FOR AN EMERGENCY PROGRAM

(Page 19)

(1) * * * The conference finds that there are variously estimated from three and one-half to five and one-half millions unemployed, and there is a much greater number dependent upon them.

REPORT OF THE COMMITTEE ON UNEMPLOYMENT STATISTICS

(Page 39)

* * * The first step in meeting the emergency of unemployment intelligently is to know its extent and character, yet this conference finds itself without the data even for an accurate estimate of the number out of work; nor is this the first occasion when public conferences have been embarrassed by a lack of such necessary facts.

OUTLINE OF PERMANENT EMPLOYMENT SYSTEM

(Page 77)

* * * For the purpose of bringing about coordination the Federal Government should (a) collect, compile, and make available statistical information.

EXCERPT FROM REPORT ON LONG-RANGE PLANNING OF PUBLIC WORKS

(Page 100)

(1) Fortify the United States Employment Service to enable it to obtain regular unemployment index figures, so that knowledge may be had when public work should be stimulated or retarded, based upon reliable and complete employment statistics.

REPORT ON PERMANENT MEASURES BY THE COMMITTEE ON MANUFACTURES, OCTOBER 12, 1921

STATISTICAL INFORMATION ON UNEMPLOYMENT

(Page 142)

There should be established immediately within the Department of Labor a bureau for the purpose of gathering and disseminating monthly, or as much oftener as circumstances may require, statistical information upon the state of employment, these statistics to be gathered by zones by telephone, telegraph, and wireless and distributed as weather reports are now distributed, the bureau serving as an industrial barometer for the entire Nation.

UNEMPLOYMENT AND BUSINESS CYCLES—THE LONG VIEW

DATA NEEDED TO DIRECT AND CONTROL

(Page 160)

In order to guide such a policy, it is fundamental that an accurate statistical service be organized for determining the volume of production of stocks and consumption of commodities and the volume of construction in progress through the Nation and an accurate return of the actual and not theoretical unemployment.

In the introduction to the report on "BUSINESS CYCLES AND UNEMPLOYMENT"—1923:

"The general conclusion of the committee is that as the slumps are in the main due to the wastes, extravagance, speculation, inflation, overexpansion, and inefficiency in production, developed during the booms, the strategic point of attack, therefore, is the reduction of these evils, mainly through the provision for such current economic information as will show the signs of danger and its more general understanding and use by producers, distributors, and banks, inducing more constructive and safer policies."

In the body of the recommendations made by the committee, which are signed by Owen D. Young as chairman, Clarence M. Woolley, Joseph H. Defrees, Matthew Woll, Mary Van Kleeck, and Edward Eyre Hunt, it is stated:

"Of the various data needed, statistics of employment are highly important and are being collected with increasing efficiency by the Federal Bureau of Labor Statistics. Conditions in business are invariably reflected in the volume of employment. Employment statistics that reflect the economic welfare of wage earners are information of the greatest social importance."

And again in connection with its suggestions for the solution of unemployment the committee reports:

"Certain inherent difficulties immediately become apparent. One of them, as the committee has already pointed out, is the lack of essential data to determine the amount of unemployment, not to mention the unemployment specifically due to the business cycle."

The closing paragraph of the committee's report is as follows:

"In conclusion the committee would reiterate its conviction that unless business men, banks, and others who are responsible for policies and practices in industry begin without delay to study and to act in order to meet the problem of unemployment and business cycles, solutions which may prove to be fundamentally unsound will be attempted without the benefit of practical experience. No problem before the business world to-day offers a more inspiring challenge to sound industrial leadership."

Mr. WAGNER. Mr. President, this conference, though summoned to discuss and ascertain the scope of unemployment, was compelled, for want of definite data, to report that the number of out of work was from three and a half to five and a half millions. I shall read but a single sentence from the report:

The first step in meeting the emergency of unemployment intelligently is to know its extent and character, yet this conference finds itself without the data even for an accurate estimate of the number out of work; nor is this the first occasion when public conferences have been embarrassed by lack of such necessary facts.

I do not think I am mistaken in noting a tone of caustic impatience in the criticism made by the men called to Washington to solve a problem which those in authority at the time had not even measured. It surely can be interpreted as a warning that steps should be taken and machinery established so that no similar body would be placed in the same predicament at some future date. Yet if another conference is called, it will labor under the same handicap which marked the other. For seven years that single and unanimous resolution setting forth the need of exact information has lain in some departmental pigeonhole gathering the dust of prosperity. For seven years this administration had that warning confronting it, but nothing has been done. Should another conference meet here, will it not be compelled to bemoan the unemployment crisis and then point out, in the words of its predecessor, that "the first step in meeting the emergency of unemployment intelligently is to know its extent and character"?

The purpose of my resolution is to carry out the 7-year-old suggestion—that is all. There have been seven years too many of delay. Let us do what we can to remedy the great mistake that has been made. Let us not continue stupidly to permit the plague of unemployment to find us unprepared to cope with it.

Speech making will not solve unemployment. If we are going to rely on the oratorical generalities that have characterized our sallies against unemployment in the past, we shall again fail as miserably as we have in the past. The Nation demands action by the responsible officials of the Government, and the first step that it wants them to take is to inform us how many are out of work, who are they, where are they, what work are they fitted to do, what jobs are available for them. These are questions which must be answered if we are to reduce unemployment to a minimum and give greater stability and security to American life.

We want them to erect a system that will enable us to foretell when we might expect lassitude or inactivity in private enterprise so that Government, Federal, State, and municipal, public utilities, and large private enterprise that can afford to plan in advance may step in and add impetus to the slackening wheels of industry and commerce. We want them to provide us with the information so that we can foretell when there will be undue demand upon our working forces so that the Government may step out and not add its competitive bid to the demands of private enterprise. We want information that will enable us to know the extent of displacement of workers

by reason of the advance of the technique in production and the further mechanization of industry.

The gathering of this information must be the first step. Where that will lead to no one can foretell. But that it is only a step and not the whole journey is plain. We may as well determine right here and now that we are going to wage relentless war until we abolish involuntary idleness as surely as we abolished involuntary servitude.

We need unemployment statistics for several additional reasons. In this country we have a great system of private and public machinery of relief which wants to be kept advised of the current unemployment situation and needs to have statistical material built up so that it can foretell in advance how to budget its resources, when to intensify collection, when to be less generous in its distribution, when it can afford to be liberal with the applicants for aid.

Unemployment statistics are essential to the intelligent conduct of business because unemployment curtails demand and consumption of commodities. The farmer and the business man are, therefore, entitled to know how the employment situation will affect the demand for their products and thus more intelligently to guide their production.

There have been remarks to the effect that we already have the information I am asking for. If we have any figures or data which throw light on the great question of unemployment, I would like to see them. I would like to ask those who claim to know if they can tell me how many men are out of work. Who are they? What types of workers are they? Where are they located—what sections of the country and what industries? What work can they do? Are they skilled or unskilled laborers? What are the prospects for finding them work? What attempt has been made to discover whether unemployed workers and work can be brought together? There are no answers to these questions.

Here is merely one example of the lack of definite information. On the same day there came from two governmental departments two diverse reports regarding unemployment. Dr. Julius Klein, director of the Bureau of Foreign and Domestic Commerce of the Department of Commerce, publicly advised the Nation that there was no unemployment. He said:

> What has happened to the many thousands who have admittedly been displaced in our factories by machinery? The answer is simple. They have gone into nonmanufacturing pursuits.

Secretary of Labor Davis said on the selfsame day:

> We have unemployment in this country. Everyone knows it; why not admit it?

In the next sentence Secretary Davis seems to prove the point I am trying to call to the attention of the Senate:

> As to the total number of people now unemployed, a number of estimates are going the rounds. My own guess is that these are somewhat exaggerated.

If there are definite figures and information, why these conflicting reports? Why must the Secretary of Labor, who ought to be at least the custodian of such reports, hazard a "guess" as to the number unemployed?

Even within the offices of one department there is confusion and controversy over this question. On February 17 the newspapers gave to the country the cheering news that the future of the unemployed was about to brighten. The information came from the United States Employment Service. The New York Times carried this headline: "Work increases in big industries." The Washington Star reported "A brighter outlook for future held by Federal employment agency." Yet, on the same day, the Bureau of Labor Statistics issued official reports indicating a further depression in manufacturing industries during the month of January.

In December the President said "employment was plentiful." In January two departments disagree on their conclusions and opinions. And in February a single department issues contradictory reports. There is no escape from the conclusion that accurate and precise information concerning employment and unemployment is not yet available.

I realize the difficulties incident to securing unemplyoment statistics. That is the reason I have confined my resolution to a fairly limited scope. It primarily requests the department to study the possible ways of obtaining data. It may, and I hope it will, lead to the consideration of questions of policy and improvements that will be debated on this floor. The hour is late for a country like the United States to be doing no more than brushing the surface of this problem, but surely we should make up for past delinquency.

"The old order changeth, giving way to the new." We are living in new days, new eras in fact. We are on the threshold of a new industrial age, one which can be made a blessing to mankind despite temporary hardships. To-day's unemployment is the penalty we are paying for industrial advances made during and since the war. But it is incumbent on us to keep pace with this new development. So-called cyclical unemployment or idleness caused by ordinary depressions contain their own cure as business swings upward again. But to-day's unemployment problem is not of that simple understandable kind. For that reason we can not sit back and await the upward turn of the cycle.

Nations are not made great by their machinery but by their men. We have bestowed much attention on the improvement of our machinery. Our greater task is now to focus it on the perfection of our manhood.

Mr. President, I ask to have printed as a part of my remarks communications and extracts from documents bearing on this subject.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

[From Employment in Selected Manufacturing Industries, December, 1927, United States Department of Labor, Bureau of Labor Statistics]

General indexes of employment and pay-roll totals in manufacturing industries, January, 1923, to December, 1927

[Monthly average, 1923=100]

Month	Employment				
	1923	1924	1925	1926	1927
January	98.0	95.4	90.0	92.3	89.4
February	99.6	96.6	91.6	93.3	91.0
March	101.8	96.4	92.3	93.7	91.4
April	101.8	94.5	92.1	92.8	90.6
May	101.8	90.8	90.9	91.7	89.7
June	101.9	87.9	90.1	91.3	89.1
July	100.4	84.8	89.3	89.8	87.3
August	99.7	85.0	89.9	90.7	87.4
September	99.8	86.7	90.9	92.2	88.9
October	99.3	87.9	92.3	92.5	87.6
November	98.7	87.8	92.5	91.4	85.9
December	96.9	89.4	92.6	90.9	85.1
Average	100.0	90.3	91.2	91.9	88.5

Month	Pay-roll totals				
	1923	1924	1925	1926	1927
January	91.8	94.5	90.0	93.9	90.9
February	95.2	99.4	95.1	97.9	96.4
March	100.3	99.0	96.6	99.1	97.7
April	101.3	96.9	94.2	97.2	96.6
May	104.8	92.4	94.4	95.6	95.6
June	104.7	87.0	91.7	95.5	93.3
July	99.9	80.8	89.6	91.2	89.1
August	99.3	83.5	91.4	94.6	91.0
September	100.0	86.0	90.4	95.1	90.1
October	102.3	88.5	96.2	98.6	91.2
November	101.0	87.6	96.2	95.4	87.8
December	98.9	91.7	97.3	95.6	89.3
Average	100.0	90.6	93.6	95.8	92.4

We sell good wood at current prices to help the unemployed.

Days' work given

1926:	
September	145
October	173
November	193
December	275
1927:	
January	400
September	215
October	306
November	394
December	1,032
1928:	
January	2,325

The need is plain. Our yard is overstocked. We must sell more to keep men at work. Prices are given on inclosed card.

WOOD YARD OF THE CHARITY ORGANIZATION SOCIETY,
516 West Twenty-eighth Street, New York, N. Y.

FEBRUARY 21, 1928.

Hon. ROBERT F. WAGNER,
United States Senate, Washington, D. C.

DEAR SENATOR WAGNER: I have not had the pleasure of writing you since your election to office, but your resolution proposing an investigation of the unemployment in the United States by the Labor Department impels me to bring to your attention some facts which I have been studying for some time past. I have also written to the governor

regarding this subject, as I have previously on other questions of public welfare.

I am a member of the "Action" Membership Corporation (Inc.), an organization formed to develop ways and means to "prevent the need of charity for those willing and able to work." This refers particularly to the inclination on the part of modern employers to eliminate the middle-aged and older men and women—drawing a line in many instances at the age of 30 to 35—which is really not middle age. Such procedure seems absolutely unethical and against the best laws of efficiency and production, and certainly something should be done to curtail this growing tendency, either through legislation or otherwise.

As an example of what I contend—that there is a concerted movement working against the older men and women, enforcing hardship upon them and no doubt a representative proportion of the unemployed at this very time, which will ultimately compel them, not because they would desire it but because no other way may be open, to seek public aid—I inclose an advertisement of a commercial employment agency which appeared only last Sunday, and which definitely states that the "present-day openings are for girls 20 to 26 years." I think such advertising should be discouraged by the press and in other channels of publicity in view, first, of the distressing unemployment situation, and, second, because such agencies function under a State license for public use. I feel, too, that the condition of unemployment does not go deeply enough into the question of the large number of women out of work and that the State and Federal Government should develop emergency measures to assist them as well as men.

I believe I have given you some of the pertinent facts gathered by myself, and that you will, Senator WAGNER, after Secretary Davis presents his survey, use your good offices in bringing about some solution of this serious problem.

With best wishes for your continued success, I am,

Cordially yours,

HENRIETTE S. MICHAEL,
52½ West One hundred and sixty-ninth Street, New York, N. Y.

STATE OF NEW YORK, EXECUTIVE CHAMBER,
Albany, February 4, 1928.

Hon. JAMES A. HAMILTON,
Industrial Commissioner, 124 East Twenty-eighth Street,
New York City.

DEAR COMMISSIONER: There have been brought to my attention reports of a serious condition of unemployment affecting the city and the State of New York at the present time. I understand that some of this is caused by the drifting into New York of men from other parts of the country where unemployment is also making itself felt. Whatever the cause, there is, I believe, considerable suffering as a result.

I should like to be fully informed on these conditions at the earliest possible moment. I would ask, therefore, that you have the division of employment of your department provide me at the earliest possible moment with a report of the present situation as reflected in the employment bureaus under your department and any other sources of information which you may have.

I would ask also that you make a rapid survey of conditions in New York City, utilizing the sources of information there available.

My purpose in asking for this is to determine whether the State of New York, with its large public-works program, can do anything toward the relief of this situation.

Very truly yours,

ALFRED E. SMITH.

PART I

STATE OF NEW YORK, DEPARTMENT OF LABOR, ALBANY,
New York Office, No. 124 East Twenty-eighth Street,
New York, February 14, 1928.

Hon. ALFRED E. SMITH,
Executive Chamber, the Capitol,
Albany, N. Y.

MY DEAR GOVERNOR: In response to your request for a report upon employment conditions in New York State and New York City, the following is submitted:

As you suggested, this report falls into two parts, the first containing a report of the situation as reflected by the continuous and current reports received regularly by the State department of labor, and the information based upon your request for "a rapid survey of conditions in New York City, utilizing the sources of information there available." In addition to this quick survey of New York City, I have also caused inquiries to be made, through departmental agencies, as to conditions elsewhere in the State and these results are separately summarized.

In the beginning, it may be pointed out that the evidence at hand indicates an extensive amount of unemployment, and that serious distress has been caused. No man can safely predict the future, but it is certainly true that if the present condition is not relieved distress will increase. If industrial conditions grow worse, growing unemployment, with its attendants of want and illness, will become an inevitable result. One has to go back to 1921 to find an employment situation rivaling the present.

EMPLOYMENT IN NEW YORK STATE

No actual census of unemployment has ever been taken in New York State or any other State. In the absence of such a census it is not possible to state exactly how many employable persons are actually out of work at the present time. It is possible, however, to throw light on the matter by consideration of the known facts as to employment. These known facts fall under three headings, namely, factory employment, demand for and supply of labor at the public employment offices operated by this department, and returns as to the number and estimated cost plans for building work.

FACTORY EMPLOYMENT

From reports received regularly by the department of labor there has been evidence of declining employment in New York State. Monthly returns from a carefully chosen list of manufacturers, with approximately 500,000 employees, representative of a wide variety of industries and of localities, and including 35 to 40 per cent of all factory workers in the State, indicate that the year 1927 has been one of decreasing factory employment. Since the spring of 1926, the general level of factory employment has declined, and in December, 1927, the index of such employment was below that of December, 1921. In January, 1928, there was a further decrease of 2 per cent, bringing the index below that of January, 1921.

Over the nearly 15-year period in which these returns have been secured, it has been demonstrated that they constitute a sensitive and reliable index of factory employment. One evidence of their value is the wide publicity given them, not alone in daily papers but in trade and technical journals and in financial and commercial publications as well. Any serious decline in factory employment in New York State, where more than a million and a quarter workers are so engaged, necessarily affects employment in other lines of industry.

EMPLOYMENT IN BUILDING WORK

While the department of labor does not secure returns from building employers comparable to those received from manufacturers, it does receive returns which indicate markedly less building work in 1927 than in the preceding year. The returns received each month from the building departments of 23 cities of New York State as to building permits issued indicate a decrease in the estimated cost of such building work of 13 per cent in 1927, as compared with 1926.

EMPLOYMENT SITUATION IN NEW YORK CITY

To secure further and more detailed light on employment conditions in New York City, I called a conference in my office on February 10. At this conference there were present a committee of 12 persons, appointed by the Welfare Council of New York City; the president of the State Federation of Labor; the president of the Central Trades and Labor Council of New York City; the commissioner of the department of licenses of New York City; the superintendent of the municipal lodging house; and certain representatives of this department. Much fresh and detailed information was presented as to conditions in New York City, all of which was to the effect that unemployment in New York City is serious; that it has grown worse in recent months, and that no outlook for the better is discernible.

Those composing this committee and the specific organizations represented by them were as follows:

James A. Hamilton, industrial commissioner, State department of labor.

Committee appointed by Welfare Council of New York City:

John Philip Bramer, Catholic Charities.

Bailey B. Burritt, general director Association for Improving the Condition of the Poor.

Elizabeth Dutcher, Brooklyn Bureau of Charities.

Homer Folks, secretary State Charities Aid Association and chairman Welfare Council's Executive Council.

Capt. Burger Lindh, Salvation Army, and representing Lower East Side Community Council.

John T. Little, counsel of Seamen's Branch of the Legal Aid Society and chairman Welfare Council's section on seamen.

Solomon Lowenstein, executive director Federation for the Support of Jewish Philanthropic Societies and member Welfare Council's executive committee.

Louise C. Odencrantz, executive secretary Employment Center for the Handicapped and chairman Welfare Council's section on employment and vocational guidance.

Lawson Purdy, general director Charity Organization Society.

Frances Taussig, executive director Jewish Social Service Association and chairman Welfare Council's section on family service.

Jerome H. Bentley, activities secretary Young Men's Christian Association.

William Hodson, executive director Welfare Council.

John Halkett, president Building Trades Council of New York City.

John Ryan, president Central Trades and Labor Council.

John Sullivan, president New York State Federation of Labor.

William F. Quigley, commissioner department of licenses.

Jos. McShane, chief inspector department of licenses.

Edward E. McMahon, superintendent Municipal Lodging House.

Frederic G. Elton, bureau of rehabilitation, State department of education.

Frank Smith, Knights of Columbus.

New York State department of labor:

Eugene B. Patton, director bureau of statistics and information.

Nelle Swartz, director bureau of women in industry.

James Brady, director bureau of industrial relations.

Richard A. Flinn, chief division of employment.

Attached to this report is the memorandum prepared by the research bureau of the Welfare Council. This organization represents more than 1,000 private, voluntary, relief organizations in New York City. I can not better summarize their findings as to conditions in New York City than to quote here a part of the report of their research bureau. Thanks are due the Welfare Council for their interest and valuable assistance.

Present employment situation in New York City as reported by employment and welfare agencies:

(1) State employment service.
(2) Voluntary employment agencies.
(3) Family service agencies.
(4) Seamen.
(5) Homeless men.

The New York State employment service, voluntary employment agencies, and welfare agencies were asked to compare employment conditions as of December, 1926, and December, 1927. Their reports have been summarized as follows:

1. STATE EMPLOYMENT SERVICE

The employment service of the New York State Department of Labor gave a detailed report for its offices in Manhattan, Brooklyn, Bronx, and the office for negroes in Harlem for the five-week period from November 29 to December 31, 1926, and the corresponding period in 1927. For adults these offices recorded registrations in December, 1926, of 7,205 and in December, 1927, of 5,529, a decrease of 1,674, or 23.2 per cent. The juvenile registrations, however, showed an increase from 2,411 in December, 1926, to 2,779 in December, 1927—368, or 15.3 per cent. The total of adult and juvenile registrations—9,614 in December, 1926, and 8,508, in December, 1927—represented a decrease of 1,306, or 13.6 per cent.

Placements showed a larger falling off than registrations, the figures for adults being 5,097 in December, 1926, as compared with 2,846 in December, 1927. Juvenile placements likewise were smaller—1,714 to 1,459 in the two months. The total for placements was 6,811 in December, 1926, and 4,305 in December, 1927, a falling off of 2,506, or 36.6 per cent.

The decline in registrants may be explained by the fact that in times of serious unemployment men flock into the office, and when they hear jobs are not available, turn away without registering. When there is a fair condition of the market with some jobs available a larger proportion of the men who call make formal registration. The largest percentage of registrants is obtained when many jobs are open, since the workmen become eager to move on to better positions. In addition, space in one of the offices is limited and when it becomes congested many turn away immediately, thus reducing still further the number registering.

2. VOLUNTARY EMPLOYMENT AGENCIES

Returns were received from 33 voluntary employment agencies in New York City, 28 dealing with adults and 5 with children, showing the number of applicants in December, 1926, and December, 1927, and the placements for these months. Returns from 30 were available for a comparison of employment at the end of 1926 and 1927.

The total number of applicants for the 30 agencies could not be ascertained from the returns because of different methods of record keeping. Several agencies stated that applications had fallen off as usual in periods of unemployment, for the workers had thought it useless to register. Twenty-two of the 30 agencies reported an increased number of applicants for December, 1927, as compared with December, 1926, and 8 reported a decrease. Nine of these 22 agencies had a decrease in the number of placements. Of the remaining 13, which recorded increases both in applications and placements, 10 showed a less proportional increase for placements than for applications and 3 a greater proportional increase.

Of the 8 reporting a decrease in the number of applicants, 5 showed likewise a decrease in the number of placements, in 4 instances a greater proportional decrease than for applications.

For the whole group of voluntary agencies reporting there were 4,909 placements in December, 1926, and 5,547 in December, 1927. A number of the agencies reported that increased placements indicated that the larger number of applicants permitted better selection, and consequently that a larger proportion of the vacancies notified were filled.

Comment was made in several instances that conditions were much more serious in January than in December; employers' orders were said to be decidedly inactive.

3. FAMILY-SERVICE AGENCIES

The family-service organizations were asked to report the total number of their active "major care" cases, the number in which unemployment due to lack of work was a factor, the total number of cases receiving relief, and the total expenditure for relief. Fifteen returned reports. Of these, 13 had 21,380 active cases in December, 1926, as compared with 23,330 a year later—an increase of 9.1 per cent. Six agencies were able to give information as to the number of instances in which unemployment due to lack of work was considered a factor. They reported 1,155 instances in December, 1926, and 1,821 in December, 1927—an increase of 57.7 per cent. The increases reported by the individual agencies ranged from 36.9 per cent to 131.3 per cent. Thirteen agencies expended $157,933.25 for relief in December, 1926, and in December, 1927, $162,793.11. One agency had made a study of its own cases, because it was feeling "every evidence of the increase in unemployment." This showed for the year 1926 an increase of 11.7 per cent over 1927 in the number of families in which there was a problem of employment.

4. SEAMEN

The 10 seamen's agencies, with one exception, reported increased calls for service. Nine reported expenditures of $1,431.82 for relief in December, 1926, as compared with $2,317.41 in December, 1927, and five gave loans totaling $909.83 in December, 1926, as compared with $1,149.36 during last December. Some of the agencies that did not supply figures volunteered the information that many more seamen were applying than a year ago, twice as many according to one official.

5. HOMELESS MEN

Of four agencies dealing with homeless men, three showed an increase in the number of persons served—from 2,499 in December, 1926, to 2,922 in December, 1927. The fourth agency had a far greater number of applicants in December of 1927, but because of the scarcity of jobs the men stayed a longer time in the institution, thus reducing the total number of those accommodated.

The municipal lodging house in December, 1927, had 17,220 admissions as compared with 10,167 in December, 1926. The calendar year 1927 showed a larger number of admissions in every month than the corresponding month in either of the two preceding years.

* * * * * * *

A tabulation of the number of nonresident individuals (resident in New York less than one year) admitted to the municipal lodging house in New York City has been prepared by the research bureau of the welfare council and submitted to me to-day. For the calendar year 1927 there were 13,121 nonresidents admitted as against 7,198 in 1926, or an increase of 80 per cent.

The New York City department of licenses reported from representative private employment agencies under their supervision as follows:

Commercial agencies (supplying office workers): Ten per cent increase in the number of registered workers and 10 per cent decrease in the number of positions available.

Hotel agencies: Forty per cent decrease in number of jobs and 50 per cent increase in number of workers applying for jobs.

Domestic-servant agencies: Fewer calls for workers.

General agencies: More seekers for work than jobs available. Greater number of applicants than usual from outside of New York State.

The State Charities Aid Association has reported to me to-day a report that of 33 up-State counties reporting to them this week, 18 of them state that conditions are worse than usual at this time of year, with varying degrees of seriousness. It is most pronounced in industrial centers, due to smaller volume of employment in factories, and is most keenly felt by the unskilled, the drifters, the very young, and those with physical handicaps.

It should be pointed out that the conditions above described are not confined to New York City nor to New York State. Reports from other States, and from the United States as a whole, show a similar situation. The United States Bureau of Labor Statistics, with a nation-wide system of factory employment returns similar to that of New York State, likewise reports declining employment in 1927. The same is true of individual States.

A copy of the minutes of the conference held in my office on February 10 is herewith attached.

PART II

In addition to the statistical figures given in Part I, I have had collected by the agents of the department throughout the State the following information. It has been gathered hurriedly, but will be useful in so far as it gives a picture of conditions as they exist. The information was secured in every instance from reliable sources in each community:

BUFFALO

(Population, 538,016)

Unemployed in this city at the present time approximates 35,000 to 40,000 workers. Conditions in the chemical industry, metal and machine group, foundries, steel mills, and the building trades are way below normal for this time of year, while automotive operations and flour milling are in fairly good shape.

The pay-roll records, which comprise approximately one-third of the total number of factory workers in Buffalo, show a decline of 8 per cent in the number of employees since February, 1927, and a decline of 15 per cent since February, 1925.

Forty per cent of the leading building-trade workers are idle; approximately 8,000 unemployed. Retail conditions are not encouraging, although do not indicate a bad condition. It is, however, unsatisfactory, reflecting the result of unemployment.

Relief agencies' figures show that for the first time since 1921 the city mission has organized a bread line, feeding approximately 200 daily. The Erie County Lodging House for the first time since 1921 has opened an emergency annex. The Charity Organization Society, representing private social agencies, reports the heaviest drain on resources since 1921; 30 per cent of the applicants give unemployment as their reason for seeking aid.

The industrial-aid bureau reports the greatest unemployment since 1921.

The free State employment bureau reports 1,200 men applying for work on the three days of February 6, 7, and 8.

ROCHESTER

(Population, 316,786)

The chamber of commerce estimates 10,000 out of work in this city.

In the men's clothing industry, with Rochester the fourth largest market in the country, according to the union approximately 50 per cent of their members are out of work. The bricklayers', masons', and carpenters' unions report 50 per cent of their members out of work (11 per cent more than last year). Of the 22,000 organized trade unionists affiliated with the American Federation of Labor there has been a net decrease in employment of 5 per cent since January, 1927.

The retail stores report that with a pay roll of 7,000 at peak of employment at present time there is a decrease of 3 per cent.

For the independent building contractors, 68 per cent of those normally employed are employed at the present time.

One of the large instrument factories is endeavoring to meet its unemployment problem by part-time work. Another reports 150 applicants for work every day and no jobs.

The city manager states that he realizes that there is an acute unemployment problem and that he is endeavoring to stimulate public work to take care of a part of it.

The Social Welfare League expended for January, 1928, $13,000, as compared to $7,123 in January, 1927, and $4,519 in January, 1926. The next largest disbursement was in February, 1922, which was $8,769.

Out of 65 men applying for work to the State Employment Bureau, at least 50 per cent had been residents of Rochester for more than 16 years. Only 3 had been residents for less than a year, and the whole 65 have been out of work from two to four months.

The chief of police reports that not since 1922 has there been so many applicants for relief as within the last three months.

SYRACUSE

(Population, 182,003)

The various employers' associations estimate the unemployed as between 5,000 and 7,000, with practically one-third of them in the building trades.

The charitable organizations report that the number is greater than this; however, a number of the men applying to these organizations are men with families who are only working part time and are asking the charitable organizations to supplement their wages. Some firms distribute their work among all the workers rather than lay any off.

Seventeen employers were canvassed, representing the largest employers in Syracuse and employing mostly skilled help; they report fairly normal conditions. The unemployment exists among the building trades, casual laborers, and clerical help.

The tendency is also to take or keep on men under 50 years of age and lay off those over 50, so the over-age man is a Syracuse problem.

In the immediate territory of Syracuse, outside of Onondaga County, comes the report that conditions are worse than in Syracuse.

ALBION

(Population, 5,206)

This city has only three small manufacturing plants. One plant works full time; the two others are on half time. The chief of police reports that their police department is filled night after night with men applying for work. They are not human derelicts but factory workers out of employment who have gone to the rural communities in search of work.

BATAVIA

(Population, 15,628)

Six plants report a reduction in the number employed; one has reduced their working force 10 per cent, another 40 per cent, another has been closed for 12 weeks. The three remaining have cut their force by approximately 30 per cent.

EAST ROCHESTER

(Population, 5,883)

Employment is 50 per cent below normal in this village.

FAIRPORT

(Population, 4,441)

Of three plants canvassed one has reduced its force from 375 to 200, another is closed, and the third is normal.

GENEVA

(Population, 15,908)

It is estimated that 70 per cent of the unskilled and 10 per cent of the skilled workers are out of work.

MEDINA

(Population, 6,192)

Of four plants canvassed one is practically closed, two others are working 4 and 4½ days a week, and the fourth is normal.

UTICA

(Population, 101,604)

The secretary of the Industrial Employment Association, an association of employers, estimates 4,500 workers unemployed in this city as against 2,500 at this time last year and 6,500 in 1921. The unemployment exists primarily among the unskilled, except for the building trades.

Fifteen establishments were canvassed, all reporting normal conditions excepting one weaving mill, employing 1,551 workers on full time in 1921, now employs 1,501 on a three and one-half day week and in two weeks will be compelled to shut down completely; and two foundries report employment 30 per cent below normal for this time of year, while in the metal trades, outside of foundries, employment is about normal for this time of year.

In the clothing industry work in the factories is normal; work sent to the home for finishing, etc., has practically been discontinued.

The Associated Charities report 175 men applied for work in December, 1927; 199 in January, 1928; these figures do not include homeless men. That while heretofore the Associated Charities were asked only to supplement men's wages, now they are asked to assume responsibility for family.

ELMIRA

(Population, 48,359)

The free State employment bureau reports that 137 men and women applied for work on four days in February, 1928; for the same four days in February, 1927, 56 men and women applied. The great majority of the unemployed in Elmira are among the unskilled, excepting for railroad men. The trade-unions report 300 of their members out of work.

BINGHAMTON

(Population, 71,915)

The chamber of commerce estimates almost 3,000 men and 500 women out of work.

The department of charities reports that during January, 1928, they gave aid to over 200 families, which is larger than the usual number.

DUNKIRK

(Population, 19,912)

Of three of the largest employing firms canvassed, one company reports 2,000 out of employment; two others are operating with 75 per cent of their normal working force.

ALBANY DISTRICT

From a selected list of firms in Glens Falls, Middletown, Fort Edward, Johnstown, and Amsterdam, conditions are reported about normal for this time of year.

Hudson Falls reports one sulphite mill closed, and one business man reported that in his 32 years' experience he had not known so many men to be out of employment. Of two firms canvassed, Gloversville reports one firm running on part time and one firm employing from 10 to 15 per cent less than a year ago.

Plattsburg reports normal conditions, as does Malone. Of two large firms in Schenectady canvassed, one reports worse conditions than existed in 1921, and another firm which in October, 1927, employed 19,600 now employs 1,200 fewer, some of whom are on part time.

ALBANY

(Population, 117,820)

The State employment bureau reports a decrease in employment of 4 per cent since January, 1927.

Printing and paper products report an improvement in conditions in last few months. Textiles report some part-time work. Shirts and collars, tobacco, the chemical industry, and cement are normal. The metal and machinery industry reports a decrease in employment of about 15 per cent, while the railroad-equipment shops report a short-work week and a lay off of almost a week each month for each employee.

In the electrical-equipment industry, while practically all workers have been retained on the pay roll, a great many are experiencing short-time employment.

In the building trades about one-third are out of work.

NEWBURGH AND KINGSTON

(Population, 30,419 and 28,099)

Report that the employment of women in their vicinities is normal, but that their problem is the lack of work for heads of families.

POUGHKEEPSIE

(Population, 35,670)

Of two firms canvassed, one reports a pay roll of 900, the lowest figure since 1921. Another firm employing 637 workers is adopting a four-day week instead of laying anyone off.

Usually at this time of the year the plants are running to such capacity that they absorb any surplus labor, but not this year. It is estimated that between 200 and 300 are unemployed.

NEW YORK CITY

(Population, 5,873,356)

A serious unemployment condition exists for the colored population. The Urban League reports that while in January, 1927, they had 365 applicants for every 100 jobs, in January, 1928, there were 1,075 applicants for every 100 jobs.

The Bronx Y. M. C. A. reports in January, 1927, 568 applicants for every 100 jobs; in January, 1928, there were 776 applicants for every 100 jobs.

The Vocational Service for Juniors reports that in January, 1927, for minors between 14 and 18 years there were more than enough jobs to go around; in January, 1928, there were no jobs for at least one-third of the children.

The American Legion of Bronx County reports on an average of 100 veterans a week seeking employment; 90 per cent of these are married men with families.

Two large commercial employment agencies placing office and clerical help report 100 per cent increase in the number of applicants for jobs; that these represent no more high-type people than are usually looking for positions but many more so-called second-rate workers.

The Sixth Avenue agencies for hotel and restaurant workers report a stream of applicants in and out all day long, with no available jobs. A great many of them are from outside New York City. Men will take jobs at any wages.

The commissioner of licenses reports that in the commercial employment bureaus in this city the demand for workers is 10 per cent less than last winter, whereas the number seeking work is 10 per cent greater.

Of the skilled workers, the Employing Printers' Association reports more applicants for work in January, 1928, than any month during the last six years.

The Amalgamated Clothing Workers, with a membership of 45,000, report 15,000 out of work, with the year 1927 a "very bad year."

The president of the State Federation of Labor reports an acute employment situation among their members, excepting the United Hat Workers, who are better off than they ever were.

Respectfully submitted.

JAMES A. HAMILTON.

FACTS FOR WORKERS

(A monthly review, published by the Labor Bureau (Inc.), New York, February, 1928)

UNEMPLOYED 4,000,000?

In view of the widespread complaints of unemployment, the Labor Bureau (Inc.) has attempted to estimate the number of those who have lost their jobs and been unable to find others since 1923. Unfortunately, no official figures are available on this subject, since in the United States there is no national system of employment exchanges where those looking for work register. In this respect we are behind most other industrial countries.

We do, however, have some indication of the number employed in various industries. The census gives us these total figures every few years; there is a national index of employment in factories; we have current information about the railways; we can estimate what has happened to coal mining and building employment on the basis of the changes in output. We also know something about the drift of population off the farms, and on this basis can estimate the number going to the city to look for work. Using this material, we have compiled the following table:

Estimated decrease in employment, 1923–1927

	Number employed		Approximate change (increase +) or decrease (−))
	1923	1927 (estimated)	
Manufacturing industries	8,778,156	7,768,668	−1,000,000
Railways (Class I)	1,880,000	1,774,000	−100,000
Coal mines	862,536	787,150	−100,000
Farm workers moved to town			−1,000,000
Building workers	1,415,975	1,701,248	+300,000
Total	13,936,667	12,031,066	−1,900,000

It should be noted that while the number of those employed in building was larger in 1927 than in 1923, it had shrunk from the totals of 1925 and 1926.

These figures account for considerably over one-third of the gainfully occupied population, and indicate a net shrinkage in these occupations of 1,900,000, or over 13 per cent, in the past five years.

In order to know how many are actually jobless, however, we should have to know what has happened to the other occupations, such as forestry, fisheries, metal mining, professional pursuits, amusements, domestic service, and especially merchandising and selling—the distributive trades. We should also have to take account of the growth of population in this period (about 5 per cent).

Assuming that the number of persons of employable age has increased by a minimum of 3,000,000 in these years, due to population growth, we then have to guess whether 4,900,000 altogether can have found employment in the occupations not covered by the table.

The occupations in which growth might have been most expected in these years, with their possible increases, are:

	Possible increase
Professions	200,000
Amusements (movies, etc.)	100,000
Public utilities	200,000
Automobile sales and service	750,000
Other distribution	500,000
Miscellaneous	100,000
Total	1,850,000

These, of course, are mere guesses, but they are extremely liberal estimates, more likely to be too large than too small. It must be remembered that we are speaking of the changes only since 1923, when almost every occupation was active.

The net result is an estimate of 3,000,000 added to the unemployment roll in the past five years, or about 8 per cent of the total gainfully occupied. This is in addition to those unemployed in 1923; we must remember that even in the most prosperous years there is a reservoir of those out of work. Let us say that in that year this reservoir was as low as 1,000,000. We then have 4,000,000 out of work at present, or nearly 10 per cent of the total.

If anything like this is the truth, the Nation is facing an extremely serious situation, which can not be concealed by any amount of stock-market prosperity or business profits. The relief and remedy of unemployment ought to become one of the leading issues of the day.

THE BOWERY MISSION AND YOUNG MEN'S HOME,

New York, February 23, 1928.

Hon. ROBERT F. WAGNER,

United States Senate, Washington, D. C.

DEAR SENATOR WAGNER: Your telegram came to hand last night and I hasten to respond.

Probably the information we have to give you have already received through other sources, but what we can give you we give gladly. In presenting the following I desire to say that our experience in this matter is confined entirely to the Bowery and to unskilled workers, such as dishwashers, cleaners, assistant janitors, porter work, sandwich men, etc.

Last year ending September 1, 1927, we fed 96,393 men, or 264 a day. We are now feeding a trifle over 1,200 men a day and have been for the last 70 days, and even prior to that this extra feeding has been gradually mounting from way into last year. This increase is due not only to unemployment in the city, but we find we have to take care of men from New England and from the coal mines in Pennsylvania. Perhaps the majority of this increase of nine hundred-odd men a day is due to the numbers of men coming in the city from outside; and we have extra demands this year for lodging as well as for clothing.

It is easy to explain why men are coming from Pennsylvania mines, owing to the strike there, and New England, as you no doubt are aware, has been unsettled for two or three years past, and this has been accentuated by the recent floods in that portion of our country. Our information from New England leads us to believe that the depression there is due to several things, mainly the change in women's underclothing from cotton to silk, and from the removal of some of the cotton manufacturers to the South, and the shoe manufacturers to the West.

More remotely, in running back to 1926, we find that the purchasing power and the contributions to the support of this mission coming from the Middle West, the Mississippi Valley, and west of the river, has been due to the oversupply of wheat and the shortage of corn owing to the floods of August and September, 1926. Then, too, from the southland the oversupply of cotton and the floods in the Mississippi River. All these things, as you know, tend to depress the whole country, since people in these sections are unable to buy as in normal years, and through the ramification of business everyone feels more or less directly the lack of prosperity among these peoples.

Coming back to the present, this has been a very open winter. It has been a blessing in some ways, but has tended to add to the unemployment situation. For instance, a fall of snow of 3 or 4 inches means $30,000 or $40,000 to men of the Bowery working for the street clean-

ing department, and the men who sell rubber overshoes, winter underwear, overcoats, etc., find their business running down. Again, another situation which does not directly touch the Bowery, but yet we must feel its effects, is that the people in the metropolitan section—that is, New York City and the suburban towns—are changing from homes to apartment hotels, and as a result less servants are required, such as footmen, butlers, cooks, etc.

This covers the situation so far as it affects us here, and I have tried to give it in as brief a compass as possible; I hope it will be helpful.

I do not know whether you are interested in the prohibition question, but we find drinking reduced here very materially and the destitution existing is not by any means due to the evil of drink as in former years.

If there is anything that occurs to you of which you would like to ask I should be very glad to reply to any inquiries that you make if I can. With best wishes, believe me,

Yours very truly,

A. C. BAKER, *Secretary.*

Mr. WALSH of Massachusetts. Mr. President, I desire to make a few observations upon the resolution now under consideration. First of all, I want to say that I am in favor of the adoption of the resolution. At the outset I call attention to an important omission, and will propose an amendment which I believe the Senator from New York will accept.

The real difficulty with an analysis of the unemployment problem is not in obtaining figures which show how many men or women are unemployed to-day who were employed a year or five years ago. The serious problem is that of part-time employment; information is wanting as to the extent of this. Therefore I am going to ask that an amendment be added to the resolution requiring also a report upon part-time employment, which the Senator from New York will undoubtedly accept.

In the State of Massachusetts, and I assume elsewhere, if one were to inquire from employers how many are unemployed, he would be given the number of people employed a year ago or five years ago, and those who are employed to-day. That information does not begin to disclose the real employment picture in this country. For several weeks, and in some industries for the past two years, large numbers of employees have been working but two, three, and four days per week. Therefore, to understand the extent of the unemployment problem, we should have information about part-time employment, the extent of it, and the general effect of it. That it is very extensive anybody who reflects upon the figures now available can appreciate, because the Department of Labor itself, in information which it has recently given out, based on the number of industries reporting to that bureau, showed that 67 per cent of all the industries in the country were working on part time. About two-thirds of all the industries in the country are to-day, according to information gathered by the Department of Labor, working part time. Without taking the time to develop further that point, I ask permission to insert in the RECORD at this point in my remarks a statement prepared by me from recent reports of the Bureau of Labor Statistics in the Department of Labor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement and statistics are as follows:

Of 54 industries surveyed by the Bureau of Labor Statistics, embracing 12 groups of different industries, the employment for January, 1928, is 84.2 per cent compared with the employment for 1923, which is used as a 100 per cent basis. The report published by the Bureau of Labor Statistics of the Department of Labor, entitled "Employment in selected manufacturing industries," from which the above information was obtained, further shows that in these industries that employment was 1.1 per cent lower in January, 1928, than December, 1927, and 2 per cent lower than November, 1927, and 5.8 per cent lower than January, 1927, and, of course, 15.8 per cent lower than 1923. The same document shows that reports from 9,203 establishments in January, 1928, indicate 21 per cent operating on a part-time schedule; that is, one in every five industries in the country working on part time.

It further indicates that only 31 per cent of this limited number of establishments has a normal, full force of employees, and that 67 per cent, more than two-thirds of all these industries, were operating with reduced forces. The report indicates that this same condition existed in December.

The same bulletin shows that the pay rolls from the 12 groups of industries reporting to the Bureau of Labor Statistics was 5.6 per cent lower in January, 1928, than in January, 1927. It also shows the payroll totals for January, 1928, was 14.2 per cent lower than in 1923.

The Labor Bureau (Inc.) publishes in New York a monthly review called "Facts for Workers," and in its February number estimates the number of unemployed in the latter part of 1927 to be 4,000,000.

Mr. WALSH of Massachusetts. Mr. President, progress is being made, and I congratulate the country that it is at last possible, without being branded as unpatriotic, to discuss the question of whether prosperity exists in the country or not. Up to February 16 last I challenge any citizen to show an utterance by a leader in the present administration which indicated that there was in the country any other condition than that of unparalleled prosperity. But on February 16 one of the Cabinet at last allowed that this subject is one that may be discussed publicly. In the very opening sentence of his recent speech this Cabinet officer said, "We have unemployment in the country. Everyone knows it. Why not admit it?" Until those words were uttered, on February 16 of this year, no person connected with the present administration has publicly expressed in any speech dealing with economic conditions sentiments other than those of a claim of unparalleled prosperity. It is unnecessary to quote the words or the sentiments that have been repeatedly expressed in boastful terms by administration leaders here in Washington. But now, by implication, at least, a Cabinet officer protests the long silence.

Now, at last we can, without being considered unpatriotic, openly talk about unemployment, but we must not say that we do not still enjoy prosperity. Much of the press and most of the propagandists still declare that unemployment is a mere incident, that prosperity does exist, and that large dividends are being made, and prosperity is flowing through the country in large volume. Indeed, they even attempt to tell us that unemployment is due to the sudden and tremendous progress that has been made in the invention of machinery which operates so rapidly and so efficiently that, in consequence, hundreds of thousands of men and women are thrown out of employment. They would have us believe that a decrease of 5 per cent in one year and a decrease of 16 per cent in the last few years in the number of employees in the selected industries reported to the Department of Labor were due to newly invented machinery that has so speeded up the production of our industries that thousands of employees are no longer needed or required. That it has been a contributing cause we realize, but it is not a convincing explanation of the great reduction in production, in employment, and pay rolls.

Mr. President, I repeat, it is a matter of congratulation that at least we can now discuss unemployment, though I repeat we must be very careful not to question the existence of prosperity.

Mr. President, the unemployment condition in this country is not of recent weeks or recent months. It has existed and has been steadily increasing for from two to four years.

Mr. President, in February, 1927, I called the attention of the Senate to the unemployment conditions and the business depression that large groups of merchants and independent manufacturers were experiencing. A large number of statistics, quotations, and news articles were presented tending to show that which is admitted to-day to exist was then developing and could be foreseen. I requested at that time that an inquiry be made by a committee of the Senate during the recess of the Senate after March 4 into "the real economic conditions of the Nation." I ask that that resolution be printed with my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution is as follows:

Senate Resolution 378, Sixty-ninth Congress, second session

IN THE SENATE OF THE UNITED STATES,

February 28, 1927.

Mr. WALSH of Massachusetts submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

"Whereas it is constantly alleged that the country is enjoying a period of unparalleled prosperity, and the large sums collected in taxes upon incomes and the increase in bank deposits are asserted to form a main evidence of this prosperity; and

"Whereas, on the other hand, it is repeatedly asserted that the agricultural industry on the whole is in a depressed and struggling condition, especially in the corn-producing and wheat-producing States of the West and in those States where cotton is produced, causing bank foreclosures, mortgage foreclosures, and in some cases bank failures; and

"Whereas in other parts of the country it is alleged that abnormal unemployment in industrial centers is existing, with the result of a great curtailment in the purchasing power of the American people, of itself sufficient to cause a dangerous lowering of normal industrial conditions: Therefore be it

"*Resolved,* That a committee of 15 be appointed to sit during the recess of Congress to make a constructive inquiry into the economic state of the Nation, in order that the country may be in a condition

to demand, and the Congress which next reconvenes to enact, such legislation as may be helpful to these basic industries. That a thorough investigation be made by the committee—

"First. As to the exact status of the general agricultural conditions in this country.

"Second. To what extent does unemployment exist, and to what extent has there been curtailment of production, in various industries, throughout the country, the causes of these conditions, and the remedies needed to restore prosperity to these industries.

"Third. To what extent do existing tariff laws, either by excessive duties or the want of sufficient tariff protection and the tax on corporation incomes, affect these industries and their employees.

"Fourth. To what extent is the prevalent consolidation and reconsolidation of industries and the issuing of watered stock increasing the cost of living and bringing about economic conditions that are unsound and insecure.

"Fifth. Whether and to what extent the growth of business consolidation in the mercantile life of the country is increasing or decreasing the cost of living, and whether this movement is leading toward a sound or unsound economic status for the future.

"Sixth. What measures will be helpful both in continuing the prosperity that may be found to exist in certain industries and in making that prosperity general by restoring good business conditions to the industries that have curtailed production and caused unemployment.

"The committee to have full authority to issue subpœnas, compel the production of documents necessary to such inquiry, and to organize an administrative force sufficient to carry on the aforesaid work.

"The expenses of said investigation shall be paid from the contingent fund of the Senate on vouchers of the committee or subcommittee, signed by the chairman and approved by the Committee to Audit and Control the Contingent Expenses of the Senate, but shall not include any allowance for traveling or other incidental expenses of members of the committee."

Mr. WALSH of Massachusetts. Mr. President, I wish to refer to some of the observations that I made when I submitted that resolution and asked that a committee be appointed to sit during the recess to study the unemployment and other economic problems, but on which resolution no action was taken. In fact, there was a chorus of protest from all sides against my suggestion that there was some question about the existence of real prosperity in the country.

I then pointed out the fact that a condition of unemployment was rapidly developing; that it was the duty of the Senate to spend some of the vacation period in studying the problem and to report to the Senate what should be done of a constructive nature; for after all the obtaining of figures is only a first step. What we must finally do is to find the underlying causes of unemployment and then seek if it is possible to provide a remedy.

Mr. President, in the resolutions presented by me I requested, first, that the Senate find the exact status of the general agricultural conditions in this country.

Second. To what extent does unemployment exist, and to what extent has there been curtailment of production, in the various industries throughout the country, the causes of these conditions, and the remedies needed to restore prosperity to these industries.

Third. To what extent do existing tariff laws, either by excessive duties or the want of sufficient tariff protection and the tax on corporation incomes, affect these industries and their employees.

Fourth. To what extent is the prevalent consolidation and reconsolidation of industries and the issuing of watered stock increasing the cost of living and bringing about economic conditions that are unsound and insecure.

Fifth. Whether and to what extent the growth of business consolidation in the mercantile life of the country is increasing or decreasing the cost of living, and whether this movement is leading toward a sound or unsound economic status for the future.

Sixth. What measures will be helpful both in continuing the prosperity that may be found to exist in certain industries and in making that prosperity general by restoring good business conditions to the industries that have curtailed production and caused unemployment.

I further requested at that time that an inquiry be made into the agencies furnishing information as to the extent of employment; whether the information so furnished was accurate and whether or not it was unprejudiced.

In my speech in the last session, Mr. President, I pointed out the fact that there was a certain kind of prosperity in this country, that big business was prosperous, but that the retail merchants and the independent manufacturers were passing through a period of business depression that threatened, if it was not stopped, the complete annihilation of the small business man and the small manufacturer. I ask, Mr. President, that some of the quotations from my remarks on that occasion may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

[From the CONGRESSIONAL RECORD of Tuesday, March 1, 1927]

SPEECH OF HON. DAVID I. WALSH, OF MASSACHUSETTS

Mr. WALSH of Massachusetts. Mr. President, there is one long-standing custom of the British Parliament that I have often thought we would do well to adopt, and for the adoption of which the need never seemed to me greater than it seems to-day.

From time to time the House of Commons, as every Senator is no doubt aware, sets apart a day for the consideration of "The state of the Nation." * * *

We are confronted in the closing hours of this short session with a situation that sorely needs such an unpartisan or bipartisan investigation as this custom of the British House of Commons provides. We are dispersing to our homes, and shall reassemble in December, the victims of confused and conflicting reports as to what the effect of the policies of the present administration upon the condition and prospects of the Nation really has been, and with no safe means of deciding whether all is going as well as we have a right to expect, or what if any legislative action should be taken to curb, stimulate, or direct administrative activities during the time that must elapse before the verdict of the voters themselves can be obtained.

On the one hand administration spokesmen and the administration press are broadcasting the assertion that our Nation is enjoying, and has every prospect of continuing to enjoy, a prosperity that has never been approached before in the history of this or any other people. Republican propagandists the country over are repeating an estimate said to be based on the income-tax returns, that the combined incomes of the people of the United States in the year just ended reached the amazing total of $95,000,000,000, or an average of about $2,000 for every head of a family and unmarried adult of either sex. And the growth of bank deposits, the quick absorption of vast issues of corporation stocks and bonds, and the immense sums that are seeking investment in foreign industries, are cited as unquestionable proofs of the reality, and auguries of the permanence, of this new age of gold. But when we turn from the fountains of partisan propaganda to more responsible and unbiased sources, to those whose knowledge of actual conditions comes from personal contact and individual experiences, we hear an undertone of dissent and complaint so widespread, and affecting so many of our fundamental industries, and so large a proportion of those who depend on them for the necessaries and comforts of life, that one is led to suspect that it may be the rapidly growing and dangerous concentration, rather than the healthful diffusion, of the national wealth that is evidenced by the widely advertised financial achievements of the year just elapsed.

Is not the prosperity which is so widely heralded the prosperity of monopoly? Is it not a prosperity that is discouraging individual initiative, driving the producer, the independent manufacturer, the small business man to the wall, and confining the accumulation of wealth to the monopolies of industry and finance? And is not this monopoly, which is the distinctive product of our age, aiming to extend and perpetuate itself through a skillfully devised plan to seek and maintain control over both the legislative and the administrative departments of our Government?

* * * * * * *

These startling situations in the West and South are represented as local and passing setbacks due to surplus production, under climatic conditions which can not be foreseen or controlled, but which may be offset by a comparatively small and inexpensive amount of governmental interference. But the farm census reports tell a different story. They show that in every State in the Union there has been in the last few years a steady shrinkage in farm population, notwithstanding the fact that in our farm population there are 400,000 more births than deaths, year by year.

They show also that in every State there has been a marked shrinkage in the value of farm implements and machinery, and in all except one or two a shrinkage in the value of the farms themselves, while in all without exception the amount of farm mortgages and the ratio of the mortgage total to the total of farm values has risen, in the latter case from an average ratio of about 25 per cent to around 45 per cent, and in one State to 78 per cent, of the still shrinking farm values. Are not these statistics indications of something more than a passing and sporadic interruption of a general prosperity? Depression of farm values and real estate generally, which is the condition throughout the country, has never before been an indication of the existence of real or lasting prosperity.

And what of the hundreds of thousands who are abandoning the farms to seek a living elsewhere? Are they finding a place in our manufacturing industries?

If so, these should show a corresponding increase in the number of their employees, beyond the increase corresponding to the country's annual growth in population. But is this really the case? We have in Massachusetts a department of labor and industries which, in my opinion, is unexcelled in painstaking thoroughness by any similar body in the United States; and this department, in a bulletin issued February 21 of the present year, shows the decrease of employment in certain industries, by a comparison between the average number of wage earners employed during the five years between 1919 and 1923 and those employed in January of 1927, to be as follows:

In all industries taken together there were 15.6 per cent fewer persons employed than the average five years before.

In the boot and shoe industry there were 38.8 per cent fewer employees; in the cotton and textile goods industry there were 25.3 per cent fewer employees; in the textile machinery and parts industry there were 37.8 per cent fewer employees; in the woolen and worsted goods industry there was a reduction of 13 per cent. That the depression is continuing is indicated by the fact that statistics for all industries combined show that the number employed January, 1927, was 5 per cent smaller than in January, 1926. That the shrinkage in employment which has been noted in the 39 leading industries for several months still continues is shown by the fact that from December 15 to January 15 the aggregate weekly earnings shrank also to the extent of $139,047; while the average weekly earnings per person employed dropped from $24.37 to $23.96—both figures, by the way, quite noticeably under the before-mentioned "average yearly income of $2,000." And lest the citizens of Massachusetts should be unduly depressed by this showing, the bulletin goes on to state that for the United States as a whole, for the corresponding period, the percentage of decrease in numbers employed and in aggregate weekly earnings were both twice as great as in Massachusetts.

The pay-roll statistics from the July number of the United States Labor Review show that employment in the manufacturing industries fell off 18.7 per cent from 1920 to 1925. This report reveals also that the pay roll of the industries show a shrinkage of 32.3 per cent from 1920 to 1925. The comparison of the 1920 pay-roll index for the month of May, with the 1926 pay roll from the same month, shows a six-year shrinkage of more than 40 per cent.

I shall not dwell upon the well-known decadence of the cotton-textile industry in New England, where within the past few years nearly 40 factories have gone out of business altogether and several more have been absorbed by more successful competitors. So far as the cotton mills are concerned this situation may have passed beyond the reach of remedial legislation, since it is alleged to be due in the main to economic conditions for which no political organization and no party administration can justly be blamed. But it is a condition causing such great unemployment and loss of invested capital that the Government ought to determine the facts and find a remedy if one is to be found.

With the woolen mills the case is somewhat different. If the opinion of the Carded Woolen Manufacturers' Association is to be accepted, their main handicap lies in the 31-cent tariff on clothing wools, a tax which varies, they assert, from 40 to 100 per cent on their raw material, or from one to two and one-half times the total labor cost of converting the wool into cloth in the mills. To expect permanent prosperity under such a tariff burden is, of course, absurd.

I hold in my hand a list of the woolen mills which were forced out of business since the Fordney-McCumber tariff law of September, 1922. They are 39 in number. Eleven of them were located in New York State, 7 in Connecticut, 10 in Rhode Island, 9 in Massachusetts, and 1 each in Pennsylvania and Vermont.

But the main point that I wish to emphasize here is that the present and continuing shrinkage in employment and in weekly earnings is not confined to the textile industries, nor is it peculiar to New England alone. To a greater or lesser degree it pertains to all, or nearly all, our leading industries, and extends to nearly every State. The Federal Reserve Bulletin for January states that the output of the shoe industry in 1926 was 7½ per cent less than in 1923, and that in the same period the wage earnings in the Massachusetts shoe industry fell from $83,000,000 to $65,000,000, or nearly 24 per cent.

The automobile business has been referred to as an evidence of prosperity. As a matter of fact, it is one of the key industries that is shrinking. Statistics show the production of automobiles and trucks throughout the country in January, 1927, to be 249,506, which, compared with their production in January, 1926, of 388,220, is a reduction of 68,714, or 21.5 per cent. The reduction in the month of December, 1926, compared with December, 1925, was 45.6 per cent. But possibly this is not a fair comparison, as December is the month of readjustment of business in the automobile trade.

Statistics further show employment in the automobile industry in December, 1926, was 19.8 per cent under the 1925 level. The number employed in Detroit for the week ending February 2, 1927, was 48,019 less than that employed for the corresponding week in 1926.

In the financial papers generally are to be found, here and there, sanguine utterances (not editorial, however) like these: "With money plentiful and labor employed at the best wages ever enjoyed, and business picking up in the agricultural districts, everything seems to point to a good business year," and "In view of the huge accumulations of wealth that have piled up in the face of liberal public expenditures, the new year offers the promise of solid progress."

But when they descend to details the "promise of progress" quickly fades, and the outlook becomes even less reassuring than that of the Reserve Bulletin. Nation's Business for December, 1926, justifies the caution that "1927, at least for the first half, may see some shading off" by asking what else is to be expected after a year that witnessed "the record number of bank failures, the second largest number of business failures, and the fourth largest total of failure loss," and when "in the last five years 100,000 concerns have suspended, owing their creditors over $3,000,000,000." And the December number of Guaranty Survey of New York notes, as other financial summaries do also, "curtailment in the key industries of building and automobiles, diminishing export trade balances, the outflow of capital, and increasing competition at home and abroad."

What conclusions are we to draw from this conflict between glittering generalities and sombre pictures of details? The usual barometers of Wall Street are all "set fair." Money is plentiful, savings deposits increasing, bank reserves ample, no feverish speculation in evidence, a complete absence of the conditions that indicate the approach of financial stringency or panics on 'change. But how are we to harmonize this halcyon outlook with the depressing situation that prevails in so many branches of industry and pervades all sections of the Republic? Who has any definite knowledge of the present extent of unemployment, or can even guess what has become of the hundreds of thousands of men and women who have forsaken agriculture, and who, instead of finding vacant places waiting for them in our leading manufacturing industries, have been joined by other thousands who have lost their jobs by the curtailment of these very industries; a curtailment, it appears, that even yet is not at an end?

For most of us, Mr. President, the long recess that we hope is so soon to begin will mean in the main a release from the pressure of legislative duties, and in this off year a relief also from the burdens of a political campaign. It will not, however, release us from the duty of caring to the extent of our opportunities for the welfare of the constituents who have honored us with their confidence and who continue our salaries whether Congress is in session or not.

Mr. President, I want to put the Senate on record to find out if its conception of the responsibility of its Members to the country justifies them in retiring from the National Capitol on the 4th day of March and absenting themselves for nine long months—with continuing salaries and four paid clerks—from any inquiry, study, or preparation of a plan of action, in view of the steady and constant decline in so many industries which furnish the sustenance of life to our working people, the deplorable state of the farmers of the West, the depression of the cotton industry in the South, the laying off of wage earners throughout the country, and the large number of bank suspensions and business failures throughout the United States. Are we to be content that all is well with our people and that economic conditions are sound because financial statements show the dominance of high finance in such striking contrast to actual conditions as they affect the individual wage earner, the agriculturist, and the cotton planter? The Congress can not avoid its responsibility by charging the President with failure to call an extra session and pointing to the fact that it has no power of its own initiative under the Constitution to call such a session. I know that extra sessions of Congress are burdensome, causing much personal inconvenience to Senators and Representatives, but I do not hesitate to declare that in my opinion the great legislative business of this country, with its many complex problems, can not be studied, debated, and settled in the same period of time that sufficed more than 100 years ago for the performance of the work of Congress, to wit, less than 70 days. The American people are not without the power to fix responsibility in such a case as this. The party in control of the Government must answer for its omissions as well as for its commissions.

* * * * * * *

Under these conditions, is not this the very least the Congress is bound to do, in justice to so many constituents to whom this fresh disappointment has come to intensify the pangs of hope so long deferred—can we in common humanity refuse to take every means in our power to provide the next Congress with all accessible evidence necessary to enable the discovery of a genuine remedy, the drafting of a measure that will be both constitutional and workable, the adoption of the best policy that human faculties can devise for the rescue of our basic industry from a depression which all our other industries can not fail to share?

* * * * * * *

Resolution

Whereas it is constantly alleged that the country is enjoying a period of unparalleled prosperity and the large sums collected in taxes upon incomes and the increase in bank deposits are asserted to form a main evidence of this prosperity; and

Whereas, on the other hand, it is repeatedly asserted that the agricultural industry on the whole is in a depressed and struggling condition, especially in the corn-producing and wheat-producing States of the West

and in those States where cotton is produced, causing bank foreclosures, mortgage foreclosures, and in some cases bank failures; and

Whereas in other parts of the country it is alleged that abnormal unemployment in industrial centers is existing, with the result of a great curtailment in the purchasing power of the American people, of itself sufficient to cause a dangerous lowering of normal industrial conditions: Be it

Resolved, That a committee of 15 be appointed to sit during the recess of Congress to make a constructive inquiry into the economic state of the Nation, in order that the country may be in a condition to demand, and the Congress which next reconvenes to enact, such legislation as may be helpful to these basic industries. That a thorough investigation be made by the committee:

First. As to the exact status of the general agricultural conditions in this country.

Second. To what extent does unemployment exist, and to what extent has there been curtailment of production in various industries throughout the country; the causes of these conditions, and the remedies needed to restore prosperity to these industries.

Third. To what extent do existing tariff laws, either by excessive duties or the want of sufficient tariff protection, and the tax on corporation incomes affect these industries and their employees.

Fourth. To what extent is the prevalent consolidation and reconsolidation of industries and the issuing of watered stock increasing the cost of living and bringing about economic conditions that are unsound and insecure.

Fifth. Whether and to what extent the growth of business consolidation in the mercantile life of the country is increasing or decreasing the cost of living, and whether this movement is leading toward a sound or unsound economic status for the future.

Sixth. What measures will be helpful both in continuing the prosperity that may be found to exist in certain industries and in making that prosperity general by restoring good business conditions to the industries that have curtailed production and caused unemployment.

The committee to have full authority to issues subpœnas, compel the production of documents necessary to such inquiry, and to organize an administrative force sufficient to carry on the aforesaid work.

The expenses of said investigation shall be paid from the contingent fund of the Senate on vouchers of the committee or subcommittee, signed by the chairman and approved by the Committee to Audit and Control the Contingent Expenses of the Senate, but shall not include any allowance for traveling or other incidental expenses of members of the committee.

Mr. WALSH of Massachusetts. Mr. President, no action was taken upon the resolution that was the basis of my speech of March last.

I do not entertain the hope that any constructive or helpful action will now be taken, in view of what appears to be the present policy of the Congress, namely, to delegate investigations of public affairs or of matters that relate to the economic welfare of the people of the United States to bureaus rather than to committees of Congress.

Surely, if the death of 40 defenders of the country through a submarine accident at sea is not of sufficient importance for a senatorial investigation, or an inquiry into whether the public rights are sufficiently guarded in the right of the public to enjoy without exploitation that which the Almighty for all time discharges in a never-ending flow from the bowels of the earth—water power—is not sufficiently important a subject for the Senate to investigate—I have little hope of an investigation by the Senate into a consideration of what steps may be taken to relieve the poverty, suffering, and want among the millions of unemployed at the present time in the United States.

Mr. President, to return to another aspect of this question, let me submit this observation: The United States Government itself is one of the worst offenders, and is itself chargeable with setting an example of unemployment. I have received to-day two telegrams in reply to my requests for information upon unemployment conditions in the Government. One is from the commandant of the navy yard at Boston. He informs me that on March 1, 1928, there were 2,089 employees as compared with the maximum number of employees on June 7, 1927, of 3,098. Therefore at this Government plant the percentage of unemployment is 33⅓ per cent, more than nearly double what the average of unemployment is throughout the country.

A telegram in reply to my inquiry from the Watertown Arsenal is as follows: Number of full-time employees, working March 1, 1928, 196. The maximum number of employees employed during the last two years, 275. Thus, in this Government plant, unemployment is 30 per cent under normal conditions.

Time has not permitted an inquiry into the conditions at other Government plants, but I have reason to believe that the same conditions prevail in the navy yards at Brooklyn, Norfolk, and elsewhere.

I respectfully suggest that if the Government has any real interest in this problem, any sincere interest in obtaining or assisting in bringing about relief, that it undertake at once the necessary measures for the promotion of those public improvements which it must do in the near future, and which can be better done during the present period of business depression than later.

Mr. William Green, president of the American Federation of Labor, recently called attention to the importance of the Government undertaking new work, and pointed out certain activities that could be undertaken forthwith. I ask that an editorial commenting on that statement be annexed to my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The article referred to is as follows:

[From the Washington Daily News, Thursday, March 1]

TO END UNEMPLOYMENT

William Green, president of the American Federation of Labor, in a speech at Detroit, recommended, as an immediate remedy for the unemployment situation, the passage of legislation providing for the expenditure of Government funds in public improvements.

"If Congress would pass the flood control bill, the Army housing, naval construction, and general housing legislation, and make the appropriations for this work available at once, our present problem of unemployment would be quickly solved," said Green.

Federal expenditures, he added, could be supplemented by States and municipalities which are planning public improvements.

Green's position is sound. New York State has taken the lead in arranging for the immediate beginning of a large construction program. Several resolutions pending in Congress seek to commit the Federal Government to the same policy.

Labor Secretary Davis remarked in a recent speech that we have an unemployment problem and that there is no use blinking at the fact. He said, as have others who have studied the situation, that this condition exists despite the fact that the country as a whole is generally prosperous.

Time will be required to adjust the situation brought about by the displacement of men by machines and other economic factors which have created the existing unusual situation. The final solution may be shorter hours for labor, or some other process.

Meantime men now idle must be put to work if the country is to maintain its purchasing power and if the ranks of those now out of work are not to be increased.

Mr. WALSH of Massachusetts. Mr. President, I join in the support of the resolution of the Senator from New York and compliment him for calling public attention at this time to this very serious problem. I desire to remind the Senate and the administration that it is a long-delayed and neglected problem. Anyone who will take the trouble to review the documents and information which I had printed in the RECORD in February, 1927, will learn that a condition of unemployment has been going on from two to four years and becoming progressively worse.

Mr. President, I agree with the importance of obtaining the information which this resolution calls for, but I respectfully submit that our responsibility does not end with merely obtaining statistics and general information as to the real unemployment conditions in the country to-day. Some effort of a constructive nature should be undertaken to find out what are the underlying causes of the present unemployment conditions. I was about to say present depressed business conditions, but that appears to be an offensive phrase and should not be used for fear lest one might be charged with brazen effrontery for attempting to question the loudly heralded claim of general prosperity. These prosperity boasters, however, have now conceded us the right to talk and discuss unemployment.

Now, Mr. President, I desire to make a formal motion to amend the resolution. I understand the Senator from New York is willing to accept the amendments. I move first, on page 1, line 3, after the word "unemployment," to insert "and part-time employment," so as to read:

Resolved, That the Secretary of Labor is hereby directed (1) to investigate and compute the extent of unemployment and part-time employment in the United States—

And so forth.

I further move, on page 2, after the word "unemployed," in the fourth line, to insert the words "and part-time employed."

I ask that those amendments may be adopted.

Mr. WAGNER. Mr. President, I have no objection to the amendments of the Senator from Massachusetts.

The PRESIDING OFFICER. The amendments will be stated.

The CHIEF CLERK. On page 1, line 3, after the word "unemployment," it is proposed to insert the words "and part-time employment."

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The Secretary will state the next amendment proposed by the Senator from Massachusetts.

The CHIEF CLERK. On page 2, line 4, after the word "unemployed," it is proposed to insert the words "and part-time employed."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. WAGNER. Mr. President, by a printed error or through an inadvertence there was left out of the preamble of the resolution the word "problem." I therefore move to amend the preamble by adding after the word "unemployment" in the eighth line the word "problem."

The PRESIDING OFFICER. The amendment to the preamble will be stated.

The CHIEF CLERK. In line 8 of the preamble, after the word "unemployment," it is proposed to insert the word "problem," so as to read:

Whereas it is essential to the intelligent conduct of private and public business enterprises, to the proper timing for the inauguration of public works by the Federal Government and the encouragement of similar undertaking by the States, to the formulation of sound economic policy, and it is prerequisite to the provision of relief against the hardship of unemployment and to the ultimate solution of the unemployment problem that accurate and all inclusive statistics of employment and unemployment be had at frequent intervals; and.

The amendment to the preamble was agreed to.

Mr. COPELAND. Mr. President, my colleague [Mr. WAGNER] has called attention to a matter which in my judgment is the most important one we could possibly consider in this Chamber. The matter of unemployment is very pressing.

As evidence of it, I hold in my hand a bulletin called the "A. I. C. P." This is the Association for Improving the Condition of the Poor in New York City. I want the Senate to know who the officers of this association are. They will be familiar to the gentlemen across the aisle.

The president of this organization is Cornelius N. Bliss, sometime treasurer of the National Republican Committee. The vice presidents are Percy R. Pyne, R. Fulton Cutting, Dwight W. Morrow, Albert G. Millbank, and others. Those are familiar names.

I find that the entire issue of the bulletin of this month is given up to the subject of unemployment. I beg you to listen to this one paragraph from this bulletin:

Business was bad in 1921, worse in 1914, and so was the unemployment situation; yet to-day's unemployment exceeds in volume that of 1921, and approaches uncomfortably near the high point of 1914. In New York State there were fewer people employed in the months of November, December, and January than for the corresponding period of any year as far back as 1914.

On the inside of this bulletin is depicted the path of unemployment. I find here the empty bread box——

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Idaho?

Mr. COPELAND. I do.

Mr. BORAH. From what is the Senator reading?

Mr. COPELAND. I am reading from the bulletin of the Association for Improving the Condition of the Poor, a great organization in the city of New York presided over by Mr. Cornelius N. Bliss.

Mr. BORAH. I understood the document to say that the unemployment at present was almost as bad as it was in 1914.

Mr. COPELAND. Correct; that is what it says. I thank the Senator from Idaho for giving emphasis to this statement, which I desire to repeat:

To-day's unemployment exceeds in volume that of 1921 and approaches uncomfortably near the high point of 1914.

Mr. JONES and Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New York yield; and if so, to whom?

Mr. COPELAND. I yield first to the Senator from Washington.

Mr. JONES. Does the Senator approve that statement?

Mr. COPELAND. That there is unemployment—that fewer people are employed now than at any time since 1914?

Mr. JONES. Yes.

Mr. COPELAND. Do I believe it?

Mr. JONES. Yes.

Mr. COPELAND. I do.

Mr. JONES. The Senator approves that statement?

Mr. COPELAND. Yes.

Mr. KING. Mr. President, will the Senator suffer an interruption?

Mr. COPELAND. Of course.

Mr. KING. I think the unemployment now is very much greater than it was in 1914. I disagree with the statement if it implies that the unemployment in 1914 was as great as it is now.

Of course, the object of the interrogation of my able friend from Idaho is very obvious. There happened to be a Democratic President then, and, of course, he seeks to draw the conclusion that there was as much unemployment under a Democratic President as there is under a Republican President. I just wish to state that I dissent from the statement if it is subject to the deduction that in 1914 the unemployment was a great as it is now.

Mr. HEFLIN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Alabama?

Mr. COPELAND. I do.

Mr. HEFLIN. In 1914 the World War broke out——

Mr. SMOOT. And gave employment in the United States. It was a godsend for the Democratic administration.

Mr. HEFLIN. And our trade with all the countries of the earth was disturbed. The people over there, instead of spending their money for American goods, were looking out for buying weapons with which to defend themselves, and the world was thrown into the greatest war that it has ever known. That revolution, the World War, may have disturbed this situation, so that there were as many unemployed at that time as we find now in the midst of this Republican administration when you are crying "prosperity" from every housetop.

Mr. COPELAND. If the Senators on the other side of the aisle take any comfort from a condition of unemployment, due to the conditions of the war in 1914 as contrasted with the conditions to-day, which are due, I suppose, to a worse war—the maladministration of government under the Republicans for the last several years—they are welcome to it.

Mr. BORAH. Mr. President, I was not seeking comfort. I was seeking information.

Mr. COPELAND. I trust the Senator has the information.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from North Carolina?

Mr. COPELAND. I yield to the Senator.

Mr. SIMMONS. I suggest to the Senator from New York that it might be said that at least in 1914 we were not conducting a presidential campaign on only one slogan, "prosperity."

Mr. COPELAND. That is right.

Mr. BORAH. I resent the assertion that there is only one slogan, "prosperity." There is another slogan.

Mr. HEFLIN. What is the other one?

Mr. COPELAND. What does the Senator from Idaho mean by that? May I ask the Senator from Idaho just what he means?

Mr. BORAH. I say, there is another slogan.

Mr. HEFLIN. What is it?

Mr. BORAH. That is the constitutional amendment.

Mr. COPELAND. Does the Senator from Idaho believe that the eighteenth amendment is responsible for the unemployment of to-day?

Mr. BORAH. No; I do not think it is responsible for unemployment. I think, if there is unemployment, that the eighteenth amendment has greatly diminished it. No one has benefited by it more than labor.

Mr. COPELAND. Then, if it were not for the eighteenth amendment, I suppose we are to infer that the condition of unemployment now would be terrible beyond words.

I want to call attention, however, to this document, because to me it is a very interesting presentation of a serious problem. It is very important that this matter should be considered.

We have pictured here the path of unemployment—the empty bread box, the fireless stove, the closed savings-bank account, the pawned household goods, the homeless family.

Besides I have here a copy of the Chicago Tribune for the 28th of February, making exactly the same appeal through the United Charities of that city. It speaks about the tremendous amount of unemployment in Chicago, as to which the Illinois Free Employment Bureau shows that for every 100

jobs available 283 men were registered. And so in every city in this country we find these conditions of unemployment. What are we going to do about it?

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Iowa?

Mr. COPELAND. I yield.

Mr. BROOKHART. The Senator seems to be greatly exercised over the unemployment in the country, and I think justly so, so far as that is concerned. Since 1920, however, a million and a half farmers have lost their property or their homes during this period of "prosperity"; and a recent bulletin of the Department of Commerce shows that 177,000 corporations, 42 per cent of all the corporations in the United States, have operated at a loss since 1922, at an enormous loss of about $2,000,000,000 a year.

I do not think there is any doubt about the condition in this country; but I should like to know what the Senator is going to do to remedy this situation. I have looked among the Democratic candidates for President for some relief for this farm situation, but I can not find any. I have a book over here showing the position of the distinguished Governor of New York on that proposition. It would bankrupt all the farmers if it is correctly stated.

Let us see what we are going to do in an affirmative way. It is easy enough to criticize; but what are we going to do to remedy this situation?

Mr. COPELAND. Mr. President, disregarding his political reference, I am perfectly clear that the Senator from Iowa has at the back of his head what is really the solution of this problem. I do not believe there can be employment in the cities unless there is prosperity upon the farms, so that the buyers of the country can buy.

You think of my city as a great financial city; you do not think of it as a manufacturing city; and yet New York City, in bulk and value, manufactures more goods than Pittsburgh, Cincinnati, Milwaukee, St. Louis, Cleveland, Detroit, Buffalo, and Boston combined. We do not use those products. They are sold upon the farm, and unless the farmer can buy we can not sell. Unquestionably a large amount of the unemployment in the cities is due to the fact that the farmers of the country are in distress, and can not buy.

Mr. BROOKHART. New York also has some $400,000,000 of Iowa's savings now down there in the gambling game on the stock exchange.

Mr. SMOOT. They can get their money any day they want it.

Mr. BROOKHART. They can get it; but the bank examiners would not let them lend it to a farmer at home, because it would be put on the slow list, and it is not subject to rediscount in the Federal reserve bank; and then the bank is under suspicion. Nearly 400 banks out in my State have been closed by that sort of thing.

Mr. COPELAND. The Senator from Iowa a moment ago made reference to the Democratic candidates for the Presidency. Now he refers to a Republican problem. Why does not he correct the situation down in Wall Street? All those people are Republicans.

Mr. SMOOT. Oh, no; they are not.

Mr. BROOKHART. When it comes to a financial proposition, even in the United States Senate, I do not think there is any difference between a Republican and a Democrat.

Mr. COPELAND. We ought not at this time to be splitting hairs about whether this is a Democratic issue or a Republican issue, or whether it is a Democratic problem or a Republican problem. It is here; we are facing the situation, and there must be found a way to solve the problem.

My colleague [Mr. WAGNER] has called for certain information, and I am sure the Senate will be glad to pass the resolution in order that we may get it; but there are things that ought to be done to solve the problem. The Senator from Iowa suggested farm relief. That is one needed reform.

We can do something in the way of these public buildings; and I want to challenge the Senators on the other side to release more of the money that we have already decided is to be our program in the way of construction. Let us have more of it made available.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Utah?

Mr. COPELAND. I do.

Mr. SMOOT. I will say that every single dollar that is allowed under the law will be released; but we can not build in the winter. We are waiting now to start the building program in the District of Columbia, as I stated to the Senator the other day. Just as soon as the spring opens we are going to begin to erect here two of the largest buildings on our program. The law limits the amount of money that can be spent each year. There is $200,000,000 appropriated for buildings outside the District of Columbia, and the law says that $20,000,000, or one-tenth of the amount, can be spent each year. It is a program for 10 years, and every dollar of that money will be released.

Mr. COPELAND. Who made the law?

Mr. SMOOT. Congress made it.

Mr. COPELAND. They can change it at any time, can they not?

Mr. SMOOT. They can.

Mr. COPELAND. Making more money available?

Mr. SMOOT. Yes; they can, but they have not done it.

Mr. BORAH. They can make more money available, and levy more taxes, more appropriations and heavier taxes, and create a vicious circle, the old John Law system, which will break any country on God's earth.

Mr. SMOOT. From what we have heard here to-day we would think there had been poverty in this country for the last 10 years and that nobody was making enough to live on, whereas the business during that time has never been equaled in the history of the world.

I am not going to get into an argument with the Senator as to whether or not we are having hard times now. I will say to the Senator that during the winter there is always unemployment, whether there is a Republican administration or a Democratic administration; but at no time during this administration have there been as many unemployed as there were during the Democratic administration.

Mr. COPELAND. Does the Senator believe that in the springtime all unemployment will disappear?

Mr. SMOOT. I know that a great part of it will; and I know that the great cities of Pittsburgh, Detroit, New York, and so on, are about to begin the construction of mammoth buildings, and they are only waiting for the springtime. I know that when the spring opens a lot of these unemployed men will be employed.

Mr. COPELAND. Does the Senator seriously believe that building construction stops in the wintertime?

Mr. SMOOT. I certainly do, to a great extent.

Mr. COPELAND. Has the Senator witnessed the skyscraper building——

Mr. SMOOT. Mr. President, when a building program is started, it is never completely finished, but the great bulk of the building program every year begins with the opening of spring. It always does and always will. Building can be done cheaper in the spring and in the summer and in the fall than in winter, and every man who builds in winter does so because of the absolute necessity of doing so at the time. The Senator must have had experience enough to know that. When a building is erected in the winter it is never as good as if it is put up in the spring or in the summer. It costs more to erect it, as everybody knows.

Mr. COPELAND. The Senator must be deaf and blind if he believes that the unemployment of the present moment is like the unemployment of last March, or a year ago last March. There is more unemployment in this country to-day than there has been, I will say for the comfort of the Senator from Idaho, since 1914.

Mr. SMOOT. I would not say so, going as far back as 1914. There is more unemployment in the United States to-day than there has been for the last few years. The mass production that is going on, the perfection of machinery in order that products may be made cheaper and faster, and without hand labor, but by machinery, those things have all had their effect, and necessarily so. I hope to see the time come, and come soon, when all of that will be taken care of, as every great step in the manufacture of goods in the world has been taken care of. It takes time to catch up whenever there is an advanced step in the manufacturing of goods by improved machinery.

Mr. COPELAND. How does it happen that just now we happen to get all the cumulative, gathered-up effects of this new machinery, and so on?

Mr. SMOOT. Mr. President, it happens because this is a presidential year. That is why there is all this talk, and it would not be indulged in if it were not a presidential year.

Mr. COPELAND. Does that mean that the Republicans have taken their men off the pay rolls?

Mr. SMOOT. The Senator from Massachusetts has been talking about the cotton industry and the woolen industry in Massachusetts. Can not Senators see what has brought about that condition as far as cotton is concerned? The women in the country are wearing silk to-day. We used to manufacture hundreds of millions of dozens of cotton hose for women. We manufacture scarcely any in the United States to-day. New England was the great center of that class of manufacture. As far as

dresses are concerned, the women used to wear cotton, and it used to take 10 or 12 yards of cotton cloth for a dress. To-day the dresses are silk, and it takes only about three and a half yards of silk to make a dress. You can not find a silk center in the United States that is not busy. Why is that? It is because of the change in styles. Those things have to be taken into consideration when we begin to talk about conditions existing in this country.

Mr. HEFLIN. Mr. President, will the Senator yield?

Mr. COPELAND. Just one moment. The Senator from Utah a moment ago referred to the law. I should think he would have the law changed so that the women would not wear these silk dresses.

Mr. BORAH. The women vote now.

Mr. SMOOT. The law as to the erection of buildings is quite a different thing from any attempt to regulate the styles that women shall wear.

Mr. HEFLIN. Mr. President, the Senator has said this talk is going on because this is a presidential year.

Mr. SMOOT. Yes.

Mr. HEFLIN. Is it a fact that these people are unemployed? The Senator from New York wants to know. The statistics show that they were unemployed in the spring, that they were unemployed in the summer, and that they are still unemployed. The statistics of the Federation of Labor show that. It can not be that it is just a political proposition. It is a fact.

Mr. SMOOT. Mr. President, nobody in this Chamber in any way, shape, or form misunderstands the situation. We all know what it is, and we know it will continue as long as the Senate is in session this year. There is no doubt about that.

Mr. HEFLIN. Is it a fact that we have an army of unemployed in this country?

Mr. SMOOT. There is quite an army of unemployed, and always will be.

Mr. COPELAND. Is it larger than it has been?

Mr. SMOOT. Perhaps it is larger now than it was this time last year, but not as large as under Democratic administration.

Mr. SIMMONS. Mr. President, what does the Senator mean when he says it will continue as long as the Senate is in session?

Mr. SMOOT. I said as long as it is in session this year.

Mr. HEFLIN. Mr. President, the Senator suggests that after the winter is over this building program will be commenced. What is going to become of these patriotic American men and women during the Republican administration until the winter is over?

Mr. SMOOT. Certainly they will never receive relief if there is a Democratic administration, I assure you of that, either in the summer, the spring, or the winter.

Mr. HEFLIN. We are going to try that next time.

Mr. SMOOT. I doubt it very much.

Mr. WALSH of Massachusetts. Mr. President, will the Senator from New York permit me to correct a statement of the Senator from Utah?

Mr. COPELAND. I yield.

Mr. WALSH of Massachusetts. The Senator from Utah has just stated that every silk mill in the country is thriving and prosperous. I call his attention to the fact that the silk industry is reducing also, for on pages 3 to 5 of the December bulletin of the Department of Labor, he will find on page 5 a statement that there was a decrease of 1.1 per cent in the number of silk workers in December, 1927, compared with December, 1926.

Mr. SMOOT. Yes, Mr. President; 1.1 per cent. Perhaps that is just temporary—for a month. It may be because of some change in style that would make that amount of difference.

Mr. WALSH of Massachusetts. If I were permitted, I could show that the same situation has been true as to other periods. The Senator has referred to a decrease of 10, 15, up to 40 per cent, in the cotton industries, and says that those engaged in the silk industry are all working. The figures do not confirm that statement.

Mr. SMOOT. I will say to the Senator that if he would go down in the South, where the cotton industry is active, he would find that production was 40 per cent less than it had been. I asked why the cotton industry in Massachusetts was less prosperous than it has been. But I want to say that it is natural, perfectly natural, for the cotton industry to go where the cotton is raised, and it will be so in the future more than it has been in the past.

Mr. COPELAND. Mr. President, the Senator from Utah has called attention to the law in reference to erecting these buildings. We have adopted a program, have we not? We have determined upon a certain course that we are going to follow. Why should we not go forward with that now more rapidly since we have committed ourselves to it? That is the inquiry I have to make.

Mr. TYDINGS. Mr. President, something was said just a moment ago about the conditions now as compared with those of 1914. I would like to call some facts to the attention of the Senate, and ask if any conditions like them existed in 1914.

The report of the Federal Reserve Board for 1926 was made public last June. It showed that in the United States 956 bank suspensions took place, those banks having deposits of approximately $275,000,000. That was 344 more bank failures than occurred during 1925, and the deposits of the suspended banks were $100,000,000 greater.

This is four times the number of bank failures that occurred from the year 1917 to 1920, inclusive, and is 298 more bank failures in that one year than occurred during the entire eight years of the Democratic administration.

Those who think that conditions now are better than they were in 1914 should refer to the reports of the Bureau of Agricultural Economics, Department of Agriculture, setting forth that 21 out of every 1,000 farms in the whole United States in the year ending March 15, 1926, were sold under foreclosure of mortgage, or for delinquent taxes—1 out of every 47 farms in the United States. Did that condition prevail in 1914?

Mr. BAYARD. Mr. President, will the Senator yield to me a moment?

Mr. TYDINGS. I yield.

Mr. BAYARD. I would suggest that the figures last year as to bankruptcy proceedings throughout the entire country show a little over 49,000 and odd bankruptcies, and one in every eight of those bankrupts was a farmer.

Mr. TYDINGS. Mr. President, in further connection with the statement of the Senator from Delaware——

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Kansas?

Mr. TYDINGS. Not just at this moment, because I have only five minutes left.

Mr. CURTIS. I rise to a question of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. TYDINGS. I have only two minutes, and I hope the Senator will not take the floor away from me, because these are only facts, and I want to clear up the 1914 situation.

Mr. SMOOT. It will take more than two minutes for the Senator to answer that.

Mr. TYDINGS. I yield to the Senator from Kansas.

Mr. CURTIS. I merely wanted to suggest to the friends of the pending resolution, to which there is no objection, that at 2 o'clock the unfinished business will come before the Senate. If the resolution shall not be disposed of before 2 o'clock, it will go to the calendar. The Senator who introduced the resolution was so informed when he began the debate. If Senators want to consume all the time in the morning hour talking on matters that do no pertain to the resolution, they may go ahead, but at 2 o'clock the resolution will go to the calendar instead of to a vote.

Mr. TYDINGS. Mr. President, I will take only one moment. The report of R. G. Dun for the first six months of 1926 shows 12,292 commercial failures, with liabilities of $281,000,000. That is an increase over the immediately preceding years. I have not heard and do not expect to hear anybody challenge the statement that there are more foreclosures of farm mortgages now than during the last Democratic administrations. I do not expect to hear anyone challenge the statement that there were more bankruptcies in one year of the Coolidge administration than happened during three whole years of the Democratic administration, and this while prosperity is the cry. So, when we select 1914 and compare it with 1927, we should not leave out some of the most vivid colors in looking at the canvas.

The PRESIDING OFFICER. The question is on agreeing to the resolution as amended.

The resolution was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the preamble as modified.

The preamble as modified was agreed to.

Mr. HEFLIN. Mr. President, I wanted to tell, for the benefit of the Senator from Utah, one of Bob Taylor's stories which illustrates Republican prosperity.

Old Uncle Rufus had gone out possum hunting, and he had not gone very far before he got a big, fat possum.

Mr. SMOOT. Mr. President, I have heard this before, if the Senator will excuse me.

Mr. HEFLIN. Oh, there is no use to waste any more time on the Senator from Utah; he has had all this Republican prosperity possum that he can stand.

Uncle Rufus decided he would go back and cook that possum. So he dressed the possum, put him in the oven, set him on a rosy bed of coals, and he said: "Now, while that possum is cooking I am going to lie down here and go to sleep, and I'll dream about eating him, and then I will wake up and eat him, and that is what I call enjoyin' him twice."

While Uncle Rufus was sound asleep old Sam passed along by the house and he smelt that possum cooking. He slipped in, lifted the lid off the oven, and sat down and partook of the possum until he had eaten it all; old Uncle Rufus lying there sound asleep. Old Sam took a little of the grease and smeared it on Uncle Rufus's mustache and on his fingers and he took the bones and piled them down beside his head, and walked out of the house. Then he threw a rock on top of the house, and it rolled down and woke Uncle Rufus up. He got up, took the lid off the oven, and the possum was gone. He said, "Who eat dat possum? Surely I didn't eat him." He said, "Here's grease on my mustache, here's grease on my fingers, and here is de bones piled down beside my head. Maybe I did eat dat possum while I was asleep, but if I did eat him, he weighs lighter on my constitution and has less influence with me than any possum I ever eat in all my lifetime." [Laughter.]

That is the way with this Republican prosperity; it has less influence on the masses of the people than any prosperity they ever had. [Laughter.]

Mr. WALSH of Massachusetts. Mr. President, a few moments ago I challenged an assertion of the Senator from Utah [Mr. SMOOT] in reference to his allegation of prosperity in the silk industry. Since that time I have been examining a document which I have in my hand, published by the Department of Labor, entitled "Employment in selected manufacturing industries." I find on page 22 a table which sets forth the establishments working full and part time and employing full and part working forces in December, 1927. Under the heading "Silk goods," industries engaged in the manufacture of silk goods, I find the percentage of establishments operating full normal forces was 39, and of silk manufacturing establishments reporting part normal forces was 61 per cent. Therefore in December last 61 per cent of the silk industries of the country reporting to the Department of Labor were working on part time.

MUSCLE SHOALS

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The CHIEF CLERK. A joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Mississippi [Mr. HARRISON].

Mr. NORRIS. Mr. President, when the Senate had under consideration last week the unfinished business and I had the floor, I was giving illustrations to the Senate tending to show and, I think, to demonstrate, that the supplying of electricity to the people is most economically accomplished by municipal or public ownership of the generating and distributing systems of electric current. On several occasions I have taken pains to call attention to the fact that to get the most economical distribution of generation and distribution of electricity would require a monopoly.

Scientific ingenuity has demonstrated that in the electrical world, where electricity must be distributed and must be used at the time it is generated, and on account of the peculiar and various uses to which it is put, it naturally follows that to get the most economical results we must have monopoly. In other words, in a locality supplied from water power with electricity used in the homes of a city or a municipality, it appears that there are always times in the day when there is what is known as the peak load, and there comes another time in the day when a comparatively small amount of electricity is used; but in order to supply a municipality there must be enough current to supply it at its peak use.

In the city of Washington, for instance, the peak comes in the morning when the employees of the Government are being transported by the street cars from their homes to their various offices, and it comes again in the evening when everybody is turning on the electric lights. If we had cheap enough electricity in the city of Washington so that the cooking in the homes of this beautiful city could be done in that way, there would come a peak at breakfast time, another one at midday, and another one at dinner time late in the afternoon. But the electricity that is not used when the peak is not on disappears, does no one any good, and is of no value whatever. It is just the same as though it was not generated.

Then, with water power there come seasonal peaks, times in the year when the river is very high and we are not able to get as much electricity from the water power as when it is only moderately high. Too much water backs up against the water wheels and destroys some of the generating capacity of the system. Then the dry season comes along and the river is low and the power generated from the river is very much decreased. If we could tie up a system on one watershed with the system on another watershed where high water in one place corresponds with perhaps low water in the other place, we would be able by the touching of a button to equalize the two systems.

If we could get some one whose uses of electricity were confined to the hours between midnight and daylight, we would be able to use electricity that otherwise goes to waste, and hence we could make such customers an extremely low rate, making it very cheap for them, but at the same time it would be all profit to the owner of the system.

The high-peak load in Boston will not be the same as the high-peak load in Washington, and it will not be the same at Chicago as in Cincinnati or at Cleveland. So if we could couple up the larger generating systems as between the various cities, we could equalize the flow of electricity so as to obviate that great loss. When we do that we cheapen electric current for every user, no matter what hour in the day or what season in the year it may be used. Therefore it is important, in order to get the cheapest electricity possible, in order to get the most economical use of it, that cities be coupled up, that they be united, that rivers be united, that different sections of the country be connected by wires so that what is now going to waste in one section would be made beneficial use of in another section.

The computations of experts some years ago before the Committee on Agriculture and Forestry showed that if Dam No. 2, as I remember it—and I think Dam No. 3 was also in the calculation—were hooked up with the Coosa River in the same State—they had taken measurements of both streams, so they knew accurately what they were talking about—we would be able to increase electricity generated by the two systems by 125,000 horsepower. That is only two rivers. If we could couple up those rivers and carry it on to its logical conclusion, we would be able, if we could cover a large portion of the country, to have an almost universal flow of electricity everywhere. In other words, the load factor would go from 45 per cent up to perhaps 90 per cent.

That means that we are making something out of nothing in reality. The profit that we make, although the rate we charge may be extremely low, is almost 100 per cent. When that is divided up among all the customers and they all get the benefit of it we would have a model system. Whether it is privately owned or Government owned, or partially one and partially the other, we are coming logically to that kind of a method of treating electricity in its generation and in its distribution. It is logical. It is as natural as the rising and setting of the sun.

But my contention has always been if that monopoly were turned over to private parties for private gain, the people would not get the benefit of reduced rates. In other words, when electricity becomes common in every home, as it will, and as necessary as water to drink, if we are subjected to the will and wish of a giant monopoly that reaches from the Canadian boundary to the Gulf of Mexico and from ocean to ocean, we will in reality, to a great degree, be slaves. We will be subject to the will and the wish, the whim and the caprice of a monopoly, the magnitude of which stretches the imagination to comprehend.

Therefore I have been contending that the property at Muscle Shoals, owned by the Government, built by expeditures from the Treasury of the United States, built as a war proposition, should be owned by the Government, and that in time of peace the current there generated for the happiness and the benefit of mankind should be distributed within transmission distance of Muscle Shoals and given to the people, and that each place would then stand out as a beacon light on the great horizon of the entire country. Each place would be a milestone marking the right price, the fair price for electricity, and would be used as a model by the experts and the engineers whenever an application was made either for an increase or a decrease of electric-light rates, and this kind of competition, while doing no injury to the Government, would redound to the benefit of the people, not only within transmission, but as a signal to all the people as to what was possible when electricity was properly generated and properly distributed.

When I closed my remarks the other day I had come to a point where I was about to give a further illustration of what may be accomplished if we go at this matter aright. I had

finished calling attention to quite a number of municipalities, and I had given illustrations showing the great reduction in rates that had come about by municipal ownership and municipal management. Those, however, were all individual instances. Important as they are, much good as they have accomplished, the results they have achieved do not represent the end of the good that may be accomplished. I had come to the point where I wanted to give the Senate an illustration of a giant monopoly which is owned and operated by governmental authority, a monopoly for the generation and distribution of electric current covering the entire Province of Ontario, Canada, where all the cities, all the towns, all the villages, and all the farm organizations are coupled into one grand system. I want to do that to-day.

First, let me tell the Senate briefly just what the method of procedure is in Ontario, Canada. About 20 years ago some business men in Canada, manufacturers mostly, and also representatives of municipalities, met and decided to organize certain municipalities into one great consolidated concern, a sort of partnership, as it were, designed to furnish electricity at cost to the people. After two or three years of agitation they succeeded in having passed through the provincial legislature of Ontario a law which provided for a system of generation and distribution of electricity at actual cost to the consumer. The law provided that there should first be organized a kind of wholesale corporation, to be known as the hydroelectric commission. Its business was to generate electricity and to carry it over transmission lines to the various municipalities which wanted to go into the partnership. The law provided for the buying of existing generating plants or the construction of new ones; for the issuing of bonds by the wholesale corporation, and the distribution of current to various municipalities. The law further provided that any municipality which desired to secure electricity from the commission must itself provide for its local distribution, attend to the collection of the charges and fees incident to the operation of the local system; so that each municipality was to be independent in itself, with some exceptions as to regulations, but all together should utilize the one wholesale system of generation and distribution. The municipalities did not generate their electricity; they bought it from the wholesale corporation.

The law provided that each municipality should pay in proportion to the amount of electricity which it consumed; that it should make a sufficient charge to the consumer to provide for the bonds which were issued locally; that upkeep should be provided for; that depreciation should be looked after; and that an amortization fee should be set aside every year which within 30 years should pay off the investment. Similar provisions attached to the parent corporation. So there was the system.

The originators were quite a number of years getting it started. There was a great contest, there was a bitter struggle, as there has been in this country wherever Government operation has been proposed. Up to that time nobody had thought about the farmer. The originators of this scheme were an aggregation of business men; they were not socialists; they were not Bolshevists; but they were the leading business men in the various communities, fought, of course, by other leading business men. But the corporation was formed with the idea of saving money for the domestic consumer and for the manufacturer in order that electricity might be supplied the consumer without paying any profit to middlemen or to private investors. The enterprise, however, had to pay all expenses; it had to stand on its own legs. Two or three years after the enterprise was started the various municipalities that had stayed out commenced to tumble over each other to get in, when they saw the benefit of the system; and when they did get in they increased the benefits, of course, that much more.

Then the farmer came in. He saw what the man in the town was getting. He sometimes visited the city homes and saw the housewife in the little home; in the laboring man's home, perhaps, cooking his meals by electricity; he saw that the bath water and the dishwater were heated by electricity; he saw the toaster, the electric fan, and all the other electric devices for the home being used at a fractional part of the cost that had theretofore been paid. The farmer wanted a similar advantage; he asked for some of it; and everybody conceded that he ought to have something of that kind. So a few years after the enterprise was started and in operation the provincial legislature of Ontario, Canada, passed a law that let the farmer in.

I want Senators particularly to pay attention to this branch of the discussion, because it is in regard to the subject of which I am now speaking that misrepresentation has been spread all over the United States; in fact, all over the civilized world.

I want Senators to listen to me while I tell them what the law provided for the farmer. To begin with, the law was amended and provision was made so that farmers could organize as could municipalities, could elect their officers, issue bonds, install systems, and buy electricity just as the municipalities did of the wholesale corporation, the hydroelectric commission. The law provided that the farmer could come in on the same basis as did everybody else, with one exception that I am going presently to note. The farmers had to issue their bonds in order to get the money to put in their distributing systems; they had to provide for the necessary officials and employees to present the bills and collect them every month and to make the proper returns. They had to provide in the rates charged for an amortization fund, just as in the case of the municipalities, so that the indebtedness would be paid off in 30 years. They had to provide for the payment of interest and for their share of the interest on the bonds of the wholesale company. They also had to provide for depreciation and upkeep.

It was realized that one of the things that stood in the way of farmer organizations securing this cheap electricity was the increased cost of the distributing lines as compared to the distributing systems of the municipalities. In the city or village there would be two dozen or more houses, perhaps, in one block, but out in the country for a distance of several miles, perhaps, there would be not more than four or five farmers who would take the electricity. So the cost of the construction of the distributing system was something which had to be contended with. The legislature, desirous, and very properly so I think, of giving to the rural population in the Province of Ontario the same facilities which the people of the cities and villages enjoyed, made a provision in the law that as to every rural organization so constituted under the law one-half of the cost of the transmission lines should be borne by general taxation. That is the only place in the entire system, either rural or municipal, where the taxpayers of Canada have ever paid one cent toward this great system that now gives them such universal service.

Because of that law, jealous and interested parties sent into Canada, mostly by representatives of the Electric Trust in the United States, have come back and said, "Oh, yes; they have cheap rates up there, but a part of the cost is paid from provincial taxation."

Mr. BROOKHART. Mr. President——

Mr. NORRIS. I yield to the Senator from Iowa.

Mr. BROOKHART. Does the Senator have in mind the proportion of the whole amount that is paid by the Government?

Mr. NORRIS. One-half. I thought I said that.

Mr. BROOKHART. How much would it have increased the rate to the farmers if they had had to pay it all?

Mr. NORRIS. It would have very materially increased the cost to the farmers; even to pay half of it materially increased the cost. The farmer there does not get under existing law the same rate or as cheap a rate as does the man in the city or village, and I presume never will get it until the amortization fund which he is providing pays off the investment. When that shall have happened I do not see any reason why his rates should not be as cheap as those of anybody else.

Mr. BROOKHART. The rates to the farmer, however, are only about 2 cents a kilowatt-hour. Is not that so?

Mr. NORRIS. Sometimes that is so. The rates vary, as do the rates in municipalities.

Mr. BROOKHART. They depend on the length of the transmission lines?

Mr. NORRIS. Yes. They depend upon the expense that is necessary in the construction of the lines and in installing the service.

Mr. BROOKHART. I made a slight investigation some time ago and I found that Canadian farmers were paying about 2 cents, while on the American side our farmers, although getting their light from the same source of power, were paying about 9 cents.

Mr. NORRIS. I made many investigations concerning conditions as affecting the farmers in Ontario and some farmers on the New York side. I spent all night with a farmer just this side of Niagara Falls who was getting his electricity, as were several of his neighbors, from Niagara Falls. I visited his neighbors the evening I was there. The current which they received was privately generated and privately owned. All the farmers were not paying the same rate because one farmer wants a different kind of service from that desired by another. As a rule, all farmers want some power. It is more important that they have power than that they have light in their homes, and the kind of service obtained, whether a farmer buys 10 horsepower or 20 horsepower or whether his load factor is 15

per cent or 80 per cent, makes up the difference in the rate paid. However, the farmers on this side were paying, as I remember now, three or four times as much as the farmers were paying over in Ontario.

If I had thought this question was going to be asked me I would have had a picture of a farm which I visited and which is supplied by electricity. The wife had in her home almost every known kind of household electrical device of which one could think. She heated her dishwater by electricity; she heated the bath water by electricity; she cooked the year around by electricity; she did not have any other kind of cooking stove in her house; and the farmer milked his cows by electricity. He ran a dairy and milked 17 cows, as I remember. He filled his silo by electricity; he pumped water both for the barn and for the house by electricity. It was available all through his barn; water was supplied to his cows by electricity without taking them out of the stall. It was automatic. He told me that it saved him the price of a hired man, and that it saved his wife the price of a hired girl. I have forgotten the exact amount of money that that cost him the year before. He had his bills there and showed them to me; but it was under $80. As I remember, it was seventy-nine dollars and some cents for a whole year for that service.

Mr. President, I want Senators to remember, when anybody talks about paying out of taxation electric rates up in Canada, that there is not anything to it. The only thing in the entire system is the payment of one-half the cost of construction of rural lines; and that has no application to a municipality. That has no application to this parent wholesale concern that supplies all of them with their current. It applies only to the farmer; and it does not apply to the farmer except as to paying one-half of the original cost of the installation of these transmission lines. That is all there is to it.

I want to read you from a letter that I have here before me, that I took from the New York World of just a few days ago. It shows how continually this misrepresentation is going on.

When I had my attention called to it in the cloakroom by the Senator from Virginia, another Senator came up. He heard us talking, and he waved his hand and said, "This Canadian business is all buncombe; there is nothing to it." I said, "What is there about it?" He said, "They get low rates up there, but they pay for it out of taxation." I asked him how he knew, and he said he had read it and heard it.

The same thing happened before the Agricultural Committee when one of the professors from the State University of Tennessee was on the witness stand. He was opposing a resolution of mine; and when I called his attention to the extremely high rate he was paying in Nashville, where he lived, and the low rate, about a third or less than a third of that, paid by the people of a town of equal size in Canada, he waved his hand and said, "There is nothing to that; they pay for it out of taxation"; and he was honest about it. I do not question his honesty or sincerity; neither do I question that of the Senator who made the sweeping statement that he made out there. There is nothing to it, however. It has come from this false statement that has the amount of truth behind it that I have given you—nothing else—and the Electric Light Trust has been busy sending that kind of misinformation to all the people of the United States.

One of the circulars that this great lobby down here sent out was very carefully worded. It was worded so that you could not get them on it; but it said, "Professor So-and-so says that the reason why they have low rates in Canada is because they pay the great portion of it out of taxation." The ordinary reader who gets that will believe, of course, if he believes anything they say, that over in Canada the people are paying for their low electric-light rate by taxation, when there is nothing to it. The electric-light interests of this country would not dare make the statement themselves, because it could be denied, and they could be put on the witness stand and made to eat their words; but they probably quoted the professor correctly, and the professor probably believed what he said.

The man writing this letter in the New York World is Arthur Williams. He is vice president, commercial relations, of the New York Edison Co. His letter is dated New York, February 21, 1928; so he is an official of this company. He has an interest in it. He ought to know what he is talking about. I want to read something that he said:

Returning to the Canadian rates—

Says Mr. Williams—

one is reminded with regret that there is only one Niagara—that priceless possession in the sense of beauty as well as of public service. While differences exist concerning some of the underlying policies, one of which, generally conceded, is basing of household rates upon political rather than economic considerations, the people of that country are to be congratulated upon their marvelous electrical development, whether it be from the technical or engineering standpoint or that of great human service.

He is complimentary, you see, and yet he throws out a slur by saying that this was political. I am going to take that up a little later and show that that is all buncombe, 100 per cent buncombe.

Continuing, Mr. Williams says:

The largest city supplied by the Ontario system—Toronto—offers the fairest basis of comparison with New York's rates. Three classes of service are supplied, each at a different rate.

That is true. The Canadian system has three classes of service—domestic service, that enters into the homes; commercial service, that enters into the business houses; and power service, used entirely for power.

Reference by your correspondent—

He is referring to some other letter that I did not see—

is probably made to the cheapest, which is a kind of service New Yorkers have never been willing to use.

You would infer from that that New York is getting a better service than Toronto. I may not be able to tell the difference in services, but I have been in the two cities, and one of the best-lighted cities and one of the most profusely supplied with electric light in the civilized world, Senators, is Toronto, Canada. We have very few places in the United States that can compare with it. It has as fine an electric service as any man or woman ever enjoyed anywhere on the earth.

The price of low-tension direct current, with storage-battery reserves, which corresponds with the generally prevailing type of service in this city, is 6 cents a kilowatt-hour.

I do not know where Mr. Williams got that figure. Of course, I am not charging him with purposely misrepresenting, although a man in the business ought to know better than to make such a statement. There is not anything to it, as I shall show presently.

This compares with our New York rate of 7 cents with a small additional element of adjustment for coal. The Canadian system, however, pays no taxes; the tax differential alone paid in this city represents almost the entire difference between the two cities.

How far off he is there! I have here the figures of how much per kilowatt-hour the taxes amount to in New York, and they are only a fraction of a cent. As I remember now, they amount to about half a mill, or something of that kind.

Other differences exist which, if added, would bring the Canadian cost in excess of New York's for equivalent or similar service.

This parent company pays taxes in Canada. The municipalities, of course, in their local distributing systems, pay no taxes; that is true; but every one of them pays an amortization fee, while not a single man paying for electric light in New York pays such a fee. In Toronto, every man who has electric service pays a fee that in 30 years will pay off the entire debt incurred for the installation of their system; so that is something that is not paid in New York. The people of New York will be paying, if they continue as they are doing now, a thousand years from now, interest on the same investment. They will have paid the cost of the plant several times over. Their children will have paid it again; their grandchildren will have paid it again; and so on down through time.

Now I am going to give you the rate in Toronto; and I can give it to you for every year since they have had this system, if anybody wants it, and we will see. This man says, and I take his word for it, that they have a rate of 7 cents in New York.

In Toronto in 1926 the average cost for domestic service—that is, in the homes—for electric light during that year was 1.63 cents per kilowatt-hour.

I should like to have the New York World print that statement in a parallel column with the letter from this man who says they pay 6 cents.

The average cost to all the consumers in the city of Toronto in 1926 for domestic service, including the service charge and everything, was 1.63 cents per kilowatt-hour.

The average cost of the stores, the commercial users in Toronto, during the same year, was 2½ cents per kilowatt-hour.

The average cost to the power users in that city during 1926 was $24.51 per horsepower per year.

There you have it for power, commercial service, and domestic service—the only three classes of service that they have, and that includes everybody. Compare that with the rate

anywhere else on earth; and I have not selected Toronto because it stands out alone by itself. I have selected Toronto because Mr. Williams selected Toronto; and, bear in mind, in that small charge there is an amortization fee that will pay off the principal in 30 years' time.

Mr. President, I have here, prepared for me by Mr. Judson King, a map that illustrates the cost of electric service between 32 American cities, represented by the black line, and 21 Ontario cities, represented by the red line, showing the cost to consumers of electric current.

I have not selected these cities. It might be of interest to know that they were selected and called to the attention of the Committee on Interstate Commerce when it had before it the so-called Walsh resolution. They were presented by ex-Senator Lenroot, representing the power companies. So, taking his figures, I had this table drawn.

I selected the Canadian cities, and I have taken the largest so as to get as near a comparison as I can. Everything else being equal, a large city ought to have much cheaper electricity than a small village or a small city, and it does, as a rule. Bear in mind also that in selecting these 32 cities, a list of which is here, Senator Lenroot took Cleveland, Los Angeles, and Seattle, cities where there are municipal plants, with a very cheap rate. If he took only cities that are supplied exclusively by private corporations, instead of having 7½ cents as the average rate, he would have one much higher, and if he took all the cities and all the villages in the United States supplied with electricity from private corporations, in my judgment he would run that figure higher and above 10 cents per kilowatt-hour.

In Canada we have taken all the cities with a population of 10,000 or more, and I notice one on the list with less than 10,000. The average rate in the American cities is 7.4 cents per kilowatt-hour. The average rate in the Canadian cities is 1.6 cents per kilowatt-hour, as shown by the records at the end of the last year. If we took all the American cities supplied with electricity by private sources and all the cities and villages in Canada, we would have a greater difference than we have here. It is a demonstration, it seems to me, that a gigantic power-distributing system such as they have in Ontario is a success, and it can not be otherwise.

The population of these 32 American cities is 25,326,000. The total population of the 21 Canadian cities is only 1,163,000. The comparison, it seems to me, is made where everything is favorable to the American cities and unfavorable to the others, and yet Senators see the wonderful results obtained.

Mr. BLAINE. Mr. President, I think it would be interesting if the Senator would incorporate the names of those cities, and the data on the page attached to the map, in the RECORD, including the map.

Mr. NORRIS. I do not suppose I could get that map in the RECORD.

Mr. BLAINE. I think the Senator could, by reducing its size.

Mr. NORRIS. I would be glad to put it in, if I could, but I doubt whether under the rules I can get that map in the RECORD. Let me inquire of the Presiding Officer whether that would be possible.

The PRESIDING OFFICER. It can be done only by permission of the Joint Committee on Printing.

Mr. NORRIS. I ask unanimous consent that this map be printed in the CONGRESSIONAL RECORD, together with a list of the various cities, both in the United States and in Canada, as to which the data is secured, together with a statement of their population.

The PRESIDING OFFICER. The request will be referred to the Committee on Printing, and I think they will act favorably on it.

[The map will be found in Senate proceedings of March 9, p. 4402.]

Mr. SMITH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from South Carolina?

Mr. NORRIS. I yield.

Mr. SMITH. I do not think there has been any more illuminating statement on the question of power than the one the Senator is now making, for the benefit not only of Senators, but of the country at large. I hope that before he concludes he will discuss the other economic features to which this power was dedicated, namely, the production of fertilizer for the people who so sorely need it.

I am not going to ask the Senator to let me speak at length, because I am going to discuss the matter in my own time, but I wanted to call his attention to one fact. The Senator represents a section of the country that does not suffer so greatly as does my section on account of the lack of artificial fertilization. He stated what it cost in a certain home to have electricity to do all of the power work—less than $100. On a farm of mine, down in South Carolina, a comparatively small farm, my fertilizer bill, cash out of pocket before we ever plant a seed, is, this year, between $2,500 and $3,500. From Florida to Maine, east of the Appalachian system of mountains, the problem of farm production is the problem of fertilization. In my State alone we spend for fertilizer—we must spend—millions upon millions of dollars, the exact amount I will state in my own time.

If the Senator will allow me this observation, there is in my section a curious condition, so far as soil and climate are concerned. The soil is naturally poor. The virgin forest may be taken off and the ground broken up, and yet even the virgin soil will not produce abundantly. But with artificial fertilization and rotation year by year it increases in fertility, until we stand to-day in my State the champion producers of Indian corn to the acre. We can produce more cotton to the acre than can the alluvial soil of Mississippi or the plains of Texas. With artificial fertilization, we can produce more wheat to the acre than can any other section. So that with us it is not a question of power; it is a question of an adequate supply of artificial fertilizer at a reasonable cost.

A curious thing has occurred since the agitation, the discovery of a method by which nitrogen can be extracted from the air, and progressive steps have been taken by science along that line. Chilean nitrate, the basis of all nitrogenous fertilization in my section, has steadily declined, until this year it is as cheap as it was previous to the war, attributable, in my opinion, to the competition that is present and potential in the production of synthetic ammonia from the atmosphere. If the farmers of the Atlantic seaboard were given one-half the cost of their fertilizers, they would be independent. The cost of fertilization practically consumes all the profits of farming, and my reason in 1916 for introducing a measure like this was because the cyanamide process had been demonstrated as a feasible plan by which nitrogen could be obtained in comparison with the use of products from our coke ovens and other processes.

Chile had a monopoly, and those who got the concessions from her were, of course, exploiting them. I introduced my bill because there were in the Muscle Shoals plant the possibilities of providing for the two elements so essential to our country, one its defense and the other its support, and I thought if I could get the nose of the camel under the tent we might demonstrate that the farmers could be relieved of a burden besides which power in my section sinks into insignificance.

On my farm I am supplied now by the Carolina Light & Power Co., with a transformer for my special benefit. That company runs its lines into my place. If I could reduce my fertilizer bill to a reasonable figure, I could buy their power at even the present price and make money. I could utilize the power and pay their present price if I could by the use of Muscle Shoals secure a reduction in the cost of my fertilizer to a figure I considered reasonable. That is why I introduced a bill to turn this plant over to a farm organization, to be run under the auspices of the Government, to create a commission and turn it over to the farmers and say, "You run this for your own interest." I do not see why as we have dedicated the plant to them and taxed the people something like $200,000,000 to bring it to the stage of operation we should now consider diverting it to other purposes than that for which the Atlantic seaboard, from Maine to Florida, is paying yearly taxes of half a billion dollars for the purpose of enriching their soil to help feed the Nation.

Mr. NORRIS. Mr. President, the Senator asks me to discuss the fertilizer question. This, I think, is the fifth day that I have been discussing Muscle Shoals, and went over the fertilizer question and discussed it at a time when the Senator was not here.

Mr. SMITH. I was not present and did not hear the Senator.

Mr. NORRIS. I do not believe, in fairness to the Senate, that I ought to go over the ground again.

Mr. SMITH. No; I do not ask the Senator to.

Mr. NORRIS. I want to say to the Senator—and this will be repetition to some extent—that there is not a man living who is willing to go any further than I will go to bring about the production of cheap fertilizer for the American farmer, and I do not say that solely because of my interest in the farmer; but I am likewise interested in the consumer, and every man, woman, and child who either eats food or produces food is interested in fertilizer.

To my mind it would be folly to say, "Let us get cheaper fertilizer by throwing this power away." That would not give us cheaper fertilizer, and we would lose the power. I think I have demonstrated that the cyanamide process, to the discus-

sion of which I devoted a day or so, is obsolete as compared with other processes. Demonstration was not needed for the Senator from South Carolina, because I have been with him on the committee and I know his viewpoint, and I know that he is convinced, as I am convinced. The Senator from South Carolina is an expert on fertilizer, and he knows that it would be the height of folly and a waste of money to devote this great power now to the operation of plant No. 2 and make fertilizer. He knows as well as I do, from the study he has made with me and the study that he has made independent of everybody of the fertilizer question, that no business man anywhere on earth with enough brains to fill a teaspoon will say, "We will use 100,000 horsepower to operate plant No. 2 down there and make fertilizer," because he would not produce a pound of fertilizer that could be sold to the farmer at a lower price. If the expense of operation and the cost were charged in the price, as any business man would and ought to do, we would not be able to produce fertilizer as cheap as it is bought and sold on the market to-day.

The resolution which I have introduced, and which is pending here, provides for the use of all the money that we get from the sale of power here for the purpose of cheapening fertilizer by the proper experimentation and the proper investigation, and I am willing to go even further than that if anybody can suggest anything that is practical. I agree with the Senator that the fertilizer question is more important than any other.

Mr. SMITH. I agree heartily with the joint resolution of the Senator and am disposed to vote for it, to the exclusion even of my own resolution; but this thought is in my mind. I believe that an organization, either directly of farmers or one that is organized under the auspices of the Government and officered by them through proper farm organizations, should take charge of this entire property, and if they find, which doubtless they will find, that the manufacture of the article on the ground is not economical, then let them take the proceeds which may be derived from the sale of the power and at such places and in such units of manufacture under the synthetic process as may be proper, let them utilize it for their own benefit. The Senator in his resolution has identically the same idea that I have incorporated in my resolution, with the exception that I believe he ought to see that the commission or organization is composed of those actually engaged in agriculture, and let them employ such experts as they may need, and let them distribute the power as they think will best serve the interests of agriculture. Let them manufacture fertilizer out of the proceeds of this institution that we have dedicated to them when and where they may think best. Let them make the experiments for their own benefit, as the Senator has illustrated that the united people of a Province in Canada have demonstrated may be done for the entire people through the united effort of all the people.

Mr. NORRIS. Mr. President, when I digressed to discuss the map to which I referred, I had not finished talking about the Toronto system, and I want to recur to that so as to finish it. I had shown, in answer to the letter printed in the New York World, that while they were paying 7 cents in New York, in Toronto they were paying an average of 1.63 cents per kilowatt-hour during the entire year 1926. I also showed that in that small fee was included an amortization fee which would wipe the debt off the face of the earth in three years.

I did not say, however, what I think ought to be said, and that is that under the Canadian system the books are balanced every year. I think the fiscal year of the system ends on the 31st day of October. Every year the books are balanced. If a municipality should say to the parent company at the beginning of the year, "We will want so much electricity during the year," it is to some extent an estimate always. The charges they are going to make to their consumers are based on their estimates as to how much will be consumed. It may be that they have made an underestimate and that they have not charged enough at the end of the year to pay all the bills, or if they have placed the rate the other way for safety, they have charged too much, so that at the end of the year they will have a surplus out of that year's operations.

Every city must balance its books every year, and Toronto had to balance hers at the end of 1926. During that year she charged a rate that averaged to all her domestic consumers 1.63 cents per kilowatt-hour. What happened at the end of the year? Had she charged enough? Did she still owe the parent company something? Had she charged too much? That is all shown in the official report. As a rule in those reports it will be found 90 times out of 100 that they have a surplus of money coming to them, money on hand instead of a deficit. Once in a while they will underestimate and not charge enough, and when the year is ended and that happens, they have a deficit to make up.

In the case of Toronto, at the end of 1926 they had money left that had not been used in payment of all the necessary charges which the law required them to make—amortization, interest, depreciation, upkeep, and repairs—and that money amounted to $6,962.59. They had charged their people a little too much. They had guessed the right way. If we run through the list of cities and municipalities, over 400 in number, it will be found almost universally that that is the case, and it would be good business, too, because they have charged a little bit more than was necessary in almost every case.

Let me now give the average for all purposes. The man who maintains that they charge too much for power and let the domestic consumer get through with less, or too much to the commercial user, can now get his figures and compare them with similar charges in the United States, where private companies supply the electricity, because I am going to give the average in each class.

First, let us take the domestic consumer. In 1926 there were 83 per cent of the consumers of electricity in domestic service in Ontario, Canada, who paid 1.9 cents per kilowatt-hour or less. Just grasp those figures. See what they mean. Out of all the domestic consumers 83 per cent paid 1.9 cents per kilowatt-hour or less. Many of them paid much less. Fifteen per cent of the domestic consumers paid between 2 cents and 3.9 cents per kilowatt-hour during the entire year 1926. Now, we have accounted for 98 per cent. We have 2 per cent of the consumers yet to account for; 1.8 per cent paid between 4 cents and 6.9 cents per kilowatt-hour. We still have two-tenths of 1 per cent of the consumers left to account for. They paid 7 cents or more. Only two-tenths of 1 per cent of all the domestic consumers in the Province paid as high as 7 cents per kilowatt-hour, and 83 per cent paid less than 2 cents per kilowatt-hour.

Now, let us take the commercial users. Eighty-six per cent of the commercial users of electricity in Ontario, Canada, in 1926 paid an average of 2.9 cents per kilowatt-hour or less. In other words, 86 per cent of the consumers for commercial purposes paid less than 3 cents per kilowatt-hour; 12.4 per cent of the commercial users paid 3 cents and 4.9 cents per kilowatt-hour; 1.3 per cent paid between 5 cents and 7.9 cents per kilowatt-hour; three-tenths of 1 per cent paid over 8 cents per kilowatt-hour.

Now, let us take power. Seventy-six per cent of the users of power paid $25 per horsepower per year or less; 8.6 per cent of the users of power paid between $25 and $30 per horsepower per year; 15 per cent paid between $30 and $40 per horsepower per year. Only four-tenths of 1 per cent paid over $40 per horsepower per year.

To the man who says, as the power lobby here has so often said and spread over the country, that they will let the domestic fellow have the cheapest rates because he has a vote, but when a man wants to get it for power he must pay more than we pay here, I will state that he will find places where cheaper power can be had than the highest priced power up there, but if we average up the prices paid for power we will find that $45 to $30 per horsepower per year is a mighty cheap rate for power. Moreover, the law of Canada provides that each one of those classes must stand on its own bottom. One class can not borrow from another. One class can not be gouged at the expense of another. It stands there like a stone wall by itself, and every year all the users of domestic light, commercial light, or power have a settlement. The charges are based on actual cost, and each system is independent, as far as charges are concerned, of either of the other two.

Mr. President, I have already taken too much of the time of the Senate, but I have only touched on a great many of the important questions involved. It would be exceedingly interesting to take up the history of the hydroelectric commission's operations in Canada. I have been over it in considerable detail at different times. I have not the time to do it now, or at least it does not seem to me to be advisable to take the necessary time to go over it again.

I wish briefly in closing to refer to some of the things with which they have had to contend. The principal thing, Senators, with which that commission has had to contend has been misrepresentation on this side of the line by those sent up there to investigate; by the power combines in the United States. They have circulated part truths such as I have called to the attention of Senators during the course of my remarks this afternoon, until millions of people on account of the reiteration of those falsehoods believe them to be true. I was dumbfounded the other day to see a Member of the Senate wave his hand in satisfaction and put it all behind him by

saying, "There is nothing to that; they pay for their electric lights from taxation." Honest as he no doubt was, he had fallen a victim to the falsehoods and the misrepresentation that have been scattered over this country by the Electric Light Trust.

Mr. SIMMONS. Mr. President——

Mr. NORRIS. I yield to the Senator from North Carolina.

Mr. SIMMONS. I shall not interrupt the Senator in that line of thought. I wanted to ask him a question connected with the inquiry that he has just been pursuing with reference to the cost of the production and the sale of power in Canada and in the United States. In referring to the United States the Senator spoke generally of kilowatt-hours, but in speaking of Canada a little while ago he spoke of horsepower. I wish to ask the Senator if offhand he can tell me what would 15 cents per kilowatt-hour amount to computed in horsepower?

Mr. NORRIS. I could figure that out for the Senator.

Mr. SIMMONS. I asked the Senator from South Carolina [Mr. SMITH] the same question and he stated a figure which was so enormous that it seemed to me that he must have made a mistake.

Mr. NORRIS. It would be enormous, but it could be easily figured out. However, it would take some time to do it.

Mr. SIMMONS. I think if the Senator could work it out and put it in his speech in connection with the figures that he gave based on horsepower in Canada, it would be very much more impressive to the American reader.

Mr. NORRIS. It might be. I think the Senator' suggestion is a very good one. The figures which I have given as to the average cost of electricity for domestic and commercial uses and for power should be considered in connection with the facts as stated on page 338 of the Nineteenth Annual Report of the Hydroelectric Commission of Canada:

> It should be kept in mind that the revenues contributed by the consumers include, in addition to the cost of power, sums applicable to retirement of capital. The annual contributions during the past year to sinking fund and principal payments on debentures in respect of the capital investments of the commission and of the municipalities, together with surplus, amounted to about 20 per cent of the total revenue contributed by the consumers in the municipalities which collectively own the undertaking.

That is quite a large figure—20 per cent. I think that is a very important statement.

> Since these sums represent investments by the consumers which result in future reduction of rates, the cost of the electrical service itself to the consumers is virtually only 80 per cent of the charges per kilowatt-hour and per horsepower indicated in Statement D and in the summary figures derived therefrom.

In other words, in order to get the true picture, the figures that I have given ought to have 20 per cent taken off in order to compare them with figures that are always given by privately owned generating distributing systems.

Mr. President, some day we are going to have a system such as Canada has; some day this old world is going to reach the point where we are going to have electricity in every home the same as we have water; some day it is going to be on every farm; some day every stream that trickles down the mountain side is going to perform service for mankind; some day there will not be a home, either in the country or in the city, but will be supplied by electricity; and all the uses that we know now and those that may be invented in the future will be available to humanity. We can not escape that, Mr. President; it is as sure as is the law of gravitation.

When the world is on this road of progress and is going further onward in promoting the happiness of mankind, we are now confronted with the question as to whether we are going to pull back or whether we are going to push forward. If when that time shall come—which will be within the lifetime of those now living, although it will probably not be within mine—humanity shall find itself chained to earth by a private monopoly, the children of that day will arise and curse our memories for not saving them from the bond of slavery that must be theirs if we fail to do our duty.

In saying this, Mr. President, I charge no man with being dishonest, with doing anything that he does not conscientiously believe to be right. Human nature is much the same everywhere; it is the same whether it is on this side of the aisle or whether it is on the other side. The human heart is much the same whether it is found in a Senator or in a man who is laboring in the street. Humanity is about the same all over the world when we get right down to bedrock. The things necessary for the enjoyment of life depend upon the advance of science and the condition of the human mind at any given time.

Forty years ago this question might have passed with only a moment's consideration; nobody would have thought of it; but 20 years from now it will be a thousand times more important than it is to-day. We can now see what this unseen force is accomplishing and appreciate what wonderful things are in store for our descendants if we properly use the elements that God Almighty has given to man. We will see the time when every stream that flows downhill will promote the happiness of mankind or will be used by private monopoly as a chain to fasten humanity to the earth; and we are confronted with a little step—just a little one—involving the determination whether we are going to add to that monopoly and give it opportunity to bind our children and our children's children to practically a form of slavery.

Charge all those who have such idea as being dreamers, if you want to, but we are fast approaching the day when electricity, as I said before, is going to be as necessary as is water; and no free people will always submit to being held down by a monopoly. Remember that in order to obtain the greatest happiness from the use of this element we must have a monopoly, and it ought to be a monopoly owned by the people themselves. There is no reason why we should turn over the latent power in the rivers and streams that God has put upon the earth to private individuals in order that they may make a private gain at the sacrifice of all the people who own the streams and this blessed element of electricity.

So I think we are presented with an important question, Senators. It is whether we are going to turn Muscle Shoals over to a private monopoly that is already reaching all over the country. When it fastens its grasp upon all of us we will beg then for an opportunity to investigate to find out where their charges are wrong, even though we feel that they are but are not able to demonstrate it. This legislation, if enacted, will stand out as a guidepost, directing us to the place where we can obtain information, where we will be able to ascertain how much it costs to produce electric power and what ought to be charged to God's people when they use their own property.

So I beseech the Senate, no matter what may be the belief of individual Senators as to Government operation and Government ownership, to remember that this is not entirely a question of Government operation or Government ownership. The Government owns Muscle Shoals now, it operates it now, and the question is, Shall we turn it over to private monopoly or shall we keep it for all the people?

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Mississippi [Mr. HARRISON].

Mr. BLACK obtained the floor.

Mr. ROBINSON of Arkansas. Would the Senator from Alabama like to have a quorum present to hear him?

Mr. BLACK. I yield.

Mr. ROBINSON of Arkansas. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Barkley	Fess	McMaster	Shipstead
Bayard	Frazier	McNary	Simmons
Black	George	Metcalf	Smith
Blaine	Glass	Neely	Steiwer
Blease	Gould	Norris	Stephens
Brookhart	Hale	Nye	Swanson
Broussard	Harris	Overman	Tydings
Bruce	Harrison	Phipps	Tyson
Capper	Hawes	Ransdell	Walsh, Mass.
Caraway	Heflin	Robinson, Ark.	Walsh, Mont.
Couzens	Johnson	Robinson, Ind.	Waterman
Curtis	King	Sackett	Watson
Cutting	La Follette	Schall	Willis
Edge	McKellar	Sheppard	

The VICE PRESIDENT. Fifty-five Senators having answered to their names, there is a quorum present.

Mr. BLACK. Mr. President, it is easy to realize that the subject of Muscle Shoals has been discussed so much and over such a long period of years that perhaps it will be difficult to make any statement which will be either interesting or enlightening; but in view of the fact that the Senator from Nebraska [Mr. NORRIS], in the judgment of the people whom I in part represent, is attempting to divert the power at Muscle Shoals from the purpose of manufacturing fertilizer, for which object it has been formally dedicated, I desire to present some facts with reference to his proposition.

I wish to call to mind in the first place the fact that the pending joint resolution, while it purports to be a bill for the manufacture of fertilizer, is in fact no such thing. One who reads the title might believe that if it should be enacted into law the farmers of America would receive some relief from the distress under which they have been ground down to economic slavery not to a Power Trust but to a Chile nitrate combination.

This bill provides, first, that the power shall be sold on the open market—a proposition which was never contemplated,

according to the records, by any citizen or any Senator or any Congressman who voted for the original bill. It provides, in the next place, a legally declared preference for municipalities, with no declared method of enforcing that preference; and I am convinced that if this joint resolution becomes law as it is written within less than six months the Alabama Power Co. will have a 10-year contract for practically every kilowatt of power that is generated by the water that flows over Wilson Dam.

The people of Alabama oppose that, not because of hostility to the power company, but because of the fact that this power was originally dedicated in peace time to the use of the American farmer. For 10 years this great project has been built. For 10 years the farmers of America have known that Congress was friendly to them, because Congress has daily said so. For 10 years millions and millions of words have been spoken and written about the distress of the farmer. These words have *piled mountain* high in professions of sympathetic interest for the farmers, that have not, in so far as Muscle Shoals is concerned, been translated into a reality.

The biggest plant in America for the fixation of nitrogen by the cyanamide process has been silent for 10 years, while the farmers turned their wistful gaze toward Washington and said, "Now we know that our relief is near; our fertilizer bill will be reduced"; but with words printed in the magazines by people who are really their friends, with words spoken in Congress by people who are really their friends, with their friends divided as to the method by which their relief should be effected, year after year and session after session the farmers of America have continued to be borne down by the burden of an unjust price for fertilizer. During this time propaganda has gone out all over this Nation that fertilizer can not be manufactured at Muscle Shoals at a cheaper rate than it can be bought from Chile, notwithstanding the fact that if the farmers read the record of the test run made at cyanamide plant No. 2, which plant is claimed to be obsolete, and if they will read the figures as to the price at which fixed nitrate can be manufactured at that so-called obsolete plant, they will find that the Government's own engineer conducting a test operation of this very plant has officially reported that by the continued operation of this plant nitrogen could be reduced in price to the farmer 7 cents per pound, amounting to approximately $7,000,000 reduction for the farmers' fertilizer on the total output of that plant. Notwithstanding that fact people still talk "Power! Power!" The farmers are asking for the bread of nitrate, and they get the stone of power.

Here is the whole gist of this controversy: Shall the power from Muscle Shoals be turned over to prosperous industry, or shall it be turned over to the impoverished farmer?

It is all right to draw pictures of farmers having their churns worked, their dishes washed, and their cows milked by electricity; but I want to say to you, as one who is familiar with the farmers of Alabama—it may not be true of Mississippi and other States—that it is worth very little to a farmer whose cow and horse are mortgaged for his fertilizer to offer to cure his ills by supplying power to churn his milk and wash his dishes and milk his cows.

That is the issue, veil it as you may. Will you turn that power over to industry or the farmer? I have heard practically every day since I came to this body that the farmer is poor and downtrodden and overworked and borne down by the burden of obligations. Yet the farmer, if this resolution or the amendments pass, is offered the sweet solace, when he puts his weary limbs to bed at night to pass into troubled slumber, that some scientist, some theorist, for 10 years will be probing into glass tubes and poking around in factories to try to perfect a process which I can prove to you by the statement of the engineers of the United States, whom the Senator from Nebraska says are perfectly reliable, is already in such state of perfection that if, for instance, that plant had been operated last year at capacity, and it had cost every dime to operate it that Colonel Burns said it would cost, the State of South Carolina could have saved on its purchased nitrogen more than a million dollars.

Yet, what those farmers who live away up on the hillsides where, as the Senator from Nebraska [Mr. NORRIS] said, the "brooks trickle and the branches run," what those farmers who never have thought about having hired help, what those farmers who follow their mules from early morning to late at night, will get will be power. It is my belief that when that kind of farmer sees by light coming from that power it will be when their children's children are standing there in the same place where they lived. The sad part of this picture is that the farmer in the meantime will be deprived of fertilizer at a reasonable price because the Congress of the United States could not reach an agreement on a method of operating the greatest potential asset that the farmers of America have to-day.

Gentlemen are arguing about whether it will be privately operated or governmentally operated, drawing beautiful, dazzling visions of electric lights all over the Nation, and the Senators who come from the South know that the electricity which reaches the people there will touch few farms of the people of Mississippi, Alabama, North Carolina, South Carolina, Tennessee, and Georgia. There is propaganda distributed to the effect that there is poverty of power; that it must be equally distributed, and each State must have its part of power; anything, in fact, to prevent the revolution of the wheels at Muscle Shoals that might afford relief to the farmer.

The whole fight here is between the application of this power to industry and to the farm. A man may be the best friend the farmer ever had, but if his eyes are so dazzled by the brilliance of power, by the beautiful illumination, a dream lighting up the mortgaged home of the farmer, that he can not see the practical situation that faces the farmer to-day with reference to high-priced fertilizer, then the farmer might be injured as much by his friend as by his enemy.

The industry and commerce of the United States during the year 1925 reached the highest level ever attained in our history, not even excepting the years of abnormal war activity. If Senator NORRIS' bill passes, this power goes to industry, and there is not one kilowatt out of a million that will reach any farmer down on the hills of Alabama or Georgia or Mississippi or South Carolina.

Mr. President, these are old figures; but they are worthy of being called to the attention of the Senate, because of the fact that this is a fight, conceal it as you will, between those who want this power to be used for the benefit of the farmer and those who want it used to turn over the wheels of industry. What about that? Why should industry be preferred over agriculture, since incomes from farming since 1900 have not been sufficient to pay a fair return on the current value of the capital used and a fair wage for the farmers' labor; when the total indebtedness of the American farmers is from twelve to fifteen billion dollars; when mortgages on the farmers' homes amount to more than $8,000,000,000; when the collateral and personal loans, where the farmer has his cow and his horse and his house mortgaged, are more than $3,000,000,000?

I call attention to this at the outset for the reason that I want to show that it is not fair and not just to take power that is needed to reduce the price of fertilizer for the farmer and make his life easier and, under the guise of equal distribution or equal anything else, tell the farmers of America, "We offered it to you, but it was a sham and a pretense and a mockery." It is not fair to permit agriculture to continue to languish on the ground, poor and bleeding, while industry continues to soar higher into the skies.

What do we know about fertilizer? There were imported into America in the year 1927, 838,591 tons of Chile nitrate. I call attention to the fact that in the years before the war, when this country was unprepared, just before the time when the first naval engagement was fought off the coast of Chile, there were being imported into America, in the year 1914, 606,720 tons of Chile nitrate, or 200,000 tons less than the year 1927. To-day, 10 years after the war, when we should have learned our lesson of preparadness, although we have spent billions and billions of dollars to build battleships, the only plant that America has in it that could prevent our dependence upon Chile for nitrates has had its wheels idle, while the directors of this great Government of ours have argued as to whether it should be operated by the Government or by private individuals, whether private initiative or the Government should operate the plant, and various other controversial matters.

During that same time war-torn and bleeding Germany has absolutely driven Chilean nitrate out of their country, and last year, as against 830,000 tons of Chilean nitrate shipped into this country, there were shipped into Germany only 25,000 tons of nitrates. Nitrates, it will be remembered, are essential if America is prepared to use the guns and battleships billions of dollars have built.

Now, 10 years after the war, in which America realized that it must have nitrates for explosives, we are still arguing over whether we shall experiment 10 more years in order to do what Germany has not experimented with but what Germany has actually done.

Knowing these facts, it is now proposed that we sell the farmers' power for 10 more years, and while we are doing it experiment and project around, and thereby make the world believe that America is not capable, as Germany is, of transacting its business and preparing for war in time of peace.

What do we have next? The total cost of this nitrate that was shipped into America at $47 per ton was $39,413,777. The American Cyanamid Co., using this method which is claimed to be obsolete—which some Senators say is just absolutely foolish to follow, which no one except a man who does not have enough brains to fill a spoon, they say, would use—during the year 1927, with exactly the same kind of a plant that we have at Muscle Shoals, except for certain improvements which could be made at very little expense, sold nitrates and ammo-phos, which contains nitrate, at $64.40 a ton, and the nitrate thus manufactured was sold on the open market at a price which, if it had been substituted for Chilean nitrate, instead of costing this country $39,000,000, would have cost this country $19,757,112.

Now, instead of a saving of $19,656,665 on an alleged obsolete process, this resolution requires that theorists project around and probe about in tubes to seek further reductions in price, because $19,000,000 is not enough for Americans to save. The theorists want to make it perfect.

Mr. SMITH. Mr. President, I would like to ask the Senator whether the figure at which they estimate that this can be sold is an estimate, or did the farmers actually buy the cyanamide?

Mr. BLACK. This was actually sold at Warners, N. J., to the farmers of the world.

Mr. SMITH. Has the Senator ever had any experience with the use of cyanamide direct?

Mr. BLACK. Does the Senator mean cyanamide or ammo-phos?

Mr. SMITH. No; cyanamide.

Mr. BLACK. I have not; but the people of Alabama have used this exact fertilizer, and I have telegrams and letters in my office now telling me that they can use it; that they want it; that it is an ideal fertilizer where there is red clay land; and they do not need potash.

Mr. SMITH. I think the experience of the farmers in the use of cyanamide was not very satisfactory, in view of the fact that the basis of it was lime to hold the nitrogen content. I am aware of the fact that it can be used by the fertilizer companies as a basis for their ammonia and nitrogen, which are convertible terms, but it is not practical to use it direct, as we do nitrate or soda. But I will not take up the time of the Senator in arguing that now; I will go into it in my own time and discuss it.

I do not think there is any question of doubt—and the Senator will, of course, give due weight to it—that our own laboratory here, our nitrate research laboratory, has demonstrated that the synthetic process is infinitely greater than any other in its capacity for turning out ammonia. A unit of power will produce three or four or five times as many units of ammonia as the cyanamide process will, and they claim—and I shall introduce their figures in what I have to say—that the synthetic process is the one now that is not only past its experimental stage, but is practicable; and I do not see why we may not utilize it at Muscle Shoals. The Senator and I are not apart on the idea that the whole project should be dedicated to agriculture and the power or the proceeds of the power used for the purpose of relieving the burden of the price of fertilizer.

Mr. BLACK. Mr. President, Senator SMITH and I are a long way apart if he advocates using the proceeds of this power for experimental purposes only. I admit that the synthetic process can be used; but I claim that the records show, and that business experience shows, that the cyanamide process can be used just as cheaply, and not only that it can, but that it is being done.

Mr. SMITH. I just want to call the Senator's attention to the fact that we are spending a good deal of money in our nitrate research laboratory. I do not have the figures here now, and would not risk my memory in quoting the exact figures, but I do not think there is any question in the world but that it is impossible to produce practical results for the farmer—ammonia or nitrate in the form of cyanamide—when compared to the cost of production by the synthetic process.

Mr. BLACK. I do not care to get into a long controversy over that.

Mr. HARRISON. Mr. President, may I ask the Senator a question?

Mr. BLACK. Certainly.

Mr. HARRISON. The Senator has alluded to the fact that Germany has protected itself against Chilean nitrate, and the Senator has cited certain figures. Was it by the synthetic process that nitrates were made in Germany or by the cyanamide process?

Mr. BLACK. Both, and I have the comparative figures, which I will read later.

Mr. HARRISON. I had understood from the speech of the Senator from Nebraska [Mr. NORRIS] that there was a tremendous increase in the production in Germany by the synthetic process, while there had been practically no increase in the production by the cyanamide process.

Mr. BLACK. I did not want to get far into the subject at this time, but I want to state that I do not care whether they use the synthetic or the cyanamide process. It does not make any difference to me. Both of them are past the experimental stage. The cyanamide people claim that their process is the better. The synthetic people claim that their process is the better. One of the gentlemen from whom the Senator from Nebraska quoted a few days ago, who was with the Government, I am informed now has a position with a synthetic plant in this country. There is a fight on between the two as to which is the better, and I call attention to this without caring which one is the better.

The Cyanamid people have the patents on their process. The synthetic people came over from Germany and attempted to sell the Cyanamid Co. the synthetic process. They investigated it, with their engineers, and would not buy. I am informed that the Du Pont Co. and the Allied Chemical Co. did buy it. Their propagandists have been at work, as well as the propagandists of the power companies that want this power at Muscle Shoals for utility purposes. These propagandists have been busy, and have tried to prove to the Congress of the United States that it is foolish to attempt to operate the plant, even though a plant of exactly the same kind is being operated at a profit by a company which has grown by leaps and bounds in the last five years in competition with the nitrate producers of the world. But we will come to that a little later.

Mr. McKELLAR. Mr. President, may I ask the Senator a question?

Mr. BLACK. Certainly.

Mr. McKELLAR. Are there any products of the Cyanamid Co. now going into fertilizer?

Mr. BLACK. Yes; 75,000 tons of them.

Mr. McKELLAR. Now going into fertilizer?

Mr. BLACK. That is what will go into it this year according to my information.

Using this "obsolete" process—let us not forget that—which is too bad for the United States, the farmers of America lost last year $19,656,000.

Mr. SMITH. Mr. President, may I ask the Senator a question?

Mr. BLACK. Certainly.

Mr. SMITH. It has been stated that the cyanamide process has proven such a success and the product can be produced much cheaper than the Chilean nitrates. Their plant has been in operation at Niagara, and that was the incentive really for the bill which I introduced that became the foundation of all this proposed legislation. They have had their plant at Muscle Shoals and they have had their plant at Niagara. They have had absolute control of the patents. Why have they not been putting it on the market in such quantities as to drive the Chilean nitrate off the market?

Mr. BLACK. It is because the Senate, in the first place, would not let them have the plant at Muscle Shoals which the Senator mentions they had.

Mr. SMITH. Could not they——

Mr. BLACK. I will explain the other point now.

Mr. SMITH. Could not they have gotten other water power?

Mr. BLACK. Yes; and they have another water-power project and have been producing, but they can not do it all in a day. They started out in 1925 and produced 18,000 tons. In 1926 they produced 34,000 tons, which is a pretty good growth. In 1927, while we were still debating in this country whether or not the process was obsolete and worn out, the American Cyanamid Co. increased to 50,000 tons.

Mr. SMITH. At what points were they doing that?

Mr. BLACK. At Niagara Falls and Warners, N. J. Thus far during the present year they have already outstanding contracts and have increased their capacity, not installed capacity as was argued here but their operating capacity, and will turn out 75,000 tons of pure nitrate. I do not mean nitrate that is mixed with rock or nitrate that is mixed up with something else, but 75,000 tons of pure nitrate. They have been growing with unusual rapidity. During that time they have been in competition with Germany. Week before last they took away from Germany an order in Hawaii. They are selling to Japan. They are selling to other countries in the Old World in competition with the so-called perfected synthetic process. Bear in mind that so far as I am concerned I do not care what process is used at Muscle Shoals, but I do object to tying this power up for 10 more years and experimenting during all that time, while the farmer looks forward to the time when his children's children may get the benefit of the experiments of which Germany is getting the benefit to-day.

Mr. SMITH. Mr. President, if the Senator will allow me, there is no possible difference between the position the Senator occupies and the one I occupy. It is not a question of whether we shall use the cyanamide process or the synthetic process. It is a question of the most practical process. I have been relying upon the experts employed and financed by the Congress of the United States to give us the proper information, and their bulletins on the question clearly state that the practical process is the synthetic process. We have to depend upon their laboratory research and upon their honesty and their capacity to give us information or else we ought to abolish the whole scheme. Therefore it brings me to the thought that if we are going to dedicate Muscle Shoals for the use of the farmer it is the Senator's duty and my duty to see to it that the best possible process, the cheapest and most efficient process, shall be used at Muscle Shoals for the production of actual practical fertilizer that would be used by the farmer, and not the production of an ingredient that has to go through a mixing plant of the great fertilizer companies before it becomes available for the use of the farmer.

Mr. BLACK. I may say in reply to the Senator's question, as to whether or not we should believe what the Government experts say, that I will show the Senator in just a few moments that one of those experts who went with the Senator from Nebraska [Mr. NORRIS] to the synthetic plants—and, by the way, they did not go to the cyanamide plant—by his own figures, in the hearings before the committee of which the Senator from South Carolina [Mr. SMITH] is a member, showed that the farmers of the South and of the whole country would have obtained nitrate at about 7 cents per pound cheaper if the Muscle Shoals cyanamide plant had been operated than they were able to obtain it from Chile.

I have always heard another thing, which is pretty good doctrine to go by, and that is that "the proof of the pudding is in the eating thereof." When a company goes from 18,000 tons to 75,000 tons in a period of four or five years it is pretty good evidence that shrewd business men are not putting their money into any process which is obsolete and worn out.

Now I would like to proceed with these figures.

Mr. McKELLAR. Mr. President, I would like to ask the Senator a question before he proceeds.

Mr. BLACK. Certainly.

Mr. McKELLAR. The Senator said that "the proof of the pudding is in the eating thereof," and that is true. Is it not true that the various fertilizer companies, including the Cyanamid Co., have a fixed price for fertilizer and that they sell to the farmer at such fixed price? If we were to take up one of the concerns and turn this great plant over to it, how would that benefit the farmers if the Cyanamid Co. is already in a combination to maintain a fixed price for fertilizer which is sold to the farmer?

Mr. BLACK. I do not propose at this time to argue the Madden bill. I am perfectly willing to do that when we reach it. I propose now to show by actual figures that the statement that the cyanamide process is obsolete is disproved, in fact, and to show by actual figures what has been lost to the farmers of the South and of the United States by keeping this plant idle while the Nation dallies along debating which is the proper process.

Mr. SMITH. May I make this statement, and then I shall not interrupt the Senator further. I think the word "obsolete" was used in a comparative sense. An oxcart is not obsolete, even though we have the automobile, but no one will question that transportation by the automobile is quicker and more efficient than by oxcart. The Government claims in its bulletin that the synthetic process——

Mr. BLACK. I have read every word of it.

Mr. SMITH. The Government claims that the cyanamide process consumes such an enormous amount of power as compared with the synthetic process that as a cheap and practical method of obtaining ammonia it is not to be compared.

Mr. BLACK. I understand that. I understand further that the cyanamide process uses one man every time the synthetic process uses three men. I understand further that labor is cheaper in Germany, where the synthetic process is used, than it is in America. I understand further that the by-products which are produced from the manufacture under the cyanamide process are of immense value. I believe that both processes could be used to-day so as to benefit the farmer, and I know further that no fertilizer is manufactured from the synthetic process. I know further that under the bill of the Senator from Nebraska [Mr. NORRIS] the farmers would not be benefited by any process except as experiments might indirectly aid them.

Mr. GEORGE. Mr. President, will the Senator permit me to ask him a question?

Mr. BLACK. Certainly.

Mr. GEORGE. I want to ask the Senator, because he has probably studied the question more than I have, if there is anybody proposing to use the synthetic process?

Mr. BLACK. There is a bid which proposes to use whichever process will make the product best.

Mr. GEORGE. What bid is that?

Mr. BLACK. The Cyanamid Co.

Mr. GEORGE. And it is not confined to the cyanamide process?

Mr. BLACK. Certainly not. They want to use it because they know they can use it cheaper, but they are not tied down to it in their bid.

Mr. GEORGE. They say they will use either process?

Mr. BLACK. They say if the time ever comes when the synthetic process is cheaper, they will adopt it in a minute.

Mr. GEORGE. I understand the Senator to say he will discuss that bid at a later time?

Mr. BLACK. I shall discuss that bid after we have done what I think we should do, and that is defeat the pending resolutions and amendments which would not give the farmers an ounce of fertilizer except to a very few for experimental purposes.

Mr. HEFLIN. Mr. President, right in this connection, if my colleague will permit me——

Mr. BLACK. Certainly.

Mr. HEFLIN. Professor Howe, the chemical expert witness whom the Senator from Nebraska [Mr. NORRIS] had before the committee just recently, when he was testifying was asked this question:

Senator HEFLIN. The American Cyanamid Co. is doing a very flourishing business, is it not?

Professor HOWE. To the best of my information it is.

Senator HEFLIN. Is this American Cyanamid fertilizer a good fertilizer?

Professor HOWE. It certainly is.

Senator HEFLIN. Is it a fine plant food?

Professor HOWE. Yes; unquestionably.

Mr. BLACK. Now, if I may be allowed to proceed with some of these figures, I want to show by actual figures that even though the cyanamide process is as "obsolete as an oxcart," it would have saved the farmers of America millions of dollars to have had that plant at Muscle Shoals in operation last year.

Mr. SIMMONS. Mr. President, will the Senator let me ask him a very simple question?

Mr. BLACK. Certainly.

Mr. SIMMONS. I am asking for information only and not to get into any controversy. To what extent has cyanamide, as it is used in fertilizer, supplanted nitrate of soda from Chile?

Mr. BLACK. As I understand it, cyanamide alone is not used as a fertilizer to any extent, but in combination with other elements.

Mr. SIMMONS. I mean the combination that is used as a fertilizer. To what extent has that combination supplanted the use of nitrate of soda as furnished from Chile?

Mr. BLACK. In America?

Mr. SIMMONS. Nitrate of soda imported from abroad.

Mr. BLACK. In America it has not supplanted it to any appreciable extent by reason of the fact that there is not a single fertilizer factory in America that is itself fixing nitrogen. It has supplanted it to this extent: Many of them are buying cyanamide from the Cyanamid Co. To that extent it is supplanted. It will be a process of education, as all agree, including the Secretary of Agriculture, to bring the farmer up to the point where he can use concentrated fertilizer with the same facility that he uses mixed fertilizer.

Mr. SIMMONS. I will ask the Senator again, Is not the farmer to-day using nitrate of soda secured from Chile?

Mr. BLACK. Yes; and I have just given the figures.

Mr. SIMMONS. Instead of nitrate of soda made by the cyanamide process?

Mr. BLACK. Yes; he is.

Mr. SIMMONS. Is not the reason for that largely because the cost of the fertilizer made by the latter process is greater than that of nitrate imported from Chile?

Mr. BLACK. No; it is for this reason——

Mr. SIMMONS. Together with the fact that the nitrate imported from Chile is a little safer as a plant food?

Mr. BLACK. I do not so understand it. I understand it is for the reason that there is an immense amount of investment among the fertilizer companies of America in antiquated machinery which would be absolutely useless if they fixed nitrogen from the air. The result is that the fertilizer industry, so long as it can maintain the high prices made necessary and imperative by antiquated machinery, is not interested in fixing nitrogen from the air by a cheaper process. My idea is that if

the Government, instead of competing with the power companies, which would help the farmers very little, would cause that plant to compete with the fertilizer factories and reduce the price of fixed nitrate, as it has to do, that then the farmers would get the benefit.

Mr. SIMMONS. Mr. President, I understand that the Senator from Nebraska [Mr. NORRIS] agrees with what the Senator from Alabama has stated, that there is an immense amount of ammonia made in the form of cyanamide in this country, but that only a very small amount of it is actually used by the farmer for fertilizer.

Mr. BLACK. The Cyanamid Co. at Niagara Falls, as I said a few moments ago, sends most of its fertilizer abroad. It began doing so several years ago. That is, perhaps, partially due to the fact that Europe being much older in settlement and the farms having been under tillage over a vastly longer period of years, and the nitrates necessarily having been taken from the ground, it became imperative that the people of the Old World devise new plans and new methods to supply the nitrate which was being rapidly exhausted. Therefore they had begun to use the concentrated fertilizer before we did in America.

I am now undertaking to show that the concentrated process as used at Muscle Shoals will reduce the price generally, and after that I shall show the Senator from North Carolina [Mr. SIMMONS], I think to his satisfaction, that it will reduce the price to him on his farm and will reduce the price to every citizen of his State.

Mr. SIMMONS. I think, then, I understand the Senator's position. I think the Senator admits that at this time the farmer is getting his nitrates from Chile.

Mr. BLACK. Yes, sir; that is mainly true, and that is why I just quoted the figures I did.

Mr. SIMMONS. And the farmer is not getting them from the plants about which the Senator is talking?

Mr. BLACK. That is correct.

Mr. SIMMONS. Although those plants have been making cyanamide for a great number of years.

Mr. BLACK. Yes, sir.

Mr. SIMMONS. But the Senator says if Muscle Shoals can be dedicated to the making of cyanamide then we shall begin to make our nitrates at Muscle Shoals instead of buying them from Chile?

Mr. BLACK. Yes, sir. I am just now giving the figures.

Mr. SIMMONS. The fact is, however, that up to this time we have not been doing that, although we have been manufacturing, first, 19,000, then thirty-odd thousand, and finally 75,000 tons of cyanamide, but have been using practically none of it for the purpose of fertilizer.

I am saying this as a farmer to the Senator from Alabama. I have to buy a great deal of this material. I have bought but a very little of cyanamide.

There was a little of it once brought to my town and we bought some. There was a dealer who dealt altogether in it in a section of the State, but at the end of the year he had about 100 lawsuits brought against him on account of the damage done to crops by the use of cyanamide. We have not learned, in my State, at least, to use cyanamide as a source of nitrogen. In my section we get our nitrates almost entirely from Chile. I think that is also the fact with reference to the remainder of the country. I do not know what the future may bring; the Senator's predictions may be correct; but considering the present as well as the past—we have been making cyanamide for 10 or 15 years in this country——

Mr. SMITH. We have been making it longer than that, if the Senator will allow me to make the suggestion.

Mr. SIMMONS. We have been making it longer than that; we have been making it much longer than that; but up to this time it has not been used for the purpose of making fertilizer. It is used for the purpose of making explosives; it is used in the arts and sciences, but it is not used as a fertilizer. I wish the Senator from Alabama would explain to us more fully why, if cyanamide can be made cheaper in this country than the nitrate of soda which we get from Chile, the fertilizer producers have not been making it and selling it to the farmers?

Mr. BLACK. I expect to explain that to the Senator.

Mr. SIMMONS. I hope the Senator will do so.

Mr. BLACK. I wish, first, to establish the facts, to show something about the figures before I get down to the other proposition.

As I have stated, we imported last year Chilean nitrate valued at $39,000,000. That would have cost at cyanamide prices $19,000,000. The tax we paid to Chile for the purpose of buying that nitrate last year was $9,381,737.

Mr. BROOKHART. What were the figures the Senator stated?

Mr. BLACK. The tax amounted to $9,381,737 last year. America has been too busy discussing processes and power to operate a plant. This country bought 38 per cent of the entire nitrate output sold by Chile.

Mr. GEORGE. In point of tonnage, will the Senator please give us the figures?

Mr. BLACK. The number of tons bought was 838,591.

Mr. GEORGE. And how much cyanamide was exported? Did the Senator give those figures?

Mr. BLACK. I have not given those figures at all.

Mr. GEORGE. I thought the Senator had done so.

Mr. BLACK. But cyanamide plant No. 2, if we can stop discussing power and manufacture something for the farmer, if operated will produce 50,000 tons of pure nitrogen or 38 per cent of the total Chilean nitrate shipment to America in 1927. The world production of cyanamide in 1926, according to the figures given to me by the Commerce Department, was 2,204,500 tons. Germany, by the cyanamide process, produced more than 65,000 tons of nitrogen. That is the lowest estimate that I have found anywhere. Those 65,000 tons of pure nitrogen equal in nitrogen content 419,354 tons of Chile nitrate. So Germany manufactured last year at the lowest estimate more than half as much nitrogen as we shipped in from Chile in nitrates, and yet this process is said to be obsolete and useless.

Mr. SMITH. Has the Senator the figures to show how much ammonia—which is the real form in which the synthetic process develops the commodity rather than nitrogen, and that is the form in which the farmers use it—Germany produced under the synthetic process?

Mr. BLACK. I have the figures here, but I should have to look for them. The amount, however, is more than under the cyanamide process.

Mr. SMITH. Yes.

Mr. BLACK. It is more because Germany is short of water power. It is on exactly the same principle that it is cheaper for a cotton factory to locate in South Carolina than it would be to locate in California. Business and industry, according to expediency and business ideas, are being located at the places where they can best operate. That is true of Germany, as stated in the letter from Prof. Albert T. Franck, who criticized very severely what he alleges to be our Government's propaganda with reference to the cyanamide process and explained in full the operation of the cyanamide process in Germany.

I might state before I leave that branch of the subject that Great Britain imported only 87,965 tons of Chilean nitrates, while we imported 138,000 tons. I will state again that I do not care whether fertilizer is manufactured by the cyanamide or synthetic process. Both of them have proved to be good, and the use of either at Muscle Shoals would reduce the price of fertilizer to the farmer. The cyanamide process, however, gained a greater percentage last year in growth than did the synthetic process, according to Government figures.

In 1926 the Government reports show a sale of 7,496,294 net tons of fertilizer in America. Of this amount the cotton States used for all purposes 5,006,536 tons, or about 75 per cent of the total fertilizer.

Mr. SMITH. Will the Senator allow me to interrupt him?

Mr. BLACK. Yes.

Mr. SMITH. A few days ago in the colloquy between the Senator from North Carolina [Mr. SIMMONS] and the Senator from Nebraska [Mr. NORRIS] during the latter's speech as to the use of ammonia and the amount produced the question was asked as to the relative amount produced in Germany in 1927 by the cyanamide process and by the synthetic process. The Senator from Nebraska put the tables in the RECORD of February 24, at page 3517. The figures show a nitrogen fixation by the direct synthetic ammonia process was 440,000 tons, as against 82,000 tons by the cyanamide process.

Mr. BLACK. I do not know the exact amount, nor am I particularly interested in the differences between the two processes, both of which are doing business in the open market and making money. I am not interested in the fight of the Allied Chemical Co. of America to establish the superiority of its patented synthetic process over the cyanamide process owned by others; but I am interested in whether or not this project down in Alabama, which has been recognized as a great potential force for the farmer since the days of Andrew Jackson in 1816, when he first wrote a letter about it, will be continued as a waste plant or whether somebody somewhere will see to it that we stop squabbling over nonessential details and get down to some proposition that will result in devoting that power to the use of the farmer.

Mr. SMITH. Mr. President, would not the Senator be perfectly willing to vote for a measure designed to create right now an efficient commission that will immediately use the power at Muscle Shoals for the production of fertilizer by whatever process is the most feasible and practicable and to use all the proceeds for the benefit of agriculture, to which the project was dedicated?

Mr. BLACK. I have not read the Senator's bill.

Mr. SMITH. I am not speaking about any bill; I am talking about something that will enable the Government to acquire by leasing or by purchase or by any power that the Government may employ the patents which have proved to be practicable, put them in operation at Muscle Shoals, and let that project, which in the initial legislation was dedicated to agriculture, begin without delay, upon the passage of the bill, to employ such process or processes as will immediately make available fertilizer for agricultural purposes.

Mr. BLACK. I am not wedded to any process or to any bill or to any plan, and I have no pet scheme.

Mr. SMITH. The reason I asked the question——

Mr. BLACK. I am going to answer the Senator.

Mr. SMITH. The reason I asked that question was this: If we can get the friends of agriculture on this floor to take such an attitude, it will not require very many hours for us to get together and pass a bill that will immediately put into operation the great power at Muscle Shoals which is now ready to manufacture fertilizer.

Mr. BLACK. As I started to say, I am not wedded to any bill or to any plan; but I strongly oppose any method that continues to leave that great asset in a state in which its wheels do not turn over. I am willing to concede almost any point that will start the machinery running and will give the farmers the benefit, not of a plan that is perfect, because I do not know anything in this world that is perfect, not of a plan that we will wait 10 years to experiment on, but of a plan that guarantees that within the immediate future those wheels shall begin to turn for the benefit of agriculture. But how can that be done?

Mr. SACKETT. Mr. President——

Mr. BLACK. One moment. How can that be done when Senators look up and say, "Oh, what a wonderful amount of power! How brilliantly that would light up the farms of the Nation! How wonderful it would be to sell it to the cities to light up the city streets! We want some of it down in Georgia. We want it sent to us over the power lines, because it will cheapen our power"; and I am going to show you in a moment that no more fallacious statement was ever made since the beginning of time than that the turning over of that plant to any power company would reduce rates in any State. "We want some of it in Mississippi; we want some of it in Louisiana; we want some of it somewhere else to reduce the cost of our power." It will not reduce it a penny.

Mr. GEORGE. Mr. President, the Senator does not mean to say that the Norris joint resolution would not reduce the cost of power, does he?

Mr. BLACK. I mean to say that in my judgment it would not reduce the cost of the power that Georgia would get one dime or one penny.

Mr. GEORGE. I am not speaking about Georgia. The Senator does not mean to say that operation by the Government and distribution by the Government in competition with private enterprise would not reduce the cost of power?

Mr. BLACK. I mean to say that this measure does not provide for it——

Mr. GEORGE. The Norris joint resolution?

Mr. BLACK. And the man who votes for that measure in the belief that it provides a plan and scheme for selling to the municipalities which will actually work out is laboring under a very serious misapprehension.

Mr. GEORGE. Oh, well, I might agree with the Senator on that point; but the Senator does not mean that if the Government owns and operates Muscle Shoals, and sells the power produced in competition with the power produced by private companies, the Government will not have it in its power, at least, to reduce the cost of the current to every consumer?

Mr. BLACK. The Senator asks me a hypothetical question.

Mr. GEORGE. Oh, no; I am not asking the Senator a hypothetical question. I am asking him a plain, simple question that he can not misunderstand.

Mr. BLACK. I do misunderstand it.

Mr. GEORGE. I will repeat it, then.

Mr. BLACK. Does the Senator mean for the Government to sell that power to the individual consumer?

Mr. GEORGE. Exactly.

Mr. BLACK. Yes; it would reduce the rate.

Mr. GEORGE. That is what the Senator from Nebraska contends that he contemplates in his joint resolution. I am not discussing whether it would do it or not. I think the Senator is quite right in saying that his joint resolution might not work that way.

Mr. BLACK. But the Senator could not have been here the other day when the Senator from Nebraska expressly stated to me, when I asked him about putting in an amendment to that effect, that it did not mean that; that he would not agree for it to go to the ultimate consumer. The Senator from Nebraska expressly told me that.

Mr. GEORGE. I did not so understand him, but I might not have heard that colloquy.

Mr. BLACK. Yes, sir; I offered an amendment which would require that it be sold to him.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. HEFLIN in the chair). Does the Senator from Alabama yield to the Senator from Utah?

Mr. BLACK. Yes, sir.

Mr. KING. Suppose the Government should go into the power business, but suppose the States into which the power went regarded the Government as a private individual instead of as a sovereign, and subjected it and the power which it was attempting to distribute to the same laws and rules and regulations that were applied to private companies that generate power, and taxed it as the States tax the privately owned power companies. Then, obviously, it would not cheapen the power, because the Government would be compelled to submit to the same system of taxation and to the same rules and regulations and to the same rates fixed by the public utility commissions of the various States into which the power went. If, however, the Government impressed the plant with its sovereign power and said, "We are above the State and above State regulations and above State laws, and we propose to give away this power if we want to, or to distribute it in competition and to destroy private enterprise," then of course it could cheapen the power. But certainly no State is going to consent for the Federal Government to become a proprietor and to go into the States and give away power, or sell it cheaply, and not subject it to the same rules and regulations to which it subjects other power companies.

Mr. GEORGE. I was not debating the merits of the Norris measure; but I did not see how the Senator from Alabama could exactly leave that statement standing with the implication that the Government, by bringing its power in competition with the privately produced power, could not sell it at a price that would be reasonable and fair and just, even though it might be below the price charged by others.

Mr. BRUCE. But, Mr. President, how fair would it be to the great private manufacturers of the country?

Mr. GEORGE. I am not discussing that, Mr. President. That was not the point.

Mr. BLACK. I prefer not to get into any controversy about the merits or demerits of Government operation, because, as I conceive it, that is not the main issue involved in this joint resolution.

Mr. GEORGE. I was trying to get the Senator's position. As I understand, he is simply arguing against the Norris joint resolution.

Mr. BLACK. That is exactly right.

Mr. GEORGE. I wanted to understand the Senator; that is all.

Mr. BRUCE. Mr. President, may I interrupt the Senator just a moment?

Mr. BLACK. If it is not to get into an argument over Government operation, because I do not want to argue that question.

Mr. BRUCE. No; I do not think that admits of argument, as I look at it; but when the Senator stated that undoubtedly fertilizer would be produced by the Government at a low rate——

Mr. BLACK. I did not intend to make such a statement, Mr. President.

Mr. BRUCE. I understood the Senator to say, in answer to the Senator from Georgia, that undoubtedly Government operation would result in reduced rates for fertilizer.

Mr. GEORGE. I so understood the Senator.

Mr. BLACK. I understood the Senator from Georgia to ask about power.

Mr. GEORGE. I did ask about power. The Senator from Alabama is quite right about that.

Mr. BRUCE. Then I stand corrected; but the Senator from Alabama is not advocating Government operation?

Mr. BLACK. No, sir; I am not. I am advocating the use of this plant in some way to manufacture fertilizer.

Mr. SACKETT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Kentucky?

Mr. BLACK. Yes, sir; I yield again.

Mr. SACKETT. I desire to ask the Senator a question. I understood him to state just now that he was not favoring any particular measure.

Mr. BLACK. At this time, I said, I am not favoring any particular measure. I am against the measure which is up for discussion.

Mr. SACKETT. Of course, the Senator is familiar with the Willis bill that is here, the same bill that was introduced in the House.

Mr. BLACK. It has not been offered as a substitute for this joint resolution, Mr. President.

Mr. SACKETT. That is Senate bill 2786, to authorize and direct the Secretary of War to execute a lease to the Air Nitrates Corporation and the American Cyanamid Co.

Mr. BLACK. If the Senator is asking me how I stand on that bill at this time, I shall be glad to tell him. It is not in issue at present, however.

Mr. SACKETT. I understood the Senator to say that he was not advocating it.

Mr. BLACK. At present I am not discussing the advisability of the Government accepting that bid. That is not before the Senate. The only measure, according to my information, that is before the Senate is the joint resolution of the Senator from Nebraska [Mr. NORRIS] for a so-called Government operation, with certain amendments, some of which would completely strip it of every governmental operating function; and one which, in my judgment, would strengthen it for the benefits of the people, so far as power alone is concerned.

Mr. SACKETT. Of course, I understand that the Senator is advocating the American Cyanamid proposition in some form as opposed to the Norris joint resolution.

Mr. BLACK. As I said, I am not going to get into a controversy on that measure until we reach it. As between the two, I think it is a thousand times better for the farmers of America to accept the Cyanamid bid than it would be to pass the Norris joint resolution. Yes, sir.

Mr. SACKETT. That is what I wanted to know.

Mr. BLACK. However, that is not what I am discussing.

The cost of the fertilizer used in the cotton States, as I stated, was $76,000,000. The average price of this fertilizer, according to Government reports, was $32.50 per ton. The total cost of all fertilizer used is not available; I was unable to obtain it; but, assuming that the remainder of the fertilizer sold was of the same value of $32.50 per ton, although that is a very low figure, the fertilizer bill of the entire United States in 1926 was $243,629,555. In 1900, a report which is perhaps a little nearer, it was $326,399,800.

So Senators will see that this is no small business affair. Nitrogen is the chief ingredient and the most expensive ingredient of fertilizer, more expensive than phosphate, as I understand, and even more expensive than potash.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Maryland?

Mr. BLACK. Yes, sir.

Mr. BRUCE. I am not going to engage the Senator in any argument, but I should like to have a reply to this question: The Senator is asking us to vote down the Norris proposition?

Mr. BLACK. Yes, sir.

Mr. BRUCE. After that is done, if it is done, what does the Senator propose to offer in its place—Government operation?

Mr. BLACK. So far as I am concerned, I favor the use of this plant for fertilizer purposes by a private bidder if an acceptable bid can be obtained.

Mr. BRUCE. I am glad to hear the Senator say so.

Mr. BLACK. Understand me further: If there should be any surplus power, I would not oppose the sale of that power to municipalities. I do not think there would be any surplus power; but, if there were any surplus, I would not oppose the sale of it to municipalities.

Mr. SACKETT. Mr. President, will the Senator yield once more?

The PRESIDING OFFICER. Does the Senator from Alabama further yield to the Senator from Kentucky?

Mr. BLACK. Yes, sir.

Mr. SACKETT. The Senator has talked a good deal about the American Cyanamid Co. Is there anybody else that the Senator knows that could operate that process except the American Cyanamid Co.?

Mr. BLACK. Anybody could operate it that would pay them their royalty for their patent.

Mr. SACKETT. Yes; but, of course, that would put any other concern under a disadvantage by which it could not operate in competition with the American Cyanamid Co., would it not?

Mr. BLACK. It is my judgment that some other company could pay $1,200,000 a year for the use of the patent, manufactured by the cyanamide process, and save the farmers of America millions of dollars per year; and I think I can show it.

Now, let us get down to the figures.

Ammo-phos is the product manufactured by the Cyanamid Co. It is a combination of nitrogen and phosphate. There are many soils that do not need any potash added to them. In the county where I was reared, a county composed largely of red clay hills, there is an abundant supply of potash in the soil, according to my information. Therefore, so far as the addition of potash is connected with red clay, I understand that the amount needed is comparatively insignificant.

This ammo-phos is actually selling on the market—this is no guesswork—it is actually selling on the market in millions and millions of dollars' worth per year for $64.40 per ton.

The Muscle Shoals inquiry, in their investigation, found that it could be manufactured at Muscle Shoals for $70.23 per ton two or three years ago. Each tone of ammo-phos contains 215.8 pounds of nitrogen and 960 pounds of phosphoric acid. The nitrogen content of this product sells at 7.6 cents per pound. Remember that.

Mr. SMITH. Mr. President, what are the percentage proportions of this ammo-phos, manufactured by the cyanamide people? What is the percentage of phosphoric acid and what is the percentage of ammonia?

Mr. BLACK. I read it a moment ago. I will read it again. The percentage is that in each ton there is 215.8 pounds of nitrogen and 960 pounds of phosphoric acid.

Mr. SMITH. Then that would be about 12½ per cent of nitrogen?

Mr. BLACK. Yes; that is right.

Mr. SMITH. The Senator said the phosphoric acid was about 900 pounds?

Mr. BLACK. Nine hundred and sixty pounds.

Mr. SMITH. Then you would have a relation of about 9 to 12. That is, at $64 a ton?

Mr. BLACK. Sixty-four dollars and forty cents.

Mr. SMITH. Yes. So far as the phosphoric acid is concerned, the Senator knows that that is the cheapest form of fertilizer known to the world?

Mr. BLACK. Yes, sir; absolutely.

Mr. SMITH. Chilean nitrate carries 17 to 18 per cent of actually soluble, available ammonia.

Mr. BLACK. I have the exact figures here, Mr. President.

Mr. SMITH. The Senator will find that that is about right.

Mr. BLACK. I have the exact figures if the Senator wants them.

Mr. SMITH. All right. The Senator will find that it is 18 per cent ammonia, or 15 per cent in its equivalent of nitrogen. That is, at $64 a ton. The Senator, if he farms as some of us do, will find that the ammo-phos or the phosphate of ammonia or the sulphate of ammonia is not always completely soluble or available, while the Chilean nitrate is the quickest diffusible stimulant known to the agricultural profession or calling or avocation or starvation process. Within six or seven days you can see the effect of Chilean nitrate, whereas sulphate or phosphate of ammonia takes a long time, and there is doubt as to its ultimate effect.

Mr. BLACK. I may state for the benefit of the Senator that I did not care to go into a discussion of that, and do not care to do so now. However, I happen to have a statement by the Secretary of Agriculture of an actual experiment that shows that this fertilizer produced in some instances more satisfactorily than Chilean nitrate. I do not care to go into that any further.

Proceeding, I will repeat that the selling price of nitrogen by the Cyanamid Co. is 7.6 cents per pound. The capacity of nitrate plant No. 2 with modern methods is 50,000 tons of fixed nitrogen. This equals, in nitrogen content, about 1,667,000 tons of ordinary 3-8-3 fertilizer, which most farmers use. This plant would therefore produce about 23 per cent of all the nitrogen used in fertilizer in the United States in 1926, assuming that all of the 1926 product contained nitrogen. Of course, some of it did not.

Therefore it will be seen that if you should throw 23 per cent of fertilizer of a concentrated form on the market—and that is the smallest estimate you could possibly make—where it can reach the various States at very low freight cost, comparatively

one bag to four bags, you would bring about a reaction on the price of fertilizer all over America.

Mississippi used in 1925, according to Government reports, 258,078 tons of fertilizer containing 3 per cent nitrogen, or 7,741 tons of such nitrogen. Mississippi therefore bought at high prices only about one-seventh of the nitrogen capacity of nitrate plant No. 2. I am giving that as an evidence that when you put that much fertilizer on the market it is not going to be limited to the Muscle Shoals or Alabama district.

Based, however, on the present price of fixed nitrogen by the cyanamide process at Warners, N. J., of 7.6 cents per pound and the port price of Chile nitrate of 15.15 cents per pound, the farmers of Mississippi paid $1,168,891 more for their nitrates than if they had bought it from a factory using the cyanamide process.

The proof of the proposition is, what does it do? You can not get a better test or a better criterion than to go out in the open market and say, "What does the product bring in competitive commerce if it is manufactured under a certain process?" They can bring forth all the theories they desire, from all the scientific men who have been putting their noses into glass tubes and then saying that a process is "obsolete," but if you show me that it is actually selling, you will agree that their theories are exploded.

While the farmers were paying this extra amount for fertilizer, the Alabama Power Co. bought at 2 mills per kilowatt-hour the power which should have been used in the manufacture of fertilizer. Computing, according to the amount of power now used by the cyanamide process at Muscle Shoals—and the commerce reports show that it could be manufactured for a little less—9,598 kilowatt-hours would have produced the amount of nitrogen used by the farmers of Mississippi in 1925. The prices paid by the Alabama Power Co. for this amount of power, at 2 mills per kilowatt-hour, was $168,171. If this power had been used at nitrate plant No. 2 in the manufacture of nitrogen, on the basis of the selling price of nitrate by the Cyanamid Co. at Warners, N. J., it would have given the farmers of Mississippi the same nitrate for $1,176,632. The price actually paid by the farmers of Mississippi for nitrate in 1925 was $2,345,523, on the basis of $47 per ton.

I had a telegram to-day which stated that Chile nitrate was selling for $60. The farmers of Mississippi by using this power in the manufacture of fertilizer rather than as power, as Senator NORRIS' bill proposes, in 1925 would have saved $1,168,891. That is the primary reason why we insist that this plant should be used to manufacture fertilizer. That is why we contend that any proposition which turns it over for use as a power plant is not only a diversion of the rights of the people but it robs the farmers of an asset which has been dedicated to their use.

The State of Georgia uses three times as much fertilizer as Mississippi, computing on the same basis of their 1926 production. If the farmers of Georgia could have bought fertilizer at the price required for its manufacture at the cyanamide plant, according to what they are actually doing now, they would have saved $3,554,993.

Fertilizer used in Alabama in 1925, according to Government reports, was 590,515 tons on a 3–8–3 basis, containing 17,715 tons of the pure nitrogen. The excess paid by the farmers of Alabama on the same figures amounted to $2,674,965.

North Carolina, which is one of the largest consumers of fertilizer in the Nation, used 1,217,628 tons of fertilizer in 1925, and if the farmers of this State had bought it at the price quoted by the Cyanamid Co. at Warners, N. J., they would have saved the stupendous sum of $5,515,979 in one year.

What difference, I ask the Senator from North Carolina, does it make to the farmers of North Carolina whether their fertilizer is manufactured by the cyanamide process or the synthetic process? What difference does it make whether it is manufactured by Henry Ford or by the Cyanamid Co. of America? The thing that counts is this: Would the farmers have saved any money? They would have if they had bought it at the Cyanamid Co.'s actual price to-day at Warners, N. J.

Mr. SIMMONS. Mr. President, the Senator has asked me a question, and I will answer it.

Mr. BLACK. I did not intend to get into any discussion.

Mr. SIMMONS. I want to answer the Senator's question.

Mr. BLACK. Very well.

Mr. SIMMONS. It does not make a particle of difference, from the farmers' standpoint, how much cyanamide is made in this country if it can not be reduced to fertilizer and sold for less than the price they pay for the fertilizer bought from Chile.

Mr. BLACK. That is correct.

Mr. SIMMONS. The Senator has not been able to show us that they have ever done that up to this time, and he simply predicts that they will do it in the future. Whether they will or not I do not know, but I have reasons to believe that the synthetic method will supplant the cyanamide method.

If the cyanamide method will furnish the farmers of my State with nitrogen at less than they are paying now for it, I would like to do anything I can to encourage the growth of that industry. But that industry has grown and continued to grow for many, many years, and yet it is furnishing no fertilizer, practically, for the farmer, and the farmer is still compelled to buy from abroad, as he was 25 years ago.

Let me ask the Senator this question, having answered that: Does his bill propose to use all the power at Muscle Shoals for the manufacture of cyanamide?

Mr. BLACK. My bill?

Mr. SIMMONS. The one the Senator is advocating, I mean—the proposition he is advocating.

Mr. BLACK. At present, as I stated a little while ago, I am not going into the merits or demerits of the Madden bill.

Mr. SIMMONS. But the Senator wants Muscle Shoals for some company that is engaged in the manufacture of cyanamide. Otherwise there is no point to his argument with reference to cyanamide and the amount that can be produced, the cost of its production, and its uses. He is in favor of this plant being turned over to some company that will produce cyanamide. Does he propose to use all the great power of Muscle Shoals for the production of cyanamide?

Mr. BLACK. Is that all of the question the Senator wanted to ask?

Mr. SIMMONS. I ask the Senator that, and when he answers that I will ask him another.

Mr. BLACK. The Senator refers to the great power at Muscle Shoals. I shall be glad to show the Senator in a very few moments, if I am allowed to proceed, that all of this great power of which we have heard so much that is going to be distributed to the various States in primary water power, is not sufficient to supply the needs of Memphis, Tenn.

Mr. SIMMONS. I do not know of cyanamide being made anywhere in this country from energy derived from water power except at Niagara Falls. Elsewhere it is being produced by steam plants. It has been said that this great du Pont company in recent years—the last three or four years—has erected three great plants, as I recall it, for the production of cyanamide or synthetic nitrogen, for the purpose of making explosives; but every time, notwithstanding the great water powers all over this country of ours, they have erected steam plants for that purpose. It is being manufactured generally in steam plants. I can not see why the Senator is so much stirred up about the possibilities of the cyanamide process in connection with Muscle Shoals if it is not his desire to have Muscle Shoals turned over to some cyanamide company that is going to use all the power at Muscle Shoals for the manufacture of cyanamide.

Mr. BLACK. Is the Senator through?

Mr. SIMMONS. I am through.

Mr. BLACK. As I stated a while ago, and as I will state again, I am not wedded to either an idea or a process. I am not the special defender of any process or any company. I do not appear as such.

Mr. SIMMONS. Then, if the Senator will pardon me——

Mr. BLACK. If the Senator will permit me to continue, I will be much obliged.

Mr. SIMMONS. I just want to say one word, and then I will stop.

Mr. BLACK. Very well.

Mr. SIMMONS. Then I do not see the reason for the vehemence with which the Senator has been defending cyanamide. I do not see the point, the purpose of the Senator, and I would like to know what his purpose is. I have been anxious to know.

Mr. BLACK. I am defending one of two processes, either of which in my judgment could be used for the manufacture of fertilizer. I believe from my observation and my study that the cyanamide process can be used more cheaply at Muscle Shoals than the synthetic process.

What the farmers were taught to believe they could get, and what they have not received, is nitrogen and fertilizer, and in my judgment there has already been too much time spent in the Senate in discussing the relative merits of the two processes.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER (Mr. HEFLIN in the chair). Does the Senator from Alabama yield to the Senator from Kansas?

Mr. BLACK. I yield.

Mr. CURTIS. I desire to inquire of the Senator from Alabama whether he can conclude his remarks in a few minutes? It is desired that there shall be an executive session, and I would like to have it now.

Mr. BLACK. Assuming that I would be asked a great many more questions, I could not conclude in a few minutes.

Mr. ROBINSON of Arkansas. I understand the Senator from Alabama will require some considerable time to complete his remarks.

Mr. BLACK. That is correct. I could have concluded before this time if no questions had been asked; but I think it is proper that questions should be asked.

Mr. CURTIS. Will the Senator yield for an executive session?

Mr. BLACK. I yield for that purpose.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 5 o'clock and 5 minutes p. m.) adjourned until to-morrow, Tuesday, March 6, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 5, 1928

COMMISSIONER OF IMMIGRATION

William M. Tuttle, of Louisiana, to be commissioner of immigration at the port of New Orleans, La.

COLLECTORS OF CUSTOMS

Andrew Wiedenmann, of Rochester, N. Y., to be collector of customs for customs collection district No. 8, with headquarters at Rochester, N. Y. (Reappointment.)

Russell H. Dunn, of Port Arthur, Tex., to be collector of customs for customs collection district No. 21, with headquarters at Port Arthur, Tex. (Reappointment.)

ASSAYER IN CHARGE OF MINT

Elbert T. Clyde, of Carson City, Nev., to be assayer in charge of the mint of the United States at Carson City, Nev., in place of Annie H. Martin, deceased.

COAST AND GEODETIC SURVEY

To be aides, with relative rank of ensign in the Navy

Laurence Wilbur Swanson, of Colorado, vice H. K. Hilton, resigned.

Gilbert Rolland Fish, of Nebraska, vice E. B. Latham, jr., promoted.

Franklin Rice Gossett, of Tennessee, vice John Bowie, jr., promoted.

Ernest Bane Lewey, of Virginia, vice G. R. Shelton, promoted.

John Clarence Mathisson, of Alabama, vice I. T. Sanders, promoted.

Rolland Alson Philleo, of California, vice C. R. Bush, jr., promoted.

Harold Joseph Oliver, of Iowa, vice E. R. McCarthy, promoted.

George Anthon Fredrickson, of Massachusetts, vice B. G. Jones, promoted.

George Edward Morris, jr., of Minnesota, vice F. C. Quinn, promoted.

UNITED STATES DISTRICT JUDGE

Bascom S. Deaver, of Georgia, to be United States district judge, middle district of Georgia. (An additional position created by the act approved May 28, 1926.)

POSTMASTERS

ALABAMA

Alvin E. Caudle to be postmaster at Brilliant, Ala. Office became presidential July 1, 1927.

Allie L. Boutwell to be postmaster at Flomaton, Ala., in place of M. C. Clark, resigned.

CALIFORNIA

John W. Calvert, jr., to be postmaster at Azusa, Calif., in place of J. W. Calvert, jr. Incumbent's commission expires March 7, 1928.

Purley O. Van Deren to be postmaster at Broderick, Calif., in place of P. O. Van Deren. Incumbent's commission expires March 7, 1928.

Floyd F. Howard to be postmaster at Courtland, Calif., in place of F. F. Howard. Incumbent's commission expires March 7, 1928.

Anthon G. Heerman to be postmaster at Dinuba, Calif., in place of A. G. Heerman. Incumbent's commission expires March 7, 1928.

Nelson S. Dilworth to be postmaster at Hemet, Calif., in place of N. S. Dilworth. Incumbent's commission expired March 3, 1928.

Frances E. Bennett to be postmaster at Mills College, Calif., in place of F. E. Bennett. Incumbent's commission expires March 7, 1928.

Winfield S. Buchner to be postmaster at Oildale, Calif., in place of W. S. Buchner. Incumbent's commission expires March 7, 1928.

Manuel S. Trigueiro to be postmaster at San Miguel, Calif., in place of M. S. Trigueiro. Incumbent's commission expires March 7, 1928.

M. Elizabeth Woods to be postmaster at Wilmington, Calif., in place of M. E. Woods. Incumbent's commission expires March 7, 1928.

Albert K. Small to be postmaster at Murrieta, Calif., in place of O. W. Miller, deceased.

COLORADO

John Davis to be postmaster at Arriba, Colo., in place of John Davis. Incumbent's commission expires March 5, 1928.

Thomas B. Scott to be postmaster at Meeker, Colo., in place of T. B. Scott. Incumbent's commission expires March 5, 1928.

CONNECTICUT

Clifford E. Chapman to be postmaster at Niantic, Conn., in place of C. E. Chapman. Incumbent's commission expires March 11, 1928.

FLORIDA

Mary Joyner to be postmaster at Bagdad, Fla., in place of Mary Joyner. Incumbent's commission expires March 11, 1928.

IDAHO

Arthur B. Bean to be postmaster at Pocatello, Idaho, in place of A. B. Bean. Incumbent's commission expires March 7, 1928.

ILLINOIS

Georgia W. Cooper to be postmaster at Congress Park, Ill., in place of G. W. Cooper. Incumbent's commission expired January 7, 1928.

INDIANA

Walter C. Belton to be postmaster at Acton, Ind. Office became presidential July 1, 1927.

KENTUCKY

Albert E. Brown to be postmaster at Pembroke, Ky., in place of H. C. Miller, resigned.

MAINE

Carl W. Mitchell to be postmaster at Union, Me., in place of C. W. Mitchell. Incumbent's commission expires March 5, 1928.

MARYLAND

Thomas G. Pearce to be postmaster at Glenarm, Md., in place of E. L. Edwards, removed.

MASSACHUSETTS

Isabelle Crocker to be postmaster at Cotuit, Mass., in place of Isabelle Crocker. Incumbent's commission expires March 7, 1928.

Chestina B. Robbins to be postmaster at East Templeton, Mass., in place of C. B. Robbins. Incumbent's commission expires March 7, 1928.

Harry W. Metcalf to be postmaster at Wrentham, Mass., in place of H. W. Metcalf. Incumbent's commission expired December 18, 1927.

MINNESOTA

Carl H. Schuster to be postmaster at Biwabik, Minn., in place of C. H. Schuster. Incumbent's commission expired March 3, 1928.

Charles A. Morse to be postmaster at Elk River, Minn., in place of C. A. Morse. Incumbent's commission expired December 19, 1927.

NEBRASKA

Edwin P. Clements, jr., to be postmaster at Ord, Nebr., in place of E. P. Clements, jr. Incumbent's commission expires March 11, 1928.

NEW HAMPSHIRE

Alice L. Coughlin to be postmaster at West Ossipee, N. H., in place of A. O. Albrecht. Incumbent's commission expired December 18, 1927.

NEW YORK

Harold L. Payne to be postmaster at Bainbridge, N. Y., in place of H. L. Payne. Incumbent's commission expired February 13, 1928.

Edmund B. Windsor to be postmaster at Castile, N. Y., in place of E. B. Windsor. Incumbent's commission expired January 8, 1928.

Robert L. McBrien to be postmaster at Huntington, N. Y., in place of R. L. McBrien. Incumbent's commission expires March 11, 1928.

Charles Blackburn to be postmaster at Southampton, N. Y., in place of Charles Blackburn. Incumbent's commission expires March 11, 1928.

Harry B. McHugh to be postmaster at Wallkill, N. Y., in place of H. B. McHugh. Incumbent's commission expires March 11, 1928.

NORTH CAROLINA

Richard J. Pace to be postmaster at East Flat Rock, N. C., in place of R. J. Pace. Incumbent's commission expired February 11, 1928.

NORTH DAKOTA

Ole H. Opland to be postmaster at Mott, N. Dak., in place of C. A. Vasey. Incumbent's commission expired February 19, 1927.

OHIO

Howard E. Foster to be postmaster at Chagrin Falls, Ohio, in place of H. E. Foster. Incumbent's commission expires March 5, 1928.

Frank H. Shaw to be postmaster at Germantown, Ohio, in place of F. H. Shaw. Incumbent's commission expires March 5, 1928.

OKLAHOMA

Ada M. Thompson to be postmaster at Mannford, Okla., in place of A. M. Thompson. Incumbent's commission expires March 7, 1928.

OREGON

David S. Young to be postmaster at Dufur, Oreg., in place of D. S. Young. Incumbent's commission expires March 7, 1928.

Don Ellis to be postmaster at Garibaldi, Oreg., in place of Don Ellis. Incumbent's commission expires March 7, 1928.

Fred C. Holznagel to be postmaster at Hillsboro, Oreg., in place of F. C. Holznagel. Incumbent's commission expires March 7, 1928.

Thomas G. Hawley to be postmaster at Multonomah, Oreg., in place of T. G. Hawley. Incumbent's commission expires March 7, 1928.

PENNSYLVANIA

Isaac A. Mattis to be postmaster at Millersburg, Pa., in place of I. A. Mattis. Incumbent's commission expired February 15, 1928.

Nathaniel Shaplin to be postmaster at Windgap, Pa., in place of Nathaniel Shaplin. Incumbent's commission expires March 5, 1928.

John H. Eckert to be postmaster at Gettysburg, Pa., in place of R. C. Miller, resigned.

PORTO RICO

Nicholas O. Lebron to be postmaster at Aibonito, P. R., in place of N. O. Lebron. Incumbent's commission expires March 7, 1928.

Jose E. Guenard to be postmaster at Mayaguez, P. R., in place of J. E. Guenard. Incumbent's commission expires March 7, 1928.

Roque Rodriguez to be postmaster at Ponce, P. R., in place of Roque Rodriguez. Incumbent's commission expires March 7, 1928.

Juan V. Hernandez to be postmaster at San Sebastian, P. R., in place of J. V. Hernandez. Incumbent's commission expires March 7, 1928.

L. Castro Gelpi to be postmaster at Vieques, P. R., in place of L. C. Gelpi. Incumbent's commission expires March 7, 1928.

TEXAS

Louise Sackett to be postmaster at Bullard, Tex., in place of E. A. Kirkpatrick. Incumbent's commission expired December 19, 1927.

Walter E. Hall to be postmaster at Lufkin, Tex., in place of W. L. Evans. Incumbent's commission expired December 19, 1927.

Fannie Dawson to be postmaster at Wilson, Tex., in place of Fannie Dawson. Incumbent's commission expired March 1, 1928.

John T. Hopkins to be postmaster at Longview, Tex., in place of E. H. Angell, resigned.

Willie M. Prouty to be postmaster at Wallis, Tex., in place of J. R. Ratcliff, resigned.

UTAH

Agnes Turnbull to be postmaster at Scofield, Utah, in place of F. C. England, resigned.

WEST VIRGINIA

Nina E. Welch to be postmaster at Camden on Gauley, W. Va., in place of N. E. Welch. Incumbent's commission expired December 18, 1927.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 5, 1928

FOURTH JUDGE, CIRCUIT COURT OF HAWAII

Edward M. Watson to be fourth judge, Circuit Court, First Circuit of Hawaii.

UNITED STATES ATTORNEY

James W. McCarthy to be United States attorney, district of New Jersey.

UNITED STATES MARSHALS

Oscar P. Cox to be United States marshal, district of Hawaii.

Cooper Hudspeth to be United States marshal, western district of Arkansas.

Frederick L. Esola to be United States marshal, northern district of California.

POSTMASTERS

DELAWARE

George W. Mitchell, Ocean View.

KENTUCKY

Mattie R. Tichenor, Centertown.
Harvey H. Pherigo, Clay City.
Egbert E. Jones, Milton.
Charlie H. Throckmorton, Mount Olivet.

MISSISSIPPI

Susette E. McAlpin, Bolton.
Lillie Burns, Brandon.
Homer B. Griffing, Bude.
James T. Skelton, Goodman.
Pink H. Morrison, Heidelberg.
Stella M. Lewis, McLain.
Mattie B. Bounds, Ovett.
Francis C. Hayden, Vaughan.
William J. Stephens, Webb.

NEVADA

Belle Roberson, Beatty.

NEW YORK

Clare L. Masten, Athens.
Laurance C. Baker, Comstock.
Harry L. Hedger, Glen Cove.
Nell S. Barclay, Hillsdale.
John H. Quinlan, Pavilion.
Asa C. Rowland, Salamanca.
Conrad Happ, Sparrow Bush.
Walter W. Tilley, Theresa.
William R. Fitch, West Winfield.
James Richtmyer, Windham.

NORTH CAROLINA

Frank L. Smith, Drexel.

OKLAHOMA

Nellie V. Dolen, Okemah.
Charles C. Chapell, Okmulgee.

PENNSYLVANIA

Harvey J. Smoyer, Clairton.
George G. Wallace, Ruffs Dale.
Hugh D. Shallenberger, Vanderbilt.
Edmund W. Tomb, Youngwood.

HOUSE OF REPRESENTATIVES

MONDAY, *March 5, 1928*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Heavenly Father, truly it is a noble art to appreciate our blessings and to count them worthily. "The Lord God is a sun and a shield; He will give grace and glory; no good thing will He withhold from them that walk uprightly." Help us to stand on our feet, hold our heads erect, and look life straight in the face. Take from us any ignoble spirit, and at any sacrifice firmly hold us by the golden rule, whose gold is good. Bless all institutions that help and succor man. Come to our country in such a progress that we shall be able to see and understand Thy

guidance. O make Thyself present in all our national affairs, that they shall move forward in a steady stream of splendid Christian development. In the name of Jesus our Savior. Amen.

The Journal of the proceedings of Saturday, March 3, 1928, was read and approved.

PUEBLO LANDS IN THE RIO GRANDE VALLEY, N. MEX.

Mr. MORROW. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 700, with amendments.

The SPEAKER. The gentleman from New Mexico asks unanimous consent to take from the Speaker's table Senate bill 700, which the Clerk will report.

The Clerk read as follows:

A bill (S. 700) authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

Mr. MORROW. Now, Mr. Speaker, I move to concur in the Senate amendments and offer a substitute amendment.

The SPEAKER. The gentleman from New Mexico moves to concur in the Senate amendment and offers a substitute, which the Clerk will report.

The Clerk read as follows:

Substitute amendment offered by Mr. MORROW: Page 3, line 18, after the colon, strike out everything down to the colon in line 24, same page, and insert in lieu thereof the following:

Mr. MORROW moves to recede and concur in the amendments of the Senate to the amendment of the House to S. 700 with an amendment in the nature of a substitute for the Senate amendments striking out the following on page 3 of the House bill: "*Provided*, That such reimbursement shall be made only from leases or proceeds from the newly reclaimed Pueblo lands, and there is hereby created against such newly reclaimed lands a first lien, which lien shall not be enforced during the period that the title to such lands remains in the Pueblo or individual Indian ownership," and inserting in lieu thereof the following: "*Provided*, That such reimbursement shall be made only from the proceeds of leases of the newly reclaimed Pueblo lands, whether leased by Indians or others, Indians, however, to be given the preference in the making of such leases, and the proceeds of such leases to be applied, first, to the reimbursement of the cost of the works apportioned to said irrigated area of approximately 8,346 acres: *Provided further*, That as to not to exceed 4,000 acres of such newly reclaimed lands if cultivated by Indians no rentals shall be charged the Indians: *Provided further*, There is hereby created against newly reclaimed lands a first lien for the amount of the cost of the works apportioned to such newly reclaimed lands, which lien shall not be enforced during the period that the title to such lands remains in the Pueblo or individual Indian ownership."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CHINDBLOM. Mr. Speaker, reserving the right to object, does this come with the action of the committee?

Mr. MORROW. Yes; with the consent of the committee.

Mr. CHINDBLOM. The consent is not what I am asking about. Was this acted upon by the committee?

Mr. MORROW. Not by the committee of the House.

Mr. CHINDBLOM. Mr. Speaker, I withdraw my reservation of an objection.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the substitute amendment.

The substitute amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to be allowed to proceed for three minutes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

THE MIDDLE RIO GRANDE CONSERVANCY DISTRICT AND THE PUEBLOS

Mr. CRAMTON. With reference to the action just taken, Mr. Speaker, the amendment which the gentleman from New Mexico has offered is quite important and quite helpful to the Senate bill. It makes clear some ambiguities which existed in the bill and in the amendments which were made by the Senate.

It makes clear that the Indians are to have priority in securing leases to these lands. It accepts the provision that the Senate offers, that as to the first 4,000 acres cultivated by the Indians the individual Indians shall not be obliged to pay rental thereon. It makes clear also that such 4,000-acre exemption from rentals does not exempt the 4,000 acres from the lien carried by the bill. It goes further and provides that the 15,000 acres of lands now unimproved shall be subject to the lien only for the cost of improvement of these 15,000 acres.

EFFECT OF THE MORROW AMENDMENT

Heretofore the bill has provided for a lien on the 15,000 acres now unimproved for the full $1,500,000 to be expended on that land and on the 8,346 acres now partially improved. Under the Morrow amendment the 15,000 acres will be subject to a lien of about $1,000,000, covering the expenditure for that 15,000 acres alone. In other words, the Government is to expend $1,500,000 for the benefit of these Pueblo lands. The Senate has yielded to the insistence of the House that the whole amount expended shall eventually be returned to the Treasury. That is only fair, for the House language also requires that none of these lands shall be included in the project except such as the Secretary of the Interior finds are "materially benefited by this work." But no contribution is sought from the Indians, nothing is taken from the greatly increased production from the 8,346 acres, no lien is placed on the 8,346 acres. The whole amount is to be reimbursed from the proceeds of leases of the 15,000 acres which are now unused and unproductive and which will be made usable and productive by the expenditure of Government funds, loaned for a very long period, 30 to 50 years, without interest.

COLLIER CAMPAIGN FAILS

After unusual consideration and discussion the campaign of John Collier to discredit the House action and confuse the issues involved failed, and failed miserably. The Senate accepted the House position as to full reimbursement, on a roll call, by the decisive vote of 59 to 13.

The Senate provided that of the 15,000 acres to be reclaimed individual Indians may use up to 4,000 acres without paying any rental, the lands all being in tribal or pueblo ownership. The House accepts that provision, emphasizing further the generous attitude of the Government in this matter.

The action of the House to-day further assures the Indians of a preferential right to use of the 11,000 acres remaining of the lands to be reclaimed. It further provides that of the debt of $1,500,000, only one million shall be secured by any lien on the Indian lands, a lien which is not to be enforced so long as the lands are in Indian ownership. The balance of $500,000, incurred through improvement of the 8,346 acres, and to which acreage no lien attaches, is an unsecured debt. The whole debt, however, is to be paid from the proceeds of leases of the newly reclaimed lands, and the House amendment just adopted provides that those proceeds of leases shall be first applied to payment of the unsecured debt.

While the House amendment just adopted still maintains the principle of full reimbursement, it makes the bill more favorable to the Indians, is approved by Mr. Meritt, of the Indian Bureau, and it is to be hoped it will be readily accepted by the Senate and that this very important measure will soon become law.

EFFECT OF S. 700 AS AMENDED

In considering the Senate amendment to the House amendment and the general terms of the bill, I asked certain information from the Indian Office and have received the following letter which I think should be placed here as a part of the permanent record in connection with the consideration of this bill in Congress. The letter is as follows:

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 2, 1928.

MY DEAR MR. CRAMTON: This is in reference to your personal inquiry relative to the interpretation this bureau would place upon the several questions propounded by you dealing with pending legislation affecting the Middle Rio Grande conservancy district and several pueblos in New Mexico.

The ownership of the cultivated area approximating 8,300 acres of pueblo lands is vested in the pueblos as communal property of the members of the respective pueblo.

The ownership of approximately 15,000 acres not now irrigated is likewise vested in the pueblos as communal property of the members of the respective pueblo.

With reference to the provision dealing with reimbursement making such reimbursement only from the proceeds of leases from newly reclaimed pueblo lands except such part thereof as the Indians shall themselves farm not to exceed 4,000 acres, this bureau would interpret this provision as confining the area to be leased at not to exceed 15,000 acres from which reimbursement from the proceeds of such leases would be used to repay the Government. This 15,000 acres would be reduced to 11,000 acres if the Indians themselves farmed the 4,000 acres of the new lands referred to in Senator CURTIS'S amendment. This 4,000 acres,

however, would be subject to the exception of payment of lease rentals only in the event of and to the extent that the area is actually farmed by the Indians.

The rentals to be charged would be governed by economic conditions. At the present time much, if not practicaly all, of this 15,000 acres would require some expenditure after the conservancy works have been completed before the land could actually be farmed so that the per acre cash rentals would not be as great as they would be after the land had once been subdued and placed under cultivation. There would be no question of renting any of the newly reclaimed land to the Indians until after the 4,000 acres above referred to had been placed by the Indians under cultivation. After that has been accomplished, should the Indians desire to rent additional lands to increase further their farming area it would be the policy of this bureau to encourage such Indians and thereby give a preference right to such Indians to lease additional areas, requiring them, however, to pay a fair value for the rental of the area to be farmed by any such Indians. In this respect the per acre rental undoubtedly would be the same from the Indian as from any white lessee.

At the present time the pueblo as a pueblo does not get a rental from the individual Indians assigned tracts of land, as such Indians have an interest in the pueblo. It would, therefore, follow that the Pueblo as a tribe would not derive any direct monetary benefit from lands cultivated by Indians up to the 4,000-acre exception. In excess of this area the benefit to the Pueblo as a tribe would be in the nature of reducing the amount of the indebtedness by reason of payment of the lease rentals which are to be used for that purpose. Ultimately the respective pueblos, after payment of the total indebtedness against them has been effected, will have an area of land to the extent of that reclaimed under the conservancy district of a considerably enhanced value.

Operation and maintenance assessments against the newly reclaimed lands will, with reference to such areas that are under lease, be taken care of by provision in the lease requiring the lessees to pay the annual costs accruing during the period of the lease.

This would apply to both white and Indian on the areas in excess of the 4,000 acres of the newly reclaimed lands after the said 4,000 acres have been placed under cultivation and are being cultivated by the Indians. With reference to the excepted 4,000 acres up to the time that the Indians themselves cultivate the total area any of such area that may be leased to whites would contain the lease provision above referred to. Any part of that excepted area up to and including the 4,000 acres would, it would seem, have to be operated and maintained by the Indians cultivating such area. It would be a manifest injustice to require the pueblo as a pueblo to stand the cost of such operation and maintenance. The Indian cultivating the area would be the one to benefit, and equitably should pay these costs.

It is expected that, after the completion of this project and the lands are once put in cultivation, we will be able to receive a rental of probably $5 per acre; and later, when the land is thoroughly subdued, it will bring an even higher price, probably $6 per acre.

The following tabulation sets out the areas of cultivated lands; also the areas of lands not yet irrigated on the respective pueblos:

Indian lands

Pueblos	Net area under proposed project	Present cultivated		Raw, to be cultivated
		Indians	Whites	
Cochiti	2,026	705	525	796
Santo Domingo	4,909	1,440	224	3,245
San Felipe	4,133	1,111	17	3,005
Santa Ana	1,396	636	28	732
Sandia	4,277	532	325	3,420
Isleta	6,711	2,555	93	4,063
Indian school land	155	155		
	23,607	7,134	1,212	15,261
		1,212		
		8,346		

With reference to the 1,212 acres cultivated by whites within the six pueblos in question, you are advised that this land is temporarily in the possession of certain non-Indians who claim adverse possession. The Pueblo Lands Board will investigate these claims, and it will be determined at a later date as to the ownership of this land. If any of this land is held to be in the ownership of non-Indians, the owners thereof will be required to pay construction costs, operation and maintenance, and all other charges, the same as other white people within the conservancy district.

You will understand that the foregoing represents the views only of the Indian Office and is furnished in response to your personal request.

Cordially yours,

CHAS. H. BURKE, *Commissioner.*

Hon. LOUIS C. CRAMTON,
House of Representatives.

BILL ENDANGERED BY AMERICAN INDIAN DEFENSE ASSOCIATION LOBBYIST

Action on this measure, which means so much to the Indians as well as to the State of New Mexico, has been greatly impeded and its enactment into law greatly imperiled by the misrepresentations and the threats of John Collier, as the Washington lobbyist for the American Indian Defense Association (Inc.), said to include in its membership many persons of high ideals, who no doubt are aware that his aims and methods are obstructive and destructive rather than constructive. I have heretofore discussed him and his methods, as well as his colleague, Grorud, against whom disbarment proceedings are pending in Montana for frauds upon Indian clients. Of Collier, Senator WALSH of Montana said the other day in Senate debate on the Interior Department appropriation bill, "He has not a particle of business sense." And still he presumes to issue orders to Congress on a matter involving expenditure of $1,500,000 and to issue threats that he will secure a veto by the President and, failing that, will tie everything up in the courts.

It is time Congress took note of such lobbyists here and exposed their activities. I think a congressional investigation of such organizations and their funds, how much money they collect from the public, and how they spend it, and, especially, how much of it goes to their officers and lawyers. They are getting to know these folks down in the Southwest. The other day the Albuquerque Journal had this editorial, which is worthy of note:

PROFESSIONAL "UPLIFTERS"

Washington dispatches report growing resentment among Members of both the Senate and House against the activities of an army of white agitators, professional "uplifters," and spokesmen working among the Indians that may lead to an investigation of such men as John Collier, executive secretary of the American Indian Defense Association (Inc.).

Collier has seized upon the Middle Rio Grande conservancy measure, as he has done in every available instance of Indian legislation, to work up sentiment among his following of well-meaning persons who do not fully understand the situation, to the end of securing more members of his incorporated association and larger contributions. This phase of his work ought to be investigated.

Collier has been destructive in his attitude on the conservancy measure as he has in almost every other instance. He peddles misinformation, but he is always against the Government. As when defending Sacco and Vanzetti, as Congressman CRAMTON pointed out, so he is at all times sure his Government is wrong. * * *

Congressman CRAMTON, in his address in the House, fully answered the charge that an agreement with the conservancy district, with the Indian Bureau, or others, had been violated in amending the bill in the House. Mr. CRAMTON said his committee, or Congress, never was party to any agreement that would have adopted the principle of gratuities to the Indians. That principle the Indian Bureau and Congress has opposed for years. Mr. Collier had been working to get gratuities for Indians while Congress and the Indian Bureau has maintained there is no gain for the Indian in teaching him to be a mendicant or to expect gifts from the Government. The Indian Bureau has spent money liberally to educate the Indian, to improve his land, and to help him be self-supporting. The amendments of Mr. CRAMTON were in line with this policy. The Indians' land was not to be taken away; instead it was to be reclaimed. Whereas the six pueblos now have some 8,000 acres of irrigated land, they were to have that improved and 15,000 more acres made available for irrigation. They were to be required to pay back to the Government what it cost for the work, not from their present 8,000 acres, but from the newly reclaimed land, and then only from rentals or leases of the land.

The Indians will benefit more than the white landowners from the conservancy measure as it was passed by both Houses, and as it would have become a law if Mr. Collier had not stirred up the trouble he did.

Professional "uplifters" like Mr. Collier ought to be exposed so that people who are providing them with funds under mistaken conceptions of their activities will come to know the truth. They thrive on being destructive, while the Indian Bureau and Government go along working constructively to help the Indian be something more than a mendicant.

People of the Middle Rio Grande Valley have no quarrel with the Indians and the conservancy measure would now be a law and plans for reclamation well under way, if it had not been for this professional agitator. Instead of the conservancy officials being in Washington working to pass the measure again, they would be in Albuquerque settling upon the final plans for reclamation and making ready to get work started.

But these "uplifters" would rather be against the Government than with it helping to do constructive work. It's their profession, their living; nothing more.

REFRESHING ACTION OF MISSIONARY BOARDS

The principal objective of this "uplifter" is the undermining of public confidence in the governmental administration of Indian affairs. Because he happens to be Commissioner of Indian Affairs, and not because of any lack of zeal, ability, or integrity, he is the mark at whom Collier launches daily attacks the year around.

It is refreshing, therefore, to note the recent action of the Home Missions Council, an interdenominational body of home-mission boards and societies of 28 Protestant denominations, as follows:

National Baptist Convention; Northern Baptist Convention; Christian Church; Church of the Brethren; Congregational; Disciples of Christ; Protestant Episcopal Church; Evangelical Church; Evangelical Synod of North America; Friends; United Lutheran Church; African Methodist Episcopal Church; African Methodist Episcopal Zion Church; Free Methodist Church; Methodist Episcopal Church; Methodist Episcopal Church, South; Methodist Protestant Church; American Moravian Church; Presbyterian Church, United States of America; Presbyterian Church, United States; United Presbyterian Church of North America; Christian Reformed Church; Reformed Church in America; Reformed Church in the United States; United Brethren in Christ; United Church of Canada.

All of these boards and societies have missionaries among the Indians and have a wide and intimate contact with the Government's administration of Indian affairs. No doubt they differ with the Indian Bureau from time to time, no doubt they note mistakes of judgment, no doubt they come in contact with inefficiency in the field—what organization made of humans is without these? But these organizations which stress cooperation, respect their Government and seek to build up rather than belittle and tear down. They can afford to be just. This is the text of a resolution adopted by the joint session of the Home Missions Council and Council of Women for Home Missions at Cleveland January 24, 1928:

Resolution

Voted, That a telegram be forwarded to the Hon. Charles H. Burke, Commissioner of Indian Affairs, Washington, D. C., assuring him of appreciation for his high-minded, Christian attitude toward the work of all boards and societies in Indian fields, and expressing deep confidence in his integrity and that of his associates of the Indian Office; furthermore, that this telegram be recorded in the minutes and be given prominence in the public press.

Mr. MORROW. Mr. Speaker, I ask unanimous consent to address the House for three minutes and explain the measure.

The SPEAKER. The gentleman from New Mexico asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. MORROW. Mr. Speaker and ladies and gentlemen of the House, concerning this measure which passed this House once before by a substitute amendment and was amended again in the Senate, I wish to make my position absolutely clear to the membership of the House, so that the action of the Senate shall be understood. We agreed upon the bill as it passed the Senate, but there was some question as to the language, as to whether or not it exempted 4,000 acres of land belonging to the Indians without a lien.

It was thought best that this substitute amendment be enacted so as to clarify that situation. There were some other matters in the language that were clarified, and this amendment provides that the lands shall be cultivated. There is also this provision; there is a restriction made that the 15,000 acres of Indian lands shall only bear a lien of $67.50 per acre and not the $1,592,000, as it was originally intended, so that the entire amount expended by the Government on the Indian land shall be repaid from the proceeds of leases upon the newly reclaimed 15,000 acres of Indian land. In other words, it is an attempt to meet the situation so that the Indians and those who are in sympathy with the Indians shall be entirely satisfied with the legislation as passed.

PERMISSION TO ADDRESS THE HOUSE

Mr. BRAND of Ohio. Mr. Speaker, I ask unanimous consent to address the House to-morrow for 30 minutes immediately after the reading of the Journal.

The SPEAKER. The gentleman from Ohio asks unanimous consent that to-morrow, after the reading of the Journal and the disposition of business on the Speaker's table, he be permitted to address the House for 30 minutes. Is there objection?

Mr. SNELL. Mr. Speaker, reserving the right to object, by special arrangement it has been agreed that we shall bring up the constitutional amendment to-morrow. The rule provides for five hours of general debate, and I wish the gentleman would ask this permission for some other day when we do not have so much before us as we have for to-morrow.

Mr. BRAND of Ohio. Mr. Speaker, I will modify my request and ask for this time on Wednesday.

Mr. SNELL. We have the White constitutional amendment and the radio bill under special order to come in as quickly as we can get them out of the way.

Mr. BRAND of Ohio. Will the gentleman suggest a time?

Mr. SNELL. I think Saturday would be all right.

Mr. BRAND of Ohio. Mr. Speaker, I will modify my request and make it Saturday.

The SPEAKER. The gentleman from Ohio modifies his request and asks unanimous consent that he may be permitted to address the House for 30 minutes on Saturday next. Is there objection?

Mr. HASTINGS. Mr. Speaker, are we going to be in session on Saturday?

Mr. SNELL. I understand we will be in session on Saturday, because we have plenty of business.

Mr. HASTINGS. I suggest that the gentleman make his request for Friday.

Mr. SNELL. I would not object to the gentleman having the time after the completion of the radio bill on Friday, if we have the time on that day.

Mr. BRAND of Ohio. Will the radio bill be before the House on Friday?

Mr. SNELL. We are going to consider the radio bill. When we finish the constitutional amendment that will be in order. Of course, we can not tell the amount of time that will be consumed on the constitutional amendment.

Mr. BRAND of Ohio. Mr. Speaker, I ask that I be permitted to address the House for 30 minutes on Friday next if there is an opportunity; and if not, then on Saturday.

The SPEAKER. The gentleman from Ohio asks unanimous consent that he may be permitted to address the House for 30 minutes at the conclusion of the consideration of the radio bill on Friday, and in case that bill shall not have been completed on Friday that he may be permitted to address the House on Saturday. Is there objection?

There was no objection.

CONSTITUTIONAL AMENDMENT

Mr. DYER. Will the gentleman from New York permit an inquiry?

Mr. SNELL. I will.

Mr. DYER. I understand the gentleman proposes to bring up the so-called Norris resolution on Friday.

Mr. SNELL. To-morrow.

Mr. DYER. Under a special rule?

Mr. SNELL. Yes.

Mr. DYER. I will state to the gentleman that I intended to raise the question of consideration to that resolution on the ground that it had not been referred to the proper committee, the Committee on the Judiciary, which has jurisdiction over constitutional amendments.

Mr. SNELL. It would be too late.

Mr. DYER. But, under the rules, I doubt the possibility of having such a question sustained by the Chair.

Mr. SNELL. I think it is too late to bring up the question of consideration now.

Mr. DYER. We can raise it prior to its being considered, but if it is brought up under a special rule I doubt whether under the rules we could raise that question.

NAVAL SHIPBUILDING BILL

Mr. McCLINTIC. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the naval bill.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD on the naval bill. Is there objection?

There was no objection.

Mr. McCLINTIC. Mr. Speaker, according to the information given me, over 82 per cent of all of our revenues are now expended in support of our military policies. Making a historical comparison with other nations, when this sum is increased 10 additional per cent, then, unless this Nation becomes engaged in war with some other power, an internal combustion will be inevitable. As long as the United States has sufficient aircraft no one will deny that it will be impossible for any army to land on our shores; therefore, the pacifist at the present time is a less dangerous citizen than the radical militarist.

I regret exceedingly to have a different viewpoint on the subject of national defense from all of the other members of the House Naval Affairs Committee. I see nothing at the present

time that would cause any citizen of the Nation to feel that there are war clouds on the horizon at this time. Therefore, I have endeavored to discover the real reason for the propaganda put in motion, favoring enormous expenditures for certain types of ships, and this report will attempt to prove that the 15 cruisers authorized in this bill are not needed.

The foundation of the proposed naval legislation, calling for 15 cruisers, rests upon the assumption that England has far greater cruiser strength than the United States, when, in truth, according to the figures given me, if a proper allocation is made, the United States has 99,924 more tons of cruiser strength than England. As a corroboration of this fact I specifically refer to Schedule A, which is a fair classification of the various kinds of ships which fall in the cruiser type.

I will offer a motion to substitute 15 submarines of the latest type, constructed in such a manner as to have all of the latest safety devices, these to take the place of the 15 cruisers.

I will offer another motion to authorize the expenditure of $1,000,000 on each of the 18 battleships for the purpose of providing an extra platform, constructed immediately above the turret guns, suitable for aircraft purposes, thereby making each of these ships its own aircraft carrier, having in mind that such an addition would not obstruct the use of the turret guns, and at the same time enable large bombing planes to be utilized in attacking an enemy for a distance of approximately 200 miles away.

I will offer a motion to strike out the authorization for one additional aircraft carrier, costing the sum of $19,000,000, if the above motion is accepted by the House of Representatives.

The members of the Naval Affairs Committee have been told that the five world powers, England, France, Italy, Japan, and the United States, will participate in a disarmament conference during the year of 1931. Therefore, no one can deny that unless ships are laid down of a certain type within the next three years an agreement made at this conference would prevent the expenditure of the $274,000,000 proposed in this bill.

The members of the Naval Affairs Committee have been told by the representatives of shipbuilding corporations who testified before the committee that it will take approximately three years to complete a cruiser. Therefore, if this bill becomes a law in its present form, and the conference in 1931 would agree to a reduction of tonnage of cruisers, then the United States would be in the same ridiculous position it found itself in in 1922 when approximately $300,000,000 were wasted in scrapped new ships.

CRUISER COMPARISON WITH OTHER NATIONS

England is the only nation that is claimed to have a superiority of cruisers over the United States. I make the statement from the figures given me that the cruiser strength of the United States compared with England (using the classification relative to tonnage) is so nearly balanced that it would take a Houdini to decide which country has the advantage. The following tables are submitted in proof of this statement. Cruisers, when correctly classified as to tonnage, will fall into the following schedules:

SCHEDULE A

Types of surface ships (cruisers)

	Tonnage
Destroyers (small cruisers)	1,000 to 5,000
Cruisers (usual size)	5,000 to 15,000
Battle cruisers (large)	15,000 to 25,000
Battleships (extra large)	25,000 to 35,000

UNITED STATES	Tons
282 cruisers (destroyer type), tonnage 1,000 to 5,000	423,000
40 cruisers (new, old, etc.), tonnage 5,000 to 15,000	320,000
Total	743,000

ENGLAND	
208 cruisers (destroyer type), tonnage 1,000 to 5,000	413,710
13 cruisers (new, old), tonnage 5,000 to 15,000	91,066
14 cruisers (authorized), tonnage 5,000 to 15,000	138,300
Total	643,076

The cruiser strength favorable to the United States when old ships are included, which, according to testimony presented before the Naval Affairs Committee, are the best adapted ships we have for river service in China and the Philippines, because some of our cruisers have guns up to 10-inch in size and superior quarters for the officers and men.

	Tons
Total excess favorable to United States	99,924

Thirty-six of the forty-nine so-called cruisers belonging to England have a tonnage of less than 5,000; therefore it can be said that these are large destroyers and can be classified as such; however, our destroyers have an excessive speed over every ship in this schedule.

SUBMARINES

Undersea craft, the only kind that can navigate the ocean alone.

The type of ship that can operate closest to the harbors of the world.

The ships that have proven the greatest menace to commerce.

The type that destroyed in 1917, 5,000,000 tons of allied commerce and struck terror to the hearts of the civilized world.

France has authorized 27 of the newest type and has 20 under way.

Italy has authorized 20 of the newest type and has 12 under way.

Japan has authorized 24 of the newest type and has 14 under way.

England has authorized 24 of the newest type.

United States has 6 of the newest type, with only 3 completed.

Thus, it can be said, if the members of the Naval Affairs Committee are charged with the responsibility of keeping this Nation properly prepared for any kind of an emergency and war should suddenly come upon us, this Nation would not have the proper equipment to prevent our commerce from being paralyzed, and it would be necessary immediately to authorize an emergency submarine building program which could not be completed until frightful damage had been inflicted by the enemy.

AIRCRAFT CARRIERS

Aircraft carriers are an absolute necessity for the successful functioning of any fleet in the future. At the present time no bombing planes are carried on battleships or cruisers for the reason that they are too large to be successfully launched on such ships. Battleships, as I now view them, are suitable only for peace-time purposes; but with the addition of a light upper deck placed above the turrets, it should enable each ship of this type to be its own aircraft carrier, thereby enabling the same to combat an enemy at a distance of 200 miles before the same came within gun range. It is proposed to expend practically $100,000,000 for the elevation of guns and the making of certain other additions on battleships. In my opinion, the expenditure of $18,000,000 would do away with the necessity of this large expenditure and at the same time restore the battleship to its proper place in the estimation of the people as being the most useful type of ship in a fleet.

CONCLUSION

I take the position that as long as everyone admits that our aircraft is sufficient to prevent any hostile forces from invading this country, it is the first duty of our legislative bodies to provide the means necessary to take care of the internal affairs of the Nation. Agriculture is the basic foundation of this country. The failure of the Nation to provide sufficient food will clog every channel of commerce, and bring about a condition that will paralyze the citizenship; therefore, before this country engages upon a military-expansion program, the advisability of which is questioned by a large percentage of our citizens, it seems to me that such subjects as farm relief, flood control, and others that relate to the very bone and sinew of the Nation should receive consideration.

I further say that in making additions to our Navy the Congress should have in mind the building of the kind of ships that will make our Nation sufficiently efficient to take care of any kind of an emergency. That the Navy being the first line of defense should be composed of warships—suitable for war—rather than a lot of ships that can operate only in protected zones in time of war. If we have a lot of obsolete ships, the men and officers should be taken off the same and assigned to the large number of destroyers which are now tied up to the docks at Philadelphia and San Diego, thereby building up an arm of defense that was found to be the most valuable during the World War. I am in favor of voting every dollar that this Nation needs to provide adequate defense. However, I am not willing to expend $274,000,000 to stem a depression in the shipbuilding industry and to provide additions to the Navy in the way of personnel and luxurious quarters on a type of ship that can not be used in time of war without the aid of submarines and aircraft.

CONSENT CALENDAR

The SPEAKER. The Clerk will call the Consent Calendar.

ADDITIONAL JUDGES FOR THE SOUTHERN DISTRICT OF NEW YORK

The first business on the Consent Calendar was the bill (H. R. 9200) to provide for the employment of three additional judges of the District Court of the United States for the Southern District of New York.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I ask that this bill and the one following it may be passed over without prejudice.

The SPEAKER. The gentleman from New York asks unanimous consent that this bill and the following bill may be passed over without prejudice. Is there objection?

There was no objection.

BRIDGE AND ROAD ON THE HOOPA VALLEY RESERVATION, CALIF.

The next business on the Consent Calendar was the bill (H. R. 441) to authorize an appropriation to pay half the cost of a bridge and road on the Hoopa Valley Reservation, Calif.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LEA. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. The gentleman from California asks unanimous consent that this bill may be passed over without prejudice. Is there objection?

There was no objection.

WORLD WAR MEMORIAL

The next business on the Consent Calendar was Senate joint resolution (S. J. Res. 66) authorizing an additional appropriation to be used for the memorial building provided for by a joint resolution entitled "Joint resolution in relation to a monument to commemorate the services and sacrifices of the women of the United States of America, its insular possessions, and the District of Columbia in the World War," approved June 7, 1924.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, this additional appropriation is made necessary by reason of a certain kind of stone that was used. I would like to ask the introducer of the bill or the gentleman who reported it what stone was used in this particular building?

Mr. LUCE. I am not sure whether it is the marble from Vermont or North Carolina.

Mr. LAGUARDIA. Could the gentleman obtain that information during the course of the day?

Mr. LUCE. I certainly could; but may I ask the gentleman if he deems it of importance?

Mr. LAGUARDIA. Of great importance, because we have had a condition in this country where, due to the issuance of a most outrageous injunction, several thousand men have been compelled to work under involuntary servitude, and I do not believe a memorial of this kind should be marred by having been constructed under such conditions. I shall reserve my right to object until that point is clarified to remove any stain upon this memorial.

Mr. LUCE. Mr. Speaker, I ask unanimous consent that the bill may retain its place on the calendar without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

OIL AND GAS PROSPECTING PERMITS AND LEASES

The next business on the Consent Calendar was the bill (H. R. 479) to authorize the Secretary of the Interior to grant certain oil and gas prospecting permits and leases.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WINTER. Mr. Speaker, I ask unanimous consent that this bill may go over without prejudice.

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I want to ask the gentleman if this is not a private bill and should not this bill be considered on the Private Calendar?

Mr. WINTER. The Public Lands Committee was of the opinion that it should go on the Consent Calendar.

Mr. LAGUARDIA. It is only for the benefit of the Oregon Basin Oil & Gas Co. It seems to me the bill is entirely a private bill. We have gentlemen who take an active interest in that calendar and I would like to have it transferred to the Private Calendar.

Mr. WINTER. The terms of the bill are general and mention no company as being the beneficiary of the bill.

Mr. LAGUARDIA. Both the report and the decision of the court is so clear that it is for the benefit of the particular company I have mentioned, the Oregon Basin Oil & Gas Co., I do not believe the gentleman will contend that it has any other purpose except to grant relief to that particular company. This being so, I wish the gentleman would remove it to the Private Calendar, where Members who are specialists in that kind of legislation can give it their attention.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. I object.

HOSPITAL AT FORT BIDWELL INDIAN SCHOOL, CALIFORNIA

The next business on the Consent Calendar was the bill (H. R. 8542) to provide for the construction of a hospital at the Fort Bidwell Indian School, California.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, this bill is an illustration of a class of bills that are an unnecessary burden, in my judgment, upon the Consent Calendar.

This bill very possibly, and the next bill following it certainly, propose to authorize an appropriation where, in my judgment, there is now authority for the appropriation. This bill comes here recommended by the Indian Bureau and by the Budget, whereas if the Indian Bureau would recommend the appropriation and the Budget would recommend the appropriation, and it came up in the deficiency appropriation bill next May, it could be taken care of without the passage of this legislation.

Mr. O'CONNELL. Will the gentleman yield?

Mr. CRAMTON. Yes; I yield to the gentleman.

Mr. O'CONNELL. May I ask the gentleman if he knows, approximately, what this hospital is going to cost?

Mr. CRAMTON. My impression is the bill fixes the limit of cost.

Mr. O'CONNELL. The gentleman from Montana can probably enlighten us.

Mr. CRAMTON. But that, of course, is a little apart from what I am suggesting now. Thirty thousand dollars is the limit of cost.

It is my impression, Mr. Speaker, that the Budget Office, when a bill goes to the Budget, proposing new legislation to authorize an appropriation, they would protect the calendars of the House and would protect the purposes of the Budget system if they would state that the item is already authorized by law and that, if presented to them in the regular way in connection with an appropriation bill, it would have their consideration. The difficulty is when it goes in the way this bill does, the only question considered by the legislative committee is whether the expenditure is a desirable one. When it goes in the appropriation bill there is to be considered not only whether it is a desirable appropriation, but whether it is more urgent than other desirable items of a similar character, because we are not able in one year to take care of all the desirable needs.

In this particular case, Mr. Speaker, I am not going to object. It has been reported from the legislative committee, it is for a desirable purpose, and I am not going to object; but I believe this ought not to stand as a precedent, and a somewhat different policy on the part of the Budget ought to obtain.

I withdraw the objection, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to cause to be erected a building upon Government property at Fort Bidwell, Calif., to be used for a hospital for the Indians.

SEC. 2. For the purpose of erecting such building there is authorized to be appropriated the sum of $30,000 or so much thereof as may be necessary to carry out the provisions of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

SCHOOL BUILDING AT FORT BIDWELL INDIAN SCHOOL, CALIFORNIA

The next business on the Consent Calendar was the bill (H. R. 8543) to provide for the construction of a school building at the Fort Bidwell Indian School, California.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to cause to be erected a school building upon Government property, Fort Bidwell, Calif., to be used for the education of Indian children.

SEC. 2. For the purpose of erecting such building there is authorized to be appropriated the sum of $30,000 to carry out the provisions of this act.

Mr. LEAVITT. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Line 8, after the word "of," insert the words "not more than."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GRANTING PENSIONS TO UNITED STATES DEPUTY MARSHALS OF THE DISTRICT COURT FOR WESTERN DISTRICT OF ARKANSAS

The next business on the Consent Calendar was the bill (H. R. 5709) granting a pension to the regularly commissioned United States deputy marshals of the United States District Court for the Western District of Arkansas, including the Indian Territory, now the State of Oklahoma, and to their widows and dependent children.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. HOOPER. Mr. Speaker, reserving the right to object, I had occasion to object to this bill a month ago. I considered it very carefully during the time intervening. I do not like the thought of doing an injustice to men who no doubt performed very dangerous service at a perilous time, but it seems to me that it would be unwise to adopt this legislation. It will create a precedent that is going to be dangerous. We are going to establish a precedent by which other marshals and other officials will come in in the future and point to this as a reason why we should vary from the customary program and grant special pensions under special circumstances.

Mr. DYER. Mr. Speaker, I do not agree that this would establish a precedent because there never has been and never will be such a case brought to the attention of Congress again, where men rendered the services that these men rendered, which were not only dangerous but involved the loss of many lives. There is no other way that the Government can testify to their great service. I think we should not object to their having this small consideration. There are only a few of them. It would not in my judgment or the judgment of the committee that reported the bill be a precedent.

Mr. McKEOWN. Will the gentleman yield? I want to say that a peculiar situation was found in the Indian Territory. The Indians were moved out, and it immediately became the refuge for many criminals in the United States. They went into that country, lived out there in the Indian country, and the United States went to work, sent its marshals in there and there never was a more perilous work done by men than there was at that time. The civilization and law that came out of that Territory, which makes it one of the great Commonwealths of the Nation, is due to the fact that these rugged, uneducated, brave, and fearless men carrying their lives in their hand went out on the frontier and brought these criminals to justice. They were hauled hundreds of miles to Fort Smith and Paris, Tex. I want to say that these men gave their lives in defense of civilization, in defense of the lives and property of the citizens of that Territory, and in defense of those who traveled over the only two railroads that traversed that country.

I want to say another thing. The men who have carved law and order out of that country did that service at a pitifully low stipend.

Mr. HOOPER. Mr. Speaker, I realize that much of what the gentleman from Oklahoma has said is true; but the simple fact remains that every United States marshal, whether in the Indian country or Michigan or Oklahoma or anywhere else, takes his life in his hands when he is sworn in. I am constrained, Mr. Speaker, to object.

The SPEAKER. It takes three objections.

Mr. BEGG. I object.

Mr. MAPES. I object.

Mr. HASTINGS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HASTINGS. This bill requires three objections. I do not believe that any one Member can reserve the right to object for the purpose of making a speech. The rule requires three objections, and I do not think any one Member can reserve an objection and make a speech. Where the bill has been restored to the calendar for the second time can one Member reserve the right to object and then make a speech? That is my parliamentary inquiry.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. CHINDBLOM. Does the gentleman think that the change of the rule requiring three objections on consent days changes all the other rules of the House as to the privilege of the floor?

Mr. HASTINGS. I am clear in my own mind that no one Member can reserve the right to object and use it for the purpose of inviting other gentlemen to object.

Mr. HOOPER. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. I suggest that the remedy for that is to demand the regular order.

Mr. HASTINGS. That is just what I am trying to do now. I am demanding the regular order now.

Mr. CHINDBLOM. Mr. Speaker, I demand the regular order.

Mr. HASTINGS. Mr. Speaker, I do not believe that any Member has the right to reserve the right to object when he has only the right to one-third of an objection.

The SPEAKER. Does the gentleman desire an answer to his parliamentary inquiry?

Mr. HASTINGS. That is a parliamentary inquiry.

The SPEAKER. The Chair thinks that the gentleman's contention, carried to its logical conclusion, would mean that the three objectors would all have to speak at once.

Mr. HASTINGS. I think that all three should rise up and object.

The SPEAKER. The Chair is clearly of opinion that no change in the general rules of the House follows this change in respect to three objections. The Chair thinks that any Member has the right to reserve the right to object.

Mr. HASTINGS. Under that ruling one man can reserve the right to object, and then a second man can reserve the right to object and make a speech in order to induce some other Member to join him in the objection.

Mr. CHINDBLOM. The gentleman can stop it at any time by demanding the regular order.

Mr. HASTINGS. That is what I will do in the future.

PAYMENT FOR ADDITIONAL DUTIES OF TERRITORIAL OFFICERS

The next business on the Consent Calendar was the bill (H. R. 8284) to authorize the payment of amounts appropriated by the Legislature of Alaska on account of additional duties imposed upon the Territorial officers.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LaGUARDIA. Mr. Speaker, I object.

Mr. LLACK of New York. Mr. Speaker, I object.

Mr. PEAVEY. Mr. Speaker, I object.

CITY OF MENDON, UTAH

The next business on the Consent Calendar was the bill (H. R. 8724) granting certain lands to the city of Mendon, Utah, to protect the watershed of the water-supply system of said city.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That, upon payment of $1.25 per acre, there is hereby granted to the city of Mendon, Utah, and the Secretary of the Interior is hereby authorized and directed to issue patent to the city of Mendon, Utah, for certain public lands for the protection of the watershed furnishing the water for said city, the lands being described as follows: The west half of section 12, township 11 north, range 2 west, Salt Lake meridian, and containing approximately 320 acres, more or less.

SEC. 2. The conveyance hereby authorized shall not include any lands which at the date of the issuance of patent shall be covered by a valid existing bona fide right or claim initiated under the laws of the United States: *Provided*, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found on the lands so granted and the right to prospect for, mine, and remove the same: *Provided further*, That said city shall not have the right to sell or convey the land herein granted, or any part thereof, or to devote the same to any other purpose than as hereinbefore described; and if the said land shall not be used for such municipal purpose the same, or such parts thereof not so used, shall revert to the United States. The conditions and reservations herein provided for shall be expressed in the patent.

With the following committee amendment:

Page 2, line 8, strike out the word "on" and insert the word "in," and on line 15, page 2, after the word "States," insert "and the Secretary of the Interior is hereby authorized and empowered to declare a forfeiture of this grant and to cancel the patent issued hereunder after such proceedings as he may prescribe upon a finding by him that the land has not been used for the purpose for which it was granted."

The committee amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a bill and joint resolution of the following titles:

H. R. 11197. An act to authorize the Secretary of War to grant rights of way to the Vicksburg Bridge & Terminal Co. upon, over, and across the Vicksburg National Military Park at Vicksburg, Warren County, Miss.; and

H. J. Res. 176. Joint resolution granting consent of Congress to an agreement or compact entered into between the State of Wisconsin and the State of Michigan for the construction, maintenance, and operation of a highway bridge across the Menominee River.

THE CONSENT CALENDAR

BOUNTIFUL, UTAH

The next business on the Consent Calendar was the bill (H. R. 8733) granting certain lands to the city of Bountiful, Utah, to protect the watershed of the water-supply system of said city.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That upon payment of $1.25 per acre, there is hereby granted to the city of Bountiful, Utah, and the Secretary of the Interior is hereby authorized and directed to issue patent to the city of Bountiful, Utah, for certain public lands for the protection of the watershed furnishing the water for said city, the lands being described as follows: The north half, and the south half of the southeast quarter, of section 14; the north half of section 22; and the south half, and the south half of the north half, of section 26; all in township 2 north, of range 1 east, Salt Lake meridian, United States survey, and containing approximately 1,200 acres more or less.

SEC. 2. The conveyance hereby authorized shall not include any lands which at the date of the issuance of patent shall be covered by a valid existing bona fide right or claim initiated under the laws of the United States: *Provided,* That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found on the lands so granted and the right to prospect for, mine, and remove the same: *Provided further,* That said city shall not have the right to sell or convey the land herein granted, or any part thereof, or to devote the same to any other purpose than as hereinbefore described; and if the said land shall not be used for such municipal purpose the same, or such parts thereof not so used, shall revert to the United States. The conditions and reservations herein provided for shall be expressed in the patent.

With the following committee amendments:

Page 2, line 10, strike out the word "on" and insert the word "in," and in line 17, after the word "States," insert "and the Secretary of the Interior is hereby authorized and empowered to declare a forfeiture of this grant and to cancel the patent issued hereunder after such proceedings as he may prescribe upon a finding by him that the land has not been used for the purpose for which it was granted."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CENTERVILLE, UTAH

The next business on the Consent Calendar was the bill (H. R. 8734) granting certain lands to the city of Centerville, Utah, to protect the watershed of the water-supply system of said city.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That upon payment of $1.25 per acre there is hereby granted to the city of Centerville, Utah, and the Secretary of the Interior is hereby authorized and directed to issue patent to the city of Centerville, Utah, for certain public lands for the protection of the watershed furnishing the water for said city, the lands being described as follows: All of section 12, township 2 north, range 1 east, Salt Lake meridian, United States survey, and also the west half of the west half, the northeast quarter of the northwest quarter, the north half of the northeast quarter, and the southeast quarter of the southeast quarter of section 10, township 2 north, range 1 east, Salt Lake meridian, United States survey, and containing approximately 960 acres, more or less.

SEC. 2. The conveyance hereby authorized shall not include any lands which at the date of the issuance of patent shall be covered by a valid existing bona fide right or claim initiated under the laws of the United States: *Provided,* That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found on the lands so granted and the right to prospect for, mine, and remove the same: *Provided further,* That said city shall not have the right to sell or convey the land herein granted, or any part thereof, or to devote the same to any other purpose than as hereinbefore described; and if the said land shall not be used for such municipal purpose the same, or such parts thereof not so used, shall revert to the United States. The conditions and reservations herein provided for shall be expressed in the patent.

With the following committee amendments:

Page 2, line 11, strike out the word "on" and insert the word "in," and in line 18, after the word "States," insert "and the Secretary of the Interior is hereby authorized and empowered to declare a forfeiture of this grant and to cancel the patent issued hereunder after such proceedings as he may prescribe upon a finding by him that the land has not been used for the purpose for which it was granted."

The committee amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

AMENDING AIR MAIL ACT

The next business on the Consent Calendar was the bill (H. R. 8337) to amend the air mail act of February 2, 1925, as amended by the act of June 3, 1926.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, does the gentleman from Pennsylvania [Mr. KELLY] really believe that under the guise of reducing the rates on air mail we should go as far as this bill really goes, to give a present contractor a certificate for 10 years that he has an established right on that route unless removed previously by the Postmaster General? Can the gentleman suggest any instance in the early days of railroading where any such contract was made?

Mr. MADDEN. We can suggest instances every day now.

Mr. KELLY. Mr. Speaker, the gentleman asks a question that I will be very glad to answer, and I think I can show him that in this measure we are not doing anything unprecedented or extra liberal. At the present time the railroads have a perpetual contract, or an indefinite contract, with the Post Office Department, and there is no 10-year limitation. There is no 10-year limitation on mail messengers or on steamship contracts that the Post Office Department now has. This measure will give additional protection to the Post Office Department. We have two different provisions here which dovetail together and make one in fact: First, we give the power to the Postmaster General to reduce the rates. We only give him authority. We do not compel him to change the rate, but we do give him authority to make a rate in the future of 5 cents an ounce. The present rate is 10 cents per half ounce. The main difficulty with our air mail service is the volume of air mail. The volume has not come up to capacity of the planes. Instead of carrying a thousand pounds these planes are carrying 200 and 300 pounds and 400 pounds. We propose to lessen the rate in the discretion of the Postmaster General and bring the mail up to the full volume that can be carried and thus decrease the unit cost.

Then in the second provision of the bill we propose to give the Postmaster General power to go to the contractor and readjust the payment now made under the four-year contract and give him the right to negotiate in the future and bring this rate down as conditions warrant. The contractor can make more money at one-half the rate now received if the volume is three or four times the present volume.

Mr. LAGUARDIA. The gentleman is speaking of that part of the bill to which I am not opposed.

Mr. KELLY. I am showing the gentleman that there is nothing new or unprecedented about this. We deal in the same way with the railroads, and we have always done so. Now, with the air mail contractors we have a four-year contract, as the gentleman knows. Some of these companies are compelled to invest millions of dollars in equipment, in advance work, in organization, and establishing their hangars, and so forth. We propose to give them a chance to show to the Postmaster General that they should have an extension of the contract and not lose their investment at the end of a short period. At the same time we protect the Government by giving the right of

cancellation when there is any failure to comply with regulations.

Mr. O'CONNELL. Mr. Speaker, will the gentleman yield?

Mr. KELLY. Yes.

Mr. O'CONNELL. This bill has not only the approval but also the enthusiastic support of the Post Office Department?

Mr. KELLY. Yes. I was also informed to-day that Colonel Lindbergh, the lad who was a faithful pilot in this contract mail service dealt with in this bill, has said that the passage of this measure will do much for the commercial aviation in which he is so intensely interested. He pointed out that it will increase the volume of air mail 200 per cent in a short period.

Mr. O'CONNELL. If we reduce the rate, would it not double the business?

Mr. KELLY. Yes. It will do more than double the business. It will triple the business.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. KELLY. Yes.

Mr. CHINDBLOM. I find that the bill provides for financial investigation of the transportation of mail by airplanes, and it provides that the department shall not put into force other regulations than those in the contract.

Mr. KELLY. Yes; it gives full protection to the public interest and these pioneer air companies as well.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. KELLY. Yes.

Mr. SCHAFER. Can the gentleman assure us that this bill is not in conflict with the President's financial policy?

Mr. KELLY. I can assure the gentleman that the Postmaster General in the President's Cabinet is enthusiastically for it.

Mr. SCHAFER. How about the Budget Bureau?

Mr. KELLY. I am not able to speak for the Budget Bureau, but you may be assured of its acquiescence.

Mr. LAGUARDIA. The reduction of the rate is one thing, and establishing a vested right to a route by means of a new method on a certain species of transportation that is something absolutely in its infancy is another thing; and we made such a mess of the regulation of railroads in the past that it is going to take a century to get out of it. I say this: That if the gentleman wants to reduce the rates, it is the easiest thing in the world to do so in a separate bill. And the bringing of Colonel Lindbergh into the proceedings should not sweep anybody off his feet, because I doubt if the colonel has examined all the details of this bill.

Mr. KELLY. I will say to the gentleman that he has.

Mr. LAGUARDIA. He has not taken into consideration the fact that this contract takes into account a specific name.

Mr. COCHRAN of Missouri. Mr. Speaker, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. COCHRAN of Missouri. I have received inquiries from Harold M. Bixby, president of the St. Louis Chamber of Commerce, who was with the colonel, and advised him yesterday in reference to this bill and the foreign air mail bill. I advised him of the status of the bills and sent copies of the bill when it was introduced and also when reported. I informed them that one bill would probably go to the President to-day and the other would be taken up on this calendar.

Mr. KELLY. The gentleman from New York and I served together on the Post Office Committee and dealt with the original air mail legislation. I hope the gentleman will not object to this bill, which aims to improve the air mail service.

Mr. MADDEN. Mr. Speaker, I notice that the gentleman from New York [Mr. LAGUARDIA] rather doubts the propriety of doing what is proposed in the bill, and yet that is exactly what we do on every railroad in the country. We do not advertise for contracts for carrying the mail by railroad. The Government negotiates the contracts and transfers the business from one railroad to another, and yet the railroad business is so comprehensive that the mail carried is a very small percentage of their total business, whereas in the air mail transportation the men who invest their money have no other business, but they are required to invest very large sums of money, and their contract at present is only for a four-year period.

Now, if by any chance somebody comes along and takes that contract away, which is possible, all the money invested in the enterprise is lost. There is no other place in the world where their equipment can be used.

Mr. LAGUARDIA. Why not?

Mr. MADDEN. Because they have not anything to use it on.

Mr. LAGUARDIA. There is no fixed rails or road bed.

Mr. MADDEN. Yes; but they would have nothing to carry. They are not going to run airplanes just for fun.

Now, I do not know of a proposal submitted to the House that is as fair as this. In the first place, they have a contract for four years at a very low rate, a rate below cost. Yet they propose to submit to a reduction in the rate they are already receiving under the contract if the volume is sufficient to justify it. But what does the gentleman propose if he objects? He proposes to object to a continuation of a service that is essential to the country, that is being established at a great sacrifice of money and genius, and just as we get it established we put sprags in the wheels, which would prevent the utilization of the instrumentalities for the transportation of the mails by air. For what? Not because the thing that is proposed is not just, not because it is not right, not because it is not fair, not because the people who are behind the movement in investing their money are not experienced, not because they are not patriotic, not because they are not willing to cooperate with the Government in the development of the service, but, on the contrary, because, forsooth, there may be a chance to destroy every dollar of investment that may have been made by all of these men who have made a great personal early sacrifice. Is it fair? I do not think it is, and I hope the gentleman will not object.

Mr. LAGUARDIA. On the other hand, I do not think it is fair, in anything that is still in its infancy, to preclude all others.

Mr. MADDEN. We do not preclude all others.

Mr. LAGUARDIA. By giving a 10-year certificate to any one company.

Mr. MADDEN. Let me ask the gentleman this question, and I am sure he will be fair about it: Suppose they have invested in the air mail activity let us say $2,000,000, $3,000,000, or $5,000,000, or whatever it may have been, and let us suppose further that during all of the four-year period they have lost every dollar they put in and that there is no chance in the world to continue the proposition into which they have put their money and their experience and on which they have made a loss, in a further effort to recoup the loss without any cost to the Government of the United States, with advance knowledge that the end would come in two years more. How much does the gentleman think they would continue to invest in new equipment pending the expiration of the four-year period?

Mr. LAGUARDIA. Under those circumstances I think they would get a renewal of their contract without any trouble.

Mr. KELLY. That is a matter of bidding.

Mr. LAGUARDIA. Under the law, not only is the price given consideration but the ability to render the service.

Mr. MADDEN. I hope the gentleman will not object.

Mr. LAGUARDIA. I will permit it to be passed over without prejudice, but otherwise I will be constrained to object.

Mr. KELLY. I do not know whether the gentleman realizes that the Post Office Department would hesitate to put a parallel line on where mail is being carried under a four-year contract. Under this bill the Post Office Department can put a parallel route on wherever it may be justified. They can distribute the mail among two or three companies. This bill will increase, not lessen, competition.

Mr. LAGUARDIA. The gentleman is speaking about the good features of his bill.

Mr. KELLY. I am showing the protection which is provided for the the public and the department.

Mr. LAGUARDIA. If the gentleman wants to pass this over without prejudice for two weeks longer, I shall be glad to permit him to do that; otherwise I shall be constrained to object.

Mr. BEGG. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BEGG. Does the gentleman take into consideration this angle: Air transportation, as the gentleman says, is in its infancy and requires a whole lot of experimentation. Every nation in the world encourages private enterprise to perform these experiments by a direct subsidy. However, this can not be interpreted in any way as a direct subsidy, but only a preferment for a period of years, so that they will be certain they will have a definite income. In this way contributions to the development of the industry might be very cheaply purchased. If it were true that we were giving them absolute control over a specific route for a definite number of years, that would be a different proposition.

Mr. O'CONNELL. Mr. Speaker, I would suggest that the gentleman let the rest of the Members in on this conversation. We can not hear him.

Mr. BEGG. I doubt whether it would be possible to make yourself heard above the noise in the House. I was simply trying to call the attention of the gentleman from New York to the fact that, this being an experimental method of transportation, in any other nation of the world it would undoubtedly receive a direct subsidy. However, this is in no

sense a subsidy. Let us grant it will be a preferment as to a particular route for 10 years. Even with that condition existing, the development of transportation through the air might be very cheaply purchased. It does not cost the Government a nickel and it may lessen the transportation cost of the mails.

Mr. LAGUARDIA. I will concede it will.

Mr. BEGG. All right. I would not hesitate, so far as my own vote goes, for one second in giving some particular company a 10-year monopoly to carry the mails, because, as I say, of the results that will come from the development of this service.

Mr. LAGUARDIA. There is no reason for it. We had an instance where the Postmaster General properly disregarded the lowest bidder and gave the contract to a bidder who was better qualified, better equipped, and experienced to transport the mail through the air. There was no question about that; his judgment was not questioned at all and it was sound. Therefore all the conditions and all the illustrations that have been cited to-day would indicate that at the expiration of a four-year period a company under those circumstances would get a contract for another four-year period.

Mr. BEGG. Will the gentleman yield?

Mr. LAGUARDIA. I yield to the gentleman.

Mr. BEGG. Let us bring this right down to the practical side of it. Suppose the gentleman had some money to invest; would the gentleman rather invest that money in a company that had a contract with two or three years to run or with a company that had a contract with 10 years to run?

Mr. LAGUARDIA. That is one side of it.

Mr. BEGG. That is the practical side. You must get money for any experimental work.

Mr. LAGUARDIA. As against that, there is the possible development of new equipment, of new means of transportation, and would the gentleman keep that work back while one company is in control for 10 years and not give an outsider any chance at all?

Mr. KELLY. The bill provides for that contingency.

Mr. BEGG. There is no danger of running into that situation. The Government is amply protected in that respect by the bill itself.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that the bill be passed without prejudice; otherwise I shall be constrained to object.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

UNPRODUCTIVE PUBLIC LANDS ON IRRIGATION PROJECTS

The next business on the Consent Calendar was the bill (H. R. 9958) to authorize the disposal of public land classified as temporarily or permanently unproductive on Federal irrigation projects.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I would like to ask about the reference here. I find there is insufficient reference. The reference is to the act of May 25, 1926; does the gentleman think that is sufficient?

Mr. LEAVITT. I think so; yes.

Mr. LAGUARDIA. I looked into it yesterday and could not possibly trace it; but if the gentleman believes this is sufficient reference, that satisfies me.

Mr. LEAVITT. I presented the situation to the department and asked them to prepare a bill to meet it. The bill was prepared by the attorneys of the Interior Department as being sufficient.

Mr. LAGUARDIA. It is not codified. I could not find it anywhere. I have no objection.

Mr. ARENTZ. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. ARENTZ. Is it the gentleman's opinion that this land that is unproductive that lies next to an irrigation project but does contain possibly grass, although the land is not fit for cultivation, could be taken up by irrigation settlers who have a limited amount of land under a Government project and use this land for pasturage?

Mr. LEAVITT. Yes.

Mr. ARENTZ. But at no time in the future will the land be put within a district and water put upon it.

Mr. LEAVITT. I am very sure that situation is very fully protected in the bill; in fact, there is a provision in the bill that might be taken to practically answer the question, in that lands that are classified as permanently unproductive, or class 6 land, can not be made the subject of exchange for productive, irrigated land, which in itself means that they can never be brought in to take the place of other lands.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior, hereinafter styled the Secretary, is authorized in connection with Federal irrigation projects to dispose of vacant public lands designated under the act of May 25, 1926, as temporarily unproductive or permanently unproductive to resident farm owners and resident entrymen on Federal irrigation projects, in accordance with the provisions of this act.

SEC. 2. That the Secretary is authorized to sell such lands to resident farm owners or resident entrymen, on the project upon which such land is located, at prices not less than that fixed by independent appraisal approved by the Secretary, and upon such terms and at private sale or at public auction as he may prescribe: *Provided*, That no such resident farm owner or resident entryman shall be permitted to purchase under this act more than 160 acres of such land, or an area which, together with land already owned on such Federal irrigation project, shall exceed 320 acres.

SEC. 3. All "permanently unproductive" and "temporarily unproductive" land now or hereafter designated under the act of May 25, 1926, shall, when sold, remain subject to sections 41 and 43 of the said act. The exchange provisions of section 44 of said act of May 25, 1926, shall not be applicable to the land purchased under this act.

SEC. 4. After the purchaser has paid to the United States all amounts due on the purchase price of said land, a patent shall issue which shall recite that the lands so patented have been classified as temporarily or permanently unproductive, as the case may be, under the adjustment act of May 25, 1926. Such patents shall also contain a reservation of a lien for water charges when deemed appropriate by the Secretary and reservations of coal or other mineral rights to the same extent as patents issued under the homestead laws.

SEC. 5. In the absence of a contrary requirement in the contracts between the United States and the water users' organization or district assuming liability for the payment of project construction charges, all sums collected hereunder from the sale of lands, from the payment of project construction charges on "temporarily unproductive" or "permanently unproductive" lands so sold, and (except as stated in this section) from water rentals, shall inure to the reclamation fund as a credit to the sums heretofore written off in accordance with said act of May 25, 1926. Where water rental collections hereunder are in excess of the current operation and maintenance charges, the excess as determined by the Secretary shall, in the absence of such contrary contract provision, inure to the reclamation fund as above provided, but in all other cases the water rentals collected under this act shall be turned over to or retained by the operating district or association, where the project or part of the project from which the water rentals were collected is being operated and maintained by an irrigation district or water users' association under contract with the United States.

SEC. 6. The Secretary of the Interior is authorized to perform any and all acts and to make all rules and regulations necessary and proper for carrying out the purposes of this act.

Mr. LEAVITT. Mr. Speaker, this is a very important bill to the settlers on the project, and I ask unanimous consent to extend my remarks at this point in the RECORD upon it.

The SPEAKER. Is there objection?

There was no objection.

Mr. LEAVITT. Mr. Speaker, this bill (H. R. 9958) to authorize the disposal of public land classified as temporarily or permanently unproductive on the Federal irrigation projects was introduced by me on the 24th of January last. On the 8th of February it was favorably acted on by the Committee on Irrigation, and I reported it to this House.

To-day it has been reached on the calendar for passage, and it is a matter of much gratification to hundreds of resident farm owners and entrymen on the reclamation projects that it has your approval.

You will recall that on the 25th of May, 1926, the act to adjust water-right charges and to grant certain other relief on the Federal irrigation projects became law. It extended a large measure of relief to 19 projects in the West, of which 4 are in the district I have the privilege of representing. Among other things it authorized the classifying of 207,342 acres of lands as being temporarily unproductive and suspended $12,593,329 charged against them; and it also set aside 174,448 acres as being permanently unproductive and removed them from the projects, thus charging off $9,343,038 theretofore standing as a debt against the settlers on the 19 projects.

The bill I have introduced and which has just been read by the Clerk has to do with the present disposition of these unproductive lands. They are in the main rough or of such soil

as to be unfit for irrigation, but they have value as grazing units and otherwise if used in connection with the irrigated lands. The gist of the measure is that the Secretary of the Interior is authorized to dispose of such vacant public lands in these areas to resident farm owners and resident entrymen on the projects within which the lands are located. They are to sell at prices fixed by appraisal, not more than 160 acres to anyone, nor giving any one individual a total of more than 320 acres, including other land already owned on the project.

The conditions and reservations of sale are proposed in the bill as matters of sound public policy. Section 3 says:

All "permanently unproductive" and "temporarily unproductive" land now or hereafter designated under the act of May 25, 1926, shall when sold, remain subject to sections 41 and 43 of the said act. The exchange provisions of section 44 of said act of May 25, 1926, shall not be applicable to the land purchased under this act.

That the sections 41, 43, and 44 of the act of May 25, 1926, may be ready for reference I give them here as follows:

SEC. 41. All lands found by the classification to be permanently unproductive shall be excluded from the project and no water shall be delivered to them after the date of such exclusion unless and until they are restored to the project. Except as herein otherwise provided, the water right formerly appurtenant to such permanently unproductive lands shall be disposed of by the United States under the reclamation law: *Provided*, That the water users on the projects shall have a preference right to the use of the water: *And provided further*, That any surplus water temporarily available may be furnished upon a rental basis for use on lands excluded from the project under this section on terms and conditions to be approved by the Secretary of the Interior.

SEC. 43. The payment of all construction charges against said areas temporarily unproductive shall remain suspended until the Secretary of the Interior shall declare them to be possessed of sufficient productive power properly to be placed in a paying class, whereupon payment of construction charges against such areas shall be resumed or shall begin as the case may be. While said lands are so classified as temporarily unproductive and the construction charges against them are suspended, water for irrigation purposes may be furnished upon payment of the usual operation and maintenance charges, or such other charges as may be fixed by the Secretary of the Interior the advance payment of which may be required, in the discretion of the said Secretary. Should said lands temporarily classed as unproductive, or any of them, in the future be found by the Secretary of the Interior to be permanently unproductive, the charges against them shall be charged off as a permanent loss to the reclamation fund and they shall thereupon be treated in the same manner as other permanently unproductive lands as provided in this act.

SEC. 44. Settlers who have unpatented entries under any of the public land laws embracing lands which have been eliminated from the project, or whose entries under water rights have been so reduced that the remaining area is insufficient to support a family, shall be entitled to exchange their entries for other public lands within the same project or any other existing Federal reclamation project.

And so forth. With further provisions and amplification. Of course, it would not be fair to allow the later exchange of these cheaply acquired lands for valuable irrigable lands under the provisions of section 44.

Finally the reasons for the enactment of this legislation are quite fully set forth in the letter of the Secretary of the Interior to the chairman of the Committee on Irrigation and Reclamation under date of February 2. The letter is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 2, 1928.

Hon. ADDISON T. SMITH,
Chairman Committee on Irrigation and Reclamation,
House of Representatives.

MY DEAR MR. SMITH: I have your request of January 26 for report on (H. R. 9958) a bill to authorize the disposal of public land classified as temporarily or permanently unproductive on Federal irrigation projects.

The bill authorizes the Secretary of the Interior to sell unproductive lands on Federal irrigation projects to resident owners and entrymen under terms and conditions to be fixed by him. Under the bill no landowner would be permitted to purchase more than 160 acres of such land, or an area which, with land already owned on any one project, would exceed 320 acres. The lands are to be appraised by an independent board of appraisers.

The lands, the sale of which is contemplated under the bill, are not suitable for entry under the homestead and reclamation laws.

Under the present law, private landowners and entrymen could secure the use of these lands only by temporary lease. This method is objectionable because the Government has turned over or will turn over the projects to water users for their own management, and the United States will thereafter have no representatives on the projects to make the necessary leases and administer them.

I believe it preferable that these lands be disposed of in the manner contemplated, and recommend favorable consideration of the bill.

Very truly yours,

HUBERT WORK.

I am sure that the enactment of this measure will be a further forward step toward the final success of the irrigation projects. The sale of these lands will add to the home units of actual settlers in a way to round out their holdings, and it will also place back into the reclamation fund in the Federal Treasury very considerable sums of money now frozen in these unproductive lands and make them available for further constructive use.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

PROHIBITION ENFORCEMENT IN THE DISTRICT OF COLUMBIA

Mr. BLANTON. Mr. Speaker, I have an important matter I want to present to the House, but I do not want to delay the Consent Calendar. I therefore ask unanimous consent that at 3 o'clock to-day I may be permitted to proceed for 10 minutes.

Mr. SCHAFER. Mr. Speaker, reserving the right to object, on what subject?

Mr. BLANTON. It is on the investigation we have been making.

Mr. SCHAFER. Will the gentleman present some concrete evidence to the House?

Mr. BLANTON. Yes.

Mr. SCHAFER. I notice the gentleman's prior speeches seem to infer that certain high officials of the Washington police department have been giving protection to bootleggers while they did not give any evidence which would substantiate that inference.

Mr. BLANTON. If the gentleman will come to my office I will give him all the evidence he wants.

Mr. LaGUARDIA. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LaGUARDIA. I understand we are going to have some suspensions later in the afternoon.

Mr. BLANTON. Yes; I have spoken to the Speaker about it.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. CHINDBLOM. Does the gentleman propose to discuss, as he did last Saturday, testimony brought before a subcommittee against men holding official positions who have had no opportunity to confront witnesses, no opportunity to present evidence on their own behalf, and who themselves have not had an opportunity to testify?

Mr. BLANTON. The ones I am going to discuss have had plenty of opportunity. I shall discuss no others.

Mr. SCHAFER. Further reserving the right to object, I believe if the gentleman has evidence showing protection to bootleggers given by officers or members of the Metropolitan police force, the proper procedure is to file such evidence with the Commissioners of the District of Columbia, so that these men may have an opportunity to be heard, and I therefore object.

Mr. BLANTON. Mr. Speaker, I hope my friend will not object to my having this 10 minutes. I do not take the time of the House unless it is necessary, and this is an important matter. What better proof does the gentleman want than this specially built truck that is right over here at the House Office Building now, with a secret compartment in it to carry liquor, the owner of which says he had it built to carry liquor in and has used it for six months to transport liquor here in violation of the law?

Mr. SCHAFER. The gentleman from Wisconsin will state that any police officer, no matter what position he holds in the police department, who has been taking graft or giving protection to bootleggers, should be put in Leavenworth penitentiary with the bootleggers, just as the gentleman from Texas would desire.

Mr. BLANTON. That is what I want done with them.

Mr. SCHAFER. But the gentleman's prior speeches about the matter do not contain material facts sufficient to substantiate an indictment on the floor of the House of any officer in the police department. Particularly they do not substantiate the inference directed against the chief of police.

Mr. BLANTON. If the gentleman from Wisconsin is going to block proceedings, I do not now want to take up any more time of the House.

Mr. SCHAFER. If the gentleman will assure me that he will present concrete evidence, I will withdraw my objection.

Mr. BLANTON. I expect to give enough of concrete facts to satisfy the gentleman.

Mr. SCHAFER. Mr. Speaker, I withdraw my objection.

Under permission granted me by unanimous consent of the House, I incorporate the statement recently made by Maj. Edwin B. Hesse, superintendent of the Metropolitan police force of the District of Columbia, which is as follows:

If Representative BLANTON has any evidence against me, it is his duty to present it to the Commissioners of the District. It is my right to have an opportunity to cross-examine his witnesses and introduce testimony in my behalf. I stand ready to face any investigation of my acts or utterances by the commissioners to whom I am responsible for my official position.

I hereby obligate myself to submit to the trial board without further investigation and without change of any language any charges Representative BLANTON may care to make against any of my subordinates, who will thereupon have opportunity for defense and decision by an impartial tribunal without possibility of intervention by Representative BLANTON or myself.

I invite an investigation by any unbiased body of men of my record and that of the police department under my administration to ascertain whether that record will not disclose the fact that I have energetically and honestly striven to secure the enforcement of all laws.

Mr. TREADWAY. Reserving the right to object, I would like to ask the gentleman from Texas what benefit he expects to be derived by publicity of what he has already exploited on the floor? If it is a criminal matter, it should be placed in the hands of the criminal prosecutor.

Mr. BLANTON. I will say to the gentleman that I could demand an hour under a question of personal privilege. There was more than a column printed in the Herald this morning of a pretended interview and not one word was authorized. There was no such interview.

Mr. TREADWAY. If it is a question of personal privilege, the gentleman should exercise his rights rather than to ask for 10 minutes this afternoon.

Mr. BLANTON. I want to give the concrete facts as to the law being violated.

Mr. TREADWAY. If that is so, why does not the gentleman give the facts to the district attorney?

Mr. BLANTON. They have been given to the district attorney.

Mr. TREADWAY. If the gentleman desires to exercise the privileges of the House, he can do so without asking for 10 minutes.

Mr. BLANTON. Mr. Speaker, I withdraw my request. If the gentleman from Massachusetts wants to keep the country from knowing the facts, he can do so.

Mr. TREADWAY. Mr. Speaker, I want to see orderly procedure maintained, and object to 10 minutes of publicity for no good purpose.

Mr. BLANTON. Mr. Speaker, I ask for a quorum.

The SPEAKER. The gentleman from Texas makes the point of no quorum. The Chair will count. [After counting.] One hundred and ninety Members present, not a quorum.

Mr. TILSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The doors will be closed, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 41]

Aldrich	Dickstein	Johnson, S. Dak.	Sears, Fla.
Allen	Doutrich	Kindred	Seger
Anthony	Drewry	Kunz	Sirovich
Beck, Wis.	Edwards	Larsen	Somers, N. Y.
Berger	England	McFadden	Stedman
Boies	Estep	McSwain	Strong, Pa.
Britten	Fish	Manlove	Strother
Bushong	Fitzgerald, W. T.	Moore, N. J.	Sullivan
Carley	Free	Moore, Ohio	Wainwright
Cartwright	Fulbright	Nelson, Me.	Watson
Chase	Gifford	Norton, N. J.	Weller
Christopherson	Golder	Oliver, Ala.	White, Colo.
Cole, Iowa	Goldsborough	Oliver, N. Y.	Whitehead
Collins	Goodwin	Palmer	Williams, Tex.
Combs	Graham	Peery	Williamson
Connally, Tex.	Green, Iowa	Perkins	Wilson, Miss.
Connolly, Pa.	Griffin	Pou	Wingo
Crosser	Hall, Ill.	Prall	Wolverton
Cullen	Harrison	Quayle	Wood
Davey	Igoe	Rathbone	Yates
De Rouen	Irwin	Reed, N. Y.	
Dickinson, Mo.	Jacobstein	Sabath	

The SPEAKER. Three hundred and forty-two Members are present, a quorum.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

SALE OF CERTAIN LANDS NEAR GARDEN CITY, KANS.

The next business on the Consent Calendar was the bill (H. R. 8286) to authorize the sale of certain lands near Garden City, Kans.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOPE. Mr. Speaker, Senate bill 2545, on the Speaker's desk, is identical with this bill. I ask unanimous consent to substitute the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the State of Kansas be, and it is hereby, authorized to sell all or any part of the following-described land granted to said State under the provisions of the act of Congress approved June 22, 1916, to wit: Sections 25, 26, and 35 in township 24 south, and sections 1 and 2 in township 25 south, all in range 33 west of the sixth principal meridian, notwithstanding the restrictions contained in said act: *Provided,* That the proceeds of said sale shall be used to purchase land in sections 23 and 24 in township 24, range 33, and in sections 19 and 30 in township 24, range 32, all in Finney County, Kans., to be used as a State game preserve.

The bill was ordered to be read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The House bill was laid on the table.

WORLD WAR MEMORIAL

Mr. LUCE. Mr. Speaker, I ask unanimous consent to return to Calendar No. 257, Senate Joint Resolution 66.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to return to Calendar No. 257. Is there objection.

Mr. LAGUARDIA. Reserving the right to object, can the gentleman now state the source from which the stone comes?

Mr. LUCE. From the Vermont Marble Co.

Mr. LAGUARDIA. And it is not embraced in the matter I referred to?

Mr. LUCE. No; I think not.

The Clerk read the bill, as follows:

Joint resolution (S. J. Res. 66) authorizing an additional appropriation to be used for the memorial building provided for by a joint resolution entitled "Joint resolution in relation to a monument to commemorate the services and sacrifices of the women of the United States of America, its insular possessions, and the District of Columbia in the World War," approved June 7, 1924.

Resolved, etc., That there is authorized to be appropriated, in addition to the sum authorized to be appropriated by a joint resolution entitled "Joint resolution in relation to a monument to commemorate the services and sacrifices of the women of the United States of America, its insular possessions, and the District of Columbia in the World War," approved June 7, 1924, the sum of $50,000 to be used for the erection and equipment of the memorial building provided for by such joint resolution. Such sum shall be expended under the direction of the commission, consisting of the chairman of the Senate Committee on the Library and the chairman of the House Committee on the Library, created by such joint resolution, and its disbursement shall not be contingent upon any private subscription.

Mr. LUCE. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Massachusetts moves to strike out the last word.

Mr. LUCE. Mr. Speaker, this resolution will, I am sure, receive no objection from any Member of the House. But I crave the indulgence of the House while in connection with it I address myself to a matter that has seemed to me to be of grave importance to every committee and every Member.

Two weeks ago when this resolution appeared upon the calendar objection to its consideration was made by the gentleman from Michigan [Mr. CRAMTON] on the ground that the report contained no statement to the effect that the matter has been laid before the Director of the Budget. At that time I told him that it was my recollection that the director had been consulted. This, upon further inquiry, I have found to be the fact. He had been consulted by the secretary of the association, who saw fit to discuss with him the proposal. No formal approval, however, had been asked or received by the committee. In my anxiety not to see the matter blocked, I have secured and have before me here a letter from the Director of the Budget saying that the proposal is not inconsistent with the President's program.

Since then I have been much disturbed by reflecting upon the situation brought up by the gentleman from Michigan. For the

first time, so far as I know, in the seven years since the Budget law has been in effect, objection has been raised to the consideration of a matter by unanimous consent because there accompanied the report no statement that the Director of the Budget had been consulted. It was my province to take some small part in the debate upon the adoption of the Budget.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Certainly.

Mr. CRAMTON. Let me understand the gentleman's statement. Is it the gentleman's impression that a report from his committee had never been objected to on the ground that there was no report from the Budget, or was it from any committee?

Mr. LUCE. My statement was intended to be that when I have been on the floor of the House no measure has been objected to by reason of the failure of the report to contain anything about the Director of the Budget.

Mr. CRAMTON. If the gentleman included all committees, he is in error in that statement.

Mr. LUCE. Whether in error or not, the important consideration is still to be brought to the attention of the House.

I have taken the pains to run through the debates when the Budget was adopted, and my eye has caught there nothing indicating that it was the intention of the Congress that any of its lawmaking committees should be required to consult the Director of the Budget when considering legislation. But this is what has happened: The President, by an Executive order, seems to have directed that when departments are consulted by committees of this House the departments shall include in their reply a statement showing that the Director of the Budget has been consulted. This, it will be seen, puts the lawmaking body of the land under the control of the Director of the Budget, who, of course, has not the time or opportunity to consider these proposals as our committees consider them.

Mr. O'CONNELL. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Yes.

Mr. O'CONNELL. As a matter of fact, are we not now following that very policy under which it seems we can not get anything done in the House without consulting the Budget Bureau?

Mr. LUCE. It was to bring that to the attention of the House that my remarks are made.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. LUCE. Certainly.

Mr. JOHNSON of Washington. I have undertaken to show you from time to time that by the process we are using now we are making the Director of the Budget the dictator of the proceedings of the House of Representatives.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. LUCE. Mr. Speaker, may I have five minutes more?

Mr. MADDEN. I do not see why the gentleman should take up the time in discussing an academic question.

Mr. LUCE. It is not an academic question.

Mr. MADDEN. The gentleman is not discussing the resolution.

The SPEAKER pro tempore. Is there objection?

Mr. MADDEN. I object.

The SPEAKER pro tempore. Objection is heard. The question is on the engrossment and third reading of the resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the Senate joint resolution was passed was ordered to be laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

PROOF OF ENTRIES WITHIN RECLAMATION PROJECTS

The next business on the Consent Calendar was the bill (H. R. 475) to amend certain laws relating to the submission of proof on entries within reclamation projects.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, this is a bill that provides for paying taxes on irrigated lands?

Mr. WINTER. Yes.

Mr. LAGUARDIA. Who informs the State that the matter has arrived at such stage where the land may be taxed under this bill?

Mr. WINTER. The State authorities will find that of record in the Land Office, where the register issues a final certificate.

Mr. LAGUARDIA. This is to reach settlers who avoid taking out the final certificate in order to avoid paying local taxes?

Mr. WINTER. Yes.

Mr. LAGUARDIA. How is that accomplished?

Mr. COLTON. It is the custom to obtain that from the register of the Land Office. Each year the Land Office issues a copy of the final certificate issued in the preceding year.

Mr. LAGUARDIA. The final certificate?

Mr. COLTON. Yes; issued by the register.

Mr. WINTER. That they have complied with the requirements of the homestead law.

Mr. LAGUARDIA. After they get this certificate, what is done?

Mr. WINTER. They go on with the period of the payment for construction of the reclamation project.

Mr. LAGUARDIA. After the payment is made they purposely refrain from applying for a patent in order to avoid taxation?

Mr. WINTER. That is correct.

Mr. LAGUARDIA. Is the settler protected in not paying taxes before the local authorities have a right to tax him?

Mr. WINTER. Yes; certainly.

Mr. CRAMTON. A letter from the Secretary says that under existing law the entryman may delay for the entire period, which may extend over a period of 40 years.

He might have said that on some of the projects under the 5 per cent plan it would be 75 or 100 years. Just why should he have that privilege of delaying the issuance of a patent until he has made his payments for the reclamation charges?

Mr. WINTER. I do not think the privilege ought to be extended.

Mr. CRAMTON. Why should not the gentleman's bill be a bill that would require them to complete their proof and make their lands taxable instead of leaving it in this inchoate state for 40, 50, or 100 years?

Mr. WINTER. My form of the bill has been amended and the form of the bill as it is now before the House is the form submitted by the department itself.

Mr. CRAMTON. Under the form submitted by the department what becomes of the priority of lien of the Government for its construction charges on the reclamation project? By Federal authority in this bill the land is made subject to taxation and under State laws naturally those taxes stand as a lien. The land is liable to be sold for taxes and then what has become of the Federal Government's lien for reclamation charges?

Mr. WINTER. I do not think that can be disturbed; I think the Government's lien stands right where it is.

Mr. CRAMTON. There is nothing in this bill to preserve that lien, and it is the holder of that lien who is so graciously making these lands subject to State taxation, although the title has not left the Federal Government. I am not out of sympathy with what the gentleman is trying to do, but I do believe it is of enough importance to have a little more attention than has yet been given it. I shall be obliged to object to it.

The SPEAKER pro tempore. Objection is heard.

PERMISSION TO ADDRESS THE HOUSE

Mr. MADDEN. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from Illinois rise?

Mr. MADDEN. Mr. Speaker, I rise to ask unanimous consent that on the first occasion after the reading of the Journal and when it will not interrupt any other business that 40 minutes be accorded to the gentleman from Massachusetts and myself to discuss the question against which I objected a few moments ago.

The SPEAKER pro tempore. I think the gentleman had better put that request a little more definitely.

Mr. MADDEN. Well, that 20 minutes be accorded to the gentleman from Massachusetts and 20 minutes to myself.

The SPEAKER pro tempore. The Chair meant as to the day.

Mr. MADDEN. On Thursday morning, after the reading of the Journal.

Mr. LAGUARDIA. Mr. Speaker, on that day we have the radio bill and the constitutional amendment, perhaps.

Mr. MADDEN. Well, the first day after the reading of the Journal and when other business will not be interfered with. I ask for it on Saturday.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that on Saturday next, after the special orders and disposition of other business on the Speaker's table, the gentleman from Massachusetts [Mr. LUCE] may be allowed to speak for 20 minutes out of order, and that the gentleman from Illinois may be permitted to speak for 20 minutes out of order. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that following the addresses made under the special agreement just entered into I may have 20 minutes.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent that following the addresses of the two gentlemen just mentioned he be permitted to proceed for 20 minutes. Is there objection?

Mr. O'CONNELL. Mr. Speaker, reserving the right to object, on what subject?

Mr. JOHNSON of Washington. On the same subject, the matter of the right of committees of the House of Representatives to enact authorizations for appropriations and progressive legislation of various kinds.

The SPEAKER pro tempore. Is there objection?

There was no objection.

LUMMI INDIAN RESERVATION, WASH.

The next business on the Consent Calendar was the bill (H. R. 8731) to authorize an appropriation for the construction of a road on the Lummi Indian Reservation, Wash.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HADLEY. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice and retain its place on the calendar.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent that this bill may be passed over without prejudice and retain its place on the calendar. Is there objection?

There was no objection.

HAWAII NATIONAL PARK

Mr. HOUSTON of Hawaii. Mr. Speaker, I ask unanimous consent that the next bill on the calendar, H. R. 10483, be passed over without prejudice and retain its place on the calendar.

The SPEAKER pro tempore. The gentleman from Hawaii asks unanimous consent that the next bill on the calendar, H. R. 10483, be passed over without prejudice and retain its place on the calendar. Is there objection?

There was no objection.

OFFICERS OF THE UNITED STATES NAVY

The next business on the Consent Calendar was the bill (H. R. 5531) to amend the provision contained in the act approved August 29, 1916, relating to the assignment to duty of certain officers of the United States Navy as fleet and squadron engineers.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, this bill is improperly drawn. It is drawn in the form that an amendment could be offered on the floor of the House when the bill is properly corrected and completed. The text of the bill is there, but as this bill is drawn it strikes out certain words of the law and inserts other words. It is only going to add confusion, and such a bill should not be permitted to pass. I do not know who is responsible for the bill.

Mr. DREWRY. What is the gentleman's statement?

Mr. LAGUARDIA. The bill is in improper form.

Mr. VINSON of Georgia. Will the gentleman enlighten the House as to what form it should be in?

Mr. LAGUARDIA. It should provide that "section so-and-so should be amended to read as follows"; but, as I just stated, this bill is drawn in the form of an amendment offered on the floor, where the text may be corrected.

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent that this bill may be passed over for the time being without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

U. S. S. "DISPATCH"

The next business on the Consent Calendar was the bill (H. R. 771) providing for the loan of the U. S. S. *Dispatch* to the State of Florida.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, there is no objection on the part of the department to giving this ship, which apparently is of no use to the Government, to the State of Florida. Why does not the State just take the gift of the ship rather than its loan so there will be no question of any futher liability on the part of the Government?

Mr. DRANE. The State of Florida would not go so far as to ask for a gift, but it does ask that this ship, which has long been out of commission, may be loaned to the State during the pleasure of the Government. The State of Florida meanwhile will rehabilitate the ship and put it in commission for State purposes.

Mr. LAGUARDIA. The department further states that the ship is of no use to the Navy at this time and they will be glad to give it to the State. I do not see why the State does not take the ship.

Mr. DRANE. We would not like to go that far, unless agreeable to the department.

Mr. LAGUARDIA. It would relieve the Government of any possible liability on account of the ship.

Mr. DRANE. I understand that, but the committee did not discuss it from that angle and I would not feel at liberty to do that, for the present.

Mr. LAGUARDIA. I do not think we ought to take the ship and lend it, even with the safeguards put in this bill. We do not want the ship and you want the ship, so there is no reason why you should not have it.

Mr. DRANE. I would be glad to accept an amendment if the gentleman desires to offer an amendment to that effect.

Mr. LAGUARDIA. I can not prepare it offhand, and therefore I ask that the bill may be passed without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

CONSTRUCTION AT MILITARY POSTS

The next business on the Consent Calendar was the bill (H. R. 7944) to authorize appropriations for construction at military posts, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I want to call the attention of the gentleman from Massachusetts, a member of the Committee on Military Affairs, to the wording of the bill wherein there is authorized appropriations. You then provide for utilities and appurtenances thereto, "as in the judgment of the Secretary of War may be necessary." Would the gentleman accept an amendment in all of these bills, inserting after the word "thereto" the words "within the amount herein authorized to be appropriated"?

Mr. FROTHINGHAM. That is what is intended.

Mr. LAGUARDIA. That would make the language clear, and with that understanding I shall not object.

Mr. FROTHINGHAM. If the gentleman from Virginia does not object——

Mr. MOORE of Virginia. That is all right.

Mr. BLACK of Texas. Mr. Speaker, I would like to make an inquiry about this project. I find in the Sixty-ninth Congress we appropriated $500,000 for this purpose, and in the Army appropriation act of February 10 of this year we appropriated $160,000 more. I would like to inquire what is the present need of this authorization when the Army appropriation bill carries $160,000 for this project.

Mr. JAMES. The $666,000 will take care of the building itself, but there is $80,000 needed for sewer and water pipe to complete the building; otherwise, we will have a building completed, but with no water pipes or sewer pipes in connection with the building.

Mr. BLACK of Texas. Let me ask the gentleman this further question: Is it necessary to have this particular appropriation at the present time?

Mr. JAMES. Yes; otherwise, we would have a building and would be unable to connect it with sewer and water pipes and would not be able to use it for a year.

Mr. BLACK of Texas. Did the original authorization just authorize $660,000 for this project?

Mr. JAMES. For the building itself, and they forgot to estimate for the sewer and water pipes.

Mr. BLACK of Texas. And that is the reason for this particular bill?

Mr. JAMES. Yes.

Mr. BLACK of Texas. Mr. Speaker, I withdraw my objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, not to exceed $80,000, to be expended for the construction and installation, at Fort Humphreys, Va., of barracks and such utilities and appurtenances thereto as in the judgment of the Secretary of War may be necessary.

With the following committee amendment:

In line 4, after the word "construction," strike out the word "and," and in line 5 insert the words "and completion" after the word "installation."

The committee amendment was agreed to.

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment striking out, on page 1, line 6, the word "such," and the word "as," at the end of the line, and all of line 7, so that it will read, "Barracks and utilities and appurtenances thereto."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

RIVERSIDE INDIAN SCHOOL, ANADARKO, OKLA.

The next business on the Consent Calendar was the bill (H. R. 8326) to authorize the construction of a dormitory at Riverside Indian School at Anadarko, Okla.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, this is another of the class of bills I referred to earlier in the afternoon, where I do not believe legislation is necessary.

I am satisfied if the Budget approves this as strongly as they seem to, there is nothing to prevent the submission of an estimate. It happens I have visited this school, and while the dormitory is desirable I am satisfied there are other schools where we need new buildings worse than we do here.

If this bill be passed it is considered by some a command for the Appropriations Committee to approve of this appropriation, and it stands in the way of some other appropriation that is more urgently needed than this. It prevents the balancing of respective needs that should obtain in making up the Budget.

Mr. O'CONNELL. Does the member of the Cabinet pass on these matters, and has not this matter been submitted to the Secretary of the Interior and received his approval? The report indicates that it is an emergency.

Mr. CRAMTON. It is not an emergency, I will say on my own personal knowledge, but it is desirable.

I want to make this other objection. This particular need is under a large lump-sum item in the Interior bill—two or three million dollars, I think—I am not sure, so that if at any time the department feels that this item is so much more urgent than others they can take it out of that fund. But for the reason, as I said this afternoon, I recognized the fact that this has been to the legislative committee and that committee has approved of it and I am willing to assume that it is a desirable expenditure, and therefore I am not going to object to the bill. But I want it to be understood that we are not creating a precedent here that is going to foreclose the right of objecting to similar expenditures all over the country. There is one other difficulty about that. This is encouraging the heads of Indian schools and other activities just as the military bills are encouraging Army officers to violate the Budget law by going to their Congressmen and asking to have bills introduced, instead of letting the things take the natural course through the department.

Mr. JOHNSON of Oklahoma. Mr. Chairman, as the gentleman from Michigan [Mr. CRAMTON] has been kind enough to state that he will not object to this measure, although he does not feel that it is an emergency, I shall have little to say at this time. It is action we desire with reference to the pending measure making an authorization of $40,000 for a boys' dormitory at the Riverside Indian School, and not extended speeches.

Permit me to add in this connection, however, that the Riverside School is located near my home city of Anadarko, Okla., and therefore I feel that I am possibly more familiar with the situation and the needs of this splendid institution than my good friend from Michigan could possibly be. This bill proposes to replace an old dilapidated dormitory built more than 40 years ago and which is really in a dangerous condition. The measure had the enthusiastic approval of the Interior Department, and was reported out unanimously by the committee. A representative of the Interior Department was present when I presented the matter in detail to the committee, and I think I can safely say that both the committee and the department feel that an emergency does exist. Before introducing this bill I went over and inspected this institution very carefully with Hon. J. A. Buntin, superintendent of the Kiowa Indian Agency, who also feels that this is an emergency, and has recommended this authorization as being urgently needed.

May I be permitted to add, Mr. Chairman, that this school is situated in the midst of a large Indian population? I think there are possibly a dozen tribes represented at this school, and the Indians of this particularly part of the country are increasing quite rapidly instead of decreasing, as is the case with many other tribes of Indians. The Caddos, Kiowas, Comanches, and Apaches, and several other tribes, whose children attend the Riverside Indian School, have made a marked and phenomenal progress within the past decade. They are building good homes as fast as their finances will permit, are learning trades, and are anxious to educate their children. Surely we will not withhold from them the opportunity of sending their children to this institution merely because we have seen fit to bring this in as a special bill and did not choose to wait in the hopes of getting it included in the Budget. I hope that none of my colleagues will object to the passage of this important measure that means so much to the Indians of my community.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

APPRAISAL OF CERTAIN GOVERNMENT PROPERTY

The next business on the Consent Calendar was the bill (H. R. 5746) to authorize the appraisal of certain Government property, and for other purposes.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

UTILIZATION OF RESOURCES AND INDUSTRIES OF THE UNITED STATES

The next business on the Consent Calendar was the joint resolution (H. J. Res. 36) to amend section 3 of the joint resolution entitled "Joint resolution for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, etc.," approved February 8, 1918.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, this bill has been up ever since I have been in Congress, and it seems to me that some time something ought to be done to it. I remember during the first session in Congress that it was first up, and Mr. Mann, of Illinois, said, on July 31, 1917:

Mr. Speaker, I have spent 20 years in the House and have seen a great many bad bills, but I measure my words when I say this is the worst and most vicious proposition I have heard in the House of Representatives.

[Laughter.]

Following Mr. Mann, I object.

PRECEDENCE OF CERTAIN OFFICERS OF THE STAFF CORPS OF THE NAVY

The next business on the Consent Calendar was the bill (H. R. 21) to provide for date of precedence of certain officers of the staff corps of the Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That any officer of the line of the Navy who, since July 1, 1923, has been transferred to, and commissioned in, a staff corps of the Navy in the same rank as formerly held by him in the line, shall take precedence with, but next after, that officer of the line immediately above him in the Navy at the time of such transfer, which officer shall be assigned as his running mate for promotion purposes: *Provided*, That no back pay or allowances shall accrue to any officer by reason of the passage of this act.

The bill was ordered to be read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

LOAN OF THE U. S. S. "DISPATCH" TO THE STATE OF FLORIDA

Mr. DRANE. Mr. Speaker, I ask unanimous consent to return to Calendar No. 298—S. 771—providing for the loan of the U. S. S. *Dispatch* to the State of Florida.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized and directed to loan to the State of Florida, for such time and upon such conditions as he deems advisable, for the use of the fisheries department of such State the U. S. S. *Dispatch*, together with all her apparel, charts, books, and instruments of navigation; but no expense shall be caused the United States by the delivery or the return of such vessel, and the State of Florida shall assume responsibility for all expenses for repair and upkeep of the vessel and for any damage which may be caused to the vessel while loaned to such State.

Mr. DRANE. Mr. Speaker, I offer the following amendment.
The Clerk read as follows:

Beginning on line 4, page 1, strike out the words "to loan" and insert the words "to convey by gift." Line 9, strike out the words "or the return," and after the word "vessel" insert the period in line 9 and strike out the balance of the bill.

The amendments were agreed to.
The title was amended.
The bill as amended was ordered to be read a third time, was read the third time, and passed.
A motion to reconsider was laid on the table.

PAY OF RETIRED WARRANT OFFICERS AND ENLISTED MEN, ETC., OF THE PANAMA CANAL

The next business on the Consent Calendar was the bill S. 1946, a bill relative to the pay of certain retired warrant officers and enlisted men and warrant officers and enlisted men of the reserve forces of the Army, Navy, Marine Corps, and the Coast Guard, fixed under the terms of the Panama Canal act, as amended.
The Clerk read the title of the bill.
The SPEAKER pro tempore. Is there objection?
Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, the gentleman from Illinois and I have had this out before.
Mr. DENISON. We have; but I thought the gentleman from New York was satisfied about the matter. It applies to only a few men employed on the Panama Canal Zone, and we have removed the disability from every other class of employees.
Mr. LAGUARDIA. That strengthens the gentleman's argument in putting through a bad policy.
Mr. DENISON. I did not initiate the policy.
Mr. LAGUARDIA. This applies only to a small number, and I shall not object to this; but I shall object all I can to prevent retired soldiers or officers from retiring and competing with men in the civil service.
The Clerk read the bill, as follows:

Be it enacted, etc., That section 4 of the Panama Canal act, as amended, shall not be construed as requiring the deduction of the retired pay or allowances of any retired warrant officer or enlisted man of the Army, Navy, Marine Corps, or Coast Guard, or the training pay, retainer pay, or allowances of any warrant officer or enlisted man of the reserve forces of the Army, Navy, Marine Corps, or Coast Guard, from the amount of the salary or compensation provided by or fixed under the terms of the Panama Canal act, as amended.

The bill was ordered to be read a third time, was read the third time, and passed.
A motion to reconsider was laid on the table.

CONSTRUCTION AT MILITARY POSTS

The next business on the Consent Calendar was the bill (H. R. 6480) to authorize appropriations for construction at military posts, and for other purposes.
The title of the bill was read.
The SPEAKER pro tempore. Is there objection?
Mr. CRAMTON. The Secretary of War says they have full authority now under the law to construct this building. It is deemed desirable to enact this bill only in order to make it easier to procure appropriations for this project. I shall be obliged to object to this as unnecessary.
The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.
The next business on the Consent Calendar was the bill (H. R. 7932) to authorize appropriations for construction at military posts, and for other purposes.
The title of the bill was read.
The SPEAKER pro tempore. Is there objection to the present consideration of the bill?
Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, this bill is subject to the same objection as the previous bill. I shall be glad to withdraw my objection if you will strike out the language as to the judgment of the Secretary of War.
Mr. JAMES. Mr. Speaker, we had the matter up with the Secretary of War, and I suggested to him that we would leave off that language on future bills that may be prepared.
Mr. LAGUARDIA. On that statement I will withdraw my objection.
The SPEAKER pro tempore. The Clerk will report the bill.
The Clerk read as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $65,000, to be expended for the construction and installation at Schofield Barracks, Hawaii, of nurses' quarters and such utilities and appurtenances thereto as in the judgment of the Secretary of War may be necessary.

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment. On page 1, line 6, strike out the word "such" and after the word "thereto" insert a period and strike out the balance of the bill.
The SPEAKER pro tempore. The Clerk will report the amendment.
The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: In line 6, strike out the word "such," and after the word "thereto" insert a period and strike out the remainder of the bill.

The SPEAKER pro tempore. The question is on agreeing to the amendment.
The amendment was agreed to.
The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.
The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.
A motion to reconsider the vote whereby the bill was passed was laid on the table.
The SPEAKER pro tempore. The Clerk will report the next bill.

PURCHASE OF REAL ESTATE BY THE WAR DEPARTMENT

The next business on the Consent Calendar was the bill (H. R. 5806) to authorize the purchase of real estate by the War Department.
The title of the bill was read.
The SPEAKER pro tempore. Is there objection to the present consideration of the bill?
Mr. LAGUARDIA. Reserving the right to object, does not the gentleman from Michigan [Mr. JAMES] believe that we ought to insert after the word "sum" the words "not exceeding"? With that reservation I shall have no objection.
Mr. CRAMTON. Reserving the right to object, Mr. Speaker, and I shall not object to any of these bills to-day, but I will state that I am going to object hereafter to bills of this kind. As to this bill, the Secretary of War says the only purpose is to "make easier the getting of an appropriation." There is now authority of law. What my colleague is proposing is very desirable, and I shall not object now, but an expression of that kind from Cabinet officers will hereafter condemn a bill so far as my objection goes.
The SPEAKER pro tempore. The Clerk will report the bill.
The Clerk read as follows:

Be it enacted, etc., That the Secretary of War, under such conditions as he shall determine, is authorized to procure real estate at Opaeula Gulch and Gilbert, Hawaii, for the purpose of providing four sites for firing installations for heavy artillery, and there is hereby authorized to be appropriated for this purpose the sum of $10,125.

With a committee amendment, as follows:

In line 4, strike out the word "procure" and insert in lieu thereof "acquire by purchase or condemnation."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.
The committee amendment was agreed to.
Mr. LAGUARDIA. Mr. Speaker, I offer an amendment.
The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from New York.
The Clerk read as follows:

Page 1, line 8, strike out the word "sum" and insert in lieu thereof the words "a sum not exceeding."

The SPEAKER pro tempore. The question is on agreeing to the amendment.
The amendment was agreed to.
The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.
The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.
A motion to reconsider the vote whereby the bill was passed was laid on the table.
The SPEAKER pro tempore. The Clerk will report the next bill.

PAVING GOVERNMENT ROAD FROM ST. ELMO, TENN., TO ROSSVILLE, GA.

The next business on the Consent Calendar was the bill (H. R. 5817) to provide for the paving of the Government road extending from St. Elmo, Tenn., to Rossville, Ga.
The title of the bill was read.
The SPEAKER pro tempore. Is there objection to the present consideration of the bill?
Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, I understand this road was offered to the State of Tennessee under the law some time ago, and the State of Tennessee has not even replied to the offer. What assurance do we have now that if we spend this money the State of Tennessee will finally take over the road?

Mr. McREYNOLDS. It is all in the hands of the Secretary of War.

Mr. LAGUARDIA. The gentleman would not assure us that the State would take it off our hands before we expended the $20,000?

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the sum of $116,000, or so much of said sum as may be necessary, is appropriated, out of the Treasury of the United States, to be expended under the direction of the Secretary of War, in paving the Government road commencing at the pike at the foot of Lookout Mountain at St. Elmo, Tenn., and extending to the Rossville Boulevard, at Rossville, Ga., in the length of $3\frac{7}{10}$ miles, known as the Hooker Road.

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the sum of $75,000, or so much of said sum as may be necessary, is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, in paving the Government road commencing at the pike at the foot of Lookout Mountain at St. Elmo, Tenn., and extending to the Rossville Boulevard, at Rossville, Ga., in the length of $3\frac{7}{10}$ miles, known as the Hooker Road: *Provided*, That no part of this appropriation shall be expended until the States of Georgia and Tennessee, or the counties or municipalities thereof concerned, have obligated themselves in writing to the satisfaction of the Secretary of War that they will accept title to and maintain said road under the provisions of the act approved March 3, 1925, immediately upon the completion of such improvements as may be made under this appropriation."

Mr. McREYNOLDS. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. McREYNOLDS: Strike out the figures "$75,000" and insert in lieu thereof the figures "$116,000."

Mr. McREYNOLDS. Mr. Speaker and gentlemen of the House, this is merely an authorization for $116,000. The amendment as offered by the committee makes the bill read just as drawn by the War Department.

Mr. CRAMTON. Will the gentleman yield?

Mr. McREYNOLDS. Yes.

Mr. CRAMTON. My attention was diverted. Do I understand that the gentleman now offers an amendment to increase the amount above the amount carried in the bill?

Mr. McREYNOLDS. That is what I have offered.

Mr. CRAMTON. Was any notice given to the House of the gentleman's purpose?

Mr. McREYNOLDS. I never gave any notice, but I gave the committee notice. If the gentleman thinks that I am unfair about this I certainly will not insist on it.

Mr. CRAMTON. I know the gentleman would not intend to be unfair; but we looked at the bill and report.

Mr. McREYNOLDS. I think the gentleman will even support my amendment if he hears my statement.

Mr. CRAMTON. I do not want to disappoint the gentleman, but I think he is indulging in a vain hope.

Mr. McREYNOLDS. I have often misjudged the gentleman.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. McREYNOLDS. Yes.

Mr. LAGUARDIA. I want to say in all frankness that the gentleman takes me by surprise, and it seems to me that the situation on this Consent Calendar is just a little different.

Mr. McREYNOLDS. If you gentlemen feel I am taking any undue advantage I certainly will not insist on my amendment. I merely want to make a statement, and if my statement is not convincing I will withdraw the amendment.

Mr. JAMES. Will the gentleman yield?

Mr. McREYNOLDS. Yes.

Mr. JAMES. I hope the gentleman will withdraw his amendment. We have other bills before our committee. If the committee finds that after it has obliged a man by reporting out a bill for him that then the amount may be increased on the floor the committee will have to play safe. I may say to the gentleman that I had to do a good deal of work to get a favorable report on the bill in its present shape, and I certainly hope the gentleman will withdraw his amendment.

Mr. McREYNOLDS. I will say to the House that on the committees I am serving with I thought we reported bills out as a matter of right. However, if the gentleman feels I am taking any undue advantage, I certainly will withdraw my amendment. If you will permit me to make a statement, I will withdraw it at the proper time. The idea of this amendment was this: The only proof we have in this record is that it will require $116,000 to build a permanent highway from these two points. I have the greatest admiration and confidence in the ability of the Director General, and he thought $75,000 was sufficient. However, I feel that the amount of $75,000 is too small, but if I am wrong and the $116,000 is not necessary, it will not have to be used. If the War Department builds the road for a less amount, then it will not be used. It is not my purpose to take advantage of anyone and I would have notified the gentleman, but I had notified the chairman of that subcommittee.

I want to say that this is not merely a road that connects the Missionary Ridge, Chickamauga Park, and Lookout Mountain battle fields, but it is a historic road over which General Hooker led his Union Army in his attack upon Missionary Ridge, after the great battle had been fought in Chickamauga, Ga., by the Union forces and the Confederate forces.

It is the place where the North and the South met in the bloodiest battle of this country. It has been set aside as a park by the Government. Also, 102 acres on Lookout Mountain, and this road is the connecting road between the two. I see gentlemen in this audience who have seen the monuments erected on the site of Lookout Mountain; the Iowa monument and the New York monument are two of the great monuments that occupy this historical site. We have from Hamilton County built concrete roads up this mountain. We built them into the city of Chattanooga from this road. There is a highway from Rossville to Chickamauga Park that is concrete, also from Rossville into the city, and all I was asking was a sufficient amount to build a proper road of this connecting link.

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Mr. McREYNOLDS. Mr. Speaker, I ask unanimous consent to proceed for one additional minute.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent to proceed for one additional minute. Is there objection?

There was no objection.

Mr. McREYNOLDS. Since gentlemen have made this statement, and if you feel that way about it, it is not my purpose to undertake to take advantage of you or any of you at any time. I notified your chairman that it was my purpose to make a motion on the floor of the House to raise this sum; but if he feels I am taking undue advantage, I will be glad to withdraw my amendment. [Applause.]

The SPEAKER pro tempore. Without objection, the amendment offered by the gentleman from Tennessee will be withdrawn.

There was no objection.

The committee amendment was agreed to.

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment. On page 2, line 14, after the figures "1925," insert "section 418, title 18, United States Code."

The SPEAKER pro tempore. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: On page 2, in line 14, after the figures "1925," insert "section 418, title 18, United States Code."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSIONS OF TIME UNDER COAL PERMITS

The next business on the Consent Calendar was the bill (S. 1455) to grant extensions of time under coal permits.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I want to ask the gentleman from New Mexico [Mr. MORROW] why this is necessary at this time?

Mr. MORROW. The reason it is necessary is that in all these matters of coal, oil, and gas upon the public domain at times the permittee having the right to prospect fails to secure what he is seeking and asks an extension of time. The Government loses nothing. It simply leaves the matter open for further investigation and the Government gets the benefit when the discoverer finds what he has been seeking. Such extensions were granted by this House, I think, on the last consent

day with respect to oil and gas, extending the time two years. This is with respect to coal, and there is no doubt but that the department wants this legislation, and it is really a beneficial measure.

Mr. LAGUARDIA. Is this universal, or does it affect just one or two individuals?

Mr. MORROW. As I understand, it is universal as to all parties who may need such extensions. They have to make application to the department, and the department decides whether they are entitled to the extension or not.

Mr. HASTINGS. Does this apply only to public lands? It does not apply to Indian lands?

Mr. MORROW. No; it applies only to public lands.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That any coal-prospecting permit issued under the act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, as amended, may be extended by the Secretary of the Interior for a period of two years, if he shall find that the permittee has been unable, with the exercise of reasonable diligence, to determine the existence of workability of coal deposits in the area covered by the permit and desires to prosecute further prospecting or exploration, or for other reasons in the opinion of the Secretary warranting such extension.

SEC. 2. Upon application to the Secretary of the Interior, and subject to valid intervening rights and to the provisions of section 1 of this act, any coal permit that has already expired because of lack of authority under existing law to make extensions may, in the discretion of the Secretary, be extended for a period of two years from the date of the passage of this act.

Mr. LAGUARDIA. Mr. Speaker, I move to strike out the last word for the purpose of calling the attention of the gentleman from New Mexico to the fact that the act of February 25, 1920, is section 201 of title 30 of the United States Code. If we amend the bill now, it will have to go back to the Senate, so I think it is best to leave the bill as it is. Does the gentleman agree with that?

Mr. MORROW. Being a Senate bill, I would prefer that the bill be left as it is.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

TO SELL CERTAIN PUBLIC SQUARES IN OKLAHOMA CITY, OKLA.

The next business on the Consent Calendar was the bill (H. R. 465) to authorize the city of Oklahoma City, Okla., to sell certain public squares situated therein.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, I want to obtain a little information. We pass legislation from day to day, granting to municipal governments Federal lands with a proviso that it will be retained for public purposes by the municipality. I find that this bill will authorize the municipality to sell public land which was obtained from the Federal Government with such a reservation.

Mr. SWANK. I will say to the gentleman from Wisconsin that when these town sites in Oklahoma Territory were surveyed there were certain blocks or tracts reserved for public parks, schools, and other public purposes, and on the 10th day of January, 1919, the Department of the Interior issued patents to Oklahoma City for these little tracts. They have only two left, and one is 42 by 155 feet and the other is 82 feet square. One of them, block 23, is where the city jail and city hall are located, and block 62 they want to exchange with the Oklahoma City Railway Co., so they can open Walker Street. They have an agreement to this effect if they can get this legislation. The city has grown where these blocks are located, and they are now surrounded by buildings from 2 to 12 stories in height. The lots can not be used by the city for public purposes, and there is an amendment on the bill that this fund shall be used to buy other lands in the city for public purposes.

I will say further that last fall Oklahoma City voted a bond issue of $4,000,000 to buy 22 acres of land in Oklahoma City for park purposes.

Mr. SCHAFER. The gentleman is absolutely certain that the city government will receive full value for this land?

Mr. SWANK. I have no doubt about it whatever.

Mr. SCHAFER. I withdraw my objection, Mr. Speaker.

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, does this tie in at all with the State capitol grounds?

Mr. SWANK. No; it has nothing to do with that.

Mr. CRAMTON. It is not proposed to move the capitol into town?

Mr. SWANK. No; it has nothing to do with that.

Mr. LAGUARDIA. Reserving the right to object, I want to say I spent a lot of time in checking up this reference, and I am not sure that your reference to Twenty-sixth Statutes at Large, page 81, is correct. I find in the code that sections 1091 to 1097 of title 30 contain the act of May 2, 1890, while sections 1111 to 1119 refer to town sites, but that is the act of May 14, 1890.

Mr. SWANK. The section referred to is the act of May 2, 1890.

Mr. LAGUARDIA. I did check up on that reference, so I will only suggest to the gentleman to make sure that his reference is correct.

Mr. SWANK. I am sure it is correct.

Mr. LAGUARDIA. You can not locate it by cross reference.

Mr. SWANK. I will say that the Interior Department drafted the bill.

Mr. LAGUARDIA. I noticed that; and I spent a good deal of time yesterday trying to locate the reference.

Mr. SWANK. I will say to the gentleman that I have no doubt that the reference is correct.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the city of Oklahoma City, Okla., be, and it is hereby, authorized, whenever in its judgment the best interests of said city require such action, to sell the five tracts of land designated as public squares, or any portion thereof, patented to said city on January 10, 1919, for public purposes in accordance with the provisions of section 22 of the act of May 2, 1890 (26 Stat. L. 81), notwithstanding the restrictions contained in said act.

With the following committee amendments:

Line 5, strike out the word "five" and insert the word "two."

Line 6, after the word "squares," insert "in block 23 and block 62, Oklahoma City, Okla."

In line 11, strike out the period after the word "act," insert a colon, and add the following: "*Provided*, That the proceeds from the sale of said tracts shall be devoted by said city to the public purpose referred to in said section 22 of the said act of May 2, 1890."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

RELIEF OF CERTAIN PORTO RICAN TAXPAYERS

The next business on the Consent Calendar was the bill (S. 754) for the relief of certain Porto Rican taxpayers.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER. I object.

CHANGING NAME OF ANCON HOSPITAL, PANAMA CANAL ZONE, TO GENERAL GORGAS HOSPITAL

The next business on the Consent Calendar was the joint resolution (H. J. Res. 175) to change the name of the Ancon Hospital in the Panama Canal Zone to the Gorgas Hospital.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That in recognition of his distinguished services to humanity and as a fitting perpetuation of the name and memory of Maj. Gen. William Crawford Gorgas, from and after the passage of this act the Government hospital within the Canal Zone, near the city of Panama, heretofore known as the Ancon Hospital, shall hereafter be known and designated on the public records as the General Gorgas Hospital.

SEC. 2. That the change in the name of the said hospital shall in no wise affect the rights of the Federal Government, or any municipality, corporation, association, or person; and all records, maps, and public documents of the United States in which said hospital is mentioned or referred to under the name of the Ancon Hospital or otherwise shall be held to refer to the said hospital under and by the name of the General Gorgas Hospital.

With the following committee amendments:

Page 1, line 9, strike out the word "General."

Page 2, line 4, strike out the word "General."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Amend the title so as to read: "A joint resolution to change the name of the Ancon Hospital in the Panama Canal Zone to the Gorgas Hospital."

A motion to reconsider was laid on the table.

AMENDING THE ACT FOR CONSOLIDATED NATIONAL-FOREST LANDS

The next business on the Consent Calendar was the bill (H. R. 9829) to extend the provisions of the act of Congress approved March 20, 1922, entitled "An act to consolidate national-forest lands."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of the act of Congress approved March 20, 1922 (42 Stat., 465), section 485, chapter 2, title 16, Code of Laws of the United States, an act entitled "An act to consolidate national forest lands," be, and the same are hereby, extended and made applicable to any lands within former Spanish or Mexican land grants which lie partly within or contiguous to the boundaries of the Carson, Manzano, or Santa Fe National Forests in the State of New Mexico.

With the following committee amendment:

Page 1, line 4, before the word "and," insert "section 485, chapter 2, title 16, Code of Laws of the United States."

Mr. LAGUARDIA. Mr. Speaker, I move to amend the committee amendment by striking out the words "chapter 2."

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, bills of the following titles:

H. R. 84. An act to approve Act 25 of the Sessions Laws of 1927 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Waimea and Kekaha, in the District of Waimea, on the island and in the county of Kauai, Territory of Hawaii";

H. R. 204. An act to authorize an additional appropriation for Fort McHenry, Md.;

H. R. 230. An act to authorize an appropriation for the recovery of bodies of officers, soldiers, and civilian employees;

H. R. 233. An act to provide for the purchase of land in connection with the Fort Monmouth Military Reservation, N. J.;

H. R. 234. An act to amend section 47d of the national defense act, as amended, so as to authorize an allowance of 1 cent a mile for subsistence of candidates in going to and returning from camp;

H. R. 235. An act to authorize the payment of travel expenses from appropriations for investigations and surveys of battle fields.

H. R. 238. An act to amend an act entitled "An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct," approved December 17, 1919, so as to include nurses of the Regular Army;

H. R. 449. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a toll bridge across the Atchafalaya River at or near Morgan City, La.;

H. R. 519. An act for the relief of Joseph F. Ritcherdson;

H. R. 2524. An act for the relief of Mary M. Jones;

H. R. 4536. An act for the relief of Fred R. Nugent;

H. R. 5635. An act to amend the act approved June 7, 1924, authorizing the Secretary of War to sell a portion of the Carlisle Barracks Reservation;

H. R. 5686. An act granting a right of way to the county of Imperial, State of California, over certain public lands for highway purposes;

H. R. 5727. An act to extend the times for commencing and completing the construction of a bridge across the Ouachita River at or near Harrisonburg, La.;

H. R. 5783. An act to grant extensions of time of oil and gas permits;

H. R. 5803. An act authorizing the Interstate Bridge Co., of Lansing, Iowa, its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Lansing, Iowa.;

H. R. 6194. An act for the relief of Frank Stinchcomb;

H. R. 6476. An act authorizing the Wabasha Bridge Committee, Wabasha, Minn., to construct, maintain, and operate a bridge across the Mississippi River at or near Wabasha, Minn.;

H. R. 6973. An act authorizing E. H. Wegener, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Chester, Ill.;

H. R. 6989. An act to amend the Hawaiian Homes Commission Act, 1920, approved July 9, 1921, as amended by act of February 3, 1923;

H. R. 7030. An act to amend section 5 of the act of March 2, 1895;

H. R. 7195. An act to provide for the purchase of horses and mules for the Military Establishment;

H. R. 7199. An act granting the consent of Congress to the Oregon-Washington Bridge Co. to maintain a bridge already constructed across the Columbia River near the city of Hood River, Oreg.;

H. R. 7213. An act to grant authority to the Postmaster General to enter into contracts for the transportation of mails by air to foreign countries and insular possessions of the United States for periods of not more than 10 years, and to pay for such service at fixed rates per pound or per mile, and for other purposes;

H. R. 7371. An act to legalize a bridge across the Snake River near Heyburn, Idaho;

H. R. 7375. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Guntersville on the Guntersville-Huntsville road in Marshall County, Ala.;

H. R. 7909. An act to authorize the maintenance and renewal of a timber-frame trestle in place of a fixed span at the Wisconsin end of the steel bridge of the Duluth & Superior Bridge Co. over the St. Louis River between the States of Wisconsin and Minnesota;

H. R. 7914. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Whitesburg Ferry, on the Huntsville-Laceys Spring road between Madison and Morgan Counties, Ala.;

H. R. 7915. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Scottsboro, on the Scottsboro-Fort Payne road in Jackson County, Ala.;

H. R. 7925. An act granting the consent of Congress for the maintenance and operation of a bridge across the Monongahela River between the borough of Glassport and the city of Clairton, in the Commonwealth of Pennsylvania;

H. R. 8530. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River near Cedar Bluff in Cherokee County, Ala.;

H. R. 8531. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River on the Columbiana-Talladega road between Talladega and Shelby Counties, Ala.;

H. R. 8726. An act authorizing Oscar Baertch, Christ Buhmann, and Fred Reiter, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Alma, Wis.;

H. R. 8740. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a free highway bridge across the Little Calumet River in Cook County, State of Illinois;

H. R. 8743. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near St. Paul and Minneapolis;

H. R. 8818. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Red River at or near Moncla, La.;

H. R. 8837. An act authorizing the American Bridge & Ferry Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Cassville, Wis.;

H. R. 8896. An act granting the consent of Congress to the State of Alabama to construct, maintain, and operate a free highway bridge across the Conecuh River on the Brewton-Andalusia road in Escambia County, Ala.;

H. R. 9036. An act to increase the salary of the Librarian of Congress;

H. R. 9064. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River at or near Pell City on the Pell City-Anniston road between Calhoun and St. Clair Counties, Ala.;

H. R. 9139. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Lafayette-Celina road in Clay County, Tenn.;

H. R. 9196. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Decatur-Kingston road in Roane County, Tenn.;

H. R. 9842. An act to provide for the survey, appraisal, and sale of the undisposed lots in the town site of St. Marks, Fla.;

H. R. 9849. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Quincy, Ill.; and

H. R. 10715. An act to authorize Col. Charles A. Lindbergh, United States Army Air Corps Reserve, to accept decorations and gifts from foreign governments.

SENATE BILLS REFERRED

Bills of the following title were taken from the Speaker's table and, under the rule, referred to the appropriate committee, as follows:

S. 2449. An act to authorize the construction of a bridge across the Mississippi River at or near the city of Baton Rouge, in the parish of East Baton Rouge, and a point opposite thereto in the parish of West Baton Rouge, State of Louisiana; to the Committee on Interstate and Foreign Commerce.

S. 3097. An act for the relief of the State of North Carolina; to the Committee on the Judiciary.

THE CONSENT CALENDAR

BRIDGE BILLS

Mr. DENISON. Mr. Speaker, following are a number of bridge bills. I ask unanimous consent that the Clerk may read the bills by title, the committee amendments be agreed to, and the bills as amended pass.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the bridge bills may be considered without reading, amendments agreed to, and the bills read a third time and passed, and a motion to reconsider to lay on the table. Is there objection?

Mr. DYER. Mr. Speaker, reserving the right to object, are there any bridge bills among these on which tolls are to be charged?

Mr. DENISON. Yes. There are several. I have excluded from this list certain bridges to which I understood there will be some objection, and I will call them up separately.

Mr. DYER. I seriously object to any bill being agreed to that permits tolls to be charged. We have an intolerable situation in my city where exorbitant tolls are being collected. I will not object to any bridge that has nothing to do with tolls.

BRIDGE ACROSS THE MISSISSIPPI RIVER

The next business on the Consent Calendar was the bill (H. R. 7198) granting the consent of Congress to Henry Thane, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, has this man Henry Thane, his heirs, and legal representatives ever had permission to construct another bridge?

Mr. DENISON. I can not answer the gentleman.

Mr. REED of Arkansas. I can tell the gentleman they have not.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote was laid on the table.

BRIDGE ACROSS THE OCMULGEE RIVER, FITZGERALD, GA.

The next business on the Consent Calendar was the bill (H. R. 9831) authorizing J. E. Turner, his heirs, legal representatives, or assigns, to construct, maintain, and operate a bridge across the Ocmulgee River at or near Fitzgerald, Ga.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. LAGUARDIA. Reserving the right to object, I would like to inquire if J. E. Turner, his heirs and legal representatives or assigns, has been given permission to construct any other bridge; and if so, did he construct it or sell the right?

Mr. DENISON. The gentleman from Alabama is not present, but he asked me to look after it. I can tell the gentleman this man has never appeared before Congress before. I think this is his first appearance.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE OHIO RIVER AT NEW MARTINSVILLE, W. VA.

The next business on the Consent Calendar was the bill (H. R. 10070) authorizing the New Martinsville & Ohio River Bridge Co. (Inc.) to construct, maintain, and operate a bridge across the Ohio River at or near New Martinsville, W. Va.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. DENISON. There is a similar Senate bill. It is Senate bill 2801. I ask that it be substituted and considered instead of the House bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the New Martinsville & Ohio River Bridge Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Ohio River at a point suitable to the interests of navigation at or near New Martinsville, Wetzel County, W. Va., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the New Martinsville & Ohio River Bridge Co. (Inc.), its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches and terminals as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes, in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

SEC. 3. The said New Martinsville & Ohio River Bridge Co. (Inc.), its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of West Virginia, the State of Ohio, any political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the States or political subdivisions thereof as provided in section 4 of this act, and if tolls are charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, to pay an adequate return on the cost thereof, and to provide a sinking fund sufficient to amortize the amount paid therefor as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches shall have been provided such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the amount paid for acquiring the bridge and

its approaches, the expenditures for operating, repairing, and maintaining the same, and the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 6. The said New Martinsville & Ohio River Bridge Co. (Inc.), its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War a sworn itemized statement showing the actual original cost of constructing such bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, at any time within three years after the completion of such bridge, investigate the actual cost of constructing the same, and for such purpose the said New Martinsville & Ohio River Bridge Co. (Inc.), its successors and assigns, shall make available all of its records in connection with the financing and the construction thereof. The findings of the Secretary of War as to the actual original cost of the bridge shall be conclusive, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the New Martinsville & Ohio River Bridge Co. (Inc.), its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

Amend the title so as to read: "A bill granting the consent of Congress to the New Martinsville & Ohio River Bridge Co. (Inc.), to construct, maintain, and operate a bridge across the Ohio River, at or near New Martinsville, W. Va."

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the Senate bill was passed was laid on the table.

Mr. DENISON. I move, Mr. Speaker, that the similar House bill be laid on the table.

The SPEAKER pro tempore. The gentleman from Illinois moves that the House bill be laid on the table. The question is on agreeing to that motion.

The motion was agreed to.

Mr. DENISON. The gentleman from Missouri has told us that he did not propose now to object to my request.

Mr. DYER. The gentleman advises me that these bills are of such a nature that I do not desire to object to them.

The SPEAKER pro tempore. The Clerk will report the next bill.

Mr. LAGUARDIA. Mr. Speaker, I was under the impression, just as the Speaker was, that the gentleman from Missouri [Mr. DYER] was going to object; but if he does not object I reserve the right to object, because I believe that certain corporations or individuals that are given the right to construct bridges to-day have been given the right to construct some bridges previously. Can the gentleman from Illinois give me any assurance as to that?

Mr. DENISON. Mr. Speaker, I never make a statement on the floor of the House unless I know absolutely that I am right. I do not think there are any of that kind here, but I would not like to say so positively.

Mr. LAGUARDIA. The gentleman will recall that the attention of the House was called to the fact by the gentleman from Missouri [Mr. COCHRAN] that one or two individuals or corporations have obtained several permits to build bridges, and were in the business of obtaining permits from Congress and then assigning them. I do not want to do that.

Mr. DENISON. I have taken out two of that kind from the list.

Mr. GARNER of Texas. The company that is getting a permit here, I understand, has built two bridges, one in Texas and one in Alabama.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois, that certain bridge bills may be considered as engrossed and read a third time and passed?

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, does the request include Calendar No. 381, the bill (H. R. 9830) granting permission to build a bridge across the Potomac River to the Great Falls Bridge Co.? If it does, I will ask the gentleman to omit that one.

Mr. DENISON. It does.

The SPEAKER pro tempore. The Clerk will report the next bill.

BRIDGE ACROSS THE RIO GRANDE AT ZAPATA, TEX.

The next business on the Consent Calendar was the bill (H. R. 10144) authorizing the B & P Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River at or near Zapata, Tex.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in order to facilitate international commerce, improve the postal service, and provide for military and other purposes, the B & P Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Rio Grande River, so far as the United States has jurisdiction over the waters of such river, at a point suitable to the interests of navigation, at or near Zapata, Tex., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, subject to the conditions and limitations contained in this act, and subject to the approval of the proper authorities in Mexico.

SEC. 2. There is hereby conferred upon the B & P Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property in the State of Texas needed for the location, construction, operation, and maintenance of such bridge and its approaches, as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State of Texas, upon making just compensation therefor to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said B & P Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge in accordance with any laws of Texas applicable thereto, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred in this act is hereby granted to the B & P Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

BRIDGE ACROSS MISSOURI RIVER AT PLATTSMOUTH, NEBR.

The next business on the Consent Calendar was the bill (H. R. 10373) authorizing the Plattsmouth Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Plattsmouth, Nebr.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, the Plattsmouth Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near Plattsmouth, Nebr., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the Plattsmouth Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for

bridge purposes in the State in which such real estate or other propety is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Plattsmouth Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Nebraska, the State of Iowa, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues, or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (3) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. The Plattsmouth Bridge Co., its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the highway departments of the States of Nebraska and Iowa a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States, shall at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Plattsmouth Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Plattsmouth Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

With a committee amendment, as follows:

Page 3, line 17, after the word "actual," insert the words "cost of acquiring such interests in real property; (3) actual financing and promotion costs."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

BRIDGE ACROSS THE MISSOURI RIVER AT RULO, NEBR.

The next business on the Consent Calendar was the bill (H. R. 10424) authorizing John C. Mullen, T. L. Davies, John H. Hutchings, and Virgil Falloon, all of Falls City, Nebr., their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Rulo, Nebr.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. DYER. Mr. Speaker, I would like to ask the gentleman a question. Is there any limitation on the amount they can charge and as to the period of time?

Mr. DENISON. This bill is in the form that has been approved by the two committees. The regulation of tolls is under the supervision of the Federal Government. If the company building this bridge charges tolls that are unfair, anyone can make complaint, and the Secretary of War and the Chief of Engineers can take action. The bridges are all to be regulated by the Federal Government.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, John C. Mullen, T. L. Davies, John H. Hutchings, and Virgil Falloon, his or their heirs, legal representatives, and assigns, be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near Rulo, Nebr., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. That there is hereby conferred upon John C. Mullen, T. L. Davies, John H. Hutchings, and Virgil Falloon, his or their heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. That the said John C. Mullen, T. L. Davies, John H. Hutchings, and Virgil Falloon, their heirs, legal representatives, and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. That after the completion of such bridge, as determined by the Secretary of War, either the State of Nebraska, the State of Missouri, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. That if such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining and operating the same and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 6. That the said John C. Mullen, T. L. Davies, John H. Hutchings, and Virgil Falloon, their heirs, legal representatives, and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the highway departments of the States of Nebraska and Missouri a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs as filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said John C. Mullen, T. L. Davies, John H. Hutchings, and Virgil Falloon, their heirs, legal representatives, and assigns, shall make available all of the records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to John C. Mullen, T. L. Davies, John F. Hutchings, and Virgil Falloon, their heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Amend the title so as to read: "A bill authorizing John C. Mullen, T. L. Davies, John H. Hutchings, and Virgil Falloon, all of Falls City, Nebr., their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Rulo, Nebr."

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

BRIDGE ACROSS THE MENOMINEE RIVER AT MARINETTE, WIS.

The next business on the Consent Calendar was the bill (S. 2902) granting the consent of Congress to the States of Wisconsin and Michigan to construct, maintain, and operate a free highway bridge across the Menominee River at Marinette, Wis.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Wisconsin and the State of Michigan to construct, maintain, and operate a free highway bridge and approaches thereto across the Menominee River, at a point suitable to the interests of navigation at or near Marinette, Wis., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. There is hereby conferred upon the State of Wisconsin and the State of Michigan all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

With committee amendment, as follows:

After the word "That" on line 3, strike out "the consent of Congress is hereby granted to" and insert "in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes"; and on line 6, after the word "Michigan," insert "be, and are hereby, authorized"; and on line 9, after the word "River" insert "at a point suitable to the interests of navigation."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

BRIDGE ACROSS THE ATCHAFALAYA RIVER

The next business on the Consent Calendar was the bill (H. R. 7927) granting the consent of Congress to the Louisiana Highway Commission of the State of Louisiana to construct, maintain, and operate a bridge across the Atchafalaya River at Melville, La.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

BRIDGE ACROSS THE CALUMET RIVER

The next business on the Consent Calendar was the bill (H. R. 8897) granting the consent of Congress to the city of Chicago to construct a bridge across the Calumet River at or near One hundred and thirtieth Street in the city of Chicago, County of Cook, State of Illinois.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of bill?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

FOOTBRIDGE ACROSS THE FOX RIVER

The next business on the Consent Calendar was the bill (H. R. 9350) granting the consent of Congress to Frank E. Merrill, carrying on business under the name and style of Frank E. Merrill & Co.'s Algonquin Shores Realty Trust, to construct, maintain, and operate a footbridge across the Fox River.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE FOX RIVER

The next business on the Consent Calendar was the bill (H. R. 9361) granting the consent of Congress to the city of St. Charles, State of Illinois, to widen a bridge across the Fox River within the city of St. Charles, State of Illinois.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

BRIDGE ACROSS THE ST. FRANCIS RIVER

The next business on the Consent Calendar was the bill (H. R. 9365) granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the St. Francis River.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

BRIDGE ACROSS THE MONONGAHELA RIVER

The next business on the Consent Calendar was the bill (H. R. 9761) to extend the time for completing the construction of a bridge across the Monongahela River at or near Pittsburgh.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

BRIDGE ACROSS THE MISSOURI RIVER

The next business on the Consent Calendar was the bill (H. R. 9773) authorizing the Manufacturers' Electric Terminal Railway, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River, at or near the mouth of the Big Blue River, in Jackson County, Mo., where the same empties into the Missouri River.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

BRIDGE ACROSS THE WABASH RIVER

The next business on the Consent Calendar was the bill (H. R. 9946) to extend the times for commencing and completing the construction of a bridge across the Wabash River at Mount Carmel, Ill.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, was the original grant given to the same parties who are now getting the extension?

Mr. DENISON. Yes; the State highway department.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

BRIDGE ACROSS THE MONONGAHELA RIVER

The next business on the Consent Calendar was the bill (H. R. 10025) to extend the time for completing the construction of a bridge across the Monongahela River at or near McKeesport, Pa.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

BRIDGE ACROSS THE MISSISSIPPI RIVER

The next business on the Consent Calendar was the bill (H. R. 10026) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Savanna, Ill.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. DENISON. Mr. Speaker, I move to substitute the Senate bill.

The SPEAKER pro tempore. Without objection, the Senate bill will be substituted.

There was no objection.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE SABINE RIVER

The next business on the Consent Calendar was the bill (H. R. 10143) authorizing the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Sabine River at or near Merryville, La., on the Merryville-Newton highway.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

Mr. DENISON. Mr. Speaker, I ask that the other bridge bills be called in connection with these bills and disposed of now.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

BRIDGE ACROSS THE OHIO RIVER

The next business on the Consent Calendar was the bill (H. R. 472) granting the consent of Congress to Dwight P. Robinson & Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE OHIO RIVER

The next business on the Consent Calendar was the bill (H. R. 437) granting the consent of Congress to the Maysville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. DENISON. Mr. Speaker, there was an objection to this bill on last consent day, but that objection has been removed. I wish to offer a substitute for the committee amendment in order to make the bill conform to the forms that have been adopted. I have sent the amendment to the Clerk's desk.

The SPEAKER pro tempore. Without objection, the substitute amendment for the committee amendment will be agreed to.

There was no objection.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGES ACROSS THE OHIO RIVER

Mr. VINSON of Kentucky. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on H. R. 472 and H. R. 437, including in the remarks excerpts from agreements entered into between certain parties.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. VINSON of Kentucky. Mr. Speaker, H. R. 472 is a bill introduced by myself, and H. R. 437, immediately following it on the calendar, is a bill introduced by the gentleman from Ohio [Mr. KEARNS]. As introduced, it sought to secure permit for the construction of a bridge across the Ohio River between Maysville, Ky., and Aberdeen, Ohio.

To-day the gentleman from Illinois [Mr. DENISON] offered a complete substitute for H. R. 437, which authorized the construction of a combination railroad and vehicular bridge (an "and/or" bill), together with a recapture clause in the event it should be desired to secure for the benefit of the public the right to use the vehicular portion, should a combination bridge or only a vehicular bridge be constructed. This substitute provides that a railroad bridge may be constructed, or a vehicular bridge may be constructed, or that both might be so constructed; and, as I stated, it carries the right in the public to secure by condemnation the vehicular bridge, or the portion of the combined bridge, as the case might be, that may be constructed.

I make this statement because of the fact that on February 6 I called attention to the nature of the bill H. R. 437, originally introduced and as reported from the committee, both in respect of the combination features and the recapture clause. After the debate upon the bills at that time, upon my suggestion, negotiations were entered into between the gentlemen sponsoring the two bills looking toward an adjustment of the matter, to the end that the people would see a bridge constructed, which all admitted would be of wondrous benefit to that entire section. The written contract, executed by all involved, was signed February 28, 1928, under which agreement the opposition to the passage of both bills has disappeared and to-day we find Mr. WILSON, one of the sponsors of the Maysville Bridge Co. bill (H. R. 437), for the first time agreeing that the two bills should pass. This has always been the attitude of those sponsoring H. R. 472. I felt that it would be well to preserve and keep clear the record relative to this legislation, and so I insert herewith certain paragraphs of the contract above referred to, which show succinctly the program agreed upon:

Witnesseth: That—

Whereas there is now pending in Congress a bill authorizing party of the first part to construct a bridge over the Ohio River from Maysville, Ky., to Aberdeen, Ohio, and also a bill authorizing party of the second part to construct a bridge over the Ohio River between the same points; and

Whereas the said parties of the third part are interested with the party of the second part in its proposed construction of said bridge; and

Whereas all parties hereto feel that it is of the highest importance to this community that facilities for interstate commerce be provided between the above points, without unnecessary delay and that such consummation may be endangered by the continuation of their independent efforts, as neither bill can pass without the passage of the other:

Now, therefore, it is hereby agreed between all parties hereto as follows:

"First. That all parties hereto will use their best efforts to secure the prompt enactment into law of both bills now pending. Promptly upon the approval of either or both of said bills by the President of the United States, the parties in whose favor such legislation may be drawn hereby agree to immediately assign such permits in blank and to deliver same to the Central Trust Co. of Cincinnati, Ohio, in escrow, accompanied with verified copies of this agreement to be held by said depositary for delivery to the party of the first part or to the parties of the second and third part, jointly, according to the terms of this contract and upon compliance with the conditions thereof, and such depositary is hereby authorized to insert the name of the purchaser or purchasers in any blank in the assignment, where necessary or proper.

"The party of the first part agrees that within six months after the passage of the bill by Congress and the approval of the plans by the Secretary of War which approval shall be promptly obtained authorizing it to construct said bridge, it will make all necessary financial arrangements insuring the construction of said combination bridge, approaches and viaduct in accordance with plans prepared for it by James A. Stewart Co., copies of which are herewith furnished to parties of second and third part, and which plans are made a part hereof as though incorporated herein, or attached hereto, or in conformity with plans of other reputable engineer, which plans shall provide for the construction of substantially the same proportion of the completed combined bridge, the completed approaches, and the completed viaduct, and further will begin the actual construction of said bridge within said period of six months.

"It is expressly agreed that the first party will construct as a part of such plan the vehicular viaduct between Bridge Street and Forest Avenue, Maysville, Ky., as provided in such plans. The connection between Forest Avenue and Bridge Street is to be provided and continued without cost to the city of Maysville and subject to travel free of toll.

"The ability of said first party to construct is to be evidenced within the above time by a contract with financially responsible parties for the financing thereof, which contract shall contain a clause that the parties signatory thereto guarantee to W. W. Ball, jr., and his associates that said contract will be fully performed within three years of the date thereof, subject to delays arising from acts of God, strikes, or the public enemy, or in default thereof the two bridge permits will be assigned, unused and unimpaired, to said second and third parties. As a guarantee for the faithful performance of such clause the undersigned stockholders of the Maysville Bridge Co. sign their names hereto as guarantors. A signed duplicate of said contract is to be delivered to said W. W. Ball, jr.

"On performance of these conditions precedent, the depositary of the escrow is to deliver to first party such bridge permits as are deposited with it."

From this it can be seen the Maysville Bridge Co. will have the first six-months period after the passage of the bill by Congress and the approval of the plans by the Secretary of War to make the necessary financial arrangements to insure the construction of the combination bridge, approaches, and viaduct referred to in the contract and are to begin the actual construction of said bridge within the six months' period aforesaid. In the event that the combination bridge is financed, the construction thereof is further guaranteed by the agreement to construct it within three years. The stockholders of the Maysville Bridge Co. sign their names as guarantors of this provision.

The vehicular viaduct between Bridge Street and Forest Avenue, Maysville, Ky., provided in the plans of this company, is really a portion of the approaches of the bridge under this plan, but it is agreed that this viaduct may be used as a street connection without cost to the city of Maysville and subject to such public use free of toll. This is a very valuable right which will come to the citizens of this locality if this plan is put through to consummation.

I quote further from the contract:

In the event that party of the first part is unable to comply with the conditions precedent, above stated, to secure the delivery of the escrow, the depositary is to deliver the permit or permits deposited with it, to said second and third parties, jointly, for their sole ownership and use in the construction of a bridge, as by the permits authorized.

The contract is executed in triplicate. The Maysville Bridge Co. signed it through Horace J. Cochran, president, and O. W. Bennett, secretary. The stockholders of the Maysville Bridge Co. signed it in the persons of Horace J. Cochran, A. J. Cochran, O. W. Bennett, J. M. Wilson, T. A. Duke, W. B. Campbell. The Dwight P. Robinson & Co. (Inc.), executed it through J. K. Ostrander; and W. W. Ball, jr., signed in his own proper person.

So, if the Maysville Bridge Co. fail to construct the bridge, approaches, and viaduct described in the contract aforesaid within six months, then the Dwight P. Robinson Co. and W. W. Ball, jr., are to become the sole owners of the permits. Thus, it appears to us that it is a happy solution to the problem. The policy of Congress in respect of bridge permits will have been followed; the full and free opportunity to construct a combination bridge is afforded; and failing to see its realization, the vehicular proposal will have its opportunity. All in all, every opportunity is offered for the construction of a bridge which will serve a large section of Kentucky and Ohio.

BRIDGE ACROSS CHESAPEAKE BAY

The next business on the Consent Calendar was the bill (S. 1498) to extend the time for the construction of a bridge across the Chesapeake Bay, and to fix the location of said bridge.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE ILLINOIS RIVER NEAR PEORIA, ILL.

The next business on the Consent Calendar was the bill (H. R. 10566) granting the consent of Congress to the city of Peoria, Peoria County, Ill., to construct, maintain, and operate a free highway bridge across the Illinois River at or near Peoria, Ill.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER NEAR DECATUR, NEBR.

The next business on the Consent Calendar was the bill (H. R. 10658) authorizing the Interstate Bridge Co., its successors and assigns (or his or their heirs, legal representatives, and assigns), to construct, maintain, and operate a bridge across the Missouri River at or near Decatur, Nebr.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE MONONGAHELA RIVER NEAR POINT MARION, PA.

The next business on the Consent Calendar was the bill (H. R. 10707) authorizing the Point Marion Community Club, of Point Marion, Pa., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Point Marion, Pa.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE MIAMI RIVER

The next business on the Consent Calendar was the bill (H. R. 10756) authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Miami River, between Lawrenceburg, Dearborn County, Ind., and a point in Hamilton County, Ohio, near Columbia Park, Hamilton County, Ohio.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER NEAR ATCHISON, KANS.

The next business on the Consent Calendar was the bill (H. R. 10806) authorizing the city of Atchison, Kans., and the county of Buchanan, Mo., or either of them, to construct, maintain, and operate a toll bridge across the Missouri River at or near Atchison, Kans.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE OHIO RIVER NEAR WELLSBURG, W. VA.

Mr. DENISON. Mr. Speaker, Calendar No. 361, bill S. 797, was passed over because I knew there would be objection. I would like for the bill to be called up and for the RECORD to show that there is objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the title of the bill (S. 797), as follows:

An act granting the consent of Congress to the J. K. Mahone Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River, at or near Wellsburg, W. Va.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MURPHY. Mr. Speaker, I object.

BRIDGE ACROSS THE WABASH RIVER NEAR VINCENNES, IND.

The next business on the Consent Calendar was the bill (H. R. 9953) authorizing the State of Indiana, acting by and through the State highway commission to construct, maintain, and operate a toll bridge across the Wabash River at or near Vincennes, Ind.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I reserve the right to object.

Mr. LUCE. Mr. Speaker, there is before the Committee on the Library a proposal for a large appropriation to aid in a memorial of George Rogers Clark at Vincennes, Ind. A similar bill has passed the Senate and has come to the House.

This bill contemplated that a bridge at Vincennes should be ornamented, made monumental in its nature, as part of the celebration. This is the first intimation that has come to me that there is any proposal to have a toll bridge there. I suspect that the Committee on the Library would hardly be inclined to look with favor upon a Government appropriation to commemorate George Rogers Clark which would adorn and decorate at public expense a toll bridge. Can the gentleman explain?

Mr. DENISON. Mr. Speaker, I had not heard there was any such proposal. Of course, the fact that there was such a bill in the Senate had not been called to our attention. This bill came to our committee and we had to act upon it. No objection was presented. If the facts are as stated by the chairman of the Committee on the Library, I suggest the gentleman object to this bill, so that it will be passed temporarily until we can know whether the House is going to consider the other bill or not.

Mr. LUCE. Perhaps the gentleman at your left will explain.

Mr. GREENWOOD. The bill to build the bridge that the gentleman calls attention to is the subject of negotiations and cooperation between the Highway Commission of Illinois and that of Indiana, and so far the State of Illinois has seen fit not to join the State of Indiana. This will permit the highway commission to build the bridge and reimburse itself so far as one-half is concerned in case Illinois does not join with Indiana.

Mr. LUCE. I trust I have served some useful purpose by calling attention to the remarkable suggestion, unprecedented as far as I know, that the appropriation by the Federal Government should be used to adorn and beautify with sculpture and fine stone work a bridge upon which toll is to be charged.

Mr. GREENWOOD. Let me explain, there is no such provision in the bill. The gentleman will notice that the money was to be raised by popular subscription on behalf of the people of the community and nothing asked from the Federal Government to adorn the bridge.

Mr. LUCE. It is a part of the project of commemoration, and I think I was justified in bringing out the fact that subscription is to be asked from the public for adorning a toll bridge.

Mr. HUDSON. Mr. Speaker, I object.

BRIDGE ACROSS TAMPA BAY, FLA.

The next business on the Consent Calendar was the bill (H. R. 9663) authorizing Herman Simmonds, jr., his successors and assigns (or his or their heirs, legal representatives, and assigns), to construct, maintain, and operate a bridge across Tampa Bay from Pinellas Point, Pinellas County, to Piney Point, Manatee County, Fla.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT ST. LOUIS COUNTY, MO.

The next business on the Consent Calendar was the bill (H. R. 10145) authorizing the American Bridge & Ferry Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Carondelet, St. Louis County, Mo.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. DENISON. Mr. Speaker, I desire to state in relation to this bill, and also Calendar No. 376, that the gentleman from Missouri [Mr. COCHRAN] wants some time to make some inves-

tigation, and at his suggestion I will ask unanimous consent that these two bills be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

BRIDGE ACROSS THE POTOMAC RIVER AT GREAT FALLS

The next business on the Consent Calendar was the bill (H. R. 9830) authorizing the Great Falls Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Potomac River at or near Great Falls.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. SCHAFER. Reserving the right to object, is this going to be a toll bridge like the toll road we have going to Great Falls where you pay 25 cents to go over it and $5 to $10 to be pulled out?

Mr. MOORE of Virginia. When this bridge is built there will be a hard road from the bridge to the main highway, and it is expected the highway commission will take care of the latter.

Mr. BLANTON. Will the gentleman yield?

Mr. MOORE of Virginia. I yield.

Mr. BLANTON. Is it not a fact that we have not yet determined what is going to be done with Great Falls, or whether the Government will take it over, and under the circumstances I do not think the gentleman ought to press his bill.

Mr. MOORE of Virginia. It has been in a state of indetermination for more than half a century. Let me make this point. There is an amendment offered by the committee declaring that the bridge, if constructed, shall not interfere with any water-power plan.

Mr. BLANTON. There are a half dozen propositions before us, or have been before the District Committee, and it is in an inchoate state now as to what is to be done with Great Falls. We ought not to have a bridge built there until the Government decides what it is going to do.

Mr. MOORE of Virginia. It will perhaps be a hundred years before there is any development at Great Falls, if ever.

Mr. BLANTON. I hope something proper soon will be done, not to build a $75,000,000 power plant for the Power Trust, but to preserve Great Falls for the Government and the people. I object for the present.

BRIDGE ACROSS AN ARM OF LAKE MEMPHREMAGOG

The next business on the Consent Calendar was the bill (S. 2698) granting the consent of Congress to the State of Vermont to construct, maintain, and operate a free highway bridge across an arm of Lake Memphremagog at or near Newport, Vt.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CONSTRUCTION AT MILITARY POSTS, AND FOR OTHER PURPOSES

Mr. JAMES. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 11134.

Mr. QUIN. Mr. Speaker, will the gentleman withhold his motion for a moment?

Mr. JAMES. Yes; I will withhold it.

CERTAIN LANDS IN LOUISIANA AND MISSISSIPPI

Mr. QUIN. Mr. Speaker, I ask unanimous consent to take up House bill 6993.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to take up No. 336 on the calendar, H. R. 6993. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 6993) authorizing the Secretary of the Interior to sell and patent certain lands in Louisiana and Mississippi.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I wish to ask the gentleman from Mississippi what is the hurry in selling this land? Will the gentleman tell us?

Mr. QUIN. There is no hurry about it at all. The only thing about it is that we can not get a title without this legislation.

Mr. LAGUARDIA. Is this land that they own?

Mr. QUIN. Yes.

Mr. LAGUARDIA. Is the right to be given to the owners of the upland or adjoining land?

Mr. QUIN. Anybody can buy it. This is the Interior Department's bill. They amended my bill and put in it a regular rule.

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, is the purchaser already known who is going to buy this land?

Mr. QUIN. He has the first right to buy the land.

Mr. SCHAFER. It is a good bill, is it?

Mr. QUIN. Oh, yes.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That upon payment to the United States of $1.25 per acre, the Secretary of the Interior be, and is hereby, authorized to issue patents to the owners in good faith of sections 6, 13, 14, 15, and 16 of township 5 north, range 4 west, and sections 4 and 5 of township 4 north, range 4 west, Washington meridian, in the State of Mississippi, and sections 11, 12, 19, to 37, both inclusive, and sections 65, 66, 67, and 68 of township 5 north, range 9 east, and sections 1, 2, 3, 4, 37, and 45, of township 4 north, range 9 east, Louisiana meridian in the State of Louisiana for those lands which he has found or shall hereafter find are public lands of the United States that have accreted thereto: *Provided*, That the Secretary of the Interior be, and is hereby, authorized to cause such accreted area to be divided into such tracts as constitute an equitable division of such accretions among the owners of the lands described herein: *And provided further*, That payment be made and application filed hereunder in the district land office within six months after the final division of the accreted area as provided for herein.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Interior, in his judgment and discretion, is hereby authorized to sell, in the manner hereinafter provided, any of those lands which he has found or shall hereafter find are public lands of the United States that have accreted to section 14 of township 5 north, range 4 west, Washington meridian, in the State of Mississippi, and to sections 65, 66, 67, and 68, of township 5 north, range 9 east, Louisiana meridian, in the State of Louisiana, and which are not lawfully appropriated by a qualified settler or entryman or other adverse claimant claiming under the public land laws.

"SEC. 2. That the owners of said above-described lots or sections shall have a preferred right to file in the office of the register of the United States land office of the district in which the lands are situated an application to purchase the public lands thus formed by accretion at any time within 90 days from the filing of plats of such accreted area in the United States land office. Every such application must be accompanied with satisfactory proof that the applicant is entitled to such preference right by virtue of the ownership of said above-described lots or sections and that the lands which he applies to purchase are not in the legal possession of any adverse claimant.

"SEC. 3. That upon the filing of any application to purchase any lands subject to the operation of this act, together with the required proof, the Secretary of the Interior shall cause the lands described in said application to be appraised, including the timber thereon, and the stumpage value of any timber cut or removed by the applicant or his predecessors in interest. Such appraisement shall be exclusive of any increased value resulting from the development or improvement of the land for agricultural purposes by the applicant or his predecessors in interest.

"SEC. 4. That an applicant who applies to purchase land under the provisions of this act, in order to be entitled to receive a patent must, within 30 days from receipt of notice of appraisal by the Secretary of the Interior, pay to the register of the United States land office of the district in which the lands are situated the appraisal value of the lands, and thereupon patent shall issue to said applicant for such lands as the Secretary of the Interior shall determine that such applicant is entitled to purchase under this act. The proceeds derived by the Government from the sale of lands hereunder shall be covered into the United States Treasury and applied as provided by law for the disposal of the proceeds from the sale of public lands.

"SEC. 5. If, at the date of the approval of this act, any of the lots or sections or parts of lots or sections above described are covered by a pending entry on which satisfactory final proof in support thereof has not been submitted, patent based on any application to purchase land subject to the provisions of this act shall be withheld to await the completion of the pending entry. If, upon completion of the pending entry it shall then be found that applicant has shown due compliance with the law under the said pending unperfected entry and his application to purchase is otherwise satisfactory patent on said application to purchase shall then be issued.

"SEC. 6. That the Secretary of the Interior is hereby authorized to prescribe all necessary rules and regulations for administering the provisions of this act and determining conflicting claims arising hereunder."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

AMENDMENT TO THE CONSTITUTION

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BANKHEAD. Gentlemen of the House, to-morrow, under the arrangement already made, we will begin the consideration of the Norris-White amendment to the Constitution. When the matter is reached in Committee of the Whole I propose to offer an amendment to the pending resolution making the tenure of the Members of the House four years instead of two years, as at the present time, and for the information of the Members of the House, and in order that it may go into the RECORD, I ask that the Clerk read the text of the proposed resolution.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

SEC. 2. The House of Representatives shall be composed of Members chosen by the people of the several States for four years. Immediately after they shall be assembled in consequence of the first election after the ratification of this article, they shall be divided as equally as may be into two classes. The seats of the Members of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year.

CONSTRUCTION AT MILITARY POSTS, AND FOR OTHER PURPOSES

Mr. JAMES. Mr. Speaker, I now move to suspend the rules and pass the bill (H. R. 11134) to authorize appropriations for construction at military posts, and for other purposes.

The SPEAKER. The gentleman from Michigan moves to suspend the rules and pass the bill H. R. 11134.

The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $12,964,950, to be expended for the construction and installation at military posts of such buildings and utilities and appurtenances thereto as may be necessary, as follows: Albrook Field, Panama, noncommissioned officers' quarters, $413,000, officers' quarters, $378,000; Fort Kamehameha, Hawaii, barracks, $35,000; San Juan, P. R., barracks, $10,000, officers' quarters, $140,000; Schofield Barracks, Hawaii, barracks, $830,000; Wheeler Field, Hawaii, barracks, $504,000, noncommissioned officers' quarters, $300,000, officers' quarters, $666,000. Alcatraz Island, Calif., addition to utilities building, $15,000; Fort Benning, Ga., noncommissioned officers' quarters, $130,000, officers' quarters, $370,000; Fort Bliss, Tex., noncommissioned officers' quarters, $150,000; Fort Bragg, N. C., barracks, $186,000, noncommissioned officers' quarters, $102,000, officers' quarters, $212,000; Chanute Field, Ill., barracks, $150,000, officers' quarters, $70,000; Camp Devens, Mass., noncommissioned officers' quarters, $100,000, officers' quarters, $150,000; Fort Humphreys, Va., noncommissioned officers' quarters, $180,000; Fort Jay, N. Y., barracks, $300,000; Langley Field, Va., noncommissioned officers' quarters, $300,000; Letterman General Hospital, California, nurses' quarters, $70,000, hospital, $50,000; Fort Lewis, Wash., barracks, $350,000, noncommissioned officers' quarters, $68,000, officers' quarters, $50,000, nurses' quarters, $32,000; March Field, Calif., noncommissioned officers' quarters, $150,000; Camp McClellan, Ala., officers' quarters, $225,000; Fort McPherson, Ga., hospital, $150,000; Camp Meade, Md., noncommissioned officers' quarters, $150,000, officers' quarters, $250,000, hospital, $150,000; Mitchel Field, N. Y., barracks, $280,000, noncommissioned officers' quarters, $120,000; Fort Monmouth, N. J., officers' quarters, $350,000; Fort Monroe, Va., officers' quarters, $268,000; Fort Riley, Kans., noncommissioned officers' quarters, $125,000, officers' quarters, $125,000; Fort Sam Houston, Tex., barracks, $870,000, post signal communication center building, $30,000; New Primary Flying School, San Antonio, Tex., barracks, $180,950, noncommissioned officers' quarters, $540,000, officers' quarters, $1,250,000; Presidio of San Francisco, Calif., chapel, $40,000; Scott Field, Ill., noncommissioned officers' quarters, $150,000; Selfridge Field, Mich., noncommissioned officers' quarters, $100,000, officers' quarters, $300,000; Fort Slocum, N. Y., barracks, $246,000, noncommissioned officers' quarters, $54,000; Fort Wadsworth, N. Y., barracks, $250,000; Walter Reed General Hospital, Washington, D. C., nurses' quarters, $300,000: *Provided,* That the north center of the building shall be approximately 600 feet east of the north and south line which forms the western boundary of the reservation and approximately 260 feet north of the line which forms the south boundary of the reservation.

The SPEAKER. Is a second demanded?

Mr. GARRETT of Tennessee. Mr. Speaker, I demand a second.

Mr. BLANTON. Is the gentleman from Tennessee in favor of the bill?

Mr. GARRETT of Tennessee. Yes.

Mr. BLANTON. I am against the bill.

Mr. GARRETT of Tennessee. I yield to the gentleman.

Mr. BLANTON. Mr. Speaker, I demand a second.

Mr. JAMES. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The gentleman from Michigan is recognized for 20 minutes and the gentleman from Texas is recognized for 20 minutes.

Mr. JAMES. Mr. Speaker, I yield five minutes to the gentleman from South Carolina [Mr. MCSWAIN].

Mr. MCSWAIN. Mr. Speaker and gentlemen of the House, there has been for several years a very pronounced agitation in favor of procuring better housing accommodations for the Army. Several of the magazines of the country have carried articles describing the conditions that exist. I have not agreed entirely with the adjectives that many of these magazines employed. It was quite common to use the adjective "disgraceful." I do not agree with the use of such harsh language, because as a general proposition nothing can be disgraceful when an individual or a nation is doing the best it can.

Mr. O'CONNELL. Will the gentleman yield?

Mr. MCSWAIN. Yes.

Mr. O'CONNELL. The gentleman does not take everything a magazine says to be true?

Mr. MCSWAIN. That is the reason I did not agree with them. But, as a matter of fact, due to the somewhat considerable expansion of the Army after the reorganization of 1920, it has been housed not in permanent barracks and not in permanent quarters, but in the temporary structures of war-time construction. These, of course, have begun to decay. In many cases they are, as a matter of fact, very, very uncomfortable; and it is only a matter of time before they would become absolutely uninhabitable. However, in passing, I wish to commend the spirit that has prevailed among the personnel of the Army in many of the posts where these temporary structures were their enforced habitations. I visited Fort Bragg, N. C., and I found they used exclusively the temporary war-time structures for the housing of the men and of the officers.

Mr. ABERNETHY. Will the gentleman yield?

Mr. MCSWAIN. Certainly.

Mr. ABERNETHY. Is Fort Bragg taken care of in this bill?

Mr. MCSWAIN. It has already been partially taken care of. There is a provision here for additional barracks at Fort Bragg. But, of course, that will furnish only partial relief. I am going to explain that. This is but a beginning, a necessary beginning, and in my humble judgment the minimum of a beginning for the final housing program of the Army.

Mr. ABERNETHY. I understand it is the present temper and idea of the Military Affairs Committee, under the leadership of Mr. JAMES, to be in favor of proper accommodations for these posts?

Mr. MCSWAIN. Most assuredly. I was going to mention the fine spirit I found prevailing at Fort Bragg, due, I think, to the fine example set by its commanding officer, Brigadier General Bowley, inspiring those under his immediate command and prevailing down through the rank and file of the entire organizations there stationed to put up with and to make the very best of the conditions that were inevitable. But those structures and the structures throughout the country will in a very short time become uninhabitable.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. MCSWAIN. Yes.

Mr. O'CONNOR of New York. With reference to Fort Bragg, I had an opportunity to see it in November. It was almost impossible to conceive of human beings living in such quarters.

Mr. MCSWAIN. Well, I have seen hundreds and thousands of human beings live and work every day in the year under conditions not very much worse, if any worse, than these. So I say personally I do not agree with the proposition that it is disgraceful, because we have done the best we could. But we have now come to the time when we can do better and if, having come to the time when we can do better, we do not do it, then I say it will become "disgraceful." So this represents, Mr. Speaker, ladies, and gentlemen of the House, what is properly

and wisely described as the minimum of the housing program for the Army of the country. It is a minimum of a minimum, in my humble judgment, and from the statements I have already made it must appear that I am in no way a rabid or extreme person in matters of this kind. [Applause.]

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. BLANTON. Mr. Speaker, I am just as good a friend of the Army as any man in this House. I have just as many strong, personal friends in the Army as any other man in this House. Many of them are my personal friends, for whom I have the highest regard, and with whom I have the closest personal contact. I want to do everything for them that should be done, but the trouble of it is that we can not depend altogether on our Committee on Military Affairs on bills that the Army brings to them, and we can not depend altogether on our Committee on Naval Affairs concerning naval propositions that the naval administration wants put into law.

Mr. O'CONNELL. Will the gentleman yield?

Mr. BLANTON. I yield to my friend.

Mr. O'CONNELL. Where, then, can we get the real information?

Mr. BLANTON. Well, we are just simply up against it, if some of the balance of the Members do not look into these bills. You can have a Member who is not for a big Navy; you can take one who is for the smallest Navy and put him on the Naval Affairs Committee and surround him with that naval influence and let him take a few trips on battleships and let him travel around the world with naval officers, and the first thing you know he is for as big a Navy as FRED BRITTEN. That is the way it is with every man we create as Secretary of the Navy and every man whom we create as Secretary of War. He mighty soon is surcharged with that Army atmosphere and with the naval atmosphere until he thinks as they think, and he is willing to act as they want him to act.

Mr. McSWAIN. Will the gentleman yield?

Mr. BLANTON. I am not casting any reflection on my distinguished friend, but he will admit that he had a bill in here that he reported, with two section in it, and when I called his attention to the bad effects of the first section he said, "My goodness, I did not know that was in there." He helped us to kill it, but he had reported it for the Army officers.

Mr. McSWAIN. Will the gentleman yield?

Mr. BLANTON. Certainly.

Mr. McSWAIN. The gentleman has excoriated the Naval Affairs Committee. I have nothing to do with that, but I wonder if the gentleman would not say that the Military Affairs Committee, at least with regard to the War Department, is a little less guilty?

Mr. BLANTON. Well, considering all the bills I have closely inspected which they have reported, I am afraid I can not do it. [Laughter.]

Mr. McSWAIN. If you knew us as we know ourselves, you would certainly excuse us. [Laughter.]

Mr. BLANTON. When I first came here our distinguished friend from Georgia, Mr. CARL VINSON, had very conservative ideas about the Navy. He has been so long upon the Naval Affairs Committee until I can not follow him on Navy matters in the House, as I did formerly.

Mr. O'CONNELL. He saw the light.

Mr. BLANTON. It has not been long since the War Department came in here with its special bill and wanted us to give them permission to sell all of the surplus war property and to put the money into a revolving fund—to take it away from the control of Congress and give it to the Army and let the Army spend the $20,000,000 for buildings and construction. We did this. I fought that bill and it was passed over my protest. I did everything I could to kill it, and I called attention then to the fact that they would sell the property and would take the money and would spend it, and I also called attention to the fact it would not be two years before they would be back here for more money from the Congress and for more money than they would have had if we had not given them the proceeds from the sale of this property.

But you passed the bill, and they sold the property; and do you know how much that property involved? Twenty million dollars, they said at the time, and they have spent $21,000,000 up to this time, good hard-earned dollars of the people that came out of their pockets as tax money during the war. The property was sold in some instances for one-tenth of what it cost the people, and that $20,000,000 is gone.

Mr. WRIGHT. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. WRIGHT. The gentleman is about the most industrious Member of the House that I know.

Mr. BLANTON. I doubt that it pays to be industrious.

Mr. WRIGHT. Will the gentleman point out any item in this bill that is not meritorious?

Mr. BLANTON. I am coming to that now.

Mr. WRIGHT. And in calling attention to the item I want to know if the gentleman from Texas has any objection to the $3,000,000 approximately that his State of Texas gets under this bill?

Mr. BLANTON. That is exactly what I was coming to—the sop that is in this bill. I am as loyal a Texan as ever came from that State. I love my State. I will do anything in the world that is honorable for it. I am for its best interests, and so is my friend EUGENE BLACK.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. BLANTON. In just a moment. Yet I saw EUGENE BLACK vote against an appropriation for navigating Red River or some other stream in his section because he knew that that stream was not navigable and he knew that it would be money wasted. Now this money that they have in this bill may be needed down at Fort Sam Houston. They have in this bill $870,000 for barracks at Fort Sam Houston, and $30,000 for a post signal communication center building, and they have $180,950 for the primary flying school there, and $540,000 for officers' quarters. They have $1,250,000 in this bill for our State. Therefore, forsooth, every man from Texas ought to vote for it, is their idea.

Now, after we gave them this $20,000,000 that they ought to have spent for proper quarters and for the various things that are in this bill, they came in here not long ago with an authorization for $2,100,000 to be spent at Sawtelle, Calif., when they ought to have built that out of the $20,000,000 and saved us the necessity of making that new appropriation.

Mr. JAMES. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. JAMES. The money to be used at Sawtelle is for the soldiers' home and has nothing to do with the Army.

Mr. BLANTON. The soldiers' homes ought to have had part of the money from the sale of surplus war properties.

Mr. JAMES. The soldiers' homes have never been a part of the Army.

Mr. BLANTON. You can not disconnect the soldiers' homes from the Army or from surplus war property. They are intimately connected, and the other day we passed another bill authorizing an appropriation of $1,500,000 for a soldiers' hospital at Dayton, Ohio, that ought to have come out of the $20,000,000 sale of surplus property left over from the war.

Mr. SCHAFER. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. SCHAFER. The gentleman is not willing to have these old, disabled soldiers housed in firetraps, is he?

Mr. BLANTON. Oh, no. I am just as much in favor of protecting them as the gentleman is. These buildings have not burned yet. They have been at Dayton, Ohio, for some time and I have been through there in my car and I have seen that plant there. I have been going back and forth through there for 11 years, and they have never had an accident or a catastrophe. I want to see them have what they need, but I wanted the Army to take that $20,000,000 worth of the people's property and spend the proceeds therefrom where it ought to be spent and not fritter it away.

Mr. ARENTZ. Will the gentleman yield?

Mr. BLANTON. In just a minute, I will. After giving them the $20,000,000, and the $2,100,000 in California and the $1,500,000 at Dayton, Ohio, this bill authorizes another appropriation of $12,964,950.

Mr. LAGUARDIA. Will the gentleman yield there?

Mr. BLANTON. I promised first to yield to our friend the gentleman from Nevada, but since he does not desire it, I yield to the gentleman from New York.

Mr. LAGUARDIA. Has the gentleman been able to ascertain how much of the surplus property has actually been sold and how much they have realized from it?

Mr. BLANTON. I understood they had sold about $20,000,000 worth.

Mr. LAGUARDIA. Did they get the money for it?

Mr. BLANTON. I do not know. If they did not, it was their own fault.

Mr. LAGUARDIA. Well, they ought not to have gone into that business. They should have turned the property over to the Treasury Department, and let people who know about real estate conduct the sale of that property.

Mr. BLANTON. That is exactly the position that the gentleman from New York took, and the position that the gentleman from Texas took, and when they sold that property the proceeds ought to have been covered into the General Treasury, and

when they wanted money they should have come to Congress. Then we would know exactly what they had done with the money of the people which came from the sale of this surplus property.

Mr. McSWAIN. Let me say to the gentleman that the Committee on Military Affairs was so jealous of its authority that it insisted on the money being turned into the general fund, and this appropriation being specially authorized from time to time.

Mr. BLANTON. That is the trouble with the gentleman's committee; that is, all it did was to insist. The Army compelled them to give it to them. It has been made a special fund.

Mr. McSWAIN. It is earmarked in the book, and we have to direct how it shall be spent.

Mr. BLANTON. In my time, will the gentleman tell how much they have sold?

Mr. McSWAIN. About $9,000,000 worth.

Mr. BLANTON. Is that all?

Mr. McSWAIN. That is all that they have got the money for.

Mr. BLANTON. Have they not sold $20,000,000 worth?

Mr. McSWAIN. No. The bill gave the States and the counties and municipalities the first call on property near them for public-park purposes. Much of the appropriation was stricken out of the bill, like Fort Washington and Fort Howard, so there has been turned into the Treasury about $9,000,000 worth, and this Congress is appropriating and has appropriated $9,000,000. It has not turned it over to them to be spent, we have been too careful for that.

Mr. BLANTON. I doubt that. [Laughter.] Can the gentleman tell me what they have done with the $9,000,000?

Mr. McSWAIN. The Treasury of the United States got it.

Mr. BLANTON. But they have spent it.

Mr. McSWAIN. We have spent it; we spent some in Texas.

Mr. BLANTON. I want to ask my friend, the gentleman from Michigan, is it not a fact that since we passed that bill the Army has spent $20,000,000?

Mr. JAMES. Exactly $21,000,000.

Mr. BLANTON. Now I am getting the facts. Twenty-one million dollars for building construction?

Mr. JAMES. The act of Congress authorized the appropriation of $21,000,000 at Sam Houston and other places.

Mr. BLANTON. Oh, they always bring in Sam Houston, probably because they think it will get 18 Texas votes.

Mr. JAMES. If the gentleman will look, he will see that the first $3,000,000 went where there are no votes—to Porto Rico and the Panama Canal. We are trying to house the soldiers and protect them.

Mr. BLANTON. I am for taking care of the Army and building proper barracks and giving them proper quarters.

I am reminded that my wife was visiting the wife of a general, and the wife of the general said, "I want to show you what the Government furnishes us, and how hard-hearted your husband has been toward us." She took her into this great big house where she said she had only one servant, and said she had to take care of this house and 10 bathrooms, and the Government only furnished them one servant. My wife said, "Well, you are better off than I am. I am the wife of a Congressman and the Government does not furnish me with any bathrooms nor a house servant. We have had to pay $150 per month for a house and we have only one servant and have to pay for that." That is what is the matter with the Army officers; they are asking too much. This general's wife had 10 bathrooms when she ought not to have but 2. They do not properly spend the money, and that is one reason why I took the floor to protest against this bill. We ought to stop the departments from preparing special bills and sending them to the committees and have them introduced as department bills.

I got after my distinguished friend the other day, the chairman of the Committee on Indian Affairs. I was astonished when I found the Indian Bureau had sent a big batch of bills to him to be introduced as department measures. They had been passed around among the Members, and some of them introduced by him by request. That was proper, and I commended him for it. And others were introduced as Members' bills. Departments ought to be stopped from sending specially prepared bills to committees to be parceled out in that way.

Mr. LEAVITT. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. LEAVITT. The Department of the Interior sent the bills down in connection with its duty in caring for the welfare of the Indians. If it did not do so, it would not be doing its duty.

Mr. BLANTON. Well, they ought to be introduced as departmental measures. They ought not to be brought in as Members' bills under Members' names. The chairman ought to introduce them. If the Immigration Department sends a bill to the committee of which our friend from Washington is chairman, I guarantee that when he puts it in the basket he indicates that it is a department bill, and not anybody else's bill.

Mr. JOHNSON of Washington. All these departments have a way of recommending legislation in their reports. The gentleman can write a bill and submit it.

Mr. BLANTON. I am talking about bills written by the departments, every word of them, and sent to the committees with the request that they be passed.

Mr. JOHNSON of Washington. I want to get back to this matter concerning the quarters of the Army. I am in favor of letting a sergeant have facilities for raising a family.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield there?

Mr. BLANTON. Yes.

Mr. SCHAFER. Will the gentleman support this bill if we incorporate in it an amendment providing that none of the buildings constructed under its provisions shall provide for any more than two baths for a general? [Laughter.]

Mr. BLANTON. I will support it if you pass an amendment that not a dollar shall be expended for officers' quarters until every noncommissioned officer and every private shall be furnished with proper quarters. I want them provided for first. [Applause.]

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. FURLOW. Mr. Speaker, this Army housing bill has given rise to a very interesting discussion; but I want to say at the outset that this is not a department bill. It did not come from the department, but came from a man who is a Member of this Congress and who made a journey of 25,000 miles in order to get the material upon which to base this bill. I have reference to the gentleman from Michigan [Mr. JAMES], and to him, I know, this House desires to pay a deserved tribute. [Applause.]

The problem of providing necessary housing for the reorganized Regular Army was brought to the attention of the Committee on Military Affairs immediately after the World War. In fact, the study of this problem began while the national defense act of 1920 was being written by the Military Committee.

It was at once recognized that this housing question was closely related to the disposition of surplus War Department real estate, and the two problems have been studied together continuously since the war.

The permanent housing program for the Regular Army could not be definitely settled until a final decision had been reached as to the peace-time stations of the organizations of the Regular Army. The national defense act of 1920 imposed a mission upon the Regular Army which made the final decision in this matter of permanent stations difficult to reach. In addition to the mission of providing garrisons for our overseas possessions and a military force in the United States organized, trained, equipped, and located so that it is readily available for immediate service in case of a national emergency, the national defense act imposed upon the Regular Army the duty of training the citizen components of the Army of the United States, which, by the national defence act of 1920, were put on a very much higher plane than they had ever occupied before in the history of our country in time of peace. So far as permanent peace-time stations are concerned, the requirements of training the citizen army are in many instances in conflict with the requirements of an immediate mobilization of the Regular Army itself. It required much thought, study, and, to a certain extent, actual trial in the location of organizations to reach a decision which would be satisfactory from both points of view and at the same time would be consistent with the economical administration of the Army.

By January of 1926 these various studies were sufficiently advanced and final decisions had, in a sufficient number of cases, been reached to justify Congress in making a start with the permanent construction for the Army. In March, 1926, the initial act of Congress in this matter was passed. This provided for the sale of military reservations no longer needed, and authorized the proceeds from such sales to be deposited in the Treasury to the credit of the military post construction fund, and the means was thus provided for a start to be made on the present Army housing program.

In May of that same year, 1926, the first authorization bill for permanent construction under the present Army housing program was passed by Congress. This first bill carried a total of nearly $6,000,000. Since that time about $20,000,000 more has been authorized by Congress to carry forward this program.

On July 2, 1926, the President approved the bill authorizing the development of the Army Air Corps under the five-year

program. This five-year program modified somewhat and enlarged materially the housing requirements for the Army. Fortunately, it was passed at a time which made it possible to fit the requirements of the five-year Air Corps program into the general housing program for the Army.

The bill under consideration carries a total of approximately $13,000,000 and is intended to become available for use during the fiscal year 1930.

The preliminary study of this subject by the Military Affairs Committee, the initial acts of Congress on this subject, and the carrying forward of the program since the initial authorizations were made, have been due primarily to the interest, industry, and untiring energy of our esteemed colleague from Michigan, Hon. FRANK JAMES.

Immediately after the adjournment of Congress, last March, Mr. JAMES began preparations for an extensive investigation of housing conditions in the Army by means of a personal inspection. He indicated to the Secretary of War and to the Chief of Staff the purpose of his visit, the places he desired to visit, and the nature of the inspection which he desired to make. Instructions were sent from the War Department to the responsible commanding officers concerned, and they were directed to furnish Mr. JAMES the information which he would call for and to render him every possible assistance in his investigations and inspections.

It is a fact that he got up out of a sick bed on the last day of June to start on this tour of inspection. His travels took him to Army stations near New York City, to the Panama Canal Zone, to Hawaii, to the Army posts and stations along the Pacific coast from northern Washington to southern California, and along the Mexican border, through the Southern States and to a number of stations in the Middle West. He traveled more than 25,000 miles. More than 7,500 miles of this travel was by airplane. His trip by air began at San Francisco. He went to Takoma and Spokane, Wash., and from Spokane back to San Francisco, and thence to Los Angeles and San Diego. From San Diego he went to El Paso, to Fort Clark, and to San Antonio, Tex. From San Antonio he went to Fort Sill, Okla., and back to Houston and Galveston. From Galveston he flew about 100 miles over the Gulf. Leaving New Orleans he went to Montgomery, Ala., Columbus, Ga., Anniston, Ala., Atlanta, Ga., Spartanburg, S. C., Fort Bragg, N. C., and thence to Langley Field, and finally to Bolling Field here in Washington. Later, he flew to Wright Field at Dayton, Ohio, and to Fort Benjamin Harrison, Ind. It is a trip by air of which any man may well be proud.

In calling the attention of the House in this brief manner to what has been, and is being done in the development of the Army housing program, I not only desire to pay a richly deserved tribute to the gentleman from Michigan [Mr. JAMES], but I also wish to emphasize the confidence which the members of the Military Affairs Committee have in his thoroughness, his great knowledge of the military service and his judgment of what the requirements of national defense are. I am sure he equally has the confidence of the House and I am sure he has also the confidence of the Army. [Applause.]

I yield to the gentleman from New York [Mr. BOYLAN].

The SPEAKER. The gentleman from New York is recognized.

Mr. BOYLAN. Mr. Chairman and gentlemen of the House, the remarks of my friend from Texas [Mr. BLANTON] remind me of the story told of a man in a small town in Texas who had his feet on the brass rail and who wound up after he was knocked down by saying he had covered too much territory. The gentleman from Texas took the War Department and the Interior Department and the Navy Department to task, and the Committee on the District of Columbia, and I do not know what else.

Now, I had the good fortune to be designated by the chairman of the housing committee, Mr. JAMES, of Michigan, to visit some of the forts around New York, and in doing so I found living conditions that were really disgraceful to our Government, conditions that were almost unbelievable unless actually witnessed. If the gentleman from Texas, whom I respect and admire, was down on his ranch, where he has some good livestock, he would want adequate protection for them against the elements, so why not provide decent livable quarters for our soldiers. At Fort Jay I found, right on the threshold of the richest city in the United States, at the very doorstep of New York City, enlisted men living in quarters that were temporarily erected during the war, made of corrugated iron, where they had two or three of those large coal stoves going, and at the same time had to have four or five blankets wrapped around them at night in order to keep warm. The walls of these quarters were so flimsy that you could push your cane or your umbrella through them. These quarters, I understand, are typical of other quarters at Army posts throughout the United States.

The gentleman cites the case of an officer's family in Washington having a house with 10 baths. Down at Fort Jay we found instances where there was barely one bath in an officer's quarters. But these splendid gentlewomen, wives of the officers, uttered no complaint. They had the true Army spirit. They tried to make the best of it. But I tell you, gentlemen, it is a disgrace to the United States to have our men, both commissioned and noncommissioned, housed in these miserable hovels. I do not see how you can get a man to join the Army. I do not see how you can get men who are willing to take the course at West Point and then come out and live under the hardships such as these men have to live in. It would be better to abolish the Army, and it would be better to abolish every post in the United States rather than to have these men live in the wretched and miserable quarters they now inhabit.

Mr. O'CONNELL. Will the gentleman yield?

Mr. BOYLAN. Yes.

Mr. O'CONNELL. They do not know what kind of quarters they are to get until they get out and go into their quarters. That is the trouble.

Mr. BOYLAN. The gentleman from New York is correct. Really, I think enlistments should be suspended as an act of humanity until decent and proper quarters are provided.

While I speak from personal observation, I did not proceed to these forts by a military automobile. I proceeded under my own power, and I found for myself the conditions that actually existed.

Knowing the gentleman from Texas [Mr. BLANTON] as I do, and knowing the wonderful streak of humanity that is in him, I know that if he took the time, if he could spare it, and visited these places, as the members of the Military Affairs Committee have done, that he would not say one word against the expenditure of this money, because these soldiers and these officers are our brethren; they are a part and parcel of the citizenship of this country, just as we are, and irrespective of divisions by States or other geographical distinctions we owe to them the duty of at least providing for them with decency, providing them with quarters that will be at least sufficient to maintain their health and, gentlemen, if we do not give the ordinary creature comforts of life to our soldiers, how can we expect anything of them in the hour of stress or necessity? [Applause.]

Last October, at the request of Mr. William Randolph Hearst, a committee was formed in New York to inspect housing conditions at the various Army posts around New York.

This committee consisted of the gentleman from New York [Mr. BLACK]; Mr. Bonham, president of the New York Board of Trade and Transportation; Mr. William Siegrist; Col. John R. Slattery, Engineer Corps, United States Army, retired; Mr. Sundby-Hansen; and myself.

We made a careful investigation of all the posts, and the following is a summary of the facts found by us:

With a few notable exceptions, many officers and enlisted men are forced to live in flimsy, war-time-constructed fire traps, dangerous to health, demoralizing to discipline, and a constant menace to life. These structures were built in a war-time emergency, hastily constructed with little regard to safety or health. They were built for the "duration of the war," which was calculated to be five years. They are now 10 years old, and in various stages of rapid decay, depending on their location and local weather conditions.

Due to insufficient funds for upkeep, these structures are fast going to ruin. This applies with equal force to buildings of a more permanent character. There are leaky roofs, drafty windows, broken doors and stairways, worn-out floors, sagging porches, and sinking foundations that cause great cracks in walls and ceilings, and an utter lack of proper painting.

With adequate funds for repairs and continuous upkeep the more permanent buildings can be saved if promptly attended to. Otherwise they might as well be torn down, because ultimately the repairs, if deterioration is permitted to continue at the present rate, will cost more than the buildings are worth.

The committee regards the war-time barracks buildings as disgraceful to the Army and the Nation. They are unfit for human habitation and should be promptly removed. Their plumbing, sanitary, and heating equipment is broken, rusty, and a menace to health and life. The heating by antiquated sheet-iron stoves is inadequate and wasteful. In these gloomy, outworn, unsightly hovels the men are unable to keep dry in rainy weather or warm during the cold of winter.

Owing to the flimsy construction of the war-time shacks, built of light-weight pine lumber, lined with beaver board or burlap, many not even that, and heated with sheet-iron stoves that are often broken and for that reason alone dangerous,

there is constant fire menace at most of these Army posts. Millions of dollars worth of Government property, expensive military supplies of every description, is stored in tumble-down shacks and fire traps of this character.

In this connection we desire to draw attention to the speech made last summer by Maj. Gen. Charles P. Summerall, Chief of Staff, in which he deplored the present housing conditions in the Army and urged that some prompt remedial action be taken. He was promptly recalled to Washington for an interview with the President.

This committee respectfully calls attention to the fact that the United States Army is the army of the people of this country. If we are to have an Army its officers and men should be cared for properly in the matter of housing and reasonably comfortable living conditions.

Housing shortage was found to be acute at virtually all the posts. War-time constructed shacks, warehouses, and other buildings, which originally were never intended for human occupancy, were found converted into living quarters for officers, noncommissioned officers entitled to separate quarters, and enlisted men.

The serious shortage of proper living quarters we found to be due to the steady concentration since the war of large numbers of soldiers at fewer Army posts. This intolerable condition should be remedied at once by the construction of modern, permanent buildings at all posts where a permanent concentration of troops is taking place.

The richest Nation in the world, in honor to itself and in duty to its military defenders, should not, can not permit the present disgraceful housing conditions in the Army longer to continue. They are demoralizing to discipline, weakening to morals, both among officers and enlisted men, they impair enlistments and virtually terminate reenlistments, and are discreditable to the United States.

We were amazed at the fine spirit shown by officers and their wives and enlisted men living under the most adverse conditions. These conditions were appreciated by all, but in every case their attitude was to make the best of the situation. This is the true Army spirit.

In conclusion, I ask the Members of the House to stand behind the Military Affairs Committee in their effort to provide decent and livable quarters for the splendid officers and men who labor so hard to maintain the high standard of our Military Establishment. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. JAMES. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. BLACK].

Mr. BLACK of New York. Mr. Speaker and gentlemen of the House, I do not think there is any man in the House who is a greater friend of the underprivileged than the gentleman from Texas. I am sure that if he had seen the conditions around the Army posts in New York, as the previous speaker [Mr. BOYLAN] and myself have, that he would be heart and soul for this proposition.

Mr. William Randolph Hearst, through one of his editors, asked me a short time ago to form a committee to visit the Army posts for the purpose of inspecting Army housing conditions. On that committee was the gentleman from New York [Mr. BOYLAN], Mr. Bonham, president of the New York Board of Trade and Transportation; Mr. William Siegrist, a social welfare worker in New York; Colonel Slattery; Mr. Sundby-Hansen; and myself. My son also accompanied us. We visited all the posts around New York. We found that the men had been sadly neglected.

The Military Affairs Committee, through Congress, has taken care of the rations of the men in a very fine way, and this bill completes their work in the case of honesty on the part of the Government and humanity.

A man goes into the Army from civil life from a decent job at high wages and decent hours. When he gets into the Army he receives the Army pay and under bad hours he does just the same things he did in civil life. That is because the posts have not been kept up. Men have been compelled to do carpenter work and plumbing work. The men have had so much work to do that the Army is not able to give them proper military training, because so much time had to be taken from drills. At one of the Army posts they had very few formations in the course of the year. They could not get an outfit that could take a machine gun apart. They could take care of the buildings, do the carpentering work, and the plumbing work, but they could not do the military work. That was due to the fact that these things had been neglected by the Government.

This Congress can do no better service to the country than to pass this bill. [Applause.]

Mr. JAMES. Mr. Speaker, I yield myself two minutes and ask unanimous consent to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. JAMES. Mr. Speaker and gentlemen, it is true that we are spending $900,000 in this bill for Fort Sam Houston. The reason for that is because conditions were so deplorable at Fort Sam Houston that General Summerall had to issue orders to move 2,693 enlisted men to other places where the housing conditions were better.

There is not any politics in this bill or any pork in this bill. The first $3,000,000 in the bill—as a matter of fact, over $3,000,000—will go to places where they have no vote. About $6,000,000 in this bill is to carry out the five-year aircraft Army program, for which we all voted.

The War Department had nothing at all to do with the drafting of this bill. I spent about three months visiting Army posts. When I was in the Army I never rose above a "private in the rear rank," and my sympathies have always been for the private soldier. At every place we visited I paid particular attention to how he lived, how he was housed, and how he was fed.

At Governors Island it will cost about $2,000,000 to house every enlisted man. There is $1,686,000 authorized, including the $300,000 in this bill; $314,000 will complete the housing of the privates. Not a cent for officers' quarters has been authorized up there. In this bill there is also $350,000 which will house every enlisted man at Camp Lewis not already provided for.

Mr. BLANTON. Will the gentleman yield?

Mr. JAMES. Yes.

Mr. BLANTON. The gentleman knows I am one of those who appreciate the splendid, unselfish, and sacrificial work he has done. He knows that because I have talked with him. Now, I want to ask him this: If there should be a consolidation of our War Department and Navy Department into one department of national defense, with an Army Corps, a Naval Corps, an Air Corps, and a Marine Corps, as is contemplated by some of the best thought in this Nation, are we not spending too much on a separate Army Air Corps in this country?

Mr. JAMES. No. We must use every cent provided in this bill if we are to have an Army Air Corps. We can save on future appropriations, but not in this bill.

Mr. BLANTON. But there are duplications.

Mr. JAMES. I agree with the gentleman from Texas on that. With a consolidated national defense we can save millions of dollars, but there is not a single cent in this bill that you can strike out without hurting officers and enlisted men.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. JAMES. Mr. Speaker, I yield myself two additional minutes. The gentleman has called attention to the fact that at this new primary flying field we are spending a good deal of money for housing and officers' quarters. That is true, because when you come to the five-year program most of the money is for flyers, commissioned officers; but at every other place——

Mr. BLACK of Texas. Will the gentleman yield for an observation?

Mr. JAMES. Yes.

Mr. BLACK of Texas. I notice in the item we had to-day for Fort Humphreys, Va., Congress has authorized $660,000, and I dare say it contemplated that that should include the plumbing and the pipes necessary.

Mr. JAMES. No, sir.

Mr. BLACK of Texas. I suppose these authorizations include the plumbing, do they not?

Mr. JAMES. That is true, and I would like to tell the gentleman about that.

Mr. BLACK of Texas. In other words, what I want to stress is that the Army ought to stay within the limits of the authorizations and not come here at future times and ask us to give a further extension of the amount authorized.

Mr. JAMES. Up to a year ago, when the language of the bill was changed at the suggestion of the Director of the Budget himself, the question was whether or not when you say barracks it would include water pipes and sewers, except from the building down to the main sewer or main water pipe. Since that time the Comptroller General has made a ruling to the effect that where there is no sewer or no water pipes the language which we now use in the bill, and which was used for the first time a year ago, would include the main sewers or the main water pipes.

Mr. BLACK of Texas. Then we are to understand that these authorizations we are about to make in this bill cover the total

cost of construction and they will not come back here for additional money.

Mr. JAMES. I never expect to see another one come back here except the one we had here to-day from Camp Humphreys.

Mr. McKEOWN. Will the gentleman yield?

Mr. JAMES. Yes.

Mr. McKEOWN. Does this bill contemplate new barracks in Hawaii at Schofield Barracks?

Mr. JAMES. There is an authorization of $900,000 to take care of the regiment at Schofield Barracks, which is so badly needed.

Mr. McSWAIN. Will the gentleman yield?

Mr. JAMES. Yes.

Mr. McSWAIN. Will the gentleman explain to the House that the committee, with greater definiteness and more jealousy than any Member of the House has manifested here, critically examined the Quartermaster General and his aides that the plans of the architects and the construction of the buildings should insure that this money would be wisely spent?

Mr. JAMES. Yes. I wish the gentlemen of the House would read the hearings and see how closely the Quartermaster General was examined.

I know the gentleman from Texas [Mr. BLANTON], as well as being one of the hardest and most conscientious workers in this House, is also a good friend of the enlisted man on the floor. The gentleman always has been, and I want to say to the gentleman that if he has any idea that this was a departmental bill sent up for the House Military Affairs Committee to vote up or down, he is absolutely wrong. I spent three months and about $1,500 or $2,000 of my own money going around and seeing the conditions. The War Department was not consulted and had nothing to do with the drafting of the bill. It was done by our committee.

Mr. McMILLAN. Will the gentleman yield?

Mr. JAMES. Yes.

Mr. McMILLAN. This bill, as I understand, covers only a partial list of the fortifications and posts over the country.

Mr. JAMES. Yes.

Mr. McMILLAN. Is it the attitude of the gentleman and of the committee that next year these other places that are not now provided for will be taken care of?

Mr. JAMES. It is the policy of the President, the policy of the Director of the Budget, and the policy of our committee, as well as of the Congress, that every enlisted man who is now housed in a deplorable way shall be properly housed.

Mr. McMILLAN. I want to say for the gentleman's benefit that there are other posts having just such experiences and needing the same improvements.

Mr. JAMES. The authorizations carried in this bill will provide additional housing for the following:

Officers	470
Noncommissioned officers	604
Enlisted men	5,855
Patients in hospitals	138

Since the adjournment of the last Congress I have visited Army posts and stations in Panama, Hawaii, on the Pacific coast, along the Mexican border, and through the Southern and Middle Western States. I have personally inspected the conditions at practically every station for which construction is provided in this bill.

Other members of the Military Affairs Committee have also visited many of the Army posts and stations included in this bill. The bill under consideration was prepared by the committee as a result of the information gathered on these visits of personal inspection and observation.

Construction under the present Army housing program began with the passage of the act of March 12, 1926.

During the last Congress there was authorized for Army housing $20,297,000. Of this amount, $13,308,000 has been appropriated, and the remaining $6,989,000 is carried in the War Department appropriation bill, which is now in conference. This $20,297,000 will provide housing for the Army, as follows:

Officers	251
Noncommissioned officers	184
Enlisted men	18,021
Patients in hospitals	804

For the information of the Members of the House I am going to take up in detail each project included in the bill and show not only the amounts authorized for each station and just what construction these amounts will provide, but I am also going to give a brief account of what has already been done at each of these stations since the inauguration of the present Army housing program.

1. ALBROOK FIELD, PANAMA

The $791,000 carried in the bill for this flying field will provide quarters for 106 noncommissioned officers and 54 officers. The last Congress authorized $1,086,000 for this station, which provides quarters for 650 enlisted men, 21 noncommissioned officers, and 40 officers. This is a new flying field which is being built as a part of the five-year Air Corps program. When all of the construction heretofore and herein authorized has been completed, the housing requirements for officers, warrant officers, noncommissioned officers, and enlisted men will have been completely met.

2. FORT KAMEHAMEHA, HAWAIIAN DEPARTMENT

The $35,000 carried in the bill for this station will provide quarters for 65 enlisted men. This station now has permanent quarters for the accommodation of 1,061 enlisted men, 29 noncommissioned officers, and 40 officers. The permanent construction for this station will be completed with another authorization of $196,900 for barracks, 1 set of officers' quarters, and 25 sets of noncommissioned officers' quarters.

3. SAN JUAN, P. R.

The $150,000 carried in the bill for this station will provide quarters for 135 enlisted men and 16 officers. These amounts will complete the barrack requirements for enlisted men at this station, but there will still be needed more money to provide permanent quarters for all the noncommissioned officers and officers on duty there. The permanent quarters now at this station accommodate 1,006 enlisted men, 4 noncommissioned officers, and 6 officers.

4. SCHOFIELD BARRACKS, HAWAII

The $830,000 carried in the bill for this station will provide quarters for 1,150 enlisted men. The last Congress authorized $972,000, which provides quarters for 28 noncommissioned officers and builds a hospital for 400 patients. H. R. 7932, which passed the House a few minutes ago, carried $65,000 for quarters for nurses. This is the largest station in Hawaii and the permanent construction there prior to the inauguration of the present Army housing program accommodated 7,000 enlisted men, 38 noncommissioned officers and 275 officers.

5. WHEELER FIELD, HAWAII

The $1,470,000 carried in the bill for this station will provide quarters for 1,000 enlisted men, 96 noncommissioned officers, and 110 officers. This is the first authorization for this flying field under the present Army housing program and it will complete the permanent barracks requirements at this station. This is a new flying field just being developed under the five-year Air Corps program. It was here Maitland and Hegenberger and the Doyle flyers landed after their flights across the Pacific last summer.

6. ALCATRAZ ISLAND, CALIF.

The $15,000 carried in this bill for this station is to complete the utility building at this post. This station is a branch of the disciplinary barracks and the permanent quarters now there accommodate 350 enlisted men, 11 noncommissioned officers, and 6 officers.

7. FORT BENNING, GA.

The $500,000 carried in the bill for this station will provide quarters for 22 noncommissioned officers and 30 officers. This is the home of the Infantry School, and has been completely developed as a permanent station since the World War. The last Congress authorized $1,870,000 for this station, which provides quarters for 2,485 enlisted men and 24 nurses and a hospital for 132 patients. These amounts complete the hospital and nurses' quarters requirements at this station. Prior to the inauguration of the present Army housing program a small amount of permanent construction had been completed at this station, providing quarters for 10 noncommissioned officers, 71 officers, and the first part of the hospital.

8. FORT BLISS, TEX.

The $150,000 carried in the bill for this station will provide quarters for 25 noncommissioned officers. The last Congress authorized $300,000 for quarters for 50 noncommissioned officers. There was at Fort Bliss prior to the inauguration of the present Army housing program permanent quarters for 1,132 enlisted men, 8 noncommissioned officers, and 110 officers.

9. FORT BRAGG, N. C.

The $500,000 carried in the bill for this station will provide quarters for 232 enlisted men, 17 noncommissioned officers, and 17 officers. This is a Field Artillery training center, which has been developed as a permanent station since the World War. Since the inauguration of the present Army housing program $1,049,000 has been authorized for this station, providing quarters for 1,208 enlisted men, 9 noncommissioned officers, and 6 officers.

10. CHANUTE FIELD, ILLINOIS

The $220,000 carried in the bill for this station will provide quarters for 187 enlisted men and for 6 officers. This is also

one of the new flying fields and the permanent construction authorized in this bill constitutes the first permanent construction for this station.

11. CAMP DEVENS, MASS.

The $250,000 carried in the bill for this station will provide quarters for 16 noncommissioned officers and 12 officers. This is also a new station which has been developed since the World War. The last Congress authorized $1,200,000, which provides quarters for 970 enlisted men and a hospital for 105 patients. The hospital and barrack requirements for this station are now complete. An authorization for $211,000 will complete the requirements at this station for officers' and noncommissioned officers' quarters.

12. FORT HUMPHREYS, VA.

The $180,000 carried in the bill for this station will provide quarters for 30 noncommissioned officers. This is the home of the Engineer School. It is a new station and has been developed since the World War. The last Congress authorized $660,000, which provides quarters for 835 enlisted men. House bill 7944, which passed the House a few minutes ago, authorizes $80,000 additional for the completion of these barracks. Prior to the inauguration of the present Army housing program no permanent quarters existed at this station. There are, however, semipermanent quarters at this station for 67 officers. An authorization for $140,000 will complete the hospital requirements for this station.

13. FORT JAY, N. Y.

The $300,000 carried in the bill for this station will provide quarters for 375 enlisted men. The housing program for barracks for enlisted men at this station contemplates a total of $2,000,000, of which $1,386,000 was authorized by the last Congress. The permanent quarters at this station prior to the inauguration of the present Army housing program provided quarters for 355 enlisted men, 55 noncommissioned officers, and 100 officers. This station is on Governors Island and, in addition to the Infantry garrison, includes also the eastern branch of the disciplinary barracks and the headquarters of the Second Corps Area. An authorization for $175,000 will complete the requirements for officers' quarters for this station.

14. LANGLEY FIELD, VIRGINIA

The $300,000 carried in the bill for this station will provide quarters for 50 noncommissioned officers. This station is the home of the Air Corps Tactical School. This bill provides the first authorization for this station under the present Army housing program. The permanent quarters now at this station accommodate 132 enlisted men, 5 noncommissioned officers, and 87 officers. An authorization for $150,000 will complete the hospital requirements at this station.

15. LETTERMAN GENERAL HOSPITAL

The $120,000 carried in the bill for this station will provide quarters for 18 nurses and a hospital ward for 24 patients. This is the first authorization for this station under the present Army housing program. The permanent quarters now at this station accommodate 6 noncommissioned officers, 9 officers, and 750 patients.

16. FORT LEWIS, WASH.

The $500,000 carried in the bill for this station will provide quarters for 437 enlisted men, 11 noncommissioned officers, 4 officers, and 9 nurses. This is also a new station which has been developed since the World War. The last Congress authorized $1,752,000 for this station, providing quarters for 1,646 enlisted men, 5 noncommissioned officers, 6 officers, and a hospital for 87 patients. This bill will complete the barrack requirements for Fort Lewis, and also the hospital and nurses' requirements for this station. No permanent quarters existed at this station prior to the inauguration of the present Army housing program.

17. MARCH FIELD, CALIFORNIA

The $150,000 carried in the bill for this station will provide quarters for 25 noncommissioned officers. This is also a new flying field which is being developed under the five-year Air Corps program. It is at present the temporary station of one branch of the Primary Flying School. This branch of the Primary Flying School will be transferred to the new field at San Antonio, Tex., when the construction authorized for that field by the act approved February 18, 1928, has been completed. March Field will then become one of the permanent garrisons for a tactical organization of the Air Corps. The last Congress authorized $1,300,000 for March Field, which provides quarters for 688 enlisted men and 75 officers.

18. CAMP M'CLELLAN, ALA.

The $225,000 carried in the bill for this station will provide quarters for 18 officers. This is another station which has been developed since the World War and at which there was no permanent quarters prior to the authorization by the last Congress of $300,000 for quarters for 349 enlisted men.

This completes the requirements for officers' quarters at this station. An authorization for $216,000 will complete the requirements for barracks, noncommissioned officers' quarters, and hospital at this station.

19. FORT M'PHERSON, GA.

The $150,000 carried in the bill for this station will complete the hospital at this station. This is one of the old Army posts, which now includes not only the Infantry garrison but also the headquarters of the Fourth Corps Area. The permanent construction now at this post provides quarters for 714 enlisted men, 8 noncommissioned officers, and 64 officers. An authorization of $120,000 will complete the requirements for noncommissioned officers' quarters at this station.

20. CAMP MEADE, MD.

The name of this station has recently been changed to Fort Leonard Wood in honor of that distinguished officer. The $550,000 carried in the bill will provide quarters for 25 noncommissioned officers, 20 officers, and a hospital ward for 38 patients. The last Congress authorized $1,160,000, which provides quarters for 1,242 enlisted men and started the construction of the hospital.

21. MITCHEL FIELD, NEW YORK

The $400,000 carried in the bill for this station will provide quarters for 350 enlisted men and 20 noncommissioned officers. Since the inauguration of the present Army housing program there has been authorized $287,000, which provides quarters for 355 enlisted men. This amount will complete the barracks requirements for this station. This is also a new flying field and no permanent construction existed there prior to the inauguration of the present Army housing program.

22. FORT MONMOUTH, N. J.

The $350,000 carried in the bill for this station will provide quarters for 28 officers. This station is the home of the Signal School. Since the inauguration of the present Army housing program $742,000 has been authorized for this station, providing quarters for 860 enlisted men, 3 noncommissioned officers, 6 officers, and a hospital for 27 patients. These amounts will complete the barrack and hospital requirements at this station. This is a new station and no permanent construction existed there prior to the inauguration of the present Army housing program.

23. FORT MONROE, VA.

The $268,000 carried in the bill for this station provides for 21 officers' quarters. This station is the home of the Coast Artillery School. The officers' quarters requirements at this station will be completed with an additional authorization of $292,000. This is the first construction authorized for this station under the present Army housing program. Permanent quarters existed at this station prior to the inauguration of the present Army housing program to accommodate 1,234 enlisted men, 81 noncommissioned officers, and 119 officers.

24. FORT RILEY, KANS.

The $250,000 carried in the bill for this station will provide quarters for 21 noncommissioned officers and 10 officers. This station is the home of the Cavalry School. This will complete the noncommissioned officers' quarters requirements at this station. The last Congress authorized $198,000 for quarters to accommodate 16 officers. The permanent quarters which existed at this station prior to the inauguration of the present Army housing program accommodated 2,319 enlisted men, 54 noncommissioned officers, and 132 officers.

25. FORT SAM HOUSTON, TEX.

The $900,000 carried in the bill for this station will provide quarters for 1,087 enlisted men and for a post signal communications center building. The last Congress authorized $1,300,000 for this station, providing quarters for 1,591 enlisted men. Permanent quarters, which existed at this station prior to the inauguration of the present Army housing program, accommodate 2,732 enlisted men, 22 noncommissioned officers, and 94 officers. The amendment authorizing the construction of the post signal communications center building has been adopted for the purpose of permitting the telephone, telegraph, and radio service at this large post to keep abreast of the building program which is going on there.

26. NEW PRIMARY FLYING SCHOOL AT SAN ANTONIO, TEX.

The $1,970,950 carried in the bill for this station provides quarters for 225 enlisted men, 90 noncommissioned officers, and 100 officers. The act approved February 18, 1928, by transfer of funds authorized for construction at Brooks and Kelly Fields by the last Congress, and by further authorizations contained in the act of February 18 carries a total authorization for this new primary flying school of $4,849,075, which will provide

quarters for 2,738 enlisted men, 90 noncommissioned officers, 106 officers, a hospital for 76 patients, a magazine—explosive—quartermaster warehouse, garage for Government transportation, quartermaster maintenance building, a fire house, a guardhouse, a post exchange, a theater and gymnasium, an incinerator, railroad spur and tracks, telegraph and telephone lines in conduit, a bakery, a chapel and school, an enlisted men's club, and an officers' mess. This is a new flying field and no permanent or temporary construction existed at this station prior to the inauguration of the present Army housing program.

27. PRESIDIO OF SAN FRANCISCO, CALIF.

The $40,000 carried in the bill for this station provides for the building of a chapel. This is the first authorization for this station under the present Army housing program. The permanent quarters at this station prior to the inauguration of the present Army housing program accommodated 3,030 enlisted men, 137 noncommissioned officers, and 120 officers. Besides the troops garrisoned at the Presidio, the headquarters of the Ninth Corps Area is located there.

28. SCOTT FIELD, ILLINOIS

The $150,000 carried in the bill for this station provides for quarters for 25 officers. The last Congress authorized $100,000 for this station, which provides quarters for 125 enlisted men. H. R. 10146, which passed the House February 20, carries $32,000 additional and completes the barrack requirements at this station. This is a new flying field, and no permanent construction existed there prior to the inauguration of the present Army housing program.

29. SELFRIDGE FIELD, MICHIGAN

The $400,000 carried in the bill for this station provides quarters for 16 noncommissioned officers and 24 officers. The last Congress authorized $872,000 to provide quarters for 725 enlisted men, 30 noncommissioned officers, 6 officers, and a hospital for 15 patients. These amounts will complete the barracks and hospital requirements at this station. This is a new flying field and no permanent construction existed there prior to the inauguration of the present Army housing program.

30. FORT SLOCUM, N. Y.

The $300,000 carried in the bill for this station provides quarters for 9 noncommissioned officers and 300 enlisted men. This is the first authorization for this station under the present Army housing program. The permanent quarters at this station prior to the inauguration of the present Army housing program accommodated 1,389 enlisted men, 9 noncommissioned officers, and 31 officers.

31. FORT WADSWORTH, N. Y.

The $250,000 in the bill for this station provides quarters for 312 enlisted men. The last Congress authorized $285,000 for this station providing barracks for 349 enlisted men. H. R. 11762 provides an additional $40,000 to complete these barracks. The permanent quarters which existed at this station prior to the inauguration of the present Army housing program accommodated 400 enlisted men, 18 noncommissioned officers, and 14 officers. An authorization for $142,500 will complete the requirements at this station for officers' and noncommissioned officers' quarters.

32. WALTER REED GENERAL HOSPITAL, WASHINGTON, D. C.

The $300,000 carried in the bill for this station provides quarters for 95 nurses. The act approved February 18, 1928, authorized $310,000 for this station which provides for continuing the work on the new hospital. The new hospital to which this $310,000 is to be applied is now being constructed out of a $2,000,000 authorization made by Congress prior to the inauguration of the present Army housing program. The permanent quarters which existed at this station prior to the inauguration of the present Army housing program accommodated 225 enlisted men, 2 noncommissioned officers, and 17 officers.

In order to provide better quarters for the officers and noncommissioned officers in the Army troops have been moved temporarily within the last 18 months to stations having permanent barracks and quarters, pending the completion of the War Department housing program, as follows: From Fort Sam Houston, Tex., to Fort D. A. Russell, Wyo., and to Fort Logan, Colo., 112 officers, 94 noncommissioned officers, and 2,693 enlisted men; from Fort Lewis, Wash., to Fort Lawton, Wash., 12 officers, 30 noncommissioned officers, and 373 enlisted men; from Fort Lawton, Wash., to Fort Lincoln, N. Dak., 10 officers, 20 noncommissioned officers, and 300 enlisted men; from Boston, Mass., to Fort Rodman, Mass., 1 officer, 1 noncommissioned officer, and 30 enlisted men; from Boston Harbor to Fort Adams, R. I., 10 officers, 4 noncommissioned officers, and 287 enlisted men; from Fort McPherson, Ga., to Fort Oglethorpe, Ga., 8 officers, 3 noncommissioned officers, and 214 enlisted men; from Fort Douglas, Utah, to Fort Rosecrans, Calif., 5 officers, 1 noncommissioned officer, 34 enlisted men; making a total of 158 officers, 153 noncommissioned officers, and 3,931 enlisted men.

In conclusion, I can assure the Members of the House that in working out the needs of the Army in this vitally important matter of housing there has been and is a very splendid spirit of cooperation on the part of the Bureau of the Budget and of the President.

This program will continue over a period of years. There is much work yet to be done. Many more inspections must be made. The problem is one requiring a continuing study.

The committee propose to stay on the job until it is completed, and I am sure I am only giving voice to the feelings of every member of the committee when I say that the attitude of the House in its action on the housing bills we have already brought before you inspires us with a confidence to carry on this work thoroughly, fully, and completely.

The SPEAKER. The time of the gentleman from Michigan has expired; all time has expired.

The question is on the motion of the gentleman from Michigan to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

PAYMENT OF AMOUNTS APPROPRIATED BY LEGISLATURE OF ALASKA FOR ADDITIONAL DUTIES OF TERRITORIAL OFFICERS

Mr. CURRY. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 8284) to authorize the payment of amounts appropriated by the Legislature of Alaska on account of additional duties imposed upon Territorial officers.

The SPEAKER. The gentleman from California moves to suspend the rules and pass the bill H. R. 8284, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That neither section 1855 of the Revised Statutes (U. S. Code 1645, par. 1457) nor any other act of Congress shall be construed to prevent payments for clerk hire, office rent, and other expenses of executive offices of the Territory of Alaska, including additional compensation, not to exceed $2,000 per annum, to the secretary of the Territory, under appropriations heretofore or hereafter made by the Legislature of Alaska for said purposes.

The SPEAKER. Is a second demanded?

Mr. LAGUARDIA. Mr. Speaker, I demand a second.

Mr. CURRY. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CURRY. Mr. Speaker, from the time of the organization of Alaska as a Territory the Legislature of Alaska has passed acts imposing certain duties on the governor and on the secretary that may be in conflict with section 1855 of the Revised Statutes.

Congress did not impose this system on Alaska. The Territory of Alaska itself, as a matter of economy and efficiency in government, in my opinion in the face of adverse law, did enact legislation that placed these duties on these executive officers, and every two years the legislature has appropriated certain moneys to pay for the performance of these duties, and has also appropriated $2,000 as an addition to the salary of the secretary of the Territory. The Federal Government pays him $3,600 a year and the Territory of Alaska has added $2,000, making $5,600 a year.

In my report to the Congress I have included every item of appropriation for the governor's office and for the treasurer's office by Congress and by the legislature from the first meeting of the legislature in 1913 to date. It must be borne in mind that the legislature at any time it sees fit may stop this cooperation.

For several past legislatures bills have been introduced to create Territorial offices with these duties. They have uniformly been defeated by the legislature as a matter of economy in the conduct of the governmental business of Alaska.

The Territorial legislature will not meet for one year. If this bill is not enacted into law it will probably tie up, to a certain extent, the government of that Territory.

This bill does not fix the law for cooperation, but simply legalizes the acts of the Territory pending a change in the system of government by the legislature. I have every confidence in the Legislature of Alaska.

Of course, it is a large Territory—one-fifth the size of the United States, and at the present time has about twenty to twenty-five thousand inhabitants other than Indians and Eskimos. At the present time about one in five are employed by the Federal Government, the Territorial government, the district government, or municipal government. It is rather expensive to the Federal Government, and the Federal Government

has been willing in the past to cooperate with the Territory in permitting the governor and secretary to perform extra duties at a very minimum cost.

There is some opposition from Alaska, particularly an organization of Indians and half-breeds organized by politicians, and some opposition by job seekers who want places. Nearly every chamber of commerce has approved the bill; the governor has approved of it and asked me to get it passed, if possible. Nearly every city government in Alaska has approved it, and some have opposed it.

Personally I am not interested. It is a matter of efficiency and economy, and a matter of not tying up the government of that Territory until the legislature can meet, and if it so desires to enact other legislation.

Mr. NEWTON. Will the gentleman yield?

Mr. CURRY. I will.

Mr. NEWTON. I received a letter from the attorney general of the Territory some years ago—I do not remember much about the letter, because I just glanced over it and did not know the bill was coming up to-day. The first information was in brief that it would not be wise to pass the measure. I do not recall what the specific objections were but I have sent for the letter.

Mr. CURRY. The attorney general is a fine man. I know him. He is interested with certain politicians in Alaska trying to force Congress and the legislature to enact different legislation than they want. The Territorial treasurer had a temporary injunction by the court issued against him to prevent his paying the money out pending the trial and decision of the court. In my judgment, the court can do nothing but hold that the legislature has exceeded its authority under the Federal statute. We had the same proposition up in Hawaii, but there was no objection on the part of Hawaii, and that has been rectified.

Of course, Hawaii is in a different situation. There are three or four hundred thousand people there. It is one of the wealthiest parts of the United States and pays more income tax than any one of twenty States in the Union. Alaska has been in hard straits recently. Of course, the business of Alaska is mining and fishing and railroading, and in the near future we will have some paper mills up there that may help.

There are only three big mines in Alaska at present paying any dividends. Two of them are dredging mines. Two are owned by British capital. The State of California furnishes more gold than Alaska. Colorado produces more gold than Alaska. The great industry in Alaska is fishing, and yet there is a greater amount of fish taken off the banks of Newfoundland than in Alaska. There is a greater amount of fish taken from Japan than in Alaska, and a greater amount of fish taken around the British Isles and the Mediterranean than in Alaska.

Fur is another industry up there, and not so very much either on account of the legislation. In Louisiana last year there was more value of furs produced than in the Territory of Alaska. We want to develop Alaska if we can. I would like to see certain changes in the law. I would like to see Alaska developed, but I do not want the Government tied up for two years in a matter of local politics by men looking for jobs.

Mr. MORTON D. HULL. I notice on page 2 of the report there is a quotation from an act of Congress authorizing the Legislature of Alaska to pay the expenses involved in necessary additions to duties of officers.

Mr. CURRY. That is the governor—partial duties.

Mr. MORTON D. HULL. All you are adding is the right to pay larger salaries to the secretary of state?

Mr. CURRY. Oh, no; the officers up there have these extra duties to perform. The additional duties placed on the Federal officials relates to banks, issuing of licenses to corporations, vital statistics, fox and reindeer statistics, leasing school lands, and a number of other duties.

Mr. MORTON D. HULL. The act that I called attention to refers to the governor.

Mr. NEWTON. Will the gentleman yield?

Mr. CURRY. I will.

Mr. NEWTON. I have the letter from the attorney general. He seems to be of the opinion that this is setting aside a precedent that has been in effect for many years, not only in Alaska but other Territories, and thinks it very unwise to place Territorial officers under the Federal Government or Federal influence, and that that would be the effect of legislation of this character.

Now, I am expressing the fears and apprehensions as they have been expressed to me.

Mr. CURRY. I agree with the Attorney General within limitations. Alaska is not financially in shape to do what she ought to do, so far as the creation of Territorial officers is concerned. When the Territory of Alaska shall create these officers—and I think that ought to be done—they will pay them and stop the cooperation between the Federal Government and the Territorial government. But the Territorial legislature has refused to do it. It did so at the last session and the one before it. There will not be another session of the legislature until next year. I hope at that time they will change this system. But in the meantime if the courts should hold that the Territory of Alaska exceeded its authority in enacting these laws, it would tie up the Government of Alaska for two years, and I do not think that is what Congress wants to do. When the time comes I think the change should be made.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman permit an interruption?

Mr. CURRY. Yes.

Mr. COOPER of Wisconsin. Is there anything to prevent Congress at this session from passing additional compensation to the secretary up there?

Mr. CURRY. Congress can not pass a law imposing Territorial duties. The duties imposed upon these executive officers are Territorial and not Federal. Congress can not rectify that situation.

Mr. COOPER of Wisconsin. As I understand it, the secretary is a Federal officer?

Mr. CURRY. Yes.

Mr. COOPER of Wisconsin. Can not the Congress of the United States fix an adequate salary for an officer?

Mr. CURRY. They can fix the salary, but his extra salary is on account of his extra duties, imposed by the legislature, and Congress can not enact legislation placing these duties on the secretary, in my judgment.

Mr. COOPER of Wisconsin. That does not meet the point raised by the Acting Secretary, Mr. Finney, of the Interior Department. He says the suit was based upon the ground that the Territorial appropriations were void. The court sustained this contention as to certain items, including the one for additional compensation to the secretary of the Territory.

Mr. CURRY. Yes; and the suit was dismissed pendente lite at the request of the one who brought the suit. Another suit has been brought. The court, in my opinion, can not do anything but decide that the legislature has exceeded its authority, and that the money can not be paid and the Federal executive officers perform these Territorial duties unless this bill is passed.

Mr. COOPER of Wisconsin. Does the gentleman think it would be establishing a good precedent for Congress to enact a law which would permit an act that was void in the law when originally done to continue in the future?

Mr. CURRY. It would not continue in the future. It is simply a controversion of section 1855 of the Federal statutes. I do not think that statute should be repealed, but I think this local situation should be met for the next two years.

Mr. CRAMTON. I understand the decision of the court was that the expenditure authorized by the Legislature of Alaska could not be made because it was withheld by a provision of the Federal statute.

Mr. CURRY. Yes; under section 1855 of the Revised Statutes and the organic act.

Mr. CRAMTON. And because that expenditure, controlled by the Legislature of Alaska, is forbidden by Federal statute, this bill proposes to repeal that provision, so far as these particular expenditures go. In other words, the Federal Government would get out of the way of the Legislature of Alaska in doing what they want to do.

Mr. CURRY. I think that is wrong.

Mr. HOCH. Mr. Speaker, will the gentleman yield?

Mr. CURRY. Yes.

Mr. HOCH. If the effect of it is to repeal this Federal statute, why not repeal it directly instead of saying it shall not be construed so-and-so?

Mr. CURRY. That is not the effect of it.

Mr. HOCH. What will be the effect?

Mr. CURRY. The effect of it will only be until the legislature changes its law.

Mr. HOCH. Instead of repealing the statute you provide that a court shall not construe what the law says.

Mr. CURRY. I do not think the legislature of an organized Territory should assume any more legislative authority than is warranted by the organic act. To repeal that statute would permit the Federal Government to go in there just as if it was not an organized Territory.

Mr. HOCH. If this repeals it to that extent, then that is what it would be doing.

Mr. CURRY. No. It is only to meet this situation.

Mr. HOCH. We should change the language and provide the exception in the law, instead of simply saying that the statute

shall not be construed so-and-so. We should provide that the statute should read so-and-so.

Mr. NEWTON. I understand that section 1855 applies to all Territories. The exception is the Territory of Alaska.

Mr. LAGUARDIA. I want to call the attention of the House to this bill, and just ask your attention long enough to listen to the one man who knows the conditions, and that is the Delegate from Alaska. I think you will give him an attentive hearing. He knows what he is talking about. Just imagine a bill introduced into Congress by some one outside of your State to require your State to pay additional salary to a collector of customs or a postmaster.

Thus far the gentleman from Alaska has not had an opportunity to fight this measure. Not a single resident of Alaska has appeared before the committee. This is a bureau bill. The gentleman from California has indicated to you that the politicians of Alaska are opposed to this bill. That is not so. Both the Republican and Democratic parties in their platforms have inserted a plank demanding a complete separation of the Territorial government from the Federal Government. The people of Alaska must be protected by this Congress by reason of the fact that the Territory has a Representative in this House who has a voice, but not a vote. It was for that reason, Mr. Speaker, that I demanded a second, and I now yield 15 minutes to the gentleman from Alaska [Mr. SUTHERLAND.

Mr. SUTHERLAND. Mr. Speaker and gentlemen of the House, I had hoped that this bill might have been considered on Calendar Wednesday, on Territories day, when opportunity would have been afforded for amendment. The suspension rule precludes any motion for amendment being offered. Therefore, I must appeal to you to defeat this measure.

In 1913, when the Territory was first organized, they imposed certain duties on the Federal officials and compensated them with certain salaries for performing those duties. They knew it was illegal under the organic act, but they knew that at the next session of the legislature that could be corrected. At the second session the attorney general of the Territory ruled that the payment of salaries of Federal officials from the revenues of the Territory was illegal.

Again in 1917 and again in 1919 they were advised to the same effect. In 1921 the Solicitor for the Department of the Interior gave an opinion to the governor of the Territory that that whole procedure was illegal and they were advised by the governor of the Territory at that time, a Democratic governor just retiring, that that system should cease, that it was impractical and not in harmony with the theory of good government.

The first appropriation for one office in 1913 was $6,575. It continued increasing until 1927, when the appropriation was $21,700, with no great corresponding increase in the amount of business transacted by the office. They were simply increasing the amount annually to be paid to clerks and to the secretary of the Territory. Then citizens of Alaska came into court and asked the court to enjoin the Territorial treasurer from the payment of these salaries. The court held that the payment of the salary to the secretary of the Territory was illegal under the organic act and under statutory provisions. The suit was withdrawn without prejudice after the opinion of the judge of the Federal court was rendered, but the Secretary of the Treasury, knowing that it was illegal and construed to be illegal by the court, has withheld that salary and has not paid it, as well as certain other salaries.

This bill could have been amended to pay the salaries. No one in Alaska or anywhere else objects to the payment of this money that has been authorized by the legislature, but they do object to the repeal of portions of our organic act.

The bill provides that section 1855 shall not apply, which is a virtual repeal. I am not going to attempt to argue these technical terms, but it is considered by lawyers in Alaska as a repeal of our organic act. The portion that it repeals is section 1855 of the Revised Statutes, which reads:

> No law of any Territorial legislature shall be made or enforced by which the governor or secretary of the Territory, or the members or officers of any Territorial legislature, are paid any compensation other than that provided by the laws of the United States.

That was written into the statutes in 1873 by James A. Garfield, a Member of Congress from Ohio, and it has stood to govern this matter in the Territories ever since that time. But the repeal goes further than that and repeals another act, and the other act is section 11 of the organic act of the Territory, wherein it is provided that:

> No person holding a commission or appointment under the United States shall be a member of the legislature, or shall hold any office under the government of said Territory.

That is the section it repeals, section 11 of our organic act, and that section was written into the organic act of the Territory of Wisconsin in 1843. So it has stood for almost a century and, in fact, has been embodied in the constitutions of many of the States of the Union. The latest, and presumably the most approved, constitution to-day is that of the State of New York, and the separation of State and Federal offices and municipal officers is made clear and explicit in the constitution of the State of New York.

The attorney general of the Territory, who has been quoted here, has expressed himself in this matter, and I want you to let me read briefly what he says on the subject:

> As early as 1873 Congress, thinking that these unlawful expenditures—

Of which we are speaking now—

> might stop if an act was passed which in express and unequivocal terms denounced this perversion, a law was passed which reads as follows:

That is the Garfield Act and that law is still in force.

> Is there any doubt as to what this means? Certainly not. Yet our legislature has insisted upon disregarding every provision of it. Why? Simply because so many of them are ready and willing to disregard any law and to throw their honor and self-respect to the winds in order to gain, as they hope, the smiles of the Federal and social set at Juneau.
>
> Even as early as 1843 Congress enacted a statute which reads as follows:
>
> "No legislative assembly of a Territory shall in any instance or under any pretext exceed the amount appropriated by Congress for its annual expenses."

That is in another statute that will be repealed by this act.

> The language employed shows that Congress was irritated at the sycophancy of Territorial legislators. And in those older days the Federal officials in the Territories were not nearly as important or as numerous as in Alaska, where about one-third of the population live off the Federal pay roll.
>
> It was out of an abundance of historic experience, guided by common sense, that Congress wrote into the organic act of Alaska what is known as section 11.

Which I have quoted to you.

> These provisions should be enforced not only in letter but in spirit. The purposes of section 11 are perfectly plain. The main object was to keep the Federal and Territorial functions separate and apart and to have them discharged by separate and distinct officers. The last clause provides that no one "holding a commission or appointment under the United States shall be a member of the legislature or hold any office under the government of said Territory." This is neither more nor less than an order upon the Territory to organize its own government and provide its own officers to execute its laws, and it is a denunciation of the present system of bestowing Territorial functions upon the Federal officials.

Now, gentlemen of the House, in closing I want to say that this organic act is our constitution in Alaska. It bears the same relation to the Territorial Legislature of Alaska that the Constitution of the United States bears to Congress, and an even better analogy is that of the State constitutions, which are held to be stable instruments. They are not to be amended or changed or altered at the whim or caprice of any individual or any minority organizations, for this request comes from very inconsequential bureaucrats in Alaska and from no other source. Both parties in the coming campaign have declared in unmistakable terms against this practice in violation of our organic act. So I am appealing to you to recognize our constitution as being just as sacred as the constitution of any of your States and to refuse this repeal. To repeal this provision is simply the entering wedge on the part of bureaucracy in Alaska, where to-day it virtually dominates the Territory—this is an entering wedge to the destruction of local self-government and the establishment of a superbureaucracy in that Territory. [Applause.]

Mr. NEWTON. Will the gentleman yield?

Mr. SUTHERLAND. Yes.

Mr. NEWTON. I want to inquire as to the gentleman's idea of what would be the effect upon the Territory if the legislature did not act for two years.

Mr. SUTHERLAND. But the legislature meets in a year. Nobody is suffering for this money.

Mr. NEWTON. I understood the gentleman from California to say two years.

Mr. SUTHERLAND. No; the legislature will be in session a year from to-day. There is nobody suffering for this money. It will be paid in good time.

Mr. ENGLEBRIGHT. Will the gentleman yield?

Mr. SUTHERLAND. Yes.

Mr. ENGLEBRIGHT. Why has not the Legislature of Alaska taken this matter under consideration before?

Mr. SUTHERLAND. It has taken it under consideration; but the gentleman from California explained that they took no action, and it was for the reason that the bureaus there wanted to hold and administer the Territorial government.

Mr. ENGLEBRIGHT. Does the gentleman mean to infer that the Federal Government is reflecting itself into the Legislature of Alaska?

Mr. SUTHERLAND. The Federal Government, through its bureaus, is administering the Territorial affairs of Alaska to-day.

Mr. ENGLEBRIGHT. Through the legislature?

Mr. SUTHERLAND. The legislature has given consent.

Mr. ENGLEBRIGHT. Then does the gentleman infer that he can not depend upon his legislature in Alaska?

Mr. SUTHERLAND. I think we can depend on them to alter it now, because the issue has become so strong that they are going to change it.

Mr. COOPER of Wisconsin. Will the gentleman yield for a question?

Mr. SUTHERLAND. Yes.

Mr. COOPER of Wisconsin. Does the gentleman think that a bill of this importance should be brought up in this way on unanimous-consent day, when the offering of amendments is prevented?

Mr. SUTHERLAND. I knew nothing about this suspension until we were almost up to the bill under unanimous consent and then a Member informed me the bill was under consideration by suspension of the rules. I wanted this bill to come up on the Committee on the Territories day when I would have an opportunity to amend it, and I can offer an amendment that will pay this money authorized by the legislature and still not repeal our organic law. That is all I am asking for.

Mr. CURRY. Will the gentleman yield?

Mr. SUTHERLAND. Yes.

Mr. CURRY. I will answer the gentleman from Wisconsin. The Committee on the Territories will not be called during this session of Congress. The Committee on the Territories was not called during the last Congress, during either one of its sessions. It is impossible to have this bill come up on the call of committees because the committee will not be reached. That is the only reason I put it on the Consent Calendar and is the only reason I asked for a suspension of the rules. It is the only way to meet this situation. The fiscal year in Alaska starts on the 1st of April, and if this bill is not enacted by the 1st of April it will tie up the government, and the gentleman from Alaska knows it.

Mr. SUTHERLAND. I simply want to say in closing——

Mr. SINNOTT. Will the gentleman yield?

Mr. SUTHERLAND. Yes.

Mr. SINNOTT. I want to know whether the gentleman objects to the appropriations heretofore made that this bill will approve or ratify.

Mr. SUTHERLAND. Oh, no. There is no objection to the appropriations at all. The whole objection is to the system they are setting up.

Mr. LAGUARDIA. But the gentleman is opposed to that in principle?

Mr. SUTHERLAND. Yes; in principle, but I do not want to deprive those men of the money that has been authorized, and Congress could authorize that without this repeal of the organic act.

Mr. CURRY. Will the gentleman yield?

Mr. SUTHERLAND. I yield; yes.

Mr. CURRY. The gentleman knows that the suit in Alaska was to prevent the Treasury from paying this money.

Mr. SUTHERLAND. Yes.

Mr. CURRY. How does the gentleman square his two statements?

Mr. SUTHERLAND. You can authorize the payment of the money without repealing the act. You can write a simple bill to authorize the payment of the money, but there is no occasion for repealing acts that have stood for almost a century.

Mr. JOHNSON of Washington. If it is wrong from a local self-government standpoint to do that, why should we authorize it?

Mr. SUTHERLAND. That is true; and that is the position that the gentleman from New York [Mr. LAGUARDIA] has taken; but I realize my position here. I have to compromise when I ought not to compromise. I have to make compromises when a voting Member here does not have to make a compromise, and I have to beg the chairmen of committees, such as the chairman of the Committee on the Territories, for some little favor, and so I am not in a position to ask for what I think ought to be put in.

Mr. CURRY. The gentleman knows that so far as the Committee on the Territories is concerned he has never had to do that in his life. That is an absolute untruth.

Mr. SUTHERLAND. Mr. Speaker, I will not reply to that. I will just let it stand. The House may judge.

Mr. STEVENSON. Will the gentleman yield?

Mr. SUTHERLAND. Yes.

Mr. STEVENSON. As I understand the gentleman, he is perfectly willing to pay these officers for the services rendered although the service has been rendered in violation of the organic act.

Mr. SUTHERLAND. Yes; in violation of the law.

Mr. STEVENSON. But he does not want to make it possible for that system to continue.

Mr. SUTHERLAND. And this bill authorizes a continuation of it.

Mr. STEVENSON. When the legislature meets, however, it will have to separate this business. If it goes ahead and authorizes it again, we will be in the same fix. The gentleman's proposition is to take this business away from the Federal officers and create proper officers to conduct it.

Mr. SUTHERLAND. Yes; as Congress intended they should.

Mr. LAGUARDIA. Mr. Speaker, I will take no further time, because I do not want to disturb the splendid argument made by the Delegate from Alaska. I do ask the Members to stand back of him and give him the protection he has begged for. [Applause.] I ask for a vote.

The SPEAKER. The question is on the motion of the gentleman from California [Mr. CURRY] to suspend the rules and pass the bill.

The question was taken; and on a division (demanded by Mr. CURRY) there were—ayes 12, noes 130.

So the motion to suspend the rules and pass the bill was rejected.

AIR MAIL

Mr. KELLY. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 8337) to amend the air mail act of February 2, 1925, as amended by the act of June 3, 1926, with amendments.

The SPEAKER. The gentleman from Pennsylvania moves to suspend the rules and pass the bill H. R. 8337, as amended, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 3 of the air mail act of February 2, 1925 (U. S. Code, title 39, sec. 463), as amended by the act of June 3, 1926, is hereby amended to read as follows:

"SEC. 3. That the rates of postage on air mail shall not be less than 5 cents for each ounce or fraction thereof."

SEC. 2. That after section 5 of said act (U. S. Code, title 39, sec. 465) a new section shall be added as follows:

"SEC. 6. That the Postmaster General may by negotiation with an air-mail contractor who has satisfactorily operated under the authority of this act for a period of two years or more, arrange, with the consent of the surety for the contractor and the continuation of the obligation of the surety during the existence or life of the certificate provided for hereinafter, for the surrender of the contract and the substitution therefor of an air-mail-route certificate, which shall be issued by the Postmaster General in the name of such air-mail contractor, and which shall provide that the holder shall have the right of carriage of air mail over the route set out in the certificate so long as he complies with such rules, regulations, and orders as shall from time to time be issued by the Postmaster General for meeting the needs of the Postal Service and adjusting air-mail operation to the advances in the art of flying: *Provided,* That such certificate shall be for a period not exceeding 10 years from the beginning of carrying mail under the contract. Said certificate may be canceled at any time for willful neglect on the part of the holder to carry out such rules, regulations, or orders; notice of such intended cancellation to be given in writing by the Postmaster general and 60 days provided to the holder in which to answer such written notice of the Postmaster General. The rate of compensation to the holder of such an air-mail-route certificate shall be determined by periodical negotiation between the certificate holder and the Postmaster General, but shall never exceed the rate of compensation provided for in the original contract of the air-mail-route certificate holder."

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

FEDERAL RADIO COMMISSION

Mr. SNELL. Mr. Speaker, I present a privileged report from the Committee on Rules.

The Clerk read as follows:

Resolution 132

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 2317, continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall arise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

AMENDMENT TO THE CONSTITUTION

Mr. SNELL. Mr. Speaker, I present another report from the Committee on Rules.

The Clerk read as follows:

Resolution 133

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. J. Res. 47, proposing certain amendments to the Constitution. That after general debate, which shall be confined to the Senate joint resolution and shall continue not to exceed five hours, to be equally divided and controlled by those favoring and opposing the Senate joint resolution, the Senate joint resolution shall be read for amendment under the five-minute rule. For the purpose of amendment the House committee substitute shall be considered as an original bill. At the conclusion of the reading of the Senate joint resolution for amendment the committee shall rise and report the Senate joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the Senate joint resolution and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SNELL. Mr. Speaker, I desire to make a short statement in regard to this last resolution just presented. The Senate passed Senate Joint Resolution 47, providing for an amendment to the Constitution. It came over here, and our Committee on Election of President and Vice President struck out all after the enacting clause and inserted a committee amendment and reported it to the House. Later our Committee on Election of President and Vice President reported a House concurrent resolution which embodied the same matter that was in their amendment to the original Senate joint resolution. They asked us for a rule on Concurrent Resolution 18. That was granted by the Committee on Rules. Later on, after investigation, we found that all constitutional amendments were passed by means of a House or Senate joint resolution.

Referring to the Manual, section 223, it provides as follows:

Amendments to the Constitution are proposed in the form of joint resolutions which have their several readings and are enrolled and signed by the presiding officers of the two Houses, but are not presented to the President for his approval.

Also in sections 389 and 390 in regard to concurrent resolutions it specially excepts constitutional amendments and says that they are always passed by House and Senate joint resolutions. That is the reason for presenting the resolution to-day to take up the Senate Joint Resolution 47 instead of House Concurrent Resolution 18. It is expected that this rule just presented will be called up to-morrow immediately after the disposition of matters on the Speaker's table.

Mr. GARRETT of Tennessee. I presume at some time the gentleman will have the other resolution laid on the table?

Mr. SNELL. Yes. I was going to do that to-morrow, but I think it just as well to do it now. I ask unanimous consent that House Concurrent Resolution 112 lie on the table.

The SPEAKER. The gentleman asks unanimous consent that House Concurrent Resolution 112 be laid on the table. Is there objection?

There was no objection.

ORDER OF BUSINESS

Mr. DENISON. Mr. Speaker, we have not concluded the Consent Calendar. I ask unanimous consent that on Wednesday, if the committee that has the call concludes its business early in the day, that the bills on the Consent Calendar may be called.

Mr. SNELL. I think the gentleman's own committee, the Committee on Interstate and Foreign Commerce, has the call.

Mr. DENISON. Yes; but if the committee does not have business enough to take the entire day, I think there will be time to complete the Consent Calendar.

Mr. HASTINGS. Commencing where we left off to-day?

Mr. DENISON. Yes; there are a number of bills that are very important, and we can get them out of the way in that manner.

Mr. GARRETT of Tennessee. Does the gentleman understand that there will be only a limited business on Calendar Wednesday?

Mr. DENISON. Yes.

Mr. SNELL. Will the gentleman put that request off until to-morrow?

Mr. DENISON. Yes; I will if there is objection to it. I will ask the gentleman from Michigan if he thinks the committee will take the entire day?

Mr. MAPES. I understand that the chairman of the committee does not want to start in on business reported to that committee until there are enough bills on the calendar to occupy the two days.

Mr. DYER. I think the request that the gentleman makes ought not to be consented to now on three minutes' notice. Many would not know that the calendar was coming up on Wednesday.

Mr. DENISON. Mr. Speaker, I will withdraw my request.

The SPEAKER. The request of the gentleman from Illinois is withdrawn.

Mr. SCHAFER rose.

The SPEAKER. For what purpose does the gentleman from Wisconsin rise?

THE CONTROL OF FLOODS IN THE MISSISSIPPI IN THE ALLUVIAL VALLEY

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the question of flood control of the Mississippi River.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to extend his remarks on the question of flood control. Is there objection?

Mr. WHITTINGTON. Mr. Speaker, the Mississippi River from its source at Lake Itasca to its mouth is 2,475 miles long. The distance from the headwaters of the Missouri to the mouth of the Mississippi is estimated at 4,200 miles. The Nile and the Amazon, each with a length of about 4,000 miles, are the only other rivers in the world that approach the Mississippi and the Missouri combined.

The Mississippi is the world's greatest and most useful river. It is navigable from the Twin Cities of St. Paul and Minneapolis, the commercial centers of the great West, to its mouth just below the city of New Orleans, the second largest port in the world. It has a navigable channel of 35 feet from the Gulf of Mexico to Baton Rouge, a distance of about 225 miles, and from Baton Rouge to St. Louis the channel is 9 feet deep. The navigable waterway on the Mississippi River and its tributaries is estimated at 15,000 miles. It discharges three times as much water as the St. Lawrence. Fifty-four of its tributaries are navigable by steamboats, and there are hundreds of its tributaries navigable only by small boats.

It is estimated that if the upper Mississippi, the Missouri, the Ohio, the Arkansas, and the Red Rivers were in flood at the same time they would empty into the lower Mississippi about 3,500,000 cubic feet of water per second. The Yazoo, the White, the St. Francis, and other tributaries would add considerable quantities of water. But there has never been a time when all the principal tributaries of the lower Mississippi attained maximum flood stage at the same time. The Ohio River, with an estimated maximum discharge in 1913 of 1,395,000 cubic feet per second at Cairo, contributes more to the floods of the Mississippi River than any other tributary. The flow in the lower Mississippi in past floods has been estimated at from 1,500,000 to 2,300,000 cubic feet per second. The flood of 1927, the greatest on record, is commonly figured at 2,000,000 cubic feet per second, yet some estimates place it as high as 3,250,000 cubic feet per second.

The Mississippi River and its tributaries drain an area of 1,240,000 square miles, comprising 41 per cent of the United States, exclusive of Alaska, and including all or portions of 31 States of the Union, and about 20,000 square miles of Canada, embracing parts of two Provinces. The total area of the United States is 3,026,000 square miles. The drainage basin of the Mississippi is approximately 1,900 miles long and 1,400 miles wide, extending from western New York to western Montana, and reaching 70 miles into Canada from the northern boundary line of Montana.

The Mississippi is the second largest valley in the world, only the Amazon being greater. It is larger in extent than the whole

of Europe, exclusive of Russia, Norway, and Sweden. In its northern stretches the river is picturesque, and substantial power has been developed. At Commerce, Mo., and between the bluffs near the head of the alluvial valley, suitable dam sites have been located and much power may be developed. The potential power in the Mississippi River from Cairo to the Gulf in flood time is estimated at 60,000,000 horsepower, and it is consumed in eroding banks and in carrying its great volume of water down its course.

THE ALLUVIAL VALLEY

The waters of the principal tributaries of the Mississippi converge at Cairo and from Commerce, Mo., to the Gulf of Mexico the river flows through a flood plain of alluvial deposit, known as the alluvial valley, containing approximately 30,000 square miles. This valley was originally an estuary of the Gulf, which extended to the vicinity of Cape Girardeau, the northern limit of the alluvial valley. It has an average width of 45 miles, varying from 20 miles just north of Natchez to 80 miles at Greenville, Miss. It is 1,070 miles by river from Cairo to the Gulf of Mexico.

The normal rainfall in the entire Mississippi Basin is about 30 inches, and it varies from 20 inches in the Missouri Basin to 48 inches in the central valley, which extends along the Mississippi below the mouth of the Missouri, and is drained by numerous small streams. The rainfall in the Ohio Basin, where the rainfall is greater than on any other tributary, is 44 inches annually.

Because of its latitude, rainfall, and elevation, the Mississippi Valley is unequaled by any other on the globe, and is capable of supporting a dense population.

LEVEES

Without protective works the alluvial valley is subject to annual overflow. Like other alluvial streams, the banks are higher than the adjoining and adjacent land. There is a slope of 7 feet for the first mile from the banks to the interior. In flood time these banks overflow and inundate the valley. Before the general inundation nature provided for assisting the main stream in carrying the waters to the Gulf. At the head of the basin there was an outlet near Cape Girardeau, where the flood waters formerly escaped into the St. Francis Basin. At Cypress Creek, about 25 miles below the mouth of the Arkansas River, the waters escaped through the Boeuf and Tensas Rivers, and found their way to the Gulf through the Atchafalaya, the Atchafalaya being connected with the Mississippi River by Old River, and constituting the third natural outlet on the right bank of the Mississippi River in the alluvial valley.

Protection from floods was necessary in the very earliest settlement of the valley. Levees built entirely of earth constituted the protection. LeBlond de la Tour, a French engineer, laid out the city of New Orleans in 1717 and built the first levee to protect the city from overflow. In 1727, ten years after the levee was begun, 5,400 feet had been completed in front of New Orleans. Originally levees were not the products of organization, but the result of individual efforts. In 1735 the original levee that was to extend 18 miles above and below the city of New Orleans had been extended to 30 miles above the city. Each planter built the levee along his own front, and the levees kept pace with the settlements along the river front.

Levees were first built by individuals, then by communities, subsequently by parishes or counties, and later by districts.

In 1812, when Louisiana was admitted to the Union, the levees extended on both sides of the river some distance below New Orleans and above New Orleans to Baton Rouge, and by 1844 the levees were almost continuous from 20 miles below New Orleans to the mouth of the Arkansas River on the right bank and to Baton Rouge on the left bank, and the Yazoo Basin was protected by levees, beginning about this time and built by 1853. The first general levee board was established in the fifties, following the great floods of 1849 and 1850.

The proceeds of swamp and overflow lands were used in the construction of levees, but there was a lack of uniformity and standardization in construction. The greatest floods ever known in the lower valley occurred in 1858 and 1859. The levees proved inadequate and in many cases were washed away. Then followed the Civil War, and throughout the war levee construction was abandoned. None of the levees was high enough or strong enough to withstand unusual floods. They were built but little above the grade of previous unconfined floods. Even in the Yazoo Basin they were much too low and were deficient in width.

On June 28, 1879, the Mississippi River Commission was organized and since 1882 there have been completed on the Mississippi River 1,881 miles of levee line, in addition to numerous levee systems on its tributaries. The levees along the Mississppi River have an average height of 18 feet. They extend from Cape Girardeau to the Gulf. There are also levees between Cape Girardeau and Rock Island. On the left bank, in Tennessee, Kentucky, and in Mississippi south of Vicksburg there are practically no levees.

The flood-control works on the lower Mississippi consisted of a levee system partially protected by bank revetment at the time of the 1927 flood. The levee system was still incomplete, but was being standardized to conform to the grade and section of 1914, which was based upon the 1912 flood confined, the greatest flood up to that time. But the flood of 1927 surpassed all other floods. The levee line between Memphis and Vicksburg in front of the Yazoo Basin was up to the 1914 grade and section almost all along the entire front. The 1914 provisional grade is 55.8 at Greenville and 60.5 at Arkansas City. It is estimated by both the Mississippi River Commission and the Chief of Engineers of the United States Army that if the 1927 flood had been confined by levees the gauge reading at Greenville would have been 62.8 and at Arkansas City 69.

It is also estimated that to confine by levees a probable maximum flood of 2,250,000 cubic second-feet at Cairo, 2,850,000 cubic second-feet at Arkansas City, and 2,650,000 cubic second-feet at Old River, with a freeboard of 5 feet instead of a freeboard of 3 feet, as provided by the 1914 grade and section, would require a levee grade line on the main river of 79.5 at Arkansas City, and 72.8 at Greenville. The new levee grade at Helena would be 71, against an existing grade of 58.5, and at Sunflower Landing would be 72.6 instead of an existing 56. In other words, to confine the maximum probable flood by levees would require an increased levee height of 6.9 feet at Memphis, 10.1 at Mhoon Landing, 10.5 feet at Helena, 16.6 feet at Sunflower Landing, 16.5 feet at the mouth of the White River, 19 feet at Arkansas City, 17 feet at Greenville, 15.4 feet at Lake Providence, and 14 feet at Vicksburg.

The construction of levees has resulted in the raising of water levels in the river. The river gauge at Vicksburg in 1927 was 10 feet higher than it was in 1882. Yet in 1882 the entire Yazoo Basin, as well as practically the entire alluvial valley, was inundated. Building the levees confines the water and thus raises the water plane. There is no disagreement, however, among engineers that the bed of the river has not been raised. On the contrary, levee construction has resulted in a scouring of the river bed, and measurements over a period of 50 years show a lowering rather than a raising of the river bed itself.

Moreover, the construction of levees has resulted in higher water in backwater areas along the mouths of the tributaries, including the Yazoo River. It is safe to assume that levees higher than at present will further enlarge these backwater areas.

Prior to the flood of 1927 the plan was to control floods by levees. It is now apparent that levees must be supplemented. It would be unsafe and impracticable to build them high enough to confine the greatest probable floods. Natural outlets should never have been closed. The processes of nature must be followed. Spillways to supplement the levees must be constructed. Natural outlets must be reopened. The blunder of closing Cypress Creek must be remedied. Levees must be supplemented by diversions.

YAZOO BASIN

In 1858 the levees in the Yazoo Basin were, on the average, about 4 feet high, having been mainly constructed since 1853. In 1882 the levees averaged about 8 feet in height, and they contained about 31,500 cubic yards to the mile. In 1927 the levees were 22 feet high, where they had been brought to standard grade and section, and they contained about 421,000 cubic yards. Wheelbarrows were used in the construction of the earlier levees, to be in turn superseded by drag scrapers, wheel scrapers, dump wagons, and now by drag-line and cableway machines.

The growth of levees in the Yazoo Basin is typical of the growth in the valley. The people of Holland had kept out the sea by dikes, and so the people of the valley determined to keep out the river floods by levees. At first the riparian owners built the levees. It was soon evident that the interior owner should contribute. Then followed legislation.

Washington County, Miss., was created January 29, 1827, and prior to 1836 embraced the present counties of De Soto, Tunica, Bolivar, Humphreys, Sharkey, Sunflower, Coahoma, and Issaquena. The Legislature of Mississippi on March 2, 1833, passed legislation for the construction of dikes or levees along the Washington County front, which embraced the entire Yazoo Basin. De Soto, Tunica, Coahoma, and Bolivar Counties were organized on February 9, 1836, and with their organization the provisions of the levee protection of 1833 were made applicable

to the new counties. Levee construction continued with varying success until December 2, 1858, when the legislature passed an act creating the General Board of Levee Commissioners, composed of the counties of Issaquena, Washington, Bolivar, Sunflower, Coahoma, Tunica, and the Delta portions of the counties of De Soto, Panola, Tallahatchie, and Yazoo. The board functioned but a short time and the destructive floods and the Civil War put an end to the work of the levee board.

During the Civil War what is known as the Yazoo Pass Levee, in the upper Yazoo Basin, was destroyed by the Federal forces in an effort to reach Vicksburg from the rear. In 1858 the levee which closed the Yazoo Pass was an enormous embankment across an old lake. It was 1,152 feet long and 28 feet high, with a base 300 feet in width. The great Hushpuckena Levee was destroyed by floods about the same time.

In 1871 levee district No. 1 was formed in the territory including Coahoma and other adjoining counties, but it proved a failure. In the meantime, in 1867, the old general levee board of 1858 was revived for the purpose of liquidating the indebtedness incurred by the board of 1858. Much land was forfeited for taxes but the indebtedness was finally paid.

The levee district organized in 1871 proved a failure, and more than a million and a half acres were sold for taxes. Nevertheless, after the creation of the Mississippi River Commission, the Yazoo Mississippi Levee Board was organized on February 28, 1884, and it has functioned since that time. This Yazoo Mississippi Levee Board is composed of the counties of Tunica, Coahoma, Quitman, Sunflower, Leflore, and parts of Humphreys, Yazoo, Holmes, and De Soto Counties. The Mississippi levee district, composed of the counties of Bolivar, Washington, Issaquena, Sharkey, and a part of Humphreys County, was organized in 1865 and has functioned since that year.

Mississippi adopted a new constitution in 1890 and the essential provisions of the laws incorporating these two levee boards were made a part of the constitution. The far-sighted members of the constitutional convention realized, however, that as the country developed and the population increased the problem would outgrow the levee districts and the State and would become national, for under section 232 of the Mississippi constitution the commissioners of the levee districts were given power to cede all their rights of way and levees to the management and control of the Government of the United States.

These two districts are known as the upper and lower levee districts. The upper district has a levee line of 98.5 miles, and, on account of caving banks, has lost more than 55 miles of levee. The Government has made no contribution for levees in this district for 23 years, and the district itself, in an effort to protect its own levees, has contributed $2,835,000 for revetment. It is the only district along the river that has contributed to the cost of revetment, which is recognized to be in aid of navigation. The Federal Government has always constructed revetment as a part of the improvement of the Mississippi River for navigation. The levee line is complete in this district.

The upper, or Yazoo, district contains 2,555,386 acres, with 1,186,451 acres in cultivation. It had an assessed valuation of real and personal property in 1927 of $109,870,960, with outstanding bonds for levee construction aggregating $4,444,000. There are real-estate mortgages outstanding in the district of $60,000,000. The district has spent for levees since 1882 up to December 31, 1926, $20,428,390.86.

The Mississippi levee district contains 1,614,066 acres, with 701,346 acres in cultivation. The assessed valuation of real and personal property is $62,937,309. The outstanding levee bonds are $3,025,000. It is estimated that there are mortgages on real estate in this district aggregating $36,011,142.73. The district has spent since 1882 on levees up to December 31, 1926, $21,422,607.25. It has a levee line of 188.1 miles, and because of caving banks 212 miles of levees have gone into the river. Twelve and three-tenths miles of levee remain to be built on the main river in this district.

Under the laws of Mississippi real and personal property is assessed at its actual value. The lands, including the personal property located thereon in the Yazoo Basin, are assessed at an average of $40 an acre for cleared and uncleared land.

There are no natural outlets from the Mississippi River on the front of the Yazoo Basin. The river banks are the highest part of the land. The drainage is to the interior. The fall is about 7 feet in the first mile from the river banks. Humphreys and Abbott in their report of August 5, 1861, called attention to a ridge of the Yazoo Basin that extended from Honey Island to Delta on the Mississippi River, separating the Yazoo and Tallahatchie Rivers from the Sunflower River and forming a strip from 2 to 6 miles in width. This is the highest land in the Delta, and it is thought to be a prolongation of Crowleys Ridge, in Arkansas, which terminates at Helena. The entire basin, however, is subject to overflow, and the southern portion of this ridge was overflowed in 1927. The Yazoo, a tributary of the Mississippi, drains the eastern portion of the Yazoo Basin, and is overflowed by the hill waters of Tennessee and Mississippi almost annually. No tributary suffers more from floods, and at the same time it pays taxes for protection by levees on the Mississippi River. Its backwater area is 1,200 square miles, or 768,000 acres, of which 192,960 acres are cleared and 575,040 acres are swamp and timber. The area is the same size as the backwater area of the Arkansas and White Rivers. The Government has only contributed thus far to levee construction on the south side of the Arkansas, but to no other part of the Arkansas or the White or the Yazoo Rivers.

SWAMP AND OVERFLOW LAND ACTS

It has been asserted that Congress has largely discharged its obligation to the alluvial valley by passing the swamp and overflow land acts approved March 2, 1849, September 28, 1850, and March 12, 1860. It is true that the act of 1849 was passed for the benefit of Louisiana to aid the State in construction of levees and drains; it is also true that the act of 1850 was originally intended to aid the State of Arkansas to construct levees and to drain lands.

However, Members of Congress were vigilant in behalf of their districts and States in those days, as well as now. The swamp and overflow land acts were extended, on September 28, 1850, to all the other States of the Union in which there were swamp and overflow lands. Section 4 of the act of September 28, 1850, reads:

> That the provisions of this act be extended to, and their benefits be conferred upon, each of the other States of the Union in which swamp and overflow lands, known as and designated as aforesaid, may be situated.

The States in the alluvial valley were not the only States to which lands were donated by the United States for drainage and levee purposes. Alabama, Iowa, Michigan, Minnesota, California, and other States received large areas of these lands. The lands in Mississippi were of comparatively small value and were not all located in the Yazoo Basin. Much of the land was located in the basins of other streams in Mississippi. A large percentage of the proceeds from the sale of these lands was used in drainage schemes and for the improvement of interior streams. The Legislature of Mississippi passed an act March 16, 1852, appropriating 60,000 acres of land in Tallahatchie, Holmes, Carroll, Sunflower, and Yazoo Counties for the improvement of the Yazoo and Tallahatchie Rivers up to the mouth of the Coldwater River, and the act provided that the land should not be sold for less than 50 cents an acre.

The proceeds were used in building levees prior to the Civil War. These levees were insufficient. The levees were destroyed by floods and the lands were sold for taxes, which the owners were unable to pay because of frequent inundations.

On December 5, 1927, I received the following letter, addressed to me in response to my request for the areas patented to the various States under the above-mentioned swamp and overflow land acts:

UNITED STATES DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, December 5, 1927.

Hon. W. M. WHITTINGTON,
House of Representatives.

MY DEAR MR. WHITTINGTON: Referring to your request for the areas patented to States under the provisions of the grant of swamp and overflowed lands made by acts of Congress approved March 2, 1849 (9 Stat. 352), September 28, 1850 (Stat. 519), now sections 2479, 2480, and 2481, Revised Statutes, and March 12, 1860 (12 Stat. 3), now section 2490, Revised Statutes, you are informed that, up to and including to-day, these patented areas by States are as follows:

	Acres
Alabama	418,713.61
Arkansas	7,686,455.37
California	2,188,547.32
Florida	20,211,831.54
Illinois	1,457,559.20
Indiana	1,254,310.73
Iowa	874,112.13
Louisiana	9,405,929.24
Michigan	5,656,064.03
Minnesota	4,677,649.03
Mississippi	3,288,418.50
Missouri	3,346,936.01
Ohio	26,251.95
Oregon	264,212.66
Wisconsin	3,251,830.52

Inclosed herewith please find a copy of the swamp-land circular, which contains copies of the three acts mentioned (see pp. 4, 5, and 9). A carbon copy of this letter is inclosed herewith.

Very respectfully,

THOS. C. HAVELL,
Assistant Commissioner.

PROTECTION, NOT RECLAMATION

It has been urged that flood-control works, including the construction of levees, would result in reclaiming the lands of the alluvial valley. There are 19,000,000 acres of lands originally subject to overflow in the valley, of which it is estimated that 13,000,000 acres are usable lands. Six million acres are dedicated to swamps and can not be cultivated. It is estimated that 7,000,000 acres are cleared. The remainder is cut-over land and backwater area. Practically all of the land that can be cultivated has been cleared. Higher levees, spillways, and diversions will not result in bringing any more land into cultivation. Before the flood of 1927 the Yazoo Basin was regarded as safe from floods. Flood control is not reclamation. Flood-control work will result in protection, not reclamation. It will restore values that have been lost as a result of inundation. The building of levees will not result in a greater revenue capacity in the lands. In the Yazoo, or upper levee district in Mississippi, there has not been a break in the levee for 30 years. The levees must be built higher and stronger to provide against a maximum flood. Lands will not be worth more, however, merely because levees are built higher.

This is a great agricultural area. It is the staple-cotton area of the United States. No more cotton per acre will be produced as a result of flood-control works.

It has been said that lands in the Yazoo Basin have increased ten times in value since the levees have been constructed. Levee construction really began in 1884. But lands have increased in value ten times over in other parts of the country since that date. They have increased in the city of Washington more than ten times in value. The levees undoubtedly contributed to the increase. They were a factor, but they were not responsible absolutely.

The forests were cleared, houses built, highways constructed, drainage systems installed, railways established, artesian wells were sunk, and malaria was eradicated. In other words, increased values followed the processes of civilization and development. Land values in the valley are affected just as they are in other agricultural regions. Prices, weather, labor, and financial conditions are reflected in land values in this region as elsewhere.

Levees are needed only during periods of floods. They are required only when the floods from other parts of the country are poured into the valley. The Yazoo Basin is from 100 to 200 feet above sea level. The floods destroy land values. Flood-control works protect life and property and thus contribute to the stabilization of the values of lands. Floods destroy not only improvements, but they fill drainage canals, injure highways, and drive people to seek homes and employment elsewhere. The loss of labor is one of the greatest damages inflicted by floods.

Flood control is not synonymous with reclamation. It is the very opposite. The lower valley was among the very earliest settlements in the country. It is said that no lands in the Atchafalaya Basin have been cleared for more than 100 years. The Yazoo Basin has already been reclaimed. With an area of more than 4,000,000 acres and with a levee front of 300 miles, it produces annually long staple cotton valued at $70,000,000. The Nation is dependent upon the valley for this type of cotton. When manufactured it is valued at more than $250,000,000. It furnishes employment to the textile mills at home and abroad and plays an import part in the balance of trade. There are outstanding bonds and mortgages in the Yazoo Basin in excess of $100,000,000. Reclamation is an accomplished fact. It has been done at the expense of the people of the Yazoo Basin. They owe to other sections of the country the unpaid costs of these developments.

The area in the valley is agricultural, and there are practically no manufacturing establishments. Our dealings are largely with other sections of the country. Mississippi is an agricultural State. Banking and commerce are carried on with Memphis, New Orleans, and New York. Business in the Yazoo Delta is reflected in other parts of the country.

The Yazoo Basin is not undeveloped. The processes of reclamation have been going on for 100 years. The people are customers in all the markets of the Nation. They have protected themselves to the very limit of their capacity. The growth, development, and progress of other parts of the country have made it impossible for the people of the lower valley to protect longer themselves without the assistance of the Nation. As long as levees were confined to certain sections of the valley the localities paid for their construction. Progress requires sacrifices. The States and local districts are unable to protect themselves against the flood waters of 31 States. The Union was formed because of the inability of the States to perform certain functions. Defense and protection, as well as the promotion of commerce, were contributing factors in the formation of the Government. The Union was formed to do that which the States and localities were unable to do.

I use the Yazoo Basin again as typical of the valley. It is not a waste or a swamp to be reclaimed. It is traversed by 1,600 miles of railways. There are 3,543 miles of electric transmission lines, 5,625 miles of telegraph lines, and 43,210 miles of telephone lines attached to poles that rest on Delta soil. These properties are owned by people of the Nation. There are more than 1,000 miles of electric lines that furnish light to our cities, towns, and villages. There are 2,457 miles of highways, and our people purchase gasoline from every oil field in the country. There are 2,988 miles of drainage canals and the bonds are owned by the investors of the Nation. There are 78 banks and 25 newspapers, 18 cotton compress warehouses, 59 incorporated towns, 23 oil mills, and 196 saw mills and other manufacturing plants in the Yazoo Basin. Protection is asked against floods that can be prevented, and for which the Yazoo Basin is not responsible. This basin is located almost wholly in the congressional district I represent.

It is said that the people located in the alluvial valley knowing that it was subject to overflow in the natural state. So people located in Belgium knowing that it was in the path of the imperial armies of Germany, but the United States gave money, lives, and much treasure that such an invasion might never again happen. Aside from the other considerations, the protection of life and property is both economic and constitutional ground for the adequate flood control of the lower Mississippi Valley.

Reclamation means creating values that do not exist; flood control means protecting values that already obtain.

ALTERNATIVE SUGGESTIONS FOR FLOOD CONTROL

It has been suggested that the levee system has failed. It has not failed; it was merely inadequate. The system when completed would have protected against the highest preceding flood. Highways are constructed and drainage systems installed upon such a basis. But the flood of 1927 has demonstrated that levees only will not suffice. They must be supplemented by other agencies. From two and a half to three millions of people dwell in the valley. They must be protected. The levees protect the lands that were devoted to floods. It is now apparent that the floods will require more lands than those between the levees.

No river has been more carefully surveyed than the Mississippi; there have been more studies on the Mississippi River than on any other stream in the country. The Government has provided for the improvement of the Mississippi River since 1824. An outlet to the Gulf was a potential factor in influencing Thomas Jefferson in the Louisiana Purchase. The Mississippi River was the key to the commerce of the West.

The Mississippi River Commission has had supervision of the Mississippi River for the improvement of its navigation and for the protection of the valley for more than 47 years. Data, surveys, and studies have been accumulated covering all phases of the problem. It is now time for action. The Chief of Engineers of the United States Army and the Mississippi River Commission have made careful studies and surveys in the light of the flood of 1927. Congress now has the reports of both the Chief of Engineers and the Mississippi River Commission covering the solution of the problem. Except as to the matter of local contribution the recommendations of both agree in the essential factors of the fundamental plan. Levees are the foundation and backbone of each plan. Spillways and diversions are a part of both plans.

Before the recommendations were made all alternative suggestions for the solution of the problem were carefully investigated. Repeated investigations have been made covering various methods of flood control. Commissions have been appointed after each record flood. The various methods have been studied in the light of each flood. The engineers of the Government know more about the problems of the Mississippi River than any other engineers of the country. Every worth-while suggestion as to an alternative for levees and diversions has been thoroughly considered.

REFORESTATION

There is a place for reforestation, but it can not be substituted for flood-control works. The greatest flood in the upper Mississippi Valley occurred in the year 1844. The forests had not been cleared at that time. If the original forests did not prevent floods man-made forests can not do better. There is a place for reforestation; it is a part of our conservation policy, but no one contends that the productive farm lands should be converted into forests.

Again, it is inevitable that turning farms to forests will not reduce the run-off. Reforestation is a step in the right direction and will be beneficial in reducing erosion, but it can not be substituted for flood-control works.

DREDGING THE CHANNEL

It is estimated that to reduce flood levels by dredging would require not only excessive but annual dredging to remove deposits of silt. The process would be entirely too expensive. To reduce the maximum stage 8 feet would require the expenditure of $80,000,000 annually. There is a grave doubt whether dredging can be carried on faster than deposits are made.

STRAIGHTENING THE CHANNEL

The Mississippi River, like other alluvial streams, pursues a meandering course. There are pronounced bends in the river. Cut-offs have been suggested as a remedy. They produce reductions in river lengths that are only temporary unless the banks above and below have been revetted. Moreover, there would be an increase in velocity that would mean caving banks. Cut-offs cause excessive bank caving. The method of straightening the channel and of adopting cut-offs to improve the channel is too unsatisfactory to warrant adoption.

CLEARING BETWEEN THE LEVEES

Clearing the banks and islands would cost about $34,000,000. The velocity would be increased. This velocity would scour under or against the levees. Scours that might cause cut-offs, until all the banks have been revetted, are undesirable. Clearing the banks is impracticable.

SIDE CHANNELS

Excavating side channels would be enormously costly. They would collect silt rapidly. Vegetation would clog them and maintenance would be very expensive. Leveeing side channels is much cheaper than excavating channels.

LEVEE SETBACKS

To move the levee line back on one side of the river for 1 mile would on the average increase the discharge capacity 75,000 second-feet, and be equivalent to something over 1 foot reduction in stage. The cost for the whole river would be $610,000,000. This method would be too expensive. It would destroy many towns. The banks of the river are the highest portions of the valley.

There should undoubtedly be setbacks and levee relocations where the width between levees is now restricted. Many bottle necks should be removed. The distance between levees or between the levee and the opposite bluff from Cairo to Baton Rouge ranges from one-half mile to 11 miles. The average width is 4½ miles. Between Baton Rouge and the Gulf the width is much less but is more uniform, being on the average about 4,000 feet.

Lake Itasca is 1,467 feet above mean Gulf level. The fall at low water to St. Paul is 782 feet in a distance of 527 miles. Between Cairo and the mouth of the Red River the low-water slope varies from 0.2 to 0.6 foot per mile, the average slope between the terminal points being 0.35 foot at extreme low water. From the mouth of the Red River to the Gulf, a distance of 309 miles, the average river slope at extreme low water is one-tenth of a foot per mile. The tidal effect obscures the actual slope in this region of the river. Levee setbacks are not practicable.

CONTOUR PLOWING

Legislation to discourage artificial drainage of lands on tributary streams and headwaters and to promote contour plowing with a view to lessening the rate and amount of run-off has been suggested for arresting headwaters at their source. It is believed, however, that the general effect on floods in the lower valley would be insignificant.

RESERVOIRS

Careful studies have been made covering the construction of reservoirs for the control of floods in the lower Mississippi. The studies show that in most cases the benefits for power or local flood control are of greater value than are benefits resulting for flood control on the lower Mississippi. In other words, reservoirs are valuable for local flood control on the headwaters, but they are not practicable for controlling the floods in the alluvial valley. Careful investigations have been made covering the matter of reservoirs; they were made after the flood of 1927, and they have been made after previous floods. The results are the same; reservoirs will not solve the problem in the alluvial valley, but further studies may show that they will solve the problem of the lower tributaries; but levees at and near the mouths of tributaries mean pumping, and pumping may be prohibitive because of costs.

The reservoir board reports that reservoirs are not economically justifiable in connection with a comprehensive plan for flood control in the Mississippi Valley at the present time. Reservoirs that would give a dependable reduction of flood height of 5.7 feet at Cairo, 6.9 at the mouth of the Arkansas, and 5.4 at the mouth of the Red River are estimated to cost $1,296,000,000. Equivalent protection can be given by levees for $250,000,000. The best reservoir project found, in addition to the reservoirs at the mouths of tributaries, for the flood control in the lower valley is a system of 11 reservoirs on the Arkansas and White Rivers, at an estimated cost of $242,000,000, and these reservoirs would have reduced the floods at Arkansas City by about 8 feet. The probability is that even these reservoirs would require the destruction of fertile lands in the valleys of the Arkansas and the White more valuable than the lands they would protect along the Mississippi River. In addition the costs of protection would be very much greater for the construction of reservoirs.

Gen. Edgar Jadwin, Chief of Engineers, estimates that in the flood of 1913, if all the water flowing past Pittsburgh on the Ohio, and all the water flowing past St. Paul on the Mississippi, and all the water flowing past Sioux City on the Missouri, had been held back by reservoirs the flood waters south of Cairo would have been reduced by only 2 per cent. Reservoirs were constructed on the Miami, one of the tributaries of the Ohio, at a cost of $15,000,000; their depreciable effect on the Cairo gauge would not exceed one-fifth of an inch.

Mr. Arthur E. Morgan, eminent engineer, says of reservoirs:

A billion dollars on the headwater streams would scarcely affect the lower Mississippi.

Again:

I believe that the construction of this system (Pittsburgh plan to construct 17 reservoirs above that city) would fail entirely to benefit the Mississippi. Except for rare cases, such as the proposed Boulder Dam on the Colorado River, where vast storage capacity is available in an unsettled country, storage for flood control and for power development are in striking conflict. Flood-control reservoirs need to be kept empty and ready for flood service, while power-development reservoirs need to be kept full to insure steady power. It is usually a great mistake to try to combine them. * * * The excessive rains which cause any single flood seldom extend over more than 20 per cent of the whole drainage area of the Mississippi River. * * * Flood control on the lower Mississippi by means of reservoirs on the headwaters in general is a delusion.

However, the rivers constitute an important part of our natural resources. They belong to the people. The potential water power on many streams is not known. Congress should make provision for careful studies on all streams of the country with a view to ascertaining the potential water power, the capacity for navigation, the necessity for flood control, and the benefit of irrigation. Flood control can not be provided for any stream or tributary until proper surveys have been made. These surveys have not been made on any tributaries of the Mississippi. They are essential before any works can be authorized. The Sixty-ninth Congress, by incorporating House Document No. 308, providing for surveys of the tributaries of the Mississippi River and other streams of the country, in the rivers and harbors act approved January 21, 1927, took a forward step in protecting the natural resources of the Nation.

The Mississippi has been surveyed. Studies have been made for 100 years. Plans have been proposed. There is general agreement as to the method of flood control. Tributaries have not been surveyed. The surveys ordered should be made immediately. Flood control is a national problem. The treatment of the tributaries of the Mississippi can not be expected until Congress has carefully considered the surveys and reports. It is the duty of Congress to see that these surveys are made promptly, so the tributaries and other streams may have the consideration they deserve.

The Reclamation Service has built a number of large irrigation reservoirs in the Missouri drainage basin. Eight of these reservoirs have a storage capacity of 1,813,500 acre-feet and were constructed at a cost of approximately $5,700,000. Investigations have been made, and the Army engineers estimate that the amount held back by these reservoirs in 1927 was equivalent to about one-sixteenth of an inch on the gauge at Cairo. It will be remembered that the flood waters of the upper Missouri do not usually reach the lower Mississippi until June. The floods in the Ohio and other tributaries come earlier. There are six reservoirs in Minnesota maintained on the headwaters of the Mississippi, and they are operated primarily for navigation and to control local floods. They were constructed at a cost of $1,322,700, and it is estimated that the operation of these reservoirs causes a reduction of slightly more than one-fifth of an inch on the gauge at Cairo.

Reservoirs on the headwaters of the tributaries are not economical and practicable for the control of the floods in the lower Mississippi Valley. More than one-third of the Mississippi Basin lies west of the one-hundredth meridian, which passes through the middle of the Dakotas, Nebraska, and Kansas. This part of the basin usually contributes less than 5 per cent of the water of the floods in the Mississippi. By contrast, the Ohio, which is generally the foundation of every great

flood in the Mississippi River, drains 17 per cent of the Mississippi Basin, and usually contributes 50 per cent of its floods. These are the careful estimates of the engineers of the Army.

OUTLETS

Since levees only can not be relied on to solve the problem of flood control, other methods must be adopted. Spillways and outlets have heretofore been opposed because of their effect on the discharge capacity of the river. However, before the levees were built water spilled gradually over the banks in every flood. Water was diverted through the natural outlets at Cape Girardeau and Cypress Creek.

There is no evidence to show that the regimen of the river was injuriously affected. Levees must be supplemented by spillways and diversions. The combination of the two will solve the problem. There is a proper place for reservoirs, for local flood control, power, and irrigation. Reforestation should be encouraged and developed. Soil erosion should be prevented. But, in the meantime, floods in the lower Mississippi Valley should be controlled, and according to the best posted and best informed engineers in the United States the backbone of the control consists of levees, supplemented by spillways and diversion.

TENSAS AND ATCHAFALAYA DIVERSIONS

Cypress Creek, at the head of Bayou Boeuf, was closed in 1921. Before it was closed the Mississippi flood water above a stage of 53 feet on the Arkansas City gauge overflowed through Cypress Creek down the valley of Bayou Boeuf and Bayou Macon and discharged into the Red River, through the Tensas and Ouachita Rivers, and thus a natural diversion was provided. Both the Chief of Engineers and the Mississippi River Commission agree that this diversion must be reopened. It was a monumental error to close Cypress Creek. It was a natural outlet.

It traverses the lowest ground for spilling the waters of the Mississippi River. As a part of any flood-control scheme it should be reopened and just compensation made by the Government to the people who have improvel lands as a result of Cypress Creek being closed. All the engineers in the employment of the Government recommend the Cypress Creek diversion. The chairman and one member of the Mississippi River Commission state that they would like to investigate the matter of reservoirs along the Arkansas and the White. Both join in the recommendation for the Cypress Creek diversion, and the substance of their testimony is that this diversion must be considered a part of any comprehensive flood-control plan.

There is no disagreement about the enlargement of the diversion through the Atchafalaya. All engineers agree that at least 600,000 cubic feet should be diverted through the Cypress Creek outlet and 900,000 cubic feet through Atchafalaya. The Government should bear the expense incident to the diversions. This is the time to make them. Delay means additional costs and further improvements. It is estimated that only about 10 per cent of the Atchafalaya flood way is cultivated. The figures show that approximately 25 per cent of the proposed Tensas flood way is now cultivated. The remainder is swamp, timber, and cut-over lands. Eminent engineers have testified that a diversion can be made through Cape Girardeau, through the natural outlet formerly provided for the overflow waters of the Mississippi into the St. Francis Basin. It is maintained that a diversion here would protect Cairo. It may come. The engineers say that for the present the problem can be solved more economically by an enlarged channel between Cairo and New Madrid or by higher levees. This enlarged channel is really the adoption of the diversion system to supplement the levee system.

NAVIGATION

The Mississippi River is the greatest navigable river, not only in the United States but in the world. For practically the first 40 years of its existence the energies of the Mississippi River Commission were devoted, as directed by Congress, to the improvement of the Mississippi River for navigation. The census of 1889 gives us the first accurate statistics as to navigation on the Mississippi and its tributaries. The river traffic during this period was enormous. Freight and passenger boats were at the high tide of their prosperity. This census gives the total commerce of the Mississippi River and its tributaries in 1889 as 28,000,000 tons. Railway construction had been begun in the early eighties in the lower Mississippi Valley, and for a time the boats very largely disappeared from the river.

There have been improvements in steamboats as there have been in railways. The old side-wheel steamer has been superseded by the boat with the modern Diesel engine and a light draft. The total commerce in 1926 on the Mississippi River and its tributaries was 57,000,000 tons, or more than twice as much as in 1889. The operations of the Inland Waterway Corporation have emphasized the importance of the Mississippi as a navigable stream. It is estimated that this corporation transported 5,000,000 tons on the river in 1920, and the tonnage had increased to 17,500,000 tons annually on June 21, 1927.

Both the Chief of Engineers and the Mississippi River Commission maintain that levees and bank revetment are essential to the improvement of the navigation of the Mississippi. Caving banks occur in the bends of the river and on the concave side of the river. The caving of banks produces a large part of the material that forms the bars to obstruct navigation. The levees confine the waters and promote navigation. Revetment protects both the levees and the caving banks.

The Mississippi River Commission estimates that there are about 500 additional miles of banks that need to be revetted, making about 630 miles of revetment. The Chief of Engineers places the mileage at something less than this figure. The Mississippi River Commission estimates that bank stabilization will cost about $150,000,000. The Chief of Engineers figures $110,000,000. Both agree that no system of flood control or navigation improvement works can be effective or secure without stabilization of river banks. Dredging will be diminished by revetment and levees will be protected.

Caving banks do not occur extensively below the mouth of Old River. They are confined to the concave banks, and generally occur between the mouth of Red River and Cairo. With practical unanimity, all engineers agree that levees and revetment are essential for flood control and navigation. It is important, therefore, that flood-control legislation should make provision for bank revetment as well as for levees, spillways, and diversions.

FLOOD CONTROL ACTS

The first flood control act was passed on March 1, 1917, and authorized an appropriation of $45,000,000 for flood control and river improvement. Prior to that time the appropriations by Congress had been made principally to protect navigation. As shown by the report of the Mississippi River Commission, dated November 28, 1927, printed as committee Document No. 1, Seventieth Congress, first session, the appropriations for the Mississippi River from 1879 to 1916 aggregated $82,965,610.68. The first flood control act was passed just one month before the entrance of the United States into the World War. Congress was compelled to reduce the annual appropriation. The work extended over seven years instead of five. As shown by the report of the Committee on Flood Control, published as Report 1420, Sixty-seventh Congress, fourth session, the commission expended $4,000,000 a year for works other than levees, instead of $3,000,000, so that $28,000,000, instead of $15,000,000, was allotted to work other than flood control. Under the first flood control act, therefore, only $17,000,000, instead of $30,000,000, were devoted to levees.

As shown by the report of the Mississippi River Commission, under the second flood control act, approved March 4, 1923, Congress has appropriated $40,000,000 of the $60,000,000 authorized and the testimony of Col. C. L. Potter, president of the commission, shows that only about $13,000,000 of this amount has been devoted to the construction of levees, the remainder being used for navigation improvement.

As shown by the report of the Mississippi River Commission, dated November 27, 1927, and as shown by the report of the Chief of Engineers, printed as House Document No. 90, Seventieth Congress, first session, the Federal Government expended for levees from 1882 to December 31, 1926, $71,089,993.58. Under the first and second flood control acts the local interests contributed one-third of the costs of levees and provided the rights of way, and during this period their contributions amounted to $15,058,280.20. Levee construction from 1882 to 1927 was largely done by the local interests and during this period, as shown by the report of the Mississippi River Commission and the Chief of Engineers, the local interests expended for levee construction $151,953,175.25. As shown by page 27 of the commission report the Government has expended between 1881 and 1927 $61,000,000 for revetment, and the local interests have contributed over $3,000,000 for revetment. There have, therefore, been spent by both the Government and the local interests for levees and revetment since 1882 approximately $300,000,000, of which amount only $71,000,000 for levee construction has been contributed by the Government, the local interests during the same period having contributed $167,000,000.

Moreover, as shown by the report of the Chief of Engineers on page 13, local interests expended in the construction of levees prior to 1879 over $125,000,000. The second flood control act authorized an appropriation of $60,000,000. At the time of the flood of 1927 $40,000,000 had been appropriated. It was estimated that the levees along the main river, under the second flood control act, would be brought up to the 1914 grade and section. They were incomplete, therefore, at the time of the 1927 flood.

FLOOD OF 1927

A notable flood occurred in 1828, when the lower valley was generally overflowed. There was a great flood in 1844, when the Yazoo Basin was flooded. This flood was the highest ever known above the mouth of the Ohio. There were great floods in 1849, 1850, 1858, and 1862.

The flood of 1882 was the greatest south of Cairo. Two hundred and eighty-four crevasses occurred on the Mississippi River. In 1883 there were 224 crevasses, for the flood of 1882 was followed by two successive and excessive floods in 1883 and 1884. There were also great floods in 1890, 1893, 1897, 1903. The flood of 1912 exceeded all previous records south of Cairo, and prior to 1927 was the greatest flood in the lower valley. There were great floods in 1913, 1916, and 1922.

The rainfall that caused the flood of 1927 was excessive throughout the valley. There had been heavy rains all along the Tennessee and the Cumberland Rivers in the fall of 1926. Heavy rains continued from January until April. The central and lower valley were drowned by rains from the Gulf winds passing north over northwestern Arkansas, southern Missouri, Tennessee, Mississippi, and Louisiana. The rainfall in eastern Oklahoma, western Arkansas, and southern Missouri was unprecedented. It is estimated that the discharge of the Arkansas River at Little Rock was 813,000 cubic feet per second, the highest on record. Meantime, along the headwaters of the main tributaries there was a normal precipitation.

ENORMOUS DAMAGES BY FLOOD OF 1927

The flood of 1927 was the greatest ever recorded in the lower Mississippi Valley. According to the Department of Agriculture about 11,000,000 acres, of which 4,400,000 acres were crop lands, were inundated in the lower Mississippi Valley in the flood of 1927. There is a great misconception as to soil deposits following overflows. Prior to the construction of levees and the clearing of land there was a deposit of silt that enriched the soil. The cane and timber impeded the currents that caused the deposits, but as the country was cleared and the levees were constructed, mere overflows became floods when the levees broke. The currents were increased and there was no cane or timber to slacken these currents. Deposits now obtain only in the timber places or in the lee of ridges or other obstructions. It may be safely said that for every inch of deposit left in the alluvial valley 3 inches of top soil were eroded from other lands. Moreover, the deposits now fill the drainage ditches and canals, where the eddying action of currents causes precipitation. Instead of the soil being enriched the soil is practically destroyed by deposits of sand where crevasses occur. Floods leave no deposits of value.

There were 17 breaks in the main levee of the Mississippi River and 209 on the tributary levees in 1927. The Red Cross estimates loss of life at 245, and the Mississippi River Flood Control Association gives the losses and damages resulting from the flood of 1927 at $236,334,414.06. The Red Cross expended more than $17,000,000 and Army supplies valued at $7,000,000 were furnished. The Red Cross reports that 607,000 people were fed and cared for by this great organization. It is estimated that at least 700,000 people were driven from their homes.

The greatest break that ever occurred on the Mississippi River happened at Mounds Landing on April 21, 1927, at 7.30 o'clock in the morning. The gauge then stood at 60.5 at Arkansas City. The break occurred following a heavy rain and high wind the night before, with a rise of 1.1 for the previous 24 hours. Within two hours after the levee broke the break was a quarter of a mile wide, and by noon it was a half mile wide, and finally it grew to the width of 3,300 feet. It overflowed 316 miles of railway track, and flooded the cities of Greenville, Leland, Hollandale, Belzoni, Silver City, Rolling Fork, and a large number of smaller towns. According to the Bureau of Agricultural Economics, 735,000 acres of crop land were flooded, thousands of people were made homeless, 7,300 mules and horses, 8,920 cattle, and 22,300 hogs, and 260,000 poultry were destroyed in the Yazoo Basin. It is estimated that 550,000 acres of land overflowed in 1927 were planted to cotton in 1926. The floods did not subside until about the middle of August, and for the first time in the history of the Mississippi Valley no crops of any value were produced in the overflow section of the Yazoo Basin. Not more than 10 per cent of the overflow area was planted to cotton in 1927. The break at Mounds Landing was finally closed about December 1, 1927, and crops were impossible because of a June rise in the Mississippi River that caused the receding waters to rise again.

The Mississippi River Flood Control Association estimates the damage in the State of Mississippi at $45,931,294. While the Red Cross gives the aggregate loss of life at 245 in the valley, it is conservatively estimated that there were 200 lives lost in the Yazoo Basin alone. After the overflow, many human skeletons were found.

Numerous deaths were unreported. Negroes constitute the principal labor supply. A farm without labor is a liability. Many refused to return to the farms after the waters receded, and it will be many years before their places are taken. The loss of labor is sometimes overlooked in estimating damage resulting from floods, but it very materially reduces the value of lands in the overflow section. The largest county in the flooded area probably lost one-third of its population.

In addition to the crop lands that were overflowed, it is estimated that about 1,000,000 acres of cut-over and timberlands were inundated in the Yazoo Basin.

It is unfortunate that the water levels in the backwater areas along the lower Yazoo and Sunflower Rivers have steadily increased in recent years. The river gauge at Vicksburg in 1927 reached the unprecedented height of 58.7 feet, as against 48.7 feet in 1882. The lands in the lower Yazoo Basin are taxed for levee purposes. Lands in other backwater areas in the valley are not taxed. In justice to these areas, if flood protection is not given to the backwater areas they should be relieved of further taxes for levee construction.

The Assistant Chief of Engineers of the United States Army reports that the damages from the flood of 1927 are variously estimated from $236,334,000 to $284,118,000. It is certain that they exceed the aggregate of the estimated damages for all previous floods. For the years 1882, 1883, 1893, and 1897 there are no recorded estimates of the flood losses and damages. The territory was not then so densely populated, and there was less land in cultivation. In 1907 the damages were small and no estimates are available. The estimated damages for floods of the following years are: 1903, $40,000,000; 1912, $78,188,000; 1913, $12,213,000; 1916, $5,533,000; 1920, $7,088,000; 1922, $17,088,000.

Secretary of Commerce Hoover, who represented the President of the United States during the 1927 flood in the overflow area observed:

> It is not incompatible with national economy to prevent $10 of economic loss by the expenditure of $1 of Federal money.

Only adequate flood control at the Federal expense can protect the lives and property in the lower Mississippi Valley.

LOCAL CONTRIBUTION

We have already pointed out that the local districts have contributed $167,000,000 since 1882, while the Federal Government has appropriated only $71,000,000 to the construction of levees. The local interests expended, prior to 1882, $125,000,000. The Army engineers estimate that the levees now standing along the Mississippi River have a replacement value of $115,000,000. It is shown by the engineers that $100,000,000 of the $229,000,000 spent for levees since 1882 were lost through caving banks. It is estimated that approximately 1,000,000,000 cubic yards of earth cave into the Mississippi River annually. Every engineer and every well-informed layman on the river agrees that bank stabilization is absolutely necessary to the protection of the levees as well as necessary to stabilization for navigation. All agree that the costs of bank revetment should be borne by the Government.

The flood-control act approved March 1, 1917, required the engineers to give their opinion, in considering all works and projects for flood control, as to what share, if any, should be borne by the United States. Gen. Edgar Jadwin, Chief of Engineers, recommended that 20 per cent be borne by the local interests, and that these interests furnish the rights of way for levees along the main river and rights of way and flowage rights for diversions and spillways. The President concurred in the recommendation of 20 per cent. The hearings develop that neither the President nor General Jadwin now insist upon the figure of 20 per cent. The President and many other friends of flood control believe that the local interests should contribute. They want the principle retained. They are afraid that a precedent of construction of works entirely at Federal expense established for the lower valley might be used for other streams. A careful analysis and a consideration of past expenditures show that under the Jadwin plan the local interests would contribute 49 per cent, while the Government would only contribute 51 per cent. The local interests under the Jadwin plan would be expected to furnish the flowage rights through the Tensas and Atchafalaya Basins, at a cost estimated by the Mississippi River Commission at $91,000,000.

In addition to the 49 per cent, the local interests under the Jadwin plan would furnish rights of way along the main river for levee relocations and enlargements that would cost $1,168,420 in the Yazoo Basin. The local interests would provide, according to the estimate of the Mississippi River Commission,

under the Jadwin plan for flood ways, $104,000,000. When past expenditures are considered, and if the project is constructed under the Jadwin plan, the local interests will have an investment of 67 per cent, as against 33 per cent investment by the Government. These percentages are arrived at as follows:

Local interests, under Jadwin plan (p. 11, par. 41)	$37,440,000
Local expenditures to date	295,000,000
Deficit for flood way	104,000,000
Total expenditures for local interests (67 per cent of the total)	436,440,000
Federal Government, under Jadwin plan (p. 11, par. 41)	147,960,000
Government levee expenses to date	71,000,000
Total expense of the Government (33 per cent of the total expense)	218,960,000

The report of the Mississippi River Flood Control Association shows that there are outstanding levee bonds by the levee districts of the lower Mississippi Valley aggregating $43,805,451.27. These bonds mature over a period of years. The local interests will do well to liquidate these bonds as they mature.

The Mississippi River Commission recommends that the Government bear substantially all the costs for flood-control works. They believe that the principle of local interest should be retained; that the levee districts should furnish the rights of way and furnish one-third the costs of maintenance of the levees.

The commission insists that inasmuch as the Government is to expend millions of dollars in construction of levees it would be unwise to turn these levees over to any other interests for maintenance. They believe that there should be local cooperation. They suggest that the local interests pay one-third the cost of maintenance.

The commission recalls that the local contribution by the flood control act of 1917 was limited to the 1914 standard grade and section. It believes that the local interests should continue to contribute where the levees have not been brought up to the 1914 standard. It believes that the enlargement of the levees in excess of the 1914 standard grade and section and the costs of new levees should be assumed by the United States. The Government should bear the costs of relocating levees. The commission recommends that bank revetment continue to be done at Federal expense. Both the commission and the Chief of Engineers recommend that the title to the levees shall remain in the local districts.

If the recommendation of the commission as to local contributions is adopted, it means that the local interests in the third Mississippi River district, which includes the levees on both sides of the river in front of the Yazoo Basin, would contribute to the building of the levees along the main river approximately $1,649,333 to complete the levees along the main river to 1914 grade. The two districts in the Yazoo Basin would contribute below Brunswick $598,661 and the Mississippi district above Brunswick $266,667.

If the Federal Government will not assume the entire burden, it is believed that the recommendation of the Mississippi River Commission should be adopted. Under either the commission or Jadwin plan the total costs of adequate flood control will aggregate about $500,000,000.

However, the local interests have borne their part. The hearings before the Flood Control Committee have shown conclusively that many districts are unable to contribute further. The proposed legislation should authorize construction by the Government without local contribution in these cases. Formerly, the landowners could afford local contribution.

The levees were low. The territory was sparsely settled. It is now covered with cities, highways, and improved plantations. The demand for flood-control works is in the interest of the whole Nation. Two centuries ago the levees in front of New Orleans were 4 feet high; they were ample to protect the city from overflow. To-day, between the Gulf and the mouth of the Red River the levees are above the roofs of houses. They have proved inadequate to contain the floods that are poured down between them from the north, the east, and the west. In Louisiana not a drop of water enters the Mississippi River from where the Red River enters the Mississippi to the Gulf of Mexico, a distance of 300 miles. All the rainfall in Louisiana, Arkansas, and Mississippi could have been carried safely to the Gulf for a small part of the money these States have spent in levee construction, but the floods from the Rockies, the Alleghenies, and the Great Lakes have swept down periodically, have swollen the current, broken the levees, and carried death and destruction in their wake. The States of the lower valley have already spent more than enough money to protect themselves from floods that originate in their territory. They have done their part and more in defraying the costs of flood protection. Whatever amount the lower-valley districts contribute in the future will be extracted from those who have suffered staggering losses of hundreds of millions of dollars during the year 1927. It is not fair, it is not possible for the States of the lower valley to care not only for their own floods but also the floods of western Pennsylvania, Illinois, Nebraska, New Mexico, and of 27 other States as well. On an average of every five years since 1882 the levees have been broken and the waters from 41 per cent of the area of the Union have ravaged the towns and plantations of Louisiana, Arkansas, and Mississippi.

The leading statesmen and the conspicuous business leaders and organizations of the Nation have said that flood control is a national problem, and that it is an injustice for the States of the lower valley to combat the flood waters of almost half the continent. The heart of the Nation has been stirred and it is the universal sentiment of the country that the flood menace of the lower valley should be ended for once and for all. Every time there has been a flood the Nation has been quick to sympathize, and has responded generously with immediate relief, and Congress, when the waters receded, almost forgot. In the light of the flood of 1927 we must not now forget; for to forget is to neglect, and to neglect is to cause an even greater tragedy than the flood of 1927.

The local benefits are incidental. All public works result in private benefit. Communities benefit by the construction of Army posts, streets, highways, and shipyards. The harbors of New York, Boston, and Philadelphia are maintained at Federal expense.

Loss to the overflow areas is not a conclusive factor. The Mississippi River belongs to the Nation. The commercial life of the country is endangered by floods. Commerce is interrupted and the economic loss falls on all citizens.

It is an injustice to protect the heart of the country by requiring the local interests to bear the greater part of the burden. It is just as wrong as it would be to place the protection of our national boundary lines upon the boundary and coast States. It is just as fallacious as it would be to ask local districts to construct locks and dams in the rivers. Levees protect, but they do not reclaim. The removal of snags promotes navigation, but it does not create commerce. Both afford the opportunity for increase in values. The lands must be cleared; they must be cultivated and improved.

Moreover, local contribution results in divided responsibility. The entire project can not be permitted to lag because of the inability of certain districts to contribute. The break at Knowlton and at Laconia Circle in 1927 resulted from the inability of local districts to pay, and flooded the States of Louisiana and Arkansas. The Federal Government can only have the final word in the construction and maintenance of the levees when it assumes the full cost. The assumption of the entire burden will result in economy in the long run.

EMINENT DOMAIN

The Government has not, but by statute should have the right to eminent domain to acquire rights of way for levees and flowage rights for spillways and diversions. It has the power of eminent domain as a part of the exercise of its inherent sovereignty. The question of necessity for taking is not a judicial question but a legislative one. The right of eminent domain does not rest upon a constitutional enactment, but it is an incident to sovereignty. Some have objected because they believe that the Government will be required to pay excessive costs for flowage rights through the Tensas and Atchafalaya Basins, which will be about 7 to 14 miles in width and will probably require 2,000,000 acres of land. The agency of the Government charged with the execution of the works should be given the right of eminent domain, so that the proper rights may be acquired in the event they are not furnished by the local interests. Moreover, the Government should be protected and provision should be made for the exercise of the right of eminent domain, so that just compensation to owners of property may be fixed by commissioners in the district courts of the United States without the intervention of a jury. The practice of ascertaining just compensation by juries did not obtain in England and America at the time of the adoption of the Constitution, and the Supreme Court of the United States has held that just compensation can be estimated by commissioners of the court without a jury. (Bauman *v.* Ross, 167 U. S. 548; Backus *v.* First Street Union Depot Co., 169 U. S. 557.)

It has been suggested that the consent of the States would have to be obtained before diversion channels could be constructed in aid of navigation and flood control. This is not at all necessary. If the United States has the right to provide for flood control and navigation works it may acquire any property necessary, with or without the concurrent acts of the States in

which the land is situated. (Van Brocklin *v.* Tennessee, 117 U. S. 154.)

Congress can not delegate its legislative function; but having laid down the general rules of action under which a commission or agency may proceed, it may require of the commission the application of such rules to particular situations with a view to making decisions in particular matters within the rules laid down by Congress. (Union Bridge Co. *v.* United States, 204 U. S. 364; Monongahela Bridge Co. *v.* United States, 216 U. S. 177; Hamilton Bridge Co. *v.* United States, 221 U. S. 194; Interstate Commerce Commission *v.* Goodrich Transit Co., 224 U. S. 194.) Congress may appoint an agency to enforce the rules that it lays down and to execute the works for which it provides.

It is unnecessary to cite any authority to support the power of Congress over navigation, for the power is derived from the commerce clause of the Constitution, and has been exercised for so long that it is known and understood by all. (Pennsylvania *v.* Wheeling Bridge Co., 18 How. 421.)

Congress undoubtedly has the power and authority to provide for the construction of levees and other works under the commerce clause of the Constitution in the aid of navigation and under the power to establish post roads and for the common defense. Under Article I, section 8, clause 1, of the Constitution, which provides for the levying of taxes for the common defense and general welfare of the United States, Congress has the power to appropriate money for any purpose which in its judgment is for the general welfare. There is a difference between the constitutional power to appropriate and the constitutional power to regulate and control.

The power to enact flood control legislation involves not only the power to appropriate money, but to establish and construct works without let or hindrance from any person or State. The power to legislate for the control of floods is not given specifically to Congress, but it exists under Article I, section 8, clause 18, of the Constitution under the power of Congress to make

> all laws which shall be necessary and proper for carrying into execution the foregoing powers.

If the end be legitimate, if it be within the scope of the Constitution, all means that are appropriate and plainly adapted to that end, that are not prohibited, are constitutional. (McCulloch *v.* Maryland, 4 Wheat. 316.)

The Supreme Court of the United States upheld the provisions of an act to deport alien anarchists as constitutional, as a part of its sovereignty as well as under the commerce clause. (U. S. *v.* Williams, 194 U. S. 279.)

The court held in the case of the United States *v.* Gettysburg (160 U. S. 168) that the preservation of the battle field of Gettysburg was within the power of Congress. Other cases might be cited, but these are suggested to show the scope and meaning of the words "necessary and proper" as construed by the court of last resort.

The power to do whatever is necessary to guard against the effects of damaging floods which may delay and destroy interstate commerce may be fairly deducted from the power to regulate commerce with foreign nations and among the several States, granted in Article I, section 8, clause 3, of the Constitution, also from the power to establish post roads and post offices, found in the 7th clause of the same section.

The war power is also important, though in times of peace it may not be so clear. We are not confined to any of the expressed powers in ascertaining the source of implied powers. We may resort to any or all of them. The commerce and post roads provisions, however, have a definite application, for under the commerce clause Congress has power to enact all appropriate legislation and to promote its growth and insure its safety. (Houston *v.* U. S., 234 U. S. 342.)

The construction of transcontinental railroads was in aid of commerce, and franchises and grants of land for this purpose were upheld by the Supreme Court. (Pacific Railroad Removal Cases, 115 U. S. 1.) During the World War the entire transportation system of the country was taken over and operated by the Government as a war measure. The transportation act of 1920 recognized the national theory of commerce, and it is an act which has been upheld by the Supreme Court of the United States. (Wisconsin *v.* C., B. & Q. R. R. Co., 257 U. S. 562; Dayton-Goose Creek Railway Co. *v.* U. S., 263 U. S., 456.) The step to a national flood control act from this act is short and easy.

The constitutional powers have kept pace with the new agencies brought into use by the increasing demands of commerce, wealth, and population. Necessity has revealed the power; it may not have created it.

The following conclusions are supported:

First. Flood-control work is a proper function of the Federal Government and Congress is the sole judge of the circumstances under which appropriations may be made.

Second. The power of Congress is not limited to navigation, or to cases that are incident thereto, but may be predicated upon the basis of aid to commerce and the destruction, injury, or impairment of the agencies engaged in commerce.

Third. The commerce clause is not the only constitutional basis for flood control, though perhaps the clearest. The power to establish post roads, to provide for the common defense, to declare war, as well as other powers, all have the effect of showing that flood control is within the scope and purpose of the Constitution.

NEITHER THE GOVERNMENT, STATES, NOR LEVEE DISTRICTS LIABLE FOR DAMAGES

There can be no claim on the part of the States against the Government for the construction of flood-control works. Any claim for damages must be a claim by the individual damaged. The courts of the United States and the State of Mississippi have held that there is no such claim resulting either from the control of the flood waters of the river or from the ineffective efforts to control such flood waters. There is no remedy in tort for such damage. (Keokuk Bridge Co. *v.* U. S., 260 U. S. 125.)

Riparian ownership is subject to the obligation to suffer the consequences of the improvement of navigation in the exercise of Government rights in that regard. Moreover, damages resulting from the prosecution of works on a navigable stream for the public good are not a taking of property but are merely incidental to the exercise of a servitude, to which it is always subject. (Gibson *v.* U. S., 166 U. S. 271; Bedford *v.* U. S., 192 U. S. 233; Jackson *v.* U. S., 230 U. S. 1; Hughes *v.* U. S., 230 U. S. 24.) These last two cases originated in Louisiana and Mississippi; the one involved damages to riparian owners along the bluff on the east side of the Mississippi, and the other damages to owners because of the construction of levees in the alluvial Yazoo Basin. The Supreme Court of the United States held that there was no liability in either case.

The overflows of the Mississippi River justify the construction of levees for the purpose of preventing destruction to the valley of the river, and the owners of land fronting on the river have no right to complain because of the building of levees along the river, causing overflow of their land. (Cubbins *v.* Miss. River Commission, 241 U. S. 351.) There is no liability against the United States for the improvement of a navigable stream in the aid of commerce where no property or land is actually taken. (Sanguinetti *v.* U. S., 264 U. S. 146.) Flood control legislation should provide for the construction of works so that no damages can be asserted against the Government. Levees would never have been built if the districts had been liable for resulting damages to landowners, for the improvements were for the general public benefit.

TWO PLANS

Extensive studies and investigations have been made by the Government to solve the problem of the flood control of the Mississippi River. In 1822 Bernard and Totten, Army engineers, submitted a report after extensive study. Humphreys and Abbott, Army engineers, made an elaborate report in 1861. Studies have been made in the light of previous floods. Congress has appointed many commissions. The Warren commission in 1875, the Burrows committee in 1883, and the Nelson committee in 1898 submitted reports. President Wilson, after the flood of 1913, ordered a full investigation for more efficient methods for flood control.

The Mississippi River Commission had provided for the greatest flood that had occurred prior to 1927. Levees with a 3-foot freeboard and up to what is known as the 1914 grade and section were adopted. When the flood of 1927 was at its height the Chief of Engineers, at the direction of the President, and with the approval of the Secretary of War, requested the Mississippi River Commission to revise its plans to provide a reasonable factor of safety for any probable flood.

Accordingly, on November 28, 1927, the Mississippi River Commission submitted a report, published as Flood Control Committee Document No. 1, Seventieth Congress, first session, and this report is hereafter referred to as the commission report. Maj. Gen. Edgar Jadwin, Chief of Engineers, also submitted a report, herein referred to as the Jadwin report, which was transmitted to Congress on December 8, 1927, and printed as House Document No. 90, Seventieth Congress, first session.

The commission report contains a tentative program at an estimated cost of $407,500,000, intended to protect against a flood equal to that of 1927, and a comprehensive project estimated at $775,000,000, intended to protect against a flood 25 per cent in excess of the 1927 flood.

The Jadwin report contains a project estimated to cost $296,000,000, and it provides for a maximum predicted flood and for future expansion to meet changing conditions.

The Jadwin report suggests a local contribution of 20 per cent, amounting to $36,840,000, while the commission report suggests a local contribution to bring the levees on the tributaries and on the main river to the 1914 grade and section. The contributions on the main river, under the commission plan, from Rock Island to the Gulf, would amount to $6,785,137, and on the tributaries the amount would be $8,662,220. The total cost for levees on the tributaries under the tentative plan would aggregate $53,370,890, while under the comprehensive plan it would aggregate $71,754,570. The principal contributions on the main river to bring the levees to the 1914 grade would be between Cairo and Rock Island. The Jadwin plan contemplates raising the levees to Cape Girardeau, but does not provide for additional work on the levees between Cape Girardeau and Rock Island. The local contributions on the main river in the third Mississippi River district, which includes the entire Yazoo front, and the levees on the Arkansas and Louisiana side, between White River and Warrenton, aggregate $1,649,333. We have already given the contributions for the two Mississippi River districts to the 1914 grade.

The main engineering features of the two plans are substantially the same. Both plans provide for raising, strengthening, and enlarging the levees from Cape Girardeau to Head of Passes. Both plans provide for diversions and spillways. Under the commission plan the local interests will furnish rights of way for levees only on the main river, in addition to contributions to the 1914 grade. Under the Jadwin plan the local interests would furnish rights of way for levees on the main river, flowage rights for diversions and spillways, and rights of way for levees for diversions and spillways, in addition to contributing 20 per cent of the cost thereof. The local interests would also be required to maintain all levees under the Jadwin plan, while under the commission plan they would contribute one-third the cost of maintenance. The great difference in the estimates of costs is as to the flowage rights through Cypress Creek and the Atchafalaya diversions. Both plans provide for revetment; the commission recommends $150,000,000, and the Chief of Engineers recommends $110,000,000. The Jadwin plan makes no provision for the construction of levees along the tributaries. It recommends further studies with a view to flood control, power development, and navigation. Reservoirs on the tributaries may prove valuable for these purposes, and particularly in the control of the floods on the tributaries. The commission plan includes an estimate of $73,000,000 for levees on the tributaries. It is believed that local interests will be unable to contribute for some time to levees to the 1914 grade in the lower tributaries, for pumping will be required.

A fatal objection to the Jadwin plan is that it recommends that the States or districts agree to hold or save the United States free from all damages resulting from the construction of the project. It would be impossible for the States to do this. Moreover, the States as such have never constructed levees; the districts along the river have built the levees. The Yazoo Basin is but one-eighth of the area of Mississippi. Again, levees have been built on the theory that the public interest required that they be constructed without any damage or liability except for rights of way actually taken. The maintenance of this principle is essential to flood control. This feature of the Jadwin plan would make impossible the protection of the lower valley.

It has been suggested that neither plan makes provision for levees or for payment of damages to riparian owners on the east bank of the river. Levees have resulted in raising the flood levels. The areas in Tennessee along the bluffs aggregate approximately 260,000 acres, about 30 per cent of which is in cultivation, and the area in Mississippi from Vicksburg to Fort Adams is about 140,000 acres, of which about 10 per cent is in cultivation. The remaining portions of these areas are swamp and overflow lands. It is well to keep in mind that while the flood heights have been raised, they have also been raised in the same proportion along the lower tributaries of the Yazoo River and of the Arkansas and White Rivers. Each of these areas, as before stated, is approximately 768,000 acres. If the owners along the bluffs are to be compensated, surely the owners along the lower reaches of the tributaries should also be compensated, for more lands and more productive and valuable lands have been inundated in these backwater areas than along the bluffs by the levee system. In addition, large areas lie between the levees and the river with higher water levels, but no damages are allowed in Mississippi. Lands in Mississippi between the levees and the river are merely exempt from levee taxes.

ECONOMIC SURVEY

Extensive hearings have been conducted by the Flood Control Committee of the House and by the Commerce Committee of the Senate. It has been demonstrated beyond question that the local interests are unable to pay 20 per cent of the costs under either plan. The hearings disclosed accurate testimony as to the values, products, and ability of the local interests to pay. The committees of Congress have visited the devastated areas. Studies and surveys have been made on the lower Mississippi before and since the organization of the commission in 1879. The commission has been in close contact with the people. It is the representative of the Government. It is familiar with the ability of the local interests to make further contributions. The studies embrace both the economic and the engineering features. The universal verdict is that the local interests have borne their part.

Evidently the President and the Chief of Engineers recognize that the contribution of 20 per cent is untenable. They now suggest an economic survey. This begs the question. The responsibility is on Congress. No commission to make an economic survey can obtain better and more reliable and adequate facts than the two committees of Congress have acquired. It is for Congress to decide. Too many abdications by Congress in favor of commissions have already been made. Congress has been studying the problem for almost a year. A commission means further delay. Delay is dangerous. It may mean another flood; it may mean vastly more destruction and tragedy.

It is the duty of the committees of Congress to obtain full information. Congress can not straddle the question; it can not dodge. These committees have heard the evidence. They have gone further than the commission appointed to negotiate a settlement of the foreign debts of the Allies to the United States resulting from the World War. Congress determined the ability and capacity of its debtors to pay from the investigations of the Debt Funding Commission. This commission did not go to Europe and make an economic survey to determine the ability of the Allies to pay. Why should a different method be used to determine the capacity of our people, bone of our bone and flesh of our flesh, to pay?

NATIONAL RESPONSIBILITY

The States and local districts are no longer able to protect themselves against the floods of 31 States of the Union. They have staked their all in improving the alluvial valley and in issuing bonds for the construction of levees to provide against the highest waters that might reasonably have heretofore been expected. Levees have only failed because they were inadequate. As long as the country was sparsely settled and developed the local interests neither asked nor expected aid, but now the country has grown and developed. The burdens from overflows have increased. Progress means sacrifice. The great Middle West has been cleared and is being cultivated. Millions of acres in the lower valley have been made productive. The problem has outgrown the local interests, but it can be solved. The engineering is simple but the task is gigantic. It requires money. There must be a central authority; there must be unity of action. The river must be supplemented, the levees must be aided. Another feature of safety must be added to the levees. Spillways and diversions must furnish the additional safeguard. Further study should be made as to reservoirs.

It is impossible for us to have our cake and eat it. Spillways and diversions must be constructed in those districts where the greatest good will result to the greatest number. The interests of the valley outweigh the claims of any one district. Only the National Government can be the final arbiter in the adoption and execution of a plan that will promote the interests not only of the entire lower valley, but of the Nation as well.

The magnitude of the problem, the vast areas involved, differentiate the Mississippi from all other water courses on the continent. The treatment of the lower Mississippi will not be a precedent for future action. The national character of flood control in the lower Mississippi River has been emphasized by the greatest flood in the history of America. It has been so strongly established that it can never again be questioned. The devastation and destruction wrought by the mighty floods in the lower Mississippi Valley are comparable only to war. The destruction and devastation are really worse than war, and the need has been emphasized by the sacrifices in lives and property in the flood of 1927. Too long have the people of the lower valley suffered; too long have they paid for the privilege of being overflowed annually and of being subjected to bankruptcy periodically. The great flood of 1927 must not be repeated. Congress must provide for the adoption of a plan and for the appropriation of funds to solve the problem once and for all. The united view of the country is that the control of the

floods of the lower Mississippi is the responsibility of the National Government.

LIEUT. CHRISTIAN F. SCHILT

Mr. MAAS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the awarding of a medal of honor to a member of the Marine Corps.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. MAAS. Mr. Speaker, it gives me a great deal of personal pleasure and pride that Lieut. Christian F. Schilt, of the United States Marine Corps, is to receive the Congressional Medal of Honor, the highest military award within the gift of the American Government.

Lieutenant Schilt enlisted as a private in the United States Marine Corps early in the World War and served in the First Marine Aeronautic Company during 1918 in the Azores.

Lieutenant Schilt and I served together as enlisted men throughout most of the war, and I was in very close contact with him and had a splendid opportunity to observe him. He is and always was a very modest, quiet, gentlemanly soldier, but a very capable and fearless one. He is of the type of young American who, but for the exigencies of war which immediately lead him into the military service of his country and which service so attracted him that he chose to remain in it and make it his life work, would to-day be a successful business executive or professional man. It is to such officers that most of the credit must go for keeping up the morale of the service in the postwar days of the popular pastime of making the Army and Navy the object of attack and constant ridicule and unfair criticism.

Uncomplainingly, smilingly, and with good-natured tolerance Lieutenant Schilt has carried on and performed splendid, courageous service in peace as in war.

Whether as private or lieutenant Schilt has always performed his duties with such unusual good grace that he has constantly been an inspiration to those with whom he has served.

Lieutenant Schilt has performed conspicuous service as a marine aviator, receiving special commendation for service rendered the United States Geological Survey in securing air photographs of coast and rivers of San Domingo and Haiti. He also received special commendation for taking third place in the annual machine gun and bombing matches at Langley Field, Va., in 1926.

In 1925 he finished in second place in the Detroit News trophy air race, held at Mitchel Field in conjunction with the Pulitzer race of that year, being just a fraction of a second behind the winner.

Lieutenant Schilt, one of the foremost aviators of the country, is receiving the medal of honor for a most unusual and daring exploit, performed at the risk of his own life beyond all call of duty.

The citation for Lieutenant Schilt, now on duty with the aviation detachment, Second Marine Brigade, in Nicaragua, reads as follows:

For extraordinary heroism in the face of the enemy, distinguished by conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty. On January 6, 7, 8, 1928, at Quilali, Nicaragua, during the progress of an insurrection in that country, Lieutenant Schilt, then a member of a marine expedition which had suffered severe losses in killed and wounded, volunteered under almost impossible conditions to evacuate the wounded by air, and transport a relief commanding officer to assume charge of a very serious situation.

Lieutenant Schilt bravely undertook this dangerous and vitally important task, and by taking off a total of ten times in the rough, rolling streets of the partially burned village, under hostile infantry fire on each occasion, succeeded by almost superhuman skill, combined with personal courage of the highest order, in accomplishing his mission, thereby actually saving three lives and bringing supplies and succor to others in desperate need.

CONSENT CALENDAR

Mr. TILSON. Mr. Speaker, I think we should go back to the calendar until 5 o'clock. I think this is a good precedent to follow. Otherwise some Member might complain that he was discriminated against. I hope we may go on.

The SPEAKER. The Clerk will report the next bill.

YELLOWSTONE FOREST RESERVE

The next business on the Consent Calendar was the bill (H. R. 7946) to repeal an act entitled "An act to extend the provisions of the homestead laws to certain lands in the Yellowstone forest reserve," approved March 15, 1906.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

Be it enacted, etc., That the act entitled "An act to extend the provisions of the homestead laws to certain lands in the Yellowstone forest reserve," approved March 15, 1906, Thirty-fourth United States Statutes at Large, page 62, be, and the same is hereby, repealed: *Provided,* That the passage of this act shall in nowise affect valid existing entries.

With a committee amendment, as follows:

On line 8 strike out the word "entries" and insert in lieu thereof the word "rights."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

LAKE OF THE WOODS

The next business on the Consent Calendar was the bill (H. R. 10884) to amend the act entitled "An act to carry into effect the provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925," approved May 22, 1926.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLACK of Texas. Reserving the right to object, Mr. Speaker, I notice that this bill authorizes the Secretary of War to acquire as soon as practicable after the enactment of the act by purchase or condemnation certain lands. The report does not give any information as to what these lands will probably cost and what expenses will be involved by reason of the enactment of this bill. Now can we get some information on that point?

Mr. MAAS. Mr. Speaker, the officials of the War Department estimated that that would cost about $75,000. This present act is simply to amend the act passed in 1926, to give the War Department authority which they feel they have not got at present, but which was intended to be included in the original act.

Mr. BLACK of Texas. May I inquire whether this bill has been submitted to the Director of the Budget and has received his approval?

Mr. MAAS. We have received information that there is no opposition. We submitted the proposition to the War Department and to the State Department, and we presume that with their approval we have at least the approval of the Director of the Budget.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. DYER. I am trying to get the point of view of the gentleman from Texas as to whether or not the Director of the Budget is legislating or whether the Congress of the United States is legislating.

Mr. BLACK of Texas. Oh, no. The Bureau of the Budget is not legislating. We hear that objection made frequently, but so long as we have a Director of the Budget and the Budget system any bill that involves the expenditure of public money ought to be submitted to the Director of the Budget and receive his approval or disapproval.

Then if Congress wants to follow the recommendation, very well; and if it wants to overrule it, also very well. That is a matter always within the control of Congress.

Mr. LUCE. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. LUCE. I observe that there are on the Consent Calendar to-day 50 measures involving the expenditure of money. Has the gentleman objected to any of the preceding ones upon that ground, and does he intend to object to the 50?

Mr. BLACK of Texas. I will answer the gentleman very frankly. No bill, and I have studied them rather carefully, has passed the House to-day authorizing the expenditure of public moneys but what the report showed that it had been submitted to the Director of the Budget and received his approval. Of course, one individual can not minutely examine all of these bills, but I have undertaken to ascertain that fact from a rather careful study of the bills, and I say that, so far as

I know, no bill has passed the House to-day that has not been submitted to the Director of the Budget.

Mr. LUCE. May I ask the gentleman if this is a new decision on his part, or one that he has followed in the past?

Mr. BLACK of Texas. I have no arbitrary authority in the matter, but I shall certainly exercise my right to object unless a bill involving an appropriation is submitted to the Director of the Budget.

Mr. LUCE. I may inform the gentleman that since I have been chairman of the Committee on the Library I have reported probably 50 or 75 bills without any such approval, and not until two weeks ago was objection ever raised. I wish to inquire whether it is to be the policy of our friend, who so kindly helps us in the matter of watching the bills, to compel every committee of the House to secure approval from the Budget Director for a particular bill involving the appropriation of money?

Mr. BLACK of Texas. I will very frankly answer the gentleman, yes. So far as I am concerned it will be my policy to do that, but not necessarily to follow the recommendation of the Director of the Budget. As long as we have a budget system of government it is but right that these bills should be submitted to the Director of the Budget for his approval or disapproval. After the report on a bill is received from the Director of the Budget, it is then within the discretion of the House to determine whether it will follow the recommendation or overrule it.

Mr. LUCE. I hope my good friend from Texas will be on hand Saturday and listen to the arguments I hope to present on that subject.

Mr. BLACK of Texas. I shall be glad to be here. I am always glad to hear any discussion proceeding from the gentleman from Massachusetts.

Mr. CRAMTON. Since the gentleman from Massachusetts has referred to my suggestion of the other day, let me say that the gentleman from Texas quite well stated what is also my position. On unanimous consent day, when a bill goes through, if at all, with very little discussion, I feel I have the right—although the law does not require it—to avail myself of the opinion of the Budget. The average bill which comes from the committee of which the able gentleman from Massachusetts is chairman, is a bill that is peculiarly related to the work of Congress and over which we have a peculiar control, but when it comes to proposing a donation of $50,000 to an organization entirely apart from Congress, where we had formerly made a donation that was supposed to cover our full contribution, then I am interested to know what the Budget thinks about it and to have the advantage of their investigation which may be more thorough than I could make.

Mr. LUCE. Of course, this is no time or place to carry on this sort of a discussion.

Mr. CRAMTON. But, Mr. Speaker, I think it is time that I carried on my end of it. Since the gentleman from Massachusetts has twice taken occasion to question the propriety of my course, I think it is about time I had something to say about it.

Mr. CHINDBLOM. Mr. Speaker, the hour of 5 o'clock having arrived, I think it is time to demand the regular order.

Mr. BLACK of Texas. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. The gentleman from Texas asks unanimous consent that this bill may be passed over without prejudice. Is there objection?

There was no objection.

ESTATE OF PETER P. PITCHLYNN

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that the Committee on Indian Affairs be discharged from the further consideration of S. 1705, for the reason that the Committee on the Judiciary has already considered and reported out a similar bill, H. R. 7824.

The SPEAKER. The gentleman from Montana asks unanimous consent that the Committee on Indian Affairs be discharged from the further consideration of Senate bill 1705, a similar bill having been considered and reported out by the Committee on the Judiciary. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, what is the nature of the bill?

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read the title of the bill, as follows:

An act (S. 1705) authorizing the Court of Claims to render judgment in favor of the administrator of or collector for the estate of Peter P. Pitchlynn, deceased, instead of the heirs of Peter P. Pitchlynn, and for other purposes.

Mr. GARRETT of Tennessee. Mr. Speaker, is that one of those bills where a similar House bill being on the Calendar can be called up?

The SPEAKER. The Chair so understands, although the Chair has not examined the bill.

Mr. GARRETT of Tennessee. Then, as I understand, the request is to discharge the Committee on Indian Affairs from the further consideration of the Senate bill and let it take its place on the Speaker's table.

Mr. CHINDBLOM. Mr. Speaker, a parliamentary inquiry. Is not this a private bill on the Private Calendar?

Mr. HASTINGS. The gentleman is not calling up the bill now?

Mr. LEAVITT. No.

Mr. DYER. Mr. Speaker, if this request is granted, and if there is no objection, I would like to call up the bill, because the Committee on the Judiciary has reported a bill similar to the one which the Senate has passed.

The SPEAKER. The Chair understands the situation to be that the Judiciary Committee, having reported a similar bill, which is on the calendar, the bill from the Senate having been referred to the Committee on Indian Affairs, if the Committee on Indian Affairs is now discharged, that bill will go back to the Speaker's table and the Senate bill can be taken up by unanimous consent, inasmuch as it is a private bill. The Chair understands the desire is simply to take it up by unanimous consent from the Speaker's table to-morrow.

Is there objection to the request of the gentleman from Montana?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to—

Mr. WAINWRIGHT, indefinitely, on account of death in his family.

Mr. JACOBSTEIN, for one month, on account of illness.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 81. An act to authorize the coinage of silver 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the discovery of the Hawaiian Islands by Capt. James Cook, and for the purpose of aiding in establishing a Capt. James Cook memorial collection in the archives of the Territory of Hawaii;

H. R. 248. An act to authorize appropriations to be made for the disposition of remains of military personnel and civilian employees of the Army; and

H. R. 8741. An act authorizing the Dravo Contracting Co., its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Chester, Ill.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned until to-morrow, Tuesday, March 6, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, March 6, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON THE CIVIL SERVICE

(10.30 a. m.)

Providing that in all civil-service examinations for appointment to positions under the Federal Government or the District of Columbia honorably discharged soldiers, sailors, and marines shall have five points added, and all such soldiers, sailors, and marines who because of disability are entitled to pension under the pension laws or to compensation under the World War veterans' act, 1924, shall have 10 points added (H. J. Res. 212).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

To further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States (S. 744).

To promote, encourage, and develop an American merchant marine in connection with the agricultural and industrial commerce of the United States, provide for the national defense, the transportation of foreign mails, the establishment of a merchant-marine training school, and for other purposes (H. R. 2).

To amend the merchant marine act, 1920, insure a permanent passenger and cargo service in the North Atlantic, and for other purposes (H. R. 8914).

To create, develop, and maintain a privately owned American merchant marine adequate to serve trade routes essential in

the movement of the industrial and agricultural products of the United States and to meet the requirements of the commerce of the United States; to provide for the transportation of the foreign mails of the United States in vessels of the United States; to provide naval and military auxiliaries; and for other purposes (H. R. 10765).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

A hearing to consider private bills on the committee calendar.

SUBCOMMITTEE OF COMMITTEE ON THE POST OFFICE AND POST ROADS

(11 a. m.)

To amend Title II of an act approved February 28, 1925, regulating postal rates (H. R. 9296).

COMMITTEE ON THE PUBLIC LANDS

(10.30 a. m.)

To promote the development, protection, and utilization of grazing resources on public lands, to stabilize the range stock-raising industry (H. R. 7950 and H. R. 9283).

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10 a. m.)

A meeting to consider bills on the committee calendar relating to insurance.

COMMITTEE ON THE JUDICIARY—SUBCOMMITTEE NO. 3

(10 a. m.)

To amend section 6 of title 15, chapter 1, of the Code of Laws of the United States of America relating to the forfeiture of property in transit and owned in violation of section 1 thereof, and as amended providing for the forfeiture of property owned or used in violation of section 1, irrespective of whether same is or is not in transit (H. R. 10877).

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

396. A letter from the Secretary of the Navy, transmitting draft of a bill proposing to authorize the payment of indemnity in the sum of $1,000 to Mrs. Fanor Flores, and $500 to Pedro Flores, wife and father, respectively, of Fanor Flores, for the death of the latter as a result of being accidentally shot by a United States marine at Matagalpa, Nicaragua, on April 27, 1927; to the Committee on Foreign Affairs.

397. A letter from the chairman of the Federal Trade Commission, transmitting report of the Federal Trade Commission on the cottonseed industry, submitted in pursuance of House resolution 439, Sixty-ninth Congress (H. Doc. No. 193); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on Rules. H. Res. 132. A resolution providing for the consideration of S. 2317, an act continuing for one year the powers and authority of the Federal Radio Commission under radio act of 1927; without amendment (Rept. No. 839). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 133. A resolution providing for the consideration of S. J. Res. 47, a joint resolution proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress; without amendment (Rept. No. 840). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HUDSPETH: Committee on Claims. H. R. 5981. A bill for the relief of Clarence Cleghorn; with amendment (Rept. No. 837). Referred to the Committee of the Whole House.

Mr. SCHAFER: Committee on Claims. H. R. 11014. A bill for the relief of Don C. Fees; without amendment (Rept. No. 838). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 11630) granting a pension to Malissa E. Crouse, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HUDSON: A bill (H. R. 11755) to establish a border patrol for the more efficient enforcement of laws applicable to the international and maritime borders of the United States; to the Committee on the Judiciary.

By Mr. McSWAIN: A bill (H. R. 11756) to increase the efficiency of the Military Establishment, and for other purposes; to the Committee on Military Affairs.

By Mr. O'CONNOR of Louisiana: A bill (H. R. 11757) authorizing the Secretary of Commerce to sell at private sale a portion of the Point aux Herbe Lighthouse Reservation; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 11758) authorizing the Secretary of War to grant a right of way for a levee through the Chalmette National Cemetery; to the Committee on Military Affairs.

By Mr. O'CONNELL: A bill (H. R. 11759) to amend section 202, paragraph 10, of the World War veterans' act to include honorably discharged men of the Regular Army, Navy, and Marine Corps; to the Committee on World War Veterans' Legislation.

By Mr. MAAS: A bill (H. R. 11760) authorizing the Telegraph Hill-Goat Island Bridge Corporation, its successors and assigns, to construct, maintain, and operate a bridge across San Francisco Bay, in the State of California, from a point in the county and city of San Francisco known as Telegraph Hill to a point in San Francisco Bay known as Goat Island (Buena-Yerba), thence eastward to a point at or near the Key Route Fill in Alameda County, Calif.; to the Committee on Interstate and Foreign Commerce.

By Mr. BOX: A bill (H. R. 11761) authorizing Charles R. Moore, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Sabine River from a point in Sabine County, Tex., to a point in Sabine Parish, La., at or near Pendeltons Ferry; to the Committee on Interstate and Foreign Commerce.

By Mr. WAINWRIGHT: A bill (H. R. 11762) to authorize an appropriation to complete construction at Fort Wadsworth, N. Y.; to the Committee on Military Affairs.

By Mr. EVANS of Montana: Joint resolution (H. J. Res. 226) authorizing an appropriation for the erection of a monument to Leif Erickson; to the Committee on the Library.

By Mr. HOWARD of Nebraska: Joint resolution (H. J. Res. 227) prohibiting any ex-Members of the United States Senate or of the House of Representatives from engaging in the practice of lobbying, for money or other emolument, before any committee of either House of the Congress, or upon the floor of either House, or in any part of the Capitol, or in the Senate Office Building, or in the House Office Building, within the term of two years following the date when any such person shall have served as a Member of the Senate or the House of Representatives of the United States, and providing penalties for violation of this act; to the Committee on the Judiciary.

By Mr. BUTLER: Resolution (H. Res. 131) providing for the consideration of H. R. 11526, a bill to authorize the construction of certain naval vessels, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Senate of Porto Rico, requesting the Congress of the United States to amend, reenact, and add certain sections to the organic act of Porto Rico, approved August 18, 1925, and for other purposes, so that Porto Rico may choose its own governor by popular election and obtain complete self-government; to the Committee on Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DEMPSEY: A bill (H. R. 11763) granting a pension to Elizabeth Shelp; to the Committee on Invalid Pensions.

By Mr. EVANS of California: A bill (H. R. 11764) conferring jurisdiction upon the Court of Claims of the United States or district courts of the United States to hear, adjudicate, and enter judgment on the claim of Roy A. Knabenshue against the United States, for the use or manufacture of an invention of Roy A. Knabenshue, covered by letters patent, No. 858875, issued by the Patent Office of the United States, under date of July 2, 1907; to the Committee on War Claims.

By Mr. GREENWOOD: A bill (H. R. 11765) granting an increase of pension to Cad W. Savage; to the Committee on Pensions.

By Mr. HALL of Indiana: A bill (H. R. 11766) granting a pension to William Albin Crow; to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 11767) granting an increase of pension to Margaret J. Humbert; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 11768) granting a pension to Francis J. Bailey; to the Committee on Pensions.

By Mr. JACOBSTEIN: A bill (H. R. 11769) granting an increase of pension to Ella B. Craft; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11770) granting an increase of pension to Libbie Jump; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11771) granting an increase of pension to Hannah Geibig; to the Committee on Invalid Pensions.

By Mr. LEAVITT: A bill (H. R. 11772) for the relief of Charles Smith; to the Committee on Military Affairs.

By Mr. LEHLBACH: A bill (H. R. 11773) for the relief of Margaret A. Twyman; to the Committee on Claims.

By Mr. LINTHICUM: A bill (H. R. 11774) for the relief of Barzilla William Bramble, master and managing owner of the ram schooner *Cora Peake;* to the Committee on the Judiciary.

By Mr. MAJOR of Illinois: A bill (H. R. 11775) for compensation in behalf of John M. Flynn; to the Committee on Claims.

By Mr. MONAST: A bill (H. R. 11776) granting a pension to Mary A. Dibble; to the Committee on Pensions.

By Mr. NEWTON: A bill (H. R. 11777) granting a pension to Ella D. Wilkinson; to the Committee on Invalid Pensions.

By Mr. PORTER: A bill (H. R. 11778) for the relief of the Eagle Transport Co. (Ltd.) and the West of England Steamship Owners' Protection and Indemnity Association (Ltd.); to the Committee on Foreign Affairs.

By Mr. REECE: A bill (H. R. 11779) granting an increase of pension to Ira W. Blevins; to the Committee on Pensions.

Also, a bill (H. R. 11780) granting a pension to Martilla Murrell; to the Committee on Invalid Pensions.

By Mr. STALKER: A bill (H. R. 11781) granting an increase of pension to Marietta McMillan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11782) granting an increase of pension to Mary J. Orr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11783) granting an increase of pension to Simeon B. Card; to the Committee on Pensions.

Also, a bill (H. R. 11784) granting an increase of pension to Mary A. Tibbetts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11785) granting an increase of pension to Orin O. Pound; to the Committee on Pensions.

Also, a bill (H. R. 11786) granting an increase of pension to Eunice Hurlburt; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 11787) granting an increase of pension to Martha L. Doner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11788) granting a pension to Josephine Sheridan; to the Committee on Invalid Pensions.

By Mr. SWICK: A bill (H. R. 11789) granting an increase of pension to Mary Beeler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11790) granting an increase of pension to Mary J. Conkle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11791) granting an increase of pension to Mary Lawhead; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11792) granting an increase of pension to Elizabeth Kirker; to the Committee on Invalid Pensions.

By Mr. VINSON of Kentucky: A bill (H. R. 11793) to correct the military record of Thomas H. Frost; to the Committee on Military Affairs.

By Mr. WELLER: A bill (H. R. 11794) granting an increase of pension to Emma Cortright; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Missouri: A bill (H. R. 11795), granting a pension to Rachel J. Paullus; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4895. By Mr. BROWNE: Petition of citizens of Waushara County, Wis., protesting against House bill 78, and all other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4896. By Mr. BUCKBEE: Petition of Celia T. McAlister and 121 other citizens of Rockford, Ill., protesting against the passage of the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4897. By Mr. BURTNESS: Petition of board of directors of the North Dakota Wheat Growers Association, representing 23,000 farmers in North Dakota and Montana, relative to activities of Radio Commission and desiring certain definite changes in their practice; to the Committee on the Merchant Marine and Fisheries.

4898. Also, petition of 90 residents of Englevale, N. Dak., urging support of the Reece bill for aid of rural post roads; to the Committee on Roads.

4899. By Mr. CARLEY: Petition of N. A. Nielsen, 600 Eighty-eighth Street, Brooklyn, N. Y., protesting against House bill 9588; to the Committee on the Judiciary.

4900. By Mr. COLE of Iowa: Petition of E. I. Thompson, of Cedar Rapids, Iowa, and 103 other signers, residents of Cedar Rapids, Iowa, protesting against House bill 78, the compulsory Sunday observance bill, or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

4901. By Mr. CRAIL: Petition of Valley Mortgage & Finance Co., of Glendale, Calif., against Senate bill 1752 to discontinue the printing of return notices on stamped envelopes; to the Committee on the Post Office and Post Roads.

4902. Also, petition of George M. Krove and 83 citizens of Tujunga, Calif., urging action on the Tyson-Fitzgerald bill for the relief of the disabled emergency Army officers of the World War; to the Committee on World War Veterans' Legislation.

4903. By Mr. CURRY: Petition of citizens of the third California district, protesting against the enactment of House bill 78; to the Committee on the District of Columbia.

4904. By Mr. DOWELL: Petition of residents of Marion County, Iowa, against the Lankford bill; to the Committee on the District of Columbia.

4905. Also, petition of residents of Marion County, Iowa, against the Lankford bill; to the Committee on the District of Columbia.

4906. By Mr. EVANS of California: Petition signed by W. H. Richardson and 82 others, for the relief of the disabled emergency Army officers of the World War; to the Committee on World War Veterans' Legislation.

4907. By Mr. FRENCH: Petition of 24 citizens of Canyon County, Idaho, protesting against enactment of House bill 78, or any compulsory Sunday observance; to the Committee on the District of Columbia.

4908. Also, petition of 55 citizens of Washington County, Idaho, protesting against enactment of House bill 78, or any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4909. By Mr. GALLIVAN: Petition of Boston Central Labor Union, Harry P. Grages, secretary and business agent, 987 Washington Street, Boston, Mass., urging early and favorable consideration of House bill 10359, the purpose of which is to establish a 44-hour week in the various establishments of the Government; to the Committee on the Civil Service.

4910. By Mr. GARBER: Resolution of Dixie Post, No. 64, Veterans of Foreign Wars of the United States, of National Sanatorium, Tenn., in support of House bill 9138; to the Committee on Pensions.

4911. Also, letter of Employing Printers Association of Oklahoma City, Okla., by Victor E. Harlow, chairman, protesting the enactment of Senate bill 1482 and House bill 7759; to the Committee on the Judiciary.

4912. Also, letter of Builders' Exchange of Oklahoma (Inc.), of Oklahoma City, Okla., by P. W. Tibbs, president, protesting the enactment of Senate bill 1482 and House bill 7759; to the Committee on the Judiciary.

4913. Also, letter of Minnesota Interim Tax Commission, of St. Paul, Minn., by George H. Sullivan, chairman, in regard to State taxation of national banks, Goodwin bill (H. R. 8727); to the Committee on Banking and Currency.

4914. Also, letter of Dean E. Foster, petroleum engineer, Wright Building, Tulsa, Okla., in support of the Newton water resources bill (H. R. 8111); to the Committee on Interstate and Foreign Commerce.

4915. Also, letter of Clara G. Smoot, Red Rock, Okla., in support of Stalker bill (H. R. 9588); to the Committee on the Judiciary.

4916. By Mr. HUDSPETH: Petition of citizens of Tom Green County, Tex., in opposition to Sunday observance bill; to the Committee on the District of Columbia.

4917. By Mrs. KAHN: Petition signed by Mrs. W. S. Leake and other citizens of San Francisco, urging favorable action on House bills 47 and 6518; to the Committee on the Civil Service.

4918. By Mr. KETCHAM: Petition of D. Lam and 18 other residents of South Haven, Mich., urging favorable action upon House bill 78; to the Committee on the District of Columbia.

4919. Also, petition of 14 residents of Allegan County, Mich., protesting against House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

4920. Also, petition of Mrs. Lyle Watson and 15 other residents of Dowagiac, Mich., protesting against the passage of House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

4921. Also, petition of E. M. Phillips and 150 other residents of Benton Harbor, Mich., protesting against the enactment of House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

4922. Also, petition of J. F. Babcock and 84 other residents of Mendon, Mich., protesting against the enactment of House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

4923. By Mr. LANKFORD: Petition of Mrs. D. Watson Winn and others, against Bolshevik propaganda; to the Committee on the Judiciary.

4924. By Mr. LEA: Petition of Mrs. Ray Lockmon and 375 other residents of Sonoma County, Calif.; C. E. Rogers and 54 other residents of Sutter County, Calif.; and Mrs. C. F. Hawkins and 37 other residents of Orland, Calif., protesting against House bill 78, or other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4925. By Mr. LINDSAY: Petition of American Association of Masters, Mates, and Pilots, Long Island Harbor, Branch No. 22, registering, in a set of resolutions, a vigorous protest against the passage of House bill 11137; to the Committee on the Merchant Marine and Fisheries.

4926. Also, petition of Radio Retailing Publishing Co., appealing to Congress to enact legislation before March 15 prolonging the life of the Radio Commission, unhampered by unnecessary restrictions; to the Committee on the Merchant Marine and Fisheries.

4927. Also, petition of Brooklyn Chapter, Officers Reserve Association of the United States, approving Thomas amendment restoring deductions from appropriations for corps, as recommended by the House, and approving action of American Legion in connection with appropriation for Navy; to the Committee on Appropriations.

4928. By Mr. LINDSAY: Petition of Travelers' Legislative Committee, National Council of Traveling Salesmen's Associations, praying for a repeal of the war-time Pullman surcharge on the grounds that it is not necessary for carriers' roads not entitled to the surcharge and that they do not need the surcharge; to the Committee on Ways and Means.

4929. By Mr. MEAD: Petition of Property Owners Protective Association, of Kenmore, N. Y., regarding the national origin provision of the immigration law; to the Committee on Immigration and Naturalization.

4930. By Mr. MOONEY: Petition of sundry citizens of Cleveland, Ohio, protesting Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4931. By Mr. MORROW: Petition of Albuquerque Game Protective Association, R. G. Sutherland, secretary (New Mexico), indorsing public shooting ground and game refuge bill; to the Committee on Agriculture.

4932. By Mr. O'CONNELL: Petition of Brooklyn Chapter, Reserve Officers Association of the United States, favoring the Thomas amendment to the Senate bill restoring the deductions from the appropriation as recommended by the House of Representatives; to the Committeee on Naval Affairs.

4933. Also, petition of William Best, Kansas City, Mo., an appeal in behalf of those Federal employees who were retired in 1920; to the Committee on the Civil Service.

4934. Also, petition of the National Council, Traveling Salesmen's Association of New York, favoring the passage of Senate bill 668, for the repeal of the war-time Pullman surcharge; to the Committee on Interstate and Foreign Commerce.

4935. By Mr. OLDFIELD: Petition of C. F. Greer et al., Maynard, Ark., favoring legislation establishing a moritorium for the payment of drainage bonds; to the Committee on Agriculture.

4936. By Mr. PALMER: Memorial of Rev. W. L. Gallenkamp, pastor Zion Lutheran Church, Frackville, Pa., protesting against legislation which would interfere with stamped envelopes with return cards; to the Committee on the Post Office and Post Roads.

4937. By Mr. SELVIG: Petition of L. Langhus and 45 farmers of Shelly, Minn., and vicinity, protesting against any measure leading to militarism and war; to the Committee on Foreign Affairs.

4938. By Mr. SHALLENBERGER: Petition of citizens of Nebraska against House bill 78; to the Committee on the District of Columbia.

4939. By Mr. SINNOTT: Petition of 49 citizens of La Grande, Oreg., and vicinity, protesting against the enactment of House bill 78, the Lankford bill, or similar compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4940. Also, petition of numerous citizens of Hermiston, Umatilla County, Oreg., protesting against House bill 78, or any similar compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4941. By Mr. STALKER: Petition of George R. Downing, of Watkins Glen, N. Y., and other Civil War veterans of that vicinity, urging the enactment of legislation for additional pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

4942. Also, petition of Mrs. Leon Howard, of Owego, N. Y., and sundry citizens of that vicinity, protesting against House bill 78, or any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4943. By Mr. STEELE: Petition of 42 citizens of Atlanta, Fulton County, Ga., protesting against the passage of legislation enforcing compulsory Sunday observance (H. R. 78); to the Committee on the District of Columbia.

4944. Also, petition of 36 citizens of De Kalb and Fulton Counties, Ga., protesting against the passage of legislation enforcing compulsory Sunday observance (H. R. 78); to the Committee on the District of Columbia.

4945. Also, petition of three citizens of Atlanta, Ga., protesting against the passage of legislation enforcing compulsory Sunday observance (H. R. 78); to the Committee on the District of Columbia.

4946. By Mr. SWING: Petition of residents of Ramona, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4947. Also, petition of citizens of Orange County, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4948. Also, petition of residents of Escondido, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

4949. By Mr. TAYLOR of Colorado: Petition from citizens of Olathe, Colo., protesting against House bill 78, or any other legislation for the compulsory Sunday observance; to the Committee on the District of Columbia.

4950. By Mr. WELSH of Pennsylvania: Petition of residents of sixth Pennsylvania district, in support of House bill 6518, providing for minimum rate of pay for Government employees, and House bill 492, providing for the abolition of the Personnel Classification Board and transfer of its functions to Civil Service Commission and extension of classification to field service; to the Committee on the Civil Service.

4951. By Mr. WELCH of California: Petition submitted by the United States Employees' Association of California, San Francisco, Calif., favoring the passage of the Welch bill (H. R. 6518) to increase the salaries of Federal employees; to the Committee on the Civil Service.

4952. Also, petition submitted by the Federal Custodian Service Association, San Francisco, Calif., favoring the passage of the Welch bill (H. R. 6518) to increase the salaries of Federal employees; to the Committee on the Civil Service.

SENATE

TUESDAY, *March 6, 1928*

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O Lord most high, who art our life, our strength, and our joy, our ever-present helper and defender, look with loving mercy upon our country, for if Thou be with us none can be against us. Guide us this day unto a better knowledge of Thy will, and send down upon us, for our present need, the dew of Thy heavenly grace. May Thy servants, who have been called to administer the affairs of this Nation, daily make choice of spiritual integrity amid the corruption that is in the world through the lust of power or repute, that being unafraid in contending for the right, and reverent at the threshold of achievement, they may show forth the spirit of Him who gave Himself for the world, Jesus Christ, Thy Son, our Lord. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of yesterday, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills and joint resolution of the Senate:

S. 1455. An act to grant extensions of time under coal permits;

S. 1705. An act authorizing the Court of Claims to render judgment in favor of the administrator of or collector for the estate of Peter P. Pitchlynn, deceased, instead of the heirs of Peter P. Pitchlynn, and for other purposes;

S. 1946. An act relative to the pay of certain retired warrant officers and enlisted men and warrant officers and enlisted men of the reserve forces of the Army, Navy, Marine Corps, and the Coast Guard, fixed under the terms of the Panama Canal act, as amended;

S. 2342. An act providing for a per capita payment of $25 to each enrolled member of the Chippewa Tribe of Minnesota from the funds standing to their credit in the Treasury of the United States;

S. 2483. An act to revive and reenact the act entitled "An act granting the consent of Congress to the State of Illinois and the State of Iowa, or either of them, to construct a bridge across the Mississippi River, connecting the county of Carroll, Ill., and the county of Jackson, Iowa," approved May 26, 1924;

S. 2545. An act to authorize the sale of certain lands near Garden City, Kans.;

S. 2698. An act granting the consent of Congress to the State of Vermont to construct, maintain, and operate a free highway bridge across an arm of Lake Memphremagog at or near Newport, Vt.;

S. 2801. An act granting the consent of Congress to the New Martinsville & Ohio River Bridge Co. (Inc.), to construct, maintain, and operate a bridge across the Ohio River, at or near New Martinsville, W. Va.; and

S. J. Res. 66. Joint resolution authorizing an additional appropriation to be used for the memorial building provided for by a joint resolution entitled "Joint resolution in relation to a monument to commemorate the services and sacrifices of the women of the United States of America, its insular possessions, and the District of Columbia in the World War," approved June 7, 1924.

The message also announced that the House had agreed to the amendments of the Senate to the bill of the House (H. R. 9202) to authorize construction at the United States Military Academy, West Point, N. Y.

The message further announced that the House had agreed to the amendments of the Senate to the House amendment to the bill (S. 700) authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes, with an additional amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills of the Senate, severally with amendments, in which it requested the concurrence of the Senate:

S. 771. An act providing for the gift of the U. S. S. *Dispatch* to the State of Florida;

S. 1498. An act to extend the time for the construction of a bridge across the Chesapeake Bay and to fix the location of said bridge; and

S. 2902. An act granting the consent of Congress to the States of Wisconsin and Michigan to construct, maintain, and operate a free highway bridge across the Menominee River at or near Marinette, Wis.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 21. An act to provide for date of precedence of certain officers of the Staff Corps of the Navy;

H. R. 437. An act authorizing the Maysville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Maysville, Ky.;

H. R. 465. An act to authorize the city of Oklahoma City, Okla., to sell certain public squares situated therein;

H. R. 472. An act authorizing Dwight P. Robinson & Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Maysville, Ky.;

H. R. 5806. An act to authorize the purchase of real estate by the War Department;

H. R. 5817. An act to provide for the paving of the Government road extending from St. Elmo, Tenn., to Rossville, Ga.;

H. R. 6993. An act authorizing the Secretary of the Interior to sell and patent certain lands in Louisiana and Mississippi;

H. R. 7198. An act authorizing Henry Thane, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River;

H. R. 7927. An act granting the consent of Congress to the Louisiana Highway Commission of the State of Louisiana to construct, maintain, and operate a free highway bridge across the Atchafalaya River at or near Melville, La.;

H. R. 7932. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 7944. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 7946. An act to repeal an act entitled "An act to extend the provisions of the homestead laws to certain lands in the Yellowstone forest reserve," approved March 15, 1906;

H. R. 8326. An act to authorize the construction of a dormitory at Riverside Indian School at Anadarko, Okla.;

H. R. 8337. An act to amend the air mail act of February 2, 1925, as amended by the act of June 3, 1926;

H. R. 8542. An act to provide for the construction of a hospital at the Fort Bidwell Indian School, California;

H. R. 8543. An act to provide for the construction of a school building at the Fort Bidwell Indian School, California;

H. R. 8724. An act granting certain lands to the city of Mendon, Utah, to protect the watershed of the water-supply system of said city;

H. R. 8733. An act granting certain lands to the city of Bountiful, Utah, to protect the watershed of the water-supply system of said city;

H. R. 8734. An act granting certain lands to the city of Centerville, Utah, to protect the watershed of the water-supply system of said city;

H. R. 8897. An act to revive and reenact the act entitled "An act granting the consent of Congress to the city of Chicago to construct a bridge across the Calumet River at or near One hundred and thirtieth street in the city of Chicago, county of Cook, State of Illinois," approved March 21, 1924;

H. R. 9350. An act granting the consent of Congress to Frank E. Merrill, carrying on business under the name and style of Frank E. Merrill & Co.'s Algonquin Shores Realty Trust, to construct, maintain, and operate a footbridge across the Fox River;

H. R. 9361. An act granting the consent of Congress to the city of St. Charles, State of Illinois, to widen, maintain, and operate a bridge across the Fox River within the city of St. Charles, State of Illinois;

H. R. 9365. An act to legalize a bridge across the St. Francis River at or near Marked Tree, in the county of Poinsett, Ark.;

H. R. 9663. An act authorizing Hermann Simmons, jr., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Tampa Bay from Pinellas Point, Pinellas County, to Piney Point, Manatee County, Fla.;

H. R. 9761. An act to extend the time for completing the construction of a bridge across the Monongahela River at or near Pittsburgh, Pa.;

H. R. 9773. An act granting the consent of Congress to the Manufacturers' Electric Terminal Railway, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River, at or near the mouth of the Big Blue River, in Jackson County, Mo.;

H. R. 9829. An act to extend the provisions of the act of Congress approved March 20, 1922, entitled "An act to consolidate national forest lands";

H. R. 9831. An act authorizing J. E. Turner, his heirs, legal representatives, or assigns, to construct, maintain, and operate a bridge across the Ocmulgee River at or near Fitzgerald, Ga.;

H. R. 9946. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at or near Mount Carmel, Ill.;

H. R. 9958. An act to authorize the disposal of public land classified as temporarily or permanently unproductive on Federal irrigation projects;

H. R. 9964. An act authorizing E. L. Higdon, of Baldwin County, Ala., his heirs, legal representatives and assigns, to construct, maintain, and operate a bridge across Perdido Bay at or near Bear Point, Baldwin County, Ala.;

H. R. 10025. An act to extend the time for completing the construction of a bridge across the Monongahela River at or near Cliff Street, McKeesport, Pa.;

H. R. 10143. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and

operate a free highway bridge across the Sabine River at or near Merryville, La., on the Merryville-Newton highway;

H. R. 10144. An act authorizing the B & P Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River at or near Zapata, Tex.;

H. R. 10373. An act authorizing the Plattsmouth Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Plattsmouth, Nebr.;

H. R. 10424. An act authorizing John C. Mullen, T. L. Davies, John H. Hutchings, and Virgil Falloon, all of Falls City, Nebr., their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Rulo, Nebr.;

H. R. 10566. An act granting the consent of Congress to the city of Peoria, Peoria County, Ill., to construct, maintain, and operate a free highway bridge across the Illinois River at or near Peoria, Ill.;

H. R. 10658. An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Decatur, Nebr.;

H. R. 10707. An act authorizing the Point Marion Community Club, of Point Marion, Pa., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Point Marion, Pa.;

H. R. 10756. An act authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Miami River between Lawrenceburg, Dearborn County, Ind., and a point in Hamilton County, Ohio, near Columbia Park, Hamilton County, Ohio;

H. R. 10806. An act authorizing the city of Atchison, Kans., and the county of Buchanan, Mo., or either of them, to construct, maintain, and operate a toll bridge across the Missouri River at or near Atchison, Kans.;

H. R. 11134. An act to authorize appropriations for construction at military posts, and for other purposes; and

H. J. Res. 175. Joint resolution to change the name of the Ancon Hospital in the Panama Canal Zone to the Gorgas Hospital.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 81. An act to authorize the coinage of silver 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the discovery of the Hawaiian Islands by Capt. James Cook, and for the purpose of aiding in establishing a Capt. James Cook memorial collection in the archives of the Territory of Hawaii;

H. R. 248. An act to authorize appropriations to be made for the disposition of remains of military personnel and civilian employees of the Army; and

H. R. 8741. An act authorizing the Dravo Contracting Co., its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Chester, Ill.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	La Follette	Shipstead
Barkley	Fess	McKellar	Shortridge
Bayard	Fletcher	McMaster	Simmons
Black	Frazier	McNary	Smith
Blaine	George	Mayfield	Smoot
Blease	Gerry	Metcalf	Steck
Borah	Glass	Neely	Steiwer
Bratton	Gooding	Norbeck	Stephens
Brookhart	Gould	Norris	Swanson
Broussard	Greene	Nye	Thomas
Bruce	Hale	Oddie	Tydings
Capper	Harris	Overman	Tyson
Caraway	Harrison	Phipps	Wagner
Copeland	Hawes	Pine	Walsh, Mass.
Couzens	Hayden	Pittman	Walsh, Mont.
Curtis	Heflin	Ransdell	Warren
Cutting	Howell	Reed, Pa.	Waterman
Dale	Johnson	Robinson, Ark.	Watson
Deneen	Jones	Robinson, Ind.	Willis
Dill	Kendrick	Sackett	
Edge	Keyes	Schall	
Edwards	King	Sheppard	

The VICE PRESIDENT. Eighty-five Senators having answered to their names, a quorum is present.

MENOMINEE RIVER BRIDGE

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2902) granting the consent of Congress to the States of Wisconsin and Michigan to construct, maintain, and operate a free highway bridge across the Menominee River at or near Marinette, Wis., which were, on page 1, line 3, to strike out "the consent of Congress is hereby granted to" and insert in lieu thereof "in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes"; on page 1, line 4, after the word "Michigan," to insert "be and are hereby authorized"; and to amend the title so as to read: "An act authorizing the States of Wisconsin and Michigan to construct, maintain, and operate a free highway bridge across the Menominee River at or near Marinette, Wis."

Mr. BLAINE. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

AGRICULTURAL RELIEF

Mr. JONES. Mr. President, I ask that there be printed in the RECORD a letter from a constituent of mine with reference to farm cooperatives, together with a brief statement from the Washington Farmer relative thereto, and a short speech made by former Senator Calder, of New York, on the same subject.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

BREMERTON, WASH., *February 28, 1928.*

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.

DEAR SENATOR JONES: Inclosed article from Washington Farmer explains itself. In Seattle yesterday, I discussed it with Mr. Brislawn, secretary State Bankers' Association; Mr. Soots, manager State Chamber of Commerce, and others. By the time this reaches you, the American Bankers' Association will probably have publicly repudiated the whole movement—certainly our State bankers will do so. The State chamber will take the farmer side of the fight. They expect to amend the name to "State Chamber of Agriculture and Commerce," and are asking each county to provide an agricultural council to furnish a point of contact with State body. The county commissioners have appointed me chairman for Kitsap County. In that capacity, I request the publication as a Senate document, the speech of Senator Calder on the Capper-Volstead bill, in CONGRESSIONAL RECORD, of February 7, 1922, page 2521. It is the best vindication of the farmers I have ever seen or heard. If this idiotic attempt to destroy the cooperative should be carried on, it will produce political and financial chaos, shaking the faith of thousands who have heretofore stood loyal to American institutions. You and I know that the majority of the bankers and business men will be against this criminal attempt to rob the farmers of their last means of protection; but public sentiment did not save Chicago when Mrs. O'Leary's cow kicked over the lantern. The speech covers only one page of the RECORD. Its publication as a Senate document at this time will be the best insurance of peace. The Senate can render no more valuable service at this time than to reaffirm their approval of the Capper-Volstead Act by granting this request. * * *

Sincerely yours,

H. B. CREEL, *Star Route, Box 103.*

[From the Washington Farmer, February 23, 1928]

ORGANIZE TO ROOT OUT FARM COOPERATIVES—SEMISECRET CONVENTION IN CHICAGO LAUNCHES "FEDERATED AGRICULTURAL TRADES OF AMERICA" FOR ITS ONSLAUGHT AGAINST FARMER MARKETING ASSOCIATIONS

Farm cooperative organizations are waking up to the destructive purpose of a semisecret convention held in Chicago November 30 last, named the "Agricultural Trades Conference."

"A gigantic federation" to fight farmers' cooperative movements and oppose legislation favoring producers has been launched by members of the agricultural trades, according to the Dairymen's League News, organ of the Dairymen's League Cooperative Association (Inc.), of New York.

A comprehensive report of the "trades conference" in Chicago was made and is now being circulated by Charles W. Holman, secretary of the National Cooperative Milk Producers' Federation.

TO FIGHT COOPERATIVES

Charles F. Droste, president of the New York Mercantile Exchange, one of the speakers at the Agricultural Trades Conference in Chicago, declared that the present middleman system can not be replaced by a subsidized system of cooperation and announced that the big job of the "agricultural trades of America" would be "to save the farmer from himself." He then pledged the support of the executive committee of the New York Mercantile Exchange in the avowed purpose of forming a huge organization to fight the growing cooperative movement.

Charles Patterson, of Chicago, thought that the cooperative movement was growing among the farmers "because you men do not have the 'guts' to fight it."

Mr. Peck, of Omaha, president of the Terminal Grain Marketing Association, representing all of the big terminal elevators from Buffalo west, said that grain men thought the present marketing system to-day is as nearly perfect as it could be, despite bothersome legislation from Washington.

PROTECT "RIGHTS OF BUSINESS"

Everett C. Brown, president of the Chicago Live Stock Exchange, said that there was a strong sentiment in the District of Columbia for doing away with livestock exchanges, boards of trade, and associations of commerce. He wondered if business men would ever wake up. "They can help keep the radicals from picking the pockets of the Government," said he. "I want this organization to be prepared to protect the rights of business and to fight."

A speaker from New York State said that an idea is prevalent that cooperative marketing is a benefit. "Is it not important," he said, "that we inject an idea into the public mind that that is fallacious? Let us start a counterpropaganda. Unless this is done, Government agencies will go right on increasing their hold and power."

Charles Quinn, of Toledo, Ohio, secretary of the Grain Dealers' National Association, stated that the members of his organization were pioneers in fighting the cooperative movement. He was pleased to see so many middlemen industries now aroused to their danger. He traced the growth of Government assistance to cooperation as beginning in 1914, when there was an appropriation of $25,000 for an office of markets in the Department of Agriculture. This office, he said has to-day become a great bureau with an annual appropriation of over $5,000,000. He objected to the constant "wet nursing" of the cooperative system. He did not think it would ever succeed.

Mr. Kloch, of the Seattle Dairy and Produce Exchange, explained that his organization had important dairy cooperatives as members, and he could take no official stand.

Among the resolutions adopted were these:

"The agricultural trades of America represent several billion dollars of invested capital, and represent the activities of more than a million American citizens and are intimately connected with the best interests and future success of the American farmer, due to social, business, advisory, and financial relations; also by reason of the investments we have made and our personal activities and ambitions.

AGAINST MARKETING ACT

"We are opposed to the cooperative marketing act, known as the Capper-Volstead Act, passed in 1922. We believe this law, authorizing the producer associations to deal in nonmember production, and therefore to become traders and, withal, to have immunity under our trust laws, shows class favoritism and therefore is unconstitutional.

"We are opposed to the work being done by our Department of Agriculture through the Bureau of Cooperative Marketing, the Bureau of Agricultural Economics, the many county agents throughout the United States, and other Federal and State agencies, so far as it seeks to destroy existing marketing agencies and established enterprises in the agricultural trades, and to substitute therefor farmer associations."

WHY CONVENTION CALLED

The call for the Chicago convention was sent out by W. F. Jensen, chairman of a special committee of the American Association of Creamery Butter Manufacturers, and contains the following paragraphs:

"It is unfortunate that any part of business should become mixed up in politics, but that is the situation confronting us now. We can not underestimate the formidable forces back of the cooperative marketing of agricultural products, which forces have become a menace to invested capital and the established way of handling farm products.

"This situation calls for careful but thorough political handling and a nation-wide educational campaign for acquainting the public with the facts. The present situation is costing industry millions annually, whereas a million properly expended now will reform a much misunderstood condition."

Among the organizations which the chairman announced were officially represented at the meeting were delegates from the fruit, vegetable, dairy, and produce exchanges of New York City, Chicago, Boston, Philadelphia, Baltimore, St. Louis, Los Angeles, Seattle, Long Beach (Calif.), and representatives of the following organizations:

The Grain Dealers' National Association.
The Millers' National Federation.
The Terminal Elevator Grain Merchants' Association.
The livestock exchanges of Chicago, Omaha, St. Louis, Kansas City, and Sioux City.
The United States Sugar Manufacturers' Association.
The American Bankers' Association.
The Illinois Manufacturers' Association.
The Soft Wheat Millers' Association.
The association representing cold-storage companies.
The American Association of Warehouses.
The National Wholesale Grocers' Association.
The National Organization of Canners.
The National Implement Dealers' Association.
The National Fur Buyers' Association.
The American Association of Creamery Butter Manufacturers.
The National Egg and Poultry Association.

COOPERATIVE GROWTH ALARMS

On opening the meeting, W. F. Jensen stated that it was the first attempt of the middlemen to get together in a big way to protect their interests against the cooperative movement, and that it was a business proposition to see to it that no special favors were granted the cooperatives by the Government. Mr. Jensen emphasized the fact that whereas in the past the issue between cooperatives and middlemen had been confined to localities, the fight between them must now be waged on a national scale, since many cooperatives have grown to a large size and the movement has spread over the country.

After a lively discussion, points from which are given above, it was resolved "that a permanent nonprofit-making organization be formed, to be known as the Federated Agricultural Traders of America, and that the chair be authorized to appoint, at its discretion, a committee of 15 within two weeks' time to apply for the necessary charter, prepare a constitution and by-laws, set up a schedule of dues, solicit members, and do such other things as may be necessary to perfect a permanent organization."

COMMITTEE APPOINTED

A few days later W. F. Jensen announced the following list of persons as the committee to organize and incorporate the Federated Agricultural Traders of America: Everett C. Brown, Chicago Live Stock Exchange; Fred G. Horner, grain; Charles Droste, New York Mercantile Exchange; Lester Perrin, Chicago Board of Trade; H. T. Rector, butter; L. Edward Davis, Chicago Mercantile Exchange; L. B. Kilbourne, Chicago Egg and Poultry; Herbert S. Johnson, Armour & Co.; F. H. Kullman, milk; Paul Fishback, food brokers; Ralph C. Stokell, warehousemen and elevators; Robert Wood, cotton; Alton E. Briggs, Boston Fruit and Produce Exchange; W. E. Suits, feed manufacturers; W. H. Stroud, millers; S. M. Ross, ice cream; A. L. Ward, cotton products.

SPEECH OF FORMER SENATOR CALDER

Mr. President, in the pending bill there is no suggestion that the farmers of this country be given any special privileges. On the contrary, Congress is merely asked to clarify the position of cooperative farm organizations which may operate business institutions or business plants in relation to the Sherman antitrust law. I do not understand the Capper-Volstead bill to allow agriculture any exemptions. It merely states just what cooperative farm organizations may do.

The uncertainty of the legal status of farm organizations which conduct business in a collective way has had a paralyzing effect on the efforts of men and associations who are brought together so that they may more economically and efficiently administer their affairs. In some sections of the country, I am informed, officers and members of such organizations have been arrested, indicted, and even thrown into prison. United States attorneys and other officials have so construed the Sherman antitrust law as to make it cover the operations of nonstock, nonprofit farm associations.

These associations have provided a means through which the farmers may come into more direct contact with their urban customers. They have aimed to eliminate many of the costly intermediary agencies of distribution by themselves doing the work of such agencies. These efforts through organization to more economically distribute their products have in many cases aroused the suspicion of officers who are always on the lookout for offenders against the antitrust laws of the Nation.

Such vigilance, while commendable, has had an embarrassing effect on perfectly honest men who have never been able to get their legal bearings when making agreements with their fellow citizens engaged in the same occupation regarding the sale of their products. Able lawyers have contended that the provisions of the antitrust law should never be invoked against farm organizations which deal only in the things which their members produce. But there is no general agreement on this subject among men associated with the Department of Justice, hence it is very necessary to enact some measure which will clearly show just what farm organizations can do and continue to live within the law.

Personally I am convinced that the authors of the Sherman antitrust law and the Clayton Act never contemplated the application of the provisions of these measures to men engaged in the collective sale and distribution of products which they themselves bring to maturity. Such application seems to me to be altogether too strained an interpretation of what was in the mind of Congress when these bills were assented to.

The Sherman and Clayton Acts forbid combinations in restraint of trade, but they rather encourage associations designed to foster trade. Farmers are asking for this cooperative law so that they may be able to do a larger and safer business founded upon scientific trade principles. They are not asking to be released from liability for acts of commercial or industrial oppression. They are only asking that by affirmative action Congress recognize the principle of collective bargaining.

Farmers have the natural and inherent right to approach their customers through agencies of their own creation. This right should be clearly and positively recognized by Congress. If the Sherman and Clayton Acts had been generally interpreted as their authors intended they should be, there would be no necessity for the enactment of the bill which we are now considering. The right of the farmers to collectively market their products would generally have been conceded.

If I could find in this bill any privilege to agriculture which is withheld from any other element in our citizenship, I would not be among

its supporters. It has been said by statesmen and publicists that the bill constitutes class legislation, that it confers favors at the expense of the urban population, and that it permits agriculture to do those things which are forbidden to other interests. I confess I am unable to so interpret the bill. To my mind it merely removes from the shoulders of the farmers burdens and restrictions which are not imposed upon ordinary commerce and industry.

The farmer is a business man. It is most commendable and only natural that he would desire to use modern methods in the conduct of his enterprise. It is not fair that he should be denied the use of these methods. Cooperation is not "combination." While there is a pretty general demand that big business be forced to yield to necessary regulation, no modern thinker will seriously propose that the business which serves all the people shall be crippled or its ability to function impaired. It is only through cooperation that the highest service to the public can be assured. This fact is recognized by agriculture just as it is recognized by industry, finance, and commerce.

Agriculture is the biggest of all business. Industrially it is a Titan. It is bigger than all the railways, the steel mills, and the coal mines in the United States combined. In the year 1919 the total value of farm products reached the staggering sum of $25,000,000,000, enough to pay America's share of the cost of the war. But this vast business was done largely by men who were unorganized, who were compelled to take whatever they could get for their products, who had no voice in naming the reward they should receive for the service they had performed. If they met and suggested that they should at least obtain cost of production, they were in peril of arrest, indictment, and imprisonment.

Other business concerns were able to get the ear of the public because they were intensely and intelligently organized. They were able to control to some extent at least the markets in which they sold their wares. But agriculture, though spread over the whole country, stretching from the extreme north to the extreme south and from the extreme east to the extreme west, was helpless. It must take what was given it, and we all know that in the past two years it has been impossible for the farmers to collect a sum which even approximates the cost of production.

Why, then, should they not be legally permitted to organize for business purposes? To establish a producers' trust appears to be entirely impossible. There is no danger that the farmers will ever be able or even attempt to corner the food supplies of the Nation. But they ought to be permitted through organization to have some say about how their products shall be distributed, in what markets they will be sold, and how much they will receive for them.

So far agriculture has been a wounded and almost helpless giant, depending entirely for the sale of its products upon agencies which it had no hand in creating. The time has come, however, when it appears to be the full purpose of the farmers to take some hand in directing the selling end of their business. They know that this can not be brought about through individual action. They know that if they are to give any real or effective attention to the sales department it must be through intelligent organization.

Collectively the farmers of the United States, according to the latest census report, own about $80,000,000,000 worth of property. This property has failed to pay anything like substantial dividends; at all events, during the past two years. Scores of thousands of good citizens have left rural America to take their places beside their brethren in the congested centers of population. They have found farm life unattractive and unprofitable. They have become tired of producing at a loss and have finally exchanged broad acres and country air for a hard present and a doubtful future in the cities.

If by cooperative effort these conditions can be ameliorated and farm life made more attractive, Congress ought to enact the necessary permissive legislation. In a country like ours there ought always to be a thriving, wholesome, progressive, and contented agriculture. It is not a wholesome sign of national progress to witness the constantly moving and ever-enlarging procession of ruralists toward the centers of urban life. Every effort should be made to arrest the progress of this procession.

It is obvious that a contented and prosperous agriculture means a more wholesome and more prosperous urban population. An abandoned farm is an eyesore. It is evidence of local decay, threatening the national fiber, and if permitted to continue imperiling the national health. Let us keep our boys on the farm.

But it is useless to urge this if agriculture is to continue to be conducted at a loss. I am for this bill because I believe it will give the farmers an opportunity to so organize and so adjust their business as to make the business of farming more profitable. We who live in the cities should be the last to discourage enlightened and cooperative effort among those who provide us with our food, our clothing, and largely our shelter.

Mr. President, I speak with some interest on this subject, because I live in the greatest city of the Nation, and I am confident that the people whom I represent in that city are perfectly willing that the farmers shall organize in such a way as to bring to them not only fair prices for the things they produce, but in the end will tend largely to decrease the prices of the things the people in the cities have to buy which the farmers produce.

THE FRENCH DEBT

Mr. WATSON. Mr. President, I want to ask the Senator from Utah [Mr. SMOOT], he being an honored and useful member of the United States Debt Commission, what steps, if any, are being taken to settle the debt which France owes the United States?

Mr. SMOOT. Mr. President, I understand that there is objection to my making remarks on the subject at this time, so I shall wait for another occasion.

Mr. WATSON. Do I understand that some Senator objected to the Senator from Utah answering a question?

Mr. SMOOT. The Senator from Nebraska [Mr. NORRIS] objects, and so I shall speak at some other time.

Mr. NORRIS. Mr. President, I wish to state my objection now for the benefit of the Senate. I do not know why the Senator from Utah [Mr. SMOOT] should take exception to the little remark that I made, which probably nobody else but him heard. I said, "I object to the question on the ground that it is incompetent and immaterial and not the best evidence." If the Chair wishes to overrule the objection, of course I shall not take an appeal.

Mr. WATSON. I think we ourselves can overrule that objection, because if the Senator from Utah [Mr. SMOOT] is not competent to discuss that question, who is?

Mr. NORRIS. I have not said the Senator from Utah was not competent; there is no question about the competency of the witness that the Senator from Indiana has on the stand; but he is lawyer enough to know that one does not have to object to the competency of a witness when he makes an objection to the testimony that is attempted to be obtained from the witness by the question. I am objecting to the question.

Mr. WATSON. Do I understand that the Senator's objection lies to the fact that no effort ever will be made to collect the debt from France?

Mr. NORRIS. Not necessarily, Mr. President. I think my objection is perfectly plain on its face. Whether it is good or whether it is not good is an entirely different question; but I do not understand why the Senator from Indiana [Mr. WATSON], while the Senate is engaged in its peaceful pursuits here, trying to save the country, should bring up a question which under present conditions, I think, is incompetent, immaterial, and is not the best evidence.

Mr. WATSON. Of course, I do not know what the Senator from Nebraska means by "best evidence." I am going on the theory that if the Senator from Utah [Mr. SMOOT] can not furnish the "best evidence," nobody can, because he is a member of the Debt Commission and has been a member from the beginning; he has attended all of its deliberations, he is familiar with all the facts and acts, and if he can not furnish testimony, I again ask who can?

Nor do I think it is entirely irrelevant to ask as to whether or not we are going to do anything to press the collection of that debt. We literally pressed other nations into a settlement, and it seems to be unfair to those other nations if we intend by indefinite action really to cancel the debt of France. So I think it is entirely proper for a United States Senator to ask the question I have of a member of the Debt Commission or of other United States Senators.

Mr. NORRIS. But the Senator from Indiana must know that the question is not now before the Senate.

Mr. WATSON. Oh, it is not before the Senate, but——

Mr. NORRIS. The Senator must know, if he wants to be technical, that his question is out of order under the rules of the Senate.

Mr. WATSON. I am perfectly aware of that.

Mr. NORRIS. Very well; then the Senator admits my objection.

Mr. WATSON. If the Senator had made that objection, I would have acceded to it.

Mr. NORRIS. That is the objection I have made.

Mr. WATSON. But I do believe that there ought to be some sort of understanding had with reference to the matter. Of course, in the morning hour here we constantly bring up, as the Senator from Nebraska very well knows, matters which are not proper at the time, but no one objects. If the Senator from Nebraska objects, however, of course I am through.

Mr. HARRISON. Mr. President, I wish to ask the Senator from Indiana a question before he takes his seat.

Mr. WATSON. But objection has been made, and I can not answer.

Mr. HARRISON. I was going to make another suggestion. It may be that the Debt Commission is too busy refunding the debt of Greece by loaning the Greeks more money, and has not time to take up the question of the French debt settlement.

Mr. CURTIS. Mr. President, I hope we shall have the regular order. We had speeches yesterday morning on a resolution to which there was no objection, and I hope that this morning we shall have two hours on the calendar.

The VICE PRESIDENT. Petitions and memorials are now in order.

PETITIONS AND MEMORIALS

Mr. DILL presented a petition of sundry citizens of Tacoma, Wash., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. WARREN presented a resolution adopted by the annual meeting of the Wyoming Engineering Society at Casper, Wyo., favoring the passage of legislation to provide for an inventory of the water resources of the United States, which was referred to the Committee on Commerce.

He also presented a resolution adopted by Lodge Engelbreckt, No. 193, Vasa Order of America, of Cheyenne, Wyo., protesting against the execution of the national-origins quota provision of the existing immigration law, which was referred to the Committee on Immigration.

Mr. WILLIS presented a petition of sundry citizens of Cleveland, Ohio, praying for the adoption of an equal distribution clause in pending radio legislation, which was referred to the Committee on Interstate Commerce.

Mr. CURTIS presented petitions of sundry citizens of Horton and Topeka, in the State of Kansas, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

He also presented a resolution adopted by the Great Council of Kansas, Improved Order of Red Men, at Wichita, Kans., favoring the passage of legislation for the computation of time in periods of 13 months of 28 days per annum, except one month in each period of four years which shall have 29 days, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Great Council of Kansas, Improved Order of Red Men, at Hutchinson, Kans., favoring the adoption by Congress of flood-control measures, which was ordered to lie on the table.

FLOOD CONTROL

Mr. TYSON. I present a telegram from the mayor and other citizens of Monroe, La., and vicinity, relative to flood control, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

MONROE, LA., *March 5, 1928.*

HON. LAWRENCE D. TYSON,
United States Senate, Washington, D. C.:

Impossible comprehend the indifference and heartlessness of exponents of Boeuf River flood way feature of Jadwin plan incorporated in Jones bill, which proposes certain privation, desolation, and death to fertile, prosperous valley wherein dwell 70,000 of your fellow citizens as per actual census recently taken. Jadwin plan contemplates raising all levees except at Cypress Creek vicinity, which 35-mile section he terms a fuse plug, and thus making certain that this particular levee is to break. Jadwin plan diverts 900,000 cubic feet per second through this valley, or twice 1927 flow, from breaks on Arkansas River. Our people rescued last year only with greatest sacrifice and heroism. With twice the flow of water proposed impossible to evacuate valley without serious loss of life, which will shake Nation to its depths.

Jones bill does not contemplate buying property or flowage rights nor restoring drainage in this flood way, and while thus endangering the lives of these 70,000 people and threatening destruction of their property the Jones bill makes unlawful any community taking steps to protect themselves. With memory of desolation and extreme danger to life accompanying last flood, we appeal to you to give further consideration to this inhuman proposal which would make fertile, prosperous section of State a valley of death and desolation.

ARNOLD BERNSTEIN,
Mayor of Monroe.
C. C. BELL,
Mayor, City of West Monroe.
THEO. F. TERZIA,
President Ouachita Parish Police Jury.
M. C. REDWOOD,
Member Louisiana State Senate.
H. H. RUSSELL,
City Attorney, City of Monroe.
DAN BREARD,
Commissioner of Finance, City of Monroe.
R. O. MORRISON,
Parish Engineer, Parish of Ouachita.

REPORTS OF COMMITTEES

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (S. 2764) for the relief of Nelle McConnell, reported it with amendments and submitted a report (No. 479) thereon.

Mr. BLACK, from the Committee on Claims, to which was referred the bill (S. 379) for the relief of William R. Boyce & Son, reported it without amendment and submitted a report (No. 480) thereon.

Mr. STEIWER, from the Committee on Claims, to which was referred the bill (S. 1108) for the relief of Una May Arnold, reported it without amendment and submitted a report (No. 481) thereon.

Mr. McNARY, from the Commmittee on Agriculture and Forestry, to which was referred the bill (S. 2864) to establish the standard of weights and measures for the following wheat-mill, rye-mill, and corn-mill products, namely, flours, semolina, hominy, grits, and meals, and all commercial feeding stuffs, and for other purposes, reported it without amendment and submitted a report (No. 482) thereon.

He also, from the same committee, to which was referred the joint resolution (S. J. Res. 63) to amend sections 1 and 2 of the act of March 3, 1891, reported it with amendments and submitted a report (No. 483) thereon.

Mr. NYE, from the Committee on Claims, to which was referred the bill (S. 1970) for the relief of Karim Joseph Mery, reported it without amendment and submitted a report (No. 484) thereon.

Mr. HOWELL, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 926) for the relief of Jennie Roll (Rept. No. 487);

A bill (H. R. 3673) for the relief of Maj. F. Ellis Reed (Rept. No. 488);

A bill (H. R. 7110) for the relief of Frances L. Dickinson (Rept. No. 489);

A bill (H. R. 8093) for the relief of John Rooks (Rept. No. 490); and

A bill (H. R. 8887) for the relief of Victorina Mesa, of Cavite, Philippine Islands (Rept. No. 491).

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and read as follows:

By Mr. WALSH of Montana:

A bill (S. 3512) to authorize the taxation of certain interests in lands within reclamation projects; to the Committee on Public Lands and Surveys.

By Mr. BAYARD:

A bill (S. 3513) granting an increase of pension to Lousia Shott (with accompanying papers); to the Committee on Pensions.

By Mr. ROBINSON of Indiana:

A bill (S. 3514) granting a pension to Anna Washburn;

A bill (S. 3515) granting an increase of pension to Eliza Killom; and

A bill (S. 3516) granting an increase of pension to Mary A. Hackelman; to the Committee on Pensions.

A bill (S. 3517) for the relief of Henry Snow; to the Committee on Military Affairs.

By Mr. SHIPSTEAD:

A bill (S. 3518) granting an increase of pension to John F. Mossberg (with accompanying papers); to the Committee on Pensions.

By Mr. DILL:

A bill (S. 3519) granting a pension to John L. Collins; to the Committee on Pensions.

By Mr. NORBECK:

A bill (S. 3520) granting an increase of pension to Sibal E. Richardson; to the Committee on Pensions.

By Mr. METCALF:

A bill (S. 3521) granting an increase of pension to Mary L. Williams (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 3522) granting a pension to Laura B. Ehrenfeld (with accompanying papers);

A bill (S. 3523) granting an increase of pension to Amanda Alexander (with accompanying papers); and

A bill (S. 3524) granting an increase of pension to Alice E. Neil (with accompanying papers); to the Committee on Pensions.

A bill (S. 3525) for the relief of A. M. Thomas (with accompanying papers); to the Committee on Claims.

By Mr. CAPPER:

A bill (S. 3526) for the relief of William J. McCarthy (with accompanying papers); to the Committee on Finance.

By Mr. COPELAND:

A bill (S. 3527) granting a pension to Lowell A. Chamberlin; to the Committee on Pensions.

By Mr. WALSH of Massachusetts:

A bill (S. 3528) granting pensions to certain disabled children of veterans of the Civil War and the war with Spain; to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 3529) to fix the term of office of commissioners of the Interstate Commerce Commission, and for other purposes; to the Committee on Interstate Commerce.

A bill (S. 3530) granting a pension to Harriet Stewart; to the Committee on Pensions.

By Mr. REED of Pennsylvania:

A bill (S. 3531) to authorize construction at the United States Military Academy, West Point, N. Y.; and

A bill (S. 3532) to authorize an appropriation for the purchase of land at Selfridge Field, Mich.; to the Committee on Military Affairs.

By Mr. WILLIS:

A bill (S. 3533) granting an increase of pension to Susanna Fetzer (with accompanying papers); to the Committee on Pensions.

By Mr. COUZENS:

A bill (S. 3534) granting a pension to Joseph H. Peterson; and

A bill (S. 3535) granting an increase of pension to Jennie E. Buckley; to the Committee on Pensions.

By Mr. BROOKHART:

A joint resolution (S. J. Res. 109) to authorize the Secretary of Agriculture to accept a gift of certain lands in Clayton County, Iowa, for the purposes of the upper Mississippi River wild life and fish refuge act; to the Committee on Agriculture and Forestry.

AMENDMENTS TO AGRICULTURAL APPROPRIATION BILL

Mr. CURTIS submitted amendments intended to be proposed by him to House bill 11577, the Agricultural Department appropriation bill, which were referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 57, line 1, strike out the figures "$715,000" and insert the figures "$765,000."

On page 57, line 6, strike out the period, insert a colon, and add the following:

"*Provided further,* That $50,000 of the above amount, of which $10,000 shall be immediately available, may be used to enable the Secretary of Agriculture to complete an experiment in the grading and marking of meats under standards fixed by the Department of Agriculture."

AMENDMENTS TO FLOOD CONTROL BILL

Mr. HAWES. Mr. President, I desire to submit sundry amendments to Senate bill 3434, being the Mississippi River flood control bill, and I ask that they may lie on the table, be printed, and printed in the RECORD.

At this time I wish also to give notice that, if it shall be agreeable to the Senate, at the conclusion of the morning hour on Friday I should like to address the Senate on the question of flood control.

The amendments intended to be proposed by Mr. HAWES to Senate bill 3434, the flood control bill, were ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

On page 1 insert the words "Cape Girardeau, Mo." in lieu of the word "Cairo" in the caption of the bill.

On page 1, line 3, insert the words "except as hereinafter provided" after the word "that."

On page 1, line 5, insert the words "Cape Girardeau, Mo." in lieu of the words "The mouth of the Ohio River."

On page 2, line 3, insert the words "Said report shall be changed so as to provide that all spillways shall be controlled spillways, instead of fuse-plug spillways," after the word "engineers."

On page 2, line 5, insert the following: "two experienced civilian engineers and one civilian of recognized, experienced executive ability" in lieu of the words "a civilian engineer."

On page 2, line 10, strike out the following: "details of the."

On page 2, line 11, insert the word "That" in lieu of the word "Those."

On page 2, line 24, strike out all of section 2 and insert in lieu thereof the following:

"SEC. 2. (a) That for the protection of life, property, and navigation from floods and overflows from the Mississippi River and its tributaries, to provide against interruptions to interstate commerce, facilitate the continuous passage of the United States mails and to provide for the general public welfare, it is hereby declared to be the sense of Congress that the Federal Government shall assume entire direction of the subject of flood control upon and along the Mississippi River and its tributaries from the Head of the Passes at its mouth to Cape Girardeau.

"(b) And in compliance with the universally stated opinion that flood control is a national problem, and in view of the fact that there was a loss from floods in this area of $40,000,000 in 1903, of $78,000,000 in 1912, of $12,000,000 in 1913, of $5,500,000 in 1916, of $17,000,000 in 1922, and of between $236,000,000 and $284,000,000 in 1927, total of $400,000,000; and because this section of the alluvial valley of the Mississippi River contributed $292,000,000 to the building of levees and works of flood control and prevention while the Federal Government has spent but $71,000,000 for the same purposes; and because of the gigantic scale of the project involving control of flood waters from a drainage area largely outside of the States immediately affected, this area being 41 per cent of the territory of the United States; and for the reason that uniform State or local contributions can not be directed by the National Government, and for the reason that, as flood control of the Mississippi River and its tributaries must be treated as one project the failure of one State or local district to contribute would jeopardize or destroy the unity of plan as provided herein, or its execution, it is hereby provided that the Federal Government, to make effective the provisions of this act, shall assume the entire cost of flood-control works from the Head of the Passes to Cape Girardeau and shall not require local contributions for the purpose of carrying out the provisions of this act, except for maintenance as hereinafter provided for.

On page 3, line 24, strike out the letter "(a)".

On page 4, line 1, strike out clause "(b)" down to the word "*Provided,*" in line 9.

On page 4, line 10, strike out the word "further."

On page 4, lines 11 and 12, strike out the words "but the United States shall acquire, as provided below, rights of way necessary therefor."

On page 5, line 1, insert the following paragraph as paragraph 1 of section 5, the present section 5 of the bill to be paragraph 2 thereof:

"SEC. 5. Just compensation shall be paid by the United States for all property used, taken, damaged, or destroyed in carrying out the flood-control plan provided for herein, including all expenditures by persons, corporations, and public service corporations made necessary to adjust or conform their property, or to relocate same because of the spillways, flood ways, or diversion channels herein provided."

On page 5, line 4, insert the words "including flood ways" after the word "project."

On page 5, line 20, insert the words "without cost" after the word "over."

CHANGE OF REFERENCE

On motion of Mr. REED of Pennsylvania, the Committee on Military Affairs was discharged from the further consideration of the bill (H. R. 4920) authorizing the Secretary of War to award a Nicaraguan campaign badge to Capt. James P. Williams, in recognition of his services to the United States in the Nicaraguan campaign of 1912 and 1913, and it was referred to the Committee on Naval Affairs.

UNVEILING EXERCISES AT STONE MOUNTAIN, GA.

Mr. HARRIS. I submit a concurrent resolution, which I ask may lie on the table.

The concurrent resolution (S. Con. Res. 12) was read and ordered to lie on the table, as follows:

Resolved by the Senate (the House of Representatives concurring), That there is hereby created a committee of Congress consisting of 5 Senators to be appointed by the President of the Senate and 10 Members of the House of Representatives to be appointed by the Speaker of the House to attend, as representing the Congress of the United States, the exercises at Atlanta, Ga., April 9, 1928, incident to the unveiling of a portion of the Stone Mountain monument by the Stone Mountain Confederate Monumental Association.

PRESIDENTIAL APPROVAL

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on March 5, 1928, the President approved and signed the joint resolution (S. J. Res. 88) authorizing the erection on public grounds in the District of Columbia of a stone monument as a memorial to Samuel Gompers.

PUEBLO INDIAN LANDS

Mr. BRATTON. Mr. President, I think the Chair has on his desk a communication from the House of Representatives, which I ask may be laid before the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives agreeing to the amendments of the Senate to the House amendment to the bill (S. 700) entitled "An act authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes," with an amendment as follows:

On page 3 of the House engrossed amendment, line 18, strike out all after the word "Interior" down to and including the word "ownership" in line 24, and insert: "*Provided*, That such reimbursement shall be made only from the proceeds of leases of the newly reclaimed pueblo lands whether leased by Indians or others; Indians, however, to be given the preference in the making of such leases, and the proceeds of such leases to be applied, first, to the reimbursement of the cost of the works apportioned to said irrigated area of approximately 8,346 acres: *Provided further*, That as to not to exceed 4,000 acres of such newly reclaimed lands if cultivated by Indians no rentals shall be charged the Indians: *Provided further*, That there is hereby created against the newly reclaimed lands a first lien for the amount of the cost of the works apportioned to such newly reclaimed lands, which lien shall not be enforced during the period that the title to such lands remains in the pueblo or individual Indian ownership."

Mr. BRATTON. I move that the Senate concur in the House amendment.

The motion was agreed to.

U. S. S. "DISPATCH"

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 771) providing for the gift of the U. S. S. *Dispatch* to the State of Florida, which were, on page 1, line 4, to strike out the word "loan" and insert "convey by gift"; on page 1, line 9, to strike out "or the return"; on page 1, to strike out all after the word "vessel," in line 9, down to and including the word "State," in line 13; and to amend the title so as to read: "An act providing for the gift of the U. S. S. *Dispatch* to the State of Florida."

Mr. HALE. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

BRIDGE ACROSS THE CHESAPEAKE BAY

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1498) to extend the time for the construction of a bridge across the Chesapeake Bay, and to fix the location of said bridge.

Mr. TYDINGS. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate. I think the House amendments were made through a misapprehension and the conferees will quickly straighten out the matter.

The motion was agreed to; and the Vice President appointed Mr. JONES, Mr. MCNARY, and Mr. FLETCHER conferees on the part of the Senate.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred as indicated below:

H. R. 21. An act to provide for date of precedence of certain officers of the staff corps of the Navy; to the Committee on Naval Affairs.

H. R. 8337. An act to amend the air mail act of February 2, 1925, as amended by the act of June 3, 1926; to the Committee on Post Offices and Post Roads.

H. R. 9958. An act to authorize the disposal of public land classified as temporarily or permanently unproductive on Federal irrigation projects; to the Committee on Irrigation and Reclamation.

H. R. 8326. An act to authorize the construction of a dormitory at Riverside Indian School at Anadarko, Okla.;

H. R. 8542. An act to provide for the construction of a hospital at the Fort Bidwell Indian School, California; and

H. R. 8543. An act to provide for the construction of a school building at the Fort Bidwell Indian School, California; to the Committee on Indian Affairs.

H. R. 465. An act to authorize the city of Oklahoma City, Okla., to sell certain public squares situated therein;

H. R. 6993. An act authorizing the Secretary of the Interior to sell and patent certain lands in Louisiana and Mississippi;

H. R. 7946. An act to repeal an act entitled "An act to extend the provisions of the homestead laws to certain lands in the Yellowstone Forest Reserve," approved March 15, 1906;

H. R. 8724. An act granting certain lands to the city of Mendon, Utah, to protect the watershed of the water-supply system of said city;

H. R. 8733. An act granting certain lands to the city of Bountiful, Utah, to protect the watershed of the water-supply system of said city;

H. R. 8734. An act granting certain lands to the city of Centerville, Utah, to protect the watershed of the water-supply system of said city; and

H. R. 9829. An act to extend the provisions of the act of Congress approved March 20, 1922, entitled "An act to consolidate national forest lands"; to the Committee on Public Lands and Surveys.

H. R. 5806. An act to authorize the purchase of real estate by the War Department;

H. R. 5817. An act to provide for the paving of the Government road extending from St. Elmo, Tenn., to Rossville, Ga.;

H. R. 7932. An act to authorize appropriations for construction at military posts, and for other purposes;

H. R. 7944. An act to authorize appropriations for construction at military posts, and for other purposes; and

H. R. 11134. An act to authorize appropriations for construction at military posts, and for other purposes; to the Committee on Military Affairs.

H. R. 7198. An act authorizing Henry Thane, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Arkansas City, Ark.;

H. R. 7927. An act granting the consent of Congress to the Louisiana Highway Commission of the State of Louisiana to construct, maintain, and operate a free highway bridge across the Atchafalaya River at or near Melville, La.;

H. R. 8897. An act to revive and reenact the act entitled "An act granting the consent of Congress to the city of Chicago to construct a bridge across the Calumet River at or near One hundred and thirtieth Street, in the city of Chicago, county of Cook, State of Illinois," approved March 21, 1924;

H. R. 9350. An act granting the consent of Congress to Frank E. Merrill, carrying on business under the name and style of Frank E. Merrill & Co.'s Algonquin Shores Realty Trust, to construct, maintain, and operate a footbridge across the Fox River;

H. R. 9361. An act granting the consent of Congress to the city of St. Charles, State of Illinois, to widen, maintain, and operate a bridge across the Fox River within the city of St. Charles, State of Illinois;

H. R. 9365. An act to legalize a bridge across the St. Francis River at or near Marked Tree, in the county of Poinsett, Ark.;

H. R. 9663. An act authorizing Hermann Simmons, jr., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Tampa Bay from Pinellas Point, Pinellas County, to Piney Point, Manatee County, Fla.;

H. R. 9761. An act to extend the time for completing the construction of a bridge across the Monongahela River at or near Pittsburgh, Pa.;

H. R. 9773. An act granting the consent of Congress to the Manufacturers' Electric Terminal Railway, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River, at or near the mouth of the Big Blue River, in Jackson County, Mo.;

H. R. 9831. An act authorizing J. E. Turner, his heirs, legal representatives, or assigns, to construct, maintain, and operate a bridge across the Ocmulgee River at or near Fitzgerald, Ga.;

H. R. 9946. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at or near Mount Carmel, Ill.;

H. R. 9964. An act authorizing E. L. Higdon, of Baldwin County, Ala., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across Perdido Bay at or near Bear Point, Baldwin County, Ala.;

H. R. 10025. An act to extend the time for completing the construction of a bridge across the Monongahela River at or near Cliff Street, McKeesport, Pa.;

H. R. 10143. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Sabine River at or near Merryville, La., on the Merryville-Newton highway;

H. R. 10144. An act authorizing the B & P Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Rio Grande River at or near Zapata, Tex.;

H. R. 10373. An act authorizing the Plattsmouth Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Plattsmouth, Nebr.;

H. R. 10424. An act authorizing John C. Mullen, T. L. Davies, John H. Hutchings, and Virgil Falloon, all of Falls City, Nebr., their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Rulo, Nebr.;

H. R. 10566. An act granting the consent of Congress to the city of Peoria, Peoria County, Ill., to construct, maintain, and operate a free highway bridge across the Illinois River at or near Peoria, Ill.;

H. R. 10658. An act authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Decatur, Nebr.;

H. R. 10707. An act authorizing the Point Marion Community Club, of Point Marion, Pa., its successors and assigns, to construct, maintain, and operate a bridge across the Monongahela River at or near Point Marion, Pa.;

H. R. 10756. An act authorizing the State of Indiana to construct, maintain, and operate a toll bridge across the Miami River between Lawrenceburg, Dearborn County, Ind., and a point in Hamilton County, Ohio, near Columbia Park, Hamilton County, Ohio; and

H. R. 10806. An act authorizing the city of Atchison, Kans., and the county of Buchanan, Mo., or either of them, to construct, maintain, and operate a toll bridge across the Missouri River at or near Atchison, Kans.; to the Committee on Commerce.

H. J. Res. 175. Joint resolution to change the name of the Ancon Hospital in the Panama Canal Zone to the Gorgas Hospital; to the Committee on Interoceanic Canals.

THE CALENDAR

The VICE PRESIDENT. Morning business is closed. The calender under Rule VIII is in order.

VAN DORN IRON WORKS CO.

The bill (S. 624) for the relief of the Van Dorn Iron Works Co. was announced as first in order.

Mr. WILLIS. Mr. President, I am very anxious to have the Senate act on this bill, but the Senator from Washington [Mr. JONES] desires to be present when the bill is considered. I think, therefore, as a matter of fairness, I ought to ask that the bill be temporarily passed over, with the understanding that we may return to it when the Senator from Washington shall be in the Chamber.

The VICE PRESIDENT. The bill will be passed over temporarily.

ESTATE OF GEORGE B. SPEARIN, DECEASED

The bill (S. 1678) for the relief of the estate of George B. Spearin, deceased, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to the estate of George B. Spearin, deceased, $5,616.29 as payment in full for all loss sustained by said Spearin by reason of failure, until April 11, 1917, of his attorney to file with the Treasury Department, in compliance with the provisions of the act of September 30, 1890 (26 Stat. L. 537), transcript of judgment of the Court of Claims in the case of Spearin against the United States.

Mr. EDGE. Mr. President, the bill was held over at the request of the Senator from New Mexico [Mr. BRATTON]. He has since investigated it and has assured me that he has no objection to the passage of the bill. I regret that the Senator from New Mexico is not at the moment in the Chamber, although he was here a short while ago.

Mr. KING. Mr. President, I should be glad if the Senator would make an explanation of the bill.

Mr. EDGE. I will be glad to make an explanation. A similar bill passed the Senate during the last Congress. It provides for the payment of back interest arising out of a judgment which the plaintiff, Spearin, since deceased, obtained in a case which he successfully prosecuted before the United States Court of Claims and which judgment was afterwards affirmed by the Supreme Court. Because of the illness of the attorney of record, living in Washington, an illness of such a character that he became insane, he failed to file within the proper time the papers necessary to secure the payment of the $5,616.29 interest. The doctor's certificate as to the attorney's insanity was presented to the Committee on Claims, and that committee unanimously recommended the passage of the bill. The Senator from New Mexico, as I have stated, merely asked that it be held up until he personally could investigate the case. He has done so, and has assured me he has no objection to its passage. I see the Senator from New Mexico is now in the Chamber.

Mr. BRATTON. Mr. President, the statement of the Senator from New Jersey is correct. I have examined the bill and satisfied myself that it is a meritorious one. The objection which I registered on a previous occasion is withdrawn.

Mr. EDGE. I thank the Senator.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

VAN DORN IRON WORKS CO.

Mr. WILLIS. Mr. President, I note the Senator from Washington is now in his place in the Senate. I ask unanimous consent to return to Calendar No. 18, being Senate bill 624, in which the Senator from Washington was interested.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 624) for the relief of the Van Dorn Iron Works Co., which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Van Dorn Iron Works Co., out of any money in the Treasury not otherwise appropriated, the sum of $3,052.50 for package boxes manufactured by the Van Dorn Iron Works Co. as subcontractors and furnished to the Post Office Department by the contractors, the Columbia Supply Co., of New York, under its contract covering the period from March, 1901, to March, 1905.

Mr. WILLIS. Mr. President, when this bill was reached on a previous occasion the Senator from Washington [Mr. JONES] sought some information which I was unable at that time to give him. The question that he asked was a perfectly proper one. Since that time I have undertaken to secure the information desired, and I now have it.

The very proper question which the Senator propounded was this: Has the amount set forth in the bill been paid to the original contractor or anybody else? That was a very proper question; and, after considerable effort, I have secured the detailed information from the department. I have before me a letter under date of February 28 from the Acting Postmaster General. I will read the pointed paragraph and will place the entire letter in the RECORD, if I may. The letter is addressed to me. The Acting Postmaster General says:

You will note the statement of the Comptroller General that "the records of the General Accounting Office fail to disclose payment of the $3,052.50 to which the bill refers, or any part thereof, to either the Van Dorn Iron Works Co. or the Columbia Supply Co. or other contractor or subcontractor.

I am informed by the Bureau of the Budget that this advice is not in conflict with the financial program of the Budget.

That statement is quoted from the letter of the First Assistant Postmaster General. I have also here a copy of the original letter from the Comptroller General himself, Mr. McCarl, to the Postmaster General, which I will place in the RECORD if I may have permission. Does that furnish the information which the Senator from Washington sought?

Mr. JONES. It probably furnishes the information, but does not clear up the difficulty as I see it. Suppose that we pay this subcontractor this money, what is there to prevent the contractor, who had a direct contract with the Government, from coming in and insisting upon the Government paying him under his contract?

Mr. WILLIS. I think I can answer that question to the satisfaction of the Senator. In the first place, the whole matter is barred by the statute of limitation; that is the first direct answer to the question; and, in the second place, the Columbia Supply Co. had its case tried—I have here a letter from the attorney representing the United States at that time—and the case was decided against it because the Columbia Supply Co. had engaged in a fraudulent contract with an officer of the Government, whom I shall not name but who subsequently himself was tried and convicted and served a sentence in the penitentiary for having participated in a fraudulent contract.

The Columbia Supply Co., of course, is absolutely barred; and these people, the Van Dorn Iron Works Co., as this letter states, were innocent manufacturers. They furnished these boxes to the Government, and the Government is this day using them, and the company has never received a penny.

Mr. JONES. But they furnished these boxes without any contract with the Government.

Mr. WILLIS. The Van Dorn Iron Works Co. furnished the boxes in perfect good faith, as the Government says, perfectly innocently, to the Columbia Supply Co.; but the reason why the Columbia Supply Co. could not collect, and did not collect, was because of this fraudulent connivance between the Columbia Supply Co. and this officer of the Government. This officer of the Government, as I say, was subsequently convicted, and was sentenced to the penitentiary, and I think he is now in the penitentiary. The contract with the Columbia Supply Co., of course, was set aside as unenforcible and fraudulent, so they have not collected and can not collect, and for the further reason that they are barred by the statute of limitations.

The facts, therefore, are these: Here is this company, an innocent manufacturer that furnished this material to the Federal Government which the Federal Government is this day using. The question is, Shall it pay for it?

Mr. ROBINSON of Arkansas. What was the character of the fraud of which the Columbia Supply Co. was guilty?

Mr. WILLIS. I can not answer that in detail, Mr. President. That is a proper question. It was nothing whatever relating to the boxes.

Mr. ROBINSON of Arkansas. The boxes were accepted and used?

Mr. WILLIS. Oh, absolutely. The boxes were accepted. There is no complaint about them; but there was some sort of fraudulent understanding between this Government official and the Columbia Supply Co.

Mr. ROBINSON of Arkansas. Is the fact that the boxes were not paid for due to the lack of privity of contract between those furnishing them and the Government?

Mr. WILLIS. Exactly so. The contract was between the Government and the Columbia Supply Co. The Columbia Supply Co. was the one that was guilty of connivance with this Government official, who was subsequently sent to the penitentiary. The Van Dorn Iron Works Co., a perfectly innocent manufacturer, sold the boxes to the Columbia Supply Co., which in turn turned them over to the Federal Government. The Federal Government is using them yet, and the Van Dorn Iron Works Co. has never received a penny for the boxes.

Mr. JONES. Did the Government ever pay the Columbia Supply Co.?

Mr. WILLIS. It did not, because of the reasons I have stated. The supply company could not maintain its suit because the contract was set aside on the ground of fraud, connivance with this official, who subsequently was sent to the penitentiary for fraudulent conduct.

Mr. JONES. As a matter of fact, was the contract with the supply company set aside?

Mr. WILLIS. It was. They sued for the money, and the contract was set aside. I have here a letter from the United States attorney who tried the case.

Mr. ROBINSON of Arkansas. Who sued for the money?

Mr. WILLIS. The Columbia Supply Co. sued for the money, and the contract was set aside because of the fraud that was discovered; so they did not collect and never can collect, because their claim is barred by the statute of limitations.

Mr. ROBINSON of Arkansas. And there was no privity of contract between those who actually furnished the boxes and the Government?

Mr. WILLIS. There was no privity of contract between those who furnished the boxes and the Government. The Senator apprehends it correctly.

Mr. JONES. Does the department recommend this?

Mr. WILLIS. Absolutely.

Mr. JONES. The Senator says "absolutely." I have a case where there was not any fraud, where the Government got the benefit of all the work of the subcontractor, and yet the department recommends against it on the ground that there was no privity of contract between the Government and the subcontractor.

Mr. WILLIS. The difference between the Senator's case and the instant case undoubtedly is that in this case, as I have explained to the Senator, the contract with the original contractor was set aside on the ground of fraud, and the contract anyhow is now barred by the statute of limitations; so the original contractor could not collect, and never has collected, and never will.

Mr. JONES. I hope the Senator does not attach any importance to the statute of limitations in this matter, because very frequently we pass bills here avoiding the statute of limitations in connection with claims against the Government.

Mr. WILLIS. In view of the statements that have been made, and the information that has been placed in the RECORD that this contract was set aside on the ground of fraud, and the Government official who participated in the fraud was sent to the penitentiary, the Senator does not think that any future Senate will pass a bill to pay this company that was guilty of the fraud, especially if we shall pass this bill paying the company that actually furnished the material?

Mr. JONES. I will not vouch for what the Senate in the future may do or may not do in any particular matter.

Mr. NORRIS. Mr. President, may I ask the Senator from Ohio a question?

Mr. WILLIS. Certainly.

Mr. NORRIS. Would not this be possible if we establish a precedent: It may be—I do not know what the contract was—that the entire contract which the Senator says was set aside on the ground of fraud consisted of various things purchased from various subcontractors. If we set aside the contract on the ground of fraud, and then pay everybody for all of the material that was used in it, have not those who are trying to sustain the fraudulent contract attained their end?

Mr. WILLIS. No, Mr. President; I think not. I fear the Senator does not discriminate here. It was the Columbia Supply Co. that entered into the original contract and that was guilty of connivance with the Government official. The Van Dorn Iron Works Co., an entirely innocent manufacturer, sold these boxes to the Columbia Supply Co. in good faith, and they were furnished by the Columbia Supply Co. to the Government, and the Government is using them at this very hour.

Mr. ROBINSON of Arkansas. I see from the report of the Acting Postmaster General that a similar claim, a claim apparently in the same status as this, has already been allowed by the Congress.

Mr. WILLIS. That is correct. That is set forth in the committee report.

Mr. JONES. When was that done?

Mr. WILLIS. That is stated in a letter to the chairman of the House Committee on Claims, which the Senator has before him, under date of August 15, 1919; and the case to which the Senator from Arkansas is referring was the act of June 30, 1906.

Mr. JONES. Nineteen hundred and six?

Mr. WILLIS. Yes, sir.

Mr. JONES. What period of time did this transaction between the supply company and the Government take?

Mr. WILLIS. This is a similar case. It is not this case.

Mr. JONES. Oh, this is another case?

Mr. WILLIS. The Senator from Arkansas was calling attention to the fact that the Congress had acted in a similar case; not this case.

Mr. JONES. Has the Senator the original contract between the Columbia Supply Co. and the department?

Mr. WILLIS. I have not; no. Whatever the outcome of this discussion may be, I ask permission to place in the RECORD this letter from the Acting Postmaster General, recommending the legislation, and stating, as I read, that this company has never been paid, nor has any other company been paid, and also stating that the proposed payment is not in conflict with the financial program of the President; also, the letter from the Acting Postmaster General, Mr. Glover; likewise, the letter from the comptroller.

Mr. ROBINSON of Arkansas. Mr. President, it would be interesting and helpful if the Senator could state the basis for the judgment of fraud against the Columbia Co.

Mr. WILLIS. I wish I had that information, but I do not have it. I contented myself with the information that the contract was set aside on the ground of fraud. It appears that this official who was subsequently sent to the penitentiary was in connivance with the Columbia Supply Co., and when the Government discovered it, of course, action was had, and the man was tried and convicted.

Mr. JONES. I think the department ought to furnish to the Senate some more facts with reference to what was done on the Columbia Supply Co. contract.

Mr. WILLIS. I have tried to state that to the Senator—nothing at all. That contract was set aside on the ground of fraud.

Mr. JONES. I should like some of the papers and the judgment in connection with setting it aside.

Mr. WILLIS. That is, the reasons why it was set aside?

Mr. JONES. Yes.

Mr. WILLIS. Of course, I do not have the papers, but I suppose they could be secured. It seems to me the important fact is, though, that it was set aside on the ground of fraud. There is no suggestion in any quarter that the relationship of the Van Dorn Iron Works Co. to the matter is in any way tainted with fraud.

Mr. JONES. Personally, I should like to see how far this contract went, what various items it covers; and I should think the department could soon furnish that to the Senate.

Mr. WILLIS. I have been trying to get the information that was desired, and I thought I had just the information the Senator wanted. Here is the definite statement that he inquired about before, that the Government has never paid anybody for these boxes, and it is now using them, and the Postmaster General thinks it ought to pay for them. What is it that the Senator wants?

Mr. JONES. I did not have as much information before as I have now, I will say to the Senator.

Mr. WILLIS. No; nor I.

Mr. JONES. What led me to object in the first instance was that I saw that this was a bill to pay a subcontractor, and I have a bill before a committee to pay a subcontractor for work that he did for the Government and of which the Government has the benefit, and the department recommended to the committee that it not have consideration because there was no

contractual relation between the Government and the subcontractor. The subcontractor had to look entirely to his principal. That is what struck me with reference to this case and that is what led me to ask to have the matter go over. I am constrained to wish for some evidence of the character of the proceedings that the Government instituted and what the judgment was as against these contractors.

Mr. WILLIS. Would it help the Senator if I should read him the statement of the Government attorney who tried the case? I have it here.

Mr. JONES. No. From what the Senator says, that simply states a sort of conclusion. It does not give us any details.

Mr. WILLIS. Let me read the Senator a paragraph and perhaps it will give him the information he wants.

Mr. JONES. All right.

Mr. WILLIS. This is signed by the Government attorney who tried the case, Mr. Whiteley, then representing the Department of Justice. He says:

I contended that the contract was void because of fraud and the claim was dismissed by the court upon that ground—

That is, the claim of the Columbia Supply Co.

In dismissing the case the court held that it was possible for the plaintiff company to recover in the pending suit upon a quantum valebat because the Government accepted the boxes, retained possession, and used them, and no payment at all had been made. It further held that the plaintiff company had submitted no proof upon which to enter a judgment upon a quantum valebat—

In other words, they sued, as the Senator says, under the contract and not under quantum valebat—

the claim having been made for the full contract price, which included fraudulent profits to the contractor and an interest to a Government official. This decision was rendered December 2, 1918. At that time the statute of limitations had run against any claim and no new petition could be filed seeking compensation upon quantum valebat. At the time of the rendition of said judgment by the Court of Claims the statute of limitations had also run, as I understand, against any claim the subcontractor, the Van Dorn Iron Works Co., could make against the Columbia Supply Co., therefore any relief that is to be granted the subcontractor will have to come from Congress.

That is from Mr. Whiteley, the attorney representing the Department of Justice.

Mr. SHORTRIDGE. Mr. President, a parliamentary inquiry. How much time can be devoted to one of these bills?

Mr. JONES. He said there that these contractors might come in on a quantum valebat, but that was shut out because of the statute of limitations; and yet here, notwithstanding the statute of limitations has run, we propose to pay this subcontractor. I rather look to see the contractor come in by and by on his quantum valebat and ask Congress to make good.

I think we had better have the judgment in the case; and I am going to ask that it may go over until the Senator from Ohio has the judgment.

Mr. WILLIS. I ask unanimous consent to have printed in the RECORD these letters to which I have referred.

The VICE PRESIDENT. Without objection, it is so ordered.

The letters are as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., February 28, 1928.

Hon. FRANK B. WILLIS,
United States Senate.

MY DEAR SENATOR WILLIS: I have the honor to supplement my letter to you of the 2d instant relating to S. 624, being a bill for the relief of the Van Dorn Iron Works Co., by the inclosed correspondence between this department and the Comptroller General.

You will note the statement of the Comptroller General that "the records of the General Accounting Office fails to disclose the payment of the $3,052.50 to which the bill refers, or any part thereof, to either the Van Dorn Iron Works Co. or the Columbia Supply Co., or other contractor or subcontractor.

I am informed by the Bureau of the Budget that this advice is not in conflict with the financial program of the President.

Very truly yours,

JOHN H. BARTLETT,
Acting Postmaster General.

FEBRUARY 8, 1928.

GENERAL ACCOUNTING OFFICE,
Post Office Department Division:

I transmit herewith a letter from Hon. FRANK B. WILLIS, United States Senate, inclosing a copy of S. 624, being a bill for the relief of the Van Dorn Iron Works Co., and requesting to be advised as to whether the amount proposed to be paid to the Van Dorn Iron Works Co. has previously been paid by the Government to any other contractor or subcontractor.

In order that I may comply with the request of the Senator, I would appreciate it if you would, with the return of the inclosures, furnish me as soon as practicable such information as your records contain respecting this matter.

W. IRVING GLOVER,
Acting Postmaster General.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, February 20, 1928.

The honorable POSTMASTER GENERAL,

MY DEAR MR. POSTMASTER GENERAL: There has been received your letter of February 8, 1928, inclosing S. 624, Seventieth Congress, first session, entitled "A bill for the relief of the Van Dorn Iron Works Co.," and providing—

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Van Dorn Iron Works Co., out of any money in the Treasury not otherwise appropriated, the sum of $3,052.50 for package boxes manufactured by the Van Dorn Iron Works Co. as subcontractors and furnished to the Post Office Department by the contractors, the Columbia Supply Co., of New York, under its contract covering the period from March, 1901, to March, 1905."

You request advice whether the amount of $3,052.50, which the bill proposes to pay to the Van Dorn Iron Works Co., has previously been paid by the Government to any contractor or subcontractor, in order that you may comply with a request from the Hon. FRANK B. WILLIS for such information.

In reply you are advised that a search of the records of the General Accounting Office fails to disclose the payment of the $3,052.50 to which the bill refers, or any part thereof, to either the Van Dorn Iron Works Co. or the Columbia Supply Co., or other contractor or subcontractor.

In connection with the contract in question your attention is invited to a decision of the Court of Claims in the matter of this contract in the case of the Columbia Supply Co. v. United States (54 Ct. Cls. 10), where the court held this contract transaction fraudulent, and stated (p. 22) that—

"The fraud practiced had its inception in the amendment made to the contract of 1893 and extended without interruption through the contracts of 1897 and 1901. Payments of money were made to Machen up to as late as September, 1901, and were only then discontinued because of the apparent unwillingness of Machen to continue in his fraudulent conduct with the company."

And found (p. 13) that—

"These boxes were accepted by the department, but the bills therefor were not approved or warrant issued in payment thereof because of an investigation that had been instituted of irregularities in the purchase of supplies for said department,"

and to the further fact that said A. W. Machen, general superintendent, served a term in the penitentiary at Moundsville, W. Va., as a result of certain Postal Service irregularities.

Sincerely yours,

J. R. MCCARL,
Comptroller General of the United States.

FEDERAL TRADE COMMISSION,
Washington, February 27, 1928.

Senator FRANK B. WILLIS,
United States Senate, Washington, D. C.

Re S. 624, Seventieth Congress, first session.

MY DEAR SENATOR: Referring to my call upon you on Saturday, last, made at the request of Mr. E. C. Robinson of this city, representative of the Van Dorn Iron Works Co. of Cleveland, Ohio, and to your suggestion that I write you with reference to the legal status of the claim of the Columbia Supply Co. for payment for certain package boxes for the use of the Postal Service.

As I informed you Saturday, I represented the Department of Justice in the proceeding brought by the Columbia Supply Co. against the United States in the Court of Claims upon the contract of that company to furnish the Post Office Department with certain package boxes. I contended that the contract was void because of fraud and the claim was dismissed by the court upon that ground. In dismissing the case the court held that it was possible for the plaintiff company to recover in the pending suit upon a quantum valebat because the Government accepted the boxes, retained possession, and used them, and no payment at all had been made. It further held that the plaintiff company had submitted no proof upon which to enter a judgment upon a quantum valebat, the claim having been made for the full contract price which included fraudulent profits to the contractor and an interest to a Government official. This decision was rendered December 2, 1918. At that time the statute of limitations had run against any claim and no new petition could be filed seeking compensation upon quantum valebat. At the time of the rendition of said judgment by the Court of Claims the statute of limitations had also run, as I understand, against any claim the subcontractor, the Van Dorn Iron Works Co., could make against the Columbia Supply Co.; therefore, any relief that is to be granted the subcontractor will have to come from Congress.

So far as the record discloses or I have any information, the Van Dorn Iron Works was not connected in any way with the fraud practiced upon the Government nor did it have any knowledge of the same. Of course, I have no interest whatsoever in the matter except to present facts with which I am more or less familiar, and if there is any further information that you require and that I can furnish I would be very glad to do so.

Very truly yours,

RICHARD P. WHITELEY.

The VICE PRESIDENT. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 1182) to provide for the naming of certain highways through State and Federal cooperation, and for other purposes, was announced as next in order.

Mr. BLAINE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 511) to reimburse Horace A. Choumard, chaplain in Twenty-third Infantry, for loss of certain personal property was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

AGRICULTURAL EXTENSION WORK

The bill (S. 1285) to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture, was announced as next in order.

Mr. KING. Mr. President, some amendments have been suggested with respect to this bill. The bill as it was offered in the House, and as recommended by the Budget, I am for very heartily. There are several amendments which have been suggested by a number of persons and several Senators. A conference has been held with the able Senator from Kansas [Mr. CAPPER], and I think an agreement will be reached by the next time the calendar is called. I shall be glad to join with him then in having the measure passed.

Mr. CAPPER. Mr. President, I think the Senator from Utah will agree with me that I have not been disposed to crowd the bill through. It has been on the calendar for many weeks, and I do hope that he will give me an opportunity at the next call of the calendar to get consideration of the bill when it is reached.

The VICE PRESIDENT. The bill goes over, under objection.

BILLS PASSED OVER

The bill (S. 2277) relating to giving false information regarding the commission of crime in the District of Columbia was announced as next in order.

The PRESIDING OFFICER (Mr. FESS in the chair). The pending amendment is that offered by the Senator from South Carolina [Mr. BLEASE].

Mr. BLEASE. Mr. President, I am willing that the bill shall go over, if there is no objection.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2447) for the relief of the stockholders of the First National Bank of Newton, Mass., was announced as next in order.

Mr. BRATTON. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1476) for the relief of Porter Bros. & Biffle and certain other citizens was announced as next in order.

Mr. THOMAS. I ask that the bill be passed over temporarily.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2524) for the relief of Josephine Doxey was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

PRACTICE AND PROCEDURE IN FEDERAL COURTS

The bill (S. 1094) to amend the practice and procedure in Federal courts, and for other purposes, was announced as next in order.

Mr. BAYARD. Let that go over.

The PRESIDING OFFICER. Under objection, the bill will be passed over.

LOUISE A. WOOD

The bill (S. 61) granting an increase of pension to Louise A. Wood was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

RELIEF OF CERTAIN NAVAL RESERVE OFFICERS

The bill (S. 150) for the relief of former officers of the United States Naval Reserve Force and the United States Marine Corps Reserve who were released from active duty and disenrolled at places other than their homes or places of enrollment was announced as next in order.

Mr. KING. Mr. President, I would like to ask the Senator from California to explain the bill, to state what evil, if any, it seeks to correct, and what the expense to the Government will be.

Mr. SHORTRIDGE. Mr. President, I have a letter from the Secretary of the Navy which answers the question. These officers when discharged from the Government service were discharged at places other than where they were enrolled, and under a ruling they were not entitled to transportation to their respective homes.

Inquiry was made of the Secretary of the Navy in respect of the matter, and I take the liberty of reading his reply, addressed to the chairman of the committee, as follows:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, February 28, 1928.

The CHAIRMAN, COMMITTEE ON NAVAL AFFAIRS,
United States Senate, Washington, D. C.

MY DEAR MR. CHAIRMAN: Replying to the committee's letter of February 15, 1928, with further reference to the bill S. 150, "for the relief of former officers of the United States Naval Reserve Force who were erroneously released f. m active duty, etc.," and requesting an approximate estimate as to the number of men involved, together with the cost, if the proposed legislation is enacted, I have the honor to inform you as follows:

In the past seven years only three officers affected by bill S. 150 have requested reimbursement for the travel covered by the terms of the bill. It is, therefore, estimated that there will be a maximum of not more than 50 cases, with a maximum estimated cost to the Government of $4,000.

Sincerely yours,

CURTIS D. WILBUR,
Secretary of the Navy.

It is a simple matter. If these officers had been discharged and relieved from further duty at the places of enrollment, or of their entry into the public service, all would have been well, but, as stated, they were discharged at places other than the places of enrollment, and under the ruling of the Comptroller General were not entitled to transportation.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. SHORTRIDGE. Certainly.

Mr. KING. The reason why I asked the Senator to explain the bill grows out of the fact that an officer was discharged at his own request in Honolulu in 1918 or 1919, I do not recall the year. He anticipated going into business there. The Government would have been willing to pay his expenses home to the mainland, but, as stated, desiring to engage in business in Honolulu, the officer asked to be discharged at that point. Three or four years afterwards, when he concluded that he would come back to the United States, his business in Honolulu not being such as he had anticipated, he desired to be paid the expenses the Government would have been out in returning him to the United States at the time he severed his relations with the Navy. I was wondering whether this bill would cover cases of that kind, because I am told there are a large number of them. If it would, I should be opposed to the bill.

Mr. TYDINGS. Mr. President, will the Senator from California yield?

Mr. SHORTRIDGE. I yield.

Mr. TYDINGS. That question came up, and if the Senator from California is not familiar with the situation, I may say that the bill does not apply to any man who asked to be relieved at a different station from that where he was supposed to be relieved. If a man asked to be discharged in London, it would not apply.

Mr. SHORTRIDGE. The chairman of the committee was about to make the statement that it would not apply to or cover a case of that kind.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as amended, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized to pay mileage at the rate of 8 cents per mile, computed by the shortest usually traveled route, for travel actually performed within

one year from date and place of release from active duty or disenrollment to their homes or places of enrollment, to such former officers of the United States Naval Reserve Force or United States Marine Corps Reserve who have been released from active service or disenrolled under honorable conditions and not at his own request at places other than their homes or places of enrollment, upon the presentation by such former officers of satisfactory evidence showing that they actually performed such travel to their homes or places of enrollment: *Provided*, That the provisions of this act shall be applicable only to former officers of the United States Naval Reserve Force or United States Marine Corps Reserve who were actually released from active duty or disenrolled under honorable conditions prior to July 1, 1922.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of former officers of the United States Naval Reserve Force and the United States Marine Corps Reserve who were released from active duty and disenrolled at places other than their homes or places of enrollment."

JOSEPHINE DOXEY

Mr. EDGE. Mr. President, I was called to the telephone a few moments ago, and Calendar No. 92, Senate bill 2524, for the relief of Josephine Doxey, a bill introduced by me, was passed over. I ask unanimous consent that we may return to that measure.

The PRESIDING OFFICER. Is there objection?

Mr. SMOOT. Mr. President, from reading the report, I would be opposed to the bill anyhow.

Mr. EDGE. Mr. President, I understand we are operating under the five-minute rule, and I would like to make a brief explanation; and if the Senator from Utah shall then continue to object, of course, I can not help it.

Mr. SMOOT. I have no objection to the Senator making his statement.

Mr. EDGE. I really think this bill is a very meritorious one. It passed the Senate last year at the end of the session, too late to be acted upon in the House. It provides for payment under the workman's compensation act of the meager sum of $50 a month to a woman who had been, up to the time for her injury, in the service of the Government for many years. She was injured in the course of the performance of her duty in one of the departments of the Government, in the Treasury Department. Her claim was denied, it is true, by the Workmen's Compensation Commission of the Treasury Department.

Under date of January 21, 1926, McKenzie Moss, then Assistant Secretary of the Treasury, wrote as follows:

> The department has always felt that there was merit in Mrs. Doxey's case, and it is hoped that the commission will reopen the same.

The Assistant Secretary would not have said that unless he had made an investigation which warranted the statement.

Mrs. Doxey is a woman who is absolutely unable to do a stroke of work, I am informed. She fell on the floor of a cafeteria in the department in which she was employed, a cafeteria maintained there for the employees of the department, who used it in order that they might spend only the short time necessary to get their meals at that place. Mrs. Doxey fell and injured her hip, and I am informed that she is absolutely unable to enter into any employment at all.

It does seem to me that we should allow the small sum of $50 a month, $12.50 a week, to an old lady who has given years and years of service to the Government, at the small salary we know very well is paid for such services. It would not establish a precedent, as the case does not differ from many we have considered favorably time after time. At the last session of Congress I remember that the calendar contained a number of measures where so much a month was allowed to some one who had been injured, who had been turned down under the technical rules of the compensation commission. I believe this old lady failed to file the necessary notice and to be examined by the physician of the compensation commission. She was unaware of the requirements for six or seven weeks, as I recall from the report, when she was advised by some one and of course acted. There are a great many of those little technicalities involved in such cases. I think the Government is well able to pay $50 a month in this case.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. KING. I object.

The PRESIDING OFFICER. The bill will go over.

Mr. SMOOT. Mr. President, I want to say that this cafeteria was not operated by the Government. It was operated there by private parties, for the convenience of the employees, just the same as many other cafeterias are being operated today. If there is any liability, it is on the part of the people who were running the cafeteria, and not on the part of the Government of the United States.

Mr. EDGE. Then why, may I ask the Senator, would the Assistant Secretary of the Treasury say very frankly, over his signature, that he believed that there was merit in this case?

Mr. SMOOT. Mr. Bassett, the commissioner, says there is not any. While they sympathize with her, they hold that there is no claim on the part of the Government.

Mr. EDGE. I suppose if the Government of the United States is so poor that it can not pay $50 a month to an employee because of some technicality, some technical objection, that her friends or someone else can make up for the failure of the Government. But considering that the Government spends millions of dollars on experiments and every other type of activity, as far as I am concerned I think it could well afford to pay $50 in this case.

PROTECTION OF MIGRATORY BIRDS

The bill (S. 1271) to more effectively meet the obligations of the United States under the migratory bird treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes, by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and by providing funds for the establishment of such areas, their maintenance and improvement, and for other purposes, was announced as next in order.

Mr. DILL. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

RELIEF OF THE CITY OF NEW YORK

The bill (S. 459) for the relief of the city of New York, was announced as next in order.

Mr. COPELAND. Mr. President, may I ask the Senator from Utah if he is prepared to give his opinion on this bill?

Mr. SMOOT. I have just received a letter from the department this morning, and I ask that the bill may go over to-day until I can give it study. I see the department has sent me a mass of correspondence, and, therefore, I have made the request.

Mr. COPELAND. Then I ask that the bill go over without prejudice.

The PRESIDING OFFICER. The bill will be passed over.

RETIREMENT OF NATIONAL ARMY OFFICERS

The bill (S. 777) making eligible for retirement, under certain conditions, officers and former officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War, was announced as next in order.

Mr. KING. Mr. President, that bill is one of the special orders, and it will take some little time to discuss it. Of course, it will be reached within a few days under the special order, so I think it would be better not to displace it as a special order.

The PRESIDING OFFICER. The bill will go over.

DAVID M'D. SHEARER

The bill (S. 2720) for the relief of David McD. Shearer was announced as next in order.

Mr. KING. I would like to have an explanation of the bill.

Mr. SMOOT. I object to its consideration.

The PRESIDING OFFICER. The bill will be passed over.

SINKING OF SUBMARINE "S-4"

The resolution (S. Res. 109) creating a committee of the Senate to investigate the sinking of the submarine *S-4* was announced as next in order.

Mr. SMOOT. Let that go over. The Senator from Florida [Mr. TRAMMELL] is not in the Chamber.

PENSIONS AND INCREASE OF PENSIONS

The bill (S. 1939) granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, that will take some little discussion, and I ask that it be passed over for the present.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2900) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors, was announced as next in order.

Mr. KING. Mr. President, there are a number of amendments to be offered to the bill, some of which I think will be accepted, and when that is done the bill will be very promptly passed. I ask, therefore, that it be temporarily passed over.

The PRESIDING OFFICER. The bill will be passed over.

REGISTRATION OF ARCHITECTS IN DISTRICT OF COLUMBIA

The bill (S. 2660) to amend an act entitled "An act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia," approved December 13, 1924, and for other purposes, was considered as in Committee of the Whole. The bill had been reported from the Committee on the District of Columbia with an amendment, on page 9, line 12, after the word "counsel," to strike out:

Any person who shall make any willfully false oath or affirmation in any matter or proceeding required or permitted by this act shall be deemed guilty of perjury and liable to the punishment therefor provided by the Code of Law for the District of Columbia.

So as to make the bill read:

Be it enacted, etc., That sections 14, 16, 19, 22, 24, 25, 26, 27, 28, 29, and 30 of the act entitled "An act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia," approved December 13, 1924 (43 Stat. L. 714–718), be amended so that the same shall read as follows:

"SEC. 14. That, except as otherwise provided in this act, any person wishing to practice architecture in the District of Columbia under the title of architect shall, before being entitled to be or be known as an architect, secure from such board a certificate of qualifications to practice under the title of architect, as provided in this act.

"SEC. 16. That no person who was engaged in the practice of architecture in the District of Columbia on December 13, 1924, shall use or assume any title indicating that he or she is an architect, or any words, letters, or figures to indicate that the person using them is an architect, unless he or she shall have qualified and obtained a certificate of registration as an architect, or unless he or she shall, within six months after the passage of this act, file with said board an affidavit establishing to the satisfaction of said board the fact that he or she was in practice as an architect in said District on and prior to December 13, 1924. Nothing herein contained shall be construed to prevent any person who was engaged in the practice of architecture in said District on and prior to December 13, 1924, from applying to said board at any time for examination under this act. No firm shall be entitled to the style or designation 'architect' or 'registered architect' unless and until every member thereof shall be entitled to such designation. A corporation whose principal business, as shown by its character, is the practice of architecture, may apply for and obtain a certificate of registration, provided all its executive officers and directors are registered architects. The same exemptions shall apply to partnerships and corporations as apply to individuals under this act."

"SEC. 19. That any properly qualified person who shall have been actually engaged in the practice of architecture in the District of Columbia on December 13, 1924, may be granted a certificate of registration without examination on condition that the applicant shall submit satisfactory evidence to the said board that he is qualified to practice architecture and by payment to the board of the fee required for certificate of registration as prescribed in section 23 of this act: *Provided*, That nothing in this act shall prevent any person who was actually engaged in the practice of architecture under the title of architect prior to December 13, 1924, from continuing the practice of said profession without a certificate of registration and without the use in any form of the title 'registered architect' upon filing the affidavit required by section 16 of this act."

"SEC. 22. That an architect who has lawfully practiced architecture for a period of more than 10 years outside of the District of Columbia shall, except as otherwise provided in subdivision (b) of section 21, be required to take only a practical examination, the nature of which shall be prescribed by the board of examiners and registrars of architects."

"SEC. 24. That all examination papers and other evidences of qualification submitted by each applicant shall be filed with the board of examiners and registrars of architects, and said board shall keep a record of its proceedings relating to the issuance, refusal, renewal, suspension, and revocation of certificates of registration.

"The record shall also contain the name, known place of business and residence, and the date and number of the certificate of registration of every registered architect entitled to practice his profession in the District of Columbia."

"SEC. 25. That every registered architect in the District of Columbia shall annually, during the month of May, renew his certificate of registration and pay the renewal fee required by section 23 of this act. Any such architect who fails to pay the said renewal fee shall cease to be a registered architect, subject to restoration upon paying the fee therefor prescribed in accordance with section 23 of this act.

"A person who fails to renew his certificate of registration during the month of May in each year may not thereafter renew his certificate except upon payment of the fee required by section 23 of this act for the restoration of an expired certificate of registration.

"Every renewal certificate shall expire on the 30th day of April following the issuance."

"SEC. 26. Exemptions: That the following shall be exempted from the requirements of this act: (1) Any person practicing or desiring to practice architecture in the District of Columbia who shall have made application to the board for registration as an architect and who shall have paid the fee provided for in section 23 of this act, such exemption to continue only until the board shall have denied such application; (2) any officer or employee of the United States or the District of Columbia practicing architecture in that capacity alone.

"SEC. 27. Revocation of certificate: That the board of examiners and registrars of architects may revoke any certificate after 30 days' notice with grant of hearings to the holder thereof if proof satisfactory to the board be presented in the following cases:

"(a) In case it is shown that the certificate was obtained through fraud or misrepresentation.

"(b) In case the holder of the certificate has been found guilty by said board or by a court of justice of any fraud or deceit in his professional practice or has been convicted of a felony by a court of justice.

"(c) In case the holder of the certificate has been found guilty by said board of gross incompetency or of recklessness in the planning or construction of buildings.

"(d) In case a corporation holding a certificate of registration shall have as one of its executive officers or directors a person not a registered architect.

"SEC. 28. That the proceedings for the annulment of registration (that is, the revocation of a certificate) shall be begun by filing written charges against the accused with the board of examiners and registrars of architects by the board itself or by any complainant. A copy of the charges together with a notice of the time and place of hearing shall be served on the accused at least 30 calendar days in advance of such hearing, which shall be postponed if necessary to give the requisite notice. Where personal service can not be made within the District of Columbia, service may be made by publication or personal service in accordance with such rules as the board may adopt, following generally and in principle the provisions of sections 105 as amended, 106, and 108 of the Code of Laws of the District of Columbia. At the hearing the accused shall have the right to be represented by counsel, introduce evidence, and examine and cross-examine witnesses. The secretary of the board is hereby empowered to administer oaths. The board shall make a written report of its findings, which report, with a transcript of the entire record of the proceedings, shall be filed with the Commissioners of the District of Columbia, and, if the board's finding shall be adverse to the accused, his or her certificate of registration shall stand revoked and annulled, at the expiration of 30 days from the filing of such report, unless within said period of 30 days a writ of error shall be issued as hereinafter provided, in which event said certificate shall stand suspended until the final determination of the court of appeals upon such writ of error. If an exception is taken to any ruling of the board on matter of law, the exception shall be reduced to writing and stated in the bill of exceptions with so much of the evidence as may be material to the question or questions raised, and such bill of exceptions shall be settled by the board and signed by the secretary within such time as the rules of the board may prescribe. Any party aggrieved by the decision of the said board may seek a review thereof in the Court of Appeals of the District of Columbia by petition under oath setting forth concisely, but clearly and distinctly, the nature of the proceeding before said board, the trial and determination thereof, and the particular ruling upon matter of law to which exception has been taken, said petition to be presented to any justice of the court of appeals within 30 days after the filing of the report of said board with the commissioners, with such notice to the board as may be required by the rules of the court of appeals. If the justices shall be of the opinion that the action of the board ought to be reviewed, a writ of error shall be issued from the court of appeals, within such time as may be prescribed by that court, a transcript of the record in the case sought to be reviewed, and the court of appeals shall review said record and affirm, reverse, or modify the judgment in accordance with law."

Section 29 of the said act of December 13, 1924, is repealed. A new section, to be numbered section 29, is hereby enacted, as follows: "The said board shall have power to require the attendance of persons and the production of books and papers and to require such persons to testify in any and all matters within its jurisdiction. The chairman and the secretary of the board shall have power to issue subpœnas, and upon the failure of any person to attend as a witness when duly subpœnaed or to produce documents when duly directed by said board, the board shall have power to refer the said matter to any justice of the Supreme Court of the District of Columbia, who may order the attendance of such witness or the production of such books and papers or require the said witness to testify, as the case may be; and upon the failure of the witness to attend, to testify, or to produce such books or papers, as the case may be, such witness may be punished for contempt of court as for failure to obey a subpœna issued or to testify in a case pending before said court."

"SEC. 30. That any person who shall use the title 'architect' or 'registered architect' or any other words, letter, or figures indicating or intending to imply that the person using the same is an architect or a registered architect, without having complied with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding $200 or by imprisonment for not more than one year, or both, prosecution therefor to be made in the name of the District of Columbia by the corporation counsel."

SEC. 2. That nothing contained in this act shall be construed to affect the force and validity of any act of the board of examiners and registrars of architects performed prior to its passage. The act of December 13, 1924, and this act may be cited and known as the architects' registration act.

The amendment was agreed to.

The *bill* was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 781) requiring separate accommodations for white and colored passengers on street cars in the District of Columbia was announced as next in order.

Mr. JONES. The bill was reported adversely.

Mr. BLEASE. Mr. President, I will just ask for a yea-and-nay vote on the bill, without discussion.

The PRESIDENT pro tempore. Is the demand for the yeas and nays seconded? [After a pause.] The demand is not sufficiently seconded, and the bill goes over.

The bill (S. 132) to authorize the President to appoint LeRoy K. Pemberton a first lieutenant, Officers' Reserve Corps, United States Army, was announced as next in order.

Mr. KING. That is an adverse report. At the request of the Senator from California [Mr. SHORTRIDGE] I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2053) to establish a military record for Daniel K. Tafe was announced as next in order.

Mr. KING. That is also an adverse report. At the request of the senior Senator from California [Mr. SHORTRIDGE] I ask that the bill may be passed over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1736) for the relief of Charles Caudwell was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 141) for the relief of Felix Medler was announced as next in order.

Mr. KING. The Senator from California [Mr. SHORTRIDGE] asked me to request that the bill be passed over.

The PRESIDING OFFICER. The bill goes over.

JAMES NEAL

The bill (H. R. 7553) for the relief of James Neal was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers James Neal, alias James Spencer, who was a private of Company G, Thirty-fifth Regiment New Jersey Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 29th day of June, 1865: *Provided,* That no back pay, pension, or bounty shall be held to have accrued prior to the passage of this act.

Mr. JONES. Mr. President, may we have a brief explanation of the bill?

Mr. COPELAND. Mr. President, a similar bill passed the House last year, and this bill has passed the House this year. The report is very illuminating, I am sure. This soldier, while in Washington, was paid and told by his colonel that he, with others could go home, as the war was over; and he went home. He is a very old man, now 86 years of age, totally deaf. It has seemed to those of us who know the circumstances that it is a meritorious case. It is recommended by the committee, and I hope the bill will pass.

Mr. JONES. Mr. President, I want to suggest to the Senator from New York that I find quite an important statement in the report, which should go into the RECORD. In his affidavit he states he served with his company until June 29, 1865, and "while at Washington, D. C., he was paid and told by his colonel that he, with others, could go home, as the war was over. With that advice and permission of the colonel he came back to his home."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 2787) providing for the appointment of governors of the non-Christian Provinces in the Philippine Islands by the Governor General without the consent of the Philippine Senate was announced as next in order.

Mr. WILLIS. Mr. President, there are several Senators who have told me they desire to be present when this bill is taken up. This bill and Calendar No. 396, the bill (S. 2292) providing for the employment of certain civilian assistants in the office of the Governor General of the Philippine Islands, and fixing salaries of certain officials, relate to the same general theme, and they are of such importance that I really think it is not possible to discuss them at any time in the morning hour. I shall make an effort to secure a day for their consideration at a very early date, but I think they ought not to be considered at this time for the reason I have given. I ask, therefore, that Calendar Nos. 226 and 396, to which I have referred, be passed over.

The PRESIDING OFFICER. Both bills will be passed over.

The joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. This being the unfinished business, it will be passed over.

The bill (H. R. 3315) for the relief of Charles A. Black, alias Angus Black, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 757) to extend the benefits of certain acts of Congress to the Territory of Hawaii was announced as next in order.

Mr. ROBINSON of Arkansas. I think there should be an explanation of the bill.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

WALTER W. JOHNSTON

The bill (S. 2711) for the relief of Walter W. Johnston was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, the amount stated in the bill is quite large. I think we should have some explanation of it.

Mr. SMOOT. Let the bill go over.

Mr. FLETCHER. Mr. President, may I ask the Senator from Utah to permit me to make a brief statement before he insists upon his objection?

Mr. SMOOT. Very well.

Mr. FLETCHER. In the absence of my colleague the junior Senator from Florida [Mr. TRAMMELL], I would call attention to the provisions of the bill. It is favorably reported by the committee and carries $15,000 in settlement of a claim by the man Johnston. The report says:

From the evidence presented, the committee is satisfied that there was an agreement entered into between Johnston and McGowan, the district supervisor; that this agreement was ratified by Sharlow, the successor of McGowan; that Johnston performed very valuable service; and that the Government profited very greatly from his work and the use of his invention.

From an affidavit appearing in the report I read as follows. The man making the affidavit says:

I was present at Jacksonville, Fla., on or about the 17th day of May, 1918, when an agreement was entered into by and between Walter W. Johnston and W. McGowan, supervisor of the fourth district of the United States Emergency Fleet Corporation of the United States Shipping Board, for the use of a launching device to be used at Jacksonville, Fla.

Under the agreement the United States Shipping Board was to pay to Walter W. Johnston the sum of $50,000 for the use of this device, if it proved satisfactory. I was at the time employed as plant engineer at the Merrill-Stevens shipyard, at Jacksonville, Fla., and will state that it was in the office occupied by me that the arrangements were made, and that I was present when that agreement was made.

I witnessed the launchings of the steamship *Red Cloud* on May 30, 1918, and the steamship *Apalachee* on July 4, 1918, when this device was used under the supervision of Walter W. Johnston, and from the launchings that I witnessed the device was perfect in its construction and quick in its action, and it was proved the device saved the Shipping Board several thousands of dollars on each launching.

It seems that Johnston did have an agreement with the Shipping Board, through his representative there, that if they used the device of his and it proved satisfactory, he was to have $50,000. They did test it at the time and they did use it, and they never paid Johnston anything. The committee reduced the

amount from $50,000 to $15,000. I think a similar bill passed the Senate once before. The amount has now been reduced to $15,000.

Mr. HEFLIN. And is reported favorably by the committee?

Mr. FLETCHER. Yes; for $15,000.

Mr. ROBINSON of Arkansas. Why did the committee reduce the amount? It would seem the claimant would be entitled to the full amount of his contract.

Mr. FLETCHER. That is what he thought.

Mr. ROBINSON of Arkansas. But the committee arbitrarily reduced the amount?

Mr. FLETCHER. Yes; apparently they did.

Mr. ROBINSON of Arkansas. There is no objection to the consideration of the bill under that statement. I think the question is whether the committee have allowed him enough. If he had a contract for $50,000 and they have allowed him only $15,000, they have not treated him with great consideration.

Mr. SMOOT. I think there ought to be something shown on the other side of the question. There ought to be something said as to why the contract was not carried out. I ask that the bill may go over for the day.

Mr. FLETCHER. The Senator will realize that in the shipbuilding operations there came a time when everything stopped. We were building wooden ships down there and we stopped building and launching them. I suppose that is one reason why there was never anything done by the department about it.

The PRESIDING OFFICER. Under objection, the bill goes over.

VAN DORN IRON WORKS CO.

Mr. WILLIS. Mr. President, a few moments ago we had rather extended discussion of Calendar No. 18, the bill (S. 624) for the relief of the Van Dorn Iron Works Co. It is my understanding now that the Senator from Washington [Mr. JONES] is willing to withdraw his objection. I therefore ask unanimous consent to return to Calendar No. 18.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Van Dorn Iron Works Co., out of any money in the Treasury not otherwise appropriated, the sum of $3,052.50 for package boxes manufactured by the Van Dorn Iron Works Co. as subcontractors and furnished to the Post Office Department by the contractors, the Columbia Supply Co., of New York, under its contract covering the period from March, 1901, to March, 1905.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATES OF JOHN FRAZER ET AL.

The bill (S. 2855) for the relief of the estates of John Frazer, deceased, Zephaniah Kingsley, deceased, John Bunch, deceased, Jehu Underwood, deceased, and Stephen Vansandt, deceased, was announced as next in order.

Mr. KING. Mr. President, the bill needs some explanation. It is hoary with age—over 100 years old.

Mr. FLETCHER. It is an old matter. The bill simply gives jurisdiction to the Court of Claims, disregarding the running of the statute of limitations, to hear and determine the merits of the case. There is a long report on the subject. A similar bill passed the Senate in the Sixth-eighth and Sixty-ninth Congresses. It has been favorably acted on in that way from time to time, but somehow or other it never seems to pass both Houses in the same Congress.

Mr. ROBINSON of Arkansas. I see that as early as 1880 the President sent a message to Congress recommending action on the claim.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read, as follows:

Be it enacted, etc., That jurisdiction be, and hereby is, given to the United States Court of Claims (notwithstanding any bar arising from the statute of limitations or otherwise, and notwithstanding any decisions, rulings, or orders heretofore rendered or made by executive officers of the United States) of the claims of the estates of said John Frazer, deceased; Zephaniah Kingsley, deceased; John Bunch, deceased; Jehu Underwood, deceased; and Stephen Vansandt, deceased, known as the east Florida claims, for unpaid balances due on awards made by the Superior Court of the Territory of Florida at St. Augustine, under the treaty of 1819 between the United States and Spain with respect to property of said decedents taken or destroyed by the military forces of the United States; and said court is hereby directed to make findings of fact and enter judgment in relation to each of said claims: *Provided*, That from the judgments of said court on said claims either party shall have the right to appeal to the Supreme Court of the United States.

SEC. 2. That in adjudicating said claims said Court of Claims shall consider all findings of fact and all other evidences relative to the same, respectively, which is on file of the records of the United States or the State of Florida.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOINT RESOLUTION AND BILLS PASSED OVER

The joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States prohibiting war was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 1628) relating to the office of Public Buildings and Public Parks of the National Capital was announced as next in order.

Mr. SMOOT. Let the bill go over. I would like to have a copy of the bill placed in my folder before it is called again for consideration.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 133) for the relief of Kenneth B. Turner was announced as next in order.

Mr. KING. The Senator from California [Mr. SHORTRIDGE] requested me, if the bill was reached, to ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

INDIAN OCCUPANCY OF RAILROAD LANDS

The bill (S. 2154) to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913, was announced as next in order.

The PRESIDING OFFICER. The Chair lays before the Senate a similar bill received from the House of Representatives to-day.

The bill (H. R. 8293) to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913, was read twice by its title.

Mr. ROBINSON of Arkansas. I think someone should discuss the bill and give the Senate an explanation of its provisions and purposes. I ask that it be passed over temporarily in the absence of Senators who are interested in it.

The PRESIDING OFFICER. The bill will be passed over.

JUDICIAL DISTRICTS IN OKLAHOMA

The bill (H. R. 7011) to detach Okfuskee County from the northern judicial district of the State of Oklahoma and attach the same to the eastern judicial district of the said State was announced as next in order.

Mr. JONES. Mr. President, I do not know anything about the merits of the bill. I think we should have a statement from the Senator from Oklahoma [Mr. THOMAS] with reference to it.

Mr. THOMAS. Mr. President, the bill provides, as its title indicates, for detaching Okfuskee County in Oklahoma from the northern judicial district and attaching it to the eastern judicial district. This is suggested for the reason that there are better transportation facilities from Okfuskee County to the court towns in the eastern than in the northern district. The railroad facilities are claimed to be better to Muskogee than to Tulsa and because of these reasons citizens of Okfuskee County prefer to have their business transacted at Muskogee. The Attorney General recommends the transfer of this county from the northern to the eastern district.

Mr. JONES. May I ask the Senator if his colleague is favorable to the legislation?

Mr. THOMAS. I can not answer for my colleague, the senior Senator from Oklahoma [Mr. PINE], but I understand that he has no serious objection to it.

The PRESIDING OFFICER. Is there objection?

Mr. JONES. Mr. President, I think I had better ask that the bill go over. I do not know anything about the merits of the charges contained in the letter I have received. I did not know that the bill was coming up this morning, so that I have not the letters with me.

The PRESIDING OFFICER. Being objected to, the bill goes over.

INDIAN OCCUPANCY OF RAILROAD LANDS

Mr. FRAZIER. Mr. President, I ask unanimous consent that the Senate return to Order of Business 271, being the bill (S. 2154) to amend an act entitled "An act for the relief of Indians

occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913.

House bill 8293, which is identical with the Senate bill, has been passed and is now at the desk. I move to substitute that bill for the Senate bill, and if that shall be done, I will move that the Senate bill be indefinitely postponed.

Mr. ROBINSON of Arkansas. Will the Senator explain the bill?

Mr. FRAZIER. It simply proposes to give title to certain lands included in railroad property to some Indians who have lived on it for years. The bill is approved by the department and, indeed, is a departmental bill.

The bill (H. R. 8293) to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That all of the provisions of an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913, and amended by the act of April 11, 1916, and the act of June 30, 1919, be, and the same are hereby, extended to March 4, 1931: *Provided*, That the provisions of this act shall apply only in cases where it is shown that the lands were actually occupied in good faith by Indians prior to March 4, 1913, and the applicants are otherwise entitled to receive such tracts, in allotment under existing law but for the grant to the railroad company.

Mr. KING. I ask the Senator from North Dakota if he means literally what he said, that these Indians are living upon railroad land and have done so for a number of years, and that now Congress proposes to give them the land?

Mr. FRAZIER. It is proposed that Congress shall give them title to the land.

Mr. KING. That is, if the land belongs to the railroad company, how may we take it from the railroad company?

Mr. FRAZIER. It is proposed to give other lands to the railroad company, as I understand, to take the place of the lands to which the Indians are to be given title.

Mr. KING. Is the railroad company willing to make the exchange?

Mr. FRAZIER. They have so stated.

Mr. PITTMAN. I will ask the Senator from North Dakota if it is not an enabling act? In other words, the railroad company has no authority to dispose of any of its right-of-way land.

Mr. FRAZIER. These were lands, as I understand, which were granted to the railroad company as right of way.

Mr. PITTMAN. That is, it is simply an authorization for a trade?

Mr. FRAZIER. The lands are embraced in a railroad right of way.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 2154 will be indefinitely postponed.

A. N. ROSS

The bill (S. 2424) for the relief of A. N. Ross was announced as next in order.

Mr. KING. That bill having been adversely reported, I move that it be indefinitely postponed.

The motion was agreed to.

EXEMPTION OF SHORT-LINE ROADS FROM RECAPTURE CLAUSE

The bill (S. 656) to amend section 15a of the interstate commerce act, as amended, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That paragraph (5) of section 15a of the interstate commerce act, as amended, be, and the same is hereby, amended to read as follows:

"(5) Inasmuch as it is impossible (without regulation and control in the interest of the commerce of the United States considered as a whole) to establish uniform rates upon competitive traffic which will adequately sustain all the carriers which are engaged in such traffic and which are indispensable to the communities to which they render the service of transportation, without enabling some of such carriers to receive a net railway-operating income substantially and unreasonably in excess of a fair return upon the value of their railway property held for and used in the service of transportation, it is hereby declared that any carrier which receives such an income so in excess of a fair return shall hold such part of the excess, as hereinafter prescribed, as trustee for, and shall pay it to, the United States: *Provided, however*, That from and after February 28, 1920, the provisions of this section requiring any common carrier by railroad that received for any year a net railway-operating income in excess of a fair return upon the value of railway property held for and used by it in the service of transportation, to hold one-half of the excess as prescribed in said section, as trustee for and to pay it to the United States, shall not apply to common carriers by railroad subject to the provisions of this act (a) whose main track and branch lines do not exceed 200 miles in length and whose annual gross railway-operating revenue for any year, computed on the average of the three successive and immediately preceding calendar years, beginning with 1920, as reported to the Interstate Commerce Commission as required by law, does not exceed $10,000 per mile per annum of operated main track and branches; or (b) whose main track and branches do not exceed 100 miles in length and whose annual gross railway-operating revenue for any year, computed on the average of the three successive and immediately preceding calendar years, beginning with 1920, as reported to the Interstate Commerce Commission as required by law, does not exceed $15,000 per mile per annum of operated main track and branches, and in addition thereto and to the extent to be determined by the commission, as hereinafter provided, to railroads whose main track and branches do not exceed 200 miles which are deemed hereunder to have a probable limited-service life: *And provided further*, That none of such railroads to be thus relieved from the payment to the commission, in whole or in part, of such excess earnings, are owned and/or operated as a part of or by a general system of common-carrier railroad transportation owning or operating a line or lines of railroad exceeding 200 miles in length.

"In determining whether any such common carrier by railroad shall be entitled, on account of having a probable limited-service life, to exemption from the payment to the commission in any year of the whole or any portion of its net railway-operating income as defined in this section in excess of a fair return upon the value of railway property held for and used by it in the service of transportation, the commission shall give due consideration, among other things, as to whether or not the major portion of such carrier's total railway-operating revenue is derived from the transportation of products from mineral deposits, and/or stands of timber, and/or petroleum products from oil fields, and/or other natural resources, or from the transportation of any other products that will result in a limited-service life for such carrier, or from the transportation of products from industries which derive the major portion of their raw materials from such mineral deposits, stands of timber, oil fields, or other natural resources, it being hereby declared to be the policy of Congress that such carriers shall be entitled to set aside, out of their gross operating revenue at the end of each year, as a depletion account to be credited to such account and used by them for any lawful purpose, such percentage of their total railway-operating revenue as the commission may determine to be just and equitable under circumstances as applied to each individual carrier on account of such probable limited-service life, in a proceeding to be hereinafter provided for.

"Any common carrier by railroad, subject to the provisions of this act, which is exempted from the provisions of paragraph (5) of section 15a of the interstate commerce act as herein and hereby amended and/or that has been relieved by or under the provisions hereof from paying to the commission in whole or in part its net railway-operating income in excess of a fair return upon the value of its railway property held for and used by it in the service of transportation and that has heretofore paid or is obligated at the time this act takes effect to pay any such excess earnings to the commission, may apply to the commission for an order directing the return to such carrier of such excess earnings heretofore paid to the commission and the commission shall return such excess payment to such carrier and/or by order relieve it from such existing obligations then unpaid.

"Any common carrier by railroad having a main and branch line track length of less than 200 miles and an annual gross railway-operating revenue for the average of any three successive and immediately preceding calendar years in excess of $10,000 per mile of operated main and branch track, and that is required to pay to the commission any excess earnings, as herein defined, but believes that on account of having a probable limited-service life that it is entitled to set aside a percentage of its gross railway-operating revenue as a depletion account, as herein provided for, may apply to the commission for an order permitting it to create such depletion account and to set aside therein, as hereinbefore provided, a percentage of its gross railway-operating revenue; and the commission may, in its discretion, grant such application and issue such order to said carrier, specifying therein what percentage of such gross railway-operating revenue said carrier may be permitted to set aside in each year on account of its probable limited-service life.

"The commission may, from time to time, for good cause shown or on its own motion, make such orders supplemental to any order made hereunder as it may deem necessary or appropriate."

Mr. PITTMAN. Mr. President, this bill has been unanimously reported by the Interstate Commerce Committee of the Senate, as in the last Congress a similar bill was likewise unanimously reported by that committee. The purpose of the bill is to relieve from the recapture clause of the interstate commerce act any railroad under 200 miles in length which has not earned an average gross income of $10,000 a mile, based on a three years' calculation. The reason for adopting $10,000 a mile is because, with only two or three exceptions, no railroad

has ever been able to make any income on such low gross receipts. It applies to short-line railroads, as the report shows, because, as a rule the little short-line railroads have only one class of traffic. They go into a lumber community or into a farming community or into a mining community. For four or five years, perhaps, they will have a deficit and will not even be able to pay the interest on their bonds. Then possibly there will be two years in which they will pay over 6 per cent. When they do that the Government comes in and under the recapture clause takes half of their excess income away from them, with the result that it has meant bankruptcy for a number of short-line railroads and will mean bankruptcy for a great many others if the practice shall be continued. That is about the situation.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and is open to amendment.

Mr. METCALF. Mr. President, I offer the amendment which I send to the desk. I propose the amendment in order to take care of railroads 5 miles or less in length. It will only affect two or three roads which run to mines or to factories. When the business is bad they do not make any money, or they may suffer such calamities as having bridges washed away. I hope the amendment may be adopted.

The PRESIDING OFFICER. The amendment proposed by the Senator from Rhode Island will be stated.

The CHIEF CLERK. On page 3, line 6, after the word "branches," it is proposed to strike out the comma and to insert a semicolon and the following words:

or (c) whose main track and branches do not exceed 5 miles in length, and whose annual gross railway-operating revenue for any year, computed on the average of three succeeding and immediately preceding calendar years beginning with 1920, as reported to the Interstate Commerce Commission as required by law, does not exceed $100,000.

Mr. PITTMAN. How much would that amount to in gross earnings per mile?

Mr. METCALF. I do not know exactly what the figure would be per mile; but only two or three roads would be affected, and the whole recapture would be somewhere in the neighborhood of $20,000.

Mr. SACKETT. Mr. President, I think the amendment proposed by the Senator from Rhode Island covers the ground properly, and I do not think its adoption would interfere with the bill at all.

Mr. PITTMAN. I am willing to have the matter go to conference.

The PRESIDING OFFICER. Without objection, the amendment proposed by the Senator from Rhode Island is agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OHIO RIVER BRIDGE AT ABERDEEN, OHIO

The bill (S. 1170) granting the consent of Congress to the Maysville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River was announced as next in order.

Mr. SACKETT. Mr. President, I ask that House bill 437, which passed the House of Representatives on yesterday and has come over to the Senate, be substituted for the bill the title of which has just been stated.

The PRESIDING OFFICER laid before the Senate the bill (H. R. 437) authorizing the Maysville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Maysville, Ky., which was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, the Maysville Bridge Co., its successors and assigns, be and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation, at or near Maysville, Ky., and Aberdeen, Ohio, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The Maysville Bridge Co., its successors and assigns, is authorized to construct, maintain, and operate such bridge and the necessary approaches thereto as a railroad bridge for the passage of railway trains or street cars, or both, or as a highway bridge for the passage of pedestrians, animals, and vehicles, adapted to travel on public highways, or as a combined railroad and highway bridge for all such purposes; and there is hereby conferred upon Maysville Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. After the completion of such bridge, as determined by the Secretary of War, if the same is constructed as a highway bridge only, either the State of Kentucky, the State of Ohio, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements.

SEC. 4. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 3 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 5. If such bridge is constructed as a combined railroad bridge for the passage of railway trains or street cars, and a highway bridge for the passage of pedestrians, animals, and vehicles, then the right of purchase and condemnation conferred by this act shall apply to a right of way thereover for the passage without cost of persons, animals, and vehicles adapted to travel on public highways; and if the right of purchase or condemnation shall be exercised as to such right of way over the bridge, then the measure of damages or compensation to be allowed or paid for such right of way shall be a sum equal to the difference between the actual fair cash value of such bridge determined in accordance with the provisions of section 3 of this act, and what its actual fair cash value so determined would have been if such bridge had been constructed as a railroad bridge only. If the right of purchase or condemnation conferred by this act shall be exercised as to the right of way over such bridge, then that part of the bridge which shall be purchased or condemned and shall be thereafter actually used for the passage of pedestrians, animals, or vehicles, shall be maintained, operated, and kept in repair by the purchaser thereof.

SEC. 6. The Maysville Bridge Co., its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War, and the highway departments of the States of Kentucky and Ohio, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Maysville Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financ-

ing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 3 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Maysville Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. JONES. May I ask the Senator from Kentucky if the House bill is identical with the Senate bill?

Mr. SACKETT. I have not read the House bill since it came over, but there have been no objections to it. The Senate bill was recommended by the Senate committee, and the two bills are practically the same, I think. Senate bill 1170 was introduced by the Senator from Ohio [Mr. FESS] who is now in the chair. I have no reason to think that the bills are not identical, and, as I have said, no objection has been raised.

Mr. JONES. Of course, if the bills are the same it is all right, if they follow the regular form.

Mr. SACKETT. They do follow the regular form. The next bill on the calendar also follows the regular form.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut that the House bill be substituted for the Senate bill and that the House bill be considered?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 437) authorizing Maysville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Maysville, Ky.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 1170 will be indefinitely postponed.

OHIO RIVER BRIDGE AT MAYSVILLE, KY.

The bill (S. 761) granting the consent of Congress to Dwight P. Robinson & Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River was announced as next in order.

Mr. SACKETT. I ask that House bill 472 of similar title be substituted for the Senate bill.

The PRESIDING OFFICER laid before the Senate the bill (H. R. 472) authorizing Dwight P. Robinson & Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Maysville, Ky., which was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, Dwight P. Robinson & Co. (Inc.), its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation at or near Maysville, Ky., and Aberdeen, Ohio, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon Dwight P. Robinson & Co. (Inc.), its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Dwight P. Robinson & Co. (Inc.), its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of tolls so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Kentucky, the State of Ohio, any public agency or political subdivision of either of such States within or adjoining which any part of the bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of tolls shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient to pay the cost of acquiring the bridge and its approaches shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. The Dwight P. Robinson & Co. (Inc.), its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War, and with the highway departments of the States of Kentucky and Ohio, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Dwight P. Robinson & Co. (Inc.), its successors and assigns, shall make available all records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to the review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act, is hereby granted to Dwight P. Robinson & Co. (Inc.), its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky to substitute House bill 472 for Senate bill 761 and to consider the House bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider House bill 472.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 761 will be indefinitely postponed.

RIGHTS OF WAY THROUGH PUEBLO INDIAN LANDS, NEW MEXICO

The bill (S. 1941) to provide for the acquisition of rights of way through the lands of the Pueblo Indians of New Mexico was announced as next in order.

Mr. BAYARD. At the request of the senior Senator from New Mexico [Mr. BRATTON], I ask that the bill go over.

Mr. LA FOLLETTE. Does the Senator from Delaware desire an explanation of the bill, or does he insist upon it going over?

Mr. BAYARD. My objection to the bill was entered at the request of the senior Senator from New Mexico [Mr. BRATTON], who can not be present and who asked me to make the request that the bill go over for the day.

Mr. LA FOLLETTE. If the Senator desires an explanation of the bill I can give such explanation.

Mr. BAYARD. I merely desire that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

STANDARDS FOR HAMPERS, ETC.

The bill (S. 2148) to fix standards for hampers, round-stave baskets, and splint baskets for fruits and vegetables, and for other purposes, was announced as next in order.

Mr. BAYARD. Mr. President, I have two amendments which I should like to offer to the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KING. Mr. President, I should like to hear an explanation of the bill. I confess that it seems to me rather revolutionary that the Federal Government should make it a crime for a person to ship his own products in any sort of receptacle that he may determine to be proper.

Mr. McNARY. Mr. President, somewhat at length and quite willingly a week ago I explained the purposes of the bill. It simply meets a situation which it is necessary to meet in order to prevent deception and fraud in the shipment of vegetables in interstate commerce. At some future day I shall be glad to discuss it at length for the benefit of the Senator from Utah, but to-day I am going to ask that it go over for this reason——

Mr. KING. I was not going to ask that it go over.

Mr. McNARY. I am going to make that request. The Senator from Delaware [Mr. BAYARD] has suggested amendments which I am inclined to accept. However, being a departmental bill, I think the amendments should have the sanction or disapproval of the department. The Senator from New Jersey [Mr. EDGE] has some communications regarding the measure which I think he wants further to familiarize himself with.

Mr. EDGE. Is the Senator referring to the bill which he and I discussed this morning?

Mr. McNARY. Yes.

Mr. EDGE. I would appreciate it if the Senator would let it go over. I have written only this morning, following our conversation, for additional information.

Mr. McNARY. In courtesy to the Senator from New Jersey and in view of the amendments offered, I am going to ask that the bill go over for the present.

The PRESIDING OFFICER. The bill will be passed over.

CROP INSURANCE

The bill (S. 2149), authorizing and directing the Secretary of Agriculture to investigate all phases of crop insurance, was announced as next in order.

Mr. McNARY. Mr. President, this is a very important measure, which can not be thoroughly discussed under the five-minute rule. I am preparing some data to present to the Senate in connection with the bill, and I ask that it go over without prejudice.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

GAME SANCTUARIES IN NATIONAL FORESTS

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2456) to establish game sanctuaries in the national forests.

The PRESIDING OFFICER. The bill was considered on February 24, and the amendment reported by the committee was agreed to.

Mr. ROBINSON of Arkansas. Mr. President, when this bill was reached on a former call of the calendar the Senator from Wisconsin [Mr. BLAINE] expressed the desire to have the bill broadened in its last paragraph so as expressly to include predatory birds. I have no objection to such an amendment if the Senator from Wisconsin thinks the word "animals" would not be sufficiently broad after striking out all following the word "animals." After discussing the matter with the Senator from Wisconsin, I myself propose an amendment, in line 7, after the word "animals," to strike out all down to the end of the bill.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 3, section 3, line 7, after the word "animals," it is proposed to strike out "such as wolves, coyotes, foxes, pumas, and other species destructive to livestock or wild life or agriculture within the limits of said game sanctuaries or refuges," so as to make the section read:

SEC. 3. That the Secretary of Agriculture shall execute the provisions of this act, and he is hereby authorized to make all needful rules and regulations for the administration of such game sanctuaries or refuges in accordance with the purpose of this act, including regulations not in contravention of State laws for hunting, capturing, or killing predatory animals.

Mr. McNARY. Mr. President, I do not know that I shall insist upon any objection. I think, however, the thought that was in the mind of the Senator from Wisconsin [Mr. BLAINE] is covered by the language of the annual agricultural appropriation bill under the title "Predatory animals," under the subhead of "Biological Survey," where $800,000 annually is appropriated to study the habits of predatory animals, also including the bird family.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield to me?

Mr. McNARY. Yes.

Mr. ROBINSON of Arkansas. The provision we are now dealing with does not authorize any appropriation. It merely reserves the right—

to make needful rules and regulations for the administration of such game sanctuaries, * * * including regulations not in contravention of State laws for hunting, capturing, or killing predatory animals.

If the amendment is agreed to, I do not think it will conflict with the provision of the bill to which the Senator has referred. The point in my mind, to which I direct the attention of the Senator from Wisconsin, is whether he desires the words "and birds" inserted after "animals," after striking out the express designation of certain animals, my thought being that birds are also animals.

Mr. BLAINE. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from Wisconsin?

Mr. ROBINSON of Arkansas. Certainly.

Mr. BLAINE. I think, in regulatory acts of this character, birds do not come within the definition of "animals," and my thought is that the Secretary of Agriculture ought to have the right to initiate rules and regulations for the taking of predatory animals and birds, so that there will be no question about it.

If the Senator from Arkansas has no objection, I would suggest the addition of the words "and birds" after "animals."

Mr. ROBINSON of Arkansas. I have no objection to that.

Mr. McNARY. I think that amendment is quite proper, in view of the treatment of this subject matter in the annual appropriation bill for the Department of Agriculture.

The PRESIDING OFFICER. Without objection, the amendment as modified will be agreed to.

Mr. ROBINSON of Arkansas. No, Mr. President; I am striking out the predatory animals specially mentioned in the bill and ending the bill with the words "or killing predatory animals and birds."

Mr. SMOOT. "Birds and animals."

Mr. ROBINSON of Arkansas. I have no objection to saying "birds and animals." I can not see, for the life of me, the difference between saying "birds and animals" and saying "animals and birds." If the Senator from Utah can make that difference important, I shall gladly accept his suggestion.

Mr. SMOOT. Let me tell the Senator what I had in mind. I did not catch his last amendment; but what I had in mind was this:

The amendment as offered was to read:

or killing predatory animals and birds, such as wolves—

And so forth.

Mr. ROBINSON of Arkansas. No, indeed. I have stated three times, Mr. President, that I moved to strike out all language after the word "animals," and I believe that amendment has already been agreed to. The words "predatory animals" and "predatory birds" are pretty well defined.

Mr. SMOOT. Certainly; but not "such as wolves." That is all right.

Mr. ROBINSON of Arkansas. That has been stricken out of the bill on my own motion.

Mr. SMOOT. If that has been stricken out, I have nothing further to say.

Mr. ROBINSON of Arkansas. Now I move to insert, after the word "animals," the words "and birds."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HORTICULTURAL, ETC., WORK IN SOUTHERN GREAT PLAINS AREA

The bill (S. 2832) providing for horticultural experiment and demonstration work in the southern Great Plains area was considered as in Committee of the Whole.

The bill had been reported from the Committee on Agriculture and Forestry with amendments.

The first amendment was, in section 1, page 1, line 10, after the word "at," to strike out "one" and insert "or within reasonable proximity to one or more," so as to make the section read:

That the Secretary of Agriculture is hereby authorized and directed to cause such shade, ornamental, fruit, and shelter belt trees, shrubs, and vines as are adapted to the conditions and needs of the southern Great Plains area, comprised of those parts of the States of Colorado, Nebraska, Kansas, Texas, Oklahoma, and New Mexico lying west of the ninety-eighth meridian and east of the 5,000-foot contour line, to be propagated at or within reasonable proximity to one or more of the existing field stations of the Department of Agriculture in such area, and seedlings and cuttings and seeds of such trees, shrubs, and vines to be distributed free of charge under such regulations as he may prescribe for experimental and demonstration purposes within such area.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 9, after the words "sum of," to strike out "$50,000" and insert "$35,000," so as to make the section read:

SEC. 2. That for carrying out the purposes of this act, including purchase of land and erection of buildings, there is hereby authorized to be appropriated the sum of $35,000, out of any money in the Treasury not otherwise appropriated, to be expended under the supervision of the Secretary of Agriculture.

Mr. KING. Mr. President, let that bill go over. I have an amendment I desire to offer to it.

The PRESIDING OFFICER. The bill will be passed over.

ACCEPTANCE OF DECORATIONS, ETC., BY OFFICERS OF NAVY AND MARINE CORPS

The bill (H. R. 5898) to authorize certain officers of the United States Navy and Marine Corps to accept such decorations, orders, and medals as have been tendered them by foreign governments in appreciation of services rendered was announced as next in order.

Mr. BLEASE. Mr. President, I wish to offer an amendment to that bill, but I want to get some information from the Secretary of War first; and I will ask that it go over, not because I personally object to it but for the reason stated.

The PRESIDING OFFICER. The bill will be passed over.

Mr. REED of Pennsylvania. Mr. President, the Secretary of War has sent us the list which is embodied in my amendment, so that we have heard from him, and he is satisfied that the amendment should go in and the bill should pass. I should have told the Senator about that.

Mr. BLEASE. The only thing is that I want to put in, along with these officers, some American boys who have been ruled out because of an act of Congress which limits the time within which their cases should be considered and decided. I think they should have the same opportunity, at least, as the officers. I want the Secretary of War to give me a list of them and their names, so that I can offer an amendment to this bill enabling American boys who were cited to receive honors, along with the others, from their own Government or from any foreign government.

At present they are barred out by their own Government by an act of Congress limiting the time. Just a little amendment to this bill will give these American boys an opportunity to receive their dues from their own Government along with these officers.

This is a House bill, and a short delay will not affect the ultimate passage of the bill, because we can take it up and pass it at any time in just a minute.

This is not an objection. It is merely an effort to do justice to these American boys who have also been cited.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. BLEASE. Yes, sir.

Mr. REED of Pennsylvania. Would the Senator be willing to withhold his objection long enough to have the pending amendment adopted, and then let the bill go over?

Mr. BLEASE. That would not hurt anything.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDING OFFICER. The amendment offered by the Senator from Pennsylvania has been heretofore read.

The amendment was agreed to.

The CHIEF CLERK. Also, the Senator from Pennsylvania offers the following amendment:

On page 1, line 3, after the word "United States," insert "Army."

The amendment was agreed to.

Mr. REED of Pennsylvania. There is also an amendment in the title.

Mr. JONES. Mr. President, I desire to ask a question about this bill. We had a bill something like this up the other day, and we were assured that it covered all of these matters.

Mr. REED of Pennsylvania. Yes, Mr. President; this is the bill.

Mr. JONES. Oh, we did not pass that bill the other day?

Mr. REED of Pennsylvania. No; we did not pass it.

The PRESIDING OFFICER. The bill will be passed over.

BEAR RIVER MIGRATORY-BIRD REFUGE

The bill (S. 3194) to establish the Bear River migratory-bird refuge was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of Agriculture is hereby authorized to construct at Bear River Bay and vicinity, Utah, such dikes, ditches, spillways, buildings, and improvements as may be necessary, in his judgment, for the establishment of a suitable refuge and feeding and breeding grounds for migratory wild fowl; also to acquire by purchase, gift, or lease water rights and privately owned lands, including the improvements thereon, deemed necessary by him for the purpose, or, in lieu of purchase, to compensate any owner for any damage sustained by reason of the submergence of his lands.

SEC. 2. Such lands, when acquired in accordance with the provisions of this act, together with such lands of the United States as may be designated for the purpose by proclamations or Executive orders of the President, shall constitute the Bear River migratory-bird refuge and shall be maintained (a) as a refuge and breeding place for migratory birds included in the terms of the convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and (b) to such extent as the Secretary of Agriculture may by regulations prescribe, as a refuge and breeding place for other wild birds, game and fur-bearing animals, and (c) to such extent as the Secretary of Commerce may by regulations prescribe as a refuge and breeding place for fish and other aquatic-animal life.

SEC. 3. No such area shall be acquired by the Secretary of Agriculture unless or until the Legislature of the State of Utah has consented to the acquisition of lands by the United States for use as a refuge for migratory wild fowl, and shall have provided for the use as a refuge for migratory wild fowl by the United States of any lands owned or controlled by the State in Bear River Bay, Utah, and vicinity, which the Secretary of Agriculture may deem necessary for such purposes, and which the Secretary of Agriculture is hereby authorized to accept on behalf of the United States; and, except in the case of a lease, no payment shall be made by the United States for any such area until title thereto is satisfactory to the Attorney General.

SEC. 4. The existence of a right-of-way easement or other reservation or exception in respect of such area shall not be a bar to its acquisition (1) if the Secretary of Agriculture determines that any such reservation or exception will in no manner interfere with the use of the area for the purposes of this act, or (2) if in the deed or other conveyance it is stipulated that any reservation or exception in respect of such area, in favor of the person from whom the United States receives title, shall be subject to regulations prescribed under authority of this act.

SEC. 5. No person shall, except in accordance with regulations prescribed by the Secretary of Agriculture in respect of wild birds, game animals, or fur-bearing animals, or by the Secretary of Commerce in respect of fish and other aquatic-animal life—

(a) Enter, use, or occupy the refuge for any purpose; or

(b) Disturb, injure, kill, or remove, or attempt to disturb, injure, kill, or remove any wild bird, game animal, fur-bearing animal, fish, or other aquatic-animal life on the refuge; or

(c) Remove from the refuge, or cut, burn, injure or destroy thereon any timber, grass, or other natural growth, or the nest or egg of any wild bird; or

(d) Injure or destroy any dike, ditch, dam, spillway, improvement, notice, sign board, fence, building, or other property of the United States thereon.

SEC. 6. Commercial fishing may be conducted in the waters of this refuge under regulation by the Secretary of Commerce.

SEC. 7. (a) Any employee of the Department of Agriculture authorized by the Secretary of Agriculture to enforce the provisions of this act, and any employee of the Department of Commerce so authorized by the Secretary of Commerce (1) shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of this act or of any regulation made pursuant thereto, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction, (2) shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this act or regulations made pursuant thereto, and (3) shall have authority, with a search warrant issued by an officer or court of competent jurisdiction to make a search in accordance with the terms of such warrant. Any judge of a court established under the laws of the United States, or any United States commissioner may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

(b) All birds, animals, fish, or parts thereof captured, injured, or killed, and all timber, grass, and other natural growths, and nests and eggs of birds removed, and all implements or paraphernalia, including guns, traps, fishing equipment, and boats used or attempted to be used contrary to the provisions of this act or any regulation made pursuant thereto, shall, when found by such employee or by any marshal or deputy marshal, be summarily seized by him and placed in the custody of such persons as the Secretary of Agriculture and the Secretary of Commerce may jointly by regulation prescribe.

(c) A report of the seizure shall be made to the United States attorney for the judicial district in which the seizure is made, for forfeiture either (1) upon conviction of the offender under section 10, or (2) by proceedings by libel in rem. Such libel proceedings shall conform as near as may be to civil suits in admiralty, except that either party may demand trial by jury upon any issue of fact when the value in controversy exceeds $20. In case of a jury trial the verdict of the jury shall have the same effect as the finding of the court upon the facts. Libel proceedings shall be at the suit and in the name of the United States. If such forfeiture proceedings are not instituted within a reasonable time, the United States attorney shall give notice thereof, and the custodian shall thereupon release the article seized.

SEC. 8. The Secretary of Agriculture and the Secretary of Commerce are authorized to make such expenditures for construction equipment, maintenance, repairs, and improvements, including necessary investigations, and expenditures for personal services and office expenses at the seat of government and elsewhere, and to employ such means as may be necessary to execute the functions imposed upon them by this act and as may be provided for by Congress from time to time.

SEC. 9. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be available until expended, the sum of $350,000, or so much thereof as may be necessary to effectuate the provisions of this act.

SEC. 10. Any person who shall violate or fail to comply with any provision of, or any regulation made pursuant to, this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $500 or be imprisoned not more than six months, or both.

SEC. 11. As used in this act, the term "person" includes an individual, partnership, association, or corporation.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 2327) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

COMPENSATION OF REGISTERS OF LOCAL LAND OFFICES

The bill (S. 766) to fix the compensation of registers of local land offices, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment, on page 1, line 8, after the words "per annum," to insert "*Provided*, That the salary of the register of the Juneau land district, Alaska, shall be $3,600 per annum," so as to make the bill read:

Be it enacted, etc., That from and after the beginning of the next fiscal year the compensation of registers of local land offices shall be a salary of $1,000 per annum each and all fees and commissions now allowed by law to such registers, but the salary, fees, and commissions of such registers shall not exceed $3,600 each per annum: *Provided*, That the salary of the register of the Juneau land district, Alaska, shall be $3,600 per annum.

The amendment was agreed to.

Mr. KING. Mr. President, let the bill go over.

Mr. PHIPPS. Mr. President, will the Senator withhold his objection for a moment?

Mr. KING. Yes.

Mr. PHIPPS. The purpose of this bill is to allow registers to have fair compensation for their services. We have combined the offices of register and receiver in all cases, and have combined the land offices themselves, so that in Colorado, for instance, we now have 2 offices where previously we had 8 or 10. The work naturally is more heavy than heretofore; the register has more filings to pass upon; he has more people to see, and more clerks to handle. The minimum salary rate is fixed at $1,000, but if the fees of the office justify it that compensation is raised by a percentage until it reaches a maximum of $3,600 a year. The office must earn it, or it will not be paid. That, of course, is only a percentage of the fees, not the total fees received. It seems to us that it is a fair provision. It only puts those Government officials in the position they should occupy, and enables us to get men who are properly qualified to handle the important affairs of the office of register.

The PRESIDING OFFICER. Is there objection to the consideration of the bill? The Chair hears none. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INTERSTATE COMMERCE IN COTTONSEED OIL

The bill (S. 1414) for the prevention and removal of obstructions and burdens upon interstate commerce in cottonseed oil by regulating transactions on future exchanges, and for other purposes, was announced as next in order.

Mr. COPELAND. Mr. President, reserving the right to object, the other day when this bill was up I called attention to the fact that certain persons in my city have objected to the passage of the bill; and I have received a long letter in regard to it from the president of the New York Produce Exchange. Since all of these bills are considered under the five-minute rule, and this is such a long letter, I ask that it be printed at this point with my remarks, in order that the objections to the bill may be understood. Then I shall ask that the bill go over. I have had a very pleasant talk with the Senator from Texas [Mr. MAYFIELD], and I hope the next time the matter comes up it may be disposed of on its merits.

The PRESIDING OFFICER. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

NEW YORK PRODUCE EXCHANGE,
New York, March 2, 1928.

Hon. ROYAL S. COPELAND,
United States Senate, Washington, D. C.

DEAR SIR: With reference to Senate bill 1414, a bill for the prevention and removal of obstructions and burdens upon interstate commerce in cottonseed oil by regulating transactions on future exchanges, first allow me to inform you that there are just two exchanges for trading in cottonseed-oil futures. One, the New York Produce Exchange, where cottonseed oil has been traded in over a period of some 30 years, and the other, the New Orleans Cotton Exchange, where arrangements were made some two years ago to trade in cottonseed-oil futures.

The New York market has, with the exception of an insignificantly small minority, the hearty support of the entire cottonseed-oil industry, and has made its rules and regulations in conformity with the Interstate Cottonseed Crushers' Association, an association of the people who are engaged in the cottonseed-oil industry in this country, and in some instances in foreign countries, an association to promote the best interests of all the people engaged in the cottonseed-oil industry with equity and justice to all.

While no specific reference to either the New York or New Orleans cottonseed-oil markets is made in the bill, a comparison of both markets was made during the hearing on the original bill S. 4208 before the Committee on Agriculture and Forestry during May, 1926, so, of necessity, I must make the same comparison in placing the facts before you.

Of the New Orleans market very little is known, as the New Orleans Exchange does not allow official broadcasting of the amount of contracts traded in. The Senate record of the testimony before the Committee on Agriculture and Forestry in May, 1926, shows, however, that the few proponents of this bill admitted that the trading in cottonseed-oil futures on the New Orleans Exchange is extremely limited. One thing is certain, however; the New Orleans future market does not conform to the rules and regulations of the Interstate Cottonseed Crushers' Association, the governing body of the entire industry. The New Orleans market has established two grades of oil not recognized under the rules of the interstate association nor the industry generally.

The present bill is instigated by Mr. Woodall, of Hillsboro, Tex., through Senator MAYFIELD, and the only other support is from Mr. T. S. Kenan, of Atlanta, Ga., and a few others, who are desirous of having a future market at New Orleans, and who in their desire to have such a market are giving their support to this bill, thinking that by so doing they will bring about regulations of the New York Produce Exchange market that will drive the trade away from New York and bring it to New Orleans. It seems very plain that this insignificant minority not only have very little chance of accomplishing such a thing, with New Orleans so irregular in its methods, but if the bill should go through and the New York market be changed to conform to New Orleans, then the New York market will fade into insignificance along with New Orleans, and finally there will be no future market, no

protection for the industry, and in turn the farmer will not get full price for his cottonseed, as the miller must of necessity, in a case of this kind, buy his seed at a low figure with no future market to protect him.

Cottonseed oil is a manufactured product, not agricultural such as cotton, wheat, corn. The first stage of manufacture is crude cottonseed oil crushed from cottonseed. The second stage of manufacture is refined cottonseed oil, such as is traded in on the futures exchange. From then on the refined oil is further manufactured into various finished edible products to be passed on to the consuming public. The refined cottonseed oil as traded in on the New York Produce Exchange is a manufactured product in the second stage of manufacture. Governmental regulations of cottonseed oil, a manufactured product, derived from cottonseed, would be equivalent to an attempt at governmental regulation of flour and bread, which are articles manufactured from wheat, but, in any event, why should a manufactured product such as refined cottonseed oil be regulated by the Department of Agriculture? Why does not the bill come up before the Committee on Commerce? It seems to be a very irregular proceeding, and under the circumstances is it proper for the bill to come up before Congress? Should not the bill be recalled and referred to the proper committee for further hearing?

To familiarize you in as brief a way as possible with the facts in the case, allow me to inform you of some of the most important parts of the congressional record of the hearings before the Committee on Agriculture and Forestry in May, 1926:

Trading in cottonseed-oil futures on the New York Produce Exchange started about 30 years ago in a small way, until trading averaged some 3,360,000 barrels per year for the six years prior to the World War. For the past eight years since the war trading on the New York Produce Exchange averaged some 4,462,000 barrels per year. During the year 1927, which is after the hearing of the first bill (S. 4208) to regulate trading in cottonseed-oil futures, the trading on the New York Produce Exchange reached a total of 5,184,122 barrels. The two months of this year are record breakers, amounting to 1,288,700 barrels, and if the pace is maintained this year may see trading totaling between 7,000,000 and 8,000,000 barrels. This is positive manifestation that the New York Produce Exchange cottonseed-oil market is satisfactory and needs no change.

In May, 1924, the Interstate Cottonseed Crushers' Association appointed a committee headed by Mr. Woodall, of Hillsboro, Tex., to confer with a committee of the New York Produce Exchange to investigate trading conditions on the New York Produce Exchange in cottonseed oil and make recommendations for improvements, if possible, with a view to increasing trading in cottonseed-oil futures. The committees met and investigated the matter fully but could make no recommendations that would improve matters. After this meeting the New York Produce Exchange itself made further investigation. A committee was appointed and some 1,200 letters were sent to members of the industry throughout the country asking for suggestions with a view to increasing trading in cottonseed-oil futures. Of about 900 replies received, 75 per cent favored no change, 10 per cent thought some changes in trading regulations might be advantageous but did not know what to suggest, and the remaining 15 per cent made various suggestions which upon investigation proved impracticable. Having, therefore, thoroughly investigated possible changes in the New York Produce Exchange trading regulations and with the vast majority in favor of present rules and regulations, there was nothing to do but continue trading as per existing rules.

The wisdom of the vast majority has been proven by the leaps and bounds by which trading has increased since this agitation was started, whereas the New Orleans market is still a very limited affair. The New Orleans contract is only 30,000 pounds, whereas the New York Produce Exchange contract is equal to 40,000 pounds, and yet, on February 6, last, some 93,000 barrels of futures contracts were traded in on the New York Produce Exchange for that one day. In the congressional record it was estimated by a New Orleans proponent of the bill that an equivalent of only about 75,000 barrels were traded in on the New Orleans Exchange in one entire year. Does a market that is manifestly in such a healthy condition as the New York Produce Exchange cottonseed-oil market need changing and regulating? To the contrary, the market that is narrow and stagnant, such as the New Orleans market, is manifestly in need of change and regulation, and this we understand is not the purpose of the present bill. It is my understanding that the trading in the New Orleans cottonseed-oil market is so limited that there are many times when the bid and asked prices for options are fixed by a committee, which, to say the least, is not an indication of a free and open market.

About a year after the investigation into the advisability of making some changes in the New York Produce Exchange cottonseed-oil market facilities were arranged on the New Orleans Cotton Exchange for trading in cottonseed-oil futures. Arrangements were made for the delivery of three different grades of oil on contracts. Two of these grades were not and still are not officially recognized and made part of the Interstate Cottonseed Crushers' Association, the governing body of the entire industry. Besides this, loose delivery was arranged for and the contract quantity made 30,000 pounds, or just one-half the amount that it would take to fill an empty tank car. This is a further departure from the customs of the trade and the regulations of the Interstate Cottonseed Crushers' Association. The New Orleans market will always be limited in scope because of the undesirable restrictions not in conformity with the requirements of the cottonseed-oil industry and it had not been inaugurated but a few months when the unmistakable signs of its failure became apparent to its few adherents, and then along came Mr. Woodall again with a new idea that the New York Produce Exchange market was getting along too well, and perhaps if legislation could be effected to give the Government power to regulate trading in futures, then the New York Produce Exchange market would perhaps be changed to conform to the New Orleans market. This idea is admitted by Senator MAYFIELD in the congressional record of the hearings before the Committee on Agriculture and Forestry, bill S. 4208, May 18, 26, and 27, 1926, page 65. With the New Orleans market and the New York Produce Exchange alike, Mr. Woodall probably concluded New Orleans would at least get a larger share of the business.

The bill came up for hearing and the testimony was a constant comparison of the New York Produce Exchange and New Orleans cottonseed-oil markets. The proponents of the bill tried to show that the grade of oil traded in and the barreled delivery on the New York Produce Exchange were not satisfactory to the trade and that the New Orleans three-grade delivery and also half-tank loose delivery were what the trade wanted.

The New York Produce Exchange committee proved conclusively that the grade of oil traded in on the New York Produce Exchange was the most equitable to both buyer and seller, a grade that could be produced all year round, regardless of whether the crop of cotton seed from which it was manufactured was poor in quality or good in quality. They further proved that the New Orleans grades, because of the requirements for bleachable properties, could not at all times be available due to the properties of the seed from which these grades would have to be manufactured.

The New York Produce Exchange cottonseed-oil market, like any futures market, is essentially a hedging market which enables those marketing the product to avoid undue speculative risks. But necessary rules and regulations exist so that deliveries can be made and deliveries are made from time to time, and it has been found through experience that delivery in barrels is the best suited to meet the requirements of the majority engaged in the industry. The New York Produce Exchange committee submitted overwhelming proof that the barreled delivery was most used in the distribution throughout this and other countries of refined cottonseed oil in its various forms of manufacture. Many connected with the industry have no track facilities for taking loose delivery in tank cars. Storage space for barreled oil can be found in any city, but storage facilities for loose delivery is very limited. Oil stored loose would require tank cars to move the oil in and out of storage, and tank cars would have to be filled to capacity each time a movement of oil took place. Not so in case of barreled delivery. Any part of a barreled delivery could be moved at any time out of store by truck or lighter or railroad car, so that the barreled delivery was most equitable to all. If the time comes when loose delivery becomes most equitable for the entire industry, then the New York Produce Exchange will, of necessity, have to change its contract, and the New York Produce Exchange, in that event, would be the first to advocate the change.

The bill S. 4208 was never reported out of committee during the 1926 session of Congress. Senator NORRIS was chairman of the committee at that time, but since then changes have taken place, Senator MCNARY having been named chairman. The bill was again presented in December, 1927, under the number S. 1414. When the New York Produce Exchange became aware that this bill S. 1414 was presented, the produce exchange committee wrote to Senator NORRIS, the former chairman of the Committee on Agriculture and Forestry, at two different times requesting a hearing. The committee did not know that Senator NORRIS was no longer the chairman. However, the secretary of Senator NORRIS advised that our letters had been referred to Senator MCNARY, the new chairman, for his disposition, but in spite of that the New York Produce Exchange committee received no reply and was not given a hearing and the bill was reported out of the committee to the Senate.

The New York Produce Exchange and the cottonseed oil industry are not in favor of the bill for the following reasons:

First The bill is said to be for the purpose of regulating cottonseed-oil future exchanges, but it is in fact for the purpose of changing the New York Produce Exchange cottonseed oil market to conform with the New Orleans cottonseed-oil market. Senator MAYFIELD so stated in the congressional record of the hearings of May, 1926.

Second. The New York Produce Exchange cottonseed-oil market is subservient to the desires of the majority of those engaged in the industry, and its rules in respect to quality and delivery are identical with the rules and regulations of the Interstate Cottonseed Crushers' Association, the governing body of the industry, with headquarters at Dallas, Tex., and consequently needs no outside regulations.

Third. The industry having a governing organization, known as the Interstate Cottonseed Crushers' Association, which is truly representative of the entire industry and functioning in all respects, it is merely placing additional burdens and expense on the country to have unnecessary governmental regulation.

Fourth. The bill has not been properly presented, as cottonseed oil is a manufactured product and should consequently be under the control, if at all, of the Department of Commerce and not the Department of Agriculture.

The New Orleans cottonseed oil futures market was an attempt on the part of a very small disgruntled minority to have a market to conform with their ideas of what the industry should have, although the vast majority had already signified their approval of the New York Produce Exchange market. The New Orleans market has been open for over two years and yet it is not patronized except in a very limited way, and it certainly seems plausible that if the New Orleans market met the requirements of the trade the trade would go there. Realizing their failure, they have brought about this bill, and the real object of the bill, although it is not so stated in this bill, is to bring about a change in the New York Produce Exchange market to conform with the New Orleans cottonseed oil market, which is not wanted by the industry at large.

At your convenience, either in Washington or in New York City, the committee of the New York Produce Exchange would be very pleased to meet with you and discuss the matter further.

Yours respectfully,

WILLIAM BEATTY, *President.*

The PRESIDING OFFICER. The bill will be passed over.

BILL PASSED OVER

The bill (S. 1728) placing service postmasters in the classified service was announced as next in order.

Mr. BLEASE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

DOUBLE PENSION FOR DISABILITY FROM AVIATION DUTY

The bill (S. 3198) to amend the act of March 3, 1915, granting double pension for disability from aviation duty, Navy or Marine Corps, by inserting the word "Army," so as to read "Army, Navy, and Marine Corps," was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the act of March 3, 1915, granting double pension for disability from aviation duty, Navy or Marine Corps, be amended by inserting the word "Army," so as to read: "In all cases where an officer or enlisted man of the Army, Navy, or Marine Corps dies, or where an enlisted man of the Army, Navy, or Marine Corps is disabled, by reason of any injury received or disease contracted in line of duty, the result of an aviation accident received while employed in actual flying in or in handling aircraft, the amount of pension allowed shall be double that authorized to be paid should death or the disability have occurred by reason of an injury received or disease contracted in line of duty not the result of an aviation accident."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 1131) to encourage and promote the production of livestock in connection with irrigated lands in the State of Wyoming was announced as next in order.

Mr. KENDRICK. Mr. President, I am very anxious to have the Senate consider this bill; but several Senators have asked me to delay action on it until they can decide whether or not they want the provisions of the bill to apply to their States, so I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1940) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases was announced as next in order.

Mr. BLEASE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1462) for the adoption of the Columbia Basin reclamation project, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. JONES. Mr. President, can the Senator give me any idea as to how long a time he thinks he might take on this bill? I should like to move to take up the bill.

Mr. SMOOT. I can not say the length of time.

Mr. JONES. Does the Senator think it would be 15 or 20 minutes?

Mr. SMOOT. No; it could not be disposed of in that time.

Mr. KING. Fifteen or 20 hours?

Mr. SMOOT. It certainly can not be disposed of in five minutes.

Mr. JONES. As there is only a quarter of an hour now before 2 o'clock, the end of the morning hour, I shall not vote to take up the bill notwithstanding the objection to-day.

The bill (S. 1266) to create in the Bureau of Labor Statistics of the Department of Labor a division of safety was announced as next in order.

Mr. PHIPPS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3023) to revise the boundary of a portion of the Hawaii National Park, on the island of Hawaii, in the Territory of Hawaii, was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 445) authorizing the Secretary of the Interior to enter into a cooperative agreement or agreements with the State of Montana and private owners of lands within the State of Montana for grazing and range development, and for other purposes, was announced as next in order.

Mr. KING. I should like an explanation of that measure. I want to know what effect it would have.

Mr. SMOOT. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

ISOLATED TRACTS OF PUBLIC LAND

The bill (H. R. 6684) to amend section 2455 of the Revised Statutes of the United States, as amended, relating to isolated tracts of public land was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 1956) for the relief of Levi R. Whitted was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2292) providing for the employment of certain civilian assistants in the office of the Governor General of the Philippine Islands, and fixing salaries of certain officials, was announced as next in order.

Mr. WILLIS. Under an arrangement already made that bill has gone over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2387) to authorize appropriations for contingencies of the Army was announced as next in order, and was read.

Mr. KING. Mr. President, that is a very important measure, giving this authority to spend without any limitation. I would regard it as very unwise unless there was some very good reason for departing from what seems to me to be a rational and a safe policy.

Mr. REED of Pennsylvania. Mr. President, I suggest that we let the bill go over until we can get some further information about it.

The PRESIDING OFFICER. The bill will be passed over.

SALE OF LAND TO PENNSYLVANIA RAILROAD CO.

The bill (H. R. 5476) to authorize the Secretary of War to sell to the Pennsylvania Railroad Co. a tract of land situate in the city of Philadelphia and State of Pennsylvania was considered as in Committee of the Whole.

Mr. REED of Pennsylvania. Mr. President, when this bill was last up the Senator from Washington [Mr. JONES] asked that it go over in order to enable us to find out what the attitude of the Shipping Board was toward it, he thinking that it might interfere with their use of that terminal. I am advised by General Dalton, of the Shipping Board, that it will not in the least interfere with their use of the Philadelphia terminal, and they have no objection whatever to the passage of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF NATIONAL DEFENSE ACT

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1823) to amend section 2 of the act approved June 6, 1924 (43 Stat. L. 470), entitled "An act to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes," and it was read as amended, as follows:

Be it enacted, etc., That section 2 of the act approved June 6, 1924 (43 Stat. L. 470), be, and the same is hereby, amended by adding at the end thereof the following:

"Except in the detail of officers as members of the General Staff Corps, the President is further authorized, when in his judgment the interests of the service demand such action, to except any officer of any corps, department, arm, or branch of the Army of the United States from the provisions of section 4c of the national defense act, as

amended, relating to duty with troops of one or more of the combatant arms: *Provided*, That not more than 5 per cent of the total commissioned strength of the Army shall be so excepted at any one time: *And provided further*, That nothing in this act shall be so construed as to repeal or modify the act of June 6, 1924, as set forth in section 2, page 470, part 1, volume 43, Public Laws of the United States, Sixty-eighth Congress."

Mr. LA FOLLETTE. Mr. President, will not the Senator from Pennsylvania explain this bill?

Mr. REED of Pennsylvania. Yes, Mr. President. It is a bill to amend the Manchu law without at the same time interfering with the original intention of the Manchu law, to wit, that no General Staff officers shall be permitted to serve for a long period without going back to troops. The committee is firmly of the belief that that policy is wise, that General Staff officers ought to be required to serve with troops periodically, once every four years, as the present law requires. But this is to allow some specialists, like radio experimenters, the graves registration officer in Europe, and some chemists in laboratories, to continue their special work without going back to troops. That is the whole effect of the bill.

Mr. KING. Mr. President, may I suggest to the Senator that the Senator from Tennessee [Mr. MCKELLAR] challenged attention to this bill when it was up before and expressed a great deal of dubiety, as I recall, as to wisdom of it. He thought it would be the entering wedge to break down the requirement now that officers shall spend a certain part of their time with troops, and he was afraid it would be taken advantage of by men who get into these positions in and about Washington, or in favored places, and that then would remain there indefinitely and finally lose touch entirely with the Army, with the technique of the Army, and with the military activities of the Army.

Mr. REED of Pennsylvania. With that thought we are in full sympathy. The staff officers here in Washington ought to go back to troops, and I think neither the department nor the committee would ever recommend or report out any such legislation as would destroy that rule.

Mr. HAYDEN. What is the total commissioned strength of the Army?

Mr. REED of Pennsylvania. Twelve thousand officers.

Mr. HAYDEN. This would apply to 600?

Mr. REED of Pennsylvania. It would apply to a maximum of 600. It would not affect many officers of the line. It would principally affect the specialists, like officers in the Chemical Warfare Service, in the Signal Corps, and specialists like that. There are very few enlisted men in those branches, and a very large proportion of officers.

Mr. LA FOLLETTE. Mr. President, did the committee consider endeavoring to frame language which would be more specific instead of leaving it in such general terms as it appears to be in from a hasty reading of the bill?

Mr. REED of Pennsylvania. We left in the exception on page 1, line 6, so as not to apply to the General Staff Corps. We insisted on that. Then, as an amendment, we put in the 5 per cent limitation.

Mr. LA FOLLETTE. I ask whether it would not be possible to frame language that would specifically cover the class of officers the Senator believes should be relieved from service with the troops rather than leaving it in general terms and dependent upon the discretion of the department to carry out what I understand to be the sentiment of the committee from the Senator's statement.

Mr. REED of Pennsylvania. I doubt whether it would be possible to put in in specific terms the variety of particular scientific officers whom this would reach.

The PRESIDING OFFICER. This bill was considered on March 2, and certain amendments were made. The question now is, Shall the bill be reported to the Senate?

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 1830) to authorize the Secretary of War to withhold pay or allowances of any person in the military service to cover indebtedness due the United States or its military agencies or instrumentalities was announced as next in order.

Mr. REED of Pennsylvania. I ask that the bill go over. An amendment has been suggested by the Senator from Washington, I think, with propriety.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1831) to authorize the Secretary of War and the Secretary of the Navy to class as secret certain material, apparatus, or equipment for military and naval use, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1838) to amend section 110 of the national defense act by repealing and striking therefrom certain provisions prescribing additional qualifications for National Guard State staff officers, and for other purposes, was announced as next in order.

Mr. REED of Pennsylvania. I ask that that go over, on request of the Senator from Wisconsin [Mr. BLAINE].

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3092) to enable the George Washington Bicentennial Commission to carry out and give effect to certain approved plans was announced as next in order.

Mr. DILL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

NATIONAL ARCHIVES

The bill (S. 1169) to create an establishment to be known as the national archives was announced as next in order.

Mr. SMOOT. I ask that that bill be referred back to the Committee on Library for further consideration.

The PRESIDING OFFICER. Without objection, this bill will be taken from the calendar and recommitted to the Committee on the Library.

AMENDMENT OF JUDICIAL CODE

The bill (H. R. 8725) to amend section 224 of the Judicial Code was announced as next in order.

Mr. BRATTON. Mr. President, I should like to have an explanation of that measure. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

OLIVER C. SELL

The bill (S. 2966) for the relief of Oliver C. Sell was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 5, to strike out the word "Snell" and to insert the word "Sell," so as to make the bill read:

Be it enacted, etc., That the administration of any laws conferring rights, privileges, or benefits, upon honorably discharged soldiers, Oliver C. Sell, recruiting officer, and in Company B, First Regiment Ohio Volunteer Infantry, shall hereafter be held and considered to have been enrolled in the military service of the United States on July 24, 1898, instead of August 1, 1898, as shown on the official records of the War Department.

Mr. KING. Mr. President, will not the Senator give an explanation of that measure?

Mr. ROBINSON of Indiana. Mr. President, Oliver C. Sell, as is shown by the affidavits, was in a temporary detail, and went to work with a recruiting officer on July 24, 1898, instead of August 1. He continued in his service there until August 1, and then went on the pay roll, and continued in the service until October 25.

If his service is dated from August 1 to October 25, he does not get credit for 90 days. If he is given credit from the time he actually began service, July 24, until October 25, he gets credit for 91 days, which is the amount of service he should be given credit for. All the bill undertakes to do is to give this soldier credit for his actual service.

Mr. SMOOT. Mr. President, how did it happen that he served that length of time without any notice being taken of it in the records?

Mr. ROBINSON of Indiana. It was only one week.

Mr. SMOOT. That one week was what has made this legislation necessary.

Mr. BROOKHART. Mr. President, I think I can explain that to the Senator.

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Iowa?

Mr. ROBINSON of Indiana. I yield to the Senator.

Mr. BROOKHART. This man reported and was enlisted by a recruiting officer on the 24th of July, I believe it was; he was assigned to duty and went into service. That was at a station away from the regimental headquarters. Then, seven days later, after performing seven days of duty, he returned to regimental headquarters, and his enlistment papers were dated as of that date. There was an error in the date; the papers should have been dated back to the 24th of July. The colonel of the regiment and all the other officers connected with it corroborate that statement, and so I think there is no doubt about the truth of the statement.

Mr. ROBINSON of Indiana. There is also in the report an affidavit of the recruiting officer as to the truth of that statement.

Mr. SMOOT. If the statement outlines the facts, then of course the man is entitled to the relief.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

UNLAWFUL RESTRAINTS AND MONOPOLIES

The bill (H. R. 6491) to amend section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended, was announced as next in order.

Mr. EDGE. Mr. President, this bill was passed over at the last call of the calendar at the request of the Senator from Wisconsin [Mr. LA FOLLETTE]. I understand that he has withdrawn his objection.

I may say just a brief word. The bill simply changes the language of existing law in connection with the power of the Federal Reserve Board in allowing duplicate director. It changes the existing law, which now reads, "Provided such banks were not in substantial competition," so as to read, "Provided in their judgment it is not incompatible with the public interest."

It is a mere matter of a change in phraseology to make it possible for the board to act with judgment.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RULES IN COMMON-LAW ACTIONS

The bill (S. 759) to give the Supreme Court of the United States authority to make and publish rules in common-law actions was announced as next in order.

The PRESIDING OFFICER. That bill has been reported adversely.

Mr. BRATTON. I ask that it go over without prejudice.

The PRESIDING OFFICER. The bill will be passed over.

JOINT RESOLUTION PASSED OVER

The joint resolution (S. J. Res. 59) authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920, as per a certain contract authorized by the President, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

LIEUT. ROBERT STANLEY ROBERTSON, JR.

The bill (S. 1377) for the relief of Lieut. Robert Stanley Robertson, jr., United States Navy, was announced as next in order.

Mr. SMOOT. I would like to have an explanation of the bill.

Mr. SWANSON. Mr. President, the officer named in this bill has been on active service for eight or nine years, and I expect he will be continued on active service, as he is very valuable to the Navy. During the war he went abroad as a lieutenant commander. We passed a law under which the temporary rank of lieutenant commander expired on a certain date. This officer was reduced to the rank he had held, and has been in the service here in the department ever since.

It does not seem to me to be just, when a man has actually served as a lieutenant commander, not to allow him to be retired with the rank of lieutenant commander. It will increase his pay $1,100. The department did not recommend it, because they never recommend any special bill. It is left to Congress to determine whether a bill shall be passed specially or not in such a case.

Mr. SMOOT. I shall object to the consideration of the bill.

Mr. HALE. Mr. President, this is the only officer on the retired list now on active duty who does not have the rank he held during the war. It is an individual case, and I hope the Senator will not object.

Mr. SMOOT. Mr. President, this would only be a precedent established. We do not know where it would end.

Mr. HALE. I have explained that this is the only case of the kind.

Mr. SMOOT. But I object to the personal case.

The PRESIDING OFFICER. The bill goes over, under objection.

CHARLES R. SIES

The bill (S. 151) for the relief of Charles R. Sies was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

LIEUT. HENRY C. WEBER

The bill (S. 2442) for the relief of Lieut. Henry C. Weber, Medical Corps, United States Navy, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to place Lieut. Henry C. Weber, Medical Corps, United States Navy, in the position on the list of lieutenant commanders in the Medical Corps of the United States Navy which he would have held had he been commissioned in the said Medical Corps of the United States Navy as of December 10, 1918: *Provided*, That the said Lieutenant Weber, Medical Corps, shall first establish, in accordance with existing provisions of law, his physical, mental, moral, and professional qualifications to perform the duties of a lieutenant commander in the Medical Corps of the United States Navy: *Provided further*, That no back pay or allowances shall accrue by reason of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 2733) to amend the military record of Joseph Cunningham was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3434) for the control of floods on the Mississippi River from the Head of Passes to Cairo, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

AGRICULTURAL INSURANCE

The resolution (S. Res. 51) requesting the Secretary of Agriculture to report to the Senate at the beginning of the second regular session of the Seventieth Congress his views as to whether the insurance of the farmer by the Federal Government against droughts, floods, and storms would be consistent with sound governmental and economic policy was announced as next in order.

Mr. KING. I ask that that go over.

Mr. BRUCE. Mr. President, I hope the Senator will not object to that. It simply asks for a report from the Secretary of Agriculture on this important subject. It does not carry any appropriation.

Mr. KING. I would as soon have the judgment of some insurance man, or the Senator from Maryland, and I do not say that by way of disparaging the Secretary of Agriculture, who is a very able man, and whose friendship I have the honor to have. It is not the function of the Federal Government to make investigations and report upon these questions as to the advisability of insurance. We might ask the advice of the Treasury Department as to the advisability of life insurance or accident insurance.

Mr. BRUCE. The Secretary of Agriculture is more conversant than any ordinary individual would be, of course, with the conditions called for.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, Senate Joint Resolution 46.

Mr. CURTIS. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that we complete the consideration of unobjected bills on the calendar. It will take only about 10 minutes.

Mr. ROBINSON of Arkansas. Mr. President, I have no objection to that request. A number of Senators on this side of the Chamber have asked me to concur in it.

The PRESIDING OFFICER. Without objection, the call of the calendar for unobjected cases will be continued. The Senator from Utah [Mr. KING] has asked that Senate Resolution 51 go over.

Mr. McNARY. Mr. President, I would like very much, in the interest of this important subject matter, if the objection of the Senator from Utah might be removed. The resolution simply asks the Secretary of Agriculture to collect data and statistics in his office and report to the Congress concerning his judgment with reference to the practicability of crop insurance. It has nothing to do with the making of rates or premiums. It simply gives Congress the benefit of data and information which is badly needed and upon the basis of which we might determine future legislation and whether we should

enter that field. It is a question whether we should supply that data to mutual companies and other insurances companies for their information. I think no one would suggest that I have any desire to project the Government into this field, but there are certain data, and those data should be had for the benefit of Congress to enlighten us and enable us to determine whether we should attempt to invade that field for the purpose of legislation. I think, in the interest of that great industry, it would be very profitable if the Senator would withhold his objection.

Mr. KING. I have no objection to the Department of Agriculture submitting, for the benefit of any other department of the Government or of the Congress, any data that it has.

Mr. McNARY. That is all the resolution requires.

Mr. KING. But I fancied that there was some connection between the resolution and a bill pending, the object of which is to have the Government of the United States go into the insurance business.

Mr. McNARY. Oh, no. I must not allow that statement to pass without explanation. The bill pending is one which I myself have introduced after several years of investigation. It does not at all conceive that the Government shall ever go into that business at all. Its whole purpose is to assemble data now in the files of the Department of Agriculture, to make new investigations of county-aid work, home demonstrations, and to make further investigation in the field, other research, a further study of some of the extension work done by agricultural colleges, and after that data shall have been secured that it shall be supplied to those interested in crop insurance. There is no intimation in it, and, indeed, anyone reading the bill will see clearly that in nowise is the Government ever going to engage in that activity.

Mr. KING. I am very glad to receive the assurance of my able friend, and with his very illuminating and very persuasive statement I withdraw my objection to the consideration of the resolution offered by the Senator from Maryland.

Mr. McNARY. I feel complimented.

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Agriculture with amendments, on page 1, line 5, after the word "floods," to strike out the word "and," and in the same line, after the word "storms," to insert the words "and other hazards beyond his control," so as to make the resolution read:

Resolved, That the Secretary of Agriculture is hereby requested to report to the Senate at the beginning of the second regular session of the Seventieth Congress his views as to whether the insurance of the farmer by the Federal Government against droughts, floods, storms, and other hazards beyond his control would be consistent with sound governmental and economic policy; and if so, under what conditions such insurance should be issued.

The amendments were agreed to.

The resolution as amended was agreed to.

REREFERENCE OF BILL

Mr. LA FOLLETTE. Mr. President, I have conferred with the senior Senator from New Mexico [Mr. BRATTON] in regard to Calendar No. 308, the bill (S. 1941) to provide for the acquisition of rights of way through the lands of the Pueblo Indians of New Mexico, and in conformity with the understanding which I reached with that Senator, I request that the bill be rereferred to the Committee on Indian Affairs.

The PRESIDING OFFICER. Without objection, the bill will be recommitted to the Committee on Indian Affairs.

AIR CORPS SITE, WRIGHT FIELD, DAYTON, OHIO

The bill (H. R. 7008) to authorize appropriations for the completion of the transfer of the experimental and testing plant of the Air Corps to a permanent site at Wright Field, Dayton, Ohio, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed $900,000 to be expended for the completion of the transfer of the experimental and testing plant of the Air Corps to a permanent site at Wright Field, Dayton, Ohio, and the construction and installation thereon of the technical buildings and utilities and appurtenances as may be necessary.

Mr. KING. Mr. President, I would like to have an explanation of the bill. I have received many complaints, first, in regard to the exchange or rather the sale of the field which the Government owns and upon which we have spent large sums of money, running into the millions. Some letters suggest that there is a real-estate speculation involved and that it is to the disadvantage of the Government. Others insist that it is not an appropriate place for the establishment of a field for experimental purposes, but that it ought to be nearer the coast, nearer Bolling Field, or some of the navy yards. I shall be very glad to have an explanation.

Mr. REED of Pennsylvania. Mr. President, at Dayton we had, during the war time, established a field on land which was rented in part from the General Motors Co. and in part from other owners. That lease has expired. The field is much too small, because it extends only north and south. Its greatest dimension is north and south and the prevailing winds are east and west. In acreage it is also much too small. For that reason the citizens of Dayton felt, and the Air Corps feel also, that it is desirable to have a larger field where they could have a take-off in both directions. The citizens of Dayton raised a fund and bought this tract of land now called Wright Field. It did not cost the Government of the United States anything.

On that field we have spent, up to the present year, $1,800,000, and the Army appropriation bill, as it passed both House and Senate this year, carried a further item of $300,000 to carry on the work. The original estimate was $3,000,000 to complete the construction at the new field. Of that amount $2,100,000, as I said, has either been spent or is authorized to be spent in the coming year. The Air Corps came to our committee and asked that we increase the amount of $900,000 by about $250,000, but the committee told them that there had been no cost in construction since the original estimate was made and that they must stay within the original $3,000,000. After further study of their figures they said they believe they can do it. The $900,000 would not be appropriated this year, but it is simply an authorization for next year's appropriation, and will enable them to complete the boiler house, which is now a temporary shack and considerable of a fire risk, and to complete the storehouses in which much valuable material is stored and which is always in danger of fire. For that reason the committee thought it well to give them the amount of the original estimate, which we refused to increase.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 1731) to provide for the more complete development of vocational education in the several States was announced as next in order.

Mr. KING. Let the bill go over. I have several amendments suggested by persons communicating with me, and I am not ready to offer them now. I did not expect that the bill would be reached to-day.

Mr. McNARY. Very well. I do not want to hasten the Senator unduly, but perhaps within a week he can have his amendments ready?

Mr. KING. I shall have them ready within two or three days.

Mr. McNARY. It is a very important measure, and the Senator from Georgia [Mr. GEORGE] is anxious to have it disposed of.

Mr. KING. I shall call the attention of the Senator to the amendments when I have them ready.

The PRESIDING OFFICER. Under objection, the bill goes over.

ALABAMA, ARKANSAS, AND OHIO BRIDGE BILLS

The following bridge bills were severally considered as in Committee of the Whole, reported to the Senate without amendments, ordered to a third reading, read the third time, and passed:

H. R. 9484. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tombigbee River at or near Aliceville on the Gainesville-Aliceville road in Pickens County, Ala.;

H. R. 8899. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tombigbee River at or near Epes, Ala.;

H. R. 8900. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tombigbee River near Gainesville on the Gainesville-Eutaw road between Sumter and Green Counties, Ala.;

H. R. 8926. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River at or near Garland, Ark.;

H. R. 9019. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the Ouachita River at or near Calion, Ark.;

H. R. 9063. An act to extend the times for commencing and completing the construction of a bridge across the Chattahoochee River at or near Alaga, Ala.;

H. R. 9204. An act granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the Current River at or near Success, Ark.; and

H. R. 9339. An act granting the consent of Congress to the Board of County Commissioners of Trumbull County, Ohio, to construct, maintain, and operate a free highway bridge across the Mahoning River at or near Warren, Trumbull County, Ohio.

RED RIVER BRIDGE, ARKANSAS

Mr. CARAWAY. Mr. President, Calendar No. 473, the bill (H. R. 8926) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River at or near Garland, Ark., was passed a few moments ago. The Senate recently passed a bill containing authorization for the construction of the bridge, which differs very materially from the House bill to which I have referred. There is to be a conference between representatives of the highway department and members of the House committee with reference to it. I ask, therefore, unanimous consent that the votes by which the bill was ordered to a third reading and passed may be reconsidered, that the bill may be restored to the calendar, and that it may go over.

The PRESIDING OFFICER. Without objection, it is so ordered. House bill 8926 is restored to the calendar and is passed over for future consideration.

LIEUT. CHARLES THOMAS WOOTEN

The bill (S. 1955) for the relief of Lieut. Charles Thomas Wooten, United States Navy, was considered as in Committee of the Whole. The bill had been reported from the Committee on Naval Affairs with an amendment, in line 5, to strike out "$718.25" and insert in lieu thereof "$518.25," so as to make the bill read:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized to settle the claim of Lieut. Charles Thomas Wooten, United States Navy, in the sum of $518,25 for medical, hospital, and other expenses incident to an emergency operation upon the said Lieutenant Wooten on May 23, 1924.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF SECTION 1440, REVISED STATUTES

The bill (S. 2410) to amend section 1440 of the Revised Statutes of the United States was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That section 1440 of the Revised Statutes of the United States be amended by adding at the end thereof the following new sentence: "*Provided, however*, That the foregoing provision shall not apply to any officer of the Navy on the retired list."

Mr. ROBINSON of Arkansas. Mr. President, what is the effect of the provision?

Mr. REED of Pennsylvania. It is a matter really desired by the State Department. Section 1440 of the Revised Statutes provided that if any officer of the Navy accepted an appointment in the Diplomatic Service he should automatically be taken from the Navy list and be considered as having been discharged. It was not thought at that time by anybody who had to do with the matter that it would apply to retired officers. In fact, it was customary on occasion, when they could find suitable retired officers, to appoint them in the Diplomatic Service, and I could give a number of illustrations of distinguished diplomats who are on the retired list. However, the Comptroller General has ruled that the statute applies to the retired list as well and that no retired officer can be appointed to such places. The bill would simply correct that condition and allow a retired officer to be available, as is any other citizen. It does not apply to many officers. Very few of them are suited for the work.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MOUNT VERNON-ARLINGTON MEMORIAL BRIDGE HIGHWAY

The bill (S. 1369) to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge, across the Potomac River at Washington, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the United States Commission for the Celebration of the Two Hundredth Anniversary of the Birth of George Washington (hereinafter referred to as the commission), created by Public Resolution No. 38, approved December 2, 1924, be, and the same is hereby, authorized and directed to take such steps as may be necessary to construct a suitable memorial highway to connect Mount Vernon, the home and burial place of George Washington, in the State of Virginia, with the south end of the Arlington Memorial Bridge, now being constructed across the Potomac River at the city of Washington, D. C., acting through and by utilizing the services of the United States Department of Agriculture.

SEC. 2. That the Secretary of Agriculture is hereby authorized and directed to cooperate with said commission in carrying out the provisions of this act. He shall cause to be made such surveys as may be deemed necessary of the route, or routes, between the points named in section 1 hereof. The said commission shall determine the route on which said highway shall be constructed. The Secretary of Agriculture shall cause to be prepared such plans, specifications, and estimates for the construction of said highway as may be necessary, which shall include provision for the planting of shade trees and shrubbery and for such other landscape treatment, parking, and ornamental structures as he may prescribe, such plans and specifications to be subject to approval by the commission. He shall advertise for bids and enter into contracts for and supervise the work of constructing said highway.

SEC. 3. That the highway authorized to be constructed under the provisions of this act shall have a right of way of such minimum width as the commission shall determine, and shall be constructed only of such durable type of surfacing as will adequately meet the present and probable future traffic needs and conditions thereon. The Secretary of Agriculture is hereby authorized to occupy such lands belonging to the United States or to the District of Columbia as may be necessary for the location, construction, and maintenance of the highway authorized herein.

SEC. 4. That the Secretary of Agriculture is hereby authorized to acquire such lands as may be necessary for the proper location, construction, and maintenance of said highway, including parking, by purchase, condemnation, gift, grant, dedication, devise, or otherwise, from any source whatsoever. The Secretary of Agriculture may accept funds from any State, county, or political subdivision of a State, or from any individual or association, for the purpose of aiding in carrying out the provisions of this act. Such lands as may be acquired by purchase or condemnation may be paid for from funds authorized to be appropriated under this act, or from funds that may be donated for the purpose of aiding in carrying out the provisions hereof. Whenever it becomes necessary to acquire by condemnation proceedings any lands in the State of Virginia for the purpose of carrying out the provisions of this act, such proceedings shall conform to the laws of said State now in force in reference to Federal condemnation proceedings. No payment shall be made for any such lands until the title thereto in the United States shall be satisfactory to the Attorney General of the United States.

SEC. 5. That after the construction of said highway, the Secretary of Agriculture shall cause the same to be properly maintained, and shall pay the cost thereof from funds to be appropriated annually for that purpose, which appropriations are hereby authorized to be made. The Secretary of Agriculture shall have control over the vehicular and pedestrian movement on and over the highway constructed hereunder and may issue rules and regulations to govern such traffic and all uses of said highway, including limitations on the size, kind, weight, and speed of vehicles: *Provided*, That nothing herein shall be so construed as to conflict or interfere with the concurrent jurisdiction of the State of Virginia reserved by the laws of said State now in force over property acquired therein by the United States, or with chapter 494 of the acts of the General Assembly of Virginia, approved March 25, 1926, authorizing cooperation on the part of the State and interested subdivisions thereof in the construction of the highway herein provided for.

SEC. 6. That for the purpose of carrying out the provisions of this act, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following sums, or so much thereof as may be necessary, to be available until expended: The sum of $500,000 for the fiscal year ending June 30, 1928; the sum of $2,000,000 for the fiscal year ending June 30, 1929; the sum of $1,000,000 for the fiscal year ending June 30, 1930; the sum of $1,000,000 for the fiscal year ending June 30, 1931.

SEC. 7. That out of the appropriations made under this act, or acts amendatory thereof or supplemental thereto, the Secretary of Agriculture is authorized to employ such assistants, engineers, clerks, and other persons, in the city of Washington and elsewhere, to pay the salaries of like persons regularly employed by the Government whose services may be utilized hereunder, and to incur such travel and other expenses as he may deem necessary for carrying out the purpose of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 2859) for the relief of Francis J. Young was announced as next in order.

Mr. KING. Mr. President, may I inquire of the Senator from Kansas if it is the rule to allow one year's salary to the heirs

of a decedent who has served in the Diplomatic or Consular Service?

Mr. CURTIS. That I could not say.

Mr. KING. My recollection is it should be only six months' salary.

Mr. CURTIS. There is a rule of the Senate providing that where an employee served for only a limited time the heirs shall receive the equivalent of six months' salary.

Mr. KING. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

JAMES W. KINGON

The bill (H. R. 6579) for the relief of James W. Kingon was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to James W. Kingon, out of any money in the Treasury not otherwise appropriated, the sum of $170 in *full settlement* of all pay, bounty, and allowances due him for services in Company H, Forty-second Regiment Illinois Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN S. M'HENRY

The bill (H. R. 4702) to remove the charge of desertion from the record of Benjamin S. McHenry was announced as next in order.

Mr. KING. Mr. President, I have not had an opportunity to examine the report. May we have an explanation of the bill?

Mr. REED of Pennsylvania. May I explain that?

Mr. KING. Yes.

Mr. REED of Pennsylvania. This boy was an orphan, 15 years of age. He enlisted in 1863. A three-year enlistment was not then possible. He was told by the enlistment officer that a three-year enlistment law was in process of passage and that it would apply to him. He went into the service under a five-year enlistment. The three-year enlistment law was passed immediately after that, and he was told by his company officer that he was within the three-year class. He served on through the remainder of the war and until 1867. His three years had then expired and the war was over, but he was then notified that what had been told him was erroneous, and that he would have to stay for the full five years. He was transferred to another command, and that caused this misunderstanding. His original commander had stated that he would apply for his discharge, but the new commander to whom he was transferred did not know about that and refused to do it. The young man went home; he had not yet reached his majority; in fact, he had not reached the age of 20. The committee thought, as he had served creditably during hostilities, it was fair to consider him an honorably discharged veteran.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment in the nature of a substitute, on page 1, beginning in line 2, to strike out: "That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion now standing against Benjamin S. McHenry, late of Company K, Third Regiment United States Cavalry, and to grant and issue to said Benjamin S. McHenry an honorable discharge from said service and restore his proper name of Benjamin S. McHenry in lieu of the name under which he was erroneously enlisted, Henry Benjamin: *Provided*, That no back pay, bounty, or pension shall be held to have accrued prior to the passage of this act," and in lieu thereof to insert:

That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Benjamin S. McHenry, alias Henry Benjamin, late of Company K, Third Regiment United States Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 17th day of May, 1867: *Provided*, That no bounty, back pay, pension, or allowances shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill for the relief of Benjamin S. McHenry, alias Henry Benjamin."

CHARLIE M'DONALD

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2788) for the relief of Charlie McDonald. It directs that the Postmaster General be authorized to credit the accounts of Charlie McDonald, former postmaster at Lovington, N. Mex., in the sum of $242.05, due the United States on account of the loss of postal funds resulting from the failure of the National Bank of Lovington, Lovington, N. Mex., and provides that the said Charlie McDonald shall assign to the United States any and all claims he may have to dividends arising from the liquidation of said bank.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ONA HARRINGTON

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2126) to provide for compensation for Ona Harrington for injuries received in an airplane accident. It proposes to pay to Ona Harrington, of Minonk, Ill., $667.40 as compensation for injuries received in an airplane accident in or near Kempton, Ill., on July 10, 1919.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JACOB THOMAS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2809) for the relief of the heirs of Jacob Thomas. It proposes to pay to the heirs of Jacob Thomas, formerly an employee of the Rock Island Arsenal, in the State of Illinois, in full settlement against the Government, $497.28 for the death of said Jacob Thomas, resulting from injuries received while in the performance of duty on the 1st day of November, 1901.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SECURITY NATIONAL BANK, OF LAWTON, OKLA.

The bill (S. 50) for the relief of the Security National Bank, of Lawton, Okla., was announced as next in order.

Mr. THOMAS. Mr. President, I ask that this bill remain on the calendar at the present time.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

WILLIAM VOLKERT

The bill (S. 1642) for the relief of William Volkert was announced as next in order.

The PRESIDING OFFICER. The bill being adversely reported, without objection, is indefinitely postponed.

R. DEPUE

The bill (S. 2419) for the relief of R. Depue was announced as next in order.

The PRESIDING OFFICER. This bill being adversely reported, without objection, will be indefinitely postponed.

BROOKSVILLE PLANT INTRODUCTION GARDEN

Mr. McNARY. Mr. President, some time ago I reported Senate Joint Resolution 20, and it was placed on the calendar. Subsequently it was relegated to the calendar under Rule IX. I now ask unanimous consent to take the joint resolution from Rule IX, to place it on the calendar under Rule VIII, and to substitute for it Senate Joint Resolution 95, which I now report favorably and without amendment from the Committee on Agriculture and Forestry.

The PRESIDING OFFICER. Is there objection?

Mr. KING. May I inquire of the Senator from Oregon if he wishes to have the joint resolution considered?

Mr. McNARY. Yes. I may state to the Senator, if he will bear with me for a moment, that this joint resolution proposes to authorize the Secretary of Agriculture to dispose of some property at Hernando, Fla., at one time used for experimental purposes. It is not, however, any longer desired by the Department of Agriculture to use the property for the purposes for which it was acquired.

Mr. KING. Is the measure unanimously reported?

Mr. McNARY. Yes.

Mr. KING. I have no objection to the Senator's request.

Mr. McNARY. But the report which was made on the joint resolution that I introduced was objected to by the Senator from Florida [Mr. FLETCHER]. He then submitted another joint resolution which has been reported on favorably by the Department of Agriculture, and I am asking to have it substituted for the one which I previously reported from the Committee on Agriculture.

Mr. FLETCHER. On page 19 of the calendar it appears that I had the original Senate Joint Resolution 20, placed under Rule IX, in order that it might not be called on the calendar from time to time pending the report on Senate Joint Resolution 95. Now, Joint Resolution 95, which I introduced, has been

reported back by the committee, and I desire to have it substituted for Senate Joint Resolution 20, being Order of Business 39, now under Rule IX, and to have it considered at this time.

Mr. McNARY. That is the request that I have made, which is now pending.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 95) authorizing the Secretary of Agriculture to dispose of real property, located in Hernando County, Fla., known as the Brooksville Plant Introduction Garden, no longer required for plant-introduction purposes, which was read, as follows:

Resolved, etc., That the Secretary of Agriculture be, and he is hereby, authorized to sell, or cause to be sold at private sale, to the Hernando Tobacco Co., a corporation existing under the laws of the State of Florida, for the consideration of $2, being the amount originally paid by the Government to the said Hernando Tobacco Co. for the lands hereinafter mentioned, all that tract or parcel of land situate in Hernando County, Fla., ordinarily referred to as the Brooksville Plant Introduction Garden, and more particularly described as follows: The south half southwest quarter southwest quarter of section 30, township 22 south, range 20 east, containing 20 acres, more or less; and the entire portion of the north half southwest quarter southwest quarter of section 30, township 22 south, range 20, which lies south of and adjacent to the county road running through said section and township, consisting of 15 acres, more or less, in the county of Hernando, State of Florida; together with the buildings and improvements thereon, which said tract or parcel of land with the buildings and improvements aforesaid, is no longer needed for plant-introduction purposes, and to execute and deliver in the name of the United States and in its behalf any and all the contracts, conveyances, or other instruments necessary to effectuate and complete such sale.

SEC. 2. That the net proceeds from the sale of the aforesaid property be deposited in the Treasury of the United States.

Mr. McNARY. I desire at this point to have printed in the RECORD a letter from the Department of Agriculture favorable to the passage of the joint resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

DEPARTMENT OF AGRICULTURE,
Washington, March 5, 1928.

Hon. CHARLES L. McNARY,
United States Senate.

DEAR SENATOR: I have your letter of February 22, submitting a copy of Senate Joint Resolution 95 for consideration and report.

Under date of December 18, 1926, I submitted to you for consideration by your committee a proposed joint resolution authorizing this department to dispose of the land in question, which consists of 35 acres located in Hernando County, Fla., formerly used as a plant-introduction garden by the Bureau of Plant Industry, this department, but no longer required for plant-introduction purposes. For your information, I inclose a copy of that letter.

I would like to call your particular attention to the second paragraph of the letter referred to above, which reads as follows:

"In 1911 the Hernando Tobacco Co., a corporation of the State of Florida, deeded to the Department of Agriculture, for a consideration of $1, 35 acres of land located in Hernando County, Fla., near the city of Brooksville. In consideration of the transfer of this land to the department, the tobacco company received from the authorities of Hernando County the sum of $394. The primary purpose of the department in acquiring this land was to provide a suitable place for growing, testing, propagating, and distributing oriental bamboos in connection with crop development in this country. From time to time, other lines of work were inaugurated and carried through at the Brooksville garden, which was found well adapted to experimental work in such new crops for the South as dasheen, tropical yams, chayotes, arrowroot, edible cannas, and various other crop plants. For several years, investigations in connection with the southern problems affecting the production and storing of corn were conducted at Brooksville; also extensive studies of nematodes and the study and testing of upland rice and other crops."

You will note from the foregoing that while the land was deeded to the Department of Agriculture by the Hernando Tobacco Co. for consideration of $1, the Hernando Tobacco Co. in return received from the authorities of Hernando County the sum of $394 in consideration of so doing. Under date of July 8, 1924, the board of trustees, of Hernando County, passed a resolution waiving their interests in this land, and requesting its return to the Hernando Tobacco Co. A copy of this resolution is inclosed.

In response to the department's letter of December 18, 1926, there was introduced by you in the Sixty-ninth Congress S. J. Res. 137, to carry out our recommendation. This legislation was not enacted by the last Congress. On December 9, 1927, you introduced an identical resolution, S. J. Res. 20, which was reported out favorably by the Committee on Agriculture and Forestry on January 9 last. In so far as this department is concerned, however, there is no objection to the passage of S. J. Res. 95, introduced by Senator FLETCHER. The department, having no further need for the land in question, desires authority to dispose of it. Any disposal deemed desirable by the Congress is acceptable to the department.

Very sincerely,

R. W. DUNLAP, *Acting Secretary.*

DECEMBER 18, 1926.

Hon. GILBERT N. HAUGEN,
Chairman Committee on Agriculture,
House of Representatives.

DEAR MR. HAUGEN: There is inclosed for the consideration of your committee the draft of a proposed joint resolution authorizing this department to dispose of 35 acres of land located in Hernando County, Fla., together with certain buildings and improvements thereon, known as the Brooksville Plant Introduction Garden, which property is no longer required for plant-introduction purposes.

In 1911 the Hernando Tobacco Co., a corporation of the State of Florida, deeded to the Department of Agriculture, for a consideration of $1, 35 acres of land located in Hernando County, Fla., near the city of Brooksville. In consideration of the transfer of this land to the department the tobacco company received from the authorities of Hernando County the sum of $394. The primary purpose of the department in acquiring this land was to provide a suitable place for growing, testing, propagating, and distributing oriental bamboos in connection with crop development in this country. From time to time other lines of work were inaugurated and carried through at the Brooksville garden, which was found well adapted to experimental work in such new crops for the South as dasheen, tropical yams, chayotes, arrowroot, edible cannas, and various other crop plants. For several years investigations in connection with the southern problems affecting the production and storing of corn were conducted at Brooksville, also extensive studies of nematodes, and the study and testing of upland rice and other crops.

Active work at the garden was continued until 1923. At that time, owing to the completion of some of the more important nematode projects, the fact that the experimental work in vegetable crops, such as dasheens, yams, and chayotes, had been carried as far as conditions at the station would permit, and the further fact that the limit had been reached in handling the bamboos on account of soil conditions and the presence of certain pests which were detrimental to their proper development, it was decided to close the station. The valuable collections of plants that were capable of being moved, including representatives of all the more important types of bamboos suitable for propagation and distribution, were transferred to other points and the station was placed in charge of a caretaker.

During its occupancy of the Brooksville station the department erected there a cottage, barn, storage house, and a small laboratory building. The cottage is a frame structure, was built in 1912, and is in fair condition. It is probably worth about $2,500 at the present time, although it cost the department considerably less than that sum. The barn, storage house, and laboratory are relatively inexpensive, and have been dismantled as far as practicable. These improvements, of course, add to the value of the property, but the buildings can not be advantageously removed for use elsewhere.

The availability of the Brooksville garden for other Government purposes was brought to the attention of the Federal Real Estate Board in the spring of 1925 and again in the fall of that year, but no request was received from any Government agency for the use of this property. Accordingly, on December 28, 1925, the surveyor general of real estate gave his clearance on the proposal to dispose of the land, which opens the way to the department to secure the necessary authority from Congress for such disposal.

It is difficult to estimate the value of real estate in Florida, but according to our best information the property should sell at somewhere from $6,000 to $8,500, probably in the neighborhood of $7,000. If this authority is granted by Congress, it is our plan to advertise the property for sale in the usual way and sell to the highest bidder, the net proceeds from the sale to be deposited as miscellaneous receipts in the Treasury of the United States.

Sincerely yours,

——— ———, *Acting Secretary.*

Whereas it is reported that it is the purpose of the United States Department of Agriculture to abandon the plant introduction station which has been maintained for a number of years near the city of Brooksville in Hernando County, Fla., and to discontinue at that place the propagation and distribution of introduced foreign plants, for which purpose the land on which the said station is situated was originally given by the Hernando Tobacco Co., of Brooksville, Fla.; and

Whereas it is adjudged by the board of commissioners of Hernando County, Fla., that the said county has received substantial benefits, in consequence of the establishment and operation of the said plant intro-

duction station, full return for the small appropriation made and paid to the said Hernando Tobacco Co. by the said county: Therefore be it

Resolved, That the said Hernando County does hereby surrender any claim whatsoever to equity in the said property in consequence of which the said donation of money was made, and does hereby respectfully request that the land on which the said plant introduction station is situated, together with such property thereon as is not further required by the United States Department of Agriculture, be reconveyed to the said Hernando Tobacco Co. On motion duly made and carried, the foregoing resolution was adopted.

STATE OF FLORIDA,
County of Hernando:

I, H. C. Mickler, clerk circuit court of the State and county aforesaid, do hereby certify that this is a true and correct copy of the county commissioners' minute book No. 5, of the public records of Hernando County, Fla.

Witness my hand and official seal this 8th day of July, A. D. 1924.

H. C. MICKLER,
Clerk Circuit Court.

Mr. FLETCHER. Mr. President, I understand that the joint resolution as reported from the committee has been substituted for the one to which I have referred?

The PRESIDING OFFICER. That has been done.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. MCNARY, the joint resolution (S. J. Res. 20) authorizing the Secretary of Agriculture to dispose of real property, located in Hernando County, Fla., known as the Brooksville Plant Introduction Garden, no longer required for plant introduction purposes, was indefinitely postponed.

CUMBERLAND RIVER BRIDGE, TENNESSEE

Mr. DALE. Out of order, from the Committee on Commerce, I ask permission to report two bridge bills, to which I call the attention of the senior Senator from Tennessee [Mr. MCKELLAR].

The PRESIDING OFFICER. Without objection, permission is granted to the Senator from Vermont to report the bills.

Mr. DALE. First, from the Committee on Commerce, I report back favorably, with an amendment, the bill (H. R. 9199) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Dover-Clarksville road in Stewart County, Tenn., and I submit a report (No. 486) thereon.

Mr. MCKELLAR. Mr. President, I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was, on page 2, section 2, line 10, before the word "approaches," to strike out "cost of the bridge and its" and insert "cost of the bonds authorized under the laws of the State of Tennessee for the construction of this and other bridges and their," so as to make the section read:

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bonds authorized under the laws of the State of Tennessee for the construction of this and other bridges and their approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 25 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River, on the Dover-Clarksville road, in Stewart County, Tenn."

TENNESSEE RIVER BRIDGE, TENNESSEE

Mr. DALE. From the Committee on Commerce I report back favorably with an amendment the bill (H. R. 9198) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River, on the Paris-Dover road, in Henry and Stewart Counties, Tenn., and I submit a report (No. 485) thereon.

Mr. MCKELLAR. I ask unanimous consent for the immediate consideration of the bill which was just reported by the Senator from Vermont.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was, on page 2, section 2, line 10, before the word "approaches," to strike out "cost of the bridge and its" and insert "cost of the bonds authorized under the laws of the State of Tennessee for the construction of this and other bridges and their," so as to make the section read:

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches, under economical management, and to provide a sinking fund sufficient to amortize the bonds authorized under the laws of the State of Tennessee for the construction of this and other bridges and their approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 25 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

Mr. KING. I should like to ask whether that bill is in the usual form?

Mr. DALE. Yes, Mr. President; these bills are all in the regular form.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS RECOMMITTED

Mr. REED of Pennsylvania. I ask unanimous consent that Order of Business No. 420, being the bill (S. 2387) to authorize appropriations for contingencies of the Army, and Order of Business No. 437, being the bill (S. 1830) to authorize the Secretary of War to withhold pay or allowances of any person in the military service to cover indebtedness due a State or its military agencies or instrumentalities be recommitted to the Committee on Military Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. CURTIS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	La Follette	Shipstead
Barkley	Fess	McKellar	Shortridge
Bayard	Fletcher	McMaster	Simmons
Black	Frazier	McNary	Smith
Blaine	George	Mayfield	Smoot
Blease	Gerry	Metcalf	Steck
Borah	Glass	Neely	Steiwer
Bratton	Gooding	Norbeck	Stephens
Brookhart	Gould	Norris	Swanson
Broussard	Greene	Nye	Thomas
Bruce	Hale	Oddie	Tydings
Capper	Harris	Overman	Tyson
Caraway	Harrison	Phipps	Wagner
Copeland	Hawes	Pine	Walsh, Mass.
Couzens	Hayden	Pittman	Walsh, Mont.
Curtis	Heflin	Ransdell	Warren
Cutting	Howell	Reed, Pa.	Waterman
Dale	Johnson	Robinson, Ark.	Watson
Deneen	Jones	Robinson, Ind.	Wheeler
Dill	Kendrick	Sackett	Willis
Edge	Keyes	Schall	
Edwards	King	Sheppard	

The PRESIDING OFFICER. Eighty-six Senators having answered to their names, a quorum is present.

MUSCLE SHOALS

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes.

Mr. McNARY. Mr. President, I am just in receipt of a report from the Secretary of Agriculture on the pending joint resolution, being Senate Joint Resolution 46, introduced by the Senator from Nebraska [Mr. NORRIS] and reported from the Committee on Agriculture and Forestry. I should like to have the report read at this time by the clerk.

The PRESIDING OFFICER. Without objection, the report will be read.

The legislative clerk read as follows:

DEPARTMENT OF AGRICULTURE,
Washington, March 3, 1928.

Hon. CHARLES L. MCNARY,
Chairman Committee on Agriculture and Forestry,
United States Senate.

DEAR SENATOR: Please refer to your letter of December 17, with its inclosed copy of Senate Joint Resolution 46, which you forwarded to me for consideration and report.

This resolution has been read with interest. It is noted that the Secretary of War is authorized and directed to complete and operate the power facilities and to sell the current generated and deposit the net income in a special fund in the Treasury, and that the Secretary of Agriculture is authorized and directed to carry out a fertilizer program for the benefit of agriculture, using the fund, as appropriated by Congress, in accordance with instructions contained in the resolution.

I am in favor of those provisions of the resolution which provide that the power and fertilizer phases of the Muscle Shoals project shall be handled separately and that the income from the power be dedicated to agriculture and used to introduce improved fertilizers and better fertilizer practice. I am convinced that this is sound policy and should be adhered to. Under the authorization granted the Secretary of Agriculture, this department will be able to use the income from the power facilities in a way to give agriculture the maximum benefit. The provisions of the resolution covering the fertilizer program have the flexibility which is necessary if efficient work is to be done in this field, where changes come so rapidly.

The advisability of directing at this time the completion of the machinery installation at Dam No. 2 and the steam plant at nitrate plant No. 2 is questioned. Decision on this point would, of course, largely depend on the policy adopted in disposing of the power problem. Since it is the policy of the administration to dispose of the property, if possible, it may be pointed out that authorization is lacking in the bill to allow lease of the hydroelectric facilities and lease or sale, in whole or in part, of the nitrate plants, including the steam units, which alternatives the administrative agency finally intrusted with the property should have.

Sincerely,

W. M. JARDINE, *Secretary.*

(Submitted to the Bureau of the Budget, pursuant to Circular No. 49 of that bureau, and returned to the Department of Agriculture under date of March 2, 1928, with the advice that the foregoing report is not in conflict with the financial program of the President.)

Mr. BLACK. Mr. President, in order that I may again make clear my position with reference to the pending joint resolution, I will state that the interest of the people of Alabama in the operation of Muscle Shoals is a fertilizer interest. They care nothing for the power. So far as they are concerned, this is not a power fight.

I listened with a great deal of interest to the closing remarks of the Senator from Nebraska [Mr. NORRIS], who drew a wonderful picture of the possibilities of universal electrification of farm life; but the Senator from Nebraska has not had the experience which Senators from the South have had in States where the farmers are ground down by an immense fertilizer bill. I am not opposing the Senator's viewpoint, so far as his disposition of the power is concerned, provided a sufficient amount has been utilized for the manufacture of fertilizer.

I wish to state that I hoped that the Senators from Louisiana and Mississippi would be here in order that I might say to them that so far as Alabama is concerned the statement that she has been seeking to gobble up this power is unfounded in theory or in fact. If we could get the operation of that plant to its full capacity in the manufacture of fertilizer, even though I think a law to that effect would be legally indefensible, I would be willing, in order to get the fertilizer, to let the few people of certain States that are clamoring for that power, and who are throwing in the objection that "we will not get our part of the power," have the distribution of the remainder of the power, according to their position.

The point I want to bring out is that we are not interested in Muscle Shoals as a power proposition.

I notice, on the map of the fertilizer used in the United States, that Alabama alone appears to consume more fertilizer than all the States west of Missouri, with California excluded.

I have not added up the figures, but I believe even with California that Alabama alone buys more fertilizer than all the States west of Missouri. Therefore Alabama is pleading with the representatives from other States who are more fortunate than we; and I hope that before the fight is over we will be joined by every other southern representative. Putting aside immaterial issues, we are pleading with the representatives of the other States not to try to impose upon Alabama a power rate as contradistinguished from a fertilizer rate. We want fertilizer distributed to the farmers of this Nation. The farmers are not clamoring for power—they want fertilizer.

If you should go to the farmers of Alabama to-day and say, "We want to reduce the rate charged for the power that you receive on the farms," you would help them just as much, comparatively speaking, as though you told them that you would lower the price of evening clothes and silk hats and walking sticks and Lincoln automobiles. They are interested not in cheap power but in cheap fertilizer; and that is the entire basis of my remarks.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. BLACK. Yes, sir.

Mr. COPELAND. I notice that in my State of New York, according to this map, in 1920 the farmers paid $15,000,000 for fertilizer, as against $7,000,000 in 1910. I observe in most instances that the amount paid at the later date is much more, perhaps double, the amount paid at the first date. Is that due to the fact that more fertilizer is being used, or to a material increase in the price of fertilizer, or both?

Mr. BLACK. I will furnish the Senator from New York with a table which embodies the answer as to the amount. That is the amount of fertilizer used. However, as the States grow older, and as the Western States grow older, by the way, the nitrogen will tend to become exhausted, and the longer the farm is worked without replenishing the nitrogen the weaker it becomes in plant-food content; and that is true, perhaps, with reference to New York.

Another thing: The truck farmers are beginning to use more fertilizer and to produce more food.

Mr. COPELAND. Mr. President, will the Senator yield just a moment further?

Mr. BLACK. Yes, sir; I yield.

Mr. COPELAND. I notice in my State, referring to the second map handed me by the Senator, that the quantity consumed was practically the same in 1920 and in 1910. Therefore, it must indicate, since the bill is twice as great, that there has been a tremendous increase in the price of the fertilizer. I assume that the chief thought the Senator from Alabama and also the Senator from Nebraska have in mind is that some means shall be found materially to reduce the cost of fertilizer, so that the farmers may have it at a decent price.

Mr. BLACK. The Senator has exactly touched the point that I am endeavoring to present here to-day.

I do not join issue with the Senator from Nebraska [Mr. NORRIS] on the good that can come from cheap power, nor do I dispute the point he makes that power is sold too high in America. I think I established my thought with reference to that by my vote in favor of the Walsh resolution which provided for an investigation of the so-called Power Trust. The position I take is that the farmers of the South need a cheapening of the commodity which they must buy in the largest quantities and not the thing which they buy in the smallest quantities.

If this question were put to a vote of the farmers of the South, I venture the assertion that in every State where they use fertilizer, 99 out of 100, or 999 out of 1,000, would vote in favor of the operation of this plant for fertilizer, the operation from which they would derive the greatest benefit.

Mr. NORRIS. Mr. President, will the Senator yield there?

The PRESIDING OFFICER (Mr. BROOKHART in the chair). Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. BLACK. I yield; yes.

Mr. NORRIS. Would those intelligent men vote to operate this plant for cheap fertilizer and utilize the water power to make fertilizer if they knew when they were thus voting that it was an impossibility to make cheap fertilizer until the methods had been improved? In other words, admitting that they want and ought to have cheap fertilizer, would they say, "You shall not cheapen power until you cheapen fertilizer"?

Mr. BLACK. I will answer that by stating to the Senator that I have made a very careful study and shall present figures to show that, in my judgment, the Senator from Nebraska, through his idea of Government operation in order to reduce the price of power—I do not criticize him for it; I am not joining issue with him on the necessity of reducing the price of power—has consistently fought the Ford offer, has fought every other offer, and his vision has been dazzled by the glare of electric power. It can be proven by the figures from the Government engineers in their test plant that the farmers of the South would save millions of dollars if the cyanamide plant at Muscle Shoals were opened up to-morrow.

That is the position I take, with all due deference to the views of the Senator from Nebraska.

Mr. SMITH. Mr. President, if the Senator will allow me, I have here a bulletin on industrial and engineering chemistry from the fixed nitrogen research laboratory of the Department of Agriculture that is very illuminating right on that point. It says, on page 9:

> By diverting the power now being used to fix the 40,000 tons of nitrogen as of the year 1925 by the arc process to the direct synthetic ammonia process, 100,000 tons of nitrogen could be fixed.

Showing that the amount of power used now to produce a unit of nitrogen is perhaps 100 per cent more effective than it ever was before, and it is still developing. By that process of reasoning, each unit of the power that we may develop at Muscle Shoals will produce to-day, under the inventive genius of the age, one hundred times more nitrogen than it would 10 years ago.

Mr. BLACK. I thank the Senator for that.

Mr. NORRIS. Now, will the Senator permit another interruption, so that we may have an understanding with the Senator from South Carolina?

Mr. BLACK. I yield.

Mr. NORRIS. I would like to have the Senator from South Carolina state whether he means, by his statement now, to bear out the statement made by the Senator from Alabama, that if we utilize cyanamide plant No. 2, we can do what he says we can do?

Mr. SMITH. Mr. President, I do not think the cyanamide plant or any other plant should cut any figure whatever in the disposition that is to be made of this project. The question for us to decide as sensible men intrusted with the duty to provide what this law makes it obligatory upon us to do is to determine what is the most efficient method by which we can get fertilizer for the farmers, during times of peace. I do not know whether the nearness or the availability of coal, which is so essential in the production of ammonia under the synthetic process, would justify the utilization of the power at Muscle Shoals for the direct production, or whether it would be better to develop the power, dedicate it to agriculture, sell it as provided under the Norris resolution, and take the proceeds and establish these plants at the points where this ingredient may be the more economically and efficiently produced. I believe it is our duty to dedicate this power to agriculture, as the original law did, appoint a commission of agriculturalists, turn it over to the farmers of this country, and let them, with their intelligence, decide what is best to do for themselves, not turn it over to a power company, not turn it over to some fertilizer trust, but to the men who are directly interested and to whom we have dedicated it. Let them form a proper organization, take charge of the property, and run it for their own benefit. That is my idea about it.

Mr. BLACK. Mr. President, as far as I am concerned, I may repeat what I said yesterday. I do not believe the Senator from Nebraska was here at the time I made the statement. I do not care what process is used; I have no preference. I am convinced in my own mind that fertilizer can be manufactured under either process at a great saving to the American farmer. I am further convinced that if the Senator had gone to the cyanamide plant at the time he went to the Du Pont plant the people who were at that plant would have taken issue with the people at the Du Pont plant. The people at the Du Pont plant have bought and have the privilege of using the synthetic process patent. The people at the cyanamide plant have bought and have the privilege of using the cyanamide process. Both of them are manufacturing ammonia at a profit.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. BLACK. I yield.

Mr. NORRIS. I would like to suggest to the Senator that the difference between what I did and what the Senator is doing is that I sought disinterested witnesses, although I would have been very glad to visit the cyanamide plant, as he has suggested. I did visit the cyanamide plant at Muscle Shoals on two different occasions and had it explained to me in complete detail by experts. But I was seeking disinterested evidence. While the Senator is offering the evidence in favor of the cyanamide process from cyanamide people, I wish he would answer the testimony which I put into the RECORD several days ago from these very officers, when the Ford bill was pending, when they themselves said that fertilizer could not be made at a reasonable price.

Mr. BLACK. I expect to do that.

Mr. NORRIS. While I am interrupting the Senator, and to save another interruption, let me further state that what the Senator from South Carolina has said is just what the resolution that I am trying to pass through the Senate provides for, and I am perfectly willing, although it is not included by name in the resolution, to amend it to include cyanamide plant No. 2 and turn it over to the Secretary of Agriculture. I am perfectly willing to do that. If he is a practical man, as he says in his letter he is, and knows something about fertilizer, he would not, unless he were directed and compelled to do so, waste the power to operate plant No. 2 in making fertilizer, when he knew in advance that he was going to lose money by the operation. Under my resolution he would have the authority; he would not be confined to any process. He could take the cyanamide process if he wanted to. The world would be open to him. There would be no strings tied to him. He could take any process, any method, now known or which may hereafter be discovered, and develop it to almost any size that he sees fit, either at Muscle Shoals or elsewhere.

Mr. BLACK. Does the Senator know where Mr. Ernst is working now, the gentleman who was formerly with the Department of Agriculture, from whom the Senator quoted?

Mr. NORRIS. I quoted from the testimony of Mr. Hanna, who was vice president of the Cyanamid Co.

Mr. BLACK. I remember that, but I am talking about Mr. Ernst.

Mr. NORRIS. And from Mr. Washburn.

Mr. BLACK. I expect to answer those statements, but does the Senator recall quoting from a man in the Department of Agriculture?

Mr. NORRIS. I do not remember the name.

Mr. BLACK. My information is that shortly after that statement was given out he went with the synthetic people, and I might state right here——

Mr. NORRIS. Let me say, while I know nothing about any chemist who was going into the business of getting nitrogen from the air and wanted to do it on a scientific basis, under the present knowledge in the scientific world of the method of extracting nitrogen from the air, he would not have any place to go except to some of the people operating under the synthetic process, because that is acknowledged in the scientific world to be head and shoulders above every other.

Mr. BLACK. That is where the Senator and I differ.

Mr. NORRIS. Assuming, for the sake of the argument, that the Senator is right, and that all the scientific world is wrong, the disinterested scientific world——

Mr. BLACK. The Senator is assuming that all the scientific world has taken his side on the question, and all the scientific world has not.

Mr. NORRIS. I do not say it has. I think in the great scientific world there are as many disinterested people as in any profession in the world. I did not exhaust the witnesses; I can get hundreds more of them, but in my humble judgment some of the witnesses who appeared have no interest in any particular process, no object on earth except to do what is right and to do the best thing.

Mr. BLACK. The Agricultural Yearbook for 1926 contains this significant statement:

> A number of technical men have left this department to enter the synthetic-ammonia industry.

Mr. NORRIS. That is the most natural thing in the world. You would not expect anything else.

Mr. BLACK. No; I would not expect anything else from a department that is giving out propaganda to the effect that a process is a failure, when that process is competing in the open markets of the world with the synthetic process and in certain instances is driving them from the field in which they engage in business.

Now, may I say this: I have before me a letter from Dr. Albert R. Franck, the well-known German chemical engineer, with reference to a part of this propaganda. I did not expect to bring this up at this time, but since the question of the scientific world is brought up, I desire to read from this letter to Mr. Ernst. He states:

> I have read with much interest your article on nitrogen fixation which appeared in the Journal of Industrial and Engineering Chemistry last February, and which has been reproduced in abstract in a number of other publications.

I am reading this, because one may keep on saying a thing until everybody will believe it. The statement has been made so many times that the cyanamide process is obsolete and worn-out and useless, that many people have accepted the statement as true without investigation. I read further:

It seems clear to me that the purpose of this article was to make propaganda for political purposes, and you have departed so widely from the existing facts in the presentation of your data in order to meet your object that I must, in fairness to the industry, bring to your and to the public's attention a much more correct and true picture.

Under your classification of arc process plants, the truth is that the plant at Rhina has a capacity of only 2,000 metric tons of nitrogen per year (against the 4,500 tons given by you), and is producing at the rate of only 1,000 metric tons of nitrogen per year. The plant at Pierrefitte (France) has been abandoned for some time and is dismantled.

With regard to the cyanamide process plants our Piesteritz plant has been, and is to-day, operating at its full rated capacity of 35,000 metric tons of nitrogen per year. Our Trostberg plant was enlarged last year to a capacity of 55,000 metric tons of nitrogen per year, and is operating to full capacity. The Knapsack plant produced, in 1926, 3,000 metric tons of nitrogen more than you credit it with. A new German plant at Hirschfelde was started last year and plans for its enlargement are under way. Still another large plant in Upper Silesia is at present under construction. Also you seem to have overlooked the Swiss cyanamide plant at Gampel, though it was in full production in 1926.

That is part of the propaganda that has been issued by this department.

The Polish plant produced 5,000 metric tons of nitrogen more than you credit it, and when construction work on both the power and the cyanamide plant are completed a much greater production is in sight. The Karlsbad (Falkenau) plant is producing to capacity and Czechoslovakia has been forced to import cyanamide to meet the local demands. The large plant of the Russ Co. in Yugoslavia has been omitted from your tabulation, though it has been in operation for years.

That, Senators, is the kind of propaganda that has been issued by the Department of Agriculture, a large number of whose men have gone into the service of the synthetic plant, monopolized by the Allied Chemical Co. of this Nation.

Mr. SMITH. Mr. President, may I ask the Senator from whom he is reading?

Mr. BLACK. I am reading from Dr. Albert R. Franck, of Germany.

Mr. SMITH. He is interested in what?

Mr. BLACK. He is interested in cyanamide. He is interested in both processes.

Mr. NORRIS. He is the same man who testified over here in favor of cyanamide, who was sent out without saying that he was a vice president of the cyanamide company.

Mr. BLACK. This man Frank?

Mr. NORRIS. He has a direct interest in what he is talking about.

Mr. BLACK. The Senator is very badly mistaken about that, I think. This man lives in Germany.

Mr. NORRIS. That is what I say.

Mr. BLACK. Vice president of the cyanamide company here?

Mr. NORRIS. No; I did not say he was.

Mr. BLACK. Let me read this, and if anybody can prove it is not true let him produce the facts. I have a statement of the facts here from the Department of Commerce for anybody who desires to read it. I have a large number of bulletins before me. When certain people went to the Department of Commerce and said, "There is something wrong about cyanamide; we want you to investigate it yourself," the Department of Commerce proceeded to do so, and I have a great many of their bulletins here on my desk. Let me read the rest of this:

One would naturally infer from reading your French statistics that the plants there were operating at only a small percentage of their capacity. But the contrary is true, for all these plants have produced to the limit of installed manufacturing capacity, or to the limit of the power available. The consumption of cyanamide during the fertilizer year just closing has shown some remarkable increases. In percentage increase over the previous year for several of the larger consuming countries of Europe we find for Germany, 20 per cent; for Belgium, 100 per cent; for Sweden, 60 per cent; and for Poland, 60 per cent. There has also been large exports to countries which have not used cyanamide before, as, for example, Spain, Egypt, and India.

Your choice of method of presentation of the statistics of the direct synthetic ammonia process is so different from that used for the other processes, and the data therein given of such a different character, that similar comment to the above is not possible. Not only have you been careful not to omit any synthetic plants, but I find a number in your list that my most careful research can not confirm their possible existence within measurable time. You list as operative and prospective capacities some 650,000 metric tons of nitrogen per year, of which the two large plants in my country are given 360,000 metric tons (which is not correct), leaving as a remainder for all other 290,000 metric tons of nitrogen per year. The actual present rate of production, including plants completed since your paper was written, will not exceed, for countries other than Germany, 110,000 metric tons of nitrogen per year. Of plants to be built or finished, according to present plans, we can at most estimate a further production in these countries of 40,000 to 50,000 metric tons of nitrogen per year.

The present productive capacity of the existing nitrogen-fixation plants and those under construction, in addition to the natural and by-product nitrogen, gives the world a large overproduction at the present time. The fierce competition which will ensue during the next few years will result in such a lowering of prices that some of the smaller synthetic plants with their present high overhead charges will, of necessity, be forced out of operation.

May I state right here that one of the synthetic plants which the Senator from Nebraska listed as having been given to him as one of the great producing plants at Niagara Falls is in bankruptcy to-day. Not only that, but before it went into bankruptcy it went to the Cyanamid people and endeavored to get them to buy the process or the plant, and they declined to do it. The Cyanamid Co., which had first right of choice when the synthetic proposition came to this country, according to my information, was asked to buy the synthetic process. Their engineers investigated it and they then declined to do it because their process, as they believed, is cheaper. Then it went to the Allied Chemical Co., and if the Cyanamid Co. is a trust, I ask you, pray tell me what is the Allied Chemical Co.? I will discuss the cyanamide business later.

Mr. NORRIS. Mr. President, I want to ask the Senator a question. I want to ask the Senator if the testimony he has just given about these plants did not come to him from officials of the Cyanamid Co.?

Mr. BLACK. I got the testimony; yes.

Mr. NORRIS. That is what I thought.

Mr. BLACK. About the bankruptcy?

Mr. NORRIS. Yes.

Mr. BLACK. If the Senator challenges the statement that one of the plants he listed is in bankruptcy, I ask him to investigate.

Mr. NORRIS. No; I do not challenge the statement.

Mr. BLACK. I do not care from whom I got it if it is correct information.

Mr. NORRIS. It is all right to get information, but it is always right, even in a lawsuit before a justice of the peace, when a witness is put on the stand, to see whether he is interested in the result of the suit. The witnesses I have had to testify had no interest in the result of the suit.

Mr. SMITH. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. BLACK. I yield.

Mr. SMITH. The Senator is quoting from certain parties who are experts. What are we to do? We have a bureau, supported by the Government, charged with the duty of investigating and experimenting in all the processes looking toward the cheapening and increase of facilities for a process, and they in their bulletins from time to time give us the facts. Now, if it has come to pass that we have to impeach our own Government forces and claim that they are interested in private enterprises, it is time for us to abolish those forces or impeach those individuals. I have gone on the assumption that the bureau which we have charged with this matter, in charge of the atmospheric fixation plant down in Virginia, looking toward getting those facts for us, was conducted on an honest basis. I can not understand how they can come here and give us the facts which they do give us if they are prejudiced and if they have a private personal interest. The charge is made that they are interested in the commercial feature, and the claim is made that the facts set forth by our Government forces are untrustworthy, so shot through with determination to break down one and set up another that it arouses me to make the inquiry. However, I am not yet ready to accept that statement.

Mr. BLACK. I can not tell just exactly which side the Senator has taken in that controversy. I did not exactly get the point the Senator made.

Mr. SMITH. The point I am making is that the Senator is reading articles from the employees of the Cyanamid people.

Mr. BLACK. That is a mistake, I may say to the Senator.

Mr. SMITH. The Senator is reading from statements of those engaged in the business.

Mr. BLACK. In Germany.

Mr. SMITH. What we are trying to get at is what is the best process for getting these ingredients for agricultural purposes, and to go immediately to the manufacture thereof without the indirect method of experimentation any further than the Government is forced to.

Mr. BLACK. My idea is, I repeat, that if Senators from the South who are the most interested in this controversy, whose constituents need fertilizer most, are not willing to face the facts as they are, to place fertilizer above power, fertilizer first and always, and act in harmony and unity, how can we expect the Senators from the West, who are not interested in fertilizer, and how can we expect the Senators from the North, who are slightly interested in fertilizer, to do so? I am endeavoring to bring the facts here as I see them. It matters not to me who furnishes the facts. If it is a fact it is the truth.

Now, here is a man in Germany who is in charge of the cyanamide division of the German Government nitrogen syndicate. Why he should want to give a statement which is untrue, which might tend to bring about competition against him in America, is far beyond me to comprehend.

Let me go a little further. The question was asked yesterday about cyanamide and about concentrated fertilizer by the Senator from North Carolina [Mr. SIMMONS]. I have obtained the Agricultural Yearbook for 1926, in which they give a picture of a cotton crop which is growing with the aid of concentrated fertilizer. All these reports say that eventually we must come to concentrated fertilizer. There is no dispute about it. Cyanamide is being shipped into America. There was shipped into this country last year from the cyanamide plant, utilized in fertilizer in the United States, 55,272 tons. That went to fertilizer factories, who took it and substituted it for Chilean nitrate at the lowest prices, as I have given it to the Senate, manufactured under the cyanamide process. But if it had been produced at Muscle Shoals there would have been no intermediaries and the farmer would have received the direct benefit of the reduction. If Muscle Shoals had been operating as a fertilizer plant there would have been a farmers' organization, and the farmers in North Carolina, South Carolina, Georgia, and Mississippi, and all the farmers who are being ground down under the heels of the Chilean trust, paying $12.53 a ton, would have saved money.

My argument is, let us forget the little insignificant differences that amount to nothing with reference to surplus power, because there would not be much there—and I will show it in a few minutes—and let us present a united front and not experiment in fertilizer for 10 years. Let us manufacture fertilizer for the farmer and stop quibbling over immaterial details.

Mr. SIMMONS. Mr. President, I would like to see if I understand what the Senator stated. I have not heard all of his remarks this morning, because I have been necessarily absent from the Chamber, but I believe he said on yesterday that we used about 800,000 tons of nitrate.

Mr. BLACK. Chilean nitrate.

Mr. SIMMONS. As fertilizer?

Mr. BLACK. No; I did not say as fertilizer. The Senator misunderstood me. It is impossible to tell exactly what percentage of that was used in fertilizer and what part was used for other purposes. The guess is by some that probably 75 per cent was used in fertilizer.

Mr. SIMMONS. The Senator has been investigating the matter. Can he tell me what amount of nitrate of soda product is used in the manufacture of fertilizer in this country?

Mr. BLACK. I would say about 75 per cent of 838,000 tons. Does the Senator mean Chilean nitrate?

Mr. SIMMONS. I mean Chilean nitrates and all kinds of nitrates.

Mr. BLACK. I have that figured out and will give the figures to the Senator later.

Mr. SIMMONS. Seventy-five per cent?

Mr. BLACK. That is the estimate.

Mr. SIMMONS. That is, 75 per cent of 800,000 tons?

Mr. BLACK. Seventy-five per cent is estimated to be the amount of the Chilean nitrate that is used in fertilizer.

Mr. SIMMONS. That is 800,000 tons, is it not?

Mr. BLACK. Seventy-five per cent of it.

Mr. SIMMONS. Did not the Senator state that yesterday?

Mr. BLACK. I said 838,000 tons; yes.

Mr. SIMMONS. And the Senator now tells us that there went into the production of the 838,000 tons some 55,000 tons of cyanamide?

Mr. BLACK. No; those two are entirely separate and distinct.

Mr. SIMMONS. I do not see how the Senator separated them.

Mr. BLACK. They are separated because the 838,000 tons was shipped in from Chile as Chilean nitrate, while the 55,000 tons was shipped into America as cyanamide, both of them being used in fertilizer.

Mr. SIMMONS. Does the Senator mean to say that he can state here that there was 55,000 tons of cyanamide shipped into this country that was used——

Mr. BLACK. Fifty-five thousand two hundred and seventy-two tons.

Mr. SIMMONS. That was used in the production of fertilizer?

Mr. BLACK. Yes.

Mr. SIMMONS. Can the Senator tell us what proportion of the amount of cyanamide produced in this country went in the same way?

Mr. BLACK. None was produced in this country.

Mr. SIMMONS. No cyanamide?

Mr. BLACK. No.

Mr. SIMMONS. Then it all came from abroad?

Mr. BLACK. It all came from Niagara Falls, Canada.

Mr. SIMMONS. Is there not some cyanamide produced in this country?

Mr. BLACK. No, sir.

Mr. SIMMONS. None at all?

Mr. BLACK. Part of this work is done at Niagara Falls and part of it was done at Warners, N. J. I am going to point out later that even at present prices the phosphate rock is shipped to Warners, N. J., from Florida. The ammonium is shipped to Warners, N. J., from Niagara Falls.

Mr. SIMMONS. Was there any limitation imposed upon the amount of cyanamide that we might get from abroad for the manufacture of fertilizer?

Mr. BLACK. Any limitation?

Mr. SIMMONS. Yes.

Mr. BLACK. I do not know of any.

Mr. SIMMONS. That is to say, we could have gotten from abroad the whole amount we needed for nitrogen products?

Mr. BLACK. No. That could not be true, because they were importing cyanamide abroad. They did not have enough for their own consumption. They have driven Chilean nitrates out of business over there with the fixed nitrogen. They bought some from over here, instead of shipping it from over there to this country.

Mr. SIMMONS. Can the Senator furnish us any information showing that cyanamide as a substitute for Chilean nitrate is sold in the market to the farmer at less price than he has to pay for the Chilean nitrate?

Mr. BLACK. No, sir; I can not because it is not. I have just explained why. It is shipped now at a low price to the fertilizer factories, and the fertilizer factories keep up the price the same as though it were Chilean nitrate. What we want is to have it manufactured at Muscle Shoals and sold directly to the farmer instead of going through the wholesaler.

Mr. SIMMONS. Then the Senator claims that the fertilizer producers could make fertilizer out of cyanamide and sell it at a very much less price than they can sell Chilean nitrates?

Mr. BLACK. If they had a cyanamide plant, they certainly could do so.

Mr. SIMMONS. I want to ask the Senator if he knows why, if cyanamide is such a cheap substitute for nitrate of soda, that industry has not been developed in this country?

Mr. BLACK. I explained that on yesterday, I will say to the Senator from North Carolina, but I shall be glad to explain it again.

Mr. SIMMONS. I did not understand that the Senator had explained it yesterday.

Mr. BLACK. Fertilizer factories to-day are not built and equipped to manufacture cyanamide. They are not built to fix nitrogen from the air.

Mr. SIMMONS. That is begging the question that I have asked.

Mr. BLACK. If the Senator will let me finish, I shall answer his question as best I can; but if the Senator thinks it is begging, of course I can not help that.

Mr. SIMMONS. I did not say the Senator was begging, but I said that he was begging the question.

Mr. BLACK. I do not think so, with all due deference. Here is the explanation: The fertilizer business is using antiquated machinery. It looks as though unless the Government permits the plant at Muscle Shoals to fix nitrogen from the air and drives the fertilizer companies to abandon their antiquated machinery they will never advance a peg, and that the farmers of the country will continue to buy their fertilizer at an extraordinarily high rate. The farmers of North Carolina bought fertilizer containing cyanamide last year; it was one of the ingredients; but the price has not been reduced. The price would

be reduced, however, in the ultimate course of business if the fertilizer factories were operating and turning loose a huge amount of cyanamide on the market; but the fertilizer factories would have to put in new machinery to fix nitrogen from the air in order to manufacture it.

Mr. BROOKHART. Mr. President, will the Senator from Alabama yield to me?

Mr. BLACK. I yield.

Mr. BROOKHART. On the question of reducing the price, is it not the Cyanamid Co., to which the Senator wants to turn over this plant, the greatest offender of all in the United States? If it were doing its duty to the farmer, could it not have reduced the price of fertilizer years ago?

Mr. BLACK. The Senator's question is one that, of course, would be the first question that would arise in a man's mind. I have no defense for the Cyanamid Co., or for any other company; but, in the first place, they have only been manufacturing cyanamide in quantities for a very few years. At the time its representatives were testifying, from which testimony the Senator from Nebraska [Mr. NORRIS] has read, they were manufacturing a very small amount of nitrogen. Their business has been gradually growing for the last few years.

The result is that they do not sell a mixed fertilizer. The farmers of the Nation have not yet been educated up to a concentrated fertilizer, although that is, of course, what they have got to come to. The Agricultural Yearbook for 1926 says that this concentrated fertilizer, which is good fertilizer, can be shipped in two or three bags, whereas it takes 10 bags of mixed fertilizer.

The Cyanamid Co. has no mixing plant; they never have started one. All they manufacture in the way of fertilizer is the Ammo-phos, which is a combination. The result is that they have not entered into the business in any large degree in this country or to any degree whatever so far as mixing it is concerned; but have sold it to factories that already have mixers. In doing that they have sold it at a cheaper rate than that for which Chilean nitrates were sold. I assume that as time goes on the Cyanamid Co. will, if we should start to operate the Muscle Shoals plant, begin to sell to the farmers; but whether the Cyanamid Co. is good or bad, if it is wholly indefensible, I am not in favor of turning the plant over to any private operator unless the measure ties the matter down in such a way that the farmers will get the benefit of cheap fertilizer.

Mr. BROOKHART. Mr. President, I think the Senator from Alabama pointed out that unless the Government entered into this enterprise there would be no reduction in the price of fertilizer because of this old machinery.

Mr. BLACK. I do not think that, I will say to the Senator. I think the Senator misunderstood me. My idea is this: In the first place, the Cyanamid Co., which has the patent and which owns the process, can naturally manufacture it cheaper than can anybody else. Next, if anybody else should undertake to manufacture it he would pay them a royalty which would, of course, to some extent increase the price. It would not be any tremendous amount when distributed over the tonnage; but my idea is, and I think I can show here in a few minutes—whenever I get down to that point—from the figures of the Government itself, from the very man who operated the test in 1919 or 1918, if they went down there and manufactured fertilizer as these people say they could, the farmer would be saved millions of dollars per year. I think I will show that so that every Senator here will understand it.

Mr. BROOKHART. I understood the Senator's suggestion was that fertilizer plants as they are now operated are using old and antiquated machinery?

Mr. BLACK. Yes, sir.

Mr. BROOKHART. And that they are charging too high a price for their product and the Government would have to enter into the business in order to reduce that price. If that be true, it seems to me the logical thing would not be to turn this plant over to the Cyanamid Co., which has not reduced the price to the farmer, but to have the Government itself operate it.

Mr. BLACK. There is no measure pending which proposes that the Government shall operate a fertilizer plant.

Mr. BROOKHART. The pending joint resolution so provides.

Mr. BLACK. Oh, no. It provides for experimenting in fertilizer and provides that every particle of the power, except a very small percentage, shall be sold under a 10-year contract. That is what it provides. If that power is sold under a 10-year contract, how is it going to be withdrawn in order to manufacture fertilizer?

Here is the serious objection I have: I would not have been going over this subject for such a long time if there had been some kind of proposition offered which guaranteed to the farmers of this Nation fertilizer at a reasonable price; but I am opposed to guaranteeing them a continuation of experimentation which has brought them no reduced price for fertilizer.

Mr. BROOKHART. The Senator from Nebraska just said that he thought the joint resolution as drawn gave authority to turn the plant at Muscle Shoals over to the Department of Agriculture for operation for the purpose of producing fertilizer, and if it does not do that he is willing to amend it so that it will accomplish that purpose.

Mr. BLACK. The joint resolution provides this——

Mr. BROOKHART. There need be no argument about that proposition. It could be amended at once by agreement in order to cover the point.

Mr. NORRIS. Mr. President, may I interrupt the Senator from Alabama there in connection with what the Senator from Iowa has said?

Mr. BLACK. I yield.

Mr. NORRIS. The respect in which I think the Senator from Alabama is mistaken is that he is advocating an impossibility. We can not make cheap fertilizer by passing an act of Congress and saying, "hereafter fertilizer shall be cheap." We can not convert a power proposition into a fertilizer-producing plant by hanging a sign on it and saying, "This is fertilizer; this is not power." The fact is that we will have to experiment to a considerable extent if the cost of fertilizer is to be very much reduced, and, it seems to me, we ought to face the situation. The truth is experimentation is going to be necessary to some extent. I think that the process of experimentation will go on for years, because all processes, even the most improved synthetic ammonia process, are still very technical and complicated, although they are being improved every day. The Congress can not perform an impossibility. If we could pass a law and say, "hereafter fertilizer, nitrogen from the air, shall not cost anything; it must be free because the air is free," and could make such a law effective, I would be very much in favor of enacting it, but we can not do an impossibility. If fertilizer can be manufactured now so cheaply that it is not necessary to experiment, there is no reason why we should legislate at all. Why does not the Cyanamid Co., to which the Senator is so anxious to turn over all this property, now make fertilizer and sell it cheaper to the American farmer whom they love so much?

I am not complaining that they do not. I have more respect for them than has the Senator, because I think they are up against an impossibility. We will have to experiment; we will have to improve whatever method we have, in my judgment, before we will very much cheapen fertilizer. We only make it difficult for ourselves and for the farmers of the country if we hold out false hopes. According to the testimony of all scientific men, what we seek is entirely possible; but we have to continue to study the problem. We have been improving the process every year, especially since the war, and doing wonderfully well at it; but it is still susceptible of improvement, and I think it is necessary that the process should be further improved before American agriculture is going to get much benefit out of it.

Mr. BLACK. Mr. President, the Senator has pretty clearly expressed the different views that he and I entertain on this matter. The Senator wants to go ahead with the experimentation and turn the power——

Mr. NORRIS. The Senator from Alabama does not want to experiment; he wants to make fertilizer now, as I understand.

Mr. BLACK. Exactly. I want to make fertilizer; I just started to state the difference between us.

Mr. NORRIS. I understand the Senator is opposed to any experimentation either by the Agricultural Department or anybody else at public expense for the purpose of reducing the price of fertilizer.

Mr. BLACK. I do not think the Senator understands my position.

Mr. SIMMONS. Mr. President, I should like to ask the Senator from Nebraska a question.

Mr. BLACK. I should like to proceed.

Mr. SIMMONS. I ask the Senator's permission that I may ask the question.

Mr. BLACK. Very well.

Mr. SIMMONS. I assume that the Senator from Nebraska has provided in his joint resolution or that some arrangement has been made to amend the joint resolution so as to provide that the income from the sale of power shall be devoted, so far as may be necessary, to the production of fertilizer for the farmer.

Mr. NORRIS. That is true; yes.

Mr. SIMMONS. Now I understand the Senator from Alabama makes quite a point of the suggestion that we are not proposing anything but experimentation. But here is a propo-

sition to provide for experimentation, to provide for the sale of such power as is not needed, and then to provide that all the income derived from the sale of power shall be used, so far as may be necessary or expedient, for the production of fertilizer. Why is not that a pretty sweeping and comprehensive scheme for the development of this industry, which he says is so essential in order to enable the farmer to obtain cheap fertilizer?

Mr. BLACK. Mr. President, that is absolutely sufficient if all a man wants to give to the farmers of America is experimental fertilizer on a small scale. I am not satisfied with that. I want enough fertilizer manufactured to carry out our promise to the farmer when we put up this plant, to help to reduce the price.

Mr. SIMMONS. May I ask the Senator one question?

Mr. BLACK. Yes, sir.

Mr. SIMMONS. Is there any reason in the world why American capital can not engage in the competitive production of cyanamide?

Mr. BLACK. I am not on close enough terms with American capital to speak for them.

Mr. SIMMONS. I am asking if there is any difficulty in the way of privately owned American capital engaging in the competitive production of cyanamide?

Mr. HEFLIN. Mr. President, if my colleague will permit me to interrupt him, the Cyanamid people own the patent.

Mr. SIMMONS. I anticipated that that would be the answer.

Mr. HEFLIN. And any concern doing business in the United States would have to pay them a royalty of a million and a half to two million dollars a year. If they come in and make this fertilizer they waive the royalty, and it does not cost the farmer anything.

Mr. SIMMONS. Mr. President, I anticipated that that would be the answer to the argument I made just a little while ago that if this cyanamide was so all-sufficient and so cheap, on account of the great demand for ammonia as a fertilizer, American private capital would be induced to go into that industry and supply the demand of the American farmer. Now the Senator says that no cyanamide is produced in this country, and he says that that is because foreigners own the patent and will not sell it.

Mr. BLACK. No, sir; the Senator is mistaken about that.

Mr. SIMMONS. Or that the patent is owned by somebody who will not sell it except at an exorbitant price.

Mr. BLACK. The Senator is mistaken about that.

Mr. SIMMONS. That is what the senior Senator from Alabama said.

Mr. BLACK. He did not say "exorbitant price."

Mr. HEFLIN. I did not say "exorbitant price." I said they own the patent, and they would charge for the use of the patent, and they have a right to.

Mr. SIMMONS. The Senator says they would charge for the sale, and then charge a royalty for the use of the patent.

Mr. BLACK. Would the Senator from North Carolina object to a man who owned a patent, who had bought it, getting money for the use of it?

Mr. SIMMONS. No; but what the Senator from Alabama is arguing here is that he wants Muscle Shoals for the purpose of making cyanamide.

Mr. BLACK. The Senator is mistaken.

Mr. SIMMONS. If the Senator is not making that argument, I do not know what sort of argument he is making.

Mr. BLACK. I regret that I have not been able to make myself clear to the Senator.

Mr. SIMMONS. What does the Senator want to do with Muscle Shoals?

Mr. BLACK. When the Senator from North Carolina completes his questioning I shall be glad to tell him, if he will just let me proceed.

Mr. SIMMONS. I should like the Senator to tell me what he would do with Muscle Shoals. I have stopped. I have asked my question.

Mr. BLACK. I want a manufacture of fertilizer that will reduce the price of fertilizer to the farmers of North Carolina and Alabama and the other States. That is what I want. I want a manufacture of fertilizer that will be sufficient so that the farmers of the South will not be ground down by the Fertilizer Trust that exists in this Nation, part of it in the State of North Carolina. I want, sir, to be able to manufacture fertilizer instead of using power, which the farmers do not need.

Mr. SIMMONS. Is not the Senator now insisting that Muscle Shoals is necessary to that purpose?

Mr. BLACK. That is exactly what it was built for. That is what the Senator from North Carolina voted for it to be built for.

Mr. SIMMONS. Exactly.

Mr. BLACK. That is what we have told the farmers it would be used for. That is what we tell them every year. That is what we tell them every time we come up here, and then we disagree on nonessentials.

Mr. SIMMONS. Then the Senator's position is that he is in favor of the Government's holding Muscle Shoals for the purpose of manufacturing cyanamide?

Mr. BLACK. No, sir; that is not my position at all.

Mr. SIMMONS. The Senator's whole argument has been made in favor of cyanamide. He has denied that any substitute for cyanamide could be produced in this country as cheaply as cyanamide can be produced.

Mr. BLACK. The Senator is mistaken about that.

Mr. SIMMONS. Or that it was as good when produced in this country.

Mr. BLACK. The Senator is mistaken about that.

Mr. SIMMONS. The Senator from North Carolina understood the Senator from Alabama yesterday to deny emphatically that the synthetic process was better than the cyanamide process.

Mr. BLACK. The Senator is partially correct in that understanding.

Mr. SIMMONS. The Senator's position now is, then——

Mr. BLACK. It has not been changed since the Senator from Alabama began.

Mr. SIMMONS. No; I do not know that it has, and I do not know that the Senate has understood the Senator's position. I have not exactly understood his position.

Mr. BLACK. I regret that. If the Senator will allow me to proceed, I will try to tell him.

Mr. SIMMONS. The Senator has been a day and a half at it now.

Mr. BLACK. No, sir; I have occupied the floor a day and a half, but I have spent about three hours answering questions.

Mr. SIMMONS. I find that other Senators as well as myself are very much mystified.

Mr. BLACK. That may be true. I do not claim to have any especial clarity of expression.

Mr. SIMMONS. But I understand now that the Senator's position is that we ought to keep all the power developed at Muscle Shoals for the purpose of making fertilizer.

Mr. BLACK. No, sir; the Senator does not understand me correctly. I will tell the Senator what I want. I want to use every kilowatt of that power that is necessary for the manufacture of fertilizer. That is right.

Mr. SIMMONS. I want to ask the Senator another question. Can not cyanamide be made by the steam process as well as by the hydroelectric process?

Mr. BLACK. Why, certainly, if you want to pay enough to manufacture your power; but it costs more to manufacture power by the steam process. Why use the steam process and force that extra gulp down the farmer's throat when you have this power that you promised him years ago you would give him?

Mr. SIMMONS. Does not the Senator know that practically all the synthetic ammonia that is being produced in this country at this time is produced by steam power?

Mr. BLACK. I do not know whether it is produced by steam power or not; but I know that it is not used in the manufacture of fertilizer.

Mr. SIMMONS. Does the Senator know of any synthetic ammonia that is produced in this country by water power?

Mr. BLACK. I will answer that when the Senator answers this question: Does the Senator know of any case where a farmer has had the cost of his fertilizer reduced at all by the synthetic process?

Mr. SIMMONS. No; I do not.

Mr. BLACK. Does the Senator claim that he can have it reduced by the synthetic process?

Mr. SIMMONS. No; I do not.

Mr. BLACK. The Senator just thinks it is impossible to reduce it anyway?

Mr. SIMMONS. No; the Senator does not believe that. The Senator believes that a very small quantity of either the synthetic ammonia or the cyanamide is used in the manufacture of fertilizer in this country. He is informed, and he thinks reliably informed, that it is not satisfactory, and that the fertilizer producers in this country are getting the bulk of their ammonia from nitrates imported from Chile.

Mr. BLACK. Suppose I let the Senator have the report issued by the Department of Agriculture, where they say this—if the Senator is not interested in it, of course I will not take the time to read it.

Mr. SIMMONS. I am interested in it. I should like to hear it.

Mr. BLACK. The department says:

It is estimated at present that at least one-half of the world's inorganic nitrogen comes from the atmosphere through nitrogen-fixation methods, as against only 7 to 8 per cent in 1913.

And I might state, for the Senator's benefit, that the country that has not advanced is the country in which we now live, the Cyanamid Co.'s plant being on the Canadian side at Niagara Falls.

Experiments to determine the effect of these concentrated air-derived nitrogen salts under American farm conditions have been made covering a period of several years with cotton, potatoes, corn, garden, and truck crops. These have been located on official test farms and on commercial farms on some of the principal soil types in the Eastern States. The effect of the air-derived nitro-salts, when used in mixed fertilizers with acid phosphate and potash, has generally been good, and compares favorably with nitrate of soda and sulphate of ammonia.

* * * * * * *

With potatoes, a crop requiring large quantities of fertilizers, the air-derived nitrogen salts have shown up well. Fertilizers having their nitrogen derived from these concentrated materials have produced as large yields as those having their nitrogen derived from nitrate of soda or sulphate of ammonia. This has proven true in all the large potato-growing sections of the Atlantic seaboard.

Mr. SIMMONS. Mr. President, I do not dispute that. I know that some of this manufactured material that is extracted from the air is being used. I know that it does very well with reference to certain crops; but I know that it is not being used to any very great extent. I know that the use of it at present has not had the effect of reducing the price of fertilizer to the farmer.

I am just as anxious as the Senator is that that great plant at Muscle Shoals shall be dedicated to the production of cheaper fertilizer for the farmer. No man in this Chamber is more anxious about that than I am; but I doubt very much whether at the present time we are producing nitrogen from the air at such a price as to enable the farmer, even if there were millions of tons of it produced, to get his fertilizer any cheaper than the price he pays for it now.

So that I am in favor of experimentation. I want the Government to undertake it and to carry it forward with efficiency and with zeal, so as to bring about some results; and I want the Government in the meantime to hold on to this Muscle Shoals property, and not turn it over to a power company in Alabama or anywhere else. If it wants to sell the power, let it sell the power for a limited term, and then use the income that is derived from that sale for the manufacture of fertilizer for the farmer until the expiration of the lease, and then use the power directly for that purpose.

Mr. BLACK. I think it might be pretty generally conceded that a man who voted and worked to have a power investigation by a Senate committee instead of by the Federal Trade Commission does not want to give it to the power company. I did that. I thought then it was a mistake to turn it over to the Federal Trade Commission, and I still think so. I do not want this power turned over to the power company. I stated that to the people of Alabama in my campaign, and I state it now; but I state to the Senator that if the joint resolution of the Senator from Nebraska goes through the power will go to the Alabama Power Co. and nowhere else.

So much for that.

Mr. BROOKHART. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Iowa?

Mr. BLACK. I yield for a short question. I want to get through.

Mr. BROOKHART. What I can not understand is that while the Senator is opposed to turning this plant over to the Alabama Power Co. he seems to be favorable to turning it over to somebody that is worse, I believe, namely, the American Cyanamid Co.

Mr. BLACK. I will explain that to the Senator very briefly now, just as I did the other day in talking to him.

Mr. SIMMONS. The Senator seems to be further opposed to the Government using it for the purpose of experimentation——

Mr. BLACK. The Senator is very badly mistaken.

Mr. SIMMONS. And leasing the power that is not needed in those experiments, and using the money derived from the sale of it for the manufacture of fertilizer. The Senator is opposed to the joint resolution of the Senator from Nebraska——

Mr. BLACK. Yes, sir.

Mr. SIMMONS. But what joint resolution or bill is the Senator in favor of? I do not know. He does not want the power sold. He does not want it used by the Government for purposes——

Mr. BLACK. Who said I did not want it used by the Government? Has the Senator heard me say that?

Mr. SIMMONS. I understood that the Senator was arguing against the experimentation.

Mr. BLACK. There is a good deal of difference between turning over some money to a few people to peer around in glass tubes, theorists theorizing around for 10 years, and turning over the plant to somebody to actually manufacture fertilizer that will benefit the farmers of the State where the Senator lives.

Mr. SIMMONS. I suppose, then, the Senator means——

Mr. BLACK. May I continue now, Mr. President?

Mr. SIMMONS. I will not interrupt the Senator any more. I suppose the Senator means this, then——

Mr. BLACK. I will tell the Senator what I mean if he will just ask me.

Mr. SIMMONS. I suppose the Senator means that he wants the Government to hold this plant and go to work at once and establish a plant down there for manufacturing cyanamide and utilize the whole power for that purpose.

Mr. BLACK. If it is of any interest to know where I stand on a question which is not before the body, I shall be glad to state it.

Mr. SIMMONS. I have not been able to find out yet.

Mr. BLACK. I would have been glad to tell the Senator if he had asked me. Of course, I could not read his mind and see what he wanted to know.

Here is the proposition:

That power was dedicated to the use of the farmer. If the Senator from Nebraska will amend his joint resolution and provide for the operation of that plant for the manufacture of fertilizer or the operation of another plant for the manufacture of fertilizer by the Government, although I think it would be wrong, although I believe it would be wasteful, I will sit down and not open my mouth against his joint resolution.

If the Cyanamid Co., which owns the patents—provided the proper contractual restraints could be placed upon it—with their knowledge of the business, and without having people appointed down there because they happen to be deserving Republicans or deserving Democrats, according to the party which happens to be in power, were to operate the plant as a cool financial business proposition, at 8 per cent profit, I believe the farmer would get more benefit from it. But what I insist on is the operation of that plant, Government or otherwise—and I favor otherwise—or another one that will produce just as much fertilizer for the benefit of the farmers, who are ground down under the heel of the trusts of this Nation. That is what I insist on.

I assume all of us have open minds. I am very glad, indeed, to have any question asked that I can answer. I can not answer them all satisfactorily or clearly, as the Senator has stated.

Mr. SIMMONS. The Senator has answered the question satisfactorily to me finally. His answer is that he wants the plant run either by the Government as a fertilizer plant, or he wants it leased to the Cyanamid Co.

Mr. BLACK. If there are any other bidders that will run it, yes; and I prefer private operation of the plant by a company that knows how to operate it. That ought to be perfectly clear.

Now, I want to call the attention of the Senate to this fact, that 460 pounds of concentrated fertilizer contains as much nitrogen and phosphate plant food as one ton of 3–11–3, regular fertilizer. The freight from Muscle Shoals to Lynchburg, Va., for instance, on one ton of ordinary fertilizer is $5.65. The same railroad would carry this 440 pounds of concentrated fertilizer from Muscle Shoals to Lynchburg for $1.39, or a difference in freight of $4.35. I call attention to that fact for the reason that there are a great many who have said, "What benefit would States far removed from Alabama get from this?" I will answer that. They would get fertilizer which could be shipped in two or three bags, instead of ten. Their fertilizer hereafter would not be three-fourths dirt, because they would get concentrated fertilizer, and mix it for themselves, and besides they would stop having to pay freight on dirt.

Mr. SMITH. What is the percentage of actual nitrogen contained in cyanamide?

Mr. BLACK. Cyanamide?

Mr. SMITH. Yes.

Mr. BLACK. I had the figures here and read them yesterday.

Mr. SMITH. My impression is that it is about 12 to 15 per cent. The lime content is what they call a filler. The Senator is speaking about concentrated fertilizer. That, as the Senator knows, is still in an extremely experimental stage. There was an attempt to get phosphoric acid with just pure sand in a superheated furnace, but they found that by treating the phosphate rock, even though there was a great percentage of iron in the rock, with the sand process they could get a perfect phosphoric acid. But the process was costly and did not turn out to be a practical commercial venture. They have gone back now to the old sulphuric-acid process of treating the phosphate rock with sulphuric acid, producing phosphoric acid, and that is the only practical process, so far as I have been able to gather the facts, by which you can get anything approximating the concentrate. The percentage of actual available soluble phosphoric acid, using that process, is only 16 per cent to the hundred pounds.

As to potash, which is the other ingredient, the only source that we have that is commercially feasible at all is the potash wells of Germany. It is so abundant and so cheap in its raw state that they bring it over here in the form of what they call "kainit" for less than $10 a ton. They bring it sometimes in ballast, and by utilizing nitrate of soda, kainit, or potash, and phosphoric acid you get the perfectly balanced fertilizer.

As the Senator maintains, we haul about 1,500 pounds of dirt in every 2,000 pounds, or every short ton, of fertilizer. But there has been no practical way up to the present, outside of the experimental stage in the laboratory down here, to find how to get a 100 per cent potash, 100 per cent phosphoric acid, and 100 per cent of ammonia. It is a very costly process. I think we will ultimately work up to that, and the farmers would be willing to pay for it, but under the terms that the Senator is fighting for and that I am fighting for we are to turn this over to the farmers of this country under the auspices of our Government and let them work out the problem of producing a cheap fertilizer for the farmers.

Mr. BLACK. Mr. President, I would like to finish by 5 o'clock. I appreciate the statement of the Senator from South Carolina [Mr. SMITH], because it is very enlightening; but I would rather, unless there are some particular questions that some Senators desire to ask, that I may proceed until I finish.

Mr. KING. Mr. President, may I ask the Senator one question?

The PRESIDING OFFICER (Mr. SACKETT in the chair). Does the Senator from Alabama yield to the Senator from Utah?

Mr. BLACK. I yield.

Mr. KING. In reference to the statement made by the Senator from North Carolina, I understood him to say that there was no product used by the farmers for fertilizing purposes that came from the cyanamide plant. My understanding is that the plant at Niagara Falls producing cyanamide——

Mr. SIMMONS. I did not say that. The Senator misunderstood me.

Mr. KING. I understood the Senator to say that.

Mr. SIMMONS. I said there was a very small percentage, and that it did not cheapen the fertilizer to the farmer at all.

Mr. KING. I do not agree with the Senator in that statement; but my understanding is that the cyanamide plant does transship a considerable quantity to Warners, N. J., and there fertilizer is made from the nitrogen which is gathered from the air by the cyanamide plant at Niagara.

Mr. BLACK. That is correct.

Mr. KING. That the cyanamide process is a failure I do not think can be supported by a fair examination of the facts and the scientific investigation which has been made.

Mr. SIMMONS. What I said about that was, that according to the figures stated by the Senator from Alabama himself, there was only about 55,000 tons of cyanamide imported into this country, and that all of that was not used for fertilizer, but a good part of it was used for fertilizer. But that was a small percentage of the total amount of ammonia used in fertilizers in this country. That is what I said with reference to that.

Mr. HEFLIN. Mr. President, if my colleague will permit me just there, pertinent to this question, at Muscle Shoals—and I want the Senator from Utah to hear this——

Mr. KING. I am listening.

Mr. HEFLIN. They used a cyanamide fertilizer, they used cyanamide made at Muscle Shoals, with the other ingredients, on an acre of ground, and that acre of ground produced 2,300 pounds of lint cotton. Alongside of that acre no fertilizer was used, and the unfertilized acre produced 100 pounds of seed cotton. This 2,300 pounds of lint cotton was made on one acre where the cyanamide fertilizer was used.

Mr. BLACK. Mr. President, I am not going to quarrel with anybody over the fact that fertilizer has not been reduced in price. It has not been, but I claim that if the facts show that the price can be reduced, to turn this power over for the use of industry is a crime against the American farmer. That is all I am talking against. I say that the vote on this power resolution will distinctly show the farmer more clearly than professions, whether a man stands for the use of the farmers' power for use in industry or for fertilizer for the farmer.

There is no doubt but that phosphoric acid can be manufactured at Muscle Shoals by the use of electricity. That is recognized to-day as a method of its production. It would require about 180,000 horsepower to produce enough phosphoric acid to mix with the nitrogen.

I just want to give a few more figures about this shipment of the concentrated fertilizer to show that if you really want to distribute this power the only way to do it is to put it in fertilizer. You can not distribute it as power. Not much of it will get out to Arkansas if you are going to put it on the wires of the public utility companies. But it will, under the administration of the farm board, if you put it in fertilizer.

One ton of mixed fertilizer shipped to Albany, Ga., would be $4.50, as against $1.05 for 460 pounds of the concentrated product, or a difference in freight of $3.55.

The freight to Jackson, Miss., on 1 ton would be $3.95, and on 460 pounds it would be 90 cents, or a difference of $3.05 in favor of the concentrated product. I say to the Senators from Mississippi that if they want to save the farmers in their State money the way to do it is to save it on fertilizer and not on power. Do not be fooled by the statement that when this electricity gets on the wires of the public utility companies it will reduce the price of electricity a dime. It will not do it.

On March 26, 1925, a committee was appointed to investigate the entire Muscle Shoals situation. Considering the operating costs of nitrate plant No. 2, basing the operating expenses upon the figures reported by General Williams and Colonel Burns, after a test run at the plant, taking into consideration the costs of operation and the freight, this committee reported that the average saving to the farmers in the various States would be 43.4 per cent.

Senators talk about nonpartisan evidence, they talk about evidence that is not bound down by contractual ties to the Cyanamid Co. This was a committee appointed by the President of the United States. On this committee was a distinguished chemist from Yale University and a former distinguished Senator of the United States. On it were others, and they reported—and I have the figures here, and their reports—that if this plant were put into operation it would reduce the average price of fertilizer to the farmers of this Nation 43.4 per cent. Yet we hear somebody say, "I want power. I want power in my State. I do not want fertilizer; I want power."

Some of the Senators present may be interested in what this nonpartisan committee found this action would save the farmers in their States. Let us look down the list. For instance, Alabama, 44.1 per cent; Connecticut, 47.3 per cent—it even extends as far as Connecticut; Georgia, 44.2 per cent; Indiana, 46.9 per cent. Getting on down, we find that the biggest saving they figure was for Louisiana, by reason of the fact that they could ship by water. That saving would be 54 per cent.

Mr. HEFLIN. Does it show Michigan?

Mr. BLACK. In Michigan they found it would save them 45.1 per cent. This was a nonpartisan board, not a board of cyanamide experts, not a board of synthetic experts, not a board composed of people who wanted Government operation, but of people who did not want Government operation. It was not a board composed of people who were going to discuss the varying merits or demerits of one or the other process, when the very life of the farmer was at stake. It was a nonpartisan board. Yet Senators still say that it is a question of the plant being "obsolete," after a board appointed by the President of the United States, without any evidence of partisanship on the part of the board, comes to this body and says, "It will save the farmers of North Carolina and of South Carolina more than 45 per cent."

Mr. HEFLIN. Does it give Texas?

Mr. BLACK. They do not buy much out in Texas. They buy so little the board did not even figure it out. But a great deal of it could be shipped down there by water.

Now, I want to call attention to what General Williams said in his report on the test. This is not the Cyanamid Co. Gen-

eral Williams is not connected with the Cyanamid Co. This is the statement of the Chief of Ordnance of the United States Army, as I understand it.

General Williams in his report made February 19, 1927, after the test had been held, figured that nitrogen could be made at Muscle Shoals at 8.57 cents per pound. Now, I hope Senators will get that figure.

Mr. NORRIS. Mr. President, will the Senator permit an interruption there?

Mr. BLACK. I yield.

Mr. NORRIS. Is the Senator aware that nitrogen can be produced from the air by the synthetic process for practically half that cost?

Mr. BLACK. No, I am not aware of that, but I am aware that it has not been done so far as the farmer of America is concerned.

Mr. NORRIS. Yes; it is being done now.

Mr. BLACK. Is the farmer getting any of it?

Mr. NORRIS. Probably not. Does the Senator expect——

Mr. BLACK. No; the farmer is not getting it largely because, in my judgment, the Senator from Nebraska has fought the Ford offer, honestly and conscientiously of course.

Mr. NORRIS. All right. I want to ask the Senator if he expects to reduce the price of fertilizer to the farmer on the nitrogen contents by charging over 8 cents a pound for nitrogen.

Mr. BLACK. Of course I could.

Mr. NORRIS. The Senator can not do it. It is a physical impossibility.

Mr. BLACK. The farmer is paying 15.5 cents now.

Mr. NORRIS. If we get nitrogen for 8 cents a pound at Muscle Shoals, we have increased the cost of fertilizer instead of decreasing it at the present market.

Mr. BLACK. He is paying 15.5 cents; and if 8.7 is not less than 15.5, then I do not know my arithmetic.

Mr. NORRIS. There is no use in anyone paying over 8 cents a pound for nitrogen.

Mr. BLACK. He is paying $47 a ton port prices on Chilean nitrates, and that figures out, on the basis of the nitrogen content, 15.5 cents per pound. While this is actually 1 cent more than it sells for at Warners, N. J., manufactured by the cyanamide process, it is 6.58 cents cheaper than the farmer actually pays for Chilean nitrate to-day—that is, if he gets it under the cooperative method at $47. I had a telegram yesterday from a farmer in my State in which he stated that he had paid $60 for Chilean nitrate.

Mr. NORRIS. Mr. President, will the Senator allow me to ask him another question? Let me ask the Senator if the Cyanamid Co. is getting nitrogen now for 1 cent less than 8 and a fraction cents, why is the price of fertilizer so high?

Mr. BLACK. I explained that twice while the Senator was out of the Chamber and I would rather not go over it again.

Mr. NORRIS. The Senator never made an explanation that will stand.

Mr. BLACK. The Senator is taking judgment without having heard my explanation. He does not know how good it was.

Mr. NORRIS. If the cyanamide people now can make nitrogen so much cheaper than anybody else and have such wonderful capacity to make it, I can not understand why they sell to and deal with the Fertilizer Trust instead of selling direct to the farmer.

Mr. BLACK. I have explained that. What I want to do is to make them deal with the farmer.

It is also interesting to note that the Muscle Shoals Commission, in reaching its conclusions of 43 per cent saving to the farmers in the use of ammonium phosphate, figured its cost at $70.23 and it is now sold in the open market for $64.40

In the estimate of General Williams of cost at Muscle Shoals he includes royalties and operating fees. If these are excluded his figure for the cost of pure nitrogen is 7.9 cents. In other words, if the company that owned the royalties were operating it and we waived the royalties, General Williams's figures would be reduced to 7.9 cents, while the Cyanamid Co. actually sells it now at 7.6 cents per pound. Each penny of reduction in the price of nitrogen, on the maximum production of 50,000 tons at nitrate plant No. 2, means $1,000,000 saved to the farmers.

Mr. NORRIS. Mr. President, will the Senator permit another interruption?

Mr. BLACK. I will permit this one. I stated while the Senator was out that I wanted to finish, and asked not to be interrupted further.

Mr. NORRIS. Then I shall not interrupt the Senator again after this one.

Mr. BLACK. That is all right.

Mr. NORRIS. If the statement be true as the Senator has just made it, then the thing I can not understand is, with that terrible reduction, that awfully cheap price for nitrogen that the Cyanamid people are producing, why there can possibly be any complaint about fertilizer being too high.

Mr. BLACK. I shall be glad to explain that to the Senator and then I shall ask to be permitted to proceed.

Mr. NORRIS. What I am trying to do is to reduce the cost of extracting nitrogen from the air, and I think we have got to do it in order to get the price of fertilizer down where it ought to be. These other or newer plants are doing that very thing wherever they are established.

Mr. BLACK. I will state it again for the Senator's benefit. The Cyanamid Co. is not making enough fixed nitrogen to sell all over the United States. That which they have sold has been sold, as the Senator stated, to the fertilizer factories, and the profits have gone not to the farmer, but to the factories. That is correct. What I want is to make some provision for the synthetic process or some other process whereby the profit will go to the farmer rather than to the factory. Now, I must proceed.

If, therefore, General Williams is correct in his figures of 8.7 cents per pound, the American farmer would save $6,450,000 every time the plants produced 50,000 tons. Taking his own report and figuring it out for themselves for their own States, Senators will see that this is the result they get. Let them then figure on what the farmers of their States are paying to-day and go back to them, if you please, and tell them, "I found that under the estimate of the engineer who made the test, it would save you a million dollars, but I would not vote for it because I wanted it to attain perfection."

If Colonel Burns is correct in his report of 1920, as to the cost of producing ammonia gas, the production price of pure nitrogen would be 8.3 cents, or 6.85 cents less than the price of Chilean nitrate. On the output of plant No. 2, this would save the American farmer $6,850,000 on each 50,000 tons if it were turned loose on the market, besides the indirect benefit that would be received from causing the fertilizer trust to reduce its price.

Mr. NORRIS. Mr. President, may I indulge in just one more question?

Mr. BLACK. I yield for one more question.

Mr. NORRIS. The Senator has referred to Colonel Burns. I would like to make him a proposition.

Mr. BLACK. I do not care for a proposition. I yielded for a question.

Mr. NORRIS. I will state now for the RECORD that if the Senator will agree with me that Colonel Burns shall be sent for to appear before the Committee on Agriculture and Forestry, or any other committee, and if Colonel Burns shall state that, in his judgment from his study, we can use nitrate plant No. 2 as it stands and make fertilizer cheaper for the farmer than we could by the synthetic process of getting nitrogen from the air, I will agree, so far as I am concerned, to withdraw my resolution and to resign my seat in the Senate.

Mr. BLACK. I do not care whether he swears it could be made cheaper by the synthetic process or the cyanamide process. I do not care one particle which process we use. I do not need him to come here and testify after years of thought. I have his testimony.

Mr. NORRIS. I have his testimony, too, over and over again.

Mr. BLACK. I have it, and it shows as I have stated.

Mr. NORRIS. I can produce it. I do not agree with the Senator, but I do not care which process is used. I want to use the cheapest process, and I know, from my association of years in a study of this question with Colonel Burns, just what he thinks about it and what his study has led him to.

Mr. HEFLIN. I suggest that Colonel Burns contradicted himself on my interrogation before the committee.

Mr. BLACK. Mr. President, I do not care to yield any further. I will state that if there is any Senator here who doubts what Colonel Burns has testified and put in the record, that ammonium, can be produced by the process stated, if he will get the hearings before the Committee on Military Affairs on House bill 16396, Part I, 1927, and turn to page 1065, he will find that that is what Colonel Burns said it would take to manufacture the nitrogen. He will find further that if that profit went to the farmer on the cyanamide process as tested by him, the farmers of the South would have saved $6,450,000 this last year.

I am talking in the interest of the people, not the big farmer who owns 18 cows and has his cows milked by electricity. I am talking in the interest of the great unorganized mass of farmers, many of them rental farmers. I want to state to the Senate that in my own experience I have known farmers in the county in which I was reared who came to town in the fall of the year and sold their cotton, and when they paid off the mortgage that was already on the crop and paid for the

fertilizer they did not have a dime left to buy food and clothes for the children in the next year. Then tell me, with circumstances like that all over the Nation, especially in the land of the South, that it is fair or it is right or it is just to deprive the farmer of the reduction which we know he will get if we take every word of Colonel Burns's statement as true and say "No! We want power, we want power!" I ask Senators after they have given the farmer the benefit of cheap power, that they shall pass another law reducing to him the price of silk hats and evening clothes and Lincoln automobiles.

What do we find about a shortage of power? There is a lot of propaganda going on down south in Alabama. I made my statement about it when one of the Senators from Mississippi was away. So far as I am concerned, I think it would be an outrageous piece of legislation to tell any State that any natural resource within its borders had to go, by legislative mandate, into another State. But if we can get a fertilizer factory operating in Alabama, operating there with this power which is dedicated to the farmers' use, so far as I am concerned, I am willing to yield that point about the so-called equal distribution of the assets of one State and sending them into another State, and let it go in just as the Senator from Mississippi or Louisiana or any other State wants it.

What we want is not power. We want fertilizer. I am going to show the Senate that if the power went into the wires we would not get a reduction, in spite of the fact that power companies have been sending out propaganda to Senators and Congressmen from various places that the rate to the public would be lowered.

I hold here in my hand a lot of documents that came to me from Alabama, sent out by a power company to the farmers of Alabama. These documents argue against the use of Muscle Shoals for fertilizer, claiming it can not be done.

It is alleged that there is a shortage of power in the South. That statement is absolutely baseless propaganda. I hope Senators will listen to what I am about to say, especially those who claim there is a shortage of power in the South.

In a special southern issue of the Manufacturers' Record for December, 1924, there appears an article by Mr. Thomas W. Martin, president of the Alabama Power Co., with reference to the large interconnected power companies' survey of the Southern States and their future requirements. Mr. Martin therein states that the total additional power needed to supply the needs of these companies for the supply of the States they serve is 1,071,000 horsepower. Maj. Harold C. Fiske, of the United States Engineer Corps, made a survey of the Tennessee in November, 1925, and reported that 13 sites on that river, not including Dam No. 2 and Dam No. 3, would produce 1,125,000 continuous horsepower. The latest report made by the Secretary of War last week of 88 sites, with 28 still to be investigated, shows the potential power of the entire basin to be 3,900,000 continuous horsepower. With 30 per cent of the potential water power of the Tennessee Basin, therefore, the needs of the companies set out by Mr. Martin could be met for 20 years, leaving 70 per cent of the power to waste.

Note that statement, Senators! With 30 per cent of the potential power of the Tennessee Basin alone, leaving out the Coosa River, where they have dams, and the Tallapoosa and others, they could supply for 20 years every Southern State that gets power from these companies, and yet it is claimed that there is a shortage of power. That is just one river, too.

The latest report of the total primary power available under the joint resolution of the Senator from Nebraska is 187,000 horsepower, as I understand. He fought for a bill last year which I think was better than this joint resolution; but the pending joint resolution does not provide for the building of an additional dam at all; it does not provide for the building of Dam No. 3 or Cove Creek Dam. According to Colonel Tyler, the total primary power from the river at Muscle Shoals to-day, 100 per cent of the time, is 67,000 horsepower. Under the Senator's joint resolution that is all the power that will be produced, except from the steam plant; and by the steam plant, according to the figures, it costs 4 mills an hour to produce it, but the primary power available at that dam under the joint resolution of the Senator from Nebraska, with no improvement, is only 67,000 horsepower. That does not sound like any tremendous power that ought to be divided out equally among all the 48 States; and, of course, if it ought to be legislated to one of them, it ought to be legislated equally to all of them. That is all right so far as that is concerned. If they give us a fertilizer factory, we do not object to that. But Wilson Dam, or Dam No. 2, cost the Government, at peak prices for labor and material, $43,388,000, of which $27,500,000 is chargeable to power development.

There is also a completed steam plant built at a cost of $12,326,000. The actual primary power the dam now constructed is capable of producing is 67,000 horsepower, and the steam-plant capacity is 80,000 horsepower. Under the joint resolution of the Senator from Nebraska there is no other development of any kind or character, as I understand, of that dam or of any other dam.

Under the joint resolution of the Senator from Nebraska there will be only a primary water-power production of 67,000 horsepower 100 per cent of the time. Power can not be sold to the public unless it is available 100 per cent of the time—we all know that—unless some day we may utilize the system about which the Senator from Nebraska has spoken of, interconnected wires, which would be a wonderful thing to take advantage of in various districts. I agree with the Senator fully that when that time comes there will be a saving, and it will come, of course, when there shall be a scarcity of water. Remembering there will be a production of only 67,000 horsepower—hydroelectric—under the Senator's joint resolution, it is interesting to note that Birmingham alone in 1925 used about 69,000 horsepower at its peak consumption; that Memphis uses 51,600 horsepower continuously, making necessary the installation, so as to have it available at all times for peak use, 86,000 horsepower. So under this joint resolution neither of those two cities, for instance, Memphis and Birmingham, which want this power could get quite enough primary horsepower to supply their needs. Every other little municipality that wanted to obtain power from this source would be cut off the moment it was given to Birmingham or Memphis. Of course, if the Government contracted to supply them with power it would have to have it available at all times. When it is considered that the amount of this hydroelectric power is but 3.35 per cent of the total developed power of the associated power companies when they submitted their bid for Muscle Shoals in 1926, how small it is to hold up in a great legislative body legislation which would benefit the farmers by reducing the price of fertilizer because somebody, in some particular State, may want a part of that 3.35 per cent of power.

The combined production of both the steam plant and Dam No. 2 is only 6.3 per cent of the 1926 power development of the associated power companies. Who, therefore, believes that the power from Muscle Shoals would decrease the price to the users?

I call attention to the fact that under the joint resolution of the Senator from Nebraska it is provided that municipalities shall have the preference. The Senator from Mississippi [Mr. HARRISON] has offered an amendment which, as I understand it—and if I do not understand it correctly, I should like to be corrected—will take away that preference. Under the joint resolution of the Senator from Nebraska, according to my belief, in practical effect the power would very shortly go to the Alabama Power Co. for two reasons: First, most of the municipalities in the surrounding sections have contracts with power companies. That, unfortunately, is true. I agree with the Senator from Nebraska in all he has said as to the value that ownership of public utilities by municipalities has had in this Nation in bringing about a reduction in the price of power. I have no controversy with him whatever on that point; but under the proposed law with these municipalities unable to take advantage of it, the Secretary of War, of course, would not wait long before selling the power to the Alabama Power Co. That is what would happen under the joint resolution. Of course, under the amendment proposed by the Senator from Mississippi it would have to go to the Alabama Power Co. Therefore the question arises, under either measure would the price of power be reduced? If any Senator believes that the Alabama Power Co. will reduce the price of power when they get it on their wires, I advise him to read the opening lines of Doctor Johnson's Rasselas, and I say to him, just as Doctor Johnson remarked—

> ye who listen with credulity to the whispers of fancy and pursue with eagerness the phantoms of hope, who expect that age will perform the promises of youth, and that the deficiencies of the present day will be supplied by the morrow attend the story of Rasselas, Prince of Abyssinia.

Those who look far out into the future and paint pictures and dream dreams will be dreaming a long time before there is a penny's reduction in the power that goes to Arkansas, Mississippi, or Tennessee by reason of the fact that the power from Muscle Shoals has been put into the hands of the public utility companies. I agree with the Senator from Nebraska completely to the effect that there will not be a reduction of a dime to any consumer if this power gets in the hands of the power companies for distribution.

Why do I say that? I say that because they said it themselves. They did not say it when they were talking to a Senator and telling him, "We want you to remember that if we

get this power we will reduce the price of the power to the consumer"; but they said it before the State board of public utilities in Alabama when they were asked the question, "Will you reduce the price of power to your customers if you get Muscle Shoals for your benefit and use?" Here is what they said. I have telegrams about it.

I call the attention of Senators from Mississippi, Arkansas, Georgia, and the other States to this telegram. The Alabama Power Co., as those Senators know, is linked up with companies in their States, and this gentleman had authority to speak not only for the power companies of Alabama but of Mississippi and Georgia and Tennessee and the other States. When asked whether or not the acquisition of Muscle Shoals would reduce the cost of power to the people, the representative of the company said:

I don't believe so. The Muscle Shoals plant apparently has been dedicated to the farmer to a great extent, and I don't believe we can ever get away from it.

Let me refer to what they said when they were bidding for Muscle Shoals. When they were asked the question whether they would reduce the rate, Mr. Martin, who had already testified before the committee, said:

Sir, it may take the entire primary power of 200,000 horsepower; it may take a nominal amount—

He did not know which.

You know there are great developments in the chemical industry.

In other words, he did not know whether it would take a great amount or a little amount.

My contention is that under his offer it would have taken a very nominal amount, because there was not any fertilizer guaranteed under it, but he did not know whether it would take a nominal amount or a big amount. When, however, he was talking before the Alabama Public Utilities Commission with reference to the benefit the farmers of Mississippi and Georgia and other States would receive if they got that great power project, he said:

No; I do not think it would reduce the price of power.

And in that I agree with him. That being true, what hope is there of the surrounding States of getting any benefit from this power unless it is transferred into fertilizer? That is the only point on which the Senator from Nebraska and I differ. He does not believe it can be done, while I do. I agree with the remainder of his remarks. I would be perfectly willing if the fertilizer plant were to be operated, for the remainder of the power to go to the municipalities, and would be delighted to see that done. I do not agree with the views of the Senator from Nebraska about that. I appreciate the fact, even though he takes a stand which is contrary to mine and contrary to that of the vast majority of the people of Alabama that he has waged a conscientious fight and has fought with the belief that his side was right, and, even though he lived in the far West, he has taken sufficient interest in the South at least to understand, according to his best judgment, the principles involved in this great plan. I appreciate the extent of interest he has shown in it, although I do not agree with his viewpoint. The only difference we have is this: I believe that for the manufacture of fertilizer under a chemical process, which as he states, is constantly changing, a private company that is in the business would more likely benefit the farmers than would the Agricultural Department of the Government.

I agree with his former colleague here, the late Senator from South Dakota, Mr. Ladd, as to that. Former Senator Ladd said, "while I agree with Senator NORRIS's idea of Government ownership in the main, I would not want to see the Government start out in the very hazardous business of manufacturing fertilizer and electrochemical supplies."

Mr. President, I am just about through; I merely wish to make one or two additional statements.

A great deal has been said about the cyanamide process. As I have said, I do not care to go into any controversy as to which process is the most successful. My judgment is that the price of fertilizer can be reduced by both or either. My judgment is that it is unfair to the American farmer to tie this power up for 10 years while we experiment and try to secure perfection, instead of absolutely going into the manufacture of fertilizer to-day. That is my main objection to the joint resolution of the Senator from Nebraska.

I call the attention of Senators who think that that measure provides for fertilizer that it does not provide for fertilizer for actual sale and use and consumption by the farmers of the South. It provides for experimenting and manufacturing a little fertilizer. It does not provide enough power to manufacture fertilizer to supply the farmers of the South, nor does it give even a faint ray of hope that they will get any fertilizer under it for 10 years. It does not settle the Muscle Shoals problem. It ties it up again for 10 years and places that power down there, in its last analysis, not in the hands in which the Senator from Nebraska conscientiously wants it to be placed, namely, in the hands of municipalities, but places it, practically without any interruption, into the channels of trade through the public-utility companies of the South. That is where it will go.

The objection we have is that instead of guaranteeing the manufacture of fertilizer it does exactly the contrary, and provides that for 10 years this plant, which is dedicated to the American farmer, shall remain idle so far as the manufacture of fertilizer is concerned, and it tells the department of the Government engaged in experimentation, and which has been experimenting, I imagine, for 40 years under appropriations from the Government to go on and experiment some more. It would not reduce the price of fertilizer a dime.

What has been done in Germany? They have driven Chilean nitrates off the market, while we over here have sat with folded hands and waited on vain dreams and on experiments. Germany, war-torn as she was, rose from her ashes and drove Chilean nitrates out of her borders, and fertilized the lands of the people of Germany with nitrogen fixed from the air. What do we do 10 years after the war, despite the lesson we have had, and with the knowledge that one of the first naval battles of the war was fought off the coast of Chile? We spent billions of dollars for ships and guns and now are quarreling and squabbling over whether or not the Government might lose a few dollars if it should operate the plant at Muscle Shoals.

While we are doing that, Germany, with whom we were at war, utilizing her experience, does not experiment but drives Chilean nitrates out of Germany. America, instead of doing what it ought to have done, namely, operate this plant and use this power which was dedicated to the purpose of fertilizer and of war material; instead of proceeding on the upward way with reference to the electrochemical industry; instead of learning the lesson which it should have learned from the fact that it was without explosives necessary to fire a gun when war was declared, America sits with folded hands and argues as to the various methods, the synthetic and cyanamide processes, and proceeds to experiment some more. We wait 10 more years, with this power tied up, going into the hands of the public utilities eventually, not for the benefit of the farmers or the people but to increase their profits. We sit here and wait and say, "What will you do?" The farmer looks up to this Congress and he says, "There is hope. There is friendship. Every one of them proclaims friendship for me every day. Oh, they are going to do something for me."

Do they do it? With the fact before us from the speech of the Senator from Nebraska himself that Germany is manufacturing nitrates from the air, and with the further fact given to me by the Department of Commerce that they have stopped shipping Chilean nitrate into Germany, we do not propose to use the plant for that—oh, no! We are going to let the wheels remain idle while people experiment around, not to give anybody fertilizer at a cheap rate—oh, no!—but simply to theorize some more as we try to attain perfection.

If when Benjamin Franklin put his kite into the skies we had proceeded with the same caution that some want to manifest now and experimented and experimented until we got perfection, no kilowatt of electric power would ever have turned a wheel and no great industry would ever have been moved by the power that comes from the rolling waters of Niagara. That is what the joint resolution of the Senator from Nebraska proposes, and that is why we are against it—against it to the death.

You who are not interested in fertilizer, you who have not seen the pain and anguish of the people whose backs are bent under the load—you may vote us down, and you may say to the farmers of the South, "We want to wait. Seven million five hundred and fifty thousand dollars a year is not enough to save you. We want to wait until we get to where we can save you $100,000,000." Then when the farmer comes in after a hard day's work following a mule on some red-clay hillside and finally puts his tired limbs to rest on an old-fashioned feather bed he can lie there and pass into dreamland, with the sweet hope and fancy that Congress at last has done something which will guarantee that his children's children's children's children may some day get fertilizer as cheaply as they are getting it in Germany to-day. That is the Senator's joint resolution, and that is all it provides.

I challenge any living human being to examine that joint resolution and find any fertilizer for the American farmer. I challenge any man to examine any bill that has been offered, any amendment that has been offered, and find where the man who

toils behind the plow is going to get anything but words—vain, empty words, that sound like tinkling cymbals but bring him no help in time of trouble and do not raise his weary limbs an inch on the way of progress and prosperity.

This Congress has a chance to prove that it is something more than a professed friend of the farmer. I want to state, so far as other bills in the Senate are concerned, that I will vote for any measure that is proposed for the farmer unless I am convinced beyond a reasonable doubt that it does not offer him relief. I am going to do it because of the fact that to-day while every other business has marched forward by leaps and bounds, the farmer is loaded down with fifteen billions of mortgages; the farmer is paying in some States, as in Michigan, according to published reports, 67 per cent of his net profits in taxes; the farmer is borne down by the weight of increased transportation rates, shipping 11 per cent of the produce of the country, and paying 19 per cent of the revenue. Everything is bearing down upon him, and yet he is going out into the market and purchasing under a protective system that makes him pay his hard-earned dimes and pennies for aluminum dippers and pans produced by a concern protected as an "infant industry" that has grown into such stupendous proportions that it stands like a giant colossus astride the world; and then what do we do? What do we give him? Words—vain, empty words!

We come in and say, "There are two processes by either one of which—or at least one of which—you can get fertilizer cheaper." Do you give it to him? No! What do you do? Why, you tell him you are his friend!

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER (Mr. WATERMAN in the Chair). Does the Senator from Alabama yield to the Senator from Iowa?

Mr. BLACK. Yes, sir.

Mr. BROOKHART. After listening to another great Alabaman, the Senator's predecessor, Mr. Underwood, it seems to me that the vain words have been largely because all the time we have been trying to deliver this great national resource to some private institution, instead of going ahead and doing the beautiful thing that the Senator has outlined.

Mr. BLACK. I will repeat what I said awhile ago: I believe that a private institution could operate a fertilizer factory better than the Government.

Mr. BROOKHART. But if we are going to do these things that the Senator suggests we ought to go ahead and do them, even though we can not do them so well as the private institution.

Mr. BLACK. Yes, sir; and I will say that I am anxious and ready and willing to meet with Members of this body on any common ground where we can stand and pass any law that will reduce the price of fertilizer, either by Government operation or private operation. If that is plain enough, that is where I stand. I do say, though, that instead of going off on theories and one sticking to one theory and the other to the other theory, and letting 10 years pass by—long, weary years, filled with 365 days of labor to the man behind the plow, filled with 12 months of anguish to know whether or not the products that he raises on the land will be sufficient to pay the fertilizer bill, 10 years filled with all these things and 10 years in which the Government has neglected to perform its duty to prepare for war in time of peace—I say that the time has come when people should give up their pet theories and stand on common ground, as I am willing to do on anybody's bill that will guarantee to the fertilizer users of the South that they are going to have fertilizer manufactured by any kind of process that will reduce the price to the man who labors.

Mr. BROOKHART. The Senator mentions 10 years in which the Government has neglected its duty. That has been 10 years of fighting these private interests that have been trying to Teapot Dome Muscle Shoals; and it has been 10 of the best years of fight that the Government ever put in. It is the greatest fight that has ever been made in the history of the United States Senate.

Mr. BLACK. That is one time that the Senator and I do not agree, and I will state why.

If the Government is not capable of drawing a contract with a private individual or corporation that will protect the Government from repetitions of Teapot Dome, then the Government is in the hands of men whose intelligence really is not equal, as the Senator said yesterday, to that of the man whose brains would fill a teaspoon. If the time has come when the Government has nobody in its employ who can draw a contract that will so restrict the rights of private capital in its operation of public assets that it will protect the rights of the Government and the people, then the time has come to discharge those men who are incapable of drawing such a contract and to employ some who can.

Senators, that is the situation. I present it to you. I have done it with great diffidence, owing to my short service; but it is a matter in which the people of the State which I in part represent are vitally interested. It means more to them than any other one question which can be raised. It offers to my friends back down there—the people who live far out in the hills and valleys and pursue a course of life which is their own, who constitute the backbone of this Nation, and who have been borne down by overwhelming prices of fertilizer—the only ray of hope which they see in the sky.

I know that the Senator from Nebraska thinks his measure is the best; but I would that he could go with me back down there into those hills at a time when the cotton has just been picked, and go with me into the little town where they sell the cotton, and look into the faces of those people who have mortgaged the very mule they drive, and who have mortgaged the very cow that they do not milk with electricity, but milk with their hands, who have mortgaged them in order that they may get their daily bread; and I wish then that my friend could go with me at a time when they are going to pay the fertilizer bill that bears down on them, and then see if he would come back and say that any scheme would be robbery or fraud which would reduce to any appreciable extent the burden of the man behind the plow—not experiment, but actually reduce it.

I will state this for the Senator from Nebraska and all the other Senators: I will support any measure which the Senator offers or which any other Senator offers on this floor which, in my judgment, guarantees to the American farmer the production of fertilizer in such quantities as we proposed to have it produced down there. I care nothing for the power. It is infinitesimal in importance to the great and overwhelming question which confronts the farmers of Mississippi and Alabama and Georgia and Virginia and North Carolina. The man who would permit himself to go upon the theory of power, and more power, and benefit the industries of the Nation, and forget the farmer—the one class of citizenship in this Nation that is laboring under burdens which are too heavy for it to continue to bear—that man surely could not say, "I love the farmers of my State." We care nothing for power.

I conclude my remarks with this statement:

So far as the power is concerned, if you give us fertilizer, and if Mississippi, for instance, should demand every kilowatt of remaining power, in God's name let them have it; but first give to the farmers of the Southland and of America the benefit which they have been led to believe they would receive; and prepare now, before any war clouds appear on the horizon, for the time when the big guns and ships which we have built at an expense of billions of dollars may be called into use. Ships and guns without explosives are vain and useless. Let us not permit this plant to stand idle which should mean protection in war and joy to the farmer in peace.

In conclusion, I beg and plead with the Members of this body, those who really have the interest of the farmers of America at heart, to find something better than a mere experiment for 10 years. When you find something that will give the farmer fertilizer I will go with you as far as you desire on every other provision of your bill.

WAR DEPARTMENT APPROPRIATIONS

Mr. REED of Pennsylvania submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10286) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 14, 17, 23, 24, 27, 38, 51, and 52.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, 7, 12, 13, 15, 16, 18, 19, 20, 28, 29, 30, 31, 32, 34, 35, 40, 41, 44, 46, 47, 48, 49, and 53, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$69,740"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the

sum proposed insert "$10,274,278.50"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,464,551"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$529,500"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "as amended by the act approved February 18, 1928, and including $310,000 for Walter Reed General Hospital as authorized by the act approved February 18, 1928"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ", and in addition to the sum of $1,736,619, there is hereby reappropriated the following unexpended balances of continuing appropriations: 'Cantonment construction, Panama Canal,' $204,546.61, and 'Sites for military purposes,' $241,932.39; in all, $446,479, to be available for the following, as authorized by the act approved February 18, 1928: Steel hangar, $39,500, and addition to radio hut, $6,979, Hawaiian Islands; and construction of landing field, Albrook Field, Canal Zone, $400,000"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ", and in addition to the sum of $11,257,445, there is hereby reappropriated for expenditure for bombardment planes and their equipment, spare parts, and accessories, the sum of $580,000 of the unexpended balance of the appropriation for 'Army transportation, 1926'"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum "$425,000," proposed in said amendment, insert the following: "$150,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ": *Provided*, That the number of trainees shall not exceed the number which can be trained by the expenditure of this sum and"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "except the pay and allowances of officers and of enlisted men of the Regular Army who are on duty in any capacity in connection with the national matches and the small-arms firing school, and except the subsistence of enlisted men of the Regular Army who are not members of authorized teams, which pay, allowances, and subsistence shall be paid from other funds appropriated for that purpose"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$825,000"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "Sites for military purposes, $93,736.92"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$89,191.48"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$876,395.73"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 25, 26, 39, 42, and 45.

DAVID A. REED,
W. L. JONES,
F. E. WARREN,
WM. J. HARRIS,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

HENRY E. BARBOUR,
FRANK CLAGUE,
JOHN TABER,
Managers on the part of the House.

Mr. REED of Pennsylvania. I ask unanimous consent that the unfinished business be temporarily laid aside for the consideration of the report.

The PRESIDING OFFICER (Mr. WATERMAN in the chair). Is there objection? The Chair hears none.

Mr. McKELLAR. Mr. President, will the Senator explain what was done in the conference?

Mr. REED of Pennsylvania. I shall be glad to do so. I think it will not take more than a moment or two to do that.

On the item of most general interest, the item for river and harbor work, no change is made. The action of the Senate stands.

On the item for reserve officers' training, which the Senate fixed by a roll-call vote, the action of the Senate stands. No change is made on that.

On the item of horses and mules for the Army, about which there was very serious disagreement, the House has conceded practically all that the Senate asked. They give us a total of 1,700 mules and 2,300 horses. The Senate had fixed the number at 2,400 horses and 1,931 mules. We get substantially all we asked.

On putting the Air Corps of the Army out of the lighter-than-air business, the House recedes and agrees to all of the Senate amendments.

We put in a considerable item for new fire control for the antiaircraft guns at Panama, Hawaii, and in continental United States. The House has receded, so far as Hawaii and Panama are concerned, but has agreed to carry on further experimentation before spending a lot of money in continental United States.

The aviation increases were considerable. The Senate had authorized 40 bombing planes of a newly developed type in place of 23 authorized by the House. We compromised at enough money to buy approximately 35, so that the point raised is recognized.

On developments for the Air Corps in Panama, the House concedes all that is authorized by legislation; that is, the completion of Albrook Field, in Panama, and the completion of the hangar and radio station in Hawaii.

The next item of importance was the item of horses for the National Guard. We had provided for 500 horses for the guard. On that the House recedes entirely, and our full amount stands.

On the item of additional vacation, under pay, for caretakers of the animals of the guard, the Senate was forced to recede, and we receded for the reason that this year vacation with pay is being given to those caretakers, and it was believed the department could manage to do so next year with the same amount of money.

On reserve flying we had to make the most serious of all concessions. For the reason that the War Department has not sifted out the older flyers who would not be suitable for active war work, it was thought best to hold the amount for reserve officers' flying at the figure fixed last year. The House had reduced it somewhat. We got it back to last year's figure, and we can not increase it, and I think ought not, until the War Department has sorted out those who will be efficient in war, and gives them alone the benefit of that training.

The item we put in for horses for the Reserve Officers' Training Corps stands. The House recedes.

In substance, we provided for the training of 40,000 civilian boys in the summer training camps. The House has receded in principle on that, and we have changed the wording of the amendment slightly, leaving in the amount of money as passed by the House, and providing that the department should train as many as they could with that sum, but forbidding transfers from other funds for that purpose.

Mr. McKELLAR. In other words, the amount to be expended was not considerably increased, but a larger number was provided for?

Mr. REED of Pennsylvania. The House cut it down to 35,000, which we thought was too low, and we have corrected it.

On the item for national rifle matches no change has been made in the substance of the bill as it passed the Senate, except

that we have agreed on certain amendments, satisfactory, I may say, to the Senator from Iowa [Mr. BROOKHART], which will permit the payment of return travel before it is actually done, so that settlement can be made with competitors at the matches, and travel will be permitted by automobile.

Mr. McKELLAR. The matches will take place yearly hereafter?

Mr. REED of Pennsylvania. The matches will take place this year, just as the Senate intended.

On the item for Alaskan roads and trails, the only other item that is of any importance that I have not explained, we compromised at $825,000. The House had allowed $590,000, we had increased it to $900,000, and after considerable debate the conferees fixed it at $825,000.

Mr. McKELLAR. That is about what we expected, I believe.

Mr. REED of Pennsylvania. Of course, expectations differ; but we are pretty well satisfied with the results, on the whole.

Mr. ROBINSON of Arkansas. Mr. President, there is one amendment, proposed by me, and reported by the committee, found at page 84 of the bill as it was reported by the committee, providing $1,500,000, to be immediately available, to be expended by the Mississippi River Commission in reimbursement of funds contributed by local interests to the Mississippi River Commission to use for emergency levee construction and repair work on the lower Mississippi River. I would like to ask the Senator whether the House managers accepted the amendment. I think I ought to say that my information is that the estimate for the item was sent to the House too late for it to be incorporated in the bill. In any event, it was not incorporated in the bill in the House and it was ordered to be approved by the Senate committee, and it was passed by the Senate.

Mr. REED of Pennsylvania. I thank the Senator for calling my attention to that, because I had neglected to mention it. The House has receded on that and accepted the Senate amendment exactly as we passed it.

Mr. ROBINSON of Arkansas. I am very glad to learn that, because it was a very important amendment.

Mr. HALE. Mr. President, as I recall it, the Senate increased the House appropriation for the completion of the five-year program some $2,000,000. Can the Senator tell me what was agreed to by the conferees?

Mr. REED of Pennsylvania. Various items went to make up that $2,000,000. In substance, the amount remaining in the bill is something more than half of the increase which the Senate put in.

Mr. HALE. The increase was something over a million dollars.

Mr. REED of Pennsylvania. The increase will be slightly over a million. I ought also to say that the item for the Chalmette Cemetery, in Louisiana, has been accepted by the House, and the appropriation which the Senate put in for the Pacific Coast Branch of the National Home for Disabled Volunteer Soldiers was accepted. Both of those were accepted without question.

Mr. President, the report is a final one, except that under the rules of the House a separate vote will have to be taken on five items. There is a technical disagreement only as to those five items. The conferees are in full accord.

Mr. WILLIS. Mr. President, I desire to submit an interrogatory to the Senator from Pennsylvania. I wish to ask the Senator what provision is made in the bill touching the matter about which we had some debate the other day, as he will remember, the item for pay for armory drills.

Mr. REED of Pennsylvania. The item for pay for armory drills stands as it passed the Senate and the House. The amount appropriated is about $700,000 over that appropriated for the current year. It will not be sufficient for the 48 armory drills that we desire to have, but it is agreed on all hands, by House and Senate conferees, that a deficiency estimate is to be submitted when the figures are available, and that 48 drills will be held. There is no disposition on the part of the department, or either House of Congress, so far as I know, to reduce the number of drills. The only reason that we did not provide a larger amount is that the department is utterly unable to estimate the exact amount that will be needed.

Mr. WILLIS. The provision as it now stands in the bill is to the effect that this arrangement for the transfer of 10 per cent is applicable to the provision for armory pay, the same as to any other.

Mr. REED of Pennsylvania. The interchangeability item applies to the armory drill appropriation, and it is understood that, in addition to that, enough will be provided in a supplemental estimate to take care of any deficiency.

Mr. WILLIS. The Senator apprehends the point I am driving at. I certainly shall not delay the agreement on the conference report, but it never has been made clear to me what advantage there is in doing the very thing the Senator points out. There has to be a deficiency appropriation to take care of the lack in armory pay. I can not see what advantage there is in providing that a portion can be transferred from that item, when there has to be a deficiency appropriation to take care of it.

Mr. REED of Pennsylvania. I get the Senator's point. I do not think it is ever intended to transfer any money out of that fund, because everybody realizes that it will not be sufficient.

Mr. WILLIS. I merely wanted to put that intention in the form of law so that they could not transfer it out.

Mr. REED of Pennsylvania. I will be very glad to meet the Senator half way next year, if I have anything to do with the bill then, and I am sure there will be no objection to it.

Mr. WILLIS. I know the Senator is in favor of proper pay for armory drills.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The conference report was agreed to.

MUSCLE SHOALS

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2, in the vicinity of Muscle Shoals, for the manufacture and distribution of fertilizer, and for other purposes.

Mr. HEFLIN. Mr. President, it is about time for a recess or an adjournment, and I understand the Senator from Kansas wants to have an executive session. To-morrow, unless the Senator from South Carolina [Mr. SMITH] or some other Senator wishes to speak, I shall discuss the pending Muscle Shoals resolution.

Mr. HARRISON. Mr. President, I want to add an additional paragraph to the amendment that is pending, and I ask unanimous consent that I may modify my amendment by the insertion of the paragraph.

The VICE PRESIDENT. The clerk will read the paragraph.

The CHIEF CLERK. In the amendment proposed by the Senator from Mississippi [Mr. HARRISON], on page 2, after line 16, insert the following:

It is hereby further declared to be the policy of the Government that in case of any such sale or lease to a public service corporation the amounts paid to the Secretary of War by such corporation shall be considered by the public service agencies of the several States in regulating the rates charged by such corporation to the consumers.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Mississippi as modified.

Mr. CURTIS. Mr. President, I ask unanimous consent that when the Senate concludes its business to-day it take a recess until to-morrow at 12 o'clock.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and the Senate (at 5 o'clock and 10 minutes p. m.), under the order previously entered, took a recess until to-morrow, Wednesday, March 7, 1928, at 12 o'clock meridian.

ARBITRATION TREATY WITH FRANCE

In executive session this day the Senate, having had under consideration a treaty of arbitration between the United States and France and the notes exchanged between the two Governments regarding said treaty, advised and consented to its ratification. (On February 8, 1928, the injunction of secrecy was removed from this treaty, on request of Mr. BORAH, and it is printed at page 2688, CONGRESSIONAL RECORD of that date.)

NOMINATION

Executive nomination received by the Senate March 6, 1928

POSTMASTER

TENNESSEE

George T. Taylor to be postmaster at Memphis, Tenn., in place of Solomon Seches. Incumbent's commission expired March 29, 1926.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 6, 1928

UNITED STATES ATTORNEY

Joseph A. Tolbert to be United States attorney, western district of South Carolina.

UNITED STATES MARSHAL

Samuel L. Gross to be United States marshal, northern district of Texas.

POSTMASTER

MARYLAND

Harry E. Pyle, Aberdeen Proving Ground.

REJECTION

Executive nomination rejected by the Senate March 6, 1928

POSTMASTER

TENNESSEE

George T. Taylor to be postmaster at Memphis, Tenn.

HOUSE OF REPRESENTATIVES

TUESDAY, *March 6, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thy will, O Lord, be done. It bids the bad be good, the weak be strong, the unjust be upright, and the unclean be pure. Wherever there is oppression, repression, and injustice, O God, Thy arm make bare and Thy holy will be done. Come Thou in a wonderful evolution in the thoughts, lives, and spirits of men. Lift the veil and let them catch the sight of the heights of life, the world, the unseen, and the eternal. Let Thy outstretched finger point out the climbing path ahead. So direct, so lead, so inspire us that we shall become gripped by the glory of service for our country, which protects our homes and secures our happiness. Amen.

The Journal of the proceedings of yesterday was read and approved.

CHIPPEWA TRIBE OF MINNESOTA

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 2342 and pass the same.

The Clerk read the bill, as follows:

A bill (S. 2342) providing for a per capita payment of $25 to each enrolled member of the Chippewa Tribe of Minnesota from the funds standing to their credit in the Treasury of the United States

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States so much as may be necessary of the principal fund on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889 (25 Stat. L. 642), entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to make therefrom a per capita payment or distribution of $25 to each enrolled member of the tribe, under such rules and regulations as the said Secretary may prescribe: *Provided*, That before any payment is made hereunder the Chippewa Indians of Minnesota shall, in such manner as may be prescribed by the Secretary of the Interior, ratify the provisions of this act and accept same: *Provided further*, That the money paid to the Indians as authorized herein shall not be subject to any lien or claim of attorneys or other parties.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield to me for two minutes?

Mr. LEAVITT. I will.

Mr. CRAMTON. Generally the payments per capita from funds to the Indians are in a large measure a dissipation of the Indian funds. It is very much better for their funds when available to be used for the construction of homes, the buying of implements, stock, and so forth. In this particular case, as I understand, the action of the Senate reduced the amount from $100 to $25.

Mr. LEAVITT. That action had been taken in the House committee, also.

Mr. CRAMTON. I also understand that in the hearings, I think in the House, there was quite a definite assurance given that this payment would not be followed by any other demand for per capita payment to these Indians in the near future.

Mr. LEAVITT. That proposal was made in the House committee, and in the discussion it was brought out that there would be cooperation and effort to work out a plan for the future that would set aside sufficient indigent funds so that it would leave the tribal funds themselves intact. That is the situation. It is not in the form of a final pledge that a case might not be presented for another per capita payment.

Mr. CRAMTON. But the effort is to be made in that direction?

Mr. LEAVITT. Yes. The gentleman from Minnesota [Mr. SELVIG] presented the need of a per capita payment to the committee and said that if a favorable report was taken by the committee on this measure that would be his effort, and Mr. KNUTSON said the same thing.

Mr. CRAMTON. I have had the pleasure of going over the matter with the gentleman from Minnesota [Mr. SELVIG] and I have been impressed by his statement of the present condition and by his desire for some constructive plan in the future.

The bill was ordered to be read a third time, was read the third time, and passed.

A similar House bill (H. R. 8317) was laid on the table.

PETER P. PITCHLYNN

Mr. DYER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1705) authorizing the Court of Claims to render judgment in favor of the administrator of or collector for the estate of Peter P. Pitchlynn, deceased, instead of the heirs of Peter P. Pitchlynn, and for other purposes, and pass the same.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Court of Claims is hereby authorized to render judgment in the suit of the heirs of Peter P. Pitchlynn, deceased, against the Choctaw Nation, No. 30532, now pending in said court on mandate from the Supreme Court of the United States in favor of the administrator of or collector for the estate of Peter P. Pitchlynn, deceased, appointed or to be appointed under the laws of the District of Columbia, for $3,113.92, the amount the Court of Claims on June 9, 1924, found to be due the heirs of said Pitchlynn from the Choctaw Nation. Said judgment shall be paid out of any funds in the Treasury or custody of the United States belonging to the Choctaw Nation.

SEC. 2. To the above extent, the act of Congress approved June 21, 1906 (34 Stat. L., pp. 325, 345), under which said suit was instituted in said Court of Claims, is hereby amended, and all acts or parts of acts inconsistent herewith are hereby repealed.

Mr. DYER. This bill does only one thing, and that is to substitute an administrator for the heirs. The Judiciary Committee has reported a similar bill.

Mr. CRAMTON. Has the bill been reported by the Judiciary Committee of the House to the same effect as this bill?

Mr. DYER. Absolutely the same.

Mr. CHINDBLOM. Mr. Speaker, I did not interpose an objection, but I think it is setting a bad precedent to call up bills on the Private Calendar by unanimous consent.

Mr. DYER. It is on the Speaker's table, a similar bill having been reported to the House.

Mr. CHINDBLOM. A bill on the Private Calendar does not have that status.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A similar House bill (H. R. 7824) was laid on the table.

PERMISSION TO FILE MINORITY VIEWS ON H. R. 11526

Mr. McCLINTIC. Mr. Speaker, I ask unanimous consent that I may file minority views on the bill H. R. 11526.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

NEW CADET BARRACKS AT UNITED STATES MILITARY ACADEMY, WEST POINT

Mr. MORIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 9202 and concur in the Senate amendments.

The Clerk read the Senate amendments.

The SPEAKER. Is there objection?

Mr. SCHAFER. Reserving the right to object, what is the effect of the Senate amendments?

Mr. MORIN. The words "United States Military Academy" were in the original bill, but they authorized the amount of that before this bill reached the Senate, and it was thought not to be necessary.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

CERTAIN AMENDMENTS TO THE CONSTITUTION

Mr. BURTON. Mr. Speaker, for the Committee on Rules I desire to call up the privileged resolution, House Resolution 133.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 133

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. J. Res. 47, proposing certain amendments to the Constitution. That after general debate, which shall be confined to the Senate joint resolution and shall continue not to exceed five hours, to be equally divided and controlled by those favoring and opposing the Senate joint resolution, the Senate joint resolution shall be read for amendment under the five-minute rule. For the purpose of amendment the House committee substitute shall be considered as an original bill. At the conclusion of the reading of the Senate joint resolution for amendment the committee shall rise and report the Senate joint resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the Senate joint resolution and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BLANTON. Mr. Speaker, a point of order. This is such an important matter that I demand a quorum.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count.

Mr. BLANTON. Mr. Speaker, now that they have come in from the galleries and cloakrooms, I withdraw the point of order.

The SPEAKER. The point of order is withdrawn.

Mr. BURTON. Mr. Speaker, before the discussion of this resolution, I ask unanimous consent that there be one hour of debate on the resolution reported from the Committee on Rules. Several gentlemen have asked for time.

The SPEAKER. The gentleman from Ohio asks unanimous consent that there be one hour of debate on the resolution. Is there objection?

Mr. GARRETT of Tennessee. I understand the time will be divided between the gentleman from Ohio and the gentleman from Alabama [Mr. BANKHEAD].

Mr. BURTON. And, Mr. Speaker, I submit further the request that I anticipated making separately, that one-half of the time be controlled by myself and the other half by the gentleman from Alabama.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the debate be for one hour, the time to be controlled one-half by himself and one-half by the gentleman from Alabama. Is there objection?

There was no objection.

Mr. BURTON. This amendment—and in referring to the amendment I refer to the House substitute—proposes that, instead of March 4 as now, the terms of the President and Vice President shall end at noon on the 24th day of January and that of Senators and Representatives at noon on the 4th day of January, and the terms of their successors shall then begin.

The second section provides that Congress shall assemble at least once in every year. In the odd-numbered years the meeting shall be on the 4th day of January, though Congress has the right to appoint a different day. In the even numbered or election years the meeting shall be on the 4th day of January and the session shall not continue after noon on the 4th of May.

There is thus established a much shorter interval between the date of election and the functioning of the newly elected President and members of the legislative branch of the Government. In fact, although the right now exists to change by law the date for the convening of Congress and the President may call an extra session, the Constitution provides that the newly elected Congress shall assemble on the first Monday of December in the year following the election, thus creating an interval of one year and one month.

The amendment promises a more prompt and effective compliance with the will of the people, as expressed in the election; also a Congress or administration defeated at the election might in the short session following seriously embarrass their successors in carrying out the policies they were chosen to support. Representatives and Senators are assured of a longer time in which to conduct their campaigns for reelection, and, what is equally important, their appeal to the people can be made after their record and that of the Congress to which they belong is completed.

It is perfectly obvious that if primaries are held in the midst of the first session following the election of Congress the Members are diverted from their duties here and are unable to appeal to the people with any record of things accomplished.

In case of a failure by the Electoral College to select a President and Vice President, the choice of these officials will be made by the incoming Congress instead of the outgoing Congress, as now.

The third section provides that if the House of Representatives has not chosen a President whenever the right of choice devolves upon it—that is, in case of failure to choose by the Electoral College—then the Vice President chosen for the ensuing term shall act as President until the House of Representatives chooses a President. It is maintained there is some ambiguity under the constitutional provisions now existing whether the Vice President for the outgoing or the incoming term should act as President in case of failure to choose a President.

The fourth section provides that if the President elect dies before the time fixed for the beginning of his term, then the Vice President elect shall become President.

The amendment authorizes further legislation by Congress to provide for the following contingencies, which, though unlikely, might arise:

(a) Where neither a President nor a Vice President has been chosen before the time fixed for the beginning of their terms. (The right is given to declare what officer shall then act as President, such officer to act until the House of Representatives chooses a President or the Senate chooses a Vice President.)

(b) The death of both the President elect and the Vice President elect before the time fixed for the beginning of their terms.

(c) The death of any of the three persons from whom the House of Representatives may choose a President whenever the right of choice devolves upon them.

A situation might arise in which the three eligibles provided for by the Constitution from whom the House of Representatives might make a choice would lose one of their number and there would be only two. There is also a provision in regard to the two eligibles chosen by the Senate.

(d) The death of either of the two persons from whom the Senate may choose a Vice President whenever the right of choice devolves upon them.

(e) As above stated, Congress may by law change the date for the assembling of the first session of the newly elected Congress. It is hoped that the committee bringing in the bill may give the reason for conferring this right.

The amendment as drawn proposes that Congress shall sit on the 4th of January and that the President shall be inaugurated on the 24th of January. A situation might arise in which the House of Representatives would have to choose a President; also the newly elected House must organize and count the vote, and it seems to me the interval of 20 days is none too much for making provision for the duties of the incoming House or the contingencies which might arise. Nevertheless, the amendment gives the right to Congress to change the date, January 4.

The present lengthy interval between the date of election and the commencement of the tenure of executive and legislative officers is due to circumstances existing in the earlier years of this Government which now are absent, chief among which was the lack of ready means of communication both in the transmission of news and in traveling. Conditions which led to this situation do not now exist and the dates fixed are in part the result of accident.

September 13, 1788, the Continental Congress provided for the selection of presidential electors and Representatives in Congress, and fixed the first Wednesday in January for the selection of electors in their respective States, the first Wednesday in February for the electors to assemble and vote for President and Vice President, and the first Wednesday in March for commencing proceedings under the Constitution.

It was intended at that time that the President elect should be installed in his office March 4, although the first President was not inaugurated until April 30, 1789.

The first Wednesday in March of the succeeding year was the 4th. By an act passed by Congress, that of March 1, 1792, it was provided that the terms of the President and Vice President should commence on the 4th day of March after election. That is the manner in which this date has been fixed.

In comparison with other countries the intervening period between election and the convening of the legislative bodies is much longer here than elsewhere. Indeed, the interval in this country is altogether without precedent.

In England the Parliament usually convenes in two or three weeks after election. In Canada there is no definite time fixed by law, but the time has generally been short, in analogy to conditions prevailing in England. In France the Chamber of Deputies, in case of prorogation and a new election, must convene within 10 days following the close of the elections.

The German constitution of August, 1919—and in the preparation of that constitution they no doubt had the regulations in many countries under consideration—provides that the Reich-

stag shall assemble for the first meeting not later than 30 days after the election.

In Hungary the date of assembling is within six weeks; in Australia, 30 days after the day fixed for the return of the writs of election; in Brazil the elections are held on the first Sunday in February, except that when they occur in the same year with elections for President and Vice President, they are to be held on the 1st of March, and the Congress must assemble May 1. In the first case there is an interval of three months, and in the second two months. In Argentina the elections take place on the first Sunday in March, and the constitution requires the Congress to meet on May 1, an interval of two months. In the Netherlands the States General must assemble within three months. The Polish Parliament must convene on the third Tuesday after election.

Incidentally, it is interesting to note that the terms of members in other countries are considerably longer than in the United States, though the legislative body may be dissolved or prorogued by the sovereign authority—king, president, or prime minister. In England, Canada, Italy, and Hungary the term of members of the House of Commons, or popular branch, is five years; in France, Germany, Austria, Japan, Sweden, Belgium, The Netherlands, Chile, and Argentina members serve for four years; in Finland, New Zealand, Australia, and Brazil, three years.

As regards the interval elapsing between the election and the date of the assembling of the Congress there is nothing similar to the conditions which this amendment seeks to obviate in any of the State governments. One reason why the 4th of March was fixed for the beginning of the new term was the fact that Members of the Senate were elected by State legislatures, and those legislatures, practically all of them, met at the beginning of January, so that in case the Congress should convene on that date Senators might not have been chosen. Under the seventeenth amendment that condition no longer exists.

In conclusion I wish to say, Mr. Speaker, that the fundamental ideas which pertain to popular rule will be promoted by the adoption of the pending proposition. [Applause.]

Mr. MAPES. Mr. Speaker, will the gentleman, before he takes his seat, yield for a question?

Mr. BURTON. Yes.

Mr. MAPES. The gentleman has made as much of a study of government and has had as much experience here as anybody that I know of. I would like to ask him a question with relation to the date of the convening of Congress and the inauguration of the President. Except in case the Electoral College fails to elect a President after the fall election every four years, can the gentleman see any advantage, and might there not be some embarrassment, in Congress meeting 20 days before the President is inaugurated? What is it going to do before receiving the President's message? Does the gentleman know of any country where the executive is elected at the same time that the members of the legislative body are where the legislative body convenes before the president, or the chief executive of that country, is inaugurated?

Mr. BURTON. That is true in quite a number of our States, where the legislative body convenes before the inauguration of the governor. I have already mentioned the two duties imposed upon the incoming Congress; first, organizing and the counting of the electoral votes, and, second, the very serious situation which would arise if no choice should be made by the Electoral College, when the election of the President would rest with the House of Representatives and the election of a Vice President with the Senate.

Mr. MAPES. What does the gentleman think the Congress will do during that 20 days in case a President has been chosen by the Electoral College?

Mr. BURTON. Some of the time would be spent in organizing, and no doubt committees would be selected. There are divers ways in which the Congress could be useful during those 20 days.

Mr. MAPES. Can the gentleman suggest anything for it to do except to organize?

Mr. BURTON. Yes. Bills might be introduced and considered by committees.

Mr. HOCH. Will the gentleman yield?

Mr. BURTON. Yes.

Mr. HOCH. There would be nothing to prevent Congress from functioning as it ordinarily does in the passage of legislation, would there?

Mr. BURTON. They would naturally not engage in the adoption of legislation until after January 24. I take it the intent of this resolution is that a new Congress shall not expect legislation to be completed until after the President, elected with them, comes in. Of course, there is absolutely nothing to prevent it, but that would be the natural course of things.

Mr. HOCH. That might be very persuasive; but I can see no reason why, if Congress were in session and desired to legislate, it should not legislate and send bills to the President to be signed.

Mr. BURTON. There might be emergency legislation, but I do not believe as a practical matter that assumes importance.

Mr. NEWTON. Will the gentleman yield?

Mr. BURTON. Yes.

Mr. NEWTON. I might suggest that Congress might transact all of its investigating duties during that period and legislate afterwards.

Mr. BURTON. If they could get those things off of their hands it would be helpful.

Mr. CELLER. Will the gentleman yield?

Mr. BURTON. Yes.

Mr. CELLER. I am anxious to get the gentleman's point of view on the following: The committee amended the Senate resolution and provided that in the even-numbered years Congress should adjourn on the 4th of May. Will the gentleman tell us in what respect that would end the vice of the filibuster?

Mr. BURTON. There would be four months instead of a scant three months. It would not do away with the filibuster absolutely, because at least in one body of the National Legislature a filibuster may occur at any time. However, I believe this would obviate that situation, because there would be four months instead of practically two.

Mr. CELLER. Is it the gentleman's idea that a filibuster results when there is a definite date for adjournment known?

Mr. BURTON. Yes.

Mr. CELLER. And would not that situation be exactly the same if this resolution were passed as the committee has amended it, just as we have it now?

Mr. BURTON. Yes; but with a very much larger opportunity to finish the business in the four months.

Mr. BEGG. Will the gentleman yield for a question?

Mr. BURTON. I yield to the gentleman.

Mr. BEGG. I am very curious to know why this lapse of 20 days. I have not been in Congress so very long, but I have seen five organizations, and I think I am entirely correct when I say in no instance have we spent more than five days in getting right down to business. Now, I can not think of any reason why we want 15 more days to "mill around."

Mr. BURTON. I believe I have already dwelt on that question.

Mr. BEGG. I do not think the gentleman got anywhere. I do not mean to be discourteous, but I do not think the gentleman said anything. [Laughter.] I am as serious as I can be. Why take 20 days to do a thing that we have been doing for 10 years in from 3 days to 5 days?

Mr. BURTON. You must provide not only for the ordinary course of things, but for emergencies, and if there should be an emergency in which a President had to be elected, it would surely require the whole of the 20 days.

Mr. BEGG. If the gentleman will permit, how many times in the history of the country covering 150 years has such an emergency happened?

Mr. BURTON. Twice.

Mr. BEGG. What damage was done?

Mr. BURTON. In one case the vote was protracted for a very considerable time.

Mr. BEGG. I do not question that; but what damage was done to the country? In other words, every four years you are going to have 15 days with the time of 435 Members thrown away in order to provide for an emergency that has happened twice in the past 150 years.

Mr. BURTON. It is more than that. It is perfectly well known that the business of the Congress does not begin until committees are chosen and usually until hearings are held.

Mr. BEGG. The gentleman is thoroughly familiar with the fact that we have had important legislation up for consideration on the first day of a session.

Mr. BURTON. And when the President is inducted into office and his message presented to the Congress, Congress can begin to function just as promptly and as efficiently as possible.

Mr. LEAVITT. Will the gentleman yield?

Mr. BURTON. Yes.

Mr. LEAVITT. The provision in the Constitution now is that Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Mr. BURTON. They have that right. I have already stated that.

Mr. LEAVITT. Why could not the Congress at the present time meet this situation or meet the need of an earlier meeting by establishing a meeting on the 4th or 5th of the ensuing March?

Mr. BURTON. Because the Constitution provides that the term of Senators shall be six years, and by implication the Representatives, being chosen every second year, their term is two years. This amendment would shorten the term and nullify a constitutional provision. That is the reason for this proposed constitutional amendment. If it were not for the fixing of the terms of the President and the Vice President at four years, Senators at six years, and Representatives at two years the constitutional amendment would not be necessary.

Mr. LEAVITT. That does not clear my point on the question of the necessity of an earlier meeting of the new Congress. Could not that be practically met by an act of Congress, as now provided in the Constitution, which would make it necessary for Congress to meet on the 4th of the next March following their election instead of waiting until the first Monday in December?

Mr. BURTON. That, of course, could be done.

Mr. SIMMONS. Will the gentleman yield?

Mr. BURTON. I yield to the gentleman from Nebraska.

Mr. SIMMONS. The proposal just made by the gentleman from Montana would not provide for the newly elected Congress taking care of a possible election of the President.

Mr. BURTON. No. I do not believe I correctly understood the gentleman from Montana.

Mr. SIMMONS. We would still be left with the so-called "lame duck" Congress electing a new President.

Mr. BURTON. Yes.

Mr. SIMMONS. And that is a thing it is desired to avoid.

Mr. BURTON. Yes.

Mr. QUIN. Will the gentleman yield?

Mr. BURTON. Yes.

Mr. QUIN. What does the gentleman from Ohio think relative to extending the term of Members of the House of Representatives to four years?

Mr. BURTON. That will come up later, I presume, on an amendment which, I believe, has already been proposed. If I have any views to express on it, I will express them at that time.

Mr. LEA. Will the gentleman yield?

Mr. BURTON. Yes.

Mr. LEA. I would like to make the suggestion—and I would like the attention of the gentleman from Ohio—in reference to the 20-day period between the installation of the Members of the House and the installation of the President. Following the presidential election Congress must canvas the returns from the States, and previous experience has shown that in some cases there are contests in the States, so there is danger of a delay and Congress must have some opportunity in which to deliberate for that reason, outside of the matter of the organization of the House.

Mr. MICHENER. Does not the gentleman feel there should be some limitation in the resolution as to time in which the States must ratify the proposed amendment?

Mr. BURTON. Oh, as a general proposition, I believe in a limitation on that of seven or nine years or some such time.

Mr. MONTAGUE. May I ask the gentleman from Ohio a question?

Mr. BURTON. I yield to the gentleman from Virginia.

Mr. MONTAGUE. The question I wish to propound is more or less a matter of detail, but all details when related to the Constitution of the United States assume the form and matter of dignity.

I notice in the resolution in some instances that the House of Representatives is sometimes singular and sometimes plural.

Mr. BURTON. I have noticed that very thing.

Mr. MONTAGUE. Sometimes it is referred to as "they" and sometimes "it." It says that on the 4th day of January annually they—who is "they"? "They" is the Congress. I simply throw these out—I am not speaking on the merits, but I think the gentleman will agree with me that we should when we are amending the Constitution do it with dignity and have some conformity and dignity of style.

Mr. BURTON. That will come up in the debate under the five-minute rule. I think a serious objection is the possible ambiguity in lines 20 to 22, where I may possibly offer an amendment myself.

Mr. GIFFORD. Will the gentleman yield?

Mr. BURTON. I will.

Mr. GIFFORD. I would like to make an observation. Section 2 says that—

> Congress shall assemble at least once in every year. In each odd-numbered year such meeting shall be on the 4th day of January, unless they shall by law appoint a different day.

It is so drawn that Congress shall have the power to legislate, if the 20 days seems insufficient or is a longer period than necessary. We will notice that the intent of this article is to give Congress the power in the future to remedy by legislation.

Mr. BURTON. Congress would not have it in the even-numbered years, but does in the odd-numbered years.

Mr. CELLER. Will the gentleman yield?

Mr. BURTON. Yes.

Mr. CELLER. If this amendment is adopted, will it have the effect of lengthening or shortening the terms of Members of Congress at that particular time?

Mr. BURTON. Shortening from March 4 to January 4.

Mr. CELLER. Will that mean that Congress could provide for salaries during that time?

Mr. BURTON. That is for you to decide when the time comes. It is doubtful whether it would be done.

Mr. RAMSEYER. Will the gentleman yield?

Mr. BURTON. Yes.

Mr. RAMSEYER. The gentleman from Virginia criticized the language. I call attention to the fact that the phraseology is taken from the Constitution at present. Article I, section 4, clause 2:

> The Congress shall assemble at least once in every year and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Mr. MONTAGUE. The gentleman misunderstood me; the word "they" as embodied in this makes it doubtful as to what it refers. I think that it ought to be explicit.

Mr. BURTON. At the time the Constitution was framed the words "United States" were regarded as plural. They are now regarded as singular. Mr. Speaker, I reserve the balance of my time.

Mr. BANKHEAD. Mr. Speaker, I yield 15 minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Speaker, it has seemed to me ever since I gave any thought to the subject that it would be more in accord with the spirit of this self-governing Republic to have its agents, both in the executive and the legislative branches, assemble for business earlier after election than has heretofore been the case. Also, it has always seemed to me to be perfectly proper that the meetings of Congress should be so arranged as that there would be no meeting of a Congress immediately after the election of its successor. And so with all that part of this amendment which proposes to do this, I find myself in entire sympathy and am sincerely desirous of supporting it.

But there is a provision in the proposed amendment concerning which I confess I am extremely doubtful, and that is the provision that in the even-numbered years the meeting of Congress shall be on the 4th day of January and that the session shall not continue after noon on the 4th day of May.

That is a limitation by constitutional enactment. It seems to me that there is nothing in the experience of the past to indicate that any good reason exists for now removing from the discretion of Congresses that are to come the date when they shall adjourn. The reasons that have so far been presented do not seem to me to be weighty enough to justify constitutional amendment. The only reasons given practically are the political reasons, the fact that these are to be election years. Somehow, some way, I have such a respect for the Constitution of the United States that I dislike to see any provision go into it that is predicated simply upon the question of political expediency.

Mr. GIFFORD. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. GIFFORD. I hardly think it is fair, inasmuch as the arguments presented are only such as have been incorporated in the report, and thus far no opportunity has been given to state the many reasons to be given therefor.

Thus far in the debate no opportunity has been afforded to give the reasons that we may have and which have not been presented. Those reasons, I am sure, will be advanced in the debate to-day. I do not desire to allow just the report to be thought to contain all the arguments. The gentleman from Tennessee, I know, wants to be fair and will understand that many reasons will be advanced.

Mr. GARRETT of Tennessee. Yes. I hope in the discussion that that question will be dealt with, because, in my mind, it is probably the most serious question involved in the amendment.

I desire to give notice of a proposal which I propose to present by way of amendment, and which I hope to have the opportunity of discussing at more length at some time as the debate proceeds. I propose to offer at the end or near the end as section 6 the following:

"This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of the submission hereof to the States by Congress, and the act of ratification shall be by legislatures, the entire membership of at least one branch of which shall have been elected subsequent to such date of submission.

It is to this proposal I desire to address myself for a moment. Of course, we are all familiar with the different methods by which the Constitution may be amended; that is, the different methods of ratification. In an address made on the floor of this House a few years ago, dealing with this question of amendment, I had occasion to point out that under the system which we have and which has been clarified by recent judicial decisions, it is perfectly clear now that fewer than 4,000 individuals in this Republic of 120,000,000 can bring about an amendment to the organic law of the United States without there being any opportunity whatsoever for a public expression upon it.

Of course, this amendment which I propose consists of two parts. One is the time limit. I think there should be a time limit. I am unable to see why the proponents of any amendment should be opposed to a reasonable time limit.

Mr. GIFFORD. Mr. Speaker, will the gentleman yield right there?

Mr. GARRETT of Tennessee. Yes.

Mr. GIFFORD. I am sure the gentleman understands that the committee is not opposed to a time limit. Some of the legislatures meet only once in four years. I wish the gentleman in framing the amendment would consider nine years instead of seven. It seems to me the legislatures should have opportunity to pass twice upon an amendment like this, which may be further amended before finally voted upon.

Mr. GARRETT of Tennessee. I shall be glad to consider it. It is the principle of limitation which I favor. My reason for fixing seven years was that in that we would follow the only precedent we had, and that is the eighteenth or prohibition amendment.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield there?

Mr. GARRETT of Tennessee. Yes.

Mr. MOORE of Virginia. Heretofore a number of Members have indorsed the view that the gentleman is now expressing, favoring a seven-year limitation.

Mr. GARRETT of Tennessee. Yes. The Supreme Court of the United States, in the case of Dillon *v.* Gloss (256 U. S. 368), deals with that question, and I commend it to gentlemen considering this proposition. I shall not have time to read it. The court holds then seven years to be reasonable and valid.

Mr. RAMSEYER. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. RAMSEYER. It is stated in the court decision the gentleman has before him that every proposed amendment to the Constitution adopted to date was adopted within four years after the amendment was submitted, so that there does not seem to be any weight to the objection that the seven-year limitation is not long enough.

Mr. GARRETT of Tennessee. The gentleman from Massachusetts [Mr. GIFFORD] suggests that every legislature should have an opportunity to pass upon it twice. That is worthy of consideration.

Mr. GIFFORD. There would not be full opportunity to pass upon it if the modification is too limited in character.

Mr. GARRETT of Tennessee. Yes. I think that point is worthy of consideration.

Mr. LEA. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. LEA. In our State the State senators are elected every four years. If they are elected the same year as the President is elected, they would be incapable of voting under the proposition you propose for four years. A State senator is elected for four years, and if he must have been elected before the amendment is adopted, that would require that he must have been elected previously.

Mr. GARRETT of Tennessee. I provide in my amendment that at least one branch should be elected subsequent to the submission. It seems to me that is a proposition, or at least a principle, which should go into every amendment which the Congress may see fit hereafter to propose.

Mr. LOZIER. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. LOZIER. Apropos to that suggestion, does not the gentleman think that it might not be necessary, in view of the fact that there never has been a constitutional amendment submitted to the States or the American people for ratification that has not been the subject of discussion for one or two or three decades? And is it not true that no constitutional amendment has ever been adopted until it has been submitted in response to a state-wide and nation-wide public demand?

Mr. GARRETT of Tennessee. I do not concur with the gentleman that that has been always true. Generally speaking, it may be stated perhaps as to most of the amendments; but I am trying to cast my view into the future to consider not only probabilities, but possibilities, and I am unable, as a believer in our system of democracy, expressed in the only way the democracy can be expressed—that is, through a representative government—as a believer in the principle of democracy I am unable to understand why we should not have such a provision as this with relation to all amendments, so that there may be at least the opportunity on the part of the people whose government is to be affected to give some sort of expression upon the proposition.

Mr. CELLER. Will the gentleman yield?

Mr. GARRETT of Tennessee. I yield.

Mr. CELLER. The Constitution was adopted by conventions called in 11 States, excluding Rhode Island and North Carolina, and all the amendments were ratified by the legislatures. Will the gentleman seriously consider an amendment which would provide that the ratification of this amendment shall be by conventions convoked in the respective States in order to carry out the Democratic theory which, I think, prevails in the gentleman's mind?

Mr. GARRETT of Tennessee. Let me say this to the gentleman—and I am glad he asked the question—that upon any amendment which fundamentally affected the rights of individuals or the relations of the States and the Federal Government, I should say it ought to be submitted to conventions. Now, so far as this particular amendment is concerned, let me say, in all frankness, that it is not very fundamental in its nature.

It is rather a matter of mechanics, a matter of the time of the meeting of the Congress, so that I should not, except for the purpose of making the precedent, be particularly insistent that an amendment relatively as unimportant as I regard this to be, should be forced before conventions which could only be held at an enormous expense to the people of the different States.

Mr. CELLER. Has the gentleman examined the subject matter of our amendments up to date and found out why it was those amendments were not submitted for ratification to conventions called in the States?

Mr. GARRETT of Tennessee. I have tried to find something about that. I think the theory as regards the first 10 amendments is that it was so well understood, even before the original Constitution had been ratified, that the principles involved in the first 10 amendments would be submitted and would become a part of the Constitution as that it was scarcely regarded necessary to have conventions, because it was known in advance of the ratification—all history indicates that, especially after the larger States had practically demanded these principles—that they were going to be submitted and that they were going to be adopted, and hence they did not deem it necessary to submit them other than to the legislatures. So far as some of the others are concerned, I will say very frankly that I believe there were a lot of political reasons, which it would be interesting to go into. [Applause.]

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. BANKHEAD. Mr. Speaker, I ask recognition to discuss the rule.

The SPEAKER. The gentleman from Alabama is recognized.

Mr. BANKHEAD. Gentlemen of the House, when we undertake to consider a resolution of such profound political significance as an amendment to our organic law, it is a matter that, in my opinion, should be approached with great deliberation with reference to the consideration of all the features involved in it.

I quite agree with my distinguished colleague from Tennessee that as far as the things involved in these various amendments to the Constitution are concerned they are very largely matters of legislative mechanical importance. I have not personally been very profoundly impressed with the urgency or the necessity of this constitutional amendment as now presented, because I think that most of the things they are seeking to accomplish under this resolution could be achieved by the enactment of congressional statutes affecting those problems, but inasmuch as we have embarked upon the consideration of some changes in our fundamental law, especially with reference to the terms of the President and the Members of the Senate and the House of Representatives, I gave notice upon yesterday that it was my intention at the proper time to offer an amendment to the pending resolution to the effect that the terms of the Members of the House of Representatives should be changed so that their

tenure of office would be for four instead of two years, as now provided in the Constitution. [Applause.]

I want to say to you gentlemen very frankly that if there has been any question with reference to a change of our Constitution that has been suggested to me by inquiries from my own constituents back home, it has been with reference to this particular feature of our existing Constitution.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. BANKHEAD. For a brief question, because my time is limited.

Mr. JOHNSON of Texas. Is it not understood by a great many people that that is the present term?

Mr. BANKHEAD. That is true, but I know it is certainly not so understood by gentlemen who seek to come back here every two years. [Laughter.] They make this inquiry of me and I imagine it has been the universal experience of Members of the House of Representatives.

You are elected in November of a given year and the next spring or summer after your term commences you have to embark upon another campaign for reelection. You start in the contest if you have opposition or if you do not have opposition, and the people will say, "Why, we thought we just elected you the other day for a term in Congress. What are you running for again now?" And it has to be explained to them that under the Constitution of our Government the tenure of office of Representative is fixed at two years. The primary thing, gentlemen, I have in mind in offering this amendment is that in my opinion it would make for better government for the people of our country than the present system.

Mr. CELLER. Will the gentleman yield?

Mr. BANKHEAD. I would rather not be interrupted just now, but if I have the time I will yield to the gentleman. I want to present a few suggestions with reference to this amendment.

A Member of the House of Representatives, gentlemen, is just an ordinary representative of a cross section of the intelligence and patriotism of the people of America. He is just a human being; and if a man embarks upon a political career and has an aspiration to serve his people in the Congress of the United States, he necessarily puts behind him his professional and business associations, and—in theory, at least—he intends to devote his time and his energies and his talents to a real service in a representative capacity to the economic and political interests of the people whom he has undertaken to represent.

But that same humanity, asserting itself as it does with reference to a continuation of his political career, every two years his mind is for a long time diverted from a real study of government. It is taken away from a consideration of problems involving the interests of the people as reflected in our committee work and in our legislative deliberations; and when some man is running against him, which is very often the case, he feels in duty bound to himself—and he is not to be blamed for it—to devote a considerable share of his time and thought and energy to the question of preserving his own political career. By virtue of this, his constituents and the country at large are deprived of that real character of effective service to which he might devote himself if it were not for these political diversions coming up every two years.

On the contrary, if the tenure of office were four years, this would give a Representative in Congress at least three years for the exercise of those talents and the devotion of that time to real questions of constructive legislation.

There is another phase of it, and we might as well look at these things frankly. This might be considered a personal consideration on the part of the candidate, but these recurrent elections under our modern, political system require, in many cases, personal campaigns. They exact a somewhat substantial contribution not only from his time, but physical efforts, his nervous energy, and they compel men who are anxious, as I say, to preserve their political careers, to expend considerable sums of money in legitimate expenses for their campaigns, and most of the Members of the House, it is my experience, are not men of large affairs, they are not men of means, and as to a large number of them, their salary is all they have to rely upon. This itself works a hardship upon the man who is devoting his life and his time and his talents, at least theoretically, to the public service.

Mr. GIFFORD. Will the gentleman yield?

Mr. BANKHEAD. Yes; I yield to the gentleman who is a member of the committee.

Mr. GIFFORD. Because all of us will not have proper time to discuss the matter I would like to ask the gentleman if he thinks this is a proper and an opportune time to present such an amendment, the amendment not having been considered by a committee and being one that possibly, and probably, will jeopardize an amendment which is presented at this time to purge ourselves of something that perhaps ought not to exist, and also to correct certain things that must be corrected in our election machinery. Will not the gentleman's amendment be regarded by the public at large as selfish matter which is presented at a time when we are trying to present the opposite? The second question is——

Mr. BANKHEAD. Do not take too long. Let me answer the question first, and then maybe the gentleman will not propound the other question.

Mr. GIFFORD. I think this second question should be presented. The other question is simple.

Mr. BANKHEAD. Make it as brief as simple.

Mr. GIFFORD. Does the gentleman think under the title of this resolution his amendment is germane?

Mr. BANKHEAD. I will answer both of those questions. I think they are fair questions. If I did not think it opportune to pass it—and this is a matter, I will say to the gentleman, upon which I have given some promise to my people back home—I think the people of this country are really more interested and would be more interested in an amendment of this character than they would with reference to the other features of your proposed resolution [applause], and I will state to the gentleman it is not a matter of such involved phases that it would require any exhaustive hearings by a committee. It presents a very simple and brief proposition, simply to change one word in the existing Constitution of the United States, and it is a matter that requires no recommendation by a committee of the Congress in order that every man upon this floor may understand its purpose and its objective.

The gentleman says it might jeopardize the passage of this resolution. I think I know what the gentleman has in mind—the theory that the Senate of the United States would not accept it if it were put upon this resolution by the House upon the theory that it might give some Member of Congress, under a four-year term, an opportunity to run for the Senate against a sitting Member of the Senate without the necessity of giving up his seat on the floor of the House, and therefore for personal reasons they would not approve of such an amendment.

Mr. GIFFORD. If the gentleman will yield——

Mr. BANKHEAD. Let me first answer the gentleman. The gentleman has submitted at least two questions, and I am entitled to answer them.

With reference to the question of germaneness, as the proponent of this proposition, of course, I would have to take chances upon the construction of the parliamentary law of the House upon that question. In my own personal opinion, it is germane to the pending resolution because it affects directly some of the things that are mentioned in the resolution. It relates to the terms of the President and of the House, and of the Senate, and if the resolution, as the gentleman from Ohio [Mr. BURTON] admitted, shortens the terms of the President and the Members of Congress, I ask the gentleman from Massachusetts, as a parliamentarian, if you could not amend it by lengthening the terms of the Congress which is the very proposition that is in the first section of the resolution?

Mr. GIFFORD. Will the gentleman allow me to answer that?

Mr. BANKHEAD. But I do not wish to go into that parliamentary question because that will be a matter that will be presented to the Chairman of the Committee of the Whole when the amendment is offered.

Mr. GIFFORD. Will the gentleman permit a brief question? If his amendment is seriously thought of, would the gentleman be willing to present it in such a form that the present amendment and the gentleman's amendment might be voted upon separately by the legislatures of the various States?

Mr. BANKHEAD. I had not thought about that. I do not know what the gentleman has in mind in submitting that inquiry, but I will say to the gentleman, as I said before, in my judgment, although I may be entirely in error about it, there would be more popular appeal in this section of your resolution which I am proposing, if adopted, than there would be with reference to the other features of the resolution.

If the amendments affecting all these matters of change in our Constitution are to be submitted for ratification of the States, I do not see why you should be opposed to one other proposal, because you are already undertaking to change four, and this would only add a fifth.

Mr. GIFFORD. I will suggest that when we adopted the first amendments to the Constitution they were presented at the same time and divided. Rather than have this resolution jeopardized, I hope the gentleman will agree to the procedure I have offered.

Mr. BANKHEAD. I do not know what the feeling in this House is with reference to this report. I have not attempted to make any campaign and I do not know how many Democrats

are in favor of it or how many Republicans are opposed to it. It has been a matter in my mind for a number of years, and I think this is the only opportunity that the House will get to pass upon it. I am submitting this for your calm consideration and not from a political standpoint, but simply from the standpoint of an attempt which I think in the long run will result in better service and better Government for the American people. [Applause.]

Mr. BURTNESS. Will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. BURTNESS. Is the gentleman clear that if he should divide the membership up into two classes, electing half at one time and half at another, is permissible where Members of the House would be elected at the same time as the President?

Mr. BANKHEAD. That matter I have given careful thought and attention to. And yesterday I read the amendment that I would propose. Since that time some gentlemen have made suggestions to me, and, as I say, I am entirely agreeable to have any suggestions proposed. It might be better when the time comes to offering it in this form to say that the House of Representatives shall be composed of Members chosen every four years by the people of the several States. That would only create one change in the existing section of the Constitution, by striking out in Article I, section 2, the word "second" instead of "fourth." [Applause.]

Mr. BURTNESS. I think that would be better.

Mr. BURTON. Mr. Speaker, I move the previous question on the pending resolution.

The previous question was ordered.

The resolution was agreed to.

The SPEAKER. Under the resolution the House resolves itself into the Committee of the Whole House on the state of the Union, and the gentleman from New Jersey [Mr. LEHLBACH] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. LEHLBACH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of Senate joint resolution, which the Clerk will report.

The Clerk proceeded to read the Senate joint resolution, when Mr. RAMSEYER asked unanimous consent that the first reading of the resolution be dispensed with, which was agreed to.

Mr. WHITE of Kansas. Mr. Chairman, the legal phases of the subject having been discussed, I shall direct my remarks to the principles involved in the bill. It was stated in the discussion of the rule that the fixing of the term was rather more than anything else the result of accident. With this I fully agree.

The great purpose of the resolution is to bring the Congress into prompt activity a short time after the election and because the long delay after the election is without reason or excuse. It contradicts our theory of free representative government. The plan now followed is the result of accident and is not approved by any constitutional provision or direction whatever.

The resolution passed on the 13th day of September, 1788, fixing the 4th of March as the day may have easily been in a degree anticipatory upon the date of the passage of the resolution. Not a large number of United States Senators from the States ratifying the Constitution had at that time been chosen nor had all the States as yet ratified the Constitution as is shown in the following table:

Election of first United States Senators

State	Elected by legislature	Name of Senators
Delaware	Oct. 24, 1788	George Read and Richard Bassett.
Pennsylvania	Jan. —, 1789	William Maclay and Robert Morris.
New Jersey	Nov. 25, 1788	William Patterson and Jonathan Elmer.
Georgia	Jan. 17, 1789	William Few and James Gunn.
Connecticut	——, —, 1789	William S. Johnson and Roger Sherman.
Massachusetts	Feb. 8, 1789	Caleb Strong and Tristram Dalton.
Maryland	Dec. 9, 1788	John Henry.
	Dec. 10, 1788	Charles Carroll.
South Carolina	Not known.	Ralph Izard and Pierce Butler.
New Hampshire	Nov. 12, 1788	John Langdon.
	Jan. 3, 1788	Paine Wingate.
Virginia	Nov. 8, 1788	Richard Henry Lee.
	May 21, 1789	William Grayson.
New York	July 16, 1789	Philip Schuyler and Rufus King.
North Carolina	Nov. 27, 1789	Samuel Johnston.
	Dec. 9, 1789	Benjamin Hawkins.
Rhode Island	June 7, 1790	Joseph Stanton and Theodore Foster.

It is impossible that such work as that of Madison, Mason, Randolph, and Wilson, after being in entire agreement on the first branch of the legislature, should have at once and immediately agreed to a rule that would deny the results of that plan, so that it is entirely fair to say that the plan in the first instance is the result of accident rather than otherwise.

EARLY CONVENING OF THE CONGRESS

This proposed amendment is not an innovation. This is not a unique or novel proposition. I heard it discussed 50 years ago. Thousands of news articles and editorials have been printed upon the subject. The purpose of the amendment is to bring the rule into conformity with the theory of representative government. What valid reason can be urged for retaining in power for four months a Congress which has been displaced at the election by a new and different Congress? I say, What reason can be urged for so doing which can not be urged with equal propriety for retaining them for one or two years or even a longer period?

Why do we hold elections? Why do we vote on each recurring second year? Certainly not to exercise in a perfunctory manner a constitutional right. No, indeed; we write the platforms of the parties in clear terms. We declare for well-defined policies. We discuss the issues and we record our decisions. The votes are counted; the results are ascertained and declared. When are the results sought by this decision to be realized? There is but one normal answer, and that answer is, immediately. The people say, "We have discussed the issues; we have recorded our decision; we have declared for the change; we want it, and we want it now."

No chain ere forged on anvil's brink
Is stronger than its weakest link.

I do not believe for a moment that the fathers ever contemplated that we should operate under such a rule.

I shall not generalize on the question of presidential succession in any extended statement, but will first submit in proof of its importance the eminent constitutional authority, Joseph F. Story, who, in commenting on the presidential succession, says in volume 2, section 1482, of his Treatise upon the Constitution:

> No provision seems to be made, or at least directly made, for the case of the nonelection of any President and Vice President at the period prescribed by the Constitution. The case of a vacancy by removal, death, or resignation is expressly provided for, but not of a vacancy by the expiration of the official term of office. A learned commentator has thought that such a case is not likely to happen until the people of the United States shall be weary of the Constitution and Government, and shall adopt this method of putting a period to both; a mode of dissolution which seems from its peaceable character to recommend itself to his mind as fit for such a crisis.

In the Constitutional Convention there seemed to be unanimous agreement that the Government should be made equal to the purposes for which it was constituted.

As to the best means for achieving this end, there was constant disagreement from the very beginning of the deliberations of the convention. On the question of the organization of the first branch of the legislature there was practical unanimity, and with a minimum of debate it was agreed that its membership should be drawn directly from the people. On the fifth article there was unanimous agreement.

It is surprising to me that any man shall say that we should cease to tinker with the Constitution. I wonder if gentlemen have forgotten that it was generally felt by the members of the Constitutional Convention that the instrument should and subsequently would be amended.

Every citizen well knows that the First Federal Congress in 1779 submitted 12 amendments, 10 of which were promptly ratified.

I believe it is generally known that Article V of the Constitution making provision for submitting amendments was one of the very few provisions of the Constitution agreed to nem. con. or without objection—this should forever stop the futile opposition to the general desire to amend the Constitution. I ask, Why should we not seek to amend it when such amendment is for the purpose of increasing its efficiency? The language of George Mason, of Virginia, is little less than an admonition to so do. Mr. Mason said:

> Although the convention is composed of distinguished persons, it can not be expected they shall furnish a perfect Government.

And he further stated that he would prefer leaving its completion to posterity, rather than push the matter too far. It was at the very time at which the convention was considering the Constitution, laying, as we might say, the foundation of Government, that Mr. Mason stated it would be amended. I

say it should not be made more difficult to submit a proposition to the people providing for an amendment to the Constitution, but rather easier.

Now, I have heard it said that there should be a long vacation or cooling-off period between the election and the assembling of the Congress elect. This is a myth and an error. While it is true that the Government is representative, nominally it is nevertheless democratic in theory, and should be, in fact. Why do I say this? Because every great issue, national in character and extent, is seriously discussed in every biennial, and especially every quadrennial, campaign. Every question is given the most careful consideration.

Now, it is not very logical that anyone should say that a Representative, after the fullest discussion of the issues involved, after having expressed himself as being in accord with his constituency, should for any good reason ask for a postponement of his official duties. Has he any moral right to do so? The people have spoken their sentiments—they have a right to expect an early response in legislation and to say they shall not have it is an intolerable denial of their rights. There is no justification nor is there any valid excuse for the opposition to this amendment whatever.

I see beneath the calm surface of American character no lurking fury of democracy. If wrong in their conclusions, they have the right to be mistaken.

The stock argument of many who oppose this amendment seems to be that we should not meddle with the Constitution. Now, this may be a genealogical notion, but it does not seem to run far back to its origin; certainly it was not entertained by the fathers; certain it is that such an idea was not expressed in the convention, but, on the contrary, it was suggested by Mason, of Virginia, Ellsworth, and others; and the States in extending their ratification to the Constitution memorialized the Congress to pass certain—12—resolutions proposing amendments to the Constitution which were submitted, 10 of them being promptly ratified as I have heretofore stated. But, to the fearful and perturbed spirits of some persons, any proposal to amend the Constitution falls as a sound "fearful and ominous, depressing as the said wailing of November winds on the blank midnight."

It is also true that distinguished authors have pointed out that no provision has been made in the Constitution for the case of the death of both the President and Vice President elect before the day for the beginning of the term. I do not say before the day "fixed" because there is no day fixed by and in the Constitution.

It may be interesting here to make a brief allusion as to how and why the 4th of March became fixed as the date for the beginning of the congressional term. The 4th of March is referred to only once in the Constitution and that is in the twelfth amendment, and which reference does not seek to fix the beginning of the term but seems to presume it had already been fixed.

THE LIMITATION OF THE SESSIONS IN EVEN NUMBERED YEARS

This is a sound provision. I believe a continuous period of four months precludes the likelihood of any public business being retarded through a filibuster, and besides it is only fair that the Member shall have opportunity to personally present his record to his constituents.

It is a matter of common knowledge that under the present rule little is accomplished until after the 1st of January, affording only approximately two months to devote to the public business. Under the proposed resolution four months of sustained effort may be devoted to that business; besides, I feel that the people have a right to have the complete record of the Congress before them at the time they are choosing the successors to that Congress.

At a session of four months I believe the likelihood of filibuster is practically eliminated. Further upon this question, will say that in the case of the development of a filibuster the Congress could be immediately reconvened and proceed from the point at which it left off, the same Congress functioning without interruption, which gentlemen know could not be under the present plan of procedure.

I allow no one to exceed me in my veneration and admiration for the Constitution. It is the greatest human product of its kind in existence. It is the strongest foundation of society ever laid in all time, and upon that foundation is the most glorious fabric of society ever erected by mankind. The spirit of accommodation, admirable beyond expression, was not inspired by or exercised by pure magnanimity. The different views held by the delegates could not have been greater. The grave necessities of the situation more than anything else compelled an agreement, and no great question was unanimously concurred in unless it was the necessities of the Union and that the Constitution should and would be subsequently amended, and also that the first branch of the National Legislature should be drawn from and chosen directly by the people.

The manner of choosing the Executive was much debated; it was defined as being one of the most difficult problems before the convention. The plan finally adopted seemed to furnish the very best solution suggested. As to whether the Congress shall consist of one or two branches was debated at length.

PREFACE

As an emphasis to my reference to the necessities of the Union, I here insert a part of Madison's preface to his notes in the convention and a short eulogy by him on the Constitution.

As a natural consequence of this distracted and disheartening condition of the Union, the Federal authority had ceased to be respected abroad, and dispositions were shown there, particularly in Great Britain, to take advantage of its imbecility and to speculate on its approaching downfall. At home it had lost all confidence essential to order and good government, involving a general decay of confidence and credit between man and man. It was found, moreover, that those least partial to popular government or most distrustful of its efficacy were yielding to anticipations, that from an increase of the confusion a government might result more congenial with their taste or their opinions; whilst those most devoted to the principles and forms of republic were alarmed for the cause of liberty itself, at stake in the American experiment, and anxious for a system that would avoid the inefficacy of a mere confederacy, without passing into the opposite extreme of a consolidated government.

It was known that there were individuals who had betrayed a bias toward monarchy, and there had always been some not unfavorable to a partition of the Union into several confederacies; either from a better chance of figuring on a sectional theater, or that the sections would require stronger governments, or by their hostile conflicts lead to a monarchial consolidation. The idea of dismemberment had recently made its appearance in the newspapers.

Such were the defects, the deformities, the diseases, and the ominous prospects for which the convention were to provide a remedy, and which ought never to be overlooked in expounding and appreciating the constitutional charter, the remedy that was provided.

But after all his writings Madison says of the finished work of the Constitution the following:

> It remained for the British colonies, now United States of North America, to add to those examples one of a more interesting character than any of them, which led to a system without an example ancient or modern. A system founded on popular rights and so combining a Federal form with the forms of individual republics as may enable each to supply the defects of the other and obtain that advantage of both. (Madison Papers, vol. 2, 686.)

Under the present plan we have gotten along very well and have made great advancement. Fully granted a man may have gotten along very successfully with a bad limb, for example a bad knee, one arm or what not. Does it then follow that he might not have gotten along much better without the handicap? Or does the statement prove that if he has gotten along reasonably well in spite of the handicap he should seek to preserve it? He should keep away from the doctor—he should shun the surgeon because he has succeeded reasonably well and should faithfully preserve the handicap and not let it go. Of course this view is chimerical. This position is not admittedly taken by those opposing any amendment to the Constitution, but it is their position, and such without any misrepresentation whatever. [Applause.]

Mr. JEFFERS. Mr. Chairman, I yield myself five minutes.

The CHAIRMAN. The gentleman from Alabama is recognized for five minutes.

Mr. JEFFERS. Mr. Chairman and ladies and gentlemen of the House, we have a constitutional amendment before us for consideration, a very important matter. If passed by Congress it must, of course, then be submitted to the people of the country for ratification. We have a number of Members who have given a great deal of time and thought to the study of the provisions of this proposed constitutional amendment, and as it is my desire to accommodate as many as possible of the Members who wish time to speak on the proposition, I am going to be content with only a brief statement at the present time, just to explain my own position regarding the amendment.

I have the honor of serving on the committee which has reported this constitutional amendment. In the committee I opposed as vigorously as I possibly could some of the provisions of this amendment, and I reserved the right, and so stated when this amendment was reported out of committee, to be free, whenever the matter should reach the floor of the House, to support certain amendments here at the proper time.

Summing up very briefly, I will state that I thought it unwise to place in this amendment so many details which could better be handled by legislative action by the Congress, should the general idea of the amendment be proposed to the people and ratified by the necessary number of States. For example, I think it is unnecessary and unwise to include in this constitutional amendment these specific dates. I believe that a flexible clause could be put into the constitutional amendment providing that the first Congress after the constitutional amendment should be ratified should enact the necessary legislation to set the date for the convening of the Congress.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. JEFFERS. Not now. I will yield later, if I consume more time.

For example, such a flexible clause could provide that the convening of Congress after its election in November should be at some convenient date in January, to be decided by the first Congress after the amendment is ratified, not less than six weeks nor more than two months, we might say, prior to the 4th of March. We do not know what the experience of the future will teach us. We may find that the 4th of January would be not a wise date; but if these specific dates go into the Constitution, of course they are then parts of the Constitution, and it would take other and further constitutional amendments in order to correct them and make them the dates that they should be. These dates can be set by legislative act, and it is not necessary to write them into the Constitution.

Furthermore, this specific arbitrary date of adjournment on May 4 in the even-numbered years is, in my judgment, unwise and entirely unnecessary. If that arbitrary date is provided, we will run into a jam of legislation, paving the way for a filibuster, just as we do now when Congress adjourns on the arbitrary date of March 4.

For these reasons, in committee I opposed inserting those hard-and-fast dates into the constitutional amendment, and for those reasons I reserved the right to oppose those features of the proposed amendment on the floor of the House.

Mr. Chairman, I shall not consume more time at present, but will yield 10 minutes now to the gentleman from Nebraska [Mr. NORTON].

The CHAIRMAN. The gentleman from Nebraska is recognized for 10 minutes.

Mr. NORTON of Nebraska. Mr. Chairman and gentlemen, 19 amendments have been added to the Federal Constitution since its adoption. Five additional amendments, as I now recall, have been submitted by Congress that have not been ratified by a sufficient number of States to become a part of the Constitution. Of the 19 amendments ratified, the first 10 were submitted by the first session of Congress, and as a matter of fact, several of the Colonies ratified the Constitution, in the first place, with the distinct understanding that the first session of Congress should submit those amendments, known as the Bill of Rights, for their approval.

Consequently, in the last 140 years, or thereabouts, Congress has submitted, and the required number of States have ratified, only nine additional constitutional amendments. Congress has reluctantly submitted amendments, and the legislatures of the States have, with care and caution, ratified those which have been added as a part of the Constitution. That is as it should be.

There are some, I realize, who maintain that since the work of the convention was so well done, we should not tamper with the Constitution; we should refrain from making changes for fear we might err in our efforts. But that, apparently, was not the viewpoint of the framers of the Constitution, since they provided two different ways by means of which we might amend the Constitution. They were farseeing men who realized that the changing conditions of the years to come would necessitate changes in the fundamental law of the land. Furthermore, it must be remembered that the Constitution, in several ways, was a compromise. Then, as now, there were two viewpoints that predominated.

There were those who entertained the view that the people were not competent of self-government, and there were others who entertained the opposite view, and who had implicit faith in the people's ability to decide for themselves the course of their Government. They held that even though the people might make mistakes they had a fundamental right to do so, and only by profiting from the mistakes which they might have made would they be able to learn how to best govern themselves, and to direct the course of their Government.

However that may be, our country has adopted 19 amendments in the way provided for by the Constitution, and it is interesting to note that each change made has been in keeping with the view of those who have believed in the principles of popular Government. That is true with reference to the presidential electors, who do not exercise the duties originally intended that they should perform. That is true with respect to the direct election of Senators, and it is likewise true of the nineteenth amendment, which provides for equal suffrage. Furthermore, not a single amendment once added has ever been repealed and no serious effort has ever been made to repeal it. Apparently, then, each amendment has been added because changed conditions demanded it.

We now have before us another amendment which, if submitted and ratified, will be in keeping with the requirements of our times. Conditions have materially changed, in many respects, since the latter part of the eighteenth century. At that time they lacked the modes of communication enjoyed to-day. There were no telegraphs, no telephones, no radios, and no fast mail service. It took weeks before the result of an election in one part of the country could be known in another. Even when known, it required considerable time to gather returns preparatory to the convening of Congress and the inauguration of the President and Vice President. Roads in those days were almost impassable. They had no automobiles, no train service, no airplanes, and must rely, in the main, upon the stagecoach and the saddle horse. Besides, another most important change has been made in our Constitution which affects this matter.

The United States Senators were then elected by the legislatures of the various States. The legislatures did not meet until in January, and since contests often developed, it was considerably later than that before selections were made. Senators so elected could not have attended a session of Congress convening in the month of January.

What would be the result if this amendment should be adopted? As has already been stated, it would provide for the seating of Senators and Representatives and the inauguration of the President and Vice President in January following their election. It likewise would empower Congress to provide for the election of a President in certain emergencies. It is with reference to the former provision that I desire to speak. I shall not attempt to discuss every possible advantage, but only those that appear to me to be the most important. The first result would be the immediate taking over of the offices by those chosen in the preceding election. The newly elected Members would be fresh from the people. The result of the election and the issues discussed during the campaign would be fresh in their minds. Therefore they would be anxious to carry out the wishes of the people whom they were to represent.

We often hear the expression that we need a cooling-off period. That was not the intent of the framers of the Constitution with reference to this particular phase, since they provided for two-year terms for the Representatives. It was planned that they should come back frequently for further indorsement. Furthermore, have we not sufficient check now? Is not two months sufficient? If not, by what system of time measurement are we to decide that period? If four months is better than two, would not four years be even better? Can not a Member act as well the day after election as two or four months later? Also, we have two legislative branches, each acting as a check upon the other, and their acts must receive the approval of the Chief Executive, whereas the legislative representatives of some countries, with only one legislative branch, meet almost immediately after their election to administer the affairs of government. Besides, is there not often danger in too much cooling off? We have recently heard a great deal about the influences of the highly financed lobby, accused of adopting corrupt methods to influence legislation.

With those influences constantly at work in an effort to cool the ardor and the enthusiasm of the Members, is it not logical to assume that the greater the delay the less apt becomes the Member to correctly register his vote in keeping with the wishes and interests of his constituents, and the more apt will he be to register the wishes of these cooling-off influences.

Another objection to the present system is that the new Member is not generally sworn in until in December, 13 months after his election. Then, almost immediately thereafter, he finds himself in the midst of a campaign for renomination. Up to that time he has had little chance to demonstrate his capabilities. By virtue of such a situation the people whom he represents have not had a chance to properly weigh his qualifications before they are called upon to vote for his renomination. If I may be permitted a personal reference, at the present time a primary campaign is being fought out in my State, the date for the election being April 10. Fortunately I have no opposition for the nomination, but if I did have I would be confronted with the necessity of making that campaign now, before having completed my services in my first session. Also, I would have to choose between neglecting my duties as a Member of Congress in order to make a campaign and remaining on the job and

letting the campaign take care of itself. Fortunately, under the circumstances, I have no such decision to make in the case. If this amendment should be adopted the newly elected Member would have ample time to demonstrate his ability before seeking renomination.

The third point which I desire to make deals with the present situation wherein a defeated Member continues to serve during the following session. It is not fair to him to ridicule his position. He is not to blame for that situation. He has not only the right, but it is his duty, to continue to serve in that capacity. However humiliated he may be in his public efforts after having been defeated, his is not the fault. Neither can the blame be placed upon the people, since the sentiment in favor of this proposed Constitution change seems to be overwhelming. Nor can it be charged to the States, since the legislative bodies thereof have never been given an opportunity to ratify a change. The blame, if any there be, must rest with Congress for its failure to sooner act upon this important matter.

Even though the defeated candidate is not at fault, the situation is an undesirable one. For instance, he may have supported certain legislation prior to the election which may have been the cause of his defeat, and yet he can return and aid in the passage of such legislation, contrary to the verdict and wishes of his people. In the event that the election of a President, in an emergency, should be thrown into the House he could vote for a minority candidate, likewise contrary to the verdict of the electorate. It is often charged that a defeated Member is influenced in his voting through promise of an appointment to be received later. Whether that be true or not, the present situation makes possible such a charge and such an arrangement.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. JEFFERS. Mr. Chairman, I yield two additional minutes to the gentleman from Nebraska.

Mr. NORTON of Nebraska. Finally, the proposed change would result in the elimination of the short session. In a short session appropriation measures involving the expenditure of not only millions, but billions, are given improper consideration through lack of time. Many important measures are sidetracked, and in the rush good legislation is often defeated while that which is less desirable is passed. By abolishing the short session the incentive to filibuster would be gone.

Mr. LEAVITT. Will the gentleman yield for a question?

Mr. NORTON of Nebraska. Yes.

Mr. LEAVITT. Does not this proposed amendment provide for a short session that is to begin on the 4th of January and end on the 4th of May?

Mr. NORTON of Nebraska. I was coming to that. I am not in favor of that part of the resolution, and as a member of the committee I reserved the right, just as my colleague the gentleman from Alabama [Mr. JEFFERS] reserved the right to vote for a change in the part of the resolution which provides that Congress is to adjourn every alternate year on the 4th of May. I feel Congress should be left to be its own judge as to the length of the second session, as well as the length of the first session.

In conclusion, what opposition is there to the adoption of this amendment? I have received many letters and other communications in support of it and I have received none in opposition. The press of the country is overwhelmingly in favor of the amendment. The American Bar Association has indorsed it. In 1917 the association appointed a committee to study the question and to report. The report which was later adopted by the bar association was strongly in favor of this constitutional change. Business and professional men everywhere are for it. Leading farmers' organizations have indorsed it, as has also the American Federation of Labor. Women's clubs have done likewise. Many others are enthusiastic advocates of the proposal. It is strange that something which everybody wants no one seems to be able to secure. Not a single civilized nation in the world permits of a similar situation, and not a single State in the Union has such an arrangement with reference to the assembling of its legislative body.

The change would be in the interest of more efficient, more direct, and more representative administration of governmental affairs. It will be in harmony with present conditions and with the requirement of our times. I sincerely trust that the resolution may be submitted by Congress during its present session.

Mr. WHITE of Kansas. Mr. Chairman, I yield 15 minutes to the gentleman from West Virginia [Mr. BOWMAN].

Mr. BOWMAN. Mr. Chairman, the Constitution of the United States is a sacred covenant among men. It is inviolable. It is holy. It is hallowed by the blood of all ages in the unequal struggle and contest for political freedom. It is dedicated to the fundamental principles of free government, which have made the United States of America the greatest and the most successful democracy the world has ever known. In this conception of the Constitution we find the essence of a national patriotism and loyalty which impel us to view with evident suspicion and distrust all proposals to amend the Constitution of the United States and to regard them as stealthy encroachments upon the rights and privileges of free government. This attitude of national reverence is most commendable. Without it no nation can endure; but in it lies the hope of individual security and national permanence.

This most commendable attitude of loyalty and devotion may close our eyes to glaring defects and imperfections in our Government. Patriotism is often uncomprehending, uncompromising, and blind. As American citizens it is our duty to oppose with vigor any proposal to alter or change the constitutional laws of our Nation which proposal would commit us to strange and untried policies, wholly inimical, foreign, and contrary to the accepted ideals of representative government.

On the other hand, however, the adoption of a resolution proposing an amendment to the Constitution of the United States which would assure more perfect coordination of governmental agencies and would reflect the will of the people with greater spontaneity in national legislation, without destroying the principles and ideals of government, is also a distinct mark of intense loyalty and an evidence of a high sense of patriotism. It may be more patriotic to propose and adopt a constitutional amendment than to oppose and prevent its adoption. I am certain this is true if the proposed amendment seeks to facilitate and expedite the various operations of the Government in accordance with the original intentions of the Constitution of the United States. Conscientious efforts to bring all branches of our Government into complete coordination and cooperation, and to make them directly responsive to the expressed will of the people, are born of a nobler patriotism than are those which seek to delay and impede because of peculiar loyalties and devotion to the traditions of the past. All good in government is not directly traceable to the past. The present presents new problems for solution which the past had no opportunity to solve.

The test of governments is not founded upon abstract theories and principles but upon the practical, every-day operation of governments. The Government of the United States is no exception to this rule. Its success is wholly dependent upon its ability to operate and function smoothly and efficiently in all departments and at all times. A failure in this respect presents no other alternative except a widespread dissatisfaction and discontent among those whom the Government seeks to serve.

In the Constitution of the United States we find the origin of widespread dissatisfaction and criticism of our procedure in national legislation. For many years the press of the country has advocated an amendment to the Constitution which would correct and modify the illogical and inconsistent procedure of the Congress of the United States. For several prior sessions of Congress and during the present session of the Seventieth Congress the Senate of the United States has given heed to this popular demand of the people and has adopted resolutions proposing an amendment to the Constitution which, in effect, would eliminate the direct and approximate causes for this growing dissatisfaction; but heretofore the House of Representatives has given no serious thought or consideration to any proposed plan or method to remedy the apparent evils affecting legislation. It has remained silent to the urgent demands of the people.

However, in this session of Congress the Committee on the Election of the President, Vice President, and Representatives in Congress, in the House of Representatives, by unanimous vote, has reported favorably House Concurrent Resolution 18, introduced by the gentleman from Kansas [Mr. WHITE] and the resolution has been given a rule for consideration.

This resolution, if adopted by Congress and ratified by the legislatures of three-fourths of the several States, would make the Congress of the United States more directly responsive to the will of the people and incidentally remedy the remote but possible contingencies affecting the executive or administrative division of our Government.

The resolution is in the words and figures following:

(1) *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, that the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

ARTICLE —

SECTION 1. The terms of the President and Vice President shall end at noon on the 24th day of January, and the terms of Senators and Representatives at noon on the 4th day of January of the years in which such terms would have ended if this article had not been ratified.

SEC. 2. The Congress shall assemble at least once in every year. In each odd-numbered year such meeting shall be on the 4th day of January unless they shall by law appoint a different day. In each even-numbered year such meeting shall be on the 4th day of January, and the session shall not continue after noon on the 4th day of May.

SEC. 3. If the House of Representatives has not chosen a President, whenever the right of choice devolves upon them, before the time fixed for the beginning of his term, then the Vice President chosen for the same term shall act as President until the House of Representatives chooses a President; and the Congress may by law provide for the case where the Vice President has not been chosen before the time fixed for the beginning of his term, declaring what officer shall then act as President, and such officer shall act accordingly until the House of Representatives chooses a President, or until the Senate chooses a Vice President.

SEC. 4. If the President elect dies before the time fixed for the beginning of his term, then the Vice President elect shall become President; and the Congress may by law provide for the case of the death of both the President elect and the Vice President elect before the time fixed for the beginning of the term, for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice devolves upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice devolves upon them.

SEC. 5. Sections 1 and 2 shall take effect on the 30th day of November of the year following the year in which this article is ratified.

The constitutional amendment, which the said concurrent resolution proposes, will affect the legislative and administrative divisions of our Government in the following manner:

First. The newly elected Members of the Congress of the United States will take office on the 4th day of January of the years in which such terms would have ended if this proposed amendment to the Constitution had not been ratified.

Second. Congress will assemble once in each year; and shall convene on January 4 of each year, except Congress may by law appoint a different day for assembling in the odd-numbered years. A new Congress will assemble approximately two months after the congressional election.

Third. The sessions of Congress in the even-numbered years shall not continue beyond noon on the 4th day of May in that year. In effect this prevents state-wide primaries and the general election of that year from interfering with national legislation.

Fourth. The short sessions of Congress will be eliminated and abolished.

Fifth. Congressional elections will be held after the second session of Congress instead of between the first and second session of Congress.

Sixth. The power of the House of Representatives to choose a President of the United States under certain conditions and circumstances is specifically affirmed.

Seventh. The terms of the President and Vice President shall begin and end on the 24th of January instead of the 4th of March.

Eighth. It also provides for three contingencies not now covered by any provisions of the Constitution, to wit:

(a) Congress will be given authority and power to provide for a possible emergency where neither a President nor a Vice President has been chosen before the time fixed for the beginning of the term.

(b) The Vice President elect shall become President in the event that the President elect should die before the time fixed for the beginning of his term.

(c) Congress is authorized to provide for the possibly remote contingency of the death of both the President elect and the Vice President elect before the time fixed for the beginning of their terms.

It is not my purpose to discuss fully the proposed amendment from the standpoint of its effect upon the administrative branches of our Government by clarifying and affirming doubtful and uncertain provisions of the Constitution, or providing for possible contingencies and emergencies not covered by any provisions of the Constitution. These are important in the sense that they should be embodied in the proposed amendment because the powers of Congress in such cases should be specifically and definitely defined. There should be neither doubts nor uncertainties with reference to the selection of the highest administrative officers of our Government. The fact that there are certain possible contingencies and emergencies not provided for in the Constitution of the United States presents a condition which merits worthy consideration by this Congress. To acknowledge and concede this situation in our Government tends only to broaden and heighten our legislative responsibility in an effort to remedy and correct.

In this connection, however, it might be noted that the said White resolution provides that Members of Congress shall begin their terms on the 4th day of January following their election in November, and also provides that the terms of the President and Vice President shall begin on the 24th day of January following their election. This interim is especially provided so that the new Congress, assembled on the 4th of January after their election, shall have sufficient time to count the electoral votes certified by the several States in determining the election of a President and Vice President as provided by the twelfth amendment to the Constitution of the United States. All provisions of the twelfth amendment concerning electors and the electoral count are preserved and maintained without any changes whatsoever. However, in the event the proposed amendment is ratified by the several States, the two Houses of Congress by concurrent resolutions will be compelled to provide for a different time than now is required by law for the electoral count.

Mr. JOHNSON of Texas. Will the gentleman yield there?

Mr. BOWMAN. Yes.

Mr. JOHNSON of Texas. The term of office, I understand, is to begin on the 4th of January, a definite date; but what about the suggestion with reference to the beginning of the session of Congress? Suppose the 4th of January should come on Sunday, would the Congress convene on Sunday?

Mr. BOWMAN. I presume so. There is nothing to the contrary. In fact, many of the parliaments of other nations convene on Sunday.

Mr. JOHNSON of Texas. The present Constitution provides that the Congress shall convene on the first Monday in December, and I was wondering why it would not be proper to have a similar provision here.

Mr. BOWMAN. The proposed amendment provides at least 20 days between the assembling of Congress and the inauguration of the President.

Mr. JOHNSON of Texas. But the President's inauguration could be fixed definitely for the 4th of March.

Mr. BOWMAN. That is possible.

Mr. JOHNSON of Texas. I understand you have to have a definite date for the term of office to begin and to expire, but I was wondering if the convening of Congress could not be fixed for a certain Monday rather than upon a specific date.

Mr. BOWMAN. I see no objection to that unless the time for the assembling of Congress might conflict with the inauguration of the President and bring the time to such a point that there would be very little time between the assembling of Congress and the inauguration of the President of the United States.

Mr. HASTINGS. Is the gentleman going to discuss what it is expected Congress would do between January 4 and January 24? It has already been suggested that the election of the President might be thrown into the House, but that has not happened for a long number of years and perhaps will not happen again. Assuming that does not happen, what is there to be done, outside of the organization of the House and the appointment of committees, between January 4 and January 24?

Mr. BOWMAN. In answer to my friend, I think the Congress could very wisely take up some of the appropriation bills and discuss general legislation pending the inauguration of the President.

Mr. HASTINGS. Prior to the message of the President and the submission of the Budget by the incoming President?

Mr. BOWMAN. I think so.

Mr. GIFFORD. Will the gentleman tell us what Congress could not do within the 20 days except to listen to the message of the President?

Mr. HASTINGS. Suppose you took up the appropriations. How is the Budget going to be submitted when you have no President?

Mr. DENISON. We have inaugurated the practice of a number of committees coming here before December and having important hearings before Congress convenes. I never did approve of it, but if we adopt this system the hearings can be proceeded with.

Mr. HASTINGS. But now we have a President and a Bureau of the Budget, and you know the views of the President on all legislation. But in this case you would not have the President and he would not have submitted a message.

Mr. BOWMAN. The greatest merit of the said proposed amendment is founded upon an honest, conscientious effort to

remedy the crude, cumbersome, and wholly illogical methods and conditions in the legislative branch of our Government. This effort should have the personal consideration and support of each Member of the present House of Representatives. Today the House stands charged and indicted before the bar of public opinion because it has refused to give thought and consideration to the most glaring inconsistencies of our representative Government. To this charge we can no longer plead the plea of confession and avoidance—confessing and conceding gross inconsistencies; but intentionally avoiding justification for changes. This plea does not join issue. It only delays and avoids issue. Indifference, carelessness, or neglect can in no wise be interpreted as a defense against the well-founded charges of the public.

The Constitution of the United States provides a two-year term for Members of the House of Representatives and a six-year term for Members of the United States Senate. Under these provisions all the Members of the House and one-third of the Senate are elected every two years. The election is held during the early part of November in the even-numbered years, and the newly elected Members of both the House and Senate are inducted into their respective offices on the following 4th of March. This creates an interim of approximately four months between the election of the Members of the House and one-third of the Senators and their informal induction into office. There is no severe criticism of this delay alone; but it is the beginning and the foundation of an irresponsive system of our Government that impedes and prevents full and complete expression of the popular will of the people in national legislation.

In the manner provided by the Constitution of the United States, Members of the Senate and the House of Representatives are elected to represent the sovereign States and the individuals, respectively, in the legislative branches of our Government; but the Constitution which creates this basis of representation also inadvertently denies to its chosen representatives in Congress the freedom and privilege to exercise the rights and duties for which they were elected. This condition is intolerable. It has no place in free government. The fact that one-third of the Members of the Senate and all of the Members of the House of Representatives duly elected in November in one year can not participate in the legislative council of the Nation until the December of the year following their election, unless there is a special session of Congress, is almost inconceivable in the range of the purpose and business of organized governments. This system checks and holds in abeyance the popular will of the people for a period of nine months from the induction of our representatives into office, and approximately 13 months from the date of their election. In this system there is no semblance of a responsive government. On the other hand, it represents an irresponsible, irresponsive, and an indifferent condition of the legislative branch of our Government—the only branch of our Government which has a direct, vital contact with the people themselves.

In the consideration of this particular phase of the problem let us look at the concrete facts confronting the House of Representatives. To do so might awaken a personal interest in this legislation. The House of Representatives is composed of 435 Members, who, with the possible exceptions of 1 or 2 Members, were elected at the general election held in November, 1926. We became Members of the House on March 4, 1927, and assembled for the first and long session of the Seventieth Congress on the first Monday of December, 1927.

Regardless of the expressed will of the people at the general election of 1926, this is the first opportunity of the Seventieth Congress to enact legislation; and, before the adoption of a legislative program or the enactment of legislation, we find ourselves entangled in the meshes of state-wide primaries for reelection which have been adopted by a great majority of the States. In this statement I am assuming that all the Members of the present House desire to succeed themselves. There are many Members of the House who aspire to represent their States in the United States Senate. However, the ambitious desires of many Members of the House of Representatives do not alter the present situation but only add strength and verity to the truth of my contention. The fact still remains that many Members of this House are prohibited and prevented from giving deliberate thought to pending legislation because of actual or threatened opposition in the early State primaries which will be held before the adjournment of the first session of this Congress. This statement is no reflection upon the honest intentions of the Members of Congress to serve well their constituents in legislative matters; but it is a criticism and arraignment against the system that prevents deliberate and thorough consideration of national legislation. This problem should be a personal problem with each Member of the House of Representatives, in that efforts for national legislation should be wholly divorced from political ambitions and aspirations.

There is still another phase of the present system which makes it still more reprehensible. Aside from the said interference with our national legislative program by the demands and uncertainties of state-wide primaries, Members of the Congress of the United States are elected between the long session and the short session of each Congress. For example, Members of the House of Representatives in the Seventy-first Congress will be elected in the general election of November next, between the long and short session of the Seventieth Congress. Consider well the system that annoys and vexes the Members of the lower House of Congress during the long legislative session of Congress and during the interim between the long and short sessions with matters entirely foreign and extraneous to legislation. After the election of the Members of the Seventy-first Congress the Members of the Seventieth Congress will continue to function in legislative matters from the early part of December, 1928, to the 4th day of March, 1929. What precedents in the parliaments of either ancient or modern times can we find to justify the existence of this obsolete system? What wonder, then, that the public has dubbed the short session of every Congress as the "lame duck" Congress! There is not a single member of this House who would permit the old directors of any corporation in which he is a stockholder to continue in the matter of directing and formulating corporate policies after a new board of directors had been elected. To do so would be to subscribe to an unwieldly, arbitrary system of corporate management.

The contemplated changes in the Constitution of the United States as proposed in the White resolution are neither an attack nor a charge against the wisdom of our forefathers in framing a constitution. They wisely provided such legislative machinery as the conditions of the age and time warranted. There were no railroads, no telegraph nor telephone lines. Mud and mire marked the trails and highways of commerce. Postal facilities were crude and inefficient. Under these conditions time was the very essence in the establishment and operation of our experimental government.

Such unsatisfactory conditions were deciding elements that practically dictated the present unreasonable delays in our legislative program. Section 3, Article I, of the Constitution of the United States provided:

> The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years——

As the legislatures of many, if not all, of the States did not convene until the beginning of a new year, it was most difficult and often impossible for the Senators to be chosen until February and March and even later. It is apparent that the constitutional provisions for delay were most beneficial to the individual States; but conditions have changed. The original cause for delay in this particular has been eliminated. The seventeenth amendment to the Constitution of the United States provides for the election of United States Senators by direct popular vote. This amendment obviously eliminates any reason for a continuance of the unpopular methods of our national legislative system.

In all other things we have grown and developed with the spirit of the times, but our devoted adherence to the traditions established by our constitutional fathers has not imparted to us their characteristic wisdom and foresight of providing and adjusting the machinery of government to meet the conditions of the age. The adoption of the White resolution by the Congress of the United States and its subsequent ratification by the legislatures of the required States would not change a single fundamental principle of our Constitution, nor does it destroy the principles and ideals of free government; but would assist, aid, and accelerate more perfectly the machinery of government established for the preservation and maintenance of representative government. To perfect and adjust the machinery of government to the conditions of the times is born of the same patriotic incentives that inspired the hopes and ambitions of our forefathers in the adoption of the Constitution. Present conditions could not well have been anticipated by the framers of the Constitution, but they must be met by us.

It is not often we turn our attention to the governments of other nations for precedent; but a comparative analysis of foreign governments reveals the startling truth that the Government of the United States of America is the only Government among the civilized nations of the world with a parliament that deliberately prevents and delays the crystallization of the will of the people into statutes of law by obsolete and illogical provisions of its Constitution. In matters of legislation, every government of the world is more responsive to the will of the people than the Government of the United States.

The practice in Great Britain has been to make the interval between the elections and the summoning of Parliament as short as possible. This practice has its origin in the fact that the ministry, which constitutes the administrative branch of the English Government, must at all times possess the confidence and support of a majority of the House of Commons. In order to determine whether or not the ministry possesses this support it is necessary to assemble Parliament very soon after the elections. In that country ministries fall and Parliaments are dissolved, and the Government must reorganize and adjust itself in accordance with the popular will and demands of the people.

Article XXIII of the German constitution, adopted August, 1919, provides that the Reichstag shall assemble for the first meeting not later than 30 days after the election. Members of the Reichstag are elected for a term of four years.

In Norway's constitution, which is called the "Grundlov," adopted May 17, 1814, the legislative power is vested in the Storthing, which shall assemble every year on the first week day after the 10th of January in each year; and further provides that the election of its members must be concluded before the end of the month of November. These constitutional provisions permit less than a 60-day interim between the election of the members of the Storthing and the assembling of its Parliament.

The lower house of Sweden's legislative branch is composed of 250 members, elected for a term of four years. The election is held in September and the constitution requires that Parliament should convene on January 1 of every year, or on the day following if this day happens to be a holiday.

Canada has a system of government similar to the Government of Great Britain. The members of the lower house, or House of Commons, are elected by the people of Canada for a term of five years. The interval between the election of the members of the House of Commons and the assembling of Parliament is necessarily exceptionally short for reasons similar to those prevailing in Great Britain.

In Hungary the law convening the annual sessions of the Diet provides that the election of representatives in the Diet shall take place throughout the country at the expiration of every fifth year and within six weeks prior to the opening of the first annual session of the new Diet. This provision creates a tenure of five years for members of the Diet and compels the new Diet to assemble within 42 days after the election of the members.

The constitution of the Commonwealth of Australia provides that the Australian Parliament must be summoned to meet and assemble not later than 30 days after the day fixed for the return of the writs of election. Members of the lower house of this Parliament are elected for a term of three years.

Brazil's constitution of February 24, 1891, provides that the election of deputies or members of the lower house shall be held on the first Sunday in February preceding the first session of the new legislature, which shall assemble in the federal capital annually on the 3d day of May. This limits the interim between elections and the assembling of its Parliaments to a period not exceeding 62 days. It is interesting to note that members of the lower house are elected for a term of three years.

In Argentina the members of the lower house are elected for a term of four years. One-half of the house is renewed or reelected every two years, and the elections are held on the first Sunday in March of all years of even number. The national legislature must meet annually, beginning May 1. This provision limits the interim between the election and the assembling of the newly elected members in Parliament to approximately 60 days.

I might continue the results of my investigation indefinitely, but each additional country named would tend to make more conclusive the truth that the United States of America is the only country in the civilized world that permits by constitutional provisions an interim of 13 months between the election of the members of the lower house and the assembling of Congress, and the only country that makes it possible for members of the legislative branch of the Government to legislate for months after their repudiation and rejection by the people. The very country that is supposed to represent the highest ideals of democracy is charged with unwarranted interference in preventing its citizens from exercising their political rights by constitutional provisions.

What is the necessity for an amendment to the Constitution of the United States? The Constitution provided and fixed definite limitations to the terms of the office of President and Vice President, Members of the Senate, and Members of the House of Representatives, but did not provide a time certain for the new Government to begin operations under the proposed Constitution. The failure to fix a definite time was due to the existing doubt and uncertainty as to whether or not the proposed Constitution would be adopted and ratified by the required number of the thirteen original Colonies. However, after the ratification of the Constitution, the Continental Congress by resolution fixed and established the beginning and the end of said terms by declaring that the new Government should go into effect on the 4th day of March. A similar resolution was later adopted by Congress under the new Constitution in 1792 which was simply declaratory. In this manner colonial existence ceased and the terms of the President and Members of Congress began on March 4, and consequently they can end only at noon on March 4. This is due to the fact that the Constitution definitely prescribed the length of terms of the said administrative officers and the said Members of Congress.

For 139 years our Government has been confronted by this epochal date of March 4, not mentioned in the Constitution, but an accident in American political history by resolutions, which date has its constitutional justification in that no term of the said officials and representatives can end sooner than that date because of the constitutional provisions declaring the length of the terms. It is evident, therefore, that no term can be shortened arbitrarily save only by a constitutional amendment. To change the dates for the inauguration of the President and the Vice President and the beginning of the terms of Members of Congress as proposed by the White resolution necessarily involves a change in the length of the terms of the said administrative officials and Members of Congress for one term only. If the said White resolution is adopted and ratified as provided by the Constitution of the United States, one four-year term of the Presidency and Vice Presidency of the United States would be reduced by practically 45 days and one term of the Members of Congress would be reduced by approximately 60 days. After this adjustment the provisions of the Constitution relating to the terms of office would continue in full force and effect.

We should not concern ourselves too much about the few complications involved in meeting the requirements of the proposed amendment; neither should we offset the constitutional advantages and benefits contemplated in the proposed amendment by magnifying and exaggerating the disadvantages in making the change. The consideration of this matter should be had without prejudice and without bias. If there is any merit in the proposed amendment to the Constitution, it will certainly justify and warrant the inconveniences and disadvantages, if any, in making all necessary changes and adjustments. To my mind, the adoption and ratification of the proposed amendment is the important issue for consideration. It is superior to all other issues. If the proposed amendment is essential, worth while, reasonable, and consistent with the ideals of our representative government, nothing should stand in the way of its immediate adoption by the House of Representatives.

Mr. JEFFERS. Mr. Chairman, I yield 20 minutes to the gentleman from Missouri [Mr. LOZIER].

Mr. LOZIER. Mr. Chairman and members of the committee, the Committee on Election of President and Vice President, and Representatives in Congress, of which I have the honor and privilege of being a Member, has had under consideration this or similar resolutions for the five years during which time I have been a Member of this body.

Our committee with a commendable industry, under the leadership of our chairman, the gentleman from Kansas [Mr. WHITE] held extensive hearings and made a diligent effort to arrive at a decision on the resolution which would meet what we consider to be practically a nation-wide demand from the American people for the reforms embodied in this resolution.

In this connection may I say that the gentleman from Kansas [Mr. WHITE] will not be a candidate to succeed himself in the Seventy-first Congress. I want here and now to bear cheerful testimony to the fact that he, as chairman of this committee, has labored with an industry, fidelity, unselfishness, and patriotism which is worthy of the highest commendation. [Applause.]

I also want to state that when this resolution is submitted to the States for ratification, as I believe it will be, much of the credit, yea, the major portion of the credit for its submission, will undoubtedly be due to the senior Senator from Nebraska [Mr. NORRIS], who for years has, under the most discouraging conditions, diligently and whole-heartedly kept this far-reaching reform before Congress and the American people. Under his able leadership, three times the Senate of the United States passed this resolution, or a resolution almost identical with this one which you are considering. Three times that resolution came over from the Senate to the House. Three times the House, under fiat of the Republican triumvirate, failed to act upon the measure. Now, for the fourth time the Senate has passed this resolution, and in all good conscience the House should face the issue and submit this proposed

amendment to the States for ratification. In each of these sessions of Congress, for the last five years, the Committee on Election of President, Vice President, and Representatives in Congress, of which I am a Member, reported favorably this resolution, or a similar resolution. Patiently and persistently for five long years my committee made earnest efforts to secure a rule or place on the calendar for this resolution which would enable us to present this proposed amendment to the House for its consideration.

But no; the reactionary forces that dominate this House refused for five long years to even allow the Members of the House the poor privilege of voting on this resolution. But under the whip and spur of public opinion the House oligarchy now permits us to debate this proposal and vote on whether or not this amendment shall be submitted to the States for ratification.

I consider this a very important legislative proposal. There are in the United States two classes of individuals; one class looks upon the Constitution as a sacred document that must not be amended or altered one iota, and they are opposed, as they say, to any tinkering with the Constitution, believing that under the genius and spirit of our institutions it is better to accept for all time the conception and mechanism of government prescribed by those who wrote this great organic document in the dawn of our national life. They are not willing to amend the Constitution to meet new conditions incident to our complex and rapidly changing civilization. The other class wants to change the Constitution overnight, cure imaginary ills, and to meet every conceivable emergency of temporary condition. They want to change this, change that, and change the other, change everything, without thoughtful consideration of the proposed changes.

I belong to neither one of these classes. I reject the ultra and reactionary conservatism of one class and the unconscionable radicalism of the other class. I favor the amendment of our Federal Constitution whenever the amendment will promote better and more orderly government and insure a greater measure of social justice for the masses. I favor every amendment that will promote the interests of the American people and perfect our admirable scheme of government.

Our constitutional fathers recognized the fact that the Constitution they prepared was not a perfect document; that it would not be sufficient for all time; that new issues, new problems, new conditions would arise which would necessitate amendments to the Constitution, and so in their wisdom they made provision for such amendment. I believe the Constitution was made for the American people and not the people made for the Constitution.

There is a class of men in public life in America who believe in making it just as hard as possible to amend the Constitution of the United States. I say that this was not the conception of our constitutional fathers. They made it comparatively easy to amend the Constitution, because in the last analysis the supreme purpose in having a constitution is to promote the public good. Those who framed the Constitution realized that they were finite and could not foresee conditions that would arise in the oncoming years. They knew society and government were not static but changeable, and they provided for such changes as might from time to time be necessary.

They threw no unnecessary barriers between the Constitution and the right of the American people to amend it. They believed the people would cherish and preserve our institutions; that they would be conservative notwithstanding their progressive tendencies, and that they would not recklessly exercise their right to amend the Constitution; that they would always carefully consider every proposed change and propose amendments only when such amendments will clearly promote the public weal.

I want to call attention to the fact that since the adoption of our Federal Constitution in 1787, of the 19 amendments to the Constitution, the first 10 of them were proposed by the First Congress on September 25, 1789, and the eleventh amendment was proposed by the Third Congress on September 5, 1794, and all were adopted within a few years after the original document was promulgated and ratified; most of them were adopted almost immediately after the ratification of the original Constitution of the United States. Indeed, 10 of those 11 amendments were formulated before the Constitution was submitted, or, at least, before the document was ratified by the several States, and many of the States of the Union ratified the Constitution with the express understanding and assurance that amendments 1 to 10 had been formulated and would be submitted to the States for ratification. These first 10 amendments dealt largely with human rights, and on them is built the bulwark of American freedom.

We must look upon those first 10 or 11 amendments, not as amendments in reality, but as a part of the original document. The thirteenth, the fourteenth, and the fifteenth amendments were the fruitage of intestine conflict and were born out of the sanguinary passions, hatreds, and tragedies of the great Civil War. Then came the sixteenth amendment with reference to the income tax, and the seventeenth amendment providing for the direct election of Senators by the people, and the eighteenth amendment with reference to prohibition, and the nineteenth amendment giving to women the right of suffrage.

Does the record of the American people with reference to the adoption of constitutional amendments indicate that they will recklessly, heedlessly, thoughtlessly, and rashly emasculate or amend their Constitution? No. The fact that only a comparatively few amendments have been adopted in the 140 years of our national existence is conclusive proof that the American people are conservative, notwithstanding their progressive impulses and purposes. No, gentlemen, the American people have been exceedingly slow to amend their Constitution, and by supporting the pending resolution we are not tinkering with the Constitution but submitting a well-matured and forward-looking amendment, which will improve legislative conditions and materially aid the American people in having their sovereign will translated into legislation.

Because of the conservatism of the American people and because of the caution with which they consider changes in our organic law, we have been living under a condition of affairs which may at any time involve our people in serious difficulties, perhaps invite internal strife. I wonder if the American people realize what serious situations may result from our failure to ratify this amendment.

Let me call your attention to section 4 of this resolution; this provision that is not in the original Norris resolution. That is not to the discredit of Mr. NORRIS, because it is not found in the original House resolution. It is the result of several years' thoughtful consideration given to this resolution by the House committee of which I am a member. The more we studied the Norris resolution, the more we were convinced that it did not go far enough; and to meet a very serious defect in our machinery for the election of President and Vice President, our committee formulated section 4, which I am sure, on examination, you will find to embody exceedingly wholesome provisions which are omitted from the Norris resolution as it came to the House from the Senate. I understand this section has the approval of Senator NORRIS and its inclusion tremendously strengthens this resolution.

Now, let us see what defect in our present Constitution section 4 is designed to correct. In 1924 the American people were threatened with a serious political predicament. Suppose in the 1924 presidential election no candidate for President received a majority and the election in that event would have been thrown into the House of Representatives. Under this state of facts and under our Constitution, the Constitution that some of our colleagues do not want to tinker with or amend, if Calvin Coolidge had died between the second Monday in January, 1925, the day the Electoral College functioned, and the second Wednesday in February, the day the House of Representatives would have been called on to choose a President, the Republican Party would have been disfranchised, because the present Constitution limits the choice of the House to the three persons receiving the highest number of votes in the Electoral College, and the death of Mr. Coolidge would have left no Republican in this list of three, and in that event the Republicans in the House would have been compelled to choose between John W. Davis and Robert M. La Follette.

The election in the House would have been by States, and under the conditions I have mentioned it would have been absolutely impossible for the Republican Members of this House to have voted for a Republican candidate for President, because under the present Constitution, which some people do not want to change, it is provided that when no candidate has a majority in the Electoral College and the House functions, it must elect the President from the three highest, or, to be more accurate, the highest three, and if one of those parties dies between the time the Electoral College meets and the time Congress proceeds to elect the President the Members of the House who belong to the party of the deceased candidate have no candidate of their own party to vote for and they must either not vote at all or vote for a candidate of some other party. The American people do not realize that under our present organic law a majority of voters may be disfranchised in the next or in some future presidential election.

On the other hand, if no candidate in 1924 had a majority in the Electoral College and John W. Davis had died between the time the Electoral College functioned and the second Wednesday of February, 1925, when the House met to declare the result of the election, under the present law the Democrats

in the House could not have voted for any other Democrat, because the present Constitution provides that when the House chooses a President the selection must be made from the three who received the highest number of votes in the Electoral College. So, gentlemen, we have been tolerating a condition here that is un-American and unrepublican and undemocratic, and while this situation has never arisen we have no assurance that this condition will not arise some time in the future. Why not provide against such an intolerable situation?

In order to meet this condition the committee of which I am a member has added to the Norris resolution section 4, which takes care of a contingency of the kind I have described and provides remedies and methods by which the will of the people can be carried out under conditions such as I have mentioned. To give effect to the will of the people is the supreme object and purpose of all government.

I must hurry on. Next, I want to call your attention to the suggestion made by my leader, the able gentleman from Tennessee [Mr. GARRETT], for whom I entertain the highest respect and sincerest affection. He favors an amendment which will delay ratification by the States until one branch of each State's legislature has been elected by the people after the submission of this constitutional amendment, on the theory, of course, that the people of that State have the right to express their opinions upon this proposed change in our organic law.

There may be some substantial reason or ground for his position under some circumstances, but there is no real necessity for it in the instant case for this reason: The American people have had this Norris resolution under consideration for many years, and the public is well informed as to its provisions; and this resolution is being submitted in response to a nation-wide demand. I am convinced that the legislatures of the several States in voting to ratify or reject this resolution would reflect the will and desire of the people of their respective States.

The American Congress in its conservatism has never submitted a constitutional amendment until it has been made the subject of a nation-wide discussion, until it has been considered in and out of Congress for years, until the leading writers and thinkers of America have analyzed its provisions, and until there is a nation-wide demand for its submission. I call your attention to the fact that with the exception of the three amendments that grew out of the issues of the Civil War, there has never been submitted by the Congress of the United States a single amendment that had not been the subject of discussion for 10, 20, or 30 years; and the American people, when constitutional amendments are submitted, are in a position to act upon them intelligently and act upon them without delay.

Mr. RAMSEYER. Will the gentleman yield?

Mr. LOZIER. I yield.

Mr. RAMSEYER. What objection could there be in principle to the requirement of delay of action by any legislature until at least one branch of the legislature had been elected?

Mr. LOZIER. Answering the gentleman, I think it would be a useless ceremony. The gentleman knows that in his State of Iowa, if this amendment is submitted, the members of your State legislature who are elected next November will not be elected upon this issue. It will not be an issue in the campaign. Those men will be elected to the legislature upon other issues and upon other questions, and no good would result from the proposed delay.

Mr. RAMSEYER. If the people regard it as something vital and there is opposition to it, it certainly will become an issue in election of members of the legislature.

Mr. LOZIER. Well, my idea is that the people will never have an opportunity to ratify a constitutional amendment that has not already been the subject of discussion for 10, 20, or 30 years.

Mr. RAMSEYER. Some years ago we passed the child labor amendment through Congress by an overwhelming vote. The friends of that amendment thought there would be no difficulty whatever in getting the required three-fourths of the State legislatures to ratify it, but when it got out among the people for some reason, which we need not discuss here, there was opposition to it. Now, suppose the legislatures had met before elections were held, what would have been the result?

Mr. LOZIER. If those same legislatures had met the next day after that resolution was submitted, the action would have been the same, because it was a leading question in every State in the Union. There were many, many States in which the question was an issue, and I believe the result would have been the same, even if it had been submitted to the legislatures the day after its passage through Congress.

Mr. RAMSEYER. Does the gentleman mean to say that Congress, in passing that resolution, mistook the sentiment of the country?

Mr. LOZIER. Some Congressmen did and some did not. The point I am making is that you accomplish nothing by a delay, because the American people are just as able and ready to pass upon a constitutional amendment after its submission as they would be in two or three years from that time, because it has been the subject of disputation and consideration for many, many years.

Mr. GOLDSBOROUGH. Will the gentleman yield?

Mr. LOZIER. I yield.

Mr. GOLDSBOROUGH. The gentleman's theory, as I take it, is that the legislature will reflect the will of the people, whether the legislature is elected before or after.

Mr. LOZIER. Why, certainly, they reflect the will of the people.

Mr. STEVENSON. Will the gentleman yield?

Mr. LOZIER. Yes.

Mr. STEVENSON. The gentleman no doubt remembers that on one occasion there were two constitutional amendments adopted and ratified by the Legislatures of Ohio and New Jersey which had already been elected, but as soon as new legislatures were elected they passed resolutions undertaking to withdraw the ratification.

Mr. LOZIER. Oh, yes; and that is true as to other constitutional amendments. Some of those who had been elected after the ratification of such amendments might be in favor of repealing former action.

Mr. STEVENSON. Then there is a reason for some little delay in order that you might have the true expression of the people?

Mr. LOZIER. There is no reason, only a pretext. Those, it seems to me, who favor this proposition want to make it just as hard as possible and throw just as many obstacles as possible in the way of the adoption of the constitutional amendment. My theory is that the American people have the right to change their laws. The American people under our form of government have a right to be wrong if they want to be wrong.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. LOZIER. Yes.

Mr. GARRETT of Tennessee. The American people do have such a right, and I am making an effort to give them an opportunity to exercise that right. The gentleman surely does not mean to say that fewer than 4,000 ought to have the right to change the Constitution.

Mr. LOZIER. Four thousand members of State legislatures, drawn from the body of the public——

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. JEFFERS. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. LOZIER. Four thousand members of the legislatures, drawn from the body of the public, knowing the sentiment of the people whom they represent, are capable of casting their vote for the approval or disapproval of constitutional amendments of this character.

Now, just one moment before my time is consumed. The gentleman from Alabama [Mr. BANKHEAD] has proposed an amendment, or will propose an amendment, to make the elective term of Congressmen four years.

Mr. GARRETT of Tennessee. Will the gentleman yield further?

Mr. LOZIER. Yes.

Mr. GARRETT of Tennessee. In the gentleman's own State of Missouri, in order to amend the State constitution, do you not have to submit it to a popular vote?

Mr. LOZIER. Oh, yes.

Mr. GARRETT of Tennessee. Does the gentleman contend that his legislature is not capable of amending the constitution of his State?

Mr. LOZIER. Oh, no; no one contends that, and that argument is not apropos. Amendments to State constitutions must be submitted to the people of the State because the organic law prescribes the method and the formula by which the State constitution may be amended.

Now, with reference to the Bankhead amendment: I am opposed to it. In the first place, it is poor strategy for the friends of this resolution to vote for this amendment. I do not believe it should be tacked onto this resolution; and if it is adopted, I believe it will defeat the submission of this resolution and, if submitted, prevent its ratification.

The Bankhead amendment injects a highly controversial matter into this resolution. I am opposed to the Bankhead amendment in toto. I favor a two-year term for Representatives for reasons that I will state before the debate on this resolution is concluded.

The American people want this Norris-White resolution submitted. They know what it is. They are ready to vote upon

it. But the other proposition embodied in the Bankhead amendment has not been the subject of nation-wide discussion and, as a matter of fact, the American people have not made up their minds on that question. Why should we endanger the submission and ratification of the Norris-White amendment by incorporating a lot of half-baked provisions, some of which might be meritorious when considered separately, but I certainly will oppose tacking the Bankhead amendment onto this resolution.

A few more words and then I am through. I am opposed to the provision in section 2 which limits the life of Congress on even-numbered years to four months. If this provision remains in the resolution, you will have under the new system just what you are trying to get away from in the old.

This provision in section 2 automatically and arbitrarily limits the life of every other congressional session to four months, and no matter how much legislation may be pending Congress must adjourn in even-numbered years on May 4, or four months after it convenes. If the public business demands a longer session, why compel Congress to adjourn before important public business can be completed? By limiting this session to four months you are making it easy to defeat legislation by filibustering. You are making it harder for Congress to function.

While I voted to favorably report out this resolution, I voted in the committee against this amendment limiting every other session of Congress to four months, and I notified my associates on the committee that I would oppose that part of section 2 when it came before the House for consideration, and if I can have an opportunity I am going to offer an amendment at the proper time to strike out this provision which limits the life of Congress on even-numbered years to four months.

My friends, there is no reason for such a provision. If the business of the Nation is of such a character as to demand and require that Congress stay in session five, six, seven, or eight months instead of four, why should we limit any session to four months? What right have we to put all future Congresses in a strait-jacket and say in our Federal Constitution that they must not remain in session more than four months in even-numbered years?

In reason, now, what right have we to say that the Seventy-first Congress or the Seventy-second Congress or the Seventy-third Congress, or any or all succeeding Congresses, must adjourn on May 4 without regard to the condition of the public business? I do not care if the even-numbered years are political years. I do not care if they are campaign years. If the business of the Nation is of such a character as to require and justify Congress remaining in session longer, then certainly each Congress should be permitted to determine that matter for itself. [Applause.]

Mr. LEAVITT. Will the gentleman yield?

Mr. LOZIER. Yes.

Mr. LEAVITT. Even if that provision were in the Constitution, would it not be possible under other provisions of the Constitution for the President to call the Congress in extra session the next day?

Mr. LOZIER. Oh, yes; and that is why the adoption of this resolution is demanded by the American people. The idea of the American people electing Representatives to Congress and then providing no Congress in which they may serve! The present system is absurd, because men elected to Congress do not take their seats until 13 months after their election—until their terms are practically half expired. The American people have the right to register their will on economic problems at the ballot box. They have the right to have their will translated into laws without waiting 13 months for Congress to convene.

True, the President may, if he so desires, call a special session of Congress, but this means that everything depends on the whim or caprice of a President. And some Presidents would, no doubt, be happy if there would be no more sessions of Congress to interfere with their bureaucratic administration of public affairs.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. LOZIER. I yield to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. I would like to ask the gentleman this question. The Senate filibustered, so the papers say, last spring because they knew that Congress, by constitutional limitation, would expire on the 4th of March. Now, if the Constitution, in accordance with the proposed amendment, is to fix——

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. JEFFERS. Mr. Chairman, I yield the gentleman one additional minute.

Mr. COOPER of Wisconsin. If the Constitution is to be amended as proposed by this resolution and the day fixed in the instrument when Congress shall adjourn, would it not simply invite the same style of filibuster?

Mr. LOZIER. Yes; the gentleman from Wisconsin has clearly sensed the situation that would inevitably result if this four-month limitation is not stricken out. And, moreover, gentlemen, this four-month limitation puts every succeeding Congress in a strait-jacket.

Mr. STEVENSON. Will the gentleman yield?

Mr. LOZIER. Certainly.

Mr. STEVENSON. The gentleman overlooks the fact that Congress can itself fix any date it wants to meet upon, and therefore Congress can say it shall meet every year on the 4th of March and the Congress elected on the 1st of November will go into office the 4th of March, or nearly as soon as you are providing under this resolution.

Mr. LOZIER. I have not overlooked the fact to which the gentleman from South Carolina refers. I know that under the present system Congress can enact a statute providing for a session of Congress immediately after March 4 on odd-numbered years. But that will not correct the manifest injustice of allowing Members of Congress who have been defeated for reelection continue in office and legislate three months after they and their policies have been repudiated by their constituents. The power to which the gentleman refers does not do away with the so-called lame-duck Congresses. And, moreover, many of the other defects in our present system which will be cured by the adoption of the Norris-White resolution can only be reached and corrected by a constitutional amendment.

Under unanimous consent granted to revise and extend my remarks, I desire to call your attention to some concrete problems that confront us and which relate to the election of a President and Vice President:

I. A PARTY NOMINEE MAY DIE BEFORE THE NOVEMBER ELECTIONS

A constitutional amendment is not necessary to cover this case:

First. Theoretically the electors would be free to choose. An elector, as a legal proposition, is not compelled to vote for the presidential nominee.

Second. Congress by general statute—passed now—could postpone the day of election or the day of the meeting of the electors in order to give the political party whose candidate had died an opportunity to make another nomination.

Third. This is a problem which the political parties themselves should be prepared to meet.

II. A PARTY NOMINEE MAY DIE AFTER THE NOVEMBER ELECTIONS AND BEFORE THE ELECTORS VOTE

For the reasons specified above, a constitutional amendment is not necessary.

It might be noted at this point that undoubtedly votes cast by electors for a person who has died would be invalid and would not be counted. The problem confronting the political party, therefore, would be the designation of a person for whom electors could vote. For if one name is not presented the electors chosen from that political party would probably so scatter their votes that the election would be thrown into the House. Practical difficulties, of course, would be encountered, if, for example, only a short time remained before the meeting of the electors.

As stated above, however, the political parties themselves should be prepared to meet this problem.

III. THE PERSON WHO HAS RECEIVED A MAJORITY OF THE ELECTORAL VOTES MAY DIE AFTER THE ELECTORS VOTE AND BEFORE THE VOTES ARE COUNTED

In case the candidate successful in the Electoral College should die after the votes are cast and before the votes are counted by Congress, the principal problem is whether the votes cast for him could be counted; that is, whether the terms "the person" and "no person," as used in the twelfth amendment, would be interpreted to mean only a living person.

If the votes for the candidate who has died can not be counted, the election would be thrown into the House, for no person would have a majority. If a majority of the States in the House were of the same political party as the deceased candidate, that party would undoubtedly attempt to prevent the election of a President. If they were successful, and if the House did not choose a President before the day set for the beginning of his term, then under the provisions of the twelfth amendment the Vice President would become President. However, if a majority of the States were not of the same political party as the deceased candidate, a President might be chosen by the House. The problem involved in the determination of the persons for whom the House could vote is discussed in IV, below.

It may seem inconceivable to some that the votes for the deceased candidate can be counted. A definite interpretation, of course, can not be given, but an analysis of the functions of Congress indicates that no discretion is given and that Congress must declare the actual vote. I will discuss this matter later on in more detail, but in order to present the problem, however, let us assume, for the purposes of this discussion, that the votes of the deceased candidate will be counted. In this case he would be declared elected President. The problem then is, Would the Vice President became President; that is, does the sixth paragraph of section 1 of Article II cover the death, and so forth, of a President elect?

Constitutional writers say, and the wording of the paragraph supports the conclusion, that it is applicable only to those actually in office. On the other hand, if the Supreme Court were confronted with the practical application of the paragraph, it is very probable that it would decide that the Vice President elect would become President.

In order to remove all possible doubt and to render unnecessary a judicial decision the Constitution should expressly declare that, in the event that the person who has received the majority of the electoral votes dies, the Vice President elect should become President.

IV. IF THE ELECTION OF THE PRESIDENT IS THROWN INTO THE HOUSE, ONE OF THE THREE HIGHEST MAY DIE BEFORE THE VOTES ARE COUNTED

This situation may arise either because no person has received a majority of the electoral votes or, as pointed out in III, above, because it is decided that the votes for a deceased candidate can not be counted.

The principal problem presented is: For whom may the House vote; that is, would they be limited to the remaining two of the three highest or would the fourth person on the list be substituted for the deceased person?

In no event could the House vote for a person of the same political party as the deceased candidate. It would then be necessary, politically, for that party, through political strategy to prevent an election by the House, and risk securing favorable results in the Senate—assuming that the election of the Vice President is thrown into the Senate, as would undoubtedly happen. If only the two highest are to be voted upon, it would be much more difficult for the members of that party to divide their votes and thus prevent an election than it would be if the fourth highest could also be voted upon.

Should this contingency be covered by constitutional amendment? I think so, and prudence justifies this action. While the probability of this situation ever occurring may be remote, wisdom suggests that every possible complication and uncertainty be obviated. During our entire history the election of the President has been thrown into the House but twice, and never has one of the successful candidates died before the 4th of March. But theoretically the above situation is possible and may arise at any time. There is no sound reason why provision should not be made to meet this contingency.

V. DEATH OF THE PRESIDENT ELECT BEFORE THE DAY FIXED FOR THE BEGINNING OF HIS TERM

This situation might happen in case of the death of the person who received the majority of the electoral votes after the votes are counted and he has been declared elected; or, in case the election has been thrown into the House, after choosing by the House and before the day fixed for the beginning of his term.

The same problem presented in III above is presented, Would the Vice President elect become President? (It should be noted that in this case, however, the election can not be thrown into the House.)

It would seem that there should be an express declaration that the Vice President elect should become President.

VI. DEATH OF THE VICE PRESIDENT ELECT

There is no immediate emergency presented if a candidate for Vice President, or if the person chosen Vice President, dies before the time fixed for the beginning of his term—assuming that the President elect is living upon the day fixed for the beginning of his term.

If the election is thrown into the Senate, a similar political difficulty arises as in the case of the election of the President by the House. For whom can the Senate vote? If the third highest on the list is not substituted for the deceased candidate, it would mean that the Senate would have no choice, but would be forced to vote solely for the one living candidate.

VII. DEATH OF BOTH PRESIDENT ELECT AND VICE PRESIDENT ELECT

This situation should be expressly covered by constitutional amendment.

There is no specific provision in the Constitution applicable to this case. Even assuming that the "necessary and proper" clause (the last paragraph of section 8 of Article I) would be interpreted as giving Congress power to act, a final decision would necessarily require several months or more. A specific provision in the Constitution will prevent this period of uncertainty.

The principal problems of policy are—

First. Should Congress declare what officer is to act as President for the entire term; or

Second. Should Congress declare what officer is to act until a special election can be held?

Third. If a special election is held, should it be only to elect a President to hold office during the remainder of the unexpired term, or for a complete term of four years?

CONCLUSION

Two situations should be covered by constitutional amendment:

First. There should be an express declaration that, in the event of the death of the President elect, the Vice President elect should become President.

Second. There should be an express declaration that, in the event of the death of the President elect and the Vice President elect, Congress should have power to meet the situation, with an express declaration of the policy adopted—either that the designated officer is to hold office for the entire term, or that he should serve until a special election is held and a President elected for the remainder of the term.

I have thought it worth while to discuss in detail the law with reference to the election of a President and Vice President. I have, I believe, shown that the present system is archaic, indefinite, and obviously very incomplete. Serious complications may at any time result from our failure to correct these defects. The Norris-White resolution, if submitted and ratified by the States, will remedy practically all the defects in our presidential election machinery. I shall vote to strike out the provision in section 2 that limits the sessions of Congress in even-numbered years to four months. I have advocated the submission of this Norris-White amendment ever since I came to Congress. I hope it may be submitted to the States for ratification without further delay. [Applause.]

Mr. JEFFERS. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. LEA].

Mr. LEA. Mr. Chairman and gentlemen, every consideration of public welfare suggests that no constitutional amendment should be proposed without the most serious consideration by Congress. On the other hand, if provisions of the Constitution are inimical to the best interest of the people, the duty to amending the Constitution is greater, more positive, and certain than is the duty to amend an ordinary law of this country.

VACANCIES

I am in favor of the first section of this proposed amendment. I am opposed to two provisions in its subsequent sections. It is for the purpose of calling attention of the House to these two features that I have requested an opportunity to address you. I call your attention to the provisions for filling vacancies in the offices of President and Vice President. The Constitution at present provides for the filling of such vacancies that occur after those officers have been installed. The object of sections 3 and 4 of the proposed amendments is to take care of vacancies that originate before these officers are installed. As I view the proposed amendment, it is to a degree improvident because it fails to furnish a method of filling vacancies in all those cases where it is now recognized such vacancies may occur.

For 100 years every person, every student of the Constitution of our country has recognized there is a gap in the Constitution of the United States in reference to filling vacancies. We are in danger at any time of facing a vacancy in the Presidency without a constitutional method of filling it.

The Constitution provides for filling vacancies due to the "death, resignation, or inability to discharge the powers of duty of said office," and so forth, by the incumbent.

These proposed amendments in attempting to provide for vacancies that originate before the President and Vice President elect are installed fail to provide for a case of inability of the President to fill the office—for the vacancy caused by insanity of the elected man or to provide for the case of a man who refuses to accept the duties of the office. Such a refusal might occur in cases where there might be an exposure of corruption in the election. The guilty candidates would necessarily be impeached and thrown out, if installed. They would therefore refuse to qualify. We should provide for every vacancy that may occur.

What does the proposed amendment do? It provides for two conditions under which the Constitution will automatically provide for filling the vacancies. The first is when the President

is not "chosen" before the beginning of the term. The second is when he dies before the beginning of his term. Vacancies due to the physical inability or insanity of the President elect or his refusal to act are totally ignored.

In four other cases in the proposed amendment it is provided that Congress shall have the power to provide for filling vacancies in the case of the Vice President. This amendment, let me say without disrespect, approaches those questions from the back door. It attempts to define several particular causes of vacancies and then authorizes Congress to fill the specified vacancies that may so occur. The important thing is not what occasions the vacancy. The important thing is to fill the vacancy that occurs, regardless of how it occurs.

I am going to offer an amendment proposing a substitute for sections 3 and 4, one simple section that will provide for all vacancies covered by those two sections and for all other possible vacancies that may occur. At this time I am going to ask the Clerk to read this amendment for the information of the House.

The Clerk read as follows:

Amendment to be offered by Mr. LEA: Strike out section 3 and insert:

"SEC. 3. If a President is not chosen before the beginning of a presidential term, or the President elect dies, or fails to qualify or enter on the execution of his office, then the Vice President elect shall act as President until the disability be removed or a President shall be elected. Congress may provide for filling a vacancy in the office of Vice President due to a nonelection or to a contingency not otherwise provided for in the Constitution."

Mr. LEA. If that amendment carries, I will follow it by a motion to strike out section 4, which would thereby be made unnecessary. This amendment would simplify and clarify this resolution. It would cover all vacancies that may hereafter occur. It would complete the gap in the Constitution as to vacancies.

AUTOMATIC END OF SESSION

The other feature of these amendments to which I direct my remarks is one which has already been mentioned here, the proposed provision that automatically terminates the second session of Congress. This proposal will have this effect: A Member of Congress is elected for 24 months. Under the provision proposed here, at the end of 16 months we automatically retire the Congressmen. We place them in a congressional reserve force. We leave the President the power to call us back to duty, but unless the President sees fit to call us back, or we provide for a second session by law, we are functionless.

Now, if I understand the history of America, if I understand the value of the Constitution to the United States, the first duty of this Congress is to preserve its own independence. There never was a time in the history of this Republic when it was more important to preserve the independence of Congress than it will be in the few decades that are in front of us. [Applause.] This amendment proposes a debasement of the Congress of the United States. I am thoroughly convinced that the great offense of the Congress of the United States is its own subserviency, its lack of courage, its lack of independence, its dodging of responsibility, its failure to stand up and perform the functions that were assigned it by the Constitution of our country. [Applause.]

Contemplate for one moment the powers of the executive department that are being accumulated in this Government. I have no reference to immediate conditions, but I am looking at it from the standpoint of the years. The executive departments are expending $4,000,000,000 a year. They have 540,000 civilian Federal employees, and in addition the Army and Navy. All the Federal judges of the country are appointed by the President, all the prosecuting attorneys, all the Federal peace officers, the members of the Interstate Commerce Commission, the Federal Trade Commission, the Tariff Commission, the Shipping Board, the Federal Reserve, the heads of all departments, the Director of the Budget, and the heads of all the activities of the Government. All this power is accumulated and concentrated in the President. He has a prestige and a power never before known in any government in the history of civilization. The possibility of the abuse of that power is everywhere.

One of the greatest duties, as I see it, that devolves upon Congress is to be here to perform its functions. I have been here 11 years, and I make bold to express the thought that the primary demand, speaking cynically, of the executive departments of the Government is for money and power. When we give money and power, after that the Congress becomes a nuisance. But it may be that at that very point commences the real duty and the real value of Congress. I am not in favor of Congress itself perpetuating its own debasement and its own humiliation and helping to write it into the Constitution of our country. On the contrary, I would rather see Congress turn, as it ought to turn, from the way it has already gone too far, and write a record of independence and courage and self-reliance. Is Congress so lacking in men of quality, courage, and intelligence that we ourselves must help to write into the Constitution of our country our own distrust of our own fitness to answer the poor question, "When shall we quit and go home?" [Applause.] Is Congress devoid of men of courage and independence?

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. WHITE of Kansas. Mr. Chairman, I would like to speak for one minute by unanimous consent.

The CHAIRMAN. The Chair understands the time is fixed by the rule. The gentleman can yield time to himself.

Mr. WHITE of Kansas. Then I yield myself half a minute. I overlooked for a moment the fact that the time was to be divided equally between the chairman of the committee and the ranking member. But we expect to yield time equally to those opposing and to those favoring the resolution, and if the gentleman from Alabama [Mr. JEFFERS] will concede me this time, I would like to yield 10 minutes to the gentleman from Connecticut [Mr. MERRITT] or more if it is desired.

The CHAIRMAN. The gentleman from Connecticut is recognized for 10 minutes.

Mr. MERRITT. Mr. Chairman, during the past 10 years the attention of the country, so far as the Constitution is concerned, has been so much taken up with the eighteenth amendment, commonly known as the prohibition amendment, and the nineteenth, known as the woman suffrage amendment, that little attention has been paid to the far-reaching effect of the seventeenth amendment, which provided for the election of Senators by popular vote. This amendment, with the very general adoption throughout the country of the direct primaries for nominations, marked, in my opinion, the most far-reaching departure from the basic ideas on which the Constitution was founded which has occurred in the history of the Nation.

I am not bold enough, and it is not necessary before this House, which contains so many eminent constitutional lawyers and students, to discuss in detail the story of the Constitution. But all will agree that what the founders intended to produce was a representative Republic and not a strict democracy. The arguments which were used to change the method of election of Senators and change the method of nominations were that the changes would give the people more direct voice in the election of their representatives, and also that it would do away with the influence of individuals and corporations of great wealth in the choice of Senators and Representatives.

I think it will be conceded that whether or not these changes have made the action of the people more direct, the result has not been any substantial improvement, but perhaps rather the reverse, in the average character of the Members of the other body. Certainly the seventeenth amendment has not removed either the influence of individuals and corporations of great wealth, but rather has made it impossible for men without great wealth of their own or who are not backed by great wealth to conduct a primary campaign in any of the large States.

Most, if not all, the scandals which have occupied the attention of the country in connection with the election of Senators in the past few years have been connected with direct primaries.

I mention these facts for the purpose of illustrating the danger of changes which alter or tend to alter the frame of our Government, which was founded by men of great wisdom and who were profound students of the history of government throughout the world. Assuming, as I think we safely can assume, that human nature has not fundamentally changed, we can not safely ignore the teachings of history.

A reading of the Constitution and the debates of the Constitutional Convention will show that the founders were anxious to provide proper checks and balances not only to preserve the rights of individuals against the action of government and the rights of sovereign States, but also the rights of minorities against oppression by majorities.

They also intended to guard against hasty legislation and to provide for due consideration of measures before they should be passed. The result of their labors was to produce a constitution which has been the admiration of the world, and under which this country has grown from a union of weak and straggling colonies along the Atlantic seaboard into a nation of continental extent and with more than a hundred millions of people. It has provided a stable local government by sovereign States and an efficient Central Government by an indestructible union of those States.

What I am contending for is that with this history of 150 years, and knowing the dangers and the troubles which have come from several of the amendments which have already been made in the Constitution, the least that can be said to-day is

that those who propose changes in the Constitution should, in the first place, be able to show actual evils and actual harm which have come to the Nation by reason of existing provisions and prove also that their suggested change would not only cure evils they allege but not produce other evils in their place which may be even greater.

So far as I have seen, the arguments on which this proposed amendment is based are, first, that a new Congress should meet almost immediately after its election to carry out any supposed mandates of the people; and second, that evils may occur in the present short session from so-called lame ducks. As to the first argument; if there is any mandate from the people which should be promptly carried out, history has shown that in case of a great emergency like the World War party lines are obliterated and any Congress will, as a matter of course, carry out the policy of the ruling administration and the mandates of the people. But supposing that, even in time of peace there should be a very distinct overturn in the membership of Congress, and supposing that the then existing Congress, under present arrangements, should not be willing to vote in accordance with the results of the election, the greatest necessary delay under existing conditions would only be 60 days, because the President could call an extra session as was done several times during the war, to meet on the very day after the Congress in office had ended. And it is inconceivable that a delay of 60 days, except in case of war, when it could not possibly occur, would be of any importance to a great nation. It should be pointed out here that, as a matter of history, overturns in Congress have usually occurred in the midst of a presidential term, there having been many instances where the majority of Congress and the President did not agree. This was anticipated by those who founded the Constitution and was intended as a matter of conservatism so that the policies of the country should not be rudely and frequently overturned, as they appreciated might be the case if we followed the continental system of making the Executive dependent on the legislature.

As to the second objection, about the danger from the presence in Congress of lame ducks, I am not aware of any serious or lasting injury which has ever happened to the Nation because of them.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. MERRITT. Yes.

Mr. CELLER. Is the gentleman aware that three presidential elections in the House of Representatives were determined by lame ducks? I refer to the election contests between Burr and Jefferson, and John Quincy Adams and Jackson, and Tilden and Hayes. Does the gentleman think that was a fair proposition, to let lame ducks participate in that election in the House?

Mr. MERRITT. I said I was not aware of any lasting or serious injury that would happen, or that had happened.

Mr. CELLER. Was not that lasting and serious?

Mr. MERRITT. It was not. It appears to me that in ordinary times it is an advantage to the country that the newly elected Congress should not meet for several months after it has been elected. With modern methods of communication, favoring, as they do, all kinds of propaganda, it is easy to stir up popular movements which, on further consideration, may prove to have no just basis. It is much better, after the excitements of an election are over, to have time for careful consideration of matters which have been agitating the public mind. There is not the slightest fear that general public opinion which persists will not be duly embodied in the law.

There are a number of instances where hasty legislation has caused great confusion and, I believe, harm to the Nation. But, as I have said before, I am not aware of any case where delay in legislation has caused any lasting injury.

With the changes to which I have referred, which have been in the direction of strict democracy and direct action by the people, the necessity for reasonable delay and reasonable consideration of important measures has greatly increased.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. SNELL. Mr. Chairman, I ask the gentleman from Kansas to yield five minutes more to the gentleman from Connecticut.

Mr. WHITE of Kansas. I yield five minutes to the gentleman.

The CHAIRMAN. The gentleman from Connecticut is recognized for five minutes more.

Mr. MERRITT. Where a man has been through an intense campaign, first in the primary for the nomination and then for an election in a congressional district and, still more, throughout a whole State, his attention and energies have naturally been centered on winning votes for himself. Under these circumstances there is a great temptation to advocate measures and to make promises which will attract the greatest number of votes, and these measures under such conditions will be framed not primarily because of their wisdom or not because they appeal to the judgment of the candidate himself but on the other hand they will be such as lend themselves to some popular slogan and which appeal to the mass.

After an election of this sort not only do the people themselves need some time to consider the questions more calmly but a successful candidate will after a few months be better qualified to form a cool and unprejudiced judgment if he has to consider the matters which he so glibly supported during the heat of an election when the catching of votes was the great consideration.

It is certain that history has not shown that referendum votes are governed by the calmness or reason which should govern a Representative in the considerattion of his vote which directly affects the law. And therefore, as I have said, after the excitement of a great popular contest and election the country and Members of Congress would be better for a considerable delay before beginning their actual work of lawmaking.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. MERRITT. Yes.

Mr. GIFFORD. As a matter of opinion, does not the gentleman agree that the other things contemplated in the proposed amendment ought to be remedied and remedied now?

Mr. MERRITT. I will speak of that later. Let me repeat my last sentence.

So far as I have been able to observe, there has not been in the country at large any strong opinion or decided movement for the change in the Constitution which is now under consideration. It seems to have been based on purely theoretical grounds which has no basis in history or in fact; that is to say, no evils have been shown, and the country has suffered no harm from the present practice, and therefore there is no cause for any change. The movement has been pushed by a persistent and active minority who base their argument on suggested evils that may occur, and it has been acquiesced in to some extent by those who think that it probably will do no harm.

Mr. LOZIER. Will the gentleman yield?

Mr. MERRITT. I yield.

Mr. LOZIER. Do I understand the gentleman's position to be that the American people, after they have considered and voted upon a proposition, have no right to have their will written into law under our system of government, and that a Congress which has been rejected shall serve as a wet nurse for the American people for a period of 13 months? Is that the position of the gentleman?

Mr. MERRITT. The old Congress goes out in three months.

Mr. LOZIER. But under the present system the American people have no absolute right to have a session of Congress reflect their will for 13 months after the election?

Mr. MERRITT. They have under the Constitution, if the President thinks best.

Mr. MOORE of Virginia. May I interrupt the gentleman for a moment?

Mr. MERRITT. Yes.

Mr. MOORE of Virginia. If Congress wishes to do it, Congress can provide for a new Congress to come in on the 4th of March?

Mr. MERRITT. They can.

Mr. MOORE of Virginia. Which will only mean a difference in time, as provided in the proposed amendment, between a date in January and the 4th of March.

Mr. MERRITT. Yes; less than 60 days.

Mr. LOZIER. And will it not save the damage that a Congress can do that has been rejected by the American people?

The CHAIRMAN. The time of the gentleman from Connecticut has again expired.

Mr. WHITE of Kansas. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. LEAVITT. Will the gentleman yield?

Mr. MERRITT. Yes.

Mr. LEAVITT. Is it not provided in the present Constitution that in case of a national necessity the President may call Congress in session on the 4th of March?

Mr. MERRITT. It is.

Mr. MONTAGUE. Would it interrupt the gentleman if I suggested that since the Sixty-fifth Congress the average turnover has been 12 per cent of the Members of the House?

Mr. MERRITT. That is true.

Mr. MONTAGUE. And of that turnover fully 70 per cent has been by voluntary retirement?

Mr. MERRITT. That is true.

But no change in the Constitution should be undertaken on any such grounds; that is, on the theory and on the ground that no harm may result, because history has shown that changes have produced evils which have not been anticipated and that therefore any additional changes should be based only upon the proof of positive present evils and upon sound reasons for hoping for future benefit. In this case, in my opinion, the reasons both from history and from theory are against the adoption of sections 1 and 2 of the joint resolution.

There may be some reason for the adoption of sections 3 and 4, although the country has thus far suffered no harm from the absence of these sections, but conceivably there might be confusion under certain conditions set forth. But they form no necessary or inferential reasons why sections 1 and 2 should be adopted.

I hope therefore, Mr. Chairman, that the joint resolution, and especially sections 1, 2, and 5 thereof, may be not adopted. [Applause.]

Mr. JEFFERS. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. BOWLING]. [Applause.]

Mr. BOWLING. Mr. Chairman and gentlemen of the committee, I do not think there will be any very great danger to the Republic if this amendment is never adopted. At the same time, as it is drawn, it achieves an excellent purpose that has already been pointed out to you, but which I desire to emphasize and that is that it destroys that 13 months of time which now exists between the election of a Member of Congress and the assumption of his duties. That is entirely too long a time to elapse, and I think it is wise that this Congress has begun to consider the question of eliminating that from our system. That works in several ways detrimentally, it seems to me. One is personal, of course, to the Member of the House of Representatives. I happen to know right now two individual instances of Members of this present House who were elected in November, 1926, but did not begin to discharge their duties as Representatives until December, 1927, and before they were ever sworn in as Members of the House of Representatives they were confronted with active and announced opposition to their reelection, the argument against their reelection being that they had done nothing. That reminds me of something that the late Champ Clark said to me one day. I asked him in the course of a conversation what it was that his opponent had as a campaign issue against him in 1920, the year of his defeat, and he said:

> Well, the same thing that you will have brought against you and that every other man will have brought against him if he stays in Congress long enough, and that is that he had never done anything while he had been a Member of Congress.

Of course, as I say, that is just merely a personal thing, but usually Members of Congress and Presidents are elected on political issues, and the attention of the country is directed to some great question of public policy and the country has determined by its vote in the election that it desires certain things to be done by the Congress. Those things should be done as soon as is reasonably possible after the mandate of the people has been ascertained. So far this reason that 13 months' hiatus should be destroyed; and really, I think, so far as this amendment goes, that is the most important thing in it, and all of the rest of it might be left out without disturbing anything. We have been getting along here for 139 years with conditions as they are, but all of the while objections being raised to this 13 months' elapsing between election and the assumption of office.

I really believe that the inherent power of the Congress under the Constitution would permit it to legislate to meet several of the contingencies that are sought to be met by section 3 of the proposed amendment. I certainly think that the amendment proposed to be offered by our colleague from California [Mr. LEA] meets that situation in decidedly better form and language than that proposed in the printed copy of the resolution. So much for that.

Really, gentlemen, I think one of the most valuable things that has come to us is the opportunity to offer some other amendments to this resolution that might never have been considered for lack of opportunity. One of them is the provision that has been suggested by the gentleman from Tennessee [Mr. GARRETT], the seven-year period of limitation, which, I think, should certainly be incorporated in principle, if not actually in years. You are familiar, of course, with the fact that we have flying in the air, so to speak, a number of amendments that were submitted to the States 100 years ago which might, so far as any law is concerned, be taken up now and ratified by the States of the Union. I understand, of course, that the Supreme Court of the United States has held that the time contemplated for ratification must be a reasonable time, and that a long period of years, 50, 75, or 100 years, from the time of the submission of an amendment without ratification would render it null.

Mr. CELLER. Will the gentleman yield?

Mr. BOWLING. I yield to the gentleman.

Mr. CELLER. There seems to be a good deal of common sense in that decision of the Supreme Court in the case of Dillon *v.* Gloss (256 U. S. 368), because the gentleman will quite agree that the action of the States in ratification could not be cumulative over 50 years or 100 years, because there must be contemporaneous action implied between the presentation of the amendment by the Congress and the ratification by the States.

Mr. BOWLING. Yes.

Mr. CELLER. So that there must be some unity of time involved within the contemplation of the framers of the Constitution.

Mr. BOWLING. That is the theory on which the Supreme Court acted, I apprehend, in rendering their opinion.

The other proposition suggested by the gentleman from Tennessee [Mr. GARRETT] is that before this amendment shall have been voted upon by a State that at least one of the houses of the legislature of that State shall have been elected. I think this is a very wholesome provision, notwithstanding the argument advanced by the gentleman from Missouri [Mr. LOZIER].

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. BOWLING. In just a moment. When I finish this statement I will be pleased to yield.

The only way to reach that is through the amendment submitted. The States can not reach that situation by their own legislative enactment. They can not provide for a referendum on a constitutional amendment. They can not provide that their own legislative body must be elected after the submission of the amendment. This has been held by the Supreme Court, the theory being that when a State legislature acts upon a constitutional amendment submitted to it the State is then an agency of the Federal Government, and for that reason no legislative enactment of that legislature itself is binding upon them.

It so happened that with respect to the ratification of the woman suffrage amendment down in Tennessee the legislature met there and ratified that amendment in defiance of an act of the Legislature of Tennessee which demanded——

Mr. GARRETT of Tennessee. In defiance of a provision of the State constitution.

Mr. BOWLING. I thank the gentleman. I was thinking it was an act of the legislature.

The State of Tennessee had provided in its constitution that at least one of the houses of the legislature should be elected after the amendment was submitted, and in the face of that the legislature met and passed its resolution of ratification of this particular amendment, and the Supreme Court would have said, in view of another decision it had rendered, that it could do that because the legislature was acting merely as a Federal agency.

So, gentlemen, this is the only way you can reach this situation, and I think it is very wholesome that it should be reached in order to give the State an opportunity, if it so desires, to have every such amendment made a part of the issues upon which the legislature is elected.

I now yield to the gentleman from New York.

Mr. O'CONNOR of New York. The gentleman has referred to the gentleman from Missouri [Mr. LOZIER] as being in opposition to the position of the gentleman from Tennessee that at least one house of the legislature be elected.

Mr. BOWLING. Yes.

Mr. O'CONNOR of New York. Now, in Missouri, the same State from which the gentleman comes, there was a state-wide referendum on prohibition, an amendment of the State constitution, that was defeated.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. JEFFERS. Mr. Chairman, I yield the gentleman three additional minutes.

Mr. O'CONNOR of New York. There was a state-wide referendum on prohibition, an amendment of the State constitution, that was defeated by 75,000 votes, and at the same election the legislature was elected. That legislature met in January and ratified the eighteenth amendment.

Mr. BOWLING. I can see how that might have happened by reason of the distribution of the representation in the State legislature; but, gentlemen, it does not change the proposition, that seems to me is a sound one, that the State that proposes to bind itself and all the other States by the ratification of a constitutional amendment should have the attention of the electorate of the State called directly to that issue, among the other issues that are involved in the campaign, and give the people a

chance for expression, whether they exercise that chance of expression or not.

Mr. DENISON. Will the gentleman yield?

Mr. BOWLING. Yes.

Mr. DENISON. Before the gentleman leaves the floor I would like to have the benefit of his judgment on the question of the election of Members of the House for four years.

Mr. BOWLING. Well, sir, you know that is what I got up here to talk about. [Laughter.] I think I can talk about that freely, considering the situation particularly of myself. I will soon go out of Congress and will not have the opportunity to associate with the finest body of men I have ever had the honor of associating with in all my life. [Applause.]

Mr. McMILLAN. Will the gentleman yield?

Mr. BOWLING. Yes.

Mr. McMILLAN. I think a great deal of the gentleman's opinion, legal and judicial, and as I study this proposition I would like to hear the gentleman give his opinion on the question of the date as it is incorporated in this proposal which will be a part of the organic law.

Mr. BOWLING. Let me first talk about this four-year proposition. Gentleman, I have thought about this a good deal. To me it is a highly important thing; and you talk about courage, this House ought to have the courage to submit that to the people of the United States. They will ratify it, in my opinion, and will be glad to do it. [Applause.] The reason that originally obtained for fixing the term of a Member of Congress at two years no longer exists.

Back in 1787, when this Constitution went into effect, the means of communication were nothing as compared with now, and the idea, as you find it expressed in Madison's papers and contemporary publications, was that they thought it was a good idea to get the opinion of the country quickly upon a given proposition, or, in other words, to get the reaction of the folks back home on some proposed question of legislation or some great policy of the President. But now, with the airplane, and the radio, and the telegraph, and the telephone, and the newspapers, and the magazines, and the good roads, and the automobiles, you can find out what the people of this country are thinking about in 24 hours. So why is it necessary to have a Congress elected every two years in order to find out what the people are thinking about.

Gentlemen, the question of the submission of this amendment could not affect you in your present situation with respect to your election next year. You could not look at it from a selfish standpoint. You should not do so, if I may say it, on that particular basis.

But above and beyond all, a Member of the Congress of the United States should have a period of four years for several real reasons. One of them is it will lift off your shoulders this weight of uncertainty under which every one of you labors every day you are in Congress. [Applause.] It does not apply only to you who come here for the first time, but it applies to the oldest in service who always has his ear to the ground, and perhaps that is the reason why he has been here so long.

Here is the Alabama delegation, my beloved colleagues; not a single one has any opposition to his renomination. The time for filing has closed, and when they came in here March 2 and found they had gotten by without opposition, their faces alight as if a halo surrounded them, because they knew they were safe for two years more. Representatives ought not to be elected for only two years and have the sword of Damocles hanging over them all that time. Give them four years and they will be free for the greater period of time and allowed to act as conscience dictates without having to do so much demagoging back home. They can approach questions from the standpoint of statesmen and consider them in a brighter and finer view without respect to the effect their votes will have on their personal political fortunes. You can reach this, and it is a fine thing and can be done. I thank you. [Applause.]

Mr. LOZIER. Mr. Chairman, I ask unanimous consent to revise and extend the remarks I made a short time ago.

The CHAIRMAN. Without objection, the gentleman will have that privilege.

There was no objection.

Mr. JEFFERS. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Chairman and gentlemen, in my judgment this is a far-reaching matter that the House has under consideration. I am for it in every sense of the word. I revere the Constitution of the United States, the organic law of our land, as much as any other man in this country, but I do not think it is so sacred that it should not be amended occasionally.

When the Constitution was adopted I believe it was right and all the provisions as to election and terms of office of this Republic. But times have changed; we have advanced. Seventeen hundred and eighty-nine is a long time ago. To-day with the great growth of this Republic, with the advent of increased methods of communication, with business methods, commerce, and all these modern inventions, they have made practically a new country. Our Constitution must be kept up with the times.

Why should we wait until the 4th of March for a President to take his office after he has been elected in November? Why should we wait for Members of Congress to take their office 13 months after they have been elected? The people of the United States change administrations for a reason and a purpose. When the same old crowd is in office following the November election, although they may have been repudiated at the polls in November, between the 1st of December and the 4th of March they may pass legislation contrary to the will of the people expressed at the polls in the previous November.

Certainly the people of the United States are entitled to have their officers put into office within a reasonable time after they are elected. As one Member of this House I believe that the large majority in the United States wishes this to be done. I believe it is for the best interests of our country. I believe it is the only instrumentality that we can use to prevent the lame ducks from thwarting the will of the people.

Now, as to our right to have the time extended four years for a Representative, I think that is for the best interests of the country. One-third of the Senators are elected every two years, and why should not a Member of the House be elected for four years? At the time the Constitution was adopted that was a wise provision for a two-year term, because of the fact that legislatures of their respective States selected the Senators, but now the Senators come directly from the people the same as the Representatives in the House. For that reason it is no longer necessary for the reelection of a Member of the House every two years.

Then, too, the President of the United States holds for a period of four years. He is elected to serve for his term, and under this resolution to amend the Constitution, if his administration is all right, at the end of two years he can have a crowd in Congress to stand up for him. If his administration is all wrong, the people of the United States can put a crowd in Congress that will keep him from thwarting the will of the people. In my judgment a Member of the House can do better and more effective work if he is elected for a four-year term.

You take the situation that prevails back in the States. Many of the States of this Union have changed the tenure of all their county and State officers and fixed it at four years. In Mississippi they have arranged it so that our officers, State and county, are elected for four years. It had been at the beginning like that of the Federal Government—two years for each officer. Now that four-year term is deemed to be more satisfactory and better for the State of Mississippi, and it will be better for the Federal Government if the lower House of Congress, the House of Representatives, is elected for a four-year term, and the people of the United States know it, when they elect them, that they are to serve for four years. That will help us, and relieve us of the necessity of looking all the time to see whether or not we can be returned to Congress in the next two years. As it is now, we are in doubt all the time. From one end of the country to the other the people of the United States look to their Representative in Congress to do everything that can be done. Of course, the impossible can not be done. A man is not worthy to be trusted and ought not to be sent here in the first place unless he is a man of integrity and character, and if he is such a man, four years is a short enough term. And if the Representative proves himself worthy, his constituents will see to it that he comes back here as long as he is capable of transacting properly the business of the people who elected him.

Why should Members be unwilling to vote to extend the term of office to four years? Courageous men always have the courage to do the right thing for the country. In my judgment, a four-year term will help us individually, as well as help the country; and a Member who casts his vote that way is casting a vote for the best interests of the Government, for the best interests of the people, and I believe for the best interests of himself. [Laughter and applause.]

Mr. WHITE of Kansas. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. STOBBS].

The CHAIRMAN. The gentleman from Massachusetts is recognized for 10 minutes.

Mr. STOBBS. Mr. Chairman and gentlemen of the committee, I have listened with a great deal of interest to the arguments which have been presented on the floor of this House against this proposed resolution, and they seem to boil down in

my mind to three. In the first place, the argument which has been discussed on the floor and among the seats here most frequently is this: Why use a constitutional amendment to change the time of the meeting of Congress when under the present Constitution there is nothing to prevent having, by an act of Congress, a provision by which Congress shall fix the date of meeting each year? Therefore, why put it in the form of a constitutional amendment?

It is perfectly true that under our Constitution there is nothing to prevent Congress from legislating to-day or to-morrow to have the new session of Congress come in on the 4th day of March, but not earlier. But, my friends, if you do that, that does not do away with the so-called lame-duck Congress, because there must be, if the new President comes in on the 4th day of March, 1929, a session of Congress between the date of election in November and the 4th day of March to take care of a situation when a President has not been elected by popular vote. Therefore, although you may say that the new session will come in on the 4th day of March, yet a session must intervene between the November election and the 4th day of March, and therefore you are in the situation where you have one session ending on the 4th day of March, 1929, and a new session commencing on the same day. It is a practical matter; and although it is legally possible, in practice it probably could not work out to the satisfaction of the Members of the House.

Then, the second argument is made here, What is the harm of a lame-duck session? They say there is only a small turnover, something like 10 or 15 or 17 per cent. What harm does it do if a lame-duck session is the body that elects the President in case there is no election by the Electoral College? There may be a small turnover, but that small turnover may be sufficient to change the result in the election of a President of the United States; because in the House the President is elected by States, and one or two more men from each State, if changed, might change the whole result.

But there is more than that to the proposition. If you are going to have a President elected by Congress, he ought to be elected by a Congress that is elected on the same issue with himself, and not one that has been elected on an issue two years before. I do not need to remind my friends on the other side of the House of what happened in 1824, when the election was thrown into the House. In the popular election Jackson had received half as many more votes as John Quincy Adams, and yet Adams was chosen in the election by the House. Jackson had received 153,000 votes and Adams 108,000 votes, and Crawford got something like 40,000 and odd votes in the popular vote.

What happened? Was Andrew Jackson elected President of the United States in that lame-duck Congress? Not at all. He had a plurality of the popular vote and in a Congress made up of Members elected in the same election with him he might have been elected. But what happened? He had 99 votes in the Electoral College, John Quincy Adams had 84, Crawford had something like forty-odd, and Henry Clay had 37, so Clay was out of consideration. What happened? Notwithstanding the fact that Jackson had 99 votes in the Electoral College and John Quincy Adams 84—there were 24 States voting at that time, and each State cast 1 vote—John Quincy Adams was elected President of the United States by 13 votes in that lame-duck session and Jackson only received 7 and Crawford 4. Do you mean to say there would not be any change in the situation with such a small turnover in your lame-duck Congress? Yet there was an illustration right there, when Jackson had 99 votes in the Electoral College and only received 7, while John Quincy Adams, who had a less number of votes in the Electoral College, was elected President of the United States. Of course, John Quincy Adams was from Massachusetts and we from Massachusetts are very proud of the fact that he was elected President of the United States, but I use that as an illustration to combat the argument that is being made on the floor.

Mr. LEAVITT. Mr. Chairman, will the gentleman yield?

Mr. STOBBS. Yes.

Mr. LEAVITT. How many lame-duck Congressmen were in that Congress?

Mr. STOBBS. It is not a question of how many lame-duck Members there were in the Congress. The question is the fact that the Congress which elected John Quincy Adams as President of the United States was not the Congress which had been elected upon the issues upon which Jackson had received a plurality of the popular vote. The Congress which actually elected Adams had been elected two years before, and my point is that the men who ought to vote for the President of the United States, if the election is thrown into the House, should be men who are elected on the same issues with the candidate for the Presidency. The President, if the election is thrown into the House, should not be elected by men who were elected two years before.

Mr. MERRITT. Mr. Chairman, will the gentleman yield?

Mr. STOBBS. Yes.

Mr. MERRITT. What would happen if they had been elected by the next Congress?

Mr. STOBBS. The chances are that the man would have been elected President who had received the greatest number of popular votes. In that instance Jackson had one-half again as many votes as John Quincy Adams. As I say, Jackson had 99 votes in the Electoral College while John Quincy Adams had 84. Of course, you can not tell by figures, but the chances are nine out of ten that the man having the greatest number of votes in the Electoral College would have received the votes of the men in that Congress. Let me answer the gentleman in this way: If Calvin Coolidge had not received a majority of the votes in the Electoral College in 1924 and the election had been thrown into the House, what would have happened? In the Sixty-eighth Congress there were 222 Republicans in the House and 208 Democrats. Of course, I was not here at the time, but I understand there were some men classed as Republicans who did not always vote the straight Republican ticket on all matters, and if the election of Calvin Coolidge had been thrown into the House at that time the chances are he would not have received the votes of those men and would not have been elected President. However, if that question had been left to the Congress which was elected at the same time he was elected, when the House had a much larger Republican majority, having something like 248 Republican Members, the chances are that there would have been no difficulty at all about his election in the House. That answers the gentleman's question I believe.

Mr. TEMPLE. Let me suggest to the gentleman that Mr. Coolidge would not have received the votes of the 248 Members, because each State has but 1 vote.

Mr. STOBBS. That is true, but the fact remains that with just a small turnover Calvin Coolidge might not have received a sufficient number of votes to be elected as President if his election had been thrown into the House.

Mr. TEMPLE. Will the gentleman permit another question?

Mr. STOBBS. Yes.

Mr. TEMPLE. In case an election fails to result in the choice of a President through the Electoral College, it has been a very close election and the Congress elected at the same time would have been elected in the same close election and there would be a great many contested seats. The contested seats might have the balance of power, so instead of having a President elected by a lame-duck Congress we would have him elected by a Congress of unhatched eggs. [Laughter and applause.]

Mr. STOBBS. The answer to that is that under this resolution they would keep voting for President and they would take care of those contested-election cases as rapidly as possible, so as to put them in a position to vote. But at least the principle stands and remains the same, that the Congressmen who vote for the election of a President, if the election is thrown into the House, should be Members of the Congress elected on the same issue with him. The Jackson case stands out preeminently on that one point.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WHITE of Kansas. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. STOBBS. Now, one other point in reference to whether or not we ought to come back at once instead of waiting 13 months. The argument made on the floor is that there is no great difficulty connected with that because you can come back at any time in special session. However, we are interested in creating a condition for taking care of the ordinary situation without being obliged to resort to special sessions. Let me call your attention to this fact to show whether or not under present conditions Congress is immediately responsive to the will of the people. The McKinley tariff bill, if I am right in my history, was passed in 1890. It became an issue before the people in 1892 in the election between Harrison and Cleveland, and that election was won by the Democrats on the so-called iniquities of the McKinley tariff bill. The opponents of Mr. Harrison said it was an iniquitous bill, but that is neither here nor there; but the fact remains that the Democrats won that election on the issue that that was a bad tariff bill. Now, that was in November, 1892, and the people rose up in arms and repudiated that tariff bill. In my own section of New England for the first time in years a majority of the men who came to Congress were Democrats. That was true of Michigan and any number of rock-ribbed Republican States. There was a majority of Democrats greater than had been the case for a great many years. Now, what happened? It was not until February 1, 1894, or

15 months after the people had repudiated that McKinley tariff bill, that the Wilson tariff bill was passed in this House. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. WHITE of Kansas. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON. Mr. Chairman, before speaking to the resolution I want to say a word of personal appreciation of the splendid service that has been rendered by the gentleman from Kansas [Mr. WHITE] during his nine years of service here. This applies not only to his work as the chairman of the committee which for several years has been deliberating upon this constitutional amendment, but for the good work generally which he has rendered his district, State, and country while he has been our colleague. [Applause.]

Mr. Chairman, I am for this resolution. I believe in the general principles embodied in it, but I am not in accord with some of the statements that have been made here and elsewhere in reference to so-called "lame ducks" and "lame-duck" sessions of Congress. I shall have more to say about this later.

This resolution seeks to amend our fundamental law in several particulars. They can be summarized briefly as follows:

First. It provides that the President, Vice President, and Members of Congress shall take office in the month of January following their election. It thereby does away with the "short" or "hold-over" session of the old Congress.

Second. It further provides that this newly organized Congress will constitute the election machinery for the electing of a President and Vice President in the event of the failure of any one candidate to receive a majority vote in the Electoral College. Under the present provisions of the Constitution, this duty devolves upon the old Congress.

Third. Further provisions are made with the idea of meeting certain possible contingencies that may arise in reference to the election of President and Vice President and the clearing up of certain ambiguous provisions in the Constitution relating thereto.

In passing upon any change in our fundamental law we must always bear in mind the very substantial difference between our form of government and that of a great many other countries where the representative system prevails. Furthermore, one should always approach the question of a change in our Constitution carefully and with the utmost deliberation. This should especially be the case where the proposed change involves a departure from a fundamental constitutional principle. In this particular instance the substance of the proposed amendment has been debated pro and con in the press over a period of several years. And it does not involve any change in a fundamental constitutional principle. In fact, it is a proposal to change the mechanics or procedure.

Mr. Chairman, I am a firm believer in popular government. I believe that the best form of popular government is through a representative republic such as we have. I want to see that form of government preserved. In a representative form of government the only direct opportunity that the people have to express their will as to questions of governmental policy is through the election of representatives following a campaign in which important public questions are debated pro and con. After such a campaign it is my idea of popular government that the wishes of the majority, subject to constitutional limitations, should then be reflected in legislation and administration just as soon as it is reasonably or practically possible.

Generally speaking, that is not the case in our country today. Here is the situation: We will elect a President, Vice President, and Members of Congress in November of 1928. The President and Vice President would not take their office until March 4, 1929. Unless the new President thereupon called Congress in extra session, the new Congress would not convene until the first Monday in December following, which would be 13 months after its election by the people. In the meantime the old Congress would convene and remain in session until March 4. During that time, generally speaking, they would pass the appropriation bills and legislate generally. Unless something unusual should arise, the new President, the appropriation bills having been passed by the old Congress, would not convene Congress until the Constitution required him to do so. I think it would be much better if the new Congress and the new President should assume their duties earlier. This applies especially to the new Congress. I think that if Lincoln and the new Congress had assumed their duties, say, in January instead of some weeks later, the Civil War might have been averted. If not averted, the task of President Lincoln and the Congress in preserving the Union would have been substantially easier.

I realize that Congress can now provide by law for the convening of the new Congress at any time after noon of March 4. However, that means a session well on into the summer. Anyone who has spent a summer here, as some of us have, know full well that that should be avoided wherever it is possible.

There are those here who feel that it would be better to have the new Congress wait 13 months before commencing to legislate. They want a "cooling-off time." I do not think that we need any "cooling-off time" in this country. In the long run I believe we will get better results by having the people's Representatives meet fairly soon after their election, so as to then carry out the governmental policies prevailing at the election. Possibly sometime there will be legislation enacted that will be unwise. However, generally speaking, responsibility of enacting legislation makes for conservatism. But even if a mistake is made, the people will then realize more and more their own responsibility in electing Representatives. They will exercise greater care the next time. The way it is to-day, a candidate can promise almost anything that appears attractive, knowing that 13 months will almost certainly elapse before he will be in a position where he will be expected to carry out that promise. By that time he knows that there is a fair chance of the promise being forgotten. I firmly believe that the calling of Congress earlier will be the means of instilling a greater sense of responsibility in our citizenship in the selection of their Representatives. To my mind this is the principal argument that can be made in favor of this feature of the resolution.

Mr. Chairman, I now want to return to the claim that has been made about the evils that have come upon the country in a legislative way by the hold-over or short-term Congress, which some have described as the lame-duck Congress. I want this body and the legislation which it enacts to be truly representative and responsive to the will of the people.

But in order to get this resolution adopted there is no occasion whatever to misrepresent the work in times past of the short-term or hold-over Congress. I am serving my fifth term in this House. During this period I do not recall a single instance of the passage of legislation by a short-term or hold-over Congress which was not in the best interests of the country, and I challenge any one of these gentlemen to cite an instance during that period of time where the country has been harmed by legislation passed at the instance of a short-term or hold-over Congress.

Mr. Chairman, on the contrary I can recall that some of the best legislation that has passed Congress during this period has passed during the hold-over session. It was initiated in the long session and completed in the short session. We have all observed evidence of increased independence in the hold-over session. Furthermore, many of the Members who retire do so voluntarily. They are in no sense "lame ducks," yet one would think from the press and magazine accounts from time to time that a short session of Congress was dominated by men who had been defeated at the polls, and who, having been defeated, were striving to get even by enacting legislation that could not otherwise be passed. Again let me say that I do not recall a single instance in my term of service here where that situation has prevailed. So let us have an end to this "lame-duck" argument and pass this resolution on its merits.

Mr. CARSS. Will the gentleman yield?

Mr. NEWTON. Yes.

Mr. CARSS. And has it not been the gentleman's experience that many of these men who were defeated acted more independently and voted their own convictions to a greater extent than ever before?

Mr. NEWTON. There can be no question about it. Take appropriations, for example. There is little time to consider them in a short session. In considering them the wisdom and experience of the older men has been invaluable.

Mr. Chairman, I yield to no man in my respect and devotion to the fathers who framed our Constitution. It has been intimated if not said here that they planned on having a long time intervene between the election and the convening of the new Congress. That I deny. On the contrary, I think it can be said without fear of successful contradiction that they intended that the President and the Members of Congress should take office within a reasonable time following the election. In fact, I think it has been said upon the floor either to-day or on some previous occasion that this was the thought. The Constitution says nothing about when the President's term shall commence or when the terms of Members of Congress shall commence following their election. It does say that the term of the President shall be four years. It does say that the term of a Member of the House of Representatives shall be two years, and that Congress shall convene on the first Monday in Decem-

ber unless Congress shall by law provide otherwise. In setting the time in December they undoubtedly had in mind something of the difficulties that would ensue in having the Constitution adopted by the several States, the length of time involved, and also the length of time involved after adoption in getting the new Government under way.

When the Constitution was adopted and ratified we were being governed under the Articles of Confederation. The Congress of the Confederation was in session in New York City at or about the time when the last State necessary to ratification ratified. This Congress thereupon passed a resolution providing that the selection of presidential electors by the several States should occur on the first Wednesday in January, 1789, and that the electors should cast their votes for President on the first Wednesday in February, and that the President thus elected should be inaugurated on the first Wednesday in March. In other words it was a congressional act by the expiring Congress under the Articles of Confederation. I suppose some would say it was a lame-duck Congress and a lame-duck government that provided the machinery for this present great Government of ours. This first Wednesday of March happened to be the 4th day of March.

Mr. Chairman, there were no railways, telegraphs, radios, telephones, and so forth, at that time. History tells us that General Washington did not receive official notice of his election in time to arrive at the seat of government on March 4. In fact, it was impossible to inaugurate him until April 30. Members of Congress had great difficulty in getting there before that time. Congress then provided by law that the President's term should commence on March 4. This was likewise true as to the terms of Members of Congress. Therefore the first term of the President of the United States and the first term of the Members of the House were fixed by law at less than the constitutional requirement of four years and two years, respectively. No one questioned it at the time, and, of course, it is of no special consequence to-day. I mention it to show there was no thought of a long cooling-off time.

Mr. COLTON. Will the gentleman yield?

Mr. NEWTON. Yes.

Mr. COLTON. Does the gentleman believe that two months is enough time for the incoming President to get his Cabinet appointed and get acquainted with the Budget system and make the necessary recommendations to the Congress?

Mr. NEWTON. Oh, yes; I think so. I think that is ample time within which to make the selection of the Cabinet, and so far as the Budget is concerned, in a great and vast government such as ours there must be a continuance in office of the subordinate Budget officers, who will necessarily commence work upon the Budget even long before the election. This preliminary work must be done.

Mr. TEMPLE. Will the gentleman yield?

Mr. NEWTON. Yes.

Mr. TEMPLE. Would not the Budget be prepared and sent to Congress at its opening on the 4th of January?

Mr. NEWTON. I presume it would.

Mr. TEMPLE. And in that case the Budget would be prepared by a "lame-duck" President.

Mr. NEWTON. It would. The gentleman is correct, unless Congress determined otherwise; and, as a matter of fact, if Congress did determine otherwise and had the Budget postponed until after the new President had gone into office—and I can see where they might well do that—the new President would in large measure have to depend upon these subordinate officers in the preparation of his Budget.

Mr. MADDEN and Mr. DENISON rose.

Mr. MADDEN. Not only that, but it would take five months to do it and otherwise you would be sitting around waiting for him to get that work done.

Mr. NEWTON. That is true.

Mr. DENISON. The gentleman is aware that the Budget is not a matter of political controversy and ought not to be.

Mr. NEWTON. No. There are certain major propositions in the Budget that might become a question of controversy, but, generally speaking, the items in the Budget, as the gentleman from Illinois suggests, are not a matter of political controversy.

Mr. MONTAGUE. Will the gentleman yield?

Mr. NEWTON. I will.

Mr. MONTAGUE. The gentleman knows that some Presidents have been elected who were not trained in the Federal service. There are several notable instances. Instances where they have been elected without any experience in the Federal service. Take that case, does the gentleman think that from November until the 4th of March is an adequate time for the President to make proper preparation for the discharge of his duties? Does the gentleman think it is too much time?

Mr. DENISON. I do not think it is too much time, but at the same time I do not think a difference of five weeks is going to make any great amount of difference in a practical way.

Mr. MONTAGUE. In bringing it back from March until January?

Mr. NEWTON. I think, generally speaking, that a majority of the Cabinet officers are selected before January 1.

Mr. MONTAGUE. For the President to select his Cabinet officers, prepare his message, formulate his policies, familiarize himself with the operations of the Government, especially the Budget system—how can he do it in less time than from November to the 4th of March?

Mr. NEWTON. If he is the kind of man that ought to be nominated for President by either one of the great political parties, he ought to have some well defined governmental ideas at the time of his nomination, and if he has not he will certainly formulate them in the course of the campaign. I do not think the question of less time would be a material one.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. NEWTON. I yield to the gentleman.

Mr. MOORE of Virginia. The gentleman has an admirable argument against this resolution, it seems to me. So far as Congress is concerned he has eliminated the lame-duck theory, but does he think there is such a material difference between two months from November to January and from November to the 4th of March, when it is now possible to bring the new Congress in, as to justify a constitutional amendment?

Mr. NEWTON. Yes; I do. The old Congress by the Constitution must convene on the first Monday of December unless Congress by law otherwise provides. We have authority to-day to provide for the new Congress to convene on March 4 at noon. It seems to me there is no occasion whatever for the old Congress to be in existence with the new Congress having been elected. When that is permitted you do violence to the principle of keeping a representative government truly representative. Neither do you cultivate and develop on the part of the people a feeling of responsibility in the work of their chosen Representatives.

Mr. MOORE of Virginia. Does the gentleman favor the termination of the final session of the preceding Congress at a certain date?

Mr. NEWTON. The gentleman refers to the May 4 date?

Mr. MOORE of Virginia. Yes. I want to know in what way you are going to provide for the old Congress terminating prior to a date in January?

Mr. NEWTON. I do not know that I understand the gentleman.

Mr. MOORE of Virginia. The Norris resolution does not say anything about that.

Mr. NEWTON. I am not familiar with the terms of the Norris resolution. I am talking about the White resolution. I do not favor the May 4 limitation. I do not believe such a detail should be written in our Constitution. It should be amended so as to read, say, May 4 unless Congress shall by law provide otherwise.

Mr. MOORE of Virginia. If we are going to amend the Constitution, does not the gentleman think that it might be well to consider the expediency of vesting discretion in Congress that will enable it to deal with the whole subject instead of rigidly tying Congress to this, that, and the other date?

Mr. NEWTON. I presume that this suggestion by the gentleman would apply more to certain other features of the resolution that is pending before us.

Mr. Chairman, before I conclude I want to briefly discuss the second and third propositions. Again with the idea of carrying out the will of the people as expressed in the election as promptly and as certainly as possible, I think that the incoming Congress, rather than the hold-over Congress, should elect the President and Vice President whenever none of the candidates received a majority vote in the electoral college. I do not think that the country has suffered as a result of the election by Congress of President and Vice President on the two different occasions when Congress has been called upon to act. Certainly its action in electing Jefferson over Burr was a wise one. The country did not suffer when Congress elected John Quincy Adams. So far as I can recall, these are the only two instances in which Congress has been called upon to elect a President and Vice President. But I do feel that the machinery for carrying into effect the will of the majority should be kept at all times representative, with the idea of preserving to its fullest extent the theory of representative government.

As to the third proposition: In the drafting of the Constitution certain contingencies in reference to the President and Vice President were not foreseen and provided for. There were certain ambiguities in other provisions. The committee has

sought to provide for these contingencies and to clear up some of the ambiguities. In my judgment, these contingencies should be provided for and the ambiguities should be eliminated. That constitutes an added reason why, in my judgment, this resolution when perfected as I have suggested, should be passed.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. JEFFERS. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. SUMNERS].

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. SUMNERS of Texas. Mr. Chairman and gentlemen of the committee, it is not my purpose this afternoon to undertake a discussion of all the sections of this resolution. I want to direct the attention of the House particularly to what is proposed in section 2 in order that you may fully consider between this and the time when we come to the further consideration of the resolution.

The Constitution now provides that Congress shall assemble at least once in every year, and that meeting shall be on the first Monday of December, unless by law they shall appoint a different date. The effect of that provision is to give Congress by its own enactment a determination as to when it shall convene and when it shall adjourn. That is a constitutional right now. The first article of the first section of the Constitution puts the legislative power and responsibility in the Congress. When this committee first prepared its resolution it did not undertake to limit the power of Congress over that subject, but as this resolution is now presented to the House it takes away the unlimited power of Congress to exercise control over its own meetings and the length of time in which it is to sit for the discharge of its responsibliity. The second session is to terminate by constitutional limitation on May 4. I submit to the gentlemen who are responsible for that proposed change, in view of the fact that they are suggesting in this proposed constitutional amendment a limit upon the discretion of Congress, putting it more in a strait-jacket—I submit, under those circumstances, that the duty rests upon those gentlemen to explain why that ought to be done.

I hope when we convene for the further consideration of this resolution that gentlemen will present the reasons which have been responsible for that proposed curtailment of the power of Congress over its sessions, in order that we may fairly consider the matter.

Mr. SNELL. Mr. Chairman, will the gentleman yield there for a question?

Mr. SUMNERS of Texas. Yes.

Mr. SNELL. Does the gentleman believe that there is anything in this proposed amendment that Congress has not the power to do now?

Mr. SUMNERS of Texas. Yes; there are some things.

Mr. SNELL. I mean with reference to the time of meeting and the length of sessions?

Mr. SUMNERS of Texas. Congress has unlimited power now to fix the time when it shall convene, and to fix as many sessions as it wants, and to fix the time it shall adjourn. But when you submit this constitutional amendment and the States ratify it, Congress must adjourn on the 4th of May, and if its work is unfinished Congress then will be dependent on the Executive will and discretion as to whether it shall meet again and discharge its constitutional responsibilities. I never will vote for it. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. JEFFERS. I yield to the gentleman one minute more.

Mr. SUMNERS of Texas. I never will vote, gentlemen of this House, to give to the executive or any other branch of the Government any such power of control over the legislative branch of the Government. [Applause.] Gentlemen proposing that sort of thing ought to give us their reasons.

Mr. LUCE. Mr. Chairman, will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. LUCE. Does not the Constitution itself by restricting the life of the Congress impose a restriction upon Congress?

Mr. SUMNERS of Texas. Oh, yes; one Congress can not go on forever through all eternity; it must quit at the expiration of the commission that the people have given it.

Mr. LUCE. I understood the gentleman to say there is no restriction in the Constitution.

Mr. SUMNERS of Texas. I thought the gentleman would do me the credit to understand that I meant within constitutional limitations upon the life of a Congress. [Applause.]

Mr. JEFFERS. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. BLANTON. Mr. Chairman and gentlemen, one can not in five minutes give his reasons for opposing legislation of this character. He can only state that he is against it and is going to vote against it.

But I do want to say a word on the floor against the amendment that is proposed by our friend from Alabama [Mr. BANKHEAD] to extend the term of office of Representatives to four years. The greatest safeguard for proper service that the people of the United States have is the fact that we have to go back to them every two years and render an account of our stewardship. That is their greatest safeguard for good service. No one will deny that this of the two bodies is the more representative of the people. Why? It is because we are closer to the people. It is because we have to go back to them every two years and get another commission from them. And I want to say to the people of the United States that if they know what they are about they will not permit their legislatures to approve of an amendment to the Constitution that will extend the office of a Representative of the lower House beyond two years. [Applause.]

Mr. TILSON. Will the gentleman yield?

Mr. BLANTON. Yes; certainly, to the majority leader.

Mr. TILSON. Does not the gentleman expect to render just as good service to the people after he obtains from his people a six-year commission in the Senate? Does he think that will make him any less worthy or less likely to render efficient service?

Mr. BLANTON. I doubt it. A man becomes a little careless with a long term in office, sometimes a little careless. Now, I could mention, if I wanted to be unkind to some of my colleagues who are absent—I could name three of them who have been here three times since they were sworn in at this session. They come from districts where all they have to do is to please the bosses and please the machine. They are not responsive to the voters, because the machine furnishes the votes, and they are a little careless about their service here, and they are a little careless about attending to the people's business here. Oh, you colleagues of mine know just as well as I do that we are close to the people and representative of the people simply because we have to go back to them every two years. I would hate to see the day come when that provision of our law is changed. I am here to tell the people of the United States—and I am serving my eleventh year here—that if they want the best service from their Representatives make them come back every two years and render an accounting. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. JEFFERS. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman and gentlemen of the committee, in the Federalist, 53, you find this very significant remark:

> Where annual elections end then tyranny begins.

In Story on the Constitution, section 588, fifth edition, from which this significant passage has been quoted, you find a very interesting discussion as to why the fathers determined upon biennial sessions and a tenure of office for Members of the Lower House of two years. They very wisely, after a considerable amount of deliberation, fixed a two-year term because they felt that as the term of the President was four years and the term of the Senate six years, there should be closer proximity to the people as far as the House was concerned. There should be a turnover every two years, so as to insure greater responsibility on the part of Members of the Lower House to the people that elected them.

In the letter signed "Publius" by Hamilton February 8, 1788, No. 52, Federalist, he said:

> That biennial elections will be as useful to the affairs of the public as * * * they will be safe to the liberty of the people.

Hamilton also pointed out that the distance that many Representatives would be obliged to travel must be considered a serious reason for insistence upon a two-year term. There was much public clamor against the two-year term. The desire was for one-year terms. Travel since Hamilton's day has changed considerably. Space has become shortened by improved methods of transportation, and soon the airplane will bring California Members to Washington within one day.

Thus if distance was then an argument for longer tenure of office, the shortening of distance to-day is an argument against increasing the tenure beyond two years. The gentleman from Mississippi [Mr. QUIN] has just spoken in favor of the proposed amendment of the gentleman from Alabama [Mr. BANKHEAD]. I quite agree with Mr. QUIN's very last remark. He said:

A Member who casts his vote that way is casting a vote for the best interests of the Government, for the best interests of the people, and I believe for the best interests of himself.

Most assuredly such an amendment would be for the best interests only of ourselves.

Blackstone in his Commentaries said (v. 1, p. 189) that—

A legislative assembly which is sure to be separated again would be bound to feel its own interests as well as its duties bound up with those of the community at large.

Story on the Constitution (sec. 588, 5th ed.) says that—

Frequent elections are unquestionably the soundest, if not the sole, policy by which dependence upon the people, sympathy with the people, and responsibility to the people that elected them can be effectually secured from the people's representatives.

Then Story, citing Hamilton, further says (sec. 587):

It may, therefore, be safely laid down as a fundamental axiom of republican governments that there must be a dependence on and responsibility to the people on the part of the representative which shall constantly exert an influence upon his acts and opinions and produce a sympathy between him and his constituents.

A Representative further removed from his people than two years will to that extent become less dependent upon them and less subject to their influence.

The sympathy and responsibility, I submit, will be woefully lacking if you extend the term of office of a Member of this House from two to four years. I for one shall vote against any such amendment, because the two-year term brings me close to my constituents. I am willing to consult them frequently; I am willing to follow their advice constantly, and if I am further removed from them than by two years that situation will not prevail.

It is, indeed, unfortunate that discussion has turned upon the proposal of the four-year tenure. Although such an amendment might be germane, it nevertheless in all honesty has no place in the constitutional amendments before us called lame-duck amendment. In fact, the proposed Bankhead amendment, if pressed, will lame the lame-duck amendment.

Now, gentlemen, we hear much about a lame duck. What is a lame duck? I have thought that a lame duck is that kind of a wild bird which is brought down by the hunter. Usually that wild bird, thus brought down, is lame, and its very lameness tames it. So we have political lame ducks who have been brought down by the buckshots or votes of their constituents. They, too, become lame, and their very lameness tames them.

They are very tractable, very docile, and usually, under a promise of a job, will vote any way demanded of them. Despite their defeat in the even-numbered year, in November they continue to serve until the March 4 of the odd-numbered year—the short session. In a speech I made on the subject, March 3, 1927, I said:

Although not wanted by their constituents, a hackneyed and worn-out provision of our Constitution forces those same constituents to be represented by men that they have unseated. Usually little service is rendered by these "lame ducks," or rather "sore ducks"; more often it is disservice. Surely, their head is not in their work. They are disgruntled and dissatisfied, and their tempers are usually bad. The remedy for this wretched system is the adoption by Congress and the States of the so-called Norris amendment to the Constitution, which reads:

"SECTION 1. The terms of the President and Vice President shall end at noon on the 24th day of January, and the terms of Senators and Representatives on the 4th day of January in the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

"SEC. 2. The Congress shall assemble at least once in every year, and such meeting shall be on the 4th day of January, unless they shall by law appoint another day."

Let us have no more of these defeated Congressmen serving in the months of December, January, February, and part of March after their defeat.

Furthermore, under the present system a man newly elected to Congress must cool his heels 13 months before he may serve.

The gentleman from Connecticut, my esteemed friend Mr. MERRITT, said there can be no serious and lasting difficulty resulting from the present condition of affairs; but I pointed out to him that on three momentous occasions Presidents were elected as the result of the votes of "lame ducks," when the elections of Jefferson and Burr, Adams and Jefferson, and Tilden and Hayes were thrown into the House. One of the speakers this afternoon went into more details with reference to those elections, and I shall not say more thereupon. If there were nothing else, however, my good friends, the mere fact that "lame ducks," defeated candidates, can come back into this Chamber and participate in the election of a President, that would carry great weight with me in deciding to cast my vote in favor of this Norris amendment.

Unfortunately, there is a provision in the amendment, submitted by the committee to the so-called Norris resolution, which to my mind is regrettable, and that is the provision which provides that in even-numbered years the sessions of the House shall terminate on May 4.

The Norris amendment as it came over from the Senate did not provide any limitation as to the termination of the sessions. Within the tenure of the two years Congress has a right to begin or end its sessions whenever it wishes to. The Norris amendment does not interfere with that right. Your committee, however, on the Election of the President and Vice President in bringing S. J. Res. 47, the Norris amendment, to this House provides that in the even-numbered year—now the year of the short session ending March 4—the session shall not continue after noon on the 4th of May. In other words, we shall still have a short session. It will extend to May 4 instead of March 4.

The very reason that actuated the Members in the other Chamber in bringing about this Norris amendment to the Constitution was to do away with the obnoxious filibuster. But what do you do by this May 4 amendment? I say to the members of the committee that you still continue the filibuster. You had presented to you the handle of a sword that would cut out the filibuster, but you have failed to grasp it. I have as yet to hear a proper explanation as to why you have put the May 4 provision in the resolution. There is no reason why you should fix the limitation as of May 4. Why can you not leave that out and disregard it entirely as the Senate did? They set no limitation, and, you know, if you leave it at May 4 and there are men who are "filibuster minded," as it were, when that day approaches they are going to train their guns so as to conduct a filibuster and talk against time. But if you have the right to change the date from time to time and the session draws near to the day agreed for closing and a filibuster is brewing, then you can agree to postpone for a week or two weeks or indefinitely the closing time, and thus frustrate the plans of those who would filibuster.

Under the committee amendment you are blocked. You can not agree to adjourn beyond May 4. That becomes the constitutional limitation of time for adjournment, just as now that limitation is March 4. Filibusters always occur just before March 4 of the even years. Under the proposal they will occur just prior to May 4. There is really no difference. If we are going to do a job, let us do the job right.

Mr. TILSON. Will the gentleman yield?

Mr. CELLER. I yield.

Mr. TILSON. Does the gentleman undertake to say that we are limited now as to the time of meeting and adjournment? Did not the gentleman hear the gentleman from Texas when he explained thoroughly how we now have absolute power under the Constitution to meet any day within the two years?

Mr. CELLER. Yes; but because the term of office comes to an end on March 4 of the even year, you can not go beyond that by constitutional limitation.

Mr. TILSON. Of course, we can not go beyond the period for which we are elected, but we can fix any date within that period of time under the Constitution now.

Mr. CELLER. Yes; adjourn any time up to March 4, but you can not now even turn back the hands of the clock after noon March 4, as was often tried.

Mr. TILSON. Certainly not after our term of office or our commission has expired.

Mr. CELLER. I say that should not occur; in other words, you can take away the May 4 limitation and you will do away with the obnoxious filibuster. There should be no short session either to March 4 or May 4. Both sessions should be indefinite, as the long session is now. That is not provided in this resolution and for that reason I hope an amendment will be offered to strike out that date.

Mr. LOWREY. Will the gentleman yield?

Mr. CELLER. I yield to the gentleman.

Mr. LOWREY. I think I agree with the gentleman about removing this limitation of May 4, but that has been mentioned several times and I believe it ought to be said that this does give at least two more months than we have now for the short term, and there is that much advantage over the present situation.

Mr. CELLER. Oh, yes; indeed. There is the advantage of that small period of time over the present condition, but I say when you have at hand the means of going further, why not take advantage of such means.

Mr. LOWREY. Why not set the time for opening further back and give us longer than three months for the short session? Congress has the right to do that.

Mr. CELLER. Congress is authorized to do that, except that the sessions can not begin prior to December 1.

In my aforesaid remarks, which appeared in the RECORD as of March 3, 1927, I included a careful research of parliamentary practice of 14 leading countries concerning the length of time that elapses between the election of legislators and the meeting of legislatures. In no country other than ours does 13 months elapse between election and convocation of parliament. The practice in Great Britain, Canada, Australia, and New Zealand has been to make the interval between elections and the summoning of parliaments as short as possible. In France the Chamber of Deputies meets 10 days after election. In Norway the election is in November and the meeting in January. In Sweden the election occurs in September and the lower house convenes in January.

In Germany the Reichstag assembles not later than 30 days after the election. This lapse of 30 days appears in almost all constitutions in the republics of Europe created out of the World War. In Italy the King is authorized to prorogue the sessions and to dissolve the Chamber of Deputies any time he sees fit. In the event of a dissolution, however, the King must order new elections and convoke a new meeting within the space of four months. In Austria the Nationalrat must be summoned by the President to meet within 30 days after election. In Hungary the new Diet must meet six weeks after it has been elected. In Brazil the Chamber of Deputies assembles May 3 (unless a sooner day is designated by law) following election, which occurs on the first Sunday in February. In Argentina the House of Deputies meets in regular session from May 1 to September 30. The election occurs on the first Sunday in March of even-numbered years. I am in hearty accord with the amendments to the pending bill which will be offered by the gentleman from Tennessee [Mr. GARRETT]. One provides for the limitation of seven years within which the States may ratify. Up to the time of the case of Dillon *v.* Gloss, decided in the Supreme Court May 16, 1921 (256 U. S. 368), there was uncertainty as to the time within which an amendment had to be ratified.

The power to amend the Constitution is found in Article V thereof. This article says nothing about the time within which ratification may be had—neither that it shall be unlimited nor that it shall be fixed by Congress. It would be absurd to say that the time might be considered accumulative; that is, one State could ratify within 1 year, another State 5 years, still another State 15 years, and then have the amendment lie dormant for a longer period and then have it picked up for ratification by a number of States until the three-fourths of the States had acted favorably. The Supreme Court in the aforesaid case said that it is not a fair construction to hold that an amendment, once proposed, is to be open to ratification for all time or that ratification in some of the States may be separated from that in others by many years and yet be effective. The court held that the proposal by Congress and ratification by the States must be treated as related acts and as succeeding steps in a single endeavor. They can not be separated widely in time. Both must be considered "presently." Furthermore, since ratification is the expression of the approval of the people in the States, that approval must be reasonably contemporaneous in the ratifying States in order to be effective. Ratification scattered through a long series of years would not be the reflection of the will of the people in all sections at relatively the same period. Therefore ratification must be had by the States within some reasonable time after the proposal. The court then held that the seven-year limitation for ratification tacked on to the eighteenth amendment was a reasonable exercise of congressional power.

It is interesting to note that prior to the eighteenth amendment 17 amendments were ratified—some within a single year after their proposal, and all within four years.

The other Garrett amendment to be offered provides that no State can ratify unless one branch of its legislature shall have been elected subsequent to the submission of the amendment. If adopted, this would mean that the constitutional amendment would become an issue in the campaign in the election of the membership of one branch of the State legislatures. Thus the people would have an opportunity to elect those for or against the amendment. The ratification or the rejection of the amendment would, to that extent, reflect the will of the voters.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WHITE of Kansas. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, I think that the committee should know that of the time allowed for general debate about one hour and three-quarters remain. The intention is, after a very few moments more, to continue the discussion on Thursday. My purpose in rising at this time is merely to call to the attention of the Members certain features of the resolution to which I have been giving special attention over a period of five years.

As a member of the committee I have listened to witness after witness in favor of the resolution and I am very glad to find to-day that the general proposition, at least, is presumably indorsed by nearly all the Members of this House. If such is not the case I am sure that those who are opposed to the resolution would have spoken, or at least have asked for time to speak against it.

The one thing which gives me particular concern is as to what amendments may be offered when the time for such action comes. From what I have been able to learn the one which seems to have created the most interest is to seek "to change the length of our term of office." This is a surprise to me. I hope that the parliamentarians of this body will give most earnest consideration to the question whether or not such an amendment would be germane. It seems to me that the proposal that every time a possible amendment to one part of the Constitution is offered the whole Constitution can be laid open for alteration is a most dangerous one.

If we can, under the cloak of this present resolution, vote to extend the term from two to four years we can as easily attempt to decree that the presidential term shall be not four but six years and place a ban on a second term, as many, perhaps, would like to do. If such a proposition is possible, several phases of the Constitution might be regarded as open to alteration under each proposed amendment.

But to revert to the present amendment. It is one which I believe should have been adopted half a century ago. We have had it repeatedly pointed out to us that if either Calvin Coolidge, John W. Davis, or Robert M. La Follette had died after action of the Electoral College, three and a half years ago, there would, under the Constitution, have been no candidates prescribed from among which a selection could have been made, as representative of his party. Such a contingency is possible; it might occur this next year, and the resulting situation would be a very serious one. Too often no effort is made to correct things of this nature until we are actually face to face with the situation. The present line of succession in office was not provided for by congressional legislation until the Vice President died after the election of Grover Cleveland.

Then there is the question as to the so-called "lame-duck" Members, and it has given rise to a difference of opinion as to the necessity of a change. Personally I had hoped this phrase would not be injected into this discussion, but that was too much to expect. The condition is an anomalous one, but I do not think that we should get into a discussion as to whether or not a man who has been beaten for reelection would do his duty after his defeat.

However, it should not be possible for a Congress made up in part of men who have been defeated at the polls to elect the President of the United States, as might be the case were a choice to be thrown into the House, and the only way to prevent such a possibility—if it is to be prevented—is by a constitutional amendment.

Congress could, of course, legislate to have the new Congress meet after March 4, but none of us believe that the session should continue during the summer months. Indeed, we should like to begin in December if that were possible. Three things provided for in this resolution are extremely important and should have been provided for long ago. To me it is remarkable that we have escaped being forced to do it so long and that Congress after Congress has done nothing about it, knowing the need.

If the President elect, Vice President elect—either or both—should die before their inauguration, the executive branch of the Government would be utterly unable to function and, in consequence, the legislative branch would be practically forced to suspend. Because that never has happened should not prevent us from taking the steps necessary to prevent its happening sometime. On the other hand, it seems to me that we should not take advantage of this desirable amendment to do something for our own particular benefit, namely, increase the term to four years. I feel that between now and Thursday we should think this suggested amendment over most seriously, and if it is to be offered, to consider whether it would not be better to follow the method used in proposing the first 10 amendments to the Constitution and divide these two propositions before presenting them to the legislatures of the several States for ratification or rejection. This could be and should be done. If such

an amendment is offered and ruled in order, others not at all contemplated in this article may be. The possibility of trying to use this resolution as a vehicle to carry other extraneous proposals seems to me a very serious matter. As I have stated, it has already been suggested that we could make the term of the President six years, a proposition which has become a matter of great interest to many people.

Mr. SNELL. Will the gentleman yield?

Mr. GIFFORD. I yield.

Mr. SNELL. The gentleman said that he was not for the lame-duck proposition?

Mr. GIFFORD. Not at all. I said that the words "lame duck" were an unfortunate designation for the amendment, and that I did not approve of their use.

Mr. SNELL. Is not it a fact that the lame-duck proposition has been the basis of propaganda put out in the country for the last few years that has forced this constitutional amendment on the floor of the House?

Mr. GIFFORD. I recognize that that is the original reason for the amendment. I would say that personally I was prejudiced against further amending the Constitution when I was first placed on the committee. I would now vote to repeal the sixteenth amendment, and it seems that the results achieved by the seventeenth and eighteenth are of uncertain value.

The nineteenth I approved. With these in mind I felt that it would be a long time before I would care to vote for an additional amendment. But on studying the present proposition I could not allow my prejudices against any former amendments to influence me, since this one has simply to do with the "election machinery" of the Constitution.

I trust that Mr. WHITE, the chairman of the committee, will, after all his years of effort, have the pleasure of seeing this amendment enacted by this present Congress. I would say to the chairman of the Committee on Rules [Mr. SNELL] that although the "lame-duck" part of the proposal did not appeal to me very strongly, study of the subject led me to devote much time to examining the Constitution, and I have found these other things the correction of which seems to me to be extremely important and which I regard as our strict duty. Does that answer the gentleman's question?

Mr. SNELL. I think it does. But what I referred to is what I think the newspapers have been talking most about, that one thing above all others; and I agree with the gentleman that these other matters are important but are very seldom mentioned. But the thing that forced it through the other body was the question of the lame-duck Congresses, and as to that I think there is more bunk in that statement than in anything else that has been said in connection with this constitutional amendment.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. GIFFORD. I yield to myself three minutes more.

I indorse the whole amendment. I do not think that any man should have to wait for 13 months after his election before taking his seat. If I were obliged to wait that length of time before entering upon the duties for which I had been elected I should want to absent myself from my constituents to keep from hearing the repeated question, "Why are not you on your job in Washington?"

As it now works out in actual practice, for four months there may be two Congressmen from a district, each with the franking privilege and each endeavoring to look out for the interests of that constituency. Still I regret that this "lame-duck" phrase should be brought forward, as I think that no one should suggest that any of us would be unwilling to do his full duty after some one else has been elected to take his place.

Congress has always ended by limitation on the 4th of March. In the short session we have heretofore had practically but two and a half months for work. Under this proposal the short session would be extended to four months—that is, from January 4 to May 4—and it is desirable that there be a fixed date for the adjournment of a Congress. However, it would be the same Congress and could, if necessary, be called together again the very next day. Now you have to call a new Congress.

It takes time to organize and is an altogether different proposition. Under the new arrangement if we had not completed our work on May 4, the same Congress could be convened immediately after adjournment and no time would be wasted. However, this time limit does not effect the whole proposition and may be altered if it is thought desirable.

Mr. TILSON. Would it not be a fact that the same Congress could be immediately reconvened without the expense of mileage or anything else if it became necessary to go beyond May 4? The same committees and the same Members could be called in without any additional expense whatever?

Mr. GIFFORD. Yes. I regret that the report seemed to indicate some political significance in this limitation. Of course, there is no limitation on the life of the first session, but I believe that there should be a time limit set on the second. We can never fully prevent filibustering, and I am as opposed as anyone else to the sort of filibuster which I have had to witness at the close of the last two sessions of Congress.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. JEFFERS. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. COCHRAN].

The CHAIRMAN. The gentleman from Missouri is recognized for five minutes.

Mr. COCHRAN of Missouri. Mr. Chairman and Members of the House, the original Norris resolution sought to correct two existing evils: First, to give the people of the country an opportunity to be heard on national issues, through their chosen representatives, within 2 months after date of election, and not 13 months; second, to discontinue the short session of Congress, thus preventing filibusters.

What do we find to-day? We are confronted with an amendment to the Norris resolution which, while it corrects one evil, the first, makes it possible to stage a well-organized filibuster in the Senate.

In my humble opinion one is equally as important as the other and I propose to support an amendment which will be offered to strike out the language limiting the second or final session of the Congress. If this amendment does not prevail in committee, I will support a motion to recommit the bill with instructions to the Committee on Elections to strike out this objectionable feature.

Look at the situation at the present time. Legislation of great importance can not be considered because it authorizes appropriations. And why does this situation exist? For no other reason but a filibuster in the Senate during the closing days of the Sixty-ninth Congress prevented the passage of the deficiency bill, the public building bill, and other important legislation. Had these measures passed the Senate in the Sixty-ninth Congress, and as we all know, they have passed during the present session, the money appropriated would have been taken out of the revenue at that time and not be charged against the revenue for the present fiscal year.

The enormous surplus in round figures, $600,000,000, applied to the public debt July 1, 1927, was due in part to the failure of important legislation in the Sixty-ninth Congress.

Several hundreds of millions of dollars used during the present fiscal year to carry out the purposes of legislation that should have been passed in the first six months of 1927 seems to prevent tax reduction, and the consideration of legislation equally important. It is to prevent a recurrence of such a situation that I propose to vote against limiting the final session of a Congress.

It is beyond me to conceive why the time limit was added to the resolution as it passed the Senate. There is some underlying motive. Our distinguished Vice President had but one issue to advance in the event of his selection as the Republican nominee for President, revision of the rules of the Senate so as to prevent a filibuster. The Norris resolution deprived him of his lone issue. Are his friends in the House insisting that his sole issue be restored? I concede it is rather unfair to deprive one of his only issue, but it seems to me we should think of the welfare of the country and not the individual in considering this resolution. I sincerely hope the House will strike out the language in the bill which sets a date for adjourment of the final session of a Congress.

I desire, if possible, to support the Norris resolution as it passed the Senate, with section 4 of the pending resolution added.

Mr. WHITE of Kansas. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON having resumed the chair as Speaker pro tempore, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration H. J. Res. 47, proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress, had come to no resolution thereon.

MINORITY VIEWS

Mr. GILBERT. Mr. Speaker, I ask unanimous consent to file minority views on H. R. 8567.

Mr. GARRETT of Tennessee. For how long a time?

Mr. GILBERT. For five days.

Mr. SNELL. Has the majority report been filed?

Mr. GILBERT. Yes; and the committee authorized me to file minority views, but I let the time expire.

The SPEAKER pro tempore. The gentleman from Kentucky asks unanimous consent to file minority views on the bill designated by him. Is there objection?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to file a minority report on H. R. 10078, a bill from the Committee on Immigration providing for the deportation of certain aliens.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. SNELL. Is that the bill that has just been reported?

Mr. DICKSTEIN. Yes. The majority report has been filed, and this minority report I propose to file right now.

Mr. SNELL. I think the chairman of the committee should be here if extra minority reports are to be filed.

Mr. DICKSTEIN. This is the minority report of the minority members of the committee. We are asking permission to file a minority report on H. R. 10078.

Mr. SNELL. When was the majority report filed?

Mr. DICKSTEIN. About two weeks ago. I had no opportunity to prepare the minority report until to-day. I am ready to file it to-day. I do not know of any unusual procedure which requires the chairman to be here.

Mr. SNELL. It is usually expected that the minority report will be filed with the majority report.

Mr. DICKSTEIN. But this minority report had to be prepared. It is a bill containing about 60 or 70 pages, with quite a number of sections. I hope the gentleman will not object.

Mr. SNELL. I feel it is only fair to the chairman of the committee that he be here when permission is asked to file a minority report. I think the gentleman should wait until the chairman of the committee is here.

Mr. DICKSTEIN. Will the gentleman withhold his objection for a moment?

Mr. SNELL. Yes.

Mr. DICKSTEIN. At the time the majority filed its report I advised them in the committee that I would file a minority report.

Mr. SNELL. The gentleman should have gotten permission at the time if he wanted to file it.

Mr. DICKSTEIN. I think it has been done over and over again in this House, and I do not think any objection should be raised against the filing of a minority report on this bill. It should not be expected that the minority should file its report at the time of the filing of the majority report, because it would be a physical impossibility to give the legislation that amount of study it requires. I do not think the gentleman ought to object. I would like to file it to-day.

The SPEAKER pro tempore. Is there objection?

Mr. LEHLBACH. Mr. Speaker, reserving the right to object, I think we ought to go back to the practice which the rules of the House authorize and not follow the loose practice which has sprung up. There is only one report which can be accepted by the House and that is the report of the committee. What the gentleman desires is to file minority views and not any report. If he will ask permission to file minority views, I shall not object.

Mr. DICKSTEIN. That is exactly what I desire to do.

Mr. LEHLBACH. A question arose several years ago because of just this practice. The views are limited to the views of those minority Members who join in expressing them and present them to the House. A report may incorporate extraneous matter, and on one occasion a minority report contained appendixes and extraneous matter. That was done because the permission granted was to file a minority report, for which there is no warrant, and all of this extraneous stuff was brought in.

Mr. DICKSTEIN. Mr. Speaker, may I amend my request by asking that I may be permitted to file minority views?

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that he may be permitted to file minority views on the bill referred to. Is there objection?

There was no objection.

THE "S–4" DISASTER

Mr. BLACK of New York. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BLACK of New York. Mr. Speaker, have the conferees on the inquiry into the *S–4* disaster made a report to the House?

The SPEAKER pro tempore. The Chair is informed they have not.

ORDER OF BUSINESS

Mr. GARRETT of Tennessee. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from Tennessee rise?

Mr. GARRETT of Tennessee. Mr. Speaker, I want to inquire about the order of business to-morrow. Something was said here yesterday about continuing with the Consent Calendar after a certain period. Has that plan been abandoned?

The SPEAKER pro tempore. The Chair will state that he has not heard of anything of that kind.

Mr. SNELL. The gentlemen who are working on the bills on the Consent Calendar have asked that the Consent Calendar be not taken up.

Mr. GARRETT of Tennessee. I am not personally interested in it, but there seems to be some confusion growing out of a suggestion which was made here yesterday, and some of the Members understood it might possibly be arranged to-day or to-morrow. I was inquiring simply for the benefit of other Members who want to know. So far as now known, to-morrow there will be just the regular Calendar Wednesday business?

Mr. SNELL. So far as now known, yes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to—

Mr. MOORE of Ohio (at the request of Mr. KEARNS) on account of sickness.

Mr. HARRISON, indefinitely, on account of sickness.

Mr. WILLIAMS of Texas (at the request of Mr. SANDERS), indefinitely.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had agreed to the amendment of the House of Representatives to the amendments of the Senate to the amendment of the House of Representatives to the bill (S. 700) entitled "An act authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes."

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 771) entitled "An act providing for the loan of the U. S. S. *Dispatch* to the State of Florida."

The message further announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 2902) entitled "An act granting the consent of Congress to the States of Wisconsin and Michigan to construct, maintain, and operate a free highway bridge across the Menominee River at or near Marinette, Wis."

The message also announced that the Senate had passed without amendment the following bills:

H. R. 2809. An act for the relief of the heirs of Jacob Thomas;

H. R. 5476. An act to authorize the Secretary of War to sell to the Pennsylvania Railroad Co. a tract of land situate in the city of Philadelphia and State of Pennsylvania;

H. R. 6491. An act to amend section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended;

H. R. 6579. An act for the relief of James W. Kingon;

H. R. 6684. An act to amend section 2455 of the Revised Statutes of the United States, as amended, relating to isolated tracts of public land;

H. R. 7008. An act to authorize appropriations for the completion of the transfer of the experimental and testing plant of the Air Corps to a permanent site at Wright Field, Dayton, Ohio, and for other purposes;

H. R. 7553. An act for the relief of James Neal;

H. R. 8293. An act to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913;

H. R. 8899. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tombigbee River at or near Epes, Ala.;

H. R. 8900. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tombigbee River near Gainesville, on the Gainesville-Eutaw road, between Sumter and Greene Counties, Ala.;

H. R. 9019. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the Quachita River at or near Calion, Ark.;

H. R. 9063. An act to extend the times for commencing and completing the construction of a bridge across the Chattahoochee River at or near Alaga, Ala.;

H. R. 9204. An act granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the Current River at or near Success, Ark.;

H. R. 9339. An act granting the consent of Congress to a board of county commissioners of Trumbull County, Ohio, to construct, maintain, and operate a free highway bridge across the Mahoning River at or near Warren, Trumbull County, Ohio; and

H. R. 9484. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tombigbee River at or near Aliceville, on the Gainesville-Aliceville road, in Pickens County, Ala.

SENATE BILLS REFERRED

Bills of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committees, as follows:

S. 484. An act for the relief of Joe W. Williams; to the Committee on the Public Lands.

S. 851. An act to amend an act of Congress approved July 3, 1926, being Private Act No. 272, and entitled "An act conferring jurisdiction upon the Federal District Court for the Western Division of the Western District of Tennessee to hear and determine claims arising from the sinking of the vessel known as the *Norman;* to the Committee on the Judiciary.

S. 1095. An act to require registration of lobbyists, and for other purposes; to the Committee on the Judiciary.

S. 1186. An act to provide for the construction of the Deschutes project in Oregon, and for other purposes; to the Committee on Irrigation and Reclamation.

S. 1341. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes; to the Committee on Roads.

S. 1434. An act for the relief of Mattie Holcomb; to the Committee on Naval Affairs.

S. 1456. An act to authorize an appropriation for a road on the Zuni Indian Reservation, N. Mex.; to the Committee on Indian Affairs.

S. 1691. An act for the relief of William A. Light; to the Committee on Claims.

S. 1755. An act for the relief of Nellie Kildee; to the Committee on the Public Lands.

S. 1756. An act for the relief of Lyn Lundquist; to the Committee on the Public Lands.

S. 1822. An act to authorize the Secretary of War to transfer or loan aeronautical equipment to museums and educational institutions; to the Committee on Military Affairs.

S. 1825. An act to amend section 12 of the act approved June 10, 1922, entitled "An act to readjust the pay and allowances of commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," as amended by the act of June 1, 1926 (44 Stat. L. 680), so as to authorize an allowance of 3 cents per mile, in lieu of transportation in kind, for persons using privately owned conveyances while traveling under competent orders; to the Committee on Military Affairs.

S. 1828. An act to amend the second paragraph of section 5 of the national defense act as amended by the act of September 22, 1922, by adding thereto a provision that will authorize the names of certain graduates of the General Service Schools and of the Army War College, not at present eligible for selection to the General Staff Corps eligible list, to be added to that list; to the Committee on Military Affairs.

S. 1829. An act to authorize the collection in monthly installments of indebtedness due the United States from enlisted men, and for other purposes; to the Committee on Military Affairs.

S. 1833. An act to amend the act approved June 1, 1926 (44 Stat. L. 680), authorizing the Secretary of War to exchange deteriorated and unserviceable ammunition and components, and for other purposes; to the Committee on Military Affairs.

S. 1852. An act to correct the naval record of John Lewis Burns; to the Committee on Naval Affairs.

S. 1989. An act to amend the third paragraph of section 13 of the Federal reserve act; to the Committee on Banking and Currency.

S. 2030. An act to provide for research into the causes of poultry diseases, for feeding experimentation, and for an educational program to show the best means of preventing disease in poultry; to the Committee on Agriculture.

S. 2258. An act to give war-time rank to certain officers on the retired list of the Army; to the Committee on Military Affairs.

S. 2537. An act to amend section 110, national defense act, so as to provide better administrative procedure in the disbursements for pay of National Guard officers and enlisted men; to the Committee on Military Affairs.

S. 2657. An act for the relief of George W. Boyer; to the Committee on Claims.

S. 2725. An act to extend the provisions of section 2455, United States Revised Statutes, to certain public lands in the State of Oklahoma; to the Committee on the Public Lands.

S. 2858. An act to authorize the use of certain public lands by the town of Parco, Wyo., for a public aviation field; to the Committee on the Public Lands.

S. 2926. An act for the relief of the Old Dominion Land Co.; to the Committee on War Claims.

S. 2948. An act to amend section 6, act of March 4, 1923, as amended, so as to better provide for care and treatment of members of the civilian components of the Army who suffer personal injury in line of duty, and for other purposes; to the Committee on Military Affairs.

S. 2950. An act to amend the second paragraph of section 67, national defense act, as amended; to the Committee on Military Affairs.

S. 2972. An act for the further protection of fish in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

S. 3058. An act to amend that provision of the act approved March 3, 1879 (20 Stat. L. 412), relating to issue of arms and ammunition for the protection of public money and property; to the Committee on Military Affairs.

S. 3118. An act to authorize the construction of a temporary railroad bridge across Pearl River at a point in or near section 35, township 10 north, range 6 east, Leake County, Miss.; to the Committee on Interstate and Foreign Commerce.

S. 3119. An act to authorize the construction of a temporary railroad bridge across Pearl River in Rankin County, Miss., and between Madison and Rankin Counties, Miss.; to the Committee on Interstate and Foreign Commerce.

S. 3131. An act to provide additional pay for personnel of the United States Navy assigned to duty on submarines and diving duty; to the Committee on Naval Affairs.

S. 3201. An act for the relief of Paul D. Carlisle; to the Committee on Military Affairs.

S. 3294. An act for the relief of certain newspapers for advertising services rendered the Public Health Service of the Treasury Department; to the Committee on Claims.

S. 3325. An act for the relief of Horace G. Knowles; to the Committee on Claims.

S. 3456. An act allowing the rank, pay, and allowances of a colonel, Medical Corps, United States Army, to the medical officer assigned to duty as personal physician to the President; to the Committee on Military Affairs.

S. J. Res. 61. Joint resolution to provide for an agricultural day; to the Committee on the Judiciary.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill and joint resolution of the following titles, when the Speaker signed the same:

H. R. 11197. An act to authorize the Secretary of War to grant rights of way to the Vicksburg Bridge & Terminal Co. upon, over, and across the Vicksburg National Military Park at Vicksburg, Warren County, Miss.; and

H. J. Res. 176. House joint resolution granting consent of Congress to an agreement or compact entered into between the State of Wisconsin and State of Michigan for the construction, maintenance, and operation of a highway bridge across the Menominee River.

The SPEAKER also announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 1455. An act to grant extensions of time under coal permits;

S. 1946. An act relative to the pay of certain retired warrant officers and enlisted men and warrant officers and enlisted men of the reserve forces of the Army, Navy, Marine Corps, and the Coast Guard, fixed under the terms of the Panama Canal act, as amended;

S. 2483. An act to revive and reenact the act entitled "An act granting the consent of Congress to the State of Illinois and the State of Iowa, or either of them, to construct a bridge across the Mississippi River, connecting the county of Carroll, Ill., and the county of Jackson, Iowa," approved May 26, 1924;

S. 2545. An act to authorize the sale of certain lands near Garden City, Kans.;

S. 2698. An act granting the consent of Congress to the State of Vermont to construct, maintain, and operate a free highway bridge across an arm of Lake Memphremagog at or near Newport, Vt.;

S. 2801. An act granting the consent of Congress to the New Martinsville & Ohio River Bridge Co. (Inc.) to construct, maintain, and operate a bridge across the Ohio River at or near New Martinsville, W. Va.; and

S. J. Res. 66. Joint resolution authorizing an additional appropriation to be used for the memorial building provided for by a joint resolution entitled "Joint resolution in relation to a monument to commemorate the services and sacrifices of the women of the United States of America, its insular possessions, and the District of Columbia in the World War," approved June 7, 1924.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, bills of the following titles:

H. R. 81. An act to authorize the coinage of silver 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the discovery of the Hawaiian Islands by Capt. James Cook, and for the purpose of aiding in establishing a Capt. James Cook memorial collection in the archives of the Territory of Hawaii;

H. R. 248. An act to authorize appropriations to be made for the disposition of remains of military personnel and civilian employees of the Army; and

H. R. 8741. An act authorizing the Dravo Contracting Co., its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Chester, Ill.

ADJOURNMENT

Mr. SNELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p. m.) the House adjourned until to-morrow, Wednesday, March 7, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, March 7, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON THE JUDICIARY

(10 a. m.)

To provide that the heads of the executive departments may occupy seats on the floor of the Senate and the House of Representatives (H. R. 5625).

COMMITTEE ON MINES AND MINING

(10 a. m.)

To amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, approved March 2, 1919, as amended (S. 1347).

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10.30 a. m.)

To create a commission to secure plans and designs for and to erect a memorial building for the National Memorial Association (Inc.) in the city of Washington as a tribute to the negro's contribution to the achievements of America (H. J. Res. 60).

Providing that the Secretary of Agriculture be directed to give notice that on and after January 1, 1929, the Government will cease to maintain a public market on Pennsylvania Avenue between Seventh and Ninth Streets NW. (H. J. Res. 204).

For the lease of land and the erection of a post office at Philippi, W. Va. (H. R. 10799).

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

COMMITTEE ON THE PUBLIC LANDS

(10.30 a. m.)

To promote the development, protection, and utilization of grazing resources on public lands, to stabilize the range stock-raising industry (H. R. 7950 and H. R. 9283).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

To further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States (S. 744).

To promote, encourage, and develop an American merchant marine in connection with the agricultural and industrial commerce of the United States, provide for the national defense, the transportation of foreign mails, the establishment of a merchant marine training school, and for other purposes (H. R. 2).

To amend the merchant marine act, 1920, insure a permanent passenger and cargo service in the north Atlantic, and for other purposes (H. R. 8914).

To create, develop, and maintain a privately owned American merchant marine adequate to serve trade routes essential in the movement of the industrial and agricultural products of the United States and to meet the requirements of the commerce of the United States; to provide for the transportation of the foreign mails of the United States in vessels of the United States; to provide naval and military auxiliaries; and for other purposes (H. R. 10765).

COMMITTEE ON NAVAL AFFAIRS

(11 a. m.)

A hearing to consider private bills on the committee calendar.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

To amend the immigration act of 1924 by making the quota provisions thereof applicable to Mexico, Cuba, Canada, and the countries of continental America and adjacent islands (H. R. 6465).

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. McLEOD: Committee on the District of Columbia. H. R. 52. A bill to regulate the business of executing bonds for compensation in criminal cases and to improve the administration of justice in the District of Columbia; without amendment (Rept. No. 841). Referred to the House Calendar.

Mr. GARRETT of Texas: Committee on Military Affairs. S. 2820. An act authorizing the Secretary of War to loan certain field guns to the city of Dallas, Tex.; without amendment (Rept. No. 842). Referred to the House Calendar.

Mr. QUIN: Committee on Military Affairs. H. R. 10564. A bill to authorize the Secretary of War to grant and convey to the county of Warren a perpetual easement for public highway purposes over and upon a portion of the Vicksburg National Military Park in the State of Mississippi; without amendment (Rept. No. 843). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORIN: Committee on Military Affairs. H. R. 11623. A bill to authorize construction at the United States Military Academy, West Point, N. Y.; without amendment (Rept. No. 844). Referred to the Committee of the Whole House on the state of the Union.

ADVERSE REPORTS

Under clause 2 of Rule XIII,

Mr. GUYER: Committee on Claims. H. R. 2479. A bill for the relief of Maclane Cawood; adverse (Rept. No. 845). Laid on the table.

Mr. IRWIN: Committee on Claims. H. R. 6928. A bill for the relief of Dobson Lumber Co.; adverse (Rept. No. 846). Laid on the table.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of Washington: A bill (H. R. 11796) to provide for the conservation of fish, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. LYON: A bill (H. R. 11797) granting the consent of Congress to Columbus County, State of North Carolina, to construct, maintain, and operate a free highway bridge across the Waccamaw River at or near Reeves Ferry; to the Committee on Interstate and Foreign Commerce.

By Mr. MOREHEAD: A bill (H. R. 11798) granting the consent of Congress to the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at Nebraska City, Nebr.; to the Committee on Interstate and Foreign Commerce.

By Mr. MERRITT: A bill (H. R. 11799) to create a body corporate by the name of the "Textile Alliance Foundation"; to the Committee on Interstate and Foreign Commerce.

By Mr. BURDICK: A bill (H. R. 11800) to establish a commission for the participation of the United States in the one hundred and fiftieth anniversary of the Battle of Rhode Island; to the Committee on the Library.

By Mr. GRAHAM: A bill (H. R. 11801) to amend sections 726 and 727 of title 18, United States Code, with reference to

Federal probation officers, and to add new sections thereto; to the Committee on the Judiciary.

Also, a bill (H. R. 11802) establishing under the jurisdiction of the Department of Justice a division of the Bureau of Investigation to be known as the division of identification and information; to the Committee on the Judiciary.

By Mr. MORROW: A bill (H. R. 11803) to authorize the sale of lands in New Mexico for stock-raising purposes; to the Committee on the Public Lands.

By Mr. PEERY: A bill (H. R. 11804) authorizing and directing the Secretary of War to lend to the town of Appalachia, Va., 500 canvas cots, 500 blankets, 1,000 bed sheets, 500 pillowcases, 500 pillows, and 500 mattresses or bed sacks, to be used at the convention of the American Legion, Department of Virginia, to be held at Appalachia, Va., on August 13, 14, and 15, 1928; to the Committee on Military Affairs.

By Mr. SMITH: A bill (H. R. 11805) authorizing the Secretary of the Interior to contract with the North Side Canal Co. with respect to the construction of certain works on the Minidoka reclamation project; to the Committee on Irrigation and Reclamation.

By Mr. STRONG of Kansas: A bill (H. R. 11806) to amend the act approved December 23, 1913, known as the Federal reserve act; to define certain policies toward which the powers of the Federal reserve system shall be directed; to further promote the maintenance of a stable gold standard; to promote the stability of commerce, industry, agriculture, and employment; to assist in realizing a more stable purchasing power of the dollar, and for other purposes; to the Committee on Banking and Currency.

By Mr. DALLINGER: A bill (H. R. 11807) granting pensions to certain disabled children of veterans of the Civil War and the war with Spain; to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 11808) to authorize an appropriation for the purchase of land at Selfridge Field, Mich.; to the Committee on Military Affairs.

Also, a bill (H. R. 11809) to authorize an appropriation to complete the purchase of real estate in Hawaii; to the Committee on Military Affairs.

By Mr. SWEET: A bill (H. R. 11810) to remove restrictions placed upon the village of Sackets Harbor, N. Y., relative to the tract of parcel of land conveyed to it by quitclaim deed from the United States of America dated the 5th day of May, 1927; to the Committee on the Judiciary.

By Mr. BELL: Concurrent resolution (H. Con. Res. 26) providing for the appointment of a joint committee consisting of 5 Senators and 10 Members of the House of Representatives to attend the exercises at Atlanta, Ga., April 9, 1928, incident to the unveiling of the Stone Mountain monument by the Stone Mountain Confederate Monumental Association; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWNE: A bill (H. R. 11811) granting a pension to Jessie M. Williams; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 11812) granting an increase of pension to Eliza J. Johnson; to the Committee on Invalid Pensions.

By Mr. DEAL: A bill (H. R. 11813) for the relief of Thomas Patrick Flood; to the Committee on Naval Affairs.

By Mr. DICKINSON of Missouri: A bill (H. R. 11814) granting an increase of pension to Nannie Lindsey; to the Committee on Invalid Pensions.

By Mr. EATON: A bill (H. R. 11815) granting an increase of pension to Mary E. Grant; to the Committee on Invalid Pensions.

By Mr. FAUST: A bill (H. R. 11816) granting a pension to Malissa E. Tibbettes; to the Committee on Invalid Pensions.

By Mr. HUDSPETH: A bill (H. R. 11817) granting a pension to Emma Lee; to the Committee on Pensions.

Also, a bill (H. R. 11818) for the relief of Mrs. Steve S. Dawson; to the Committee on Claims.

By Mr. LYON: A bill (H. R. 11819) for the relief of Richard L. Meares, administrator of Armand D. Young, deceased; to the Committee on Claims.

By Mr. McFADDEN: A bill (H. R. 11820) granting an increase of pension to Mary A. Forbes; to the Committee on Invalid Pensions.

By Mr. MENGES: A bill (H. R. 11821) granting an increase of pension to Isabell Ilgenfritz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11822) granting an increase of pension to Mary M. Shetter; to the Committee on Invalid Pensions.

By Mr. PEAVEY: A bill (H. R. 11823) to provide for a survey of Ashland Harbor, Wis., with a view to maintaining an adequate width and depth; to the committee on Rivers and Harbors.

By Mr. PORTER: A bill (H. R. 11824) for the relief of the owners of the British steamship *Larchgrove;* to the Committee on Foreign Affairs.

By Mr. RAINEY: A bill (H. R. 11825) granting an increase of pension to Sarepta J. Edwards; to the Committee on Invalid Pensions.

By Mr. RATHBONE: A bill (H. R. 11826) granting a pension to Losty Doran; to the Committee on Invalid Pensions.

By Mr. SPEAKS: A bill (H. R. 11827) granting a pension to Sarah Fuerer; to the Committee on Pensions.

Also, a bill (H. R. 11828) granting an increase of pension to Frank P. Lilley; to the Committee on Pensions.

Also, a bill (H. R. 11829) granting an increase of pension to Zella Marshall; to the Committee on Pensions.

By Mr. SWING: A bill (H. R. 11830) granting a pension to Julia A. Garrison; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 11831) granting a pension to Myrilla Mullen; to the Committee on Pensions.

Also, a bill (H. R. 11832) granting a pension to Sallie Dixon; to the Committee on Pensions.

Also, a bill (H. R. 11833) granting a pension to George H. Major; to the Committee on Pensions.

Also, a bill (H. R. 11834) granting a pension to Ellen Black; to the Committee on Pensions.

Also, a bill (H. R. 11835) granting a pension to David Simmons; to the Committee on Pensions.

Also, a bill (H. R. 11836) granting a pension to Jane Carpenter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11837) granting a pension to Bell Goddard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11838) granting a pension to Sallie A. Cox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11839) granting a pension to Bertha Edmonds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11840) granting a pension to Martha B. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11841) granting an increase of pension to Mary Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11842) granting an increase of pension to Louisa Roach; to the Committee on Invalid Pensions.

By Mr. WHITE of Colorado: A bill (H. R. 11843) granting an increase of pension to Lucinda J. Foltz; to the Committee on Invalid Pensions.

By Mr. WATRES: A bill (H. R. 11844) for the relief of Joseph Marko; to the Committee on Military Affairs.

Also, a bill (H. R. 11845) granting a pension to Mary L. Kirlin; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

4953. By Mr. AYRES: Petition of citizens of Wellington, Kans., in behalf of legislation for Civil War veterans and their widows; to the Committee on Invalid Pensions.

4954. By Mr. BRIGHAM: Petition of Mrs. W. S. Miller, Mrs. C. A. Munson, and 14 other citizens of Morrisville and Hyde Park, Vt., protesting against the passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4955. By Mr. BURTON: Resolution of the council of the village of Fairport, Ohio, requesting that the local financial contribution requested by Congress for the extension of the present breakwater at Fairport Harbor be waived; to the Committee on Rivers and Harbors.

4556. Also, memorial and remonstrance of the delegates of the Columbia Union Conference of Seventh-day Adventists, in quadrennial session at Cleveland, Ohio, and consisting of representatives from the States of New Jersey, Pennsylvania, Delaware, Maryland, Ohio, Virginia, West Virginia, and the District of Columbia, protesting against the enactment of House bill 78, the compulsory Sunday observance bill, or any similar measure; to the Committee on the District of Columbia.

4957. By Mr. CANNON: Petition of Katherine Deppe and other citizens of Owensville, Mo., favoring an increase in pension of Civil War veterans and their widows; to the Committee on Invalid Pensions.

4958. By Mr. CARTER: Petition of the California Kindergarten-Primary Teachers' Association, petitioning the establishment of a Federal department of education with a secretary in the President's Cabinet; to the Committee on Education.

4959. By Mr. COLLIER: Petition of citizens of Vicksburg, Warren, and Jackson Counties, Miss., protesting against Sunday observance law; to the Committee on the District of Columbia.

4960. By Mr. CRAIL: Petition of Sawtelle, Los Angeles County, Calif., Post, No. 480, Veterans of Foreign Wars, offering amendment to section 4766 of the Revised Statutes of the United States; to the Committee on Pensions.

4961. By Mr. CULLEN: Addresses submitted by the Navy Yard Retirement Association, navy yard, New York, in re retirement legislation; to the Committee on the Civil Service.

4962. By Mr. DRANE: Petition of citizens of Florida, against compulsory Sunday observance legislation (H. R. 78); to the Committee on the District of Columbia.

4963. By Mr. EDWARDS: Petition of Savannah Board of Trade, in opposition to House bill 11075, because it would adversely affect the naval stores industry; to the Committee on Agriculture.

4964. Also, petition of Georgia Medical Society, Savannah, Ga., favoring the passage by Congress of a comprehensive medical practice act for the District of Columbia; to the Committee on the District of Columbia.

4965. Also, petition of Georgia Medical Society, in opposition to antivivisection legislation affecting the District of Columbia; to the Committee on the District of Columbia.

4966. By Mr. ENGLEBRIGHT: Petition of Effie Young and other citizens of Rocklin, Calif., protesting against House bill 78; to the Committee on the District of Columbia.

4967. Also, petition of J. C. Rasmussen and other citizens of Camino, Calif., protesting against the Lankford Sunday closing bill for the District of Columbia; to the Committee on the District of Columbia.

4968. By Mr. EVANS of Montana: Petition of William McCrone and other residents of Butte, Mont., protesting against the passage of the Brookhart bill; to the Committee on Interstate and Foreign Commerce.

4969. Also, petition of George B. Manning and other residents of Kalispell, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

4970. By Mr. FRENCH: Petition of 87 citizens of Canyon County, Idaho, protesting against enactment of House bill 78 or any compulsory Sunday observance; to the Committee on the District of Columbia.

4971. Also, petition of 51 citizens of Kooskia, Idaho, protesting against enactment of House bill 78 or any compulsory Sunday observance; to the Committee on the District of Columbia.

4972. Also, petition of 69 citizens of Weiser, Idaho, protesting against enactment of House bill 78 or any compulsory Sunday observance; to the Committee on the District of Columbia.

4973. By Mr. GALLIVAN: Petition of Boston Typographical Union No. 13, John O. Battis, secretary-treasurer, 819 Province Building, Boston, Mass., recommending early and favorable consideration of House bill 9575, providing for a half holiday on Saturday for Government Printing Office employees; to the Committee on Printing.

4974. By Mr. HADLEY: Petition of residents of Skagit County, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

4975. Also, petition of residents of Des Moines, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

4976. Also, petition of residents of Everett, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

4977. Also, petition of residents of Jefferson County, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

4978. Also, petition of residents of Carnation, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

4979. By Mr. HALL of North Dakota: Petition of board of directors of North Dakota Wheat Growers Association, that the present chain stations be restricted to one wave length; to the Committee on the Merchant Marine and Fisheries.

4980. Also, petition of 63 citizens of North Dakota, against the present chain stations and broadcasting stations; to the Committee on the Merchant Marine and Fisheries.

4981. Also, petition of eight citizens of Pettibone and two citizens of Fargo, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4982. Also, petition of numerous citizens living in McHenry County, N. Dak., against the enactment of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4983. Also, petition of the Wishek Association of Commerce, of Wishek, N. Dak., against the Oddie bill; to the Committee on the Post office and Post Roads.

4984. Also, petition of two citizens living at La Moure, N. Dak., against the passage of the Oddie bill; to the Committee on the Post Office and Post Roards.

4985. Also, petition of 30 citizens living in North Dakota, supporting the recommendation of the Commissioner General of Immigration that the new quota distribution based on the Census of 1890 be retained; that the new quota distribution, based on national origin, be annulled; and that no further measures of reduction of the Scandinavian quotas shall be passed by Congress; to the Committee on Immigration and Naturalizaiton.

4986. Also, petition of Leeds Commercial Club, Leeds, N. Dak., against the passage of the Oddie bill; to the Committee on the Post Office and Post Roads.

4987. Also, petition of Board of County Commissioners, Walsh County, N. Dak., against the passage of the Oddie bill; to the Committee on the Post Office and Post Roads.

4988. Also, petition of 46 citizens living in North Dakota, against the present broadcasting chain stations; to the Committee on the Merchant Marine and Fisheries.

4989. By Mr. HOWARD of Nebraska: Petition signed by Hon. E. B. Wilbur, of South Sioux City, Nebr., and 48 other citizens of that city, pleading for relief to the surviving veterans of the Civil War and the widows of Civil War veterans by urging of an increase of pension; to the Committee on Invalid Pensions.

4990. By Mr. HUDSPETH: Petition of residents of El Paso, Tex., protesting against enactment of Sunday observance bill; to the Committee on the District of Columbia.

4991. By Mr. JOHNSON of Texas: Petition of Trezevant & Cochran, of Dallas, Tex., favoring control of flood waters in lower Mississippi Valley at entire cost of Federal Government; to the Committee on Flood Control.

4992. By Mr. JOHNSON of Washington: Petition of citizens of Centralia, Wash., and vicinity, protesting against the Lankford Sunday observance bill; to the Committee on the District of Columbia.

4993. Also, petition of citizens of Elma, Wash., and vicinity, protesting against the Lankford Sunday observance bill; to the Committee on the District of Columbia.

4994. Also, petition of citizens of Tacoma, Wash., protesting against the Lankford Sunday observance bill; to the Committee on the District of Columbia.

4995. Also, petition of citizens of Satsop, Wash., and vicinity, protesting against the Lankford Sunday observance bill; to the Committee on the District of Columbia.

4996. Also, petition of citizens of Centralia, Wash., protesting against the Lankford Sunday observance bill; to the Committee on the District of Columbia.

4997. Also, petition of Myrtle E. Byrd and 55 other citizens of Tacoma, Wash., favoring creation of a department of education; to the Committee on Education.

4998. Also, petition of W. C. Malvaney and six other citizens of Puyallup, Wash., opposing compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4999. Also, petition of citizens of Longbranch, Wash., and vicinity, protesting against the Lankford Sunday observance bill; to the Committee on the District of Columbia.

5000. Also, petition of citizens of Seaview, Wash., and vicinity, protesting against the Lankford Sunday observance bill; to the Committee on the District of Columbia.

5001. By Mr. KEMP: Petition against House bill 78, the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

5002. By Mr. KOPP: Petition of Mr. and Mrs. F. P. Greggs and 38 others, residents of Keokuk, Iowa, protesting the passage of the Lankford Sunday observance bill; to the Committee on the District of Columbia.

5003. By Mr. RAGON: Petition for relief of drainage districts in flood areas; to the Committee on Agriculture.

5004. By Mr. LANKFORD: Petition signed by Rosa Jackson and seven others of Oregon, protesting against the enactment of the Lankford bill (H. R. 78) or any Sunday observance laws; to the Committee on the District of Columbia.

5005. Also, petition signed by Mr. and Mrs. W. E. French and 130 others of Lowndes County, Ga., protesting against enactment of the Lankford bill (H. R. 78) or any Sunday observance laws; to the Committee on the District of Columbia.

5006. Also, petition signed by H. R. Lastinger and 89 others of Brooks County, Ga., protesting against enactment of the Lankford bill (H. R. 78) or any Sunday observance laws; to the Committee on the District of Columbia.

5007. By Mr. LINDSAY: Petition of Central Trades and Labor Council of Greater New York and vicinity, presenting a set of resolutions registering a vigorous protest against House bill 11137; to the Committee on the Merchant Marine and Fisheries.

5008. By Mr. LYON: Petition of certain citizens of Wilmington, N. C., protesting against the passage of a Sunday observance law for the District of Columbia; to the Committee on the District of Columbia.

5009. By Mr. O'BRIEN: Petition of over 40 residents, business men, and firms of Clarksburg, Weston, Buckhannon, Glenville, Shinnston, Bridgeport, Salem, Lumberport, West Union, Smithfield, Pennsboro, Cairo, Harrisville, Cowen, Richwood, Burnsville, Sutton, Gassaway, and Elkins, State of West Virginia, favoring House bill 11, to protect trade-mark owners, distributors, etc.; to the Committee on Interstate and Foreign Commerce.

5010. By Mr. O'CONNELL: Petition of the Lafayette Post, the American Legion, Washington, D. C., favoring the naval construction as proposed by President Coolidge and Secretary of the Navy; to the Committee on Naval Affairs.

5011. By Mr. RAMSEYER: Petition of residents of Grinnell, Iowa, protesting against the passage of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5012. By Mr. SANDERS of New York: Petition of Mrs. F. Gutfrucht, signed by 60 citizens of Rochester, N. Y., protesting against the passage of House bill 78, the Lankford compulsory Sunday observance bill; to the Committee on the District of Columbia.

5013. By Mr. SELVIG: Petition of F. H. Ross and 39 farmers and residents of Fisher, Minn., protesting against the passage of House bill 6465, the purpose of which is to place Mexico and Canada on a quota basis; to the Committee on Immigration and Naturalization.

5014. Also, petition of Walter Ross and 40 farmers and residents of Fisher, Minn., protesting against the passage of House bill 6465, the purpose of which is to place Mexico and Canada on a quota basis; to the Committee on Immigration and Naturalization.

5015. Also, petition of S. J. Ostby and 23 farmers and residents of Erskine, Minn., protesting against the passage of House bill 6465, the purpose of which is to place Mexico and Canada on a quota basis; to the Committee on Immigration and Naturalization.

5016. By Mr. SMITH: Petition signed by O. H. Hungerford and 10 other residents of Idaho Falls, Idaho, protesting against the enactment of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5017. Also, petition signed by 25 citizens of Twin Falls County, Idaho, protesting against the enactment of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5018. Also, petition signed by 160 residents of Elmore County, Idaho, protesting against the enactment of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5019. Also, petition signed by 78 residents of Ada County, Idaho, protesting against the enactment of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5020. Also, petition of 411 citizens of Idaho Falls, Idaho, protesting against the enactment of the Lankford bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

5021. Also, petition of 450 citizens of Idaho Falls, Idaho, protesting against the enactment of the Lankford bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

5022. Also, petition of citizens of Boise, Idaho, protesting against the enactment of the Lankford Sunday rest bill; to the Committee on the District of Columbia.

5023. Also, petition of citizens of Boise, Idaho, protesting against the enactment of the Lankford Sunday rest bill; to the Committee on the District of Columbia.

5024. Also, petition signed by 585 citizens of Ada County, Idaho, protesting against the enactment of any compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5025. By Mr. SINNOTT: Petition of numerous residents of Hood River County, Oreg., protesting against the passage of House bill 78, the Lankford bill, or any similar compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5026. Also, petition of numerous residents of Pendleton, Oreg., protesting against the enactment of the Lankford bill (H. R. 78) or any similar compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5027. By Mr. STEELE: Petition of 18 citizens of Atlanta, Fulton County, Ga., protesting against the passage of legislation enforcing compulsory Sunday observance (H. R. 78); to the Committee on the District of Columbia.

5028. By Mr. SWING: Petition of residents of San Diego, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

5029. Also, petition of residents of San Diego, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

5030. By Mr. THATCHER: Petition of numerous citizens of Louisville, Ky., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5031. By Mr. VINCENT of Michigan: Petition of residents of Alma, Mich., urging more liberal pension legislation for the benefit of veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

5032. Also, petition of residents of Sheridan, Fenwick, Vickeryville, and Butternut, Mich., urging the enactment into law of House bill 78; to the Committee on the District of Columbia.

5033. Also, petition of residents of the eighth congressional district of Michigan, in opposition to House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

5034. By Mr. WYANT: Petition of Harry L. Handel Post, No. 401, the American Legion, West Newton, Pa., favoring five-year Navy program; to the Committee on Naval Affairs.

5035. Also, petition of committee on immigration and naturalization, California State Society of the Sons of the American Revolution, favoring passage of Box bill to restrict Mexican, West Indian, Central, and South American immigration; to the Committee on Immigration and Naturalization.

SENATE

WEDNESDAY, *March 7, 1928*

(Legislative day of Tuesday, March 6, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice President:

S. 1455. An act to grant extensions of time under coal permits;

S. 1946. An act relative to the pay of certain retired warrant officers and enlisted men and warrant officers and enlisted men of the reserve forces of the Army, Navy, Marine Corps, and the Coast Guard, fixed under the terms of the Panama Canal act, as amended;

S. 2483. An act to revive and reenact the act entitled "An act granting the consent of Congress to the State of Illinois and the State of Iowa, or either of them, to construct a bridge across the Mississippi River, connecting the county of Carroll, Ill., and the county of Jackson, Iowa," approved May 26, 1924;

S. 2545. An act to authorize the sale of certain lands near Garden City, Kans.;

S. 2698. An act granting the consent of Congress to the State of Vermont to construct, maintain, and operate a free highway bridge across an arm of Lake Memphremagog at or near Newport, Vt.;

S. 2801. An act granting the consent of Congress to the New Martinsville & Ohio River Bridge Co. (Inc.) to construct, maintain, and operate a bridge across the Ohio River at or near New Martinsville, W. Va.;

H. R. 11197. An act to authorize the Secretary of War to grant rights of way to the Vicksburg Bridge & Terminal Co. upon, over, and across the Vicksburg National Military Park at Vicksburg, Warren County, Miss.;

S. J. Res. 66. Joint resolution authorizing an additional appropriation to be used for the memorial building provided for by a joint resolution entitled "Joint resolution in relation to a monument to commemorate the services and sacrifices of the women of the United States of America, its insular possessions, and the District of Columbia in the World War," approved June 7, 1924; and

H. J. Res. 176. Joint resolution granting consent of Congress to an agreement or compact entered into between the State of Wisconsin and the State of Michigan for the construction, maintenance, and operation of a highway bridge across the Menominee River.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	La Follette	Shipstead
Barkley	Fess	McKellar	Shortridge
Bayard	Fletcher	McMaster	Simmons
Black	Frazier	McNary	Smith
Blaine	George	Mayfield	Smoot
Blease	Gerry	Metcalf	Steck
Borah	Glass	Neely	Steiwer
Bratton	Gooding	Norbeck	Stephens
Brookhart	Gould	Norris	Swanson
Broussard	Greene	Nye	Thomas
Bruce	Hale	Oddie	Tydings
Capper	Harris	Phipps	Tyson
Caraway	Harrison	Pine	Wagner
Copeland	Hayden	Pittman	Walsh, Mass.
Couzens	Heflin	Ransdell	Walsh, Mont.
Curtis	Howell	Reed, Pa.	Warren
Cutting	Johnson	Robinson, Ark.	Waterman
Dale	Jones	Robinson, Ind.	Watson
Deneen	Kendrick	Sackett	Willis
Dill	Keyes	Schall	
Edge	King	Sheppard	

The VICE PRESIDENT. Eighty-two Senators having answered to their names, a quorum is present.

PETITIONS AND MEMORIALS

Mr. WILLIS presented a petition of sundry citizens of Franklin and Delaware Counties, Ohio, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. WATSON presented a petition of sundry citizens of La Porte County, Ind., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. JONES presented a petition of sundry citizens of Tacoma, Wash., praying for the passage of legislation creating a Federal department of education, which was referred to the Committee on Education and Labor.

Mr. FRAZIER presented a resolution of Florence Kimball Post, No. 7, American Legion, of Lisbon, N. Dak., favoring the adoption of a naval building program as recommended by the National Convention of the American Legion, which was referred to the Committee on Naval Affairs.

Mr. REED of Pennsylvania presented a memorial of the Philadelphia (Pa.) Board of Trade, remonstrating against the passage of House bill 10568, to foster agriculture and to stabilize the prices obtained for agricultural commodities, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Philadelphia (Pa.) Board of Trade, remonstrating against the passage of the bills S. 1176 and H. R. 7940, providing for farm relief, etc., which was referred to the Committee on Agriculture and Forestry.

REPORTS OF COMMITTEES

Mr. ASHURST, from the Committee on Indian Affairs, to which was referred the bill (S. 1145) to authorize appropriations for the survey, construction, and maintenance of highways on or adjacent to untaxed Indian lands, reported it with amendments and submitted a report (No. 495) thereon.

Mr. KENDRICK, from the Committee on Indian Affairs, to which was referred the bill (S. 3343) for the relief of the Arapahoe and Cheyenne Indians, and for other purposes, reported it with an amendment and submitted a report (No. 496) thereon.

Mr. CARAWAY, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 1093) to prevent the sale of cotton and grain in future markets, reported it without amendment and submitted a report (No. 497) thereon.

Mr. BORAH, from the Committee on Foreign Relations, to which was referred the joint resolution (S. J. Res. 57) requesting the President to immediately withdraw the armed forces of the United States from Nicaragua, submitted an adverse report (No. 498) thereon.

Mr. JONES, from the Committee on Indian Affairs, to which was referred the bill (H. R. 308) authorizing an appropriation for the survey and investigation of the placing of water on the Michaud division and other lands in the Fort Hall Indian Reservation, reported it without amendment and submitted a report (No. 499) thereon.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on March 7, 1928, that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 1455. An act to grant extensions of time under coal permits;

S. 1946. An act relative to the pay of certain retired warrant officers and enlisted men and warrant officers and enlisted men of the reserve forces of the Army, Navy, Marine Corps, and the Coast Guard, fixed under the terms of the Panama Canal act, as amended;

S. 2483. An act to revive and reenact the act entitled "An act granting the consent of Congress to the State of Illinois and the State of Iowa, or either of them, to construct a bridge across the Mississippi River, connecting the county of Carroll, Ill., and the county of Jackson, Iowa," approved May 26, 1924;

S. 2545. An act to authorize the sale of certain lands near Garden City, Kans.;

S. 2698. An act granting the consent of Congress to the State of Vermont to construct, maintain, and operate a free highway bridge across an arm of Lake Memphremagog at or near Newport, Vt.;

S. 2801. An act granting the consent of Congress to the New Martinsville & Ohio River Bridge Co. (Inc.) to construct, maintain, and operate a bridge across the Ohio River at or near New Martinsville, W. Va.; and

S. J. Res. 66. Joint resolution authorizing an additional appropriation to be used for the memorial building provided for by a joint resolution entitled "Joint resolution in relation to a monument to commemorate the services and sacrifices of the women of the United States of America, its insular possessions, and the District of Columbia in the World War," approved June 7, 1924.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. RANSDELL:

A bill (S. 3537) providing for the confirmation of grant of lands formerly the United States barracks at Baton Rouge, La., to the board of supervisors of the Louisiana State University and Agricultural and Mechanical College; to the Committee on Public Lands and Surveys.

By Mr. COPELAND:

A bill (S. 3538) granting an increase of pension to Hannah Geibig;

A bill (S. 3539) granting an increase of pension to Libbie Jump;

A bill (S. 3540) granting an increase of pension to Lucy M. Couse;

A bill (S. 3541) granting an increase of pension to Addie E. Foreman;

A bill (S. 3542) granting an increase of pension to Catherine Whittleton;

A bill (S. 3543) granting an increase of pension to Ida H. Stokes;

A bill (S. 3544) granting an increase of pension to Margaret O'Leary;

A bill (S. 3545) granting an increase of pension to Mary Neff;

A bill (S. 3546) granting an increase of pension to Elizabeth McDowell;

A bill (S. 3547) granting an increase of pension to Frances L. Gamble;

A bill (S. 3548) granting an increase of pension to Elizabeth Baty;

A bill (S. 3549) granting an increase of pension to Mary E. MacAuty;

A bill (S. 3550) granting an increase of pension to Celia Dee;

A bill (S. 3551) granting an increase of pension to Alberta V. Coughnet;

A bill (S. 3552) granting an increase of pension to Ella V. Cazeau; and

A bill (S. 3553) granting a pension to Margaret B. Tew; to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 3554) to authorize the National Academy of Sciences to investigate the means and methods for affording Federal aid in discovering a cure for cancer, and for other purposes; to the Committee on Education and Labor.

By Mr. McNARY:

A bill (S. 3555) to establish a Federal farm board to aid in the orderly marketing and in the control and disposition of the

surplus of agricultural commodities in interstate and foreign commerce; to the Committee on Agriculture and Forestry.

ERADICATION OF LIVESTOCK DISEASES AND AGRICULTURAL PESTS

Mr. MAYFIELD. Mr. President, the invasions of livestock diseases and agricultural pests into the United States from foreign countries always affect the common prosperity, constitute a national menace, and threaten the general welfare. It should therefore be the policy of the Federal Government to bear the entire expense of eradicating such diseases and pests, including all damages to livestock producers for the destruction of their livestock and to farmers by reason of the establishment of noncotton zones by Federal or State authority.

Acting under the authority of the law of the State in which the invasions may take place the Federal Government assumes direct control. The policy to be followed and the measures to be employed are determined by the Federal Government, the States being given no power or authority whatever. During the last few years Texas has had two experiences of these invasions which she has not forgotten. The first of these was the pink bollworm pest which came into our State from Mexico on account of inadequate quarantine facilities and supervision, and the second was the foot-and-mouth disease which came into Texas from a foreign country on account of lack of proper quarantine supervision. The loss to our livestock producers and farmers on account of these two invasions can never be truly estimated, but they are as nothing compared to the losses which our cotton farmers in west Texas will sustain on account of the new invasion of the pink bollworm from Mexico, according to reports which have been made to Federal and State authorities.

Under prevailing conditions Texas and other border States are likely to have forced upon them the burden and the cost of protecting the general welfare of the Nation and at the same time have no hand in quarantine regulations or policies to be pursued. Certainly, States ought not to be penalized because they are border States.

Under existing law part of the expenses incident to the eradication of livestock diseases and agricultural pests that come into the United States from foreign countries is borne by the Federal Government and part by the State where the invasion occurs. Upon the Federal Government alone must rest the responsibility for the invasion of livestock diseases and agricultural pests into the United States from foreign countries. Therefore, the present Congress should acknowledge this responsibility of the Federal Government by enacting into law the measure which I now introduce in the Senate, which provides that the General Government should assume the full cost of control and eradication in such instances.

The bill (S. 3536) to provide that the United States shall bear all expense incurred in the eradication and control of diseases of livestock and of agricultural pests introduced into the United States from any foreign country was read twice by its title and referred to the Committee on Agriculture and Forestry.

Mr. MAYFIELD. I ask unanimous consent to have printed in the RECORD as a part of my remarks and referred to the Agricultural Committee a letter received from Hon. R. M. Kelly, president of the East Texas Chamber of Commerce, and a resolution adopted by that chamber of commerce.

There being no objection, the letter and accompanying resolution were referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

EAST TEXAS CHAMBER OF COMMERCE.

Longview, Tex., March 3, 1928.

Hon. EARLE B. MAYFIELD,

Senate Office Building, Washington, D. C.

DEAR SENATOR: Attached hereto is copy of resolution which has been adopted by the board of directors of this organization.

The pink bollworm is characterized by agricultural authorities as one of the most dangerous pests which has ever infested the country. The resolution sets forth the fact that the Federal Government should bear the full expense of stamping out the pest. The responsibility of preventing and controlling this pest rests directly upon the shoulders of the Federal Horticultural Board, which has control of such problems, and it is unfair to ask the State to appropriate two-thirds of this expense.

Trusting that you will give this matter your serious consideration, with my most cordial good wishes, I am,

Very truly yours,

R. M. KELLY, *President.*

Whereas the recent widespread outbreak of the pink bollworm in Texas threatens the cotton industry of the Nation, valued in 1927 by the Crops and Markets Report of the United States for cotton and cottonseed at $1,462,571,000, being 72 per cent of the value of and second in value only to the Nation's corn crop; and

Whereas cotton has for many years carried the balance of trade for the United States and cotton as a resource is so interwoven with our national prosperity as to affect numerous allied and related industries; and

Whereas the National Congress has established a precedent in appropriating $10,000,000 for the control of the European corn borer and now has before Congress a bill appropriating a similar amount for the continued prosecution of this work; and

Whereas the National Government has assumed the responsibility through its Federal Horticultural Board of preventing the introduction of dangerous insect pests into the United States, the said horticultural board having had absolute control of the promulgation and enforcement of quarantines to prevent the entry of dangerous insect pests; and

Whereas the State of Texas and its citizenship is in no wise responsible for the introduction and spread of this insect pest, but, on the other hand, its introduction has come from a foreign nation and it has made its entry into Texas in spite of the promulgation and enforcements of the Federal Horticultural Board: Therefore be it

Resolved, That we recognize this as a national emergency which threatens to shake the whole business fabric of the Nation and therefore requires immediate and vigorous action; be it further

Resolved, That, recognizing this as a national problem confronting the people of Texas and other cotton-growing States and the Nation, in which the Texas people have been in no sense responsible for the entry into and occurrence of the insect, and that the Federal Horticultural Board has had full charge of all quarantine regulations, we therefore believe that the Federal Government should bear the full expense of stamping out this insect pest and for compensating the farmers for the losses incident to handling this problem, believing that the previous experiences in which the insect has been stamped out by the establishment of noncotton zones fully justifies the Federal Government in providing the means and otherwise taking steps to eradicate this insect; be it further

Resolved, That we petition the Seventieth Congress, now in session, through our representatives in the Congress and urge the united support and petition of all the people interested in any way in the cotton industry or related industries to petition their representatives in Congress to immediately appropriate the sum of $6,000,000, or as much thereof as may be necessary, to provide for immediate and active prosecution of the work of eradication, which offers more hope if attacked immediately than if carried out after long and repeated delays.

AMENDMENTS TO MUSCLE SHOALS RESOLUTION

Mr. KING, Mr. CARAWAY, and Mr. McKELLAR each submitted an amendment intended to be proposed by them, respectively, to the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes, which were severally ordered to lie on the table and to be printed.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 700. An act authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district, providing for the conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes;

S. 771. An act providing for the gift of the U. S. S. *Dispatch* to the State of Florida;

S. 1705. An act authorizing the Court of Claims to render judgment in favor of the administrator of or collector for the estate of Peter P. Pitchlynn, deceased, instead of the heirs of Peter P. Pitchlynn, and for other purposes;

S. 2342. An act providing for a per capita payment of $25 to each enrolled member of the Chippewa Tribe of Minnesota from the funds standing to their credit in the Treasury of the United States;

S. 2902. An act authorizing the States of Wisconsin and Michigan to construct, maintain, and operate a free highway bridge across the Menominee River at or near Marinette, Wis.;

H. R. 437. An act authorizing the Maysville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Maysville, Ky.;

H. R. 472. An act authorizing the Dwight P. Robinson & Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Maysville, Ky.;

H. R. 2809. An act for the relief of the heirs of Jacob Thomas;

H. R. 5476. An act to authorize the Secretary of War to sell to the Pennsylvania Railroad Co. a tract of land situate in the city of Philadelphia and State of Pennsylvania;

H. R. 6491. An act to amend section 8 of the act entitled "An act to supplement existing laws against unlawful restraints

and monopolies, and for other purposes," approved October 15, 1914, as amended;

H. R. 6579. An act for the relief of James W. Kingon;

H. R. 6684. An act to amend section 2455 of the Revised Statutes of the United States, as amended, relating to isolated tracts of public land;

H. R. 7008. An act to authorize appropriations for the completion of the transfer of the experimental and testing plant of the Air Corps to a permanent site at Wright Field, Dayton, Ohio, and for other purposes;

H. R. 7553. An act for the relief of James Neal;

H. R. 8293. An act to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913;

H. R. 8899. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tombigbee River at or near Epes, Ala.;

H. R. 8900. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tombigbee River near Gainesville, on the Gainesville-Eutaw road between Sumter and Green Counties, Ala.;

H. R. 9019. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a highway bridge across the Ouachita River at or near Calion, Ark.;

H. R. 9063. An act to extend the times for commencing and completing the construction of a bridge across the Chattahoochee River at or near Alaga, Ala.;

H. R. 9202. An act to authorize construction at the United States Military Academy, West Point, N. Y.;

H. R. 9204. An act granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the Current River at or near Success, Ark.;

H. R. 9339. An act granting the consent of Congress to the board of county commissioners of Trumbull County, Ohio, to construct, maintain, and operate a free highway bridge across the Mahoning River at or near Warren, Trumbull County, Ohio; and

H. R. 9484. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tombigbee River at or near Aliceville on the Gainesville-Aliceville road in Pickens County, Ala.

SALARY OF MINISTER RESIDENT AND CONSUL GENERAL TO LIBERIA (S. DOC. NO. 69)

The PRESIDING OFFICER (Mr. FESS in the chair) laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State recommending legislation authorizing an increase in the salary of the minister resident and consul general to Liberia from $5,000 to $10,000 per annum.

I am in full accord with the reasons advanced by the Secretary of State why the increase should be allowed, and I strongly urge upon the Congress the enactment of legislation authorizing it.

CALVIN COOLIDGE.

THE WHITE HOUSE, *March 7, 1928.*

FLOOD CONTROL

Mr. RANSDELL. Mr. President, I ask leave to call the attention of the Senate to the imperative necessity of legislating on flood control. We have now been in session for over three months. This is an extremely important matter to the whole Nation and especially to the people of the Mississippi Valley States.

I do not wish to interfere in the slightest degree with the progress or passage of the Muscle Shoals legislation nor with the measure for the retirement of certain officers and former officers of the Army, nor the bill to meet the obligations of the Government in regard to migratory birds. Those three measures, I understand, are to come up in this order and then we are to consider flood control.

I merely wish to call attention to the fact that this great flood control legislation must be passed by both Houses of Congress and then come back for a proper appropriation of funds. We are only trying to pass an authorization bill and it takes a great deal of time to do so. I hope that Senators, in considering the three measures which have precedence over flood control, will not take any more time than is absolutely necessary to properly present the claims of their respective measures.

CUMBERLAND RIVER BRIDGE, TENNESSEE

Mr. DALE. Mr. President, from the Committee on Commerce I report back favorably, with amendments, the bill (H. R. 9137) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Lebanon-Hartsville road in Wilson and Trousdale Counties, Tenn., and I submit a report (No. 492) thereon. I call the attention of the junior Senator from Tennessee [Mr. TYSON] to the fact that I am reporting favorably this bill and another bill from the Committee on Commerce relating to the construction of bridges in Tennessee.

Mr. TYSON. Mr. President, I ask unanimous consent for the immediate consideration of the bill.

The PRESIDING OFFICER (Mr. ODDIE in the chair). Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments, on page 1, line 7, after the word "navigation," to strike out the words "on the Lebanon-Hartsville road" and insert in lieu thereof "on the projected State highway between Lebanon and Hartsville and Gallatin near Hunters Point," and on page 2, line 10, after the words "amortize the," to strike out the words "cost of the bridge and its" and insert in lieu thereof "cost of the bonds authorized to be issued under the law of the State of Tennessee in connection with the construction of this and other bridges and their," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the highway department of the State of Tennessee to construct, maintain, and operate a bridge and approaches thereto across the Cumberland river at a point suitable to the interests of navigation, on the projected State highway between Lebanon and Hartsville and Gallatin near Hunters Point in Wilson and Trousdale Counties, in the State of Tennessee, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bonds authorized to be issued under the law of the State of Tennessee in connection with the construction of this and other bridges and their approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 25 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress to the highway department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the projected State highway between Lebanon and Hartsville and Gallatin near Hunters Point, in Wilson and Trousdale Counties, Tenn."

CLINCH RIVER BRIDGE, HANCOCK COUNTY, TENN.

Mr. DALE. I also report favorably without amendment from the Committee on Commerce the bill (H. R. 9293) granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Clinch River on the Sneedville-Rogersville road in Hancock County, Tenn., and I submit a report (No. 493) thereon.

Mr. TYSON. Mr. President, I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. JONES. Mr. President, I do not desire to delay the passage of the bill, but I wish to ask the Senator from Louisiana [Mr. RANSDELL] a question. He has just made a statement from which I think it might be inferred——

Mr. TYSON. Mr. President, has House bill 9293 been passed?

The PRESIDING OFFICER. No; it is now before the Senate.

Mr. JONES. I repeat that from the statement which the Senator from Louisiana has just made I think it might be inferred that he thinks there has been undue delay on the part of the Senate committee, at least, in connection with flood control legislation. I think that committee has acted just about as rapidly as it could, and we are prepared to take flood control bill up in the Senate just as soon as it is possible to get the opportunity to do so.

Mr. RANSDELL. Mr. President, I agree with the statement just made by the Senator from Washington. I think the Senate Commerce Committee acted on the flood control measure promptly. We perhaps might have pushed it a little more rapidly if it had not been for delays caused by some of our own Members and the thought that, perhaps, the House of Representatives, which has been considering a similar measure for a long time, would first present its bill. I do not criticize anybody, but simply wish to call attention to the very important situation now confronting us and to express the hope that there will be no further delay in the consideration of the proposed legislation; at least, no more than shall be absolutely necessary.

Mr. HARRISON. Mr. President, in connection with the statement just made by the Senator from Louisiana [Mr. RANSDELL], will the Senator from Tennessee permit me to inquire of the Senator from Washington [Mr. JONES] when he contemplates bringing up for consideration the flood control bill?

Mr. JONES. The steering committee of the Senate has mapped out a program to take up and dispose of the Muscle Shoals measure, which is now before the Senate; then the volunteer officers' retirement bill, in which the Senator from Tennessee [Mr. TYSON] is interested; then the migratory bird bill. Then I understand that the committee has put the flood control bill next in order for consideration. I am prepared to say that the three bills to which I have referred were placed on the program of the Senate before the flood control bill was reported from the committee, and it was felt that we should not undertake to displace those measures which had already been arranged to be considered, but the flood control bill has been put in order for consideration right after the disposition of the other measures I have named.

Mr. HARRISON. Then we ought to get the flood control bill before the Senate some time next week?

Mr. JONES. I should think we should certainly get it before the Senate next week.

Mr. DILL. I wish to say to my colleague that the flood control bill, of course, was not on the calendar when the arrangement was made for the migratory bird bill to be considered.

Mr. JONES. No.

Mr. DILL. And I think I can safely say to the Senator there is not any chance of getting the flood control bill before the Senate next week if the migratory bird bill shall come in between, and perhaps not for some time.

Mr. JONES. We shall do the very best we can, and shall get the flood control bill before the Senate just as soon as possible.

Mr. DILL. I wish the Senator would move to take up an important bill such as the flood control bill rather than the migratory bird bill.

Mr. JONES. The Senate may be disposed to take up the flood control bill and displace one of the other bills.

Mr. WALSH of Massachusetts. Will the Senator tell us what has become of the independent offices appropriation bill? What is its present status?

Mr. JONES. I have not had charge of that bill but, as I understand, there is a motion to reconsider the vote whereby the conference report was adopted, and that motion is now on the table undisposed of.

Mr. WALSH of Massachusetts. When is that question going to be taken up?

Mr. JONES. I will ask the Senator from Utah [Mr. SMOOT], who is in charge of the subject, to answer the question.

Mr. SMOOT. I will say to the Senator from Massachusetts that the question to which he refers will be taken up at the first moment when it is possible to do so.

Mr. WALSH of Massachusetts. I wish to say to the Senator that there are some items carried in the bill which, if the departments were permitted to make use of, would help somewhat to relieve the unemployment conditions in the country. I, therefore, hope the proposed legislation will not be longer delayed.

Mr. SMOOT. Mr. President, I will assure the Senator that the motion in regard to the conference report will be acted on as soon as possible.

Mr. TYSON. Have I the floor, Mr. President?

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. The Senator from Tennessee has the floor. Does he yield to the Senator from Utah?

Mr. TYSON. If the Senator will wait for just one moment until I may have the pending bridge bill passed, I will then yield to him. It will take but a moment.

Mr. SMOOT. I wish to speak on the bridge bill for about 10 minutes as to the question of unemployment.

Mr. TYSON. I ask unanimous consent to proceed with the consideration of the bridge bill which is now before the Senate.

The PRESIDING OFFICER. The question is, Shall the bill be reported to the Senate?

Mr. SMOOT. I wish to be heard, Mr. President.

The PRESIDING OFFICER. The bill is debatable.

Mr. SMOOT. I am not going to object to the bill, but I want to be heard.

Mr. TYSON. If the Senator from Utah will postpone his remarks for just one moment, I desire to say that the pending bill is not contested in any way.

Mr. SMOOT. I have not any objection to the passage of the bill which is before the Senate, but, I repeat, I wish to be heard at this time.

The PRESIDING OFFICER. The question is, Shall the bill be reported to the Senate?

Mr. SMOOT. Mr. President——

Mr. ROBINSON of Arkansas. The Senator from Alabama [Mr. HEFLIN] is entitled to the floor, and I apprehend he would not want to yield time in which to debate the bill.

Mr. HEFLIN. I have no objection to the Senator from Utah [Mr. SMOOT] taking 10 minutes if he wishes to do so after the pending bill shall have been disposed of in the proper way.

Mr. SMOOT. That would be perfectly satisfactory to me. I repeat, I have not any objection at all to the bill.

The PRESIDING OFFICER. The Chair understands that the Senator from Utah had no objection to the passage of the bill.

Mr. SMOOT. None at all.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UNEMPLOYMENT AND BUSINESS CONDITIONS

Mr. SMOOT. Now, I understand the Senator from Alabama states that I may have about 10 minutes before he begins his speech.

Mr. HEFLIN. I yield to the Senator from Utah.

Mr. WALSH of Massachusetts. Of course the Senator would expect other Senators to have an opportunity to reply to his remarks.

Mr. SMOOT. I have no objection to that whatever.

Mr. HEFLIN. There will be plenty of opportunity during the day for other Senators to speak.

Mr. SMOOT. That is entirely in the hands of the Senator from Alabama.

Mr. HEFLIN. I have no desire to cut off Senators who wish to speak for a few minutes this morning.

Mr. NORRIS. Mr. President, I have no objection to that either; but if we are going into a general debate on another subject, I suggest to the Senator from Alabama that I do not want to see the unfinished business displaced.

Mr. SMOOT. I will say to the Senator from Nebraska that the Senator from Alabama yielded to me.

Mr. NORRIS. That does not make any difference. Any Senator can object to displacing the unfinished business.

Mr. SMOOT. I am not trying to displace the unfinished business. I will speak on the Muscle Shoals resolution.

Mr. NORRIS. The Senator can do that. I thought the Senator was going to discuss another bill.

Mr. SMOOT. Not at all.

Mr. NORRIS. Then the Senator is within his rights, of course.

Mr. SMOOT. Mr. President, the Senator from New York [Mr. WAGNER] in discussing his resolution proposing an investigation of unemployment in the United States criticized the statement of the President in his last message to Congress that—

> Wages are at a very high range. Employment is plentiful.

That was last December. While there is always some unemployment and there are always some idle men, estimated at about a million, the number has increased since last December

when the number of involuntary idle was excessive. Conditions existing in August, September, October, and November, 1927, warranted such a statement as the President made in December. Here are the figures gathered from 54 separate industries by the Department of Labor:

	Number of industries	Number on pay roll	Amount of pay roll
1927:			
July	10,918	3,017,637	$70,080,415
August	10,918	3,028,729	80,566,040
September	10,781	3,030,762	79,212,903
October	10,819	3,018,729	80,081,298
November	10,819	2,953,560	76,722,522
December	10,607	2,922,922	77,975,546

Mr. GERRY. Mr. President, will the Senator yield?

Mr. SMOOT. I should like to put these figures in the RECORD in regular order, and then I will answer any questions.

Mr. GERRY. I simply wish to ask the Senator if he is going to indicate in his remarks what industries are referred to.

Mr. SMOOT. My statement was that the figures covered 54 separate industries, and the number of industries reporting were 10,918 in July, 1927.

Mr. GERRY. But the Senator is not stating what industries they are.

Mr. SMOOT. If the Senator will wait until I get through, I think I will answer his question satisfactorily.

The total number of employed in manufactures was:

	1921	1925
Total establishments	196,267	187,390
Wage earners	6,946,564	8,387,261
Annual wages	$10,600,000,000	$10,729,968,000

The year 1926 was unusually prosperous. The number of wage earners increased over 1925, and wages paid increased.

There was a large increase in the number of voluntary unemployed owing to strikes in 1927. It is estimated that there were a million wage earners out on strike at various periods during the year. However, in 54 separate lines of industry there was a normal number of employed and a normal volume of wage earnings.

In some lines of industry, notably the textile industry, there was less employment and several cuts of wages in certain mills, notably in New England. This was due largely to southern competition in addition to foreign competitive imports. Despite the tariff, foreign competition in the American markets has been intense, and already several lines of industry have asked for an increase in import duties.

Sufficient importance to imports affecting general prosperity has not been given in recent years. Total imports have increased, despite the tariff, clearly indicating that even a protective or high tariff does not prevent imports. Imports of merchandise are shown as follows:

1922	$3,112,747,000
1923	3,792,066,000
1924	3,609,963,000
1925	4,226,589,000
1926	4,430,888,000
1927	4,184,378,000

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Massachusetts?

Mr. SMOOT. I yield.

Mr. WALSH of Massachusetts. What is the difference between the imports for 1926 and the imports for 1927?

Mr. SMOOT. There was a difference of $246,510,000.

Mr. WALSH of Massachusetts. In other words, there were $246,000,000 less imports in 1927 than in 1926.

Mr. SMOOT. Yes.

Mr. WALSH of Massachusetts. The imports in 1927 were that much less than the imports in 1926?

Mr. SMOOT. But 1926 was the year of highest imports in the history of the United States.

Mr. WALSH of Massachusetts. I understand the Senator to agree that, notwithstanding a lessening of imports, unemployment conditions were worse in the latter part of 1927 than in 1926.

Mr. SMOOT. The small decrease in imports amounts to nothing in considering the vast manufacturing industry of the United States; it is a mere bagatelle; but these imports have had a tendency to supplant large quantities of American goods despite the tariff, thus slowing down many American industries.

Mr. HARRISON. Mr. President, may I ask the Senator a question in that connection?

Mr. SMOOT. Yes.

Mr. HARRISON. Is the Senator then defending the large unemployment because of these importations that are coming in?

Mr. SMOOT. No. I am stating the situation as it is, and stating that the unemployed in the United States are not what the Senator from New York said.

Mr. HARRISON. Why does not the Senator, in his statistics, show the exportations from this country at the same time? He has given only the importations.

Mr. SMOOT. That is what interferes with labor in the United States. Our exports have nothing whatever to do with slackening of employment on the part of American labor.

Mr. HARRISON. Does the Senator hold that the balance of trade is not a test of the prosperity of the country, but that it must all be based upon importations?

Mr. SMOOT. If such a thing should happen as a constant balance of trade against this country, of course it would interfere with the industries of the country and the business of the country. The Senator knows that just as well as he knows any other matter connected with public questions.

Mr. COPELAND. Mr. President, will the Senator yield for a question?

Mr. SMOOT. Yes.

Mr. COPELAND. Is the Senator laying the foundation for an increase in the tariff schedules?

Mr. SMOOT. I am not. I am telling the Senate just exactly the conditions as they are to-day.

Mr. SMITH. Mr. President, may I ask the Senator if the exports of the articles of which he says imports have increased are available, so that he can tell the Senate the relative amount of exports of like articles as compared with previous years?

Mr. SMOOT. I could not say offhand, Mr. President.

Mr. SMITH. That is pertinent for the reason that our exports of the articles of which an increased import is indicated would show whether or not our domestic labor was still employed in producing those things that are exported.

Mr. SMOOT. The percentages are about the same as they were before; that is, between 35 and 40 per cent of the imports are on the dutiable list, and the rest of them are on the free list. That is the percentage of the goods imported into this country.

A slow-down of many industries helps to increase industrial unemployment, and the result is immediately felt in the lowering of the consuming power of the wage earners. This has brought about what may be called an oversupply or overproduction existing in many lines; and I might add that mass production has cut a great figure in the amount of production in the United States in special lines. There has been overproduction or underconsumption, which is the other side of the same picture, especially in the textile and silk industries and in the woolen industries. Styles have changed and seriously affected many lines, especially in women's wear.

Unemployment exists in all industrial countries, and overproduction is the main cause. However, involuntary unemployment in 1926 and 1927 was nothing compared with unemployment in 1920 and 1921, when President Harding appointed an employment or unemployment board to investigate and make recommendations.

It can not be gainsaid that general business conditions and industrial employment here have improved steadily since 1920.

Mr. WALSH of Massachusetts. Mr. President——

Mr. SMOOT. Just a moment.

Mr. WALSH of Massachusetts. I merely wish to ask the Senator to explain a statement he made. Did I understand the Senator to say that the present unemployment conditions do not compare with the unemployment conditions in 1920?

Mr. SMOOT. I say that, without a question of doubt.

Mr. WALSH of Massachusetts. Is it not a well-known fact that the peak of war prosperity, the highest point reached in the prosperity following the war, was in the summer of 1920, and that the decline began after that and was most noticeable in the year 1921, and that 1920 was one of the very best and most prosperous years we have had?

Mr. SMOOT. Yes; as far as general business was concerned, but not as far as manufactures were concerned. They are the ones that employ the great mass of American people.

Mr. WALSH of Massachusetts. Is it not a fact that the unemployment at the present time is greatly in excess of that of 1921, and do not these statistics show it?

Mr. SMOOT. No; I will say to the Senator that that is not the case.

Mr. WALSH of Massachusetts. The Senator is misinformed.

Mr. GERRY. Mr. President, does the Senator say that the

conditions in New England were better in 1920 than they are now?

Mr. SMOOT. I have explained why the conditions in the cotton industry and the woolen industry of New England were not what they have been in the past. The Senator knows why.

Mr. GERRY. No; not entirely.

Mr. SMOOT. I can tell the Senator why right now if he wants to know.

Mr. GERRY. The Senator also has not answered my former question. I wonder if he is going to state what industries his tables are made up from. He has referred to a list of industries.

Mr. SMOOT. They are taken from over 10,000 industries, of every name and nature, in every section of the country. There is not a State in the Union but that they are taken from, and they cover the industries from one end of the country to the other.

Mr. GERRY. But the Senator stated that he was making up his tables from 54 industries, and then he did not give the industries. I was interested to know what his tables were made up from.

Mr. SMOOT. The 54 industries that amount to anything in this country cover nearly all the leading classes of industries of the country.

Mr. GERRY. The Senator has not given a list of those industries in his tables. He has just given a list of figures.

Mr. SMOOT. I care not what the Senator says in relation to that. If he wants to get the industries, all he has to do is to ask the Department of Labor and he will get them.

Mr. GERRY. But the Senator is making the statement.

Mr. HARRISON. Mr. President, I understood the Senator to say that the unemployment is not as acute now as it was in 1921.

Mr. SMOOT. The statement I made was that the involuntary unemployment in 1926 and 1927 was nothing compared with the unemployment in 1920 and 1921.

Mr. HARRISON. In 1921 the present Secretary of Labor made a report on conditions in this country. I think it was in July or August. It showed somewhere around three and a half million to five million men out of employment at that time. That report aggrieved certain Republican leaders.

Mr. SMOOT. What year was that?

Mr. HARRISON. In 1921, when the Republican Party had taken control of the Government, and at a time when the Senator's party had had control of the House of Representatives for two years.

Mr. SMOOT. We took control of the Government on March 4, 1921.

Mr. HARRISON. Is it not a fact that at that time, when the report came in, the Senator was aggrieved and said, "Well, the Secretary will not make such a report as that again?"

Mr. SMOOT. No; I never made such a statement.

Mr. HARRISON. Well, the Senator felt that way about it.

Mr. SMOOT. The Senator may undertake to say how I felt. He always attributes to me exactly what he hopes I may say. I want to say to the Senator that the statement was in regard to the involuntary unemployment. During 1920 and 1921 there were no strikes to speak of in this country, and now there are strikes on in different sections of the country.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield just for a brief statement and a question?

Mr. SMOOT. I yield, though I am nearly through.

Mr. ROBINSON of Arkansas. It is in connection with the question asked the Senator from Utah by the Senator from Rhode Island [Mr. GERRY].

The Senator from Utah manifested, I thought, a little petulance because the Senator from Rhode Island called on him to publish a list of the industries which he claims are so prosperous, and in which there is no unemployment. It seems to me that that is the very gist of the value of his statement. A list of the industries would disclose in part, at least, the extent of their operations, and illustrate the number of the employees concerned in them. A mere statement that 54 industries are more prosperous now than they were in another year does not of necessity reflect the general condition of the country, either with respect to unemployment or with respect to prosperity generally.

The Senator has made a statement that I challenge. I do not believe that he can sustain it with the facts, and I think when he reflects he will either modify it or retract it. The Senator said that since 1920 industry generally in the United States had been increasing and growing in prosperity, and that that process is still in progress.

The Washington Post, in an editorial that I saw but have not at hand just now, made the declaration that it is only the giant industries of the country, the large corporations, that are prospering; and I put in the RECORD here some time ago figures that have not been challenged, showing that about three-fifths of the corporations in the country, as I remember the figures now, are not paying any income tax, which means, of course, that they are not earning material profits. I showed, in the statement to which I now refer, that there have been more bank failures during the years to which the Senator has referred as disclosing a constantly growing prosperity throughout the United States than in any similar period of history since this Government began. It is a matter of common knowledge that the agricultural industry throughout that period has been totally lacking in prosperity; and when we consider the country as a whole and industry as a whole, the statement of the Senator from Utah that prosperity has characterized the industries of this country during the years from 1920 to 1928 and is still growing can not be sustained.

Mr. SMOOT. Mr. President, the Senator has made a speech in my time, but——

Mr. ROBINSON of Arkansas. The Senator is making his speech in the time of the Senator from Alabama [Mr. HEFLIN].

Mr. SMOOT. No; I am not. I am making the speech in my own time; and I will say to the Senator now, in regard to the bank failures in this country, What is the fundamental reason for them?

Mr. ROBINSON of Arkansas. It certainly is not prosperity.

Mr. SMOOT. Wait just a minute.

Mr. ROBINSON of Arkansas. The Senator asks me a question, and then resents it when I answer.

Mr. SMOOT. No; I will answer it.

Mr. ROBINSON of Arkansas. The Senator can answer his own questions; but I respectfully suggest to him that he should ask himself, instead of asking me, if he does not want me to answer.

Mr. HARRISON. Mr. President, will not the Senator let me——

Mr. SMOOT. No; I will not. I know what the object of the Senator is.

Mr. ROBINSON of Arkansas. The Senator does not attribute any ulterior motive to me?

Mr. SMOOT. Oh, well, I know what the object of these interruptions is.

Mr. HARRISON. While the Senator——

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. SMOOT. I want to finish what I have to say; then I will yield to the Senator.

Mr. ROBINSON of Arkansas. Very well.

Mr. HARRISON. The Senator can answer my question in just a word.

Mr. SMOOT. No; I do not yield.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. CARAWAY. Mr. President, will the Senator yield to me for just a minute?

Mr. SMOOT. No; I will not.

Mr. SWANSON. Will not the Senator yield to a mild-mannered man like me?

Mr. CARAWAY. Mr. President——

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. SMOOT. I want to proceed with what I have to say.

Mr. CARAWAY. That is what we want the Senator to do, but we want to ask him a question. We want to help him make it plain.

Mr. SMOOT. Will the Senators please let me go on?

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. SMOOT. In answer to the Senator from Arkansas [Mr. ROBINSON] relative to the bank failures in the United States: Business failures are not generally made in hard times. Failures are generally made in prosperous times, and I want to tell you why.

Mr. CARAWAY. Let me ask the Senator——

Mr. SMOOT. No; I want to go on.

Mr. ROBINSON of Arkansas. Mr. President——

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. SMOOT. I do not yield.

Mr. CARAWAY. I know the Senator does not.

Mr. SMOOT. Perhaps that statement would appear to some as fundamentally wrong, but it is fundamentally right.

Mr. CARAWAY. It sounds mighty wrong to me.

Mr. SMOOT. Will the Senator please let me go on?

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. SMOOT. In prosperous times, money is loaned as it was and has been to an extent to which banks or individuals would never think of making loans in hard times or poor times. Take the number of bank failures in Idaho: The Senators from Idaho knows why it was. The banks there loaned on real estate. A real-estate boom was on. Everything was prosperous, and they thought the value of real estate would increase and increase and increase; and it develops now that those loans were made for two and three times what the real estate would sell for. Many were loans on uncultivated lands. No income from such, and interest accumulating on loans made. That happened in other States, and, of course, when the real-estate boom broke the banks had frozen credits, they could not meet the demands that were made upon them and their doors were closed.

Mr. HARRISON. Mr. President——

Mr. SMOOT. No; I do not yield.

Mr. HARRISON. This is a real question.

Mr. SMOOT. I do not yield, I will say to the Senator.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. SMOOT. I can not complete a sentence without somebody attempting to interrupt me.

Mr. NEELY. Mr. President, a point of order.

Mr. SMOOT. Mr. President——

Mr. NEELY. I rise to a point of order.

The PRESIDING OFFICER. The Senator will state the point of order.

Mr. NEELY. The point of order is this: These Democratic Senators are simply ruining the Senator's speech, and I insist that the Sergeant at Arms give him protection.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. SMOOT. This is the statement I made, to which the Senator from Arkansas referred:

> However, involuntary unemployment in 1926 and 1927 was nothing compared with unemployment in 1920 and 1921, when President Harding appointed an employment or unemployment board to investigate and make recommendations.

I say, Mr. President, that that statement is absolutely true. Now, I have only a very few words more, and I shall continue with what I have to say.

Business in 1926 was the best since the World War. As a result, overproduction was felt, and with it the reaction always following a surplus not only in agriculture but in manufactures. Nevertheless, there is no country on earth where the wage earners as a whole can obtain so much for what they earn as in the United States.

Mr. BLEASE. Mr. President——

Mr. SMOOT. Wages are highest here, a larger proportion of willing wage earners are employed than in any other country, and opportunities for the industrious persons are the best here in the United States.

Domestic development plus free opportunities for energy, skill, and industry, plus thrift, made the United States what it is. Protection made possible this domestic development and all that has followed.

President Coolidge therefore was right when he said:

> Wages are at a very high range. Employment is plentiful.

Mr. HARRISON. Now will the Senator yield, before he takes his seat?

Mr. SMOOT. The Senator can talk in his own time.

Mr. BLEASE. Mr. President, I want to ask the Senator from Utah a question, not for the purpose of disturbing him at all but for information. Are the persons out of employment to-day in this country all American citizens; and if it is a fact that they are American citizens, is that unemployment caused by the admission of cheap foreign labor, which has forced American citizens out of work?

Mr. SMOOT. Mr. President, I do not think the Department of Labor has ever collected any statistics as to whether the employees in the industries of the United States were citizens of the United States or of foreign countries. I have never seen such a report, I will say to the Senator.

Mr. BLEASE. I thank the Senator for the information.

Mr. HARRISON. Mr. President, may I ask the Senator, before he takes his seat, under his statement that failures come with prosperity——

Mr. SMOOT. I did not say they come with prosperity. I said they were never made in hard times, that the foundation was laid when there were good times.

Mr. HARRISON. Have we hard times now or prosperity?

Mr. SMOOT. Generally, prosperity.

Mr. HARRISON. We have not?

Mr. SMOOT. No.

Mr. HARRISON. Why is it that the Senator, with his dominating influence, and his colleagues here, hold up a tax reduction bill from the American people, when it passed the House months ago, and was labeled House Resolution 1?

Mr. SMOOT. As far as I am personally concerned, I want to say this: That I would not want to be chairman of a committee that would report a bill to the Senate which would become a law, and then have to make unanticipated appropriations at the end of 1929, when we would not find in the Treasury sufficient money to pay the debts of our Government.

Mr. HARRISON. But the President has said that the appropriations are within the Budget, and he also says that we ought to have some tax reduction.

Mr. SMOOT. He has also said, providing appropriations would allow it.

Mr. HARRISON. We have passed most of the appropriation bills.

Mr. SMOOT. The Senator is waiting for appropriations for flood control. Senators are waiting here now for Boulder Dam appropriations, we are talking about St. Lawrence canals, we are talking about Columbia Basin, and other projects.

Mr. HARRISON. Then the Senator does not think we are going to get any tax reduction bill?

Mr. SMOOT. I hope we will get a tax reduction bill.

Mr. HARRISON. When will we know?

Mr. SMOOT. We will know just as soon as we find out, after March 15, what the estimated amount of revenues will be.

Mr. GERRY. Does the Senator think the revenues are going to be larger this year?

Mr. SMOOT. No; I do not think they are going to be larger; I think they are going to be less.

Mr. HARRISON. How much less?

Mr. SMOOT. I will say to the Senator that out of 1,200 inquiries that have been made of business organizations throughout the country, asking for a comparison between their incomes in 1927 as compared with 1926, the replies show that they are between 9 and 10 per cent less.

Mr. HARRISON. That is the prosperity the Senator is talking about, then?

Mr. SMOOT. No; that is not prosperity I refer to; these statements, some of them, come from industries that have gone into mass production, selling goods cheaper than they did in 1926, in order to force the merchandise into trade circles so that the mills may be kept running.

Mr. HARRISON. What are the figures of the Senator as to the surplus now in the Treasury for this year?

Mr. SMOOT. Does the Senator mean for 1927?

Mr. HARRISON. Yes.

Mr. SMOOT. I think about $500,000,000. I am not worried about 1928. This tax bill does not cut any figure with 1928. This tax bill reaches into 1929.

Mr. HARRISON. If the Senator makes the same progress with reference to tax reduction for 1929 that he has for 1928, the people will never get any tax reduction.

Mr. SMOOT. The Senator need not worry; they will get tax reduction just as soon as we know that we have money sufficient to pay the expenses and obligations of the Government, and all above that will be used for tax reduction.

Mr. McKELLAR. Mr. President, will the Senator yield for a question?

Mr. SMOOT. Yes; but I really have not the floor.

Mr. McKELLAR. I did not hear the figures the Senator gave as to unemployment now. I heard him say that unemployment in 1920 and 1921 was largely in excess of that at the present time. Did the Senator give any figures? What are the Senator's figures for the present unemployment?

Mr. SMOOT. This is what I said, "Involuntary employment."

Mr. McKELLAR. I heard that.

Mr. SMOOT. That is what makes——

Mr. McKELLAR. Unless the Senator has the figures as to unemployment, how can he compare the unemployment of to-day with the unemployment of 1920 and 1921?

Mr. SMOOT. Mr. President, the Senator was not here, I suppose, when I began my remarks.

Mr. McKELLAR. I was not, and I wanted to have the Senator's figures.

Mr. SMOOT. I have the figures, for instance, as to the number of industries, and so on.

Mr. McKELLAR. But the Senator does not state the figures as to unemployment. The figures for 1920 and 1921 were stated. They showed somewhere between three and five million. Without having the figures before him for to-day, how can the Senator make the broad statement that the unemployment was greater in 1920 and 1921 than it is in 1928?

Mr. SMOOT. Because the Department of Labor will tell the Senator so at once, if he will go down there and ask them, and their report, if the Senator will get it, will show.

Mr. McKELLAR. Have they the figures? Why did not the Senator present the figures, if they are correct, and if the information is available?

Mr. SMOOT. I am sorry I did not ask the Senator what I should present here this morning.

Mr. McKELLAR. But I think the Senator, in presenting the figures for 1921 and comparing them with the figures, in his own mind, of 1928, ought to be willing to present to the Senate and to the country the figures for both periods.

Mr. SMOOT. I am not going to repeat what I have already said.

Mr. HARRISON. Mr. President, may I say that this is the first time the Senator from Utah has ever failed to produce figures, whether they were correct or not.

Mr. SMOOT. I will say to the Senator that if the Senator did produce figures at any time, I would have to look into them mighty carefully before I could accept them.

Mr. WALSH of Massachusetts. Mr. President, I listened with interest to the speech of the Senator from Utah [Mr. SMOOT], but I have not been able to determine whether or not he admits that there is an unemployment problem in the country at the present time. I do understand him to assert that business conditions are good and that there has been no recession of the alleged business prosperity of recent years.

I call his attention to some information which I have gathered with reference to business conditions in general in the country. Setting aside for the moment the question of unemployment, I quote from a publication known as the United States Business Service, which is published weekly and which on its front page states the favorable and unfavorable factors in the business situation in America.

I shall quote what that weekly report has said about unfavorable business factors since December 17, 1927. On that date it stated:

Average daily steel-ingot output was about 16 per cent under 1926.
Cotton-cloth sales in November were only 60.3 per cent of production.

In the edition of December 31, 1927, it asserted:

Early December car loadings at lowest level since the year 1923.
Eleven months' automobile output 21 per cent below the same period in 1926.
Number of new incorporations is averaging fully 57 per cent under 1926.

There was no statement on Christmas Day. In the issue of January 7, 1928, this publication asserted:

Imports in 1927 estimated to have declined 5 per cent from 1926 total.
Car loadings for last 12 months were 2.6 per cent under the 1926 level.
Brokers' loans increased more than $930,000,000 during 1927.

Mr. SMOOT. Mr. President, does the Senator hold that brokers' loans cause unemployment here in the United States?

Mr. WALSH of Massachusetts. I most certainly assert that it is an unfavorable business factor to have such a tremendous increase in loans to brokers who speculate in stocks resulting in taking money from industries and other legitimate activities. This paper considers it an unfavorable business factor.

Mr. SMOOT. Does the Senator object to the Federal Reserve Board stopping those loans from being pyramided?

Mr. WALSH of Massachusetts. I certainly do not. I think their action is commendable. I am stating facts about unfavorable business conditions. Later I shall consider unemployment.

On January 14, 1928, this publication asserted:

Failures during 1927 increased nearly 6 per cent over 1926 level.
December pig-iron output fell 12.7 per cent under the same month a year ago.

On January 21, 1928:

Freight-car loadings averaged about 8 per cent under a year ago.
Building permits have temporarily fallen off 35 per cent under 1927.

On January 28, 1928:

United States industrial employment in December was the lowest since August, 1924.
Cotton-goods production reported 20 per cent lower in the past 60 days.
Labor disturbances have increased slightly, due to recent wage cuts.

February 4, 1928:

Car loadings running below 1, 2, and 3 years ago.
Brokers' loans 38 per cent over a year ago indicate weak market structure.
Cotton spindle output of December was 8.2 per cent below December, 1926.
Unemployment throughout the country is reported increasing.

Mark you, this is a special report made by this business service exclusively to the business men of the country.

In the February 11, 1928, number:

Car loading running 13,000 cars below normal conditions in 1926.
Radio industry is experiencing more than normal seasonal decline.

In the publication of February 25, 1928:

Unemployment situation temporarily acute in eastern centers.
Active cotton spindles in January were 2.8 per cent under January, 1927.
January pig iron declined 7.7 per cent under a year ago.
Imports in January totaled $338,000,000, or 5.2 per cent under January, 1927.
Bituminous-coal output running 25 per cent under a year ago.

Report of March 3, 1928:

Factory employment in January at lowest level since April, 1922.
Weakness evidenced in prices of copper, zinc, lead, and tin.
New business in the shoe industry is currently reported lower.

These statements are from one of the most reliable agencies giving information to business men. How any man can say in the face of this report that favorable business conditions of the country have not receded is beyond my understanding.

Mr. GERRY. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. I am glad to yield to the Senator from Rhode Island.

Mr. GERRY. I was wondering if the Senator from Massachusetts could tell us if he has a list of the 54 industries that the Senator quoted the figures from, but could not name, as being so prosperous.

Mr. WALSH of Massachusetts. I will say to the Senator that the 54 industries which report to the Department of Labor are the largest and most important, and only those industries that voluntarily see fit to make a report. The great bulk of the industries, the smaller ones which are likely to be more affected during business depression, do not report, and therefore we have not the information which those industries would furnish.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. I am always glad to yield to the Senator from Utah.

Mr. SMOOT. There were 54 industries, but there were 10,819——

Mr. WALSH of Massachusetts. Yes; 54 varieties of industries.

Mr. SMOOT. Yes; 54 classes of business, but there were 10,819 industries reporting.

Mr. WALSH of Massachusetts. I so understand.

I call attention now to an article published in the March Survey Graphic. The subject of the article is "Is unemployment here?" The article quotes from employment conditions in various localities throughout the country. I ask the Senate to listen to the quotations which I am going to give, which show that the present business decline is not confined to mere textile industries about which we hear so much, and which has been admitted because it is of such startling proportions. The present unemployment situation and manufacturing business decline is widespread from one end of the country to the other. Let us begin with Portland, Oreg. I quote from a report furnished by the Welfare Society of that city:

In Portland, Oreg., "there is a decided increase in unemployment. At present there are probably 38,000 unemployed people here, which is an increase of over 100 per cent in our usual unemployed population."

In Philadelphia "there is considerably more unemployment this year than last, and the number of applications coming to us (Family Society of Philadelphia) is exceptionally heavy. * * * Last November we received 307 applications, which is a larger number than in any November since 1918, the November of the influenza epidemic. In December, 1927, we received 340 applications, but there have been two Decembers since 1918 when we have received more applications than this. * * * It is exceedingly difficult to obtain jobs, and there is no doubt that, except for the winter of 1921–22, this is the worst period through which we have gone in 10 years."

"The unemployment situation in Milwaukee this year has been the worst since 1922," the general secretary of the Family Welfare Association reports, and adds: "The situation might have been worse had the winter been more serious."

In New York, the State labor department reports that in December employment touched its lowest point for the year 1927, and that in January approximately 20,000 wage earners were laid off. This pulls the index of employment "lower than it has been at any time since the trough of the depression in the summer of 1921."

In Buffalo, N. Y., where the heavier end of the unemployment load is carried by the city department of social welfare, the Charity Organization Society reports: "They are experiencing a worse situation to-day than in any year since 1921. For instance, in the week of January 6–12, 26 per cent of the applicants gave unemployment as the main cause of their difficulty. In the week of January 13–19, 20 per cent; and in the week of the 20th to the 27th, 32 per cent * * *. In the year July 1, 1926, to June 30, 1927, the department of social welfare spent about $310,050 in family-welfare relief. They have increased their fund this year, and have at their disposal $436,525. This increase has been sought on the basis of the pressure from an unemployment situation."

Chicago has caught the backwash both from the Ford lay-off and the soft-coal strike. The city's widely heralded building and engineering program has brought an influx of men looking for jobs. At the same time, steel and iron, meat-packing, and the clothing trades are "slowed up" and "freight tonnage has declined, throwing trainmen and dispatchers out of work."

Philadelphia and the New England communities suffer from the general depression in textiles. Fall River reports a 10 per cent wage cut in addition to a three-day work week.

In St. Louis "the increase in unemployment is probably due to a more complete shutdown in almost all types of factories employing both skilled and unskilled workers * * *. The industries in St. Louis are diversified, but we have noted that several of the large chemical companies producing patent medicines and drugs are not running full force, manufacturing plants making steel railroad cars are almost shut down, canning factories are employing only a portion of their usual force, and the clothing and shoe manufacturing companies, which represent the largest single industry in the city, are producing less than last year."

In Buffalo "the industrial situation as a whole has been bad this winter. The policy of retrenchment began as far back as July and has affected the whole economic situation. The building trades, steel and metal trades, the automobile and the auto-accessory manufacturers seem to have been our principal sufferers * * *. At the same time our local savings bank deposits have increased quite remarkably * * *. Personally, I feel this is because of the quite general feeling that jobs are so scarce that those who are employed are putting away the maximum amount in savings accounts in order to meet the possible break in employment."

Portland, Oreg., reports that "all our local industries are involved, inasmuch as the principal industry which we have, lumber, is only at 50 per cent of its capacity, and you can see what the effect would be upon all the other local industries." A similar situation is reported from the United Charities of Dallas, Tex.: "The opinion of our staff is that there is more unemployment this winter than last winter * * *. There seems to be a general slowing down in all industries. The situation is not due to the closing down of any particular industry."

Three basic causes of widespread unemployment are set forth in this statement from Salt Lake City, Utah: "A great many of the mines in districts surrounding Salt Lake lay off men regularly each winter. These men pour into the city hoping to find work here * * *. In addition to the general business depression and the fact that we have so much seasonal work here three of our largest concerns have laid off men, principally through the installation of improved machinery."

I shall not take the time of the Senate further to read from this article, but from Salt Lake City and various other parts of the country similar reports are received.

Mr. WATSON. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Massachusetts yield to the Senator from Indiana?

Mr. WALSH of Massachusetts. I am glad to yield.

Mr. WATSON. Let us assume that all the Senator has said about the conditions in the country is true, that there is much unemployment, that the commercial, industrial, and financial condition of the Republic is even worse than he is depicting to us here. What advantage is it to us as legislators to set forth that condition unless we attempt to take two additional steps: First, to find out the reason for it, and, second, to find the remedy for it?

Mr. WALSH of Massachusetts. I certainly do not dispute the Senator. I not only agree with him, but in February, 1927, I asked that the Senate do that very thing, and called the attention of the country to the situation which was then ripening and developing, but nothing was done then and it is apparent nothing will be done now. The statistics that will come from the Department of Labor will not be particularly helpful in view of the fact that the first communication coming from the Department of Labor with reference to the situation to-day is a report to the press that unemployment conditions have improved. The reports of the Department of Labor have invariably been colored with optimistic assertions which were clearly disputed by the statistics covering the same periods of time. I quote from a report entitled "Industrial and general employment prospects" released January 2, 1928. The very front page, before you read the report inside, states:

> Contrary to precedent established in former presidential-election years, when the business world stood by awaiting results before charting their programs, the opposite is true at this time. A careful perusal of this bulletin will disclose the important information that industry and business will mark new high levels in 1928. The pessimists, "doubting Thomases," and the iconoclasts will be obliged to revise their opinions with respect to the Nation's industrial future. All signs point to the biggest year in the history of the automotive industry. Iron and steel point to marked increases over 1927. Indications are that building construction will compare favorably with the previous year. The position of agriculture shows improvement. Railroads will, undoubtedly, enjoy normal business. Owing to the increased introduction of labor-saving machinery, considerable labor will be displaced, but the volume of business is expected to register a new high level.
>
> FRANCIS I. JONES,
> *Director General.*

I will not dispute with the Senator the necessity of something constructive being done; but we must first admit, not deny, the facts. One of the first acts in order to solve such a problem is to do the necessary work in time of depression which the Government will have to do in the comparatively near future. This will somewhat relieve the present condition of unemployment.

Mr. WATSON. Does the Senator think any legislation we could enact here would improve the situation?

Mr. WALSH of Massachusetts. I certainly do.

Mr. WATSON. What would it be?

Mr. WALSH of Massachusetts. Any legislation which will increase and advance the national building program, which calls for an annual expenditure of $100,000,000; any legislation which will tend to bring about the reconditioning and improvement of the Army camps and establishments; the improvement of Navy equipment and vessels; national highways and reclamation projects, rather than to wait for a period when the country may be prosperous. All of the money spent now, instead of next year, along those lines will be helpful and beneficial. Furthermore, there is the important matter of flood control. The expenditure of that money, and the immediate expenditure of it, would be of considerable help. In fact, every activity we undertake and every dollar spent and put to work at once will be of some relief to the country.

Mr. WATSON. The Senator is not advocating any change in the general policy of the country in order to improve its general condition?

Mr. CARAWAY. In November we contemplate making such a change.

Mr. WALSH of Massachusetts. I will say to the Senator that I intend now to discuss some of the factors that I believe are responsible for present unemployment conditions, and that can be remedied by the Government. One of the many factors has been the system of inflating capital and consolidating industry throughout the country, which has driven the independent manufacturer out of business and has tended to centralize the manufacturing business in the hands of a limited number of monopolies or trusts. I will say to the Senator frankly that I consider financial gambling with industry a serious and a grave economic danger to the country, and I regret to say that I believe it is encouraged, supported and, because of passive acquiescence, defended by the administration of which the Senator is one of the influential leaders.

Mr. WATSON. I thank the Senator. May I ask if the Senator proposes to remedy that situation by legislation?

Mr. WALSH of Massachusetts. Yes.

Mr. WATSON. Why and how?

Mr. WALSH of Massachusetts. First of all by making a legislative study of it. To what extent does the removal of competition, the consolidation of business and of industry, and the inflation of capital without check, increase or retard the prosperity and general welfare of the American people? To what extent is it being done illegally? We had one aspect of these questions here recently, one in which the Senator was very much interested. I refer to our consideration of the question of whether the consolidating of the public-utility power systems was resulting in extortion from the American people. Have the public no interest in checking any possible inflation of capital invested in an industry which produces that from which all our people

obtain light, heat, and power, and must purchase in a noncompetitive market? Are the public to be compelled to buy the very necessities of life at any price that may be levied, regardless of the extent to which the distributors have federated their capital improperly and unjustly?

Mr. WATSON. Is not that the direct result of an economic evolution that has been going on?

Mr. WALSH of Massachusetts. Yes, sir; in part, but no unconscionable federation of capital, no unchecked expansion of capital, no improper consolidation of watered-stock corporations can ever be defended by any government that claims to be interested in protecting the unorganized people who must buy the necessities of life from noncompetitive industries.

Therefore, I assert it is a most important governmental problem. I agree that there is a natural evolution toward consolidation in business, but I contend that when that natural evolution in business reaches the point where competition is removed and there is no Government interference to check the issue and expansion of watered stock, and the public is thereby made powerless, it is a solemn obligation—none more solemn—for the Government to step in and prevent groups using their corporate charters, the laws, the authority, and the seal of the Government to exploit the masses of the people by charging excessive prices. Mr. President, I contend extortion is wrong when committed by the powerful, as well as by the poor and weak. Rich combines can commit conspiracy against the public as well as weak and crooked combines that are unable to hide behind the powerful influence of vast sums of money and large financial support. The trouble with some of the political philosophy of the day is that it holds that power and vast wealth is entitled to immunity for extortion of the worker and the consumer.

Mr. WATSON. Will the Senator let me remark that if there be such illegal combinations we have laws on the statute books to dissolve them.

Mr. WALSH of Massachusetts. I am well aware of that, sir, and I am well aware of how little the Republican administration has done to enforce those laws. I am also well aware what the record shows as to the number of cases that have been turned over to the Department of Justice and how few of them have been prosecuted. The Republican Party can not flirt with big business; it can not get its campaign contributions; it can not get big business to name its nominees and at the same time have its administration of the Government concerned with restraining and limiting the natural excesses, greed, and selfishness of its political partners, the trusts. The Senator knows just as well as I that men organize and unite primarily upon the theory that they can make more money by consolidating their finances and their business than by pursuing an independent course.

When they are left alone to proceed with a policy of greed and selfishness, and the Government is inactive or silently approves, then the people are powerless and are to be pitied in the plight in which they sooner or later will find themselves.

Mr. WATSON. Is it not a fact, I will ask the Senator from Massachusetts, that consolidations come about largely because of the force of competition, the necessity of men getting together in order to increase production? Is it not a fact that the present situation is largely due to overproduction and that overproduction——

Mr. WALSH of Massachusetts. I will say——

Mr. WATSON. Let me ask the question, please.

Mr. WALSH of Massachusetts. I shall be glad to have the Senator do so.

Mr. WATSON. And that overproduction results partly from vast capital, well employed by able men, utilizing the best machinery of which the world knows, constantly stimulating inventive genius to make more improvements, and making also the most efficient labor the world ever knew? Is not that true?

Mr. WALSH of Massachusetts. Yes, sir; to a degree that is true; but will not the Senator also agree that the very thing the Senator is describing puts an obligation upon the Government to be active, to be alert, to see that that condition shall not result in an injustice and grave injury to the rights of the worker, the investor, and the consuming public?

Mr. WATSON. I will. I certainly have no doubt in the world about that.

Mr. WALSH of Massachusetts. Turning over the personnel of the regulatory commissions to those businesses that are to be regulated will not do it; neither can it be done by a Department of Justice in sympathy with these combines.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Maryland?

Mr. WALSH of Massachusetts. Let me say in answer to the question of the Senator from Indiana [Mr. WATSON] that I do not hesitate to assert that I think the reason for the growth of monopolies and trusts is the protective tariff system, because those who have protection under that system are unable to get the full benefits of protective tariffs if competition can still prevail in the domestic market. Therefore, in order to obtain the full benefit of the manufacturer's tariff upon woolen goods, upon aluminum wares, upon all other tariff-protected industries, there is an incentive to those industries to come together, remove competition, and secure the full and exact benefit, the last dollar of protection in the prices they can charge to the American people. The Senator must recognize that that is one of the abuses of the protective tariff system. Perhaps it is not a sufficient reason to destroy the system if we strictly regulate monopolies, but it is sufficient, I repeat, for a government more concerned about the welfare of others than the prosperity of the big business interests to be on the alert to check and restrain the excesses and abuses of noncompetitive big business.

Mr. WATSON. Do I understand the Senator——

Mr. BRUCE. Mr. President——

Mr. WATSON. I wish to ask one more question, I will say to my friend from Maryland, and then I shall desist. Does the Senator from Massachusetts believe that a policy of the revenue tariff would improve conditions?

Mr. WALSH of Massachusetts. I will say to the Senator from Indiana that I personally believe in a reasonable and honest protective tariff system with rates levied upon the basis of the difference in the cost of production here and abroad. My only quarrel with the Senator from Indiana about the protective tariff is that it should not be levied as a matter of favor; it should not be a matter of privilege; that because big, powerful interests in this country can show that imports are flowing into the United States and goods are selling at a less price than they are able to produce them for, they should be given that degree of tariff protection which they ask. I never believed a judge or a juryman should assess the exact amount of damages that a plaintiff claims in a court of justice, but that they ought to hear the defendant. So, in the matter of tariff protection, I say that the consumer and the worker, as well as the petitioner for tariff protection, have a right to be heard and considered.

My complaint about the tariff policy which the Senator from Indiana so ably represents on this floor is that it has been influenced without regard to the rights of the many by political consideration, by campaign contributions, by the powerful propaganda and press support which the tariff barons and big tariff interests have been able to give, and have succeeded in giving, to his political party.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Maryland?

Mr. WALSH of Massachusetts. I yield.

Mr. BRUCE. May I suggest to the Senator from Massachusetts [Mr. WALSH], now that he is replying to the question of the Senator from Indiana [Mr. WATSON], how relief in one respect might be given by Congress at the present time to the distressing conditions which are now prevalent. That way would be to restore to the Treasury of the United States the half billion dollars or so that it was deriving at the time of the passage of the Volstead Act from excise taxation on spirituous and fermented liquors. [Laughter.]

Mr. WALSH of Massachusetts. With that suggestion of my friend from Maryland I am in general accord, for I am opposed to prohibition by law.

Mr. BRUCE. To say nothing of the large revenues also that the States themselves were deriving at that time from license taxes on the sale of spirituous and fermented liquors.

Mr. WATSON. Does the Senator from Maryland think that would help solve the problem of unemployment?

Mr. BRUCE. I think that it would unquestionably help to solve it. It would help to relieve business, of course, from the enormous burden of taxation that it now carries. It would stimulate industrial activity and, consequently, of course, would afford more employment to labor.

Mr. CARAWAY. May I ask the Senator from Maryland a question?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Arkansas?

Mr. WALSH of Massachusetts. I yield to the Senator from Arkansas.

Mr. CARAWAY. It is a curious idea to me, if I may use sufficient of the time of the Senator from Massachusetts to make the suggestion to the able Senator from Maryland, that getting drunk will make industry for anybody but the policeman and the jailer. [Laughter.] That has been my observation.

Mr. BRUCE. Mr. President, will the Senator allow me to interrupt him?

Mr. WALSH of Massachusetts. I yield.

Mr. CARAWAY. Go ahead.

Mr. BRUCE. From year to year for a considerable number of years now the Moderation League of New York, of which such illustrious men as Elihu Root and Bishop Fiske and others are directors, has brought out a report in relation to arrests for drunkenness in some 500 cities and towns of the country, and I commend to the attention of the Senator from Arkansas the fact that those reports show that every year for a considerable number of years past the police statistics for those cities and towns evidence the fact that arrests for drunkenness have been steadily increasing. I might say further in that connection that the very last report of the Moderation League, that for the year 1927, shows that this mounting tendency of arrests for drunkenness in those cities and towns is continuing. In 1920 there were less than 5,000 arrests for drunkenness in the city of Washington, but a few days ago the report of Major Hesse showed that, while in recent years the population of Washington has increased only some 40 per cent, arrests for drunkenness have increased some 168 per cent. So I must say it must be by some very tortuous, unsatisfactory process of reasoning that the Senator from Arkansas can find that the proper modification of national prohibition and the restoration of that great volume of revenue to the Treasury of the United States would result in increased drunkenness in this country.

Mr. CARAWAY. Mr. President, will the Senator from Massachusetts pardon me a second more?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Arkansas?

Mr. WALSH of Massachusetts. Certainly.

Mr. CARAWAY. If everyone is getting all the liquor he wants and more than he used to get, what betterment in industrial conditions would the open saloon give us? Anybody can read police reports who wants to, but I have seen more drunken men in the distance from the Capitol to the White House in the old days before the Volstead Act in one trip than I have seen in the Capital City since that time. I do not care what the police reports may be. It seems the chief of police has been getting a good deal of liquor himself, if reports emanating from the other end of the Capitol may be believed. However, it is well known that if everyone was getting all the liquor he wanted there would not be so much kicking about it.

Mr. BRUCE. Mr. President, will the Senator from Massachusetts yield further to me?

Mr. WALSH of Massachusetts. I yield.

Mr. BRUCE. They do not get it to begin with for as reasonable a price; they do not get it as conveniently; they do not get it of as good quality. Above all, they do not get it lawfully—a consideration certainly of supreme importance. When I say "they" I am not speaking of myself, because I am one of the most temperate of men, as the Senator knows.

Mr. CARAWAY. The Senator is except when he is arguing about letting other people get drunk. He stays sober himself——

Mr. BRUCE. I am not speaking of rhetorical intolerance; I am speaking of bibulous intolerance.

Mr. CARAWAY. The Senator wants to stay sober himself, but he wants everybody else to get drunk. [Laughter.]

Mr. BRUCE. Not at all. I know that the Senator from Arkansas is one of the best of my friends, and I know that it would be absolutely impossible to get him into that condition, and that I must put up with his society, however sober; I would have no choice, even if I did not much prefer him just as he is.

Mr. WALSH of Massachusetts. I wish to remind the Senator from Indiana that there are a good many things the Government can do to assist in relieving unemployment. One is to interest itself in the further improvement of our waterways, which will require in a very few years the expenditure of vast sums of money in order to deepen them so as to make navigation easier, and thereby reduce the cost of transportation.

I might say in this connection, there are two other things the Government might do to help relieve present business conditions. One is to enter upon a study into the extent of our foreign loans, about which I expect later in this session to have something to say—the great volume of money that is going out of production and industry here and being invested in foreign countries by interests in this country that are producing in foreign countries, with the aid of foreign interests, cheaper goods to compete with American products, and thus to take the foreign market away from the home producing manufacturers. That is a field of inquiry that is a very extensive and a very important one. Another thing that Congress and the Government can do is to study and solve the one problem that is affecting the agricultural interests of this country more than any other, and the one problem, in my opinion, that will lead to its solution. That is the reduction in the cost of transportation of agricultural products.

The high cost, the enormous expense, of transporting agricultural products is the chief evil in the agricultural situation, and is responsible for the depleted condition of that great industry. What is more important for the Government to study, and find a solution for, than the question of bringing to the consumers from the farm the agricultural products produced in the far West and the South at the cheapest possible price? Preferential rates, if necessary, might be desirable for the transportation of agricultural products. The excessive cost of transportation is destroying agriculture.

Mr. President, there is not a question here that does not relate directly or indirectly to the great question of prosperity and to the preservation for all, not the few, of lasting, not temporary, prosperity; and if the Senator from Indiana is really interested in finding some constructive way of helping the nonemployment situation, he can turn to almost any measure that is pending before Congress and find out its effect either for or against the improvement of business conditions.

Mr. COPELAND rose.

Mr. WALSH of Massachusetts. I will yield to the Senator from New York; but I am going to close in just a moment by referring to some statistics on my desk, with reference to the extent of unemployment in our industries about which the Senator from Utah has made some observations. Does the Senator from New York wish me to yield to him now?

Mr. COPELAND. Mr. President, I should like to say just a word, if the Senator will yield.

To me, the pathetic thing about the debate is that Senators on the other side have seemed to attempt to explain away the idea that there is unemployment. They do not admit that there is such a thing as unemployment. We are all the time being assured that we have prosperity.

I have here an item an inch long from this morning's Washington Herald speaking about conditions in my city:

ONE $16-A-WEEK POSITION DRAWS 500 MEN AND BOYS

NEW YORK, March 6.—More than 500 men and boys answered a want ad here to-day by a company seeking an errand boy at $16 a week salary.

The horde of unemployed crashed through the walls of the company's office and almost wrecked it in a mad scramble to get the job.

Five hundred men applied for such a job; and that is the condition in my city.

Mr. WALSH of Massachusetts. Does the Senator know how many people applied for the temporary job here of counting the ballots in the Vare contested-election case? There were about 2,000 applications, I was informed, right here at the Capitol.

Mr. COPELAND. Think of it! Now, to me that is the pathetic phase of the thing. We talk about the economics of the problem. We are facing a practical situation. These people are hungry. They are going without food. They are being dispossessed, put into the street. The commissioner of charities in New York told me the other night that never in the last several years have there been so many people applying to the lodging house. How can we resist it? We must find a way to solve this problem and make it possible for these persons to be employed.

Mr. WALSH of Massachusetts. I claim that unemployment is a fundamental economic problem.

Mr. HEFLIN. Mr. President, referring to the number of applicants for positions in connection with the Vare case, the people who were going to count the ballots, there were only about 50 of those places to give out, were there not?

Mr. WALSH of Massachusetts. The Senator is correct.

Mr. SWANSON. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. I yield to the Senator from Virginia.

Mr. SWANSON. The Senator ought not to be too harsh with our Republican friends. It seems to me he has been a little harsh in criticizing them. They are reduced to this position:

They won the election of 1920 by promising prosperity. They won the election of 1924 by a pretense that prosperity existed. Now they are confronted with the fact that they can not promise prosperity, because they have had eight years of power, and if they could not fulfill their promises in that time they know the people will not believe them. Consequently, they are reduced to the position of claiming that there is prosperity, and they will contend for it.

But the most remarkable statement I ever heard was the statement of the Senator from Utah [Mr. SMOOT]. In his prepared speech, which seems to have been written and prepared with care——

Mr. WALSH of Massachusetts. The Senator does not make any implication in that statement?

Mr. SWANSON. He said there was prosperity, great and immense, all over the country; that there had been no recession. The greater part of his speech that was not prepared was in regard to tax reduction; and the excuse he gave for not reducing taxes now was that an examination of about 1,200 reports by corporations and individuals showed a reduction of 9 or 10 per cent in prosperity last year over the previous year. In other words, the reports collected by this Government showed a recession in business, in prosperity, in trade, in commerce, of 9 per cent; and he gives that as a reason why he will not have tax reduction until the other reports are examined to see to what extent this recession in trade has gone.

I should like the Senator from Massachusetts, who has been very kind to the Senator from Utah in many respects, to explain this inconsistency on his part. He has refused to explain it himself. He has abandoned the floor. He will not be here to decide which is correct. One is bound to be wrong. You can not have the prosperity the Senator claims and then have the reports of 1,200 corporations examined with a recession of 9 per cent. They are inconsistent; and as the Senator from Utah refuses to explain, I should like to know if the Senator from Massachusetts, who is very able and adroit, can determine for us which of the propositions is true. Is there a recession in business, or not?

Mr. WALSH of Massachusetts. I will say to the very able and very much beloved Senator from Virginia—for he is beloved by everyone here—that I have long ago given up any hope or idea of reconciling the statements of the Senator from Utah. If there is any man in this Chamber who can make emphatic assertions which I have not been able to find facts to support, it is the Senator from Utah. But we must recognize that he is a very strong partisan and therefore naturally prone to color his views.

Mr. SWANSON. Has he abandoned any effort to-day to explain these inconsistencies?

Mr. WALSH of Massachusetts. The Senator is correct. He of course can not explain the inconsistencies; and of course the truth is, whether he admits it or not, that business is depressed, that those connected with this administration know it, and that they are hesitating about enacting a tax-reduction bill because they are fearful that the reports that will come from the business men of this country for the year 1927 will show such a depression of business that tax reduction will not be justified.

Mr. SWANSON. And, as I understand, the Senator's zeal, and a little indication of indignation, is that he feels that it is wrong for a party to win a third election under faked and pretended prosperity that does not exist. The Senator feels indignant that they should present any such proposition and try to force the people of America to believe it?

Mr. WALSH of Massachusetts. I do not think they are going to fool the country a third time. But they have powerful agencies of propaganda that are mighty effective.

Mr. SWANSON. But the Senator does not think they are justified in making an effort to do it by any such proposition?

Mr. WALSH of Massachusetts. No; but they have done it in the past on like propositions. I will say to the Senator that it may be perfectly proper for us to discuss this question here from the standpoint of its political benefit or disadvantage; but, Mr. President, I prefer to think of this unemployment question apart from politics. It is altogether too serious even to associate it with the word "politics." I have hesitated during this debate and during this session to give any figures or facts or statements in reference to conditions in my own part of the country. I did not want to appear here to be parading the depression in business, the suffering, the unemployment, and the want that exist through the part of the country which I have the honor in part to represent. It is a sad story; I want action. I want to arouse the country to demand that their officials give the problem attention and get out of their prosperity dream.

I arose in this Chamber in February, 1927, without any thought of a national election, and asked that a committee of this body sit during the past summer to study this economic question, to study the ever-increasing development of unemployment in this country. I asked that we give up some of our time, some of the nine months of recess for which we were paid, to serve our country in a study of this question. What happened? What became of that resolution? Mr. President, it was protested against from one end of the country to the other.

Because I had the hardihood to make the assertion that there might be some question about the existence of prosperity, a chorus of protests in and out of this Chamber met the suggestion; and we also heard the statement that is always made, that we were not fit to do it, anyway; it ought to be done by a body of experts. We are not fit to do anything, according to those who are disposed to check, if possible, the free, independent opinion and action of the Members of this body. We who represent the unemployed, however, have one power left—the power of protest.

The reason why I prize my seat in this body, the reason why I am prouder of the United States Senate than many other institutions of our country, is because there is still left here—here!—an opportunity for a courageous man to speak his mind, to say what he thinks, to discuss public questions untrammeled and unchecked. The party whip and rules that control majorities and minorities may exist elsewhere, but so long as this body is unshackled any free, courageous Senator can call the attention of the country to the excesses, to the abuses, to the maladministration in any department of our Government; and I welcome the opportunity to-day, once more to call attention to the condition of unemployment and the threatened extinction of the independent manufacturer and the merchant class.

But let us not fool ourselves. The millions of families of working people who are the victims of unemployment conditions are, I fear, not very near or very close to the heartbeats of those who are directing the policies of this country to-day. You know and I know where the forces and influences directing our economic policies emanate, and we are not deceived and can not be deceived. I realize the difficulties that anybody encounters who ask the leaders, who refute the suggestion that the country is not prosperous, to stop and think about the millions of families of honest, patriotic Americans who are suffering in the midst of winter from lack of employment.

Mr. President, I will read a paragraph from a speech which I delivered a year ago in reference to conditions that then existed, and which have become worse since then:

> The pay-roll statistics from the July number of the United States Labor Review show that employment in the manufacturing industries fell off 18.7 per cent from 1920 to 1925. This report reveals also that the pay roll of the industries show a shrinkage of 32.3 per cent from 1920 to 1925. The comparison of the 1920 pay-roll index for the month of May with the 1926 pay roll from the same month shows a six-year shrinkage of more than 40 per cent.

The figures showing an increase of 5 per cent more in the past year in unemployment and pay rolls, quoted Monday when I addressed the Senate on this question, I will not again repeat.

Mere pay-roll shrinkages and increased unemployment! These are problems that we are told we ought not to get excited about. The spokesman for the administration, in his prepared speech on this question, giving the position of the administration, has with a wave of the hand—and finally leaving the Chamber, I suppose, in disgust—assured us that the unemployment problem is not so serious after all, and that business is good, and that there is no reason for the Senator from New York, or for any other Senator, to challenge the statements he has made.

The Senator from South Carolina [Mr. BLEASE] makes the timely suggestion that the Senator from Utah ought to ask the party from whom he has gathered the statistics and the information produced, why he was fooled by him and what the purpose was in fooling him.

It is the same old policy, "Let well enough alone. Do not stir up trouble. Let big business take care of the situation. We must not offend them." If they want an investigation of unemployment they will have it, but if the workers want it they will want in vain, unless it receives the approval of the financial barons of the country, who have a grip upon the dominant party that must be broken. The predominant political issue is whether this Government is to continue to be subsidized, directed, controlled in all its policies by a few powerful financial and industrial monopolists, or whether this Government is to be restored to the recognition and defense of the rights of the average man and the average woman, with some thought by public servants and party leaders about legislation that is beneficial to them, as well as to the big special interests of this country.

Here is the issue of the hour, and I believe my party can impress itself upon the country as a great instrument of benefit to mankind if it unites, comes together, and casts aside some of the differences—differences which the Republican Party also has; if we will bring those differences out into the open and unite upon a great constructive political and economic program of destroying the grip of predatory wealth upon our institutions, and restoring the Government to the average, common man and woman, whom the Democratic Party is especially missioned to represent and protect.

Let me say, in this connection, how well Republicans can suppress their differences! What is the reason for it? Two things:

Money and power. They have the power, and if some rebellious Senator or leader attempts to get the party in trouble by discussing some subject upon which there may be division, he is told that all the power and all the force and all the influence of organized Government employees and political patronage will soon get his political scalp. Power! Power is a mighty suppresser of political differences—a great prop in keeping the divergent elements together.

And money! Money means organization, efficient organization, and efficient organization can suppress and does suppress differences. The Democrats have not money, and have not power, but we have independence, and we have the spirit of democracy. Men in our party are free; leaders can assert openly their differences, as we have just witnessed upon this floor when the very able and distinguished Senators from Maryland and Arkansas expressed and debated entirely different views.

The opposition may have money, they may have political power, but sooner or later the American people will distinguish between a party that voices the real spirit of democracy in its leadership and in its rank and file, in comparison with a party that is muzzled, controlled, and suppressed by the dominance of power and of money.

Mr. President, I have talked longer than I intended to, but I hope I have made some contribution to the discussion of this subject, and I do hope, aside from all the political angles of it, that we will try to do something constructive.

Let us be frank. No one Senator can do it, but a Cabinet officer and an administrative leader can. The Republican governor of my State is trying to do it. He called his forces together yesterday and to his chiefs of departments and bureaus said, in substance: "There is an unemployment problem here, and I want to assume the leadership in solving that problem. What can you suggest, Mr. Department Chief? Where can you improve working conditions in your department? What can you suggest in the way of new appropriations or new undertakings?"

The solution can not come from one or two out of 96 Senators; it must come from those who are in power, to formulate and direct the executive functions of this Government. I do not look to see any solution of the problem that is worth while unless we are able to awaken the administrative officers to realize that the boasted prosperity has vanished. Let the Cabinet get together and talk over the question. Have you heard anything of any Cabinet meeting at which unemployment has been discussed?

Mr. President, I yield the floor.

Mr. HARRISON. Mr. President, I am sorry the Senator from Utah [Mr. SMOOT] is temporarily out of the Chamber. He announced a remarkable doctrine this morning, that "failures are not made in hard times but are made in prosperous times." That is the new doctrine of the Republican Party, as enunciated by its leader in this Chamber: "Failures are not made in hard times but are made in prosperous times."

The unemployment in the country, he says, is due to the importations into the United States, and when we questioned the Senator from Utah with reference to exportations, either of manufactured products, agricultural goods, or whatnot, he did not have at hand the statistics, basing his whole argument upon the proposition that unemployment comes from importations and that exportations do not enter into the question.

I submit, Mr. President, that the real key to the index of the prosperity of the country is found in the balance of trade between our exportations and our importations. Importations may increase, but if exportations increase in greater amount the prosperity of the whole is reflected.

Of course, that prosperity may be felt more in certain industries and in certain lines than in others, and there may be a spotted prosperity in the country due to certain artificial tonics that may be applied to certain industries through governmental legislation.

"Importations have caused the unemployment," the Senator says. I submit, Mr. President, that of the importations the figures as to which the Senator produced this morning, showing the importations as being large—and they have constantly changed—four items alone being imported into the United States constitute practically a third of all the importations entering this country. The importations of rubber amounted in 1926 to $500,000,000, the importations of sugar amounted in 1926 to approximately $300,000,000, the importations of raw silks were approximately $400,000,000 in 1926, and the importations of coffees approached $300,000,000 in 1926—and these figures approximate the figures for the other years—and the importations of those four articles together form practically one-third of all the importations into the United States.

I might enumerate the large importations of copper, of tin, and of tin ore. But how can these importations affect the industrial prosperity of the country by making unemployment greater?

Mr. President, there is unrest in this country, there is uncertainty as to what is going to happen along certain lines, and there is unemployment, as has been graphically portrayed by the distinguished Senators from New York and Massachusetts. The Senator from Utah undertakes to defend the present condition, picturing a roseate setting to the American people, and a prosperous condition, but he does not back up his assertion by stating any facts as to the number of unemployed in this country.

I shall not forget that in 1921, after the Republican Party had been in control of this body and the other House for nearly three years, after the Republican President had taken oath and had his Secretary of Commerce and his Secretary of Labor working under him, the industrial conditions became so acute that, I believe, it was Secretary Hoover who brought pressure to bear to call a great conference here to deal with the question of unemployment. That conference laid down certain policies which should be pursued by the governmental agencies. They stated that all public works that had stopped should start up immediately, that the Government should make adequate appropriations to do that work and to give employment to the millions of unemployed in this country. They appealed to the public that the let-up in building operations should cease, and that building should go ahead, so that this condition might be remedied.

The Secretary of Labor in his report at that time stated that there were between 3,500,000 and 5,000,000 men out of employment in the United States. The situation was appalling. The Republican Party had been in control of the Congress then for nearly three years. Certainly they can not charge in reason that the Democratic Party had any influence in bringing about that condition. Yet the Senator from Utah [Mr. SMOOT], as the spokesman of the administration, trying to minimize present conditions and apply sun baths to the American people, held out some hope that the situation is not as bad as it is reputed to be, but gave no statistics as to the number of unemployed in the country. With as much courage as the Senator from Utah possesses, I dare say he would not venture to go into the State of Rhode Island or the State of Massachusetts, or many of the other States in the country, and make his prosperity argument. There is no telling what they would do to him. They know the situation, because they see it, they hear it, they feel it.

I submit, Mr. President, that if all the prosperity was here that the Senator from Utah talks about, the Congress and the administration are derelict in doing their duty by the taxpayers of the country. From the Senator's own lips, as chairman of the powerful Finance Committee, fell the statement that there is a surplus now coming in, from the revenues drawn from the taxpayers of the country, of approximately $500,000,000. He said that prosperity would probably continue but that they do not know yet what the Congress is going to do with reference to passing appropriation bills, and in order to defend his indefensible position and that of his party colleagues he cites the flood control bill, which has not yet been taken up for consideration by either branch of the Congress. The Senator knows, the administration knows, and everybody knows that the highest amount that will probably be appropriated immediately for flood relief is something like $30,000,000 or $40,000,000, because that is the amount which it is said might be used, and not more than that, during this year.

Yet, with $500,000,000 piled up in the Treasury as a surplus, exacted from the stooped and tired and burdened taxpayers of America, he and his colleagues refused to listen to our appeal to take up for consideration and report out of the Committee on Finance the tax-reduction bill. Ah, the many promises that have been made by those in high authority during the last year with reference to tax reduction! How they have broken those promises. How they have deliberately deceived the American taxpayer with respect to this question. Last year when the Senator from North Carolina [Mr. SIMMONS] employed every parliamentary maneuver and all his fine ability to pass through the Congress a measure so that the people might receive immediate tax relief, those of us over on this side of the aisle who were cooperating with him and fighting for that relief were stopped by those on the other side of the Chamber. The same course was pursued in the House of Representatives.

But those in high authority, from the President down, following the adjournment of the last session of Congress, promised upon the reconvening of the Congress immediate tax relief. The papers were daily carrying those news items. We came here in December, and over in the other branch of Congress

the leaders of the Republican Party got together and said, "Let us pass first the bill to give tax reduction to the American people." They said, "There is nearly $500,000,000 of surplus which has been drawn from the taxpayers of the country. It is indefensible for us not to give immediate relief. President Coolidge in his message has said that it is wrong, that it is unjust to lay a greater tax upon the people than is necessary for the economic administration of the Government." I think he almost went so far as to say that "it was a species of larceny to do it." Yet these gentlemen in the other branch of Congress said, "We must pass this bill," and so they got unanimous consent, at the request of the chairman of the Ways and Means Committee, to label that "House bill No. 1." They were jealous that some little bill might be reported out first which might be given "No. 1," which might have "No. 1" attached to its masthead, and so Mr. GREEN asked unanimous consent, and it was procured, to label it "House bill No. 1."

They passed it even before Christmas. Many of them went back home and no doubt told their constituents that they, acting as Santa Claus, were going to give to the American people some Christmas greetings in a form of tax reduction. The bill came over here. Those of us on this side of the Chamber who are members of the Finance Committee at once moved for the immediate consideration of the bill. We took a vote on it. Every Republican Senator on the Finance Committee voted against the consideration of the bill which only a few weeks before was hailed by the Republican leadership in the House as House bill No. 1. From that day to this, no matter what have been our efforts to force a consideration of that measure by the Finance Committee, being in the minority, we have been blocked. This morning the Senator from Utah, chairman of the Finance Committee, said that he does not know when tax reduction will be considered by this body.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER (Mr. REED of Pennsylvania in the chair). Does the Senator from Mississippi yield to the Senator from Florida?

Mr. HARRISON. I yield.

Mr. FLETCHER. It may be that the purpose is to keep up the high taxes and the enormous expenditures under this economical administration. It appears that the ordinary Government expenditures during the four years under the Taft administration averaged $7.14 per capita, while during the four years of Wilson's administration from 1913 to 1916, before the United States entered the World War, the expenditures averaged $7.10 per capita. During the past four years of the Coolidge administration the expenditures have averaged $30.29 per capita.

Mr. HARRISON. That tells the story. Ah, if we could broadcast it from every radio station and through the press of the country from now until election day, the American people would wake up and the nefarious policies advocated by the Republicans in Congress and administered by the present administration, increasing the per capita tax upon the American people from $7 during the Democratic administration to more than $30 now, would be startling news to many people in the country.

The Senator from Utah this morning, in talking about importations, did not tell that behind all he was saying was a desire to speak for no reduction of some tariff rates upon some of the things that are trust controlled in this country, such as aluminum, and that he was pleading for an increased tariff not only on aluminum but other industries for which the Republican Party has long acted as a wet nurse. I doubt not that that speech is the keynote speech, the bugle that is sounding the call in this early morn of the approaching campaign for others of his political faith to wake up, join the ranks, and begin to make the big beneficiaries of the Republican Party believe that we are going to give them more privileges, greater license, that they might exact from an already oppressed American people greater tribute. It might be the beginning of a plan to obtain large contributions from those who are always seeking greater special privileges at the hands of the Government.

I wish he had told in his speech this morning the large cost that these tariff rates which he wishes to increase have placed upon the people of the country. It has been variously estimated that $4,000,000,000 would be about the amount in the increased cost alone through this governmental policy of the present administration. As the campaign period approaches we will perhaps hear more of just such speeches as that, but the American people will soon wake up to the situation and then they will drive from power those who have attempted to debauch the electorate, who have corrupted offices in so many instances which they have filled, and who have in a hundred different ways added to the already great burdens of the American taxpayer.

CONSUMPTION OF AGRICULTURAL PRODUCTS REPRESENTED BY IMPORTS

Mr. WALSH of Massachusetts. Mr. President, will the Senator from Alabama yield?

Mr. HEFLIN. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. Through the courtesy of the Senator from Alabama, I ask unanimous consent to have printed in the RECORD a statement prepared at my request by the United States Tariff Commission. During the debate on the resolution favoring tariff revision at this session of the Congress a great deal was said about imports of agricultural products. Indeed several requests for additional protection due to imports of agricultural products have been presented to the Congress and the United States Tariff Commission. For information purposes this table, which was prepared by the United States Tariff Commission, will be valuable. It shows the imports of important agricultural products during the last five years, the total domestic consumption and the per cent of consumption as represented by imports. I ask, in order that the Senate and the country may have this information, that the table, together with the accompanying letters from the Tariff Commission, may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

UNITED STATES TARIFF COMMISSION,
Washington, February 25, 1928.

Hon. DAVID I. WALSH,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR WALSH: Since the receipt of your letter of January 16 we have been engaged upon the preparation of the five tables transmitted herewith which show for agricultural commodities of significance domestic production, net imports, domestic exports, domestic consumption, and the ratio of imports to consumption for the years 1922, 1923, 1924, 1925, and 1926.

The amount of detail necessary in the preparation of these tables has delayed their completion longer than we had anticipated, but it is believed that they are correct. Some of the figures had to be traced to original sources, and it was necessary to convert some of them into comparable units for use in the several columns of the tables.

We trust that the tables may be of some assistance for your purposes.

Very truly yours,

JOHN F. BETHUNE, *Secretary.*

Memorandum concerning the relation between production and imports for certain commodities shown in the accompanying tables

CHEESE

The domestic production of cheese is largely of the Cheddar type (ordinary cream cheese). Imports are of the Cheddar type from Canada, Swiss cheese from Switzerland, and relatively small quantities of numerous other special cheeses from Europe.

WHEAT

Imports of wheat are largely of the northern spring variety, which competes directly with northern spring wheat produced in the United States. The imports are, therefore, not strictly comparable with the domestic production of all types of wheat. Of our total consumption of hard spring wheat, the imports represented 5.19 per cent in 1922, 5.08 per cent in 1923, 3.15 per cent in 1924, 0.64 per cent in 1925, and 0.28 per cent in 1926.

POTATOES

Imports consist largely of seed potatoes from Canada. Early varieties are imported in smaller amounts from Bermuda, Cuba, and the West Indies.

CATTLE

Live cattle imported into the United States are chiefly stockers and feeders (thin animals) from Canada and Mexico. Cattle of this type constitute the bulk of the surplus production of those countries and compete directly with domestic cattle of the same type.

BUTTER

Imports of butter are chiefly from New Zealand, Denmark, and Canada. The Danish butter competes more directly in New York with the high-grade, sweet-cream butter from Minnesota and Wisconsin than with other grades. Although some high-grade butter comes from New Zealand and Canada, a part of these imports is of lower grades of butter.

ONIONS

Two types of onions are imported. The Spanish onions compete directly with the Spanish onions produced in the Western and Mountain States; Egyptian onions are imported in the spring and compete with the strong type onions held in storage and the Texas and southern California Bermudas, which are marketed during the period of the Egyptian importations.

CORN

Imports of corn are chiefly from Argentina, and compete with American corn, principally upon the Atlantic and Pacific seaboards. The imported corn is flint corn, a hard corn, while the bulk of the domestic production is of the dent varieties considered softer than the flint corn.

UNITED STATES TARIFF COMMISSION,
Washington, March 5, 1928.

Hon. DAVID I. WALSH,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR WALSH: Supplementing the letter of February 25, transmitting table of statistics of certain agricultural commodities, we take pleasure in sending to you herewith a summary table of the information contained in the last two columns of each of the five tables previously sent you.

It is hoped that this additional compilation may be of assistance to you.

Very truly yours, JOHN F. BETHUNE, *Secretary.*

IMPORTANT IMPORTED AGRICULTURAL PRODUCTS

Domestic consumption and per cent of consumption represented by imports

[Source: From detailed tables compiled from Foreign Commerce and Navigation, from official statistics of the Department of Agriculture, and from data supplied by staff experts of the Tariff Commission]

(In thousands; i. e., 000 omitted)

Products	Unit of quantity	1922		1923		1924		1925		1926	
		Domestic consumption	Per cent of consumption represented by imports	Domestic consumption	Per cent of consumption represented by imports	Domestic consumption	Per cent of consumption represented by imports	Domestic consumption	Per cent of consumption represented by imports	Domestic consumption	Per cent of consumption represented by imports
Sugar	Pound	12,511,196	57.38	11,080,154	60.49	12,379,630	58.06	13,434,477	52.47	13,825,817	58.25
Wool	do	562,653	53.21	660,913	59.50	552,417	49.48	599,790	51.30	618,233	49.76
Tobacco	do	864,874	6.93	1,079,057	5.68	736,409	8.21	962,827	6.61	906,720	7.76
Flaxseed	Bushel	25,286	58.98	41,392	58.78	48,136	34.46	38,934	42.41	41,775	53.42
Cheese	Pound	411,545	11.32	447,470	13.66	469,453	12.74	496,944	12.60	499,384	15.19
Wheat	Bushel	723,892	1.46	717,780	1.24	714,501	.97	601,651	.22	709,910	.06
Walnuts	Pound	120,989	55.37	111,633	55.21	115,390	61	152,626	52.83	110,236	71.15
Potatoes	Bushel	452,273	.39	414,139	.18	418,147	.10	323,365	.69	359,974	1.57
Clover seed	Pound	135,843	16.96	97,655	26.25	97,337	42.64	101,169	35.12	85,495	46.12
Alfalfa seed	do	47,177	17.39	53,538	18.56	63,569	14.84	61,118	4.01	61,209	8.09
Cattle	Number	21,658	1.09	22,818	.60	23,960	.59	24,918	.69	24,710	.86
Rice	Pound	758,243	2.59	614,854	4.41	774,789	3.43	913,526	6.02	1,130,892	9.67
Hay	Ton	111,832	.004	106,717	.13	112,751	.26	98,612	.19	96,702	.37
Frozen eggs	Pound	61,821	34.73	63,541	10.53	64,679	17,98	100,682	22.28	110,035	16.83
Dried eggs	do	33,542	100	27,769	100	34,223	100	42,054	100	40,641	100
Creamery butter	do	1,149,724	.62	1,271,486	1.64	1,319,036	1.46	1,363,044	.50	1,453,010	.46
Hogs	Number	68,031	.003	79,756	.001	79,577	.04	68,323	.11	65,826	.12
Onions	Bushel	19,452	7.72	18,759	10.38	19,783	6.68	21,298	11.23	21,749	8
Peanuts	Pound	634,680	2.24	710,296	9.48	823,005	9.85	797,146	12.82	679,017	8.30
Lemons	Box	4,817	31.12	8,360	20.36	5,531	11.46	8,545	18.39	7,903	12.64
Corn	Bushel	2,742,524	.004	3,011,572	.007	2,294,954	.17	2,905,322	.04	2,623,023	.04
Apples	do	197,944	.09	194,041	.04	159,525	.10	162,431	.05	230,327	.02
Oats	do	1,187,091	.11	1,302,973	.02	1,504,931	.42	1,458,285	.01	1,242,322	.01
Oranges	Box	20,289	.20	21,513	.19	15,699	.10	31,757	.05	31,632	.04
Beef	Pound	6,674,000	.48	6,839,000	.35	7,030,000	.30	7,108,000	.24	7,446,000	.55
Veal	do	797,000	.63	864,000	.23	929,000	.43	1,004,000	.30	964,000	.41
Mutton and lamb	do	543,000	2.02	576,000	1.04	589,000	.34	596,000	.34	643,000	.31
Pork	do	7,412,000	.01	8,474,000	.01	8,526,000	.08	7,619,000	.10	7,693,000	.16
Olives	Gallon	8,974	71.58	9,835	58.21	8,433	87.55	7,564	74.22	8,184	71.77

KANAWHA RIVER BRIDGE

Mr. DALE. Mr. President, whether we have unemployment or not we still must continue to build bridges, especially in West Virginia. I call the attention of the Senator from West Virginia to the bill that I ask unanimous consent to report favorably without amendment from the Committee on Commerce. It is the bill (H. R. 9843) to extend the times for commencing and completing the construction of a bridge across the Kanawha River in or near Henderson, W. Va., to a point opposite thereto in or near Point Pleasant, W. Va., and I submit a report (No. 494) thereon.

Mr. NEELY. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GARDEN PROFITS AND POULTRY SHIPMENTS IN SOUTH CAROLINA

Mr. BLEASE. Mr. President, I have two short articles from the Columbia (S. C.) State of Monday, March 5, 1928, with reference to garden profits and poultry shipments in that State, which I ask may be printed in the RECORD.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, it is so ordered.

The articles are as follows:

PICKENS GARDEN YIELDS PROFITS—MRS. A. P. RAINES OF MAYNARD SECTION CLEARS $2,676.40 FROM VEGETABLES LAST YEAR

(Special to The State)

PICKENS, March 4.—A clear profit on her garden of $2,676.40 is the remarkable record of Mrs. A. P. Raines, of the Maynard section of this county, winner of first place in the best garden contest conducted by the home demonstration department of Winthrop College. The major portion of the profits came from the sale of potato, tomato, and cabbage plants, though the sale of such fresh vegetables as spinach, turnips, and cabbage on near-by markets contributed handsomely. The Greenville market, especially, provided a steady outlet for the products.

Mrs. Raines is a home demonstration club member and became interested in her project through attending the meetings of her club. "I never knew what spinach was until four years ago, when the home demonstration agent talked about it at the meeting, and now it is my best seller," declares Mrs. Raines. The active cooperation of her husband is a partial explanation of the results that have been secured.

The garden profits of this Pickens county farm woman have showed interesting growth during the past four years. In 1924 she cleared $100; in 1925, $682; in 1926, $1,436; and last year, $2,676.40.

ANDERSON SHIPS TWO POULTRY CASES

(Special to The State)

ANDERSON, March 4.—Two carloads of poultry, containing about 35,000 pounds, were shipped to Philadelphia from Anderson. One of the cars was brought here from Belton Wednesday after 10,000 pounds of fowls had been secured there.

Total receipts for the poultry included in the shipment were given as approximately $6,500, of which about $4,500 was paid out at Anderson.

THE COLOR LINE

Mr. BLEASE. Mr. President, I have here an article from the Baltimore Afro-American, which I ask may be read by the clerk.

The PRESIDING OFFICER. The clerk will read, as requested.

The Chief Clerk read as follows:

[From the Afro-American, Baltimore, Md., March 3, 1928]

COLOR LINE IS DRAWN HERE AT NATION DINNER—BALTIMORE COMMITTEE PROMISES DIFFICULTIES AT SOUTHERN HOTEL—POOR FOOD OTHER PLACES—MRS. SPAETH—WASHINGTON COMMITTEE WIRES AFRO, DINNER THERE WELCOMES ALL

The Baltimore Nation dinner scheduled for the Southern Hotel March 9 has drawn the color line.

Invitations were sent out three weeks ago to readers of the New York Nation, inviting them to attend the dinner in honor of Oswald Jamison Villard, for 10 years its editor.

Similar dinners are to be staged next week also in Washington, Rochester, Philadelphia, New York, and Boston.

COLOR-LINE DIFFICULTIES

In Baltimore Wednesday Mrs. R. A. Spaeth, 307 Edgevale Road, Roland Park, secretary of the local committee, sent out the following notice:

"I have been asked to tell you that the Anniversary Nation Dinner in honor of Mr. Villard will be held at the Southern Hotel.

"It is unnecessary for me to point out the difficulties that might arise if you attempted to attend the dinner. Please believe that the policy of the Southern Hotel is not that of the Nation and that we regret very much being unable to take advantage of your kind willingness to cooperate with us in this celebration."

NO DECENT DINNER

Asked why the committee selected the Southern Hotel, knowing its "small-town" policy, Mrs. Spaeth said, "It was the only place in town where a decent dinner could be gotten for the price of $2.50."

WELCOME IN DISTRICT OF COLUMBIA

Miss Dorothy Detzer, head of the Washington Nation committee, wired the Afro Wednesday, "Colored readers of the Nation will be welcome here." The dinner is to be staged at the Washington Hotel, March 1, with Senator NORRIS presiding. The Speakers include Zona Gale, Heywood Broun, and Mr. Villard. Tickets are $3.

Mr. BLEASE. Mr. President, I suggest the absence of a quorum.

Mr. CARAWAY. Mr. President——

Mr. McKELLAR. Mr. President, will the Senator withhold that suggestion for just a moment?

Mr. BLEASE. Very well.

Mr. CARAWAY. What is the dinner they have been keeping these negroes from attending or letting them attend—which is it?

Mr. BLEASE. I would rather that would come out a little bit later. However, I want to say that some men do not mind associating at the table with certain other people, but that the people of my State might object to voting for that kind of a man for President of the United States.

Mr. CARAWAY. Does the negro object to the company? Is that what the Senator complains of? [Laughter.]

Mr. BLEASE. No. The negroes of South Carolina might object to some of the company, I am satisfied.

The PRESIDING OFFICER. Does the Senator from South Carolina withhold his point of no quorum?

Mr. BLEASE. Yes, Mr. President; for the present.

RADIO CONTROL

Mr. McKELLAR. Mr. President, during the last few days I have received a great many protests against the confirmation of the members of the Radio Commission whose names have been sent to the Senate. I have also received a great many protests as to the methods which are now being used by the Radio Commission in the matter of radio control. One of those letters, from Mr. R. M. Henry, of Memphis, Tenn., is pertinent enough to be placed in the RECORD.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Kansas?

Mr. McKELLAR. I shall do so in just a moment.

Mr. CURTIS. I wish to say I hope the Senator from Tennessee will not place letters in the RECORD that ought to be considered in executive session.

Mr. McKELLAR. The letters have nothing to do with the executive matter; they deal entirely with the radio situation, though it does refer to the Caldwell nomination, incidentally.

Mr. CURTIS. I raised the question because I heard the Senator refer to objections to the confirmation of members of the commission.

Mr. McKELLAR. I not only desire that the letters to which I have just referred may be printed in the RECORD, but I want the reply to that letter, written by the chairman of the Radio Commission, my friend Judge E. O. Sykes, also to be inserted in the RECORD. I desire also to have inserted in the RECORD excerpts from public interviews given by Mr. Caldwell, one of these nominees, for a place on the commission. I also wish to add a statement made by the Senator from Washington [Mr. DILL] on this same subject and let them all be included in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

THE AMERICAN INSURANCE CO.,
Memphis, Tenn., February 23, 1928.

Hon. K. D. MCKELLAR,
United States Senator, Washington, D. C.

Re: Federal Radio Commission.

DEAR MR. MCKELLAR: As one of the invisible radio fans, I am writing you in reference to a controversy between the W. K. Henderson broadcasting station of Shreveport, La., and the Federal Radio Commission.

I have listened to a number of speeches against the station and for the station. It is a well-known fact that warm weather creates static, and naturally a station located as far south as Shreveport could easily be drowned out by the powerful stations of the North and East.

The air, which is the only thing left that is free in this country, to my mind has been gobbled up, as usual, by the northern and eastern broadcasting stations.

The Federal Radio Commission, if you will obtain the data from them, will disclose that about 99.4 per cent of the power of the radio stations has been granted to New York, Pennsylvania, Illinois, and other eastern sections. Very few stations in the South have sufficient power to carry the message of the broadcasting station beyond the State in which the broadcasting station is located.

At the present time, no matter where you turn the dial of your receiving set, you hear the announcer recommend some brand of tooth paste, automobile tires, automobiles, ginger ale, storage batteries, and other merchandise too numerous to mention. The leading power stations of the country are hooked up in a chain. No matter how powerful your receiving set is, you can not tune them out.

I happened to have at the time I purchased a receiving set a Radiola 30, which at the time I purchased same, about a year ago, was considered about the last word in receiving sets. Every night the hook-up of the chain stations is so great that this receiving set has to listen to the same music everywhere.

I mention broadcasting of sales, or the selling of merchandise over the radio, from the fact that one or two independent stations, especially Shenandoah, Iowa, have been criticized severely in attempting to sell seeds and nursery stock, or quote prices over the radio, when the northern and eastern stations are doing nothing in the world but promote large enterprises.

The radio act should be so amended that, of course, a competent Radio Commission could supervise and control the wave lengths and power of the station, but that Radio Commission should be so constituted, Senator, that all sections of the country, of each State, should have their pro rata share of the power and wave lengths that are available.

The North and East have hogged the air, and if you will tune in your radio you will find it out. If a controversy arises between the commission and an independent station, the Federal court of the district in which the broadcasting station is located should be open to the owners of the broadcasting station for the court to adjudicate or decide the rights the station has. A broadcasting station should not have to go to the expense of sending their witnesses to the district court in Washington. There is a man up now for confirmation on the Radio Commission by the name of Caldwell. It has been charged, and not denied, that Caldwell is drawing a salary of $7,000 from a magazine that is controlled by the national hook-up of broadcasting stations. If that is true, he is not the right man to be on the commission and should not be confirmed.

I know that you will take the time and trouble to investigate the controversy between the W. K. Henderson broadcasting station and the Radio Commission, and I know that if once you feel that the South is being discriminated against and that Mr. Henderson has been unfairly dealt with that you will lend your efforts to correcting the wrong.

Since you have been our Senator this is the first letter I have ever addressed you on any subject, although you being my personal friend and attorney for my company for years, and having an opportunity of knowing you intimately before you were elected Senator, I know the type of square shooter you are. It is very largely a deal bordering on the famous "director-stockholder deal" that you ran into in Memphis and licked to a frazzle.

If you will take the time and trouble to look into this controversy and give it a little consideration, I will appreciate same.

With sincere wishes and best personal regards, I am

Yours very truly,

R. M. HENRY.

FEDERAL RADIO COMMISSION,
Washington, D. C., February 28, 1928.

Hon. KENNETH MCKELLAR,
United States Senate, Washington, D. C.

DEAR SENATOR MCKELLAR: Replying to your favor of the 25th instant, with attached letter from Mr. R. M. Henry, under the Federal radio act, the country is divided into five zones.

The first zone has a total watt power of approximately 200,000; the second zone approximately 102,000; the third zone, which is the southern zone, approximately 50,000; the fourth zone approximately 165,000; and the fifth zone approximately 65,000. There are a number of high-powered stations in the New York vicinity, which make a total wattage of the first zone so great. The same situation exists around Chicago, which makes that of the fourth zone so great..

With reference, more particularly to the third, or southern zone, the Federal Radio Commission during its existence has increased the power of a great many stations in this zone, and has a number of applications for increases in power, which I have recommended, and which I think will be granted just as soon as a majority of the commission has been confirmed by the Senate.

Our people in the South, because of lack of large cities, financial backing, etc., have not been in a position to ask for very great increases in power. For instance, the most powerful stations we have at the present time have only 5,000 watts. These stations are satisfied with that power. I have personally taken the matter up with a number of good stations in the South, and recommended to them that they request increases in power in order to serve our part of the country, and have gotten some responses to this appeal.

There is no discrimination against our section by the Federal Radio Commission. On the contrary, I find the other members quite sympathetic with our needs, and believe that my recommendations, or practically all of them, for increases in power in this zone will be granted.

I return Mr. Henry's letter.

With kindest personal regards.

Sincerely yours,

E. O. SYKES, *Acting Chairman.*

Radio stations, first zone: If you have followed newspaper reports of the recent discussions in the committees of Congress charged with radio legislation, you have undoubtedly detected both (1) a very evident dissatisfaction with the present distribution of radio stations, powers, and frequencies throughout the various States; and (2) a demand for these to be more "equitably" divided as between States.

In view of the fact that at present a very few States and metropolitan communities have a high concentration of radio, while nearly 40 other States are far below the average of the country, it is apparent that any redistribution in accordance with the State rights views of Congress must mean withdrawal of many wave lengths from centers and States now having an excessive proportion, as well as reduction of powers in such communities also.

Since such redistribution will be chiefly at the expense of the congested first zone area (which now has by far the greatest power, and also certain excessive channel concentrations), I feel it my duty to call this impending situation to your attention at this time in order that you may duly regard it in your future plans for operation.

O. H. CALDWELL, *Commissioner.*

Mr. McKELLAR. This letter appeared in the Boston Post of February 28. This Caldwell letter admits our contentions as to the present allocation, and at the same time it is very clearly intended as propaganda to arouse opposition to the pending provision on the part of the New England States and people.

In fact, this article predicated upon the false propaganda that the power in all zones must be reduced to that of the third-zone States:

This bill, if passed, will result in the wholesale slaughter of New England stations, wave lengths, and power and force many off the air.

THE RADIO SITUATION

By C. C. DILL, United States Senator from Washington

Although more than a year has elapsed since the radio law was signed by the President, the Radio Commission has entirely failed to solve the problems of radio. Most of all, it has refused to try to improve conditions by such methods as experimental allocations of wave lengths, by trying increases and decreases of power for stations over temporary periods, and by enforcing its own regulations strictly as an earnest, active commission should have done.

Congress may be blamed for not having furnished needed funds during the first nine months, but since December the commission has had all the money it has asked Congress to appropriate and yet it has done less since Congress convened, so far as improving radio reception is concerned, than during any equal length of time since its first meeting. In fact, it has done almost nothing except hold hearings and postpone new allocations of wave lengths.

Mr. Lafount, commissioner for the fifth zone, who was appointed last, has really been trying to improve conditions in the far West. He has acted as speedily as he could learn enough about conditions to act intelligently. In the other zones, the commissioners have postponed action from week to week and month to month. Stations in the first and fourth zones have most of the wave lengths and power, but the equitable radio service clause is entirely disregarded.

Why? Have they plans so revolutionary that, if adopted, Congress would refuse to confirm their appointment? Are they awaiting confirmation in order to give the Radio Corporation and its affiliated corporation stations even more desirable channels and even more power? Their failure to act as well as their failure to outline any definite policy has caused the Senate Interstate Commerce Committee to hesitate to recommend confirmation. The committee is unwilling to trust them, but has hoped they would act to improve conditions.

Stations in the two largest cities, New York and Chicago, have allocations to use more than one-third of the wave lengths, and many of these are on cleared channels. This means that other sections can not secure new stations needed in other parts of the country.

I repeat what I said on the floor of the Senate some days ago, namely, either they lack ability to meet the situation or they are afraid to act. The fact that March 15 is near should cause them to act speedily to have the situation as nearly cleared up as possible if the work is to be turned over to the Department of Commerce then.

Personally, I hope the commission will be continued another year, and if the present commissioners should refuse to do their duty under the law, that the Senate will refuse to confirm them and the President will select new men who will have the courage, the ability, and the independence to solve the numerous and increasingly difficult problems of radio.

Mr. McKELLAR. Mr. President, if the Senator from Alabama [Mr. HEFLIN] will permit me to occupy the floor for a moment longer, I wish to take this occasion to say that, in my judgment, the radio commissioners have wholly misunderstood the purposes for which they were appointed. Instead of looking after the radio situation in the interest of all the people and of all the users of radio and all those who are interested in it and the various sections of the country, I fear they have simply regarded it to be their duty solely and alone to see how much of the air they could put in the control of the great radio corporations of the country. I wish at this time to make my protest against the Radio Commission taking such position as to their duties.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Tennessee yield to me for just a moment in connection with his statement?

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Arkansas?

Mr. McKELLAR. I shall be happy to do so.

Mr. ROBINSON of Arkansas. I likewise have received many communications complaining of the confusion that exists in the radio field. Many complaints have been registered with the commission concerning which no action has been taken. Upon inquiry of the commission as to whether it was possible to afford relief in a certain case, I was advised that no action was possible until the members of the commission had been confirmed, some of the names presented not having been acted on by the Senate. Does the Senator from Tennessee know of any reason why the commission can not function pending the confirmation of those members?

Mr. McKELLAR. I know of none whatever. They are acting commissioners, and there is no reason in the world why, under the law, they can not function. They ought to function; they ought to carry out the law, as they are required to do, in the interests of all the people; the people ought to know and we ought to know before we confirm them just what their attitude with reference to this great industry is.

Mr. ROBINSON of Arkansas. It has occurred to me that if the members of the commission feel that they can not function until after confirmation has been had the Senate would be justified in taking very stringent action concerning such members of the commission as assumed that attitude; in other words, as to those who advise that no attempt would be made to perform their duties until they had been given assurance that they would be permitted to continue in office to the end of their terms.

Mr. McKELLAR. I agree with the Senator entirely.

Mr. MAYFIELD. Mr. President——

Mr. HEFLIN. I can not yield further.

Mr. ROBINSON of Arkansas. I hope the Senator from Alabama will permit me to conclude my statement.

Mr. HEFLIN. Very well.

Mr. ROBINSON of Arkansas. I realize that the whole subject of radio is surrounded by confusion, and that the difficulties attached to a radio commissioner's position are very great and numerous.

Mr. McKELLAR. I agree with that statement of the Senator from Arkansas.

Mr. MAYFIELD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Texas?

Mr. HEFLIN. I will yield for merely a question.

Mr. MAYFIELD. I wish to ask the Senator from Tennessee [Mr. McKELLAR] if, under the present law, the Radio Commission does not possess the power to distribute the air equally among the five districts of the country?

Mr. McKELLAR. They possess the power.

Mr. MAYFIELD. Then, why do they not exercise that power?

Mr. McKELLAR. I can not say. I wish to say that I have received a letter, which I have sought and obtained permission to have printed in the RECORD, showing the very unequal distribution of power in the various sections of the country. It is one of the things against which I protest. Under the holding of the commission one zone has 200,000 watt power, while one southern zone has only 50,000 watt power. This is contrary to the intention of the law, is wholly unjust, and absolutely indefensible.

Mr. MAYFIELD. I will ask the Senator from Tennessee if it is not a fact that there is one station in New York that is allowed more watts than are allotted to all of the 11 States of the South put together?

Mr. McKELLAR. One station in New York, as I understand the situation, has more power than have all the entire Southern States.

Mr. MAYFIELD. Then why does not the commission make an equal distribution among the five districts of the country?

Mr. McKELLAR. I think they ought to do so. We ought to confirm no commissioner who is responsible for this unequal division of radio power.

Mr. DILL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Washington?

Mr. HEFLIN. I yield.

Mr. DILL. I desire to make one statement in answer to the question of the Senator from Texas [Mr. MAYFIELD]. The Radio Commission not only have the power to give the South its proper share of stations, wave lengths, and power but the present law makes it the duty of the Radio Commission to do that very thing.

Mr. MAYFIELD. Then is any amendment of the law in that respect necessary?

Mr. DILL. None at all.

CALL OF THE ROLL

Mr. BLEASE. Mr. President, I renew my suggestion of the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McNary	Smith
Barkley	Fletcher	Mayfield	Smoot
Bayard	Frazier	Neely	Steck
Black	George	Norbeck	Steiwer
Blaine	Gerry	Norris	Stephens
Blease	Gooding	Nye	Swanson
Borah	Gould	Oddie	Thomas
Bratton	Hale	Pine	Tydings
Brookhart	Harris	Pittman	Tyson
Broussard	Harrison	Ransdell	Wagner
Bruce	Heflin	Reed, Pa.	Walsh, Mass.
Capper	Johnson	Robinson, Ark.	Walsh, Mont.
Caraway	Jones	Sackett	Warren
Curtis	Keyes	Schall	Willis
Cutting	La Follette	Sheppard	
Deneen	McKellar	Shipstead	
Dill	McMaster	Simmons	

Mr. CURTIS. I wish to announce that the Senator from Wyoming [Mr. KENDRICK] and the Senator from Utah [Mr. KING] are detained in the Committee on Appropriations.

The PRESIDING OFFICER. Sixty-five Senators having answered to their names, a quorum is present.

MUSCLE SHOALS

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes.

Mr. HEFLIN. Mr. President, most of the Senators present have heard the Muscle Shoals matter discussed time and time again. My colleague [Mr. BLACK] on yesterday and the day before very ably presented this question to the Senate from our viewpoint. He stressed a point that I have always stressed and that I propose to stress to-day, namely, that Congress should keep faith with the American farmer.

Before me upon this desk is the original law providing for this project at Muscle Shoals. It specifically sets out that it is to be devoted to making nitrates for the Government in time of war, and fertilizer for the farmer in time of peace. That is the solemn obligation and covenant that we made when we singled out Muscle Shoals for development by the Government. No one can deny that.

Mr. President, some of the Senators here know what happened at Muscle Shoals after the World War. Work on Dam No. 2 at Muscle Shoals was stopped. Nothing was done to complete the project. The cofferdams in the river were washing away. Work that already had been done was deteriorating. The money already invested was about to be lost. A commission from the House went down to view the situation and to make recommendations as to what disposition should be made of it. That commission returned, and a majority of its members recommended that the project be abandoned and the property junked. It was then that Henry Ford appeared upon the scene, having gone to Muscle Shoals with Mr. Edison. While there he determined to make a bid in keeping with the declared purpose of a law enacted by Congress. He did make a bid, and he obligated himself to make 40,000 tons of fixed nitrogen every year for the use of the farmers of America and to sell it to them at 8 per cent profit, and to keep that plant in good condition to be turned over to the Government when the Government should need it for nitrate purposes in time of war.

Some of the Senators here know how long-drawn-out the battle on the Ford bid was. They know what happened. Mr. Ford's bid was here with us, I believe, for about three or four years. For one reason or another Congress delayed action. Nothing was done, and finally Mr. Ford, weary of waiting and sick of delay, became disgusted and withdrew his bid. He withdrew his bid because Congress refused to act and carry out the provisions of the original act and devote Muscle Shoals to the making of fertilizer for the farmers in time of peace.

Then a concurrent resolution was passed by Congress providing for a joint committee of three Senators and three Members of the House to solicit bids for Muscle Shoals. A few bids were received. One was submitted by the American Cyanamid Co. and one by the Southern Power Co. that were considered as the best bids. There were three or four other bids, but the committee did not consider them favorably. These two bids first mentioned were the ones that were debated by the special committee of the House and Senate, composed of three Senators—the Senator from Illinois [Mr. DENEEN], the Senator from Kentucky [Mr. SACKETT], and myself from Alabama, and Congressman JAMES, of Michigan, Congressman QUIN, of Mississippi, and Congressman MORIN, of Pennsylvania.

We considered these bids and took testimony concerning them for several weeks. The committee finally reported to the Senate and the House. We differed as to which one of these bids should be accepted, the Senator from Illinois [Mr. DENEEN] and the Senator from Kentucky [Mr. SACKETT] favoring one proposition, and I favored another.

No action at all was taken on the matter in the Senate or in the House and Congress again adjourned without anything being done with Muscle Shoals. I was for the Cyanamid bid because I thought it meant fertilizer for the farmer. There was no difference between the Senator from Kentucky and the Senator from Illinois and myself, as I understood it, that this project should be kept out of the hands of the Government and leased to some private individual. We were divided in opinion as to which one of these bidders would best carry out the original purpose of the law. We differed honesty as to that; but there is no difference between us, as I understand, upon the question of keeping the Government at Muscle Shoals out of business in competition with the private citizens of America.

At the outset Mr. Mayo, in his testimony before the Senate Committee on Agriculture supporting the Ford bid, told us what Mr. Ford intended to do at Muscle Shoals. Much has been said here in one way and another as to whether or not fertilizer could be made at Muscle Shoals. That is no longer a debatable question. It is an accomplished fact. Fertilizer made at Muscle Shoals has been used on soil around Muscle Shoals. It has been used mixed with other fertilizers and it has been used directly when applied by itself, and it has been a success in both instances.

Mr. Mayo, Mr. Ford's chief engineer, testified before the Committee on Agriculture and Forestry, and he said:

> As I started to say, Mr. Ford in framing up this offer tried to so make it that it covered all the original intentions of the Government to keep it in proper order as a national emergency protection, also to do what the Government had planned in having the plant there in peace times so as to make fertilizer at the lowest possible cost.

Senator HEFLIN. Mr. Mayo, you set out in your contract, I believe, that you are going to use about 100,000 horsepower in making fertilizer?

Mr. MAYO. That is what we figure it will take; yes, sir.

Senator HEFLIN. But I understand Mr. Ford really intends to use more than that.

Mr. MAYO. That is his intention; yes.

Senator HEFLIN. And he expects to manufacture fertilizer on a large scale?

Mr. MAYO. Yes, sir.

Mr. President, that has been my position from the outset. I did everything in my power to have the Ford bid accepted. I have never favored using a small portion of this power to carry on an experimental plant at Muscle Shoals, or to raise funds to carry on these plants elsewhere. I have favored using this power at Muscle Shoals, all that it requires to make 40,000 tons of fixed nitrogen and to make twice that amount if the farmers wanted it made.

I want to state to the Senate in the outset that I would favor using every horsepower at Dam No. 2 and every horsepower that we can develop at plant No. 2 to make the amount of fertilizer necessary to bring down the price of fertilizer to the farmers of the country. The farmers of America are in the clutches of the Fertilizer Trust, and here is an opportunity, and the only opportunity we have, to deliver the farmers of the country from the merciless clutches of the Fertilizer Trust. That opportunity is before us right now. We have it in our power to relieve the farmers of America of a great burden and by our votes to enable him to save several dollars on every ton of fertilizer that he buys.

To show that Mr. Ford intended to make fertilizer on a large scale, continuing, Mr. Mayo said:

Mr. Ford will have to install the necessary apparatus to make the phosphoric acid and potash elements of the fertilizer, so as to make a complete fertilizer.

So, Mr. President, at one time we from the South were united in the main upon this question. Most of the southern Senators supported the Ford offer; and we seemed to be determined, so far as it was in our power, to see to it that the Muscle Shoals project was used to make cheap fertilizer at Muscle Shoals.

Some Senators from the South seem to have gotten away from that idea. Other interests have been busy and they are now seeking to have this Muscle Shoals power sold to power companies to be used for other purposes. The effort is being made here, I am sorry to say, to abandon making fertilizer at Muscle Shoals. Let us not attempt to deceive ourselves. The proposition now before the Senate, the Norris resolution, does not provide that the power at Muscle Shoals shall be used for the benefit of the farmers of America. It is a power proposition, pure and simple. There is no fertilizer in it for the farmer.

We had this matter up before the special committee of Congress of which I was a member, and we discussed every phase of it there. Senators talk about it still being a matter of experiment as to whether fertilizer can be made cheaply at Muscle Shoals. Men who are in the business testify that it can be done. Men who have made a thorough investigation of the subject stated to us that it can be done. Not only that, but Mr. Mayo, Mr. Ford's chief engineer, said, "We believe that we can cut the price of fertilizer in half."

He was considering the fact that they were not going to have to pay such a large price for power, and that plant No. 2 was already in existence, and they would get that at a reasonable figure. I am willing for anybody to get it at a reasonable figure, and I am willing to sell them power to make fertilizer cheaper than I would sell the power to anybody else; for if there is a class of people in this country now that is entitled to special consideration at the hands of Congress it is the farming class of our people.

Special favors are being shown to other classes. Here is an opportunity at Muscle Shoals to bless and benefit the farmer; and you are not showing him any special favor, either. You are not going out of your way to do him a kindness. You are simply living up to the requirements of an act of Congress. It is right here in this big book in front of me. I am calling on Senators to keep the promise that we made to the farmers of the country. We must not break faith with the farmers of America.

Now let us see what it would amount to if we could get started to making fertilizer down there in earnest.

Representative QUIN, of Mississippi, interrogated Major Burns as follows:

You understand I am a farmer. I do not want to confuse the two. I am speaking now of fixed nitrogen. You call this nitrogen by itself. That is what the bill said Mr. Ford was to make—fixed nitrogen. You say according to your idea it would cost $110 a ton to have it in liquid form.

Major BURNS. That is right; in the form of liquid ammonia.

Representative QUIN. Now transform it into power. How much is it?

Major BURNS. My memory is that it would be 7 cents a pound. I think the transformation cost for changing it was a little over 4 cents a pound, so that it would bring the total up to approximately 10 cents a pound. That would be $200 a ton of fixed nitrogen.

Representative QUIN. Then 2,000 pounds of pure fixed nitrogen would cost what?

Major BURNS. It would cost you $200.

Representative QUIN. Well, what does Chilean nitrogen cost—Chilean nitrate?

Major BURNS. It is in excess of $300 a ton.

Representative QUIN. It costs that much now?

Major BURNS. Yes; it costs in excess of $300. It is six and a half times $55, which would be in excess of $350 a ton right now.

Mr. President, Major Burns is the man upon whom the able Senator from Nebraska relies so much, and the nitrogen that the Cyanamid Co. in America can produce as against this constitutes a saving of practically $150 a ton on this ingredient, according to Major Burns's own testimony.

We have never had an opportunity to compete in earnest with the Chilean nitrate. We have nobody really competing with Chilean nitrate. The American manufacturers of fertilizer, the larger ones, are in with them. They get ingredients from Chilean nitrate concerns. There is now the biggest fertilizer combination the world has ever known. Just recently they have formed a world nitrogen trust.

I want to read and place in the RECORD a news item from Paris, printed in the New York Times of December 17, 1927. This followed an announcement in the United States Department of Commerce Finance Bulletin, dated October 24, 1927, as follows:

It is reported that a more far-reaching international entente has been proposed which would include the Chilean producers with the major European synthetic producers and would divide the world's nitrogen markets, fix prices, and regulate sales and production.

Here is another quotation from the Industrial Bulletin of December, 1927:

One hundred companies are listed as being merged or affiliated with the I. G.

That is a big chemical combination in Germany.

Thirteen of these are designated as founders or chief members. Among the 87 others are included fertilizer and agricultural chemical companies; chemical, electrochemical, and metallurgical works; makers of celluloid, artificial silk, and explosives; handlers of compressed gases, and 11 unclassified firms.

I want to call attention to the newspaper account of this trust that was recently formed:

NITRATES PARLEY TO BE HELD AT SEA—GERMANS INVITE NITROGEN INDUSTRY LEADERS FROM FIVE COUNTRIES ON A MEDITERRANEAN CRUISE—HOPE TO PERFECT ENTENTE—AMERICANS, FRENCH, ENGLISH, NORWEGIANS, AND PROBABLY ITALIANS WILL DISCUSS COOPERATION

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PARIS, December 16.—The first international trade conference ever held upon the high seas will get under way within the next 10 days when the leaders of the nitrogen industries of the United States, Great Britain, France, Germany, Norway, and Italy leave Marseille aboard a luxurious private yacht for a three weeks' cruise on the Mediterranean. Heads of the German nitrogen trust, who are promoting the unique meeting, hope that an international nitrogen entente will have taken definite form by the time the ship returns to the French port.

The yacht his just been chartered. Orders have been given to stock it with the finest wines, champagnes, and all the delicacies of the season. Nothing will be left undone to make the voyage a happy one. Although a considerable portion of each day will be spent in going over the outstanding issues between the various national groups, frequent stops will be made at attractive Mediterranean places to relieve the strain of the daily sessions.

It is understood that representatives from all nations mentioned above have accepted with the exception of Italy, which is expected to join the others in a few days. According to very reliable information the American synthetic-nitrogen industry will join the cruise, although efforts are being made to give the impression that Americans are not participating, since American laws prohibit industries from becoming parties to international trade agreements.

If any additional evidence of Germany's eagerness to create a nitrogen trust were lacking, the international ocean meeting supplies that lack. The originality of the invitation so intrigued the national groups, it is said, that acceptance was almost immediately assured.

As has been pointed out in previous dispatches, a nitrogen entente is part 2 of the much-discussed billion-dollar Chemical Trust now in operation. Part 1 consists of the dyestuffs agreement signed three weeks ago at Frankfort between the delegates of France, Germany, and Great Britain. Part 3, covering artificial silk, remains the subject of negotiations.

From the German standpoint the nitrogen entente is even more important than the dyestuffs compact, because Germany has superseded her dyestuff manufacturing by the production of artificial nitrates. Several hundred million dollars in capital is involved in the impending Nitrates Trust, and if the Americans join the figure will be substantially increased.

All but half a dozen points have been agreed upon between the respective members, but several of these are causing a delay which is irritating the Germans. Hence the idea of transporting all concerned to the salubrious atmosphere of the Mediterranean away from interruptions and routine life.

If the unprecedented voyage results in a success, a new method of advancing international relations may have been established.

Mr. President, it were enough if I should stop right there to cause every Senator in this body who really cares for the American farmer and his problem to vote to use the power at Muscle Shoals to make cheap fertilizer for the farmer. The Government has this property. A combination has been formed by the great chemical concerns of the earth not only to control the price in three or four or five nations, but in all the nations, to farm out the territory that each one shall supply, and to absolutely dictate the price, to name the amount that shall go to each territory. This trip of the big manufacturers of fertilizer was made in a fine yacht out upon the Mediterranean, and fine wines were furnished, the newspapers tell us, and no doubt they had a glorious time on that yacht upon the sea, discussing ways and means to rob the farmer of America more successfully than they are robbing him now, and God knows they are doing a good job of it now. They are taking in exorbitant fertilizer prices large portions of the fruits of his toil. They have created conditions that make the burden of farming more difficult and disagreeable every year. The farmer is having a harder time now to get fertilizer sufficient to meet his demands than he has ever had before. Something must be done to enable the farmer to get away from the conditions that oppress and rob him.

Senators, before I leave that point, I want to call this to the attention of the Senate. Recently, since Congress met, the Fertilizer Trust has increased the price of the fertilizer that the farmer must use to make his crop this year. The price of agricultural products did not warrant such a raise. Why did they do that? They did that because the big Fertilizer Trust recently formed wanted it done. Will Congress permit the great fertilizer manufacturers of this country and of the world to get together, dictate the price, and hold up and rob the American farmer when we have this Government project at our disposal and it is within our power in the plan that I am suggesting here to-day, to meet this competition, and throw this large amount of fertilizer on the market at a greatly reduced price, which is bound to bring price levels down in the whole fertilizer business in the United States?

Let us see what Mr. Hoover's idea was about this matter. He appeared before the special committee of the Senate and House selected to receive bids for Muscle Shoals, and among other things he said:

A few minutes before I came here I started to dictate something which I would not want to let out, but in order to get these ideas stated, I have set down the general headlines under which the bids should be formulated, to be circulated to these bidders.

First. A 50-year lease upon the property.

Second. The minimum amount of fixed nitrogen to be produced annually.

Third. Undertaking to limit profits on the sale of nitrogen or fertilizer.

Fourth. Minimum annual sum to be paid to the Government for the lease of the properties as they now stand.

Fifth. Maintenance of the plant for national defense, in addition at all times to producing the minimum amount of fixed nitrogen.

Sixth. Method of distribution of power which is not required for fertilizer manufacturing.

And in spite of our purpose and understanding about what the Senate and House wanted us to do, we are confronted with a proposition to take all that power and sell it to people and power companies and take the money that is received and establish a fertilizer plant at Muscle Shoals—the Senator from Nebraska included that in his resolution at my suggestion—and fertilizer plants at a few other places over the country, here and yonder. I am afraid they would not amount to anything. I say that with all kindness to my good friend, the able Senator from Nebraska. We are to sell the power, dole it out to power companies and people who want it for various purposes, and get the money back second hand—that is, if there is any money left for that purpose—and turn it into an experiment station to see whether or not we can make fertilizer for the farmer. The suggestion is simply ridiculous. That is not in keeping with the original act. It is not in keeping with the purpose of Congress, it is not in keeping with our pledge to the farmer, and it ought not to be approved by the Senate.

What else did Secretary Hoover say?

I was asking him some questions before the committee.

Senator HEFLIN. I think they can if they want to, according to my position, bid for Dam No. 2 regardless of any other improvement that is to be made.

Secretary HOOVER. I think it ought to be set out to them that they can bid both ways.

Senator HEFLIN. Yes.

So Mr. President I am now confining my argument as nearly as I can to Senator NORRIS'S resolution, which relates to Dam No. 2, plant No. 2, and the property at Muscle Shoals.

Now, let us see what was in our minds all the time. I asked the question:

What I want to get at if I can, and I think the other members of the committee also, is one bidder who will agree to do all of this. He will first use the power to make fertilizer.

Chairman DENEEN. I think Mr. JAMES refers to line 10 on the first page, which reads, "But no lease or leases shall be recommended which do not guarantee and safeguard the production of nitrates."

And Mr. President that is not guaranteed in the resolution of the Senator from Nebraska. It gets us away from that. We are departing from it entirely. His resolution takes us off on a power proposition.

Again Secretary Hoover testifies:

Senator SACKETT. What does that figure per kilowatt-hour?

Secretary HOOVER. About $20 per horsepower year. Now, we have got a property here that is worth anywhere between two and three million dollars a year to the Government as it stands. I take it everybody is prepared to give that total sum to the manufacture of fertilizers if that is what is wanted, but I do think we ought to get it definite, in some fashion, if we can, so that we can give as little as we have to to get the fertilizer made. I do not think we ought to throw the money away.

Senator HEFLIN. You think that the property down there should pay $2,500,000 a year?

Secretary HOOVER. I think you will get a bid for it to-morrow of around $2,500,000 a year for the power itself.

Senator HEFLIN. You mean for plant No. 2 and Dam No. 2?

Secretary HOOVER. Yes, sir.

Mr. President, the Secretary of Commerce knew what we were driving at and what we had stated our purpose to be to all bidders that they must make fertilizer at Muscle Shoals, and he stated that it should be set out in the contract.

Then the head of the Agricultural Department, Secretary Jardine, appeared before our committee, and he was asked about the same thing:

Secretary JARDINE. You mean that the Government would be able to take this back whenever it desired?

Representative JAMES. Yes, sir.

Secretary JARDINE. Of course, that would be to the advantage of the Government, and it would seem to me it probably would not be to the advantage of Mr. Ford.

Secretary HOOVER. It would be a question of what the terms of recapture were. If a man wanted $25,000,000 to take it back, it would not be much of a bid.

Senator HEFLIN. The lease itself will have a proviso in it that we can cancel it if the lessee fails to carry out his part of the contract.

There is nothing of that character in the resolution of the Senator from Nebraska. There is no provision in it to compel them to make fertilizer. The provisions of his resolution refer in the main to the disposition of power at Muscle Shoals.

Mr. Hooker, a very capable man now engaged in the fertilizer business in the State of New York and who is making money in the business, testified before our special committee. Listen to what he said:

The point of that is that economies can be effected in the manufacture of fertilizer by introducing chemistry into an industry which is now largely a mechanical mixing industry, but those improvements due to modern chemistry and due to things that have superseded cyanamide plant No. 2 can only reduce the cost of fertilizer, in dollars, a few dollars from its present price of $27, $28, or $30 a ton, whereas there is a tremendous saving to the farmer that can be made by cutting that

price completely in two, and that can be done by concentrated fertilizer. Anybody can make concentrated fertilizer. Anybody who is going to bid here can make it. We think we can do it perhaps a little better than somebody else. Perhaps they think they can do it a little better than we can. It is immaterial. We can all do it.

There is no longer any use of experimentation. There is no longer any use of playing with this project of Muscle Shoals to get money to build experiment stations and put chemical professors in them to experiment with the proposition, and all that sort of thing, and prolonging the matter and keeping it from being disposed of as it was intended to be disposed of for the purpose of manufacturing cheap fertilizer for our farmers. Continuing, Mr. Hooker said:

We can make it.

Senator HEFLIN. And cut the price to $14 [a ton]?

Mr. HOOKER. And cut the price down to $15, $14, or $13 [a ton]. That is the thing the farmer has to have, and that is what he can have, but there is only one way in which he can get it.

And, Mr. President, he made it plain to us that the way to get it was to devote that plant down there to making fertilizer, and he was very anxious to get it for that purpose. That was his testimony. It is undisputed. Nobody challenged his statement and he was not the only witness who appeared before us who talked about cutting the price of fertilizer half in two at Muscle Shoals.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. HEFLIN. Certainly.

Mr. NORRIS. Mr. Hooker was one of the bidders, was he not?

Mr. HEFLIN. Yes; he was.

Mr. NORRIS. He had made a bid there himself?

Mr. HEFLIN. He had.

Mr. NORRIS. He thought he could produce fertilizer in that way. The Senator, however, would not advise the acceptance of his bid, would he?

Mr. HEFLIN. No; but there were some good features in it.

Mr. NORRIS. I think so, too. There were some good features. I had a great deal of respect for a great many of the ideas of Mr. Hooker.

Mr. HEFLIN. So did I.

Mr. NORRIS. But I think the Senator will agree with me in saying that Mr. Hooker was opposed to the cyanamide bid which the Senator himself is favoring.

Mr. HEFLIN. He was opposed to it; he wanted Muscle Shoals and said he hoped we would accept his bid.

Mr. NORRIS. Yes; and the way he thought he could reduce the price of fertilizer was to have us accept his bid, was it not, which the Senator himself and, as I understand it, no other member of the committee was in favor of doing.

Mr. HEFLIN. We really did not reach the point of accepting his bid, because he wanted the Government to put up too much money in addition to the property already in existence at Muscle Shoals.

Mr. NORRIS. Of course, as the Senator probably knows, I have been all over his bid, because he had the same bid before the Committee on Agriculture and Forestry; and we listened to his testimony there at great length. I do not know of anyone now a member of the Committee on Agriculture and Forestry who was in favor of accepting his bid.

Mr. HEFLIN. I am not arguing that they were in favor of it or that it should have been accepted. I am saying what a man who was already in the fertilizer business and who has passed the experimental stage and who is accomplishing what he set out to accomplish said he could do if he could get Muscle Shoals, and that is that he could cut the price of fertilizer in half; that he would enable the farmer to buy a ton of fertilizer for half the price he now pays.

Mr. NORRIS. But the way he was going to get it was so objectionable that nobody who was giving it any consideration on either committee was at all favorable to it. He wanted, as the Senator said, the Government to put up too much money. He wanted the Government to furnish too much capital. He wanted to get too much power at Government expense. Therefore his bid was rejected by everybody.

Mr. HEFLIN. It was not seriously considered by the special committee, but I come back to the proposition that Mr. Hooker is in the fertilizer business, and that he has passed the experimental stage in it and is making money out of it. He told the committee he was making money out of it and expected to continue to do so. He testified that if he could get Muscle Shoals with the equipment we have there, he could cut that price in half, and he said "All of us can do it."

Mr. NORRIS. I think the Senator was a little bit in error when he said that if he could get the equipment there he would take it.

Mr. HEFLIN. Of course, he wanted the Government to furnish the capital.

Mr. NORRIS. He asked a whole lot more. I do not suppose he would give a second thought to accepting nitrate plant No. 2 free of rent and operating it himself and making exclusively fertilizer. He would not do it under those circumstances, or at least, he never has offered to do that.

Mr. HEFLIN. I do not know. He said he did not have enough capital himself and that he wanted the Government to supply it.

Doctor Curtis, of Boston, was on the President's special committee to make inquiry as to Muscle Shoals. He testified before our committee, and I asked him:

Doctor, how much do you think the price can be reduced by manufacturing fertilizer at Muscle Shoals?

Doctor CURTIS. I do not believe a quantitative answer can be given at this time. Certainly, in the long run, you can reduce it very much below the present price, and possibly reduce it more than half.

And yet some Senators are saying here that fertilizer can not be made down there at all, but that it will be a losing business, when everybody who has been before us has said to the contrary. As I have already said, Mr. Mayo, in the outset, representing Mr. Ford as his chief engineer, stated that he believed we could cut the price of fertilizer in half. Mr. Hooker, who is in the fertilizer business, said:

I can cut the price in half, and all of us can cut it in half.

Doctor Curtis said:

In the long run we will cut it more than half.

This is such a plain case that I do not see how anybody is going to be excused by the folks at home if they refuse to use the Muscle Shoals project in behalf of the American farmer and bring him relief from the Fertilizer Trust and enable him to buy fertilizer more cheaply than he is getting it to-day.

The able Senator from Georgia [Mr. GEORGE] and I were talking about fertilizer prices one day last spring, and he told me he had to buy some fertilizer and that the fertilizer people had raised the price to $5 a ton. I want to tell the Senator from Georgia and all the Senators that they have recently raised the fertilizer price again. They raise it whenever they get ready. But the farmer's cotton is bringing a poor price and it is going down and the gamblers on the exchanges are beating the life out of it, and the farmer has to stand off amazed, stunned, dumbfounded, and look on at the cruel oppression of the gamblers on the exchange beating down the price of that which he produces, and on the other hand seeing the Fertilizer Trust, by a nod of the head and stroke of the pen putting up the price of that which he has to have to produce the crop to supply food and raiment for his family.

Mr. President, I submit that we ran well afford to have this one plant set aside for the benefit of the sorely oppressed farmers of our country.

Here are some questions and answers on another important phase of this question. We were talking about the cyanamide patents and royalties which the Cyanamid Co. if it gets Muscle Shoals would waive:

Senator HEFLIN. If we add $125,000,000 for royalties——

Senator SACKETT. They are not going to use that process, though.

Senator HEFLIN. The Cyanamid Co. will use that process.

Senator SACKETT. Yes; but the power company will not use the cyanamide process.

Senator HEFLIN. But the power company does not waive its royalties.

Major FLEMING. No, sir.

Then, what is the additional cost for royalties? It is $1,500,000 to $2,000,000 a year. What is it if the Cyanamid bid should be accepted—and we are not discussing that here except by way of comparison. They would waive their royalties, and that would not be counted in the cost of fertilizer production. That is an item to be considered by Senators who really want to do something for the American farmer. We would cut out of the cost of fertilizer production between a million and a half and two millions a year. There is so much of this testimony that I can only refer to the more pertinent points as I pass along.

Mr. Bell, of New York, is president of the American Cyanamid Co., and I asked him:

Mr. Bell, if you could follow Mr. JAMES'S suggestion, and call in Mr. Bowers and Mr. Gray, who represent the farm bureau people, it might be worked out. Mr. Bowers, you know, is connected with the President's inquiry. They are very able men, both of them.

Mr. BELL. They are.

Senator HEFLIN. If you, together with General Hull, could rewrite that provision in a way so that we could tell the Senate and the House that this provision is approved by the farm bureau people, I think they would approve a fair proposition.

Mr. BELL. I think they would approve a fair proposition, and I will be delighted to sit down and revamp this in such shape as they think is fair.

I believe I can meet their view and the views of General Hull, but I do not want to promise that it can be done in a great deal less space. There is half a page, and no firm of accountants can possibly know what to do with that provision unless it is set forth.

There was Mr. Bell; he was willing to comply with whatever we wanted done with regard to making a certain amount of fertilizer.

I have suggested all along, and I still occupy that position, that whoever may get this Muscle Shoals property, we should provide in the lease that he is to make fertilizer or forfeit the lease; that the minute he begins to "throw off" on his contract to make fertilizer for the purpose of using the power for other purposes he forfeits his lease and we take the property away from him. That is what we would do with any other business. Why not take that step and safeguard the situation in behalf of the farmers of the country? Listen to his testimony about the royalties:

Mr. HEFLIN. You agree to waive your own royalties?

Mr. BELL. Yes.

Mr. HEFLIN. That would amount in 50 years to $62,500,000?

Mr. BELL. On the basis of the royalties established, Senator, it would amount to that, and, in addition to that, we are waiving royalties on ammo-phos and anything else that we might use there, so that it amounts to a great deal more than that.

That tremendous saving in the cost of producing fertilizer is one of the things that we should consider. I do not know on what we shall be able to agree, but I want to say to the Senators from Georgia, from Arkansas, from Texas, from Florida, and Senators from other States that I trust that we may get together on something, that we may write a contract and submit it to the Cyanamid Co. or to any other company that will make fertilizer at Muscle Shoals and then use the power that is left for other purposes. Let us get together and see if we can not do that. I am ready to do everything that I can to that end.

There is nothing in the resolution of the Senator from Nebraska [Mr. NORRIS] for the farmer, and therefore I want his joint resolution voted down. I do not want to put this Government into business in competition with the private citizen, and I want no subterfuge put upon the Senate and the country. I repeat, there is nothing in the joint resolution for the farmer; the farmer would not get anything out of it. As my colleague [Mr. BLACK] stated on yesterday, it is a power proposition, pure and simple.

What else? We had some testimony before the Committee on Agriculture and Forestry recently and the distinguished Senator from Nebraska had present one of his able expert witnesses, Doctor Howe.

Doctor Howe was not friendly to any proposition except the proposition of the Senator from Nebraska. I want to say just here that one can get experts on any side of every question that may be brought up in this body. It is like trying a man for insanity in a courthouse. It is easy to get doctors—and each one thinks he is right—who will come and swear that he is insane or that he is not insane. So, I repeat, one may get testimony on either side; and, Congress having taken testimony on this subject for eight years, I have seen dozens of witnesses contradict themselves time and time again. While Doctor Howe was testifying I knew that some of the Senators did not understand the cyanamide business, and I interrogated him after this fashion:

Mr. HEFLIN. The American Cyanamid Co. is doing a flourishing business, is it not?

Doctor HOWE. To the best of my information it is. * * *

Mr. HEFLIN. Is this American Cyanamid fertilizer a good fertilizer?

Doctor HOWE. It certainly is. * * *

Mr. HEFLIN. Is it a fine plant food?

Doctor HOWE. Yes; unquestionably. * * *

Senators, that is the testimony of a witness who was unfriendly to the Cyanamid Co.'s proposition. I repeat, we are not urging the American Cyanamid Co. bid at this time; but I want to show some of the things that would not be counted in the cost of the production of fertilizer if we should accept that bid later on.

I quote from the so-called Madden-Willis bill, which contains the American Cyanamid Co.'s bid for the use of Muscle Shoals for making cheap fertilizer for our farmers:

There shall not be included in the cost of such concentrated fertilizer any royalties paid or payable on any processes utilized in the manufacture of such concentrated fertilizer, which are now owned or which may hereafter be acquired by said American Cyanamid Co. and/or by any subsidiary and/or allied corporation of said American Cyanamid Co.; nor shall there be included in the cost of such concentrated fertilizer any royalties upon inventions or discoveries made through and in the course of research provided for in subdivision (4) of this article.

Now, listen to this, Senators:

There shall not be included in the cost of such concentrated fertilizer any compensation paid to any person holding the office of president, vice president, secretary, or treasurer or any other corporate office in said American Cyanamid Co., nor any compensation paid to any person holding like office in any subsidiary or allied corporation of said company; but this provision shall not be deemed to exclude from such cost compensation paid to any officer employed by a corporation engaged exclusively in the manufacture of such concentrated fertilizer under this lease.

Mr. President, have you considered the joint resolution of the Senator from Nebraska? This is what is provides:

The Secretary of War is authorized to enter into contracts for such sale—

The sale of power—

for a term of not exceeding 10 years from the 1st day of January, 1929; and the sale of such current by the Secretary of War shall give preference to States, counties, or municipalities purchasing said current for distribution to citizens and customers.

Senators, do you see any fertilizer in that provision? Where is the plan for fertilizer for the farmer? It is a piecemeal proposition, involving 10 years more delay, withholding this giant machine from the farmers of America, when they are struggling year after year and going down to defeat and financial failure in that struggle. Here is an opportunity to stretch forth a helping hand and deliver them and put them on their feet again, and yet we hear some of our southern Senators talking about voting for the distribution of power to the States around about Muscle Shoals.

What else does the joint resolution provide? Listen to the reading of section 5.

The money received by the Secretary of War for the sale of such current (hydroelectric power) after deducting the cost of operation—

Get these statements, Senators—

maintenance, depreciation, and the cost of constructing transmission lines, if any, shall be paid—

Do you get that? If there is any money left, it shall be paid—

into the Treasury of the United States, and the same shall be segregated and set aside as a special fund for developing, manufacturing, and introducing improved fertilizers and fertilizer practices for the purpose of reducing the cost and increasing the efficiency and use of fertilizers on American soils.

Senators, I am going to draw you a picture with which you will probably be confronted. If some smart man should get up before an audience in the South and read that section, and should be asked how he voted on the question of providing fertilizer for the farmer, and should say, "I voted for the Norris joint resolution as it now stands," there would be wailing and gnashing of teeth in that settlement politically. I repeat there is no fertilizer in that resolution for the farmer. We have delayed making disposition of Muscle Shoals until 2,000,000 farmers have been driven from their farms during the last six years; 2,000,000 farmers have gone down in the struggle, whipped and broken; they have gone into the city to start life over again under new conditions, strangers among strangers, to eke out a miserable existence in quarters such as they have never been acquainted with, and under circumstances and surroundings with which they have never heretofore contended. Here is an opportunity to do something for them; here is an opportunity to give employment to 10,000 American patriots who will be able to provide for their families at Muscle Shoals, down in Alabama, in the glorious southland. But you are talking about parceling out power that you want divided up at Muscle Shoals. One State wants some and another State wants some, and still another wants some. When it is asked, Where does the farmer come in, the reply is, "Oh, well, there is a provision in the joint resolution of the Senator from Nebraska that the money from the sale of all this power, if there is any left for that purpose, is to go toward establishing an experiment station and to carry on the practice of the application of fertilizer somewhere at some time at some experiment station a way out yonder in the future." "Well, what has become of the original act which provided that Muscle Shoals should be used in time of peace to manufacture fertilizer for the farmer?" "Oh, we have forgotten that." "What has become of the plan that Ford laid down to make for the farmer 40,000 tons of fixed nitrogen, which would be used in making nearly 2,000,000 tons of complete fertilizer?

What have you done with that?" "Well, Ford withdrew his bid." "Well, why did he do it?" "Because we dallied along with it and delayed action until he got disgusted and quit, and because he was told that the power companies were never going to let the farmer get it." That is what the farmers are going to say.

We know what has been done so far. Congress has come and gone. How fares the farmer? Well, the Fertilizer Trust is still robbing him, and he is still losing his battle. How fares the farmer? He is still leaving the farm and going into the towns and cities.

Mr. CARAWAY. Mr. President, may I interrupt the Senator?

Mr. HEFLIN. Yes.

Mr. CARAWAY. According to the Senator from Utah [Mr. SMOOT] the farmer is more prosperous now than he has ever been, is he not?

Mr. HEFLIN. Yes; but I could not agree with the Senator from Utah.

Mr. CARAWAY. The Senator from Utah said when the farmer was broke it was a sign of his being prosperous.

Mr. HEFLIN. I could not agree with the Senator from Utah, but the farmer, being broke year in and year out, will ask, "What did Congress do with Muscle Shoals?" "The same thing as before." "What is that?" "Nothing." "Did they dispose of Muscle Shoals so that the farmer could obtain fertilizer?" "No." "Did the southern Senators stand together and battle for the deliverance of the farmers of the South from the Fertilizer Trust?" "No." "What did they do?" "Why, some Senators talked about distributing power in equitable fashion—whatever that is."

But that does not get cheap fertilizer for the farmer. It reminded me of the two fellows that met on the public road. One of them had a sick mule. The other one said, "What is the matter with your mule?" The owner said, "He's sick. He's got the colic. Do you know of anything to give a mule that has the colic?" The other man said, "I had one that had the colic last week." "Well, what did you give him?" He said, "I gave him a quart of turpentine"; and he drove on.

The other fellow got a quart of turpentine and gave it to his mule; and the men met again the next week. Bill said, "How d'ye do, Sam?" Sam said, "How d'ye do, Bill?" Bill said, "Didn't you tell me you gave your mule a quart of turpentine?" "Yes." "How did it affect him?" "It killed him. Did you give it to yours?" "Yes." "How did it affect him?" "It killed mine, too." [Laughter.] Sam said, "Good-by, Bill." Bill said, "Good-by, Sam"; and each went his way.

If something is not done to put Muscle Shoals to work making fertilizer for our farmers, large numbers of voters will be telling "good-by" to Senators who are against using Muscle Shoals for our farmers. [Laughter.]

We ask the farmers:

"Have you got any cheap fertilizer at Muscle Shoals yet?"

"No."

"How long have they had this measure up in Congress?"

"Eight years—nearly nine."

"Have they ever disposed of it yet?"

"No."

"What is the trouble?"

"They have got two factions in Congress."

"What are they fighting for?"

"One is fighting to have fertilizer for our farmers made at Muscle Shoals and the other is fighting to turn it over to the Power Trust."

There is no escape from that conclusion. I do not care how much camouflage may be employed; there is no escape from that naked fact. It stands up in front of you like Pikes Peak. You can not keep from seeing it, Senators; and I hope that we will be able to get together and work out something, instead of standing here splitting hairs and quibbling about whether the synthetic process, the cyanamide process, steam power, or water power is the best. I do not care what process you use. The American Cyanamid Co. says it will use either or both. I do not care whether you use water power or steam power; I want fertilizer for the farmer, and I want this plant leased to an American citizen, and have it specified in the contract what he has got to do, and make him do it. We certainly have the opportunity and authority to do that.

Mr. CARAWAY. Mr. President——

Mr. HEFLIN. I yield to my friend from Arkansas.

Mr. CARAWAY. If it will not interrupt the Senator's argument, I was about to say that I propose to submit an amendment to the joint resolution that the Senator had in his hand just then, the Norris joint resolution. I should like to read it to the Senator and see if he approves it.

Mr. HEFLIN. I should like to hear it read.

Mr. CARAWAY. I propose to add a new section, to be known as 9 (a), and to read as follows:

The Secretary of Agriculture is authorized and directed to utilize nitrate plant numbered 2 for experiments in the production of fertilizers by the use of the cyanamide process, to determine whether it is or is not commercially feasible to produce fertilizers by such process. If the Secretary of Agriculture determines that it is commercially feasible to produce fertilizers by the cyanamide process, then such plant shall be used for the production of fertilizers by such process in the largest quantities practicable, and the fertilizers so produced shall be disposed of at the lowest prices practicable, to meet the agricultural demands therefore and effectuate the purposes of this resolution. In the utilization of nitrate plant No. 2 the Secretary of Agriculture shall avail himself of power in the same manner as provided in section 8.

I want, Mr. President, to offer that as an amendment to the joint resolution, and have it printed and lie on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARAWAY. I should like to have the views of the Senator from Alabama on that amendment.

Mr. HEFLIN. Mr. President, we might be able to work out something that would include some of the views the Senator from Arkansas has expressed in his amendment; but I want us to write it in the law that we shall make at Muscle Shoals at least 40,000 tons, and the Cyanamid Co. agrees to make 50,000 tons of fixed nitrogen, and I want us to compel them to go to making fertilizer and to make the amount we want made, because Mr. Hooker testified that they can all make it at Muscle Shoals; and there is no use of experimenting any longer or leaving it with the Secretary of Agriculture to say whether or not he thinks fertilizer can be made at Muscle Shoals. We already know that it can be done. Then we want to use the power that we have down there and compel them to make it.

I know that the Senator from Arkansas is perfectly earnest and sincere in his proposal; but I am afraid that if you put that power in their hands, and leave it optional with the Secretary as to what he will do, this mighty influence that has kept Muscle Shoals from being disposed of for the purpose of making fertilizer for the farmer will continue to keep it from being used for that purpose.

Mr. TYSON. Mr. President——

Mr. HEFLIN. I yield to the Senator from Tennessee.

Mr. TYSON. I should like to ask the Senator if he has seen the amendment I have offered, which would compel the production ultimately of 40,000 tons of fertilizer?

Mr. HEFLIN. I have not seen it. What is the Senator's amendment?

Mr. TYSON. My amendment provides that the Secretary of Agriculture is to be required not later than 1931 to commence by the best method he has found to produce fertilizer, and that he is to produce at least 5,000 tons each year until he goes on up to 40,000 tons, if it can be sold to the farmers.

My amendment is lying on the table. It was offered day before yesterday, and was published in the RECORD.

Mr. HEFLIN. Both the amendment of the Senator from Tennessee and that of the Senator from Arkansas are better than the proposal of the Senator from Nebraska; but I do not want any Government in it at all. I do not want to leave this matter in the discretion of any governmental department.

Mr. TYSON. My amendment provides for a lease in the first place, if one can be had; and, failing to get a lease, then the Secretary of Agriculture is to operate the plant.

Mr. HEFLIN. We can certainly get a lease if we can ever reach the point where we are willing to turn somebody loose there and say, "Now you have all the power you want to make fertilizer, go ahead and make it." The American Cyanamid Co., for one, stands ready to go to doing business there, and others will come in; but if we leave it to the Secretary of Agriculture to find somebody and carry on his experiments, Senators, this thing of delaying is going to continue. That is what I am afraid of.

Mr. CARAWAY. Is the Senator now discussing the so-called Willis-Madden bill?

Mr. HEFLIN. Yes.

Mr. CARAWAY. As the Senator knows, it contemplates the expenditure of about $300,000,000.

Mr. HEFLIN. I do not think it is that much; but it does contemplate expending in all about $76,000,000. But a part of that is to be charged to flood control and navigation.

Mr. CARAWAY. I thought the better engineering judgment was that it would cost about $300,000,000.

It struck me, if I may be permitted to say this in the Senator's time, that it is perfectly idle to discuss that bill. There

is not any more hope that it will be passed than there was a chance to have the Henry Ford offer—which was the best one ever submitted to the Senate—accepted. I think the Senator from Alabama will find out that he is up against the fact that some modified form of manufacture of nitrates at Muscle Shoals will have to be accepted.

I have been in perfect accord with the Senator from Alabama in wanting the Senate to accept a lease. I have not yet been able to convince myself that the Government is able to run a private business more advantageously than private interests can run the business.

Private enterprise built the country, and if it had sense enough to build it, I think it has sense enough to run its business; but I do not think the contract the Senator is discussing has a ghost of a chance to pass, and it is now a question of accepting some proposition that will give the farmers some relief.

I am just expressing my opinion on the matter. Of course, there are some Senators who think nothing is well done unless the Government does it. I am just reminded of the Government's way of doing business.

The other day I had occasion to send down to the Immigration Bureau. I sent a messenger down there with an appointment for half after 1. He stayed until 15 minutes past 3, and not a single individual had gotten back from his lunch at that time. What time he did arrive, if he got back at all that day, I do not know. Possibly the lunch lasted all day that day, and he may have been at his office the next day.

I know, and the Senator from Alabama knows, that that is the way the Government does business; and all the private business so conducted would be in a high state of prosperity, according to the Senator from Utah [Mr. SMOOT], because it would be broke, which he says is always evidence of extreme prosperity. In other words, when you fail it is only an evidence that you have succeeded; and if private business were to conduct itself as the Government conducts business it would be highly prosperous, according to the standard of the Senator from Utah.

We come back, however, to the fact that we have got to get something here or else we are going to perpetuate this farce that has gone on for eight years.

Mr. HEFLIN. I am glad to have the suggestion of my friend from Arkansas. We are not going to be in such a hopeless condition as he suggests, however.

Mr. CARAWAY. We are if we try to pass the Willis-Madden bill.

Mr. HEFLIN. No; I am not advocating now the Willis-Madden bill, and I think the Senator is correct in saying that the Senate would not pass that bill just as it now stands at this session. Dam No. 3 ought to be built——

Mr. CARAWAY. King Tut is a very live individual compared to the Willis-Madden bill.

Mr. FLETCHER. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield to the Senator from Florida.

Mr. FLETCHER. Without advocating any particular bill or committing myself to the Willis-Madden bill, I think it fair to say that the Senator from Arkansas is evidently under some misapprehension regarding the expenditures required by the Government under that bill.

Mr. CARAWAY. I read the bill, Mr. President. It was before the committee. It was explained before the committee. I do not think there is very much danger that I am under a misapprehension regarding it.

Mr. FLETCHER. I may be entirely wrong. I should like to be set right if I am.

I understand that one thing contemplated under the bill as an expenditure by the Government is to build Dam No. 3, and that that is estimated to cost about $20,000,000. Another expenditure is to build Cove Creek Dam, which it is estimated will cost about $32,000,000, as I understand. That is $52,000,000. The other things are provided in this joint resolution, to complete Dam No. 2, put in the necessary units there, and complete nitrate plant No. 2. That is provided for in this joint resolution.

Mr. CARAWAY. Oh, no. The joint resolution, if the Senator will pardon me, seeks to abandon nitrate plant No. 2. It proposes to put it in a "stand-by condition," whatever that may mean, but to make absolutely no use of it at all. I should be very much more pleased with this joint resolution if it undertook to make some use of plant No. 2.

Mr. FLETCHER. No; it says:

The Secretary of War is hereby empowered and directed to complete Dam No. 2 at Muscle Shoals——

Mr. CARAWAY. I am talking about plant No. 2.

Mr. FLETCHER. I know—

and the steam plant at nitrate plant No. 2.

Mr. CARAWAY. Nitrate plant No. 2 is not to be used at all under this joint resolution. It is to be put in a "stand-by condition," whatever that may mean; and then all the power is to be sold, and experimental plants to try to make nitrates by the synthetic method are to be started.

Mr. FLETCHER. That is just what I am saying:

to complete Dam No. 2 at Muscle Shoals, Ala., and the steam plant at nitrate plant No. 2, in the vicinity of Muscle Shoals, by installing in Dam No. 2 the additional power units according to the plans and specifications of said dam, and the additional power unit in the steam plant at nitrate plant No. 2.

That is contemplated in this joint resolution.

Mr. CARAWAY. Yes; but they make no use of it.

Mr. FLETCHER. I presume that will be done under the Willis-Madden bill.

Mr. CARAWAY. That is true, but that does not change the fact that the Willis-Madden bill would eventually involve an expenditure of nearly $300,000,000.

Mr. FLETCHER. Where would that be spent and for what purpose?

Mr. CARAWAY. To start in with, the people who pretend to know something about it contend that the estimated cost of the two new dams was entirely inadequate.

Mr. FLETCHER. Dam No. 3, at Cove Creek?

Mr. CARAWAY. Yes; that it was totally inadequate.

Mr. FLETCHER. I simply wanted to mention that, and then I understand all benefit of this plant would be lost to those people specified in the list and set out in the measure. I do not see how it could possibly cost anything approaching $300,000,000.

Mr. HEFLIN. The estimated amount is $76,000,000, and, of course, if the Cyanamid Co. ever got it, it would pay the Government interest on its investment.

Mr. FLETCHER. Then, I understand that the lessees under the lease set out fully in the measure would at their own expense add the necessary parts and equipment for nitrate plant No. 2 in order to make ammonium phosphate. They would do that at a cost of thirty to thirty-five million dollars, and that was not to be done by the Government.

Mr. McKELLAR. Mr. President, may I ask the Senator if he approves of the project to include, as is included in the Willis-Madden bill, a provision to build the plant at Cove Creek?

Mr. HEFLIN. Not just now. Mr. President, I want to say to the Senator from Arkansas, in reference to the Willis-Madden bill, that we are not offering that bill here now, and I do not think myself that it would pass at this session of Congress just as it is written. But I have taken out of that bill a part of it that I have had here ready to offer as a substitute for the power company's bid which was made before our special committee, and I have had extracted from that bill that portion which refers only to Dam No. 2 and plant No. 2 at Muscle Shoals. I did that for the purpose of having on hand a substitute covering exactly the property covered by the resolution of the Senator from Nebraska. If adopted it would not cost an extra dollar. The resolution of the Senator from Nebraska provides that $2,000,000 shall be appropriated outright for the Secretary of Agriculture to use, I presume, in constructing transmission lines, and I want to say to Senators, in addition to that, that it is estimated that the transmission lines running in every direction, to be constructed by the Government under the resolution of the Senator from Nebraska, would cost over a hundred million dollars. That is more money than it would cost to complete the other dams up the river and make that river navigable all the way and have this additional power for fertilizer purposes and for other purposes, and all of that would be owned by the Government.

Mr. McKELLAR. Mr. President, the Senator said that he had used the pruning knife on the Willis-Madden bill. I want to say to the Senator that I approve of his cutting everything out of that bill that he has cut out of it.

Mr. HEFLIN. That means the using of all that we have at Muscle Shoals to make fertilizer for the farmers. I am glad to hear my friend from Tennessee say that he agrees with me on that proposition.

I believe the Senate is with me on the question of not putting the Government into business at Muscle Shoals. I want to see the Senate vote down the Norris resolution, and then let us get together and see if we can not agree on a measure that will require the making of forty or fifty thousand tons of fixed nitrogen at Muscle Shoals, and then provide for the disposition

of the power that is left. We want to do what is fair and right about this matter, but keeping before us all the time the proposition of using all the power necessary to make the fertilizer required to meet the needs of our farmers.

That was the understanding before Congress spent a dollar at Muscle Shoals. I do not want to intrude into the State of the Senators from Tennessee and cut off projects that they feel they should have some say about and tie them into a project in my State. I want us to have an understanding and agree upon these matters. Muscle Shoals is a different proposition. It has been set apart for this purpose under the original act and we have promised to deliver it to the farmers, and the question is, Are we going to do it?

Do Senators know the possibilities of power on the Tennessee River? The power possibilities on the Tennessee River alone are 4,000,000 horsepower, and here is the small amount of 80,000 horsepower at Dam No. 2. We are fighting over and quarreling over who shall get a little power here and there, and the farmer is about to be left out in the cold. Why not dedicate this plant to his use? Why not let him have it and make fertilizer, and let us get power at the other points on the Tennessee River and on the Tallapoosa River and on the Coosa River? We have millions of horsepower in my State undeveloped, and in the State of Tennessee and in Georgia, the States round about, and why are you all pouncing down upon this one project, that has no business being tied into the power projects of the country? The Government has set it apart by statute and put it upon the mountain, out of the reach of the power concerns, and some of you are undertaking to pull it down and tie it into the chain of power companies, to be peddled about the country.

Mr. McKELLAR. Mr. President, I want to say to the Senator that I agree with him entirely, that whatever amount of horsepower can be generated at Muscle Shoals, whether it be 40,000 horsepower or whether it be every particle that can be generated, should be used for the farmer. I agree with the Senator about his interpretation of the original act. I think that next to the war purposes, for which the plant was created, it was intended to be helpful to the farmers in time of peace. The only difference between the Senator and myself—and I would like to have him address himself to this question—is that I am not convinced that turning this over to the Cyanamid Co. is equivalent to turning it over to the farmer.

Mr. HEFLIN. That is not up for consideration now. I will say to my friend from Tennessee that I think the Norris resolution ought to be defeated, and I am hoping it will be defeated; I do not believe a majority of Senators in this body are ready to vote to put this Government into business in competition with private citizens, and a vote to pass the Norris resolution is a vote to desert the original act and to break faith with the farmer and to put the Government in business.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. HARRIS. The Senator speaks about putting the Government into business. The Government is spending every year a number of millions of dollars doing exactly, in the manufacture of powder and arms and other things, what they would do there at Muscle Shoals if they manufactured munitions.

Mr. HEFLIN. I understand that; the Government has a powder plant, and I think it ought to have one, because it uses that to see how much it costs to produce powder, and it could make powder in an emergency. I think the Government ought to have that plant. But the Government has no business operating a fertilizer plant in competition with the fertilizer plants of the country, unless we can not get a private individual or a company to do it. In that case, I would favor the Government operating the Muscle Shoals plant in order to carry out the purpose of the original Muscle Shoals act and compel the production of cheap fertilizer at Muscle Shoals.

Mr. FLETCHER. Mr. President, it does not bother me very much about whether the Government performs this work or private parties do it. I never lost much sleep over the question of whether private individuals are conducting a business or the Government is conducting it. The Government's business is to serve the people. If the Government can serve them best and only when private enterprise fails to do it, then let the Government do it. But the Government does not propose to manufacture fertilizer here.

Mr. HEFLIN. No.

Mr. FLETCHER. There is no proposition before the Senate or anywhere else that the Government shall undertake to carry out that purpose of the original act, the manufacture of fertilizer for the benefit of agriculture. If such a proposition were before us, I would not hesitate one minute on a question of the Government doing it instead of private enterprise doing it. But there is no such proposition before us. Now, the Senator from Tennessee says turning it over or leasing it to the Cyanamid Co. is equivalent to the Government doing this business. If the Cyanamid Co. is a responsible concern, and I do not know whether it is or not, but I assume it is, as I have never heard anybody question that it had financial strength and ability to carry out its contracts; if the other lessee named in this bill that has been mentioned, known as the Willis-Madden bill, is a responsible concern, and I understand it is, if they will enter into a contract, a covenant binding and enforceable, good in every way, to manufacture fertilizer for the benefit of agriculture upon reasonable terms; and, as I understand, one of the terms is that they can not charge to the consumer a price which will exceed the actual cost of production plus 8 per cent of that cost——

Mr. HEFLIN. That is true.

Mr. FLETCHER. If a responsible concern will undertake to do that, and nobody else will undertake to do anything in the way of making fertilizer for the benefit of agriculture, I am not going to hesitate about where I will stand on the proposition, because I agree with the Senator that the primary purpose of Congress, and the feeling and the sentiment is and ought to be, that this great natural resource at Muscle Shoals should be devoted to what we have said in the law it should be devoted to, making nitrates for explosives in time of war and fertilizer in time of peace. That is the thing we ought to strive for. If anybody has any other proposition better than the Willis-Madden bill, or equal to it, let him come forward with it. If any individual is willing to undertake to carry out this plan and this purpose originally intended by Congress, to utilize the power at Muscle Shoals and the facilities and the plants there, that great investment that we have already made there, which is yielding nothing, costing us $5,000,000 a year to care for, I say, let us have some proposition like that, and we will get somewhere with this business. But there is not a proposal in this resolution, there is not a step in this resolution, in my judgment, that leads to that end.

Mr. HEFLIN. The Senator from Florida is right.

Mr. McKELLAR. Mr. President, I just want to give some information to the Senator from Florida. While the original resolution does not provide for the manufacture of fertilizer, as was contemplated in the original act, in my judgment, still I want to say to the Senator that I have introduced an amendment to this Norris proposal to let the Government carry out the intent and purpose of the original act in that regard; in other words, for the manufacture of fertilizer by the Government in accordance with the original act of Congress.

Mr. HEFLIN. Mr. President, the Senator from Florida is right; the farmer is not even suggested in this resolution until it is provided "for the sale of such current"—at Muscle Shoals—and "after deducting the cost of operation"; listen to that; that has to be done by the Government; "maintenance, depreciation, and the cost of constructing transmission lines." If there is anything left after that, it "shall be paid into the Treasury of the United States, and the same shall be segregated and set aside as special fund for developing, manufacturing, and introducing improved fertilizers and fertilizer practices for the purpose of reducing the cost and increasing the efficiency and use of fertilizers on American soils."

How much would be left after you had had expended at the hands of the Government $100,000,000 to construct transmission lines? It is estimated that it will cost that to build them in every direction, and the Senator from Nebraska provides for that. Depreciation, upkeep of property, all expenses, are to come out of the sale of the current, none of it being used to make fertilizer, and whatever is left, if there is anything, is to be used ultimately, at some far-off time, for the benefit of the farmer.

Mr. President, if we are going to do that, the farmer will not care whether the Muscle Shoals project was ever started. It reminds me of Private John Allen's story about the boys who were discussing the old man's estates. He had died, and they were sitting up quarreling about who would have this and who would have that property. Finally, about 11 o'clock one night, one of the younger boys yawned and said, "You all quarrel so much and fuss so much about what pa left that sometimes I almost wish he hadn't died." [Laughter.]

So we will have the farmers wishing sometime that we did not have any Muscle Shoals project. Some Senators are always talking about what we are going to do for the farmer, and yet we are not doing anything with this project to aid him in the least.

Perhaps some Senators have heard the story that illustrates the point: Rastus said to his friend, "I don't know what I am going to do with my wife." His friend said, "What's the mat-

ter?" Rastus said, "She is all the time after me for money. It's money in the morning, money at noon, money at night. The last thing I hear before I go to sleep is money, money, money." Sam said, "Well, Rastus, what does she do with it all?" Rastus said, "I don't know; I ain't never give her none yet." [Laughter.]

That is exactly what has happened to the farmer. He has asked and asked that you keep faith with him and let him have fertilizer at Muscle Shoals, but you have not done it yet. The question is, Are we going to do anything for him now? We have the opportunity here. This plant is located in my State, the greatest State in the Union, in the heart of Dixie. It would do your soul good to go down there and hear that water roar on the Tennessee River and in the springtime to see the flowers bloom and inhale the rich perfume and hear the birds sing. Those birds have been singing down there for a long time. They have been singing for eight years and the flowers have bloomed and withered and died eight times since Muscle Shoals has been up for consideration in this body and we have not disposed of it yet. Now, we are about to wind up "the old man's estate" and we are quarreling about who shall get this and who shall get that and whether we are going to have an equitable distribution of power, while the farmers are standing out there listening and looking and asking "Where do we come in? What about us and our fertilizer problem?"

Mr. President, the project looking to a lease of this property for the purpose of making fertilizer, compelling the making of fertilizer, is indorsed by every farm organization in the country. Not one of them indorses the project of the Senator from Nebraska. The farmers are not for his measure. They ought to know what they want. They know that there is no fertilizer for them under his measure.

Chester Gray, the head of the Farm Bureau people, is here in Washington. He is a very able, clever, fine gentleman. The Senator from Nebraska has criticized him. I have not found any fault with him. He has taken issue with the able and conscientious Senator from Nebraska. He has shot a number of holes in the Senator's resolution, and he has told why the farmers are opposed to it. He has suggested what the farmers want. He has stood, in season and out of season, demanding that fertilizer be made at Muscle Shoals and that the project be not turned into a power proposition. That has been the cry of Mr. Gray. He has done what the farmers have asked him to do and has been carrying on his propaganda throughout the country. I have not been able to find where he has done anything wrong in trying to get all the information he could as to how the farmers stand on the question. I like Mr. Gray, and I think the farmers have a right to have some one here looking out for matters which pertain to them and their interests. This man Gray is one of the brightest and best that they have ever had here.

My good friend from Nebraska took a little fling at Ed. O'Neil, a farmer friend of mine in Alabama. He has a farm down there close to Muscle Shoals. It was even intimated that he wanted to dispose of it in order that he could get a good price for it, impugning the motives of this able and distinguished citizen of my State, this very successful farmer of north Alabama. He is against the resolution of the Senator from Nebraska. He is in favor of some bid that will require the making of fertilizer at Muscle Shoals. He wants a lease that will compel the manufacture of fertilizer. He wants a bill passed that will forfeit the lease if they do not make it. Is there anything to be questioned in that position? It would seem to me that he is right, that he ought to be that way, and that he and the other representatives of the farmers ought to contend for that proposition. I have contended for it, and I am going to continue to contend for it.

Senators, I would dismiss Muscle Shoals from the power projects all over the country, and I would say, as Paul said, "This one thing I do." We have dedicated this project to the use of the farmer for fertilizer purposes in time of peace, and now we are going to make it over to him. We are going to do it by a solemn statute enacted by the Congress. We are going to require that that power be used to make fertilizer for the farmer, to cheapen fertilizer for the farmer, to lessen his farm burden. We have it in our power to do it.

Mr. BLACK. Mr. President, will my colleague yield?

Mr. HEFLIN. I am glad to yield to my colleague.

Mr. BLACK. Before the Senator leaves the subject of Mr. O'Neil, who was somewhat criticized by the Senator from Nebraska [Mr. NORRIS], I would like to state that along about 1816 General Jackson made a trip down to Alabama fighting Indians. His constant companion was General Coffey on practically every step he made. General Jackson saw the great utility and the great value of Muscle Shoals and prevailed upon numbers of citizens to go down there and cast their lot with the idea of getting the benefit of that great national resource. General Coffey was one of them. General Coffey settled some land there at that time. The farm which the Senator says Mr. O'Neil desires to see enhanced in value is the exact farm which was settled by General Coffey, the grandfather of Mr. O'Neil.

Mr. HEFLIN. I thank my colleague for that statement.

Mr. President, I have a vast number of telegrams on my desk, and I am going to read just one of them from the farmers of Alabama.

Norris Government-operation proposal for Muscle Shoals promises no fertilizer for Alabama farmers. We urge you to fight for Cyanamid offer.

They know that it is a good proposition to make fertilizer and that we can compel fertilizer to be made at Muscle Shoals. What I want to make plain is that I do not want to leave it in the discretion of the Secretary of Agriculture or the Secretary of War as to what we are going to do at Muscle Shoals. I want to name it in the bond. I want us to put it in the law. I want them to be instructed and directed to make fertilizer, so many tons a year, year in and year out. We can and we should do that.

Let me bring another matter to the attention of Senators. The American Cyanamid Co. is owned and officered by American citizens. In 1907 I had a bill passed through the House granting them the privilege of constructing a dam across the Coosa River in my congressional district, and they agreed to make fertilizer there as far back as 1907. They had not then located a plant in Canada. What do you suppose happened to them? President Taft vetoed the measure after it had passed both Houses of Congress. What did the American Cyanamid Co. do? They were driven out of America—think of that—a great company like that wanting to do business in our country but driven out, so they located in Canada, just over the line.

They started business there and from that point they made the cyanamide fertilizer ingredient and shipped it little by little until they are doing business all over the world. They shipped out in the first year of their business a little over 600 tons. Then they went up to 12,000, then to 25,000, and now they have reached 75,000 tons a year, and they have done that since 1916, in a little over 10 years.

So, Mr. President, there is no longer need of experimenting. We have already experimented. We know what we can do. I said to Mr. Hooker, who testified before our committee, "You say you can cut the expense on fertilizer down from $28 a ton to $15?" "Yes; $14 or $13. We can all do it." He testified that before our committee and nobody disputed his statement. "Why do you say you can do that?" He had in mind the cheap power there and the equipment already established. He said, "The old companies have their old machinery, they have their old processes, they have their heavy overhead charges, and they will not take on new propositions; they do not want to be disturbed in the old rut where they are working; and we, with new life and new processes and new machinery and new equipment can cut the cost in half." Here is an opportunity to use a project that we have, which was dedicated to that purpose in the outset. Why not use it?

I do not want to turn this proposition over to the Secretary of Agriculture to do one thing and another with it, and, if he has any money left, to experiment with the fertilizer proposition, and leave it to him as to how many tons he will have made. I want us to direct in the law exactly what shall be done, to prescribe the amount he shall make, the price at which he shall sell it. It is the only opportunity in the world where we have a chance to help fix a reasonable price to the farmer. Let us have it understood, because the Cyanamid Co.'s bid proposes to make only 8 per cent above the cost of production.

What is Mr. Bell doing with his Cyanamid Co. now? He is employing the cyanamide process. It is said here that that process is obsolete. It is said that it is old and out of date. Germany has the cyanamide process and the Haber process, too. She is using both and making money out of both, and by the combined power of the two has driven Chile, with her nitrates, out of German territory. What is the Cyanamid Co. doing with the cyanamide process? It is selling the nitrogen at 7.6 cents per pound and the synthetic process is selling it at 10 cents a pound and has had to go out of business. If Germany can compete with the synthetic process, their price being nearly 3 cents above the cyanamide process, and the people using the synthetic process have to quit, why should we be driven to the synthetic process and abolish the cyanamide process, when those people are making money out of it and their business has gone in 10 years from 653 tons to 75,000 tons?

Mr. SHEPPARD. Mr. President, may I ask the Senator a question?

Mr. HEFLIN. I am glad to yield to my friend from Texas.

Mr. SHEPPARD. Does the Cyanamid Co. make a finished fertilizer product?

Mr. HEFLIN. Yes; they make a finished fertilizer called ammo-phos, and that has in it phosphoric acid and nitrogen. They can put potash in it, and they sell just worlds of it. They ship ammo-phos around the world.

Mr. SHEPPARD. Then they make both nitrogen as an element of fertilizer and ammo-phos as a finished fertilizer?

Mr. HEFLIN. They do.

Mr. TYSON. Mr. President, may I ask the Senator a question?

Mr. HEFLIN. Certainly.

Mr. TYSON. How much does the Cyanamid Co. sell in this country that is used by the farmers of the country?

Mr. HEFLIN. About 52,000 tons, I understand.

Mr. TYSON. Do they use that amount in this country?

Mr. HEFLIN. Oh, yes.

Mr. FLETCHER. It is sold to the fertilizer factories and not to the farmers.

Mr. HEFLIN. Yes; it is sold to the fertilizer factories.

Mr. FLETCHER. It is not sold to the farmers directly.

Mr. HEFLIN. It is used by the farmers but sold through the factories. I had a talk with Mr. Bell, and what he wants is to be delivered from selling this product through the factories so that he can go into open competition with them and let the farmer get the benefit of the reduction in price. He is handicapped now, and he will waive his royalties and go into the business in competition with those people.

Mr. SHEPPARD. Mr. President——

Mr. HEFLIN. I yield to the Senator from Texas.

Mr. SHEPPARD. Does the Cyanamid Co. propose to make finished fertilizer at Muscle Shoals and sell it to individual farmers?

Mr. HEFLIN. They propose to sell it to anybody at the cost of production, plus 8 per cent profit.

Mr. FLETCHER. They propose to sell it to the consumers; and cyanamide combined with phosphate makes ammonium phosphate, which contains from 62 to 63 per cent of plant food.

Mr. SHEPPARD. Do I understand that the fertilizer product which the Cyanamid Co. makes contains no potash?

Mr. HEFLIN. Ammo-phos contains no potash; it is a good fertilizer without potash; but they can use potash with it. I will remind the Senator from Texas that I think we have prospects of getting a good potash supply from his State; I hope so. I remember the Senator from Texas secured the passage of a very important measure giving the Government the opportunity to experiment with potash in his State, and I understand they are making some headway.

Mr. SHEPPARD. Mr. President, they are making substantial headway. The exploration which the Government was authorized to make by the measure to which the Senator from Alabama refers is now in its second year, and the Bureau of Mines and the Geological Survey are of the opinion that there is a definite and encouraging prospect for the discovery of a bed of natural phosphate in the southwestern portion of the United States equal to the existing beds in Germany and France. At the present time, however, Germany and France have a monopoly.

Mr. HEFLIN. I am glad to have that information from the Senator from Texas.

Now, I wish to make another suggestion. When the World War was over, and France secured control of some of the potash beds of Germany, it looked for a time as though we were going to get cheaper potash, but with all the bitterness and hatred that existed between those two countries the interested parties got together, formed a combination, and put up the price of potash in Germany and in France. There is no competition between them. Recently I informed the Senate about a world trust to control the price of nitrogen. Out on the Mediterranean Sea, companies in the United States with the foreign companies agreed as to how much should be produced, what territory should be supplied by this group or that, and the price that should be paid. I wish to say in this connection, Mr. President, that the Cyanamid Co. refused to have anything to do with it, and, so far as I can ascertain, it is the only big company in the United States that is free and independent of the combines that are operating all around us.

Now, as I said a moment ago, we have passed the experimental stage.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from North Carolina?

Mr. HEFLIN. I yield to the Senator from North Carolina.

Mr. SIMMONS. The Senator from Alabama knows that in all the fights we have had in this body regarding Muscle Shoals, I have always insisted upon the right of the farmer to have that great power down there dedicated to the manufacture of fertilizer.

Mr. HEFLIN. That is very true.

Mr. SIMMONS. The only difficulty I have about the Senator's proposition is that I do not see how that result will be accomplished through the contract to which he has just referred.

I understood the Senator to say that under the Madden measure, if Muscle Shoals were leased to the Cyanamid Co. they would be under contract to produce 10,000 tons of fertilizer the first year?

Mr. HEFLIN. I think the amount is 10,000 tons.

Mr. SIMMONS. And then, in subsequent years, they would increase that amount to 40,000 tons.

Mr. HEFLIN. As to the subsequent years that is correct, but I am not clear as to the first amount. I think I am right, however.

Mr. SIMMONS. Now, I want to ask the Senator what would the Cyanamid Co. do with the surplus power during the first period, and what would they do with the surplus that was left at the end of the period when they were to produce 40,000 tons? I want every ounce of that power devoted to making explosives in time of war and fertilizer in time of peace. If for the first year the company under their contract is to be required to produce only 10,000 tons, I want to ascertain from the Senator from Alabama, what are they going to do with the surplus power during that year.

Mr. HEFLIN. Use it for other purposes, I suppose. The Senator from North Carolina and I are in accord on some of the principles involved. We want to use every ounce of horsepower there for making fertilizer and that company is now willing to agree to make 50,000 tons of concentrated fertilizer.

Mr. SIMMONS. But let us see about that. The first year they are going to make only 10,000 tons. What are they going to do with the surplus power? If they make arrangements during that year to utilize the surplus power for some other purposes——

Mr. HEFLIN. But we must see to it that they do not do that.

Mr. SIMMONS. They are not going down there and take charge of this great plant merely for the purpose of making 10,000 tons of nitrogen.

Mr. HEFLIN. The Senator was not in the Chamber a moment ago, I think, when I discussed portions of the Cyanamid bid. I have taken out of the Madden-Willis bill certain provisions, which were embodied in a bill that I introduced as a substitute for the power company's bid, coming from the special committee of the House and Senate, and I have confined my proposal to plant No. 2 and Dam No. 2 and the power properties around Muscle Shoals.

Mr. SIMMONS. What is the developed power now?

Mr. HEFLIN. The primary power at Dam No. 2 is about 80,000; that is, it is capable of producing 80,000 primary power continuously.

Mr. SIMMONS. The Cyanamid Co. propose the first year, under their bid, to produce only 10,000 tons of nitrogen.

Mr. HEFLIN. Yes.

Mr. SIMMONS. What I am curious to know is what they are going to do with the surplus power not required for that production.

Mr. HEFLIN. I want the Senator to help me say what they are going to do with it.

Mr. SIMMONS. I am willing to help the Senator say that. If the Senator will bring a measure before this body that will bind the contractor to use as much of that power as is necessary to furnish all the fertilizer the American farmer needs, I will vote for it very quickly.

Mr. HEFLIN. I will be glad to do that. The Senator and I can get together on that.

Mr. SIMMONS. But I am afraid that this proposition does not do that. Suppose we follow that up. The Senator does not believe they are going to lease this plant and the power there for the purpose merely of making 10,000 tons or even for the purpose of making 40,000 tons. They are going to lease it for some other purpose; and they will not obligate themselves to produce more than 50,000 tons. I believe the Senator said that they are willing to agree to make 50,000 tons.

Mr. HEFLIN. They say they will do that; they have raised the maximum 10,000 tons, making it 50,000 tons, and I think we can make them raise it more.

Mr. SIMMONS. But if they raise it to 50,000 tons that will still leave surplus power, will it not? And what are they going to do with that power?

Mr. HEFLIN. I do not know how much power it will take to make 50,000 tons of fixed nitrogen.

Mr. SIMMONS. I understood the Senator to say that there is sufficient horsepower to make 80,000 tons.

Mr. HEFLIN. No; I said the plant has a capacity of 80,000 horsepower; the dam will produce 80,000 horsepower. The Senator misunderstood me. I did not mean that they could take 10,000 horsepower and make 40,000 tons of fixed nitrogen; I do not know how many horsepower will be required to enable them to fill their contract of 50,000 tons. I think it will take about all that is produced at Dam No. 2, and maybe more.

Mr. SIMMONS. It will take about all of it to fill their contract of 50,000 tons?

Mr. HEFLIN. I think it will take about all the horsepower from Dam No. 2.

Mr. SIMMONS. Then, it will take only one-fifth of it to produce 10,000 tons, which they are to produce the first year, and not quite one-half of it to produce the 20,000 tons they are to produce the second year. The question is what they are going to do with the surplus power. Are they going to let it lie idle?

Mr. HEFLIN. No.

Mr. SIMMONS. If they are not going to use it for fertilizer purposes, then they are going to use it for power purposes, are they not?

Mr. HEFLIN. Of course, what they do not use for fertilizer purposes they will use for some other purpose, but what I am suggesting now is that we defeat the joint resolution of the Senator from Nebraska and then see if we can not get together and provide a bill to do exactly what we want done. I believe that Mr. Bell will make us an offer on plant No. 2 and Dam No. 2 and take the property that is there and use it all if necessary in making fertilizer.

Mr. SIMMONS. I will be very glad to join the Senator and others who agree with him and me with a view of seeing if we can not draft a bill that will secure a contract from somebody—I do not care whether it be the Cyanamid Co. or some other company—who will devote as much of that energy as is necessary to supply the American farmer with a cheap fertilizer. I am not going to say, however, that I would be willing to agree that it should be cyanamide, because I am not quite certain that cyanamide is the best form of nitrogen that can be produced there artificially.

Mr. HEFLIN. Mr. Bell agrees to use either the Haber process or the cyanamide process.

Mr. SIMMONS. That is a great advance upon the position taken by the Senator's colleague [Mr. BLACK] on yesterday, as I understood him.

Mr. HEFLIN. My colleague said the same thing on yesterday; the Senator did not hear all of his speech. He said that they would make it under either process, the one that is cheapest and best. They said that they would employ whatever process will make it cheapest.

Mr. SIMMONS. Who is to determine what process they will employ?

Mr. HEFLIN. We can determine that question in the law that we pass if we want to.

Mr. SIMMONS. Then, as I understand, the Senator is not here advocating the Madden bill?

Mr. HEFLIN. Not at this time. It is not now before the Senate.

Mr. SIMMONS. He is not advocating the joint resolution of the Senator from Nebraska?

Mr. HEFLIN. No. I am opposing it as it stands.

Mr. SIMMONS. He is not advocating any bill that is before Congress, but is advocating a principle.

Mr. HEFLIN. As the matter stands just now, that is true. The bill that I support must make it absolutely certain that Muscle Shoals is going to be used to make fertilizer.

Mr. SIMMONS. I agree with him in the principle that he is advocating, and I should be glad if we could prepare a bill and secure a contract which would carry out that principle.

Mr. HEFLIN. That is exactly what I want; and I am glad to have that statement from the able Senator from North Carolina. I have said this outside, and I say it here: I regard him as the ablest legislator in either branch of Congress; and I want him to give us the benefit of his great talent in helping to work out something. I want the Senators from Georgia and Mississippi and Florida and Texas—all of us—to get together with some of our western friends on the other side and see if we can not frame a measure that will do what we promised to do in the outset, and keep faith with the farmer, and fight the Fertilizer Trust with this project that was dedicated for that purpose, and not permit anybody—I do not care who they are—to take that project away from the purpose for which it was intended at the beginning.

The thing to do is this: The Senator from Nebraska has a joint resolution to which the farmers are opposed. The telegrams that I have received, and that my colleague has received, denounce it. They say there is no fertilizer in it for the farmer; and every farm organization in the country is against it. They are for a private lease, specifically setting out that they will make this fertilizer under the direction of Congress. Now, it looks to me as though we might get together on that, and I believe we can, and that is the purpose of the speech I am making—and to show that I am not quibbling over what sort of disposition shall be made of this plant. I am not wedded to any particular theory. I do not care whether it is the cyanamide theory or some other theory. I do not care whether Mr. Bell gets it or somebody else; but, whoever gets it, I want us specifically to set out in the law that they have got to devote it to making fertilizer for the farmers or cancel the lease.

I agree with the able Senator from North Carolina. I will use every horsepower there, Dam No. 2, plant No. 2, water power and steam power, to make fertilizer in competition with the Fertilizer Trust, and try to enable the farmers, who produce that which feeds and clothes the world, to produce their farm products at the lowest cost possible.

Mr. SIMMONS. Mr. President——

Mr. HEFLIN. I yield to the Senator from North Carolina.

Mr. SIMMONS. In discussing this matter yesterday, I so nearly despaired of getting any company to agree to lease this power and devote it to the manufacture of fertilizer, except to a limited extent—and we do not want a limited extent; we want it broad enough and big enough to supply the farmers of the country, and I think very nearly enough could be made down there to supply the farming requirements of the country—despairing of getting a private contractor to do that, my mind was running in the direction of a proposition that, failing in that, the Government should continue to own the property, and, if necessary, lease the power and devote the income to the manufacture of fertilizer. I would infinitely prefer, however, leasing it to some private company that would guarantee satisfactorily to devote the energy developed down there and devote plant No. 2, which is run now, I believe, by steam, to the manufacture of fertilizer, not only of ammonia but converting it into usable fertilizer by adding phosphates and potash. I think that would be a very much better proposition; but I have not understood, and I do not understand yet, that there is any bill before Congress at the present time that would accomplish that result.

Mr. HEFLIN. The Senator and I are in agreement on the principle involved. As I stated a little while ago, most of that bill is a bill that I had here to offer as a substitute for the power company's bid, and in its present form it is not as complete as I would have it, but it is the basis for a working agreement on this matter.

I am certain that we will get one bid under it, at least, from Mr. Bell, who represents the Cyanamid people. After we have done that, if we do not get the right kind of a bid, let us get up another measure of some sort, and if we have to resort to Government operation, let us set out a way in which we will do it so that practically all of this power will then be used to make fertilizer for the farmer.

Under the plan of the Senator from Nebraska, I submit to the Senator from North Carolina, the transmission lines are to be constructed by the Government, and they are to be paid for with the money that they take in from selling power, and if there is any money left after doing that and paying interest on the investment, and so forth, they will experiment with fertilizer. I submit to the Senator that it is variously estimated that the transmission lines running out from Muscle Shoals in every direction will cost from $100,000,000 to $150,000,000. The cost of them is simply tremendous.

Mr. SHEPPARD. Mr. President——

Mr. HEFLIN. I yield to the Senator from Texas.

Mr. SHEPPARD. Am I correct in inferring that if a satisfactory private contract with a private corporation can not be secured the Senator then would be willing to consider the use of all this horsepower by the Government under the supervision of the Government for making fertilizer?

Mr. HEFLIN. I would. I think that is fair enough. I want to exhaust every means at my command to lease that power to a private individual. I believe in that; but if we can not do that, then there is nothing else to do but to have the Government operate it. Then I would want to direct, in the joint resolution we passed, that all of that power shall be used to make fertilizer for the farmer, and do away with this peddling out of power that is provided for in the measure of the Senator from Nebraska, and taking the money gathered in to build more transmission lines. After you get those transmission lines established they will come up and say, "Why, those transmission lines cost $150,000,000. They belong to the Government.

The whole business belongs to the Government. Your fertilizer proposition is out of the question. You can not make fertilizer there now. You must have that power to send over these lines, or all that expenditure is lost."

Senators, I know what is going to happen there. It is another way of getting away from our pledge to make fertilizer at Muscle Shoals; another way of losing the farmer in the shuffle.

The Senator from Nebraska is conscientious. He does not believe that this Muscle Shoals project can be made into a fertilizer proposition. We disagree. I conscientiously believe that it can. I know that we have already produced cyanamide in abundance there. I know that farmers around there have used it on their soil. I know that one farmer, as I said yesterday, used it and produced 2,300 pounds of seed cotton on 1 acre, and that is going some; and the acres cultivated alongside of it, those who did not use it, which did not use any fertilizer, produced on an average 100 pounds of seed cotton to the acre.

Senators, I will state again what Doctor Howe, Senator NORRIS's witness, testified before our committee. I asked him the question:

> Doctor, is the Cyanamid Co. doing a flourishing business?
> It certainly is.
> Is cyanamide fertilizer good?
> It most certainly is.
> Is it a good plant food?
> Certainly.

Senators, I repeat, Mr. Hooker, a successful fertilizer maker, testified that he could cut the price of fertilizer in half at Muscle Shoals, and he said to the other gentlemen who were bidding for Muscle Shoals, "We can all do it," and nobody disputed his statement. Doctor Curtis says the price of fertilizer can be cut in half there. Ford's chief engineer, Mr. Mayo, said:

> It is our purpose, and we believe we can cut it in half there.

So here we are, with all this testimony from expert men telling us what we can do; and yet we are figuring on voting for a joint resolution that seeks to put up power lines, transmission lines, and use the money that was intended to make fertilizer in establishing more transmission lines, until we have a perfect network of them, and then it will be said, "You can not make fertilizer now. If you make fertilizer now, you will lose all the investment you have in these transmission lines."

I beg Senators to help defeat that joint resolution, and let us wipe the slate clean, and frame this measure, and say to Mr. Bell and Mr. Hooker and the others, "Who of you will come now and make us a bid on that? Put up or shut up." And then, if we can not do anything, we will write one that really has fertilizer in it and let the Government operate it.

The farmers of my State are wiring me, they are wiring my able colleague, to vote against the Norris proposition. They say that it has no fertilizer in it for the farmer. The farm bureau agents, the farm association presidents, all around, are wiring us to oppose that measure. Senators, we have it in our power to wipe the slate clean of the plan to make this a power proposition and turn it over to the manufacture of fertilizer for the benefit of the farmers. That is what it was intended should be done in the outset.

Mr. SIMMONS. Mr. President——

Mr. HEFLIN. I yield.

Mr. SIMMONS. I do not want to get into any controversy with the Senator from Alabama about this matter, and it is probably foreign to the line of argument that he is pursuing; but I think some people have imposed very much upon the Senator when they have led him to believe that it would cost $150,000,000 to provide transmission lines for the amount of energy that can be produced at Muscle Shoals, unless it is very much greater than I think it is.

We have developed in North Carolina nearly 700,000 hydroelectric horsepower. Not a single one of those plants makes any cyanamide. There is no plant in the United States to-day making any cyanamide, as I understand, although that process has been in operation now for probably 20 or 25 years, or maybe longer; I do not know how long.

I do not quite agree with the Senator that we ought to bind ourselves down to a contract that provides for cyanamide or the Haber process, or the synthetic process. It might be that all of them would prove inadequate. It might be that none of them would furnish a fertilizer that was as satisfactory as the nitrogen we are now getting from Chile. I would want them to agree that they would employ their plant in experimentation, notwithstanding the fact that the Senator's colleague seems to object to any experimentation at all by the Government or by individuals.

Mr. BLACK. Mr. President, will the Senator yield there?

Mr. SIMMONS. I said that facetiously.

Mr. BLACK. I do not object to experiments. I just object to limiting it to experiments. We can not live on experiments.

Mr. SIMMONS. I said that only facetiously. They ought to experiment. I will agree to that. They ought to experiment until they find that they can manufacture a fertilizer that will be satisfactory and will accomplish the purpose we have in view and can be sold at a price less than that for which we are now buying our nitrogen.

I have heard a great deal about cyanamide. I have heard some very experienced producers of fertilizer decry it. Some of them condemn it. I do not doubt that it may be used safely upon certain soils and in the production of certain crops, provided you are very particular in mixing it with the other elements of fertilizer and do not get too much. If you get too much, you are certain to produce bad results.

Mr. McKELLAR. You will kill the plant.

Mr. SIMMONS. Yes; you will kill the plant.

Mr. HEFLIN. You will do that with any of them if improperly used.

Mr. SIMMONS. That was done in my State several years ago to a very considerable extent.

Mr. HEFLIN. You can burn up a plant with any fertilizer if you put in too much of it. I was reared on the farm and I have put it in the furrow myself.

Mr. SIMMONS. You would have to put on a good deal of the ordinary nitrate of soda to burn up a plant.

I do not know whether that is altogether feasible or not. I do not know whether it can be produced as cheaply as the Senator thinks it can be. I do not know whether it will be safe, except for certain soils. I want a fertilizer that is adapted to all kinds of soils. The Senator says it is good in his State. It may be good in the western part of my State, where there is a clay subsoil, but in my section, where we have sandy and alluvial soil, I do not think it is, from what I have heard from the dealers in fertilizer in my town and in my section of the State, and there are a great many of them. So that I am not enamored of the cyanamide process. If these gentlemen will not agree, probably somebody else will. I do not think we ought to confine ourselves to Mr. Bell's proposition.

Mr. HEFLIN. I do not, either.

Mr. SIMMONS. I do not think we ought to pass a bill that will be in the interest of Mr. Bell's offer.

Mr. HEFLIN. I do not think we should, unless his bid does what we want done and takes care of the farmers' interest in the matter.

Mr. SIMMONS. I think we ought to write a proposition based on principle.

Mr. HEFLIN. I agree with the Senator.

Mr. SIMMONS. And then, if Mr. Bell can come up with a satisfactory proposition and comply with the requirements to accomplish the purposes of that principle, as laid down in the bill, let Mr. Bell have it, if we do not let somebody else have it.

Mr. HEFLIN. The Senator and I are entirely agreed on that.

Mr. SIMMONS. I just rose to say that I was not certain about the cyanamide process, and I do not think it would be safe for us to proceed upon the idea that cyanamide will produce the results the Senator and his colleague seem to think will be produced.

I think, with all the horsepower that has been developed in this country in recent years, including most of the 7,000 hydroelectric horsepower that has been developed in my State, the fact that none of the companies have undertaken to manufacture this product would indicate to my mind that it was not in very great demand in this country. I will say further to the Senator that last year I did hear a fertilizer man in whom I have great confidence, and with whom I was discussing the cyanamide proposition, say that there was no trouble about getting all the cyanamide you wanted, that you could get plenty of it, that it was a drug on the market, but that the dealers did not want it, except to a limited extent.

Mr. HEFLIN. He certainly was mistaken.

Mr. SIMMONS. He said to a limited extent they use it for making fertilizer for certain crops. I do not recall exactly the crops, but my impression is that one was the potato crop.

Mr. HEFLIN. He was dealing in fertilizer for another concern.

Mr. SIMMONS. No; he was not; he was mixing fertilizer. That is what they all do; they all mix fertilizer. That is what this man would do who rents this power down there; he would make part of the ingredients, nitrate, but he would have to buy

his phosphate and his potash from somebody else, and then he would assemble and mix them, just as Ford assembles the parts of his automobile and has a complete car.

Mr. HEFLIN. And he would have a complete fertilizer.

Mr. SIMMONS. He would have a complete fertilizer.

Mr. FLETCHER. May I remind the Senator from North Carolina, the ranking member of the great Committe on Finance, that it is well to bear in mind a fact which I am sure the Senator has not realized yet; that is, that there is a duty of 5 per cent on cyanamide under the present law. The tariff duty on ammonium phosphate, which contains about 60 per cent of plant food, is $30 a ton. If you want to help the farmers of this country you can begin right there. Thirty dollars a ton on this material is the tariff imposed under our present law.

Mr. SIMMONS. I want to say to the Senator that I would imagine, with everybody now pretending to be anxious to help the farmer, that whenever we can get another tariff bill before the Congress of the United States—and that seems to be a rather remote possibility, because our friends on the other side will not permit the subject to come to a vote in either House——

Mr. FLETCHER. Let us get a change in administration.

Mr. SIMMONS. Whenever we can bring about a condition where the Democrats can control legislation in both Houses, I have no doubt that those duties will be repealed, if brought to the attention of the committee.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Maryland?

Mr. HEFLIN. I yield.

Mr. BRUCE. Perhaps it may be of a little help to the Senator from Alabama in dealing with all the phases of this question to realize how my constituents in Baltimore, which is a great center for the manufacture of fertilizer, feel about this question.

If the Muscle Shoals plant is to be leased to some private corporation, and my constituents do not care to what corporation it may be leased, provided it is strong enough to meet its obligations under the lease, and provided that the rentals are just and proper rentals, which the Government has a right to expect.

Of course, the Muscle Shoals plant would then come into competition with the private enterprises in Baltimore, but that is a matter of which they would have no right to complain. It would simply be one great private enterprise competing with other private enterprises. But my people do object, and object most strenuously, to the idea of the Government taking over the operation of this great plant at Muscle Shoals and entering into competition with its own citizens, a competition which, as far as they are concerned, would not be a fair competition at all, because everybody knows that when the Government enters into any business operation of that kind it is perfectly regardless of deficits at the end of the year. In other words, under such conditions as this all the resources of the Federal Government would be at the disposal of the Government itself for the purpose of making anything in the nature of private competition utterly impractical. That point of view has probably been brought to the attention of the Senator from other sources.

Mr. HEFLIN. No; the Senator is the first one who has suggested that.

Mr. BRUCE. I am speaking for a city in which the fertilizer business is one of the important lines of business.

Mr. HEFLIN. I am glad to have the Senator's suggestion.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. HARRISON. The Senator from Florida just called the attention of the Senate to the tariff on ammonium nitrate, and suggested that we could help the farmer by getting a reduction on that item. I desire to state that at the time the present tariff law was up for consideration in the Senate, a Republican Senator, a member then of the Finance Committee, offered the amendment to place a duty of 1 cent a pound on ammonium nitrate, and, on a record vote on this question, every Republican, with the exception of the distinguished Senator from Wisconsin [Mr. LA FOLLETTE], according to this list, and the Senator from Nebraska [Mr. NORRIS] voted with the Democrats against the increase.

Mr. NORRIS. Where did the Senator place the Senator from Nebraska? I want to know where I am.

Mr. HARRISON. The Senator voted against the increase.

Mr. FLETCHER. That is 1 cent on ammonium nitrate, but the tariff on ammonium phosphate is 1½ cents a pound, I think the Senator will find, which makes it about $30 a ton.

Mr. HARRISON. The Senator from Idaho also voted with the Democrats. Three Republicans voted with the Democrats.

Mr. NORRIS. That is a demonstration that the Democrats were in mighty good company.

Mr. SIMMONS. We always feel that the Senator from Nebraska over there is in fine company when he votes with us, as he has been doing frequently in recent years.

I now recall that controversy. Of course, the friends of the Fordney-McCumber bill pretended at that time that they were friendly to the farmer and wanted to relieve all of the products that he had to buy of a duty; but it seems that in this particular they did not carry out that promise.

I think now that there is such an anxiety on the part of the other side of the Chamber to court the farmer that if we could get a tariff bill up during this Congress they would probably consent to a repeal of that provision in the law; and I had hoped we might get one up during this Congress, and I still entertain hopes that we will get it up during this Congress, while the Republicans are in a good humor to do something for the farmer, because they want the farmer to do something for them next November.

Mr. SACKETT. Mr. President, will the Senator from Alabama yield?

Mr. HEFLIN. I yield.

Mr. SACKETT. I would like to ask whether there is anybody who makes ammonium phosphate in this country except the Cyanamid Co. Does the Senator know? I have not heard of anybody else who does.

Mr. HEFLIN. I am not informed as to that.

Mr. SACKETT. I wonder what would become of their bid on Muscle Shoals if we took off that duty of $30 a ton on ammonium phosphate, if they are the only beneficiaries. Does the Senator think they would continue to bid?

Mr. McKELLAR. They are a Canadian company.

Mr. HEFLIN. They are doing business in Canada, but the company is owned and officered by American citizens.

Mr. SACKETT. But they make ammonium phosphate at Warners, N. J.

Mr. HEFLIN. They make some there.

Mr. SACKETT. That is all they make; the rest is cyanamide that is sent down there and mixed with phosphate. If you take off this duty of $30 a ton, is it the Senator's definite information that they will continue this bid for Muscle Shoals?

Mr. HEFLIN. Oh, yes; I am satisfied they would. They are having to pay now to get their stuff in here, and if they come in to do business they will be relieved of that tariff.

Mr. NORRIS. They make it here; they do not pay any tariff on it.

Mr. SIMMONS. They make it in this country.

Mr. HEFLIN. They make some of it in this country. I do not agree that they make it all here.

Mr. McKELLAR. The Senator is speaking of a desire to aid. I am wondering if the Senator expects to offer an amendment of any kind to this resolution. The Senator has talked about our getting together as far as possible and ironing out our differences. I am wondering if the Senator would not prepare such an amendment as he expected to offer to this resolution so that we can understand just what he desires to do.

Mr. HEFLIN. I am not now advocating the Willis-Madden bill. I am saying what must be in the bill that I support.

Mr. McKELLAR. Then the Senator is just opposed to the Norris resolution?

Mr. HEFLIN. I have a plan, but I have not worked it out in all its particulars as I would like to have it. I am not advocating the Willis-Madden bill now, but I am saying to the Senator, who has some good suggestions himself, that from what the Senator from North Carolina has said I believe we can go ahead and improve that bill or draft a bill that will cause somebody to come in and offer a bid, and then, if they will not bid, let us fix up a Government proposition and require that all that power, as the Senator from North Carolina has said, be devoted to making fertilizer at Muscle Shoals.

Mr. McKELLAR. Mr. President, I offered an amendment to the Senator's resolution which provides that, should it be determined by the Secretary of Agriculture that fertilizer can be manufactured feasibly and economically, the plant should be run to capacity performance. That is along the line the Senator has suggested.

As the Senator from Nebraska knows, he and I have not agreed on the question of experimentation. I agree with him as far as he goes, but I do not think he goes far enough in that respect.

Mr. HEFLIN. One of the reasons why I object to the Senator's proposition is that it leaves it to the Secretary of Agriculture, and the present Secretary of Agriculture caused to be permitted a statement to go out from the Agricultural Department on the 15th of September last that broke the price of cotton $40 a bale, 8 cents a pound, and cost the farmers of the South on a twelve and a half million bale crop, $400,000,000. I do not want to leave anything to the discretion of the

Secretary of Agriculture, and let him say whether or not he will make any fertilizer at all, and how the experiments shall be carried on.

Mr. McKELLAR. I know the Senator does not think I am defending the Secretary of Agriculture in that respect or in any other respect.

Mr. HEFLIN. I know that.

Mr. McKELLAR. I think he is the poorest Secretary of Agriculture we have ever had in this country, beyond any question.

Mr. HEFLIN. I do not doubt that at all.

Mr. McKELLAR. I think his actions in reference to the matter the Senator refers to, and in other matters, show that he is unfit for his office. But I do not anticipate that the present Secretary of Agriculture will be occupying that office for a great while. I hope not, at any rate.

Mr. HEFLIN. I agree with the Senator. I did not mean to leave any such impression as he suggests, because I know where the Senator's heart is. He is a friend of the farmer. I want to see if we can not get together and work out a proposition to lease the project to some private citizen, and if we can not make a satisfactory deal with him, then require the Government itself to do it and direct in the law what shall be done at Muscle Shoals. That is plain. That is simple, and we ought to be able to get together on such a proposition.

The resolution of the Senator from Nebraska provides for leaving it to the Secretary of War and the Secretary of Agriculture, and the various amendments, of course, have to dovetail in with the purpose of that resolution. That is what I meant in referring to the Senator from Tennessee, because that is all there is to it.

There was nothing else at this particular time to amend but the resolution. But I am now suggesting, in the interest of sound legislation and sound government and economic principles, to keep the Government out of competition with private citizens and to carry out our contract with the farmer, to defeat the resolution and to offer another proposition and see if we can get a bid; and if we can not get a bid, then let us name in the law what shall be done at Muscle Shoals for the farmer by the Government itself. I repeat that is a very simple and plain proposition.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. HEFLIN. Certainly.

Mr. NORRIS. I want to ask the Senator about the proposed substitute which he had printed the other day. Does not the Senator expect to offer that substitute?

Mr. HEFLIN. I expect to perfect it and offer it later, if I am convinced that that is the only way to get fertilizer for the farmer at Muscle Shoals. I am willing for the Senator from Tennessee [Mr. McKELLAR], and the Senator from North Carolina [Mr. SIMMONS], and the Senator from Georgia [Mr. GEORGE], and any other Senator to make suggestions relating to the substitute or any other measure. I am waiting to see if we can not dispose of the matter with that principle in view—that we are going to dedicate Muscle Shoals to the farmer and make fertilizer there.

Mr. NORRIS. Is the Senator's substitute, including the Cyanamid bid, the same as the bill offered by the Senator from Ohio [Mr. WILLIS]?

Mr. HEFLIN. Yes; that part of it which takes in Dam No. 2 and plant No. 2 and the other Government property at Muscle Shoals. It leaves out Dam No. 3 and Cove Creek Dam.

Mr. NORRIS. It leaves those out?

Mr. HEFLIN. Yes; for the reason that I stated a moment ago.

Mr. NORRIS. And has nothing to say about Cove Creek?

Mr. HEFLIN. No. It was intended to be offered as a substitute for the Senator's resolution if the Senate demanded a plan for a lease of Dam No. 2 and plant No. 2 separate and apart from other projects.

Mr. NORRIS. Does it provide for the building of Dam No. 3?

Mr. HEFLIN. No. The Senator's resolution does not provide for building Dam No. 3. I hope to see the Government build it.

Mr. NORRIS. That is a bid which the Cyanamid Co. has never yet made. Has the Senator an assurance that the Cyanamid Co. would accept it in that form?

Mr. HEFLIN. I am not absolutely certain; but they are interested in it, I have been told; but I do not care whether we accept the Cyanamid Co. bid or not. I want to stay with the issue, and I intend to stay with it, that we use that power to make fertilizer for the American farmer. There is no dodging that question. If we use it for the purpose set out in the resolution of the Senator from Nebraska, we do not do that. His is a power proposition. If we do what I am suggesting here, we are doing that which the farmer wants done, which we promised to do, and which will bless and benefit the farmer. That is what I am striving to have done, and I am going to continue to strive to have that done.

Mr. SACKETT. The Senator is interested, then, only in plant No. 2?

Mr. HEFLIN. No; in plant No. 1 and plant No. 2 and Dam No. 2. I would use all the power at Muscle Shoals. I want to say in that connection to the Senator from North Carolina [Mr. SIMMONS] that that dam produces about 80,000 primary horsepower and plant No. 2 will produce nearly 80,000.

Mr. McKELLAR. The Senator means the steam plant?

Mr. HEFLIN. Steam plant No. 2; so there is 160,000 horsepower to be distributed on those lines running out in every direction, and that is why the transmission lines would cost so much.

Mr. SIMMONS. That was why I objected to a bill which provided only that they should manufacture fertilizer only 10,000 tons the first year.

Mr. HEFLIN. The Senator and I are agreed. I am not wedded to any specific amount that has been set out. I want us to make them do whatever we desire to have them do, and make all the fertilizer that the power there will produce.

Mr. McKELLAR. Mr. President, will the Senator yield again?

Mr. HEFLIN. Certainly.

Mr. McKELLAR. The Senator talks about the cost of transmission lines. We had an investigation made in our State about a year or a year and a half ago as to the cost of transmission lines. My recollection is that those transmission lines were then estimated to cost about $2,000 a mile. If that is the cost, the Senator can see that transmission lines could be built very much more cheaply than he has estimated; in other words, from $12,000,000 to $20,000,000 would build all the transmission lines that might be necessary.

Mr. HEFLIN. I want to suggest to my friend that those little transmission lines he is talking about which cost $2,000 a mile are chinquapin lines.

Mr. McKELLAR. They are just the same size as are now used by the Alabama Power Co.

Mr. HEFLIN. No; I understand that the Alabama Power Co.'s lines cost about $12,000 a mile.

Mr. McKELLAR. The Senator may be mistaken. I am giving the estimates which, as I recall, were furnished to us about a year ago.

Mr. HEFLIN. It depends on the territory through which they run and the kind of lines constructed. There is a tremendous cost. I want to say again, so that Senators will get it firmly in their minds, that if we once construct these lines running out in every direction from Dam No. 2 and plant No. 2, there will be no fertilizer manufactured at Muscle Shoals. The fertilizer proposition would then be dead. They would say to us then, Why, you have already expended millions of money to put up the transmission lines. If you try to make fertilizer now you will be throwing that money away. So, Senators, now is the time to kill this measure and prevent that waste of money, prevent that perversion of this fertilizer project and hold it true to the purpose of its creation, the making of cheap fertilizer for the farmer.

Mr. SACKETT. Mr. President, will the Senator yield?

Mr. HEFLIN. Certainly.

Mr. SACKETT. The Senator will remember, I think, that at the last hearing when we had the matter of the cyanamide bid up for consideration, after the hearing was over a resolution was passed by the Senate to find out what contracts the Cyanamid Co. had made for the use of power at Muscle Shoals. The Senator will remember, too, that they had already entered into an agreement, if their bid came through, to sell 50,000 primary horsepower to the Union Carbide Co. That does not look as though they would use the power at Muscle Shoals to any great extent to make fertilizer.

Mr. HEFLIN. I am talking about us directing them what to do. Let us direct them to do it. I would not object to having enterprises and industries come into my State at Muscle Shoals. I would be glad to see them there and glad to see them go into Kentucky, Tennessee, North Carolina, and Texas, and all the other States.

Mr. SACKETT. That is all begging the question.

Mr. HEFLIN. Not at all. I see nothing wrong in that matter, if the Union Carbide Co. wants to come to Muscle Shoals. Let it come.

Mr. SACKETT. The Senator wants to have the power used to make cyanamide.

Mr. HEFLIN. I would use all the power at Dam No. 2 and plant No. 2 to make fertilizer, as I have already said. I am not

wedded to the cyanamide plan. We will require them to make it under any process that is the cheapest and best. I understand now that under the Willis-Madden bill they will agree to use any process that is necessary to cheapen it and make the required amount of it.

Mr. McKELLAR. I want to call the Senator's attention to one statement that he has made a number of times to-day, and that is that we must carry out the plan of the original act. In that I am heartily in accord with him. But the Senator will recall that the original act provides that the power shall never be used by and never be leased or transferred to any private company. Does the Senator recall that language of the act?

Mr. HEFLIN. I do not recall the exact language, the exact phraseology, but the Senator has come to my position. The law, under his construction of it, says in effect—and I agree with him—that we shall not use Muscle Shoals for any other purpose except to make nitrates for the Government in time of war and fertilizer for the farmers in time of peace. Is not that right?

Mr. McKELLAR. It specifically provides for it, and in that respect I am in hearty and perfect accord with the Senator.

Mr. HEFLIN. The Senator and I are agreed then. That is what I said in the outset. The act itself provides that this power must be used in peace times to make fertilizer for the farmer and in war times to make nitrates for the Government, and that it shall not be used for any other purpose. And I want Congress to live up to its provisions.

Mr. NORRIS. It specifically provides also that it shall never be leased by the Government to a private party. That is in the law. The Senator is advocating the abrogation of that part of the law when he says we should lease it to the Cyanamid Co. or to any other private person or corporation.

Mr. HEFLIN. The minute Congress enacts a law accepting a lease, that part of the old law is repealed.

Mr. NORRIS. Exactly. There is no doubt about that, but the *minute* Congress enacts a law which provides for other use, either in war or in peace, then we have repealed that provision, too. I am not asking for a repeal in either case, but the position that the Senator takes, it seems to me, is inconsistent, because he said we must make fertilizer with this power, even though we make it at a financial loss, because the original act says so, and in the next breath he says, "I want to lease this power to a private corporation," when the original act says it shall not be so leased.

Mr. HEFLIN. I want to lease it to some one to make fertilizer, because we have no proposition before us to make the Government do it. The Senator's resolution does not do it. It turns it over to the power concerns.

Mr. NORRIS. No; it does not turn it over to the power concerns.

Mr. HEFLIN. If they sell the power, why does it not?

Mr. NORRIS. The resolution gives to every municipality within transmission distance a preference to get the electricity that they may find necessary to use.

Mr. HEFLIN. I understand. That is what I maintain, that it is turned over for power purposes. That may not mean that we are going to turn it over to any particular power company, but it leaves fertilizer out entirely and becomes a power proposition purely, and I do not intend that that shall happen if I can help it.

Mr. McKELLAR. Now let us get this matter of the law straightened out. The original act under which the plant was built contains this provision:

> The plant or plants provided for under the act shall be constructed and operated solely by the Government and not in conjunction with any other enterprise carried on by private capital.

Nothing can be stronger, nothing can be more explicit, nothing can be more certain than the terms of the act.

Mr. HEFLIN. I am glad my friend called my atttention to that language, because that brings out the proposition which I have made stronger than ever. Those who wrote that law were intending to protect our property and keep it from getting into the hands of the power companies. I believe that was the idea they had in mind.

Mr. McKELLAR. It was "private enterprise"; and I want to call the Senator's attention to the fact that while I agree with him that the proposition for the manufacture of fertilizer for experimentation in the pending resolution does not go far enough, I have intended to offer an amendment which will provide for capacity production of fertilizer as provided in the original act. I want him to give it that very careful consideration which I know he is capable of, because of his interest in the matter.

Mr. HEFLIN. I shall be glad to do that.

Mr. SHEPPARD. Mr. President, will the Senator yield?

Mr. HEFLIN. I am glad to yield to the Senator from Texas.

Mr. SHEPPARD. I want to call the Senator's attention to the fact also that the Norris resolution provides that the fertilizer plant shall be constructed at Muscle Shoals, that nitrate plant No. 2 shall be used in connection with that plant, and that finished fertilizer shall be made in that way.

Mr. HEFLIN. It merely says it is authorized. It authorizes the Secretary of Agriculture to construct the plants over the country and one of them at Muscle Shoals. That one the Senator from Nebraska included upon my suggestion.

Mr. SHEPPARD. It is provided that one shall be established at Muscle Shoals to make fertilizer.

Mr. HEFLIN. If we have plant No. 2 there, and if we are going to use the money that we sell the power for to construct transmission lines all over the country, as far as the power will reach, 160,000 horsepower, there will not be any money left for fertilizer. Do not be deceived about that, Senators.

Mr. McKELLAR. That is just the surplus power. There is another amendment which will be offered by the junior Senator from Arkansas [Mr. CARAWAY], in which it is provided, as I understand his amendment, that the cyanamide plant shall be used, and if feasible it shall be continued to be used.

Mr. HEFLIN. All of these resolutions and amendments leave something to the judgment and discretion of the Secretary of Agriculture and the Secretary of War, and I do not want them to have that power, and I do not want the Government to have to do this work if I can prevent it. We have tried to do something with Muscle Shoals. We have failed thus far to do anything. Now we have reached the time when we ought to do something, and the matter ought to be disposed of. The farmers themselves are not in favor of the Norris resolution. Every Senator who votes for it knows that, because I have stated it here, and my colleague, the junior Senator from Alabama [Mr. BLACK], read telegrams from the farmers showing that the farmers and the farm bureaus are against the resolution of the Senator from Nebraska.

No farm organization is for it; all the farmers are against it. They are against the principle involved in it. They want us to lease that power if we can to some private individual and compel him under the law to make cheap fertilizer for the farmer.

Mr. McKELLAR. Yes; but the Senator has admitted this afternoon that he himself has no proposal or bid which he is willing to support. In other words, as I understand him, the proposal in the Willis-Madden bill is not satisfactory to him.

Mr. HEFLIN. I should like to see it amended.

Mr. McKELLAR. The Senator proposes to amend it by elimination to a very large extent, but even the eliminated measure does not meet his views. So what proposal has the Senate before it that we could accept according to the Senator's view?

Mr. HEFLIN. I would support the substitute which I have culled from the Willis-Madden measure, confining its operations to plant No. 2 and Dam No. 2 and the property there. I would support that in preference to the joint resolution of the Senator from Nebraska.

Mr. McKELLAR. But the Senator is not satisfied with it.

Mr. HEFLIN. I am not offering it now, and I am not entirely satisfied with it. I should like to have some of the language changed and made stronger so as to make it absolutely certain that who ever gets the plant will make fertilizer or forfeit the lease. I will say to the Senator—and I think he will agree with me—that later on I would like to see the Government build Dam No. 3 and Cove Creek Dam, and some of the other dams there, so as to help navigation and flood control, but I fear that we can not pass such a measure at this session of Congress. The pending measure is the only proposition before us that we can dispose of. The joint resolution of the Senator from Nebraska is confined to plant No. 2 and Dam No. 2 and property there, and I framed the measure to which I have called attention for the purpose of meeting his proposition. I shall urge the building of Dam No. 3 and other dams later on. I am saying to my friend from Tennessee that if he could amend my substitute so that it would suit him and other Senators here I believe we could all support it. If we can not do that, let us get up another one. We do not have to vote for this measure merely because it is before us. We reject measures here frequently and defeat them outright. We do not have to vote for a measure because it is before us.

However, Mr. President, the suggestion I wish to make before I yield the floor, which I have occupied for nearly three hours, is that we vote down the joint resolution of the Senator from Nebraska and then see if we can not get together on a proposition that will dispose of Muscle Shoals and at the same time keep faith with the farmers and carry out the purpose of the original act which was to manufacture fertilizer for the farmers

in time of peace and nitrates for the Government in time of war.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Kansas?

Mr. HEFLIN. I do.

Mr. CURTIS. I should like to inquire if the Senator can not complete his speech to-night. We are very anxious to reach a vote on the pending joint resolution as soon as we can, and, if the Senator could proceed for a little while and finish his speech to-night, I should like to have him to do so. There are other Senators ready to speak in the morning.

Mr. HEFLIN. On this measure?

Mr. CURTIS. Yes.

Mr. HEFLIN. Well, I am about through.

Mr. CURTIS. Then can not the Senator finish to-night if he proceeds?

Mr. HEFLIN. I have about finished for the present. I may want to say something in reply to other Senators, but I think I have about covered the ground.

Mr. CURTIS. If the Senator will yield the floor, I will move an executive session.

Mr. HEFLIN. I yield.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate took a recess until to-morrow, Thursday, March 8, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 7 (legislative day of March 6), 1928

COLLECTORS OF CUSTOMS

George D. Hubbard, of Seattle, Wash., to be collector of customs for customs collection district No. 30, with headquarters at Seattle, Wash., in place of Millard T. Hartson, deceased.

Carey D. Ferguson, of Detroit, Mich., to be collector of customs for customs collection district No. 38, with headquarters at Detroit, Mich. (Reappointment.)

CONFIRMATIONS

Executive nominations confirmed by the Senate March 7 (legislative day of March 6), 1928

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY

David E. Kaufman to be envoy extraordinary and minister plenipotentiary to Bolivia.

UNITED STATES MARSHAL

Joseph Fritsch, jr., to be United States marshal, western district of New York.

POSTMASTERS

CALIFORNIA

Peter Garrick, Camino.
Lew E. Wickes, Castella.
Cassius C. Olmsted, San Rafael.
Walter M. Brown, Turlock.
Jennie E. Kirk, Waterford.

FLORIDA

Mary Joyner, Bagdad.

MAINE

Carl W. Mitchell, Union.

NEBRASKA

Edwin P. Clements, jr., Ord.

NORTH DAKOTA

Ole H. Opland, Mott.

OREGON

David S. Young, Dufur.
Don Ellis, Garibaldi.
Fred C. Holznagel, Hillsboro.
Thomas G. Hawley, Multnomah.

PENNSYLVANIA

Christian Jansen, Essington.
Michael A. Grubb, Liverpool.

PORTO RICO

Nicholas O. Lebron, Aibonito.
Jose E. Guenard, Mayaguez.
Roque Rodriguez, Ponce.
Juan V. Hernandez, San Sebastian.
L. Castro Gelpi, Vieques.

TEXAS

Louise Sackett, Bullard.
Walter E. Hall, Lufkin.
Willie M. Prouty, Wallis.
Fannie Dawson, Wilson.

UTAH

Agnes Turnbull, Scofield.

WEST VIRGINIA

Nina E. Welch, Camden on Gauley.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *March 7, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord, our Lord, how excellent is Thy name in all the earth! who hast set Thy glory above the heavens. When I consider the heavens, the work of Thy fingers; the moon and the stars, which Thou hast ordained; what is man that Thou art mindful of him, and the son of man that Thou visitest him? For Thou hast made him a little lower than the angels, and hast crowned him with glory and honor. Thou madest him to have dominion over the works of Thy hands; Thou hast put all things under his feet. O Lord, our Lord, how excellent is Thy name in all the earth. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed with amendments the bill (H. R. 4702) entitled "An act to remove the charge of desertion from the record of Benjamin S. McHenry," in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate disagrees to the amendments of the House of Representatives to the bill (S. 1498) entitled "An act to extend the time for the construction of a bridge across the Chesapeake Bay, and to fix the location of said bridge," and requests a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. JONES, Mr. MCNARY, and Mr. FLETCHER to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10286) entitled "An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes."

The message also announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 437. An act authorizing the Maysville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Maysville, Ky.; and

H. R. 472. An act authorizing Dwight P. Robinson & Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Maysville, Ky.

The message further announced that the Senate had passed a joint resolution and bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 95. Joint resolution authorizing the Secretary of Agriculture to dispose of real property, located in Hernando County, Fla., known as the Brooksville Plant Introduction Garden, no longer required for plant introduction;

S. 150. An act for the relief of former officers of the United States Naval Reserve Force and the United States Marine Corps Reserve who were released from active duty and disenrolled at places other than their homes or places of enrollment;

S. 624. An act for the relief of the Van Dorn Iron Works Co.;

S. 656. An act to amend section 15a of the interstate commerce act, as amended;

S. 766. An act to fix the compensation of registers of local land offices, and for other purposes;

S. 1369. An act to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington;

S. 1678. An act for the relief of the estate of George B. Spearin, deceased;

S. 1823. An act to amend section 2 of the act approved June 6, 1924 (43 Stat. L. 470), entitled "An act to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes";

S. 1955. An act for the relief of Lieut. Charles Thomas Wooten, United States Navy;

S. 2126. An act to provide for compensation for Ona Harrington for injuries received in an airplane accident;

S. 2410. An act to amend section 1440 of the Revised Statutes of the United States;

S. 2442. An act for the relief of Lieut. Henry C. Weber, Medical Corps, United States Navy;

S. 2456. An act to establish game sanctuaries in the national forests;

S. 2660. An act to amend an act entitled "An act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia," approved December 13, 1924, and for other purposes;

S. 2788. An act for the relief of Charlie McDonald;

S. 2855. An act for the relief of the estates of John Frazer, deceased, Zephaniah Kingsley, deceased, John Bunch, deceased, Jehu Underwood, deceased, and Stephen Vansandt, deceased;

S. 2966. An act for the relief of Oliver C. Sell;

S. 3194. An act to establish the Bear River migratory-bird refuge; and

S. 3198. An act to amend the act of March 3, 1915, granting double pension for disability from aviation duty, Navy or Marine Corps, by inserting the word "Army," so as to read: "Army, Navy, and Marine Corps."

SENATE BILL AND JOINT RESOLUTION REFERRED

A bill and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committees, as follows:

S. J. Res. 33. Joint resolution authorizing the selection of a site and the erection of a memorial monument to the pioneers of the Pacific Northwest in Washington City, District of Columbia; to the Committee on the Library.

S. 1218. An act for the relief of Lincoln County, Oreg.; to the Committee on War Claims.

SWEARING IN OF A MEMBER

Mr. LINTHICUM. Mr. Speaker, I take great pleasure in presenting to be sworn in my colleague WILLIAM P. COLE, duly elected from the second congressional district of Maryland.

Mr. COLE of Maryland appeared at the bar of the House and took the oath of office prescribed by law.

NAVAL CONSTRUCTION

Mr. SNELL. Mr. Speaker, I present a privileged report from the Committee on Rules for printing in the RECORD.

House Resolution 134

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 11526, to authorize the construction of certain naval vessels, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed six hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall arise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

RADIO VESTED RIGHTS

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by publishing a legal brief on the subject of vested rights in radio.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Speaker, if anyone has used the ether for a period of time, he has a vested right to continue that use, subject to regulation by the United States Government.

A study of the term "regulation" raises the question: Does the power to regulate include the power to prohibit? It is my opinion that it does not.

However, assuming that my opinion is incorrect and that the power to regulate does include the power to prohibit, my opinion, then, is that when the power to prohibit is enforced, just compensation must be given.

Congress for the first time assumed control of radio communication under its power to regulate interstate commerce by the act of 1912. (37 Stat. L. 302.)

Section 1 of this act required the obtaining of a Federal license before engaging in radio communication. The act of 1912 proved inadequate and unsatisfactory, as the following cases will show:

> Under the law of 1912, the duty imposed upon the Secretary of Commerce in issuing licenses to operate radio stations was a purely ministerial one—the only discretion reposed in him was in selecting a wave length within the limitation prescribed in the act, which in his judgment would result in the least possible interference. (Hoover *v.* Intercity Radio Co., 286 Fed. 1003.)

In response to a letter from the Secretary of Commerce asking for a definition of his powers and duties under the act of 1912, the Attorney General of the United States, on July 8, 1926, replied that the act of 1912 did not confer authority upon the Secretary of Commerce to refuse applications for licenses, assign wave lengths, or limit power or time of operation. (35 Opp. Atty. Gen. 126.)

The new legislation to supply the defects of the 1912 law was approved on February 23, 1927, and is known as the radio act of 1927. (Public, 632, 69th Cong.)

As was said at the beginning, Congress assumed control of radio communication under its power to regulate interstate commerce.

Quoting from Opinions of Attorney General, volume 35, page 128, we have the following:

> There is no doubt whatever that radio communication is a proper subject for Federal regulation under the commerce clause of the Constitution. (Pensacola Telegraph Co. *v.* Western Union, 98 U. S. 1, 9; 24 Opp. 100.)
>
> And it may be noticed in passing that even purely intrastate transmission of radio waves may fall within the scope of Federal power when it disturbs the air in such a manner as to interfere with interstate communication. (Minnesota rate cases, 230 U. S. 352.)

A very recent case holding that radio broadcasting is interstate commerce is that of Whitehurst *v.* Grimes, reported in Twenty-first Federal (second series), 787.

Section 1 of the act of 1927 made operation of a station unlawful without the obtaining of a new license, and this even though the station was operating under license granted under the 1912 act. Under the 1912 act licenses were indeterminate as to time and revocable for cause. The new act did not declare a cause in ending them. It merely made further operation under them unlawful.

Section 11 of the act of 1927 reads in part:

> If upon examination of any application for a station or for the renewal or modification of a station license the licensing authority shall determine the public interest, convenience, or necessity would be served by the granting thereof, it shall authorize the issuance, renewal, or modification thereof in accordance with such finding.

The commission thus grants or denies the application upon its determination as to whether or not public convenience, interest, or necessity will be served by the operation of the station.

The significance of these words when applied to the radio situation is rather vague. Not more so, however, I think, than when used in State statutes and applied to public utilities. They comprehend public welfare. (286 Ill. 582.)

There is one difference, however, between the radio act and State public utility laws: The radio act is directed in part against persons already engaged in commerce while the public utility laws of the States are mainly applied against persons preparing to enter commerce.

Taken by itself, requiring a license to engage in commerce is within the constitutional powers to regulate commerce. Colorado *v.* United States (271 U. S. 153).

Should the commission, however, refuse to issue a license to a station existing before the law, the question of vested rights of such owner arise.

It is the opinion of the writer that if anyone has used the ether for a period of time, he has a vested right to continue that use, subject to regulation by the United States Government.

This opinion is based upon a fair construction of the language of section 5 of the act of 1927, as deduced from a reading of that section together with a study of the history of this provision.

Section 5 provides that—

> No station license shall be granted by the commission or by the Secretary of Commerce until the applicant therefor shall have signed a waiver of any claim to the use of any particular frequency or wave

length or of the ether as against the regulatory power of the United States, because of the previous use of the same, whether by license or otherwise.

The history of this provision shows that on July 3, 1926, Congress passed Joint Resolution 125, which became law on December 8, 1926. This resolution provided that no license or renewal should be granted—

unless the applicant therefor shall execute in writing a waiver of any right or of any claim to any right, as against the United States, to any wave length or to the use of the ether in radio transmission because of previous license to use the same or because of the use thereof.

When the radio act of 1927 was enacted this resolution was specifically repealed by section 39 of the radio act, and the new language of section 5, quoted above, was substituted.

It will be noted that in the language of the joint resolution enforced prior to the radio act the applicant for a license had to sign a waiver of any right or claim to any right as against the United States, while in the new radio act now in force the waiver is as to any claim as against the regulatory power of the United States.

Under the language of the resolution it seems to the writer that the licensee would become a mere tenant at will of the Government, and that under the resolution the Government could at any time order him to desist; and if so, he would have no legal right to continue and would have no remedy other than his constitutional right to just compensation.

The language of the new radio act, however, modifies the provision of the resolution and merely says that the applicant for license must sign a waiver of right as against the regulatory powers of the United States.

I deem the language as modified by the act of 1927 to mean that the licensee is merely subject to "regulation" by the Government.

If a radio station has been established under the law of 1912, and its license has not been revoked "for cause" as provided for in that act, it would seem to the writer that he would have a vested right to continue to use the ether under the new 1927 act, subject only to the regulatory power of the United States.

I am of the opinion that Congress under section 5 can subject the station owners to any reasonable regulations deemed necessary for the public welfare, but that it can not arbitrarily abrogate all privileges.

The radio act of 1927 is intended to be a regulatory and not a prohibitory measure.

The title of the radio act reads:

An act for the regulation of radiocommunications, and for other purposes.

The constitutional authority vested in Congress under the commerce clause is to regulate interstate and foreign commerce (of which radio is a part), not to prohibit it.

The right of Congress to prohibit commerce absolutely as a phase of regulation has been before the Supreme Court in a number of cases. The court stated in several decisions that the power to regulate includes the power to prohibit entirely. In accordance with this principle, it upheld acts of Congress prohibiting the transportation of lottery tickets (the Lottery case, 188 U. S. 321) and the food and drugs act prohibiting the transportation of impure foods and drugs (Hipolite Egg Co. v. U. S., 220 U. S. 45).

It was this absolute power of prohibition which was relied upon to support the child labor law prohibiting the transportation in interstate commerce of certain classes of drugs manufactured by child labor.

But in its opinion declaring the child labor law unconstitutional (Hammer v. Dagenhart, 247 U. S. 251 and 271) the court differentiated the cases above referred to. The contention was made that they established the doctrine that the power to regulate includes the authority to prohibit the movement of ordinary commodities. The court, however, said that the contrary was the fact, since these cases rested upon the character of the particular subjects dealt with; that in each of them the use of interstate transportation was necessary to the accomplishment of harmful results; and that proper regulation of interstate commerce could be brought about only by prohibiting the use of its facility to effect the evil intended. The court proceeded to say that neither was such a purpose disclosed by the act under consideration, nor was the character of the article transported such as to make prohibition necessary.

There was a very strong dissent, based mainly upon argument that the power to regulate is absolute, the power to prohibit necessarily included within it, and that it is for Congress alone to determine the propriety of its exercise.

This decision is not a denial of the complete power of Congress to regulate interstate commerce. It is a holding that in the exercise of that power Congress must confine itself to regulation, and may not, under the cloak of regulation, grasp powers not delegated.

The above quotation is quoted from pages 72 and 73 of Mr. Stephen Davis's book on the Law of Radio Communication, 1927. Mr. Davis is Solicitor of the Department of Commerce.

Assuming, however, that the power to regulate does include the power to prohibit, the station owner can still stand upon his constitutional rights and maintain that the commission in revoking his license is taking private property without just compensation, in violation of the fifth amendment to the Federal Constitution.

If a license for an existing station is refused, the commission would not take the property of the owner, in the sense of an actual physical seizure. It would still remain in the possession of its owner, even though the value of the property would be practically destroyed—it might be thus contended that the constitutional provision against taking private property without due process has been avoided.

The only value of property lies in the use that may be made of it. It may be said generally that the forbidding of an individual to use his property is equivalent to a taking of it, and that deprivation of use violates the constitutional guaranty to the same extent as would an actual physical seizure or destruction of the property itself. The Supreme Court of the United States has expressed itself on the general subject as follows:

It would be a very curious and unsatisfactory result if in construing a provision of constitutional law, always understood to have been adopted for protection and security to the rights of individuals as against the Government, and which has received the commendation of jurists, statesmen, and commentators as placing the just principles of the common law on that subject beyond the power of ordinary legislation to change or control them, it shall be held that if the Government refrains from the absolute conversion of real property to the use of the public, it can destroy its value entirely, can inflict irreparable and permanent injury to any extent, can, in effect, subject it to total destruction without making any compensation, because in the narrow sense of that word, it is not taken for the public use. Such a construction would pervert the constitutional provision into a restriction upon the rights of the citizens, as these rights stood at the common law, instead of the Government, and make it an authority for invasion of private right under the pretext of the public good, which had no warrant in the laws or practices of our ancestors. (Pumpelli v. Green Bay Co., 13 Wall. 166, 177. See also Chicago Board of Trade v. Olsen, 262 U. S. 1; Village of Euclid v. Ambler Realty Co., 47 Sup. Ct. 115; Corneli v. Moore, 267 Fed. 456.)

The above quotation is quoted from page 68 of Mr. Stephen Davis's book on the law of radio communication, 1927.

The Supreme Court of the United States has declared the rule as to the necessity for compensation in the following language:

"If in the execution of any power, no matter what it is, the Government, Federal or State, finds it necessary to take private property for public use, it must obey the constitutional injunction to make or secure just compensation to the owner. (Cherokee Nation v. Southern Kansas Ry., 135 U. S. 641, 659; Sweet v. Rechel, 159 U. S. 380, 399, 402; Monongahela Navigation Co. v. United States, 148 U. S. 312, 336; United States v. Lynch, 188 U. S. 445) * * * Upon the general subject there is no real conflict among the adjudged cases. Whatever conflict there is arises upon the question whether there has been or will be in the particular case, within the true meaning of the Constitution, a taking of private property for public use. If the injury complained of is only incidental to the legitimate exercise of governmental powers for the public good, then there is no taking of property for public use, and a right to compensation, on account of such injury, does not attach under the Constitution." (Chicago, Burlington & Quincy Ry. Co. v. Drainage Commissioners, 200 U. S. 561, 593.)

The American Bar Association made an interim report on radio legislation in December, 1926. It discussed the bills then pending in Congress with particular reference to the constitutionality of refusing licenses to existing stations without affording compensation. It urged the inclusion of provisions which would compensate the owners of stations so closed, the money necessary to be derived from a tax on those licensed. In support of that suggestion the committee said:

* * * To close stations in which large sums of money have already been invested is obviously a drastic provision. We do not believe that the courts would uphold as constitutional legislation which permitted such closing, either directly or indirectly by way of declining to issue new licenses, unless just compensation were paid * * *. The committee believes its suggestion is sound in law for the following reasons:

"a. The 1912 statute permitted everyone to obtain a license. As we have stated before, the secretary had no discretionary power and he could be mandamused to compel the issuance of the license. The licenses were not for any stated term and could be revoked only for frauds. The companies with established business under such a situa-

tion had a right to believe that their investments could not be destroyed by the mere repeal of the 1912 law * * *."

"c. The obligation of the Federal Government to pay just compensation for closing an existing radio station was recognized in the joint resolution of July 16, 1918, which permitted the President to take over radio stations during the time of war, but only upon payment of just compensation. It is to be noted that even when this power was repealed, on July 11, 1919, the compensation provisions were specifically continued.

"d. The committee sees no newer constitutional authority for depriving the citizens of property rights under the pending legislation than was included under the 1912 legislation."

The above quotations are taken from pages 66, 70, and 74 of Mr. Stephen Davis's book on the Law of Radio Communication, 1927.

I therefore urge the Members of the House to give consideration to vested rights in radio, and that if such vested rights are to be taken away from station owners just compensation must be given, otherwise the statute is void, as violative of the fifth amendment of the Constitution.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday, and the Clerk will call the committees.

The Clerk called the committees. When the Committee on Interstate and Foreign Commerce was reached—

Mr. PARKER. Mr. Speaker, I call up from the Union Calendar the bill H. R. 11026.

The SPEAKER. This bill is on the Union Calendar and the House automatically resolves itself into the Committee of the Whole House on the state of the Union. The gentleman from Oregon [Mr. HAWLEY] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. HAWLEY in the chair.

PUBLIC HEALTH

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11026, which the Clerk will report.

The Clerk read the title to the bill, as follows:

A bill (H. R. 11026) to provide for the coordination of the public-health activities of the Government, and for other purposes.

Mr. PARKER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. PARKER. Mr. Chairman, I yield one hour to the gentleman from Michigan [Mr. MAPES].

Mr. MAPES. Mr. Chairman, I wish to be notified when I have used 15 minutes.

Mr. Chairman and members of the committee, the committee in its report on this bill has aimed to discuss every feature of it, and for that reason I shall not attempt at this time to go into it in detail. The report discusses and gives the reason for every paragraph of the bill. In fact the mere reading of almost every paragraph gives the reason for it. The legislation was initiated in the Sixty-ninth Congress. The chairman of the Committee on Interstate and Foreign Commerce, the gentleman from New York [Mr. PARKER] introduced the original bill in the last Congress. It was referred to the department and recommended by the Secretary of the Treasury, and a subcommittee of the Committee on Interstate and Foreign Commerce was appointed late in the session of the last Congress to consider the legislation. That subcommittee held hearings on the bill in February of last year, but the legislation was referred to the subcommittee too late to take any further action before the adjournment of the last Congress other than to hold hearings. The gentleman from New York reintroduced the bill in this Congress and appointed the same subcommittee to consider it, and that subcommittee in order to give everyone who desired it an opportunity to be heard, held additional hearings in this Congress.

The bill was redrafted in certain particulars and presented to the full committee, and the full committee has recommended the legislation as it appears before you in the draft of H. R. 11026.

There were two sections in the original bill which the committee struck out entirely, and it changed the wording in certain minor particulars of other sections of the bill. The first section of the original bill provided that the President might by Executive order transfer to the Public Health Service any agency in the other departments engaged in public-health activities.

The second section of the original bill authorized the President to detail any of the personnel of the Public Health Service to other departments that were carrying on public-health work as an incident to the work of their department to supervise or cooperate in such work.

The committee considered it advisable to eliminate both of those sections of the original bill.

A strong argument can be advanced to the effect that such delegation of power to the President as these two sections propose would be an unwarranted and unconstitutional delegation of legislative power. Practically all the activities of the Government are created by statutory enactment, and some people doubt whether these statutory provisions can be abrogated or repealed by Executive order.

The committee, in striking out those provisions, was also influenced by this further consideration: The more one considers the administrative branches of the Government the more he is convinced that no such order in fact would ever be made by the President unless approved and consented to by the heads of the different departments affected.

As a practical proposition, it is believed that the President would not make such an order until the heads of the different departments had joined in a request for it. That being so, the committee believes that the provision in the bill as reported by the committee authorizing the Secretary of the Treasury to detail officers of the Public Health Service to any department carrying on public-health activities upon the request of the head of that department, will be for all practical purposes as beneficial and effective as the broader provisions in the original bill. There are some departments of the Government that carry on important public-health activities in connection with their major purpose, and others that have public-health activities of less importance. Some student of the Government says that there are altogether 40 different public-health activities of one kind or another carried on in different branches of the Government.

It seemed to the committee that it was desirable to give these different departments the benefit of the advice and experience of the more expert personnel of the Public Health Service if they desired it, and therefore the committee incorporated this permissive section in the bill as reported to the House.

Mr. COLE of Iowa. Mr. Chairman, will the gentleman yield?

Mr. MAPES. Yes.

Mr. COLE of Iowa. How does it affect the Child Welfare Division of the Department of Labor?

Mr. MAPES. It does not affect it at all unless the Secretary of Labor requests the Secretary of the Treasury to detail an officer from the Public Health Service to cooperate with the Child Welfare Bureau in its work.

Mr. COLE of Iowa. The bureau will remain under the Department of Labor?

Mr. MAPES. The bill does not attempt in any way to change the location of any bureau or activity.

The growth of the Public Health Service has been very interesting. It did not blossom forth full grown to its present proportions but had its origin in very simple beginnings. Its genesis goes back to 1798 with the passage of an act for the relief of disabled seamen, and it has grown from that simple provision of the law back in 1798 to its present proportions through the simple processes of evolution, taking on such work as was assigned to it by Congress from time to time. There has never been any broad, constructive, or all-embracing Public Health Service act. The work of the Public Health Service has been assigned to it from time to time by what might be termed piecemeal legislation as the necessities of the people and the requirements of the Government seemed to demand.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. MAPES. Yes.

Mr. TILSON. Is it the purpose of this bill to make a sort of organic act for the Public Health Service, bringing together the different laws on the subject, or just what is the main object of the bill?

Mr. MAPES. It comes nearer being that than any other legislation that has ever been passed, although it does not attempt to codify the existing laws relating to the public health in detail. It attempts to coordinate the different public health activities, give the Public Health Service a little more concrete and definite statutory authority for some of its activities, and broaden others, and it also puts certain of the personnel of the Public Health Service on what is termed a commission basis so as to enable that personnel to make the Public Health Service more of a career service than is now possible.

Mr. OLDFIELD. Mr. Chairman, will the gentleman yield?

Mr. MAPES. Yes.

Mr. OLDFIELD. Will this increase the cost of the Public Health Service, and, if so, how much?

Mr. MAPES. The bill will increase the cost of the service to a limited extent. It is estimated that the increase in cost will be $17,185, although it is difficult to estimate it with exactness.

Mr. OLDFIELD. Per year?

Mr. MAPES. Per year.

Mr. OLDFIELD. How many additional men are provided for?

Mr. MAPES. It will not require any additional men. The estimated increase in the expense, it is expected, will be more than offset by the increased efficiency and economies which can be brought about by the legislation. For example, in making these details of the personnel from the Public Health Service to the other departments carrying on Public Health activities, it will do away with the necessity for calling in outside experts at considerable expense.

Mr. OLDFIELD. Does it have the unanimous indorsement of the Interstate and Foreign Commerce Committee?

Mr. MAPES. I can not say that it has. One member of the committee voted against the legislation in the committee. It has the indorsement of the five members of the subcommittee who studied it in the last Congress and who studied it faithfully in this Congress.

Mr. JONES. Does it provide for cooperation with the State health agencies?

Mr. MAPES. The existing law provides for cooperation between the Public Health Service and the State health officers. The law now provides for an annual meeting of the public-health officials of the different States in Washington, and that meeting is presided over by the Surgeon General of the Public Health Service. The cooperation between the Federal Public Health Service and the State public-health officials is something that is working in very excellent shape. There is no lack of harmony between the Federal service and the State service.

Mr. JONES. It would not interfere with it in any way?

Mr. MAPES. This does not interfere with that in any way, and this bill is indorsed by the public-health officials of all of the States. They are very anxious to have it passed.

Mr. LINTHICUM. I notice on page 4 of the bill it is provided that—

> The Surgeon General of the Public Health Service shall hereafter be entitled to the same pay and allowances as the Surgeon General of the Army.

What change does that make in the pay of the public-health officials?

Mr. MAPES. The pay of the Surgeon General of the Public Health Service at present is the same as that of a brigadier general in the Army. This would raise his pay to that of a major general in the Army, the same as the Surgeon General of the Army and the Surgeon General of the Navy now receive.

It makes a difference in dollars and cents in the pay of the Surgeon General of the Public Health Service of $2,200 per year. He now receives, including his base pay and allowances, $7,500, and this would raise his pay and allowances to $9,700 per year.

Mr. LINTHICUM. Are any other salaries increased by virtue of this bill? Does the gentleman know?

Mr. MAPES. There are no other salaries increased directly by the bill.

The CHAIRMAN. The Chair will notify the gentleman that he has consumed 15 minutes.

Mr. MAPES. I will take a little more time.

In the transfer of the noncommissioned officers in the Public Health Service to a commission basis, such as the sanitary engineers, scientists, and so forth, there will necessarily be a little readjustment of the pay, because they may not now be receiving in all cases the pay corresponding to the different pay periods in the Army. For example, a man might now be receiving $3,300 per year. That may not be an actual case, as a matter of fact, but it will serve as an illustration. A man may be receiving $3,300 now per year. There may not be in the Army pay law any schedule that corresponds exactly to that amount. There may be a $3,000 or a $3,600 salary. So that in the adjustment of this man's pay he would receive either $3,000 or $3,600. In that way some of the officers may receive an increase, but no substantial increase.

Mr. LINTHICUM. I notice this seems to be pretty much on the same basis as the Medical Corps of the Army. Is that correct?

Mr. MAPES. Yes.

Mr. LINTHICUM. And that would give some of them an increase of pay, and some not so much?

Mr. MAPES. Yes.

Mr. LINTHICUM. I am in favor of increasing the pay of the heads of this bureau in particular, with a corresponding increase also in the pay of the men. I think we ought to do it.

Mr. HOWARD of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. MAPES. Yes.

Mr. HOWARD of Oklahoma. I think the salary of the employees in this department ought all to be increased. But in what general way does it broaden the work of this bureau and give them an opportunity for actually going out and giving the people the benefit of this work? Does this in any way broaden the scope of their duties or broaden their power to render good service to the people?

Mr. MAPES. Yes. One of the purposes of the bill is to authorize the officers of the Public Health Service to go into institutions conducted under private endowment that do research work, and it gives the officers of the institutions the reciprocal right to come to the hygienic laboratory to do research work. The students of the subject think this is a very desirable and important provision of the bill.

Mr. HOWARD of Oklahoma. As I understand, the gentleman thinks that the passage of this bill will make this bureau much more valuable and useful to the people?

Mr. MAPES. Yes; very much more. The more one studies the work of the Public Health Service, the more it seems to me he is bound to respect what they are doing for the health and welfare of the people. That has been my own experience, at least, and I think the more one studies this legislation and studies what is to be accomplished by it, the more he will approve of it, and the more he will see the necessity for it. Take any one individual provision or paragraph in the bill alone, and it may not impress one as being of great importance; but taking it as a whole, it is considered by the public-health workers and health students in the country to be of very great importance.

Mr. HOWARD of Oklahoma. What to-day is the salary of the Surgeon General of the Public Health Service in dollars and cents?

Mr. MAPES. It is now $7,500, and this bill raises it to $9,700.

Now, as I said at the beginning, I am not going to attempt to go into a detailed explanation of the different provisions of the bill, because the committee report does that as well as I could do it, and I do not want to repeat what is in the report. I only want to take enough additional time to call attention to some of the indorsements of the proposed legislation.

Mr. BANKHEAD. Before the gentleman goes into that will he permit a question, for information?

Mr. MAPES. Yes.

Mr. BANKHEAD. I see in the report here that there are 129 dentists in the regular establishment of the Public Health Service.

Mr. MAPES. Yes.

Mr. BANKHEAD. What in the main are the assignments of those dentists? What do they do?

Mr. MAPES. They take care of the men in the Coast Guard Service and the seamen. They have a very limited number, it is claimed, for the work which they have to perform. I do not know that I can answer the gentleman much more in detail on that.

Mr. BANKHEAD. As I understand it, they devote most of their time and attention to departmental service, not work on the outside, as, for example, the public-school system.

Mr. MAPES. No; nothing of that kind.

Mr. HILL of Alabama. What is the function of the nurses in the service?

Mr. MAPES. There are United States marine hospitals and other relief stations under the jurisdiction of the Public Health Service, amounting to over 150.

Mr. HILL of Alabama. Different hospitals?

Mr. MAPES. Hospitals and relief stations. The nurses are employed in these different hospitals and stations and are employed or used in cases of epidemic and plague, such as there was in New Orleans. They are required in such cases.

Mr. HILL of Alabama. Do I understand this reduces the pay of the Public Health nurses?

Mr. MAPES. To a limited extent. It puts them on the same basis as the nurses of the Army, and it has the hearty indorsement, as I understand it, of the nurses in the Public Health Service. They are put on a more permanent basis and the nurses in the Public Health Service feel that they would be more assured of a career service with the passage of this bill than they are now. The Surgeon General says that because of the lack of security as to a career service the turnover among

the employees in the nurse corps is greater than it would otherwise be.

Mr. HILL of Alabama. Will they be promoted in grades just like those in the Army Nurse Corps?

Mr. MAPES. Yes.

Mr. HILL of Alabama. And will have the same rights of retirement?

Mr. MAPES. Yes.

Mr. LINTHICUM. I note on the first page of the first section it provides that—

> The Secretary of the Treasury is authorized to detail officers or employees of the Public Health Service to such department or independent establishment in order to cooperate in such work.

The same feature follows on page 2, section 2. Does he have the right to detail them to these places without their request?

Mr. MAPES. No. That was such a provision in the original bill, but the committee struck out that provision and authorized the *detail only* in case the head of the department to which they are to be detailed requests it.

Mr. LINTHICUM. There is no such provision in this bill. He might detail some of the men to go over into my State for the purpose of cooperating or investigating without a request or he might detail them to some independent organization without a request.

Mr. MAPES. I beg the gentleman's pardon. I did not understand his question. I thought it related only to the Federal Government.

Mr. LINTHICUM. I am speaking about the Federal Government. The Secretary of the Treasury is authorized to detail officers or employees of the Public Health Service to such department or independent establishment in order to cooperate in such work. I want to ask the gentleman whether he does not think there ought to be an amendment inserted in the bill providing that that shall be done upon their request?

Mr. MAPES. The gentleman has overlooked the first line of the section:

> That upon the request of the head of an executive department or an independent establishment—

That may be done.

Mr. LINTHICUM. Which is carrying on a public-health activity?

Mr. MAPES. Yes.

Mr. LINTHICUM. But does not that seem to be limited by the latter part of the clause?

Mr. MAPES. Oh, no.

Mr. HOWARD of Oklahoma. What is meant by "independent establishment"? Would that include the Red Cross or the Salvation Army?

Mr. MAPES. No; nothing except an independent establishment of the Government. An independent establishment has a well-defined meaning as applied to the Government service, such as the Interstate Commerce Commission, the United States Veterans' Bureau, and others of that nature that do not come under any Secretary of the Cabinet.

Mr. HOWARD of Oklahoma. Then it has to be a Government activity?

Mr. MAPES. Yes; it has to be a Government activity. I just want to call attention to the fact before I conclude that this bill did not have its inception with the Public Health Service. It was, rather, conceived by the students and workers in public-health work. It is indorsed by practically every public-health organization; in fact, every public-health organization that I know of in the country has indorsed it, and it is indorsed by industrial concerns as well. One of the principal witnesses before the committee was Doctor Armstrong, of the Metropolitan Life Insurance Co., who participated in the meetings that agreed upon the principles of the legislation.

Mr. MOORE of Virginia. May I ask the gentleman a question?

Mr. MAPES. Yes.

Mr. MOORE of Virginia. Did you not find in the hearings that the work that is being carried on under the direction of Surgeon General Cumming is universally commended?

Mr. MAPES. Practically universally. There is here and there a person who objects to some particular regulation or specific activity of the department, but the committee did not think that any of the objections went to the real merits of the legislation.

Mr. MOORE of Virginia. But as a rule I understand that the authorities in all of the States applaud the way in which the work is being carried on under the present organization.

Mr. MAPES. I think it is safe to say that without any exception the authorities in the States, with emphasis on the word "authorities," approve of the legislation and of the activities of the service.

Mr. HUDSON. Will the gentleman yield?

Mr. MAPES. Yes.

Mr. HUDSON. Is there any laboratory established where this national department can carry on research work?

Mr. MAPES. The Hygienic Laboratory is one of the leading research laboratories of the country.

Mr. HUDSON. And that is under the direction of this staff?

Mr. MAPES. It is under the direction of the Surgeon General of the Public Health Service.

Mr. DENISON. Will the gentleman yield?

Mr. MAPES. I yield to the gentleman.

Mr. DENISON. I do not know whether the gentleman has discussed it or not, but is not all of the quarantine service under the Public Health Service?

Mr. MAPES. All of it.

Mr. DENISON. That is a very important and responsible service, of course.

Mr. MAPES. It is. I intended, I will say to my colleague, to explain a little more in detail the work of the Public Health Service, but I have been diverted by the questions that have been asked. It does this quarantine work; it is authorized to prevent the spread of contagious diseases between the States and foreign countries; it conducts research work; it goes out, at the request of the public-health officials of the different States, to investigate any particular epidemic or any particular disease that the State authorities have not been able to cope with. In short, it is given the broad authority by statute to investigate the diseases of man and the causes thereof, including the pollution of streams. Among its other work it issues a public-health bulletin every week. Until one makes a special study of the work of the service he does not realize the importance of it and the good it is doing.

Mr. DENISON. They do a good deal of splendid work in connection with municipal sanitation all over the country.

Mr. MAPES. All over the country; yes. It must be a matter of great gratification to the Public Health Service to get the indorsement and the approval it did get from the public-health officials of the States before the committee in the hearings which the committee held.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. MAPES. I will yield to the gentleman.

Mr. LAGUARDIA. Officers of the Public Health Service are now detailed to foreign ports, are they not, in connection with immigration inspection work?

Mr. MAPES. Officers are detailed to foreign ports; they are detailed to consulates in foreign countries to examine prospective immigrants, and the service examined between nine hundred thousand and one million prospective immigrants in foreign countries in the year 1927.

Mr. LAGUARDIA. What is the custom or the policy about transferring these officers so as not to keep any one group of medical inspectors in a particular foreign country too long?

Mr. MAPES. I can not answer the gentleman.

Mr. LAGUARDIA. That is a matter of policy of the bureau that is not provided for here.

Mr. MAPES. We did not go into that. That is a matter of policy.

Doctor Armstrong, of the Metropolitan Life Insurance Co., who is in charge of the public-health work of that company, testified before the committee as to the inception of this legislation and the people who have indorsed it. He stated that such men as Doctor Welch, of Johns Hopkins University; Doctor Williams, of the National Tuberculosis Association; Doctor Crumbine, of the American Child Health Association; Doctor Park, of the New York City department of health; Doctor Farrand, the president of Cornell University; and representatives of similar groups of outside agencies, outside of Government circles, came to Mr. Fiske and Doctor Frankel, of the Metropolitan Co., and asked them to cooperate in the passing of legislation along the line that is presented in this bill.

Doctor Welch, State health officer of Alabama, states that—

> the bill represents the compromise opinion, crystallized into a bill, of the National Tuberculosis Association, the Red Cross, the New York Academy of Medicine, the International Health Board, the American Public Health Association, American Medical Association, and the Association of State Health Officers of the United States.

In fact, as I answered the question of the gentleman from Virginia [Mr. MOORE], I do not know of any organized group, I do not know of any outstanding public-health worker, who is not in favor of this legislation and when I say that, to be sure I am not misunderstood, I want to say that all of the witnesses before the committee did not indorse the legislation, but

those witnesses who opposed it did not represent any organized public-health group, and they did not, the committee thought, go to the merits of the legislation, but rather complained because of some individual activity, some specific finding of the Public Health Service which in no way affected the general merits of the legislation, or the broad scope of the work of the Public Health Service. It is really surprising that there are so few people who are dissatisfied with the work of the service.

Mr. LOWREY. Will the gentleman yield?

Mr. MAPES. I yield.

Mr. LOWREY. I have not had an opportunity to read the report. What is the estimate on the question of cost or what is the situation when viewed from an economic standpoint?

Mr. MAPES. I will say to the gentleman from Mississippi I have gone into that already in response to a question from another Member, and I am sure the gentleman would not want me to go over it again.

Mr. ANDREW. Will the gentleman yield?

Mr. MAPES. I yield to the gentleman from Massachusetts.

Mr. ANDREW. There are public-health activities in a good many of the divisions and bureaus of the different departments of the Government. Has any consideration been given to the possibility of amalgamating the work of such bureaus with the work of the Public Health Service?

Mr. MAPES. That question was given a good deal of consideration and a good deal of attention, I will state to the gentleman from Massachusetts. I have also discussed that question already; but, briefly, I will say the original Parker bill authorized the President upon Executive order to transfer any public-health activity in any other department of the Government to the Public Health Service upon his discretion, and it also authorized the detail from the Public Health Service of any of the personnel of the Public Health Service to any bureau conducting public-health activities in any of the departments.

Mr. ANDREW. Is that provision in the bill?

Mr. MAPES. The committee decided to eliminate both of those provisions of the original bill. Some witnesses considered them important and some did not. The committee felt that inasmuch as there was opposition to them in the House by a substantial number of the Members, it was not desirable to jeopardize the passage of the entire legislation by keeping those two provisions in the bill.

Mr. ANDREW. So there is no provision now to allow the President to reduce or amalgamate any other bureaus?

Mr. MAPES. As a practical proposition some of the members of the committee feel that the existing provision will accomplish to all intents and purposes the same thing as the original provisions. One who studies the operations of the Government will come to the conclusion, I think, that as a practical proposition no bureau is going to be transferred unless it is transferred upon the consent of the head of the department in which it is located. The heads of the departments affected have got to unite in a request to the President for the transfer before the President will ever issue the order; and the committee also felt that there is weight to be given to the argument which is made that these agencies in the different departments having been created and assigned to the departments by statutory authority can not be picked up bodily by an Executive order and put into another department from that to which they were assigned by statute.

Mr. ANDREW. If I understand the gentleman correctly there, there is no such provision in the bill as would allow the President to take, for example, the Children's Bureau and incorporate it in the Public Health Service?

Mr. MAPES. The gentleman's understanding is correct. [Applause.]

I ask unanimous consent to extend my remarks by including therein the report of the committee on the bill.

There was no objection.

Mr. MAPES, from the Committee on Interstate and Foreign Commerce, submitted the following report to accompany H. R. 11026:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 11026) to provide for the coordination of the public-health activities of the Government, and for other purposes, having considered the same, report thereon with a recommendation that the bill be amended as follows:

Page 2, line 24, correct the spelling of the word "health."

Page 4, line 11, insert after the word "officers" a comma.

Page 4, line 16, insert after the word "Service" a comma.

And as thus amended that the bill pass.

The bill aims better to coordinate the public-health activities of the Government, especially of the Public Health Service; to give more specific statutory authority for certain activities of the Public Health Service and, to a limited extent, to broaden others; to improve its administrative procedure; to establish a nurse corps in the service; to change the name, increase the personnel, and enlarge the functions of the Hygienic Laboratory Board and to authorize the establishment of new divisions in the Hygienic Laboratory; to increase the pay of the Surgeon General of the Public Health Service; and to place the dental and certain other scientific and technical personnel of the service upon the same permanent and commissioned basis as the medical officers in it now are.

Public-health work is carried on, and necessarily so, to a greater or less extent by a great many different branches of the Government as an incident to their major activities. It is often found desirable for the other departments, in establishing or reorganizing their health activities or in doing advanced research work, to have the assistance and advice of the Public Health Service. In certain cases the law now authorizes the detail of personnel from that service to other departments for such purposes, as, for example, to the Bureau of Mines, the Bureau of Fisheries, the Bureau of Immigration, the Consular Service, and in connection with the pure food and drug activities in the Department of Agriculture.

The first section of the bill would authorize such detail of personnel to any department or independent establishment of the Government carrying on public-health activities, upon the request of the head of such department or independent establishment. It would simply extend the policy already adopted by Congress in certain cases and followed in others without express authority of law. If enacted into law, it is believed that it would tend to bring about a better correlation of health activities of the Government and to produce economies. It seems the part of wisdom to give the other branches of the Government the opportunity, if desired, to take advantage of the superior knowledge and experience of the personnel of the Public Health Service.

Section 2 (a) would authorize the detail of public-health personnel to educational and research institutions for the purpose of making special studies of scientific problems relating to public health and for the dissemination of information relating to the same. The paragraph would also give the reciprocal right to public-health officials and scientists engaged in special studies outside of the Public Health Service to use the facilities of the Hygienic Laboratory. As scientific research is perhaps the most important public-health function of the Federal Government, the desirability of this provision seems apparent.

Section 2 (b) would authorize the establishment of new divisions in the Hygienic Laboratory. The act of 1902 reorganizing the Hygienic Laboratory established three divisions in it, namely, chemistry, zoology, and pharmacology, in addition to the division of bacteriology and pathology, the only division in the laboratory up to that time. No new divisions have been established since that date. There is need for additional divisions to permit of greater specialization in research. Problems arising since the passage of the act of 1902 require new divisions, such as industrial hygiene, sanitary engineering, physiology, and the like. As stated by one of the witnesses before the committee, "As knowledge grows, various branches of scientific study are developed." The service would, of course, be controlled and limited as to the number of divisions established by the appropriation, as it is in all other respects.

Section 3 provides that the administrative offices and bureau divisions in the District of Columbia shall be administered as a part of the departmental organization, and the scientific offices and research laboratories, including the Hygienic Laboratory, whether in the District of Columbia or not, as a part of the field service. That is the present practice, but there is fear that the Comptroller General may hold that the practice can not be continued under existing law. This section would make certain the continuance of the present practice and is deemed necessary to insure the most efficient administration by enabling the ready transfer of personnel between the central and field laboratories as occasion requires.

Sections 4 (a), (b), and (c) would put dentists, sanitary engineers, pharmacists engaged on comparable duties, and other scientific personnel on the same basis as to appointment, pay, promotion, disability privileges, etc., as medical officers. This is one of the major objects of the bill. Public-health work is, or should be, a career service. It has come to be quite as dependent upon these other professions for its success as upon the medical profession. For the good of the service and to encourage members of these other professions to engage in it, it is considered necessary that they should be put upon the same basis as the doctors. Surgeon General Cumming testified (p. 14 of the hearings):

"The greatest single administrative need of the Public Health Service is uniformity of method of appointment and status of this scientific personnel."

Other witnesses before the committee expressed the same thought. Such appears to be the general opinion of those familiar with the service.

The Public Health Service now has 224 regular medical officers in the regular corps. In addition, there are 24 sanitary engineers, 29 dentists, 150 physicians, and 23 scientists, all of whom are on full-time duty and available for general service. The sanitary engineers and other scientific and technical officers, other than the medical officers of the regular corps, as well as certain medical officers of the

reserve corps, are on civil-service status and are not commissioned, while the dental officers have temporary reserve commissions. Under the provisions of this section these other officers as well as the medical officers may be transferred to the regular corps after examination and with due regard to their present salaries.

Section 4 (c) would also increase the pay of the Surgeon General of the Public Health Service. It would give him the pay and allowances of a major general of the Army, the same as the Surgeon General of the Army receives, instead of that of a brigadier general which he now receives. In dollars and cents this would raise his total pay and allowances from $7,500 to $9,700 per year, or an increase of $2,200 per year. The present Surgeon General of the Public Health Service, Dr. Hugh S. Cumming, is an outstanding figure in public-health work. He has been in the service over 33 years and has an international reputation. Your committee believes that he should receive the same compensation as the Surgeon General of the Army. He has a responsibility not exceeded by any other bureau chief in the Government.

The provision for commissioning of a former Surgeon General is similar to existing laws relating to persons who have served as Commandant of the Coast Guard and Surgeon General of the Army and of the Navy.

Section 4 (a), paragraph 3, would authorize the appointment of specialists in scientific research, in case of special need, to grades higher than that of assistant surgeon.

The appointment of persons to the regular corps is limited by law now to the minimum grade. Occasions often arise when it seems necessary to engage persons with special training in scientific research at salaries more nearly commensurate with their attainments than the minimum salary. The method of appointment under this provision is the same as that now provided by law for entrance into the regular corps, except that it authorizes appointments to be made to grades above the minimum. Under existing law the employment of such persons has to be in accordance with the civil-service laws, which makes their appointment necessarily temporary and without any prospect of a career service.

Section 4 (c) provides for the promotion of officers, after due examination, according to the same length of service as officers of corresponding grade of the Medical Corps of the Army. In order to be promoted to the next higher grade, an officer must have given satisfactory service, must have passed a mental and physical examination, and must have served as follows: Three years as assistant surgeon, nine years as passed assistant surgeon, eight years as surgeon, and six years as senior surgeon.

Section 4 (d) would make effective the provisions of section 4 (c) by repealing existing law which limits the number of senior surgeons to 10, outside of two authorized by special act of Congress because of distinguished service during the construction of the Panama Canal. There are now 12 senior surgeons in the service on active duty, including the two just mentioned.

There are altogether 22 doctors, 10 besides the 12 already commissioned, in the service eligible to take the examination for the grade of senior surgeon and who, if found qualified, might be appointed senior surgeons if the present limitation is removed. A medical officer must have served at least 20 years in the service before being eligible for appointment as senior surgeon and 26 years before being eligible for appointment as Assistant Surgeon General. All original appointments in the service must be made under existing law to the lowest grade, namely, assistant surgeon. An assistant surgeon receives the same pay and allowances as a first lieutenant in the Army. To be eligible for such appointment a person must be a graduate of a regular medical college and must have had at least one year in hospital work or two years in the general practice of his profession.

Section 4 (e), as a matter of convenience and brevity, would change the designation of Assistant Surgeon General on field service, now called "Assistant Surgeon General at large," to "medical director."

Section 5 would correct an administrative difficulty. Under a recent ruling of the Comptroller General a field officer must await the official approval of the Secretary of the Treasury before placing a laborer, nurse, doctor, or any other employee on duty. In cases of emergency, such as the recent outbreak of plague in New Orleans, it is necessary under that ruling to await telegraphic or other instructions from the Secretary of the Treasury before emergency employees can be put to work. The section would make the appointment of such employees effective as of the day on which they go on duty. It is obvious that the delay caused under such conditions seriously handicaps efficient administration and causes unnecessary expense, especially at stations abroad and other distant stations. The necessity for this corrective provision is evident.

Section 6 would establish a nurse corps in the Public Health Service with the same pay and allowances as the members of the Nurse Corps of the Army receive.

There are 354 nurses in the Public Health Service. The Surgeon General and others in the service say that it is necessary now to pay the Public Health Service nurses somewhat more than members of the Nurse Corps of the Army receive and that the labor turnover in that service is great because of the uncertainty of being able to make it a career service. The nurses favor this provision of the bill and it is believed that it would give a more efficient nursing service. It is estimated that it would actually result in an economy of $8,990 per year in the pay and allowances of the nurses now engaged in the service.

Section 7 would change the name of the advisory board for the Hygienic Laboratory to that of national advisory health council and would authorize the appointment by the Surgeon General of five additional members. It would also broaden the functions of that board, authorizing it to advise the Surgeon General in respect of public-health activities generally, in addition to the strictly laboratory problems to which it is now limited.

It is considered desirable to have the board enlarged so as to include a greater number of specialists. The board has always had among its membership some of the most distinguished men in the profession, and it undoubtedly will continue to have the benefit of the advice of men of the same standing. The members receive $10 per day and expenses for attending the meetings of the board. The meetings of the board have not averaged one per year for many years past.

It is the opinion of the officials of the Public Health Service that the increase in cost that this legislation will entail, if any, will be more than offset by resulting economies and efficiencies. It is difficult to estimate with exactness just what the increase in salaries and allowances under the bill will be. The best estimate of the Treasury Department is that it will be $17,185.

The public-health agencies of the country are practically unanimous in their support of the legislation. It is indorsed by the Association of State Health Officers of the United States, the American Medical Association, the American Dental Association, the American Engineering Council, the American Public Health Association, the National Tuberculosis Association, the National Health Council, which includes in its membership all of the national volunteer health agencies, the New York Academy of Medicine, the United States Chamber of Commerce, and the American Federation of Labor.

Health officers, public-health workers, and others, from different sections of the country, appeared before the committee to urge its passage.

A few individuals appeared before the committee in opposition to the legislation. The committee felt, however, that their objections did not go to the real merits of the legislation but rather to certain activities or regulations of the Public Health Service which are not in any way affected by the legislation.

Among others who appeared before the committee in advocacy of the bill were:

Dr. H. N. Bundensen, commissioner of health, Chicago, Ill., vice president American Public Health Association.

Dr. William H. Welch, director emeritus of the School of Hygiene and Public Health of Johns Hopkins University, Baltimore, Md.

Dr. E. H. Lewinski-Corwin, executive secretary public health relations committee, New York Academy of Medicine, New York City.

Dr. S. W. Welch, State health officer of Alabama.

Dr. M. J. Rosenau, former director of the hygienic laboratory, now a member of the Harvard Medical School, occupying the chair of preventive medicine and hygiene.

Dr. William C. Woodward, formerly health officer of the District of Columbia and Boston, Mass., now of Chicago, Ill., who represents the American Medical Association.

Dr. F. D. Patterson, of Philadelphia, Pa.

Dr. James A. Tobey, New York City, representing the American Public Health Association.

Mr. Edgar Wallace, Washington, D. C., representing the American Federation of Labor.

Mr. George W. Fuller, New York, a civil engineer, representing the American Society of Civil Engineers and the American Public Health Association.

Dr. Homer C. Brown, New York, chairman legislative committee, American Dental Association.

Dr. Arthur T. McCormack, State health officer of Kentucky.

Mr. RAYBURN. Mr. Chairman, I am not opposed to this bill. If anyone on the committee claims the time on account of being opposed to the bill, of course, I would be compelled to yield to him.

Mr. HUDDLESTON. Mr. Chairman, I am opposed to the bill. I have no disposition to claim the time, although I may be entitled to it technically, provided I can get the time I need to oppose the bill.

Mr. RAYBURN. If the gentleman claims the time, of course, he is entitled to it.

Mr. HUDDLESTON. If the gentleman is willing to yield me enough time to oppose the bill——

Mr. RAYBURN. How much time does the gentleman want?

The CHAIRMAN. The gentleman from Alabama would be entitled to one hour if he claims it.

Mr. HUDDLESTON. Mr. Chairman, at the suggestion of the gentleman from Texas [Mr. RAYBURN] I claim the time in opposition.

The CHAIRMAN. The gentleman is recognized for one hour.

Mr. HUDDLESTON. Mr. Chairman, I really know very little about this bill. Perhaps there are those who will say that is why I am opposing it. It may be that they are right, but I prefer to believe that I oppose it out of my natural conservatism and my hidebound distrust of new things. [Laughter.] Not long ago I remarked to a fellow member of my committee, who is also an ironclad conservative, that the reason why he and myself were not oftener together in our views was that he threw back to 1890, whereas I threw back to about 1820. [Laughter.]

Being a natural-born conservative, I view with some misgivings the extension of bureaucracy and the activities of government into new fields, and to the consolidation of powers which the Federal Government has previously laid violent hands upon.

The purpose of this bill is stated with some degree of fairness in the committee's report, by which it is said that—

> The bill aims better to coordinate the public health activities of the Government, especially of the Public Health Service; to give more specific statutory authority for certain activities of the Public Health Service, and, to a limited extent, to broaden others; to improve its administrative procedure; to establish a nurse corps in the service; to change the name, increase the personnel, and enlarge the functions of the Hygienic Laboratory board and to authorize the establishment of new divisions in the Hygienic Laboratory; to increase the pay of the Surgeon General of the Public Health Service; and to place the dental and certain other scientific and technical personnel of the service upon the same permanent and commissioned basis as the medical officers in it now are.

That is a very favorable and moderate statement. I think that its purposes might perhaps be better stated from the standpoint of the opposition as being, to use a military expression, to "consolidate" the powers and authority which the Public Health Service has succeeded in gaining for itself during the past 100 years.

Bureaus never consent to reduce their powers and never to reduce their prerogatives or their emoluments. They always work only one way, like a ratchet, toward more dignity, more stability, more power, and more pay. This bill is ideal from that standpoint.

Probably I ought to try to excuse myself for knowing so little about the bill. The truth is, that the committee held no hearings on the bill. It was sent into a corner for consideration by a subcommittee, a subcommittee which was altogether friendly to it. There was no opposition in the subcommittee. Everything went along smoothly and harmoniously toward what was desired by those who appeared before it. The bill was not tested by adverse criticism or by hostile consideration.

All that our committee knows about the bill is what the partial subcommittee chose to tell us.

We held no hearings, we had no opportunity to see witnesses or to ask them questions. We had no opportunity to test them on the provisions of the bill. The subcommittee contented themselves with confining the hearing to the particulars of the bill before it.

If you choose to read the report of the committee, you will get very little idea of the Public Health Service or what really is going to be accomplished by the bill. You have no opportunity by reading the bill and the report on it to know what the effect of it is going to be.

The subcommittee apparently was not interested; they did not develop what existing law is; they did not bring out in the hearings what powers the Public Health Service already had. The report of the committee gives no light whatsoever upon these points.

So you see why I know so little about the bill. My only excuse for speaking upon the bill at all in my state of ignorance is that I suspect that there are others who know even less about the bill than I do.

I feel like an opposition ought to oppose, and that every measure of any real importance that comes before the House ought to be tested by a real opposition. I feel that it is the duty of the opposition members of a committee when a bill of importance comes out, unless it is clear beyond doubt that it is advantageous, to turn the other side of the picture and give the House an opportunity to see the seamy side of the garment.

The gentleman from Michigan [Mr. MAPES] tells us that the bill did not originate with the Public Health Service. Mr. MAPES is an "honorable man." I would accept his word to any extent that he might choose to go. But let me say to you that if he is correct, and this bill did not originate with the Public Health Service, some one who knew the minds of the Public Health Service, knew their desires, knew what they wanted, and was anxious to give it to them wrote this bill.

This is a typical bureau bill. It is just such a bill as all these governmental bureaus put out. Prizing for a little more power, reaching for a little more dignity, trying to strengthen themselves, and always with an exaggerated idea of their importance and the function which they perform, grasping for more authority, and, incidentally, for more pay. The one thing that is dearer to the heart of a bureaucrat than more dignity and more power is more pay, and do not you be made to believe that, along with increased power and dignity, this bill does not carry an increase in material emoluments of a financial nature. If you vote for this bill with the idea that it will promote economy and that there will be more money in the Treasury with this bill in operation than there would be without it, let me say that you will soon be undeceived.

One thing about the bill makes me laugh. It comes from the same committee that reported the maternity bill. Many of the members of that committee supported that bill with misgiving and extreme reluctance. Because it had a partisan political import which they did not dare to ignore, we were finally able to bring them up and get them to "lick the log." But they did it most unwillingly, and they found it a most distasteful duty.

In principle certain provisions of this bill are identical with the maternity bill, yet these same gentlemen who gagged when they swallowed the other dose, take this one down with a smile. [Laughter.] Of course, I do not think that they have changed their principles. I think they still hold that the Federal Government ought not to meddle with such things. I think they are just as devoted to that principle as they ever were. They just simply do not know just what this bill does. They are like me, merely ignorant, and that is the trouble. [Laughter.]

Now, I voted for the maternity bill. Those features are not exceedingly distasteful to me. I felt that if the Government could afford to spend money and attention on the raising of colts and pigs, it could certainly afford to put in a little something on babies, and I have never apologized for my support of the maternity bill. But I ask gentlemen who opposed the maternity bill, with tears streaming down their faces in their devotion to principle, how they are going to defend similar provisions of this bill.

The chief purpose in what I am now saying is to take away from the gentlemen who opposed the maternity bill, yet are for this bill, the plea of incompetency which they otherwise might make. I point out that section 2 of the bill provides:

> SEC. 2. (a) The Surgeon General of the Public Health Service is authorized to detail personnel of the Public Health Service to educational and research institutions for special studies of scientific problems relating to public health, and for the dissemination of information relating to public health.

"For the dissemination of information relating to public health." That means that an officer of the Public Health Service can be detailed, we will say, to a woman's college for the purpose of teaching its students the functions of motherhood and how to care for babies. If that clause is not for such purposes, what is it for? Of course, the health officers may teach many other things and probably very proper things. But can any man distinguish in principle between sending an agent of the Public Health Service into a college to teach its students about matters of health and sending another agent to teach individual women here and there things relating to their health as mothers and how to care for their babies?

Of course, with my natural conservatism, I believe in organized medicine. I believe in the prevailing school of the regular doctors. I believe in the same system and philosophy of health and treatment of disease that are adhered to by the Public Health Service. Therefore, I have no qualms about their spreading and propagandizing their particular system of healing, although they may do it at the expense of all other forms of healing and at the expense of those who do not believe in their systems.

I believe in vaccination and in injecting decaying animal matter into the veins of a man in order to protect him against smallpox and typhoid and whooping cough and diphtheria and every other ailment—in short, in all that the medical profession has gone mad on. All you have to do nowadays is to find out just exactly the right kind of poison, only it must be rotting animal matter, because nothing else will answer the purpose; find just exactly the right kind of a calf to get it out of, and then take some of this decaying animal matter and inject it into the veins of a man, and behold, health comes!

It is the modern miracle! It is the new religion. The miracle works and lepers rise and their skins are clean! And

those lying at the point of death with tuberculosis and fevers and all other ills are cured when the magic hand reaches out and thrusts them with the hypodermic. They spring up cured and whole. It is no longer necessary to believe in Jesus—it is no longer necessary to have your faith in a God. All you need to do is to have faith in some little, fat-faced, empty-headed doctor and let him squirt a lot of filth into your system and be made whole.

When my children get sick, I send for the doctor and I have him squirt his stuff into the poor, little helpless things and they yell and the fever rises in them and I fear they are going to die. But I will say to you that when they are saved it is not through my faith in the doctor, because I can not produce the faith. Of course, I know that I am ignorant, and I am just doing the best I can. I hope the doctor may know a little more than I do, and he has had more experience and, therefore, in my anxiety, I put some of my burden and responsibility on him. If there is one thing that the modern world has gone crazy about, it is medicine, and in particular the immunization of human beings from almost every kind of disease by the injection of poison into their veins.

The chief protagonist of the modern madness of immunization is the Public Health Service of the United States. To those who believe in all that sort of thing of course this bill is water on their wheel. But to those who do not there is not much for them, for not only will their children in colleges be taught, but the communities around them will be taught, that healing comes only by the methods they prescribe. The system is an immense success. It is perfect; but occasionally the patient dies. [Laughter.]

How many ex-soldiers have written to each of the Members of the House present here to this effect: "I have never had a well day since I had the injection of some serum or some other kind of poison injected into my system when I entered the service." I have the suspicion that our veterans' hospitals, in a large measure, are filled with patients as the result of the ignorance and superstition of the medical profession.

Now, not only were the members of the subcommittee friendly to this bill, but all those who appeared and spoke with any degree of authority were also in favor of it. Perhaps I should qualify my statement that this is just exactly the kind of bill that the Surgeon General would have written by saying that it is just the kind of bill he would have written having in mind the requirement that he must put into it only what he could get by with. He realized that he can not pass against the opposition of the American Medical Association, or of the dental organization, or of the pharmacists' organization; or with anything that is going to operate against the dairy interests, and the butter and cheese interests, and one selfish interest and another.

All these interests had agreed upon the bill; it was a compromise between their views. But at the hearing nobody represented the common welfare.

Only men representing selfish interests were there. I do not question that they are entirely honest. Doctors have all the faith in the efficacy of their remedies that they desire others to have, because one of the first qualifications of a doctor is to believe in his own remedy. His patients believe in it only because he believes it himself. But the gentlemen connected with this business of healing enormously magnify their own importance and the importance of their functions. When they write a bill and submit it to us, and there is nobody on the other side, nobody to criticize, and nobody to say "no," how can you expect that the bill will be the right kind of a bill?

I am bound to oppose a bill presented under such conditions, even though I am forced to rely merely on a "hunch"; I know that such a bill must be wrong. One of my sayings is that practically everything that Congress does is wrong. It is wrong because we do it at the demand of selfish interests; the public welfare is not consulted or heard before committees, and arguments representing the public welfare are not presented. If a Member should choose to come into this House at roll calls and vote "No," "No," "No," on every roll call, he would bat at least 900, possibly even 999, out of 1,000. If ever there is anything that has been done in Congress which was altogether right, I do not know what it was. Certainly nothing of the kind has occurred since the Republican side went into power. [Laughter.] I do not even mean to say that they are trying to do right.

That is the way all bills are passed. Old man Vox Populi is busy at home trying to make a living—Sans-Culotte is driving nails or holding the plow—they are not organized, no high-priced lobbyist speaks for them. But the organized interests are heard through their lobbyists, and those who want to aggrandize and dignify their callings are here through their organizations. If you allow the organized doctors to write the laws of this country, I will tell you that the practice of medicine will be the finest and most profitable occupation that a man ever followed since the beginning of time. The same thing applies to lawyers, and to teachers, and to every other calling and class. They are not fit to decide what is right as between themselves and the general public.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. DENISON. The gentleman speaks of all that has been done since he has been in Congress as having been done wrong.

Mr. HUDDLESTON. I qualified that by saying "since our friends on the Republican side came into power." [Laughter.]

Mr. DENISON. Does the gentleman think anything right was done by Congress before he came?

Mr. HUDDLESTON. Seriously, since I have been here and have seen the influences that are at work and the pressure of selfish interests which is brought to bear upon Congress and have seen how helpless Congress is in the face of this coercion, I doubt very much that anything is ever done with an eye single to the general welfare of the people of the United States. I can but wonder how long our Government can stand up under such conditions. What we do is wrong, of course, because we do it under either the influence of party spirit, in order to win at the next election, or under the influence of some organized interest that promises to make our future secure as Members of the House. How could it be otherwise?

Mr. DENISON. Does not the gentleman think some of these influences are organized for the public good? For instance, take the American Federation of Labor.

Mr. HUDDLESTON. The American Federation of Labor is organized to protect the interests of wage earners.

Mr. DENISON. Is not that a good purpose?

Mr. HUDDLESTON. Not more so, perhaps, than an organization of employers of labor. Those organizations do not represent the public. How is it possible for a man of the gentleman's intelligence to ask such a question? [Laughter.]

Mr. DENISON. I think the wage earners are organized naturally for their own good, and that in the long run that will be for the good of the whole country, for the good of the people generally.

Mr. HUDDLESTON. I have had entirely too much experience and have too much knowledge of life and of human nature to be willing to intrust the common good to any particular class or calling, much less any organization formed to promote the interest of any group. It is true that sometimes the labor unions do defend the public welfare and that the interests of their members are identical with the public interest, but primarily a labor union is organized to care for its members and to promote their economic and class interests.

Now, then, take subsection (b) of section 2 of the bill:

> The Secretary of the Treasury is authorized to establish such additional divisions in the Hygienic Laboratory as he deems necessary to provide agencies for the solution of public-health problems, and facilities for the coordination of research by public-health and pharmaceutical officials and scientists, and for demonstrations of sanitary methods and appliances.

Now, we have "demonstrations of sanitary methods and appliances" added to the powers of the Public Health Service. The "demonstration of sanitary methods and appliances." What is to hinder the Public Health Service from sending an agent into the home of any citizen to demonstrate to his wife, who is about to become a mother, "sanitary methods and appliances" whereby she can safeguard her health and that of the child? Far be it from me to say that is an improper activity, but you gentlemen who "gagged" on the "maternity bill," let me invite you to gag again.

The trouble about this is that there is no limitation on these agencies. There is no limitation upon how far the bureau may go. There is no limitation on the number of its personnel. They can have an unlimited number of agents, nurses, doctors, cooks, dishwashers, or whatever they choose to have, and send them throughout the length and breadth of this country, teaching the people how to live.

There is no limit upon them, except the power of the Committee on Appropriations, and if the appropriation should be passed, giving the Public Health Service $100,000,000, they could, if they could organize quickly enough to get the benefit of it, absorb the whole of it. Do you want to vote for that kind of a bill? Well, you financiers may do it. I have not any money myself, so I do not mind the cost. It is going to do good, so just let the good work go on. [Laughter.]

Let me go on further. These public-health officials are to be of the rank similar to Army and Navy rank. They are to be of the same pay. They are to have the same dignity; they are to have the stability; their nominations are to be confirmed by the Senate; they are to be officers of the United

States. Nobody can turn them out without a court-martial or something. I do not know what. Yet the gentlemen have the boldness to tell us that the bill does not mean an increase in expenditures.

It means an increase not only in expense to the Government in the ways I have mentioned, but it means an increase in prestige and influence to the Public Health Service and to its teachings and methods. It means that they will come back here again next Congress and the Congress after and ask for new powers and for new activities as well as for increased pay. They will come back time and again; who ever saw a bureau that thought it had received enough? No one has ever seen it around Washington, and I doubt whether it was ever seen in any other capital.

One other point. Section 6 of the bill provides that:

> There is hereby established in the Public Health Service a nurse corps, which shall consist of a superintendent and such nurses as the Secretary of the Treasury may deem necessary.

How many? One hundred, one thousand, or one million? There is no limit. It is wide open. Give us a Secretary of the Treasury who thinks the country needs the nurses, and give him an appropriation and let him go to it. And that is the bill you gentlemen are asked to support. [Applause.]

Mr. MAPES. Mr. Chairman, on behalf of the gentleman from New York, the chairman of the committee, I yield 10 minutes to the gentleman from California [Mr. LEA].

Mr. LEA. Mr. Chairman and gentlemen, I admit the soft impeachment that I was a member of the subcommittee which considered this bill. I will go further and cheerfully admit that I approached the consideration of this bill with a friendliness toward the purposes of the Public Health Service.

The hearings of the subcommittee that are being distributed about the House are not the complete hearings. At the last session of Congress the committee went into great detail in its hearings with members of the Public Health Service and with representatives of the public health services of various States. The subcommittee also spent considerable time in listening to the objections of those opposed to this bill.

I concur with the gentleman from Alabama when he states it is the common practice for bureaus to come here in seeking more power, more money, and more salaries. As a member of the committee, when the representatives of these bureaus came before us, I naturally am inclined to weigh their statements. I want to say in fairness to this particular subcommittee that we were willing to properly discount statements made in behalf of the Public Health Service. In a number of instances we refused to place in the bill the things requested in behalf of the Public Health Service. So while we were friendly to this great service of the Government I hope we were not unduly unfriendly. The subcommittee did not fail in its duty to the House of Representatives or in its duty to use diligence to protect the public interests.

The gentleman from Alabama makes some critical references to the application of the germ theory of disease. I find no reason for reflecting upon the Public Health Service for any experiments it may make in reference to the germ theory of disease. The germ theory of disease is still a matter of experimentation in the medical profession. The combatting of germ diseases is one of the greatest studies of medical scientists, one of the most important duties of the medical profession.

The discovery of germs as the origin of most diseases from which men suffer was one of the great discoveries of modern times. So far as I am concerned, the money of the United States Treasury will be devoted to no purpose that I approve more heartily than that of investigation and research for the purpose of discovering better methods of treating, alleviating, and terminating the diseases that come from germs.

The gentleman refers specifically to the case of lepers and, in a light and half-joking way, to the disease of the leper. The United States in the last 15 years or so has developed a remedy for leprosy. That disease has been one of the most awful curses of humanity from the beginning of time. For many centuries past the poor leper by the law of the land was required to raise his hand and cry out "unclean" whenever he was approached by a fellow being. After all these ages of that hopeless human suffering, the United States has made this great contribution to the medical science of the world.

I rejoice. I rejoice that this great Nation has the wealth, the will, the charity, and the intelligence to devote its money to accomplishing such purposes. Many centuries ago in the old pagan days some philisopher said that in nothing do men so resemble the gods as when doing good to their fellow men. Here is a great service of this Government devoted to such purposes. In no aspect of all the activities of Uncle Sam does he appeal more to me than when engaged in this service of doing good to afflicted humanity, not only of our own country, but of the world.

The gentleman refers to the number of nurses. This bill removes no bar to the appointment of nurses. There is no limit to-day that is not there after this bill is enacted. We have a few hundred nurses in the service of the Federal Government. Suppose some great calamity like an epidemic comes, would it be wise to have in this bill a limitation that the total number of nurses in the United States should be 300 or 400, where to-day we have 354? That would not be a wise thing to do. The only practical limit that can be placed in a service of this kind is such as the bill prescribes and the limitation is with the Appropriations Committee.

The gentleman from Michigan [Mr. MAPES] has made a good presentation of the details of this bill. I will not attempt to impose upon you by repeating the substance of what he has said.

But, generally speaking, this bill does what was done by the Coast Guard bill in the last Congress. It legalizes services that have been going on for several decades, and in some instances with questionable authority.

It gives a grade to certain personnel of the Health Service by which they acquire a permanent status and a permanent rating. This is true, for instance, in the case of the nurses.

The information furnished the committee tended to show that the nurses in the Public Health Service to-day are being paid more than in some other services of the Government. The reason for this discrimination is that the Public Health Service is unable to give nurses any assurance of a career in their profession. This bill makes it possible for that to be done.

Mr. ABERNETHY. Will the gentleman yield for a question?

Mr. LEA. I yield.

Mr. ABERNETHY. I understand the gentleman favors this legislation?

Mr. LEA. Yes; I do.

Mr. ABERNETHY. I understand the legislation seeks to aid the various States and to cooperate with the health officers of the various States of the Union?

Mr. LEA. Yes; but that is in line with what is already being done. There is nothing particularly new in that respect.

Mr. ABERNETHY. What other benefits does the bill give the various States?

Mr. LEA. The service cooperates with the local health authorities in its research and investigational work and in the control of epidemics, and in its educational work. Its work is more or less scattered through the States. It conducts hospitals in connection with the marine service. The United States Public Health Service has hospitals at main ports. It gives a service to the public in taking care of American sailors.

Mr. ABERNETHY. I may say to the gentleman that our State health department is very much in favor of the bill, and I assume other States have been heard from in the same way.

Mr. LEA. So far as I recall, the authorities of every State that expressed any opinion about it favor this bill.

There is only one feature of the bill that makes a distinct raise from a financial standpoint and that is the salary of the Surgeon General. The raise, as I recall, is about $2,200 per year. It places the Surgeon General of the Public Health Service in the same status as the Surgeon General of the Army.

The men in the Public Health Service who have commissions are subject to longevity rules. They must serve a long time before they get their promotions. The subcommittee went into that pretty thoroughly. We became satisfied that if the personnel perform the duties assigned them they will earn their salaries. In fact, the increases in this bill are comparatively small. With probably six or seven hundred employees the total estimated increase is only about $17,000 or $18,000 a year.

Mr. BYRNS. Will the gentleman yield?

Mr. LEA. Certainly.

Mr. BYRNS. I notice in the bill there is a provision which would seem to indicate it is expected that possibly the President might go outside of the regular health corps to appoint a Surgeon General.

Mr. LEA. Yes.

Mr. BYRNS. Personally, I feel, and I am sure the gentleman feels the same way, the Surgeon General ought to be chosen from the personnel of the service. Has the gentleman ever considered——

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. MAPES. I yield the gentleman two minutes more.

Mr. BYRNS. Has the gentleman considered whether a provision in the bill directing the appointment of a Surgeon General from the regular health corps would be valid?

Mr. LEA. We did not particularly consider the legality of doing so, but we did consider the policy. It was the unanimous judgment of our committee that the appointment should

not be confined to the service. It frequently happens that in the civilian population disconnected from the Government, men of high type, with unusual executive as well as scientific ability, will be developed. We thought it would be a bad policy to limit the appointment to the service. Sometimes it is good to bring in new blood and a new viewpoint, with perhaps a broader experience which may come from outside.

Mr. BYRNS. My own idea was that it would not only be an element of justice to those who have given their life to the service, but it would operate as a sort of encouragement to those if they had the possibility of becoming a head of the service in view.

Mr. LEA. To a degree that is true, but that incentive applies to those outside as well as those in. Personally I am not inclined to favor making Government employment a closed corporation. There is a tendency in Government to create too much of an official or employee class. The importation of new blood and broader views is sometimes helpful to the public service.

Mr. MAPES. Mr. Chairman, I yield to the gentleman from Virginia [Mr. BLAND] five minutes.

Mr. BLAND. Mr. Chairman, my friend from Alabama says he does not know very much about this bill. I have not asked for time in order to discuss the provisions of the bill. I think it is rather gratifying that any measure shall be opposed by one who is honestly in a position to do so, so that both sides may be presented.

I have asked for this time for another purpose. There has been something said about the effort on the part of the bureaus to increase their powers. I presume I have known the Surgeon General of the Public Health Service longer than any man on this floor. I met him 35 or 40 years ago. I have known him fairly well—I might say intimately—and a close personal friendship existed between the Surgeon General and his brother and myself. That friendship has continued from that time to this. It is my solemn conviction that there is no man in the service of the Government who is more impelled with patriotic desire to render honest and efficient public service than the present Surgeon General of the Public Health Service. There has been in all his career no effort, so far as I have ever been able to discover, to promote or push himself, no personal aggrandizement, or anything of that character.

Mr. LEA. Will the gentleman yield?

Mr. BLAND. I will.

Mr. LEA. I hope the gentleman did not construe my remarks as any personal criticism of Surgeon General Cumming.

Mr. BLAND. I heard no word from the gentleman from California that reflected on the Surgeon General. My remarks are directed more particularly to the criticism which our good friend from Alabama made on the part of bureaus to increase their powers, and I desired simply to add this testimonial to my friend of many years' standing. I feel that I should be untrue to our personal friendship if I were not to give this testimonial in his behalf, and it comes from one who claims to know him well. [Applause.]

The CHAIRMAN (Mr. FAUST). All debate has expired, and the Clerk will read.

The Clerk read as follows:

SEC. 4 (a) Hereafter sanitary engineers, medical, dental, and other scientific officers, including pharmacists engaged on comparable duties of the Public Health Service, selected for general service and subject to change of station, shall be appointed by the President, by and with the advice and consent of the Senate, subject to the same conditions and limitations as commissioned medical officers of the regular corps of the Public Health Service, except that—

(1) Examinations shall be in the several branches of the profession of the person to be appointed;

(2) Any sanitary engineer, medical, dental, or other scientific officer, or pharmacist engaged on comparable duties, in the Public Health Service upon the date of passage of this act, except commissioned officers of the regular corps, after examination by a board of officers convened by the Surgeon General of the Public Health Service, and upon the recommendation of such board and the Surgeon General, may be appointed to any grade specified by such board and approved by the Surgeon General, having due regard to the salary received by such officer at the time of such appointment; and in computing longevity pay and pay period the service of any officer appointed under the provisions of this paragraph who was in the Public Health Service on June 30, 1922, shall be counted in the same manner as provided for regular commissioned officers in the Public Health Service on that date;

(3) Whenever in the opinion of the Surgeon General of the Public Health Service commissioned officers are not available for the performance of permanent duties requiring highly specialized training and experience in scientific research, including the duties of chiefs of divisions of the Hygienic Laboratory, any person, after examination by a board of officers convened by the Surgeon General of the Public Health Service and upon the recommendation of such board and the Surgeon General, may be appointed to any grade specified by such board and approved by the Surgeon General.

(b) The Surgeon General of the Public Health Service shall designate the grades of commissioned officers of the Public Health Service other than medical officers corresponding to the grades of medical officers.

(c) Hereafter commissioned officers of the Public Health Service shall be promoted, after examination as now provided by law for commissioned medical officers of the Public Health Service, according to the same length of service as officers of corresponding grades of the Medical Corps of the Army; except that for purposes of future promotion any person whose original appointment in the regular corps is in a grade above that of assistant surgeon shall be considered as having had on the date of appointment service equal to that of the junior officer of the grade to which appointed. The Surgeon General of the Public Health Service shall hereafter be entitled to the same pay and allowances as the Surgeon General of the Army; and, if selected from the commissioned officers of the regular corps, he shall, upon the expiration of his commission, if not reappointed as Surgeon General, revert to the grade and number in the regular corps that he would have occupied had he not served as Surgeon General.

(d) The limitation now imposed by law upon the number of senior surgeons of the Public Health Service on active duty is hereby repealed.

(e) Hereafter officers of the Public Health Service in the grade of assistant surgeon general on field service shall be designated and known as medical directors.

Mr. NEWTON. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the subcommittee a question as to page 2, line 23, the phrase "including pharmacists engaged on comparable duties." As I understand it is the intention to commission only certain pharmacists. What is the thought back of that phraseology?

Mr. MAPES. There are in the Public Health Service some pharmacists who have important administrative responsibilities. They are not engaged in research work, and those interested in the service felt that their administrative responsibilities were of sufficient importance to warrant giving them the same status as some of the scientists and sanitary engineers and others engaged in research work. Such an administrative official is the pharmacist in charge of the supplies at Perryville, who handles all of the drugs and supplies of the Public Health Service, and whose position is permanent. He has been there a great many years. The service feels that he is entitled to a commission. It is not, however, the intent of the legislation to give a commissioned status to the pharmacist who is engaged in clerical work. That would be left to the examining board and the Surgeon General to determine. That board and the Surgeon General will determine who shall receive commissions and who shall not.

Mr. NEWTON. And the positions of the pharmacists doing what is ordinarily termed mere clerical work will be the same as it is now?

Mr. MAPES. Yes.

Mr. NEWTON. And later if some of them should be promoted to the same status such as is intended within this phrase a commission could be granted to them.

Mr. MAPES. That is correct.

Mr. NEWTON. But not otherwise.

Mr. MAPES. No.

Mr. McLAUGHLIN. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from Michigan a question. On page 3, in line 24, I find that whenever in the opinion of the Surgeon General there are not officials available, then the selection may be made in the way provided. There is nothing, however, to indicate whether men so appointed shall be officials permanently employed or only temporarily to meet an emergency. It would be very easy, it seems to me, and occasions might arise where men upon whom certain duties devolved and of whom certain things were expected are not available for the time being, and somebody, of course, should be assigned to do the work. That might create new and additional officials, and a number of them might be appointed, more than are necessary and more than are proper. It struck me that something should be put in the bill here to indicate that this provision is to take care of emergencies, and that it provides for temporary appointments only. I ask the gentleman from Michigan [Mr. MAPES] for his opinion on that matter, if he feels that it deserves consideration.

Mr. MAPES. Mr. Chairman, it is not the purpose of that paragraph to provide for temporary emergencies. That is taken care of as I understand it under the general authority of the Public Health Service now. The purpose of the paragraph to

which the gentleman calls attention is to provide for situations that arise like this. The Public Health Service may be engaged in a line of research work or investigation that requires the services of some specialist along a certain line, skilled in some particular line of research or investigation. Under existing law the service employs such an individual where it can, in cases of necessity, under the regular civil-service provisions of the law. Under existing law the service is not able to offer such a man a permanent career service with the Public Health Service, and it makes it doubly difficult to get such an expert to give up his profession or private work to do this particular work for the Public Health Service. The service feels that if it could assure such a man a permanent commission with pay commensurate with his qualifications, it would be easier to employ him, and really in many cases that he could be engaged at a less salary and that it would be to the advantage of the service. It is not thought that it will take in very many people, but in cases of necessity it is considered to be very desirable.

Mr. McLAUGHLIN. I may say I think that is all right, and there should be such a provision.

Mr. MAPES. And let me say in further explanation that under existing law all medical officers who are taken into the commissioned service must come in at the lowest grade as an assistant surgeon, and receive the compensation corresponding to that of a first lieutenant of the Army. They must be graduates of a regular medical institution. They must have had either two years' general practice in the profession or have had one year's hospital experience. So that if they need men of advanced standing in the profession there is no way to employ them at present except to employ them as regular civil-service employees.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. McLAUGHLIN. Mr. Chairman, I ask for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McLAUGHLIN. Mr. Chairman, I am entirely satisfied with what the gentleman from Michigan [Mr. MAPES] says about it, but it struck me that if it is intended that these men should be taken in to hold permanently, there might very well be something to indicate that; and it also seemed to me that as it is it might open the door to permanent appointments, whereas a regular place is vacant only temporarily or perhaps because some official is absent or at the time incapacitated. This, as it now reads, might authorize the Surgeon General or others whose authority it is to make the selection to appoint additional officers who would continue permanently and the roll might in that way be loaded up and a lot of unnecessary men employed. But the statement of the gentleman satisfies me, and officials whose duty it will be to apply and interpret this law will be governed in this matter by that statement.

Mr. MAPES. Mr. Chairman, of course, we must leave something to the administrative head of this department. I think it is a violent assumption to assume that the department will take on some one for temporary work and give him a permanent position after his temporary work has ceased. As the gentleman knows, all of these matters are limited by the appropriation and by the Committee on Appropriations, and that committee requires a showing of necessity before it grants the appropriation every year.

The Clerk read as follows:

SEC. 7. Hereafter the Advisory Board for the Hygienic Laboratory shall be known as the National Advisory Health Council, and the Surgeon General of the Public Health Service, with the approval of the Secretary of the Treasury, is authorized to appoint, from representatives of the public-health profession, five additional members of such council. The terms of service, compensation, and allowances of such additional members shall be the same as the other members of such council not in the regular employment of the Government, except that the terms of service of the members first appointed shall be so arranged that the terms of not more than two members shall expire each year. Such council, in addition to its other functions, shall advise the Surgeon General of the Public Health Service in respect of public-health activities.

Mr. BLACK of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK of New York: Page 6, line 4, after the word "council," insert the words "at least one of whom shall be a specialist in mental hygiene."

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. BLACK of New York. Mr. Chairman and gentlemen of the committee, I am generally in favor of this legislation, but I rather think that the scope of the activities provided by this bill is too limited. It seems to consider only physical health. It is my idea and it has been so for some time, that the Federal Government, after its lessons in the draft and since the war, could give a little of its thought to the subject of mental health.

Desiring to induce the Government to take a substantial interest in mental hygiene, I have introduced the bill H. R. 7936, to create the United States board of alienists, which reads as follows:

Be it enacted, etc., That there is hereby created the United States board of alienists, to be composed of 20 physicians of 10 years' experience in the study and care of mental diseases, to be appointed by the President for terms of five years. Each member of the board shall receive a salary of $25,000 per annum. The board shall select from its number a chairman and shall draw such regulations as to it may seem necessary for the purposes of this act. The board shall employ all necessary help, clerical and professional.

SEC. 2. The board shall diagnose and prescribe treatment for all mentally deranged veterans in the care of the United States and all other veterans of the United States who will submit their cases to the United States board of alienists. The Veterans' Bureau shall cooperate with the board.

SEC. 3. The board shall make a comprehensive study of mental diseases and treatments for the same and shall prepare and have printed a complete treatise on the same with its recommendations.

SEC. 4. The board may consult with nonmembers of the board and pay such nonmembers so consulted reasonable fees for their services.

SEC. 5. The board shall recommend to the commissioners for the promotion of uniformity in legislation a code of ethics to govern the appearance of alienists as expert witnesses in litigations.

SEC. 6. The board shall inquire as to methods for the chartering of insurance companies against insanity with a view to drafting a policy of insurance that will provide treatment for the insured who becomes mentally diseased and compensation for his dependents.

SEC. 7. The board shall annually report to Congress.

SEC. 8. There is hereby authorized to be appropriated, out of moneys in the Treasury not otherwise appropriated, the sum of $5,000,000 for the purposes of this act.

SEC. 9. This act shall take effect immediately.

The word "alienists" has been used because that is the common expression denoting scientists skilled in the study of mental diseases. I do not insist on a retention of the title. These scientists have divided themselves into many classes, but as my purpose is broadly remedial, I do not care to adopt any special viewpoint subject to controversy. I would have the cooperation of all anxious to reduce mental disease.

The general motive for the bill lies in the great expense to the public caused by mental diseases, with the humanitarian purpose of devoting portions of our governmental resources to the relief of the affected and threatened.

The Department of Commerce has published a preliminary report of the results of the census of State hospitals for mental disease and feeble-minded and epileptics for 1926. From it I read:

CENSUS OF INSTITUTIONS, 1926—HOSPITALS FOR MENTAL DISEASE—30 STATES MAKE PRELIMINARY REPORT

* * * * * * *

Complete returns have been received from 30 States, covering 105 hospitals out of a total of 165 State hospitals for mental diseases which are included in the census. These 105 hospitals had a total of 36,936 first admissions during the year 1926, as compared with 34,362 in 1922, or an increase of 7.5 per cent. These first admissions represent patients received during the year, who had not previously been under treatment in any hospital for mental disease.

For the 30 States represented, there were 47.3 first admissions per 100,000 of the general population, as compared with 46.8 first admissions per 100,000 in 1922. In other words, the number of first admissions in these States has increased only a little more rapidly than the general population.

* * * * * * *

The extent to which public provision has been made for the treatment of mental diseases is, perhaps, best indicated by the number of patients present in the hospitals on a given date. In the 30 States covered by this statement the number of mental patients under institutional care shows a steady increase, as indicated by the figures for the dates at the beginning and the end of the two most recent years for which data are available, which are as follows: January 1, 1922, 156,454; January 1, 1923, 161,566; January 1, 1926, 173,602; and

January 1, 1927, 178,353. The number of such patients under care per 100,000 of the general population increased from 218.5 on January 1, 1923, to 226.9 on January 1, 1927. For the most part, also, the figures for the individual States show increases.

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CENSUS OF INSTITUTIONS, 1926—INSTITUTIONS FOR FEEBLE-MINDED AND EPILEPTICS—36 STATES MAKE PRELIMINARY REPORT

* * * * * * *

Complete returns have been received from 36 States, covering 60 institutions out of a total of 75 State institutions for feeble-minded and epileptics which were in operation in 1926. These 60 institutions had a total of 7,203 first admissions during the year 1926, as compared with 6,633 in 1922, or an increase of 8.6 per cent. These first admissions represent patients received during the year who had not previously been under treatment in any institution for feeble-minded and epileptics.

For the 36 States represented, there were 7.6 first admissions per 100,000 of the general population, as compared with 7.4 first admissions per 100,000 in 1922; in other words, the number of first admissions has increased only a little more rapidly than the general population.

In comparing the figures for first admissions in individual States, which are given on pages 2 and 3, it should be noted that the number of admissions for a given State is affected not only by the number of feeble-minded and epileptic persons in the State, but also by such factors as the capacity of the institutions in the State and the effectiveness of the local machinery for bringing mental defectives under the care of the institutions. Where a State shows a large increase in the number of first admissions, or in the number under care at a given time, the increase usually represents an expansion of the capacity or facilities of the institutions.

The extent to which provision has been made for the institutional care of feeble-minded and epileptics is perhaps best indicated by the number of patients in the institutions on a given date. In the 36 States covered by this statement the number of feeble-minded and epileptic patients under institutional care shows a steady increase, as indicated by the figures for the dates at the beginning and the end of the two most recent years for which data are available, which are as follows: January 1, 1922, 39,596; January 1, 1923, 42,164; January 1, 1926, 49,788; and January 1, 1927, 52,043. The number of such patients under care per 100,000 of the general population increased from 47 on January 1, 1923, to 54.7 on January 1, 1927. For the most part the figures for the individual States show similar increases.

Both the number of first admissions to institutions for feeble-minded and epileptics and the number of patients present in the institutions are shown for the 36 States separately in the tables presented on pages 2 and 3 of this statement. The figures are based on reports furnished to the Bureau of the Census by the institutions, through the cooperation of the State agencies in charge of such institutions. The figures for 1926 are preliminary and subject to correction.

Similar preliminary statements covering State hospitals for mental disease—"insane hospitals"—and State penal institutions will be issued shortly. Upon the completion of the canvass final statements will be issued covering all institutions in each of the three classes.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BLACK of New York. I ask unanimous consent, Mr. Chairman, to proceed for 10 minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BLACK of New York. In round numbers there are at the present time in institutions for the insane in the United States about 300,000 patients, and the Department of the Census in the preliminary report of institutions for the feeble-minded and epileptics presents the figures I have just read.

So I think when we are considering a public health bill, we should consider it with a view to seeing what the National Government can do to alleviate this very serious condition.

I have here a pamphlet by Dr. H. Douglas Singer, professor of psychiatry, University of Illinois, alienist, department of public welfare, State of Illinois, in which he says:

Yet this problem, which I believe to be larger than that of tuberculosis, has received little or no consideration from any Government agency, central or local, until now, when it has compelled attention from the Army and the agencies dealing with disabilities of ex-service men and women.

In the New York State hospitals for the year ending September, 1927, there were over 47,000 patients, an increase of 2,600 in the course of a year. It has also been pointed out by experts that over 80 per cent of those mentally afflicted are unable to take care of themselves or have no relatives to take care of them, and they become public charges.

I can not gather the figures of the real-estate values and the personal-property values of the institutions that are devoted by the various States to the care of the insane, but they are growing every year. They represent a very substantial amount, and I think that the United States should take into consideration the fact that some of the States are finding it hard to bear this load and that the Federal Government should devote some of its resources to assist them to procure scientific help.

The Society for Mental Hygiene reports that the economic loss to the country, due to mental disease in the course of a year, is about $300,000,000, a sum sufficient to make it a great and serious national problem which might be considered in this bill. So much is required in the way of real and personal property, food and attendants, that the States have not been in a position to properly compensate science under the existing conditions. In other words, the Federal Government is in a position to pay scientists skilled in this study a sufficient sum of money to attract alienists to this service. They could disseminate their ideas and communicate them to the States.

The Federal board would be of aid as a central consultant in this problem of mental diseases, which some claim to be greater than tuberculosis and which affects the great motive power of progress, the human mind. This board would conduce toward economy in their work, for it would serve as an accessible exchange for scientific views and discoveries.

The Federal board would furnish a reliable incentive to specialization in the cure of mental disorders, and as William L. Russell, M. D., superintendent of the Bloomingdale Hospital, said:

In no class of case is the necessity for specialists more pressing.

The sensational murder cases which have presented a ghastly clash of alienists demand that a code of ethics be provided for experts. They have discouraged by their contradictions the confidence of the public in their profession, yet it is very necessary that there should be a popular faith in mental-disease experts if they expect patients to submit to preventive treatments.

Massachusetts has a law requiring those charged with homicide and second offenders in felony cases to submit to a State board of alienists, and by that method they do away with this clash of alienists that has brought so much disrepute to the medical profession engaged in the line of the treatment of mental diseases. A Federal board which would specialize in that line of work would be available in the Federal courts, and they could be called upon as well by the States, in order to get the most recent data in neurological situations.

The Federal board might advise a proper code of ethics, or it might encourage the States to adopt the Massachusetts system of State experts, who report to the court on the mental condition of those charged with capital offenses. This does away with the grotesque debates between alienists.

I was attracted to this problem by some veteran situations that were presented to me, and at this point I want to digress for just a second to pay my respects to General Hines, the present head of the Veterans' Bureau. I have seldom come in contact with any man at the head of a bureau who has put such real heart and sympathy in his work and who has given such real personal attention to the cases which come before his bureau. [Applause.] I have a letter from General Hines, dated February 8, 1928, which would be interesting at this point:

UNITED STATES VETERANS' BUREAU,
OFFICE OF THE DIRECTOR,
Washington February 8, 1928.

Hon. LORING M. BLACK, Jr.,
House of Representatives, Washington, D. C.

MY DEAR MR. BLACK: With reference to your letter of February 1, 1928, requesting information in regard to mental diseases among veterans under the supervision of the Veterans' Bureau, you are advised that the data furnished herewith are as of December 31, 1927.

There were on this date 53,808 veterans receiving compensation for neuropsychiatric disabilities, which is 21.52 per cent of the total compensable cases.

The neuropsychiatric figure includes veterans suffering from diseases of the nervous system, as well as those definitely psychotic or insane. This latter group numbers 24,493, of which on this date 11,101 were under treatment in hospitals by the Veterans' Bureau.

Of further interest to you might be the fact that there were approximately 7,120 veterans of the World War from New York State drawing compensation for neuropsychiatric disabilities, while approximately 1,544 were hospitalized.

Every effort is made by the Veterans' Bureau to hospitalize a veteran in his home State, and this has been very successful in the case of New York veterans, where approximately 94 per cent of those psychotic or insane are hospitalized in the home State.

Very truly yours,

FRANK T. HINES, *Director.*

The CHAIRMAN (Mr. HAWLEY). The time of the gentleman from New York has again expired.

Mr. BLACK of New York. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for three additional minutes. Is there objection?

There was no objection.

Mr. BLACK of New York. I am very proud to say that this letter from the Veterans' Bureau is a commentary on the situation in my own State. After the war our governor, Governor Smith, with the help of our legislature, on a nonpartisan basis and without any thought of politics saw to it that there were large institutions, modern, up-to-date, and having the approval of scientists, in the State of New York for the care of neurological veterans, and this had its result as shown by this letter from the Director of the Veterans' Bureau.

I do not know whether you gentlemen care to adopt my amendment because it has not been considered in committee, but I suggest that something should be done.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. BLACK of New York. I yield.

Mr. SHALLENBERGER. I would like to ask the gentleman whether his amendment proposes the creation of a separate board?

Mr. BLACK of New York. My amendment calls for the appointment of at least one member on this advisory board skilled in the study of mental diseases.

Mr. SHALLENBERGER. But the statements made by the gentleman seemed to suggest that he was in favor of a separate board.

Mr. BLACK of New York. I was referring to my own bill. The amendment would be the foundation for the larger thing that the Federal Government ought to do. The Federal Government has a tremendous problem of its own in this situation, and I think this should be done as the first step so that this new public health council might advise the Congress as to whether the Government should go into this scientific work on a broad scale or not.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BLACK of New York. Yes.

Mr. LAGUARDIA. The gentleman would be in favor of placing a Federal health bureau there?

Mr. BLACK of New York. No; the gentleman is in favor of the creation of a board of advisers to study the question of mental diseases, getting the latest data available on this subject, disseminating it to the States, and informing the States on the care and cure of the insane.

Mr. LAGUARDIA. You would made this a permanent institution, would you not?

Mr. BLACK of New York. They would have no direct contact but would simply act in an advisory capacity. That is my proposition.

I have offered the amendment, as the committee must realize, largely for the purpose of discussing the general topic, and if the committee does not care to adopt it or if it interferes with the committee's plan I will be glad to withdraw it.

Mr. PARKER. I suggest that the gentleman withdraw his amendment.

Mr. BLACK of New York. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. The gentleman from New York asks unanimous consent to withdraw the amendment. Is there objection?

There was no objection.

Mr. BANKHEAD. Mr. Chairman, I move to strike out the last word. Gentlemen of the committee, I desire to take up but a very little time because I know the committee is anxious to vote on this bill. I simply rise for the purpose of saying I am very heartily in favor of the passage of this bill. My main purpose in rising, however, is to pay a short tribute to what I regard as the inestimable value to the people of America of the activities of the United States Public Health Service. I have taken occasion to say upon this floor at other times that in my opinion the very best of money spent for any purpose out of the Treasury of the United States from the standpoint of humanity and the public welfare is that which is appropriated for the maintenance of the United States Public Health Service. [Applause.]

My attention to the value of this work was first attracted by an experience in my home county in Alabama some 10 or 12 years ago. At that time we had in that county what might be called an epidemic of typhoid fever that had been going on for several years. The Public Health Service appointed a delegation of some four or five young physicians, detailed from that service, to go to Walker County, Ala., and to make a survey of the situation, with the idea of undertaking to eradicate that dread disease. The year before those young doctors made their survey of that county there were 35 deaths from typhoid fever in that one county alone. They came into the county; they made a house-to-house survey of every home in that county, both white and colored; they made recommendations as to sanitation, the water supply, the screening of houses, and so forth, and the year after they were there and made their recommendations for health preservation there was not a single death in that whole county from typhoid fever, and there has not been any typhoid fever to any appreciable extent since that time.

As I understand this bill it in nowise undertakes to interfere with the present structure of this great organization. It merely undertakes to coordinate its activities and in some particulars to extend them so as to make their investigations and their surveys more valuable to the American people. And, gentlemen, I want to say to you there is no subject, economic or otherwise, that ought to be of more importance and that ought more to engage the solicitude of the Congress of the United States than the preservation of the public health.

I took occasion a few years ago to make some investigation as to the economic loss to the country in dollars and cents caused by absolutely preventable human disease and those figures were astounding. As a matter of fact, I think one of the very great achievements of our modern times has been the advance in the preservation of the health of our people by the investigations of the Public Health Service and allied agencies.

Alabama, my home State, is, of course, very proud of the achievements of that great humanitarian, General Gorgas, who was one of the leaders along the line I am now indicating, and so greatly am I impressed and have I been impressed by actual observation of the value of the work of the Public Health Service that if I had my way about it I would increase by ten times the existing appropriation for the activities of the United States Public Health Service, particularly along the lines of rural sanitation.

Gentlemen, do you know that for a long period of time the actual appropriation made for rural sanitation in the whole Government of the United States was only $50,000 a year?

I am glad this bill is before the committee for its consideration, and I am very pleased to have had an opportunity to pay this short tribute to the great service of the United States Public Health Service.

Mr. MONTAGUE. Mr. Chairman, I move to strike out the last three words.

I simply wish to ask the gentleman from Michigan [Mr. MAPES], in charge of the bill, whether this bill in any way affects the pure food bureau of the Agricultural Department?

Mr. MAPES. Not in any way.

Mr. MONTAGUE. It does not touch that matter at all?

Mr. MAPES. It does not touch it. The Department of Agriculture was a little fearful about the original bill, which contained a provision authorizing the President to transfer public-health activities from departments outside of the Public Health Service to the Public Health Service. The committee considered it wise to eliminate that provision from the bill entirely, and now the bill simply authorizes the Secretary of the Treasury, upon the request of the head of any department, to detail personnel from the Public Health Service to any other department that is carrying on public-health work, as an incident of the major purpose of the department to cooperate in such work, but such detail is made only in case of a request by the head of such department.

Mr. MONTAGUE. So, therefore, it would be competent for the Secretary of Agriculture to ask a detail from this bureau to deal with some matter arising within the bureau?

Mr. MAPES. Yes; to cooperate and advise with the men in the pure-food bureau only. The committee thought other branches of the Government should be given the privilege, if desired, of having the advice and opinion and benefit of the experience of the Public Health Service.

Mr. MONTAGUE. As I understand the gentleman, then, his first statement that it had nothing whatever to do with the pure-food bureau is modified to the extent that they can have something to do with that bureau if it prefers the request.

Mr. MAPES. Only upon the request of the pure-food bureau itself or the Secretary of Agriculture.

Mr. Chairman, I move that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAWLEY, Chairman of the Committee of the Whole House on the state of the Union, reported that

that committee having had under consideration the bill (H. R. 11026) to provide for the coordination of the public-health activities of the Government, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. MAPES. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MAPES, a motion to reconsider the vote by which the bill was passed was laid on the table.

FORMER SPEAKER CHAMP CLARK

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. HASTINGS. Mr. Speaker, this is March 7, the birthday of ex-Speaker Champ Clark, who served his district, State, Nation, and the House so ably, faithfully, honestly, and conscientiously for a long period of years. His career was a notable one.

We may well pause a moment to pay tribute both in thought and word to his memory. He was a strong character and a ready debater. His views on all public questions were well known. He was an able, conscientious presiding officer. He was a loving father, devoted husband, loyal friend, and an honest, patriotic public servant. He was a close student of the lives of public men who have served the Nation from its foundation. No man was better equipped to give advice as to the qualities necessary for leadership here or in the Nation. He loved his work here in the House and was beloved by every Member. He defended the House on all occasions against unjust criticism.

In the mature years of his life, in the twilight of reflection, on March 16, 1916, he made a notable address to the new Members of Congress, of whom I was one, at the Press Club, emphasizing the value of experience of Members of Congress to themselves, the House, their district, and the Nation. [Applause.]

The address is as follows:

[Printed in CONGRESSIONAL RECORD, March 17, 1916]

THE MAKING OF A REPRESENTATIVE

REMARKS OF CHAMP CLARK AT THE WASHINGTON PRESS CLUB RECEPTION, THURSDAY, MARCH 16, 1916

It is a high honor to be a Representative in Congress, if for only one term, and with the number of terms the honor increases in geometrical rather than in arithmetical proportion. A Member's usefulness to his country should increase in the same proportion. A man has to learn to be a Representative just as he must learn to be a blacksmith, a carpenter, a farmer, an engineer, a lawyer, or a doctor.

"Poeta nascitur non fit"—a poet is born, not made—says Horace; but Congressmen—that is, useful and influential Congressmen—are made largely by experience and practice.

The old Charlotte district in Virginia knew this and kept John Randolph of Roanoke in the House till he became a great national figure. Then the Old Dominion sent him to the Senate and General Jackson sent him to St. Petersburg. There are sporadic cases of similar action in other districts.

It is an unwise performance for any district to change Representatives at short intervals. A new Congressman must begin at the foot of the class and spell up. Of course, the more brains, tact, energy, courage, and industry he has the quicker he will get up. If he possesses these qualities, and if his constituents will keep him in the House, he is as certain to rise as the sparks are to fly upward. No human power can keep him down. It is only fair and rational to assume that every Representative's constituents desire to see him among the "top-notchers."

Let us take the present House and see how long the men who hold the high places have served. I can not name all, but will cite a few as samples.

Mr. Speaker Cannon is serving his fortieth year. He holds the record, or, in pugilistic parlance, "he holds the belt," for length of service in the House in our entire history. In several Congresses he was chairman of the great Committee on Appropriations and then was Speaker eight years, only one man, Henry Clay, having been Speaker longer.

I am serving my twenty-second year; Minority Leader Mann is serving his twentieth year; Mr. Kitchin, chairman of Ways and Means, his sixteenth; Mr. Fitzgerald, chairman of Appropriations, his eighteenth; Mr. Moon, chairman of the Post Office and Post Roads, his twentieth; Mr. Jones, chairman of Insular Affairs and "father of the House," his twenty-sixth; Mr. Flood, chairman of Foreign Affairs, his sixteenth; Mr. Hay, chairman of Military Affairs, his twentieth; Mr. Glass, chairman of Banking and Currency, his sixteenth; Mr. Adamson, chairman of Interstate and Foreign Commerce, his twentieth; Mr. Stephens, chairman of Indian Affairs, his twentieth; Mr. Slayden, chairman of the Library, his twentieth; Mr. Henry, chairman of Rules, his twentieth; Mr. Lever, chairman of Agriculture, his sixteenth; Mr. Padgett, chairman of the Navy, his sixteenth; Mr. Lloyd, chairman of Accounts, his twentieth; and Mr. Sparkman, chairman of Rivers and Harbors, his twenty-second. There are other big chairmanships, but these will suffice to show that as a rule the big places go to old and experienced Members, for most of the men who rank close to the chairmen are old-timers. The same thing holds good with reference to members of the minority. As an illustration, Messrs. Gillett and Cooper, who are serving their twenty-fourth year, are the ranking Republicans on Appropriations and Foreign Affairs, almost certain to be chairmen thereof should the Republicans ever again have a majority in the House, as in that event, in all probability, Mr. Mann will be Speaker, unless he is nominated for President next June.

Go through the whole list and you will find, with few exceptions, that the men of long service have the high places.

New England and the cities of Philadelphia and Pittsburgh have understood the value of long service all along, and having elected a fairly good man to Congress they keep him in the harness.

The Member of longest consecutive service is called "the father of the House." Five Philadelphians in immediate succession bore that honorable title—Randall, Kelly, O'Neil, Harmer, and Bingham. Then it went to Mr. Dalzell, of Pittsburgh. When General Bingham announced the death of General Harmer, his immediate predecessor as "father of the House," he stated that the five Philadelphia "fathers of the House" had served a total of 147 years, and he served 8 or 10 years after making that interesting statement.

In the second and third Congresses in which I served, Maine, with only four Members, had the Speakership and the chairmanship of the great Committees on Ways and Means, Navy, and Public Buildings and Grounds—a most remarkable circumstance, giving the Pine Tree State an influence in the House and the country out of all proportion to her population and wealth. These four men—Reed, Dingley, Boutelle, and Millikin—each served in the House 20 years or more. Other States might profit by her example.

No man should be elected to the House simply to gratify his ambition. All Members should be elected for the good of the country.

The best rule, it seems to me, is for a district to select a man with at least fair capacity, industrious, honest, energetic, sober, and courageous, and keep him here so long as he discharges his duties faithfully and well. Such a man will gradually rise to high position and influence in the House. His wide acquaintance with Members helps him amazingly in doing things.

I can speak freely on this subject without violating the proprieties, for my constituents have kept me here 22 years, and for 20 years have given me nominations without opposition, for all of which favors I thank them from the bottom of my heart. Their generous action and unwavering friendship have enabled me to devote all my time to the public service. I have not been compelled to spend any portion of my time in "mending my fences." My constituents have attended to that. God bless them!

One other thing. I do not know what committee assignments you new Members secured. If they are good, you are to be congratulated. If bad, do not be cast down. No congressional tenderfoot ever had poorer assignments than I had—Claims and Old Pensions—but I never complained or kicked. I went to work as though those committees suited me exactly. Here is an illustration of what may happen and how luck plays an important part: I was next to top Democrat on both Foreign Affairs and Patents for eight years—never advanced a peg so far as committees went. Just when, at the beginning of the ninth year on those two committees, I was about to become top Democrat on Foreign Affairs, Hon. John Sharp Williams, then minority leader, assigned me to the foot of Ways and Means, and at the end of four years through the happenings of politics in five different States I jumped from the foot to the head of the Democratic minority on Ways and Means. So it may be with you. Events over which you have no control may advance you more rapidly than you dreamed of or hoped for. My advice is this: "Whatever your hand finds to do, do it with your might."

BRIDGE ACROSS POTOMAC RIVER AT OR NEAR GREAT FALLS

Mr. PARKER. Mr. Speaker, I call up the bill (H. R. 9830) authorizing the Great Falls Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Potomac River at or near Great Falls.

The SPEAKER. The Clerk will report the bill.

The bill is as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, the Great Falls Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Potomac River at a point suitable to the interests of navigation from a point at or within 1 mile above or below Great Falls, in the county of Fairfax, in the State of Virginia, to a point at or within 1 mile above or below the Great Falls, in the county of Montgomery, in the State of Maryland, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act: *Provided*, That in addition to the authority vested in the Secretary of War, the location and design of said bridge shall be subject to the approval of the National Capital Park and Planning Commission: *And provided further*, That no railway shall be operated on and over said bridge.

SEC. 2. There is hereby conferred upon the Great Falls Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the States in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such States, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such States.

SEC. 3. The said Great Falls Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Virginia, the State of Maryland, any public agency or political subdivision of either of such States within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches and any interest in real property necessary therefor by purchase or by condemnation or expropriation in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property, and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 6. The Great Falls Bridge Co., its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the Highway Departments of the States of Virginia and Maryland a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Great Falls Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Great Falls Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

During the reading of the bill the following took place:

Mr. DENISON. Mr. Speaker, I ask unanimous consent to dispense with the further reading of the bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent to dispense with further reading of the bill. Is there objection?

There was no objection.

Mr. DENISON. In this connection I want to call attention to the provisions in the bill—that there are not only the usual provisions that we place in these bills, that plans, specifications, and location of the bridge must be approved by the Chief Engineer and the Secretary of War, as provided in general bridge law—but there is a special provision that the plans and locations of the bridge must be approved by the National Park and Planning Commission, and a further provision that the location and design of the bridge shall be such as not to interfere with any power development of the Potomac River under specific authorization of Congress or under the provisions of the Federal water power act. These special provisions have been put in to meet any possible objection that might be urged to a bridge at that location.

Mr. ZIHLMAN. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. ZIHLMAN. I would like to ask the gentleman, the chairman of the subcommittee, as to the amendment on page 2 of the bill, in which the committee have stricken out the language, "*And provided further*, That no railway shall be operated on and over said bridge," and substituted for its language, as I understand, which inserts the word "highway."

As the gentleman well knows there has been an attempt made during recent years to construct a railroad bridge across the Potomac at or near Great Falls for the purpose of building a belt line through Arlington County, Va., and Montgomery County, Md. The residents of that section who have built beautiful homes have been opposed to that proposition. The federation of citizens of Montgomery County have stated that they have no objection to this bill provided their rights as to maintaining a residential zone are protected. I would like to know whether this language will protect them and prohibit the use of the bridge for railroad purposes?

Mr. DENISON. I wish to state on behalf of the committee that the committee has adopted certain forms for various bridge bills. We have a special form for all railroad bridge bills and a form for highway bridge bills. The committee thought that in conformity to the custom adopted by the committee and the forms adopted by the committee we would make this bill conform to our usual custom. Therefore we struck out the language and inserted "highway," so that the bill reads "construct, maintain, and operate a highway bridge and approaches thereto." Certainly the permittees would not under any law be allowed to use the highway bridge for railroad purposes, or to construct a railroad bridge under a bill to authorize them to construct a "highway" bridge. Therefore, I think I can assure the gentleman that the bridge could not be used or constructed for any purpose but a "highway" bridge, and could not be used for any purpose except highway purposes. I will say that I am in entire accord with the views of the gentleman from Maryland in regard to the advisability of constructing a railroad bridge across the river in that vicinity, and the committee that reported the bill was not in favor of the construction of such a bridge there.

Mr. LINTHICUM. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. LINTHICUM. Has the gentleman looked up the definition of highway to see whether it includes trains and trolley cars?

Mr. DENISON. I do not have to look up the definition of highway. I think I understand what it means.

Mr. LINTHICUM. May it not include trains?

Mr. DENISON. No; a highway means a highway for vehicular traffic, and a railroad bridge means a bridge for railroad purposes only.

Mr. LINTHICUM. We speak of railroad highway. I was going to ask the gentleman whether it would be out of order to place after the word "highway" the words "for pedestrians and vehicular traffic"?

Mr. ZIHLMAN. I want to call attention to the fact that the present Highway Bridge is used by the Virginia & Old Dominion Railroad Co. for electric trains.

Mr. DENISON. Yes. And you will find that the franchise for this bridge either grants them the right to build a railroad bridge, or merely authorize a general bridge without any limitation as to its use. Certainly, consent to build a "highway" bridge would not include consent to build a railroad bridge.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. DENISON. Yes.

Mr. MOORE of Virginia. Mr. Speaker, I am as much opposed to a railroad bridge at that point as anyone else. The question has been brought up here as to the construction of the term "highway." Suppose that question should come before a court. The court would look to the report of the committee, which makes clear that the committee intended the word "highway" to be construed as excluding the construction of a railroad bridge. The court would go further and consider the statements made on the floor here now on behalf of the committee to show that that is the intent. I have not the slightest doubt as a lawyer that an injunction would be granted on that basis to prevent the use of the bridge for railway purposes.

Mr. BURTNESS. And supplementing what the gentleman from Virginia has said, let me make this suggestion: So far as the legislative intent is concerned, it seems to me that that would be very easily shown by the fact that there has been provided before by the Congress in acts specifically passed language showing exactly what has been used where we intended to have the construction of a railroad bridge; and where we intend to approve a bridge for vehicular and pedestrian uses we have used particular language, so that there would be no difficulty in ascertaining the legislative intent.

Mr. ZIHLMAN. Mr. Speaker, I ask the gentleman if the committee would have any objection to retaining the language prohibiting the use of this bridge as a railroad bridge?

Mr. DENISON. The committee considered this bill as it did every other bridge bill. I know of no reason why we should give any special treatment in this case different from any other bill, except where there are certain conditions which require special treatment, and we merely amended this bill to conform to the accepted custom of the committees of the House and the Senate.

Mr. ZIHLMAN. The sponsor of the bill inserted in it a provision that the bridge should not be used for railroad purposes. Therefore, the opponents of the bill withdrew their opposition. I can not see any reason why that language should not be retained now.

Mr. HERSEY. How could it possibly be used as a railroad bridge when you are asking toll?

Mr. ZIHLMAN. Oh, the railroad companies could make a contract with the bridge company that would not prohibit them from doing that.

Mr. HERSEY. But a railroad train crossing over a bridge can not stop to pay toll.

Mr. ZIHLMAN. But the railroad company could make a contract with the bridge company. I am relying upon the language of the bill to protect the interests of the people of Montgomery County, Md., who are opposed to this if it is to be used for a railroad bridge. I ask that the language of the gentleman from Virginia [Mr. MOORE] as originally proposed in the bill be accepted by the committee.

Mr. DENISON. Personally, I have no objection to leaving the language in there, except that it makes it different from other bills.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 1, line 7, after the article "a" insert the word "highway."

Mr. DENISON. Mr. Speaker, in respect to the request made by the gentleman from Maryland, on behalf of the committee and with the approval of the chairman of the committee, we ask leave to withdraw that committee amendment.

The SPEAKER. Without objection the committee amendment just read will be withdrawn.

There was no objection.

The SPEAKER. The Clerk will report the other committee amendments.

The Clerk read as follows:

Page 2, line 1, after the word "point," strike out the words "at or," and after the word "mile" strike out the words "above or," and in line 3, after the word "point," strike out the words "at or," and after the word "mile" strike out the words "above or."

Page 2, line 8, after the word "act," strike out the semicolon and the words "Provided that," and insert a colon and the words "Provided that."

Page 2, line 12, after the word "commission" strike out the comma and the words "and provided further that no railway shall be operated on and over said bridge."

Mr. DENISON. Mr. Speaker, to carry out the agreement or suggestion, on behalf of the committee I ask unanimous consent to withdraw the last amendment, striking out that language.

The SPEAKER. Without objection, the committee amendment just read will be withdrawn. The Clerk will continue the reading of the committee amendments.

The Clerk read as follows:

After the word "bridge," in line 13, on page 2, insert a colon and the words: "*Provided further*, That the location and design of said bridge shall be such as not to interfere with any power development of said Potomac River that, under specific authorization of Congress or under the provisions of the Federal water power act, may be made in accordance with the project set forth in Senate Document 403, Sixty-sixth Congress, third session, or appropriate modification thereof."

The SPEAKER. The question is on agreeing to the committee amendments.

Mr. SCHAFER. Mr. Speaker, I rise in opposition to the last committee amendment. I would like to get some information.

Mr. PARKER. Mr. Speaker, I think the gentleman is not entitled to the floor in opposition to any amendment. If the gentleman desires time, I yield him five minutes.

Mr. SCHAFER. Mr. Speaker, am I not entitled to recognition in opposition to the amendment?

Mr. SNELL. Not in the House.

The SPEAKER. Of course, the gentleman from New York [Mr. PARKER] would be entitled to recognition by the Chair at any time to move the previous question. Therefore, in effect, the gentleman from New York is in charge.

Mr. PARKER. Mr. Speaker, I yield the gentleman five minutes.

Mr. SCHAFER. Mr. Speaker, I shall vote for this amendment, but rise in opposition to same in order to obtain information. I notice that the pending bill, H. R. 9830, grants to the Great Falls Bridge Co., its successors and assigns, the right to operate and construct a toll bridge at Great Falls. I also note that the committee report indicates that the Acting Secretary of the Department of Agriculture recommends against favorable action on the bill. No printed hearings on this bill are available and I do not find a report from the Federal Power Commission incorporated in the committee report. Can the gentleman from Maryland inform me just what people constitute the Great Falls Bridge Co.?

Mr. ZIHLMAN. I do not sponsor the bill. The gentleman from Virginia [Mr. MOORE] can probably give you the information.

Mr. MOORE of Virginia. The corporation was organized under the laws of the State of Delaware. I can not inform the gentleman who the directors or stockholders are.

Mr. SCHAFER. Then it is possible that the stockholders and incorporators may be related to the power interests who are opposing the development of the Great Falls power site by the Government.

Mr. MOORE of Virginia. On that point the information which I have obtained and on which I rely with a great deal of confidence is that there is no such thought in the mind of anybody connected with this project.

Mr. SCHAFER. The great power interests seem to be getting their fingers on every water-power site in the country. In view of the fact that the power interests are opposing the development by the Government of the power site at Great Falls, I shall oppose this bill. We should at least know who are behind it and who are interested in the Great Falls Bridge Co.

Mr. MOORE of Virginia. The gentleman need have no apprehension on that point. No power interest is sponsoring this bill or in any way connected with it.

Mr. SCHAFER. Mr. Speaker, I feel constrained to vote against this bill. I am opposed to granting to private corporations right to construct toll bridges, especially when the bridge to be constructed has a connection with the proposed Great Falls power development site.

Mr. DENISON. The committee did not want that amendment put in, but some members of the committee who had given attention to this matter, particularly the gentleman from Alabama [Mr. HUDDLESTON], asked that it go in, and we put it in out of respect to his judgment.

Mr. SCHAFER. I am opposed to the entire bill, even though the pending amendment is incorporated. I shall vote for the amendment however. There has been under consideration for some time the proposed development of the power site at Great Falls, and a great deal of opposition to the development by the Federal Government has been created by those closely allied with the great power monopoly of this country. I therefore do not believe that we should grant a private corporation the right to construct a toll bridge on the power site, especially since we know not who or what are the financial interests in the corporation. I am opposed to this bill, and if it is within my power, under the parliamentary situation, I will obtain a record vote.

Mr. PARKER. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is, Shall the bill pass?

The question was taken, and the Speaker announced that the ayes seem to have it.

Mr. SCHAFER. A division, Mr. Speaker.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 112, noes 4.

Mr. SCHAFER. I object to the vote on the ground that there is no quorum.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in the absentees, and the Clerk will call the roll. The question is on the passage of the bill. As many as are in favor of the passage of the bill will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 321, nays 12, answered "present" 1, not voting 100, as follows:

[Roll No. 42]

YEAS—321

Abernethy	Canfield	Driver	Hale
Ackerman	Cannon	Dyer	Hall, Ind.
Adkins	Carew	Elliott	Hall, N. Dak.
Allgood	Carley	England	Hardy
Almon	Cartwright	Englebright	Hare
Andresen	Casey	Eslick	Hastings
Andrew	Celler	Estep	Haugen
Arentz	Chalmers	Evans, Calif.	Hawley
Arnold	Chapman	Evans, Mont.	Hersey
Aswell	Chase	Fenn	Hickey
Auf der Heide	Chindblom	Fish	Hill, Ala.
Bacharach	Clancy	Fisher	Hill, Wash.
Bachmann	Clarke	Fitzgerald, Roy G.	Hoch
Bacon	Cohen	Fitzpatrick	Hoffman
Bankhead	Cole, Iowa	Fletcher	Hogg
Barbour	Cole, Md.	Fort	Hooper
Beedy	Collier	Frear	Hope
Beers	Colton	Free	Houston, Del.
Bell	Connery	Freeman	Howard, Nebr.
Black, N. Y.	Cooper, Ohio	Fulmer	Hudson
Bland	Corning	Furlow	Hudspeth
Bloom	Cox	Gambrill	Hughes
Bohn	Crail	Garber	Hull, Tenn.
Bowles	Crisp	Gardner, Ind.	Jeffers
Bowling	Crosser	Garner, Tex.	Jenkins
Bowman	Crowther	Garrett, Tenn.	Johnson, Ill.
Box	Cullen	Garrett, Tex.	Johnson, Ind.
Boylan	Curry	Gasque	Johnson, Okla.
Brand, Ga.	Dallinger	Gibson	Johnson, Tex.
Briggs	Davenport	Gifford	Jones
Brigham	Davis	Gilbert	Kahn
Browne	Deal	Glynn	Kearns
Browning	Dempsey	Golder	Kemp
Buchanan	Denison	Goldsborough	Kent
Buckbee	Dickinson, Iowa	Goodwin	Kerr
Bulwinkle	Dickinson, Mo.	Gregory	Ketcham
Burdick	Dickstein	Green, Fla.	Kincheloe
Burtness	Dominick	Green, Iowa	Kopp
Burton	Doughton	Greenwood	Korell
Bushong	Doutrich	Griest	Kurtz
Byrns	Drane	Guyer	Kvale
Campbell	Drewry	Hadley	Lanham
Lankford	Moore, N. J.	Rogers	Thurston
Lea	Moore, Va.	Rowbottom	Tillman
Leavitt	Moorman	Rubey	Tilson
Lehlbach	Morehead	Rutherford	Timberlake
Letts	Morgan	Sanders, N. Y.	Tinkham
Lindsay	Morin	Sanders, Tex.	Treadway
Linthicum	Morrow	Sandlin	Tucker
Lowrey	Murphy	Sears, Nebr.	Underwood
Lozier	Nelson, Mo.	Seger	Vestal
Luce	Nelson, Wis.	Selvig	Vincent, Mich.
McClintic	Newton	Shallenberger	Vinson, Ga.
McDuffie	Niedringhaus	Shreve	Vinson, Ky.
McFadden	Norton, Nebr.	Simmons	Ware
McKeown	O'Brien	Sinclair	Warren
McLaughlin	O'Connell	Sinnott	Wason
McLeod	O'Connor, La.	Smith	Watres
McMillan	Oldfield	Snell	Watson
McReynolds	Palmer	Somers, N. Y.	Weaver
McSwain	Palmisano	Speaks	Welch, Calif.
McSweeney	Parker	Sproul, Ill.	Weller
MacGregor	Parks	Sproul, Kans.	Welsh, Pa.
Maas	Peavey	Stalker	White, Kans.
Madden	Peery	Steagall	White, Me.
Magrady	Perkins	Steele	Whitehead
Major, Ill.	Porter	Stevenson	Whittington
Major, Mo.	Prall	Stobbs	Williams, Ill.
Manlove	Pratt	Sullivan	Williams, Mo.
Mansfield	Purnell	Summers, Wash.	Wilson, La.
Mapes	Quin	Sumners, Tex.	Wilson, Miss.
Martin, La.	Ragon	Swank	Wolverton
Martin, Mass.	Rainey	Swick	Wood
Mead	Ramseyer	Swing	Woodruff
Merritt	Rankin	Tarver	Wright
Michener	Ransley	Tatgenhorst	Yates
Miller	Rayburn	Taylor, Colo.	Yon
Monast	Reece	Taylor, Tenn.	Zihlman
Montague	Reed, Ark.	Temple	
Mooney	Robinson, Iowa	Thatcher	
Moore, Ky.	Robsion, Ky.	Thompson	

NAYS—12

Blanton	Cooper, Wis.	Huddleston	Lampert
Cochran, Mo.	Hammer	Kading	Schafer
Collins	Holaday	LaGuardia	Schneider

ANSWERED "PRESENT"—1

Wyant

NOT VOTING—100

Aldrich	De Rouen	James	Quayle
Allen	Douglas, Ariz.	Johnson, S. Dak.	Rathbone
Anthony	Douglass, Mass.	Johnson, Wash.	Reed, N. Y.
Ayres	Dowell	Kelly	Reid, Ill.
Beck, Pa.	Doyle	Kendall	Romjue
Beck, Wis.	Eaton	Kiess	Sabath
Begg	Edwards	Kindred	Sears, Fla.
Berger	Faust	King	Sirovich
Black, Tex.	Fitzgerald, W. T.	Knutson	Spearing
Boies	Foss	Kunz	Stedman
Brand, Ohio	French	Langley	Strong, Kans.
Britten	Frothingham	Larsen	Strong, Pa.
Busby	Fulbright	Leatherwood	Strother
Butler	Gallivan	Leech	Sweet
Carss	Graham	Lyon	Taber
Carter	Griffin	Menges	Underhill
Christopherson	Hall, Ill.	Michaelson	Updike
Clague	Hancock	Milligan	Wainwright
Cochran, Pa.	Harrison	Moore, Ohio	White, Colo.
Combs	Howard, Okla.	Nelson, Me.	Williams, Tex.
Connally, Tex.	Hull, Morton D.	Norton, N. J.	Williamson
Connolly, Pa.	Hull, Wm. E.	O'Connor, N. Y.	Wingo
Cramton	Igoe	Oliver, Ala.	Winter
Darrow	Irwin	Oliver, N. Y.	Woodrum
Davey	Jacobstein	Pou	Wurzbach

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. Begg with Mr. Doyle.
Mr. Christopherson with Mr. Black of Texas.
Mr. Anthony with Mr. Gallivan.
Mr. Connolly of Pennsylvania with Mr. Kindred.
Mr. Faust with Mr. Williams of Texas.
Mr. Cramton with Mr. Davey.
Mr. Hancock with Mr. Connally of Texas.
Mr. Johnson of South Dakota with Mr. Fulbright.
Mr. Frothingham with Mr. Milligan.
Mr. Butler with Mr. Pou.
Mr. Reid of Illinois with Mr. Wingo.
Mr. Kiess with Mr. Sirovich.
Mr. Sweet with Mr. Busby.
Mr. Underhill with Mr. Woodrum.
Mr. French with Mr. Edwards.
Mr. Dowell with Mr. Spearing.
Mr. Clague with Mr. Griffin.
Mr. Beck of Pennsylvania with Mr. Lyon.
Mr. Kendall with Mr. O'Connor of New York.
Mr. Leech with Mr. Romjue.
Mr. Darrow with Mr. Larsen.
Mr. Eaton with Mr. Quayle.
Mr. Foss with Mr. Igoe.
Mr. Graham with Mr. Oliver of New York.
Mr. Johnson of Washington with Mr. Carss.
Mr. Strong of Pennsylvania with Mr. Stedman.
Mr. Moore of Ohio with Mr. Ayres.
Mr. King with Mr. White of Colorado.
Mr. Wainwright with Mr. Sears of Florida.
Mr. Reed of New York with Mr. Douglas of Arizona.
Mr. Michaelson with Mr. Sabath.
Mr. Knutson with Mr. Howard of Oklahoma.
Mr. Allen with Mr. Oliver of Alabama.
Mrs. Langley with Mrs. Norton.
Mr. Brand of Ohio with Mr. Kunz.
Mr. Cochran of Pennsylvania with Mr. Jacobstein.

Mr. James with Mr. Douglass of Massachusetts.
Mr. Wurzbach with Mr. Combs.
Mr. Strother with Mr. De Rouen.
Mr. Britten with Mr. Berger.

The result of the vote was announced as above recorded.

On motion of Mr. PARKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONFERENCE REPORT—ARMY APPROPRIATION BILL

Mr. BARBOUR. Mr. Speaker, I present a conference report on the bill (H. R. 10286) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes, for printing under the rule.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

A message in writing from the President of the United States was presented to the House of Representatives, by Mr. Latta, one of his secretaries, who also announced that on the following dates the President had approved bills of the House of the following titles:

On March 2, 1928:

H. R. 83. An act to approve Act No. 24 of the Session Laws of 1927 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Hanapepe, in the district of Waimea, island and county of Kauai"; and

H. R. 3144. An act for the relief of Augustus C. Turner.

On March 3, 1928:

H. R. 48. An act to erect a tablet or marker to the memory of the Federal soldiers who were killed at the Battle of Perryville, and for other purposes;

H. R. 8282. An act to provide for the permanent withdrawal of certain lands bordering on and adjacent to Summit Lake, Nev., for the Paiute, Shoshone, and other Indians;

H. R. 8281. An act to provide for the withdrawal of certain described lands in the State of Nevada for the use and benefit of the Indians of the Walker River Reservation;

H. R. 8291. An act to amend section 1 of the act of June 25, 1910 (36 Stat. L. 855), "An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes";

H. R. 8292. An act to reserve 120 acres on the public domain for the use and benefit of the Koosharem Band of Indians residing in the vicinity of Koosharem, Utah;

H. R. 8527. An act for the relief of the International Petroleum Co. (Ltd.), of Toronto, Canada; and

H. R. 9037. An act to provide for the permanent withdrawal of certain lands in Inyo County, Calif., for Indian use.

On March 5, 1928:

H. R. 9994. An act to reimburse certain Indians of the Fort Belknap Reservation, Mont., for part or full value of an allotment of land to which they were individually entitled;

H. R. 10635. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes;

H. R. 482. An act to provide relief for the victims of the airplane accident at Langin Field, Moundsville, W. Va.; and

H. R. 5925. An act for the relief of the Fidelity & Deposit Co. of Maryland.

On March 6, 1928:

H. R. 10298. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near New Orleans, La.;

H. R. 121. An act authorizing the Cairo Association of Commerce, its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Cairo, Ill.;

H. R. 5679. An act authorizing the Nebraska-Iowa Bridge Corporation, a Delaware corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River between Washington County, Nebr., and Harrison County, Iowa; and

H. R. 9036. An act to increase the salary of the Librarian of Congress.

ORDER OF BUSINESS

Mr. PARKER. Mr. Speaker, I ask unanimous consent that the balance of the day be yielded to the Committee on Agriculture without the Committee on Interstate and Foreign Commerce losing the call; in other words, that next week, or on the next Calendar Wednesday, the Committee on Interstate and Foreign Commerce have the call.

The SPEAKER. The gentleman from New York asks unanimous consent that the balance of the day may be occupied by the Committee on Agriculture, without prejudice to the Committee on Interstate and Foreign Commerce. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, I think there will be no objection, but let us get the matter clear. The Committee on Agriculture will have the rest of the afternoon, amounting to something like 1 hour and 40 minutes, if we adjourn around the usual time. Is it the purpose to give the Committee on Agriculture this extra time and then let that committee have its regular day?

Mr. PARKER. Yes.

Mr. GARRETT of Tennessee. And the Committee on Interstate and Foreign Commerce will only ask for one other day?

Mr. PARKER. Yes.

Mr. TILSON. In other words, the Committee on Interstate and Foreign Commerce simply yields the remainder of the time to-day to the Committee on Agriculture.

Mr. GARRETT of Tennessee. Mr. Speaker, let us have this perfectly clear. If the Committee on Agriculture were to take the floor in its own right to-day, it would have only one other day, but I understand it is the purpose to permit that committee to have this time and two other days. Is that the understanding?

Mr. TILSON. The only purpose is that the Committee on Agriculture may use the remainder of the afternoon without prejudice either as to the two days due that committee or as to another day for the Committee on Interstate and Foreign Commerce.

The SPEAKER. Is there objection?

There was no objection.

PERMANENT PROVISIONS OF LAW NOT IN NEW CODE

Mr. RAMSEYER. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the RECORD a list which I have just received from the legislative reference service, prepared by Mr. McClenon, showing the number of permanent provisions of law not in the new code. I have spoken on the subject of the code several times and a few Members have complained that there were quite a number of omissions. Mr. McClenon has made a thorough search of such omitted provisions and has furnished me with a list of them. I think it would be of value to the Members and also to others on the outside interested in the code to have this list in the CONGRESSIONAL RECORD. I will say that this list has already been furnished to the Committee on the Revision of the Laws, and that committee with its expert helpers is going over and checking this list, with the idea of using whatever there is of value in this list in the further codification of our laws and to free the code in so far as that is possible of all errors.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. CHINDBLOM. Does not the gentleman think it would be very valuable to have that printed as a House document, in order that it might furnish a sort of supplement to the code, pending the revision of the code?

Mr. RAMSEYER. I thought I would first have it inserted in the RECORD, so that gentlemen can go over it in the RECORD, and then if they deem it of sufficient importance to have it printed as a House document, that can be attended to later.

The SPEAKER. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD by inserting the list just referred to. Is there objection?

There was no objection.

Mr. RAMSEYER. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following list prepared by Mr. McClenon, of the legislative reference service of the Library of Congress, showing the number of permanent provisions of law not in the new code:

LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, March 7, 1928.

Hon. C. WILLIAM RAMSEYER,
House of Representatives, Washington, D. C.

DEAR MR. RAMSEYER: Mr. McClenon tells me that some time ago you asked him if he had made any list of permanent provisions not in the code. He has just completed such a list. I am sending you a copy, herewith inclosed.

Very respectfully,

H. H. B. MEYER,
Director Legislative Reference Service.

LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE.

PERMANENT PROVISIONS NOT IN THE CODE

(Suggested locations in code given in parenthesis)

R. S. 18, 19 (2: 1a, 1b).
R. S. 55 (2: 71a).
R. S. 176 (5: 371a, 524a).

R. S. 485 (35 : 17a).
R. S. 504 (44 : 139a).
R. S. 908 (1 : 29a).
R. S. 1009 (34 : 1145a).
R. S. 1109 (10 : 196a).
R. S. 1126 (10 : 238a).
R. S. 1139 (10 : 1301a ; doubtful).
R. S. 1144, 1149 (10 : 1237, 1238).
R. S. 1152 (10 : 185a).
R. S. 1211, second clause (10 : 522a ; doubtful).
[R. S. 1225, see 25 Stat. 491, below.]
R. S. 1235 (10 : 642a).
R. S. 1236 (10 : 640).
R. S. 1239 (10 : 165 ; doubtful).
R. S. 1269 (10 : 901).
R. S. 1273, last clause (10 : 741a).
R. S. 1277 (10 : 781a ; doubtful).
R. S. 1293 (10 : 716a).
R. S. 1295 (10 : 781b ; doubtful).
R. S. 1299 (10 : 879 ; doubtful).
R. S. 1301 (10 : 875a ; doubtful).
R. S. 1447 (34 : 283a ; doubtful).
R. S. 1531 (34 : 451a ; doubtful).
R. S. 1579, 1595 (34 ; 901a, 901b).
R. S. 1618 (34 : 711a).
R. S. 1624, art. 18 (34 : 1200 ; doubtful).
R. S. 1662–1664 (50 : 50, 50a, 50b).
R. S. 1687 (22 : 128a ; doubtful).
R. S. 1741 (22 : 124).
R. S. 1786 (5 : 14a).
R. S. 1842 (48 : 1453a).
R. S. 1845–1852, 1854 (48 : 1455a, 1455b).
R. S. 1856 (48 : 1457a).
R. S. 1859 (48 : 1459a).
R. S. 1862–1865, 1867 (48 : 1462a, 1462b).
R. S. 1869–1877 (48 : 1463a).
R. S. 1885 (48 : 1468a).
[R. S. 1889, see 24 Stat. 171, sec. 5, below.]
R. S. 1891 (48 : 1480b).
R. S. 1912 (48 : 1464a).
R. S. 2043–2045 (25 : 24a).
R. S. 2256 (43 : 120).
R. S. 2527, 2568 (19 : 28a, 28b ; doubtful).
R. S. 2618 (19 : 27 ; doubtful).
R. S. 2752 (14 : 17a ; doubtful).
R. S. 3048, last sentence (19 : 152c).
R. S. 3073 (46 : 136).
R. S. 3112 (19 : 282a).
R. S. 3313 (26 : 246a ; doubtful).
R. S. 3592, 3594 (31 : 476a, b).
R. S. 3655, 3656 (31 : 479a).
R. S. 3666 (31 : 608).
R. S. 3781 (44 : 216a).
R. S. 3804 (44 : 192a).
R. S. 3810 (44 : 215a).
R. S. 3811 (44 : 280a).
R. S. 3819 (44 : 47a).
R. S. 4229–31 (46 : 147–149).
R. S. 4242–44 (14 : 93a ; doubtful).
R. S. 4246 (14 : 94a.)
R. S. 4247 (14 : 103a ; doubtful).
R. S. 4249, proviso (14 : 95a).
R. S. 4594, 4595 (46 : 550, 551 ; doubtful).
R. S. 4631–34 (34 : 955–958).
R. S. 4836 (24 : 155).
R. S. 4852 (24 : 211a ; doubtful).
18 Stat. 23, ch. 57 (5 : 11a).
18 Stat. 70, sec. 2, 3 (22 : 59 ; doubtful).
18 Stat. 113, sec. 2 (1 : 29b).
18 Stat. 288, No. 12 (44 : 187a).
18 Stat. 296, sec. 3 (31 : 403a).
18 Stat. 372, par. 4 (33 : 729a).
18 Stat. 375, par. 9 (16 : 657a).
18 Stat. 388, last paragraph (47 : 16 ; doubtful).
18 Stat. 398, last paragraph (12 : 42 ; 26 : 6).
18 Stat. 449, sec. 5 (25 : 32a).
18 Stat. 455, sec. 1 (50 : 58a).
18 Stat. 477, sec. 3 (8 : 138a).
19 Stat. 64, sec. 6 (12 : 16 ; doubtful).
19 Stat. 149 ; par 5 (31 : 400).
19 Stat. 242, last sentence (10 : 196b).
19 Stat. 243, par. 5 (10 : 831a).
19 Stat. 244, par. 6 (34 : 303).
19 Stat. 269, sec. 4 (1 : 29c).
19 Stat. 347, proviso (24 : 201a).
20 Stat. 27, ch. 26 (1 : 29c).
20 Stat. 140, ch. 259 (39 : 602a).
20 Stat. 165, sec. 11 (14 : 104a ; doubtful).
20 Stat. 166, ch. 267 (34 : 276a).
20 Stat. 187, last par. (26 : 40a).
20 Stat. 193, second proviso (48 : 1455c ; doubtful).
20 Stat. 258, ch. 5 (16 : 361a).
20 Stat. 386, par. 2 (19 : 539a).
20 Stat. 390, second proviso (31 : 604a).
20 Stat. 470, sec. 1 (38 : 91a).
21 Stat. 27, par. 2 (26 : 46a ; doubtful).
21 Stat. 30, sec. 3 (38 : 76).
21 Stat. 275, first proviso (24 : 190).
21 Stat. 276, proviso (5 : 523a).
21 Stat. 289, sec. 3 (16 : 360).
21 Stat. 290, sec. 7 (16 : 367a).
21 Stat. 308, No. 44 (1 : 29d ; 44 : 193a, doubtful).
21 Stat. 312, ch. 7 (48 : 1455b).
21 Stat. 474, par. 1 (33 : 647).
22 Stat. 2, ch. 7 (40 : 191a).
22 Stat. 119, last proviso (10 : 804a ; doubtful).
22 Stat. 325, last proviso (40 : 185a ; doubtful).
22 Stat. 309, par. 7 (33 : 494a).
22 Stat. 382, No. 28 (2 : 148a).
22 Stat. 391, No. 63 (44 : 250a).
22 Stat. 405, sec. 6 (5 : 637a).
22 Stat. 457, first proviso (10 : 948).
22 Stat. 457, last proviso (31 : 214a).
23 Stat. 108, last proviso (10 : 1231a).
23 Stat. 209, par. 2 (40 : 163a).
23 Stat. 233, par. 7 (22 : 20a ; doubtful).
23 Stat. 237, first sentence, (22 : 85a).
23 Stat. 329, par. 10 (22 : 20a ; doubtful).
24 Stat. 80, secs. 1, 2 (46 : 552).
24 Stat. 171, sec. 5 (48 : 1470a).
24 Stat. 246, par. 1 (31 : 607).
24 Stat. 329, sec. 2 (33 : 404a ; doubtful).
24 Stat. 371, sec. 3 (38 : 263 ; doubtful).
24 Stat. 372, sec. 6 (38 : 263a).
24 Stat. 441, sec. 5 (7 : 369).
24 Stat. 442, sec. 10 (7 : 381a).
24 Stat. 444, sec. 4 (24 : 74a ; doubtful).
24 Stat. 515, par. 4, first clause (31 : 405 or 406).
24 Stat. 540, proviso (24 : 92a).
24 Stat. 637, secs. 13, 14 (48 : 1480a).
24 Stat. 641, sec. 26 (48 : 1480a).
25 Stat. 43, ch. 18 (39 : 602a).
25 Stat. 346, par. 1 (39 : 14).
25 Stat. 491, ch. 1037 (10 : 1182 ; 34 Stat. 1127a ; doubtful).
25 Stat. 533, par. 4 (40 : 42a).
25 Stat. 750, ch. 309 (19 : 28c ; doubtful).
25 Stat. 787–788, secs. 23, 25, 27 (25 : 215a).
25 Stat. 831, par. 6 (24 : 18a).
25 Stat. 831, last proviso (10 : 1239).
25 Stat. 844, end of runover par. (39 : 41a).
25 Stat. 955, par. 4 (31 : 335 ; cited but not adequately set forth).
25 Stat. 971, first sentence (5 : 195a ; doubtful).
25 Stat. 1019, No. 3 (22 : 266a).
26 Stat. 50, sec. 3 (1 : 29e).
26 Stat. 56, ch. 85 (39 : 600).
26 Stat. 154, par. 3 (24 : 18a).
26 Stat. 259, last proviso (44 : 283).
26 Stat. 289, sec. 2 (31 : 410a).
26 Stat. 313, ch. 728 (27 : 52a).
26 Stat. 333–336 (16 : 421a-k ; doubtful).
26 Stat. 400, last proviso (10 : 861a).
26 Stat. 455, sec. 11 (33 : 413a).
26 Stat. 653, sec. 1, last clause, 654, sec. 9, first clause (31 : 606a).
26 Stat. 716, ch. 70 (10 : 1182 ; 34 : 1127a).
26 Stat. 769, proviso (50 : 75a).
26 Stat. 1077, par. 3 (24 : 240a).
26 Stat. 1079, ch. 547, 2 (39 : 692 ; doubtful).
27 Stat. 178, par. 1 (10 : 7716b).
27 Stat. 336, sec. 1, proviso (10 : 502a).
27 Stat. 349, sec. 2 (38 : 313 ; doubtful).
27 Stat. 446, sec. 6 (46 : 196 ; doubtful).
27 Stat. 479, second proviso (10 : 880).
27 Stat. 500, par. 3 (22 : 264a ; doubtful).
27 Stat. 730, last paragraph (34 : 154 ; doubtful).
28 Stat. 32, sec. 4 (39 : 728a).
28 Stat. 75, sec. 10 (16 : 31a).
28 Stat. 102, sec. 2 (15 : 222).
28 Stat. 225, ch. 202 (14 : 95b ; doubtful).
28 Stat. 237, par. 1 (10 : 750a).
28 Stat. 252, last paragraph (40 : 84a).
28 Stat. 357, par. 2 (33 : 601a).
28 Stat. 587, No. 37 (22 : 266b).

28 Stat. 588, sec. 6 (5: 461a; doubtful).
28 Stat. 597–599 (16: 421m–t; doubtful).
28 Stat. 607, sec. 44 (44: 39a).
28 Stat. 614, par. 9 (44: 193b).
28 Stat. 623, sec. 94, first clause (44: 219).
28 Stat. 651–653 (16: 421u–cc; doubtful).
28 Stat. 959, second proviso (2: 131a).
29 Stat. 21, proviso (16: 421o; doubtful).
29 Stat. 60, proviso (10: 870a).
29 Stat. 96, ch. 120 (34: 515, 155).
29 Stat. 136, ch. 241 (48: 1464b).
29 Stat. 316, par. 14 (31: 610).
29 Stat. 459, No. 1 (44: 267a).
29 Stat. 628, sec. 8 (26: 418).
30 Stat. 43, par. 5 (16: 421l; doubtful).
30 Stat. 44, par. 1 (16: 421dd; doubtful).
30 Stat. 316, sec. 4, reference to Revised Statutes (44: 193c).
30 Stat. 329, ch. 75 (16: 362a).
30 Stat. 415, sec. 14 (19: 456a).
30 Stat. 418, sec. 1 (43: 1176).
30 Stat. 455, secs. 14–16 (26: 907a–c; doubtful).
30 Stat. 475, sec. 4 (34: 36a; doubtful).
30 Stat. 605, second proviso (31: 177).
30 Stat. 616, proviso (30: 80; doubtful).
30 Stat. 673, par. 7 (16: 554a).
30 Stat. 721, ch. 583 (10: 16).
30 Stat. 751, No. 56 (2: 148b).
30 Stat. 764, sec. 26 (46: 714).
30 Stat. 841–843 (16: 421ee–ll; doubtful).
30 Stat. 1006, sec. 10, part of first sentence (34: 81a).
30 Stat. 1009, sec. 23 (34: 691).
30 Stat. 1253–1343 (48: 122, etc.; doubtful).
31 Stat. 152, sec. 64 (48: 621).
31 Stat. 206, first proviso (10: 214).
31 Stat. 206, second proviso (48: 50).
31 Stat. 322, sec. 3 (48: 66a; doubtful).
31 Stat. 330, sec. 29 (48: 51; doubtful).
31 Stat. 333–552 (48: 40a, etc.; doubtful).
31 Stat. 612, par. 9 (40: 166a).
31 Stat. 719, No. 33 (40: 186a).
31 Stat. 750, sec. 12 (10: 240).
31 Stat. 928, par. 1 (7: 416a; doubtful).
31 Stat. 1000, par. 5 (40: 164).
32 Stat. 51, sec. 4 (13: 5a).
32 Stat. 282, ch. 941 (24: 150).
32 Stat. 484, ch. 1303 (14: 124a; doubtful).
32 Stat. 696–706 (48: 1227, etc.).
32 Stat. 711, sec. 85 (31: 473a).
32 Stat. 735, No. 5 (2: 132a).
32 Stat. 744, last par. (25: 342a).
32 Stat. 929, first proviso (5: 102a).
32 Stat. 934, par. 4 (10: 861b).
32 Stat. 1198, par. 5 (34: 691).
33 Stat. 191, last proviso (25: 52a).
33 Stat. 225, ch. 1403 (10: 1182; 34: 1127a).
33 Stat. 396, par. 3 (19: 539a).
33 Stat. 529–534 (48: 40a, etc.; doubtful).
33 Stat. 692–697 (48: 1227, etc.).
33 Stat. 832, proviso (10: 177).
33 Stat. 986, ch. 1416 (32: 39a).
33 Stat. 1049, last proviso (25: 272a).
33 Stat. 1170, par. 1 (48: 41a).
33 Stat. 1211, par. 3 (20: 144).
34 Stat. 5, sec. 3 (48: 1307a).
34 Stat. 56, ch. 631 (24: 281a; doubtful).
34 Stat. 250, first proviso (10: 861c).
34 Stat. 328, par. 5 (25: 142a).
34 Stat. 373, par. 1 (25: 391a).
34 Stat. 417, par. 7 (2: 35a).
34 Stat. 556, proviso (34: 916a).
34 Stat. 595, sec. 9 (49: 46a).
34 Stat. 879, sec. 3 (38: 325a; doubtful).
34 Stat. 1163, second proviso (10: 1081a).
34 Stat. 1168, last proviso (10: 711a).
34 Stat. 1217, par. 2 (31: 611a; doubtful).
34 Stat. 1282, ch. 2908; (48: 1181; doubtful).
35 Stat. 64, sec. 3 (38: 197a; doubtful).
35 Stat. 155, par. 3 (34: 691).
35 Stat. 255, proviso (7: 395; doubtful).
35 Stat. 256, par. 2 (7: 416b).
35 Stat. 400, sec. 4 (32: 80).
35 Stat. 432, proviso (10: 1161a; doubtful).
35 Stat. 603–605, secs. 10–18 (48: 52, etc.; doubtful).
35 Stat. 667, first proviso (39: 635a).
35 Stat. 754, par. 3 (31: 609a).
35 Stat. 776, proviso (34: 973a).
35 Stat. 888, lines 3–4 (25: 24b).
35 Stat. 1065, secs. 2–6 (19: 50a).
35 Stat. 1164, No. 11 (33: 423a).
35 Stat. 1166, No. 15 (10: 1120).
36 Stat. 293, ch. 149 (16: 421e; doubtful).
36 Stat. 297, sec. 1 (34: 1092).
36 Stat. 508, par. 3 (5: 458a).
36 Stat. 593–596 (33: 465).
36 Stat. 603, ch. 370 (32: 39b).
36 Stat. 658, first proviso (33: 643).
36 Stat. 352, ch. 424 (48: 46a).
36 Stat. 858, sec. 12 (25: 373a).
36 Stat. 1104, sec. 62–64 (28: 123a–c).
36 Stat. 1150, sec. 212 (28: 48a).
36 Stat. 1151, sec. 213 (49: 46b).
36 Stat. 1167, sec. 294 (28: 432a).
36 Stat. 1214, par. 3 (38: 9).
37 Stat. 80, sec. 3 (42: 192a).
37 Stat. 113, sec. 4 (38: 268a; doubtful).
37 Stat. 319, ch. 309 (2: 148c).
37 Stat. 320, sec. 3 (31: 711).
37 Stat. 344, par. 4, 345, par. 2 (34: 53).
37 Stat. 346, last proviso (34: 531a).
37 Stat. 350, par. 11 (34: 691).
37 Stat. 502, sec. 13 (16: 643a).
37 Stat. 699, ch. 90 (27: 52b).
37 Stat. 706, second proviso (10: 78).
37 Stat. 816, proviso (33: 26a).
37 Stat. 881, sec. 10 (40: 101a).
37 Stat. 1019, ch. 169 (38: 268b).
38 Stat. 110, ch. 10 (22: 34a).
38 Stat. 225, par. 5 (33: 730).
38 Stat. 233, sec. 3 (36: 13).
38 Stat. 347–351 (10: ch. 20a).
38 Stat. 378, ch. 91, 92 (22: 34b, 34c).
38 Stat. 393, second proviso (34: 891a).
38 Stat. 395, second proviso (34: 204; doubtful).
38 Stat. 410, second proviso (34: 977).
38 Stat. 657, par. 10 (20: 152; cited but not incorporated).
38 Stat. 780, No. 49 (24: 74).
38 Stat. 948, second proviso (34: 691).
38 Stat. 1066, provisos (10: 79).
[39 Stat. 9, sec. 3, see 42 Stat. 389, sec. 2, below.]
39 Stat. 224, sec. 3 (34: 691).
39 Stat. 232, ch. 158 (48: 521).
39 Stat. 336, sec. 4 (31: 582a).
39 Stat. 612, par. 2 (34: 691).
39 Stat. 800, sec. 900 (15: 78; 19: 107).
39 Stat. 810, last paragraph (32: 165; doubtful).
39 Stat. 821, par. 7 (31: 583a).
39 Stat. 986, sec. 18 (25: 353a).
39 Stat. 1189, par. 9 (34: 971a).
40 Stat. 37, sec. 7 (12: 143a, 462a).
40 Stat. 411–426, 460, par. 2 (50: 25, etc.; doubtful).
40 Stat. 597, par. 3 (48: 1056; doubtful).
40 Stat. 646, par. 1 (50: 25, etc.; doubtful).
40 Stat. 753, sec. 3 (39: 117a).
40 Stat. 889, ch. XVII, sec. 2 (10: 627a).
40 Stat. 891, sec. 10 (10: 1393).
40 Stat. 966, sec. 5, 1020–21 (50: 25, etc.; doubtful).
40 Stat. 1057, sec. 1 (26: 1273; doubtful).
40 Stat. 1292, sec. 5 (13: 2a).
40 Stat. 1313, sec. 9 (15: 366; doubtful).
[41 Stat. 35–36. See 42 Stat. 1511–16; below.]
41 Stat. 364, sec. 3 (40: 76a; doubtful).
41 Stat. 452, ch. 88 (14: 40; doubtful).
41 Stat. 499, sec. 502 (49: 80).
41 Stat. 506, proviso (14: 130; doubtful).
41 Stat. 531, sec. 4 (23: 52a; 24: 30).
41 Stat. 817, par. 3 (34: 836; doubtful).
41 Stat. 834, sec. 2 (34: 2a; doubtful).
[41 Stat. 977, ch. 241. See 42 Stat. 1511–16; below.]
41 Stat. 1025, par. 5 (48: 1057; doubtful).
41 Stat. 1181, par. 1 (44: 297).
41 Stat. 1384, par. 2 (20: 80a).
42 Stat. 223, sec. 4 (27: 65).
42 Stat. 389, sec. 2 (35: 2a).
42 Stat. 600, par. 13 (22: 34d).
42 Stat. 646, last proviso (40: 18a).
42 Stat. 771, last proviso (40: 18b).
42 Stat. 1007–11, secs. 5–9, 12–22 (48: 1359, etc.; doubtful).
42 Stat. 1013, ch. 401 (10: 881).
42 Stat. 1281, ch. 101 (43: 611).
42 Stat. 1374, ch. 174 (19: 5a).
42 Stat. 1510, sec. 11 (36: 131a).
42 Stat. 1511–16 (50: 25, etc.; doubtful).

43 Stat. 17, sec. 2 (12:1016).
43 Stat. 112, ch. 136 (22: 269).
43 Stat. 146–152 (2: 60, etc.).
43 Stat. 175, sec. 4–6 (40: 76b; doubtful).
43 Stat. 473, ch. 277 (44: 298).
43 Stat. 665–666, sec. 2, 4 (36: 14).
44 Stat. 159, first proviso (39: 667).
44 Stat. 208, sec. 1, 2 (20:164–167).
44 Stat. 210, sec. 10 (24: 263).
44 Stat. 210, sec. 12 (20: 172).
44 Stat. 283, last paragraph (10: 343; doubtful).
44 Stat. 288, par. 1 (24: 277).
44 Stat. 289, par. 4(16: 421 1; doubtful).
44 Stat. 295, par. 6 (48: 1316a; doubtful).
44 Stat. 305, par. 4 (3: 45).
44 Stat. 314, par. 2 (50: 155).
44 Stat. 351, par. 1 (15: 195; doubtful).
44 Stat. 365, par. 7 (35: 16).
44 Stat. 403, ch. 246 (36: 11a).
44 Stat. 406, ch. 252 (50: 25, etc.; doubtful).
44 Stat. 529, par. 1 (5: 547).
44 Stat. 542, par. 1 (2: 72).
44 Stat. 545, par. 2 (40: 206).
44 Stat. 551, par. 1 (44: 145).
44 Stat. 551, par. 2 (44: 120).
44 Stat. 627, ch. 372 (40: 53).
44 Stat. 754, sec. 7 (43: 612).
44 Stat. 754, ch. 623 (22: 269).
44 Stat. 762, ch. 660 (40: 173a).
44 Stat. 774, ch. 698 (40: 216a).
44 Stat. 814, sec. 5 (40: 53).
44 Stat. 834, ch. 760 (40: 69a; doubtful).
44 Stat. 835, sec. 3 (40: 76).
44 Stat. 890, ch. 777 (43: 569; doubtful).
44 Stat. 924–926 (48: 1358a–c; doubtful).
44 Stat. 926, sec. 6 (48: 1307a; doubtful).
44 Stat. 927–931 (48: 1358d–s; doubtful).
44 Stat. 931, ch. 20 (40: 216b).
44 Stat. 938, par. 2 (5: 496).
44 Stat. 979, par. 3 (7: 367).
44 Stat. 979, par. 4 (7: 419).
44 Stat. 991, par. 3 (16: 572a).
44 Stat. 1005, last par. (21: 129).
44 Stat. 1023, ch. 52 (48: 1358f, etc.; doubtful).
44 Stat. 1034, first proviso (26: 73).
44 Stat. 1037, par. 3 (3: 53).
44 Stat. 1038, par. 4 (8: 176).
44 Stat. 1045, first proviso (40: 25).
44 Stat. 1049, last proviso (39: 667).
44 Stat. 1073, par. 2 (5:636).
44 Stat. 1075, par. 1 (30:15a; doubtful).
44 Stat. 1110, par. 5 (10:1431, 1460, 1461).
44 Stat. 1114, last par. (10:1206).
44 Stat. 1117, par. 5 (10:77).
44 Stat. 1120, second proviso (10:307).
44 Stat. 1121, last proviso (10:727).
44 Stat. 1131, par. 1 (10:1138).
44 Stat. 1131, last par. (10:1121a, 1145).
44 Stat. 1134, second proviso (38:461).
44 Stat. 1136, par. 1 (10:74).
44 Stat. 1138, par. 7 (24:277).
44 Stat. 1140, par. 1 (16:421; doubtful).
44 Stat. 1146, par. 5 (48:1316a; doubtful).
44 Stat. 1152, par. 1 (2:72).
44 Stat. 1154, par. 13 (40:206).
44 Stat. 1160, par. 1 (44:145).
44 Stat. 1160, par. 2 (44:120).
44 Stat. 1193, par. 6 (5:299, 300).
44 Stat. 1196, par. 4 (5:315).
44 Stat. 1199, par. 2 (5:593).
44 Stat. 1201, last par. (15:195; doubtful).
44 Stat. 1215, par. 9 (16:747).
44 Stat. 1217, par. 1 (35:16).
44 Stat. 1219, third proviso (40:115a).
44 Stat. 1314, par. 10 (5:76; 10:914; 34:1000).
44 Stat. 1317, proviso (5:214).
44 Stat. 1386 (5:461b; doubtful).
44 Stat. 1390, ch. 360 (48:1058; doubtful).
44 Stat. 1421, ch. 504 (24:141).

NOTE: The above list does not include references to provisions which have been added or noted in the galley proofs of the "Code Supplement." Explanations as to most of the provisions listed are contained in my statements of November 18 and December 28, 1926, and November 22, 1927. [W. H. McClenon, February 24, 1928.]

MESSAGE FROM THE PRESIDENT—MINISTER RESIDENT AND CONSUL GENERAL TO LIBERIA

The SPEAKER laid before the House the following message from the President, which was read and, with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State recommending legislation authorizing an increase in the salary of the minister resident and consul general to Liberia from $5,000 to $10,000 per annum.

I am in full accord with the reasons advanced by the Secretary of State why the increase should be allowed, and I strongly urge upon the Congress the enactment of legislation authorizing it.

CALVIN COOLIDGE.

THE WHITE HOUSE, *March 7, 1928.*

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to—

Mr. CRAMTON (at the request of Mr. MAPES), for one day, on account of illness.

Mr. W. T. FITZGERALD, indefinitely, on account of illness.

Mr. EDWARDS, for one day, on account of illness.

ADDRESS OF HON. FINIS J. GARRETT

Mr. GARNER of Texas. Mr. Speaker, last evening the minority leader, the gentleman from Tennessee [Mr. GARRETT], spoke over the radio for about eight minutes. I would like the permission of the House to insert his remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GARNER of Texas. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following address made over the radio by Hon. FINIS J. GARRETT, minority leader of the House, on Tuesday evening, March 6, 1928:

THE LEGISLATIVE SITUATION IN CONGRESS

When the Seventieth Congress convened for its first session on December 5, 1927, the general belief seemed to be that a constructive program of legislation of a major character was not only possible but highly probable.

This program embraced:

First. A reduction of internal revenue taxes, the chief feature of this being revision downward of the corporation income tax, which practically all familiar with the subject knew to be just and proper.

Second. Some character of legislation relative to agriculture which would, in so far as legislation can, alleviate the distress of this basic industry, whose suffering has been cumulative over a period of several years, since the Republican Party took charge of all branches of the Government on March 4, 1921.

Third. Legislation for the control of flood waters of the Mississippi River Valley, recognizing the national obligation in this particular.

Fourth. A disposition, in some proper way, of the Muscle Shoals power and nitrate properties, in the State of Alabama.

No one of these questions legitimately involved any factor of partisan politics, but, as is well known to all familiar with congressional procedure, the obligation and responsibility of initiating the measures to deal with them rested upon the majority party. Our Republican friends organized both branches of Congress, electing their officers and naming their committees. At no time has the minority approached the program in any save a constructive spirit.

We have been in session now three months, and it can not be said that any proposal as to any one of these matters has reached a stage which encourages the slightest hope of final enactment.

True, a tax reduction bill passed the House in December, but it was put to rest in the Senate Committee on Finance. Just what the exact state of mind of those of the inner circle of the majority party's organization is on this subject has not been fully disclosed to the public, but the belief very generally obtains that the bill is permanently shelved, so far as the present session of Congress is concerned.

For some reason which has never been explained the House Committee on Agriculture did not even begin hearings on agricultural legislation until six weeks of the session had elapsed, and they have been having hearings almost all the time since. Very little that was new has been presented at these hearings, and the best information now obtainable appears to be that that committee of the House, following the example of the Senate committee, will report a bill which there is every reason to feel assured will, if it passes Congress, meet an Executive veto.

That Republican presidential politics has entered as a chief factor into the consideration of this question is so manifest as to admit of no doubt.

An informed and discriminating people who remember the President's veto of the so-called McNary-Haugen bill at last Congress and the

fundamental economic and constitutional grounds upon which he based it will readily understand that any bill containing the equalization-fee principle must meet with similar action at his hands. There has never been from any source even an intimation that his convictions upon the subject have undergone any change. No one believes that there is a remote chance of passing the measure over a veto and, to some of us at least, it seems worse than childish to trifle with this most serious interest, as it now appears to be the purpose to do.

Differences between the executive and legislative branches over the question of local participation in future flood-control work have placed that legislation in a precarious situation, and Muscle Shoals seems destined to continue a thing idle, with its consequent byplay of local and national politics.

The appropriation bills are, of course, being passed as rapidly as necessity dictates, but these are the only measures of consequence that are being passed or that now seem likely to be enacted.

Speaking circumspectly and respectfully, and basing my words upon known existing cross currents of thought in the Congress, I feel fully justified in saying that the present outlook is that this session of Congress is to pass into history as well-nigh a blank page.

Should these brief remarks have a tendency to bring about anything different, I shall feel that they have not been vainly uttered.

INTERPARLIAMENTARY UNION

Mr. HOWARD of Nebraska. Without objection, Mr. Speaker, I would like to speak about 5 or 10 minutes on the subject of the participation of the American group in the Interparliamentary Union conference in Paris last year.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to address the House for 5 or 10 minutes. Is there objection?

There was no objection.

Mr. HOWARD of Nebraska. Mr. Speaker, my primary purpose in appearing here now is to get permission to insert in the RECORD correspondence indulged by some of my colleagues who attended the Interparliamentary Union's conference in Paris last year. I shall not attempt now to make anything in the nature of an official report of our doings over there, preferring to leave that to the distinguished gentleman from Ohio, who was the president of our group; and I dare say that soon or late he will make an extended report of our participation therein.

The fact of the matter is that we did not participate very much. [Laughter.] They have a queer system over there. We met in the Senate Chamber in the Palace of Luxembourg, and we worked under the rules of the French Senate.

It may be interesting to you gentlemen to understand, or at least to hear, a comparison between the rules of the French chamber and our own rules. You know all of you, and some of you particularly, that I have never been overly in love with our own House gag rules, and yet I much prefer them to the French system. [Laughter.]

In the French chamber, if it be true that the rules they gave us for our guidance were really the rules of the French Senate, no gentleman is permitted to so much as rise on the floor and say, "Mr. President." He must first walk around behind the throne and get the ear of the president, and then get his name on the president's slate. I did not like that. [Laughter.] The fact of the matter is I did not ask for it. I did not speak but once in the conference at large, and then I spoke, having forgotten to get my name on the slate.

I did speak another—just a little bit at another—time. You know they had 22 interpreters and stenographers over there, said to have ability to interpret every language spoken. Many, many times our American delegation asked for the privilege of having the addresses of other gentlemen employing foreign tongues interpreted to us in our American language—and there is an American language, gentlemen. Many times we heard gentlemen speak representing the British Parliament, and if they spoke in the English language, then I do not know it. [Laughter.]

But oftentimes we were denied our request for interpretations, and once I became angered. I am ashamed of it. A Quaker should never become angry. But I was angry for a moment, and so I spoke in the Santee Indian language for another minute, and immediately after I had spoken all of those interpreters and stenographers gathered around me and said, "The copy, monsieur?" I told them to find it. [Laughter.]

Everything is very queer over there from our standpoint. I want every one of you to understand, if I shall speak this afternoon in a tone or in illustration of seeming criticism of anything that we saw in France, I do not mean it. I am speaking now from the standpoint of a diplomat, and I want you to know and I want my French friends to know that I speak criticizingly not at all, but thanking every one of them for all of the courtesies conferred upon us.

Mr. MADDEN. Will the gentleman allow me to interrupt him?

Mr. HOWARD of Nebraska. Surely.

Mr. MADDEN. And I suppose a diplomat is a man who uses words to conceal thought; is that the purpose of the gentleman this afternoon?

Mr. HOWARD of Nebraska. Not exactly. I trust my language from this time on will be so clear that my ordinarily alert friend from Illinois may have no trouble at all in understanding it. [Laughter.]

There are some queer conditions over there. I saw one habit the French people have, and I wish to direct it to the attention of all my American folks, because it was a beautiful habit.

During the month of August last, 150 people were killed by automobiles on the streets of Paris, and yet no child among them all. When you see a person start across the street in Paris carrying or leading a little child, all the traffic stops as if by magic. Little children are scarce in Paris. They do not have as many of them as they used to. I marveled at so many of the ladies I saw carrying poodles, but they tell me that it is due to the lack of other pets. [Laughter.]

I like that sweet consideration for little children as I saw it, but I did not always like the consideration they gave the dogs. With one of my colleagues I was at breakfast one morning in a prominent café, and near our table were two French ladies, and each had a dog. One of the ladies had a little chair, like the baby chair in American homes. Her pet dog was in the baby chair and she was feeding the dog. She would take one morsel from the fork and the dog would take another. The other lady held her dog in her lap. One of the dogs got sick, and I want to tell you that a sick dog in Paris does just like a sick dog in our country. [Laughter.] I never had any particular understanding of certain queer words in our American tongue, but when I saw that sick poodle at the breakfast table I pronounced vociferously that word "wow," and disappeared. [Laughter.]

Mr. Speaker, as I said in the beginning, my primary purpose was to get permission to incorporate in the RECORD in connection with my remarks some correspondence that had been carried on between two members of the American group of delegates to the Interparliamentary League, and I ask unanimous consent that I may insert that correspondence.

Mr. MADDEN. Have the letters been interpreted into English language?

Mr. HOWARD of Nebraska. Not wholly. But the gentleman from Ohio [Mr. ROY G. FITZGERALD] interpreted the Czechoslovakian note to me, and I think his interpretation is reasonably perfect.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. HOWARD of Nebraska. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following correspondence between two members of the American group of delegates to the Interparliamentary League:

UNION INTERPARLEMENTAIRE,
BUREAU INTERPARLEMENTAIRE,
Geneve, le, September 14, 1927.

Congressman FITZGERALD,
Hotel de la Bourdonnais, Paris.

DEAR MR. FITZGERALD: Your observations in the debate in Paris on codification of international law, and the talk we had afterwards, have been constantly in my mind and I am anxious to clear up what I think is a misunderstanding as to the interpretation you put on the Zaleski report and the resolution voted by the council of the league in June last. I have read it very carefully and I do not find any trace of that intention of "limitation" which you had found there. The word "limitation" only occurs in one connection, on page 5, where M. Zaleski discusses the possibility of restricting the program of the first conference on codification. He is anxious, it seems, that this program should not be too ambitious and therefore tries to limit the agenda to three points only, instead of five, as the committee had suggested. I am sending you by the same mail a copy of the minutes of the council and I think that you will agree that there is no intention on M. Zaleski's part, or on the part of the council, as a whole, to set themselves up as the masters of the work of the conference with power to limit the program. The fact is that the conception of the work of codification has been considerably developed through the work of the experts committee. Everybody who has gone into this problem at all realizes that it would be a most foolish undertaking to think that the whole field of international law can be codified by one or even two or three successive conferences. The method must be a far more modest one and the work will really extend over generations. Chapters of international law must be studied one after the other. The problem is to find which chapters are most mature and that is the work the committee and also the council of the league have had in

view. This does not at all mean, as far as I can see, that the conference for the codification of public international law, even if called by the league (it will probably, I take it, sit at The Hague), would be under the supervision of the league. Like all international conferences it would be sovereign as to its method of work and any State asked to participate would be free to suggest additions to the agenda, or omissions. As a matter of fact, the preparatory work would, to a very large extent, decide the agenda, but even here I take it for granted that States outside the league would be invited and most welcome to participate.

I discussed these matters with Senator BURTON while he was here and mentioned your remarks to him. It is at his suggestion that I am writing these lines in order to explain how I look at the matter.

Hoping that you have only pleasant memories of our meetings in Paris,

I remain, dear Mr. Fitzgerald,

CH. L. LANGE.

COMMITTEE ON REVISION OF THE LAWS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 23, 1928.

Dr. CHARLES L. LANGE,
Secretary General Union Interparliamentaire,
Geneva, Switzerland.

DEAR DOCTOR LANGE: I have before me a copy of your letter of September 14, 1927, addressed to me at Paris, and I regret that travel and press of affairs have prevented my replying earlier. I note that you talked with Hon. THEODORE E. BURTON, chairman of our American group of delegates to the Interparliamentary Union Conference, and wrote me at his suggestion.

I also note that you do not regard the Zaleski report of the committee of experts on international law of the League of Nations as advocating a limitation or restriction on the propositions of international law to be considered by the proposed conference of representatives of nations interested in the preparation and adoption of a code of international law.

I have shared with some of my associates the impression that it was the advice of the committee to limit the conference to action upon the seven subjects which it deemed ripe for consideration.

Your long and intelligent interest in the promotion of international law is well known and appreciated, and the work of the Committee of Experts of the League of Nations is recognized as valuable and, of course, we do not expect a complete code of international law from a single or even from a few international conferences.

What the delegates from the United States had in mind was the establishment of periodic conferences of all the nations for the constant and scientific promotion of the principles of international law, persistently working toward the formation of a complete code and earnestly pressing for acceptance by the nations.

We can not be insensible to the possibility that much can be accomplished in a short time; witness, the convention which prepared the Constitution of this country, the two Hague conferences, and the Covenant of the League of Nations.

We can not understand from the Zaleski report that these ideas were considered.

We recognize that no desirable or permanent peace can rest upon any foundation but that of justice—that justice between nations and their peoples can be defined only in terms of international law; that the peace and security of nations and the well-being of their peoples require the extension of the empire of international law; that such an extension requires restatements, amendments, reconciliations of and additions to existing rules of international law; that in recent years new relations between nations have developed and new problems have arisen not now adequately regulated by international law; that for these, the interests of international justice require that rules of law shall be declared and accepted; that learned societies in various parts of the world are rendering marked service to the understanding and development of international law, notably:

The Institute of International Law.
The American Institute of International Law.
The Union Juridique Internationale.
The Iberian Institute of Comparative Law.
The American Society of International Law.
The International Maritime Society.
The Société de Législation Comparée.

that an international conference of American states, meeting in Brazil in 1906, advocated establishing an international commission of jurists for the purpose of preparing a draft of codes of both private and public international law; that the advisory committee of jurists at The Hague in 1920 recommended a conference of the nations in continuance of the first two conferences at The Hague for the following purposes:

1. To restate 'the established rules of international law especially and, in the first instance, in the fields affected by the events of the recent war;

2. To formulate and agree upon the amendments and additions, if any, to the rules of international law shown to be necessary or useful by the events of the war and the changes in the conditions of international life and intercourse which have followed the war;

3. To endeavor to reconcile divergent views and secure agreement upon the rules which have been in dispute heretofore;

4. To consider the subjects not now adequately regulated by international law, but as to which the interest of international justice require that rules of law shall be declared and accepted;

And that such progress has been made toward codes of both private and pubic international law by conferences of representatives of the 21 American republics, as to make it expedient to urge the immediate necessity for action lest the very success of the American codes obstruct and defer the adoption of general codes of international law.

The Sixth Pan American Conference is now in session at Habana, Cuba, organized to act upon the 12 projects of public international law and the complete code of 439 articles of private international law prepared by the International Commission of Jurists.

You will note that the questionnaire concerning a limited number of subjects of public international law deemed by the committee of experts of the League of Nations as ripe for such a conference submitted to our Department of State invited and provoked differences which would have been avoided had a selection of subjects not been made.

In view of the above, it seems that a series of general conferences of all nations should be arranged, and in no way limited or restricted, and among other benefits to accrue would be a code of international law.

We are delighted to learn that the league has decided to call such a conference at The Hague in the near future.

A serious obstacle to the adherence of the United States to the Court of International Justice and to the extension of the usefulness of that court is the lack of a code of international law. This lack excites apprehension among some people that the court's decisions may be based upon political expediency and compromise rather than upon those principles of justice and equity which control courts in settling the disputes between individuals.

There are many of us in the United States who will always cherish the hope that by persistent efforts a way may yet be found whereby all the nations, including our own, may participate collectively and effectively toward the maintenance of peace and well-being in the world.

With kindest personal regards, I am,

Sincerely yours,

ROY G. FITZGERALD.

Mr. HOWARD of Nebraska. At a later day I am told that the president, Mr. BURTON, of Ohio, will make a splendid report of our doings over there. I want to say to you that I feel that the interparliamentary conferences might be made of vast value to our country and to the world. It is true that they carry no weight at all, only the weight of recommendation. The object of the conference is to see if we can not agree upon some measures for presentment to our own parliamentary bodies over the world in an effort to get the consent of all countries to unite in a common cause for the welfare of the world.

The American delegates went there with the sincere desire in our hearts to do what we could to promote the cause of peace among nations. [Applause.] We earnestly endeavored to promote that desire while we served in the conference. On the day of our departure I tried to convey to those delegates from the parliaments of the world about such sentiment as I felt that my colleagues here in our Congress might wish me to convey. Bidding good-by to our friends, I addressed them in substance as follows: "I ask permission to speak to you a bit of American sentiment, as I understand it, in the ever-so-earnest hope that when we shall have returned to our America you will be thinking kindly of us and of our spirit in behalf of disarmament and peace. We came here hoping earnestly that we might hear more frequently than any other voice the soft cooing of the dove of peace. We do not complain because that sweet voice so often gave way to the raucous voice of the red rooster of war. But, even so, we are going back to our homes to tread again our own avenues of peace, and I am pleading with each of you to often cast your mental eyes westward to discover our devotion to our American ideals in affairs of government. We of America have many ideals, and we are particularly proud of one of our ideals, and that one is our ideal American soldier of peace. Always his feet are incased in the sandals of humility; always upon his head is the helmet of truth; always upon his bosom the breastplate of a righteous cause; always in his good right hand the gleaming sword of justice, tipped with the diamond of mercy; in his heart one dear desire—the steadfast service of the living God and all God's children on the earth."

ADDRESS OF HON. JOHN Q. TILSON

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that the remarks made over the radio last evening by the majority leader [Mr. TILSON] may be incorporated in the RECORD.

The SPEAKER. The gentleman from Oregon asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. HAWLEY. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following address delivered over the radio from station WRC last evening by the majority leader of the House, the Hon. JOHN Q. TILSON, of Connecticut:

POLITICAL ISSUES

In order to avoid confusion of ideas in speaking of political issues, let us for a moment consider what is an issue in a controversy. The common acceptation of an issue in law is the point or points upon which the controversy hinges or upon which the contending parties divide, each party taking an opposing position. Apply this test to the present stage of the political controversy, and what do we find to be the situation? Candidates will try to push into the foreground such issues as each may think most advantageous to his own candidacy. Political parties may be expected to emphasize or minimize proffered issues according to the anticipated effect upon party success.

In a free country like ours, where everyone has at least the privilege of doing his own thinking, and where in the last analysis public opinion controls, the people have a way of deciding for themselves what shall be the issues in a great presidential election, party platforms, candidates' promises, and campaign orators to the contrary notwithstanding. It will be so in the coming campaign. It may be taken for granted that the coming contest will be between the two time-honored major parties, because there is no serious talk of a third party injecting itself into the equation, and the history of third-party movements during the last 60 years is not such as to encourage their undertaking, so that any concerted defection from either of the great parties will be, in fact, an effort to aid the other party. It is, therefore, quite certain that either the Republican Party or the Democratic Party will be charged with the responsibility for conducting governmental affairs during the next four years. What will be the issue or the issues upon which will turn the verdict of the electorate as between these two contestants?

The one question most universally talked about is prohibition. There is no other public question about which the public generally feel more deeply or talk more vehemently. But what are the probabilities of prohibition becoming the deciding issue between the two great parties? Everyone knows that a very sharp division on this subject exists in both parties, and it is almost a certainty that neither party will make adherence or opposition to the cause of prohibition the test of party loyalty, or that either party will disregard other issues, and, by accepting support only upon this ground, alienate all those former members of the party who do not agree to this program. The chance of either party taking this course is probably nil, and yet, unless one party or the other does just this, what is to be gained, so far as the practical solution of this problem is concerned, by a victory at the polls?

It is contended by many that if Governor Smith is nominated at Houston a religious issue will enter into the campaign, which is, of course, the most difficult and disturbing of all issues to deal with. Doubtless there are bigots among both Catholics and Protestants whose political judgment may be warped by the fact that a candidate professes one religion rather than another, but it is hard to believe that with all our professions of religious liberty and tolerance the American people will permit such an issue to be controlling on either side.

If these two interesting subjects be eliminated as party issues, the superficial may inquire what is left upon which to base a campaign. Quite enough to call forth the best thought and judgment of the electorate. In my judgment the people of the country will demand something that is, in fact, an issue between the two contending parties, something upon which the successful party may be called to make good, and something which affects directly their well-being. The Republican Party should win handsomely upon its record since it came into power in all branches of the Government in 1921, for I think it can be readily demonstrated that the Republican administration of public affairs for the last seven years supported by a Republican Congress has been such as to command the confidence and approval of the people.

In 1921 we had but recently emerged from a great war. Our foreign affairs were in an unsettled state and headed straight for world entanglements that would have proved irksome and dangerous for the future. The country has been saved from this embarrassment, and we have been brought into a state of peace with honor with all the nations of the world.

Our domestic situation was in no respects better. In 1921 the public debt amounted to twenty-five billions. More than a billion a year was required to pay the interest alone on the public debt. Even credit was impaired to the extent that Liberty bonds were selling for 85 cents on the dollar. Two years after the war had closed governmental expenditures amounted to five billions a year, and a tax burden sufficient to pay this enormous expenditure was upon the shoulders of the people. We have since paid nearly eight billions of the debt, reduced the annual interest charge to three-quarters of a billion, and restored the credit of the Government until Liberty bonds are now selling above par. We have adopted a budget system that has brought greater efficiency as well as economy. We have reduced governmental expenses by more than two billions annually, and by three successive acts have reduced the annual tax burden in the aggregate by two billions of dollars.

In 1921 the Republican Party found a low tariff act on the statute books, and under it foreign-made goods were pouring into American markets, with the result that 5,000,000 men and women were walking the streets seeking employment. An emergency tariff law for agricultural products was passed in 1921, and a general tariff act, protective in principle, was passed early in 1922, the effect of which has been to eliminate in large measure unemployment, and restore general prosperity.

In short, the Republican Party in 1921 took up the great and difficult task of reconstruction after a demoralizing, as well as destructive, war, and has persistently continued in the performance of that task in the face of opposition, with great credit to those who have carried the burden of responsibility, and with the continued approbation of the American people.

In making the record thus briefly sketched, both the legislative and executive branches of the Government have worked together, but the task could not have been accomplished without the consistent, persistent firmness, and courage of the man in the White House constantly insisting upon a program of efficiency and economy.

Under his leadership a record for governmental efficiency and economy has been and is being written that merits the approval and commendation of thinking men everywhere. It is a record calculated to inspire such confidence as should make certain the continuance in power during the next four years of the party that will carry on the policies of the Coolidge administration.

What do our Democratic friends offer as an alternative? First—and they are in earnest about this—they would like very much to return to power, so that this, at any rate, may be set down as a bona fide issue. Further than this, what do they propose? Some of their spokesmen have begun to inform us in doleful speeches that things are not what they seem, and that prosperity is not quite so great or so universal as everyone would like to have it. Conceding that we have not yet reached the millennium, and that there is always room for improvement, what do our time-honored opponents propose to do about it? The only remedy thus far advanced is the old familiar one of destroying the protective tariff, and lowering duties to a tariff-for-revenue-only basis. If only those who believe this to be the proper remedy, with those who believe that the Democratic Party will more wisely and efficiently administer the affairs of the Government than the Republican Party, will vote the Democratic ticket in November, the result of the election can be now predicted with a considerable degree of certainty. The American people are not yet ready to turn their backs upon the principle of protection to American industry and labor, nor are they ready, in the light of recent past experience, to again entrust the reins of government to Democratic control. The approaching contest will be an interesting one fought out along familiar lines between the two time-honored parties and as usual the Republicans will win because they deserve to win.

FULL EQUALITY FOR THE NEGRO

Mr. TARVER. Mr. Speaker, I ask unanimous consent to speak for five minutes.

The SPEAKER. The gentleman from Georgia asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. TARVER. Mr. Speaker and gentlemen of the House, I hold in my hand a newspaper which is called the Afro-American, published in the city of Baltimore. This particular issue was published on March 3. I desire to read to you from an article appearing on the front page which declares for African equality. It is as follows:

HOWARD PREXY DECLARES FOR FULL EQUALITY—SCIENTISTS AGREE, HE SAYS, THAT NO HARM CAN COME FROM INTERMARRIAGE

WASHINGTON, D. C.—Dr. Mordecai W. Johnson, president of Howard University, stands for full race equality, including amalgamation and social equality.

Doctor Johnson expressed his views before the Community Church in New York recently.

Speaking in New York, Doctor Johnson said he did not believe in intermarriage just for the sake of a negro marrying a white woman, but he thought that when two sane persons wanted to marry, there should be no law to prevent them, and that while he could not stop amalgamation of the races, he did not believe that negroes should wait for amalgamation to give him full manhood rights.

It is too long a process, he said. He wanted his rights black, just as he is, which included social equality without equivocation or retreating a single inch, which, in turn, included intermarriage.

Doctor Johnson emphasized the fact that anthropologists and other scientists are agreed that no harm can come from intermarriage.

This damnable doctrine which I have read is that promulgated by the man at the head of Howard University, to which

a few days ago you appropriated the sum of $390,000. He is going around about the country spreading among the members of the Negro race, and, of course, among the students of Howard University, this rotten, indecent doctrine on marriage between the white and African races.

On the 28th of February, in this Hall, 253 Members of this House voted for an appropriation of $390,000 to the institution, of which this negro is the head, and it goes without saying that every dollar of that appropriation which directly or indirectly goes to the furtherance of the propaganda that I have referred to is an injury to the Negro race instead of a benefit.

On the front page of this paper, almost side by side with the article that I have read, appears the news that southern Members of Congress voted for that appropriation. May God have mercy on them! [Applause.] In a short while the House will be called upon to vote upon H. R. 279, which provides for the legalizing of appropriations of this character in the future, they having been heretofore made in violation of the law. I call attention to this fact in order that every fair-minded man may study the situation and determine for himself whether or not he wants to vote in favor of a law legalizing appropriations to a university whose head is engaged in teaching among the members of the Negro race the damnable doctrine of social equality and of intermarriage with the white people.

Mr. CLARKE. Mr. Speaker, will the gentleman yield?

Mr. TARVER. Yes.

Mr. CLARKE. Did the gentleman make any effort to check up and find out whether the doctor is correctly quoted or not?

Mr. TARVER. I have not; but he is quoted in an organ published by a member of his own race, and certainly I do not conceive it to be my duty to confer with the alleged doctor with reference to whether or not he made the statement attributed to him. Personally, in using the word "doctor" in connection with his name, I wish it to be understood it is because it is used in that connection in the news article, and I say that, in my judgment, any almost-white negro, as he is, who is going about the country advocating the intermarriage of the races and the alleged right of negroes to marriage with white women, should not be designated by any decent white man with the term "doctor" in connection with his name.

GIFTS OF LAND IN CLAYTON COUNTY, IOWA, FOR WILD-LIFE PURPOSES

Mr. HAUGEN. Mr. Speaker, I call up House Joint Resolution 215, to authorize the Secretary of Agriculture to accept a gift of certain lands in Clayton County, Iowa, for the purposes of the upper Mississippi River wild-life and fish refuge act.

The Clerk reported the title of the resolution.

The SPEAKER. This is on the Union Calendar.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to consider the resolution in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the Secretary of Agriculture be, and hereby is, authorized to accept on behalf of the United States from James B. Munn, of New York City, N. Y., a gift of certain lands in Clayton County, Iowa, described as Government lot 1, section 23, township 94 north, range 3 west, fifth principal meridian, 58.50 acres; north half Government lot 2, section 23, township 94 north, range 3 west, fifth principal meridian, 24.30 acres; part of Government lot 1, section 11, township 94 north, range 3 west, fifth principal meridian, 11 acres; Government lot 4, section 11, township 94 north, range 3 west, fifth principal meridian, 45.45 acres; Government lot 3, section 35, township 95 north, range 3 west, fifth principal meridian, 68.40 acres; Government lot 4, section 35, township 95 north, range 3 west, fifth principal meridian, 35 acres; south part Government lot 2, section 35, township 95 north, range 3 west, fifth principal meridian, 28 acres; part of north half, section 27, township 95 north, range 3 west, fifth principal meridian, 136.76 acres; part of southwest quarter, section 22, township 95 north, range 3 west, fifth principal meridian, 49 acres; part of east half, section 22, township 95 north, range 3 west, fifth principal meridian, 31.59 acres. Total area, 488 acres, including all the buildings and improvements thereon and all rights, easements, and appurtenances thereunto appertaining; and upon acceptance of said lands by the Secretary of Agriculture they shall become a part of the upper Mississippi River wild-life and fish refuge established pursuant to the authority contained in the upper Mississippi river wild-life and fish refuge act approved June 7, 1924.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was passed was laid on the table.

WOOL STANDARDS

Mr. HAUGEN. Mr. Speaker, I call up H. R. 7459, to authorize the appropriation for use by the Secretary of Agriculture of certain funds for wool standards, and for other purposes, which I send to the desk.

The Clerk reported the title of the bill.

Mr. HAUGEN. Mr. Speaker, I might say in this connection that the purpose this afternoon is to call up only bills that have been considered by the House. I believe nearly all these bills have been unanimously approved by the House in a former Congress. Also to call up bills which do not carry appropriations.

Mr. ASWELL. Mr. Speaker, will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. ASWELL. The gentleman said that these bills have already been approved by the House?

Mr. HAUGEN. The bill that I am offering now was approved by the House at the last session of Congress. It is my purpose only to bring up bills that have been considered by the House and passed by the House, and bills of small importance carrying no appropriation.

Mr. ASWELL. Is it the purpose of the gentleman to bring up the farm extension bill this afternoon?

Mr. HAUGEN. No. I do not want to bring up any controverted matters.

Mr. ASWELL. That is not controverted. Is the gentleman going to bring up the Capper-Ketcham bill?

Mr. HAUGEN. I do not have that in mind.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated for expenditure by the Secretary of Agriculture, for the purposes hereinafter stated, all funds heretofore or hereafter collected by suit, or otherwise, pursuant to appropriations for the completion of the work of the domestic-wool section of the War Industries Board, and for enforcing Government regulations for handling the wool clip of 1918 as established by the wool division of said board, pursuant to the Executive order dated December 31, 1918, transferring such work to the Bureau of Markets, now a part of the Bureau of Agricultural Economics of the Department of Agriculture, and for continuing as far as practicable the distribution among the growers of the wool clip of 1918 of all sums heretofore or hereafter collected or recovered with or without suit by the Government from all persons, firms, or corporations which handled any part of the wool clip of 1918, which he finds it impracticable to distribute among said growers, provided that not to exceed $50,000 may be expended in any fiscal year.

SEC. 2. Said funds may be used for the purpose of acquiring and diffusing among the people of the United States useful information relative to the standardization, grading, preparation for market, marketing, utilization, transportation, handling, and distribution of wool, and of approved methods and practices relative thereto, including the demonstration and promotion of the use of grades for wool in accordance with standards therefor which the Secretary of Agriculture is hereby authorized to establish. Said funds may be used for the grading of wool, and for such grading or other service rendered hereunder reasonable fees may be charged, and provided further that hereafter reasonable charges may be made for practical forms of grades for wool.

SEC. 3. The Secretary of Agriculture may make such rules and regulations as he deems advisable for carrying out any of the provisions of this act. All receipts hereunder shall be deposited in the Treasury to the credit of miscellaneous receipts.

The SPEAKER. This is on the Union Calendar.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HAUGEN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

WOOL

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection?

Mr. MORGAN. Mr. Speaker, the bill being considered authorizes the Secretary of Agriculture to standardize grades of wool, and appropriates a part of the undistributed excess profits of the 1918 wool clip for the purpose of acquiring and diffusing among the growers and the wool trades in general useful information relative to grading, preparing for

market, and educational activities in connection with marketing, utilization, transportation, handling, and distribution of wool, including the demonstration and promotion of the use of wool, in accordance with standards to be established. The funds proposed to be appropriated are due in small amounts to growers on the Government-commandeered clip of 1918, who can not be located.

The Agriculture Department, through the Bureau of Markets, and later through the Bureau of Agricultural Economics, has been working for some time on the development of standard grades for wool. The original request to establish standard grades for wool came in the form of a resolution passed by the National Wool Growers' Association in 1914. The department advises that the first attempts at standardization were to try to set up a group of grades that corresponded with the then American terminology.

These standards were prepared and distributed throughout the country.

Their commercial practicability was tested out and in every case where any investigation was conducted and where the graded lots were followed through the market centers there was complete satisfaction with regard to grades. When those grades were presented at the final hearing in Washington for the consideration of the entire industry, it was suggested by members of the industry, including, of course, manufacturers and wool producers, that some consideration be given the development of standards and the correlation of the existing standards to the numerical standards generally used by the trade in England. The necessity for the adoption of such standards is due to the established standard grades of imported wool according to numbers, which were confusing, concerning the value of the scoured product, to not only country dealers but to the producers. The grades established in the United States are according to terms that can not be specifically compared by the majority of country dealers and producers to the grades imported.

It was therefore deemed essential, from the standpoint particularly of the producer, to have grades established that would give him not only the information as to the value of the grade he produces in competition with foreign grades but more nearly the true market value of his product.

Under the present system of marketing in many cases the producer does not secure the full value of his clip because in the main there is a general average price for fine, one-half blood, three-eighths blood, one-fourth blood, and so forth, whereby the farmer who has a clip that may grade 90 per cent of delaine may not receive much if any more for his clip than the producer whose clip does not contain over 50 per cent or 60 per cent delaine, and, according to present market quotations, delaine is quoted at 8 cents per pound more than clothing. Therefore a clip containing 90 per cent delaine, based on present market prices, is worth 2.7 cents per grease pound more than a clip containing 60 per cent delaine. The benefit of definite information to the producer as to not only the true market value but the influence of the higher prices he received in encouraging the production of a higher-grade product is apparent.

The grades of our domestic clip are designated as delaine, clothing, one-half blood, three-eighths blood, one-fourth blood, and so forth, while the imported numerical designated grades refer to the amount of yarn that can be spun from the scoured product.

In order that I may illustrate the difference between the designation of domestic grades and imported grades, I will state that our "fine" corresponds with the imported "64s to 80s"; our "one-fourth blood" corresponds with imported "58s to 60s"; our "three-eighths blood" with "50s to 56s"; our "one-fourth blood" with "46s to 50s"; our "low one-fourth blood" with "40s to 46s"; and our "low cross-breds" with "36s to 40s."

The spinning numbers indicate the number of hanks of yarn of 560 yards each that can be spun from a pound of scoured wool; therefore, in the case of 64s there could be spun 64 hanks of yarn from a pound of the cleaned product.

The only designation that a producer, as a rule, can give his clip is that it is either "fine" or "crossbred"—more generally called "medium."

It perhaps will be of interest to those who do not have the information to learn the amounts and percentages of the different classes of wool produced in the United States; also the amounts and percentages of the different grades imported, and our total domestic consumption. They are approximately as follows:

Grade	Domestic		Foreign		Total	
	Pounds	Per cent	Pounds	Per cent	Pounds	Per cent
Fine	91,866,425	35.7	28,286,192	31.1	120,152,617	34.5
One-half blood	45,670,210	17.8	10,597,412	11.6	56,267,622	16.2
Three-eighths blood	56,371,471	21.9	10,950,942	12.0	67,322,413	19.3
One-fourth blood	52,618,021	20.5	15,329,619	16.8	67,947,640	19.5
Low one-fourth blood	7,581,166	3.0	15,667,626	17.2	23,248,792	6.7
Common	1,353,808	.5			1,353,808	.4
Braid	1,643,416	.6			1,643,416	.5
Lincoln			10,263,698	11.3	10,263,698	2.9
Total	257,104,517	100.0	91,095,489	100.0	348,200,006	100.0
Carpet					128,918,165	
Total, including carpet					477,118,171	

It may also be of interest to you to learn the approximate loss in scouring of the different grades of our domestic product for the Central States and Territories. It is as follows:

CENTRAL STATES

Numerical terminology	American terminology	Shrinkage	
		Strictly combing	Clothing
		Per cent	*Per cent*
64s-70s-80s	Fine	58-65	61-67
58s-60s	One-half blood	53-58	56-60
56s	Three-eighths blood	45-49	46-50
48s-50s	One-fourth blood	42-45	43-47
46s	Low one-fourth blood	40-44	
36s-40s-44s	Common, braid	42-44	

THE RANGE IN SHRINKAGE OF TERRITORY WOOLS

64s-70s-80s	Fine	59-66	62-70
58s-60s	One-half blood	57-64	58-66
56s	Three-eighths blood	54-60	57-62
48s-50s	One-fourth blood	50-58	53-58
46s	Low one-fourth blood	48-55	
36s-40s-44s	Common, braid	52-58	

Consumption of wool in the United States by grades, 1927

Grade	Domestic		Foreign		Total	
	Pounds	Per cent	Pounds	Per cent	Pounds	Per cent
Fine	91,866,425	35.7	28,286,192	31.1	120,152,617	34.5
One-half blood	45,670,210	17.8	10,597,412	11.6	56,267,622	16.2
Three-eighths blood	56,371,471	21.9	10,950,942	12.0	67,322,413	19.3
One-fourth blood	52,618,021	20.5	15,329,619	16.8	67,947,640	19.5
Low one-fourth blood	7,581,166	3.0	15,667,626	17.2	23,248,792	6.7
Common	1,353,808	.5			1,353,808	.4
Braid	1,643,416	.6			1,643,416	.5
Lincoln			10,263,698	11.3	10,263,698	2.9
Total	257,104,517	100.0	91,095,489	100.0	348,200,006	100.0

	Pounds
Domestic	257,104,517
Foreign	91,095,489
Carpet	128,918,165
Total	477,118,171

The additions to domestic-wool prices in the grease pound, according to the existing tariff rate of 31 cents on the scoured pound, are as follows:

Fine: Losing 60 per cent in scouring, 40 per cent clean wool; tariff, 31 cents; 12.8 cents increase.

One-half blood: Losing 56 per cent in scouring; 44 per cent clean wool; tariff, 31 cents; 13.64 cents increase.

Three-eighths blood: Losing 50 per cent in scouring, 50 per cent clean wool; tariff, 31 cents; 15.5 cents increase.

One-fourth blood: Losing 44 per cent in scouring, 56 per cent clean wool; tariff, 31 cents; 18.36 cents increase.

The approximate average increase is 14 cents.

The actual increase cost per suit of clothes in case the full amount of the tariff on wool is added would be $1.03½ on a 14-ounce winter weight and 74 cents on a 10-ounce summer weight.

The average suit of clothes contains 3½ yards of cloth.

It requires 3½ pounds of clean wool to make 3½ yards of 14-ounce cloth. Tariff at 31 cents per pound would amount to $1.08½; less 5 cents, the approximate salvage value of card waste, would be $1.03½ net. A 10-ounce cloth would require 2½ pounds of wool; tariff 31 cents would amount to 77½ cents per pound, less 3 cents, approximate value of card waste, would be 74 cents net.

Comparison of American Woolen Co. prices

No.	Weight	Fall, 1928	Spring, 1928	Fall, 1927	Fall, 1926	Fall, 1925	Fall, 1924	Fall, 1923	Fall, 1922	Fall, 1921	Fall, 1920	Fall, 1919	Fall, 1918	Fall, 1917	Fall, 1916	Fall, 1915	Fall, 1914	Fall, 1913	Fall, 1912
	WASHINGTON SERGES																		
3554	12 ounces	$2.21	$2.32½	$2.32½	$2.47½	$2.72½													
3213	do	2.02	2.22½	2.10	2.25	2.50		$2.65											
3486		2.77		2.90	3.20														
3487		3.02	3.20	3.15	3.50														
3488		3.21	3.40	3.35	3.75														
	WASHINGTON CHEVIOT																		
12061	18½-19 ounces	2.03		2.00	2.17½	2.40	$2.17½	2.12½		$1.50			$3.22½	$1.97½	$1.00	$1.27½			
816-34	18½-16 ounces	1.75		1.77½	1.72½	1.97½	1.75	1.45	$1.15	1.20	$2.57½	$1.37							
812-32	18½-12 ounces		1.45	1.45	1.55	1.65	1.47½	1.22½	1.00	1.05	2.20	1.57½							
414-1	18½-14 ounces	1.86	1.87½	1.87½	2.05	2.27½	2.12½												
3657	do	1.72	1.70	1.70	1.90	2.05	1.95												
3756	18½-12 ounces	1.54	1.52½	1.52½	1.72½														
3631		1.72	1.72½	1.70	1.87½														
3657		1.72	1.70	1.67½	1.87½														
3756		1.54	1.52½	1.50	1.70														
	WASHINGTON UNFINISHED WORSTED																		
614½-2	14½ ounces	2.95	3.12½	3.12½	3.42½	3.77½	3.67½	3.55	3.20	3.25	6.20								
	WOOD SERGES																		
9629	13 ounces	2.27	2.35	2.35	2.57½	2.92½	2.80	2.67½	2.27½										
9627	16 ounces	2.96	3.07½	3.07½	3.40	4.00	3.77½	3.57½	3.27½										
9625	do	2.88	3.00	3.40	3.32½	3.87½	3.62½	3.42½	3.10										
9526	12 ounces	3.03	3.20	3.20	3.27½	3.90	3.52½	3.50	3.20										
9841	12½-13 ounces	2.21	2.32½		2.52½	2.57½													
9115-14		2.87	3.02½	3.02½	3.25														
9070		2.28	2.32½	2.32½	2.60														
9075		2.14	2.17½	2.17½	2.35														
9308		2.40	2.52½	2.52½	2.70														
9540-13		2.49	2.57½																
9606		2.70	2.80																
9627		2.96	3.07½	3.07½	3.40														
9748		2.05	2.12½																
9771		2.91	3.07½	3.07½	3.02½														
9975		1.82	1.87½	1.87½	2.07½														
	WOOD FINISHED WORSTEDS																		
9812-1	12 ounces	2.28	2.37½	2.37½	2.60	2.92½	2.67½	2.62½	2.32										
9613-1	13 ounces	2.07	2.12½	2.12½	2.32½	2.75	2.37½	2.27½	2.00	2.10	4.12½	2.50	3.12½	1.75	1.37½	1.20	$1.07½		
9813-7	do	2.33	2.45	2.45		3.10	2.75	2.70	2.35	2.35	4.35								
9591-1		2.31	2.42½	2.42½	2.65														
9812-1		2.28	2.37½	2.37½	2.60														
9814-7		2.41	2.52½	2.52½	2.80														
9816-7		2.58	2.70	2.70	3.09														
9884		2.70	2.85																
	FULTON SERGES																		
3192	11 ounces	2.16	2.27½	2.27½	2.52½	2.75	2.67½	2.67½	2.35	2.42½	4.50	2.62½						$1.60	$1.47½
3194	14 ounces	2.51	2.65	2.65	2.95	3.27½	3.17½	3.20	2.80	2.85	5.50	3.20	3.77½	2.35	1.95	1.50	1.35	1.72½	1.60
4077	16 ounces	2.70	2.85	2.85	3.20	3.52½	3.42½	3.50	3.02½	3.07½	6.10	3.52½	4.17½	2.60	2.05	1.62½	1.47½	1.82½	1.70
3844	do	3.00	3.17½	3.17½	3.50	3.95	3.82½	3.87½	3.32½	3.37½	6.45	3.72½	4.37½	2.75	2.17½	1.72½	1.55	1.65	1.50
5048	15 ounces	2.51	2.67½	2.67½	2.92½	3.30	3.20	3.12½	2.72½	2.77½	5.12½	3.17½	3.80	2.42½	1.95	1.62½	1.40		
4078	13 ounces	2.91	3.07½	3.07½	3.50	3.80	3.70	3.80	3.30	3.35	6.70	3.82½	4.57½	2.82½	2.20	1.75	1.60		
200	14 ounces	2.77	2.92½	2.92½	3.22½	3.62½	3.50	3.50	3.05										
681	13 ounces				2.85	3.25	3.05	2.95	2.67½										
364	14 ounces	2.86	3.02½	3.02½	3.25	3.75	3.57½	3.50	3.20										
744		3.35	3.52½	3.52½	3.50														
	AYER MILL SERGES																		
690	13 ounces	2.25	2.35	2.35	2.50	2.85	2.70	2.75	2.20	2.40	4.80	2.90							
6192	11 ounces	2.16	2.27½	2.27½	2.50	2.70	2.62½	2.62½	2.35	2.42½	4.50	2.57½							
1814-44	14 ounces	2.56	2.70	2.70	2.95	3.22½	3.10	3.07½	2.67½	2.75	5.50	3.30	3.70	2.27½	1.77½	1.45	1.25	1.55	
	FRENCH BACKS																		
9116-58	16 ounces	3.82	3.90	4.05	4.30	4.95	4.67½	4.62½	4.37½	4.45	7.65								
994	do	3.34	3.50	3.50	3.77½														
9116-58	do	3.82	4.05	4.05	4.30														
9733	do	3.67	3.85	3.80	4.00														
9816-3	do	3.67	3.90	3.90	4.10														
9782	do	3.73	3.95	3.95	4.12½														
	SHAWSHEEN SERGES																		
8020	15 ounces	2.53	2.70	2.70	2.95	3.25	3.10	3.55											
8066	do	2.02	2.10																
8095	do	2.44	2.60																
	PURITAN SERGES																		
35	15 ounces	3.46	3.57½	3.57½	3.52½														
36	do	3.40	3.60	3.60	3.57½														
	WOOD CHEVIOT																		
9026	15 ounces	1.63	1.60	1.60	1.77½														

In a study made by the National Bank of Commerce in New York of the 10 great commodities which occupy an important place in the economic life of the United States and in the international trade of the world wool was included in this group. According to alphabetical order the commodities in this study were:

Coal, cotton, iron and steel, lumber, petroleum and products, rubber, silk, sugar, wheat, and wool.

While wool was named last in this alphabetical order, from the standpoint of importance to humanity it would doubtless command a relatively high position in the list. It is probable that substitutes for practically all of these commodities can be found, but in the case of wool nothing has been discovered which takes its place as the raw material for the manufacture of clothing for the warmth and comfort of the people.

Wool has played the most important part in the advancement of civilization and in extending the frontiers suitable for habitation to the farthest points. It is one of the greatest national assets to our country from the standpoint of revenue to agriculture. The pockets of the wool producers are enriched by approximately $150,000,000 annually. It is also one of the most important and essential products in the successful conduct of war.

Some world-noted economists state that the distribution of wool supplies during the war was largely responsible for the course and final results. All kinds of commodities have received Government attention, and much has been done for those engaged in industries, agriculture, and commerce, but so far very little attention has been given to any of the important work which this bill may have for its object, namely, instructing woolgrowers in the production of the best kinds and qualities of wool, the proper marketable preparation of the clip, and the establishment of standard grades for wool in order to place the woolgrower on an equality basis with producers in the more important wool-producing countries of the world.

There is in the division of livestock, meats, and wool of the Bureau of Agricultural Economics a small section devoting its attention primarily to work on the standardization of wool and the preparation of physical representations of the standards that have thus far been established. I understand that only $15,000 to $16,000 has been set aside annually for work on this important agricultural product.

When the work of establishing standards for farm products was first actively taken up by the bureau it was realized that, as in the case of other farm products, it was highly important that wool be marketed according to definite, uniform grade descriptions. The use of definite standards is particularly applicable for wool because wool does not change its form from the time it leaves the producer until it reaches the manufacturer.

Grades were first formulated for American wools and according to the terminology used in the marketing of wool in this country. It was soon realized, however, that if grades were to be of maximum benefit to the wool industry they should be recognized in an international way. Accordingly, we have been working with representatives of the British wool trade, and a committee consisting of a representative of the Department of Commerce, a representative of the Associated Organizations of Wool Manufacturers in this country, and a representative of the Department of Agriculture, conferred with a committee composed of members of the British Wool Federation authorized to act for the several wool and wool textile organizations of England, carefully considering the matter of uniform standards for wool, with the result that agreement has been reached on 12 grades of wool expressed and defined according to the numerical count system. These grades were exhibited and discussed with the committee when it had before it in the last session H. R. 15476, which is identical with the bill now before you. The grades which have been worked out and agreed to by the industry in this country and in England are set forth in detail in Service and Regulatory Announcement 100 of the Department of Agriculture, which establishes these grades as the official standards of the United States for wool and recommends them for use in the marketing of the product.

After the research work necessary to the establishment of the grades had been completed, it was necessary to adopt means to make them of practical use. The bureau has therefore prepared and distributed more than 600 sets of the wool grades. These grades have been placed in the hands of growers, cooperative wool-marketing associations, wool dealers, manufacturers, agricultural colleges, county agents, etc. Considerable progress has been made in informing the grower as to the grades and how they may be applied so as to give him a return for the value he produces. A number of instances have been brought to our attention where the grades have increased the return to the grower on an average of several cents per pound without resulting in a higher price to the consumer.

The important thing now is to intensify this educational work so that the grower will have adequate knowledge of the qualities and value of the wool he produces. The bill before you would make it possible not only to increase the distribution of the wool sets but would enable us to increase the work done in demonstrating the grades to producers by holding schools which would be attended by producers for the purpose of teaching them to grade wool according to the grades. It would also make it possible for a definite grading service to be established similar to the grading services on some other important farm products. The bill also provides for the charging of fees for the grading of wool according to the official standards.

The wool standards so far established have been limited to diameter of fiber only. Much work remains to be done in the standardization of wool; and studies should be made of other grading factors, such as length of fiber, strength of fiber, and the presence of foreign material, all of which factors are important in determining the commercial value of wool. Studies should also be made with respect to questions of shrinkage, to determine the amount of moisture present in and absorptive qualities of wool under varying atmospheric conditions, as well as making tests in order to establish uniform formulas for scouring wool, so that these factors which enter into the value of the wool may be more uniformly applied.

As previously stated, thus far the Agriculture Department has been able only to work on the establishment of grades on the one factor of diameter of fiber, and therefore only a comparatively small amount of basic research in the marketing of wool has been possible up to the present time. More detailed studies should be made and information disseminated concerning the preparation, packing, shipping, storing, transporting, and utilizing of wool so that the marketing processes could be conducted according to more definite and scientific knowledge than now prevails and which would certainly result in a practical advantage to the producer.

In all of the standardization work the department has had splendid support from the entire industry, from the grower to the manufacturer, and I believe that the bill before us will enable the Agriculture Department to carry on this work and broaden it in a way that would result in the same advantages to wool producers and the wool trade in general that have resulted from the same kind of work done in a larger way on some of the other major agricultural products.

The purposes to be accomplished and the economic benefits to be derived from an educational program proceeding in an orderly manner and carrying directly to the wool producer by actual demonstrations and otherwise the value of standards, the proper methods of their use, and the interpretation of market quotations when the various standard factors which effect prices are known, are as follows:

It is proposed to establish wool standards into which the various kinds of wool produced in the United States can be included. Such standards will be—

First. Place at the command of the growers a knowledge of wool that will make for the greatest possible efficiency in the marketing of the commodity.

Second. Establish a basis for the payment to the producer according to quality, thereby creating an incentive to produce the best.

Third. Establish a basis for intelligible quotations.

Fourth. Make possible the manufacturers' buying direct from the producer.

Fifth. Make possible the employment of uniform methods and practices in the grading and in the preparation of the graded product.

Sixth. Minimize or eliminate the general practice of making a one-half to 1 cent a pound dockage.

Seventh. Place all manufacturers on an equitable basis in the manufacture of their goods.

Eighth. Create uniform understanding as to grade in order that loans on wool many intelligently and equitably be made by banking institutions.

Ninth. Insure definiteness in writing governmental and commercial specifications and contracts.

Tenth. Provide an intelligent basis for legislation.

Eleventh. Make possible the ascertaining of the trend of production.

Twelfth. Reduce transportation.

Thirteenth. Provide agricultural and textile colleges and extension workers with tangible means for giving instructions.

Fourteenth. Increase the returns to the producer through discouraging the production of inferior wools and rejects.

Fifteenth. Place the production and marketing of wool in the United States on a distinctly higher plane than obtains at the present time.

(a) Terminology, present and prospective; and

(b) Methods of representation of standards.

(a) Terminology follows closely the present commercial terms; however, the numerical classification is preferable, and its use is urged in connection with the present classification until such time as the numerical is associated with the present, and then to discontinue the use of the old term.

(b) The standards for grade and length will be represented by physical specimens, spinning property, and shrinkage in part by physical specimens and in part by description.

If the benefits of this bill are received it may be advisable to urge the establishment of conditioning or inspection points throughout the wool-producing areas to determine the average yields of wool from various sections of the United States as an index to producers of actual value. It is conceivable that specific yields of lines or consignments of wool may be determined prior to offering them to the market centers. Also such will serve as a local clearing house for information on the production of more uniform merchantable types of wool. Standardization would simplify the marketing of wool on a definite grade, where all the value-determining factors could be recognized and, made known, would result in benefits to everyone connected with the industry and to the ultimate consumer. The acquisition and dissemination of standard wool factors in the merchandising of wool will aid the wool producer in more intelligently disposing of his product, either through existing agencies or by the formation of new ones.

Advice and assistance could be given in sheep breeding in relation to wool production, correlating such work with that already being undertaken by some State extension departments. Standards will provide uniform educational assistance to all States instead of many States working along dissimilar lines. It is not only advisable but essential that demonstrations in the presence of woolgrowers of wool grading and classing should be carried on in all the leading wool-producing States similar to the work that is done in important foreign wool-producing countries. The classing of wool by definite standards would establish a percentage of offsorts and permit their relative valuation, and also emphasize the profitable advantages to be gained in offering such wools as the manufacturers may desire without forcing them to purchase and handle many offsorts, which in most cases must be resold.

A complete standardization classification by the wool-marketing department, United States Department of Agriculture, should be established and used comparable with that already being used with relation to diameter or fineness. This would provide for the procedure in an orderly manner of additional work in every phase of the industry along uniform lines, since grade remains constant from raw material to finished goods. Wool in this respect is very dissimilar to many other raw products, the identity of which is lost when processing begins.

It is a coincidence that almost at this very instant in Great Britain the attention of official bodies, trade organizations, and technical institutions is drawn to the subject of the standardization of quality in wool.

The question they are considering is the drawing into closer relationship and a better understanding the wool-growers and the worsted and woolen manufacturers in order that the former may have more precise and definite details of the requirements of the manufacturer.

An official of the Empire Marketing Board of England stated recently, as per January 4 issue of the Yorkshire Observer, published in Bradford, England, "that a grant of £9,000, or $45,000, was being made for the purpose of studying the factors in the standardization of wool qualities." We are informed that most of this grant will be used in the establishment of a suitable wool laboratory where this technical study may be made. It is pointed out that the main object of the grant is to establish a specific standard in the quality of wool based on scientific principles that will be common both to the manufacturers in England and the wool producers in the Dominions.

Suggestions have thus far been made in Great Britain that for research in wool and the costs of such investigations a levy of 1 pence, or 2 cents, per hundred pounds of all greasy wool imported into the country be made, the same to be set aside for this investigational work, the results of which will be highly beneficial to the industry. Before the full benefits of standardization of wool qualities can be fully realized the fixing of standards and specifications for fineness, diameter, staple length, crimp, elasticity, felting property, strength, presence of foreign material, and shrinkage by origin must be established.

For practical purposes standards may be established which may be used in commerce and also specifications may be written sufficiently descriptive to serve every purpose from a scientific and mechanical standpoint. It is evident that with standards of wool qualities receiving the serious consideration of so important a group as the wool-textile industry in Great Britain that this country should give more consideration to this important phase of research work in order that wool producers, merchants, and manufacturers may be in possession of such information as will enable them to breed, handle, and merchandise their wool in the most efficient and economical manner. This means that the masses of people throughout the country will reap the benefits of the savings which will accrue and the elimination of unnecessary expenses and costs of handling between the producer and the ultimate consumer. The importance of the wool industry in this country deserves the greatest consideration and attention, and any assistance we can give to the more orderly marketing of a standardized product with the benefits accruing therefrom is deserved in this industry.

As evidence of the value of the standardizing of the grades of wool are the indorsements that have been received from manufacturers and producers. Among others are the following:

Letter I received from the National Association of Worsted and Woolen Spinners:

The fact has been brought to our attention that your committee is to hold hearings on H. R. 15476, "A bill to authorize the appropriation for use by the Secretary of Agriculture of certain funds for wool standards, and for other purposes."

Unfortunately, other engagements prevent us from appearing in person to indicate to your committee the approval and indorsement of this measure by the National Association of Worsted and Woolen Spinners. We venture to hope, however, that you will record this indorsement along with other evidence submitted at the hearing.

Yours truly,

THOS. H. BALL, *President.*

Telegram from the California Wool Growers' Association to the American Farm Bureau Federation:

Authorize you represent California Wool Growers' Association in favor H. R. 15476 by Morgan.

Letter from W. P. Wing, secretary of the California Wool Growers' Association:

SAN FRANCISCO, CALIF., *January 3, 1927.*

Thank you for your letter of December 24, inclosing copy of the so-called "wool bill," about which you wrote me some weeks ago.

H. R. 15476, introduced by Mr. MORGAN, Congressman from Ohio, is entirely satisfactory to the California Wool Growers' Association. We will be prepared to appear in behalf of this bill whenever you advise us, by wire or otherwise, that hearings are to be held upon it.

Please keep us advised relative to the status of the bill, so that we can telegraph as you direct.

With best wishes for a prosperous and happy New Year.

W. P. WING, *Secretary.*

Telegram to Mr. Gray, Washington representative American Farm Bureau Federation:

Your message 14th relayed to me here account convention. No time prepare statement desired. Suggest you make statement for us.

Statement from the National Association of Wool Manufacturers:

The COMMITTEE ON AGRICULTURE,
House of Representatives.

GENTLEMEN: The National Association of Wool Manufacturers has willingly aided the United States Department of Agriculture in formulating the terms and definitions for the United States standard wool grades and their correlation with the Bradford count system. It believes the general use of the United States standard wool grades will be of benefit to both manufacturer and woolgrower.

It further believes that the proper use of funds for the purpose of acquiring information and facts and diffusing them among people of the United States relative to standardization, transportation, handling, and distribution of wool will be a public benefit.

It therefore recommends the enactment of the Morgan bill (H. R. 15476) providing ways and means for research and education along these lines.

WALTER HUMPHREYS, *Secretary.*

Letter from the above-named association:

Mr. CHESTER H. GRAY,
Washington Representative, American Farm Bureau Federation,
Washington, D. C.

MY DEAR MR. GRAY: It gives me pleasure to hand you herewith a brief outlining the position of the National Association of Wool Manufacturers in regard to the Morgan bill (H. R. 15476) now before the House of Representatives in the second session of the Sixty-ninth Congress.

Very truly yours, WALTER HUMPHREYS.

Letter from Mr. Thomas H. Ball, president of the National Association of Worsted and Woolen Spinners:

PHILADELPHIA, PA., *January 17, 1927.*

MR. CHESTER H. GRAY,
American Farm Bureau Federation,
Washington, D. C.

DEAR MR. GRAY: I duly received your letter of the 14th, and it will be impossible for me to be present in Washington on the 21st and find our secretary of the association, Mr. H. J. Nevins, will also be engaged that day, and he will send you a letter of indorsement as per the result of our last board meeting.

Wishing you every success, remain,

Yours very truly,

THOS. H. BALL,
President National Association of Worsted and Woolen Spinners.

L. B. Palmer, president of the Ohio Farm Bureau and Ohio Wool Growers' Association, and also a wool producer, and J. F. Walker, secretary of this association, both indorsed H. R. 15476. Many individual growers have expressed their interest in the passage of this bill.

The funds appropriated in this bill being due the growers, manifestly they should be used for their special benefit and will be so used in case the bill is enacted into law.

If the grades of the domestic wool clip are standardized and the purposes of the bill carried out, the producer can become educated to the true market value of his clip, as he can definitely compare it with the imported product and at the same time have the knowledge of its scoured market value, and, having this knowledge, will naturally be influenced to produce a higher-class product.

PUBLICATION OF STATISTICS OF TOBACCO

Mr. HAUGEN. Mr. Speaker, I call up the bill H. R. 53.

The SPEAKER. The gentleman from Iowa calls up the bill H. R. 53. The Clerk will report it by title.

The Clerk read as follows:

A bill (H. R. 53) to provide for the collection and publication of statistics of tobacco by the Department of Agriculture.

The SPEAKER. This bill is on the Union Calendar.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of Agriculture be, and he is hereby, authorized and directed to collect and publish statistics of the quantity of leaf tobacco in all forms in the United States in the possession of dealers, manufacturers, growers' cooperative associations, warehousemen, brokers, holders, or owners, other than the original growers of tobacco. The statistics shall show the quantity of tobacco in such detail as to types and groups of grades as the Secretary of Agriculture shall deem to be practical and necessary for the purposes of this act, and said statistics shall show the stocks of tobacco of the last four crop years, including therein the production of the year of the report, which shall be known as new crops, separately from the stocks of previous years, which shall be known as old crops, and shall be summarized as of January 1, April 1, July 1, and October 1 of each year: *Provided,* That the Secretary of Agriculture shall not be required to collect statistics of leaf tobacco from any manufacturer of tobacco who in the preceding calendar year, according to the returns of the Commissioner of Internal Revenue, manufactured less than 50,000 pounds of tobacco, or from any manufacturer of cigars who during the preceding calendar year manufactured less than 250,000 cigars, or from any manufacturer of cigarettes who during the preceding calendar year manufactured less than 1,000,000 cigarettes, or from any dealer in leaf tobacco who, on the average, had less than 50,000 pounds in stock at the ends of the four quarters of the preceding calendar year.

SEC. 2. The Secretary of Agriculture shall establish standards for the classification of tobacco. He shall specify the types and groups of grades which shall be included in the returns required by this act. Such returns shall show the quantity of tobacco by such types and groups of grades for new and old crops separately. The Secretary of Agriculture shall prepare appropriate blanks upon which the returns shall be made, and shall, upon request, furnish copies to persons who are required by this act to make returns.

SEC. 3. It shall be the duty of every dealer, manufacturer, growers' cooperative association, warehouseman, broker, holder, or owner, other than the original grower, except such persons as are excluded by the proviso to section 1 of this act, to furnish within 10 days after January 1, April 1, July 1, and October 1 of each year, completely and correctly, to the best of his knowledge, a report of the quantity of leaf tobacco on hand, segregated in accordance with the blanks furnished by the Secretary of Agriculture. Any person, firm, association, or corporation required by this act to furnish a report, and any officer, agent, or employee thereof who shall refuse or willfully neglect to furnish any of the information required by this act, or shall willfully give answers that are false or misleading, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $300 or more than $1,000 or imprisoned not more than one year, or both.

SEC. 4. The word "person" as used in this act shall be held to embrace also any partnership, corporation, association, or other legal entity.

SEC. 5. The Secretary of Agriculture shall have access to the tobacco records of the Commissioner of Internal Revenue and of the several collectors of internal revenue for the purpose of obtaining lists of the persons subject to this act and for the purpose of aiding the collection of the information herein required, and the Commissioner of Internal Revenue and the several collectors of internal revenue shall cooperate with the Secretary of Agriculture in effectuating the provisions of this act.

SEC. 6. The returns herein provided for shall be made under oath before a collector or deputy collector of internal revenue, a postmaster, assistant postmaster, or anyone authorized to administer oaths by State or Federal law.

SEC. 7. That the information furnished under the provisions of this act shall be used only for the statistical purposes for which it is supplied. No publication shall be made by the Secretary of Agriculture whereby the data furnished by any particular establishment can be identified, nor shall the Secretary of Agriculture permit anyone other than the sworn employees of the Department of Agriculture to examine the individual reports.

SEC. 8. The act approved April 30, 1912, providing for the collection of tobacco statistics by the Bureau of the Census is hereby repealed.

SEC. 9. If any provision of this act is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of the act and the applicability of such provisions to other persons and circumstances shall not be affected thereby.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman from Iowa yield for a question?

Mr. HAUGEN. Certainly.

Mr. CHINDBLOM. Is there any estimate as to what additional cost this legislation will place upon the Treasury? I observe in the report that it is stated the legislation is not in conflict with the financial program of the President, and I shall not raise an objection; but it will be interesting to know how much additional cost it will be to the country.

Mr. KINCHELOE. I will say to the gentleman that I do not think it will cost any more.

Mr. CHINDBLOM. I notice that you are repealing the present legislation on the subject and substituting this for it.

Mr. KINCHELOE. Yes. Under the present law the dealers had to report only the amount of pounds. This simply transfers this duty from the Census Bureau to the Department of Agriculture, and now it must report not only the number of pounds on hand, but the grade and group it embraces, so that the producers will know how much is on hand before they prepare for another crop.

This bill unanimously passed the House at the last session, and the Secretary of Agriculture has reported favorably upon it, and the Secretary of Commerce has no objection to the change of the activity from the Census Office to the Department of Agriculture.

Mr. McLAUGHLIN. Mr. Speaker, will the gentleman yield?

Mr. KINCHELOE. Yes.

Mr. McLAUGHLIN. I see a provision here to the effect that if one section of the bill is held to be unconstitutional it shall not make the rest of it unconstitutional. Have you put into the bill the usual provision to that effect? As I heard it read, it sounded to me as though it provides that if the court holds one provision in the bill to be unconstitutional, thereby all the other provisions in the bill become constitutional. It often happens that a case goes to the Supreme Court on one particular portion or feature of a law, and the court passes only upon that and does not express its opinion as to the constitutionality of the other provisions. If the other provisions were not at issue before the court it would not be right to say that because they are not attacked they are constitutional.

Mr. KINCHELOE. This bill provides:

If any provision of this act is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of the act and the applicability of such provisions to other persons and circumstances shall not be affected thereby.

Mr. McLAUGHLIN. I think that is all right.

Mr. KINCHELOE. I think it is.

Mr. McLAUGHLIN. Usually we provide that the applicability to other circumstances shall not be affected by the decision of the Supreme Court. Usually the action of the Supreme Court relates to a paragraph or section of the law and holds that to be either constitutional or unconstitutional. Here you presume the constitutionality of the law when the other sections have not been taken before the court.

EXTENSION OF REMARKS—PUBLICATION OF STATISTICS OF TOBACCO

Mr. KINCHELOE. This information will be obtained under this bill from the tobacco dealers or purchasers or manufacturers of cigars and cigarettes. If it should become unconstitutional as to one of these agencies, I do not see why that should affect the others.

Mr. GILBERT. This is the usual language that is employed.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HAUGEN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. GILBERT. Mr. Speaker, since coming to Congress I have endeavored to secure relief for the tobacco growers by the passage of what is known as the Gilbert tobacco bill. At the last session this bill passed the House but did not pass the Senate.

There are hundreds of thousands of people in the United States engaged in raising tobacco and this bill for their relief will be a substantial help to a large class of farmers. The eighth district of Kentucky, which I have the honor to represent, is one of the largest tobacco-growing sections of the world.

The present law, known as the Cantrill law, provides for the collection of certain statistics, but without sufficient detail. For several years it served to help the grower, but now, under changed conditions, it operates to seriously hurt him. Under its provisions the total amount of tobacco on hand is shown. In the past when there were large crops of tobacco of poor quality the buyers purchased it often lower than 1 cent a pound. This tobacco has been stored away, and though it was unsuited for consumption it became valuable for statistical purposes. This vast quantity under the present law is reported with other tobacco in making up the amount on hand and helps to show a large surplus, and thereby unjustly depress the market price of the tobacco in the hands of the growers to be sold. Under my bill the manufacturers and dealers report not only the amount on hand but also the years in which it was grown.

This bill also requires the grades and groups of grades and families of tobacco on hand to be shown. Types of tobacco for market purposes differ greatly from one another. Corn and wheat compete with each other more than different types of tobacco compete one with another. Corn and wheat are both used for food, while one type of tobacco is used to smoke, another to chew, and another for snuff. Smoking tobacco is divided in its use—a type for cigarettes, a different type for cigars, still a different type for wrappers, and yet another type for fillers, and so forth. The information of the total amount of tobacco on hand, which alone is required under the present law, is of little value to any grower unless he knows the type and grade also. All of these details are required under my bill. If enacted into law, the grower of light burley, which is used mostly for cigarettes, can know just how much tobacco is on hand of that type which comes in competition with him. This bill will also prevent his price from being lowered by the showing of large stocks of tobacco in no wise competing with him and much of which is of no use or value at all.

James N. Kehoe, of the Burley Tobacco Growers' Cooperative Association, testified recently before the House Committee on Agriculture that if this bill had become a law before his association had disposed of its tobacco it would have saved its members $20,000,000.

The manufacturer and dealer know exactly how much tobacco there is on hand, the amount and quality in the hands of the grower, and this bill gives the grower that same information about the buyer's business that the buyer already has about the grower's business.

It should also be remembered that while the courts directed the manufacturers and dealers' monopoly in tobacco be dissolved, yet in practical application there is yet a monopoly, because there are only about five tobacco buyers to sell to. Although the courts have determined that these buyers are to act independently, anyone who observes their bidding on the breaks must agree that while they go through the pretense of bidding against one another, yet they have arranged just how much and what tobacco and what price will control. While this bill alone can not prevent that and the grower must sell to these buyers, yet by its provisions he will know whether or not he is being paid a price to which he is entitled under the law of supply and demand, and, if courts and grand juries protect him from an unlawful monopoly, this bill will otherwise protect him as to the knowledge of his rights.

Tobacco should be one of the most stable crops in price. Its different types, unlike general farm products, have a limited area of production. Its consumption has maintained a gradual increase. The increase in the consumption of cigarettes, for which light burley tobacco is used, has increased from five billion to sixty billion within the last 12 years.

This increase in consumption has been much greater than the increase in production, and yet prices have fluctuated solely at the will of the buyers under the pretense of enormous stocks on hand. In view of this situation, it is preposterous that the price of burley tobacco should have been twice as much in one year as it was in the succeeding year. When that occurs, the price is fixed wholly unrelated to the laws of supply and demand.

The tobacco grower has received on an average for his labor smaller pay than any other class of industry, while those engaged in its manufacture have enjoyed profits far in excess of other industries. Financial reports show that the great tobacco companies have even in the recent years of agricultural depression not only declared enormous dividends but have been the only industry able to anticipate its outstanding obligations and meet them before maturity.

Comparisons may not be agreeable, but they are peculiarly enlightening. From the press we learn that the great tobacco manufacturer, James B. Duke, after a very generous career, left an estate of $300,000,000. This princely fortune was wrung from the tobacco grower of mine and neighboring States, who will leave no property, not even for the wife who, with him, labored in the fields under the summer's sun, nor for children whose only portion in life has been poverty and toil.

Agriculture is in the greatest crisis of its history. My district contains land as fertile as the valley of the Nile, and yet it is plastered with mortgages heretofore unknown. In a country blessed as this, there should be prosperity for both the manufacturer and the farmer. Such there was before this and the preceding administration. The farmer can not benefit by a tariff. He would need no legislative help if others were not permitted by legislation to exploit him.

The party in power can not remove the advantages it gives the manufacturer to the prejudice of the farmer without its own destruction. So while the farmer is gradually being drawn into bankruptcy the party in power flounders in its effort to grant agriculture relief. As it can not take the props from under the manufacturer, it attempts by other props to lift up the farmer to the same level. This is the theory of the McNary-Haugen bill. Would it not be easier, simpler, and less expensive to remove the props from under the manufacturer and thus place them on an equality rather than to build other props at great expense and great complication under the farmer in order to arrive at the same purpose? And what assurance have we that after the farmer has been propped up that the same influence that first gave the manufacturer his props will not again assert itself to still maintain the manufacturers' advantage by still higher props, and where is the false foundation to end?

The Members of Congress from agricultural districts whose friends and neighbors and who ourselves are farmers would like to do something for the farmer, but what can we do with a majority against us who will not permit any real, constructive, far-reaching legislation to be enacted? We are presented with the alternative of seeing our neighbors, our friends, and ourselves suffer without an effort to help them or to vote for a type of legislation like the McNary-Haugen bill, which attemps to do the right thing in the wrong way. I shall vote for the McNary-Haugen bill not because it is the kind of relief I would offer, but because, with the party of manufacturers in control, it is this or nothing.

I am at least glad to offer to one class of farmers, the tobacco grower, this legislation, which is at least simple, constructive, just, and beneficial.

NEW USES OF COTTON

Mr. HAUGEN. Mr. Speaker, I call up the bill H. R. 11579.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 11579) relating to investigation of new uses of cotton.

The SPEAKER. The Chair is informed that this bill is not on the calendar.

Mr. JONES. This bill was reported to-day. A unanimous report was made, and I have a favorable report from the de-

partment and from the Bureau of the Budget. I only ask to bring it up to-day, as I am anxious to secure early passage.

The same character of provision was included in a bill that was passed by the House at the last session, but which was caught in the Senate legislative jam. The bill was ordered reported a week ago, but I did not file the final report until I had the approval of the department and the Budget, which latter reached me to-day. The gentleman realizes the value of such approval before calling a measure up.

Mr. TILSON. Unless the bill is actually in the possession of the House, the House can not act on it.

Mr. JONES. The bill has been in the possession of the House for a week.

Mr. TILSON. There is only one bill so far as legislation is concerned, and that is the bill as reported by a committee. If that bill is not in the physical possession of the House, I do not see how the House can proceed.

Mr. JONES. The bill, together with the report, was dropped in the basket to-day—the actual bill. It is the same bill that was ordered reported by the House a week ago. It was simply dropped in the basket again with the report, and I do not see any reason why we can not proceed with the consideration of it unless there is objection.

Mr. TILSON. My only question is whether the bill is in the possession of the House.

Mr. JONES. It is and has been in the possession of the House for a week, but the report was filed only to-day. The bill was ordered reported a week ago; the bill is in the possession of the House and the Clerk has it.

Mr. CHINDBLOM. Mr. Speaker, I take it we are proceeding under the general rules which apply on Calendar Wednesday. Under those rules this bill could only come up by unanimous consent and not under the order already made.

Mr. JONES. The remainder of to-day has been yielded to the Committee on Agriculture for the consideration of bills unobjected to.

Mr. CHINDBLOM. No; consent was not granted for the consideration of bills unobjected to. Consent was granted to yield the remainder of this afternoon to the Committee on Agriculture for the consideration of bills under the rules applicable to Calendar Wednesday.

Mr. JONES. I do not think the latter was tied onto the consent.

Mr. TILSON. I think that was the understanding.

Mr. CHINDBLOM. At least that was the effect of it.

Mr. TILSON. It was the understanding that these bills were to be considered under the regular Calendar Wednesday rules.

Mr. JONES. I will state that the only reason I have brought up the bill now is because I am compelled to be away from the city Wednesday week, which, I understand, will be one of the regular days for the Committee on Agriculture. I am anxious to pass it, and I do not think there will be any controversy over the bill. As stated, a bill carrying similar provisions was passed through the House at the last session but failed in another body due to conditions prevailing there. It has the approval of the Department of Agriculture and the Bureau of the Budget. It was reported unanimously by the committee about a week ago, and I delayed filing the report until I had the approval of the Budget, and then reported it immediately.

Mr. CHINDBLOM. The bill could be read as well as the letter from the department, and the letter from the Bureau of the Budget, with the understanding that then the bill shall be subject to unanimous-consent consideration. If that is done I shall not object, if the documents referred to bear out the statements made by the gentleman from Texas, which I have no doubt they will.

Mr. JONES. I have a copy of the letter here.

The SPEAKER. Without objection, the Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Agriculture and the Secretary of Commerce are hereby authorized to engage in technical and scientific research in American-grown cotton and its by-products and their present and potential uses, including new and additional commercial and scientific uses for cotton and its by-products, and to diffuse such information among the people of the United States; and the Secretary of Agriculture and the Secretary of Commerce or their duly authorized representatives may cooperate with any department or agency of the Government, any State, Territory, District, or possession or department, agency, or political subdivision thereof, or any person in carrying out the purposes of this act in the District of Columbia and elsewhere.

The SPEAKER. This bill is on the Union Calendar.

Mr. JONES. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Texas asks unanimous consent that this bill may be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The bill has been reported. Does the gentleman from Iowa yield to the gentleman from Texas?

Mr. HAUGEN. Yes.

Mr. JONES. Mr. Speaker, I ask that the letter from the department be read.

The SPEAKER. Without objection, the letter referred to will be read by the Clerk.

The Clerk read the letter, as follows:

Hon. G. N. HAUGEN,
House of Representatives.

DEAR MR. HAUGEN: Your letter of March 1, in which you request comment on the bill H. R. 11579, relating to the investigations of new uses for cotton, has been received. This bill would authorize the Secretary of Agriculture and the Secretary of Commerce to engage in technical and scientific research in American-grown cotton and its by-products and their present and potential uses, including new and additional commercial and scientific uses for cotton and its by-products, and to diffuse such information among the people of the United States.

Believing as we do that one of the greatest single opportunities for improving the economic position for our cotton growers is through the increased use of cotton, we are in sympathy with the purpose of this bill. Somewhat similar authority is carried in the current appropriations act for the Department of Agriculture and for the Department of Commerce, but we believe that specific legislation of this kind is desirable.

Sincerely yours,

W. M. JARDINE,
Secretary of Agriculture.
HERBERT HOOVER,
Secretary of Commerce.

(Submitted to the Bureau of the Budget, pursuant to Circular No. 49 of that bureau, and returned to the Department of Agriculture with the advice that the legislation proposed in H. R. 11579 is not in conflict with the financial program of the President.)

Mr. BLACK of Texas. Will the gentleman yield?

Mr. JONES. Yes.

Mr. BLACK of Texas. As I understand, the purpose of this bill is to somewhat broaden the authority that is now carried in the appropriation bill, which permits the Secretary of Agriculture to make these studies as to the new uses of cotton? If so, it seems to be a good bill and I am for it.

Mr. JONES. It not only provides for broadening the authority, but also provides for continuing the work that was begun last year. Last year the Committee on Agriculture held hearings upon a measure containing substantially the provisions of this bill. It was reported by the committee and while it was pending the Appropriations Committee included an item covering this work and this is to give legislative authority for a continuation of that work.

A measure which I introduced last year containing substantially the provisions of this bill passed the House during the last session, but died on the Senate Calendar. The pending bill has for its purpose the giving of legislative authority for the continuation of practical investigation into new uses for cotton and its by-products. While the measure last year was pending provision was made in the appropriation bill for the beginning of this work.

Under this provision much valuable work has been done. During recent years most of the attention has been paid to the problems of production. Too little attention has been paid to the problems of distribution. Just now the problem of distribution is a far more vital one. Every thinking man must admit this. The work contemplated by this measure applies to this phase of the problem.

My colleague [Mr. FULMER] has rendered valuable assistance in this matter. In fact, while a bill covering this and other matters was pending last session in the committee, he offered an amendment which materially added to the value of the bill.

Already much valuable work has been done. Experiments are being conducted in the making of brattice cloth for use instead of jute, in the use of cotton materials in conduit installation, in the better finishing of fabrics so as to make them more suitable for use, in the use of bagging for cotton, the making of sugar sacks and other wrappings, and the blending of cotton with other materials in the making of many useful

articles. Surely the House does not want this work discontinued.

In other words, it furthers the effort toward stimulating the consumption of cotton and its by-products. Anything that will do this will help to solve its marketing and disposition, and would, of course, be reflected in a better price for producers of the commodity.

I don't think this Congress could do a finer thing for this great industry. The work costs but little and means much to the cotton producers of the South.

The SPEAKER pro tempore (Mr. CHINDBLOM). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JONES, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. FULMER. Mr. Speaker, I ask unanimous consent to extend my remarks on this bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. FULMER. Mr. Speaker and gentlemen of the House, at present I do not care to take much time in discussing H. R. 11579, a bill introduced by my good friend and colleague, Mr. JONES of Texas.

As stated by Mr. JONES, I offered last year an amendment to certain legislation before the Agricultural Committee authorizing the Department of Agriculture to do the line of work contemplated under the Jones bill. This amendment carried an authorization of $50,000. Under this bill Mr. JONES includes the Department of Commerce, which I think proper because they have done and are doing quite a lot of work along this line.

About four years ago I had the matter of trying to bring about uniform tare for cotton, and the use of cotton bagging as a substitute for jute now used in covering cotton up with Mr. Wallace, then Secretary of Agriculture. I want to say that since that time wonderful progress has been made, and I am hoping in the near future to be able to report favorably from the Agricultural Committee, of which I am a member, a bill (H. R. 10303) introduced by me bringing about the selling of cotton on net weight, uniform tare, and the substitution of cotton bagging for jute bagging.

It is my opinion that if our Government would spend considerable more money along the line of research work and less money in trying to bring about overproduction they would be working much more in the interest of the farmers of the country.

It is an easy matter to go to Congress for most any size appropriation to fight crop pests, and for appropriations to make two sprigs grow where one used to grow; but after all is said and done the farmer is left high and dry, without a proper and up-to-date marketing system. Very often he is left with a surplus that he is unable to handle, which fixes the price of the whole crop, usually under the cost of production.

Cotton bagging for cotton bales has been a recurrent subject of controversy for more than a quarter of a century. In the year 1889, I remember as a boy, the fight that my father, along with other farmers, made to substitute cotton bagging for jute. Southern papers carried headlines as, "The cotton-bagging fight," "The new cotton covering," "The cotton-bagging question," "Cotton or jute," "Let cotton cover cotton," and "Cotton bagging wins." We had at that time, as we have to-day, a Jute Trust, that not only put up a fight but put the cotton-bagging interest out of business, and immediately thereafter the price of jute advanced. This same fight has begun in opposition to my bill, which, if passed, will save the cotton farmers millions annually in freights and otherwise, and besides would consume a quarter of a million bales of low-grade cotton annually.

I quote here a part of a letter written by the manager of a jute-bagging company to his Senator asking that the Senator use his influence to prevent the passage of my bill:

> We have before us a copy of bill H. R. 10303, introduced into the House of Representatives by Mr. FULMER. This bill provides for the selling of cotton on net-weight basis and also gives the Secretary of Agriculture authority to specify the kind of weight of cotton-bale covering to be used. As the Department of Agriculture has already issued a preliminary statement on the use of cotton bagging for covering cotton, it is obvious that they will specify bagging made of cotton if given the authority.
>
> In regard to selling cotton on a net-weight basis, we see no reason for this, as practically all bagging (jute) is now being made on a 2-pound basis and prices are based on this amount of tare.
>
> We do not wish to burden you with this matter, but you can realize how important it is to us. We trust that after you have considered the matter you will use your influence to prevent the proposed legislation, which would be so destructive.

Under the amendment proposed by me last year the Department of Agriculture entered into this work by designing four weights of cotton bagging and one for patches for the purpose of comparing them with jute bagging in shipping and weather tests. Due to the fact that I am so much interested in this subject, I am glad to say that the cotton used in this test was manufactured in the cooperative testing laboratory at Clemson College, South Carolina, my State, and stood the test well.

As a shipping test, 120 bales of cotton were shipped from Henderson, N. C., to Portsmouth, Va., by rail and to Norfolk, Va., by barge. At Norfolk the cotton was weighed, sampled on both sides, compressed to high density, and shipped to Bremen, Germany. Twenty-four bales of this cotton was covered with 2-pound jute bagging and the balance was covered with the various types and weights of cotton bagging. This same cotton later was shipped back to the United States and is now on exhibition at the Department of Agriculture, where Members interested can call and inspect same. I will not take the time to go into details as to the test comparison of the cotton bagging with jute, but will say that in every way the bagging made of cotton won over the jute.

I will insert here a statement that will be very interesting in connection with this test:

TABLE 3.—*Condition on arrival of 120 bales of cotton shipped to Bremen, Germany, by kind of bagging used on the bales, and rank of bagging in the test.*

Kind of bagging	Condition of bale on arrival [1]			Rank [2]
	Excellent	Good	Fair	
2-pound jute	4	16	4	Normal.
No. 1 cotton	5	14	5	Do.
No. 2 cotton	8	11	5	15 above normal.
No. 3 cotton	13	8	3	50 above normal.
No. 4 cotton	15	9	-------	75 above normal.

[1] Excellent.—Bale must be neat in appearance with all bands and marks intact. Heads of bales must be completely covered. No large cuts or torn places permitted. Good.—Bales must be free from actual damage and fairly neat. Marks must be legible and bales must be in fair condition. Not more than 1 band may be missing. Reasonable number of small cuts or torn places permitted. Covering may be loose on one end only. Fair.—Covering is ragged or unattractive. Band may be off. Marks damaged. Bagging cut or torn or ends slightly hanging, but no actual damage to bale.

[2] A type of bagging is given a rank of normal if an equal number of bales are found to be above and below "good" condition upon arrival in Bremen, Germany. In determining the rank of other types of bagging, 5 points are scored above or below normal for each bale the condition of which was found to be above or below "good" upon arrival in Bremen.

If Members will call upon Hon. Lloyd S. Tenny, Chief Bureau of Economics, Department of Agriculture, he will be glad to furnish them with reports in detail in connection with what I am talking about.

I am inserting herewith statement contained in the report referred to showing the probable increase in price if we should consume only 200,000 bales of cotton for cotton bagging:

> It is estimated that something like 200,000 bales of low-grade cotton would be required, on the average, to cover the American cotton crop with a light-weight cotton bagging. It is thought that the consumption of 200,000 bales would have approximately the same effect upon the price level as a reduction of that amount in the available supply; that the rise in the price might amount to as much as one-half cent per pound, or $2.50 per bale.

The statement below will enumerate other savings:

ESTIMATED ADVANTAGES OF A LIGHT-WEIGHT STANDARDIZED BAGGING

Taking as typical the year 1913, when the production was approximately 13,700,000 bales of 500 pounds each, and when 8,800,000 bales were exported, the following is an estimate of the savings which might accrue from the use of a 6-yard pattern of cotton bagging weighing 5 pounds, and a cotton patch 30 inches wide and 36 inches long, weighing 1 pound per yard:

(a) Taring in Europe (say 80 per cent of cotton tared, at 15 cents per bale)	$1,056,000
(b) Inland freight (at, say, 85 cents per 100 pounds on difference between 24 pounds and 16 pounds per bale) on 8,800,000 bales	598,400
(c) Ocean freight (at, say, 65 cents per 100 pounds on difference between 26.5 pounds and 16 pounds per bale) on 8,800,000 bales, 265 pounds representing 9 pounds for bands and 3⅓ per cent for bagging	600,600
(d) Excess tare (i. e., excess over allowance of 16 pounds per bale) was also avoided by standardization saving, say, 1 pound per bale (say, 7 cents per pound on 8,800,000)	616,000
(e) Inland freight on 1 pound excess tare per bale, on 8,800,000 bales (say, 85 cents on 100 pounds)	74,800

(f) Ocean freight on 1 pound excess tare per bale, on 8,800,000 bales (say, 65 cents on 100 pounds)	$57,200
(g) Insurance commission, discounts, etc. (say, 2 per cent on 1 pound per bale saved on excess tare) on 8,800,000 bales, cotton selling at 20 cents	35,200
(h) Insurance commissions, discounts, etc. (say, 2 per cent on difference between 23.5 pounds and 16 pounds per bale), on 8,800,000 bales, cotton selling at 20 cents	369,600
(i) Domestic freight on 8 pounds per bale at an average rate of $1.10 per 100 pounds, on 4,900,000 bales	431,200
(j) Insurance, exchange, etc. (say, 1 per cent on 8 pounds per bale, cotton valued at 20 cents), on 4,900,000 bales	$78,400
Total estimated savings	3,917,400

Table 6, taken from Mr. Tenny's report estimating consumption of various types of jute bagging 1909–1920, 1919, 1920, and 1926 should be interesting. It is as follows:

Types of bagging	Consumption				Percentage of total			
	1909–1912[1]	1919[1]	1920	1926[1]	1909 to 1912	1919	1920	1926
	Running yards	*Running yards*	*Running yards*	*Running yards*	*P. ct.*	*P. ct.*	*P. ct.*	*P. ct.*
New bagging	254,398,354	51,427,000	46,869,000		69	61.07	48.29	
Imported bagging	32,906,574	[2]6,599,616	[3]5,446,428	62,288,000	9	7.83	5.61	58.94
Rewoven bagging	24,000,000	8,065,000	7,396,000	13,239,653	7	9.57	7.62	12.53
Sugar-bag cloth	7,000,000	12,056,000	9,706,000	24,001,420	2	14.31	10	22.70
Secondhand bagging	50,000,000	6,053,496	27,625,028	6,156,896	13	7.22	28.48	5.83
Total	368,304,928	84,201,112	97,042,456	105,685,969	100	100	100	100

[1] Data used are from Tariff Information Surveys, "Jute cloths," 1922, p. 21.
[2] Data compiled by means of questionnaire sent out in September, 1927.
[3] Imports for the calendar years 1919 and 1920 amounted to 8,799,488 square yards and 7,261,904 square yards, respectively. These totals have been converted into linear yards of 45 inches in widths, as have all figures in this column.
Based on actual sales and imports amounting in 1919 to 59,079,476 linear yards and in 1920 to 51,903,727 linear yards.

From the study of cotton bagging for covering cotton, Mr. Tenny gathers the following:

1. Cotton bagging may be manufactured from the lowest grades and staple lengths of cottons produced in the United States, and can be manufactured from high-grade waste.

2. Cotton bagging, as manufactured at present, makes a very suitable covering for cotton bales. It is reasonable to suppose that a better method of spinning yards and weaving the cotton-bagging fabric may be developed by experimentation and the cost of production consequently lowered.

3. Decided economies in transportation and insurance costs would result from the use of a lighter-weight bagging.

4. A strong, light-weight cotton bagging of standard construction and weight would tend to obviate the disagreeable and costly practice of challenging and taring American cotton in spinners' markets at home and abroad.

5. Cotton lint does not adhere to cotton bagging so tenaciously as it does to jute bagging.

6. The lightest weight of cotton bagging thus far tested is superior to 2-pound jute bagging and to the burlap covering commonly used on the Egyptian bale, which has the reputation of being the most attractive covering now entering the world's markets.

In connection with this line of work I have taken up with the Post Office Department the substituting of cotton twine for jute twine, and I have taken up with the Agricultural Department and Department of Commerce the use of cotton bags instead of jute bags for fertilizer and other merchandise.

Since this work has begun it is most interesting to note the activity on the part of the manufacturers of cotton bags and twine.

In the new uses for cotton the department of the Cotton Textile Institute (Inc.) of New York is doing great work along this line also.

I want to quote here some statements contained in a speech made by Hon. George A. Sloan, secretary of this institution, who addressed the thirty-fifth annual convention of the American Wholesale Grocers' Association, May 18, 1927:

Cotton is a basic American industry, and as such deserves the hearty support of the American people. We are a Nation of intense and enthusiastic patriots, and when sound economical buying is coupled with an appeal to our patriotism we may all feel sure that cotton shall be king again.

Have you ever stopped to analyze this commodity, cotton, on which a basic industry has been built up during the centuries? If you have not, let me sketch briefly some of its outstanding qualities which make it vital to our civilized comfort to-day.

Cotton is a good retainer of heat. Conversely, by the porous construction of many cotton fabrics it is one of the coolest materials. Hence its enormous use in tropical countries.

It is economical, in that it has a waste value and many uses beyond the initial use.

It is nature's whitest fiber.

It is nature's cleanest fiber.

It is capable of being spun into very soft and downy products and also into products sufficiently tough to wear down metal surfaces.

It possesses an excellent affinity for dyes and remarkable ability to retain them, and I could go on indefinitely.

Your secretary in his kind letter of invitation asked me to report to this meeting on the results of our investigation to date so far as they relate to the uses of cotton bagging. First of all, you may be interested to know that the following associations and industries have urged their members to use cotton containers in the shipment of their products:

National Coffee Roasters' Association.

National Fertilizer Association.

National Wholesale Grocers' Association.

American Wholesale Grocers' Association.

Rice Millers' Association.

The salt manufacturers have sent out letters to the trade expressing a willingness to ship in cotton when so requested.

Most of the starch manufacturers have advised their customers that they will ship in cotton if so asked.

The following is the status of cotton containers in the various industries as indicated by our studies which at best must be accepted as preliminary.

Eighty per cent of the cement is shipped in cotton sacks.

In the coffee industry Meyer Bros. Coffee & Spice Co., of St. Louis, Mo., have adopted cotton for their 25 and 50 pound sizes for roasted coffee beans with satisfactory results.

Cotton until recently has never been considered suitable for the shipment of cottonseed cake and meal. Yet one of the large companies tells us that they began using cotton bags last October with such satisfaction to their customers that their trade has appreciably increased and they now find it advisable to use cotton sacks entirely. They predict that the various other concerns in this business will soon be compelled to ship in cotton.

Flour is one of the great outstanding fields for the use of cotton, it being estimated that 50 per cent of the 700,000,000 cotton bags now used annually in the United States are used for this purpose.

In the shipment of certain vegetables, for example, potatoes, it has been suggested that cotton bags could be used to advantage on the returnable basis.

Grain is largely shipped in bulk, yet one large company uses from 600,000 to 750,000 cotton sacks, and has the empty bags returned. This has proven so satisfactory and economical that it has had no occasion to buy any new bags in 10 years.

One of the bag companies advises that there has been an increase of approximately 3,000,000 yards of cotton bagging cloth over the quantity used in 1925 for the shipment of chick feeds and staple foodstuffs, like bran and alfalfa meal.

With nuts, the practice has been to use burlap or wooden crates and half barrels. One of the largest peanut shippers is now carrying on extensive investigations into the bagging situation.

In the case of salt, it is common practice to use cotton in the packing of evaporated salt; rock salt is largely shipped in bulk.

For seeds, 7,500,000 cotton bags are needed to handle the commercial demand. In this respect, it is interesting to know that 85 per cent of all seed used in this country either remains on the farm where produced or is sold to neighbors.

Soap is a field in which cotton is coming to the front. In the last year and a half one of the largest companies has shipped over one-third of its product in cotton and states that its advantages are: Ease of handling, saving of floor space, convenience in making up the laundry solutions, and the bags can afterwards be used for collecting the soiled laundry or for returning the wet wash. In one city of Canada (Toronto), 90 per cent of the laundry owners prefer cotton bags. Arbuckle Bros. have

advised us that they are now packing all of their 100-pound packages of refined sugar in cotton.

The meat industry uses large quantities of cotton for the protection of its dressed meat.

Several of the large nurseries are now investigating the use of cotton sacking for the packing of their trees and shrubs.

The grocery trade is doing much toward increasing the use of cotton containers in the shipment of coffee, cottonseed meal, flour, grain, nuts, potatoes, rice, salt, seeds, soap, starch, sugar, and various other bulk commodities. If only 10 per cent of these products were carried in cotton, it would mean an increased use amounting to at least 50,000,000 cotton bags a year. But this percentage is not taken advisedly, and you will therefore see that our studies have only begun to indicate the possibilities.

We know and you know that there are instances where cotton goods may be substituted for other materials for the best interest of the ultimate consumer and consequently of the trades concerned. We both know equally well that there are other instances in which such substitution is not compatible with the public good.

My friends, if we could bring about the using of cotton as a substitute for jute along these lines we would consume not less than 1,000,000 bales of cotton. The National Fertilizer Association reports that during 1926, 7,347,700 tons of fertilizer were used. If all this fertilizer had been bagged in new 200-pound cotton bags made of 8-ounce Osnaburg, approximately 170,000 bales of that year's supply of low-grade cotton would have been consumed.

Think what it would mean to cotton farmers of the South, many of them broke to-day because of the present situation. Think what it would mean to American cotton mills and to thousands of their employees. Therefore, with these facts before the Congress, it seems to me that the Members would be willing to help us secure funds for this line of work.

In 1925 we imported nonmanufactured jute to the amount of $12,840,972 and manufactured jute fabrics to the amount of $95,196,263. Please think for a moment of this tremendous amount of money going out of the pockets of the Americans into a foreign country, and in the meantime we are stifled with a surplus of cotton that could be substituted for this foreign product. It is very clear to me that one of our greatest troubles is in not being able to compete with cheap labor in foreign countries.

Mr. Leavelle McCampbell, of Harding, Tilton & Co., New York, makes the following statement regarding wages paid at Bengal:

The jute mills in Bengal pay for carder, 89 cents per week; for rover, $1.75 per week; for the spinner, $1.40 per week; for the winder, $1.91 per week; for the beamer, $2.37 per week; for the weaver, $2.84 per week.

It is a strange thing to me that our Republican friends have overlooked the placing of a duty on the importation of jute products which would give our American mills protection so as to manufacture cotton to be substituted for jute.

I think the trouble about this is that the mills in foreign countries are largely owned and operated by Americans, and they seem to have more weight in having free shipments of their goods than mills and farmers in America in having a duty placed thereon.

I hope that the Members will give time and serious thought to this line of work and that they will call on the Department of Agriculture and the Department of Commerce for information and reports regarding same.

FARM LEGISLATION

Mr. ASWELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter from Mr. B. F. Yoakum on farm legislation.

The SPEAKER pro tempore. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. ASWELL. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

FEBRUARY 29, 1928.

DEAR MR. PRESIDENT: I received, through Secretary Sanders, a copy of Secretary of Agriculture Jardine's letter to you dated February 14.

While the Secretary of Agriculture agrees partly with my views concerning farm marketing, he expresses himself as not favoring certain suggestions contained in my letter of February 8 to you, which objections I desire briefly to explain.

I appreciate his commendation of its purpose and objective, but apparently Mr. Jardine did not give my plan the full consideration to which it is entitled.

Regarding my estimate that $7,350,000,000, approximately one-half the price spread between the farmers and consumers, represents "unjustifiable and unnecessary commissions, profits, rake-offs, etc.," he says:

"This department is not acquainted with the basis for these figures. He [Yoakum] has no doubt compiled his data with great care, but our research has thus far failed to reveal such unjustifiable profits in distribution."

My data was carefully compiled. For more than 20 years (and intensely so for the past 7 years) I have concentrated my attention on farm marketing, spending time and money unstintedly in investigating the spread between the farmer and consumer. The Government, so far as I have been able to learn, has given but little attention to that phase of the problem. Therefore, I wish to reaffirm that my figures are dependable.

"The cost of processing [Mr. Jardine says] must also be taken into account."

All but two of the 17 standard farm products I cited (sold to consumers for $22,500,000,000, of which the farmers received only $7,500,000,000) go direct from the farmer to consumer. Processing, therefore, does not enter into the question.

Senator CAPPER, in his speech a few days ago at a dinner held under the auspices of Columbia University and the American Country Life Association in New York City, President Nicholas Murray Butler presiding, declared that last year from farm products farmers received $10,000,000,000, while consumers paid $30,000,000,000, the rest going to middlemen. In this the Senator included all products, while I confine myself to 17 standard food products.

In paragraph 4 Mr. Jardine says:

"More and better statistical information would help to bring about a reduction in the cost of middlemen services, to the benefit of both producer and consumer"; and that he is "strongly of the opinion that provision should be made for an adequate census of distribution, recommended by Secretary Hoover."

Such a census might be of some value. But it would cause long and useless delay. Why complicate the situation and becloud the issues? When the farmers are calling for action, why feed them statistics?

Mr. Jardine believes with me, that "mass marketing by strong business organizations of producers would reduce cost of marketing, give farmers greater bargaining power, and help stabilize farm prices and adjust production to demand," and that "these associations should be organized along commodity lines." He says:

"However, the enabling legislation proposed by Mr. Yoakum would not be necessary, since farmers already have broad authority under the Capper-Volstead Act to form cooperative marketing associations."

This is partly true, but misses the main point. The Capper-Volstead Act does not enable farmers to control and distribute their products and stabilize prices through a "marketing board of control" consisting of farmers. It does not permit them to direct interstate and foreign shipments, or give them the authority to make a uniform nation-wide marketing system effective.

If that act had given authority to stabilize profitable prices the farmers would not now be on the brink of bankruptcy with farm values reduced from $79,000,000,000 to $56,000,000,000 in seven years. There isn't a farmer or business man in the land who does not know that further legislation is necessary, and that it must be upon broader and more practical lines.

"Mr. Yoakum's proposal for a Federal loan for organization purposes should receive a great deal of support, especially among professional promoters." (Page 2, paragraph 3, of Mr. Jardine's letter.)

What does Mr. Jardine mean by that? My plan calls for the least expenditure, a very small loan not exceeding $1,000,000 to any one commodity marketing organization, and that for organization expenses only, to be reimbursed from the first crop. (Fourth paragraph, page 8, my statement before the Committee on Agriculture of the House of Representatives, February 15.) Its very basis is to take this matter out of the hands of promoters and politicians and place it under control of the farmers. The farmers are not promoters, professional or otherwise. In honesty and integrity they stand at the head of our citizenship. In business they are as capable as those engaged in any other lines of industry. Can't they be trusted to care for their own interests and fulfill their obligations to the Government? I am sure they can.

The farmers only stand in need of a simple act of Congress that will give them authority to organize under Federal charters, control distribution of interstate and foreign shipments of their commodities, stabilize prices, and establish a practical, effective nation-wide marketing system.

I agree with Mr. Jardine that "successful cooperation can not be built on the extravagant assertions of professional promoters." Neither can it be built on the extravagant claims of politicians or under professional or political control. It must be kept out of the hands of promoters or politicians, must be controlled by the farmers themselves, operated by them in their interest. That is the very heart of my plan.

I entertain the highest opinion of Mr. Jardine. We are both striving to bring about a better system of farm marketing. We may differ as to methods. I understand Mr. Jardine is favorable to Federal control, on which I strongly disagree. Marketing products of any character is a business proposition and should be operated by those who understand the business. Certainly no one understands the farming business and its requirements as well as the farmers. Therefore,

if the marketing of farm products is taken from under the control of the farmers, the marketing of farm products can not be made successful.

Having sincerely the same objects in view, Secretary Jardine and myself should be able to find a common ground upon which we can work in harmony in seeking a solution of this perplexing problem.

Thanking you, Mr. President, for your consideration of this matter.

Very sincerely yours,

B. F. YOAKUM.

Hon. CALVIN COOLIDGE,
The White House, Washington, D. C.

Mr. CLARKE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on farm-relief legislation.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CLARKE. Mr. Speaker, believing that the policies during, and the wicked deflation after, the World War have produced a profound depression and created grave inequalities as between agriculture and other industries, I set forth my reasons for opposing the so-called McNary-Haugen bill, as considered by the Agricultural Committee, that contains the dubious "equalization fee" and its false promises, according to its paid propagandists, of producing prosperity in perpetuity for the farmer.

Reason 1. I want farm legislation to assist agriculture now.

Reason 2. I promised, when a candidate, to support my President, Calvin Coolidge, and his policies. He vetoed the McNary-Haugen bill, and especially emphasized the equalization fee as one of its objectionable features. I think it naturally follows he will veto it again with the equalization fee in, therefore its passage means no farm legislation. I want farm legislation now.

Reason 3. The present McNary-Haugen bill contains this equalization fee, the Attorney General, as the legal advisor of the President, says that this fee is unconstitutional, therefore the McNary-Haugen bill may pass both the House and the Senate, but it can not pass either or both the House and Senate over the President's veto and that means no legislation.

Reason 4. Not a single paid propagandist, agitator, or lobbyist for the McNary-Haugen bill has presented one argument before the Agricultural Committee justifying the opinion that this equalization fee is constitutional. The following Members of Congress, irrespective of party and recognized as profound students of constitutional law, are of the opinion that the equalization fee is unconstitutional.

Hon. GEORGE GRAHAM, present chairman of the House Judiciary Committee.

Hon. HENRY ST. GEORGE TUCKER, a former president of the American Bar Association.

Hon. WALTON MOORE and the Hon. THEODORE BURTON and others; so even if it became a law, legal and constitutional questions would be raised, interminable litigation started, the "fee" would not be in operation for years, and what agriculture needs is an operative, full-functioning law now.

Reason 5. I believe the cooperative movement has done more and promises more than any other movement for agriculture, and supplementing it with the different agencies created by law and already existing in the Department of Agriculture, is having a tremendously beneficial effect upon agriculture.

Upon an emergency being declared under the McNary-Haugen bill on any commodity the producers thereof are all placed under the equalization fee; therefore if you impose another tax upon cooperative producers when no benefits accrue you greatly discourage and ultimately destroy those cooperatives.

Reason 6. The McNary-Haugen bill in its last analysis is fundamentally un-American, in that the producer's liberty is destroyed, his commodity in the emergency is placed under the equalization fee, and he is compelled thereby to have the production of his commodity taxed and the handling and administration thereof taken from his control; such processes reverse the fundamental theory of our Government, in that those who are "least governed are best governed," and goes contrary to the processes governing the evolution of civilization, that are not founded upon compulsion but rather upon love, education, and cooperation.

I have felt the uncompromising attitude of the proponents of the McNary-Haugen bill was absolutely wrong, and it has been utterly repulsive to me to hear threats of political annihilation uttered by some of these proponents against some of the members of the Agricultural Committee who honestly want farm legislation and honestly believe they will never get it if they expect the McNary-Haugen bill to become a law, in view of the strong opinion of the Attorney General against the equalization fee and the stronger language of President Coolidge's veto, for the President emphasized the fact that the equalization fee was especially obnoxious.

There seems to be prevalent a conception that by legislative enactment we can bring prosperity to the farmers. Hot-air artists, theoretical economists, and ingenuous organizers have led many of our farming people to believe that through legislative fiat miracles can be wrought, that through taxing all the people 30 per cent of the people can be made prosperous. They seem to ignore or forget the wrecks and tragedies that have followed the State ownership experiments in the Northwest; they seem to overlook the cold, hard experience of the States that guaranteed bank deposits and the troublesome times they went through that necessitated the wiping off from the laws of these States of this guaranty. Read and reread the story again of the experiences of some of our joint-stock land banks, where the uneconomic, unscientific, and dishonest practices led to the indictment of the officials of at least three of those banks and threatened to wreck the entire system.

Any law that encourages the growing of surpluses that must be sold in world markets and hopes to get around the law of supply and demand in the long run is predestined to failure, and any surplus of this year stored in any old place will bob up another year to help reduce prices and demonstrate that the laws of supply and demand finally obtain.

England just completed a great experiment in seeking to control the production and price of crude rubber. This has resulted disastrously, doing incalculable injury to the industry, so that the price of rubber has descended from around $1.20 to about 31 cents per pound. You may seek to "hamstring and halterbreak" the law of supply and demand, but ultimately she rules.

AGRICULTURAL EXTENSION WORK

Mr. HAUGEN. Mr. Speaker, I call up the bill (H. R. 9495) to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture.

The Clerk read the title of the bill.

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. HAUGEN. Mr. Speaker, I would like to make a brief statement. I stated on the floor I would not call up any bill that carried an appropriation or any bill that had not been passed by the House before. I find we have a bill here that I believe has been materially changed from the way in which it passed the House the last time, and I am not sure but what this is in conflict with the agreement. I shall yield to the gentleman from Michigan to make a statement about it.

Mr. KETCHAM. Mr. Speaker and gentlemen of the House, in accordance with the suggestion of Chairman HAUGEN I want to state that a bill with this particular object and with the exact title that this bill bears, passed the House last spring by unanimous consent. The changes to which the chairman refers are two in number, first, the $480,000 item which the bill of last year carried has been changed to an item of $960,000; that is to say, the $10,000 provided for each State under the bill of last year has been increased to $20,000. This is the first difference.

The second difference is that the bill last year carried a two-year appropriation. The bill this year is a continuing appropriation, but continuing at the same total mentioned in the bill.

These are the only two changes in the bill. There are no particular changes in the phraseology.

By reason of the fact the bill passed by unanimous consent last year I do not propose to take the time of the House at any length this afternoon. I think probably of all the bills that have come before our committee, none has exceeded this bill in the number or enthusiasm of its indorsements. Very briefly, the bill does this.

Mr. Speaker, just a few words will serve to indicate the purpose and scope of this bill. It provides for the further development of the cooperative extension work in agriculture and home economics with men, women, boys, and girls, inaugu-

rated under the Smith-Lever Act, passed May 8, 1914. The bill is in conformity with the plans of the United States Department of Agriculture and the land-grant colleges for further expanding the cooperative extension system.

The first question that might naturally arise in the minds of those who have been supporters of the extension work set up under the Smith-Lever bill and successive acts, is whether or not the supplementary funds provided in this bill are necessary. In answer to this question it would be well to state the extension system is less than one-half completed at the present time. In order to complete the system and provide for extension agents in all the countries requiring them, there is a further need of the employment of 700 county agricultural agents; at least 1,500 county home demonstration agents; and approximately 1,650 agents and assistant agents to conduct boys' and girls' 4-H club work.

In the 2,800 agricultural counties of the United States there are at the present time 2,150 agricultural agents; 900 home demonstration agents and 135 boys' and girls' club agents. The additional appropriation provided in this bill will make it possible to add enough agents to take care of the more urgent calls now on file.

Earlier in my remarks I referred to the very wide indorsement given to this bill by organizations as well as individuals. I think perhaps the most direct, positive, and convincing evidence of the value of the work which is to be extended by the funds set up in this bill was offered by three witnesses directly connected with extension work, who appeared before the committee and spoke from their own experience.

I desire to quote very briefly from the testimony offered by each of these witnesses. The first was Mr. John Visny, of Newtown, Conn., a member of a 4-H club in his county. Mr. Visny first came in contact with the county club agent in connection with some experiments he and his brother were making with an improved variety of ensilage. From this he branched out into growing certified potatoes, and finally centered his interest on dairy work. His progress was so rapid that he finally wound up by taking a rather extensive course in dairy-cattle judging, and concluded so well that in the national dairy judging contest of 1923 he won first place. Mr. Visny's testimony as to the value of club work is summarized very nicely in one brief paragraph, which I quote:

> Our real interest and belief in farming as an occupation and knowledge of how farming may be made more profitable; a broader knowledge of the things in this world, as well as a wider circle of friends, contact of the people in the community with us; made dreams of a college education a reality; and strengthened our belief that there is a way out if you can only find it, and through club work we are finding ours. The privilege to take part in club work activities and to state what it has meant to me I must confess I appreciate. I am not sorry for the young farm folks with 4-H opportunities, but I do sympathize from the bottom of my heart with the thousands of young farm folks who are going through what was to me the most important part of my life unaided, because there are not enough county workers to carry club work to all farm boys and girls.

A representative of the girls' clubs appeared before the committee in the person of Miss Viola Yoder, of Cumberland, Md. Miss Yoder took up food, sewing, home improvement, and livestock projects. Her testimony was exceedingly interesting, both as to the practical and esthetic value of club work. Her summary of what it has meant to her and her family is very well stated in her own words:

> Then club work has been valuable to my folks, as it has brought me closer to my parents and the duties of my home. It has given me a larger circle of friends; it has given me self-confidence, and it has given me a moral responsibility, and I know the club work has been a benefit in my home, because it has brought the children closer to our parents, and it has brought cheer into our home more than it had before.

Mrs. D. B. Phillips, a local leader of girls' clubs of Forestville, Ohio, offered convincing testimony as to the value of home-demonstration and club work. She said:

> So the women's work is certainly not being neglected. But from the small amount that we have been able to receive, just as you might say getting a taste of what is in store for us, has created the desire in every county for the work of a home-demonstration agent. We want it, and the sooner we can get home-demonstration work into our county the better we will be pleased. But I am going to be frank to say this, that I would not prefer either an agricultural or home-demonstration agent in preference to the boys' and girls' club work.

The General Federation of Women's Clubs gave very cordial approval to the bill upon the adoption of an amendment providing for the appointment of men and women agents in just and fair proportions.

I think it would be a matter of interest to the Members of the House, who naturally have a particular interest in this measure in its application to their several States, just to show what the States are doing in raising and expending extension funds already provided. I present herewith a table showing the amount of funds appropriated under the Smith-Lever and supplemental appropriations from the Federal Treasury for extension work, and in a parallel column the amount similarly expended by State, county, and local agencies:

State	Present funds	
	Federal Smith-Lever and supplemental	Total State, county and local
Alabama	$203,201.83	$256,208.19
Arizona	32,761.23	68,591.23
Arkansas	163,576.10	268,060.00
California	125,061.46	601,186.87
Colorado	61,101.07	152,701.07
Connecticut	56,680.09	175,950.00
Delaware	20,741.56	11,541.56
Florida	74,368.33	272,648.33
Georgia	237,780.76	316,780.76
Idaho	42,867.74	133,409.52
Illinois	228,495.98	763,895.98
Indiana	162,087.09	361,385.00
Iowa	170,596.43	705,297.57
Kansas	130,962.06	424,555.17
Kentucky	197,342.23	222,342.23
Louisiana	132,963.83	229,811.43
Maine	59,217.76	81,017.76
Maryland	70,963.51	209,097.11
Massachusetts	31,234.75	357,728.50
Michigan	159,913.95	496,347.00
Minnesota	150,319.33	283,024.33
Mississippi	172,904.83	311,071.66
Missouri	200,921.32	248,671.32
Montana	49,597.13	211,217.00
Nebraska	103,620.98	187,378.20
Nevada	16,530.11	65,030.11
New Hampshire	27,159.69	127,820.00
New Jersey	80,773.81	253,650.00
New Mexico	41,035.53	112,544.01
New York	198,634.11	1,015,812.77
North Carolina	227,356.06	377,940.00
North Dakota	68,694.01	148,505.00
Ohio	228,775.06	529,520.00
Oklahoma	166,422.88	304,257.36
Oregon	51,224.89	235,398.38
Pennsylvania	336,987.38	326,987.38
Rhode Island	11,598.82	25,808.82
South Carolina	156,014.49	242,104.51
South Dakota	66,176.30	190,076.30
Tennessee	191,413.63	227,540.00
Texas	341,015.26	612,875.81
Utah	34,565.68	75,982.32
Vermont	35,473.53	85,261.68
Virginia	181,804.66	317,454.66
Washington	73,868.29	159,550.29
West Virginia	125,015.45	246,181.00
Wisconsin	155,779.27	291,930.00
Wyoming	24,399.74	98,812.54
Total	5,880,000.00	13,420,960.73

Taking the United States at large, we find that for every dollar that is voted by the Federal Government for the extension service the States and the local communities match that by $1.94. Several of the States go far beyond this ratio. It will be conceded that the State of Massachusetts is usually very conservative in matters of this sort. The ratio between the amount of extension funds supplied by the Federal Government and the amount voted by the State of Massachusetts and the local units of government in that State is as 1 to 11; that is to say, Massachusetts votes $11 out of its own State treasury and the treasuries of its local units against every dollar that is applied to that State out of the Federal Treasury. Taking the State of New York, from which my distinguished colleague on the Committee on Agriculture [Mr. CLARKE] comes, a member who has lent very valuable service in the framing of this bill, for every dollar that is appropriated by the Federal Government for extension work the State of New York appropriates $5. The State of North Dakota, from which my colleague on the committee [Mr. HALL] comes, apppropriates $2.50, and in the State of Connecticut, usually a very conservative State and the State from which our distinguished floor leader comes, the ratio is 3 to 1.

So, in general, we may say that the response on the part of the States of the Union to this very valuable service has been very fine, indeed, indicating that they do appreciate the work and that they are very anxious that it be extended. The dis-

tribution of funds under this bill will be $20,000 to each State of the Union the first year. Beginning with the second year, the total distribution by States, both cooperative and noncooperative, will be as follows:

State	Amount
Alabama	$37,889.06
Arizona	22,107.52
Arkansas	34,220.01
California	30,653.84
Colorado	24,731.58
Connecticut	24,322.23
Delaware	20,994.59
Florida	25,960.03
Georgia	41,090.81
Idaho	23,043.31
Illinois	40,231.11
Indiana	34,082.14
Iowa	34,870.04
Kansas	31,200.19
Kentucky	37,346.50
Louisiana	31,385.54
Maine	24,557.20
Maryland	25,644.77
Massachusetts	21,966.18
Michigan	33,880.92
Minnesota	32,992.53
Mississippi	35,083.78
Missouri	37,677.90
Montana	23,666.40
Nebraska	28,668.61
Nevada	20,604.64
New Hampshire	21,588.86
New Jersey	26,553.13
New Mexico	22,873.66
New York	37,466.12
North Carolina	40,125.56
North Dakota	25,434.63
Ohio	40,256.95
Oklahoma	34,483.60
Oregon	23,817.12
Pennsylvania	50,276.61
Rhode Island	20,148.04
South Carolina	33,519.86
South Dakota	25,201.51
Tennessee	36,797.56
Texas	50,649.56
Utah	22,274.60
Vermont	22,358.66
Virginia	35,907.84
Washington	25,913.73
West Virginia	30,649.58
Wisconsin	33,498.08
Wyoming	21,333.31
Total	1,460,000.00

Mr. Speaker, many additional things might be said as to the value of the work which it is proposed to continue and enlarge under the funds provided in this bill. Because of the fact, however, that no objection appeared to the passage of the bill last year and that the situation is practically the same this year, so far as my information goes, I do not want to trespass further upon the time of the House with a discussion of its merits.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

The Chair desires to say that the gentleman from Michigan has proceeded by unanimous consent.

Mr. TILSON. Leave has been given to consider the bill in the House as in Committee of the Whole, but the bill has not been read.

The SPEAKER pro tempore. The gentleman from Iowa called up the bill and immediately asked unanimous consent that the gentleman from Michigan [Mr. KETCHAM] make a statement. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in order to further develop the cooperative extension system as inaugurated under the act entitled "An act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act of Congress approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture," approved May 8, 1914, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the expenses of the cooperative extension work in agriculture and home economics, and the necessary printing and distributing of information in connection with the same, the sum of $960,000 for each year, $20,000 of which shall be paid annually, in the manner hereinafter provided, to each State which shall by action of its legislature assent to the provisions of this act. The payment of such installments of the appropriations hereinbefore made as shall become due to any State before the adjournment of the regular session of the legislature meeting next after the passage of this act may, in the absence of prior legislative assent, be made upon the assent of the governor thereof, duly certified to the Secretary of the Treasury. There is hereby authorized to be appropriated for the fiscal year following that in which the foregoing appropriation first becomes available, and for each year thereafter, the sum of $500,000. The additional sums appropriated under the provisions of this act shall be subject to the same conditions and limitations as the additional sums appropriated under such act of May 8, 1914, except that (1) at least 80 per cent of all appropriations under this act shall be utilized for the payment of salaries of extension agents in counties of the several States to further develop the cooperative extension system in agriculture and home economics with men, women, boys, and girls; (2) funds available to the several States under the terms of this act shall be so expended that the extension agents appointed under its provisions shall be men and women in fair and just proportions; (3) the restriction on the use of these funds for the promotion of agricultural trains shall not apply.

Mr. ASWELL. Now, Mr. Speaker, may I make an inquiry? In view of the fact that this bill passed the House at the last session by unanimous consent, that it has the indorsement of the committee, that it has the approval of everybody else that has been before the committee, including the American Federation of Women, consisting of some 3,000,000 people, I wonder why it is necessary to debate it at all. How much time will be given to it?

The SPEAKER pro tempore. The bill is now being debated under the five-minute rule. The first section has been read and the gentleman from Michigan recognized.

Mr. McLAUGHLIN. Mr. Speaker, the Lever law—I do not call it the Smith-Lever law because I know how it originated, and Mr. Lever should have the credit of it—when the Lever law was passed it provided for $10,000 to each State and a proportionate share of a larger sum to be divided among the States in proportion to their population, but it gave the money only to the States. I believe an amendment has been made by which the Territories also get the benefit of it. Now, this bill, as it now reads, the bill now before us, proposes to give money only to the States. Should it not be so amended that the additional money will go to the Territories as well as to the States?

Mr. KETCHAM. Let me say that that point has been strongly urged by the Delegate from Hawaii who is present and able to present his own argument.

Mr. McLAUGHLIN. Very well. I did not see the Delegate. If I had known he was here, ready as he evidently is to take care of the matter, I would not have spoken.

Mr. BANKHEAD. And before the gentleman proceeds I would like to ask a question for information, because we have not had an opportunity to examine the bill. This does not make any change in the structure of the original act?

Mr. KETCHAM. No.

Mr. BANKHEAD. It merely increases the appropriation?

Mr. KETCHAM. It does not make any change in the structure of the original act, but it provides the way that the funds shall be expended; and the major portion of the money shall go to the men and women agents in a just and fair proportion.

Mr. HOUSTON of Hawaii. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 2, line 9, strike out the figures "$960,000" and insert "$980,000."

Page 2, line 11, after the word "State," insert the words "and Territory of Hawaii."

On page 2, line 14, after the word "State," insert the words "the Territory."

Page 3, line 5, after the word "State," insert "and Territory of Hawaii."

Mr. HOUSTON of Hawaii. Mr. Speaker it will be recalled that the other day when the Agricultural Department appropriation bill was under consideration I asked for the inclusion of certain benefits for the Territory of Hawaii. At that time I was told, and it was so held, that such matters should come from the Legislative Committee. I have proposed at this time an amendment which will unequivocally take care of the needs of the Territory of Hawaii in connection with this particular bill.

Mr. BLACK of Texas. And if the gentleman's amendment is adopted I suppose the Legislature of Hawaii will have to make a matching appropriation, just the same as the legislature of a State?

Mr. HOUSTON of Hawaii. That is correct. They have heretofore taken care of all such benefits that they have been given the privilege of sharing in.

Mr. BLACK of Texas. And they have the power to do that under the organic act?

Mr. HOUSTON of Hawaii. They have that power under the organic act.

Mr. McLAUGHLIN. Has not this same privilege been extended to other of our outlying possessions?

Mr. HOUSTON of Hawaii. We are not an "outlying possession." We are a Territory, and as such occupy a position quite distinct from Porto Rico, the Philippines, and the Virgin Islands. By the terms of the organic act which was framed by the Congress we were accorded certain privileges which are not being met unless this particular amendment is agreed to.

Mr. McLAUGHLIN. I heartily approve the gentleman's amendment; but my impression is that the Lever Act had been extended to other possessions or Territories beside the Territory of Hawaii.

Mr. HOUSTON of Hawaii. No.

Mr. KETCHAM. Do not the provisions of the Purnell Act apply to Hawaii?

Mr. HOUSTON of Hawaii. To the "Territories," in the language of the bill; but by administrative decisions Hawaii does not yet benefit by reason of the Purnell Act.

Mr. KETCHAM. To what extent do any of these bills that have this feature in them apply to Hawaii?

Mr. HOUSTON of Hawaii. We feel they all apply, but by administrative decisions we have been denied the benefits.

Mr. KETCHAM. Does the gentleman happen to know whether any of them apply to Alaska?

Mr. HOUSTON of Hawaii. Only the second Morrell and the Nelson Acts, I believe.

The SPEAKER pro tempore. The question is on the amendment offered by the Delegate from Hawaii.

The amendment was agreed to.

The Clerk concluded the reading of the bill, as follows:

SEC. 2. The sums appropriated under the provisions of this act shall be in addition to, and not in substitution for, sums appropriated under such act of May 8, 1914, or sums otherwise annually appropriated for cooperative agricultural extension work.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

DISPOSAL OF MOUNT WEATHER OBSERVATORY

Mr. HAUGEN. Mr. Speaker, I call up House Joint Resolution 89, authorizing the Secretary of Agriculture to dispose of real property, located in Loudoun and Clarke Counties, Va., known as Mount Weather, no longer required for observatory and laboratory purposes.

The SPEAKER pro tempore. The gentleman from Iowa calls up House Joint Resolution 89. This bill is on the Union Calendar.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent that S. 1531, authorizing the Secretary of Agriculture to sell the Weather Bureau station known as Mount Weather, in the counties of Loudoun and Clarke, in the State of Virginia, a similar bill, be substituted for the House joint resolution.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Chair calls attention to the fact that the Senate bill is on the Union Calendar.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent that it be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of Agriculture be, and he is hereby, authorized and directed to advertise for sale and to sell to the highest responsible bidder the premises known as Mount Weather, in the counties of Loudoun and Clarke, in the State of Virginia, and comprising 84.81 acres of land, more or less, together with the buildings and other improvements thereon, including laboratories, cottages, sheds, stables, shops, heating and power plant, kite shelter, and other buildings of whatever nature, together with all rights, easements, and appurtenances thereto belonging, at such time, in such manner, and upon such terms as he may deem for the best interests of the United States; to convey such property to the purchaser thereof by the usual quitclaim deed, and to deposit the proceeds of such sale in the Treasury of the United States as a miscellaneous receipt, after deducting the expenses incident to such sale, but the Secretary of Agriculture shall reserve the right to reject any and all bids if in his judgment it is in the public interest to do so; and in the event of a general rejection of bids, to readvertise the property under conditions provided herein as often as may be necessary to accomplish sale.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

House Joint Resolution 89 was laid on the table.

EXPORT OF HORSES, SHEEP, ETC.

Mr. HAUGEN. Mr. Speaker, I call up House Joint Resolution 140, to amend sections 1 and 2 of the act of March 3, 1891, which I send to the desk.

The SPEAKER pro tempore. The gentleman from Iowa calls up House Joint Resolution 140, which the Clerk will report.

The Clerk read the House joint resolution, as follows:

Resolved, etc., That sections 1 and 2 of the act of March 3, 1891 (26. Stat. L. 833), be amended by adding, after the word "cattle," as it occurs in lines 4 and 6 of section 1 and in lines 2 and 5 of section 2, a comma followed by the words "horses, sheep, goats, or swine," so that said sections as hereby amended shall read as follows:

"That the Secretary of Agriculture is hereby authorized to examine all vessels which are to carry export cattle, horses, sheep, goats, or swine from the ports of the United States to foreign countries, and to prescribe by rules and regulations or orders the accommodations which said vessels shall provide for export cattle, horses, sheep, goats, or swine as to space, ventilation, fittings, food and water supply, and such other requirements as he may decide to be necessary for the safe and proper transportation and humane treatment of such animals.

"SEC. 2. That whenever the owner, owners, or master of any vessel carrying export cattle, horses, sheep, goats, or swine shall willfully violate or cause or permit to be violated any rule, regulation, or order made pursuant to the foregoing section the vessel in respect of which such violation shall occur may be prohibited from again carrying cattle, horses, sheep, goats, or swine from any port of the United States for such length of time, not exceeding one year, as the Secretary of Agriculture may direct, and such vessel shall be refused clearance from any port of the United States accordingly."

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the House joint resolution was passed was laid on the table.

MEDALS GRANTED BY CONGRESS

Mr. TILSON. Mr. Speaker, in connection with a bill which I introduced some time ago and which passed the House a few days ago, authorizing a medal to be awarded to Colonel Lindbergh, Mr. Harvey Thomas, the efficient clerk to the Committee on Coinage, Weights, and Measures, has prepared an article, including some statistics, in regard to medals that Congress has given. I think this article by Mr. Thomas would be very interesting to the membership of the House, and I therefore ask unanimous consent to extend my remarks in the RECORD by printing it.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD by incorporating the statement referred to. Is there objection?

There was no objection.

Mr. TILSON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following statistics prepared by Mr. Harvey Thomas, clerk to the Committee on Coinage, Weights, and Measures of the House of Representatives, in regard to the granting of congressional medals:

THE MEDALS CONGRESS GIVES

By Harvey Thomas

Ninety-three instances, either of individuals or events, have been recognized by Congress through the presentations of gold, silver, or bronze medals since the formation of the United States. This enumeration does not include, of course, the formal congressional medals of honor awarded for exceptional valor. The proposal, however, to give Col. Charles A. Lindbergh another medal at the hands of Congress, as carried by the bill of Representative TILSON, of Connecticut, and already reported out of committee, would list this award in this category and would make the ninety-fourth such recognition since March 25, 1776, when the first medal was struck in honor of Washington before Boston.

Mr. TILSON has personally made a careful study of the records of the Treasury Department regarding these special medals and has reported the result to Chairman RANDOLPH PERKINS, of the House Committee on Coinage, Weights, and Measures, which has had the latest Lindbergh proposal in hand. In addition to the medals referred to above as "specials," Mr. TILSON's report shows that 29 other medals have been struck in bronze in honor of each of the Presidents on the dates of their inauguration. There have also been 11 medals in gold

and silver symbolical of some particular tie-up with George Washington, 10 others emblematical of the Secretaries of the Treasury, and 14 picturing various directors of the mint. None of these, however, was authorized by Congress.

The same report by Mr. TILSON discloses further and somewhat oddly that the rarest of all the medals ever issued by the Government, in so far as present-day value is concerned, was one awarded to Dr. Joseph Pancoast by congressional authorization in 1867. Doctor Pancoast was professor of anatomy at Jefferson Medical College, Philadelphia, and was considered one of the greatest of the early day surgeons. A replica of this medal is on exhibition in the National Museum at Washington. The Treasury holds this medal to-day as valued at $231.50 in gold. The nearest approach to it in value for a gold congressional award is the medal given in 1858 to Louis Agassiz, the naturalist, which has a present-day price of $105.50. Of those medals not authorized by Congress the one having the highest value was awarded to the third Director of the Mint, J. Ross Snowden. It is worth $221 in gold, the engraver having been Paquet.

The congressional authorized special medals as reported by Mr. TILSON to Congress have been catalogued as "28 to members of the Army, 32 to members of the Navy, and 33 miscellaneous." The Agassiz and Pancoast medals come under the latter head, of course. Other miscellaneous medal awards by Congress, all in gold, silver, or bronze began with recognition to James A. Garfield during the Civil War. In the order of subsequent cataloguing by the Treasury for Mr. TILSON the awards are mentioned as follows:

Lincoln and Grant, Pennsylvania Bicentennial, Valley Forge Centennial, Lincoln and Garfield, Lincoln (broken column), Japanese Embassy, Frederick Rose, Indian Peace Medal, Hosack, First Steam Coinage, Pacific Railroad, Emancipation Proclamation, Cyrus W. Field, Indian Peace (Grant), Indian Peace (Hayes), Indian Peace (Garfield), Indian Peace (Arthur), Indian Peace (Cleveland), Indian Peace (Harrison), Let Us Have Peace (Grant), Seward-Robinson, United States Diplomatic, Great Seal, Joseph Francis, Lincoln Centennial, Wright Brothers, Abraham Lincoln, Woodrow Wilson, Warren G. Harding, Calvin Coolidge.

The medals authorized by Congress for presentation to Army officials or in commemoration of military events, the first eight of which were executed in France have been enumerated by the Treasury, as follows:

Washington before Boston, Major General Gates for Saratoga, Brigadier General Morgan for Cowpens, Lieutenant Colonel Howard for Cowpens, Lieut. Col. W. A. Washington for Cowpens, Count de Fluery for Stony Point, Maj. Gen. Anthony Wayne for Stony Point, Maj. Henry Lee for Paulus Hook, Maj. Gen. Nathaniel Greene for Eutaw Springs, Major General Scott for Chippewa and Niagara, Major General Gaines for Fort Erie, Major General Porter for Chippewa, Niagara, and Erie; Major General Brown for same, Brigadier General Miller for same, Brigadier General Ripley for same, Major General Macomb, Battle of Plattsburgh; Maj. Gen. Andrew Jackson for Battle of New Orleans, Major General Harrison for Thames, Governor Isaac Shelby for Thames, Col. George Croghan for Sandusky, Major General Taylor for Palo Alto, Major General Taylor for Buena Vista, Major General Taylor for Monterey, Major General Scott for battles in Mexico, Major General Grant, Pennsylvania Volunteers, action on Lake Erie, Major General Scott at request of Commonwealth of Virginia, Colonel Armstrong for village of Kittanning.

On the Navy side the special congressional awards other than congressional medals of honor were given to John Paul Jones for *Serapis*, Capt. Thomas Truxtun for action with *La Vengeance*, Capt. Preble before Tripoli, Captain Hull for capture of *Guerriere*, Capt. Jacob Jones for capture of *Frolic*, Captain Decatur for capture of *Macedonian*, Captain Bainbridge for capture of *Java*, Captain Burrows for capture of *Boxer*, Lieutenant McCall for same, Captain Perry for Lake Erie, Captain Lawrence for capture of *Peacock*, Captain MacDonough for capture of British fleet on Lake Champlain, Captain Henley for same, Lieutenant Cassin for same, Captain Warrington for capture of *Epervier*, Captain Blakely for capture of *Reindeer*, Captain Biddle for capture of *Penguin*, Captain Stewart for capture of *Cyane* and *Levant*. Rescue of officers and crew of brig *Somers*, Captain Ingraham, Captain Perry at request of State of Pennsylvania, Cornelius Vanderbilt, Captains Creighton, Low, and Stopffer for work at wreck of steamer *San Francisco*; Commodore Perry, at request of merchants of Boston, Metis shipwreck medal; John Horn, for life saving, Lieut. Victor Blue, United States Coast Survey, for gallantry and humanity, departure of American Fleet.

The Washington medals are featured around these symbols, "Time increases his fame," "Cabinet medal," "Washington and Jackson," "Commencement of Washington coin cabinet," "Presidency relinquished," "Allegiance," "Washington and Lincoln," "Washington and Grant," "Washington wreath," "Washington before Boston," "Washington, President."

Those Secretaries of the Treasury who have been immortalized on medals, the last four being on bronze only, were William Windom, John G. Carlisle, Daniel Manning, Lyman J. Gage, Leslie M. Shaw, George B. Cortelyou, Franklin MacVeagh, William G. McAdoo, Carter Glass, and A. W. Mellon.

In addition to the medals Congress has also authorized and ordered the special coinage of 17 different pieces of money—gold dollars, silver dollars, and silver half dollars—each commemorative of some historic event in the Nation's progress.

The first of these was the Columbian half dollar coined in 1892, and the Isabella silver quarter struck in 1893 for the World's Fair in Chicago. The next was the Lafayette silver dollar struck in 1899. This was followed by special gold dollars for the Louisiana Purchase Exposition at St. Louis in 1903, two types being made, one showing the head of Thomas Jefferson and the other that of William McKinley. Then came the Lewis and Clark Exposition gold dollar in 1904, and the Pan Pacific Exposition coins. There were four of these—one 50-dollar gold piece, 2½-dollar gold pieces, 1-dollar gold pieces, and silver half dollars—all stamped in 1915. Also, there were two types of this 50-gold piece, one round and the other octagonal.

In 1916 the McKinley gold dollar was authorized in connection with the erection of a memorial building at Niles, Ohio, and this was followed in 1918 with the Illinois Centennial half dollar commemorative of the one hundredth anniversary of Illinois' admission to the Union. The Maine Centennial half dollar appeared in 1920, as did the Alabama Centennial half dollar and the Pilgrim Tercentenary half dollar. In 1921 Missouri celebrated its centennial by getting Congress to approve a special half dollar coin, and the next year the Grant Memorial coins, gold dollars and half dollars, came out in honor of the centenary of the birth of the Civil War general. In 1923 another half dollar was minted, known as the Monroe Doctrine Centennial coin, and a month afterward the Walloon-Huguenot half dollar appeared to commemorate the three hundredth anniversary of the settlement of the Middle States in 1624.

The last three special half dollars minted were known as the Vancouver half dollar, the Sesquicentennial half dollar, and the Oregon Trail half dollar.

None of this coinage has been profitable to the Government, according to a recent letter to Congress by Secretary Mellon. In fact, Mr. Mellon says the special coinages have been dangerously impractical. In this connection Mr. Mellon said:

"The issue of special coins for various commemorations has grown in recent years to the proportions of a distinct abuse of our coinage. As your committee is aware, I feel that the coinage should not be commercialized. The practice introduces confusion into our coinage system, is an unwarranted expense, and, as actual results have shown, special coins are not liked by the public. They are seldom absorbed for circulation, and there are instances of special coins having been refused in trade for the reason that the public is not familiar with them. The issue of special coins opens an easy way for counterfeiting and makes the protection of our coinage difficult. As already stated to your committee in commenting on other bills, aside from the dangerous and objectionable policy of diverting the coinage from its original use in trade, we are imposing upon the mints, and therefore, upon the Government, an unnecessary and wasteful practice. We are required to invest money in the precious metals for coinage not needed, to be sold at a profit for a particular enterprise, and we are entirely defeating the primary purpose of coinage."

FURTHER MESSAGES FROM THE SENATE

A further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 9293. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Clinch River on the Sneedville-Rogersville road in Hancock County, Tenn.; and

H. R. 9843. An act to extend the times for commencing and completing the construction of a bridge across the Kanawha River in or near Henderson, W. Va., to a point opposite thereto in or near Point Pleasant, W. Va.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 9198. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Paris-Dover road in Henry and Stewart Counties, Tenn.; and

H. R. 9199. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Dover-Clarksville road in Stewart County, Tenn.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 437. An act authorizing the Maysville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Maysville, Ky.;

H. R. 472. An act authorizing the Dwight P. Robinson & Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Maysville, Ky.;

H. R. 2809. An act for the relief of the heirs of Jacob Thomas;

H. R. 5476. An act to authorize the Secretary of War to sell to the Pennsylvania Railroad Co. a tract of land situate in the city of Philadelphia and State of Pennsylvania;

H. R. 6491. An act to amend section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended;

H. R. 6579. An act for the relief of James W. Kingon;

H. R. 6684. An act to amend section 2455 of the Revised Statutes of the United States, as amended, relating to isolated tracts of public land;

H. R. 7008. An act to authorize appropriations for the completion of the transfer of the experimental and testing plant of the Air Corps to a permanent site at Wright Field, Dayton, Ohio, and for other purposes;

H. R. 7553. An act for the relief of James Neal;

H. R. 8293. An act to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913;

H. R. 8899. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tombigbee River at or near Epes, Ala.;

H. R. 8900. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tombigbee River near Gainesville on the Gainesville-Eutaw road between Sumter and Green Counties, Ala.;

H. R. 9019 An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the Ouachita River at or near Calion, Ark.;

H. R. 9063. An act to extend the times for commencing and completing the construction of a bridge across the Chattahoochee River at or near Alaga, Ala.;

H. R. 9202. An act to authorize construction at the United States Military Academy, West Point, N. Y.;

H. R. 9204. An act granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the Current River at or near Success, Ark.;

H. R. 9339. An act granting the consent of Congress to the board of county commissioners of Trumbull County, Ohio, to construct, maintain, and operate a free highway bridge across the Mahoning River at or near Warren, Trumbull County, Ohio; and

H. R. 9484. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tombigbee River at or near Aliceville on the Gainesville-Aliceville road in Pickens County, Ala.

The SPEAKER also announced his signature to enrolled bills of the Senate of the following titles:

S. 700. An act authorizing the Secretary of the Interior to execute an agreement with the middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes;

S. 771. An act providing for the gift of the U. S. S *Dispatch* to the State of Florida;

S. 1705. An act authorizing the Court of Claims to render judgment in favor of the administrator of or collector for the estate of Peter P. Pitchlynn, deceased, instead of the heirs of Peter P. Pitchlynn, and for other purposes;

S. 2902. An act authorizing the States of Wisconsin and Michigan to construct, maintain, and operate a free highway bridge across the Menominee River at or near Marinette, Wis.; and

S. 2342. An act providing for a per capita payment of $25 to each enrolled member of the Chippewa Tribe of Minnesota from the funds standing to their credit in the Treasury of the United States.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval bills of the following titles:

H. J. Res. 176. House joint resolution granting the consent of Congress to an agreement or compact entered into between the State of Wisconsin and the State of Michigan for the construction, maintenance, and operation of a highway bridge across the Menominee River; and

H. R. 11197. An act to authorize the Secretary of War to grant rights of way to the Vicksburg Bridge & Terminal Co. upon, over, and across the Vicksburg National Military Park at Vicksburg, Warren County, Miss.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 35 minutes p. m.) the House adjourned until to-morrow, Thursday, March 8, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Thursday, March 8, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON THE JUDICIARY

(10 a. m.)

Proposing an amendment to the Constitution of the United States providing for national representation for the people of the District of Columbia (H. J. Res. 18).

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.
Legislative appropriation bill.

COMMITTEE ON MILITARY AFFAIRS

(10.30 a. m.)

To safeguard national defense; to authorize, in the aid of agriculture, research, experiments, and demonstration in methods of manufacture and production of nitrates and ingredients comprising concentrated fertilizer and its use on farms (H. R. 10028).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

To further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States (S. 744).

To promote, encourage, and develop an American merchant marine in connection with the agricultural and industrial commerce of the United States, provide for the national defense, the transportation of foreign mails, the establishment of a merchant marine training school, and for other purposes (H. R. 2).

To amend the merchant marine act, 1920, insure a permanent passenger and cargo service in the north Atlantic, and for other purposes (H. R. 8914).

To create, develop, and maintain a privately owned American merchant marine adequate to serve trade routes essential in the movement of the industrial and agricultural products of the United States and to meet the requirements of the commerce of the United States; to provide for the transportation of the foreign mails of the United States in vessels of the United States; to provide naval and military auxiliaries; and for other purposes (H. R. 10765).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

A hearing to consider private bills on the committee calendar.

COMMITTEE ON THE CIVIL SERVICE

(10.30 a. m.)

Providing that in all civil-service examinations for appointment to positions under the Federal Government or the District of Columbia honorably discharged soldiers, sailors, and marines shall have five points added, and all such soldiers, sailors, and marines who because of disability are entitled to pension under the pension laws or to compensation under the World War veterans' act, 1924, shall have 10 points added (H. J. Res. 212).

EXECUTIVE COMMUNICATIONS, ETC.

398. Under clause 2 of Rule XXIV, a communication from the President of the United States, transmitting supplemental estimate of appropriation under the legislative establishment, Library of Congress, for the fiscal year 1928, in the sum of $2,500 (H. Doc. No. 194), was taken from the Speaker's table and referred to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on Rules. H. Res. 134. A resolution providing for the consideration of H. R. 11526; a bill to

authorize the construction of certain naval vessels, and for other purposes; without amendment (Rept. No. 847). Referred to the House Calendar.

Mr. JONES: Committee on Agriculture. H. R. 11579. A bill relating to investigation of new uses of cotton; without amendment (Rept. No. 848). Referred to the Committee of the Whole House on the state of the Union.

Mr. EVANS of Montana: Committee on the Public Lands. H. R. 126. A bill to add certain lands to the Missoula National Forest, Mont.; with an amendment (Rept. No. 851). Referred to the Committee of the Whole House on the state of the Union.

Mr. ENGLEBRIGHT: Committee on the Public Lands. H. R. 11685. A bill to accept the cession by the State of California of exclusive jurisdiction over the lands embraced within the Lassen Volcanic National Park, and for other purposes; without amendment (Rept. No. 852). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. McSWAIN: Committee on Military Affairs. H. R. 7230. A bill for the relief of Charles L. Dewey; without amendment (Rept. No. 849). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 11819) for the relief of Richard L. Meares, administrator of Armand D. Young, deceased, and the same was referred to the Committee on War Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 11846) authorizing the American Bridge & Ferry Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Wabash River; to the Committee on Interstate and Foreign Commerce.

By Mr. JAMES: A bill (H. R. 11847) to authorize the acquisition of the Queen Emma and Damon Estates, and the Halawa site in the vicinity of Fort Kamehameha, Hawaii; to the Committee on Military Affairs.

By Mr. LINTHICUM: A bill (H. R. 11848) to amend the definition of the words "manufacture of oleomargarine," and to amend the limitation upon oleomargarine taxable at one-fourth of 1 cent per pound, in the act entitled "An act defining butter; also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended; to the Committee on Agriculture.

By Mr. OLDFIELD: A bill (H. R. 11849) to amend the World War act of 1924, as amended; to the Committee on World War Veterans' Legislation.

By Mr. GRAHAM: A bill (H. R. 11850) to authorize the Attorney General to submit a report covering the establishment of an adequate penal system; to the Committee on the Judiciary.

By Mr. BYRNS: A bill (H. R. 11851) to amend an act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes"; to the Committee on Public Buildings and Grounds.

By Mr. KEMP: A bill (H. R. 11852) providing for the confirmation of grant of lands formerly the United States Barracks at Baton Rouge, La., to the board of supervisors of the Louisiana State University and Agriculture and Mechanical College; to the Committee on the Public Lands.

By Mr. LEAVITT: A bill (H. R. 11853) creating a commission on the electoral system of the United States and defining its duties; to the Committee on Rules.

By Mr. FISH: Joint resolution (H. J. Res. 228) providing that in all civil-service examinations for appointment to positions under the Federal Government or the District of Columbia honorably discharged soldiers, sailors, and marines shall have five points added, and all such soldiers, sailors, and marines who, because of disability, are entitled to pension under the pension laws or to compensation under the World War veterans' act, 1924, shall have 10 points added, and for other purposes; to the Committee on the Civil Service.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Resolution of the House of Representatives of the General Assembly of the Commonwealth of Kentucky, memorializing the Congress of the United States to pass all bills authorizing the construction of a bridge over the Ohio River between Maysville, Ky., and Aberdeen, Ohio, now pending before it; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACON: A bill (H. R. 11854) for the relief of John W. Leich, alias John Leach; to the Committee on Military Affairs.

Also, a bill (H. R. 11855) for the relief of James E. Fraser; to the Committee on Claims.

By Mr. BLOOM: A bill (H. R. 11856) granting a pension to Margaret Creamer; to the Committee on Invalid Pensions.

By Mr. CANFIELD: A bill (H. R. 11857) to correct the military record of Jacob Shuey; to the Committee on Military Affairs.

By Mr. COLLIER: A bill (H. R. 11858) for the relief of V. P. Johnson; to the Committee on Claims.

By Mr. DAVEY: A bill (H. R. 11859) for the relief of B. C. Miller; to the Committee on the Judiciary.

By Mr. EVANS of California: A bill (H. R. 11860) granting an increase of pension to Joanna Burnett; to the Committee on Invalid Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 11861) granting a pension to Mary E. Landis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11862) granting an increase of pension to Alfred Kirkpatrick; to the Committee on Pensions.

By Mr. FREE: A bill (H. R. 11863) granting a pension to Anna Dix; to the Committee on Invalid Pensions.

By Mr. GARDNER of Indiana: A bill (H. R. 11864) granting an increase of pension to Lucinda Jarboe; to the Committee on Invalid Pensions.

By Mr. GOLDSBOROUGH: A bill (H. R. 11865) for the relief of the Tilghman Canning Co.; to the Committee on Claims.

By Mr. GREENWOOD: A bill (H. R. 11866) granting a pension to Dwight A. Morford; to the Committee on Pensions.

By Mr. GUYER: A bill (H. R. 11867) for the relief of John E. Davidson; to the Committee on Naval Affairs.

By Mr. HOUSTON of Delaware: A bill (H. R. 11868) granting an increase of pension to Margaret Moore; to the Committee on Invalid Pensions.

By Mr. IGOE: A bill (H. R. 11869) for the relief of William L. Bruhn; to the Committee on Military Affairs.

By Mrs. KAHN: A bill (H. R. 11870) granting a pension to Bertha Becker; to the Committee on Pensions.

Also, a bill (H. R. 11871) to allow the distinguished-service cross for service in the World War to be awarded to First Lieut. Royal R. Baronides; to the Committee on Military Affairs.

By Mr. MOORE of Virginia: A bill (H. R. 11872) for the relief of C. N. Knight, administrator of John Ridout MacGregor; to the Committee on War Claims.

By Mr. MOREHEAD: A bill (H. R. 11873) granting an increase of pension to William Foster; to the Committee on Pensions.

By Mr. MORGAN: A bill (H. R. 11874) granting a pension to Charles C. Leiter; to the Committee on Invalid Pensions.

By Mr. MOORMAN: A bill (H. R. 11875) granting a pension to Laura Burke; to the Committee on Invalid Pensions.

By Mr. RAGON: A bill (H. R. 11876) granting a pension to Alice E. Howsley; to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 11877) granting an increase of pension to Mary Hansmeier; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 11878) granting a pension to Hannah Poston; to the Committee on Invalid Pensions.

By Mr. REED of New York: A bill (H. R. 11879) for the relief of Irene Brand; to the Committee on Claims.

Also, a bill (H. R. 11880) granting an increase of pension to Mary T. Fitzgerald; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 11881) granting a pension to Kerrhn C. Weesner; to the Committee on the Civil Service.

By Mr. SWICK: A bill (H. R. 11882) granting an increase of pension to Margret Winkler; to the Committee on Invalid Pensions.

By Mr. WASON: A bill (H. R. 11883) granting a pension to Mary F. Leavitt; to the Committee on Invalid Pensions.

By Mr. WHITE of Colorado: A bill (H. R. 11884) granting a pension to Charles B. Slanker; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5036. Petition of Benevolent Protective Order of Elks, Atlantic City Lodge, No. 276, urging upon the Members of Congress a full compliance with the recommendations of Secretary of the Navy Curtis D. Wilbur for additions to the naval forces of the Nation; to the Committee on Naval Affairs.

5037. By Mr. BACON: Petition of sundry citizens of Flushing, Long Island, N. Y., protesting against the enactment of the so-called Sunday observance bill; to the Committee on the District of Columbia.

5038. By Mr. BARBOUR: Petition of residents of the seventh congressional district of California, protesting against the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

5039. By Mr. BULWINKLE: Petition of citizens of Burke County, N. C., protesting against the passage of compulsory Sunday observance law; to the Committee on the District of Columbia.

5040. By Mr. BURTNESS: Letter of Gate City Building & Loan Association, Fargo, N. Dak., protesting against passage of the Oddie bill (S. 1752); to the Committee on the Post Office and Post Roads.

5041. Also, petition of Florence Kimball Post, No. 7, American Legion, Lisbon, N. Dak., approving the action of the national convention of the Legion as to a naval program; to the Committee on Naval Affairs.

5042. Also, petitions signed by 85 residents of Cass County, N. Dak., protesting against the passage of House bill 78, known as the compulsory Sunday observance bill; to the Committee on the District of Columbia.

5043. By Mr. CASEY: Petition of 125 citizens of Luzerne County, Pa., protesting against the passage of the Lankford bill (H. R. 78); to the Committee on the District of Columbia.

5044. Also, resolution of Local Union 1138, United Mine Workers of America, of Edwardsville, Luzerne County, Pa., signed by Adam Muich, president; Joseph J. Evans, secretary; and C. I. Bennett, Vincent Trettis, Daniel Jones, Max Koslishuis, resolution committee, appealing to Congress to curb the promiscuous and indiscriminate use of the injunction in labor disputes; to the Committee on the Judiciary.

5045. Also, letter of Louis Frank, vice president of the Pennsylvania Wholesale Drug Co., of Wilkes-Barre, Pa., favoring the passage of the Capper-Kelly bill; to the Committee on Interstate and Foreign Commerce.

5046. By Mr. CRAIL: Petition of sundry citizens of Los Angeles County, Calif., against the passage of House bill 78, or any other similar legislation; to the Committee on the District of Columbia.

5047. Also, petition of Los Angeles Central Labor Council, protesting against House bill 78, or any other similar legislation; to the Committee on the District of Columbia.

5048. Also, petition of Red Bluff Chamber of Commerce, Red Bluff, Calif., in the matter of House bill 5543, introduced by Congressman HARRY L. ENGLEBRIGHT; to the Committee on Military Affairs.

5049. By Mr. CULLEN: Letter from United Wall Paper Crafts of North America, urging passage of Cooper-Hawes bill; also letter from Fredensborg Lodge No. 258, Danish Brotherhood of America, in re immigration; to the Committee on Immigration and Naturalization.

5050. By Mr. CURRY: Petition protesting against the enactment of House bill 78; to the Committee on the District of Columbia.

5051. Also, petition of citizens of the third California district, protesting against the enactment of House bill 78; to the Committee on the District of Columbia.

5052. By Mr. ENGLEBRIGHT: Petition of William Graham and other citizens of Nevada City, Calif., protesting against House bill 78; to the Committee on the District of Columbia.

5053. By Mr. EVANS of California: Petition of Harley Messenger, of Tujunga, Calif., and 36 other citizens, for the relief of the permanently disabled emergency officers of the World War; to the Committee on World War Veterans' Legislation.

5054. By Mr. ROY G. FITZGERALD: Petition of 92 citizens of Montgomery County, Dayton, Ohio, protesting against the passage of House bill 78, making Sunday observance compulsory in the District of Columbia; to the Committee on the District of Columbia.

5055. By Mr. FRENCH: Petition of 43 citizens of Priest River, Idaho, protesting against enactment of House bill 78, or any compulsory Sunday observance; to the Committee on the District of Columbia.

5056. Also, petition of 16 citizens of Latah County, Idaho, protesting against House bill 78, or any compulsory Sunday legislation; to the Committee on the District of Columbia.

5057. By Mr. FULMER: Petition signed by the citizens of Columbia, S. C., against the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

5058. By Mr. GALLIVAN: Petition of Council of the New England Historic Genealogical Society, Henry Edwards Scott, recording secretary, 9 Ashburton Place, Boston, Mass., recommending passage of House bill 5626, providing for the printing of the names of the heads of families as returned by each Federal census from 1800 to 1840, inclusive; to the Committee on the Census.

5059. By Mr. HADLEY: Petition of residents of King County, Wash., protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

5060. Also, petition of residents of Marysville, Wash., and vicinity, protesting against the Lankford Sunday closing bill; to the Committee on the District of Columbia.

5061. By Mr. HALE: Petition of 76 citizens of Rochester, Portsmouth, Dover, and Farmington, N. H., protesting against the passage of House bill 78, or any compulsory Sunday observance bill; to the Committee on the District of Columbia.

5062. By Mr. HAWLEY: Petition of residents of Medford, Azales, Glendale, Yoncalla, Portland, Eugene, Tillamook, Salem, Coos County, Yamhill County, Josephine County, Jackson County, Marion County, and the first congressional district, all in the State of Oregon, against the passage of the Lankford Sunday bill; to the Committee on the District of Columbia.

5063. By Mr. HOFFMAN: Petition of Mayor Thomas Dolan and borough council of Sayreville, N. J., requesting proper maintenance for existing project South Channel, Raritan River, N. J.; to the Committee on Rivers and Harbors.

5064. By Mr. JOHNSON of Washington: Petition of citizens of Tacoma, Wash., protesting against the Lankford Sunday observance bill; to the Committee on the District of Columbia.

5065. By Mr. KORELL: Petition of citizens of Portland, Oreg., against the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

5066. By Mr. LINDSAY: Petition of United States Immigration Inspectors' Association, New York, N. Y., urging support of the Reed-Jenkins bill providing an increase in salaries for immigrant inspectors; to the Committee on Immigration and Naturalization.

5067. Also, petition of National Association of Finance Companies, opposing the Jones bill, or any other bill calculated to put the Government into business for the performance of functions which can be handled better by private interests; to the Committee on the Merchant Marine and Fisheries.

5068. Also, petition of joint legislative committee of the radio industry, making recommendations with respect to the regulatory powers of the Federal Radio Commission, appointment of members of the commission, and with respect to the principle of equitable distribution of radio service; to the Committee on the Merchant Marine and Fisheries.

5069. Also, petition of Knights of Columbus, New York State Council, praying for enactment of legislation providing for full Federal responsibility in respect to future flood protection measures in the lower Mississippi Valley; to the Committee on Flood Control.

5070. Also, petition of Masters, Mates, and Pilots Association, Pittsburgh Local No. 25, presenting set of resolutions registering vigorous protest against House bill 11137, entitled "A bill to extend the powers of pilots holding Federal licenses"; to the Committee on the Merchant Marine and Fisheries.

5071. By Mr. MACGREGOR: Memorial of Lodge Regina Elena, Order Sons of Italy, approving joint resolution of Senator Copeland requesting President to proclaim October 12 as Columbus Day; to the Committee on the Judiciary.

5072. By Mr. MEAD: Petition of Gibson-Snow Co., of Buffalo, N. Y., in favor of the Capper-Kelly bill; to the Committee on Interstate and Foreign Commerce.

5073. By Mr. MILLER: Petition of citizens of Seattle, Wash., protesting passage of House bill 78; to the Committee on the District of Columbia.

5074. By Mr. MOORE of Virginia: Petition of I. N. Jones, E. P. Coleman, and other residents of the eighth district of the State of Virginia, protesting against the passage of House bill

78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

5075. Also, petition of R. T. Ballard and other residents of the eighth district of the State of Virginia, protesting against the passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

5076. Also, petition of M. J. Riley and other residents of the eighth district of the State of Virginia, protesting against the passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

5077. Also, petition of K. M. Kendrick and other residents of the eighth district of the State of Virginia, protesting against the passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

5078. Also, petition of Mrs. C. E. Gheen, Alma D. Poole, and other residents of the eighth district of the State of Virginia, protesting against the passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

5079. Also, petition of I. N. Rich, Mrs. I. N. Rich, Ruth Rich, Mrs. R. R. Rich, R. R. Rich, and M. E. Rich, residents of the eighth district of the State of Virginia, protesting against the passage of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

5080. By Mr. MORIN: Petition of Masters, Mates, and Pilots Association of America, Local No. 25, of Pittsburgh, Pa., opposing favorable report on House bill 11137, on basis of resolution passed at regular meeting on March 6; to the Committee on the Merchant Marine and Fisheries.

5081. By Mr. O'CONNELL: Petition of the International Seamen's Union of America, favoring the Senate amendment to the appropriation for the Shipping Board providing that none of the appropriation shall be used to sustain the sea-service bureau; to the Committee on Appropriations.

5082. Also, petition of the joint legislative committee of the radio industry, Washington, D. C., favoring Federal Radio Commission be extended until March 15, 1929, that the appointment of members of the commission be for terms provided in the radio act of 1927; that the principle of equitable distribution of radio service established in the radio act of 1927 be maintained without adding the arbitrary requirement of a physical equality of distribution which would be without precedent in legislative history; to the Committee on the Merchant Marine and Fisheries.

5083. Also, petition of the New York Photo Engravers' Union, No. 1, New York City, favoring the passage of the Shipstead-LaGuardia bill (S. 1482) and the Cooper-Hawes bill (S. 1940 and H. R. 7729); to the Committee on Labor.

5084. By Mr. OLDFIELD: Petition of Louisa Hickman et al., Denmark, Ark., urging favorable action of proposed increase of pensions of veterans of Civil War and their widows; to the Committee on Invalid Pensions.

5085. By Mr. ROMJUE: Petition of E. S. Binger, W. A. Tweed, et al., in behalf of the Liberty Farm Club, of Williamstown, Mo., for a farm relief bill with an equalization fee; to the Committee on Agriculture.

5086. By Mr. SELVIG: Petition of Joe Rapacz and 19 farmers and residents of Polk County, Minn., protesting against the passage of House bill 6465, the purpose of which is to place Mexico and Canada on a quota basis; to the Committee on Immigration and Naturalization.

5087. Also, petition of Joseph A. Roesch and three farmers and residents of Ada, Minn., protesting against the passage of House bill 6465, the purpose of which is to place Mexico and Canada on a quota basis; to the Committee on Immigration and Naturalization.

5088. Also, petition of D. B. Smiley and 39 farmers and residents of Polk County, Minn., protesting against the passage of House bill 6465, the purpose of which is to place Mexico and Canada on a quota basis; to the Committee on Immigration and Naturalization.

5089. Also, petition of A. A. Dragseth and six farmers and residents of Eldred, Minn., protesting against the passage of House bill 6465, the purpose of which is to place Mexico and Canada on a quota basis; to the Committee on Immigration and Naturalization.

5090. Also, petition of Lewis E. Sande and eight farmers and residents of Alvarado, Minn., protesting against the passage of House bill 6465, the purpose of which is to place Mexico and Canada on a quota basis; to the Committee on Immigration and Naturalization.

5091. Also, petition of Dick Wibbels and 18 farmers and residents of Mahnomen County, Minn., protesting against the passage of House bill 6465, the purpose of which is to place Mexico and Canada on a quota basis; to the Committee on Immigration and Naturalization.

5092. By Mr. SINNOTT: Petition of 170 citizens of Pendleton, Oreg., protesting against enactment of House bill 78, the Lankford bill, or similar compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5093. By Mr. STRONG of Pennsylvania: Petition of citizens of Hawthorn, Pa., and vicinity, in favor of increasing the rates of pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

5094. By Mr. SUMMERS of Washington: Petition signed by John F. Erickson and 122 others of Yakima, Wash., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5095. Also, petition signed by Ven Harvey and seven others of Prescott, Wash., protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5096. By Mr. SWING: Petition of citizens of San Diego, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

5097. Also, petition of citizens of National City, Calif., urging passage of Civil War pension bill providing relief for needy and suffering veterans and widows; to the Committee on Invalid Pensions.

5098. Also, petition of citizens of Orange, Calif., urging passage of Civil War pension bill providing relief for needy and suffering veterans and widows; to the Committee on Invalid Pensions.

5099. Also, petition of residents of San Diego, Calif., urging immediate legislation increasing the pensions of Civil War veterans and the widows of such veterans; to the Committee on Invalid Pensions.

5100. By Mr. TAYLOR of Colorado: Petition from the women voters of Grand Junction, Colo., urging the passage of the alien deportation bill (H. R. 10078); to the Committee on Immigration and Naturalization.

5101. By Mr. WASON: Petition of 47 residents of Keene, N. H., protesting against the passage of House bill 78, known as the Sunday closing bill; to the Committee on the District of Columbia.

5102. By Mr. WELCH of California: Petition submitted by United States Employees Association, San Francisco, Calif., favoring the passage of the Welch bill (H. R. 6518), to reclassify and increase the salaries of the Federal employees; to the Committee on the Civil Service.

5103. By Mr. WHITE of Colorado: Petition of sundry citizens of Denver, Colo., protesting against the enactment of the Lankford Sunday observance bill; to the Committee on the District of Columbia.

5104. By Mr. WYANT: Petition of Department of Pennsylvania, Veterans of Foreign Wars of the United States, indorsing plan of President Coolidge for an adequate United States Navy; to the Committee on Naval Affairs.

5105. Also, petition of 550 members of First Presbyterian Church, Irwin, Pa., favoring passage of Lankford Sunday rest bill for the District of Columbia; to the Committee on the District of Columbia.

5106. Also, petition of Pennsylvania State Chamber of Commerce, by George E. Foss, general secretary, protesting against Sirovich bill (H. R. 6511); to the Committee on Labor.

SENATE

THURSDAY, *March 8, 1928*

(Legislative day of Tuesday, March 6, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

PETITIONS AND MEMORIALS

Mr. EDGE presented a communication from Mary P. Shelton, president of the Leonia Women's Republican Club, of Leonia, N. J., with accompanying resolutions unanimously adopted by that club, which were referred to the Committee on Naval Affairs and, on request of Mr. EDGE, ordered to be printed in the RECORD, as follows:

127 GLENWOOD AVENUE,
Leonia, N. J., March 3, 1928.

Hon. WALTER E. EDGE,
Washington, D. C.

DEAR SENATOR EDGE: I have the honor to present to you a set of resolutions passed by the Leonia Women's Republican Club.

It is a special pleasure to us to stay the hand of those in whom we have such confidence.

Most respectfully,

(Mrs. W. B. S.) MARY P. SHELTON,
President Leonia Women's Republican Club.

Resolution unanimously adopted by Leonia Women's Republican Club February 24, 1928

Whereas the members of the Leonia Women's Republican Club assembled at their regular meeting Friday, February 24, 1928, discussed the naval appropriation bill, approved by the President of the United States and by the Secretary of the Navy; and

Whereas an organized movement to prevent the passage of this measure has petitioned our representatives against this program of peace-time security which would bring our common defense up to the 5-5-3 ratio agreed upon at the Washington conference; and

Whereas we believe it to be the sworn duty of our Representatives to uphold our constitutional defense and protection against insurrection from within and invasion from without, from piracy upon the high seas; to protect our coasts and ports; to protect our nationals at home and abroad, and to insure the right of asylum to our nationals in other countries; and

Whereas it is the belief of the members of the Leonia Women's Republican Club that the program of pacifists to make us defenseless under the guise of some idealistic leadership is the direct mandate of enemies to constitutional government and a conspiracy to make us a defenseless nation against stronger nations, thereby weakening our independent position gained after 150 years of successful government under the plan laid down by Washington, Jefferson, Madison, and Jay; and

Whereas the members of the Leonia Women's Republican Club wish to indorse and support the obviously essential program approved by the administration for our peace needs as well as for war insurance: Be it

Resolved, That this organization send to the President of the United States and to the Secretary of the Navy, as well as to Senators WALTER E. EDGE, EDWARD I. EDWARDS, and Congressman RANDOLPH PERKINS our earnest supplication that they assure our security by supporting the naval appropriation bill; be it further

Resolved, That at this time we voice our earnest approval and appreciation of positions assumed by our Representatives in the past for our welfare and general protection in other measures; be it further

Resolved, That a copy of this resolution be incorporated in the reports and minutes of this organization and sent to the press.

Mr. METCALF presented a communication in the nature of a memorial from the Governors of the States of Connecticut, Rhode Island, Vermont, and New Hampshire, which was ordered to lie on the table and to be printed in the RECORD, as follows:

To the Congress of the United States:

As governors of some of the States of the United States which are to be affected by the passage by Congress of the Hawes bill now pending in the Senate and the Cooper bill now pending in the House of Representatives, we urge your earnest consideration of the advisability of enacting into law the principle contained in these measures.

We believe that the passage of this legislation may be the entering wedge to the adoption of such laws as will ultimately result in permitting a State to determine with what States it will carry on interstate business, a principle which should not be extended beyond the scope of the police power.

Further than this, we feel that every State would be obliged to pass statutes prohibiting the sale of the goods covered by such legislation for its own protection, thus completely destroying the market for such goods and bringing about a condition of unemployment in prisons and correctional institutions to the serious injury of the inmates thereof and a great increase in expense of maintenance of such institutions.

It is therefore our opinion that this legislation ought not to pass.

Respectfully submitted.

JOHN H. TRUMBULL,
Governor of Connecticut.
NORMAN S. CASE,
Governor of Rhode Island.
JOHN E. WEEKS,
Governor of Vermont.
H. N. SPAULDING,
Governor of New Hampshire.

Mr. FESS presented petitions of sundry citizens of Limaville, Downington, and Ada and vicinity, all in the State of Ohio, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. WALSH of Montana presented a petition of sundry citizens of Forsyth and Rosebud County, Mont., praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. DILL presented petitions of sundry citizens of Seattle and Everett, in the State of Washington, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. FRAZIER presented the petition of Ruth Young and 18 other citizens of Moffitt, N. Dak., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. BRUCE presented a petition of sundry citizens of Hagerstown, Md., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. WILLIS presented petitions of sundry citizens of Columbus, Downington, Willard, and Meigs County, all in the State of Ohio, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. CAPPER presented a petition of sundry citizens of Lincoln, Kans., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. DENEEN presented sundry petitions numerously signed by citizens of the State of Illinois, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

He also presented a memorial of members of the faculty and students of Mount Morris College, Mount Morris, Ill., remonstrating against adoption of the proposed naval building program, which was referred to the Committee on Naval Affairs.

He also presented memorials numerously signed by citizens of the State of Illinois, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. BLAINE presented a memorial of sundry citizens of Antigo, Wis., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of the State of Wisconsin, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. COPELAND presented a letter, in the nature of a petition, from the Erie County (N. Y.) Committee, the American Legion, praying for the passage of legislation to establish a national institute of health, which was referred to the Committee on Commerce.

He also presented a letter, in the nature of a petition, from the Erie County (N. Y.) Committee, the American Legion, praying for the passage of the bill (S. 2370) to amend section 24 of the immigration act of 1917, which was referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Woodstock and Horseheads, in the State of New York, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

He also presented a telegram from the King Manufacturing Co., of Buffalo, N. Y., favoring the "continuance of the Federal Radio Commission present allocation of stations geographically," which was referred to the Committee on Interstate Commerce.

He also presented a telegram from the Paulist Fathers, Radio Station WLWL, of New York, N. Y., protesting against the passage of pending radio legislation with amendment for equal allocation to each of the five zones, which was referred to the Committee on Interstate Commerce.

He also presented a telegram signed by Harold O. Quick, manager broadcasting station WSYR, of Syracuse, N. Y., stating "we believe highest power should be assigned to stations with best programs and powerful stations should be located where best talent, material, and educational features are easily available and where the tremendous financial outlay necessary may show some reasonable return," which was referred to the Committee on Interstate Commerce.

Mr. NORBECK presented petitions numerously signed by citizens of Watertown, S. Dak., praying for the passage of legislation establishing a national board to censor magazines and books, which were referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 3555) to establish a Federal Farm Board to aid in the orderly marketing and in the control and disposition of the surplus of agricultural commodities in interstate and foreign commerce, reported it without amendment and submitted a report (No. 500) thereon.

Mr. BRATTON, from the Committee on Indian Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 3007) to authorize the Secretary of the Interior to issue a patent to the Bureau of Catholic Indian Missions for a certain tract of land on the Mescalero Reservation, N. Mex. (Rept. No. 501); and

A bill (H. R. 8824) to provide for the protection of the watershed within the Carson National Forest from which water is obtained for the Taos Pueblo, N. Mex. (Rept. No. 502).

Mr. ASHURST, from the Committee on Indian Affairs, to which was referred the bill (S. 3026) authorizing the construction of a fence along the east boundary of the Papago Indian Reservation, Ariz., reported it without amendment and submitted a report (No. 503) thereon.

Mr. METCALF, from the Committee on Interstate Commerce, to which was referred the joint resolution (S. J. Res. 99) to amend joint resolution directing the Interstate Commerce Commission to take action relative to adjustments in the rate structure of common carriers subject to the interstate commerce act, and the fixing of rates and charges, reported it without amendment and submitted a report (No. 504) thereon.

Mr. NORBECK, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 2828) to amend the act of April 25, 1922, as amended, entitled "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak.," reported it with an amendment and submitted a report (No. 505) thereon.

ENROLLED BILLS PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on March 8, 1928, that committee presented to the President of the United States the following enrolled bills:

S. 700. An act authorizing the Secretary of the Interior to execute an agreement with the middle Rio Grande conservancy district providing for the conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes;

S. 771. An act providing for the gift of the U. S. S. *Dispatch* to the State of Florida;

S. 1705. An act authorizing the Court of Claims to render judgment in favor of the administrator of or collector for the estate of Peter P. Pitchlynn, deceased, instead of the heirs of Peter P. Pitchlynn, and for other purposes;

S. 2342. An act providing for a per capita payment of $25 to each enrolled member of the Chippewa Tribe of Minnesota from the funds standing to their credit in the Treasury of the United States; and

S. 2902. An act authorizing the States of Wisconsin and Michigan to construct, maintain, and operate a free highway bridge across the Menominee River at or near Marinette, Wis.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 3556) to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. NEELY:

A bill (S. 3557) granting an increase of pension to Leslie Harding; to the Committee on Pensions.

A bill (S. 3558) authorizing Point Pleasant Henderson Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Kanawha River at or near Point Pleasant, W. Va.; to the Committee on Commerce.

By Mr. WATSON:

A bill (S. 3559) to create a special highway fund from the proceeds of the sale of surplus war material, highway equipment, and supplies to the Government of France; to the Committee on Post Offices and Post Roads.

By Mr. MAYFIELD:

A bill (S. 3560) authorizing the issuance of service medals to officers and enlisted men of the brigade of Texas Infantry organized under authority from the War Department during the World War, and authorizing an appropriation therefor; and further authorizing the wearing by such officers and enlisted men on occasions of ceremony of the uniform lawfully prescribed to be worn by them during their service; to the Committee on Military Affairs.

By Mr. WALSH of Massachusetts:

A bill (S. 3561) to require contractors and subcontractors engaged on public works of the United States to give certain preferences in the employment of labor; to the Committee on Education and Labor.

By Mr. WAGNER:

A bill (S. 3562) to establish a landing field for aircraft at Governors Island, N. Y., and for other purposes; to the Committee on Military Affairs.

By Mr. REED of Pennsylvania:

A bill (S. 3563) granting an increase of pension to Emily R. Albee (with accompanying papers); to the Committee on Pensions.

By Mr. STEPHENS:

A bill (S. 3564) for the relief of J. A. Teat, F. E. Leach, and J. L. McMillan; to the Committee on Claims.

By Mr. BLAINE:

A bill (S. 3565) to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. COPELAND:

A bill (S. 3566) conferring jurisdiction upon the United States Court for the Southern District of New York to hear and determine the claim of the owner of the French auxiliary bark *Quevilly* against the United States, and for other purposes;

A bill (S. 3567) conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *San Tirso* against the United States, and for other purposes; and

A bill (S. 3568) conferring jurisdiction upon certain courts of the United States to hear and determine the claim by the owner of the steamship *W. I. Radcliffe* against the United States, and for other purposes; to the Committee on Claims.

By Mr. SHEPPARD:

A bill (S. 3569) to equalize the pay of certain classes of officers of the Regular Army; to the Committee on Military Affairs.

By Mr. CARAWAY:

A bill (S. 3570) for the relief of Claude L. Pyle; to the Committee on Claims.

By Mr. TYSON:

A bill (S. 3571) granting the consent of Congress to the county court of Roane County, Tenn., to construct a bridge across the Emory River at Suddaths Ferry, in Roane County, Tenn.; to the Committee on Commerce.

FLOOD CONTROL

Mr. JONES. Mr. President, I feel I should make a brief statement about the flood control bill reported to the Senate by the Commerce Committee. Telegrams are sent out and editorials written opposing the bill based upon something supposed to be in the bill, which is, in fact, expressly negatived by the terms of the bill. It is asserted that the bill provides for a commission to investigate the capacity of States, districts, and communities to contribute toward the cost of flood-control works and to determine the amount of such contributions. No commission is provided in the bill to do anything of this kind. On the contrary, section 2 of the bill expressly declares that by the expenditure of nearly $300,000,000 the communities embraced in the project adopted have largely complied with the principle of contribution. Practically all the contribution called for is the payment of one-third of the cost of bringing the main levees up to the 1914 standard and the furnishing of rights of way for levees along the main river where the same have not already been provided. This latter condition can be met at very slight expense. The Chief of Engineers estimates that one-third of the cost of bringing the main levees up to the 1914 standard is about $4,000,000 if the plan of the Chief of Engineers is adopted. If the plan of the Mississippi River Commission is adopted, covering a portion of the tributaries, this cost will be about $14,000,000. When the magnitude of the work is considered, such contributions are very small.

A board is provided in the bill, but that board is to consider only the engineering differences between the plan of the engineers and the plan of the Mississippi River Commission and has nothing whatever to do with the matter of contributions or the economic phases of the situation.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed

without amendment the bill (S. 1531) authorizing the Secretary of Agriculture to sell the Weather Bureau station known as Mount Weather, in the counties of Loudoun and Clarke, in the State of Virginia.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 53. An act to provide for the collection and publication of statistics of tobacco by the Department of Agriculture;

H. R. 7459. An act to authorize the appropriation for use by the Secretary of Agriculture of certain funds for wool standards, and for other purposes;

H. R. 9495. An act to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture;

H. R. 9830. An act authorizing the Great Falls Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Potomac River at or near the Great Falls;

H. R. 11026. An act to provide for the coordination of the public-health activities of the Government, and for other purposes;

H. R. 11579. An act relating to investigation of new uses of cotton;

H. J. Res. 140. Joint resolution to amend sections 1 and 2 of the act of March 3, 1891; and

H. J. Res. 215. Joint resolution to authorize the Secretary of Agriculture to accept a gift of certain lands in Clayton County, Iowa, for the purposes of the upper Mississippi River wild life and fish refuge act.

CALL OF THE ROLL

Mr. FLETCHER obtained the floor.

Mr. KING. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	La Follette	Sheppard
Barkley	Fess	McKellar	Shipstead
Bayard	Fletcher	McLean	Shortridge
Bingham	Frazier	McMaster	Simmons
Black	George	McNary	Smith
Blaine	Gerry	Mayfield	Smoot
Blease	Glass	Metcalf	Steck
Borah	Gooding	Neely	Steiwer
Bratton	Gould	Norbeck	Stephens
Brookhart	Greene	Norris	Swanson
Broussard	Hale	Nye	Thomas
Bruce	Harris	Oddie	Tydings
Capper	Harrison	Overman	Tyson
Caraway	Hayden	Phipps	Wagner
Copeland	Heflin	Pine	Walsh, Mass.
Couzens	Howell	Pittman	Walsh, Mont.
Curtis	Johnson	Ransdell	Warren
Cutting	Jones	Reed, Pa.	Waterman
Deneen	Kendrick	Robinson, Ark.	Watson
Dill	Keyes	Sackett	Wheeler
Edge	King	Schall	Willis

Mr. JONES. I desire to announce that the Senator from Vermont [Mr. DALE] is detained on official business.

The VICE PRESIDENT. Eighty-four Senators having answered to their names, a quorum is present. The Senator from Florida [Mr. FLETCHER] is entitled to the floor.

Mr. SMOOT. Will the Senator from Florida yield to me for a few moments?

Mr. FLETCHER. I yield to the Senator from Utah.

ALLEGED REFUND OF TAXES TO WILLIAM RANDOLPH HEARST

Mr. SMOOT. Mr. President, I desire to read a letter into the RECORD to correct a certain statement which was made by the Senator from Alabama [Mr. HEFLIN], and I want to call his attention to the letter. The letter is dated March 5, 1928, and addressed to myself, from the Secretary of the Treasury, Mr. Mellon:

TREASURY DEPARTMENT,
Washington, March 5, 1928.

Hon. REED SMOOT,
United States Senate.

MY DEAR SENATOR: Under date of January 11, 1928, Senator HEFLIN addressed a communication to me in which he inquired what amounts of taxes, if any, had been refunded to William Randolph Hearst since I had become Secretary of the Treasury.

On January 16, 1928, I addressed the following communication to Senator HEFLIN:

"In your letter of January 11 you inquire what amounts of taxes, if any, have been refunded to William Randolph Hearst since I became Secretary of the Treasury.

"You are advised that no refunds of taxes have been made to Mr. Heart during that period."

It appears appropriate to bring this to your attention in view of the remarks of Senator HEFLIN appearing on page 3348 of the CONGRESSIONAL RECORD of February 21, 1928, as follows:

"The corporations in the main seem to be the ones who are to get it. I notice a refund is provided to the Washington News of over $300,000, and this is a presidential year! There are other newspapers which have had refunds in this presidential year involving thousands and tens of thousands of dollars. I understand Mr. Hearst had a refund of $600,000 or $700,000 in the last two or three years, and that he and Mr. Mellon have become exceedingly warm friends."

It is perhaps of interest to you to know that the Washington Daily News, to which Senator HEFLIN probably refers, received no refund from the Treasury Department. It is probable that the Senator has been misinformed concerning the case. Certainly in view of the letter addressed to the Senator on January 16, there is no basis for the statements made on February 21 in respect of the alleged refund to Mr. Hearst.

It occurs to me that you may wish to correct any impression that the erroneous statements by Senator HEFLIN may have left in the minds of his colleagues and have the RECORD show the true facts.

Sincerely yours,

A. W. MELLON,
Secretary of the Treasury.

Mr. HEFLIN. Mr. President, the letter of the Secretary of the Treasury does not say that he has not refunded taxes to any newspaper or other interest connected with Mr. Hearst. I have heard it talked around the Capitol, and other Senators have, I take it, that a large refund had been made to the Hearst interests. It has been talked for a month that it was the cause of the warm friendship which sprang up between the Secretary of the Treasury and Mr. Hearst. Of course, personally, I do not know as to that, but the letter does not cover that situation.

Now as to the Washington News, the press dispatches at the time this refund was given out carried that item. I think I have it in my office. Some one has told me that the refund was to some other News and that it was a mistake on the part of the reporters here in naming it the Washington News. I based my information on that statement in the press and on the other statements which had gone the rounds here.

I shall address another letter to Mr. Mellon, in which I shall inquire more in detail as to certain tax refunds. He has refunded over a billion dollars in taxes since he has been Secretary of the Treasury, and the Senate has not obtained the names of any persons to whom taxes have been refunded, except the list for which I called, which was sent here in response to a resolution adopted by the Senate after he declined to send the names without action by the Senate. I am going to ask him for more detailed information. Then, if I can not get it, I am going to ask the Senate to adopt another resolution.

Mr. SMOOT. Mr. President, I take it that the Secretary of the Treasury objected more particularly because in his letter to the Senator from Alabama on January 16 he made the statement that there was no refund made to the Hearst interests. Then, after that, on February 21 the Senator from Alabama made the statement which the Secretary has quoted in his letter. I suppose that is the reason why the Secretary of the Treasury finds fault with the Senator from Alabama.

Mr. HEFLIN. Mr. President, with regard to that, I desire to say that I have never seen such a letter. I wish to say, however, that since I spoke in this Chamber on the 18th of January on the Hearst-Catholic-Mexican scandal I have received thousands of letters, and there are two or three thousand of them in my office which I have not yet had an opportunity to read. Those letters come from every State in the Union, indorsing my position and commending my course, and it may be that that letter is there. I am going through those letters just as fast as I can, but, with my other duties here, it has been impossible to read them all. There are probably 3,000 which I have not read; it may be that that letter is in my office, but I have never seen it.

Mr. SMOOT. The Secretary of the Treasury quotes from his letter of January 16, I will say to the Senator. Does the Senator say that he did not get that letter?

Mr. HEFLIN. I repeat, I have not seen the letter. It may be that the Secretary's letter is in my office, but my secretary has not called it to my attention. I have never seen it.

Mr. SMOOT. I have simply read the letter into the RECORD in order to have the situation clear so far as concerns the statement made by the Senator from Alabama.

Mr. HEFLIN. I am glad to have the Secretary of the Treasury state his side, I would not deny him that right; I want

him to do that. I am merely telling why I made the statement, and, I repeat, I am going to call on him for a more detailed statement about Mr. Hearst and his interests.

MUSCLE SHOALS

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes.

Mr. FLETCHER. Mr. President, I look upon the question of dealing with Muscle Shoals as one involving a very important problem. It seems to me that we ought to do something with the plants which we have erected there at very great expense to the people and ought to make that great resource useful to the country. Some 12 years ago we appropriated $20,000,000 to start the enterprise. We have been waiting now year after year to determine what to do with that property. After spending some $14,000,000 for the construction of nitrate plant No. 1, it has remained idle; and, after spending $67,000,000 for the construction of nitrate plant No. 2, that remains idle. We spent some $64,000,000 on the Wilson Dam—Dam No. 2 as it is now called—and we are utilizing that to some extent in producing electrical energy and are selling the current to the Alabama Power Co.

The people of the country, and especially the farmers of the country, are obliged to have fertilizer. It is not a question of buying fertilizer every 10 years or every 5 years or every 2 years; they are obliged to have fertilizer every year. That need grows and increases. The original purpose of the development of the enterprise at Muscle Shoals was to produce fixed nitrogen in time of war and to produce fertilizer in time of peace. That has been constantly in the mind of Congress, but nothing has been done about it. The plants at Muscle Shoals are rusting away; they are still idle and we are getting no return, practically, on the investment we have made there.

I am anxious that we should determine upon a definite, fixed policy with reference to this enterprise. I think we have waited long enough; that we have wasted time, just as we have wasted energy and wasted power at Muscle Shoals. We ought to determine the question without further delay. In general, I find myself in accord with the views expressed by the able Senators from Alabama.

I confess to very keen disappointment at the measure the Committee on Agriculture and Forestry has laid before us after its great study and labor in the solution of this problem. I digress here to pay tribute to the distinguished Senator from Nebraska [Mr. NORRIS] for whose honesty of purpose, for whose great ability, patriotism, and statesmanship I have the very highest estimate. The country is indebted to him for the public service which he has rendered and is rendering; but he brings in what he confessedly says is a "compromise" measure, which, in my judgment, does not get us anywhere toward the solution of this problem. It may be the best that the committee could, on account of difference of views, and so forth, bring out; but it seems to me it does not in its final analysis bring us very far, if anywhere, toward a solution of this question.

If I were in the place of the Government, with all its resources behind me, I would be disposed to take a broader and more comprehensive view of the whole Tennessee River situation than is attempted at this time. The possibilities for power development on that river are almost unlimited. The navigation of the river is a very important matter to be considered; and, of course, the production of fertilizer is of vast importance to our agricultural interests and, therefore, to the whole country.

If I had the power to do so and had the resources of the Government behind me, I would consider the whole Tennessee River, with its beautiful valleys and fertile lands and prosperous cities and growing communities everywhere from its source to where it empties into the Ohio River. It has its source up in the hills and mountains of Kentucky, Virginia, North Carolina, and eastern Tennessee. It flows in a southwesterly direction to Chattanooga and then turns southward until it gets close to Muscle Shoals; then it turns in a westerly direction and again in a northerly direction and empties into the Ohio River not a great distance from Cairo, Ill.

The Cumberland River likewise empties into the Ohio a few miles above where the Tennessee pours into that great river. There are possibilities of power development on the Cumberland yet untouched, unsurveyed, even unconsidered. But speaking with reference to the Tennessee, we find it is navigable with a 6-foot channel from the Ohio River to Wilson Dam. Dam No. 1 was built at a cost of some $10,000,000. It develops no power; it serves no useful purpose except for navigation. Dam No. 2, or the Wilson Dam, forms a pool of some 16 miles, and the river is navigable up to that point. Passing from there, there is no navigation possible on the river of any continuous or worth-while sort. Here and there are navigable stretches at certain seasons only and with very light-draft boats.

The next dam on the river above Dam No. 2 is Hales Bar Dam, which was built some years ago at a cost of about $11,000,000. In laying the foundations a subterranean stream was struck, and it became necessary to pour in trainload after trainload of cement in order to fill that up. I understand Mr. Brady's estate charged off something like $7,000,000, and that property now, including the steam plant auxiliary to the water power, is owned, I think, by the Tennessee Power Co. or some subsidiary of that company. Power is transmitted for hundreds of miles from there. Another great purpose served by that dam was to make the river navigable at all seasons of the year with a 9-foot channel from there to Chattanooga and beyond. Under what is known as the Madden-Willis bill it is proposed to build Dam No. 3 north of Dam No. 2. That dam, if built, would make the river navigable for some 80 miles farther, and in that respect it would be an important improvement of navigation on the river.

The Government has adopted a policy of improving the rivers and harbors of the country for a period now extending over a hundred years; and it is entirely in line with the policy of the Government to build Dam No. 3 for navigation purposes as well as for the development of power that would follow as a consequence. Eighty miles of navigable channel would be produced by the building of Dam No. 3. It is estimated that it will cost $32,500,000; perhaps it would cost more, but $32,500,000 is the present estimate of the cost. With the building of that dam and probably one other dam at Guntersville on the river—which some power company is bound to build; in fact, application for a permit has already been filed for a site at Guntersville—we will have continuous navigation from the Ohio River up to Chattanooga and beyond.

Permits are being asked of the Power Commission for some other dams beyond Chattanooga on some sites already applied for, and those dams will be built by power companies if not by the Government. I should have no objection at all to having them built by the Government in the interest of navigation.

At what is called Shermans Dam a site has been selected, also at Sail Creek Dam, White Creek Dam, Marble Bluff Dam, and then we get up to Coulter Shoals Dam and up to Knoxville.

There is not any question at all in my mind but that those dams eventually will be built. Power companies are after them; but in every instance navigation will be promoted, and we shall finally have the Tennessee navigable up to Knoxville from the Ohio River.

A definite proposition, however, has been made by responsible parties for the building of the dam at Cove Creek, on the Clinch River, north of Knoxville and somewhat west. That dam is to be 225 feet high, and, according to the latest estimate of the Army engineers, is to cost $37,000,000. A reservoir covering an area of some 75,000 acres will be provided for it. That dam, if built, and the reservoir created by it, would be an auxiliary power plant extending to Muscle Shoals. It would provide water that would create a navigable depth on the Tennessee River from that point on through all the locks and dams to Muscle Shoals. That auxiliary power would exist without any cost for coal or other appliances or labor. It would be a perpetual auxiliary power plant, useful for all the purposes of navigation and of power from that point to Muscle Shoals. Not only that, but it would make the Clinch River, a tributary of the Tennessee, navigable for some 80 miles, clear into the coal fields of east Tennessee.

So that by building Cove Creek dam and by building Dam No. 3 the Tennessee will be made navigable from the Ohio River to the coal fields of east Tennessee, and on by Knoxville. That would be a very great accomplishment. It would be a great achievement for the Government itself and for the public. To illustrate what it would mean, we are spending now on the Ohio River, in locks and dams which will be completed next year, over $100,000,000 purely for navigation. Not one dollar of that money will ever come back to the Treasury. On the other hand, there is fastened upon the Government the cost of maintenance of those locks and dams, running through the centuries, probably amounting to at least $100,000 every year. That is what we have done for the Ohio River for navigation alone. Here we propose to spend, to make the Tennessee navigable from the Ohio River to the east Tennessee coal fields and by Knoxville, on by Chattanooga and Muscle Shoals and the various towns and communities, $106,000,000, or about that sum; and we have before us in the Willis bill, and the House has before it in the shape of the Madden bill, a proposition of the Air Nitrates Co. and the American Cyanamid Co. whereby

they covenant and agree to pay interest at the rate of 4 per cent on the entire cost of these improvements to the Government for 50 years, annually, and they also covenant and agree to create a sinking fund which will pay back to the Government at the rate of 4 per cent per annum, extending through a period of 100 years, an amortization that will return to it every dollar it has spent on these dams.

Mr. SHEPPARD. Mr. President, is this the Cyanamid Co.'s offer which the Senator is now discussing?

Mr. FLETCHER. I am referring to that as compared to what we have done for the Ohio River, where we have spent equally as much, never to get back 1 cent of it, but have burdened ourselves for all the future for the cost of maintenance. Here, we propose to make great improvements of equal value to navigation, and get back the entire cost of the improvements in the course of time, and 4 per cent interest on the money which we put into it. I submit that that is worth considering.

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. SACKETT in the chair). Does the Senator from Florida yield to the Senator from Utah?

Mr. FLETCHER. I yield to the Senator.

Mr. KING. I want to ask the Senator whether the proposition of the Cyanamid Co. calls for the construction of the Cove Creek Dam, up on Clinch River, as well as Dam No. 3, or whether their proposition may not be segregated; whether they would not make it in the alternative, that they would pay so much if Dam No. 3 were completed, or an additional amount if both dams were completed, so that the Government would have its choice of building two dams at the cost which the Senator has indicated, or only one at a cost of approximately thirty or thirty-two million dollars.

Mr. FLETCHER. I am inclined to think the Senator is correct about that; but I confess that I have not studied in detail and carefully either of these bills, because they are not actually now before us. I have looked at their general outlines and the major propositions contained in them.

First, they propose to lease the property from the Government for a period of 50 years. I am not opposed to that, especially if the people who are to be the lessees are responsible people, know their business, and are willing to pay a reasonable rental charge for the property; and I think it would be advantageous for us to have some one in position to utilize these plants and get to making fertilizer for the farmers of this country without waiting 10 years for experiments, or for that matter, without waiting another day for experiments.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from North Carolina?

Mr. FLETCHER. I yield to the Senator, though I should like to proceed.

Mr. SIMMONS. I simply wanted to say that I am delighted to hear the Senator from Florida discuss this question, because in my judgment there is nobody in the Senate who has studied it more closely and understands it as thoroughly as does the Senator from Florida. I desire to ask the Senator from Florida, however, if in speaking about the proposition a few moments ago he referred to the Cyanamid Co.'s proposition which has been so vigorously supported by the two Senators from Alabama.

Mr. KING. And so bitterly assailed by the Senator from Nebraska.

Mr. FLETCHER. I was making reference to their proposal as embodied in the Madden bill and the Willis bill; but I propose to dwell a little more on that a little later.

Mr. SIMMONS. The reason why I ask the Senator is that I thought he spoke only about the amount that they proposed to pay the Government as rental but did not refer to any proposition to do anything for the production of fertilizer.

Mr. FLETCHER. I will get to that in a few minutes. The covenant is that they will produce at Muscle Shoals nitrate plant No. 2, first, 10,000 tons and on up, when they complete the necessary additions there, to 50,000 tons of fixed nitrogen every year. That would mean some 550,000 tons of ammo-phos or ammonium phosphate which would be utilized as fertilizer. Individual farmers can use this ammonium phosphate where they know how to mix it, perhaps here and there, with potash, and in other places, where they do not need the potash, with other filler; but the fertilizer factories are using it now, and of course the concern would be in position to make fertilizer at this plant to the amount of, as I say, some 550,000 tons annually.

That is one of their propositions. Coming back, however, to this situation on the Tennessee, the whole Tennessee River ought to be developed. Navigation ought to be considered; power ought to be considered; the manufacture of fertilizer ought to be considered; and I was giving a brief outline of conditions as they exist.

The river, now navigable from the Ohio River with a 6-foot channel to Wilson Dam, with the building of these dams will become navigable on up to Knoxville and clear into the coal fields of east Tennessee. With the investments already made there we have Dam No. 1, which has cost some $10,000,000; Dam. No. 2, which has cost some $64,000,000; nitrate plant No. 1, which has cost $14,000,000; nitrate plant No. 2, which has cost $67,000,000. Then add to that the cost of Dam No. 3, $35,000,000, and Cove Creek Dam, $37,000,000, and the problem of navigation and power development on the Tennessee will be solved, as well as the problem of manufacturing fertilizer.

All these plants are now idle. Plant No. 1 never has been used. It was built by White & Co. under the direction of the German Chemical Co., and is what they call a plant for producing nitrogen by the synthetic process. It never produced a pound of fixed nitrogen. Nitrate plant No. 2 never has been fully completed. It has a steam power-plant auxiliary, the whole costing some $67,000,000, as I have said, idle, useless, rusting, and wasting away. The maintenance and upkeep costs to the Government of the United States at Dam No. 2 during 1927 were $266,163.64. The maintenance and upkeep costs of the nitrate plant No. 1 from June 30, 1926, to June 30, 1927, were $14,647; and the costs of upkeep and maintenance at nitrate plant No. 2 from June 30, 1926, to June 30, 1927, were $58,177.

I do not know what it is costing to keep up our Waco quarry there, but probably three or four thousand dollars a year. But those are actual costs for caring for the property year by year.

Mr. SMITH. Does that $58,000 take care of the sinking of certain parts of the foundation of nitrate plant No. 2 that they thought perhaps needed some support?

Mr. FLETCHER. It comes under the head of maintenance and upkeep.

Mr. SMITH. It was brought out before the committee that some part of it was insecure and that a certain amount had to be expended.

Mr. FLETCHER. These figures do not include that item. The amount of power sold to the Alabama Power Co. in 1927 was 556,105,000 kilowatt-hours. The revenue received was $1,168,763.33. The total power that could have been developed there would have amounted to 1,051,000,000 kilowatt-hours, which, at the price received during the year, would have given a revenue of $2,165,000.

The only purchaser of that power now is the Alabama Power Co., because they have the only transmission lines connecting with that plant. They take what power they choose to take. They do not consume the capacity production of the plant at all, which ought to be at least 160,000 horsepower. They take about 80,000 horsepower, and the Government is at the mercy of this power company because they have the only transmission lines leading from the plant.

That is the situation. We are spending for upkeep, this property is depreciating, we are charging no interest on our investment, making no use of these expensive plants for nitrate production, for fertilizer production, or anything of the kind, and getting scarcely enough revenue to take care of the property, with no chance, apparently, of getting any more from the sale of the power, because we have no transmission lines. We have to sell what the Alabama Power Co. is willing to buy, and at a price which they are willing to pay. Therefore, we are getting half the capacity of that plant in use at Dam No. 2.

Mr. President, what is proposed? We have before us Joint Resolution 46. Nitrate plant No. 2 has a capacity of 50,000 tons of fixed nitrogen annually. It is idle. Nitrate plant No. 1 is idle, as I have stated.

The report, Report No. 228, states:

> The resolution here reported is a compromise, and has, for its principal object, the operation of Muscle Shoals upon the compromise plan set forth in the resolution for a sufficient length of time to demonstrate what is possible in the practical and economical method of cheapening fertilizer for the benefit of agriculture.

There we have stated frankly in this report the scope and purpose of Joint Resolution 46. It is almost amusing to read the title of this resolution. The joint resolution reads, "providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes," the very thing it does not do.

The provisions relate to the production and distribution of power. The nearest approach to the manufacture of fertilizer is work of an experimental character. It is said in the report, "for a sufficient length of time to demonstrate what is possible in the practical and economical method of cheapening fertilizer

for the benefit of agriculture." Suppose you call on the people of this country to stop eating until it can be demonstrated what is the best kind of food for them. Suppose you call on the farmers to stop growing crops next year until we can show them what kind of fertilizer is best for them to use. Suppose we discontinue building airplanes because improvements in engines and other parts are being constantly made. Suppose you insist that no more automobiles shall be made because a machine is about to be developed which will make gas or other fuel unnecessary and out of date. It is equally absurd to hold up the manufacture of fertilizers and materials for fertilizers because science is making progress and we expect modern methods will diminish their cost.

Do we need any demonstration that fertilizer is necessary and required by the agricultural interests of the country? Have we not been using fertilizer for years and years? Are not these people who propose now to lease this property actually manufacturing fertilizer? Why wait until we can experiment with some new process and await some new development?

The report says that we are to operate the Muscle Shoals plant on a compromise plan. What sort of a compromise plan? What do they mean by a compromise plan? In the meantime we ought to find a way to use what we have. If a responsible party will covenant to manufacture fertilizer there and furnish it to farmers at cost plus 8 per cent, and beginning right away, why would that not be a desirable thing? If such a lessee would spend $30,000,000 of his own money in adding to the equipment of plant No. 2, and proceed as soon as that could be completed to manufacture fertilizer, would not that be better than letting the plant rust and rot, with no benefit to anyone? If it is possible for such a lessee to manufacture fertilizer there at no cost to the Government and supply it at one-half what it is now costing the farmers, why should not the opportunity be given?

This plant No. 2 is not complete. It can not now make fertilizer. There must be additions to it, new machinery, new equipment, and other things, which will cost some thirty to thirty-five million dollars, it is estimated.

In this Willis-Madden bill, touching again the high spots of it, the lessees agree, themselves, at their own expense and cost, and without any expense to the Government whatever, to make those additions, and to put the plant in condition and fully equipped to manufacture fertilizer.

Mr. BLACK. Mr. President——

The PRESIDING OFFICER (Mr. BRATTON in the chair). Does the Senator from Florida yield to the Senator from Alabama?

Mr. FLETCHER. I yield.

Mr. BLACK. I just want to call the Senator's attention to the fact that the statement is correct that the plant as now equipped can not manufacture fertilizer, and that neither the Norris resolution nor any other resolution that has been offered provides for an appropriation to put up machinery necessary to manufacture phosphoric acid, without which fertilizer can not be manufactured. Senators may call the bills fertilizer bills all they desire; unless there is an appropriation of some twenty-five or thirty million dollars to put up the additional equipment, they can not possibly manufacture fertilizer, except in small experimental lots.

Mr. FLETCHER. That is quite true.

Mr. SMITH. Mr. President, may I ask the Senator from Alabama if the cyanamide plant which is already there is ready to go on manufacturing cyanamide in an economic way, as compared with the claim that their processes have been developed so as to go beyond what plant No. 2 would do?

Mr. BLACK. I do not care to take up the time of the Senator from Florida——

Mr. FLETCHER. I am glad to have the Senator answer the question.

Mr. BLACK. The whole thing is this, that cyanamide is not the fertilizer the farmer wants. He wants a combination of nitrogen and phosphate so that later on he can, if he desires, mix them.

Mr. SMITH. I just wanted to know if they can produce cyanamide as cheaply and as efficiently there as at their plant at Niagara?

Mr. BLACK. Undoubtedly, with a small amount of additional equipment, the exact amount of which I do not know. But cyanamide is not fertilizer.

Mr. SMITH. I was not talking about that. The base is nitrogen, and that is mixed with phosphoric acid.

Mr. BLACK. It is one of the absolutely necessary elements, and I was calling attention to the fact that none of the so-called fertilizer bills here now, not a single one, provides an appropriation sufficient to manufacture fertilizer. We would be limited to the manufacture of cyanamide.

Mr. FLETCHER. That is quite true, and that is why I referred to the proposition of the lessees under the Madden-Willis bill. They propose to put in those additions and equip that plant for the manufacturing of fertilizer.

Mr. BLACK. That is a fact. I agree with the Senator in that.

Mr. FLETCHER. Which, of course, is a necessary and desirable thing if we are to make fertilizer. We do not need it to make cyanamide alone.

On page 2 of the report it is stated:

> A nitrogen-fixation plant that would produce 40,000 tons of nitrogen a year, the same as that which could be produced by the operation of plant No. 2, would, under modern conditions and present scientific knowledge, cost about $10,000,000; whereas the construction of nitrate plant No. 2 cost $67,555,355.09.

The synthetic process is suggested here. We have two plants now. We can not make ammonium phosphate. Plant No. 1 is a synthetic-process plant. The fact is that material is now being made in the United States and can be used here. We export large quantities of this fertilizer material. There is a duty of $5 a ton on cyanamide. It is made extensively in Germany, where they lack water power and must use coal.

If you want to help the farmer, you might begin by repealing that duty, perhaps. So with ammonium phosphate. That we need. That is what we must produce for fertilizer purposes. The duty on that is $30 a ton. Germany is a large producer of that material and the duty keeps it out of the United States. Why not repeal the duty on ammonium phosphate if we propose to benefit agriculture?

The materials which I have been discussing are shown in the bottle which I hold in my hand at this time. The black material is cyanamide. It contains 28 per cent of ammonia or 23 per cent of nitrogen. At the bottom is Florida pebble phosphate, which contains from 68 to 70 per cent of bone phosphate of lime. At the top is ammo-phos, or ammonium phosphate, which contains 13 per cent of ammonia and 48 per cent of phosphoric acid. We can make cyanamide at Muscle Shoals just as they are making it at Niagara Falls. We can make ammonium phosphate at Muscle Shoals by making the necessary additions to nitrate plant No. 2, as mentioned. We have close by the pebble phosphate in Florida, an inexhaustible supply of it within close reach. We also have the hard-rock phosphate in Florida and in Tennessee.

Mr. KING. Mr. President, will the Senator yield?

Mr. FLETCHER. I yield.

Mr. KING. My understanding is that there is an abundance of phosphate within a very short distance of Muscle Shoals in Tennessee or in Alabama.

Mr. FLETCHER. That is true. It is a little different kind from the pebble phosphate and doubtless more difficult to crush and expensive to handle.

Mr. TYSON. That is true. It is phosphate rock.

Mr. FLETCHER. Yes; it contains phosphate. The combination of the phosphate and the cyanamide results from power being exerted and chemical action which finally results in what is really fertilizer or ammo-phos. That has in it no potash, but potash can easily be added, as can any other ingredients that might be required. Even the individual farmer could add those. In order to keep Muscle Shoals and manufacture the ammo-phos or ammonium phosphate there has to be some additional machinery and facilities which will cost, it has been estimated, from $30,000,000 to $35,000,000, and the proposed lessees say they are willing to put that in as a part of their contract.

Mr. SIMMONS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from North Carolina?

Mr. FLETCHER. I yield.

Mr. SIMMONS. I would like to ask the Senator if there is anything in the theory which requires them to make the mixture at Muscle Shoals? May they not make the cyanamide at Muscle Shoals and make the mixture at some other point?

Mr. FLETCHER. Yes; they have to manufacture fertilizer, under that proposal, at Muscle Shoals.

Mr. SIMMONS. They have ultimately to manufacture fertilizer.

Mr. FLETCHER. Yes.

Mr. SIMMONS. But does it mean that they must manufacture all the ingredients of fertilizer at Muscle Shoals, or only one or two?

Mr. FLETCHER. They can make the cyanamide there, but they will have to bring in the phosphate to add to it in order to make the ammo-phos.

Mr. SIMMONS. I understood the Senator to say there is quite a duty upon ammonium phosphate?

Mr. FLETCHER. Yes.

Mr. SIMMONS. At the present time, as I understand, the Niagara Falls cyanamide plant is manufacturing cyanamide there and sending it over into New Jersey and there adding the phosphate.

Mr. FLETCHER. I think that is true. I think they make the cyanamide at Niagara and bring the phosphate up from Florida, and then they process it in New Jersey and combine the two and make the ammo-phos, three-quarters of which is sold in this country to fertilizer manufacturers and the rest shipped abroad. Some 52 foreign companies buy this material from them.

Mr. SIMMONS. They bring the cyanamide over from Niagara Falls and have to pay a duty on it?

Mr. SMOOT. No; cyanamide is on the free list.

Mr. FLETCHER. I think the Senator from Utah is wrong.

Mr. SMOOT. From what was the Senator reading?

Mr. FLETCHER. From the tariff act of 1922, paragraph 1583, which states that there are on the free list certain substances used chiefly for fertilizer, not specifically provided for, "Provided that no article specified by name in title 1 shall be free of duty." Turning to title 1, paragraph 7, we find ammonium, carbonate, bicarbonate, 1½ cents per pound, ammonium chloride 1¼ cents per pound, then we find ammonium phosphate 1½ cents per pound and ammonium sulphate one-fourth cent per pound.

Mr. SIMMONS. That means that the cyanamide imported from Niagara Falls pays a duty, does it not?

Mr. FLETCHER. If I am correct in my understanding of it. I am not so certain about the duty on cyanamide. I have been informed that it does pay a duty of $5 a ton, but I have read the law which specifies ammonium phosphate which must pay a duty of 1½ cents per pound.

Mr. SIMMONS. We have plenty of that material in this country, have we not?

Mr. FLETCHER. We have the phosphate rock, an inexhaustible supply of phosphate, hard rock, and pebble phosphate, but we have to make the cyanamide. That has to be manufactured.

Mr. SIMMONS. And that is not manufactured by any concern in this country?

Mr. FLETCHER. Oh, yes.

Mr. SIMMONS. Cyanamide?

Mr. FLETCHER. Yes.

Mr. SIMMONS. No; not by any concern in this country. It is manufactured only at Niagara Falls.

Mr. FLETCHER. Cyanamide, I think, is made by the du Ponts at Charleston and Hopewell. The Cyanamid Co.'s plant is at Niagara Falls.

Mr. SIMMONS. Not cyanamide by name. They are manufacturing synthetic nitrogen, but not cyanamide such as they are making at Niagara Falls.

Mr. FLETCHER. This contains 23 per cent of nitrogen or 28 per cent of ammonia.

Mr. SIMMONS. The point I was making was this: If the Cyanamid Co. now produces its cyanamide in Canada and sends it over into New Jersey and converts it into fertilizer, where they can get the ammonium phosphate free, why, under their contract, could not that same company, by securing Muscle Shoals, make the cyanamide in this country free of duty and then get their phosphate also free of duty?

Mr. FLETCHER. Undoubtedly they could. That is what they would do.

Mr. SIMMONS. And that is probably what they are seeking to do. That is probably what the farmers of the country would not object to having them do if they thought it would reduce the price of fertilizer to the farmer. The farmers would think that by that process they were getting the benefit of some of the tariff duties that tended to put them upon a parity with the manufacturers of the country with reference to the advantages of the tariff.

Mr. TYSON. Mr. President, I want to ask the Senator if he knows under the terms of the bill how much fertilizer the lessee guarantees to manufacture?

Mr. FLETCHER. Under the terms of the Madden-Willis bill?

Mr. TYSON. Yes.

Mr. FLETCHER. A maximum of 50,000 tons of fixed nitrogen a year.

Mr. TYSON. Is that in the bill?

Mr. FLETCHER. It is.

Mr. TYSON. I have not seen the bill and I have not seen the report on the bill, but I have the report on the bill which was introduced last year, and this is a résumé made by the committee:

> This company is obligated to install equipment sufficient to produce fertilizers with a fixed nitrogen content of 10,000 tons. Its obligation to install additional equipment rests upon its ability to sell at a profit the entire output of the first 10,000 tons. It is allowed to charge in the cost of fertilizer every item of cost connected with the construction and operation of the nitrate properties, including each year 10 per cent of its own investment in new plants. The nitrate operations are intended to be distinct from the power operations, and will be self-supporting and profitable, providing fertilizer can be produced cheaply enough to be sold.

In other words, if they did not produce it cheaply enough to be sold, they would not have to sell another pound or ounce of fertilizer, and they would have all that power at their command and the plant could apparently be kept idle without having to produce another pound of fertilizer.

Mr. FLETCHER. I do not think that is the situation under the present measure.

Mr. BLACK. Mr. President, I think I can explain what the provision is, if the Senator from Florida will permit me.

Mr. FLETCHER. Certainly.

Mr. BLACK. It is provided first that they shall have equipment for 10,000 tons of fixed nitrogen. It provides that if at the expiration of the three years they have created in this country, through the farmers' board which is provided, through the Government agency, a sufficient demand for concentrated fertilizer, they shall increase to 20,000 tons. It then provides a like increase every three years, which would, of course, have to be gradual. It also provides that they must have on hand at all times and never under any circumstances less than one-fourth of the 50,000 tons, which would mean, at the present price of that product, about $1,665,000 worth to be kept constantly on hand.

Mr. TYSON. What would happen if they could not sell it?

Mr. BLACK. They would have to hold it on hand and under their bill the amount that they made from the power which had been utilized in manufacturing nitrates would go to reduce the price of fertilizer and they would not get a dime of profit from it.

Mr. TYSON. What good would it do the farmer if we had 10,000 tons stored and he could not get it?

Mr. BLACK. I was explaining that. He would get that. The power which had been used in the manufacture of that fertilizer would then go to reduce the price of fertilizer, and the Cyanamid Co. would not get a dime of profit.

Mr. TYSON. That may be provided in the new measure, but it is not in the old one.

Mr. BLACK. It is in the Willis bill. I have read it with great care.

Mr. FLETCHER. The covenant in that bill is that they shall supply fertilizer to the farmers of the country at cost plus 8 per cent, so they are limited in that way.

If the charge that the proposed lessees are parts of a fertilizer trust, it is the first time in history that I ever heard of when a trust is willing to have its prices regulated and limited.

Mr. TYSON. Is that to be entirely independent of any money they get from power, or are they to use the money they get from power in reducing the cost of fertilizer? The last bill gave them all the money they could make out of the power, and then the fertilizer proposition was entirely an independent proposition and they were allowed to make 8 per cent on that, and if they could not make 8 per cent on it, all they had to do was to keep 10,000 tons on hand and never manufacture another ounce.

Mr. BLACK. They would have $1,665,000 worth of this material on hand all the time, and whenever it was not sold, of course, they would lose the profit on it. So far as the power is concerned, the power that they receive for use in the manufacture of phosphoric acid and cyanamide, there would be very little left over and above that to distribute to the public.

Mr. TYSON. I want to take issue with the Senator on that. It shows there are only 90,000 horsepower required if we make 48,000 tons of cyanamide. This plant, when perfected, will have 610,000 horsepower. That will leave at least 500,000 horsepower free that they can use or sell.

Mr. FLETCHER. Does the Senator mean by using Dam No. 3 and Cove Creek Dam?

Mr. TYSON. All the propositions the Senator has been speaking about.

Mr. BLACK. I can give that exactly, I think, if the Senator from Florida will permit.

Mr. FLETCHER. Certainly.

Mr. BLACK. So far as the manufacture of fixed nitrogen is concerned, the Senator is approximately correct in the amount

of power it will take, which will be from 90,000 to 100,000 horsepower.

Mr. KING. To produce 50,000 tons?

Mr. BLACK. Fifty thousand tons of fixed nitrogen, and then they have only begun. The main amount of power which is needed to manufacture fertilizer is not in the manufacture of nitrogen, as has seemed to be the impression here, but in the manufacture of phosphoric acid. Without phosphoric acid we can not make fertilizer. It will take 180,000 horsepower to manufacture sufficient phosphoric acid in order to obtain the benefit of that plant. The primary power at Dam No. 2 is 67,000 horsepower.

Mr. TYSON. That is the very lowest that it gets down to?

Mr. BLACK. That is primary horsepower there. There used to be a branch that ran down below the home in which I lived which frequently went dry in the winter and sometimes in the summer. I have seen it running after a big rain when 50,000 horsepower could be derived from it; but we can not count that kind of power. We can only count the kind of power that is continuous.

Mr. TYSON. What about the steam plant?

Mr. BLACK. I am going to refer to the steam plant. The secondary power derived from the steam plant is used, but it involves a considerable cost. About 4 mills an hour is what it is figured to cost. Then, if during 95 per cent of the time, for instance, there is not enough hydroelectric power it is supplemented with steam power, which is purely temporary.

Let me refer to my figures which I received from the Government engineers. I have the complete figures here. If Cove Creek and Dam No. 3 were completed it would double the capacity of Dam No. 2; that is unquestioned. That would make for Dam No. 2 134,000 horsepower after completion of Cove Creek and Dam No. 3. Then, from Dam No. 3 it is estimated by the engineers that there can be obtained 27,000 horsepower. That would make for Dam No. 2 134,000 horsepower and for Dam No. 3, if developed by Cove Creek, 54,000 horsepower; and from the steam plant, if enlarged, 120,000 horsepower, or a total of 308,000 primary horsepower, including in that the steam plant.

The total amount of power necessary to produce fertilizer—and the farmer is not interested in cyanamide if he does not get fertilizer—is 280,000 horsepower, which would leave 28,000 horsepower.

As the Senator stated, Dam No. 3 and Cove Creek Dam, constructed by the Government, would be amortized over a period of years. In addition to that, interest would be paid on the amount of the investment at the rate of 4 per cent. That is the situation. There is not now and never has been—and no one can find where any responsible engineer has ever said that there would ever be—600,000 primary horsepower produced from those dams.

What I have said is from the statement obtained from the engineers. Therefore, there would be 28,000 horsepower more than required to produce the fertilizer, if the horsepower required for such production was 280,000. As a result, there would be less than half enough horsepower to supply the one city of Memphis.

Mr. SMOOT. Mr. President, will the Senator from Florida yield to me at this point?

Mr. FLETCHER. I yield.

Mr. SMOOT. I wish to call attention to the fact that when the last tariff bill was passed in 1922 crude phosphates were put upon the free list, as were also cyanide combinations, compounds, and so forth; in fact, all cyanides were placed on the free list, including potassium cyanide, salts of cyanide, and sodium cyanide. We took particular pains that the products entering into the manufacture of fertilizer used by the farmers of the country should be on the free list.

Mr. FLETCHER. This product, ammonium phosphate, is certainly used by the farmers, and ammonium phosphate certainly is not on the free list.

Mr. SMOOT. The Senator knows that refined ammonium phosphate is used also in medicine in this country, and in a great many different other ways.

Mr. FLETCHER. I know that phosphate is on the free list; I realize that. Morocco is sending it over here now as ballast free of duty and selling it here cheaper than it is sold over there, thus taking our market away from us.

Mr. SMOOT. So far as I am personally concerned, if there is a sufficient quantity produced in the United States—and I think there is—to warrant a duty, I would not object at all to such a duty being imposed. But the commodities which I have mentioned, including cyanamides, were placed on the free list because they are used in the manufacture of fertilizer. That provision was adopted in the House of Representatives and was passed unanimously by the Senate, I think. The Senator from North Carolina will recall, I believe, that that was the case.

Mr. SIMMONS. Mr. President, if the Senator from Florida will pardon the interruption, I think we had quite a controversy in the Senate on that question. As I recall, there was a division of sentiment here, and it was a party division. I wish to look into it, however, for I am not quite sure.

Mr. FLETCHER. Mr. President, on this subject I wish to have inserted in the RECORD a letter dated September 8, 1926, addressed to Hon. LISTER HILL by W. P. Pickhardt, of New York. His company represents German concerns, I think. The letter bears on the subject we have discussed. It is evidently a public letter, and I have a right to use it, I take it, although I have not asked permission to use it.

Mr. SMOOT. What is the name of the writer?

Mr. FLETCHER. W. P. Pickhardt.

Mr. SMOOT. I know him very well.

The PRESIDING OFFICER (Mr. THOMAS in the chair). Without objection, the letter will be printed in the RECORD.

The letter is as follows:

KUTTROFF, PICKHARDT & CO. (INC.),
New York, September 8, 1926.

Hon. LISTER HILL,
Room 356, Office Building, House of Representatives,
Washington, D. C.

DEAR MR. HILL: Confirming telephone conversation of yesterday, I give you the prices for several of our synthetic nitrogen fertilizers. These prices are for carload lots, f. o. b. cars at port, duty, if any, included.

Urea: $160.50 per ton of 2,000 pounds, packed in single bags of 65 kos. gross for net. This price includes a duty of 35 per cent, making this product rather expensive for farm use, notwithstanding its excellent qualities.

Leunasalpeter: $70 per ton of 2,000 pounds, packed in bags of 220½ pounds gross; 1 per cent tare allowed on single bags. This material comes in duty free as a fertilizer material under paragraph 1583.

Calcium nitrate: $47.50 per ton of 2,000 pounds, packed in special bags of 220½ pounds gross for net. This also is a duty-free fertilizer material.

Our correspondents abroad also produce other fertilizers, as, for instance, ammonium phosphate, which is dutiable at $30 per ton under paragraph 7, and, of course, can not be imported under this handicap.

The prices quoted are for southern ports. There is a difference in favor of northern ports of about 60 to 75 cents a ton for ocean freights.

I should be glad to discuss the fertilizer situation with you at some convenient time when you are in New York, or later when you have returned to Washington.

Yours truly,

W. P. PICKHARDT.

Mr. KING. Mr. President, it seems to me that there is some misunderstanding among some of us at least with respect to this proposition. I have understood that the paramount ingredient in connection with fertilizer was nitrogen. The claim has been made that we have been subject for years to the Chilean nitrate trust, if it may be so denominated, and that we were one of the few countries of the world that did not have nitrogen. It was said during the war that we must emancipate ourselves from this servitude growing out of our failure to produce nitrogen, and, therefore, the Muscle Shoals plant was constructed, primarily, to obtain nitrogen for munitions and, secondarily, nitrogen for the purpose of making fertilizer for the farmer.

The cyanamide process does obtain nitrogen from the atmosphere. That is the source of supply under the cyanamide process, as it is under the synthetic process. It seems to me that when we can get a company that does produce nitrogen, which is the basis largely if not entirely of our fertilizers, we ought to look with some degree of favor upon it, at least for the purpose of determining whether we will enter into some contractual relation with it, providing that corporation will relieve the Government of the expense of maintaining the plants, and will furnish nitrogen sufficient for munitions purposes when the Government needs them, and nitrogen for farmers to aid them in the cultivation of their crops.

I can not understand this apparent opposition to cyanamide. If cyanamide gets us nitrogen, and nitrogen is what we need, why not use the cyanamide process or use the corporations that produce cyanamide, because they can give us the basis of fertilizer?

Mr. FLETCHER. I think the Senator is entirely correct, and I am much obliged to him for the statement he has made. Of course, nitrogen is one of the necessary elements of plant food; everybody knows that; nitrogen, potash, and phosphate are the three elements required in fertilizer. Here we have

the nitrogen and the phosphate, and we can get the potash. I hope eventually we will be independent of foreign countries in respect to potash. There are some soils which do not need potash.

I did not intend, Mr. President, to get into a discussion of the merits of the Madden-Willis bill. I realize there is probably a great difference of opinion about it, and I do not care to open that up. H. R. 8305 is the House bill and S. 2786 is the Senate bill. However, so long as Senators seem to be interested in the matter, and, of course, primarily and with respect to the main proposition we ought to be interested, I think, I am going to ask the clerk to read a letter which was written by Representative MADDEN to the President. There seems to be some misconception which this letter may clear up. I have not consulted Mr. MADDEN about it or, of course, the President, but the letter seems to be public property. I have several copies of it, and I take it I am not guilty of any impropriety in asking that the letter be read here. Now, I ask the clerk to read it. The tables may be printed in the RECORD without reading. The letter will set forth the merits of the Madden bill.

The PRESIDING OFFICER. Without objection, the clerk will read.

The Chief Clerk read as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, D. C., February 13, 1928.

To the PRESIDENT,
Washington, D. C.

DEAR MR. PRESIDENT: In your reply to the official notification (August 14, 1924) of your nomination by the Republican National Convention, you made one statement that should never be forgotten:

"It is well for the country to have liberality in thought and progress in action, but its greatest asset is common sense. The people want a government of common sense."

I am writing you regarding my bill for the disposition of the Government's property at Muscle Shoals, because I believe that the taxpayers have a right to expect us to use this country's greatest asset of common sense in dealing with Muscle Shoals in order to save the assets of the Federal Treasury from incredible waste.

In my decisions about Muscle Shoals since the time I decided to address the House in favor of the acceptance of the Ford offer, February 3, 1923, I have earnestly tried to get at the facts, then follow the dictates of my conscience. I invite the most searching criticism of my bill now before the Committee on Military Affairs of the House, and shall never feel any acrimony toward those who fairly criticize it.

The only interest I have at Muscle Shoals is that of the Government, and in considering the Government's interest I shall try always to weigh the facts and fairly criticize all Muscle Shoals bills which in my judgment neglect the national defense, the welfare of agriculture, and Government economy.

In order, if possible, to correct some of the misunderstandings and misrepresentations of my bill by many who have not investigated the Muscle Shoals facts and by many others who persistently and purposely misrepresent these facts, I have undertaken to present the financial plan in my bill so clearly that it can not be misunderstood, even by those who do not wish to understand it. I send you three tables that speak for themselves.

Table No. 1 sets forth the financial plan in my bill on the same basis as the Panama Canal, 3 per cent bond issue. I have set forth in this table exactly how the Government stands each year for 50 years of the lease, and you will note that at the end of the fiftieth year there is a cash surplus of $20,900,000 remaining in the Federal Treasury after paying 3 per cent on all expenditures by the Government chargeable to water power, to navigation (including all expenditures made at the Wilson Dam during the war)—3 per cent on every dollar spent by the United States at the Wilson Dam, Dam No. 3, and Cove Creek Dam.

In addition to this, there is the sinking fund for the amortization of all of the expenditures of the Government at all three dams in 100 years, which fund at the end of 50 years would have a cash value of $10,800,000, which, added to the $20,900,000 surplus, would give us a total (above 3 per cent on all expenditures at the three dams) cash balance for the Treasury at the end of the lease of $31,700,000. At the end of the lease the Government would become the owner of all fertilizer plants built by the lessee under the lease. It has been estimated that these plants will cost as much as $40,000,000, but valuing them at the end of 50 years at so low a figure as $20,000,000, the value of these fertilizer plants, added to the cash balance of $31,700,000, would give the Government at the end of 50 years, in cash and property, $51,700,000.

If, however, the sinking fund is allowed to run, as it should, for 100 years, as provided in my bill, then at maturity the sinking fund alone would pay into the Federal Treasury every dollar spent at the Wilson Dam, Dam No. 3, and Cove Creek Dam, for national defense, for power, for navigation, and incidental flood control.

Table No. 2. In this table I have used a rate of interest of 3¼ per cent on the total expenditures of all kinds at Wilson Dam, Dam No. 3, and Cove Creek Dam, and at the end of 50 years there will be a surplus of interest earned over 3¼ per cent amounting to $7,830,000. Adding this to the value of the sinking fund at the end of 50 years, which is $10,800,000, there will be a total cash surplus of $18,630,000, and including the value of the fertilizer plants constructed by the lessee, estimated at $20,000,000 (as found above in the 3 per cent plan), which are to become the property of the Government at the end of the lease, there will be a total surplus in cash and property of $38,630,000.

Table No. 3. This table does not include any part of the cost of the dams chargeable to navigation, but shows, if bonds were issued (and of course I do not favor a bond issue), the surplus remaining after paying 3 per cent, 3¼ per cent, 3½ per cent, and 4 per cent on all expenditures at all three dams, except navigation charges—navigation being treated here as in all other river and harbor projects. Your especial attention is directed to the fact, that with a 4 per cent interest rate there will remain a surplus of $140,480.

We have two legislative plans before Congress for disposing of Muscle Shoals. The Madden-Willis plan, so called (Senator WILLIS, of Ohio, having introduced my bill in the Senate), and what is known as the Morin-Norris plan, found in H. R. 10028, introduced into the House by Mr. MORIN, of Pennsylvania, and S. J. Res. 46, introduced into the Senate by the Senator from Nebraska, Mr. NORRIS (Mr. LAGUARDIA, of New York, has introduced the Norris resolution into the House).

The Morin-Norris bills are both power bills open to serious objections that are, in many respects, the same. The Morin bill would authorize a "satisfactory lease" of the power properties in language so vague as to make it impossible to estimate what the returns to the Government would be. What does Mr. MORIN mean by "net return," and who is to decide what the "reasonable value of the properties so used" amounts to? The Morin-Norris plan proposed a water-power policy for the Government to generate and distribute power at Muscle Shoals among the States within transmission distance. The Morin-Norris bills do not, either of them, state or offer an estimate of what this proposed Government water-power policy, with extended transmission lines, will cost. However, in the hearings before the Senate Committee on Agriculture and Forestry in 1924, Mr. E. A. Yates, vice president of the Alabama Power Co., testified that the interconnected power systems of the Southeast would be able to absorb a large part of the Muscle Shoals power with the construction of several main transmission lines approximating in cost $10,000,000. But Mr. Yates explained that as the demands increase for power and transmission lines are extended the final investment in lines, equipment, and appliances would amount to a sum which Mr. Yates estimated at from three to five times the Government's investment in the Muscle Shoals project, and Mr. Yates made the significant statement that "this is quite necessary to bear in mind if a permanent market is to be found for this large volume of power."

The authors and supporters of the Morin-Norris plan are called upon to furnish for the information of Congress and yourself some approximate estimate of the cost of the Government water-power distribution policy they propose to establish at Muscle Shoals. The supporters of the Morin-Norris plan should furnish Congress a statement in the same detail that I am sending to you, showing what amount the Government will receive each year for power sold by the Secretary of War as authorized under the Morin-Norris bills and how the Government will stand in the end. Of course, in order to make such a statement—and Congress is entitled to it—the authors and supporters of the Morin-Norris plan will have to negotiate with the Alabama Power Co. They should negotiate just as carefully with Mr. Martin, president of the Alabama Power Co., to ascertain what he will be willing to pay the Government for power under the terms of the Morin-Norris bills, as the House Committee on Military Affairs has negotiated with Mr. Bell, president of the American Cyanamid Co., to find out definitely and exactly what that company will pay the Government under the terms of the Madden bill.

It was disclosed before a subcommittee of the House Committee on Appropriations at a late hearing that since the beginning of the Government's power operations at Muscle Shoals, on September 12, 1925, the Government has received from the Alabama Power Co. only about 2 mills per kilowatt-hour, and total payments have been received from the sale of power amounting to $2,123,644.49.

In a letter to the chairman of the House Committee on Military Affairs I called attention to the fact that if during the entire period of operation of the Wilson Dam power plant, two and two-tenths years, the Secretary of War had been required to earn 4 per cent on an investment chargeable to power of $27,500,000 (this allows $16,500,000 to be charged to navigation and war expenditures), the deficit would have been $1,830,798.61 on December 1, 1927. The statement of the United States engineers shows that our actual net annual earnings to date have amounted to a return on this $27,500,000 of only 1 per cent.

I can not speak for other Members of Congress, but I can never vote for any Muscle Shoals legislation which will cause the Federal Treasury to continue such losses as these, and under the Morin-Norris

plan only the Alabama Power Co. can tell us what our losses are going to be.

The Alabama Power Co., being the only available purchaser of power from the United States, should be requested to make an offer under the terms of the Morin-Norris bills for the power at the Wilson Dam. If there are any other possible purchasers, they should be invited to make proposals. With these power offers in hand, the Secretary of War can furnish us the cost of power at the Wilson Dam per kilowatt-hour, and then we can definitely state what profit the Government will make on this power.

The Alabama Power Co. will pay more for power at Muscle Shoals than the lessee in my bill proposes, for it is not the power company but the consumer who bears the added cost. The profits of the Alabama Power Co. are guaranteed by law. You will recall that the power companies proposed to pay the United States, in addition to other interest payments, $1,200,000 annually at the Wilson Dam on account of the benefits from the regulated flow of the river from the Cove Creek Dam. Though this offer of $1,200,000 a year was illegal and unenforceable, the Alabama Power Co. could make it legal, and then we could find out whether there is a majority of the Members of Congress in favor of using Muscle Shoals for the manufacture of fertilizer.

The fertilizer plan in the Morin-Norris bills is essentially the same, and provides for extensive scientific research and experimentation. Not only do these bills authorize a special appropriation of $2,000,000 for experimentation and manufacturing but they devote to this purpose the entire net revenue which the United States would receive from the sale of the Muscle Shoals power, amounting in the lease I recommend to an average of more than $3,550,000 per year.

Under the Madden-Willis bill the United States leases its properties to competent private operators, and is out of both the fertilizer business and the power business, and in the end receives in full both the principal and interest on its entire investment in the water-power properties in addition to a substantial surplus.

Under the Morin-Norris plan we go deeper and deeper into a hazardous commercial venture without even an estimate to guide us as to the financial demands that we must meet to pay for this far-flung and wholly unnecessary program of experiment and manufacturing. The authors of these bills should at least furnish a statement to Congress as to what the cost of these experimentations and plant operations will be.

The Government already has a costly research and experimental experience account. We have nitrate plant No. 1, a failure, costing $14,000,000. Our fixed-nitrogen research laboratory has cost us in expenditures from March 29, 1919, to December 31, 1927, $2,149,904.42, and yet, after spending a total in research and experimentation of $16,149,904.42, we are asked to authorize $2,000,000 in cash, and an average of $3,550,000 revenue (receivable annually for the power under my bill) to construct and operate experimental and production plants, and with no approximate statement of how much the Government will finally have to pay for this vast research and experimental venture. After spending $16,149,904.42 in research and experimentation, instead of continuing this waste the lessee in my bill agrees to establish laboratories for chemical research in fields of interest to agriculture, and will expend upon such research annually not exceeding $1 per ton on the fertilizer produced and sold by the lessee. This cost of chemical research will be charged to the farmers, who ought to pay it, and the lessee will expend perhaps $500,000 a year for research when the maximum production of fertilizers at Muscle Shoals is reached, and without any cost to the Government.

If we can not find out what is the best nitrogen process in 10 years, and after spending over $16,000,000 in research and experimentation, what will it cost us under the Morin-Norris plan to find out? Will it be common sense to continue our wasteful research and experimental policy or stop it and stop our guarding and maintenance of the nitrate plants which has already cost over $5,000,000, as my bill provides?

The power companies and fertilizer manufacturing interests will favor and support the Morin-Norris plan. The power companies last October indorsed the plan suggested by the Secretary of Agriculture and the director of the fixed-nitrogen research laboratory, and this plan is the plan of the Morin bill. The National Fertilizer Association has given its indorsement to the plan proposed by the United States Department of Agriculture. This plan is, in part, adopted in the Norris bill, and entirely in the Morin bill. If I were in favor of the power companies and did not stand for national defense and the production of fertilizers in time of peace at Muscle Shoals for the farmers, I would support the Morin-Norris plan, which allows the Alabama Power Co. to have Muscle Shoals and the Tennessee Electric Power Co. to have the Cove Creek storage dam.

I repeat to you what I said on the floor of the House on January 23, "I want to see whether the power companies of the United States have more power to pass legislation in the House than the House itself has."

Mr. President, in the interest of Government economy, in behalf of farm relief and national defense at Muscle Shoals, let us adopt a policy of business common sense.

Sincerely yours,

MARTIN B. MADDEN.

The tables accompanying the letter are as follows:

TABLE No. 1.—*Profit to Government from interest payments under Willis-Madden bill with 3 per cent financing*
(Same basis as Panama Canal 3 per cent bond issue)

End of lease year	United States investment in dams, locks, and hydroelectric plants		Interest charges on bonds at 3 per cent	Lessee's payments to United States under Madden bill		Deficit below bond interest		Surplus above bond interest		Remarks
	Item	Amount		Account	Amount	For the year	Cumulative	For the year	Cumulative	
0		$47,000,000	0		0	0	0	0	0	Approximate estimate at beginning of lease period.
First year	Wilson Dam	47,000,000		Wilson Dam	$200,000					One-half additional units in Wilson Dam ready at end of first year. Work begun on Dam No. 3 and on Cove Creek Dam. First year of deferred interest payments on Wilson Dam.
	One-half additional machinery in same.	3,500,000								
	Dam No. 3	1,000,000								
	Cove Creek Dam.	1,000,000								
Total		52,500,000	$1,575,000		200,000	$1,375,000	$1,375,000	0	0	
Second year	Previously invested.	52,500,000		Wilson Dam	200,000					First one-half of additional machinery in Wilson Dam has been available for a year and 4 per cent interest on same is payable. Remainder of this machinery is now ready. Work progressing on Dam No. 3 and Cove Creek Dam.
	Remainder of machinery.	3,500,000		Extra machinery	140,000					
	Dam No. 3	10,000,000								
	Cove Creek Dam.	9,000,000								
Total		75,000,000	2,250,000		340,000	1,910,000	3,285,000	0	0	
Third year	Previously invested.	75,000,000		Wilson Dam	200,000					4 per cent interest now payable on entire installation of additional machinery in Wilson Dam. Cove Creek Dam completed at end of third year of lease.
	Dam No. 3	10,000,000		Additional machinery.	280,000					
	Cove Creek Dam (completed).	10,000,000								
Total		95,000,000	2,850,000		480,000	2,370,000	5,655,000	0	0	
Fourth year	Previously invested.	95,000,000		Wilson Dam	200,000					4 per cent interest begins on full amount Cove Creek investment (assume no locks in Cove Creek storage dam). Dam 3 completed at end of fourth year of lease
	Dam No. 3 (completed).	11,500,000		Additional machinery.	280,000					
				Cove Creek Dam	800,000					
Total		106,500,000	3,195,000		1,280,000	1,915,000	7,570,000	0	0	

TABLE NO. 1.—*Profit to Government from interest payments under Willis-Madden bill with 3 per cent financing*—Continued

End of lease year	United States investment in dams, locks, and hydroelectric plants		Interest charges on bonds at 3 per cent	Lessee's payments to United States under Madden bill		Deficit below bond interest		Surplus above bond interest		Remarks
	Item	Amount		Account	Amount	For the year	Cumulative	For the year	Cumulative	
Fifth year	Previously invested (no further investment).			Wilson Dam	$200,000					First year of deferred interest payments on Dam No. 3.
				Additional machinery.	280,000					
				Cove Creek Dam	800,000					
				Dam No. 3	160,000					
Total		$106,500,000	$3,195,000		1,440,000	$1,755,000	$9,325,000	0	0	
Sixth year				Wilson Dam	200,000					Second year of deferred interest payments on Dam No. 3; final year of deferred interest payments on Wilson Dam.
				Additional machinery.	280,000					
				Cove Creek Dam	800,000					
				Dam No. 3	160,000					
Total			3,195,000		1,440,000	1,755,000	11,080,000	0	0	
Seventh year				Wilson Dam	1,500,000					Final year of deferred interest payments on Dam No. 3. Full 4 per cent is payable on $37,500,000 at Wilson Dam this year and hereafter.
				Cove Creek Dam	800,000					
				Dam No. 3	160,000					
Total			3,195,000		2,460,000	735,000	11,815,000	0	0	
Eighth year				Wilson Dam	1,500,000					Full 4 per cent payable on $26,500,000 at Dam No. 3 this year and hereafter. No further deferred interest.
				Cove Creek Dam	800,000					
				Dam No. 3	1,060,000					
Total			3,195,000		3,360,000	0	11,650,000	$165,000	0	
Ninth to thirty-fifth year, inclusive.			86,265,000	27-year total	90,720,000	0	[1] 7,195,000	[2] 4,455,000	0	
Thirty-sixth year				Current interest	3,360,000					Principal and interest of deficit in lessee's payments amounts to $20,016,000 at end of thirty-fifth year; one-fifteenth of this is now payable annually with 4 per cent interest on unpaid balances.
				Deferred interest	1,334,400					
				Interest on deferred interest.	747,264					
Total			3,195,000		5,441,664	0	4,948,336	2,246,664	0	
Thirty-seventh year.				Current interest	3,360,000					
				Deferred interest	1,334,400					
				Interest on deferred interest.	693,888					
Total			3,195,000		5,388,288	0	2,755,048	2,193,288	0	
Thirty-eighth year.				Current interest	3,360,000					
				Deferred interest	1,334,400					
				Interest on deferred interest.	640,512					
Total			3,195,000		5,334,912	0	615,136	2,139,912	0	
Thirty-ninth year.				Current interest	3,360,000					
				Deferred interest	1,334,400					
				Interest on deferred interest.	587,136					
Total			3,195,000		5,281,536	0	0	2,086,536	$1,471,400	
Fortieth year				Current interest	3,360,000					
				Deferred interest	1,334,400					
				Interest on deferred interest.	533,760					
Total			3,195,000		5,228,160	0	0	2,033,160	2,504,560	
Forty-first year				Current interest	3,360,000					
				Deferred interest	1,334,400					
				Interest on deferred interes .	480,384					
Total			3,195,000		5,174,784	0	0	1,979,784	5,484,344	
Forty-second year.				Current interest	3,360,000					
				Deferred interest	1,334,400					
				Interest on deferred interest.	427,008					
Total			3,195,000		5,121,408	0	0	1,926,408	7,410,752	
Forty-third year				Current interest	3,360,000					
				Deferred interest	1,334,400					
				Interest on deferred interest.	373,632					
Total			3,195,000		5,068,032	0	0	1,873,032	9,283,784	
Forty-fourth year.				Current interest	3,360,000					
				Deferred interest	1,334,400					
				Interest on deferred interest.	320,256					
Total			3,195,000		5,014,656	0	0	1,819,656	11,103,440	

[1] Deficit at end of 35th year.

[2] Accumulated surplus during 27-year period.

TABLE No. 1.—*Profit to Government from interest payments under Willis-Madden bill with 3 per cent financing*—Continued

End of lease year	United States investment in dams, locks, and hydroelectric plants		Interest charges on bonds at 3 per cent	Lessee's payments to United States under Madden bill		Deficit below bond interest		Surplus above bond interest		Remarks
	Item	Amount		Account	Amount	For the year	Cumulative	For the year	Cumulative	
Forty-fifth year				Current interest	$3,360,000					
				Deferred interest	1,334,400					
				Interest on deferred interest	266,880					
Total			$3,195,000		4,961,280	0	0	$1,766,280	$12,869,720	
Forty-sixth year				Current interest	3,360,000					
				Deferred interest	1,334,400					
				Interest on deferred interest	213,504					
Total			3,195,000		4,907,904	0	0	1,712,904	14,582,624	
Forty-seventh year				Current interest	3,360,000					
				Deferred interest	1,334,400					
				Interest on deferred interest	160,128					
Total			3,195,000		4,854,528	0	0	1,659,528	16,242,152	
Forty-eighth year				Current interest	3,360,000					
				Deferred interest	1,334,400					
				Interest on deferred interest	106,752					
Total			3,195,000		4,801,152	0	0	1,606,152	17,848,304	
Forty-ninth year				Current interest	3,360,000					
				Deferred interest	1,334,400					
				Interest on deferred interest	53,376					
Total			3,195,000		4,747,776	0	0	1,552,776	19,401,080	
Fiftieth year				Current interest	3,360,000					This surplus of $20,900,000 remains after paying full bond interest on all expenditures for water-power purposes, including those made during the war, and on all expenditures chargeable to navigation improvement.
				Deferred interest	1,334,400					
				Interest on deferred interest	0					
Total			3,195,000		4,694,400	0	0	1,499,400	20,900,480	

Basis of computations

Present investment in Wilson Dam as of Feb. 1, 1928, including locks	$47,000,000
Estimated cost of additional generating machinery in Wilson Dam	7,000,000
Estimated cost of Dam No. 3 complete with lock	32,500,000
Estimated cost of Cove Creek Dam (no locks required)	20,000,000

TABLE No. 2.—*Profit to Government from interest payments under Willis-Madden bill with 3½ per cent financing*

[Same basis as Panama Canal 3 per cent bond issue]

End of lease year	United States investment in dams, locks, and hydroelectric plants		Interest charges on bonds at 3½ per cent	Lessee's payments to United States under Madden bill		Deficit below bond interest		Surplus above bond interest		Remarks
	Item	Amount		Account	Amount	For the year	Cumulative	For the year	Cumulative	
0		$47,000,000	0		0	0	0	0	0	Approximate estimate at beginning of lease period.
First year	Wilson Dam	47,000,000		Wilson Dam	$200,000					One-half additional units in Wilson Dam ready at end of first year. Work begun on Dam 3 and on Cove Creek Dam. First year of deferred interest payments on Wilson Dam.
	One-half additional machinery in same.	3,500,000								
	Dam No. 3	1,000,000								
	Cove Creek Dam.	1,000,000								
Total		52,500,000	$1,706,250		200,000	$1,506,250	$1,506,250	0	0	
Second year	Previously invested.	52,500,000		Wilson Dam	200,000					First one-half additional machinery in Wilson Dam has been available for a year and 4 per cent interest on same is payable. Remainder of this machinery is now ready. Work progressing on Dam 3 and Cove Creek Dam.
	Remainder of machinery.	3,500,000		Extra machinery	140,000					
	Dam No. 3	10,000,000								
	Cove Creek Dam.	9,000,000								
Total		75,000,000	2,437,500		340,000	2,097,500	3,603,750	0	0	
Third year	Previously invested.	75,000,000		Wilson Dam	200,000					4 per cent interest now payable on entire installation of additional machinery in Wilson Dam. Cove Creek Dam completed at end of third year of lease.
	Dam No. 3	10,000,000		Additional machinery	280,000					
	Cove Creek Dam (completed).	10,000,000								
Total		95,000,000	3,087,500		480,000	2,607,500	6,211,250	0	0	

TABLE No. 2.—*Profit to Government from interest payments under Willis-Madden bill with 3½ per cent financing*—Continued

End of lease year	United States investment in dams, locks, and hydroelectric plants		Interest charges on bonds at 3½ per cent	Lessee's payments to United States under Madden bill		Deficit below bond interest		Surplus above bond interest		Remarks
	Item	Amount		Account	Amount	For the year	Cumulative	For the year	Cumulative	
Fourth year	Previously invested. Dam No. 3 (completed).	$95,000,000 11,500,000		Wilson Dam Additional machinery. Cove Creek Dam	$200,000 280,000 800,000					4 per cent interest begins on full amount Cove Creek investment (assume no locks in Cove Creek Storage Dam). Dam 3 completed at end of fourth year of lease.
Total		106,500,000	$3,461,250		1,280,000	$2,181,250	$8,392,500	0	0	
Fifth year	Previously invested (no further investment).			Wilson Dam Additional machinery. Cove Creek Dam Dam No. 3	200,000 280,000 800,000 160,000					First year of deferred interest payments on Dam No. 3.
Total		106,500,000	3,461,250		1,440,000	2,021,250	10,413,750	0	0	
Sixth year				Wilson Dam Additional machinery. Cove Creek Dam Dam No. 3	200,000 280,000 800,000 160,000					Second year of deferred interest payments on Dam 3; final year of deferred interest payments on Wilson Dam.
Total			3,461,250		1,440,000	2,021,250	12,435,000	0	0	
Seventh year				Wilson Dam Cove Creek Dam Dam No. 3	1,500,000 800,000 160,000					Final year of deferred interest payments on Dam No. 3. Full 4 per cent is payable on $37,500,000 at Wilson Dam this year and hereafter.
Total			3,461,250		2,460,000	1,001,250	13,436,250	0	0	
Eighth year				Wilson Dam Cove Creek Dam Dam No. 3	1,500,000 800,000 1,060,000					Full 4 per cent payable on $26,500,000 at Dam No. 3 this year and hereafter. No further deferred interest.
Total			3,461,250		3,360,000	101,250	13,537,500	0	0	
Ninth to thirty-fifth year, inclusive.			93,453,750	27-year total	90,720,000	2,733,750	16,271,250	0	0	
Thirty-sixth year				Current interest Deferred interest Interest on deferred interest.	3,360,000 1,334,400 747,264					Principal and interest of deficit in lessee's payments amounts to $20,016,000 at end of thirty-fifth year; one-fifteenth of this is now payable annually with 4 per cent interest on unpaid balances.
Total			3,461,250		5,441,664	0	14,290,836	$1,980,414	0	
Thirty-seventh year.				Current interest Deferred interest Interest on deferred interest.	3,360,000 1,334,400 693,888					
Total			3,461,250		5,388,288	0	12,363,798	1,927,038	0	
Thirty-eighth year.				Current interest Deferred interest Interest on deferred interest.	3,360,000 1,334,400 640,512					
Total			3,461,250		5,334,912	0	10,490,136	1,873,662	0	
Thirty-ninth year.				Current interest Deferred interest Interest on deferred interest.	3,360,000 1,334,400 587,136					
Total			3,461,250		5,281,536	0	8,669,850	$1,820,286	0	
Fortieth year				Current interest Deferred interest Interest on deferred interest.	3,360,000 1,334,400 533,760					
Total			3,461,250		5,228,160	0	6,902,940	1,766,910	0	
Forty-first year				Current interest Deferred interest Interest on deferred interest.	3,360,000 1,334,400 480,384					
Total			3,461,250		5,174,784	0	5,189,406	1,713,534	0	
Forty-second year.				Current interest Deferred interest Interest on deferred interest.	3,360,000 1,334,400 427,008					
Total			3,461,250		5,121,408	0	3,529,248	1,660,158	0	
Forty-third year				Current interest Deferred interest Interest on deferred interest.	3,360,000 1,334,400 373,632					
Total			3,461,250		5,068,032	0	1,922,466	1,606,782	0	

TABLE No. 2.—*Profit to Government from interest payments under Willis-Madden bill with 3½ per cent financing*—Continued

End of lease year	United States investment in dams, locks, and hydroelectric plants		Interest charges on bonds at 3½ per cent	Lessee's payment to United States under Madden bill		Deficit below bond interest		Surplus above bond interest		Remarks
	Item	Amount		Account	Amount	For the year	Cumulative	For the year	Cumulative	
Forty-fourth year				Current interest	$3,360,000					
				Deferred interest	1,334,400					
				Interest on deferred interest	320,256					
Total			$3,461,250		5,014,656	0	$369,060	$1,553,406	0	
Forty-fifth year				Current interest	3,360,000					
				Deferred interest	1,334,400					
				Interest on deferred interest	266,880					
Total			3,461,250		4,961,280	0	0	1,500,030	$1,130,970	
Forty-sixth year				Current interest	3,360,000					
				Deferred interest	1,334,400					
				Interest on deferred interest	213,504					
Total			3,461,250		4,907,904	0	0	1,446,654	2,577,624	
Forty-seventh year				Current interest	3,360,000					
				Deferred interest	1,334,400					
				Interest on deferred interest	160,128					
Total			3,461,250		4,854,628	0	0	1,393,278	3,970,902	
Forty-eighth year				Current interest	3,360,000					
				Deferred interest	1,334,400					
				Interest on deferred interest	106,752					
Total			3,461,250		4,801,152	0	0	1,339,902	5,310,804	
Forty-ninth year				Current interest	3,360,000					
				Deferred interest	1,334,400					
				Interest on deferred interest	53,376					
Total			3,461,250		4,747,776	0	0	1,286,526	6,597,330	
Fiftieth year				Current interest	3,360,000					This surplus of $7,830,480 remains after paying full bond interest on all expenditures for water-power purposes, including those made during the war, and on all expenditures chargeable to navigation improvement.
				Deferred interest	1,334,400					
				Interest on deferred interest	0					
Total			3,461,250		4,694,400	0	0	1,233,150	7,830,480	

Basis of computations

Present investment in Wilson Dam as of Feb. 1, 1928, including locks	$47,000,000
Estimated cost of additional generating machinery in Wilson Dam	7,000,000
Estimated cost of Dam No. 3 complete, with lock	32,500,000
Estimated cost of Cove Creek Dam (no locks required)	20,000,000

TABLE 3.—*Assuming a bond issue for financing the Madden-Willis bill, the following shows the surplus above bond interest*

(Considering navigation expenditures on same basis as other rivers, without any interest charges or sinking fund)

Interest payable to United States by lessee during lease period under Madden-Willis bill totals $177,740,480.

Average investment of United States during lease period (not including $10,000,000 chargeable to navigation at Wilson Dam, and $6,000,000 chargeable to navigation at Dam No. 3), is $88,800,000.

The surplus at various rates of bond interest is as follows:

	3 per cent	3¼ per cent	3½ per cent	4 per cent
Lessee's interest payments	$177,740,480	$177,740,480	$177,740,480	$177,740,480
Bond interest requirements	133,200,000	144,300,000	155,400,000	177,600,000
Surplus	44,540,480	33,400,480	22,340,480	140,480

Mr. FLETCHER. Now, let us get back to the report on this resolution. I was discussing that. Objection is made that nitrate plant No. 2 can not be economically utilized in the manufacture of fertilizer. The claim is made that it is out of date, and that there are modern methods now available that ought to be adopted.

I ask, why are not the so-called modern methods being employed somewhere? Who is making fertilizer material by the modern methods in the United States? The Du Pont people at Charleston, W. Va., are making nitrogen, but are not making fertilizer. The Hopewell people are making nitric acid, not fertilizer. If we can find a lessee who will contract to use these plants in the making of fertilizer, why not jump at the opportunity? The power is there, going to waste. Why not use it?

The Alabama Power Co. takes only what it chooses to take. More power can be easily added, and why not use it in making fertilizer?

This report speaks about selling power. Selling it where, to whom? We are dependent entirely on the Alabama Power Co. to distribute the power. If water power is not needed, why locate a plant at Muscle Shoals? The claim in the report is that gradually we are getting away from the use of water power in the making of fertilizer. If it is not needed, why locate a plant at Muscle Shoals? Why not go to the coal fields with the fertilizer plant? Yet this resolution compels the location of a plant at Muscle Shoals, and some other plants for experimental purposes in other parts of the country?

Who claims to-day that we do not need the power in the making of fertilizer? If anyone makes that assertion with any sort of faith in its soundness, then why locate a fertilizer plant where we can get water power at all? Why not take it into the coal fields, as I have said, where we can make nitrogen by the synthetic process?

The report further says:

> All this improvement in and cheapening of the process of getting nitrogen from the air has taken place since the war and since the construction of nitrate plant No. 2 at Muscle Shoals, which uses what is known as the cyanamide process. It seems clear, therefore, that it would be the height of folly and useless expenditure of public money to use the valuable power at Muscle Shoals—

for that purpose. The original act provided for the use of plants at Muscle Shoals for the cheapening of the manufacture

of fertilizer. The report says that. I wish to adhere to that original purpose. Why delay further about it?

This report further states:

It would be a useless waste of power that might be used for the benefit of all classes of people within transmission distance of Muscle Shoals.

Then why go on and complete Wilson Dam at an enormous expenditure? Why complete nitrate plant No. 2, as this resolution proposes? Why should the Government engage in producing power and selling power? Selling it where? What are the transmission lines going to cost; where are purchasers for the power to be found? What about rights of way for your lines? What about existing franchises in cities already owned by your competitors?

The report states:

The resolution provides for the construction of fertilizer plants, to be begun immediately.

What kind of plants? It is said that the cyanamide process or method is out of date and obsolete, that there are modern methods known to the scientific world. Where are they and what are they? Why not specify? This resolution does not do anything of the kind. Where are these plants located? The manufacture of fertilizer by what process? Why not use the power which we have already there now going to waste? Why talk about obsolete and out-of-date methods, when the evidence is conclusive that ammonium phosphate is being actually manufactured successfully in the United States?

I am told that the proposed lessees mentioned in that letter now manufacture 140,000 tons of ammonium phosphate a year, and sell about three-quarters of it to the fertilizer companies of the United States, and ship to some 52 foreign countries. That is all made by this obsolete process. Do you want any further evidence that the cyanamide process is practical, is feasible, and can be used in the manufacture of fertilizer, than the fact that they are doing it, and doing it successfully?

Mr. President, we should not continue longer importing at great expense large quantities of nitrate from Chile when we can make that material, when we have all the facilities and all the resources for doing it here.

We imported Chilean nitrate in 1831 to the value of $16,050; in 1851, to the value of $35,000; in 1871, to the value of $673,000; in 1891, to the value of $3,000,000; in 1911, to the value of $17,000,000; in 1921, to the value of $42,000,000; in 1918, to the value of $70,000,000; in 1926, we imported over 1,000,000 tons, of the value of $47,000,000.

Since 1831 we have imported from Chile more than 20,000,000 tons of Chilean nitrate, of the value of more than a billion dollars. The export duty to Chile has amounted to more than a quarter of a billion dollars, which we have paid. That has been added, of course, to the price of the nitrate. This nitrate contains about 15½ per cent of fixed nitrogen. The yield for 1,000,000 tons we annually import is about 150,000 tons of fixed nitrogen. About 660,000 tons of this 1,000,000 tons are used for fertilizer purposes, so the farmers get about 100,000 tons of pure nitrogen annually from Chile. The capacity of nitrate plant No. 2 is 50,000 tons of pure nitrate. Why should we not operate it?

If other processes are discovered to produce it cheaper, the American Cyanamid Co. will undoubtedly be the first to adopt them. One obstacle in the way of the Government actually operating the plant in order to produce fertilizer is shown by the contract with the Cyanamid Co., one of the proposed lessees under the Madden-Willis bill, which actually constructed plant No. 2 under a contract with the Government. It has never been completed fully, but whatever has been done there was done by that company, and under that contract it was provided that if the Government undertook to manufacture fertilizer at that plant it must pay the Cyanamid Co. $1,250,000 for the use of their patents. In other words, the Government is not in position to make fertilizer there until they have acquired the patent processes for making the fertilizer, and if they used the cyanamide process they undertook and agreed to pay $1,250,000 for the use of those patents.

See what the fertilizer bills have been mounting to. Using the 1920 census, North Carolina's bill for fertilizer is nearly $49,000,000 a year; South Carolina's bill, $52,000,000; Georgia's bill, nearly $46,000,000; Florida's bill, about $15,000,000. The consumption in Florida has increased from about 260,000 tons in 1920 to nearly 400,000 tons in 1926. The bill now is probably more than $15,000,000 a year.

Compare these bills with the total cost of Dam No. 2. Power is not so much needed in those States. What they really need is power in the form and shape of fertilizer. They need it sent down there, not by transmission wires, but in fertilizer bags. There are unlimited power possibilities in this region and there is no need for the Government going into the business of developing power and electric energy. The Aluminum Co., on the little Tennessee River, has already developed 100,000 horsepower and are doubling that now.

As far as Florida is concerned, we can get all the power there is any possible use for from the Chattahoochee River, 300 miles nearer than Muscle Shoals. We already have some water power developed in Florida on the Withlacoochee River, and power can be developed on the Suwannee, Santa Fe, and other rivers in Florida.

But, as a matter of fact, Mr. President, facing the truth as it exists, we can make power, especially in the ports of the State—at Jacksonville, at Miami, at Tampa, at St. Andrews Bay, and at Pensacola and at other ports—by the use of fuel oil, which comes to us by water, as cheap as it can be made at Muscle Shoals.

It is not a question of power we are concerned about; it is a question of meeting the needs of agriculture. That is the thing we must look after, and that is the thing we ought to devote ourselves to in connection with this proposition.

Now, Mr. President, I want to refer to the fact that many of us favored what is known as the Ford offer, and on that subject one of the most conscientious men that ever sat in this body took that view. He was one of the finest characters I ever knew, a patriot and a statesman; not only that, but a statesman who took a broad view, who kept in mind not the next election but the next generation. Not only was he a statesman but a scientist, a chemist, and he knew the difficulties of making fertilizer and the problems involved in it. I had very great admiration, as I think we all had, for former Senator Ladd, of North Dakota. Senator Ladd favored accepting the Ford offer. He wrote several articles—one on November 2, 1924, and another on November 29, 1924—for the Saturday Evening Post entitled "Why I am for Henry Ford's offer for Muscle Shoals." In the first-mentioned article he said:

As to the questions of chemistry involved in the solution of the Government's Muscle Shoals problem, however, I have some decided opinions of my own, based upon the history of air nitrogen developments and upon my own study and experience as a chemist; and with this viewpoint I approach the Government's problems at Muscle Shoals and present my views to the readers of the Saturday Evening Post.

Further on in the article he said:

At Muscle Shoals the Government has built two nitrate plants. Nitrate plant No. 1, with a capacity of only 30 tons of nitrogen in the form of ammonia a day, was an unsuccessful experimental plant costing $13,000,000. Nitrate plant No. 2, which cost $67,000,000, is the largest nitrate plant in the world employing the cyanamide process. Its capacity is 40,000 tons of pure nitrogen a year. This is equivalent to about 250,000 tons of Chilean nitrate, or about 70 per cent of the entire amount imported from Chile annually for use by American agriculture. Unfortunately there is ample evidence that this plant will have to be radically changed to produce the improved concentrated fertilizers that are admittedly possible, while the cost of such changes and additions, from estimates given by the Hon. MARTIN B. MADDEN, chairman of the House Committee on Appropriations, will be at least $25,000,000.

Then he considered the question, first, Shall power production and distribution or fertilizer manufacture be paramount? and he dwelt upon such question and insisted that the fertilizer manufacture should be paramount, and said:

Second. Germany, prior to the war, was importing about 600,000 tons of Chilean nitrate annually, while to-day she is independent of Chile through the operation of her war-built air nitrogen plants.

Third. Authorities are agreed that combined nitrogen in the form of ammonia, which costs the farmer from 20 to 25 cents a pound when purchased in the form of mixed fertilizers, can be manufactured at Muscle Shoals for 5 to 6 cents a pound by several well-known processes.

Further on in his article he said:

It was made clear during the extended hearings before our committee that if we would divorce the nitrogen industry from reliance upon water power we immediately must turn to coal; but the country knows only too well how a coal strike can paralyze transportation and industry. Shall we deprive our future fertilizer industry of water power and make agriculture itself dependent upon the good grace and tolerance of the coal operators and their miners?

The domestic price of by-product nitrogen fertilizer is fixed by our domestic monopoly—mostly coal operators—in accordance with the price of Chilean nitrate, and the latter is fixed by a world-wide monopoly called the Chilean Nitrate Producers' Association. Our farmers fare no better at the hands of the by-product coke monopoly than they do at the hands of the Chilean nitrate monopoly. It seems to me that if we want to get cheaper fertilizer for American farmers we must find some other road than by permitting the fertilizer industry to be exploited by

coal and coke operators who have already declined to sell American farmers cheaper fertilizers, regardless of any technical advantage in doing so.

My position as to the use of the Muscle Shoals power in the manufacture of fertilizers squares exactly with that of Dr. E. H. Hooker, president of the Manufacturing Chemists' Association and of the Hooker Electrochemical Co., who is one of the leaders in the application of electric power to chemistry in the United States. Doctor Hooker told our committee that if the full opportunities for fertilizer manufacture are to be realized at Muscle Shoals, then the amount of power that would be necessary to meet the growing demand for fertilizer "will probably increase rather than decrease, although it will be less per unit."

* * * * * * *

The proposal of Senator NORRIS that we divorce the power from the fertilizer and limit the amount of power to be used in the manufacture of fertilizer to not more than 25,000 horsepower of primary or dependable power and 75,000 horsepower of secondary or irregular power and engage in a cooperative business relation with the Alabama Power Co. and its associates in order to distribute the larger portion of the power, although a satisfactory arrangement to the associated power interests and to the fertilizer group, will never have my support. Public utilities have had absolute domination of our water powers in this country for a generation, but never yet have they accomplished anything of importance to the farmer, although they themselves say in the report of the committee on public policy, National Electric Light Association, at their convention in June, 1922:

"No nation such as ours is stronger than its agriculture. * * * Any movement, therefore, to build up the city at the expense of the farming community is shortsighted."

* * * * * * *

Senators may vote down the Ford offer, but when they do they should realize that the Ford proposal is the only one in which the responsibility of operating nitrate plant No. 2 to full capacity is guaranteed and the operation carried on at private and not at public expense. Mr. Ford's obligations are not limited to nitrogen alone, but include other commercial fertilizers, of which there are only two—phosphoric acid and potash. The capacity of nitrate plant No. 2 means sufficient nitrogen for 2,000,000 tons of 2–8–2 commercial fertilizer—worth about $60,000,000—annually, while the total consumption of commercial fertilizers in the United States in 1921 was 5,183,523 tons; so it is very evident that the minimum fertilizer production proposed by Mr. Ford is by no means the insignificant portion of the total American consumption which the opposition would lead the country to believe.

* * * * * * *

The comparative economic benefits of the Muscle Shoals power, when utilized in fertilizer manufacture as against public-utilities service through a superpower system, are evident when it is recognized that the farmers' expenditures for fertilizers in the 11 Southern States from Virginia to Arkansas, as shown in the following table and upon the map, were $207,000,000 in 1920, while the expenditures for electric lighting and power purchased from all public utilities as recently as 1922 in the same States amounted to only $109,000,000.

A saving of 50 per cent of the farmer's fertilizer bill in these 11 States would be a greater economic benefit to the people of that region than would result if every purchaser of public-utility light and power in those States were supplied at 10 cents on the dollar. Such a reduction would be absurd and manifestly impossible, while it is generally conceded that the cost of fertilizers can be reduced one-half at Muscle Shoals.

Comparing the proposal in the Madden-Willis bill with the Ford offer, I insist that the latter is more favorable to the Government and the public than was the Ford offer.

1. Henry Ford's proposal was an offer to make a lease. The Madden-Willis bill carries the lease in itself. That is to say, the precise terms, so there can be no question about what the contract will eventually be, are set forth in the body of the Willis bill. The covenant is nominated in the bond.

2. Ford proposed to purchase nitrate plants; Madden-Willis bill provides for their lease.

The Ford offer was a proposal to purchase the nitrate plants. The title to the property passed entirely out of the hands of the Government. The Madden-Willis bill being a lease, the title to the entire property remains in the United States.

3. Ford without chemical experience; American Cyanamid Co. successful fertilizer manufacturers.

Neither Mr. Ford nor his organization had manufacturing knowledge of the fertilizer business. American Cyanamid Co. for years has been successfully producing cyanamide and concentrated fertilizer—ammonium phosphate—and selling it on a large scale, and is as experienced in the fertilizer manufacturing business as Ford is in the automobile business.

4. Ford made no definite agreement to manufacture concentrated fertilizer; Madden-Willis bill requires the production of concentrated fertilizer in the form of ammonium phosphate.

The benefits of Muscle Shoals to agricultural regions at a distance depend upon the production of concentrated fertilizer containing high percentage plant food and therefore making cheaper transportation possible. Ford merely agreed to make nitrogenous fertilizers, without specifically naming any particular kind of nitrogenous fertilizer.

5. Fertilizer production in Ford offer has been increased 25 per cent in Madden-Willis bill.

Obligation as to fertilizers under the Ford offer was limited to fertilizers containing 40,000 tons of fixed nitrogen in a form not stated. The ultimate production under the Madden-Willis bill is 25 per cent greater and totals 50,000 tons of fixed nitrogen in a form which is definitely stated as ammonium phosphate. (Ammonium phosphate as now made carries 13 per cent ammonia and 48 per cent phosphoric acid, a total of 61 per cent plant food.)

6. Lease period under Ford offer 100 years instead of 50 years as proposed in Madden-Willis bill.

The lease period in the Ford offer was for 100 years, and in the Madden-Willis bill the lease period is for 50 years.

7. Lessee under Madden-Willis bill pays more interest to the Government on its Muscle Shoals investment than Ford proposed.

In the Ford offer the interest rate was 4 per cent, but there was a preliminary period during which only a fraction of 4 per cent was payable, creating a deficit below 4 per cent which was never made good. In the Madden-Willis bill this deferred interest is payable with interest thereon, and the Government receives the full 4 per cent.

8. Lessee under Madden-Willis bill pays royalty on Government's limestone; Ford proposed to purchase Waco Quarry.

In the Ford offer no royalty was payable on limestone removed from the Waco Quarry. Under the Madden-Willis bill a royalty of 5 cents per ton is payable on all limestone removed. With nitrate plant No. 2 running at capacity the royalty on limestone will amount to from $12,000 to $15,000 annually to be paid by the lessee to the Government.

9. Lessee under Madden-Willis bill pays Government more for maintaining mechanical equipment at Wilson Dam than Ford proposed to pay.

In the Ford offer the Government was responsible for maintaining the long series of gates and mechanical equipment across the top of the Wilson Dam. In the Madden-Willis bill the lessee maintains the gates, as well as the power houses and generating equipment.

10. Ford's offer to limit fertilizer profits to 8 per cent not as definite as lessee's agreement under Madden-Willis bill.

The Ford offer limited fertilizer profits to 8 per cent of cost but did not definitely specify the items to be included in cost; the Madden-Willis bill also limits fertilizer profits to 8 per cent of cost but avoids future controversy by definitely specifying the items to be included in cost.

11. Ford did not waive royalties on patents; lessee under Madden-Willis bill waives all royalties on fertilizer processes.

There was no provision for waiving of royalties in the Ford offer; the Madden-Willis bill provides that no charge shall be made for royalties on fertilizer processes now owned or which may be acquired by the company, nor any royalties upon inventions made through the program of research provided in the contract. In the contract between the United States and the American Cyanamid Co. for building nitrate plant No. 2 it was agreed that in case nitrate plant No. 2 was operated by the Government the American Cyanamid Co. should receive a royalty on cyanamide produced amounting to $30 per ton of fixed nitrogen. Running at a capacity production of 50,000 tons of fixed nitrogen annually, as provided in the Madden-Willis bill, the royalty would have been $1,500,000 per annum.

12. No distribution of power in Ford offer; surplus power to be disposed of under Madden-Willis bill.

The Ford offer made no provision whatever for the distribution of surplus power from Muscle Shoals; the Madden-Willis bill provides that such power shall be disposed of for the purpose of distribution, subject to State and Federal laws, for general domestic, industrial, and commercial uses.

13. Government nitrate plants and lessee's fertilizer plants become Government property at end of lease period in Madden-Willis bill; Ford would have continued to own the property.

Under the Ford offer the Government never regained title to or possession of its nitrate plants. The Madden-Willis bill not only provides that the Government shall regain possession of its nitrate plant properties at the end of the lease period (it never parts with the title to these properties at any time) but also confers upon the Government, without charge, the title to all fertilizer plants built by the lessee at his own expense on the leased premises. The value of these additional fertilizer

properties to be built by the lessee has been estimated at from thirty to forty million dollars.

Those who are favorable to the Ford offer have here clearly a much better proposition, more favorable to the manufacture of fertilizer, more favorable to the farmer and to the public in general than the Ford offer.

There appeared in the Dearborn Independent for January 3, 1927, an article or editorial entitled "Nitrates or battle cruisers," in the course of which this statement was made:

Whenever the right is granted by any executive of the Government, or by the power commission, or by Congress to any power company to build and own the Cove Creek Dam under the water power act, that will be a gift of $50,000,000 to the power combine.

I say let the Government build the Cove Creek Dam, own the reservoir and dam as auxiliary power for all the plants, and that means the securing of navigation on the Tennessee, not only navigation south but navigation 80 miles farther up to the coal fields of Tennessee. Let the Government build that dam and let the Government refuse to make this gift of $50,000,000 to the power company.

I want to submit for the RECORD a communication from the commissioner of agriculture of Florida, dated January 18, 1927, together with an article which he prepared and which is published in the Florida Review, entitled "Muscle Shoals, by Nathan Mayo, commissioner of agriculture." I ask that the letter and article may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter and article are as follows:

THE STATE OF FLORIDA,
DEPARTMENT OF AGRICULTURE,
Tallahassee, January 18, 1927.

Hon. DUNCAN U. FLETCHER,
Washington, D. C.

DEAR SIR: I am inclosing a copy of Florida Review. In it you will find an article on Muscle Shoals, in which I have tried to express what I believe to be the views of the American farmer on this question.

I fully realize that you are awake to the situation as regards Muscle Shoals, and that you stand ready to vote for whatever bill offers the greatest benefit to farmers.

As commissioner of agriculture for Florida, I am deeply concerned with the early and correct disposition of this highly important matter. Agricultural leaders everywhere are agreed that there should be action, definite and positive, by the present Congress. Those who made possible the development of that wonderful plant at Muscle Shoals did so with the plan and purpose expressed in the national defense act of June, 1916, that this plant should be operated for the purpose of making fertilizer except in time of war.

Since the signing of the armistice, November 11, 1918, we have had eight years without war. And, so far as Muscle Shoals is concerned, we have had eight years without fertilizer. The plant at Muscle Shoals has made only about 5,000 tons of nitrates. Its power has been sold to private interests at a low price—a thing plainly contrary to the purpose for which the plant was built.

Meanwhile the farmers have been paying high for nitrogen. Their annual bill for fertilizers runs well over $200,000,000. Probably one-half of this sum represents the cost of nitrogen, the most expensive single element in fertilizer.

Conservative authorities place the saving we might hope for from the operation of Muscle Shoals as a nitrate plant at from $3 to $5 per ton for each ton of fertilizer used. As we use more than 7,000,000 tons of fertilizer per year in the United States, you can readily see that Muscle Shoals would effect a tremendous sum-total saving to the farmers of the land. In Florida alone we estimate that the proper operation of Muscle Shoals would mean a saving of over $1,000,000 per year on our fertilizer.

When you have read it I should be glad to have your comments on the article inclosed, and also your views on the Muscle Shoals legislation now pending in Congress.

Very truly yours,

NATHAN MAYO, *Commissioner.*

[From the Florida Review, Tallahassee, Fla., January 17, 1927]

MUSCLE SHOALS

By Nathan Mayo, commissioner of agriculture

With Congress again in session, the American public is once more manifesting interest in the disposition of the Muscle Shoals matter. This great piece of unfinished business has been before our National Legislature for years. The American farmers, and especially the farmers of the South, are particularly concerned with this subject. Perhaps never in history has Congress had before it a matter more fraught with economic importance to southern farmers than this question of utilizing the power of Muscle Shoals for the benefit of agriculture.

The potential value of the Tennessee River for industrial purposes has long been recognized. It is said that George Washington himself, as a young man, following his work as a surveyor and civil engineer, made a survey of the Tennessee River near Florence, Ala., and declared that it offered wonderful opportunities. From that time to now, down through the Nation's history, men have sought to harness nature's provision for power generation at this point.

During the World War, in June, 1916, Congress made an appropriation of $20,000,000 for beginning operations at Muscle Shoals for the production of nitrates, based on recovering nitrogen from the air in the form of fixed nitrates as a basis for ammunition.

Since then additional appropriations have been made by Congress until our Federal investment at Muscle Shoals has reached the enormous sum of almost $150,000,000.

Here we quote from a speech delivered by John W. Newman, former commissioner of agriculture of Kentucky, at a meeting of the Farmers Union, Lexington, Ky., January 1, 1927:

"It is not our purpose to pass upon the wisdom of Congress in making this huge appropriation at the time. The facts are, the money has been expended and the plant is there to show for itself. The question is, What shall be done with this plant now that the country has it? One can scarcely visualize what a million dollars can buy. Multiply this by a hundred and fifty and you will begin to get some conception of the enormity of the plant along the banks of the Tennessee River. The Wilson Dam itself is approximately a mile long, 125 feet high, and backs the waters of the river up for about 17 miles, forming the great Wilson Lake. The power generated by this dam alone is, in round numbers, under full-stream conditions, 200,000 horsepower. Now, picture approximately 6,000 acres of land, upon which are located a steam plant capable of generating 125,000 horsepower to supplement the power production of the dam; dozens of magnificent factory buildings, all filled with high-priced, highly developed machinery, the best the world affords; hundreds of residences; storehouses; its 500-acre limestone quarry, at least 80 feet in depth; 25 miles of railroad; steam engines; cars; rock-crushing machines, capable of turning out 1,200 tons of rock per day; switchboards; high-tension lines; storerooms filled to bursting with materials; power sufficient to keep hundreds of thousands of men at work, and you will have some idea of this immense Government plant. It was operated for five weeks and made approximately 5,000 tons of fixed nitrogen—enough for the nitrogen content of approximately 50,000 tons of ordinary fertilizer.

"The power is there. The machinery is there. It has been demonstrated that the most costly content of fertilizers, namely, nitrogen, can be made at a reasonable cost. Yet it remains idle, because the President of the United States can not lease it except by act of Congress, and the funds have not been provided by Congress for its operation in the interest of the American farmer. The sad part of it is that the farmer, in the meantime, is contributing unnecessary millions in profits to foreign nations and to the fertilizer companies operating in America. The annual importation into America of Chilean nitrates, as a prime basis for ordinary mixed fertilizers, amounts to millions of tons. The export duty for this Chilean nitrate is $12 per ton. The profits to the importers run into other millions, all of which our farmers pay."

Florida has a peculiarly good reason for wanting action on Muscle Shoals. Our State probably uses more high-nitrogen fertilizer per crop-acre than any southern State. We used last year approximately 400,000 tons, at an average price of $36 per ton; and around half of this $36 is represented by the nitrogen content of the ton. In other words, Florida spent more than $7,000,000 for her nitrogen in 1926.

If Muscle Shoals can manufacture nitrates cheaply enough to reduce this outlay of $7,000,000 to any appreciable extent, Florida farmers would like to have it done.

Muscle Shoals can be made into a national blessing or a national shame. It was the intent of the framers of our national defense act that American agriculture should benefit from Muscle Shoals. The national defense act, under which the initial appropriation was made, provides that the President of the United States can operate this plant for the production of ammunition bases in times of war and for fertilizer products in times of peace. It is now more than 10 years since this act was passed. We have had eight years of peace, during which the chief beneficiary of this gigantic power plant has not been the American farmer, but the private interests which have bought this power from the Government at a nominal sum.

Congress should adhere to the plan of those whose vision saw in Muscle Shoals a vast agency for the help of the American farmer. Muscle Shoals should be put in operation. Its giant power should not be bartered away to those who will amass millions and billions of dollars profit from it. In time of peace, it belongs to the American farmer, not to the American capitalist. And so long as we are at peace, its product should be nitrates, up to the full needs of agriculture. When these needs have been met, and not until then, should a single kilowatt of its power be sold to private interests, who will in turn use it for private gain.

The farmers of the Nation are buying more than 7,000,000 tons of fertilizer per year, at a total outlay of more than $200,000,000, which exceeds the total cost of Muscle Shoals by more than $50,000,000.

If we assume that the price of this fertilizer would be reduced to the amount of only $3 per ton by the operation of Muscle Shoals—and that is probably a low estimate—we have here a saving of $21,000,000 per year. Within 10 years, properly operated, this vast national asset could be made to pay back in savings to the farmers of the land every penny our Nation has put into it. Will Congress do its duty?

Mr. FLETCHER. Mr. President, I have already taken more time than I anticipated on this matter. It is a matter of very great importance. I hope we can arrive at some definite conclusion with respect to the policy to be adopted and with respect to the putting to use these properties and placing this great enterprise on a sound basis.

Mr. KING. Mr. President, will the Senator from Florida before he concludes permit an inquiry?

Mr. FLETCHER. Certainly.

Mr. KING. If I understand the Senator, I am rather disposed to accept the view which he has announced; that is, that he prefers to subordinate the power possibilities of the enterprise and project to the commercial manufacturing of fertilizer for the use of the farmer. We have the so-called Norris proposition before us, which emphasizes the power scheme; indeed, as I understand it, and as I interpret it, it means, if we accept it, that we shall have power and we shall not have fertilizer, because the Government has utterly failed thus far in its experimentation in producing fertilizer, whereas private individuals and corporations have succeeded and undoubtedly can succeed. If we reject the Norris proposition, does the Senator from Florida think that the so-called Madden bill or Willis bill—the latter being before the Senate and the former before the House of Representatives—would carry out the plan for which the Senator has been contending, would sufficiently protect agriculture, and would sufficiently prevent the Government from going into private business, for I am very much opposed to the Government going into private business; that is, in the field of private endeavor?

Mr. FLETCHER. I think undoubtedly, Mr. President, the proposed lease set out in the Madden-Willis bill would bind the lessee to operate the plant. The Government under that lease would retain title, of course, to all the property, to all the dams that it has already built or may build hereafter, to all the improvements, and the lessee would control and operate the plant for a period of 50 years. Then, of course, control of the property would all revert to the Government. The Government, however, would have nothing to do with the operation during the lease period. Among other things that I did not mention before, I think the contract provides that the lessee shall spend $35,000 a year in the maintenance of the Wilson Dam and shall also spend $25,000 a year in the maintenance of Dam No. 3, in addition to the other things I mentioned just a moment ago.

There may be some details about the bill that I would prefer to have changed; it may be that we should want to offer some amendments to it; but in a broad, general way it would place us on a definite foundation. We would lease the property for a period of years; we would secure the manufacture of fertilizer that we desire and that the country needs. Then also we would be free from cost, from care, and from responsibility in connection with the maintenance of the property. I think that would be very desirable. However, whether the details of the measure are exactly what we would all like, whether we would like to amend the measure in some respects is another matter; but generally speaking that is where I should like to get on this proposition.

I voted for the Ford offer and I favored that rather than have the Muscle Shoals property lie idle and go to waste. I think, in its broad sense, the offer under the Willis-Madden bill is better than was the Ford offer, as I have just stated.

Mr. SIMMONS. Mr. President, will the Senator kindly tell me to which offer he is referring—to the offer of the Cyanamid Co.?

Mr. FLETCHER. I am referring to the offer as mentioned in the Madden-Willis bill. The parties to whom I refer are the Air Nitrates Corporation and the American Cyanamid Co.

Mr. SIMMONS. Will the Senator permit me at this point to ask him a question?

Mr. FLETCHER. Yes.

Mr. SIMMONS. Does the Senator believe that cyanamide as a nitrate will ever prove satisfactory to the farmers of this country or will ever take the place of the nitrate of soda that we get from Chile?

Mr. FLETCHER. I understand that it has to be combined with phosphate before it becomes fertilizer material, in order that it may not do harm.

Mr. SIMMONS. It must be combined with a precision equal, I think, to that with which medicine is compounded in order to make it safe; but does the Senator believe that it will ever be used in sufficient quantities to supply the needs of the farmers of this country for nitrate of soda or that it will ever take the place upon the farms of this country that is now occupied by nitrate of soda which is imported from Chile?

Mr. FLETCHER. I think there is no doubt but that it will do so.

Mr. SIMMONS. Mr. President, I have very serious doubts about it, and I am trying right now to get some light upon that question. I have talked with some chemists about it, and they have expressed to me a very adverse opinion with reference to the use of cyanamide to any considerable extent as a source of nitrogen. The cost of fertilizer to-day is largely determined by the cost of the nitrogen that is in it. The potash cost has been greatly reduced, I think; the phosphate cost is probably not so very much in excess of what it was before the World War; but the nitrogen cost has not been reduced in the same proportion.

Mr. FLETCHER. Mr. President, may I say to the Senator from North Carolina that cyanamide contains 23 per cent of nitrogen. The nitrates from Chile contain only, I think, about 15 per cent. The nitrogen must be extracted, separated from the other elements, and then combined with phosphoric acid to make ammonium phosphate, which is the form ready for use as fertilizer material.

Mr. SIMMONS. That is not the question, Mr. President. The question is whether we can with safety use enough of the cyanamide to supply the demands of the soil for nitrogen. I think we can not, except upon certain special soils, and as applied to certain particular crops; but, taken as a general proposition, I think the consensus of opinion among farmers and chemists is that cyanamide can never take the place of nitrate of soda as we get it now from Chile, and that some other process must be invented to enable us to use safely a larger quantity than can be used by the present process. In other words, it is necessary to use a very large quantity of acid phosphate and a large quantity of potash and a large amount of filler, in order to use a small quantity of cyanamide with safety to plant life. If the margin of safety happens to be exceeded the crop is destroyed. I am very much troubled about that situation. I have been sending inquiries to some people who, I think, can throw some light on the subject. I am afraid that Senators are not sufficiently familiar with chemistry to throw the necessary light on it.

Mr. FLETCHER. I think the Senator is laboring under a misapprehension. Cyanamide is not used as a fertilizer; it is not sold to the farmers to be so used.

Mr. SIMMONS. I know that. Of course, it would kill every crop that it was used on, if that were done.

Mr. FLETCHER. It is merely an ingredient of fertilizer that has to be mixed with other ingredients before it is available for use on the farm.

Mr. SIMMONS. The point I make is that there can not safely be put on the land a sufficient quantity of that cyanamide mixed with phosphate and with potash to give the necessary quantity of nitrate of soda.

Mr. BLACK. Mr. President, may I make a suggestion to the Senator?

Mr. SIMMONS. Certainly.

Mr. BLACK. The Senator is absolutely correct, in my judgment, in his statement about cyanamide. The plan is not to use cyanamide in the mixture as cyanamide, but to extract from the cyanamide the nitrogen that is contained in it. It makes no difference whether that nitrogen comes from Chile or comes from the air; the nitrogen will be exactly the same. When that nitrogen is extracted from the cyanamide and it is mixed with phosphate, through a phosphoric-acid process, there is an absolute departure from cyanamide; it has ceased to be cyanamide by a chemical process.

Mr. SIMMONS. Then let me ask a question. As a farmer I know that there can be used almost an unlimited quantity of Chilean nitrate on the land without hurting it and without hurting the plant life. If cyanamide be taken and there be extracted from it ammonium, we will say, or nitrate of soda, can that be used in large quantities with safety to plant life? Can there be used as much of that as there can be of nitrate of soda in the Chilean form?

Mr. BLACK. I will explain that. There can not be so much of that used as there can be of nitrate of soda, because nitrate of soda in the Chilean form contains 15.5 per cent of nitrogen. The cyanamide contains, in addition to the nitrogen, lime, and the lime could and would be injurious under many circumstances.

Mr. SIMMONS. The lime can be extracted?

Mr. BLACK. Certainly; that is the only way fertilizer could be manufactured from it. The lime is separated from the nitrogen and then the remaining nitrogen under a chemical process is mixed with phosphate and with some other ingredient.

Mr. SIMMONS. With potash.

Mr. BLACK. Yes; with potash, if it is desired to use potash; and so there has been an absolute departure from the cyanamide, and the danger which the Senator anticipates from the use of cyanamide disappears.

Mr. SIMMONS. Does the Senator mean to say that the secondary product that is obtained from cyanamide by eliminating the lime is as harmless to plant life as is nitrate of soda?

Mr. BLACK. I mean to say that the nitrate that is obtained from cyanamide by proper extraction is exactly the same chemically, according to the formula, as the nitrate obtained from nitrate of soda; there is not a particle of difference on earth; it is all nitrate. One would injure no more than the other, because one has the same chemical properties as the other.

Mr. SIMMONS. Would it be possible to use the same quantity?

Mr. BLACK. It could be used in the same quantity and would have exactly the same effect, because both are nitrogen after the process of extraction has been completed.

Mr. SIMMONS. Now, I should like to ask the Senator. Has any of that secondary product been put on the market by the Cyanamid Co.?

Mr. BLACK. It has been put on the market by mixing the nitrogen with phosphate under the form of ammonium phosphate and sold under the trade name of "ammo-phos." There is no difficulty whatever in extracting the nitrogen.

Mr. SIMMONS. Has the Senator any information as to the amount of ammo-phos which was sold in the market of the United States in the last year?

Mr. BLACK. Ammo-phos as ammo-phos, according to my understanding, was not sold in the market of America.

Mr. FLETCHER. It is sold to fertilizer factories.

Mr. BLACK. Some of it is sold to fertilizer factories. I gave the figures a few days ago. Thousands of tons have been shipped to foreign countries that are sadly in need of fertilizer. It has been used both in foreign nations and in the United States through the intermediary of commercial fertilizer factories.

Mr. SIMMONS. Then the Senator means to say that ammo-phos was combined with phosphoric acid and potash, and fertilizer was thus made. Now, can the Senator give the number of tons of that product that were purchased by the manufacturers of fertilizer as compared to the number of tons of nitrogen that were purchased?

Mr. BLACK. I can not give the number of tons in comparison. It was not near so many, as I showed the other day in my statistics; but it was the entire output of the only cyanamide plant in North America. That is what was sold—the entire output.

The point I rose to attempt to explain was simply that I agree fully with the Senator in his statement that cyanamide as cyanamide would not be as useful as nitrate coming from Chile, for the reason that the nitrate coming from Chile is combined with a filler which is harmless to the soil, but the nitrate under the cyanamide process is combined with lime, which is frequently harmful and injurious to the soil.

Mr. KING. And to some soils beneficial.

Mr. BLACK. And to some soils beneficial, just as the Senator stated; but as a general fertilizer, for general use, cyanamide would not be satisfactory. If, however, you extract the nitrogen from the cyanamide and mix it with phosphate under the process which we hope will be installed at Muscle Shoals, although none of the bills provide for it as now pending, or the joint resolution of the Senator from Nebraska, or the substitute—it would take a tremendous expenditure to put up the necessary equipment to mix the phosphate with the nitrogen—if that plant is put up there, and Dam No. 3 is built, right up in Tennessee, in Giles County, there could be floated down the river on barges phosphate rocks, or they could come from Florida, thereby combining the two. When you extract the nitrogen from the cyanamide, leaving out the harmful element of lime, and combine it with phosphate, then you have nothing injurious to your crops, and you have absolutely gotten away from the danger which the Senator foresaw of the lime contained with the nitrogen in cyanamide.

Mr. SIMMONS. Now, will the Senator answer one more question? He says that product was sold to some extent in the American markets and used by the makers of fertilizer in combination with acid phosphate and potash. I want to ask the Senator whether this secondary product—for that is what it is—of cyanamide has, up to this time, been made so as to be sold in the market as cheaply as the Chilean product?

Mr. BLACK. Yes, sir; it has been made so as to sell, according to the figures which I give to the Senator, and is being sold at figures which would be related as 7.6 cents a pound to 15.5 cents a pound.

Mr. FLETCHER. Now, may I answer the Senator's question—I think I can to some extent, anyhow—about the quantity that has been put on the market by the Cyanamid Co., which manufactures ammo-phos? My information is—and I have been told that by gentlemen who, I think, are reliable in every way—that they are manufacturing now about 140,000 tons of this ammonium phosphate, and that they sell about three-fourths of that to fertilizer factories in the United States, and the remainder they ship abroad to some 52 countries.

Mr. BLACK. One hundred and forty thousand tons of ammo-phos, does the Senator mean?

Mr. FLETCHER. Yes; 140,000 tons of ammo-phos, this material here.

Mr. SIMMONS. And they sell about one-third of that to the American fertilizer producers?

Mr. FLETCHER. About three-fourths of it to the fertilizer manufacturers.

Mr. SIMMONS. Does the Senator know the price at which they sell it, as compared to the price of the other material?

Mr. FLETCHER. No; I do not know, but the price must be as the Senator from Alabama stated.

Mr. NORRIS. Mr. President, the reason why fertilizer is so cheap to-day is because the Cyanamid Co. are selling this stuff to the fertilizer trade. I suppose that accounts for the rejoicing that I have heard so many times, from sections of the country where they use fertilizer, that they are getting it so cheaply to-day. The Cyanamid Co. are in the business. They have been making fertilizer and selling it to the fertilizer people. Therefore you people from the South who use a great deal of fertilizer get it so cheaply; and that is the reason why it is desired to turn over this whole property to the Cyanamid Co., and invest $77,000,000 more of public money, because in their operations in the fertilizer world they have so cheapened the product that they have all the farmers in favor of them.

Mr. SIMMONS. I asked the question, Mr. President, because there is an outcry, or seems to be an outcry, coming from the farmer that the price of the farmer's fertilizer has not been reduced, but rather has been increased. I do not know whether that is true or not.

In certain years it seems to be a little cheaper than it does in other years. Last year we had reasonably cheap fertilizer. This year the price has been again advanced.

Mr. NORRIS. I do not know why the Cyanamid Co. have raised the price of fertilizer.

Mr. SIMMONS. It has been raised, however.

Mr. NORRIS. Evidently they think the farmers like to pay a good price and see them prosperous.

Mr. President, it has been stated here several times, and I take the figure as being correct—the Senator stated it just now, and stated it the other day——

Mr. BLACK. That was stated from memory. I put it in the RECORD the other day. That is my recollection of it.

Mr. NORRIS. I am going to refer to something else—the price of nitrogen by the cyanamide process. It has been stated as 7 and 8 cents a pound, as I remember; and I interrupted the Senator the other day when he gave that price and said that in my judgment, as I remembered the figures, nitrogen by the synthetic process—the most modern process—can be produced from the air for practically half the price at which the Senator himself says the cyanamide process produces it. He gives it again to-day at 7 cents; but, to be sure about it, I took it up with three eminent chemists. One of them is Doctor Cottrell, whom you all know. Another one is Doctor Howe, the editor of the leading chemical journal of the entire world. The third one is Doctor Parsons, who was one of President Wilson's committee that located the plant at Muscle Shoals, and a man whom President Wilson sent to Europe to study the fertilizer question.

As far as I know, none of these three eminent men have any interest—they all tell me they have none, and I believe every word they say—no financial or other kind of interest in any factory of any kind, or any system, or anything.

Since the Senator's speech the other day, when he gave the cost as 7 cents, and when I said I thought they were able to get nitrogen from the air by the synthetic process for 4 cents or less, I have taken it up with these men; and, according to

the consensus of opinion of these three chemists, I was too high in my figures. Nitrogen can be produced from the air to-day by the synthetic process for less than 4 cents.

Mr. FLETCHER. Why do they not do it?

Mr. NORRIS. The du Pont people are doing it right down here at Charleston now, so these people tell me.

Mr. FLETCHER. Not for fertilizer.

Mr. NORRIS. They have not made it in large enough quantities. They are not in the fertilizer business; and if they were in the fertilizer business and I produced their testimony here, at once some of these Senators would jump on me and say, "Why, here is the trust! Here are the interested people, and you are producing evidence from interested people!"

The du Pont people at their factory down here at Charleston, in West Virginia, are going ahead on a purely business basis, investing their money for profit. There is no secret about it. They have no interest in fertilizer. They do not make fertilizer. They have never made any fertilizer. They are making explosives, but they get nitrogen from the air to make them; and you could not give them cyanamide plant No. 2 for nothing if you would compel them to operate it.

The Senator from Virginia [Mr. GLASS] told us the other day what a large plant that will be—one of the largest in the world. I think it will be one of the largest in the world when it is completed. I refer to the plant at Hopewell, Va., where they are going into the fertilizer business as a matter of financial profit.

Mr. FLETCHER. I understand that they are making nitric acid.

Mr. NORRIS. They will make nitric acid, undoubtedly. If you get nitrogen from the air by the synthetic process, you get it in the form of ammonia. That is the way they get it, and they are building their plant now. I understand that the plant at Syracuse, one of the first that was built after the war, using the synthetic process, I think by the du Pont people—I am not sure——

Mr. KING. Was that the Cassell process, where the company failed?

Mr. NORRIS. As they have it now, they have utilized factories of the Cassell process and the Haber process. It is a modified form of it, and it is called by a general term the synthetic ammonia process.

Mr. KING. The Senator knows that the Cassell Co. failed.

Mr. NORRIS. It is a scientific fact, Senators—it is scientifically demonstrated, it seems to me—that you can get nitrogen from the air to-day for less than one-half what we could get it for when we commenced these experiments right after the war; and yet Senators cry out against experiments. If it were not for these experiments we would not have a synthetic-process plant in the United States, and during the war we did not have one. They have all been built since, and not a single cyanamide-process plant has been built during that time in the United States.

I can not find fault with a man who still wants to use the cyanamide process. That is all right. In the measure that I have here, while Senators have spoken differently about it, there are no strings on the Secretary of War. He can use the cyanamide process if he wants to. It is not stated in that measure what process he must use. The world is open to him. His hands are untied. He is free, and I want him to be that way, or whoever we designate to make fertilizer with the idea of cheapening it; and every plant that has been put up has cheapened the process.

I am not in touch with the Hopewell people; but I have talked with the junior Senator from Virginia [Mr. GLASS] and with several chemists about their plant. They all know about it. Some of them know about it in a great deal of detail; and they tell me, and I firmly believe it—it is the natural thing to expect—that when the Hopewell plant is completed they will get nitrogen from the air cheaper than the du Pont people get it down at Charleston. It is natural that they should. It will be a larger plant, on a larger scale; and I was told only within the last 10 days, from, I think, a reliable source, that the du Pont people expect to more than double the plant at Charleston, and they expect to cheapen the product even below the present figure.

Mr. SIMMONS. Let me ask the Senator a question: What process do they propose to use at Hopewell?

Mr. NORRIS. The synthetic ammonia process.

Mr. HEFLIN. Mr. President, if the du Pont people do complete their Hopewell plant and manufacture fertilizer, and the one at Charleston, and the Government directs that at least 40,000 tons of fixed nitrogen shall be made annually at Muscle Shoals, will not all of this fertilizer coming into the market help to cheapen it to the farmers? It will produce competitive buying.

Mr. NORRIS. I should think so; but I do not want to handicap my Government by directing that public funds, taken out of the Treasury of the United States, that have been contributed from the toil and the sweat of the masses of this country, shall be used to manufacture a product by a process that is out of date, when we know in advance that we will not be able to compete with these private plants that have been established on a business basis. Therefore I do not want to compel the Secretary of Agriculture to make fertilizer by the cyanamide process. If anything new happens, if any new development takes place, and that process is the cheapest, let him use it. I have no prejudice whatever against it. I want to have this done by the cheapest method. If I am going to vote to put my country into business here to experiment with the fertilizer proposition, I do not want to hamstring them and I do not want to tie them up by anything that will handicap them when they come up against a private party or a private corporation that is doing the same thing.

Mr. HEFLIN. The American Cyanamid Co. is doing business in competition with the synthetic processes of the world, and it is taking trade away from them. It is doing a flourishing business abroad, and it wants to come into the United States, and is willing to invest its money and compete with the companies doing business here.

Mr. NORRIS. It is here now. The world is open to the cyanamide people. They own the patents themselves, and there is no reason why they should not establish a plant in every State in the Union. Why have they not done it? They admit they have been making cyanamide, and there have been other uses for it. Out of it may come a fertilizer; nobody disputes that. They have been making cyanamide for years. Yet men are crying "Fertilizer Trust," when they have been pouring into the coffers of the manufacturers of fertilizers their product, all they have sold here. They are shipping it to Europe, it is said. I am not complaining of them for doing that. It is said, "They have a process, and let us compel the Government to utilize that process, and use it at the expense of the taxpayer," when nobody is doing it on a business basis.

Mr. HEFLIN. The point I am making now is that the Government has plant No. 2, and it is a cyanamide plant.

Mr. NORRIS. That is right.

Mr. HEFLIN. That they have invested millions in it, and that the people who use the cyanamide process can come in and use that and cheapen fertilizer to the farmer.

Mr. NORRIS. All right. Let me make a proposition now to the Senator. Senators say that fertilizer can be made in the cyanamide plant down there, and the product cheapened, and the Senators who are saying that say, "We do not want the Government to do it; we want a private party to do it."

Here are the owners of the patents, the very men who built plant No. 2 for the Government down at Muscle Shoals. If you believe that they are not misrepresenting anything to us, that they do not care about the power, why do you not accept my proposition, which I have signified my willingness to accept in the way of amending my resolution so as to provide that nitrate plant No. 2 shall be turned over to them for 50 years, if they want it, for nothing, without the payment of a cent of rental. Turn over the Waco Quarry, and let them pay only 5 cents a ton for limestone they take out, and then supply them with enough power from the Government of the United States to operate the plant at actual cost. If they are in earnest, if Senators believe what they are talking about, why do they not accept that proposition, and let them make fertilizer? I stand ready to do that now.

Mr. HEFLIN. We expect to have them use that plant to make fertilizer, but we do not want to tie the Government into it.

Mr. NORRIS. All right; let us lease it to the Cyanamid Co. The Senator says he does not want the Government tied into it, and I do not, either. Let us lease it to the Cyanamid Co. If you do not want to lease it to them, name the man you do want to lease it to. Lease it to the Farm Bureau, lease it to Chester Gray, who represents them, lease it to anybody you might name, if he will furnish a bond that he will run it to its capacity and make fertilizer.

Mr. HEFLIN. As soon as we get the Senator's resolution out of the way, we are going to lease it to somebody.

Mr. NORRIS. I am going to offer that as an amendment to my own resolution on the floor of the Senate when the time comes, and I will be delighted if they accept it.

It is said continually that this is the cheapest way to make fertilizer there is on earth. If that is true, there is your opportunity, there is an investment of between fifty and sixty million dollars of the Government of the United States that I am willing to turn over to them free of rent.

Mr. HEFLIN. Then how would the Senator provide for the handling of the surplus power?

Mr. NORRIS. There probably will not be any. Give them all the power they need to operate the plant.

Mr. HEFLIN. If there is surplus power, who will dispose of that?

Mr. NORRIS. Let that be disposed of according to the resolution. Let the little town of Athens, over in Alabama, that has wired here that it is ready to build a transmission line to Muscle Shoals if we will pass this resolution have it. Let all the other towns have it.

Mr. HEFLIN. Suppose they do not all build these lines; then who will dispose of the power?

Mr. NORRIS. Suppose they do not, then we will decide that. Give them an opportunity to do it, and let us see.

Mr. HEFLIN. But the Senator is going to have the Secretary of War dispose of it.

Mr. NORRIS. Yes; but I am not prejudiced about it. Provide for some other agency, say the Federal Power Commission. I will not object to that. We have to have somebody to handle it.

Mr. HEFLIN. We would be tying the Government into it even with that.

Mr. NORRIS. The Government is in it now.

Mr. HEFLIN. Why not lease it?

Mr. NORRIS. Does the Senator suppose somebody is going down there in the night and take possession and kick the Government employees out of all these houses? Will not the Government have to consent to do it?

Mr. HEFLIN. Certainly.

Mr. NORRIS. We have it now. Let us lease it to them, give it to them for 50 years free of rental, if they will make fertilizer. But let us disconnect their bid from the power proposition. You talk about this being only a fertilizer proposition and not a power proposition. There has never been a bid made yet but what has been made on the basis of the power.

Mr. CARAWAY. Mr. President, I want to ask the Senator from Nebraska this question. He has offered to turn over plant No. 2 rent free to anyone who would lease it to manufacture fertilizer. Does the Senator want to do that if it takes all the power generated at Muscle Shoals?

Mr. NORRIS. Yes.

Mr. CARAWAY. I was under the impression, from what the Senator said, that he thought the cyanamide process was not a practical process.

Mr. NORRIS. I do not think it is.

Mr. CARAWAY. Would the Senator want to give to somebody all of Muscle Shoals, to make use of it, if he knew it could not succeed, and that it would not be worth anything to agriculture?

Mr. NORRIS. If their theory is true, then I am wrong. If they accept it, then I am wrong; and I am giving them an opportunity to demonstrate that I am wrong.

Mr. CARAWAY. Is it just a bluff? Is that what the Senator means?

Mr. NORRIS. I do not think they will accept it.

Mr. CARAWAY. That is what I wanted to find out.

Mr. NORRIS. But if they do accept it, it will be because they believe they can do it; and if they can do it, they will get my blessing, just the same as they will the blessing of the Senator from Alabama.

Mr. CARAWAY. I am not trying to be critical of the Senator. I am trying to find out, if it is the belief of the Senator from Nebraska that the process is a failure, and necessarily must result in failure, whether he would want to make a contract to tie up the whole Muscle Shoals plant for 50 years to manufacture fertilizer by a process that he knows would be a failure.

Mr. NORRIS. If I were to answer that question categorically, I would, of course, say "no"; but I am going on this theory: That if these men who are claiming before us now that they are right, and that they can do this, really can do it, I am wrong; and if they can do it, I want to give them an opportunity to do it. If I am wrong, there is a chance to show it; and if they are right, then they can make the fertilizer cheaper.

Mr. CARAWAY. However, does the Senator want to tie up a great natural resource for 50 years, when he is satisfied that it is a mistake and that the process is a failure?

Mr. NORRIS. I am willing to tie it up for 50 years if somebody is willing to take it who will agree to use it exclusively for fertilizer.

Mr. CARAWAY. The Senator believes that fertilizer made by the cyanamide process can not be commercially successful, does he not?

Mr. NORRIS. Yes; I do.

Mr. CARAWAY. Then would the Senator want to tie up this great resource——

Mr. NORRIS. I understand the Senator, and he ought to be fair about this.

Mr. CARAWAY. I am trying to be.

Mr. NORRIS. I am saying that I may be wrong, and they may be right. If that is true, then they will accept the proposition, and I will subside. Then the farmer will be getting fertilizer, and that is all I want.

Mr. CARAWAY. Is the Senator willing to abdicate his right as a Senator and turn over a great natural resource to a corporation, or to an individual, that he knows can not make a use of it which would be beneficial to the public?

Mr. NORRIS. No, no, no!

Mr. CARAWAY. I am not trying to be critical of the Senator.

Mr. NORRIS. I am not willing to do that, but here comes a big corporation and says, "We can make fertilizer with this plant." I say, "If you can make fertilizer with this plant, I am willing you should have it." That is conceding that they may be right, and I may be wrong.

Mr. CARAWAY. Is the Senator willing to concede that anybody ought to have $50,000,000 worth of the Government's property turned over to him to exploit, without paying the Government a single cent for it?

Mr. NORRIS. But they will not be able to do that.

Mr. CARAWAY. Then the Senator is just proceeding upon the theory that he knows nobody can accept it.

Mr. NORRIS. No; not necessarily. If they can accept it, I would let them have it. But that is not the proposition. If these people take it and agree to make fertilizer with it, my proposition will provide that they must furnish a bond that they will comply with those conditions, they will pay maintenance and upkeep of the dam at 4 per cent interest to the Government on the power facilities that it furnishes, but the nitrate plant No. 2 will be given to them rent free, and they will not need to take the power from the Government if they do not want to. If they can get it somewhere else cheaper, let them get it elsewhere.

Mr. CARAWAY. I thought they were to be furnished power at cost.

Mr. NORRIS. That is cost. I figure that as cost.

Mr. CARAWAY. The Senator would furnish power at cost and give them $50,000,000 worth of property rent free for 50 years?

Mr. NORRIS. Yes; if they will make fertilizer. That is going about as far as anybody ought to be asked to go. Instead of being condemned as a man who is trying to prevent the farmer from getting fertilizer, there is an opportunity for these men, there is an opportunity for this farm bureau, if it has not been bluffing us, if it has not been trying to get this power in the guise of a promise to give fertilizer, there is an opportunity for them to accept it. I know some of those men, eminent fellows, I know these Senators here, and I have not any reason to doubt their word. They believe they can do it. If they can do it, then all of my information, and the scientific men who have advised me, are wrong; and that might be. But the result will be cheap fertilizer to the farmer, if they can do it.

Mr. CARAWAY. If the Senator will pardon me, if there was anybody criticizing the Senator from Nebraska, it was not I. I have for him the most profound respect, and I should resent anybody saying that he wants to be an aid to a Power Trust or to a Fertilizer Trust. That, of course, is so unthinkable to me that I do not think anybody is going to make any such charge. What I want to do is to find out exactly what ought to be done. What I was trying to find out was if the Senator was seriously willing to turn over to anyone for 50 years a plant which he says will require every kilowatt of power developed at Muscle Shoals to experiment with a process to make fertilizer which the Senator is sure is not a success, and can not be. I do not think we ought to jockey with the public's interest. I do not think we ought to bluff each other at the expense of agriculture. I just want to be certain that we all understand each other.

Mr. NORRIS. I think this bid of the Cyanamid Co. is a bluff. I think the bid of the power company was a bluff. I think there has not been a single bid ever made for Muscle Shoals where the bidder did not really want to get power, but they always tried to make Congress and the country believe that they were going to make cheap fertilizer. As Hanna and others testified before the committee when they were fighting the Ford offer, if anybody gets this plant and agrees to make fertilizer, he will have to be subsidized with power. My proposition would not subsidize anybody.

Mr. CARAWAY. Oh, yes; it is a $50,000,000 subsidy.

Mr. NORRIS. Under my proposition they get no power whatsoever except the power necessary to operate the plant, and they have to make fertilizer to the capacity of the plant, and make that exclusively.

Mr. CARAWAY. The Senator is offering a $50,000,000 subsidy to start in with.

Mr. NORRIS. I do not think it is.

Mr. CARAWAY. If they accept it.

Mr. NORRIS. The cyanamide plant cost more than $50,000,000; but I am not criticizing its construction. I think the Government was perfectly justified in building it. But it is one of the great war activities. It is out of date now. If we had a war to-morrow, we would probably start it up; but we would not run it six months. If we had a war to-morrow, we would commence to build synthetic plants at Muscle Shoals, perhaps, and at other places, because we could save money by doing that, and scrapping plant No. 2.

Mr. CARAWAY. That brings me down to just what I want to ask the Senator. I discussed this with the Senator in the committee, and I know, unless he has changed his position, what his position is; but I had hoped he would change his position. I am perfectly willing to accept the Senator's resolution with an amendment that they shall determine, by actually running the plant, whether or not nitrate can be made advantageously fixed by the cyanamide process. I am not at all opposed to the Senator having the power then to try the synthetic process. I am just hopeful, in view of the fact that for eight long years we have stood here and said over and over again to the American farmer that Muscle Shoals and the nitrate plants were dedicated to the national defense in time of war, and to agriculture for the purpose of making cheap fertilizer in time of peace, that we are going to keep faith with them, that we are not fooling with them. Let us try out both processes, and whichever one is the more advantageous, let us use it.

I am willing to go further even than the Senator. I am willing to say we shall dedicate every kilowatt of power that is generated at Muscle Shoals to the exclusive use of trying out these two processes. Let us put plant No. 2 in operation, and if the cyanamide process is obsolete or obsolescent and can not be used, that fact will be demonstrated. If the synthetic process is better and cheaper, then we will use it; but we will give to the American farmer a certificate that power has not anything to do with the measure that finally goes through Congress, but that every kilowatt shall be dedicated to giving him cheaper fertilizer. If the Senator will accept the amendment——

Mr. NORRIS. The Senator's amendment makes it compulsory, as I understand it, for the Secretary of Agriculture to operate plant No. 2.

Mr. CARAWAY. Until it be demonstrated whether the cyanamide process is obsolete.

Mr. NORRIS. I have never talked with the Secretary of Agriculture about it, but, in my opinion, when he consulted chemists and experts on the matter he would know just as well to begin with, before he turned a wheel, as he would know a year afterwards that it would not be a success. The cyanamide plants have been operated and every scientific chemist knows just what they can do. They are familiar with the work of every one of them wherever located. My proposition does not prevent him from doing that thing, but it unties his hands and says, "See what you can do with any process you want to use," and there has been no reason why he should not use the cyanamide process if he wanted to do so.

Mr. CARAWAY. If the Senator is so confident that no process except the synthetic is commercailly possible and profitable, then why does any plant anywhere use the cyanamide process?

Mr. NORRIS. The Cyanamid people make a whole lot of things besides fertilizers. I put in the RECORD a list of more than 52 things that the cyanamide people make. Why should we say to the Secretary of War, "You try this process and you try that process." If we want to have a fair test, why not say to him, "Try any or all or anything you want to." That is what I propose.

Mr. CARAWAY. We equipped plant No. 2 for this process. We dedicated it for this particular thing. I believe that it is not a bad thing to keep the faith with the people whose money we used to develop the process.

Mr. NORRIS. Let us see what it would cost.

Mr. CARAWAY. Just a minute, if the Senator will pardon me.

Mr. NORRIS. If we are going to demonstrate it, it would depend on how long we would run it.

Mr. CARAWAY. I would run it long enough that these very experts would know who was right and who was wrong.

Mr. NORRIS. Has the Senator any idea whether that would be a year or two years?

Mr. CARAWAY. I have not the remotest idea. If the Senator is willing to put the whole power in their hands, I should take for granted that he would be willing to trust them and let them say when they have demonstrated it satisfactorily.

Mr. NORRIS. I am willing; but I was trying to find out the Senator's idea as to how much of a test should be made.

Mr. CARAWAY. The Senator has asked me, and I want to tell him. If they can demonstrate in six months that the synthetic process is a wiser and cheaper process, then at the end of six months let us quit the cyanamide process. I would not want to have the Government spend one nickel in doing a thing that it could not do wisely. Whenever that process has been demonstrated to be a failure, then quit it. But as long as private capital is investing millions of dollars in doing that very thing, then I am hardly justified in accepting some other theory which some scientist has evolved that some other process is better. It strikes me that inasmuch as we have said over and over again in the Senate that we want Muscle Shoals to be dedicated to the manufacture of fertilizer in time of peace, we ought to keep the faith with the people.

I was in favor of accepting the Henry Ford offer. I believe if we had accepted the Henry Ford offer we would have been the only class of people on earth who ever got two dollars from Henry Ford where he got only one back. I think he made us a good offer, and further, I think the country would have been infinitely better off if we had accepted it; but those who did not agree with me were in the majority and outvoted me.

Mr. NORRIS. Again let me say to the Senator from Arkansas and to other Senators who are earnestly and honestly trying to do what is right about this matter, as I firmly believe, that I would hate to see an experiment which to my mind would seem useless and a waste of the public money. I want to say frankly to the Senator that if the Senate would like to do that, it would not meet with serious objections on my part, and it would not seriously interfere with my resolution, in my judgment. I think it would be a mistake, but if the Senate thinks that we ought to operate nitrate plant No. 2, or direct somebody to operate it for the purpose of ascertaining what the experiment will show, there will not be any serious objection from me.

Mr. CARAWAY. Then if there is not any serious objection, if the Senator will accept that amendment we will see that his resolution has votes enough to put it through. We can do that.

Mr. FLETCHER. The Senator from Nebraska has provided that the Secretary of Agriculture shall make the experiment. The Senator from Nebraska seems to think his mind is pretty well made up about it. Why not provide for a commission?

Mr. CARAWAY. I do not care about that. I am not committed very much to the Secretary of Agriculture, who has not done much for agriculture, in my opinion.

Mr. NORRIS. In the preparation of the resolution I did not consult with the Secretary of Agriculture himself.

Mr. CARAWAY. I am sure of that.

Mr. NORRIS. I went to the people whom I knew were going to handle the problem. I want to Doctor Cottrell, who is there permanently, and to a great extent it is his language and my resolution. I put in everything he thought we would need. If we direct the Secretary of Agriculture to perform an experiment like the Senator has suggested, there is no question on earth that Doctor Cottrell will have charge of it, and everybody who knows him knows that he would do it absolutely in good faith and give everybody a fair show regardless of what he may think personally.

Mr. CARAWAY. I have no objection to it at all. Whatever we do there, we will turn around and pass it on to the farmer at the actual cost of manufacture. We will give him cheap fertilizer if the cyanamide process can be successfully so used. If it can not be successfully used, I want to know it, just as the Senator from Nebraska does. If it can not be used and the synthetic process can be used, then I am going whole soul and heart with him on the synthetic proposition, and this amendment of mine does not quit his proposition at all.

Mr. LA FOLLETTE. Mr. President, when I came to the Senate Muscle Shoals was one of the first important questions to come up for consideration. At that time I made a very careful study of the subject and discussed it at some length on the floor of the Senate. A considerable part of the speech I made then was devoted to the fertilizer phase of the Muscle Shoals problem. I demonstrated, to my own satisfaction at least, that Muscle Shoals is not a fertilizer proposition; that it is primarily a power proposition. The Senator from Nebraska [Mr. NORRIS], in his extraordinarily thorough and able discussion of all the facts, has, it seems to me, completely demonstrated beyond all possible doubt that the fertilizer phase of the Muscle Shoals problem has been disposed of by the progress

of science. It is at this time, therefore, my purpose more especially to discuss Muscle Shoals in its relation to the problem of electric power.

ELECTRIC POWER A NECESSITY OF LIFE

Mr. President, this is an electric age. It is estimated that to-day one-half the homes in the land use electric lights and that two-thirds of the machines in American factories are run by power from central plants. Expansion in electric service during the last 20 years is amazing. Approximate estimates show that the total gross revenue from the sale of electricity in the year of 1907 was $169,614,691; in 1927 it was $1,783,700,000. It is fast becoming the industry upon which all other industries are dependent. It is demonstrated that electricity can be made the source of light, heat, and power in every home, on every farm, and in every industry at low cost. It is plain that human welfare, comfort, and progress are more and more conditioned on the production and distribution of electric current at reasonable rates.

Long-distance transmission is revolutionizing national life. It makes it possible to electrify the farm; it brings to agriculture its time-saving advantages and economy of labor. Even more significant is the tendency to move the factories away from the congested cities into the country where more wholesome living conditions are available—fresh air, open spaces, gardens, out-door recreation. At the same time, increased use of electricity for power, light, and heat may change the living conditions of the cities, doing away with smoke and grime, promoting health and beauty and cleanliness.

The gigantic force of electricity promises to become as indispensable to the maintenance of modern standards of living as the rays of the sun. And this mighty power created out of the forces of nature must be made to serve all the inhabitants of the earth as economically and as impartially as sunlight.

A PUBLIC UTILITY AND NATIONAL MONOPOLY

Electricity is a public utility. Like the railroads, the water supply, and other kinds of public service, the production and distribution of electricity is subject to Government regulation and to Government ownership. Because of its very nature electric service is a monopoly. For practical purposes electric power can not be stored. It must be used as generated or go to waste. It can be transmitted 300 miles, and power stations can be hooked up to cover a continent.

To insure economy and efficiency in the use of electric power there must be large areas of interchangeable supply. When generated from water power it is not State boundaries but nature's sources of supply that determine the advantageous location and use of large generating plants and transmission lines.

The inherent advantage and necessity of interchange of hydroelectric power is demonstrated in a situation described by the Senator from Nebraska [Mr. NORRIS] in an article which appeared in La Follette's Magazine last October.

In 1922 when, in the State of North Carolina, on account of unprecedented dry weather, some of its streams had ceased to flow and all of them were very much diminished in the volume of their flow, it was going to be necessary, unless some relief came, to close down some of the factories. Some of the cities and towns would have been left in darkness. Some of the street cars would have ceased to operate. Next to North Carolina, in the eastern part of Georgia, was a comparatively large system having many generating plants. They could not give North Carolina any current because they had none to spare. On the west of the territory covered by this plant was another system consisting of many plants hooked together. They, however, had no electricity to spare and could do nothing. West of this company was the Alabama Power Co., operating over a large portion of Alabama and having quite a large system, with many hydroelectric and several steam plants locked together. They had enough electricity for themselves, but they had none to spare. But just west of the Alabama Power Co. was the Government steam plant at Muscle Shoals, with a power capacity of 60,000 horsepower. Fires were started in these engines. Electricity was generated and given to the Alabama Power Co. The Alabama Power Co. spread this electricity through its system, and in turn was then able to grant to the power company in Georgia electricity equal to the amount it had received from Muscle Shoals. The company in turn gave power to the next company, and it gave to the North Carolina distribution system, and thus was relief brought by this relay system and North Carolina was supplied with all the electricity she needed. The effect of this was to transfer to North Carolina without loss enough electricity to save a catastrophe, although the distance between Muscle Shoals and North Carolina is about 800 miles.

Mr. President, in the beginning of electric service, when the current was generated by small plants unrelated to each other, State regulation was a simple matter. In present-day conditions when generating plants have grown to mammoth size, which of necessity are interlocked for efficient production and distribution over long distances, the control of electric service has become increasingly a national problem. In the great game of financiering characteristic of our times control of the electric industry with its complicated structure of holding companies, its countless subsidiaries, watered stock, and concealed profits, is now in the hands of a few power magnates of New York and Chicago.

THE MENACE OF PRIVATE MONOPOLY OF POWER

The menace of the Power Trust is, in my judgment, even greater than that of oil. It happens that right now we have an infamous example of the lengths to which organized wealth will go in its greed for more riches and power. The stealing of Teapot Dome and Elk Hills naval oil reserves by Doheny and Sinclair in collusion with Albert B. Fall, a member of the Cabinet, is a climax in the long record of unscrupulous exploitation of the common people by the oil monopoly.

The Supreme Court has declared the transaction to have been fraudulently made by collusion and conspiracy between the parties. The Supreme Court has said that the company organized overnight to raise the funds out of which Fall was paid $230,000 for his treachery to the United States Government was plainly created for an illegitimate purpose. It has recently been shown that at least $75,000 of these funds raised for an illegitimate purpose were donated by Sinclair to pay Republican campaign expenses in 1920 and $85,000 more was contributed by Sinclair, although at the moment the proof is lacking as to whether this latter batch of bonds came from the Continental Trading Co.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. LA FOLLETTE. Certainly.

Mr. NORRIS. I did not understand fully the statement where the Senator referred to "the latter batch of bonds." What batch did he have in mind?

Mr. LA FOLLETTE. I was referring to the $85,000 in bonds as to which Mr. Hays testified that he did not know whether or not they were Continental Trading Co. bonds, but said they were Government bonds and came from Sinclair.

Mr. NORRIS. I have been told by a member of the Public Lands Committee that, as I recall, $25,000 of those bonds which Mr. Hays turned over to Upham were by Upham turned over to somebody else, whom he got to make a contribution of $25,000 to the fund and to whom he gave these bonds with which to make up his payment; that later on this owner of these same bonds that came from Hays turned the bonds over to some institution—I have for the moment forgotten the name of the institution—to which he had made a pledge to make a contribution; that that institution has the bonds now, and that they are all Continental Trading Co. bonds.

Mr. LA FOLLETTE. That makes $100,000 in bonds from Mr. Sinclair to the Republican campaign committee which are now known to have been Continental Trading Co. bonds. That information, I think, must have been brought out at the hearing this morning.

Mr. NORRIS. It came out to-day, as I have been informed.

Mr. LA FOLLETTE. I thank the Senator very much for his interruption.

And yet the parties to the transaction are challenging the right of the Senate and the courts to the knowledge of where the rest of the fraudulent fund was spent.

What the oil monopoly has done to demoralize and disgrace Government and business is only a foretaste of what the electric monopoly can and will do if allowed to proceed unchecked for another decade or so. We all know how the tremendous power wielded by the railroads has been abused. We know what the banking monopoly can do to credit and to the making of war in Nicaragua. But the power of oil and transportation and banking and all other great monopolies combined is not to be compared to the power which will be in the hands of electric magnates with their strangle hold on industry, on transportation, on the functioning of government, and on the private life of every citizen in the land.

Mr. President, Col. Frank Smith, of Illinois, has recently been denied a seat in the United States Senate. A Senate investigation of the Illinois primary disclosed that an enormous slush fund had been used to secure the Republican nomination to the Senate of Col. Frank Smith, chairman of the Illinois Commerce Commission, which has jurisdiction of public-utility regulation in Illinois.

Mr. Samuel Insull, head of a gigantic public-utility combination, was discovered contributing, in violation of express statute, great sums of money for political purposes. Nearly a million dollars was shown to have been used to control the Illinois primary. Col. Frank Smith was shown to be the chief beneficiary of the Insull slush fund. That, Mr. President, is an example of the kind of activity in which great public-utility magnates are engaged.

The Senator from Montana [Mr. WALSH], after an exhaustive study of public utilities, the results of which he set forth in a very able speech at the last session of Congress, introduced a resolution for their investigation. It brought to the Capitol the greatest lobby ever known in all the history of this country, and I do not except the lobby of the railroads in the days of the land-grant steals. The outcome of that phase of the power issue at this session of Congress is now a matter of history.

Representatives of the power monopoly arrogantly declared at the last session of Congress that no bill shall be passed by Congress authorizing the Government, in case the future may require it, to exercise an option for the protection of the people or the development of its resources. A spokesman for the power monopoly said: "I represent an investment of $7,000,000,000 and we do not propose to let the Government enter the power business."

The power monopoly makes the issue that Congress may legislate only as the power monopoly dictates. It raises the issue of whether the Government or the Power Trust is to determine the destiny of the people of the United States. It is another manifestation of the age-long struggle of whether the people shall govern or whether they shall be governed by an autocracy—in our time by an autocracy of organized wealth.

A JUST CRITICISM

Not all the able men connected with the administration of the electric power monopoly are satisfied with its methods and leadership. At least one has had the courage and independence to criticize the policy which is being pursued and to point out its danger.

Mr. Frank Putnam, of Milwaukee, who for the last dozen years has been associated with one of the largest groups of American utility companies, has published a pamphlet under date of February, 1928, on the subject of electrical house heating, in which he foresees a new era of electric service. Previous to his connection with the utility companies, Mr. Putnam was a newspaper writer who fought the earlier antisocial policies of the public utility companies. In this pamphlet he says, among other things:

The leading men of the industry—

Referring to the power industry—

I think, have blundered in permitting or encouraging its national organizations to lobby openly and arrogantly in Washington against Government flood control, irrigation, and water-supply undertakings for the avowed purpose of "keeping the Government out of business." * * * I am not alone among close students of the situation who think the utilities would find it more profitable to be at their next big real job than to be spending money and energy defeating Los Angeles' desire for more drinking water and electric energy from Boulder Canyon, or the Mississippi Valley's desire for flood control with public power development to help pay for it, or the Muscle Shoals region's desire for low-cost energy from the mighty hydroplant there at public expense.

Mr. Putnam says further:

The long-established public policy under which the States protect utilities in enjoyment of monopolies in their several areas requires that the utilities shall supply adequate good service at its fair cost and no more.

Again he says:

As in the case of steam railroads, State regulation will be found incompetent to control in the public interest an industry national in scope, an industry whose products and services will increasingly be sold across State boundaries. Federal regulation will begin and will gradually absorb the functions and powers which even now the State authorities find themselves in large part unable to administer effectively.

The experience of well-known cities, towns, and communities well distributed over the country in the public ownership, operation, and distribution of electric power, has demonstrated that the rates paid to the electric-power monopoly are far in excess of the standard set by Mr. Putnam—"adequate good service at its fair cost and no more."

LESSON TO BE LEARNED FROM ONTARIO'S EXPERIENCE

In 1926 consumers in the United States bought 56,984,000,000 kilowatt-hours of electricity. Industrial-power users and electric railways used 41,964,000,000 kilowatt-hours, paying $519,100,000, or an average of somewhat over 1.2 cents a kilowatt-hour. From the 15,000,000,000 kilowatt-hours supplied for domestic, commercial, and street lighting, the power companies drew a revenue of $1,018,200,000—an average of nearly 6.8 cents a kilowatt-hour. American consumers paid in 1926 a power bill of $1,537,300,000.

In this same year of 1926 consumers in Ontario, Canada, were paying to their publicly owned power system an average of a little over 2 cents a kilowatt-hour for domestic, commercial, and street lighting. For industrial and electric railway power they paid slightly less than 1.2 cents a kilowatt-hour.

Had American consumers of electric power been able to purchase electricity as cheaply as did the citizens of Ontario, they would have paid out, instead of $1,537,300,000, only $805,312,600. Had American consumers been able to buy at Ontario rates they would have saved $731,987,400—nearly half the amount which they did pay.

The difference can not be explained by alleging that Ontario power users had to pay an unjust share of electric bills. If American industrial power users had been able to purchase their power at Ontario rates instead of American rates, they would have paid nearly $29,000,000 less than they did pay in 1926.

Costs of electric-power production have now decreased far enough that domestic consumers need no longer subsidize industrial consumers.

The Ontario Hydroelectric Commission realizes this. Hence, while American domestic consumers still pay an average rate of 7.37 cents a kilowatt-hour, Ontario domestic consumers in 1926 purchased their electricity at an average of 1.81 cents. Of course the amount paid by specific consumers varied with the size of towns and consequent cost of distribution. Detailed figures for domestic consumers are as follows:

Average kilowatt-hour

	Cents
In 21 cities over 10,000 population	1.66
In 48 towns over 2,000 population	2.05
In 174 villages under 2,000 population	3.15

Even a consumer in a small village in Ontario is able to light his home and enjoy conveniences of electrical service at prices he could pay, instead of the 8, 12, or even more cents a kilowatt-hour which he would have paid in this country.

Niagara Falls is not responsible. It by no means furnishes all the power for the Ontario system, which includes several other and smaller hydro developments. Even these were able to supply power at 3 and 4 cents—in practically no case above 5 cents a kilowatt-hour.

This is in startling contrast with the situation at Birmingham, Ala., where the Alabama Power Co. supplies hydroelectric power at 7.45 cents. Meantime the Toronto consumer, also using hydro power, pays 1.7 cents, and the Winnipeg domestic consumer, using power from the local publicly owned hydro system, pays 1.05 cents.

The Ontario Hydroelectric Commission has no monopoly of successful public operation of electric power systems in Canada. Twenty years ago domestic consumers in Winnipeg paid 20 cents a kilowatt-hour to a private company. Consumers in Vancouver still pay 6 cents. In Montreal they are paying 6½ cents. The average rate in Winnipeg for domestic lighting in 1926 was 2.6 cents. Special rates are offered for domestic cooking, so that the average rate for all domestic consumption was 1.05 cents. Power rates, of course, were still lower, and the average for all energy sold was 0.788 of a cent a kilowatt-hour. Vancouver and Montreal have private companies; Winnipeg is supplied by its municipally operated plant.

PUBLIC OWNERSHIP IN THE UNITED STATES

The outstanding instances of public operation in the United States are to be found, to a large degree, in the great cities of the Pacific coast. The Seattle hydroelectric plant supplies 90,000 customers, provides liberally for depreciation, meets all interest and bond-retirement charges when due, accumulates a profit for municipal purposes, and yet charges rates ranging from 5½ cents to 1 mill per kilowatt-hour, depending upon quantity and purpose.

Both Seattle and Tacoma not only provide electric light at unusually low prices, but also supply power for cooking and heating at still lower rates—Tacoma at only one-half cent a kilowatt-hour. Appreciation of the benefits which Seattle and Tacoma have gotten from public operation is shown by the 50,000-horsepower municipal hydroelectric plant now being built by the city of Everett, Wash.

Though charging only 5½ cents a kilowatt-hour for domestic current and offering manufacturers power at rates as low as those anywhere else on the Pacific coast, the Los Angeles public-power system in 1926 made a profit of $2,796,452, after deducting all interest, sinking-fund, and depreciation charges. Ralph L. Criswell, former president of the Los Angeles City Council, estimates that the lower rates made possible by public operation of public utilities are saving Los Angeles consumers $10,000,000 a year.

The great opportunity inherent in public ownership of power plants is indicated by the existence of more than 2,500 municipally owned power systems in the United States. It is true that certain plants, equipped with antiquated machinery or unwisely financed, have been sold to larger power companies; but as many more cities, when confronted with the choice of selling out or of modernizing their plants themselves, have discovered it profitable to continue public operation, and new municipal power plants are being undertaken every month.

Successful public ownership is not a matter of water power. Steam-power plants offer no obstacles to satisfactory public operation. That has been the experience of Springfield, Ill. Its latest report contains a table making an instructive comparison between the rates of the municipally operated plant at Springfield and the rates of the privately operated plants in other Illinois cities of comparable size. The profitableness of public operation, not to a small group of common-stock owners, but to the large number of power consumers, is shown effectively.

City	150 K. W. H. domestic lighting	1,500 K. W. H. commercial lighting	4,000 K. W. H. 30 H. P. Act Conn load
Springfield	$5.28	$30.00	$68.00
Bloomington	15.00	100.50	166.00
Danville	11.25	84.00	142.00
Decatur	15.00	96.00	162.50
East St. Louis	7.43	64.97	101.89
Elgin	15.00	73.12	213.00
Jacksonville	16.25	116.25	192.50
Peoria	6.84	55.28	98.10
Quincy	9.75	58.50	118.00
Urbana	13.00	97.50	174.00

The Springfield plant charges 6 cents for the first 30 kilowatt-hours used for lighting, 3 cents for the next 70 kilowatt-hours, and 2¾ cents for everything over 100 kilowatt-hours. For cooking, the rate is only 1½ cents a kilowatt-hour. Industrial power is supplied at similarly low rates—1¼ cents a kilowatt-hour in addition to a small service charge per horsepower per month.

When public power plants can supply electricity at rates such as these, I am compelled to ask, Why should the Wisconsin Light & Power Co., supplying power to 200 Wisconsin communities, find it necessary to charge domestic consumers an average price of 9.4 cents a kilowatt-hour and industrial consumers an average of 2.7 cents a kilowatt-hour?

As Senator HOWELL has so well and ably demonstrated on this floor again and again, it is not necessary for the public to have a monopoly of electric power to insure reasonable rates. Public competition, or even fear of competition, is enough under certain conditions to bring down rates to a decent level for the consumer and a fair profit to the producer.

THE OPPORTUNITY OFFERED BY MUSCLE SHOALS

In view of the conditions that confront us, the duty of the Senate, in my judgment, is clear. Muscle Shoals is already a publicly owned power station. One hundred and fifty million dollars of the people's money has been invested in the development. It was appropriated under the authorization of the 1918 statute, which provided that the plant should be operated by the Government.

Section 124 of the national defense act of 1916 provides as follows:

> The plant or plants provided for under this act shall be constructed and operated solely by the Government and not in conjunction with any other industry or enterprise carried on by private capital.

It was under such a condition that the $150,000,000 which has been invested in Muscle Shoals was obtained. Unless that statute had contained that provision, no such appropriation could have been passed through the Congress. Muscle Shoals offers the opportunity for the Government to make a comparison in performance, operation, and service with a similar product made by private power. The plant has been developed with Government funds and is now in Government operation.

The significance of the opportunity is even greater when we consider the key position of Muscle Shoals. It is near the heart of future southern industrial development. The possibility for interconnection, thus regularizing the supply in other parts of the South, has already been demonstrated in this debate.

In volume the power at Muscle Shoals is an important ingredient of the southern supply. In 1926 when approximately 3,240,000,000 kilowatt-hours were generated in the States of Alabama, Georgia, Mississippi, and Tennessee, 436,308,735 kilowatt-hours of this amount were generated at Muscle Shoals. In 1927 this rose to 565,609,500 kilowatt-hours, even though the plant was only getting fairly well under way and its sole customer, the Alabama Power Co., was using as little power as possible from the Muscle Shoals plant. With the existing hydroelectric and steam power plant, engineers are certain that at least 700,000,000 kilowatt-hours can be supplied, as this resolution directs, and when proper water storage has been provided, the capacity of Wilson Dam will, it is estimated, rise to from 1,500,000,000 to 2,000,000,000 kilowatt-hours a year. The tremendous responsibility resting upon the Congress is clear.

Honest companies producing power, as in the light of present knowledge it can be produced, contenting themselves with reasonable charges for their labors and capital funds, and with a due regard for the present and future requirement of electrical service, need have no fear of any program which this Congress may adopt or which the American people will demand.

Honest companies can have no proper objection to the setting up of public electricity-producing authorities competing for the power markets with private producers, so long as confiscation is not involved. A public power plant at Muscle Shoals, once operated on a permanent basis, offers a chance to test the highest standards of electric engineering, and if combined with adequate transmission facilities, will provide a most desirable "yardstick" with which to compare the relative merits of public and private undertakings, concerning which Dr. Walter Durand said two years ago:

> Public operation is a test of public character just as private operation is a test of private character. We have had abundant opportunity to judge private character in the large-scale operation of utilities. The chance to try out public character on a similar scale is an imperative need to-day. Competition in method might eliminate the weaknesses and strengthen the strength of both public and private character. (W. R., May 26, 1926.)

Operation at Muscle Shoals by an efficiently organized public authority will assist materially in determining the question of the form of organization most expedient.

EXPERIENCE OF OTHER COUNTRIES

We should profit by the experience of other countries which, after considerable experimentation and investigation, have come to adopt a national power policy. And even though we may beg the question here to-day, and may beg it to-morrow, sooner or later Congress and the Government will have to adopt a national power policy. In Sweden, New Zealand, and South Africa publicly owned power stations have been put into operation in recent years to supply wide areas. The public authority confines itself to generation and transmission, leaving the work of distribution to private enterprise or municipalities. In none of these countries has the adoption of a national power policy meant revolutionary changes in industrial life. Existing private enterprises continue and expand, but they expand side by side and in cooperation and competition with the public undertakings.

The South African plan, adopted in 1922, provides for two authorities. It sets up an electricity control board as a regulatory body, with control over the licensing and regulation of private enterprises. At the same time an electric supply commission was established to purchase or to establish electrical supply undertakings and to coordinate these with the existing enterprises. It has set about its work efficiently and successfully, due without doubt to the fact that while control is retained in behalf of the public interest, the electric supply commission is free to operate like a private concern, without political interference. It has been described as a sort of public-utility corporation with government backing.

Germany, forced by the exigencies of postwar conditions to seek the very best plan of organizing its power resources, has made use of a similar scheme.

I desire to quote from "German power reorganization," by Mr. Quigley, which appears in Electrical Power and National Progress for 1925, page 102:

> The work of reorganization of power supply has covered and is covering three stages:
>
> 1. The whole country becomes split up into a limited number of superpower zones according to the scheme elaborated in 1919. Each zone is covered by a number of trunk lines interconnecting distribution centers and acting as main transmission lines at extra-high voltage.
>
> 2. To avoid the difficulties and the dangers of bureaucratic administration, the work of interconnection is intrusted to power supply companies worked on the lines of private enterprise, the capital of which is owned by the State.
>
> The last stage in the process lies in interconnection of the power zones with each other; the whole country becomes a network of transmission lines, working on a uniform voltage and uniform frequency.
>
> An elaborate regional power scheme was evolved soon after the conclusion of the war, but of this scheme little now remains. At the

present moment three superpower zones have been delimited, the central German, the Saxon, and the Bavarian, while a fourth one, covering Rhineland-Westphalia, would have been also surveyed if the occupation of the Ruhr had not delayed progress. In the central zone one state-controlled company, the Elektrowerke Co., has now been in operation for several years, and supplies Berlin with electricity. In Saxony a similar company was formed in 1923, the Sachsische Co., and has now linked up Dresden with Leipzig through one main trunk line operating at 100,000 volts. This system is connected in the north to the Lauta power station of the Elektrowerke Co. and in the south to the network controlled by the Walchensee Power Co., which acts in Bavaria in the same capacity as the Elektrowerke Co.

It is important to note that state control in the form of these companies begins and ends with generation and transmission; power is generated and supplied in bulk to certain distributing heads scattered over the transmission network, and from these heads authorized distributors carry out the work of distribution.

In that connection it is very similar in its organization to the Ontario system.

The price of power as supplied in bulk is only sufficient to cover the cost of generation and transmission without profits, and the price at which the authorized undertakers are allowed to sell power is controlled by the state, with a view to insuring a fair return on capital invested without unnecessary profiteering. * * * This system leads to pooling of power supplies, a better load factor, and lower average prices.

THE NATURE OF THE OPPOSITION TO PUBLIC OPERATION OF MUSCLE SHOALS

The character and inspiration of the bitter opposition to public operation of Muscle Shoals is by this time understood perfectly well by all of us. We all know, whether we are frank enough to admit it or not, that the opposition to the Norris resolution is only a single phase of a nation-wide campaign to checkmate every effort to preserve the public interest in the electric-power industry. If the power magnates have their way, the merits of the case will not be given consideration; private and special interests, though representing only a very small group of persons, will be protected at all costs. The joint committee of National Utility Associations, which is the superlobby of the National Electric Light Association, the American Electric Railways Association, and the American Gas Association, are extremely nervous. They fear that something may mar the continuance of the career of exploitation which they have so long been encouraged to expect. They have no scruples in using whatever means they can to block this measure. Misrepresentation and distortion of facts, as well as personal pressure, both direct and indirect, are being used and will be used against the Norris resolution just as they were employed to mangle the Walsh inquiry.

For seven years the dogged opposition of the power lobby has prevented a satisfactory utilization of the Muscle Shoals development. One of the worst slanders used by opponents of public operation has been that Congress, through its dilly-dallying, has shown itself incompetent to deal with problems of this kind. There has been shameful delay, but the responsibility must be justly fixed. It should rest, in the first place, upon the small group of men, who, to promote their own power interests, have been and are unwilling to tolerate any disposal of Muscle Shoals other than a gift to themselves. It should rest, in the second place, upon the power lobby, which has exercised its influence to prevent action.

As yet public operation for public advantage along really modern lines has been carried on in comparatively few places. The utilities are trying strenuously to prevent other experiments which would show the weaknesses of the traditional organization of the power industry. They hope to instill in the public mind the faith that because the industry has, for the most part, been organized in a certain way, the traditional way must necessarily be the most satisfactory way, no matter how much economic and technical conditions have changed. If they succeed, the small group of men who dominate the utilities financially can look forward to many years of happiness and comfort at the public expense.

They are not certain of victory. They are not certain of complete and permanent domination unhampered by effective safeguards of the public's interest in the industry.

WHY THE POWER MONOPOLY FEARS PUBLIC OPERATION

The gentlemen representing the joint committee of the National Utility Associations are afraid of a large-scale demonstration in the East of what the people of the Pacific coast and Ontario, Canada, already know—that power can be produced for service as well as for profit.

They are afraid that the people of the Southeast will discover that the rates of 7½ to 12 cents a kilowatt-hour, which they have been paying, are ridiculously high. They are afraid of new examples of efficient operation such as that of the municipal plant at Tacoma with its average rate of one and one-twentieth cents a kilowatt-hour. The public-utility magnates are afraid that domestic-power consumers will get the idea that they, as well as favored large industrial consumers and the fortunate holders of voting common stock, are entitled to a share in the advantages of increasingly economical power production.

The utility interests are afraid that power consumers, both domestic and industrial, will learn that costs are unnecessarily high when, instead of following the example of modern integrated industries, the power industry clings to the antiquated luxury of subdividing itself into a hierarchy of construction companies, technical advisory companies, finance companies, holding companies, superholding companies, and super-superholding companies, each with its separate organization to be maintained and its separate profit to be earned.

They are afraid that power consumers will learn that the 8 per cent return on capital funds for the establishment of power plants, which the utilities claim they require, is needlessly extravagant. They are afraid that it will become known that capital charges need not become annuities upon the industry; that merely because our grandfathers purchased stock in an industry, it does not follow that our great-grandchildren should receive a dole from the earnings of that industry. They are afraid, furthermore, that it may be discovered that huge expenditures for "legal expenses"—none of them for the benefit of the consumer—are unnecessary; that the economical production of electric power is not promoted by the ownership of newspapers, the financing of election campaigns, the subsidizing of literary talent, and the employment of expensive attorneys and "legislative counsel" to oppose every activity which might reduce or regulate private profit.

Some of these people, of course, may be afraid of themselves losing the large profits which they would receive if their companies could swallow up the Muscle Shoals plant. The opposition of the power lobby as a whole, however, is based upon the ground that the power industry can not withstand a demonstration of how cheaply power can be produced.

PUBLIC OPERATION PRESENTS ONLY ECONOMIC AND ENGINEERING PROBLEMS

Mr. President, sooner or later it will be generally understood that the generation of electric power is not a mysterious rite which can be performed only by individuals having the peculiar talents of the financial manipulator. The production and transmission of power certainly, even if this may not appear to be quite as definitely true of the final distribution of power, is merely a matter of specific engineering and economic facts. It is a field of activity in which the qualities which make good salesmen, good advertising experts, and good stock-market riggers are of relatively low value.

The stock promoter and the juggler of accounts are distinctly undesirable as participants in the electrical industry, which, once the broad policies have been laid down, requires only two types of intelligence—that of the engineer and that of the economist. It is the engineer, not the business man, who has been responsible for the amazing progress in the electrical industry. Money alone can not buy such men. Granted reasonable compensation, which an industrial undertaking such as Muscle Shoals can easily pay, men of this sort can be had if the opportunities for constructive work on a permanent basis are present.

Monopolistic patent rights held in private hands can control the output and sale of turbines, but there are no patent rights in restricted ownership to limit the supply of intelligence—at least not yet. The brilliant careers of General Goethals and of Sir Adam Beck are only two of many examples of this fact. Men of this kind are responsible for countless great engineering works both in other countries and in the United States, for the building of the Muscle Shoals plant itself. Men of this kind are going to be entrusted with the work of protecting the Mississippi Valley against future floods—an enterprise whose importance will easily bear comparison with the enterprises of any privately organized electrical company.

It is, of course, true that initiative must always be "private," in the sense that it must always come from individuals. Private initiative, however, is not controlled by the employment in which those individuals are engaged. The initiative responsible for electric power developments has usually been that of engineers. This was the case at Muscle Shoals, except that the engineers happened to be in public rather than in private employment.

PUBLIC OPERATION PRESENTS ONLY ECONOMIC AND ENGINEERING PROBLEMS

There is nothing mysterious about the series of decisions that must be made in the establishment of a great power plant, such as this one at Muscle Shoals. The problems are all problems to be settled by deciding that, in view of specific engineering and economic facts about which there can be little

dispute, action should or should not be taken. Congress, directly or through its appropriate agencies, has, in effect, already decided that power ought to be developed at Muscle Shoals; that such a development will fit in with later and more extensive superpower developments; that in time a market can be found for all electricity generated; and that it is expedient to develop the Muscle Shoals site immediately, bearing in mind, of course, that all such undertakings are likely to have difficulty in meeting their full fixed charges for a few years until the market has been developed.

All of this Congress has decided; there is no opportunity for further initiative, private or public. The plant has begun operation.

We are now faced with the necessity of making certain additional decisions of the same type as those to which I have referred. The testimony of engineers and others conversant with the situation in the South is that use can be made now, or very soon, not only of the power now generated but of all the power which the Muscle Shoals plant can generate, at a price which will meet amply the costs of construction and operation. The sensible thing, therefore, is a decision to complete the Muscle Shoals project as rapidly as possible, as provided in the pending resolution.

Beyond that the only matter within the province of the Congress, though it is one of very great importance, is the setting up of legislative requirements that the sale of power be at a price adequate to meet all costs involved, including charges for depreciation and the amortization of the original cost, and that stipulations be made in selling power to protect the right of consumers to a share in the advantages of cheap power production. After that the problems of power generation are technical problems, to be decided by competent engineers, requiring the interference of business men no more than that of legislators.

The resolution before us authorizes the Secretary of War to construct transmission lines, to place the Government upon a fair basis for making contracts for the sale of electric power. The necessity for this provision is obvious, in view of the monopoly in the purchase of power at present enjoyed by the Alabama Power Co. through its ownership of the only transmission line from Muscle Shoals. If we decide, as we should, that transmission lines are to be built, the planning and building of these lines again are matters of engineering.

They are matters which the Government engineers in charge of the plant are entirely competent to determine, having regard to the long-run development of a superpower system throughout the South and Southeast. In addition, it is entirely probable that the possibility of building other transmission lines from Muscle Shoals will induce the Alabama Power Co. to permit the joint use of its transmission lines, at reasonable compensation, by other power users not directly connected with Muscle Shoals at present.

In all of this a clear distinction must be kept in mind between the generation and transmission of power on the one hand and the local distribution of power on the other. The activities involved in the latter, responsible it is said for 70 per cent of the total cost to the consumer, are what opponents of this resolution enjoy dwelling upon when they wax eloquent over the dangers of bureaucracy.

Mr. President, the Norris resolution in no way proposes that the Muscle Shoals authorities shall engage in the retailing of power. That remains a matter for private companies or for municipalities, whichever the people of each locality may prefer. Some of the fears of the power lobby no doubt are due to the realization that given an adequate supply of cheap power, municipalities could and would compete effectively with private power distributors. Almost without exception, wherever municipal plants have proven unsuccessful it has been due to the small size of the plant and inability therefore to compete with larger and therefore more economical superpower chains. Public operation of Muscle Shoals would materially assist municipalities within its transmission area in economically distributing power themselves, if they so desire.

In all of this, can anyone show tangible cause why public operation could not be adequate and efficient, just as effective as private operation? It is absurd to assert that this proposal would put "the Government into business." The Norris plan would merely insure operation by one group of men working in the public interest rather than by another working in the interest of a handful of private individuals. All necessary initiative has been taken. The problem of financing has been handled more economically than it would have been by private enterprise. The remaining problems of construction and operation are matters not of business enterprise but of engineering technique. Opposition which continues in spite of these facts is dictated by apprehension on the part of the power combine that the Government operation of Muscle Shoals will be highly successful.

An excellent concise statement of the fundamental issue which confronts the Senate is given in another connection by Commissioner Joseph B. Eastman, of the Interstate Commerce Commission, when he said:

> The question of public ownership and operation is, therefore, not one of the theory respecting proper governmental functions but simply a question of practical expediency. Will better results be obtained if the State performs these governmental functions directly or if it farms them out for private enterprise to perform under public regulation?

PUBLIC OPERATION NEEDED TO PROTECT PUBLIC INTEREST

When, in spite of the existence of a regulatory system, holding companies are permitted to buy up power plants at boom prices in a frantic scramble to acquire the largest number of properties, with no regard whatever for their real value, and are then permitted to charge rates sufficient to earn a return upon these fictitious values, when these so-called values are further increased by all sorts of "intangible" factors, and when operating expenses are padded by large payments to advisory and financing companies, all controlled by the same holding corporation, we are confronted with the necessity of public competition to protect the public interest.

I have called attention to the course that is being followed in other countries which are eager to make the most that they can economically of their electric-power resources in South Africa, New Zealand, Germany, and Sweden. It seems astonishing that in this country opposition so bitter should meet an attempt to give to American industrial and domestic consumers the benefits of an improved organization of electrical supply. It is astounding that even in the Senate so much support should be found for an attitude unwilling even to test out fairly the possibilities of a method of electrical supply devoted to furthering the public interest, rather than to the feathering of financial nests.

The opponents of the Norris joint resolution place their case in a most unfortunate light through their unwillingness to bring forward a careful analysis of comparative costs in place of dogmatic assertions with which they content themselves.

EVIDENCE FURNISHED BY MUSCLE SHOALS ITSELF

This disinclination for specific evidence is, however, in my judgment, founded upon good reasons. The evidence most germane to this discussion is that supplied by the Muscle Shoals plant itself, and that evidence supports the position of those who insist upon continued public operation.

Statements have already been made that the operation of Muscle Shoals is creating a deficit. The existence of a deficit thus far is indisputable. Without an understanding of the actual situation at Muscle Shoals this fact, stated without explanation, is well calculated to give the impression which foes of public operation desire.

Two factors have affected the operation of Muscle Shoals thus far. The first is that all hydroelectric installation requires a period of time before coming to full operation. Machinery must be tested and readjusted, and operation at best is intermittent.

Sale of power from Muscle Shoals began September 12, 1925. From then until the end of the fiscal year, June 30, 1926—a period of great operating fluctuations—the total number of kilowatt-hours generated was 231,859,900, yielding a revenue of $416,818. In the subsequent fiscal year, 1926–27, however, a total of 511,262,400 kilowatt-hours were generated, with revenues of $1,070,321. The totals for the calendar year 1927 were 565,609,500 kilowatt-hours and revenues of $1,168,763, a sum covering not only operating expenses—amounting to $229,739 during the last fiscal year—and charges for depreciation and amortization, but making a contribution toward interest upon the funds invested as well.

It is evident that the difference between the financial results for the first two years were considerable, as anyone conversant with the establishment of new power plants would expect. Even if a deficit should occur from the operations of a number of years, this would only be in accordance with the financial history of virtually every other electric development in the country.

The second factor is one for which Congress is directly responsible. Its failure to provide for the completion of the Muscle Shoals plant has held down the output of electric power. Its failure to provide for the building of such transmission lines as might be necessary has thus far given a monopoly of the power generated to the Alabama Power Co., owning the only transmission lines connecting with Muscle Shoals. Its failure to provide for permanent operation has led to the making of a contract with the Alabama Power Co. under which the company

pays only 2.06 mills a kilowatt-hour for such power as it sees fit to take.

The Alabama Power Co. itself has only recently increased the capacity of its transmission line, though it still can not take all the power generated, even if it should wish to do so. Concerning the purchases of the Alabama Power Co., Major General Jadwin testified before the House Appropriations Committee last December:

They—

Referring to the Alabama Power Co.—

only take it where it is to their advantage to take it, excepting that our agreement with them is that they will take it in preference to the development of their steam power. They operate so as to get the fullest advantage of all their water-power plants, but we take preference over generating it by steam at the same price.

Mr. President, while power was thus being wasted, citizens of Muscle Shoals and other cities in northern Alabama applied vainly for the right to purchase power directly from the Muscle Shoals plant. Due to the character of its arrangements with the power company, the War Department declined to grant their request.

As long as this situation continues it is impossible that the financial yield of the Muscle Shoals plant can increase very rapidly. It will be otherwise if the Norris joint resolution shall be adopted. Completion of the plant, building of transmission lines to supply the available and potential markets for power, and the making of contracts for a reasonable period of years and at a fair and adequate price will enable the Muscle Shoals plant to operate as successfully, financially, as it has already been operating technically.

Had the Senate been unwise enough two years ago to accept the bid of the 13 allied power companies, the receipts from Muscle Shoals would have been $600,000, instead of the $1,168,763 received from "inefficient" Government operation at a price much lower than would have been necessary had Congress acted so as to permit the making of adequate contracts.

The unreasonable delay, founded upon blind prejudice, in passing legislation which will permit the proper utilization of Muscle Shoals ought to be ended by this session of Congress. Complete development of the Tennessee River, for both power and navigation, should be undertaken as rapidly as possible. We are confronted with a situation which requires immediate action. We have an organization that has been working effectively and which should continue to do so. We should realize that we have a going concern on our hands. If the structure of its organization can be improved, that should by all means be done.

It is more important, however, that provision be made for the completion of Muscle Shoals enterprise, and for the sale of the electrical energy now being produced there upon a fair basis.

THE FERTILIZER FALLACY

One of the misrepresentations to which the power lobby has succeeded in giving the widest currency is the notion that Muscle Shoals is in some peculiar manner especially suited to the production of fertilizers. The fallacy of this idea has been exposed repeatedly and again in the course of the present debate by the Senator from Nebraska [Mr. NORRIS].

I will content myself with quoting from a recent discussion of "Muscle Shoals, nitrogen, and farm fertilizers," by R. O. E. Davis, who is carrying on investigations in the use of fixed nitrogen for the Bureau of Chemistry and Soils of the Department of Agriculture, in the January, 1928, Annals of the American Academy of Political and Social Science. He says:

RELATION OF MUSCLE SHOALS PLANTS TO POWER

The association in the public mind of nitrogen fixation with power and with fertilizers has led to the belief that the Muscle Shoals plants can be economically operated for the production of fertilizers because of the power available there. Nitrate plant No. 2 at Muscle Shoals is a cyanamide plant, and this method for fixation of nitrogen is already being rapidly displaced throughout the world by the direct synthetic methods. The consumption of power by the cyanamide process is about four times that of the synthetic processes. Plant No. 1 at Sheffield, based on the direct synthetic method, was designed for only one-fifth the capacity of plant No. 2, and only a portion representing about one-fourth its capacity was ever completed sufficiently to make a test run. It was shown that this plant would have to be rebuilt to be operative. The cost of remodeling the plant would be considerable. In addition, the cost of power is not an important consideration in the operation of this process.

To operate plant No. 2 at Muscle Shoals would be to utilize the power in fixing nitrogen by the process that is being rapidly displaced in the competitive markets of the world. To use the power for the operation of the direct synthetic process, it would be necessary to construct a plant based on the latest developments in this field, developments that have shown hydroelectric power unnecessary in its operation. The use of this power for the commercial operation of either process would be inadvisable, since it would employ it either in an uneconomic or an unnecessary manner and would prevent its utilization in processes where it is essential or its distribution for industrial and domestic purposes. This is of real importance, for Muscle Shoals is so located that the demands upon its power, especially to the west and south, will undoubtedly increase.

Hydroelectric power is not necessary for nitrogen fixation by the direct synthesis method. This method employs the gases hydrogen and nitrogen and brings about their combination as ammonia under pressure at a temperature of around 500° C. in the presence of a catalyst. In the first and largest plants of this sort, constructed in Germany, the hydrogen and nitrogen mixtures were prepared by the reaction of air and steam on coke in gas producers and purified before use for combination as ammonia. The principal power requirement is in the compression of the gases to several hundred atmospheres before they enter the reaction chamber, and this power can be obtained just as readily from coal as from water.

Mr. President, I ask unanimous consent that the remainder of the article may be incorporated in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

It is possible to obtain hydrogen from water by electrolysis and in this method electric power is necessary. However, the direct synthesis process when operated with electrolytic hydrogen requires about 20 per cent more power than the cyanamide instead of 75 per cent less when chemical means of producing the hydrogen are used. Hence the electrolytic hydrogen is used principally where it is obtained as a by-product from an electrochemical process as in the manufacture of chlorine. There are a number of places where waste hydrogen is being produced as a by-product and this hydrogen may be utilized in the direct synthesis process.

The possibilities in the production of ammonia make the situation somewhat uncertain, but show a definite drift toward the use of coal in producing hydrogen. This makes it unwise either to tie up for a long time any considerable amount of water power in a process that is being rapidly superseded, or in using it in a process in which power is of minor significance.

The fact that nitrogen fixation is more closely allied with coal than with hydroelectric power makes it more important for the economical development of the industry that the plants be close to coal-producing centers. Such locations also have the advantage of distributing the nitrogen-fixation plants and from the standpoint of fertilizer distribution would be an additional saving in freight rates over that due to the production of the more concentrated products already referred to.

THE SITUATION AT MUSCLE SHOALS

At Muscle Shoals there is a large water power available, developed for use in fixing nitrogen by a process that at the time was well understood and dependable. This process is now being rapidly displaced throughout the world by the direct synthetic methods, in which hydroelectric power is not necessary. The power not necessary for nitrogen fixation will find a market in the rapidly developing public utilities and industries of the region.

Of the two plants at Muscle Shoals, plant No. 1 is of small capacity and will require reconstruction to be put in operative condition on a process for direct synthesis of ammonia, and plant No. 2 is a complete cyanamide plant of 40,000 tons nitrogen capacity, built as a war-time necessity, but tendering toward obsolescense because of the rapid development of direct synthetic methods. The present-day development of nitrogen fixation does not require hydroelectric power. In fact the industry is more closely allied to the coal industry than to water power.

The commercial development of nitrogen fixation plants in this country is taking place rapidly as evidenced by the establishment of a number of direct synthetic plants, and the projection of plans for other plants by two of the largest chemical manufacturing concerns in the country. Large amounts of new types of fertilizers from the nitrogen fixation products will not be produced, however, until the market develops for these materials; and the market must be developed through a campaign of education regarding the properties and use of the new materials. It is inevitable that the use of fertilizers will increase and the area of use widen, also that, with the present sources limited, the concentrated chemical products will form the basis of the future fertilizer industry.

Plans for the utilization of Muscle Shoals have ranged from private lease and operation of the power and nitrogen fixation plants to Government ownership and operation of both; and from the separation of power and nitrate plants under private operation to the sale of power, and the operation of the plants by the Government for experimental and educational purposes in developing the new forms of fertilizers. Whatever the solution of the problem is, it should take

account of the ultimate demand for hydroelectric power in that region, the development of the nitrogen fixation industry in relation to power, and the development and introduction of the new fertilizer materials.

Mr. LA FOLLETTE. Mr. President, doubtless it will become possible to produce fertilizers much more cheaply than heretofore. The advantages of more economical production should, however, go to the farmer and not to private corporations. Funds for experimentation to the end that fertilizers may be produced more cheaply should be available. They are made available by the Norris joint resolution, which thus carries out the desire of those who wish Muscle Shoals dedicated to the advancement of agriculture.

The Norris joint resolution does not, however, permit a private corporation to make use of Muscle Shoals until it succeeds in developing a cheaper method of production which can then be carried on in other plants unlimited by the restrictions upon profits which would necessarily, and properly, form part of any lease of Muscle Shoals. Nor does the Norris joint resolution permit a corporation, ostensibly organized for the manufacture of fertilizers, to enter upon the wholesaling of power as soon as it has perfunctorily complied with the conditions of its lease. Surely none of the Members of the Senate are so guileless that they fancy that a limitation upon the profits of one corporation from the sale of power would prevent it from selling power at a "reasonable" price to another corporation, owned by the same stockholders, and entirely unchecked by the conditions binding the first corporation.

By tolerating the repeated representations of these so-called fertilizer companies, we have assisted them in deceiving an unfortunately large number of farmers. It is high time that hypocrisy be abandoned. If we intend to make a gift of the Muscle Shoals site to private power companies, let us do so frankly, without deluding either ourselves or the farmers, who are justly eager to secure fertilizers at a price better adjusted to their needs.

The farmer as a stalking-horse for predatory interests has again been given a rôle which he has, unfortunately, been required to occupy too often. It was in the name of the farmer that the timber and stone act was passed. It was in his name that the land-grant steals were put through Congress. His name is taken in vain in an effort to permit the seizing of Muscle Shoals. The Senator from Nebraska [Mr. NORRIS] has riddled the fertilizer scheme at Muscle Shoals. He has not left a leg for them to stand on.

The Norris joint resolution provides for the use of the profits from Muscle Shoals operation for the necessary experimentation in the fixation of nitrogen which the flux of the science demands. The passage of the joint resolution in its present form will do more to bring about the cheapening of fertilizer than any other act which Congress could pass.

THE DEMAGOGUERY OF BUSINESS

We have heard of the demagaguery of politics. There is a demagoguery of business which is far more harmful in its effects than any of the political demagoguery which this country has experienced. Representatives of the utilities call attention to the millions of shareholders in the industry. They neglect to point out that all but a few of these shareholders hold stocks the return upon which is fixed, and the owners of which have no control over the operations of the business which is called theirs. These people—I am speaking of those whose investments were made honestly—are interested only in safety for the interest upon the funds which they have invested. They are not the people who, under the guise of taking the Government out of business, are really engaged in putting business into politics, in making a business of political maneuvering and political corruption to the end that they may profit to the fullest extent.

One of the gravest evils of American politics has been the levying of compulsory assessments upon office holders in order to finance the machinations of political rings. Political officeholders have, however, occasionally been defended against this imposition. The fate of the power consumer thus far has been otherwise. The thousands and millions of dollars expended by the manipulators of the utilities have been derived from compulsory assessments, but from compulsory assessments levied upon the consumers of electric power. As yet, the American people have little understanding of the proportion of the amounts recorded by their electricity and gas bills which represent nothing more than so-called legal expenses to cover the expense of influencing the opinions of these very consumers and of carrying on lobbies both here and at the capital of every State in the Union.

We have heard a little of the campaign contributions made by power companies, and what we have heard is evidently only the beginning. Can anyone contend seriously that contributions of this sort constitute a proper cost of power production? It is with funds dishonestly collected and expended—when not dishonestly, then in the course of a campaign of misrepresentation—that the greater part of the opposition to this joint resolution is being financed.

The issue with which we are now dealing is only a single phase of one of the gravest problems confronting this Nation. It is necessary to determine whether the production of electrical power shall be a means of increasing national industrial effectiveness and the standard of living of every American citizen or whether it shall be a means of supplying profit, unconscionable profit, to a few individuals.

The responsibility of formulating a national power policy rests upon Congress. The deliberation and adoption of this policy must take place here and not in the city of New York at 420 Lexington Avenue.

I have called attention to the advantages which will result from continued and more effective public operation of Muscle Shoals. It should in the first instance serve the power consumers within its area. It should in the second instance aid us in evaluating the results of the organization of the electric-power industry as it has grown up in other parts of the country. Attempts are being made to divert our attention. We must keep the issue clear. We can easily dissipate another of our national heritages. It is our duty to devote the resources of Muscle Shoals to the welfare of the people of the Southeast and to the welfare of the entire United States.

Mr. President, to-day the issue involved in electric power is a dominant issue. To-morrow it will be paramount. This question of electric power and its distribution to the consumers of America will never be settled until it is settled rightly. It will present itself in phase after phase, in session after session of Congress. It will be fought out upon the floor of this Chamber and upon the floor at the other end of the Capitol.

Already at this session of Congress one phase of the power issue has been passed upon by the Senate of the United States. In that contest the power interests won a victory. They mangled and hamstrung the Walsh resolution for an investigation of that industry; but, Mr. President, I believe it was a temporary and a costly victory. In my humble opinion, more Senators will be retired to private life by angry constituencies upon the vote on the Walsh resolution than were defeated upon the vote when the seating of Newberry was an issue in the Senate. The power industry has made the issue, Mr. President. It is going to a higher court than this for final decision. It is going to be settled ultimately by the people of the United States.

For seven years—since 1921 the senior Senator from Nebraska [Mr. NORRIS], single-handed and alone, has conducted one of the most dramatic, one of the most courageous contests on behalf of the public interests ever waged in the Senate of the United States. By the sheer force of logic, backed by his courage and determination, he has beaten back, time after time, the power interests determined to take away from the people of the United States this prize at Muscle Shoals. They have been disguised in one uniform and then in another; but each time the senior Senator from Nebraska has stripped them of their false apparel and revealed them in their true and proper character here in the Senate of the United States.

It is rumored that there is a majority of 10 in this body to defeat the Norris joint resolution. I trust this is not so; but, if it should prove to be so, then the people of the United States will attend to the matter. They will retire to private life and elect in their stead enough Senators to reverse that majority, who are prepared to stand here and fight the power monopoly and to defend the interests of the public in this greatest of economic issues confronting us to-day for solution.

Mr. HEFLIN. Mr. President, I offer an amendment to the amendment of the Senator from Mississippi [Mr. HARRISON], which I ask to have read and have pending.

The PRESIDING OFFICER (Mr. BARKLEY in the chair). The Senator from Alabama offers an amendment to the pending amendment.

Mr. HEFLIN. I want to have it read and lie on the table.

The PRESIDING OFFICER. The amendment to the amendment will be read.

The Chief Clerk read as follows:

On page 3, following line 9, insert a new numbered section, to read as follows:

"SEC. —. All contracts for lease of the Muscle Shoals power properties or for the sale of the power therefrom shall provide that whenever, upon recommendation of the president of the American Farm Bureau Federation, the national master of the National Grange, and the president of the Farmers' Educational and Cooperative Union, the President of the United States shall decide that the Muscle Shoals

power is needed for the manufacture of commercial fertilizers, either through the use of nitrate plant No. 2 or otherwise, said power shall be subject to recall for the manufacture of such fertilizers, and any such contract for lease or sale executed by the Secretary of War shall be subject to cancellation by the President when, in his judgment, the needs of agriculture shall require it."

The PRESIDING OFFICER. The amendment will lie on the table and be printed.

Mr. BLACK. Mr. President, I ask unanimous consent to insert in the RECORD, at the request of a citizen of Sheffield, Ala., a letter which he has received from the counsel, I believe, of the Tacoma lighting plant with reference to rates at Tacoma as compared with rates in certain southern cities. I should like to state that these rates show a great amount more paid for power in these southern cities than in Tacoma.

I am inserting this communication at the request of a citizen of Sheffield, who has also sent me a telegram, and I believe has sent one to the Senator from Tennessee [Mr. MCKELLAR], supporting the Cyanamid bid. He desires, however, to have these comparative rates put in the RECORD.

I also ask unanimous consent to insert in the RECORD a report made by Chester H. Gray, Washington representative of the American Farm Bureau Federation, to the board of directors of the American Farm Bureau Federation touching his legislative work in Washington. I do this at his request, in view of the fact that the statement has been made, according to my recollection, that Mr. Gray has spent practically all his time on the Muscle Shoals project. This will show the complete work of his body and of his board during this year in legislative circles at Washington.

The PRESIDING OFFICER. Without objection, the matter referred to will be printed in the RECORD.

Mr. NORRIS. Mr. President, I want to make an inquiry. I hope the Senator from Alabama will excuse me. My attention was diverted. What was the article the Senator asked to have inserted in the RECORD?

Mr. BLACK. A report made by Chester Gray to the board of directors of the Farm Bureau with reference to his legislative work in Washington.

Mr. NORRIS. When was it made?

Mr. BLACK. I have the date. I think it shows the date on the face of it.

Mr. NORRIS. Was it recently?

Mr. BLACK. Yes.

Mr. NORRIS. One of the regular reports he makes?

Mr. BLACK. Yes; and the other report shows, according to the Senator's contention, that the rates at Tacoma, Wash., are cheaper in places where the people are supplied by public utilities.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

The following is an analysis of a typical Tacoma light bill:

Nine-room home of Homer T. Bone. Consumption between November 15 and December 15, 1927. Total consumption, 686 kilowatt-hours on a combined residence lighting, refrigeration, and cooking circuit. Total charge for 686 kilowatt-hours was $8.75.

Chattanooga, Tenn., advertises itself as "Dynamo of Dixie." It is a city of approximately the same size as Tacoma. It is supplied by hydroelectric plants.

Rate "I" is the lowest domestic rate in Chattanooga, and is filed with the State regulatory body as the "metered residence light, refrigeration, and cooking or heating combined" schedule. This schedule is as follows:

Nine cents per kilowatt-hour for first 40 kilowatt-hours per month.

Three cents per kilowatt-hour for all current used in excess of first 40 kilowatt-hours per month.

Minimum charge, $3.15 per month.

Five per cent discount if paid within 10 days.

Compare this cheapest Chattanooga rate with the Tacoma rate. Based on a consumption of 686 kilowatt-hours, the Chattanooga charge will be as follows:

First 40 kilowatt-hours at 9 cents	$3.60
Next 646 kilowatt-hours at 3 cents	19.38
Total, 686 kilowatt-hours	22.98
Less 5 per cent	1.14
Total Chattanooga charge	21.84
Chattanooga charge	21.84
Tacoma charge	8.75
Difference	13.09

By comparison it will be observed that the Tacoma rate is 40 per cent of the rate charged in Chattanooga, or, in other words, the Chattanooga rate is 250 per cent of the Tacoma rate for exactly the same service.

During this period of time above mentioned, and on a separate metered circuit, this same home used 1,563 kilowatt-hours in electric heaters as an auxiliary to a hot-water heating system. The charge for this service was $7.80, or at the rate of one-half cent per kilowatt-hour.

Copies of these bills in the city of Tacoma can be supplied to you if you desire to use them for comparison.

From the foregoing one will readily understand why the Power Trust operating in your section objects to any form of public ownership. It also objects to cities owning their own distribution systems and buying power at 2 mills from the Government Muscle Shoals plant and distributing it over their own municipal systems, and putting the profit in their city treasuries or giving it back to the consumers in the form of cheap light rates. Two mills is one-fifth of a cent per kilowatt-hour, which means that if this power was available for distribution over municipal systems, the people in the country adjacent to Muscle Shoals might enjoy light and power rates as cheap as those enjoyed in Tacoma. The city of Tacoma has been in the light and power business for nearly 40 years and its plant has been eminently successful. It now owns two big hydroelectric plants and is preparing to build a third hydro plant of an additional 50,000 horsepower installation. There may be men in the city of Tacoma who would like to force the city to abandon its municipal plant, but if such men are here they lack the courage to publicly offer such advice. If Tacoma paid the rates charged in Chattanooga, it would probably add to the bills of light and power consumers an amount of money almost equal to the total tax budget of the city of Tacoma—in other words, it would add frightfully to our tax burden, and all that we would get in exchange for this concession would be a few thousand dollars in taxes, which would represent but a small fraction of the added cost.

H. T. BONE.

REPORT OF CHESTER H. GRAY, WASHINGTON REPRESENTATIVE, TO THE BOARD OF DIRECTORS, AMERICAN FARM BUREAU FEDERATION, FEBRUARY 17, 1928

Perhaps the most effective way of making a report to the members of the board of directors in the middle of a congressional session is to take the resolutions of the ninth annual meeting, American Farm Bureau Federation, and consider the legislative projects upon which our Washington offices are interested in connection with each resolution.

Since Resolution 1 is a reaffirmation of many prior resolutions, let us delay its consideration for the end of this report.

Resolution 2 is entitled "A national agricultural policy." In carrying forward the intent and substance of this resolution there was introduced early in the session of Congress S. 1176, by Senator MCNARY, and H. R. 7940, by Chairman HAUGEN. At the beginning of the session one might have doubted the ability of these measures to make any progress. Politics were more in evidence in regard to farm relief at that time than were economics. It was argued on the one side that such bills need not be considered by Congress, as they could not be passed, or, if passed, would be sure of a veto. On the other side it was maintained that success with such bills deserved continuing consideration on the part of Congress, and the question of veto was a matter which need not be a determining factor. In the Washington offices of the American Farm Bureau Federation it is realized that more than in the present instance our organization has found itself in opposition to presidential desires. This has been true on ship subsidy in former years, on certain phases of railroad legislation, on daylight saving, and on many other legislative projects which need not be mentioned. If our membership concludes that a project is necessary, it is the duty of those in the employ of the federation to carry out the membership mandates no matter where opposition might come from in so doing.

Hearings are still continuing on the House bill, and will continue under present indications for another week. On the Senate side the bill has been reported out exactly as it was introduced by Senator MCNARY early in the session, with no hearings whatever. In due time it is expected the House committee will report its bill with some changes no doubt. Whichever branch of Congress acts upon farm relief first is not likely to have its measure taken as a whole by the other House, as was the case in the Sixty-ninth Congress. We may reasonably expect farm relief to go to conference this session, which will give us an opportunity finally to refine the bill into that final form which may be necessary after it has been subjected to amendments on both floors.

There has been no weakening or equivocation in our continuing advocacy of the equalization plan. That plan seems stronger among farm groups to-day than it ever has been, with more such groups represented at Washington before the House committee, and with a congressional strength which justifies us in being not alarmed at the fate of the measure in final roll calls.

Resolution 3 is entitled "Muscle Shoals." The Madden bill, named in that resolution, is now H. R. 8305. It has a companion measure on the Senate side, introduced by Senator WILLIS, of Ohio, S. 2786. Only one public appearance has been made by the Washington offices on this project before committees, and that was before the

Senate Committee on Agriculture. As is usual, we found ourselves then face to face with those who advocate Government operation at the Shoals instead of private operation, as is our position. Through a mistaken statement as to the power available at the shoals, efforts are made to make the American Farm Bureau Federation appear to be more interested in power than in fertilizers. When it is stated that 1,200,000 horsepower are available at the shoals in spite of the well-known engineering facts that with the Wilson Dam, Dam No. 3, 17 miles up the river, Cove Creek Reservoir, 400 miles up the river, and the steam plant enlarged 50 per cent—all provided for in the Willis-Madden bill—there will be only a total of between 300,000 and 340,000 horsepower, it is seen how misleading statements may be relative to the shoals. It will take about 280,000 to 300,000 horsepower to carry out the fertilizer guaranties and obligations in the Willis-Madden bills, so that with the actual amount of dependable power which will be had at the shoals when all the developments above enumerated are finished, there will be mighty little power left in the classification ordinarily called primary power.

The question of obsolescence of the Muscle Shoals enterprise has been recurrent for some time, so that it was necessary to meet this question fearlessly. Accordingly, the Washington offices issued a map showing where the plants all over the world which are operating by the cyanamide process—that being the one installed at the shoals—are situated. This map has created a profound sensation, as the authenticity of it can not well be called in question, when references are displayed on the face of the map showing where all data are secured. By meeting the question of obsolescence, and by actually letting it be known what the power developments are at Muscle Shoals, we have placed ourselves in a good position to carry on our advocacy of the Willis-Madden bill for private operation of the shoals as opposed to Government operation.

The Senate committee has reported out the Government operation resolution of Senator NORRIS, which does not provide for the development of the Tennessee River; does not return to the Government any of the costs which have thus far been expended on that project; does not limit the profit to be made on fertilizers to 8 per cent; makes no provision for a farmer board of control; and absolutely separates the power from the making of fertilizers. All of these aspects of the situation are adequately provided for in the Willis-Madden bill, and the power is to be sold under the latter measure in fertilizer sacks rather than over the high lines.

The House Military Affairs Committee is now reading the Muscle Shoals bill section by section in executive session with Mr. Bell, president of the American Cyanamid Co., with a representative of the Attorney General's office present. It is thought we are on the last lap of the deliberations of this committee prior to its report of the Madden bill.

Resolution 4 deals with the subject of "Equalizing domestic and foreign costs of production." Many bills have been introduced this session, particularly on the House side, to increase the import duties on agricultural products. Congressmen DICKINSON, FISH, FRENCH, SELVIG, HUDSPETH, and MANLOVE, not to mention others, have bills all of which upon specific agricultural commodities seek higher duties. It is known that other bills of similar nature are in process of preparation. It is understood that these bills may not make much progress this session, but they surely indicate that when the tariff act is to be revised agriculture is going to be present with its data and facts at hand before the Ways and Means Committee of the House to see that its products are more adequately cared for than has been the case heretofore. It is gradually developing in the minds of those who study the question of equalizing domestic and foreign costs that our present equipment and machinery for raising duties under the flexible provision of the present tariff act are inadequate; first, because the 50 per cent minimum is oftentimes not enough, and second, because the terms of section 315 of the tariff act, which section contains the flexible provision, are so specific and stringent that the United States Tariff Commission can not work with that expedition which the commission and others desire. However, time has not been permitted our Washintgon offices to secure the introduction of a bill to make more flexible and usable the present so-called flexible provision. In fact, it may not be necessary to do this, as the rewriting of the tariff act is not far distant, and in that rewriting more flexible provisions may be put in than were thought necessary when the present act was drafted.

An interesting phase of the importation of commodities is at hand in connection with our Resolution 4 in a fight which we have made to secure the free importation of raw phosphate rock from Morocco. This rock may be slightly higher in phosphoric content than is our domestic rock, and seemingly it has been sold to our consumers cheaper than our own production. When, however, this rock was sought to be introduced to our markets the antidumping provisions were called into force and effect, and the Customs Bureau, after having had hearings and referring the question to Secretary Mellon, has issued an order that the importation of Moroccan phosphate constitutes dumping, and therefore is subject to the imposition of an antidumping fee. This decision is equivalent to putting a tariff on plant-food constituents, which our farmers desire to get at the cheapest possible dollar. In this case before the Customs Bureau we have been very active trying to carry out the mandate of our membership in Resolution 4.

Considerable interest has been aroused in relation to our resolution on equalizing domestic and foreign costs of production in the banana situation. Formerly we have considered tropical vegetable oils as being obnoxious to our butter and animal fat producers, and now we are realizing that bananas are directly competitive to practically every fruit which is home grown with us. The board may be informed that in a short while a bill will be introduced seeking an import duty on bananas.

The entire tariff situation is such that, as has been previously called to the attention of the board, to handle it properly at Washington would require the full-time attention of a technologist. The members of the board may recollect that at former times suggestions have been made that if Budget requirements could permit, we should have a tariff technologist, a taxation specialist, and a cooperative marketing specialist for the enlarging work at Washington.

Continuing our reference to tariff matters, it may be stated that last week on the onion case alone there were at Washington representatives from 15 of our States, coming from all sections of our Nation, which occupied practically the full time of a week for Mr. Ogg, who had in advance given much of his time for a month in preparation for the case. Data have been under process of assembling for this case for a year, and it is by general consensus of opinion of those present, Members of Congress as well as producers, that the American Farm Bureau Federation had the scientific data without which the producers' case before the Tariff Commission would have been sadly situated. And now we have before us the milk and cream case, which is up for hearings in the middle of the congressional session, when our duties are supposed to be on legislation specifically. Following the milk and cream case comes along several others upon which our membership in various parts of the Nation is keenly interested.

Resolution 5 deals with taxation. Before the Ways and Means Committee full-length presentations were made upon the general question of Federal taxation, and later upon the specific question of reduction of Federal estate taxes. Our main advocacy in matters of Federal taxation are as follows:

(a) A minimum reduction of the Federal debt $1,000,000 annually;
(b) Tax reduction is not the dominant issue, but debt reduction is;
(c) The basis of paying Federal taxes is ability to pay;
(d) Every citizen has an obligation to support the Federal Government in some manner relative to tax burdens; and
(e) Necessity to consume is no proper basis for levying Federal taxes.

Trends are in evidence that exemptions and reductions in Federal-tax brackets are politically attractive. It must be stated that although exemptions do not repeal the tax right of the Federal Government, if carried to an inordinate extent they practically nullify the provisions of a revenue act; so, in the American Farm Bureau Federation, we do not advocate granting more and more exemptions with greater and greater reductions where those exemptions and reductions are made applicable either to those of big income-earning capacity or to those of more modest incomes.

Our fight to retain the estate taxes is a remarkable example of the efficacy of having a position and standing for it with data to substantiate the position taken. Much praise should be given Chairman GREEN, of the Ways and Means Committee, for his staunchness in the matter of the Federal estate tax—not meaning to imply that other members of that committee are not as loyal to the proposal of retaining the Federal estate tax as is true of the chairman.

We have to face constantly, as in a sort of twilight zone, the sales-tax idea. There is a residue of sales taxes in the revenue act now expiring. For instance, the so-called nuisance and admission taxes, the excise tax on automobiles, and such like, are virtually sales taxes and are paid by those who have not the greatest ability to pay, and who have oftentimes the greatest necessity to consume. We desire to clear the revenue act of the last vestige of sales taxes, such as those above enumerated, so that the proponents of sales taxation methods, if ever they try to impose such a method of taxation upon us, will be required to begin at zero and work up.

The State federations are giving studious attention it is found to Resolution 28 of the eighth annual meeting, but if we had in our organization a taxation specialist he could so synchronize the work of our many federations on tax matters that after a term of years our State-tax structures would be quite different from those which exist at the present time, and so much more uniform in character.

In the Senate the tax matter is held up until the middle of March when the income of the Government as related to the expenditures now being provided for by Congress can be more definitely known. It seems probable that the tax matter will get into such a tangle that the farm bureau program of no tax reduction will be very nearly accomplished. As the tax bill now stands it provides for a reduction of approximately $300,000,000, which is really $225,000,000 more than is necessary in the way of reduced Federal taxation. Especially is this true when we note that the Federal debt is not being wiped out as rapidly as was the case for a few years immediately following the war. The tendency is to pay less on the debt and reduce taxes more. This is, it may be said, a political tendency. The thing to be economically desired is to eliminate the debt and then, if desirable, reduce taxes.

Resolution 7 on flood control is of special importance to many of our members. The Washington offices in November made arguments before the House Flood Control Committee, dealing with the general phase of flood-control matters. Later a written statement was supplied Chairman REID of that committee, with maps and data of different kinds supplied occasionally. During the past week a statement was given Senator JONES, chairman of the Senate Commerce Committee, upon the same subject, accenting the main thoughts contained in Resolution 7. The controversy over flood control largely revolves around whether or not the Federal Government shall pay the expenses. Upon that question our position in the American Farm Bureau Federation is definitely stated in our resolution. The Washington offices have maintained throughout all hearings and arguments that the communities and States subject to inundation, having gone in years past to great expense to protect themselves, can not any longer carry the burden. Furthermore, since the question of flood control is by general recognition stated to be a national affair, the National Government consequently should bear the expense at least on the large navigable rivers.

Another point of controversy, though less in importance than the one of whether or not the Federal Government should bear the expense, is concerning the creation of a special Federal bureau or commission to have charge of flood-control affairs. Since we in our organization have stated a reliance on the Corps of Army Engineers for the technical carrying out of our flood-control program, the Washington offices have maintained that a special flood-control commission is not necessary. Such a special commission would necessarily need to go to the Army engineers to secure its technological information and would really be an extra and superfluous body carrying out the engineering details recommended to it by the Army engineers.

It has been stated in our presentations that the expense of the complete flood-control plan on the Mississippi River will fall between $300,000,000 and $1,000,000,000, with the lesser amount being much more exactly the one to be paid. It also has been suggested that each Congress will not be burdened with the necessity for large appropriations, but that from $30,000,000 to $50,000,000 per Congress will be sufficient to carry the work on for a term of years until the job is done. A decade is specified in our statement as being the least time during which such a large program might be consummated, and it has been pointed out that a generation may go by before the entire project is finished. In other words, we are not advocating necessarily a quick control of floods, but are advocating an effective control whenever the policy has been first determined upon by Congress, and then constructively followed out by the Army engineers, being supplied with appropriations by subsequent Congresses.

Recently a great deal of turmoil has arisen because neither committee has made a report on this subject. The slowness with which the committees are arriving at their recommendations makes the demands of last year for an extra session of Congress to go into the flood-control matter posthaste look ludicrous. Properly considered, the committees of Congress should be commended for the carefulness with which they are approaching this question: First, on account of the money involved, and, second, on account of the engineering facts which must be ascertained prior to the carrying out of any policy. It is to be expected that the most important features of our flood-control program as above outlined in Resolution 7 will be incorporated in the bills which are to be reported from the proper committees.

Resolution 8 is upon the subject of transportation. The Jones bill, S. 744, has been reported from the Senate Committee on Commerce, and declares it to be the continuing policy of the United States Government to maintain by replacement, rebuilding, and otherwise, an American merchant marine of permanent character. This bill, although not actually a Government operation bill, is being so considered generally, and is being attacked as committing our Government to a permanent policy of the Federal Government remaining in the shipping business. It is contended against this bill that if the Shipping Board is permitted to rebuild and reequip the Government owned and operated lines, then some provision should be made so that private lines can also be reequipped and reconditioned as necessity arises. If this is not done, the opponents of the Jones bill contend eventually we will have nothing but Government operation of ships, as the private-owned lines must disappear under trade competitions, much of which competition might come from the Federal Government itself. Those who dislike the Jones bill are advocating other solutions—such a one being to grant special rates for the carrying of mail abroad, in a manner similar to that which is in vogue with railroads. It is also explained that the operators of merchant marine can be saved some expense by having some of the employees on the vessels commissioned as members of the American merchant-marine reserve, and paid for by the Federal Government, so that in case of future wars we may have an adequately trained and governmentally commissioned marine body ready for instant service.

The question of direct subsidy to an American merchant marine has not gained headway at Washington, as it seems no one has the courage to advocate an outright payment from the Federal Treasury for losses sustained by private operators of lines under American registry. Much interest has been attracted recently by the proposal of an American corporation to invest many millions of dollars in ships, providing the Government will loan such corporation perhaps 75 per cent of the capital costs of the vessels at low rates of interest and long-time amortization payments, with mail contracts and merchant marine reserves installed as above described.

Perhaps the Jones bill as reported from the Senate committee will not be the measure which is finally approved by Congress, but some compromise bill containing various of the features above enumerated may comprise our future merchant-marine policy.

Appropriations for the development of the large inland river system are making usual progress through Congress. An effort was made in the House to cut the appropriations below $56,000,000, which was the sum designated by the Army engineers and advocated by all groups in favor of inland river development. When this question came to a vote on the floor of the House, although the committee report did not retain the entire $56,000,000, that amount was reinstalled by floor action with an overwhelming majority. It is not expected that any change in this situation will develop on the Senate side. The controversy to a large extent relative to the last few million dollars was on the question of whether or not the Missouri River should come in for its share of development and barge-line transportation.

Singular as it may seem in connection with inland river matters, and with the rivers and harbors bill generally, we have heard nothing this session about lake levels. At former times that subject was highly controversial in connection with the so-called Chicago Drainage Canal and the Illinois River Channel. On account of the large precipitation of rain in the last year, the lake levels are coming up again, and it seems to be under process of demonstration in a natural way that the lake level is coming back to where it often times has been before; and will in some future years drop low again because that has been the record of the lake levels since the sixties of the last century.

Dealing with the question of transportation, but more specifically in our flood-control presentation, we have stressed upon every occasion the necessity of surveys of our main streams. Until we know more about the water which comes down our streams, its varying amount from year to year, and from month to month, we can not know whether to build our dams for storage, for navigation, for power purposes, nor can we fit storage of water for flood-control purposes in with storage of water for power purposes. Time was in years gone by that navigation dams were built low and frequently, thus developing slight, if any, power from the water flowing down the streams. By the survey of one stream in the United States, the Tennessee River, we have discovered that navigation dams should be built high and less frequently, making, so to speak, lakes above the dam which would wonderfully help transportation and also give enough head of water to develop power which eventually would pay for the entire navigation project.

Lately the question of flood control comes into this picture so that now more than ever we need surveys of our tributary streams, so that the location of reservoir sites may be pointed out by Army engineers, which sites may be made useful to keep back that peak of water which causes disaster in flood times, later to disgorge the water for secondary power uses during the dry months, and so be ready in the next freshet period to retain the next flood. This question of surveying our streams, then, is as much a question of transportation and power as of flood control. It is encouraging to know that adequate funds for such surveys are coming along with the usual river and harbor features.

A bill (H. R. 107) by Mr. BURTNESS has been introduced to provide that toll bridges on our national highways shall revert to the Government when tolls have amortized costs and interest. This bill has not made progress, but will have more force put behind it when other matters are not so pressing. In the meantime the chartering of toll bridges is going merrily along, with the result that in the future the citizens who have paid taxes to build hard-surfaced highways will find barriers of private ownership erected to profit from the public expenditure.

Resolution 9 of the ninth annual meeting deals with agricultural appropriations. In carrying out this resolution the following projects have been actively supported:

(a) The Capper-Ketcham extension bill (S. 1285, H. R. 6074). These measures have been reported out of the Appropriations Committees in slightly different form. We are daily expecting a vote on the floor of the Senate, and we would have had such vote last week except that Senator KING, having heard from some people in his State who thought all the money was going to home economics, asked for more time to study the measure.

(b) The Robinson-Aswell bill, proposing $500,000 for extension work in the flood areas, has been signed by the President.

(c) The appropriation for tuberculosis eradication is being carried along in the Department of Agriculture bill. Quarantine and control work for insect and plant pests and diseases are items in the agricultural bill which it is thought require special attention on our part.

(d) The effort to get more appropriations for fundamental research by the United States Department of Agriculture has resulted in the Budget Bureau providing a greater amount than heretofore for these purposes, but not to the extent we desired. Hearings have just been concluded before the House subcommittee on Agricultural Appropriations expressing the importance of this appropriation.

(e) The highway funds are not yet reported from the committees, but will be in due time, substantially the same amounts as last session, namely, $75,000,000 for Federal aid to highways and $7,500,000 for forest trails. Efforts are under way to get special items for highway and bridge reconstruction in the flooded areas.

(f) The United States Tariff Commission in its original estimates requested about $950,000. When this request was filed with the Bureau of the Budget there was pending a deficiency bill carrying $135,000, which under the conditions then existing would have been expected to pass. However, this deficiency bill was shaved to a bare $4,000 when it finally passed. The Bureau of the Budget reduced the estimates of the Tariff Commission to approximately $750,000, which is the approximate amount now being made available for the Tariff Commission. This amount is $68,000 more than last year, but as above noted, is about $200,000 less than the Tariff Commission desires. We are feeling our way toward having a special resolution introduced carrying more money for the Tariff Commission, as it seems useless to go before the Bureau of the Budget asking for a supplemental estimate for the commission. As above noted in this report dealing with Resolution 4, our work before the Tariff Commission is of tremendous interest to our membership, so that everything we can do to enable the commission to keep up with its work, especially the cases pending under the flexible provisions, would be very beneficial to us.

(g) An item for enforcement for the so-called Lenroot-Taber milk bill of the Sixty-ninth Congress is in the agricultural appropriation bill.

(h) It is useless and, in fact, nearly impossible to enumerate all of the items relative to appropriations which must be kept moving along in regard to agricultural affairs.

No effort, other than those above enumerated in this report, is made to follow all the bills on appropriation matters.

In carrying out the substance of Resolution 10, "European corn borer," the Washington offices have been participant in many conferences on the subject; and as a result of all the interest in corn-borer control matters we have by recent introduction H. R. 10377 by Congressman PURNELL, which carried an authorization for $10,000,000 for this work. Hearings on this measure will be had beginning about the 1st of March. The bill is very much like the one of last session, and provides, among other features, for expenditures for any necessary farm clean-up which is, in the judgment of the Secretary of Agriculture, in addition to the normal and usual farm operations.

Some excitement was caused in January by a delegation from Ohio which came to Washington expressing opposition to all corn-borer control work. It is not thought that this delegation made any permanent impression upon the congressional mind. However, it is recognized to be important that every possible farm agency be invoked for its assistance in getting the $10,000,000 appropriation provided for in the Purnell bill on account of other pending and much larger appropriations, and also on account of the uncertainty of the revenue measure which in a former portion of this report was alluded to. It will not be as easy to get the $10,000,000 this time as it was last session.

Resolution 11, "packer and stockyard act," has been started in its legislative career by the introduction of several bills dealing with packers and stockyards. The ones of most concern to us seem to be those introduced by Senator CAPPER, S. 2506, and a companion bill by Congressman HOPE. The Washington office has been unable to outline any policies in regard to these measures on account of the inability down to this time of getting the consensus of opinion expressed by our legislative committee and by similar committee of the National Livestock Producers' Association. It is suggested to the board of directors or to the legislative committee that this question should be decided soon, as hearings have once been announced for this measure on the Senate side, but were postponed; evidently because other people were not any more ready to decide the matter than are we.

The substance of the bills above referred to is contained in some definitions relative to what constitutes a "stockyard" and a "dealer" in livestock. A "stockyard" is defined substantially as any place, establishment, or facility conducted for profit and consisting of pens or other inclosures in which livestock is held for sale, slaughter, or shipment in sufficient volume as will affect the market value in commerce of such livestock. This definition will include not only the large livestock yards in such places as Buffalo, Chicago, and Kansas City, but also lesser concentration points out in more rural districts. The term "dealer" is defined as being any person, including any packer, engaged in the business of buying or selling livestock other than on a commission basis at a stockyard for slaughter or otherwise. With the enlarged definition of "stockyard" as above described, and with authority given the Secretary of Agriculture in other portions of the measure to grant certificates of public convenience and necessity, the thought is that all stockyards would be subject to regulation by governmental agencies, which heretofore has not been the case. The entire question of direct buying of livestock is tied up with this bill and is a highly controversial proposition.

Resolution 12, entitled "Immigration," has not yet taken up much of our time at Washington, but must be attended to forthwith after our return from this meeting of the board of directors. A long list of bills have been introduced, only a few of which need be attended to by us.

The Box bill—H. R. 6465—seeks to make the quota provisions applicable to Mexico, Cuba, Canada, and other continental American countries. A new measure, which is said to reflect the administration point of view, has been introduced by Senator WATSON—S. 3019—and contains in its final sections a provision permitting the temporary admission as non-Americans for periods of not more than six months not to exceed 10,000, otherwise admissible aliens from each foreign country to perform seasonal or emergency labor in the United States.

Hearings on the general question of immigration, particularly in regard to the Box bill, on the House side were scheduled to begin February 16 and run throughout next week. It is expected that no radical change will be made in the immigration law, but as above stated there are many desirous of modifying the act. Our resolution deals specifically upon one phase of the immigration question, in that we ask for a congressional investigation before any additional immigration restrictions are applied to nationals on the Western Hemisphere. This phraseology could be interpreted seemingly only one way in regard to the Box bill, namely, to oppose that measure or any similar one that seeks to evoke at this time such restrictions.

Farm-loan affairs have not been prominent at Washington this winter, legislatively, down to date. Their prominence has been altogether in the personal relation, reference being made to the fight relative to confirmation of the three recess appointees, which confirmation was reported favorably by the Senate Committee on Banking and Currency and later was approved on the floor of the Senate with 13 dissenting votes. As far as can be remembered, no national farm organization filed formal opposition before the committee in regard to this confirmation matter.

It was inexpedient to start a legislative program such as is contemplated by the report to the American Farm Bureau Federation by the special farm loan committee until the personal equation relative to the confirmation matter was out of the way. Several Senators have been seen—and a few Congressmen—in regard to the report of this special farm loan committee. Recently we have had a dinner conference with half a dozen of the Senators whose records are constructive on farm-loan affairs to make arrangements for writing into definite form the recommendations of the farm loan committee. This work is now well under way and in a few days we may expect the introduction of a bill which will carry substantially the list of recommendations submitted by the farm loan committee.

It will be gratifying to the members of the committee to learn that their work is received in the finest way by all those to whom it is brought and is recognized to be, as it was intended to be, wholly constructive. This does not mean to imply that every particular recommendation of the 18 recommendations contained in the report is approved by every Member of Congress with whom conferences have been had on the subject, but the general lines and the recommendations meet with the happiest approval from all.

It is understood among those with whom conferences have been had upon this subject that this project when introduced as a bill will not be known as a farm bureau project, even though the American Farm Bureau Federation is wholly responsible for the origin of the work. It is thought more strategic not to have it designated under the name of any specific farm organization.

In cataloguing the list of bills under resolution 14, "omnibus," on account of the many items contained in the resolution, a hurried view will suffice:

(a) Funds are carried in the agricultural appropriations bill for developing the use of electricity on the farm.

(b) The same is true in regard to farm fire prevention.

(c) S. 1418, by CAPPER, and H. R. 11, by KELLY, each seeking to establish retail price fixing, are dead so far as this session of Congress is concerned.

(d) The Swing-Johnson bill, as is usual, has taken the center of the stage relative to the Colorado River, or, more commonly called the Boulder Dam project. The Washington office has assumed a neutral attitude down to date and will continue so to do unless the board of directors or the legislative committee can interpret that portion of Resolution 4 dealing with the Colorado River project. Whatever may be said about the Boulder Dam project it can not be stated with proof that the project will bring under cultivation more acreage to compete with other acreage in the United States.

Indeed, it may bring in more acreage; but if it is not developed by national legislation, the water will be used on the Mexican side with Japanese and Mexican labor and the farm products will come into our country with cheaper costs of production and thereby be more competitive than if the same water had been used for production purposes on the American side. In this connection your attention to the joint letter which the American Farm Bureau Federation, the National Grange, and the Farmers' Educational and Cooperative Union sent to Congress recently upon the general question of whether or not more acreage should be brought into cultivation. In this joint letter, which is herewith reproduced in full, it will be noted that no specific projects relating to irrigation, reclamation, or southern community welfare

interests are mentioned. The wisdom of avoiding the mention of any particular project in this connection is perhaps demonstrated in the case of Boulder Dam, above mentioned, where the water is going to be used on one side or another of the border, and if we do not use it the Mexicans will. No argument is intended by this to induce the board to make a decision one way or the other, but merely to clear the situation in regard to whether or not the Boulder Dam project should be condemned on the score that it brings in more acreage.

THE NATIONAL GRANGE,
THE AMERICAN FARM BUREAU FEDERATION,
THE FARMERS' EDUCATIONAL AND COOPERATIVE UNION,
Washington, D. C. February 8, 1928.

To the Members of the Seventieth Congress:

Everyone agrees that one of our major national problems is the successful handling of our agricultural surpluses. During the last six years our area under cultivation has declined nearly 15,000,000 acres but our surplus is still our great national problem.

Several measures are now before Congress which look toward increasing the acreage under cultivation, which would be secured by different methods in various bills. During the recent years of agricultural depression the organizations which we represent have repeatedly gone on record as opposing any legislation which would look toward placing any further acreage under production or additional producers upon farms, until agriculture has been restored to economic parity with other forms of industry and commerce.

When such parity is restored, increased agricultural production from our present developed acreage will amply care for any increase in our population for many years to come.

Most respectfully yours,

FRED BRENCKMAN,
Washington Representative The National Grange.
CHESTER H. GRAY,
Washington Representative American Farm Bureau Federation.
CHARLES S. BARRETT,
President The Farmers Educational and Cooperative Union of America.

The little amendment to the packers and stockyards act necessary to classify live poultry as livestock will have no difficulty in its legislative course.

The Walsh resolution seeking a governmental inquiry into the growth and capitalization of public utility corporations has had a tempestuous career thus far, and has, at the dictation of this report, been referred to the Federal Trade Commission for action rather than to a special senatorial committee as provided for in the original resolution. It is alleged that the power lobby has been very potent in Washington relative to this resolution, such influence seeking to have the resolution handled by the Federal Trade Commission rather than by a special Senate committee.

Forestry has assumed a position of spot-light importance this winter at Washington. The original McNary-Clarke Act set a pace for forestry development. The present McNary-Woodruff bill is progressing nicely and provides continuing appropriations for forestry work authorized in the original act. Also the McNary-McSweeney bill, which outlines continuing policies on forestry affairs, establishes forestry stations for the study and promotion of an enlarged forestry policy, and carries appropriations therefor. Hearings on the McNary-Woodruff bill have been held with a favorable report and are soon to be held on the McNary-McSweeney bill. Seemingly, no opposition will materialize. Such measures as the two above mentioned, dove-tailing as they do into the McNary-Clarke Act, when correlated with tax easement by State laws so that woodlots will not be taxed to death before they come into productiveness, will go far in obtaining a national forestry program. It is not intended to slight other bills on forest affairs, but only the bills which are of prime significance to us are enumerated.

A measure which seeks to require truth in market reports being intended to apply specifically to cotton matters is H. R. 1508 by Congressman WILSON, of Mississippi. This bill has not made to date any appreciable progress.

No progress has been made in regard to the measure to effect a stabilized price level and secure stable purchasing power of money through additional instructions to the Federal Reserve Board. This measure by Congressman STRONG of Kansas has had voluminous hearings before the Sixty-ninth Congress, but not before the Seventieth Congress. It is a question which needs the most profound study, has many points of merit in it, and will in some form or other be written into the Federal laws when more adequately understood.

Attention of the board is invited to the resolutions by the home and community department, which recommends continuing the work of the so-called Sheppard-Towner or maternity and infancy act. Since this resolution was not referred to the Resolutions Committee, and was not called to the attention of our voting delegates at the last annual meeting, it will give the Washington office somewhat more definite authority to proceed if the board will express its opinion upon the matter.

In 1925 our organization adopted a resolution in favor of appropriations for vocational training, or, as it is commonly called, the Smith-Hughes work. The National Association of State Directors of Vocational Training has had introduced a bill which is based upon the Capper-Ketcham agricultural extension measure, and asks for similar appropriations for the vocational work. This bill has been heard before the House Committee on Education and the Senate Committee on Agriculture and Forestry, with no report from either committee thus far. It is not likely that the Director of the Budget will declare that the appropriations authorized in the bill are in keeping with the Budget requirements of the Nation, so that the progress of the measure will be handicapped if not stopped. The Washington offices have given attention to the measure and have stated frankly to the active proponents thereof that the bill is not likely to make progress this session, and will need more organizations behind it when it next starts through the legislative grist here. It is probable that the bill will be amended so that clearer lines of demarcation will be set out between the work of the Smith-Hughes forces, and that of the Smith-Lever employees.

Standard containers has been reported from the Senate Committee on Agriculture, and will be, under present indications, reported from the House Committee on Coinage, Weights, and Measures next Monday, February 20.

Truth in fabrics is promised consideration by the Senate Committee on Interstate Commerce as soon as one or two more major and troublesome questions are disposed of. On the House side the situation is not so favorable upon this project.

Postal affairs have been attended to by appearance before the House Committee on the Post Office and Post Roads, by advocating a director of the parcel post, a general protective policy for the Parcel Post System, in the making of rates, and that extra charges on any parcel-post packages should be removed. We also continue to advocate cheaper postage for library books, as well as the authority which will permit sending of insecticides, fungicides, and germicides through the mails.

The policy of the American Farm Bureau Federation on corn sugar legislation never has been of a positive nature. If we have any position on such legislation, it was stated in our resolution of 1926 in these words: "The American public is entitled to know where its food products are grown and the purity thereof * * *. We oppose the passage of any bill through Congress which would permit lowering the quality of our foods through adulteration." The last sentence, above quoted, it is recollected, was approved by the resolutions committee of the eighth annual meeting in 1926 as a general expression of our position on corn sugar legislation, which legislation was before the resolutions committee at that session for approval. The question uppermost in corn sugar legislation is whether or not such sugar should be sold without designating its nature and origin, or shall it be sold simply as sugar, the same as cane and beet products are merchandized. Since the chemical formation of the corn sugar is different from that of cane and beet sugars, it may be alleged, and is from many quarters so alleged, as being a breaking down of the pure food and drugs act to allow corn sugar to be sold simply as sugar.

Considerable confusion has resulted as to our position upon corn sugar legislation. Perhaps it would be well for the board of directors to give a positive statement, whereas our position down to date, as above noted, seems to be of a negative nature.

More than 40 individual projects are on our schedule at Washington, and each requires at times careful watching and pushing to keep it from falling by the wayside. If we should include individual appropriation items which are in fact legislative projects of themselves, it will make our project list at Washington well beyond 50.

In further consideration of resolution 1 a rapid enumeration of a few bills is made, inasmuch as such bills carry out policies which have been decided upon in a general way by our organization and reaffirmed in this resolution.

The wool standards bill, S. 1343, by ODDIE, H. R. 7459, by MORGAN, appropriates some money now lying in the Treasury for the development of the wool standards in our Nation. The bill has been reported from the House committee and is expected soon to be acted upon favorably in the Senate committee.

The agricultural attaché bill, S. 1178, by MCNARY, H. R. 9107, by KETCHAM, permits the Department of Agriculture to appoint and sustain agricultural representatives abroad.

The decennial census bill, H. R. 393, by FENN, has not yet been reported by the committee and needs to be amended by having the date of the census to be on or about December 1, so that the data collected will fit into the statistical year of the Department of Agriculture; and needs further amendment by having designated in the bill certain types of information to be secured by enumerators.

Several barge line bills have been introduced, all seeking to develop barge-line transportation on various of our rivers.

Free passports for farmers studying agriculture abroad, H. J. Res. 198, by MCSWAIN, will be supported by our organization, especially since the American Farm Bureau Federation is making arrangements to conduct the second Cooperative Farm Bureau pilgrimage abroad.

The radio bill, S. 2318, extending the life of the Radio Commission another year, until it can more adequately bring under regulation the

various factors in radio activity, is in keeping with our resolution of a year or two ago.

The trade-mark bill, H. R. 6683, by VESTAL, contains one section which will permit the name "farm bureau" to be trade-marked and prevents its miscellaneous use by those unauthorized to use it.

A national agricultural day, H. J. Res. 22, is of minor importance, but is in keeping with one of our resolutions of a year or two ago.

This opportunity is taken to thank the board of directors, the legislative committee, President Thompson, and the State federations for a loyalty to our legislative program which is remarkable, and which it is believed never yet has been surpassed in the American Farm Bureau Federation. Particular comment should be given to the fact that our State federation officials are extremely careful not to take positions by correspondence or in person contrary to the general position of the American Farm Bureau Federation.

The legislative program at Washington is indeed very heavy. Even in a report as extended as this one it is impossible to get the entire program into words which explain it. The Washington representative has in times past, when Congress was not in session, been very glad to participate in series of meetings in States under the direction of State federations, so that the entire program might be more adequately brought to the membership. It is felt that in the period following adjournment of this session of Congress more of such work among the county bureaus and the State federations can be profitably done. The Washington representative holds himself ready to serve in this field work and hopes to be of assistance in promoting the strength of the organization generally by doing so.

Respectfully submitted.

CHESTER H. GRAY,
Washington Representative.

SUPPLEMENT

STATUS OF VARIOUS BILLS—CORRECTED TO FEBRUARY 18, 1928

(Note: X means approved; XX means opposed; XXX means needs amending)

Farm relief

X. S. 1176, by MCNARY; ordered favorably reported February 15, without hearing.

X. H. R. 7940, by HAUGEN; hearing in progress.

Muscle Shoals

X. H. R. 8305, by MADDEN; hearings in progress.

X. S. 2786, by WILLIS.

XX. S. J. Res. 46, by NORRIS; reported to Senate February 13.

Taxation

X. H. R. 1, by GREEN; hearings held before House committee; reported December 7; passed House December 15 with amendments; held up by Senate committee awaiting tax returns.

Merchant marine

XXX. S. 744, by JONES; reported to Senate with amendments; passed Senate with amendments.

Capper-Ketcham extension service bill

X. S. 1285, by CAPPER; reported to Senate.

X. H. R. 10568, by KETCHAM; reported January 23.

Corn borer bill

X. H. R. 10377, by PURNELL.

Farm loan legislation

X. Way cleared for introduction of bill in Senate carrying out resolution of A. F. B. F.

Reforestation

X. H. R. 42, by FREE; authorizing $100,000 annually as Federal aid for purchase and distribution of forest tree seeds and plants for reforestation. No hearings yet.

X. S. 1344, by ODDIE; compansion bill to H. R. 42, by FREE.

(McNary-Woodruff bill)

X. S. 1181, by MCNARY; reported January 9; passed Senate with amendments February 6.

X. H. R. 357, by WOODRUFF.

(McNary-McSweeney bill)

X. S. 1183, by MCNARY.

X. H. R. 6091, by MCSWEENEY; hearings on March 1, 2, and 3.

Flood control

XXX. H. R. 8219, by REID of Illinois; reported by House Committee on Flood Control, and provides for all expenses to be paid by Federal Government.

Rivers and harbors bill

X. H. R. 11616, by DEMPSEY; containing appropriation of $50,000,000 which includes development of upper Missouri River. Bill became a law in the last Congress; appropriation for 1929 (fiscal year) being carried in War Department appropriation.

Standard container bill

X. H. R. 8907, by PERKINS; hearings will probably end February 20; early report expected in time for call of committee following Wednesday or week following.

X. S. 2148, by MCNARY; reported without hearing February 14.

Decennial census bill

XXX. H. R. 393, by FENN; hearings in progress.

Wool standards bill

X. S. 1343, by ODDIE; no hearing yet.

X. H. R. 7459, by MORGAN; reported January 20.

Reduction of postal rates

XXX. H. R. 9296, by GRIEST; changes postal rates; hearings in progress.

X. S. 808, by COPELAND.

Truth in fabric

X. S. 1621, by CAPPER.

X. H. R. 7907, by FRENCH.

Agricultural attaché bill

X. S. 1178, by MCNARY.

X. H. R., 9187, by KETCHAM.

Agricultural day resolution

X. H. J. Res. 28, by GARBER; no hearings.

Extension of barge lines

X. H. R. 10710, by DENISON.

X. H. R. 5686, by STRONG of Kansas.

X. H. R. 7362, by WILLIAM E. HULL.

X. S. 1760, by SHIPSTEAD.

Regulation of toll bridges

X. H. R. 107, by BURTNESS; being held up by House Interstate Commerce Committee.

Research on poultry diseases

X. S. 812, by COPELAND.

Federal aid to highways

X. H. R. 383, by DOWELL; hearings in progress ($75,000,000).

X. S. 2327, by PHIPPS.

Special Federal aid for roads and bridges in flood areas

X. H. R. 10864, by HALE; introduced February 13.

Packers and stockyards act

XXX. H. R. 490, by HAUGEN.

XXX. S. 2506, by CAPPER.

Immigration

XX. H. R. 6465, by BOX; making the quota provisions applicable to nationals of American countries.

Retail-price fixing

XX. S. 1418, by CAPPER.

XX. H. R. 11, by KELLY.

Classification of live poultry as livestock

X. S. J. Res. 42, by COPELAND; passed Senate by substituting H. J. Res. 112, February 2.

X. H. J. Res. 112, by LEA; passed House January 16. Approved by President.

Walsh resolution to investigate the Power Trust

X. S. Res. 83, by WALSH of Montana; reported by Committee on Interstate Commerce with amendments; amended to refer investigation to Federal Trade Commission, and passed in this form February 15.

Utilization of cotton

X. H. R. 10642, by BLANTON; introduced February 7; promoting utilization of low-grade cotton and putting embargo on all raw jute products.

X. H. R. 10763, by JONES; investigating new uses for cotton.

Free passports to American farmers traveling abroad

X. H. J. Res. 198, by MCSWAIN; permitting issuance of free passports to farmers traveling in Europe to study farming methods.

Extending Radio Commission

X. Watson radio bill.

Vocational training bill

XXX. S. 1731, by GEORGE; providing additional appropriations for Smith-Hughes work.

XXX. H. R. 9201, by MENGES; same as the above bill.

Corn sugar

XXX. S. 2806, by CAPPER; permits corn sugar to be used as substitute for cane and beet sugar.

XXX. H. R. 10022, by COLE of Iowa; same as above.

Trade-mark bill

X. H. R. 6683, by VESTAL; contains section allowing the name "farm bureau" to be trade-marked.

Boulder Dam

XXX. S. 728, by JOHNSON; provides for development of that project.

XXX. H. R. 5773, by SWING; same as the above bill.

Mr. HARRISON. Mr. President, I wish to inquire of the Senator from Nebraska if he will agree to a unanimous consent that a vote shall be taken upon the amendment now pending at a certain time to-morrow?

Mr. NORRIS. Mr. President, without consulting with anyone, I would hardly care to enter into an agreement.

Mr. SMITH. Mr. President, I would object to any unanimous-consent agreement until certain of us who have not had an opportunity of expressing ourselves specifically in reference to this legislation shall have such an opportunity.

Mr. NORRIS. I think there are some other Senators, besides the Senator from South Carolina, who feel that way.

Mr. HARRISON. I may say to the Senator from South Carolina that my reference was only to the amendment I have offered, which is pending.

Mr. SMITH. So far as I am concerned, I would not want to give my consent to any commitment on any one amendment until those of us who desire have had an opportunity to express ourselves with reference to the general legislation.

Mr. NORRIS. I agree with the Senator from South Carolina. While I would like to get a vote as soon as possible, I do not want to prevent anyone from speaking on the general subject. There are several Senators who want to talk on the subject generally, and I presume they would rather not do so after we had started voting. When that general debate shall be concluded, I myself will try to get an agreement to limit speeches, for instance, on the pending amendment, to 5 or 10 minutes, or some such time as that.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred as indicated below:

H. R. 9830. An act authorizing the Great Falls Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Potomac River at or near the Great Falls; and

H. R. 11026. An act to provide for the coordination of the public-health activities of the Government, and for other purposes; to the Committee on Commerce.

H. R. 53. An act to provide for the collection and publication of statistics of tobacco by the Department of Agriculture;

H. R. 7459. An act to authorize the appropriation for use by the Secretary of Agriculture of certain funds for wool standards, and for other purposes;

H. R. 9495. An act to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture;

H. R. 11579. An act relating to investigation of new uses of cotton; and

H. J. Res. 215. Joint resolution to authorize the Secretary of Agriculture to accept a gift of certain lands in Clayton County, Iowa, for the purposes of the upper Mississippi River wild life and fish refuge act; to the Committee on Agriculture and Forestry.

H. J. Res. 140. Joint resolution to amend sections 1 and 2 of the act of March 3, 1891; ordered to be placed on the calendar.

COLUMBIA (S. C.) FEDERAL LAND AND INTERMEDIATE CREDIT BANK

Mr. BLEASE. Mr. President, a few days ago I introduced a resolution (S. Res. 159) asking that the condition of the Federal intermediate credit bank in my State be examined. I ask to have printed in the RECORD and referred to the Committee on Banking and Currency a few letters in reference to the condition of the intermediate credit bank. If the committee or somebody else does not soon do something the farmers down there will be robbed and then there will be no use of doing anything at all.

There being no objection, the letters were referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

[Letter from a prominent business man and farmer]

BEAUFORT, S. C., *February 25, 1928.*

Senator COLE L. BLEASE,
Senate Chamber, Washington, D. C.

DEAR SENATOR: I am glad to see by the newspaper to-day that you are going to have the intermediate credit bank investigated. The Government tried the local officers of the farmer's company that was connected with the intermediate credit bank, but it has not touched the men higher up in the intermediate credit bank. If the men higher up did not know what was going on down here, they should be removed for incompetency. But it is not reasonable to think they did not know. But whatever the facts are let us have them. Come down here with a committee and get at the bottom of it. Don't let them send another set of accountants just to get evidence for the Federal prosecuting officers. They have given us Beaufort people hell, and we are not the crooks they are making out.

An investigation will show what happened to the Beaufort bank that Arnold closed up. As a stockholder and a depositor, I would like to have some outside people come in here and have a real audit made of that bank. They can get a lot of information from Mr. Richardson, and he will give it. He can help in an investigation of the intermediate. They have him headed for Atlanta, but before they get him there I hope you can work it so that he can tell what he knows to some committee that is not trying to put him out of the way. Of course, it is the business of the State authorities and the Federal authorities, who have the prosecutions in hand, to convict him. But we need some one who is after the truth, no matter who it hits. Please help us to get this. Remember that one of those sentenced to jail is a young lady of Beaufort, who everyone knows would as soon cut off her hand as to steal a penny. She comes of an humble home, she worked for a small salary, and helped her home folks with that, and if she is being sent up to shield higher-ups that is something you will not stand for.

With regards,

Very sincerely,

——— ———.

[Letter from a prominent banker and farmer]

BEAUFORT, S. C., *February 25, 1928.*

Hon. COLE L. BLEASE,
Washington, D. C.

DEAR SIR: It gives me pleasure to thank you for introducing resolution in the Senate for investigation of the Federal Intermediate Credit Bank, Columbia, S. C., and, with Congressman HARE'S good work started in the House, I can not help from feeling, when the true facts and conditions that have existed since the failure of Beaufort bank on our farmers in our section are known, the farmers will be rewarded for their labor in the end. Assuring you if I can be of any service to you, I want you to feel at liberty to call on me at any time.

With kind personal regards, I am,

Very truly yours,

——— ———.

[Letter from a prominent farmer and former member of South Carolina House of Representatives]

COLUMBIA, S. C., *February 29, 1928.*

Senator COLE L. BLEASE,
United States Senate, Washington, D. C.

DEAR SENATOR: Have seen with much satisfaction your resolution to have the Federal land bank at Columbia and its agricultural credit department investigated.

I trust that you will be able to carry it to a successful conclusion; it sadly needs looking into, and the interest of the farmer demands it.

With best regards, I am,

Yours very truly,

——— ———.

[Letter from a prominent farmer]

LATTA, S. C., *February 27, 1928.*

Senator COLE L. BLEASE,
Washington, D. C.

DEAR SENATOR: I noticed in the paper where you had introduced a resolution to investigate the Federal Intermediate Credit Bank of Columbia, S. C., which I think is much needed, judging by the hardship that these Columbia banks are allowing our local credit associations to rob the farmer.

To begin with, the farmer can't get any money unless he agrees to buy fertilizer from the agricultural loan, which in most cases costs from two to eight dollars more per ton than he would have to pay elsewhere.

As a rule, what money a farmer gets from these people costs him anywhere from 14 to 25 per cent interest. Our local credit people use the farmer's paper to get the money with and the farmer has to take what he can get and at their own price.

I have papers in my attorney's office in Dillon showing where these people held the farmer's money and fertilizer and caused the farmer a big loss.

Yours truly,

[Letter from a prominent farmer]

NESMITH, WILLIAMSBURG COUNTY, S. C., *March 3, 1928.*

Hon. COLE L. BLEASE,
Washington, D. C.

MY DEAR SENATOR: As a 56-year-old private citizen and supporter in your political "ups and downs," I wish to state that I was glad to read your resolution as to investigation of the Federal banks in South Carolina.

Be sure to look into red-tape methods and manners used by the "financial (middleman) pirates" in dealing out Government money to the farmer. He is first "hog tied" in matter of securities, then "bled to death" before balance of his "borrow" is available. Applies to both Federal land loans and South Carolina agricultural loans.

With best wishes,

Yours truly,

[Letter from former speaker of the House of Representatives of South Carolina, former circuit judge, and a very prominent attorney]

CAMDEN, S. C., *March 2, 1928.*

Hon. COLE L. BLEASE,
United States Senate,
Washington, D. C.

MY DEAR COLE: You can not imagine with what pleasure I have read of your resolution to have the Federal intermediate credit bank in Columbia thoroughly examined by committee of the Senate. You will recall that one night in the Jefferson Hotel I told you that I wanted to see you a few days in Washington, and wish to say that this was the very matter that I had in view. The record as developed in the trial of the Beaufort bank cases certainly warrant a thorough investigation of this bank in all of its ramifications from Washington down, and it is needless for me to say that at any time I can be of any service to you in the matter do not hesitate to call on me.

With kindest personal regards, I am

Sincerely yours,

[Letter from a former citizen of Greenwood County]

CHATTANOOGA, TENN., *March 4, 1928.*

Hon. COLE L. BLEASE,
Washington, D. C.

DEAR SENATOR: I notice a meager account in Greenwood, S. C., paper of your resolution for an investigation of the Federal land-bank affairs. Will you be good enough to advise me the nature of your investigations or along what lines. I was never able to get any satisfaction in writing them in regard to my affairs with them and was not accorded the rights that were due me as an honest, struggling farmer.

I was thrown out of my birthplace wholly on the recommendation of a little cigarette-smoking dude who was more interested in a woman who happened to be promenading the lobby of a hotel than he was in my conference with him.

I don't want to take up your time, but I would like to know what you are doing. My home was at Verdery, Greenwood County.

Yours, etc.,

UNVEILING EXERCISES AT STONE MOUNTAIN, GA.

Mr. HARRIS. I ask unanimous consent for the consideration of Senate Concurrent Resolution 12, submitted by me on the 6th instant.

Mr. CURTIS. Does it carry an appropriation?

Mr. HARRIS. None whatever.

Mr. CURTIS. Does it authorize in any way an appropriation?

Mr. HARRIS. Not at all.

Mr. CURTIS. Then I have no objection to its consideration.

Mr. JONES. Let it be read.

The PRESIDING OFFICER. The concurrent resolution will be read.

The concurrent resolution (S. Con. Res. 12) was read and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there is hereby created a committee of Congress consisting of five Senators, to be appointed by the President of the Senate, and 10 Members of the House of Representatives, to be appointed by the Speaker of the House, to attend, as representing the Congress of the United States, the exercises at Atlanta, Ga., April 9, 1928, incident to the unveiling of a portion of the Stone Mountain Monument by the Stone Mountain Confederate Monumental Association.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate took a recess until to-morrow, Friday, March 9, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 8 (legislative day of March 6), 1928

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY

Franklin Mott Gunther, of Virginia, to be envoy extraordinary and minister plenipotentiary of the United States of America to Egypt.

PROMOTIONS IN THE REGULAR ARMY

To be colonel

Lieut. Col. George Edwards Goodrich, Infantry, from March 6, 1928.

To be lieutenant colonel

Maj. Pelham Davis Glassford, Field Artillery, from March 6, 1928.

To be majors

Capt. Charles Andrew Willoughby, Infantry, from March 6, 1928.

Capt. Fred McIvor Logan, Infantry, from March 6, 1928.

To be captains

First Lieut. Mark Andrew Devine, jr., Cavalry, from March 6, 1928.

First Lieut. Edwin Eugene Aldrin, Air Corps, from March 6, 1928.

To be first lieutenants

Second Lieut. Carl Douglass Silverthorne, Cavalry, from March 2, 1928.

Second Lieut. Louis William Haskell, Infantry, from March 6, 1928.

Second Lieut. David Myron Schlatter, Air Corps, from March 6, 1928.

Second Lieut. Charles Trovilla Myers, jr., Air Corps, from March 6, 1928.

MEDICAL CORPS

To be captain

First Lieut. Emery Ernest Alling, Medical Corps, from March 1, 1928.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 8 (legislative day of March 6), 1928

POSTMASTERS

COLORADO

John Davis, Arriba.
Thomas B. Scott, Meeker.

ILLINOIS

Georgia W. Cooper, Congress Park.

INDIANA

Walter C. Belton, Acton.

IOWA

Lewis H. Roberts, Clinton.
Joseph D. Schaben, Earling.

NORTH CAROLINA

Richard J. Pace, East Flat Rock.

OHIO

Howard E. Foster, Chagrin Falls.
Frank H. Shaw, Germantown.

VIRGINIA

Robert L. Olinger, Blacksburg.

WASHINGTON

Lovilla R. H. Bratt, Richmond Beach.

HOUSE OF REPRESENTATIVES

THURSDAY, *March 8, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father and our God, through Thy bountiful mercy every morning is made new and every day is a new beginning. We praise Thee that there was never a night without a day, or an evening without a morning. Thou who givest all things freely make this day radiant with faith, truth, loyalty, and courage. Teach us how to follow Thee and give us wisdom to guide us on. In all our intercourse with men may we be strong, pure, and noble. No permanent failures can ever be recorded in the annals of a truthful man. O, happy is he whose ambition is to be universally helpful and who enters into the fundamental conception of the very best life. Remember our homes, Heavenly Father, especially those who know the silent story, quivering through the heart of affliction. O life—life has many a tangled crossing, and even our finest pleasures have many a break of woe. Wherever the shadows are lowering let them hear the echo, "He that overcometh shall inherit all things." Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President did on the following date approve and sign bills of the House of the following titles:

On March 7, 1928:

H. R. 81. An act to authorize the coinage of silver 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the discovery of the Hawaiian Islands by Capt. James Cook, and for the purpose of aiding in establishing a Capt. James Cook memorial collection in the archives of the Territory of Hawaii; and

H. R. 5818. An act authorizing J. H. Peacock, F. G. Bell, S. V. Taylor, E. C. Amann, and C. E. Ferris, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Prairie du Chien, Wis.;

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, bills of the following titles:

H. R. 437. An act authorizing the Maysville Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Maysville, Ky.;

H. R. 472. An act authorizing the Dwight P. Robinson & Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Maysville, Ky.;

H. R. 2809. An act for the relief of the heirs of Jacob Thomas;

H. R. 5476. An act to authorize the Secretary of War to sell to the Pennsylvania Railroad Co. a tract of land situate in the city of Philadelphia and State of Pennsylvania;

H. R. 6491. An act to amend section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended;

H. R. 6579. An act for the relief of James W. Kingon;

H. R. 6684. An act to amend section 2455 of the Revised Statutes of the United States, as amended, relating to isolated tracts of public land;

H. R. 7008. An act to authorize appropriations for the completion of the transfer of the experimental and testing plant of the Air Corps to a permanent site at Wright Field, Dayton, Ohio, and for other purposes;

H. R. 7553. An act for the relief of James Neal;

H. R. 8293. An act to amend an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913;

H. R. 8899. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tombigbee River at or near Epes, Ala.;

H. R. 8900. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tombigbee River near Gainesville on the Gainesville-Eutaw road between Sumter and Green Counties, Ala.;

H. R. 9019. An act granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the Ouachita River at or near Calion, Ark.;

H. R. 9063. An act to extend the times for commencing and completing the construction of a bridge across the Chattahoochee River at or near Alaga, Ala.;

H. R. 9202. An act to authorize construction at the United States Military Academy, West Point, N. Y.;

H. R. 9204. An act granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the Current River at or near Success, Ark.;

H. R. 9339. An act granting the consent of Congress to the board of county commissioners of Trumbull County, Ohio, to construct, maintain, and operate a free highway bridge across the Mahoning River at or near Warren, Trumbull County, Ohio; and

H. R. 9484. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tombigbee River at or near Aliceville on the Gainesville-Aliceville road in Pickens County, Ala.

PERMISSION TO ADDRESS THE HOUSE

Mr. GARRETT of Tennessee. Mr. Speaker, I desire to make a brief statement preliminary to preferring a request for unanimous consent. Tuesday, March 27, is the anniversary of the battle or massacre, as it is sometimes called, of Goliad, which is now in the State of Texas. It is situated in the district which is so ably represented here by our greatly beloved colleague, Mr. MANSFIELD. I think the historic importance of that event will justify notice being taken of it here; and in order that that notice may be taken, I ask unanimous consent that upon Tuesday, March 27, after the reading of the Journal and disposition of business on the Speaker's table, the gentleman from Texas [Mr. MANSFIELD] may have the privilege of addressing the House for one hour.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that on Tuesday, March 27, after the reading of the Journal and the disposition of business on the Speaker's table, the gentleman from Texas [Mr. MANSFIELD] may address the House for one hour. Is there objection?

There was no objection.

ORDER OF BUSINESS

Mr. SNELL. Mr. Speaker, I desire to prefer a unanimous-consent request. When I first presented the rule for the consideration of this constitutional amendment I explained to the House that we had provided for five hours of general debate. I also made the statement at that time that if there was apparent need for additional time we would try to arrange for it. I am informed by the gentleman in charge of the resolution that they have had requests for more time than they can grant, and up to the present time it has not been very evenly divided, although they have yielded time as requests have been made. On account of the importance of the whole proposition and the great interest of the Members of the House, I ask unanimous consent that general debate may be extended one hour, to be controlled as heretofore.

The SPEAKER. The gentleman from New York asks unanimous consent that general debate on the White resolution, fixed by the rule at five hours, be extended one hour. Is there objection?

Mr. GARNER of Texas. Mr. Speaker, reserving the right to object, may I ask whether it is expected to conclude the resolution to-day.

Mr. SNELL. I think that was the hope, but it is impossible to tell what will happen under the five-minute rule.

Mr. GARNER of Texas. I understand that, and I was merely asking at this time whether you expect to vote on this resolution to-day. As I understand it there remains 1 hour and 45 minutes of general debate, and if 1 hour is added to that, it will carry the general debate to about 15 minutes before 3 o'clock. Is it expected to read the resolution under the five-minute rule and vote on it this afternoon?

Mr. TILSON. A bill of this importance, I think, should not be unduly rushed through, and if more time is required to thoroughly consider it, the time ought to be taken. I think we should not attempt to put a limit on it now but go ahead with the discussion. If another hour is necessary, as seems to be the case, then take the hour and after that go on with the consideration of the resolution under the five-minute rule.

Mr. GARNER of Texas. I am not making any objection to it. I am merely trying to get into the RECORD some statement

as to how soon you expect to vote on this measure. Notice was given a week ago that you were going to take it up, realizing it was an important subject, and to put it over for another day, unless the House has some notice of it, I think, would not be exactly in line with the expectation of the Members of the House that the resolution would be voted on to-day.

Mr. SNELL. When I first gave notice that the resolution would be called up, I did not say when the vote would come.

Mr. BANKHEAD. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. BANKHEAD. I dislike, of course, to inject any personal question into this matter, but I have given notice that I propose to offer an amendment which, I think, practically all of the Members of the House are very much interested in. I have made arrangements to leave the city to-morrow morning, and I am just inquiring, if it should become necessary, whether I could have some assurance that we could consider that amendment this afternoon before we adjourn?

Mr. SNELL. I do not see how I can give the gentleman that assurance, and I do not know how it is possible to give that assurance now. As far as I am concerned, I do not object to the gentleman offering his amendment at any time.

Mr. BANKHEAD. I will take my chances on it.

Mr. MOORE of Virginia. Will the gentleman allow me to make one suggestion?

Mr. SNELL. Yes.

Mr. MOORE of Virginia. Of course, I shall not object to his request, but it strikes me that instead of extending the general debate it would be more profitable to have an understanding that very liberal opportunity shall be given for discussion under the five-minute rule.

This would bring us down to a consideration of specific proposals covered by the resolution, and a discussion of that sort carried on under a liberal understanding would probably serve better to clarify the subject in reference to particular matters and assist Members in reaching a conclusion.

Mr. SNELL. I do not believe there has been any effort on the part of anyone to cut off liberal discussion on the individual amendments. This is a very important matter and should be discussed freely from all sides, and if it is necessary to take more time than to-day, we should take another day.

Mr. MOORE of Virginia. I think so; and I was merely having in mind the practical view I have just submitted, that we would do better probably in talking under the five-minute rule than in talking further in general debate.

Mr. SNELL. Gentlemen will have that opportunity also if we get the extra hour.

Mr. GIFFORD. Mr. Speaker, may I express the attitude of the committee which may obviate many questions. We have had more requests for time this morning than was anticipated yesterday. In fairness to the committee, I want to say we had but one request yesterday to speak in opposition to this resolution, although we wished such requests to come in if they desired and they ought to have come in on yesterday. Many came in this morning and wish to speak in opposition to the proposed amendment. We wished to hear the opposition yesterday, and as one member of the committee I would like to hear the opposition. We have consented to an extension of general debate for one hour. I wish to say in connection with the question which the gentleman from Virginia, Judge MOORE, has asked that we intend to be most liberal in giving plenty of time on important amendments. Then, again, it will make a great deal of difference whether or not certain amendments to be proposed will be held in order. If such amendments are held in order, it will take considerable time for the discussion of the amendments. Mr. Speaker, I hardly see under all the present contingencies how there is any great possibility that we can finish this matter to-day.

Mr. LAGUARDIA. If we do not finish it to-day——

Mr. GARNER of Texas. You expect to go on to-morrow if you do not finish to-day?

Mr. LAGUARDIA. That is exactly the question I had in mind.

Mr. SNELL. That is the understanding, that we will continue with the resolution until we finish its consideration.

Mr. JEFFERS. Mr. Speaker, in connection with the request, I have no objection to the additional hour of general debate. I have requests on this side for additional time both for and against the resolution. If we have the additional 1 hour and I have 30 minutes of the hour I will split the time evenly between those for and against; and if we do go on with general debate until 3 o'clock with the number of important amendments that will be offered on the proposition, it will be practically impossible to finish the consideration of the resolution this afternoon.

Mr. GARNER of Texas. Mr. Speaker, again reserving the right to object, let me get a little further information, if I can, from the gentleman from Connecticut, the majority leader. I am informed by the gentleman from Louisiana [Mr. SANDLIN] that it was understood or the statement was made that the radio bill would be taken up to-day. Does the gentleman expect to take up the radio bill immediately following the disposition of this resolution?

Mr. TILSON. It is my understanding that that bill will immediately follow this one.

Mr. GARNER of Texas. And if we get through with this resolution to-morrow at any reasonable time we will take up the radio bill and get through with it on Saturday?

Mr. TILSON. That is the understanding.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. SNELL]?

There was no objection.

MR. JUSTICE HOLMES

Mr. McSWAIN. Mr. Speaker, I ask the indulgence of the Chair and the House to announce that Mr. Justice Oliver Wendell Holmes, of the Supreme Court of the United States, is 87 years old to-day. I take pride as a South Carolinian in paying a tribute to this distinguished citizen of Massachusetts. [Applause.]

The boyhood environment of Mr. Justice Holmes was almost ideal for the development of upright character. His education was the best that the times afforded. His early manhood was spent in the best school imaginable, to wit, in the Army. During the war, first as lieutenant and, finally, colonel, he was wounded three times. After the war, in 1865, he commenced the study of law and has continued to study that jealous mistress to this good day. Having occupied a conspicuous place at the bar and having been editor of the American Law Review and having published a number of leading articles and books dealing with legal topics, he was chosen to be a professor of law at Harvard College and was finally commissioned a member of the Supreme Judicial Court of Massachusetts, and on August 2, 1899, was made chief justice of that great court. On December 4, 1902, he was appointed Associate Justice of the Supreme Court of the United States, and now for 26 years has been devoting to the laborious and responsible duties of that office all the talents of his richly stored mind, of his highly trained intelligence, and of his thoroughly seasoned patriotic heart.

I rejoice to bear testimony as a South Carolinian to the magnificent public services of this distinguished son of Massachusetts. The example of Mr. Justice Holmes illustrates the obvious truth that you can not fix an arbitrary point in the life of the individual when his usefulness shall end. Both the Army and the Navy have an arbitrary age of 64 fixed by a statute for the retirement of their officers. Some men are younger at 64 than others are at 54, and yet some men are older at 64 than others are at 74. If a man has been temperate in his habits, if his emotions have not from time to time overwhelmed him, it is entirely reasonable to expect from him useful service after he passes the age of 64. For this reason I have advocated the repeal of the existing law requiring Army and naval officers to retire at 64, and have urged instead the enactment of a provision requiring all officers above 60 years of age to appear annually before a medical board for thorough and careful examination as to their physical and mental strength. If deterioration be found, then let the board recommend retirement. But if the officer be found vigorous and hale, physically and mentally, let him continue to serve the Government just so long as he is able to render full service. Surely wisdom and knowledge come with experience. Certainly calmness and understanding should accompany age. Surely both the Army and the Navy need a certain percentage of the officer personnel composed of men of well-balanced judgment, of seasoned understanding, and of ripened wisdom.

Futhermore, it will be better for the officer himself. If he loves his profession, he will be saddened by being separated from the service if he be still in sound health and sufficient strength. Too old to take up a new business or profession he must drag out a discontented existence of idleness. If Marshal Foch had been retired at 64 he never would have commanded 5,000,000 men on the western front. If Marshal Von Hindenburg had been retired at 64 he would never have driven the Russian armies into the Masurian Lakes, and he never would have held, in 1917 and until November 11, 1918, his western lines against the almost irresistible onrushing of allied soldiery.

But to return to Mr. Justice Holmes. I call attention to the fact that his case demonstrates that age and experience do not necessarily bring on a reactionary and ultraconservative

attitude of mind. His decisions show the greatest degree of mental hospitality. His mind is receptive to new ideas and to the impulses of progress. It is remarkable how often Mr. Justice Holmes concurs in some separate opinion by Mr. Justice Brandeis and how often Mr. Justice Brandeis adopts the opinion of Mr. Justice Holmes as his own. It will be recalled that when Mr. Justice Brandeis was nominated for the Supreme Court he was attacked by certain groups as so progressive as to be almost radical; he was regarded as so forward-looking that he never looked back. Since the Anglo-Saxon system of jurisprudence is based upon precedent, it is necessary that a judge should be looking backward most of the time. But it is well that any judge should look forward half the time at least. He must look backward to study the trend and tendency of decisions, to catch the current of opinion, and to discern the underlying philosophy of the law. But having done this much he should turn his eye to the future, and, following the course and direction set by the backward glance, should shape decisions and opinions to fit facts and conditions and circumstances as they are about us and as they certainly will be about us in the immediate future.

Mr. Speaker, at this point I produce some thoughts spoken by me in this connection two years ago relating to the matter of appointments of judges. The longer I live and the more I study the law, and especially our American constitutional system, the more I am convinced that the stability of our institutions depends more upon the character of the judges and the quality of their decisions than it does upon any legislation that Congress or the various State lawmaking bodies may enact. Statutes are but general abstractions to the individual citizen. But when the citizen meets the statute face to face in court and finds his individual property and liberty and life measured in terms of statutes and of common law he finds them measured from the lips of an individual judge—his fellow American, his fellow mortal, and his fellow citizen.

It is a terrific responsibility for one American citizen to be lifted to the position of judge over and above and among his fellow American citizens. If the judge by his language and his conduct shows that he is conscious of his responsibility, that he feels his moral unworthiness to sit in judgment upon the property and liberty and life of his fellow citizen, but that he discharges his duty not as a personal prerogative, but as a solemn official function, then the individual citizen before him and all witnesses to the solemn ceremony will turn away with a feeling of resignation and submission to the law.

But if the judge is petulant and arrogant, if he assumes a personal superiority, and acts as though the person before him had committed lese majesty, as though exercising power by divine right, then the individual whose conduct is measured by the legal standard and the witnesses turn away with resentment and with rebellion in their hearts. If this feeling was sufficiently widespread, the security of the Government might be imperiled. For this reason I contend that the selection of judges for all grades of Federal courts is the highest responsibility that rests upon the President. I congratulate President Coolidge that in two very recent nominations he has ignored party politics in order to vest judicial responsibility in men whose character and abilities would insure its rightful and wise exercise.

Furthermore, Mr. Speaker, at this point I trust it may not be out of place to say that the Supreme Court of the United States now enjoys such confidence from the masses of the American citizens as it perhaps never enjoyed before throughout our entire history. Two decisions rendered within the last year relating to the cancellation of the leases upon the naval oil reserve lands, whereby the court unanimously found from the facts and the law that the leases were and are utterly null and void, firmly convinced the masses of the American people that the court can be depended upon to discern the truth of disputed facts as well as of confused law, and to declare that truth with courage and in language plain and unmistakable. Now, all American citizens know that the Supreme Court is a bulwark of justice and is the refuge of those that might otherwise be persecuted and oppressed.

[Extract from CONGRESSIONAL RECORD, March 8, 1926, p. 5222, vol. 67, p. 5, 1st sess. 69th Cong.]

WHERE TO FIND RECRUITS FOR SUPREME COURT

Since the Supreme Court justices have great powers of "judicial legislation" and are called upon to exercise "judicial statesmanship," the selection of such justices is manifestly a delicate and difficult responsibility. But Mr. Justice Holmes came to the service of the highest Federal court with the clearest demonstration of his existing fitness for that sacred office. As teacher of law and as author of legal commentaries, he had exhibited a thorough comprehension of the whole field of common law, which is the matrix from which grow all other forms of legal development. For 20 years he had been a member of the Supreme Judicial Court of Massachusetts. Therefore the elevation in 1902 was no experiment. His talents and aptitude for judicial service had already been tried, tested, and demonstrated. To appoint a lawyer without judicial experiences, however great may be his abilities as a counselor or his success as an advocate, is apt to be an experiment in the sense that he is untried. However high in political counsels one may be, however great his learning or powerful his intellect, yet these are no guaranty of that judicial balance of temperament, that mental and spiritual fairness and toleration, that intellectual humility and sense of justice so desirable, yea, so essential, to the delicate responsibilities of the Supreme Court. And here is an example and thought for him who nominates and for those who confirm.

There are 161 United States circuit and district judges and 277 justices of supreme courts. All these have been tried and found either fit or wanting. They have either manifested some of the ideal judicial qualifications or they are simply holding a mediocre average. Would it not be an inspiration for all these judges to feel their work, their careers, their conduct, are constantly under the observation of those having the power to say "come up higher." If the justices and judges of the courts above named realized that the vacancies upon the Supreme Court of the United States would be filled by the promotion of those already exercising judicial office, it certainly would stimulate their energies, and the effect would be not only to find the fitted material for the Federal Supreme Court, but would attract and hold better material to the lower courts.

Talented lawyers would thus be encouraged to accept the humbler judicial stations as stepping-stones to the great goal of any honorable lawyer's ambition. Judges would be fired by a praiseworthy ambition so to serve as to deserve promotion. Then our great judicial keystone that completes the arch of our constitutional structure would always be composed exclusively of tested material. Then there would be no disappointments and misfits. There would be higher proficiency and greater efficiency all along the line. Confidence in the court would undoubtedly increase. Complaints should certainly cease. This suggestion is put forth with great humility and respect.

JUSTICE TO EMERGENCY OFFICERS

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to explain in my own words a certain bill I have introduced, H. R. 11756, with reference to promotion in the Army of the United States.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McSWAIN. Mr. Speaker, the bill I have introduced to increase the efficiency of the Military Establishment, and for other purposes, is designed to remedy a situation at present existing with regard to the commissioned personnel of the Army which has seriously impaired the morale and the efficiency of the officers of the Army.

Section 1 of the bill designates those officers of the Regular Army and Philippine Scouts who shall be considered promotion-list officers and subject to the provisions of the bill with reference to such officers.

Section 2 changes the present arrangement of the promotion list with respect only to captains and lieutenants who came into the service since the beginning of the World War; that is to say, April 6, 1917. The present promotion-list arrangement of these officers is based on a War Department interpretation of the Army reorganization act of June 4, 1920, which ignores completely, with reference to such officers, the grade for which these officers qualified on examination and to which they were appointed. This section arranges officers who were appointed captains from civil life under the bill with captains of the Regular Army, first lieutenants with first lieutenants, and second lieutenants with second lieutenants. In each grade the officers are arranged among themselves according to the time-honored War Department principle of length of service, provided that where length of service is equal the arrangement shall be made according to age. No officer will lose his present rank in the Army on account of the proposed change in the law. The general effect of the section will be to put older, more experienced officers ahead on the promotion list of younger, less experienced officers. The bill does not disturb the present relative position on the promotion list of West Point classes and gives all members of such classes the benefit in the arrangement of the age of the oldest member of the class. The length of service considered for the purpose of such arrangement is service rendered between April 6, 1917, and November 11, 1918, which are the same dates specified for this purpose in the Army reorganization act of June 4, 1920.

Section 3 of the bill provides to a limited extent for promotion of all promotion-list officers according to length of service; from second lieutenant to first lieutenant in 3 years, to captain in 10 years, major in 17 years, to lieutenant colonel in 23 years, and to colonel in 28 years. This promotion, how-

ever, is limited by certain maximum percentages prescribed for certain grades. This portion of the bill is substantially the same as the Wadsworth bill which passed the Senate at its last session.

Section 4 of the bill is likewise substantially the same as a similar provision of the Wadsworth bill. It provides for voluntary separation from the service of promotion-list officers, such separation to be made on the application of the officer and subject to approval at the discretion of the President. This section will have the tendency toward eliminating from the Army the so-called "hump" which the War Department has found to be detrimental to the best interests of the service. Preference is given to the application of a group of officers, 4,599 in number, who were on July 1, 1926, between the ages of 31 and 37, inclusive. This group of officers will constitute the real "hump" about 27 years from now unless some such provision as contained in this bill is enacted into law. These officers will at that time fill all the higher grades of the Army from general down to and including major, and they will all go out of the service in a period of six or seven years, thereby causing a sudden elevation to the higher grades of officers whose previous experience has been in the company grades only. This section also abolishes an indefensible distinction which is at present made between the limited and unlimited retired lists of the Army.

Section 5 of the bill provides for compensation to those officers who leave the service under the provisions of section 4. It provides for retired pay for such officers at the rate of 2½ per cent per year in case of officers of less than 20 years' service and 3 per cent for those of more than 20 years' service, with suitable protection for officers who entered the service at an age greater than 45 and with the proviso that any officer who retires by reason of having reached the age of 64 will receive retired pay of 75 per cent of his active pay. This provision is in order to correct a palpable injustice in present law as to this class of officers. It is provided that retired pay, under the section, will not be less than 50 per cent nor more than 75 per cent. The only lump payment provided for in the bill is a provision for the payment of a lump sum equivalent to one year's pay, inserted in order to encourage officers in the "hump" to take advantage of the provisions of the bill within the next two years in leaving the service, and for six months' pay for those leaving the service after the expiration of two years.

Section 6 protects any officer from losing his present commission through operation of the bill.

Section 7 abolishes the restriction placed upon employment of retired officers. The present law imposes unjust restrictions on the employment of retired officers and is unnecessary from the point of view of protecting the interests of the Government, the laws as to fraud being ample for this purpose. Separations provided for in section 4 must be had in the interests of the Government. This section provides for fair treatment of officers so separated.

Section 8 is the usual repealing clause as to other inconsistent legislation.

In my humble judgment a very serious mistake was made by those having in charge the interpretation and administration of the provisions of the Army reorganization act in 1920, in that an arrangement was made whereby captains and lieutenants were so scrambled that men with previous military service in the National Guard and with much actual combat service during the World War and of mature years, some of them above 40 years of age and appointed as captains, find that officers who were then first and second lieutenants have been promoted and actually have passed them, and some of those who were then lieutenants are now majors, though 20 years younger in age and therefore having 20 years less of experience and knowledge of life and of men.

I respectfully submit that this was an outrageous discrimination against those patriotic citizens that served without compensation in the National Guard preparing themselves for war, and who when war came, rendered highly valuable service, which was as valuable as any rendered by Regular Army officers of the same rank. These emergency officers were educated at their own expense, or at the expense of their families, or of their States and their State institutions. Furthermore, most of these emergency officers acquired valuable professional and business experience. All this they bring into the service of the Regular Army and it is no small contribution. I respectfully submit that there is nothing mysterious about the military art. It is not necessary that a man should be picked quite young and trained in a military institution and kept in the Army all of his life in order to make a good officer. In fact, the education which is exclusively military, and the experience which is confined exclusively to the Army, is partial and narrow and limited. On the other hand, the Army has need of men of affairs. It has need of men that understand the civilian point of view.

These emergency officers had been trained in the school of actual experience and of actual war. To discriminate against them by denying them promotion as they advance in age and Regular Army experience and to promote over them young men, most of them educated at the expense of the United States Government at West Point Military Academy and averaging in age 20 years younger, is an injustice, and if this injustice were brought squarely and fairly to the attention of the individual Members of Congress I feel quite sure that legislation would be promptly enacted correcting such injustice.

Education in a particular school can not confer brains or character. These are the individual equation. Many men possess brains and character and yet never went to any college. The most important qualification for an Army officer is leadership, and the rough-and-ready school of life develops leadership as no other school can.

The result of the injustice that has been done to the emergency officers appointed to the Regular Army in the reorganization in 1920 will be glaringly manifest upon realizing that many of them will be retired on account of age while still holding the rank of captain, while other officers about 20 years younger will be holding the ranks of lieutenant colonel and colonel and will themselves before retirement become brigadier generals and major generals. Now it can not be successfully contended that these emergency officers which were commissioned in the Regular Army in 1920 are not as good men in the point of moral character, in the point of intellectual equipment, and in the point of actual military experience as men 20 years younger.

The only basis for such discrimination and unfairness is the excuse that the reward in promotion to higher rank and higher pay should come as the result of long service in the Army, that such is the reward of entering the Army when young and of staying in the Army. This is unsound, because when these officers now described generally as emergency officers were about 21 years of age there was no need for their services in the Regular Army. The Regular Army was then relatively small. They had no opportunity to become commissioned. But when the Army was expanded and the call was made in 1920 for those officers who had been trained, many of them in military schools, and who had served many years in the National Guard, and who had served on the border in 1916, and who had served about two years during the World War, they responded and applied for and accepted commissions in the Regular Army on the assumption that the law would be so construed that they would be arranged on the promotion list with captains of the Regular Army. They had a right to assume that all the captains in the Regular Army—including themselves—would advance at the same rate, and that all lieutenants in the Regular Army would advance at the same rate and behind all captains. They had no right to assume that there would be discrimination in the arrangement of the promotion list.

When, however, they find that officers about 20 years younger in many instances, and who held ranks junior to them at the time the emergency officers were commissioned in 1920, are now being promoted around them and to rank above them, then it is sufficient to make them indignant; and whether they are indignant or not, I as one of their friends and as a friend of justice and as a friend of a sound and fair basis and proper morale in the Army, and as a friend of a wise and sound policy of national defense, am indignant and I believe that the Members of this House would all be indignant if they realized the discrimination that has been made. Promotion in rank and in pay should be the reward for age, experience, ability, and service in the cause of national defense, whether that service was all in the Regular Army or was partly in the National Guard in peace time and partly in the service of the United States during the World War and partly in the Regular Army itself. The question is this: Has the officer got the ability and the experience, and has he served the Nation?

I am also appealing to the fair-minded officers of the Regular Army and especially to those as members of the General Staff that constitute the close advisers to the War Department, to say that an injustice was done and cooperate in its correction. The sooner the War Department shows this attitude, the sooner will it find the response of cooperation on the part of Congress. The Members of Congress do not look at technical refinements and arbitrary classifications such as prevail in the Regular Army. The Members of Congress look at substance rather than shadow. They look at the real situations and not artificial distinctions. They look at facts as they are and not as special interests would have them.

Therefore, Members of Congress realize that service to the Nation, whether in the Regular Army or in the National Guard, or in war time, is the real fact that should count in giving the reward of promotion in rank and pay.

CERTAIN AMENDMENTS TO THE CONSTITUTION

Mr. WHITE of Kansas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the joint resolution (S. J. Res. 47) proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the joint resolution (S. J. Res. 47), with Mr. LEHLBACH in the chair.

The Clerk read the title of the joint resolution.

Mr. WHITE of Kansas. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. WILLIAM E. HULL].

Mr. WILLIAM E. HULL. Mr. Chairman, I am opposed to the amendment to the Constitution, because I can see nothing in it that would make any improvement.

Changing the date from the first week in December until January 4 in order to eliminate what is termed "lame duck," seems to me to be a weak point in the argument, because it stands to reason that a Congressman, who has been here one, two, or three terms and then retires either by defeat or of his own accord, is just as loyal to the United States Government as any new Congressman would be that came in and it would be his ambition to vote for bills for the best interests of the country, and so the fact that he has to retire would not, in my opinion, cause him to vote for vicious legislation. On the other hand, I would rather think he would be more careful at retirement than when he first came in, because he would want his record to be clear and there can be no denial of the fact that this man who retires, and is called the "lame duck," from his experience would be more sound in voting than the new man that knew nothing about it whatever. So, from that standpoint I can see no argument or advantage in eliminating the "lame duck."

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. WILLIAM E. HULL. Yes.

Mr. GARRETT of Tennessee. The attitude of some of us who sympathize with the proposed change is not leveled at the Representative who may be defeated or retire. I agree that he would be just as patriotic as the new Representative, but it is to the change of Government policy indicated by a change in party control.

Mr. WILLIAM E. HULL. That does not change my idea of this proposed amendment.

And there is another point that I want to make that might not be considered pertinent but, on the other hand, every man that comes to Congress is not so well off that he can just throw away three or four months' time. Probably 60 per cent of the Members of this Congress are dependent to some extent upon the salary. They have their families to keep and their children to educate. They must come here in September to put their children in school, if they want to bring their families here. Does it not stand to reason that no one would want to come here in September and remain until January 4 before Congress commenced? My judgment is that you would be better off if you could start the session earlier than December instead of putting it off until January 4.

Another thing that I am opposed to is bringing men here on January 4 and holding them until January 24 with nothing to do. It is true, you can organize the House, but you would not, in my judgment, get 50 per cent of the Congressmen to come here until close to January 24.

I am going to make one point here: We will say that we have an upheaval in politics and the Congress is changed by 60 or 70 per cent and you are forcing all of these new men into Congress with a new President. That makes the whole administration green people and legislation is put before them. Some of it may be vicious legislation. No one is particularly posted—all new men—there is no telling what kind of legislation might accrue.

Does that answer the question of the gentleman from Tennessee?

Mr. GARRETT of Tennessee. That expresses the gentleman's opinion of what may happen.

Mr. LOZIER. The position of the gentleman is that the old Congress is to act as a wet nurse for the new Congress?

Mr. WILLIAM E. HULL. That does not require any answer.

The time-honored custom of holding the inaugural parade and the delivery of the inaugural address from the veranda of the Capitol on March 4 necessarily would be discontinued on account of the weather on January 24. This is more than a holiday to the Nation. The children of the schools, the people from all over the world, look forward to inauguration day. To discontinue the opportunity for this great celebration would be an unwelcome custom to the people of this Nation.

Mr. CELLER. The gentleman knows that not one Constitution that was copied from ours after the treaty of Versailles has the provision for the assembling of the Congress 13 months after election?

Mr. WILLIAM E. HULL. That does not change my idea of this amendment.

Under the present system, the President has an opportunity to select his Cabinet at his leisure, form his official family circle, and become thoroughly conversant with Federal affairs before he is called upon to write his message to Congress. He understands thoroughly the condition of the Federal Government, and is thereby capable of giving the Congress a statement of the true conditions of the affairs of the Union. [Applause.]

Mr. WHITE of Kansas. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. BROWNE].

Mr. BROWNE. Mr. Chairman and gentlemen of the committee, this resolution which we are considering is in the nature of a referendum, and before it is effective it is to go to 48 States, and gives them an opportunity to pass upon it, and they therefore take the most of the responsibility. Unless 36 States ratify the amendment, of course, it is not a part of the Constitution. I am for this resolution, and believe the States should have the right to vote upon the question and say whether they want it or not.

Now, the tenure of office of a Member of the House of Representatives is very brief—two years—and to say that a Representative shall not take office until 13 months of his two-year term has expired is an inconsistency which no private business would ever tolerate for a minute. There is not a municipality, there is not a State, that would tolerate for a moment an elective officer not taking his office until 13 months after he was elected.

Another inconsistency and glaring defect in our Constitution is in our congressional elections. After making a campaign on great issues between the political parties, the majority party oftentimes is defeated; and yet the political party the people have voted for has no opportunity to express itself in legislation for 13 months after the election. And for three months of that time the party which has been repudiated is permitted to legislate and control the policies of the Government.

Mr. LEAVITT. Will the gentleman yield?

Mr. BROWNE. I have only a short time.

Mr. LEAVITT. The gentleman has made a statement that the newly elected Member does not take his office for 13 months. He begins on the 4th of March.

Mr. BROWNE. Yes; but he can not take his seat unless some extraordinary thing happens and the President calls a special session, and that does not happen in many years.

Another defect in the present system is when no candidate for President receives a majority of the votes in the electoral college and the election of President is thrown in the House of Representatives under the twelfth amendment to the Constitution, and the Senate is given the power to elect a Vice President if no candidate for President has received a majority in the House of Representatives, and the result is if the Senate elects the Vice President the Vice President acts as President for four years.

A still greater contingency might arise when there would be a deadlock in both the House of Representatives and the Senate when no one would be elected as President and no one elected as Vice President. Under the Constitution there would be no way of electing a President or Vice President, and it might result in a great crisis which would threaten the very life of this Government.

It might easily happen that a whole administration is defeated. The defeated President would not, of course, call a special session of Congress and the repudiated administration would have three months' control of all branches of the Government with the express mandate of the people opposed to their policies. This is certainly not according to the spirit of our form of government. The proposed amendment gives the House of Representatives the right to elect a President in any contingency that can happen. In case of death of the President elect or Vice President elect before they take their oath of office which is a serious omission in our Constitution.

Under the proposed amendment, if the House was not able to elect a President and the Senate elected a Vice President, the Vice President would only hold office until the House could elect a President. It might not be in that session, it might be in the next session; but at any time that the House of Representatives selected a President he would become President, and the Vice President selected by the Senate would retire as President. So it gives the House of Representatives, the people's body, the full power of electing a President in such a contingency which the framers of the Constitution desired it to have. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. WHITE of Kansas. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. UNDERHILL. Mr. Chairman, I shall address myself entirely to the lame-duck argument, because, in spite of all that may be said, if it were not for the fact that some newspapers have exaggerated this feature you would never have had this resolution before the Congress. I call this to the attention of the Members of this House because most of them were intimately acquainted and associated with some of the gentlemen whom I propose to name who served with distinction in the House during the short term of Congress after their successors were elected. In the House at the last session of Congress there were Mr. BARKLEY, of Kentucky; Mr. HAYDEN, of Arizona; Mr. THOMAS, of Oklahoma; Mr. TYDINGS, of Maryland; Mr. Lineberger, of California; Mr. Hill, of Maryland, all of whom ran for the Senate. After they were elected or defeated they took their seats for the short session and voted in the House on matters of legislation intelligently, honestly, and were efficient Representatives. Who would say that Senator Pepper, of Pennsylvania, or Senator Lenroot, of Wisconsin, senatorial lame ducks of the last session, were not the peer of their successors? I call the attention of some of the older Members of the House to the fact that Mr. Mondell, at one time majority floor leader of the House, and my colleague Mr. DALLINGER, and Mr. ARENTZ, who are now Members of the House, were at one time lame ducks, or could be put into that group or category. Yet they served during the short session with honor to themselves and credit to their districts. If there is any man in this House who believes that under the lash of defeat he is not just as capable and just as honest and just as efficient as he would be if he had been reelected to this House, then that man should vote for this resolution; but if, on the other hand, he believes that he can be honest, efficient, capable, and well qualified, even though he should be defeated, he ought to vote against the resolution.

Mr. STEVENSON. Before the gentleman leaves that feature of his remarks, will he not please name Uncle Joe Cannon, who was twice a lame duck?

Mr. UNDERHILL. I am going to name him. In this House there are WEB WILSON, of Mississippi; TOM CONNALLY, of Texas; TOM BLANTON, of Texas; all running for another office. Will any one of them change his attitude or be less efficient provided he is not put immediately to work, if he should be fortunate or unfortunate enough to be elected to another body?

We have two present Members appointed to the bench, BOWLING of Alabama and GREEN of Iowa. Are they less efficient to-day, are they less honest, or less capable than they would be if they had not that office before them?

Let me name a few lame ducks of the past. Bascom Slemp, of Virginia, and Everett Sanders, of Indiana, Secretaries to the President, were both ex-Congressmen when appointed. There was Phil Campbell, of Kansas, who was defeated because he bought a house over in Virginia; Sam Winslow, who voluntarily retired; Uncle Joe Cannon, though twice defeated in the same class, because the last time he voluntarily retired; John Weeks, who after he was a lame duck was made Secretary of War, and no better Secretary of War ever served; and Harry New, the present Postmaster General, who was a lame duck. Speaker Champ Clark and President William McKinley were lame ducks. At the last session of Congress Mr. Coyle, of Pennsylvania, and Mr. Carter, of Oklahoma, whose defeat was a tragedy rather than anything else, and whose constituents would have sent him back a month later if they had had the chance to reflect, were lame ducks. Then there was Mr. Funk, of Illinois; Mr. Upshaw, of Georgia; Mr. Tincher, of Kansas; Ogden Mills, of New York. You gentlemen who were their colleagues at that time know how well qualified they were, how effectively they worked, how honestly they worked, how efficiently they worked during the short session when they were lame ducks. If it were not for the newspapers and the propaganda and the silly talk about lame ducks, you never would have heard of this resolution.

Mr. GARRETT of Tennessee rose.

Mr. UNDERHILL. One more thing, and then I shall be glad to answer any question the gentleman from Tennessee has to ask. Will anyone here whose service is longer than mine tell me of any legislation of evil purport that passed during a lame-duck session? Will anyone tell me of any urgent legislation of great good that failed of passage during a lame-duck session?

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. UNDERHILL. First, I yield to the gentleman from Tennessee. Will he tell me of any legislation that has been determined by the votes or influence of the lame ducks? I ask this question of my friend from Tennessee, who has had so much longer service than I.

Mr. GARRETT of Tennessee. I want to say this, that the individual factor, the personal equation, does not enter into the consideration of this matter in my mind at all. The gentleman is falling into the same error that the gentleman from Illinois [Mr. WILLIAM E. HULL] fell into.

Mr. UNDERHILL. The gentleman will agree with me that if it were not for the lame-duck agitation you would never have heard of this resolution?

Mr. GARRETT of Tennessee. Oh, no.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. JEFFERS. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. DICKINSON].

Mr. DICKINSON of Missouri. I am friendly to and purpose to support the pending joint resolution which reads as follows, as it relates to Congress, and to which I alone shall address my remarks:

ARTICLE —

SECTION 1. The terms of the President and Vice President shall end at noon on the 24th day of January, and the terms of Senators and Representatives at noon on the 4th day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

SEC. 2. The Congress shall assemble at least once in every year. In each odd-numbered year such meeting shall be on the 4th day of January unless they shall by law appoint a different day. In each even-numbered year such meeting shall be on the 4th day of January, and the session shall not continue after noon on the 4th day of May.

In December, 1925, I introduced in the House a joint resolution similar to the Norris resolution in so far as it relates to changing the time when Congress shall assemble, which reads as follows:

House Joint Resolution 10, Sixty-ninth Congress, first session

IN THE HOUSE OF REPRESENTATIVES,

December 7, 1925.

Mr. DICKINSON of Missouri introduced the following joint resolution; which was referred to the Committee on Election of President, Vice President, and Representatives in Congress and ordered to be printed:

Joint resolution proposing an amendment to the Constitution of the United States fixing the commencement of the terms of Members of Congress.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concuring therein), That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States as provided by the Constitution:

"SECTION 1. That the terms of Senators and Representatives shall commence on the first Monday in January following their election.

"SEC. 2. That the Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in January, unless they shall by law appoint another day.

"SEC. 3. That the terms of Senators and Representatives who may be in office at the time of the adoption of this amendment shall end at noon of the first Monday in January of the year in which such terms would otherwise have ended on the 4th of March."

I would have been glad to have voted for the Norris resolution as it came from the Senate. I will be glad to vote for the White resolution as reported to the House from the committee. I want to congratulate the governing power in this House, the dominant party in control, which has at last permitted this joint resolution to come before the House for consideration. Three times the Norris resolution passed the Senate by large majorities and came to the House for action. There has been no reasonable excuse for delayed consideration by the House. The time has come when the Members of this House shall determine whether they are willing to submit a constitutional amendment by which Members of Congress elected in November can come here in January, two months after election, and commence the discharge of their duties. Under present conditions

Members elected in the fall do not take their seats for 13 months, unless called in special session after March 4 by the President of the United States. That should be remedied and, in my judgment, is the most important part in this joint resolution.

It has been suggested that the resolution as presented should be amended in certain proposals. Much can and will be said both for and against the pending resolution and much may be said in favor of some of the amendments that have been suggested. The provision in section 2 by which Congress in its second session or in even-numbered years shall not continue in session after noon on the 4th of May would be a great improvement on existing law. That has seemed to me to be a wise provision. Both sessions commencing on the 4th of January—the first session not limited—the second session limited to four months and that session the election year. Under existing law the life of the second session is three months with generally an adjournment of about two weeks covering the Christmas and New Year holidays. Under the proposed resolution it would run for four consecutive months and adjourn in May in the election year.

The suggestion has been made that it would permit a filibuster. No; not a successful filibuster. If any attempt or effort be made to prevent the passage of a bill, the President can immediately call Congress into session. Congress would live and the bills would live and the legislation would be perpetuated, and the inducement to filibuster would not be present, because it could not be done so readily as now. Under the Constitution now, the short term is at the end of the term and ends with the 4th of March, and then Congress dies and all bills die and a successful filibuster kills legislation. So a short session for four months at the beginning of the second year is far better for legislative purposes than an interrupted three-months' session at the end of the second year.

Mr. BYRNS. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON of Missouri. Yes.

Mr. BYRNS. I will not take up much of the gentleman's time; but the chief reason that has inclined me to vote for the Norris resolution is the very fact that it would do away with the short session and the opportunity for one or more Members of the Congress to hold up the entire proceedings by a filibuster. The gentleman refers to the White resolution, which limits the session. That is one reason why I am opposed to the White amendment. Those filibusters usually occur in connection with an appropriation bill, and the Norris amendment would prevent any Member from holding up an appropriation bill and forcing an extra session. I do not see how the White amendment relieves the situation.

Mr. DICKINSON of Missouri. As I stated, the filibuster comes now at the conclusion of a Congress and Congress dies on the 4th of March. But when Members know in either body that at the end of four months Congress still lives, and that bills will not die until the next January, and that the President can call Congress into session, there will be no danger, so far as the appropriation bills are concerned, and he would not hesitate to call Congress into extra session in order to pass the supply bills if necessary. However, supply or appropriation bills are usually easily disposed of in three months.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON of Missouri. Yes.

Mr. CELLER. Under the conditions that now prevail you would have your filibuster always just prior to the 4th of March, not in the election year. Now, in the amendment offered by the committee in this House you simply postpone the filibuster to May 4. Under the Norris bill, as it came from the Senate, if you have a filibuster, Congress can remedy that.

Mr. DICKINSON of Missouri. I prefer and will vote for the Norris bill, if the opportunity occurs; and I will vote for the White bill as it is, or if changed by proper and not hurtful amendment. I do not object to striking out the four-months provision, but Congress usually adjourns in long sessions about June 1, and the four months for the short session is a great improvement on the existing law.

I have not lost faith in popular government. I believe that the people have the right to be heard on all questions, and particularly on questions that are fought over in Congress, which they would have after a four-month term when Congress would adjourn, and then the issues would be discussed before the people prior to the election. I am heartily in favor of the pending resolution to the end that the issues when fought out before the people should be taken up by Congress and not laid aside for new issues that may be suggested by dominant influences. Believing as I do that the people are not only interested in legislation, but are interested in having fought out and determined and written into law the things that they have discussed at home, I favor men coming here not 13 months, but 2 months, after the election, so that the chosen agents and Representatives selected at the polls shall legislate for the people on the issues discussed in their districts. I have no patience with the suggestions of a cooling-off period and a forgetting of the discussions had and the promises made before the people who are responsible for our presence here. I have known many men to be retired from public service because of a failure to respond to the majority thought of their constituents. I appreciate the force of the suggestion that the power of Congress to legislate should not be curbed by limiting the session of Congress and I am not unfriendly to that idea. In all probability Congress in its second year, the election year, would probably adjourn in abundant time, and for that reason the Norris resolution may be better in which no limit is put on any session, nor was there any limit in the resolution proposed by myself in the last Congress, and which I did not reintroduce because of the pending Norris and White resolutions.

The proposed or Bankhead amendment for a four-year term I feel would be helpful as far as the Congress is concerned and make it a stronger and more capable body, yet such amendment might help to defeat the amendment when sought to be ratified on the idea that it would be a surrender of power by the people. Too much power has already been lost, and those who framed the Constitution felt it well to let their Representatives, as well as State and county officers, go back to the people for approval or disapproval of the record after short terms. The Congress is more nearly responsive to the wishes of the people. The trend has been in later years to surrender power to the executive branch of the Government, continually encroaching on the rights of the people. The legislative branch of the Government grows weaker as the years run by continual surrender of power to the Executive, which is becoming all powerful and grows stronger with years as it absorbs power that should be retained by Congress, which more nearly represents the expressed will of the people, unless thwarted by Executive or other strong influences. Congress would be strengthened and the expressed wishes of the people better regarded by the passage of this resolution. I call attention to the utterance of the Democratic Party in its last national platform under the head of "Popular elections," which reads as follows:

> We pledge the Democratic Party to a policy which will prevent Members of either House who fail of reelection from participating in the subsequent sessions of Congress. This can be accomplished by fixing the days for convening the Congress immediately after the biennial national election; and to this end we favor granting the right to the people of the several States to vote proposed constitutional amendments on the subject.

Most State legislatures meet in January after election in November for short sessions. Why should not Congress meet within two months after election? Why set aside the will of the people by longer delaying the service of those elected to represent in Congress their wishes and permitting those defeated in elections in November to make in short sessions the laws that do not express the will of the people recently declared?

Thirteen months is too long to keep a newly elected Member from taking his seat in Congress. Besides, the defeated Member, conscious of his retirement by the majority votes of his people, will look to the Executive for place and favor and appointment; and he would be more apt to yield to strong influences desiring special legislation, helpful to special interests. Let us end this condition by passing this joint resolution, with or without amendment, pass the White or Norris resolution and end this inexcusable condition. Strengthen Congress and thereby aid the people whose representatives we are, to have their will effectively written in the laws of the land.

I hereby insert the original Senate joint resolution for which the White amendment, as amended, was a substitute, and follow it with the White amendment, as amended in Committee of the Whole House:

Senate Joint Resolution 47, Seventieth Congress, first session

IN THE HOUSE OF REPRESENTATIVES,

March 9, 1928.

(The House considered and amended the Senate joint resolution by striking out all after the resolving clause and inserting the so-called White amendment as a substitute, which latter as amended in the Committee of the Whole House on the state of the Union was reported to the House and agreed to. Upon the question on agreeing to the Senate joint resolution as amended by the White substitute it was decided in the negative, two-thirds not voting in favor thereof.)

The following is the text of the original Senate joint resolution for which the White amendment, as amended, was a substitute:

Joint resolution proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment of the Constitution be, and hereby is, proposed to the States, to become valid as a part of said Constitution when ratified by the legislatures of the several States, as provided by the Constitution:

"ARTICLE —

"SECTION 1. The terms of the President and Vice President shall end at noon on the 15th day of January, and the terms of Senators and Representatives at noon on the 2d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

"SEC. 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 2d of January, unless they shall by law appoint a different day.

"SEC. 3. If the House of Representatives has not chosen a President, whenever the right of choice devolves upon them, before the time fixed for the beginning of his term, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The Congress shall by law provide for the case of the failure to choose the Vice President before the time fixed for the beginning of his term, declaring what officer shall then act as President, and such officer shall act accordingly until the House of Representatives chooses a President or until the Senate chooses a Vice President.

"SEC. 4. This amendment shall take effect on the 15th day of October after its ratification."

The following is the text of the White amendment as amended in Committee of the Whole House on the state of the Union and in the House, but which was rejected on the final vote:

"That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. The terms of the President and Vice President shall end at noon on the 24th day of January, and the terms of Senators and Representatives at noon on the 4th day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

"SEC. 2. The Congress shall assemble at least once in every year, and such meeting shall be on the 4th day of January, unless they shall by law appoint a different day.

"SEC. 3. If the President elect dies, then the Vice President elect shall become President. If a President is not chosen before the time fixed for the beginning of his term, or if the President elect fails to qualify, then the Vice President elect shall act as President until a President has qualified; and the Congress may by law provide for the case where neither a President elect nor a Vice President elect has qualified, declaring who shall then act as President or the manner in which a qualified person shall be selected, and such person shall act accordingly until a President or Vice President has qualified.

"SEC. 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice devolves upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice devolves upon them.

"SEC. 5. Sections 1 and 2 shall take effect on the 30th day of November of the year following the year in which this article is ratified.

"SEC. 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of the submission hereof to the States by the Congress, and the act of ratification shall be by legislatures, the entire membership of at least one branch of which shall have been elected subsequent to such date of submission."

March 9, 1928.

Attest:

WM. TYLER PAGE, *Clerk*.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. JEFFERS. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. JOHNSON].

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. JOHNSON of Texas. Mr. Chairman, amendments to the Federal Constitution, like the holy bonds of matrimony, should not be lightly entered into. For such changes, when once made, are not easily put asunder.

Statutory law may endure for a day or a decade, but in the light of our past history constitutional provisions abide through the centuries.

The organic law of the land should not be changed unless a necessity or a changed condition has arisen that demands it, unless the general welfare and the public weal can not be conserved without it.

Measured by this test, in my judgment the conditions are such as to not only warrant but demand the submission and, I trust, the adoption of the proposed amendment.

I shall take pleasure, therefore, in voting for this resolution and thereby submit the proposed amendment to the 48 States for ratification or rejection.

Constitutional amendments could be proposed the wisdom or expediency of which might be questionable in the minds of the National Legislator, and yet, out of deference to the demands of the people and to terminate long continued agitation favoring its consideration, he might be willing to vote to submit it so that the States could act upon it, since without the initiation by Congress such opportunity would not be afforded them. But such is not my attitude with reference to this amendment.

I have a deep and abiding conviction that the chief purpose sought to be accomplished thereby in our organic law is needed and that the change should be made. Furthermore, I am convinced that the American people favor it, and I doubt not but what every State in the American Union will promptly and with unanimity ratify this amendment if it is submitted to them.

The form of the resolution as reported to the House by the committee, especially section 2 thereof, is not altogether to my liking. This section has to do with the time of meeting and adjournment of the sessions of Congress. I can see no reason, and have heard none offered by the committee, why the session in the even numbered year should not, as provided with reference to the odd numbered year, reserve to Congress the right by law to appoint a different day of meeting other than January 4. In each odd numbered year—

such meeting shall be held on the 4th day of January, unless they shall by law appoint a different day.

The present provision of the Constitution, in fixing the date of meeting, reserves the right to Congress to fix another day, other than that named in the Constitution, and I think it well that the right should still be reserved to Congress and that reservation should apply to sessions held in both years, rather than as to only one, as provided in the committee's report. Congress may never see proper to exercise the right, by statutory law, to change the date of meeting, but nevertheless it is a wise provision that such right shall be reserved, so that if occasion should arise it could be so exercised.

I am opposed to that portion of section 2 which directs that the sessions of Congress, in the even numbered years, shall end on the 4th day of May. The only reason I have heard advanced in favor of this provision is that in election years this early adjournment of Congress would give the Representatives and Senators opportunity to engage in their campaigns for reelection. This convenience of the Members does not, in my judgment, outweigh the argument that the public welfare should be first considered, and that an arbitrary date of adjournment will be conducive to filibusters and prevent, on some occasions, the completion of the legislative program and problems demanding solution at that time. We have had many instances where in the present short session of Congress a single willful Senator has obstructed the proceedings and caused the defeat of legislation that was needed, many times involving appropriation bills for the support of the Government.

Instead of the fixed calendar date of January 4 for the convening of Congress, it occurs to me it would be preferable to substitute the "first Monday in January" for the beginning of the session. The present constitutional provision names "the first Monday in December" as the beginning date, and it would be in keeping with that precedent to name the day of the week rather than the day of the month. Otherwise many of the sessions, at least one out of seven, would convene on Sunday.

To meet the objections pointed out, in lieu of section 2 as now written, I would suggest that the entire section be rewritten so as to read as follows:

SEC. 2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in January, unless they shall by law appoint a different day.

This language would be identical with that of the present Constitution on this subject, except that the word "January" would be substituted for the word "December."

While I shall vote for amendments making the changes suggested, and hope for their adoption, I am not prepared to say

that if these amendments should be defeated that I would then vote against the resolution. The resolution in its present form would greatly improve and be infinitely preferable to the existing conditions. Even the short session would be one month longer than we now have. And furthermore, the two chief objects sought to be accomplished—that is, the elimination of the long period of time after Congress is elected before it functions, and the abolishment of what is popularly known as the lame-duck session of Congress—would be accomplished, both of which are achievements devoutly to be desired.

There is no justification, under present conditions, for existing law whereby a newly elected Congress—unless called in special session by the President—does not function until 13 months after its election. Members of Congress are the only officials of the Federal Government, and I dare say the only officials of any State or municipal government of the United States, or of any government in the world, who must wait and mark time 13 months after their election before they enter upon the chief duties to which they have been elected.

We boast in America of our efficiency and alacrity in doing things, and yet ours is the only government in the world that has this long period of marking time before its legislative body begins its work.

In England the Parliament usually convenes in two or three weeks after election. In Canada there is no definite time fixed by law, but the time has generally been short, in analogy to conditions prevailing in England. In France the Chamber of Deputies, in case of prorogation and a new election, must convene within 10 days following the close of the elections.

The German constitution of August, 1919, provides that the Reichstag shall assemble for the first meeting not later than 30 days after the election.

In Hungary the date of assembling is within six weeks; in Australia 30 days after the day fixed for the return of the writs of elections; in Brazil the elections are held on the first Sunday in February, except that when they occur in the same year with elections for President and Vice President, they are to be held on the 1st of March, and the Congress must assemble May 1. In the first case there is an interval of three months and in the second two months. In Argentina the elections take place on the first Sunday in March, and the constitution requires the Congress to meet on May 1, an interval of two months. In the Netherlands the States-General must assemble within three months. The Polish Parliament must convene on the third Tuesday after election.

You will observe that the other leading governments of the world have only from 30 to 90 days after the election before their legislative body convenes. It is unthinkable that in the great Republic of the United States, where we boast of our representative government and our ability to achieve and accomplish things in much shorter time than any other nation on earth, there should be an enforced intermission of 13 months after the National Congress is elected before it is permitted to begin its labors.

Such a delay was possibly justified and necessary over 138 years ago, when our Constitution was adopted. Transportation and means of communication then were undeveloped and it took months to negotiate distances that can now be covered in a few days, or possibly in hours. Railroads, electricity, trolley lines, automobiles, telegraphs, telephones, and radio were not then dreamed of. Robert Fulton had not then invented the steamboat and the steam engine was unknown. It required months for the entire Nation to know the result of a national election, and it required additional months thereafter for the Congressmen, by means of horses, stage coaches, and ox carts, to reach the National Capital.

One reason assigned for choosing Washington for the site of the National Capital was its location on the Potomac River, making it more accessible by means of water transportation, and also thereby facilitating communication of happenings in the National Capital. In this age of steam, electricity, radio, and airplanes you might as well require the Members of Congress to travel in ox carts to the National Capital as to require them to wait 13 months after their election before beginning their legislative duties.

The only excuse given by the opponents of the proposed constitutional amendment for continuing this antiquated, useless, and unreasonable delay of 13 months is that it affords "cooling time" after the heat of the campaign before the legislative program is begun. This is an impeachment of our capacity for self-government. I fear that what the advocates of "cooling time" really want is time within which to forget party pledges and campaign promises.

When the people speak in their national elections their will should, without undue delay, be crystallized into law. "Cooling time" is to give opportunity for forgetting pledges made and to break with impunity platform obligations. Political parties and candidates who in good faith make pledges will redeem them, and those making them in bad faith should be made to do so. The doctrine of strict accountability should obtain.

Champ Clark once said of a certain political party to which he did not belong that "It was long on promises and short on performances." If the redeeming of party pledges is required to begin within two months after election, rather than within 13 months thereafter, the American people will discover what parties and what candidates are profligate in promises and "punk" on performances.

What is popularly called the "lame-duck" session of Congress is the short session that convenes after the November election. It convenes on the first Monday in December and adjourns on March 4. The entire session is begun and held after the election, and its membership is there not by virtue of the last preceding election but the election held two years prior thereto.

Those of the Members who were defeated in the preceding session are known as "lame ducks," hence the name is applied to the session.

Eloquent speeches have been made on this floor, citing individual instances of Members who had served in the short session, after their defeat, with credit to themselves and for the country's good. But this is not the question. There is far more involved than the personality of the membership. When the Nation has chosen the membership of the House or the Senate only those so chosen should thereafter be permitted to legislate.

This is sound in principle and is essentially right in a representative government. Frequently the results of elections are revolutionary in overturning the administration and its policies, and it is manifestly unfair that the party or the Members who are not in harmony with the will of the people, as expressed in their last election, should continue to exercise the power of making laws.

When the people select a new Congress, whether they have acted wisely or foolishly in their selection, those chosen are their representatives, and thereafter only these should make the laws of the Nation.

The essence of representative government is involved in this declaration. Whether justified or not, "lame-duck" Members have been frequently pointed out as making fair weather with the administration in the hope of securing some appointment, and there are numerous instances where such Members have received at the hands of the President lucrative offices. Not only the temptation but the ground for suspicion should be removed by eliminating entirely the "lame-duck" session.

The entire purpose of this amendment is to so change the Constitution that the people's will, as expressed in the national election, shall be sooner carried into effect, and that after an election is held only those chosen shall legislate. If we believe in democracy and a representative form of government, surely we should welcome such a change. [Applause.]

Mr. WHITE of Kansas. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. WELSH].

Mr. WELSH of Pennsylvania. Mr. Chairman and members of the committee, in opposing this resolution I do so not because I have undue reverence for any human document, but when I took my oath of office and raised my hand to support and defend the Constitution of the United States that imposed upon me the obligation of defending it against deformation by any proposed amendment when the proposition appealed to me as being unsound and unsafe. It appears to me that this proposition, as put before the House to-day, is an unwise proposition and one which I hope will not be adopted.

All day Tuesday those of us who were opposed to the resolution listened to the remarks of those gentlemen who favored it and, without minimizing the statements of any gentlemen who took the floor on Tuesday, I have not heard one good, sound, or safe reason advanced as to why we should make this change in the fundamental law of our Republic. Not one gentleman pointed to a single instance in our whole national career to show that we had suffered by reason of this cooling period, so called, provided for in the Constitution of the United States.

We have heard a great deal of talk about improved methods of locomotion and improved methods of communication and transportation. It seems to me the world must be going crazy over the question of speed. I am not so much afraid of delay as I am of speed. We have motorized the United States but do not let us motorize the United States Congress. You can change the methods of transportation by your inventions but you can not change the working of the human mind. The human mind, in solving these great political questions, works the same to-day as it did in 1787. We ought to remember that when the forefathers, the men who drafted this Constitution, wrote it they provided for a possible 13 months' period between the time of

a Member's election and his functioning as a Representative in Congress in order that he might think things over and in order that he might hear from his constituents as to what they really think.

To-day we are apt to be misguided by noise and mistake noise for formulated public opinion. That is the danger which is going to confront this country in the future. There is too much haste along every line. We find it in business and in industry, but do not let us drag undue haste into the halls of legislation. If there is one place in the world where our people can afford to be conservative and where they can afford to think things over with due deliberation it is right here on this floor. [Applause.] Do not let us be misguided by this tremendous rush and hurry of the day in ordinary business matters. We are legislating to-day for 100,000,000 people, and in 50 years from now we will be legislating for probably 200,000,000. Everything is becoming more and more complicated each day, and therefore let us take the time to think these things over and be sure that we really understand what the real, sincere desire of our people as a whole is in major legislative matters before we act.

Now, one other practical suggestion, which I want to throw out for your consideration, is this: If the President of the United States is elected on the 5th of November in any one year and on the 24th of January he takes office, what time has he in the political heat and turmoil of modern politics, when he is selecting his Cabinet, when he is receiving his congratulations, and under this influence and that influence, to consider and set forth before this Congress a chart or plan for its guidance? I ask you to consider that.

One other thought, in the few minutes at my disposal, is this: We think we are independent, and we probably think we are fearless, but let us remember that we are only average men in our independence and in our fearlessness. We all, like other men, have a tendency to look toward the rising sun and the source of political power, and when an administration comes into office and the House of Representatives is composed of men inexperienced in legislation, the tendency is for them to obey the dictates of that power rather than to act upon their own well-formed opinions. It is the invisible government—the government outside of the Halls of Congress that I am afraid of—and you are not going to have the courage to resist that influence, especially if the terms of Representatives expire right at the height of administrative power and control.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. WHITE of Kansas. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, this proposition, boiled down, is nothing else than seeking to continue a system necessary in the day of the pony express and stagecoach in a day of radio and airplane.

The gentleman from Pennsylvania [Mr. WELSH] who just addressed you stated that a Member requires 13 months to formulate ideas and to make up his mind on legislation. I will say to the gentleman that any man who runs for Congress who requires 13 months to get an idea in his head will not get an original idea in 13 years.

So much has been said about the cooling process. In the first place, it is not a cooling process, because a man who takes his office in December and is confronted with a primary in April is not undergoing a cooling process by any means. At this very moment there are several Members of the House in their districts engaged in a primary fight. I will say more about that in a moment.

Another gentleman says that it would be most inconvenient for the children of Members in their schooling. The convenience of the Members should not be considered here at all.

Then, finally, the gentleman from Pennsylvania comes out with the brilliant idea that the President of the United States, from January 4 to 24, will be too busy receiving congratulatory messages, that he would not have the time to prepare his message and approve the budgetary recommendations. Such arguments need no answer.

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. WILLIAM E. HULL. Why should not the Congressmen have some consideration in this matter?

Mr. LAGUARDIA. He should have no consideration, because we are public servants. We must subordinate the convenience of Congress to the good of the country. Judging by the way we all break our necks to be elected, it seems to me there is sufficient glory and honor in the position, so that we should set everything aside for the convenience of the public.

Mr. WILLIAM E. HULL. Is it not true that the gentlemen from New York go home about three days a week and the rest of us have to stay here all the time?

Mr. LAGUARDIA. The gentleman has not seen the present speaker at home two or three days every week.

Mr. WILLIAM E. HULL. No; but I will leave it to the gentleman if a great number of the other Members in the East here do that as well as a number of the Members from New York.

Mr. LAGUARDIA. I can not answer for all my colleagues from New York. I have been trying to reform New York for 20 years, and Tammany Hall will not let me. [Laughter and applause.]

Mr. WELLER. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. WELLER. How about the gentlemen who live in Pennsylvania and New Jersey?

Mr. LAGUARDIA. Well, we will not talk about that. Another speaker——

Mr. SIROVICH. Will the gentleman yield?

Mr. LAGUARDIA. No. Another speaker suggested that the press was urging this; that this is all propaganda. Now, why should not the press urge a matter of this kind? It is refreshing to see that the people do get their propaganda across once in a while. I see nothing wrong about that. The idea of taking office 13 months after election is so antequated that it is natural for the people to want a change, and their only means of expression is through the press. I see nothing wrong about that.

Now, when you select individual cases and say, "So-and-so was a lame duck; did he do well?" that is not meeting the question involved. The question involved is that the Congress itself, not one or two individuals, sits here after the people have expressed their choice on certain issues, and this brings me up to the amendment suggested by the gentleman from Alabama [Mr. BANKHEAD].

Now, again, we must not consult our convenience or our personal desires in the matter of our terms. You can not make the term of the Representatives in the lower House four years without destroying one of the very fundamentals of our form of government in making the term two years, so that in the midst of the presidential term the people may have the opportunity of expressing approval or disapproval of the administration. I will concede that it is inconvenient, burdensome, and expensive to run for Congress and to go through a political campaign every other year. I will admit that it is not only inconvenient to the Members but costly to the State and inconvenient to the people to have a congressional election every two years. Nevertheless, it can not be changed. That is part of our representative form of government. The cost, the trouble, the expense is the price of democracy. The matter of term of the President received a great deal of consideration at the Constitutional Convention. The matter of how long the President should remain in office—the four-year term—was by no means the result of snap judgment or hasty conclusion. It represented the best thought of the Constitutional Convention. It was the result of a great deal of thought, study, and consideration. There were at that convention, among the framers of the Constitution, a great many believers in representative government, men who wanted to make sure that the Revolutionary War had not been fought in vain and that this country would always have a government by the consent of the governed. These men thought that the four-year term for President was too long.

The four-year term was agreed to only after it was provided that the people would retain a check and control over the President by having the opportunity to elect their Representatives in the lower House in the middle of his term, or every other year. The House of Representatives, holding the purse strings of the Government, could always check and control the Executive. The framers of the Constitution would not and did not intend to elect an administration—that is, a President and a Congress—and have the people lose entire control for four years. That is what the proposed amendment suggested by the gentleman from Alabama would do, and that is why I am against it and shall vote against it in the event that the Chair should rule that the amendment is germane. Just imagine a President taking office who all of a sudden develops war proclivities. Imagine, if you will, a President getting a mania for war, and the people of the country being entirely against his policies and his program. They would only have to endure it under the present system for two years if the President had control of Congress, but at the end of that time the people could protect themselves, send an adverse House to Washington, and thereby check any policy that did not meet with their

approval. Why, the two-year election of Members of the House of Representatives with a four-year term for President is one of the very basic principles of our form of government. And again I say that all inconveniences and all burdens of Members must be entirely disregarded in the discussion of this resolution, and the needs of the age in which we are living, the wishes of the American people, are and should be the only controlling factors.

There is a tendency in this country at this very moment, perhaps in keeping with the tendency in other parts of the world, to get away from representative Government, to get away from the fundamentals of democracy, and such a spirit is displayed by those who oppose the resolution and those who would support the Bankhead amendment. We must guard the fundamental principles of self-government; we can not be too vigilant. The resolution advancing the date of convening Congress carries out the idea the framers had in mind.

There is no use of repeating here the purpose of the present constitutional provision. But just to reflect back for a moment to the condition of the country at the time this provision was drafted and adopted as a part of the Constitution answers itself. With the exception of Members of Congress and their families, and instructors in civics and constitutional lawyers, I do not believe there are 2 per cent of the American people who know that a Member of Congress is elected one year and does not take his office until 13 months afterwards. People just do not realize that condition still continues. When I came here in 1917 it may have been necessary then to allow 30 days' time for a meeting of Congress after election. To-day even that condition is changed. It would be possible to call Congress to-day with existing means of communication and transportation, and get every Member from every part of the United States here with the exception, of course, of the Philippines in three days.

By the use of radio communication and aerial transportation, you could get every Member of Congress here in that time That is an extreme illustration, of course. That represents ideal conditions all the way through, in contrast to conditions that existed when the present provision of the Constitution under which we are now operating was adopted. The element of time in getting the returns of the elections here and getting the notice back and getting Members to the Capital is a thing of the past.

The big thing about having a new Congress immediately after election is that it is elected on certain issues, yet the old Congress comes in and may by its appropriations alone defeat the very things on which the new Congress has been elected. So I say you can not argue for something when there is really no sound argument against it. I could never find out just what the opposition to this change is. I am sure it could not be the shortening of one term of Congress by a few months. You know, Mr. Chairman, and we all know that there has been resistance to consideration of your resolution on the floor of the House.

I do not see how any Member can stand up and say that for sentimental reasons he does not want to change the Constitution, because that is really the only reason that can be given, the sentimental reason that the Constitution has so provided and he just wants to keep the Constitution intact. He certainly can not advance any sound, logical reason for opposing it.

To stop amending the Constitution is simply to stop progress in every field of human activity. Gentlemen, the framers of the Constitution were men of great vision. They had in mind a certain type of government, and they took everything into consideration that they could at that time humanly contemplate. Yet when that remarkable instrument was drafted and adopted steam had not yet been developed in everyday use. They did not contemplate that this great continent would be spanned by railroads; the propeller and the steamboat had not been developed; the telegraph had not been invented; the only means of communication at that time were post roads, and so they took pains to provide for post roads in the Constitution, and placed supervision over post roads in the Federal Government. They did not have the living conditions brought about by the present industrial and economic conditions we have to contend with to-day. Chemistry had not developed. They never imagined that it would be possible to go out and garner all the crops and all the foodstuffs of the harvest and hold them back in storage—cold storage and dry storage and refrigerating plants—and just release it a little at a time so as to control prices. They could not imagine any such thing, and therefore a great many conditions which were brought about by the development of chemistry and electricity, mechanics and science, had not been covered by the provisions of the Constitution. We will have to amend the Constitution from time to time to fit the time and the age we live in. They never had the taxing problems that we have to-day, otherwise they never would have put in the provisions which required later the adoption of the sixteenth amendment to the Constitution. So from that argument there is nothing to fear.

On the argument, that of the cooling-down process, the answer is that exactly the reverse happens. Instead of cooling down in 13 months a new Congress convenes on the eve of congressional primaries, which creates a decided heating process. It is far better to have a representative legislature reflecting the wishes of the people at home and the people of the country after election than to have a Congress convening immediately preceding a primary and election, such as now happens.

The adoption of the resolution and the changing of the date of Congress from 13 months after election to about 3 months after election will have a tendency to make Congress more responsive to the will of the people and more keen to the pending issues of the day. I invite a fair examination of every argument that has been presented against this resolution. It will be seen that none of them are on sound, basic grounds, but rather for selfish, personal, and petty reasons.

It can not be said that this proposed constitutional amendment comes suddenly upon the House, because it has been before us from the very first day of this Congress, and it has been before every Congress for the past 15 years. Let the Seventieth Congress do the right thing at this time. In voting for this resolution I know that I am carrying out the wishes of the great majority of the American people.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHITE of Kansas. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. MADDEN]. [Applause.]

Mr. MADDEN. Mr. Chairman and gentlemen, in talking with a friend of mine a day or two ago about this proposed amendment he ventured the suggestion, "The more I think about it, the less I think about it." [Laughter and applause.]

This is the way I feel. A good deal of stress has been laid on the charge that we do not get into action until 13 months after we are elected. Well, this is sometimes true, but the policy of the Government, I assume, is represented by the President, and the President has the power, if there is any policy that ought to be inaugurated in connection with which an emergency exists, to call us together very shortly after the 4th of March.

This is only three months, about, after we are elected, and you can stay here all summer under that call or you may sit into the following winter, and you will learn then for the first time that being a Member of Congress is no sinecure.

I think, inasmuch as the President has the power to issue such a call, every emergency is provided for.

Under the proposed amendment you are to come in on the 4th of January. The President is to come in on the 24th of January if he can get in. Congress has to be organized in the meantime, and if the Speaker and the other elements that enter into the organization of the House should not be elected before the 24th of January, what is going to happen to the President on the 24th of January? There is nothing in the resolution that provides for that situation. I take it the President can not come in unless Congress is organized.

Then you propose in this amendment of the Constitution to have two sessions of unlimited periods, in the course of which there is no restriction on what you can do. Unless you have a limit somewhere on one of these sessions, what is to prevent appropriations beyond reason?

If all the bills that are pending, when there is no short session of Congress, should be taken up for consideration and passed, it would cost the country billions.

Mr. CELLER. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. CELLER. This bill provides for a short session ending May 4.

Mr. MADDEN. I know it, but there is a proposition to cut that out. Unless there is a short session there is no limit to extravagant waste in appropriations and no limit to the tax that would be imposed upon the backs of the American people. Instead of a short session as it now exists being a menace to the country it is one of the greatest safety valves we have. It fixes a time when we must get out, when you can no longer continue to heap a load on the tax-burdened backs of the people.

Mr. BROWNE. Will the gentleman yield?

Mr. MADDEN. The gentleman would not yield to me.

Mr. BROWNE. I did not have so much time.

Mr. MADDEN. I yield.

Mr. BROWNE. Does the gentleman favor two short sessions?

Mr. MADDEN. If there is to be an amendment to the Constitution, I favor limiting the second session of Congress; but I am unalterably opposed to any change in the Constitution at this time. [Applause.]

Mr. CELLER. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. CELLER. How would the gentleman propose to end a filibuster in the Senate Chamber?

Mr. MADDEN. There is no way to end a filibuster in the other body. That is a part of its royal function. [Laughter and applause.] That is the thing that gives it a standing, whether it be good or bad.

Mr. GIFFORD. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GIFFORD. As to the short session protecting the people, has the gentleman in mind the failure of the last deficiency bill?

Mr. MADDEN. I am not sure about that.

Mr. GIFFORD. If we had not had a chairman who was courageous enough to take some liberty, the country might have been badly off.

Mr. MADDEN. Somebody had courage enough during the last summer to meet the emergency, and I was that one. There was a great flood in the Mississippi River, causing disaster throughout the States through which it ran. There was need for money and no place where you could get it. There was no appropriation that belonged to the work. The question was submitted to the Comptroller General and he ruled against the authority of anyone to act. The President was afraid to act and the Director of the Budget was afraid to act. It was submitted to me. They asked me what I thought about it. I read the decision made by Comptroller General McCarl. I wrote him a letter. I said if I was in your place I would have rendered the same decision. It is correct; it is the law; but sometimes it is more important to violate the law in a great emergency than it is to obey it. This is one of those times, and I am going to take the responsibility to violate the law and meet the emergency. I said that I would do that and submit the question to Congress for ratification. Congress, of course, ratified, for there was nothing else for it to do. I would be less than human if I did anything else than what I did. It was not done surreptitiously, but openly and above board.

It was done because life and property were at stake. We had the money in another fund, and we borrowed it and paid it back by the unanimous vote of Congress.

I am proud to have been one of the instrumentalities through which the relief was rendered in that important case.

Now, there is no question whatever that a man is just as good a Member of the House during the so-called lame-duck session as at any other session. I think those words "lame duck" is an insult to Members. It is an insult to place any such appellation on them, for they are just as brave, just as patriotic, and just as wise in the short session as at any other time.

Mr. GIFFORD. If the gentleman will permit, the affirmative side of the question has not been argued from that point.

Mr. MADDEN. That does not restrict my right, does it? [Applause.] I am a law unto myself, as you see. Sometimes I am regular and sometimes irregular, but I am always in favor of the best consideration of every problem that affects the American people as it comes to us for solution. I believe the men whose terms have expired who are in the last session, who are about to retire, makes them no less able, no less patriotic, no less interested in the advancement of the American cause, no less concerned about the welfare of the American people, and no less qualified to act. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. JEFFERS. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. WELLER].

Mr. WELLER. Mr. Chairman, a matter which involves an amendment to the Constitution of the United States is of such vast importance and so far-reaching that the proposal must be studied carefully before it is agreed to. The Senate resolutions proposes principally to change the Constitution as to the terms of the President and Vice President and Members of Congress and the time and date when Congress shall convene and Members of Congress shall take oath of office.

If this change or remedy is found to be necessary, of course, it invokes the interposition of the present powers of our regulatory Government. The proposed amendment must be adopted by resolution of both Houses of Congress and then must be submitted to the legislatures of at least 36 States, which in turn must ratify the proposal to become effective, and, of course, the legislature of each State comprises two branches, and some States require an additional referendum by the people when a constitutional amendment is proposed for ratification. To bring this elaborate machinery into working order involves a great deal of time and expense and should only be invoked when a fundamental right is affected or invaded, and the amendment itself is so obviously and universally needed that it requires little contest or argument.

I am not satisfied that the proposals in this resolution are necessary to this extent, nor am I clearly satisfied that the changing of time, terms, and dates is so vital to the preservation of our rights as to warrant taking this action.

We should be slow, indeed, to meddle or tinker with the document that has so thoroughly stood the test of time and has been referred to by that great statesman Gladstone as "The most wonderful work ever struck off at a given time by the brain and purpose of man." There is no doubt that it would be more pleasant and agreeable to have the President of the United States take office and the inaugural exercises take place in the month of May or June than in the month of March, and while some have stated that the month of January is the beginning of the calendar year, it would be well to start the term of Congress during the first month of the year, this argument, however, can be met and answered, because the fiscal year of the United States Government and its departments is as of June 30, and it would be, it seems, just as plausible to argue that the new President and the newly elected Congress should begin their terms on July 1 as it is argued that they should begin their respective terms during the month of January.

The greatest difficulty I find with this is how to handle and meet the so-called "lame-duck" situation and the fact that usually a Member of Congress does not take his seat until Congress is convened, 13 months after the election, and there is no question that there have been many abuses.

Members of Congress who have been rejected by the voters at the polls should in good conscience after such rejection limit their activities to the will of the people and to the legislation which controls the election. I find that the lame-duck argument is actually offensive, although not fundamentally wrong, and therefore I do not advocate amending the Constitution solely to meet the lame-duck situation, but, rather, to enjoin upon Congress and its Members to do and aid in enacting legislation in the light of the Constitution and of the verdict at the polls, letting each Member of Congress and of the coming Congress constitute himself a minuteman to see that such opinions and judgments of rejected Members of Congress are weighed in the light of the present status and even may be discounted to some extent.

As to the suggestion made by the gentleman from Alabama [Mr. BANKHEAD] that we also amend the Constitution to provide for a four-year term for a Member of the House of Representatives instead of the present constitutional two-year term, I can not concur or give my approval. It is no doubt a hardship and a burden upon a candidate to make a campaign each two years. It is expensive to the candidate and it is expensive also to the various States and districts to hold these frequent elections, necessitating the elaborate machinery being put into action of the respective districts, but I find that this, too, is not fundamental and that the men of 1789 who argued and disposed of this question in the Constitutional Convention decided for all time that the House of Representatives should be the House representing the people and the Members of the House should be close to the people. Members of the House should frequently go before their constituents and give an account of their stewardship of the office and the work that they have done in their behalf, so that the constituents, if they are not satisfied with their Representatives, may have the opportunity of making a change.

It is the greatest check upon the life of the Republic to have the Representatives of Congress in constant contact with the people of their district, and a four-year term to lengthen the tenure of office might tend to minimize the watchfulness and vigilance of a Representative. The theory of our Government and the Constitution is that the Senators would be elected by the legislatures, and the Senate represents the sovereign State as distinguished from the House, representing the people. Many criticisms were leveled at this method of selecting Members of the Senate, and hence the constitutional amendment which was passed provided for a direct vote of the people in senatorial elections.

With reference to the proposal in the resolution to convene Congress on January 4 and the inauguration of the President on January 24, it would seem that this would leave 20 days for organization of the House of Representatives, the election of a Speaker, and the assignment to committees, but at the same time we would also have during this period a lame-duck President, who, of course, may not be in political sympathy with the Congress and its Members. Under these circumstances, 20 days would be sufficient to organize the House; but in case a question may arise when there would be a contest in

the selection of a Speaker or as to the committee assignments which would not be disposed of in this time, we can see that in either of these proposals there might be a filibuster which would make it disastrous. Therefore it does not appeal to my judgment that there should be any change in the Constitution in this respect. There would also have to be a count of electoral votes and also the election of the President in case the election was thrown into the House. All of which would take a good deal of time and might not be completed before the term fixed for inauguration of President on January 24.

As things are now, we know our Constitution and realize its strength, and we feel that we are in a better position as things are than to change a document which has world-wide approval as the most liberal and satisfactory guaranty of liberty.

The great document of our Constitution is not ideal, but it has worked very satisfactorily, and these proposals are not of such magnitude or dignity to warrant changing the elaborate machinery. In my judgment, if this resolution passed the amendment would not be adopted by the legislatures of the United States; it would be rejected. [Applause.]

Mr. WHITE of Kansas. Mr. Chairman, I yield 20 minutes to the gentleman from Massachusetts [Mr. LUCE].

Mr. LUCE. An analysis of the discussion hitherto indicates a preponderance of opinion in favor of the purposes of this measure. It discloses also much uncertainty in matters of detail, and the accomplishment of the chief object will be thwarted unless gentlemen remember that compromise and concession are of the essence of legislation. Somebody has said that all legislation is the second best, which means, of course, that it is never possible to get perfection; and in this instance, unless those who are so strongly favoring or opposing this or that detail will yield to the necessities of the case, we may lose the important object. I would, therefore, remind you that there will be a committee of conference on this resolution, which will give due consideration to all these matters of detail, and should the House not favor its report, the House may then take appropriate action to uphold its views.

Analysis of the debate also shows that but one or two speakers have raised the question of the purpose the framers of the Constitution had in mind. It was argued that they meant to provide a time during which the passions of men might subside and a better perspective of the public needs be secured. This is quite contrary to the facts. The present schedule is wholly a matter of accident. The Congress learned in September that enough States had ratified the Constitution.

Its members desired an election at the earliest prudent moment, which they decided would be the first Wednesday in January. Next they wanted the Electoral College to meet as soon as possible, and they decided it should be on the first Wednesday in February. Then they wanted the Congress to assemble as soon as possible, and they decided it should be on the first Wednesday in March. By beginning terms on that day the present schedule became practically inevitable, but no thought whatever seems to have been given to this. So it was wholly accidental that the present program was imposed upon the Republic. No other country in the world has such a program. Even in England, conservative of nations as she is, no such argument would ever be advanced as was presented on the floor of this House in the matter of the purpose of the founders.

And what happened after the Constitution was accepted? Up to the Civil War nearly one-half of the States provided for elections in the odd years, so that the period between a man's election and his return to receive the judgment of his constituents included all of his actual service. It is neither historically right nor philosophically right to oppose this amendment on the score of what the fathers had in mind.

The objections have been chiefly to the details of the schedule. Let me very briefly comment on them. First, it is complained that once in every four years the House may be brought together earlier than is necessary by reason of the 20 days' proviso. My own State, following the example of California, has put into its constitution a provision for the very purpose of permitting an interval between the organization of the legislative body and its active functioning, in order that the committees may without interruption, without the necessity of appearing on the floor of the house, deliberate and decide as far as they may. It would be a gain to the Federal House if even once in four years its committees might have that interval to study the problems before them.

Fear is expressed lest in the January, when the choice of President might be thrown into the House, its organization might be so delayed by a deadlock over the election of a Speaker that the 25th day of the month might find the Nation without a President. This mischance could be easily avoided by the resort already used on two occasions—the adoption of a special rule for choice by plurality after a certain number of ballotings. Can it fairly be assumed that a House would not use common sense in meeting such an emergency?

Objection has been raised by the distinguished chairman of the Committee on Appropriations [Mr. MADDEN] in the matter of the public finance. He has intimated to the House that it would be unfortunate to take away barriers that prevent the House from acting. Sir, I fear he underestimates the esteem in which we hold him and hold his committee. I fear it is his modesty which prompts him to intimate to the people of the United States that it is not safe for the Legislature of the Nation to function. We know that in him and in his committee we have a safeguard and protection against extravagance, which makes every argument that he offered on that score ineffective and vain.

It is further objected that there will be difficulties by reason of the termination of the session on the 4th of May. Why, sir, it is but necessary for the President to call us together on the next day without any of the task of organizing, electing the Speaker, and choosing committees, without the many days of work caused by the necessity of beginning over again with a clean slate. Immediately the House may function.

But let me go quickly to other objections. One is that there is no public demand for this, and that it is a matter of propaganda—recent propaganda. Why, sir, ever since I could read I have read the protests offered against the 4th of March as inauguration day—quadrennial protests on the ground of danger to health and of discomfort to all concerned, by reason of everything the month of March brings that is unsuitable. I remember my first visit to Washington. I was brought here as a small boy to see the second inauguration of General Grant.

I was attacked with one of the ills of childhood, and so inclement was the weather that I had to watch that procession from behind windowpanes. Although I was not here at the time of the inauguration of President Taft, I remember the accounts of the blizzard which raged and I know that the papers throughout the country then demanded that we no longer subject our public servants to the menace of such a day.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. LUCE. Yes.

Mr. TILSON. I wish to inquire of the gentleman if January 24 is apt to be any better?

Mr. LUCE. January 24 is likely to be so much worse that there would be no attempt to endanger our health and lives by outdoor exercises. It has been common knowledge in Washington for many years why this reform has been delayed. The reason may be found in the mercenary instincts of some of the business people of Washington—the hotel men, the handlers of excursions, the shopkeepers, who year after year have opposed this salutary and desirable reform.

Of course, these are trivial things compared with the great principles that are involved, yet they are not to be ignored.

I wish also to call your attention to two or three other personal considerations. First, the hardship upon Members who are unable to have a definite idea as to the periods during which they will stay here, in matters of buying or renting houses, the bringing of families, the education of children, and so forth. The Christmas recess is a source of inconvenience to all of us. Those are petty details, but still may be thrown into the scale for what they are worth.

There is a more serious consideration to which I would address myself, namely, the argument that there is no public demand for this change. I am a member of the American Bar Association, together with more than 26,000 other lawyers in this country. It was in the year 1917 that this association first took up the study of the subject.

In 1921 they voted in favor of this proposal and appointed a special committee to push it along. The chairman for some years was a man I knew well, he having been a classmate of mine, a lawyer of Boston, eminent in his profession, conservative by reason of his surroundings and tendencies, earnest in his championship of this measure. A judge of the Federal court in my own State joined with him in urging upon me this reform. Year after year that special committee has advised this change, and the Bar Association has approved. That body, I may say, is probably the most conservative organization in the United States. The most serious and conservative body of men that you could select has again and again asked Congress to do this thing.

Yet you say it is a matter of temporary agitation and propaganda. I deny it. The Congress of the United States has been asked to do this thing for years and years, and the growing demand for it has at last brought this measure to the floor of the House. [Applause.]

Let me mention a more serious consideration still, that of the public business. Gentlemen in the course of this debate

have said that no harm has come from the present system. At least one member has demanded that somebody point out wherein the country has suffered. Is his memory so short? Is your memory, gentlemen, so short? Mine can go back to the 4th of March only one year ago and to my anxiety when I stood on the floor of the Senate and watched the black clouds over the legislative sky. That anxiety was never to be forgotten. Suddenly the clouds broke and the sun shone through. The Senator who was blocking action desisted for a few minutes, and with some others the bill in which I was so keenly interested slipped by.

But let me remind you of other bills of more consequence that did not have such fortune. The filibuster caused the loss of the public buildings bill, which by this time would have been distributing $100,000,000 among the thousands who to-day hunt for employment and find it not. It prevented final action on the emergency Army officers' retirement bill, and so deprived for still a year longer many an incapacitated man and his family of the help the House had by overwhelming vote decided to give. It kept uselessly in the vaults of the Treasury for still another year the hundreds of millions we have now voted to return to alien owners. Many another righteous measure failed of enactment. We of the House had sent to the Senate 428 bills and resolutions that were prevented from becoming law. Think of the effort wasted by the committees of the House, the time lost here on the floor, the harm done to innocent sufferers by delay of justice, and then tell me if such things call for no remedy.

Mr. WELSH of Pennsylvania. Who was responsible for that? Was it the rules of the Senate or the Constitution of the United States?

Mr. LUCE. It was in the last analysis because of the too-short period for the Senate to do its work.

Do you want to know why the Senate has four times passed this resolution almost unanimously? It is because the Senate knows that its work can not be done in three months. Look where we are this year on the 8th day of March. The appropriation bills have not been passed yet.

Mr. MADDEN. Will the gentleman allow me to correct him?

Mr. LUCE. Certainly. I am always anxious to be corrected at the moment.

Mr. MADDEN. The appropriation bills are all over there but one.

Mr. LUCE. My intent would have been clearer had I said they were not all over there as yet.

Mr. MADDEN. They are all over there but one.

Mr. LUCE. The gentleman and I have no quarrel, and yet he takes my time. But he is welcome to all of my time if he wants it, so much do I admire him as the appropriations leader of this House.

But I crave for opportunity to tell you about the failure of the deficiency bill. Because of its failure, there was no money for the payment of the salaries of judges; there was no money for the juries; there was no money with which to pay pensioners; and there was no money for loans on adjusted compensation. In many directions there was hardship. There is hardly a day goes by that demands are not coming into the office of Massachusetts Members for more work for our navy yards, and the reason for that is the failure of the second deficiency bill. Men out of work and men suffering.

Let me tell you another thing to illustrate the perils of the present situation. A veterans' hospital bill went to the Senate last year and should have been acted upon. There was an evident, immediate, imminent need of at least 2,000 more beds for the sick veterans of the World War. That bill failed, and now we of the House have to do all that work over again. Far, far worse, by reason of the failure of that bill more than 2,000 crippled, disabled, suffering veterans of the World War will have been delayed one year in the receipt of the attention that the Nation ought to give to them in its own hospitals.

Sir, it is said that the filibuster would not be prevented if we were forced to adjourn on the 4th of May. But I have already pointed out to you that a special session can be easily secured whenever needed. I will also point out to you that we will have extended the life of the short session by one month—by full one-half if you take into account the Christmas recess—which is the opportunity the Senate desires to do its work. At any rate, by so much will we limit the power of the filibuster.

In a long debate like this it is almost impossible to present any novel proposition, but I have one that has not been brought to the attention of the House, and I think it has not even been suggested publicly or privately. Let me point out to you that at present we are prevented from functioning, save with the permission of the President, for 9 months, the first 9 of every term, so that out of every 24 we have only 15 available for our work upon our own initiative. Under the new schedule that period of possibility is extended by 3 months, so that we will have 18 months instead of 15 during which we can follow our own judgment as to sitting in order to legislate for the benefit of the country.

There has been much discussion as to the right of constituents to be represented in this House as may be shown by a majority of their votes. I believe in that right. Next fall I am going on the stump, in company with every other man on my left here, and tell my people the reasons why the party to which I belong should be returned to power. The men on the right are going to set forth reasons why it should be rejected. They may prevail or we may prevail. In either case, how can the winners justify themselves by putting a limitation on the things they have promised to do, saying they will not attempt to do them for 13 months after the people have given them their confidence?

Why have platforms if we intend thus to postpone the time for them to be put into effect in the hope that our pledges will be forgotten and that we need not act? How much better the practice of the rest of the world where, when a majority of the people have declared their desires, immediately the new principles are brought into operation!

You quibble about the time the President would have in which to prepare himself. The newly chosen Prime Minister of England has but two or three days. So it is with the Prime Ministers in Canada, in France, in Germany, and over all the rest of the world. A gentleman who puts forth that proposition here has himself been the governor of one of the States of this country, and he had but two months to prepare himself to be governor. There is not one of the 48 States that attempts to follow a program like ours that demands such a delay as is here incurred. In not one of them is it planned to keep a defeated man in office any longer than can be helped.

Because I believe the will of the people should be promptly put into law, because I believe the majority of the people should prevail in the enactment of legislation, because I believe that the representatives they send into this House should have the earliest practicable opportunity to vote as they have promised they will vote to carry into effect the measures they have advocated, I hope the principles of this resolution may prevail. I hope the proposal as it stands may go to the committee of conference. I hope amendments will not so confuse that we shall lose sight of our main object, which is to correct the unfortunate results of an accident, results that can not be justified logically, results that I am confident are unsatisfactory to the majority of the House, as I am sure they are to the majority of the people of the United States, results that make for inefficient legislation, results that make for hardship to all concerned, results that are bad for the welfare of the country. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. JEFFERS. Mr. Chairman, I yield 14 minutes to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. Mr. Chairman and gentlemen of the committee, the matter of proposing a resolution for the amendment of the Constitution is too important a matter for the interests of the individual Member, for the interests of the party, and certainly for the interests of a group to be considered.

I shall endeavor in the time that is allotted to me to analyze the situation as it presents itself to us, conceding to each gentleman on the floor of this House the purpose to cast that vote which will reflect his judgment as to the best interests of the country.

Some confusion has arisen here, it seems to me, judging from the statements of gentlemen, as to what the framers of the Constitution did in regard to the sessions of Congress. The fathers did nothing with regard to the sessions of Congress. The fathers provided that the legislative responsibility should rest with the Congress, that the period of their service should be two years between elections; they should meet on the first Monday of December unless the Congress otherwise determined. This is the entire Constitution with reference to the sessions of Congress. Some very remarkable statements, it seems to me, have been made in connection with this consideration. We have heard much about cooling time between the election and the beginning of service, and, strange as it may seem, this resolution embodies a restriction upon the length of a session of Congress.

There are a number of different sorts of governments in the world. Ours is that government which began, in so far as we have history, in the forests of Germany. It is a popular system. If we forget the nature of our system of government, gentlemen, we can not wisely proceed in matters of this sort. Ours is a government of the people. There are no kings, no hereditary rulers, in this country. If we fail, if the people do not have the capacity to select their public officials, or if these public officials when selected do not have the ability and the courage and the statesmanship to stand against improper pressures and represent the best interests of the Nation, our sort of government fails. It depends not upon written constitutions but upon the virtue and governmental capacity of the people.

I want to make another suggestion, and I can, of course, only touch the high points here. Gentlemen are afraid the people will make mistakes. They are afraid to trust their newly elected Representatives.

Gentlemen, in my judgment that policy is an unwise policy which would attempt to protect the people against the possibility of making mistakes even. In this Nation of ours it is the people's Nation. They have the right to make mistakes. They can have no guardian. Only through mistakes which they make and the wisdom which they get from experience do people become wiser and wiser as the generations go on. The time is too long now between election and beginning service.

Under the existing methods a Member takes office, begins work, as has been stated, 13 months after he is elected. This resolution proposes two months between election and service. Gentlemen object to only two months intervening because they say there is not cooling time. What a reflection upon persons who come to take their place here. Why, that is just about the right amount of time, even if they were hot at election time. A Member has been through his campaign, he has been considering public questions, he has had two months to wind up his business and come on here without having to loaf around his home for 13 months and become an eyesore to every man in the community. [Laughter and applause.] If people elect a man to office, they want him to get on the job, and if he can not cool off in two months in the middle of the winter, put him in a refrigerator for two months. After the people have defeated a Member of Congress it is in direct conflict with the philosophy and the fact of representative government for him to continue to hold the office of their Representative. [Laughter.] I want to vote for this resolution. I hope the limitation upon the length of the last session, contained in section 2 of this resolution, will be stricken out, so that I will be able to vote for the resolution.

Why that restriction in the Constitution now? The framers of the Constitution did not incorporate any restriction. The business of Congress is growing with the growth of the country. There is greater need now than ever, and we are still growing. Section 2 provides for the termination of the last session by the Constitution—by the language of the Constitution—on the 4th day of May. Under the existing Constitution, in so far as the Constitution is concerned, Congress convenes and adjourns when it chooses; I mean in so far as the Constitution is concerned.

It is now proposed in section 2 that the discretion and the judgment of the Congress its own control over its time shall be limited by the language of the Constitution. Members say if there is need of more time the President can call an extra session. It is a remarkable fact that Members of Congress on the floor of this House, in the face of the philosophy of our system of government, which divides our Government into three coordinate branches and puts the legislative responsibility upon the Congress, now by their own act would submit the suggestion on amendment to the Constitution that if, after we have been in session for four months and the legislative business of the country has not been attended to, then we shall have to depend upon the President to convene us in extra session in order that we may discharge our constitutional duty.

Think of this, gentlemen. Self-respecting Representatives of a great people, upon their responsibility as Members of the American Congress suggesting to the people that the sole power be put in the hands of the President of the United States, and the responsibility there of calling us back like young children to our task if the work has not been finished. I am not trying to discuss the entire resolution.

There are three different sorts of provisions in the Constitution: Those provisions which delegate power, those provisions which are provisions of reservation and of limitation, and then those provisions which establish and provide for the operation of the functioning machinery of the Government. To cut off all succeeding Congresses from the right to take more than four months to discharge their constitutional duty or to place any other such limitation upon the judgment of those who will come after us in responsibility is poor statesmanship. It violates every conception of free and responsible government. Neither wisdom nor patriotism will die with us. It is unwise, it is contrary to the nature of a system of popular government, that a generation or a Congress, in responsibility, should undertake to put into the Constitution of the United States provisions which limit the sound judgment of those who may come after us in responsibility as to how long a time they ought to have in which to do their work. [Applause.]

No gentleman will say that it is wise in the organic law of the country absolutely to limit the power of Congress in the second year to legislate only through a period of four months. But gentlemen say the President can call the Congress in extra session. Think of that. The legislative responsibility rests here. It is here now. The Constitution puts it here. But this section 2 would take away from Congress control over eight months of the last year. If the session ought to be limited, Congress can limit it by legislation.

Mr. MOORE of Virginia. Will the gentleman permit an interruption?

Mr. SUMNERS of Texas. Yes.

Mr. MOORE of Virginia. Does not the gentleman think it is very absurd to attach any such limitation to a session with the business of the Government constantly increasing?

Mr. SUMNERS of Texas. It is the height of absurdity. People sometimes laugh at the Congress. That is not good for the country. For the sake of the Nation, Congress must hold the respect of the country. We will pass on, but the Congress must go on as long as our Government lasts. Its necessary independence must be preserved, not for its own but for the country's interest. How can you expect the country to have respect for a body of men charged in the Constitution with legislative responsibility who says to the country, as in this proposed amendment, "Tie our hands so we can not sit in Congress more than four months during the last session, and leave it to the wisdom of the President of the United States only whether or not Congress shall have further time in which to discharge its constitutional responsibilities"? [Applause.] No wonder they laugh at a Congress like that.

Mr. GIFFORD. Will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. GIFFORD. Have not we in the last hundred years lived under the same condition with Congress forced to end by limitation on March 4?

Mr. SUMNERS of Texas. When we come to submit a resolution proposing a constitutional amendment to correct an evil, then do we have to put up a second evil to choose between, when we are master of our own fortunes, destiny, and responsibility? We are masters of the situation. We have the power, and I appeal to you as Representatives of the American people not to say that the people can not govern in this country through their chosen Representatives. I challenge history for any proof that my people and those from whom my people have come—although they may have made mistakes—have not made a supreme demonstration of the ability of the people to govern. [Applause.]

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. SUMNERS of Texas. Yes.

Mr. MOORE of Virginia. It seems to me the answer to the gentleman from Massachusetts is that we have the power to make a session begin at 12 o'clock noon on the 4th of March instead of the first Monday in December. I am unalterably opposed to constitutional limitation upon the power of officers to do their work.

Mr. SUMNERS of Texas. This Constitution did not come from the fathers as its source of origin; it came from the experience of ages out of the governmental instinct and the developed governmental capacity of the people. Have we reached that time in this country when we are unwilling to trust to the capacity of the people? If they do not have it, they must get it, and get it in the school of experience. They need no constitutional guardianship.

Talk about a cooling time and all that sort of rot as though the American people and their ancestors through the ages have not demonstrated governmental capacity and have to have somebody fanning them for three or four months before they can begin after an election. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. JEFFERS. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina [Mr. STEVENSON].

Mr. STEVENSON. Mr. Chairman and gentlemen, it might be well for us to take a glance at the reasons that are put forth for the proposed change in the Constitution. First, that it will dispense with the short session, known as the lame-duck session. I do not propose to waste any time on that, from

the lame-duck standpoint. The distinguished list of men who have been enumerated has shown that they are not dangerous. The gentleman omitted to state on two occasions Uncle Joe Canon was rejected by his constituency and became a lame duck. Yet nobody could question the patriotism of Uncle Joe, and never did.

You might look in the chair and see the distinguished Speaker, a statesman who by a paroxysm of politics at one time was made a lame duck for one Congress. But he came back here and is known as a statesman. So we will throw that aside. The first thing is to get clear of the lame-duck session.

The next was to provide another time for the meeting of Congress. Let us see what we can do. It is well enough to know what we can do. These are the two principal things. Then we have to provide for a method of counting votes and declaring elected the President and Vice President different from the present method and safeguard the possibility of a death between the time of the vote and the time the vote is declared. What can we do as it now is?

Those are the three things we want to do—make more safe the declaration of the election of a President, make sure that Congress meets a short time after it is elected, and make sure that the lame ducks are eliminated. Congress can now provide that a Congress elected the first Tuesday in November can take office and begin work and begin its session on the 4th day of March, if it sees fit. It has done it. A reference was made a while ago to what the fathers had done. Did you know that the reason your term begins on the 4th of March was because the Continental Congress directed that the first session of the Congress begin on the 4th day of March, 1789? So the fathers established that, and all congressional terms begin at that time, and for all time they have run for two years under the Constitution, and, therefore, terminate at 12 o'clock on the 4th day of March.

Congress can fix the 4th day of March; and in 1869, for instance, the Congress in January passed an act that the succeeding Congress should meet at 3 o'clock p. m. on the 4th day of the next March, and it so met. Congress has also provided that the Congress meet on the 15th day of October, and time and again it has done that. It has provided that it should meet on the 4th day of January, and Congress so met; but after all, in the experience of 140 years Congress has come to the conclusion that the time named in the Constitution is best and they have abolished all of these other periods and have left it there to start on the first Monday in December or upon the call of the President.

So that you do not need this proposition in order to have the Congress meet earlier after their election. You could do it in four months if the Congress had sense enough to require it and consider it good statesmanship to do it. That is all there is to that.

Take the other proposition, the matter of the election of the President and the Vice President. Some one a day or two ago said there might be a death, that the nominee of the Republican or the Democratic Party might be voted for in the Electoral College and elected, but die between that time and the time of the declaration, and that there was no provision for electing somebody else. That may be true, but is it any trouble to fix that? At the present time the electors are required to vote on the second Monday of January, and the vote is declared on the second Wednesday of February. If there is so much danger of a President dying between the time he is elected by the electors and the election is declared, just move it up; and Congress can do that, it is expressly authorized to do it, and it has fixed the dates now fixed, and you could put it one week before the declaration of the vote in the House here, and with the present methods of communication and transportation the votes can all be here and be declared, and you would have to take a chance of only a week, and almost any life insurance company would take a chance on the life of the President elect for a week.

I shall take up now what my objections to this change are. It is proposed to put into the hands of the Congress that is elected in the same struggle with the President the power to declare the election of the President. You have had contests in the past, and you may have them in the future. Take a Congress elected the first Tuesday in November, and let us say that there are contests as there were in 1876, when in three or four States the seat of every Member was contested, and there was also a contest as to the presidential vote.

Take that case, for instance, suppose the Congress elected in 1876 had come here with those contested Members, most of whom were excluded afterwards, all seated and helping to declare the election in 1876 of a President, when there was only 1 vote between the candidates, and you would have committed to the people who are most interested in the controversy the determination of the controversy; whereas if you have a Congress whose membership is already determined and the seats have been assigned, a Congress that is held over, with everything certain, the people will accept their verdict without question; and in the other contingency they would not. I well remember as a boy hearing of the electoral commission when it was rigged up here, which down with us we thought did not do right by us. My own brother, who had participated for the first time in an election that year, was reading the account of how the commission was named to my father, who was a very conservative man and profoundly in favor of Mr. Tilden for President. My brother remarked that it looked as if they had fixed it up so that the Republicans would have 1 majority every time. My father then said, "Let me tell you something. We are face to face with a very serious situation. I have been through one war. I do not want another. The people need certainty rather than political advancement. They have fixed it so that there will be no doubt about a determination that will settle this without a war, and we would better have that than political advantage or war or a revolution or a riot as the result of it." For the same reason I say that the old Congress should be here with its commission unquestioned, with every man here entitled to his seat by the action of this House to declare the election of a President, rather than a crowd with a lot of their seats contested, brought in in the same paroxysm and upheaval with which the President has been elected, seething with partisanship. They would not appeal to the sober sense and confidence of the people of this country like a Congress that has already been properly seated and vouched for. It should take more than political expediency to justify changing our organic law.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. JEFFERS. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. ROMJUE].

The CHAIRMAN. The gentleman from Missouri is recognized for five minutes.

Mr. ROMJUE. Mr. Chairman and gentlemen of the committee, the Constitution of the United States ought never to be changed as long as there is a reasonable doubt about the advisability of that change. The gentleman who has just left the floor, the gentleman from South Carolina [Mr. STEVENSON], has, I am sure, brought to your attention some very vital points in this resolution. So far as changing the date of the time of the meeting of Congress is concerned, he has correctly explained to you that that can be done without any constitutional amendment and without the passage of this resolution.

If that question were all that is involved in this resolution, gentlemen, I would have no objection to supporting the change; but that by legislative enactment and not by constitutional amendment. But there are also other matters involved in and connected up with this question which have no place whatever in a constitutional amendment. And what are some of those things? In the first place, you provide by this resolution that under the change Congress shall assemble on the 4th day of January. The Members of the Congress will commence serving their constituents at that time and on that date. The President of the United States does not begin his service at that time, but he is to begin 20 days later, to wit, on January 24.

Now, why? What will happen? With a new Congress coming in, my friends, practically one month will be lost. Why? Because when the new Members come here under the provision regarding the 4th of January, the outgoing President will say, "I am to retire in a few days; I am to go out of the President's office on January 24; I do not wish to submit any message to this incoming Congress; wait 20 days until your new President is coming in." And so for 20 days the Congress sits here idly waiting for the new President to come in and deliver his message. So that after all, when by this resolution you extend the time from the 4th to the 24th of January, it means an extension of but one month more. Under that regulation you have lost almost a month due to the regulation itself, and, on the other hand, where formerly and as at present Congress begins in December and may run on if it wishes until the next December, under the new rule you will, by the manner I explained a moment ago, reduce your time of effective service from 12 months to 11 months, because the incoming Congress will have to wait 20 days for the incoming President, which amounts to nearly a month.

Mr. O'CONNELL. Mr. Chairman, will the gentleman yield?

Mr. ROMJUE. Not now. My friends, the purpose in the formation of this Government and the very basis on which it was founded was to represent and protect the people of this country in their fundamental rights and liberties, and that being so the fixing and division of terms was so arranged that this lower House of Congress should have frequent contact with the people of the country.

Now, I assume that it is as important for the Representatives of the people to know what the people think and what the people want, so that the Congress may thereby be the better able to give them the proper service. But what do you in this resolution? Ah, my friends, every two years every Member of this House is up for election; he goes back to his constituents to discuss, during the campaign, the questions that are foremost in the minds of the people. You talk about being unemployed, that is, after you are elected, for a few months. Under the resolution now asked to be passed you are limited just as much as at present as to the length of the two sessions of Congress, except for one month, and 20 days are lost in that. My friends, there is nothing more important to the Members of this House, and there is certainly nothing more important to the people of this country, than that the Representatives of the people put in some of their time in close contact and close association with the people whom they represent, so as to know the needs and wishes of the people and to discuss with them and get their personal views as to what they want done. But under this resolution, if it is put into the Constitution, what happens? Ah, my friends, you have taken away that time when you are not in a political campaign, and by this resolution you have tied yourselves up in this body, so that you are deprived of the privilege of conferring with them as you now have the opportunity to do, and then by constitutional limitation you say, "You are to return home to your constituents." When? Only when we are up again for our election, and when a man's attention is diverted to his campaign instead of being devoted entirely to the transaction of the public business.

The terms of Congress should be left so that when they expire the term of the President would also expire, except, of course, that his term is four years, while that of the lower House of Congress is two years and that of the Senate is six years, so that when the President's term of office expires it will be on the same date of the expiration of the term of the Members of the House and one-third of the Senate, because, as I said before, if the terms of the Members of the House and Senate are made as this resolution provides—to begin 20 days before the President takes his office as President—they would merely be compelled to wait the 20 days for the President to deliver his message and to outline the legislation he deems advisable for the country, and that time would practically be time wasted, almost a month. So even if this resolution were to be added as an amendment to the Constitution, under its present terms it would be in fact on the 24th of January that the President would come in office, and it would be practically the 1st of February before the President and the House and the Senate could settle down to business, which would only mean advancing the matter about five weeks, as that would be the difference between the 24th of January, as this resolution provides, and the 4th of March, which is the date of the present expiration. So, after all, it would only accomplish very little.

Moreover, under the Constitution as it was originally written by the wise and sensible statesmen who were present at the formation of the Government they left it so that dates of the beginning and ending of any session of Congress may be changed or fixed by an act of Congress without any constitutional amendment, and I submit it is a dangerous practice to be changing the Constitution of the United States by a constitutional amendment, and particularly so on matters that could be remedied, if there is need for remedy, by the passing of a law, because if a law is passed and placed on the statute books of our country, if it proves unsatisfactory, it can be promptly repealed, but if a matter is written into the Constitution of the United States it can not be changed except by going through a process of tedious work in bringing it about, and, as a matter of fact, up to the present time, there has never been a constitutional amendment taken out of the Constitution once it has been written in.

Some who are in favor of this resolution say that the 20 days' time between the beginning of the term of Congress and term of the President will give time in the event that the election of the President is thrown into the House of Representatives, there to be settled. I want to call attention to the fact that while this wonderful Government of ours has been in operation for now approximately 150 years, only about three times, as I now recall, has the election of the President been thrown into the House of Representatives to be settled. First, it occurred when Mr. Jefferson was elected President the first time. The House of Representatives determined who should be the President, and strange to relate the deciding vote was cast by Alexander Hamilton. Second instance was when Andrew Jackson ran for President the first time. While he received more votes for President than any other one, he did not receive the required number of electoral votes to seat him as President, and when it was thrown into the House of Representatives to be settled that time John Quincy Adams was elected. Henry Clay, who had been a candidate against both Jackson and Adams, threw his influence to John Quincy Adams, and Mr. Adams was elected, and Mr. Clay himself was selected by Mr. Adams as Secretary of State. The third instance, resulting in some little difficulty in the selection of a President, was the contest between Hayes and Tilden, and this case was somewhat different from the other two and finally determined by a commission designated for the settlement of that contest. So neither of the first two cases, which were the two only strictly clear cases presented to the House of Representatives, caused any particular confusion, and the Government under its present form of Constitution has operated in a very satisfactory manner, so far as this problem and many others are concerned, and I think it is a dangerous thing to forget the wisdom of Jefferson, Madison, and Franklin, and other great statesmen of their time, who rendered such great service in drafting and giving to the people the great Constitution which they aided so much in framing for us.

Of course, we can find an individual now and then at the present day who thinks the ideas, thoughts, and works of such men as Madison and Jefferson could be fairly eclipsed by themselves. When we meet such a character, however, it is well worth our time to ponder long before taking their counsel and advice.

Some have argued that January 24 would be a better date to inaugurate a President on account of the weather on the 4th of March. My opinion is that we are apt to find in this country of ours more severe weather on the 24th of January than we do on the 4th of March, so I really see no sound argument for the change of the date for that reason. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. JEFFERS. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. KVALE].

The CHAIRMAN. The gentleman from Minnesota is recognized for five minutes.

Mr. KVALE. Mr. Chairman, we have waited and waited for eight long years for a chance to vote on this resolution. And why do we have that opportunity now to express our wishes? It was said here that the press is responsible for it. I grant you that may be the case. In that event, then, let us thank God for the press and hope that it may function along the same line in many other instances.

But why has there been such pressure brought to bear upon Congress by the press of the country? It is because they in turn are responsive to the demands of the people, and those demands have been brought to the attention of Congress by the people all these years and have been denied. By whom? By a majority of the Members of this House or the Congress? Not at all. During all these years a majority of the Members of this House has been in favor of the Norris resolution, but the leadership of this House has denied us the opportunity to express our opinion and our vote on the subject. That is well known, and the injury spoken of by the gentleman from Massachusetts [Mr. LUCE] to the crippled soldiers of this country, and many other instances that might be mentioned must not be laid at the door of the Senate and its filibuster last June, but should be charged to the leadership of this House, consisting of three men. They are fine men and I do not in any way question their integrity or their patriotism or their sincerity. Our viewpoints differ; that is all. But these three men, the Speaker of the House and the majority floor leader and the chairman of the Committee on Rules—these three men have prevented this House from having a chance to vote on this proposition all these years.

Mr. O'CONNELL. Will the gentleman yield?

Mr. KVALE. Yes; I yield.

Mr. O'CONNELL. How did we get it up now?

Mr. KVALE. We got it up because they did not dare block it any longer. That is the only reason we got it.

Mr. CELLER. Will the gentleman yield?

Mr. KVALE. Not now, please. We have it now, as I say, because they have yielded to these demands, but in yielding to these demands to give the membership of this House a chance to vote upon it, I am afraid there is a joker in it. I refer to the limitation of the short session of Congress. By doing that you are inviting the filibuster just as much as you are at the present time. It is true that a filibuster is not always an evil.

There are instances in the history of the Senate when one man, the elder La Follette, of Wisconsin, by a filibuster saved the taxpayers of the United States over $900,000,000, and there may be other instances. But these are exceptions that prove the rule. In the vast majority of cases the filibuster is a nuisance and is an injury to the country, and I am very much afraid that by placing this joker in the bill you have made it

possible to repeat these instances of the filibuster. I now yield to the gentleman from New York.

Mr. CELLER. I did not want to interrupt the trend of the gentleman's thought, but I would like to get his views on this proposition: What does the gentleman think of having a ratification by the States made by conventions convoked in the States rather than by the State legislatures?

Mr. KVALE. Oh, of course, I would like to have the people have their say on all amendments to the Constitution.

Mr. CELLER. In other words, the gentleman is in favor of that method; that is, by the convocation of conventions in the various States for the purpose of ratification?

Mr. KVALE. No; I am in favor of as representative a ratification as possible, but if there is any movement started to make it more difficult to change the Constitution, then I am opposed to it. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. WHITE of Kansas. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. SNELL].

Mr. SNELL. Mr. Chairman and gentlemen of the committee, I had not intended to say anything in regard to this proposition, but the more I have listened to the debate and the more attention I have given to it the more important I think it is that each one who is opposed to this proposition should express that opposition on the floor of the House.

I appreciate very well that the proponents of this measure are opposed to having the lame-duck proposition presented. I also appreciate that my friend from Tennessee looks at the whole proposition perhaps differently than the average American citizen does. Regardless of any interpretation he may put on this, I feel that the average citizen throughout this country interprets the whole proposition from the standpoint of the individual Congressman who comes here and passes on laws after he has been defeated for reelection. You can say what you please, but if it had not been for the significant application of those two words, lame duck, the propaganda that has been spread throughout this country would never have been one-half as effective as it has been, and if it had not been for that propaganda I doubt whether this proposition would be on the floor at this time.

Some reference has been made to foreign governments and that they do not follow our plan. As far as I am concerned that does not make any impression on me whatever, because our form of government is entirely different from their forms of government. We do not start with the same premise and, of course, we do not follow along the same direction. The fact that they do not wait so long a time before a new government expresses itself has nothing whatever to do with our situation.

I appreciate the fact that there is some feeling among our people that 13 months is too long to wait for the convening of a new Congress, and there is probably some real reason for this amendment on that ground alone. But I want to call the attention of the House once more to Article I, section 4, of the Constitution, which specifically provides:

> The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Now, if there is a demand in this country that Congress shall meet sooner than a year from the time it is elected, it is entirely within the province of Congress itself to change the date of that meeting and provide that we shall meet here regularly on the 4th day of March after the election. So it is not necessary to have a constitutional amendment in order to reach this change in our present program. The only thing that would be gained under the present amendment is to set it ahead about 40 days, and we can do the other without any amendment to the Constitution.

Mr. CELLER. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. CELLER. The gentleman would not say that the Congress itself could change the tenure of any one or all of the terms of the Members of Congress?

Mr. SNELL. No; I would not say that.

Mr. CELLER. That is what you would have to do.

Mr. SNELL. No; I said we could pass a law providing that we should meet here on the 4th day of March after the election, and it can be done at the present time as provided in section 4 of the Constitution.

Mr. STOBBS. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. STOBBS. Of course, in doing that we do not eliminate the so-called lame-duck session of Congress, and a constitutional amendment is necessary to do that, is it not?

Mr. SNELL. I am glad the gentleman asked me that question. In all the debate that has been held on the floor of this House, and in every article I have ever read I have never heard or seen any reference made to one single piece of important legislation which the lame ducks in the House have helped to defeat, and I have never known of a piece of legislation of importance which in any way has been affected by the few men who were lame ducks. If the gentleman can call my attention to a single thing of that kind, I wish he would do so at the present time.

Mr. STOBBS. It is not so much the fact that your lame duck, so called, would vote wrong on legislation but it is allowing men to vote after an election who are not responsive to the wishes of the people.

Mr. SNELL. Statistics show that on the average there has not been a change of more than 12 per cent in the membership of the House. Has the gentleman any idea that the 12 per cent of new men coming in six weeks after they are elected, regardless of how intelligent they are, or how much experience they have had, would have very much influence on the legislation that is passed through that session of Congress?

Mr. STOBBS. Suppose Abraham Lincoln had not received a majority of the vote in the Electoral College and the vote had been thrown into that so-called lame-duck second session, when James Buchanan was President and both the House and Senate were under the control of the Democratic Party at that time, would Abraham Lincoln have been elected President of the United States, and does the gentleman think that so-called second session should have had the opportunity to pass on the election of a President of the United States under such circumstances? [Applause.]

Mr. SNELL. There might be something in that; but carrying that a little bit further, you have in the proposed amendment a provision that Congress shall come here 20 days before the President is inaugurated in order to canvass the vote.

If the presidential election has been so close that the election is thrown into the House of Representatives, let me tell you, my friends, the election of a number of the Members of the House will be so close that the election of a great many of them will be contested and you will have men voting on the election of a President under this proposed amendment whose own term of office in the House is not secure at the time they are voting.

Mr. STOBBS. There was quite a substantial difference between the second session of the Sixty-eighth Congress and the first session of the Sixty-ninth Congress.

Mr. SNELL. I do not get the gentleman's point on that.

Mr. STOBBS. If President Coolidge, for instance, had not received a majority of the electoral votes, his chance of being elected President would have been greater in the first session of the Sixty-ninth Congress than in the second session of the Sixty-eighth Congress.

Mr. SNELL. That may be true, but you are embodying here a proposition of 20 days where a great many men are going to pass on the election of the President who do not possess a clear certificate of election for themselves. Do you think that a good proposition?

Mr. CELLER. Will the gentleman yield?

Mr. SNELL. Yes; I will be pleased to yield.

Mr. CELLER. Did we not have three different occasions in the history of our country when so-called "lame ducks" or defeated Members of Congress participated in the election of a President?

Mr. SNELL. Yes; we have had three cases of that kind and we might have a similar case when Congress would not organize during the 20 days allowed in this resolution.

Mr. CELLER. Does the gentleman think it would be a fair proposition to have men who have been defeated by their constituents participate in the election of a President?

Mr. SNELL. You have that situation in either event, and I do not like either one of the situations, but I prefer the present situation when we have a year within which to get things done rather than 20 days, when in all probability the contests will not have been decided.

Mr. KETCHAM. Will the gentleman yield for this one suggestion?

Mr. SNELL. Yes.

Mr. KETCHAM. In response to the question raised by the gentleman from Massachusetts [Mr. STOBBS], has the gentleman thought that in the election of a President we do not vote as individual Members, but vote as States, and therefore the very small percentage of difference would cut very little figure in such an election?

Mr. SNELL. That may be true, but if we had a very close election there might be a great many of the individual Members

whose election would be contested, and that would undoubtedly be so if the election was so close that the election of the President was thrown into the House of Representatives.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. JEFFERS. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. LOZIER].

Mr. LOZIER. Mr. Chairman, last Tuesday I discussed at length the pending Norris-White resolution, stating in detail some of the many reasons why I am giving this proposed constitutional amendment my whole-hearted support. I now desire to answer the claim advanced by the opponents of this resolution that the people should be protected from themselves, and that a repudiated Congress should constitute itself a wet nurse for the new Congress chosen by the American electorate.

Those who are fighting this resolution are very much concerned lest the people act hastily in translating their will into law. They are afraid the people do not know what they want, or what will be for their best interests. They are worrying themselves sick for fear the people will do a little thinking for themselves. These self-appointed guardians of the public think they have a monopoly on statesmanship and that wisdom will die with them. So they advocate a continuance of the present system by which they can prevent legislative action and much needed reforms for 13 months after they have been repudiated at the polls. In that 13 months they can strengthen their strangle hold on the masses and consolidate their power and control of the Government. I have no patience with this "holier-than-thou" group that looks with indifference and contempt on the efforts of the common people to get a square deal and economic justice.

Article I, section 4, of the Federal Constitution provides:

> The Congress shall assemble at least once each year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Under existing law a new Congress comes into existence on March 4 following the biennial congressional election. Obviously it can not be assembled in advance of March 4 following the congressional election without an amendment of our organic law. Senate Joint Resolution 47 proposes to amend the Constitution so as to authorize the new Congress to assemble at an earlier date, January 4 following the congressional elections. It also provides that the term of the President shall begin January 24, instead of March 4 as under the present law. Under the present system the President is not inaugurated until four months after his election. This article, if adopted, will advance the date the President takes office to less than three months after his election. Under the law as it now exists a new Congress does not assemble until 13 months after it is elected, unless the President should call Congress in extraordinary session. Therefore, the new Congress can not function until nearly one-half of the term of its Members has expired, and necessarily the legislative program of the new Congress is held in abeyance. This is in fact a denial to the electors of their rights to express their approval or disapproval of existing laws or proposed legislation, and is an intolerable postponement of the people's right to initiate new legislation to remedy existing evils. That is to say, after the people have in a nation-wide referendum approved or disapproved legislative or administrative policies their voice is stifled and their hands tied for 13 months, unless forsooth the Chief Executive in his opinion concludes to convene Congress in special session. Thus the will of millions of voters may be set aside and held for naught for 13 months, and the will of one man (the President) neutralizes the will and wishes of a majority of the American people.

Under the present system direct action by the electors is practically impossible, because they are compelled to wait 13 months before their representatives have any opportunity to formulate a legislative program or to put into effect the principles and policies approved by the American people at a general election. I grant you that under existing law the President may, if he so desires, call Congress in extraordinary session immediately following the time the new Congress comes into existence, and very frequently the Presidents have exercised that prerogative, and as a result in numerous instances the electors have obtained speedy relief. But the calling of these special sessions now rests with the Chief Executive of the Nation. If the American electors in a nation-wide congressional election forcibly express their disapproval of existing laws and demand legislative relief therefrom, if the President thinks the people are wrong and still believes in the wisdom of these policies which electors have repudiated, by inaction and failure to convene Congress in special session he can thwart the public will and perpetuate those policies which have been so recently and so overwhelmingly condemned in a nation-wide referendum.

It seems to me that this condition is intolerable and inconsistent with the genius and spirit of our institutions. It is, in effect, a denial to the people of the right of self-government in that they are not permitted to enact new legislation which they believe will promote the public good and are compelled to live under laws enacted by Representatives and Senators who have been relegated to private life, frequently because, in the opinion of the people, these public servants have failed to reflect the will of their constituents or to promote the public good.

It will not do to argue that the people can not be trusted to legislate for themselves; it will not do to say that the will of one man should stand between the people and the enactment of their legislative program, even though that man be President of the United States and of unimpeachable character and unquestionable patriotism. There never will be a time in the life of our Republic when all the people will agree on a legislative or administrative program, and Representatives and Senators who have been repudiated at the polls, or at least have been subjected to a vote of "no confidence," as the situation is sometimes described, should not be continued in office four months longer with the power and opportunity to enact additional legislation akin to that disapproved by the people.

But some of the Members of the House are opposing this resolution on the alleged ground that there may be a deadlock in the House and it may not be able to organize and elect a Speaker between January 4, the day Congress convenes, and January 24, the day fixed for the inauguration of the President. Obviously, this objection is more imaginary than real. It is extremely improbable under our system of party government that a deadlock of that long duration will ever occur. The American people would not tolerate a Congress that would deliberately precipitate a condition that would prevent the choice of a President, or the inauguration of a President who has been chosen by the people. To urge this objection is, it seems to me, a reflection on the intelligence and patriotism of the Members of Congress. We well know that the emergency to which the opponents of this resolution refer will never occur.

Moreover, the Constitution does not require that Congress shall have elected a Speaker before it declares the result of the vote in the Electoral College, nor does it necessarily follow that Congress shall have elected its other officers before it proceeds to choose a President, in the event none of the candidates have a majority in the Electoral College. The Constitution requires the House and Senate to declare the result of the vote in the Electoral College, but there is no mandate that the House must have perfected a two-year organization before it proceeds to discharge its constitutional duty in reference to the election of a President. This can be done before it elects its Speaker, before it elects its Clerk, before it elects its Sergeant at Arms and subordinate officers. Under the present practice, the House proceeds to transact important business, namely, the election of a Speaker, before the Members take the required oath. When the Members assemble and take the oath of office, the House is in session, although it has not elected its permanent officers, and the House can then and there join with the Senate in canvassing the vote as reported by the Electoral College, and if the Electoral College has not made a choice, the House, as a legal proposition, can proceed to vote in the constitutional manner for President, although the Speaker and other permanent officers may not be elected for months or never elected.

The custom has been for the Speaker to swear in the Members, but this is a mere custom, and its observance is not necessary. The Members can lawfully take the required oath before a judge or other officer authorized to administer oaths, so far as meeting the requirements of the Constitution. The system we have been following is a mere practice, custom, or regulation adopted by the House from time to time for its own convenience, and it can be changed at the will of the House or by the action of a majority of the newly elected Members.

You well know that this House has absolute control over its own organization, and it can to-day, by a majority vote, displace the Speaker and all of its other officers and place others in their places. Why, the House functions as a House before it elects a Speaker or its other officers. We vote as Members of the House before the House is organized. The House is functioning before and at the time it elects its Speaker and other officers. When a Member takes the prescribed oath, he is a Member of the House; and when a majority of the Members have taken the oath the House exists as an organized constitutional body and can perform any of its constitutional duties. I repeat, when a Member has taken his oath of office,

he is then a Member of this House, and he is qualified to cast his vote for President, assuming, of course, that the Electoral College has failed to choose a President.

Mr. MADDEN. Will the gentleman yield?

Mr. LOZIER. Yes.

Mr. MADDEN. A Member of the House does not take his oath of office until we organize.

Mr. LOZIER. That is only a form, custom, or ceremony of the House. The Members have a constitutional right to take the oath of office without regard to whether or not the House has been organized. No House-made custom or regulation can deprive a Member of that right. The right of a Member to take the oath is a constitutional right, and not a right that the other Members of the House can grant or take away. The formalities heretofore followed are not essential, and their nonobservance would not prevent a Member elect from becoming a Member of the House, provided, of course, he had elsewhere or in some other manner taken the required oath.

The dangers so vividly pictured by the opponents of this resolution are imaginary, and if these objections were removed these gentlemen would probably find some other pretext for voting against this much-needed and far-reaching reform. Some men are constitutionally reactionary. They never look at any problem from a progressive standpoint. They are prophets of evil omen, at all times and all circumstances. They are always predicting that the country will go to the "demnition bow wows" if any forward-looking legislation is proposed. Every great reform since the curtain went up on human history has been opposed by "standpatters" who preached the doctrine of "let well enough alone."

But, gentlemen, this "scarecrow," paraded up and down this Chamber by those who are opposing this resolution, sinks into insignificance when we consider the serious complications that may result at any time by failing to amend our Constitution as proposed in the pending resolution. The Members who oppose this resolution leave uncorrected a situation that may result in strife, yes, bloodshed between the people of the United States. You are "gagging at a gnat and swallowing a camel" if you defeat this reform and allow the Constitution to remain in its present shape. I will go more into detail.

In 1924 there were three candidates for President—Mr. Coolidge, Mr. Davis, and Mr. La Follette. For a time it was believed by many well-informed persons that the election might be thrown into the House of Representatives, as it was considered within the realms of probabilities that the votes would be so divided that neither candidate would have a majority in the Electoral College. In that event it would have been the duty of the House to select a President. The present Constitution provides that in selecting a President when there is a deadlock in the Electoral College the House is restricted to the three candidates who had the highest number of votes in the Electoral College, and in this case the House would have had to vote for either Coolidge, Davis, or La Follette. Now suppose under this situation Mr. Coolidge had died between the time the electoral votes were cast and the time the House met to declare the result of the election; that is, suppose Coolidge had died between the second Monday in January and the second Wednesday in February, 1925. In that event the Republican Members of the House would have been compelled by the present Constitution to vote for either Davis or La Follette, or not vote at all, because the Constitution provides that the voting in the House must be for one of the three leading candidates voted for in the Electoral College; and this would have meant that the Republicans in the House would have been disfranchised, because this present Constitution that you refuse to change would not have allowed you to vote for some other Republican in the event of the death of Mr. Coolidge, and your great party would have been disfranchised. And the expressed will of a majority of the American people would have been set aside.

Or suppose John W. Davis had died between the second Monday in January and the second Wednesday in February, 1925. In that event the Democratic Members of the House would have been compelled to vote for Coolidge or La Follette or not vote at all, and that would have amounted to a disfranchisement of the Democrats in the House. Why, gentlemen, are you so wedded to existing order of things that you will allow our Constitution to remain in a condition like this? Here is a real danger, and yet you refuse to remedy it. If President Coolidge had died between the second Monday in January and the second Wednesday in February, 1925, and the Republican Members of the House had been deprived by the present Constitution from the privilege of voting for some other Republican, methinks your Republican constituents would have torn you to pieces for not having remedied a situation of this kind. And, likewise, if John W. Davis had died during this period, then, in that event, the Democrats in the House would have been deprived by the present Constitution from voting for some other Democrat, and your Democratic constituents would have brought you to a stern reckoning, and what they would do to you "would be a plenty." If no candidate had a majority in the Electoral College, and if death had called either Coolidge or Davis between the dates I have mentioned, when the election of a President came on in the House, I can visualize the situation. I can hear the stentorian tones of Haltigan calling the roll. Listen to the names and the response: TILSON, and he would feebly whisper, "John W. Davis." SNELL, and hear him answer, "John W. Davis." WOOD, and hear him respond, "Robert La Follette." LEAVITT, and listen to his dulcet tones as he votes for "Davis." HULL of Illinois votes for "Davis"; MADDEN for "La Follette," and so on. Of course, I understand the vote would be by States, and oh, the confusion and woe in the Republican ranks when Illinois, Ohio, Indiana, Michigan, Pennsylvania, and other rock-ribbed Republican States cast their votes for Davis or La Follette.

This is no joke. It is just what would have happened if President Coolidge had died between the dates I have mentioned, had there been no choice of President by the Electoral College.

And if Davis had died under those conditions, I can hear the gentlemen from the Old Dominion, Mr. MOORE and Mr. MONTAGUE, shouting "Calvin Coolidge" when their names are called. I can even now hear a lot of these southern Democrats, when their names are called, answering feebly, "Calvin Coolidge" or "Robert La Follette." The solid South would be compelled to not vote at all or vote for Coolidge or La Follette; and then you Democrats would curse the day you voted to perpetuate this dangerous condition. I repeat, here is a real, not an imaginary, peril. Are you going to lend your influence to defeat a resolution that corrects this grave situation?

The CHAIRMAN. The time of the gentleman has expired.

Mr. JEFFERS. I yield the gentleman three minutes more.

Mr. LOZIER. Do you Republicans want to leave the Constitution in a condition that would prevent the Republicans in the House from voting for some other Republican if no candidate in the Electoral College has a majority and your presidential candidate should die between the time the vote is taken in the Electoral College and the time the House meets to select a President? And do you Democrats want to leave the Constitution in such a shape as to prevent you from voting for a Democrat under the conditions I have mentioned? And this situation may result at any time. I assert that the present conditions are undemocratic, unrepublican, and un-American, and I for one will now vote to remedy this unthinkable situation.

Mr. LEAVITT. Will the gentleman yield?

Mr. LOZIER. Not now. But, say some, we should have a cooling-off process or delay between the election and the time Members of Congress enter upon their official duties. One purpose in having elections is to afford the American people an opportunity to pass judgment on public policies and on the record of those in power. If the policy of an administration has been repudiated by the American people, this popular verdict should promptly be translated into laws designed to give effect to the wishes of the people as expressed at the ballot box. If a Congress has been weighed in the balance and found wanting, why allow that Congress to hold over for three months longer and fortify and strengthen the policies that have been condemned in a nation-wide referendum?

Napoleon said, "Scratch a Russian and you will find a Tartar." I say, scratch the leaders of the opposition to this resolution, and in a majority of cases you will find standpat reactionaries. I do not think all who oppose this resolution are reactionary, but it is quite evident that practically all the reactionaries in this House are fighting this resolution "tooth and nail."

For years a few Members who dominate this House have strangled this resolution and prevented its consideration. These gentlemen are now exerting their great ability and influence to defeat and prevent its submission to the States. The issue is made up. The roll will soon be called. A record will be made, and the House will determine whether this forward-looking proposal is to be strangled again or submitted to the American people for approval or disapproval.

In relation to the Bankhead amendment, may I make a few observations? Of course, I understand that we have a representative form of government and not a pure democracy. Our constitutional fathers refused to go to the extreme limit suggested by Jean Jacques Rousseau and other leaders of public thought in France and America at the time of the revolutions in those countries against oligarchic and monarchal forms of government.

We adopted a representative form of government as affording the best scheme for the development of our free institutions

instead of a pure democracy, such as prevailed in Greece in ancient times. Our constitutional system of government, especially our legislative body, represents a compromise between the two contending schools of political thought in America at the time our Constitution was adopted. One school was intensely concerned in preserving political and civil rights of the people; that is, of the individual citizen, and desired to protect the masses from the superior power and cunning of the wealthier and more resourceful classes. The other school was suspicious of popular government and had a contempt for the masses and little, if any, respect for the expression of the popular will. One group insisted that we could with safety trust the people; that they had sufficient intelligence, ability, and patriotism to have an active participation in public affairs. The other group insisted on a strong centralized form of government controlled and directed exclusively by the cultured and wealthier classes. These two contending factions finally compromised their differences, and as a result we have a legislative system in which the Members of the Senate are elected for six years and the Members of the House for two years.

The theory in building this system was that the Senate, being the more conservative and stable representative body, would not be influenced by popular appeals or swayed by sudden changes in public opinion, but would resist tides of popular opinion and quick changing public sentiment and therefore be a check on the impulsive political and legislative activities of the House of Representatives which comes every two years fresh from the people.

On the other hand, the term of Representatives was made two years in order that they might at all times be in touch with the people and reflect the popular will. Now, will not this Bankhead amendment, if adopted, to a very considerable extent, make it more difficult for the popular will to be reflected in legislation? Will it not remove the Representatives two years further from the people, make them less reliant on the judgment and approval of their constituents, and more indifferent to the expression of the popular will?

Under the present system every Representative is constantly face to face with the realization that at the end of every two years he must give an account of his stewardship and so conduct himself that his record will merit and win public approval.

Now you purpose by this Bankhead amendment to double the length of the term of Representatives. Do you not thereby make them less dependent on the favor of their constituents, postpone their day of reckoning, and lessen their appreciation of their responsibility as direct representatives of the popular will?

There is much merit in the contention of our constitutional fathers to the effect that our Representatives should be compelled to submit their record and claims to their constituents every two years. The theory is that with long terms public servants become indifferent to the wishes and welfare of their constituents, and if compelled to ask a reelection every two years, they will keep in closer touch with the people and more accurately interpret and reflect the popular will. I concede that long terms will increase the power of a good Congressman to render efficient service, but the converse of this proposition is true, and long terms augment the evil influence of a bad Congressman and increase his power to do harm.

Of the Bankhead amendment, it may be said that it would increase the capacity of an efficient Representative to do good work and to render more valuable public service, and at the same time increase the damage that an unfaithful Representative may do. I think we should retain the two-year term for Members of the lower House. [Applause.]

Mr. WHITE of Kansas. Mr. Chairman, I yield 10 minutes to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD, and in view of the fact that the time is so short, I ask not to be interrupted, for I need every one of the 10 minutes for what I have to say.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. TILSON. Mr. Chairman, it is a matter of sincere regret that I find myself in opposition to a report and recommendation of one of the fine committes of this House, and I should not allow myself to take this position if I could by any proper means bring myself to support the proposition recommended. This is not a party matter, however, in any sense whatever, but it is a matter which each Member must square with his own conscience, and this is what I must do. Hence my attitude.

Changing the time for the meeting of Congress is not the most important matter in the world. During all the 140 years under the Constitution no Congress has ever deemed it a matter of sufficient importance to even legislate upon the subject, although during all those years Congress has had full, complete, unlimited power to legislate and to fix as the date of meeting any day in the year. If it be a matter of so great consequence that Congress convene on any particular day of the year, why was not the discovery made long years ago and that day selected by an act of Congress?

While fixing the date on which Congress shall meet is not of vital importance; changing the Constitution for this or any other purpose is a serious matter. Of the amendments adopted since the first 10—which were to all intents and purposes a part of the original Constitution—some were unnecessary, some have not worked as expected, some have worked badly, and some have not worked at all.

Doubtless I am somewhat old-fashioned in this respect, but I have a deep, sincere affection and admiration for that old document, and I hate to see it changed without the best of reasons. Our experience in changing this precious instrument has not been such as to encourage further experiment along this line, except for reasons clear and compelling. I do not believe that the reasons given for the proposed change are sufficient or convincing, but, on the contrary, that when analyzed they become untenable.

What are the alleged reasons for adding the proposed amendment to the Constitution? The one argument upon which the demand for a change in the meeting date of Congress is based is that the time is too long between the election and the meeting of the new Congress. Looked at superficially, this is a plausible argument, especially when made to appear that 13 months must elapse after the election before the newly elected Member actually takes his seat; but even this formidable charge can be met and readily answered. In the first place, this charge is not true as I have stated it and as it is usually stated. Under our present Constitution only four months must elapse before the new Member may take his seat. Any longer time than four months is only because Congress, in its wisdom, has not seen fit to fix March 4 as the date for the new Congress to meet. Then we are called upon to pass a constitutional amendment in order to have Congress meet 60 days earlier than it could otherwise. And even then, in the case of a new President, he will not come in for 20 days longer, so that in reality the new Congress will gain only 40 days by meeting January 4 instead of March 4.

But we are told in all seriousness that it will never do for the new Congress to meet as late as March 4, which can be done by a simple resolution, because that would mean running into midsummer, and it is hot in Washington during June and July. Shades of our illustrious predecessors! Shall we amend the Constitution of our country in order to avoid a few days of personal discomfort? [Applause.]

The practice in foreign countries of early assembling is cited, but there is no real similarity, and any argument based on such an analogy is not well grounded but is altogether misleading. In other countries governments fall and cease to function, carrying in their fall both executive and legislative authority, which are not separated, so that a new government must be formed to carry on. There is no such thing in our system of government. Our executive and legislative powers are distinct and our terms of office are fixed by law or the Constitution. And, on the whole, has not the plan worked reasonably well, even as compared with foreign countries?

But it is not necessary to amend the Constitution in order to have an early meeting of the new Congress, and if it be believed that this is what is needed and what the people are demanding, let it be done by an act of Congress. As it stands to-day, Congress can fix any date of meeting it may deem best; and if it should turn out that the day fixed is not the best date, it can be changed and go back to the old date that has served satisfactorily throughout our history. But once fix the date by the Constitution, and it must stand whether satisfactory or not, whether it work well or ill.

Let us consider for a moment whether any real harm comes from postponing the date of convening the new Congress even the full limit of 13 months. We are now under a Budget system and it is working well. During the summer and autumn the President, through the heads of executive departments and the Director of the Budget, prepares the estimates of the several departments and makes up the Budget. It is sent to Congress the first week in December. As at present, the old Congress is organized and before January 4 is well under way in the consideration of the supply bills. The Cabinet heads, who under the outgoing President have submitted their estimates, now come before the committees of Congress and explain each the portion of the Budget which relates to his department. Before March 4, if Congress attends to business, all the supply bills and other necessary legislation is passed, and the old Congress and the old President, with his Cabinet heads and their assistants,

all go out together. The new President comes in on March 4 with a new Cabinet and assistants and begins at once to prepare for the new estimates and the new Budget to be submitted in the autumn.

Meanwhile, the new Congress on and after March 4 stands ready to meet in case of need to pass emergency or any other legislation deemed necessary for the public interest. Time after time the new Congress has been called together early for one reason or another, and there is no danger that the public interest will ever suffer for want of a Congress ready to serve.

Let us see what would be the situation under the proposed amendment. The old President and his Cabinet must make up the Budget as before, but can not submit it before January 4. It is then submitted to a new Congress, not thoroughly organized and without committees. Meanwhile the "lame-duck" President holds on for 20 days. Whether he delivers a message on the state of the Union to the new assemblage, now cleansed of its "lame-duck" contamination, is not specified in the resolution.

Having organized—if no deadlock interferes—and counted the electoral vote, if there is time, the now pure congressional aggregation, out of deference to the new President soon to come in, will probably twiddle their thumbs until January 24 arrives. And now work must begin—on the supply bills, at any rate. A new Cabinet will have taken the place of the old and without time to learn anything whatever about their several departments, with no knowledge whatever of the estimates or the Budget, they must appear before the committees of Congress to explain and defend the provisions of their several bills. The new President must take on faith the Budget of his "lame-duck" predecessor, for surely he is not in position to make up one of his own; and so throughout the first year of his term, the most important year of all for him, the benefits of the Budget system may be nullified, so far as he is concerned. Can you imagine anything worse than such a situation? And yet I have not in the least overdrawn what must inevitably happen in case this amendment should be ratified.

Can we afford to take such a step which, once taken, can not be retraced? It matters nothing to me personally. It matters little to any of us older Members, whose time here after this amendment is in effect at most will not be long; but it does matter very much to the people of the country through all the years to come and to those who follow us here in giving service to the country. I have one boy of my own, dearer to me than my own life, as every father will understand. He is only a schoolboy now, but in the dreams of a fond father touching his son I have seen him standing here in my place, giving himself to the service of his country as his father has faithfully tried to do. I would not for this right arm do anything by my vote that would make his path more difficult or render his service and that of the others who will then stand where we now stand less effective or useful.

I can not vote for this resolution. Neither can I allow it to pass without giving voice to my opposition and utterance to my conviction that its adoption will be an unfortunate mistake which those responsible for it should never cease to regret. And remember, when we give our vote for it and send it on its way all the harm of which it is capable throughout the years to come will have been done, so far as we are concerned. [Applause.]

Mr. JEFFERS. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. MOORE].

Mr. MOORE of Virginia. Mr. Chairman, of course there is a greater responsibility on Members dealing with a proposition of this sort than dealing with an ordinary statutory proposition. In this case the responsibility is indicated by the provision in the Constitution that a vote of two-thirds of the membership of each House, a quorum being present, shall be required to submit a constitutional amendment. I am a liberal; I do not agree with some that the Constitution is a sort of Ark of the Covenant which is too sacred to be touched, but, nevertheless, as to this matter I apply the view expressed by an old English statesman that when it is not necessary to change it is necessary not to change.

It is unthinkable to me, for the reasons that have been detailed, that the provision will be adopted to terminate the last session of the Congress. The reason indicated by those who favor that idea is that it will cut out filibustering. Some time ago I had occasion to review the history of filibustering since 1841, when it started, and I was brought to the conclusion that very much more good has been accomplished by filibustering than harm. [Applause.] And let me say to my friends from the South that except for the filibustering in the Senate some years ago we might be living under the Force bill to-day.

Now, assuming that the particular provision to which I have referred will be discarded, let me come for a moment to the main provision. Various arguments have been made against bringing about the session of the new Congress on the 4th of January and the inauguration of the President and Vice President on the 24th of January. I am not going to rehearse those arguments, but I am going to call upon my own experience for an illustration of what would have occurred several years ago if that plan had then been in effect.

There was a presidential election in 1876. Following that election there was tremendous controversy as to how the country had voted. The Hayes-Tilden fight came on, marked by unlimited passion and heat. An Electoral Commission was organized. It took a vast amount of testimony and heard from the representatives of the two men principally involved, at the greatest length. It would have been simply impossible for the commission to pass on the case and for Congress to have received the report of that commission and acted on it in the short time elapsing between the 4th of January and the 24th of January.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. JEFFERS. I yield two additional minutes to the gentleman.

The CHAIRMAN. The gentleman from Virginia is recognized for two additional minutes.

Mr. MOORE of Virginia. I sat in the gallery of this House as a schoolboy on the night when, before a crowded House, late in February the report of the Electoral Commission came along for consideration; and I well remember the excitement that prevailed and the predictions of the gravest trouble that might occur, when Mr. Hewitt, of New York, rose and said, representing Mr. Tilden, that he desired the House to adopt the report of the commission.

There had been some time for deliberation. There had been some time to consider what might happen in the event of the failure to adopt that report; and I venture to say, judging from what was the attitude of the country in respect to that election, that if we had had such a plan in effect at that time as now suggested there would have been serious danger of civil war.

Now, why should we run the risk of all sorts of complications and difficulties by indorsing a proposal as to which even many of its advocates are not without doubts? Why should we cultivate the habit of amending the Constitution in such a sudden and impulsive way as is now proposed and, in my opinion, without any compelling necessity? [Applause.]

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. JEFFERS. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. BLACK].

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. BLACK of New York. Mr. Chairman and gentlemen of the committee, I have finally made up my mind as to what I am going to do about this resolution. I do not mind confessing to the House that I was wobbling back and forth on the proposition. I almost had mental St. Vitus's dance through worrying about it.

In the first place, I do not believe we should monkey too much with the Federal Constitution, especially after we attached a blotter to it in the eighteenth amendment. My main difficulty was concerned with the draftsmanship of the resolution now before us. I tried to make out what it meant. I finally concluded that I knew what it meant. Then I tried to set forth in my own language what it meant in a better way, and I could not do it; and then finally I came to the conclusion that I wanted to vote for the resolution. [Laughter.] I went so far on it that I finally decided I would make a speech for it. [Laughter.] I hope I will not get mixed up again before a vote is taken. [Laughter.]

The only substantial defect that I can see in the resolution is that it does not permit a woman to be President or Vice President. I know there is no immediate possibility of a woman becoming President or Vice President, and I only make this remark as an allusion to the Republican old women who are waiting for the nomination. [Laughter.]

It was interesting to hear the gentleman from Massachusetts [Mr. LUCE] remark upon the corruption in the State of Pennsylvania because of the lack of this amendment. Somebody else blamed it on the primary system, and others blamed it on the churches in Pennsylvania. A gentleman on the Republican side, Mr. TILSON, of Connecticut, spoke of his deep love for the Constitution. Oh, how I love to hear Republicans speak of their love for the Constitution! From my experience I realize that

there is only one provision in it that they have any love for, and that is the provision against self-incrimination. [Laughter.]

Mr. LUCE. Mr. Chairman, will the gentleman yield?

Mr. BLACK of New York. No; I can not.

Mr. LUCE. Mr. Chairman, I rise to question of personal privilege.

The CHAIRMAN. The gentleman declines to yield.

Mr. BLACK of New York. The people of the country want this legislation. They have been agitating to kill the lame duck status for some time. It is an anachronism and ought to be done away with.

We should not worry unduly about the draftsmanship of the proposition. That can be corrected. I say, pass the resolution and in this form, send it to conference, and let the conferees study it and perfect it and polish it up, and give the people what the public wants, namely, a real logical system of Federal administration, a timely system, a system that will bring the Congress and the President nearer election, a responsive system.

We do not have to worry about the particular wording. The conference can take care of that. So I finally came to the conclusion that I ought to vote for it, and I hope everybody I asked to vote against it in the lobby will follow me now. [Applause.]

Mr. LUCE. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Massachusetts rise?

Mr. LUCE. I rise to a question of personal privilege.

The CHAIRMAN. That can not be raised in the Committee of the Whole House on the state of the Union. It can only be raised in the House itself.

Mr. LUCE. I ask 15 seconds to say that the gentleman from New York has made an error in attributing to me certain language. I did not use that language and made no reference to the subject of which he has spoken.

Mr. BLACK of New York. I am glad he did not.

Mr. WHITE of Kansas. Mr. Chairman, I yield the balance of the time remaining on this side to the gentleman from Iowa [Mr. RAMSEYER]. [Applause.]

The CHAIRMAN. The gentleman from Iowa is recognized for 12 minutes.

Mr. RAMSEYER. Mr. Chairman and gentlemen of the committee, I want to be helpful in whatever way I can on the proposal that is before us in the brief time at my disposal. First, let us get it into our heads that this is not a proposal to change anything fundamentally vital in the Constitution like, for instance, the nineteenth amendment was, the eighteenth amendment, the seventeenth amendment, and the sixteenth amendment. This is administrative in character. As has been stated on the floor of the House before, it goes to the mechanics of the Government and not to anything vital or fundamental. Reference has been made several times to the situation that prevailed in 1876 and doubt was suggested as to whether the new Congress would have handled that situation as well as the old. No one can answer that, if he is honest with himself, either yes or no. I am not here to presume that the Congress elected in 1876 would have been any less intelligent or any less patriotic than was the Congress that handled that very distressing and unusual situation, a situation which had never arisen before in the history of the country and may never again arise in the history of the country.

The argument is made by the majority leader that we have been getting along for 140 years and this change has not heretofore been suggested. Of course, that same argument could have been made against every constitutional amendment that has ever been proposed, or even against every law that has ever been proposed in the last 140 years. So that point is not vital in the discussion here. He refers also to the difficulty of rearranging our Budget. The Budget can easily be adjusted to the change proposed even though it may necessitate some legislation by Congress. My good friend from Illinois [Mr. MADDEN] says that the short session of Congress is a money saver. I can not now recall the figures, but I think I am within the facts when I state that by looking over the expenditures of a number of years you can tell no difference in the amount of money authorized to be spent in the short sessions and the amount of money authorized to be spent in the long sessions. There has been a gradual increase in appropriations and in expenditures of the Government at least since the Civil War, or soon after the Civil War; they have been gradual and have been going on whether the appropriations have been authorized during the long session or during the short session.

The argument is made, too, that this proposition would not be before us if it were not for propaganda. Insinuations have been made in the press locally and also on the floor of the House that this scheme is a half-baked proposition, ill-considered, and visionary. I am here to tell you that as far as I am concerned I have not gotten any propaganda either for or against it.

The debate here has been very interesting and has been conducted on a high plane of intelligence and reason. I hope it will continue so, and I am sure it will continue so. The manner in which it has been conducted has renewed my faith in this House.

It is a serious proposition to change the Constitution, and it has been seriously considered, and when we get under the five-minute rule in a few minutes I am sure it will continue to be seriously considered.

I had not intended to make reference to the attitude of the American Bar Association on this proposition if it had not been for the fact that the inference has been left here that this proposal originated in the minds of propagandists. So far as I am aware the credit for seriously pressing this proposition belongs to the American Bar Association. I have been interested in this proposal for a number of years, and when the American Bar Association in 1917 referred this matter to a special committee my interest in the proposal was increased. I have watched the development of this proposal before the American Bar Association. During the war it did not receive much consideration. But in 1919 and again in 1920 the American Bar Association indorsed the principle, and in 1921 it referred a special resolution to this special committee. The committee gave it most thorough study, and in 1923 it made a very full and complete report to the American Bar Association. I happen to be a member of the association and was present at the time when this report came up. It had been printed three or four months before, and was in the hands of every member of the American Bar Association and, of course, everybody there was advised of what was in the report.

I am here to tell you what you already know, and that is that the American Bar Association is as intelligent and as conservative a body of men as exists in the country; I will not say more intelligent or more conservative. There are in that organization some of the greatest students of government that we have and they are just as devoted to the Constitution and the perpetuity of our Government as any of us here are. A former president of the American Bar Association sits before us and he can testify to the truth of what I have just said.

Even though this report was printed and in the hands of every member of the bar association three or four months before the meeting of the bar association in Minneapolis, in August, 1923, there was not a voice raised in opposition to this report and there was not a vote cast against the adoption of this report.

Mr. TILSON. Will the gentleman yield there?

Mr. RAMSEYER. Certainly.

Mr. TILSON. Is it not the fact that ever since the first vote was taken in 1917 by the American Bar Association upon this question, the majority in favor of it each year when it has been brought up has been gradually less and less?

Mr. RAMSEYER. The majority? Why, it was unanimous.

Mr. TILSON. It was unanimous the first year.

Mr. RAMSEYER. It was unanimous in 1923, and if there has ever been anything before the bar association since 1923, and I have been getting the reports of the association every year, to indicate there was any opposition to this proposal, I have never seen it or heard of it.

Mr. TILSON. I have understood that the vote in favor of the proposition has been growing less each year since 1917 as the members of the bar association have studied the question.

Mr. RAMSEYER. With me it is not a matter of understanding, it is a matter of knowledge. I was present. [Applause.] I have been following this question and if there has been opposition developed in the American Bar Association against the proposal it has never found place in any of the annual reports of the association reporting the proceedings of their meetings from time to time.

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. RAMSEYER. For a pertinent question.

Mr. WILLIAM E. HULL. Is it necessary for the Congress to follow what the American Bar Association advocates?

Mr. RAMSEYER. Certainly not. Nobody has claimed that, but I am simply referring to this to show that the most conservative and the most intelligent thought of the country has been, and is yet, unanimously back of this resolution. [Applause.]

Mr. LEAVITT. Will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. LEAVITT. Is the American Bar Association back of it in the form in which it is presented to the House or the form in which it was passed by the Senate?

Mr. RAMSEYER. They passed or proposed a resolution, and that resolution I carried from the American Bar Association myself that year of 1923, and introduced it in this House on the first Monday in December, 1923, and the gentleman from Kansas [Mr, WHITE], some time later, as chairman of the committee, introduced an identical resolution, and the resolution adopted by the American Bar Association is almost identical with the resolution here except as to the fourth section, which adds matter to which, I understand, nobody is objecting on the floor of this House.

Mr. LEAVITT. The gentleman referred to a past president of the bar association who is a Member of the House. Is that Member supporting it in the form in which it is presented?

Mr. RAMSEYER. I do not know. The gentleman will speak for himself when the time comes. He may be opposed to it or not; I do not know. If he is opposed to it, so far as I know, he never voiced any opposition to it in the American Bar Association in 1923 or any other time, and we have had such presidents of the bar association of late years as Justice Sutherland, of the Supreme Court, former Justice and ex-Secretary of State Hughes, and in 1923 the president of the association was John W. Davis, the last candidate for President on the Democratic ticket. He indorsed this proposition. If I had the time—my time is about up now—I would read to you what John W. Davis then said about it in his annual address. The presidents of the American Bar Association since this matter has been up have all indorsed it, and, so far as the records of the American Bar Association show, all members of the American Bar Association, with all their intelligence and patriotism and conservatism, are back of this resolution. [Applause.]

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. WILLIAM E. HULL. I would like to know if the United States Chamber of Commerce has indorsed it.

Mr. RAMSEYER. I do not know.

Mr. WILLIAM E. HULL. You are putting it all on the bar association, when the United States Chamber of Commerce would have just as much right to indorse it or not indorse it as the bar association.

Mr. RAMSEYER. If the gentleman was listening to me throughout my argument, he will understand why I drew in the American Bar Association. It was not to argue that you should follow them blindly, but to refute some of the arguments made on the floor of the House and published in the press of this city that this proposition would not be before us but for propagandists. [Applause.]

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GIFFORD. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Massachusetts rise?

Mr. GIFFORD. I would like to ask, first, how much time there may be remaining?

The CHAIRMAN. There are two minutes remaining in the control of the gentleman from Alabama.

Mr. JEFFERS. Mr. Chairman, we have no more speeches on this side. During these remaining two minutes let me just say that I am favorably inclined toward the main object of this proposed amendment to the Constitution. However, I think now, as I have thought all during the time we have had it under consideration in the committee and here in the House, that this specific date for the closing of the session in the even-numbered year ought not to go into the Constitution of the United States, and therefore I shall support appropriate amendments which will be offered at the proper time to correct what I think are serious defects in the proposed resolution; otherwise I think the resolution should be adopted.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The Clerk will read.

Mr. GIFFORD. Mr. Chairman, I desire to present a unanimous-consent request. Inasmuch as the committee has been very liberal in the matter of granting time I ask for five minutes for debate and an additional five minutes in which to present the parliamentary aspect of the matter, with respect to how we are to proceed in offering amendments. I ask unanimous consent that I may have 10 minutes, principally on the parliamentary situation.

The CHAIRMAN. The Chair would like to state to the gentleman from Massachusetts that the unanimous-consent request made by him is out of order because the time was fixed by the House, and the committee has no power to change it.

Mr. GIFFORD. Mr. Chairman, may I speak out of order for 10 minutes?

Mr. BANKHEAD. Mr. Chairman, I shall be compelled to demand the regular order.

Mr. TILSON. Let the Clerk read the first paragraph.

The CHAIRMAN. The Clerk will read.

Mr. GIFFORD. Mr. Chairman, I rise for the purpose of making a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GIFFORD. I should like to know whether this whole resolution is to be read before amendments are offered, or whether each section will be amended as read? It is extremely important to know which procedure is to be followed.

The CHAIRMAN. The committee substitute, which is the matter to be read for amendment, is the legislative proposition under consideration and is divided into sections. Unless it is otherwise ordered by the committee, the Chair will direct that it be read for amendment section by section.

Mr. CHINDBLOM. Mr. Chairman, the rule prescribes that the committee amendment may be amended as an original bill.

The CHAIRMAN. Surely; for that reason the Chair is directing that it be read section by section.

Mr. GIFFORD. I make the parliamentary suggestion that this bill really contains but one section.

The CHAIRMAN. It is obvious that there are five sections.

Mr. GIFFORD. I think that this ought to be understood before debate on amendments is begun, and I ask for one minute in which to present the situation which may arise if certain amendments are offered.

Mr. BANKHEAD. I ask for the regular order.

The CHAIRMAN. The regular order is called for, and the Clerk will read.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. The terms of the President and Vice President shall end at noon on the 24th day of January, and the terms of Senators and Representatives at noon on the 4th day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin."

Mr. GIFFORD. Mr. Chairman, I move to strike out the last word. I do this in order to show how important it is fully to understand whether or not, after a section has been amended, we can return to a previous section which may be made necessary by the amendment to a later section. If section 5 should be amended in such a way that section 1 is affected thereby, it is necessary to determine now whether we can without unanimous consent go back and remedy the situation that may have been created. I am sure that many who have argued against sections 1 and 2 have no objections to sections 3 and 4. Amendments to the latter may be made which would make necessary amendments to previous sections. It should, therefore, now be determined whether we are to be permitted to return to the previous sections and amend them without unanimous consent.

The CHAIRMAN. In answer to the parliamentary inquiry by the gentleman from Massachusetts, the Chair will state that although this is a proposal for an amendment to the Constitution of the United States, the practical consideration in Committee of the Whole is no different in practice than considering any ordinary bill. After a section is passed it can not be returned to in committee without unanimous consent.

Mr. BANKHEAD. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

On page 3, after line 7, insert a new section, to read as follows:

"SEC. 2. The House of Representatives shall be composed of Members chosen every fourth year by the people of the several States."

Mr. GIFFORD. Mr. Chairman, I make a point of order as to that.

Mr. RAMSEYER. I make the point of order that it is not germane to the section or the resolution as a whole.

The CHAIRMAN. The gentleman from Massachusetts and the gentleman from Iowa make points of order that the amendment is not germane. Does the gentleman from Alabama wish to speak on the point of order?

Mr. BANKHEAD. Does the other side desire to present any argument in support of the point of order? I think that would be the proper procedure.

Mr. RAMSEYER. Is not the burden to show that it is free from the point of order upon the gentleman from Alabama?

The CHAIRMAN. The burden to show that it is in order is on the gentleman from Alabama. The Chair thinks the gentle-

man from Alabama would be entitled to rebut the arguments made in behalf of the point of order.

Mr. BANKHEAD. Mr. Chairman, I will say this in advance of the statement I shall make, addressing myself to the point of order. It is not my purpose to tax the patience of the Chair or the committee. I realize that the present occupant of the chair for a number of years has been a Member of this House; he has been diligent in the study of parliamentary procedure. In addition to that a day or so ago I gave notice to the Presiding Officer of this amendment that I have presented for the consideration of the committee. I have no doubt in advance the occupant of the chair has given the matter some consideration. For that reason I shall make my remarks on the point of order just as brief as possible.

The question has been raised that the amendment proposed is not germane to the resolution or at the place where it is offered as a new section or to the resolution. The question of the germaneness of a proposal is often one involving a close question, and is therefore a matter which concerns the presiding officer. I think the gentleman from Minnesota, Mr. Anderson, late a Member of this Congress, in a decision recorded in the first session of the Sixty-seventh Congress, correctly states the general principles that should govern the Chair in determining the question of germaneness.

On page 2416, volume 61, Sixty-seventh Congress, it says:

The Chair confesses to having a considerable degree of difficulty with that question. The Chair does not think that the general rule can be laid down, that where several portions of a law are amended by a bill reported by a committee, it is not in any case in order to amend another section of the bill not included in the bill reported by the committee, nor does the Chair think that the opposite rule can be laid down and rigidly applied in every instance. The Chair thinks that a question of this kind must be determined in every instance in the light of the facts which are presented in the case.

First, I desire to call the attention of the Chair to the fact that the title to this proposed resolution is not now before the Chair or the committee in its original form. In fact, the House Committee on Privileges and Elections in reporting the resolution saw fit to incorporate at the end thereof this language:

Amend the title so as to read: "Joint resolution proposing an amendment to the Constitution of the United States."

In its original form the resolution proposes—

An amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress, and fixing the time of the assembling of Congress.

So that as now presented the general subject matter of this resolution is not as first expressed in the title, the general purpose and its specific purposes named in the original resolution, but in broad terms it proposes an amendment to the Constitution of the United States.

I submit to the Chair that the amendment proposed is germane upon two theories. First, that section 1 of this resolution deals specifically and in terms with the broad questions of the terms of the President and Vice President of the United States, with the terms of the Members of the Senate of the United States, and with the terms of the Members of the House of Representatives of the United States. It not only does that, Mr. Chairman, with reference to the sitting Members, who will be affected by this resolution in the event of its passage and ratification, but it goes further; in the last line of section 1 it provides:

And the terms of their successors shall then begin.

So that we see we have before us for consideration under a resolution proposing an amendment to the Constitution of the United States specific proposals dealing not only with the terms of other officials of the Government but with the terms of the Members of the House of Representatives, and by the very terms of the section 1 the terms of the President and Vice President and Members of the House are shortened for a period of some six weeks. If we can deal with a proposition involving the shortening of the terms of sitting Members, at the time of the ratification, and deal with the terms of their successors if ratified, certainly it would be germane and within the general fundamental purpose of the resolution to say that we could extend the time. In short, if we can shorten it, dealing with the same subject matter, I submit that it would appear to be a rather arbitrary ruling of repression against the expression of the real will of the House upon the specific object mentioned in the face of the resolution itself to hold that we can not lengthen the term, and I use the word "arbitrary" in a general sense and not personally in respect to the present occupant of the chair.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. BURTNESS. Of course, no one could ever argue that it would not be germane to offer an amendment to change the date from the 4th of January, say, to the 4th of July or the 4th of August. By simply changing one word in this section we could lengthen the term of office a few months, and if you can lengthen it a few months by changing one word, it does seem to me there ought not to be a great deal of objection to proposing an amendment which would in effect lengthen the time two years by some other means.

Mr. BANKHEAD. That is in support of the proposition, as I understand it, for which I contend.

Mr. BURTNESS. And it was so intended to be.

Mr. BANKHEAD. I shall not undertake to cite a long line of authority on this question, because I do not think it is necessary. In volume 5 of Hinds' Precedents, section 5582, this principle is announced, and I shall not read the decision, but just the substance of it:

To a bill proposing one mode of arranging the presidential succession, an amendment proposing a joint resolution for submitting a constitutional amendment on a plan differing as to details was held germane.

In this same volume, section 5824:

To a bill amending a general law in several particulars an amendment providing for the repeal of the whole law was held to be germane.

In the same volume, section 5839:

To a resolution embodying two distinct phases of international relationship an amendment embodying a third was held to be germane.

In the same volume, section 5882:

To a proposition relating to the terms of service of Representatives and Senators, an amendment proposing the election of Senators by the people was held not to be germane.

I cite this last decision, because probably this decision has fallen under the eye of the Chair, tending to support the point of order; but I respectfully call the attention of the Chair to the fact that that ruling by the late Speaker Crisp was well taken for the reason that in that amendment it not only undertook to deal with the terms of the succession, but it undertook to propose an absolutely new and different method of electing United States Senators, to wit, by a direct vote of the people, instead of by the legislatures of the various States. My amendment proposes nothing new in the Constitution with reference to the method of electing Members of this House. It involves no departure from the constitutional structure at the present time relating to Members of the House of Representatives. All that it does is to seek the opportunity, if presented to the House, under the rulings of the Chair, for the House to say that the present terms of the Members of the House shall be extended.

On the other theory, the Chair is, of course, familiar with the principle that where, in dealing with a bill involving a number of different subjects, an amendment involving a new subject is in order, if germane, to the general principles of the bill. The Chair will notice that the resolution proposes a change in the Constitution of the United States in three different particulars. It undertakes to amend Article II of section 1 of the Constitution in the first section, and it undertakes to amend Article I of section 4 of the Constitution in the second section.

It undertakes to amend the twelfth amendment to the Constitution of the United States in the third section, so that I say, under the principle of germaneness, where different subject matters are undertaken to be dealt with in a bill, a proposal injecting a different subject, if fundamentally along the line proposed in the other proposition, it is germane to the bill. I could cite a lot of decisions on that, but the Chair is familiar with the principle that I am announcing.

Now, as to the third reason, Mr. Chairman, I do not know whether from the investigation of the Chair of that question he has in his own mind reached a decision upon this question. Of course, I have got to take the chances on that. But I want to submit this to the Chair, and it is a sound principle; it is an equitable principle; it is a philosophical principle of parliamentary procedure that if the Chair has any reasonable doubt as to the correctness of a proposition being in order, as Mr. Speaker Clark held and as Mr. Speaker Reed held, and as Mr. Speaker Crisp held, and I believe all the great Speakers of this House have held, where there was involved on the part of the Presiding Officer a serious doubt as to the correctness of a ruling on a point of order as to germaneness, he should resolve that doubt in favor of the membership of the House in order that they might have a free opportunity for an expression of

conviction upon the proposition proposed. And from that standpoint, Mr. Chairman, you will bear in mind that our present distinguished Speaker, on an occasion, I believe, in the present session of the House when this proposal was suggested on a closely contested point of order, if this be such a case, carrying out that principle, he hesitated to make a decision himself, and submitted to the decision of the House the question as to whether or not a point of order was good.

Now, Mr. Chairman, as I said in the beginning of my remarks, I do not want to weary the Chair or the committee. What I have said states the propositions on which I rely as to the germaneness of this proposal.

Mr. GIFFORD. Mr. Chairman, with reference to the discussion of the point of order on "germaneness," I may say that few of us claim superior knowledge of parliamentary law. We have been told that in as far as possible common sense should rule in matters of this sort. In that connection I should like to say that in framing this resolution, which has for its primary purpose fixing the commencement of the terms of President, Vice President, and Members of Congress and establishing the time for the Congress to assemble, we had no thought of permanently changing the presidential term or the terms of Senators and Representatives. All these changes could be made if this amendment were in order. It would seem that the rule of common sense applied to the germaneness of this amendment would be to consider the intent of the contemplated legislation. Is it possible to make germane all provisions of the Constitution wherever the terms of "President, Senator, and Representative in Congress" may appear? We have so much confidence in the Presiding Officer that few of us care to argue the point further. however.

The intricacies of parliamentary procedure are not so involved in a question as to what is germane as is the principle of common sense, applied to the consideration of matters not contemplated and entirely separate in intention and effect.

Mr. RAMSEYER. Mr. Chairman, the rule of germaneness, as I understand, is this: The fundamental purpose of an amendment must be germane to the fundamental purpose of the bill or resolution before the House.

Now, what is the fundamental purpose of this resolution? First—and it is really the only thing that concerns this amendment—section 1 proposes to change the date of the beginning of the terms of Congress and the beginning of the terms of the President and Vice President. That is what is involved in section 1, and section 2 has to do with the date of the assembling of Congress. The rest of the resolution has to do with certain contingencies that might arise in case the Electoral College does not elect a President and a Vice President.

The purpose of the first section is to fix the date of the beginning of terms, not the length of terms. I want you to get that clearly in mind. Not a word is said there about the length of terms. The truth is, that if this resolution is adopted, it will incidentally affect one term of Members of Congress, as now arranged by custom and law. The terms of Senators are fixed by the Constitution, and the four-year term is fixed for the President; but it is not the purpose of this resolution to change the length of terms. That one term will be shortened is not the fundamental purpose of the resolution but is a mere incident to the change proposed for the beginning of the terms.

Now, the gentleman undertakes by an amendment to affect all terms of Representatives in Congress; not of Members of the Senate or the term of the President, but he undertakes to fix all terms of Members of the House at four years. We are only dealing with one term, and the shortening of that one term is only incidental and not the fundamental purpose of the resolution before us. I claim that under the Constitution we could by law change the time for the commencement of the terms of Members of Congress without violating the Constitution.

We could not do so for the President and for Senators. As to the President, the Constitution specifically states that he shall hold his office during the term of four years, Article II, section 1, clause 1. As to Senators, the Constitution specifically states in Article I, section 3, clause 1—

> The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof for six years.

Their term is specifically fixed. I do not think that by statute we could shorten or lengthen the terms of either President or Senators without violating these constitutional provisions. But let us see what the Constitution has to say in regard to Members of the House. This is Article I, section 2, clause 1:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States.

It does not fix the term of Members at two years. If for some reason Congress should change the term of Members of the House to 21 months to be followed by a term of 27 months and so on alternate the different length of term I think that would be within the Constitution so long as we carried out the mandate of the Constitution and gave the people the right to elect Members every two years. So this provision in section 1, so far as it affects the Members of the House, does not change any existing constitutional provision. The proposed resolution in section 1 incidentally shortens one term of Members of the House two months, and if we did that by statute we would not be violating the Constitution. So in that respect we are not changing the fundamental law. On the other hand, of course, the amendment offered by the gentleman from Alabama changes the Constitution in that it fixes all terms of House Members specifically at four years.

Now, in conclusion let me summarize, Mr. Chairman. First, the fundamental purpose of the amendment proposed is not germane to the fundamental purpose of section 1 of the resolution. That is the first proposition. The second proposition is that the gentleman undertakes to change all terms of Members of the House to four years in length, while the section 1 before us as an incident to its fundamental purpose shortens only one term by two months, but it does not thereby violate the existing provision of the Constitution in Article I, section 2, clause 1. That is all I have to say on that proposition.

I do not think the proposition which the gentleman suggested in closing, that inasmuch as this resolution affects three provisions of the Constitution that he could invoke the rule that where there is a bill proposing numerous or many changes in a law, like the bankruptcy law or the revenue law, that thereby it would be germane to offer amendments to change sections of the law that were not referred to in the bill. There is nothing here akin to that rule, and I shall not even undertake to answer it except to suggest to the Chair that the rule the gentleman from Alabama tries to invoke does not apply to a situation such as is before us.

Mr. GARRETT of Tennessee. Mr. Chairman, I should like to say that I am addressing myself purely to the parliamentary situation and in no way to the merits of the amendment, because I do not happen to be in sympathy with the amendment.

We have here before us a resolution which contains three distinct, separate, and unrelated propositions. Sections 1 and 2, standing alone, would be complete. In other words, the integrity of those sections would not be affected in any way if the House should conclude to strike out all the remainder. So of section 3 and so of section 4. Therefore it would seem to fall within the line of decisions that where a measure contains two or more subjects it is in order to offer a third subject of the same class. I call the Chair's attention to citations from the Manual, which state:

> Thus, the following have been held to be germane: To a bill admitting several Territories into the Union, an amendment adding another Territory; to a bill providing for the construction of buildings in each of two cities, an amendment providing for similar buildings in several other cities; to a resolution embodying two distinct phases of international relationship, an amendment embodying a third.

Mr. NEWTON. Mr. Chairman, speaking not to the merits but to the point of order, I would like to call the attention of the Chair to this proposition: We are not only governed by the underlying purpose of the resolution or a section of the resolution, but we are also governed by the text of the resolution and the particular section which has been drawn with the idea of accomplishing the underlying purpose. In the particular section before us, in an attempt to effect what the gentleman has called the fundamental purpose, the committee has used certain language. In using that language it has made very substantial changes in the Constitution. Of course, it is the change that they propose to make which forms the basis on which amendments are in order.

As the gentleman from Iowa pointed out, section 2 of Article I of the Constitution says nothing about when the terms of Members of Congress shall begin; neither does the Constitution say when the terms of the President and the Vice President shall begin; neither does it say anything about when the terms of Members shall end or when the terms of the President or Vice President shall end. Now, this section attempts to do both.

It provides that the terms of the President and Vice President shall end, and so on; the terms of Senators and Representatives shall end at a certain time; and then it goes on to say, "that the terms of their successors shall begin" at a certain time.

Therefore in the drafting of this section, in an attempt to accomplish the underlying purpose, the committee has not only commenced the term of Members of Congress and ended that term but they have fixed the date for the beginning of the term of his successor.

It seems to me to be extremely technical if, when the committee has before it a bill which ends the term of a Member of Congress, shortens that term, specifies the date, sets the beginning of the term of his successor, that it would then under those circumstances not be germane to attempt, as has been provided for in the amendment offered by the gentleman from Alabama, to provide that the term shall be four years.

I submit to the Chair that under the circumstances under which this underlying purpose is sought to be carried out in the terms of this section that the amendment of the gentleman from Alabama is in order.

Mr. HOCH. If the Chair will bear with me just a moment in answer to the statement made by the gentleman from Minnesota, the gentleman from Minnesota contends that it would be highly technical not to hold this amendment germane. It seems to me it would be much more technical to hold it germane, because it is only by virtue of a technical situation that section 1 affects the term of Members at all. The thing that is proposed is not to affect permanently the term of any of these officers, and after this amendment goes into effect, if it should be ratified, the term of Members would still be the same as it is now—two years—and it is only a mere incident that in bringing about the change in the beginning of the term we do affect by two months the term of the officers who are in office at the time the amendment is ratified. Therefore to hold that this is germane is to so hold because of a technicality and not otherwise.

Mr. BURTNESS. Will the gentleman yield for a question?

Mr. HOCH. Yes.

Mr. BURTNESS. The last clause of section 1 reads as follows:

> And the terms of their successors shall then begin.

Suppose an amendment were suggested to simply add to that language so that the clause as a whole would read, "And the terms of their successors shall then begin and shall end four years after the commencement thereof."

Mr. HOCH. I think it would not be germane for the same reason. It is the substantive matter that is important on this question of germaneness. The substantive thing that the amendment offered by the gentleman from Alabama proposes is to change the length of the term of Members.

Mr. BURTNESS. But the gentleman will agree that the Bankhead amendment does nothing more than that sort of language would do if it were added specifically at this point where it states that the terms of their successors shall then begin.

Mr. HOCH. No; it goes to the substantive thing, namely, the length of the term of Members, whereas the resolution before us does not, except in the mere incidental way I have stated with reference to the first officers, have any effect whatever upon the term, and that is the substantive thing upon which we are seeking to legislate.

Mr. LUCE. Mr. Chairman, although I have the keenest interest in parliamentary law and the science of legislation, I have almost never taken the floor on a point of order; and my confidence in the judgment of the Chairman is so great that I would not now so do if the gravity of the situation did not warrant saying a word in order to call attention to the purpose of the rule about germaneness.

You know very well, Mr. Chairman—I need not dwell upon it particularly for your benefit—but if the committee will indulge me, let me point out that the purpose of the rule relating to germaneness is to put Members on warning that a measure is to be discussed, that a proposal is pending. It is to give the committees assurance that they will not be brought on the floor of the House to face problems to which they have given no consideration, upon which, perhaps, no hearings have been held, no witnesses have been allowed to speak; and there is a broader purpose, in order that the public itself may be on guard, for we are here under the eyes of the Nation, and those of the people who take an interest in public questions have the right to know what we are considering.

Therefore it is that this rule about germaneness has commended itself to all our predecessors, and I trust, sir, that no ruling to-day will lead the House, its Members, or the public to believe that proposals that have not been considered, proposals that have not been meditated upon, may without warning be precipitated for the consideration of the House.

The CHAIRMAN (Mr. LEHLBACH). The Chair is ready to rule.

The Committee of the Whole House on the state of the Union has before it for consideration the text of the committee substitute for the Senate Joint Resolution 47. This substitute being read for the purpose of amendment, the gentleman from Alabama [Mr. BANKHEAD] offers the following amendment:

> SEC. 2. The House of Representatives shall be composed of Members chosen every fourth year by the people of the several States.

To this a point of order is made that the amendment is repugnant to the provisions of the rule on germaneness, which reads as follows:

> And no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

In order to determine whether this amendment is on a subject different from that under consideration it is necessary to examine the subject matter of the legislative proposition to which it is offered as an amendment. An examination of the entire article shows that it is composed of four sections having two distinct and definite purposes. Sections 1 and 2 provide that the term of the President shall commence on the 24th day of January and the terms of Senators and Representatives shall commence on the 4th day of January, instead of as now on the 4th day of March, and that the Congress shall assemble on the 4th day of January, instead of as now on the first Monday of December. That is the distinct proposition involved in the first two sections, the reason for the proposition being to abolish the session of Congress after its successor has been elected and to bring the session of the new Congress nearer the date of election, so that the Congress will be more responsive to the will of the people.

The other proposition deals entirely with who shall exercise the powers of the Chief Executive and perform his duties in the event of the failure to elect the President, Vice President, or both, or in the event of the death of the President elect, or the Vice President elect, or both. These are the distinct and clear-cut propositions involved in the article, and there are no other propositions.

There is no proposition to alter permanently the length of the terms of any of the officers dealt with, either President, Vice President, Members of the Senate, or Members of the House. While in one instance throughout the future history of the country the terms of these officers are shortened by two months, that is merely incident to moving forward the date of the assembling of Congress and the abolition of the session of Congress subsequent to election.

Now, an examination of the amendment offered by the gentleman from Alabama shows that its effect not only deals with the length of the term of the Members, but necessarily affects the make-up of the Senate and of the Congress. Although the Constitution does not in express words say so, it is a necessary result of the structure of our legislature as laid down in the Constitution that a Congress begins with the term of the Members of the House of Representatives and ends with the expiration of the term of the Members of the House of Representatives. That is not the case with the Senate, because the Senate is considered a continuing body, one-third of its Members going out every two years.

So, if this amendment were adopted, it would result in this, that where now in each Congress every Member of the Senate and every Member of the House is a Member at the beginning and remains a Member of the Senate and House until the expiration of Congress, we would have a situation where one-third of the Members of the Senate who began with the Congress would go out in the middle of its work and one-third of the membership of the Senate would come in when the work of the Congress was half done. That shows that this proposition involves not merely the length of the term of the Members of the House of Representatives, and for that reason might be deemed germane to section 1, but other consequences by reason of which it could not be held germane to section 1.

As to the doctrine of germaneness, the Chair has diligently refreshed his memory from the precedents, and will refer first to the decision of former Speaker John G. Carlisle, to which reference has been made.

Mr. Carlisle, prior to his election as Speaker, was a chairman of the Committee of the Whole House on the state of the Union, and in 1880 he rendered a decision in which he discussed at great length the rule requiring amendments to be germane.

> When, therefore, it is objected that a proposed amendment is not in order because it is not germane, the meaning of the objection is simply that it (the proposed amendment) is a motion or proposition on a subject different from that under consideration. This is the test of admissibility prescribed by the express language of the rule; and if the Chair, upon an examination of the bill under consideration and the proposed amendment, shall be of the opinion that they do not relate to the same subject, he is bound to sustain the objection and exclude the amendment.

Representative Fitzgerald, on September 22, 1914, in passing on a point of order that an amendment is not germane, among other things said:

> If it be apparent that the amendment proposed some modification of the bill, or of any part of it, which from the declared purposes of

the bill could not reasonably have been anticipated and which can not be said to be a logical sequence of the matter contained in the bill, and is not such a modification as would naturally suggest itself to the legislative body considering the bill, the amendment can not be said to be germane.

The question might arise whether the doctrine as to germaneness applies to an amendment to the Constitution, and for that reason the Chair directs attention to a precedent to be found in the fifth volume of Hinds, paragraph 5882:

On January 10, 1893, the House proceeded to the consideration of the joint resolution (H. J. Res. 98) proposing amendments to the Constitution substituting the 31st day of December for the 4th day of March as the commencement and termination of the official terms of the Members of the House of Representatives and the United States Senators, and providing that Congress shall hold its annual meeting on the second Monday in January and substituting the 30th of April for the 4th of March as the date for the commencement and limitation of the terms of President and Vice President.

After debate, Mr. William S. Holman, of Indiana, submitted this amendment:

"That the Senate of the United States shall be composed of two Senators from each State, who shall be chosen by a direct vote of the people of the several States for six years, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature; and each Senator shall have one vote."

Mr. Nelson Dingley, jr., of Maine, made the point of order that the amendment proposed by Mr. Holman was not germane to the pending joint resolution.

The Speaker, Mr. Charles F. Crisp, sustained the point of order.

It will be observed that the proposition then pending to amend the Constitution was substantially the same proposition that is pending at the present time. The difference between the amendment of the gentleman from Alabama [Mr. BANKHEAD] and the amendment held not germane by Mr. Speaker Crisp is that the manner of the election of the Members of the Senate was sought to be added to the propositions then, and the lengthening of the term of Members of the House of Representatives is sought to be appended to similar propositions on this occasion.

Just a word further with respect to the germaneness of this amendment to the text of the committee substitute. The Chair calls attention to the language used on September 19, 1918, by Mr. FINIS J. GARRETT, of Tennessee, presiding in the Committee of the Whole House on the state of the Union, on the question of germaneness. He said:

The present occupant of the chair had the honor of presiding as Chairman of the Committee of the Whole when the amendment was proposed to create the Tariff Commission as a part of a revenue bill. The point of order was made, and the Chair held generally that the meaning of the expression "germaneness" under the facts that were presented was that the fundamental purpose of the amendment must be germane to the fundamental purpose of the bill.

The Chair commends that language to the House—

that the fundamental purpose of the amendment must be germane to the fundamental purpose of the bill.

The proposition is now advanced, however, that while the amendment may not be germane to the provisions of the subject matter under consideration, inasmuch as the resolution under consideration amends the Constitution in several particulars, it, therefore, is in order to amend it in any particular, although the amendment may not be germane to the amendments carried in the resolution itself. That is based on a doctrine which is frequently reiterated in this House, that if a bill amends a law in several particulars, the law may be amended by an amendment to the bill in all particulars. The Chair has been unable to find substantial authority for this doctrine. In discussing this contention, Mr. Speaker Clark, on December 5, 1912, stated his opinion very succinctly. He said:

The rule is not that if there are two substantive propositions in the bill you can add anything else to it.

Mr. Speaker GILLETT, on June 19, 1919, speaking on this phase of the question of germaneness, said:

That although more than one clause or section of a law is amended, that fact does not necessarily bring the whole law before the House, but the law itself is only subject to amendment when the propositions under consideration are numerous and go to the heart of the law and change the law in a vital way.

It is insisted that these proposed amendments do not go to the heart of our Constitution or change it in a vital way. The gentleman from Alabama [Mr. BANKHEAD] in his argument has referred to the decision found in Hinds' Precedents, volume 5, section 5824. The Chair is familiar with that decision and calls attention to the situation that led to the ruling upon which the gentleman from Alabama relies. In holding an amendment to the original law in order because the bill under consideration amended the original law in various particulars the Speaker pro tempore, who was Mr. Dalzell, of Pennsylvania, said this:

It is apparent from even a casual examination of the bill that it is a general amendatory bill. Section 1 relates to clause 15 of section 1 of the existing bankruptcy law; section 2 relates to clause 5 of section 2 of the existing bankruptcy law; section 3 relates to clause 4 of subdivision A of section 3 of the bankruptcy law; section 6 relates to section 17, and section 10 relates to section 40, and so on, skipping from section to section throughout the entire law, without regard to the particular relation of these sections to each other. In other words, 16 sections in all of the 70 sections of the bankruptcy law are here sought to be amended, or more than one-fourth of the entire law.

In other words, the decision upon which reliance is placed for the doctrine was in a case where the bill under consideration revised generally the original law.

Mr. Sidney Anderson, on June 10, 1921, in passing on an amendment to a bill amending the war risk insurance act in various particulars, the amendment under consideration applying to a section of the original act, not dealt with by the pending bill, said:

The Chair does not think that the general rule can be laid down that where several portions of a law are amended by a bill reported by a committee, it is not in any case in order to amend another section of the bill not included in the bill reported by the committee nor does the Chair think that the opposite rule can be laid down and rigidly applied in every instance. The Chair thinks that a question of this kind must be determined in every instance in the light of the facts which are presented in the case.

The point of order was sustained.

Chairman Stafford, on December 10, 1921, in passing on a similar point of order as now under consideration, said:

The gentleman invokes the rule that because the bill under consideration amends two or three provisions of the Judicial Code, therefore it is in order to amend all or any section of the entire Judicial Code. The Chair can not subscribe to that doctrine, since it would violate the fundamental principles that guide the procedure of the House in the consideration of questions that come up from time to time.

The Chair has fortified himself with many other precedents, but does not deem it necessary to go further into an exposition of what the records disclose.

In order to point out the fact that the decision that the Chair is about to render is not based on the decisions only of certain presiding officers, the Chair calls attention to the fact that a decision was made on this very point on May 20, 1920, and that an appeal therefrom was taken, and the decision at that time, holding that the amendment was not germane, was sustained by an almost two to one vote; so that the highest authority that can exist for the ruling that the Chair indicates he is about to make, is the decision of the House itself, on an appeal, sitting in Committee of the Whole House on the state of the Union.

On that occasion a bill containing a series of amendments to the war risk insurance act was under consideration, dealing with various matters of administration but not with the beneficiaries or the benefits provided for in the act. Mr. Sims of Tennessee offered an amendment to include a certain class within the beneficiaries under the act. The point of order that the amendment was not germane was sustained.

The decision was made by the present incumbent of the chair, who reads it not because it has intrinsic merit but that it may be known just what question was involved in the precedent established by the House itself:

On May 20, 1920, Mr. LEHLBACH ruled as follows:

"The amendment of the gentleman from Tennessee [Mr. Sims] reads:

"'That section 401 of the war risk insurance act is amended as follows:

"'The Chair presumes the intent is to add to the end of section 401 this additional proviso. The bill under consideration is a bill to improve the facilities and service of the Bureau of War Risk Insurance and further amending and modifying the war risk insurance act as amended. The first section of the bill provided for the installation of regional offices and suboffices, and the various other sections of the bill provide for the mode of administration and method and manner of making payments under the bill. The bill is entirely within that general scope. It is not a bill generally amending the war risk insurance act. It does not amend it in various particulars, but only amends it in the method or manner of making certain payments; in

matters of administration, in other words. It does not deal with a class of beneficiaries or change the advantages that beneficiaries may enjoy, nor does it in any way define or modify who such beneficiaries may be. The Chair therefore thinks that the amendment offered by the gentleman from Tennessee is not within the scope of the bill or any of the provisions of the bill and is, therefore, not germane, and sustains the point of order.'"

The Chair, therefore, sustains the point of order that this amendment is not germane to the joint resolution, nor is it in order, under the rule of germaneness, because the resolution amends the Constitution itself in various particulars.

Mr. BANKHEAD. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Alabama appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the Chairman announced himself as in doubt.

The CHAIRMAN. Those in favor of sustaining the decision of the Chair will rise and stand until they are counted.

The committee divided; and there were—ayes 207, noes 33.

The CHAIRMAN. The decision of the Chair stands as the judgment of the committee.

Mr. CHINDBLOM. Mr. Chairman, I move to strike out the section.

The CHAIRMAN. The gentleman from Illinois moves to strike out the section. The gentleman is recognized for five minutes.

Mr. CHINDBLOM. Mr. Chairman, this is not a pro forma motion. If the committee adopts the motion to strike out this section, I shall follow it by further motions to strike out section 2 and section 5.

I would be in favor of the retention of sections 3 and 4, because they deal with what I conceive to be a matter of immediate necessity, or, at least, a matter of large importance at the present moment. They relate to the election of a President and Vice President where the Electoral College has failed to elect, and provide for several hiatuses now actually existing in the provisions of the Constitution.

I observed in the discussion of this constitutional amendment that at least one Member was of the opinion that he was merely voting upon a question of a referendum; that all he was doing in supporting this resolution was to vote to submit to the legislatures of the States the question whether they desired the Constitution of the United States to be amended in the manner here proposed. I want to say that I conceive my duty to be much larger and greater and more important than that. I believe that I myself, using my own judgment. reaching my own opinion, following the best light that has come to me in determining for myself, and I might say also for my constituency, as representing them, should consider whether it is in the interest of all the people of the United States that an amendment such as here proposed shall be adopted. So we can not take the consoling unction to our souls and absolve ourselves from responsibility by imagining that we are merely submitting this amendment to the States. We are saying to the people of the United States, "We believe the Constitution should be amended in the manner here proposed." We are actually sponsoring and recommending the amendment.

I am opposed to the sections which I have enumerated—sections 1, 2, and 5—not so much because they relate to the period of the time when Congress shall convene, but because of the very dire consequences which to my mind the adoption of this provision might have in the election of a President and Vice President of the United States under the conditions which will exist even after the adoption of this amendment.

We are proposing here that the Congress shall take office on the 4th of January and 20 days later, on the 24th of January, Congress shall be ready to determine who shall be the President and Vice President of the United States. In other words, it is necessary that every question of contest as to membership in the House or Senate, every difference of opinion as to the organization, and the preliminary labor necessary for the functioning of both the House and the Senate shall have been completed within 20 days prior to the inauguration of the President of the United States.

We can well dispose of this question as to the convening of Congress by statute if we desire. We can propose, I hope, some other amendment which will not subject the country to dangers such as were suggested by the gentleman from Virginia [Mr. MOORE] and the gentleman from South Carolina [Mr. STEVENSON]. I commend to the House the study of the remarks made by both those gentlemen.

I am afraid that we have been too much influenced by the so-called argument that the last session of a Congress now is a pro forma session and is largely dominated by certain gentlemen who are described as "lame ducks" and who are said to control action in that session. The Members who have more experience in the House know that there has not been an occasion within the last nine years, at least, when any such situation has arisen. I would rather leave to that session of the Congress, that closing session under our present system, the matter of passing appropriation bills and passing necessary legislation after the election in November than I would leave it to a new Congress after 20 days of existence, 20 days of attempted organization, to determine the question of the election of the President and Vice President in case of a contest. And if there should be any question or difficulty about the election of a President or Vice President we may be certain that there will be contest after contest in the various congressional districts and in the States as to Representatives and Senators which will be presented to the Congress for their determination at that very time.

Therefore, Mr. Chairman, without any further argument, I ask unanimous consent to revise and extend my remarks, and insist upon my motion, not as a pro forma motion, but as a substantive motion. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired. Is there objection to the request of the gentleman from Illinois to revise and extend his remarks?

There was no objection.

Mr. GIFFORD. Mr. Chairman, I am naturally anxious to expedite, if possible, the passage of this resolution. Now that the amendment has been ruled not in order it should be possible speedily to dispose of the other amendments which, it is expected, will be offered. There are two which, I think, would not be opposed by the committee. Another, that as to the limitation of May 4, seems to be the principal one to which objection may be made. This has already been much debated, and it would seem that we should be able to reach a vote on the proposal by 5 o'clock. I wish to avail myself of this opportunity to comment briefly on certain arguments which have been advanced in opposition to the report of our committee.

We wish to be reasonable and not object to amendments that do not take the heart out of the resolution. I think that the new Members of the Congress, having had their 13 months of waiting after their election, are fully as well qualified to judge the desires of the people as some of us who may have been here longer.

If I should remain here long enough to be made the leader of the House or be elected Speaker—which is, of course, highly improbable—or even be made chairman of the Committee on Rules or on Appropriations, I should, I suppose, love the machinery that placed me there. I should grow exceedingly conservative and regard our present political machinery as about perfect.

But the people are watching the Congress. I think that many of us full well realize that they are demanding that the present situation be changed. The committee has felt that there is a very real demand for legislation of this nature. The American Bar Association, a wonderful organization, appeared before the committee as the first witness favoring a change. I regret that not more copies of the hearings are available for the Members to read. It should be remembered that we have held hearings over a period of several years and have listened to many strong and able advocates of the proposed change.

The argument made by the chairman of the Committee on Appropriations was to the effect that short sessions of Congress would be of benefit to the country. He argues that the Budget would not be available and passed upon by the President elect, but if the President elect will have had time enough to write his message advising us as to the legislative needs for the session, surely he can approve a Budget previously prepared by the Director of the Budget, there being plenty of opportunity to make supplementary estimates later as they may be needed or desired.

Mr. MONTAGUE. Mr. Chairman, I wish to offer a perfecting amendment.

The CHAIRMAN. A motion to perfect has precedence over the motion that is pending, and the Clerk will report the amendment.

Mr. MONTAGUE. Mr. Chairman, I move to strike out the words in line 5, page 3, "the fourth day of" and insert "the second Monday in."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MONTAGUE: Page 3, line 5, strike out the words "the fourth day of" and insert in lieu thereof the words "the second Monday in."

Mr. HOCH. Mr. Chairman, I make the point of order that the amendment is not germane, because the effect of it would

be to change the length of term of Members of Congress. The amendment is therefore out of order under the ruling just made by the Chair. The second Monday in January not falling always upon the same day of the month, the effect of it would be to have a variable term for Members of Congress. The length of the term would vary several days from year to year. I am in sympathy with what I think is the gentleman's purpose, that the date of the meeting which is provided for in section 2 should be upon Monday, but the proposed amendment would affect the length of the term and not the date of meeting.

Mr. MONTAGUE. I will be very candid with the gentleman. I made the motion for the purpose of getting the floor. I do not care whether you vote it in the resolution or not, because I think the whole proposition is bad. [Applause.]

The CHAIRMAN. The Chair overrules the point of order.

Mr. MONTAGUE. Mr. Chairman, I am very reluctant to impose myself upon the committee after an arduous day, and so late in the afternoon. If I were not impelled by a sense of conviction I would not do so. I do not know that I can add anything to the debate or that I can contribute to arguments that have been made, but I wish to relieve myself of my duty, and in an effort to do that I beg your patient and indulgent consideration.

I would have this committee go back to the Constitutional Convention of 1787. In this convention, when the question of the meeting of Congress arose, Mr. Madison wished to know the reasons "for fixing by the Constitution the time of the meeting of the Legislature, and suggested that it be required only that one meeting at least should be held every year, leaving the time to be fixed or varied by law." Mr. Ellsworth was of like opinion. Mr. Madison again expressed himself at a subsequent point in the debate as of the same opinion. Mr. Mason, the author of the great bill of rights, "thought the objections against fixing the time insuperable." I repeat, he thought the objections to fixing the time insuperable; "but that an annual meeting ought to be required as essential to the preservation of the Constitution." Mr. Randolph held the same opinion and offered an amendment which is practically clause 2, section 4, of Article I. But as there was no provision in the Constitution for regulating the periods of meeting, and as some precise time must be fixed, he moved that the words "unless a different day shall be appointed by law," should be added after the "second Tuesday of December," the language already agreed upon. This had to be done, for otherwise Congress might not exist. So the Constitution gave that date as the physical medium by which Congress could operate, and that is the reason for the present date.

May I say, Mr. Chairman, that this enlarging amendment was carried by eight States to two, and by the votes of the weightiest members of that body, members of an ability that may not occur again unless some great event brings them forth from the womb of chaos.

The provision of the Constitution is practically in the words of Mr. Randolph:

> The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December—

Now Mr. Randolph's language—

> unless they [the Congress] shall by law appoint a different day.

Now, I submit, so far as getting rid of what has been opprobriously called "lame ducks," we need no constitutional amendment. Congress can change these dates. Congress can "by law appoint a different day" so long as we keep within the two years for which Representatives are elected.

Mr. BURTNESS. Will the gentleman yield?

Mr. MONTAGUE. In a moment.

We have full and ample power to do this now under the existing Constitution. There can be, I think, no successful contradiction of that construction of the Constitution. If I am sound in this, why should Congress desire to have a constitutional amendment to bind it to do something it already has the right to do? Are we afraid of ourselves?

I now yield to the gentleman.

Mr. BURTNESS. I was wondering if the gentleman's amendment was not really intended to be offered to section 2 rather than to section 1. Section 2 deals with the time of meeting, while section 1 deals only with the term of the Members of Congress.

Mr. MONTAGUE. I will state to the gentleman, I have no special interest in the amendment that I have offered, but I have a special interest in the whole resolution. [Applause.]

The CHAIRMAN (Mr. CHINDBLOM). The time of the gentleman from Virginia has expired.

Mr. MONTAGUE. Mr. Chairman, I ask for five additional moments.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. RAMSEYER. Will the gentleman yield.

Mr. MONTAGUE. I yield to the gentleman from Iowa.

Mr. RAMSEYER. Does the gentleman object to the Constitution fixing definite lengths of terms of President and of Members of Congress and of Senators?

Mr. MONTAGUE. I will not discuss that now.

Mr. RAMSEYER. The Constitution itself fixes that.

Mr. MONTAGUE. I have no objection to what the Constitution does, I only object to what you want to do to the Constitution. [Laughter and applause.]

Mr. RAMSEYER. The committee is not attempting in section 1 to do anything the gentleman is talking about.

Mr. MONTAGUE. I hope the gentleman will not misunderstand me. I am dealing frankly with the House. I do not often appear upon the floor. I am simply asking their liberality and generosity to enable me to speak for a few moments against this resolution, and my amendment was designed to give me a parliamentary status whereby I could obtain the floor.

Mr. RAMSEYER. I want the gentleman to have all the time he desires, and nobody is crowding this bill, as I understand.

Mr. MONTAGUE. No; it ought not to be crowded, and I have the utmost confidence in the fairness of the gentleman.

Mr. RAMSEYER. But fixing the length of the term of Congress is one thing, and fixing the time of the meeting of the Congress is quite a different thing.

Mr. MONTAGUE. Yes; and I contend that we have the right now under the Constitution to fix the time of the meeting.

Mr. RAMSEYER. We agree with you there.

Mr. MONTAGUE. That is all I am contending.

Mr. RAMSEYER. Within certain limitations, of course.

Mr. MONTAGUE. In other words, it is just as competent for this Congress to fix the 4th day of January by its own enactment as it is to fix the 4th day of January by this resolution offered in the form of a proposed amendment to the Constitution. We can do now under the Constitution in this matter just what we could do under the proposed amendment, if it should be ratified by the people of this country.

I must hurry. I wish to speak briefly of the President. We are curtailing by this proposed amendment the time within which the President-elect may prepare for the discharge of his very onerous and august duties. We are subtracting, roughly, two months from the present period of preparation.

I submit that from the election in November until the 4th of March following is not at all too much time to give the President of the United States within which to make adequate preparation for his duties. [Applause.]

I think he needs 13 months more than the Members of the House need 13 months.

Mr. HUDSON. Will the gentleman yield for a question?

Mr. MONTAGUE. Yes.

Mr. HUDSON. Does the gentleman contend that we could fix the date of the incoming Congress, say, beginning the 4th of March without changing the Constitution?

Mr. MONTAGUE. I think so.

Mr. RAMSEYER. Will the gentleman yield? I think we can, but to fix it on the 4th day of January without changing the term of the beginning makes one session of two months.

Mr. MONTAGUE. I am not speaking of the mechanics or merits. I am speaking of the competency of the body to make the change.

Mr. RAMSEYER. Will the gentleman yield once more? Speaking of the beginning of the meeting of Congress, when the gentleman suggests that Congress can meet on the 4th day of January——

Mr. MONTAGUE. What was in my mind by suggesting a day of the week was that we ought not to meet on Sunday.

Mr. RAMSEYER. You could not change the beginning of the term of Congress without a constitutional amendment.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. RAMSEYER. Mr. Chairman, I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONTAGUE. This question has been precipitated upon the House by the agitation of the so-called lame-duck sessions, an argument that I must repel so far as my individual views are concerned. I do not think that this country has suffered

grievously from the "lame ducks." I have been in the House a little over 14 years, and I know some ducks that never walked so well as they did after they became lame. [Laughter.] Nor did they ever fly so well as they did after there were winged. [Laughter.] They were brought to a sober sense of responsibility and exercised their judgment without fear or favor or hope of reward.

Mr. MOORE of Virginia. Will the gentleman yield? Some one sitting near me said that this is a quack remedy for a supposed lame-duck evil. [Laughter.]

Mr. MONTAGUE. Now, when we come to the President, we hear the argument that should there be a failure to elect we desire an election by the Congress that comes in with or through the presidential election. You do not wish a judicial tribunal, you desire a Congress with all the passion and prejudice of the campaign.

I would have little hope of the American Republic or the existence of our institutions if I thought the old Congress did not have sufficient honesty and intelligence to act fairly in an election of the President. I would rather select a judge in a trial where his interest is not involved than to take my chances before a court having personal interest or partisan interest in the case.

Now, another observation—if we meet under this resolution on the 4th of January, and there is a failure to elect a President, is not the House powerless to vote under certain conditions? My eloquent and able friend from Missouri intimated that the House, though unorganized, is competent—but is there a House? Since 1789 we have been required to elect a Speaker and organize before doing any other business. That is a long period, 139 years. I may be in some things too much swayed by traditions, but I must have some respect for the operation of the machinery of the House for 139 years. [Applause.] This resolution is a matter of machinery, and should be set in motion or operation by constitutional methods. It is procedural in character, and should be under the flexible control of the legislature—the Congress, where it now is.

We may have the House here in session in a great party contest, when our partisan passions run high, and there is no prejudice quite so insidious as partisan prejudice. Persons who possess it in its most aggravated form, dream not of its virus. After the Congress is assembled, we may have a contest for the Speakership. Oh, the explanation that this is short work. Do Members know that one time it took from December until the February following to elect a Speaker of this House, Mr. Pennington of New Jersey, as I recall. Other contests have run over many days, and under settled procedure. Since the statute of 1789, as I have heretofore stated, no other business of the House shall be done until the House is organized.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. MONTAGUE. Mr. Chairman, I ask unanimous consent for three minutes more.

There was no objection.

Mr. MONTAGUE. In answer to the argument of my friend from Missouri, I submit that the procedure which he suggests as a solution of this difficulty named can not be determined by a disorganized House. It should be not within the jurisdiction of parliamentary institutions to submit so grave a matter as the election of the President of the United States to the machinery of chaos—an unorganized House, with no restraints, with no lines of operation, just thrown hurly-burly into a mass of men; with no Speaker, under no oath, perhaps not even a Clerk, for he may have died. This would be chaos run mad.

To recapitulate, I have no objection to the convening of Congress nearer to the date of the election of its Members, though I do not think the abuses that follow are as aggravated as have been portrayed in the debate. Argument has been made here that the short session will encourage filibusters. That is true, but the end of any session will encourage filibusters, I care not whether you fix the date on the 4th of May or the 4th of March. There is no alchemy in the change of dates. The question is, Is that the end of the session? and while I am in favor of orderly procedure and I regret some filibusters that have happened, I am profoundly grateful for others that have happened. I think that the evils that we would fly to will outweigh the evils that we now endure. [Applause.]

Mr. WOOD. Mr. Chairman, the chairman of this committee having this bill in charge, and for whom I have a very high regard, a few moments ago deplored the possibility of any amendment being submitted to this resolution that would take the heart out of it. In my opinion the best thing that this committee can do is to take the heart out of this resolution. I believe that the country has concluded, or is very rapidly concluding, that the Congress of the United States submitted one amendment that should have had its heart taken out at the time it was being considered. I refer to that amendment which makes it a law to elect Senators by a direct vote of the people. If that question were before this House to-day, with the experience that has been had since it became a part of the fundamental law of this country, I do not believe it would get 15 votes in the House.

Mr. BROWNE. Mr. Chairman, will the gentleman yield?

Mr. WOOD. Yes.

Mr. BROWNE. Why does not the gentleman submit such an amendment and try it?

Mr. WOOD. I expect and hope that the time is not far distant, recognizing the mistake that was made in adopting that amendment to the Constitution, when this body will take the initiative and propose an amendment striking it from the Constitution of the United States.

Mr. Chairman, I can not feel that this resolution has been thoroughly considered. I do not believe it would be conducive to the best interests of the country. Under the law as it now exists the electoral vote is to be counted upon the second Wednesday of February. That law would have to be changed and, of course, it may be changed. The gentleman from Virginia [Mr. MONTAGUE] referred to the fact and cited an instance where this House was more than a month in electing a Speaker. There is one instance in the history of the Congress of the United States where the House was more than three months in electing a Speaker. What has happened may happen again. Either the gentleman from Iowa or the gentleman from New York, I forget which, attempts to make light of the argument of the gentleman from Pennsylvania that it is well that there be a cooling time after a Congress is elected. I think that argument is worthy of the greatest consideration. We are rapidly degenerating not into a condition where two dominant political parties control, but into a system of bloc and clique and association control, and we are passing laws of the most vital importance, affecting the weal and woe of this country, which are submitted in passion and adopted in passion. If there is that time, 13 months, in which sober thought may take possession of those who are elected to control the destinies of this country in the House of Representatives, they may be able to dispel that passion and dispel that prejudice that actuated the electorate in electing them to this body. We can not spend too much time in deliberation upon the statutes of this country which are adopted for the control of our Government, and we should be very slow indeed to change the fundamental law of the country, the Constitution of the United States.

Mr. Chairman, I am of opinion that the greatest service that this House can render is to take the heart out of this resolution, and I am of opinion that this debate is not without service because it will awaken in the minds of the people of the United States the importance of the greatest deliberation and the most profound thought and consideration before it changes the Constitution of the United States. [Applause.]

Mr. CHINDBLOM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CHINDBLOM. Was the amendment offered by the gentleman from Virginia withdrawn or is it pending?

The CHAIRMAN. It is pending.

Mr. WHITE of Kansas. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration Senate Joint Resolution 47, proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress, and fixing the time of the assembling of Congress, and had come to no resolution thereon.

THE COOPER BILL

Mr. FENN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a communication from the Governors of New Hampshire, Connecticut, Rhode Island, and Vermont regarding the Cooper bill.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD by printing a communication from various governors with regard to the Cooper bill. Is there objection?

There was no objection.

Mr. FENN. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following communication from the Governors of New Hampshire, Connecticut, Rhode Island, and Vermont regarding the Cooper bill:

To the Congress of the United States:

As governors of some of the States of the United States which are to be affected by the passage by Congress of the Hawes bill now pending in the Senate, and the Cooper bill now pending in the House of Representatives, we urge your earnest consideration of the advisability of enacting into law the principle contained in these measures.

We believe that the passage of this legislation may be the entering wedge to the adoption of such laws as will ultimately result in permitting a State to determine with what States it will carry on interstate business, a principle which should not be extended beyond the scope of the police power.

Further than this, we feel that every State would be obliged to pass statutes prohibiting the sale of the goods covered by such legislation for its own protection, thus completely destroying the market for such goods and bringing about a condition of unemployment in prisons and correctional institutions to the serious injury of the inmates thereof, and a great increase in expense of maintenance of such institutions.

It is therefore our opinion that this legislation ought not to pass.

Respectfully submitted.

H. N. SPAULDING,
Governor of New Hampshire.
JOHN H. TRUMBULL,
Governor of Connecticut.
NORMAN S. CASE,
Governor of Rhode Island.
JOHN E. WEEKS,
Governor of Vermont.

THE HAWES-COOPER BILL

Mr. CELLER. Mr. Speaker, I ask unanimous consent that my colleague, Mr. JACOBSTEIN, now out of the city, have the right to extend his remarks in the RECORD on the subject of the Cooper bill.

The SPEAKER. The gentleman from New York asks unanimous consent that his colleague, Mr. JACOBSTEIN, may be permitted to extend his remarks in the RECORD on the subject of the Cooper bill. Is there objection?

There was no objection.

Mr. JACOBSTEIN. Mr. Speaker, under leave granted to extend my remarks, I ask to have printed in the RECORD the following communication from the Legislature of the State of New York, expressing approval of the bill now before Congress known as the Hawes-Cooper bill (S. 1940; H. R. 7729):

Resolution of the New York State Legislature relative to the Hawes-Cooper bill (S. 1940, H. R. 7729)

(By the Senate)

Whereas a bill has been introduced in the Senate and House of the United States Federal Congress which has for its purpose granting to the States the power to legislate for self-protection against the products of convict labor from other States, as follows:

"A bill to divest goods, wares, and merchandise, manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases.

"Be it enacted, etc., That all goods, wares, and merchandise manufactured, produced, or mined, wholly or in part by convicts or prisoners, except paroled convicts or prisoners, or in any penal and/or reformatory institutions, transported into any State or Territory of the United States and remaining therein for use, consumption, sale, or storage, shall upon arrival and delivery in such State or Territory be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured, produced, or mined in such State or Territory, and shall not be exempt therefrom by reason of being introduced in the original package or otherwise."

Whereas the enactment of this bill will empower the States that do not permit the products manufactured in their penal institutions to be placed on the public market to protect themselves from the products of penal institutions of other States, and the object is to protect free labor which is now and for many years has been suffering from the competition of products made by the inmates of penal institutions: Therefore be it

Resolved (*if the assembly concur*), That the New York State Legislature hereby extends its approval of the bill now before the Federal Congress and urges its passage; it will be a humane law that has been demanded by the people of our country for more than half a century; be it further

Resolved (*if the assembly concur*), That copies of this resolution be transmitted to the President of the Senate and the Speaker of the House of Representatives of the Federal Congress and to Representatives of the State of New York in the United States Senate and House of Representatives.

BY THE ASSEMBLY

Whereas the State of New York has for the protection of labor from competition with prison-made goods enacted laws compelling the labeling of all goods made by convict labor; and

Whereas the prison-made products of other States having no such laws are being shipped into this State and sold in competition with the products of free labor: Therefore be it

Resolved (*if the senate concur*), That the Legislature of the State of New York petition and urge Congress to pass the Hawes-Cooper bill now pending in the House of Representatives providing that all prison-made goods for State or interstate sale shall be plainly marked as such; and be it further

Resolved (*if the senate concur*), That our Representatives in Congress be asked to further the passage of such legislation.

Indorsements of the Hawes-Cooper bill have also been received from the following business firms and organizations of the State of New York:

International Association of Garment Manufacturers, 395 Broadway, New York City.

H. D. Bob Co. (Inc.), 40 Leonard Street, New York City.

New York Photo Engravers Union, No. 1, 502 World Building, New York City.

United Textile Workers of America, 1 North Mohawk Street, Cohoes, N. Y.

American Meat Cutters, Local No. 95, 42 Nichols Street, Rochester, N. Y.

Boot and Shoe Workers' Union, 62 State Street, Rochester, N. Y.

Journeymen Stone Cutters' Association, Rochester Local, Rochester, N. Y.

Consolidated Machine Tool Corporation of America, Rochester, N. Y.

Bakers' Union, No. 14, 530 St. Paul Street, Rochester, N. Y.

Nine State federations of labor and 54 industrial organizations in addition have sent communications urging the enactment of this bill into law.

CERTAIN AMENDMENTS TO THE CONSTITUTION

Mr. LEA. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a substitute which I will propose to-morrow to section 3 of this proposal.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD by inserting an amendment which he proposes to offer to-morrow to the pending resolution. Is there objection?

There was no objection.

The substitute referred to follows:

Amendment to be offered by Mr. LEA: Page 3, strike out lines 15 to 24, inclusive, and lines 1 and 2 on page 4, and insert the following, preceded by quotation marks:

"SEC. 3. If the President elect dies, then the Vice President elect shall become President. If a President is not chosen before the time fixed for the beginning of his term, or if the President elect fails to qualify, then the Vice President elect shall act as President until a President has qualified; and the Congress may by law provide for the case where no Vice President elect has qualified, declaring who shall then act as President or the manner in which a qualified person shall be selected, and such person shall act accordingly until a President or Vice President has qualified."

FARM RELIEF

Mr. BROWNING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a letter that my colleague from Texas [Mr. JONES] has written on the export debenture plan for farm relief.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD by printing a letter written by his colleague [Mr. JONES]. Is there objection?

There was no objection.

Mr. BROWNING. Mr. Speaker, pursuant to the consent granted me for extending my remarks, I submit the following letter written by my colleague, Hon. MARVIN JONES, of Texas, on the export-debenture plan for farm relief:

WASHINGTON, D. C., *February 17, 1928.*

Mr. J. M. NORTH,
Editor The Star-Telegram, Fort Worth, Tex.

DEAR MR. NORTH: I have read with interest the editorial entitled "Recognizing the tariff," which appeared in a recent issue of your paper, and having reference to the export premium or debenture plan as a solution for the farm problem. It is an able discussion of this proposal, and I thank you for the attention given it. However, there are one or two suggestions in the editorial that I should like to comment upon. You say the plan "recognizes the tariff as a benefactor and by inference approves it." I can not agree to this statement in its full meaning. No one has ever questioned that the high tariff has certain advantages for the manufacturer, but these advantages are gained by way of increased prices which the people of the whole country must pay for the articles manufactured.

Under the present tariff act the Government collects as customs duties on foreign-made goods coming into this country approximately $600,000,000 per year. Behind the tariff wall the manufacturers collect

in increased prices some $3,000,000,000, according to conservative estimates. Of course, it is a good thing for them. No tariff can give any such great advantages to the basic agricultural commodities. This is true because we produce a surplus of these commodities—a surplus of wheat, a surplus of cotton, a surplus of corn, and a surplus of most products of the farm. This surplus must seek an outside market. At the same time those who produce these commodities must buy their supplies under the increased price of highly protected articles. The cultivator that cost $28 in 1914 under a revenue tariff cost $62 in 1924 under the protective policy. The tariff covered all the component parts that went into the making of the cultivator. The grain binder that cost $150 in 1914 cost $225 in 1924, with similar increase for farm machinery generally. The price of aluminum ware, cutlery, clothing, etc., materially advanced. These increases the farmer must pay.

The export premium or debenture plan purposes to issue to any farmer, cooperative organization, or other exporter of basic farm commodities, a premium certificate measurably equivalent to the tariff, and to make these tenderable in payment of tariff duties, or imported articles generally. The effect would be reflected back, and would increase the price of the various farm commodities in the domestic market. The premium thus placed on exportation would automatically lift the domestic price substantially the amount of the premium.

The export corporation provision is for the purpose of removing any possibility of the full advantages of the premium not being reflected back in the price paid to the farmer, and would be a sort of "musket behind the door" to prevent any collusion to deprive the farmer of the increase in price. If the farmer were not getting the full advance in price on any commodity the corporation could simply step in and buy, export, and sell such commodities. It would then be a powerful agency in assuring the farmer a reasonable price.

So much for the plan. How about its actual results? Its direct advantages would be $10 additional per bale on cotton, or $150,000,000 additional to the southern cotton farmers, 20 cents per bushel on wheat, or $160,000,000 additional to the wheat growers; similar advantages would accrue to other crops. Then, too, its stimulation of world trade and prices would furnish great indirect advantages.

Since the farmer because of the tariff must pay an increased price for the articles he buys, is it unfair to furnish him a correspondingly increased price tied onto the same system for the commodities he has for sale? Is there anything akin to party disloyalty in saying that whatever laws are enacted shall as far as possible have a national application? Is it wrong to provide that when the farmer exports a commodity and sells it in a world market that he may purchase the things he needs in that world market and bring them in without actual payment of duty? If so, then what becomes of the doctrines of equal rights to all?

Whether we have a high tariff or a revenue tariff, the export premium could be used with rates adjusted to suit the tariff schedules.

I believe in a revenue tariff, but in applying that tariff it should be made to cover every article coming through the customhouse from which a revenue may be derived, whether it be the raw product or the finished article. This has been good Democratic doctrine since Andrew Jackson's day. But whatever tariff there is, it should be uniform, and the debenture plan will tend to make it so.

You indicate that some may have fears of mortal flaws in operation. I can see no basis for such fears. It is not new. It is not untried. A similar plan is now in effect in four countries—Germany, Sweden, Czechoslovakia, and partially in France.

It was first enacted in Germany in 1902, and reenacted in 1925. It covers wheat, oats, buckwheat, and other principal agricultural products of Germany. One of the students in that country says of its operation, "That it certainly put money in the pockets of the farmer."

It was adopted in England more than 100 years ago, and remained a part of her system until the great increase of her population called for the consumption of more farm products than her limited acreage could produce. Thereupon she ceased to be an exporter of farm products, and the plan was naturally not needed any longer.

Everyone who has thoroughly studied this proposal admits that it would give the farmer increased prices. Everyone must admit its fairness. It will tend to equalize values as between agriculture and industry. The whole farm-movement cry for five years has been for equality. Why not give it to them? The export plan would require no expensive machinery. It is grounded on legal principles. It would be simple in application, national in scope, and effective in operation.

RADIO EQUALIZATION AMENDMENT

Mr. McKEOWN. Mr. Speaker, I ask unanimous consent that my colleague from Tennessee [Mr. DAVIS] be permitted to extend his remarks in the RECORD on radio legislation.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the gentleman from Tennessee [Mr. DAVIS] be permitted to extend his remarks in the RECORD on radio legislation. Is there objection?

There was no objection.

Mr. DAVIS. Mr. Speaker, there has been much misrepresentation of the purpose and effect of the amendment designed to insure a fair distribution of broadcasting licenses, wave lengths, and station power, which the Committee on the Merchant Marine and Fisheries has reported to the House, and which will come up for action in the House to-morrow or next day.

The lobbyists and propagandists of the radio monopoly have persistently disseminated the false argument that the station power in all the other zones would be reduced to the power now allocated to the zone with the lowest power if this amendment should be adopted. The amendment directs no such thing; nobody wants that done, and surely not even the present commission would be foolish enough to so administer the provision. The amendment authorizes and directs an equalization between the zones and a fair and equitable allocation within each zone in proportion to population. It is a perfectly fair and simple proposition.

The station power allotted to all the zones now amounts to about 600,000 watts. There would certainly be no good reason for reducing this power. It could well be increased.

If the first zone, with only 3.63 per cent of the total geographical area, can absorb 223,000, or 36.98 per cent of the power, surely the other zones, with so much greater geographical area, could absorb as much power much more easily. Consequently, if the Radio Commission desires to continue the present amount of power in the first zone and the people therein are satisfied with the present condition, they need not reduce the power in the first zone but increase the power in the other zones. However, the commissioners have repeatedly stated that there should be reductions in the congested areas, and probably the course which would and should be pursued would be that a fair equalization would be brought about by both increases and reductions—that would be a matter of administration to be worked out by the commission.

As a matter of fact, the listeners in the highly congested areas are suffering more than anybody else. They can satisfactorily hear only a few of their very high-powered stations, and no outside stations.

However, those of us in the neglected areas are only asking for a square deal for our sections. We want an opportunity to have our own stations with decent wave lengths and adequate power so that we can hear them, as well as the New York stations.

The following tables give some illuminating facts, under the present allocation.

Under the equalization clause, and with the present national station power, which would undoubtedly be the very minimum, it will be noted that all of the States except three or four would be entitled to increased station power:

State	Per cent Nation population	Per cent Nation receiving sets	Per cent Nation power	Per cent zone population	Per cent zone receiving sets	Per cent zone power now given
ZONE 1						
New England	6.9	9	4.34	30	31	8.5
Connecticut	1.3	1.23	.35	5.7	5	.1
Massachusetts	3.6	5.68	3	16	23	8.8
New York	9	10.09	27	43	45	72
New Jersey	2.9	2.98	2.88	13	12	7.8
Maryland	1.4	1.26	.95	6	5.2	2
ZONE 2						
Pennsylvania	8.1	7.74	9.9			
Ohio	5.4	5.6	4.6	23.4	26.5	25.8
Michigan	3.4	4.18	2.5	15.6	19.08	14.4
Virginia	2.1	1.4	.38			
West Virginia	1.4	.93	.06			
Kentucky	2.3	1.2	.17			
ZONE 3						
Zone 3	23.14	15.97	7.8			
ZONE 4						
Indiana	2.74	2.72	1.05			
Wisconsin	2.5	2.6	1.05			
Minnesota	2.3	2.3	1.69			
Nebraska	1.2	1.55	.99			
Kansas	1.65	1.55	.66			
Missouri	3.2	3.1	2.83			
Illinois	6.6	7.2	13.8			
ZONE 5[1]						
California	3.19	6.34	4.4			(1)
Montana	.51	.48	.11			(1)
Idaho	.40	.42	.37			(1)
Wyoming	.18	.23	.083			(1)
Colorado	.87	1.27	1.7			(1)
New Mexico	.33	.33	.83			
Arizona	.31	.38	.12			(1)
Utah	.42	.63	.2			(1)
Nevada	.07	.08				(1)
Washington	1.26	1.85	1.9			(1)
Oregon	.72	1.10	.9			(1)

[1] Equalization amendment on basis of present national power would give States in fifth zone following increase of station power: California, 18,060; Montana, 6,420; Idaho, 245; Wyoming, 2,020; Colorado, 7,950; Arizona, 3,555; Utah, 4,560; Nevada, 108; Washington, 5,665; Oregon, 4,810.

NOTE 1.—Equalization of present national power would give second zone increase of 13,965 watts or 13 per cent.

NOTE 2.—Equalization of present national power would give third zone increase of about 73,000-watt power or 155 per cent.

NOTE 3.—Equalization of present national power would give fifth zone increase of about 59,000-watt power or about 96 per cent. It would give California an increase of about 59 per cent over present power.

There are enough formal applications for power or increased power on file with the Federal Radio Commission to more than absorb the increased power to which the second and third zones would be entitled, as above. Formal applications for power or increased power are on file sufficient to absorb a large percentage of the increase to which the fifth zone would be entitled. In addition, the radio commission has denied numerous applications from existing stations, as well as new stations, in those zones. For instance, the commission has denied applications for an increase to 20,000-watt power each filed by three existing broadcast stations in the fifth zone.

As to the necessity of this amendment, we have but to consider the manner in which the Radio Commission not only disregarded but affirmatively violated the equitable distribution clause in the act of 1927, as disclosed by the data which they upon request filed with the committee at the hearings.

For instance, they filed a list of "existing stations that have applied for change in power or wave length and power." I placed the totals of those applications by zones, showing the "power requested" and "power granted," in the CONGRESSIONAL RECORD of March 2, 1928, and they will be found on page 3987.

Although the first zone was already favored with more power than any of the other zones, and a great deal more than three of the other zones, yet these records of the commission show from the time they went into office up to January 15, 1928, that stations in the first zone requested power of 89,655 watts and were granted 81,905 watts, of which 60,500 watts thus granted were to New York stations.

On the other hand, stations in the other four zones requested 186,650 watts and were granted only 45,110 watts. In other words, the other four zones made request for more than twice as much as the first zone and yet received but little more than half as much as the first zone. That is "equitable distribution" with a vengeance.

The above data does not embrace new stations which have applied for licenses, or existing stations which have applied for more power, but whose applications have been denied or are still pending. Data as to those applications may be found on page 3987 of the CONGRESSIONAL RECORD of March 2, 1928.

COMMISSION ON THE ELECTORAL SYSTEM

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to extend my remarks by placing in the RECORD a bill which I have introduced and which, in a measure, is intended to take the place of the proposal now before the House.

The SPEAKER. The gentleman from Montana asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. LEAVITT. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following bill which I have introduced and which, in a measure, is intended to take the place of Senate Joint Resolution 47:

H. R. 11853, Seventieth Congress, first session

IN THE HOUSE OF REPRESENTATIVES,

March 7, 1928.

Mr. LEAVITT introduced the following bill; which was referred to the Committee on Rules and ordered to be printed:

A bill creating a commission on the electoral system of the United States and defining its duties

Be it enacted, etc., That a commission on the electoral system of the United States is hereby created, which shall consist of three members of the Committee on the Judiciary of the Senate, to be appointed by the President of the Senate, and three members of the Committee on the Judiciary of the House of Representatives, to be appointed by the Speaker.

SEC. 2. That it shall be the duty of the commission on the electoral system of the United States to compile, review, study, and correlate all available information on the subject of the system for the election of the President and Vice President of the United States from its origin to the present time, including provisions of the Constitution of the United States, laws enacted by Congress and by the legislatures of the several States pertaining thereto, and debates and discussions thereon. Said commission shall examine particularly and thoroughly into the following hypothetical questions and any other questions that may have arisen or which may arise concerning the succession to the office of Chief Executive of the United States under any and all possible circumstances, to wit:

(a) Does the Secretary of State succeed to the Presidency if for any reason there is no constitutionally elected President by the March 4 when the term of the Chief Executive begins?

(b) Shall there be a special election, or does the person succeeding to the Presidency fill out the unexpired term?

(c) If the election were ordered in case of a vacancy in the office, could it be for the unexpired term, or would it have to be for a term of four years, thus disarranging the four-year period of the Government?

(d) Does the commission of a Cabinet officer expire on March 4, and would this prevent succession?

(e) For what length of time would a Cabinet officer act as President?

(f) Shall the choice of a Chief Executive be intrusted to the House of Representatives about to go out of existence, when such House may even be under control of the party defeated at the preceding November election?

(g) Where the President elect dies before the second Wednesday in February, the day fixed by law for counting the electoral vote, may the House of Representatives elect a President?

(h) In case of failure to count the votes and declare the results by the 4th of the March, when the term of the Chief Executive begins, where the electors have not failed to elect but Congress has failed to declare the result, may the count continue?

(i) Would the Vice President or Vice President elect succeed to the Presidency should the President elect die before the 4th of the March, when the term of the Chief Executive begins?

(j) Who would be President in case both President elect and Vice President elect should die before the March 4 when the term of the Chief Executive begins?

(k) If more than three persons voted for as President should receive the highest number and an equal number of votes in the Electoral College, and suppose there were six candidates, three of whom had an equal number, who is to be preferred?

(l) If there should be more than two of the candidates for the Vice Presidency in a similar category, for how many, then, and for whom would the Senate vote?

(m) If a candidate for President should die after the election and before January 12 of the following year and before the electors met, how should they vote?

(n) If the President elect should die after the Electoral College has met and before Congress counted the vote, how could the vote be counted? Or could it be postponed?

SEC. 3. That the commission shall report to both the Senate and the House of Representatives the results of its labors on or before the first Monday in February, 1929, accompanied by drafts of one or more proposed amendments to the Constitution of the United States which, if necessary in the judgment of the commission, may be deemed to be necessary to remedy any omissions or defects in the electoral system of the United States and to render safe and sure beyond reasonable doubt the perpetuity of the office of Chief Executive constitutionally and legally. The commission is authorized to employ such assistance as it may require, at such compensation as the commission may determine to be just and reasonable, to have such printing and binding executed as may be necessary, and to incur other reasonable expenditures for the proper conduct of its work from appropriations hereby authorized to be made by Congress.

SEC. 4. That the commission shall have access to and the right to examine any books, documents, papers, or records, original or printed, in possession of any officer of the United States for the purpose of securing the information needed by the commission in the prosecution of its work; and the constituted authorities of the several State governments are requested to cooperate with the commission to the extent that may be necessary.

PERMISSION TO ADDRESS THE HOUSE

Mr. BURTON. Mr. Speaker, I ask unanimous consent that after the reading of the Journal on Monday next the gentleman from New York [Mr. FISH] may address the House for 10 minutes.

The SPEAKER. The gentleman from Ohio asks unanimous consent that on Monday next, after the reading of the Journal and the disposition of business on the Speaker's table, the gentleman from New York [Mr. FISH] may address the House for 10 minutes. Is there objection?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. CRAMTON (at the request of Mr. MAPES), indefinitely, on account of illness.

To Mr. TAYLOR of Tennessee, for seven days, on account of important personal business.

SENATE JOINT RESOLUTION AND BILLS REFERRED

A joint resolution and bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committees, as follows:

S. J. Res. 95. Senate joint resolution authorizing the Secretary of Agriculture to dispose of real property located in Hernando

County, Fla., known as the Brooksville Plant Introduction Garden, no longer required for plant introduction; to the Committee on Agriculture.

S. 150. An act for the relief of former officers of the United States Naval Reserve Force and the United States Marine Corps Reserve who were released from active duty and disenrolled at places other than their homes or places of enrollment; to the Committee on Naval Affairs.

S. 624. An act for the relief of the Van Dorn Iron Works Co.; to the Committee on Claims.

S. 656. An act to amend section 15a of the interstate commerce act, as amended; to the Committee on Interstate and Foreign Commerce.

S. 766. An act to fix the compensation of registers of local land offices, and for other purposes; to the Committee on the Public Lands.

S. 1369. An act to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington; to the Committee on Roads.

S. 1678. An act for the relief of the estate of George B. Spearin, deceased; to the Committee on Claims.

S. 1823. An act to amend section 2 of the act approved June 6, 1924 (43 Stat. L. 470), entitled "An act to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes"; to the Committee on Military Affairs.

S. 1955. An act for the relief of Lieut. Charles Thomas Wooten, United States Navy; to the Committee on Naval Affairs.

S. 2126. An act to provide for compensation for Ona Harrington for injuries received in an airplane accident; to the Committee on Claims.

S. 2410. An act to amend section 1440 of the Revised Statutes of the United States; to the Committee on Naval Affairs.

S. 2442. An act for the relief of Lieut. Henry C. Weber, Medical Corps, United States Navy; to the Committee on Naval Affairs.

S. 2456. An act to establish game sanctuaries in the national forests; to the Committee on Agriculture.

S. 2660. An act to amend an act entitled "An act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia," approved December 13, 1924, and for other purposes; to the Committee on the District of Columbia.

S. 2788. An act for the relief of Charlie McDonald; to the Committee on Claims.

S. 2855. An act for the relief of the estates of John Frazer, deceased, Zephaniah Kingsley, deceased, John Bunch, deceased, Jehu Underwood, deceased, and Stephen Vansandt, deceased; to the Committee on Claims.

S. 2966. An act for the relief of Oliver C. Sell; to the Committee on Military Affairs.

S. 3194. An act to establish the Bear River migratory-bird refuge; to the Committee on Agriculture.

S. 3198. An act to amend the act of March 3, 1915, granting double pension for disability from aviation duty, Navy or Marine Corps, by inserting the word "Army," so as to read: "Army, Navy, and Marine Corps"; to the Committee on Pensions.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 9293. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Clinch River on the Sneedville-Rogersville road in Hancock County, Tenn.; and

H. R. 9843. An act to extend the times for commencing and completing the construction of a bridge across the Kanawha River in or near Henderson, W. Va., to a point opposite thereto in or near Point Pleasant, W. Va.

The SPEAKER also announced his signature to an enrolled bill of the Senate of the following title:

S. 1531. An act authorizing the Secretary of Agriculture to sell the Weather Bureau station, known as Mount Weather, in the counties of Loudoun and Clarke, in the State of Virginia.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 8 minutes p. m.) the House adjourned until to-morrow, Friday, March 9, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Friday, March 9, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.
Legislative appropriation bill.

COMMITTEE ON MILITARY AFFAIRS

(10.30 a. m.)

To safeguard national defense; to authorize, in the aid of agriculture, research, experiments, and demonstration in methods of manufacture and production of nitrates and ingredients comprising concentrated fertilizer and its use on farms (H. R. 10028).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

To further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States (S. 744).

To promote, encourage, and develop an American merchant marine in connection with the agricultural and industrial commerce of the United States, provide for the national defense, the transportation of foreign mails, the establishment of a merchant marine training school, and for other purposes (H. R. 2).

To amend the merchant marine act, 1920, insure a permanent passenger and cargo service in the north Atlantic, and for other purposes (H. R. 8914).

To create, develop, and maintain a privately owned American merchant marine adequate to serve trade routes essential in the movement of the industrial and agricultural products of the United States and to meet the requirements of the commerce of the United States; to provide for the transportation of the foreign mails of the United States in vessels of the United States; to provide naval and military auxiliaries; and for other purposes (H. R. 10765).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

A hearing to consider private bills on the committee calendar.

EXECUTIVE COMMUNICATIONS, ETC.

309. Under clause 2 of Rule XXIV, a letter from the Acting Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of Columbia and lower Willamette Rivers between Portland, Oreg., and the sea, and of Columbia River from Tongue Point base, Astoria, Oreg., to its mouth (H. Doc. No. 195), was taken from the Speaker's table and referred to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. J. Res. 60. A joint resolution to create a commission to secure plans and designs for and to erect a memorial building for the National Memorial Association (Inc.) in the city of Washington, as a tribute to the negro's contribution to the achievements of America; with amendment (Rept. No. 853). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. H. J. Res. 204. A joint resolution providing that the Secretary of Agriculture be directed to give notice that on and after January 1, 1929, the Government will cease to maintain a public market on Pennsylvania Avenue between Seventh and Ninth Streets NW.; with amendment (Rept. No. 854). Referred to the Committee of the Whole House on the state of the Union.

Mr. REECE: Committee on Military Affairs. S. 3456. An act allowing the rank, pay, and allowances of a colonel, Medical Corps, United States Army, to the medical officer assigned to duty as personal physician to the President; with amendment (Rept. No. 855). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of South Dakota: Committee on World War Veterans' Legislation. H. R. 8223. A bill to authorize the sale of certain buildings at United States Veterans' Hospital No. 42, Perry Point, Md.; with amendment (Rept. No. 856). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of South Dakota: Committee on World War Veterans' Legislation. H. R. 9966. A bill to provide for the reimbursement of certain patients at the United States Veterans' Hospital, Sunmount, N. Y., for loss and damage to personal effects; without amendment (Rept. No. 857). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of South Dakota: Committee on World War Veterans' Legislation. H. R. 10027. A bill to authorize the transfer of a portion of the hospital reservation of the United States Veterans' Hospital No. 78, North Little Rock, Ark., to the Big Rock Stone & Material Co., and the transfer of certain land from the Big Rock Stone & Material Co. to the United States; with amendment (Rept. No. 858). Referred to the Committee of the Whole House on the state of the Union.

Mr. MICHENER: Committee on the Judiciary. H. R. 5769. A bill to authorize the consolidation and coordination of Government purchases, to enlarge the functions of the General Supply Committee, and for other purposes; without amendment (Rept. No. 860). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 9496. A bill to recognize commissioned service in the Philippine Constabulary in determining rights of officers of the Regular Army; without amendment (Rept. No. 861). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on Indian Affairs. S. 2279. An act authorizing the Secretary of the Interior to purchase certain lands in the city of Bismarck, Burleigh County, N. Dak., for Indian school purposes; without amendment (Rept. No. 862). Referred to the Committee of the Whole House on the state of the Union.

Mr. DYER: Committee on the Judiciary. H. R. 9784. A bill for the issuance and execution of warrants in criminal cases and to authorize bail; with amendment (Rept. No. 863). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. JOHNSON of South Dakota: Committee on World War Veterans' Legislation. H. R. 8423. A bill for the relief of Timothy Hanlon; without amendment (Rept. No. 859). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 3243) for the relief of Sterrit Keefe; Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 3539) for the relief of Frank Murray; Committee on Claims discharged, and referred to the Committee on Indian Affairs.

A bill (H. R. 11863) granting a pension to Anna Dix; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COHEN: A bill (H. R. 11885) to provide for the free entry of articles imported for exhibition at expositions to be held in New York by the French Chamber of Commerce of the city of New York; to the Committee on Ways and Means.

By Mr. LaGUARDIA: A bill (H. R. 11886) to establish the office of captain of the port of New York and to define his duties; to the Committee on Interstate and Foreign Commerce.

By Mr. MOREHEAD: A bill (H. R. 11887) authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Nebraska City, Nebr.; to the Committee on Interstate and Foreign Commerce.

By Mr. GARRETT of Texas: A bill (H. R. 11888) authorizing the issuance of service medals to officers and enlisted men of the Eighth Regiment Texas Infantry, organized under authority of the War Department under date of November 19, 1917, and were recognized by the United States Government on October 3, 1918, and authorizing an appropriation therefor; and further authorizing the wearing by such officers and enlisted men on occasions of ceremony of the uniform lawfully prescribed to be worn by them during their service; to the Committee on Military Affairs.

By Mr. RAINEY: A bill (H. R. 11889) to promote interstate commerce, agriculture, and the general welfare by providing for the development and control of waterways and water resources, for water conservation, for flood control, prevention, and protection; for the application of flood waters to beneficial uses; and for cooperation in such work with States and other agencies; and for other purposes; to the Committee on Flood Control.

By Mr. PALMER: A bill (H. R. 11890) allowing the rank, pay, and allowances of a captain, Medical Corps, United States Navy, to the medical officer assigned to duty as personal physician to the President; to the Committee on Naval Affairs.

By Mr. DYER: Joint resolution (H. J. Res. 229) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEERS: A bill (H. R. 11891) granting an increase of pension to Carrie A. Speck; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 11892) granting an increase of pension to William G. Shotwell; to the Committee on Pensions.

By Mr. CRAIL: A bill (H. R. 11893) granting an increase of pension to J. Alfred Guiou; to the Committee on Pensions.

By Mr. DOUGLASS of Massachusetts: A bill (H. R. 11894) granting a pension to Leo H. Fitzpatrick; to the Committee on Pensions.

Also, A bill (H. R. 11895) to correct the naval record of Daniel V. McKendry; to the Committee on Naval Affairs.

By Mr. DYER: A bill (H. R. 11896) for the relief of John K. Davis; to the Committee on Foreign Affairs.

Also, a bill (H. R. 11897) for the relief of J. Hall Paxton; to the Committee on Foreign Affairs.

By Mr. ENGLAND: A bill (H. R. 11898) granting an increase of pension to Harriet L. Workman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11899) granting a pension to Letha Dickens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11900) granting a pension to Ballard P. Pettry, alias B. P. Petrey; to the Committee on Invalid Pensions.

By Mr. W. T. FITZGERALD: A bill (H. R. 11901) granting an increase of pension to Ada Lee Ritter; to the Committee on Pensions.

By Mr. HAMMER: A bill (H. R. 11902) to authorize payment of fees to M. L. Flowe, United States commissioner, Monroe, N. C., for services rendered after his commission expired and before a new commission was issued for reappointment; to the Committee on Claims.

By Mr. KENDALL: A bill (H. R. 11903) granting an increase of pension to Ella Dean; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 11904) granting an increase of pension to Lena Kircher; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 11905) for the relief of Commodore J. M. Moore, United States Coast Guard, retired; to the Committee on Naval Affairs.

By Mr. LOZIER: A bill (H. R. 11906) granting an increase of pension to Mary Kitchen; to the Committee on Invalid Pensions.

By Mr. McSWAIN: A bill (H. R. 11907) to authorize the commission of Casper P. West as second lieutenant in the United States Army; to the Committee on Military Affairs.

By Mr. MANLOVE: A bill (H. R. 11908) granting a pension to Mary Susan Ann Hatcher; to the Committee on Invalid Pensions.

By Mr. MOORE of Kentucky: A bill (H. R. 11909) granting an increase of pension to Mahala Shifflet; to the Committee on Invalid Pensions.

By Mr. SWICK: A bill (H. R. 11910) granting an increase of pension to Frany Rice; to the Committee on Invalid Pensions.

By Mr. THURSTON: A bill (H. R. 11911) granting an increase of pension to Caroline D. Owens; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 11912) granting a pension to Ethel V. Sweetser; to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 11913) granting an increase of pension to Savilla Kelichner; to the Committee on Invalid Pensions.

By Mr. WHITE of Colorado: A bill (H. R. 11914) granting a pension to William Maguire; to the Committee on Pensions.

By Mr. ADKINS: A bill (H. R. 11915) granting an increase of pension to Clara L. Woford; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5107. Petition of Veterans of Foreign Wars, urging favorable consideration of House bill 9138, a bill to grant a World War service pension to certain soldiers, sailors, and marines of the World War; to the Committe on Pensions.

5108. Petition of Masters, Mates, and Pilots' Association of America, Local No. 25, urging the defeat of House bill 11137; to the Committee on the Merchant Marine and Fisheries.

5109. By Mr. CARSS: Petition of Mrs. Ellen Wiles and 62 other residents of Duluth, Minn., protesting against enactment of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

5110. Also, petition of Will A. Herreid and 37 other residents of Deer River, Minn., protesting against enactment of House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

5111. By Mr. CRAIL: Petition of James D. Jameson and sundry citizens of Los Angeles County, Calif., against the naval armament program now pending in Congress; to the Committee on Naval Affairs.

5112. Also, petition of George Gleason, president Council on International Relations, protesting against action on the Box bill, and suggesting that a commission be appointed to study the question of Mexican immigration and report to Congress; to the Committee on Immigration and Naturalization.

5113. By Mr. GARBER: Petition of residents of Enid, Okla., in protest to the enactment of compulsory Sunday observance (H. R. 78); to the Committee on the District of Columbia.

5114. Also, letter of Gate Quarterly Meeting of Friends, by Coy L. Morgan, clerk of Gate, Okla., in protest to the adoption of the program of naval armament as proposed; to the Committee on Naval Affairs.

5115. Also, letter and resolution of joint legislative committee of the radio industry, Washington, D. C., in regard to radio act of 1927; to the Committee on the Merchant Marine and Fisheries.

5116. Also, letter of W. F. Riffel, Carrier, Okla., in protest to the enactment of compulsory Sunday observance, especially as embodied in House bill 78; to the Committee on the District of Columbia.

5117. By Mr. GIBSON: Petition of citizens of Williamstown, Vt., and vicinity, in opposition to pending legislation for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

5118. Also, petition of residents of Bellows Falls, Vt., in opposition to proposed legislation for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

5119. Also, petition of residents of Jamaica, Vt., opposing legislation to provide for compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

5120. By Mr. GRIEST: Petition of Thomas H. Burrowes Council, No. 784, Junior Order of United American Mechanics, Lancaster, Pa., favoring the maintenance of the basic provisions of the immigration act of 1924, including the national-origins system, as a permanent basis for apportioning the immigration, and urging upon Congress the extension of the quota restrictions to Canada, Mexico, the West Indies, and the countries of Central and South America, and also the reduction of the total quota immigration to a maximum of 80,000 per annum, and the passage of House bills 3 and 10078; to the Committee on Immigration and Naturalization.

5121. By Mr. DARROW: Memorial of the Philadelphia Board of Trade, protesting against the enactment of House bill 10568, to foster agriculture and to stabilize the prices obtained for agricultural commodities, etc.; to the Committee on Agriculture.

5122. By Mr. GALLIVAN: Petition of Col. Charles F. Sargent, United States property and disbursing officer for the National Guard of Massachusetts, statehouse, Boston, Mass., urging early and favorable consideration of House bill 9369, "A bill to recognize the military war services of adjutants general and United States property and disbursing officers as Federal military war duty during war period, April 6, 1917, to November 11, 1918"; to the Committee on Military Affairs.

5123. By Mr. GOODWIN: Petition by Mr. and Mrs. Charles F. Bennett and Benjamin A. Bennett, Rush City, Minn., in opposition to House bill 78, the Lankford Sunday observance bill; to the Committee on the District of Columbia.

5124. Also, petition by William T. Lauritzen and 99 other residents of Maple Plain, Minn., in opposition to the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

5125. Also, petition by Sarah E. Blain and seven other residents of Maple Plain, Minn., voicing their opposition to the provisions of the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

5126. Also, petition of Lydia Larson and 70 other residents of Foreston, Minn., in opposition to the Lankford Sunday Observance bill (H. R. 78); to the Committee on the District of Columbia.

5127. By Mr. HALL of North Dakota: Petition of members of Florence Kimball Post, No. 7, of the American Legion, of Lisbon, N. Dak., for the enactment of the naval program of the American Legion as first presented to Congress; to the Committee on Naval Affairs.

5128. Also, petition of Kringen Lodge, No. 25, Sons of Norway, of Fargo, N. Dak., for the repeal of that provision of the immigration law of 1924—national origin—method of regulating immigration into this country subsequent to July 1, 1928; to the Committee on Immigration and Naturalization.

5129. Also, petition of members of Wergeland Lodge, No. 247, of the Sons of Norway, of Jamestown, N. Dak., petition for the enactment of Senate bill 1481, which annuls the national-origin clause and retains the present quota distribution based on the census of 1890; to the Committee on Immigration and Naturalization.

5130. By Mr. HARRISON: Petition of J. M. Hillhimer and others, against compulsory Sunday observance; to the Committee on the District of Columbia.

5131. Also, petition of Mrs. A. G. Lotti and others, protesting against the Sunday observance bill; to the Committee on the District of Columbia.

5132. Also, petition of Edward White and others, against compulsory Sunday observance; to the Committee on the District of Columbia.

5133. By Mr. HILL of Washington: Petition of W. H. Buxton and 18 other persons of Spokane County, Wash., protesting against House bill 78, and all other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5134. Also, petition of A. D. Murray and 60 other persons of Wenatchee, Wash., protesting against House bill 78, and all other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5135. Also, petition of Bernice Chase and 22 other persons of Chelan, Wash., protesting against House bill 78, and all other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5136. Also, petition of Peter H. Brady and 136 other persons of Spokane, Wash., protesting against House bill 78, and all other proposed compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5137. Also, petition of G. W. Ellis and 104 other persons of Spokane, Wash., protesting against House bill 78, and all other proposed compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5138. By Mr. HUDDLESTON: Petition of W. H. Tomfert and numerous other residents of Birmingham, Ala., in opposition to monopolies in broadcasting; to the Committee on the Merchant Marine and Fisheries.

5139. Also, petition of Henry Andrews and numerous other residents of Jefferson County, Ala., in opposition to the District of Columbia Sunday bill (H. R. 78); to the Committee on the District of Columbia.

5140. By Mr. JAMES: Petition of members of the Calumet Methodist Episcopal Church, Calumet, Mich., urging the enactment into law of House bill 78; to the Committee on the District of Columbia.

5141. By Mrs. KAHN: Petition of Henrik Ibsen Lodge, No. 7, Sons of Norway, urging the repeal of the national-origins clause of the immigration act; to the Committee on Immigration and Naturalization.

5142. By Mr. KVALE: Petition of 84 residents of Swift County, Minn., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

5143. Also, petition of several residents of Alexandria, Minn., urging passage of the Brookhart bill; to the Committee on Interstate and Foreign Commerce.

5144. By Mr. LINDSAY: Petition of national organization, Masters, Mates, and Pilots of America, protesting the passage

of House bill 11137; to the Committee on the Merchant Marine and Fisheries.

5145. Also, petition of American Broadcasters' Association, embodied in telegram from President Norman Baker, declaring that true conditions misrepresented regarding radio situation, and praying for prolongation of life of Radio Commission; to the Committee on the Merchant Marine and Fisheries.

5146. By Mr. MAGRADY: Petition of numerous citizens of Danville, Pa., protesting against the passage of House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

5147. Also, petition of numerous citizens of Columbia County, Pa., protesting against the passage of House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

5148. By Mr. MEAD: Petition of residents of Erie County, N. Y., in opposition to the Lankford Sunday observance bill; to the Committee on the District of Columbia.

5149. By Mr. MONAST: Petition of citizens of Pawtucket, R. I., protesting against compulsory Sunday laws; to the Committee on the District of Columbia.

5150. By Mr. NEWTON: Petition presented by members of "Esther Young" Woman's Christian Temperance Union, Minneapolis, requesting favorable support of Stalker bill (H. R. 9598); to the Committee on the Judiciary.

5151. Also, petition presented by members of "Hobart Union," Woman's Christian Temperance Union, Minneapolis, requesting favorable support of Stalker bill (H. R. 9598); to the Committee on the Judiciary.

5152. By Mr. O'CONNELL: Petition of the Connecticut committee on the big navy bill, Hartford, Conn., with reference to the naval program and the Gillett resolution for further action on the World Court; to the Committee on Naval Affairs.

5153. Also, petition of the National Fertilizer Association, Washington, D. C., with reference to the present fertilizer situation in the United States; to the Committee on Agriculture.

5154. Also, petition of the Knights of Columbus, New York State Council, Buffalo, N. Y., favoring legislation enactment which will provide for full Federal responsibility in respect to future protection measures in the lower Mississippi Valley; to the Committee on Flood Control.

5155. Also, petition of the Federal Wild Fowl Protection Association of Stamford, Conn., favoring the passage of Senate bill 2917; to the Committee on Agriculture.

5156. Also, petition of the New York State Council of Churches, New York City, N. Y., opposing a large naval building program as proposed by the Navy Department; to the Committee on Naval Affairs.

5157. Also, petition of the Citizens' Medical Reference Bureau, New York City, opposing the passage of House bills 8128 and 11026, for coordination of health activities and Gorgas Memorial Laboratory; to the Committee on Foreign Affairs.

5158. Also, petition of H. D. Bob Co. (Inc.), New York City, N. Y., favoring the passage of the Hawes-Cooper bill (S. 1940 and H. R. 7729); to the Committee on Labor.

5159. By Mr. REED of New York: Petition of residents of Belfast, N. Y., in behalf of Civil War pension bill; to the Committee on Invalid Pensions.

5160. By Mr. ROBINSON of Iowa: Petition signed by Caroline Scherr, of 2071 Elm Street, Dubuque, Iowa, and about 70 other citizens of Dubuque, Iowa, protesting against the passage of the Sunday compulsory observance bill, or any other like bill enforcing the observance of the Sabbath; to the Committee on the District of Columbia.

5161. By Mr. SCHAFER: Petition of various residents of Wisconsin, protesting against the passage of House bill 78, or any similar compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5162. By Mr. SELVIG: Resolution of Hon. Mike Holm, Minnesota secretary of state; J. P. Bengston, assistant secretary of state; and others living in St. Paul, Minn., in favor of the repeal of the national-origins clause and in favor of the present quota disposition and against further measures of reductions of the Scandinavian quotas; to the Committee on Immigration and Naturalization.

5163. By Mr. SHALLENBERGER: Petition of citizens of Nebraska; to the Committee on the District of Columbia.

5164. By Mr. THATCHER: Petition of numerous citizens of Louisville, Ky., and vicinity, protesting against the enactment of compulsory Sabbath observance legislation; to the Committee on the District of Columbia.

5165. By Mr. VINCENT of Michigan: Petition of residents of Saginaw, Mich., protesting against the passage of House bill 78, or any other bill providing compulsory Sunday observance; to the Committee on the District of Columbia.

5166. By Mr. WATSON: Resolution passed by the State executive committee of the American Legion, favoring the Navy program outlined by President Coolidge and the Secretary of the Navy; to the Committee on Naval Affairs.

5167. Also, petition of Pennsylvania State Chamber of Commerce, by George E. Foss, general secretary, protesting against House bill 6511, introduced by Representative SIROVICH; to the Committee on Labor.

5168. Also, petition of Department of Pennsylvania, Veterans of Foreign Wars of the United States, indorsing plan of President Coolidge for an adequate United States Navy; to the Committee on Naval Affairs.

5169. By Mr. WASON: Petition of 25 residents of Concord, N. H., protesting against the passage of House bill 78, known as the Sunday closing bill; to the Committee on the District of Columbia.

5170. By Mr. YON: Petition of P. P. Anderson and other citizens of Pensacola, Fla., protesting against the passage of the Lankford Sunday observance bill; to the Committee on the District of Columbia.

SENATE

FRIDAY, *March 9, 1928*

(Legislative day of Tuesday, March 6, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 1531. An act authorizing the Secretary of Agriculture to sell the Weather Bureau station known as Mount Weather, in the counties of Loudoun and Clarke, in the State of Virginia;

H. R. 9293. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Clinch River on the Sneedville-Rogersville road, in Hancock County, Tenn.; and

H. R. 9843. An act to extend the times for commencing and completing the construction of a bridge across the Kanawha River in or near Henderson, W. Va., to a point opposite thereto in or near Point Pleasant, W. Va..

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	Kendrick	Sackett
Barkley	Edwards	Keyes	Schall
Bayard	Ferris	King	Sheppard
Bingham	Fess	La Follette	Shipstead
Black	Fletcher	McKellar	Simmons
Blaine	Frazier	McLean	Smith
Blease	George	McMaster	Smoot
Borah	Gerry	McNary	Steck
Bratton	Glass	Mayfield	Steiwer
Brookhart	Gooding	Neely	Stephens
Broussard	Gould	Norbeck	Swanson
Bruce	Greene	Norris	Thomas
Capper	Hale	Nye	Tydings
Caraway	Harris	Oddie	Tyson
Copeland	Harrison	Overman	Wagner
Couzens	Hawes	Phipps	Walsh, Mass.
Curtis	Hayden	Pine	Walsh, Mont.
Cutting	Heflin	Pittman	Warren
Dale	Howell	Ransdell	Waterman
Deneen	Johnson	Reed, Pa.	Wheeler
Dill	Jones	Robinson, Ark.	Willis

The VICE PRESIDENT. Eighty-four Senators having answered to their names, a quorum is present.

PETITIONS AND MEMORIALS

Mr. LA FOLLETTE presented memorials of sundry citizens of Grant County, Wis., remonstrating against adoption of the proposed naval building program, which were referred to the Committee on Naval Affairs.

Mr. PHIPPS presented a petition of sundry citizens of Denver, Colo., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. BROOKHART presented a memorial of sundry citizens of Wapello County, Iowa, remonstrating against control of radio

broadcasting by chain-station hook-ups of large companies, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the council of the Parent-Teacher Association of Ottumwa, Iowa, praying for the passage of legislation creating a Federal department of education, which was referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Dysart, Ottumwa, and Cedar Rapids, all in the State of Iowa, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. BLAINE presented the petition of Hans Vigdahl and 61 other citizens of Janesville, Wis., praying for the passage of the so-called Shipstead bill, being the bill (S. 1481) to amend sections 11 and 12 of an act to limit the immigration of aliens into the United States, and for other purposes, approved May 26, 1924, which was referred to the Committee on Immigration.

Mr. JOHNSON presented 24 petitions numerously signed by sundry citizens of the State of California, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. COPELAND presented petitions of sundry citizens of Waverly and Highland Falls, N. Y., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

He also presented a resolution adopted by the committee on cooperation of the United Synagogue of America, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

The committee on cooperation of the United Synagogue of America in its desire to help stamp out the horrors of narcotic drug addiction, with the resultant menace to the health, morals, and safety of the country, pledges itself to cooperate in organized efforts to remedy the great evil which threatens the physical and moral welfare of society. Accordingly it urges upon Congress the enactment, as soon as practicable, of the Porter and Shortridge bills, which are designed to restrict the peddling of narcotics and effectively to cure the victims of addiction to the use of narcotic drugs.

PROGRESS OF TRANSOCEANIC AIR NAVIGATION

Mr. BINGHAM. Mr. President, on February 28 last the Senate was kind enough to listen to some remarks I then made in regard to rigid airships. A number of persons have since expressed some doubt with regard to statements then made. I wish to say that I took the matter up with the National Advisory Committee for Aeronautics, a body which is composed, as the Senate knows, of a number of the highest authorities on aeronautics in this country, and possibly in the world. Their publications are eagerly welcomed in all aeronautical circles. I ask unanimous consent to have my letter to the committee and their answer in regard to the subject of rigid dirigibles printed in the RECORD and referred to the Committee on Naval Affairs.

There being no objection, the letter and communication were referred to the Committee on Naval Affairs and ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
February 16, 1928.

The NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS,
3841 Navy Building, Washington, D. C.

GENTLEMEN: I would greatly appreciate having you answer, from the information which you have available, the following questions regarding the development and operation of large rigid airships:

First. In the opinion of the National Advisory Committee for Aeronautics, does the present state of the art of constructing and operating large rigid airships justify the belief that such airships can be constructed and operated successfully?

Second. What, in the opinion of the committee, are the most practical steps that can be taken at this time to encourage the development of an airship industry in the United States, looking toward the promotion of commercial air navigation by rigid airships?

Thanking you in advance for your courtesy in giving attention to this request, believe me,

Sincerely yours,

HIRAM BINGHAM.

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS,
Washington, D. C., March 1, 1928.

Hon. HIRAM BINGHAM,
United States Senate, Washington, D. C.

DEAR SENATOR BINGHAM: Your letter dated February 16, 1928, making certain inquiries as to the opinion of the National Advisory Committee for Aeronautics with reference to the construction and operation of rigid airships and the development of an airship industry in the United States was considered at a meeting of the executive committee held March 1, 1928, and the following resolutions were adopted:

"*Resolved*, That it is the opinion of the National Advisory Committee for Aeronautics that the present state of the art of constructing and operating large rigid airships has progressed to the point where we are justified in believing that large rigid airships can be constructed and operated successfully; and

"*Resolved further*, That it is the opinion of the National Advisory Committee for Aeronautics that the most practical step to be taken at the present time to encourage the development of an airship industry in the United States is to begin the construction of the airships authorized under the five-year aircraft building program. The construction of these airships will foster the development of an airship industry; and this, with the knowledge to be acquired from experience in the operation of airships, will be necessary in order to enable the United States to meet the needs for commercial airship construction and operation when they arise."

The committee appends hereto a memorandum, entitled "The present status of the development of rigid airships in the United States," which states the facts on which its opinion is based.

Sincerely yours,

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS,
JOSEPH S. AMES, *Chairman.*

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS,
Washington, D. C., March 1, 1928.

THE PRESENT STATUS OF THE DEVELOPMENT OF RIGID AIRSHIPS IN THE UNITED STATES

CONSTRUCTION

No rigid airship has been built in this country since the *Shenandoah* was completed in 1923, but theoretical studies, research, and practical tests have continued, so that ultimately additional rigid airships might be designed and built in the United States. As a result, the United States is to-day as fully abreast of rigid airship development as could be expected without actual construction since 1923.

The *Shenandoah* was a remodeled copy of a 1916 German design, and when completed was recognized as an admirable first American effort rather than as a modern rigid airship. The necessity for providing suitable materials for the *Shenandoah* led to the further development of aluminum alloys and brought to the United States expert talent who knew how to manufacture gas cells. Additional technical experts were brought to this country who were familiar with rigid airship fabrication, erection, and operation. Original thought and effort were expended along various lines connected with theoretical designs, with the result that in spite of meager information as to the prototype, the design of the *Shenandoah* was placed upon a sound basis. A special subcommittee of the National Advisory Committee for Aeronautics checked the design and found it reasonable. Recent information confirms this opinion.

The *Shenandoah* was operated successfully by the Navy for two years. Her operation proved the practicability of mooring masts ashore and afloat. She made a number of notable flights, including one of 9,000 miles to the west coast and return, during which she was based entirely on mooring masts for 21 days. A noteworthy flight resulted from a breakaway from the mooring mast. During this she weathered a gale in a badly damaged condition. The fact that she was finally caught in an unusually severe storm and succumbed to it is no reason to condemn her as an airship—much less to condemn airships in general. Engineering history is full of instances where final success has been reached only through lessons learned in early attempts.

The acquirement in 1924 of the *Los Angeles*, as an example of modern German airship construction, was an important step in airship development in the United States. With the *Los Angeles* there came much information about questions hitherto obscure. Shortly after the *Los Angeles* arrived there was brought to this country a group of the most experienced rigid-airship engineers. They still remain and represent the quarter of a century of Germany's experience in airship design and construction.

The United States began its experience with rigid airships nearly 10 years ago, and the present "state of the art" may be summarized as follows: One rigid airship was built and operated successfully; another was acquired and is still being operated successfully; much thought and effort have been applied to engineering problems connected with airships; technical personnel familiar with airship matters are available, including those self-trained in the United States; the technical knowledge and experience available in the United States for the design and construction of rigid airships is ample; satisfactory materials are available, notable examples being aluminum alloys, steel wire, cotton cloths, gas-cell materials of various kinds, engines, and power-plant equipment, including water-recovery apparatus; promising development of oil-burning engines is under way; and helium, available only in the United States, gives to American airships a unique measure of safety.

From a technical standpoint it is believed the United States is prepared to design and build rigid airships to any required degree of engineering exactitude. American ingenuity and production methods applied to airship construction will cheapen their cost and offset the present high-cost differential between American and foreign airships.

OPERATION

The successful operation of rigid airships depends on two factors—(a) trained personnel, and (b) facilities available, which include weather-information service. Operation is also a matter of experience. Although our experience is not as wide as that possessed by the Germans or English, it is more recent.

The American personnel engaged in rigid-airship operation is the equal of any. They have been largely self-taught, but the foundation of the training was sound and embodied the best of German and British experiences adapted to American conditions and to helium operation. As only one rigid airship has been in operation at a time, competitive effort has not been possible. Development would be faster if more rigid airships were available. The large cost of rigid airships and the fact that only one is now available forced a cautious, conservative scheme of operation which, though sound, has not as yet allowed the technique of rigid-airship operation to develop to the full extent of its possibilities. This situation will correct itself when more airships and better facilities are available.

The facilities for the operation of rigid airships in the United States are not the best, and additional facilities are needed. There are only two large sheds—at Lakehurst and at Scott Field. The former, in particular, is poorly located from a meteorological standpoint. The shortage of helium and meager facilities for its transportation and storage have retarded the operation of rigid airships at intervals. Several mooring masts have been erected at strategic points, but the masts remote from the shed base have been used only once.

Arrangements and mechanical appliances for landing airships and handling them on the ground, and in or out of sheds, are being improved with experience. As a result we should be prepared to handle the larger airships now contemplated with no more difficulty, and perhaps with less difficulty, than airships of the *Los Angeles* size. There has been gratifying progress in developing the floating mast, the fixed stub mast, the mobile stub mast, mechanically operated docking trolleys, cars for supporting airships while moving in and out of sheds, artificial superheat device, remote control for hauling down winches, and the deck landing platform.

The operation of airships, like airplanes, is influenced by weather conditions and will be facilitated by improved weather information service. A new system for the collection and distribution of weather reports has recently been worked out by the Weather Bureau in cooperation with the telegraph companies. This will much facilitate the prompt furnishing of aerological information so necessary for the safe navigation of the air.

FOREIGN DEVELOPMENT

No survey of rigid airship development would be complete without a résumé of what is being done by other nations.

Germany, the original home of the rigid airship, and where it finds most enthusiastic support, is just completing a 3,650,000 cubic foot airship, funds for which were raised largely by popular subscription. It is proposed that this airship, after making demonstration flights, including one to the United States, will be used to start a commercial line between Spain and South America. The design is a modern and enlarged copy of the *Los Angeles*. This airship will carry a large portion of its fuel in gaseous form. This permits an important increase in cruising range. This development is being watched with interest, and a combination of helium and a fuel gas offers attractive possibilities without much greater risk than with helium alone and gasoline.

Great Britain, after abandoning airships for the sake of economy in 1919, and after being confirmed in her antiairship convictions by the *R–38* disaster in 1921, executed an about face in 1923 and resumed the construction of rigid airships. Great Britain now believes airships will play an important rôle in linking up her outlying possessions.

Two rigid airships of 5,000,000 cubic feet volume and using hydrogen are nearly completed. One of these is being built by the air ministry, the other by the Airship Guarantee Co., a subsidiary of Vickers (Ltd.). From all information available the designs appear to be on a sound basis, and there is no reason to doubt their success. The Airship Guarantee Co. uses a novel and ingenious type of girder which promises to simplify and cheapen the structural parts of an airship. The air ministry airship will use considerable alloy steel. Oil-burning engines are proposed for both airships, but they are not yet sufficiently developed to be pronounced satisfactory. Each airship is fitted with accommodations for about 100 passengers, and both are intended for quasi-subsidized commercial service to India.

Great Britain has five shed berths for large rigid airships. A new shed has been erected in India, and one shed in England is being enlarged. Mooring masts have been built in England, India, and Egypt. Other masts are contemplated in Canada, Australia, and South Africa.

At least one of these British airships is expected to visit the United States during the summer of 1928.

France has several sheds suitable for large rigid airships, but probably for reasons of economy has not built such craft. Designs are available and she contents herself with trying to keep abreast of development without building or operating.

Italy still operates the small rigid airship *Esperia*, delivered to her in 1922 by Germany. Italy's own airship efforts, however, are concentrated on developing the semirigid type, which satisfies her geographic requirements. An enlargement of the *Norge* type is under construction. In her chosen field of moderate-sized airships Italy has developed a superior technique of design, construction, and operation.

REPORTS OF COMMITTEE ON FINANCE

Mr. SMOOT, from the Committee on Finance, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 367) to authorize the settlement of the indebtedness of the Kingdom of the Serbs, Croats, and Slovenes (Rept. No. 506); and

A bill (H. R. 10954) to authorize the Secretary of the Treasury to execute agreements of indemnity to the Union Trust Co., Providence, R. I., and the National Bank of Commerce, Philadelphia, Pa. (Rept. No. 507).

Mr. WALSH of Massachusetts, from the Committee on Finance, to which was referred the bill (H. R. 7224) to extend the time for the refunding of certain legacy taxes erroneously collected, reported it without amendment and submitted a report (No. 508) thereon.

ENROLLED BILL PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that on March 9, 1928, that committee presented to the President of the United States the enrolled bill (S. 1531) authorizing the Secretary of Agriculture to sell the Weather Bureau station known as Mount Weather, in the counties of Loudoun and Clarke, in the State of Virginia.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

Mr. NORRIS. At the request of the Attorney General, I introduce a bill, which, together with the letter of the Attorney General, I ask may be referred to the Committee on the Judiciary.

The bill (S. 3572) authorizing an appropriation for the purpose of defraying expenses incident to the making of a comprehensive survey covering the requirements of a Federal penal system (with an accompanying paper); to the Committee on the Judiciary.

By Mr. JONES:

A bill (S. 3573) relating to certain war veterans and widows in the classified civil service of the United States, and for other purposes; to the Committee on Civil Service.

By Mr. McNARY:

A bill (S. 3574) to extend the benefits of the act entitled "An act granting pensions to certain soldiers who served in the Indian wars from 1817 to 1898, and for other purposes," approved March 3, 1927, to certain members of Company B, Second Regiment Oregon State Militia; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 3575) to amend the grain futures act; to the Committee on Agriculture and Forestry.

By Mr. McKELLAR:

A bill (S. 3576) for the erection of tablets or markers at Camp Blount, Lincoln County, Tenn.; to the Committee on the Library.

By Mr. SACKETT:

A bill (S. 3577) granting a pension to Rosanna Sanders (with accompanying papers);

A bill (S. 3578) granting a pension to Joseph T. Pike (with accompanying papers);

A bill (S. 3579) granting an increase of pension to Maud E. Harper (with accompanying papers); and

A bill (S. 3580) granting an increase of pension to Martha A. Wilson (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 3581) authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia; to the Committee on the District of Columbia.

By Mr. BINGHAM:

A joint resolution (S. J. Res. 110) to provide for annexing certain islands of the Samoan group to the United States; to the Committee on Territories and Insular Possessions.

AMENDMENT TO CENSUS BILL

Mr. ROBINSON of Arkansas submitted an amendment intended to be proposed by him to the bill (H. R. 393) making

provision for the fifteenth and subsequent censuses, which was referred to the Committee on Commerce and ordered to be printed.

PENSIONS AND INCREASE OF PENSIONS

Mr. JONES submitted an amendment intended to be proposed by him to the bill (H. R. 10159) granting pensions and increase of pensions to widows and former widows of certain soldiers, sailors, and marines of the Civil War, and for other purposes, which was referred to the Committee on Pensions and ordered to be printed.

AMENDMENTS TO TAX REDUCTION BILL

Mr. SHEPPARD submitted an amendment and Mr. STEPHENS submitted two amendments intended to be proposed by them, respectively, to House bill 1, the tax reduction bill, which were severally referred to the Committee on Finance and ordered to be printed.

SUPERVISION OF NICARAGUAN ELECTION

Mr. NORRIS submitted the following resolution (S. Res. 164), which was read and referred to the Committee on Foreign Relations:

Whereas on March 6 (calendar day, March 7), 1928, the Committee on Foreign Relations made a report to the Senate (Rept. No. 498, 70th Cong., 1st sess.) upon S. J. Res. 57, in which report the committee states that the Government of the United States made an agreement with the Government of Nicaragua to supervise an election in Nicaragua, and that by virtue of said agreement the so-called liberal faction in Nicaragua had laid down their arms upon the promise of the United States Government to supervise said election, and that to withdraw our troops at this time from Nicaragua would be a violation of said agreement; and

Whereas it appears from said report that the President of the United States had been requested by the Nicaraguan Government to supervise the election in that country in 1928 and had accepted such request, and that the President, through his personal representative, Henry L. Stimson, had notified the liberal faction in Nicaragua of such acceptance and of his intention to supervise such election, and that he intended to supervise said election regardless of what action might be taken by the liberal faction in said country, and that under these conditions the liberal forces, under said ultimatum, had surrendered their arms and agreed to such supervision on the part of the armed forces of the United States: Now therefore be it

Resolved, That the Committee on Foreign Relations, after making such investigation as in its judgment is proper, is hereby directed to report to the Senate:

1. What, if any, authority did the President of the United States have to accept such invitation on the part of the Nicaraguan Government to supervise an election in Nicaragua?

2. If the committee finds that the President of the United States did have such authority, then it is directed to report to the Senate whether, in its judgment, the same authority does not give the President of the United States the right to supervise any election in any foreign country.

3. If the President of the United States does not possess authority to use the Army and the Navy of the United States to supervise elections in foreign countries, then the committee is hereby directed to report to the Senate, by bill or otherwise, the necessary legislation that will prevent such illegal use of the armed forces of the United States in the future.

4. If the President of the United States has authority, under existing law, to use the Army and the Navy of the United States to supervise an election in Nicaragua, has he not the same authority to use the same forces in the supervision of an election in any other foreign country?

5. Will the use of the Army and the Navy of the United States in supervising elections in foreign countries have a tendency to bring on war between our Government and foreign nations where such supervisory authority is attempted?

6. If the President of the United States, under existing law, has authority to use the Army and the Navy to supervise elections in foreign countries, does he possess the same authority to use the armed forces of the United States to supervise elections in different States of the Union and would such use of the Army and the Navy of the United States be advisable in cases where the Senate has official information of corruption taking place in State elections where members of the Senate and House of Representatives are elected?

SIXTH PAN AMERICAN CONFERENCE

Mr. SHIPSTEAD submitted the following resolution (S. Res. 165), which was read and referred to the Committee on Foreign Relations:

Resolved, That the President be, and he is hereby, requested, if not incompatible with the public interest, to furnish the Senate at the earliest practicable date with the detailed report of the United States Delegation to the Sixth Pan American Conference, together with the texts, both in English and in the language of origin, of all committee reports, treaty drafts, and resolutions adopted or proposed in that meeting.

INTERSTATE COMMERCE COMMISSIONERS

Mr. SACKETT obtained the floor.

Mr. NEELY. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from West Virginia?

Mr. SACKETT. I yield.

Mr. NEELY. Mr. President, the attention of the Senate and the country is invited to the following news item, which appeared in yesterday's Evening Star:

INTERSTATE COMMERCE COMMISSION RESIGNATIONS REPORTED LIKELY—SENATE'S FAILURE TO CONFIRM COMMISSIONER ESCH STIRS RESENTMENT

Resignation of "two or three" members of the Interstate Commerce Commission as a result of failure of confirmation by the Senate of Commissioner John J. Esch was freely predicted to-day in political circles. At least one member of the commission is known to have declared within an hour after the Senate Interstate Committee had acted unfavorably on Mr. Esch's renomination that he and the other 10 members of the commission should resign in a body in protest against what is declared the unfair attitude of the Senate.

Nevertheless, it was declared on high authority at the commission to-day that resentment against the Senate for its declared unfair action is spreading among members of the commission and that several resignations among its membership may be looked for shortly.

Mr. Esch's vote in the coal-rate case coincided with those of the majority members of the commission, and other members were represented to feel that their integrity as well as that of their unconfirmed associate had been attacked by the negative vote of the Senate committee.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. NEELY. Certainly.

Mr. CARAWAY. Does the Senator feel that the commissioners really do intend to resign or that they are just extending a hope to the country which will be disappointed?

Mr. NEELY. In my opinion they do not intend to resign, Mr. President, the Star's sponsorship of a news item is ordinarily accepted as adequate proof that the item is true. But in spite of the fact that it impliedly vouches the verity of the article that I have read, I am nevertheless unable to believe that this news item correctly represents the attitude of the Interstate Commerce Commission. It is impossible for me to believe that the members of the commission would for an instant attempt, or think of attempting, to intimidate or coerce the Senate into pusillanimously surrendering its lawful right and violating its lawful duty to determine the qualifications of appointees to membership on the commission.

If this newspaper article be justified by the facts in the case, it discloses the most extraordinary and reprehensible attempt in the history of the Government to intimidate the United States Senate.

Mr. CARAWAY. And the most ineffective.

Mr. NEELY. Manifestly so. I hope that the commission will promptly inform the Senate whether the article in question correctly states the attitude and the intentions of the members of the commission in the matter of the pending Esch confirmation.

Mr. HEFLIN. Now, Mr. President, will the Senator yield to me merely for a moment?

The VICE PRESIDENT. The Senator from Kentucky [Mr. SACKETT] has the floor.

Mr. HEFLIN. Then will the Senator from Kentucky allow me to ask the Senator from West Virginia one question at this time?

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Alabama?

Mr. SACKETT. I yield.

Mr. HEFLIN. Suppose the Senator from West Virginia [Mr. NEELY] shall make the inquiry which he suggests, and shall find out that the members of the Interstate Commerce Commission have given expression to such sentiments. Then we can confer with them, and I should be in favor, if they have given expression to such sentiments, of letting them know that we will accept their resignations.

MUSCLE SHOALS

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes.

Mr. SACKETT. Mr. President——

Mr. BLACK. Mr. President, will the Senator from Kentucky yield to me for the purpose of offering a comparatively

short amendment to the pending joint resolution? I desire that it may be read, as the Senator may wish to discuss it in connection with his speech.

Mr. SACKETT. I yield to the Senator from Alabama for that purpose.

The VICE PRESIDENT. The amendment proposed by the junior Senator from Alabama will be read.

The LEGISLATIVE CLERK. Amend section 10, page 5, line 19, by substituting for the figures "$2,000,000" the figures "$35,000,000." Amend section 8, by substituting for it the following:

The farmers' board herein provided shall immediately provide for the completion of such phosphoric acid plants at Muscle Shoals and other equipments as may be necessary for the manufacture of fertilizer by the most improved available process in commercial and salable form, and shall provide equipment sufficient to manufacture an amount of fertilizer containing 50,000 tons of nitrogen, using nitrate plants No. 1 and No. 2, if they deem it advisable.

It is hereby again expressed to be the fixed policy of this Government to utilize the power at Muscle Shoals for the farmers of America in the manufacture of fertilizer. There shall be turned over to such farmers' board immediately after the passage of this act nitrate plants No. 1 and No. 2, and the steam plant connected therewith, Dam No. 2, and the power therefrom, and all dwellings, houses, buildings, shops, and other equipment at Muscle Shoals necessary for use in the manufacture of fertilizer; Waco Quarry, with the houses and equipment there, and the said farmers' board shall not sell any power so as to prevent or restrict the full use of same in the manufacture of fertilizer. If there should be any surplus power at any time, more than is needed for the manufacture of fertilizer, the farmers' board may sell it to States, counties, municipalities, corporations, or partnerships, or individuals, but preference shall be given to States, counties, or municipalities, purchasing said current for distribution to citizens and customers. Any contract made for the sale of power shall contain a provision that the same may be canceled by the farmers' board whenever they are of the opinion that the power is needed for the manufacture of fertilizer, or for the manufacture of any by-products, when such manufacture would reduce the manufacturing cost of fertilizer. The proceeds received from the sale of power shall be retained by the farmers' board for use by them in the manufacture of fertilizer as herein provided.

Amend by adding section 12:

"SEC. 12. A board shall be appointed by the President immediately after the passage of this act, consisting of five members, who shall be appointed as follows: The President shall select one from a list of nominees suggested by the American Farm Bureau Federation; one from a list of nominees suggested by the National Grange; one from a list of nominees suggested by the Farmers' Educational and Cooperative Union of America; and the President shall further designate one member to represent the Department of Agriculture and one to represent the Department of War. The members selected from the farm organizations shall receive a compensation of $7,500 per year and shall devote their entire time to the administration of their duties as members of the board. The board shall have the authority to prescribe its own rules and regulations for the administration of its business, and it is hereby declared to be the object of the creation of this board to provide for the manufacture, sale, and distribution of fertilizer, directly to the farmers and farm organizations of America, in the most concentrated form practical."

Amend further by substituting for the words: "Secretary of Agriculture" and "Secretary of War" wherever used in the original resolution, the words: "Farmers' board," as herein created.

Amend further by striking from the original resolution subdivision (b), pages 3 and 4, of section 6.

Amend section 7, on line 17, page 4, by substituting for the words "Secretary of the Treasury" the words "farmers' board," as herein provided.

Mr. SACKETT. Mr. President, I wish to address the Senate for a few moments upon the Muscle Shoals problem. I shall do so because I have had the opportunity of studying the question to a considerable extent as a member of the special committee which this body appointed two years ago. From the experience that I have had with the whole subject, I find that the information of Members of the Senate as to the problem that is presented by the pending joint resolution and by the various proposed substitutes is not complete but is fragmentary. Furthermore, because we have here a technical problem that requires very considerable study by any Member of the Senate before he can vote on it intelligently.

It will be necessary for me, in the short discussion that I shall make, to differ from the joint resolution offered by the Senator from Nebraska in one part; it will be necessary for me to suggest slight amendments to another part; but I want to say to the Senate that, though I shall have to take a position which will not meet the views of some of its Members, I do not feel that I or any other Senator who is trying to reach a just and real determination of this great question before the country ought to be subjected to any aspersions as to his motives in so doing.

The Senator from Nebraska [Mr. NORRIS] has introduced a joint resolution which calls for the Government operation of the power plant. I can not agree to that for reasons which I hope to state to the Senate. If those reasons shall commend themselves to the judgment of the Senate, if they shall involve the presentation of valuable facts to the Senate, I hope that my expression will be taken as the honest opinion of one who seeks to bring about a proper solution and that credence will not be given to the idea that I am interested in any particular developments in this country other than to bring those developments to such a fruition as will be for the best interests of the people.

I wish to speak first in regard to the second part of the joint resolution which has to do with the production of fertilizer. I believe that is the real meat of the subject. We have not only the so-called Norris joint resolution pending before us, but we have some 10 or 15 amendments and proposed substitutes that have been submitted in good faith by different Senators to meet their personal ideas of how this problem should be handled. Some of them are based upon the desire to have the fertilizer which is to be produced made in a certain section; others are based upon a desire to have the fertilizer made by a certain process; but I think that every one of those suggestions is made in the absolute hope that fertilizer will be provided at a price at which it can be used on the farms of this country.

We have been listening during the last week to hopes for the production of fertilizer, that have come almost entirely from the South. It is a mistake to consider that the need of fertilizer of a concentrated type at a very low price is limited to the South or to the cotton fields. If such fertilizer could be used generally upon the cotton fields there would result a very decided increase in the production of cotton per acre, but the increase which would come in the yield of cotton would not be so great in proportion as would the increase in the yield of the wheat fields if we could obtain fertilizer sufficiently cheap to be used there. It would not be so great in proportion as the increased yield that would come on the widespread cornfields of this country, if we could secure the fertilizer cheaply enough to be used on those fields. It is my hope, and I think the hope of those who have been working constantly upon the idea of a concentrated fertilizer, that the price of the material in a completed form can be so reduced in the not far distant future as to bring it within the realm of probability that it can be used on practically every farm in the United States.

That statement may seem somewhat unusual; but industrial chemistry in this country has been making tremendous strides. All of us who have been engaged in the general business of the country can not fail to recognize the enormous advantages that have come from the development of industrial chemistry in almost every branch of business; and yet it seems to me that industrial chemistry as applied to fertilizer manufacture today is almost in its infancy.

The fertilizers we have used have been fertilizer mixtures; not, in a true sense, chemical fertilizers. They have carried to the field, as everybody knows, a very small proportion of the actual food of the plant. Because of the few points of manufacture they have involved, as has been shown, large freight charges. They have required tremendous charges after they reach the farm in order to have them spread, since it is necessary to spread so much waste material. The use of concentrated chemical fertilizer simply means taking the few plant-food elements that come in nature, concentrating them into a narrow compass, combining them according to the needs of the particular land, and shipping them with a large proportion of the actual plant food to the bulk of material which is shipped.

When you get the concentrated chemical fertilizer to the farm it takes far less wagons to carry it out on the fields and much less labor to spread it; and if that fertilizer, concentrated and chemical in form, can be manufactured in every crossroads and hamlet of this country, it will make it available to the farms of the Nation as a whole without these excessive freight charges which make it so expensive to-day to use it, considered even with the tremendous influence it has on the production of the fields.

I talked to the Senate a year ago on this subject, and brought out at that time that new investigations had just then been published, practically within a month, which showed the results of actual experiments as to what concentrated fertilizer would do upon the different crops and upon the fields. I almost hesitated to tell the Senate the result of those experiments, because the increase of production was so tremendous.

In corn and wheat, as I recollect, the concentrated fertilizer doubled the production of an acre. In cotton it increased it by more than a half. If that can be done at a cost that will make it pay it reduces your farm overhead, it requires much less land in order to get the same results, it saves in labor, it saves in every element that goes into farm costs, and it will be a tremendous benefit to the people who live upon the land and who need it more than any other people that we have in this country to-day.

As I say, we are not a unit in the Senate, because we do not quite understand the technicalities of the various types of fertilizer and the various processes by which it is made. While we have a good many amateur chemists in the Senate who are willing to tell us forthwith that this will do one thing and that will do another, I do not believe there is any safety in that smattering of knowledge which we as nontechnical men may have. I believe that the only way we can approach a solution of this question is to take the consensus of the chemists of this country as to what is taking place, irrespective of the technical methods by which it is done, and pin our faith to the men who have been educated in these particular lines.

I listened with a great deal of interest to the speech which the Senator from Nebraska [Mr. NORRIS] made upon this concentrated fertilizer. I can say, as a result of sitting for months upon the special committee, that he has thoroughly grasped the situation of the fertilizer industry. He may not be technically expert in how to make a mixture, but he has followed the trend of the industry from the time we first knew about taking nitrogen from the air, and he showed without a shadow of a doubt that the trend of the industry to-day is toward the synthetic processes. I do not find a single opinion from technical men—and I have searched—that does not tell us that in the future nitrogen from the air will be synthetically produced by the gasification of coal. I do not find it, I say, from any technical men except from those who have some connection with the other processes that are in use to-day, and who are not yet willing to acknowledge the leadership of the new processes which come from the synthetic methods. I do find that a great cheapening of cost has already been accomplished in the synthetic methods.

There is another feature to this whole fertilizer problem to be considered in the disposition of Muscle Shoals.

In order to make a successful plant food you have to combine three elements. We talk here in the Senate only about taking nitrogen from the air. Nitrogen is only about 25 or 30 per cent of the total requirements of a plant food that will make the farms produce these tremendous quantities. You have to combine that with a phosphoric acid. That is a different material from the ordinary acid phosphate of the trade to-day. As nearly as I can find out, the scientists believe that the production of phosphoric acid to-day is very much more expensive than it need be if we can experiment and study new methods of production for phosphoric acid. The experts that I have read after tell me—and I do not set up my own opinion at all, because I think we must follow the men who have been educated in those lines—that the excessive cost of phosphatic acid to-day comes from the fact that it has not been needed heretofore in great quantities, and the need of cheap production has not been pressing upon industry; that the cost of production of phosphoric acid to-day warrants the assumption that by competent study and experiment it can be reduced materially, and it forms a large portion of the cost of concentrated fertilizer.

The third element that you have to have in quantity, in making a successful fertilizer, is potash.

Most of our potash comes from Europe; but last year we provided the opportunity of trying to find potash in what were thought to be the fields of Texas and New Mexico. The Government is going down into those fields and sinking core drills, bringing up the core, and analyzing the product, to see if we can find potash. They have dug already seven wells. They have others going down. They drill one at a time. They have found beds of potash. They have not yet found much potash in the chloride form. They have found it in other forms. They would prefer the chloride form, because it could be extracted more cheaply. There are private potash companies now in those fields which are doing some work not connected with the Government, and they are having considerable success in finding the chloride form. The latest information I could get from the Bureau of Mines on yesterday was to the effect that they thought the experiments so far warranted great hopes of our being free from the need of getting foreign potash for any fertilizer that we seek to make in this country.

Therefore, these three elements are concerned in this thing.

The fertilizer business, Mr. President, if the product could be brought to a cost that would enable it to be used generally, would become one of the biggest industries in America, because the necessity of its use is so universal. Therefore in dealing with this whole question you are dealing with one of the future great businesses of America if you can produce cheaply.

You are not dealing merely with the question of the disposition of a power plant at Muscle Shoals. You are dealing with something that will go to every farm in America if it can be done. You are dealing with what will be the leading business experiment of this country, and I want you to realize that in what you may do this week on this joint resolution you are committing this country to a development that will be worth more to it than almost any other matter that can come before the Senate.

Muscle Shoals itself is just one big water power. The thing that you can do with Muscle Shoals, if you will, is to use Muscle Shoals to make possible this concentrated fertilizer so that it will benefit the Nation as a whole. You can do it under the theory that the Senator from Nebraska has set out in principle in his joint resolution—that is, that though the times have changed since we went into Muscle Shoals, though we no longer are able to make economical fertilizer by the use of tremendous amounts of electric power—yet we can use that power to raise the funds that, if rightly applied, can bring about this thing which ought to be desired by every Member of the Senate—that is, the production of a fertilizer for such general use, and which can be manufactured in such a large number of places—that it will be a benefit in every section of the country.

I do not see any reason why any Member of the Senate who sat through the hearings that were had last year, and who took occasion to read the technical pamphlets that have been issued, should for one moment feel that he could advocate the production of nitrogen by any method except a synthetic method. I give you that as the deliberate judgment as one who has read, not as a technician, and has simply applied common sense to what we are told by others in whom we have confidence who have studied this question more deeply than we have.

I happen to have at hand the remarks made by Doctor Howe in a recent address. He is a chemist, the publisher of the magazine Industrial Chemistry. I read just a sentence:

> It has been abundantly demonstrated in all parts of the world that, other considerations being comparable, the erection of a plant to fix nitrogen to-day is based wholly upon the synthetic ammonia process.

Senators, we are not going to get men who know the business, who have studied it for years, and who occupy places of prominence in the industrial world to make clean-cut statements like that on a technical matter unless they know they are going to be backed up by the results.

Mr. FLETCHER. Mr. President, will the Senator allow an interruption?

Mr. SACKETT. Certainly.

Mr. FLETCHER. Was not nitrate plant No. 1 at Muscle Shoals constructed on that basis and principle?

Mr. SACKETT. Nitrate plant No. 1 at Muscle Shoals was constructed on the idea of using a large amount of power to produce nitrogen, but what I refer to as the synthetic method is through the gasification of coal.

Mr. FLETCHER. Nitrate plant No. 1 uses coal, as I understand it.

Mr. NORRIS. Mr. President, if I may be pardoned, one Senator is referring to one nitrate plant and the other is referring to the other one.

Mr. FLETCHER. I am referring to nitrate plant No. 1.

Mr. NORRIS. Nitrate plant No. 2 is the plant to which the Senator from Kentucky has referred, but nitrate plant No. 1, which was constructed at the same time, is the one to which the Senator from Florida refers. Nitrate plant No. 1 was constructed during the war, when we did not have in this country a single plant anywhere operating under the synthetic process, or what was then called the Haber process. It was known that Germany was doing it, but we did not know how. Nitrate plant No. 1 was built, and it was developed that it was a complete failure so far as getting any nitrogen was concerned.

Mr. SACKETT. It is the synthetic method, but it is not the method of gasification of coal. When using technical terms, I will say to the Senator from Florida, it is almost necessary, when we argue a question, to have a dictionary showing the exact meaning of every word we use. That is what the chemists have, and that is the advantage they have; and that is the difficulty we have in the open Senate. We can not always be sure we are using the words with the correct meaning.

"Synthetic" is a wide term; but a synthetic method that is dependent upon the gasification of coal for its product is a more defined and limited term, and that is the term I am trying to use here to-day.

Mr. KING. Mr. President, will the Senator suffer an interruption?

Mr. SACKETT. I yield.

Mr. KING. Does the Senator mean to state that in the cyanamide process coke may not be used for the purpose of eliminating the calcium and of uniting with the nitrogen other elements in compounds such as are introduced by the synthetic process? Indeed, the cyanamide process, if the word "synthesis" is employed in its ordinary and perhaps technical and scientific meaning, is a synthetic process, or cyanamide is produced by a synthetic process.

Mr. SACKETT. That may be true. I am not trying to argue the relative values of these different processes, because, as I said in the beginning, I think the most we amateur chemists of the Senate can do is to be guided and led by the men who have made those matters life studies, and not to attempt to set up our little knowledge of what industrial chemistry is performing to-day. In the statements of those men, almost without contradiction, they refer to the growing developments that are taking place in the use of coal as a base, through its gasification, to bring about cheaper production of nitrogen from the air.

I could read again from Doctor Howe, where he tells the amounts of production and all that, and gives the basis on which he makes the final statement which I did read, that every tendency to-day is toward a synthetic process, through the gasification of coal; that is, if we are really seeking nitrogen from the air.

Chemistry is a wonderful thing. As I said before, it is in its infancy. It is going to be subject to just as great changes in the next few years as it has been subject to in the last few. Experiments are being carried on all over the world to-day. We are going to see some new results, which may make the present process not the cheapest process, which may make it so obsolete, almost by the turn of a wheel, that we will have to abandon it and go to the newer development.

Any man who undertakes to say that chemical processes in the manufacture of any product to-day are in their final stage, or in the most useful and economic stage, does not know the history of business in America. He could not have the temerity to fix a definite method or a definite process of manufacture unless he were unwilling to yield to industrial chemistry the leadership which it has demonstrated year after year, and which we may look forward to for years to come.

To the resolution of the Senator from Nebraska I have offered certain amendments, through the Senator from Rhode Island [Mr. METCALF]. I say I have offered them, because I suggested them to him. I did so because I have offered a substitute for the whole resolution myself, and did not want to complicate it. I felt there were amendments to other parts of his resolution pending which, if adopted, would make it a more suitable measure, but I feel that these suggestions as to fertilizer production ought to be included.

One of those amendments provides for a larger sum of money to be appropriated for the purpose of building the necessary plants for the production of nitrogen from the air, and of phosphoric acid, because I recognize that in the progress of industrial chemistry a plant may be built to-day, and two years from now it may be out of date and money must be secured to put up a new and different plant.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. SACKETT. I yield.

Mr. NORRIS. I rise not for the purpose of finding fault with the statement the Senator has just made but to explain to him, if I may, the reason for the authorization of the appropriation contained in my resolution.

As the committee reported the measure last year it contained an authorization of $10,000,000. In the pending resolution the authorization is for $2,000,000. It was cut down after consultation with Doctor Cottrell, who himself suggested the amount to the committee, and we thought that that would be all that would be necessary. I am not finding fault with the Senator——

Mr. SACKETT. I appreciate the Senator's interruption.

Mr. NORRIS. The Senator has just called attention to a condition, and if we want to be economical and not throw away money extravagantly we can pretty near demonstrate, it seems to me, that a very large appropriation is unnecessary, that we could take $10,000,000 at the outside—I think some have said eight—and build a plant down at Muscle Shoals to be operated under the synthetic process that would have a capacity of 40,000 tons of nitrate a year. I would not have serious objection to doing that very thing; but as a business man it seems to me in the present state of the chemical propositions involved, which the Senator has so accurately outlined, it would be unwise to build a plant larger than was necessary to perform the necessary experiments, for fear that, as the Senator has said, to-morrow we would find that we had improved the system so that a lot of our expenditure of money would be useless, and until we have the manufacture of this article perfected it seems to me it would not be good business policy to proceed on such a large scale. We ought to proceed on a large-enough scale, regardless of how much it may take, so that the experiments may be performed in a commercial way, in a large way, as distinguished from a laboratory test.

If some of the amendments proposed to this resolution, to some of which I have no serious objection, should be adopted, I anticipate that it will be necessary to increase the authorization from $2,000,000 to a larger sum.

Mr. SACKETT. I appreciate the Senator's suggestions, but my suggestion was made for a little different purpose. In the first place, I think this thing is going so rapidly that the plant may become obsolete almost between sessions. It may be that a further plant will be necessary. I think the work to be done on phosphoric acid has not been considered, or the work of the nitrogen laboratory that we have here in Washington; that is, the cost of plants that must be built to develop phosphoric acid in its cheap form has not been sufficiently considered.

More than that, I think we have to produce this fertilizer in quantity, and I think the Government can afford to do it, in view of the great benefits which the production of this fertilizer in quantity would bring to the farmers. I think, furthermore, that if it is to be produced in quantity there must be developed a use for the article.

This fertilizer is being made in Germany; it is being made in France; and it is being made in Italy, and the great difficulty they find there is the unwillingness of the farmers to use it. A sales resistance, which an innovation in husbandry always meets with, is one of the most difficult things to overcome. Therefore, I feel that on account of its great need, on account of the probable cost, and the fact that there will be new development in the manufacture of the various articles, it is going to be necessary to produce it in quantity, and to begin a large-scale production in order to begin the work of introduction and save time in its eventual general use.

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from Kentucky yield to the Senator from Utah?

Mr. SACKETT. I yield.

Mr. KING. I do not wish to misinterpret the position of the Senator, but as I understand his position it is that the United States need fertilizers, but we can not trust private capital to produce the same at Muscle Shoals, notwithstanding the fact that private capital has built a large number of fertilizer plants, and has produced and is now producing a considerable part of the fertilizers used by the farmers of our country. As I am advised, there are corporations, not governmental, operating plants, some using the Haber process, others the synthetic and the cyanamide processes. These various plants are making hundreds of thousands of tons of fertilizers annually. The fact is, I repeat, that private capital has been invested and large sums are now being employed in producing nitrogen and other components important in making suitable fertilizers. But, as I understand, the Senator contends that we can not trust private capital to provide nitrogen and the basic elements required in making proper fertilizers needed in the United States, and therefore the Government must go into the business. Is that the Senator's position?

Mr. SACKETT. That is not the position I take. I think the Senator readily recognizes the fact that I would not want to say to anybody that I would not trust private capital to do anything. I think the ingenuity of American business men has demonstrated that they can do anything in every line of endeavor in this country.

Mr. KING. I agree with the Senator.

Mr. SACKETT. If it is profitable, if it is a thing that can be worked out, the American business man does not wait for the United States Senate to talk 10 years on Muscle Shoals before he goes ahead. But the American business man has waited 10 years for the Senate of the United States to go ahead, and because he has run up against tremendous expenses, both in production and in distribution, which he has been hesitant to incur, because he knows what the development of the processes must cost and what obsolescence of plant must cost, and the difficulties that lie before him there, and he looks askance at wholesale manufacture when he considers the sales resistance he is necessarily going to meet upon the farm. We are overcoming it gradually. We have a plant in Hopewell now under way which I am told, though I know nothing about it, is going into a large production of synthetic nitrogen by a certain process which they have in control.

What I am seeking is to make the processes available at every crossroads of the country, in order that cheap distribution may be had. As a man opposed to every interference with private work in industry, I believe that the situation here has developed to the point where, on account of the rapid changes which are taking place, the Government alone can afford to go into the field as an experiment and waste the money if necessary. What would be the wasture of $10,000,000 if we could double the production of a crop upon the farm? It may be necessary to waste a certain amount of money in developing a process, but the goal which is hung before us for this thing must appeal to anybody that has an interest or a stake in the country. When we think of the difficulty of getting distribution we must come to the conclusion that we will have to have the benefit of our Department of Agriculture, which has the confidence of our farming community, to bring about its use through experimental farms, to guarantee the farmer against loss. There is a prejudice against anything that is denominated "concentrate" when it comes to be put upon the tender blades that grow upon the field.

Mr. NORRIS. Mr. President, will the Senator permit an interruption there?

Mr. SACKETT. Certainly.

Mr. NORRIS. The reference the Senator has made in answer to the Senator from Utah calls to my mind, right along the line which he was talking, a conversation which I had with Doctor Cottrell on this very subject. It is the reason for the inclusion, in the resolution which the committee has reported, of some of its provisions. The Senator just told of the need for Government help in making these experiments and trying to get a concentrated fertilizer, which is the ideal for which we are all striving and for which scientific men have been striving for years, calling attention to the great danger involved in financial loss of anyone who wants to improve the system. It backs up the Senator in his statement that there is about only one place on earth to go and expect favorable consideration, and that is the Government; that for the benefit of all the people the Government can afford to make the experiment which may result in a loss.

The idea of Doctor Cottrell was, for instance, and it is in the resolution, something like this: Suppose he developed a concentrated fertilizer as they can now make it, the question then comes of its application to the soil and getting it in such form that he thinks it will work. Who will try it? The Government does not own the farms. The Government would not try it. The Government can not go out to a farmer and say, "We are going to try a new fertilizer on your crops this year, on 160 acres of your land," because the farmer does not know whether it may kill all his crop or not. It might be an absolute failure. We have to expect those failures. So he is given authority to contract with the farmer, if he will let him experiment on a large enough scale to demonstrate that commercial men can apply it in a business way, and in case it is a failure he pays the farmer for the loss of his crop and for the use of his land.

It is hardly fair to expect private individuals in business to do that. If they did, they would be charging a fabulous price for their fertilizer in order to make up the losses which they would necessarily sustain in those experiments. Therefore, it seems to me, as the Senator has said, that it well comes back to the proposition that when we are going to apply any new method of fertilization on a large enough scale to know whether it is going to become of practical use, the Government is about the only institution that can afford to do it. If a private party does it, he is going to charge enough to get it back, and he ought to. He may fail, and because there is danger of his failing, if he is getting along all right, he sticks in the old rut and does not perform the experiment. He says, "They will buy what I have. It is not all that it ought to be," but he goes on.

So it seems to me the way to get an improved fertilizer is for the Government to go into the business on a sufficiently large scale, and, if it develops something new, then it does not patent it like the private party would. It is open to the world and the fertilizer manufacturer can utilize it the next day and eventually, if we accomplish what we think we can or hope to do, it will be private institutions and private corporations, which are in the business for what they can get out of it, that will eventually be supplying the fertilizer to the farmers of America, but they will have had the benefit of governmental experiments on a large enough scale to know whether they can carry the idea out for practical purposes.

Mr. KING. Mr. President, will the Senator from Kentucky permit a rather extended interruption by way of reply to the Senator from Nebraska?

Mr. SACKETT. Certainly.

Mr. KING. The argument just made by the Senator from Nebraska is the one usually employed by paternalists, and I do not mean by that to say that the Senator from Nebraska is a paternalist. It is always advanced by those who want to project the Government into business. It rests upon the assumption that the American people lack the ability, the genius, the inventive characteristics, the technical as well as the practical knowledge, the chemical skill, to undertake new enterprises or to enter new fields for the development of the arts or sciences or industry. The argument is that the Government must construct fertilizer and chemical plants and produce fertilizers, and then sell or distribute the same to the farmers. The fact is that we lead the world in invention, in industry, in the application of the discoveries of science to the needs of the people. Americans, during the past 100 years, have secured more patents and produced or made more inventions than all of the rest of the world put together.

The field of discovery and invention has not been narrow, nor have the inventions and discoveries been limited to a few industries or confined to any particular section of our country. American genius has penetrated every field of science, and utilized in a practical way and for the benefit of the people, its intellectual and scientific achievements. There has been remarkable development in the dye industry. And in the chemical and pharmaceutical field, the United States ranks with any country in the world. Notwithstanding the great research work done by Germany and the high standards set by her scientific men, I think it may be said that the United States has produced chemists and scientists and technical men who equal, if they do not surpass in some fields, those of Germany or any other country. I do not make this statement for the purpose of boasting, but to pay deserved tribute in a feeble and defective way to the remarkable and extraordinary work performed by American scientists and chemists and those engaged in what is called research work.

And the business men of the United States have exhibited great interest in advancing science, in promoting inventions and discoveries, and in applying the same in a practical and utilitarian way to the development and advantage of our country. Our universities have exhibited increasing interest in applied science, as well as in pure science. It is a fact that the great leaders of art and industry from other countries visit the United States and return to their homes amazed at the extraordinary development of industry in the United States.

We have the greatest and most efficient smelters in the world, and in metallury, in the reduction of ores no country approaches the United States. A few years ago many base ores were regarded as valueless; to-day, by reason of the scientific advancement in mining and in metallurgy, these ores and other minerals are yielding profits to those engaged in their reduction.

Private capital has been available for these enterprises that have wrought such mighty changes in our economic and industrial life. The Government has not secured these great results, but American enterprise and genius and courage have made this the most powerful nation of the world.

It was not the design of the founders of this Republic that it should be a business machine or a paternalistic or socialistic government. Those who laid the foundation of States, as well as the Federal Government, were determined to be free from bureaucratic and paternalistic inefficiency and tyranny. They believed that the genius and quality of the American people would develop the highest form of political institutions and an economic and industrial system which would yield the most beneficent results. Their views have been vindicated and our development in art, in science, in mechanics, in utilitarian activities has been the most remarkable phenomenon exhibited in the life of any country.

The Senator from Nebraska referred to plant No. 1 at Muscle Shoals. It was built by the Government at a cost of $13,000,000, for the production of synthetic nitrogen, but was a failure under Government operations. Approximately $5,000,000 has been expended in addition for experimental purposes without any satisfactory results, and the plant is now idle and deteriorating.

Mr. SACKETT. The Senator must remember that that plant was built for war purposes.

Mr. KING. Oh, yes.

Mr. NORRIS. Now, if the Senator will permit me, plant No. 1 was a failure. I am not contradicting anything that I believe to be true. I always said it was a failure, and all the scientific men admit it was a failure. Yet, I think if the Senator would ask the chemists of the United States whether they think the Government was justified in that experiment, they would come back with a unanimous chorus that the Government was so justified. The Government spent several million dollars in the construction of nitrate plant No. 1. Where was the private corporation, where was the private individual that was

willing to do that? Not a cent was any of them ready to invest. The Government spent over $50,000,000 of Government money in the construction of nitrate plant No. 2. Why did not private initiative do it? Why did they ask the Government to do it?

Mr. SACKETT. Confirming what the Senator has said about plant No. 1, may I quote again from Doctor Howe?—

It is also history that the No. 1 plant, erected as an experiment, produced fixed nitrogen only experimentally, but that it served a useful purpose as a pioneer interest in this enterprise in this country, paving the way for a synthetic ammonia industry which in my opinion has to-day rendered Muscle Shoals plant obsolete, whether considered from the standpoint of nitrogen for defense or nitrogen for the use of agriculture.

Mr. NORRIS. Mr. President——

Mr. KING. I had not finished my reply to the Senator from Nebraska.

Mr. NORRIS. I have to take the Senator's criticism in sections, because it is so lengthy that I am apt to forget it.

Mr. KING. But the Senator made such an able speech.

Mr. NORRIS. I do not mean to trespass upon either the Senate or the Senator from Kentucky, who so kindly yielded to me. I was getting to the point that the Senator has illustrated by his quotation from Doctor Howe.

Nitrate plant No. 1 was a failure. Nobody else would build it, and yet by the experiments we made, the mistakes we made, when they came to apply it, it resulted, as everybody admits, to a great extent in the present wonderful knowledge that the chemical world has, particularly in the United States, of the synthetic process. Following that failure by the Government, profiting by the experiments the Government made, there was a private company which constructed a synthetic process at Syracuse. It has been successful ever since, though not nearly so successful as later ones. Following that came others in different parts of America. There came one at Charleston, and now we have one at Hopewell, the largest in the world, I am informed, which has reduced the cost still more. To a great extent the men who are doing that owe the development to the experiments made by the Government of the United States when nobody else would make them.

Mr. KING. Mr. President, may I trespass upon the Senator from Kentucky?

Mr. SACKETT. I yield.

Mr. KING. The Senator from Nebraska bases his argument upon the theory that unless every need of the people is immediately satisfied then the Government must undertake the task of satisfying such need. His idea seems to be that whenever any wish is expressed, in some magical way factories will be erected, enterprises set on foot, and material results affected. He would have everything which the people desire spring immediately from the brow of Jove. If smelters are needed to treat refractory ores, and private capital hesitates, then the Government must undertake the erection of smelters for the purpose of extracting the values from such ores. If dyes and chemicals are required by the people, they must be immediately provided by the Government, if private capital does not at once provide them for the people. There must be no evolution, everything must be spontaneously produced, or the Government must undertake its production.

Mr. President, the great achievements which have made for the benefit of mankind have been the result of private and individual efforts and labor. Governments have different functions to perform than individuals. The great inventors and scientists have wrought out their great work without governmental aid and often amid hardships and sufferings that challenged the stoutest heart.

The United States is a young nation, and yet its progress in a material way in the application of inventions and discoveries, in the mechanical arts, and in every field of human endeavor, has been such as to challenge the admiration of the world. Capital is available whenever the imperative needs of the people require it. It would be undesirable and quite unnecessary to gratify every human want and desire instantly or in a very limited period of time. Our railroads were not built in a day; our waterways and harbors will not reach the full standard of their development for many years. The results of our technical knowledge and our inventions and scientific discoveries will not be realized in their fullness in this generation, and perhaps not in this century. We are not to have everything in our own day. There are new fields to conquer intellectually and in the industrial and economic field.

We are not Alexander, weeping for new fields to conquer. And it is fortunate for us that such is the case. Our progress would be arrested if there were no discoveries to be made, no more mountain peaks of knowledge to be ascended, no more enterprises to be embarked upon, no more factories to be built and industries to be developed.

American business men and American capital will give to the American people whatever they should have; they do not need contributions from the Federal Treasury to accomplish that result. Fertilizers will be produced in abundance and to meet the requirements of the farmers, not perhaps in a day or a year, but in due season. And its production will be brought about more rapidly by private enterprise than by governmental operation. Paternalism has not proven to be a satisfactory or efficient organizer or producer. It has almost destroyed the industries of Russia and its heavy hand has arrested progress in many countries. A few years ago we produced but few of the dyes needed in our textile production. Germany did produce them, and both countries profited in the trade resulting from their purchase by Americans. The mines, the smelters, and the multitudinous business activities of our growing and expanding country promised greater awards to the investor and hence he did not build dye plants and manufacture dyes. But when there was a return upon the capital invested and when the situation in our country required the production of dyes and pharmaceuticals and medicines, capital was available, and hundreds of millions have been invested for that purpose.

Mr. President, whenever there is any great need for any product capital will be available without governmental intervention.

My friend complains because the farmers do not understand the use of concentrated fertilizers.

Mr. SACKETT. Not because they do not understand it, but because they are afraid of it.

Mr. KING. The Senator's position, if I understand it, is that the Government must not only go into the business of manufacturing fertilizer but it must distribute the same to the farmers, and then teach them how to use the same. In other words, the Government is to go into the manufacturing business upon a large scale and then provide selling agencies and distributing instrumentalities to reach all the farmers in every part of the United States. The Government is to conduct experiments, it must provide the capital for plants and buildings and factories, including warehouses and cars and all the necessary personnel for handling, selling, and distributing the products of its factories. But this is not sufficient. The Government must go to the farm and show the farmers how to use the fertilizers manufactured at Government plants. And, of course, if the Government engages in this enterprise, why not in others? If it manufacture fertilizers and distributes them to the people, why not dyes and chemicals and electric power? Where will the end be? What are the limitations upon the power and authority of the Federal Government?

Mr. President, aside from the question of authority there is the question of expediency, the question of economy. There is too much paternalism in our country now, there is too much legislation which projects the Government into activities and business enterprises which belong to the field of private endeavor. In my opinion, we will best serve the people by keeping the Government within its legitimate limits. The American people will rise to every emergency; they will provide for their needs; their genius will develop new industries, promote new enterprises, effect changes and modifications in our economic and industrial system. American capital will be ready to build where building is needed, to launch new enterprises where they will be of advantage to the people, and to satisfy all legitimate aspirations and wants in every part of our country. If we introduce paternalism with its deadly paralyzing inefficiency, we will arrest our industrial progress and mar the industrial and political system which the genius and patriotism of the American people is producing.

Mr. SACKETT. Mr. President, if the Senator from Utah thinks I am a paternalist, God help the rest of them; that is all. We might just as well, under the Senator's argument, abolish the Department of Agriculture as to say that department shall not teach the farmers who need instruction the use of concentrated fertilizers. Why let the department teach the farmers any other soil work or any methods of husbandry or poultry raising or any of those things? But so much for the fertilizer part of it.

I wish to say, in passing, that the Senator from Nebraska [Mr. NORRIS] and I do not differ as to what the director of the nitrogen laboratory wants. He wants an experimental plant for the production of nitrogen. I do not want an experimental plant, because I think it is necessary to go into the business on a large scale, for the goal to be reached is so wonderful for the country as a whole. It is going to take so long to secure the use of the fertilizer throughout the land that the country

can better afford to go into it on a large scale, and, if necessary, lose a few obsolete plants, and the game is worth the candle.

Now as to the question of power. I think Muscle Shoals ought to be looked at from the point of view of its availability. We have 80,000 water horsepower there. Some of us call it kilowatts, some call it horsepower, and many of us do not know the difference; but in addition to the water power we have about 80,000 in the steam plant. It is located in the middle of the South, in what I believe to-day is the growing industrial area of the Nation.

I sympathize, and I sympathize strongly, with the desire of the Senator from Nebraska to lower electric rates for the people of the country, and I hope a reduction may be brought about; but he and I differ upon one fundamental, and that is that I feel, and I think that the evidence goes to prove, that the operation by the Government of the Muscle Shoals power plant and the selling of the current to municipalities that want it is not going to accomplish the result which the Senator from Nebraska pictures in such glowing terms and which he has found to follow from certain other municipal operations which have brought about lower rates from one cause or another.

The reason I state that is that if the Government operates Muscle Shoals it will control only the cost of production of electricity; that is all. It will control the cost of that electricity when it passes out of the station. That, in the trade, is called the "bus-bar" cost. As the evidence has shown without contradiction in the hearings that we have had, if we shall base the cost of electricity at the bus bar on the peace-time cost of building the dam and the steam plant, it runs around four-tenths of a cent a kilowatt; that is a little less than a half cent a kilowatt.

I know, and all Senators can check the figures, because they all have friends who can give them the definite information, that a modern steam plant located within easy transmission distance of Muscle Shoals can produce electricity at the bus-bar cost of not more than six-tenths of a cent a kilowatt. That is a little more than a half cent a kilowatt. The difference between the production cost of the Muscle Shoals plant and a modern steam plant in that same vicinity is one-fifth of a cent a kilowatt. If that one-fifth cent per kilowatt be translated to the bill which the small consumer, who is rightly held up here as the ultimate consumer, pays to the electric power company in his district—a bill that is variously estimated from 5 to 7 cents a kilowatt-hour—if that one-fifth of a cent per kilowatt be translated to his bill, one could never find it. The cost of electric power and light to the small consumer, wherever he may be located, is not the production cost of electricity—that is less than half a cent—it is the transmission charges, the overhead charges, and any other charges that accumulate and are computed by the electric power company after the electricity leaves the plant. The owning and operation by the Government of a producing plant can not affect those charges. The Government itself would have to take over the distribution, would have to meet the franchise requirement of the cities, would have to find some way to make those distribution charges cheaper than they are to-day before it could ever accomplish the desired result of lower bills to consumers of electricity in any part of the country. That is not any idle statement; that is not made for the purpose of argument; it is made in an effort to acquaint the Senate with a definite and pertinent fact as to why a great experiment in Government operation can not bring about the very desirable results that are hoped for. The costs of production by water power and by modern steam installations are so nearly together that the difference in spread can not yield advantage to any consumer so far as the size of the bill which he must pay is concerned.

I wish to say further—and it is very pertinent to this inquiry—that we are to-day just on the threshold of still greater economies in the generation of electricity by steam. It is difficult to conceive, and yet no one should have the temerity to prophesy it as a fact, that there can not be made a further reduction in the cost of electricity produced by water passing over the dam and over the wheel. Such a reduction is possible, but it is hardly likely; but to-day in the generation of electricity by steam in the modern plant we are adopting for the first time in history the use of powdered coal. Only last winter the Shipping Board fitted out one of its freighters with appliances to enable it to use powdered coal. That vessel was sent across the ocean and back again. It used high-grade coal from America on one side and low-grade coal from Germany on the other, the coal being in powdered form. The result was a very considerable economy on the first trip. So striking was the saving effected that the Shipping Board is requiring other vessels under its control to be fitted out with similar mechanism.

The boiler factories of this country are to-day constructing boilers for the first time in our history without a fire bed, but adapted for blowing the coal, finely ground, into the furnace, and doing all the work automatically. In an industrial plant to-day which has been adapted to the use of such boilers there will not be found laborers working around the boiler room. Gravity does the work of feeding the coal; mechanics do the work of firing; mechanics remove what ash there is left, and the efficiency of those boilers under that new system is increasing by leaps and bounds.

Heretofore in a steam plant coal has been the great item of cost in producing electricity, although, of course, labor has also entered into the factor of cost. Great economies are being effected through the use of powdered coal blown into the fire box and through the consequent elimination of labor. We are on the threshold of definite cost reduction of electricity made from coal. There is going on day after day in this country the development of this new method of using the great power that lies stored up in our hillsides in the form of coal. So I say that to-day we are on the threshold of a great change. The new method of using powdered coal is employed only in two or three great plants at the present time, but business men the country over are making inquiry and are going soon to ascertain that their old plants are obsolete and that in order to enable them to make further economies they have got to come to the new method.

Furthermore, engineers tell us that there is held out another bright prospect for the reduction of the cost of electricity produced by steam. For years experiments have been going on in connection with the low temperature distillation of coal, which means that from the coal such as has been burned and wasted and sent up the chimneys in smoke for generations past they are going to take by-products eventually which will be equal in value, perhaps, to the coal itself, so that the resultant material, the coke, or whatever it may be called, may be burned under the boilers and the most efficient methods of production may be obtainable at practically no cost for fuel. Those experiments are going forward. Some think they have already reached a practical result; but, whether they have or not, the promise that lies in them is well worth our consideration here and tends to show that the opportunities of cost reduction in production of electricity by steam warrant us in saying that the Appalachian section, where water power and coal lie side by side, and with a difference of only one-fifth of a cent a kilowatt-hour existing in the present cost as between water and steam, steam itself has a better opportunity to become the low-cost producer than the water power of the Appalachians. The use of such water power requires not only a plant and a dam to confine the water, but requires a supplementary steam plant, a stand-by plant along with it, in order to make the primary water power effective.

I confine my talk to you, Senators, to the Appalachian system because the same considerations do not apply to the difference in cost between water power and steam power in the Rocky Mountains and any other sections where you are far from the coal fields. We are speaking of a definite point, a point in the regenerated South where we call for power daily for new industries; where by climate, by natural resources, by the availability of power, and by every right of conquest, industry to-day is taking its just place in the economic status of this Nation. That is a thing that we ought to consider; and its relevancy, if I may so call it, may be instanced in this way:

If the city of Birmingham, Ala., which is within transmission distance of Muscle Shoals, were sufficiently interested in the experiment of municipal ownership and municipal operation or governmental operation, which the Senator has so cleverly put into his joint resolution, it could build within its own borders a modern steam plant and get electricity at a cost practically no greater than that for which it could buy it from Muscle Shoals under Government operation. It could distribute it as well from the steam plant within its own borders as it could distribute the current that it got from Muscle Shoals. It would bring to the people of that territory electricity under its own municipal operations without having to go to the Government and get them to bring about the sale of electricity to it from Muscle Shoals. I do not know why Birmingham does not do it. It probably has not wanted to do it; but it is available.

Mr. HOWELL. Mr. President——

Mr. SACKETT. I yield to the Senator from Nebraska.

Mr. HOWELL. Is it not a fact that the tremendous advantage of a central station operated, say, by the Government, together with its transmission lines, is the reason why a city can sell electricity so much lower when it merely has to install its own distribution system and operate it?

Mr. SACKETT. Tell me why can not the city of Birmingham, Ala., do the whole thing just as well within its own borders as it could if it could buy the electricity from Muscle Shoals? It does not have to pay any great price for money. Its credit is high. It has to pay for Muscle Shoals an interest upon the cost to the United States. It would have to pay an interest upon the cost of its own steam plant. The best that it could expect to gain by going to Muscle Shoals would be one-fifth of a cent a kilowatt under its own modern steam plant; and I can not conceive why the United States Government should go into what the Senator from Utah calls this paternalistic method in order to enable a great city like Birmingham, which has its own resources, which is located right on the coal fields, to purchase electricity at a possible advantage of one-fifth of a cent per kilowatt.

Mr. FESS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Ohio?

Mr. SACKETT. Yes.

Mr. FESS. I have listened to the Senator, and I think the compliment is due him that his address is one of the best addresses I have heard since I have been a Member of this body. Being strongly impressed by his discussion, I desire to ask him what the solution of Muscle Shoals is. I understand that the Senator has not accepted the Norris joint resolution, and I have not been able to do it myself; and I understand that he has not accepted the Madden-Willis proposal, and I have not been able to do that either. I am wondering whether he has a concrete solution of it.

Mr. SACKETT. I thank the Senator for his kindly reference. I have a concrete solution. It is not a solution that brings any great advertisement in itself. It is a solution of this character:

That the Government ownership of Muscle Shoals is essentially, primarily, and ultimately a fertilizer proposition for the help of the farmer; that as a power proposition it is but one unit in all the great Southland; that if it had not been built by the Government for the specific purpose of making nitrogen it would not have been built by the Government for producing power, and in my judgment, on account of the wide fluctuations in the river at that point, it is doubtful if it would yet have been built by private parties as a water-power plant. It would eventually, but I doubt whether it would have been built just yet. I treat it as an isolated instance to-day.

Every State in the South, so far as I know, has its public-utility commission in charge of electric rates. I do not want the United States Government to come into my State and fix the rates at which electricity shall be sold. We have some ideas in my part of the country that perhaps the lowest rate is not always the best rate. I think it was instanced the other day by the Senator from Nebraska [Mr. NORRIS] when he referred to the New Jersey municipality which preferred to advertise to the world that it had no municipal taxes rather than to reduce the price of electric power within its borders. It used the profits which it made under the normal price for which it sold electricity in order to pay all the municipal taxes, and it thought it was better business.

There are other instances of the same kind that could be multiplied; but we do have public-utility commissions under the control of the legislatures of our States to protect our people. We adopted them in the early days for the very purpose of seeing that our people were not overcharged for their electrical requirements. The idea of inaugurating now a different plan, based upon municipal or governmental operation, to strengthen and reinforce and change the very things which we have appointed our own commissions to determine is abhorrent to me. I think we are amply protected, and if we are not, the remedy is in our own hands.

Being protected in that way, my theory is that in view of the need and requirement of agriculture for fertilizer, in view of the fact that under our war-time appropriations we dedicated this plant in the South to the nitrogen-production business, and in view of the fact that if you make nitrogen in time of peace for agriculture you automatically make nitrogen in time of war through taking over the plant, I advocate that we should so use the Muscle Shoals power plant that we get out of it the highest possible income, and we should apply that income to experimental work and to large-scale production work for making a concentrated fertilizer and for getting it used upon the farms of this country. Then I say further—if the Senator from Ohio will listen; I come now to the important point—that in order to get the highest income out of the Muscle Shoals power plant it ought to be offered freely to the country, to that man or that set of men who will pay the highest price for it, because it is not going to help to sell that power for us to restrict the use that anybody will make of it. Every restriction that you put upon it requires a prospective lessee to consider just how much less the power is worth to him.

I know that I subject myself to the accusation that in offering this power freely to the country it will be said that I am turning it over to the great predatory corporations who distribute electric power. I can not help it if that charge is made. It is common sense that if you want money out of a property you must offer it in such a way that you will get that money. It is not going to help you to restrict it to require that the power be distributed, first, to municipalities, and, second, to States, or anything of that kind, and for this reason:

You ought to visualize the South as an entire entity. Political subdivisions in a growing industrial community mean nothing. Every State and the border of every State is in competition for industry to-day with every other State and the border of every other State. Alabama has to insure to the factories that are going to come there as cheap power and as good service as are going to be insured to those of Georgia, or else Georgia is going to get those factories. Every interest of the people who live in those States is in seeing to it that there shall be a distribution of power over the whole State.

The great power companies of the South to-day cross State lines. They are interwoven. They are gradually approaching a time when there is going to be one central reservoir from which leads will go in all directions; and whether the power is made at Cove Creek or whether it is made at Muscle Shoals or whether it is made on the Tallapoosa or any other river, into that great reservoir is going to feed all the power of the various water powers and their auxiliary steam plants.

The people of the South are going to draw power from that reservoir, and it is going to reach into every hamlet where the demand for electric power justifies the investment of the necessary capital in transmission lines to take it there.

Nothing that the Senate can do, no restriction that it can put upon its use, is going to change one iota in the period of time to come the distribution of electric power from any single unit in the South. It is a practical, common-sense problem that anybody who has ever had anything to do with the distribution of an electric current appreciates.

I therefore urge you to authorize the Secretary of War to lease the power at Muscle Shoals for the highest price he can get for a period of time that will warrant a bidder in coming in and making a high bid. In the substitute which I have offered I have put no qualification as to its use, except to reserve to the Government the right to use such power as may be necessary for its own purposes, at a price of $15 per horsepower per year, which is under the cost of production.

I want the Secretary of War to offer that power under a lease for 15 years, which would warrant anybody in building a transmission line to meet it. I want to give him the right to put in the additional units of the steam plant and the water plant, if he desires to. It is not everybody who would lease Muscle Shoals who would want those units put it. I want to leave it open to the bidder to supply those units—or so many of them as he desires—and I want to agree to buy those units back at the end of the lease less obsolescence and depreciation, ordinary wear and tear excepted.

I want to get every dollar I can out of Muscle Shoals. It will be more helpful to the people of the South if the power leased to any company or any set of men is distributed into the general reservoirs than if we try to divide up the 160,000 horsepower among nine States, among a thousand communities within the nine States, and after the subdivision be able to give every one of them a hundred kilowatts, and then provide the money to build a transmission line to get it to them. I shall ask for a vote upon the substitute that I have offered at the proper time.

Mr. SMITH. Mr. President, I do not intend at this time to make any extended remarks on the subject, but I do think that a lot of misinformation, honestly given, but nevertheless misinformation, has been scattered abroad among the Members of the Senate who are not as familiar with the fertilizer question as are those of us who have to use fertilizer. The Senator from Kentucky spoke about phosphoric acid and the processes that are now being developed for the concentration of it. I want to state here and now that there is not a practical farmer in America who uses fertilizer who will not testify that there is in this country all the phosphoric acid we want, obtainable at a price that is entirely reasonable, and the supply is unlimited and practically inexhaustible.

There are the phosphate rocks of Tennessee, there are the phosphate rocks of Florida, there are the phosphate mines of South Carolina. The amount of phosphoric acid is practically unlimited, and with hardly any cost, except for transportation, and the mere mechanical method of treating the phosphate rock with sulphuric acid, which produces all the phosphoric acid we need. I can get it to-day, manufactured at Charleston

and delivered in the territory 90 to 100 miles away, for $9 and $10 a ton.

Mr. McKELLAR. And some soils do not require potash.

Mr. SMITH. As the Senator from Tennessee indicates, some soil does not need any potash at all. The alluvial deposits in the bottom lands and the overflowed lands that have been reclaimed from the rivers are rich in phosphoric acid, as well as in potash. That is one ingredient. There are three ingredients in most of our fertilizers, especially those used on depleted or what they call worn-out land, phosphoric acid, potash, and nitrogen or ammonia, which are interchangeable terms when it comes to the question of plant food.

As to potash, it is as cheap now as phosphoric acid, or cheaper, because there is an unlimited supply of it already manufactured by nature in the great German potash wells. The fact of the matter is that potash, in the form of what they call *kainit*, has been brought over to this country in ballast and sold at an out-of-pocket cost in order to help defray the expense of bringing the vessel over. The agricultural interests of this country do not need the production of another pound of potash or of another pound of phosphoric acid, because the prices are now extremely reasonable.

Let me give some facts. I have not prepared myself as I should have done before attempting to make even this short statement in order to correct impressions that are being made that might affect a very vital piece of legislation as far as agriculture is concerned.

The ordinary commercial fertilizer, what we call the mixed fertilizer, runs in percentages of these three ingredients, and there are none others. One farmer may want 8–2–2, 8 per cent phosphoric acid, 2 per cent potash, 2 per cent ammonia. Some farmers may want 8–4; that is, 8 per cent phosphoric acid, no potash, and 4 per cent ammonia. If he is in the Piedmont, in the red lands, he does not need potash; the color of the soil indicates that there is plenty of it available, and he does not need any more. But in the gray lands, in the coastal plain, from the foothills to the seaboard, the color of the soil indicates, perhaps, the need of potash. If there is not potash in that kind of soil, cotton is subject to what is known as rust; the leaves shed off during the period when it should be flourishing and growing. The phosphoric acid is also indicated in soils of that kind.

Even there, however, you can find a substitute very often, in the presence of humus in the ground, for either one of these two ingredients, phosphoric acid or potash. You can plant some crop that will grow luxuriantly, turn it under, and furnish your land largely with these two ingredients; but the sine qua non is nitrogen or ammonia.

As I started to say a moment ago when I was diverted—I have not thought this thing out and I should not get off on a tangent, even in my own statement—I said I had bought my fertilizers for this year. The relative cost of my 8–4–4, which I bought, I will explain a little later. My phosphoric acid cost me at the rate of about $10 a ton delivered. I will put it at the maximum. That is, $10 per 2,000 pounds, with a 16 per cent content. My potash cost me about the same, with about a 12½ per cent content, $10 a ton. My nitrate of soda, which had in it only 18 per cent of nitrogen, cost me $60 a ton, and that is the cheapest form of available ammonium we can get. We get it from Chile; it is imported from Chile. Not only is it perhaps the cheapest, taking into account the real nitrogenous content, but it is the most easily available, the most easily handled. It lends itself more readily to the customs and practices of the users of fertilizer in America than any other fertilizer known. Mark you, 16 per cent phosphoric acid, $10 a ton; 12½ per cent potash, $10 a ton; 18 per cent ammonia, or 16 per cent of its equivalent in nitrogen, $60 a ton.

What other sources are there? Blood and tankage, rich in ammonia, $75 to $80 a ton. The percentage of ammonia is high. Fish scrap, which is rich in nitrogenous content, and cottonseed meal, which is not so rich but which is easily soluble and available for plant food at 7 per cent.

Mr. President, the problem for the farmer is to get available ammonia, or nitrogen; they are convertible terms. I state here on the floor of the Senate, without the possibility of truthful contradiction, that crops in this country can be made abundantly if there is neither potash nor phosphoric acid. Clemson College, one of the great agricultural institutions of this country, located in my State, through a series of experiments proved that a maximum corn crop could be made with no other fertilizer applied but nitrate of soda.

Mr. SIMMONS. And, Mr. President, that is used in the concentrated form.

Mr. SMITH. It is a reasonably concentrated form.

Mr. SIMMONS. It is put out by the farmer with his hands.

Mr. SMITH. With his hands. It is absolutely innocent of any ill effects upon the individual who handles it. It is clean. It is as white and as attractive in appearance as salt.

Mr. SIMMONS. I will ask the Senator if it is not true that in the coastal sections that is about the only fertilizer we use on corn.

Mr. SMITH. As I just started to remark, Mr. President, following the indication of the agricultural college in my State, down in the coastal plain of South Carolina, in Lee County, I planted 12 acres of corn in 1927. We had a short session and I was at home and could give this little crop of mine my personal attention. I used nitrate of soda alone, and used not to exceed 300 pounds to the acre, a large fertilization for an 18 per cent ammonia, and I averaged ninety-seven bushels and a half to the acre.

Jerry Moore, in my State, according to the Department of Agriculture, by the use of highly concentrated nitrogenous fertilizers, made 235 bushels on 1 acre. If he had put an excess of phosphoric acid and potash on his land it would have destroyed the productive power of the land.

Mr. Drake, of whom the Senator from North Carolina has heard, just preceding the exploit of Jerry Moore, according to the department of agriculture of my State and the Agriculture Department of the Government, made 250 bushels of corn on 1 acre by the use of nitrogen.

I sit here and listen to Senators say, "Let us get a mixed fertilizer." I wish the junior Senator from Georgia [Mr. GEORGE] was here, because he is like me in this respect. He has a liability of several hundred acres known as a farm. At the present price of farm products in their relation to other products it is a liability rather than an asset, but I wish he were here so that I could ask him what he would give any fertilizer company to mix the ingredients for his balanced fertilizer for his crops. The Senator from Tennessee [Mr. MCKELLAR] has just suggested that he has mixed many tons. Why? On rainy days, which are generally more numerous in the spring than at other times, the practical farmer will take his cottonseed meal, which is his nitrogen, 7 per cent, his phosphoric acid, and other ingredients which all come in separate sacks. He will get his hoes and his hired hands and get under sheter and calculate what percentage of each he wants. Then he will mix those ingredients and put them back in the same sacks. Why does anyone come here and talk scientifically about a mixed fertilizer? What we want is nitrogen. Nature has provided the other two almost indigenous to the soil, but she has not provided that life-giving element, without which no plant can live and thrive, known as nitrogen.

Mr. SIMMONS. Mr. President, may I ask the Senator a question at that point?

Mr. SMITH. Certainly.

Mr. SIMMONS. The Senator stated, and stated correctly, that nitrogen is used just as it comes, in its concentrated form. Can cyanamide be used in that way?

Mr. SMITH. The experience of my people in the use of cyanamide was very unfortunate. Cyanamide means a lime container for the nitrogen. It does not adapt itself to immediate used on the farm. It is available in the fertilizer factories as a sort of nitrogen or ammonia. After it has been mixed, it does not have the effect on the hands of the individual or perhaps on the soil that it has in the form in which it comes from the factory. To answer categorically the Senator's question, I do not believe there is a farmer in America who can use cyanamide as cyanamide and apply it to his land.

Mr. MCKELLAR. The effect of it is to burn the crop.

Mr. SMITH. One of the officials of the Bureau of Chemistry claims that there is a very distinct poisonous effect upon the land where it is not judiciously or scientifically used. As to that I do not know, but I do know that it did have a very disastrous effect on the hands of those who attempted to put it out in the form in which it comes from the factory. In addition to that, my information is to the effect that it was not a quickly diffusible form of ammonia. What I mean by that is that the plant does not assimilate it half so readily as it does either nitrate of soda or fish scrap. It is slower in its process of assimilation and doubtful in its effect upon land, but it is nitrogen and not, in that form, available for the farmer.

Mr. SIMMONS. The point I wish to make is that cyanamide can not be used for the purposes of fertilizer except in mixed fertilizer.

Mr. SMITH. Yes; that is my experience.

Mr. SIMMONS. If the Senator will permit me, I would like to read just a few lines from a letter which I received this morning from an official of the Department of Agriculture who visited me on yesterday. I requested the department to send a man who had knowledge on the subject to discuss the matter

with me. Here is a part of the letter he wrote to me, the balance of the letter not relating to this subject:

After my conference with you yesterday I was able to get in touch with Doctor Ross, of the fertilizer investigation laboratories of the Department of Agriculture, who has just returned from a visit to the laboratories at Niagara Falls, where cyanamide is produced. He said that the estimated production of cyanamide for 1928 was 135,000 tons, most of which will be sold in the United States. Last year approximately 90,000 tons of cyanamide was used in the United States in mixed fertilizer. Doctor Ross says that cyanamide is used principally in conditioning mixed fertilizer. When from 50 to 60 pounds is added per ton of mixed fertilizer it reduces the acidity of the fertilizer and eliminates the tendency of the fertilizer to cause acid soil. When used in greater proportion than this it has a tendency to injure the plant, because when cyanamide is treated with water it reverts to an acid which injures the roots of the plant. A small percentage of the cyanamide used in this country is also reduced to ammonia phosphate for use in mixed fertilizer. The use of cyanamide in the United States is increasing quite rapidly because of its value in conditioning mixed fertilizer.

Mr. SMITH. That is the very point. That bears out what I said a moment ago.

Mr. SIMMONS. Of course the Senator knows a considerable amount of it is also used in refrigerating plants.

Mr. SMITH. That bears out what I said, that if the farmer is to get the benefit of cyanamide he must also pay the cost of the mixing machinery that mixes it at the fertilizer plants.

Mr. BLACK. Mr. President, may I ask the Senator just a question?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Alabama?

Mr. SMITH. I yield.

Mr. BLACK. The Senator did not understand either myself or my colleague or anyone else to be advocating the use of cyanamide as fertilizer, did he? If so, I want to clear up that situation.

Mr. SMITH. I got the impression that the Senator said it might be used directly.

Mr. BLACK. Cyanamide?

Mr. SMITH. Yes.

Mr. BLACK. Oh, no. I have stated that it was not used directly and in my judgment would not be used directly. That is, the Senator will understand, only a step in the cyanamide process. From it they extract the ammonia. That is the last step in the cyanamide process.

Mr. SIMMONS. What is that?

Mr. SMITH. That is where they produce ammo-phos.

Mr. SIMMONS. I would like to read something about ammo-phos from the letter to which I just referred:

Ammo-phos produced by the laboratories at Niagara Falls is not sold in the United States. The principal market for this product is in the West Indies.

This letter is signed by C. M. Purvis, associate agricultural statistician, division of statistical and historical research.

Mr. SMITH. I would not pretend to try to speak as to the form of reducing the nitrogen, which is incident to cyanamide, to ammoniated phosphate. That is what ammo-phos is—phosphate of ammonia. They treat phosphate rock in the presence of the nitrogen and the cyanamide, and produce ammonium phosphate. I do not think any practical farmers would care for them to mix ammonium phosphate for them, when, if they can get all the ammonia they want, they can get all the phosphate and all the potash they want and will do their own mixing, thereby saving from $3 to $4 a ton, which is the cost of the artificial process of mixing, which does not add one penny's worth to the value of the thing the farmer buys.

Mr. SIMMONS. Mr. President, will the Senator pardon me for another interruption?

The PRESIDING OFFICER. Does the Senator from South Carolina yield further to the Senator from North Carolina?

Mr. SMITH. I am glad to yield.

Mr. SIMMONS. I think the Senator has stated the case admirably and that he has made it very clear that the high price the farmer is paying for mixed fertilizer is due to the high price of nitrates in the fertilizer. I think it ought also to be said that most of the fertilizer factories in the country are simply assembling and mixing plants.

Mr. SMITH. That is true.

Mr. SIMMONS. They buy their phosphate, they buy their potash, they buy their nitrate of soda, and then mix them. I think it can be said that most of the producers or assemblers and mixers of fertilizer in the country did not make any money to speak of last year. The high price of fertilizer was not due to any high profits that they made. It was due chiefly to the high price they had to pay for the nitrogen in the mixture. This year the assemblers have increased the price about 9 per cent, I think. Is not that correct?

Mr. SMITH. About 10 per cent.

Mr. SIMMONS. But last year, taking the industry as a whole, they lost money. They did not make money. My complaint, therefore, is not against the assemblers of the materials and their conversion into a mixed fertilizer. My complaint is against the unnecessary high price that we have to pay for nitrate of soda which is in the mixed fertilizer as now used by the farmer. I agree with the Senator that it is possible for the Federal Government to take hold of this question vigorously and with determination, and for the Government to discover and develop some process by which nitrogen can be extracted from the air and sold to the farmers at a reasonable price. There is the heart of the whole controversy, in my opinion.

Mr. SMITH. I think the effect indicated by the Senator, that we might find some process which would cheapen the cost of nitrogen to the farmer, has already been had. I am not in a position to state, as I hope to be able to state before this year is over, not what are the possibilities, but what are the actual accomplishments of the synthetic process now in operation in this country in developing, in an available form, nitrogen from the air. When I say "available form," I mean in a form that is immediately available for the man in the field. I think that the development of the process up to the present time has so convinced the fertilizer people and the capitalists of the country that it has already had its effect upon the price of nitrate of soda.

I do not intend to take up any more time now on that matter, because I want to speak at length later; but at this time I want to call attention——

Mr. McKELLAR. Mr. President, before the Senator leaves the question he has been discussing, will he give us the price of nitrate of soda last year and the year before as compared with this year, so we can have those figures before us?

Mr. SMITH. I do not think there has been, until quite recently, any change in price. The price year before last and last year and this year ran pretty uniform up to within a comparatively short time ago, when it dropped about $8 or $9 a ton, which in fertilizer circles was attributed to the effect of the different synthetic processes in producing ammonia for fertilizer purposes.

Mr. BLACK. Mr. President, will the Senator from South Carolina yield to me now?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the junior Senator from Alabama?

Mr. SMITH. I yield.

Mr. BLACK. I have been informed, and I have sought diligently to ascertain whether or not it is true, that there is not a particle of ammonia which is manufactured by the synthetic process in America which has gone into any fertilizer. I have been informed by the Senator from Nebraska [Mr. NORRIS], and I have received that information from numerous other persons, that there has not been one pound of ammonia produced by the synthetic process in America that has gone into fertilizer.

Mr. SMITH. I rather think that the Senator from Alabama is correct, but in its present stage it has gone into the refrigerating plants; it has gone into chemical production; and fish scrap, tankage, and the by-products of the coke and coal ovens, which are readily available for fertilizer purposes, have found their place in the fertilizer market because they have been substituted in chemical production by the synthetic ammonia.

Mr. BLACK. Let me suggest one other thing at this point. I have in my office a statement, which I cut out of a newspaper two days ago, that fertilizer instead of going down in price has gone up in price. That may be wrong, but I merely cut the clipping to that effect out of a newspaper.

Mr. SMITH. In that connection I desire to say that I think, perhaps, the Senator will find that all the fertilizer companies in America united in a statement, and the Senator from Georgia [Mr. GEORGE], who unfortunately, like myself, has to buy fertilizer, will bear me out in this, that the companies got together and said, "We lost so much money last year that we have to raise the price of fertilizer this year in order to recoup our losses." That was not so much because the ingredients which composed the fertilizers themselves had gone up, but that the companies claimed they had to recoup their losses for the preceding year. I will ask the Senator from Georgia if that is not his understanding of the situation?

Mr. GEORGE. That is my understanding.

Mr. McKELLAR. I wish to ask the Senator from South Carolina, in that connection, if it is true or not that this same combination of fertilizer companies sell to the farmers at a price that is very much larger for credit than for cash?

Mr. SMITH. I positively would be ashamed of the business ability of my people if I were to quote the actual difference between the cash prices and the credit prices of fertilizer companies for the fertilizer sold to farmers.

Mr. McKELLAR. However, I hope the Senator from South Carolina will do so.

Mr. SMITH. The difference between the cash prices of those companies and their time prices reflects on the worth of the moral risk of the farmer who has to buy on time, and shows that the companies are even willing to take that risk, that they consent to take it, and if they can collect some of the exorbitant difference between the two prices they will break about even. For instance, I think the fertilizer which is known as 8–3–3 would cost on the market, free on board, $22 a ton if sold for cash, but its price would be $32 a ton if purchased on time.

Mr. BLACK. The Senator knows as to the credit price merely from hearsay, does he not?

Mr. SMITH. My heavens, no; I do not know about credit prices from hearsay, but I know about them because of the acid test of actual experience.

Mr. McKELLAR. There is a difference in price of $9 a ton, is there not?

Mr. SMITH. There is a difference of from $9 to $10 a ton; yes. But I want to get back to what the Senator from Kentucky said. I hope he will correct his speech where, if I understood him correctly, he said the greatest desideratum was to get phosphoric acid. Mr. President, the cheapest and most unlimited form of fertilizer known to agriculture is phosphoric acid. One can get all he wants of it in any per cent he wants in unlimited supply. All that is necessary to be done is to grind the rock rich in phosphate, treat it with sulphuric acid, and the resultant product is phosphoric acid. It is not even necessary to get a container, but the rock when it is ground, after it absorbs the sulphuric acid, it is converted into phosphoric acid. The manufacturers just grind up the rock, let it stand a while, then dump the dust into big tanks, mix the sulphuric acid with it, and then put it in a sack and ship it. Nature has very nearly done the whole work herself.

As to potash; it is not necessary to treat it at all. It is pumped from the potash wells in Germany or it is mined in the salt form, in the form of kainit, and sacked and shipped in ballast, and sold at the "out-of-pocket" cost; or it is put in solution and evaporated so as to be put in the form of muriate of potash or sulphate of potash, with 40 to 45 per cent of potash content, and the purchaser pays proportionately more but reduces the freight rate.

The Senator from Kentucky was talking about phosphoric acid. There was an attempt made down here at our nitrate laboratory to see if there was any other process by which phosphoric acid could be obtained from the phosphate rock without treatment by sulphuric acid. Under a chemical process of which I do not know, but this was testified to before our committee, that phosphate rock of such a low per cent of phosphate that it did not pay to mine it—for the container would probably cost more than the percentage would justify—by putting it in a superheated furnace and taking common sand from the road or wherever it was found and just shoveling it into the furnace there was precipitated an acid from the sand which readily united with the phosphate from the rock and produced as good phosphoric acid as was produced by the sulphuric-acid process.

That discovery was hailed with great delight, and I do not know but it will become a practical thing for this reason: We had to abandon the phosphate beds of South Carolina because the iron content of the phosphate rock was so great, the per cent of pyrites in it or the iron in it was so great, that when the rock was treated with sulphuric acid the iron neutralized the sulphuric acid and no phosphoric acid was produced. It was found, however, that by the sand process it did not make any difference how great was the iron content, it did not affect the production of the phosphoric acid. That is one of the things that we would hail with great delight and it would possibly result in benefit.

As to the question of concentrated fertilizer, let me tell my colleague that the farmers can wait, and wait profitably, if they can only get an abundance of nitrogen at anything like the present cost of potash and phosphoric acid. It will cut his fertilizer bill by half.

So, Mr. President, I am not so much interested in the talk about concentrated fertilizer or mixed fertilizers as I am interested in having Muscle Shoals devoted to the extraction from the air of this sine qua non of the vegetable world—nitrogen.

Mr. SIMMONS. Mr. President, I should like to ask the Senator from South Carolina, who knows much about this subject and has studied it a great deal, and is also a farmer, leaving out the question of freight, does not the farmer prefer a mixed fertilizer to a concentrated fertilizer?

Mr. SMITH. At the present stage he does, because the machinery is not adapted to the use of the concentrated fertilizer.

Mr. McKELLAR. He would have to be educated up to its use?

Mr. SMITH. Yes. Let me give the Senator an illustration.

Mr. SIMMONS. Before the Senator answers that question, let me ask him another question, which he can answer in connection with the first one. Although the farmer may have to pay a little more freight because of the filler in the mixed fertilizer, can he not distribute the mixed fertilizer cheaper than he can distribute the concentrated fertilizer?

Mr. SMITH. Yes; I think it would call for a new kind of machinery. Let me give the Senator an idea as to that. The present fertilizer distributor is so constructed that when we put out, say, 200 pounds of fertilizer to the acre in that form, let us say a potash, it is a mere trickle; one can imagine what 200 pounds of dust would be to an acre; but it is put in a furrow, and that 200 pounds contains only 32 pounds of actual phosphoric acid. Here is a delicately adjusted piece of machinery, distributing actually, according to the width of the rows apart, 200 pounds. If 32 pounds were put out, it would be necessary to get entirely new machinery. However, that is not the thing that concerns the American farmer to-day. The essential thing is to give him nitrogen. He can get all the other ingredients he wants.

Now, as sensible men here why should we be haggling about fertilizer and concentrated fertilizer when the cry of the earth is for replenishment with nitrogen. It is possible to double the wheat crop of America with nitrate of soda; we can quadruple the corn crop with nitrate of soda; we can take a sand hill—and I say this in the presence of the Senator from North Carolina and the Senator from Georgia—that will barely sustain the life of the roughest kind of deep-rooted grasses, and by the application of nitrate of soda in the presence of moisture make a corn crop equal to that produced in the bottom lands of the Mississippi. There is no limit except in the possibility of the lands to sustain life with the other chemicals that are indigenous to the soil. Therefore I say we should lay aside any question of potash, any question of phosphoric acid, any question of concentrates, and devote ourselves to relieving agriculture of the intolerable burden placed upon it.

How may we do that? As sensible men proposing to legislate for the benefit of agriculture how are we going to do it by saying that we will take the cyanamide process? What do we know about that process except what has been stated to us and what we have learned from the little experiments we have made in our own fields. What about the synthetic process? What do we know about the possibilities of that? Is it not our duty to cause our Government, which we have delegated to do this thing, to take the power at Muscle Shoals and develop the basis by which nitrogen can be extracted and given to the American people.

I want to state frankly that it is not so much a question with me by whom to do this as it is, "Go and do it." I believe, as the Senator from Nebraska [Mr. NORRIS] brought out here, that the Government must do the "dead work," which is a term used by all inventors. The deadly part of an invention is developing the process until it becomes practical.

Now I want to ask the Senator from Tennessee [Mr. McKELLAR] and the Senator from Utah [Mr. KING], as practical men, what can be expected from these companies that are manufacturing fertilizer now, or, rather, mixing it. They do not manufacture anything; they mix it. They have no extra machinery other than just a mixing plant—some revolving things, some wheels, and a chemist to figure just how much of each ingredient to put in to have an 8–3–3 mixture or an 8–4–4 mixture. How many of those companies do the Senators suppose are going to go down yonder to Muscle Shoals and spend millions of dollars on the doubtful outcome of a machine to get nitrogen from the air? How many does the Senator from Tennessee expect to start in at that?

Mr. McKELLAR. I do not expect any.

Mr. SMITH. How many does the Senator from Utah expect to start in at it?

Mr. KING. Does the Senator want me to answer that question?

Mr. SMITH. Yes; I do.

Mr. KING. Mr. President, a few years ago I had the pleasure of visiting, with the late Senator Ladd, a number of the cyanamide and synthetic plants in Germany which were extracting nitrogen from the atmosphere. One of the plants that I visited had an enormous receptacle, nearly as large as this Chamber, into which was poured, from spouts above, the product, the nitrogen from the atmosphere. They had so perfected the chemical art, if I may so denominate it, that they

had no fear at all of their ability to get nitrogen from the atmosphere; and five hundred millions of dollars—it was inflated, it is true—was expended on those plants for the purpose of manufacturing nitrogen.

Mr. SMITH. That was under the auspices of the Government, was it not?

Mr. KING. Oh, no, no. It was done by private individuals. Not a single one of those plants was conducted by the Government, according to my advices.

Mr. HOWELL. The Government had furnished part of the money.

Mr. SMITH. That was my information.

Mr. KING. No; at least, those with whom I talked had erected the plants with their own capital.

Mr. McKELLAR. What year was that?

Mr. KING. That was in 1924.

In the United States the Allied Chemical Co. has manufactured nitrogenous products. and is now manufacturing nitrogenous products. The Cyanamid Co., by its process, extracts nitrogen from the atmosphere. We have in the United States some of the ablest chemists in the world, who are addressing themselves to this question. I think, profiting by the experience of the chemists in France, in Italy, and particularly in Germany, they are perhaps improving upon processes heretofore existing just the same as in the metallurgical world improved processes have been developed.

For instance, if I may divert, a few years ago in the West all of our minerals that contained arsenic were base; and millions of tons that were taken from the ground had to be thrown over the dump because the smelting charges were so high, and the arsenical element therein made the smelting of the product almost impossible. Now that is not done. A few years ago ores that had zinc in them were penalized. The zinc, valuable as it is, was a disadvantage and a handicap; and a man that sent a ton of ore that had a 10 or 20 or 30 or 40 per cent zinc content got less for it than if it did not have an ounce of zinc in it.

Mr. SMITH. Let me ask the Senator a question. He has gone far enough to illustrate what I asked him.

Suppose the extraneous matter that made it unprofitable to mine that ore did not make it unprofitable to mine it from the miner's standpoint, and he could sell it at a reasonable profit. Do you reckon he would have gone to all the expense and trouble of getting rid of that noxious element that affected his market? The question I asked the Senator was, as long as the fertilizer mixers of this country get the raw material in abundance to meet their needs and are able to fix their prices and to sell their stuff at a profit, when do you suppose they will go to work to develop a process that will cheapen the product and lessen the profits per ton that they now are obtaining?

Mr. KING. Of course, human nature is human nature——

Mr. SMITH. Exactly. That is the point I am making.

Mr. KING. And if nitrogen can be obtained from Chile and laid down here, say, at $10 a ton, just for illustration, chemists are not going to waste much time in devoting their capital and their efforts to extracting nitrogen from the atmosphere. As the Senator knows, however, with the inventive genius of the United States and with the great amount of capital for investment in the United States, whenever a product is needed and there is a possibility of success and profit in the enterprise, American capital is venturesome.

Mr. SMITH. I grant that; but the point I am making, Mr. President, is that in the first place the same principle applies here that applied in the radio question—a great revelation, as it were, to the genius of the country that messages could be sent through the air. Instead of its being a boon to all mankind, what has happened? In the first place, under our patent laws—which I do not criticize, because I think we ought to encourage the invention of these things that have made this age a marvel—the inventor, nine times out of ten, is the man who gets the least out of his invention. At the very birthplace of these marvelous revelations stands organized capital, which seizes upon the discovery and makes what should be its blessings a means of burdening and cursing the American people.

I have stood amazed at the revelations before the Patents Committee of what is being done in controlling the patents that make possible the transmission of messages through the air. The same thing is true of these scientific processes; and there is no one in America that can stand between the great mass of the unorganized producers and laborers of this country and the great organized capital of the country save the American Government.

The Senator says human nature is human nature, and that is true; and—

> The good old rule
> Sufficeth them—the simple plan,
> That they should take who have the power,
> And they should keep who can.

That has been the doctrine from the day that Wordsworth put those words into the mouth of Rob Roy, and before. So, as I had the honor of being the author of the Muscle Shoals act when first passed, with the object in view of utilizing the discoveries of science for the relief of the agricultural interests of the country, I stand here to-day and plead that the Government stay in this work until it shall have demonstrated beyond the cavil of any Senator here that it can or can not produce nitrogen in such quantities and at such price as to bring about the fruition of the hope that was in my heart when I introduced the original measure.

Mr. KING. Mr. President, may I be permitted, then, to draw the deduction from the Senator's concluding statement that he does not favor the subordination of agricultural development—that is, the production of fertilizer for agricultural uses—to power, and he is not in favor of turning Muscle Shoals over to power development, whether operated by the Government or operated by private individuals? He prefers to hold Muscle Shoals and the power potentialities of Muscle Shoals for the development of nitrogen or fertilizers for use on the farm?

Mr. SMITH. Unquestionably.

Mr. BLACK. Mr. President, I think, from the Senator's remarks, in which I have been very much interested, that he and I are practically 100 per cent in accord. While the Senator was talking, the junior Senator from Georgia [Mr. GEORGE] told me that he had just bought some Chile nitrate at $60 a ton. Figured out, that made the nitrogen content cost him 19 cents a pound.

The Senator from Nebraska [Mr. NORRIS] stated on yesterday that Doctor Cottrell and two other scientists had told him that nitrogen could be extracted from the air by the synthetic process for 4 cents. Doctor Cottrell also testified before the Military Affairs Committee yesterday, and so told me again this morning, that under the cyanamide process, nitrogen, ammonia—I am not talking about cyanamide; let us forget cyanamide; that is just one of the steps—ammonia could be extracted from the air at a cost of between 5 and 6 cents. My figures the other day were larger. He said, too, that in figuring the 5 and 6 cents he did not take into consideration a reduction for the by-products, nor did he know of the difference in labor—he had not informed himself on that—and that both those things would bring down the figure.

At any rate, under the recognized scientific statements of all of these gentlemen, we can get nitrogen from the air now for between 4 and 6 cents. My position, with which I think the Senator is in full accord, is this: Why delay a day in experimenting with anything, when the Senator from Georgia is buying nitrate at 19 cents and every one of these people tells us that it can be made for from 4 to 6 cents?

Mr. SMITH. If the Senator from Alabama will allow me, I think everybody is confused about this term "experiment." The whole fixation of nitrogen from the air is in the empirical stage, the experimental stage, now. I agree with the Senator. Let us use the present development to its full capacity, and let them go on and experiment every day to improve it.

Mr. BLACK. That is correct.

Mr. SMITH. That is all I have contended for from the beginning; but let us not restrict them or bind them in a contract to any one process. This is the Government of the people of America; and we have no right to allow anyone to step in and say to what extent this Government will go in meeting a great economic problem or what method it will use to meet it.

I know there are individual rights that we must respect; but when an individual right runs counter to the life and prosperity of the vast majority of people, that individual right must be subordinate, or I do not understand our system of government.

Mr. BLACK. The Senator and I are in absolute accord. I believe in the operation of that plant to its full capacity. It will make 50,000 tons. Under the statement of the Senator from Nebraska [Mr. NORRIS] yesterday of what that nitrate would cost when fixed from the air, it would save the farmers of America who paid the same price that the Senator from Georgia [Mr. GEORGE] did $15,000,000. Therefore I agree with the Senator that we need legislation here which will run that plant or some other plant at its full capacity right away. We need a bill that will provide a sufficient appropriation to have

it run at full capacity, either by private operation or public operation. Personally I favor private operation, but if they will put in a bill or if they will accept the amendment which I have offered which provides for the full operation of some plant to produce this nitrogen that they say can be produced at from 4 to 5 cents a pound, when the farmer is paying from 15 to 19 cents a pound for it, then I will vote for the bill.

Mr. SMITH. Now, I want to make one concluding statement, so that my position will be thoroughly understood:

I am not wedded to Government operation, but I am wedded to Government operation at the present time, for the reason that I believe the Government would take a greater interest in bringing about the things that I want than a private corporation.

I believe that the Government, moreover, should hold it until it had done all the dead work necessary to make a theory a fact, an empiricism a working realization, and when it shall have done that, it will have also ascertained the cost and capacity, and when it comes to lease, if it wants to lease, it will know what it is leasing and the value of the lease to the lessor.

Mr. HOWELL. Does not the Senator believe that the synthetic process promises more?

Mr. SMITH. I have no more doubt about it than I have that the present-day automobile is far superior to the first attempt to apply the internal-combustion feature to transportation.

Mr. HOWELL. Then, so far as Muscle Shoals is concerned, the Senator would agree that if the energy is sold for money and the money used in the promotion of the development of the production of nitrogen, that would be as satisfactory as if the plant were used itself for that purpose.

Mr. SMITH. Taking human nature as it is, I would like to answer that in this way: The minds of the American people are concentrated on Muscle Shoals as a locus, as a place, where this thing is going to be done. The people who are familiar with the synthetic process say that the presence of cheap coal is essential not only for the production of power, but of certain ingredients that enter into the production of nitric acid, involving the use of technical terms of which I am not familiar, and which I would not use if I were, because we in this body are talking to the great mass of people, and we ought to try to speak in such language that they will know what we are driving at.

I would like to try the experiment at Muscle Shoals of producing nitrogen by the synthetic process for the reason that I believe that the nearness of the Tennessee coal would make it reasonably available for the process. I think the Senator will agree with me that the power generated from coal gases can be used in the production of ammonia. I believe we ought to take that cyanamide plant and run it to its capacity, under the auspices of the Government, to settle the question once for all as to whether it is an available source for producing nitrogen available for agricultural purposes direct to the agriculturists.

I believe we ought to scrap nitrate plant No. 1 because it was not constructed, to use a highly technical term, to properly synchronize in the synthetic process of extracting nitrogen, and therefore it was a failure. But let us erect right away a synthetic process at Muscle Shoals, bring down the coal from the Tennessee mines, or from the Alabama mines, and try it out, for the psychology of the thing, if nothing else.

Mr. President, I want to call attention to a very curious thing that has made me suspicious of a great many statements made even by the synthetic people and others. When I first introduced my bill on this subject many said, "You never can extract nitrogen from the air for agricultural purposes because the amount of power necessary to produce a unit of nitrogen makes the cost prohibitive." That was especially true, they said, of the arc process, the Norway and Sweden process. But they said not to produce nitrogen, but cyanamide, which is an indirect method of converting the nitric acid into ammonia; but even there it would take a vast amount of power, more than you could develop at Muscle Shoals if you proposed to make enough fertilizer to supply the needs of agriculture. They beat us off with that, that you could not develop enough power at Muscle Shoals under the process to make enough fertilizer to supply the country.

When the synthetic process has demonstrated that it takes only a small per cent of power as compared with these other processes, they say, "Why waste the power at Muscle Shoals? If you would use all the power down there, you would produce more fertilizer than America will need."

It is a question of—

I can and I can't,
I will and I won't;
I'll be damned if I do,
I'll be damned if I don't.

It is a thing for us to take hold of and do.

CALL OF THE ROLL

Mr. HAWES obtained the floor.

Mr. BLEASE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TYSON in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Barkley	Fess	La Follette	Robinson, Ark.
Bingham	Fletcher	McKellar	Sackett
Black	George	McMaster	Schall
Blease	Gerry	McNary	Sheppard
Bratton	Gould	Mayfield	Simmons
Brookhart	Hale	Neely	Smith
Broussard	Harris	Norbeck	Steiwer
Bruce	Harrison	Norris	Stephens
Capper	Hawes	Nye	Thomas
Caraway	Hayden	Oddie	Tyson
Copeland	Heflin	Overman	Walsh, Mass.
Curtis	Howell	Phipps	Walsh, Mont.
Cutting	Johnson	Pine	Warren
Deneen	Jones	Pittman	Waterman
Edge	Kendrick	Ransdell	Willis
Edwards	King	Reed, Pa.	

The PRESIDING OFFICER. Sixty-three Senators having answered to their names, there is a quorum present.

FLOOD CONTROL

Mr. HAWES. Mr. President, almost a year ago a great disaster visited our country. It involved the loss of some 200 lives, it made homeless 700,000 people, it destroyed over $250,000,000 worth of property. It would almost seem that we have forgotten that event, but at the time all through America meetings were held, petitions were sent to the President of the United States asking for a special session of Congress, and great conventions were called in different portions of our country, one of national import at Chicago. There the representatives of all the valley States requested the President to call a conference on this subject. That was last June. He was requested to call into that conference, which is the significant thing, not only the experts of the Government but civil engineers, conservationists, geologists, financiers, and agriculturists.

The Chicago conference adopted the following resolution:

Resolved, * * * That the President of the United States is requested to call a conference for the purpose of formulating, in conjunction with such governmental agencies, a comprehensive plan for navigation and permanent flood control. Said conference to be composed of Army engineers, civil engineers, conservationists, geologists, financiers, agriculturists, and other experts representing the various interests of our country.

That convention believed that the President should have the advice not only of Army engineers but of all elements of American life.

Even before the convening of Congress a committee of the House has been holding hearings beginning last November. They have continued since. Four or five volumes of testimony have been taken.

Before that committee appeared engineers, business men, and experts who understood the river and its needs.

On the Senate side hearings were held, some two weeks in length, and only recently a bill was reported to the Senate.

The significant thing is in all the hearings fully 95 per cent of the witnesses before the House committee opposed what was called the Jadwin plan, and the same percentage of those who appeared before the Senate committee opposed his plan, and yet the bill presented to the Senate provides for the adoption of the Jadwin plan.

I state here without fear of successful contradiction by any Senator that in the Senate hearings, with the exception of Colonel Jadwin himself and two of his assistants, all other witnesses condemned the Jadwin plan. In the shape that it comes before us, as a representative of the State of Missouri it can not receive my support.

Mr. President, this is a serious situation. As a friend of the river, born near the banks of the Ohio in Kentucky, growing up to manhood on the banks of the Mississippi in Missouri, watching the development of its navigation, I am amazed to find that in the month of March, 1928, we have only before us a plan that has been opposed by 95 per cent of the witnesses before the House and Senate committees. I shall discuss the Jadwin plan in detail later. Now, I direct the attention of the Senate to its national scope. I hope amendments will give us a flood-control plan that will meet with the approval of the representatives of the States in the valley.

THE RIVER

We can not visualize flood control unless there is clear understanding of the size of the drainage basin whose waters all pass through the alluvial delta and create the floods.

It is not the waters of the immediate States which are responsible for floods; it is the waters that come from States at a distance.

It may be said, in passing, that the greatest sufferer of all is Louisiana, and that practically all the rainfall in that State is carried to the Gulf through its bayous, creeks, and smaller rivers. The waters of this State do not enter the Mississippi nor contribute to the floods which overmaster the ingenuity of the people of Louisiana; and, in a degree, this is true of Arkansas, of Tennessee, of Mississippi, Kentucky, and Missouri.

All the waters flowing through this valley, no matter from what State or source it comes, must be taken into consideration in determining this problem. The entire rainfall between the western slopes of the Alleghenies and the eastern slope of the Rockies drains into this basin and passes through the area now under discussion on its way to the Gulf.

Before discussing the physical contact with some 31 States through its waterways, it may be interesting to briefly state some of its historical connections.

Even in colonial days the alluvial valley at the mouth of the river was the occasion of much diplomatic discussion between England, France, and Spain.

Washington sent three messages to Congress in the matter of the Mississippi River. The Louisiana Purchase was made by Jefferson largely because he believed it was essential to national unity that the Mississippi River should come into the possession and be made part of the United States. As far back as 1845 we find speeches from John C. Calhoun referring to the flood conditions of the previous year, which he then said were too great for local enterprise; that their control was a duty to be undertaken by the Federal Government.

Long before the wilderness was invaded by the pioneer the Spanish had the broad vision of the valley; the French had it; the English had it. George Washington, Andrew Jackson, and Abraham Lincoln all realized the importance of the river and had the broader view of the problem it presented.

It has always been accepted as a fact that a hostile army could never cross the Alleghenies on the east nor from the Rockies on the west. An invading army could find its way to the heart of America only up the river from its mouth or down the river from its source, and the Nation could not be conquered until this section had been subdued.

Jackson went down the river to the Battle of New Orleans, down the valley traveled the troops that helped Texas secure its freedom, and later again the troops that won the war with Mexico.

Modern authorities state that the real, decisive battles of the Civil War were fought upon its banks, and Union generals trained in the battles of the river were put in command on the eastern front, displacing the early opponents of General Lee.

The Mississippi watershed embraces 1,250,000 square miles, about 41 per cent of the total area of continental United States. Its watershed embraces 31 States and 2 Provinces of Canada.

It is not surprising, therefore, that President Garfield in 1878 said:

> The statesmen of America must grapple with the problem of this mighty stream. It is too vast for any State to handle, too much for any authority other than that of the Nation itself to manage.

But these are not the things in which we are interested to-day. What constitutes the Mississippi; whence come these flood waters? Whose problem is it? Whom does this river serve? How many does it serve? How many feel the weight of the misery it leaves in its wake when on a rampage? These things we must understand before we can move in legislative consideration.

If anyone were to say here to-day that the Mississippi River is a river more than 10,000 miles in length, there would be a tendency to question this geographical accuracy. But when we consider the whole facts for the purpose of flood control, we find that the Mississippi River is more than 10,000 miles in length; that it is probably twice that length; that no one has ever actually computed its real length, and that it is many times the largest body of flowing water in the entire world.

Sitting here in the Nation's Capital within 150 miles of the Atlantic seaboard, we can hardly realize that in the vast empire stretching to the west there is a gigantic watershed some 2,000 miles in width that is in fact drained by one great river. Not more than 200 miles west of the building in which we now are, the watershed of the Mississippi begins and then lays out across 2,000 miles until it meets the crags of the Rockies.

The waters of central West Virginia and the very western tip of Maryland flow off the Appalachian slopes into Ohio and Kentucky to ramble on through many States until at last they pass the levees at New Orleans to empty into the Gulf. Waters which ultimately become a part of the body of the Mississippi may be found above the northern borders of the United States in Canada, north and west of Montana.

Other water may be found a few miles from Lake Superior in Wisconsin, while still others—and this should be remembered by distinguished colleagues Senators COPELAND and WAGNER—may be found in the southwestern section of New York that pass the levees at New Orleans.

One who studies the map of the Mississippi Valley drained by the Mississippi River and its tributaries will be amazed. Every great river of the vast empire of the valley pours its waters into the Mississippi, and an accurate map of all these great rivers show hundreds of streams ranging from 50 to 200 miles in length paralleling each of them; rivers that run east and rivers that run west, and even rivers that run north.

I wonder how often it occurs to the residents of Montana that the Yellowstone coursing from the great national park north and east to its confluence with the Missouri ultimately drains its waters into the Gulf of Mexico.

How often do the residents of South Dakota, watching the Cheyenne flow north and east to the Missouri, realize that the waters that pass over their State rush on to become a part of the flood waters of the Mississippi?

There is the Little Missouri in North Dakota, that runs almost directly north toward Canada. And dropping to the southwestern section of the country we find the Tennessee wandering out of its own State into northern Alabama, then flowing almost directly north to the Ohio to carry its waters; first north, then south through the drainage basin of the Mississippi. And likewise, the Cumberland flowing first south from Kentucky across the northern section of Tennessee, then back north through Kentucky to the Ohio.

All along the great rivers which have become well known to us because of the consideration we have given to harbor problems in the past—the Ohio, the Red, the Arkansas, the Kansas, the Missouri, the Platte, the Atchafalaya, the Illinois, the Cheyenne, the White, the St. Francis—all along these rivers there are myriads of other streams running north, south, east, and west, pouring their waters into currents that sweep onward to New Orleans.

It is not fiction when we say that the Mississippi watershed touches 30 of the 48 States of this great Nation. The Mississippi River drains the far Northwest section skirting the boundary of Idaho. It drains all of Montana. It drains two-thirds of Wyoming. It drains one-half of Colorado and one-fourth of New Mexico. It drains one-third of North Dakota and all of South Dakota. It drains all of Nebraska, all of Kansas, all of Oklahoma, and the northwest strip of Texas.

Two-thirds of Minnesota's waters flow past New Orleans, all the waters of Iowa, all the waters of Missouri, all the waters of Arkansas, one-half of the waters of Wisconsin, all the waters of Illinois, and one-half of the waters of Mississippi.

This great river drains all the waters of Indiana, all the waters of Kentucky, all the waters of Tennessee, all the waters of Ohio, the western quarter of Pennsylvania, a small southwest corner of the State of New York, and the northern portion of Alabama.

Tributaries of the Mississippi reach into North Carolina, draining the southwest portion of Virginia, practically all of West Virginia, and reach almost to the Nation's Capital on the western edge of Maryland.

In addition to this, Chicago has cut a canal from Lake Michigan to the Illinois River, and it is difficult to determine how much of the waters of the Great Lakes are flowing past New Orleans. If we stop to consider for a moment the extent of this great empire, we are astounded at its size and its importance.

In this vast area served by this great natural water system are scores of the greatest cities of our Nation: Chicago, Pittsburgh, Wheeling, Columbus, Akron, Dayton, Cincinnati, Louisville, Nashville, Chattanooga, Paducah, Indianapolis, Decatur, Peoria, Memphis, Vicksburg, Milwaukee, St. Paul, Madison, Davenport, Des Moines, St. Louis, Kansas City, St. Joseph, Cape Girardeau, Sioux Falls, Fargo, Bismarck, Omaha, Lincoln, Topeka, Atchison, Arkansas City, Tulsa, Muskogee, Denison, New Orleans, Baton Rouge, Little Rock, Hot Springs, and many others.

There is hardly a city I have mentioned that does not expect at some future date to be the direct beneficiary of our river and harbor work which the Government of the United States has undertaken in connection with our great rivers.

This vast area of drainage is divided by engineers into six drainage basins, the first extending through portions of Virginia, North Carolina, Maryland, and Pennsylvania on the east and through the eastern section of Illinois on the west, taking in a portion of Ohio and the northern portion of Georgia and Alabama.

This is known as the Ohio drainage section. The upper Mississippi drainage section takes in the States of Illinois, Wisconsin, Minnesota, and a large portion of the State of Iowa.

The Missouri drainage extends from Montana and Idaho on the north and west in an irregular form down through portions of Colorado and Kansas, taking in the Dakotas, Nebraska, the western portion of Iowa, and Missouri.

The Arkansas drainage takes in the southeastern portion of Colorado, the northeast section of New Mexico, the northern strip of Texas, the southern portion of Kansas, all of Oklahoma and Arkansas, and all of the northern and eastern sections of Louisiana.

The lower Mississippi drainage basin is the area of Louisiana, Mississippi, Tennessee, Arkansas, and southeast Missouri, into which the water of all the other areas pour.

In this vast basin which we have described is an area of 1,240,000 square miles, or more than 41 per cent of the United States, not including Alaska. In this drainage area also may be counted 20,000 square miles of Canada. What might be called one river, the Mississippi from St. Louis to New Orleans, and the Missouri from its confluence above St. Louis to its source, is a continuous flow of water for 4,200 miles, a distance which is unequaled by any other river in the world and approached only by the Nile and the Amazon.

The Mississippi River from its source in Lake Itaska to its mouth is approximately 2,500 miles. A direct line from its source to its mouth would be approximately 1,300 miles.

The report of the Mississippi River Commission states that the navigable waterways of the Mississippi River and its tributaries is estimated at 15,000 miles, so that including other waters than navigable waters the total length of the flood waters of the Mississippi may well be placed between twenty and twenty-five thousand miles—a river which, if extended into one stream, would reach around the entire globe at the equator.

Now, let us turn to the valley which this vast waterway system drains—a valley that is an empire of wealth in itself, self-sustaining in its raw and manufactured products, and raising on its fields more than two-thirds of the agricultural products of the Nation, manufacturing in its plants one-half of the products of the whole of America.

In the Mississippi Valley live more than one-half of the entire population of the United States. The valley contributes to the national wealth 68 per cent of the exportable products. In the valley is the industrial center of the Nation, the agricultural center near the confluence of the Mississippi and Illinois Rivers, and the center of population in southwestern Indiana near the Illinois line.

At least four mountain areas are embraced within the boundaries of the valley. There are forests and plains, thinly populated but teemingly productive flat lands. And then, again, great congested commercial centers. Although housing slightly more than one-half of the population of the Nation, the valley is inhabited by 70 per cent of the rural population.

In the Mississippi Valley all but 15 per cent of the entire corn output of the Nation is grown; 80 per cent of the Nation's wheat yield is found; practically all of the rye, barley, flaxseed, sugar cane, and oats are raised in the valley on its 295,000,000 acres. The potential productive wealth is incalculable. Its stock is about three-fourths of the total livestock of the Nation.

Producing more than one-half of the manufactured products of the United States, this great area turns out the agricultural implements of the world, 90 per cent of the automobiles, one-half of the brick and terra cotta, one-third of the leather, two-thirds of the wood, one-half of the furniture, one-half of the glass, and practically all of the iron and steel work, to say nothing of a practical monopoly in the output of coal, coke, and iron ore.

The drainage basin of the Mississippi is larger than the area of the whole of continental Europe. It is the world's most precious area. Its development in less than 100 years is probably the most remarkable chapter in this history of national growth.

FLOODS

The waters of Montana and the waters of Pennsylvania join with the waters of northern Wisconsin and those of Virginia and New Mexico at some point of the basin along the lower Mississippi and contribute to the causes of floods.

There are records of floods in 1828, 1844, 1849, 1850, 1858, 1862, 1882, 1883, 1890, 1892, 1893, 1897, 1903, 1912, 1913, 1916, 1922, and 1927. So there has been a continuous struggle with the problem for 100 years, first by the States and subdivisions of the States and later with Federal assistance. This Federal assistance has been increasing, but without success. So precedent must be set aside and the Nation take the problem fully in hand and solve it as a national problem at national expense.

These floods are naturally characteristic of the vast basin with its tilted-up northern section and its tilted eastern and western borders all hurling its waters into the narrow strip of the lower Mississippi. The early settlers along the banks of the lower Mississippi saw the necessity for controlling the floods. They built makeshift levees along the river banks, and as the pioneer population swept into the valley dikes and levees were constructed by these first pioneers.

The first efforts were individual efforts and then, through a community spirit, by organized districts. One by one the States, as they grew up and became a part of the United States, undertook some form of legislation with respect to these floods; but it was a hopeless task for any State or group of States. It is manifest from the picture of this great drainage basin that no one section and no one State can handle the flood problem. These floods are not caused alone by the act of God, by the deposit of snow and rain, but in recent years they have been contributed to by the act of man, and this contribution by man is constantly increasing.

The millions spent annually on good roads are constantly forming drainage systems which carry water with an increased velocity to the basin. Drainage systems add to this velocity. Forests have been denuded which held back in restraint the quick flow of rain water. Swamp lands have been converted into farms, and the natural provisions of nature for holding back the waters have been destroyed. I am not discussing the lower valley now, which is in immediate distress. This artificial precipitation comes from above that district, beyond its reach and control.

The people of the alluvial valley made their fight against these floods, without assistance from the Government, until 1882, when it became apparent to everyone that the States and local subdivisions could not handle the matter without national assistance. Since that time the policy of Congress has been to constantly enlarge its contribution, and there has been a corresponding acknowledgment by Congress of the national responsibility.

From 1714 until the creation of the Mississippi River Commission in 1879 the entire expense of the fight against the floods was borne by the States and local subdivisions. Immediately upon Federal participation came absolute Federal control. To-day a private citizen can not build a boat, a dike, a bridge, a dam, or revetment without permission from the National Government. Its authority is supreme; its control absolute. Yet under this Federal control and direction this territory has lost in floods, in 1903, $40,000,000; in 1912, $78,000,000; in 1913, $12,000,000; in 1916, $5,500,000; in 1922, $17,000,000; and in 1927 between $236,000,000 and $284,000,000. This shows a total loss of over $400,000,000 in less than 25 years in a district which is now under the direction, control, and mandate of the Federal Government so far as flood matters are concerned.

To prevent this great loss the States had spent $292,000,000, while Congress had contributed only $71,000,000, leaving a difference of $221,000,000.

The whole theory of local contribution and dual responsibility is illogical, unsound, and impossible of equitable application. The only argument in its favor is precedent, and the precedent is unsound because there has been a change in conditions and a recent frightful demonstration which has destroyed the precedent.

Local contributions can not be equitably imposed. The contribution of the States is not uniform. The attempt to make Missouri pay for Illinois, or Kentucky to contribute to Tennessee, or Arkansas to Louisiana, can not be worked out on any equitable basis, and finally leaves the vast burden to be borne by Louisiana, when, as a matter of fact, the cost to Louisiana is of benefit not only to all the adjacent States but to the entire valley.

It has been stated that flood control is a reclamation matter; that it confers special benefits to special landowners and should be paid for by them. No one who has investigated the subject ever made such claim. It is merely an ignorant assumption unsupported by facts.

The losses in seven States amounted to $236,344,414.06. I give this in itemized form so that some idea of the diversity of the damage may be understood.

Report of loss and damage by the 1927 floods in the Mississippi Valley in the States of Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi, and Louisiana

(Acres of crop land flooded in five States, 4,002,400. No report on number of acres flooded in Illinois and Kentucky.)

Crop losses:			
Baled cotton damaged		$2,828,850.00	
Loss on average crop expected		16,028,024.00	
Loss of rents on lands not cultivated by reason of overflow		12,190,300.00	
Damage to growing cotton crop		13,497,237.00	
Damage to sugar industry (report furnished by American Sugar Cane League)	$7,080,000.00		
Cost to replant 34,000 acres of cane	3,400,000.00		
		10,480,000.00	
Damage to growing crops other than cotton and sugar		15,679,950.00	
Damage to matured crops		2,083,260.00	
Damage to seed		753,419.00	
			$73,541,040.00
Cost of replanting			4,181,627.00
Livestock losses:			
12,626 horses and mules		1,269,150.00	
2 counties in Missouri report livestock losses without giving number		45,000.00	
25,716 cattle		633,075.00	
133,174 hogs		1,153,929.00	
2,560 sheep and goats		10,615.00	
719,647 poultry		388,723.30	
			3,500,492.30
Property damage:			
7,879 houses destroyed		3,341,650.00	
46,840 houses damaged	$6,724,625.00		
2,200 houses destroyed or damaged (Arkansas)	570,000.00		
9,904 houses, stores, gins, barns, and other buildings destroyed or damaged	1,535,750.00		
Houses destroyed or damaged, no number given (Louisiana)	50,000.00		
Houses, stores, gins, barns, and other buildings destroyed or damaged	3,601,562.00		
		12,481,937.00	
118 stores destroyed	87,600.00		
Stores destroyed or damaged, no number given (Illinois)	3,000.00		
		90,600.00	
2,138 stores damaged	625,150.00		
10 stores destroyed or damaged (Arkansas)	10,000.00		
Stores destroyed or damaged, no number given (Louisiana)	5,000.00		
		640,150.00	
17 gins destroyed		118,000.00	
235 gins damaged		197,650.00	
2,997 barns destroyed		791,650.00	
11,594 barns damaged	$888,710.00		
400 barns destroyed or damaged (Arkansas)	160,000.00		
Barns destroyed or damaged, no number given	134,500.00		
		$1,183,210.00	
16,971 other buildings destroyed		1,570,800.00	
36,523 other buildings damaged	$941,220.00		
200 other buildings destroyed or damaged (Arkansas)	20,000.00		
Other buildings destroyed or damaged, no number given	96,500.00		
		1,057,720.00	
Damage to merchandise		1,628,711.00	
Damage to oil mills		528,000.00	
Damage to farm implements		1,317,515.00	
Damage to automobiles		1,003,650.00	
Damage to feed		3,054,544.50	
Damage to household goods		4,730,627.00	
Damage to land by washing and spreading of obnoxious grasses		4,736,750.00	
Damage to fences		964,625.00	
Damage to private roads and bridges		1,211,850.00	
Damage to private ditches and drains		840,350.00	
			$41,489,999.50
Business losses			18,655,515.00
Damage to school buildings and equipment			399,841.29
Damage to hardwood lumber industry			4,474,820.00
Damage to cooperage industry			258,952.00
Damage to highways and bridges			2,738,122.00
Damage to railroads			16,702,379.51
Damage to public utilities			718,835.00
Cost of high water fight:			
Mississippi River Commission		$6,000,000.00	
Levee boards		2,120,084.26	
Board of Engineers (Louisiana)		250,000.00	
			8,370,084.26
Closing crevasses (Mississippi River Commission)			3,578,000.00
Restoring levees to preflood condition			2,575,566.20
Damage, Caernarvon Crevasse			5,000,000.00
Damage, junior crevasse			350,000.00
War Department supplies furnished			7,000,000.00
Red Cross fund		$16,000,000.00	
Appropriated by the State of Illinois for relief		2,000,000.00	
			18,000,000.00
Loss of earnings of tenants and share croppers, average 137,773 people at $20 per month, on a basis of 9 months' working season			24,799,140.00
Total			236,334,414.06

Number of lives lost, 183.

The railroads alone suffered a loss of $16,702,379.51, as follows:

Loss and damage to railroads by reason of the 1927 floods in the Mississippi Valley

Missouri-Kansas-Texas Railroad Co.
St. Louis-Southwestern Railway Co.
St. Louis & San Francisco Railway Co.
Chicago, Rock Island & Pacific Railroad Co.
Louisiana Railway & Navigation Co.
Texas & Pacific Railway Co.
Illinois Central system.
Louisiana & Arkansas Railway Co.
Missouri Pacific Railway Co.
Gulf Coast Lines.
Missouri & North Arkansas Railway Co.

Eleven companies report as follows:

Expense of keeping line open	$2,022,972.09		
Cost of repairing roadbed damaged by high water	4,349,809.12		
Damage to equipment	253,989.69		
Damage to shipments in transit	212,314.00		
Expense of handling Red Cross supplies	329,812.67		
Expense of handling refugees	$143,982.60		
Expense in connection with providing box cars for living quarters of refugees	160,719.00		
Loss of business during high water (Due to damage to crops, logging operations, manufacture, etc., freight and passenger business.)	7,185,720.94		
Direct loss			$14,659,320.11
Four companies report loss of business account diverted to other lines during high water (business which did not return after high water receded)	612,118.40		
Loss due to decrease in efficiency of operation and efficiency of personnel	27,500.00		
Freight and passenger business which did not move due to erroneous information given out in various parts of the country concerning flood conditions and their effect on the transportation lines	208,500.00		
Miscellaneous expense (6 companies)	1,194,941.00		
Indirect loss			2,043,059.40
Total loss			16,702,379.51

The utility companies lost $718,835, as follows:

Loss and damage to public utilities by reason of the 1927 floods in the Mississippi Valley

STATE OF ILLINOIS		
Illinois Bell Telephone & Telegraph Co		$12,000
STATE OF KENTUCKY		
Southern Bell Telephone & Telegraph Co		5,000
STATE OF ARKANSAS		
Southwestern Bell Telephone & Telegraph Co	$32,000	
Postal Telegraph & Cable Co	11,250	
		43,250
STATE OF MISSISSIPPI		
Southern Bell Telephone & Telegraph Co	150,000	
Postal Telegraph & Cable Co	18,750	
		168,750
STATE OF LOUISIANA		
Southern Bell Telephone & Telegraph Co	$86,500	
Postal Telegraph & Cable Co	5,000	
		$91,500
Western Union Telegraph Co., loss and damage in the seven States		98,335
American Bell Telephone & Telegraph Co., reports loss of business		300,000
Total damage		718,835

As another illustration disproving the claim that this is a reclamation project, I give the losses in Missouri as typical in character of the losses in other States:

STATE OF MISSOURI

Loss and damage by reason of the 1927 floods in the Mississippi Valley—Nine counties affected

Crop losses—310,000 acres of crop land flooded:			
Baled cotton damaged		$7,500	
Loss of rents on lands not cultivated by reason of overflow		1,786,400	
Damage to growing cotton crop		290,000	
Damage to other growing crops		3,140,500	
Damage to matured crops		420,260	
Damage to seed		66,800	
			$5,711,460
Cost of replanting			55,000
Losses of livestock:			
108 horses and mules	$10,800		
Horses, mules, cattle, hogs, and poultry (Dunklin and Pemiscot Counties, no number given)	45,000		
		55,800	
148 cattle		4,150	
1,280 hogs		22,300	
700 poultry		250	
			82,500
Property damage:			
136 houses destroyed		60,000	
1,814 houses damaged	97,000		
479 houses, stores, gins, barns, and other buildings destroyed and damaged (Dunklin County)	40,250		
Houses, stores, gins, barns, and other buildings destroyed and damaged (Pemiscot County, no number given)	40,000		
		177,250	
1 store destroyed		1,000	
20 stores damaged		4,000	
2 gins damaged		1,600	
38 barns destroyed		15,000	
55 barns damaged	6,400		
Barns and other buildings destroyed and damaged (Stoddard County, no number given)	21,000		
		27,400	
40 other buildings damaged		2,000	
Damage to merchandise		20,000	
Damage to farm implements		16,200	
Damage to automobiles		6,500	
Damage to feed		254,000	
Damage to household goods		38,750	
Damage to land by washing and spreading of obnoxious grasses		55,000	
Damage to fences		121,000	
(Two counties report 210 miles damaged.)			
(One county reports without giving number of miles.)			
Damage to private roads and bridges		82,500	
Damage to private ditches and drains		122,500	
			1,004,700
Business losses			250,000
Hardwood lumber industry, 10 mills affected			136,820
Damage to school buildings and equipment			74,378
Damage to highways and bridges			376,407
Total damage			7,691,265

The testimony of the witnesses before the House and Senate committees will be illuminating. Read the testimony of Postmaster General Harry New on the number of post offices closed, the interruption and suspension of mails, the closing of schools, the idleness of school children. Read the statements of the presidents of the great transcontinental railroads, together with their chiefs of engineers. Read the testimony of bankers and investment houses. Read of the interruption of commerce and the loss which affected not only the immediate community but the entire United States.

Other Senators may illustrate the losses in their own community. I have given the Missouri losses, which are relatively small considering the large total, and this loss was created because of one break in a long line of levees. It came from one crevasse, and that levee was under the control and management of the Federal Government.

We find in the last analysis that $292,000,000 was spent by the States, only $71,000,000 by the National Government, or a total of $366,000,000; that the total losses from floods was over $400,000,000; and now we are quibbling as to the contribution for levees and other forms of construction which will not involve over $12,000,000.

Suppose we have another flood next year with another $250,000,000 loss? If it does not come next year, it is certain to come in some succeeding year. What answer will these contenders for local contribution be able to make to another great national disaster?

We have handled the matter of floods in an unbusinesslike manner. We have paid the cost for national neglect, and we will have to pay it again and again and again until such time as the Army engineer is permited to have a broader vision, more humanity, to a time when self-contemplation and pride of personal opinion will give place to an adequate plan before an aroused and outraged national public sentiment.

If the losses in this region and the failure of local effort do not tell their own story, no words of mine can add to the facts or be persuasive. These figures give the lie to fiction. They demonstrate that flood control is a national problem. If the waters that flow from more than 40 per cent of the area of the Nation in which live more than 50 per cent of the population, and 70 per cent of our agricultural population, do not constitute a national problem when at flood stage, then, it seems to me, that we have no national problem with which to deal.

This is not a new problem. It has been merely emphasized by the losses of the recent flood. For a century the minds of thoughtful men have turned to this question of controlling the floods of the Mississippi.

NATIONAL PROBLEM

Men from all classes of life, engineers of experience, business men of standing, and representatives of various organized groups, have appeared before both the House and Senate committees. They have almost uniformly, with the exception of General Jadwin and some of his immediate associates, contended that this was a national problem to be borne by national expense. They have shown the futility of asking local contribution, the injustice of it, its inhumanity considering the terrible losses recently suffered, and how it can not be compelled by the National Government. They have shown that where the chain breaks in one part it destroys the whole machinery of protection.

It may be well, however, in passing to quote a few of these witnesses:

The representatives of the chamber of commerce, the great national business organization.

The representatives of the American Federation of Labor.

The representatives of the American Legion.

The representatives of farm bureaus.

The American Chamber of Commerce, representing the business men of every State in the Union, submitted to its membership, by referendum, two resolutions for their consideration:

First, the committee recommends that the Federal Government should hereafter pay the entire cost of constructing and maintaining works necessary to control floods of the lower Mississippi.

The vote in favor was 2,131; votes opposed, 512.

Proposition No. 2:

The committee recommends that the Federal Government should assume the sole responsibility for locating, constructing, and maintaining such works.

Votes in favor were 2,581; votes opposed, 240.

The committee from this organization made a personal trip of investigation, held hearings, took with them their own engineers and experts, and arrived at their conclusions only after thoughtful consideration and first-hand information.

On this committee were representatives of citizens from Washington, D. C., from California, from Illinois, from Arkansas, from Tennessee, from New York, from Missouri, from Wisconsin, from Mississippi, and various sections of the country.

For the information of the Senate, I ask permission to insert in the RECORD, in the body of my remarks, some description of these men, their past experience, and ability to pass judgment on so vital a matter.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Is there objection?

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

PERSONNEL OF NATIONAL CHAMBER'S COMMITTEE ON FLOOD CONTROL OF THE MISSISSIPPI

Frederic A. Delano, chairman, Hibbs Building, Washington, D. C.: Formerly a railroad executive and president of the Wabash Railroad; appointed a member of the Federal Reserve Board upon establishment of the Federal reserve system, resigning in 1918 to enter Army; on staff of the director general of transportation in France; member National War Savings Committee, Treasury Department, during war; recently receiver for the United States Supreme Court in Red River boundary case; member national chamber's committee on inland waterways, 1922–23; ex-member board of overseers of Harvard; ex-trustee University of Chicago; member American Society Civil Engineers, American Institute Mining Engineers, Western Society Engineers, A. A. A. S., American Railway Association, Franklin Institute, International Railway Congress; Western Railway Club, Chicago.

Robert P. Lamont, vice chairman, 410 North Michigan Avenue, Chicago, Ill.: Manufacturer, of Chicago; president American Steel Foundries; director First National Bank of Chicago, Armour & Co., etc.; during war chief procurement division, Ordnance Department; honorary vice president National Foreign Trade Council Convention, 1919; member Chicago Association of Commerce and formerly vice president Illinois Manufacturers' Association; director Chamber of Commerce of the United States.

Arthur S. Bent, 418 South Pecan Street, Los Angeles, Calif.: Engineering contractor, of Los Angeles, Calif.; senior partner Bent Bros. and president California Glazed Cement Pipe Co.; formerly president Associated General Contractors of America; director Chamber of Commerce of the United States; trustee Pomona College (Claremont, Calif.); director, 1923, Merchants and Manufacturers' Association; American Concrete Institute, affiliated American Society of Civil Engineers.

William Butterworth, Deere & Co., Moline, Ill.: Manufacturer, of Moline, Ill.; president Deere & Co.; formerly president National Implement and Vehicle Association; chairman Army vehicles, General Munitions Board, Council National Defense; chairman subcommittee on Army vehicles, General Munitions Board, Council National Defense; member American Committee of the International Chamber; vice president of the Chamber of Commerce of the United States for the Northern Central States.

H. C. Couch: Engineer, of Pine Bluff, Ark.; president Arkansas Light & Power Co.; vice president Bankers Trust Co., Little Rock, Ark.; chairman Arkansas Farm Credit Co.; national counselor for Pine Bluff Chamber of Commerce in United States Chamber of Commerce.

Jacob M. Dickinson: Lawyer, of Chicago; formerly Secretary of War; president of the American Bar Association; receiver for Rock Island lines, etc.; vice president American Society of International Law; president Izaak Walton League.

Robert R. Ellis, 155 South Front Street, Memphis, Tenn.: Wholesale merchant, of Memphis, Tenn.; president the Hessig-Ellis Drug Co.; formerly president Memphis Chamber of Commerce; vice president of the Chamber of Commerce of the United States; director Central-State National Bank, of Memphis.

Walker D. Hines, 320 Broadway, New York, N. Y.: Lawyer, of New York City; president Cotton Textile Institute; formerly chairman board of directors Atchison, Topeka & Santa Fe Railroad; formerly Director General of Railroads; author of numerous pamphlets and articles governing railroad problems, especially those connected with Government regulation and railway and international affairs since the war; recently arbitrator under peace treaties of questions relating to river shipping and investigator under League of Nations respecting navigation on Rhine and Danube.

John G. Lonsdale, National Bank of Commerce, St. Louis, Mo.: Banker, of St. Louis, Mo.; president of the National Bank of Commerce, St. Louis; director St. Louis Reserve Bank; member commerce and marine committee of the American Bankers' Association; chairman production bureau committee St. Louis Chamber (committee interested, among other things, in rural educational facilities; secured cooperation of school superintendents throughout the State in making a survey of rural educational facilities, which committee used in industry and educational campaign for their improvement, etc.), 1920–21; member of national chamber's committee on education, 1921, 1922, and 1923; member of board of directors St. Louis Chamber of Commerce, 1921; member of Business Men's Agricultural Commission, 1926 (Chamber of Commerce, United States of America, and National Industrial Conference Board); chairman national chamber's committee on aeronautics, 1926–27, 1927–28; member committee on banking and currency study, 1927–28; director representing finance department Chamber of Commerce of the United States.

Daniel W. Mead, 115 South Carroll Street, Madison, Wis.: Engineer, of Madison, Wis.; professor of hydraulic and sanitary engineering, University of Wisconsin, and consulting engineer in these fields; built waterworks for Rockford, Fort Worth, Tex., Danville, Ill., Moline, Ill.; filter, Kilbourn, Wis., hydraulic-electric plant (10,000 horsepower); Prairie du Sac, Wis., hydraulic-electric plant (20,000 horsepower); author, "Notes on hydrology," 1904; "Water-power engineering," 1908; "Contracts, specifications, and engineering relations," 1916; also numerous papers read before scientific societies and bulletins of University of Wisconsin; member of the former Red Cross commission to China on flood protection; and formerly consulting engineer Miami conservancy district.

John M. Parker: Cotton planter and cotton merchant, of New Orleans; former Governor of Louisiana; formerly president New Orleans Board of Trade, Mississippi Valley Association.

Leroy Percy, Weinberg Building, Greenville, Miss.: Lawyer and cotton planter, of Greenville, Miss.; former Senator of the United States; director of St. Louis Federal Reserve Bank; attorney for First National Bank; Yazoo & Mississippi Railroad; director, First National Bank of Greenville, Miss.

Matthew S. Sloan, 380 Pearl Street, New York, N. Y.: Engineer, of Brooklyn, N. Y.; president Brooklyn Edison Co.; member American Institute of Electrical Engineers; treasurer and trustee Polytechnic Institute of Brooklyn; trustee Brooklyn Hospital; member American Institute for Electrical Engineers, New York; Electrical Society, Academy of Political Science; director Brooklyn Chamber of Commerce; director representing natural resources department, Chamber of Commerce of the United States.

Alfred H. Stone, Dunleith Plantations, Dunleith, Miss.: Cotton planter, of Dunleith, Miss.; vice president Staple Cotton Cooperative Association; member Mississippi Legislature, 1916–1923; American Political Science Association; American Sociological Society; American Historical Association; American Economic Association; African Society of London; president Mississippi Historical Society, 1912–13; author, Studies in the American Race Problem, 1906; editor, the Staple Cotton Review.

Mr. HAWES. Mr. President, Mr. William Green, the president of the American Federation of Labor, in a letter addressed to me on February 18, makes this statement:

The officers and members of the American Federation of Labor believe that the cost of flood control in the Mississippi Valley should be borne by the Federal Government. The task is so great and the problem so complicated and difficult that it seems that the Federal Government is the proper agency to undertake and complete this great enterprise.

Mr. Wallace, representing the American Federation of Labor:

To tell those people that they must pay part would in effect do two things: First, it would delay the securing of the banks of the river, or whichever way the engineers might think it is necessary to control the flood waters. Secondly, it might bring about controversies between States, between localities, as to how this work should be done. Surely if they are asked to help pay they will demand some voice as to how this work shall be done. If this work is to be done well and to be done thoroughly, in our opinion, it should be controlled by one head, and therefore financed by that same head.

The representatives of the National Association of Credit Men, with a membership of 30,000 and with headquarters in New York, Chicago, and San Francisco, made this interesting statement:

That the influence of these disasters, while it is felt immediately by those in the vicinity where they occur, is causing untold thousands of dollars' loss of property and loss of lives, and suffering does not stop there. It spreads out through the channels of trade and commerce and business and economic conditions throughout our entire Nation. It is a national problem. It must and should be controlled.

Mr. Frederic Delano, chairman of the special committee studying this problem for the National Chamber of Commerce, made this statement:

As it is a national problem, it is one for the National Government to finance in its entirety. The people in the flooded areas have exhausted themselves in their unavailable efforts to protect themselves. They are at the end of their resources.

Mr. James E. Spofford, national commander of the American Legion, presented the following resolution from the Legion:

That legislation should be enacted by the Congress of the United States not only to grant relief in the present disaster but to provide against the recurrence of these floods, and finally to solve the problem of flood control particularly through the Mississippi River Basin.

Independently of this portion of this resolution, Mr. Spofford made this statement:

It is the Government's business to see that it is done. The Government has no authority, that I know of, to force the States to do anything on that line; and, therefore, if the States refuse, I should say the Government would have, under that resolution, to carry it out at Government expense.

* * * * * * *

Everybody has a local idea, but in the Legion, with people who have seen service for their country, there is something that goes beyond a local position, and a man gets a national view of it as well.

Southern States Republican League, represented by John Stephen Sewell:

Whereas these floods have been greatly accelerated and increased in recent years by the reclamation of tremendous areas of swamp lands in the north which formerly acted as natural reservoirs, and by the tilling and draining of millions of acres of farm lands which were a natural sponge to hold back flood waters, * * * the Federal Government should hereafter pay the entire cost of constructing and maintaining works necessary to control floods of the lower Mississippi Valley.

Representatives of the Investment Bankers' Association and others testified to the impossibility of further local contributions, failure to pay interest on bonds, the inability to pay, and the general state of demoralization which exists and which will continue to exist until the National Government performs its full duty. There is general agreement that there can be no further local contribution. The levee districts which have made these contributions in the past have been bled white.

During the absence of the President, he selected as his personal representative and to act for him in the flooded district Mr. Herbert Hoover, Secretary of Commerce.

Mr. Hoover spent considerable time in the district during the flood, visited many portions of the river, and made a great many speeches, some at banquets, some at meeting places, some over the radio, and accompanied by newspaper interviews.

There can be no doubt from these statements that at that time the Secretary believed this to be a national problem, to be executed without delay, to be paid for by the United States Government without contribution from the local States.

At Memphis, on April 30, over the radio:

A week ago when it broke the levee at Stops Landing only a quarter of the river went through the hole, yet in a week it poured water up to 20 feet deep over several counties, an area up to 150 miles wide, and flooding 150,000 people. The crest of this great collection of water from 30 States moved slowly down the river 30 or 40 miles an hour.

Same speech:

To-day some 3,000 are homeless in each of Illinois, Kentucky, and Tennessee, 20,000 or 30,000 in the State of Missouri, 120,000 are flooded in Arkansas, and 150,000 in Mississippi.

Same speech:

No man can charge the fate of these unfortunate people to any failure upon their part.

At St. Louis, May 8, Raymond P. Brandt said:

The next step may be the request for appropriations. I shall do whatever I can to help in this work. I will gladly go before the House and Senate committees to give my views on the necessity of appropriations for the surveys or the actual work. If necessary, I will make speeches to arouse public sentiment. As a matter of fact, public sentiment is already aroused on this question of flood control, and I do not expect there will be any trouble over appropriations this session.

I quote from an interview with the brilliant reporter of the New York Times, Mr. Speers, on May 22:

Given the money necessary, there is a solution for every engineering problem, and no matter what the cost of flood control, it will not be nearly so much as the loss suffered as the result of this flood, which has devastated so many hundreds of thousands of acres of the most fertile land on earth and rendered hundreds of thousands of good citizens homeless and destitute.

The Mississippi has been here a long time, it has a flood every spring and sometimes a superflood like this one.

* * * * * * *

We must give these people security and not permit them to live in peril. And it can be done for a whole lot less than we have lost in this flood. I expect to see brought forward a perfectly competent, workable plan of Mississippi flood control. It is a magnificent problem and it can and will be, I am convinced, solved in a magnificent and thoroughly American way.

In a speech in Louisiana, May 23, Mr. Hoover said:

And I wish to say in conclusion that I have now spent five weeks in your midst. I have had an opportunity to witness the fine spirit and cooperation of the communities, the able leadership and courage of the citizens of your State, and all of your sister States who have participated in this calamity. I have seen the gratitude of your people for the effort made by the Nation under the leadership of the President of the United States. I have acted as his representative and, in doing so, I have been but giving evidence of the President's desire and the desire of the people of America to do not only their duty but to cooperate in generous spirit to remedy a calamity that was no fault of your people.

In Chicago on June 4, the Chronicle reports him as saying:

God has blessed our country greatly in resources and wealth. We number our possessions in hundreds of billions. These people are our own citizens. Their fate is not due to any fault or failure on their part. They are carrying burdens which outweigh our assistance manyfold. We of the North have the right and the duty to bind their wounds because they are of our own country.

I quote from a speech at Monroe, La., June 8:

There is one bright ray which comes out of the gloomy situation confronting the Mississippi Valley. It is the realization that the 125,000,000 people in the United States have awakened to the fact that this valley must be protected from future catastrophe. When Congress convenes to take up the flood problem, I am certain that the question will be settled for all time and that the future prosperity and growth of the valley will be guaranteed. All that you need down here to make your success complete is a sense of security. I am willing to guarantee you right here and now that the sense of security will be forthcoming within the next 8 or 10 months.

Statement by Herbert Hoover, Washington Star, June 12:

What it all means in human terms is simple enough, 750,000 people flooded, 600,000 driven from their homes or made dependent upon relief.

No one can at present calculate accurately the economic loss. It will probably run from $200,000,000 to $400,000,000. That 1,500,000 of our countrymen should continue to live in such jeopardy is unthinkable, nor can the Nation afford to abandon to disease-producing mosquito swamps 20,000,000 acres of its richest lands, an area nearly as large as the State of Indiana. This flood has been the greatest disaster of peace times in our history, but what will it be if we have 10,000,000 of our people living in such jeopardy instead of 1,500,000?

* * * * * * *

All the engineering plans for flood control of the river must, of course, be revised in the light of their experience, and they must be revised as against any combination of floods from the tributaries.

* * * * * * *

The main thing is a plan bold and strong enough to deal with the question in finality, for we have to live with this river for thousands of years yet.

* * * * * * *

I am convinced that our engineers can develop plans which will control the floods. I believe we can give security to the people living below the levees that will permit the full development of these plans and their full growth in population.

Washington Star, June 12:

I have no doubt that within the next few months there will be worked out a plan of flood control that will permanently relieve the Mississippi Valley of all fear of future disaster; I am convinced the American people are going to see that this plan is to be put into effect at once.

New Orleans, June 18, Washington Star:

In human terms, this Mississippi River flood of 1927 means 750,000 people flooded, 600,000 driven from their homes or made dependent upon relief. The economic loss will probably run from $200,000,000 to $400,000,000. That 1,500,000 of our countrymen should continue to live in such jeopardy is unthinkable.

New Orleans, June 29:

"Assumption by the Nation of its responsibility for prevention of future floods," said Secretary Hoover in discussing the present flood situation, "is one benefit that will result from the present disaster. With this flood menace removed," he added, "the economic development of the flood plain of the Mississippi will be such that the present population of 1,800,000 will be increased to from 5,000,000 to 10,000,000 in the next quarter of a century."

Speech at Little Rock June 25:

This great catastrophe by which a million and a half people in this valley have been brought in jeopardy, by which hundreds of thousands have been driven from their home, is not all a loss. It has served to educate the whole people of the United States to a great problem of elemental importance to the progress of our country and the prosperity of our State. That is the necessity for complete and whole control of the Mississippi River. I believe the sentiment of the Nation to-day is unanimous in that it should be taken in hand in such fashion as to give a complete assurance that, in the words of President Coolidge, "It will not happen again." And it is a national problem. Not only does the lower Mississippi River serve as a trough to carry off the flood waters of 32 States, but in the great flood plain of the Mississippi

we possess one of the Nation's greatest assets of 20,000,000 acres of its richest lands.

* * * * * * *

Nor can we as a Nation tolerate periodic destruction and shock which come from a repetition of catastrophes such as this. Every great loss of this kind reechoes throughout the whole Nation. No matter how small it be, every citizen is deducted something from his wage or income toward such loss as this.

* * * * * * *

Nor can the cost of flood control fall upon the people who are now prostrated by inadequate measures of the past and who bear the burdens of losses which will require years for recovery.

* * * * * * *

Adequate flood control therefore becomes a national problem. One of the first obligations upon Congress is to authorize a complete and not a partial solution and to provide funds for its execution.

Executive Office, Rapid City, S. Dak., July 21:

It is not incompatible with national economy to prevent $10 of economic loss by the expenditure of $1 Federal outlay. In the face of their great losses and their present destitution, I do not see how the people along the river can contribute much more than the maintenance of the central works after they have been constructed.

Mr. President, the Jadwin plan as presented to the Senate in the Jones bill does not solve the problem. It was a plan that was repudiated by 95 per cent of the witnesses before the House committee, by practically every witness before the Senate committee.

All through the hearings we were asked to provide a place for the civil engineer, and we find the Chief of Engineers, General Jadwin, asking that the civilian engineer be pushed further back. This is a subject upon which I will not now detain the Senate, but I hope I have said some things which may impress upon the Senate the fact that this subject must be considered as a national problem, that local communities in the States are unable to handle it properly, and that there is unanimity of opinion among the great business organizations, the great labor organizations, the farm organizations, the American Legion, and the great newspapers of the Nation, that this is a national problem, to be paid for wholly and exclusively by the Nation.

Twenty thousand civilian engineers are being graduated from 48 State colleges and other special colleges, such men as served under General Jadwin in the war, 75 of them from my own city of St. Louis having left places of high profit to serve in the war, and on any commission that decides any vital question of flood control adequate representatives of this body of trained civilian engineers should be provided for.

MUSCLE SHOALS

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). The question is on agreeing to the amendment proposed by the Senator from Alabama [Mr. HEFLIN] to the amendment of the Senator from Mississippi [Mr. HARRISON], as modified, to sections 2, 3, and 4.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Barkley	Edwards	King	Schall
Bingham	Fess	La Follette	Sheppard
Black	Fletcher	McKellar	Simmons
Bratton	George	McLean	Smith
Brookhart	Gerry	McMaster	Steiwer
Broussard	Gould	McNary	Stephens
Bruce	Hale	Neely	Swanson
Capper	Harris	Norris	Thomas
Caraway	Harrison	Oddie	Tydings
Copeland	Hawes	Overman	Tyson
Curtis	Heflin	Pittman	Walsh, Mont.
Cutting	Howell	Ransdell	Warren
Deneen	Johnson	Reed, Pa.	Waterman
Dill	Jones	Robinson, Ark.	Willis
Edge	Kendrick	Sackett	

The PRESIDING OFFICER. Fifty-nine Senators having answered to their names, a quorum is present.

Mr. NORRIS. Mr. President, several days ago when I addressed the Senate on the subject of Muscle Shoals I had on the wall a chart which I asked unanimous consent to have inserted in the RECORD. That consent was granted, but the printing clerk and others found that it was impossible to have it reduced in size in time to go in the RECORD in connection with my remarks, so it was not included. Since that time I have had the chart revamped, and I now ask unanimous consent to have it inserted in the RECORD at this point as a part of my remarks and to include also with the chart the statistics which I send to the clerk's desk with the chart.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statistics and chart are as follows:

COMPARATIVE COST OF DOMESTIC ELECTRIC SERVICE, UNITED STATES AND ONTARIO 1910–1926

By Judson King

The chart herein is based upon the following figures of the net average price in cents per kilowatt-hour for domestic service in a selected group of 32 American cities and all 21 Ontario cities of 10,000 population and up.

Year	United States, cost kilowatt-hour	Ontario, cost kilowatt-hour
	Cents	*Cents*
1910	9.2	[1] 9.3
1911	9.0	
1912	8.9	6.00
1913	8.7	5.06
1914	8.5	4.86
1915	8.0	3.83
1916	8.05	3.08
1917	8.1	2.89
1918	7.9	2.72
1919	7.8	2.55
1920	8.0	2.29
1921	7.9	2.20
1922	7.8	1.98
1923	7.7	1.83
1924	7.6	1.73
1925	7.5	1.76
1926	7.4	1.61

[1] Cost under companies prior to hydro. The Ontario hydro system began operation Oct. 11, 1910, with 5 cities and 9 towns to serve. By 1918 there were 21 cities and also 108 towns and villages connected.

Sources: United States: Electrical World estimates quoted at page 162 and charted at page 164 of a memorandum filed by the joint committee of National Utility Associations, Hon. George B. Cortelyou, chairman, with the Interstate Commerce Committee, United States Senate, January 19, 1928, in opposition to the Walsh resolution for a power investigation.

Ontario: 1914–1926, official bulletin hydroelectric power commission, January, 1927, page 8; November, 1927, page 411. Ante 1914, estimated from data in nineteenth annual report of commission, 1926, pages 340–349.

Cities used for comparison

UNITED STATES

	Population
Atlanta	250,000
Baltimore	819,000
Birmingham	217,000
Boston	793,000
Buffalo	550,000
Chicago	3,102,000
Cincinnati	412,000
Cleveland	984,000
Denver	289,000
Detroit	1,334,000
Houston	256,000
Indianapolis	374,000
Jacksonville	137,000
Kansas City	383,000
Los Angeles	1,300,000
Memphis	179,000
Minneapolis	447,000
Mobile	66,000
New Orleans	424,000
New York	5,970,000
Norfolk	179,000
Philadelphia	2,035,000
Pittsburgh	665,000
Portland, Me	76,000
Portland, Oreg	340,000
Richmond	191,000
St. Louis	839,000
San Francisco	576,000
Savannah	96,000
Scranton, Pa	143,000
Seattle	411,000
Washington	540,000
Total	25,377,000

ONTARIO

Brantford	28,010
Chatham	14,118
Galt	12,686
Guelph	19,219
Hamilton	122,238
Kingston	21,621
Kitchener	24,805
London	63,339
Niagara Falls	16,819
Ottawa	118,088

	Population
Owen Sound	12,231
Peterborough	21,726
Port Arthur	17,021
St. Catharines	21,810
St. Thomas	17,152
Sarnia	15,588
Stratford	18,888
Toronto	542,187
Welland	8,942
Windsor	52,638
Woodstock	10,114
Total	1,179,240

Domestic service, above cities only, 1926

	Average monthly bill	Average monthly use, kilowatt-hours
United States	$2.22	30
Ontario	1.79	98

Industrial power, total, 1926

	Kilowatt-hours sold	Revenue	Kilowatt-hours
			Cents
Entire United States	35,154,000,000	$461,000,000	1.31137
Entire Ontario	546,452,626	6,720,796	1.22990

Hence, at Ontario power rates the American power bill would have been less by $28,819,000.

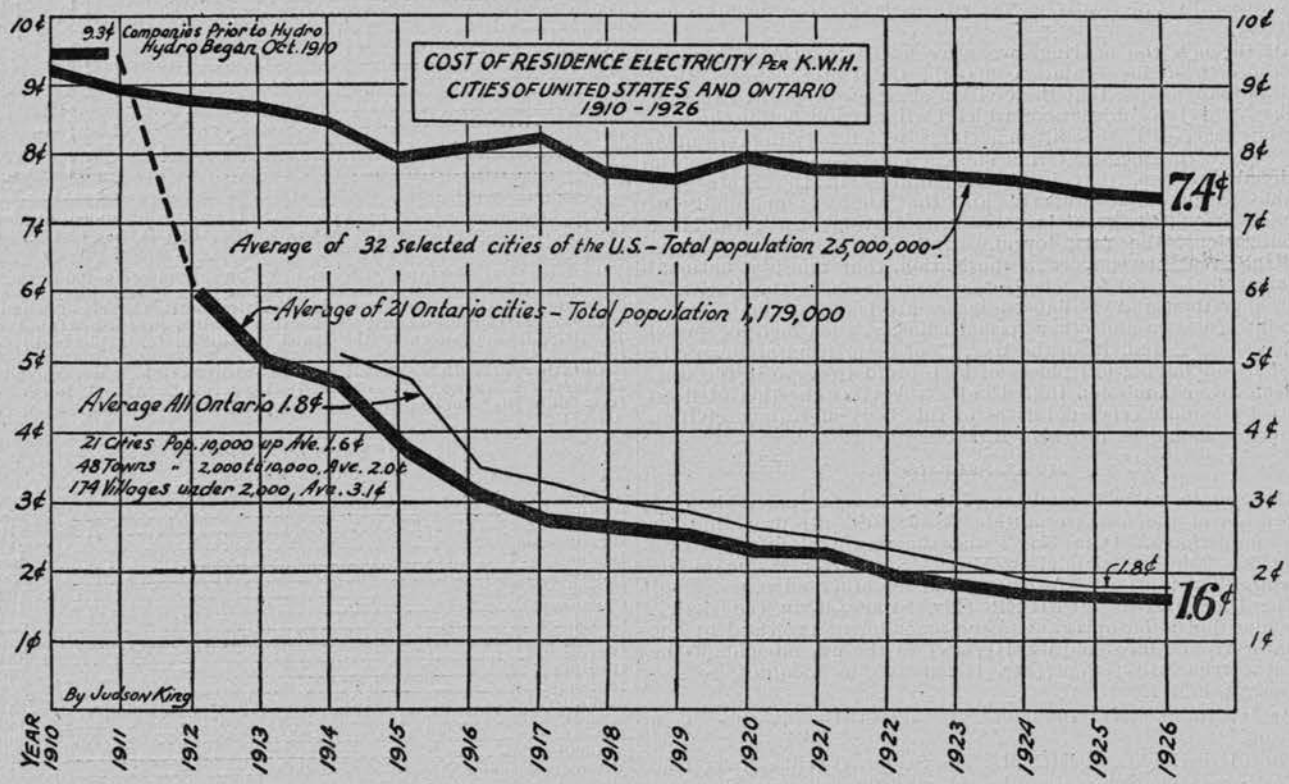
Domestic, commercial, and street light, 1926

	Kilowatt-hours sold	Revenue	Kilowatt-hours
			Cents
Entire United States	15,000,000,000	$1,018,200,000	6.788
Entire Ontario	638,486,973	12,987,676	2.034

At Ontario light rates the total American light bill would have been less by $713,000,000.

Sources: Electrical World, January 7, 1928, tables, page 18. List of cities, United States Labor Review, August, 1927, page 203. For Ontario data: Bulletins and Reports, page 1.

Why This Difference?



Average Price in These American Cities to Domestic Consumers in 1926	**7.4c K.W.H.**
Average Price "Service at Cost" in Ontario Cities in 1926	**1.6 c**
Since Hydro does not pay taxes in proportion to U. S. add 10%	.16
Since Hydro does not pay dividends, add a fair profit of 10%	.16
Since Hydro generates by water power and 23 of the above U. S. Cities generate chiefly by coal, add per K.W.H.	.48
Adding these American extras would raise the Ontario price to	2.4c K.W.H.
Leaving Unexplained Why American Consumers are Forced to Pay an Added	**5c K.W.H.**

Mr. HEFLIN. Mr. President, I ask unanimous consent to have printed in the RECORD a letter addressed to me by Mr. Thomas W. Martin, president of the Alabama Power Co. The Alabama Power Co. have been criticized by both Senators from Nebraska and some other references have been made to their rates and practices. I told Mr. Martin I thought it was but fair that he should have an opportunity to give an account of the conduct of his company and of the rates they charge, and that I would be glad to ask to have his statement printed in the RECORD. I ask unanimous consent that it may be printed in the RECORD at this point.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The letter is as follows:

ALABAMA POWER CO.,
Birmingham, Ala., February 25, 1928.

Hon. J. THOMAS HEFLIN,
United States Senate, Washington, D. C.

DEAR SENATOR HEFLIN: A number of tables and schedules prepared by Mr. Kenneth G. Harlan, public-utility expert for the city of Tacoma (Wash.) municipally owned plant, were inserted in the CONGRESSIONAL RECORD February 15, 1928 (pp. 3038–3044). Rates are quoted for the Tacoma plant and compared with rates in the privately owned plants of the Alabama Power Co., operating in a large portion of Alabama.

We desire to submit for your information and that of the Senate a statement showing the average rate on the system of the Alabama Power Co. which has been prepared on the same basis of average kilowatt-hour sales as was employed by Mr. Harlan, the expert of the publicly owned plant in Tacoma, for purposes of comparison with rates in Alabama; and also relating to other statements in the Senate respecting this company.

Mr. Harlan says:

"The foregoing computations are based upon the combined amount of energy served annually to all classifications of business divided into the total revenue received, which gives the average rate of kilowatt-hour, and which in the last analysis reveals the true status of the rate structure, irrespective of what may result in the comparison of rates at certain points or in certain schedules or classifications of service" (p. 3039).

Mr. Harlan shows that the average rate in Tacoma per kilowatt-hour is 1.0427 cents. He makes no attempt to show the average rate on the system of the Alabama Power Co. Since the Alabama Power Co. in 1927 sold to and interchanged with utilities outside the State 422,747,000 kilowatt-hours of energy because of a supply of power from Muscle Shoals, this amount has been deducted for purposes of comparison. The comparative results follow:

Producer	Total kilowatt-hour sales	Revenues	Average rate
			Cents
Tacoma	168,648,489	$1,758,558.30	1.0400
Alabama Power Co	1,050,107,427	13,079,600.02	1.2457

Thus the average rate per kilowatt-hour on the system of the Alabama Power Co., serving almost a whole State, with many scattered communities, both large and small, only slightly exceeds that of the Tacoma plant, serving a single large city. If State, county, and municipal taxes and license fees were deducted, the average rate for the Alabama Power Co. system would be less than shown above. The average revenue per unit of output for the entire industry in the United States in 1926 was 2.3 cents per kilowatt-hour.

In this connection it is interesting to compare the average rate in Alabama with that of a number of outstanding municipally owned plants, both excluding and including that of Tacoma. The comparative results follow:

Name of producer	Total kilowatt-hour sales	Revenue	Per kilowatt-hour sold
			Cents
1. Seattle	178,819,600	$3,859,042	2.17
2. Cleveland	134,115,639	3,110,302	2.32
3. Los Angeles	488,538,323	11,190,323	2.30
4. Jamestown, N. Y.	16,532,364	482,849	2.92
5. Springfield, Ill.	18,016,267	479,613	2.66
6. Jacksonville, Fla.	54,621,675	2,169,957	4.00
Total of above	890,643,868	21,292,086	2.39
7. Tacoma	168,648,331	1,758,558.30	1.04
Total, including Tacoma	1,059,292,199	23,050,644.30	2.18
8. Alabama Power Co	1,050,107,427	13,079,600.02	1.24

1. Calendar year 1926; official report city lighting department.
2. Calendar year 1926; official report bureau of municipal light plant.
3. Year ending June 30, 1926; official report bureau of light and power.
4. Calendar year 1926; Public Service Commission of New York.
5. Year ending Feb. 28, 1927; eleventh annual report city water, light, and power department.
6. Calendar year 1926.
7. Year ending Sept. 30, 1927, including power sold to municipalities. (CONGRESSIONAL RECORD, Feb. 15, 1928, p. 3039.)
8. Calendar year 1927.

You will note:

(a) That the average of the first six municipal plants mentioned is 2.39 cents per kilowatt-hour, as compared with 1.2457 cents in the Alabama Power Co. system.

(b) That if Tacoma be included the average rate is 2.18 cents for the seven municipal plants, as compared with 1.2457 cents in the Alabama Power Co. system.

(c) You will also note that while the total kilowatt-hours sold in the seven municipal plants combined is about the same as the Alabama Power Co., the total receipts exceed that of the Alabama Power Co. by nearly $10,000,000.

Mr. Harlan correctly states that the average kilowatt-hour basis "reveals the true status of the rate structure, irrespective of what may result in the comparison of rates at certain points or in certain schedules or classifications of service." Different physical and climatic conditions, the character and source of power supply, the extent of the territory served, and the nature of the business of the consumer make necessary a number of classifications of service and different schedules of rates to fit the varying conditions which prevail in different States.

Questions arise from time to time in the adjustment and application of these schedules and classifications which are determined by the State commissions. Moreover, many factors are involved in the cost of service which make any direct comparison of rates as set up by Mr. Harlan, at page 3038 of the RECORD, February 15, 1928, of little value. In the case of Tacoma, the ordinance upon which the rate is based specifically provides for the separate and individual negotiation and approval by the city council of all contracts for blocks of power greater than 1,000 kilowatts (Report and Information Book, light department, Tacoma, 1925, p. 79). Mr. Harlan draws the same conclusion when he says that "such comparisons, while they may be properly computed, are void of any material importance, nor can they be seriously considered when true comparison of rates are sought" (p. 3039).

The Alabama Power Co. has in recent years acquired 23 municipally owned lighting plants that are now connected with its distribution system. In each case the sale of the plant was first approved by the governing board of the city and then submitted to a vote of the people, as is required by the laws of Alabama. In many instances the vote was practically unanimous. A study of the municipal rates in effect at the time of sale in these communities will show rates ranging from 10 cents to 25 cents per kilowatt-hour, and in most cases they were flat rates with but little reduction for increased use. However, while these communities were interested in obtaining a reduction in the lighting rates, they were specially interested in obtaining power which would attract industries into their communities.

Domestic rates in effect in all towns connected with the system of the Alabama Power Co. range from 9 cents per kilowatt-hour (with the exception of a few communities where it is 10 cents) for the first block of energy used for lighting purposes alone down to 5 cents per kilowatt-hour. Where energy is also used for other household purposes, such as cooking, water heating, ironing, washing, refrigeration, etc., the rate, dependent upon amount of consumption, goes down to 2½ cents per kilowatt-hour. The result has been to increase greatly the number of customers as well as the per capita use of energy.

The following table shows typical rate results before and after the acquisition of municipally operated plants in Alabama:

Net lighting rates

Town	Before purchase	Present [1]	Per cent reduction
	Cents	*Cents*	
Albertville	12½	9	28
Boaz	12½	9	28
Camp Hill	13	9	30
Carbon Hill	11¼	9	20
Dadeville	12	9	25
Haleyville	20	9	55
Livingston	25	9	64
Ozark	15	10	33
Russellville	20	9	55
Union Springs	12½	9	28
Uniontown	18	9	50
Wetumpka	13½	9	33
York	18	9	50

[1] This reduces to 3½ and 2½ cents per kilowatt-hour less 10 per cent discount where energy for cooking and heating is combined with lighting.

The city of Birmingham for many years owned municipal lighting and water plants serving part of the territory embraced within the corporate limits of Birmingham. An election was held on November 15, 1927, after extensive advertising, on the question of selling these plants

for private operation, and was approved by a vote of the people. The sale was completed January 4, 1928.

Nine reasons why the city commission favored the sale of the plants were given by Hon. J. M. Jones, president of the commission, as follows:

"1. Because the people of North Birmingham have petitioned the city commission to sell them.

"2. Because the patrons of these plants are not receiving as good service as other people of Birmingham.

"3. Because the people of North Birmingham are paying a higher rate for electricity than the rest of the people.

"4. Because the city is simply selling two distribution systems.

"5. Because the city is now buying current and water at wholesale from the utilities and retailing it.

"6. Because since 1910 the city has operated these plants at an annual loss of over $11,000.

"7. Because the price offered for these plants is the appraised value fixed by Morris Knowles (Inc.), a nationally known and impartial appraiser.

"8. Because the price offered for these plants is fair and reasonable, being the full appraised value as fixed by Morris Knowles (Inc.).

"9. Because the city commission pledges itself to spend the proceeds of these sales only in other paramount public improvements."

President Jones further said:

"It is the unanimous opinion of the city commission that these plants should be disposed of for the best interests of the entire city. It is an excellent opportunity to turn a liability into an asset. If the plants are not sold the city must continue to operate them and take the loss that results. The responsibility is with the people. The commission is anxious for the people to have the full facts."

The case of Alabama Pipe Co. et al. *v.* Alabama Power Co., heard by the Alabama Public Service Commission and decided September 30, 1927, involved an adjustment of certain rates of the company. In the course of the opinion the commission said:

"'Every utility is entitled to just and reasonable rates as will enable it at all times to fully perform its duties to the public and will, under honest, efficient, and economical management, earn a fair net return on the reasonable value of its property devoted to the public service. This is our law. However, this does not mean that rates for all classifications of service should be the same.'—Alabama Power Co., supra.

"Representative of complainants made reference to the contract between the Alabama Power Co. and the United States Government for the purchase of a portion of defendant's power requirements from the Wilson Dam plant, the price paid therefor, and the distance of the location of a number of complainant's plants from the Muscle Shoals power supply. No evidence was introduced, however, to sustain a contention that customers located nearer the Muscle Shoals source of supply should have preferential rates on account of the proximity of their plants to the source of supply.

"Complainants have not undertaken in this case to show by evidence that we are justified in so regulating defendant's rates for power generated at Muscle Shoals by the United States, as to require defendant to distribute and sell such power at lower rates to those near by than to those farther distant within the State of Alabama. We are not prepared to say that the water-power resources at Muscle Shoals should be distributed upon a basis founded upon a theory that such resources exist primarily for those near by and that near-by customers should have a preference in rates over all other customers located in other parts of the State. Certainly no evidence has been offered in this case to justify any such conclusion.

"The defendant's rate structure, in so far as rates for power are concerned, is based on uniformity to all communities served, and it has observed this basis since its hydroelectric system was first constructed and put into operation over 15 years ago.

"The system of defendant utility, beginning with a single generating plant some 15 years ago, has rapidly extended until its transmission system now covers the greater portion of the State, with many large sources of power supply. In addition to the Muscle Shoals source of supply, there are at present two large hydroelectric plants on the Coosa River, three hydroelectric plants on the Tallapoosa River, and three large steam reserve plants, in addition to defendant's interchange connection with other power companies.

"These large steam reserve plants are located in or close by the coal deposits of the State. Complainants, through their representatives, have raised the question whether the power latent in the Coosa River, the Tallapoosa River, and other streams of the State capable of generating hydropower sufficient to justify their development for this purpose, and that which is latent in the coal deposits within the coal fields of Alabama, should be distributed throughout the State under a rate structure which would require the more distant cities, towns, and communities to pay a higher rate than those adjacent to the generating sources of such power because of such difference in distance. The thinking mind will see at once this raises a big question. To zone this State for rate-making purposes in the distribution of such power would require an entire change in that plan of defendant's rate structure, which, as we have pointed out, has been followed since the defendant began such utility operations. Complainants have not furnished evidence to show that such change is justified, or if justified, what plan of rates would be just and reasonable on such new and different basis. Such a change would involve material interests of all the customers of the utility throughout the entire State and of every city, town, and hamlet of the State. Even if these particular complainants had brought before us in this case substantial evidence in support of this zoning theory for rate-making purposes, which has not been done, we would have to shut our eyes to most important and material interests of all those customers of defendant located in cities and communities other than those represented by the present complainants, if without notice to them and the right to be heard, we should undertake to require defendant in this proceeding to apply such zoning theory of rate making.

"Within the last few years the defendant, at the instance of the agricultural interests, has extended its transmission lines into rural communities to make the State's power resources available to the farmer, to aid him, if possible, in the solution of his difficult problems and in order to make home life upon the farm more attractive. The transmission of power from the sources named to the smaller towns and villages of the State makes every such town and village a potential location for manufacturing industries. Economists who have given long and careful thought to the future development of Alabama are practically unanimous in the view that our State as a whole is best adapted to development as a manufacturing and industrial community rather than an agriculture section. It is a matter of common knowledge that agriculture in Alabama is finding it increasingly difficult to compete in the production of cotton with States more favorably adapted, such as Texas and Oklahoma."

The rate schedules of this company have been developed with the view of serving the general purposes indicated in the foregoing opinion of the commission. By far the greater portion of the energy sold in Alabama is used in industry, resulting, as it does, in the decentralization of industry throughout the State, creating pay rolls and other advantages to the communities because of large available quantities of power.

In the recent Commercial Survey of the Southeast, 1927, published by the Department of Commerce, at page 113, it is shown that in the 12-year period from 1914 through 1925 manufacturing in the Southeast increased in greater proportion than for the United States as a whole, the percentage of increase in the value of manufactured products in the Southeast being 203 per cent, compared with 159 per cent for the country as a whole. The most recent two-year period shows extraordinary development, the combined value of manufactured products in the States of North and South Carolina, Georgia, Florida, Alabama, and Tennessee having been $305,138,380 more in 1925 than it was in 1923.

Reports from the Geological Survey show the output of power in the six States of North Carolina, South Carolina, Florida, Tennessee, Alabama, and Georgia increased from 3,828,281,000 kilowatt-hours in 1923 to 6,911,421,000 kilowatt-hours in 1927, an increase of 78.6 per cent compared with 46.8 per cent increase in the same period for the Nation as a whole.

The public utilities of the United States in 1927 showed an increase of power output of more than 8 per cent over 1926, while in the South the increase was more than 16 per cent over 1926, or twice the percentage of increase in the Nation as a whole. This tremendous gain in power consumption not only explains the rapid growth of public utilities in the South, but also indicates the continued expansion of southern industries. It offers a yardstick for the measure of industrial development and in this respect reflects the greater activity experienced by southern industry in 1927 as compared with former years. New plants and plant enlargements have required additional power, and by the building of steam and hydroelectric generating stations public utility power companies are endeavoring to supply the growing power needs of the South. (Manufacturers Record, January 19, 1928.)

Continued growth in the South is closely related to the ability of the public utilities to supply increasing power needs for industrial and other purposes.

It has been stated that the Alabama Power Co. is buying Muscle Shoals power at a very low rate under the temporary arrangement, in effect for two years, pending disposition of Muscle Shoals by the Congress. The rates under this contract are from 2 to 4 mills per kilowatt-hour for power for use in Alabama and in power systems in other States with which the lines of Alabama Power Co. are interconnected. The agreement with the Secretary of War is to purchase power of the Government in lieu of operating steam plants on the system of the Alabama Power Co. when the demand on its system or that of interconnected companies operating in other States requires a supply of power in excess of the water-power resources on their own system. Therefore, operation of the Government plant has not been continuous.

Under these circumstances the price paid is graduated on a scale commensurate only with the increment cost for generating an equal amount of power from the several steam plants on the system of the Alabama Power Co. Furthermore, the arrangement is revocable on 30 days' notice, which means that the company must be prepared with plants sufficient to replace the Muscle Shoals power. This necessarily

affects the price that can be paid for temporary use, because the company could not make firm contracts to furnish consumers with Muscle Shoals power and depend on a contract with the Government revocable on 30 days' notice. Such temporary arrangement deprives the Government of increased revenue which would come from maximum output secured through full use of power-plant facilities, especially the opportunity to utilize much of the secondary power going to waste because of inability to coordinate the plants with interconnected reserve plants in the coal regions and in other watersheds. Even under the present arrangement the Government has collected $2,390,038 for 1926 and 1927.

The difference in price paid to the United States, from 2 to 4 mills, and the average received by the Alabama Power Co. in 1927 for all power sold does not represent profit. To this must be added fixed charges, operating expenses and other overhead, interest on investments in reserve steam plants, in transmission lines, substations and local distribution systems, and various forms of taxes, plus losses in transmission from point of generation to points of consumption throughout the State and into other States.

I am, very respectfully,

THOS. W. MARTIN, *President.*

Mr. HOWELL. Mr. President, at an expense of about $50,000,000 the United States Government has developed a great machine at Muscle Shoals whose finished product is electrical energy in a form for distribution. It was originally proposed that this great plant should be devoted to the manufacture of fertilizer. My distinguished colleague, the senior Senator from Nebraska [Mr. NORRIS], has clearly shown that the electrical method of producing fixed nitrogen is no longer commercially important; that a synthetic method has been developed which enables the production of fixed nitrogen at a much lower cost.

The question arises, Shall we carry out our original idea; use Muscle Shoals in an inefficient manner for the production of fixed nitrogen, or shall we sell our finished product, electric energy, and utilize the funds derived therefrom to promote synthetic production? There can be no question as to what ought to be done. The Government should not proceed in this matter in any other way than would private business. Assuming that such will be the conclusion of the Senate, then the question arises, How shall we dispose of the electrical energy? Shall we turn it over to private interests for distribution, or shall we, the Government, continue to develop electrical energy, transmit it to points of use—that is, to municipalities—and sell it at wholesale for local distribution?

Mr. President, if the pending resolution is adopted by the Senate and ultimately becomes a law, the possible benefits to the municipalities within practical transmission distances of the Muscle Shoals hydroelectric plant will be far-reaching, indeed. These benefits will be such as result from the advantages of public ownership, advantages to the public, and for which my colleague has been contending for years in connection with this great hydroelectric development.

What are the advantages of public ownership?

It is the practice of public service commissions throughout the country to adjust the charges for service which a public utility may collect from its patrons so as to amply provide for all expenses of operation, maintenance, a reserve for depreciation, a fixed rate of return upon the value of the plant, and, finally, a surplus, as otherwise there might be a deficit.

The rate of return allowed a utility varies from 7 to 8 per cent in the different States. Assuming the average to be 7½ per cent, the rate in the District of Columbia, then 7½ per cent is what the public is called upon to pay upon capital invested in privately owned utilities. However, if the utility is publicly owned, the rate of return is the interest charge upon outstanding bonds representing the indebtedness of the plant, or in the neighborhood of 4¼ per cent. The difference between these two rates, 7½ per cent and 4¼ per cent, is 3¼ per cent, which represents the saving in favor of public ownership.

As to what this saving means, consider a $10,000,000 plant. Three and one-fourth per cent of $10,000,000 is $325,000. This sum invested annually at 4 per cent compound interest will equal $10,000,000 within 21 years.

This is the first of the financial advantages I shall enumerate resulting from public ownership; in fact, is the chief advantage of this character, and, of course, inures to the public—that is, the consumers.

The second advantage of public ownership is in connection with reserves for depreciation. The annual amount allowed to be deducted from income and placed in this reserve is a matter of estimation, and, as a rule, if there is error, it is on the side of liberality. As a consequence, such reserves from this cause alone tend to accumulate. But there is another and major cause of the undue growth of reserves for depreciation. The purpose of this reserve is to take care of replacements. However, the line of demarcation between maintenance and replacements is so shadowy and vague that a utility management, both consciously and unconsciously, tends to maintain the value of a plant in the neighborhood of 100 per cent at the expense of maintenance, thus sparing the reserve for depreciation. This is not a difficult thing to do in connection with a plant whose component parts consist of diverse units dispersed over a considerable area, as in the case of an electric plant. In fact, it rather does itself, and especially so if the annual surplus is making strides ahead, as such a tendency, if persistent, ultimately results in an order by the regulating authority for a reduction in rates. The depreciation reserve of the Potomac Electric Power Co. serving Washington, D. C., was, at the close of 1926, $5,372,000, or 17½ per cent of its value for rate-making purposes, not including this reserve.

If a utility is privately owned such a reserve for depreciation, in one way or another, ultimately appears, in whole or part, in the capitalization of the plant, and thus indirectly reaches the pockets of the stockholders. If a utility is publicly owned, however, such excess accumulations are used for the extinguishment of the debt of the plant or for new capital expenditures. this inuring to the benefit of the public; that is, the consumers.

The third advantage of public ownership is derived from the ultimate disposal of the annual surplus. If the utility is privately owned, such surpluses ultimately reach the pockets of its stockholders. If the utility is publicly owned, annual surpluses are applied to the extinguishment of the debt of the plant, or are used for new capital expenditures, thus also inuring to the benefit of the public; that is, the consumers.

Again using the Washington, D. C., electric plant as an example: The surplus for 1926 was about $800,000 or 26 per cent of the plant's value, not including depreciation reserve. This sum invested annually at 4 per cent interest would equal the value referred to—$30,728,000—in less than 24 years.

The results of these three advantages in practice are illustrated in the case of the water plant of Omaha, my home city. This utility was acquired by the municipality in 1912 at a cost of $6,400,000. During the 15½ years ending December 31, 1927, the plant has been operated by a public corporation identical in form and organization with a private corporation. As a result, the methods of private operation and corporate accounting have been strictly followed, and rates reduced whenever persistent surpluses have justified such a course. The plant was paid for out of the proceeds of a 4¼ per cent bond issue; hence the first advantage of public ownership has consisted of an annual saving of 3¼ per cent upon the average investment, approximating $266,000 per annum.

During the 15½ years there was placed in the reserve for depreciation—mark you—$1,878,000, of which but $96,000 has been expended. In short, on the 1st day of January of this year there was in the reserve for depreciation $1,878,000, less $96,000. Thus the average net increment added to this fund has been about $115,000 per annum, and represents the second advantage of public ownership. This undoubtedly would have gone into the pockets of private stockholders had the plant been privately owned.

The annual surplus, which is responsible for the third advantage of public ownership, has averaged during 15½ years $109,000, which also, under private ownership, would have accrued to stockholders.

The total of these three advantages in this case is $490,000 per annum, which, if invested at 4 per cent compounded annually, would equal the cost of the plant, $6,400,000, in between 10 and 11 years. I have assumed 4 per cent compound interest only, but, as a matter of fact, we should have assumed 7½ per cent. Therefore there is an ample margin of safety in my conclusions.

Mr. BROOKHART. Mr. President, will the Senator from Nebraska yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. HOWELL. I yield.

Mr. BROOKHART. I will ask the Senator from Nebraska if he expects to consider the element of capitalizing unearned increment under private operation?

Mr. HOWELL. Mr. President, I have confined myself to these three very apparent advantages. There are others which I shall not discuss for lack of time.

Mr. BROOKHART. The unearned increment would be in many cases a very considerable item. Take the Keokuk Dam, for instance, at the time it was built. It could now be recapitalized on a basis of cost of reproduction, which means adding unearned increment, very much higher than would have been justified in the beginning, although, I think, in the beginning its constructors capitalized unearned increment.

Mr. HOWELL. I have merely considered, in determining the average capital invested, the amount of money actually ex-

pended upon the water plant, which is about $11,500,000, including purchase price and improvements. A recent tentative valuation of the plant, on the basis of reproduction new, less depreciation, reached about $16,000,000. In short, this would be the rate base upon which the people of Omaha would now be paying 7½ per cent return were the water plant privately owned.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Nebraska yield to me?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Arkansas?

Mr. HOWELL. Certainly.

Mr. ROBINSON of Arkansas. What is the capitalization of the corporation, who owns the stock, and what is the amount of the stock of the Omaha corporation?

Mr. HOWELL. There is no stock outstanding; it is simply a public corporation, identical in form and organization with that of a private corporation, which is owned by the people of the city of Omaha.

Mr. ROBINSON of Arkansas. No stock has been issued?

Mr. HOWELL. No stock has been issued. It is similar to a school district, except that it manages utilities instead of schools; it is another corporate district superimposed upon the city of Omaha.

Mr. ROBINSON of Arkansas. Does the city operate the plant?

Mr. HOWELL. A board of directors that is elected by the stockholders, who are all of the people instead of a part of the people, operate the plant and have full control of its assets, fix the rates—in fact, determine everything with reference thereto, just as in the case of a private holding and operating corporation.

Mr. ROBINSON of Arkansas. When the Senator from Nebraska says the board of directors are elected by the stockholders, he means by the electors of the city of Omaha, I presume, since he has just stated that there are no stockholders in the sense that stock has been issued and is held?

Mr. HOWELL. No stock has been issued; however, the people are the stockholders, in fact.

Mr. ROBINSON of Arkansas. Has the Senator gone into the question of the cost of operation?

Mr. HOWELL. I have done so quite thoroughly.

Mr. ROBINSON of Arkansas. What does it cost to operate the plant?

Mr. HOWELL. I have not the details here, but the total cost of operation is somewhere in the neighborhood of $700,000, as I remember.

Mr. ROBINSON of Arkansas. Annually?

Mr. HOWELL. Annually.

Mr. ROBINSON of Arkansas. Does the Senator expect to include in his remarks a discussion of the plan or method under which the Omaha corporation is operating? Is he going into that?

Mr. HOWELL. I had not intended to go into the details, but I might add that the law under which the Metropolitan Utilities District, which is the name of the organization as incorporated, provides that there shall be a board of six directors, two of whom shall be elected every two years at the time of the biennial State election, one director so elected to be a Democrat and one a Republican. The law contemplates a nonpartisan board.

Mr. ROBINSON of Arkansas. Does not the Senator mean a bipartisan board?

Mr. HOWELL. A bipartisan board is the nearest to a nonpartisan board that seems humanly possible. The fact that two directors are elected every two years for six years also renders possible a continuity of policy. The directors have full control of the plant, its business, and assets to the same extent as in the case of a private corporation.

Mr. ROBINSON of Arkansas. How many directors are there?

Mr. HOWELL. There are six. If additional capital is needed the board has the right to submit a bond proposition to a vote of the people. I might add that during the fifteen and a half years the water plant has been owned by the public no additional bond issue has been asked for, its reserves having largely afforded all necessary new capital. I might add that the number of consumers to-day is double the number when the plant was taken over in 1912.

Mr. ROBINSON of Arkansas. How does the cost to the consumer compare now with what it was when the corporation was formed?

Mr. HOWELL. The maximum rate has been reduced 52½ per cent. For 12 years bills were issued at the same old rate, the discount of 52½ per cent was calculated and subtracted from the total and indorsed thereon, preceded by this legend in red, "Public ownership reduction, 52½ per cent." This was done so that the people might be reminded each month what public ownership was doing for them. The public, as a rule, scarcely remembers anything longer than seven days.

Mr. ROBINSON of Arkansas. Mr. President, I would not want to admit the accuracy of that statement. I do not care, however, to contradict it for the purpose of the Senator's argument.

Mr. HOWELL. Let me say this, then, that the opponents of public ownership in the face of such a showing will not remember longer than seven days—will even deny the facts after the lapse of a week.

Mr. FLETCHER. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Florida?

Mr. HOWELL. I yield.

Mr. FLETCHER. Of course, the success of an enterprise such as that to which the Senator from Nebraska is referring depends almost entirely on the management. May I ask if the directors meet regularly and actively participate in the control and management of the system, or do they elect a general manager or a president or some other officer, turn it over to him, and meet once a month just to confirm what he does?

Mr. HOWELL. Under the law the board of directors must meet once a week, and under the law they are authorized and directed to appoint a general manager, who holds his office at the will of the board. I might also add that the board of directors does meet weekly, does function, and has functioned for the last 15½ years in a highly efficient manner.

Mr. President, it may be urged that one example does not prove a case. Therefore let us consider the Omaha gas plant which was acquired in 1920 at a cost of $5,000,000.

The first advantage of public ownership heretofore referred to proved to be less in this case than in that of the water plant, as the money borrowed was on the basis of 5 per cent. In other words, there was only a saving in interest of 2½ per cent instead of 3¼ per cent in that case, as the plant was taken over and bonds issued in 1920 at a time when money rates were higher than at present.

Now, mark you, the total of the depreciation reserve for the seven and one-half years which have elapsed since the purchase of the gas plant, up to the 1st day of January, 1928, was $685,000, of which but $28,000 have been expended for replacements. This is an average plant; this is what usually takes place in all private plants.

Mr. ROBINSON of Arkansas. Mr. President, why is so large a depreciation reserve established and maintained?

Mr. HOWELL. There has been a constant effort on the part of public utility corporations to boost the reserves for depreciation allowed by public service commissions. It is to their interest.

Mr. ROBINSON of Arkansas. Is the object to make the cost of service greater?

Mr. HOWELL. No; the effect might be to maintain rates at their level, but the purpose is to increase the profit. Unjustifiable depreciation reserves are partially responsible for the pyramiding of electrical companies and securities in this country.

Mr. ROBINSON of Arkansas. I am speaking now with reference to the Omaha corporation. It appears that it is maintaining a very large depreciation reserve, as is shown by the very small amount of such depreciation reserve which has been used, and I asked why the corporation maintains so large a reserve?

Mr. HOWELL. Mr. President, the reason therefor is this: When we took over the plant in 1920 the gas company, which was owned by the United States Gas Improvement Co. of Philadelphia, insisted that an annual sum equal to 6⅔ cents per thousand feet of gas sold should be covered necessarily into the reserve for depreciation. We accepted this dictum and put it in effect when we took over the plant. In other words, we have been operating the plant just exactly as they would have operated it; and had they still owned and been operating the plant they would have been setting aside this reserve every year, and they would have had the money. Now the people of Omaha have the money. Again, a gas plant is a much more profitable utility than a water plant, and as a consequence its surplus has averaged $220,000 a year.

Mr. President, since 1920 gas plants have been enormously profitable in this country. During the war period they were securing increases in rates because of the rise in the cost of supplies. Following 1920, supplies began to go downhill very rapidly; but the rates did not go down in the same proportion. At the same time gas companies were insisting upon valuations based upon the unearned increment, to which the Senator from Iowa [Mr. BROOKHART] referred just a few moments ago. As

a consequence, while we were piling up these reserves, growing melons for the people of Omaha with our gas plant, in New York City and in Brooklyn they were "cutting melons" for their stockholders—100 per cent stock dividends in each case.

Thus, in the case of Omaha's gas plant, these three advantages of public ownership are measured by $458,000 per annum, which, if invested at 4 per cent compounded annually, would equal $5,000,000, the cost of the plant, within from 9 to 10 years.

There is still another example to quote in connection with Omaha's utilities. Because of the increase in the charges for delivered ice during the war from 50 cents to 70 and 80 cents per 100 pounds, an ice plant was established in 1919, and a second one constructed in 1921. These utilities were far more profitable than even the gas plant, their total cost—$700,000—being amortized by the close of the season of 1926. In short, these ice plants paid for themselves within seven years. Thus, in Omaha these three advantages of public ownership have paid off the cost of the ice plants in less than 7 years; would have paid off the cost of the gas plant in from 9 to 10 years; and the cost of the water plant in from 10 to 11 years.

Therefore, it may be stated with confidence that if the average operating methods and practices of private operation are maintained public ownership will pay for a utility plant within 12 years. This may be assumed as a truism which applies to every public utility in this country privately owned and on a profitable basis.

The policy adopted in Omaha was not to amortize plant indebtedness within the shortest possible time but to use the accumulations of surplus and in the depreciation reserves for the extension and improvement of the plants; further, not to maintain the rate of return on the capital invested at 7½ per cent but to forego accretions from this source and reduce rates. Thus, the maximum water rate was reduced 52½ per cent, resulting in a saving to the people of more than $5,000,000 during the 15½ years. Gas rates which formerly varied from 90 cents to $1.15 per thousand cubic feet have been reduced so that they now vary from 70 cents to 90 cents.

In the case of the ice plants, they regulated the price of delivered ice in Omaha, it promptly dropping back to 50 cents per 100 pounds, while some 52 neighborhood ice stores have been established from which people, for most of the time, have been able to purchase cash-and-carry ice in 5-cent chunks at the rate of 30 cents per hundred pounds—recently reduced to 27½ cents.

Nevertheless, the combined financial statement of these plants for December 31, 1927, show that while they have cost $19,908,000, and have current assets of $4,387,000, or a total of $24,295,000, yet the bonds outstanding and current liabilities totaled but $11,713,000, indicating for the 15½ years of public ownership of the water plant, 8½ years of the ice plants, and 7½ years of the gas plant, the accumulation of an apparent net worth of $12,563,000, or about $60 per inhabitant, nearly $300 per family in Omaha.

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. HOWELL. I do.

Mr. BROOKHART. Mention has been made of the question of management. Has there been any trouble in securing efficient managers of these enterprises?

Mr. HOWELL. There has been no difficulty in connection with the conduct of these plants. A responsible board of directors has assured efficient management; and I am confident that under the organization that is in effect, which is applicable elsewhere, which is applicable in our governmental business—that is, of definitely lodging responsibility, centralizing it in a board of directors—you can have public business as well conducted and efficiently dispatched as private business, for such has been the result in connection with Omaha's utilities.

Mr. BROOKHART. Is it not true that the mismanagement of public enterprises usually comes from the control of public enterprises by private enterprises, and their influence and power in reference to the management?

Mr. HOWELL. Mr. President, the great foes of public enterprises of this kind are the privately owned public utility managements, serving the people alongside. They are constantly trying to break down the confidence of the people in the efficiency of their plants. In the case of Omaha they have failed. In fact, it was the efficiency of management and achievements of the water plant that brought about public ownership of ice plants in seven years and of the gas plant the year after the initiation of the first ice plant. If the public had not been convinced that the water plant was efficiently conducted, further public ownership never would have come to pass. As it was, however, the public definitely and positively refused to grant another franchise to the gas company, thus compelling its owners to sell.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Wisconsin?

Mr. HOWELL. I yield.

Mr. LA FOLLETTE. May I ask the Senator whether the electric utility is publicly or privately owned in Omaha?

Mr. HOWELL. The electric utility is privately owned in Omaha.

Mr. LA FOLLETTE. What has been the effect, if any, of the successful operation of these public undertakings upon the rates which the private utility in electricity charges to consumers in Omaha?

Mr. HOWELL. Mr. President, in 1912, when the water plant was taken over, the maximum rate charged to consumers in the city of Omaha for domestic service was 14 cents a kilowatt-hour.

The effect of our taking over the water plant, after a 16 years' contest, was that almost immediately the electric light company reduced its rate from 14 to 12 cents. A year later we began installing two small electric units at the water plant to supply the plant with its required electrical energy. When these units were installed it was found, in 1914, that the energy, even with these small units, could be placed upon the switchboard, at the then cost of coal, for three-fourths of a cent a kilowatt-hour. This fact was proclaimed to the people of the city, and within one month the rate was reduced to 11 cents a kilowatt-hour. We then went to the legislature and asked for an enabling act authorizing the people of Omaha to vote upon the question of extending their electric plant. The bill passed both houses of the legislature, but was vetoed by the governor upon the ground that it was unmoral to allow the public to compete with a private corporation; but they knew they had had a fight, as the rate immediately came down, in 1916, to 8½ cents.

Two years later we appeared at the legislature again; they said for another raid, and the day before it met the company reduced the rate to 6 cents, and now the maximum is 5½ cents in the city of Omaha. In other words, we have had a maximum rate of not more than 6 cents for electrical energy in Omaha dating from January 1, 1917, the midst of the war.

Mr. LA FOLLETTE. Mr. President, it would seem, then, that the threat of public ownership and competition is sometimes sufficient to bring about reasonable rates to consumers from privately owned utilities.

Mr. HOWELL. Mr. President, potential public competition is indeed effective. More effective, of course, is actual public competition, and in every city of the country that has had the enterprise to establish a competing electric plant electric rates have been reduced to the domestic consumer about one-half by the competing company.

In the city of Cleveland in 1914 the people were paying 10 cents a kilowatt-hour. Ex-Secretary of War Baker was then mayor and was responsible for the construction of a competing municipally owned plant. What has been the result?

The maximum rate charged by the publicly owned plant is now 3 cents a kilowatt-hour, with a 30-cent service charge, and the private company has reduced its rates from 10 cents to 5 cents.

I imagine I can hear some one saying, "How about taxes?" And I appreciate that telepathic challenge. In the city of Omaha when a public utility pays its taxes it hands them over to the county and city treasurer, and thereupon he distributes such payments among several pockets. One is labeled "Police fund," another "Street-cleaning fund," another "General fund," and finally he gets down to a pocket that is labeled "Bond-redemption fund." In the case of Omaha's publicly owned utilities an increment is added to charges for service that will produce a fund in each case equal to the amount of taxes the utility might be called upon to pay if privately owned. Moreover, this fund as it accumulates is paid over to the county and city treasurer, but instead of distributing it into various pockets he adds it to the "bond-redemption fund" for the payment of the people's utilities debts. As a consequence the reduction in the rates enjoyed by the people of Omaha because of their publicly owned utilities can not be wholly attributed to the nonpayment of taxes.

Are these advantages of public ownership operative in connection with hydroelectric power developments?

The power plant of the hydroelectric installation involves a much larger investment of capital per horsepower than in the case of a steam plant. Therefore the first advantage of public ownership, the differential between the charges for private and public credit, is emphasized under such circumstances.

Hydroelectric plants cost anywhere from two to three times as much as steam-electric plants. Therefore it must be evident that this differential of 3¼ per cent runs, not against $100 per horsepower but against about $300 per horsepower.

Mr. FLETCHER. Mr. President, may I interrupt the Senator?

Mr. HOWELL. Certainly.

Mr. FLETCHER. Did I understand the Senator to state that the hydroelectric plant costs more than the steam plant?

Mr. HOWELL. Yes.

Mr. FLETCHER. I never quite understood that to be the case. Is that so everywhere or just at this place?

Mr. HOWELL. That is true, generally speaking. Much more money is invested in a hydroelectric plant, but there is not the same expense of operation. Less money would be invested in a steam plant, but there would be a greater cost of operation.

So far as the other two advantages of public ownership are concerned, they will be fully as operative. As a matter of fact, electrical utilities are about the most profitable in the country to-day. They even surpass gas, as the American public has been carefully drilled into the habit of paying high electrical rates. In fact, the people have accepted them on faith because of the stamp of approval by public service commissions. However, there is a gradual awakening, and hence the developing sentiment for public ownership which is abroad.

Nor is it strange that there is an awakening when we consider the relative charges for electrical energy in Ontario and in the United States, and the fact that Ontario rates are wholly due to public ownership.

Prior to 1913 there was organized in that Province an agency of the government known as the hydroelectric commission. It proceeded to buy and construct hydroelectric plants, and now owns and operates 22. It also transmits the energy developed, selling it wholesale at points of use. Thus, practically every municipality in Ontario owns its own electrical distribution system, buying and retailing the energy supplied by the transmission lines of Hydroelectric. These municipalities number about 284, and but three of them have privately owned plants, they being in competition with publicly owned systems. The largest of the hydroelectric power plants is located in the vicinity of Niagara Falls, and the wholesale charge to the city of Niagara Falls, Ontario, for energy delivered is 2.9 mills per kilowatt-hour. During 1926, domestic consumers in Niagara Falls, Ontario, used, on an average, 208 kilowatts per months at a cost of 1.2 cents per kilowatt-hour.

Mr. OVERMAN. Mr. President, what is the cost across the river, on the American side, where I understand the plants are privately owned?

Mr. HOWELL. Across the river is Niagara Falls, N. Y., served by privately owned utility, obtaining its electrical energy also from Niagara River, and they are charging for the same service about three times the rate in the Canadian city. This fact justly casts a suspicion on public regulation, and suggests the advantages of public ownership. Some one may suggest that the domestic consumer—that is, the voter in Ontario—is given undue consideration at the expense of the power users.

I have before me certain electric light and power bills. The following is an actual charge for use of 161 kilowatts per month in Niagara Falls, Ontario. The amount is $2.26 net. Across the river, in Niagara Falls, N. Y., served by a privately owned electric utility, also obtaining its hydroelectric energy from Niagara River, the bill for identically the same energy would be $6.21, not quite three times as much.

It is often urged that domestic users in Ontario are special beneficiaries of Hydroelectric, but that the power users pay the freight.

I have before me a power bill indicating a service charge for 23.7 horsepower and a consumption for the month of January of this year of 1,536 kilowatt-hours. The total of the bill for that month was $35.44. In Niagara Falls, N. Y., just across the river, the same bill would have been $41.47.

Again, let us consider a bill for a larger power in Niagara Falls, Ontario: Service charge, 622.5 horsepower; consumption, kilowatt-hours, 99,460; bill for the month, $1,090.48. In Niagara Falls, N. Y., the identical bill would have been $1,296.90.

I will make another comparison that is to me indeed striking:

Toronto is northeast of Niagara Falls, a distance of about 90 miles, a metropolitan city. St. Thomas is west of Niagara Falls, about 110 miles, and has a population of some 17,000. Each of these cities buys at Niagara Falls energy at about 2.9 cents per kilowatt-hour. The hydroelectric commission transmits it 90 miles to Toronto for an additional 1.1 mills; to St. Thomas for an additional 1.7 mills; so that the cost of electrical energy in Toronto is 4 mills and in St. Thomas 4.6 mills.

The United States Government has spent $50,000,000 in the construction and equipment of Wilson Dam at Muscle Shoals, Ala. It is now developing and selling electric energy at Muscle Shoals to the Alabama Power Co. for 2 mills per kilowatt-hour, or nine-tenths of a mill less than Toronto and St. Thomas pay for their energy at Niagara Falls.

The Alabama Power Co. has a transmission line connecting Muscle Shoals with Birmingham, Ala., a city of about 200,000 inhabitants and about 100 miles distant from Muscle Shoals, and it is probable that it can transmit the energy it purchases for 2 mills per kilowatt-hour from Muscle Shoals to Birmingham for not to exceed an additional 2 mills, making the total cost of Muscle Shoals energy delivered in Birmingham 4 mills per kilowatt-hour, or the same as the cost of energy delivered to the city of Toronto by the hydroelectric commission.

Here we have an excellent opportunity for comparison of the results of public and private ownership of hydroelectric plants, each consuming city located at about the same distance from the source of energy.

I have before me a bill for domestic consumption. Kilowatts used, 66. In Toronto the bill would be $1.41; in Birmingham, Ala., $5.05.

Incidentally, this same bill, if rendered in Washington, would be $3.89, or at the rate of about 6 cents per kilowatt-hour; that is less than in Birmingham. Mark you, Birmingham is supplied by water power, Washington by a steam electric plant. Congress has recently had an influence upon Washington rates. As a matter of fact, its influence has been growing for the last three or four years. When I first came to Washington, some four years ago, the rate was 10 cents per kilowatt-hour.

Mr. BROOKHART. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. HOWELL. I yield.

Mr. BROOKHART. I remember that the Senator made a speech on that proposition, and I also remember that following his speech the officials of the privately owned companies began to look around for a way to reduce their rates, because they did not want to have to pay anything back, as the Senator then suggested. That is the reason why the rates were reduced in Washington.

Mr. HOWELL. It must be evident that such a rate as 10 cents per kilowatt-hour in this city was utterly indefensible. It does not cost appreciably less to produce energy here to-day than it did in 1926, in 1924, or in 1923.

Small power: In Toronto the service charge for eight horsepower, kilowatts used per month, 1,355; bill in Toronto, $18.54; in Birmingham, Ala., $69.11. Consider this difference in connection with small power, and yet it is often urged in financial papers that while Ontario domestic consumers pay less than is paid in the United States, the power users pay more, or at least that is the suggestion.

Large power: In Toronto service charge for 657 horsepower, use per month 223,000 kilowatts, the bill in Toronto, $1,717.65; in Birmingham, Ala., $2,329.50; in Washington, D. C., $3,327.88.

Mr. President, here is evidence again of the advantages of public ownership and the burden of private ownership subject to legal regulation. It may be urged that it is unfair to compare Washington charges, where energy is produced by steam, with charges in cities supplied by hydroelectric power. Electric energy can be put on the switchboard at some of the great plants of the country, including all costs, not excepting capital, coal $4 per ton, for as low as 5 mills per kilowatt-hour. I was assured by the president of a great chemical concern the other day that a modern steam electric plant can be constructed and operated with coal at $4.15 per ton so as to put energy on the switchboard for 3.8 mills per kilowatt-hour.

However, assume the cost in Washington to be 6 mills per kilowatt-hour; then in such case the cost of hydroelectric energy in Toronto is but 2 mills less than the cost of steam electric energy in Washington. What has this difference of 2 mills to do with a rate of 6 cents charged to-day to the domestic consumers in Washington?

In the case of the 66 kilowatt-hour domestic bill I have quoted for Toronto, Birmingham, and Washington, the rate in Toronto is 21 mills. Add the additional cost on account of steam power, 2 mills, and we have 23 mills, or 2.3 cents, as compared to a rate of 6 cents in Washington.

It may be insisted that the Toronto bill does not include taxes while the Washington bill does. In the city of Washington the total taxes of the electric company for 1926 amounted to 3 mills per kilowatt of energy actually sold, which is more than the average for the country at large. Add those 3 mills to the Toronto rate and then we have 26 mills, or 2.6 cents, as a result of the public ownership of an electric plant using steam and paying taxes; this as compared to the 6-cent rate charged

in Washington. It might be added that in 1926 the average domestic rate in this country was about 7.4 cents per kilowatt-hour as compared with less than 2 cents in Ontario.

Mr. NORRIS. Mr. President, will my colleague yield?

Mr. HOWELL. Certainly.

Mr. NORRIS. In making the comparison which the Senator has made, it seems to me he omitted one thing where he accounted for taxes. He has said nothing with reference to the amortization fee that is included in the Toronto rate and not included in the Washington rate and which, as was shown here the other day, amounts to about 20 per cent of the rate paid.

In Ontario, Canada, the rate, although it is so much cheaper than the Washington rate, notwithstanding the Senator has added something for taxes, nevertheless includes an amortization fee which in 30 years would eliminate the entire capital investment, and under the Washington rate the capital investment, of course, never is eliminated.

Mr. HOWELL. Earlier in my remarks I called attention to the fact that in Omaha we set aside sinking funds equivalent to taxes. Of course, likewise, the sinking fund set aside by the hydroelectric commission, and in each case by the various municipalities throughout Ontario, is also in the nature of taxes. If the amount thereof is equal to the taxes that might have been collected, then the plants in Ontario are in effect paying taxes.

Mr. NORRIS. Mr. President, I have just spoken to my colleague, and I suggest to the Senator from Washington [Mr. JONES] that he make his motion now to proceed to the consideration of executive business, as my colleague is willing to stop now and finish his speech to-morrow.

Mr. JONES. Very well.

EXECUTIVE SESSION

Mr. JONES. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. JONES. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate took a recess until to-morrow, Saturday, March 10, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 9 (legislative day of March 6), 1928

COLLECTOR OF INTERNAL REVENUE

George L. Foote to be collector of internal revenue for the district of Indiana.

COLLECTOR OF CUSTOMS

George D. Hubbard to be collector of customs for customs collection district No. 30, with headquarters at Seattle, Wash.

POSTMASTERS

CONNECTICUT

Clifford E. Chapman, Niantic.

KENTUCKY

Albert E. Brown, Pembroke.

OKLAHOMA

Ada M. Thompson, Mannford.

PENNSYLVANIA

Thomas Collins, Commodore.
Charles G. Fullerton, Freeport.

HOUSE OF REPRESENTATIVES

FRIDAY, *March 9, 1928*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Throne of God, we seek the highway whose starry path our feet would press. Thou dost look over this wonder-teeming world every day—morning and evening—and all things are made new. Yet there is nothing higher than the soul is high; there is nothing wider than the heart is wide. A life in Thee is more powerful, more pervasive, and more durable than all the eye beholds, for space is nothing to spirit. Let this little prayer ascend to a throne of grace. O for a life in Thee, deep, boundless, and abundant. "Ye shall know the truth, and the truth shall make you free." There is nothing finer, vaster, and more glorious than the knowledge of God's truth. Let the bigness of our lives, the richness of our service root and blossom in Thee. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed the concurrent resolution (S. Con. Res. 12) appointing a committee to represent Congress at the exercises at Atlanta, Ga., incident to the unveiling of a portion of the Stone Mountain Monument, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed with amendments a bill of the following title, in which the concurrence of the House was requested:

H. R. 9137. An act granting the consent of Congress to the highway department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Lebanon-Hartsville Road in Wilson and Trousdale Counties, Tenn.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committees, as follows:

S. 2061. An act for the relief of W. H. Kaufman; to the Committee on Claims.

S. Con. Res. 12. Concurrent resolution appointing a committee to represent Congress at the exercises at Atlanta, Ga., incident to the unveiling of a portion of the Stone Mountain; to the Committee on Rules.

THE GREAT SMOKY MOUNTAINS NATIONAL PARK

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. ABERNETHY. Mr. Speaker, the country at large, I am sure, will be very much interested in the announcement that the Laura Spelman Rockefeller Memorial Fund has authorized a gift of $5,000,000 toward the establishment of the Great Smoky Mountains National Park. This gift, with the $2,000,000 gift from the State of North Carolina and approximately the same amount from the State of Tennessee and approximately the sum of $1,000,000 from private subscriptions, assures beyond question the establishment of this great playground and monumental natural area for the benefit, profit, and edification for this and future generations. [Applause.]

In this age of commercial materialism it is a hopeful sign to see such gifts as that from the Laura Spelman Rockefeller Memorial Fund. Having been privileged to report to the House the legislation establishing this great park, I take pleasure in announcing this gift. The great State of North Carolina, which I in part have the honor to represent, greatly appreciates this splendid and magnanimous gift.

Of this gift the Washington Post editorially on March 8 has this to say:

SMOKY MOUNTAINS PARK

The gift of $5,000,000 from the Laura Spelman Rockefeller Memorial Fund makes certain that the Great Smoky Mountains National Park will soon become a national asset. The amount, given as a memorial to Mrs. John D. Rockefeller, sr., will complete the $10,000,000 needed to purchase and turn the 700,000-acre tract over to the Federal Government. Within a few years a pleasure ground and beauty spot within easy reach of three-fourths of the population will be thrown open.

Although much of Great Smoky Mountains National Park is virgin forest land it lies in a region already famous. It is a part of the "Land of the Skies," which has been so successfully capitalized by North Carolina. Even before that section of the country became popular as a resort and vacation ground it was selected by some of the Nation's settlers as a place for their homes in the new country. The salubrious climate, the abundance of game, and the accessibility of water and fuel compensated the pioneers for the fact that they were forced to cling to the sides of the hills for their dwellings. Some of the purest American stock lives in the mountain territory.

The boundaries of the Great Smoky Mountains National Park will cover portions of Tennessee as well as North Carolina. It should, and no doubt will, attract residents of the entire eastern section. Its appeal may not be quite as varied as Yellowstone, but should prove fully as attractive to those unable to make the longer journey west. Linked with the Shenandoah National Park, the Great Smoky Mountains reservation will form an outlet almost at the gates of the National Capital for those who find pleasure and recreation in visiting nature at its best.

RESIGNATION OF RESIDENT COMMISSIONER

The SPEAKER. The Chair lays before the House the following communication:

MARCH 6, 1928.

The SPEAKER,
United States House of Representatives,
The Capitol, Washington, D. C.

SIR: I beg hereby to inform you that I sent to-day a cablegram to the president of the Philippine Senate and the speaker of the Philippine House of Representatives tendering my resignation as Resident Commissioner to the United States from the Philippines, effective on July 16, 1928.

Assuring you of my sincere appreciation of the courtesies accorded me by you and the Members of the United States House of Representatives in my official capacity and otherwise, I beg to remain, sir,

Very respectfully yours,

ISAURO GABALDON.

CALL OF THE ROLL

Mr. TILSON. Mr. Speaker, the Members in charge of the bill are desirous of having a quorum, and therefore I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

[Roll No. 43]

Allen	Curry	Hope	Norton, N. J.
Andresen	Darrow	Hull, Morton D.	O'Connor, N. Y.
Anthony	Dempsey	Hull, William E.	Quayle
Arentz	De Rouen	Igoe	Rathbone
Bankhead	Dickstein	Irwin	Reid, Ill.
Beck, Wis.	Douglas, Ariz.	Jacobstein	Sabath
Begg	Dowell	Johnson, S. Dak.	Sanders, N. Y.
Berger	Doyle	Kelly	Sears, Fla.
Britten	England	Kiess	Snell
Buckbee	Fish	Kindred	Strong, Pa.
Butler	Fitzgerald, Roy G.	Kunz	Strother
Canfield	Freeman	Langley	Sweet
Casey	Gallivan	Larsen	Taylor, Tenn.
Christopherson	Graham	Leech	White, Colo.
Cole, Md.	Griffin	McFadden	Williams, Tex.
Combs	Hall, Ill.	Martin, Mass.	Wilson, Miss.
Connally, Tex.	Hancock	Moore, Ohio	Winter
Cramton	Harrison	Morgan	Wood

The SPEAKER. Three hundred and sixty-one Members are present, a quorum.

On motion of Mr. TILSON, further proceedings under the call were dispensed with.

CERTAIN AMENDMENTS TO THE CONSTITUTION

Mr. WHITE of Kansas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the joint resolution (S. J. Res. 47) proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the joint resolution (S. J. Res. 47), with Mr. LEHLBACH in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. The Chair desires to make a brief statement. On yesterday the gentleman from Virginia [Mr. MONTAGUE] offered an amendment. The Clerk reported the amendment, as follows:

Amendment offered by Mr. MONTAGUE: On page 3, line 5, strike out the words "the fourth day of" and insert in lieu thereof the words "the second Monday in."

Thereupon the gentleman from Kansas [Mr. HOCH] made a point of order against the amendment on the ground it was not germane, because the effect of it would be to change the length of the term of Members of Congress. Mr. MONTAGUE thereupon said:

I will be very candid with the gentleman. I made the motion for the purpose of getting the floor. I do not care whether you vote it in the resolution or not, because I think the whole proposition is bad.

The gentleman from Virginia had previously intimated to the Chair that he would seek an opportunity to get recognition under the five-minute rule, as he had had no such opportunity in general debate. The Chair, in view of the statement of the gentleman, which I have just read, without considering the merits of the question and in order not to take the gentleman from the floor, which would have resulted if the point of order had been sustained, overruled the point of order.

Upon reflection, however, while the intent and purpose of the amendment may have been pro forma, the amendment in its substance is a genuine amendment, and the point of order of the gentleman from Kansas was well taken. In fairness to him the Chair therefore reverses his decision and sustains the point of order.

Mr. HOCH. In view of the statement of the Chair, I would like to say that, of course, had I understood that the amendment was intended as a pro forma amendment, I would not have injected a point of order, for the House always hears the distinguished gentleman from Virginia with interest and profit. [Applause.]

Mr. MONTAGUE. Mr. Chairman, the statement of the Chair is correct. My purpose, as stated, was to obtain the floor. I do think, however, and I submit to the committee, that the amendment suggested by me in the first section, or one somewhat similar, should be considered when we reach the second section, and instead of being the 4th day of January should be some particular day of the week, because I think this is better than having it fall upon a Sunday.

Mr. GIFFORD and Mr. TUCKER rose.

Mr. CHINDBLOM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CHINDBLOM. There is nothing pending now but the motion which I made to strike out section 1?

The CHAIRMAN. That is correct.

Mr. GARRETT of Tennessee. Mr. Chairman, the gentleman from Virginia has a perfecting amendment.

The CHAIRMAN. The gentleman from Virginia [Mr. TUCKER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TUCKER: On page 2, line 25, strike out "the legislatures of three-fourths of the several States" and insert in lieu thereof "conventions in three-fourths of the several States," so that it will read, "when ratified by conventions of three-fourths of the several States."

Mr. GIFFORD. Mr. Chairman, I would like to see if we can not come to some agreement as to time for debate on section 1 as quite a number of requests for time have been made. I would like to ask if one hour will be satisfactory—that debate on section 1 and all amendments thereto shall close in one hour?

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that debate on section 1 and all amendments thereto shall close in one hour. Is there objection?

Mr. CHINDBLOM. Reserving the right to object——

Mr. HASTINGS. How will the time be controlled?

Mr. CHINDBLOM. Reserving the right to object, it would seem after all the debate that we have had that now five minutes for and against shall be sufficient. Has the gentleman requests for more time?

Mr. GIFFORD. Yes; much more. This is the heart of the whole resolution.

Mr. GARRETT of Tennessee. The gentleman may regard it as the heart of the whole resolution, but some of us regard section 2 as of considerable importance. I am not objecting to what the gentleman suggests, but I would like it understood that there will probably be a desire for more than 10 minutes when we come to section 2.

Mr. GIFFORD. If section 1 goes out, section 2 will go also.

Mr. BURTNESS. I want to emphasize what the gentleman from Tennessee said. We want some time on section 2, and the sooner we get through with section 1 the sooner we will get to section 2. If section 1 goes out, of course that settles it; but if it does not go out, liberal time should be allowed for section 2.

Mr. MADDEN. Mr. Speaker, I object to the request.

Mr. GIFFORD. Mr. Chairman, I make a point of order on the amendment of the gentleman from Virginia. It was ruled yesterday that after a section had been read we could not go back to a previous section.

The CHAIRMAN. The point of order might be good, but it comes too late.

Mr. GIFFORD. Does the Chair hold that debate had begun on this amendment?

The CHAIRMAN. Business had intervened.

Mr. LAGUARDIA. There has been no discussion of the gentleman's amendment.

The CHAIRMAN. The gentleman from Massachusetts, instead of making his point of order when the amendment was reported, offered a unanimous-consent request and discussed it.

Mr. CHINDBLOM. And it came out of the time of the gentleman from Virginia, for the gentleman from Virginia had been recognized.

Mr. GARRETT of Tennessee. The Chair did not announce that it would be subject to a point of order, but expressed the opinion that it might be.

The CHAIRMAN. Yes; it might be. The gentleman from Virginia is recognized for five minutes.

Mr. TUCKER. Mr. Chairman and gentlemen of the committee, I have offered the amendment to the pending proposition, which, if adopted, would cause it to rest upon the sovereign power of the sovereign people of the States. The Constitution which was builded in 1787 rests upon that solid foundation. Should amendments to it be less stable? It was referred to conventions, the only power recognized by the people at that time as constituting sovereign power.

I recognize the fact that this proposed amendment in many respects is merely functional, and the point has been made that the amendment does not seek to change any fundamental principle, but is merely administrative and functional. I deny that.

When the attempt is made in this amendment to limit the powers of Congress by limiting the first session to May 4, that is a fundamental principle that should never be attempted except by the sanction of the sovereign people of the country.

Now, Mr. Chairman and gentlemen, just one moment—the Constitution permits under the amending section that Congress may refer any amendment either to the legislatures of the States or to conventions. I have often wondered why that was done. The Constitution itself was ratified by conventions, the sovereign power of the States, but mark you, when the first 10 amendments were proposed, they were referred to the legislatures of the States. They were fundamental in character and evidently they were referred to the legislatures because when all of the States ratified the Constitution these very amendments were discussed, and in five or six States ratification was made upon the condition that these amendments should be subsequently adopted.

Mr. MOORE of Virginia. And there were no contests in the State conventions on that subject.

Mr. TUCKER. Not only no contest but it was recognized by them that the condition of ratifying the Constitution was that the subsequent amendments were to be a part of it. So that there was no occasion to refer them back to the people, and for two long years the greatest orators that ever adorned the history of America discussed these questions before the people. The people heard them and the State conventions then ratified the Constitution upon those conditions. So that if it is necessary in order to make the Constitution symmetrical that all amendments should be ratified by the people, the history of the times shows clearly that the reason that they were not referred to conventions of the people was that conventions of the people had already acted upon them.

How about the eleventh and twelfth amendments? I can plainly see when the gentlemen who brought in the eleventh and twelfth and the other amendments looked back at once to see how former amendments were first offered, they found that they were ratified by the legislatures, and doubtless, without thinking for the reason, that mode was adopted. The first 10 amendments constituted the precedent, but I warn this House to take no chances on this matter.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. O'CONNELL. Mr. Chairman, the gentleman is making a very instructive and impressive speech. I ask unanimous consent that he may proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. TUCKER. Yes.

Mr. GIFFORD. Were any of the 19 amendments made to the Constitution ever ratified other than by the legislatures of the States?

Mr. TUCKER. No.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. TUCKER. Yes.

Mr. RAMSEYER. Is not the method for ratification proposed in this resolution as much a reference to the sovereign people of the sovereign States as the method proposed by the gentleman, by conventions? It is the sovereign people of the sovereign States through legislatures in one case, and the sovereign people of the sovereign States in conventions in the other case.

Mr. TUCKER. My dear friend, I have been following you too long to have my idol shattered. Does my friend make no distinction between the sovereign power of the people and a branch of the government of the State? Where is the sovereignty of the legislature? It is not even sovereign in the States; but now my friend proposes to make it sovereign in the United States. Oh, no. Gentleman say, what difference does it make whether it is ratified by a convention or by the legislature—it is ratified, is it not? Yes.

Mr. Chairman, this building that we are sitting in to-day was added some years ago to the Capitol Building. It was made as "an amendment" to the Capitol Building. Can you imagine that the architect who had the wings of this Capitol in charge, in erecting them, could have placed the foundation on any less solid ground than the foundation which upholds the dome itself? To have made the foundations of these wings less solid and sound than those of the main building would have been to invite destruction and demolition. You say what difference does it make? I have sometimes heard in the past a good deal of criticism of the southern people because they did not uphold and stand by the post bellum amendments—the fourteenth and fifteenth. I have heard in recent years a good deal of talk about a certain other amendment because it was never ratified by the people. Aye, there's the rub.

The chief argument that you hear about many of these amendments is that they were never ratified by the people. Let us take no risks. Let us have this ratified by the sovereign power of the people that the men who made the Constitution recognized as necessary. [Applause.]

I am against this whole business, not because there are not good things in this amendment, but it is not necessary. As I read the amendment there is not a single thing in it that can not be accomplished by legislation, except the abolition of the so-called "lame-duck" session, and even that can practically be done by a law of Congress.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. GOLDSBOROUGH. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection?

Mr. GIFFORD. Mr. Chairman, I reserve the right to object. I do not want to object, but if we are going to allow the gentleman to have 15 minutes, there are many others who will want to have the same respect shown to them.

Mr. DYER. Mr. Chairman, I trust the gentleman from Massachusetts will not object. The gentleman from Virginia is one of the greatest constitutional lawyers in this country, and I am sure his argument is of great benefit to all the Members of the House.

Mr. GIFFORD. I shall not object, but I shall expect the same spirit of courtesy to be shown to other speakers.

The CHAIRMAN. The Chair hears no objection.

Mr. TUCKER. I thank the gentleman from Massachusetts. I stand here as the defender of the lame ducks. I have been one myself. [Applause and laughter.]

Mr. CHINDBLOM. And several of the other gentlemen who talk so loudly about lame ducks have been lame ducks themselves, but they will not apply to themselves what they say of others.

Mr. TUCKER. Mr. Chairman, 35 years ago I had the honor to occupy the position of chairman of this committee that my honored friend [Mr. WHITE of Kansas], who has brought in this resolution, now occupies. We had this whole question before us for two years, and I had at my right hand as fine a lawyer as I ever knew in this House, David A. DeArmond, of Missouri. [Applause.] We thrashed it out for two years and could come to "no resolution thereon." Lame ducks! Why, I remember in 1892, after the McKinley bill had been passed, we Democrats thought a political millennium had come—there were so many vacant seats on the Republican side. I saw a drove of lame drakes go out of this House—you have to be pretty careful these days in your language. [Laughter.]

I saw heading that list a man whose memory I love to cherish, as fine a man as God ever permitted to live—William McKinley. [Applause.] I saw him walk out of this House. You know that ducks always march in a long row one after the other. He was leading them, and who do you suppose was bringing up the rear? No one other than my noble friend—I had almost said the patriarch of the House—whose wisdom and learning we always enjoy, THEODORE BURTON, of Ohio [laughter], and in between was old Uncle Joe Cannon, Julius Cæsar Burrows, and God knows how many more. [Laughter and applause.]

Four years after that time I saw President McKinley come into the Capitol as President of the United States, and I went to hear his inaugural, and a little later there was another distinguished lame duck from Ohio, NICHOLAS LONGWORTH, who I am glad to know presides now over this House with distinction, honor, and fairness to all. [Applause.]

The only thing in this amendment, gentlemen and ladies, which has given trouble is this lame-duck session of Congress. But mark you: The amendment itself retains the lame-duck session. What are you going to do between the 4th of November and the 4th of January? A new President has been elected; a new Congress has been elected. If the old President and the old Congress are united, they have got two months, or a lame-duck session, in which to accomplish their object as against

three months at present. If a lame-duck session is objectionable, what is the difference between a two months' lame-duck session and a three months' lame-duck session?

If we can do by legislation everything carried in this resolution, except getting rid of the lame-duck session, why should we vote for this measure that retains a lame-duck session?

The CHAIRMAN. The time of the gentleman from Virginia has expired.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

Mr. GIFFORD rose.

Mr. LOZIER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GIFFORD] desires to debate the amendment and is recognized.

Mr. GIFFORD. Mr. Chairman, it is difficult to follow and to argue against a man of such delightful personality as the gentleman from Virginia. The amendment which he has offered provides that this amendment be ratified by conventions rather than by legislatures, as has been the case in the ratification of every previous amendment that has been added to the Constitution. This would, perhaps, make ratification more difficult; but I hardly think that it should be accepted simply because of the great appreciation which we have for the gentleman. Those great men whom he has mentioned as having, at one time or another, been lame ducks prove nothing as an argument either for or against this amendment. I believe that every single one of them would have been glad if they could have served out their two full years in the way suggested by this amendment.

Let us examine ourselves and see whether we would not rather serve for two years continuously before defeat than come here and complete our service after having failed to be reelected. Of course, we should expect to act in accordance with the dictates of our conscience and should do our full duty. I might feel, however, that I was not here truly representing my constituents if I had been defeated by a vote of the people and another, whose opinions were radically different, had been elected to succeed me.

The opinion of our chairman of the Committee on Appropriations, the gentleman from Illinois [Mr. MADDEN], has a great deal of influence here. His principal argument yesterday was that even two short sessions would be for the good of the country because we would not spend as much money and the Treasury would benefit thereby.

As to the distinguished chairman of the Committee on Rules, the gentleman from New York [Mr. SNELL], we appreciate his splendid service, but what is his argument?

It is that the Members to whom the term "lame duck" is applied represent only about 12 per cent of the turnover in the elections, but I would remind him that the turnover as to the Executive is 100 per cent. We do not attempt, Mr. Chairman, to argue that there is no opportunity to hold a lame-duck session between November and January 4, if necessary. In discussing the effect of the lame-duck session I do not contend that a Member who has been defeated does not properly perform his duty after such defeat.

Newly elected Members are usually obliged to wait for 13 months before they can carry into effect the will of the country as expressed in their election. But why should we devote so much time to talking about lame ducks? The gentleman from Virginia [Mr. TUCKER], who preceded me, says that all the things which would be accomplished by this amendment can be accomplished by legislation. Not before March 4, and it is advisable and necessary to meet much earlier, and to effect this it must, of necessity, be done by constitutional amendment.

The gentleman from Connecticut [Mr. TILSON], the Republican leader of the House, is one with whom I should always wish to agree, because how can I hope to be advanced in his estimation if I do not show respect for and follow his leadership? But as I look over his argument of yesterday what do I find it to be? He hoped that his son might later come to Congress, and he did not wish him to be subjected to the action of this provision, as it would make it harder for him. I can not for the life of me see how this provision would do that. He exclaimed, "Shades of our illustrious ancestors, why should we change the Constitution if, by legislation, we can come here after the 4th of March?" It is not practical to attempt to legislate for the country during the hot summer weather, and all agree upon that point.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. GIFFORD. I ask for one minute more.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. GIFFORD. Mr. Chairman, I wish to repeat that on the first day of this discussion, which lasted all the afternoon, we heard but one speech in opposition to this measure. Since yesterday, Mr. Chairman, many have requested time to speak and I trust that full opportunity for debate will be given to-day.

Mr. CHINDBLOM. Mr. Chairman, this discussion has been going on the theory that the amendment offered by the gentleman from Virginia [Mr. TUCKER] is a perfecting amendment. I beg to suggest it is not a perfecting amendment under my motion. My motion is to strike out section 1.

The CHAIRMAN. The amendment is not an amendment to section 1. It is an amendment to the clause providing for submission.

Mr. CHINDBLOM. I submit it should not be considered in preference to my motion.

The CHAIRMAN. It applies to the subject matter under consideration. It is not intended to perfect the amendment of the gentleman from Illinois, but to perfect the submission clause. The debate on this specific amendment has been exhausted, and the Chair would suggest to gentlemen who wish to debate on this general subject that there is quite a number of specific amendments upon which their remarks might be based. The debate on this specific amendment being exhausted, the question is on agreeing to the amendment offered by the gentleman from Virginia.

Mr. HASTINGS. Mr. Chairman, I ask unanimous consent to proceed for one minute.

The CHAIRMAN. Without objection, the gentleman from Oklahoma is recognized for one minute.

There was no objection.

Mr. HASTINGS. Mr. Chairman, stripped of all of its verbiage, let me say to the members of the committee, with all due deference to our good. and able friend from Virginia [Mr. TUCKER], that the friends of this resolution should not be deceived and should vote against his amendment to ratify by conventions, for the reason that it is putting up an additional hurdle over which this resolution will have to jump. If this amendment is adopted, you will have to induce the legislatures of the several States to provide the details for calling the conventions. [Applause.]

It is simply another hurdle against favorable action upon this amendment to the Constitution. Let none of us be deceived by the adroit argument of the gentleman from Virginia. That was intended to lead our minds away from the question. Those who favor the resolution will vote against the amendment. It must pass the House by a two-thirds vote and then be ratified by three-fourths of the States. This amendment in effect would make it receive the favorable consideration of the several State legislatures that must provide for conventions and then by the conventions themselves.

This is a joint resolution proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress, and fixing the time of assembling of Congress.

Section 1 provides that the terms of President and Vice President shall end at noon on the 24th day of January, and the terms of Senators and Representatives at noon on the 4th day of January of the years in which such terms would have ended if this article had not been ratified.

Section 2 provides that Congress shall assemble at least once in every year. In odd years the time of meeting is set for January 4 unless a different day is fixed by law. The second session is closed on the 4th day of May. I see no reason why Congress should be compelled to close on the 4th day of May; and if an opportunity is afforded, I shall vote to eliminate that provision.

Section 3 provides that where, under the Constitution, the choosing of a President falls to the House of Representatives, and that has not been done, the Vice President shall act until a President is chosen, and authorizes Congress to provide by legislation for the choosing of a Vice President where none has been chosen. I see no objection to this section.

Section 4 provides that in the event of a death of a President elect before the time fixed for the beginning of his term, then the Vice President shall become President, and also provides that Congress may, by law, provide for the case of the death of both President elect and Vice President elect before the time fixed for the beginning of a term, and it extends to those whom the Representatives may choose under the Constitution as President whenever the right of choice devolves upon them, and the Senate may choose the Vice President.

Section 5 provides that sections 1 and 2 shall take effect on the 30th day of November of the year following the year in which this article is ratified, and this is done so as to not affect any sitting Member of Congress.

If an opportunity is afforded I shall vote for the convening of Congress on the first Monday of January instead of the 4th day of January and shall vote for the terms of President and Vice President to begin on the second Monday of January instead of the 24th day of January. I see no reason for 20 days to intervene between the convening of Congress and the beginning of terms of President and Vice President. One week would be sufficient within which to meet and organize and elect committees, count and certify the vote for President and Vice President. No legislation of value could be enacted before the message of a newly elected President. Unless section 1 is amended every four years Congress will find itself in session some three weeks during which time nothing of value will be accomplished. For that reason I think this section should be amended as I have indicated.

I shall vote against the amendment to make the terms of Members of the House four years instead of two. Our branch of Congress should always be responsive to the will of the people. A Member who is faithful to his trust and truly reflects the sentiment of his constituents will be appreciated and returned, whereas an opportunity should be afforded the people to replace the accident who misrepresents his district and is neglectful of his duties.

I am not influenced so much by the argument against the hold-over or so-called lame-duck Members of Congress. The record shows on the average they number less than 12 per cent, and some of them retire voluntarily.

The merit in the proposed amendment is that it will enable a President and Members of Congress newly elected to meet earlier and register the will of the people expressed at the November election.

Now, a word as to amending the Constitution. The convention provided for its amendment. The original Constitution would, perhaps, not have been ratified if its amendment had not been provided for. As a result the first 10 amendments were proposed at the first session of the Congress and ratified without opposition.

The other 9 amendments, 19 in all, have each been ratified by the legislatures of the several States. The amendment to this resolution by the gentleman from Virginia would in effect require ratification both by the legislatures and the conventions of three-fourths of the States and therefore make it more difficult of ratification.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired. The question is on the amendment offered by the gentleman from Virginia.

The question was taken; and on a division (demanded by Mr. TUCKER) there were—ayes 90, noes 107.

So the amendment was rejected.

Mr. LOZIER. Mr. Chairman, I rise in opposition to the motion of the gentleman from Illinois.

The CHAIRMAN. The gentleman from Missouri is recognized for five minutes.

Mr. LOZIER. Mr. Chairman and gentlemen of the committee, a number of false issues have been raised in this debate. The oligarchy that rules this House with a rod of iron are holding up the skull and crossbones. A number of scarecrows have been erected. Several gentlemen have come to the defense of the so-called lame-duck sessions of Congress, and all the arguments which have been made against this resolution have consisted of fulsome eulogies on the character of those who were Members of lame-duck sessions of Congress in the past. This is a false argument, honeycombed with sophistry, and is not legitimate or logical argument.

Gentlemen who are opposing this resolution and commending the integrity, ability, and patriotism of Members of Congress who constituted the so-called lame-duck Congresses are not discussing the real issues involved in this resolution. Their arguments are far afield and do not go to the real issue involved in the pending resolution. Though I do not challenge the sincerity of those of my colleagues who have made arguments of this character, still candor compels me to say that these fallacious arguments are not calculated to enlighten or instruct the Members of this House but to confuse and inject into our deliberations a false issue. The personal integrity and patriotism of those who have been Members of so-called lame-duck Congresses are not involved in this question.

These, in effect, are appeals to passion and prejudice and are not arguments that should appeal to the Members of this body, because these eulogies on former Members of lame-duck Congresses are entirely beside the question. In the last analysis, the question involved is one of national policy, not a question as to whether or not Members of lame-duck Congresses are honest and well meaning.

Now, with reference to sessions of Congress held by Members who have been defeated for reelection, I will say that these Members may be good men, they may be patriotic men, and they may be honestly trying to serve their country as they see their duty, but if they represent a policy which has been the subject of a nation-wide discussion and the American electorate has gone on record in opposition to that policy, then the fact that those men who advocated that repudiated policy may be patriotic men and well-meaning men does not change the situation. The question is this, and it goes right to the foundation of our free institutions and the orderly processes of government: Shall a Congress whose record and whose policies have been repudiated and rejected by the American people, and who have been denied a vote of confidence—shall this repudiated body be given a four-month lease of life to work their will, to reinforce and consolidate their policies, pass new legislation of the same character as that repudiated in the preceding election, and make it either absolutely impossible or exceedingly difficult for the people through their newly elected Congress to work their will? It is not a question as to whether or not these men are honest and patriotic. The real issue is whether or not the Congress whose membership has been repudiated and whose policies have been rejected shall be continued for another period of four months after the elections, with full power to enact additional legislation of the same character as that repudiated by the American people in a nation-wide election.

Mr. GILBERT. Will the gentleman yield?

Mr. LOZIER. Yes.

Mr. GILBERT. I fully agree with the gentleman that no man is good enough to serve after he has been repudiated, but I have been driven to the position—although my thought coincides with the gentleman's thought—that it is not necessary to change the Constitution in order to accomplish that result. If the gentleman will convince us of that, there are quite a few of us who would be glad to vote with him.

Mr. LOZIER. There is only one way you can eliminate the evils incident to the present system of government by a repudiated Congress, and that is by a constitutional amendment. Within the terms of newly elected Members they can meet and function at any time, and they can enact a law which will call Congress in session on or after the 4th of March; but you can not, without a constitutional amendment, prevent these so-called lame-duck sessions of Congress.

Something has been said about the Tilden and Hayes controversy in 1876 and 1877. Why, in 1877 the Tilden and Hayes controversy was settled de hors the Constitution, outside of constitutional methods, and in the absence of any constitutional provision authorizing such provision.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. LOZIER. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. LOZIER. They talk about the Hayes and Tilden contest. That emergency was met and settled by extraconstitutional methods. It was settled as the result of the common sense, good judgment, and patriotism of the American people and the patriotism, good judgment, and common sense of the American Congress, who were willing to give up political advantage in order to prevent the country being again involved in civil war. Can it be contended by my good friend from Virginia [Mr. MOORE] and my good friend from Virginia [Mr. MONTAGUE] or my good friend from South Carolina [Mr. STEVENSON] that if an emergency arises in the future like the one that confronted the Nation in 1876 and 1877 that any future Congress will be less patriotic or exercise less common sense or poorer judgment than the Congress in 1877? Why, gentlemen, this argument is a mere scarecrow. What is behind this opposition? The opposition to this comes from the reactionaries in or out of Congress, although not all of those opposed to it may be reactionary. However, there is not a reactionary or stand-pat Member of this House who is supporting this resolution, and every reactionary newspaper in the United States is opposing this resolution. As a matter of fact, we have in the United States a class of people——

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. LOZIER. No; I have not the time.

Mr. WILLIAM E. HULL. I want to ask the gentleman what is meant by reactionary?

Mr. LAGUARDIA. A standpatter.

Mr. LOZIER. Mr. Chairman, I have not yielded, and I do not want this interruption taken out of my time.

The CHAIRMAN. The gentleman declines to yield.

Mr. LOZIER. I have told the gentleman I would not yield. The gentleman has been on his feet a great many times during

this debate. He has made his bed; let him lie in it. If the gentleman had been a member of the States General in Paris years ago, he would doubtless have voted with the Bourbons. If he had been at Runnymede in 1215, he doubtless would have defended King John, the Plantagenet; and if he had been in England during the period of Cromwell, he would have been opposed to the parliamentary party. In every age of the world's history where the people have dared to dream of freedom and where they have sought to obtain self-government there have been reactionaries—men who were always opposed to the people having the opportunity of writing and expressing their will in effective legislation.

When the American people have passed upon an administration, when they have at the ballot box judged the record of a Congress, then, if our free institutions amount to anything, that Congress should cease to function.

I claim no superior honesty or sense of duty to that of the ordinary man; but let me tell you, if I were a candidate for reelection and if I were defeated upon any issue, or if I represented in Congress a policy which my constituents had repudiated in a preceding election, so help me God, when I came back to the short session, I would never vote to disregard their mandate or do anything to prevent their will and policies as indicated by their ballots from being written into law and made effective at the earliest possible moment.

So, my friends, the opponents of this resolution have confused the issue. They say that turmoil might result and Congress might not be organized between the 4th and the 24th of January in the event the Electoral College should fail to chose a President. Do you tell me that the American Congresses that assemble in the future would have any less patriotism, common sense, or good judgment than the Congress which in 1877 settled the Hayes and Tilden contest? As to the Members of lame-duck Congresses, I have no right to criticize their patriotism, I have no right to challenge their good faith, but I do have the right to say if they represent policies which their constituents have repudiated, if they have been defeated for reelection, then they should not, in all good conscience, continue on this floor to enact other laws like those repudiated by their constituents at the ballot box. [Applause.]

Mr. BYRNS. Mr. Chairman, I move to strike out the last two words.

I have not heretofore participated in this discussion, and in the few minutes at my disposal I can only expect to state my position very briefly, because it is not my purpose to ask for an extension of time.

I am frank to say that I think a great deal more excitement has been stirred up over this proposition than the importance of the matter really deserves, but if the resolution is amended in certain particulars I expect to vote for its submission to the people of the country for ratification.

A great deal has been said about so-called lame-duck Congresses. Of course, there is a good deal of merit in what is said with reference to legislation by lame-duck Congresses. No one questions the honesty, the integrity, or the ability of Members who have been named and many others who might be named, who have been classed in the category of lame ducks. It has been said many times upon the floor of the House that this is not a question of personality; it is a question of change in governmental policy, and that is the whole proposition. It is a question of whether legislation shall be enacted by those who have received the approval of their constituents or by those who for one reason or another have been repudiated.

Going further, as has been said by others upon this floor, I do not think this amendment will have the effect of preventing legislation from being enacted by a Congress composed of Members who are classed as lame ducks, and my chief reason for voting to submit this amendment is the fact that if it is passed as the Senate passed it and ratified by the people, it will prevent such filibusters as we frequently have at the end of the short sessions of Congress.

I think the Constitution ought to be amended so as to prevent one or two Members of the Congress at the other end of the Capitol from holding up, frequently, important and necessary legislation in order to put through some propositions in which they are interested against the will of the majority. Popular government, if it means anything, means the rule of the majority, and I am opposed to placing in the Constitution a limitation on the power of future Congresses to continue their sessions, if they believe a longer session is in the interest of the people or that it is necessary to prevent one or two Members from holding up an overwhelming majority of Congress.

This is my objection to the House committee amendment: It does not do away with the short session but simply extends it 30 days. If this is changed, I expect to vote for the submission of the amendment; otherwise, I shall vote against submission. I have been listening for some good reason to be given as to why the House committee has proposed to limit this session. The only reason I have noticed or observed is the reason that is set forth in the report of the committee to the effect that if it is not limited it will prove very inconvenient to Members of Congress who are seeking reelection, if they are required to stay in session beyond May 4. But why restrict the power of the majority in such a matter?

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BYRNS. In a moment. Gentlemen, I think this is a most absurd and ridiculous reason to give for amending the Constitution of the United States, and would put the Congress in an absurd position if it were to vote to limit the session of Congress, as I say, to May 4 on purely personal grounds.

I now yield to the gentleman.

Mr. LAGUARDIA. That proposition is still under the control of the House. This is subject to amendment and we can perfect the resolution before it leaves here.

Mr. BYRNS. I understand, and I have just said that unless the House strikes out "May 4" I expect to vote against the submission of the amendment, because as I look at it the chief reason for the submission of this proposed amendment is the fact that it will serve to prevent filibusters.

Why, only two years ago, or less than two years ago, we witnessed a filibuster when appropriations, certain of them, failed, and while nobody has offered any criticism, yet in order to avoid an extra session it was actually necessary for the administration in some instances to violate, in a sense, the law, and to authorize money to be expended contrary to law.

Mr. TILSON. Will the gentleman yield?

Mr. BYRNS. I will.

Mr. TILSON. Would it not be much easier to reach the matter by amendment of the rules of the Senate rather than by an amendment of the Constitution of the United States?

Mr. BYRNS. That may be true, but unfortunately over here I will say to the gentleman that we have no control over the Senate in the construction of its rules. I repeat, I think it would be exceedingly unwise to write into the Constitution an express limitation on the power of future Congresses to control the length of their sessions, and I hope that part of the amendment proposed by the House committee, and which seeks to do this, will be stricken out. [Applause.]

Mr. CROWTHER. Mr. Chairman and gentlemen of the House, with some degree of temerity I approach the discussion of this matter in which so many brilliant legal minds of the House have differed so materially. A great deal has been said about the effect of propaganda, and as to how much attention is paid to the people at home. Some Members say we pay too much attention to it. I am of the opinion that we do not pay quite enough attention to what the people at home think and say on important legislative matters. Although I am opposed to this resolution, I have always been in favor of the four-year term for Members of the House. I have an idea that if Congress could be elected with the President, serving for four years, it would add to party responsibility and fix it conclusively. The people would then say to the President, "Here is the ship of state; here is your chart, the platform on which you were elected. Here is your crew composed of the Congress, and there will be no mutiny at the end of half the journey, but the crew will serve for the full period of your term. If you come back to port with a good record we will consider it, and maybe return you; and if you do not we will get a new captain of the ship and a new crew."

However, I am rather of the opinion that the wisdom of the fathers is manifest in the various clauses of the Constitution, and while it has been suggested that because of difficulties of transportation and the time that must elapse they provided for 13 months' gap between the time of the election of the Representative and his beginning of service, it seems to me that in their wisdom they looked further than that; they knew that new cults would develop, that new propositions would be advanced, and as the result of some hysterical disturbance there might be elected a minority of considerable strength, sent to Washington determined to destroy conservative policies, and they said it would not be a bad idea to let them sit at home on the cracker barrel at the old corner grocery store and cool their heels for awhile; and it might be that even the people who voted for them would change their minds as to the wisdom of the policies they had supported in the heat of a campaign. [Laughter.]

The people, as a matter of fact, rather balk at such tinkering as we have done to the Constitution—it has not met with universal approbation by all the people of the United States. Some people think that we are posing as a perpetual Santa Claus, trying to decorate the Constitution with new amendments as if it were a Christmas tree. The folks at home think we might

better devote our time to the consideration of such important matters as tax reduction, flood relief, and farm relief.

Mr. SCHAFER. Will the gentleman yield?

Mr. CROWTHER. Yes.

Mr. SCHAFER. If we have got too long a Constitution, would the gentleman favor a repeal of the eighteenth amendment?

Mr. CROWTHER. No, sir; I am not in favor of that; the gentleman can offer an amendment of that kind if he chooses, but he will not get very far with it. The eighteenth amendment is there to stay. I believe that if the people could send a message to this Congress to-morrow by radio, telegraph, telephone, or any other means from the 48 sovereign States in the Union they would say to their Representatives, "Let the Constitution alone." [Applause.]

Several Members rose and addressed the Chair.

The CHAIRMAN. The Chair will state that debate on this amendment has long since expired. Gentlemen who desire to discuss propositions generally in reference to the proposed amendment can do it on other amendments.

Mr. LAGUARDIA. But, Mr. Chairman, I desire to speak in opposition to the amendment offered by the gentleman from Illinois, and I move to strike out the last four words of his amendment.

The CHAIRMAN. The Chair will recognize the gentleman.

Mr. LAGUARDIA. Mr. Chairman, let us pause and consider what is before the committee. The gentleman from Illinois [Mr. CHINDBLOM] offers an amendment which is now pending, and we will vote on it in a few moments, to strike out the entire paragraph. The gentleman from Illinois has served notice that if that amendment prevails he will offer another amendment striking out section 2.

Now, gentlemen, this amendment, as the gentleman himself says, goes to the very heart of the resolution—I will put it in rough, military parlance and say that it is the very guts of the resolution. If you take out the first section you have nothing left before you. So it is necessary that we do not precipitate this vote before Members know exactly what is before them.

We have been talking about the lame-duck constitutional amendment for the past 15 years. It has been before every Congress during that time. There is not a Member who spoke on the pending resolution who heretofore has not admitted publicly the desirability of advancing the date of the first sessions of Congress.

I concede, of course, that every Member has a right to stand up and vote as his conscience dictates, but I submit that we have a right to have our day in court and have a record vote on this proposition. Should the present amendment carry by default let us say, I mean by Members failing to realize its importance, that would be an end to the resolution itself, and a final vote in the House with the section stricken out would be a useless gesture.

I submit it is manfestly unfair for any Member who is opposed to the resolution itself to seek to avoid responsibility of a record vote on the resolution itself by voting for this amendment in the committee.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. CHINDBLOM. The gentleman has not altogether stated my position. I have moved to strike out section 1, and not the preceding preamble, with notice that if that motion is agreed to I shall move to strike out sections 2 and 5. I propose to leave sections 3 and 4, which I think ought to be enacted.

Mr. LAGUARDIA. I have so stated, but the gentleman will admit that if his amendment prevails this so-called changing of the time of the meeting of Congress is gone, and he will also admit that if his amendment prevails in the Committee of the Whole, we can not get a record vote upon it in the House. I say that gentlemen ought not to seek to avoid the responsibility of a record vote by voting for this amendment.

Mr. CHINDBLOM. Of course, you can get a record vote in the House. This is a motion to strike out.

Mr. LAGUARDIA. Oh, no. Only a motion to recommit.

Mr. CHINDBLOM. You can get a vote upon the direct question of striking out sections 1, 2, and 5.

Mr. GARRETT of Tennessee. But this whole proposition here is an amendment to a Senate resolution.

Mr. CHINDBLOM. But it is a question of the construction of the rule.

Mr. LAGUARDIA. If this discussion is to be taken out of my time, I decline to yield further. There can be no vote on the amendment in the House under the present parliamentary situation of the Senate resolution as it is amended. In closing, I simply ask the membership of the House to inspect and examine the arguments that have been urged against this resolution. There is no one who has spoken against this resolution who will not have to explain and apologize for his argument from to-day on during the rest of his life. There has been no real sound, logical argument presented. The matter of the climate, the schooling of children, the danger of a long session, and all such arguments are too frivolous to urge against a constitutional change that the whole country is demanding. Every fear that has been expressed is a fear against parliamentary government. Every danger that has been imagined is a danger that opponents of parliamentary and representative government argue against our form of government. The distinguished chairman of the Committee on Appropriations states that two short sessions are better than two long sessions. The gentleman from Illinois contends that Congress will spend less money in short sessions than it would in long sessions. Surely, he can not be serious in that. A spendthrift Congress or an extravagant Congress will spend as much money in a short session as it will in a long session. Of course, there are people who will say that no Congress at all would be better; but I am sure the gentleman from Illinois would not want to put himself in the company of such men, who are fundamentally opposed to representative and democratic form of government. If we believe in our form of government, if we believe in our Constitution, if we trust and are sincere in our belief in government by the people through their elected and chosen Representatives, then we need have no fears in adopting this resolution. If we believe that a Congress elected by the people can be trusted if it takes its seat 13 months after election, we can surely trust the same Congress elected by the same people in the same manner that takes its seat 2 months after election. That is all there is to this resolution. The amendment offered by the gentleman from Illinois would be voted down in order to bring the resolution itself to a final record vote. I close by saying again that the people of the country are demanding this constitutional amendment, and Congress should respond to that demand by adopting the resolution and submitting the question in the 48 States for their decision.

The CHAIRMAN. The time of the gentleman from New York has expired. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 2. The Congress shall assemble at least once in every year. In each odd-numbered year such meeting shall be on the 4th day of January unless they shall by law appoint a different day. In each even-numbered year such meeting shall be on the 4th day of January, and the session shall not continue after noon on the 4th day of May.

Mr. JEFFERS. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. JEFFERS: Page 3, line 8, strike out all of section 2 after the words "Sec. 2" and insert in lieu thereof the following:

"The Congress shall assemble at least once in every year, and such meeting shall be on the 4th day of January unless they shall by law appoint a different day."

Mr. JEFFERS. Mr. Chairman, I am sure all Members very clearly understand this proposed amendment. When this resolution has been reported to the House in previous years it has contained the exact language as my amendment, and if the Members will now turn to page 21 of this report they will find the language there about the middle of the page. It provides that each year Congress shall meet on the 4th day of January, and it does not provide one plan for odd-numbered years and another plan for the even-numbered years. The plan as proposed in section 2 of the resolution as it has come out from the committee this time is complicated in that it does propose one plan for the odd-numbered years and another plan for the even-numbered years, and it also places a hard-and-fast limitation on the length of the session for the odd-numbered years.

Mr. NEWTON. Mr. Chairman, will the gentleman yield?

Mr. JEFFERS. Yes; surely.

Mr. NEWTON. Is the gentleman's amendment in accordance with the language of the Constitution?

Mr. JEFFERS. Yes; exactly. If Members will turn to page 22 of the report, they will find an appendix which contains the existing provisions of the Constitution; and on page 23 will be found the language of the Constitution:

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Now, in my amendment the 4th day of January is designated instead of the first Monday in January or the first Tuesday in January, or the second Monday or Tuesday, as suggested by some Members.

We have named the 4th day specifically, for the reason that if we say the first Monday or the first Tuesday it might fall before the 4th day and, of course, that would be before the day when the new Congress would become effective under this proposed change of the Constitution. Therefore we must not name a day which would be prior to the 4th day. Obviously, we could not have it the first Monday or the first Tuesday. And if we should make it the second Monday or the second Tuesday, of course that would fall after the 4th day all right, the date when the new Congress comes into existence, but it might be as late in the month as the 14th, and that would cut down the time to only 10 days before the 24th day, when the President is to be inaugurated, and that would be entirely too short to be safe. Therefore, it is thought best to make it on the very day that the new Congress comes into existence, namely, the 4th day of January.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. JEFFERS. Yes; I yield to my friend.

Mr. BURTNESS. I am in thorough accord with the gentleman's viewpoint. I am wondering why it would not be better to adopt section 2 of the Senate resolution just as it is, changing it merely from the 2d day of January to the 4th day of January, and then it would provide for the meeting at noon on the 4th day of January. If the gentleman's amendment should then be adopted, there would be no disagreement between the two Houses at all upon that particular section.

Mr. JEFFERS. That was considered, I will say, and personally I would have no objection to that wording. The reason the amendment is worded as it is proposed is that it should follow the language of the Constitution as we find it. I had regard for the language found in the fundamental law, and kept close to that.

Mr. BURTNESS. Of course, it is simply a matter of custom that the Congress meets at noon now.

Mr. JEFFERS. I understand that.

Mr. BURTNESS. The provision in the Norris amendment makes it specific.

Mr. JEFFERS. It does, I admit. As I say, personally I would have no real objection to that language, but after due consideration and after conferring with older Members than I am I thought it best and most appropriate to follow the language of the present fundamental law, the Constitution of the United States.

Mr. LAGUARDIA. In other words, the gentleman is friendly to the resolution, and his amendment carries out the idea entirely of abolishing the "lame-duck" session.

Mr. JEFFERS. Absolutely; and I am for that. We can readily see that while the President of the United States might agree to call the Congress back into session on the 5th day of May when necessary, he might not, and thus Congress would be shackled, so far as its meeting is concerned, during its odd-year session unless we remove this limitation, and it is the duty of the Congress to say as to how long its sessions shall be held in order to attend to the business of the Nation.

I now yield to the gentleman from Nebraska.

Mr. SHALLENBERGER. The question I was going to ask the gentleman is largely contained in the question propounded by the gentleman from North Dakota, and that is that your amendment is in conformity with the previous resolution as heretofore reported to the House?

Mr. JEFFERS. Yes, Governor; it is.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. JEFFERS. Mr. Chairman, may I have two minutes more?

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. SHALLENBERGER. This amendment of yours is in line with the proposals that we have had on this subject before?

Mr. JEFFERS. Yes; certainly.

Mr. SHALLENBERGER. The language in the bill as reported is new language rather than yours?

Mr. JEFFERS. Yes; I am following the language of the Constitution.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield there?

Mr. JEFFERS. Certainly.

Mr. MOORE of Virginia. As a matter of detail, supposing that the 4th of January should fall on Sunday. The Constitutional Convention in naming the only date involved in this subject, as contained in the original instrument, designated the first Monday of December?

Mr. JEFFERS. Yes, sir.

Mr. MOORE of Virginia. That is a matter worthy of consideration.

Mr. JEFFERS. Yes. As I say, you could not designate the first Monday because the new Congress does not come into existence until the 4th day, so if you name a Monday or Tuesday you could not name it before the second Monday or Tuesday, and that might be too close to the 24th day of January, thus further reducing the time before the 24th of January, which, in my judgment, is none too long as it is.

The CHAIRMAN. The time of the gentleman from Alabama has again expired.

Mr. JEFFERS. Mr. Chairman, I ask for a couple more minutes, if I may secure unanimous consent for that small extension of time.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for two minutes more. Is there objection?

Mr. LINTHICUM. Mr. Chairman, I ask that he may proceed for three minutes. I want to ask him a question.

Mr. JEFFERS. Two minutes will be enough; thanks so much. I will be glad to yield to the gentleman.

The CHAIRMAN. Is there objection to the request of the gentleman?

There was no objection.

Mr. LINTHICUM. I want to ask the gentleman a question as to the language on page 3, line 14, "after noon on the 4th day of May." Why should we not provide for the termination of the session of Congress by saying "unless otherwise provided by the Congress"?

Mr. JEFFERS. I hardly think that would be necessary, if we just remove that arbitrary date for the adjourning of Congress.

Mr. LINTHICUM. The gentleman said something about the President calling a session.

Mr. JEFFERS. This amendment leaves it to the discretion of Congress itself as to when its session shall come to a close; and, of course, that is as it should be.

Mr. LOZIER. Mr. Chairman, will the gentleman yield?

Mr. JEFFERS. Yes; I yield to my colleague.

Mr. LOZIER. The language in the gentleman's amendment is the language agreed upon by the committee at the last three sessions of Congress, and it was only recently changed, practically overnight, as the result of some pressure that was brought to bear.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. JEFFERS. Yes; gladly.

Mr. BURTNESS. Was consideration given by the committee in the hearings on this proposition as to this limitation to the 4th day of May? Was that matter discussed at length in the hearings, pro and con?

Mr. JEFFERS. I will say to the gentleman that it is my opinion that the matter was really not discussed as fully as other provisions in the resolution. I do not know exactly to what extent it was considered in committee, but I am of the opinion that it was not as much discussed as other matters.

Mr. BURTNESS. But it was discussed?

Mr. JEFFERS. It was; at least to some extent.

The CHAIRMAN. The time of the gentleman from Alabama has again expired.

Mr. GARRETT of Tennessee. Mr. Chairman, I think it is desirable to have the parliamentary situation cleared up, and for that purpose I desire to submit an inquiry. First, let it be suggested that the special order under which the House is proceeding in the consideration of this resolution provides that for purposes of amendment the House resolution shall be read as if it were original. I do not know whether that is the exact language of it, but that is the meaning of it. Now, my inquiry is this, Mr. Chairman: After the committee amendment shall have been read and perfected, will not the question then be on the substitution of the committee amendment as amended for the Senate resolution?

The CHAIRMAN. In committee?

Mr. GARRETT of Tennessee. Yes; in committee.

The CHAIRMAN. The language of the resolution is as follows; that is, with respect to the question raised by the gentleman from Tennessee:

> For the purpose of amendment the House committee substitute shall be considered as an original bill.
>
> After general debate and when the resolution is being read for amendment, pursuant to this direction, we are reading the committee substitute, which is being amended. Then the resolution continues:
>
> At the conclusion of the reading of the Senate Joint Resolution for amendment the committee shall rise and report the Senate resolution to the House with such amendments as may have been adopted.

The gentleman in charge of the resolution will move, presumably, that the committee rise and report back the Senate

joint resolution with an amendment, with the recommendation that the amendment be agreed to and that the resolution as amended do pass; whereupon the Chairman of the Committee of the Whole House on the state of the Union will report back to the Speaker in the chair the original joint resolution as messaged over by the Senate and reported out by the committee, together with a committee amendment, the committee substitute, with the recommendation of the committee. After the reading of the committee substitute for amendment and at the conclusion of the consideration of the amendment offered to it, there will be no other action necessary to be taken in committee but the motion to rise.

Mr. GARRETT of Tennessee. And in that situation there of course can be, so far as amendments are concerned, only one separate vote in the House?

The CHAIRMAN. That is a question which the Chairman of the Committee of the Whole is not at liberty to rule upon. It is a question that may arise in the House.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. CHINDBLOM. I said a moment ago in a colloquy that I thought there would be a separate vote on such amendments as might be adopted by the Committee of the Whole. At that moment I misapprehended the purport of the rule, and I now want to join in the opinion of those who contend that the vote shall be on the substitute with such amendments as may be adopted by the Committee of the Whole.

Mr. BURTNESS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BURTNESS. As I understand the rule, if I interpret it correctly, there will be an opportunity of voting in the Committee of the Whole, at any rate, upon the question as to whether the amendment reported to the House in the manner in which it is perfected—there will be opportunity of voting on the substitution of that amendment so perfected for the original Senate or Norris resolution?

The CHAIRMAN. The substitution occurs automatically.

Mr. BURTNESS. It occurs automatically?

The CHAIRMAN. Yes.

Mr. BLACK of Texas. Mr. Chairman, I have an amendment to offer.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: Page 3, line 9, after the word "each," strike out the words "odd numbered," and in line 11, after the word "day," strike out all the language in the balance of line 11 and all of lines 12, 13, and 14.

Mr. GARRETT of Tennessee. Is that being offered as a substitute?

Mr. BLACK of Texas. No; I am offering it as a perfecting amendment to section 2 as now written in the resolution. If my amendment were adopted, section 2 would then read as follows:

The Congress shall assemble at least once in every year. In each year such meeting shall be on the 4th day of January unless they shall by law appoint a different day.

Now, Mr. Chairman, the amendment offered by the gentleman from Alabama [Mr. JEFFERS] is to strike out section 2 and substitute the following language:

The Congress shall assemble at least once in every year and such meeting shall be on the 4th day of January unless they shall by law appoint a different day.

On examination of his amendment I find it is just the same as mine in substance and almost identical in language, and therefore at the conclusion of my remarks I shall ask to withdraw the amendment I have offered and vote upon his substitute.

Mr. Chairman, I am opposed to the short session that would be inevitable if section 2 were adopted as it now stands in the bill. It would give credence to the attacks that are made upon Congress by many of its critics that the less Congress is in session the better. The House of Representatives, as I view it, is to the American people very much the same as the British House of Commons is to the British people. It is the popular branch of government. In using that word "popular," I do not mean to say that we excel in popularity, because, on the contrary, there are times when the people would rather throw a brick at us than praise us, but when I use the word "popular" I mean that every two years we are elected by the direct vote of the people and on that account we more nearly represent the current thought of the people upon public questions than any other department of the Government.

It is one of the favorite indoor sports of certain newspaper feature writers and alleged comedians to take a fling at the House of Representatives at every convenient opportunity, and say that the less we meet and the less number of days we sit the better it is for the country. Now, Mr. Chairman, I do not intend to enter upon any eulogy of the House of Representatives, but I will say that if the most of these critics and if the most of these alleged comedians who fling their alleged jokes at the House of Representatives were to offer themselves as candidates before the people very few of them would get enough votes to count, but their excuse would be that the people did not have sense enough to choose the best man for the office. Well, I will admit that the people do make mistakes in selecting their Members of Congress, just as they make mistakes in selecting their other public officials; but I will say this: That if the people elect a dishonest man or an incompetent man, they soon find it out and retire him to private life. The most of the men who have had long service in the House of Representatives have been men of industry, men of ability, and they have been men of honesty and courage.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLACK of Texas. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for three additional minutes. Is there objection?

There was no objection.

Mr. BLACK of Texas. They have been men such as Henry Clay, John C. Calhoun, Daniel Webster, Samuel J. Randall, Charles R. Crisp, Thomas B. Reed, David B. Culberson, Champ Clark, Joseph G. Cannon, James R. Mann, Claude Kitchin, and many others whom I might mention.

James G. Blaine, who was himself a distinguished Member of the House, said in his eulogy upon President Garfield, who had also served in the House with honor and distinction, that there is no test of a man's ability in any department of public life more severe than service in the House of Representatives. There is no place where so little deference is paid to reputation previously acquired or to eminence won outside. There is no place where so little consideration is shown for the feelings and failures of beginners. What a man gains in the House of Representatives he gains by sheer force of his own character, and if he loses and falls back, he must expect no mercy and will receive no sympathy. It is a field in which the survival of the strongest is the recognized rule and where no pretense can survive and where no glamour can mislead. The real man is discovered, his worth is impartially weighed, and his rank in the House is irrevocably decided.

Let me say again that I am not here to enter upon any extravagant eulogy of the House.

But I do say that it can be trusted to transact the public business and should not be hampered by the restrictions in section 2 as it now stands. If the amendment of the gentleman from Alabama [Mr. JEFFERS] is adopted, I shall then vote in favor of submitting the amendment.

The best thing that can be said of the House of Representatives is that it is representative of the great American people which elects it.

I can pay it no higher tribute. On great occasions I have seen it rise greatly to the occasion and have heard debate which would have done credit to any parliamentary body in the world. On other occasions when it was jogging along on such dry subjects as appropriation bills I have seen it about as uninteresting a body as anyone would find in the world.

Because it represents so many sides of character, strong and weak, exalted and commonplace, the House has won and retains the confidence of the masses—with all its faults, I am happy to believe that our representative form of government is the best in the world.

For, as Mr. Lincoln said:

A majority held in restraint by constitutional checks and limitations, but always changing easily with deliberate changes of popular opinion and sentiment, is the only true sovereign of the people. Whoever rejects it does of necessity fly to anarchy or to despotism.

Mr. BLACK of Texas. Mr. Chairman, I ask unanimous consent to withdraw the amendment I have offered.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Texas will be withdrawn.

There was no objection.

Mr. VINSON of Kentucky. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, ladies and gentlemen of the committee, we are approaching the conclusion of the consideration of Senate Joint

Resolution 47, proposing an amendment to the Constitution of the United States. There have been two days of debate. The arguments have been presented and soon it will be known whether the Seventieth Congress will submit to the States for ratification an amendment which many believe is in step with progress.

It is admitted beyond contravention that this amendment deals with the mechanics of the legislative branch of our body. The proponents of the resolution are motivated with the desire to oil the legislative machinery so that it would function more efficiently. However, in the consideration of this measure one marvels at the smoothness with which the majority machine has functioned in its effort to defeat this resolution. Upon Tuesday, with a whole day of debate, I think there were some 10 minutes devoted to opposition to the resolution itself. It came from the gentleman from Connecticut [Mr. MERRITT], who, I take it, from his remarks, would probably oppose any constitutional amendment. There was some discussion about proposed amendments, but there was no effort made to oppose the resolution. Yesterday we had splendid gentlemen voicing objection for one reason or another, some not satisfied with the manner in which the "i" is dotted and the "t" crossed. Then we see the operators of the administration machine, a smooth-functioning Juggernaut, step into the breach, and I am fearful that the march of progress will be temporarily impeded because of the power which they exercise.

Last night I wondered what caused the consideration of this measure. For years a resolution of like import had passed the Senate, and the House substitute has been many times reported by this committee. The thought occurred to me that the administration dared to bring this resolution to the floor of the House, mayhap because of the situation which confronted them in another body prior to its organization. Then it occurred to me that this resolution certainly could not be a dangerous thing else my good Republican friends would not have used it perhaps in part consideration for organization control of another body.

There has been no one, as I recall, who takes issue with the provisions of sections 3 and 4 as far as they go. The gentleman from California [Mr. LEA] would go further, and I am inclined to support his amendment.

In my mind there are two things which result in such a resolution being considered by the Representatives of the people. First, the anomalous situation which obtained in a new Member, who will not, under ordinary conditions, be sworn in and permitted to voice the sentiments of his constituency until 13 months have elapsed since his election. Not only must a new Member wait until more than one-half his term expires before he can express the wishes of his constituency in the Congress but that same condition applies to older Members excepting his service in the short session. I submit that the people are capable of self-government; that the people are capable of knowing what they want when they elect a man to Congress; that the people have the right to give expression to their needs and their desires within a reasonable time after they have spoken at the polls.

My friends, when you talk about the "cooling off" period, I submit that you are casting a doubt upon the power of the people to govern themselves. I do not impugn the motives of any gentleman who has voiced such sentiment, but, to my mind, he is voicing the same philosophy of the able gentleman, in the Constitutional Convention, headed by Hamilton, who opposed our present representative form of government.

A "cooling off" period. My friends, the people who elect us to Congress are not overwrought with excitement or passion; are they? It may be that a candidate may have become exercised in the campaign, but as a practical matter this House knows that by the experience of the past, the turnover is small, and, furthermore, that the new membership would not, if they could, and could not, if they would, revolutionize the workings of Congress. The people desire legislative service from their Members in Congress. They are entitled to receive it. It is anachronism for a Member to mark time for 13 months before the legislative machine, of which he is a part, begins to function.

It is amusing, were it not of such serious portent, to hear distinguished gentlemen lament the fact that if this resolution were to be ratified and become organic law that the Congress of the United States might not have anything to do between January 4, the beginning of the term of the Representative, and January 24, the beginning of the term of the President. In the first place, this time will be occupied in the organization of the House and the election of the President. But if it were not, and assume for the sake of the argument that nothing was to be done between these dates, we would see a clear loss of 20 days. And yet the gentlemen who stress the loss of time—20 days—for 435 Members of the House, are perfectly willing to see that same membership stand idly by from the date of their election until December of the following year, a period of 13 months. I am fearful that some of the gentlemen may have in mind that they would be expected to spend this 20 days, part of which might or might not be working days for them, in their office in Washington rather than the 13 months which otherwise they might spend at home.

The second thing that brings this resolution to us is the wide-spread opposition to the short session of Congress. This agitation is based upon two grounds: First, that the Members who have been defeated or who did not stand for reelection in the election next preceding its convening should not legislate, in possible contravention of the will of their district, however expressed. The gist of most of the arguments favoring the lame duck, as I gather it, is that a lame duck, because of his experience, his proven integrity, and so forth, is a better legislator than the new Member who either displaced or replaces him; or, as one of my good Kentucky friends, who is opposing this resolution, expresses it, whether a lame duck will do more harm than a wild duck. This sort of statement is very plausible. It listens well.

I do not decry or belittle legislative experience. I know full well, from my own experience, that the new Member has much to learn, but I do not think of him as less patriotic, less honest, possessed of less integrity, than the gentleman whom he succeeds. I submit that it is an unsound argument, and an indictment against our representative form of government, to assert that the lame duck should legislate for his district subsequent to the time his constituents have selected another to express their will.

The second aspect of the short session which does not meet the approbation of the people is the power to defeat legislation by the exercise of the filibuster. I would not deprive gentlemen in the other body of their power of speech, but I would not overlook the rights of other Members of that body, always keeping in mind the rights of the people who sent them there. The argument is proposed that a longer session is given in the pending resolution than in the present law. I do think that that is a valid argument in favor of the limitation of the second term by constitutional provision. The short session is limited because of the expiration of the term. So, I will support the amendment to exclude from section 2 the limitation of its term to May 4. I do not feel capable of pulling aside the curtains of time and ascertaining the needs of a great growing Nation in the days to come in respect of the time which it will need for legislating in the presidential years. I do not feel that the political need of a Member should control in the enactment of the constitutional amendment. I feel that if the legislative needs of the country should demand that part or all of the eight months of a Member's term which follows the arbitrary date proposed in this resolution, to wit, May 4, might be utilized in legislative deliberation without requiring the presidential urge. [Applause.]

Mr. SIMMONS. Mr. Chairman, I move to amend the amendment of the gentleman from Alabama by striking out "the fourth day of" and inserting "the second Monday of."

The CHAIRMAN (Mr. TREADWAY). The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SIMMONS to the amendment offered by Mr. JEFFERS: Strike out the language "the fourth day of" and insert in lieu thereof "the second Monday of."

Mr. SIMMONS. Mr. Chairman and gentlemen, I have not spoken on this amendment heretofore, preferring to listen to men who have had a longer period of service in this House and likewise men of greater experience than mine. I have been disappointed in some of the arguments that have come from men learned in the Constitution who have objected to this change on the ground there is opposition in the country to it, leaving the impression that so far in our constitutional history there has been no opposition to anything that was in it originally or has been placed in it by amendment.

I call your attention only to that great work of Beveridge's on the Life of Marshall, where he sets out the difficulty had in America in adopting the original Constitution, and likewise if you follow through the history of the 19 amendments that each one of them has met its opposition along the way. There are always those opposed to progress. We ought not to fear a step forward on the ground that somebody in the United States might be opposed to what we are doing. This is the statement that is always made when there are proposals to take a progressive step forward—that somebody might not want it done. It is right to go ahead, and we should do that which is right.

Now, about the amendment I have offered, it makes no fundamental difference whether the wording of Mr. JEFFERS's amend-

ment or mine is adopted. The thing I believe essential now is the adoption of the proposal making the second session a session unlimited in time. The change offered by the amendment of the gentleman from Alabama [Mr. JEFFERS] carries out the real intent and purpose of this amendment as it comes to us from the Senate, and that is that we make the Congress more responsive to the will of the American people. That is the proposal. It should be done.

As the proposed amendment comes to us from the committee, the Congress is required to ask the American people to prevent Congress acting in their behalf; in other words, cutting out the power the Congress should have and that the American people have the right to demand the Congress have, to wit, the power to control its own actions. Put this committee proposal in the Constitution and you have taken from the American Congress the right to control its own actions and given that power to the President. Put in the amendment offered by the gentleman from Alabama [Mr. JEFFERS] and you are leaving the control of sessions of the Congress in the hands of Congress and not in the hands of the President, and you are making the Congress likewise more responsive to the expressed will of the American people. In my judgment, a vote against this amendment is a vote against the intention and the purpose of the whole resolution. A vote for the amendment of Mr. JEFFERS, or if you prefer to have the Congress meeting on Monday instead of possibly on a Sunday, a vote for the amendment as I have offered it is a vote to carry out the purposes of the amendment as sent to us by the Senate.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. SIMMONS. I yield.

Mr. JOHNSON of Texas. As I understand it, the gentleman's amendment offered to the amendment of the gentleman from Alabama [Mr. JEFFERS] simply does this. The Jeffers amendment fixes the date of the convening of Congress on the 4th day of January, whereas the gentleman's amendment would place it on the second Monday in January.

Mr. SIMMONS. Yes, sir.

Mr. JOHNSON of Texas. I think the gentleman's amendment in that respect is preferable to that of the gentleman from Alabama.

Mr. JEFFERS. Will the gentleman yield?

Mr. SIMMONS. Yes, sir.

Mr. JEFFERS. I would like to have the attention also of the gentleman from Texas [Mr. JOHNSON]. If you put it on the second Monday, you may have it coming as late as the 13th or 14th of the month, thereby cutting down the time between that date and the 24th to only 10 days.

Mr. JOHNSON of Texas. Let me answer that. It could meet not earlier than the 8th day of January nor later than the 14th day of January.

Mr. JEFFERS. The second Monday might be as late as the 14th and then would be only 10 days prior to the 24th, which is not enough time.

Mr. SIMMONS. One minute. Let me have a little of my own time.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. SIMMONS. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. SUMNERS of Texas and Mr. JOHNSON of Texas rose.

Mr. SIMMONS. I yield first to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. I would like to suggest to my friend that in so far as the date mentioned in the resolution is concerned, that date does not become fixed in the Constitution. It only has reference to the first meeting so far as the constitutional power is concerned, because the Congress has the legal power under the Constitution to change the date if it sees fit to do it. Do I make myself clear?

Mr. SIMMONS. Which date?

Mr. SUMNERS of Texas. The Constitution now provides that Congress shall meet on the 1st day of December unless the Congress shall determine otherwise.

Mr. SIMMONS. Yes, sir.

Mr. SUMNERS of Texas. The amendment offered by the gentleman from Alabama provides that it shall meet on the 4th day of January unless the Congress shall determine otherwise.

Mr. SIMMONS. Yes, sir.

The amendment I have offered prevents a forced meeting on Sunday. The vital issue is that the committee proposal requiring Congress to adjourn on May 4 be defeated and that the proposal of the gentleman from Alabama [Mr. JEFFERS] be accepted with or without my amendment. Congress may stop on the 4th of May if it wants to, but it ought not to be compelled to stop on that date.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. SIMMONS. I yield to my colleague from Nebraska.

Mr. SHALLENBERGER. I was interested in what the gentleman said about the sentiment in the country in favor of the proposed amendment. I want to read the declaration of the last Democratic Party in national convention upon this very question:

> We pledge the Democratic Party to a policy which will prevent Members of either House who fail of reelection from participating in the subsequent sessions of Congress. This can be accomplished by fixing the days for convening the Congress immediately after the biennial national election; and to this end we favor granting the right to the people of the several States to vote on proposed constitutional amendments on this subject.

So the Democratic Party is on record in favor of the amendment.

Mr. BURTNESS. Will the gentleman from Nebraska yield?

Mr. SIMMONS. I yield.

Mr. BURTNESS. I want to find out just what the gentleman's amendment does. It states the second Monday in January. That means that the meeting would be held between the 8th and the 14th; it could not come any earlier than the 8th and not later than the 14th; is that correct?

Mr. SIMMONS. That would be its effect.

Mr. BURTNESS. Does not the gentleman think that is shortening up the time a little too much?

Mr. SIMMONS. That may be true. My amendment would prevent Congress convening on Sunday, unless Congress by law fixed a date otherwise.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. STEAGALL. Mr. Chairman, I have the most profound respect for the author of the original resolution which is the foundation of the proposal now before the House. I admire and appreciate the splendid Senator from Nebraska [Mr. NORRIS], and the high purposes influencing him in offering his resolution. But whatever might be my inclination as regards the original plan proposed by the Senator from Nebraska I can not bring myself to a favorable view of the resolution as amended by the House. Under the Constitution as it now exists when there is a failure to elect a President and Vice President the duty devolves upon the House of Representatives. The question must be settled by a body elected two years in advance, a body that has been organized and functioning, a body that has settled all contests for seats, and the action of which is accepted by the country as in every sense valid and binding. In my judgment it would be dangerous to depart from this plan and to adopt a new provision which would make it possible for the question of the election of President and Vice President to be thrown into a House elected in the same election as the President and Vice President, and a body that would carry forward and necessarily be involved in all the partisian controversies of the same campaign in which the election of President and Vice President was undertaken, and with the organization of the body to be affected by the question impending.

In such a situation many difficulties in organization would arise, with a probability that no organization could be perfected between the 4th day of January, the time fixed for the assembling of Congress, and the 24th day of January, the date of the inauguration of the President and Vice President. The election would have to be held before contests in the House could be settled, and undoubtedly would engender new contests for seats that would not otherwise exist. The new plan would break down one of the checks provided by the framers of our Constitution that make for safety and stability. This is far more important than any possible advantage to be gained in the attempt to hasten changes to be desired or accomplished by reason of a shift in membership of Congress. The fact is there is generally only a very small per cent of the membership of the House and Senate retired at each election. These considerations alone lead me to entertain grave doubts of the wisdom of the original resolution as it passed the Senate.

There is a new provision in the resolution as reported by the committee of the House which I can not support. I refer to section 2, which is as follows:

> The Congress shall assemble at least once in every year. In each odd-numbered year such meeting shall be on the 4th day of January unless they shall by law appoint a different day. In each even-numbered year such meeting shall be on the 4th day of January, and the session shall not continue after noon on the 4th day of May.

This section limits the session of Congress in even-numbered years by providing that the session shall begin on the 4th day of January and end the 4th day of May. Let no man deceive himself in thought that he is following the distinguished Senator from Nebraska who offered this proposal in the Senate, or the purposes he had in mind, if a favorable vote is given the resolution with section 2 embodied. The author of the original resolution and those who agreed with him had in mind the idea of enlarging the dignity and powers of the Congress. It was their purpose to have Congress called in early session after the election and leave the length of the session in each instance to be determined by the Congress itself. The resolution before us, if section 2 is to remain as part of it, would arbitrarily terminate the session of Congress in even-numbered years so that the legislative branch of the Government could not function unless called into extraordinary session by the President. It places in the Executive the power to say whether or not the people may be permitted to exercise their voice in affairs of government through the Congress. No matter how important measures unsettled might be, nothing could be done, save to make appeal to the Chief Executive. No matter what abuses might exist, nor how much corruption might exist on the part of officers not directly responsible to the people, nothing could be done by the Congress. I am not willing and I will not vote for such a curtailment of the power and prerogatives of the legislative branch of the Government.

We are told that the welfare of the country demands that a new Congress shall convene a few days after Members are elected. Yet the proposition before us embodies the arbitrary provision that the Congress shall end on the 4th day of May unless the Chief Executive sees fit to call another session. Where is the logic in the contention that a new Congress embodies so much wisdom and patriotism a few days following the election of its Members but that the same body is not to be trusted after its Members have had the experience that comes from serving a year and a half? Section 2 contradicts the fundamental thought and purpose of the original resolution.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. STEAGALL. I ask for five minutes more.

The CHAIRMAN. Without objection, the gentleman will proceed.

Mr. STEAGALL. My friends, there is not a thoughtful person in the country who does not recognize the danger of the never-ending encroachment upon the powers of Congress by the executive branch of the Government. I say this in no partisan spirit and with no reference to any particular President or administration. I am simply stating a fact that is known on every hand. This development has gone on and on and grown with the years until it has become alarming to every student of history and to everyone who has any adequate conception of the principles and philosophy of our Government.

The right of the people to express themselves through their own chosen representatives is the crowning achievement of all the ages. This right should not be destroyed by the free people of this Republic through the adoption of a provision in our Constitution that curtails that right or subjects it to the dictation and control of the Chief Executive. If the people are to be relied upon to correct abuses in government, to hold down public expenditures, to expose and punish corruption, to enforce faithful administration of the laws, and to steer our course along lines of prudence and wisdom, they must rely upon the power reposed in them to be exercised through their chosen representatives. It is a dangerous thing to have the people led to believe that they may rely on any force save their own sound judgment voiced and made effective through the representatives selected by them to give expression to their will. Statesmen should endeavor to protect and preserve the right of the people to control their government by direct action. Let the people be taught to trust their own awakened consciences and that their judgment when expressed freely and with due deliberation is the controlling force in our national life. But in carrying out this policy it is not necessary that anything shall be done in haste. The important thing is that legislation shall be worked out with proper caution and care. I am not so much concerned that legislation shall be accomplished quickly as I am that it shall be done wisely and well and that our actions shall rest upon mature deliberation. I see no reason for haste to have Congress legislate the morning of the next day after an election. I am willing to wait at least until the afternoon of the next day instead of trying to do it before breakfast! [Applause.]

Mr. GIFFORD. Mr. Chairman, I move that all debate upon this section and all amendments thereto close in 20 minutes.

Mr. GARRETT of Tennessee. Mr. Chairman, if the gentleman will yield for a moment, no one has been heard except those who are favorable to the amendment pending. Of course, if any gentlemen are going to defend the committee provision, they would be entitled to all of the time suggested. I am personally very anxious to have five minutes at this time in favor of the amendment.

Mr. MAPES. Mr. Chairman, I have an amendment to offer to the amendment of the gentleman from Nebraska, and I desire five minutes on that.

Mr. GIFFORD. Mr. Chairman, I ask to modify my motion, and I move that all debate upon this section and all amendments thereto close in 30 minutes.

Mr. MAPES. And how is that time to be divided?

The CHAIRMAN. Under the rule it is in the control of the Chair. The question is on the motion of the gentleman from Massachusetts to close debate upon this section and all amendments thereto in 30 minutes.

The motion was agreed to.

Mr. MAPES. Mr. Chairman, I offer an amendment in the nature of a substitute to the amendment of the gentleman from Nebraska, providing that the Congress shall meet on the first Monday after the 4th day of January.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MAPES as a substitute for the amendment offered by Mr. SIMMONS to the amendment of Mr. JEFFERS: In the Jeffers amendment, before the word "fourth," insert "the first Monday after."

Mr. MAPES. Mr. Chairman, I am in favor of the pending resolution in general but I favor the motion of the gentleman from Alabama [Mr. JEFFERS] to strike out the provision limiting the second session of the Congress. It seems to me that the time of adjournment may well be left to the judgment of the Congress in the years to come to be guided as the circumstances and conditions exist at the time. I think, however, that his amendment should be amended so that the Congress will not be required to convene on Sunday.

As everyone knows, the first day of the first session of a Congress is more in the nature of a reunion of Members than anything else; and I think it would grate upon the finer sensibilities of a great many people in the Nation for us to begin a session of Congress on Sunday.

The amendment which I have proposed would make Monday the first day of the session, the same as now, and the Monday after the 4th day of January when the terms of Members begin—that is, on the very first Monday it is possible for the Congress to convene after the terms of the Members begin under the resolution. The objection has been raised that that would put off the meeting for a few days in some years, and might make it difficult in cases of emergency to provide for the election of the President; but I think we can depend upon the practical common sense of Congress to take care of that situation if it should arise.

While I am on my feet I want to say a word in favor of the resolution itself.

In defending the so-called lame-duck session of Congress and advancing that as an argument against this resolution, it seems to me that the emphasis is being put in the wrong place. One can agree with almost everything that has been said in defense or commendation of the so-called lame-duck Congress and still favor this resolution. The two positions are not necessarily inconsistent. Nearly everyone agrees that it is something of an absurdity for Congress not to convene until 13 months after the election of its Members, as is the case now under normal conditions. At least that is an unnatural condition as compared with our State and municipal governments. To remedy that situation this amendment is proposed, and a necessary incident of the convening of the new Congress in January is the abolition of the so-called lame-duck session.

To me it is no convincing argument against this proposal that some one does not like some of the recent amendments to the Constitution and thinks that they should not have been adopted. Neither can one's reverence and devotion to the Constitution be measured by his attitude on this proposed amendment. Those who fear frequent and radical changes to the Constitution seem to overlook our history. The attitude of the American people toward the Constitution for the 140 years since its adoption will have to be changed, radically and materially, before anyone is justified in getting alarmed over its frequent amendment. The fact that the fathers provided a means for its amendment is an indication that they had no thought that they had said the last word in government in the drafting of it. This resolution proposes an orderly and constitutional way of amendment. I believe that its adoption will have a tendency to improve our procedure of government, and I shall therefore support it. [Applause.]

Mr. GARRETT of Tennessee. Mr. Chairman and gentlemen of the House, I desire, in the first place, to direct the attention of gentlemen to the importance of this vote in the Committee of the Whole. Unless I am confused upon the parliamentary situation, this vote taken in the Committee of the Whole will be the only opportunity anywhere or at any time for the House to express itself on this particular question, no matter what the result of that vote may be. If an amendment shall prevail, it will become an integral part of the House proposition, and the House proposition will be substituted for the Senate resolution, and in the House, after we have left the Committee of the Whole, there will be opportunity for only two votes, and there will be no opportunity for a separate vote on any amendment that may be adopted to this House resolution here in Committee of the Whole, nor will there be an opportunity to move to recommit or take out anything that may be in the resolution as it is substituted for the Senate proposition.

Now, that much for the parliamentary situation.

Mr. Chairman, it seems to me that the House committee has taken a proposal which was relatively not of overwhelming importance, but which was sufficient to merit amendment of the Constitution, and has attached to it a principle which will do infinitely more harm if adopted than all the good that will be wrought by the original proposal. [Applause.]

While I stated in the early part of the debate on this matter my willingness and desire to support that part of this proposal which is a question of mechanics—and I use the word again because I can think of none better—I was unwilling then, and nothing has been stated in the debate which makes me willing now, to vote to lay this limitation upon the power of Congress itself to determine as to the termination of its sessions. [Applause.] And with that as an integral part of this amendment, I can not vote to submit it for ratification.

Some gentlemen have said, "Submit it and let it go to conference." Upon legislative propositions I might be willing to do that; but upon an amendment to the organic law I am unwilling to risk my vote to the determination of conferees. The principle of this matter has been asserted by many and it is not necessary for me to go into it. I could bring to your attention many illustrations of possibilities and probably many illustrations of probabilities that would render this undesirable as a matter of principle. Take, for example, the question of impeachment. Congress is called upon to exercise this great function, and has frequently done it. With a limitation such as proposed, fixed by the Constitution itself, Congress might be helpless even in the exigency of an impeachment of the Executive himself. After May 4 of the second year the President is the only power that can bring the Congress back together under this proposition. [Applause.]

Mr. MADDEN rose.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. MADDEN. Mr. Chairman, it is always interesting to listen to the gentleman from Tennessee. He is one of the most interesting debaters we have in the House, and one of the ablest. I should like to be able to agree with him, as I do on most things, but this is one of the things where he and I separate. He thinks that if there is no limitation to the second session of the Congress—and there would be no limit to it if this amendment is adopted—it will be beneficial to the welfare of the country. On the other hand, I think that if there is no limit it will be dangerous, and therefore I hope and pray that the amendment striking out the limit of May 4 will not prevail.

I urged yesterday that there could be no place where a greater safeguard to the Treasury could be made than in this very place that is proposed to be changed by the amendment. Anybody that has had long experience in the House knows that after the appropriation bills are enacted in any session, whether the session be long or short, there is a race to see who can get the greatest number of bills passed carrying large sums of money, irrespective of whether there is any justification for the passage of the bills or not.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GARRETT or Tennessee. Does not the gentleman think that in writing a constitution there should be some factors to be taken into consideration besides the Treasury?

Mr. MADDEN. The Treasury is the foundation of all our success. It is the safeguard of our liberties in a large sense.

Mr. MONTAGUE. The gentleman would not suggest that the Treasury is greater than the people?

Mr. MADDEN. Of course, the Treasury is made by the people, and, of course, it can not be made greater than the people; but it seems to me that in the consideration of the protection of the Treasury we are in the largest measure protecting the interests of the people.

Who maintains the Government? Is it the people or is it not? Who maintains the integrity of the Nation in the hour of its greatest need? Is it not the people, supplied by the Treasury? Where are we running to if we leave the case wide open without any restrictions? Surely no harm can come by building a safety valve somewhere that will prevent the explosion of the boiler. Is there any reason why we ought to protect the boiler from explosion or should we leave it in its greatest menace without any safeguards whatever? Shall we say that in the wisdom of the Members of the House they can always be trusted never under any circumstances to override the mark?

Shall we say that the conservative judgment of the House is such that we never need fear any action that the House may take, or shall we say when we have this opportunity to safeguard the rights of the people that we should properly safeguard them and not leave them to the caprice of the membership of the House? Who knows what kind of a House we shall have at different times, and is there any reason why we should not protect the rights of the people when we have the opportunity? [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I think everybody in the House loves the gentleman from Illinois, but I am afraid that if he were writing the Constitution he would provide that the Congress shall be composed of the chairman of the Appropriations Committee. [Laughter.]

Mr. MADDEN. Well, you might go further and do worse. [Laughter.]

Mr. BROWNE. Would you not add to that General Lord?

Mr. SUMNERS of Texas. Gentlemen of the committee, I believe it is understood in the discussions here with regard to the date of adjournment specified in this amendment it is not of great importance, because it fixes only the date of the first meeting after ratification, and it will be 1930 before the 4th of January comes on Sunday. Congress would have from ratification until that time to change that date by legislation if it should desire to do so. So much for that. We have heard some very remarkable statements made in connection with this consideration, in view of what has been said in behalf of the proposition to limit the last session of Congress to four months. I would like to direct attention to the fact that the Constitution originally did exactly what is proposed by this amendment, proposed in lieu of section 2, and I would like to direct attention to the fact that this body—which gentlemen seem to be afraid to give control over its time—in the Constitution was given and is now given the power to exclude the Representative of any constituency. The Republicans of this House, for instance, could have prevented at the very beginning of this Congress a single Democrat from taking a seat here—I am talking about power, constitutional power.

The two Houses of Congress can take the President out of the White House, the judges from the Supreme Court. That is the power the framers of the Constitution gave to the Houses of Congress to which gentlemen on the floor of this House are not now willing to give the right to control their own sessions. The framers of the Constitution gave to the two Houses of Congress the power to send the Nation to war, and gentlemen are afraid to give to them the control over their own time. The Constitution of the United States gives to the Congress the power to pledge the credit of the Nation in any amount, billions and billions of dollars—there is no limit—and yet gentlemen are afraid to give them control over their own time. [Applause.]

With all respect to gentlemen who are in favor of tying the hands of Congress and with all due respect to gentlemen who stand on the floor of this House and say to the country, "In our judgment, through years of experience we have reached the conclusion that the Congress of the United States must be cut off with four months in the last term, and if they are to have a longer time it is to be at the will and suggestion of the executive branch of the Government." I say that position is not justified by experience. I have nothing to say in criticism of the executive branch of the Government, but I challenge the history, not only of my Nation but of parliamentary nations throughout the ages, if in the great crises of the past, when the liberties of the people have stood in the balance, if it has not been the legislative branch that has protected them. [Applause.] I will not vote to surrender one iota of the power and the responsibility which the Constitution gave to Congress.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. TILSON. Mr. Chairman, I am opposed to this entire resolution, regardless of whether this paragraph remains as it is or is stricken out, because I think there are other dangers lurking in it that are of so serious a character that whatever

we might do to this section I should still have to vote against the entire proposition.

I do not look upon this particular amendment with the seriousness that some have. I do not believe that we rob ourselves of all power because we fix in this resolution the 4th of May as the date of adjournment of the second session. The power still remains to us to fix by statute the 5th day of May to meet again if we find that the business of the country demands it.

Mr. GARRETT of Tennessee. Oh, no.

Mr. TILSON. Yes; the session ends, but we can have another session. The power is unlimited, and the gentleman has said so himself. The gentleman from Texas [Mr. SUMNERS] has said so, and, best of all, the Constitution says so. The power to fix any date is unlimited. Therefore fixing the date on May 4 is simply fixing what in our best judgment is the date that would, on the whole, serve the public interests best.

Mr. STEVENSON. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. STEVENSON. The gentleman will remember that in 1869 a Congress, that was going to die on the 4th day of March, fixed the 4th day of March at 3 p. m. for the next Congress to meet, and it met accordingly.

Mr. TILSON. Certainly. There is nothing in this argument at all. If there is any necessity for us to meet, the Congress can fix the date of the meeting, just as the gentleman from South Carolina has indicated; but it will be a new session, of course, because the other session must end, if this provision remains in the resolution, on May 4.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. TILSON. I yield to the gentleman.

Mr. GARRETT of Tennessee. The very language of the first part of the section precludes the construction which the gentleman is placing upon it. It says, "In each odd-numbered year such meeting shall be on the 4th day of January, unless they shall by law appoint a different day."

Mr. TILSON. Yes; the language is perfectly clear.

Mr. GARRETT of Tennessee. Then, "in each even-numbered year such meeting shall be on the 4th day of January, and the session shall not continue after noon on the 4th day of May."

Mr. TILSON. Certainly, that is exactly right; but the next day another session can begin by statute. There is nothing in the language of the proposed amendment to prevent it. There is no question about it, gentlemen. There is no danger here. We have simply set a mark at May 4, saying that with the House and all its committees already organized, four months from January 4, is sufficient time to do the necessary business of the country and go home.

Many of the States have fixed a limit by constitutional amendment upon the time their legislatures may sit. My own State adopted such an amendment only a few years ago. This simply fixes a limit for the session, but another session can be called at once. Fortunately, in such a case the new session can be called by an act of Congress without a penny of expense—not even mileage—because we can fix the date to call us back here on the very next day. So there is no danger in the proposition whatsoever, and we are giving up no rights or privileges whatsoever, except that cause must be shown why more time is needed and action must be taken.

If there is no limit set, then some whose personal interests would urge them to hold Congress here until they get their precious bills passed, might hold us indefinitely into the summer, and that not for the public interest, but for selfish purposes to the detriment of the public interest.

Mr. BYRNS. Will the gentleman yield?

Mr. TILSON. I yield to the gentleman from Tennessee.

Mr. BYRNS. Would not such a law require the approval of the Executive?

Mr. TILSON. Certainly; just like any other law.

Mr. BYRNS. Suppose the President should veto the bill, then a two-thirds vote would be required to override the veto.

Mr. TILSON. He would probably be right in doing so, but the power to legislate on the subject is complete and ample, so that there is no danger whatsoever in the bugaboo which gentlemen have set up here.

Mr. SIMMONS. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. SIMMONS. Do we not at the present time in the presidential election year have an unlimited session?

Mr. TILSON. Oh, yes.

Mr. SIMMONS. What is the difference between that condition and the condition that would exist if the amendment of the gentleman from Alabama prevails?

Mr. TILSON. There is this difference. At the first session everyone knows that there is another session coming, and the bills that are not passed lie over and wait until we meet again, when they can be taken up; but the second session is the last one of the Congress, bills not passed die with the Congress, and sometimes the pressure for the passage of bills is so great that those who are urging them might insist that Congress remain in session indefinitely, perhaps, to the detriment of the public interest. [Applause.]

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. GREENWOOD. Mr. Chairman, the gentleman from Connecticut [Mr. TILSON] raises the point that the power of Congress on every second year ought to be limited by having a fixed date for its adjournment. I submit to you, gentlemen, what basis of science is there for having in one year a long session of the Congress and in the next year a short session with the volume of business of Congress constantly increasing? Why is it not just as important to have a session of Congress without limitation in one year as it is in the following year? I would divide the business up between the two sessions so that the current business could be considered without any limitation.

It would seem to me to be the scientific thing to have no limitation so that Congress can continue until the task is completed without having to depend upon a call of the Executive in order to complete its own business.

We are now engaged in the consideration of a proposed constitutional amendment to remove limitations upon the Congress so it can proceed to the consideration of the business of the Nation and the advantages that the gentleman from Connecticut speaks of are more than offset by having a barrier every second year in the pathway of Congress by which minorities knowing the barrier is there often plan a filibuster in order to defeat legislation that ought to be passed. There is no necessity of protecting the Treasury in this way, because there are checks and balances provided in the Constitution which are sufficient to protect the Treasury. We have the Bureau of the Budget, we have the Appropriations Committee of this House, we have the Appropriations Committee of the Senate, and then we have the veto of the President. These are checks and balances that are intended for the protection of the Treasury without any necessity of providing a barrier or post in the pathway of Congress to which every person who wants to defeat legislation by delays and filibusters may look in order that such legislation may be defeated. Therefore the viciousness of the filibuster or of having a fixed time or of having a post or barrier more than offsets any possible raid upon the Treasury, especially when the Constitution has provided all these checks and balances; and we have them in the second session the same as we have them in the first session.

So I favor the proposed amendment as it was passed in the Senate where it was known as the Norris amendment, without this second section, which places this barrier or limitation upon Congress. I believe our legislation should proceed untrammeled and without having to ask the President of the United States to call us into session in order to transact the legislative program every second year. The volume of business is constantly increasing, and it is essential we have this power without limitation so as to make the machinery uniform, one year with another, because the detail work is increasing every year and we ought not to have this barrier to prevent uniform action by Congress.

Mr. JEFFERS. I would like for the gentleman to stress the point that it removes the rigid limitation of May 4.

Mr. GREENWOOD. The amendment of the gentleman from Alabama provides that there be no limitation, so that each session of Congress, one with another, will be uniform and will continue until both Houses say their task is done, and they will not have to call on the Executive to reconvene them in order to complete the legislative program.

The CHAIRMAN. All debate has expired. The question is on the substitute offered by the gentleman from Michigan for the amendment of the gentleman from Nebraska to the amendment offered by the gentleman from Alabama.

Mr. MAPES. May we have the substitute read?

The CHAIRMAN. Without objection, the Clerk will report the substitute.

The Clerk read as follows:

Substitute by Mr. MAPES for the amendment of Mr. SIMMONS to the amendment of Mr. JEFFERS: Before the words "the fourth" insert the words "the first Monday after."

Mr. STEVENSON. Now let the amendment of the gentleman from Nebraska [Mr. SIMMONS] be read.

The CHAIRMAN. Without objection, the Clerk will read the amendment of the gentleman from Nebraska.

The Clerk read as follows:

Amendment by Mr. SIMMONS to the amendment offered by Mr. JEFFERS: Strike out the words "the fourth day of" and insert in lieu thereof "the second Monday of."

Mr. SIMMONS. May I ask unanimous consent, Mr. Chairman, to accept the substitute offered by the gentleman from Michigan?

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. JEFFERS. Mr. Chairman, request has been made that my amendment be reported, so that gentlemen can get it clear in their minds.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read as follows:

Amendment by Mr. JEFFERS: Page 3, line 8, strike out all of section 2 after the words "SEC. 2" and insert in lieu thereof the following: "The Congress shall assemble at least once in every year, and such meeting shall be on the 4th day of January unless they shall by law appoint a different day."

Mr. CHINDBLOM. Is that substitute in lieu of section 2?

The CHAIRMAN. The Jeffers proposition is; yes. The question is on the amendment of the gentleman from Nebraska.

Mr. MAPES. Mr. Chairman, I would like to have the Clerk read the Jeffers amendment as it will read if the proposed amendment is adopted.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The Clerk will report the Jeffers amendment as it would read if the amendment of the gentleman from Nebraska is adopted.

Mr. MAPES. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MAPES. The Chairman uses the words "amendment of the gentleman from Nebraska." If the House understands that the substance of the amendment was introduced by myself, all right.

The CHAIRMAN. The amendment to be voted upon is the Simmons amendment as modified by his acceptance of the amendment of the gentleman from Michigan. In order to relieve matters the Chair will say that the intent and effect of the Simmons amendment as modified by the Mapes amendment is that instead of meeting on the 4th day of January it will meet the Monday after the 4th day of January. The question is on the amendment of the gentleman from Nebraska.

The question was taken; and on a division (demanded by Mr. SCHAFER) there were—38 ayes and 197 noes.

So the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Alabama [Mr. JEFFERS].

The question was taken; and on a division (demanded by Mr. JEFFERS) there were—151 ayes and 96 noes.

So the amendment was agreed to.

The Clerk read as follows:

SEC. 3. If the House of Representatives has not chosen a President, whenever the right of choice devolves upon them, before the time fixed for the beginning of his term, then the Vice President chosen for the same term shall act as President until the House of Representatives chooses a President; and the Congress may by law provide for the case where the Vice President has not been chosen before the time fixed for the beginning of his term, declaring what officer shall then act as President, and such officer shall act accordingly until the House of Representatives chooses a President, or until the Senate chooses a Vice President.

Mr. LEAVITT. Mr. Chairman, during the debate of two days, which is now becoming three days, on this resolution, I have taken no part, except to ask an occasional question, in order that the intention of some of the things proposed might become clear to myself and that I might come to a conclusion that would be satisfactory to my judgment and my conscience when acting as a Member of this House on this proposed amendment to the Constitution of the United States. I have come to a conclusion, and it is the conclusion which has been forced upon me by the logic of the facts, that this entire proposal is full of danger to the Republic and a thing which should be defeated in this House. [Applause.]

The fifth article of the present Constitution provides:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution—

Mark the words—

whenever two-thirds of both Houses shall deem it necessary.

I contend that the entire debate in favor of this proposed amendment has so far proceeded as though this were the original convention considering a Constitution which had not yet been written, and which was trying to decide between different proposals with regard to important matters—with the question still entirely open, that we were merely trying to reach a decision for the first time. But that is not the situation. The situation is that the Constitution is now here, that it has within it certain provisions, and that we are now trying to determine whether or not, first, it is necessary to make amendments to it in certain particulars; and, second, if we decide that it is necessary, whether or not the exact proposals being advanced as amendments are in proper form to meet that need. My contention is, with regard to the first two sections of the proposal set forth, that necessity does not exist. There is no necessity for changing the present Constitution of the United States to accomplish the legitimate purposes of the first two sections of the proposal, because you will find in the Constitution itself this statement: "The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they by law shall appoint a different day."

If it is necessary, then, to shorten the time between the election and the meeting of the new Congress elected in November, it can be done now by a general statute which would call us into session, for example, on a Monday of the succeeding March. The only difference between that accomplishment and the thing being proposed as an amendment would be that we would then meet on the Monday after the fourth day in the ensuing March, instead of on the fourth day of the ensuing January. That is but a difference of two months.

A difference of only two months in bringing together the new Congress after its election is not of sufficiently vital importance to justify an amendment to the basic law of the country, the Constitution.

Again, there is this fact, that if it should be decided that such an act of Congress should be resorted to, rather than an amendment to the Constitution, by general law we could also fix the first or the second Monday of January as the time of meeting in the even years, and the same thing would be accomplished as is proposed in this amendment as it now stands with the limitation of the May 4 adjournment struck out by the action just taken by the House.

I address myself now to what I think is an even more vicious proposal in the amendment before us. It is that with regard to the election of a President and Vice President when the Electoral College has failed to choose. Too little attention has been given to that which is the vital thing in this entire matter. It is proposed that there be a change, and that it shall have to do with a change of dates, and also the method of procedure.

The CHAIRMAN. The time of the gentleman from Montana has expired.

Mr. LEAVITT. Mr. Chairman, I ask unanimous consent to proceed for five minutes more?

The CHAIRMAN. Is there objection?

Mr. GIFFORD. Mr. Chairman, I do not want to object to the gentleman having five minutes more, but I am being importuned constantly during this debate against extending the debate on the general proposition, because there are several amendments yet to be offered to particular sections, and I give notice that after the gentleman has his 10 minutes, I shall have to object to a further extension of five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEAVITT. Mr. Chairman, I am glad that the gentleman referred to the fact that there are to be still further amendments proposed, because it calls to my mind the history of this entire matter. Since it was first proposed in the Senate in the Sixty-seventh Congress it has been modified some thirty times up to now. The thing we are considering this afternoon is in many respects different from the proposals that have been before the country.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. LEAVITT. Not now.

Mr. GIFFORD. Has it been changed here one-tenth of thirty times?

Mr. LEAVITT. In the House not, perhaps, but the House itself this afternoon has already changed the proposal of the

committee in one respect, and that according to my count would make 31. Why, when this matter was first presented in the Senate in the Sixty-seventh Congress it had to do with a resolution that the voting power of lame duck Members should be taken away from them, and since that time it has grown into the strange form which it now assumes. That was the genesis of it, and it is probably due to the fact that it was first referred in the Senate not to the Committee on the Judiciary but to the Committee on Agriculture and was there cultivated, which accounts for the strange form of its growth.

Mr. JEFFERS. I call the gentleman's attention to the fact that the language in the amendment just adopted by the committee is exactly the same language which was in the resolution reported to the House at the last session.

Mr. LEAVITT. That is true, so far as the House is concerned; it has been consistent. But to-day is the first time the House itself has ever voted on it.

Now, gentlemen, the danger involved in the present situation, regarding the succession of the President and Vice President under circumstances which have been presented here is a real danger, but that does not mean that the remedies proposed in the amendment before us are the cure for them. As has been so well pointed out by the gentleman from Virginia [Mr. MONTAGUE], the cure is worse than the present situation. Surely we are not justified in opening the doors to even greater dangers. My objection is that this proposal does that very thing.

It says in effect this—and only a matter of 20 days are allowed to work this thing out between the 4th and the 24th of January—that if the House has not arrived at the selection of a President and the Senate has arrived at the selection of a Vice President, the Vice President shall then become—what? The President? No. He shall become Acting President, to go on only until the House can agree upon a selection for President. Then that Vice President who has been acting as President would have to step down and become President of the Senate, and the man selected by the House, voting by States, would become President himself.

Think of the danger, Mr. Chairman, involved in a situation where the Executive shall be unstable and uncertain in its incumbency and its powers. That, to my mind, is a greater danger than any existing danger which it is proposed to remove by this amendment.

My time has expired and I have not the opportunity to bring to an adequate conclusion the argument which I have wished to make. I would be constructive and not critical only, and I have made a proposal which you will find printed in yesterday's RECORD as H. R. 11853. It provides for the appointment of a joint committee of the House and Senate to consider this electoral question, which is too vital to be taken up here and changed in this haphazard way. That joint committee would be composed of three Members of the House and three Members of the Senate Judiciary Committees, all lawyers; those from the House to be appointed by the Speaker, and those representing the Senate to be appointed by the Vice President. It would be their duty to take into consideration all the circumstances involved in the present electoral situation in regard to the President and Vice President, and propose to this Congress a sound amendment to meet the needs of the situation. [Applause.]

The CHAIRMAN. The time of the gentleman from Montana has expired.

Mr. SIROVICH. Mr. Chairman and ladies and gentlemen, I have listened with profound attention and interest to the distinguished lawyers on both sides handling the proposed amendment to the Constitution. I think the time has now arrived for a doctor like myself to handle the remains. [Applause and laughter.]

From my observation of the debate there seems to be considerable discontent in this House, and the discontent is not confined to either side of the Chamber, but exists on both sides.

The sentiment of this House, as I view it, can be divided into two groups—one standing for stability and order and the other fighting for progress and reform. Viewing life as I do, passing in panoramic fashion before me with all its accomplishments and achievements, I desire to arraign myself on the side of progress and reform. [Applause.]

To me, Mr. Chairman, discontent is a healthy sign. It is the principle upon which all great reforms in our Government and throughout the world have been founded from time immemorial. It was the discontent with the old method of writing books and manuscripts that led Gutenberg to invent the art of printing from movable types. It was discontent on the part of producers of cotton that led Eli Whitney to invent the cotton gin. It was discontent with the methods of transportation by sailing ships that excited Fulton to discover the principle involved in the steamboat. It was discontent that moved Stephenson to plan the locomotive, Morse to develop the electric telegraph, Bell to perfect the telephone, Ericsson to originate the battleship type symbolized in the *Monitor*, Curtiss and the Wright brothers to plan the modern airplane, while the genius of Marconi contrived the method of modern radio communication. Thus we see how discontent has made it possible for the intelligence of mankind to subjugate the forces of nature to serve the will of man. [Applause.]

Congress has always been trusted by the people. It represents the popular branch of our bicameral legislative department. It symbolizes the hopes, the ideals, and the aspirations of the founders of our country. From the splendid debate I have witnessed here for the last few days on this bill that attempts to amend the Constitution so that Members of Congress can take their seats 3 months after election instead of waiting 14 months, I am convinced that nobody need have any concern regarding the future welfare of our glorious Nation. [Applause.]

I want to assure the distinguished gentleman from Illinois, the chairman of the Committee on Appropriations, that he need have no fear or anxiety regarding our country if this amendment passes, because no matter what action this House will take the sun will continue to shine, the planets will persist in revolving in their respective orbits, the Nation will continue to prosper, while Congress marches onward and upward in the performance of its constitutional duties. [Applause.]

The previous speakers have referred to this bill as the "lame duck bill." There is another duck who should be considered. He is no other than the "fresh duck." I am one of those. [Laughter.] As a "fresh duck" I was elected on November 4, 1926, but I was not able to take my seat until 14 months later—December 5, 1927. I have had hundreds of men and women come to me and say, "Doctor SIROVICH, what are you doing in the House? We have not heard a word of you since your election." My answer was that I had no chance to take my seat.

I think we owe a duty, a greater duty, to the "fresh duck" who comes in here imbued with high ideals and enthusiasm and devotion to his country than we do to the lame duck who has been defeated and repudiated by his fellow citizens at the last election. The lame duck is the wounded soldier, who should be taken to the rear and placed in a hospital, where he belongs. [Applause.] But we should give an opportunity to the "fresh duck" like myself, and others, to become acquainted with the workings of the House, so that we can go back home, after diligently performing our duties here, and say to our constituency that we have given them 16 ounces of a square deal to every pound of service demanded from us. When I and my recently elected confreres get here, 14 months have passed by. It takes us four months to get acquainted with the routine of the House. Thus 18 months have passed away, and then our term has expired. Is it fair to the men newly elected to office? Is it fair to our constituency that sent us here? Eighty-eight per cent of the men go back year in and year out, so it does not affect them. Twelve per cent of the men, the balance that remains, are retired, either of their own free will or through their defeat in the election. So that the "lame duck bill" only affects 6 per cent of the membership of this House.

I was inspired and thrilled to listen to the reverential affection and sentiment that characterized the remarks of our older brethren for their defeated brethren, the so-called lame ducks. It was noble. It was wonderful. It shows that comradeship and friendship lives on, as it should, even after Members leave this august body. But let us not forget that in our love and affection for our defeated colleagues who failed in reelection, we owe a profound and important obligation to the newly elected Member, who needs the guidance, advice, and cooperation of the membership of this House, so that he can render efficient service to the constituency that sent him here to represent them.

I maintain as a patriotic American citizen, who yields to no man upon this floor in his love for his country and in his devotion to the Constitution, that progress and reform demand that we take some action that will take care not of the "lame duck" or the "dead duck," but of the "fresh duck." And so, Mr. Chairman, as one discontented with the modern method of seating Members 14 months after election, and as a believer in the principle of progress and reform, I propose to vote for this constitutional amendment. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SCHAFER. Mr. Chairman, ladies, and gentlemen, I am heartily in favor of the pending resolution, which has for its major purpose the abolishment of the so-called "lame-duck" session of Congress. [Applause.]

I was astounded to see the late additions to the ranks of the Republican insurgents. The committee, including all its Republican members, unanimously reported the pending resolution,

favorably, and yet those stalwart champions of party regularity, who claim to be opposed to insurgency, the distinguished floor leader from Connecticut [Mr. TILSON], the distinguished chairman of the Committee on Rules, from New York [Mr. SNELL], and the distinguished chairman of the Appropriations Committee, from Illinois [Mr. MADDEN], have taken the floor of this House in open revolt and insurgency against the resolution and the recommendations of the committee. It is a remarkable situation, indeed.

A very large majority of the people of the great State of Wisconsin, a portion of which I have the honor to represent, are in favor of abolishing "lame-duck" sessions of Congress, and I shall vote for the pending resolution.

Certain amendments, if adopted, would have perfected the resolution. Failure to adopt said amendments will not cause me to vote against this legislation. Eleven votes from Wisconsin should have been cast on the amendments voted upon in the Committee of the Whole, and 11 votes of Wisconsin Representatives should be cast to-day when the roll is called on the final passage of the pending measure. I regret that Wisconsin did not have her entire delegation of 11 Representatives voting in the Committee of the Whole and will not have 11 votes to-day upon final passage of this worthy measure. The keynoter for the Norris presidential delegate campaign has left his post of public duty in Washington and for the past several weeks has been campaigning in Wisconsin telling the people of Wisconsin how necessary it is to elect the delegates he favors in order to abolish the "lame-duck" session of Congress. It is an insult to the intelligence of Wisconsin voters to be campaigning as he has and be absent from his post of duty to-day and the past week when the constitutional amendment to abolish the "lame-duck" session is being considered and voted upon. He should be here and not in Wisconsin telling the people to elect delegates pledged to a dry, world-court presidential candidate in order to bring about an amendment of the Constitution to abolish "lame-duck" sessions of Congress. [Applause.]

Mr. LEA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEA: Page 3, strike out lines 15 to 24, inclusive, and lines 1 and 2 on page 4, and insert the following, preceded by quotation marks:

"SEC. 3. If the President elect dies, then the Vice President elect shall become President. If a President is not chosen before the time fixed for the beginning of his term, or if the President elect fails to qualify, then the Vice President elect shall act as President until a President has qualified; and the Congress may by law provide for the case where neither a President elect nor a Vice President elect has qualified, declaring who shall then act as President or the manner in which a qualified person shall be selected, and such person shall act accordingly until a President or Vice President has qualified."

Mr. LEA. Mr. Chairman and gentlemen of the committee, I ask your attention briefly while I attempt to explain this proposed amendment. Section 3 of this resolution deals with one of the most important provisions of the Constitution of our country. It deals with the filling of vacancies in the office of President of the United States. Under some circumstances, as the history of our country has shown, that subject may become a vital one. The Constitution now provides for filling only vacancies that occur in the office of President after the President is once installed. For over 100 years every student of our Government has recognized this gap in the Constitution. It fails to provide for filling those vacancies that are due to causes that occur before the President is installed. Fortunately no case has occurred where that weakness of the Constitution has demonstrated the ill results of which it is readily capable. Following any presidential election we may find ourselves with a vacancy in the Presidency without a constitutional method of filling it. There may be a failure to elect a President, the elected candidate may die, or there may be a physical or mental inability of the elected candidate, without a qualified person to take his place. No one can measure the untoward results that might follow.

This resolution provides for filling vacancies where there is a failure to elect a President or in case of the death of the President elect after election and before he takes his office. The original Constitution also provides for the case of a vacancy due to the inability of the President to act. For instance, if the President is insane or physically incapable of taking his oath and becoming President there is no provision in the Constitution at the present time for filling that vacancy. The resolution before the House does not provide for that case.

The fundamental purpose of the amendment I offer is to provide for filling vacancies in every case which may occur before the President elect is installed in his office. The Constitution now provides for filling every vacancy that may occur after the President has taken his oath at the beginning of his term. The weakness of section 3, as I see it, is that it fails to provide for all the vacancies covered in the Constitution. It fails to provide for the case of inability, which includes both mental and physical inability.

The amendment I offer has been worked out very carefully with the aid of members of the drafting service of the House and after consultation with some of our able Members. In form, by analogy, it follows the language of the existing Constitution relating to vacancies. If nothing else was involved in the resolution before the House, this Congress would be doing a good service to the country if it made it possible to correct this defect. I believe that among the students of the Constitution of our country there will be no disagreement that the substance of this amendment should be added to the Constitution.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. LEA. Yes.

Mr. CHINDBLOM. I want to ask whether the gentleman's amendment would assist in remedying the difficulty which would arise under section 1 of the resolution before us in the event the House of Representatives gets into a chaotic condition and is unable to elect a President?

Mr. LEA. It will; and that is one important reason for its adoption.

Mr. CHINDBLOM. So the gentleman is of the opinion that section 1, which has already passed the committee, would not be safe without some further perfecting provision, such as the gentleman offers?

Mr. LEA. That is true and that is true of the existing Constitution. That is a condition that is not at present provided for and it may become a matter of monumental importance. Subsequent provisions of the resolution before us partially cover the situation, but these are not included in section 1.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. GIFFORD. Mr. Chairman, I do not rise to speak in opposition because, as far as I can learn, the committee is willing to accept the amendment. The difference between this amendment and the resolution submitted by the committee is that the latter merely provided for the case of the "death" of the President and the Vice President. This amendment not only provides for what shall happen in case the President and Vice President die, but for the further contingency that they fail to qualify.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. GIFFORD. Yes.

Mr. CHINDBLOM. If the gentleman now is accepting this amendment in behalf of the committee, why did not the committee report it?

Mr. GIFFORD. Mr. Chairman, the gentleman from California [Mr. LEA] appeared before our committee. Although we expressed sympathy for his purpose we felt that he failed to present to us a phrase which seemed appropriate or which we were willing to place in a constitutional amendment. Since this resolution was reported, our legislative counsel has worked very diligently with Mr. LEA in order to provide proper phrasing to cover the many possibilities which this resolution seeks to provide against, and I feel that they have at last found words which very happily cover the situation which would arise if the President or Vice president failed to qualify. One thing insisted on was that we must preserve the right of the House to choose a President after March 4 if it had not done so before that date.

At present if we do not select a President by the beginning of his term on March 4 the Vice President elected by the Senate will at once become President for the full term. Under this amendment we are preserving the rights of the House, and that feature being taken care of, we are willing to accept the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 4. If the President elect dies before the time fixed for the beginning of his term, then the Vice President elect shall become President; and the Congress may by law provide for the case of the death of both the President elect and the Vice President elect before the time fixed for the beginning of the term, for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice devolves upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice devolves upon them.

Mr. GIFFORD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GIFFORD: Page 4, line 3, after the period strike out all down to and including the comma in line 8 and insert in lieu thereof the following: "The Congress may by law provide."

Mr. GIFFORD. Mr. Chairman, in explanation of the amendment, I would say it is simply a formal amendment made necessary by the adoption of the substitute for section 3.

The amendment was agreed to.

Mr. STOBBS. Mr. Chairman, I wanted to get up in reply to my friend the gentleman from Montana, but a little time has intervened. I simply want to make this observation before the debate comes to a close. There has been a great deal of false emphasis, as the gentleman from Michigan has said, on the fact that the criticism of the present existing arrangement is on the so-called lame ducks in the second legislative session of a Congress.

It seems to me the reason this resolution for amendment of the Constitution ought to be supported is not because of any criticism of the men who have rendered noble service in the past and who were candidates for reelection but were not reelected. No one for one moment can with any spirit of fairness criticize the attitude of those men who have been placed in this unfortunate situation. The real emphasis, it seems to me, in the matter of this resolution ought to be placed on the fact that what this committee is trying to do is not to eliminate the so-called lame ducks, but to eliminate the second session of Congress which takes place after a presidential election, and they are doing that because it is not a fair thing to the people of the United States to have such a session.

Mr. TILSON. Will the gentleman yield?

Mr. STOBBS. Yes; I will.

Mr. TILSON. Does not the gentleman, who is a fine lawyer, realize that we can now under the Constitution as it stands eliminate the session after the election, except one day every fourth year to canvass the electoral vote? If we can do that without any change of the Constitution, why should we not do it by statute? That is all there is to it.

Mr. STOBBS. If the gentleman from Connecticut will allow me to answer, you can call your first session of the new Congress under the present law on March 4, and you can not call it any earlier than that; therefore you must have your second session after election in order to canvass the electoral votes, and also to take care of the contingency where a President of the United States has not been elected by the Electoral College. I know what the gentleman is going to say——

Mr. TILSON. It is very evident.

Mr. STOBBS. You are going to say there is no reason why, if the election takes place on the 4th day of November, Congress can not call another session the very next day.

This is perfectly true; but, as a practical matter, that will not be done. As a practical matter we are not going to call a session in December or on the 4th day of January or any other day after election, to last until the 4th day of March, and then start a new session the same day; and in any event, that session if called would be a session of the old Congress. So the whole theory of this proposal is to start your first session of Congress early enough so that it will prevent any session of the old Congress after election, and so that the men who start to take part in any legislative discussion after an election will be the people who have just been elected, and who are responsive to the will of the people.

Let me illustrate why this is advisable.

When John Adams was defeated for the presidency and Thomas Jefferson elected, in the second session under the John Adams administration, what did the Federalists try to do? This is not any fanciful difficulty we are facing. History is full of illustrations where the second session has not played the game the way it ought to have played it.

In the second session, under John Adams's administration, you know the Federalist Party passed legislation purposely to embarrass the incoming administration. John Adams sat up until midnight on March 3 signing appointments, filling vacancies in all the courts of the country, and that Congress during the last few days created 24 new judges.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. STOBBS. I ask for five minutes more.

The CHAIRMAN. Without objection, the gentleman will proceed.

Mr. STOBBS. If Abraham Lincoln had not received a majority of the votes in the Electoral College in 1860 and that election had been thrown into the House, you would have had a situation at that time as follows: The candidates for President were Lincoln, Breckinridge, Douglas, and Bell—four candidates. If Lincoln had not received a majority, and there was a grave probability that he would not receive a majority of the Electoral College; if it had been thrown into the House, do you think Abraham Lincoln would have been elected President of the United States? The Senate was clearly Democratic, and the Democrats, by a combination of all the forces against the Republicans, could probably have controlled the House. That was the time where the House had 44 or 45 ballots for Speaker. Instead of getting a President of the United States elected on the issue on which they had gone before the people, the clear issue of slavery, an issue upon which the people had expressed their opinion decisively, you would have had Douglas or Breckinridge instead of Lincoln as President, and the will of the people would have been defeated.

I say the whole argument narrowed down into a nutshell is this: That it is not a sound principle for any session of Congress to be held after the people have expressed themselves in any election on any issue except by the new Congress and new Representatives coming into power, elected on that same issue, and that goes to the very fundamentals of our democratic form of government. [Applause.]

Mr. MACGREGOR. Will the gentleman yield?

Mr. STOBBS. Yes.

Mr. MACGREGOR. Under the amendment that has been adopted there could be a session after the election in November; in December.

Mr. STOBBS. If I understand the gentleman correctly; yes.

The Clerk completed the reading of the bill.

Mr. WHITE of Kansas. Mr. Chairman, I ask unanimous consent to extend my remarks by publishing a joint resolution by the Legislature of the State of Wisconsin referring to this joint resolution, and also a short article from the Evening News, of Portland, Me., on the same subject.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The matter is as follows:

Joint resolution relating to the Norris resolution proposing an amendment to the Constitution of the United States for the earlier seating of Congress

Whereas the United States Senate in the present session of Congress has for the fourth time passed the Norris resolution, which submits to the several States an amendment to the Constitution eliminating the so-called "short" or "lame-duck" session of Congress by advancing the date for the convening of the first regular session of a new Congress from 13 months after its election to January 15 following the November election, and at the same time advancing the date of the inauguration of the President and Vice President from March 4 to January 2; and

Whereas under the present system it is a frequent occurrence that a Congress and a President who have been repudiated at the election are able to defeat the wish of the people, not only for many months but often permanently, and the reason which in 1789 rendered necessary the long delay in the seating of Congress has been removed by the great improvements in transportation since that time; and

Whereas, despite the fact that only six Senators voted against the Norris resolution, there is danger that the House of Representatives will again shelve this resolution without allowing it to come to a vote, as it has done in the three preceding sessions: Now therefore be it

Resolved by the assembly (the senate concurring), That the Wisconsin Legislature hereby again goes on record in favor of the passage of the Norris resolution for the earlier seating of Congress, and petitions the House of Representatives to act favorably upon this resolution without delay; be it further

Resolved, That properly attested copies of this resolution be sent to the Speaker of the House of Representatives and to each Wisconsin Member thereof.

HENRY O. HUBER,
President of the Senate.
O. G. MUNSON,
Chief Clerk of the Senate.
JOHN W. EBER,
Speaker of the Assembly.
C. E. SHAFFER,
Chief Clerk of the Assembly.

[From the Evening News, Portland, Me.]

WASHINGTON, January 21 (Special).—The concurrent resolution of Representative HAYS B. WHITE, Republican, of Kansas, changing the assembling of Congress in each odd-numbered year from March 4 to January 4, has been reported out from the House Committee on Election of President, Vice President, and Representatives in Congress, and efforts will be made to have it brought before the House at this session

of Congress. This resolution is similar to the Norris resolution which recently passed the Senate.

The White joint resolution, as it came from the candidate, contains an amendment which, it is believed, will meet with favor among the majority of the House Members. This amendment is: "In each even numbered year such meeting of Congress shall be on the 4th day of January, and the session shall not continue after noon of the 4th day of May."

If this resolution as it is now worded becomes an amendment to the Constitution, the ending of sessions of Congress in each even numbered year on the 4th day of May, it is pointed out, will give the Representatives, as well as the Senators, who are up for reelection ample time to return to their home States and start their campaign.

The House has been the stumbling block against passing similar resolutions in past sessions of Congress, while the Senate has always acted favorably on similar resolutions, the intent of which has been to kill off all "lame ducks" who continue to serve for 13 months although defeated at the polls.

Mr. GARRETT of Tennessee. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. GARRETT of Tennessee: After line 16 insert the following as a new section:

"SEC. 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of the submission hereof to the States by the Congress, and the act of ratification shall be by legislatures, the entire membership of at least one branch of which shall have been elected subsequent to such date of submission."

Mr. GARRETT of Tennessee. Mr. Chairman, I shall not detain the committee for the discussion of this amendment. In the early hours of the debate I submitted it and gave notice of my intention to offer it and undertook to give the reasons which underlie it. It seems to me that it is eminently proper that we should have a limitation of time, and I understand the gentleman from Massachusetts [Mr. GIFFORD] agrees with me. We have the precedent for it, and this follows the exact precedent fixed as a time limit of seven years, the same that was fixed in the eighteenth amendment, which the Supreme Court of the United States has declared was reasonable and was within the power of Congress to fix.

As to the other part as far as this particular amendment is concerned, it will have no practical effect, because the legislatures that will presumably pass upon, or have the first opportunity of passing upon it, are nearly all of them to be elected this year. It is fixing a precedent which, if adopted now, I trust may be a guide to future Congresses in submitting constitutional amendments.

Mr. GIFFORD. Mr. Chairman, I am sure that there will be no objection upon the committee's part to an addition to the amendment that is an exact copy of what has been added to other amendments to the Constitution, but, as I understand it, there is no precedent for the latter part requiring that one branch shall have been elected before the amendment is presented to the legislature.

Mr. GARRETT of Tennessee. That is correct.

Mr. GIFFORD. I am wondering if an objection should not be made to that. I wonder if it is not an attempt to establish a precedent which would, in a large measure, take the place of the constitutional amendment heretofore suggested, so that in all cases in the future no amendment will be allowed to be presented to a legislature until it has first been brought to the attention of the people and the legislature may be elected or rejected on the issue.

Mr. RAMSEYER. What objection has the gentleman to making that a precedent?

Mr. GIFFORD. Mr. Chairman, I rose for the purpose of calling the attention of the House to the fact that there had not heretofore been any exact precedent for this. I do not know that I have any particular objection, but I think that the Members should know that there is no precedent for it.

Mr. CHINDBLOM. Does the committee take any attitude upon it?

Mr. GIFFORD. The committee has tried to be liberal and does not wish to be loath to accept suggestions from any who have given thought and study to the resolution. Members of the Rules Committee have suggested certain things which it has been agreeable to us to have added since the first report.

Mr. HUDSON. Can this amendment be divided in being voted upon, and, if so, I ask for a division of the amendment.

The CHAIRMAN. The Chair is inclined to think that it is one substantive proposition and is not susceptible of division.

Mr. MADDEN. The gentleman from Massachusetts made the statement, when he had the floor, that at the suggestion from the Rules Committee, when asking for the consideration of this resolution, his committee had to make certain concessions, which they would not have made if not suggested by that committee. I feel sure he does not want to leave that impression on the House.

Mr. GIFFORD. Mr. Chairman, the point I wished to bring out was that this committee went before the Committee on Rules, that the members of the Committee on Rules were painstaking in their questioning, and that they made many suggestions, some of which we adopted. Of course, we did not have to do it.

Mr. TILSON. Mr. Chairman, I move to strike out the last word. We are going to vote on this resolution within a very few minutes, and before we vote I wish to say just another word, because I feel that this is a very serious matter. I regard this resolution as now framed as fraught with great danger to the future, partly because of the uncertainty of some of its provisions, some of which have been put in here to-day on the floor without an opportunity for 1 Member out of every 25 to even read them. Some of them are most important provisions; for instance, the one upon which the succession to the Presidency may depend. We are taking a serious step when we submit a constitutional amendment. It is far better that a thousand good things shall stay out of the Constitution than that one bad, one dangerous thing shall go in, because once in it is very difficult ever to take it out again.

There is one provision in this resolution which should cause us to hesitate long before voting for this proposal. Under this resolution the new Congress will have to canvas the electoral vote for President and Vice President, and it has only 20 days in which to do it. The House will meet on January 4 unorganized——

Mr. HUDSON. Mr. Chairman, will the gentleman yield?

Mr. TILSON. I regret that I can not yield. History is replete with instances where it has taken a longer time than 20 days to organize. We all know that within three Congresses—the beginning of the Sixty-eighth Congress, as I recall—there was a deadlock lasting for several days. If the Presidency of the United States had depended upon the completion of the organization of the House at that time we might have gone, instead of 4 days, 20 days, and even that time might not have been enough.

Another thing: It is provided in this resolution that in case there is no election, the Vice President elected by the Senate may act as President until the House shall elect a President. We might have under this resolution one man acting as President, and an election of President pending in the House, which may take place during that Congress or wait until the next Congress in the middle of the presidential term, when there might be a change made in the political complexion of the House, and then put out the man who has been acting as President, for the House could take such action at any time and put in a new man.

My friends, we should think this matter over very deliberately before taking action that might bring about such a situation. It is comparatively easy to put amendments through the two Houses of Congress, and it is somewhat easy to have them adopted by the States; but the mistake once having been made, it is difficult, if not impossible, to retrace our steps. [Applause.]

One instance of a deadlock or the failure to organize this House might plunge this country into a very serious emergency. So, Mr. Chairman, as long as such a proposal remains in this resolution or in any resolution requiring that the vote for President be canvassed by a new Congress, I shall oppose it. Under the present existing system we have Congress already organized, the Speaker is elected, the House is organized in all its committees, and we are ready to act. The country would have confidence in the action of such a Congress when taken; but if we met here with the Presidency depending upon it, no one knows what might happen. Let us not take chances in connection with a matter involving so much danger. [Applause and cries of "Vote!"]

Mr. DENISON rose.

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. DENISON. I wish to speak in opposition to the amendment.

Mr. LAGUARDIA. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LAGUARDIA. Has the Chair ruled that this amendment is not divisible?

The CHAIRMAN. No demand to that effect has been made.

Mr. LAGUARDIA. I now demand that it be separated.

The CHAIRMAN. In the opinion of the Chair, while the amendment may contain to a certain extent propositions which

are divisible, the whole proposition is so nearly one single substantive proposition that the Chair does not consider that a clear-cut division may be made, and the Chair so holds.

Mr. LAGUARDIA. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from New York [Mr. LAGUARDIA] appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the decision of the Chair was sustained as the judgment of the committee.

Mr. DENISON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The debate on this amendment has been exhausted. If the gentleman from Illinois desires to make a pro forma amendment, the Chair will recognize him.

Mr. DENISON. I have not spoken on this amendment heretofore, and I will not take up the five minutes. I merely want to call attention to the fact that there may be something unconstitutional about the amendment offered by the gentleman from Tennessee [Mr. GARRETT].

I have listened to the debate on this resolution with a great deal of interest. I have tried to be content with listening rather than speaking. The gentleman from Tennessee has offered a very interesting amendment to the resolution, and I have arisen to submit an inquiry to the gentleman from Tennessee, and other Members of the House, as to whether or not he may have some doubt about the validity of the amendment he proposes?

Mr. GARRETT of Tennessee. In what respect?

Mr. DENISON. In this respect: The Constitution provided that it may be amended by submitting the proposal to legislatures or to conventions. The gentleman from Tennessee is proposing a third method. His amendment imposes a condition upon the constitutional provisions. Now, however desirable that may be, the question in my own mind is whether or not we can do that.

If we can put that condition on the constitutional provision why can we not put on any number of conditions? For instance, why can we not provide that it must be submitted to the State legislatures, all the members of one branch of which have been elected after its submission in an election in which this question is voted on? Or why may we not attach other conditions? For example, why not provide that it shall be submitted to the legislatures of the States, all the members of at least one branch of which have been elected at an election held under certain conditions, or on certain dates, or under certain safeguards, or at an election in which the proposed amendment is submitted for a referendum? I am asking this question in all seriousness.

I think the question which the gentleman from Tennessee has raised is a very interesting one, and I think it may be a desirable condition to attach to any proposed constitutional amendment. But it is not in the Constitution, and even when we are amending the Constitution it must be done in a constitutional way.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. DENISON. Yes.

Mr. MOORE of Virginia. I am going to ask the gentleman a question: What would you do in a State where the State law provides that the State senate shall be elected, one-half at one time and one-half at another time? You would find it impossible to enforce this provision, and it would become a nullity.

Mr. DENISON. The gentleman from Virginia is entirely correct. The Constitution is just as plain as it could be. It provides for the submission of proposed amendments to the State legislatures. I doubt if we can properly attach any conditions or limitations to the submission. So I seriously doubt the validity of the amendment offered by the gentleman from Tennessee.

Mr. HASTINGS. And would it not postpone action for four years in a great many States where the legislatures are elected only once in four years?

Mr. DENISON. It would, of course.

Mr. GARRETT of Tennessee. If the gentleman from Illinois will permit me to answer that question I will say no.

Mr. DENISON. Gentlemen, I have been undecided whether I would vote for this resolution or not. I have listened to the debate in order to get all the information I could. When Congress submitted the amendment providing for the election of Senators by a direct vote of the people, a most serious mistake was made which can perhaps never be remedied. Therefore, I approach all proposed constitutional amendments with more or less doubt and even fear. So I have decided not to support the pending resolution.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RAMSEYER. Mr. Chairman, I rise to support the amendment just offered by the gentleman from Tennessee [Mr. GARRETT]. This amendment provides that the proposed amendment to the Constitution, commonly known as the Norris-White constitutional amendment, first, shall be inoperative unless ratified by the legislatures of three-fourths of the several States within seven years from the date of submission by Congress to the States and, second, the act of ratification shall be by legislatures, the entire membership of at least one branch of which shall have been elected after such date of submission.

The first clause of the pending Garrett amendment is in substance a part of the eighteenth amendment to the Constitution and has been held by the Supreme Court of the United States to be a reasonable limitation in Dillon *v.* Gloss (256 U. S. 368). On page 376 the court says:

> Whether a definite period for ratification shall be fixed so that all may know what it is and speculation on what is a reasonable time may be avoided, is, in our opinion, a matter of detail which Congress may determine as an incident of its power to designate the mode of ratification.

In this same decision after quoting Article V of the Constitution and discussing the two modes of ratification, to wit:

> by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as one or the other mode of ratification may be proposed by Congress—

The Supreme Court says on page 374:

> Thus the people of the United States, by whom the Constitution was ordained and established, have made it a condition to amending that instrument that the amendment be submitted to representative assemblies in the several States and be ratified in three-fourths of them. The plain meaning of this is (a) that all amendments must have the sanction of the people of the United States, the original fountain of power, acting through representative assemblies; and (b) that ratification by these assemblies in three-fourths of the States shall be taken as a decisive expression of the people's will and be binding on all.

I can not take up more time to discuss this case. I commend a careful reading of this case to the Members of the House. In this connection I wish to call your attention to another instructive case of Hawke *v.* Smith (253 U. S. 221), in which was held unconstitutional a provision in the Ohio constitution requiring a referendum on the action of the general assembly ratifying any proposed amendment to the Constitution of the United States. The Supreme Court in this case, after discussing the meaning of Article V of the Constitution, says on pages 226 and 227:

> The method of ratification is left to the choice of Congress. Both methods of ratification, by legislatures or conventions, call for action by deliberative assemblages representative of the people, which it was assumed would voice the will of the people.

The first clause of the pending amendment imposes a time limitation of seven years on one end of the ratification process, which has been held constitutional by the Supreme Court; and the second clause of the pending amendment imposes a time limitation on the other end of the ratification process by way of a stay or delay until the entire membership of at least one branch of the State legislatures shall have been elected after such date of submission, which latter clause has not been passed on by the Supreme Court.

The limitation in the first clause is—

> a matter of detail which Congress may determine as an incident to its power to designate the mode of ratification.

The mode of ratification may be either—

> by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof.

Congress must determine the mode of ratification and in that determination is limited to one of two modes prescribed in Article V of the Constitution. As an incident to its power to designate the mode of ratification, Congress may prescribe that if a proposed constitutional amendment is not ratified within seven years after the date of submission it shall be inoperative.

In order to assure the assent of the people of the United States, "the original fountain of power," to a proposed constitutional amendment and to prevent hasty, ill-considered, and at times hysterical action on the part of the State legislatures, why is not the delay imposed in the second clause "a matter of detail which Congress may determine as an incident of its power to designate the mode of ratification" in order to make more certain legislatures that "would voice the will of the people" and give "a decisive expression of the people's will"?

This second clause under consideration in no way violates any provision of Article V of the Constitution. It is sound and sensible. It is conducive to an orderly consideration of the constitutional amendment submitted by Congress to the States. It is a reasonable limitation or regulation to give the people of the States an opportunity to become advised in what way it is proposed to change their fundamental law. It brings the proposed constitutional amendment before the people for discussion and consideration and gives a reasonable time in which the legislatures can learn that "decisive expression of the people's will." It simply tends to make more certain that the legislatures of the several States shall "voice the will of the people" and "that all amendments must have the sanction of the people of the United States, the original fountain of power."

The difference between the two clauses is: The first clause inhibits action on the part of the legislatures after a designated time and the second clause inhibits action on the part of the legislatures before a designated time. The object of the first clause is to prohibit action on the part of legislatures after the proposal has gone out of the people's minds, while the object of the second clause is to prohibit action on the part of legislatures before the proposal has entered the people's minds.

Mr. Chairman, in conclusion permit me to call attention to some data of historic interest in connection with constitutional amendments. To date there have been 24 amendments proposed to the Constitution of the United States, and 19 of these have been ratified by the legislatures of three-fourths of the States. Some of these 19 amendments were ratified within a single year after their proposal and all within four years. Of the 5 amendments that have not yet been ratified by the requisite number of States, 2 were proposed in 1789, 1 was proposed in 1810, 1 in 1861, and 1 in 1924. I think a fair and reasonable conclusion from the discussion in Dillon *v.* Gloss, supra, is that further action by the State legislatures to ratify the outstanding amendments, except the one proposed in 1924, would be declared to be invalid by the Supreme Court.

Mr. Chairman, bearing on this discussion, I submit for printing in the RECORD the following very interesting contribution from Jameson on Constitutional Conventions (4th ed.), section 585, to wit:

585. VI. Two further questions may be considered: 1. When Congress has submitted amendments to the States, can it recall them? And 2. How long are amendments thus submitted open to adoption or rejection by the States?

1. The first question must, we think, receive a negative answer. When Congress has submitted amendments, at the time deemed by itself or its constituents to be desirable, to concede to that body the power of afterwards recalling them would be to give to it that of definitively rejecting such amendments, since the recall would withdraw them from the consideration of the States and thus render their adoption impossible. However this may be, it is enough to justify a negative answer to say that the Federal Constitution, from which alone Congress derives its power to submit amendments to the States, does not provide for recalling them upon any event or condition; and that the power to recall can not be considered as involved in that to submit as necessary to its complete execution. It therefore can not exist.

2. The same consideration will, perhaps, furnish the answer to the second question. The Constitution gives to Congress the power to submit amendments to the States—that is, either to the State legislatures or to conventions called by the States for this purpose, but there it stops. No power is granted to prescribe conditions as to the time within which the amendments are to be ratified, and hence to do so would be to transcend the power given. The practice of Congress in such cases has always conformed to the implied limitations of the Constitution. It has contented itself with proposing amendments, to become valid as parts of the Constitution, according to the terms of that instrument. It is, therefore, possible, though hardly probable, that an amendment once proposed is always open to adoption by the nonacting or nonratifying States.

The better opinion would seem to be that an alteration of the Constitution proposed to-day has relation to the sentiment and the felt needs of to-day, and that if not ratified early while that sentiment may fairly be supposed to exist it ought to be regarded as waived and not again to be voted upon unless a second time proposed by Congress.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken; and the Chair being in doubt, the committee divided, and there were—ayes 187, noes 23.

So the amendment was agreed to.

Mr. CARTWRIGHT. Mr. Chairman, if nothing further were to be accomplished by this amendment than to do away with the absurdity of electing Members to Congress 13 months before they are allowed to become full-fledged Congressmen, that alone would be enough to justify prompt action on our part. Whatever justification there may have been for this delay in the early days when the average rate of travel was 5 or 6 miles an hour, there is none to-day, when the average rate of travel is 40 to 60 miles an hour. Almost everything is moving almost ten times faster to-day than it was 150 years ago. In times like these it is travesty on responsible democratic government to choose Representatives to serve the people in the transaction of business of vital importance and then not allow them to begin that service for more than a year. Imagine a housewife engaging a cook to begin work more than a year hence. Imagine a farmer buying seed, or work animals, or farming implements, of which he was to make no use for more than a year. Imagine a corporation electing directors to do nothing but watch other directors transact the business of the concern for upwards of a year. That kind of absurdity is reserved solely for this great deliberative body, in which the best current thought of our people ought to find expression. Nowhere except in the United States are the elected representatives of the people put into a political morgue and kept there for over a year before they can take action. In England the popular will may assert itself through the House of Commons almost instantly.

But this amendment aims to do much more than put an end to this absurdity in modern democratic government. Its main purpose is to free Congress from the dead hand of the so-called "lame duck." These "lame ducks," of whom there are often 10 or more in the Senate, and 30 or more in the House, with a greatly lessened sense of responsibility to the people by whom they have been rejected, often hold the balance of power in both Houses, and so have it within their power to decide matters of the greatest importance affecting the welfare of the whole Nation. It is idle to deny that these "lame ducks" have time and again been influenced by expectations of favors to come from the White House.

The "lame duck" flourishes during the so-called short session of Congress. It is also during this session that the filibuster flourishes. It is also during this short session that the undemocratic cloture is made use of to jam measures through Congress without adequate debate or understanding. The proposed amendment does away with the short session. By so doing it increases from 50 to 100 per cent the chances of legislation being given the fullest possible consideration and being decided by Representatives who look directly to the people, and nowhere else, for their reward.

There is another sense in which Congress would be relieved of the dead hand by this amendment. Each Congress would organize itself. At present the dying Congress provides by caucuses the officers and organization for the newly elected Congress. A dead Congress seeks to control the vital machinery of a Congress that is yet to come into being. The proposed amendment would put a stop to that vicious, undemocratic practice.

The proposed amendment has received the approval of the American Bar Association and of a great many farm, labor, and women's organizations. The press throughout the whole country is for it. I do not know of any body or group that is openly against it. It seems to me that the devil's advocate himself would find it hard to make out a case against it. [Applause.]

Mr. WHITE of Kansas. Mr. Chairman, I ask the courtesy of the committee to proceed for two minutes. I wish to congratulate the committee upon the wonderful tranquillity that has characterized this debate. I want to say that I listened to the eulogies spoken of the gentleman from Virginia, my good friend, and of our beloved leader on this side, with which I fully agree. I want to say further with regard to the leader himself that I believe he can be wrong with better grace than any man I have ever known in my life. [Laughter and applause.]

Mr. TILSON. Mr. Chairman, does not the rule provide that upon the completion of the reading of the resolution the committee shall automatically rise?

The CHAIRMAN. The reading of the resolution having been completed, the committee now rises.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration Senate Joint Resolution 47, proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress, had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the resolution as amended do pass.

The SPEAKER. The question is on agreeing to the amendment.

Mr. TILSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TILSON. Is this the formal submission of the amendment to the Senate resolution?

The SPEAKER. As the Chair understands, this is the formal submission of the amendment, but not of the resolution itself. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the resolution.

Mr. TILSON. Mr. Speaker, is it not necessary to have a yea-and-nay vote on a resolution proposing a constitutional amendment?

The SPEAKER. There is no rule which provides for a yea-and-nay vote, and the Chair will quote from the Manual, section 224:

Ayes and nays not required to pass a resolution amending the Constitution.

The question is on the passage of the resolution.

Mr. GIFFORD. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 209, nays 157, answered "present" 2, not voting 66, as follows:

[Roll No. 44]

YEAS—209

Abernethy	Drewry	Kelly	Rankin
Adkins	Edwards	Kemp	Rayburn
Almon	England	Kent	Reed, Ark.
Andresen	Englebright	Kerr	Reid, Ill.
Arnold	Eslick	Ketcham	Robinson, Iowa
Auf der Heide	Evans, Calif.	King	Rubey
Ayres	Evans, Mont.	Kopp	Rutherford
Barbour	Fisher	Korrell	Sanders, Tex.
Bell	Fitzpatrick	Kvale	Sandlin
Black, N. Y.	Fletcher	LaGuardia	Schaefer
Black, Tex.	Frear	Lampert	Schneider
Blanton	Free	Lanham	Sears, Nebr.
Bohn	Freeman	Lankford	Selvig
Bowman	Frothingham	Lea	Shallenberger
Box	Fullbright	Linthicum	Simmons
Brand, Ga.	Fulmer	Lozier	Sinclair
Brand, Ohio	Furlow	Luce	Sinnott
Briggs	Gambrill	McClintic	Sirovich
Browne	Garber	McKeown	Somers, N. Y.
Browning	Garner, Tex.	McLaughlin	Spearing
Buchanan	Garrett, Tenn.	McLeod	Sproul, Kans.
Burtness	Garrett, Tex.	McReynolds	Stedman
Burton	Gifford	McSweeney	Steele
Busby	Gilbert	Maas	Stobbs
Byrns	Goodwin	Major, Ill.	Strong, Kans.
Canfield	Gregory	Major, Mo.	Sumners, Tex.
Cannon	Green, Fla.	Manlove	Swank
Carss	Green, Iowa	Mapes	Swing
Carter	Greenwood	Martin, La.	Tarver
Cartwright	Guyer	Michaelson	Tatgenhorst
Casey	Hall, N. Dak.	Michener	Taylor, Colo.
Celler	Hammer	Mooney	Thurston
Chase	Hastings	Moorman	Timberlake
Clague	Haugen	Morehead	Underwood
Clancy	Hill, Ala.	Morgan	Vincent, Mich.
Cochran, Mo.	Hill, Wash.	Morrow	Vinson, Ga.
Cochran, Pa.	Hoch	Nelson, Me.	Vinson, Ky.
Collier	Holaday	Nelson, Mo.	Weaver
Collins	Hooper	Nelson, Wis.	Welch, Calif.
Colton	Hope	Newton	White, Kans.
Connery	Howard, Nebr.	Norton, Nebr.	Whitehead
Cooper, Wis.	Howard, Okla.	O'Connor, La.	Whittington
Cox	Huddleston	Oldfield	Williams, Mo.
Crisp	Hudson	Oliver, N. Y.	Williamson
Crosser	Hudspeth	Palmisano	Wilson, La.
Dallinger	Hull, Tenn.	Peavey	Winter
Davey	James	Peery	Wolverton
Davis	Jeffers	Perkins	Woodruff
Dickinson, Iowa	Jenkins	Porter	Wright
Dickinson, Mo.	Johnson, Okla.	Pou	Zihlman
Doughton	Johnson, Tex.	Quin	
Douglass, Mass.	Jones	Rainey	
Dowell	Kading	Ramseyer	

NAYS—157

Ackerman	Connolly, Pa.	Gibson	Leatherwood
Aldrich	Cooper, Ohio	Glynn	Leavitt
Allgood	Corning	Golder	Lehlbach
Andrew	Crowther	Goldsborough	Letts
Aswell	Cullen	Griest	Lindsay
Bacharach	Curry	Hadley	Lowrey
Bachmann	Davenport	Hale	Lyon
Bacon	Deal	Hall, Ind.	McDuffie
Beedy	Denison	Hardy	McMillan
Beers	Dominick	Hare	McSwain
Bland	Douglas, Ariz.	Hawley	MacGregor
Bloom	Doutrich	Hersey	Madden
Bowles	Drane	Hickey	Mansfield
Bowling	Driver	Hoffman	Mead
Boylan	Dyer	Hogg	Merritt
Brigham	Eaton	Houston, Del.	Miller
Britten	Elliott	Hughes	Monast
Bulwinkle	Estep	Hull, Wm. E.	Montague
Burdick	Faust	Johnson, Ill.	Moore, Ky.
Carew	Fenn	Johnson, Wash.	Moore, N. J.
Carley	Fitzgerald, W. T.	Kahn	Moore, Va.
Chapman	Fort	Kearns	Morin
Chindblom	Foss	Kincheloe	Murphy
Clarke	French	Knutson	Niedringhaus
Cohen	Gardner, Ind.	Kurtz	Norton, N. J.
Cole, Iowa	Gasque	Langley	O'Brien
O'Connell	Romjue	Thatcher	Watres
Oliver, Ala.	Rowbottom	Thompson	Watson
Palmer	Seger	Tillman	Weller
Parker	Shreve	Tilson	Welsh, Pa.
Parks	Smith	Tinkham	White, Me.
Prall	Speaks	Treadway	Williams, Ill.
Pratt	Sproul, Ill.	Tucker	Wingo
Purnell	Steagall	Underhill	Woodrum
Ragon	Stevenson	Updike	Wurzbach
Ransley	Sullivan	Vestal	Wyant
Reece	Summers, Wash.	Wainwright	Yon
Reed, N. Y.	Swick	Ware	
Robsion, Ky.	Taber	Warren	
Rogers	Temple	Wason	

ANSWERED "PRESENT"—2

Stalker	Williams, Tex.

NOT VOTING—66

Allen	Connally, Tex.	Igoe	O'Connor, N. Y.
Anthony	Crail	Irwin	Quayle
Arentz	Cramton	Jacobstein	Rathbone
Bankhead	Darrow	Johnson, Ind.	Sabath
Beck, Pa.	Dempsey	Johnson, S. Dak.	Sanders, N. Y.
Beck, Wis.	De Rouen	Kendall	Sears, Fla.
Begg	Dickstein	Kiess	Snell
Berger	Doyle	Kindred	Strong, Pa.
Boies	Fish	Kunz	Strother
Buckbee	Fitzgerald, Roy G.	Larsen	Sweet
Bushong	Gallivan	Leech	Taylor, Tenn.
Butler	Graham	McFadden	White, Colo.
Campbell	Griffin	Magrady	Wilson, Miss.
Chalmers	Hall, Ill.	Martin, Mass.	Wood
Christopherson	Hancock	Menges	Yates
Cole, Md.	Harrison	Milligan	
Combs	Hull, Morton D.	Moore, Ohio	

So (two-thirds having failed to vote in favor thereof) the joint resolution was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Johnson of South Dakota and Mr. Begg (for) with Mr. Harrison (against).

Mr. Rathbone and Mr. Christopherson (for) with Mr. Sanders of New York (against).

Mr. Combs and Mr. Stalker (for) with Mr. Snell (against).

Mr. Fish and Mr. Jacobstein (for) with Mr. Anthony (against).

Mr. Cole of Maryland and Mr. De Rouen (for) with Mr. Buckbee (against).

Mr. Williams of Texas and Mr. Hancock (for) with Mr. Sweet (against).

Mr. Taylor of Tennessee and Mr. Berger (for) with Mr. Bankhead (against).

Mr. Beck of Wisconsin and Mr. Gallivan (for) with Mr. Wood (against).

Until further notice:

Mr. Kiess with Mr. Sears of Florida.
Mr. Yates with Mr. Larsen.
Mr. Martin of Massachusetts with Mr. Sabath.
Mr. McFadden with Mr. Kunz.
Mr. Butler with Mr. Connally of Texas.
Mr. Campbell with Mr. Doyle.
Mr. Cramton with Mr. Griffin.
Mr. Strong of Pennsylvania with Mr. Igoe.
Mr. Moore of Ohio with Mr. Kindred.
Mr. Dempsey with Mr. Milligan.
Mr. Beck of Pennsylvania with Mr. Quayle.
Mr. Darrow with Mr. White of Colorado.
Mr. Magrady with Mr. O'Connor of New York.
Mr. Arentz with Mr. Dickstein.
Mr. Graham with Mr. Wilson of Mississippi.

Mr. DOUGLASS of Massachusetts. Mr. Speaker, my colleague, the gentleman from Massachusetts [Mr. GALLIVAN], is absent on account of a sore throat. If present, he would vote "aye."

Mr. WILLIAMS of Texas. Mr. Speaker, I am paired in favor of the bill. I therefore desire to withdraw my vote and answer "present."

Mr. CHAPMAN. Mr. Speaker, my colleague, the gentleman from Missouri [Mr. MILLIGAN], is absent on account of illness. If present he would vote "no."

Mr. STALKER. Mr. Speaker, I voted "aye." I am paired with my colleague, the gentleman from New York [Mr. SNELL]. I therefore withdraw my vote and answer "present."

The result of the vote was announced as above recorded.

On motion of Mr. TILSON, a motion to reconsider the vote by which the joint resolution was rejected was laid on the table.

A similar House joint resolution was laid on the table.

ANNIVERSARY OF THE BATTLE BETWEEN THE "MONITOR" AND "MERRIMAC"

Mr. LINDSAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LINDSAY. Mr. Speaker, 66 years ago there occurred the historic battle between the *Merrimac* and the *Monitor*, which was epochal in its effect on naval operations and construction of the future. The Confederate cruiser *Merrimac* had been converted into a crude but highly effective "ironclad" ship. Ironclad is perhaps a very accurate description, for this

was a wooden vessel whose sides had been clad in iron over her timbers.

On March 8 the *Merrimac* alone attacked five Union frigates. The concerted broadsides of the northern ships left the *Merrimac* unharmed. She continued to fire until the five frigates were sunk, 250 men being killed. The effect of this victory was most disheartening to the North. It opened a way for attack on Washington by shell fire and placed the coast cities of the North in a precarious position.

Then on the following morning there appeared to oppose the victorious *Merrimac*, the most absurd-looking craft imaginable, the now famous *Monitor*. In the engagement that followed the armor of the *Merrimac* was damaged, several of her heavy guns put out of action, her hull damaged, and many of the crew killed and injured. The *Merrimac* was compelled to withdraw and never again appeared in action.

I shall not enlarge on this remarkable event, as I believe some of my colleagues will wish to speak later, and I do not wish to anticipate their remarks in any way. I simply wish to recall that the *Monitor* was built in Greenpoint, Long Island, which historic territory I have the honor to represent in Congress. Greenpoint is a remarkable section. Its inhabitants are unanimous in their devotion to their locality. They are interested in public affairs and politics from childhood. Men, women, and children follow events closely. It would cheer the hearts of those who observe the vote slacking elsewhere to note the voting in Greenpoint. Every citizen votes in the election there. It is not surprising that this energy enabled the builders of the *Monitor* to complete their task in 100 days, a record for shipbuilding. And within a month after launching, Greenpoint's *Monitor* had saved naval supremacy for the North.

FARM RELIEF

Mr. SANDERS of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech which I made over the radio on farm relief legislation.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SANDERS of Texas. Mr. Speaker and gentlemen of the House, I avail myself of the privilege granted to me by the House by printing in the RECORD an address delivered by me over the radio in Washington on the evening of March 7, 1928, on farm-relief legislation:

In discussing agricultural legislation, the first question which presents itself is that of the importance of agriculture. The national industrial conference board said of it: "The position of agriculture is of vital concern to all the people of the United States, not only for to-day but for all the future as well. It involves the national security, the racial character, the economic welfare, and social progress of our people. The development of sound, far-sighted national policies in respect to agriculture is, therefore, one of the most important problems before the country to-day. As our industries rely so greatly upon agriculture for their basic materials, industry has a direct interest in the maintenance of an adequate and well-proportioned agricultural production, unless we are to become dependent upon foreign countries, not only for the food supply of our industrial workers but for many industrial materials." Thomas Jefferson in his writings, in discussing the great industries of the country, placed agriculture first and stated in substance that it was a duty of the Government to tide it over adverse conditions.

The second question is: Is there an agricultural problem? Since 1900 agriculture has been slowing up in comparison with all other industries. All other industries have been so organized that they have shifted the heaviest burdens upon the farmers until their average earnings in 1926 were $627 per year—that is to say, that was the average income to the farmer for that year. Since 1882 the cost of producing agricultural products has been more than the wholesale prices of these products, and the farm indebtedness has grown from four billion in 1910 to twelve billion in 1920, and it has steadily increased since 1920. Many farmers are losing their farms and all the savings which they have accumulated. Business stagnation and bankruptcy abound.

The losses which the farmers of the country have suffered during the last seven years have been enormous. According to official bulletins recently issued by the Department of Agriculture during the fiscal year of 1926–27, there was an average decline of 4 per cent in farmland value for the whole country, while in some sections of the corn and cotton belt the decline reached 10 per cent. The 4 per cent average decline made a total decline from 1920 of 30 per cent. This means, expressing it in terms of dollars, $18,900,000,000 from the valuation of $63,000,000,000 placed on the value of farm lands in 1920. One reason for this is the deflation policy which the Republican Party put into effect in 1920. The other is the protective policy of the present and preceding Republican administration which has forced the farmer to sell at world prices while he was forced to buy his supplies at inflated prices in a protected market. While farm lands have been depreciating and prices of farm products have been steadily going down, the farmer's taxes have been going up by leaps and bounds. From 1921 to 1926 his land value was depreciating 30 per cent, and his taxes had increased 98 per cent. In the fiscal year of 1926 and 1927, 1,020,000 persons left the farm. During that time 131,000 farms were disposed of at forced sale and 40,000 sold at administrators and executors' sales, making a total of 171,000 sold "under the hammer." Counting 5 persons as the average number to a family, there were 855,000 men, women, and children dispossessed of their farm homes during that year. One hundred and sixty-three thousand other farms were sold voluntarily during that year because the farms were not profitable and the farmers could not support their families on them. The people of this Nation are fed and clothed by the farmers, and agriculture ought to have the sympathetic consideration of this Congress and ought to be given the same governmental concern as the railroads, manufacturers, and industries. This demand for agricultural legislation is increasing all the time, and it is presenting an issue which will be with us until it is settled, and settled right. This agricultural distress is not temporary. We suffered a loss of between three hundred million and four hundred million dollars on the crops of 1926, to say nothing of the enormous loss on the crops of last year. No other industry has ever been left to endure its hardships alone.

Banking has been assisted by the Federal reserve system. Manufacturing has had tariff protection for 100 years. Railroads have been given such legislation as allows a fair return on their investments. Labor has been helped and assisted by the Adamson eight hour law and the immigration laws. Hence the farmer has a right to demand that his industry shall be given at least an equal consideration by our Government, whose powers have been employed to help and shelter all other industries. Farmers have not now the power, nor are they likely to acquire it through voluntary action, to control their surplus crops, and the Government must come to their assistance if this Republic is to survive—if our population is not soon to be divided into a large industrial class on the one hand and peasantry and poverty and want and misery on the other. The net income of the average farmer in 1926 shrank 20 per cent over 1925. The total net revenue from agriculture, according to figures of the Bureau of Economics for the year 1926, including that from products consumed on the farms, amounted to $853 for each farm family. If we allow 4½ per cent interest on the capital investment, then the average income to the farmer was $627 per year. How are you going to keep him on the farm under such conditions? How are you going to make farm life attractive to him? How are you going to maintain churches and schools in rural communities with an annual farm income of things raised and consumed at home at only $627 per year? The reports from this Government bureau show that the total invested farm values the last calendar year declined one and one-half billion dollars. This presents a situation which is serious and can not be ignored. It demands a far-reaching remedy, and those who treat it lightly are enemies to the farmers and to the country. We should make it possible for agriculture to attain an economic equality with industries and labor in the domestic market; that the farmer be given an equal opportunity to enjoy the fruits of his labor, as do his fellow men in all other lines of endeavor. Both of our great political parties recognized this farm problem in 1920, and both of them incorporated planks in their national platforms of that year, dealing with this problem and promising relief. In the election which followed in the fall of 1920 Harding was elected President by a 7,000,000 plurality vote, and both the Houses were overwhelmingly Republican.

The Republicans in their platform of 1920 made the following pledge to the American farmer: "The farmer is the backbone of the Nation. National greatness and economic independence demand a population distributed between industry and the farm, and sharing on equal terms the prosperity which is wholly dependent upon the efforts of both. Neither can prosper at the expense of the other without inviting joint disaster. The crux of the present agricultural condition lies in prices, labor, and credit. The Republican Party believes that this condition can be improved by practical and adequate farm representation in the appointment of governmental officials and commissions; the scientific study of agricultural prices and farm production costs at home and abroad, with a view to reducing the frequency of abnormal fluctuations; the uncensored publication of such reports; the authorization of associations for the extension of personal credit; a national inquiry on the coordination of rail, water, and motor transportation with adequate facilities for receiving, handling, and marketing food; the encouragement of our export trade; an end to unnecessary price fixing and ill-considered efforts arbitrarily to reduce prices of farm products which invariably results to the disadvantage both of producer and consumer; and the encouragement of the production and importation of fertilizing material and of its extensive use." Why did they not redeem this pledge? They had the power to redeem it. They had the President and a large majority in both Houses of Congress. The reason they did not redeem it is evidently because they

did not have the inclination or they did not have the ability. I am charitable enough to permit them to classify themselves under these two heads as they may desire, but personally I think they properly come under both. In fact they admitted their ignorance of the problem by appointing a Commission of Agricultural Inquiry. This commission spent much time and money and when it made its report but few of them read it and those who did did not understand it. This was their "scientific study" promised in their platform. That Congress, the Sixty-seventh Congress, was in session many months, with several special sessions, and nothing was done to redeem that platform pledge. Drunk with power, they felt that it would be safe to neglect the farmer another time just as he has always been neglected. Not only did they refuse to redeem their pledge to assist agriculture, but they enacted the Fordney-McCumber tariff law, which more largely contributed to the farmers' enslavement.

In the campaign of 1924 they made another pledge to the American farmer, which pledge is as follows: "In dealing with agriculture the Republican Party recognizes that we are faced with a fundamental national problem, and that the prosperity and welfare of the Nation as a whole is dependent upon the prosperity and welfare of our agricultural population. We recognize that agricultural activities are struggling with adverse conditions that have brought deep distress. We pledge the party to take whatever steps are necessary to bring back a balanced condition between agriculture, industry, and labor." Notwithstanding the fact that they still had the President and a majority in both the Houses, they again failed to redeem their pledge. The Sixty-ninth Congress passed the McNary-Haugen bill, which was fought by many Republicans and vetoed by a Republican President. This bill's purpose was to stabilize the prices of farm products by removing the surplus from the domestic market. The administration did not want the farm prices stabilized. It wanted to keep the farmer in bondage. I am mentioning these facts because it is conceded by both Democrats and Republicans that our Government is by parties and all acknowledge party responsibility. These facts, therefore, show that, in so far as agricultural legislation is concerned, the Republicans have been weighed in the balance and found wanting. This Congress has been in session three months, and yet nothing has been done for agriculture. The Agricultural Committee of the House, composed of 21 members, a majority of whom are Republicans, have been dillydallying and no bill reported.

The enemies of real agricultural legislation are now trying to defeat legislation in behalf of the farmer by saying that they must not pass any legislation that the President will veto. Why delegate legislative authority to the President? It is a duty of Congress to pass such legislation as it may deem best, irrespective of the President, who has never been known to be on a farm except at picture-taking time and campaign time. If the President wants to veto legislation which the Congress in its wisdom may see fit to pass, let him take the responsibility.

When President Coolidge left South Dakota last summer he stopped at Brookings, S. Dak., and dedicated the Lincoln Memorial Library at South Dakota State College, an agricultural college. The people naturally expected him on such an occasion, and especially after having spent the summer among farmers, to say something about the greatest of all problems confronting the Nation—the agricultural problem. But instead of speaking on that subject, and suggesting some relief, he talked about the spiritual side of life. The spiritual side of life is very important, but you can not reach the spiritual life of man when he is hungry. As long as he is hungry he is going to be thinking about getting something to eat to maintain his physical well-being. This has always been true. We are constituted that way. The President proved that Lincoln was interested in agriculture. We all knew that all the time. We appreciate Lincoln's interest in agriculture, but Lincoln is dead. What we would like now to have is to have our President interested in agriculture, and to tell us how he stands on the Republican platform which recognizes the agricultural problem and which promises relief. After he had laboriously proved Lincoln's interest in agriculture, he quoted Lincoln as follows: "No other human occupation opens so wide a field for a profitable and agreeable combination of labor with cultivated thought as agriculture." He failed to tell them that while Lincoln's statement was true when it was uttered, that it is true now. That the people on the farms are getting poorer and that every year witnesses many farms being sold for taxes. It is well for the President to talk about the past and refer to the sweet by-and-by, but what we want to know something about is the nasty now-and-now. We want to know how to get by. Many farmers have not paid last year's taxes nor the interest on their mortgages. Doubtless the farmers who heard the President on that occasion felt like the doughboy during the World War. An Army welfare worker seized the opportunity offered by a halt in the march of an American division toward the battle lines to deliver an address to a group of Infantry soldiers. He expanded on the nobility of the allied cause, and he was about to mount to even greater heights of eloquence and punch the eternal blue, when a footsore, weary, and hungry doughboy broke up the meeting by shouting, "At's fine—but when do we eat?"

"Ill fares the land, to hastening ills a prey,
Where wealth accumulates and men decay;
Princes and lords may flourish or may fade;
A breath can make them as a breath has made;
But a bold peasantry, their country's pride,
When once destroyed, can never be supplied."

Congress could also help the farmer by prohibiting gambling in cotton futures. From all over the country comes the demand from the farms that this pernicious practice should be stopped. Recently there was testimony given before the Judiciary Committee of the House by Arthur Marsh, former president of the New York Cotton Exchange, showing how the cotton exchanges attempt to control and do control the cotton market.

"The two firms Marsh named were Anderson, Clayton & Co., of Houston, Tex., and George H. McFadden & Bros., of Philadelphia. He alleged that they concentrated on the New York Exchange a reserve supply of what he said was inferior cotton, ranging from 185,000 to 200,000 bales, and then sold it to traders who, when unable to sell it to spinners, had to place their other holdings on the market. This acted to depress prices on all markets of the country," he charged, adding that the two concerns were able to control the market during the depression.

"Marsh, together with Jacob M. Gilbert, a New York attorney and son-in-law of Justice Brandeis, of the Supreme Court, urged approval by the subcommittee of the Rankin bill, which would make market manipulations a violation of the Sherman antitrust law."

While many bills have been introduced in this and preceding Congresses, seeking to prevent gambling in cotton futures, none of them have ever been reported by the Agriculture Committee of either the House or the Senate. The House Committee on Agriculture has not even gone so far as to hold hearings on these bills. It is time farmers all over the country should take concerted action if they are to be given the assistance which they deserve. Would a person pay $226,000 for a seat on the New York Cotton Exchange unless it was a highly profitable business? And their profit comes at the expense of the farmer.

The President of the United States could materially assist the farmers by asking Secretary Jardine to retire from the Cabinet. Secretary Jardine is not only incompetent for the place, but he throws the weight of his official influence against the farmers. We who come from the cotton-producing States have not forgotten last September, when a message went out from the Agricultural Department to the New Orleans Cotton Exchange, predicting a downward trend in cotton prices, caused the market to immediately decline about $6 per bale on cotton, which cost the South many millions of dollars and at the same time had a demoralizing effect throughout the Nation. At that time I protested to Secretary Jardine and to the President of the United States, asking him to remove Jardine. That it was a serious blunder and that the President recognized it is evidenced by the fact that it caused the longest session of the Cabinet which has been held since Mr. Coolidge has been President, and at the adjournment of the Cabinet meeting the newspapers quoted the President as saying that he "regarded as hazardous predictions of price trends by the Department of Agriculture." And then the surprise came when the newspapers quoted the President as saying that he was going to leave the entire matter with the Agriculture Department. From every section of the cotton-producing States came a storm of protest against this unlawful, unjust, and unwarranted action, and yet the President took no action to have Mr. Jardine retire. The Dallas News in its issue of September 17, 1927, had the following to say about this prediction by the Department of Agriculture:

"The rumor that cotton was going down and that somebody or other in the Department of Agriculture had said so resulted in the serious embarrassment of many traders in cotton. Some of them may well have been brought to extreme distress by it. And there were undoubtedly many cotton farmers who parted with their cotton on the spot market at a disadvantage in consequence of the trend of quotations.

"The explanation of how it all came about is incomplete. It appears almost lame. The Associated Press on the day following the occurrence sought out the office from which the 'announcement' was supposed to have come, and learned that the chief of the bureau was absent from his desk. His assistant, the acting chief, was gone. In fact, nobody was there to explain except the publicity man for the bureau. And he rolled up his sleeves and did as good a job of explanation as he could.

"His opening statement was, as the Associated Press paraphrased it, that the declaration complained of 'was contained in a publication of limited circulation intended primarily for economists and field agents.' The date of that publication is not given, but it is stated that it was almost identical with a cotton-price review published a month ago. His third item of information was that the price prediction was not issued as a regular press release.

"From this it appears to have been a reiteration of a prediction of price made 30 days ago. Although it was the repetition, rather than the original guess, which gained attention and caused a drop in the market, it is not the repetition so much as the practice of price pre-

diction itself which seems objectionable. While it is a fact that economists and statisticians have toyed at times with mathematical means of predicting price trends in the cotton market, it is also a fact that the weather and the weevil and the cotton planter of the American farmer have made these theoretical results look altogether silly. If this is what the bureau has been attempting, it ought to discontinue operations in that direction at once.

"The Department of Agriculture is trying to help the farmer, but in a number of its ramifications it is performing unnecessary labors to the hurt of the farmer, rather than otherwise. Of course, in price predicting the guess might be for an unwarranted rise next time, so that the farmer would temporarily gain, just as he has temporarily lost. But guesswork about cotton can not long be an aid to agriculture. If the farm needs any guessing, the farmer can do his own guessing. He has had enough practice to be at least as shrewd at it as any group of swivel-chair specialists in a Washington bureau."

The fact is that every time ginners' reports and other information has come out to show a small cotton crop Mr. Jardine has always had a statement to counteract the effect of such facts and to bear the cotton market. He has done this so often that he is known to cotton raisers as "Beardine." As long as we are handicapped with "Jardine" or "Beardine," and the failure and refusal of a Republican Congress to carry out its platform demands for the relief of agriculture, we are left helpless for the present; but knowing the temper of the American people, their desire for fair play, this fight will go on until the question is settled and settled right. In the language of old—

"I never could believe that Providence had sent a few men into the world, ready booted and spurred to ride, and millions ready saddled and bridled to be ridden."

REREFERENCE OF A BILL

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to change the reference of the bill S. 1218 from the War Claims Committee to the Committee on Claims. Both chairmen have agreed to the reference.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

CERTAIN AMENDMENTS TO THE CONSTITUTION

Mr. TILSON. Mr. Speaker, there are a number of requests for permission to extend remarks in the RECORD. I have been requested to ask, and I now ask, that all Members of the House may have the right to extend their own remarks in the RECORD, for not to exceed five legislative days, on the subject of the proposed constitutional amendment that has just been rejected.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MAJOR of Illinois. Mr. Speaker and Members of the House, this resolution, generally designated as the Norris resolution, which has to do with the beginning of the congressional and presidential term, is in my opinion one of the most important questions to be considered by Congress during the present decade. By its provisions some very material and vital parts of our governmental machinery are to be changed. The people of this Republic have been slow and hesitant in changing and adding to the fundamental law of the land. Proof of this assertion is found in the fact that there have really been only nine amendments added to the Constitution in a period of a century and a half. This reluctance to change the basic law is not to be criticized, but rather a subject of commendation. It should not be changed for light and transient reasons, but only when it will either inure to the certain benefit or welfare of the people, or will enable the Government to function more readily and responsively to their desires.

The original Constitution provides that the President and Vice President should hold office for four years, Members of the Senate for six years, and that Members of the House be elected every second year. It was also originally provided that Congress assemble at least once in each year and that such meeting be had on the first Monday in December. Strange as it may seem, and contrary no doubt to prevalent opinion among those who have not investigated the subject, the Constitution did not fix the time of the commencement of either the presidential or congressional terms. A resolution was passed by the Congress of the Confederation, fixing the first Wednesday in March, 1789, to begin proceedings under the Constitution, and as that time fell on the 4th day of March, and as the Constitution fixed the length of the terms, they have since commenced and expired on that date.

If the authors of the Constitution had tried deliberately to pick the worst time for the annual meeting of Congress, they could not have succeeded better than by fixing the date as they did. There can be little question, I think, but what this date was fixed more as a matter of chance than as deliberate judgment of those in authority as to the most convenient and best time for the commencement of these terms. In theory it is a governmental monstrosity; in practice, undemocratic; and has produced a situation inimical to the best interests of the people and a handicap to their chosen Representatives.

The ridiculous situation which this system presents is best illustrated by a practical example which is applicable in every congressional district in the United States. Assume, for instance, that Bill Jones defeated Bill Smith at the regular election in November, 1926, for a seat in this body.

The old Congress did not expire until March 4, 1927, and Smith continued to be a Member until that time. Jones then took the oath of office (by mail perhaps) and commenced to draw his salary. However, unless the President had called Congress into extraordinary session, which he did not do, and which rarely happens, Jones, the newly elected Member found there was no session of Congress for him to attend until the first Monday in December, 1927, a period of 13 months after his election. In the meantime, Smith, the defeated candidate, represented his district, or perhaps it would be more appropriate to say he misrepresented it, during the short session which convened on the first Monday in December, 1926. When Jones came to Washington in December, 1927, to attend his first session, there was only four months, if he is from Illinois, and only a few months if from any other State, depending upon the time of the primary in the State he comes from, prior to the time when his successor was to be nominated. In other words, before Congressman Jones had laid his eyes on the Capitol Dome for the first time he must announce either his intention to retire or his candidacy for reelection. In the latter event, if he has an opponent for renomination, he is confronted with the problem of either deserting his post here and returning to his district to engage in the campaign, or remaining here under circumstances not conducive to the rendition of service comparable with his ability. He may answer roll calls, his voice is here, but his thoughts are back home. This quite obviously is not fair to either the Representative or to the people whose servant he is.

Another illustration of the absurdity of our existing system is found in an election contest. Assume that Bill Smith decides to contest the election of Bill Jones, who defeated him on the face of the returns, and who has been issued a certificate of election. He can not institute contest proceedings in any forum except here in the House. He could not file his petition for contest until the new Congress assembled 13 months after the election. The matter then would have been referred to the proper election contest committee, which, if the contest was not too complicated, would be expected in the ordinary course to make a report in time for the House to pass upon the same before it adjourns, perhaps 18 or 20 months after the election, and only shortly before it is time to elect a new Member. If the House decides the contest in favor of Smith, his term has almost expired before he is seated, and the district has been represented by Jones, who the House now decides was not elected, and the Government is compelled to pay both men their salaries as Representatives of the same district.

As heretofore suggested, under our present system Congress convenes on the first Monday in December of each year. It takes several days to organize, make committee assignments, and set the legislative machinery in motion. By the time that is accomplished, it is time to adjourn for the holiday recess; so little, if anything, can hope to be accomplished before the new year. Under this proposed plan Congress is to meet annually on the 4th day of January.

Under the proposed plan, as under the present plan, there will be two regular sessions of Congress during each two-year term, but under the former plan both sessions will be held between elections, while under the latter or present plan one session is held before the election and one after. In other words, under our system at present, a Member who is a candidate for reelection has only served one session, and that under difficulties, heretofore suggested, when he asks his district to return him. This is quite unfair to the Member himself, as well as his constituents. As now proposed, both sessions will have been served and the Members' record, good or bad, will have been made. The voters of his district can then intelligently determine whether his record merits a continuation of their confidence.

I have directed my remarks to the resolution as it affects the Members of the House, but the same logic, although perhaps to a less degree, is applicable to the situation as it affects the commencement of presidential terms. In the latter case there is a period of four months between the election and the inauguration of the President, which is entirely too long. It is a situation calculated to produce a period of stagnation in governmental activities. The people may have expressed a desire for a radical change in governmental policies, and yet the person who is elected President is not permitted to assume his office for four

months. In the meantime, the outgoing administration, which perhaps has been repudiated in the election, out of deference to the incoming administration, if for no other reason, is quite likely to do nothing.

History presents a striking illustration of the evil of this system in the period which followed Lincoln's first election. Elected in November, 1860, he could not take the oath of office and assume the reins of government until March 4, 1861. If he had been at the helm during those four months, his genius for conciliation might have prevented the formation of the Confederacy, and it is well within the bounds of possibility that the terrible Civil War could have been averted. As it was, South Carolina seceded in November, 1860, and with six other States sent delegates to a Confederate convention at Montgomery, Ala., in February, 1861. Meanwhile, the Government was drifting helplessly in the conflicting currents, with President Buchanan, whose party had been repudiated at the polls, at its helm. He did not, like Lincoln, have a mandate to deal with secession. Indeed, his only mandate was to get out, and for four months of the most critical character he was unable to either get out or to deal vigorously and authoritatively with the greatest crisis in our history. Before Lincoln stepped in, the Confederacy was formed and the terrible conflict was on.

When the Government was formed there no doubt was reason for having a considerable space of time between election and the date when the newly elected President and Congress should take office. In those days it took weeks and perhaps months to learn the results of an election, and even longer for the newly elected officers to travel from their homes to the Capital. My understanding is that the Congressional Cemetery was originally laid out largely as a burial place for governmental officials who died while serving their country here in Washington. In the early period they were too far from home to be returned. Among those interred in that cemetery are 13 Senators and 60 Members of the House.

This is merely an illustration of how conditions have changed so far as they are affected by time and distance. Now, the results of elections are known within a few hours after the polls close, and with the modern facilities of transportation the newly elected officers can travel from any part of the United States to Washington in a few days. Another reason which no longer exists is that the Constitution originally provided for the election of Senators by the legislatures of various States, which generally did not meet until after the first of the year, and oftentimes late in the spring following the election of Members of the House and the President; but since this has been changed so that Senators are now elected at the same time as Members of the House and the President.

The first two sections of the resolution now before the House are as follows:

SECTION 1. The terms of the President and Vice President shall end at noon on the 24th day of January, and the terms of Senators and Representatives at noon on the 4th day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

SEC. 2. The Congress shall assemble at least once in every year. In each odd-numbered year such meeting shall be on the 4th day of January unless they shall by law appoint a different day. In each even-numbered year such meeting shall be on the 4th day of January, and the session shall not continue after noon on the 4th day of May.

These sections of this resolution are substantially the same as the ones contained in the resolution which has recently passed the Senate, with the exception of section 2, which is a wide departure from the Senate provision and which, in my opinion, would detract immeasurably from the merits of the matter in question. Section 2 of the Senate resolution reads as follows:

The Congress shall assemble at least once in every two years, and such meeting shall begin at noon on the 2d day of January unless they shall by law appoint a different day.

The most urgent reason for this proposed change in the Constitution is to rid us of the so-called "lame duck" session, which permits Congress to legislate after many of its Members have been defeated, and who are not as responsive to the desires and wishes of the people as they otherwise might be. The resolution before us, like the one which passed the Senate, remedies this situation.

The next reason in importance which demands this change is to rid us of the short session of the Congress. At present the short session ends at noon on the 4th day of March following the election. In other words, when the hands of the clock point straight up on that day Congress is adjourned by operation of law, whether its work is complete or not, and experience has shown that this has produced an undesirable legislative condition, and one which usually ends in confusion. In the closing days of such a session, bad laws get through, meritorious proposals are defeated, and many matters of importance are not even considered on account of this situation, and the result is dissatisfaction, not only on the part of Members of Congress, but on the part of the people generally. As is said in the report submitted by the Judiciary Committee of the Senate:

Jokers sometimes get on the statutes because Members do not have an opportunity, for the want of time, to give them proper consideration. Mistakes of a serious nature creep into all kinds of statutes which often nullify the real intent of the lawmakers, and the result is disappointment throughout the country. Such a congested condition in the National Legislature can not bring about good results. However diligent and industrious Members of Congress may be, it is a physical impossibility for them to do good work. Moreover, it enables a few Members of Congress to arbitrarily prevent the passage of laws simply by the consumption of time.

An ideal situation is created for a filibuster, as a few Members, or even one Member can, when they know that Congress is to adjourn at a certain hour, consume the entire time by talking, which they would not do, and perhaps could not do if a date for adjournment was not fixed by law. It is, therefore, in view of past experience, rather remarkable that the committee would report this resolution providing:

In each even-numbered year such meeting shall be on the 4th day of January, and the session shall not continue after noon on the 4th day of May.

A limitation is placed upon this session which makes it only a slight improvement over our present system. In other words, it creates a situation only a little bit better than one which is admittedly bad. This feature of the resolution is especially remarkable in view of the fact that it passed the Senate without limitation on either session on February 13, 1923, again on the 14th day of March, 1924, again on the 15th day of February, 1926, and again on the 4th day of January of the present year, with not to exceed six votes against it on either occasion. It also was reported from the committee of this House on the 22d day of February, 1923, on the 15th day of April, 1924, and again on the 24th day of February, 1926, and on each of these occasions the proposed resolution contained no limitation upon the length of either session. What has produced this sudden change which caused the committee to include such a limitation in this present resolution? The committee report accompanying the resolution makes no explanation except one that is based upon the convenience of the members. The argument seems to be that this limitation will enable Members in campaign years to get away from Washington in time to conduct their campaigns for reelection. Surely in view of our past experience this is a matter far too important to be determined by any such considerations. There are forces in this country no doubt who desire all possible limitations upon the powers of Congress. Their interests are not the interests of the people. To say that Congress must adjourn at a certain hour, regardless of its desires or wishes, is the equivalent of saying that it does not possess the judgment or discretion to know when it should adjourn. I do not subscribe to such theory. Congress should be able and should be left free to determine when its sessions shall adjourn. I am opposed to this limitation and hope the resolution will pass the House with it eliminated.

Sections 3 and 4 of the resolution are meritorious. They confer upon the House the power of electing a President, whenever the right of choice devolves upon it, after the time fixed for the beginning of his term in the event it should not be able to choose a President before that time. Congress is also given power to provide for the case of death of both the President and Vice President elect. The present Constitution makes no provision for such contingencies, and conditions might arise where such lack of authority would cause a very embarrassing situation.

The important thing, however, vitally important to the welfare of the Republic is to abolish the lame-duck session, eliminate the short session, and provide for the commencement of congressional and presidential terms at a time after the election not so remote that the voice of the people will have been spoken in vain.

Mr. PRALL. Mr. Speaker, I have listened very attentively and patiently to many of my colleagues during two long days of debate, many of whom are in favor of again amending the Constitution, and to others in opposition. After listening to the interesting, instructive, and illuminating addresses upon the subject, I am reminded that after all it is a good old Constitution. It is beyond question the greatest document ever conceived by man for the proper government of a great Nation.

It has successfully carried us through peace times and war times—through times of prosperity and adversity.

During its 139 years of existence many proposals to change its wise and far-seeing provisions have been attempted, and with few exceptions these attempts have failed, all of which goes to prove that the representatives of the people still have faith in the wisdom of our forefathers who conceived it. It is no wonder we hesitate to change its provisions when all about us we find constantly changing chaotic conditions in other governments.

Some have said we already have amended our Constitution, and that is true. One notable amendment, won after nearly a century of effort, which has merited the commendation of the country, was the nineteenth, and which ended suffrage discrimination by extending to women the right to vote. That amendment has proven universally satisfactory and popular, but not so much can be said of the eighteenth. The latter has taken from the pockets of the taxpayers millions of dollars in money; it has been productive of graft, perjury, and other unlawful acts, including that of murder, in its attempted enforcement. The anticipated benefits did not materialize. The object sought has signally failed. The Constitution was amended in a vain attempt to force prohibition. The people want "temperance," not "prohibition." So it is apparent that mistakes may be and have been made by tinkering with the Constitution.

It has been well said in this debate that in attempting to amend the Constitution it should not be done hastily. In legislating for more than a hundred million people, conservative and deliberate rather than hasty consideration should be the rule. Snap judgment and haste should have no place in this body. One of the chief concerns of every Representative should be to discourage rather than encourage the ambitions of those who are ever ready to shoot holes through the Constitution. You may depend upon it, there is a far greater demand for a repeal of the Volstead law than is evidenced in the proposed amendment now before us.

As incredible as it may seem, there are those who would amend the Constitution to the end that the power now vested in the Supreme Court of the United States would be destroyed, by the reenactment by this House of any law which might have been declared unconstitutional by that court. What a fatal legislative mistake it would be if such an atrocious amendment should carry.

Some who favor this amendment are apprehensive lest the so-called lame ducks, upon retiring or meeting defeat in the elections, would prove a menace, or, perhaps, be no longer interested in the work of Congress. In view of what has been said on this floor, we need have no concern about that.

Men who have served in this body are not of the type who lose their patriotism or love of country. They are men who would not under any circumstances advocate or support unwise or vicious legislation because of their voluntary or enforced retirement by failure to win the elections.

Contrary to that idea it has been disclosed in this debate that some of the most illustrious Members of this House have at some time in their political careers failed to return here due to primary or election reversals. Included in this group are the late William McKinley, who thereafter became President of the United States; Hill, of Maryland; Lineberger, of California; the late Secretary of War Weeks, Postmaster General New, Speaker Champ Clark, and our own present Speaker, NICHOLAS LONGWORTH, have all served in this House as so-called lame ducks, but who is there to-day who will question one act of any of these gentlemen, or, in fact, of many others whom I have not mentioned, while serving the short session following the November elections and their failure to be returned?

The President already has the power to convene Congress at any time he considers the condition of the country demands it. He may call us together on the 4th of March following his inauguration. The beginning of the term of a Representative seems to be the crux of the resolution. The fact that Congress does not convene for 13 months after the elections does not mean that it could not convene if the conditions demanded it. Members of Congress assume the duties of their office on March 4, and at any time thereafter and before the following December, which is the time fixed, they may be called to convene. But I wonder if the people of the country want it convened earlier. Business is usually upset and uncertain during presidential and congressional campaigns. New issues develop in campaigns, and it is only after they are fought and won that the people of the country know what to expect. It requires time for them to settle down, to adjust their affairs to meet the conditions expected to prevail under a new incoming administration. Therefore the resolution before us is not vital. Its object can be attained at any time in the discretion of the President, and any President having the confidence of the people, as expressed by them in his election, may be trusted to convene Congress in special session when, and only when, it may be necessary. If that is true, and it is true, then why tinker with the Constitution? Leave it alone.

In the present chaotic condition as a result of the adoption of the eighteenth amendment after years of test, I am confident that had the country experienced the ridiculous efforts of enforcement before its adoption, that have become notorious since, its adoption now would be decidedly uncertain. Congress probably would rather consider the modification of its former internal revenue laws to bring about temperance, than to amend the Constitution in a fruitless effort to force prohibition.

Again reverting to the so-called lame duck, I would venture the opinion that if the entire administration, including the President and both Houses, were defeated in one election, it is not to be supposed that, having met defeat, it would attempt to pass laws in defiance of the wishes of the people who had voted it out of power. It would be its aim to rehabilitate the party and reestablish itself in the confidence of the people.

There has been no great demand for this amendment to the Constitution, and I believe the people generally are opposed to further tinkering with it.

We should be devoting our time and effort to locating the elusive and much vaunted Republican "prosperity" our brethren on the other side are talking about. We should solve the problem of unemployment. The people do not want the Constitution amended—they want work. The people do not want the Constitution amended—they want it observed as it was written; they want free speech, a free press, and religious liberty which spells tolerance and patriotism with a big "T" and a big "P."

Mr. SELVIG. Mr. Speaker and Members of the House, the resolution now before the House providing for a constitutional amendment straightening out the twists in congressional and presidential tenure is one of supreme importance to the country.

The many able arguments presented in favor of this resolution leave very little to be added. I desire at this time to state that I am in hearty accord with the purposes to be effected in changing the Constitution of the United States as provided for in the pending resolution.

The principal change involved is the abolition of the so-called "lame-duck" session of Congress. It is this part of the resolution that, in my opinion, is of the greatest importance to the country.

Let me briefly recall the provisions of the Constitution now in effect and the effect of the proposed changes. The Constitution went into operation on March 4, 1789, although ratification had been completed the previous September. It followed that the terms of Members of Congress and of Presidents, being fixed hard and fast as to duration, would always begin and end on March 4. The Constitution also provides that the regular sessions of Congress shall convene on the first Monday in December, with power reserved for Congress to appoint a different day. Members elected in November, therefore, do not take office until the following March 4. In the meanwhile, however, there will have been a session of Congress. This session, lasting from December to March 4, is known as the "lame-duck" session, because it contains Members who may have been defeated in November.

The proposed amendment would start the sessions of Congress as well as terms of Members on January 4. Members elected in November would begin serving in January. In this way the will of the people would go into action immediately, instead of being held in suspension while Members who were not re-elected through their own voluntary retirement or through being retired by will of their constituents continue to exercise authority.

Another result would be the abolition of the alternate short session. Instead of having a short session from December to March 4 every odd-numbered year, all sessions would begin in January and continue until Congress was ready to adjourn. It is clear that under this system many of the worst evils of the filibuster would disappear, since the possibility of effectively tying up Congress's business by protracted delay is good only where there is an imminent and forced adjournment.

The whole argument in favor of the adoption of this resolution can be summed up in the statement that it is not a sound principle for any session of Congress to be held after the people have expressed themselves in any election on any issue except by the new Congress and new Representatives coming into power as the result of that election.

At the present time a new Member elected in November of an even-numbered year does not enter upon his duties as a lawmaker on the floor of the House until the Congress convenes in December of the year following, although his term begins on the 4th of March following his election. Thirteen months elapse before he can take his seat. Thirteen months elapse before the will of the people who elected him can find expression through his voice and vote on the vital issues of the day.

The proposed amendment does away with this archaic system. There may have been a reason for it in the early years of the Republic when means of travel and communication were poor. But this condition no longer exists. Now, the results of a national election are known in every corner of the country within a few days, a few hours, even. Congress, if need be, could be assembled within a very few days after the election day.

The most urgent reason, as I see it, for the adoption of the resolution pending before the House involving proposed changes in the Constitution is to get rid of the "lame-duck" session, which permits Congress to legislate after many of its Members have been defeated, and who are not as responsive to the people as they otherwise might be.

I am opposed also to the limitation regarding the adjournment of Congress, which, in its original form, the resolution fixed at May 4. A fixed date should be eliminated. Congress should be able and should be left free to adjourn when it so chooses.

The debate on this resolution has been conducted on a high plane that reflects credit upon the membership of the House. Every phase of the problem has been presented and discussed. The people will welcome this discussion which throws light on one of the most important issues before them. Popular government will succeed only in the degree that administrative machinery is fashioned to give full expression to the people's needs and desires. I am in favor of this resolution because it is a step in bringing the Congress nearer to the public.

Mr. PEERY. Mr. Speaker, I have followed the debate on this resolution with much interest. I have a profound respect for the Constitution. I believe it should not be amended except for good cause shown, but I also have a profound respect for the amendments to the Constitution. New problems and changing conditions necessitate the adoption of amendments from time to time. If, in the march of progress, the necessity of changed conditions warrant amendments to the Constitution, I believe it is our duty to face the responsibility and, for good cause shown, vote amendments.

The debate has covered a wide range. Some of the opponents of the measure have referred to it in a rather light and cavalier fashion. Some one referred to it as a "quack measure." But can it be that such a resolution, the principle of which has time and again been overwhelmingly indorsed by the American Bar Association, is to be held in such light esteem? Is a measure like this, which has passed the Senate of the United States on three different occasions, to be dismissed by this body with a mere wave of the hand? I think not. The membership of the House on the Democratic side should not be forgetful of the fact that the Democratic Party in its last platform declared in favor of the proposition here involved.

The resolution has been voted down, but I remind the Congress that this will not finally dispose of this question. Like Banquo's ghost it will not down, and at no distant date in the future it will again be before the Congress for determination; and I predict that this measure, or one substantially similar thereto, will eventually pass the Congress.

Ours is a representative government. It is a democracy. It is a government "of the people, for the people, and by the people." The source of power is in the people. The people express their will through the medium of the ballot and their will should be carried into effect through their duly elected representatives. The people constitute their duly elected representatives their agents to voice their will and register their decision in matters of legislation. They may, in the same way that they create that agency, revoke the agency and repudiate the agent. All of this is done through the medium of the ballot box. When the people have so spoken and expressed their will that will should be executed with fidelity and with reasonable promptness. Under existing conditions this is not always done. The people register their will at the November election. In that election they may and do register their repudiation of the agency theretofore existing and yet, under existing conditions, the agent, notwithstanding such repudiation, continues to act as such from December to March 4 in matters of legislation vitally affecting their interest.

The argument going to the individuality of the Members of Congress who fail of reelection is beside the question. I want to believe that all Members of Congress, whether reelected or not, are honest and patriotic. In fact, I object to any aspersions upon these congressional ducks, whether lame or otherwise. I myself am joining the ranks—not of lame ducks, but of retiring ducks. And let us assume that their integrity and patriotism are above question. The fact remains that their views on public questions and proposed legislation may not accord with the views of their people, their constituents, from whom their commission comes. And if the views of a Congressman have been repudiated by his constituents he should give way to the next man whose views are supposed to reflect the will of his constituents. And so it is the underlying principle of representative government that is involved. It rises above the question of men or personality.

And I do not think that the negative argument that no harm has been done in the past by lame-duck Congresses is at all convincing. The further argument that Members who fail of reelection only comprise 12 per cent of the membership is likewise but a negative argument, an argument of degree. The question is, What is the right and proper method of carrying into effect popular and representative government?

Suppose the election should involve a concrete issue on farm relief or suppose there should be submitted a concrete issue on the question of flood control and the people in no unmistakable terms expressed their will on these issues, why should not their will be made effective with reasonable promptness? Why should the matter have to wait for a period of 13 months? Why should those whose agency has been repudiated have their power and authority to legislate to continue for a period extending from December to March?

I remind the Members of the House that the underlying principle here involved has, in substance, been adopted by practically all, if not all, of the States of the Union in their own State constitutions. In my own State of Virginia our constitution has been rewritten more than once. Our last constitution was adopted in 1902. My esteemed colleague, the gentleman from Virginia [Mr. MOORE], was a member of the last constitutional convention and rendered fine service therein. In that constitution we provided for the election of members of the house of delegates every two years. We provided that their terms should begin in the early part of the year following the November election. We wrote into the constitution a provision that the general assembly should meet on the second Wednesday of January immediately following their election and that the term of office of the governor should begin on the 1st of February. We also wrote into our constitution a provision that the session of the general assembly should be limited to 60 days, with a further provision that it might be extended for a further period of 30 days with the concurrence of three-fifths of the members.

Similar constitutional provisions have been adopted by many of the States. Practically all, if not all of them, provide for an early session of the legislature following the election.

They have thereby adopted in substance the fundamental principle underlying this resolution—namely, to provide a proper and prompt legislative arrangement for voicing the will of the people as expressed at the polls and through representatives of their choice and in sympathy with their views.

With the adoption of the Jeffers and Garrett amendments to this resolution, I am glad to vote for the resolution. I think it is in accord with Democratic principles and progressive thought.

Mr. MEAD. Mr. Speaker, I listened with great interest during all the debate on this proposed constitutional amendment and, while the discussion was both interesting and instructive and, although I favor summoning the Congress to earlier sessions, I can not vote for a resolution which endangers and makes uncertain the inauguration of a President of the United States.

The sentiment to advance the convening of the Congress to a date nearer to the time of election is very strong, but at the same time the American people are opposed to hasty action which may result in more harm than good. This resolution imperils the selection of a President and endangers its transference from one man to another. Under the present method, the Congress is organized and has sufficient time in which to count the electoral vote and announce its findings and also to elect a President, if called upon to do so. Therefore we must not disturb this system until a safer one is devised.

Under the provisions of this proposed resolution only 20 days are permitted for the organization of the House, the canvassing of the electoral vote, declaring its result to the country, and the election of a President by the House if such a procedure be necessary. This is not a safe method to adopt. The adoption of this resolution in its present form opens the door to the possibility of having the Nation without a President, and that

situation may lead to most serious consequences—even to the dangers of revolt and civil war.

Let us send this resolution back to the committee until such time as this most serious defect can be remedied. We must make the selection of the President a certainty beyond a doubt. Let us hold to that which has served us so well for so long a time until we find something better to offer in its stead.

Constitutional amendments are not as popular with the American people as they were before the infamous eighteenth amendment was thrust upon them. The loathsome taste of that amendment must be out of their mouths before they will be keen for further change in the fundamental law of the land. The eighteenth amendment with its twin monstrosity, the Volstead law, represents the greatest blunder ever accomplished in a representative democracy. It has failed miserably to bring about any material benefits promised by its advocates, but on the other hand it produced a disrespect for all law; it has been responsible for graft and corruption by Federal officers intrusted with its enforcement; and it has even incited to murder of our citizens in a useless endeavor to enforce an obnoxious law.

When the time arrives for the presentation of an amendment that will make the inauguration of a new President a certainty then I shall be ready and willing to give my aid and support to the adoption of legislation which will convene Congress at an earlier date.

Mr. O'CONNELL. Mr. Speaker, I have sat in this Chamber during the course of the debate and listened with great care and strict attention to these four Members who have favored us with their verbal opinions on both sides of this question.

At the outset let me say with every possible emphasis that after our unfortunate experiment with the lamentable eighteenth amendment I shall be very chary while having the honor of representing my great district in this House to further amend that immortal document, the Constitution of the United States, unless I am able to convince myself beyond a more than reasonable doubt that such an amendment will have a tendency to strengthen and not undermine the old Magna Charta. What effect will the passage and adoption of this resolution have is the decision I must make as we approach a final vote. One newspaper writer tells us in an editorial that—

> The debate in the House revealed an astounding lack of constitutional knowledge on the part of most of the speakers. The discussion revolved largely around the objection of lame-duck sessions, almost completely ignoring the more important changes that were proposed in the resolution. The allegation was repeatedly made that the country demanded these changes and that the Senate had four times approved them.

The facts are, this writer goes on to tell us, that the Norris resolution was changed twenty-six times in the course of debate in that body, finally passing practically by default as many Senators had no interest in the subject, expecting that this House or the legislatures of the States would effect its demise.

Says the New York Times editorial:

> At Washington constitutional amendments are always pullating. Till the country gets out of its mouth, if it ever does, the loathsome taste of the eighteenth, new articles will not be yearned for. The easy American habit of passing a law or adopting an amendment and blissfully awaiting a profound social and political regeneration from mere mechanical changes has come to be distrusted.

For more than 139 years this great document has governed our Republic. When we pause to consider that in all those years it has been amended so infrequently we can not but admire and revere the wisdom of the fathers who builded better than they knew. The constant efforts that have been made to limit the powers of the Supreme Court have been unalterably opposed and resisted, and it remains to-day the bulwark of our jurisdictional institution. We should approach with care and deliberation further amendments to the Constitution. We should keep in mind constantly the fact that we are making a law for more than 100,000,000 people, and that deliberate judgment should govern our every action. I will take my chance with those who are opposing this new dispensation in the full assurance that I am acting according to my oath of office and the dictates of my conscience and serving the best interests of my country and my constituency.

I am prepared to give my aid, my voice, and vote to any movement that will insure the early convening of a new Congress when those intrusted with the duty of presenting a resolution that will make certain the enactment of a law that will remove the ambiguities that are contained in the bill now before the House.

Mr. THOMPSON. Mr. Speaker, I was one of those who voted intentionally against the proposed constitutional amendment to remedy the so-called "lame-drake" session. In my experience, for five terms, in the House of Representatives, I have never been aware that the "lame ducks," erroneously termed, were a menace, or that harm ever came to the Nation because of so-called "lame drakes." The short session of the House, with the so-called lame drakes, always brought good and not bad legislation, because such legislation consisted almost entirely of appropriation bills. There was not time enough to enact further legislation before inauguration on the 4th of March. It was then that the session ended, and a new Congress and new administration began. Mr. McKinley, Mr. Cannon, Mr. LONGWORTH, Mr. Julius Cæsar Burrows, Mr. THEODORE BURTON, and a long line of other illustrious Congressmen have been lame ones themselves, but were frequently returned after the flurry was over, and the Nation had settled down to normalcy.

I voted premeditatedly to preserve the Constitution, in this respect, as it had been written by our fathers. I do not believe in tampering with the constituted law of the land.

I resolved some time ago never to vote for another constitutional amendment, and did not this time. It requires a two-thirds vote to pass a constitutional amendment, and does not require the signature of the President, so I regarded it as a serious vote.

The amendment was defeated by a vote of 209 for and 157 against. The debate in the House was of a lofty character, and some of the best speeches were made that I ever heard in the House. The best points were made by Mr. TUCKER, of Virginia, Mr. MOORE, of Virginia, ex-Governor MONTAGUE, of Virginia, Mr. TEMPLE, of Pennsylvania, Mr. TILSON, of Connecticut, and Mr. CROWTHER, of New York.

I feel that the sacredness of the Constitution was helped to be preserved by my vote, and I am proud of it. It was true that 209 Representatives were carried off their feet and voted for the amendment, and 157 kept their feet on the earth and voted to retain the Constitution as their fathers wrote it. Two hundred and nine votes plus 157 votes make a total of 366 votes cast, and, as it requires a two-thirds vote of all those present and voting, it caused the amendment to be defeated by 35 votes. But there are 435 Members of the House, and 68 did not vote at all. If all had been present and 68 Members had voted and been recorded for the amendment, there would have been but 277 votes for it, which would still lack the necessary two-thirds majority by 13 votes, of the entire membership. Since the Sixty-sixth Congress there has been a turnover of about 12 per cent of the Members and many of these were not defeated Members but those who voluntarily withdrew from public life.

Mr. MORROW. Mr Speaker, regarding Senate Joint Resolution 47, pertaining to the amendment of the Constitution fixing the terms of President and Vice President and Members of Congress, and fixing the time of the assembling of Congress, it would appear to me that no real fundamental change was attempted, which would in any manner affect the original document. True it is that the Constitution of the United States is our fundamental law; that all acts passed by Congress must conform to that Constitution. It is also true that amendments, other than those that attempt to clarify and simplify methods of convening and facilitating the orderly procedure of Congress might tend to weaken the stability of the original law.

In the joint resolution presented and which failed to pass by the required vote there was no need for fear that a law was being enacted which would cause trouble in the interpretation of elections of the future. There were those who felt that the present method suited best those in power now, and in order that their views in the present methods should prevail it was felt necessary that the amendment should fail and the present system continue.

The sticklers for the Constitution originally enacted, under which our Government was organized and has functioned for 139 years, believe that the Constitution was well thought out by the founders of the Nation and that no further amendment is needed at this time.

In opposition to this thought we have the action of the American Bar Association; men of the highest degree of intelligence and constitutional knowledge of any like body in the world; men trained and equipped to express correctly and intelligently a proper opinion upon this very important subject. By resolution they have spoken upon the subject and submitted a unanimous report. The report should have had weight with Congress; the principle of the Senate joint resolution was indorsed unanimously by the bar association. It has been said that lawyers are scholars in this line; certainly they are competent to offer suggestions and advice upon this important resolution.

What is needed in dealing with the Constitution is less of politics and more real thought in the interest of the people.

Of course, all that was sought in the resolution is not necessary. The present time for inaugurating the President is not far wrong. No doubt a date more suitable to weather conditions would be preferable; the inauguration of a President is a national affair and all people in the Nation have a direct interest in the event.

Many journey from a great distance in the country to be present at this national occasion. The entire populace of this city feel a great interest in the event and regard it as an epoch in the history of the Capital. Near-by residents of adjoining States journey to Washington on this day, and an open-air event should be held at a time when the weather will not be too severe for the people to take part therein.

The people of the Nation have been educated to the belief that a Member of Congress elected in November of one year should not wait until the first Monday of December of the succeeding year to take his seat as their representative. The people have spoken in the election; yet under existing law the Representatives does not take office until March 4 and in the short session of Congress there is recess from March 4 to the first Monday in December. As has been so repeatedly referred to during the discussion of the resolution, this is wrong, and while the original document carries this provision, and it has existed and been carried out for almost 140 years, yet the fact remains that this long wait is wrong and needless. Despite the argument of those opposing the resolution, the defeated member, or lame duck as he is known, can not have the same spirit in his work that he had previous to his defeat. Necessarily he must feel that if he has been faithful in his work, that he either had different views from those of his constituency or that they are not in accord with his. He knows further that he must seek other lines for his future career, and his thoughts are directed to that.

In my opinion, the most important point brought out in the discussion of the resolution was that voiced by the gentleman from Tennessee [Mr. BYRNS]. That is, that Members, knowing that the short session must end on March 4, can take advantage of that fact and under the rules existing necessary legislation can be prevented from passage; we had an example of this during the last Congress, when needed appropriations were kept from passage by filibustering in the other Chamber. There is seldom need for filibustering, anyway. When improper legislation is enacted it can be properly checked by a veto.

The question to be settled is the time of the qualification of the Members, and apparently can be solved by legislation by the fixing of a date for the second meeting of Congress in each session. Thus Members elected in November may qualify for such meeting and become active participants in the affairs of Government without waiting until the first Monday of December in the following year. Apparently it is possible to work out by law the change needed without in any manner affecting the question of the election and qualification of the President and Vice President of the United States. The change should, in my opinion, be accomplished.

Mr. GARDNER of Indiana. Mr. Speaker, there has been much discussion in the House on the joint resolution to amend the Constitution as set out in Senate Joint Resolution 47. Many newspapers favored the adoption of this resolution, and many Members of Congress advocated its passage for the purpose of eliminating the so-called "lame-duck" session of Congress. The Constitution, in Article I, section 4, second paragraph, provides:

> The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December unless they shall by law appoint a different day.

If the present so-called "lame-duck" session is a menace to the country, it can now be eliminated by the passage of a law without an amendment to the Constitution. The above provision of the Constitution has been in full force and effect for 140 years. Under that provision of the Constitution the country has prospered and has not been materially damaged. I believe a majority of the people I represent are not in favor of amending the Constitution unless there is a real demand and necessity for so doing. The more I think about amending the Constitution the more I agree with a quotation from an English statesman, expressed on the floor of the House by that able jurist, Congressman MOORE of Virginia, as follows:

> That when it is not necessary to change, it is necessary not to change.

I have a great admiration for the Constitution of the United States and am not in favor of amending the same unless there is a real demand and necessity for amending it. I see no need for amending the Constitution in order to eliminate the so-called "lame-duck" session of Congress when it can now be done by law. As to the fixing the commencement of the terms of the President and Vice President and Members of Congress, I do not see that it is very material whether the terms of these officials begin in January or whether they begin on March 4, as now provided by the Constitution. Other reasons are assigned for the adoption of this proposed amendment, but I do not think those reasons justify the amending of the Constitution. For that reason I did not vote for the passage of the resolution.

Mr. TILSON. Mr. Speaker, the debate on the Norris resolution proposing an amendment to the Constitution was a somewhat unusual one, interesting as well as instructive. It ran for three days. On the first day there was little time asked for in opposition to the resolution. The proponents had practically the entire day to explain the resolution and to give reasons why it should be adopted. As the debate progressed it became more and more apparent that the proponents were not making their case. They were unable to demonstrate the need for the change or to answer with any degree of satisfaction pertinent questions as to the probable effect of some of the provisions of the resolution. There was no concerted effort on the part of an opposition, for there was, in fact, no opposition except as it developed during the debate.

A similar resolution had passed the Senate a number of times, but generally with little or no discussion. It was generally taken for granted that as the Senate had passed it a number of times with practical unanimity it would also pass the House without difficulty. In the Sixty-ninth Congress some criticism was leveled at the leadership of the House for not allowing the resolution to come up for a vote, usually with the implied assumption that if allowed to come to a vote, it would readily pass. During the several years in which the question had been raised by the action in the Senate and the agitation of certain newspapers, little or no general interest in the House had been manifested outside of a few Members.

Much the same situation as that just described has prevailed in the present Congress, and the criticism had become even more personal than before, until, in spite of the fact that little interest had been manifested, I made up my mind that it was best to give it an early place on the program and test whether the House wished to pass it. I then began a critical study of the resolution, using such knowledge of the law as I possess, and the experience gained in more than 20 years of legislative work. The more thought I gave to the proposition the less I thought of it. I soon became convinced that it did not serve the purpose for which it was ostensibly proposed, and that it was full of danger for the future. Many other Members on both sides of the House, after studying the proposal and hearing it discussed on the floor, began to take a like view, and so the opposition grew day by day.

On the second day of the debate more time was asked in which to voice opposition to the resolution, and under the five-minute rule quite as much time was used in opposition as in favor of the resolution. The final vote, decisive as it was, probably fell far short of expressing fully the sentiments of the House at the close of the debate. Developments show that there was no genuine popular demand for the change, and that much of the manufactured agitation had been founded largely upon misapprehension of the effect of the Constitution as applied to this subject, and as to what effect such a change would necessarily have in carrying on the Government.

An analysis of the vote by which the resolution was rejected is interesting. As the question was in no wise a party question Members were entirely free to exercise their best judgment without regard to party regularity or loyalty. While the minority leader supported the resolution—with only a fair measure of his usual zeal, however—quite a number of Members on his side of the aisle, strong in debate and forceful in reasoning, opposed it. The same situation prevailed on our side of the aisle, for while the majority leader, as well as the chairman of the Appropriations Committee [Mr. MADDEN] and the chairman of the Rules Committee [Mr. SNELL], opposed it, quite a number of the very strong men on our side supported the resolution.

It is worthy of note that on the final vote only 25 per cent of the new Members voted against the resolution, which is not to be wondered at, because one of the strongest points made in favor of the resolution was that at present a new Member must wait 13 months, unless an extra session is called, before taking his seat or even the oath of office. Doubtless these 13 months seem interminable to a new Member, and if there were any practical way to eliminate this long wait it would be most desirable for their sake. It is not, however, nearly so bad as it seems to them; and after the new Member has become a veteran and looks back

upon his first term he will probably thank his lucky star that this time did intervene, so that, if possible, his people might forget many of his rash promises made while a candidate, and also that by being saved from rushing directly from the hustings to the forum he was probably saved from the chance of making a fool of himself before he had time to cool off or to get his true bearings.

The newly elected Member will also realize that the time was not lost, even the maximum time now possible, which his 13 months, because, in addition to serving his constituents in caring for their departmental work after March 4, he has time to close up his business affairs at home and properly prepare himself through travel and study to better understand and perform his strictly legislative duties when Congress convenes. Meanwhile he and the other Members elect are actually functioning in their normal between-session duties, and stand ready to legislate whenever in the judgment of the President—who was chosen by the people of all the Union—it seems for the best interests of the public. The President is not infallible; but, as I have said, he is elected by the whole country and is as deeply interested in the welfare of the entire country as anyone else could possibly be. In my judgment the country would be better off to have two comparatively short sessions of Congress, and have Congress meet at any other time only when the public interests demand it.

The resolution was naturally supported by those of that turn of mind who think that whatever is must surely be wrong and ought to be changed, and who regard all motion as progress regardless of the direction in which the movement takes place. On the other hand, it was doubtless opposed by those who take the opposite view, that whatever is is right and must not be changed. Between these extremes are included the bulk of the Membership of the House, and these were not convinced that the proposed amendment was necessary, or that if adopted it would better serve the public welfare.

The three principal reasons urged during the debate and previously in the newspapers for changing the meeting time of Congress were, first, that the time between election and the time of meeting is too long. I deny this, and give it as my best judgment that the present arrangement is the wiser and better one, whereby if the public interests demand it Congress may be brought into session at the end of four months, but if in the judgment of the President the public welfare will not be best served by an early meeting of Congress then to wait until the time now fixed in the Constitution.

The practice of foreign countries in early assembling is cited and made much of, but this is readily disposed of when it is remembered that in this respect our Government, where the legislative and executive powers are separated, is entirely different from any of those countries where the legislative and executive powers are combined so that when one ministry falls and fails to function another must promptly take its place. Who can say that this difference has not added to rather than detracted from the success achieved by our Government? The practice of foreign countries has no analogy to our own, so that arguments based upon it are without substantial foundation. It is undoubtedly true that the result of a compulsory early meeting of Congress would be that Congress would be almost continuously in session. Would the country be better off if this were the case? On the other hand, would it not be a distinct gain if the long session, so-called, might be depended upon to close not later than June 1?

The second point made against the present system is that the short second session readily lends itself to filibustering. Admitting for the sake of the argument that this is true, and that filibustering is necessarily an evil—which I shall deny—this difficulty can be readily disposed of by amending the rules of the Senate. If the prevention of filibustering is desired why should not the agitation be directed toward the application of this simple remedy rather than that of amending the Constitution? There is little danger of filibustering in the House preventing the passage of bills or the adjournment of Congress at the proper time. It might be made so in the Senate without the necessity of a constitutional amendment. Filibusters, however, are not unmixed evils and I will undertake to defend the proposition that by and large the filibusters in our history that have materially changed the course of legislation have been beneficial rather than otherwise.

The third argument, and the one upon which the entire agitation and propaganda have been based, is that Members who have not been elected to the succeeding Congress continue to sit in the short session held after the election. It is claimed that in some way or other a Congress so constituted is not responsive to the will of the people, whatever that loose phrase may mean. The truth is that a Congress does not in any material respect become less responsive to the will of the people because a few Members have failed of reelection. Such an indictment has been so often and so signally refuted that no one who has any respect whatever for himself or for the truth need longer give weight to such an argument. It was in fact abandoned during the discussion of the question in the House, because there was nothing substantial upon which to base it. The proposition can be easily defended that not only our legislators who have not chosen to be candidates, and those who failed of reelection, are as patriotic, honorable, and reliable as other Members, but it can be shown that the legislation enacted at the short sessions of Congress throughout our history ranks equally high as to quality and purpose as the legislation enacted at the first regular sessions. And it must all the while be borne in mind that all the time after four months from the date of the election the new Congress, coming directly from the people, stands ready to meet and legislate, if in the judgment of the President the public interest requires it. No one would claim that in any instance has the country suffered because the President failed to call Congress together early.

It would thus seem that the three principal pillars on which the arguments for a change in the date for the meeting of Congress are founded crumble as the light is turned upon them. Indeed, one might readily undertake to demonstrate the contrary of the three propositions: First, that the elastic period between the election and the meeting of Congress serves the purpose well and is, in fact, better than the proposed plan of constitutionally enforcing an early meeting; second, that on the whole if filibusters accomplish anything at all the result is just as apt to be beneficial as otherwise; and that even if filibustering be an unmixed evil, it can be gotten rid of by the simple process of amending the Rules of the Senate; and, third, that the "lame duck" bugaboo is not only without rhyme or reason, but that the record shows that legislation enacted at the so-called "lame duck" sessions of Congress held after the elections has been quite as wise, quite as useful, and quite as patriotic, if not better than, that enacted at sessions of Congress held immediately preceding the elections.

There is one very strong point in favor of maintaining the present arrangement whereby the outgoing President and Congress deal with the great supply bills without which the Government can not function, which should be referred to here. The Budget system which has accomplished its purpose so effectively for both economy and efficiency, has been worked out during the last seven years in harmony with our present arrangement of fiscal years and meetings of Congress. The preparation of a budget, with the appropriation and allocation of funds under it, is a complete annual cycle. The fiscal year begins July 1, and at the same time the executive departments begin preparations for submitting their estimates for the new year, which must be in the hands of the Director of the Budget by September. The Budget must be ready to submit to Congress in December. The Congress, under the present system, is fully organized and ready to deal with the Budget, the heads of executive departments who submitted the estimates are ready to explain the items touching their several departments, while the outgoing President, who is responsible for the Budget, is still in office until the appropriations based upon the Budget are made.

The Budget must be made up as I have indicated. It is almost inconceivable that a new President, and new heads of executive departments altogether unfamiliar with the Budget, should be compelled to present it to a new Congress and be expected to explain and defend its provisions, or even to assist intelligently, in translating the Budget into wise and careful appropriations. The proposed change would do much toward destroying the efficacy of the Budget system as well as the confidence of the people in this great governmental reform now so well established.

There remains one argument against the proposed change in the date of the meeting of Congress that no one has attempted to answer, and which, in my judgment, is absolutely conclusive against the proposed change. The electoral vote for President and Vice President under the new proposal must be canvassed by the new Congress within 20 days, which is the time intervening between January 4, the date fixed in the resolution for the meeting of Congress, and January 24, the proposed date for the inauguration of the new President, this period beginning just 60 days after the election. To my mind such a change would be a vital and might be a fatal mistake. It must be borne in mind that under the proposed change the House of Representatives would meet in an unorganized state. First, a Speaker must be elected. The instances in which this action has been delayed are too numerous and too well remembered in our history for anyone to ignore them. Several times it has taken weeks to elect a Speaker. When the House is somewhat evenly divided between the major parties, and party spirit runs high,

a small bloc formed for any reason would be able to prevent the election of a Speaker until its demands are met. We need only go back to the beginning of the Sixty-eighth Congress for an illustration, where, if the Presidency of the United States had been involved, a much more serious situation would have been presented.

At the beginning of a Congress, and until organized, the House of Representatives has no rules. To throw a matter upon which depends the Presidency of the United States into the House without rules would be a hazardous proceeding. Chaos might reign indefinitely. Why should we incur such a risk? Under the present system when the Congress meets after an election both bodies are thoroughly organized. The committees have been chosen and are functioning. Any action taken by either body within its proper sphere, or by the two bodies jointly, will be accepted by the people as the action of the Congress constitutionally organized and functioning. No change in the method of canvassing the electoral vote should be accepted that proposes to substitute a newly elected and unorganized body for one that is fully organized and constitutionally ready for the transaction of business.

Three times already, in our brief history, the election of a President has been thrown into the House of Representatives. In each instance the Congress in both branches was fully and completely organized, and fortunate it is for the country that such was the case. Some of these contests ran dangerously near to the time for the inauguration of the new President. If with only the speakership at stake there have been in our brief history numerous long drawn-out and bitter contests before a speaker could be elected and the organization of the House effected, what might we not expect in the future when partisan passions run high and the Presidency of the United States depends upon the outcome?

No substantial reason or purpose has been advanced for the proposed change in the meeting date of Congress that can not be met and accomplished without an amendment of the Constitution, and no sufficient reason has been given why there should be any change of date whatever. George Rothwell Brown, the brilliant columnist of the Washington Post, has accurately, though somewhat caustically, characterized the "lame duck" resolution as "the well-known quack remedy to cure the Constitution of something it isn't suffering from." The Constitution should be amended only when necessity for the change has been demonstrated, and only for the most compelling reasons. The amending clause of the Constitution itself suggests this and experience has proved it. No such reasons were made to appear during a very illuminating discussion that for three days aroused and sustained unusual interest in the House of Representatives. The proposal simply could not stand up under analysis, and so went down by a decisive vote.

Mrs. NORTON of New Jersey. Mr. Speaker, I am voting against Senate Joint Resolution 47. I have read many newspaper editorials against the resolution and some in favor of it.

Personally I am not in favor of "tinkering" with the Constitution; and evidently my constituents were not particularly interested in this amendment, as I did not receive one communication pertaining to the subject.

I read the debate in the Senate when the resolution was considered and debated by that able body, who passed it, I am told, knowing it would be defeated in the House. Three times, I understand, this amendment in many different forms has been sent to the House for consideration and three times failed to come up for action. Why? I understand many Members were afraid of it; considered it dangerous legislation; others frankly admitted it was too deep a subject to pass upon lightly; and the remaining Members' sole thought was to abolish the so-called lame-duck session.

I recall, when I was elected to Congress, I had to wait for 13 months to be sworn in office; but while I did not take the oath of office until the following December, I did carry on the duties of my office and was able to take care of my constituents in various ways.

It is difficult to foresee when the expression "lame duck" may come home. If this proposed amendment is merely to abolish this session, I fail to see why it can not be accomplished by an act of Congress rather than an amendment to the Constitution.

The Constitution, which has been in full force and effect for 140 years, provides in Article I, section 4, second paragraph:

> The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December unless they shall by law appoint a different day.

When it is not necessary to change the Constitution, why change it? I see no need for amending the Constitution in order to eliminate the so-called "lame-duck session."

In past experiences with amendments to the Constitution we find that some amendments have not worked very well; others poorly; and still later ones not at all.

Constitutional amendments are not popular with the American people, owing to the manner in which the infamous eighteenth amendment was put over. It has failed miserably; it has produced only a disrespect for all law.

I hail from the State of New Jersey, which helped frame the original Constitution. I do not believe in tampering with the constituted law of the land. New Jersey does not favor constitutional amendments. It has learned that it is easy to put in an amendment but almost impossible to take it out.

I have only finished my first term in Congress, and commencing a second. I do not pretend to know constitutional law; and yet, I was amazed by the lack of it when the resolution was before the House. The debate was not convincing; therefore, I feel that I have upheld the sacredness of the Constitution by my vote; and I am prepared to give my voice and vote to any movement to bring about the convening of Congress at an earlier date by law rather than an amendment to the Constitution.

Mr. HARE. Mr. Speaker and gentlemen of the House, it appears to me that the primary purpose of this resolution is to amend the Constitution so as to change the date for Congress to meet on or about the first Monday in January of each year instead of the first Monday in December and adjourn May 4, on every odd year instead of March 4, as now provided. This seems to be the main and about the only reason, because practically all the arguments are directed to this provision.

For my part I can see no real objection to changing the dates, but I do not see the necessity to amend the Constitution in order to do so, for every high-school boy in the country knows that Congress itself has the right to fix the dates on which it shall convene or adjourn. In Article I, section 4, of the Constitution we find the following:

> The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

It is clear, therefore, that Congress not only has the right, but the implied duty, by law, to fix the date when it will convene or adjourn. There is no necessity whatever to require the people of the States or the legislatures thereof to go to the trouble and expense of amending the Constitution, and possibly wait seven years for them to do it, in order to do what may be done right here in less than 30 minutes. As a matter of fact, the First Congress that met after the adoption of the Constitution did not meet in the first Monday in December, but pursuant to a resolution adopted by the Continental Congress convened on March 4. Since that date Congress has passed 17 different acts providing for the convening of Congress on dates other than the first Monday in December. My suggestion, therefore, is that the committee bring in a bill asking that a law be passed changing the dates, if necessary, and let us decide on the matter here and now, and not put the people or the legislatures of the various States to the trouble and expense of doing what we can do ourselves.

Mr. LETTS. Mr. Speaker, much of the debate on this proposed amendment to the Constitution would have been more appropriate to an original discussion of governmental methods. The fathers debated this very thing and, in their wisdom, put into the constitutional provision an exact answer to the proposition.

This proposed amendment was drawn originally to do away with the so-called "lame duck." A lame duck is a bird who has been defeated; a Member of Congress who has not been reelected. The lame duck now continues to serve after his defeat in November until the 4th day of March following. The proposed amendment would still permit him to serve after his defeat in November until January 4. If he wishes to do harm, he can do it in two months as easily as in four months.

The Constitution as written by the fathers provides that Congress shall convene on the first Monday in December in each year unless it shall determine to convene upon another or other dates. It would be simple enough, if occasion required, to regulate that matter by a simple resolution of Congress to convene in the afternoon of the 4th day of March. I have therefore sought the purpose of this proposed amendment. What is the occasion for it? What is wrong, and what is to be corrected?

Mr. Speaker, ours is a republic, not a democracy. The people rule through chosen representatives. They go to the polls in November and elect Members of the House and of the Senate. They do not demand immediate legislative action. What they want is wisdom in legislation. It is not the will of the people that their representatives should legislate as a matter of snap

judgment. They want deliberate action and desire that all matters of legislative consideration should be settled right.

The proposed amendment would not greatly hasten legislation upon important matters. As a matter of practical illustration, the whole country wants flood control, and it is the purpose of Congress to provide in a legislative way for such control. It has been found necessary, however, to make a careful and comprehensive survey of the flood area; Government engineers, congressional committees, individual Members of the House and of the Senate, and many public-spirited citizens have devoted themselves intensively to a study of this engrossing problem. We have not reached our conclusions and can not immediately do so. Legislation upon that important matter must rest upon well-understood facts. No great problem can be hastily considered if dealt with in a satisfactory manner. The proposed amendment would increase the volume of bad laws on our statute books.

Mr. Speaker, I find nothing in the present situation which justifies me in lending my support to this movement. The constitutional provision which is here assailed has served our purposes for 140 years and no harm has resulted from it. If no mischief exists, no remedy is required. I would not alter my house at great expense and inconvenience unless I were first satisfied that the house when remodeled would better meet my requirements. Reputable surgeons do not operate until a satisfactory diagnosis reveals an evil condition. Our forefathers intentionally provided that the manner of amending the Constitution should be rather difficult. It is the fundamental law of the land and should contain only fundamental principles of government suitable for a free people. To say that I, a Member of Congress, should vote for this resolution to allow the people through the various State legislatures to express their will is to express the desire to avoid my own responsibility. I believe in the political philosophy of the fathers. They intentionally provided that Congress should first be satisfied of the wisdom of a proposed amendment before it should be certified for ratification.

I think there is some desire in the minds of the people for this constitutional change, but the demand is not insistent. A Representative in Congress should respect the wishes of those he represents, but he should not be so sensitive as to allow his judgment to be swayed and to act other than honestly for himself and the country. The mariner does not discard his chart and compass every time an electrical disturbance bobbles the needle.

Mr. Speaker, my reflections bring to mind the demands for the referendum and the recall, for the recall of judges, and for the recall of judicial decisions. They remind me of the periodical, though insistent, demand for the abolition of the jury system. They cause me to recollect a recent campaign issue put out by an independent candidate for the Presidency, whereby he proposed to permit Congress to override the judicial action of the Supreme Court and thereby pass upon the constitutionality of its legislative acts, thus invading the province of the judiciary and destroying the independence of that important branch of our Government.

In my judgment, that campaign had a very wholesome effect throughout the country. It made the American people, for a time, at least, intense students of the American Constitution and of the history of its adoption. At the close of that campaign the people of this great country understood better than they had before the nature of that great document which stands as a guaranty of our liberties.

Mr. Speaker, our Government is composed of three coordinate branches. The strength of our Government depends upon how successful we may be in maintaining the independence of these various branches. Almost every proposed amendment would in some way or other destroy the independence of one of such coordinate branches of the Government. For my part, I shall resist the present attempt and all future efforts to amend the Constitution, except for impelling reasons which make it clear that an evil exists which threatens our liberties. No such claim is made by the proponents of this measure.

It would seem that Congress may, within its present powers, correct all the existing evils which have been pointed out in this debate. I will favor a resolution which will convene a new Congress in March following its election.

Some men say that the Constitution is not a sacred thing. However that may be, it is our heritage—a priceless possession. It is emblematic of America's gift to the world in the science of government. To hold it inviolate will best preserve our national traditions; to uselessly assault it is to destroy it. To destroy the Constitution is to break down the system of representative government.

Mr. COHEN. Mr. Speaker, I do not believe the American people as a whole are very strong for constitutional amendments and I think the majority of them feel that the Constitution, under which we have managed to get along wonderfully well for the past 140 years is good enough for them as it is without changing it.

I do feel the present system of convening Congress should be changed, but I do not think the amendment before us is the proper vehicle and that it might better be done by a law than an amendment.

I approve of the elected Member taking his seat before the passing of 13 months. Yet, while I was not sworn in as Representative of my district in New York until that length of time had elapsed, my office was open every day and my services at the command of my constituents during that interval, and I can truthfully say I was able to assist many of them in various matters of importance to them in the different departments and bureaus.

I think one of the most objectionable features of the amendment was the allowance of only 20 days to organize the House before passing upon the election of the President and Vice President, where in the history of Congress it has taken once three months, once a month, and a number of times it has taken a number of days to elect a Speaker and organize the House. In the event of the inability of the House to organize and to elect the President in the time specified, I feel the business of the community would be greatly upset, and it might even become a calamity.

I hope this change, which has been debated in both the House and the Senate in several Congresses, may be brought about so that the Constitution, so ably perfected by our forefathers, will, through this amendment, be changed to meet present conditions.

Mr. KADING. Mr. Speaker and Members of the House, this bill aims to amend the Constitution in the manner indicated by its title. The proposed amendment, among other matters, first provides for the correction of certain apparent defects and unsatisfactory conditions in our Constitution as it now exists, relative to the choosing of a President in the event the President elect dies after his election in November, and before his term in office begins on March 4 of the year following such election.

Another portion of the amendment is intended to do away with the present delay of a newly elected Member of Congress in participating in the first session of Congress after his election. Under the Constitution, as it is now, such new Member attends his first session of Congress—except in case of a special session—about 13 months after his election. Under the proposed amendment he would attend his first session of Congress, which would be in January, about two months after his election, thus eliminating the so-called lame-duck Member who voluntarily retires or who is defeated at an election from serving through an entire session of Congress after such voluntary retirement or failure to be reelected.

Under our Constitution all of the 435 Representatives in the House and 32 of the 96 Senators in the Senate are elected every two years. The election takes place in November, and the term of all such Representatives and one-third of the Senators begins on the 4th day of the following March. Each Representative so elected for a period of two years takes part in two sessions of Congress. The first is known as the long session and begins on the first Monday of December, 13 months after his election, and continues until about June following the beginning of such session in December preceding. The second session is known as the short session, which begins on the first Monday of December after new Members have been elected and continues to March 4 of the year following, when the term of the newly elected Member begins. The result of matters as our Constitution now is gives the outgoing Members one session of Congress after the new Congress has been elected and prevents the newly elected Congressman from participating in an actual session of Congress until about 13 months after his election. This is considered by me as unsatisfactory. The people generally are demanding an amendment of the Constitution so that the term of the newly elected Representatives and newly elected Senators will begin within a reasonable time after their election. This demand is heard on all sides, and is further reflected by newspaper reports and newspaper editorials.

Under the proposed amendment the terms of such newly elected Representatives and newly elected Senators would begin in January succeeding the November when elected, and would prevent retiring Representatives and retiring Senators from participating in the actual workings of a session of Con-

gress after their voluntary retirement or their retirement because of their constituents not reelecting them.

I desire to contribute a few brief remarks to that part of the amendment which proposes to eliminate such so-called lame-duck session of Congress, as I believe this is of great importance to the country. It is legislation demanded by the people, and if Congress does not enact such legislation now, it will sooner or later be compelled to yield to such popular demand and modernize the Constitution by amending the same in accordance with such demand. It appears very reasonable to me that it should be so amended now. No individual, no business institution, and no corporation would continue an employee for a period of 13 months in the most important affairs of his or its business after having served notice upon such employee that his services are no longer required. It would not be in the best interests of the employer, neither is it in the best interests of our great Government to continue a Representative in Congress for a period of time which will permit him to serve through an entire session of Congress after he has voluntarily decided to retire or has been repudiated by his constituents in refusing to reelect him.

Some of the gentlemen who spoke against this amendment on the floor of this House stated in substance that since the Constitution in its present form has not been amended for a period of 140 years that that is a good argument in favor of continuing the Constitution as it now is without amending the same. I do not consider such argument sound. There may have been a good reason for fixing this long period of time between the time of the election of Representatives and the time for them to come to Washington to attend the first session of Congress in the days when the chief means of travel was by ox team or "on horseback," but that reason certainly does not exist now, when we consider the great progress that has been made in the matter of traveling and the rapid means of travel that we possess and enjoy at this time.

We have made progress in all lines, and amending the Constitution as proposed is, I firmly believe, progress in the matter of modernizing the affairs of this great Government. If the Constitution is amended as proposed, each Congressman will participate in two sessions of Congress, the first beginning in January, shortly following the date of his election, and each of the two sessions of his term in Congress will continue until Congress adjourns, which usually is in May or later, and will give more time for the necessary attention of constantly increasing important legislation.

While ordinarily a great many of the Representatives in Congress are reelected, yet many times nearly the entire membership of Representatives of one party are turned out of office because of the policy represented by that particular party having been repudiated by the people, yet the old lame-duck Congress so repudiated under our Constitution as it now is, remains in charge of legislating for this great Government during an entire session of Congress before those who are elected favoring different policies are permitted to take part in the legislative affairs of our Government. This appears to me to be entirely impractical and wrong.

This Congress is in full possession of the facts in connection with the unsatisfactory condition of our Constitution in the event of a President elect dying before his term of office begins, and this Congress also has full knowledge of the demand of the people to amend the Constitution so as to eliminate the so-called lame-duck session, and I believe that this Congress should promptly meet the situation without delaying the matter and should at this session pass this joint resolution to amend the Constitution accordingly, so that the matter may be submitted for approval to the various State legislatures.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, if I may, I wish to make an announcement. The gentleman from Minnesota [Mr. KNUTSON] is going to call up a pension bill, and, so far as I know, there is nothing else this afternoon except bills coming from that committee.

Mr. WHITE of Maine. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. WHITE of Maine. May we understand that on to-morrow the radio bill, so called, will be taken up?

Mr. TILSON. It is next in order for consideration, as I understand it. The Committee on Rules has given a special rule for the consideration of this bill, and it is expected to follow the business just finished.

Mr. BLACK of New York. Does the gentleman expect to dispose of the radio bill to-morrow?

Mr. TILSON. I can not tell the gentleman.

Mr. LEHLBACH. Mr. Speaker, I would like to ask the gentleman from Maine a question. Will the gentleman agree that after the general debate is finished the committee shall rise, and further consideration of the bill go over until Monday?

Mr. WHITE of Maine. No; I can not agree to that. Here is the situation, if I may state it: To-day is the 9th of March—to-morrow is the 10th. This legislation if it is to be passed at all should be passed and be a law by the 15th day of this month. There are differences between the Senate bill and the committee action. Those differences must be reconciled either here or reconciled in conference. I think time is the very essence of this situation, and if we do not proceed to dispose of this matter in the speediest possible way we might as well not touch it at all.

Mr. CELLER. The gentleman knows that quite a number of Members will be absent. Would not the gentleman like to have them here to vote?

Mr. WHITE of Maine. That depends on how they are going to vote. [Laughter.]

Mr. BLACK of New York. Is it the gentleman's purpose to pass the bill to-morrow?

Mr. WHITE of Maine. It is my purpose, if possible, to dispose of this matter to-morrow.

Mr. CELLER. Would not the gentleman consider the wish of some Members who wish to be absent?

Mr. WHITE of Maine. I would like exceedingly to accommodate the desire of Members, but, as I have said, this is a matter that we should act upon promptly, if we are going to act upon it at all, and I feel constrained to press the matter on the House.

Mr. CELLER. The gentleman realizes that he may not be able to get a quorum to-morrow afternoon?

Mr. WHITE of Maine. If there is no quorum, we will have to deal with that situation when it occurs.

PENSIONS AND INCREASE OF PENSIONS

Mr. KNUTSON. Mr. Speaker, I call up the bill (H. R. 10141) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and so forth, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

I ask unanimous consent that it may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Minnesota calls up the bill (H. R. 10141) and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

[H. R. 10141, Seventieth Congress, first session]

A bill (H. R. 10141) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Gladys R. Allen, widow of Marvin C. Allen, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month, with $2 per month additional on account of each of the sailor's minor children under 16 years of age.

The name of William O. Cooper, late of Fifth Battery, Iowa Volunteer Light Artillery, war with Spain, and pay him a pension at the rate of $20 per month.

The name of Ernest W. Raper, late of Company H, Seventh Regiment Ohio Volunteer Infantry, war with Spain, and pay him a pension at the rate of $6 per month.

The name of Andrew C. Buker, late of Company H, Nineteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $6 per month.

The name of Samuel L. Fiste, late of Company B, Thirty-first Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $24 per month.

The name of Charles B. Wade, late of Eleventh Regiment United States Volunteer Cavalry, war with Spain, and pay him a pension at the rate of $20 per month.

The name of Ozias D. Hogue, late of Troop K, First Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ambrose Hover, late of Company L, First Regiment Ohio Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Daniel B. Jones, late of band, Sixth Regiment United States Cavalry, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Paulinus G. Huhn, late of Company M, Thirteenth Regiment Minnesota Volunteer Infantry, war with Spain, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The name of Henry Henstorf, late of Company A, Eighth Regiment New York Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month.

The name of Martha E. Jones, dependent mother of John T. Jones, late of Company K, Fourteenth Regiment Minnesota Volunteer Infantry, war with Spain, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of John M. Brown, alias John Bender, late of Company H, Thirty-fourth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $20 per month.

The name of Vonny A. McClaren, late of Battery C, Ninth Regiment United States Field Artillery, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Mathew Nicholson, late of Battery H, Fourth Regiment United States Artillery, war with Spain, and pay him a pension at the rate of $20 per month.

The name of John J. Duffy, late of Service Battery, Twelfth Regiment United States Field Artillery, Regular Establishment, and pay him a pension at the rate of $20 per month.

The name of Mary Eiseser, former widow of Valentine Steil, late of Battery C, First Regiment United States Artillery, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Emma R. Walters, widow of Charles R. Walters, late of Company D, Second Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary A. Pickrel, dependent mother of Charles Pickrel, late of Company G, Thirty-ninth Regiment United States Volunteer Infantry, Philippine insurrection, and pay her a pension at the rate of $20 per month.

The name of Eliza Hoag, widow of David Hoag, late of Company H, Thirty-fourth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Catherine Sansom, dependent mother of Joseph Sansom, late of Company K, Twenty-sixth Regiment United States Volunteer Infantry, war with Spain, and pay her a pension at the rate of $20 per month.

The name of George Bingham, late of Company C, Eighth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of James A. Butler, late of Troop B, First Regiment United States Volunteer Cavalry, war with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Edward Shaw, late of Company K, Tenth Regiment United States Infantry, and Quartermaster Corps, United States Army, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Emily Donahoo, dependent mother of William Becker, late of Company A, Thirty-second Regiment United States Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Charles W. Nelson, late of Company I, Third Regiment Wyoming Volunteer Infantry, National Guard, border defense, and pay him a pension at the rate of $12 per month.

The name of Mamie Lewis, widow of George F. Lewis, late of the United States Marine Corps, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John Rittner Rodgers, helpless and dependent son of John R. Rodgers, late of Company C, Second Regiment West Virginia Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month.

The name of James M. Haywood, late of Company A, Blanco County (Texas) Minute Men, Indian wars, and pay him a pension at the rate of $12 per month.

The name of John Stringer, late of Battery B, First Regiment United States Field Artillery (Ninth Battery, United States Field Artillery), Regular Establishment, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles W. Paul, late of Company I, Eighth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving: *Provided*, That the increased rate shall not be paid to him for any period he is an inmate of a State or National soldiers' home.

The name of Charles L. Jenkins, late of Captain Orson P. Miles's company, Utah Militia Cavalry, Indian wars, and pay him a pension at the rate of $30 per month.

The name of Henry Smith, late of Company B, Twenty-second Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Annie E. Harley, dependent mother of Daniel O'C. Harley, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sarah E. Bascomb, widow of Herbert C. Bascomb, late of Company B, Nineteenth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Marie Higgins, widow of Bert D. Higgins, late of Company G, Fiftieth Regiment Iowa Volunteer Infantry, war with Spain, and pay her a pension at the rate of $20 per month.

The name of Margaret J. Easterling, widow of James M. Easterling, late of Company C, Seventeenth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $20 per month, with $2 per month additional on account of the minor children of the soldier under 16 years of age.

The name of Harold P. Waldo, late of Company B, Tenth Regiment Ohio Infantry, war with Spain, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The name of George R. Turner, late of Troop I, Third Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles Sabins, late of Sixth Battery, Iowa Volunteer Light Artillery, war with Spain, and pay him a pension at the rate of $15 per month.

The name of Kate Garrity, dependent mother of Joseph P. Garrity, late of Company A, Fiftieth Regiment Iowa Volunteer Infantry, war with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Flora E. Tyler, former widow of Samuel N. Hudson, late of Company D, Third Regiment Tennessee Volunteer Infantry, Mexican War, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of James G. Pearl, late of Company M, Nineteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Jefferson D. Flowers, dependent father of Thomas J. Flowers, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Joseph W. Ricket, late of Company M, Sixth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Flora Fuson, widow of William Fuson, late of Company H, Second Regiment Kentucky Volunteer Infantry, border defense, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of the minor child of the soldier until it reaches the age of 16 years.

The name of William C. Daustin, late of Company G, Sixty-ninth Regiment New York Volunteer Infantry, border defense, and pay him a pension at the rate of $30 per month.

The name of Elizabeth S. Parker, widow of John F. Parker, late lieutenant commander and commander, United States Navy, Regular Establishment, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Minnie Heath, widow of William S. Heath, late of Company L, Twenty-first Regiment Kansas Volunteer Infantry, war with Spain, and pay her a pension at the rate of $30 per month, with $10 per month additional on account of Ralph Heath, the helpless child of the soldier, in lieu of that she is now receiving.

The name of Robert McConnell, helpless and dependent son of John McConnell, late of Captain Sublett's company, Powell's battalion, Missouri Mounted Infantry, Mexican War, and pay him a pension at the rate of $20 per month, the said pension to be paid to a legally appointed guardian.

The name of George William, late of Company B, Fourth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Matthew Page, late of Company A, Eighth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Antonia Haller, widow of Harry Haller, late of Company H, Tenth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Saphrona A. Kirk, dependent mother of Henry T. Kirk, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receving.

The name of John H. Lang, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of John A. Stucker, late of the Sixth Battery, Iowa Volunteer Light Artillery, war with Spain, and pay him a pension at the rate of $15 per month.

The name of Charlie Eliton, late of One hundred and sixty-sixth Company, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Leander Cook, late of Company C, Fourth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $14 per month.

The name of William C. Croley, late of Company D, First Battalion, United States Engineers, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Julia Ward, dependent mother of Michael J. Ward, late of Company C, Forty-third Regiment United States Volunteer Infantry, Philippine insurrection, and pay her a pension at the rate of $20 per month.

The name of William M. Noel, late of Company M, Ninth Regiment Illinois Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Fred G. Pettigrew, late of Company G, Thirteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Margaret B. Furlow, widow of James W. Furlow, late colonel, United States Army, and pay her a pension at the rate of $40 per month, with $6 per month additional for the minor child of the officer under 16 years of age, in lieu of that she is now receiving.

The name of Isabella Powell, widow of Alford Powell, late of Company K, Twenty-ninth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Fred G. Bruhl, late of Sixth Battery, Iowa Volunteer Light Artillery, war with Spain, and pay him a pension at the rate of $15 per month.

The name of Ella Davis, helpless and dependent child of Willis W. Davis, late of Captain Dodson's company, Lindsay's Tennessee Mounted Volunteers, Indian wars, and pay her a pension at the rate of $20 per month.

The name of Olympia T. Meena, widow of Stratios Meena, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $20 per month, with $6 per month additional on account of the sailor's children under 16 years of age, in lieu of that she is now receiving.

The name of Larkin B. Wilkins, late of Company B, Third Regiment Kentucky Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month.

The name of Lee Street, late of Battery C, Fifteenth United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $6 per month.

The name of William M. Robinson, late of Company L, Second Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $6 per month.

The name of Cordelia Crawford, widow of Matt Crawford, late of Company C, Eighth Regiment United States Volunteer Infantry, war with Spain, and pay her a pension at the rate of $20 per month.

The name of William Crawford, late of Company I, Fourteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Glenn E. Koehler, helpless and dependent son of Adolph G. Koehler, late of Companies E and M, Twentieth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $20 per month.

The name of Samuel F. Newson, dependent father of Samuel C. Newson, late of unassigned Coast Artillery Corps, United States Army, Regular Establishment, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Sallie Hager, dependent mother of Ernest Hager, late of One hundred and eighteenth Company, United States Coast Artillery Corps, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Alice M. Fowler, dependent mother of Clarence E. Fowler, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Claud Martin, late of Thirty-second Company, United States Coast Artillery, Philippine insurrection, and pay him a pension at the rate of $20 per month.

The name of Andrew J. Owens, late of the One hundred and seventeenth Company, United States Coast Artillery Corps, Philippine insurrection, and pay him a pension at the rate of $20 per month.

The name of Isaac A. Chandler, late of Troop A, Fourth Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $12 per month.

The name of Melda N. Jennings, late of the United States Marine Corps, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Edward D. Warner, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles A. Evans, late of Company G, First Regiment Ohio Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Frank W. Marsters, dependent father of George H. Marsters, alias George W. Marston, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Elem Cason, late of Company I, Third Regiment Georgia Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of George T. Smith, late of Troop M, Second Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Edward W. Reichelt, dependent and helpless child of Hans W. Reichelt, late of Company G, First Regiment Texas Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month, said pension to be paid to a legally appointed guardian.

The name of James Williams, late of Headquarters Battery, Fifteenth Regiment United States Field Artillery, Regular Establishment, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lillie Ford, widow of Ralph G. Ford, late of Headquarters Troop, Third Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Emilie Kutzer, dependent mother of William G. Kutzer, late of Company C, Second Regiment Texas National Guard Infantry, border defense, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charles W. Anderson, late of Company H, Signal Corps, United States Army, Regular Establishment, and pay him a pension at the rate of $90 per month in lieu of that he is now receiving.

The name of John M. Golden, late of Troop G, Third Regiment, United States Cavalry, Regular Establishment, and pay him a pension at the rate of $20 per month.

The name of C. A. Sahms, dependent father of Willie L. Sahms, late of Headquarters Company, Eighth Brigade, United States Army, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Dudley J. Howell, late of Company C, Hospital Corps, United States Army, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles L. Stewart, late of the Forty-second Company, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Elsie M. Hayes, widow of Perley B. Hayes, late of Troop C, Second Regiment Rhode Island National Guard Cavalry, border defense, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John J. Dewey, dependent father of Edward E. Dewey, late of Company B, Eighth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $20 per month.

The name of Joseph K. Moore, late of Company A, First Battalion United States Engineers, Regular Establishment, and pay him a pension at the rate of $20 per month.

The name of Lillian M. Johnson, widow of Alfred T. Johnson, late of Company M, Signal Corps, United States Army, Regular Establishment, and pay her a pension at the rate of $12 per month, with $2 per month additional on account of each child of the soldier under 16 years of age.

The name of James E. Walker, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $8 per month.

The name of Rutherford B. H. Blazer, late of Company G, First Regiment Ohio Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Dora Wilson, dependent mother of William Wilson, late of Company B, Eighth Regiment Illinois Volunteer Infantry, war with Spain, and pay her a pension at the rate of $20 per month.

The name of Mary C. Baldwin, dependent mother of Claude E. Baldwin, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Harold A. Canon, late of Company I, Thirty-first Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $8 per month.

The name of Mary Ann Donley, dependent mother of John M. Donley, late of Company M, First Regiment West Virginia Volunteer Infantry, war with Spain, and pay her a pension at the rate of $20 per month.

The name of Zelia Dixon, widow of John Dixon, late of Seventeenth Company, United States Coast Artillery Corps, Regular Establishment, and pay her a pension at the rate of $12 per month, with $2 per month additional on account of the minor children of the soldier under 16 years of age.

The name of James H. McGlasson, late of Company I, Third Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Elizabeth A. Hackman, widow of Frederick Hackman, alias Brooks, late of Company C, Eighth Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Perry O. Buck, late of Company E, Eighteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Kate Coffee McDougal, widow of Charles J. McDougal, late commander, United States Navy, Regular Establishment, and pay her a pension at the rate of $75 per month in lieu of that she is now receiving.

The name of Maria J. McShane, dependent mother of Julian J. McShane, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of George C. Ezell, late of Company B, First Regiment South Carolina Volunteer Infantry, war with Spain, and pay him a pension at the rate of $25 per month.

The name of John Jensen, late of the Hospital Corps, United States Army, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Stella A. Boldon, widow of Albert T. Boldon, late of Company M, Fourth Regiment Wisconsin Volunteer Infantry, war with Spain, and pay her a pension at the rate of $20 per month.

The name of Guss Hughes, late of Troop L, Eighth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $6 per month.

The name of Harry H. Davis, late of Company K, Third Regiment Missouri Volunteer Infantry, and Signal Corps, United States Army, war with Spain, and pay him a pension at the rate of $6 per month.

The name of Edith Faulkner, dependent mother of James E. Faulkner, late of Company G, First Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Lena Stuckey, widow of Edward Stuckey, late of Battery I, Fifth Regiment United States Artillery, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Annie C. Lawless, widow of Joseph J. Lawless, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month, with $2 per month additional for each child of the soldier under 16 years of age.

The name of Elizabeth Newfisher, widow of Joseph Newfisher, late of Troop G, First Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John E. Quinn, late of Company B, First Regiment Nevada Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month.

The name of John Prater, late of Company K, Nineteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Swin Leadford, late of Company A, Fifteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Herman R. Robinson, late of Company K, Twelfth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Mary Schoske, widow of John Schoske, late teamster in expedition against the Sioux Indians in 1862, Indian wars, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Ida V. Brecount, dependent mother of Floyd H. Brecount, late of the United States Marine Corps, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry C. Block, late of First Lieut. Freland H. Dam's company, Minnesota Militia, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Leslie Hull, late of Company C, Sixth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Murray R. Marshall, late of Company A, Twenty-seventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Edith L. Quick, widow of John Henry Quick, late of the United States Marine Corps, war with Spain, and pay her a pension at the rate of $50 per month in lieu of the compensation that she is now receiving.

The name of John J. Murphy, late of Troop B, Sixth Regiment United States Cavalry, war with Spain, and pay him a pension at the rate of $25 per month.

The name of Sarah E. Wallace, former widow of Gale Nutty, late of Company E, Fifth Regiment Tennessee Infantry, Mexican War, and pay her a pension at the rate of $30 per month.

The name of William J. Kelly, late of Company I, Ninth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of William E. Draine, late of Battery B, Field Artillery, District of Columbia National Guard, border defense, and pay him a pension at the rate of $6 per month.

The name of Effie M. Livingston, widow of Henry L. Livingston, late of Hospital Corps, United States Army, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

This bill is a substitute for the following House bills referred to said committee:

H. R. 741. Gladys R. Allen.
H. R. 909. Ernest W. Raper.
H. R. 911. Andrey C. Buker.
H. R. 915. Samuel L. Fiste.
H. R. 978. Charles B. Wade.
H. R. 1006. Ozias D. Hogue.
H. R. 1196. Ambrose Hover.
H. R. 1197. Daniel B. Jones.
H. R. 1361. Paulinus G. Huhn.
H. R. 1362. Henry Henstorf.
H. R. 1363. Martha E. Jones.
H. R. 1364. John M. Brown.
H. R. 1365. Vonny A. McClaren.
H. R. 1407. Mathew Nicholson.
H. R. 1469. John J. Duffy.
H. R. 1519. Mary Elseser.
H. R. 1586. Emma R. Walters.
H. R. 1680. Mary A. Pickrel.
H. R. 1713. Eliza Hoag.
H. R. 1936. Catherine Sansom.
H. R. 1074. George Bingham.
H. R. 2073. James A. Butler.
H. R. 2078. Edward Shaw.
H. R. 2091. Emily Donahoo.
H. R. 2254. Charles W. Nelson.
H. R. 2307. Mamie Lewis.
H. R. 2328. John Rittner Rodgers.
H. R. 2386. John M. Haywood.
H. R. 2632. John Stringer.
H. R. 2668. Charles W. Paul.
H. R. 3036. Charles L. Jenkins.
H. R. 3121. Henry Smith.
H. R. 3132. Annie E. Harley.
H. R. 3148. Sarah E. Bascomb.
H. R. 3200. Marie Higgins.
H. R. 3285. Margaret J. Easterling.
H. R. 3369. Harold P. Waldo.
H. R. 3388. George Richard Turner.
H. R. 3432. Charles Sabins.
H. R. 3436. Kate Garrity.
H. R. 3456. Flora E. Tyler.
H. R. 3498. James C. Pearl.
H. R. 3528. Jefferson D. Flowers.
H. R. 3546. Joseph W. Ricket.
H. R. 3551. Flora Fuson.
H. R. 3717. William C. Daustin.
H. R. 3732. Elizabeth Scott Parker.
H. R. 3850. Minnie Heath.
H. R. 3875. Robert McConnell.
H. R. 3887. George Williams.
H. R. 3900. Mathew Page.
H. R. 3903. Antonio Haller.
H. R. 3996. Saphrona A. Kirk.
H. R. 4070. John Harrison Lang.
H. R. 4114. John A. Stucker.
H. R. 4234. Charlie Eliton.
H. R. 4235. Leander Cook.
H. R. 4236. William C. Croley.
H. R. 4250. Julia Ward.
H. R. 4296. William M. Noel.
H. R. 4335. Fred G. Pettigrew.
H. R. 4437. Margaret B. Furlow.
H. R. 4542. Isabella Powell.
H. R. 4578. Fred George Bruhl.
H. R. 4594. Ellen Davis.
H. R. 4613. Olympia T. Meena.
H. R. 4614. Larkin B. Wilkins.
H. R. 4665. Lee Street.
H. R. 4666. William M. Robinson.
H. R. 4668. Cordelia Crawford.
H. R. 4679. William Crawford.
H. R. 4704. Gleen E. Koehler.
H. R. 4775. Samuel F. Newson.
H. R. 4805. Sallie Hager.
H. R. 4825. Alice M. Fowler.
H. R. 4841. Claude Martin.
H. R. 4893. Andrew J. Owens.
H. R. 4894. Isaac A. Chandler.
H. R. 5015. Melda N. Jennings.
H. R. 5051. Edward D. Warner.
H. R. 5071. Charles A. Evans.
H. R. 5333. Frank W. Marsters.
H. R. 5344. Elem Cason.
H. R. 5412. George T. Smith.
H. R. 5414. Edward W. Reichelt.
H. R. 5416. James Williams.
H. R. 5419. Lillie Ford.
H. R. 5420. Emilie Kutzer.
H. R. 5421. Charles W. Anderson.
H. R. 5435. John M. Golden.
H. R. 5858. C. A. Sahms.
H. R. 5862. Dudley J. Howell.
H. R. 5863. Charles L. Stewart.
H. R. 5904. Elsie M. Hayes.
H. R. 6134. John J. Dewey.
H. R. 6196. Joseph K. Moore.
H. R. 6208. Lillian M. Johnson.
H. R. 6209. James E. Walker.
H. R. 6213. Rutherford B. H. Blazer.
H. R. 6575. Dora Wilson.
H. R. 6590. Mary C. Baldwin.
H. R. 6593. Harold A. Canon.
H. R. 6696. Mary Ann Donley.
H. R. 6816. Zelia Dixon.
H. R. 6833. James H. McGlasson.
H. R. 6872. Elizabeth A. Hackman.
H. R. 6898. Perry O. Buck.
H. R. 6921. Kate Coffee McDougall.
H. R. 6923. Marie J. McShane.
H. R. 6927. George C. Ezell.
H. R. 6956. John Jenson.
H. R. 7120. Stella A. Bolden.
H. R. 7238. Guss Hughes.
H. R. 7259. Harry H. Davis.
H. R. 7329. Edith Faulkner.
H. R. 7428. Lena Stuckey.
H. R. 7485. Anna C. Lawless.
H. R. 7531. Elizabeth Newfisher.
H. R. 7540. John E. Quinn.
H. R. 7559. John Prater.
H. R. 7704. Swin Leadford.
H. R. 7707. Herman R. Robinson.
H. R. 7761. Mary Schoske.
H. R. 7791. Ida V. Brecount.
H. R. 7818. Henry C. Block.
H. R. 7989. William Leslie Hull.
H. R. 7990. Murray R. Marshall.
H. R. 8004. Edith L. Quick.
H. R. 8062. John J. Murphy.
H. R. 8217. Sarah E. Wallace.
H. R. 8343. William J. Kelly.
H. R. 8760. William E. Draine.
H. R. 9260. Effie M. Livingston.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion by Mr. KNUTSON to reconsider the vote whereby the bill was passed was laid on the table.

WINFIELD SCOTT

Mr. KNUTSON. Mr. Speaker, I call up the bill (H. R. 4115) for the relief of Winfield Scott, and I ask unanimous consent

that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Minnesota calls up the bill H. R. 4115 and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to allow credit to Winfield Scott in the sum of $278.14, to cover travel and expenses in the months of August and September, 1926, incurred in connection with matters pertaining to the Pension Bureau.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider, by Mr. KNUTSON, was laid on the table.

W. LAURENCE HAZARD

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 4116, for the relief of W. Laurence Hazard, which I send to the desk and ask to have read.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to allow credit to W. Laurence Hazard in the sum of $167.52, to cover travel and expenses incurred in September, 1926, in connection with investigations of matters pertaining to the Pension Bureau.

The SPEAKER. Is there objection?

There was no objection.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

HARRIET K. CAREY

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4117) for the relief of Harriet K. Carey, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to allow credit to Harriet K. Carey in the sum of $95.02 for travel and expenses incurred in the month of September, 1926, in connection with the investigations of matters pertaining to the Pension Bureau.

The SPEAKER. Is there objection?

There was no objection.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. QUAYLE, for an indefinite period, on account of illness.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval bills of the following titles:

H. R. 9293. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Clinch River on the Sneedville-Rogersville road in Hancock County, Tenn.; and

H. R. 9843. An act to extend the times for commencing and completing the construction of a bridge across the Kanawha River in or near Henderson, W. Va., to a point opposite thereto in or near Point Pleasant, W. Va.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 56 minutes p. m.) the House adjourned until to-morrow, Saturday, March 10, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, March 10, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

To further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States (S. 744).

To promote, encourage, and develop an American merchant marine in connection with the agricultural and industrial commerce of the United States, provide for the national defense, the transportation of foreign mails, the establishment of a merchant marine training school, and for other purposes (H. R. 2).

To amend the merchant marine act, 1920, insure a permanent passenger and cargo service in the north Atlantic, and for other purposes (H. R. 8914).

To create, develop, and maintain a privately owned American merchant marine adequate to serve trade routes essential in the movement of the industrial and agricultural products of the United States and to meet the requirements of the commerce of the United States; to provide for the transportation of the foreign mails of the United States in vessels of the United States; to provide naval and military auxiliaries; and for other purposes (H. R. 10765).

COMMITTEE ON PATENTS

(10 a. m.)

To protect trade-marks used on commerce, to authorize the registration of such trade-marks, and for other purposes (H. R. 6683).

EXECUTIVE COMMUNICATIONS, ETC.

400. Under clause 2 of Rule XXIV, a letter from the Acting Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of San Francisco Harbor, Calif. (H. Doc. No. 196), was taken from the Speaker's table and referred to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SMITH: Committee on Irrigation and Reclamation. H. R. 11360. A bill to authorize the Secretary of the Interior to convey or transfer certain water rights in connection with the Boise reclamation project; without amendment (Rept. No. 865). Referred to the Committee of the Whole House on the state of the Union.

Mr. SINNOTT: Committee on Irrigation and Reclamation. S. 1186. An act to provide for the construction of the Deschutes project in Oregon, and for other purposes; without amendment (Rept. No. 866). Referred to the Committee of the Whole House on the state of the Union.

Mr. JENKINS: Committee on Immigration and Naturalization. S. 2370. An act to amend section 24 of the immigration act of 1917; without amendment (Rept. No. 867). Referred to the Committee of the Whole House on the state of the Union.

Mr. GIBSON: Committee on the District of Columbia. H. R. 6664. A bill to establish a woman's bureau in the Metropolitan police department of the District of Columbia, and for other purposes; with amendment (Rept. No. 868). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. CARTWRIGHT: Committee on Indian Affairs. H. R. 10327. A bill for the relief of Charles J. Hunt; without amendment (Rept. No. 864). Referred to the Committee of the Whole House.

Mr. HALE: Committee on Naval Affairs. H. R. 7142. A bill for the relief of Frank E. Ridgely, deceased; with amendment (Rept. No. 869). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 11776) granting a pension to Mary A. Dibble, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABERNETHY: A bill (H. R. 11916) to provide for the care and preservation of certain land and monuments in the Washington Parish Burial Ground (Congressional Cemetery); to the Committee on Military Affairs.

By Mr. SPROUL of Illinois: A bill (H. R. 11917) granting the consent of Congress to the county of Cook, State of Illinois, to widen, maintain, and operate the existing bridge across the Little Calumet River in Cook County, State of Illinois; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWARD of Oklahoma: A bill (H. R. 11918) providing for the construction of a sanatorium and hospital at Claremore, Okla., and providing an appropriation therefor; to the Committee on World War Veterans' Legislation.

By Mr. BURTON: A bill (H. R. 11919) to provide for the construction of a vessel for the Coast Guard; to the Committee on Interstate and Foreign Commerce.

By Mr. WAINWRIGHT: A bill (H. R. 11920) to equalize the basis for longevity pay and retirement of warrant officers of the Army; to the Committee on Military Affairs.

By Mr. WATSON: A bill (H. R. 11921) to prohibit the sending of unsolicited merchandise through the mails; to the Committee on the Post Office and Post Roads.

By Mr. BUTLER: A bill (H. R. 11922) to authorize the Secretary of the Navy to lease the United States naval destroyer and submarine base, Squantum, Mass.; to the Committee on Naval Affairs.

By Mr. GUYER: A bill (H. R. 11923) granting preference in Federal civil service employment to persons honorably discharged from the military or naval service of the United States after service in the Civil War, the Indian wars, the war with Spain, or the World War, their widows, and the wives of disabled veterans of such wars, and for other purposes; to the Committee on the Civil Service.

By Mr. KELLY: A bill (H. R. 11924) to establish a more adequate standard for admission of aliens to citizenship in the United States of America; to the Committee on Immigration and Naturalization.

By Mr. ZIHLMAN: A bill (H. R. 11925) authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia; to the Committee on the District of Columbia.

By Mr. PORTER: Joint resolution (H. J. Res. 230) to provide for the membership of the United States in the American International Institute for the Protection of Childhood; to the Committee on Foreign Affairs.

By Mr. SOMERS of New York: Joint resolution (H. J. Res. 231) creating a commission to investigate the advisability of removing the navy yard now located at Brooklyn, N. Y., to a more advantageous site on the North Atlantic coast; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. JACOBSTEIN: Memorial of the Legislature of the State of New York, urging Congress to pass the Cooper-Hawes bill that all prison-made goods for State or interstate be plainly marked as such; to the Committee on Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CELLER: A bill (H. R. 11926) granting a pension to Elizabeth Eldard; to the Committee on Invalid Pensions.

By Mr. CONNERY: A bill (H. R. 11927) granting a pension to Melissa Bemis; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 11928) for the payment to certain citizens damages because of loss by fire of their property in the general mess building of the Pacific Branch of the National Home for Disabled Volunteer Soldiers when said building was destroyed by fire on March 24, 1927; to the Committee on Claims.

By Mr. GOLDSBOROUGH: A bill (H. R. 11929) to carry out the provisions of the Court of Claims in the case of Martha J. Briscoe, widow of John A. Briscoe, deceased; to the Committee on War Claims.

By Mr. KEARNS: A bill (H. R. 11930) granting an increase of pension to Mary E. Hicks; to the Committee on Invalid Pensions.

By Mr. KURTZ: A bill (H. R. 11931) granting an increase of pension to Florence Bowers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11932) granting an increase of pension to Kate C. Closson; to the Committee on Invalid Pensions.

By Mr. McSWAIN: A bill (H. R. 11933) to authorize the burial with military honors of the body of Warren G. Jernegan in Arlington National Cemetery; to the Committee on Military Affairs.

By Mr. MEAD: A bill (H. R. 11934) for the relief of Lehde & Schoenhut; to the Committee on Ways and Means.

By Mr. MERRITT: A bill (H. R. 11935) granting an increase of pension to Henry M. Conlin; to the Committee on Pensions.

By Mr. PORTER (by request): A bill (H. R. 11936) for the relief of Mrs. Fanor Flores and Pedro Flores, citizens of the Republic of Nicaragua; to the Committee on Foreign Affairs.

By Mr. PURNELL: A bill (H. R. 11937) granting an increase of pension to Mary E. Massey; to the Committee on Invalid Pensions.

By Mr. OLIVER of New York: A bill (H. R. 11938) for the relief of Frank Bayer; to the Committee on Claims.

By Mr. ROBSION of Kentucky: A bill (H. R. 11939) granting a pension to Emma Bellew; to the Committee on Invalid Pensions.

By Mr. SMITH: A bill (H. R. 11940) for the relief of C. M. Williamson, C. E. Liljenguist, Lottie Redman, D. R. Johnson, and H. N. Smith; to the Committee on Indian Affairs.

By Mr. SPEAKS: A bill (H. R. 11941) granting a pension to Caroline Allen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11942) granting an increase of pension to Mary Henderlick; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 11943) granting an increase of pension to Sarah Butterfield; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 11944) for the relief of Louise Smith Hopkins, Ruth Smith Hopkins, and A. Otis Birch; to the Committee on Claims.

By Mr. TINKHAM: A bill (H. R. 11945) granting a pension to Janie Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11946) granting an increase of pension to Sarah M. Law; to the Committee on Invalid Pensions.

By Mr. WARREN: A bill (H. R. 11947) granting a pension to Mrs. Kempie Belanga; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5171. By Mr. BOYLAN: Petition of Brooklyn Chapter of Reserve Officers' Association, indorsing House bill 11683, providing for a new division in the War Department especially charged with the responsibility of promoting the training and development of activities of the Officers' Reserve Corps, the Reserve Officers' Training Corps, and the citizens' military training camps; to the Committee on Military Affairs.

5172. By Mr. BURTON: Petition of members of the Sebring Methodist Church, Sebring, Fla., protesting against the big Navy program; to the Committee on Naval Affairs.

5173. Also, resolution of the young people of the Epworth High School League of the Epworth Methodist Episcopal Church, Toledo, Ohio, strongly opposing the big Navy program; to the Committee on Naval Affairs.

5174. By Mr. COLE of Iowa: Petition of Carl Weber, of Cedar Rapids, Iowa, and 110 other signers, residents of Cedar Rapids, Iowa, protesting the passage of House bill 78, or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

5175. By Mr. CONNERY: Resolution of the Sons and Daughters of Sweden, of Lynn, Mass., protesting against the national-origins clause of the immigration law; to the Committee on Immigration and Naturalization.

5176. By Mr. CRAIL: Petition of Hollywood Lodge, No. 355, Free and Accepted Masons, of Los Angeles, Calif., for the passage of the Curtis-Reed bill for the creation of a national department of education; to the Committee on Education.

5177. By Mr. CULLEN: Letters from Brooklyn Chapter, Reserve Officers' Association, in re legislation for Reserve Officers' Corps and postal rates bill; to the Committee on Military Affairs.

5178. By Mr. DALLINGER: Petition signed by citizens of Massachusetts, in opposition to the enactment of Lankford bill (H. R. 78); to the Committee on the District of Columbia.

5179. By Mr. DEMPSEY: Petition of order of Sons of Italy in America, Niagara Falls, N. Y., urging resolution by Senator COPELAND to be passed proclaiming October 12 as Columbus day for the observance of the anniversary of the discovery of America; to the Committee on the Judiciary.

5180. By Mr. ENGLEBRIGHT: Petition of citizens of Pittville and McArthur, Calif., protesting against passage of House bill 78; to the Committee on the District of Columbia.

5181. Also, petition of citizens of Mount Shasta City, Calif., protesting against passage of House bill 78; to the Committee on the District of Columbia.

5182. By Mr. ESTEP: Petition of Mrs. J. D. Jackson and 93 other residents of Pittsburgh, Pa., favoring an increase in pension for the veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

5183. Also, petition of Pennsylvania State Chamber of Commerce, Harrisburg, Pa., opposing the passage by Congress of House bill 6511, introduced by Representative SIROVICH, of New York; to the Committee on Labor.

5184. Also, petition of Department of Pennsylvania, Veterans of Foreign Wars, Harrisburg, Pa., indorsing the plan of President Coolidge for an adequate United States Navy; to the Committee on Naval Affairs.

5185. Also, petition of Iron City Council, No. 171, Fraternal Patriotic Americans, Pittsburgh, Pa., urging restriction of immigration and adequate provisions to enforce the immigration laws; to the Committee on Immigration and Naturalization.

5186. Also, petition of the State executive committee of the American Legion, favoring the Navy program outlined by President Coolidge; to the Committee on Naval Affairs.

5187. By Mr. FOSS: Letter of J. E. Edwards, secretary of the Southern New England Conference, South Lancaster, Mass., together with petition of 306 residents of Leominster and Clinton, Mass., protesting against the passage of House bill 78, known as the Lankford Sunday observance bill; to the Committee on the District of Columbia.

5188. Also, wire of C. S. Munn, South Lancaster, Mass., protesting against the passage of House bill 78, known as the Lankford Sunday observance bill; to the Committee on the District of Columbia.

5189. By Mr. JOHNSON of Washington: Petition of citizens of Aberdeen, Hoquiam, and Tacoma, Wash., protesting against the Lankford Sunday observance bill; to the Committee on the District of Columbia.

5190. By Mr. KETCHAM: Petition of 159 residents of Niles, Mich., protesting against House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

5191. Also, petition of 179 residents of Berrien County, Mich., protesting against the enactment of House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

5192. Also, petition of 200 residents of Benton Harbor, Mich., protesting against House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

5193. Also, petition of 52 residents of Eau Claire, Mich., protesting against enactment of House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

5194. Also, petition of nine residents of Dowagiac, Mich., protesting against the enactment of the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

5195. Also, petition of 23 residents of Allegan County, Mich., protesting against the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

5196. By Mr. KINDRED: Petition of the Brooklyn Chapter, Reserve Officers' Association of the United States, indorsing bill introduced by Congressman FRANK JAMES, of Michigan (H. R. 11683), providing for a new division in the War Department especially charged with the responsibility of promoting the training and development of activities of the Officers' Reserve Corps, the Reserve Officers' Training Corps, and the citizens' military training camps, and urging the enactment of this and identical bill (S. 3458) introduced in the Senate by Senator REED of Pennsylvania; to the Committee on Military Affairs.

5197. Also, Petition of Elmhurst Post, No. 298, American Legion, to the United States Congress, favoring a Navy second to none and an adequate merchant marine with fast merchant vessels to be used in foreign trade in times of peace and as protective fighting units in the event of war; to the Committee on Naval Affairs.

5198. By Mr. LANKFORD: Petition of Lodge No. 1, International Association of Machinists, in favor of House bill 7759, by Mr. LAGUARDIA; to the Committee on the Judiciary.

5199. Also, petition of Lodge No. 1 of the International Association of Machinists, in support of the Cooper-Hawes convict bill (H. R. 7729); to the Committee on Labor.

5200. Also, petition of the Mothers' Club of St. Paul Methodist Episcopal Church South, Washington, D. C., consisting of 37 members, urging the enactment into law of the Lankford Sunday rest bill (H. R. 78); to the Committee on the District of Columbia.

5201. By Mr. LINDSAY: Petition of National Foreign Trade Council, New York City, setting forth reasons why contentions of tobacco industry who oppose House bill 9195, known as the Cuban parcel post bill, are not well founded; to the Committee on Rules.

5202. Also, petition of Brooklyn Chapter, Reserve Officers' Association of the United States, indorsing House bill 11683, which provides for a new division of the War Department charged with the responsibility of promoting training and development of activities of Officers' Reserve Corps, the Reserve Officers' Training Corps, and the citizens' military training camps; to the Committee on Military Affairs.

5203. By Mr. MERRITT: Petition of sundry citizens of Connecticut, urging the enactment of legislation to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

5204. By Mr. MORROW: Petition of Albuquerque Chapter of Woman's Christian Temperance Union, indorsing Stalker bill (H. R. 9588) providing commensurate penalties for the large bootlegger, by Mrs. Carrie Craft, secretary; to the Committee on the Judiciary.

5205. Also, petition of Journeymen Barbers International Union of America, Local No. 501, Albuquerque, N. Mex., John Carrillo, secretary, indorsing House bill 7729 and Senate bill 1940, relating to convict-made products; to the Committee on Labor.

5206. By Mr. O'CONNELL: A statement by the merchant marine committee of the National Association of Manufacturers, New York, N. Y., with reference to the American merchant marine; to the Committee on the Merchant Marine and Fisheries.

5207. Also, petition of the Clyde Products Co., Clyde, N. Y., opposing the passage of the Capper-Cole bills; to the Committee on Agriculture.

5208. Also, petition of Brooklyn Chapter, Reserve Officers' Association of the United States, Brooklyn, N. Y., favoring the passage of House bill 11633; to the Committee on Invalid Pensions.

5209. Also, petition of the National Foreign Trade Council of New York, with reference to the Cuban parcel post bill (H. R. 9195); to the Committee on Ways and Means.

5210. Also, petition of the Supreme Council, United Sons of Alaska, opposing the passage of House bill 8284; to the Committee on the Territories.

5211. Also, petition of the New York Photo-Engravers' Union, No. 1, of New York City, favoring the passage of Senate bill 2440 and House bill 9575; to the Committee on Printing.

5212. By Mr. PARKS: Petition of citizens of Ouachita and Union Counties, Ark., against compulsory Sunday observance law (H. R. 78); to the Committee on the District of Columbia.

5213. By Mr. QUAYLE: Petition of H. D. Bob Co. (Inc.), New York City, N. Y., favoring the passage of the Hawes-Cooper bill; to the Committee on Invalid Pensions.

5214. Also, petition of Brooklyn Chapter, Reserve Officers' Association of the United States, favoring the passage of House bill 11683 and Senate bill 3458; to the Committee on Military Affairs.

5215. Also, petition of the Citizens Medical Reference Bureau, New York City, opposing the passage of House bills 8182 and 11026 for coordination of health activities and Gorgas Memorial Laboratory; to the Committee on Foreign Affairs.

5216. Also, petition of the New York Council of Churches, New York City, N. Y., opposing a large naval-building program as proposed by the Navy Department; to the Committee on Naval Affairs.

5217. Also, petition of Knights of Columbus, New York State Council, for enactment of legislation providing for full Federal

responsibility in respect to future flood-protection measures in the lower Mississippi Valley; to the Committee on Flood Control.

5218. Also, addresses submitted by the Navy Yard Retirement Association, navy yard, New York, in re retirement legislation; to the Committee on the Civil Service.

5219. Also, petition of New York Photo-Engravers' Union, No. 1, favoring the passage of House bill 9575 and Senate bill 2440; to the Committee on Printing.

5220. By Mr. SHREVE: Petition of numerous residents of Erie and Crawford Counties, Pa., protesting against the passage of the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

5221. By Mr. SWING: Petition of citizens of Arlington, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

5222. By Mr. THOMPSON: Petition of citizens of Defiance and Paulding Counties, Ohio, protesting against Sunday legislation for the District of Columbia; to the Committee on the District of Columbia.

5223. Also, petition of citizens of Van Wert County, Ohio, urging the passage of a Civil War pension bill; to the Committee on Invalid Pensions.

5224. By Mr. TINKHAM: Petition of Betsy Ross Tent No. 31, Daughters of Union Veterans of Civil War, for increase in pension of all Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

5225. By Mr. WELLER: Petition of the New York State Council of the Knights of Columbus, urging full Federal responsibility in respect to future flood-protection measures in the lower Mississippi Valley; to the Committee on Flood Control.

SENATE

SATURDAY, *March 10, 1928*

(Legislative day of Tuesday, March 6, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate resumes the consideration of the unfinished business, Senate Joint Resolution 46, and the junior Senator from Nebraska [Mr. HOWELL] is entitled to the floor.

MUSCLE SHOALS

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes.

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	Kendrick	Reed, Pa.
Barkley	Edwards	Keyes	Robinson, Ark.
Bayard	Fess	King	Sheppard
Bingham	Fletcher	La Follette	Shipstead
Black	Frazier	McKellar	Shortridge
Blease	George	McLean	Simmons
Borah	Glass	McMaster	Smith
Bratton	Gooding	McNary	Smoot
Brookhart	Gould	Mayfield	Steck
Broussard	Greene	Neely	Steiwer
Bruce	Hale	Norbeck	Stephens
Capper	Harris	Norris	Swanson
Caraway	Harrison	Nye	Thomas
Copeland	Hawes	Oddie	Tydings
Couzens	Hayden	Overman	Tyson
Cutting	Heflin	Phipps	Walsh, Mass.
Dale	Howell	Pine	Walsh, Mont.
Deneen	Johnson	Pittman	Waterman
Dill	Jones	Ransdell	Wheeler

Mr. FESS. My colleague the senior Senator from Ohio [Mr. WILLIS] is absent from the Chamber on important business. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Seventy-six Senators having answered to their names, a quorum is present.

Mr. NORRIS. Mr. President, I ask my colleague to yield while I submit a unanimous-consent request.

Mr. HOWELL. I yield for that purpose.

Mr. NORRIS. I ask unanimous consent that when the Senate completes its business to-day it shall take a recess until 12 o'clock Monday, and that, beginning at 12 o'clock Monday, all speeches on any amendment and on the joint resolution now pending shall be limited to 15 minutes, and that no Senator shall be allowed to speak more than once upon any amendment or upon the joint resolution.

The VICE PRESIDENT. Is there objection?

Mr. BLACK. Mr. President, I object to that arrangement at the present time.

Mr. HARRISON. Mr. President, I hope the Senator from Alabama will not insist upon his objection. I have been wanting to speak for some time during the discussion, and have given way to this Senator and that Senator. There is another rather important piece of legislation which is soon to be before us. It seems to me the agreement would give any Senator ample time, as it allows 30 minutes in which to speak. If we do not get some kind of an agreement we shall be here until the end of next week on the joint resolution.

Mr. McKELLAR. Mr. President, I hope, too, that the Senator from Alabama will withdraw his objection, because we have the flood relief measure coming on very soon, and it is very important to all our people. While I have wanted to speak at some length, I am perfectly willing to cut my remarks down for the occasion.

Mr. ROBINSON of Arkansas. Mr. President, I merely desire to add to what has been said that I think the time has come when some arrangement for the limitation of debate on the joint resolution should be entered into. We have had a very full discussion of the joint resolution and of some of the amendments which have been before us. I believe that nearly all Senators who desire to discuss the measure at length have already spoken. I hope the Senator from Alabama may be able to withdraw his objection.

Mr. BLACK. Mr. President, at the time I made the objection I had not seen my colleague the senior Senator from Alabama [Mr. HEFLIN]. That is the reason why I stated I objected for the present. I did not want an agreement to be reached in his absence or without my having a chance to consult with him. We have no objection.

The VICE PRESIDENT. Without objection, the unanimous-consent agreement is entered into.

The agreement was reduced to writing, as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, by unanimous consent, That when the Senate concludes its business to-day it take a recess until 12 o'clock noon Monday, and that after that hour no Senator shall speak more than once nor longer than 15 minutes upon the joint resolution S. J. Res. 46, the Muscle Shoals resolution, or upon any amendment proposed thereto.

Mr. McNARY. Mr. President, a few days ago I had inserted in the RECORD a report from the Secretary of Agriculture on the pending joint resolution. This morning I have received a very brief report from the Secretary on the so-called Willis-Madden bill, which I should like to have read at the desk by the clerk.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The legislative clerk read as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D. C., March 9, 1928.

Hon. CHARLES L. McNARY,
United States Senate.

DEAR SENATOR McNARY: Your letter of January 25, inclosing a copy of S. 2786, has been received. This is a bill introduced by Mr. WILLIS "To authorize and direct the Secretary of War to execute a lease with Air Nitrates Corporation and American Cyanamid Co., and for other purposes."

I am advised that the legislation proposed in S. 2786 would not be in conflict with the financial program of the President.

Sincerely yours,

W. M. JARDINE, *Secretary.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House, having considered the joint resolution (S. J. Res. 47) proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress, and fixing the time of the assembling of Congress, did not agree thereto, two-thirds of the Members not having voted in the affirmative.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 4115. An act for the relief of Winfield Scott;

H. R. 4116. An act for the relief of W. Laurence Hazard;

H. R. 4117. An act for the relief of Harriet K. Carey; and

H. R. 10141. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

PETITIONS AND MEMORIALS

Mr. ASHURST presented the petition of Mrs. Jennie McKee, of Phoenix, Ariz., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. REED of Pennsylvania presented a petition of the Philadelphia (Pa.) Board of Trade, praying for the passage of Senate bill 3434, the so-called Jones flood control bill, which was ordered to lie on the table.

Mr. FRAZIER presented a resolution of Kringen Lodge, No. 25, Sons of Norway, of Fargo, N. Dak., favoring the repeal of the so-called national-origins quota provision of the immigration law of 1924, which was referred to the Committee on Immigration.

Mr. COPELAND presented petitions of sundry citizens of the State of New York, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. FESS presented petitions of sundry citizens of Delphos and Washington County, in the State of Ohio, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. JONES presented a memorial of sundry citizens of Bellingham, Wash., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of Chehalis, Wash., remonstrating against adoption of the proposed naval building program, which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Clark County, Wash., praying for the passage of legislation repealing the so-called national-origins quota provision of the existing immigration law, which was referred to the Committee on Immigration.

He also presented a memorial of sundry citizens of Wenatchee, Wash., remonstrating against the passage of Senate bill 1271, the so-called migratory bird conservation bill, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Olympia and Tacoma, in the State of Washington, praying for the passage of legislation creating a Federal department of education, which were referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Plaza, Retsil, and vicinity, in the State of Washington, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

INTERNATIONAL ASSOCIATION OF POLICEWOMEN

Mr. CARAWAY. Mr. President, in discussing associations in the District of Columbia which largely are engaged in extracting money from people away from here and spending it for the benefit of themselves and nobody else, I mentioned the International Association of Policewomen. A very excellent lady, who is connected with that association, came to me and argued with me that I had done that particular association an injustice. Without knowing much about the facts, I told her if she would write me a letter stating their side of the matter for the public, I would ask to have it included in the RECORD. Therefore I ask unanimous consent to have the letter made a part of my statement.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter is as follows:

INTERNATIONAL ASSOCIATION OF POLICEWOMEN (INC.);
Washington, D. C., March 8, 1928.

Hon. T. H. CARAWAY,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR CARAWAY: In reading your report, Senate 342, on the bill to require registration of lobbyists, in which you mention certain fake organizations having headquarters in Washington, I regretted to find listed the name of the International Association of Policewomen.

Our association is educational in character and aims to stimulate the appointment of policewomen of high caliber, who have training in social work, to take care of the problems of unfortunate women and children coming to the attention of the police departments. We wish to place an emphasis on finer personnel and more effective preventive measures by the police, to the end that our national crime problem shall be diminished. We answer the call for technical service and educational information in all parts of the country, from public officials, civic organizations, universities, and women's clubs. Since so many of these groups have their headquarters in Washington, it is a matter of convenience to be located here. Our presence in the Capital has no relation whatsoever to the National Congress, and, with the exception of one bill relating to the District, we have had no contact with Congress, nor is it likely that we shall have in the future.

From the names listed on this paper I am sure you will realize that we have the sympathy and understanding of people of broad civic interest and high professional standing. Knowing your fine spirit of justice, I place the facts before you, feeling sure you will wish to correct any misunderstanding which may arise from your report.

I am, most respectfully yours,

(Miss) HELEN D. PIGEON,
Executive Secretary.

CONTRACTS FOR THE AIR MAIL

Mr. ROBINSON of Arkansas. Mr. President, I ask to have printed in the RECORD and referred to the Committee on Post Offices and Post Roads a letter which has come to me from E. F. Stewart in relation to contracts for the carriage of air mail.

The VICE PRESIDENT. Without objection, it is so ordered.

NEW YORK, *March 8, 1928.*

Hon. JOSEPH T. ROBINSON,
Senate Office Building, Washington, D. C.

DEAR SENATOR ROBINSON: H. R. 10553, known as the Kelly bill, has passed the House and undoubtedly now comes to your committee.

The undersigned, long actively interested in practical aviation and formerly the officer in charge of flying at Payne Field, West Point, Miss., first appeared before your committee in 1919–20 and fathered the clause in that year's bill authorizing the Postmaster General to contract for carrying mail by airplane. This was the first legislation of its kind.

In 1927 I underbid the present contractor for the New York-Chicago air mail service an average of 75 cents per pound. I also agreed in my proposals to carry not only air mail but enough regular first-class mail to make up 20,000 pounds daily, and at 35 cents per pound. The present law authorizes the Postmaster General to contract for carrying first-class mails at not more than 60 cents per pound.

The bill now before you is the logical outcome of the past history of air mail. In plain terms, it authorizes the Postmaster General to decrease the postage rate on air mail 75 per cent.

In view of my bid of 35 cents per pound for ordinary first-class mail between New York and Chicago, the only end which the present pending legislation may accomplish is to increase the volume of business for the benefit of the holders of existing contracts for carrying air mails at the expense of the Government.

The clause permitting the Postmaster General to contract ahead for 10 years can only be designed to the same end. Aviation is making rapid strides, and even the present limit of five years is probably too long a term for the Government to contract for.

I desire a hearing when this present bill is discussed in your committee, and will be greatly obliged if you will arrange that I may be heard at that time.

Very truly yours,

E. STEWART.

DISABLED EMERGENCY OFFICERS AND ENLISTED MEN

Mr. BINGHAM. I present correspondence from the Director of the United States Veterans' Bureau, with accompanying statements and tables showing the extent of major disability, degree of impairment, number, and amount of monthly compensation payments being made to emergency Army, Navy, and Marine officers and enlisted men, and also showing the compensation status and estimated cost of retirement of emergency officers of the Army, Navy, and Marine Corps who are permanently disabled to a degree of 30 per cent or more, which I ask may be printed in the RECORD and lie on the table.

There being no objection, the matter was ordered to lie on the table and to be printed in the RECORD, as follows:

UNITED STATES VETERANS' BUREAU,
OFFICE OF THE DIRECTOR,
Washington, February 29, 1928.

Hon. HIRAM BINGHAM,
United States Senate, Washington, D. C.

MY DEAR SENATOR BINGHAM: In reply to your verbal request that you be furnished with current information relative to disabled emergency officers, as shown on page 17 of the report of the Senate Military Affairs Committee, March 5, 1926, together with similar information covering enlisted men, you are advised that there are inclosed herewith statements as of December 31, 1927, showing the extent of major dis-

ability, degree of impairment, number, and amount of monthly compensation payments being made to emergency Army, Navy, and Marine officers and enlisted men.

Very truly yours,

FRANK T. HINES, *Director.*

Compensation—Active disability awards—Enlisted men receiving compensation as of December 31, 1927

Degree of impairment	Number	Monthly payment
Per cent temporary partial:		
10–19	12,809	$163,439
20–29	17,738	406,665
30–39	7,714	248,678
40–49	5,019	201,751
50–59	7,091	240,309
60–69	2,984	172,306
70–79	6,370	438,409
80–89	1,206	91,790
90–99	164	14,108
Total	61,095	2,077,455

Compensation—Active disability awards—Enlisted men receiving compensation as of December 31, 1927—Continued

Degree of impairment	Number	Monthly payment
Per cent permanent partial:		
10–19	60,902	$1,688,240
20–29	34,342	1,027,607
30–39	12,794	454,704
40–49	7,481	325,015
50–59	6,204	323,652
60–69	4,500	282,375
70–79	3,165	233,404
80–89	1,942	163,035
90–99	547	50,580
Total	131,877	4,548,612
Per cent temporary total: 100	15,066	1,329,880
Per cent permanent total: 100	31,784	2,876,707
Per cent double permanent total: 200	53	12,520
Grand total	[1] 239,875	10,845,174

[1] This figure includes noncommissioned officers.

Compensation, active disability awards—Emergency Army, Navy, and Marine officers, showing extent of major disability, degree of impairment, number and amount of monthly payment as of December 31, 1927

Degree of impairment	Army															
	General		Colonel		Lieutenant colonel		Major		Captain		First lieutenant		Second lieutenant		Total	
	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment
Per cent temporary partial:																
10–19					3	$30	23	$420	94	$1,430	141	$2,220	131	$1,758	392	$5,858
20–29					6	125	41	938	160	3,676	237	5,453	179	4,230	623	14,422
30–39			1	$30	1	40	30	945	82	2,610	135	4,431	95	3,074	344	11,130
40–49					5	193	16	625	62	2,468	96	3,886	40	1,638	219	8,810
50–59			2	103	2	95	28	1,379	118	5,782	120	5,862	95	4,578	365	17,799
60–69					4	259	20	1,159	60	3,608	59	3,462	42	2,487	185	10,975
70–79			2	143	5	337	16	1,088	105	7,417	122	8,639	87	5,948	337	23,572
80–89					2	165	12	940	23	1,769	39	3,016	13	1,019	89	6,909
90–99							2	167	2	165	16	1,361	6	517	26	2,210
Total			5	276	28	1,244	188	7,661	706	28,925	965	38,330	688	25,249	2,580	101,685
Per cent permanent partial:																
10–19			4	118	16	485	92	2,745	446	12,121	915	25,242	795	22,497	2,268	63,208
20–29			3	79	7	194	53	1,511	268	8,047	484	13,927	307	8,795	1,122	32,553
30–39			3	97	5	167	35	1,176	130	4,463	197	6,805	181	6,260	551	18,968
40–49					4	170	27	1,137	99	4,275	135	5,822	105	4,487	370	15,891
50–59					1	56	20	1,044	100	5,204	150	7,794	102	5,327	373	19,425
60–69	1	$60	1	68	4	260	14	895	55	3,476	76	4,881	51	3,205	202	12,845
70–79					3	225	12	899	50	3,696	72	5,346	44	3,277	181	13,443
80–89							4	337	20	1,698	27	2,257	23	1,886	74	6,178
90–99									7	652	8	737	6	549	21	1,938
Total	1	60	11	362	40	1,557	257	9,744	1,175	43,632	2,064	72,811	1,614	56,283	5,162	184,449
Per cent temporary total: 100			2	195	4	375	29	2,689	121	11,227	181	16,568	128	11,505	465	42,559
Per cent permanent total: 100			7	800	12	1,250	93	9,688	350	36,610	441	45,760	372	37,186	1,275	131,294
Per cent double permanent total: 200											1	200	2	500	3	700
Grand total	1	60	25	1,633	84	4,426	567	29,782	2,352	120,394	3,652	173,669	2,804	130,723	9,485	460,687

Degree of impairment	Navy												Marine											
	Commodore or captain		Commander		Lieutenant commander		Lieutenant		Lieutenant (junior grade)		Ensign		Total		Colonel		Major		Captain		First lieutenant		Second lieutenant		Total		Grand total	
	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment
Per cent temporary partial:																												
10–19					2	$17	2	$31	4	$40	10	$123	18	$211					3	$36	1	$7	2	$19	6	$62	416	$6,131
20–29			1	$23	1	50	4	109	5	133	22	515	33	830					1	23	1	24	1	20	3	67	659	15,319
30–39			3	80			8	273	7	236	10	310	28	899							1	32	1	36	2	68	374	12,097
40–49					1	40	6	231	5	206	4	128	16	605													235	9,415
50–59			1	45	1	53	7	332	6	303	13	633	28	1,366													393	19,165
60–69					1	50	1	49	3	167	5	280	10	546													195	11,521
70–79			1	71			6	400	4	309	12	788	23	1,568			2	$120					3	215	5	335	365	25,475
80–89					2	162	3	239	5	390	4	321	14	1,112					1	76	1	91			2	167	105	8,188
90–99									1	90			1	90													27	2,300
Total			6	219	8	372	37	1,664	40	1,874	80	3,098	171	7,227			2	120	5	135	4	154	7	290	18	699	2,769	109,611
Per cent permanent partial:																												
10–19	1	$10	2	31	4	65	23	871	16	509	67	2,041	113	3,527	1	$15			3	46	8	196	10	184	22	441	2,403	67,176
20–29					2	55	13	372	10	333	26	778	51	1,538					2	45	6	139	3	62	11	246	1,184	34,337
30–39	1	60					7	214	4	143	9	305	21	712	1	33			3	105	1	36			5	174	577	19,854
40–49					1	45	3	124	5	207	6	267	15	643													385	16,534

Compensation, active disability awards—Emergency Army, Navy, and Marine officers, showing extent of major disability, degree of impairment, number and amount of monthly payment as of December 31, 1927—Continued

Degree of impairment	Navy														Marine													
	Commodore or captain		Commander		Lieutenant commander		Lieutenant		Lieutenant (junior grade)		Ensign		Total		Colonel		Major		Captain		First lieutenant		Second lieutenant		Total		Grand total	
	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment
Per cent permanent partial—Continued.																												
50–59					1	$50	1	$50	2	$102	6	$323	10	$525							3	$161			3	$161	386	$20,111
60–69	1	$63	1	$65			2	130	1	61	4	241	9	560					1	$61					1	61	212	13,466
70–79					1	70	3	223	1	70	1	79	6	442													187	13,885
80–89							1	86	2	163			3	249													77	6,427
90–99							1	94			1	90	2	184													23	2,122
Total	3	123	3	96	9	285	54	2,164	41	1,588	120	4,124	230	8,380	2	$48			9	257	18	532	13	$246	42	1,083	5,434	193,912
Per cent temporary total: 100	1	90	1	90	4	324	8	735	17	1,490	31	2,877	62	5,606	1	63			1	95	2	210	4	385	8	753	535	48,918
Per cent permanent total: 100	1	100	3	350	7	750	18	1,770	28	2,920	62	5,847	119	11,737					2	200	2	200	3	300	7	700	1,401	143,731
Per cent double permanent total: 200																											3	700
Grand total	5	313	13	755	28	1,731	117	6,333	126	7,872	293	15,946	582	32,950	3	111	2	$120	17	687	26	1,096	27	1,221	75	3,235	10,142	496,872

UNITED STATES VETERANS' BUREAU,
OFFICE OF THE DIRECTOR,
Washington, February 26, 1927.

Hon. HIRAM BINGHAM,
United States Senate, Washington, D. C.

MY DEAR SENATOR BINGHAM: There are attached for your information copies of statements showing the compensation status and estimated cost of retirement of emergency officers of the Army, Navy, and Marine Corps who are permanently disabled to a degree of 30 per cent or more. If these officers were retired with 75 per cent of their base pay, it is estimated that there would be an annual increased cost of $2,254,500 over the compensation they are now receiving.

Very truly yours,

FRANK T. HINES, *Director.*

Emergency officers rated on a permanent basis at 30 per cent or more, showing amount of compensation and cost of retirement December 31, 1927

Rank	Permanent partial, 30 per cent or more		Permanent total		Total		Pay rate	75 per cent of pay rate	Cost on basis of 75 per cent of pay rate
	Number	Monthly payment	Number	Monthly payment	Number	Monthly payment			
ARMY									
General	1	$60			1	$60	$500.00	$375.00	$375.00
Colonel	4	165	7	$800	11	965	333.33	250.00	2,750.00
Lieutenant colonel	17	878	12	1,250	29	2,128	291.66	218.75	6,343.75
Major	112	5,488	93	9,688	205	15,176	250.00	187.50	38,437.50
Captain	461	23,464	350	36,610	811	60,074	200.00	150.00	121,650.00
First lieutenant	665	33,642	442	45,960	1,107	79,602	166.66	125.00	138,375.00
Second lieutenant	512	24,991	374	37,686	886	62,677	125.00	93.75	83,062.50
Total	1,772	88,688	1,278	131,994	3,050	220,682			390,993.75
NAVY									
Commodore or captain	2	113	1	100	3	213	333.33	250.00	750.00
Commander	1	65	3	350	4	415	291.66	218.75	875.00
Lieutenant commander	3	165	7	750	10	915	250.00	187.50	1,875.00
Lieutenant	18	921	18	1,770	36	2,691	200.00	150.00	5,400.00
Lieutenant (junior grade)	15	746	28	2,920	43	3,666	166.66	125.00	5,375.00
Ensign	27	1,305	62	5,847	89	7,152	125.00	93.75	8,343.75
Total	66	3,315	119	11,737	185	15,052			22,618.75
MARINE									
Colonel	1	33			1	33	291.66	218.75	218.75
Lieutenant colonel							250.00	187.50	
Major							200.00	150.00	
Captain	4	166	2	200	6	366	166.66	125.00	750.00
First lieutenant	4	197	2	200	6	397	125.00	93.75	562.50
Second lieutenant			3	300	3	300	125.00	93.75	281.25
Total	9	396	7	700	16	1,096			1,812.50
Total emergency officers	1,847	92,399	1,404	144,431	3,251	236,830			415,425.00

$415,425×12=$4,985,100, annual cost of retirement.
$236,830×12=$2,841,960, annual compensation now being paid.
$4,985,100−$2,841,960=$2,143,140, annual increased cost of retirement.

This statement excludes the following arrested T. B. cases receiving a statutory $50 award where the tuberculosis has been evaluated according to the rating schedule at less than 30 per cent permanent partial: Army, 1,134; Navy, 66; Marine, 3.

REPORTS OF COMMITTEES

Mr. EDGE, from the Committee on Interoceanic Canals, to which was referred the joint resolution (H. J. Res. 175) to change the name of the Ancon Hospital in the Panama Canal Zone to the Gorgas Hospital, reported it without amendment.

Mr. BAYARD, from the Committee on Territories and Insular Possessions, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (H. R. 340) to authorize the incorporated town of Anchorage, Alaska, to issue bonds for the construction and equipment of an additional school building, and for other purposes (Rept. No. 509); and

A bill (H. R. 7367) to authorize the incorporated town of Seward, Alaska, to issue bonds in any sum not exceeding $50,000 for the purpose of constructing and equipping a public-school building in the town of Seward, Alaska (Rept. No. 510).

Mr. THOMAS, from the Committee on Finance, to which was referred the bill (S. 1768) to authorize the city of Muskogee, Okla., to remove and retain title to the boilers from the municipal hospital building recently conveyed by the city to the United States Veterans' Bureau Hospital No. 90, at Muskogee, Okla., reported it with an amendment and submitted a report (No. 511) thereon.

Mr. BARKLEY, from the Committee on Finance, to which was referred the bill (S. 1763) for the relief of the Sunny Brook Distillery Co., reported it with an amendment and submitted a report (No. 512) thereon.

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 2830) authorizing the adjustment of the boundaries of the Carson, Manzano, and Santa Fe National Forests in the State of New Mexico, and for other purposes, reported it with an amendment and submitted a report (No. 513) thereon.

Mr. SHORTRIDGE, from the Committee on Finance, to which was referred the bill (S. 3311) to provide for advances of funds by special disbursing agents in connection with the enforcement of acts relating to narcotic drugs, reported it without amendment and submitted a report (No. 514) thereon.

Mr. FRAZIER, from the Committee on Indian Affairs, to which was referred the bill (S. 3354) for the preservation and administration of the forests of the Colville Indian Reservation, reported it without amendment and submitted a report (No. 515) thereon.

Mr. JONES, from the Committee on Indian Affairs, to which was referred the bill (H. R. 173) to provide funds for the upkeep of the Puyallup Indian Cemetery at Tacoma, Wash., reported it without amendment and submitted a report (No. 516) thereon.

Mr. THOMAS, from the Committee on Indian Affairs, to which was referred the bill (H. R. 8326) to authorize the construction of a dormitory at Riverside Indian School at Anadarko, Okla., reported it without amendment and submitted a report (No. 517) thereon.

Mr. KENDRICK, from the Committee on Indian Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 356) to amend section 2 of the act of March 3, 1905, entitled "An act to ratify and amend an agreement with the Indians residing on the Shoshone or Wind River Indian Reservation, in the State of Wyoming, and to make appropriations to carry the same into effect" (Rept. No. 518); and

A bill (S. 710) conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the northwestern bands of Shoshone Indians may have against the United States (Rept. No. 519).

Mr. ASHURST, from the Committee on Indian Affairs, to which was referred the bill (S. 2306) for the relief of William E. Thackrey, reported it without amendment and submitted a report (No. 520) thereon.

Mr. McMASTER, from the Committee on Indian Affairs, to which was referred the bill (S. 3355) to authorize the cancellation of the balance due on a reimbursable agreement for the sale of cattle to certain Rosebud Indians, reported it without amendment and submitted a report (No. 521) thereon.

Mr. PINE, from the Committee on Indian Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 8542) to provide for the construction of a hospital at the Fort Bidwell Indian School, California (Rept. No. 522); and

A bill (H. R. 8543) to provide for the construction of a school building at the Fort Bidwell Indian School, California (Rept. No. 523).

Mr. BRATTON, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 2535) granting to the State of New Mexico certain lands for reimbursement of the counties of Grant, Luna, Hidalgo, and Santa Fe for interest paid on railroad-aid bonds, and for the payment of the principal of railroad-aid bonds issued by the town of Silver City, and to reimburse said town for interest paid on said bonds, and for other purposes, reported it with amendments and submitted a report (No. 524) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH of Massachusetts:

A bill (S. 3582) for the relief of Percie D. Jordan; and

A bill (S. 3583) for the relief of Lieut. Henry Dewey Bennett; to the Committee on Claims.

By Mr. REED of Pennsylvania:

A bill (S. 3584) allowing rank, pay, and allowances of a captain, Medical Corps, United States Navy, to the medical officer assigned to duty as personal physician to the President; to the Committee on Naval Affairs.

By Mr. HOWELL:

A bill (S. 3585) authorizing and directing the Inland Waterways Corporation to initiate water carriage upon the Missouri River; to the Committee on Commerce.

By Mr. PINE:

A bill (S. 3586) granting an increase of pension to Margaret J. McQuerry; to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 3587) granting an increase of pension to Nancy Henson; to the Committee on Pensions.

By Mr. SHIPSTEAD:

A bill (S. 3588) to amend and correct the military record of Abram Palo; to the Committee on Military Affairs.

A bill (S. 3589) to prevent the flooding of lands of the United States within the Superior National Forest in the State of Minnesota; to the Committee on Agriculture and Forestry.

By Mr. DALE:

A bill (S. 3590) to amend section 110 of the Judicial Code; to the Committee on the Judiciary.

By Mr. COPELAND:

A bill (S. 3591) granting World War adjusted compensation to Margaret A. Joyce; to the Committee on Finance.

A bill (S. 3592) to regulate the practice of the healing art to protect the public health in the District of Columbia; to the Committee on the District of Columbia.

By Mr. WHEELER:

A bill (S. 3593) to authorize the leasing or sale of lands reserved for agency, schools, and other purposes on the Fort Peck Indian Reservation, Mont.; to the Committee on Indian Affairs.

By Mr. FRAZIER (by request):

A bill (S. 3594) to extend the period of restriction in lands of certain members of the Five Civilized Tribes, and for other purposes; to the Committee on Indian Affairs.

By Mr. BRATTON:

A bill (S. 3595) for the relief of Arch L. Gregg (with accompanying papers); to the Committee on Claims.

By Mr. HAWES:

A bill (S. 3596) granting an increase of pension to Eliza J. McKee (with accompanying papers); and

A bill (S. 3597) granting an increase of pension to Lottie F. Bentley (with accompanying papers); to the Committee on Pensions.

A bill (S. 3598) authorizing Dupo Bridge Co., a Missouri corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Carondelet, Mo.; to the Committee on Commerce.

COLUMBIA RIVER BASIN PROJECT

Mr. WHEELER submitted an amendment intended to be proposed by him to the bill (S. 1462) for the adoption of the Columbia Basin reclamation project, and for other purposes, which was ordered to lie on the table and to be printed.

CAPITAL STOCK OF INLAND WATERWAYS CORPORATION

Mr. SHIPSTEAD submitted an amendment intended to be proposed by him to the bill (S. 1760) to increase the capital stock of the Inland Waterways Corporation, which was referred to the Committee on Commerce and ordered to be printed.

WITHDRAWAL OF PAPERS—MARY WILLARD

On motion of Mr. JONES, it was—

Ordered, That the papers accompanying the bill (S. 5475, 69th Cong., 2d sess.) granting a pension to Mary Willard, be withdrawn from the files of the Senate, no adverse report having been made thereon.

DEATH OF CAPT. WILLIAM C. BYRD, UNITED STATES MARINE CORPS, OF SOUTH CAROLINA

Mr. BLEASE. Mr. President, a few days ago Capt. William C. Byrd, of South Carolina, an officer of the United States Marine Corps, was killed in an airplane accident in Nicaragua. I ask that the article which I send to the desk, which was published in the Charleston (S. C.) News and Courier in reference to him may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BYRD, MARINE PILOT, SOUTH CAROLINIAN, DIES WHEN HIS PLANE FALLS IN NICARAGUA

Capt. William C. Byrd, marine pilot, South Carolinian, graduate of the Citadel, and Sergt. Rudolph A. Frankforter, native of New York

State, were killed yesterday afternoon when an American observation plane crashed near Esteli, 40 miles northeast of Matagalpa, according to an Associated Press dispatch received here last night.

Captain Byrd married Miss Harriett Wannamaker, of Orangeburg. His mother, Mrs. George Byrd, sr., lives at Greenwood, as does a brother, George Byrd, jr., proprietor of a shoe store there. James Izlar Sims, publisher of the Times and Democrat, Orangeburg, is a brother-in-law and Tuesday received a letter from Captain Byrd mailed from Nicaragua. He was with Captain Byrd at Hampton Roads and took a two-hour ride with him just before he sailed for Central America on the airplane carrier *Saratoga* in January. The letter Tuesday was the first that Mr. Sims had had from the brother-in-law since he left the United States.

THOUGHT UNITED STATES RIGHT

Captain Byrd thought that the United States was right in intervening in Nicaragua, said Mr. Sims over long distance last night. "He went down willing to do his part to help curb the guerilla warfare."

"By armed force was the only way my brother-in-law thought any peace could be brought to the little nation. He had been sent by the United States Government there two or three years ago to help the natives organize a constabulary to maintain peace. He went back to that country this time convinced that Nicaragua would do nothing for itself and could not have peace without outside supervision. He saw in Nicaragua two bands who had rather fight than do anything else. As a marine pilot he went to do what he considered his duty."

Captain Byrd had been with the Marine Corps 12 years, and a year ago began flying. He saw service in Haiti with the United States marine guard there.

WIDOW IN CHARLOTTE

Captain Byrd's widow is now in Charlotte, N. C., visiting her sister, Mrs. W. A. Bloodworth.

It is thought that the dead South Carolinian was second in command of the United States flying forces in the little war-torn Republic. Maj. Ross E. Rowell is in charge.

Meager advices received here indicate that the accident occurred near the landing field at Esteli, and that the two men were killed instantly. The bodies will be brought to Managua.

BELIEVE PLANE STRUCK BUZZARD

MANAGUA, March 9 (Special).—The plane carrying Captain Byrd and Sergeant Frankforter was flying southward, bound from Ocotal on a test flight. It is believed it struck a flying buzzard, which broke a strut supporting the right wing, causing it to collapse when about to land on the Esteli Field.

The plane began to turn over and the aviators jumped from a height of about 250 feet, their parachutes being useless at that altitude. The plane was considered sound, having been recently overhauled.

Captain Byrd had been with the marines for 12 years, but had only about 1 year aviation service. He trained at Pensacola. Frankforter was an experienced aviator.

The two men came to Nicaragua about three weeks ago aboard the airplane carrier *Saratoga*. Byrd previously had service in this country. Frankforter leaves besides his widow three children.

MANY BUZZARDS IN NICARAGUA

Buzzards in Nicaragua are almost as plentiful as English sparrows in the United States. They seem to sense with uncanny accuracy when a battle is about to begin and often circle above moving bodies of men until an engagement, following which they sight and devour the carcasses of not only the animals slain but the humans. Marine aviators have learned to investigate wherever a swarm of buzzards are circling. There usually it is found a battle has taken place or a band of men from the brush have encamped and left the half-used carcass of some cow or wild boar slain for food. The buzzard, while not protected by law or sentiment in Nicaragua, is the national scavenger and, despite its not infrequent gruesome occupation, fills an important place in the Central American Republic which knows so little of modern methods of sanitation and apparently cares less. In the streets, on the housetops above the patios of the homes of the wealthy, as well as in the heart of the jungle, the buzzard, or zopoloti, is a familiar, albeit repulsive, figure.

Esteli, at which Capt. William C. Byrd fell to his death, is in the mountainous section of the Nicaraguan wilds, in the department of Esteli. It is a tiny village inhabited mainly by Indians or that class of Nicaraguan peasant known as the "mozo," a mixture of Indian and Spanish. The sympathies of the people in Esteli are with the Liberal Party and with Augustino Sandino, who has retired to the mountain fastness in resistance against the marines. Captain Byrd was one of the recent contingent of marines sent to Nicaragua to put an end to Sandino.

SMALL LANDING FIELD

At Esteli there is a small landing field built by orders of the marine aviation force under Maj. Ross E. Rowell. The field is a cleared space in the midst of jungle undergrowth. Barefooted, half-naked mozo with the long, curved knife of the banana cutter, the machette, hacked and slashed until a space several acres in length and possibly 2 in width had been cleared. Stumps were dug out and uprooted by hand, the earth was packed with logs, and drainage ditches constructed to make it safe in the rainy season. Sheets were driven into the ground at the four corners of the field and a white line of pounded limestone spread down the center to indicate to those in the air that a landing could be safely made there. The field is in a tiny valley between two mountain ranges and is at all times dangerous and treacherous because of the cross currents blowing down from the mountain tops or around the mountains down the valley. In this the dry season the air in Nicaragua is devoid of moisture and therefore very light. Airplanes are very hard to handle in such atmosphere, and a landing must be made at a much greater speed than in this country else the plane will drop in an air pocket, lose its flying speed, and crash. Sometimes the sun brings up moisture from Lake Nicaragua, 92 miles long, or Managua, 46 miles in length, and those moisture-laden clouds are blown by gale like winds over the mountain ranges near by. When a plane hits such a heavy cloud after flying in the lighter atmosphere, the results are loss of balance, and as the plane dives again into the light and barely supporting atmosphere the tendency is to drop suddenly, causing often temporary or complete loss of control. If such should happen as a plane was preparing to land on a space-limited field, such as at Esteli, down in a valley, few pilots could recover in time to avert cracking up.

AWARD OF CORN CUP TO DAN BICKLEY, OF LEXINGTON COUNTY, S. C.

Mr. BLEASE. Mr. President, I ask permission to have inserted in the RECORD an article from the Herald and News of Newberry, S. C., relative to the award to Dan Bickley, an 11-year-old boy of Lexington, S. C., of the Southern Railway system's corn cup, which was awarded to him as the grower of the best 10 ears of corn produced in 1927 in the eight Southeastern States served by the Southern Railway.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DAN BICKLEY, 11-YEAR-OLD BOY OF LEXINGTON COUNTY, S. C., WHO WON THE SOUTHERN RAILWAY SYSTEM'S CORN CUP IN 1927

COLUMBIA, S. C.—In the rotunda of South Carolina's historic statehouse on January 12, Dan Bickley, 11-year-old boy of Lexington County, received from the hand of Governor Richards the Southern Railway system's corn cup, awarded to him as the grower of the best 10 ears of corn produced in 1927 in the eight Southeastern States served by the Southern.

This handsome trophy was offered first in 1925 and was won by Willie Pat Boland, a corn-club boy of Newberry County, S. C. In 1926 it was won by J. A. Patterson of Rowan County, N. C., a young man just out of the State Agricultural College. The names of the three winners have been engraved on the cup as a lasting testimonial of their success.

The cup will remain in the possession of young Dan Bickley until the time for the award for 1928 arrives. The cup will be offered again this year under the same conditions as in the past. In order to contest for the cup, a grower must qualify by winning a prize at one of certain designated State and district fairs for the best exhibit of 10 ears of corn. The contest is open to all corn growers in Virginia, North Carolina, South Carolina, Georgia, Alabama, Kentucky, Tennessee, and Mississippi, without regard to age.

The exhibits which qualify by winning prizes at the State fairs will be brought to the office of the general agricultural agent of the Southern in Atlanta and will be judged by a committee of experts. The committee which made the award in 1927 consisted of Director H. P. Stuckey, of the Georgia Experiment Station; Director J. R. Ricks, of the Mississippi A. and M. College Experiment Station; and I. O. Schaub, director of extension in North Carolina.

The judges expressed pleasure and surprise at the high character of the exhibits, and in announcing their decision said:

"The growers who selected these samples showed unusual skill and are to be particularly commended for their efforts. The Southern Railway has performed a real service to southern agriculture in initiating and carrying on this contest. We wish to commend the Southern and the various fairs which have cooperated in bringing together at one central point the prize-winning samples of the various States. The competition serves an inspirational purpose that reaches many farmers. It is bound to have a very material effect in producing better corn throughout the whole region."

MUSCLE SHOALS

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes.

Mr. HOWELL resumed and concluded the speech begun by him yesterday. His speech entire follows:

Mr. HOWELL. Mr. President, in my remarks on yesterday respecting the pending joint resolution affecting the Muscle Shoals development, I called attention to the fact and demonstrated that, as compared with private ownership, the advantages of public ownership can and do enable an average

utility plant to be paid for within 12 years. I also afforded evidence that the advantages of public ownership apply in connection with hydroelectric power developments the same as in connection with other utilities. I compared the rates charged for domestic use for small power and for large power in Niagara Falls, Ontario, where public ownership prevails, with the rates charged by an electrical utility for similar service upon the American side of the Niagara River, in Niagara Falls, N. Y., where the people support the luxury of private ownership under legal regulation.

So far as domestic rates are concerned, it is a fact that the average charge to the consumer in Ontario is less than 2 cents a kilowatt-hour, whereas in the United States to-day under private ownership, largely subject to legal regulation, the charges are about 7.4 cents a kilowatt-hour.

I also demonstrated by the bills which I quoted that in Ontario the low rates were not merely enjoyed by domestic consumers but also by power users. I further called attention to the fact that it probably does not cost more than 6 mills a kilowatt-hour to produce electrical energy in the city of Washington and to place it on the switchboard; that in Toronto, for instance, 90 miles from Niagara Falls, that city pays the hydroelectric commission of Ontario 4 mills a kilowatt-hour for energy delivered from Niagara Falls; in short, that the low rates enjoyed in Toronto, an average of 1.7 cents a kilowatt-hour for domestic current during the year 1926, evidently were not due to the mere fact that they had the advantage of hydroelectric power, because the advantage of water power is only about 2 mills, but were due to the three advantages of public ownership, which I illustrated in connection with the publicly owned plants—water, gas, and ice—in Omaha.

Furthermore, I called attention to the fact that taxes, which are so much talked about, average here in the District of Columbia 3 mills a kilowatt-hour for energy sold. Therefore the difference in the cost to private utilities of switchboard energy using steam and paying taxes as compared with Toronto was only about 5 mills and that if the 5 mills be added to the 1.7 cents paid by the domestic consumer in Toronto it would make only 2.2 cents, as compared with the 6 cents now charged the domestic consumer here in Washington, the 10 cents charged here in Washington within the last four years, and as compared with 7.6 cents charged in Birmingham, Ala., supplied by energy purchased from the Government of the United States at Muscle Shoals 100 miles away, or about the same distance that Toronto is from Niagara Falls, at 2 mills per kilowatt-hour, whereas Toronto pays about 2.9 mills at Niagara Falls and 1.1 mills for transmission. Therefore, allowing 2 mills for transmission from Muscle Shoals to Birmingham, the cost in Birmingham of that energy supplied there at a profit—because 2 mills will afford a profit in connection with the transmission—was identical with the cost on the switchboard in Toronto; and yet in Toronto the rate in 1926 was 1.7 cents on an average to the domestic consumer, while the rate that must be paid by the consumer in Birmingham, Ala., is about 7.6 cents a kilowatt-hour. Moreover, the consumer is required to enter into a five-year contract in order to secure service.

Mr. President, in my opinion the following unavoidable conclusions are to be deduced from these facts:

First, that, inasmuch as the difference between the cost of hydroelectric and steam-electric energy seldom exceeds 4 mills per kilowatt-hour, it is evident that, so far as affecting domestic rates in this country is concerned, this difference is of comparatively small moment. What have 4 mills to do with the average rate paid in this country for domestic service?

Second, that public ownership and operation of hydroelectric power plants will avail the public little or nothing if the installation and operation of transmission lines to points of use are to be left to private enterprise, just as is done by the Government at Muscle Shoals. The Government receives but 2 mills a kilowatt-hour for energy delivered to the Alabama Power Co. at that point, which has a transmission line leading from it. The Government has no transmission line; as a consequence, it has to accept for its energy whatever the Alabama Power Co. will pay therefor, as is shown by the fact that Toronto is paying the hydroelectric commission for electric energy at Niagara Falls 2.9 mills.

Third, that we can not expect to enjoy electric rates comparable with those obtaining in Ontario without adopting public ownership of local distribution systems, as well as of power plants and transmission lines.

Fourth. That the development by the public of large, modern steam electric plants and the transmission of the energy developed to points of use, as done in the case of hydroelectric energy in Ontario, will enable large sections of the country to enjoy rates nearly comparable with those obtaining in Ontario, notwithstanding the lack of water-power possibilities.

Mr. President, the Senator from Alabama [Mr. HEFLIN] asked that there be printed in the RECORD on yesterday a letter signed by the president of the Alabama Power Co. I have not had the opportunity of analyzing the letter in detail, but there are certain features thereof to which I have given attention. On page 4403 of the RECORD of that date is found a table forming a part of this letter, in which there are enumerated 13 towns in Alabama that formerly were not served by the Alabama Power Co. In other words, the Alabama Power Co. has purchased the plants in those towns; and the president of the company in this letter sets forth the rates that were formerly charged and the rates that are now charged by the Alabama Power Co. The average population of those towns, 13 in number, is 1,816, and the average rate charged in these 13 towns, all within about 100 miles of Birmingham, is 9 cents plus.

This is a rate resulting, under such conditions, from private ownership. In Ontario, within 100 miles of Niagara Falls, I have selected 13 towns at random, the average population of which is but 1,400, or 400 inhabitants less on the average than the number in the 13 Alabama towns quoted; and what rate do we find public ownership affords these towns, supplied under similar conditions? An average of 2.9 cents, as compared with 9 cents in Alabama.

The able Senator from Kentucky [Mr. SACKETT] on yesterday cited similar facts to those that have been used by myself to show that the difference between the cost of producing electrical energy by water power and by steam is probably only 2 mills. He further went on and urged that a saving of 2 mills would not make any appreciable difference if deducted from the average domestic bill rendered throughout the country. Of course, that must be evident. Then he drew the conclusion that we should not consider public ownership and operation of Muscle Shoals because of the low domestic rates that might result to consumers because such results would be negligible—in other words, that a saving of 2 mills in cost of producing energy is of no moment to domestic consumers.

Mr. President, last year there were over 500,000,000 kilowatts of energy sold to the Alabama Power Co. by the Government at Muscle Shoals. Two mills a kilowatt-hour on this amount of energy exceeds a million dollars. A million dollars placed in a sinking fund, invested at 4 per cent, would equal the total cost of the Muscle Shoals development, $50,000,000, within 26 years.

Is this a trifle? What is the advantage of a great power, such as that at Muscle Shoals, to municipalities within practical transmitting distance? It means that no municipality served need maintain a separate power plant. All that is necessary is to maintain and operate a local distribution plant. That can be done about as cheaply per consumer in a town of a thousand inhabitants in a well-settled region as in a city of 10,000 inhabitants. Therefore a small town receiving, by transmission, energy from a great central plant such as Muscle Shoals should enjoy, under public ownership, as low electric rates as they have in the larger cities of the same region, just as, for instance, in Ontario.

This is the tremendous advantage arising from a great central power plant. Not only can cities and villages alike have the low rates which they are enjoying in Ontario—less than 2 cents a kilowatt-hour as compared with 9 cents, quoted for these 13 towns by the Alabama Power Co.—but more, for of the 284 municipalities in Ontario, served by the Hydroelectric Commission, 51 have current assets equal to their current liabilities. In other words, the debts of their plants are wiped out, or what is equivalent thereto.

As an example of what a great central electric plant, publicly owned and operated, can do for scattered communities, small and large, is the most valuable use to which we can dedicate Muscle Shoals to-day. We can do with Muscle Shoals on a smaller scale just what Ontario has done with Niagara Falls for both its urban and suburban populations.

Mr. OVERMAN. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. HAYDEN in the chair). Does the Senator from Nebraska yield to the Senator from North Carolina?

Mr. HOWELL. I yield.

Mr. OVERMAN. I understood the Senator to say that steam power used for the generation of electricity is cheaper than water power.

Mr. HOWELL. No; not as cheap as water.

Mr. OVERMAN. I understood the Seantor to say that steam is cheaper.

Mr. HOWELL. Oh, no. If I made such a statement, it was an error.

Mr. OVERMAN. I may have misunderstood the Senator.

Mr. HOWELL. I assume, for instance, that water power can be developed on an average for about 4 mills. That was

practically the statement made by the Senator from Kentucky [Mr. SACKETT] yesterday. I pointed out that steam power could be developed here in Washington and was being developed here, in all probability, by the Potomac Electric Power Co. for 6 mills a kilowatt-hour, including all costs, capital, and so forth; in other words, that the difference, generally speaking, is only 2 mills; but that difference of 2 mills on the output of Muscle Shoals if no more than that purchased by the Alabama Power Co. last year, would equal more than a million dollars, and that million dollars invested annually at 4 per cent, compounded, would equal $50,000,000 within 26 years.

Mr. OVERMAN. The reason why I asked the question was that the Senator referred to the possibility of steam plants being dispensed with by the communities in the vicinity of Muscle Shoals which now have their electricity furnished by steam power. Would they scrap those plants and take the Muscle Shoals power? Unless it was very much cheaper, they would not do it.

Mr. HOWELL. Of course, a small steam plant shows no such economy. I had in mind and was contemplating a large steam plant, such, for instance, as is necessary to supply the city of Washington.

Mr. FLETCHER. Mr. President, will the Senator yield?

Mr. HOWELL. I yield.

Mr. FLETCHER. If it costs 4 mills per kilowatt-hour to produce electric energy, then the Government must be losing about 2 mills per kilowatt-hour at Muscle Shoals now. They are only getting 2 mills per kilowatt-hour for their output.

Mr. HOWELL. Why, Mr. President, of course, the Government is losing money on its investment. Its total income from this plant last year was only about $1,169,000 at 2.06 mills per kilowatt-hour. It has invested in this hydroelectric plant in the neighborhood of $50,000,000, and 4 per cent on $50,000,000 would be $2,000,000 a year alone; and one of the remarkable recent developments in connection with the Muscle Shoals plant is this:

A year ago this spring I was waited upon by a delegation from the town of Muscle Shoals, Ala. They said, "We should like some of this power supplied by Muscle Shoals for our town. The Government has entered into a contract with the Alabama Power Co. under which the company can take whatever power it sees fit; however, the Government is not prohibited from selling to others and there is a surplus of energy available. We want to buy some for our distribution plant in Muscle Shoals. We have offered the War Department 4 mills per kilowatt-hour to furnish us this energy, but they refused to do so."

I asked, "Why?" Because, they stated, it is urged that if the War Department proceeds to deal with Muscle Shoals, the Alabama Power Co. might take offense, and it is the only large customer for the power. When I inquired into the matter further, I concluded that this refusal was because of a policy adopted by the administration, and hence the War Department did not dare to allow the little community of Muscle Shoals to have electrical energy at a rate twice that for which the Government is selling it to the Alabama Power Co., although the Government has energy to spare.

It is going to waste, as a matter of fact. In short, energy was refused the little village of Muscle Shoals at 4 mills a kilowatt hour, whereas the Alabama Power Co. is paying but 2 mills. Yet there is nothing in the contract with the latter company to prevent the Government from supplying Muscle Shoals if the War Department saw fit to do so.

Mr. FLETCHER. And the Alabama Power Co. does not take half of the capacity of the plant?

Mr. HOWELL. That is practically correct.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. HOWELL. I yield.

Mr. BLACK. I understood that the Senator had learned the reason. I was with the delegation, and I have never been informed as to the reason why the War Department would not permit the town of Muscle Shoals to have it. The Senator did not get his information from the War Department; did he? I am asking for information, because I have been curious to know why they would not supply that power to the town of Muscle Shoals.

Mr. HOWELL. My information came from this delegation, including the mayor, as I remember, and several councilmen. Subsequently I interceded with the War Department and urged that the department could not properly refuse the request under the circumstances. However, I concluded that the department felt that it could not furnish this energy to Muscle Shoals, although it was right under the shadow of the great dam, because other neighboring municipalities might want it also, and to thus supply such municipalities would be contrary to the policy of the administration. In short, the department did not want to begin anything of the kind, because it was afraid there would be no end to it. The Alabama Power Co. is in the saddle. If we are to take care of the little municipalities throughout Tennessee, Alabama, and Mississippi, we shall have to do for them just what Ontario has done for the little municipalities of Ontario, and our failure to do so would be a lasting shame to Congress.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. HOWELL. I yield.

Mr. COPELAND. Does the Senator understand that under the terms of the Norris resolution the Secretary of War could fix the price at which the current should be sold?

Mr. HOWELL. I should assume that it would be determined by bids. The Secretary would have the bargaining power and, as I understand it, under the resolution he would be required to sell it at the best price that could be obtained, taking everything into consideration.

Mr. COPELAND. I wonder if the measure really does provide for that. That is one question that has arisen in my mind. I think it is extremely important that the Government should have its hand on the switchboard, but I am not clear, from a reading of the resolution, whether or not those municipalities and persons who receive power from the plant would receive it at a cheap price, such as the Senator suggests is being done in Ontario. Perhaps the senior Senator from Nebraska would answer the question.

Mr. HOWELL. I would be glad to have the senior Senator from Nebraska answer the question.

Mr. NORRIS. Mr. President, under the resolution the Secretary of War would be given authority without his hands being tied in any way. It seemed to me, and it seemed to the committee, that we ought to place him in the same position in which we would place a business man to whom we might turn the plant over. I do not think it would be the policy of the Government to say how much money they could make out of it. I would not like to see an amendment put on the resolution that would provide that the Secretary should not charge more than a certain price or should charge under a certain price. I think he ought to be nondiscriminatory in the sale of the power. I think that is the real intent. I have not tried to fix a price.

Mr. COPELAND. The junior Senator from Nebraska was arguing about the cheap price which the people in Ontario pay for current. That raised a question in my mind as to whether or not there was any guaranty in this measure that there would be such a cheap rate here.

Mr. NORRIS. That is not guaranteed in so many words; no.

Mr. COPELAND. Suppose there were a Secretary of War who was unfriendly to the principle of Government operation and sought to defeat it by excessive charges. Of course, I understand that the profits would go to this other work, the development of the fertilizer plant; but, nevertheless, the idea of Government operation would have a black eye if the Secretary of War charged excessive rates.

Mr. NORRIS. Yes; it would. There are a thousand other ways by which the Secretary of War could, in effect, nullify any law we might pass, if he started out to do it. I have not assumed he would do anything of that kind. I am assuming he will exercise sensible business judgment and that, in the first place, he will not try to overcharge anybody for electricity, that he will not try to see how much money he can make out of it, and he will carry out, as the law provides he shall, the intent of the law, to see that the surplus power not utilized in the manufacture of fertilizer shall be scattered over the country, within distributing distance, without discrimination against anybody. The intent of the act, I think, is very plainly set forth. But what might be a good price for electricity now might not be good in 5 or 6 or 7 or 10 years from now. I would not like to say to the Secretary of War, "You must sell the current at 2 cents a kilowatt-hour at the switchboard," or that he shall charge 4 cents, or anything of that kind. We have to depend, as a business institution would, upon the managers of this institution to carry out the intent of the law, and we have to give them discretionary power to do that. The Secretary would not carry out the intent of the law if he said, "You can not have this power for less than 10 cents a kilowatt-hour." Nobody would buy it. He would not succeed in carrying out the intent of the law.

Mr. COPELAND. Are we not likely to be met by one of these two situations: In the first place, the Secretary of War might charge a price so high that the municipalities and persons interested might not receive the current at a low price; or he might sell it so cheaply that there would not be anything left to go on with this fertilizer experimentation?

Mr. NORRIS. Oh, no; the fertilizer comes first.

Mr. COPELAND. That is safeguarded in the measure?

Mr. NORRIS. Yes.

Mr. COPELAND. The Senator has already made his reply to the other suggestion.

Mr. HOWELL. Mr. President, again I wish to emphasize the advantages of public ownership of an electric plant.

Mr. GEORGE. Mr. President, before the Senator proceeds, may I suggest to the Senator from New York, and also to the Senator from Nebraska, that the Federal Water Power Commission has jurisdiction in this case. It has jurisdiction, of course, not merely over rates, but it has jurisdiction over service, it has jurisdiction over capitalization, and, where the company developed is private, over all water-power improvements put in navigable streams or on public reservations; so that the Federal Water Power Commission has jurisdiction in this case.

Mr. COPELAND. Would it have under this resolution?

Mr. GEORGE. I was going to suggest, it could easily be given the jurisdiction to fix and regulate the rates and service.

Mr. NORRIS. Mr. President, if my colleague will yield again, I had a communication from the executive secretary of the Federal Power Commission, and I regretted very much that I had not received that communication before the committee had acted upon this resolution, and before it was brought into the Senate. He made several suggestions, one of which was that we give to the Federal Power Commission the same jurisdiction I give under my resolution to the Secretary of War. I would not have any objection to that whatever. That commission is very well equipped to handle the matter.

Mr. GEORGE. The Secretary of War is a member of the Federal Power Commission, as a matter of fact.

Mr. NORRIS. Yes; he is.

Mr. GEORGE. I merely suggest that would be a relief from all practical difficulty, and it would insure a uniform and nondiscriminatory rate.

Mr. NORRIS. If Senators think it ought to be safeguarded, while I do not want to put a limitation in the resolution that would take away the discretion, it is perfectly agreeable to me to provide by an amendment, if the Senate wants to, although I do not think it is at all necessary, that the rates and the regulation of rates, all jurisdiction about rates that shall be charged, shall be under the jurisdiction and control of the Federal Power Commission. They are equipped to do the work, they have the experts, and the Secretary of War, I assume, would avail himself, he being a member of the commission himself, of anything of that kind. If the Senate wants to be more specific, I have no objection.

Mr. SMITH. Mr. President, I want to ask the Senator, before he takes his seat, whether in the absence of any legislation specifying that the Power Commission would not do it anyway?

Mr. NORRIS. I judge it is the opinion of the Senator from Georgia that they would.

Mr. GEORGE. I think they could. They might not do so; but I think they could.

Mr. NORRIS. At least there would be no confliction.

Mr. GEORGE. There would be no confliction.

Mr. NORRIS. The Secretary of War is a member of the commission anyway. I do not think it would change the effect one particle, but I have no objection to putting the amendment on the resolution. There is always danger, however, when we are delegating authority, especially when we come in competition in a business way or semibusiness way, that by trying to be specific we take away the discretionary power, and that it will come back to trouble us on something else we do not think of at the time we pass the legislation.

Mr. COPELAND. Mr. President, will the junior Senator from Nebraska yield for one more question?

Mr. HOWELL. I yield.

Mr. COPELAND. The senior Senator from Nebraska says that the experimentation in fertilizer is provided for and that this experimentation is the first call upon the Secretary of War; but, of course, that is predicated upon the idea that he will have funds from the sale of power. If he were generous enough to sell this power at a very low rate, for the benefit of municipalities in the locality, there might not be any profit.

Mr. NORRIS. Yes; that is true, but does the Senator think, with the provision in the law as to what we are going to do with the surplus, provision made for turning it over to the Treasury, and its segregation there in this particular fund, that the Secretary of War would say, "Well, I don't want any fund there, and I will give this away"? He might do that, and, of course, if we gave jurisdiction to the Federal Power Commission, it is possible that the Federal Power Commission would be corrupt, and that they would say, "We will charge a dollar a kilowatt-hour, and just kill this thing right off." That is possible. If we should turn it over to the President, we might get a President who would do the same thing. There are a thousand ways in which anything can be killed, if we assume that the things would happen which everybody has to admit might possibly happen.

Mr. FLETCHER. Mr. President, may I suggest that the statement of the junior Senator from Nebraska seems to me to suggest some possibility that constitutes a greater danger than other things that might be mentioned. For instance, suppose we authorize the Secretary of War to complete these dams and to do this and to do the other thing. But suppose we are in the hands of an administration that does not approve of that policy, we would be right back to the present condition, that here we have power going to waste, and the department will not let the city of Muscle Shoals have one kilowatt of it, even though they offered twice as much as the Alabama Power Co. is offering for what they choose to take. If we are in that situation, where do we get by simply authorizing the doing of certain things?

Mr. NORRIS. Can the Senator from Florida suggest a way the thing could be done so that no one could imagine a condition of things that would thwart the purpose?

Mr. FLETCHER. I confess that is the great difficulty in my mind.

Mr. NORRIS. I confess I am not able to imagine such a condition. I can not draft a resolution which can not be nullified if we assume that those who are supposed to carry it out are dishonest, or that for any reason they do not want to carry it out. If I were starting in now, after all the debate has taken place, and with all the communications I have had, to draft a new resolution, I think I would provide for supervision of these rates by the Federal Power Commission rather than by the Secretary of War. I think that would be an improvement. As a matter of fact, when it comes to carrying out the measure in practical application, I do not think it would make a particle of difference, because the Secretary of War is a member of that commission, and his employees and those of the commission would be practically the same; but it would be perfectly agreeable to me to say that the Federal Power Commission shall have jurisdiction to fix these rates, or that any other board that is properly equipped for it shall have jurisdiction. We must concede that that commission is better equipped, perhaps, than any Federal board that we have.

Mr. FLETCHER. We might also, instead of merely authorizing, direct and compel the doing of things in the law itself.

Mr. NORRIS. I know we might. That is a dangerous thing to do, because we do not know what the conditions will be next year even; and we would not do it as a business proposition. We must assume, for the purpose of any legislation, that the executive officers are going to carry it out in good faith, and we know we may have a different Secretary of War to-morrow. If we should turn it over to the commission, all three members of the commission might change to-morrow, they would change with the change of an administration always; but the real experts, the men who do the work, will probably be the same from one administration to another, as has been the case in the past.

Mr. HOWELL. Mr. President, let me reiterate this fact: It does not make much difference what charge is made to a municipality for energy at Muscle Shoals, it will always be within the limit of what steam-electric power would cost, and steam power would be only about 2 mills more.

If Ontario had no Niagara Falls, if Ontario did not own 21 other hydroelectric plants besides Niagara Falls, if Ontario were in a position to purchase coal for $4 a ton and operate a steam electric plant instead of a hydroelectric plant, it could still afford service in Ontario at rates comparable to those charged to-day. Why? Because they are publicly owned, and they all would enjoy the three advantages of public ownership which I have enumerated.

Mr. President, in view of the facts presented, why should we shrink from public operation of the great Muscle Shoals power plant? We own it. We have been long committed to public ownership and operation of utilities generally. Every sewage system is a public utility and publicly owned, though there are exceptions—cities which have granted franchises for this utility. In my State, the most profitable public utility of which I have knowledge is such a sewage system.

Forty years ago the promotion of water plants was nearly as popular as the promotion of electric plants to-day. My first employment as an engineer was by a gentleman who had promoted, constructed, and rebuilt some 20 water plants. To-day there are but two major cities in the country that do not own their water systems. Public ownership and operation of this particular utility, as in the case of sewage systems, is nearly universal. Why, then, should we hesitate respecting electric

plants, whether operated by steam or water power? Is it not a fact that if, like water plants, they were not highly profitable, there would be little objection?

The electric utility business in this country is highly profitable, so profitable in fact that there has been a pyramiding of electric securities that has no counterpart save in the days of the frenzied financing of our railroads. Congress is responsible for the expenditure of about $50,000,000 upon the Muscle Shoals development. The pending resolution includes a plan that will ultimately render this tremendous expenditure worth while to the public, and especially that public within striking distance of Muscle Shoals.

However, if this resolution fails, and Muscle Shoals ultimately falls into private hands, it will not result in cheap fertilizer or the cheapenening of electric energy, distributed therefrom in any appreciable degree—in short, Muscle Shoals will continue to be just what it is to-day, a net loss so far as the people who have paid the bills for the construction of that great hydroelectric plant are concerned.

When I listen to the stock objections to public ownership and operation offered in connection with Muscle Shoals I can almost hear voices out of the dim and distant past—reverberations from the Roman forum about the time of Cæsar.

A majority of the dwellings in ancient Rome were constructed of wood and, as a consequence, a conflagration, under favoring circumstances, often swept extensive areas of the city. Fire was the terror of Rome in those days, there being no adequate provision for contending with this consuming element. Crassus, who, if he were living in the present, would have been one of the leading captains of industry, hit upon an idea in this connection. He organized a private fire brigade composed of slaves. Training his organization with great care, he equipped it with all the fire-fighting appliances known at that time, including a few of his own invention. Not only that, he stationed lookouts in various parts of the city to bring word of a threatening fire in the shortest possible time. At first thought, one might conclude that Crassus was a highly public-spirited man. But wait! When a fire broke out, Crassus, or one of his agents, and the fire brigade were promptly on the ground. Did they proceed to put out the conflagration at once? Oh, no. Instead, they sought out the owners of the adjacent threatened properties and demanded what they would take for their holdings. If the price was too high, the laconic reply was, "Let it burn." If the price meant a bargain, the fire was ordered extinguished. As a result, Crassus became the largest real-estate owner in the imperial city. Not only did he become the Astor of Rome, but the J. P. Morgan also. Subsequently, I presume, a tribune arose and urged that it was a scandal that people's property should be taken for a song as the result of threatened danger. Why not a publicly owned and operated fire department?

I said I almost could hear voices out of the dim and distant past. Yes; I imagine I can hear them now, charging that "our form of Government is not adapted to public ownership of a fire department; our present system is good enough; why change?" That "the public ownership of a fire department will increase taxes"; that "public ownership can only be inefficient and wasteful"; that "a publicly owned fire department will give poorer service than one privately owned"—and that "such a step will sound the knell of private initiative." Of course, I hear nothing about socialism, because they did not know anything about it in those days. However, public ownership ultimately triumphed, and from that time until this there have been public fire departments. Surely, history repeats itself now in connection with Muscle Shoals.

Mr. TYSON. Mr. President, I know the Senate is worn out with the discussion which we have had here so many days, but as the subject affects my State so materially I feel that it is incumbent upon me to say something in regard to it. I have listened with a great deal of interest to all that has been said. I have attended the sessions of the Senate and have listened to nearly every speaker who has spoken on the subject. I know the importance of the subject, it having been before the Senate for something like 8 or 10 years and not yet disposed of, a matter which is getting on the nerves of the American people as well as of the Senate and the other branch of Congress.

I believe that everyone who has undertaken to solve the problem has tried to solve it in the best interests of his country, but it has not yet been solved. It must be solved, and I think it ought to be solved without any further delay if it is possible to do so. In solving the problem we can not possibly solve it exactly as each one of us would like to have it solved. I have no doubt it will be a compromise solution at last, as has been said by the distinguished senior Senator from Nebraska [Mr. NORRIS], who has spoken so fully upon the subject.

The Government has at Muscle Shoals a very great investment of something like $150,000,000. Every day of delay, it seems to me, we are not only losing interest on our investment but losing still more which we might earn on that investment if we had the property properly in operation. Many bills have been brought before the Senate; some of them are perhaps good bills; but none of them have been entirely satisfactory, and certainly have not received the support of a majority of both Houses of Congress.

The joint resolution which is now before the Senate has had nearly the unanimous recommendation of the Agricultural Committee, only two members, as I understand, voting against it. I am especially interested in keeping this question before the Senate and having it concluded, for two reasons: In the first place, I have a desire as a Senator of the United States to have it settled; and, in the second place, I am greatly interested in the matter because of the profound interest my State has in it and because of the fact that delay has had a bad influence upon the industrial development of my State.

The State of Tennessee is supposed to have as much of hydroelectric possibilities as has any State east of the Mississippi River, and yet, notwithstanding that, the State of Tennessee has not developed anything like as much hydroelectric power as has been developed by many of the other States of the South. There have been filed a great many applications for permits to develop water power in the State of Tennessee during the last three years; it has been desired to develop the water power on a very large scale; but owing to the fact that the Senate and the House of Representatives could not come to any conclusion or pass any bill on the subject, or dispose of Muscle Shoals, such development in my State has been very badly retarded. There are now on file with the Federal Water Power Commission 37 different applications for permits to develop water power in the State of Tennessee, and yet not a single permit has been granted during the last three years.

I wish to read to the Senate a list of the applicants for such permits, in order to show that they have not been asked for by one big power corporation but by a number of them. Three have been asked for by the Holston River Power Co.; 3 by the Tennessee Eastern Electric Power Co.; 5 by the Tennessee Hydroelectric Co.; 4 by the Union Carbide Co.; 11 by the East Tennessee Development Co.; 1 by Allen, Slining & Spaulding; 1 by H. A. Spaulding; 4 by the Federal Power Co.; 1 by Robert G. Gordon; and 4 by the Eastern Tennessee Electric Co. There are altogether 20 sites, and 37 applications for the 20 sites, and yet no permits have been granted during the last three years.

However, I am glad that the Senator from Nebraska [Mr. NORRIS] has at last put before the Senate a joint resolution that with certain amendments I hope will accomplish a solution of this problem. That Senator more than any other Senator, perhaps, has been responsible for the delay in the development of Muscle Shoals. I do not claim that he has not acted in the best interest of the country as he saw it, but whatever effect his activity may have had on the country at large, it has had, as I see it, a very bad effect upon the State of Tennessee.

In order to show the amount of power which has been developed in Tennessee in comparison with other States that have no such amount of water-power possibilities as has Tennessee, I wish to read the record as contained in Geological Survey Bulletin 20804, under date of February 11, 1928:

Developed powers in Southeastern States: Virginia, 141,471 horsepower; North Carolina, 643,768; South Carolina, 574,478; Georgia, 463,453; Kentucky, 142,255; Tennessee, 177,425; and Alabama, 646,423.

In other words, we are behind all but two of the other great Southern States that have possibilities of power development, that condition having been due partly to the fact, perhaps, that the Tennessee Basin has not been fully surveyed; but largely, if not mostly, due to the fact that Muscle Shoals has not been developed.

The joint resolution which is before the Senate provides for a method of disposing of Muscle Shoals. In the first place, it provides for completing the dam. That is considered very important, and I am strongly in favor of that. It will take about $8,000,000 to do that work, and about a million dollars more to complete the steam plant. It is not necessary, however, to complete that development unless it shall be desired to do so, as already a very large amount of horsepower can be developed there provided the steam plant is run regularly, which I understand has not been done during the last two years since the Government has been operating it.

The second section of the joint resolution provides that the current generated shall be sold to States, counties, municipalities, and so forth; and the preference shall be given to such

States, counties, and municipalities purchasing the current. That may be a very good provision, and it does give an advantage, in a sense, to States and to such municipalities as may want to buy current; but it is further provided that the current must be equitably distributed among the States within transmission distance. While I am in favor of giving every State that wants to obtain power as much of a preference as can be given, and at the same time conform to good business methods, I doubt very seriously if these conditions can be carried out—that is to say, giving preference, and at the same time equitably distributing the power—for the reason that there are necessary limitations, and I think much confusion will ensue. However that may be, I am satisfied to vote for such a measure if it can be carried into effect.

Mr. President, we are undertaking to change the nature of this great plant; that is to say, it was built for the purpose of producing fertilizer for the farmers in time of peace and to manufacture nitrates for explosives for the Government in time of war. What is proposed under this joint resolution is to change the nature of the plant and to make it largely a power plant, and to make the fertilizer feature merely incidental. There is no bill that has recently been brought before the Senate which proposes to place the production of fertilizer on a parity with power production. Even the cyanamide bill, which is not now before the Senate but has been considered by the committee, makes the fertilizer feature secondary, because it is made conditional, whereas the production of power will go on continuously and, if the power can be sold, will be a continuing operation. There are conditions in all the measures which have been presented to Congress, as I understand, which will make fertilizer a secondary consideration.

Mr. President, we are faced with the problem of determining what is the best method of disposing of Muscle Shoals. I do not believe that all of the power that can be generated there is necessary in the manufacture of fertilizer; that is to say, we will have a great deal of surplus power even if we manufacture fertilizer to the utmost limit of 40,000 or 50,000 tons of nitrate, as is provided for in the most favorable bills that have been presented.

The pending joint resolution provides that the Secretary of War shall operate the plant at Muscle Shoals. It is a question whether or not the plant should be leased for power purposes or whether it should be operated by the Secretary of War, which amounts, of course, to its operation by the Government. From what has been said here, we must consider whether we are going to undertake to make of Muscle Shoals a plant at which to demonstrate how to manufacture and distribute electric power as cheaply as possible, or whether we are going to try to get out of it as much as we can in the interest of the farmers of the country by manufacturing fertilizer as cheaply as possible.

My idea about the operation of the Muscle Shoals property is this: As I have said, we will not require anything like the power that will be generated there for the manufacture of fertilizer. At the same time, I want to see as much fertilizer manufactured there as can be manufactured and sold to the farmers.

I know that they are not going to buy fertilizer unless it can be bought under as favorable conditions and as cheaply as it can be bought from private manufacturers. If we can make it cheaper there and sell it to the farmers, I want to see that done, whether by private operation or by Government operation. I do not know whether it can be done there so as to make fertilizer cheaper, but I think we ought to make the effort to see if it can be done. I am in favor of the most extensive experimentation, either by private or by Government operation, in order to ascertain what is the best method of manufacturing fertilizer and whether it can be manufactured there, either on a small scale or a large scale, in such a way as to make it available more cheaply to the farmers.

But, in addition to all that, there is a very great amount of power that can be generated there, and if the plant is properly administered and the money received from the sale of the surplus power is properly applied, I think, possibly, the farmers can be very greatly aided in securing cheaper fertilizer than they have heretofore ever been able to obtain.

Mr. President, the question is whether we are going to undertake to operate this plant as a power proposition on business principles, or whether we are going to undertake to sell the power at a price that will be satisfactory to certain people, at a lower price than could be obtained if we should go out in the open market and sell it to the highest bidder. That is the question. Shall we sell it now to the highest bidder and get the greatest amount of money out of it, or shall we sell it for such price as will be satisfactory to certain people who may have the idea that the Government ought to sell it cheaper than would anybody else? Considering it as a business proposition, the thing to do is to sell it at the market price. My idea about selling anything is that it should be sold at the market price. When the Government undertakes to sell anything else it sells it at the market price. If it has land anywhere in the country or supplies which it desires to dispose of, it obtains the best price it can for such land or such supplies; and that is my idea as to the operation of the power plant at Muscle Shoals—to get a fair and reasonable market price and use all of the surplus money which may be obtained, first, in taking care of interest on the investment at Muscle Shoals, and then applying all the surplus to the manufacture, experimental or otherwise, of fertilizers for the benefit of the farmer.

Mr. BRUCE. Mr. President——

The PRESIDING OFFICER (Mr. COPELAND in the chair). Does the Senator from Tennessee yield to the Senator from Maryland?

Mr. TYSON. I yield to the Senator from Maryland.

Mr. BRUCE. Rather than sell it, why might the Government not lease this great property under such conditions and terms as might be thought best for the purpose of promoting the production of power or of fertilizer or what not? In other words, why might not the Government deal with it just as cities now so often deal with property rights they have in their streets? Cities give long leases with a provision that, after a certain time, the title to the property shall revert to the city, and in the meantime the lessee or the grantee of the franchise, of course, pays annual rentals to the city. That practice we pursue most satisfactorily in the city of Baltimore.

In addition to what the city derives by way of compensation from public franchises in its highways, some years ago the city of Baltimore constructed a number of large docks and piers for the accommodation of the commerce of the port of Baltimore. Those docks and piers have been leased, and the commerce of the port has been very much promoted thereby, and the city has received, of course, annual rentals from the spaces leased. It seems to me such a plan would be much more satisfactory than an outright sale of the Muscle Shoals property, for then the title to the property would be gone forever from the public, and nobody would know just what uses it might be put in the future. It might be very difficult to tie the property up with such restrictions and conditions as to carry out the public purpose that might have inspired the transaction.

The main thing that I am opposed to in this case, if the Senator will pardon me for a moment, is Government operation. I have no faith in it, and I think that it has loaded down this Muscle Shoals situation from the beginning like the Old Man of the Sea. The only real reason why some satisfactory solution of this Muscle Shoals question has not been reached already is because these visionary suggestions of one kind or another, originating in theories of Government operation, have been brought forward and have made any practical disposition of the property impossible. If that element had not come into the case, I think that long, long ago the property would either have been sold by the Government, as is now being suggested by the Senator, or, better still, would have been leased by the Government. I think the sooner we cut adrift from all these suggestions about Government operation the better.

Mr. TYSON. I had not intended to say that I wanted to sell the property, Mr. President.

Mr. BRUCE. The Senator used the word "sale."

Mr. TYSON. I only used the expression "sale of the power," not of the property.

Mr. BRUCE. Oh, I misunderstood the Senator. I ask him to excuse me.

Mr. TYSON. I would not think of either selling it or leasing it for any long term of years.

Mr. BRUCE. I think it would even be a great deal better to sell it—inadvisable as that would be—than to have it operated by the Government, because I know that such operation will simply result in inefficiency and waste and in deficits from year to year. I agree with the Senator, however, in thinking that there is no occasion to sell the plant. The right thing, in my judgment, is to lease it on proper rentals and subject to proper conditions and restrictions of every kind, and with a clause for recapture after the end of 40 or 50 years. That is the time which is usually fixed in Baltimore, if my memory does not fail me, when we lease franchises in the public streets. At the end of the lease the title to the property reverts to the city.

Mr. SIMMONS. Mr. President——

Mr. TYSON. I yield to the Senator.

Mr. SIMMONS. Let me ask the Senator from Maryland a question. Does the Senator mean that he would lease this power without any restrictions as to what use should be made of it?

Mr. BRUCE. No, Mr. President; I do not mean to say that, because there would appear to be some special uses to which the property might be profitably turned. Perhaps it might be applied to a threefold purpose: To the production of nitrates, if that be deemed expedient; to the production of power; and to the production of fertilizers.

Mr. SIMMONS. The Senator realizes, does he not, that one of the greatest needs of the farmer to-day is a cheaper fertilizer, and that means a cheaper nitrate than we now are able to get, or have been in the past able to get; and does not the Senator think that the Government, owning this great power plant, in case it should lease it, should provide specifically and unequivocally for the use of it to such an extent as may be found practicable for the purpose of manufacturing a cheaper nitrate?

Mr. BRUCE. I have no objection at all to that, provided the operation of the property passes into private hands, with the superior efficiency and economy that always attaches to private operation.

Mr. SIMMONS. Would the Senator go further than that and agree that the primary purpose specified in such legislation as Congress may see fit to enact should be the production of fertilizer?

Mr. BRUCE. Yes; I would, provided, as I say, the property passed under private control. I would object to that as far as Government operation was concerned, first, because if I am not wrong Government operation is very inefficient and wasteful, and, secondly, because it is not fair to the people of the United States that the Government should come into competition with private enterprise. If the Government rates were really lower than they should be, lower than working conditions justified, of course the deficit would have to be made up, not by the people who were in the immediate vicinity of Muscle Shoals alone but by the entire people of the United States; or, in other words, by the Treasury of the United States. The result would be just the result that has followed from the Government subsidization of the Mississippi Barge Line. New Orleans, because of its site on the Mississippi, derives very considerable advantage from that barge line, which is conducted at a loss by the Government; but it does so at the expense of the other great Atlantic seaports, including Baltimore.

Mr. McKELLAR. Mr. President——

Mr. SIMMONS. But the point I wish to call to the Senator's attention is this: While it would be probably true, as he said, that that part of the power that was used in making a mixed fertilizer might give an advantage to the local customer which the more distant customer would not enjoy, the proposition that I am in favor of contemplates two things: First, that we shall make nitrogen, and then that we shall mix not all of that nitrogen with other elements so as to make a perfect fertilizer, but that we may secure the concentrated nitrogen. The volume of that is small, and the freight on that nitrogen to the most distant part of the United States would be very inconsiderable, and it would be probably less than the rate for which nitrogen obtained from Chile can be carried to the more distant parts of the country. I would provide for both those conditions: First, mixed fertilizer for the use and benefit of those who lived within a reasonable radius, and were able, therefore, to bear the freight rate; secondly, the manufacture of nitrate alone, that may be shipped without much cost to the most distant parts of the country, so that every section of the country would enjoy the benefits of cheap nitrogen.

Given cheap nitrogen, the farmer is going to get cheap fertilizer; and one of the greatest problems that confronts agriculture to-day is that of cheap fertilizer. Take the barren hills of western North Carolina that formerly were considered hardly worth cultivation. They are now producing crops that are far above the average produced in the richest natural soils of this country. Why? Because the people of those regions have learned how to apply fertilizer to the soil to the best advantage, and to improve the soil gradually and rapidly, so that they are producing large crops. When, however, the fertilizer is so high that it takes an unreasonable proportion of the profits from the cultivation of the crop to pay for the fertilizer, it does not result in the net benefit to the farmer which he has a right to expect.

If the Senator will pardon me a little bit longer, during the war, when the question of large production was one of great emergency, we started this scheme at Muscle Shoals to produce nitrogen from the air, with the hope of producing it more cheaply than the cost if imported Chilean nitrates. That was no reason why we could not get nitrates from Chile during the war. There was no blockade against us, no impediment in our shipping facilities, with reference to that country; and the first act that we passed upon this subject specifically dedicated this plant to the production of nitrates from the air, so that the farmer might eventually get cheap fertilizer.

The war closed. We ceased to use the plant. Private industry did not supply what was necessary in order to give the farmer cheap nitrates, and private capital having failed in its opportunity and its duty to furnish the farmer with a cheap nitrogen we are now discussing the old question, whether it is not now the duty of the Government, by some plan, to use this particular property which belongs to it, and which it paid for, so that the farmer may get what he needs so much, and which would be a greater relief to him to-day, I will say to the Senator, than a lower freight rate.

The farmer has many problems. High freight rates constitute one of his problems, and a serious one; but the most serious problem that confronts the farmer in my country, and I think in other sections of the country where they are using fertilizer at all, is the high price of nitrates, which makes the high price of mixed fertilizer; and the amount that he has to pay for it operates to reduce his net profits to such an extent that it leaves him scarcely sufficient for a mere living.

Mr. BRUCE. I will say to the Senator from North Carolina, if the Senator from Tennessee will excuse me just one moment, that if this property should be leased to private parties I am absolutely in favor of the farmer being given a preferential claim on its benefits.

Mr. SIMMONS. I am very glad to hear the Senator say that.

Mr. TYSON. I wish to say, in that connection, that I have not stated that I am in favor of Government operation except as a last resort. My idea—and I have offered an amendment to the pending joint resolution to that effect—is that the Secretary of War should lease the plant, and, failing to find a satisfactory lessee, then he should operate it.

I am in favor of private operation wherever it can be done as well as or better than Government operation; but there are times when the Government has to operate, and whenever that time comes and we have something that is necessary to be done, and we can not get anybody else to do it satisfactorily, then my idea is to have the Government do it as a last resort.

It may be the case here that we can not properly and satisfactorily lease this property. If we can not do it, then I want to see the Government operate it to the very best advantage in the interest of the farmer and make all the fertilizer it can at the lowest price it can, and sell the power that is surplus at the best price it can, and get all the money it can, and use it in the interest of the farmer. The idea of taking this plant—after we have all heard so much about dedicating it to the farmers of this country for manufacturing fertilizer—and making it into a philanthropic exposition of what can be done in the manufacture and sale of power, it seems to me is not a proper one. If we want to go into the power business and show what can be done with power, let us do it, and dedicate a power development to that particular object and not to fertilizer.

Mr. BRUCE. Mr. President, may I interrupt the Senator just a moment?

Mr. TYSON. Certainly.

Mr. BRUCE. Does the Senator think there would probably be any real difficulty about leasing this property to private parties if the Government took the proper steps to do it?

Capital is very eager to utilize water powers throughout the country, and we all know at what a tremendous pace the development of water power has gone in recent years. If the Government would frame its suggestions properly and invite bids for leases, it is inconceivable to my mind that, with the enormous amount of capital we have in the United States and the spirit of enterprise that is rife in the United States, the Government would not be able to lease the property, subject to proper restrictions and conditions, to private business agencies.

Mr. TYSON. I think it is going to be a very difficult thing to lease this property, in so far as the manufacture of fertilizer is concerned. I do not think there will be any difficulty in leasing it in so far as power is concerned. I believe that the Government can get plenty of lessees for the power, because that is something that can be sold and is being sold regularly at a profit, and you can not ordinarily get people to go into business unless they feel they are going to make a profit; but nobody has yet been able to show that a profit can be made in the manufacture of fertilizers at Muscle Shoals.

Mr. BRUCE. Does not the Senator think that if private parties could not make a profit out of the plant, the Government could not do so? What reason is there to believe the Government could make a profit out of any enterprise out of which private parties could not make a profit?

Mr. TYSON. No effort has been made at Muscle Shoals to manufacture fertilizers, and we have had bids on the part of

the Cyanamid Co. during two sessions of Congress. The Associated Power Cos. came here and made a bid at the last session of Congress, but neither one of the bids was at that time accepted. As to whether or not they could have made fertilizer at a profit, I do not know. They assumed they could make it at a satisfactory profit if they had the power as a subsidy; but there is no question in my mind that every bid we have ever had before Congress has been a subsidy bid, because nobody has up to the present been willing to go down there and take over the fertilizer plant and undertake to make fertilizer and sell it to the farmers, even though we were willing to furnish the power at a very low price.

As I understand it, the Senator from Nebraska has introduced a bill which would permit the Federated Farmers' Union to use nitrate plant No. 2 without a single dollar of expense for rental and give them other things which would be valuable to them. Yet, so far as I know, they have made no effort to accept this proposition. Therefore it is a question now whether we can manufacture fertilizer at Muscle Shoals or not. My idea is that we ought to make the effort. The Government is the only one that can or will make the effort, and I think we ought to spend some money in trying out that effort before we say it can not be done.

Last year the Senator from Illinois [Mr. DENEEN] made a speech in regard to the manufacture of fertilizer at Muscle Shoals, in which he showed that at that place nitrates could be manufactured by the synthetic process at $94 a ton, that ammonia could be manufactured at $156 a ton, and that if the synthetic process were used at any other place in the United States it would cost $96 a ton, or $2 a ton more than to manufacture at Muscle Shoals. That is only an estimate. Nobody knows exactly what can be done until it is tried out.

If that is the case, it seems to me that Muscle Shoals, after all, is not an impossible place for the manufacture of fertilizers, and as it has been dedicated to the farmers of the country, I think we ought to try it out, whether by private operation or by Government operation.

Mr. BAYARD. Mr. President, I want to ask the Senator a question if he will yield.

Mr. TYSON. I yield.

Mr. BAYARD. The Senator is speaking continually—and most of our colleagues have been speaking all the way through—about the manufacture of fertilizer. As a matter of fact, when the Government first installed the plant at Muscle Shoals, or started to install it, it was for the sole purpose of extracting nitrogen from the air, was it not?

Mr. TYSON. To be used for the manufacture of explosives in time of war.

Mr. BAYARD. That was one of the bases of phosphate, as they call it.

Mr. TYSON. Not the basis.

Mr. BAYARD. It is one of the bases of fertilizer, is it not?

Mr. TYSON. It is combined with phosphate.

Mr. BAYARD. The resolution of the Senator from Nebraska [Mr. NORRIS] provides for doing more than that. One object is to get out the nitrate, and the other is to have a fertilizer plant, using the nitrate as one of the mixtures in making up the fertilizing product. Is not that correct?

Mr. TYSON. I understand the Senator from Nebraska desires through his resolution for experimentation in the manufacture of nitrates, and then in the combination of these nitrates with other fertilizer ingredients, making fertilizer and distributing it throughout the country, as far as possible, to aid the farmers in ascertaining just what kind of fertilizer is best for each farmer to use on the particular kind of soil on which he has to use fertilizer.

Mr. BAYARD. Yes; but the Senator from Nebraska wants the operation to be conducted on the basis of the manufacture of general farm fertilizers. Is not that right?

Mr. TYSON. I understand the resolution also provides for experimentation plants for the manufacture of nitrates or phosphoric acid—whatever is necessary in the manufacture of fertilizer.

Mr. BAYARD. As a matter of fact, historically speaking, the Government took this place over and established a plant primarily for the purpose of extracting nitrates to be used for governmental purposes simply, and thereafter, when the opportunity is presented now by the Government no longer having that use for the plant, the idea has been to take over that plant and to manufacture not only nitrates but fertilizers as well.

Mr. TYSON. I understand so.

Mr. BAYARD. And all at Government expense.

Mr. TYSON. The Government's idea was to manufacture fertilizers in time of peace.

Mr. BAYARD. But it was not originally the idea to manufacture fertilizers in time of peace; it was simply to produce nitrate, was it not?

Mr. TYSON. I understand it was to manufacture nitrate to be put into fertilizers for the farmers in time of peace, and I assume that there was also to be a manufacturing plant at Muscle Shoals for the production of fertilizers.

Mr. BAYARD. A general fertilizer plant, notwithstanding the fact that the only thing gotten out of the plant by the actual operation was nitrate from the air, and that they would have had to buy and bring together and mix all the other ingredients going into fertilizer?

Mr. TYSON. I understand that is the only thing we have there now, a plant to manufacture nitrates, and nothing more.

Mr. KING. Will the Senator yield?

Mr. TYSON. I yield.

Mr. KING. Mr. President, I have understood that the resolution before us, offered by the Senator from Nebraska, sought to utilize Muscle Shoals for power purposes rather than for the manufacture of fertilizers. I have understood that the issue presented for determination by the Senate was whether Muscle Shoals, including the power to be developed from additional dams in the Tennessee River, was to be devoted to the production of hydroelectric energy which was to be sold by the United States to the people residing in that vicinity, or whether the needs of the farmers were of primary and paramount importance and the power developed at Muscle Shoals and vicinity should be used to manufacture nitrogen and various forms of fertilizers for agricultural purposes. I do not want to misinterpret the position of my friend the Senator from Nebraska, but I had supposed from the discussion in which he participated that his position was that the power developed and to be developed was to be distributed for lighting and heating purposes and that if there was any surplus that it might be used by the Government for experimental purposes in connection with the production of nitrogen from the atmosphere.

I call attention to the fact that the Government has already expended millions of dollars in its efforts to obtain nitrogen from the air. Plant No. 1, costing more than $13,000,000, was employed to develop nitrogen. Several millions of dollars in addition were expended in these experimental activities. The whole sum has been wasted. If I understand the Senator from Tennessee, he contends that the Senator from Nebraska does not make the production of power the principal purpose of this bill or that he regards as of paramount importance the production of nitrogen as the basis of fertilizers. Mr. President, if the Senator from Tennessee is correct, I have not understood the arguments in support of the pending resolution. I have understood from its advocates that a "Power Trust" exists and that electric energy is to be developed at Muscle Shoals for the purpose of furnishing cheaper power to the people and breaking the so-called power monopoly. I have understood from the debate that it was intended by the supporters of this bill that the Federal Government should spend millions of dollars to build power plants and distributing systems; to furnish electricity to the people to illume their houses and streets and to aid them in their industrial enterprises; that in this undertaking it was to be hampered by no State laws or the utilities commission of any State. It was to generate power, sell and distribute the same, without regard to private corporations or the limitations fixed by State laws or by State commissions set up for the purpose of regulating power rates. If I am in error in the conclusions which I have reached respecting the purpose of this bill, I shall be glad to be set right.

Mr. TYSON. I understand that is the position of the Senator from Nebraska, so far as power is concerned; but I think the Senator from Nebraska at the same time desires also to do everything he can to see that the farmer gets nitrates that will be suitable for fertilizer, and that we experiment in such a way so that the farmer will get the very best results from the manufacture of fertilizer that can be had, and that the money which is to be received from the sale of power is to be used for the benefit of the farmer. I think the Senator from Utah has not given the Senator from Nebraska credit for the full idea of this resolution.

I agree with him in so far as his idea about power is concerned. I think he has it exactly right, but I agree with the Senator from Nebraska in so far as he goes in the matter of aiding the farmer in the manufacture of fertilizer. I do not think he goes far enough.

Mr. KING. Mr. President, will the Senator permit a further inquiry?

Mr. TYSON. I shall be glad to.

Mr. KING. I think the Senator's statement corroborates my interpretation of the position of the Senator from Nebraska.

He wants the Government to use Muscle Shoals for the generation of power which is to be sold to private corporations and to individuals, and the proceeds thereof, or a portion of the same, may then be devoted to experimentation for the purpose of obtaining nitrogen from the air; but power is the great object; the generation of electric power is the primary thing in view. If revenue is derived from its sale, then it can be used by the Government to produce nitrogen. However, in the meantime we are to appropriate $2,000,000 out of the Treasury to be available for use by the Department of Agriculture for further experimental purposes by that department.

Mr. TYSON. I do not think the Senator goes far enough. A part of section 6, subdivision (b), provides:

> To contract with commercial producers for the production of such fertilizers or fertilizer materials as may be needed in the Government's program of development and introduction in excess of that produced by Government plants.

Providing there is enough revenue to be derived from power. It also provides:

> Such contracts may provide either for outright purchase by the Government or only for the payment of carrying charges on special materials manufactured at the Government's request for its program;
>
> (c) To arrange with farmers and farm organizations for large-scale practical use of the new forms of fertilizers under conditions permitting an accurate measure of the economic return they produce; and
>
> (d) To contract with said farmers and farm organizations to pay the special costs and losses, etc.

Mr. KING. Does the Senator think Congress will turn over to the Department of Agriculture, or some other executive agency, its investments at Muscle Shoals, and all the power potentialities of the Tennessee River, in order that the same may be used by such department or agency, or lease by it, for the generation of power—the power so developed to be sold, and the proceeds, or a part thereof, to be devoted to the manufacture of fertilizer, and that it will supplement the funds derived from the sale of power by large appropriations from the Federal Treasury, for the purpose of building fertilizer plants, and organizing distributing agencies, to carry to all the farmers of the country the fertilizers so manufactured?

Mr. TYSON. Mr. President, I do not see why a reasonable amount of money should not be used in that way. We are spending now, through the Agriculture Department, $143,000,000. I do not believe it will take more than $5,000,000—that is just a guess, or an estimate—for the Secretary of Agriculture to put up all of the experimental plants that would be required.

So far as I am concerned, I do not believe in having more than two or three of these experimental plants for the extraction of nitrogen from the air, because I think that with the plants that have already been established throughout the country, like the one at Hopewell and the one at Charleston, we will be able to see at what cost nitrogen can be bought or fixed by the synthetic process. So that only 1 or 2 or 3, perhaps, of these experimental plants are needed.

The greatest difficulty in all business is distribution. Very few people seem to realize the great cost of distribution. Any kind of manufacturing plant can manufacture, and they can determine what it will cost to manufacture, they can find out all of the elements of manufacturing; but after a thing is manufactured a market must be found for it, and if a market can not be found at a profitable price, there is no use manufacturing the product. That is the great difficulty in connection with this particular problem which people do not seem to appreciate. They seem to have the idea that the generation of power cuts a great figure in the cost of power delivered in the home. The power can be manufactured by steam at 4 mills per kilowatt-hour almost anywhere in this country. It can be manufactured at the mouth of the coal mines at 2½ mills per kilowatt-hour.

In fact, we can manufacture power cheaper at the mouth of a coal mine than we can in almost any hydroelectric plant in the country. That being the case, we have to find a sale for it, we have to find a market for it, we have to put it in every man's home at the place where he can use it at the time he wants it. People do not seem to realize that that costs an enormous amount of money, and that we have to have the service ready, that we have to have all the power that you or I or anyone else will require right at the switch at the time we want it. It costs money to do that. Unless we have it right there we are not giving service. We may develop the power we want to at a certain price, but we do not know until we have had experience what it will cost to distribute it. The hardest thing in the world is to find a market. We are trying now in this country to find markets all over the world for our manufactures, and we can not find them. If there is any unemployment in this country, it is due to a lack of markets and a lack of distribution; and until we learn how to distribute what we manufacture we never can accomplish the end successfully.

Mr. KING. Mr. President, will the Senator yield further?

Mr. TYSON. Certainly.

Mr. KING. Does the Senator mean to leave the impression, and I ask for information, that because of the difficulties of distribution which, of course, includes transportation, which I concede, because there are difficulties, financial and otherwise, in carrying all commodities to every part of the country, that the Government of the United States should, therefore, become a manufacturer of fertilizers and a distributor of them? That would mean organizing transportation companies or agencies, the building of warehouses, and the establishing of huge distributing organizations. I think that we have the most efficient railroad system and, therefore, the best distributing system in the world, the cheapest per ton-mile, and the facility with which freight and all forms of commodities are carried to all parts of our country by railroads and auto trucks is remarkable. And we are developing our internal waterways, and by so doing it is thought that rates will be reduced and transportation facilitated.

I hope that the Senator does not mean that if the Government undertakes the task of distributing fertilizers and commodities the problems of transportation will vanish like mists before the rising sun, or that the Government can distribute cheaper or better or more efficiently than private enterprise.

Mr. TYSON. Not at all. I know that the Government can not distribute as cheaply as private parties ordinarily do. But this is a problem we have to face. We have a farm problem in the country. The farmers are complaining more than any other set of business men in the country. We have a Department of Agriculture that is costing us $143,000,000 annually. We have an agricultural and mechanical university or college in every State in the Union and we are helping them. Those institutions have county agents who go out, and it costs the States of the Union a great deal of money to maintain them. What are they doing? They are trying to teach the farmer how to farm better than he has farmed before. It is our duty, as I see it, if we are going to be efficient, to teach the farmer the very best methods, to teach him the most intelligent methods that can be taught.

The fertilizer proposition, as everybody admits, is the most important proposition to-day, perhaps, before the farmer. Why should not the Government, if it is going to teach him in other ways, teach him how to use fertilizer satisfactorily, how to use it by the very best methods possible? I think that it is as much a duty of the Government to educate the farmer in how to farm as it is to educate him in books or in any other way. As a matter of fact, if I were to be asked which is the most necessary education in this country to-day, I would say that to learn how to farm best would be the finest education a farmer could have.

Mr. KING. Mr. President, will the Senator suffer another interruption?

Mr. TYSON. I am glad to do so.

Mr. KING. I concede what the Senator said about the importance of the agricultural problem and the importance of the farmers knowing how to farm. My opinion is that the farmers know far more about farming than some of the so-called experts in agriculture, and some who are offering panaceas and remedies for the purpose of curing all agricultural ills.

Mr. TYSON. Does the Senator mean to say that the farmers have not been helped by the Agricultural Department?

Mr. KING. No; I concede that it has rendered important service to the cause of agriculture, but I have thought that the department has suffered too much from bureaucracy, and that it has at times been too ambitious for power and too indifferent to the rights of the States and individuals therein. In some cases I have believed that incompetent and inefficient persons have been employed in the department, and that some officious employees have effected knowledge which they did not possess, and a rather contemptuous attitude toward practical industries, and competent farmers whose knowledge of the problems of agriculture is greater than such officious persons. It is obvious that the Department of Agriculture, with the millions which it is expending, is accomplishing good and rendering valuable service to the agriculturists of our country; that the farmers are obtaining all the benefits which they should in view of the huge expenditures of the department there is diversity of opinion.

However, I interrupted the Senator to inquire whether it is his position that in order to obtain fertilizer the Government must engage in the manufacture of the same and in its distribution. The Senator knows that scientific and business men are engaged in the production of fertilizer, not only in the United

States but in other countries. Hundreds of millions of dollars have been invested in various countries by corporations and individuals to produce nitrogen and to manufacture and distribute to the farmers of this and other countries fertilizers for the purpose of replenishing exhausted soils.

The great output of nitrates from Chile undoubtedly has prevented larger capital investments in the United States as well as in other countries for the production of fertilizers. When nature has produced it and it can be obtained cheaply, capital, of course, will be hesitant in engaging in the manufacture of that which nature has produced. However, it has been demonstrated that nitrogen can be obtained from the atmosphere at a relatively small cost, and as a result the exports from Chile to some countries have practically ceased, and private capital in those countries has supplied that which formerly was furnished by Chile.

Germany, a few years ago, as the Senator is aware, imported hundreds of thousands of tons of Chilean nitrates annually. But the German chemists and scientists discovered the nitrogen fixation process, and German companies are now supplying the agriculturists of their country with needed fertilizers.

As I said yesterday, I visited in Germany in 1923 a number of privately owned plants which were producing thousands of tons of nitrogen annually. Some of these plants used the synthetic and others the cyanamide process. German agriculture is rapidly developing, and German manufacturing plants owned by private persons and corporations are supplying the soil needs of the farmers. In the United States private capital is producing nitrogenous and other products required for plant life. Capital is available for the production of fertilizer, and capital will cheapen the cost and make available for the farmers of our country the character of fertilizers required by them.

The farmers of the United States are not so helpless and inefficient and lacking in ability and courage as some would have us believe. They have contributed to the progress and development of our country. They are not asking favors or demanding paternalistic or socialistic experiments. The farmers of our country have been and are now individualists. They believe in initiative, in personal independence and freedom. All they desire is equal opportunity, economic, industrial, and political. They are opposed to special privileges and to discriminations; they want a square deal, nothing less and nothing more. They do not want Federal bureaucrats to assume that they are incapable of walking and that, therefore, the Federal Government must put crutches under their arms. The farmers are readers and thinkers. From the farms come the strongest men in our country.

There are some employees of the Government and some who want to be employed by it, and some who make a living by agitation and propaganda and by affecting great solicitude for the farmers and wage earners, who are importunate in their demands that the Government shall own and operate the railroads and the merchant marine, the mines and smelters; that it shall build all sorts of manufacturing plants and engage in many forms of private business. They would convert the Government into a big business machine and the people into automatons to be moved by Federal direction.

I believe in the American people, in the American farmer, and in the American business man. They are competent to govern themselves and to run their own business. They do not want the inefficient hand of federalism laid upon their shoulders. We have reached the highest standard of efficiency through individualism, and the highest achievements in industry obtained by any people have been reached in the United States through our democratic institutions, not through socialism or by the Federal Government owning or controlling or supervising the lives or the business of the people.

Mr. SMITH. Mr. President, will the Senator yield?

Mr. TYSON. I would like to answer the Senator from Utah. However, I yield.

Mr. SMITH. If the Senator will just let me make one observation I shall be glad. I do not think any Senator on this floor is afraid that any initiative the Government may take will ever stop private initiative. What the Senator from Tennessee and others of us who are interested in the matter are contending for is not so much the Government continuing permanently in the operation, but certainly continuing long enough to demonstrate to us the practicability of it at a reasonable cost. We can not get any of these matters so long as the processes are owned and controlled and developed by private enterprise. There is not a man on this floor who knows anything about the cost of the new process of transmitting messages by radio. I happen to be a member of the Committee on Patents, and there is not a member of that committee who can of his own knowledge know what the instruments and processes of broadcasting will cost. All he can know is the price that is said to be a reasonable one. The Government dedicated Muscle Shoals to the one vital thing of producing this ingredient, nitrogen, and I believe it is our duty to develop the process until we know what can be done and at what price it can be done.

Mr. TYDINGS, Mr. BRUCE, and Mr. HARRIS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Tennessee yield; and if so, to whom?

Mr. TYSON. I should be glad to yield to the junior Senator from Maryland for a short question, but I will never get through my speech if I have half a dozen speeches by other Senators every time a question is asked. I do wish Senators would limit themselves to a question. I yield first to the junior Senator from Maryland, who rose first.

Mr. TYDINGS. As I understand the Norris resolution, the main purpose is to generate power and sell it to communities near Muscle Shoals. Assuming that the incidental part of it, or even the main part of it, is the fertilizer business, I would like to ask the Senator whether he is in favor of permitting the Federal Government to engage in the manufacture and sale of electricity unregulated, not subject to State laws, not subject to price fixing.

Mr. TYSON. I will come to that subject later on, if I only have the opportunity.

Mr. TYDINGS. Without any regulation whatsoever, in conflict and competition with private capital which has gone in as the pioneer and developed the subject?

Mr. TYSON. I would say decidedly no.

Mr. TYDINGS. I would like to ask the Senator this further question: If the Norris resolution is adopted, will not that state of affairs come into existence?

Mr. TYSON. I think not. It may, so far as the Norris resolution is concerned, but if we pass it here I do not think anybody can come into my State with a transmission line and sell electricity in the State of Tennessee without the consent of the State, nor could they do it in any other State in the Union.

Mr. TYDINGS. I would like to call the Senator's attention to the fact that in the Constitution one of the 18 special grants of power given to Congress is the right to regulate interstate and foreign commerce. Taking electric current from Alabama into Tennessee is certainly interstate commerce, and no State can impose any restriction on it, because the courts have overwhelmingly held that any tax on interstate commerce is in fact a power which they have no right to assume. Here we have the Federal Government. We can not tax the Federal Government by State law. We will have the Federal Government coming into the State of Tennessee free of tax, free of regulation, paying out of the Treasury of the whole American people any deficit that may accrue, and directly in conflict with all the private enterprises which have been pioneers and have risked their money to build up the business.

Mr. TYSON. If that is the case, I hope the Senator will offer an amendment which will cure that defect. I shall be very glad to vote for it, because I do not want to have anybody coming into my State who does not get in there on the same basis that every other person or corporation does.

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. TYSON. I yield.

Mr. BROOKHART. I would suggest that this matter of regulating the United States Government is a new proposition to me. I did not know it needed regulation. I presumed we would like to have the States regulate the business as the business comes into the States. In fact, Government regulation of the thing is the strongest and most extreme regulation that could be had.

Mr. TYDINGS. Mr. President, will the Senator yield again?

Mr. TYSON. I yield.

Mr. TYDINGS. I would like to call the attention of the Senator from Iowa to the fact that the Government, when it is experimenting in the making of munitions and shells at the various places he mentions, is not selling those things to the American people? They are not in competition. They are developing a business which is essentially a governmental business.

I would also like to say in answer to the Senator from Iowa that he will recall from his reading of the Constitution that there are 18 specific grants of power given, and among them is the regulation of interstate and foreign commerce and a provision that no State can tax any interstate commerce. The Supreme Court of the country has held that time and time again. If current is taken into Tennessee or Iowa, it must come in without the State having the slightest color of right to do anything in its regulation, fixing of price, distribution, or anything else.

Mr. BROOKHART. The point I am making is——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. TYSON. I yield.

Mr. BROOKHART. I have so much confidence in my Government that I think it is going to do the square thing in Alabama and in every other State. I do not think there is any such thing as regulating the Government.

Mr. TYDINGS. The Senator misses the point.

Mr. BROOKHART. The Senator from Maryland raised the question of constitutional power.

Mr. TYDINGS. Yes; but the Senator misses the point. My point was—and the Senator has agreed that I am right—that there is the Federal Government, on the one hand, unregulated, untaxed, uncontrolled, and, on the other hand, there is private capital regulated, taxed, and controlled. Does the Senator think it would be fair for an individual who has put his money into business to be subjected to that kind of competition?

Mr. TYSON. Mr. President, I want to say to the Senator from Maryland that there is now pending before the Senate an amendment offered by the senior Senator from Mississippi [Mr. HARRISON] which provides for the regulation by the States. I am for that amendment, and I am not for any measure that does not carry regulation by the States. Furthermore, I do not believe that any measure can pass the Senate that does not carry the authority for State regulation.

Mr. TYDINGS. I appreciate what the Senator from Tennessee is saying, and, in the main, I am with him; but if he will bear with me just for one minute more I should like to point out that such regulation would be absolutely unconstitutional, and I will explain why in just a moment. If the State may undertake such regulation then, in the case of a man who had a pair of mules in Virginia and wished to sell them to a man in Maryland, the legislature of that State could pass a bill imposing a tax on mules coming from Virginia, and every State could have its own export and import taxes on commodities. In the end we should not have any regulation of interstate and foreign commerce by the Government. If the Senator will read the debates on the framing of the Constitution, he will find that when that clause of the Constitution was considered the power was expressly given to Congress in order to prevent a chaotic condition and one State hamstringing and keeping out the commerce of another State.

Mr. TYSON. Does the Senator mean to say that if we pass the pending joint resolution containing a provision that power transmitted from one State to another may be regulated by the States it would be unconstitutional?

Mr. TYDINGS. Does the Senator refer to Federal power?

Mr. TYSON. Does the Senator mean to say if we include a provision in the joint resolution that the power which is transmitted from one State to another may be regulated by the States that that would be unconstitutional?

Mr. TYDINGS. Yes, sir. I will explain that to the Senator, and the Senator, I think, will agree with me. If a State may tax interstate commerce for one purpose, it may tax it for another purpose, and if it is unconstitutional to tax interstate commerce, whether it be in the shape of mules or grain or coal or anything else, it would be just as unconstitutional when it comes to power.

Mr. TYSON. How would the Senator remedy that defect?

Mr. TYDINGS. I intend to vote against the power provision of this measure for two reasons: In the first place, to attempt to regulate power so produced would result in no regulation at all, because the Supreme Court would hold such action on the part of a State to be unconstitutional. Therefore, the States not being able to regulate it, it would be put on the same plane with private capital. So I shall be forced to vote against the entire joint resolution.

Mr. TYSON. Has the Senator from Maryland no remedy for the objection which he suggests?

Mr. TYDINGS. Yes. The Federal Government might produce power and sell it at the switchboard so that anybody could buy it.

Mr. TYSON. I wish to say to the Senator from Maryland that that is exactly what the amendment which we are now considering provides for. It provides for selling power at the switchboard.

Mr. TYDINGS. But I wish to call to the attention of the Senator from Tennessee the fact that even though the Federal Government did produce the power and did sell it at the switchboard, the State of Alabama, in my judgment, could not tax it, could not regulate it. It might, perhaps, tax the bed of the river; it might, perhaps, find some color of property tax, but it could not tax the interstate commerce in any way whatever.

Mr. TYSON. I do not understand that it would attempt to tax interstate commerce.

Mr. BROOKHART. Mr. President, will the Senator from Tennessee yield to me?

Mr. TYDINGS. Mr. President, I venture to say, in order to clear up that point, that if this question shall be taken, as it will be taken, to the Supreme Court, in my humble judgment the court will not be very long in deciding that if the power to regulate does not exist for one purpose the proposition can not be turned around and the power given for that same purpose. The proposition must stand or fall upon its own merits.

Mr. TYSON. Does the Senator from Maryland intend to say that if the power were sold at the switchboard an individual or a private company or a corporation or a municipality could not take their transmission lines to that point, with the consent of the utilities commission of the State, and get power and transmit it out of the State?

Mr. TYDINGS. The Senator from Tennessee misses my point. What I said was that if the Federal Government shall generate electricity, the State of Alabama can not regulate the Federal Government, no matter how many amendments may be placed in the joint resolution. Here is the junior Senator from Alabama [Mr. BLACK], himself an eminent lawyer, and enjoying a reputation as such in Alabama, and I do not think he would contend that if the Federal Government goes down to Alabama and produces electricity and sells it at the switchboard the State of Alabama can come along and tax and regulate that electricity. Certainly I believe the Senator will concede that it would be a very dubious proposition, and might be decided either one way or the other by the courts.

Mr. BROOKHART. Mr. President——

Mr. BLACK. Mr. President, will the Senator yield there for a question?

Mr. TYSON. I yield first to the Senator from Iowa [Mr. BROOKHART].

Mr. BROOKHART. Mr. President, I have had a little experience with the question just raised by the Senator from Maryland [Mr. TYDINGS] in regard to the power to regulate commerce. Congress always has the power to regulate interstate commerce any way it wants to. It may do so through the machinery of the States if it so desires.

Mr. TYDINGS. Oh, no.

Mr. BROOKHART. It might even submit to taxation.

Mr. TYDINGS. Let the Senator give me an illustration of where it has ever been done and I will agree that he is right.

Mr. BROOKHART. The States have always regulated it when the Government did not act.

Mr. TYDINGS. Cite me one instance where any State has regulated interstate commerce and I will sit down. The Senator can not name one in the whole history of the country.

Mr. BROOKHART. Take intrastate railroad rates. The States have always regulated them until act of Congress on the subject has been passed.

Mr. TYDINGS. Oh, no; the States have only regulated such commerce within the State's limits, which is an entirely different thing.

Mr. BROOKHART. I understand that; but they have regulated such rates and they have affected interstate commerce.

Mr. TYDINGS. Oh, no.

Mr. BROOKHART. However, I do not care anything about that. The point I am trying to make is that the idea that we can not trust the Government properly to regulate such a matter as this and give a square deal to the people and the States and everybody else is quite new to me.

Mr. TYDINGS. We can trust the Government, but the State of Alabama has no power to regulate the interstate commerce of this Nation.

Mr. BROOKHART. It ought not to ask for that power and does not want that power, but it ought to trust the Government the same as the rest of us do—and it will, I apprehend—and the Government's regulation, which will be the best regulation which can be provided.

Mr. BLACK. Mr. President, will the Senator now yield to me?

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Alabama?

Mr. TYSON. I yield to the Senator from Alabama for one minute.

Mr. BLACK. Mr. President, with reference to Alabama, I have long since decided that Alabama's voice as to the disposition of this great natural asset which exists within its borders is very feeble in so far as giving effect to its desires is concerned. I have heard criticized on the floor of the Senate a citizen of Alabama on the ground that he expected his property to be enhanced in value by reason of this asset——

Mr. TYDINGS. The Senator does not mean to suggest that I said that?

Mr. BLACK. And that that was one of the reasons why his great-grandfather moved there many years ago. I have heard, further, that we have no right to tax any water power, a natural asset of the State; but that the State has to tax the farmers of Alabama and let them pay taxes on their farms while the power is shot out to every State within transmission distance.

Mr. TYDINGS. May I interrupt the Senator right there?

Mr. BLACK. I will yield in just a moment.

Mr. TYSON. Mr. President, I will have to ask Senators to give me a little time, in order that I may get through.

The PRESIDING OFFICER. The Senator from Tennessee declines to yield.

Mr. TYSON. No, Mr. President; I do not decline. I will yield to the Senator from Alabama.

Mr. BLACK. I will be glad if the Senator will let me finish what I was saying. I have also heard that the States that are not within transmission distance of Muscle Shoals are prepared now to have an amendment offered providing that the profits received from Muscle Shoals shall be equally divided among those States that are not within transmission distance. Since all of the States are equally entitled to everything that Alabama has within its borders, so far as Alabama is concerned, I assume that it has no right of taxation or anything else.

Mr. TYDINGS. Mr. President——

Mr. TYSON. I now yield to the Senator from Maryland.

Mr. TYDINGS. Mr. President, I should like to remind the Senator from Tennessee—and I believe he will appreciate the logic of the situation—how it was that Congress was given the power to regulate interstate and foreign commerce and why it is that a State can not regulate such commerce. For example, when our country was first formed and we had only 13 States, each one of them had restrictive laws in order to build itself up at the expense of its neighbors. Therefore when we came to be a united country the people realized that they could never stimulate commerce if each State had the right to tax the products of the other States in any way whatsoever. So authority was given to the Federal Congress, the body of which we are Members, to regulate interstate and foreign commerce. The Senator can at once see that if Alabama or Tennessee had the right to tax electric power it would have the right to tax coal coming in, or any other commodity of interstate commerce, and that would lead to a breakdown of the Union. That was the thought underlying the provision of the Constitution. I thank the Senator for his courtesy in yielding.

Mr. TYSON. I think, Mr. President, that if there is such a defect in the joint resolution, it ought to be remedied. If we have to accept the views of the Senator from Maryland on the subject, I do not see how we can operate Muscle Shoals at all without violating the laws of all the States that are within transmission distance. It may be that that is the case, but I hope we will manage to find some way by which we can operate Muscle Shoals and distribute the power that may be generated there.

Mr. President, I had not expected to discuss the fertilizer question so early in my address. I wish to go back a little now and say something about power, which seems to have been the main subject of the discussion in the minds of many Senators and especially in the mind of the Senator from Nebraska [Mr. HOWELL].

I think a great many people will be very much disappointed at the results of the operation of Muscle Shoals so far as the reduction in the price of power is concerned. I should like very much to be able to think otherwise; but, in view of the fact as I understand the joint resolution, that it provides only for the distribution of power to municipalities in the States and other organizations that want it at wholesale rates and not in a distributive way, I can not see how that will reduce the rates for electricity to the consumer below what those rates are now; certainly it will not do so in Tennessee unless the cities themselves shall take over their distributing plants and themselves distribute the current to customers.

The junior Senator from Kentucky [Mr. SACKETT] made this very clear when he said that steam plants could now generate electricity about as economically, if not more so, than it can be produced by hydroelectric processes. If any city in my State wishes to have a municipal plant, there is no reason why it should not have one; that is to say, if it is willing to put up the necessary capital and willing to build the necessary distributing plant and power house.

Take the city of Memphis, for instance, where my colleague [Mr. MCKELLAR] lives. I understand that some people think that Memphis might be able to obtain cheaper electricity if Muscle Shoals is operated and they have an opportunity to secure electricity from that source. I can not see how that can be done simply because Muscle Shoals is operated; I can see how it can be done if they go ahead and build their own power plants and distributing plants.

I have a telegram from the Public Utilities Commission of the State of Tennessee. I asked them at what price electricity was being generated in the city of Memphis by the power company or the distributing company now engaged in business there. To my surprise, they wired back and said that the generating cost of power at Memphis is 3.6 mills per kilowatt-hour. Including maintenance it costs 4.1 mills.

That is very cheap power, especially in view of the fact that the city of Memphis is at least 200 miles from the nearest coal mines that I know of. If power can be generated that cheaply at Memphis by any power company which has a plant which perhaps has been put in for five or ten years, any new plant, perhaps, could make it cheaper than that plant does. Therefore if the city of Memphis wants cheaper power there is no reason on earth why it should not get it, whether Muscle Shoals is operated or not. If it buys power from Muscle Shoals, either the Government or the city of Memphis or some combination of cities must build a transmission line, and, as I understand, being 150 miles away, a transmission line will cost not less than two to three million dollars. In addition to that, it will cost a good many millions of dollars to build a distributing plant in the city of Memphis, to say nothing of the great amount of inconvenience which will be had in the event a new plant is built in the city of Memphis, or in any other city, for that matter.

Mr. MCKELLAR. Mr. President, will my colleague yield to me?

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from Tennessee yield to his colleague?

Mr. TYSON. I do.

Mr. MCKELLAR. My colleague has given some very interesting figures about the cost of electricity in Memphis—4.1 mills, I believe, less than half a cent—and that includes depreciation and matters of that sort. As a matter of fact, the power company at Memphis is selling electricity to the general public at 10 cents a kilowatt. The spread is the difference between half a cent and 10 cents to the great body of consumers at Memphis, Tenn. Does not the Senator think that is too wide a spread between the cost of the current and the price to the consumer?

Mr. TYSON. Mr. President, as far as that is concerned, I do not know; it is impossible for me to state, not having all the facts before me. It looks to me as if it is a high price for power, a high price for electricity. I wish we could lower it. It seems to me we ought to lower it; but if we are paying too much, it is the Public Utilities Commission of Tennessee, it seems to me, that ought to see that it does get lowered. It is their job, and they ought to attend to it. I do not know whether they are doing their duty or not; but they are either failing to do their duty or they have been deceived in some way.

I assume that these gentlemen are honest. I believe they are. I believe they are fairly efficient. This thing has been going on not only in Memphis but all over my State. I should like very much to see electric light and power charges greatly reduced in the State of Tennessee, but I do not see how the operation of Muscle Shoals is going to do it.

Let us take the city of Nashville. The city of Nashville is paying 8.3 mills per kilowatt-hour for the power which they are buying at the gates of the city and then distributing. I consider that a very high price for wholesale power, and yet they seem to be paying it. If they can distribute power at a less price than they are distributing it now, which is about 9 cents for the average consumer, I can not understand why they do not build their own plant. They ought to do it if they can reduce the cost of power and the cost of electricity anything like what has been said by the Senators from Nebraska to be possible.

As a matter of fact, I am very confident that no city of any size in Tennessee or in Alabama or in Georgia will build a single municipal plant in order to get power from Muscle Shoals, because of the fact that they are not going to make the great outlay necessary for putting up a distributing plant; they are not going to go into debt for the purpose of building a transmission line and then driving out of business all of the people that are now in business there.

Take the city of Birmingham: I have information to the effect that a year or two ago they had two distributing systems in Birmingham. One was owned by private parties and the other was owned, I think, by the Alabama Power Co. The private distributing plant finally went out of business, because they could not sell power as cheaply as it was being sold by the Alabama Power Co.

Take my own town of Knoxville, Tenn.: We have coal mines within 30 miles of the gates of the city. I have bought coal laid down at the furnace for manufacturing purposes in the city of Knoxville for $1.25 a ton. That was good steam coal. You can buy good steam coal there to-day, laid down at the furnace, for $2 a ton. We can manufacture electricity in Knoxville at least 1 mill per kilowatt-hour cheaper than it can be manufactured in the city of Memphis; and yet, notwithstanding that fact, the city of Knoxville have not even considered the matter of putting up a municipal plant. It may be that they have exercised bad business judgment in not doing it, and yet they do not do it. So I am confident that Knoxville would not put up a municipal plant, and that is the only way in which the cost of power could be reduced to the consumer. They now pay 7½ mills per kilowatt-hour, wholesale. Of course, the cost of power to the consumer might be reduced 3 or 4 mills, but that would not be material, and nobody would consider the matter.

So, Mr. President, I believe that the Senator from Nebraska and every other one who feels that the operation of Muscle Shoals is going to reduce the cost of power to anybody except perhaps those who buy it wholesale is making a great mistake. I wish it could be so; and it may be that what has been brought out here in the Senate—the knowledge that they are getting power for 2 mills a kilowatt-hour in Ontario—may induce the people in these various cities to feel that they can put up a distributing plant and thereby reduce the cost of power to their citizens; but that is the only way in which it can be done unless the Government of the United States itself goes into the distributing business and distributes power all over that country. It can do it. I will admit that the Government of the United States, if it wants to go into the distribution of power to the consumer all over the country, in my judgment can do it cheaper than any corporation can do it, for the reason that it can get money at lower rates, and I believe it can have fairly efficient management.

But, Mr. President, if we undertake to distribute the power from Muscle Shoals to all of the various cities within transmission distance, we can see very well what an enormous outlay it would involve; and if we start in there it would have to go throughout the whole country ultimately, because if we start at Muscle Shoals there is no reason why we should not go as far as the limits of the country extend. If the Government goes into the business of giving cheaper power or electricity to the people in one section, it ought to do it in every section.

So I regret very much, Mr. President, that I am not able to agree with those gentlemen who think that the operation of Muscle Shoals is going to be of any great benefit to the people who live within transmission distance, except in so far as they are going to be able to get more power, and thereby have it better distributed, and through the fact that since there is more power to call on there is a greater amount of development and more power to be sold, and it may be possible to reduce the price, because there is more than can be sold; but as long as we have all the power that we can sell, and everybody is after it, as has been the case in the South for the last several years, I do not believe we are going to reduce the cost of power very much.

The Senator from Alabama [Mr. BLACK] a few days ago, in making his address, stated that he did not think there was any particular demand for that power. Mr. President, I think he made a very great mistake in that respect. I want to read just a short extract from the Commercial Survey of the Southeast, published by the Department of Commerce in 1927, page 113. It is shown there that in the 12-year period, from 1914 through 1925, manufacturing in the Southeast increased in greater proportion than for the United States as a whole, the percentage of increase in the value of manufactured products in the Southeast being 203 per cent, compared with 159 per cent for the country as a whole. Then it goes on to show the great increase in the amount of power, of kilowatt-hours used in those sections. It is stated that reports of the Geological Survey show that the output of power in the six States of North Carolina, South Carolina, Florida, Tennessee, Alabama, and Georgia increased from 3,820,281,000 kilowatt-hours in 1923 to 6,911,421,000 kilowatt-hours in 1927—in other words, almost double, or an increase of 78.6 per cent, compared with 46.8 per cent increase in the same period for the Nation as a whole.

So, Mr. President, that shows that we are in need of power down there; and in my opinion all of the power that can be generated at Muscle Shoals can be sold. Of course, it can not be sold in a day, because of the fact that it requires consumers as well as producers; and if an attempt were made to sell 220,000 horsepower at once it would perhaps be a little bit of a glut on the market. But it can be and will be absorbed, in all probability, in the course of one or two years, if made available for the manufacturers and the consumers in that section of the country, especially within transmission distance, which is 250 miles, which will take in the heart of the fastest-growing section of this country to-day.

Mr. President, I feel that we can get a great deal of money out of the operation of Muscle Shoals as a power proposition; and I want to show to the Senate the great possibilities of the amount of money that can be gotten out of operating Muscle Shoals and selling the power and selling it at a reasonable price, 3½ mills per kilowatt-hour. I am giving you an estimate made by Mr. Merrill, who is the secretary of the Federal Water Power Commission, and I think perhaps knows as much about power as any man in the country.

He shows, Mr. President, that with Dam No. 2 and the 60,000-kilowatt steam plant, on the basis of 3½ mills per kilowatt-hour for the primary power, 3 mills for part of the secondary power, 2 mills for another part, and 1 mill for still another part of the secondary power, we would have a total income of $4,500,000 a year just from that alone, and that the net income at the highest expense would be $1,657,000; that the maximum annual profit would be $3,759,000, and that the average annual profit would be $2,530,000.

If we go ahead and build Dams Nos. 2 and 3 and complete them, the average annual profit will be $3,591,000. If we should build Cove Creek Dam, as is provided in the Cyanamid bid, there will be a possibility of an average annual profit of $7,228,000.

So, Mr. President, it will be seen what an enormous amount of money could be realized if this plant were operated to its full capacity and the electricity sold at more reasonable prices than it is now being sold anywhere in Tennessee or Georgia or Alabama, so far as I know, wholesale. That enormous revenue could be used for the benefit of manufacturing fertilizers for the farmers.

That is an enormous amount of money—$7,000,000—and if it were used for the benefit of the farmers of the country, in my judgment, in the manufacture of fertilizer and helping to distribute it, it would be of incalculable value. Of course, we may not get that every year, but we will get an average, when the plant is run at full capacity, of from three to seven million dollars.

I do not want to take too much time, but I do want to say something about the Cyanamid bid.

Mr. BLEASE. Mr. President, I would like to ask the Senator a question for information.

Mr. TYSON. I yield.

Mr. BLEASE. I have listened very attentively to a good deal of the debate on this resolution, and am trying to learn something about the proposition. Does the Senator really believe that if this plant were operated and manufactured fertilizer it would bring fertilizers to the farmers of this country at any cheaper price?

Mr. TYSON. Mr. President, I doubt it very seriously. I want to be very frank about it. I do not know that it can be done. I think the only way in the world that we can find out—and this is my idea—is to make an experiment, to go ahead and try the matter out, and then we will be able to say what can be done, and not until then.

The farmers throughout this country feel that fertilizers can be manufactured at Muscle Shoals cheaper than the price at which they are now buying them. I doubt it very seriously. I talked to one of the experts in the Agricultural Department yesterday, and asked him whether under any process known to-day used in the most economical manner, we could make any reasonable reduction in the price of fertilizers to the farmer. He admitted to me that he doubted very seriously whether we could reduce the price of fertilizers more than $1 a ton. That is not much; that is very little. But he does not know; he has had no opportunity to do anything to enable him to find out on an experimental basis.

That is why I say that this resolution does not go far enough. I know very well that you can not manufacture in a small way and manufacture economically. You have to do it in a big way. You can reduce the price of any product anywhere from 10 to 20 per cent by manufacturing it in a large way, and fertilizers have to be manufactured by somebody in a large way in order to determine just what the cost of those fertilizers is.

We have to have a fund to use, and this would bring in the fund without any extraordinary expense to the Government. I have no prejudice for or against any process. I have heard the cyanamide process discussed here, and I have heard the synthetic process discussed. As a matter of fact, I do not know very much about either one of those processes, and from the amount of questions that have been asked in the Senate in

the last two weeks about these matters, I doubt very seriously whether anybody in the Senate, with one or two exceptions, does know anything about it.

I do not think it is necessary for us to know much about it. What we want to do is to put it in the hands of experts and let them do the very best that can be done. We can not undertake to go into all of the chemical details here as to what is nitrogen or what not. What we have to do is to put the matter into the hands of men who can properly handle it, and handle it in the most economical way, and then let them report back.

I want to have an opportunity to have an experiment on a large scale. I believe that Muscle Shoals is about as good a place to have that experiment as any other place. We own the property there; we have all the buildings, all the paraphernalia. It is true we have no very good plant, but if we are going to erect a plant anywhere, why should we not erect one at Muscle Shoals and try the experiment out there? Then the farmers of the country will realize that we have kept faith with them. If we do not put a plant of some size at Muscle Shoals and try the matter out there, the farmers of this country will always say that we did not keep faith with them. It has been said that the cyanamide process is obsolete. I will say this for the cyanamide process, without knowing anything about it, that no process can be obsolete that is now producing as much nitrates or as much ammonium or phosphates as is the cyanamide process. That process evidently is a success. Whether or not it is the most successful process I do not know.

It has been said that the synthetic process is the most successful of all the processes. That may be true, I do not know, but the only way by which we may know is for us to try it out, to put this experiment upon a large enough scale of production that we can see what can be done, and at what cost it can be done. Otherwise we never will know.

There are a great many different amendments suggested to this resolution. I have offered two. I have suggested one in regard to the power proposition. My amendment provides for the leasing of the power plant and the sale of the power to the very best advantage by the Secretary of War. Failing that, that he is to operate and sell the power to the very best advantage.

In view of the fact that the Senator from Mississippi has his amendment pending, and it is so much like the one I have on the table, I am going to support the amendment of the Senator from Mississippi, and I intend to vote for his amendment when it comes up. I do not know what my course will be after that, if it should be voted down.

I am deeply interested in what is known as the Willis-Madden bill. I believe that if we do not pass the Norris resolution we will have the Willis-Madden bill before us. It is going to be pressed at this session of Congress, in my judgment, if we do not pass the Norris resolution, amended or unamended. I believe that those gentlemen who are behind that bill are going to make a great effort to pass it in the House, and if it does pass there, of course, it will come over to the Senate.

I am not sure that the cyanamide process can not be made a success. As I said, I think at the place it is being used it is a success, and whether or not it can be made a success at Muscle Shoals remains to be seen.

I want to say something now about the Willis-Madden bill. We have heard a great deal about producing fertilizers at Muscle Shoals in large quantities. The public at large believes that under the Willis-Madden bill whatever subsidy it might give to the Cyanamid Co. would result in their producing fertilizers on a large scale. I say that that might be done. It is possible that fertilizers might be produced on a large scale by the cyanamide process under the Willis bill, but there is nothing in it that guarantees that. The only thing in the world that it guarantees is that after they have taken all the power that can be produced at Muscle Shoals, that can be produced after Dam No. 3 is built, after they have come up into Tennessee and taken the very best that we have up there, after they have gobbled up practically everything that is worth having in the Tennessee Basin, then they are willing to build a plant that will have a capacity of 10,000 tons a year. It will be three years before they have to build that. At the end of the third year they must have that ready. Then they produce 10,000 tons, and they put it on the market at cost plus 8 per cent, and if they can sell 10,000 tons for three successive years at cost plus 8 per cent, then they will build another addition to the plant, which will have a capacity of 10,000 tons. Then, after they have sold the 20,000 tons for three successive years at cost plus 8 per cent, they will build another plant. So that there will be three years to start with before they will have to build anything; there will be six years before they will have to build a second plant; and we may never get a second plant. I doubt seriously, Mr. President, whether they ever will be able to manufacture nitrates and sell them at the rate of 10,000 tons a year at 8 per cent above cost.

Mr. HEFLIN. Mr. President, will the Senator yield?

Mr. TYSON. I yield.

Mr. HEFLIN. That is what I meant yesterday when I said that I would not support the Willis-Madden bill as it now stands. I want to amend it in many particulars, and the Senator is now mentioning some of the particulars in which I want to amend it. I am willing to join with the Senator and any other Senator to perfect that bill and make those people do what we want down there.

Mr. TYSON. I sympathize most deeply with the Senators from Alabama in their desire to have a great fertilizer plant at Muscle Shoals. I think they are entitled to it. I think the State of Alabama is entitled to have some consideration at the hands of Congress, because of the fact that the water that goes down the Tennessee River ought to be Alabama's water to a certain extent. It has more interest in that water from the time it reaches Alabama until it leaves it than any other State. It owns the bed of that river, and I think it ought to have special consideration. It is true the Government built this great dam there for war purposes in time of war, and for the manufacture of fertilizer in time of peace. Now they are proposing to go up and take another dam, without the permission of Alabama, and use all the water as they deem best. I think Alabama has some rights there. They also want to go up and take what we have in Tennessee, and I think Tennessee has some rights up there, too, and I am going to fight for those rights right here on the Senate floor whenever it is necessary.

Mr. President, I believe this plant should be built there. But to go back to the amount of fertilizer that can be produced, just think of 10,000 tons of nitrate. It is proposed with that 10,000 tons to make 40,000 tons of fertilizer. It will take 18 years, under the terms of that contract, before they ever come up to 48,000 tons. We are talking about wanting a lot of fertilizers for the farmers of the country, and it will be 18 years, under the terms of the Willis-Madden bill, before there ever can be 48,000 tons unless they want us to have it, and we can never get more than 10,000 tons for the reason that if they should fail to sell 10,000 tons in any one year at 8 per cent above cost, then they have to keep on and start in and have three successive years, and it might be a hundred years before they would ever have to make more than 10,000 tons of nitrates.

Not only that, but they are only called on to keep 2,500 tons on hand. Whenever they can not sell it at 8 per cent above cost, 2,500 tons is all they are required to keep on hand.

Mr. BLACK. Mr. President, in the Military Affairs Committee an amendment has been agreed to, according to my understanding—and I do not care to discuss the Madden bill now—to meet the exact point which the Senator suggests, about waiting over a long period of time, providing a recapture clause in case the matter extends over a long period. I think the Senator and I are very much agreed on the necessities of the bill.

Mr. TYSON. There is one other question I want to touch on, because the Willis-Madden bill has been discussed here by Senators, and many of them appear to be in favor of it. I want to show what a delusion and a snare it is. I have shown, perhaps, enough already, as far as that is concerned; but under that bill there will be the greatest subsidy men ever had in this country. I showed that there would be $7,000,000 profit on the power at 3½ mills per kilowatt-hour. They have to have 8 per cent profit on all of the fertilizers that they manufacture. If they can not sell it at 8 per cent profit, they do not have to sell it at all; and they can get seven and one-half million dollars a year of profit from the power alone with an investment of $5,400,000 that they have to put in the steam plant. In other words, they are making 150 per cent a year, according to the statement and the report made last year by the Committee on Military Affairs of the House.

Let us go up into Tennessee and see what they are doing there. Not satisfied with taking Muscle Shoals, not satisfied with gobbling up the greatest single dam in the United States, they insist upon having Dam No. 3 in the State of Alabama 15 miles above there, where they insist upon having 250,000 more horsepower installed for their benefit. Then they go up into Tennessee and have the great Cove Creek Dam built for their benefit, which will produce 200,000 horsepower more. In other words, the sum total, the maximum of installed horsepower, under the terms of the Willis-Madden bill, will be 1,220,000 horsepower, from which they can get from $7,000,000 to $10,000,000 of profit every year, and we are practically

giving it to them for 4 per cent and taking 100 years to get our money back at that. If anybody is satisfied with that sort of proposition, then I can not see how he can say he is doing anything in the interest of the people.

The Willis bill provides that they shall have Dam No. 3, and that dam has to be built immediately. But the Government of the United States, under the terms of the bill, has five years within which it can go into the State of Tennessee and build a reservoir at Cove Creek which will cost the Government $37,000,000. They have five years within which to determine whether they will go or not, and in the event they do not choose to go, then the company has three years within which to determine whether it will build Cove Creek Dam. In other words, we in Tennessee, under the terms of the Willis bill, are compelled to wait perhaps eight years before we can get our power site developed.

Mr. President, I think the Cyanamid Co., if it wants to do the fair thing, if it really means business, should be satisfied if it got even Dam No. 2, because it would then be receiving an enormous subsidy. We would be giving away twice as much as can be produced at Dam No. 2, which is the most extraordinary proposition I have ever known sensible men even to consider. I can not understand how men can consider such a proposition. It is the most monstrous thing I have ever known sensible men even to think about.

I have endeavored to advise the Senate of the enormity of the proposition, and I hope that every Senator will read the report, after long hearings, made on page 1069 of the hearings before the Committee on Military Affairs, House of Representatives, Sixty-ninth Congress, second session. If anyone can come here then and vote for the bill conscientiously, I submit that he has a very different kind of mind than mine.

Here we are going up into Tennessee. That is what I object to especially. If they will go down to Muscle Shoals and give us a fair proposition, taking all the power necessary, we can develop at Muscle Shoals all the power that they will require even if we use the electric process in making phosphoric acid. I am informed that we do not need any electricity to make phosphoric acid. We can take sulphuric acid and put it on phosphate rock and get phosphoric acid. There is a camouflage in that thing. They can do that and thereby increase the cost of the fertilizer, and increase it to such an extent that they can not sell it, and then they will not have to make any more.

The Senator from Alabama said to me the other day, in reply to a question, that it would take 180,000 horsepower to make the phosphoric acid required. As I understand it, we have here two processes, known as the wet process and the electric process. If we use the wet process we do not have to use a single kilowatt of power in making phosphoric acid. Notwithstanding the Federal water power act provides that anyone who gets a permit has only three years in which to determine whether he will go ahead and build a dam under the permit, yet the bill provides further that they are to go up into my State and have five years within which they may determine whether or not they will take a permit on three great power sites in my State which will produce 100,000 horsepower more. Think of it, Mr. President. If all of that power should be given to these people they will have 55 per cent of the installed power of all the States of Virginia, North Carolina, South Carolina, Georgia, Alabama, and Tennessee in the year 1926. Talk about power trusts. We have heard Senators speak of power trusts and of being afraid that a power trust would gobble up something, and yet here are Senators deliberately considering the question of giving the greatest amount of power that any corporation now owns or operates to a power trust.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. TYSON. I yield.

Mr. BLACK. I think the Senator is mistaken about that. The Alabama Power Co. now has more power alone than the total primary horsepower of all these dams put together. Of course, I do not mean installed.

Mr. TYSON. I am speaking about installed horsepower.

Mr. BLACK. I am talking about actual primary horsepower. Cove Creek would only give 20,000 horsepower according to the testimony of the engineers.

Mr. TYSON. I am basing my statement on the report made by the Committee on Military Affairs of the House last year, on which we have to act.

Mr. BLACK. That is installed horsepower.

Mr. TYSON. Yes; but they say that 78 per cent of that horsepower will be available all the time. We have to consider, when we get Cove Creek finished, Dam No. 3 finished, and all these other things finished, that every time we have a dam constructed we store that much more water, and we double and treble the value of many of the water-power sites below, and the farther down we are the more benefit we get or can have.

Here are 180,000 horsepower that they can use if they want to—or as much as they please of it—in the manufacture of the cyanamide, and they can charge it up as cost and will never have to make more than 10,000 tons of fertilizer from now until judgment day.

Mr. President, I have tried to put before the Senate my viewpoint of the situation. I have done it rather unsuccessfully, because I have not been allowed to proceed in an orderly way. I regret exceedingly that I have not been able to present the matter in the order in which I would like to have done, but I hope I have done it in such a way as to show that I am for any process that can make fertilizer at Muscle Shoals in an economical way and so that the farmers will get it at a reasonable price.

I have prepared an amendment which I intend to offer to the Norris resolution which provides that when the best process is found by the Secretary of Agriculture under the experimentation which we are now conducting that immediately he shall undertake to lease the plant at Muscle Shoals under certain conditions, so as to manufacture fertilizer as cheaply as possible and shall sell it upon a reasonable basis; and failing in that, the Secretary of Agriculture himself shall erect a plant or change over the present one and that he shall manufacture at least 5,000 tons of nitrates by 1931 and 5,000 additional tons of nitrates each year thereafter, provided the same can be sold. I have that amendment lying on the table. I expect to offer it at the proper time. I believe that the small processes which we have will not amount to much and that unless we go on to a large scale we never will know whether we can produce fertilizer at Muscle Shoals in a cheap way or not. It has its advantages. Later on it will have more advantages. When these rivers are made navigable coal can come down there and we can transport all the products made at Muscle Shoals to all parts of the country by water. It seems to me, if we have the right process, there is no reason why Muscle Shoals should not be one of the big fertilizer plants of the country.

Mr. BLACK. Mr. President, I merely wish to suggest, in line with the statement of the Senator from Tennessee that they could use the process which is the cheapest, that a great deal has been said about Doctor Cottrell and what he thought about the cyanamide process. I want to read in connection with that statement what Doctor Cottrell said about it yesterday:

> Doctor COTTRELL. At the present time cyanamide nitrogen sells in the market at a little lower price than nitrogen in other forms. You can buy it at a lower price, generally, than you can the other forms.
>
> Mr. GARRETT of Texas. Why?
>
> Doctor COTTRELL. Because it can be produced in that form more cheaply than it can in the other forms, and the cyanamide plants are operating and they are willing to operate on that market as their chief market.

A little later he was asked this question by Congressman JAMES:

> You said a little while ago that to-day the cyanamide people are underselling other people, and you included the synthetic ammonia process, did you not?
>
> Doctor COTTRELL. It is in the other forms of nitrogen.
>
> Mr. JAMES. They are underselling those?
>
> Doctor COTTRELL. Yes, sir.

I just wanted to call attention to that statement of Doctor Cottrell's as relating to an obsolete process and one that is now out of date.

Mr. HARRIS. Mr. President, I wish to remind the Senator from Tennessee that the principal reason the Government is developing Muscle Shoals for the manufacture of nitrates, used to make munitions in time of war and fertilizer in time of peace, is because our country is the only one in the world of any size that has no such plant.

During the war we were entirely dependent upon the nitrates purchased from Chile and it took one-fourth of all our tonnage in order to supply munitions to our soldiers and sailors.

In peace times we are to manufacture fertilizer to be sold to the farmers at cost and experiment in the manufacture of fertilizer with the hope of making it much cheaper than at present.

By using this plant to make fertilizer in time of peace it would enable our Government to use this plant to manufacture munitions any day our country should declare war. It is not only a help to the farmer, but a protection to our Government should we become involved in war, which I pray God may never be again.

Senators on the other side of the Chamber who are opposing the development of Muscle Shoals are free in their criticism of this legislation because they claim it puts the Government in business. Every year our Government appropriates millions

of dollars for experiments in making arms and munitions, but none of these Senators ever criticize the Government for doing that.

Some Senators seem to criticize everything that is suggested here that will benefit the farmers, who are in terrible financial condition. Some of them claim that the Government can not manufacture fertilizer cheaper than the fertilizer companies. If these fertilizer companies are not afraid of our Government cheapening fertilizer to the farmers, why is it they and the Water Power Trust have kept a lobby here for years trying to defeat Muscle Shoals legislation?

I think the water power and fertilizer companies have shown poor judgment in trying to destroy the Muscle Shoals legislation, which is the hope of the farmers; for the more prosperous the farmers are the more prosperous will be these companies. When the farmer prospers everything else is benefited.

Congress should adopt this legislation at this session. It is an outrage that it has been delayed so long. Congress has helped the manufacturers, the railroads, and many others, and it is time something was being done for the farmer.

I ask permission to have printed in the RECORD in connection with my remarks a letter from the Secretary of the Navy and a letter from the Ordnance Department of the Army with the accompanying statement, showing the Government activities in the manufacture of arms, munitions, and so forth.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, February 29, 1928.

MY DEAR SENATOR: There is forwarded herewith a list of articles manufactured at the various navy yards. In addition to this list, the following articles are manufactured by the Navy:

Guns and mounts complete and binoculars at Washington Navy Yard.

Torpedoes and primers at Newport.

Powder at Indianhead.

At the naval aircraft factory, Philadelphia, are manufactured spare parts for old types of planes, floats, aircraft trucks, catapults, experimental aircraft accessories, confidential or secret installations of aircraft, and one or two experimental aircraft per annum.

At the naval clothing factory, Naval Supply Depot, Brooklyn, N. Y., clothes stops; jumpers, blue, dress; overcoats; trousers, blue, dress.

At officers uniform shop, Naval Supply Depot, Brooklyn, N. Y., all items of outer uniform for officers and chief petty officers, except shoes and equipment, which latter items are, however, carried for sale.

Marine Corps Depot of Supplies, Philadelphia. The Marine Corps manufactures for its own use the following:

Clothing, including uniform coats; overcoats; trousers; drawers, knee; pajamas; leggins; flannel and cotton shirts. Tentage, including tent poles and tent pins. Equipment, including infantry packs; leather belts; clothing bags; hand carts; dispatch cases; barracks chairs; field cots; field desks; trunk lockers; flags; target frames; mosquito nets; field ovens; buckets; garbage cans; water cans; sheets; pillow cases; clothing rolls; mattress covers; clothing boxes; packing boxes; signboards, recruiting; bake pans; mess benches; mess tables; machine-gun carts; and steel lockers.

There are probably other activities not herein mentioned, but can not be thought of just at the moment.

Sincerely yours,

CURTIS D. WILBUR.

Hon. W. J. HARRIS,
United States Senate, Washington, D. C.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ORDNANCE,
Washington, February 29, 1928.

Hon. WILLIAM J. HARRIS,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In compliance with your telephone request there are transmitted herewith data showing the ordnance establishments and the functions of each, together with the amount of money spent in the fiscal year 1927 at each of the manufacturing arsenals.

If any further information is required this office will be pleased to send it to you.

Very truly yours,

C. T. HARRIS, Jr.,
Major, Ordnance Department, United States Army,
Executive Assistant.

List of Ordnance establishments, their functions, and date acquired

Establishments	Functions	Date acquired or established	Ordnance funds expended in the fiscal year 1927
Manufacturing arsenals:			
Frankford Arsenal, Philadelphia, Pa	Manufacture of small-arms ammunition, all types; metal components of artillery and trench warfare ammunition; fire control and range finding instruments, including optical parts; manufacture and storage of gauges for small-arms ammunition, fire-control instruments, and drop bombs; reserve storage for fire control, optical and timing instruments; issue of small-arms ammunition and fire-control instruments.	May 27, 1816	$2,269,731.00
Picatinny Arsenal, Dover, N. J	Experimental ammunition development plant; manufactures powder, high explosives, and metal components, and loads ammunition and bombs; development station for military pyrotechnics. Storage of explosives and ammunition.	—— —, 1880	1,608,929.00
Rock Island Arsenal, Rock Island, Ill	Manufactures artillery matériel, including gun carriages, limbers, and caissons; tanks and tractors. Has plant facilities for the manufacture and repair of small arms and machine guns. Reserve storage for artillery 6-inch caliber and smaller; for all small arms, machine guns, and other Infantry weapons; tanks and tractors. Issues ordnance supplies to troops of the Fifth, Sixth, and Seventh Corps Areas, and ammunition for the Sixth and Seventh Corps Areas.	July 11, 1862	1,016,351.00
Springfield Armory, Springfield, Mass	Manufactures United States rifles, spare parts, appendages and bayonets; repairs all types of small arms, including rifles, revolvers, machine guns, and automatic rifles; inspects and stores all gauges for small arms, including gauges for machine guns, automatic rifles, pistols, and revolvers; inspects ordnance materials purchased at Colt's Patent Fire Arms Manufacturing Co., and other plants, and maintains in storage complete equipment for manufacture of caliber .45 pistols.	Apr. —, 1778	606,856.00
Watertown Arsenal, Watertown, Mass	Manufacture of gun forgings, seacoast gun carriages, railway mounts, and projectiles; steel, iron and nonferrous castings; stores and issues parts for seacoast artillery carriages and target material. Operates testing laboratory and is location of the Ordnance School.	Feb. 8, 1816	643,343.00
Watervliet Arsenal, Watervliet, N. Y	Manufacture of light and heavy cannon and accessories	—— —, 1813	371,538.00
Nitrate plants, Muscle Shoals, Ala	Maintenance of plant in stand-by condition for manufacture of ammonium nitrate by the cyanamide process. Sixty thousand (60,000) kilowatt steam-electric power plant under lease to and in operation by the Alabama Power Co.	Oct. 9, 1917	73,121.00
Proving grounds, Aberdeen Proving Ground, Md	Proof-firing of guns and carriages; acceptance and development firing of artillery ammunition and aerial bombs; acceptance and development firings of small arms and small arms ammunition and miscellaneous experimental work; development tests of tanks, tractors and trailers; storage, repair and maintenance of artillery, tractors, and tanks.	Dec. 14, 1917	660,797.00
Depots:			
Augusta Arsenal, Augusta, Ga	Storage and issue of ordnance matériel other than ammunition for the Fourth Corps Area; makes minor repairs to ordnance matériel.	Nov. 19, 1826	----------
Benicia Arsenal, Benicia, Calif	Stores and issues ammunition and other supplies for the Ninth Corps Area, and collects and forwards ordnance supplies for the Army insular possessions and Alaska. Overhauls and repairs ordnance equipment of troops in Ninth Corps Area.	Oct. 10, 1862	----------
Charleston Ordnance Reserve Depot, Charleston, S. C.	Storage of war reserve ammunition; issue of ammunition to Fourth Corps Area	June 3, 1918	----------
Curtis Bay Ordnance Reserve Depot, Curtis Bay, Md.	Permanent storage of war reserve ammunition and components. Stores and issues ammunition for Third Corps Area and Fifth Corps Area.	Oct. —, 1917	----------
Delaware Ordnance Reserve Depot, Pedricktown, N. J.	Storage of war reserve ammunition	Oct. —, 1918	----------
Erie Ordnance Reserve Depot, La Carne, Ohio	Storage and maintenance of tractors, automotive vehicles, and heavy artillery. Proving facilities are available in case of emergency.	Mar. 25, 1918	----------

List of Ordnance establishments, their functions, and date acquired—Continued

Establishments	Functions	Date acquired or established	Ordnance funds expended in the fiscal year 1927
Depots—Continued.			
Ogden Arsenal, Ogden, Utah	Storage of war reserve ammunition and components, and storage and issue of ammunition for the Ninth Corps Area, Alaska, and insular possessions.	Mar. 6, 1920	
Pig Point Ordnance Reserve Depot, Pig Point, Va.	Storage of war reserve ammunition and components	Nov. 2, 1917	
Raritan Arsenal, Metuchen, N. J	Stores, issues, and maintains ordnance supplies for troops of the First, Second, and Third Corps Areas; reserve storage for ammunition and components; issues ammunition for First and Second Corps Areas. Location of Ordnance Specialists' School.	Oct. —, 1917	
San Antonio Arsenal, San Antonio, Tex	Stores and issues all ordnance supplies and ammunition for the Eighth Corps Area; repairs field guns, optical instruments, and small arms.	Mar. 8, 1859	
Savanna Ordnance Reserve Depot, Savanna, Ill	Storage of artillery vehicles, tractors, ammunition, ammunition components, and sodium nitrate; overhaul and repair of tractors: proving facilities are available in case of emergency.	July 23, 1917	
Wingate Ordnance Reserve Depot, Fort Wingate, N. Mex.	Storage of bulk high explosives	Nov. 28, 1918	
District offices, Baltimore, Birmingham, Boston, Bridgeport, Buffalo, Chicago, Cincinnati, Cleveland, Detroit, New York, Philadelphia, Pittsburgh, St. Louis, San Francisco.	For development of industrial war plans of the Ordnance Department and to maintain contact with industries.	May 17, 1922	
Activities under partial control of Ordnance Department:			
Hawaiian Ordnance Depot, Honolulu, Hawaii	Stores, issues, and maintains all ordnance supplies in Hawaiian Department	Sept. 25, 1916	
Panama Ordnance Depot, Corozal, C. Z	Stores, issues, and maintains all ordnance supplies in Panama Department	Sept. —, 1916	
Philippine Ordnance Depot, Manila, P. I	Stores, issues, and maintains all ordnance supplies in Philippine Department	—— —, 1898	
9 corps areas	Charged with the supervision of all functions assigned thereto by Army Regulations, namely: The supply, inspection, maintenance, and improvement of ordnance within the corps area or department and under the jurisdiction of their commanding generals.		
Field Artillery School, Fort Sill, Okla	Has certain responsibilities with reference to supply, inspection, and maintenance of ordnance matériel; also technical liaison for ordnance design.		
Infantry School, Fort Benning, Ga	do		
Edgewood Arsenal, Edgewood, Md	Chemical ammunition assembly plant		
Tank School, Camp Meade, Md	Has certain responsibilities with reference to supply, inspection, and maintenance of ordnance matériel; also technical liaison for ordnance design.		
Storage sections in general reserve depots:			
Columbus General Reserve Depot, Columbus, Ohio	Storage and distribution of various kinds of ordnance matériel		
Little Rock Air Intermediate Depot, Little Rock, Ark.	do		
New Cumberland General Reserve Depot, New Cumberland, Pa.	do		
New Orleans General Reserve Depot, New Orleans, La.	do		
Schenectady General Reserve Depot, Schenectady, N. Y.	do		

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

H. R. 4115. An act for the relief of Winfield Scott;

H. R. 4116. An act for the relief of W. Laurence Hazard;

H. R. 4117. An act for the relief of Harriet K. Carey; and

H. R. 10141. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

SURVEY OF AMMUNITION STORAGE

The PRESIDING OFFICER (Mr. HARRIS in the chair) laid before the Senate a communication from the Acting Secretary of War, transmitting, pursuant to law, a report of the proceedings of the joint board composed of officers of the Army and Navy to survey ammunition storage facilities and their points of location, which was referred to the Committee on Military Affairs.

RECESS

Mr. FESS. Mr. President, in accordance with the agreement entered into earlier in the day, I move that the Senate take a recess until 12 o'clock noon on Monday.

The motion was agreed to; and (at 3 o'clock and 15 minutes p. m.) the Senate, pursuant to the agreement previously entered into, took a recess until Monday, March 12, 1928, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

SATURDAY, *March 10, 1928*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who givest to all men liberally, diminish all evil desire and give mastering strength to the one impulse of pure love. The tender and the mighty God longs for us to have the best. Oh, how wonderful it is for us to have visions, how great it is to do, but the grandest of all is to be. O take the indifferent and the chilled hearts of men and warm them; take their determined wills and soften them. Banish all unworthy fear; and may every to-morrow bring them into a new and beautiful relationship with Thee. We must serve Thee before we can be glad. Turn our frailties into strength and our disobedience into loyalty. Let us hear the loving litany of the pilgrim's chant. Be before us, with us, and after us. In the name of our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

DATE OF FIRST SESSIONS OF CONGRESS

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, after the vote on the resolution yesterday and following the advice of the wise men of Congress, I have introduced a bill this morning in keeping with the provisions of the Constitution which would change the date of meeting of the first session of Congress to March 4, following the election on the first Monday of December. This would do away entirely with the lame-duck Congress, and I hope to have the sincere support of the gentlemen who urge that as a remedy instead of a constitutional amendment.

Mr. KVALE. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. KVALE. Mr. Speaker, I had planned to introduce a bill like the one introduced by the gentleman who has just preceded me. But when I went to confer with my good friend the gentleman from New York [Mr. LAGUARDIA] about some points in my bill I found to my surprise and pleasure that he was just finishing the drafting of his bill. Hence, I shall not introduce any bill but give my wholehearted support to his bill.

The majority floor leader [Mr. TILSON] has stated during the discussion on this resolution that Congress can meet on March 4 if it passes a law fixing that as the date for convening. That is true. Then I ask, Will the majority floor leader use his power in this House to have the bill just introduced enacted into law?

Will there be a need for an early session of the Seventy-first Congress? In my humble judgment there will be an urgent need for it. The House Agriculture Committee is meeting these

days in executive session, in secret session, if you please. Vague rumors indicate that the committee will report out either a bill with the equalization fee eliminated, which agriculture does not want, or one containing the equalization fee but otherwise, so emasculated as to be of no use to agriculture. In other words the present outlook is that the committee will report out a bill which will not be a bill for the relief of agriculture but a bill for the relief of the Republican Party.

If the present occupant of the White House, Mr. Coolidge, should be the occupant at that time—which heaven forbid—we know definitely that he would not convene the new Congress. If Providence or fate should decree that a fine English gentleman by name of Herbert Hoover should be the occupant—the which may all the gods forbid—we know we would postpone the convening of Congress for four years if in his power to do so. If Al Smith is in the White House at that time some of us are fondly hoping he would call the new Congress together, but we have no way of forming an opinion or even of making a good guess. For in his clamlike silence on national and international issues he has nothing to say.

If we could have Senator NORRIS, or Senator JIM REED, of Missouri, or Congressman AYRES, of Kansas, in the White House, we would be assured an early session for consideration of farm relief and for the revision of the iniquitous Fordney-McCumber tariff schedules. But because we do not know who is to move into the White House next March, let us take time by the forelock and meet the contingency now while we may.

In other words, the majority floor leader has made his bet. You will pardon the use of these terms, I know. I have never played poker; but I have seen and heard it played for two weeks while convalescing at Tom Taggart's French Lick Springs, And, in the parlance of the game, this bill will call the bluff of the gentleman from Connecticut. What does he hold? Let him put his cards on the table. [Applause.]

PARLIAMENTARY SITUATION—WHITE AMENDMENT

Mr. GARRETT of Tennessee. Mr. Speaker, I desire to call attention to the situation in regard to the RECORD of yesterday. The gentleman will remember that the situation when the proposed constitutional amendment was being considered was as follows: The resolution that was made in order by the special rule was the Senate resolution. By the terms of the rule it was provided that the resolution proposed by the House committee as a substitute should be read for amendment, and it was so read and amended. The RECORD does not show that the House amendment was substituted in Committee of the Whole for the Senate proposition.

Of course, it is not material except as a parliamentary proposition. I presume that it would have been cured anyway by the manner in which the question was put after the Committee of the Whole had dissolved and the subject matter had been reported to the House.

Mr. SNELL. Mr. Speaker, will the gentleman yield for a question?

Mr. GARRETT of Tennessee. Certainly.

Mr. SNELL. Let me read from page 4429 of yesterday's RECORD, from the bottom of the second column:

> Mr. TILSON. Mr. Speaker, a parliamentary inquiry.
>
> The SPEAKER. The gentleman will state it.
>
> Mr. TILSON. Is this the formal submission of the amendment to the Senate resolution?
>
> The SPEAKER. As the Chair understands, this is the formal submission of the amendment, but not of the resolution itself.

Would not that show that the Senate resolution was considered by the House?

Mr. GARRETT of Tennessee. I presume so. I presume that the defect was cured by the proceedings in the House. But as a matter of fact, if you look to the proceedings in Committee of the Whole immediately above that, there was no formal substitution by vote in Committee of the Whole of the White substitute. At any rate, Mr. Speaker, it is immaterial, the proposition having been defeated. It might raise some question if the proposition had carried, but it is not of consequence now.

But I would like to do this, Mr. Speaker: Unless I am confused as to the procedure, the Senate resolution having been defeated, there will not be now any official print of the matter showing the exact resolution upon which the House voted. I think perhaps it may be of interest at some time to those who may study the question in the future and the debate upon it that there should appear in a concrete way the exact proposition as it was voted upon by the House. I therefore ask unanimous consent that I may extend my remarks in the RECORD, in which I will incorporate the exact proposition as it appeared before the House.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. BLANTON. That may be of great importance to this extent, that unless it were shown definitely that the White amendment as amended was an amendment of the Senate proposal the Senate proposal is still left before the House unacted upon. It ought to be definitely understood.

Mr. GARRETT of Tennessee. I think any question about that was cured by the proceedings in the House after the committee was dissolved.

Mr. BLANTON. Then it is definitely understood that the White amendment as amended is an amendment to the Senate proposal?

Mr. GARRETT of Tennessee. Yes. The RECORD does not show the formal adoption in the Committee of the Whole of the White amendment.

Mr. RANKIN. I hope the gentleman will extend his remarks in that part of the RECORD where the question arose, so that there will be a chronological statement to that effect.

Mr. GARRETT of Tennessee. Very well. I will do that.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD by printing the White amendment to the Senate resolution.

Mr. GARRETT of Tennessee. Yes; the thing that the final vote in the House was taken upon.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Under the leave so granted I include the following, prepared by Mr. Tyler Page, the distinguished Clerk of the House, from the official records of the House:

Senate Joint Resolution 47, Seventieth Congress, first session

IN THE HOUSE OF REPRESENTATIVES,

March 9, 1928.

The House considered and amended the Senate joint resolution by striking out all after the resolving clause and inserting the so-called White amendment as a substitute, which latter as amended in the Committee of the Whole House on the state of the Union was reported to the House and agreed to. Upon the question on agreeing to the Senate joint resolution as amended by the White substitute it was decided in the negative, two-thirds not voting in favor thereof.

The following is the text of the original Senate joint resolution:

"Joint resolution proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice president and Members of Congress and fixing the time of the assembling of Congress."

For which the White amendment as amended was a substitute:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following amendment of the Constitution be, and hereby is, proposed to the States, to become valid as a part of said Constitution when ratified by the legislatures of the several States as provided by the Constitution:

"ARTICLE —

"SECTION 1. The terms of the President and Vice President shall end at noon on the 15th day of January, and the terms of Senators and Representatives at noon on the 2d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

"SEC. 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 2d day of January, unless they shall by law appoint a different day.

"SEC. 3. If the House of Representatives has not chosen a President, whenever the right of choice devolves upon them, before the time fixed for the beginning of his term, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The Congress shall by law provide for the case of the failure to choose the Vice President before the time fixed for the beginning of his term, declaring what officer shall then act as President, and such officer shall act accordingly until the House of Representatives chooses a President or until the Senate chooses a Vice President.

"SEC. 4. This amendment shall take effect on the 15th day of October after its ratification."

The following is the text of the White amendment, as amended in Committee of the Whole House on the state of the Union and in the House, but which was rejected on the final vote:

"That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. The terms of the President and Vice President shall end at noon on the 24th day of January, and the terms of Senators and

Representatives at noon on the 4th day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

"SEC. 2. The Congress shall assemble at least once in every year, and such meeting shall be on the 4th day of January, unless they shall by law appoint a different day.

"SEC. 3. If the President elect dies, then the Vice President elect shall become President. If a President is not chosen before the time fixed for the beginning of his term, or if the President elect fails to qualify, then the Vice President elect shall act as President until a President has qualified; and the Congress may by law provide for the case where neither a President elect nor a Vice President elect has qualified, declaring who shall then act as President or the manner in which a qualified person shall be selected, and such person shall act accordingly until a President or Vice President has qualified.

"SEC. 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice devolves upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice devolves upon them.

"SEC. 5. Sections 1 and 2 shall take effect on the 30th day of November of the year following the year in which this article is ratified.

"SEC. 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of the submission hereof to the States by the Congress, and the act of ratification shall be by legislatures, the entire membership of at least one branch of which shall have been elected subsequent to such date of submission."

LEAVE OF ABSENCE

Mr. DICKINSON of Iowa. Mr. Speaker, I ask unanimous consent that my colleague, Mr. DOWELL, be given an indefinite leave of absence, on account of illness.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

SENATE BILLS REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred to the appropriate committee, as follows:

S. 2827. An act granting the consent of Congress to the States of South Dakota and Nebraska to construct, maintain, and operate a bridge across the Missouri River at or near Niobrara, Nebr.; to the Committee on Interstate and Foreign Commerce.

DESIGNATION OF SPEAKER PRO TEMPORE FOR TO-MORROW

The SPEAKER. The Chair designates the gentleman from Ohio [Mr. COOPER] to preside to-morrow at the memorial exercises.

STATEMENT OF THE PRESIDENT OF HOWARD UNIVERSITY

Mr. CLARKE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a letter and statement in response to a query raised in the House the other day.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection?

Mr. CLARKE. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following letter and statement received by me from the president of Howard University, Washington, D. C., referring to a question recently raised by me during debate in the House:

OFFICE OF THE PRESIDENT, HOWARD UNIVERSITY,
Washington, D. C., March 8, 1928.

Hon. JOHN D. CLARKE,
House Office Building, Washington, D. C.

MY DEAR MR. CLARKE: I wish to thank you for your word in the House of Representatives yesterday, raising the question whether the Honorable Mr. TARVER, of Georgia, had made any effort to check up and find out whether I was correctly quoted in the article read into the RECORD by him. I note his answer, "I have not."

If the gentleman from Georgia had made inquiry, I would have gladly furnished him with direct quotations from recent public utterances, bearing a meaning quite otherwise than the one interpreted to the House by him.

Even well-meaning reporters often misquote and misinterpret. The article in the Afro-American was not a direct quotation but an interpretation made two weeks after the delivery of the address concerned. I am sending you herewith a direct and written statement summarizing views which I have often expressed in public. I call your special attention to the underlined portion of the quotation from my inaugural address, in paragraph 3, on page 2. If you feel at liberty to read this statement in the hearing of the Congress, I shall be very glad, and I believe that the best interest of our country may be well served therein.

With cordial regards, I am,

Sincerely yours,

MORDECAI W. JOHNSON, *President.*

ON AMALGAMATION

By Mordecai W. Johnson, president Howard University

When the distinguished Representative from Georgia made mention of the article in the Baltimore Afro-American, which represented itself as giving my views on the amalgamation of the races, the question at issue was the annual appropriation of the Congress to Howard University. For 50 years the Congress has made an annual appropriation toward the expenses of Howard University. It has done so, I believe, in consideration of the clamant and urgent educational needs of the colored people of the United States, with a genuine desire to help in their fundamental educational development. I do not for a moment believe that the Members of the Congress, facing such needs—and they are still clamant and urgent—would refuse to make that appropriation because of any view on a debatable public question which might happen to have been expressed by an administrative officer of the institution concerned, however much they may themselves be led to disagree with that view.

Moreover, if it should happen to be true that I did recommend to a New York audience the adoption of amalgamation as an expedient for the solution of our American race problem, I do not believe that there would be any dangerously precipitate haste on the part of the American people to adopt that program. Twenty-nine States have already considered this question and have made laws which make intermarriage between the races illegal; and even in those States where such laws have not been made, by far the vast majority of the white and colored people have persisted in the habit of marrying members of their own race. In these States interracial marriage has been the unusual exception.

The fact is, however, that I have made no such recommendation to the American people. On the contrary, I have repeatedly expressed in private and in public, in the North and in the South, in the East and in the West, both voluntarily and in answer to questions, a contrary hope. In no place was this more plainly done than in my inaugural address as president of Howard University, delivered in the presence of an audience approximating 10,000 people, white and colored, June 10, 1927. In this address I said:

"I hope and I do not conceal my hope that his destiny—the destiny of the negro—will be entire public equality, entire good-willed cooperative relations with every element of the American population, and that he will be especially understood by those men who have been his former masters and who have been accustomed to make him a slave. I hope that he will be delivered entirely from every form of public servitude and that he will be redelivered spontaneously by his own consent into a willing slavery to the common good. * * * I hope that this will be a moral accomplishment, not by amalgamation or by any expedient of any kind, even though that expedient should be brought to pass to-morrow morning. Amalgamation would be a beggarly solution of a problem which is essentially moral, and which should be settled in a way which will result in the strengthening of the moral will of both of the peoples engaged in the enterprise. I want my country to conquer all of the inhibitions connected with blackness and all of the fears connected with blackness, but I want the original blackness there and I want that blackness to be unashamed and unafraid."

I did not make this statement on June last in order to satisfy or to placate any body of sentiment represented anywhere in the United States. I have no citadels to gain or to hold that require subterfuge of any kind. It has been and continues to be my custom to speak straightforwardly and in love and to abide the consequences. This inangural statement I repeated, in different language, at New York, and gave my reasons for it. These reasons do not include any manner of concession to the belief that the negro is an inferior human being and that intermarriage with him would naturally bring an inferior human product. I am certain that the burden of proof lies heavily upon those who assume this. It is not competently supported by biological or anthropological findings and is patently refuted by the achievements of mulattoes in the United States, among whom Booker T. Washington was one.

Nor is my position on amalgamation merely an outgrowth of considerations of expediency, though I recognize that the weight of considerations of expediency would be against intermarriage in the greater portion of those sections of the United States where negroes in large numbers live. Under complex modern conditions marriage is a difficult venture under the most favorable circumstances. Two young people of differing races, starting out in wedlock in a community where the majority of both races would be deeply unsympathetic to the venture, would be enormously handicapped and would be likely to come to grief. Their children, moreover, would be obliged to suffer grievous pain in social relationships.

My position with regard to amalgamation is based primarily upon spiritual and cultural considerations. The 12,000,000 negroes in the United States are spiritual hostages of Africa, in the midst of civilization. As long as there are 150,000,000 Africans who are living under economic and political disadvantage, scarcely knowing what modern educational opportunity is, the black people of America can not suffer themselves to be amalgamated with however so effective a group of white people, for their own advantage. It is their business, in my judgment, to make the utmost possible struggle to commend themselves to the confidence of the American people by their labor and by their intellectual and spiritual competency as black men and to use their utmost powers to persuade the United States of America toward a sympathetic and constructive world policy helpful to the fundamental development of the people of Africa. We are ambassadors, as it were, for a hundred and fifty million black people, a living and, I hope, a persuasive exhibit of the possibilities resident in them, and while being utterly loyal to the country of our residence, it is our duty to enlist the rich and world-wide competence of our Nation in the most helpful possible cooperation for the development of the continent and people of Africa.

I am strongly of the belief also that the black skin of the American Negro is a badge of rich historical experience different in temperament and in spiritual quality from the general run of the experience represented by the white skin, and that it is worth while for the black people of America and of Africa to develop the deepest self-conscious pride in that experience and to bring it to civilized expression, if it is at all possible to do so, with undiminished individuality. I believe that this experience, culturally developed, has a contribution to make to the civilization of America and of western Europe (and indeed to the world), which these sections of the human race will be glad to receive, and the unique existence of which they will be glad to promote, in the long run, without exploitation or domination of any sort.

"And in the last place, black and brown are beautiful to me. I do not envisage a world where there shall be a single mongrel color but a world of black and yellow and brown and white, rich like a garden, a world in which widespread reverence for human life as such will make men not only content to see and to live beside human beings of different colors but will fill them with a sense of romantic adventure as in conversation, spiritual, intellectual, and artistic intercourse and travel, they set out to discover and to appreciate the virtues and beauty of the human soul under all manners of skin color and cultural environment. That day may be a long time away. It will hardly come in its fullness during my lifetime and the lifetime of the distinguished Representative from Georgia. But those who would dogmatically assure us that it can not come, and who on the basis of this prognostication would turn us away from the path of justice, cooperative helpfulness, and mercy which may lead to it must not for their own sakes and for their children's sakes be allowed to persuade us. For my own part, it appears to me to be not only the duty but the supreme opportunity of this Nation to promote the education of the emancipated colored people and of the disadvantaged whites, who under the slave régime never had opportunity for education, as rapidly as both may be done, and at the same time. Men and women of white and black groups who have been made intelligent through educational processes which bind them to their country in gratitude and turn them toward each other in mutual respect can not fail to be better agents in the solution of the difficult human problem confronting us in America.

"Not only on the public platform but in my quietest moments, when I entertain my inmost heart's desire, I am always loyal to the best interests of both these groups. I entertain no hope for the American Negro which involves the destruction or loss of any part of the precious heritage or possibilities of the white people of the South. They have not me to fear. It is God whom they and the Nation must fear, because of slavery and its aftermath. I pray and work daily to the end that this fear may be turned into thanksgiving for us all."

THE RADIO SITUATION

Mr. GARBER. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill H. R. 2317.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. CHINDBLOM. What is the subject matter of the bill?

Mr. GARBER. Radio.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARBER. Mr. Speaker, the air is the common birthright of all the people and should not be permitted under any circumstances to be monopolized for the selfish interests of any group or section. A survey of actual conditions at the present time evidences an alarming growth of monopoly and discrimination which absolutely demands drastic and immediate action to protect the interests of the people.

THE FIVE RADIO ZONES

Under the terms of the radio act of 1927, for administrative purposes the United States and possessions were divided into five radio zones, as follows:

First zone: Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, the District of Columbia, Porto Rico, and the Virgin Islands.

Second zone: Pennsylvania, Virginia, West Virginia, Ohio, Michigan, and Kentucky.

Third zone: North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi, Arkansas, Louisiana, Texas, and Oklahoma.

Fourth zone: Indiana, Illinois, Wisconsin, Minnesota, North Dakota, South Dakota, Iowa, Nebraska, Kansas, and Missouri.

Fifth zone: Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, California, the Territory of Hawaii, and Alaska.

DISCRIMINATION IN ADMINISTRATION OF LAW

A cursory glance at the following table showing an analysis of broadcasting licenses by zones reveals unmistakably the trend of present development and the arbitrary exercise of power in the allocation of stations, power, and wave lengths without due regard to the interests of the public:

Analysis of broadcasting licenses

	Population	Population (per cent)	Area (square miles)	Area (per cent)	Number of stations	Total station power in watts	Percentage of station power	Stations with over 1,000 watts
Zone 1	24,378,131	22.73	129,769	3.63	138	213,055	35.30	10
Zone 2	24,337,341	22.69	247,517	6.93	115	116,805	19.34	8
Zone 3	24,826,050	23.14	761,895	21.33	102	47,105	7.80	4
Zone 4	24,492,986	22.83	658,148	18.42	215	164,870	27.31	30
Zone 5	9,213,720	8.59	1,774,447	49.68	131	61,785	10.24	8
Total	107,248,228	100	3,571,776	100	701	603,620	100	60

My own State, Oklahoma, is located in the third zone. This zone has a greater percentage of population of the United States than any of the other zones and is second in area. Yet it has fewer stations, only four of which have more than 1,000 watts power, and its total station power is less than that of one single station in the city of New York! The total station power of the first zone is nearly five times as great as that of the third zone, and zone 5, the next lowest zone in terms of watt power, outstrips the third zone by 14,680 watts, has twice as many stations with over 1,000 watts, and yet its population per cent is only 8.59 compared to 23.14 per cent for the third zone! What possible justification can there be for such manifest discrimination against the Southern States? It is but one phase of the development of monopolistic control in the industry which, in ruthless disregard of the principles of equity and justice, feeds and fattens upon the rights of the masses of the people!

THE MENACE OF MONOPOLY

The radio monopoly is the largest, most effective, most dangerous monopoly in the world. It threatens the very existence of our democratic form of government, its tentacles reaching out to control the entire system of modern communication, public opinion, the press, the parties, and the Government itself! The market assets of the members of the Radio Trust, including the subsidiaries of the American Telephone & Telegraph Co., aggregate about $5,000,000,000.

How is this trust seeking to monopolize the air?

First. By obtaining for the broadcasting stations of its chains the best wave lengths which have been cleared for them by the Radio Commission.

Second. By controlling all the "hook ups" between chain stations as well as the "hook ups" between the transmitters, whether chain stations or independents, and the program presentation from outside of their own studio.

Third. By monopoly by the manufacturer of all broadcasting machinery, thus requiring broadcasters to get licenses from the trust before they can have their stations built or equipped.

Fourth. By a monopoly of patents for radio receiving apparatus, under which they collect dividends or royalties from the manufacture of three-fourths of the receiving sets built in the United States.

Fifth. By an attempt to obtain control of the important short wave lengths.

Sixth. By acquiring control of inventions relating to television, telephotography, distance actuation, and all radio discoveries.

As early as March, 1923, the dangerous growth of monoply in the radio industry was recognized when the House unanimously passed a resolution requesting the Federal Trade Commission to investigate and report on the existing situation. As a result the Commission, on its own motion, filed a complaint charging that the General Electric Co., American Telephone &

Telegraph Co., Western Electric Co., Westinghouse Electric & Manufacturing Co., the International Radio Telegraph Co., United Fruit Co., Wireless Specialty Apparatus Co., and the Radio Corporation of America—

have been and are using unfair methods of competition in commerce—

And that—

the respondents have combined and conspired for the purpose and with the effect of restraining competition and creating a monopoly in the manufacture, purchase, and sale in interstate commerce of radio devices and apparatus and other electrical devices and apparatus, and in domestic and transoceanic radio communication and broadcasting.

PRACTICAL FAILURE OF THE LAW

The radio act of 1927 recognized this evil in the inclusion of paragraph 2 of section 9 of the act, which reads:

In considering applications for licenses and renewals of licenses, when and in so far as there is a demand for the same, the licensing authority shall make such a distribution of licenses, bands of frequency of wave lengths, periods of time for operation, and of power among the different States and communities as to give fair, efficient, and equitable radio service to each of the same.

But through inconsequential controversy as to the exact meaning of the provision, whether it imposed the obligation upon the Commission to distribute stations, power used, and wave lengths equitably among the States or whether it directed the Commission to so locate stations and to so distribute power and wave lengths to them that there might result equitable service to the people in the different parts of the country, this provision of the law, which was intended to safeguard the rights of the public, has been practically nullified. Allocations of stations, wave lengths, and power have been made, not in accordance with either interpretation of the law but in the interests of commercialism and monopolistic control.

INDEFENSIBLE EXERCISE OF FAVORITISM

There are three monopoly stations in the East with 50,000-watt power each, one with 30,000, and one with 15,000-watt power, while west and south of Pittsburgh there is only one station with as much as 15,000-watt power, and in all that vast region only one other station has as much as 10,000-watt power. Thirteen monopoly stations in the East have a station power of 214,000 watts, more than 35 per cent of the total power of the 701 stations, compared with 389,620 watts granted to the other 688 stations. And nine of these monopoly stations, with a total power of 206,500 watts, are on the 25 cleared channels or wave lengths between 600 and 1,000 kilocycles, the most desirable allocations procurable. Seventy-eight stations on these 25 cleared channels have a total licensed power of 323,700 watts, while the other 623 stations, with a total power of only 279,920 watts, are crowded together on the remaining 64 less valuable wave lengths, or an average of more than 9½ of these latter stations on a wave length.

Illustrations of the pernicious spread of monopoly might be multiplied. The hearings of the committee having the problem under consideration are filled with them, official data authenticated by the Federal Radio Commission itself. The intent of the law enacted has been flagrantly violated, injustices predicated upon a mere technicality of interpretation, and the entire field of legitimate radio development strangled in the coils of monopoly. It is a situation which never should have been allowed to occur and for our negligence we are paying dearly.

BREAK THE COILS OF MONOPOLY

Immediate remedial legislation is imperative. Senate 2317, amending the radio law, in addition to extending the life of the Radio Commission for one year, substitutes the following paragraph for paragraph 2 of section 9 of the present act, and places the responsibility for the equitable development of the radio industry with the Commission in such terms that there can be no possible misinterpretation or perversion of the law:

The licensing authority shall make an equal allocation to each of the five zones established in section 2 of this act of broadcasting licenses, of wave lengths, and of station power; and within each zone shall make a fair and equitable allocation among the different States thereof in proportion to population and area.

Such an amendment is the protection which experience has shown to be necessary to protect the people against the woeful machinations of monopoly.

PAID ENEMIES OF JUSTICE

The gigantic Radio Trust is making every effort to defeat this legislation, or to emasculate it so as to protect its own selfish interests. Its paid lobbyists are busy in the Capitol, and the misrepresentations of its propagandists have created widespread apprehension as to the effects of its enactment. They have carried on an insidious campaign to defeat the measure by assertions that it would result in the revocation of many licenses and the decreasing of power allotted.

THE AX TO SPECIAL PRIVILEGE

The alarm is reasonable only in those few high-powered monopoly stations in congested areas which have operated to crowd the smaller independent stations off the air or to force them into such disadvantageous positions on the dial that they are practically silenced. To other States and sections of the country the measure would grant increased privileges and power, and the ultimate result would be a reorganization of the radio field to give the maximum of service to the greatest number of people, recognizing that while many of the programs coming from the big city stations are of general interest, they have no inherent value, either in merit or in the universality of their appeal, over the programs broadcast from the smaller, independent stations. It would reconstruct the radio industry to insure to the people their privilege of choosing their entertainment, break the bands of the monopoly which bind the industry, and secure for the public the essential freedom of the air!

CONFERENCE REPORT—WAR DEPARTMENT APPROPRIATION BILL

Mr. BARBOUR. Mr. Speaker, I call up the conference report on the bill (H. R. 10286) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes.

The Clerk read the title of the bill.

Mr. BARBOUR. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from California asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10286) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 14, 17, 23, 24, 27, 38, 51, and 52.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, 7, 12, 13, 15, 16, 18, 19, 20, 28, 29, 30, 31, 32, 34, 35, 40, 41, 44, 46, 47, 48, 49, and 53, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$69,740"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,274,278.50"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,464,551"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$529,500"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "as amended by the act approved February 18, 1928, and including $310,000 for Walter Reed General Hospital as authorized by the act approved February 18, 1928,"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ", and in addition to the sum of $1,736,619, there is hereby reappro-

priated the following unexpended balances of continuing appropriations: 'Cantonment construction, Panama Canal,' $204,546.61, and 'Sites for military purposes,' $241,932.39, in all, $446,479, to be available for the following as authorized by the act approved February 18, 1928: Steel hangar, $39,500, and addition to radio hut, $6,979, Hawaiian Islands; and construction of landing field, Albrook Field, Canal Zone, $400,000"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ", and in addition to the sum of $11,257,445, there is hereby reappropriated for expenditure for bombardment planes and their equipment, spare parts and accessories, the sum of $580,000 of the unexpended balance of the appropriation for 'Army Transportation, 1926'"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum "$425,000" proposed in said amendment insert the following: "$150,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: ": *Provided*, That the number of trainees shall not exceed the number which can be trained by the expenditure of this sum and"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "except the pay and allowances of officers and of enlisted men of the Regular Army who are on duty in any capacity in connection with the national matches and the Small Arms Firing School, and except the subsistence of enlisted men of the Regular Army who are not members of authorized teams, which pay, allowances, and subsistence shall be paid from other funds appropriated for that purpose"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$825,000"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "Sites for military purposes, $93,736.92"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$89,191.48"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$876,395.73"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 25, 26, 39, 42, and 45.

HENRY E. BARBOUR,
FRANK CLAGUE,
JOHN TABER,
Managers on the part of the House.

DAVID A. REED,
W. L. JONES,
F. E. WARREN,
WM. J. HARRIS,
DUNCAN U. FLETCHER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 10286) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and embodied in the accompanying conference report as to each of such amendments, namely:

On Nos. 1 and 2: Appropriates for the Army War College under the General Staff Corps, as proposed by the Senate, instead of under The Adjutant General's Department, as proposed by the House.

On Nos. 3 and 4, relating to military post exchanges: Appropriates $69,740, instead of $67,740 as proposed by the House and $98,140 as proposed by the Senate, thereby eliminating 20 additional hostesses for corps areas at $1,500 each, proposed by the Senate, but leaving 13 hostesses at $1,740 each, as proposed in the House bill, and providing $2,200 for traveling expenses of that number instead of $200, as proposed by the House.

On Nos. 5, 6, and 7, relating to pay of the Army: Appropriates $51,563 additional, as proposed by the Senate, for rental allowances to correct an error in the House bill, and restores the interchangeable status of the allotment for payments for officers' mounts as authorized by law, as proposed by the Senate.

On Nos. 8, 9, and 10, relating to the purchase, transportation, and subsistence of horses and mules for the Regular Army under the appropriations "Regular supplies of the Army," "Transportation of the Army," and "Horses for Cavalry, Artillery, etc.": Provides for 2,300 horses and 1,700 mules, instead of 2,400 horses and 1,981 mules as proposed by the Senate and 2,150 horses and 1,450 mules as proposed by the House.

On Nos. 11, 12, and 13, relating to new construction at military posts: Appropriates $5,084,000, as proposed by the Senate, instead of $4,874,000, as proposed by the House, thereby adding $310,000 for new construction at Walter Reed General Hospital, authorized by the act of February 18, 1928, and eliminating $100,000 for barracks at Scott Field, Ill. The amendments as agreed upon also provide, as proposed by the Senate, that the construction work under the act of March 3, 1927, may proceed as modified by the act approved February 18, 1928, and insert a limitation prohibiting the expenditure of any of the funds for work at Scott Field.

On Nos. 14, 15, and 16, relating to seacoast defenses: Strikes out the reappropriation of $50,000, proposed by the Senate, for fire-control apparatus in connection with antiaircraft batteries in the United States; inserts a reappropriation, proposed by the Senate, making $54,000 available for fire-control apparatus for antiaircraft batteries in the insular possessions; diverts the allotment of $31,060, carried in the House bill, for rehabilitating the cable controlling the mine defenses at Panama, and adds to that sum a reappropriation of $68,940, as proposed by the Senate; making a total of $100,000 for fire-control equipment of antiaircraft guns.

On Nos. 17, 23, and 24, relating to the Signal Corps, Medical Department, and Field Artillery activities: Makes provision for tuition of officers detailed as students at civil educational institutions under the appropriation "Incidental expenses of the Army," as proposed by the House, instead of under the separate appropriations for each department, as proposed by the Senate.

On Nos. 18, 19, 20, 21, and 22, relating to the Air Corps: Eliminates $187,000, as proposed by the Senate, for new work in connection with airships and makes the textual corrections in the bill to accomplish the purposes of the elimination; reappropriates $446,479 from unexpended balances of previous appropriations for the construction of a landing field at Albrook Field on the Canal Zone to cost $400,000, a steel hangar and an addition to a radio hut in Hawaii, to cost $39,500 and $6,979, respectively, as authorized by the act approved February 18, 1928, instead of reappropriating a total of $1,018,000, as proposed by the Senate, for miscellaneous construction in Panama and Hawaii; and reappropriates $580,000, instead of $1,160,000 as proposed by the Senate, for additional bombing planes to augment the number of 23 provided by the bill as it passed the House.

On Nos. 27 and 28, relating to the National Guard: Appropriates $2,328,553, as proposed by the House instead of $2,436,300 as proposed by the Senate, for compensation of help for care of animals and equipment, thereby eliminating the increase of $107,747 proposed by the Senate for leaves of absence for caretakers; and appropriates $5,263,150 as proposed by the Senate instead of $5,180,650 as proposed by the House for arms, equipment, etc., so as to provide $82,500 additional for 500 horses.

On Nos. 29, 30, 31, 32, and 33, relating to the Organized Reserves: Appropriates $2,583,667, as proposed by the Senate, for pay and allowances instead of $2,657,000 as proposed by the House; appropriates $463,614 for mileage and traveling expenses, as proposed by the Senate, instead of $371,750 as proposed by the House; makes provision, as proposed by the Senate, for the purchase of blank forms heretofore furnished from Regular Army appropriations; for expenses of camps, makes a direct appropriation of $1,539,650 and a reappropriation of $150,000, instead of a direct appropriation of $1,539,650 and a reappropriation of $425,000 as proposed by the Senate, and a

direct appropriation of $1,534,169, as proposed by the House. The effect of the agreements on the Senate amendments is to establish a harmonious relationship in the appropriations for pay, mileage and travel, and camp expenses so as to provide for the training of approximately 19,348 reserve officers and to supply omissions in that respect in the bill as amended on the floor of the House to provide for the training of 20,000 officers. Of the reappropriation of $150,000, agreed upon by the conferees, $68,601 is added to the direct appropriation of $1,539,650 to fill out the amounts needed to provide camp expenses to care for the 19,348 officers and $81,399 is added to increase the number of flying hours from 15,000, as provided in the House bill, to a figure slightly in excess of 16,500.

On Nos. 34 and 35, relating to the Reserve Officers' Training Corps: Appropriates $2,970,000, as proposed by the Senate, instead of $2,953,500, as proposed by the House, in order to provide 100 additional horses, and eliminates the proviso, inserted by the House, prohibiting the use of training-camp funds for the employment of hostesses.

On No. 36, relating to citizens' military training camps: Strikes out the language, inserted by the Senate, providing that the appropriations shall be available to train not to exceed 40,000 trainees and inserts a substitute to provide that the number to be trained shall not exceed the number which can be trained by the expenditure of the appropriation.

On Nos. 37 and 38, relating to the national matches: Modifies the language inserted by the Senate to make it clear that the appropriation for the national matches should not be charged with the pay and allowances of officers and enlisted men of the Regular Army who are on duty in any capacity in connection with the national matches and the Small Arms Firing School or with the subsistence of enlisted men on such duty who are not members of authorized teams; strikes out the mileage rate, inserted by the Senate, for travel of authorized teams, leaving the subject matter of such amendment to be dealt with in connection with amendment 39, which will come up for separate action in the House.

On No. 40: Appropriates $32,000, as proposed by the Senate, for improvements at the Chalmette National Cemetery, Louisiana.

On No. 41: Appropriates $53,026, as proposed by the Senate, instead of $48,841, as proposed by the House, for the Gettysburg National Military Park.

On No. 43: Appropriates $825,000, instead of $590,000 as proposed by the House and $900,000 as proposed by the Senate, for the construction of roads, trails, and bridges in Alaska.

On No. 44: Improves the text of the appropriation for reimbursement to the city of Miami for harbor improvements, as proposed by the Senate.

On Nos. 46, 47, and 48, relating to the National Home for Disabled Volunteer Soldiers: Appropriates $200,000, as proposed by the Senate, for additional buildings and equipment as authorized by law for the Pacific branch at Santa Monica, Calif.

On Nos. 49, 50, 51, 52, 53, 54, and 55, relating to the covering of certain unexpended balances of appropriations back into the Treasury: Makes adjustments in the several items to accord with the action taken on Senate amendments proposing the use of certain of such balances for Army activities during the next fiscal year, the result of such action being to cover back into the Treasury a total of $876,395.73, instead of $254,874.73 as proposed by the Senate and $1,445,814.73 as proposed by the House.

The committee of conference have not agreed to the following amendments:

Nos. 25 and 26: Providing $1,000 additional pay for the constructing quartermaster at the Military Academy.

No. 39: Relating to the appropriation for expenses of national rifle matches.

No. 42: Providing for the preparation of plans, without competition, for the monument at Kitty Hawk, N. C.

No. 45: Relating to the appropriation of $1,500,000 for reimbursement of funds contributed by local interests in connection with the floods of 1927 on the Mississippi River.

HENRY E. BARBOUR,
FRANK CLAGUE,
JOHN TABER,
Managers on the part of the House.

Mr. BARBOUR. Mr. Speaker and gentlemen of the House, the statement of the managers on the part of the House fully and completely reports the action which was taken by the conferees on this bill. However, it might not be out of order to touch on a few of the high spots of the conferees' action so that the House may more fully understand just what the conference bill provides.

The total amount carried in the War Department appropriation bill, as agreed upon by the conferees, is $400,361,640.50. This is $8,580,627.50 more than was recommended by the Bureau of the Budget. The Senate added $5,360,706 to the bill as passed by the House. In conference the Senate receded from items amounting to $1,785,644.50 and the House receded from items amounting to $1,533,061.50. After the bill passed the House estimates were received from the Bureau of the Budget amounting to $2,042,000 and they are represented in the Senate amendments to that amount. The Senate receded on comparable items in about the same amount as the House, in fact, the amount covered by the amendments upon which the Senate receded is a little more than the amount covered by the amendments on which the House receded on items exclusive of those supported by budget estimates.

One of the principal changes in the bill as agreed upon by the conferees was that providing for more horses and mules for the Army. As the bill passed the House it provided for 2,150 horses and 1,450 mules. The Senate increased this number to 2,400 horses and 1,981 miles, and the conferees agreed on 2,300 horses and 1,700 mules.

Mr. McCLINTIC. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. McCLINTIC. I notice that the Senate has increased the number of horses and mules. Are they for the Cavalry?

Mr. BARBOUR. They are for the Cavalry, Artillery, Engineers, and all of the branches of the Army that use horses and mules.

Mr. McCLINTIC. Does the gentleman think that horses will supplant the use of motor-driven vehicles or that motor-driven vehicles will supplant the use of horses in future wars?

Mr. BARBOUR. I will say to the gentleman from Oklahoma that is a question which is now being studied by the War Department. I do not think that in the immediate future, at any rate, motors will entirely supplant horses and mules. There are many places at the present time where motors can not go, and then we might have military activities in the wintertime where the snows are deep and then horses and mules could be used to much better advantage than could motors.

Mr. McCLINTIC. Does not the gentleman think that instead of increasing the number of horses and mules it would be better to decrease the number, having in mind that motor vehicles increase speed, increase efficiency, and decrease the cost of the maintenance of this branch of the service?

Mr. BARBOUR. If we were certain of all those facts at this time, possibly the gentleman would be right. The amount of the increase in this bill is not an increase of the total number of horses and mules in the Army; it will not much more than take care of their losses during the fiscal year 1929, even if it will go that far. Many of these horses and mules at this time have reached rather advanced ages, some of them—in fact, many of them—being 18 and 20 years of age and even older. This provision in the bill will not any more than take care of the losses, and I doubt very much if it will do that.

Mr. McCLINTIC. The reason I have raised this question is that I read in the press that the Cavalry was going to motorize all of their units, and having that in mind——

Mr. BARBOUR (interposing). The Cavalry?

Mr. McCLINTIC. The Cavalry; yes. That it was going to motorize different units, not all of the units but certain of the units.

Mr. BARBOUR. Does not the gentleman refer to the Artillery?

Mr. McCLINTIC. Well, it might have been the Artillery, but anyhow, it was my thought that the quicker we motorize the Artillery and Cavalry the more efficiency we would have for our Army and the quicker we would decrease the cost of keeping up this branch of the service, and I was hoping that the gentleman, being at the head of the committee or in charge of this bill, instead of being in favor of increasing costs along this line, would be in favor of decreasing the costs, having in mind the keeping up of the efficiency of this branch.

Mr. BARBOUR. I will say to the gentleman from Oklahoma that the number of horses and mules as agreed upon by the conferees and now carried in the bill is not as great as the number recommended by the Bureau of the Budget.

Mr. COLLINS. Will the gentleman yield?

Mr. BARBOUR. I yield to the gentleman from Mississippi.

Mr. COLLINS. I think the gentleman ought to let the gentleman from Oklahoma know that losses not only cover death and incapacity of animals but likewise sales of animals.

Mr. BARBOUR. Yes; some of the older horses are sold and disposed of in various ways when they are no longer serviceable, and as stated a moment ago it is very doubtful if the

number now carried in the bill will even make up for the losses during the fiscal year of 1929.

Mr. McCLINTIC. Another reason I raise this point is that a great many of our people throughout the country are wondering why we are still maintaining horse-drawn vehicles and using horses for men in the Army to ride when they know they can be transported four or five times as fast by the use of motor-driven vehicles.

Mr. BARBOUR. That is true, under certain circumstances, but there are places where you can not use motors and you still have to resort to the use of horses and mules. As I mentioned a moment ago, in certain sections of the country in the wintertime, the snow is so deep that it is impossible to use motors, and we must have a certain number of horses and mules until we know definitely that we have something that will do the work as well or better.

Mr. McCLINTIC. I am sure the gentleman and I are both driving at the same point, which is efficiency.

Mr. BARBOUR. Yes.

Mr. McCLINTIC. I can not conceive of any place at the present time where we would need horses to take care of a situation in this country where there are excessive snows; that is, in case of war.

Mr. BARBOUR. At the present time, that may be, but there might be such a situation. That is offered only as a suggestion of a situation that might arise.

Mr. McCLINTIC. I can not conceive of any place where we could use horses better than motor-driven vehicles. Of course, in certain countries of the world there might be a situation arise where we would have to climb mountains, but that is so far removed in my mind that I can not understand why we would have to have more horses or more mules in the future than we have at the present time.

Mr. BARBOUR. At the present time it is not possible to use motors efficiently at all places along the Mexican border. There are many places down there where they still have to use horses. Let me also say to the gentleman that when the House subcommittee brought the bill in we reduced the number of horses and mules recommended by the Bureau of the Budget. The Senate put the number of horses and mules back to the number recommended by the Bureau of the Budget. We have agreed in conference on less than the Senate provided and less than was recommended by the Bureau of the Budget.

Mr. McCLINTIC. Does the gentleman have in mind the approximate number of horses that will be available for each man in the Cavalry?

Mr. BARBOUR. Well, there is a difference of opinion on that. Some contend that the number of men in the Cavalry and Artillery, who should be mounted, are not mounted; and others say that there is more than one horse for every man that should be mounted.

Mr. McCLINTIC. Then I will ask the gentleman this question: How many horses are assigned to each officer in comparison with each man in the Cavalry?

Mr. BARBOUR. My understanding is that each officer is entitled to one horse. If he wants to provide additional horses, he is entitled to buy them himself, and an officer below the grade of major is allowed a certain amount of money for not to exceed two horses he owns himself in lieu of the Government purchasing those horses.

Mr. McCLINTIC. If he is allowed a certain amount of money in lieu of the Government purchasing horses, does he get that money for his personal use if he does not buy horses?

Mr. BARBOUR. No; it is only where he buys and owns his own horses.

Mr. McCLINTIC. Then, even if he is entitled to a certain amount of money, he can not draw that money and utilize it for other purposes, unless——

Mr. BARBOUR. Not unless he owns his own horse or horses; and that applies only to officers below the grade of major. From the grade of major up, even if they own their own horses, they do not get any additional money.

Mr. McCLINTIC. I simply want to make the concluding suggestion that I hoped we can reduce this character of expense in the future.

Mr. BARBOUR. Let me say to the gentleman that there is a study of this subject being made in the War Department at the present time, and, as suggested by the gentleman a short time ago, certain Artillery units are being motorized. The corps artillery is or is being motorized. The divisional artillery is still horse-drawn, but the whole subject is receiving the consideration and study of the War Department, having in mind the very suggestions the gentleman from Oklahoma has made.

Mr. COLLINS. If the gentleman will permit, the gentleman recognizes the fact we have about a horse and a half for every man in the Cavalry.

Mr. BARBOUR. According to some estimates.

Mr. COLLINS. Is not that so?

Mr. BARBOUR. I am not prepared to say that is so.

Mr. COLLINS. The gentleman does not deny it?

Mr. BARBOUR. No; I do not deny it. Neither do I affirm it. Some of the testimony offered before the committee is to the effect that we have not even one horse for every man who should be mounted.

Mr. COLLINS. I do not think the gentleman can make that statement, because we have a fraction over 7,000 men in the Cavalry and we have over 9,000 horses to start with.

Mr. BARBOUR. But many of them are not used as saddle horses.

Mr. COLLINS. Then, in addition to that, we have the mules.

Mr. BARBOUR. Yes.

Mr. COLLINS. And in addition to that we are appropriating $250,000, at $150 a horse, which would run over 2,000 horses.

Mr. BARBOUR. My recollection is quite clear that some of the Cavalry and Artillery officers testified——

Mr. COLLINS (continuing). So we have more than a horse and a half for every man in the Cavalry.

Mr. BARBOUR. My recollection is quite clear that some of the officers of the Cavalry and Artillery testified before the committee that there was not one horse for every man who should be mounted in the Cavalry and Artillery.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. WAINWRIGHT. Is there any army in the world to-day seriously contemplating doing away entirely with cavalry or with horse-drawn artillery?

Mr. BARBOUR. According to my information there is not.

Mr. SPEAKS. Will the gentleman yield?

Mr. BARBOUR. I will.

Mr. SPEAKS. Under the present law 48 drills per year are scheduled for the National Guard. It is known at the present time that a defieiency will exist for the current year, and also for the following year, 1929. Has any arrangement been made to meet this emergency?

Mr. BARBOUR. I will say that as far as 1929 is concerned I do not think it can be said definitely that there will be a deficiency. There are figures available that would indicate that there will be a deficiency. That is one of the hardest things the War Department has to estimate, because it can not be foretold how many men will attend the drills during the fiscal year, and there are so many uncertain elements that it can not be determined definitely.

The amount carried in the bill was intended to provide for 48 armory drills. I think that was the intention of the House. It was the intention of the Senate and was stated on the floor of the Senate by Senator REED that it was the intention to hold 48 armory drills during the fiscal year of 1929.

Mr. SPEAKS. I agree with the gentleman that it is very difficult to determine in advance the number of men who will report for drills on which payment is based. However, almost three-quarters of the fiscal year 1928 has expired, and it is apparent that there will be a deficiency. I desire to know what arrangement will be made to take care of it?

Mr. BARBOUR. That is a matter for a deficiency appropriation bill; that would not come in this bill.

Mr. SPEAKS. Drill pay for the National Guard is involved in the bill, and it is evident that a deficiency will occur in this item for the current year, and it is important to know what arrangement will be made to meet it?

Mr. BARBOUR. That has nothing to do with this bill. That is a situation that will have to be met when it comes before us definitely and in the regular way.

Mr. SPEAKS. I understand; but I want to get the information in the RECORD so that at the proper time the House and the country may understand that we are requiring men to attend 48 drills per annum and at the same time fail to appropriate sufficient money to pay them for this service.

Mr. BARBOUR. I do not think we have failed to appropriate sufficient money. That is a matter to be considered in connection with a deficiency bill.

Mr. SPEAKS. On the floor of the Senate the question was raised, and Senator REED, basing his statement on the report of General Summerall, admitted that there would be a deficiency for the last quarter of 1928. We are requiring men to attend these drills; if they fail to do so they are punished, so it is important that we appropriate the money necessary to pay

them for services rendered in accordance with their enlistment contract.

Mr. BARBOUR. Does the gentleman say there has been any refusal to appropriate sufficient money?

Mr. SPEAKS. No; but I am endeavoring to ascertain what plan you have in mind for meeting the deficit in the current year.

Mr. BARBOUR. The gentleman is talking about a deficit that will occur in the fiscal year 1928. There is a deficiency bill coming along, and that matter will, of course, be taken up in the consideration of that bill.

Mr. SPEAKS. That is the information I have been endeavoring to secure.

Mr. NEWTON. Will the gentleman yield?

Mr. BARBOUR. I will.

Mr. NEWTON. I want to inquire in reference to the change as to the Organized Reserves appropriation. What is the practical effect of the several changes that have been made between the House bill and the Senate bill?

Mr. BARBOUR. The effect with reference to the Reserve Officers' Training Corps is that we provide 100 more hours than the House bill carried. There was an amendment adopted by the House raising the number of Organized Reserves trainees to 20,000, or 4,000 more than recommended by the subcommittee. The House amendment provided for the pay but not for the mileage of the additional 4,000 trainees. The Senate took from the pay item practically enough money to cover the mileage.

Mr. NEWTON. They cut down the number of trainees and added it to the mileage?

Mr. BARBOUR. Yes; and the result is that there will be fewer than 20,000 trainees; but the reduction is small in comparison to the total number, and everyone who trains will receive his mileage.

Mr. NEWTON. What changes did they make with reference to the Organized Reserves that are in the Air Corps?

Mr. BARBOUR. We increased the flying hours from 15,000, as carried by the House bill, to 16,500, or 1,500 additional flying hours.

Mr. STOBBS. Will the gentleman yield?

Mr. BARBOUR. I will.

Mr. STOBBS. What was done with reference to the citizens' military training camps?

Mr. BARBOUR. The same amount of money is provided that was carried in the 1928 bill—$2,801,240. Last summer they trained something like 38,000, because they had a carry-over fund. This year we provided the same amount with the idea that they should train 35,000 trainees. The Senate incorporated an amendment in the bill, which provided that with this sum not to exceed 40,000 trainees should be trained. The conferees agreed on an amendment which provides that with this sum carried in the bill not to exceed the number that can be trained under this amount shall be trained.

Mr. STOBBS. Then there is an increase made in the appropriation provided by the Senate amendment?

Mr. BARBOUR. No; the appropriation was not changed at all.

Mr. STOBBS. The practical result is going to be that if you can train more than 35,000 trainees, all well and good.

Mr. BARBOUR. All well and good.

Mr. STOBBS. And the amount that is agreed to is based on the estimate of taking care of 35,000 trainees?

Mr. BARBOUR. Yes.

Mr. O'CONNELL. And possibly 40,000.

Mr. BARBOUR. There is no limit. The Senate amendment provided not to exceed 40,000 trainees, and the conferees agreed that there should be no definite number mentioned.

Mr. WAINWRIGHT. Mr. Speaker, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. WAINWRIGHT. I asked the gentleman to yield simply for the purpose of stating that the number of applications for this training this year already is nearly four times as many as at this time last year. The statement was made during the debate upon the bill, when it was in the Committee of the Whole House, that the demand for this training by the young men of the country was increasing from year to year. I have figures supplied by The Adjutant General that up to March 1 this year in the various corps areas 8,815 boys had applied for this training, as against 2,929 up to March 1 of last year.

Mr. BARBOUR. It may be that they are getting their applications in earlier this year. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment No. 25: Page 51, line 7, after the figures "$4,000," insert "constructing quartermaster, in addition to his regular pay, $1,000."

Mr. BARBOUR. Mr. Speaker, I ask unanimous consent that amendments Nos. 25 and 26 be voted upon together, because they relate to the same thing. No. 26 is a correction of the total.

The SPEAKER pro tempore (Mr. TILSON). The gentleman from California asks unanimous consent that amendments 25 and 26 may be voted on together. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report amendment No. 26.

The Clerk read as follows:

Amendment No. 26: Page 51, line 11, strike out "$50,192" and insert "$51,192."

Mr. BARBOUR. Mr. Speaker, I move that the House recede and concur in Senate amendments Nos. 25 and 26.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 39: Page 68, line 13, strike out the figures "$500,000" and insert "there is hereby reappropriated the sum of $500,000 of unexpended balances of appropriations and in amounts as follows: 'Citizens' military training camps, 1925,' $100,000; 'Reserve Officers' Training Corps, 1925,' $290,000; 'Reserve Officers' Training Corps, 1926,' $110,000."

Mr. BARBOUR. Mr. Speaker, I move to recede and concur with an amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. BARBOUR moves that the House recede from its disagreement to the amendment of the Senate No. 39 and agree to the same with the following amendment: At the end of the matter inserted by said amendment insert the following after the sum "$110,000": "; which funds are in full for the conduct, operation, and maintenance of the national matches and the competitions and Small Arms Firing School held in conjunction therewith, except as may be specifically provided for in other appropriations: *Provided*, That members of authorized civilian teams traveling by train or automobile may be paid travel allowance at the rate of 5 cents per mile, which shall include subsistence while traveling, for the distance by the shortest usually traveled route from the places from which they are authorized to proceed to the national matches and for the return travel thereto: *Provided further*, That the payment of travel pay for the return journey may be made in advance of the actual performance of the return travel."

Mr. SPEAKS. Mr. Speaker, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. SPEAKS. This amendment refers to the national matches, which was thoroughly discussed by the membership. I note that while the appropriation is apparently made to carry on the matches as agreed to by the House, it depends somewhat on unexpended balances remaining in certain items back as far as 1925. Is it possible that large sums of money are available for the uses of the department after the lapse of four years' time?

Mr. BARBOUR. Oh, yes. This money is in the Treasury. The effect is the same as if a direct appropriation were made, because the money is there.

Mr. SPEAKS. It is surprising to me, and I think it will be somewhat new to the Members generally, to know that large sums of money are lying dormant to the credit of departments for a period of four years. Is there any system of checking up departmental activities whereby the House might know exactly the amounts unexpended at the close of each fiscal year?

Mr. BARBOUR. Yes. We get statements of that kind from the War Department, and if the gentleman will look at the last two pages of the bill he will find a list of repealed appropriations, based on a statement furnished to the subcommittee by the War Department, of unexpended money. The House repealed those appropriations, but the Senate struck out some of the items repealed by the House and used them for reappropriation in connection with other items.

Mr. SPEAKS. Then we have the assurance of the chairman that the funds appropriated from unexpended balances are actually available for the purposes intended?

Mr. BARBOUR. Oh, yes. Otherwise we would not have attempted to carry them in the bill.

The SPEAKER pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 42: Page 79, line 24, insert: *"Provided,* That not to exceed $5,000 of this sum may be expended for the purchase of plans, drawings, and specifications for the erection of this monument by open competition, under such conditions as the commission may prescribe."

Mr. BARBOUR. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The SPEAKER pro tempore. The question is on the motion of the gentleman from California that the House recede and concur in the amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Senate amendment No. 45: Page 84, line 17, insert:

"FLOOD RELIEF

"Flood relief, Mississippi River: For the reimbursement of funds contributed by local interests to the Mississippi River Commission, and used for emergency levee construction and repair work on the lower Mississippi River on account of the flood of 1927, $1,500,000, to be immediately available and to be expended by the Mississippi River Commission: *Provided,* That the provisions of the flood control act approved March 1, 1917, in so far as they forbid expenditures by the Mississippi River Commission for levee work unless local interests contribute one-third the cost thereof, shall not apply to emergency levee work done, or to be done, on account of the flood of 1927."

Mr. BARBOUR. Mr. Speaker, I move that the House recede and concur.

The SPEAKER pro tempore. The gentleman from California moves that the House recede and concur in the amendment. The question is on agreeing to that motion.

The motion was agreed to.

SPECIAL ORDER TO ADDRESS THE HOUSE

The SPEAKER pro tempore. Under the special order the gentleman from Massachusetts [Mr. LUCE] will be recognized for 20 minutes. However, if the gentleman from Massachusetts will withhold, the Chair is informed that there is some question as to what the special order of the House is. The Chair will have to examine it. Does the gentleman from Massachusetts have any recollection of just when the order was made on the day he was granted time?

Mr. LUCE. My recollection is that the gentleman from Illinois [Mr. MADDEN], who made the request, included in it no specifications beyond what appears on the face of it.

The SPEAKER pro tempore. Does the gentleman from Illinois [Mr. MADDEN] recall his request in connection with the special order?

Mr. MADDEN. My request was that the gentleman from Massachusetts [Mr. LUCE] and myself should be given 20 minutes each immediately after the reading of the Journal and the disposition of matters on the Speaker's table. That would bring us now in order, it seems to me.

The SPEAKER pro tempore. The Chair's attention has been called to the fact that a question had been raised.

Mr. MAPES. Mr. Speaker, if the Chair will refer to page 4108 of the RECORD of March 5, 1928, he will see that the request of the gentleman from Illinois as first made provided that the gentleman from Massachusetts and the gentleman from Illinois should have time when it would not interfere with the regular business of the House.

Mr. MADDEN. It does not say that.

Mr. MAPES. That is the request. I read from the RECORD:

Mr. MADDEN. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from Illinois rise?

Mr. MADDEN. Mr. Speaker, I rise to ask unanimous consent that on the first occasion after the reading of the Journal and when it will not interrupt any other business that 40 minutes be accorded to the gentleman from Massachusetts and myself to discuss the question against which I objected a few moments ago.

But in putting the request by the Speaker pro tempore no such limitation was put upon the request.

The SPEAKER pro tempore. The Speaker pro tempore specifically requested that the gentleman put his request a little more definitely, which the gentleman proceeded to do in the next paragraph.

Mr. MADDEN. I asked that on the first occasion after the reading of the Journal and the business will not be interfered with I might address the House on Saturday. Objection was made because it might interfere with the business. It was agreed upon every hand that Saturday should be the day.

Mr. CHINDBLOM. Mr. Speaker, I suggest that this is a matter of resolution; it is an order of the House, and the Journal ought to be conclusive. The debate in the RECORD may be illuminating, but this is not in the nature of a colloquy. It is a resolution entered by unanimous consent.

The SPEAKER pro tempore. The Chair is informed that the RECORD simply shows the order as put by the Speaker pro tempore. I read:

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that on Saturday next, after the special orders and disposition of other business on the Speaker's table, the gentleman from Massachusetts [Mr. LUCE] may be allowed to speak for 20 minutes out of order, and that the gentleman from Illinois may be permitted to speak for 20 minutes out of order. Is there objection?

There was no objection.

Mr. LEHLBACH. Mr. Speaker, is it not a fact that it was a special order which the House gave consent which was put to it by the Speaker? The language of the gentleman is not governing, but the proposition to which the House gave consent and which the Speaker submitted to it governs.

The SPEAKER pro tempore. The Chair takes that view of the case and so rules, and recognizes the gentleman from Massachusetts for 20 minutes.

Mr. JOHNSON of Washington. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman from Massachusetts yield to the gentleman from Washington?

Mr. LUCE. Yes.

Mr. JOHNSON of Washington. Following the request of the gentleman from Illinois and the gentleman from Massachusetts, I made a similar request. I take it that I shall be permitted to follow the gentleman from Illinois [Mr. MADDEN]?

The SPEAKER pro tempore. The Chair so understands.

Mr. MADDEN. My understanding is that I shall be permitted to answer the objections that these two gentlemen wish to make to certain methods of procedure in connection with the consideration and reporting of bills, and because of the desire to discuss that phase of it I agreed that I would discuss it with them. My contention is that I have a right to answer the statements made by these two gentlemen.

Mr. GARNER of Texas. The gentleman will have to take his time as it was fixed by the House at the time. The gentleman from Massachusetts will speak 20 minutes and then the gentleman from Illinois will speak 20 minutes.

Mr. MADDEN. At the time it was understood that we were each to speak for 20 minutes on a given subject.

Mr. JOHNSON of Washington. But I did not couple my request with the request made by the two gentlemen. I asked for time independently and asked that I might follow them, and the RECORD will so show.

The SPEAKER pro tempore. The Chair will follow the order.

Mr. GARRETT of Tennessee. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER pro tempore. Evidently there is no quorum present.

Mr. SNELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 45]

Aldrich	Cramton	Hancock	McFadden
Allen	Curry	Harrison	Magrady
Anthony	Darrow	Hastings	Martin, Mass.
Arentz	Davey	Haugen	Menges
Bankhead	Deal	Hawley	Merritt
Beck, Pa.	Dempsey	Hull, Morton D.	Moore, Ohio
Beck, Wis.	De Rouen	Hull, Wm. E.	Moore, Va.
Berger	Dickstein	Hull, Tenn.	Morin
Bloom	Douglas, Ariz.	Igoe	Nelson, Wis.
Boies	Doutrich	Irwin	Norton, N. J.
Bowman	Dowell	Jacobstein	O'Connor, N. Y.
Browning	Doyle	Johnson, Ill.	Oliver, N. Y.
Buckbee	Drewry	Johnson, Ind.	Palmer
Burdick	England	Johnson, S. Dak.	Palmisano
Bushong	Fish	Kelly	Parks
Butler	Fitzgerald, Roy G.	Kendall	Peery
Byrns	Fort	Kerr	Quayle
Campbell	Free	Kiess	Rathbone
Carley	Fulmer	Kindred	Robsion, Ky.
Carter	Gallivan	Knutson	Sabath
Christopherson	Golder	Kunz	Sanders, N. Y.
Collins	Goldsborough	Larsen	Sears, Fla.
Combs	Graham	Leatherwood	Sirovich
Connally, Tex.	Hall, Ill.	Leech	Stedman
Connolly, Pa.	Hammer	Linthicum	Strong, Pa.

Strother	Thompson	Weller	Wood
Sullivan	Tinkham	Welsh, Pa.	Woodrum
Sweet	Updike	White, Colo.	Wyant
Taylor, Tenn.	Wason	Wingo	Zihlman

The SPEAKER pro tempore. Three hundred and eighteen Members have answered to their names, a quorum.

Mr. SNELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. WHITE of Maine. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER pro tempore. The gentleman from Maine asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. WHITE of Maine. Mr. Speaker, I simply desire to state for the information of the House that I shall move to rise when general debate is concluded upon the radio bill or before that time. In other words, I shall not attempt to reach a vote on the radio bill this afternoon.

The SPEAKER pro tempore. Under the special order of the House the Chair will recognize the gentleman from Massachusetts [Mr. LUCE] for 20 minutes.

THE BUDGET BUREAU

Mr. LUCE. Mr. Speaker, we have in the House a small group of men who are performing a most valuable service. They have undertaken the disagreeable and laborious task of studying minor legislation in order that they may make objection to anything which they think ought to be called to the notice of the House.

In what I have to say I have not the slightest word of criticism for them, but rather would take this chance to express my individual gratitude to them for their services.

On the last consent day prior to that of this week one of these gentlemen objected to the consideration of a bill from the Committee on the Library on the ground that the report did not show it had been submitted to the Director of the Budget. As a matter of fact, and as I told the House, there had been consultation with him, but it developed that no formal report had been received. The delay of two weeks only in part caused the disturbance of my mind that followed, for as I reflected upon it I became more and more convinced that there was here the most important occasion for the attention of the House. So last Monday, again on consent day, I undertook to address myself to the subject at what I will frankly admit was an inopportune moment. The gentleman from Illinois [Mr. MADDEN] was perfectly justified in objecting to my continuing. I accept his objection cheerfully, and all the more cheerfully because the result was that he secured from the House this opportunity for the discussion of a question far more serious in point of principle than that to which we have just devoted three days, for the question here involved is that of the separation of the powers and the independence of the legislative branch of the Government.

When the Budget bill was under discussion in 1919 the gentleman from Illinois made a simple and admirable statement as to the purpose in creating the office of the Director of the Budget. He said:

> The Bureau of the Budget is simply a clerical force placed at the disposal of the President of the United States to furnish him with information as to how he shall make up the estimates for expenditures to be required for the conduct of the Government for any given year.

Now, see what has happened, quietly, without the recognition of the House itself and without the knowledge of the public. It came about through the issuance of an Executive order, as I understand it, requiring the heads of departments to submit to the Director of the Budget any request for information that might come to him from a committee of the House. The result was that the Director of the Budget has made due response. In all that I may have to say there is nothing personal. I make no strictures upon the Director of the Budget. I am acquainted with him; I admire him and esteem him, and I am grateful for his efficient and patriotic public service. These are not remarks of blame or criticism, unless there be blame of ourselves.

The consequence is that many of the reports coming to the House from committees now contain the statement that the proposal is—or is not—in conflict with the financial program of the administration.

The importance of the situation lies in the fact that this virtually gives the Director of the Budget the whip hand over a large part of the work of the House. This follows from the fact there are but four ways in which most of the committees may secure consideration of their proposals. One is Calendar Wednesday, an institution that is dwindling. In this Congress already there have been 14 Wednesdays. Only 8 of the 46 committees have been reached, and 3 of them, those on Elections, seldom have any business. Thirty-eight committees remain with only 23 more of probable Wednesdays to be put at their command. It is manifest that in this Congress, as for several sessions back, more than half the committees will have no opportunity to bring their measures before the House of their own initiative.

The second chance is through suspension of the rules. The Speaker, wisely and properly, is very reluctant to grant motions to suspend, because that means limited debate, no full consideration, no opportunity for amendment, no protection against surprise.

The third opening is found in a special rule from the Committee on Rules. This must be reserved for the bills of particular importance, those promising sharp controversy. Only about 25 such rules are granted in each Congress, which means that recourse to them is beyond the reach of the great mass of business of medium or minor importance.

The only other avenue is the Consent Calendar, which is habitually taken up but twice a month. As of course all gentlemen here know, on reaching a bill the first time one man may by objecting prevent action; the second time, a fortnight or more later, three men.

One of the small group of objecting martyrs, as I like to call them and believe they are, has informed the House of his intention to object to the consideration of any measure relating to finance that does not contain a formal report from the Director of the Budget. Another takes much the same ground.

It follows that the door of the Consent Calendar will hereafter be closed to any proposal involving directly or indirectly any expenditure great or small, to be made soon or late, unless the verdict of the Director of the Budget appears in the accompanying committee report.

Does it not become important, then, when this concerns by far the greater part of the measures advised by our committees, to consider the wisdom of this demand by objectors on Consent Calendar days?

Let me disclose the perplexities of the present situation, the uncertainty and confusion that prevail, the need for some rule, standard, or common agreement, by illustrations from bills now pending or that have recently been passed.

Here, for example [holding up a bill], is a curious anomaly. The Assistant Secretary of State asked the Director of the Budget on the 7th of December if, in his judgment, we should pay the French Government for damage caused by one of our naval vessels. On the 16th the Secretary sent to the President a letter, printed here in the committee report, informing the President of the fact that the Director of the Budget had said that this was not inconsistent with the financial program of the Government. Then on the next day the President transmits to the Congress a special message advising that this be done.

I do not want to ridicule, but I can not refrain from pointing out that the President sent this special message to Congress after he had been informed by the Secretary of State that the Budget Director said this was not inconsistent with the President's own program. [Laughter.]

Let us observe some of the committees that are in danger through the progress of this system. Here is the Committee on Agriculture sending in a proposal to buy more land for a nursery, without any report from the Director of the Budget.

Here is another from the same committee of much more importance, a bill to provide more money for extension work by the agricultural colleges. Three days ago I watched it pass the House after barely 10 minutes of discussion, and not a word of objection, although its cost will mount in three years to almost a million and a half a year, and the accompanying committee report made no mention of the Director of the Budget. Thus freakily works the present system, or lack of system.

Here is the Committee on Interstate and Foreign Commerce with a bill authorizing payment of compensation to certain officers of the Panama Canal, without any report from the Budget.

Here is the Committee on the Judiciary with a bill authorizing the creation of new judgeships, with no report from the Director of the Budget.

Here is one from the Committee on Labor, creating a division of safety in the Bureau of Labor Statistics, with no such report.

Here is one from the Committee on Public Buildings and Grounds creating a commission to be known as the commission for the enlarging of the Capitol Grounds, with no report from the Budget.

Here is one from the Committee on Printing fixing the salary of the Public Printer, with no report from the Director of the Budget.

Here is one from the Committee on Military Affairs correcting a military record, and therefore exposing the Treasury to a charge for pensions or otherwise, and another of the same sort.

Here is a third from the same source, all without the approval of the Director of the Budget.

Here is one from the Committee on Coinage, Weights, and Measures authorizing the coinage of 100,000 medals in commemoration of the achievements of Col. Charles A. Lindbergh. No report from the office of the Budget.

Here is one amending the aviation pension act, with no such report.

Here is one from the Committee on Naval Affairs. I have been calling your attention mostly to small things and you may say de minimis lex non curat—the law takes no account of the little things—and that we should not stickle over minutiæ. But here is the great naval bill that has just come in, a measure contemplating $274,000,000 of expenditure, with no report from the Director of the Budget.

Mr. BRITTEN. Will the gentleman yield for a question?

Mr. LUCE. Certainly.

Mr. BRITTEN. The gentleman, of course, knows that that program is not in conflict with the administration's financial policy and that a report on it was made by the Bureau of the Budget. The mere fact it does not accompany the report does not indicate there was none made.

Mr. LUCE. One of the things I am trying to bring out is that the gentlemen who are watching the Consent Calendar, in demanding that the statement of a report from the Budget Bureau be included in the committee report are not in harmony with the views of various committees of the House.

Here are two reports to which I would particularly call your attention.

One is the report accompanying the Interior Department appropriation bill for 1929, brought in by the gentleman from Michigan [Mr. CRAMTON], wherein are proposed increases over the Budget estimates, all told, amounting to nearly $300,000. It contained no statement that this is in accordance with the presidential program. You may say that the Budget itself was the presidential program. But weeks had elapsed, and it might have been that there was occasion for a change.

Here is one from the gentleman from Illinois [Mr. MADDEN] reporting the great Treasury and Post Office Departments bill, where increases amounting to almost a million dollars above the Budget estimate were involved, and he did not inform us whether they had been submitted to the Director of the Budget and were in accordance with the presidential program.

I do not criticize that—but what is sauce for the goose is sauce for the gander. [Applause.]

Ah, more than that, it is undoubtedly true that subordinates to the Director of the Budget—because the director could not attend to the details, and nobody ever dreamed that the President would risk health and life in the attempt—that subordinates whose identity we do not know, to whom we can not present the pertinent facts, before whom we have no hearing, are making legislative decisions.

I have here an example, an instance where the Committee on Mines and Mining was blocked on the ground that certain claims should not be sent to the Court of Claims for adjudication because that would be inconsistent with the financial program of the administration.

I am told by a member of the Committee on Military Affairs of an instance where somebody in the Bureau of the Budget took advantage of this opportunity to compel the War Department to change a policy.

My friend from Illinois told me that this is an academic question. If he knew how many Members of the House had come to me and commended my course in opening up the subject, if he knew the difficulties that embarrass the legislating committees, and especially their chairmen, he never would think it an academic problem. It is a practical, present problem. We desire his judgment, we desire to know what to do. We ought to act alike. We want to know what is our moral, ethical, spiritual, political, and constitutional duty. My judgment is that it is not the duty of a legislating committee to consult the Bureau of the Budget or pay attention to its report to anybody else. I think it is the duty of the Appropriations Committee. We of the legislating committees are not concerned with the question of when it may be proper and timely to spend the money. Our task is to determine the wise thing to do. We have another committee, that on appropriations, for the express purpose of saying when the expenditure may be timely, whether it ought to be done later or now. Looking over the broad circle of governmental activity, that committee is to say whether the thing should be done now.

Of course, we of the legislating committees try to save the money of the people. We try never to recommend extravagance in appropriations. It cuts me to the quick when men tell the country from this Chamber that we are all wastrels, trying to scrape everything we can out of the Public Treasury. I deny that. [Applause.]

I would my voice could carry from the Atlantic to the Pacific in order that it might reassure the people and tell them that the Members of Congress are at least trying to do their duty. We try in the committees to have some sense of proportion in the matter of economy. We believe we make wise recommendations. They may or may not all be wise. The legislating committee is to concern itself with policy and principle, the appropriating committee with prudence and proportion. It is the appropriating committee that should consult the Bureau of the Budget.

Sir, scrupulous regard for the hands of the clock forbids my going further in the matter of details. In the few moments that I have remaining let me say that this country of ours grew out of the struggle between the colonial governors and their assemblies. The War of the Revolution was the result of attempt by the Executive to infringe the prerogatives of the legislative branch.

The right of independent decision by the representatives of the people is the corner stone of this Republic. The declaration of that right is the guardian and protector of our liberties. Let us not watch idly, without due reflection, without at least some consideration, the insidious progress of a system, habit, custom, or whatever you may call it that will deprive us of our rights, that will invade our responsibilities, that, if unchecked, will in the end destroy the American system of government. [Prolonged applause.]

The SPEAKER pro tempore (Mr. MICHENER). The Chair recognizes the gentleman from Illinois [Mr. MADDEN] for 20 minutes.

Mr. MADDEN. Mr. Speaker and gentlemen, if this were a contest in oratory, of course, I would not presume to compete with the distinguished gentleman from Massachusetts [Mr. LUCE]; but this is a discussion of facts, and I presume that I am quite as capable of stating the facts as is the gentleman from Massachusetts, although I may not be able to do it as well. I was very much pleased to note the enthusiasm displayed by the House when the gentleman from Massachusetts called attention to the fact that the chairman of the Committee on Appropriations only a few days ago, when reporting the Post Office-Treasury appropriation bill, had increased it $1,000,000, and that that had been done without any consultation with the Director of the Budget.

Mr. GREEN of Iowa. No; he did not say that.

Mr. MADDEN. Well, practically that. He said there had been no report. Every item that was carried in the bill was submitted to the Committee on Appropriations by the Budget before the Committee on Appropriations began the consideration of the question at all, and while there may have been a total increase of a million dollars in some particular items in the bill, the facts are that the bill carried $8,230,000 less, when the committee got through with it, than it did when the estimates came from the Budget. Do we hear any applause from that? Not a bit.

Mr. Speaker, I think that what we need first in this question is a restatement of history, and I shall presume to say what I have to say based upon that. First, a brief history of the chaotic practice relative to appropriation and authorization legislation before the budget system was established. The President was not required by law, and in fact could not under the law have much to do with the submission of any kind of a financial program. That is the first proposition. He was not charged with the responsibility of the finances of the Government until the Budget act was passed. The heads of departments and bureau chiefs were supreme in the preparation of estimates and no one anywhere, outside of the department itself, had any authority to say what the total to be recommended by the executive branch should be. The Secretary of the Treasury performed a perfunctory ministerial duty of gathering together all of the practical and idealistic estimates of all heads of departments and bureaus, and forwarded the unrelated, uncoordinated, extravagant mass of figures to Congress to unscramble.

The Congress was no better organized to receive the heterogeneous mess which came to it than was the executive branch of the Government which sent it in.

This procedure continued through the war period and helped to accentuate the wastefulness which characterized that period of our history. With the close of the war came a demand from the American people for drastic retrenchment from the inflation of the war, a reduction of taxation, and a return to normal governmental activities. Congress responded to this demand, and in formulating legislation to help bring the exaggerated

governmental costs down to a sane basis passed the Budget and Accounting Act of 1921.

The Budget and Accounting Act made two very important requirements: (a) It compelled the President of the United States, for the first time by definite law, to become responsible for a program of estimates and expenditures to be submitted to Congress and to harmonize that program with the estimated receipts. This was a distinct advance over the previous practice where he took only a cursory interest in expenditures. (b) It curtailed the individual freedom of departments and bureaus to submit to Congress any requests for appropriations that they might conceive to be necessary or desirable.

There are two ways of increasing the cost of the Government—(1) by increasing the existing appropriations, and (2) by the enactment of new legislation which either requires new appropriations or the increase in an existing appropriation.

The President, soon after the passage of the Budget and Accounting Act in June, 1921, realized that unless attention was paid to requests for legislation emanating from the executive departments which would cause an increase in expenditures that it would be almost futile to perform his duties under the new law with respect to direct appropriations. Accordingly, in December, 1921, President Harding directed the issuance of what is known as Budget Circular No. 49.

With the permission of the House, at this point I insert a copy of this Circular No. 49:

(Circular No. 49)

TREASURY DEPARTMENT,
BUREAU OF THE BUDGET,
Washington, December 19, 1921.

TRANSMISSION TO CONGRESS OF ESTIMATES OR REPORTS INVOLVING APPROPRIATIONS

To the heads of departments and establishments:

1. The Budget and Accounting Act, 1921, provides in part as follows:

"SEC. 201. The President shall transmit to Congress on the first day of each regular session the Budget, which shall set forth in summary and in detail—

"(a) Estimates of the expenditures and appropriations necessary in his judgment for the support of the Government for the ensuing fiscal year; except that the estimates for such year of the legislative branch of the Government and the Supreme Court of the United States shall be transmitted to the President on or before October 15 of each year, and shall be included by him in the Budget without revision."

* * * * * * *

"SEC. 203. (a) The President from time to time may transmit to Congress supplemental or deficiency estimates for such appropriations or expenditures as in his judgment (1) are necessary on account of laws enacted after the transmission of the Budget, or (2) are otherwise in the public interest. He shall accompany such estimates with a statement of the reasons therefor, including the reasons for their omission from the Budget."

2. To insure that all estimates or requests for appropriations originating within the executive branch of the Government are presented in the manner prescribed in the Budget and Accounting Act, 1921, it is further provided in section 206 of said act that:

"No estimate or request for an appropriation and no request for an increase in an item of any such estimate or request * * * shall be submitted to Congress or any committee thereof, by any officer or employee of any department or establishment, unless at the request of either House of Congress."

3. The language of section 206 relates only to estimates or requests for direct appropriations or increases in items of prospective appropriations. But it is necessary for a full compliance with its spirit that all requests or recommendations for legislation, the effect of which would be to create a charge upon the Public Treasury or commit the Government to obligations which would later require appropriation to meet them, should be first submitted to the President before being presented to Congress. It is therefore directed:

(a) Before any request or recommendation of this character, originating in or sponsored by any executive department or independent establishment of the Government, is sent to either House of Congress, or to any committee thereof, it shall first be submitted to the Director of the Budget, who shall make recommendations with respect thereto to the President. And no such request shall be submitted to either House of Congress, or to any committee thereof, without having first been approved by the President. When so approved, the request or recommendation to either House of Congress, or to any committee thereof, shall recite the fact that such approval has been obtained.

(b) Whenever any request or measure proposing legislation, with the purpose or effect set forth above, shall be referred to any executive department or independent establishment for advice or expression of opinion thereon, the head of the executive department or independent establishment concerned shall ascertain, through the Director of the Budget, whether or not such recommendation, request, or measure is in accord with the financial program of the President. And such advice or expression of opinion when transmitted shall include a statement whether the proposed legislation is or is not in such accord.

(c) That copies of such requests, recommendations, or proposed measures referred for advice as in subparagraph (b) shall be promptly furnished to the Director of the Budget for the information of the President.

By direction of the President.

CHARLES G. DAWES,
Director of the Bureau of the Budget.

The Budget and Accounting Act does not contain any specific reference to legislation which authorizes appropriations, nor is there in that act any specific authority for the issuance of the circular. The act, however, does provide—

under such rules and regulations as the President may prescribe every department and establishment shall furnish to the bureau such information as the bureau may from time to time require.

Legislation which emanates from the executive departments must, as a matter of course be justified; and when sent up to a committee, it should be the duty of the committee to return it if the department has not already given satisfactory reason for asking for the legislation for further information. Does anybody object to information in connection with legislation pending or passed? It seems to me that our first duty, and our greatest pleasure, should be the acquisition of all the information that will place any light upon any subject that may come before us for consideration. Is that against the dignity of a Member of the House? Does it take any of his rights away? Does it restrict him in his right to think? There is no obligation upon the part of a Member of the House, or on the part of a committee of the House, even though they have the information supplied that would lead them to an intelligent conclusion, to accept the information. They can act as wisely or unwisely as they think proper to act. It may be that they will reach a wise conclusion without information, but they will be more certain to reach a wise conclusion if they have the information on which to base a judgment.

It is the practice now of committees of the House to refer bills to the various departments and bureaus for report. What objection can there be if one further step in such report procedure is taken, when additional expenditures are called for, and the bill referred to the agency which represents the President in matters affecting estimates, appropriations, and expenditures to determine his views thereon?

Congress should be willing, in the enactment of legislation, to get accurate information and views from the President on these matters as well as from the head of a department, the chief of a bureau, or a subordinate in the remote corner of a department somewhere.

Had the President any right to issue that circular? Had he a right under the act to make the regulations requiring that certain things should be done? Do we complain because the President acted efficiently? Are we chagrined because, forsooth, the agency employed by the President to accumulate information upon which he may act intelligently and patriotically has done its work well? Are we opposed to an efficient Government? If we are, all we have to do is to go back to the old chaotic conditions we found before the Budget and Accounting Act was passed. Has the President of the United States under the Budget Act been wise? Has he acted economically; has he been patriotic; has he performed his duty; has he assumed legislative authority which he did not possess? What is it about which we complain then? Is it because the President, in order to carry out the responsibility that we have placed upon his shoulders under the Budget Act, insists that he shall have the information which will enable him to perform his duty intelligently? Do we complain because of any special indignity that we may think is imposed upon us because we have to get information?

Are we opposed to the President's efficiency? Has there ever been a man anywhere, in any place, President or otherwise, who has proven his worth more than President Coolidge has under the conditions imposed upon him by the Budget and Accounting Act? [Applause.]

Now, the act goes further than merely placing this responsibility upon the President, for it prohibits any officer or employee of any department or establishment of the Government from submitting any request or estimate for appropriation to the Congress or to any committee unless either House—not a committee—unless either House should request such a submission. The President is the executive head of the entire Government. The heads of the departments are members of his Cabinet. He can require reports from them on matters affecting their respective departments.

Do we object to the President possessing a knowledge of the things that are being done by the heads of the departments

over which they preside? Can anybody object with any good reason to the President requiring the head of every department to scrutinize everything that comes within his jurisdiction, so that he may make a faithful report to the Chief Executive of the Nation? Do we want the Government conducted on systematic lines? If we do, we will not complain that the President requires the heads of his departments to have knowledge of the facts.

Now, the Constitution of the United States requires the President of the United States to keep the Congress of the United States advised as to the state of the Union. How can he keep them advised unless he gets the facts? He can not know unless he has agents at work acquiring the information upon which he may advise us. We all know that the President can not do all these things himself; and I repeat, that the Budget Director or the Budget Bureau is only the agency appointed by the President and authorized by the Congress to obtain such information as will enable the President of the United States to reach an intelligent conclusion upon the important and vital questions that come under his jurisdiction under the law.

Is there any objection to that? Why should he not be empowered to do it? Why should he not have that agency? Why should he not instruct that agency and have the right to tell every department chief under the Government to submit the information that they have acquired in the conduct of the affairs under their charge to his agent, the President's agent, the Director of the Budget, so that the Director of the Budget, the President's agent, may be in a position to analyze the facts in the case for the President's intelligent consideration? There can not be any objection to that.

Now, what does the circular do? Before any establishment or department of the Government shall send to the Congress a recommendation for legislation which has originated in the department or establishment, such a request must be submitted to the Bureau of the Budget, for the reason that I have just stated, and for the recommendation of the President; and no such request for legislation can be submitted to Congress, and properly so, without first having the approval of the President.

Now, that does not stop any Member of the House from originating any legislation. If he has the capacity to write a bill on any subject, nobody will interfere with his right. He can introduce the bill. He does not have to consult the President or the Director of the Budget. He can do what he pleases, if he can get votes enough to pass it, without any consideration from anybody on the outside.

Any request or measure proposing legislation requiring the expenditure of money and referred to any department for report must, before it is returned to Congress or a committee, be referred to the Bureau of the Budget to ascertain whether it is in accord with the President's program with relation to the finances.

Is that proper or is it improper? The President is required, for example, in the Budget he submits to Congress to state what the expenses of the Government are to be. He reports then what the income of the Government is to be. Between the report of the income and the outgo the President fixes the activities in which he thinks the Government should engage. And it may well be that after we have appropriated what money there may be between the two lines, the income and the outgo, legislation involving billions—that may be a somewhat exaggerated statement, to put it that way—but millions beyond the income may be brought in.

Now, is it any part of the President's business to find out whether we are going beyond the income? Would you like to see a deficit created by any chance from not having a coordinated system of activities within the Government whereby every right of the taxpayer and every right of the Member representing the taxpayer is safeguarded?

It is not binding, as I said, on any Member of Congress to ask for information from a department. The information from the department is not binding. The Member of Congress has the supreme right under his authority as a Member of Congress to act as he pleases. He may not act wisely, but that is for him to decide. These reports give Congress information on the financial state of the Government which otherwise we possibly would not have.

The Budget circular is in the interest of coordination and an economic conduct of the affairs of the Government, and is disliked sometimes because in some cases it curtails opportunities to bring about the appropriation of money which could not be obtained through regular Budget procedure.

In this connection, I want to place here in the RECORD an extract from a report on a bill referred to one of the executive departments for its comment and opinion. The bill is not a consequential bill nor is there any significance to the amount of money proposed to be authorized by the bill, but a departmental attitude toward the Budget and the procuring of funds for departmental activities is made quite apparent by the department's comment, which is as follows:

> While it is true that the provision of law cited above gives a general authorization under which an estimate for the project could be submitted without necessity for additional legislation, I favor the bill for the following reasons: It is desirable to construct the storehouse in question. The enactment of this bill into law will indicate the specific approval of Congress for this particular project and will presumably render it easier to secure appropriations therefor in the future. The proposed legislation has been submitted to the Director of the Bureau of the Budget. He advises that if I consider the legislation necessary before I would be justified in submitting an estimate for the project in question, my report on this bill would not be in conflict with the financial program of the President. As indicated above, I do not consider that legislation is absolutely necessary, but do consider that it is desirable in order to make it easier to secure an appropriation for this particular project.

I am not an advocate of the House of Representatives surrendering its prerogatives. I do believe that when Congress secures advice and information from the so-called spending agencies of the Government as to the advisability of enacting certain legislation which calls for the expenditure of money we may well at the same time have the views of the President, through his Budget agency, as to the relation the legislation may bear to the financial situation of the Government. The practice under the operation of this circular can be improved. Even the Budget system itself is not thoroughly perfected. Our Government operated for over a hundred years without such a system, and we can not expect that in the space of seven years in which it has been in effect to have a procedure that will be perfect or that will not perhaps invoke just criticism. My hope and aim in connection with the Budget system has been for a gradual evolution and development that will constantly improve the intelligent and economical handling of the Government's financial problems. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington [Mr. JOHNSON] for 20 minutes.

Mr. JOHNSON of Washington. Mr. Chairman, ladies and gentlemen of the House, I feel greatly honored in that I follow the two gentlemen who have preceded me in the discussion of so important a subject as the Bureau of the Budget and its effect on the House of Representatives. Representatives LUCE, of Massachusetts, and MADDEN, of Illinois, are among the giants of the House, each very earnest in his desire to serve the people, each painstaking and thorough in his work here. [Applause.] The debate has been highly illuminating. Perhaps I can add little to it; I shall, of course, not attempt to comment on the able presentation made by the gentleman from Illinois [Mr. MADDEN].

From the time the Bureau of the Budget Act was placed in operation, about seven years ago, I have observed each year the increasing power of the Bureau of the Budget, until now I am inclined to believe that the Bureau of the Budget is developing into a third house of Congress, with more power under certain conditions than the Senate and the House. [Applause.] In my opinion, the Bureau of the Budget not only exercises a veto power prior to legislative action but a power more formidable than the Executive veto. I believe also that the Bureau of the Budget has turned down proposed constructive legislation not because such legislation is in opposition to the financial policy of the President but because such bills of House or Senate are repugnant to the views of the coordinating officers of the Bureau of the Budget. [Applause.]

We have a fine official in the present Director of the Bureau of the Budget. We created the position; gave great power. We were doubtful then; but we needed a budget system, and we were promised that there would be no abuse of power. It is not my purpose to criticize the director. He is acting as best he can in a trying position, but under him are a number of coordinators loaned from other services—from the Army, Navy, and elsewhere. They are serving without additional pay and act as a coordinating service, and I find that that service, under the director, undertakes to write bills, undertakes to revise bills sent down by chairmen of committees, has its own views as to what is right and what is wrong as to legislation, and undertakes to advance its views. If that is so, then that bureau is in fact exercising a legislative as well as an executive function. Every schoolboy knows that the Constitution di-

vides our Government into three coordinate branches—legislative, executive, and judicial—of equal dignity, but each a check on the other. Is it not beginning to appear that we have developed a fourth branch, the Bureau of the Budget, which each year steps a little further beyond its advisory capacity and a little more into the control of legislation?

Each year we hear the appeal to economize on paper clips, blotters, and the like, even the backs of envelopes. But if in so doing we weaken the representative form of government, what have we gained? Neither is it fair that Congress shall also be charged with extravagance, or that Secretaries of departments and Assistant Secretaries shall be always saying to the people and to individual Members, "You are quite right; we need this or that; but we can not do a thing until Congress acts." And we ourselves, gentlemen, seem to have let things come to a pass where we really can not act without great strain, great stress, and great opposition to the Budget, all of which, I assure you from personal knowledge, is not easy to bring about.

Mr. Speaker, I have been informed by a number of chairmen since this debate was announced that bills which they did not think were contrary to the financial policy have been referred to the department, and thence, under orders, sent to the Bureau of the Budget, only to be returned with a line at the bottom that the bills were in opposition to the President's financial program.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes; certainly.

Mr. LAGUARDIA. Is it the fault of the Budget Bureau or the submissiveness of the chairmen?

Mr. JOHNSON of Washington. Well, the chairmen want to be fair rather than entirely submissive, and chairmen desire to act in harmony with the general legislative program.

Mr. LAGUARDIA. Then they could report their measures and bring them up, could they not?

Mr. JOHNSON of Washington. Chairmen are undertaking to do that; but please consider the hurdles ahead of such bills. Chairmen of nonprivileged committees have but few ways of getting bills up for consideration by the House—a rule, suspension of the rules, or by unanimous consent. The gentleman from Massachusetts [Mr. LUCE] has explained our troubles along that line.

Let me inform the gentleman from New York that there has just been reported from the committee of which I have the honor to be chairman a bill reorganizing the immigrant inspectors' service and making certain pay increases. Such a bill has passed the Senate. It was referred to the House Committee on Immigration and Naturalization. It has been ordered favorably reported by that committee without amendment.

That bill involves an increase in the pay of immigrant inspectors of about $150,000 the first year. The bill has never seen the Bureau of the Budget. It is not even acquainted with that arm of the Government.

Mr. LAGUARDIA. Does not that bill show that the Bureau of the Budget is simply advisory and not binding on this House?

Mr. JOHNSON of Washington. If that bill ever gets up on the floor, we will have a fine chance for a test. But, as chairman, I will have only certain limited ways to get that bill up; and that bill is proper, needed legislation.

Mr. MOORE of Virginia. Will the gentleman permit a question?

Mr. JOHNSON of Washington. I yield.

Mr. MOORE of Virginia. A little while ago we had before us an appropriation bill which, I think, the gentleman sought to amend by increasing the appropriation for the pay of inspectors. That matter was brought before the House, and nothing which the Bureau of the Budget had done or nothing that the Appropriations Committee had done prevented that from being voted on. The amendment was voted down, but the gentleman had full opportunity to secure an expression from the House.

Mr. JOHNSON of Washington. The gentleman is not quite correct. The proposal to increase the pay of inspectors was not up; an amendment to increase the lump sum for the Immigration Service, including the border patrol, was proposed and met heavy opposition from the Appropriations Committee, whose members proposed that our committee bring legislation authorizing increased expenditures.

Mr. MOORE of Virginia. But the fact remains that the gentleman had full opportunity to bring that matter to the attention of the House and secure an expression from it.

Mr. JOHNSON of Washington. Under the five-minute rule; and defeated on the ground that neither Budget nor Appropriations Committee had facts to warrant the proposed increase.

Mr. MOORE of Virginia. But the gentleman had the right to do it and did bring the proposition before the House.

Mr. JOHNSON of Washington. Yes; as best I could, and when I undertook to move to recommit I was not even recognized as leader of that particular movement. Oh, there is more than one way to skin a cat. Gentlemen know how little can be accomplished by amendments proposed under the five-minute rule. Gentlemen will find in the CONGRESSIONAL RECORD time and time again in the past several Congresses where members of the Appropriations Committee have warned Members in the Committee of the Whole House on the state of the Union that they are wasting time in offering amendments and discussing them under the five-minute rule. All of this tends, I think, to weaken the House; to weaken the will to attend the sessions when appropriation bills are under consideration, and ultimately to weaken the committee. Chairmen have no desire to fall outside the breastworks. Teamwork is desirable. Cooperation and good feeling are necessary, but no one wants a perfunctory House of Representatives simply to keep step and march along. [Applause.] Frank discussion is necessary. The rights of committees can be preserved. I have a case in point. Bills were introduced in the Senate—one, Senate 1576, a bill to authorize the Secretary of the Treasury to transfer certain forfeited vessels and vehicles to other executive departments. The other is H. R. 11188, a bill to provide for the transfer to the Department of Labor of certain forfeited vessels and vehicles.

Notice that these bills are not identical, as the Senate bill provides for the transfer of certain forfeited or seized vehicles and vessels to several departments, whereas the House bill provides for their transfer to one department, the Labor Department, meaning that certain vehicles seized and given into the custody of the Treasury Department should go to the Immigration Service.

The Senate bill was sent to the Secretary of the Treasury for a report, and that report to Senator SMOOT carried the customary concluding line:

> It may be added that this department is advised by the Director of the Bureau of the Budget that the proposed legislation is in conflict with the financial program of the President.

The House bill was referred to the Committee on Ways and Means, and the chairman, the gentleman from Iowa [Mr. GREEN], sent it down to the Treasury Department, and back came a letter calling attention to the report on the Senate bill—they are not identical, mind you—with this old familiar line:

> It may be added that the department has been advised by the Bureau of the Budget that the proposed legislation is in conflict with the President's financial program.

The House bill was an entirely different bill and had been prepared after an understanding in the Committee on Immigration and was introduced by the gentleman from Vermont [Mr. BRIGHAM], and when I found that the gentleman from Iowa, the chairman of the Ways and Means Committee, had this report I undertook to investigate. I learned with respect to the report on the House bill that the bill had not been sent to the Bureau of the Budget at all, but that the Treasury Department had assumed that because there had been this adverse report as to the financial policy with regard to the Senate bill they were justified in adding it to the report on the House bill. That was a mistake, but it hung a millstone on the neck of the House bill.

I am now informed that the department is undertaking to withdraw its letter to the distinguished chairman of the Ways and Means Committee, and that the gentleman in this Budget coordinating service, under the director, who, I am inclined to think, is in sympathy with the movement to increase the effectiveness of the immigration patrol, has prepared another letter dated about five days ago; and this letter is on the desk of the Director of the Budget, waiting for him to return to the city to sign it and send it up here and get it on record in the gentleman's committee.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. JOHNSON of Washington. I yield.

Mr. GREEN of Iowa. I simply want to add that, whether there was a mistake or not, I was not disposed to accept the letter which the gentleman has read, because the bill that was introduced and referred to the Ways and Means Committee plainly is one that would save money, and how it could possibly come in conflict with the President's financial policy was more than I can imagine.

Mr. JOHNSON of Washington. I thank the gentleman. The gentleman speaks exactly to the point. This bill in all probability is a bill making for economy, yet it gets the "kibosh" in advance from the Bureau of the Budget, when, as a matter of fact, it is entirely a matter for a committee of the House to decide, and later for the House to decide in Committee of the Whole.

Mr. BLACK of Texas. Will the gentleman yield?

Mr. JOHNSON of Washington. I yield to the gentleman.

Mr. BLACK of Texas. Is there anything to prevent the committee from so deciding notwithstanding the recommendation of the Bureau of the Budget?

Mr. JOHNSON of Washington. No; because this particular bill is in the hands of the Ways and Means Committee—a privileged committee. But bills of this kind in other committees have a long, hard row to follow to get before the House itself. The committee of which I am chairman has not been called on a Calendar Wednesday probably for six years—so far back I can not remember the last time it was called. We are not a privileged committee. How can small bills be brought up except by unanimous consent? When they are brought up in that way, is not the Budget millstone of nonapproval—whether right or wrong—hanging about their necks? That is the whole point of it. Why some zealous gentleman will call out, "I object" before an explanation can be made. The gentleman from Massachusetts has explained that phase in detail.

Mr. SIMMONS. Will the gentleman yield?

Mr. JOHNSON of Washington. I can not yield now because my time is running rapidly.

I have here a statement which I will ask permission to place in the RECORD, showing the number of automobiles seized under the prohibition laws and their disposition. You will find that the Customs Service and the prohibition officials receive many of these seized automobiles. They drive out in these districts right alongside of immigration inspectors who have Fords or Chevrolets paid for at full price by the Government. The average price of automobiles sold at auction is $104 each. In other words, those machines that are practically junk are sold and those that are good are kept for two of the services, and when we undertake to bring in a bill which would allow them to be transferred to the Immigration Service we find that the coordinating service in the Bureau of the Budget has been trying to write a bill of its own and that ours is said to be against the financial program.

I made further inquiry; and how do you suppose they bring it in conflict with the financial program? They say a certain service has the use of seized automobiles, and therefore they must have gas, and if they buy gas it costs money, and if it costs money then it is in opposition to the President's program. [Laughter.]

But the Immigration Service is allowed by law to buy a limited number of new automobiles. They do buy them, and they have to buy gas, and that costs money, which comes out of the lump-sum appropriation for the Immigration Service. That service runs short every year, which causes it to do what it is doing right now—mark time, slow down, discontinue arrests for want of money to deport.

Incidently, let me say that the officers of the Labor Department are not very keen about this bill to let them have a few secondhand seized cars, after the Treasury Department has had its pick for itself and has sold the salable ones for $104 each.

Mr. Speaker, in conclusion let me say that if the Members of the House knew how the protective service of the Immigration Bureau is breaking down they would demand immediately the passage of a bill to remedy the situation. For instance, take the El Paso district, composed of several hundred miles along the Texas border from El Paso west, and including all of the State of Arizona. This one district is allowed $50,000 a year for deportation purposes, except steamship fares, and this $50,000 is divided into quarters and each quarter must last three months. This district now has no money under its allotment to hold hearings, as required by law, in the cases of aliens arrested for deportation; no money even to hold them overnight in jail. What is the result? The Immigration Service arrests certain aliens—possibly criminals or insane—then turns them loose, and after July 1, when they get some money from the new appropriation, will try to pick them up again. Is this economy? No; it is wasting money.

The district at Helena, Mont., covering a wide area on the northern border, is allowed $150 a month for deportation purposes. It has one inspector to go out over that great district. If he travels he is allowed $6 a day and if he is out 10 days he uses up $60 of the monthly allotment and uses railroad fare in addition. So when he gets his man he has nothing to deport him with. He turns him loose. Then there is also the Birmingham, Ala., district, which is also close-hauled. If a committee of the House finds these things out, where shall we go? To the Budget or to the House?

In the Newport, Vt., district the inspectors have set free 50 alien deportees within the last few months for want of money to provide for their deportation. They were aliens probably deportable; one is insane and certainly deportable. He is now in a State insane asylum. Is there any economy in that?

The Immigration Service does not like these facts to be publicly known. It increases their difficulties. But aliens pass the word quickly from one to another. Pressure at the borders increases. Why should not the public know? Why should not Congress know? Why does not the Budget know? It does, in my opinion.

The Immigration Service is the one service that the more it does for the Government and the people, the less chance it has to do for itself. It receives a lump sum. It is always spent. There is never any money for promotion, for improvement, for repairs, or for advance. Officials can not appear before committees voluntarily. What information we get has to be "corkscrewed" from reluctant witnesses who each time they answer pointed questions are afraid they have put their necks on the block awaiting the fall of the guillotine's knife, fearful of that order against talking "under penalty of separation from the service." Gentlemen, when Congress set up the Bureau of the Budget it never intended that any such thing should happen. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to proceed upon this subject for 15 minutes. The chairman of the Committee on Merchant Marine and Fisheries has announced that he does not intend to try to press the radio bill to a conclusion, and I trust that it is not unduly infringing on the time of the House.

The SPEAKER pro tempore (Mr. TILSON). The gentleman from Tennessee asks unanimous consent that he may proceed for 15 minutes on the subject that has been recently discussed in the House. Is there objection?

Mr. MICHENER. Reserving the right to object, and I shall not object, I give notice that I will object to any further requests for this afternoon.

Mr. GARRETT of Tennessee. Let me be perfectly frank—if it is interfereing with the business that ought to go on I shall not insist upon it. I do not want to interfere with the proper business of the House. It will be no offense to me if any gentleman objects. [Cries of "Go on!"]

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, the discussion this morning has caused my mind to run back over a period beginning probably some 15 years ago, and to a particular individual who for a considerable part of that time loomed very large in the House of Representatives and the country. I refer to the late John A. Moon, who for so long a time was a Representative from my own State of Tennessee.

Judge Moon was always a determined foe of the establishment of the Budget. Many of the things that have been related here this morning as having occurred since the institution of the system were clearly envisioned by him in the days when he was opposing its establishment.

Possibly it will be of some interest to the House as a matter of history to recount some of the activities before the Budget system was actually adopted.

I think during the first Congress of which my party was in control, the Congress elected in 1910—certainly if not then, in the succeeding Congress—our party undertook through caucus action to deal with this question. When I say caucus action I mean that there was appointed a committee of the caucus composed altogether of members of our party to give study to the question.

That committee was appointed to make a report to the caucus. My recollection is the first report was almost immediately laid on the table.

At a succeeding Congress we again renewed the question in caucus. I recollect that I had the honor of being temporary chairman of the caucus and had the duty of appointing the budget committee of the caucus. I remember very distinctly of having appointed Mr. Swagar Sherley as chairman, and Speaker Clark and Mr. John Fitzgerald were made members of it, and others I do not now recall. They gave great study to the question. It may have been in a way a mistake to try to reach it by caucus action, but that was the plan then adopted, and the work done by the caucus committee was extremely valuable, for some of the gentlemen who were on the caucus committee were later on the regular committee that brought in the Budget law.

Mr. MADDEN. The gentleman from Tennessee, Mr. BYRNS, the gentleman from Texas, Mr. GARNER, and Claude Kitchin.

Mr. GARRETT of Tennessee. Yes; quite a number who had been on the old caucus committee. Another thing interesting as a matter of history which I recall is that the Budget proposition substantially as it stands now was passed during the

closing days of the Wilson administration, and it met with a veto of President Wilson.

By the way, President Wilson was extremely interested in the development of the Budget system. I think that it will be found that he referred to it in two or three of his messages, where he urged it. He vetoed it on the ground that it undertook to take from the President the power of removal of the Comptroller General. He rested it purely on the constitutional ground that it was an improper interference with the authority of the President himself. This was not personal to himself, for he was then about to retire. It was regarded by him as a trespass upon constitutional Executive power and duty.

Mr. MOORE of Virginia. And the Supreme Court has approved that principle.

Mr. GARRETT of Tennessee. Yes; the Supreme Court has since approved of his position in that respect. I think the gentleman from Virginia [Mr. MOORE] was one and I another of those who voted to pass it, the veto notwithstanding. I have heard that when President Harding—I do not know whether it is true or not—who signed the law, when he came to meet it under his responsibility as Executive, was extremely reluctant to approve it with that provision in it. As a legislator he had been committed to the proposition, however, and, at any rate, he did sign the bill, whatever his state of mind may have been.

It seems to me, Mr. Speaker, that there is not only a proper place, but a very great need for the Budget system; but always this must be borne in mind: It must be, and it must be so regarded, strictly a part of the executive branch of the Government, and never permitted to become a part of the legislative branch. [Applause.] There is no criticism of the President of the United States for conferring with the Director of the Budget either in advance of recommending legislation or subsequent to legislation having been passed, and while it is before him for consideration as to whether he will attach his signature to it or veto it. The President of the United States is at entire liberty in ethics to consult with whomsoever he may choose as to the matter of recommending legislation or as to the matter of vetoing or signing a bill that has been passed by the Congress. That is within the Executive sphere; but that, my friends, which is creating apprehension is the feeling that there is too much of a tendency to, in some way, place before the Budget questions of policy that ought to be determined by the legislative branch alone. [Applause.]

Mr. MADDEN. Mr. Speaker, will the gentleman permit an interruption there?

Mr. GARRETT of Tennessee. Yes.

Mr. MADDEN. I just want to say that it has been the policy of the Committee on Appropriations since I have been chairman of it, under the Budget, never under any circumstances to allow the Budget to interfere with the rights of the members of the committee either in reducing or raising the recommendations of the Budget. [Applause.]

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. JOHNSON of Washington. Notwithstanding the fine statement of the chairman of the Committee on Appropriations, the chairmen of other committees, prompted by the interest of harmony and party organization, and so on, find themselves greatly embarrassed when they undertake to act in opposition to what might be the policy of the Committee on Appropriations. That is the trouble.

Mr. GARRETT of Tennessee. Let me say this in connection with the President taking the advice of the Director of the Budget. As I say, he is perfectly within his rights in doing that. I confess I can hardly understand why a bill such as one of those referred to by the gentleman from Massachusetts [Mr. LUCE], coming from the Department of State, to pay France or some French company for damages to a ship, should have been referred to the Director of the Budget, because the only statement of the Budget would be that it was or was not inconsistent with some sort of a financial program.

I can not understand why a thing of that sort should be referred to the Director of the Budget. If this Government owes France or some citizen of France something, the question of whether or not it is in accordance with somebody's financial program ought not to enter into the consideration of the case. It reminds me of a court decision said to have been rendered during the reconstruction days in Tennessee. We then had some judges who were not quite so learned in the law as some we had before and some we have had since. I think it is in the Supreme Court reports of my State that one circuit judge down there undertaking to construe the obligation of a married woman under some act of the legislature finally held that she was liable, provided the jury should find that the plaintiff could collect the judgment. [Laughter.] I do not understand why things like that should be referred to the Budget, but it is within the right of the President to do it. Here is the thing I want to emphasize for the benefit of the Budget, and it is important to the Budget itself. I do not undertake to say that the Budget has of itself come into legislative proposals voluntarily or projected itself into legislative matters without being invited into them. If the latter is the situation—that is, if an invitation has been given—why then it is up to the chairmen of the committees, and to the committees themselves, to be extremely careful upon what subject they invite the opinion of the Director of the Budget or of the Budget Bureau. If they give away their own powers, they are not only doing their committee an injustice, but they are violating the rights of the House itself while agents thereof. [Applause.] It is important, extremely important, to have a Budget system. I think this discussion of this morning, independent of the speech now being made, ought to be of considerable benefit upon this question. It is very important to have the Budget. It is infinitely more important, I would say, if you have to come to a choice between the two, that the legislative branch should preserve its independence, but there is no reason why there should be a conflict between the two. It is entirely consistent with absolute legislative independence to have a Budget which will function to the benefit of the country. The only thing is that we need ourselves to be careful to respect the rights that are theirs, and to be careful to see that our own rights are not infringed upon by them in any way whatsoever. [Applause.]

FEDERAL RADIO COMMISSION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Speaker, by direction of the Committee on Rules, I present the following privileged resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 2317, continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MICHENER. Mr. Speaker, this rule has the unanimous support of the Committee on Rules. No time has been asked by the members of the committee. There is no desire on the part of the members of the committee to discuss the rule. I, therefore, move the previous question.

Mr. GARNER of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GARNER of Texas. Looking at the RECORD, my recollection is that the gentleman from Ohio [Mr. BRAND] had unanimous consent to address the House for 30 minutes after these other speeches that had been agreed to and the disposition of business on the Speaker's table. Does the Chair rule that this resolution constitutes "business on the Speaker's table" that would take the gentleman from Ohio off his feet or vitiate his right to address the House for 30 minutes?

The SPEAKER pro tempore. The Chair has examined very carefully the colloquy and the statement made by the Speaker when the unanimous-consent request in question was made. The Chair has also talked with the Speaker himself in regard to it, and we are agreed that it is clear from the entire colloquy that it was the intention of the House that the speech of the gentleman from Ohio [Mr. BRAND] should immediately follow the completion of the radio bill. I do not know what the Speaker's action would be, but if the present occupant were in the chair at the time he would hold that at whatever time the radio bill is completed the gentleman from Ohio would be entitled to 30 minutes, because I believe that this was the intention of the House at the time the permission to speak was originally granted.

Mr. BRAND of Ohio. Mr. Speaker, is that the ruling of the Chair?

The SPEAKER pro tempore. The Chair can not say what the Speaker will rule when the question arises, but the Speaker did say to the present occupant of the chair that his interpretation of the rule, so far as the gentleman speaking to-day is

concerned, was that it should be only after the completion of the radio bill.

Mr. DICKINSON of Iowa. Was it not stated in the colloquy that the radio bill would probably be concluded in time? Is not that implied in the record, there, that the gentleman from Ohio is to speak on Saturday?

The SPEAKER pro tempore. Clearly so; but the radio bill is not yet finished.

Mr. MICHENER. Mr. Speaker, the Chair has stated the situation, and I move the previous question.

Mr. DICKINSON of Iowa. Mr. Speaker, I make a point of order, if you are going to do anything of that kind.

According to the record here, the gentleman from Ohio is entitled to the floor at this time under the Rules of the House, and we will have a decision here on that.

The SPEAKER pro tempore. There is a resolution pending, having been brought before the House by the Committee on Rules, and the gentleman from Michigan [Mr. MICHENER] has the floor. The Chair rules that he can not be taken off the floor for the purpose indicated by the gentleman from Iowa.

Mr. MICHENER. I do not want to force anything upon the House, but the matter has been investigated and the present occupant of the chair has fully discussed the matter with the Speaker, and the gentleman from Ohio [Mr. BRAND], as I understand it, understands the situation and has agreed to it.

Mr. BRAND of Ohio. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. Yes.

Mr. BRAND of Ohio. I have not agreed in any way. I think the record is exactly the opposite.

Mr. DICKINSON of Iowa. Mr. Speaker, I make the point of order——

The SPEAKER pro tempore. Does the gentleman from Michigan [Mr. MICHENER] yield?

Mr. MICHENER. Yes.

Mr. DICKINSON of Iowa. I make the point of order that when the other time expired under the order to speak here it was the duty of the Chair, under the record as it now stands in the CONGRESSIONAL RECORD, to recognize the gentleman from Ohio, and not the gentleman from Michigan, when they were both on their feet at the same time and asking for recognition.

Mr. BEEDY. The Chair has ruled on that point.

The SPEAKER pro tempore. The Chair has already ruled.

Mr. DICKINSON of Iowa. No. The Chair has ruled that he has recognized the gentleman from Michigan.

The SPEAKER pro tempore. That also is correct.

Mr. DICKINSON of Iowa. But I make the point of order that it was the duty of the Chair under the record to recognize the gentleman from Ohio.

Mr. MICHENER. I would like to propound a question to the gentleman from Ohio. Was the gentleman from Ohio on his feet and demanding recognition to be heard at this time?

Mr. BRAND of Ohio. I was when you demanded recognition.

Mr. MICHENER. Mr. Speaker, I move the previous question.

The SPEAKER pro tempore. The gentleman from Michigan moves the previous question. The question is on agreeing to that motion.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DICKINSON of Iowa. Mr. Speaker, I demand a division.

The SPEAKER pro tempore. A division is demanded.

The House divided; and there were—ayes 46, noes 75.

The SPEAKER pro tempore. The previous question is not ordered. The gentleman from Michigan has the floor.

Mr. DICKINSON of Iowa rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Iowa rise?

Mr. DICKINSON of Iowa. I object to the vote on the ground of no quorum being present.

Mr. RAMSEYER. Mr. Speaker, I do not know what the gentleman from Ohio [Mr. BRAND] has on his mind. [Laughter.] I am frank about that. But we are confronted now with a situation, and not a theory. The motion for the previous question has been voted down, and evidently some Members have more advance information on what is to be said by the gentleman from Ohio than I have. I think that the gentleman's right to address the House should be settled by unanimous consent.

Now, Mr. Speaker, I conferred with the present occupant of the chair as to the construction of the colloquy up at the desk. I was one of the gentlemen there in the group when it was talked over. There is some doubt as to the meaning of the colloquy. There can be no question about that. Although I did not arrive at the same conclusion as the Speaker pro tempore, yet I can see that the Speaker or anybody else reading that over could arrive at a different conclusion than the one arrived at by me after a careful reading of the colloquy. I think we ought to settle the right of the gentleman from Ohio to the floor in some way by unanimous consent. [Applause.] I think we ought to yield to the gentleman from Ohio to prefer his unanimous-consent request.

The SPEAKER pro tempore. Does the gentleman from Michigan yield?

Mr. MICHENER. Yes.

Mr. BRAND of Ohio. Mr. Speaker, I ask unanimous consent to speak for 30 minutes.

The SPEAKER pro tempore. At the present time? When?

Mr. BRAND of Ohio. Immediately.

Mr. MAPES. Mr. Speaker, reserving the right to object, I will ask the gentleman from Ohio about what subject?

Mr. BRAND of Ohio. The Ohio primary and Herbert Hoover.

Mr. MAPES. If the gentleman from Ohio is going to bring the Ohio campaign into the House, I ask to be coupled with the gentleman's request a request that the gentleman from Ohio [Mr. BURTON] be allowed 30 minutes immediately following the speech of the gentleman from Ohio [Mr. BRAND]. [Laughter and applause.]

The SPEAKER pro tempore. The Chair will put the two requests together.

Mr. MICHENER. Mr. Speaker, reserving the right to object, what will be the position of the rule provided these requests are granted?

The SPEAKER pro tempore. It would simply be suspended. The House, by unanimous-consent order, will have suspended the consideration of the rule, and the gentleman from Michigan will have to call it up again.

Mr. MICHENER. The gentleman from Michigan will have the floor at the conclusion of the speeches made by the two gentlemen?

The SPEAKER pro tempore. Certainly. The Chair would so understand.

Mr. MICHENER. I withdraw the reservation.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent to proceed now for 30 minutes, and the gentleman from Michigan asks unanimous consent that the gentleman from Ohio [Mr. BURTON] may have 30 minutes immediately following him. Is there objection?

Mr. BRITTEN. Mr. Speaker, I object. [Cries of "No!" "No!"] Mr. Speaker, reserving the right to object, my sole reason for objecting at this time is because the country is demanding this radio legislation. They are demanding it from San Francisco to New York. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. RAMSEYER. Will the gentleman yield?

Mr. BRITTEN. Yes.

Mr. RAMSEYER. The gentleman is a man of discerning powers and he knows the state of mind of the House at this time. It is that these speeches have got to be disposed of.

Mr. BRITTEN. Mr. Speaker, it is evident that the House is in the mood to receive this debate, so I withdraw my objection. [Applause.]

The SPEAKER pro tempore. Is there objection?

Mr. NEWTON. Mr. Speaker, reserving the right to object, why can not this matter go over until Monday and dispose of this radio bill at once? [Cries of "No!" "No!"] That was the thought and the intention of the House when this proposition was agreed to without objection. We ought to proceed with this important piece of legislation, complete it, and then, if there is some dirty linen to be washed, wash it, if need be, but not until then.

The SPEAKER pro tempore. Is there objection?

Mr. NEWTON. I object.

The SPEAKER pro tempore. Objection is heard. The gentleman from Michigan has the floor.

Mr. BRAND of Ohio. Will the gentleman yield?

Mr. MICHENER. Yes.

Mr. BRAND of Ohio. Mr. Speaker, I ask unanimous consent to proceed for 30 minutes on Monday after the reading of the Journal. [Applause.]

Mr. MAPES. Mr. Speaker, reserving the right to object——

Mr. LEHLBACH. Mr. Speaker, I will have to object to that. On Monday we are going to consider and pass the radio bill. This afternoon it will do no harm, but on Monday this legislation is in order.

Mr. BRAND of Ohio. Mr. Speaker, will the gentleman from Michigan yield further?

Mr. GARNER of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman yield for a parliamentary inquiry?

Mr. MICHENER. Yes.

Mr. GARNER of Texas. Would it be in order for the Chair to recognize some one to move that the gentleman from Ohio [Mr. BRAND] have 30 minutes and that the gentleman from Ohio [Mr. BURTON] have 30 minutes?

The SPEAKER pro tempore. It would not be in order.

Mr. GARNER of Texas. The recognition of the Chair might give us an opportunity to submit the motion if anyone desired to make it.

The SPEAKER pro tempore. The gentleman from Michigan has the floor.

Mr. GARNER of Texas. Would the Chair be willing to recognize some one to make that motion?

Mr. DENISON. Mr. Speaker, I ask for the regular order.

Mr. BRAND of Ohio. Will the gentleman from Michigan yield?

Mr. MICHENER. For a question.

Mr. BRAND of Ohio. I ask unanimous consent to proceed for 30 minutes whenever the radio bill is concluded, even though I have to go into the next day.

The SPEAKER pro tempore. If the present occupant of the chair should happen to be in the chair at that time, he would rule that under the consent granted it was the intention of the House that the gentleman from Ohio should have 30 minutes upon the completion of the radio bill. To the present occupant of the chair this is the clear intention of the order of the House.

Mr. MAPES. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. BURTON] may have 30 minutes, or the same amount of time as is consumed by the gentleman from Ohio [Mr. BRAND], immediately following the speech of the gentleman from Ohio [Mr. BRAND], whenever it is made.

Mr. BRAND of Ohio. Mr. Speaker, I second that request.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MICHENER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. WHITE of Maine. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 2317) continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes; and pending this motion, Mr. Speaker, I desire to make some arrangement with respect to a division of the time. Under the rule there is one hour and a half of debate upon each side, and it happens that the chairman of the committee is in favor of the bill and also the ranking minority member is in favor of the bill. I shall be very pleased to agree to yield one-half of the time allotted to this side to some Member who is opposed to the bill and who may control on this side the time in opposition to the bill.

Mr. LEHLBACH. If the gentleman will yield, I suggest that one-half of the time on this side, to be consumed by those opposed to the bill in its present form, be allotted to the gentleman from Michigan [Mr. CLANCY], a member of the committee.

Mr. CELLER. What will be the disposition of the time with reference to this side?

Mr. LEHLBACH. We will reach that in a moment.

Mr. WHITE of Maine. Has the gentleman on that side any suggestion to make as to control of the time?

Mr. DAVIS. I will say that, of course, if I am allowed to control the time on this side I shall give the opposition their half of the time.

Mr. LEHLBACH. Would it not be better, I suggest to the gentleman from Tennessee, that the same arrangement be made on the other side of the aisle that is made here, and have one-half of the time in the control of a Member in opposition to the bill. Of course, I do not question at all——

Mr. DAVIS. I want to state there was so much confusion I did not hear just what the gentleman stated about the time. I may say that suggestion will be perfectly satisfactory, and the ranking minority member opposed to the bill is the gentleman from New York [Mr. LINDSAY], and, of course, I will be very pleased for him to control the opposition time, and if the gentleman is not here——

Mr. CELLER. Apparently the gentleman from New York is not in the Chamber. Will somebody else be designated in his absence?

Mr. LEHLBACH. I suggest his colleague the gentleman from New York [Mr. CELLER] be designated for the time being, to turn the time over to the gentleman from New York [Mr. LINDSAY] when he appears.

Mr. DAVIS. That is satisfactory.

The SPEAKER pro tempore. The gentleman from Maine asks unanimous consent that the time on the majority side be controlled by and equally divided between himself and the gentleman from Michigan [Mr. CLANCY], and that on the minority side one-half of the time be controlled by the gentleman from Tennessee [Mr. DAVIS] and the other one-half by the gentleman from New York [Mr. LINDSAY], and that in the absence of the gentleman from New York [Mr. LINDSAY] such time be controlled by the gentleman from New York [Mr. CELLER]. Is there objection to the request?

There was no objection.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Maine [Mr. WHITE].

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 2317) continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes, with Mr. CHINDBLOM in the chair.

The Clerk read the title of the bill.

On motion of Mr. WHITE of Maine, the first reading of the bill was dispensed with.

Mr. WHITE of Maine. Will the gentleman from Tennessee use some of his time at this point?

Mr. DAVIS. Yes. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. MCKEOWN], a member of the committee.

Mr. MCKEOWN. Mr. Chairman, ladies and gentlemen of the committee, the controversy arising in this bill is over the language contained in the amendment of section 4, which reads as follows:

> The licensing authority shall make an equal allocation to each of the five zones established in section 2 of this act of broadcasting licenses, of wave lengths, and of station power; and within each zone shall make a fair and equitable allocation among the different States thereof in proportion to the population and area.

When the radio legislation first came before Congress it was undertaken in order to protect the rights of the several States to provide an equal distribution of wave lengths and power. This was the policy pursued by the Congress, and language was placed in the act that was thought at that time to be sufficient to safeguard all parts of the country and put them on the same footing, but this interpretation has not followed.

I want to say to the members of the committee that I have here communications from associations and individuals in the city of New York, where the greatest amount of power has been allocated, to show that before the Radio Commission was provided for this whole chaotic condition and criticism of the Commerce Department was brought about deliberately. For instance, I have clippings from newspapers showing they were saying that everything was in a chaotic condition at the time the control of power was in the Department of Commerce, and that they brought about that chaotic condition by the use of a fluke tube that was permitted to be shifted from one big station to the other, so they could not be located and caught.

This chaotic condition was brought to the attention of the people, of course, by the whistle and the noise and all those things that were carried on from these stations, and there came the cry for the creation of a commission.

I was one of the Members of Congress who was opposed to a commission. I have long since made up my mind that commissions ought not to be constituted, and if we have to have such work done bureaus should be established under some department head that is responsible to the administration. I am opposed to the commission form of administering the affairs of this Nation.

However this may be, I want to say that this combination, which consists of the Westinghouse Co., General Electric, the American Telegraph & Telephone Co., the Radio Corporation, and the American Broadcasting Co., has a monopoly of this situation with a capital investment of $3,000,000,000.

Now, what has taken place? In the allocation of power or wattage the first zone has secured a very much larger proportion of power than any other zone.

Here is what has taken place in the country: So much power has been granted to the large stations, to the chain stations, that they are absolutely crowding the small, independent stations off the air. If you turn on your receiver when they are going full speed and spreading the whole dial, you can not get a par-

ticular small station. As a matter of fact, the use of the high power is absolutely unnecessary.

You can take the population in the first zone as an example. There they have 193,000 watts. In the third zone, a larger area with a greater population, they only have 45,000 watts allocation. When you go to the commission and ask for more power they say, "We haven't got it."

The truth about it is the big chain stations under the American Broadcasting Co. are freezing out the college stations, the farmer stations, that send out farm information and cause confusion on the air, so that you can not get anything except Silvertown cord tires, Palmolive soap, Maxwell House coffee, and a dozen other articles of merchandise. They say they are producing it in the interest of art. The commissioners say that in the distribution of power we do not need to have any big stations in the country. One says our big stations furnish magnificent programs. Well, I will say that every night it is the same program—Wrigley's chewing gum, with the same tunes and the same music all the time. They have wonderful artists, but that does not justify the Congress in turning over everything to these people.

Now, let me call your attention to other places. Take Maine, which is about off the map——

Mr. BEEDY. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. BEEDY. Is the gentleman advocating the enactment of this legislation to solve the difficulties he has described?

Mr. McKEOWN. Yes; and I want to show you why.

Mr. BEEDY. I am interested in what the gentleman is going to say about Maine.

Mr. McKEOWN. Well, Maine is in the upper country—here is New England, Connecticut, Massachusetts—I do not believe they have Maine on the list. [Laughter.]

Mr. BEEDY. Then I am opposed to the list. [Laughter.]

Mr. McKEOWN. You have so little power they do not put it in the list. Here is what takes place. We have contended that under the present law there was plenty of power if fairly allocated. There is no disposition on my part toward trying to tear down or destroy any good improvements or to impede it in any way. That is not the purpose of the committee. But we say we want a fair and equitable distribution of power and wave lengths, and that is all we ask for.

The commission has construed an equitable distribution to mean from the standpoint of the listener. If he can have a receiver in Arizona that can hear New York, that is enough for him, and they say that is a fair and equitable distribution.

Up in New York they complain to me and say they have written the Representatives from New York—I do not know whether it will have any effect—protesting against this situation. They say in New York City the thing is so thick with broadcasting stations that they can not hear anything but "Hello, everybody."

We are asking to pass this legislation so that the commission will not do as it has in the past, ignore all the rest of the country and let the few stations in New York and Chicago dominate the whole broadcasting country.

Mr. LAGUARDIA. What assurance have you that they will do it?

Mr. McKEOWN. Because this legislation calls for an equal allocation in the zones. We say that as between the people of each zone there will be an equitable allocation.

Mr. LAGUARDIA. That sounds reasonable.

Mr. HUDSON. Will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. HUDSON. The gentleman said he was asking the House to pass the legislation—suppose the House refuses to pass the legislation; what will happen?

Mr. McKEOWN. If you do not adopt this amendment and pass this bill to continue the commission?

Mr. HUDSON. If we pass no legislation, then the commission automatically goes out.

Mr. McKEOWN. No; they become the appellate board.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CELLER. I yield the gentleman three minutes more, out of my time.

Mr. HUDSON. Will it not automatically throw the control back into the Department of Commerce?

Mr. McKEOWN. It would, with this board still in existence as an appellate board with power in the Department of Commerce to transfer everything to the commission.

Mr. HUDSON. It would revert to the Department of Commerce?

Mr. McKEOWN. And send it over to the commission as a reviewing board.

Mr. CELLER. Is the gentleman dissatisfied with the radio audition in his own State?

Mr. McKEOWN. My State is down there where we have spent some four or five hundred thousand dollars trying to have the voice of Oklahoma sent up here to this country, because we enjoy hearing the voice of New York, but we can not do it, because they have put two stations right up here in the northeast part of the country that drown us out.

Mr. CELLER. Did not the gentleman say in the hearings on page 226 that he could hear the broadcasting from Habana, Cuba; Montreal, Canada; from Seattle and from New York City? And does not that indicate a rather wide range of receptivity? Would not the gentleman be satisfied with that sort of a service.

Mr. McKEOWN. But I say to the gentleman that the broadcasting situation is a two-handed game. I am not satisfied to sit there and listen to your city without you listening to me. [Laughter and applause.]

Mr. CELLER. But suppose I say to the gentleman that New York does not want to hear Oklahoma?

Mr. McKEOWN. Then we may not want to hear New York, either.

Mr. STRONG of Kansas. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. STRONG of Kansas. The report refers to five zones, but I do not find any place where this committee report tells of the States in the different zones. Will the gentleman put into the RECORD the States that are in the different zones?

Mr. McKEOWN. Yes.

Mr. DAVIS. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. DAVIS. If the gentleman from Kansas and other gentlemen will look at the CONGRESSIONAL RECORD of March 5, 1928, page 4238, he will find the zones by States, population, and the number of stations and the total station power.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. CLANCY. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, as a member of the committee I am not opposed to extending the life of the Radio Commission for another year, but I am opposed to the amendment to the Senate bill which has been reported by our committee. It was shown on the floor of this House a year ago that there was great need for the creation of a Radio Commission. Fear was expressed that a gigantic monopoly was growing up within the industry and that it ought to be curbed. The necessity for a Radio Commission for other reasons was expressed, and one was, therefore, established. This commission recently came before our committee and asked for another year of existence. We inquired of them what they had accomplished. We found that they had done very little; that they had no settled policy, resulting from various causes, such as that most of the members of the commission had not been confirmed; that they even had to borrow offices in which to establish themselves; and that because of the failure of last year's final deficiency bill they had lacked necessary appropriations.

In fact, it did not seem that they had accomplished anything in particular. We asked them if they had read the debates in the House and in the Senate upon the basis of which the commission was created. Several replied that they had read but little of them. We suggested that before interpreting the law even the Supreme Court would, on occasion, read the debates which had been held in Congress to learn of its intent. We particularly questioned them as to their plans and what their policies might be for another year. We found that they had no very definite policy in mind. They wished to clear some more lanes and seemed to feel that they were to be experts in radio transmission and had lost sight of their judicial capacity in determining policies. Although there was already a provision in the law that there should be an equitable division of radio service they have thus far seemed to interpret this as being a service affecting only listeners-in and not also the rights relating to the equitable division of broadcasting stations over the country.

The right of a community to have a small broadcasting station so that it might send out local news by radio seemed to have been ignored. The commission was reminded that the United States had been divided into five regional zones as equal as possible, with a commissioner from each zone to see that fair play was exercised in all five. We found that they had taken away no licenses previously granted; that they had renewed each and every one for 60 days at a time and intended to keep on renewing them every 60 days during the coming year. That they had not grappled with questions of the kind which we desired to be settled, such as whether prior rights, or vested rights, might be claimed by concerns which had been

early in the broadcasting field. That is an issue which they seem to have expressly avoided. Their efforts have been exerted rather toward clearing lanes and regulating the amount of power to be used. The committee has decided that we should establish a policy. It was thought that under the act passed last year equitable allocation of broadcasting licenses and wave lengths would be considered, but little attempt has been made to carry out this provision of the act.

The proposed amendment granting exact equal allocation of the 89 available wave lengths and of equal station power would seem to be an exact physical division which would be impractical if not, indeed, impossible. We must agree that it is impossible, although the committee report discloses that it does not mean exactly that. The claim is made that it means "as nearly as possible," but the language is explicit. Therefore, to pass this amendment would be highly dangerous. In any event, this ought not to be done until there is a strong demand for service from those zones, and as yet the demand is not sufficient to warrant an equal allocation. We should not pass such a mandatory clause as appears in the amendment which has been placed on the Senate bill.

What has already been done by the Radio Commission and what, apparently, they propose to do in the coming year does not appeal favorably to me, although I shall vote for the extension of their time. I should, indeed, be very glad to have radio control and supervision transferred back to the Department of Commerce and the commission required to act merely in a judicial capacity, as contemplated by the radio act. From the slow progress that has been made to date I can see that the commission will be back next year saying, "this must be done so gradually that we need still another year's extension of life," and so on afterwards. But in view of the fact that they really have been laboring under serious handicap the past year I am willing to vote them one year more.

But I am certainly opposed to this mandatory provision ordering them to do something that is probably not possible and is assuredly not advisable. In the present development of this industry we ought not to go that far in an attempt to make conditions more equitable.

Mr. JONES. Will the gentleman yield?

The CHAIRMAN. Will the gentleman yield?

Mr. GIFFORD. Yes.

Mr. JONES. The gentleman does not agree with the statement that has been made to the effect that New York can not learn anything from any other sections of the country and, therefore, they do not want to listen to them?

Mr. GIFFORD. No. I could not in fairness have any objection to taking away power from some of the zones which have more than their share. I hope that the day will soon come when listeners-in who wish to hear something besides jazz and entertainments of that nature will be considered. This is a great art and should in considerable measure supplement the work of the newspapers. Every community which desires a broadcasting station of small power—50 watts, perhaps—that would be affected from 10 to 25 miles, but not over, should be entitled to its use for an hour or so daily to learn of the activities of their own locality. They should not be forced to listen merely to music or entertainment paid for by advertisers from far-distant sections. This is altogether too important a medium of communication to be used entirely to gratify entertainment seekers.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. Yes.

Mr. CELLER. I take it, then, that the gentleman does not agree with the language of the report of the committee to the effect that the allotments must be made mathematically?

Mr. GIFFORD. I can not agree with it, because the language is exceedingly specific. It can not be done. Why put in here something which can not be accomplished? I should be willing to amend it by providing for equal allocation in as far as it is consistent with the present development of the industry. But, knowing what the commission has already done, I fear that there will not be an equitable distribution of stations and that legislation to accomplish this would at some time be needed.

Mr. NEWTON. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. Yes.

Mr. NEWTON. It is the gentleman's idea that, so far as this particular section is concerned, no change in the law is required?

Mr. GIFFORD. I think that the present law as to distribution and service could be clarified and that justice could be done to radio stations as well as radio listeners. The act may need amending, but it would seem foolish to prescribe an equal allocation of wave lengths and station power.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. CELLER. I will ask the Chair to notify me when I have consumed 10 minutes.

The CHAIRMAN. The Chair will do so.

Mr. CELLER. Mr. Chairman and gentlemen of the committee, I believe that the life of the Radio Commission should be extended another year. Many difficult and important problems surround the art of the radio, and the Radio Commission should have proper and ample time to work out these difficulties and come to a proper solution of them. For that reason I am not opposed to the forepart of this bill, which seeks to extend the life of the commission. I believe, however, that the last section of the bill is the one that taints the bill, and should have no place whatsoever in it.

I believe, furthermore, that the present act, approved so recently, in 1927, is ample to take care of all the ills and all the troubles that some Members of this House are complaining about. The radio act of 1927 provided, briefly, that there shall be an equitable distribution of radio service in the various five zones. The country, as you know, is divided into five zones. Complaint has been heard on many sides that some of these zones have an insufficient amount of stations and station power. But I can see no reason why the Radio Commission should of necessity be blamed because some of the zones are deficient in that power, because you must reflect, gentlemen, that radio stations existed long before the Radio Commission sprang into being and the so-called disparity between sections of the country as to stations existed long before 1927.

We have had stations and they have been broadcasting on the air since 1920, seven years before we had the Radio Commission, and it is very strange that the complaint comes from those communities and States which did not establish or erect radio broadcasting stations in general prior to the enactment of the radio act. The predominating sections or zones, as far as stations and station power are concerned, are those which had men in them who were courageous enough and were willing enough to invest their funds in the establishment of these stations before the Radio Commission sprung into being. So we must not blame the Radio Commission if this difference or disparity has developed. It has been a natural development. From what I can gather from the reports of the Radio Commission and conversations with them they have sought with might and with main to allow a natural development of radio. They have sought to allow the art of radio to spread and grow with as little unnatural restraint as possible, consistent with carrying out an "equitable distribution of service" as the act of 1927 provided.

Now, the amendment which the committee has made to the Senate bill, to my mind, will put the radio art into a straitjacket; it will cramp its development; it will retard its progress, and instead of doing anything worth while for radio it will make it more chaotic and will make confusion worse confounded. It will wreck radio.

This particular amendment provides that—

> The licensing authority shall make an equal allocation to each of the five zones established in section 2 of this act of broadcasting licenses, of wave lengths, and of station power; and within each zone shall make a fair and equitable allocation among the different States thereof in proportion to population and area.

Let us analyze this amendment.

> The licensing authority shall make an equal allocation to each of the five zones established in section 2 of this act (the act of 1927) of broadcasting licenses, of wave lengths, and of station power.

It changes the idea of "equitable service" as in the parent act, and says there shall be a numerical, mathematical, and equal division of broadcasting licenses, wave lengths, and station power among the five zones.

The amendment continues as follows:

> And within each zone shall make a fair and equitable allocation among the different States thereof in proportion to population and area.

No discretion is given anyone; no discretion is given to the Radio Commission as far as the zones are concerned; the language is mandatory, and I quite agree with the previous speaker that the Radio Commission is given an administrative duty to divide equally the licenses, the wave lengths, and the station power among the five zones. Then when it comes to the zones themselves, the Radio Commission—

> shall make a fair and equitable allocation among the different States thereof in proportion to population and area.

Now, gentlemen, if I may give you an example, it is just like having a sort of large radio pie and endeavoring to divide that radio pie into five equal parts and to give a one-fifth equal part to each of the five radio zones, as it were. Suppose you sit down to a table and there are children and adults at that table. I am sure you would not be very likely to give an equal piece of pie to the child as you would to the adult. I do not mean to imply that the zone 3 is necessarily like unto a child, but I will say this: That as far as industry, commerce, radio population, and as far as enterprise is concerned with reference to broadcasting, and as far as willingness was concerned to enter this field—and facts are facts, gentlemen, and you can not change them—certain sections are not as fortunate as others. Some are smaller in all these items than others, through causes probably beyond their control. Because of these different conditions in the different zones it would be absurd to treat each zone in identical fashion. Because of these different conditions, and without any reflection upon any zone, you can not give each zone an equal slice of the radio pie.

I am willing to do everything in my power as a Member of this House to induce some of those States which were, shall I put it, "backward in coming forward" with the erection of stations and the establishment of this greater station power, to get what may be due them.

You might as well say that there are a certain number of telephones and telegraph facilities in this country and therefore you must divide the telephone and telegraph into five equal parts and divide them equally among five different zones, disregarding all of the peculiar conditions of industry, commerce, and so forth, that might obtain in the various five zones. Somebody has put it very facetiously in an editorial in the Washington Herald of this morning, a part of which I am going to read to you. The writer of this editorial suggests:

> The enactment of a law taking over the licensing of automobile drivers by the Federal Government and the allocation of license numbers in accordance with State lines or in five zones. It is easy to see that the traffic problem would immediately disappear from the streets of our cities, because New York, for instance, would not be entitled to any more licenses than Alexandria, say, or Laurel. Consequently, New York City would have no more automobiles than in those towns and the streets would be clear.
>
> Of course, this would eliminate quite a lot of business concerned in trucking and bus lines, etc., and would practically destroy the automobile business. But think of the lives that would be saved. And think of the number of people who will be maimed or crippled for life next year who might be saved from pain and suffering!

That is an absurd situation, but it is quite analogous to what this Davis amendment aims at. We might take all of the automobiles and all of the auto facilities and divide them into five equal parts and then say that those parts shall be distributed equally among the various zones.

An important test as to what station power and as to the number of stations that should exist in a zone is not the actual population of the zone, but the radio population. I have figured the receiving sets in zone 1, which is New York, New Jersey, Maryland, Delaware, District of Columbia, and New England, with the receiving sets of zone 3, the southern zone. Receiving sets are a good indication of radio population. Of the 554 total of stations—zone 1 has 95 and zone 3 has 88. Most of the complaining has come from zone 3, yet on the basis of radio population New York would seem to be entitled to its 95 stations, with its radio sets of 1,440,100, in comparison to the 88 stations of zone 3, with its radio sets of 1,037,950.

Receiving sets, January 1, 1927

ZONE 3		ZONE 1 (EXCLUSIVE OF PORTO RICO AND VIRGIN ISLANDS)	
Texas	277,550	New York	655,850
Oklahoma	100,750	New Jersey	193,700
Arkansas	52,000	Maryland	81,900
Louisiana	83,200	Delaware	13,650
Mississippi	49,400	District of Columbia	42,900
Alabama	68,250	Connecticut	79,950
Tennessee	97,500	Rhode Island	43,550
Georgia	91,750	Massachusetts	239,200
North Carolina	91,550	Vermont	21,550
South Carolina	48,100	New Hampshire	27,650
Florida	77,900	Maine	44,200
Total	1,037,950	Total	1,444,100

This comparison surely does not offer great cause for complaint.

Permit another index of the greater radio population of zone 1 over zone 3, although the actual population of zone 3 is greater than zone 1.

The annual volume of radio business done in zone 1 was $26,209,000. The annual volume of radio business done in zone 3 was $6,665,000. By radio business is meant the sale of radio stocks, including receiving tubes, rectifying tubes, dry batteries, storage batteries, sets, and so forth. These figures were compiled by the electrical-equipment division, Bureau of Foreign and Domestic Commerce, at Washington, D. C., with the cooperation and assistance of the radio division, National Electrical Manufacturers Association. They took the stock in hands of radio dealers January 1, 1928, and compared those stocks in hands of radio dealers as of October 1, 1927.

Thus zone 3 sells less than 25 per cent of the radio stocks sold in zone 1. That gives little cause for great complaint, if zone 1 has more stations and more station power than zone 3. It needs more because it has a larger radio population.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. CELLER. Yes.

Mr. JOHNSON of Texas. The gentleman does not think it fair, does he, to have the allocation to zone 3 of only 4 stations having over 1,000 watts, when zone 1 has 10 and zone 4 has 30 high-powered stations, especially when the population in zone 3 is in excess of these other zones?

Mr. CELLER. I will answer that in this way. I quite agree that the gentleman has some cause for complaint, but I say he approaches the situation with a wrong remedy. There is a remedy for the situation—giving the Radio Commission due time within which zone 3 may be gradually given more stations and power.

Mr. JOHNSON of Texas. Where should we approach it?

Mr. CELLER. The gentleman ought to let the Radio Commission have time. You have not given them enough time; you have hamstrung the Radio Commission; you have given them no money, you have given them no personnel; two of the members of the commission died, unfortunately, and one of them resigned. Only one has been confirmed by the Senate. What is the psychology that animates men who have not been confirmed? Suppose your official life hung by a thread, you would not do your work whole-heartedly. Congress took away the structure of the Radio Commission from under their feet; they have nothing to stand upon. The failure of the deficiency appropriation left them no money, no staff. You give them nothing and yet you expect everything from them.

Now, give the Radio Commission an opportunity. Give it a square deal. Then you will get results, and I say, in addition, that very likely some 300 stations—I believe I can justly glean this from the hearings—some 300 stations might be removed from the air for cause, for legal cause. When they have been accused and haled on the carpet and charged with wave jumping and charged with violation of the regulations and of the statutes, then, I say, you can take away their stations and their station power legally and then assign those stations to zone 3 or one of the other zones that may be complaining. Then you will have some fair and equitable adjustment of the situation. But you can not at one fell swoop immediately demand the drastic remedy of cutting down to a ruinous extent station power of important stations rendering national service and reaching listeners all over the country.

The Davis amendment forces the Radio Commission to accept one of the following three choices or plans:

First. Equalization of zones on level of third zone's present total applications.

This would be decreasing the maximum zones to the level of the minimum zones.

Second. Equalization of zones on level of present highest-powered zone.

This would be increasing the minimum zones to the maximum zones.

Third. Equalization of zones by averaging power and stations.

We will discuss these three plans in a moment.

Following are the number of stations and total powers now in use in the five zones, the figures showing the local maximums which may be operated simultaneously:

	Power, watts	Stations
First zone (New England and East)	202,000	95
Second zone (Pennsylvania, Michigan, Ohio, Kentucky, etc.)	103,700	93
Third zone (Southern States)	45,600	88
Fourth zone (Middle West States)	139,000	166
Fifth zone (Pacific States)	60,600	112
Total	560,000	554

Let us examine these three choices of plans. Since the Davis amendment specifies that allocations shall be "equal between

zones," the conclusion is to be drawn that the power in use in any zone can not exceed that in use in the lowest zone. At the present time the third zone has 45,570 watts in use. Adding to this all power increases and new stations now applied for in this zone, assuming that these were to be immediately granted—although the Nation's wave lengths are already far overcrowded—the power in this third zone would even then not exceed 55,000 to 60,000 watts. The power available for each of the other zones would therefore be as in the first choice, to wit:

Equalization of zones on level of third zone's present total applications

	Power, watts	Stations
First zone	60,000	100
Second zone	60,000	100
Third zone	60,000	100
Fourth zone	60,000	100
Fifth zone	60,000	100

Equalization on the above basis would involve drastic cutting of powers in several zones and many States, and the elimination of many stations which are now rendering good service.

In answer to objections against the foregoing interpretation, it has been explained that "equalization" might, perhaps, better be brought about by increasing the deficient zones up to the level of the maximum zone. Although the present overcrowded condition of the other channels is recognized by every radio listener, and the unwisdom of adding any more stations or power is obvious, let us compute what this interpretation of "equalization upward" would mean in the already overtaxed national situation and bring ourselves to the second choice, to wit:

Equalization of zones on level of present highest powered zone

	Wattage		Stations	
	Increase	Future	Increase	Future
First zone	None.	202,000	71	166
Second zone	98,300	202,000	73	166
Third zone	156,400	202,000	78	166
Fourth zone	63,000	202,000	None.	166
Fifth zone	141,400	202,000	54	166
Total, United States	459,100		276	

Such a solution of "equalization," by keeping the present maximum in one zone and filling up the other zones to its level, would thus involve adding 276 stations and an increase of 460,000 watts, practically doubling the power in the present broadcasting band. If the wave lengths are now overloaded and heterodynes now exist, it can be imagined what the 276 additional stations, averaging 1,700 watts, would do. Incidentally, about $20,000,000 would be required to build these 276 additional stations; and, of course, the supervising authority can not order them built, except as local citizens elect to invest the very large amounts involved in building each station.

The third choice—to wit, equalization of zones by averaging power and stations—proposes that the clause be interpreted in the sense of averaging present total power among all the zones, arriving at "equalization by both reductions and increases." Upon this basis, the present total simultaneous power of, roughly, 550,000 watts would be averaged among the five zones—110,000 watts to each and 110 stations to each—as follows:

	Power		Number of stations	
	Change necessary	Result	Change necessary	Result
First zone	Cut 92,000	110,000	Add 15	110
Second zone	Add 5,300	110,000	Add 17	110
Third zone	Add 64,400	110,000	Add 22	110
Fourth zone	Cut 29,000	110,000	Cut 56	110
Fifth zone	Add 49,400	110,000	Cut 2	110

Either of the preceding proposals for cutting the power and number of existing stations (under choices or Plans I and III) will react seriously on the present radio stations of States which are now rendering important service to vast populations in other States surrounding their own transmitters. The effect on such States will be as follows, the figures being proportional to "both population and area" for the respective States, as the clause specifies:

Effect on States of redistribution of station licenses and powers

	Present facilities		Equalization to lowest level		Equalization to average of United States	
	Power	Stations	Power	Stations	Power	Stations
New Jersey	49,000	25	4,200	9	6,500	14
New York	119,000	67	14,300	27	22,000	40
Massachusetts	19,000	18	4,050	10	7,500	16
Pennsylvania	57,000	33	16,000	30	24,000	48
Ohio	23,000	25	10,500	24	16,000	36
Illinois	55,000	70	10,500	20	16,000	30
Iowa	26,000	18	6,000	12	9,000	18
Nebraska	8,200	14	4,300	8	6,400	12
Missouri	14,000	18	6,600	12	10,000	18
Minnesota	20,500	14	6,000	12	9,000	18
Colorado	8,270	12	1,400	8	6,400	12
New Mexico	5,050	3	2,900	5	4,400	8
Washington	10,700	19	2,900	5	4,400	8
California	26,000	50	12,000	23	18,000	34

The above data was supplied by Commissioner Caldwell.

From this list it is evident that whether the clause is interpreted to "equalize" zones on the basis of redistributing the present total power or by cutting down the zones with excessive power to the levels of the least-equipped zone, serious damage will be done to existing stations in States which have been radio leaders in serving the listeners of the Nation.

One of the members of the commission states that equalization may deprive listeners it is intended to aid.

He says that we must think in terms of programs quite as much as power. To illustrate: Five States in the fifth zone, with an area of over 550,000 square miles, now use a total of 3,000 watts power in their stations, many of which operate only one hour a day. Lack of talent and no demand for the time they have to sell, because of the limited audience reached, are the two reasons why more stations are unnecessary in that region, and will probably not be built for some time.

The people in these States are certainly entitled to good radio programs, but of necessity they must get them from stations broadcasting in other States. If the State having the powerful stations, program material, and audience, should be required to reduce its wattage to that of one of the five States above referred to, then the listeners in these five States would actually be deprived of radio programs because of the reduction of power at the station where the program is originated.

If the State having the power, audience, and program material be allowed to continue to use the amount of power now employed by its stations, then we would have what would appear to be an unfair distribution of power as between States, but one which would resemble in appearance the condition which exists now between the five different zones. Yet, as a matter of fact, the listeners in the five States referred to would be receiving satisfactory radio reception, getting local programs from their own stations, plus programs from the more congested areas, where more talent is available, for the supplying of entertainment and educational programs.

Said commissioner continues, and states that from the foregoing it is seen that to equalize the radio zones by increasing powers or stations, will deprive listeners of radio service through setting up a chaos of interference and heterodynes. To equalize by cutting zones to any low or intermediate level will reduce the radio service now enjoyed by millions of listeners. Such a change would make listening more difficult and unsatisfactory, and would require more expensive running sets on the part of many who now have the cheapest of home apparatus.

Mr. JONES. Will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Texas.

Mr. JONES. The gentleman concedes that conditions are bad in zone 3 and in some other sections; does the gentleman expect us to be satisfied with a mere continuation of the exact situation which now prevails?

Mr. CELLER. No.

Mr. JONES. How can we hope to get relief from merely an extension of the same activities that are now in existence?

Mr. CELLER. By a little patience and allowing the commission time. The gentleman loses sight of the fact that the commission has done a good piece of work up to this time, as I shall point out to you momentarily. They have tried to remedy the situation but you have not given them a chance.

Mr. JONES. They gave the whole pie to one boy.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. CELLER. I yield to my colleague.

Mr. LAGUARDIA. Assuming, in order to distribute this power equally in the zones of the various sections of the country, this must be carried out to the loss and detriment of the city from which the gentleman and I come——

Mr. CELLER. There is no question about that.

Mr. LAGUARDIA. The gentleman would be willing to do that?

Mr. CELLER. I would be willing to take away considerable power from the city of New York or even New York State, but I am not going to stand idly by and see that done at one fell swoop and without notice and without any opportunity to accommodate ourselves to the situation.

Mr. LAGUARDIA. The gentleman does not contend that any individual or any company, notwithstanding the fact they may have operated for seven years, has any vested right in the air.

Mr. CELLER. I differ in that regard from my colleague. I think there is a vested right, and I shall point it out if I have the time, and if I have not the time I will put it in the RECORD.

Mr. JONES. If the gentleman is not satisfied with the amendment, why does not the gentleman offer something that will gradually work out a different plan and gradually change the situation?

Mr. CELLER. I shall offer that when the proper time comes.

Mr. JONES. I would like for the gentleman to explain on what theory these men have their vested rights at the expense of the whole people, which would tend to interfere with and deny the rights of the whole people?

Mr. CELLER. I will come to that in the regular course of my remarks here to-day. Your questions do not allow me to proceed orderly. I shall come to "vested rights."

Now, gentlemen, the commission has been doing some good work and we must not lose sight of that. I have examined carefully the hearings and we are told, for example, that one-third more of the States have had their channels cleared. This is quite a step in advance. Commissioner Pickett states that 39 States have now choice high-powered wave lengths.

They have gone a great way toward removing what is known as "local blanketing." Where you have a high-powered station like WEAF in New York or WJZ in New Jersey, these stations have gone into the suburbs and no longer is there that drowning out and practical destruction of the efficacy of the small-powered station within the locality where these high-powered stations exist. WEAF has gone something like 25 miles out of New York City on Long Island to a place called Belmore, and we are told that WJZ has gone to Boundbrook, which is some distance from the metropolitan area. That was an advance and other stations will follow. In addition to this one of the commissioners stated that 90 per cent of the heterodyning has been removed. Heterodyning, without going into the technical features thereof, roughly, is so-called "interference."

Now, by their efforts in changing locations and forcing stations to split wave lengths they have minimized the amount of interference. I want to stress the fact this afternoon that they should have their due.

Let me read some significant passages from the hearings—page 208—as follows:

Mr. BRIGGS. Do you believe because there has been a centering of certain broadcast activities in highly populous communities they should be allowed to remain there, without regard to the equitable distribution throughout the United States?

Commissioner PICKARD. I believe that actions speak louder than words in this case, and I am going to answer your question by saying that within the last 60 days I have removed five Chicago stations from a very desirable wave length, and that clear channel has been replaced by a Kentucky station. In another instance another wave length from Chicago has gone to a State which has been low in its quota—Indiana.

Mr. BRIGGS. In other words, the effort of the commission, so far as you are concerned, is being directed and will be directed to making an equitable distribution of the broadcast bands or assignments of wave lengths?

Commissioner PICKARD. Yes, sir.

And at page 231:

Commissioner PICKARD. To some extent the stations that should be heard clearly, I will admit that 90 per cent of them are being heterodyned, because that station or stations on adjoining channels are not on their assigned frequency. I will not agree, however, there has been no improvement. I think there has been 100 per cent improvement in listening conditions throughout the country.

I believe that is what they are trying to do, place the good wave lengths and increase the power in sections that need the increase of power and better stations, and if given a chance, given some sort of encouragement, they will satisfy and accommodate all parties.

Mr. ROMJUE. Will the gentleman yield?

Mr. CELLER. I will yield to the gentleman.

Mr. ROMJUE. In the early part of the discussion the gentleman said something about the rights of stations that were started seven years before the commission was appointed. Will the gentleman give us his idea on the question of vested rights? We do not believe that they have any vested rights.

Mr. CELLER. I will come to that. Here is a situation in the so-called zone 3, taking in the Southern States.

Mr. MANLOVE. If the gentleman will yield, is it not possible to bring in a map here showing these zones, for the purpose of illustration while the discussion is going on?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CELLER. I yield myself 10 minutes more. I would like to bring in a map if I had one, but I have none.

Mr. DAVIS. Will the gentleman yield?

Mr. CELLER. I will.

Mr. DAVIS. As I understand the reduction is to follow the reduction of each zone to 45,000 now held in the third zone?

Mr. CELLER. Bring the power down to the lowest level? If you bring the maximum down to the minimum to my mind that is one of the choices or plans under the wording of your amendment.

Mr. DAVIS. Did not the gentleman say a while ago that in zones that nobody would want it cut down?

Mr. CELLER. I did not say that. I say nobody would want to increase the lowest to the highest, because that would be scientifically impossible, because the bucket is already overflowing—the radio bucket.

Mr. DAVIS. It is no more scientifically impossible than to do it the other way.

Mr. CELLER. Would you want to make a wholesale reduction of the stations?

Mr. DAVIS. No; we do not want a reduction; we want the neglected areas of this country, including 44 States, to be given their quota.

Mr. CELLER. I am willing to answer that situation. In conversation with somebody in authority I discovered that the South has not availed itself of the opportunity in that regard.

Mr. JONES. There are applications, but they could not get the licenses. I could give the gentleman the names of a lot of places that would like the privilege of broadcasting or an increase of power.

Mr. CELLER. I want to be fair, and I do not want to be unfair. Take for example the State of Tennessee, at Memphis they have a 580-kilocycle station with a power of 500 watts. They requested an increase to 5,000 watts, but the request did not come from the station; it was left to the commissioner to go down and ask them to increase the power. This was WMC.

With reference to another station at Atlanta, Ga., one of the commissioners went down to that station and said, "You are deficient in power; come forward with an application and we will grant it to you." And they did not even come forward with the application for increased power. The same thing resulted in an application made by a member of the commission to station WSMB in New Orleans. That was an application from the commission itself to that station to come forward and ask for an increase in power. But they did not come.

The Radio Commission, I am informed, has agreed tentatively to grant in zone 3 the majority of applications on file for construction permits for new stations. I herewith submit a list by States of these applications now on file. This list I received from two members of the commission:

CONSTRUCTION PERMITS

NUMBER OF NEW APPLICATIONS IN THE SOUTH, BY STATES

Arkansas

Charles W. McCollum, McGehee, 50 watts on a frequency of approximately 840 kilocycles.

First Church of the Nazarene, Little Rock, 1,000 watts on a frequency between 1,090 and 800 kilocycles.

Berean Bible Class, Little Rock, 15 watts on a frequency of 1,150 kilocycles.

Florida

Home Appliances Corporation, Fort Myers, 250 watts on a frequency of approximately 1,410 kilocycles.

Southern Radio Co., Tampa, 200 watts on a frequency of 1,363 kilocycles.

Robb & Stucky Co., Fort Myers, 100 watts on a frequency of approximately 1,090 kilocycles.

Georgia

R. E. Martin, Columbus, 50 watts and kilocycles optional.

Kent's furniture and music store, Tifton, 15 or 20 watts on a frequency of 1,140 kilocycles.

Louisiana

A. H. Nigocia, New Orleans, 5 watts on a frequency of 740 kilocycles.

C. C. Crawford, Haynesville, 50 watts on a frequency of 710 kilocycles.

Feazel Motor Co., Ruston, 1 watt and kilocycles are optional.

Mississippi

Woodruff Furniture Co., Hattiesburg, 10 watts on a frequency of 1,200 kilocycles.

J. Pat Scully, Greenville, 100 watts on a frequency of 1,090 kilocycles.

North Carolina

Wilmington Radio Association, Wilmington, 50 watts on a frequency of approximately 1,330 kilocycles.

A. J. Kirby Music Co., Gastonia, 50 watts on a frequency of 1,363 kilocycles.

Oklahoma

The Full Gospel Tabernacle, Tulsa, 500 watts on a frequency of 1,360 kilocycles.

L. A. Sims, Tulsa, 250 watts on a frequency of 1,200 kilocycles.

The Radio Service Co. of Oklahoma City, Oklahoma City, 15 watts on a frequency of 700 kilocycles.

Elk Radio & Electric Shop, Elk City, 250 watts on a frequency of 999 kilocycles.

Lyman M. Edwards, Enid, 500 watts on a frequency of 960 kilocycles.

South Carolina

Paul S. Pearce, Columbia, 15 watts on a frequency of 1,270 kilocycles.

Tennessee

Tennessee Broadcasting Association, Nashville, 150 watts on a frequency of 1,200 kilocycles.

Christian Church, Dyersburg, 50 watts on an optional frequency.

Bristol Radio Co. (Inc.), Bristol, 50 watts on a frequency of 940 kilocycles.

Claude V. Andrews, Union City, 10 watts on a frequency of approximately 770 kilocycles.

Elbert Wood, Morrison, 15 watts on a frequency of 1,340 kilocycles.

Texas

Matthewson-Pelz Music Co., Marshall, 15 watts on a frequency of 1,130 kilocycles.

John Milford Baldwin, Fort Stockton, 50 watts on a frequency of approximately 860 kilocycles.

C. O. Lorenz, San Antonio, 100 watts on an optional frequency.

Eagle Publishing Co., Goldthwaite, 50 watts on a frequency of 550 kilocycles.

M. L. Cates, Georgetown, 100 watts on a frequency of 1,290 kilocycles.

Highland Heights Christian Church, Wichita Falls, 750 watts on a frequency of — kilocycles.

Virginia

Clement W. Hanbury, jr., Norfolk, 500 watts on a frequency of 30.1 meters.

Richmond Development Corporation, Roanoke, 1,000 watts on a frequency of 1,030 kilocycles.

The Radio Commission has also agreed tentatively to grant the applications of all stations requesting changes. These applications, on the following list received from two of the commissioners, are:

CONSTRUCTION PERMITS

OLD STATIONS REQUESTING CHANGE

Louisiana

WCBE: Joseph H. Uhalt, New Orleans. This station is operating on a frequency of 1,320 kilocycles with a power output of 5 watts, and is requesting a frequency of 1,320 kilocycles with a power output of 500 watts.

KWKW: Three thousand five hundred watts.

Mississippi

WCOC: Crystal Oil Co., Columbus. This station is operating on a frequency of 1,300 kilocycles with a power output of 250 watts, and requests the same frequency with a power output of 500 watts.

North Carolina

WPTF: Durham Life Insurance Co., Raleigh. This station is operating on a frequency of 550 kilocycles with a power output of 500 watts, and requests a frequency of 720 kilocycles with a power output of 1,000 watts.

Oklahoma

KFJF: National Radio Manufacturing Co., Oklahoma City. This station is operating on a frequency of 1,100 kilocycles with a power output of 750 watts and 1,000 watts from 6 to 6 p. m., and requests the same frequency with a power output of 15,000 watts—really want 5,000.

KVOO: Southwestern Sales Corporation, Tulsa. This station is operating on a frequency of 860 kilocycles with a power output of 1,000 watts, and requests the same frequency with a power output of 5,000 watts.

Tennessee

WMC: Memphis Commercial Appeal (Inc.), Memphis. This station is operating on a frequency of 580 kilocycles with a power output of 500 watts, and requests the same frequency with a power output of 5,000 watts.

WLAC: Life & Casualty Insurance Co., Nashville. This station is broadcasting on a frequency of 1,330 kilocycles with a power output of 1,000 watts, and requests a frequency of 1,330 kilocycles with a power output of 5,000 watts.

Texas

WBAP: Carter Publications (Inc.), Fort Worth. This station is operating on a frequency of 600 kilocycles with a power output of 5,000 watts, and requests a frequency of 650 kilocycles with a power output of 5,000 watts.

KTAP: Robert B. Bridge, San Antonio. This station is operating on a frequency of 1,310 kilocycles with a power output of 20 watts, and requests a frequency of 1,250 kilocycles with a power output of 250 watts.

WDAG: J. Laurance Martin, Amarillo. This station is operating on a frequency of 1,140 kilocycles with a power output of 250 watts, and requests the same frequency with a power output of 1,000 watts.

KPRC: Houston Printing Co., Houston. This station is operating on a frequency of 1,020 kilocycles with a power output of 500 watts, and requests the same frequency with a power output of 1,000 watts.

KFJZ: Henry Clay Allison, Fort Worth, formerly owned by W. E. Branch, is operating on a frequency of 1,200 kilocycles with a power output of 50 watts, and requests only the change in name.

WRR: City of Dallas, Dallas. This station is operating on a frequency of 650 kilocycles with a power output of 500 watts, and requests a frequency of 850 kilocycles with a power output of 5,000 watts.

KGRC: Eugene J. Roth, San Antonio. This station is operating on a frequency of 1,360 kilocycles with a power output of 100 watts, and requests the same frequency with a power output of 500 watts.

KFYO: Kirksey Bros. Battery & Electric Co., Breckenridge. This station is operating on a frequency of 1,420 kilocycles with a power output of 15 watts, and requests the same frequency with a power output of 100 watts.

KGCI: Liberto Radio Sales, San Antonio. This station is operating on a frequency of 1,360 kilocycles with a power output of 100 watts, and requests the same frequency with a power output of 500 watts.

Virginia

WSEA: Virginia Beach Broadcasting Co. (Inc.), Norfolk. This station is operating on a frequency of 1,140 kilocycles with a power output of 500 watts, and requests a change of location from Norfolk to Portsmouth, Va.

Mr. BULWINKLE. Mr. Chairman, will the gentleman yield?

Mr. CELLER. All these applications filed with the Radio Commission from zone 3 we find involve no great amount of power. Apparently there is no great demand for new stations and power in zone 3.

Mr. DAVIS and Mr. BULWINKLE rose.

Mr. CELLER. Zone 3 does not want many new stations. It seems as though the Members of Congress in that section want to avail themselves of stations and station power, and not the constituents whom they represent.

Mr. DAVIS. Mr. Chairman, will the gentleman yield?

Mr. CELLER. Yes.

Mr. DAVIS. I do not know where the gentleman gets those figures that he is reading, but the Committee on the Merchant Marine and Fisheries had the Radio Commission file with the committee—and it is printed in the hearings—a statement of the applications that have been made from the States and zones to the commission for new stations, and the power they ask for, and the existing stations that desired and requested an increase in power, and that shows that there are enough applications on file for additional power from the third zone to raise it up to its pro rata of the present national power. I have put that in the RECORD, and if the gentleman will read my speech he will see that that is true.

Mr. CELLER. I procured these lists from two members of the commission. These are not my lists. Mr. Chairman and gentlemen of the committee, we sit here and hardly realize the difficulties of the Radio Commission. They have been pilloried, and I think unjustifiably. For example, let me leave off a bit

from zone 3 and go to another zone. The State of Nevada has not yet made a single application for a radio station. I am reading now from the testimony of Commissioner Lafount, at page 344 of the hearings. He says there that there are only two or three small stations in Idaho, Wyoming, and Montana, and many of the Mountain States; that no applications are being made, and because of that it would be unfair to hold up all of the power and all of the distribution of wave lengths and simply await the arrival of applications from those States. That is the rub of the situation. Why should the enterprising States who have the station power and the stations await until the others awaken to their sense of responsibility and make these applications for increased power?

Mr. LaGUARDIA. The gentleman would not have the larger States usurp the rights of the smaller States?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CELLER. I yield myself five more minutes. I would not have the larger States discriminate against the smaller States, but within a reasonable period time will solve all of these difficulties and the Radio Commission will bring about a situation satisfactory to all parties.

Mr. HUDSON. If the gentleman contends that these are vested rights, then when would these States get a chance?

Mr. CELLER. I shall come to that question.

Mr. SANDLIN. Mr. Chairman, will the gentleman yield?

Mr. CELLER. Yes.

Mr. SANDLIN. Does the gentleman expect to put into the RECORD those applications from the South?

Mr. CELLER. Yes.

Mr. SANDLIN. That the commission told the gentleman had been granted?

Mr. CELLER. The commission told me had been tentatively granted and in the ordinary course of time would be granted.

Mr. SANDLIN. What will the gentleman put into the RECORD with regard to station WKH?

Mr. CELLER. I will include in the enumeration all of the stations that the commissioners said had been tentatively granted but for which no formal orders had yet been made.

Mr. SANDLIN. Since my conversation with the gentleman I have talked with Judge Sykes, who is now in the gallery, and he tells me that they have not been tentatively granted.

Mr. CELLER. I do not want to get into a matter of veracity as between Judge Sykes and myself. I shall put into the RECORD what I was told and the contents of papers handed me.

Mr. SANDLIN. I want the RECORD to be straight on it.

Mr. CELLER. I shall put into the RECORD exactly what I told the gentleman from Louisiana.

Mr. SANDLIN. I want to get into the RECORD that Judge Sykes told me no such agreement had been made.

Mr. CELLER. The gentleman has it already in the RECORD.

Mr. VINSON of Kentucky. Will the gentleman put into the RECORD the names of those stations the commission told point blank there was no use to make application for increased power?

Mr. CELLER. I have no knowledge of such stations.

Mr. VINSON of Kentucky. I think that is the situation.

Mr. CELLER. I have no knowledge of it.

Mr. VINSON of Kentucky. I think the gentleman has very little knowledge of conditions in the country.

Mr. CELLER. I answer that I have no knowledge of that specific situation.

Mr. STOBBS. There have been so many tables floating around as to the reduction in the different States, I ask the gentleman the source of that table that he made.

Mr. CELLER. The Radio Commission.

Mr. STOBBS. And that is the final authority?

Mr. CELLER. Yes. I shall put into the RECORD for the benefit of the gentleman under leave to extend a discussion of the subject of vested rights of radio stations that existed prior to the coming into being of the Radio Commission, and I ask, gentlemen, if they want to know more about it, to read that Monday.

Mr. JONES. I ask the gentleman to discuss whether or not he thinks there is such a thing as a vested right in a monopoly?

Mr. CELLER. I shall be very glad to discuss vested rights; but, of course, there is no vested right in monopoly.

Mr. KENT. And I suppose the gentleman is in favor of a very good broadcasting station in Houston, Tex., is he not?

VESTED RIGHTS

Mr. CELLER. If anyone has used the ether for a period of time, he has a vested right to continue that use subject to regulation by the United States Government.

A study of the term "regulation" raises the question: Does the power to regulate include the power to prohibit? It is my opinion that it does not.

However, assuming that my opinion is incorrect and that the power to regulate does include the power to prohibit, my opinion, then, is that when the power to prohibit is enforced, just compensation must be given.

Congress for the first time assumed control of radio communication under its power to regulate interstate commerce by the act of 1912 (37 Stat. L. 302).

Section 1 of this act required the obtaining of a Federal license before engaging in radio communication. The act of 1912 proved inadequate and unsatisfactory, as the following cases will show:

> Under the law of 1912, the duty imposed upon the Secretary of Commerce in issuing licenses to operate radio stations was a purely ministerial one—the only discretion reposed in him was in selecting a wave length within the limitation prescribed in the act, which in his judgment would result in the least possible interference. (Hoover *v.* Intercity Radio Co., 286 Fed. 1003.)

In response to a letter from the Secretary of Commerce asking for a definition of his powers and duties under the act of 1912, the Attorney General of the United States, on July 8, 1926, replied that the act of 1912 did not confer authority upon the Secretary of Commerce to refuse applications for licenses, assign wave lengths, or limit power or time of operation (35 Opp. Atty. Gen. 126).

The new legislation to supply the defects of the 1912 law was approved on February 23, 1927, and is known as the radio act of 1927 (Public, 632, 69th Cong).

As was said at the beginning, Congress assumed control of radio communication under its power to regulate interstate commerce.

Quoting from Opinions of Attorney General, volume 35, page 128, we have the following:

> There is no doubt whatever that radio communication is a proper subject for Federal regulation under the commerce clause of the Constitution. (Pensacola Telegraph Co. *v.* Western Union, 98 U. S. 1, 9; 24 Opp. 100.)
>
> And it may be noticed in passing that even purely intrastate transmission of radio waves may fall within the scope of Federal power when it disturbs the air in such a manner as to interfere with interstate communication. (Minnesota rate cases, 230 U. S. 352.)

A very recent case holding that radio broadcasing is interstate commerce is that of Whitehurst *v.* Grimes, reported in Twenty-first Federal (second series), 787.

Section 1 of the act of 1927 made operation of a station unlawful without the obtaining of a new license, and this even though the station was operating under license granted under the 1912 act. Under the 1912 act, licenses were indeterminate as to time and revocable for cause. The new act did not declare a cause in ending them. It merely made further operation under them unlawful.

Section 11 of the act of 1927 reads in part:

> If upon examination of any application for a station or for the renewal or modification of a station license, the licensing authority shall determine the public interest, convenience, or necessity would be served by the granting thereof, it shall authorize the issuance, renewal, or modification thereof in accordance with such finding.

The commission thus grants or denies the application upon its determination as to whether or not public convenience, interest, or necessity will be served by the operation of the station.

The significance of these words when applied to the radio situation is rather vague. Not more so, however, I think, than when used in State statutes and applied to public utilities. They comprehend public welfare. (286 Ill. 582.)

There is one difference, however, between the radio act and State public utility laws: The radio act is directed in part against persons already engaged in commerce while the public utility laws of the States are mainly applied against persons preparing to enter commerce.

Taken by itself, requiring a license to engage in commerce is within the constitutional powers to regulate commerce. Colorado *v.* United States (271 U. S. 153).

Should the commission, however, refuse to issue a license to a station existing before the law, the question of vested rights of such owner arise.

It is the opinion of the writer that if anyone has used the ether for a period of time, he has a vested right to continue that use, subject to regulation by the United States Government.

This opinion is based upon a fair construction of the language of section 5 of the act of 1927, as deduced from a reading of

that section, together with a study of the history of this provision.

Section 5 provides that—

No station license shall be granted by the commission or by the Secretary of Commerce until the applicant therefor shall have signed a waiver of any claim to the use of any particular frequency or wave length or of the ether as against the regulatory power of the United States, because of the previous use of the same, whether by license or otherwise.

The history of this provision shows that on July 3, 1926, Congress passed Joint Resolution 125, which became law on December 8, 1926. This resolution provided that no license or renewal should be granted—

unless the applicant therefor shall execute in writing a waiver of any right or of any claim to any right, as against the United States, to any wave length or to the use of the ether in radio transmission because of previous license to use the same or because of the use thereof.

When the radio act of 1927 was enacted this resolution was specifically repealed by section 39 of the radio act, and the new language of section 5, quoted above, was substituted.

It will be noted that in the language of the joint resolution enforced prior to the radio act the applicant for a license had to sign a waiver of any right or claim to any right as against the United States, while in the new radio act now in force the waiver is as to any claim as against the regulatory power of the United States.

Under the language of the resolution it seems to the writer that the licensee would become a mere tenant at will of the Government, and that under the resolution the Government could at any time order him to desist; and if so, he would have no legal right to continue and would have no remedy other than his constitutional right to just compensation.

The language of the new radio act, however, modifies the provision of the resolution and merely says that the applicant for license must sign a waiver of right as against the regulatory powers of the United States.

I deem the language as modified by the act of 1927 to mean that the licensee is merely subject to "regulation" by the Government.

If a radio station has been established under the law of 1912, and its license has not been revoked "for cause" as provided for in that act, it would seem to the writer that he would have a vested right to continue to use the ether under the new 1927 act, subject only to the regulatory power of the United States.

I am of the opinion that Congress under section 5 can subject the station owners to any reasonable regulations deemed necessary for the public welfare, but that it can not arbitrarily abrogate all privileges.

The radio act of 1927 is intended to be a regulatory and not a prohibitory measure.

The title of the radio act reads:

An act for the regulation of radiocommunications, and for other purposes.

The constitutional authority vested in Congress under the commerce clause is to regulate interstate and foreign commerce—of which radio is a part—not to prohibit it.

The right of Congress to prohibit commerce absolutely as a phase of regulation has been before the Supreme Court in a number of cases. The court stated in several decisions that the power to regulate includes the power to prohibit entirely. In accordance with this principle, it upheld acts of Congress prohibiting the transportation of lottery tickets (the Lottery case, 188 U. S. 321) and the food and drugs act prohibiting the transportation of impure foods and drugs (Hipolite Egg Co. *v.* U. S., 220 U. S. 45).

It was this absolute power of prohibition which was relied upon to support the child labor law prohibiting the transportation in interstate commerce of certain classes of drugs manufactured by child labor.

But in its opinion declaring the child labor law unconstitutional (Hammer *v.* Dagenhart, 247 U. S. 251, 271) the court differentiated the cases above referred to. The contention was made that they established the doctrine that the power to regulate includes the authority to prohibit the movement of ordinary commodities. The court, however, said that the contrary was the fact, since these cases rested upon the character of the particular subjects dealt with; that in each of them the use of interstate transportation was necessary to the accomplishment of harmful results; and that proper regulation of interstate commerce could be brought about only by prohibiting the use of its facility to effect the evil intended. The court proceeded to say that neither was such a purpose disclosed by the act under consideration, nor was the character of the article transported such as to make prohibition necessary.

There was a very strong dissent, based mainly upon argument that the power to regulate is absolute, the power to prohibit necessarily included within it, and that it is for Congress alone to determine the propriety of its exercise.

This decision is not a denial of the complete power of Congress to regulate interstate commerce. It is a holding that in the exercise of that power Congress must confine itself to regulation, and may not, under the cloak of regulation, grasp powers not delegated.

The above quotation is quoted from pages 72 and 73 of Mr. Stephen Davis's book on the Law of Radio Communication, 1927. Mr. Davis is Solicitor of the Department of Commerce.

Assuming, however, that the power to regulate does include the power to prohibit, the station owner can still stand upon his constitutional rights and maintain that the commission in revoking his license is taking private property without just compensation, in violation of the fifth amendment to the Federal Constitution.

If a license for an existing station is refused, the commission would not take the property of the owner, in the sense of an actual physical seizure. It would still remain in the possession of its owner, even though the value of the property would be practically destroyed—it might be thus contended that the constitutional provision against taking private property without due process has been avoided.

The only value of property lies in the use that may be made of it. It may be said generally that the forbidding of an individual to use his property is equivalent to a taking of it, and that deprivation of use violates the constitutional guaranty to the same extent as would an actual physical seizure or destruction of the property itself. The Supreme Court of the United States has expressed itself on the general subject as follows:

It would be a very curious and unsatisfactory result if in construing a provision of constitutional law, always understood to have been adopted for protection and security to the rights of individuals as against the Government, and which has received the commendation of jurists, statesmen, and commentators as placing the just principles of the common law on that subject beyond the power of ordinary legislation to change or control them, it shall be held that if the Government refrains from the absolute conversion of real property to the use of the public, it can destroy its value entirely, can inflict irreparable and permanent injury to any extent, can, in effect, subject it to total destruction without making any compensation, because in the narrow sense of that word it is not taken for the public use. Such a construction would pervert the constitutional provision into a restriction upon the rights of the citizens, as these rights stood at the common law, instead of the Government, and make it an authority for invasion of private right under the pretext of the public good, which had no warrant in the laws or practices of our ancestors. (Pumpelli *v.* Green Bay Co., 13 Wall. 166, 177. See also Chicago Board of Trade *v.* Olsen, 262 U. S. 1; Village of Euclid *v.* Ambler Realty Co., 47 Sup. Ct. 115; Corneli *v.* Moore, 267 Fed. 456.)

The above quotation is quoted from page 68 of Mr. Stephen Davis's book on the Law of Radio Communication, 1927.

The Supreme Court of the United States has declared the rule as to the necessity for compensation in the following language:

"If in the execution of any power, no matter what it is, the Government, Federal or State, finds it necessary to take private property for public use, it must obey the constitutional injection to make or secure just compensation to the owner. (Cherokee Nation *v.* Southern Kansas Ry., 135 U. S. 641, 659; Sweet *v.* Rechel, 159 U. S. 380, 399, 402; Monongahela Navigation Co. *v.* United States, 148 U. S. 312, 336; United States *v.* Lynch, 188 U. S. 445.) * * * Upon the general subject there is no real conflict among the adjudged cases. Whatever conflict there is arises upon the question whether there has been or will be in the particular case, within the true meaning of the Constitution, a taking of private property for public use. If the injury complained of is only incidental to the legitimate exercise of governmental powers for the public good, then there is no taking of property for public use, and a right to compensation, on account of such injury, does not attach under the Constitution." (Chicago, Burlington & Quincy Ry. Co. *v.* Drainage Commissioners, 200 U. S. 561, 593.)

The American Bar Association made an interim report on radio legislation in December, 1926. It discussed the bills then pending in Congress with particular reference to the constitutionality of refusing licenses to existing stations without affording compensation. It urged the inclusion of provisions which would compensate the owners of stations so closed, the money necessary to be derived from a tax on those licensed. In support of that suggestion the committee said:

* * * To close stations in which large sums of money have already been invested is obviously a drastic provision. We do not believe that the courts would uphold as constitutional legislation which permitted such closing, either directly or indirectly, by way of declining to issue new licenses, unless just compensation were paid * * *. The committee believes its suggestion is sound in law for the following reasons:

"a. The 1912 statute permitted everyone to obtain a license. As we have stated before, the Secretary had no discretionary power and he could be mandamused to compel the issuance of the license. The licenses were not for any stated term and could be revoked only for frauds. The companies with established business under such a situation had a right to believe that their investments could not be destroyed by the mere repeal of the 1912 law * * *.

"c. The obligation of the Federal Government to pay just compensation for closing an existing radio station was recognized in the joint resolution of July 16, 1918, which permitted the President to take over radio stations during the time of war, but only upon payment of just compensation. It is to be noted that even when this power was repealed, on July 11, 1919, the compensation provisions were specifically continued.

"d. The committee sees no newer constitutional authority for depriving the citizens of property rights under the pending legislation than was included under the 1912 legislation."

The above quotations are taken from pages 66, 70, and 74 of Mr. Stephen Davis's book on the Law of Radio Communication, 1927.

It is therefore fair to assume that the Radio Commission would not have the right to take away the power, to any great extent, of a station, if that taking away would destroy the general utility or purpose for which the station was erected, unless compensation were provided. You can not say that by destroying the use of the station you do not destroy the station. If you take away the use, you take away the property. This can not be done without compensation. I do not sympathize personally with these conclusions, but they are conclusions nevertheless, which are inescapable.

PROGRAMS

The charge has often been made that jazz so fills the air as to drown out better class of music and educational features, and that New York stations primarily give the country nothing but jazz. I deny this. An examination of the better stations in New York, for example, will show that the program is varied and appeals to all tastes, and that jazz does not predominate. I shall herewith insert the events on the air for to-day, Saturday, March 10, for stations WEAF, WJZ, and WOR. I have taken this information from to-day's New York Times:

WEAF

6.45 a. m.: Tower exercises.
8: Federation devotions.
8.15: Parnassus Trio.
8.30: Cheerio; talk; music.
10.45: Hoyle Trio.
11: Elizabeth Hilyer, soprano.
11.15: Household talk.
11.30: S. Selkowitz, piano.
11.45: Talk, Grace Smith.
12 m.: Elizabeth Hilyer, songs.
12.15 p. m.: Virginia Dudley, soprano.
12.30: G. O'Connor, ukelele.
12.45: Waldorf-Astoria Orchestra.
1.45: Foreign Policy Association luncheon; Oil, its international complications. Speakers: Herbert Feist, Henry K. Norton.
3.30: Parnassus Trio.
4.30: Blind Association talk.
5: Fisher Orchestra.
6: Waldorf-Astoria music.
7: South Sea Islanders.
7.30: Statler's Pennsylvanians.
8.15: Intercollegiate Glee Club contest.
11: Park Central Orchestra.

WJZ

12.30 p. m.: Park Central music.
1.30: Winegar's Orchestra.
2.30: Weather reports.
2.35: Venetian Gondoliers.
3.30: The Tennesseeans.
4.30: Tea Timers.
5.15: Savoy tea music.
6: Manger Orchestra.
6.55: Summary of programs.
7: Longines time; Norman Hamilton, poems.
7.15: Astor Orchestra.
8: RCA hour; New York Symphony Orchestra.
9: Philco hour; Gypsy Love.
10: Longines time; Keystone Duo, with balladers.
10.30: Dorothy Howe and the Merry Three.
11: Slumber music.

WOR

6.45 a. m.: Colgate hour.
8: Sessions chimes; news; reports.
2.30 p. m.: Play—Violin Maker of Cremona.
3: Sessions chimes; Betty Goodman, soprano.
3.15: Ben Gordon, tenor.
3.30: Roseland tea music.
6: Radio Students' Clinic.
6.15: Shelton Ensemble.
6.40: Something about everything.
6.45: The Happy Girl.
7: Shelton Ensemble.
7.30: Levitow's dinner dance.
8: Sessions chimes.
8.01: Interview—John V. A. Weaver.
8.15: Modern Meistersingers.
8.45: H. Hedden, piano.
9: Bamberger Little Symphony.
10: Saturday's Children.
10.45: Roseland Orchestra.
11: News; weather.
11.05: Roseland Orchestra.
11.30: The Witching Hour.

Now, I insert to-morrow's (Sunday) radio programs of these three stations. These programs speak for themselves. There is not one item of jazz on the Sunday programs:

WEAF

1 p. m.: Chamber music.
2: Interdenominational Church; speaker, Dr. William H. Pephart.
3: Young People's Conference; How to Be Born—Dr. D. A. Poling.
4: Men's Conference; Youth and Its Problems—Dr. S. Parkes Cadman.
5.30: Acousticon hour; old-time musicale.
6: National Symphony Orchestra.
7: Francis Paperte, soprano.
7.20: Capitol Theater musicale.
9: Our Government—David Lawrence.
9.15: Howard time.
9.16: Atwater Kent hour; Richard Crooks, tenor; double male octet.
10.15: Biblical drama, Judas Iscariot.

WJZ

9 a. m.: Children's hour.
1 p. m.: Gold Strand hour.
2: The Roxy Stroll.
3: Jospe Woodwind Ensemble.
3.30: Devorney Nadworney, contralto; Herbert Borodkin, viola.
3.55: St. George's vespers; Harry Burleigh, spirituals.
5.30: National religious service—Rev. Harry Emerson Fosdick.
6.30: Cook's travelogue—Southern Italy; time; summary.
7: Aeolian organ recital.
7.30: Vocal duets.
7.45: Lenox string quartet.
8.15: Collier's hour; talk—Lieut. Commander Sloan Danenhower, Submarine Rescue and Salvage Devices; symphony orchestra.
9.15: Paula Heminghaus, contralto.
9.30: Vibrant melodies.
9.45: Arion male chorus; time.
10.15: Don Amaizo, musical sketch.

WOR

3 p. m.: Judson symphonic hour.
4: American singers.
4.30: United Military Band.
5: Garden talk—H. S. Ortloff.
7.45: Evening musicale.
8.45: Randall Hargreaves, songs.
9: Emerson hour.
9.30: With the masters.
10: Cathedral hour.

While Saturday's program contains several orchestras, they are of the higher type.

If the Davis amendment goes into effect programs would grow flat and uninteresting. Take away unduly station power from New York, Philadelphia, Chicago, and Pittsburgh and you prevent a national program. The center of musical art is in New York. There is located the Metropolitan Opera Company, the Philharmonic Orchestra, New York Symphony Orchestra, string quartettes of international renown, and so forth. New York thus readily provides the highest type of radio entertainment. The other evening I heard over the national broadcasting chain a condensed version of Verdi's opera, La Traviata, with Bori, Gigli, and De Luca, three of the famous Metropolitan Opera House singers. It was one of the most exquisite renditions I have ever listened to. It was heard all over the country. Destroy the high-powered stations in the large cities and

you make impossible the broadcasting of such an opera. It is difficult to understand how the country would be able to hear the President's message or the important speeches of the candidates in the coming presidential campaign without large-powered stations.

Complaint is made about indirect advertising and how merchants and producers foist their wares by indirect advertising on the radio public, but this can not be helped. It is one of the disadvantages inherent in the situation. Nearly all broadcasters lose money. Only by selling time to advertisers may they recoup some of their losses. On the other hand, some of the most beautiful programs have been given us under the auspices of national advertisers, to wit, the Edison hour over WRNY, the Atwater Kent hour, and the Victor Talking Machine hour, and many others.

The CHAIRMAN. The gentleman from New York has one minute remaining.

Mr. CELLER. Mr. Chairman, I yield back the balance of my time.

Mr. DAVIS. Mr. Chairman, I yield five minutes to the gentleman from North Carolina [Mr. ABERNETHY].

Mr. WHITE of Maine. And I also yield to him five minutes.

The CHAIRMAN. The gentleman from North Carolina is recognized for 10 minutes.

Mr. ABERNETHY. Mr. Chairman and gentlemen of the committee, I hope gentlemen will give me their attention, because I see we are favored this afternoon with the presence of the members of the Radio Commission of the United States. They are up in the gallery, and I am very glad they are here to hear this discussion. I, for one, have nothing to say against any individual member of the commission. As a matter of fact, they have promised me in my section about what we wanted. Whether or not we get it is, of course, something to be determined in the future. [Laughter.] Some of the members are not confirmed and some are, so I do not desire, with the Radio Commission present, to make any fling at any one of them individually. I want to say, so far as the member of the commission who represents the South is concerned Judge Sykes—that I have the very highest respect for his ability and his integrity. But the trouble is, gentlemen, that Judge Sykes is the only man who has been confirmed; and what fight could he alone make against the great Empire State of New York when they are seeking so much and making so much noise? [Laughter.]

Talk about pie. That is a very comprehensive word.

Mr. DENISON. What kind of pie?

Mr. ABERNETHY. The gentleman from Maine [Mr. BEEDY] talked about pie. Now, let us see what Maine gets. I am not sure if he is in the Chamber at this time. If so, he might raise an issue between the North and the South. [Laughter.]

Mr. BEEDY. I said I thought that in the division of the pie I should favor the children, because as they are growing up they need more pie. [Laughter.]

Mr. ABERNETHY. You get 850 watts and New York gets 162,000 watts. How will you have an equitable division in a case like that?

Mr. BEEDY. New York makes so much noise that the receiver can not get in on a program.

Mr. ABERNETHY. I have a constituent who has never been in New York, and he once said he would be damned if he believed there was any such place. [Laughter.] That, of course, was before the day of radio.

Maine gets 850 watts; New Hampshire gets 650 watts; Massachusetts, a little more favored, gets 19,565, and that is less than Massachusetts is entitled to under the amendment proposed by the committee. Connecticut gets 2,100. Rhode Island gets 2,750. New Jersey, the home of our friend Mr. LEHLBACH, gets 17,280, but they do not seem to be asking for any more because they are under the protecting wing of the great Empire State of New York. Little Delaware, a very small State, gets 100 watts. Maryland gets 5,700. The District of Columbia gets 11,750, and poor Porto Rico gets 500; while New York, with 63 stations, gets 162,500 watts. That is the first zone.

I do not blame the gentleman from New York for wanting to keep all the pie. They not only want that pie, but from the way they are agitating throughout the country, they apparently want more pie. [Laughter.]

Mr. HOUSTON of Hawaii. How much does Hawaii get?

Mr. ABERNETHY. I do not think you get anything.

Mr. HOUSTON of Hawaii. Then I am not for that amendment. [Laughter.]

Mr. ABERNETHY. Mr. Chairman and gentlemen, there is nothing unfair in the Davis amendment. Mr. DAVIS is a man for whom Congress has great respect and admiration, and I commend the speech he made on March 5 on this great subject. And, in passing, I want to pay a tribute to the chairman of this committee [Mr. WHITE], the gentleman from Maine. [Applause.]

I am a new member on the Committee on the Merchant Marine and Fisheries. Like the gentleman from Oklahoma [Mr. MCKEOWN], I never was in favor of giving this control of the air to a commission; but, following the leadership of men like Mr. WHITE and Mr. DAVIS, and understanding that there was confusion in the air and that it needed some regulation, they put me to sleep. It would not have made any difference whether they did or not; they passed the bill. [Laughter.]

Now what have we? We have the chairman of the Committee on the Merchant Marine and Fisheries fighting for this amendment. Why? Because he is a fair man and wants to keep faith with this House. He wants to keep faith with the country at large. He is not in favor of two or three big stations controlling all the power and sending out radio at $6,000 an hour for Lydia Pinkham's remedy and Pink Pills for Pale People. That is what you have now. Yes; and Wrigley's chewing gum, and Smith's cough drops, and Silver Cord tires, and occasionally David Lawrence gets on the air.

I was down in my home town the other day and my boy had bought a radio set, and I was trying to get some stations. I had heard of one that Mr. DAVIS had over in Tennessee, and I started at zero and went as far as the dial went, and every time I got on the dial I would hear about Lydia Pinkham's remedy and pink pills for pale people, and I never did get Judge DAVIS's station, and I do not really believe he has one at Nashville. [Laughter.]

Mr. CELLER. Does the gentleman think that the radio station can be kept going without this advertising?

Mr. ABERNETHY. I will say to the gentleman that the Governor of North Carolina asked the Members of the House from North Carolina to vote down the amendments offered by the gentleman from Oklahoma [Mr. MCKEOWN] and the gentleman from Tennessee [Mr. DAVIS] on the assurance that North Carolina would get consideration. We have one little station in the city of Raleigh that has 500 watts, and we have been promised 500 more, with the suggestion that probably the time might be divided. I think that if Judge Sykes has the power given to him he is going to make a fight for us; but the trouble is he can not make it if you do not give him the power. Just write this Davis amendment in here and divide this power equally between the five zones.

Take the great western country. The fifth zone has only 61,785 watts, while one station alone in New York has 50,000 watts. That is the situation with reference to the whole western coast, and I am talking to you men from that western country. Now listen. Zone 4 has 164,870 watts while the State of New York alone has 162,500 watts. The southern zone, the third zone, has 47,000 watts, and second zone has 106,000 watts.

Now, gentleman, nobody wants to cut down the power. Nobody wants to destroy these big stations; nobody wants to take away from the people their right to hear jazz, but we want this commission to understand that as far as the balance of the country is concerned that it has the direct mandate from Congress that when we write a radio law that there shall be an equal distribution throughout the country that they should meet that, and not come here and say they can not do it, and they should not fill the papers full of aspersions against Congress, as some of them have done, and I do not refer to Judge Sykes, either. [Applause.]

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. CLANCY. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, this proposed legislation seems to me to be again an example of the conflict between theory and practice. For one I am for practice in preference to theory. Unless section 4 is in some way taken out of this bill—and that section, as we all know, calls for an equal allocation—I shall be opposed to the whole bill. Rather than see that section adopted I would prefer that we go back to the old method of having radio under the Department of Commerce.

In addition to that, it seems to me that the suggestion of the continuation of a failure is a poor policy. Whatever the excuses may be, it is a well-recognized fact that the Radio Commission as such has been a total failure. One need but read the report of the committee submitted with this bill to be convinced of that fact. It can not function, and has but one member legally authorized to act, but you are asked to continue in office for another year, in order that it may try to make good, an organization that we all know has not made good.

Besides that, I think it is a great mistake to have temporary control over a permanent job. Radio has come to stay in this

world, and yet here we propose to continue an organization for one year only in order to care for a permanent proposition that ought to be in the hands of a permanent bureau or department. Therefore I think if it were practical we ought to start at the beginning and do away with this so-called commission and put radio control into the hands of some definite and permanent organization of the Government.

Further than that, I am not one of those scared by the talk of monopoly or big business. The people of this country to-day do not care a continental how radio comes to them or who is providing it for them, so long as they get it.

As a listener-in and not as a scientific student of the subject I am convinced that the only way to get results is through the large stations. It is a favorite pastime of this House to talk about monopoly and big business, but big business, whether in the form of the corporations that have put large sums of money into the establishment of these stations or in the form of concerns that are buying the time of those stations and employing the highest-priced talent, is giving results to the people of the country, and that is what the people want.

We did suppose that under the control of the commission confusion on the ether would be done away with, but let anyone listen in to-night and see whether they have accomplished anything in the way of doing away with confusion.

Therefore I can see no object whatever in trying to bring about the equal distribution of wave lengths or anything else having to do with radio. These big companies are giving service to the people, and when I say "giving" I mean just what the word "giving" means—they are giving the service absolutely without charge. There has been no way yet discovered that I have heard of whereby the listener-in can be charged for that service, and until that time does come the great corporations and the large purchasers of time should have the privilege and the right to distribute free to the people of this country the best concerts and the best intelligence they can get, and that is the only way we can get them. I am therefore opposed to the equalization clause in this bill.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WHITE of Maine. Mr. Chairman, may I inquire of the gentleman from Michigan how many other speakers he has?

Mr. CLANCY. Mr. Chairman, the chairman's side has 70 minutes remaining.

Mr. WHITE of Maine. Oh, no.

Mr. LEHLBACH. Will the gentleman yield?

Mr. WHITE of Maine. Yes.

Mr. LEHLBACH. I made an inquiry of the timekeeper and found that the gentleman from Maine [Mr. WHITE] has 40 minutes and the gentleman from Tennessee [Mr. DAVIS] 30 minutes. That leaves 70 minutes for the proponents of this proposition. Those opposed to this proposition have a total of 38 minutes remaining, so that the proponents have almost twice as much time remaining as those who are opposed to the proposition. Now, it seems to me to be fair and equitable that we should not be called upon to use any more time until the time is more nearly equal.

Mr. WHITE of Maine. The gentleman's statement is interesting and I take it to be true, but it is not responsive to the question I asked. I wonder if the gentleman would indicate how many speeches he has on his side yet to be made.

Mr. LEHLBACH. Will the gentleman again yield?

Mr. CLANCY. Yes.

The CHAIRMAN. The Chair would like to inquire whose time is being used.

Mr. LEHLBACH. No time is being used because this is on an inquiry directed to the Chair as to the time.

The CHAIRMAN. The statement of the assumption as to time is correct.

Mr. LEHLBACH. The proponents of the bill have 32 minutes more than those who are opposed to it. It is now 23 minutes after 4 o'clock. When the 32 minutes are used, it will be five minutes of 5 o'clock. So it is obvious that the opponents of the bill have no more speeches this afternoon.

Mr. WHITE of Maine. Mr. Chairman, it is true that I have at my control 40 minutes. It is also true, I believe, that the gentlemen opposed to the bill on this side have 32 minutes.

Mr. CLANCY. Thirty minutes.

Mr. WHITE of Maine. I wonder if we could arrange it so that if I utilized 10 minutes now the gentleman would utilize some more of his time?

Mr. LEHLBACH. Mr. Chairman, it is not a matter of how the time is divided on this side of the aisle, but how the time is divided between the opponents in the committee here and the proponents in the committee here. That is the only way to look at it, and that is 70 minutes on one side and 38 minutes on the other.

Mr. WHITE of Maine. Is the gentleman willing to use some of his time at this time?

Mr. CLANCY. No.

Mr. WHITE of Maine. Does the gentleman from Tennessee desire to use some time now?

Mr. DAVIS. I can yield time now.

Mr. DENISON. If the gentleman will permit, if nobody wants to talk, why not go ahead and read the bill?

Mr. GARRETT of Tennessee. Is the gentleman agreeable to a suggestion?

Mr. WHITE of Maine. I would be very happy to have one.

Mr. GARRETT of Tennessee. It is now 4.25 and lacks 35 minutes of the usual time for rising, and this is Saturday——

Mr. WHITE of Maine. I accept the suggestion. I had it in mind myself to move that the committee rise, but I will withhold that motion for a few moments. I understand the gentleman from Tennessee wants to utilize some of his time now and I give notice that at the termination of the next speech I will move that the committee rise.

Mr. DAVIS. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. BLAND].

Mr. BLAND. Mr. Chairman and gentlemen of the committee, I should not ask to go on this afternoon except for the possibility that I can not be here Monday and I should like to make some suggestions as to this legislation.

I think we ought to approach the consideration of this legislation with a realization of the fact we are dealing with one of the most important matters that can come before the Congress for its consideration at this session. The mere question of extending the life of the commission or of writing this amendment into law might not itself be so important, but we are dealing, gentlemen, with an art, the extent of which, the scope of which, the far-reaching effect of which, we can not realize now, and of which we have absolutely no comprehension.

When we pick up the daily newspapers and see that upon some wave bands pictures are radioed across the ocean; walk down our streets and see cars moved—as we have within the last few days—by the application of radio; when we go to the newspapers and see the statement that there are inventions that will permit the lighting of houses, the cooking of our food, and the use of power in various directions, we must realize, gentlemen, that we are dealing with something more than the mere matter of transmitting a jazz program over the radio for the entertainment of a temporary audience.

We are dealing with an art that the commissioner, the only commissioner who has been confirmed, Judge Sykes, says is so rapidly changing and so far-reaching that he can not, and we can not, tell what changes may be brought forth in the course of a year.

At the hearings Judge Sykes said:

> I do not think that any of us can possibly say what another year will bring forth in radio. It is developing so very rapidly that I would hate to attempt to prophesy what the conditions would be in another year.

Realizing that, this Congress wrote into law in the dying or closing days of the last Congress provisions to the effect that there should be assignments and allocations that would be equitable. Section 9, among other things, said:

> In considering applications for licenses and renewals of licenses, when and in so far as there is a demand for the same, the licensing authority shall make such a distribution of licenses, bands of frequency of wave lengths, periods of time for operation, and of power among the different States and communities as to give fair, efficient, and equitable radio service to each of the same.

This language is contained in the existing law, but what is the situation? We find that in the interpretation of this language two lines of thought have arisen in the commission. The one line of thought, as expressed by Commissioner Sykes, was in direct accord with the views that were expressed on this floor, in the committee, and in the Congress at the time the law was enacted. But there is another interpretation that has come into the commission, the interpretation for which Commissioner Caldwell, of New York, would appear to stand, and that interpretation is in favor of high-powered stations and is in favor of equitable service as read only in the light of service to the listener.

Judge Sykes, at the hearings, said:

> Now, there is some difference of opinion as to the construction of that particular clause of the act. A great many people for whose opinions I have the highest regard and respect, eminent lawyers, have this idea, as I understand, of that clause of the law—that if a State

and a community in a State are getting good radio service from stations in other States, then that State and community are getting good radio service; and, therefore, that State or community is being served and, as a State or community in a State, is not entitled to a radio station. That is not my opinion of this clause of the law. My opinion of that clause is it means it was put there to give to the States their pro rata quota of radio stations and to communities in States, and that has been my insistence as a member of the Federal Radio Commission on the construction of that section of the law.

Commissioner Caldwell's views are illustrated in his answer to an inquiry by Judge DAVIS if it was his idea that whatever power would be employed should be equitably distributed or that it should be concentrated at a few places. Commissioner Caldwell said:

Certainly, from the standpoint of giving purely radio service and good radio service to listeners; that is my understanding of the purpose of the law and is the basis on which I have worked on the commission. I feel that both must be considered. There is a place for the relatively high-powered station and there is also a place for the local station rendering a local service.

Commissioner Caldwell's interpretation of the law is further evidenced by his answer.

I believe it will be in the public interest to have at least four or five high-powered stations on the chain, widely distributed geographically. In other words, there is a proper use for the high-powered chain station on the air, one around Chicago, one in the Southwest, and perhaps one in the South, because this commission has undertaken through these chains to bring to every home in America a clear program, and as long as we have merely local stations such clear programs are impossible.

According to the interpretation that if programs reach all listeners, equitable service is provided, if the listener in Tennessee, if the listener in Texas, if the listener in Georgia, if the listener in Missouri, if the listener in the West is able to get a jazz program, if he is able to get something put on by a high-powered station in New York he has obtained the equitable service to which he is entitled under this act. That is the necessary and logical deduction that follows from the interpretation which the commissioner has given.

That interpretation not only comes as an expression from him but it comes by the operations of the commission itself. The result is that this committee, in the consideration of this question, has determined that the commission shall recognize that in radio as in law, equality is equity, and we have written that into the law.

Gentlemen, bear in mind another thing that the interpretation complained of will result in building up in this most important art one of the most enormous monopolies that has existed in the history of this Republic. First, let me call your attention to the fact that there is to-day pending in the Federal courts of this country an action instituted on behalf of the Federal Trade Commission seeking to bring to bar the Radio Corporation of America, the General Electric, and the Westinghouse companies on a charge that they have pooled their patents in violation of the law against trusts and monopolies. The evidence shows that the National Broadcasting Co. is organized and owned by the Radio Corporation of America, the Westinghouse, and General Electric. According to the evidence, the high-powered broadcasting stations cause the greatest interference. They are more far-reaching than any other station. Commissioner Sykes said:

The greater the power, of course, the more interference you have from the carrier wave.

Commissioner Caldwell supported this view. What is the situation? We have KDKA, a Westinghouse station, at Pittsburgh, Pa., with 50,000 watts. WEAF, of New York City, owned by National Broadcasting Co., with 50,000 watts; WGY, of Schenectady, N. Y., owned by the General Electric, with 50,000 watts; WJZ, of Boundbrook, N. J., owned by the National Broadcasting Co., with 30,000 watts; and WGN, an independent station at Chicago, with 50,000 watts. These are in a congested section, and yet in other sections of the country there is very low power. We contend that this is not equitable distribution. We contend that if this congested area will bear this and other wattage, surely other sections can be increased.

Mr. CELLER. Will the gentleman yield?

Mr. BLAND. I will.

Mr. CELLER. With reference to the national program in the presidential campaign and the high-powered stations——

Mr. BLAND. I can conceive that certain national programs might be exceedingly dangerous at times to any party. More than that, I can conceive that the high-powered station monopoly might pass into the hands of propagandists for propaganda purposes, and into the hands of special interests for the advertisement of particular commodities. Favored interests thus afforded an exclusive opportunity to advertise their goods in all sections of the country could work a great injustice to the more local commerce in different sections of the country. [Applause.]

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. WHITE of Maine. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON having taken the chair as Speaker pro tempore, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 2317) continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes, and had come to no resolution thereon.

PERMISSION TO ADDRESS THE HOUSE

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent that at the conclusion of the disposition of a matter which the gentleman from Illinois [Mr. DENISON] has, the gentleman from Florida [Mr. GREEN] be permitted to address the House for one minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

THE AGRICULTURAL SITUATION

Mr. WILLIAMS of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the agricultural situation.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. WILLIAMS of Missouri. Mr. Speaker and Members of the House, agriculture is the basic industry of the Nation, and the farmer was the pioneer in the field of material progress and development. In the beginning he tilled the soil and raised, garnered, and threshed or cribbed the grain; he milked the cows and made the butter and fed the chickens and gathered the eggs; he raised the hogs and did his own butchering; he built his own house, crib, and stable with the aid of his neighbors; he sharpened his own plows and shod his own horses; he mended, and often made, his own shoes; the wife carded the wool and spun the yarn and wove the cloth and made the garments for family use. The man on the farm and the good housewife did it all. They were the ones who were subjected to the hardships and dangers of pioneer life. The ones who cleared the forests and built the cabins. The ones who endured privations and hunger and disease and want. They blazed the trail; they were the pathfinders.

As settlements were formed and communities grew division of labor and diversity of employment came. There grew up the blacksmith, the carpenter established himself, the weaver set up his loom, the cobbler built his shop and the trader his store. Out of these and other primitive forms of endeavor have developed the highly complex and complicated industrial, commercial, and financial system of the present. In their place immense and highly technical and intricate industrial plants have been established. Great entangling webs of commerce, transportation, and communication have been extended. A massive, involved, and difficult system of credits and finance has been developed. Labor has become highly efficient and discriminating. The specialist has acquired a degree of skill and dexterity that is little short of miraculous. It is said that there are 185 distinct operations in the making of a shoe. While the farmer has advanced from his primitive stage and now enjoys many comforts and some of the luxuries of life, he has not been able to keep up with the procession. A little while ago he was the leader in the business, financial, social, and political affairs of the country, but now he has dropped behind. Notwithstanding the fact that he was the pioneer in the field, that his occupation was the original, basic, fundamental one from which all others emanated and grew, in spite of all that he has been outstripped in the race. The parent industry remains attached and tied to the soil. The dominant, basic industry, the one to which Washington and Jefferson retired in their declining years, has been overshadowed by the others. In the swirl of these intricacies and complexities the farmer has been lost, and his voice can not be heard above the babble of the markets and the clanging and the shrieking of the shops.

While there has been a great increase in the wealth of the country in the period from 1920 to 1925, it is estimated that the value of farm lands and products has fallen off $30,000,000,000. In my own State of Missouri there are over 2,000,000 acres less in farm lands than there were in 1920, while the value of farm property has depreciated 36 per cent. Farm-mortgage indebtedness has increased, wages are higher, taxes are more, transportation rates have grown, and the purchasing power of the

farmer's dollar has fallen far below par. He is the only one in the scheme of things that pays the freight both ways and has nothing to say about the price which he receives for the products he sells or for the goods which he buys. If he takes a basket of eggs or a few pounds of butter or a half dozen chickens to a country or town store to sell, he inquires of the clerk in the store how much he is paying for the articles mentioned. The clerk consults the prices given in the daily paper—prices fixed by men and conditions in the centers of trade over which the farmer has no control and with which he has nothing to do—and the clerk then tells the farmer that he will receive a certain per cent below the market price for his goods, which price the farmer must take. Then if the farmer wants to purchase a pair of overalls, a garden rake, or a few pounds of sugar, the clerk again hands out the price which is fixed thousands of miles away without any thought or consideration for the farmer. If the farmer should chance to have a carload of hogs or hay or wheat to sell, he pays the freight on his products to their destination—a freight fixed by the railroad under the direction of the Interstate Commerce Commission—and unloads them upon a market fixed by commission merchants, boards of trades, or other agencies unknown to the farmer. He must accept the price fixed by them. He then wants to buy a binder or a mower. He goes to the dealer and there pays a price fixed by some one in some way unknown to the farmer, and then pays the freight on the machine when it is delivered at the railroad station.

In the last few years laws have been enacted with special reference to and in aid of other groups of our population and other industries and institutions. The railroad act of 1920 practically insures the railroads of the country a net income of 6 per cent on their investment. It provides a revolving fund out of which money may be taken to aid the weaker and, it may be, the poorly managed roads. Under this law during the last three years the railroads have been prosperous. They may fix the rates at such a price as to insure an adequate income to them, and the farm pays it. It is necessary to establish and maintain the railroads of this country on a stable and a secure basis, and to make our transportation system ready, secure, and efficient. No one would urge that it be crippled or handicapped. But what about the farmer?

The Federal reserve bank act, the greatest piece of financial legislation in all time, created the Federal Reserve Board, with large powers over the contraction and expansion of currency and credit and the establishment of interest rates. This board in a great measure controls the banking policy and the financial condition of the country. While the farmers have shared in the general benefits derived from this law, it was enacted primarily for the purpose of regulating and benefiting the banking interests of the country, and has been so used. I would not detract from the beneficent results flowing from its operation. But why not a law having the interest of the farmer in view?

In recent years labor as a group has secured beneficial legislation. Employment bureaus have been established, a Labor Board for the settlement of labor disputes has been created. Strict immigration laws have been enacted, laws which prevent the inflow of foreign labor to be brought into competition with American labor. Labor needed these laws. Everybody except the most case hardened is glad that we have them. Even with these laws unemployment is great and labor conditions are not good in many places. These laws may not have brought complete relief but they have been helpful and were enacted in the interest of and at the suggestion and solicitation of labor. Farmers are now asking relief. What shall we do?

The Government created the Shipping Board to establish, maintain, and operate a merchant fleet to carry on our commerce and transport our goods to the ports of the world. Under that act we have maintained and increased our commerce with the nations of the earth. Whatever is our final policy, whether the Government shall maintain and operate our merchant marine or whether it shall be owned and maintained by private enterprise, it will be done at great expense to the Government. If our commerce is to be maintained, if our goods are to be carried in American vessels and our flag kept flying on the sea, then Government aid must be had. Everyone is in favor of securing our trade relations and developing our merchant marine, even to the extent of special legislation along that line, but why not give some special attention to the farmers' needs?

Many of the industrial concerns, the great factories of the country, are enjoying the benefits of special legislation in the form of a high protective tariff. They are operating behind a high legislative wall of protection, which prevents them from coming into competition with the outside world and which enables them to charge exorbitant prices for their products and accumulate inordinate profits. It is generally conceded that our present tariff law is a detriment to the farmer in two respects. In the first place it has hampered the foreign market of the American farmer by reducing its purchasing power. The tariff is so high that none of the foreign nations can sell their goods here. If they can not sell their goods, they can not buy the farmers' products. By excluding their goods from our market we have excluded our farm products from their market. In the second place the present high tariff has increased the cost of production of farm products. There are many who believe that a readjustment of our tariff schedule will bring relief to the farmer. Decrease the cost of living and of production and at the same time enlarge the foreign market so that it may absorb the farm surplus of this country and thereby raise the price. That the present tariff system, so far as the farmer is concerned, has broken down is generally admitted. That the tariff rates are effective as to the farmer will not be seriously contended. All those who believe in a protective tariff and are now asking for farm relief, admit that the tariff rates are not now effective as to farm products, and ask that legislation be enacted to make them effective.

The Republican platform of 1924 stated:

> We pledge the party to take whatever steps are necessary to bring back a balanced condition between agriculture, industry, and labor.

Here is a recognition that there is not an even balance; that there is something wrong; that the agricultural industry of the country is not on an economic level with other enterprises. And again—

> the Republican Party pledges itself to the development and enactment of measures which will place the agricultural interests of America on a basis of economic equality with other industries to insure its prosperity and success.

Here is a very frank, honest, and plain statement that the farming interests were out of balance with other industries and that the enactment of legislation, the passage of law, was necessary and pledged in order to bring about an economic equality between agriculture and other industries. Our present tariff law was in effect then, and had been for two years, but it had not brought an even level or an economic equality to agriculture.

The American farmer raises a large surplus of all his basic products which he must export and sell in foreign countries on a world market. The placing of duties on goods which we export has no practical effect. Why should we import wheat from Canada, except it may be a comparatively small amount of certain varieties, and pay 42 cents per bushel tariff when wheat of the same kind and variety is selling on the Winnipeg and Minneapolis market at the same price? How can this country be flooded with Canadian wheat when both countries are exporting millions of bushels and selling at the same price in a world market?

Is there any danger of the Canadian farmer selling his wheat to the American farmer at 42 cents a bushel less than he can get at home? Or is there a chance of the American consumer paying the Canadian farmer 42 cents more per bushel for his wheat than he would pay the American farmer? What is true of wheat is true of all basic agricultural products. Oh, it is true that a small quantity of these various products are imported usually for some special use, but the amount is so small compared with the amount produced here and the amount exported as to not make a ripple on the economic sea. The fact is that the tariff rates on farm products are not effective and are of no benefit to him. The further fact is that the farmer derives no benefit from the placing of farm machinery on the free list. In the first place all the materials of which the implements are constructed are on the protected list and by reason of that, farm machinery has more than doubled in price in the last few years. Again practically no farm implements or machinery of the kind used by the American farmer are manufactured outside the United States and very little is imported and almost all that along the Canadian border. In 1926 there was 17 times as much farm machinery exported from the United States as there was imported into it and the amount imported was less than one-fifth of 1 per cent of the amount in use here.

According to the report of the Department of Commerce in the year 1926, there was not imported a single plow, cultivator, threshing machine, binder, mower, rake, planter, drill, or tractor, through the customs office of the great city of St. Louis, of almost a million people, and in the very center of the greatest agricultural section of our land.

Agricultural implements on the free list is a delusion and a snare.

> It is as a tale, told by an idiot. Full of sound and fury, signifying nothing.

With the high tariff rates protecting the industries of the country and increasing the cost of living and the cost of production for the farmer, and at the same time limiting and curtailing his foreign market and thereby forcing the price of his products downward; with the tariff rates on farm products inoperative and the farm machinery free list a mere sop, it is time that an economic inequality be recognized between agriculture and other industries, and a remedy sought. One of two things seems evident. The tariff rates should be made operative and effective as to farm products or there should be an intelligent readjustment of our tariff rates so as to equalize more nearly the benefits which may accrue to both industry and agriculture.

The National Industrial Conference Board and the Chamber of Commerce of the United States of America appointed a business men's commission on agriculture to study conditions of agriculture and suggest measures for its improvement. This committee was composed of men representing the big industrial, banking, and transportation business of the country.

Men who were thoroughly saturated with the high-protective tariff policy as applied to our industries. The chairman of that commission was that distinguished Missourian, Charles Nagel, Secretary of Commerce in Mr. Taft's Cabinet, an apostle of a high-protective tariff. This commission, after considering the improvement of farm conditions through tariff readjustment and showing that a lowering of the tariff wall would reduce the cost of production for the farmer and give him an enlarged foreign market for his surplus, made this statement:

> In view of these considerations, the commission believes that the time has come to give serious thought to the question of whether, under the prevailing conditions of American industry, agriculture, and international trade the benefits of the protective-tariff system are fairly enough distributed as between industry and agriculture to make for a stable balance in our national economy and protect the long-time interests of the Nation.

This from the high priests of protection.

I am one of those who believe in a readjustment of our tariff rates. Not that it should be done in the spirit of reckless abandon. But rather that the job be undertaken in a calm, intelligent, fair, and equitable manner, with the interests of the whole country in view and not a particular section or a special industry. Develop a policy that will distribute the load if economic burdens are to be borne. Establish a system that will permit all to share equally in the benefits and blessing which may accrue.

It seems at this time that no general revision or adjustment of the tariff rates can be undertaken. Then it would appear proper to undertake by appropriate legislation to set in operation the machinery to assist the farmer in taking care of his surplus products and in stabilizing his market. In view of the fact that other enterprises and other groups have received legislation in their interest it is not amiss to enact laws which will at least put agriculture on an equality with other industries.

If it requires the formation of a farm board and the establishment of an equalization fee, as contended by some, or the issuing of export debentures or certificates, as claimed by others, some plan should be undertaken. It is said that the plan will not work. Boards for the regulation and assistance of other industries have been a success. Let us try. It is claimed that it is a subsidy. This is denied. But even so, it is no more of a subsidy than that already granted to some other enterprises. It is contended that the plan will take large sums of money from the Treasury for its maintenance. It may and probably will require the expenditure of some of the Government's revenue. It would not be the first time that the Government has spent money in its various activities and in its efforts to help. It is better that it cost a great deal than to have the basic industry of the country seriously crippled or destroyed, for—

> A bold peasantry, their country's pride,
> When once destroyed can never be supplied.

The farmer is not asking for a subsidy, but only for an equal opportunity and a fair chance. There is no more energetic, frugal, and thrifty class than the farmers, no more honest and patriotic, hospitable, and loyal people than they. They are deserving of more consideration and entitled to the highest place in the economic development of our country.

The farmers of this land must not become "hewers of wood and drawers of water." Their condition can no longer be ignored. Their rights must be recognized and their needs respected. Born and reared on a farm in southeast Missouri, I grew to manhood under the arduous labors and heavy tasks of farm life. Coming as I do from the farm, I know the needs and the longings, and can feel the pulse beat and catch the vision of these people. I can see them in the early days of spring as they follow the plow in the furrowed fields and prepare the soil for the seed time; I can see them toiling from early morn till eventide under the burning heat of a July sun to garner their grain; I can see them in the frosty days of Autumn, pulling the corn from the stubborn stalk, and amidst the drifting snow and blinding sleet of winter, feeding and tending their stock. Amidst it all they have set their face toward the future, looking and longing and hoping for the dawn of a better and a brighter day. They have the greatest hopes and the noblest aspirations for those things that are highest and best and most beautiful in life. These hopes must not be crushed; these aspirations must not be destroyed.

AIR MAIL SERVICE

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter I addressed to the Postmaster General and his reply thereto, with some statistical tables relating to the transcontinental airplane service.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. TREADWAY. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following:

On February 25 last I inquired of the Postmaster General how closely the scheduled Air Mail Service between the East and the Pacific coast was being maintained. I append hereto our correspondence, as well as the data furnished by the Postmaster General. From the latter it will be seen that the service is being operated remarkably close to schedule:

FEBRUARY 25, 1928.

The POSTMASTER GENERAL,
Washington, D. C.

DEAR SIR: I frequently note in the New York papers the air-mail schedule to the Pacific coast. I suppose the records show how nearly the schedule is maintained. If any statistics are available for, say, the last three months, I should be glad to have them, as well as any other details regarding the service that might be of interest.

Very truly yours,

ALLEN T. TREADWAY.

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., March 5, 1928.

Hon. ALLEN T. TREADWAY,
House of Representatives.

MY DEAR MR. TREADWAY: I have your letter of February 25, in which you refer to the transcontinental air mail schedule and desire to be furnished with statistics covering the same.

I take pleasure in inclosing herewith a three months' record of the arrivals at each terminal of the transcontinental route. There are also inclosed several tables showing the amount of mail carried, miles flown, etc., on all routes in the country.

Very truly yours,

HARRY S. NEW, *Postmaster General.*

Statement showing arrivals of the transcontinental route at New York and San Francisco during the months of September, October, and November, 1927

Left San Francisco—	Due New York—	Arrived New York—
Sept. 1, 8.45 a. m.	Sept. 2, 4.45 p. m.	Sept. 2, 4.00 p. m.
Sept. 2, 8.50 a. m.	Sept. 3, 4.45 p. m.	Sept. 3, 4.47 p. m.
Sept. 3, 8.45 a. m.	Sept. 4, 4.45 p. m.	Sept. 4, 4.21 p. m.
Sept. 4, 9.20 a. m.	Sept. 5, 4.45 p. m.	Sept. 5, 4.32 p. m.
Sept. 5, 9.07 a. m.	Sept. 6, 4.45 p. m.	Sept. 6, 7.10 p. m.
Sept. 6, 8.45 a. m.	Sept. 7, 4.45 p. m.	Sept. 7, 3.45 p. m.
Sept. 7, 8.57 a. m.	Sept. 8, 4.45 p. m.	Sept. 8, 5.39 p. m.
Sept. 8, 8.55 a. m.	Sept. 9, 4.45 p. m.	Sept. 9, 5.55 p. m.
Sept. 9, 9.10 a. m.	Sept. 10, 4.45 p. m.	Sept. 10, 3.44 p. m.
Sept. 10, 8.45 a. m.	Sept. 11, 4.45 p. m.	Sept. 11, 8.06 p. m.
Sept. 11, 9.10 a. m.	Sept. 12, 4.45 p. m.	Sept. 12, 3.50 p. m.
Sept. 12, 9.13 a. m.	Sept. 13, 4.45 p. m.	Sept. 13, 3.16 p. m.
Sept. 13, 8.45 a. m.	Sept. 14, 4.45 p. m.	Sept. 14, 3.40 p. m.
Sept. 14, 8.49 a. m.	Sept. 15, 4.45 p. m.	Sept. 15, 3.22 p. m.
Sept. 15, 8.45 a. m.	Sept. 16, 4.45 p. m.	Sept. 16, 7.10 p. m.
Sept. 16, 8.45 a. m.	Sept. 17, 4.45 p. m.	Sept. 17, 4.00 p. m.
Sept. 17, 8.45 a. m.	Sept. 18, 4.45 p. m.	Sept. 18, 4.50 p. m.
Sept. 18, 9.05 a. m.	Sept. 19, 4.45 p. m.	Sept. 19, 3.20 p. m.
Sept. 19, 8.45 a. m.	Sept. 20, 4.45 p. m.	Sept. 20, 3.47 p. m.
Sept. 20, 8.57 a. m.	Sept. 21, 4.45 p. m.	Sept. 21, 3.58 p. m.
Sept. 21, 8.45 a. m.	Sept. 22, 4.45 p. m.	Sept. 22, 3.56 p. m.
Sept. 22, 8.45 a. m.	Sept. 23, 4.45 p. m.	Sept. 23, 3.44 p. m.
Sept. 23, 8.55 a. m.	Sept. 24, 4.45 p. m.	Sept. 24, 4.15 p. m.
Sept. 24, 8.45 a. m.	Sept. 25, 4.45 p. m.	Sept. 26, 4.24 p. m.
Sept. 25, 9.10 a. m.	Sept. 26, 4.45 p. m.	Sept. 28, 10.51 a. m.
Sept. 26, 8.45 a. m.	Sept. 27, 4.45 p. m.	Sept. 28, 10.51 a. m.
Sept. 27, 8.45 a. m.	Sept. 28, 4.45 p. m.	Sept. 29, 10.59 a. m.
Sept. 28, 8.45 a. m.	Sept. 29, 4.45 p. m.	Sept. 30, 12.17 a. m.
Sept. 29, 8.45 a. m.	Sept. 30, 4.45 p. m.	Sept. 30, 4.49 p. m.
Sept. 30, 9.00 a. m.	Oct. 1, 4.45 p. m.	Oct. 2, 7.19 p. m.
Oct. 1, 8.45 a. m.	Oct. 2, 4.45 p. m.	Oct. 2, 8.30 p. m.
Oct. 2, 9.10 a. m.	Oct. 3, 4.45 p. m.	Oct. 3, 5.42 p. m.
Oct. 3, 8.45 a. m.	Oct. 4, 4.45 p. m.	Oct. 4, 3.12 p. m.

Statement showing arrivals of the transcontinental route at New York and San Francisco during the months of September, October, and November, 1927—Continued

Left San Francisco—	Due New York—	Arrived New York—
Oct. 4, 8.45 a. m.	Oct. 5, 4.45 p. m.	Oct. 5, 4.23 p. m.
Oct. 5, 8.45 a. m.	Oct. 6, 4.45 p. m.	Oct. 7, 9.31 a. m.
Oct. 6, 8.45 a. m.	Oct. 7, 4.45 p. m.	Oct. 7, 4.02 p. m.
Oct. 7, 8.45 a. m.	Oct. 8, 4.45 p. m.	Oct. 8, 4.10 p. m.
Oct. 8, 8.45 a. m.	Oct. 9, 4.45 p. m.	Oct. 9, 4.08 p. m.
Oct. 9, 9.10 a. m.	Oct. 10, 4.45 p. m.	Oct. 10, 3.52 p. m.
Oct. 10, 8.45 a. m.	Oct. 11, 4.45 p. m.	Oct. 11, 4.18 p. m.
Oct. 11, 8.45 a. m.	Oct. 12, 4.45 p. m.	Oct. 13, 9.30 a. m.
Oct. 12, 8.53 a. m.	Oct. 13, 4.45 p. m.	Oct. 13, 3.21 p. m.
Oct. 13, 8.45 a. m.	Oct. 14, 4.45 p. m.	Oct. 14, 3.46 p. m.
Oct. 14, 8.45 a. m.	Oct. 15, 4.45 p. m.	Oct. 15, 4.00 p. m.
Oct. 15, 10.27 a. m.	Oct. 16, 4.45 p. m.	Oct. 16, 4.27 p. m.
Oct. 16, 7.17 a. m.	Oct. 17, 4.45 p. m.	Oct. 18, 9.30 a. m.
Oct. 17, 7 a. m.	Oct. 18, 4.45 p. m.	Oct. 19, 9.40 a. m.
Oct. 18, 7 a. m.	Oct. 19, 4.45 p. m.	Oct. 20, 4.55 a. m.
Oct. 19, 7 a. m.	Oct. 20, 4.45 p. m.	Oct. 20, 4.12 p. m.
Oct. 20, 7.15 a. m.	Oct. 21, 4.45 p. m.	Oct. 21, 3.14 p. m.
Oct. 21, 11.30 a. m.	Oct. 22, 4.45 p. m.	Oct. 22, 3.01 p. m.
Oct. 22, 8.32 a. m.	Oct. 23, 4.45 p. m.	Oct. 23, 3.08 p. m.
Oct. 23, 7 a. m.	Oct. 24, 4.45 p. m.	Oct. 24, 3.22 p. m.
Oct. 24, 7 a. m.	Oct. 25, 4.45 p. m.	Oct. 25, 5.40 p. m.
Oct. 25, 7 a. m.	Oct. 26, 4.45 p. m.	Oct. 26, 4.08 p. m.
Oct. 26, 6.38 p. m. (Salt Lake section).[1]	Oct. 27, 4.45 p. m.	Oct. 27, 4.10 p. m.
Oct. 27, 7 a. m.	Oct. 28, 4.45 p. m.	Oct. 28, 3.31 p. m.
Oct. 28, 7 a. m.	Oct. 29, 4.45 p. m.	Oct. 31, 2.17 a. m.
Oct. 29, 3.56 p. m. (Salt Lake section).[1]	Oct. 30, 4.45 p. m.	Oct. 31, 2.17 a. m.
Oct. 30, 3.20 p. m. (Salt Lake section).[1]	Oct. 31, 4.45 p. m.	Oct. 31, 3.26 p. m.
Oct. 31, 7 a. m.	Nov. 1, 4.45 p. m.	Nov. 1, 11.35 p. m.
Nov. 1, 7 a. m.	Nov. 2, 4.45 p. m.	Nov. 2, 4.06 p. m.
Nov. 2, 7 a. m.	Nov. 3, 4.45 p. m.	Nov. 4, 7.05 a. m.
Nov. 3, 7 a. m.	Nov. 4, 4.45 p. m.	Nov. 4, 4.15 p. m.
Nov. 4, 7 a. m.	Nov. 5, 4.45 p. m.	Nov. 5, 4.29 p. m.
Nov. 5, 7 a. m.	Nov. 6, 4.45 p. m.	Nov. 6, 3.30 p. m.
Nov. 6, 7 a. m.	Nov. 7, 4.45 p. m.	Nov. 7, 3.35 p. m.
Nov. 7, 7 a. m.	Nov. 8, 4.45 p. m.	Nov. 10, 4.55 a. m.
Nov. 8, 3.27 p. m. (Salt Lake section).[1]	Nov. 9, 4.45 p. m.	Nov. 10, 5.09 a. m.
Nov. 9, 3.05 p. m. (Salt Lake section).[1]	Nov. 10, 4.45 p. m.	Nov. 11, 5.12 a. m.
Nov. 10, 7 a. m.	Nov. 11, 4.45 p. m.	Nov. 11, 11.01 p. m.
Nov. 11, 7 a. m.	Nov. 12, 4.45 p. m.	Nov. 12, 3.27 p. m.
Nov. 12, 4.15 p. m. (Salt Lake section).[1]	Nov. 13, 4.45 p. m.	Nov. 13, 3.46 p. m.
Nov. 13, 7 a. m.	Nov. 14, 4.45 p. m.	Nov. 15, 9.20 a. m.
Nov. 14, 7 a. m.	Nov. 15, 4.45 p. m.	Nov. 15, 6.48 p. m.
Nov. 15, 7 a. m.	Nov. 16, 4.45 p. m.	Nov. 17, 2.10 p. m.
Nov. 16, 7 a. m.	Nov. 17, 4.45 p. m.	Nov. 17, 6.38 p. m.
Nov. 17, 10 a. m.	Nov. 18, 4.45 p. m.	Nov. 19, 3.02 p. m.
Nov. 18, 7 a. m.	Nov. 19, 4.45 p. m.	Nov. 20, 3.18 p. m.
Nov. 19, 11.16 a. m.	Nov. 20, 4.45 p. m.	Nov. 20, 3.31 p. m.
Nov. 20, 7.32 a. m.	Nov. 21, 4.45 p. m.	Nov. 22, 10.15 a. m.
Nov. 21, 7 a. m.	Nov. 22, 4.45 p. m.	Nov. 23, 7.00 p. m.
Nov. 22, 7 a. m.	Nov. 23, 4.45 p. m.	Nov. 23, 4.45 p. m.
Nov. 23, 7 a. m.	Nov. 24, 4.45 p. m.	Nov. 25, 9.40 a. m.
Nov. 24, 7 a. m.	Nov. 25, 4.45 p. m.	Nov. 25, 7.49 p. m.
Nov. 25, 7 a. m.	Nov. 26, 4.45 p. m.	Nov. 26, 3.36 p. m.
Nov. 26, 9.50 a. m.	Nov. 27, 4.45 p. m.	Nov. 28, 10.10 p. m.
Nov. 27, 7 a. m.	Nov. 28, 4.45 p. m.	Nov. 29, 10.35 a. m.
Nov. 28, 7.15 a. m.	Nov. 29, 4.45 p. m.	Dec. 1, 5.25 p. m.
Nov. 29, 7 a. m.	Nov. 30, 4.45 p. m.	Dec. 1, 5.25 p. m.
Nov. 30, 7 a. m.	Dec. 1, 4.45 p. m.	Dec. 1, 4.18 p. m.

Left New York—	Due San Francisco—	Arrived San Francisco—
Sept. 1, 1.05 p. m.	Sept. 2, 4.30 p. m.	Sept. 3, 7.50 a. m.
Sept. 2, 12.37 p. m.	Sept. 3, 4.30 p. m.	Sept. 4, 8.50 a. m.
Sept. 3, 12.51 p. m.	Sept. 4, 4.30 p. m.	Sept. 4, 4.08 p. m.
Sept. 4, 12.41 p. m.	Sept. 5, 4.30 p. m.	Sept. 5, 4.08 p. m.
Sept. 5, 12.15 p. m.	Sept. 6, 4.30 p. m.	Sept. 7, 9.32 a. m.
Sept. 6, 12.30 p. m.	Sept. 7, 4.30 p. m.	Sept. 8, 7.05 a. m.
Sept. 7, 12.35 p. m.	Sept. 8, 4.30 p. m.	Sept. 8, 6.02 p. m.
Sept. 8, 12.29 p. m.	Sept. 9, 4.30 p. m.	Sept. 9, 6.03 p. m.
Sept. 9, 12.25 p. m.	Sept. 10, 4.30 p. m.	Sept. 10, 5.40 p. m.
Sept. 10, 12.20 p. m.	Sept. 11, 4.30 p. m.	Sept. 11, 6.05 p. m.
Sept. 11, 12.35 p. m.	Sept. 12, 4.30 p. m.	Sept. 12, 4.10 p. m.
Sept. 12, 12.20 p. m.	Sept. 13, 4.30 p. m.	Sept. 13, 5.40 p. m.
Sept. 13, 12.23 p. m.	Sept. 14, 4.30 p. m.	Sept. 14, 5.20 p. m.
Sept. 14, 12.42 p. m.	Sept. 15, 4.30 p. m.	Sept. 15, 4.54 p. m.
Sept. 15, 12.20 p. m.	Sept. 16, 4.30 p. m.	Sept. 17, 7.03 a. m.
Sept. 16, 12.30 p. m.	Sept. 17, 4.30 p. m.	Sept. 17, 4 p. m.
Sept. 17, 12.35 p. m.	Sept. 18, 4.30 p. m.	Sept. 19, 7.15 a. m.
Sept. 18, 12.23 p. m.	Sept. 19, 4.30 p. m.	Sept. 19, 6.25 p. m.
Sept. 19, 12.19 p. m.	Sept. 20, 4.30 p. m.	Sept. 20, 5.23 p. m.
Sept. 20, 12.23 p. m.	Sept. 21, 4.30 p. m.	Sept. 21, 4.42 p. m.
Sept. 21, 12.31 p. m.	Sept. 22, 4.30 p. m.	Sept. 22, 4.43 p. m.
Sept. 22, 12.25 p. m.	Sept. 23, 4.30 p. m.	Sept. 23, 5.05 p. m.
Sept. 23, 12.28 p. m.	Sept. 24, 4.30 p. m.	Sept. 24, 5.15 p. m.
Sept. 24, 12.30 p. m.	Sept. 25, 4.30 p. m.	Sept. 26, 11.08 a. m.
Sept. 25, 12.20 p. m.	Sept. 26, 4.30 p. m.	Sept. 27, 11.50 a. m.
Sept. 26, 1.10 p. m.	Sept. 27, 4.30 p. m.	Sept. 28, 12.15 p. m.
Sept. 27, 12.30 p. m.	Sept. 28, 4.30 p. m.	Sept. 29, 1.02 p. m.
Sept. 28, 1.07 p. m.	Sept. 29, 4.30 p. m.	Sept. 30, 11.55 a. m.
Sept. 29, 12.29 p. m.	Sept. 30, 4.30 p. m.	Oct. 1, 2.55 p. m.
Sept. 30, 12.55 p. m.	Oct. 1, 4.30 p. m.	Oct. 2, 11.50 a. m.
Oct. 1, 12.30 p. m.	Oct. 2, 4.30 p. m.	Oct. 3, 10.45 a. m.
Oct. 2, 12.30 p. m.	Oct. 3, 4.30 p. m.	Oct. 4, 7.25 a. m.
Oct. 3, 12.32 p. m.	Oct. 4, 4.30 p. m.	Oct. 4, 5.26 p. m.
Oct. 4, 12.27 p. m.	Oct. 5, 4.30 p. m.	Oct. 5, 4.55 p. m.
Oct. 5, 12.30 p. m.	Oct. 6, 4.30 p. m.	Oct. 7, 10.10 a. m.

[1] Cleveland, Chicago, or Salt Lake sections dispatched because of impossible flying weather between the termini and such point.

Statement showing arrivals of the transcontinental route at New York and San Francisco during the months of September, October, and November, 1927—Continued

Left New York—	Due San Francisco—	Arrived San Francisco—
Oct. 6, 2.15 p. m.	Oct. 7, 4.30 p. m.	Oct. 8, 10.46 a. m.
Oct. 7, 12.38 p. m.	Oct. 8, 4.30 p. m.	Oct. 8, 4 p. m.
Oct. 8, 12.40 p. m.	Oct. 9, 4.30 p. m.	Oct. 9, 5.45 p. m.
Oct. 9, 12.22 p. m.	Oct. 10, 4.30 p. m.	Oct. 10, 5.28 p. m.
Oct. 10, 12.30 p. m.	Oct. 11, 4.30 p. m.	Oct. 11, 4.40 p. m.
Oct. 11, 12.35 p. m.	Oct. 12, 4.30 p. m.	Oct. 13, 9.54 a. m.
Oct. 12, 3.35 p. m. (Cleveland section).[1]	Oct. 13, 4.30 p. m.	Oct. 13, 5.35 p. m.
Oct. 13, 12.27 p. m.	Oct. 14, 4.30 p. m.	Oct. 14, 5.23 p. m.
Oct. 14, 12.21 p. m.	Oct. 15, 4.30 p. m.	Oct. 15, 4.18 p. m.
Oct. 15, 12.20 p. m.	Oct. 16, 4.30 p. m.	Oct. 16, 5.05 p. m.
Oct. 16, 12.21 p. m.	Oct. 17, 4.30 p. m.	Oct. 17, 4.20 p. m.
Oct. 17, 3.44 p. m. (Cleveland section).[1]	Oct. 18, 4.30 p. m.	Oct. 18, 3.50 p. m.
Oct. 18, 4.25 p. m. (Cleveland section).[1]	Oct. 19, 4.30 p. m.	Oct. 19, 4.15 p. m.
Oct. 19, 12.55 p. m.	Oct. 20, 4.30 p. m.	Oct. 20, 5.45 p. m.
Oct. 20, 12.45 p. m.	Oct. 21, 4.30 p. m.	Oct. 21, 4.40 p. m.
Oct. 21, 12.30 p. m.	Oct. 22, 4.30 p. m.	Oct. 22, 5.50 p. m.
Oct. 22, 12.24 p. m.	Oct. 23, 4.30 p. m.	Oct. 23, 5.54 p. m.
Oct. 23, 12.23 p. m.	Oct. 24, 4.30 p. m.	Oct. 24, 5.32 p. m.
Oct. 24, 12.28 p. m.	Oct. 25, 4.30 p. m.	Oct. 25, 5.40 p. m.
Oct. 25, 12.23 p. m.	Oct. 26, 4.30 p. m.	Oct. 27, 8.30 a. m.
Oct. 26, 12.30 p. m.	Oct. 27, 4.30 p. m.	Oct. 27, 5.43 p. m.
Oct. 27, 12.29 p. m.	Oct. 28, 4.30 p. m.	Oct. 28, 5 p. m.
Oct. 28, 11.31 p. m. (Chicago section).[1]	Oct. 29, 4.30 p. m.	Oct. 31, 9.50 a. m.
Oct. 29, 8.05 p. m. (Chicago section).[1]	Oct. 30, 4.30 p. m.	Oct. 31, 8.30 a. m.
Oct. 30, 12.27 p. m.	Oct. 31, 4.30 p. m.	Nov. 1, 12.35 p. m.
Oct. 31, 12.25 p. m.	Nov. 1, 4.30 p. m.	Nov. 2, 10.55 a. m.
Nov. 1, 12.27 p. m.	Nov. 2, 4.30 p. m.	Nov. 3, 8.05 a. m.
Nov. 2, 12.28 p. m.	Nov. 3, 4.30 p. m.	Nov. 3, 8.51 p. m.
Nov. 3, 4.10 p. m (Cleveland section).[1]	Nov. 4, 4.30 p. m.	Nov. 5, 10.22 a. m.
Nov. 4, 12.25 p. m.	Nov. 5, 4.30 p. m.	Nov. 6, 12.58 p. m.
Nov. 5, 12.50 p. m.	Nov. 6, 4.30 p. m.	Nov. 7, 8.30 a. m.
Nov. 6, 12.15 p. m.	Nov. 7, 4.30 p. m.	Nov. 8, 8.30 a. m.
Nov. 7, 12.50 p. m.	Nov. 8, 4.30 p. m.	Nov. 10, 8.30 a. m.
Nov. 8, 12.30 p. m.	Nov. 9, 4.30 p. m.	Nov. 10, 12.51 p. m.
Nov. 9, 3.44 p. m. (Cleveland section).[1]	Nov. 10, 4.30 p. m.	Nov. 11, 12.27 p. m.
Nov. 10, 10.01 p. m. (Chicago section).[1]	Nov. 11, 4.30 p. m.	Nov. 13, 8.30 a. m.
Nov. 11, 12.26 p. m.	Nov. 12, 4.30 p. m.	Nov. 14, 8.30 a. m.
Nov. 12, 12.24 p. m.	Nov. 13, 4.30 p. m.	Nov. 14, 8.30 a. m.
Nov. 13, 12.22 p. m.	Nov. 14, 4.30 p. m.	Nov. 15, 8.30 a. m.
Nov. 14, 12.28 p. m.	Nov. 15, 4.30 p. m.	Nov. 16, 12.17 p. m.
Nov. 16, 12.50 a. m. (Chicago section).[1]	Nov. 16, 4.30 p. m.	Nov. 17, 1.45 p. m.
Nov. 16, 8.40 a. m. (Chicago section).[1]	Nov. 17, 4.30 p. m.	Nov. 17, 5.20 p. m.
Nov. 17, 10 p. m. (Chicago section).[1]	Nov. 18, 4.30 p. m.	Nov. 19, 2.30 p. m.
Nov. 18, 12.25 p. m.	Nov. 19, 4.30 p. m.	Nov. 21, 10.28 a. m.
Nov. 19, 12.29 p. m.	Nov. 20, 4.30 p. m.	Nov. 21, 10.28 a. m.
Nov. 20, 12.27 p. m.	Nov. 21, 4.30 p. m.	Nov. 23, 8.30 a. m.
Nov. 21, 4.04 p. m. (Cleveland section).[1]	Nov. 22, 4.30 p. m.	Nov. 23, 12.28 p. m.
Nov. 22, 12.25 p. m.	Nov. 23, 4.30 p. m.	Nov. 24, 12.41 p. m.
Nov. 24, 9.06 a. m. (Chicago section).[1]	Nov. 24, 4.30 p. m.	Nov. 25, 12.02 p. m.
Nov. 24, 5.37 p. m. (Cleveland section).[1]	Nov. 25, 4.30 p. m.	Nov. 26, 12.30 p. m.
Nov. 25, 12.27 p. m.	Nov. 26, 4.30 p. m.	Nov. 26, 10.25 p. m.
Nov. 26, 12.29 p. m.	Nov. 27, 4.30 p. m.	Nov. 28, 1 p. m.
Nov. 28, 9.45 a. m. (Chicago section).[1]	Nov. 28, 4.30 p. m.	Nov. 29, 5.52 p. m.
Nov. 28, 10.40 p. m. (Chicago section).[1]	Nov. 29, 4.30 p. m.	Nov. 30, 2.30 p. m.
Nov. 29, 12.26 p. m.	Nov. 30, 4.30 p. m.	Nov. 30, 4.34 p. m.
Nov. 30, 8.03 p. m. (Chicago section).[1]	Dec. 1, 4.30 p. m.	Dec. 2, 8.05 a. m.

[1] Cleveland, Chicago, or Salt Lake sections dispatched because of impossible flying weather between the termini and such point.

While a better schedule can be maintained in the summer months than in the winter months, the above three months can be taken as a fairly good average.

LEAVE TO ADDRESS THE HOUSE

Mr. LaGUARDIA. Mr. Speaker, I ask unanimous consent that on the next Consent Calendar day, March 19, 1928, I may address the House for 15 minutes upon the scope and purpose of the Consent Calendar.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that on the next Consent Calendar day, immediately preceding the calling of the Consent Calendar, he be permitted to address the House for 15 minutes. Is there objection?

There was no objection.

BRIDGE ACROSS OHIO RIVER AT MOUND CITY, ILL.

Mr. DENISON. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I call up the bill (H. R. 66) authorizing B. L. Hendrix, G. C. Trammel, and C. S. Miller, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Mound City, Ill., with Senate amendment thereto, and move that the House concur in the Senate amendment.

The Clerk read the Senate amendment.

Mr. DENISON. Mr. Speaker, the amendment consists in the correction of a printer's error.

The SPEAKER pro tempore. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

BRIDGE ACROSS MISSISSIPPI RIVER AT HICKMAN, KY.

Mr. DENISON. Mr. Speaker, I call up the bill (H. R. 7921) authorizing A. Robins, of Hickman, Ky., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Hickman, Fulton County, Ky., with a Senate amendment, and move that the House concur in the Senate amendment.

Mr. COOPER of Wisconsin. Mr. Speaker, by what right does the gentleman bring up these measures?

Mr. DENISON. These are House bills that have passed the House and have also passed the Senate, to which the Senate have made small amendments. They are now on the Speaker's table.

Mr. LAGUARDIA. They are all bridge bills?

Mr. DENISON. Yes.

The SPEAKER pro tempore. The gentleman has the right to call them up. The Clerk will report the Senate amendment.

The Clerk read the Senate amendment.

The SPEAKER pro tempore. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

BRIDGE ACROSS OHIO RIVER AT GOLCONDA, ILL.

Mr. DENISON. Mr. Speaker, I call up the bill (H. R. 7183) authorizing C. J. Abbott, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Golconda, Ill., with a Senate amendment thereto, and move to concur in the Senate amendment. The Senate amendment consists in merely inserting the words "section 4," which was left out by mistake.

The Clerk reported the Senate amendment.

The SPEAKER pro tempore. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

BRIDGE ACROSS OHIO RIVER AT RAVENSWOOD, W. VA.

Mr. DENISON. Mr. Speaker, I call up the bill (H. R. 6073) granting a permit to construct a bridge over the Ohio River at Ravenswood, W. Va., with a Senate amendment thereto, and move to concur in the Senate amendment. I might state that there were two errors made in the bill as it passed the House. In order to correct those two errors the Senate struck out the House bill and inserted a new bill, correcting those two errors. The amendment is quite long, and I ask unanimous consent to dispense with the reading of it, but that it be printed in the RECORD.

Mr. GARRETT of Tennessee. It is just one amendment? A complete bill?

Mr. DENISON. Yes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Senate amendment is as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, E. M. Elliott, Chicago, his heirs, legal representatives, and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation, at or near Ravenswood, W. Va., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon E. M. Elliott, Chicago, his heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said E. M. Elliott, Chicago, his heirs, legal representatives, and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of tolls so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of West Virginia, the State of Ohio, any public agency or political subdivision of either of such States within or adjoining which any part of the bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interest in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of tolls shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. E. M. Elliott, Chicago, his heirs, legal representatives, and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War, and with the highway departments of the States of West Virginia and Ohio, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said E. M. Elliott, Chicago, his heirs, legal representatives, and assigns, shall make available all records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to E. M. Elliott, Chicago, his heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

THE CANAL ACROSS FLORIDA

The SPEAKER pro tempore. Under the order the Chair recognizes the gentleman from Florida [Mr. GREEN].

Mr. GREEN of Florida. Mr. Speaker and fellow Members of the House, while the Congress has under consideration flood control legislation, which is so necessary, it occurs to me that we should at this time consider the advisability of the ultimate completion of the Boston-Rio Grande Intracoastal Canal program. I shall speak with particular reference to the canal across Florida, which is a link in this great intracoastal waterway chain. To briefly summarize, we will begin with the Cape Cod Canal, connecting Cape Cod Bay with Buzzards Bay. You will recall the Sixty-ninth Congress authorized the purchase of this portion of the intracoastal waterway at an expenditure of several million dollars. We will next mention

the project from Delaware River to Chesapeake, Delaware, and Maryland. This waterway, usually known as the Chesapeake & Delaware Canal, is a sea-level canal extending from Reedy Point on the Delaware River about 41 miles below Philadelphia, Pa., to the junction of Back Creek and the Elk River, about 4 miles west of Chesapeake City, Md., a distance of about 19 miles, with a branch channel extending from Delaware City, Del., for a distance of 1.8 miles to the junction with the channel from Reedy Point, Del. The drainage area is about 65 miles. This canal formerly was private property, operated as a toll canal, beginning July 4, 1829. The total original cost was $2,250,000, of which $450,000 was paid by the United States, $100,000 by Pennsylvania, $50,000 by Maryland, and $25,000 by Delaware, and the remainder by citizens of three States. It was purchased by the Government for $2,514,289.70. It is about 12 feet deep and 90 feet wide.

In connection with this we might in passing mention the inland waterway from Chincoteague Bay, Va., to Delaware Bay at or near Lewes, Del.; also waterway on the coast of Virginia. Next we have an inland waterway from Norfolk, Va., to Beaufort, N. C. The existing project provides for an inland waterway with a depth of 12 feet at mean low water between Norfolk, Va., and Beaufort Inlet, N. C., a distance of 206.28 miles, with bottom width varying from 90 feet in land cuts to 300 feet in open water. The estimated cost for new work, revised in 1925, is $8,000,937, exclusive of amounts expended under previous projects. The latest, 1916, approved estimate for annual cost of maintenance is $85,000.

The next link in the chain is inland waterway from Beaufort, N. C., to the Cape Fear River, including waterway to Jacksonville, N. C. The existing project provides for a waterway 12 feet deep at mean low water, with a bottom width of 90 feet, extending along the coast from Beaufort, N. C., to the Cape Fear River, a distance of 93 miles. The estimated cost of new work, made in 1926, is $5,800,000, with $150,000 annually for maintenance.

The division engineer, southeast division, was charged with the duty of making preliminary examinations and survey provided for by the rivers and harbors act of January 21, 1927, as follows, and reports thereon will be later received:

First. Intracoastal waterway from Cape Fear River, N. C., to Georgetown, S. C.

Second. Intracoastal waterway from Cape Fear River, N. C., to the St. Johns River, Fla.

It is hoped by advocates of the Boston-to-Rio-Grande intracoastal waterway, that these surveys will warrant the Board of Engineers in making a favorable report upon this last project and thus providing for the endless chain from Boston to Florida.

The 1927 act also provided for preliminary examination of the canal across Florida from Cumberland Sound on the Atlantic, by way of the St. Marys River, Georgia-Florida, Okefenokee Swamp, Georgia, to Suwannee River, St. Marks River to St. Georges Sound. This is the project about which I shall talk to you a little later. By the way, this survey will go on from St. Georges Sound to the Mississippi River; however, this latter portion has been surveyed previously.

Mr. ROMJUE. Does that in any way involve the general waterway program in which the Mississippi and Missouri Rivers are included?

Mr. GREEN of Florida. Indirectly it does. It is a part of the comprehensive program. I believe we should have the cooperation from the States in the Mississippi Valley and those on the east coast in order to ultimately perfect it.

The next link in this great intracoastal waterway chain is the Louisiana-Texas intracoastal waterway from the Mississippi River at or near New Orleans, La., to Corpus Christi, Tex. The existing project is 348.97 miles via the northerly or Plaquemine route, and 280.17 miles via the southerly or Harvey Canal route. The estimated cost of the new work of the 9 by 100 feet waterway authorized in 1927, exclusive of amounts expended on previous projects, is $9,752,000, including $500,000 for a dredge, with $185,000 annually for maintenance. This was adopted January 21, 1927.

The last and final link in the chain of the intracoastal waterway is in Texas, from Corpus Christi to Point Isabel, including Arroya, Colo., to Missouri Pacific bridge, near Harlingen. My purpose in mentioning all of these connecting projects of this waterway is to, if possible, bring to the attention of my colleagues the relation and importance of the proposed Florida canal in connection with this waterway, and thus you will see the Florida canal is all necessary and essential to the ultimate development of this great artery of commerce.

During the last session of Congress the intracoastal waterway from Jacksonville, Fla., to Miami, Fla., was authorized at an expenditure of $4,221,000. This project, when taken over and developed by the Government, will serve as a great feeder for Florida's Cross-State Canal, as you understand this canal goes down the east coast of Florida, connecting, by minor canals and by railroads, with the interior of the State.

House bill 8742, as introduced by me during the Sixty-ninth Congress, provided for a preliminary survey of the Cross-State Canal. It will be interesting to my fellow Members to know that this bill became a law and that the board of engineers are now making this survey. In 1927, upon the recommendation of the Florida State Canal Commisison and others interested in this project, the Legislature of the State of Florida made an appropriation for cooperation by the State of Florida in the above-mentioned survey. The Florida State Canal Commission were very fortunate in being able to secure as Florida's engineer in this survey project Gen. Harry Taylor, formerly chief of the Board of United States Army Engineers. General Taylor is now working with the Federal engineers in this survey. I am informed that the survey is going along very satisfactorily and that chambers of commerce and other organizations are offering splendid cooperation. Later we are going to ask the Congress to appropriate sufficient funds to dredge this barge canal.

According to report of the Chief of Army Engineers, made several years ago, I believe about 1880, the canal would be approximately 226 miles in length; but by the utilization of the St. Marys River and the Suwannee River, of the Okefenokee, and all other streams, the actual canal to be cut would be slightly over 100 miles in length; the number of locks required would be approximately eight on the Atlantic side and six on the Gulf side; but said locks would not have to be built in flights. The character of the soil would permit quick and cheap construction, it being sandy loam on the Atlantic side, a soft muck through the swamp, and sand and soft limestone on the Gulf side; and the estimated cost of the canal—at that time—would be only a little over $8,000,000 for a lock barge canal 9 feet deep and 100 feet wide at the bottom.

Of course, the canal should be more than 9 feet deep, say, 12 feet, to take care of heavy barges; and while the cost of building has greatly increased since this date, there has been improvement in machinery and more scientific methods of engineering have developed; therefore, my contention now is that the canal can be constructed at a cost which will be negligible compared with the great benefits accruing from same.

Mr. EDWARDS. Is this the canal proposed through the lower part of Georgia, across the State of Florida?

Mr. GREEN of Florida. Yes.

Mr. EDWARDS. At what point in Georgia is it proposed to start the canal?

Mr. GREEN of Florida. It starts at Cumberland Sound, on the Atlantic Ocean, and goes down the St. Marys River, and I am very glad to state that the efforts of my friend from Georgia [Mr. EDWARDS] in this behalf are very much appreciated.

At Cumberland Sound, the east end of the proposed canal—Fernandina, Fla.—is found one of the best harbors on the Atlantic coast. At St. Georges Sound, the west end of the proposed canal, also are to be found splendid harbor facilities. From Cumberland Sound up the St. Marks River to the Okefenokee Swamp is about 61 miles. With locks and canals across the Okefenokee Swamp to the Suwannee River, a distance of about 45 miles, thence down the Suwannee River in a general westerly direction a distance of 50 miles to about Charles Ferry, thence from Charles Ferry by canal a distance of about 70 miles, you have arrived at St. Marks, on the Gulf, and in the vicinity of the Okefenokee Swamp sufficient water, in my opinion, is accumulated for operation of locks and also to obtain sufficient depth of streams.

This canal would bear an almost incalculable amount of commerce. Naval stores, kaolin, and a large amount of manufactured lumber would move through this canal. The tonnage of these products exported in 1921 exceeded 150,000 tons, valued at more than three and a quarter million dollars. These products and their exportation have doubtlessly doubled since 1921. Probably $2 per ton would be saved in transportation charges by this canal. Of course, I will not take time to enumerate the various other items of commerce which would pass through this canal, but I may state the items above mentioned would form only a meager part of the total.

When we take into consideration the great saving of coal and other fuels, and the transportation of same, and the transportation charges saved on the total, and also the ever-increasing volume of tonnage to be transported and the inability of the railroad facilities—although they are good—to rapidly, cheaply, and economically transport this tonnage, then it is conclusive that our waterways should be more fully developed.

Commerce and traffic in general is ever increasing. Measured in ton-miles, commerce doubles about once in a decade, or possibly a little longer. Of course, the Nation is experiencing at this time a rather dull traffic movement, same caused by general conditions brought about by reaction from unusual economic conditions just after the war, and to a lesser extent, by the uncertainty of business which is always the case just before presidential election; and while traffic is a little dull at this time, in my opinion we may reasonably predict that within three years, at least, the Nation will experience a healthy improvement in commerce. Judging the future by the past, we may expect within the next few years an unusual traffic congestion, and it is altogether possible that railroad and hard-road facilities will not be able to cope with the situation. Thus, looking to the future, as we are compelled to do, makes it more imperative that the Congress develop its waterways. I recall a very short while ago the great demand for building materials, and, in fact all items of commerce, was so great in Florida until it was impossible for transportation agencies to meet the demand; indeed, it was necessary to place an embargo. Now, my friends, if a general transportation emergency should in the future spread over our Nation you can see wherein it would be necessary to fully develop our water-transportation possibilities.

The older countries of the world have found it necessary to fully develop their water-transportation facilities. Europe, with some 3,584,000 square miles of land has now approximately 28,000 miles of nominally navigable waterways, while the United States, with some 3,028,000 square miles of area, has possibly 2,500 miles of developed waterways. The truth of this contention is revealed in the difference in the commerce of the countries. Before the war, almost any of the leading European nations had a greater volume of commerce than that of the United States. In 1912, for this single year, Germany's foreign commerce was $853,000,000 greater than that of the United States. Holland and Belgium combined are as large as the State of West Virginia, with a population of some 15,000,000, and had a foreign trade which before the war exceeded that of the United States by over $200,000,000. Of course, these conditions may not be as marked since the war as they were immediately before the war, but it leads us to realize that the United States is slow in foreign commerce as compared to the countries of Europe. This condition may not apply as to our domestic commerce, but both foreign and domestic commerce is certainly stimulated by developing our inland waterways. The Ohio River, for instance, is a smaller river than the Rhine. Previous to the year 1914, the Rhine was bearing over 55,000,000 tons of traffic a year; the Ohio River probably has never carried 20,000,000 tons in one year. I could cite many other instances showing that America is, comparatively speaking, asleep with regard to the development of her inland waterways.

To prove conclusively that it pays to develop waterways and dig canals, I will call your attention to the commerce which is now passing through the Panama Canal. During the first 15 days of February, 1928, 307 commercial vessels and 3 small non-seagoing launches transited the Panama Canal. The tolls collection on these amount to $1,271,850.47; the average daily toll collection $84,788.15. For the first seven and one-half months' period of the current year, beginning July, 1927, and ending February 15, 1928, the tolls collected at the Panama Canal amount to $17,416,407.37.

The cost of maintenance of the Panama Canal is neglible compared to the benefits obtained through it. When we take into consideration the fact that it cost $375,000,000 to construct the Panama Canal and that in seven and one-half months nearly seventeen and one-half million dollars were collected, it is easy to see how profitable to the country and to the people it is to construct canals. In this canal transportation above mentioned millions of dollars were saved for the public as compared to what rates would have been had it been necessary to transport by rail or roads. Of course, my friends, I do not predict that the Florida canal would be of anything like the importance as is the Panama Canal, but I do believe that the comparison as to cost and benefits which would accrue from its construction may well be considered in connection with the Panama Canal.

Mr. O'CONNOR of Louisiana. And will the gentleman also express himself upon the proposed ship canal across Florida and Louisiana?

Mr. GREEN of Florida. A ship canal would, of course, be better, but more expensive; but I hope to see the time when the ship canal will be a reality.

This canal would save in distance from the Atlantic to the Gulf approximately 1,000 miles. Of course, Mr. Speaker, the saving the long distance is not all; in this same proportion it would save in time and in money. Calculate, if you please, the cost of transporting the vast tonnage which annually goes from the upper Gulf ports—New Orleans, Mobile, Pensacola, Apalachicola, Galveston, and others—to the Atlantic Ocean. Calculate the charge of transporting this tonnage 1,000 miles and you will find that in just a few years this amount will be greater than would be the cost of constructing this barge canal from Fernandina, on the Atlantic, to St. Georges Sound, on the Gulf.

Mr. Speaker, I think that it is time the Congress exercised in governmental affairs and expenditures of money belonging to the Government and our taxpayers the same prudence, wisdom, care, and frugality, as is exercised in personal affairs. It is inevitable that this barge canal will eventually be constructed, so why not let the Government go to it at once? We all know that the construction of the Panama Canal was looked upon by many for a long time as an impossibility and as a proposed waste of money and time; and probably nothing could have dislodged this erroneous idea, except the actual construction of the Panama Canal. But so complete has been the success of the project and so vast has been the saving in the cost and time of transportation through this canal until now the American people wonder why it was not earlier constructed. The Panama Canal is indispensible to the welfare of American and world commerce, besides being so essential in time of war; likewise, a canal across Florida would be of incalculable benefit and economy in commercial transportation and would well serve its purpose in time of war.

The growth of America in the past 20 years has been phenomenal, her manufactured products have increased from $15,000,000,000 to over $60,000,000,000, her food products have increased from less than $3,000,000,000 to over $10,000,000,000, her mineral products have increased from about one and one-third billion dollars to $6,000,000,000, her imports and exports amount to $2,450,000,000, and reports for 1924 show increase to $8,200,000,000. The bank clearings were $438,000,000 for 1924, or four times that of 20 years ago, and bank deposits have increased in like proportion, and $43,000,000,000 were deposited in the banks of the United States in 1924. These amounts are ever increasing. In 1927 deposits were $51,612,000,000 and bank loans were $37,131,000,000.

Much has been said recently relative to national flood control; in fact, no other problem, in my opinion, should and will claim more careful thought and attention of Congress than will our national flood-control program. In the ultimate perfection of our national flood-control program it occurs to me that it will be well for us to look well into the development of our inland waterways. All the States of the great Mississippi Valley are affected by the Mississippi River; likewise this great valley would be affected by the proper utilization of the Mississippi River and its tributaries for transportation. Then this great Mississippi Valley section can justly, in turn, look to the Congress to open a canal through the State of Florida and thus provide for their incoming and outgoing commerce this shorter number of miles.

A great advantage will be accorded to the northeastern section of our country through the construction of the Florida canal in that it will give this section of our country a short all-water route to and from the lower Mississippi Valley; therefore I call upon the Members of the Congress from the Mississippi Valley and from the eastern shore of the United States, as well as those States of the Southeast, to concentrate their efforts with us for favorable action by the Congress for an appropriation with which to construct this canal.

The commerce of the United States has obtained stupendous proportions. A total of 531,614,691 tons of freight, exclusive of lighterage, constituted the water-borne commerce reported from continental United States and Alaska in 1926. About 76 per cent of this was domestic commerce and the balance foreign commerce. Of the foreign commerce, 76,324,861 tons represented exports and 50,078,928 tons represented imports. American vessels carried 478,019,944 tons in 1926, which showed an increase of more than 44 per cent for the last 10 years. Thus you will see the necessity of the Congress of the United States looking to the future welfare of our country and establishing economical and practical methods of transportation.

The vast wealth and resources of the United States altogether warrant an expansion in waterways development. The President of the United States has expressed himself in no uncertain terms on the question and advocates development of our waterways, and I firmly believe the Congress is ready to appropriate money for opening of rivers, dredging of canals, and establishing of adequate harbor facilities.

The Florida canal has long been a dream of all Florida citizens and is now thought of by our entire country. Its construction is absolutely essential to the future's full commercial development, and I believe we will soon see the time when

barges will load raw products in the lower Mississippi, pass down to New Orleans, on by way of intracoastal canal to Mobile and Apalachicola, on across Florida to Fernandina, thence on up a coastal canal to the markets of the East, then reload with manufactured products of the East and make their return pilgrimage. When this is done America will realize an even greater growth and prosperity than she has experienced during the past 20 years.

The commerce of Florida has increased to a much greater extent than has the general commerce of the United States, and I believe it well to advise my colleagues at this point that the amount of revenues saved to my State alone would in due course of time pay for the construction of this canal. No other State is experiencing such wonderful strides along general agricultural and horticultural lines as is the State of Florida. Florida ships so much of the produce sold in the northern market. In 1926 Florida's crops were worth $85,805,000; in 1927, $88,676,000. Compared with the country as a whole the 1927 value of Florida crops was greater than Maryland, West Virginia, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Wyoming, New Mexico, Arizona, Utah, and Nevada. The total of the South's crops at $3,612,130,000 is nearly 40 per cent of the total value of all crops in the United States in 1927. Of course, all of Florida's crops are not sold on the market, but a large portion is sold. During the last shipping season, from September 1, 1926, to July 31, 1927—11 months—Florida shipped 91,002 carloads of fruit and vegetables. Thousands of carloads of fruit and vegetables are consumed at home.

Florida produced in 1926 81 per cent of the entire Nation's production of grapefruit; eggplants, 59 per cent; table cucumbers, 41 per cent; snap beans, 38½ per cent; peppers, 61 per cent; celery, 32 per cent; tomatoes, 24 per cent; early Irish potatoes, 10 per cent. Florida produces almost all of the other common vegetables, but in a lesser percentage.

The citrus fruit is one of Florida's greatest industries. Florida has 274 car-lot packing houses. She has 70,000 acres planted to grapefruit trees, 50,000 of which are bearing. She has 160,000 acres planted to orange trees, 95,000 of which are bearing, different varieties producing grapefruit and oranges for the market at different times of the year. For example, the early varieties of oranges placed on the market from November to January are such as Parsons, Temples, and Enterprise; midseason varieties, from January to March, seedlings and pineapples; later varieties, from March to January, Valencias, Lue Gim Gongs, and others.

Another of Florida's most lucrative products is strawberries. It furnishes the entire country with early strawberries. Plant City and other places in its vicinity begin shipping as early as November or December. My own city of Starke begins shipping a little later and sends to cities north of Florida millions of dollars' worth of strawberries annually. Sanford, Fla., is a great producer of celery. It is estimated that $6,000,000 worth of celery will be shipped from there this season. Nearly 2,000 carloads of celery have already been shipped from Florida this season. I shall not undertake to enumerate the other products of Florida which would augment the great volume of commerce which would pass through this canal.

The entire Southeast is now experiencing a great growth and industrial development. The States of Alabama, Florida, Georgia, and South Carolina, as well as other Southern States, show great increases in the volume of manufactured products. In 1914 these four States manufactured $652,072,110 worth; in 1925, $1,842,036,000. Since 1925 they have increased even more. In this section of the country there is an abundance of raw material, an unusually good year-round climate, hydroelectric power, an ample supply of labor, and those other conditions which contribute to a permanent manufacturing section.

In 1880 less than 5 per cent of America's cotton was used in southern mills; now approximately 30 per cent of all the cotton produced in the United States is converted into manufactured products by southern mills. No other section of the country is gaining in textile, tobacco, naval stores, and other manufacturing enterprises as is the Southeast. This section of the country undoubtedly is the modern and the last industrial frontier; therefore we can safely predict that the so-called local use of the Florida canal will grow greater and greater as the years pass on. The cross-State Florida canal has been indorsed by almost all of the officials of Florida, by the Florida Legislature, and the Georgia Legislature; in fact, the Georgia Legislature has ceded to the Federal Government the right of way for the canal. The Georgia Congressmen and Senators are heartily in accord for the project; in fact, scores of organizations through the southeastern part of our country have indorsed the project.

I predict that the Congress will soon agree that America must reach the zenith in development, transportation, and commerce and will appropriate sufficient money to utilize America's water arteries of commerce, including the cross-Florida canal. Money wisely spent to foster water transportation always nets splendid dividends, and, in my opinion, there is no more worthy project now before the American people than is this one.

This proposed canal, aside from its national and international importance, will develop one of the most fertile, prosperous, and thriving sections of the country; and may I remind you that last year the State of Florida alone contributed to the Federal Government more than $46,000,000 in the way of Federal taxes, so will it not be just and fair for the Congress in turn to annually expend a portion of this money for the development of a waterway which would not only mean much to Florida, but to the entire Nation. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Florida has expired.

HOSPITALIZATION FACILITIES IN SOUTHERN CALIFORNIA

Mr. CRAIL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a letter written by Earl Merifield, liaison officer of the Disabled American Veterans of the World War, to Brig. Gen. Frank Hines in regard to hospitalization facilities in southern California.

The SPEAKER. Is there objection?

There was no objection.

Mr. CRAIL. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following letter from Earl Merifield to General Hines:

NATIONAL HEADQUARTERS,
DISABLED AMERICAN VETERANS OF THE WORLD WAR,
LIAISON SERVICE,
Los Angeles, Calif., February 6, 1928.

Brig. Gen. FRANK T. HINES,
United States Veterans' Bureau, Washington, D. C.

MY DEAR GENERAL HINES: I am given to understand that you, as a member of the Federal Board on Hospitalization, will soon have under consideration the allocation of certain funds appropriated by Congress for the erection of additional hospital facilities for the use of the United States Veterans' Bureau. I note that you will have before you at the time of your deliberation numerous requests from all parts of the country for additional beds, and I know that you will be glad to have all the information possible as to the needs of the various sections. I am, therefore, taking the liberty of writing you in order that you will be acquainted with the conditions in southern California.

I have for the past three and one-half years represented the Disabled American Veterans of the World War as a full-time liaison officer in the regional office of the United States Veterans' Bureau in Los Angeles, and have naturally been in close touch with the hospital needs of this section. Every winter since the closing of the United States Veterans' hospital at Arrowhead Springs in June, 1924, we have been faced with the situation of having more men needing hospital care than there were beds available. Notwithstanding that statistics show an increasingly large number of ex-service men needing hospital care each year, southern California has received no additional facilities. It is true that two new hospitals have been built in this section in the past two years. However, this has not increased the number of beds. When the tubercular hospital at San Fernando was built the hospital at Camp Kearny was closed. The new hospital has 200 tubercular beds, while Camp Kearny had nearly 400 at the time of closing, and yet the bureau pointed with pride at what they had accomplished to relieve the situation. When the new main hospital at Soldiers' Home was opened last spring the old one was closed, and within 90 days the new hospital was filled to capacity. The hospital at Arrowhead that was closed in June, 1924, had 125 beds. No provisions were made to take care of the extra load caused by the closing of this hospital.

The Veterans' Bureau has the authority to hospitalize veterans at the United States naval hospital at San Diego. This hospital is located 140 miles from Los Angeles, and only ambulatory cases can be sent there, as the distance is too far for acute and emergency cases to travel. The hospitalization of ex-service men at this hospital is unsatisfactory. The naval hospital is controlled by naval regulations and the Veterans' Bureau has no jurisdiction over it.

For the past three months the Los Angeles bureau office has had a waiting list of the names of men requiring hospitalization. The number has varied from 5 to 25. The list to-day contains the names of 14 infirmary tubercular cases, 3 ambulatory tubercular cases, and 3 general medical and surgical cases. I am informed by medical authorities at both tubercular hospitals, at the Soldiers' Home and at San Fernando, that it will be at least 90 days before they will have sufficient infirmary beds to take care of those on the list. The turnover on infirmary cases is very small and only usually as a result of the death of a patient or a terminal case being sent to his home. Ambulatory tuberculars can be taken care of in from 1 week to 10 days and the men on these lists needing general medical or surgical care are

emergency cases, their condition being too serious to permit them being sent to San Diego. There has been as high as 10 of these on the list this winter. This waiting list does not show a true picture of the hospital needs as there are many men who, when told that there are not hospital facilities, either enter a private hospital or get along the best they can, depending in many cases upon the county and various organizations for relief and care.

It has been necessary many times this winter to call on the Los Angeles County hospital to take care of our emergency cases. This is resented by both the men and the community who feel that the Government should care for those ex-soldiers and that the burden should not be put on the county. There have been times this winter and in the past when some of these cases have appealed to well-known business men in the city and even to city officials, asking them to intervene in their behalf and try to get them hospitalized. This does not help for a better understanding between the public and the Veterans' Bureau. The various service organizations have done all they can to bring the seriousness of the situation to the proper officials.

In summing up the situation, provision must be made for additional tubercular beds in this vicinity. At the time San Fernando was built it was promised that additional beds would be provided later. This is needed now, and also there is an immediate need for a number of beds, to be put under the jurisdiction of the Veterans' Bureau, to take care of the general medical and surgical cases that can not travel to San Diego.

My organization will appreciate your careful consideration of this information. I assure you that I have not overestimated or overemphasized the situation, and I am sure that an investigation of the daily reports from the local Veterans' Bureau and the hospitals in this territory will confirm my statements.

Respectfully yours,

EARL MERIFIELD,
Liaison Officer, Southern California.

Attested by—

WILLIAM J. SHIRLEY,
Commander Quentin Roosevelt Post, No. 5,
Disabled American Veterans of the World War.

EARL PINNEY,
Adjutant Quentin Roosevelt Post, No. 5,
Disabled American Veterans of the World War.

RADIO LEGISLATION

Mr. ROMJUE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the pending radio bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. ROMJUE. Mr. Speaker and Members of the House, the question involved in the radio situation is one that has arisen, of course, within the last few years, and one which has not been working satisfactorily, at least for the past several months.

As far back as about 1920 the first real effective radio broadcasting began to be generally put into operation. And the Radio Commission to have charge of the radio situation was selected and designated by President Coolidge during 1927. Prior to the passage of the radio act early in the year 1927, and when it was apparent that some legislation would be had on the subject, there was great discord among the listening stations throughout the country—confusion on every hand and everywhere. Scarcely anyone at that time was getting radio programs satisfactorily. Shortly prior to this great drive for legislation, however, programs were coming in much more satisfactorily than they were and than they did immediately prior and at the time the legislation was sought. Certain interests of the country which were apparently desirous of creating and maintaining a monopoly in the radio business took it upon themselves, so far as they were able to do so, and they did it quite effectively, to create all the discord and confusion possible among the listeners throughout the country so that the listeners would insist on the legislation then proposed being passed, although not one person in a hundred thousand had an opportunity to read and to know just what the proposed legislation was. Of course, it worked just like the interests that were seeking to establish a monopoly desired it to work. That is, it caused a great many of innocent people throughout the country to insist that the proposed legislation be passed, when as stated before, not one out of many thousands had an opportunity to know just exactly what it was.

I happen to be one of those who did not believe that the program as outlined and desired by certain radio interests at that time, which seemed to have the approval and consent of Mr. Coolidge, would work to the interests of the public, and I did not believe it would prove satisfactory. The great mass of the people, in my opinion, had simply been hoodwinked, fooled, and deceived by certain monopolistic interests of the country into making a request for something that they would find in the end they did not really want. Since that time it has been proved that those who shared along with me this same opinion have found our judgment of this matter thoroughly confirmed, for since that time a few of the larger radio interests of the country seem to have pooled their interests in an effort to maintain and operate the radio broadcasting in their own interests, without regard to the listeners and the smaller radio operators elsewhere in the United States, and by the policy which these few radio pooling interests have followed many smaller radio stations have been practically suppressed and the average citizen scattered throughout this land, who has always felt that he had a reasonable right to the use of the atmosphere, finds so far as any practical view of the situation is concerned that he has been almost denied that right.

Of course, it will be admitted that some of the most powerful and large radio stations first began operation in centers like New York and New England, and it is now claimed by some that a few of these larger stations from this section of the country have vested rights in the air. That is, there are some of them who claim that they have acquired by their earlier operation what may be called a prescription right, that is being first in the activity, that other stations ought not now to arise up elsewhere and cross their path in any particular. In the first place I deny that any one or a group of a few of the larger radio operating stations have acquired any such right, and I maintain that they can not acquire and retain such a right contrary to the public interests and public welfare of the general population of the United States. They have no more right to claim for themselves such a vested right as would exclude all operation stations in centers of smaller population than a pioneer who first rode a pony across the plains of Uncle Sam's vast landholdings in an early day would have had the right to claim that by reason of his first trip over such plains he had acquired a private right which he could hold for himself to the exclusion of the entire public. However, the claim of a few of the larger radio stations that they have such vested right to appropriate the air for their own purposes in line with their industries, reiterates the time-worn, selfish, and sordid manifestation too often exhibited by some of the human race to take because one can, and to keep, if possible, because they have the power to do so.

Month by month and year by year during the present administration of this Government's affairs, the citizen of this country who has been observant has found the policy to be one of giving more power to the powerful, more wealth to the wealthy, at the same time withholding from the weaker that which in many instances appears to be his just due, and shackling at every step those who are unable to protect themselves. So persistent is this policy being followed in this country that for the past few years the average citizen living in the agricultural belt of this country has found taxes mounting on his land, while he is shouldering the burden of discriminating laws, such as the high protective tariff, which takes from him a portion of that which he has earned by the sweat of his brow, and transfers it to that same section of the country in which has arisen the powerful monopolistic Radio Trust.

The present radio proposal should have written into the law that the licensing authority be compelled to make an equal allocation to each of the five radio zones of wave lengths and station power, and that within each zone the commission should be required and compelled to make a fair and equitable allotment among the different States and the people thereof.

A great amount of the disturbance is coming from the chain stations, and one reason of this dissatisfaction and discord is the fact that a large number of stations at present are hooked up in a chain and they carry over a different wave length the same program, so that in the entire chain of stations anyone who does not desire to hear the chain program has no place on the dial left to switch in.

If the commission selected by President Coolidge feels that it is necessary to have the chain stations certainly they ought to be required to operate on the same wave length; that is, all stations in the chain. This would leave an opportunity for listeners who desire to hear other stations to listen in without disturbance to their programs. It is quite apparent why the few larger radio stations want to operate the chain system on different wave lengths, by the different stations operating on the same program at the same time in the chain of stations, such a policy enables the chain stations to make a large amount of money out of their advertising programs, whereas they advertise everything for sale that they choose to advertise in that manner and for which they are paid.

Of course, it can not be said that every large radio station is operating unfairly and against the public interest, but many of them are now in one of the most gigantic monopolies that there is in the country, and it will prove to be greater, more sordid, and more selfish, and it is to be hoped that the President of the United States will remove from any board any man

whom he has appointed or will appoint who does not promptly manifest a strong and compelling desire to serve the public first, before the monopolies and special interests of the country are served.

How much we may expect that, at the hands of Mr. Coolidge, one man's guess is probably as good as another's, as the farmers of our country have gone bankrupt day after day and foreclosed in their homes, and the smaller banks throughout the Mid West have crashed, while the President has watched increased profits turning into the pockets of the protected industries of the country.

With the provisions written into the law, as it should be, providing that the people of the different States of this country are to have equal allocation and consideration and treatment in regard to wave lengths and power of stations, the board whom the President has appointed or hereafter does appoint, will have power to secure for the listeners everywhere fair treatment and consideration. If the listeners fail to get this service, the fault will be in the first instance with the board itself, which has control and charge of the matter, and if the failure to get fair treatment and consideration continues, the fault will lie, under the provisions of the legislation, with the President of the United States, and it will be his duty in case of such failure to remove offending members of the board and to select men to execute the duties of the commission who are more interested in the average man than they are in monopolies.

ADJOURNMENT

Mr. WHITE of Maine. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 48 minutes p. m.), in accordance with the order heretofore made, the House adjourned until to-morrow, Sunday, March 11, 1928, at 2 o'clock p. m.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Monday, March 12, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

To further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States (S. 744).

To promote, encourage, and develop an American merchant marine in connection with the agricultural and industrial commerce of the United States, provide for the national defense, the transportation of foreign mails, the establishment of a merchant marine training school, and for other purposes (H. R. 2).

To amend the merchant marine act, 1920, insure a permanent passenger and cargo service in the north Atlantic, and for other purposes (H. R. 8914).

To create, develop, and maintain a privately owned American merchant marine adequate to serve trade routes essential in the movement of the industrial and agricultural products of the United States and to meet the requirements of the commerce of the United States; to provide for the transportation of the foreign mails of the United States in vessels of the United States; to provide naval and military auxiliaries; and for other purposes (H. R. 10765).

COMMITTEE ON MILITARY AFFAIRS

(10.30 a. m.)

To safeguard national defense; to authorize, in the aid of agriculture, research, experiments, and demonstration in methods of manufacture and production of nitrates and ingredients comprising concentrated fertilizer and its use on farms (H. R. 10028).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

A meeting to consider the private bills upon the committee calendar.

EXECUTIVE COMMUNICATIONS, ETC.

401. Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting draft of a bill to provide relief for the widow of Surg. Mervin W. Glover, United States Public Health Service, deceased, was taken from the Speaker's table and referred to the Committee on Claims.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. FOSS: Committee on the Post Office and Post Roads. H. R. 11279. A bill authorizing the Postmaster General to establish a uniform system of registration of mail matter, and for other purposes; without amendment (Rept. No. 870). Referred to the Committee of the Whole House on the state of the Union.

Mr. VESTAL: Committee on Patents. H. R. 6103. A bill to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for fiscal year ending June 30, 1884," and for other purposes; with amendment (Rept. No. 871). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Washington: Committee on Irrigation and Reclamation. H. R. 7029. A bill for the adoption of the Columbia Basin reclamation project, and for other purposes; with amendment (Rept. No. 872). Referred to the Committee of the Whole House on the state of the Union.

Mr. FISHER: Committee on Military Affairs. H. R. 10310. A bill authorizing the Secretary of War to convey a certain portion of the military reservation at Fort McArthur, Calif., to the city of Los Angeles, Calif., for street purposes; without amendment (Rept. No. 873). Referred to the Committee of the Whole House on the state of the Union.

Mr. HICKEY: Committee on the Judiciary. H. R. 6687. A bill to change the title of the United States Court of Customs Appeals, and for other purposes; with amendment (Rept. No. 874). Referred to the House Calendar.

Mr. McLEOD: Committee on the District of Columbia. H. R. 6844. A bill concerning liability for participation in breaches of fiduciary obligations and to make uniform the law with reference thereto; with amendment (Rept. No. 875). Referred to the House Calendar.

Mr. McLEOD: Committee on the District of Columbia. H. R. 8558. A bill relating to giving false information regarding the commission of crime in the District of Columbia; without amendment (Rept. No. 876). Referred to the House Calendar.

Mr. McLEOD: Committee on the District of Columbia. H. R. 8915. A bill to provide for the detention of fugitives apprehended in the District of Columbia; without amendment (Rept. No. 877). Referred to the House Calendar.

Mr. McLEOD: Committee on the District of Columbia. S. 2310. An act supplementary to, and amendatory of, the incorporation of the Catholic University of America, organized under and by virtue of a certificate of incorporation pursuant to class 1, chapter 18, of the Revised Statutes of the United States relating to the District of Columbia; without amendment (Rept. No. 878). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. LEAVITT: Committee on Claims. H. R. 8487. A bill to adjudicate the claims of homestead settlers on the drained Mud Lake bottom, in the State of Minnesota; with amendment (Rept. No. 879). Referred to the Committee of the Whole House.

Mr. LEAVITT: Committee on Claims. H. R. 10192. A bill for the relief of Lois Wilson; with amendment (Rept. No. 880). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. S. 2657. An act for the relief of George W. Boyer; without amendment (Rept. No. 881). Referred to the Committee of the Whole House.

Mr. BULWINKLE: Committee on Claims. H. R. 4619. A bill for the relief of E. A. Clatterbuck; with amendment (Rept. No. 882). Referred to the Committee of the Whole House.

Mr. HUDSPETH: Committee on Claims. H. R. 7079. A bill for the relief of John Golombiewski; without amendment (Rept. No. 883). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 11944) for the relief of Louise Smith Hopkins, Ruth Smith Hopkins, and A. Otis Birch, and the same was referred to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SCHNEIDER: A bill (H. R. 11948) for the hospitalization of persons discharged from the United States Navy or

Marine Corps who have contracted tuberculosis in the line of duty while in the naval service; to the Committee on Naval Affairs.

By Mr. GAMBRILL: A bill (H. R. 11949) to regulate and fix rates of pay for certain employees of the Bureau of Engraving and Printing; to the Committee on the Civil Service.

By Mr. NELSON of Maine: A bill (H. R. 11950) to legalize a pier and wharf in Deer Island thoroughfare on the northerly side at the southeast end of Buckmaster Neck, at the town of Stonington, Me.; to the Committee on Interstate and Foreign Commerce.

By Mr. BYRNS: A bill (H. R. 11951) to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes"; approved August 25, 1919, as amended by the acts of March 6, 1920, and February 27, 1926; to the Committee on Public Buildings and Grounds.

By Mr. DICKINSON of Iowa: A bill (H. R. 11952) to amend the grain futures act; to the Committee on Agriculture.

By Mr. JAMES: A bill (H. R. 11953) to authorize the sale under the provisions of the act of March 12, 1926 (Public, No. 45, 69th Cong.) of surplus War Department real property; to the Committee on Military Affairs.

By Mr. LaGUARDIA: A bill (H. R. 11954) appointing the time for the meeting of Congress; to the Committee on the Judiciary.

By Mr. GIBSON: A bill (H. R. 11955) to provide for erection of public buildings for the customs and immigration services on the Canadian and Mexican borders; to the Committee on Public Buildings and Grounds.

By Mr. HOUSTON of Hawaii: Joint resolution (H. J. Res. 232) to provide for annexing certain islands of the Samoan group to the United States; to the Committee on Insular Affairs.

By Mr. MacGREGOR: Joint resolution (H. J. Res. 233) to permit admission within quota of wives and minor children of declarants who have been admitted into the United States prior to July 1, 1924; to the Committee on Immigration and Naturalization.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 11956) for the relief of W. M. Seawell; to the Committee on Claims.

By Mr. BRAND of Ohio: A bill (H. R. 11957) for the relief of Maj. Thomas J. Berry; to the Committee on Claims.

By Mr. CANFIELD: A bill (H. R. 11958) granting an increase of pension to Arrena Rairdon; to the Committee on Invalid Pensions.

By Mr. COCHRAN of Pennsylvania: A bill (H. R. 11959) granting an increase of pension to Mattie L. Smith; to the Committee on Invalid Pensions.

By Mr. COLTON: A bill (H. R. 11960) for the relief of D. George Shorten; to the Committee on Claims.

By Mr. CONNOLLY of Pennsylvania: A bill (H. R. 11961) granting a pension to Joseph Gasiorowski; to the Committee on Pensions.

By Mr. COOPER of Ohio: A bill (H. R. 11962) granting an increase of pension to Flora Young; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 11963) for the relief of Leo B. Thome; to the Committee on Military Affairs.

Also, a bill (H. R. 11964) for the relief of Charles Wilson; to the Committee on Military Affairs.

Also, a bill (H. R. 11965) granting a pension to George Patterson; to the Committee on Pensions.

Also, a bill (H. R. 11966) granting a pension to Rebecca Phillip Clark; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 11967) granting an increase of pension to Nancy Georgia Yancey; to the Committee on Invalid Pensions.

By Mr. GARBER: A bill (H. R. 11968) to permit Charles O. Pearson to make an additional homestead entry; to the Committee on the Public Lands.

By Mr. KING: A bill (H. R. 11969) granting a pension to James G. Voris; to the Committee on Pensions.

By Mr. KUNZ: A bill (H. R. 11970) granting an increase of pension to Jennett McWade; to the Committee on Invalid Pensions.

By Mr. McKEOWN: A bill (H. R. 11971) granting an increase of pension to Mary L. Miller; to the Committee on Invalid Pensions.

By Mr. McLEOD: A bill (H. R. 11972) granting an increase of pension to Fanny G. Pomeroy; to the Committee on Pensions.

Also, a bill (H. R. 11973) granting an increase of pension to John T. Petty; to the Committee on Pensions.

Also, a bill (H. R. 11974) for the relief of Joseph Simon; to the Committee on Claims.

Also, a bill (H. R. 11975) for the relief of Purse Bros.; to the Committee on Claims.

By Mr. REECE: A bill (H. R. 11976) granting an increase of pension to John E. Crum; to the Committee on Pensions.

Also, a bill (H. R. 11977) granting a pension to Ellen Moody; to the Committee on Invalid Pensions.

By Mrs. ROGERS: A bill (H. R. 11978) granting six months' pay to Alexander Gingras, father of Louis W. Gingras, deceased private, United States Marine Corps, in active service; to the Committee on Naval Affairs.

By Mr. THOMPSON: A bill (H. R. 11979) granting an increase of pension to Percy Stites; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5226. By Mr. ARNOLD: Petition from citizens of Olney, Ill., in favor of the Civil War pension bill; to the Committee on Invalid Pensions.

5227. By Mr. BACHMANN: Petition of Copestone Chapter No. 12, Royal Arch Masons, Grafton, W. Va., protesting against the passage of Senate bill 1752, known as the Oddie bill; to the Committee on the Post Office and Post Roads.

5228. Also, petition of Mystic Lodge No. 75, Ancient Free and Accepted Masons, and Grafton Lodge, No. 31, Independent Order of Odd Fellows, Grafton, W. Va., protesting against the passage of Senate bill 1752, known as the Oddie bill; to the Committee on the Post Office and Post Roads.

5229. By Mr. BACON: Petition of Joseph Greenfield and other citizens of Long Island, N. Y., protesting against House bill 78 and all other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5230. Also, petition of A. A. Melin and other citizens of Smithtown, Long Island, N. Y., protesting against House bill 78 and all other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5231. By Mr. BECK of Pennsylvania: Petition of Philadelphia Board of Trade; to the Committee on Flood Control.

5232. By Mr. BOIES: Petition signed by citizens of Onawa, Monona County, Iowa, protesting against the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

5233. By Mr. COCHRAN of Pennsylvania: Petition of Ellen Ruland, of Grand Valley, and 39 other residents of Forest and Warren Counties, Pa., protesting against the passage of House bill 78 and any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5234. By Mr. ESLICK: Petition of Mrs. J. C. Carlisle and others, of Dickson, Tenn., protesting against compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

5235. Also, petition of W. C. Dickerson and others, of Dickson County, Tenn., protesting against compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

5236. By Mr. EVANS of Montana: Petition of Lodge No. 138, of the Danish Brotherhood of America, of Butte, Mont., protesting against the national-origin quota or any further reduction in the Scandinavian quota; to the Committee on Immigration and Naturalization.

5237. By Mr. GALLIVAN: Petition of H. P. Converse, of H. P. Converse & Co., 141 Milk Street, Boston, Mass., recommending passage of House bill 5772, known as the day labor bill; to the Committee on the Judiciary.

5238. By Mr. GARBER: Resolution of Oklahoma Woman's Christian Temperance Union, by Mrs. Abbie B. Hillerman, 112 South Olympia, Tulsa, Okla., in protest to the impeachment of Judge Franklin E. Kennamer, of the northern district of Oklahoma; to the Committee on the Judiciary.

5239. Also, letter of O. O. Hammonds, State health commissioner, Oklahoma City, Okla., in support of Parker bill (H. R. 11026); to the Committee on Interstate and Foreign Commerce.

5240. Also, letter of J. W. Snodgrass and Mrs. A. M. Snodgrass, route 7, Perry, Okla., urging the enactment of Berger pension bill; to the Committee on Pensions.

5241. By Mr. HICKEY: Petition of Edward Moritz and other citizens of South Bend, Ind., against the passage of the compulsory Sunday observance bill; to the Committee on the District of Columbia.

5242. By Mr. HOGG: Petition of William H. Hackett and 90 other citizens, of Fort Wayne, Ind., protesting against passage of the Lankford bill; to the Committee on the District of Columbia.

5243. By Mr. KUNZ: Petition of citizens of Chicago, Ill., protesting against the enactment of compulsory Sunday observance legislation, and particularly House bill 78, known as the Lankford bill; to the Committee on the District of Columbia.

5244. Also, resolution of city council of the city of Chicago, requesting amendment of the Volstead Act and the taking of a referendum vote on the question of the repeal of the eighteenth amendment to the Constitution of the United States; to the Committee on the Judiciary.

5245. By Mr. LINDSAY: Petition of Chamber of Commerce, Muncie, Ind., favoring an American merchant marine on the basis of private ownership and operation, and favoring passage of the White bill; to the Committee on the Merchant Marine and Fisheries.

5246. Also, petition of the New York State Federation of Labor, Albany, N. Y., protesting against the passage of House bill 11137, and urging this action in behalf of American Association of Masters, Mates, and Pilots; to the Committee on the Merchant Marine and Fisheries.

5247. Also, petition of Association of Commerce, Sheboygan, Mich., protesting against the Jones bill, providing for the further development of the American merchant marine, and favoring the White bill, especially the section providing for the transfer of cargo from Government ships to those of private ownership; to the Committee on the Merchant Marine and Fisheries.

5248. By Mr. MAGRADY: Petition of Frank C. Arms and 170 other citizens of Riverside, Pa., protesting against House bill 78, and all other proposed compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5249. By Mr. NEWTON: Petition of C. E. Powers, of Minneapolis, and others, against compulsory Sunday observance; to the Committee on the District of Columbia.

5250. By Mr. O'BRIEN: Petition of the citizens of Clarksburg, W. Va., against the passage of House bill 78, or any other bill enforcing the observance of the Sabbath; to the Committee on the District of Columbia.

5251. Also, petition of the citizens of Clarksburg, W. Va., protesting against the passage of House bill 78, or any other bill enforcing the observance of the Sabbath; to the Committee on the District of Columbia.

5252. By Mr. O'CONNELL: Petition of the Southern California Chapter, the Disabled Emergency Officers of the World War, favoring the passage of the Fitzgerald bill; to the Committee on World War Veterans' Legislation.

5253. Also, petition of the city of Charleston, S. C., Bureau of Port Development, favoring the passage of the Crisp bill (H. R. 8221), with reference to southern agriculture; to the Committee on Irrigation and Reclamation.

5254. By Mr. RAMSEYER: Petition of residents of Wapello County, Iowa, remonstrating against chain-station control of the radio; to the Committee on the Merchant Marine and Fisheries.

5255. Also, petition of residents of Grinnell, Iowa, protesting against the passage of House bill 78, or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

5256. By Mr. ROMJUE: Petition of J. C. Bradley et al., of Ethel, Mo., against passage of House bill 78; to the Committee on the District of Columbia.

5257. By Mr. SELVIG: Petition of A. I. Peterson and five farmers and residents of Kittson County, protesting against the passage of House bill 6465, the purpose of which is to place Mexico and Canada on a quota basis; to the Committee on Immigration and Naturalization.

5258. Also, petition of W. M. Stecht and 27 farmers and residents of Polk County, Minn., protesting against the passage of House bill 6465, the purpose of which is to place Mexico and Canada on a quota basis; to the Committee on Immigration and Naturalization.

5259. Also, petition of W. H. Buck and 14 farmers and residents of Marshall County, Minn., protesting again the passage of House bill 6465, the purpose of which is to place Mexico and Canada on a quota basis; to the Committee on Immigration and Naturalization.

5260. Also, petition of John H. Coulter and 38 farmers and residents of Polk County, Minn., protesting against the passage of House bill 6465, the purpose of which is to place Mexico and Canada on a quota basis; to the Committee on Immigration and Naturalization.

5261. Also, petition of George O. Olson and 33 farmers and residents of Fisher, Minn., protesting against the passage of House bill 6465, the purpose of which is to place Mexico and Canada on a quota basis; to the Committee on Immigration and Naturalization.

5262. By Mr. SINCLAIR: Petition of 48 citizens of Berthold, Carpio, Hartland, and Tagus, N. Dak., favoring Senate Joint Resolution 47, proposing an amendment to the Constitution fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress; to the Committee on Election of President, Vice President, and Representatives in Congress.

5263. By Mr. WATSON: Resolution passed by the Washington Camp, No. 33, Patriotic Order Sons of America, favoring the immigration act of 1924; to the Committee on Immigration and Naturalization.

5264. By Mr. WINTER: Petition of voters of Laramie, Wyo., to bring to a vote a Civil War pension bill; to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES

SUNDAY, *March 11, 1928*

The House met at 2 o'clock p. m., and was called to order by the Speaker pro tempore, Mr. COOPER of Ohio.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Holy Spirit, help us to rise from the mist and gloom of human sorrow to where we can almost see through the vistas to the upper world. Through the night and into the morning, while the veil hangs dark between, let not the bell be tolled; allow not the dirge of winter. Let it be rung and sound it forth from the distant hills. It strikes the tones of lengthened hope—the springtime of heaven. Arise, O Lord, on the breast of eternity and let us hear through the shadows the glad note of the day dawn: "Lo, it is I, be not afraid." We pause. There is no response to the call! One has been withdrawn from the sum of human existence. He has carried the burden and he leaves a song. This Chamber has witnessed his life filled with devotion to duty; here is the path he so faithfully trod. He never quenched a single taper that glowed on the human altar. Ah, this mortal has put on the glory of immortality. There shall be no night there; and they need no candle; neither light of the sun; for the Lord God giveth them light and they shall reign forever and ever. Through Jesus Christ our Lord. Amen.

The SPEAKER pro tempore. Without objection the reading of the Journal of yesterday's proceedings will be deferred.

There was no objection.

THE LATE REPRESENTATIVE A. E. B. STEPHENS

The SPEAKER pro tempore. The Clerk will report the special order for to-day.

The Clerk read as follows:

On motion of Mr. COOPER of Ohio, by unanimous consent—

"*Ordered*, That Sunday March 11, 1928, at 2 o'clock p. m. be set apart for memorial exercises in commemoration of the life, services, and character of the late Hon. A. E. B. STEPHENS, former Representative from the second district of Ohio."

Mr. MOORE of Ohio. Mr. Speaker, I offer the following resolution.

The Clerk read as follows:

House Resolution 135

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. A. E. B. STEPHENS, late a Member of this House from the State of Ohio.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career the House at the conclusion of these exercises shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolutions were unanimously agreed to.

Mr. TATGENHORST. Mr. Speaker, may I give my tribute to those which are to be given? Let me briefly review the life of that noble man whom we here do reverence. Col. A. E. B. STEPHENS was born in Hamilton County, Ohio, June 3, 1862, the son of S. Kyle Stephens, of Civil War fame, and Minerva Smith Stephens. Educated in the Cincinnati public schools and a graduate of Chickering Institute, he became a teacher at the age of 20. After serving in educational fields for about 12

years, he became interested in politics, and was appointed administrator of a stamp tax levied by the Federal Government to pay the costs of the Spanish-American War. Thereafter he held the offices of clerk of courts and deputy county treasurer in Hamilton County, meanwhile studying law at night, and eventually being admitted to the bar. But the call of public service was too strong, and he was again elected as clerk of courts, where he served three successive terms. In 1916 he retired from politics to resume his law practice, but in 1918 the Republican Party drafted him to run for Congress. He was elected by a large majority, which increased each term, until, at his last election, although he had been ill and unable to campaign, he polled 10,000 votes more than his opponent.

He had been an advocate of home ownership for more than a quarter of a century and served as president of the Miami Township Building & Loan Co. for 27 years, and as director of the Hamilton County League of Building Associations for several years. From 1901 to 1903 he was a captain in the Ohio National Guard and, after a retirement of seven years, served as colonel for a year. In 1915 he was elected national commander in chief of the Sons of Veterans, United States of America.

He served for four consecutive terms in the House of Representatives, and was elected for a fifth time during his last illness. His friends were overwhelmed with grief when they learned that he was fatally ill. He, himself, demanded to know the truth about his condition, and when he was frankly told that he could not recover he once again revealed himself as a true soldier and statesman. He put his house in order and calmly waited until the great All Father announced adjournment.

His burial day witnessed a great outpouring of the people he had so nobly served. They came from the neighboring cities, counties, and States to pay homage to this great soldier and statesman, this kind and dutiful son, this loving and beloved husband and father. They came from far and near, from every station of life—the rich and the poor, the great and the insignificant—all to pay homage to one whom they knew and loved, one they admired and respected, one they believed and trusted—"BUZZ" STEPHENS, their neighbor, their friend; a true, loyal, patriotic American. And their feelings are well summed up in the following editorial by Colonel Moore, of the editorial staff of the Enquirer, who knew Colonel STEPHENS for 35 or 40 years:

[From the Enquirer, Sunday, February 13, 1927]

A WORTHY CITIZEN

The death of Representative A. E. B. STEPHENS, which occurred Saturday morning, was not unexpected. It came, nevertheless, as a shock to a multitude of friends, who had been hoping against hope that he might somehow win his gallant fight for the life which long had been so useful to his city, State, and country.

"BUZZ" STEPHENS—for so he came familiarly to be called by intimate, admiring friends—will sadly be missed, for he was so vital, so buoyant a part of life—life filled with laughter, cheer, and all friendliness, with opportunities for service. And "BUZZ" STEPHENS possessed both inclination and capacity for that service which makes this world a better world.

Genial, courageous, capable, sympathetic, with Celtic warmth to fire his purposes and inspire his idealisms, he was a success within the true meaning of the word. He possessed that wealth which is the immemorial heritage of those who have realized that God is good and the world worth while. He knew the love of home and children—the real love—and this is much. His record as a man, citizen, and public servant is one without reproach. His requiem will be breathed by many, and it will be soft with the sighs of a haunting regret, but thrilled with a pride and tenderness born of memories more enduring than are chaplets woven for the brow of living achievement.

In the death of Mr. STEPHENS, Cincinnati, Hamilton County, the State, the Congress, and the Republic lose a citizen whose life honored and ennobled them in conspicuous wise.

Mr. McSWEENEY. Mr. Speaker and my colleagues, I would, indeed, be recreant to my better nature if I did not avail myself of this opportunity to express the appreciation I have always felt for the life and character of Mr. STEPHENS. I regret that my opportunity to view his life was through the narrow vista of a short acquaintance. The few sessions of Congress in which I had the opportunity to know him gave me just a short acquaintance, but I find that short acquaintance proved to me that the dominating characteristic of his beautiful nature was friendship.

I remember when our colleague JOHN RANKIN, of Mississippi, delivered that beautiful eulogy on the life of Mr. Little he said that friendship was the vine that scaled the party wall and shed its fragrance on both sides.

If I may carry the metaphor further, I would like to say the tentacles of that vine of friendship go into the cracks and crevices of the wall—they go into the soft mortar and the plastic brick and finally disintegrate the wall.

And so to-day we sit here and express ourselves for the regard of Mr. STEPHENS, and so the party wall crumbles apart, and over it the trailing vines of friendship grow.

We are proud of his achievements. To his gracious wife I know that nothing can be of any comfort to her now except the memory of the delightful years of their happy life, but I hope she will allow us gathered here to in some way abridge her anguish and grief and have that beautiful assurance that Mr. STEPHENS added greatly to the sum of human joys and that with God's grace we may exemplify his life, which was worthy of exemplification.

Mr. MOORE of Ohio. Mr. Speaker, how feeble are words at a time like this. We think, in the inspiration of a great occasion or when enthusiasm runs rife, we can command the proper words to express ourselves, but could we call upon a limitless vocabulary, I am sure, in time of sorrow like this, when we try to speak about our friends, words seem inadequate to express our feelings of bereavement, sympathy, and appreciation. However, as one who loved the departed, I should like to add my word of appreciation for the beauty of this life and for the opportunity that I have had of being one of his friends and being able to call him my friend. Some sit before me who came into the Sixty-sixth Congress, when Mr. STEPHENS first came here. I can recall meeting him for the first time in that spring of 1919—tall, handsome, upstanding, commanding, a man of many parts, who would attract attention, and did, wherever he went. In the House Office Building his office was near mine, and day by day as he went down the corridors he frequently stopped with a word of good cheer. I shall ever remember the kindness, the sympathy, the warmth and geniality of my friend "BUZZ" STEPHENS. But he is gone, and he needs no word of mine to endear him to you or for him to have the place he rightfully occupies in the community and in the country.

I had the honor, the sad honor, to be a member of the funeral party that went out to his home when we laid him to rest, amid a sea of flowers and in the presence of a host of friends who gathered at his beautiful home, at a beautiful spot along the Ohio, to do him reverence and honor. A fatal malady sorely afflicted him, but, unafraid and without complaint, he bore his suffering bravely. I was impressed with what his faithful wife and devoted children report he said when he was told about his affliction. He said in substance:

Let no one worry about this; I have enjoyed life; I have had many of its pleasures and have seen many of the beauties of life, with few of its sorrows and displeasures, and now I can but uncomplainingly bear the things that have come to me.

Brave indeed, but just like him, and so out there amid his friends in that little village close by the great city of Cincinnati, with the pastor of the church to which he belonged and where he had served, in a beautiful service he was laid to rest. I can remember the many evidences of friendship at the funeral and the esteem in which the people held him. We stood on the great, spacious lawn, with neighbors and friends, just as has been said, the rich and the poor, the young and the old. They all loved him because he loved them all. Along the way, in the magnificent dwelling or the humble hut, I could see his portrait in the window draped with the badge of mourning. Many were the evidences in that little village of the esteem in which his neighbors and friends held him.

None knew thee but to love thee,
None named thee but to praise.

So I pause to-day to pay my tribute of appreciation to "BUZZ" STEPHENS. He did impress this chamber, not in the way some men seek to impress it, by the spectacular, but rather by that quiet, careful, painstaking attention to business, the faithfulness, the constancy that become men who really do things; and on the Naval Affairs Committee, and in the business of the House, we found him faithful in attention to duty, always trying to serve his constituency as he thought represented their views. True, we differed upon some questions, but I am sure it was always an honest difference; fighter that he was, partisan as he was, he was always fair and kindly and could see another's viewpoint.

I take it these are some of the things that helped him to achieve success here as well as elsewhere, and so we leave him. "To live in hearts we leave behind is not to die," and so we shall think of our friend. His handsome figure is gone, but we can still see it. His voice is stilled, but we can still hear it, with its kindly notes of warmth and sympathy, as he looked

out into the future, unafraid. As we approach the springtime, full of hope and cheer, we think of him as the poet speaks, I believe, in the Chambered Nautilus:

Build thee more stately mansions, O my soul,
As the swift seasons roll!
Leave they low-vaulted past!
Let each new temple, nobler than the last,
Shut thee from heaven with a dome more vast,
Till thou at length art free,
Leaving thine outgrown shell by life's unresting sea!

"BUZZ" STEPHENS, as he was familiarly called, was patriotic, sincerely so. The son of a Civil War veteran, that gallant group have lost a sincere friend in his passing. As national commander of the Sons of Veterans I had the opportunity once in the city of Philadelphia to observe how that organization loved and honored him. He manifested great interest in the National Guard and everything that was for our defense. We shall miss him here; he will be missed everywhere, and yet we shall not forget him. While we may forget some things, yet those things that made up the real Colonel STEPHENS are lasting and enduring—personality, sympathy, warmth, genialty, courage, faith. They are all attributes of character that are eternal and endure.

Mr. CROSSER. Mr. Speaker and friends, as I regard them, extravagant eulogies discredit the lives and virtues of those whom they are supposed to praise. Too often the desire on the part of the panegyrist to attract attention to his own ability as a mental gymnast or juggler of words diverts attention from the person whose undoubted virtues it is the ostensible purpose of the speaker to emphasize. I shall, therefore, in the few words I shall speak, endeavor to avoid committing that sin.

Unfortunately it was not my privilege to know Congressman STEPHENS intimately, but I did know him sufficiently well to recognize in him some of the essential virtues characteristic of a true man. One of his characteristics which particularly attracted me was his innate modesty. I remember a clear thinker once saying to me that he knew of no quality so attractive to him, in a man, as modesty. If that is true, then we can truly say that Mr. STEPHENS was a most attractive person, because he was indeed modest. Another characteristic, which, during my short acquaintance with him, impressed me was his sincerity. He did not pretend agreement when he did not agree. He was, however, always genial and fair toward those with whom he disagreed. To be known for unwavering sincerity should be the constant aim of every man.

All who knew Mr. STEPHENS recognized the fact that he had a genuine love for his fellow men. He was not, however, one who discussed his service to others or chattered about his altruism or of what he planned to do for the welfare of humanity. In his modest way he was happy in serving without talking about his service. That is evidence of genuineness.

When we live the principles of unity and brotherhood our influence will be felt by others and no language will be needed to make known the fact. It is generally the failure to express in fact the principle of true brotherhood that leads men to boast of their brotherly qualities.

Mr. STEPHENS and myself differed on many subjects. I was opposed to some things that were dear to his heart. But he was actuated by good motives and thought he was right, and anyone who does what he thinks to be right is a true man.

I might sum up what I might call the modus of Mr. STEPHENS's life in Van Dyke's words:

Who seeks for Heaven alone to save his soul
May keep the path, but will not reach the goal;
While he who walks in love may wander far,
Yet God will bring him where the blessed are.

In other words, Mr. STEPHENS was not concerned in achieving a place in what are called the celestial regions. He had a better understanding of the Divine scheme. He instinctively felt that the infinitely good Creator must have made all that He made truly good, and so our brother STEPHENS intuitively recognized the good in every fellow man and loved them accordingly.

We mourn unnecessarily, at times, the seeming extinguishment of those whom we love. We should realize the truth of Longfellow's words:

There is no death: what seems so is transition.

Mr. WOODRUFF. Mr. Speaker, I was not so fortunate as many have been to have known "BUZZ" STEPHENS during many years of his life. Judging from what I knew of him during the last few years of his service here, I am of the opinion that those who were so fortunate as to have known him during all the years of his maturity were fortunate, indeed.

I knew him first in the House of Representatives as a serious-minded, dignified Member, a man intensely interested in everything taking place herein. It was not until I became a member of the Committee on Naval Affairs that I had an opportunity to know him as he really was. In working with him there, not only with the entire committee but also as a member of several subcommittees, I learned to know his kindness of heart and the deep sympathy and understanding which prompted him to do many things. I learned to know the seriousness with which he accepted the obligations of office.

It was my privilege to take a trip of inspection with him as a member of the Committee on Naval Affairs. On this trip, lasting two months and a half, I was with him night and day. I learned then that nothing, no matter how unimportant, in connection with the matter he had under consideration or under investigation was too insignificant for his most serious consideration. I think, and the members of our committee on that tour of inspection sometimes felt that we were devoting too much time to little, unimportant things, but upon the completion of the work Mr. STEPHENS, who was ranking member on the committee and as such was chairman of the same during this tour of investigation, prepared and submitted to the entire Committee on Naval Affairs a report of that trip, which is a classic. The great chairman of the Committee on Naval Affairs, the beloved and honored gentleman from Pennsylvania [Mr. BUTLER], upon reading that report, asked that it be printed in full and be made a permanent record of the committee, to which reference could be made at any time in the future.

In my association with Mr. STEPHENS I learned to know all the many fine qualities of the man. I learned to love him for what he was. I learned to know of his great courage, a courage that at the last caused him to look death in the face with a smile, and I am sure that when the time came for him to enter the great realm of eternity, he trod that path as he had all others with his head erect and his heart unafraid.

Mr. CHINDBLOM. Mr. Speaker, I would feel recreant to the memory of a very dear friend if I did not avail myself of the opportunity to speak a word, upon this occasion, about our universally beloved late colleague, the Hon. A. E. B. STEPHENS, of Ohio.

I was one of a considerable number who came to the House at the same time as did Colonel STEPHENS. We arrived together to attend a special session of the Sixty-sixth Congress in the month of May, 1919. Soon after my arrival I had an opportunity to make a trip to the United States Naval Academy at Annapolis. It was on that occasion that I began to get acquainted with Congressman STEPHENS. We came home from that trip together, we lived in the same hotel for some months, and from that time forward we found ourselves in close association and in quite uniform agreement in our work in the House of Representatives.

I join in all that has been said about his kindly and genial nature, his lovable personality, the droll wit and humor which frequently characterized his speech, the common-sense view that marked his judgment—all of those characteristics of the average American which are known the world over and have given him a reputation for frankness, integrity, uprightness, and reliability.

I did not serve with him on committee, but I saw much of him in the House. He was constant in attendance and in attention. I can almost see him now coming over and sitting down beside me and saying: "CARL, what do you think about this proposition?" After I had told him, he would say "Well, I am thinking about it," and he was constantly "thinking about it," constantly giving the best of his clear and discerning thought to the many perplexing questions that arose.

After all, the men who give such attention to the work of the Congress are the valuable men here. Flashes of debate attract the popular attention—moves of parliamentary procedure are interesting to the audience in the gallery and to the readers of the RECORD, but we who have served in the House for a little time know that the great work of the Congress is done in the standing committees, and that the final fruits of our labor grow upon the tree of diligence, constant attention, and intelligent application.

The friendship and affection which Colonel STEPHENS and myself established in the course of time extended to our families. We in our household have felt the keenest regret and sorrow that he should be taken away, and his surviving family have our deepest sympathy.

There may have been those who did not fathom the genuine sincerity of our beloved brother, his geniality may have hidden to some the deep seriousness of his mind and soul, but I had

some opportunity for understanding the depth of his nature, and it was not surprising to me to learn that when the time came for the great test he was unafraid, ready, and willing to look forward to the great unknown with equanimity, hope, and satisfaction. His life had been clean and wholesome. He had been a useful citizen. He had served his country well in civil and military capacity; he was an able legislator, a wise counselor, a steadfast friend; God bless his memory.

Mr. BEGG. Mr. Speaker and colleagues, we have come together this afternoon to memorialize the passage of one of our colleagues, the Hon. A. E. B. STEPHENS, familiarly known to all his friends as "BUZZ." If our only purpose was to say nice things about his memory, I question whether were he conscious of our actions he would advise us to do it.

His record is completed, his achievements are all done. Nothing that one of us who are left behind will say or do can add one iota to his history.

I like to think that were he conscious of this afternoon's proceedings he would hope that by our acting together we might each of us pick something from his life as an inspiration for us for the remainder of our days.

With that thought in my mind, my friends and colleagues, "BUZZ" had two or three traits of character that I think may be an asset to any man. His fidelity to purpose was one, his ability to meet difficulty head foremost with a smile on his face was another. His ability to take what I call a man's punishment without flinching was another trait of character that I think is admirable in any individual. He was honest, of course. He was courageous and conscientious. Those things are to be expected in us all, but only the real men have that ability to be punished in life and come up after disaster hits us.

Fidelity to purpose is one of the most needed traits of men in public life. Personally, I think there is nothing, certainly not in my small experience in life, that so tends to weaken a man in the performance of those duties that he believes conscientiously to be right as to be placed in the position of a representative of his people. Not once to my memory, regardless of what the apparent danger to the individual might be, did "BUZZ" STEPHENS ever fail to vote his convictions. In other words, he smilingly faced the issue and voted as he believed was for the best interests of all the people.

His ability to take punishment—I mean by that to strive for something and then fail—with ability to come up after being disappointed in acquiring that which he desired, came to the fore many times on the floor of Congress, and I recall very definitely one time his sitting on the front seat when he had some measure which he was vitally interested in. After meeting rebuff after rebuff, he came right back smilingly and said, "I am going to keep on until ultimately I accomplish the passage of this bill," and that he did. There is nothing in life that is a bigger asset to a man than that particular trait of character. He had it supreme. I have been told by those who were close to him in the last hours of his illness that he showed that same courage, uncomplaining through all his suffering in his last illness; and I am sure that if the rest of us leave this afternoon determined to emulate to the best of our ability those traits of character which were best in our colleague, the rest of our days will be more courageously filled with the fruits of life that are satisfactory to the individual, and that society will profit by our having been permitted to be a part of it, as it did for his having been permitted to live in it.

Mr. CROWTHER. Mr. Speaker and colleagues, it was my privilege to be a Member of the Sixty-sixth Congress, and enter this body with Colonel STEPHENS. To say that I enjoyed his friendship over a period of years is putting it altogether too lightly. There were many marked characteristics in this departed colleague of ours. I think if there was one outstanding characteristic of "BUZZ" STEPHENS, it was that when he told you something you could depend that it was absolutely true, and truth is a mighty necessary factor in this day and generation, when men for ulterior purposes and motives discuss subjects with you without a real regard for the truth. "BUZZ" STEPHENS knew the joys of service. He knew the happiness of doing things for other people. He could sink himself, his individuality, into almost oblivion if it was for the good of somebody else. One of the great poets said:

Hope not the cure of sin 'til self is dead.
Forget self in love's service,
And the debt thou cans't not pay
The angels shall forget.

I think he exemplified that sentiment in his attitude toward his fellow men and toward his great and tremendous constituency.

The grim reaper stops at the door of every man's house sooner or later. The messenger on the pale horse comes and delivers his message, and none can gainsay him. We all must travel to the great bourne from which no traveler has ever yet returned, and after all, all that we can do is, as our good colleague STEPHENS did, try to get the most out of life, not for your individual self, but by trying to make life a little bit easier, a little bit brighter, a little bit happier for somebody else. After all, that is really all that is worth while.

I have expressed myself on previous occasions to the effect that it would be a splendid thing if once during the session of this Congress we might have a memorial Sunday, when we might have the well of this House decked with flowers, when we might have an organ, or orchestra, and have two or three of the old hymns sung, when we might have a memorial sermon and a memorial address, when we might pay tribute to the memory of our departed colleagues and have this Chamber crowded with all the Members and their friends. I think it would be well if we should hold a general memorial service to the memory of all who have departed, once during the year. Some day I hope that that idea may be perfected and that we may have a service of that character. Just remember that sooner or later our names must appear on the list of the departed; our friends shall gather;

And each shall mourn in life's advance
Dear hearts, dear hopes, untimely killed,
Shall grieve for many a forfeit chance,
And longing passion unfulfilled.

Mr. THOMPSON. Mr. Speaker, Congressman AMBROSE EVANS BURNSIDE STEPHENS and I came to the Sixty-sixth Congress in 1919, both for our first term. We were more than mere colleagues and soon became attached. "BUZZ," as he was popularly known, was a jovial, good fellow and soon became a favorite in congressional circles.

Although he was a native of southern Ohio and I a native of northern Ohio, we seemed to be tarred with the same stick. We were both born in 1862—I January 24 and he June 3. We both spoke the same language; had the same ideals and the same German constituency. Why should not we be drawn together? Both had the same political beliefs and belonged to the same party and were trained under the same political leaders. We were both machine-made men and in the early days trained under McKinley, Foraker, Dick, and Hanna.

He was a lawyer, a graduate of the Cincinnati Law School, while I was a graduate of the university of hard knocks and was the proprietor of a country newspaper. He was admitted to the bar in 1894, while I had acquired my newspaper in 1889, a few years before, and was a contemporary of Harding. He was elected clerk of courts for three terms, while I was a Warwick, making officers in northern Ohio. I had served my term in the Ohio National Guard long before he became captain and quartermaster of the First Infantry of the Ohio National Guard. I mention these facts to show that we naturally became friends by the similarity of our lives, which lasted until death did us separate.

He loved his fellow man. Electing him a Representative in Congress did not change him or make him arrogant. He was always the same kind and considerate "BUZZ" STEPHENS, no difference what his rank in life. That was the way he seemed, and was indeed.

In the House he was accorded the high honor of serving on the national Naval Affairs Committee and at the time of his demise he had attained high rank. And now I wish to pay his memory the sincere and modest tribute of a friend and comrade. It is a significant and pleasing thing that we should gather here in these historic halls for this purpose, where so many crises in the Nation's history have been met, and where the great moments of our beloved colleague were spent.

Mr. Speaker, man can not contemplate the flowers and trees, the hills and valleys, the sun and stars without awakening in his breast the fervid hope of the life beyond.

We are not philosophers; the mazes of theology and the processes of theosophy are to us a mystery; but we can discern beyond the twilight zone which separates the existence here from that beyond the spirit of the teachings of the Nazarene.

We feel an intuitive sense of mighty power, of exalted ideals, of an inexplicable grandeur in nature, and we soliloquize.

Ah, we think, surely if the Power above breathes into the rosebuds the bloom which fills the winds of the valley with

richest fragrance, it is more than chance that the assembled thoughts and hopes and aspirations of men should furnish the hidden motive power that drives the turbine and builds a city.

If nature's alchemy, in the first biting frosts of late summer, will change the mountain forest into a variegated screen for the curious and reflective to ponder over, surely the triumph of this same Master Hand is the marvelous blend of the babel of the human race.

And when the autumn is come and the sear and yellow leaves of the mountain wood glide through the chill November air to light upon the polished steel railroad rails at the mountain's foot to be crushed to bare and sapless skeletons, if the oak and the poplar and the pine will live to reproduce their wonder panorama for generations yet unborn, will the Divine Father leave neglected the souls of men when in their autumn time they shake off the barren hulks that formed the biding places for their short sojourn here?

And when the blasts of winter come, if the Father of Fathers in His all-wise and omnipotent power will cuddle the willow and the rosebud and the palm in nature's protecting robe, and hold forth the prospect of returning summers, will He withhold the promise of the life beyond to the still soul waiting in the grave?

Ah, no! Let us rather believe that the beneficent Creator, who fixes the seasons and the stars, who dispenses the rainfall and the dew, who scatters the pollen to perpetuate the green verdure of mother earth, will find some sweet haven of rest for the tired soul whose earthly span has been devoted to the guardianship of the Master's creation.

Death but marks the terminal of earth's journey and is the transition state to prepare the neophite for initiation into the ethereal splendor of the never-ending day. The finite mind can not comprehend its metaphysical state or encompass its boundless sphere.

Earth's milestones are but weak and linkless chains with which the mortal mind is impotent to reach through the cavern of eternity's fugitive goal. Our day's fleeting sunshine and night's dazzling incandescence are but the glow and flickering of uncertain beacons on the way to the perpetual radiance of the palace in the skies. Earth's broken reeds and shrill flageolets can only form the listening ear to drink the perfect harmony of the celestial choir.

We reach for salvation; it moves away. We grope for understanding; the mind fails. We build by the rule and guide of the prophets and philosophers, and when we would crown the superstructure it crumbles and is gone.

Men whose dominant life's note is accomplishment of salvation for their own souls are but self-serving ambassadors, who treat in a language unspoken by the Creator; but he who holds self as an infinitesimal being save as he may commingle his impulses and aspirations with the universal scheme must become an indispensable part of the general plan.

Speaking for my colleagues in Congress assembled here on this occasion, we wish to extend our sympathy to the wife, daughters, and other relatives of our beloved colleague and comrade, and to say to you that amidst your heavy burden of sorrow you must recognize the right to feel a just pride in future years that no man in Ohio history will occupy a higher place on the roster of honor and that few men have ever contributed a more substantial and definite service to his fellow men than did AMBROSE EVANS BURNSIDE STEPHENS.

Mr. DRANE. Mr. Speaker, it is considered a privilege that I should be permitted to come here to-day to pay tribute in loving memory of one who was for years one of my close personal friends.

I met him the day he came to be a Member of the Sixty-sixth Congress, and in a few days found that he had been assigned to duty with the Committee on Naval Affairs, to which I was also attached, and thus began a friendship between two men of opposite political faith which lasted through all the years which followed and ended only when I followed him to his last resting place on a hillside in the county of his nativity.

That he was a man of the people was demonstrated in an unmistakable manner when I saw the "mourners go about the streets" in Cincinnati, in North Bend, where he had lived his life, and in a number of villages through which the long cortage slowly wended its way to the "narrow house," where he now sleeps the sleep of the just. The people along the way in unnumbered thousands were from the farm, the factory, the small shop. They wore the apparel of workingmen; their doors were closed; their windows were darkened; their sorrows was depicted on their faces. The streets, the lawn, the open spaces were full to overflowing of these people among whom he had "lived and walked and had his being."

The outstanding characteristic of the man in his social relations with his fellow man was kindness—his was a genial soul; it radiated sunshine and was best portrayed in song and story. I have seen it demonstrated as we journeyed together from Hampton Roads to Panama, to far-away Hawaii, in California with his Masonic brethern, with whom he particularly loved to mingle, and here at the Capitol where he oftentimes provoked a smile just by the force of his genial nature.

In his official life he was thoughtful, thorough in his work, with an analytic mind, always stern and unbending in anything having the least suspicion of waste, extravagance, or wrongdoing. Among his fellows he was regarded as a "good Congressman"; going about his daily work in the same earnest way as though this work might be for his own personal business. He was respected and loved by the members of his committee, from the venerable chairman thereof to the youngest member, and it was a sad day to them when he left them a vacant chair.

I best love to remember him as a close personal friend, who was loving and kind and true; who ministered unto me on my bed of pain and sickness; who smiled at my joys and dropped a tear when he knew of my sorrow. Thus, I love best to remember him and this memory will always abide with me.

We were not of the same political faith, but in all things essential, when love of country was involved, we found that we were as one. On the 12th day of February, 1927, in his home, where the Ohio makes its big "north bend," he fell upon sleep and the cycle of his life was complete. The old year was dead, the new year had just begun and winter held its icy sway. The fields were bleak and cold and o'er the landscape was but little to remind one of the busy toil of the husbandman, because the crops had been garnered, and all that remained of the harvest was the corn in the shock, and so he came to his end—

in a full age, like as a shock of corn cometh in in his season. (Job v: 26.)

Mark the perfect man and behold the upright: for the end of that man is peace. (Psalms xxxvii: 37.)

Mr. UNDERWOOD. Mr. Speaker, it is with hesitancy that I contribute a word to the life and character of our departed colleague. It is always difficult to speak of a dead friend. These splendid eulogies to this splendid man make us all feel as if we were in the presence of a hallowed spirit, and we are. Ohio has mourned the loss of many illustrious sons, but, Mr. Speaker, I dare say no finer tributes have been paid to a deceased colleague of our delegation and none have been more deserved.

When I first entered the House five years ago, "BUZZ" STEPHENS was one of the Members to whom I was attracted. He became my friend; I was his. I had an ardent admiration for his fine qualities. With our offices located on the same floor and but a few doors apart, I soon learned from contact with this estimable gentleman that he was big of heart and big of mind, with a poise that definitely decided his actions and a judgment to chart his own course. His feet were always on the ground, his head never above the clouds. His life was full of activity and service. He has left a splendid heritage to his family, his friends, his State and his country.

We all know by experience that the path to public favor is not a royal road. No man enters it and survives who bends to every breeze that blows. We always respected the views of our deceased friend as the views of an honest public servant. It was not necessary for us to agree with them to respect them.

"BUZZ" STEPHENS served his constituency well. He endeavored to serve his people but it can be truthfully said he never surrendered his conscientious views. His conclusions were the result of investigation and reflection. They were not based upon fleeting sentiment but the courage of his convictions. This trait we all admired and respected.

Our State and Nation has lost a man whose views were not sectional but nation-wide. His was a useful life full of friends and love for his fellow-men that made for him a constantly increasing circle of friends. We are in the presence of the life record of a true and noble man. I knew and respected him as a candid, courteous, and courageous gentleman and friend, not on particular occasions and in certain things, but at all times and in all things.

Others are better qualified to speak more in detail than I. I shall not attempt to do so. I hesitantly add my own humble tribute of admiration and respect to those which will be so much more fittingly expressed by others on this floor. We mourn

his death as a distinct loss to this body, to our beloved State and to the Nation. The death angel beckoned; our colleague, Hon. A. E. B. STEPHENS, was called from the tide of this world's aspirations, its hopes and its victories, into the great beyond. As we pause in the pathway of life and ponder, there is no death, as has been aptly said:

Death is but the door through which we pass
To meet those gone before;
'Tis but the stopping of the mortal breath,
The spirit passes on.
There is no death.

Mr. SWING. Mr. Speaker, I desire to add my voice to the voices of my colleagues in paying tribute to the life, work, and character of our late colleague, A. E. B. STEPHENS. It was my privilege to serve for four years with him on the Committee on Naval Affairs, during which time we traveled together on several trips of inspection, which brought me into closer acquaintance with him than would otherwise have been my privilege. I found, as all of us found, that Mr. STEPHENS was not a man to force his friendship upon you, but if you sought it and won it, you found a friendship which was lasting and worth while.

He was never a man who sought the spotlight. Quiet, retiring, and unassuming in manner, yet he possessed reserve, power, and courage whenever occasion required, and he did not hesitate to take a position for what he thought was right and maintain it tenaciously and energetically to the end.

As a statesman he was thorough and painstaking, honest and conscientious in his work. As a friend he was loyal and sincere and a source of comfort and encouragement. He was older in service and older in years by a good deal than myself. He represented the district in which my family tree spread its roots and reared its principal branches.

He knew more about my family than I knew myself. Perhaps for this reason he kindly assumed guardianship over me on my arrival in Congress and gave me much friendly advice and encouragement. The merry twinkle of his eye, which we all have seen so many times, bespoke a kindly heart which sought happiness, not for himself alone, but also for those about him, for he was one of those who were happiest when making others happy.

One can not think of our friend "BUZZ" STEPHENS without also thinking of his beloved wife, because she was part and parcel of his life and contributed directly to his success. She entered into his hours of labor as well as into his hours of recreation.

The pleasure of knowing her added to the pleasure and value of the friendship of her husband. "BUZZ" STEPHENS had occasion to visit my district in California a number of times and he was known and loved there in the same way as he was known and loved in Ohio.

If I had the power to give expression to the promptings of my heart, or if I were the master of words, I would weave them into a wreath of everlasting flowers and place them beside his name and memory as my tribute to a friend; but lacking that power I humbly but sincerely speak these few words in token of my affection for a man who loved his fellow men and who, in turn, was loved by them.

Mr. MURPHY. Mr. Speaker, we have gathered here this afternoon to pay our tribute of love and esteem to the memory of our former colleague and dear friend, Hon. A. E. B. STEPHENS, who was summoned into the great beyond on February 12, 1927. And as we gather here a great question arises before us, and that question is "What is life?" One writer very beautifully expresses it thus:

Life is a beautiful shell,
Thrown up by eternity's flow,
On time's bank of quicksand to dwell
And a moment of loveliness show.
Gone back to its element grand
Is the billow that brought it ashore,
See! Another is washing the strand
And the beautiful shell is no more.

Another writer who has thought much describes life as—

A little loving and a great deal of sorrowing, some bright hopes and many grievous disappointments, some gorgeous Thursdays when the skies are bright and the heavens blue, when Providence bending over us in blessing gladdens the heart almost to madness, many dismal Fridays when the smoke of torment beclouds the mind and darkens the soul.

The gorgeous Thursdays and the dismal Fridays are all alike to our beloved dead. Our hearts are beating a little faster because they are aching with sorrow for the relatives of our friend and colleague who has been summoned into the misty beyond, and so we see that—

There is no flock, however watched and tended,
But one dead lamb is there.
There is no fireside howsoe'er defended
But has one vacant chair.

And so this afternoon we look out for a little while over that boundless sea on whose bosom all sails are outward bound and trust that the barque that bears our departed may be wafted by soft perfumed breezes over calm seas into a safe haven. The future is God's—to-day is ours, and we are again reminded that only in the temple of memory can we find the picture and the records of the good deeds done by our departed friend, and so we take them down from memory's walls and hold them up as beacon lights to those who are traveling on to the end that we, too, may be remembered, realizing that the impressions made on the human heart and mind outlive and outlast anything that could be carved on cold graystone. The desire to be remembered has ever been a ruling passion in the heart of man. Every page of history proves this great truth. The desire not to be forgotten spurs on ambition to attempt the greatest tasks with the hope that when we are gone our names may be held in grateful remembrance by our fellow men. That hope urges on the strong to greater efforts and adds its strength to the arm and brain of the weak.

Love of wealth, power, position—all have back of them the hope that when the struggle is over and history is written our names and deeds will not be forgotten.

Even the Savior of Mankind gives evidence of this strong desire of the human heart when on that last memorable night He called His beloved disciples together and broke bread with them, saying: "Do this in remembrance of me."

Many years ago a young German musician fell madly in love with a lady of higher station in life than his own, so one day while visiting his sweetheart he bade her farewell, saying he was going to go away to a distant land where he would make a name and a fortune such as could place him on an equality with her, and then he would again return and claim her hand. So one day he returned and he and his sweetheart were happily married, and one day during their honeymoon they were strolling along the beautiful banks of the River Rhine and spying a delicate little blue flower blooming near the edge of the water and desiring to secure some of these winsome little flowers for his bride, he ventured and secured the flowers, but the bank gave way under him and he was carried out with the swift waters to certain destruction, and seeing that he could not get back again to shore he tossed the little blue flower to his loved one, saying "Forget me not," and thus was the name of the little blue flower, known in Germany as the "Mouse ear," changed to the name "Forget me not," and so this modest little blue flower memorializes the desire of a human heart to be remembered.

And so as we ponder at these memories the thought comes to us: For what do we want to be remembered? What did we do yesterday—last week—last year—yes, to-day? While we now live and understand, what have we done—now, as we examine ourselves, don't you think we could live a little better—be a little more pleasant—practice a little more secret charity—be a little broader in our views—speak a few more kind words as we travel down toward the setting sun—smile as we go through life and all our troubles will vanish like the mists before God's beautiful sunlight, and all we meet will be happier because we passed this way?

You gave on the way a pleasant smile,
And thought no more about it.
It cheered a life that had been dark the while,
Which might have wrecked without it.
And so for that smile and fruitage rare
You'll reap a crown sometime—somewhere.

Generations of men will appear and disappear as the leaves of the trees and the multitude that throngs the world to-day will disappear as the footprints on the sands of the seashore.

We rarely think of the great event of death until the dread angel casts the shadow of its wing across our pathway and silences the voice and robs us of the companionship of those we love. We dread to think of the journey through the dark valley, although it may lead to the place we call Paradise. And so the ripening process of human lives goes on and, I trust, will make us sweeter and more mellow toward the faults and foibles of our fellow creatures and inspire in us a desire to help some time-worn and discouraged fellow being to a nobler and better life.

Since the dawn of light, man has vainly sought to peer through the mystery that we call death. In vain have we listened for some message from the misty beyond. In vain has man tried to bribe the inexorable Charon to ferry a soul back to this side of the river. Occasions such as this are the outgrowth of that human longing not only for fellowship in life but comfort in death; when we are brought face to face with the grim tyrant that "Rides the pale horse" we grasp for the hand of our friend and colleague. We are all taught that death is nothing more than a rebirth upon some Elysian shore. When we turn with reverent pause and tearful eye on the memories of the past, while we realize that the places that knew our friend and colleague will know him no more, and while those living friendships that cheered and warmed the cockles of our hearts are now but recollections pure and sweet, we also realize "That never morning wears to evening but some hearts do break," for man is born to die.

With sympathy for the friends and relatives of our departed colleague, we turn again to cheering the living, to pointing out for emulation the shining marks whom death has claimed, and to stretching forth the helping hand to aid the struggling friend, hoping ever that our lives may prove a beacon light whose rays falling athwart life's channel may guide the bark of God's children clear and safe of the reefs and shoals of adversity and malice direct into that harbor whose placid waters shall form a haven safe from all hostile winds. And so we resume our everyday tasks, glad in the promise of that eternal springtime when God shall wipe away all tears from our eyes and death shall be no more.

It seemeth such a little way to me
Across to that strange country, the beyond,
And yet not strange for it has grown to be
The home of those of whom I am so fond.
It seems to grow familiar and most clear
As journeying friends bring distant regions near.

So close it lies that when my sight is clear
I think I can almost see the gleaming strand.
I know I feel those who have gone from here
Come close enough sometimes to touch my hand.
I often think but for our veiled eyes
We should find Heaven right round about us lies.

I can not make it seem a day to dread
When from this dear earth I shall journey out,
To that still dearer country of the dead
And meet the friends so long dreamed about.
I love this earth yet shall I love to go
And meet the friends that wait for me, I know.

I never stand before a bier and see
The seal of death set on some well-loved face
But that I think of one more to welcome me
When I shall cross the intervening space,
Between this land and that one over there.

And so for me there is no sting to death,
And so the grave has lost its victory,
It is but crossing, with abated breath
And white set face, a little strip of sea
To meet the loved ones waiting on the shore
More beautiful, more precious than before.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. McSWEENEY] will please take the chair.

Mr. McSWEENEY assumed the chair as Speaker pro tempore.

Mr. COOPER of Ohio. Mr. Speaker, we have met this afternoon to honor and pay tribute to one of our Members who has passed away from the trials and cares of earthly life.

In paying tribute to the life and memory of Congressman STEPHENS, I count it an honor to offer a few words at this time.

It was my good fortune to have had a close personal acquaintance with him during his eight years of service in this House.

He was a man of deep convictions, intensely devoted to his congressional work, and never permitted selfish or political issues to set aside his convictions on important public questions.

I believe it can truthfully be said of him that during his service in Congress he tried at all times to represent the people of his district, State, and Nation regardless of political views or station in life.

One of the pleasant recollections I shall take with me when I retire from Congress will be the great privilege I have had in the personal acquaintance with such men as "BUZZ" STEPHENS.

But there comes a time in all of our lives when we must part with loved ones who have been near and dear to us.

The Divine Maker in His wisdom saw fit to sound taps and call to the colors above this soldier and statesman.

He has passed away from the busy life of turmoil and strife to rest in peace.

No word of mine can bring him back again, nor can I bring much comfort to the sorrowing loved ones left behind, only to say that we do have the promise of Him, the Supreme Ruler of all, that some day we will be united once again with those who were ever near and dear to us in earthly life.

Through the death of our colleague and friend a good and upright man has passed away. Peace be to his soul.

Mr. COOPER of Ohio resumed the chair as Speaker pro tempore.

Mr. MOORE of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have leave to revise and extend their remarks on the life and character of the late Representative A. E. B. STEPHENS.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ADJOURNMENT

The SPEAKER pro tempore. In accordance with the resolution previously adopted, and as a particular mark of respect to the memory of the deceased, the House stands adjourned until 12 o'clock to-morrow.

Accordingly (at 3 o'clock and 38 minutes p. m.) the House adjourned until to-morrow, Monday, March 12, 1928, at 12 o'clock noon.

SENATE

MONDAY, *March 12, 1928*

(Legislative day of Tuesday, March 6, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the President of the United States.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Hess, one of his secretaries, announced that the President had approved and signed the following joint resolution and acts:

On March 8, 1928:

S. J. Res. 66. Joint resolution authorizing an additional appropriation to be used for the memorial building provided for by a joint resolution entitled "Joint resolution in relation to a monument to commemorate the services and sacrifices of the women of the United States of America, its insular possessions, and the District of Columbia in the World War," approved June 7, 1924.

On March 9, 1928:

S. 1455. An act to grant extensions of time under coal permits;

On March 10, 1928:

S. 771. An act providing for the gift of the United States ship *Dispatch* to the State of Florida;

S. 2483. An act to revive and reenact the act entitled "An act granting the consent of Congress to the State of Illinois and the State of Iowa, or either of them, to construct a bridge across the Mississippi River, connecting the county of Carroll, Ill., and the county of Jackson, Iowa," approved May 26, 1924;

S. 2545. An act to authorize the sale of certain lands near Garden City, Kans.;

S. 2698. An act granting the consent of Congress to the State of Vermont to construct, maintain, and operate a free highway bridge across an arm of Lake Memphremagog at or near Newport, Vt.; and

S. 2801. An act granting the consent of Congress to the New Martinsville & Ohio River Bridge Co. (Inc.), to construct, maintain, and operate a bridge across the Ohio River, at or near New Martinsville, W. Va.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10286) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes; that the House

had receded from its disagreement to the amendments of the Senate numbered 25, 26, 42, and 45 to the said bill and concurred therein; and that the House had receded from its disagreement to the amendment of the Senate numbered 39 and agreed to the same with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 6073) granting a permit to construct a bridge over the Ohio River at Ravenswood, W. Va.

The message further announced that the House had agreed to the amendment of the Senate to each of the following bills:

A bill (H. R. 66) authorizing B. L. Hendrix, G. C. Trammel, and C. S. Miller, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Mound City, Ill.;

A bill (H. R. 7183) authorizing C. J. Abbott, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Golconda, Ill.; and

A bill (H. R. 7921) authorizing A. Robbins, of Hickman, Ky., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Hickman, Fulton County, Ky.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	La Follette	Shipstead
Barkley	Fess	McKellar	Shortridge
Bayard	Fletcher	McMaster	Simmons
Bingham	Frazier	McNary	Smith
Black	George	Mayfield	Smoot
Blease	Glass	Metcalf	Steiwer
Borah	Gooding	Neely	Stephens
Bratton	Gould	Norbeck	Swanson
Brookhart	Greene	Norris	Thomas
Broussard	Hale	Nye	Tydings
Bruce	Harris	Oddie	Tyson
Capper	Harrison	Overman	Wagner
Caraway	Hawes	Phipps	Walsh, Mass.
Copeland	Hayden	Pittman	Walsh, Mont.
Couzens	Heflin	Ransdell	Warren
Curtis	Howell	Reed, Pa.	Waterman
Cutting	Johnson	Robinson, Ark.	Watson
Deneen	Jones	Sackett	Wheeler
Dill	Kendrick	Schall	Willis
Edge	King	Sheppard	

The VICE PRESIDENT. Seventy-nine Senators having answered to their names, a quorum is present.

APPROPRIATIONS FOR THE WAR DEPARTMENT

The VICE PRESIDENT laid before the Senate the action of the House of Representatives receding from its disagreement to the amendments of the Senate numbered 25, 26, 42, and 45 to the bill (H. R. 10286) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes, and receding from its disagreement to the amendment of the Senate numbered 39 to the bill, and agreeing to the same with an amendment as follows:

At the end of the matter inserted by said amendment insert the following: "; which funds are in full for the conduct, operation, and maintenance of the national matches and the competitions and Small Arms Firing School held in conjunction therewith, except as may be specifically provided for in other appropriations: *Provided*, That members of authorized civilian teams traveling by train or automobile may be paid travel allowance at the rate of 5 cents per mile, which shall include subsistence while traveling, for the distance by the shortest usually traveled route from the places from which they are authorized to proceed to the national matches and for the return travel thereto: *Provided further*, That the payment of travel pay for the return journey may be made in advance of the actual performance of the return travel."

Mr. REED of Pennsylvania. I move that the Senate agree to the amendment of the House to the amendment of the Senate numbered 39.

The motion was agreed to.

PETITIONS

Mr. FLETCHER. I present two petitions of citizens of the State of Florida and ask that the wording of the petitions be printed in the RECORD without the names, and that they be appropriately referred.

There being no objection, the petitions were referred to committees as indicated below and ordered to be printed in the RECORD without the names attached, as follows:

UNITED STATES ENGINEER OFFICE,
Jacksonville, Fla., February 24, 1928.

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

SIR: We, the undersigned Federal employees at Jacksonville, Fla., respectfully request that you support H. R. 6518, the Welch salary increase bill, and H. R. 492, the Lehlbach bill, a bill to abolish the Personnel Classification Board.

The reason for this request is that the salaries of Federal employees have not kept pace with the increased cost of living, and it is impossible for the average Federal employee to support a family in comfort.

Respectfully,

_____ _____
_____ _____
_____ _____

Referred to the Committee on Civil Service.

TAMPA, FLA.

To the Senate and House of Representatives of the United States:

We believe in immigration restriction as necessary to maintain the unity and safety of our country, and that in order to maintain restriction immigration quotas should be on a fair and impartial basis, discriminating for and against nobody. Accordingly we favor the maintenance of the national-origins system, basing quotas on the entire population—native and foreign born alike—and we strongly oppose quotas based on the number of foreign born in this country at any given time, because that system excludes all native-born Americans in determining the quotas and is so grossly discriminatory that if continued it will throw all immigration restriction into disrepute. We oppose, also, attempts by alien blocs to mangle or repeal the native-origins provision in order to obtain unfair quotas for their native countries.

Respectfully submitted.

_____ _____
_____ _____
_____ _____

Referred to the Committee on Immigration.

Mr. COPELAND presented a resolution of Harold Wilmot Post, No. 137, the American Legion, of Gloversville, N. Y., favoring adoption of the proposed naval building program, which was referred to the Committee on Naval Affairs.

Mr. NEELY presented petitions of sundry citizens of Huntington and Tyler County, in the State of West Virginia, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. BARKLEY presented petitions of sundry citizens of Morganfield, Earlington, and Christian County, Ky., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

REPORTS OF COMMITTEES

Mr. NYE, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 8311) to provide for the naming of a mountain or peak within the boundaries of the Lassen Volcanic National Park, Calif., in honor of Hon. John E. Raker, deceased (Rept. No. 525); and

A bill (H. R. 9031) to provide further for the disposal of abandoned military reservations in the Territory of Alaska, including Signal Corps stations and rights of way (Rept. No. 526).

Mr. FRAZIER, from the Committee on Indian Affairs, to which was referred the bill (S. 3128) to amend section 3 of the act approved April 12, 1926 (44 Stat. L. 239-240), with reference to suits involving Indian land titles among the Five Civilized Tribes, reported it without amendment and submitted a report (No. 527) thereon.

He also, from the same committee, to which was referred the bill (H. R. 8831) to provide for the collection of fees from royalties on production of minerals from leased Indian lands, reported it with an amendment and submitted a report (No. 528) thereon.

Mr. HOWELL, from the Committee on Claims, to which was referred the bill (H. R. 4203) for the relief of A. S. Guffey, reported it without amendment and submitted a report (No. 529) thereon.

Mr. WATERMAN, from the Committee on Claims, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 1428) for the relief of R. Bluestein (Rept. No. 530); and

A bill (S. 1899) for the relief of Clifford D. Ham, collector general of customs, administrator of Corinto Wharf, Republic of Nicaragua (Rept. No. 531).

Mr. WATERMAN also, from the Committee on Claims, to which was referred the bill (S. 2706) for the relief of Arthur C. Lueder, reported it with amendments and submitted a report (No. 532) thereon.

Mr. BLACK, from the Committee on Claims, to which was referred the bill (S. 1368) to extend the benefits of the employees' compensation act of September 7, 1916, to Martha A. Hauch, reported it without amendment and submitted a report (No. 533) thereon.

Mr. STEPHENS, from the Committee on Claims, to which was referred the bill (S. 1500) for the relief of James J. Welsh, Edward C. F. Webb, Francis A. Meyer, Mary S. Bennett, William McMullin, jr., Margaret McMullin, R. B. Carpenter, McCoy Yearsley, Edward Yearsley, George H. Bennett, jr., Stewart L. Beck, William P. McConnell, Elizabeth J. Morrow, William B. Jester, Josephine A. Haggan, James H. S. Gam, Herbert Nicoll, Shallcross Bros., E. C. Buckson, Wilbert Rawley, R. Rickards, jr., Dredging Co., reported it without amendment and submitted a report (No. 534) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HALE:

A bill (S. 3599) granting a pension to Julia E. Randall (with accompanying papers); to the Committee on Pensions.

By Mr. WALSH of Massachusetts:

A bill (S. 3600) granting an increase of pension to Mary E. Barnes; to the Committee on Pensions.

By Mr. SACKETT (for Mr. GOFF):

A bill (S. 3601) granting an increase of pension to Hulda V. Anderson (with accompanying papers); to the Committee on Pensions.

By Mr. CARAWAY:

A bill (S. 3602) to quiet title and possession with respect to certain lands in Faulkner County, Ark.; to the Committee on Public Lands and Surveys.

By Mr. McNARY:

A bill (S. 3603) for the relief of Clara Brunelle; to the Committee on Finance.

By Mr. WATSON:

A bill (S. 3604) granting a pension to Hannah A. Polen; and

A bill (S. 3605) granting an increase of pension to Jennie Corbly; to the Committee on Pensions.

By Mr. WATSON (for Mr. ROBINSON of Indiana):

A bill (S. 3606) granting an increase of pension to Eliza Kellams;

A bill (S. 3607) granting an increase of pension to Mary W. McClung; and

A bill (S. 3608) granting an increase of pension to Louisa E. Howard (with accompanying papers); to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 3609) granting an increase of pension to Charlotte Ingersoll Tucker; to the Committee on Pensions.

By Mr. WHEELER:

A bill (S. 3610) to create a Federal Child Relief Board, and for other purposes; to the Committee on Education and Labor.

By Mr. SHIPSTEAD:

A bill (S. 3611) authorizing the board of county commissioners of Itasca County, Minn., to construct, maintain, and operate a free highway bridge across the Mississippi River at or near the north line of section 35, township 144 north, range 25 west; to the Committee on Commerce.

A bill (S. 3612) granting a pension to Guy H. Noe; to the Committee on Pensions.

By Mr. PHIPPS:

A bill (S. 3613) granting an increase of pension to Lucie Irvin (with accompanying papers); to the Committee on Pensions.

By Mr. SACKETT:

A bill (S. 3614) granting an increase of pension to Elizabeth Hatfield (with accompanying papers); to the Committee on Pensions.

A bill (S. 3615) for the relief of Capt. George R. Armstrong, United States Army, retired (with accompanying papers); to the Committee on Military Affairs.

By Mr. McNARY:

A joint resolution (S. J. Res. 111) authorizing the acceptance of title to certain lands in the counties of Benton and Walla Walla, Wash., adjacent to the Columbia River bird refuge in said State, established in accordance with the authority contained in Executive Order No. 4501, dated August 28, 1926; to the Committee on Agriculture and Forestry.

By Mr. JONES:

A joint resolution (S. J. Res. 112) authorizing the Secretary of War to lend tents and camp equipment for the use of the housing committee for the convention of the American Legion for the Department of Washington, to be held at Centralia, Wash., in the month of August, 1928; to the Committee on Military Affairs.

AMENDMENTS TO FLOOD CONTROL BILL

Mr. RANSDELL submitted amendments intended to be proposed by him to Senate bill 3434, the flood control bill, which were severally ordered to lie on the table and to be printed, and, on request of Mr. RANSDELL, to be printed in the RECORD, as follows:

On page 1, line 4, after the word "valley," insert the following: "including all parts of the main river and its tributaries now under the jurisdiction of the Mississippi River Commission."

On page 2, line 21, after the word "Congress," insert the following: "*Provided further,* That surveys shall be made between Point Breeze, La., and Cape Girardeau, Mo., to ascertain the best method of securing flood relief in addition to levees, and recommendations thereon shall be submitted by the board to Congress before any flood-control works other than levees and revetments are undertaken on that portion of the river: *Provided further,* That all spillways constructed under the provisions of this act shall be regulated and controlled and the lands adjacent to the flood ways shall be as fully protected as those on the main river."

On page 5, line 21, after the word "interests," insert the following: "Just compensation shall be paid by the United States for all property used, taken, damaged, or destroyed, including all property located within the area of the spillways, flood ways, or diversion channels herein provided, and the rights of way thereover, and the flowage rights thereon: *Provided, however,* That this shall not apply to rights of way required to be furnished by the local communities under the provisions of section 3 hereof."

AMENDMENTS TO AGRICULTURAL APPROPRIATION BILL

Mr. FLETCHER submitted amendments intended to be proposed by him to House bill 11577, the Agricultural Department appropriation bill, which were severally referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 27, line 20, strike out "$40,000" and insert in lieu thereof "$50,000";

On page 32, line 3, strike out "$47,780" and insert in lieu thereof "$55,000"; and

On page 46, line 18, strike out "$15,000" and insert in lieu thereof "$30,000."

SOIL SURVEY OF HILLSBOROUGH COUNTY, FLA.

Mr. FLETCHER (for Mr. TRAMMELL) submitted the following resolution (S. Res. 166), which was referred to the Committee on Printing:

Resolved, That there be printed 2,000 copies of the Soil Survey of Hillsborough County, Fla., for the use of the Document Room of the United States Senate, after such revision as may be deemed necessary by the Bureau of Soils of the Department of Agriculture.

CONTRIBUTIONS TO REPUBLICAN CAMPAIGN FUNDS

Mr. ROBINSON of Arkansas. Mr. President, I do not wish to delay the disposition of the pending resolution, but I am prompted by press reports of a letter addressed by the Senator from Idaho [Mr. BORAH] to former Senator Butler, of Massachusetts, present chairman of the Republican National Committee, and the testimony lately presented before the Committee on Public Lands and Surveys of the Senate, to submit some observations respecting the present aspect of the investigation of the leasing of naval oil reserves.

Recent testimony in a branch of the inquiry pertaining to that subject discloses peculiarly disgusting corruption. The Senator from Montana [Mr. WALSH] and his associates long ago revealed the infamous betrayal of their public trust by two former Cabinet members, Secretary Fall and Attorney General Daugherty, and the incompetency and assinine stupidity of former Secretary of the Navy Denby. That committee also disclosed the determination of two prominent captains of American industry, Mr. Blackmer and Mr. O'Neil, of the Midwest Refining Co. and former chairman of the board of the Standard Oil Co. of Indiana, respectively, to expatriate themselves in order to conceal the details of a deal which has many of the aspects of common larceny.

Quite recently a towering figure in American finance and industry, Mr. Stewart, chairman of the board of the Standard Oil Co. of Indiana, by refusing to answer questions propounded by the committee, to which it appears common honesty would have prompted him to respond, defied the authority of the

Senate and challenged the power of the courts of the United States.

Mr. Stewart was unanimously reelected chairman of his board, and some time ago, about the 6th of December, Mr. Sinclair was given a vote of confidence by representatives of the oil industry.

The latest chapter in the story, so humiliating to the country, is that Mr. Sinclair's efforts to corrupt were not confined to Cabinet officers and captains of industry, but extended also to the national political organization of the Republican Party, whose administration first permitted, then apparently aided, and at last concealed infamous plunder of the public and the shameful prostitution of its agents and servants.

Mr. Will H. Hays, chairman of the Republican National Committee in 1920, and in that capacity responsible for a large deficit in the party funds, resulting from an orgy of spending scarcely exampled in the history of partisan politics, received $160,000 as a contribution from Mr. Sinclair. Mr. Hays secretly received $85,000 in Liberty bonds from that chief beneficiary of the fraudulent transactions by which the naval oil reserves were bartered away, and proceeded by methods common to crooks with efforts to exchange the bonds with prominent Republicans for cash.

Such records as were kept warrant the conviction that the whole transaction was corrupt. The testimony of Mr. Hays before the committee in 1924 compels the conclusion that he deliberately concealed the use by him, as political chairman, of the bonds obtained from Mr. Sinclair, and in that sense subjected himself to a possible charge of perjury.

Quite lately, before the committee, when at last the slimy transaction was further in part divulged, Mr. Hays is quoted as saying:

> I did not volunteer about the Government bonds. I was not asked about that.

Every witness when sworn declares that he will "tell the truth, the whole truth, and nothing but the truth." True nobody asked him then direct questions as to whether Liberty bonds were received from Mr. Sinclair in 1924 to help pay the deficit or at other times, but in that year, when testifying, it appears that he was asked whether Mr. Sinclair had contributed more than $75,000 to the Republican committee deficit of 1920, and he answered "no." His testimony now discloses $85,000 in Government bonds, in addition to the $75,000, as a contribution, making a total of $160,000.

The sum of $50,000 in bonds received from Mr. Sinclair was sent by Mr. Hays to Mr. Mellon, who, it appears from his statement, was asked for a contribution. The method pursued by Mr. Hays aroused suspicion on the part of the Secretary of the Treasury. Mr. Mellon stated in his letter to the Senator from Montana [Mr. WALSH]:

> Subsequently Mr. Hays telephoned me one day that he was sending me by special messenger a package containing valuable documents, and that he would see me shortly and would explain the transaction. The package contained, as nearly as I can remember, $50,000 in Liberty bonds.

What was the purpose of thus attempting to dispose of the bonds? They were first-class securities, readily marketable, and could easily have been disposed of for cash on the market. When Mr. Hays called on Mr. Mellon and explained the transaction the latter returned the bonds to Mr. Hays and made a cash contribution of $50,000, the equivalent or nearly that of the value of the bonds.

When before the committee recently the former chairman of the Republican National Committee testified that $60,000 of the bonds were sent to Mr. Upham, $75,000 to Senator DU PONT, and $25,000 to the late John W. Weeks, Secretary of War in President Harding's Cabinet. Why did Mr. Hays then make no mention of having sent bonds to either Mr. Mellon or to Mr. Butler? Who is the "Butler" referred to in the memorandum in the testimony of Mr. Hommel, on which appear the names of Weeks, "Andy," "Butler," and du Pont? When will Mr. Hays divulge the whole story? Will he contradict or corroborate the testimony of Secretary Mellon? How can he restore himself in the public confidence and respect or relieve his party from the odium of having sold itself to the willful despoilers of the Nation?

The letter published in to-day's newspapers addressed by the Senator from Idaho [Mr. BORAH] to former Senator Butler, of Massachusetts, the present chairman of the Republican National Committee, suggesting that the whole transaction was tainted with corruption, and also suggesting that the contribution of Mr. Sinclair be returned to him, if complied with, might be helpful to the party politically, but it could not repair the wrong done to the public in accepting funds from such a source and under such conditions.

It might also be mentioned in this connection that if the organization of the Republican Party is to reform by returning campaign contributions, admittedly corrupt, it may not find itself restricted to restoring to Mr. Sinclair what it took from him as the price of treachery to the Nation; it may have to restore other contributions.

An election carried by such influences may well be expected to reflect such administrative policies as actually prevailed following that election, policies that have been only partially and very reluctantly reformed.

Mr. ROBINSON of Arkansas subsequently said: Mr. President, in connection with the remarks I just made I ask leave to have printed in the RECORD, as a part of my remarks, two newspaper reports, one respecting the letter to which I referred, addressed by the Senator from Idaho [Mr. BORAH] to Chairman Butler, and the other having reference to the letter addressed by Secretary Mellon to the Senator from Montana [Mr. WALSH].

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

[From the Washington Post of Monday, March 12, 1928]

HAYS IS SUMMONED ON SINCLAIR BONDS; BUTLER TO APPEAR—CHAIRMAN WIRES WALSH HE RECEIVED NO OIL CONTRIBUTIONS—MELLON MAY TESTIFY BEFORE COMMITTEE—BORAH WANTS FUNDS RETURNED TO ERASE "HUMILIATING STIGMA" ON PARTY

Leaders in two Republican presidential campaigns will appear to-morrow before the Senate Teapot Dome committee to tell what they know about the disposition of Liberty bonds obtained from Harry F. Sinclair in 1923 for political purposes.

Will H. Hays, Postmaster General in the Harding Cabinet, will be recalled to explain omissions in his previous testimony regarding disposition of the $260,000 in bonds which Sinclair gave him.

William M. Butler, chairman of the Republican National Committee, who directed the Coolidge campaign in 1924, will be asked to repeat under oath a telegram sent last night to Senator WALSH, committee prosecutor, in which he declared he had never received any bonds "or any contributions" from Hays or Sinclair.

MELLON MAY APPEAR

In addition there is a possibility that Secretary Mellon may be called also to give under oath the statement made in his letter to Senator WALSH last night that although Hays had attempted to pass $50,000 of the Sinclair bonds along to him, he (Mellon) had declined to receive them.

While these developments were taking place, Senator BORAH, of Idaho, made public a letter to Chairman Butler, urging him to return all money received by the Republican Party from Sinclair, declaring that as the record now stands "the whole transaction had in view an ulterior and sinister purpose." The Senator said he had received a reply to the letter, which was written on March 5, but that the reply was unsatisfactory. Thereupon, he added, he wrote Butler again, but so far has received no answer.

Efforts of the committee to-morrow will be turned to finding out what became of the $260,000 which Sinclair gave Hays in the form of Liberty bonds of the Continental Trading Co.

One of the points which the committee will seek to clear up is whether Hays ever offered any bonds to Chairman Butler. The chairman in his telegram to Senator WALSH merely stated that he had received none.

RECEIVED NONE, BUTLER WIRES

"I never received any bonds or any contributions from Will H. Hays or Mr. Sinclair," his telegram said, "and I have no records of memorandum under my control relating thereto, or concerning contributions to the Republican National Committee during 1922 and 1923. I have never met Mr. Sinclair and do not know him."

He added that he would appear before the committee to-morrow.

Hays, who has testified that he personally solicited from Sinclair the funds Borah would have the party return, made no reference in his two previous appearances to either Mellon or Butler in connection with the handling of the bonds. The trail to the Treasury was picked up only yesterday from a somewhat mysterious memorandum in the handwriting of a man now dead—John T. Pratt, of New York City—who made heavy contributions to the Republican campaign funds during his lifetime.

FIVE NAMES ON MEMORANDUM

At the bottom of this memorandum which had to do with a Continental Trading Co. bond transaction and a donation to the Republican political chest, appeared the names of Fred W. Upham, Weeks, Andy, Butler, and DU PONT. The "Andy" was taken by the committee to refer to Secretary Mellon, and the record immediately was sent to him. He then wrote to Senator Walsh as to the transaction.

The Senate investigation assumed that the word "Butler" referred to William M. Butler, and a telegram was sent to him asking him to

appear at the hearing to-morrow. There is no evidence that the former Massachusetts Senator did receive any of the Sinclair bonds, but it is now definite that all of the others whose names Pratt wrote on the memorandum did have some knowledge of them.

When he was recalled to the stand 10 days ago, Hays revealed for the first time that besides the $75,000 Liberty bond donations from Sinclair that he testified about in 1924, the lessee of Teapot Dome gave him an additional $185,000 in the shape of a loan to be used in securing any remaining deficit and enabling the national committee to announce when it met in December, 1923, to select the 1924 convention city that the deficit had been taken care of.

HAYS'S STATEMENT TO THE COMMITTEE

In a carefully prepared statement, which he read to the committee, the man who directed the Harding campaign in 1920 said he had sent $60,000 of the bonds to the late Fred W. Upham, then treasurer of the Republican committee; $25,000 to the late John W. Weeks, War Secretary in the Harding Cabinet; and $50,000 to John T. Pratt. He said he returned the remaining $50,000 to Sinclair as it was found they were not needed. The Senate investigators assume this is the $50,000 that Mellon refused to handle after Hays had explained the party financing plan to him.

This division accounted for the whole $185,000, of which $100,000 finally was returned to Sinclair, but not in the form of the same bonds which he delivered to Hays in New York City only a short time after the Continental Trading Co. had wound up its affairs and taken a profit of $3,080,000 in the oil deal with the late A. E. Humphreys, of Denver, and the Sinclair Crude Oil Purchasing Co. and the Prairie Oil & Gas Co.

In its examination Saturday of the records and memoranda taken from the personal files of Pratt, the Senate committee found direct trace of only $25,000 of the Sinclair bonds. These were cashed for Pratt by an agent of Charles Pratt & Co. and the money deposited in a special fund Pratt had set up in the United States Mortgage & Trust Co. and against which a check for $50,000 was drawn in favor of Upham.

HAYS'S ERROR SURMISED

Members of the committee suggested to-day that perhaps Hays was in error in his recollection that he sent $50,000 of the bonds to Pratt; that perhaps only $25,000 of them went to him and the other $25,000 were sent to some one else.

In his letter to Chairman Butler, Senator BORAH said:

"MY DEAR MR. CHAIRMAN: The investigation of the oil scandal has now disclosed beyond peradventure that the Republican Party received large sums of money, or securities, from Mr. Sinclair, which the Republican Party can not in honor or decency keep. As the evidence now stands this money was not given as an ordinary campaign contribution. The whole transaction, even the payment to the representative of the party, had in view an ulterior and sinister purpose.

DEMANDS REPUDIATION BY PARTY

"No political party is responsible as a party for the wrongful transactions of individual members who in secret betray it, but when the transaction becomes known to the party it must necessarily become responsible if it fails to repudiate the transaction and return the fruits thereof.

"I feel that this money should be returned to the source from which it came. We can not in self-respect or in justice to the voters in the party keep it. To do so is to say that political parties are above the law and exempt from the ordinary precepts of morality. I venture the opinion that there are plenty of Republicans who will be glad to contribute from $1 up to any reasonable sum to clear their party of this humiliating stigma, and that all you will have to do is to indicate that course.

"I am perfectly sure your conception of clean politics will view this matter in the light I have suggested.

"Very respectfully,

"WM. E. BORAH."

[From the Washington Post of Sunday, March 11, 1928]

SECRETARY MELLON REFUSED SINCLAIR BONDS FOR $50,000—TREASURY HEAD SAYS HE RETURNED SECURITIES OFFERED BY HAYS—LATER CONTRIBUTED $50,000 TO PARTY—DOME COMMITTEE WIRES BUTLER TO TAKE STAND; FILM CZAR WILL BE RECALLED

Secretary Mellon informed the Senate Teapot Dome committee last night that he received $50,000 of the $260,000 of Liberty bonds which Harry F. Sinclair advanced to cover part of the deficit of the Republican National Committee in 1923; but that he had refused to retain the bonds in exchange for a like contribution.

The Treasury Secretary disclosed that the bonds had been sent to him by Will H. Hays, former chairman of the Republican National Committee, and that when Hays subsequently called upon him to explain the purpose he had declined to keep them as suggested. He added that he had returned the bonds to Hays and shortly thereafter made a contribution in the same amount from his own funds.

$50,000 HIS ONLY GIFT

Mellon wrote that this was the sum that he had intended to give when he was first asked to contribute to the fund being raised to clean up the Republican deficit. He also informed the Senate committee that this was the only contribution he had made to the national campaign fund of 1920, exclusive of $2,000 given during the campaign.

The Secretary's letter, addressed to Senator WALSH of Montana, prosecutor of the Senate inquiry into what became of the Continental Trading Co. Liberty bonds profits from the now celebrated Humphreys oil deal, was written after the Senator had forwarded to him the record of hearings held by the committee earlier in the day in which appeared the name "Andy" along with that of "Weeks," "Butler," and "du Pont."

NAMES ON MEMORANDUM

These names were written on a memorandum of the late John T. Pratt, of New York City, showing that he had handled $25,000 of the Liberty bonds and had sent a check for twice that amount to the late Fred W. Upham, then treasurer of the Republican National Committee.

After the committee adjourned Senator WALSH sent to the Treasury Secretary the exhibits produced before the committee relating to the Pratt transactions and including the memorandum bearing the four names.

"I know nothing whatsoever concerning these transactions," Mellon wrote, "nor do I have any knowledge as to the contributions to the Republican National Committee by Mr. Pratt.

RETURNED BONDS TO HAYS

"I desire to take this occasion, however, to state to you all facts relating to my contributions to the Republican National Committee.

"Some time in 1923 I was asked to contribute to the fund then being raised to clean up the deficit of the Republican National Committee. I said I would help, but no amount was specified. Subsequently Mr. Hays telephoned me one day that he was sending me by messenger a package containing valuable documents and that he would see me shortly and explain what was involved. The package contained, as nearly as I can remember, $50,000 in Liberty bonds.

"There had been no previous understanding of any kind as to sending me bonds, and until I saw Mr. Hays later I had no knowledge as to the purpose in sending them to me. Nor did I have any knowledge as to contributions in the form of bonds.

"When Mr. Hays called shortly thereafter he told me he had received these bonds from Mr. Sinclair and suggested that I hold the bonds and contribute an equal amount to the fund. This I declined to do. Accordingly I at once returned the bonds to Mr. Hays.

MADE $50,000 CONTRIBUTION

"At the same time, or shortly thereafter, I made a contribution of $50,000 of my own funds, which was the amount I had intended to contribute, and which, incidentally, is the only contribution made by me to the national campaign fund of 1920, exclusive of $2,000 contributed during the campaign."

When Hays was recalled before the committee last week he testified that $60,000 of the bonds went to Upham, $75,000 to Senator T. COLEMAN DU PONT, of Delaware, and $25,000 to the late John W. Weeks, War Secretary in the Harding Cabinet, but he made no mention of having sent any to either Mellon or to "Butler."

Members of the committee could only speculate as to the identity of "Butler," mentioned in the Pratt memorandum, but they assumed that the reference was to William M. Butler, chairman of the Republican National Committee.

Hays's testimony last week was that Sinclair gave $75,000 to the Republican Committee outright and advanced another $185,000 in Liberty bonds to secure part of the committee deficit. He said that the $75,000 was sent to DU PONT to retire a note in the Empire Trust Co., of New York City.

Detailing then what became of the $185,000 "advance," Hays said $60,000 went to Upham, $25,000 to Weeks, and $50,000 to Pratt, and that he returned the remaining $50,000 to Sinclair. Presumably this was the $50,000 which he sent to Mellon and which the Treasury Secretary said he returned.

Senator WALSH said that Hays would be recalled to explain his failure to tell the committee that he had sent $50,000 of the bonds to Mellon. The prosecutor also announced that he had sent a telegram to William M. Butler inviting him to appear before the committee at the next meeting next Tuesday.

The names "Andy" and "Butler" in the Pratt note appeared between those of the late John W. Weeks, War Secretary in the Harding Cabinet, and Senator T. COLEMAN DU PONT, of Delaware, both of whom now are known to have handled some of the $260,000 of Continental Trading Co. Liberty bonds which Harry F. Sinclair, lessee of Teapot Dome, turned over to Will H. Hays late in 1923 for use in extinguishing or securing the deficit of the Republican Party organization.

MEMO DEALT WITH BONDS

Pratt himself handled $50,000 of these bonds, according to testimony given recently by Will H. Hays, who busied himself in wiping out the deficit, most of which was contracted while he was chairman of the national committee in the 1920 campaign. The memorandum, which apparently was addressed to Pratt's secretary, dealt with a payment of $50,000 which the New York financier made to the late

Fred W. Upham, of Chicago, treasurer of the Republican committee from 1918 to 1924.

There has been no previous suggestion that either Secretary Mellon or former Senator Butler had anything to do with any of the Continental bonds and committeemen realized that the two names on the Pratt memorandum might refer to entirely different persons. Mellon then was Secretary of the Treasury, but Butler had not then been made chairman of the Republican committee.

$50,000 PAYMENT TRACED

The Pratt memorandum was read into the record after Senator WALSH, of Montana, the prosecutor, had developed from other papers from Pratt's files that the $50,000 payment had been made to Upham out of a special fund the financier had set up in the United States Mortgage & Trust Co., $25,000 of which came from the sale of that amount of bonds identified as having been purchased for the account of the Continental Trading Co. out of that concern's profits in the now celebrated Humphreys oil deal.

V. E. Hommel, cashier of the Charles Pratt & Co., in which John T. Pratt held an interest, was on the stand and he and Senators read the finely written script with the aid of a magnifying glass. He said it apparently was addressed to Pratt's secretary. It was on a very small piece of paper across the top of which was written: "25 1,000 3½ 1st Libs."

PAPER LACKED SIGNATURE

Hommel said this referred to twenty-five $1,000 Liberty bonds.

The memorandum began "N. B.," and said:

"Received this Nov. 27, 1923, and had it cleared through C. P. & Co. (Charles Pratt & Co.). It is not on my books. Money was deposited in United States Mortgage & Trust Co. Check sent 9 a. m. Nov. 29."

There was no signature, but immediately under the memorandum was the name "Fred W. Upham." In the lower right-hand corner appeared these names, written one under the other: "Weeks, Andy, Butler, du Pont."

On the left-hand side of the sheet, one under the other appeared the figures $36.50, $2,500, and $50,000.

Hommel was able to make out all of the names readily except the "Andy." He said that might be "Candy" or it might be "Andy." He could not suggest why the names were on the memorandum.

Edmund De T. Bechtel, counsel for the Pratt estate, after examining the memorandum with the glass, said the word looked like "Andy," but that it might also be "Gandy." The latter is a name appearing in the book "Revelry," which purports to describe the oil scandals and other events of the Harding administration.

Bechtel told the committee that a thorough search of the Pratt files had been made, and that no other papers had been found which might shed light on the meaning of the names on the sheet.

Before taking up the Pratt political financial affairs the committee heard from Irl G. Hipsley, of Chicago, former secretary to Upham, that the one-time treasurer of the Republican committee early in 1924 destroyed all of the records of the committee's financial affairs from the year 1918 through the year 1922, except the card indexes, which, he said, showed the contributions.

SEEKS TO TRACE RECORDS

Hipsley was not certain whether the records for 1923 and early 1924, in which year Upham quit as national treasurer, had been turned over to William V. Hodges, who succeeded Upham, or whether they were destroyed after the Upham estate was settled up in 1926. Hodges has testified that they were not turned over to him.

Incidentally, Hipsley testified that Upham was "riding Will H. Hays pretty hard" in 1922 and 1923 to have him assist in clearing up the party deficit, which was placed at $1,800,000 in 1923.

The committee members went over some additional reports from its field investigators, but Senator NYE said there was nothing of a startling nature in them.

MUSCLE SHOALS

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Alabama [Mr. HEFLIN] to the amendment proposed by the Senator from Mississippi [Mr. HARRISON].

Mr. HARRISON. Mr. President, I desire to modify my amendment in section 3, on page 2, line 14, after the word "needed," by inserting "otherwise for the manufacture of commercial fertilizers and."

Mr. SMOOT. How will the amendment read if it shall be thus modified?

Mr. HARRISON. If modified as I have requested, section 3 then will read:

It is hereby declared to be the policy of the Government and the Secretary of War is authorized to dispose of the current generated at Muscle Shoals for public use equitably among the States within transmission distance, except as provided in section 8 herein, and except so much of such current as may be needed otherwise for the manufacture of commercial fertilizers and to light and operate the locks and canals in and about Dam No. 2 and the Government property at and around Muscle Shoals—

And so forth.

The VICE PRESIDENT. The amendment of the Senator from Mississippi will be modified in accordance with his request.

Mr. HARRISON. Mr. President, the Senator from Alabama [Mr. HEFLIN] has offered an amendment to my amendment which I think will not be necessary in view of the modification I have just suggested to my amendment. For that reason I hope the Senator from Alabama will not press his amendment.

Mr. President, I shall occupy the attention of the Senate for only a few moments. I have but 15 minutes to speak on the amendment, and I wish to confine my remarks to what is proposed by the amendment I have offered to the Norris joint resolution. It has nothing in the world to do with the fertilizer features of the joint resolution. Those are in the latter part of the joint resolution of the Senator from Nebraska. I only seek to amend three sections of the joint resolution, namely, those sections that pertain to the distribution of power.

May I say, Mr. President, that while some might try to create the impression that this is a power proposal, there is nothing of that sort in it. I care not whether or not I may be styled as one of the "power adherents"; I try in the discharge of my duties to look at the facts of the case and not to become an extremist one way or the other in the effort to reach a practical solution of the problem presented.

The power that is sought to be distributed by the Norris joint resolution, as well as by the amendment to that resolution which I have proposed, is the surplus power over that which is necessary to make fertilizer either through the synthetic process or the cyanamide process. So I am dealing here only with surplus power at Muscle Shoals.

The question arises in the consideration of the subject, What is the difference between the Norris proposal and the one I have submitted? The Norris proposal seeks to give to the Secretary of War the authority to lease the surplus power. He can, under its provisions, lease such power to municipalities, States, counties, corporations, partnerships, or individuals. My amendment proposes to authorize the Secretary of War to lease it to municipalities or corporations engaged in public-service activities; that is, to such corporations as come under the regulation of the public-service agencies of the States. It will be noted, therefore, that anyone engaged in any kind of business under the Norris proposal would have an opportunity to contract for or lease from the Secretary of War the power at Muscle Shoals, while under mine only municipalities and those corporations engaged in the distribution of power under the regulations of States would have the right to acquire it. There is the main difference between the Norris proposal and the amendment which I have offered.

He goes further, and he says that in the lease of this surplus power municipalities, counties, and States shall receive a preference. I have eliminated the States and counties, because they use no power to amount to anything. Municipalities do. I see no reason why preference should be given to municipalities in the leasing of this surplus power. In my State—and I take it in Alabama, in Tennessee, and in the other States within transmission distance—for the most part they have already, by a vote of the people, gone out of the business of municipally owned power distribution and have leased their power plants to these power companies. In my State not all, but practically all, have done that.

Mr. JONES. Mr. President, will the Senator permit an interruption?

Mr. HARRISON. Yes.

Mr. JONES. Does the Senator think that under the Norris provision a lease could be made to a lessee that would not be subject to the public service commission?

Mr. HARRISON. There is not any doubt about it; and under mine they are subject to regulation by the regulatory agency.

As I was going to say, two power companies entered my State three years ago. All the municipalities then owned their own plants. Within that three years' time these companies have in most instances acquired control, not because they went in and browbeat the municipalities and knocked them in the head and took the plants away from them, but because the taxpayers in those communities voted to sell the plant. The

companies may have paid more money than they should have in some instances, and doubtlessly they did; but that is the fault of the people who voted the proposition through.

Mr. SIMMONS. Mr. President, may I ask the Senator a question?

Mr. HARRISON. Yes.

Mr. SIMMONS. Have the municipal plants in the Senator's State, as a matter of fact, been leased to some local corporations which have transmission lines extending only a limited distance out from the city and are merely local distributors?

Mr. HARRISON. In my State they have not. The fact is that there are two power companies there. One is the Mississippi Light & Power Co. and the other is the Mississippi Power Co. The Mississippi Power Co. is a subsidiary of the Alabama Power Co. They are connected up with the lines of the Alabama Power Co.

Mr. SIMMONS. They are not merely local distributors?

Mr. HARRISON. Oh, no. They are not local at all. They belong to a comprehensive system.

Mr. SIMMONS. I was apprehensive that they were possibly somewhat like some plants in my own State that either buy the municipally owned plant or buy power from the municipally owned plant and distribute it within a radius of 50 or 60 miles.

Mr. HARRISON. No.

Mr. SIMMONS. They are local distributors; and I was apprehensive that the Senator might have a lot of local distributors of that kind in the region where this great power is located, and that there might be but one real large distributing plant there, namely, the Alabama Power Co., and that the result would be that this power would either have to be leased to local distributors or leased to the Alabama Power Co., one of the two.

Mr. HARRISON. Mr. President, in providing for this lease, if the Secretary of War should desire to do it, either to municipalities or to a public service corporation, I have included this additional paragraph in section 3, which denotes the policy of the Government:

> It is hereby further declared to be the policy of the Government that in case of any such sale or lease to a public-service corporation the amounts paid to the Secretary of War by such corporation shall be considered by the public service agencies of the several States in regulating the rates charged by such corporation to the consumers.

Mr. President, I say frankly that since the Government has gone to this enormous expense of building dams and locks and everything at Muscle Shoals, and creating this power, I see no reason why we should give it all to any particular locality. I would not deprive them of all of it. I would allow them, and my amendment does, to obtain their equitable part of the surplus power that is generated at Muscle Shoals. They can get that. They should get no more. Every other municipality and the people within the transmission distance, 300 miles out from Muscle Shoals, would have an opportunity of obtaining their equitable part of this power. There should be no discrimination between municipalities. All should have the same right to obtain power. Under my amendment they have that right.

The Senator from Alabama the other day talked about this being a fight between the farmers and the power companies. It is not that, Mr. President. I have stood here for eight years fighting to obtain the manufacture of fertilizer at Muscle Shoals first; and, secondly, for the equitable distribution of the surplus power at Muscle Shoals. I still adhere to that theory; but if we are going to distribute the surplus power I think the communities outside of the Muscle Shoals district should have an opportunity of obtaining it, as well as the people at Muscle Shoals.

I have no fault to find with the people of Muscle Shoals. It is natural that they should want all of this power. They are situated close to it. They have made efforts to obtain the power there. They want nitrate plant No. 2 in operation there because it will give employment to the people. I wish it could be operated. I will not say that I wish the times had not progressed to the extent of making it unprofitable to operate it, but I do say that under the synthetic process, as the experts tell us, fertilizers can be made cheaper than they can be made under the cyanamide process. Nitrate plant No. 2 was constructed to meet conditions during the war. At that time they knew nothing about the synthetic process. It was made for the utilization of the cyanamide process; and experts tell us that it is impossible to use it and make cheap fertilizer at this time.

That, however, is a question about which we may differ. I am talking about the disposition of the surplus power at this time. I know that last year the community at Muscle Shoals, where I believe there are 52 houses constructed, came to the Secretary of War with the Governor of the State of Alabama and an influential delegation from that community and, if I am not mistaken, the junior Senator from Alabama [Mr. BLACK] joined them. They appeared and had a long hearing before the Secretary of War on an application to obtain for Muscle Shoals an unlimited amount of power.

In their application they did not say "10,000 horsepower." They did not say "50,000 horsepower." They applied for an unlimited amount of horsepower for the little community of Muscle Shoals. Why did they not bring in Sheffield and Tuscumbia and Florence? It was because some power was being given to those people through power companies; but the little community of Muscle Shoals, where it is said that only 52 houses have been constructed, was the one that made application for this power.

I say, Mr. President, that if there should be a distribution of surplus power it ought to be equitably distributed to all the communities within transmission distance, without discrimination as to rates, without discrimination as to service, and without discrimination as between this municipality or that municipality.

Mr. McKELLAR. Mr. President, I desire to speak to the amendment offered by the Senator from Mississippi [Mr. HARRISON].

This has been a long-drawn-out controversy. I offered the first Muscle Shoals amendment that was ever offered about Muscle Shoals while a Member of the House and a member of the Military Affairs Committee, away back in 1915 or 1916. At that time we got a provision authorizing the expenditure of $20,000,000 for the purpose of beginning the establishment of a plant such as we now have at Muscle Shoals. My original amendment designated the specific place of Muscle Shoals; but, as Senators who were then and now in the Senate will recall, when the bill came over here it was thought best to leave out the place and insert a provision that the President of the United States should select the place. That was put through, and Muscle Shoals was selected by President Wilson.

Mr. President, this dam, the steam plant, the houses, the cyanamide plants, and all other property acquired by the Government at Muscle Shoals cost the Government the enormous sum of $85,000,000. The dam itself and its equipment and the steam plant and its equipment cost $51,000,000.

It will be remembered that when our Republican friends came into power on March 4, 1919, the dam was not then completed, and they refused to appropriate the money to complete it on the ground, as stated by the distinguished senior Senator from Utah [Mr. SMOOT], that the dam would be a liability instead of an asset to the Government.

It will also be remembered that sometime afterwards Henry Ford made his celebrated offer, which galvanized the plant into life again, and our Republican friends then appropriated the necessary money to complete the plant. Mr. Ford's proposal remained unaccepted for some time, and later on he withdrew it. We people down South had large visions of what Mr. Ford would do with the plant if he received it. It was thought by many that he would remove a big plant from Detroit down there. At any rate, we all got under the glamour of the Ford millions, I suppose, and urged the Congress to accept his offer for it. But that is all water passed over the mill, and we need not further consider it.

Since Mr. Ford withdrew his offer there has been a bitter and rather relentless fight going on as to who should get the plant—the associated power companies on one side and the Cyanamid and Carbide companies on the other.

In the Congress there are a great number of Members who desire that the water-power companies should receive this great property at a rental that will probably not pay the cost of maintenance and without any suggestion of reduction of rates to the users of current, honestly believing the Government should not operate the plant for any purpose. If they had gotten their bid through it would have meant that the Government would have turned this great enterprise over to the private companies, with the people getting no benefit out of it. If the people have to pay the same price for their current whether it is generated by steam or by water power, they can not feel much concerned as to who gets Muscle Shoals.

The bid of the Cyanamid Co. is quite as indefinite. If it was accepted, in my judgment there would be no cheaper fertilizers manufactured for the farmers and no reduction of price of current. In other words, were we to accept either the bid of the Cyanamid Co. or of the Associated Power Cos. it would amount to an enormous gift or subsidy by the Government to the lessee.

Mr. President, the original bill contained the following provision. I understand that the amendment was offered by the Senator from South Carolina [Mr. SMITH] in the Senate:

> The plant or plants provided for under this act shall be constructed and operated solely by the Government and not in conjunction with any other industry or enterprise carried on by private capital.

Mr. President, I think we ought to follow the agreement that was made at that time with the American people in the act of 1916. I believe that for the last 10 years the plant has been used in a manner that was not authorized by law; but, be that as it may, the three great purposes of this plant were, first, that it should be used at all times by the Government for making nitrates for war purposes whenever they were necessary. In other words, it was argued—and well argued—that we should not have to be dependent upon Chile for the nitrates to make explosives; and a provision of that kind should be in this measure. In the next place, we dedicated that plant to the farmers of the country in order to manufacture cheaper fertilizers, and that should be the next provision in this measure. We should utilize every kilowatt of power, if it is necessary, at that plant to make cheaper fertilizers for the farmers of the country, and I have offered an amendment providing just that.

Mr. President, I am one of those who do not believe that the original joint resolution of the Senator from Nebraska—many of the provisions of which I favor—goes far enough in the manufacture of fertilizers for the farmer. I think we ought to take one step more; and so I have drawn an amendment along that line, which I shall offer at the proper time:

(e) Whenever the Secretary determines that it is commercially feasible to produce any such fertilizer, it shall be produced in the largest quantities practicable, and shall be disposed of at the lowest prices practicable, to meet the agricultural demands therefor, and to effectuate the purposes of this act.

(f) The Secretary is authorized to make alterations, modifications, or improvements in existing plants and facilities, and to construct and operate new plants and facilities, in order to properly effectuate the provisions of this section.

In the joint resolution proposed by the Senator from Nebraska, an experimental fertilizer plant is authorized to be established by the Secretary of Agriculture. As I understand the provision of the bill in this regard, this plant is purely an experimental plant and depends upon the future action of Congress for its scope and activities.

Mr. President, I would much prefer a stronger provision as to fertilizers. I think we could well go much further than does the provision of the joint resolution. I think we should direct the establishment of a plant there to manufacture fertilizers whenever a method is found under which there will be produced cheaper fertilizers.

The addition of these subsections, Mr. President, are to my mind necessary. I think we should use the power developed there to aid agriculture in compliance with the original act and in compliance with the fertilizer situation as we now find it. We all realize that fertilizer is a necessary aid to farming. We must keep our lands in a state of fertility. The present prices of fertilizers are exorbitant. I am inclined to think that the Senator from Nebraska is correct, that we are simply now on the threshold of success in methods of economically taking nitrogen from the air. Therefore in the beginning this plant ought to be experimental. But as soon as the economical processes are ascertained then we should go vigorously to work to help the farmers of the Nation to obtain cheaper fertilizers, and with these amendments added I think the bill will go a great way in that regard, much further than we could go, if we should accept any of the suggestions that have been offered for manufacturing fertilizers in this plant.

My understanding is that the Senator from Nebraska will accept that amendment. With what he already has in the joint resolution, and with that amendment added, in my judgment, there will be established a great fertilizer factory at Muscle Shoals that will do the farmers of this country infinitely more good than if it were turned over to the Cyanamid Co. or any other private company to manufacture fertilizer. In addition I want to suggest to my good friends, the two Senators from Alabama, Mr. HEFLIN and Mr. BLACK, that such a plant will be of far greater value to the towns near Muscle Shoals than if the Cyanamid proposal was adopted.

So, Mr. President, I hope that after providing, first, for the Government needs in time of war and for running the locks in peace time, in the second place we shall use all the power both at the steam plant and at Dam No. 2 that may be necessary for the manufacture of fertilizers, to the end that the farmers of this country shall get cheaper fertilizers.

Originally we dedicated this plant to that purpose away back yonder in 1916. We ought to stand by the agreement we then made with the American people; for I want to say to you as a Member of the House at that time, offering the original amendment, fully cognizant of what was going on, that we never would have gotten that bill through for the organization of this great plant if we had not made that contract with the people of America in the bill. If we had then said that we expected as soon as the plant was completed to turn it over to some private company the bill never would have passed.

So, Mr. President, I want to state again that, in the second place, I am fully and wholeheartedly for a provision for the use of any amount or all of this power for the manufacture of fertilizer.

Mr. TYSON. Mr. President——

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Tennessee yield to his colleague?

Mr. McKELLAR. I will yield in just a moment. The method makes no difference with me. Let these men in the Department of Agriculture experiment, let them adopt what process they like, but manufacture by the best and cheapest method so as to get all the fertilizer necessary for the farmers.

I now yield to my colleague.

Mr. TYSON. I understand that some Senators seem to feel that this plant was not intended to be used in the manufacture of fertilizers but solely for the manufacture of nitrates. In view of the fact that my colleague was present at the time the original act was under consideration and knows about it and helped to pass it, I would like to ask him if his understanding was that the plant was intended to be used not only for the manufacture of nitrates, but that the plan was to go further and manufacture fertilizer as well?

Mr. McKELLAR. The act specifically says so; there can not be any misunderstanding about it. It is in plain language. In the act the word "fertilizer" is used, and, of course, it was constructed for the purpose of manufacturing fertilizer in times of peace. So much for that feature of it.

I now come to the surplus-power provision. Some say that we ought to give this power to some private company. I believe the Cyanamid Co. has a bid here for it, and the water-power companies had a bid here for it. These are all estimable gentlemen; I have no word of criticism of them; they are looking out for their best interests; but I do not think that the Congress of the United States ought to turn this surplus power over to any of these companies unless we can not make it useful to the public generally, and with that statement I am content to let that rest.

What should we do with the surplus power? The Senator from Nebraska has accepted an amendment in substance in line with the amendment I shall now read, which I think fully covers the situation. It is my substitute for section 2 of the bill and reads:

The Secretary of War is hereby authorized and empowered to sell the current generated at said steam plants and said dam to States, counties, or municipalities desiring the same according to the policies hereinafter set forth, and to carry out said authority the Secretary of War is authorized to enter into contracts for such sale for a term not exceeding 25 years from the date of the contract, and until May 1, 1929, such States, counties, or municipalities purchasing said current for distribution to citizens and customers shall have the exclusive right to apply for and receive said current. If no application is made by any county, State, or municipality by May 1, 1929, or if any of said current has not been applied for by States, counties, or municipalities, then, if the Secretary of War is convinced that such States, counties, or municipalities do not desire said current, he is hereby authorized to sell the current generated at said steam plant or said dam, or such thereof as may remain, to corporations, partnerships, or individuals for a period not exceeding 10 years, according to the policy hereinafter set forth, and at all times, subject to the right of the Government, to take over said property in time of war: *Provided*, That between the date of approval of this act and May 1, 1929, the Secretary of War is authorized to sell current by the month to States, counties, or municipalities, corporations, partnerships, and individuals, but with a preference to States, counties, and municipalities.

Mr. President, the people of our locality are paying too great a price for their electric current. It ought to be cheaper. Wherever there is an abundance of water power as there is in this locality, the price of current has been greatly reduced to the consumer. In Canada, where the Government operates the power plants, the maximum cost to the individual consumer is less than 2 cents. In a number of cities in the West where the water power is plentiful the maximum is about 5½ cents. In Tennessee, Alabama, Georgia, North Carolina, and South Carolina the maximum price is 12½ cents. This price is out of all proportion to the cost of the current. I am not an advocate of Government operation of power plants. I would prefer that the Government should not come in competition with private industry, but when private companies fix their prices so that it constitutes such an enormous tax on the people, I think it is the duty of the Government to step in and stop these extortionate prices.

I have said to representatives of the power companies in east Tennessee that I shall not object to their getting sites in

east Tennessee for the construction of their dam, provided, first, that they should agree to construct these plants speedily so as to put the power on the market; second, that they submit to Government control of their stock and bond issues; third, that they agree to build transmission lines to all parts of our State and give Tennessee a preference in the sale of their current; and, fourth, that they make the maximum price of their current not exceeding 5 cents a kilowatt. To my mind these proposals are so reasonable that they ought to commend themselves to any fair-minded company, but the companies have refused to meet these suggestions. This I greatly regret. In the long run, I believe it would be not only immensely beneficial to the consuming public but would cause industries to be built up in our State and redound to the interest of the power companies as well as to the consumers. It is inconceivable, Mr. President, that the power companies can not themselves see that the public will not permit these exorbitant prices to be indefinitely continued. There are 11 great sites on the Tennessee River and its tributaries in my State which would produce an enormous amount of power, and these are the sites which are desired by the power companies; but what good would the development of this water power be to the people if the power companies are allowed to make the unconscionable returns that they are now making on their steam power?

So that I favor giving the States, counties, and municipalities a preference, just as is now provided in the Federal water power act.

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. CARAWAY. Has the Senator given any thought to the possibility of States and counties being unable, under their constitutions or forms of government, to purchase this power?

Mr. McKELLAR. Yes. I have found that the State of Tennessee and its counties and municipalities have the power to purchase, or the legislature can authorize them to purchase, and I understand the State of Arkansas, its counties and municipalities, especially the municipalities, have that right. I want to say further to the Senator from Arkansas that, as I understand it, the amendment he has offered with relation to the use of the cyanamide plant at Muscle Shoals will be accepted by the author of the joint resolution.

A number of us from near-by Southern States have been in conference with the Senator from Nebraska [Mr. NORRIS], the author of the pending resolution, and I think we are substantially agreed, so far as we are concerned, about certain provisions of it. The amendments which will be offered by the Senator from Nebraska to his resolution will be substantially agreeable to a number of us on this side.

To restate: First, I think that any contract made in reference to this property should be made with the reservation of the full right of the Government to take over the property in time of war without the payment of any compensation. This was the primary purpose of its building, and in the time of war there should be no handicaps; but the Government ought to take it over without let, hindrance, or compensation and use it for war purposes. Of course, such power as may be needed to operate the dams should be reserved.

Second, I believe that in times of peace such of the power as is necessary should be used for the purpose of securing cheaper fertilizers to the farmers. This was the secondary purpose of its construction. That purpose is wise, as I have heretofore tried to point out, and no disposition of the property should be made that does not fully carry out this purpose. If I believed that the best way to accomplish this purpose was to turn the shoals over to the fertilizer companies, whose every interest is to increase the price of fertilizers rather than to decrease them, I might be in favor of some modified form of Cyanamid bid; but, believing that if we are to get cheaper fertilizer it will only come by experimentation by the Government and as the result of experimentation, I am not in favor of turning it over to others; but, in the interest of the farmers, I believe that such fertilizer plants should be conducted by the Government, whose duty it is to look after the interest of the farmers under this law.

In the third place, Mr. President, I have long believed that the surplus power should be sold by the Government in such a way as to do the greatest good to the greatest number of our citizens. In accordance with the policy laid down in the Federal water power act, I think that the States, counties, and municipalities should be given the preference in any sales of this surplus power. If they do not want to buy cheaper power, if they prefer that the power should be sold to private companies and their citizens required to buy from these private companies, I think we as trustees should give these public bodies the preference; and if the power is not sold to them, then it should be sold to private corporations or individuals or partnerships.

Mr. CARAWAY. Mr. President, I come in conflict with my colleagues here with regret. I have had hopes in the past that we might find a lessee for this plant who would be satisfactory, but that time has passed. The only proposition before the Senate that can succeed, if we want to get rid of this Muscle Shoals proposition, is that embodied in the resolution of the Senator from Nebraska [Mr. NORRIS]. Of course, many of us would like to change it, but we realize that the resolution can not be rewritten here on the floor of the Senate, and we have to follow one theory or the other.

The amendment offered by the Senator from Mississippi [Mr. HARRISON] is really a substitute. It can not fit in and form a part of the Norris resolution. It is an independent measure, giving to the Secretary of War the power to lease this property, without any restrictions upon him as to what he shall receive for it or what uses shall be made of it by the lessee. It is the broadest measure that has ever been offered in the Senate for the disposal of Muscle Shoals to anybody who could convince the Secretary of War that he was a desirable contractor.

I myself have no patience with the charge that somebody is trying to favor a power trust or a fertilizer trust. Such a charge as to any Senator, of course, is not true. I would not for a minute indulge in such an intimation as to the Senator from Mississippi. The desire of all of us is to dispose of Muscle Shoals in the best way possible. But I feel certain that there can be no disposition of that plant along the lines suggested by the Senator from Mississippi.

In the eight years that have elapsed since this matter first came before the Senate no one has come forward with an offer which was satisfactory to the Senate. The amendment of the Senator from Mississippi is a proposition to give to the Secretary of War the power to do, without any restrictions, whatever he may see fit to do with Muscle Shoals. I do not believe the Senate is willing to intrust the Secretary of War with such large power.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. CARAWAY. I yield.

Mr. HARRISON. I know the Senator wants to be absolutely fair. Sections 2, 3, and 4 as I propose to amend them are not greatly different from the same sections in the Norris resolution. The Senator from Nebraska also seeks to give the Secretary of War authority.

Mr. CARAWAY. Yes; but he undertakes to couple with that a statement of the uses that should be made of the proceeds from the sale of the power.

Mr. HARRISON. My amendment would not disturb that at all.

Mr. CARAWAY. I think, under the amendment offered by the Senator from Mississippi, section 2, if the Secretary of War should see fit, he could make an absolute disposition of the plant to anybody, at any price at which he saw fit to lease it, and it would be absolutely gone.

Mr. HARRISON. We will have the power, and the Senator from Nebraska offers to lease it for 10 years also.

Mr. CARAWAY. I think, if the Senator will pardon me, there is a very radical difference between the two.

Going beyond that, however, the Senator from Nebraska has agreed to accept an amendment sponsored by me, which I believe has met with the approval of quite a number who agree with our theory, that would dedicate a part of this power to the use of plant No. 2 for the making of fertilizer to be disposed of to the farmers at absolute cost. So that if the Norris resolution, with the amendment suggested, which he says he is willing to accept, shall become the law, immediately then the pledge we have made to the American people since the war, that we were going to dedicate plant No. 2 to the manufacture of fertilizer, will go into effect. If the amendment of the Senator from Mississippi should prevail, that, of course, would not happen.

As I see the Senator's amendment—and I am not criticizing the Senator for his position, because it is practically the one he has been maintaining all the time—he would put this plant into private control under a lease that would give to the lessee absolute control of it.

I do not agree that merely writing into the resolution a provision that the distribution of power shall be subject to the regulatory bodies of the various States, would confer any additional power upon those bodies. In other words, Congress can not say to the regulatory body of Alabama, Mississippi, Tennessee, or Arkansas, "You shall do certain things," because they are not official bodies of the Federal Government, and are not subject to control by the Federal Government. If, under the Norris resolution, the power shall be leased, it will go into the States, and it will be subject to the control of the regulatory body of

each State, if it has one, whenever there is an effort to distribute the power among the users of power in the State. But the mere fact that we shall say that any official body shall do a certain thing would not make it do it. That provision would not add anything to it, nor would the leaving of it out detract anything from the measure.

I hope the amendment of the Senator from Mississippi, which is a complete and entire act in itself, will not prevail, because if it should prevail, there would be no use calling it an amendment; it should be called an act to empower the Secretary of War to dispose of Muscle Shoals. I take it he will do that if he can find somebody to whom he can sell it satisfactorily. If not, under the amendment offered by the Senator from Mississippi, he would be authorized to sell at the switchboard the entire power. It would in effect say, "Let plant No. 2 stand idle, let our friends, the people, go unrelieved, but sell the entire power to anybody who wants to buy, and no fertilizer be made."

Mr. GEORGE. Mr. President, during the first few months of my service the Senate had under consideration the Underwood Muscle Shoals bill. I offered an amendment to that bill, which was finally adopted. This amendment provided that all the power not used for manufacturing fertilizer should be distributed equitably within economic transmission distances of the Muscle Shoals plant. The Underwood bill provided for the manufacture of fertilizer; first, by a private lessee, if one could be found; second, by the Government, if a private lessee could not be found; the surplus power to be distributed as provided in the amendment offered by me in either event. In this form the bill passed the Senate. In conference, the purpose of the amendment was destroyed and the private lessee, in my judgment, was subsidized by the value of the surplus power, less the low price offered to the Government. I voted against the conference report or bill and for the bill then proposed by the Senator from Nebraska [Mr. NORRIS].

At a later date in the Senate, the Senator from Alabama [Mr. HEFLIN] urged a resolution providing for the appointment of a committee to receive bids for Muscle Shoals, the bidders to agree to manufacture fertilizer in amounts not less, and upon terms not higher than the original Ford offer. I again proposed my amendment. Other Senators offered similar amendments; and the debate followed upon the amendment of the Senator from Arkansas [Mr. CARAWAY]. Upon its adoption, the resolution was passed. The Cyanamid bid was submitted, I believe, to the committee named under the resolution, and is now before the Senate. This bid, if accepted, would subsidize the lessee, the private company, with surplus power which it might localize at Muscle Shoals and use it for any purpose. I do not favor the acceptance of that bid, and hence am opposed to the Willis bill.

The resolution now offered by the Senator from Nebraska [Mr. NORRIS], as he is willing to perfect it, carries out the purpose of the original act. Muscle Shoals power plant is to be retained by the Government and operated by the Government for the purpose of making munitions in time of war, and the chief element in commercial fertilizer for the use of the farmers in peace times. Also, since there may be and will be a surplus of power over and beyond the power required for fertilizers, the surplus is to be sold by the Government directly to cities, towns, villages, counties, and States. If these do not wish the power, or if any power remains after such lessees within transmission distance of Muscle Shoals have been supplied, individuals and corporations may take it. The distribution is to be equitable within transmission distance, so that one State may not absorb all the power to be distributed. The rates are, of course, to be uniform and nondiscriminatory between all users under the Norris resolution as now perfected. I shall support the resolution.

I oppose Government ownership and operation of business properly classed as private business. I regard the generation and distribution of electric power and the making of fertilizer and fertilizer materials as private business. Muscle Shoals is an exceptional instance. The Government acquired and improved this property at public expense for a necessary purpose of Government—the common defense of the country in war. The Government should own the power plant and property at Muscle Shoals. It should operate it. We should not allow it to pass into private hands to swell private profits. At this time there are two imperative reasons, especially, why the Government should retain not merely ownership, but complete possession and control of this property.

First: American agriculture is in the last ditch, and has been for several years. Commercial fertilizers, when artificial fertilizers are required, constitute a land tax equal practically to the fair rental value of the land itself.

Whether the fertilizer manufacturers are exacting unreasonable prices for their products; whether they are making enormous profits, as charged in some quarters, the fact remains that the cost of fertilizer is a heavy and continuing charge upon all farmers, whether landowners or tenants. No private company has offered to, or will, in fact, reduce materially the cost of fertilizers to the farmer. All have proposed to make and sell fertilizers at cost plus 8 per cent profit, but all have had an eye single to the great profits on the use or sale of electric power over and beyond the amount necessary for manufacturing fertilizer. The present bidder can afford to take a loss on all the fertilizers it proposes and binds itself to make if it is allowed to recoup that loss out of the profits derived from other uses of the power at low cost.

Whether Senator NORRIS is correct in his conclusions, actual operation by the Government will demonstrate; and if we can make fertilizer at a cost below present and general prices, the Norris resolution will give to the farmer more fertilizer than the cyanamide bill—far more. Our promise to use Muscle Shoals for the benefit of the farmer should be made good.

Second: There will be some power to distribute over and beyond necessary requirements for fertilizers. It has been charged both in this body and in the press that a great Power Trust exists in the United States; that it is exacting unreasonable prices for electric energy and is selling its securities based upon nothing more substantial than water in its properties, and that the States have failed and are powerless to control the abuses to which the people are subjected. Whether these charges are true; whether there are good power companies and offending companies, the fact remains that the rates are relatively high in many sections of the country, and that electric energy or power is now a necessity in the life of the people.

If we hold Muscle Shoals and generate and distribute power from that plant, we will provide the yardstick by which the States and the people can measure the rates paid to private companies. My position is that the Federal Government should not encroach further upon the power of the States; that we should not further centralize power in Washington, but with our own property, developed at the expense of all the people of the country, we should be able to make it impossible for private companies to overcharge the people. I do not believe that the private companies, whether power companies or fertilizer companies, will be unjustly deprived of fair returns on their actual investments, because the Government will certainly find it necessary to charge for its products a fair and reasonable price, based on cost, and the Congress will not adopt a policy deliberately destructive of private property and legitimate investment.

Federal regulation within constitutional limits can not give to the farmers and to the users of electric power the protection which we may guarantee to them through the just use by the Government of its property at Muscle Shoals.

I favor the Norris resolution not because it will provide less fertilizers to the farmers but because it will give to the farmers more fertilizers, if possible, at a lower cost than any bill yet offered; not because it will work injury to the producers of electric power who have made the major contribution to our progress, especially in the Southeast, but because it will place the people who must use power upon equal footing with these great organizations.

Mr. SMITH. Mr. President, in a speech last week I outlined my idea of this legislation and what is needed to effectuate the purpose of the original national defense act. I now wish to call the attention of the Senate to the fact that just before the introduction by me of my amendment to the national defense act I had occasion to go down to the Ordnance Department to make inquiry as to whether there was a sufficient supply of nitrogen on hand to justify them in parting with some of it for the use of agriculture. The price had risen to something like $100 a ton for 18 per cent nitrogen in the form of nitrate of soda imported from Chile. I found that we were solely dependent, to all intents and purposes, upon the Chilean nitrate beds for the defense of the country. The basis of all explosives is nitrogen. It is the element that is essential in all explosives. I found that our Government had less than a two-weeks' supply of that necessary ingredient for ordinary practice purposes. It subsequently developed that they had to enter into a cooperative buying movement with the Allies in order to get a sufficient amount of that very necessary ingredient to prosecute the war.

I think I am well within the facts when I state that had Germany, or any of those allied with her, succeeded in blocking the importation of nitrates from Chile we would have been estopped effectually from any participation whatever in the war. For that reason, and for the other reason which involves its necessity for agriculture, I took the opportunity to say about it that our country should, as far as possible, avail itself of

the new discovery of a process by which this very necessary ingredient might be taken from the air. It so happens that the very basis of the explosive upon which we are dependent for the defense of our country is the basis of all fertilizers by which we feed the country.

Mr. HARRIS. Mr. President——

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from South Carolina yield to the Senator from Georgia?

Mr. SMITH. I yield.

Mr. HARRIS. The Senator will no doubt recall that as soon as we declared war on Germany, Germany threatened Chile and told her not to let us have any further nitrates.

Mr. SMITH. Yes; that is true. Our national defense is, of course, a matter of the first consideration. It so happens as an historical fact that Germany, being cut off from her importations of Chilean nitrate, had to depend upon the genius and inventive power of her people to supply herself with this ingredient and did perfect a process by which she could meet the necessities for a continued war.

Mr. SIMMONS. Mr. President, will the Senator yield?

Mr. SMITH. Certainly.

Mr. SIMMONS. Is it not a fact that Germany, before she entered into the war, had completed that process and was able when the war started to manufacture nitrogen from the atmosphere sufficient for her military purposes, and that, therefore, when she went into the war she relied probably as much upon her ability to cut off the supply of her adversaries from Chile, while she could supply herself by this process of extracting nitrogen from the air, as she did upon her superior military preparation?

Mr. SMITH. Yes. It is well to state that she had a process by which she might meet expensively her needs for nitrate, but during the war and subsequent to the war she has refined the process until she has startled the world with her showing of the small use of power necessary to produce a unit of nitrogen.

But the basic fact remains that until we have established in this country a sufficient process, the capacity of which is sufficient to supply us at all times, and particularly in time of war, we are still dependent upon a foreign country for our national defense. Therefore I do not think any Senator should be willing to vote to turn over to a private corporation the power to determine whether or not our country shall be adequately provided with this essential ingredient in case war should occur.

We ought to see to it that the dedication of this plant in the original act shall be religiously observed in both the elements of national defense and the element in aid of agriculture. The question of whether or not it shall go to a power company or whether we shall lease it to a private corporation is tantamount to saying that we propose to turn over to private individuals the preparation of those elements essential to our defense. We had as well turn over to private individuals the drilling of an army and the equipping of a navy as to do that, because the drilling of the Army and the equipping of the Navy comes to naught if we have not the wherewithal to make them effectual in time of war. Underlying the building of the Navy, underlying the drilling of the Army are the ingredients to make the Army and the Navy effective. I claim that this one ingredient is the basis upon which rests the superstructure of all defense proceedings. We should not jeopardize it by leasing it and turning it over to private individuals.

Now, coming down to the specific subject which is before us at this time, as to what measure we should pass, I desire to say that the joint resolution of the Senator from Nebraska [Mr. NORRIS] meets with my approval, because there is incorporated in it a provision that the power developed at Muscle Shoals shall be used to the fullest extent to produce and distribute fertilizer or fertilizer ingredients. I hope that every Senator on this floor who wants to aid agriculture in its most vital need will support and vote for the passage of that joint resolution. The production of power is purely incidental. If those in charge at Muscle Shoals shall do their duty there will not be left sufficient power to distribute for power purposes for anybody to quarrel over. The fact of the business is, in view of the rapid development of power projects throughout the whole country, that Muscle Shoals could be left idle without any appreciable effect upon the supply, price, or distribution of power, but it can not be left idle without detriment to agriculture. If the Government shall see to it that the processes of production, the amount of production, and the price of fertilizer shall be determined, together with provision being made for the vital necessity of having ready at all times a plant that will furnish sufficient nitrogen for the defense of the country, we might forget the power and leave it out.

I have deplored the fact that the great power companies seem to ignore the current needs of agriculture, and also seem to ignore the defenseless and helpless condition of this country, if it shall not provide itself with an adequate supply of the very basis of explosives. In the mad scramble of the exploiters of hydroelectric power we have forgotten that; we have allowed the issue to become clouded, and have devoted ourselves here for years to the determination of whether or not this power company or that power company should have control of this plant, and should incidentally experiment to determine as to whether or not they could manufacture explosives to defend the country or could help those who feed the country. We should have addressed ourselves to a determination of this problem along the lines to which it was dedicated—to the defense of the country and the upbuilding of agriculture. We have not done so; we have not properly discussed it. I do not know whether that has been because a majority of Senators have not directly felt the almost intolerable burden which is placed upon agriculture in the major section of the whole Atlantic seaboard because of the exactions of the fertilizer producers of this country. I have no quarrel with them; I have not investigated them; but I do know, as the Senator from Georgia [Mr. GEORGE] has stated, that the cost of the fertilizer which is necessary for each acre exceeds the rental of farm property and destroys the profit of the South Atlantic farmer.

For that reason I hope that every friend of agriculture will see to it that the joint resolution introduced by the Senator from Nebraska shall now be passed in its amended form. Let us remember that the element of power is purely incidental and should never have been discussed on this floor in connection with Muscle Shoals unless it had been demonstrated that nitrogen could not be produced for the benefit of agriculture or that it could not be produced for the defense of our country. We should not turn this plant over to an industry that is already established and requires no experiment, namely, the industry engaged in the production and distribution of power. Nobody has got to experiment with that; it is standardized; it has reached the point where it is one of the going concerns of the country. The production of nitrogen, however, in a form available for agriculture, is not standardized; the production of nitrogen in a form available for the making of explosives has not been standardized; and yet we have devoted years and years here to the discussion of whether the power at Muscle Shoals shall be turned over to a private corporation as a power project or whether the Government shall distribute power, and have lost sight of the main object of the introduction and prosecution of this entire piece of legislation. I, therefore, hail with delight the fact that the prospects are that at this session we shall at last make a beginning to bring about the necessary protection of the country and shall at the same time aid agriculture.

Mr. BROOKHART. Mr. President, I shall not enter upon a discussion of the amendment of the Senator from Mississippi [Mr. HARRISON]. I am opposed to that amendment and believe that the preference to municipalities in so far as it relates to the distribution of power should be maintained. I wish briefly to discuss some of the methods of opposition to the pending joint resolution.

I think Woodrow Wilson's idea that this great project should be dedicated to the purposes of national defense in time of war and to agriculture in time of peace deserves the approval of every thinking American. I believe it is one of the great pioneering ideas that emanated largely from the brain of Woodrow Wilson; but in the Senate of the United States the man who has made the fight to give that idea form and expression and practical application in the law is the Senator from Nebraska [Mr. NORRIS].

When I first came to the Senate I watched him in his persistent struggle for this idea of Government development and operation in the interest of all the people. It seemed to me at that time that there was little hope that he ever could succeed. I watched him proceed against all sorts of odds; I saw the distinguished leader on the other side of the Chamber voicing the views of the administration in an attempt to turn this great Government development and natural resource into the hands of private capital and private monopoly. It seemed that all the forces of the country were united to bring about that result, and yet they did not succeed. Through session after session that fight has proceeded, led at all times persistently by the Senator from Nebraska, who has never varied and never wavered from his point of view, that this great natural resource belonged to the people of the United States and that it must be administered for the purpose for which it was originally dedicated by the people. We are now at the threshold of victory, I think, and, in my opinion, there has been no greater fight and no greater victory in the history of the United States Senate if the result for which the Senator from Nebraska has contended shall be accomplished.

In my judgment, the turn of progressive principles is upon the proposition of whether or not we shall trust and believe in our Government to do for its people the things it owes to them. I think the glory of the flag itself rests upon that belief and that confidence in the Government of the United States. I am not one of those who are willing to criticize the Government for inefficiency in economic matters. Where it has an economic duty to perform, I stand ready to make it efficient and to make it benefit in the highest degree the people under its flag.

As against this idea, and perhaps at the bottom of the charge of alleged governmental inefficiency, is the opposition of private business, organized for profit, organized all the time to defeat every governmental movement in the interest of the common people of the United States. That organization has been active in this fight at this time. I have here one of the documents against this proposition put out in my own State, and I presume similar documents have been put forth in other States. This document purports to show a list of some 27 public-utility companies which have been bought in my State by the Power Trust, and then it proceeds to recite a detail of the reduced rates to the people of the State as the result of turning these plants over to private enterprise. Of course, the acquiring of these plants meant a centralization of control; it meant economies, and it naturally meant a reduction of rates; but if the government of the State and the municipalities in cooperation had organized to do the same thing, the reduction might have been much greater than that shown in the document issued against this proposition by the public utility companies.

I, therefore, asked Mr. Judson King to make a comparison of the rates and charges of these private companies in Iowa, operating in the particular towns referred to in my State, with the rates and charges of the publicly owned company in Ontario, Canada. I will read one of those comparisons as affecting Farmington, Iowa, a town with which I am perfectly familiar, and Markham, Ontario.

Farmington, Iowa, has 1,086 population, while Markham, Ontario, has 941 population. For 10 kilowatt-hours at Farmington, Iowa, the rate of the private company is $1.40—the figures in this table are given in dollars and cents and as it is easy to compare the difference in cost of the services—while at Markham, Ontario, it is $1.

For 15 kilowatt-hours the price is $2.10 at Farmington, Iowa, and $1 at Markham, Ontario.

For 20 kilowatt-hours per month the price at Farmington, Iowa, is $2.80, and $1.20 at Markham, Ontario.

For 30 kilowatt-hours the price is $4.05 at Farmington, Iowa, and $1.65 at Markham, Ontario.

For 40 kilowatt-hours per month the price is $5.15 at Farmington, Iowa, and $2.10 at Markham, Ontario.

For 50 kilowatt-hours per month the price is $6.25 at Farmington, Iowa, and $2.41 at Markham, Ontario.

For 75 kilowatt-hours per month the price is $8.50 at Farmington, Iowa, and $2.86 at Markham, Ontario.

I therefore want to call the attention of my friends at Farmington, Iowa, to the fact that they have made a great mistake in turning over their public plant to private enterprise, instead of joining in cooperation with the other cities of the State, or instead of asking the State, as the Province of Ontario has done, to provide this central organization.

I ask unanimous consent to insert in the RECORD a table of all of these 27 cities in Iowa.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table is as follows:

MORE INFORMATION ABOUT THOSE REDUCED RATES

Cost of service in 27 Iowa towns that have sold their municipal plants to an American private superpower system, and cost of service in 27 comparable towns that are served by the public Ontario hydrosuperpower system

[With an estimated increase of 30 per cent on the Ontario bills for 75 kilowatt-hours to cover: 10 per cent for taxes, 10 per cent for profit, 10 per cent for propaganda, election expenses, and other incidentals]

Towns	Population	Kilowatt-hours used per month							Extra 30 per cent
		10	15	20	30	40	50	75	
Arion, Iowa	242	$1.40	$2.10	$2.80	$4.90	$5.45	$6.75	$10.00	------
Dublin, Ontario	218	1.50	1.50	1.50	1.92	2.46	2.64	3.09	$4.01
Bayard, Iowa	727	1.50	2.25	3.00	4.20	5.40	6.45	8.70	------
Baden, Ontario	710	.75	.75	.84	1.11	1.38	1.65	2.05	2.66
Buffalo Center, Iowa	894	1.50	2.15	2.80	4.10	5.40	6.70	8.70	------
Dutton, Ontario	870	.75	.75	.75	.97	1.20	1.42	1.82	2.37
Castana, Iowa	389	1.40	2.10	2.80	4.15	5.45	6.75	10.00	------
Springfield, Ontario	420	1.00	1.00	1.20	1.65	2.10	2.41	2.86	3.72
Charter Oak, Iowa	750	1.40	2.10	2.80	4.15	5.45	6.75	10.00	------
Belle River, Ontario	580	1.00	1.00	1.20	1.65	2.10	2.41	2.86	3.72
Correctionville, Iowa	1,016	1.30	1.95	2.60	3.70	4.80	5.70	7.95	------

Cost of service in 27 Iowa towns that have sold their municipal plants to an American private superpower system, and cost of service in 27 comparable towns that are served by the public Ontario hydrosuperpower system—Continued

Towns	Population	Kilowatt-hours used per month							Extra 30 per cent
		10	15	20	30	40	50	75	
Port Stanley, Ontario	797	$0.75	$0.75	$0.75	$0.84	$1.11	$1.38	$2.05	$2.66
Deloit, Iowa	260	1.40	2.10	2.80	4.15	5.45	6.75	10.00	------
Wardsville, Ontario	212	1.50	1.50	1.50	1.92	2.46	2.64	3.09	4.01
Eddysville, Iowa	961	1.20	1.80	2.40	3.60	4.80	6.00	8.50	------
Ailsa Craig, Ontario	535	.75	.75	1.02	1.38	1.74	2.10	2.55	3.32
Farmington, Iowa	1,086	1.40	2.10	2.80	4.05	5.15	6.25	8.50	------
Markham, Ontario	941	1.00	1.00	1.20	1.65	2.10	2.41	2.86	3.72
Fenton, Iowa	391	1.50	2.25	3.00	4.50	5.70	6.90	9.45	------
Agincourt, Ontario	350	1.00	1.00	1.20	1.65	2.10	2.41	2.86	3.72
Kent, Iowa	183	1.20	1.80	2.40	3.60	4.80	6.00	8.50	------
Wyoming, Ontario	452	1.00	1.00	1.20	1.65	2.10	2.41	2.86	3.72
Keosauqua, Iowa	951	1.40	2.10	2.80	4.05	5.15	6.25	8.50	------
Ayr, Ontario	796	1.00	1.00	1.00	1.00	1.20	1.42	1.82	2.37
Lineville, Iowa	707	1.20	1.80	2.40	3.60	4.80	6.00	9.00	------
Lucan, Ontario	614	1.00	1.00	1.00	1.24	1.56	1.87	2.35	3.05
Lone Rock, Iowa	193	1.50	2.25	3.00	4.50	5.70	6.90	9.45	------
Granton, Ontario	300	1.00	1.00	1.00	1.11	1.38	1.65	2.05	2.66
McCausland, Iowa	110	1.50	2.25	3.00	4.50	6.00	7.50	11.25	------
St. Clair Beach, Ontario	82	1.50	1.50	1.50	1.65	2.10	2.41	2.86	3.72
Marble Rock, Iowa	483	1.33	2.00	2.66	3.85	5.03	5.99	8.08	------
Highgate, Ontario	403	1.00	1.00	1.00	1.38	1.74	2.10	2.55	3.32
Moorhead, Iowa	381	1.40	2.10	2.80	4.15	5.45	6.75	10.00	------
Oil Springs, Ontario	499	1.00	1.00	1.00	1.38	1.74	2.10	2.55	3.32
Moville, Iowa	878	1.30	1.95	2.60	3.70	4.80	5.70	7.95	------
Thamesville, Ontario	807	.75	.75	.84	1.11	1.38	1.65	2.05	2.66
Pierson, Iowa	554	1.50	2.25	3.00	4.25	5.50	6.60	9.35	------
Embro, Ontario	463	1.50	1.50	1.50	1.50	1.92	2.32	2.77	3.60
Rodney, Iowa	176	1.50	2.10	2.80	4.15	5.45	6.75	10.00	------
Delaware, Ontario	350	1.24	1.24	1.24	1.65	2.10	2.41	2.86	3.72
Scarville, Iowa	140	1.40	2.10	2.80	4.20	5.60	6.90	10.15	------
Campbsville, Ontario	200	2.00	2.00	2.00	2.46	2.64	2.82	3.27	4.25
Schaller, Iowa	731	1.26	1.89	2.52	3.69	4.86	5.85	8.33	------
Bothwell, Ontario	630	.75	.75	.75	1.11	1.38	1.65	2.05	3.26
Schleswig, Iowa	655	1.40	2.10	2.80	4.13	5.38	6.63	9.75	------
Alminston, Ontario	635	1.50	1.50	1.50	1.92	2.46	2.64	3.09	4.01
Stacyville, Iowa	513	1.33	2.00	2.66	3.85	5.04	5.99	8.08	------
Merlin, Ontario	500	1.00	1.00	1.20	1.65	2.10	2.41	2.86	3.72
Swea City, Iowa	691	1.50	2.15	2.80	4.10	5.40	6.70	8.70	------
Lynden, Ontario	622	1.24	1.24	1.24	1.24	1.38	1.65	2.05	2.66
Ute, Iowa	580	1.40	2.10	2.80	4.13	5.38	6.63	9.75	------
Rockwood, Ontario	520	1.00	1.00	1.00	1.00	1.20	1.42	1.82	2.37
Wiota, Iowa	199	1.40	2.10	2.70	3.90	5.10	6.00	8.25	------
Queenston, Ontario	200	1.24	1.24	1.24	1.24	1.38	1.65	2.05	2.66

Mr. BROOKHART. Much discussion has been had upon the processes of making fertilizer in these plants at Muscle Shoals. I shall not enter into a discussion of that phase of the problem. However, I desire to offer for the RECORD some editorials from the farm papers of the United States. The farm papers seem now to be well informed as to these differences in processes, and they seem to be supporting in a large measure the Norris joint resolution. The papers which I shall offer have a combined circulation of 4,963,931 farmers, which means a majority, perhaps, of the farmers of the United States. There would, of course, be some duplication in that total number.

These editorials consist of an editorial from the Progressive Farmer; an article by Wheeler McMillen from Farm and Fireside; an editorial from Farm Life, Spencer, Ind.; an editorial from the Farm Journal; an editorial from Hoard's Dairyman; a second editorial from Farm Life; an editorial from the Progressive Farmer; a second editorial from the Progressive Farmer; an editorial from The Farmer, of St. Paul, Minn.; a second article by Wheeler McMillen; an article by Dr. Gus W. Dyer in the Southern Agriculturist; and a second article from Doctor Dyer.

The PRESIDING OFFICER. Without objection, the articles will be inserted in the RECORD.

The matter referred to is as follows:

[From the Progressive Farmer, published at Raleigh, N. C., circulation 475,488]

NEW PROCESSES INSURE CHEAPER NITROGEN

Recent discussions in the United States Senate and elsewhere regarding Muscle Shoals and the new discoveries for nitrofixation have an interest for every farmer who spends a dollar for fertilizer.

As the Progressive Farmer has previously indicated, these discoveries not only affect the proper disposition of Muscle Shoals but will have a marked effect on the way southern farmers fertilize their crops in future years.

Heretofore our ready-mixed fertilizers have contained two to four times as much phosphoric acid as nitrogen, and equally as much potash as nitrogen, 8–2–2, 10–3–3, and 12–4–4 having been standard formulas. From this commonly accepted ratio of plant foods one would naturally suppose that phosphoric acid is the most important plant food of the three, and that potash is equally as essential to increased crop yields as nitrogen. That is not true. Nitrogen is our most important plant food because it is the plant food that in most cases gives the greatest in-

crease in yield. The ordinary ready-mixed fertilizer, therefore, has not had its plant foods balanced or proportioned in such a way as to give maximum results.

The overemphasis on superphosphate (acid phosphate) has been rather natural under the circumstances. First, the fertilizer manufacturer really produces only one of the materials that goes into his mixed goods. That is phosphoric acid, which is in the form of superphosphate. The nitrogen and potash he must obtain elsewhere. Potash comes from Germany and France. Nitrogen we get in the form of nitrate of soda from Chile, or sulphate of ammonia from the coke ovens of this country, or as tankage and other by-products of packing houses. Having to purchase their nitrogen and potash, American fertilizer manufacturers naturally went rather light on these materials and used large quantities of their own homemade phosphoric acid. It is only human that they were inclined to do this.

But there is another reason why the ordinary mixed fertilizer contains too much phosphoric acid and not enough nitrogen for best yields. Nitrogen is the most expensive plant food. It costs three to four times as much per pound as either phosphoric acid or potash. When a fertilizer mixture contains the nitrogen that it should carry for best results, the cost per ton or per sack is considerably more than in the case of mixtures low in nitrogen. Since many of our farmers used to buy fertilizer by the sack instead of by analysis, the mixture that sold best was the one that cost least per sack. Of course, in recent years farmers have tended to buy higher grade fertilizers, but even these high-grade mixtures usually have an improper balance as regards the three plant foods. In spite of the fact that nitrogen has been as expensive as it has been in the past, we could have obtained better returns per dollar spent on fertilizers if we had used considerably more nitrogen and less phosphoric acid.

But all the foregoing discussion leads up to the change that is taking place in the nitrogen situation. Every indication points to cheaper nitrogen and this means that more nitrogen will be used in our fertilizer mixtures from now on. When considerably more nitrogen is used crop yields will show a marked increase and cost of production will be reduced.

A brief review of the whole situation would bring out these facts. For years most of our commercial nitrogen came to us from Chile, some 4,500 miles away, as nitrate of soda. It cost considerable money to dig the caliche, as the raw nitrate material is called, out of the ground, refine it, pay the Chilean Government a heavy export tax, and then transport the refined product, nitrate of soda, to America. By the time the nitrate of soda reached us it was a rather expensive product, and the nitrogen it contained cost so much that farmers would not use enough of it to get the best yields. Later on sulphate of ammonia, another nitrogen fertilizer, was obtained as a by-product of coke ovens, but without materially lowering nitrogen costs.

In more recent years, however, commercial nitrogen has been obtained from still another source. We have known for years that the air is full of nitrogen. The problem has been how to fix it (or catch and hold it) so that it might be used as a fertilizer. We have known that the legumes gather this air nitrogen, but they put it in the soil right where they grow. It can not be used to feed other crops on other fields. Hence it has been up to man to find a way to take nitrogen from the air and so combine it with other elements as to put it in sacks as commercial fertilizer. Having known for the last 150 years that a bolt of lightning changes air nitrogen into a form that permits it to be used by plants, after it is brought to the earth in rain or snow, scientists conceived the idea of applying electricity to the air to produce ammonia. This ammonia which contains the nitrogen obtained from the air is then combined with other materials in order that its nitrogen may be sacked up and used as a fertilizer.

The first successful effort to work out this process was made at Niagara Falls. However, it was soon found that this method of fixing air nitrogen requires such a tremendous amount of electrical power that only those countries with large supplies of cheap power could afford to use the process. Hence, Norway has been the only country that has ever made a commercial success of the process.

Later on, in 1906 to be exact, the cyanamide process, another method of fixing air nitrogen, was worked out, and by 1918 there were 36 cyanamide plants in the world.

On top of these developments, each of which marked a forward step in the use of air nitrogen for fertilizer, there came still another one. Two Germans—Fritz Haber and Carl Bosch—found a still better method of fixing air nitrogen. By this Haber process the amount of power required is so low that cheap power is not vital to its success. In fact, Germany has been using coal as the source of power. Just how this is done is of no great interest to our readers, but the important point is that this method is four times as cheap as the arc process, which is used in Norway, and considerably cheaper than the cyanamide process, which is a method of fixation used by the larger of the two plants at Muscle Shoals.

Germany, using the Haber process, has largely taken the lead in air-nitrogen fixation. She is not only making all the nitrogen needed at home but is now selling it in the markets of the world in competition with nitrate of soda and by-product sulphate of ammonia. She is making a mixed fertilizer containing air nitrogen especially for sale in the United States, and it is reported that she plans to establish nitrogen-fixation plants in this country.

The United States, which five years ago had no plants for the fixation of air nitrogen, now has seven plants, with a combined capacity of 80 tons a day. In time the air nitrogen from these plants will find its way into the fertilizer market, and the competition for the farmer's trade in nitrogen will become even more keen.

This trend toward the greater use of air nitrogen has not gone unnoticed by the producers of Chilean nitrate of soda. They are improving their methods and plan to sell cheaper in order that they may meet the competition of air-nitrogen producers. Caliche, the Chilean raw material, is now being mined with machinery instead of by hand, and other processes have been developed by which lower-grade caliche may be made use of.

Furthermore, each producer now sells independently instead of through one central sales agency. The Chilean Government is being pressed to lower its export tax of $12 a ton. By these means nitrate producers hope to meet all other competitors.

For statesmen the point of importance in all this is that farmers can now get nitrogen cheaper from other sources than from a cyanamide plant at Muscle Shoals; hence, Muscle Shoals has again become a power rather than a fertilizer-making center. For farmers the point of importance is that these new developments mean cheaper nitrogen, and cheaper nitrogen will mean crop yields at lower cost per unit. To the South, which uses more fertilizer than all the rest of America put together, and to all our host of fertilizer users, this situation is especially encouraging.

[From the Farm and Fireside for July, 1927]

WHY NITRATES ARE GOING TO BE CHEAPER

By Wheeler McMillen

(The prices of nitrogen, phosphorus, potash—three plant-food necessities farmers have to buy when soils grow feeble—are of vital concern. Read this account of tremendous changes taking place in the nitrogen situation.)

You may as well be prepared to witness within the next few years, whether you now use commercial fertilizers on your land or not, certain developments that are likely to affect your yields and costs to a degree now little dreamed of.

The binder in replacing the cradle, and all the mechanical improvements of the last 75 years, perhaps have been of no greater importance than what is ahead of us now in fertilizers. Fertilizers are going to be cheaper and better.

Nitrogen is the element that will cut our costs and increase our yields. Events are happening nowadays with regard to nitrogen that literally are changing the currents of world history.

A silly fight has been waged for years in Congress over Muscle Shoals, in which farm organizations have taken part, in the belief that Muscle Shoals is important as a source of nitrogen for fertilizer. While this wordy battle has been going on, Muscle Shoals has passed absolutely out of date as regards fertilizer production. Practically it was out of date before the fight began.

A new German process for fixation of nitrogen from the air is responsible.

The three most important plant constituents which crops remove from the soil are nitrogen, phosphorus, and potash. Of these, crops take out more nitrogen than phosphorus or potash. Nitrogen is much the most expensive to replace. Farmers put in long days of hard work hauling manure, and a long year in their rotation growing clover, in order to put nitrogen back into the soil.

Commercially, nitrogen in the past has been too expensive for farmers to buy in sufficient quantities except for a few highly specialized crops. More soils are short of nitrogen than of the other elements. This deficiency is a principal cause of our low-average crop yields in this country.

The air is full of nitrogen, but most plants can not feed on nitrogen from the air. It must be in the soil. In the air above a single section of land, one square mile, are 20,000,000 tons of nitrogen. And there are 200,000,000 square miles of the earth's surface.

Yet with millions of tons of nitrogen right on top of your farm, until very recently if you wanted some for your crops you had to send a ship 4,400 miles to Chile to get it. Down there, far below the Equator, is the world's only great natural deposit of nitrogen. Having a monopoly, Chile has furnished 40 per cent of her government revenues by a tax on the export of nitrates.

Clover and other legumes, as every farmer knows, take some nitrogen out of the air and leave it in the ground.

Scientists have also known for 150 years of another way by which a little nitrogen gets into the soil from the air. They knew that a bolt of lightning "fixes" (that is, converts into a chemical compound) some atmospheric nitrogen which rain and snow later carry into the soil. So they reasoned that perhaps they could apply electricity to air and keep the process under such control that the nitrogen could be captured and put in sacks.

Two American chemists in 1901 devised the first plant in the world for this purpose at Niagara Falls, where electric power was abundant.

The first commercial success, however, was achieved two years later in Norway where power was even cheaper. That plant is still running, passing air through an electric furnace and finally fixing the nitrogen. But this method, known as the "arc" process, takes such an enormous amount of power—67,000 kilowatt-hours for every ton of nitrogen—that it has not been very practicable outside of Norway.

By 1906 another process, the cyanamide, developed in Germany and Italy, went into commercial operation with an output gradually increasing year by year. By 1918 there were 36 of these plants in the world, most of them in Europe, the biggest of all being at Muscle Shoals, although it was never operated except for a short test run. Nitrogen is an absolute necessity in making explosives, so during the war great expansion in the production of nitrogen compounds took place in many countries.

While these things were going on two Germans, Fritz Haber and Carl Bosch, found a method that did not require electric power. While numerous variations have been put into use, essentially the process consists of extracting hydrogen from steam by the chemical action of glowing coke and passing a mixture of this and nitrogen of the air under a pressure twenty times as great as that of the ordinary steam boiler at a temperature of dull-red heat over certain solid substances which cause the hydrogen and nitrogen to combine, forming ammonia.

The important fact is that this method is four times as cheap as the original arc process and so much cheaper than the cyanamide process that many great foreign companies are transforming their old factories to adopt this new Haber-Bosch process, also known as the direct synthetic-ammonia process.

This discovery is the event that I asserted was literally changing the currents of world history. What to you as an American farmer is of greater importance is that it foreshadows a time, not so far ahead, perhaps, when you can buy nitrogen for your soil so cheap that you can afford to use what you need and can grow high yields on fewer acres at better profits.

The world nor American farmers are now solely dependent upon Chile for nitrogen. In fact, so cheaply can it be produced by the new process that 200 tons were exported a few months ago from Germany to Bolivia, the next-door neighbor of Chile!

Germany is manufacturing at the rate of 600,000 tons of nitrogen per year. In this country we have used in a year only 240,000 tons. German farmers are adopting the new forms of cheap nitrate fertilizers so rapidly that in that country it is predicted no food will have to be imported at all within a very few years.

Three circumstances may be pointed out here, each of direct concern to American farmers:

1. Germany has nitrogen to sell in the United States and is selling some here in spite of tariff barriers. Last year around 30,000 tons came to us from Germany and some thousands of tons from other countries. Of course, not all of this is for fertilizer. Also it is known that Germany is making investigations looking to the erection of nitrogen manufactories in the United States to use her new processes. As conditions permit, we may find ourselves buying increasing quantities from Germany.

2. Producers of Chilean nitrates, alarmed some years ago by the threats of synthetic nitrogen, set about to improve their own methods. One of the principal companies operating in Chile now announces the entire substitution of machine methods for handwork in collecting the caliche, the raw material; and announces that they have found out how to turn 90 per cent of the caliche into merchantable nitrates instead of only 65 per cent as formerly.

These improvements make available the lower grades of raw material, which before could not be used. This may increase by as much as 75 per cent the nitrate resources of Chile. These new processes will be for the use of all the Chilean producers. Renewed pressure is being exerted to get the Chilean Government to lower the export duty.

Anyway, there is to be real competition between Chilean and artificial nitrogen, competition that promises to lower prices materially. Moreover, the Chileans have abandoned their former combined sales agency and each producer is now selling independently.

3. Of most importance, American capital is erecting plants in the United States to manufacture nitrogen from the air by methods of French origin very similar to the new German process. One such plant, already making about 25 tons a day, is under a program of expansion that contemplates eventual production of 300 tons a day, nearly twice the capacity of Muscle Shoals. This is the Lazote (Inc.) plant at Bell, W. Va., near Charleston. Lazote (Inc.) is a subsidiary of the du Pont powder interests. Its first job will be to supply nitrogen for explosives, but agricultural nitrogen is foreshadowed. Another company has announced plans for a large plant at Hopewell, Va.

After the war the Government established the fixed nitrogen research laboratory, now in the Department of Agriculture. The task of this laboratory is to conduct research looking to building up the nitrogen industry in America. Extraordinarily valuable work is being done by the scientists there.

Thus far we have discussed the essential developments in the nitrogen situation itself. Putting the nitrogen into fertilizer and the fertilizer into your fields is yet another story.

When you buy a 100-pound sack of, say, 4–8–4 fertilizer you are buying 16 pounds of actual plant food—nitrogen, phosphorus, and potash—and 84 pounds of carrier. The extra 84 pounds may have some value to you as lime but not enough to pay freight on. In a sense they are the container, like the sack, for your 16 pounds of real plant food. You could not have the fertilizer elements shipped to you without the container, nor could you distribute it on your field. But you have to pay freight on that 84 pounds of container and lift it around.

The freight and handling costs on our ordinary fertilizers are over a fourth of the total costs of the fertilizer.

These new developments with nitrogen promise that we may have eventually much more highly concentrated fertilizers. I have seen, for instance, one of the new German fertilizers, urea, which is 46 per cent nitrogen.

Another new complete German fertilizer, its formula 16–32–16, carriers 64 per cent of plant food. We shall have fertilizers in which the chemists have made one fertilizing element act as the carrier for another. All of which goes to point to the coming time when a farmer will not have to pay freight on and wrestle with 84 pounds of little value to get 16 pounds of plant food. It may be that highly concentrated fertilizer materials will be shipped over the long freight hauls to your local mixing plant, cooperative perhaps, where they will be conditioned enough to apply evenly and work properly. The savings in freight and handling charges may be as important as—or more so—the reductions in nitrogen prices.

One point was stressed repeatedly by every authority with whom I have discussed this situation—that the rapidity with which the new nitrogen industry in the United States develops from now on will depend to no small extent upon farmers themselves. Farmers will soon have to accustom themselves to using more concentrated fertilizers and to prepare themselves to adopt the more exact methods required for the higher types.

[From the Farm Life, Spencer, Ind., December, 1927, circulation 1,111,368]

TIME TO SETTLE IT

Congress will be struggling with Muscle Shoals again, and it is high time to settle the matter. Probably the power of this big plant will be sold to the power companies. It was originally built for a nitrate plant, but chemistry has shown a better way to get fertilizer. Nitrogen is now obtained synthetically from coal at only a fraction of the cost of water power, and Muscle Shoals seems to be a back number, so far as the farmer is concerned. But the revenue derived from selling Muscle Shoals power might and should be used for the benefit of agriculture, in the development of an American nitrate industry, so that the farmer could have cheaper fertilizer and the Government an abundant supply of explosives in case of emergency. Thus the vast sum spent at Muscle Shoals will not be altogether wasted nor diverted from its original purpose.

[From the Farm Journal, Philadelphia, Pa., May, 1927, circulation 1,354,803]

WHY MUSCLE SHOALS NO LONGER MATTERS

The Farm Journal long ago lost interest in Muscle Shoals as a producer of cheap nitrogen plant food, commonly known as fertilizer.

Those of our folks who are also "constant readers" know why we came to this conclusion. Newer readers, however, may not be so informed, and may be interested in our reasons.

They are as follows:

Nitrogen "fertilizer" does not, at present commercial prices, return its cost when used with proper quantities of phosphorus and potash in standard rotations, including clover.

The delivered cost of nitrogen would have to be lowered to something like 5 or 6 cents to make it profitable for the average farmer to use.

Muscle Shoals is not well adapted to the production of cheap nitrogen from the air.

The popular idea that fixation of air nitrogen is somehow tied up with cheap water power is 10 years out of date.

Cheap air nitrogen by the most modern processes now depends on a cheap supply of hydrogen gas rather than cheap power. There are many manufacturing sites more suitable for the purpose than Muscle Shoals.

The above list of facts does not, by any means, tell the whole story. But it is enough to indicate why the Farm Journal does not now regard the disposition of the Muscle Shoals plant as a matter of importance to agriculture.

[From Hoard's Dairyman, Fort Atkinson, Wis., February 10, 1928, circulation 127,324]

FERTILIZER AT MUSCLE SHOALS

The question as to what should be done with the power of Muscle Shoals has been widely discussed for several years. Certain farm leaders have advocated that the Government take this power and manufacture fertilizer for the farmers. Others have urged the Government to sell this power to some corporation that would make fertilizers.

The problem of what disposition to make of the power of Muscle Shoals has been discussed at many conferences and there was a wide difference of opinion. It would seem now that the problem has solved itself so far as the production of nitrogen fertilizer is concerned. In the last few years a new process for producing synthetic nitrogen has been perfected, and cheap power is a minor factor in its cost. Secretary Jardine, after having a thorough investigation made, reports:

"In fixing nitrogen from the atmosphere the art has rapidly changed from the original arc process, where cheap electric power was a dominint factor, to the later synthetic ammonia process requiring only one-sixteenth of the power of the former, and where coal and economic position are of much more importance than electric power by itself. We are convinced that there are cheaper methods of manufacturing fertilizer than under the set-up at Muscle Shoals. A sound solution of Muscle Shoals would be to dispose of this power to the best advantage and utilize the income in the broad solution of fertilizer problems."

We wonder if in the face of these facts some of our farm organizations will continue to urge Congress to enact a law that will permit the Government or private corporations to manufacture nitrate fertilizers. It occurs to us that if we are to solve our agricultural problems or, for that matter, deal intelligently with any of our national questions, we must first have accurate information, but this fundamental requisite for dealing intelligently with problems does not seem to enter the minds of some people.

[From Farm Life, Spencer, Ind., February, 1928, circulation 1,111,368]

MUSCLE SHOALS

An Alabama friend takes exception to our December editorial on Muscle Shoals. We said that this huge plant is a back number as far as fertilizer is concerned. We added that the best course would be to sell the power and use the income to develop a cheap supply of fertilizer. Our Alabama friend fears that we have been ensnared by "propaganda put out by the Power Trust." He wants "a fine article on Muscle Shoals" in our next issue, and says that the influence of Farm Life is too great to be used in misleading farmers. We are sorry that we can not gratify the writer of this friendly letter. We would be misleading our readers if we published what he asks. Apparently he favors the plan indorsed by certain farm leaders of turning Muscle Shoals over to a private concern, which, these leaders say, would make cheap nitrogen there for farmers. However fine that sounds, it's an empty hope.

A POWER PLANT

The nitrate plants at Muscle Shoals were built to use the cyanamide method, and newer ways are much cheaper. They make the cyanamide method just about obsolete. Secretary of Agriculture Jardine says so, along with many others who should know. In fact, much the same thing was testified before Congress at the time of the Ford offer by the same farm leadership that now argues we will get cheaper fertilizer by turning Muscle Shoals over to a private concern. Certainly progress in lowering nitrogen-making costs has not gone backward since then. All the facts point to Muscle Shoals as a power plant and not an economical fertilizer factory. Let's not be fooled and maybe wake up to find that we have parted with the huge power there for a promise of fertilizer that can not be made good. The job for Congress is to dispose of Muscle Shoals so that its power resources will bring the largest value to the American people.

[From the Progressive Farmer, February 11, 1928]

WHAT SHALL WE DO WITH MUSCLE SHOALS?

Again this year, as for years past, one of the most frequently debated topics is, "What should be done with Muscle Shoals?" The American Farm Bureau is still favoring the bid of a certain company which proposes to use part of the power to manufacture nitrogen by the process regarded as best established when the Muscle Shoals plant was built.

A few years ago this would undoubtedly have been the right thing to do. Now, however, authorities assure us that far better and less expensive methods of nitrogen making have been established. The American Farm Bureau seems to have taken a position on the basis of out-of-date processes and information. Now its officials and members, through a mistaken sense of loyalty, seem to be sticking to this old position rather than advance with advancing information. And other important developments may be just around the corner.

All in all, there seems only one fair and sensible thing to do with Muscle Shoals. This birthright of the American people should not be sold for a mess of pottage. Congress should not turn it loose in a fit of impatience and desperation. Rather Congress should recognize that this whole problem both of nitrogen making and power development may be still in a formative stage. Certainly throughout an experimental period, if not permanently, the Government should itself operate Muscle Shoals, ascertain just what is the wisest use of this gift from the Almighty, and accept bids from private interests (if at all) only after the best engineering skill at our command works out a proper policy of utilization.

[From the Progressive Farmer, January 21, 1928]

MUSCLE SHOALS ONCE AGAIN

The question of what to do with Muscle Shoals will again come before Congress during its present session. Congress has been talking about Muscle Shoals for years; it remains to be seen whether it will do anything about the matter. After all these years of discussion, barren as far as action is concerned, it seems clear to the Progressive Farmer that Muscle Shoals as a fertilizer proposition is no longer of vital importance to the farmer. The idea in developing Muscle Shoals as a fertilizer project was to cheapen the cost of nitrogen to the farmer. No matter what disposition Congress makes of Muscle Shoals, much cheaper nitrogen for the farmer seems just around the corner. Since new discoveries in the manufacture of air nitrogen make it certain that nitrogen is to be much cheaper in the near future, regardless of what is done at Muscle Shoals, it would be an economic crime for the Federal Government to hand over the tremendously valuable power rights at Muscle Shoals in return for the manufacture of a limited amount of cheap fertilizer.

Every bid that has ever been made for the properties at Muscle Shoals has been predicated on the desire to monopolize the huge amount of power developed there. One can very well afford to make a limited amount of fertilizer in the now out-of-date Muscle Shoals plant, and even sell it below the cost of production, if he is given permission to use the remainder of the power, which is the greater part of it, as he sees fit. This is just what every bidder for the properties has had in mind.

The Federal Government should hold on to Muscle Shoals, developing its power possibilities to the utmost and regulating the use to which the power is put. In other words, the Government should see that the power at Muscle Shoals is put to the most economical use and made to serve the best interests of the people as a whole. If a fertilizer concern wishes to use some of this power for the manufacture of fertilizer, let it purchase the power from the Federal Government at a reasonable price. But perish the thought of turning Muscle Shoals, lock, stock, and barrel, over to some one concern to use to its own selfish advantage merely in return for a promise of cheap fertilizer. Why sell a birthright for a mess of pottage?

[From the Farmer, St. Paul, December 31, 1927, circulation 153,733]

MUSCLE SHOALS AGAIN

The disposition of the Muscle Shoals power project, developed by the United States during the recent war and now standing idle, is again occupying the attention of Congress. The Madden bill, which proposes the leasing of this power to private interests for the manufacture of fertilizer nitrogen, to be sold at cost to farmers, has been indorsed by the American Farm Bureau Federation. The Muscle Shoals project is a plum that has been sought by power interests for a number of years. Henry Ford at one time made an offer for its lease. To date Congress has not been able to agree on the acceptance of any one of the proposals offered.

There has been considerable discussion in the press of late to the effect that farmers and farm organizations are being imposed upon by the power companies who seek Muscle Shoals, not for the manufacture of fertilizer but purely from the standpoint of monopolizing this source of cheap power. These critics say that the old methods of extracting nitrogen from the air by the use of huge power such as is available at Muscle Shoals are now obsolete, newer and cheaper methods having been recently developed. These same critics go on to state that the power interests of the United States are quietly but surely gathering into one huge monopoly all of the sources of electric power. They point out that a decade or a quarter century hence the people of the United States will wake up to find themselves in the grip of a huge Power Trust more powerful than any organization of business interests ever perfected in this country. Muscle Shoals is merely one of the pawns in the game. Warnings of this sort are at least worth considering.

Regarding Muscle Shoals as a source of cheap fertilizers, we are interested in a recent statement from Secretary Jardine, of the Department of Agriculture, which reads as follows:

"In fixing nitrogen from the atmosphere the art has rapidly changed from the original arc process, where cheap electric power was a dominating factor, to the later synthetic ammonia process requiring only one-sixteenth of the power of the former, and where coal and economic position are of much more importance than electric power by itself.

"The much-discussed Muscle Shoals project of the United States Government, based on electric power, could furnish but one-fifth of the nitrogen used in commercial fertilizers in the United States and eight-tenths of 1 per cent of the nitrogen used by our farmers.

"Research and development have vastly altered the situation, and it has been difficult for the public to recognize the changed conditions. We are convinced that there are cheaper methods of manufacturing fertilizer than under the set-up at Muscle Shoals. A sound solution of Muscle Shoals would be to dispose of the power to the best advantage and utilize the income in the broad solution of the fertilizer problems."

With this statement coming from a reliable source, and considering also the numerous warnings about the plans of the power companies, it would be well for farmers to consider the Muscle Shoals argument in its true light.

[From the Farm and Fireside, Springfield, Ohio, December, 1927, circulation 1,237,197]

THE MUSCLE SHOALS HUMBUG—IT'S TIME FOR FARMERS TO STOP THE USE OF THEIR NAME TO PULL CHESTNUTS OUT OF THE FIRE

By Wheeler McMillen

Nitrates for fertilizers can not be made profitably at Muscle Shoals. This fact has long been known to the nitrate experts of the country, whose findings have been freely published.

Yet session after session Washington lobbies have been urging farmers to write their Congressmen and pass resolutions in behalf of this or that Muscle Shoals offer "to make cheap fertilizer." In plain words, the influence of farmers has been used as a cat's-paw in efforts to pull the meaty power chestnut out of the Muscle Shoals fire.

Behind all this is a story of shrewdness and stupidity, of blindness and deception, of "fooling the farmer" that is painful to tell. Farmers are hard to fool when they have the facts, but they have not had the facts about Muscle Shoals. Their hopes have been falsely raised, their influence has been misused, and their confidence abused.

Of the many offers made to Congress for Muscle Shoals, all agreeing to manufacture nitrates for fertilizer, we do not believe that any has been made because the interests concerned desired to manufacture fertilizer. It would appear that the offers have been for the purpose of getting control of the water power, which is valuable.

The Wilson Dam and the nitrate plants at Muscle Shoals were erected to meet the great war-time need for nitrates in explosives. The Nation could not afford to depend upon imported nitrates in time of war. At the time no process for fixation of atmospheric nitrogen was fully developed in America except the cyanamide process, which requires plentiful and cheap electric power. So the properties were erected to manufacture nitrates for explosives in war time and for fertilizers in peace time.

After the war America learned details of how Germany had supplied herself with nitrates. She did it with the newer synthetic ammonia process, requiring little power but much coal. Before the war Germany had to import 125,000 tons a year. Now, beyond her own increased uses, she makes 150,000 tons to export. This process, described in Farm and Fireside for July, 1927, is much cheaper than the cyanamide process.

Within a shorter period than has already elapsed since the Muscle Shoals controversy started the United States may not only have nitrates sufficient for all our home uses, but also nitrates to export. Down at Hopewell, Va., an enormous plant is already in process of construction, and all the contracts for its completion are let, where nitrates for fertilizers will be made by the synthetic process. Read carefully the following authorized statement issued by the owners of the new plant:

"Allied Chemical & Dye Corporation for the past five years has had in operation a laboratory plant, involving an investment of approximately $4,500,000, devoted to the manufacture and intensive study of fixation-nitrogen products.

"This work to date justifies the initiation of new installation, of large capacity, with a view to producing from raw materials available in the United States fixation-nitrogen products in quantities sufficiently large to enable the United States eventually to be independent of importation of these products as units of fertilizers, as well as making the United States independent of importation during periods of war.

"The economics as to location and technical process at Muscle Shoals not proving of interest, the company has acquired a large acreage, accessible to both rail and deep-water carriers, at Hopewell, Va., for the location of the first installation."

This concern has spent four and a half million dollars to study and perfect for use here the synthetic process. Now it is spending several times that number of millions in preparing for production on so large a scale that it will be able to supply the entire needs of this country and have a surplus to export.

Note the last paragraph. "The economics, as to location and technical process, at Muscle Shoals not proving of interest," the statement reads.

In plain words, after a thorough study of the Muscle Shoals proposition, one of America's biggest corporations not only found no possibility of making fertilizer economically at Muscle Shoals but is so thoroughly convinced that no one else can make nitrates there economically that it is going ahead with a multimillion-dollar plant. No such investment would be risked if there was any likelihood that fertilizers made at Muscle Shoals ever could undersell their Hopewell products.

In the face of this development, in the face of the insistence of almost every air-nitrate expert in the country, including the fixed-nitrogen research laboratory of the Government, that nitrate fertilizers can not be made cheaply at Muscle Shoals, and despite the fact that cyanamide plants abroad are being converted into synthetic-ammonia plants, certain farm organization representatives have continued to tell farmers that Muscle Shoals will yield them cheap fertilizers.

These men first were for Government operation of Muscle Shoals. Then they fought for the Ford offer and at that time introduced testimony before Congress that the cyanamide process was obsolete. After Ford blandly withdrew his offer without explanation these men and their organization indorsed the offer of a cyanamide company. This offer the organization's Washington representatives now vigorously support.

The competition of cheaper method has made Muscle Shoals a myth and a will-o'-the-wisp so far as cheap fertilizers are concerned. Cheaper nitrates are coming to the American farmer by way of competition between German importations, Chilean importations, and domestic manufactures by the synthetic ammonia, coal-using process. Cheap coal, not cheap electric power, is now the important factor.

No company can make nitrates in the obsolete Muscle Shoals plant and compete in price. Various of the offers either depend upon the likelihood that no court would compel the continuance of fertilizer manufacture at a loss, upon technical loopholes, upon charging the necessary loss upon a minimum amount of fertilizer as part of their rental for the valuable power, or upon making a minimum amount in some other way, since fertilizer is a condition for getting the power.

The fertilizer tail to the Muscle Shoals power kite has been a convenient line and bait with which to kid the farmers. Every interest that has set its covetous eyes upon that great and useful power has seen the possibility of using the farmers to help influence Congress in its behalf. Only Congress has power to determine what shall be done with Muscle Shoals, so the question is unavoidably political and farmers are a large body of people with political influence and votes.

There is not space here to make an analysis of the various bids submitted for Muscle Shoals and such a discussion would be beside the point anyway. The point is that everyone who thoroughly understands the Muscle Shoals situation is fully aware that it is a power proposition, for the use of which the Government should make the wisest possible arrangement for the public interest. Whatever the final settlement of the matter, the interests of the Government and the public should be properly conserved. The farmers' only concern in the problem is their concern as citizens to that end.

"The truth about Muscle Shoals" was told by L. E. Call in the October, 1924, Farm and Fireside, where he said that the cost of producing nitrogen at Muscle Shoals would be prohibitive.

The political influence of farmers should not be prostituted to subserving the efforts of any interest coveting the possession of a national natural resource. Particularly shameful is the utilization of that influence before Congress without an adequate understanding by farmers of the facts concerning the proposals in behalf of which their good name is used. And still more pernicious is the deception of farmers by creating amongst them a false hope.

[From the Southern Agriculturist, March 1, 1928, Nashville, Tenn., circulation over 500,000]

MUSCLE SHOALS AND FERTILIZER—FLOOD CONTROL

By Dr. Gus W. Dyer

MUSCLE SHOALS AND FERTILIZER

Muscle Shoals was developed by the Government primarily to supply nitrates for war purposes. At this time large electric power was the one essential condition in producing nitrogen, and the Government wanted nitrogen. A secondary consideration was to dedicate this plant to the cause of agriculture after the war and use it in the interest of cheaper and better fertilizer. Since the use of large electric power was the only effective method known at that time for producing nitrogen, of course, they expected that this plant would continue to produce nitrogen after war as it did during the war. But in peace time the nitrogen would go into fertilizer rather than in explosives.

But in the meantime the Germans discovered a new process for producing nitrogen. This is known as the synthetic ammonia process. By the synthetic process nitrogen is produced by coal instead of by electric power. By this process nitrogen may be produced wherever coal may be had, whereas abundance of cheap electric power is the one essential of the old method. The cost of manufacturing nitrogen is substantially less by the synthetic process, it is claimed, and in addition to this factories may be located nearer the farmer, since coal is the only essential condition, and thereby a great saving in freight charges is effected.

The synthetic process was used successfully by the Germans during the war, and it has become so extensive in that country since the war that the Germans are not only supplying their own demands for cheap

nitrogen but are shipping considerable quantities to this country and are selling nitrogen to us at a profit, notwithstanding the high tariff rates against nitrates.

But the Germans have no monopoly on this new method. It is not secret. It may be used by anybody.

In plain language, we have discovered a cheaper and better way to produce nitrogen since the Muscle Shoals power was developed, and the result is that Muscle Shoals as a fertilizer producer is out of date.

One proof of this is the fact that no responsible corporation seeking control of Muscle Shoals will agree to use the process to produce fertilizer. They don't want it for this purpose. About all any of them promise is to produce fertilizer if they find it profitable. This is all Henry Ford would promise. The Federal Government is the only business organization in this country that is stupid enough to ignore economic facts and economic laws and fight a losing battle in the field of industry. The Federal Government can do this because it can pay the losses out of the taxes of the people, and it has unlimited power to collect the taxes needed for the purpose.

Another proof is the fact that the farseeing and capable du Ponts have built a synthetic ammonia plant at the mouth of a coal mine in West Virginia; and at Hopewell, Va., the Allied Chemical Corporation is now erecting the first unit of an enormous nitrate plant in which the synthetic (coal) process will be used for producing nitrate. It is estimated that this first unit will cost $35,000,000, and the company has bought land for five additional units. The annual output of this plant is estimated to be 200,000 tons of nitrogen. Muscle Shoals can produce only 40,000 tons annually.

FUGITIVES FROM INFORMATION

In view of the fact that a cheaper and better process for producing nitrogen has been discovered than the process used at Muscle Shoals, it is rather strange that certain leaders in the farm movement are still storming for the operation of Muscle Shoals to produce cheap fertilizer. It is characteristic of the theorist and the ignorant and the demagogue to ignore economic facts and laws, but this is never done by capable business men. Some agitators, in the words of the late Senator Carmack, seem to be "fugitives from information" with reference to Muscle Shoals and cheap fertilizer. It is hardly necessary for some of them to run from that against which they are immune.

Cheap fertilizer can not be gained by driving a hard bargain with somebody. Neither can it be obtained legitimately by act of Congress. The price of fertilizer, like the price of everything else in the competitive field, is fixed by natural laws, and it is stupid to ignore this fact. The theorist or the man grossly ignorant of business is the only man who thinks that the Government may produce fertilizer at a price cheaper than the competitive price.

The price of nitrogen is going to be determined by competition between the different nitrate plants in this country, which must also compete with German and Chilian imports. There is no legitimate way to produce nitrate at Muscle Shoals cheaper than the price fixed by these natural laws, and every intelligent business man knows this.

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RESEARCH AND CHEAP FERTILIZER

The original purpose of the Government with reference to the use of Muscle Shoals for producing cheaper fertilizer should be carried out. Under present conditions this can not be done successfully by operating the plant for the production of nitrogen. The operation of another nitrate plant at Muscle Shoals, either by Government or by a private corporation, can not, it is believed, in any legitimate way reduce the price of nitrogen.

The opportunity for cheaper nitrogen—cheaper fertilizer—is not in some particular location, not in the nature of a contract made with somebody, not in any particular kind of operation of the plant, but in the field of research and experiment. Corporations realize this, and they spend enormous sums of money for research and experiment. The Government may make a big contribution to the cause of cheaper nitrogen by supplementing the work of the corporation in the field. Work of this kind is unmistakably within the proper scope of governmental activities, and is that which gives the greatest promise of substantial results in reducing the price of fertilizer to the farmer.

Muscle Shoals should be disposed of at the earliest date possible, and every dollar of rental or profit from the plant should be dedicated to the work of research and experiment in the field indicated.

CONGRESS AND BIG BUSINESS

Congress has had Muscle Shoals on its hands for 10 years, and through the whole period it has been laboring hard to dispose of it. But notwithstanding the fact that the people have been anxious from the beginning to have some disposition made of this great asset, and notwithstanding the fact that a number of responsible corporations have been anxious to pay huge sums to the Government for the use of this plant, Congress as yet has not been able to find any way to let it go, although Congressmen are anxious to dispose of it. Now they are considering extending the "disposing period" 10 years longer, perhaps in the hope that in the meantime some constituency will forget itself and send a business man to Congress who can tell them how to turn loose.

FLOOD CONTROL

The administration plan for flood control is that the States touching the area affected pay 20 per cent of the cost of construction, estimated to be $296,000,000, and in addition to this pay the whole cost of rights of way.

The States affected should at once accept the administration plan of prorating costs. But the settlement, in all fairness, must look back as well as forward.

It is conceded by all that the problem of flood control is the problem of the Federal Government. Hence the responsibility for flood control is on the shoulders of the Federal Government. If this is true to-day, it was true generations ago. If the Federal Government had done its duty in the past, the people in the flooded area would have been saved from the suffering and loss that have overwhelmed them from time to time, and there would be no flood problem to-day.

In struggling to carry a burden that belonged to the Federal Government all these years, haven't these people paid their share? In working out an equitable distribution of costs these people should be given credit for the millions they have spent in trying to carry the burden that was not theirs, but the burden that belonged to the Federal Government. Thus they should be given credit for the loss in property and human life and human suffering, a loss that can hardly be estimated; a loss incurred by them, due to the failure of the Federal Government to do its duty. In this distribution of cost the Federal Government should give recognition to the fact that the people in the flooded area were charged up with a considerable portion of the $200,000,000 lost by the Federal Government in the last few years in the shipping industry trying to help somebody somewhere on land or sea. Just who it was, if anybody, that received aid as a result of this $200,000,000 loss is not very clear. Thus the Government should give consideration to the fact that these people have been taxed with a large part of the billion dollars, perhaps, the Federal Government has scattered throughout the Philippine Islands without fear of punishment or hope of reward. It is the misfortune of the people along the Mississippi that they can not qualify as Filipinos.

It is little short of gross presumption that the Federal Government, after sleeping on its job all these years, should begin its activity by trying to place an unwarranted and unbearable burden on the people who at great cost to themselves have been carrying the Government's burden while the Government was asleep. Are these people to be penalized for the vicarious sacrifices they have made?

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[From the Southern Agriculturist, Nashville, Tenn., March 15, 1928, circulation over 500,000]

THE INTERSTATE COMMERCE COMMISSION DISCRIMINATES AGAINST THE SOUTH

By Dr. Gus W. Dyer

FARMERS ARE INTERESTED IN COAL PRICES

Farmers are big consumers of coal. Whatever affects the price of coal affects the farmer. Freight rates and passenger rates are largely determined by the price of coal, since coal is a large part of the cost of transportation. Coal is a big factor in the cost of farm machinery, wire fencing, building material, automobiles, trucks, etc.

In the competition between the coal mines of Pennsylvania-Ohio and the southern coal mines for the supply of lake cargo coal in recent years the southern mines have won the larger part of the business. The loss of business to the Pennsylvania-Ohio mines has moved the Interstate Commerce Commission to reduce the railroad rates on coal from their mines to lake ports to the point of giving these mines a differential advantage over their southern competitors. To meet this handicap the southern railroads hauling coal from southern mines reduced their rates 20 cents per ton on coal hauled to lake ports. The Interstate Commerce Commission has refused to allow the southern roads to make this reduction. The plain purpose of the Interstate Commerce Commission in these rulings is to so regulate the production of coal through the manipulation of railroad rates that business may be turned from southern coal mines to Pennsylvania-Ohio mines. It is estimated by the Wall Street Journal that the amount of business thus turned to these mines from the southern mines will amount to from $50,000,000 to $60,000,000 annually.

The Interstate Commerce Commission is not here criticized for exercising its power in fixing railroad rates. The charge against the commission is that in fixing these rates on coal it did not determine the rates on the legitimate basis of rate fixing, but that its fixed purpose was to bestow a special privilege on one group of producers over their competitors, in order that they might take a large amount of business away from those competitors, who had won this business in an open market under conditions of free competition.

The position here taken is that any such exercise of Government as this is not only unwarranted, but is antagonistic to our whole theory of the functions of Government.

THE PURPOSE OF GOVERNMENTAL REGULATION OF BUSINESS

The purpose of legitimate regulation is not to give any sort of special protection to any particular individual or group of workers, to any industry or section, but to guarantee freedom of contract between all groups that have business relations with each other, and prohibit any individual or group from obstructing the legitimate freedom of any other individual or group. To carry regulation to the point of giving any sort of special protection to one competing group against another is not only un-American, but is antagonistic to the fundamental theory of Americanism. To give such protection is to repudiate the American theory and philosophy of freedom. It is not the prerogative of public officials in charge of the regulating machinery of Government ever to consider the consequences of freedom on those to whom it is guaranteed any more than it is the prerogative of a judge in a court of justice to consider the consequences of justice. The freedom of all affected is the goal toward which all regulating machinery must point. This is the very essence of our philosophy. To doubt it, and seek to modify it, is to deny the faith on which our institutions are founded.

Since the commission now interprets its power to regulate railroad rates to extend to the regulation of the industries, as coal mines, that furnish the tonnage for transportation, there is hardly any limit to the autocratic power of this political group over industry.

Is it possible that the American people are willing to confer on a subordinate branch of the Federal Government the power of life and death over American industries, the power to drive consumers from the markets of their choice, and compel them to buy in other markets against their interests, the power to turn business through a manipulation of railroad rates, from one community to another, from one group of competitors to another?

In one ruling of this agent of the new American autocracy, the Wall Street Journal estimates that from $50,000,000 to $60,000,000 annually will be turned away from the producers who gained this business in open competition through superior efficiency over the less efficient producers who lost this business because they could not give the service to the consumers that their competitors were able to give. The cost of taking this business from the more efficient and giving it to the less efficient will be assessed on the consumers. It is difficult to estimate the loss to those industries in the South whose owners built up this business under a hallucination that they had a constitutional right to sell their coal, under conditions of freedom, on any market under the American flag.

ELECTRIC POWER AND THE FARM

A few years ago the only significance electricity had for the farmer was that it made it incumbent on him, as he saw it, to make large investments in lightning rods to protect his family and his stock against its deadly attacks. Electricity is now going to the country in a new rôle, not as a destructive enemy but as a constructive servant. It goes into the country not to lay additional burdens on the farmer, but to take the heaviest burdens from the farmer's shoulders and carry light and music and joy and life to the farmer's family.

In the first place, it is the electric current, the electric power from the big power dams, that is playing a big part in decentralizing industry and sending the factory back to the country. It is this that solves the power problem and the light problem for practically every small town and village, and opens the way for industrial development. It is no longer necessary for factory owners to give the coal problem serious consideration in the location of their plants. Electric power may go anywhere and everywhere at a small cost of transportation.

The electric current from the power dams is revolutionizing living conditions in the country home. It is solving many problems that seemed to be impossible of solution a few years ago. There is hardly a single convenience or luxury in the city home to-day that may not be had in the country home at a moderate cost. The country home, in addition to electric lights, may have hot and cold water through the house automatically supplied from the well by the electric current. The washing, ironing, churning, milking, and even cooking may be carried on by electricity, and Frigidaire brings luxuries that ice could not supply.

As we develop the unlimited water power of this country and convert it into electricity, and perfect electrical appliances, the cost of electricity doubtless will be so reduced that all these conveniences will be in the easy reach of the average family.

We are rapidly approaching the day when the country home will have all of the essential conveniences of the city, together with many other things essential to a real home that the city can never give. The development of electricity enables country people to hold on to all that made the country home great in the past, and at the same time enjoy all that modern civilization has contributed to this fundamental institution of Christian civilization.

The family in the country home on a good road, supplied with telephone and radio, may enjoy all the privileges of seclusion—and these are valuable privileges—and at the same time be in close touch with the outside world. The family may enjoy all the advantages of isolation without being isolated.

The paramount interest of the farmer in Muscle Shoals, and the rapid development of electric power everywhere is, or should be, not in some fancied connection between electric power and cheap fertilizer, but in the fact that electric power is the big factor in bringing industries nearer his home and hence giving him a local market for his products, and in addition, will supply his home with those conveniences and luxuries that formerly have been possible only to those who live in town.

THE GREAT SIN OF CONGRESS

The great sin of Congress is not wrong action but inaction. The chief trouble is not that it does the wrong thing but that it won't do anything. When confronted with big problems Congressmen prefer to do nothing rather than do something that might be unpopular. They demonstrate the essential weakness of any delegated group to assume that responsibility that is essential to the solution of big problems. They don't know how to let go!

Congress should launch the movement for the protection of American agriculture, and should do it at once. Further delay is hazardous. To prostitute this problem to the service of a political expediency is to become a traitor to American civilization. It is better to act and fail in a case like this than not to act. It may be necessary to suffer several failures before final success is achieved, and it is important to get these out of the way as quickly as possible.

At the present rate of political inefficiency it will take so long to dispose of Muscle Shoals that when the day finally comes the South may find it profitable to advertise it to the tourists of the world as a rival of Niagara Falls, as one of nature's greatest mysteries.

Mr. MAYFIELD. Mr. President, the Consolidated Southwestern Rate cases, Nos. 13800, 13535, and 14880 were submitted to the Interstate Commerce Commission on June 19, 1925. A decision in these cases was rendered by the commission on April 5, 1927. It required nearly two years for the commission to render a decision in these cases. The order that the commission issued under the decision in these cases included certain reductions in rates on vegetables which were to have gone into effect on December 5, 1927. About eight months after the decision in these cases was rendered the effective date of the tariffs was postponed by the commission until January 3, 1928. A further extension to April 3, 1928, was granted, and I understand that still another extension has been granted, and the reduced rates on vegetables moving from the Rio Grande Valley in Texas will not go into effect until May 16. The vegetable crop of the Rio Grande Valley is now moving, and our truck farmers are still required to pay freight rates which the Interstate Commerce Commission said nearly a year ago were excessive and ought to be reduced.

As part of my remarks on this matter, Mr. President, I ask unanimous consent to have printed in the RECORD a letter I received from the R. V. Dublin Co., shippers of produce and vegetables, Jacksonville and Laredo, Tex.

The PRESIDING OFFICER (Mr. JONES in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

THE R. V. DUBLIN CO.,
Jacksonville and Laredo, Tex., February 26, 1928.

Senator EARLE B. MAYFIELD,
Washington, D. C.

DEAR SENATOR MAYFIELD: The structure of railroad rates in the Southwest is all but criminal. The Interstate Commerce Commission is bound to have known this for years, and we can not understand why the shippers and the public in the Southwest are denied relief. It appears that the railroad companies have the upper hand and are able to influence the Interstate Commerce Commission and thereby maintain a power over the commission that enables them to keep the country choked down and driven almost to a point of desperation. Agricultural producers in the Southwest are on a ragged edge and are practically bankrupt, for no other reason than that they are robbed of at least two-thirds of the value of their vegetables and perishable products in the way of freight rates.

Permit me to give you some light on this subject:

Southwest Texas is now moving a big vegetable crop; cabbage are bringing our truck farmers from six to eight dollars per ton, while the average freight on this cabbage to all consuming markets is $35 per ton. Our truck growers are receiving 25 cents per bushel for beets and carrots, while the average freight rates to all consuming markets is 90 cents to $1.10 per bushel basket. Our growers are receiving 40 to 45 cents per bushel basket for spinach, while the average freight rate on this spinach to all consuming markets is 40 cents per bushel basket.

Southwest Texas will ship approximately 20,000 cars of perishable vegetables this season. The average freight per car will run not less than $400 in round figures. The railroads will reap a revenue of $8,000,000 and maybe up to $9,000,000 or $10,000,000, whereas the growers of these products will, on a fair estimate of market values, receive around two and one-half to three millions of dollars.

Sometimes I think the Interstate Commerce Commission is misled in the testimony given by the carriers on handling of perishable products. The carriers claim that an extreme hazard attends the transportation of perishable vegetables and that claims are quite numerous. I know this is incorrect when volume is taken into consideration. The transportation of perishable freight has become sound and so efficient that claims are a negligible percentage as compared to the high-class rates in effect. I know this by years of shipping experience. My firm moves on an average of 1,500 to 2,000 cars of perishable vegetables each year, and I assure you that we have not filed and collected claims to the amount of one-half of 1 per cent of the base rates in any season. The carrying stability of these products along present methods are so sound and efficient that we do not have occasion to file but very few claims. Now, my contention is that the class rate should be materially lowered on our line of commodities, because the carrying method of these products has been so perfected and so sound as to carry the very least degree of hazard.

May I ask, why has the Interstate Commerce Commission been so generously extending the time of the effective date of the reduced rates in the Southwestern Consolidated cases? The commission has postponed the effective date of these reduced rates two or three times.

First, From December to February; then again to April 3, and now until May 16. In this respect it would appear that the railroad companies have figured out just exactly enough time to cateh the entire southwestern Texas move before rate reductions are finally granted. To my mind it is the most pitiful slap and the rankest form of ignoring the public's dire need of relief that has ever come under my observation. It is possibly ignorance on the part of the Interstate Commerce Commission, as I can not believe that such an unreasonable burden would be willfully put on the agricultural producers of this important and vast industry when they are struggling for existence—then to think to that production from mother earth is the first and basic foundation on which all peoples depend.

I am wondering if it is not possible that we may yet get quick relief and move the remainder of the southwestern important vegetable crops which feed a very large portion of the United States. If we are refused quick relief, then will the commission in the end, when the rates finally go into effect, grant a reparation order that we may be refunded that part of the unreasonable rate that has been demanded and collected by the railroad companies?

In all of my statements and views, as outlined in this letter, I would not have you believe that I am a pessimistic squealer, because such is not the case. I tell you, personally, that I have a good business and may be quite comfortable in a financial and material way; but when I look out upon the most of our agricultural producers and see them in their dire need of relief, that their long hours of labor might bring to them at least a moderate compensation, it makes my heart ache. The great body of interstate commerce commissioners are perfectly ignorant of the drudgery and dire circumstances of our great masses of agricultural producers who are standing, helpless, at the hands of the greatest Government in the world, and I am wondering if you and I, and our great body of Government officials, who are clothed with power and authority, will stand by and see a continuation of these conditions?

The railroads are the big octopus in the picture. Will we permit agriculture to be carried to its death?

Very truly yours,

THE R. V. DUBLIN CO.,
By R. V. DUBLIN.

Mr. SHEPPARD. Mr. President, in connection with the subject of fertilizer I feel sure that the Senate will be interested in a statement of the progress which is being made by the Government in its efforts to discover potash deposits in the United States.

Geologists advise us that every indication points to the existence of large potash deposits in southwestern United States.

The presence of potash in Texas was first intimated in 1912, when Dr. J. A. Udden, of the Texas Bureau of Economic Geology and Technology, found 5.4 per cent of potassium, calculated as chloride, in brine samples taken at a depth of about 2,200 feet in a boring by the S. M. Swenson estate at Spur, in Dickens County, Tex. Endeavoring to verify this discovery, Doctor Udden tested many samples from different depths in this well. While most of these showed no potash, traces of potash were found in two samples taken at depths of somewhat more than 2,000 feet. However, no potash-bearing mineral could be located in these two samples. Later Doctor Udden ascertained that deep borings had been made near Amarillo, Tex., in which much salt had been encountered. He visited the locality of these borings, searched the dumps, and found small particles of reddish salts yielding on analysis 6.14 to 9.23 per cent of potash calculated as potassium oxide (K_2O). Again he was unable to identify any potash-bearing salt, but he reached the conclusion that potash-laden minerals were associated with the heavy Permian salt beds of west Texas, and he so announced in publications of the Texas bureau already mentioned. These discoveries by Doctor Udden confirmed not only his own assumptions, but those of many other geologists who had studied the Texas Permian region.

Next came a test boring by the United States Geological Survey at Cliffside, near Amarillo, Tex., followed through succeeding years by cooperative action between the Texas bureau and the United States Geological Survey in following up wildcat oil drilling and in securing and testing samples. In February, 1921, D. D. Christner, joint representative of the bureau and the survey, found a potash mineral in the Bryant oil well in Midland County, Tex. This mineral was analyzed by the survey and was found to be polyhalite, a potash mineral such as exists among the potash minerals of the great German-French field. This was the first discovery in the United States of a mineral of this kind, one of a class technically known as the Strassfurt potash-bearing minerals. Then ensued other discoveries of polyhalite in widely distributed wells principally south of the Panhandle region. Late in 1921 the Texas bureau, according to my information, was compelled to drop exploration through lack of funds. The United States Geological Survey kept up the work. Oil was found in Reagan County, Tex., and this led to a rapid increase of wells drilled for oil in the probable potash territory and the discovery of further indications of potash. It is interesting to note that discoveries to date indicate the existence in west Texas and in New Mexico of a potash-producing area about 300 miles long, 150 miles wide, containing about 45,000 square miles. This area promises to be the only serious rival on the earth of the vast German-French potash development. Polyhalite has been found in no less than 70 oil wells throughout 18 counties in the Texas portion of this area and in 6 oil wells in 3 counties in New Mexico. Sylvite, another European potash mineral, has been located in a salt dome in Matagorda County, Tex., but the depth at which it was found, 4,800 feet, is too great, I am advised, for commercial purposes. Perhaps it may yet be found there at depths commercially practicable.

While we are familiar with the probable limits of the potash-bearing area, we do not yet have definite knowledge as to how many potash beds there are or how thick, rich, and extensive the individuals beds are. Most of the wells have indicated the existence of more than one bed and some have yielded potash-bearing material resembling substantially the lower grades of imported potash salts and the bulk of the potash salts of the mines of the German-French area, which are the largest in the world and which produce by far the larger part of the world's present supply. In fact, this German-French area may be said to have a virtual monopoly of the potash supply of the globe.

Drillings in Upton County, Tex., have disclosed an upward arching of salt beds within about 500 feet of the surface, with potash-bearing beds not far below these, the most accessible yet found. Accordingly the Geological Survey has selected two sites in the southwestern part of Upton County for further exploration and study at this time. The deeper structures are also to be studied and explored, as it is probable that they contain some of the richer beds, but this will be done later.

In addition to the methods of exploration already described, a form of drilling known as core drilling must be used in order to determine whether potash exists on a practical commercial basis. The core drill shows the number, thickness, and character of specific potash beds at any location and also makes available samples of such character as to make possible chemical and mineralogical studies bearing on methods of concentration and recovery. Core drillings properly distributed will make it possible to define minable areas and to estimate volumes of available tonnage with a fair degree of exactness.

The fundamental importance of potash to American agriculture, industry, and life is so well known as to require no discussion here. Above all, it is an essential element in plant food and is absolutely necessary to the sustenance of human as well as animal life. For several years I urged Congress to enact a bill I had introduced for a more intensive study of the situation, including the drilling of wells for potash. I wanted an expenditure of $500,000 a year for five years. On June 25, 1926, Congress finally passed my bill in modified form, allowing $100,000 a year for five years.

Amendments were made in the course of passage which were found to be unworkable in practice, amendments relating to conditions on which the Government was to conduct the work in cooperation with local interests. This made it necessary to confine the Government's efforts during the first year to the Federal public lands in New Mexico, where promising results have followed.

Mr. President, within the last two weeks the United States Geological Survey has made the announcement that the thickest bodies of potash salts yet revealed by Government tests

have been found in the third Government well drilled in Eddy County, N. Mex. The survey has recently completed analyses of samples selected from the core of this well which show that within 1,500 feet of the surface nine beds or groups of beds of possible commercial interest were encountered. One of these, at a depth of about 1,466 feet, is 8 feet 10 inches thick and contains 11.08 per cent of potash in the sample received. Other noteworthy beds range in thickness down to 2 feet 3 inches and in potash content from 8.50 to 13.68 per cent in the samples as received.

I am pleased to state that the act has since been amended so that the work may proceed in Texas, where there is no Federal public domain, independently or in cooperation with local interests there or in any other State. Under the act the United States Geological Survey of the Department of the Interior and the Bureau of Mines of the Department of Commerce have charge for the Government of potash exploration. The survey finds the best locations and drilling operations are managed by the Bureau of Mines. Be it remembered that the studies in connection with oil wells both in New Mexico and Texas continues without abatement.

Many factors enter into the question of a potash industry for the United States. It must be shown by core drilling or actual mining operations that a large tonnage of potash-bearing minerals is present at one or more localities and that it can be mined and concentrated at reasonable cost. Marketing conditions must next be considered and freight rates studied.

One might well indulge the hope that capital might be amassed on such a scale as to set up immediately in the United States an organization which could compete in all markets with the German-French combine. Immediate development of this nature can not be definitely relied upon, however, in connection with the potash industry, and we must look rather for modest beginnings and a gradual but certain growth.

The most significant initial effect of the disclosure of large volumes of potash in the Southwest will be the prevention of extortionate rises in the prices of foreign potash. Efficient, dominant, imperialistic as the foreign potash power may be, it will refrain from raising prices sufficiently high to tempt capital into the immediate development of potash in the United States, and our farmers will profit from the start, and, in fact, are already so profiting. The entire amount to be expended by the Federal Government in the five-year program could easily be equaled in one year by a moderate increase in the price of potash from overseas. It is the most effective insurance we may for the present possess against aggression and extortion by a foreign combination.

Mr. President, the probability that we are on the eve of the discovery of a tremendous home supply of potash is an additional argument for a course which will lead us to retain a great development like that at Muscle Shoals for further fertilizer experimentation under the control of the Government.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Edge	McKellar	Shipstead
Barkley	Fess	McMaster	Simmons
Bayard	Fletcher	McNary	Smith
Bingham	Frazier	Mayfield	Smoot
Black	George	Metcalf	Steck
Blease	Glass	Neely	Steiwer
Borah	Gooding	Norbeck	Stephens
Bratton	Greene	Norris	Swanson
Brookhart	Hale	Nye	Thomas
Broussard	Harris	Oddie	Tydings
Bruce	Harrison	Overman	Tyson
Capper	Hawes	Phipps	Wagner
Caraway	Hayden	Pittman	Walsh, Mass.
Copeland	Heflin	Ransdell	Walsh, Mont.
Couzens	Howell	Reed, Pa.	Warren
Curtis	Johnson	Robinson, Ark.	Waterman
Cutting	Jones	Sackett	Watson
Deneen	Kendrick	Schall	Wheeler
Dill	La Follette	Sheppard	Willis

The PRESIDING OFFICER. Seventy-six Senators having answered to their names, there is a quorum present.

Mr. BLACK. Mr. President, I ask unanimous consent to insert in the RECORD a letter received by me from Mr. W. F. McFarland concerning certain figures with reference to Muscle Shoals and its value and the value of the power when translated into fertilizer.

The PRESIDING OFFICER. Is there objection?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *March 12, 1928.*

Senator HUGO L. BLACK,

332 Senate Office Building, Washington, D. C.

DEAR SENATOR: According to United States Commerce Department Reports, page 114, volume 2, No. 4, dated January 23, 1928, the power requirement for manufacturing 2,000 pounds of fixed nitrogen by the process for which the Muscle Shoals plant No. 2 was built is 9,090 kilowatt-hours. (Explanation: 9,090 kilowatt-hours divided by 8,760 hours in year equals 1.03 kilowatt-years.)

Let us use this amount of power in making the comparison between the benefits to be derived from distributing Muscle Shoals power at the lowest domestic rate quoted by Senator NORRIS—1.63 cents per kilowatt-hour—and the benefits to be derived from using the power for manufacturing nitrogen for fertilizers.

For comparison with the rate of $0.0163 we use a bill of recent date for 551 kilowatt-hours consumed by a citizen of Florence, Ala., near Muscle Shoals, which figured out shows that a rate of $0.0286 per kilowatt-hour was charged. This current was supplied by a large public utility serving that city.

For example, we figure the 9,090 kilowatt-hours required to manufacture a ton of nitrogen at $0.0286 per kilowatt-hour amounts to $259.97. The same amount of power figured at $0.0163 amounts to $148.16, which shows a saving to the consumer of electricity of $111.81.

This represents the saving that would, without doubt, result every time domestic consumers used 9,090 kilowatt-hours of electricity, if Senator NORRIS'S measure, providing for Government distribution of power at Muscle Shoals is adopted.

Please bear in mind that in making this comparison, a rate based on the purchase of a small amount of electricity is compared with the purchase of a large amount of nitrogen. Also that the delivered price of both commodities at Muscle Shoals is used.

Let us now see what amount the farmers would save every time they bought 2,000 pounds of nitrogen, which Doctor Cottrell testified in the hearing before the House Military Affairs Committee, March 9, 1928, could be manufactured and sold at Muscle Shoals for 0.06 cent per pound.

Farmers at Muscle Shoals are now paying $64 per ton, or 20.6 cents per pound, of pure nitrogen for Chile nitrate, containing 310 pounds of pure nitrogen.

Two thousand pounds of nitrogen at 20.6 cents per pound amounts to $412. The same amount of nitrogen at 6 cents per pound amounts to $120, which shows a saving to the farmer of $292, or $180.19 more than is saved the electric consumer on this amount of power.

Should amount of power be sold to the consumers at 2 mills per kilowatt-hour, it would cost the consumer only $18.18, a saving of $241.79. But that saving is $50.21 less than the farmer would save on his nitrogen.

Should the electricity be delivered to the consumer without cost, the saving to the farmer would still be $32.03 more than the saving to the consumer of electricity.

Saving in freight is another most important item. When the phosphoric acid plant is installed the maximum capacity of plant No. 2 will be 382,000 tons of fertilizer material containing 233,000 tons of plant food in the form of ammonia and phosphoric acid. The proportion would be 50,000 tons ammonia and 183,000 tons phosphoric acid, which plant foods would be combined to make 382,000 tons of amo phos.

This concentrated fertilizer would contain four times as much plant food as the commercial fertilizer now in use. Therefore, for the purpose of ascertaining the saving in freight, the 382,000 tons of concentrated fertilizer must be multiplied by four. Figured on the basis of an average freight rate charge, of $3.50 per ton, there would be a saving in freight of $4,011,000. This saving alone is in excess of what the 167,000 horsepower now available at Dam No. 2, and the steam plant could be sold for at the switchboard.

(Expanation: One hundred and sixty-seven thousand horsepower equals 125,250 kilowatts.)

Yours very truly,

W. F. MCFARLAND.

Mr. BLACK. Mr. President, I desire to take just a very few minutes on the pending amendment, to explain one or two suggestions which have been made.

In the first place, I wish to say that I am thoroughly in sympathy with the diagnosis given by the Senator from Georgia [Mr. GEORGE] of the situation, but I do not agree, I regret very much to say, that the amendment offered by the Senator from Arkansas [Mr. CARAWAY] will bring about the results which the Senator from Georgia has pictured. As a matter of fact, it is my judgment, after careful study of this amendment and the original resolution offered by the Senator from Nebraska [Mr. NORRIS], that it would not result in giving any fertilizer to the farmer.

I make this statement because the Senator from Nebraska [Mr. NORRIS] stated on this floor several days ago that the manufacture of fertilizer would be under the supervision of Doctor Cottrell. Doctor Cottrell testified before the Committee on Military Affairs of the House last week that he could not, with the appropriation which is suggested in this measure, manufacture fertilizer. That is exactly what Doctor Cottrell testified and I have his testimony here before me. Therefore to state that merely by putting in the joint resolution a provi-

sion that the Secretary of Agriculture shall do something which he himself testifies he can not do is nothing more than a mere vain and empty gesture. It is all right to draw nice pictures about the farmer getting fertilizer from the proposition as it is now suggested; but, as a matter of fact, the man upon whom the duty would be placed by the joint resolution has already stated absolutely and definitely and positively that he can not do it. That is his evidence before the Committee on Military Affairs of the House, from page 26, of which I now read:

The CHAIRMAN. Is it feasible for the plant to be operated without additional expenditures by the Government?

Doctor COTTRELL. No. I think it would take an expenditure by the Government to get that going and in operation by any plan, more certainly than has been proposed yet.

It is absolutely humanly impossible to go down there and operate that plant on an appropriation of $2,000,000, as has been suggested by the Senator from Georgia.

Again, the amendment of the Senator from Arkansas [Mr. CARAWAY] provides that if the Secretary of Agriculture determines that it is commercially possible to produce fertilizer he shall do so. The right-hand man of the Secretary of Agriculture, about whom the Senator from Nebraska [Mr. NORRIS] has been commenting, testified before the Military Affairs Committee of the House on last Friday that it is not commercially feasible to manufacture fertilizer; so we would put up to a man, who has already decided that it can not be done, an instruction to manufacture fertilizer when he determines that it is commercially feasible.

I agree with what the Senator from Georgia [Mr. GEORGE] and the Senator from South Carolina [Mr. SMITH] said about the necessity for manufacturing fertilizer, but under the amendment suggested by the Senator from Arkansas [Mr. CARAWAY] it can not possibly be done. Mr. Cottrell himself made two statements. First he said that he can not do it with the appropriation provided, and, secondly, he said that which I have just read to the Senate. In other words, he said it is not commercially feasible and can not be done.

Under the amendment submitted by the Senator from Arkansas, if the Secretary of Agriculture determines it is commercially feasible to produce fertilizer by the cyanamide process, then the plant shall be used for the production of fertilizer; but Doctor Cottrell testified last Friday that it is absolutely impossible to do it. So we would be saying to the man who has said that it can not be done, "If you can do it, will you do it?"

I agree thoroughly with the statement which was attributed to the Senator from Nebraska [Mr. NORRIS] last Friday in an interview purporting to have been given by him to a newspaper reporter, that the Caraway amendment still means nothing but an experiment.

I stated in the beginning of the discussion that so far as power is concerned, if we may be given fertilizer there will be no quarrel as to the surplus power, not because I think it is right or legally defensible to attempt to legislate, by mandate, prosperity from one section of the country to another section of the country. I have heard a good many times here in the last few weeks statements about equalizing prosperity, and yet one of the principles of men concerned in commerce and trade is that any section is entitled to that natural advantage which God gave it when He made this great country of ours. But under this proposition it is proposed that Congress, taking the power which flows through the State of Alabama shall say, "We will legislate that this power must be equitably distributed between the various States. We will give you (Alabama) no taxes, we will give you no supervision, we will give you nothing." Even though the Supreme Court of the United States has expressly held that the flow of a stream and the bed of a stream belong to the State and do not belong to the Federal Government, this body proposes by legislative enactment to say to the State, "The Government is bigger than you and more powerful. Your voice is weak. We will take this asset which was given to your citizens who went there to get the advantage of it, and we will by legislative mandate distribute it into other States and thus equalize the prosperity which ought to go to the people in your locality and the people who live next to the banks of that stream."

We have heard a great deal about flood control. We have heard the argument made that the Government ought to pay every cent that it takes to protect the Mississippi Valley from the overflow of the Mississippi River and to protect the adjacent lands from floods in the future. I agree that that is correct, but I make this statement: If Mississippi or Arkansas or Missouri has any right to come into the State of Alabama and say, with reference to our power which has been rolling on there for centuries, that she demands that the prosperity which comes from that power shall be distributed equitably to Mississippi and Arkansas and Missouri, then I say it is wrong and unjust to tell the Government of the United States it must pay every dime of improvements on the great Mississippi. So far as I am concerned, I believe that very thing should be done. Do not misunderstand me. But suppose it raises the price of lands bordering on the Mississippi River or in the Mississippi Valley, then we ought to have a legislative decree that the increased profits which comes from the raising of the price of those lands by flood control shall be equitably distributed among all the other States. We ought to go a step further in the amendment and provide as follows: Some States are not within transmission distance. Why not divide the profits that come from the proposition among the other States not within transmission distance? They say their money helps to pay the taxes.

The basic proposition is that since the days of the early settlement of this country, when a man went to the banks of a running stream and established a little mill run by water power that power was his. He could not be disturbed by judicial or legislative decree to extend that power over certain territory where commerce did not naturally carry it. The waters of the Tennessee at Muscle Shoals is a part of the interior of the State of Alabama, as the waters of any stream which flows through any of the Western States is a part of one of those States. When an attempt is made to take the power which flows through any stream, when the Government never has had any right to manufacture power, a right which is subservient to the State under the Supreme Court opinion, and say, "We will distribute it to the various States by legislative mandate," we are doing exactly what the Senator from Mississippi [Mr. HARRISON] said he did not believe in. We are invading the rights of the State and making of it a conquered province, the like of which has not been seen since the days of slavery in the provinces that were under the subjection of the Roman yoke.

What is the State? Has it no right at all? It can not get any taxes under this plan. Somebody has to pay the taxes. Where should the taxes come from? If they do not come from industry, where will they come from? They will have to come from the poor, hard-working, overburdened farmer. Yet we are told that any person or corporation or government that is big enough may come into the State of Alabama and put its hands on that which is justly ours and take from us the right to collect taxes and rob the State of Alabama of the last right which has been left it under the rapidly disappearing rights of the sovereign States of America.

That is the issue which has to be met in this Nation. It is not peculiar to Alabama, but it refers to other States, and when it is met we will have to take into consideration the fact that the Supreme Court of the United States has repeatedly held that the flow of that stream and the bed of it belong to the State. If it is proposed to add an amendment like that which is here proposed, it is the duty of the Congress to enact a law at once which will provide that every power site which is developed in the Nation shall have attached to its enabling act a rider to the effect that the power must be equitably distributed among the States as far as it can be transmitted.

How much will you give the State? Will you give it power according to its population? Will you give it power according to the division of its population, white and colored? Will you give power according to its wealth? Will you give power according to its lack of potential water powers? Will you give power according to its property? Will you give power according to the number of farms in the State? Who is going to decide what is an equitable distribution of that which God Himself gave Alabama and placed within her boundaries before she became a State in this Nation? Alabama did not surrender that power to the Federal Government. She has never surrendered it. The Federal Government may be big enough and strong enough to take it, but it will get it because of its power and not because of any right which has been declared by statute or otherwise.

Let me make it clear that I am not complaining that the Federal Government does not have the right to make that river subject to navigation. That is all right. But when it goes beyond the principle of control of navigation it goes too far. The decisions of the Supreme Court of the United States, which, thank God, has not yet been divided by any partisanship question, where an attempt has been made to take away from a State that which rightly belongs to it, have decreed that the stream which flows through Alabama or Nebraska or Nevada or any other State belongs to that State. Therefore I have no apology to make for coming here to the Secretary of War and asking that the town of Muscle Shoals be given a part of that power.

I claim that the people who settled there by the banks of the Tennessee long before there was any agitation in this body for

an equitable distribution of that power have the right to demand that which nature has given them and which rightly belongs to them. We might as well go down into the State of Georgia and demand that the fruit trees and the peaches be equitably distributed between the States because, forsooth, of the fact that the Government experts have helped to grow the fruit. We might as well go down into Mississippi and declare that the balmy breezes which blow over the Gulf shall be equitably distributed among the various States. We might as well go over to Alabama and say that the rain which blesses that State, coming from heaven, does not come from Alabama alone.

Perhaps those clouds have been wafted through the sky, and maybe that water has been soaked up from the ocean or from streams far removed and which flow through another State, and therefore the rain that falls and produces the crops belongs to other States and does not belong to Alabama or Arizona or Nevada or Mississippi; and therefore we should say that we will distribute those crops equitably between the States.

It might also well be said that we will condemn equalization of prosperity when judicially determined by the Interstate Commerce Commission, but that the next day we will calmly and nonchalantly hold an inquest over the assets of Alabama, and one of us will say, "We want this," and another one will say, "We want that"; and another one will say, "No; Memphis should not have more of Alabama's power than Atlanta, and you must see to it that the people of Atlanta have their full share." Somebody else would say still another thing. But the fact remains that that part of the Tennessee which flows through the State of Alabama is dedicated to Alabama. Under the decision of the Supreme Court of the United States, in the case of the Colorado River, it was held that the water which flows through a State belongs to the State. But here we will adopt a new principle, reverse the decrees of God Almighty, and we will hold that the divine edict is no longer of any value or any worth. We will revise it so as to provide that if Georgia grows more peaches than Alabama because of having better soil, Georgia must divide with Alabama. If Alabama has coal mines which were put there a long time ago, we will judicially declare that that coal must be distributed equitably over the 48 States of the Union.

My friends, when that occurs and the States cease to have the last little vestige of right to control that which is theirs, let us do away with separate stars in our flag; let us not have any of them separately; but let us run them all into one great star that shall glow like a big, glittering, electric light bubbling forth, illuminating all the other stars. There will be no need for any separate stars. They mean nothing. The separate States mean nothing. If we want to interfere with their rights, we will do it. That is the proposition we have before us.

The PRESIDING OFFICER. The Senator's time on the amendment has expired.

Mr. BLACK. Very well; I desire to speak just a moment or two on the joint resolution itself.

The PRESIDING OFFICER. The Senator may proceed.

Mr. BLACK. I have made this statement for the following reasons: If Congress will dedicate that plant to fertilizer purposes, as we believe it should be, there will be no quarrel as far as we are concerned as to the distribution of the surplus power, even though we believe it is wrong, unconstitutional, illegal, and destructive of such sovereignty of the people to have our assets distributed among the various States. We will not quarrel with you about that, however. But so long as it seems to be only a question of having some big superpower company to distribute power, either by Government operation or otherwise, if we are going to make this a power proposition, then we ask first that Alabama's rights shall be respected, because if they are not respected here I have the utmost confidence and faith in that supreme tribunal which is established for the purpose of recognizing the rights even of the humblest individual, and that somewhere, somehow, some time that provision or that sentiment which seeks to take from one State that which is its own because there is power to do it will be stricken down and Alabama will have her sovereign rights recognized, unless sovereignty has faded into insignificance and has sunk down so lowly that no longer does a State have the right to raise its head and stand erect in the sisterhood of States and say: "I am a sovereign State in a group of sovereign States in the United States of America."

Mr. HEFLIN. Mr. President, I want to suggest to my colleague that, under the rule, having started on his other 15 minutes, he has 13 minutes left, and he had better use the remainder of his time or he will lose it.

Mr. HARRISON. Mr. President, as I understand, a Senator may use his 15 minutes at any time, may he not?

The PRESIDING OFFICER. No. The Chair understands the Senator may speak once on the bill and once on an amendment; so that if the junior Senator from Alabama should speak two minutes on the bill and then yield the floor he would exhaust his time on the bill. The question is on the amendment proposed by the Senator from Alabama [Mr. HEFLIN] to the amendment of the Senator from Mississippi [Mr. HARRISON].

Mr. HARRISON. On that I ask for the yeas and nays.

Mr. BLEASE. Mr. President, I have endeavored to listen attentively to the argument on this question, because I have been hearing of Muscle Shoals for a great many years. I have reached the conclusion that others are just about in the same fix that I am; that is, that they do not know anything about this proposition. It is a mere matter of experiment, it is a guess, it is the toss up of a coin as to whether or not it will be a success. I am fully convinced that this talk about the farmer getting cheaper fertilizer or being aided by the proposed utilization of Muscle Shoals is just about like all the other propositions that have been offered to the farmer, by which he has been made to pay the bill for the prosperity of other people. I do not believe from what I have heard and listened to here, and what I have heard elsewhere, that the experiment of turning this property over to the Government is going to be of one cent's value to the farmers of this Nation.

I do not care to make a speech on the subject, but I simply wish to state my position. I believe in the doctrine of State rights; I am in full accord with what the junior Senator from Alabama [Mr. BLACK] has said; and I propose to vote that Alabama shall retain that which is hers, although I may be the only Senator who casts such a vote.

However, I should like to ask, in my time, that the clerk read an article on farming. If the Senate shall ever be able to aid in promoting the principles of agriculture which the boy referred to in the article applied, this country will be in a much better condition.

The PRESIDING OFFICER. In the absence of objection, the clerk will read, as requested.

The Chief Clerk read as follows:

[From the News and Courier, Saturday Morning, March 10, 1928]

SAME ACRE YORK CORN PATCH MAKES MORE THAN HUNDRED BUSHELS FOR THREE SEASONS—THRICE WYLY CAMPBELL, 16-YEAR-OLD CLUB BOY OF SOUTH CAROLINA, WINS STATE 4-H CHAMPIONSHIP—BANNER YIELD COMES IN 1927 WITH 133.3-BUSHEL PRODUCTION

ROCK HILL, March 9 (Special).—York County has a new Jerry Moore in the person of Wyly Campbell, 16 years old, who has for three consecutive years won the State championship in the 4-H Boys' Corn Club in South Carolina, and who has demonstrated that where proper methods are applied, York County and South Carolina can compete with any section in the production of corn.

Wyly, who is the son of J. M. Campbell, substantial farmer and business man of Tirzah, has not won the championship for three years by default. There has been plenty of good, stout competition, and Wyly has had to be on his toes, as it were, to come under the wire a winner three times. He has had to work hard and to use sound methods. He feels, however, that he has been well rewarded.

According to L. W. Johnson, county agent, Wyly has for three consecutive years produced over 100 bushels of corn an acre on the same piece of land. In 1925 his production was 129¾ bushels on an acre; in 1926, a very dry year, he produced 105½ bushels an acre, and in 1927, a season of ample rainfall, he produced 133.3 bushels on 1 acre.

"The soil on which these remarkable yields have been made," said Mr. Johnson, "is a strip of clay loam bottom land with good under drainage. Wyly has grown a crop of vetch each year and in the spring the vetch has been thoroughly cut with disk and tractor and turned under to supply humus and nitrogen. The secret of Wyly's success has been cover crops, good preparation, intelligent fertilization and cultivation, and good seed and side dressing with quick-acting nitrogen. In 1927 Wyly planted Goodman's prolific seed from seed carefully selected from the field the previous year. The method used in making these very large yields of corn has not been expensive and has been absolutely in line with those farm practices which all recognize as sound and practical, but for some reason too few farmers have actually followed.

"In 1927 Wyly planted his corn in 3½-foot rows. The fertilizer used before planting was 200 pounds acid phosphate, 100 pounds cotton-seed meal, 100 pounds Kanit, and 200 pounds 9–3–3. When the corn was about six weeks old it was given a side dressing of 200 pounds nitrate of soda an acre, and about a week later was given a second side dressing of 200 pounds of nitrate of soda an acre. The seasons were favorable throughout the growing period and the yield was 133.3 bushels of corn an acre at a cost of 23 cents a bushel.

"Wyly gave his corn frequent and shallow cultivations to keep down the weeds and grass. These consistent high yields of over a hundred

bushels of corn an acre for three successive years on the same plat of land show the possibility of corn production in South Carolina, where the land is filled with humus and well supplied with nitrogen."

Wyly, who is very modest with his success, won gold medals in 1925 and 1926, and in 1927 was given a trip to Florida and Cuba by the Chilean nitrate and soda educational bureau. This trip he made in February in company with other crop champions of the South.

Mr. HEFLIN. Mr. President, I ask that the clerk may read in my time the amendment which I have offered to the amendment proposed by the Senator from Mississippi [Mr. HARRISON].

The PRESIDING OFFICER. The clerk will read.

The CHIEF CLERK. In the amendment of the Senator from Mississippi [Mr. HARRISON], on page 3, after line 5, it is proposed to insert the following new section:

SEC. —. All contracts for lease of the Muscle Shoals power properties or for the sale of the power therefrom shall provide that whenever, upon recommendation of the president of the American Farm Bureau Federation, the national master of the National Grange, and the president of the Farmers Educational and Cooperative Union, the President of the United States shall decide that the Muscle Shoals power is needed for the manufacture of commercial fertilizers, either through the use of nitrate plant No. 2 or otherwise, said power shall be subject to recall for the manufacture of such fertilizers, and any such contract for lease or sale executed by the Secretary of War shall be subject to cancellation by the President when in his judgment the needs of agriculture shall require it.

Mr. HEFLIN. Mr. President, the first vote will come upon my amendment to the amendment which has been offered by the Senator from Mississippi [Mr. HARRISON]. I invite the attention of the Senator from Mississippi to the position that he took regarding the Ford bid. I hold in my hand the minority report upon that measure, which was signed by the late Senator Ladd, the Senator from South Carolina [Mr. SMITH], Senator HARRISON, Senator CARAWAY, and myself. We used the following language in regard to the regulatory power that should be exercised at Muscle Shoals in connection with the manufacture of fertilizer:

He—

Referring to Mr. Ford—

agrees to a policy of regulation by the consumer through a board of nine voting members, seven to be selected from the three leading national farm organizations—

And so forth.

I have drawn my amendment to the amendment in keeping with the provision which the Senator from Mississippi, myself, and others favored at that time. It selects three members from the chief farm organizations of the country, which I think is fair and proper.

Mr. President, the amendment which I have proposed to the amendment offered by the Senator from Mississippi will test the sentiment of the Senate as to whether or not fertilizer shall be made at Muscle Shoals. If we put it in the power of the proposed board, which shall be appointed, as I suggest, by the President, to say that power at Muscle Shoals shall be used for the purpose of making fertilizer, then we know that fertilizer will be made there. If we confer upon the board the right to say that power shall cease to be used for other purposes in order to make fertilizer in keeping with the promise made the farmer, fertilizer is sure to be made at Muscle Shoals.

I wish to invite the attention of Senators to the fact that the joint resolution of the Senator from Nebraska provides that the money obtained by the sale of power shall go to the upkeep of the property, and for depreciation, and for the construction of transmission lines. All those things will have to be done out of the proceeds derived from the sale of power before fertilizer for the farmer is ever considered at all. If after the construction of transmission lines, which must be paid for by the sale of power and which will cost between seventy-five million and one hundred and fifty million dollars, there shall be any money left, then in that far-off day Senators will pause and consider, incidentally, the fertilizer needs of the farmer.

The amendment proposed by my good friend, the able Senator from Mississippi, deals with power. It provides for the equitable distribution of power. The Senator goes a long way in his amendment to interfere with the rights and the interests of the people of Alabama, and particularly at Muscle Shoals. His amendment provides that, after the power necessary to run the plant and to light up the premises about the plant shall have been utilized, there shall be an equitable distribution of the surplus power in the States roundabout.

Mr. HARRISON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Mississippi?

Mr. HEFLIN. I have only 15 minutes.

Mr. HARRISON. I am sure the Senator wishes to be fair.

Mr. HEFLIN. Yes.

Mr. HARRISON. But the Senator is not fair when he restricts my amendment as he has stated. The amendment provides that only the surplus power shall be distributed after the requirements of section 8 shall have been taken care of, including nitrate plant No. 1, and the amendment has been modified by inserting the words "or otherwise necessary for the manufacture of commercial fertilizers."

Mr. HEFLIN. The amendment of the Senator denies the people of Florence, the people of Sheffield, the people of Tuscumbia, and the people living on both sides of the river the right to buy power at that plant. Under his amendment no citizen of my State may obtain power at that plant, which is located in Alabama, until Mississippi shall have had a share, as well as Georgia and Tennessee. There is no provision in his amendment to allow an industry of any kind to be run in Sheffield or the other cities named; under his amendment it could not be done.

Mr. HARRISON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield further to the Senator from Mississippi?

Mr. HEFLIN. I can not yield to the Senator for a speech, because my time is limited.

Mr. HARRISON. Alabama, of course, would get her equitable share of it.

Mr. HEFLIN. "Get our equitable share of it!" That is a most remarkable and ridiculous position to take. The people living in the community, many of whom were born there, citizens of a sovereign State, the great State of Alabama, who are using Muscle Shoals power now, under the amendment of the Senator from Mississippi would have it taken away from them in order to give a slice of it to Mississippi, to Georgia, and to Tennessee. It would be an amazing and a ridiculous position for this great law-making body to take. The idea of straying off upon such an unheard-of, unfair, and unsound proposition! "Equitable distribution!" Why, according to their definition of that term, as my colleague [Mr. BLACK] has so ably said, you ought to distribute the rainfall equitably. Where the rainfall is heavy in one section and light in another, tax the people to transfer it to the other section in order that there may be an "equitable distribution."

Mr. HARRISON. Mr. President, does not the Senator know that he and his former colleague, Senator Underwood, voted for that when the Underwood bill was up for consideration?

Mr. HEFLIN. No, sir.

Mr. HARRISON. Well, they did.

Mr. HEFLIN. No; I did not vote for any such proposition. I never would have taken the power away from the locality where it was needed. We wanted a fair distribution of surplus power and after we get the power needed to make fertilizer and after the people in the community are served, if there should be some power left, of course, I should want anybody who wanted it to have it rather than to have it remain idle. But the Senator is denying the people of my State in that locality the right to have power to run an industry of any kind, a cotton factory, or to use in their homes, and that is like denying them air to breathe, water to drink, and food to eat. It is a most amazing proposition!

If the Senator from Mississippi wants fertilizer, if he has not permitted the idea of dividing up power in order to get some of it from Muscle Shoals in Mississippi to become paramount with him and to dominate him rather than the interest of the farmer, I want him to accept my amendment, so that we will make it certain that fertilizer will be made for our farmers at Muscle Shoals. There is no doubt about this amendment making it certain. If you put the heads of the three great farm organizations of this Nation in position to demand and direct that power at Muscle Shoals shall be used to make fertilizer, the farmer's interests will be taken care of; but when you vote that down, you say by your votes that you are not going to make a fertilizer proposition out of it primarily, but that you are going to make a power proposition out of it primarily; and you say more, that if there is any power left finally, you will let the farmer have a little of it for fertilizer experiment stations.

Senators, let us not try to deceive ourselves, and the farmer is not going to be deceived. He and his friends can come to the CONGRESSIONAL RECORD and find out what has transpired here to-day.

You provide in the Norris resolution to sell power for 10 years, and without this amendment you can not withdraw it

and use it to make fertilizer, and you postpone doing anything for the farmer for 10 long years and make no provision to use power to make fertilizer there. We have already had him waiting 8 years, and now, under this resolution, you are going to defer action for 10 years more; and listen: In that time every transmission line necessary to consume all that power will have been constructed, and fertilizer at Muscle Shoals will be out of the question. We all know that. When you talk about making fertilizer they will say, "Why, you have no power. This power is being used for other purposes. Mississippi is getting some of it; Georgia is getting some of it; Tennessee is getting some of it. There is no power left to make fertilizer for the farmer." All of these States can get all the power they want from other power plants in Alabama and from Tennessee and Georgia.

Mr. President, unless my amendment is adopted, and unless the attitude of some of these Senators is changed, we might as well designate this performance at this session of Congress as the blow that killed all hope of making fertilizer for the farmer at Muscle Shoals. It is disposing of him ultimately. The only chance in the Nation that he has to have cheap fertilizer made is at Muscle Shoals. I see friends around me from the Southern States going off and holding conferences around here, parceling out among themselves this power at Muscle Shoals for power purposes and not thinking of fertilizer for the farmer at all. I am pained to see that.

I am reminded of the little boy whose mother had died. His father had married again and had three or four children by his second wife. This little fellow had to do all the chores about the house, and had a pretty hard time. He missed his dear mother and tender love and care. His father went to town and bought shoes for all the children. He brought back to the children by the second wife nice soft little shoes, with pretty strings for the little girls and brass-toed boots with red tops for the other little boys; and to the boy by the first wife, the older boy, he brought a very rough pair of brogan shoes. The boy sat over in the corner, put them on, and the tears ran down his face as he looked at the other children with fine, comfortable shoes on their feet. His father said to him when he got his shoes on, "Do they hurt you, son? I see you are crying." The boy said, pointing to his little, sad heart, "They don't hurt my feet; they hurt me in here."

It hurts me in here to see the farmers of the Southland, already pillaged and plundered to the point where they are selling cotton under the cost of production, to be treated as they are about to be treated here to-day. The Fertilizer Trust has recently raised the price of fertilizer $5 a ton. Here is an opportunity to deliver the farmers from the Fertilizer Trust and deliver them by keeping our promise to them. Congress is obligated to do that; and here you are, some of you, holding conferences for the purpose of arranging for the distribution of power at Muscle Shoals, and you are about to leave the farmer out entirely. You are seeking to put through this body a power resolution pure and simple. The record must show the truth, and the farmers will know the truth when they read the record of what is taking place here to-day.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Alabama [Mr. HEFLIN] to the amendment of the Senator from Mississippi [Mr. HARRISON].

Mr. HEFLIN. I ask for the yeas and nays.

Mr. HARRISON. Mr. President, does the vote come first on the amendment of the Senator from Alabama?

The PRESIDING OFFICER. The Chair understands that that is an amendment to the amendment of the Senator from Mississippi, and therefore the vote comes first on it.

Mr. HARRISON. I am permitted to talk on that amendment, then.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. HARRISON. I shall not occupy the floor more than about a minute.

The PRESIDING OFFICER. The clerk advises the Chair that the Senator from Mississippi has already spoken once on the amendment.

Mr. HEFLIN. I ask for the yeas and nays.

Mr. BARKLEY. May we have the amendment stated?

The PRESIDING OFFICER. The yeas and nays are called for.

The yeas and nays were ordered.

Mr. SMITH. Mr. President, before the vote is taken I ask that we may have stated the amendment offered by the Senator from Mississippi, and the amendment to that amendment.

The PRESIDING OFFICER. The clerk will state the amendment of the Senator from Mississippi and then the amendment to that amendment of the Senator from Alabama.

The CHIEF CLERK. The modified amendment of the Senator from Mississippi reads as follows:

SEC. 2. In order to secure equitable distribution of Muscle Shoals power, according to the policies herein set forth, the Secretary of War is hereby empowered and authorized to lease the said power plants or to sell at the switchboard the current generated at said steam plant and said dam to municipalities and corporations authorized by law to distribute and sell electric current for general public use under public regulations; and to carry out said authority the Secretary of War is authorized to enter into contracts for such lease or sale for a term not exceeding 15 years from the 1st day of January, 1929: *Provided*, That no municipality shall receive a greater amount of power than upon the principle of equitable distribution that it is entitled to receive.

SEC. 3. It is hereby declared to be the policy of the Government and the Secretary of War is authorized to dispose of the current generated at Muscle Shoals for public use equitably among the States within transmission distance, except as provided in section 8 herein, and except so much of such current as may be needed otherwise for the manufacture of commercial fertilizers and to light and operate the locks and canals in and about Dam No. 2 and the Government property at and around Muscle Shoals, subject to regulation provided by the laws of said States and without unfair discrimination between municipalities or as to rates or service between users of such current.

It is hereby further declared to be the policy of the Government that in case of any such sale or lease to a public-service corporation the amounts paid to the Secretary of War by such corporation shall be considered by the public-service agencies of the several States in regulating the rates charged by such corporation to the consumers.

SEC. 4. In order to place the Secretary of War upon a fair basis for making such contracts and for receiving bids for the sale of such current, if in his opinion it is necessary therefor, he is hereby expressly authorized, either from appropriations made by Congress or from funds secured from the sale of such current, to construct, lease, or authorize the construction of transmission lines for the sale of current within transmission distance in any direction from said Dam No. 2 and said steam plant.

The Senator from Alabama proposes to amend the amendment by adding as a new section, after line 9, on page 3, the following:

SEC. —. All contracts for lease of the Muscle Shoals power properties or for the sale of the power therefrom shall provide that whenever, upon recommendation of the president of the American Farm Bureau Federation, the national master of the National Grange, and the president of the Farmers Educational and Cooperative Union, the President of the United States shall decide that the Muscle Shoals power is needed for the manufacture of commercial fertilizers, either through the use of nitrate plant No. 2 or otherwise, said power shall be subject to recall for the manufacture of such fertilizers, and any such contract for lease or sale executed by the Secretary of War shall be subject to cancellation by the President when in his judgment the needs of agriculture shall require it.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Alabama [Mr. HEFLIN] to the amendment of the Senator from Mississippi [Mr. HARRISON] as modified. On that amendment the yeas and nays have been ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. FESS (when his name was called). I am paired with the senior Senator from Michigan [Mr. FERRIS], who is absent. Not knowing how he would vote on this question, I withhold my vote.

Mr. FLETCHER (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. DU PONT]. I understand the Senator from Delaware would vote as I shall vote on this question if he were present, and I therefore feel at liberty to vote. I vote "yea."

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Connecticut [Mr. MCLEAN], who is unavoidably absent. Not knowing how he would vote if he were present, I withhold my vote.

Mr. TYSON (when his name was called). I have a pair with the junior Senator from West Virginia [Mr. GOFF]. Not knowing how he would vote on this question, I withhold my vote.

The roll call was concluded.

Mr. LA FOLLETTE. I desire to announce that my colleague the junior Senator from Wisconsin [Mr. BLAINE] is paired with the junior Senator from Utah [Mr. KING]. If my colleague were present he would vote "nay" on this amendment to the amendment.

Mr. BRATTON. I have a pair with the junior Senator from Indiana [Mr. ROBINSON]. I have been advised that if the Senator from Indiana were present he would vote as I intend to vote. I therefore am at liberty to vote, and I vote "nay."

Mr. BROUSSARD. I have a pair with the senior Senator from New Hampshire [Mr. MOSES]. Not knowing how he would vote on the amendment to the amendment, I withhold my vote.

The result was announced—yeas 11, nays 58, as follows:

YEAS—11

Barkley	Fletcher	Kendrick	Sheppard
Black	Harris	Mayfield	Thomas
Blease	Heflin	Neely	

NAYS—58

Ashurst	Edge	Metcalf	Steck
Bayard	Frazier	Norbeck	Steiwer
Bingham	George	Norris	Stephens
Borah	Gooding	Oddie	Swanson
Bratton	Greene	Overman	Tydings
Brookhart	Hale	Phipps	Wagner
Bruce	Harrison	Ransdell	Walsh, Mass.
Capper	Hayden	Reed, Pa.	Walsh, Mont.
Caraway	Howell	Robinson, Ark.	Warren
Copeland	Johnson	Sackett	Waterman
Couzens	Jones	Schall	Watson
Curtis	La Follette	Shipstead	Wheeler
Cutting	McKellar	Simmons	Willis
Deneen	McMaster	Smith	
Dill	McNary	Smoot	

NOT VOTING—25

Blaine	Gerry	King	Robinson, Ind.
Broussard	Gillett	McLean	Shortridge
Dale	Glass	Moses	Trammell
du Pont	Goff	Nye	Tyson
Edwards	Gould	Pine	
Ferris	Hawes	Pittman	
Fess	Keyes	Reed, Mo.	

So Mr. HEFLIN's amendment to the amendment was rejected.

The VICE PRESIDENT. The question recurs on the amendment of the Senator from Mississippi [Mr. HARRISON], as modified.

Mr. HEFLIN. Mr. President, I discussed my amendment to the amendment offered by the Senator from Mississippi. Would I have the right now to discuss his amendment, under the unanimous-consent agreement?

The VICE PRESIDENT. The Senator would have 15 minutes.

Mr. HEFLIN. Mr. President, I am utterly astounded at the result of the vote that has just been taken. I can see in the result of this vote the death-knell of the interest of the farmer, so far as fertilizer is concerned. The farmer's interest has been lost in the shuffle here. The power idea prevails.

I had hoped that amongst all the power projects of the United States, with millions and millions of developed and undeveloped horsepower, this project at Muscle Shoals, with 80,000 horsepower at the dam and about 80,000 at plant No. 2, would be devoted to the interests of the farming population of America. Especially did I hope to see that done when the original Muscle Shoals law set out specifically that the power to be developed there should be used for the purpose of making nitrates for the Government in the time of war and fertilizer for the farmer in time of peace.

We promised the farmers that we would do that. Those of us who supported the Ford bid committed ourselves to that proposition and we tried to keep faith with the farmer. Later on, when I have more time, I am going to put our report in the RECORD, showing what we promised to do, in order that the farmers of the South, North, East, and West may know just who forgot them on this occasion, and just who remembered them when they had the opportunity to serve them. Senators, I can not refrain giving expression to the conviction that the farmer will be betrayed if this measure passes.

The Senate has had notice that it is a power proposition, pure and simple. Under the resolution of the Senator from Nebraska transmission lines for the distribution of power, not fertilizer, are to be constructed in every direction where power can be transmitted, and those transmission lines are to be paid for out of the sale of the power. Do Senators believe that there will be any money left to make fertilizer for the farmer? It will cost $12,000 a mile to construct those transmission lines. It is variously estimated that they will cost from $75,000,000 to $150,000,000. Where does the farmer come in? What provision is made for the protection of his interests?

Does anybody presume upon the ignorance of the farmer, and think that he will not be able to know the truth? Do those who favor this measure think they can deceive him by telling him they provide for the making of any appreciable amount of fertilizer in this Norris resolution? They are providing for experiment stations, but we already have them. We have passed that point in connection with Muscle Shoals. We have nitrate plant No. 2 already. We have exhibited in this Chamber nitrates made there. That plant's capacity is 40,000 tons of fixed nitrogen a year. The farmer who reads this RECORD will know that. It is not necessary that experiments should be made in regard to that. Instead of providing in this resolution and in the amendments for the making of fertilizer, provision is made for the distribution of power. The distribution of power is the controlling force with the supporters of this resolution. They have forgotten the cotton farmer and the grain farmer and their fertilizer needs.

Oh, Mr. President, I note with sadness and disappointment this division and disagreement in the ranks of the farmers' friends on this side. When the Ford bid was before us we stood shoulder to shoulder and side by side fighting for the adoption of that bid. What happened? Mr. Ford became disgusted on account of just such tactics on the part of others that we see here to-day on our side among Southern Senators. He got tired of waiting, and finally became so disgusted that he withdrew his bid and retired from the scene, and now the same sort of tactics are being carried on again, on this side as well as among some on the other side, in an attempt to fool the farmer, and at the same time turn it over to the power companies. There is just enough mention of fertilizer in the resolution to make it possible to attempt to deceive him, although there is no provision in it for making fertilizer.

I repeat, the farm organizations of the country are against the Norris resolution—they know what they want. I hold in my hand a telegram like scores that have come to me and others here. This is from Anniston, Ala. Last week I read one from Selma, down in south Alabama; this one is from the northern part of the State. It reads:

ANNISTON, ALA., *February 27, 1928.*

Hon. J. THOMAS HEFLIN,
United States Senate:

Norris Government operation proposal for Muscle Shoals promises no fertilizer for Alabama farmers. We urge you fight for Cyanamid offer as contained in the Willis-Madden bill.

CALHOUN COUNTY FARM BUREAU.

The Willis-Madden bill has in it a provision for the making of fertilizer for the farmer. That is the primary consideration in it, and in this resolution power is the primary consideration. There is no provision for the production of fertilizer in this Norris resolution, except incidentally, on a small scale, at some little experiment station.

Senators, it hurts me and makes me sad at heart to see this procedure followed when I know that it is the last hope the farmer has for the manufacture of cheap fertilizer as against the robber prices of the Fertilizer Trust. Mr. President, I want to believe that the Fertilizer Trust's influence is not felt here. I do not want to believe that the Power Trust influence is making its power felt here to-day. I do not know. I do not want to impute any improper motives to anybody, but I know that the farmer's fertilizer has been forgotten and that the farmer himself has been struck down and he is now being carried to the operating table, where he will be duly chloroformed before a major operation is performed on him by the power company's surgeons. I do not expect him to survive the operation. Let the responsibility rest with those who have brought this awful thing about.

Mr. TYSON. Mr. President, I offer an amendment to the amendment, which I send to the desk.

The VICE PRESIDENT. The clerk will read.

The CHIEF CLERK. On page 1, line 5, after the word "board," insert the words "so as to secure a reasonable return to the United States"; on page 2, line 17, strike out the word "said" and insert the word "the"; on page 3, at the end of line 9, insert:

If any question shall arise as to what is equitable distribution of power, either under a lease or by Government operation of the said power plants, the decision of the Secretary of War, if called on to make a decision by any party at interest, shall be final.

Mr. HARRISON. Mr. President, may I say to the Senator that I have no objection to any of his suggestions?

Mr. TYSON. I understood the Senator would accept the amendments.

The VICE PRESIDENT. The amendment will be modified to that effect.

Mr. BLACK. Mr. President, I desire to amend by moving to strike from the amendment of the Senator from Mississippi the last section that the Senator from Mississippi has agreed to accept. I want to strike out that part which leaves it to the Secretary of War to act as the final arbiter in parceling out the assets of the State of Alabama.

Mr. HARRISON. The amendments have not been adopted. I said I have no objection to them. They have to be voted on, I presume. The Senator can speak in opposition to them.

The VICE PRESIDENT. Under the statement of the Senator from Mississippi the Chair understood the amendments submitted by the Senator from Tennessee were accepted by him, and his amendment is modified to that extent.

Mr. BLACK. Mr. President, I would like to suggest merely this: Of course I feel sure that my motion will be very promptly

voted down, but I desire to call attention to the fact that some day, somewhere, some other State is coming up against the same proposition. It is a question of taking the assets of Alabama and dividing them equally between the States. I do not see how any Senator can stand here now or hereafter and ask the United States Government to contribute 100 per cent for the flooded districts of Mississippi, Louisiana, Missouri, and other States, and at the same time stand here and vote to take away from Alabama its natural assets. Senators tell me that they have a right to ask the Government pay 100 per cent of the costs of flood control which gives the farmers in their State a benefit of such Government work, and that these same States may come in later and demand a division of the power produced in Alabama, plucking off power here and there, and leaving it to the Secretary of War to determine how much of the assets of Alabama shall go to each separate State.

That is exactly what we are asked to vote on now. If Senators believe in the equalization of prosperity, if they believe in taking a part of the Muscle Shoals power given to Alabama by nature and give it to Mississippi, if they believe a wonderful agricultural State should be made great industrially by a transfer of power to such State, if they believe in taking from Alabama that which is its own, when the time comes for the application of the principle to their State I hope they will stick to it. Then, after we do that, let us enact the same kind of law with reference to the Pennsylvania, Kentucky, or West Virginia coal mines. Let us provide that all the coal that is mined in Kentucky, Pennsylvania, and West Virginia has to be equally distributed between the States, whether the regular channels of commerce provide for it or not.

Let us then reverse the laws of commerce and trade. Let us do away with commerce and with the principles which have governed in the sale of commodities, and let us tell Maryland, which boasts of a great harbor, "You have no right to the peculiar benefits of that harbor. You must divide them up among the people of the Nation." Let us say, "Divide up your produce out in Nebraska with the people of Alabama. We demand that the people of Oregon divide with us their lumber and divide it in equal amounts between the States." If this proposition is maintained, as I suppose it will be, Senators are merely voting to equalize prosperity between States differently endowed by nature by reversing the laws of commerce and trade.

Mr. HARRISON. Mr. President, the Senator's argument is that if we adopt the amendment, we should say that the profits from the coal sold from the coal fields of Pennsylvania should go to the people of the United States. His other illustration had to do with peaches that are grown over in Georgia, and that they shall be distributed among all the people of the whole United States. Here is a project at Muscle Shoals that was developed at the expense of the Federal Government. It is so different from coal and peaches. A navigable stream was taken and, through the expenditure by the Federal Government of $52,000,000 of the taxpayers' money, this dam was constructed. It was done at the expense of the Federal Government. The State of Alabama was glad, and welcomed the undertaking. The illustration which the Senator gives is not analogous at all.

I submit that the surplus power over the amount that is required for the manufacture of fertilizer should be equitably distributed. That is all my amendment proposes. It does not affect the fertilizer features of the Norris resolution in the slightest. Indeed, the amendment which we have just disposed of, and with which action of the Senate the distinguished Senator from Alabama [Mr. HEFLIN] has found fault, was not necessary, and that was the reason why the Senate did not adopt it. In the amendment which is now pending I have provided that all the power that is necessary to be used at nitrate plant No. 1 shall be excepted, and all that which is used to operate the locks and furnish the lighting of Government property shall be excepted. Indeed, I went further, at the suggestion of the Senator from Alabama, and said that all over the power otherwise needed in the manufacture of commercial fertilizer shall be excepted. In other words, only the power above that which is required for the manufacture of fertilizer is included in the amendment, which provides for the equitable distribution of it.

Mr. HEFLIN. Mr. President, may I ask the Senator a question?

Mr. HARRISON. I yield.

Mr. HEFLIN. Where is there going to be any other power after the power is used for other purposes?

Mr. HARRISON. If they were to make 40,000 tons of fixed nitrogen at Muscle Shoals, I do not believe there would be any surplus power. But if we build Dam No. 3, which I hope some day will be built; if we build Cove Creek Dam, which I hope in time will be built, there will be upward of over 500,000 primary horsepower, plenty to be equitably distributed.

Mr. HEFLIN. Would the Senator favor using all the power to make the fertilizer that the farmers require?

Mr. HARRISON. I would not favor the use of 500,000 primary horsepower.

Mr. HEFLIN. I am talking about what they have now, 160,000 horsepower.

Mr. HARRISON. Of course I would favor it. I voted for it time after time when it came up in connection with the Ford bid and in connection with the Underwood bill. The Senator, in the consideration of those propositions, stood with those of us who now stand for the equitable distribution of power, and voted for such an amendment.

Mr. HEFLIN. No; I voted for the manufacture of fertilizer.

Mr. HARRISON. The Senator voted for the amendment of the Senator from Georgia [Mr. GEORGE] and for the amendment of the Senator from Arkansas [Mr. CARAWAY], both of which provided for the distribution of surplus power.

Mr. HEFLIN. I have never voted to divide what was left with anybody else at all.

Mr. HARRISON. That is all I am trying to do.

Mr. HEFLIN. The Senator is asking for the division of power the first thing, and no manufacture of fertilizer is contemplated in the amendment.

Mr. HARRISON. The Senator is very much mistaken. I expressly exclude all power that is used for the manufacture of commercial fertilizer.

Mr. HEFLIN. But the Senator is not directing that it be used to make fertilizer.

Mr. HARRISON. That is covered by the resolution of the Senator from Nebraska. I am not affecting those provisions at all yet. When we get through with the pending amendment, we will take up the fertilizer features of the joint resolution itself.

Mr. HEFLIN. There is nothing in the joint resolution that forbids them to make fertilizer.

Mr. HARRISON. We will reach that when the pending amendment is disposed of.

Mr. TYSON. Mr. President, I want to say that in offering my amendment my only idea was to try to make it impossible to have a squabble about what was equitable distribution. I do not undertake or desire to take anything from Alabama that Alabama does not own or have. Somebody ought to be able to say what is equitable distribution. The Secretary of War is the one charged with making the lease, and my idea was that we should leave it to him to determine what is equitable distribution. Otherwise we might not have anybody to determine what was equitable distribution. That is the only idea I had about it. If there is any idea that there is going to be any injustice to Alabama, I have no desire to press that part of the amendment. I simply wanted to relieve the situation.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. TYSON. In just a moment. It merely provides that there shall be some means of determining what is equitable distribution. That is the first proposition in the amendment, and it was my idea to clear up the matter so that it would be known that the Secretary of War should have the right to determine what is equitable distribution. I now yield to the Senator from Alabama.

Mr. BLACK. I would like to ask the Senator if he would be willing to have an amendment added to the next legislative enactment here by which power is authorized to be generated in Tennessee which shall provide that the power must be equitably divided between the various States?

Mr. TYSON. I do not think that is a question necessary to be answered here, because the Muscle Shoals Dam is a property which belongs to the Government of the United States; otherwise we would not be undertaking to dispose of it.

Mr. BLACK. Does the Senator believe that because it belongs to the Government of the United States, as he contends, the Government has any right to go there and take it for power purposes to the exclusion of the State of Alabama?

Mr. TYSON. That will have to be decided later. If the State of Alabama owns the power and Muscle Shoals Dam, the law will give it to her. I am not willing to say it belongs to her, because I do not know. We are assuming that it belongs to the United States Government, and that the Congress has the right to dispose of it.

Mr. BLACK. Then I understand the Senator favors the provision about the equitable distribution of power for all power that is generated at Muscle Shoals.

Mr. TYSON. To the extent that it is not to be used for fertilizer purposes.

Mr. BLACK. And he opposes building Cove Creek Dam by the Government for the use of power in Alabama?

Mr. TYSON. I have not opposed the building of Cove Creek Dam by the Government. I have opposed the delay of the Government in either building it or permitting somebody else to do something about it.

Mr. HEFLIN. Mr. President, I wish the Senator would withdraw his amendment to the amendment of the Senator from Mississippi.

Mr. TYSON. I am perfectly willing to withdraw it if there is any particular objection to it. My only idea was to clarify the situation and I do not see why it is not a good thing.

The VICE PRESIDENT. Does the Senator from Tennessee desire to withdraw his amendment?

Mr. TYSON. No.

The VICE PRESIDENT. The question is on the amendment of the Senator from Alabama [Mr. BLACK] to strike out the provision of the Senator from Tennessee modifying the amendment of the Senator from Mississippi.

The amendment to the amendment was agreed to.

Mr. NORRIS. Mr. President, I assume we are about to vote on the Harrison amendment?

The VICE PRESIDENT. The question is on agreeing to the Harrison amendment as modified.

Mr. NORRIS. Before we do that I want to take a few moments to explain what, in my judgment, would be the result. I, of course, concede, to begin with, that the Senator from Mississippi is moved by the very best motives in offering the amendment, but regardless of that it is my judgment that if the amendment is agreed to it will result in the power companies getting all the surplus power at Muscle Shoals. The joint resolution pending, which the committee has reported, provides for giving preference to municipalities, counties, and so forth. The amendment of the Senator from Mississippi takes away that privilege.

The joint resolution further provides that the Secretary of War shall have authority to lease the entire works to anybody. Let us see what would happen if he undertook to lease the property. There might be something different happen, but in all probability, as I see the situation, there is only one bidder that could lease the power and that is the Alabama Power Co., or some of its associated corporations. The Senator's amendment provides that the Secretary of War can make that kind of a lease. It takes away from the people who are going to use this power as consumers, in my opinion, every possibility of a reduction in rate. They are getting that power now through the Alabama Power Co. and I understand that not in a single instance anywhere within transmission distance of Muscle Shoals has the Alabama Power Co. given a penny of benefit to the consumer because of the cheap electricity that it gets at Muscle Shoals.

If a lease were made, and the Alabama Power Co. or one of its associated companies should get it, what reason have we to expect there would be a reduction of rates, although the Senator's amendment, it is true, provides if a transmission company such as the Alabama Power Co. should obtain the lease, and then distribute the power, that the proper authorities of the State in which it was distributed would have a right to take into consideration the price which the Alabama Power Co. paid in regulating rates for electricity in that State.

I have read within the last two or three days—I think some Senator put it into the RECORD—an official opinion of the commission, I do not know its legal name, in Alabama, that has authority over all the electric-light rates in a case where an attempt was made by a consumer to get a reduction of rates, because it was alleged that the Alabama Power Co. was getting its power or a large portion of it so cheap from Muscle Shoals, but the commission dismissed the application entirely and said it could not take that into consideration.

In my opinion, there will be no reduction of electric-light rates anywhere if this amendment shall be agreed to. No municipality, no organization of any kind under the laws that may hereafter be enacted by any of the States in the vicinity of Muscle Shoals will be able to get a penny's reduction on a single kilowatt. I have on my desk an amendment which after consultation with a number of Senators, I am going to offer to the original joint resolution, providing that farm organizations instituted for the purpose of distributing electricity among farmers and not for profit, as well as municipalities, shall have the right to get electricity from Muscle Shoals. The amendment will also provide—which I think is already practically in the original joint resolution—if municipalities do not take all of the power and some of it is left and distributed through corporations, who resell it to consumers, that they shall not charge the ultimate consumer a price that will be in excess of what the Federal Power Commission shall say is a fair and reasonable price. I do not know any other way to insure to the consumer a fair price, unless municipalities, farm organizations, and other associations which may be formed under the statutes of the different States, shall organize for the purpose of distributing current and not for the purpose of selling it for profit. I know of no other way to give to the consumer the benefit.

Therefore, Mr. President, it seems to me that if the amendment offered by the Senator from Mississippi [Mr. HARRISON] shall be agreed to, the effect of the joint resolution, so far as concerns power that shall go to the people, is killed and that all possibility of people getting any benefit from it is dead.

Mr. HEFLIN. Mr. President, will the Senator from Nebraska let me ask him a question?

Mr. NORRIS. I yield.

Mr. HEFLIN. The Senator from Nebraska suggests giving the Federal Power Commission the right to regulate in the State the rates for power sold at Muscle Shoals. Does the Senator think the Federal Government has that authority, and the State has declared that it has the power to regulate all current sold in the State?

Mr. NORRIS. No; I do not claim that, but the Federal Government, having the electricity, can say to anybody who is going to resell it, "We will not sell it to you unless you will agree to give the consumer a benefit that shall be determined by the Federal Power Commission." There is not any question about that. It will sell it subject to the regulation by the State commission; I admit that.

Mr. HEFLIN. Mr. President——

Mr. NORRIS. But the Government can say, for instance, to the Alabama Power Co., "If you buy this power and sell it to the people of Birmingham, Ala., you shall not charge the consumer in Birmingham a price above a certain amount that the Federal Power Commission shall fix as reasonable." If they do not agree to that, the Government will not sell them the power.

Mr. HEFLIN. Would there not, then, be a conflict between the Federal power and the State power?

Mr. NORRIS. No; I do not think there would be any conflict unless the State power should insist that the Alabama Power Co. should charge more than a just and reasonable rate as fixed by the Federal Power Commission.

Mr. HEFLIN. If the State commission were to do that, then the people would have their remedy in putting in another commission to represent them.

Mr. NORRIS. They might. I should think they would. I should be glad if they would.

Mr. HEFLIN. My position is that if the Federal Government goes in there to dispose of the power in any way it will have engaged in commerce, and the minute it attempts to dispose of power or has anything to do with it, it comes under the jurisdiction of the State. So there is a conflict between State and Federal power under the Senator's joint resolution.

Mr. NORRIS. I do not think there is any conflict; but that question does not arise on the Harrison amendment; that will come when I offer the amendment to which I have referred, which I shall offer at the suggestion and request of a number of Senators who think that the rights of the people are not sufficiently safeguarded.

Mr. MAYFIELD. Mr. President, does the proposed amendment of the Senator from Nebraska use the words "just and reasonable rates"?

Mr. NORRIS. Yes; I think so.

Mr. MAYFIELD. The Constitution would allow the company such rates regardless of any statute.

Mr. NORRIS. Yes. The vote that is to be taken now is on the Harrison amendment. I have mentioned this as showing that we are going to have an opportunity to vote on an amendment which, I think, will give to the consumer a fair and just rate after the production of fertilizer shall have been taken care of. I am ready to vote, so far as I am concerned.

Mr. HARRISON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. LA FOLLETTE (when Mr. BLAINE'S name was called). Making the same announcement concerning my colleague and his pair as on the last roll call, I desire to state that if he were present he would vote "nay" on this amendment.

Mr. BROUSSARD (when his name was called). I have a pair with the senior Senator from New Hampshire [Mr. MOSES]. I understand that if present he would vote on this amendment as I intend to vote. Therefore I am at liberty to vote, and vote "yea."

Mr. FESS (when his name was called). I am paired with the Senator from Michigan [Mr. FERRIS]. I understand that if he were present he would vote "nay." I transfer my pair to the senior Senator from Massachusetts [Mr. GILLETT] and vote "yea."

Mr. FLETCHER. Making the same announcement as to my pair as before, I vote "yea."

While I am on my feet I desire to say with reference to my colleague [Mr. TRAMMELL] that he is unavoidably absent. I will let this announcement stand for the day.

Mr. GLASS (when his name was called). I have a pair with the senior Senator from Connecticut [Mr. MCLEAN]. I am informed that if he were present he would vote "yea." If I were permitted to vote, I should vote "nay."

Mr. KING (when his name was called). I have a general pair with the junior Senator from Wisconsin [Mr. BLAINE]. I transfer my pair with him to the junior Senator from Florida [Mr. TRAMMELL], and vote "yea."

Mr. MCMASTER (when his name was called). I have a pair with the senior Senator from Missouri [Mr. REED]. I am informed that if he were present on this question he would vote "yea." If I were permitted to vote, I should vote "nay."

Mr. TYSON (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. GOFF]. Not knowing how he would vote on this question, I withhold my vote. If at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. BRATTON. I have a general pair with the junior Senator from Indiana [Mr. ROBINSON]. In his absence I withhold my vote. If at liberty to vote, I should vote "nay" on this question.

Mr. OVERMAN (after having voted in the negative). I inquire whether the senior Senator from Wyoming [Mr. WARREN] has voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. OVERMAN. I have a general pair with the senior Senator from Wyoming. As he has not voted, I withdraw my vote.

The result was announced—yeas 25, nays 45, as follows:

YEAS—25

Bayard	Edwards	King	Swanson
Bingham	Fess	Metcalf	Tydings
Blease	Fletcher	Ransdell	Watson
Broussard	Greene	Reed, Pa.	Willis
Curtis	Hale	Sackett	
Deneen	Harrison	Smoot	
Edge	Hawes	Stephens	

NAYS—45

Ashurst	Frazier	McNary	Smith
Barkley	George	Mayfield	Steck
Black	Gooding	Neely	Steiwer
Borah	Harris	Norbeck	Thomas
Brookhart	Hayden	Norris	Wagner
Bruce	Heflin	Nye	Walsh, Mass.
Capper	Howell	Oddie	Walsh, Mont.
Caraway	Johnson	Phipps	Waterman
Copeland	Jones	Schall	Wheeler
Couzens	Kendrick	Sheppard	
Cutting	La Follette	Shipstead	
Dill	McKellar	Simmons	

NOT VOTING—24

Blaine	Gillett	McMaster	Robinson, Ark.
Bratton	Glass	Moses	Robinson, Ind.
Dale	Goff	Overman	Shortridge
du Pont	Gould	Pine	Trammell
Ferris	Keyes	Pittman	Tyson
Gerry	McLean	Reed, Mo.	Warren

So Mr. HARRISON'S amendment as modified was rejected.

The VICE PRESIDENT. The joint resolution is before the Senate as in Committee of the Whole and open to amendment.

Mr. CARAWAY. Mr. President, I offer an amendment, which I ask to have stated; and I call the attention of the Senator from Nebraska [Mr. NORRIS] to it.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 5, after line 10, it is proposed to insert the following:

SEC. 9. (a) The Secretary of Agriculture is authorized and directed to utilize nitrate plant No. 2 for experiments in the production of fertilizers by the use of the cyanamide process to determine whether it is or is not commercially feasible to produce fertilizers by such process. If the Secretary of Agriculture determines that it is commercially feasible to produce fertilizers by the cyanamide process, then such plant shall be used for the production of fertilizers by such process in the largest quantities practicable, and the fertilizers so produced shall be disposed of at the lowest prices practicable to meet the agricultural demands therefor and effectuate the purposes of this resolution. In the utilization of nitrate plant No. 2 the Secretary of Agriculture shall avail himself of power in the same manner as provided in section 8.

And, following that, to change the section numbers.

Mr. NORRIS. Mr. President, as far as I am able to do so, I accept that amendment.

Mr. HEFLIN. Mr. President, I just want to call attention to the fact that while this amendment of the able Senator from Arkansas [Mr. CARAWAY] is an improvement over section 8 of the Norris joint resolution, it is not what we want and what we are entitled to have in the way of fertilizer at the hands of the Senate. If we are going to pass this measure with section 8 in it—and that is the only section that has any reference, of consequence, to fertilizer—we ought to acknowledge frankly that we are not providing for the making of fertilizer. Permitting the Secretary of Agriculture to decide whether or not he wants to make it there is not worth five cents to the farmer. We ought to direct that fertilizer be made there, and we ought to put it in the law, whatever the bill or resolution, that when they fail to make fertilizer they forfeit their lease on Muscle Shoals.

Senators, we all know, and the country knows, that unless we put in such a provision we are not in earnest about making fertilizer for the farmer at Muscle Shoals.

Let us not deceive ourselves, and let us not try to deceive the farmer. The Senator's amendment will improve this measure in some particulars. I have been told by men who know something about the business that it will cost over $100,000,000 to construct transmission lines out from Muscle Shoals. You are going to make the Government pay for that, and you can not make fertilizer until after that is done; and after you do that you will not have a dollar left or any power left to make fertilizer at Muscle Shoals.

Mr. BRUCE. Mr. President, I should like to ask the Senator from Arkansas whether I am correct in inferring that his amendment contemplates the production of fertilizers by the Government itself. Is that so?

Mr. CARAWAY. Mr. President, if I may answer the Senator's question in a little detail, the amendment provides that they shall at once commence the use of plant No. 2 for the production of fertilizer. If it develops that it can be made by the cyanamide process, then the plant will be dedicated to that purpose as long as the Government shall have charge of Muscle Shoals. That is the purpose of the amendment.

Mr. BRUCE. Is not the cyanamide process a patented process?

Mr. CARAWAY. We have the use of the patent for it.

Mr. BRUCE. The Government has?

Mr. CARAWAY. Yes.

Mr. BRUCE. I was not aware of that.

Mr. TYSON. Mr. President, will the Senator yield? Do I understand that the Government has the right to use that process?

Mr. CARAWAY. That is my understanding.

Mr. TYSON. In making fertilizer? I understood that that was only for the manufacture of explosives.

Mr. CARAWAY. The same process by which nitrates are extracted from the air to make explosives is used to extract them from the air to make fertilizer, or any other use you want to make of the material.

Mr. SACKETT. Mr. President, will the Senator yield to me?

Mr. CARAWAY. I have not the floor. The Senator from Maryland has the floor.

Mr. SACKETT. Will the Senator from Maryland yield to me a moment?

Mr. BRUCE. I will yield the floor entirely in a moment. The Cyanamid Co., which primarily owns the cyanamide process, is a Canadian company, is it not?

Mr. CARAWAY. I do not know, Mr. President.

Mr. BRUCE. I understand that it was incorporated in Canada.

Mr. HEFLIN. Mr. President, it is an American company, officered by American citizens, and owned by American citizens.

Mr. BRUCE. I am not asking by whom it is officered or by whom it is owned. I am asking by what sovereignty it was created.

Mr. CARAWAY. I have not that information.

Mr. HEFLIN. It was organized in Canada, as I understand. They tried to set up business in Alabama on the Coosa River, and the President vetoed a bill that we passed through Congress allowing them to construct a dam there. Then they went over into Canada; but they are American owned and officered.

Mr. BRUCE. The company was created in Canada? That is the corporate situs?

Mr. SHEPPARD. Mr. President, I understand that the company was chartered by the State of Maine.

Mr. BRUCE. That is contrary to the statement made here lately that it was a Canadian company.

Mr. HEFLIN. Yes; I misunderstood the Senator. What I meant to say was that they went to Canada to do business. I think they were chartered under the laws of the State of Maine.

Mr. BRUCE. Is the Senator from Texas certain that this is a Maine corporation?

Mr. SHEPPARD. I feel certain of it. It is my distinct recollection that it was chartered by the State of Maine or some other American State.

Mr. BRUCE. I ask that because of course if the corporate situs of the corporation is Canada, all franchise taxes resulting from its operations would flow into the treasury of Canada, and so would other taxes, perhaps, and not into the Treasury of the United States. It does seem that in consideration of the fact that Canada is so jealous of American competition that she is unwilling for any power to be transmitted from Canada across the boundary line between that country and the United States, we ought to be a little slow about according any special privileges of any kind to Canada in connection with Muscle Shoals or anything else.

Mr. HEFLIN. Mr. President, I should like to say to the Senator that Mr. Bell, the president of the company, lives in New York; and if they get Muscle Shoals they will send their agents down there, and it will be operated as an American proposition purely.

Mr. FLETCHER. May I interrupt the Senator to say that the Air Nitrates Corporation is organized and exists under the laws of the State of New York. The American Cyanamid Co. is a corporation organized and existing under the laws of the State of Maine.

Mr. BRUCE. I am much obliged to the Senator.

Mr. SHEPPARD. So I stated.

Mr. SACKETT. Mr. President, I should like to ask the Senator from Arkansas a question for the information of the Senate. If this amendment is adopted, what amount of money would it be necessary for the Secretary to expend to put that plant in shape to carry out this amendment?

Mr. CARAWAY. Of course, an appropriation will have to be made to do that. I do not know what it will cost.

Mr. SACKETT. Does the Senator think it would be less than $10,000,000?

Mr. CARAWAY. I have not any information. I do not care to guess at it. I do not know.

Mr. SACKETT. It seems to me we ought to know something about the cost of an amendment we are putting on a measure of this character.

Mr. CARAWAY. The Senator was very eager to lease the plant to some people when we were fixing to expend, according to their estimate, $76,000,000, and according to the best estimates of other people about $300,000,000. He was not at all concerned about that; and that was all to be turned over to a private individual.

Mr. SACKETT. Nevertheless, this is a different proposition.

Mr. CARAWAY. Oh, I know it is. This is a place where the farmer is actually going to have done for him what we said we would do when we built that plant. We said we would dedicate it to the manufacture of high explosives in time of war and of fertilizers in time of peace. I know, and the Senator from Kentucky knows, that if there had been any doubt in the mind of Congress, when the act originally authorizing the construction of the Wilson Dam was passed, that that program would be carried out, there would have been no Wilson Dam.

Mr. SACKETT. That is very true; but times have changed since then.

Mr. CARAWAY. And if my friend from Alabama, who was so concerned about having Alabama's rights invaded, had read the discussion when the bill was up he would have found out that the people who were most interested in having the Government make that expenditure were the people from Alabama.

I want to say to the Senator from Kentucky that I have never been enamored of Government ownership and control of private business. My whole record will bear me out in that statement. I have been just as anxious to have something done with Muscle Shoals along that line as any man in the country. If it had not been for certain people whose motives I do not impugn, but whose judgment I seriously question, we could have leased it to Henry Ford, and we would have been the only people except Henry Ford who ever got more than 100 per cent on an investment with which Henry Ford had anything to do. It was a good proposition, but there were not enough votes to put it through. Other propositions came before the Senate, and they failed. Here is a proposition finally to have something done with Muscle Shoals that will keep faith with the people. Why should we not do it?

All of us know that nothing else is going through the Senate. You are either for this proposition or you are for keeping Muscle Shoals for another Senate debate in the next Congress. It is costing us lots of money. The plant is going to ruin. The faith of the people is being shaken in the promises the Government made that they were to experiment in giving the farmers cheaper fertilizer. Now, let us keep faith with them.

The amended joint resolution that I have offered simply dedicates plant No. 2 to that purpose. If it proves to be unprofitable—if it proves, as some people have asserted, that the cyanamide process is a failure—we will know it, and then it will be useless to talk further about leasing this plant to the Cyanamid Co. of America or to any other people using that process. If, however, it is successful, then we are going to put it to work to do the very thing for which it was constructed.

Mr. SWANSON. Mr. President, if the Senator will permit me, I understand that all that can be done under this proposition is to provide an organization. We can not appropriate money here.

Mr. CARAWAY. Of course not.

Mr. SWANSON. This is an authorization under which, afterwards, estimates can be made by which the purposes indicated in the joint resolution can be accomplished.

Mr. CARAWAY. Let me say that it is by all means the cheapest thing that has been offered to the Congress. The proposition the Senator from Kentucky stands for, according to its supporters' own statements, would cost us $76,000,000.

Mr. SACKETT. What proposition?

Mr. CARAWAY. That is, the Willis-Madden bill.

Mr. SACKETT. I do not stand for that in any particular. I am opposed to it, and so stated.

Mr. CARAWAY. Then I beg the Senator's pardon. I was entirely misinformed. I noticed the Senator voting with those who stood for that process, and I thought he was going along with them.

Mr. SACKETT. No.

Mr. SWANSON. As I understand, the adoption of the amendment of the Senator from Arkansas is about the only way we can provide at this session of Congress for the manufacture of fertilizer.

Mr. CARAWAY. Absolutely.

Mr. SWANSON. This authorization will be given, then the Appropriations Committee will make the appropriations to make it effective. They are bound to do that, under the rules of the Senate.

Mr. SACKETT. I spoke because the Senator's amendment sounds like a simple amendment. As a matter of fact, this is a cyanamide plant, and to bring it into fertilizer production would require the spending of a very large amount of money in order to finish the process. There has been a good deal of testimony here to the effect that that is not the coming process for the making of this product, and it does seem rather a strange thing, under a simple amendment of this kind, to commit the Government to that large expenditure on something that has not been proved to be the proper process.

Mr. CARAWAY. How much does the Senator think it would take?

Mr. SACKETT. I should think it would take $10,000,000 for the additional plant facilities that are going to be necessary to make it possible to run this plant in quantity.

Mr. CARAWAY. Under every proposition made it is expected that plant No. 2 will be put in a stand-by condition. It is an absolutely useless thing as it stands there with $70,000,000 or $80,000,000 invested in it. We have to do this very thing, whether this amendment shall prevail or not, or we will have to abandon the plant.

Mr. TYSON. Mr. President, I would like to ask the Senator a question. I believe the Senator will find that the Cyanamid Co. owns the patents under the cyanamide process, and we will have to buy them before any production of fertilizer can be had.

Mr. CARAWAY. I do not think so.

Mr. TYSON. As I understand it, it will cost $1,200,000, to operate that plant at full capacity, for royalties alone, and I think that is a very important thing for us to know before we vote on the amendment.

Mr. CARAWAY. What does the Senator want to do with plant No. 2?

Mr. TYSON. I have an amendment here with relation to that.

Mr. CARAWAY. Will not the Senator just tell me what he wants us to do with plant No. 2?

Mr. TYSON. When the Secretary of Agriculture has determined the very best process that is to be had for the manufacture of fertilizer, I want him then to have the right and power and authority to lease out plant No. 2 at the very best price he can get, provided he can get a satisfactory bid.

Mr. CARAWAY. What does the Senator want the Secretary to do anything for? If he is going to lease it, he can lease it to the Cyanamid Co. now. They do not want to use it for the manufacture of fertilizer.

Mr. TYSON. I have no desire to have any particular process adopted. I think the Secretary of Agriculture ought to have the opportunity to say what is the best process. If it is the cyanamide process, then we will have the cyanamide process. If it is the synthetic process, we will have that. As it is, we shall have nothing under this amendment, as I see it.

Mr. CARAWAY. Either the Senator from Tennessee has not read the amendment or the Senator from Kentucky has not read it, because the Senator from Kentucky says we shall have to make a very large expenditure in order to run the plant, but the Senator from Tennessee says we are not going to do anything with it.

Mr. TYSON. The Senator from Illinois can correct me if I am wrong, but as I understand it, the estimate made last year by the committee that brought in the bid for the Associated Powers was that it would cost $18,000,000 to put nitrate plant No. 2 in condition to make 40,000 tons of nitrate.

Mr. CARAWAY. And the Senator voted for that resolution.

Mr. TYSON. I did not vote at all for the resolution.

Mr. CARAWAY. Was not the Senator for the proposition of the Senator from Illinois?

Mr. TYSON. I do not think the matter ever came up for a vote.

Mr. CARAWAY. Oh, yes; it came up.

Mr. TYSON. I know I did not vote for it.

Mr. CARAWAY. I can not help that. What does the Senator want to do with nitrate plant No. 2?

Mr. TYSON. I will read the Senator my amendment. That is the only way to show the Senator exactly what I do want to accomplish.

Mr. CARAWAY. Would the Senator put it in operating condition or not?

Mr. TYSON. Put nitrate plant No. 2 in operating condition?

Mr. CARAWAY. Yes.

Mr. TYSON. I would put it in operating condition if the Secretary of Agriculture had had time to determine that it was the best process to be used in the manufacture of fertilizer.

Mr. CARAWAY. That is the only way you can determine it.

Mr. FLETCHER. Mr. President, may I interrupt the Senator to make this inquiry? Suppose the Secretary of Agriculture has in mind that the Government should not go into the manufacture of fertilizer, that the Government should stay out of business of this kind, and he has already concluded, in his own mind, that this is not commercially feasible and that he does not want the Government to go into that business; all he has to do is to report.

Mr. CARAWAY. All he has to do is to try, and then we are entitled to a report of the full facts of his experiments.

Mr. TYSON. Mr. President, my proposition is to add something to the Norris resolution. The Norris resolution is all right with regard to fertilizer as far as it goes. My proposition is that after he has experimented and determined what is the best process, thereupon he shall proceed to lease nitrate plant No. 2, which shall be turned over to him, and if he can get a satisfactory bidder for the manufacture of fertilizer at nitrate plant No. 2, in quantity, then that the plant shall be leased to that bidder; but he has to be guaranteed that the lessee will produce 5,000 tons of nitrates the first year and 5,000 additional each year thereafter until he has 40,000 tons of nitrate produced, and it shall be used in the manufacture of fertilizer for the farmers. He is compelled to do that if it is leased at all under the terms of my amendment. In the event that he can not lease the plant, and he finds a good method by which fertilizer can be produced cheaply at Muscle Shoals, so that it can be sold in competition with the commercial fertilizers, then, if he can not lease it he is to operate the plant, and he is to produce these amounts I have specified in my amendment—that is, 5,000 tons of nitrates the first year and 5,000 tons each year thereafter—until he produces 40,000 tons, and he must use it in the manufacture of fertilizer for the farmers and its distribution.

My amendment provides that he is definitely compelled to produce the nitrates if it is possible to produce them, by the very best method he can find, and it seems to me that that is the sensible way to handle this proposition.

Mr. BRUCE. Mr. President, will the Senator yield?

Mr. TYSON. I yield.

Mr. BRUCE. For what period of time would the Senator provide that the Secretary should lease the plant?

Mr. TYSON. He is to lease the plant for not less than 25 years.

Mr. BRUCE. What provisions would the Senator make for rentals?

Mr. TYSON. He would lease the plant for the production of fertilizer as cheaply as possible for the farmer. In view of the fact that nitrate plant No. 2 is now standing idle, I provide that the lessee may have nitrate plant No. 2 turned over to him free of rental, with the provision that he is to keep the plant in order, and to pay such amounts as are necessary to keep it up, to pay the expenses of upkeep, both under the lease and also in the operation by the Secretary of Agriculture.

Mr. BRUCE. I suppose the Senator realizes that no private lessee could be induced to take over this property if the Government itself could not run it except at a loss.

Mr. TYSON. Not necessarily. I doubt very seriously if anyone will undertake to lease Muscle Shoals and produce nitrates in quantity until it has been demonstrated there that they can be produced in quantity, and at such a price that a private lessee would be willing to undertake the manufacture of fertilizer. I admit that I doubt seriously if any lessee can be had, but I think we ought to see if we can not get a lessee. My idea is to have an alternative proposition; if we can not get a lessee who can do this better than the Government, then let the Government do it. If we can not get a lessee, the Government must do it.

I provide in my amendment that whenever we can not sell the product of this plant at a reasonable profit, then it need not be made. If you can not make it at a reasonable cost, there is no point in making any fertilizer at Muscle Shoals or anywhere else, because no business man is going to stay in business unless he makes money. The point I am making is that the Secretary ought to have an opportunity to lease it if he can lease it to a satisfactory lessee, and failing that, then the Government has to make the effort to see if the product can be produced there at such a cost that it can be sold to the farmer at a price less than that at which he is now paying private concerns.

I think that is the idea of Muscle Shoals, that is the idea of the original law, and we will be keeping faith with the farmers if we carry out the provisions of that law and undertake to make fertilizers; and if we do not do so, we will not have carried out the plan and will not have kept faith with the farmers.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Arkansas [Mr. CARAWAY] to the joint resolution.

Mr. KING obtained the floor.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. HARRISON. I want to offer a substitute and have it printed, unless we reach a vote on the joint resolution this afternoon. It will follow the resolving clause. I will say to the Senator from Utah that this is the only measure which has passed the Senate heretofore, and it is about the only measure perhaps that we can get together on.

Mr. KING. Mr. President, Senators give evidence of their readiness to vote upon the amendment offered by the Senator from Arkansas [Mr. CARAWAY], and I shall not long defer action thereon. The Muscle Shoals problem reminds one of the story of the man who had hold of the bear and wanted help that he might let go of the same. For years we have heard discussion concerning Muscle Shoals, and numerous measures have been offered dealing with the subject. If action was taken by the Senate, the other branch of Congress did not take final action, and so the years have gone by without disposition being made of the project and with the Government being required annually to pay large sums for the upkeep of the same. I have not had the advantage enjoyed by those Senators who have been and are members of the Committee on Agriculture and Forestry.

Before that committee for many years scientists and experts and business men by the score have appeared and expressed their views upon the various phases of the Muscle Shoals problem. Representatives of agriculture have spoken and pressed their views and persons who were interested in power development have suggested measures for the utilization of the power which might be developed at Muscle Shoals and at various points upon the Tennessee River. The views expressed have been conflicting, and it has been difficult to properly appraise the testimony offered and to reach a conclusion as to the wisest course to pursue. Several years ago Mr. Henry Ford was willing to lease the interests of the Government and to produce fertilizer in large quantities to be used by the farmers of our country. There were many who believed his proposition to be sound and fair and for the best interests of the Government as well as agriculturists; but Congress declined to take favorable action upon his proposition, and the years have gone by, and investigations have followed investigations, and hearings have been piled upon hearings, until the country has grown tired and nauseated with the whole matter. It seems to me that the Congress has not acted with that wisdom and promptitude which the situation demanded. The Government has investments aggregating, as I recall, more than a hundred million dollars, and the project, if completed, will require many millions more.

Perhaps the Government was justified in launching the project for war purposes. The lack of nitrogen for munitions during

the war lead to the adoption of a plan to build one or more dams at Muscle Shoals and to construct two plants for the purpose of manufacturing nitrates. One plant, known as No. 1, was to produce nitrogen by the synthetic process, taking it, as Senators know, from the air. Plant No. 2 was to produce cyanamide, the basis of which is nitrogen, likewise obtained from the air.

The original bill initiating the project provided for the manufacture of nitrogen for munitions purposes. That was the primary purpose of the huge expenditures made by Congress. A secondary purpose—and it was expressed in the bill—was to produce in peace times fertilizer for the farmers of the United States. The project was not a power project. It was not designed to produce hydroelectric energy to be furnished power companies or private individuals. I repeat, it was the intention and the promise that Muscle Shoals should be devoted to the production of nitrogen for war purposes, and when not needed by the Government for the production of nitrates, to be used in the manufacture of fertilizer. In my opinion the resolution before us nullifies the expressed will of Congress and ignores the law which inaugurated the Muscle Shoals project.

I feel there is an obligation resting upon Congress to see that Muscle Shoals is devoted to the purpose expressed in the original act. It seems to me that we would be guilty of Punic faith if a different policy were now adopted. Propositions have been made from time to time seeking to carry out the original plan. Some of these propositions call for the leasing to persons or corporations the dams and plants constructed by the Government. As I have understood these various propositions, they call for the manufacture of nitrogen and nitrogen compounds to be used to enrich the soil and benefit agriculture. With the rejection of such propositions, Congress is now confronted with the necessity of taking some definite action to finally dispose of this vexatious and irritating question. The Senator from Nebraska [Mr. NORRIS] with zeal and sincerity insists that we shall dedicate the Government's interest in Muscle Shoals to the production of electric power. His position is, as I understand it, that it is not practicable or feasible to manufacture fertilizer at Muscle Shoals either by the Government or by private enterprise.

I have been unable to follow the arguments of those who have insisted that Muscle Shoals is not adapted to the production of nitrogen either by the synthetic or the cyanamide processes. It is true the plant, which cost approximately $14,000,000 and was designed and used by the Government to produce nitrogen by the synthetic process, was a failure. I submit, however, that the failure of the Government does not furnish even prima facie evidence that private enterprise would have met the same fate. The cyanamide plant has not even been completed, and no tests have been made which warrant the claim that cyanamide can not be produced cheaply and commercially at plant No. 2. Muscle Shoals was selected as a suitable place to erect plants for nitrogen fixation because it was believed that the Tennessee River at Muscle Shoals and above would furnish reasonably cheap power.

Dams were not erected for the production of power for heating and lighting and to sell in contiguous districts. Cheap power was needed to produce nitrogen and not to sell. Power was to be developed and made available for use in nitrogen plants erected by the Government. Now it is proposed to not produce explosives or nitrogen or fertilizer, but that the Government shall engage in the production, sale, and distribution of electric energy to the residents who live near Muscle Shoals. The farmers are to be forgotten. The promises that fertilizers would be produced are to be ignored.

Mr. President, while I am opposed to the Government entering the field of socialism and engaging in enterprises which individuals should develop, I feel that there is a duty resting upon Congress to carry out the purpose expressed in the act providing for the Muscle Shoals project. I do not advocate the Government abandoning Muscle Shoals and the large investments which it has made, even though it might be advantageous from a financial standpoint for that course to be pursued. Entertaining that view, I believe that Congress should enact legislation which will provide for the leasing of Muscle Shoals with its plants and power, the lessees to supply nitrogen to the Government for munition purposes or to turn the project over to the Government when it requires the use of the same to meet governmental needs; the lessee also to engage in the production of fertilizer, a certain amount being produced annually, in order that the farmers of our country may have the benefit that will arise from an increased domestic production of nitrates and other products important in agriculture. If the Government can not lease the project, if private enterprise will not utilize it in the manufacture of fertilizer, then, as a last resort, I will support a plan calling for governmental operation for the production of fertilizer. If we are confronted with only two propositions, one to have the Government go into the power business or engage in the production of fertilizer, I shall support the latter because of the promises made to the farmers and the obligation imposed by the act inaugurating the Muscle Shoals plan.

As I have said upon a number of occasions, governmental activities in matters which belong to individual effort and are within the domain of private enterprise and endeavor, are obnoxious to me. But a situation may arise compelling the adoption of a policy to be followed by the Government which does not meet my approval and which even may be regarded as antagonistic to the spirit and form of our Government. The United States as a Nation was formed, not as a business enterprise, or as a socialistic or communistic experiment. The powers conferred upon it by the Constitution are limited and they relate to governmental and national questions.

Mr. BRUCE. Mr. President, will the Senator yield?

Mr. KING. Certainly.

Mr. BRUCE. May I call the attention of the Senator to the fact that the substitute just offered by the Senator from Mississippi covers his point?

Mr. KING. I voted for that substitute.

Mr. BRUCE. But I did not know the Senator knew it had been introduced.

Mr. KING. I voted for the amendment offered by the Senator from Mississippi, not because I believed it met the situation, but because I believed that by its adoption it might be possible to carry out the spirit of the act providing for the Muscle Shoals project and ultimately enable the farmers to obtain nitrogen products.

Mr. President, much as I dislike the creation of commissions and executive agencies, I believe that the situation before us calls for the adoption of a different plan from either now before us. I believe that it would be wise to authorize and direct the President to appoint a commission of experts, business and scientific men, to formulate a plan for the development of Muscle Shoals and the production of nitrogen, either by the cyanamide or some other process, feasible and practicable; the plan should provide for leasing the plants owned by the Government and the power sites and the power rights of the Government in the Tennessee River, under proper terms which will protect the Government and prevent monopoly in the manufacture and sale of nitrogen and its various fertilizer forms. If this commission fails to obtain a suitable lease for the production of nitrates for the farmers and for the Government's use, and it is impossible to have private capital undertake the development and use of Muscle Shoals for the purposes just stated, then, opposed as I am to the Government entering into the domain of private business, I would support a proposition providing the necessary appropriations for the development of Muscle Shoals by the Government, such development to include the manufacture of fertilizers for the agriculturists of the United States.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. McKELLAR. I will call the Senator's attention to the law as it is right now, not that the President has the right to lease, but he has the right to operate that plant right now for fertilizer purposes for the benefit of the farmers of the United States, but he is not doing it.

Mr. KING. I repeat I am opposed to the Government engaging in the production of power or the manufacture of fertilizer, but I conceive that a situation may arise justifying a departure from this policy. But the situation must be extreme and, indeed, critical, that would justify the Federal Government engaging in activities which all concede belong to individuals. I am unwilling that the Government shall abandon Muscle Shoals, but I insist that it shall lease the same under reasonable and proper terms. With cheap power which can be produced at Muscle Shoals where an abundance of phosphate is available, with cheap coal and coke, it is certain private enterprise can manufacture fertilizers for the farmers cheaper than perhaps any other place in the United States. So, Mr. President, let us direct the President, through a commission, to work out a proper plan, one which will protect the Government as well as the farmer and which will secure a suitable lessee who will undertake the production of nitrates and various forms of fertilizers to meet, in part, at least, the needs of the agriculturists of our country.

Mr. FESS. Will the Senator yield?

Mr. KING. Yes.

Mr. FESS. I think the Senator has stated my position on the question.

Mr. KING. I am gratified to know that I am not alone in the views expressed.

Mr. FESS. Now a question. There is no doubt in the mind of the Senator that it is possible to produce fertilizer under private enterprise.

Mr. KING. No. In my opinion it can be produced at Muscle Shoals and produced at a profit. By the cyanamide and the synthetic processes nitrogen is obtained from the atmosphere in German plants, and the American Cyanamid Co. is manufacturing thousands of tons of cyanamide which is being used in the United States. I should add that it is also shipping to foreign countries a large amount of fertilizer, the nitrogen of which is obtained from the atmosphere through the cyanamide process.

Mr. FESS. Then the only point of division is whether we will choose Government operation rather than private operation?

Mr. KING. That is my view. By that I mean private capital has produced and will produce all forms of fertilizer needed by the farmer. Private capital has given to the United States inventions and all forms and varieties of products essential to the happiness and welfare of the people. Nitrogen is in the air, and chemists, both in other countries and in the United States, have reached out and taken nitrogen from the atmosphere and compounded it with other substances, thus forming products required by the farmers for the enrichment of their lands. Of course, there may be some difficulty in finding individuals who will enter into contractual relations with the Government for the manufacture of nitrates at Muscle Shoals. But I see no reason why leases may not be entered into between the Government and corporations and individuals which will be mutually advantageous and of great advantage to agriculture. So I believe that the controversy is largely whether we choose Government operation or private operation.

Mr. FESS. That is the basis which makes it impossible for me to vote for the joint resolution as it is now before us.

Mr. KING. I shall willingly vote for a proposition to lease Muscle Shoals for the purpose for which it was designed, but if the Government can not lease it, then I shall, though reluctantly, support a sound and rational plan which will call for the governmental operation of Muscle Shoals for the production of nitrates.

Mr. SWANSON. Mr. President, I am earnestly in favor of the amendment offered by the Senator from Arkansas [Mr. CARAWAY]. It seems to me it is a very wise, just, and sensible amendment. In the first place, we have had debate for days and days and for years and years as to whether we could make fertilizer or not. The amendment submitted by the Senator from Arkansas would settle that question. Anything that can finally settle satisfactorily such a long debate in the Senate is certainly a wise provision. The proposed amendment directs the Secretary of War to make this test and this experimentation, and if it is successful, then he is directed to proceed to sell the fertilizer at cost to the farmer. It does seem to me we ought to ascertain whether it is wise and what is best and whether it is valuable before we dispose of the property. If we find we can operate it at a profit and reasonably, then is the time to make the lease and ascertain what we will lease it for or whether we will operate it ourselves or not.

This would not mean perpetual Government operation. The amendment submitted by the Senator from Arkansas simply authorizes, being an expression of the will of Congress, that plant No. 2 shall be utilized to see whether we can get cheap fertilizer for the farmers or not. We have had debates here of interminable length as to whether it can be done or not. I do not know whether it can be done. Sometimes I have heard a Senator state that it can and then another one say that it can not be done. I have a different opinion almost every time I listen to the debates. The amendment of the Senator from Arkansas, it seems to me, would settle the question once and for all.

When the question comes up and the authorization is made, it is in order for the Senate, whether the Bureau of the Budget certifies it or not, to offer an amendment to any appropriation bill and appropriate the money that we think is wise and necessary to accomplish this purpose. An amendment to appropriate $5,000,000 or $10,000,000 or $20,000,000 would not be in order unless the authorization were first made. If we make the authorization now, then at any time during the session it would be in order for any Senator to offer an amendment to an appropriation bill to provide the money which is necessary to make the authorization effective.

Mr. EDGE. Mr. President, will the Senator yield?

Mr. SWANSON. I yield.

Mr. EDGE. Is it necessary, in order to accomplish that purpose, also to include the words "direct the Secretary"?

Mr. SWANSON. I think so. Otherwise we might never get the experiment made. We might have to debate the question 20 years longer. I want the word "direct" in there. I am in favor of directing the Secretary to do it. The time has passed when the Senate can not appoint agents to do what it thinks is wise and for the good of the country. Congress has that authority.

Mr. EDGE. If the Senator will yield further, I ask the question simply from a realization of the fact that I am utterly unable to decide whether it is practicable or not. I assume the Secretary of Agriculture, before spending $8,000,000 or $10,000,000, would know whether it is practicable.

Mr. SWANSON. He is directed to conduct the experiment. I am not willing to say merely that he is authorized to do it. It might never be done. I want the word "direct" in there, and I will not vote to eliminate that word. I have heard the question debated now for four or five years, and heretofore I have reached no conclusion. The time has come for Congress to decide something about the matter.

Mr. BRUCE. Mr. President——

Mr. SWANSON. I will yield to the Senator in just a moment. I am in favor of directing the Secretary of Agriculture to make the experiment. It will then be up to Congress to determine the proper amount of money to be appropriated to conduct the experiment. Under the rules of the Senate, when an authorization has been made by Congress, an amendment providing for an appropriation is not subject to a point of order because the Budget has not certified it. An amendment can then be offered to the deficiency bill for the appropriation. It would seem to me that it is time for the Senate and the House to determine that we shall utilize this plant for the manufacture of fertilizer, if that is what we want, irrespective of what any department might desire or wish.

I yield now to the Senator from Maryland.

Mr. BRUCE. I simply want to ask the Senator from Virginia whether he is aware of the fact that the Senator from Mississippi [Mr. HARRISON] has just offered a substitute for the pending joint resolution which covers the same ground as did the Underwood bill?

Mr. SWANSON. I voted against the Underwood bill. I shall vote against the proposed substitute. I am not in favor of leasing the property until I know its value, until I know what we can accomplish with it. I am not willing to sell this valuable property until experiments shall have been made with it and we know whether we are getting its worth or not. The amendment of the Senator from Arkansas does not determine that we shall have perpetual Government ownership or operation. But the Government is entitled to know the value of its property before it leases or disposes of it, and his amendment would accomplish that purpose. It first makes it absolutely compulsory to ascertain whether fertilizer can be made or not, and then it will be in order for the Senate and House to determine that question.

Mr. BRUCE. But it does not make provision for the leasing under any condition, I understand.

Mr. SWANSON. Why does the Senator want to lease property before he knows how valuable it is? Why sell a thing when we do not know what its worth is? Is not the Government entitled to the same protection that a private individual would have in connection with his private property?

Mr. BRUCE. I think perhaps it is an assumption on the part of the Senator from Virginia in saying that we do not know.

Mr. SWANSON. The Senator might know, but I do not know.

Mr. BRUCE. No, I do not know.

Mr. SWANSON. I am not willing to vote to lease or sell this property until I am satisfied the Government is getting full value for it. The Government was compelled to go in there during the war. When the Government makes an investment of the people's money and puts their money into an enterprise, and the time comes to dispose of it in some way, it is as much entitled to protection in the matter of value as any private individual. I am not satisfied to lease the property to any individual and I am not satisfied to dispose of it in any way until I have ascertained its value. I want the experiment made. If the experiment is made and plant No. 2 proves profitable and it is proven that we can make fertilizer and proven that it can be successfully and cheaply done for the farmer, then I am ready to determine the question whether the Government shall attempt to make fertilizer or whether we shall dispose of the plant in some way.

Mr. President, I shall vote for the amendment of the Senator from Arkansas.

Mr. BRUCE. Mr. President, the difference between the Senator from Virginia and me reminds me of the story that

was told in the Continental Congress, when John Dickinson, who was balking at the idea of independence, said that the only word he did not like in a certain resolution that was pending——

The VICE PRESIDENT. The Chair regrets to say that the time of the Senator from Maryland is exhausted under the unanimous-consent agreement.

Mr. BRUCE. Mr. President, have I spoken 15 minutes?

The VICE PRESIDENT. The Chair is informed that the Senator has spoken once.

Mr. BRUCE. My time passed so delightfully and was so brief that I did not realize that it had expired.

Mr. SHEPPARD. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator will state it.

Mr. SHEPPARD. Has not the Senator from Nebraska accepted the amendment?

The VICE PRESIDENT. The Senator from Nebraska can not accept the amendment, since it is an amendment to the joint resolution and not to his own amendment. The question is on the amendment of the Senator from Arkansas [Mr. CARAWAY] to the joint resolution.

Mr. SMITH. Mr. President, I should like to ask the Senator from Nebraska a question for information. If the pending amendment shall be adopted, would it not be necessary then to have a further amendment in reference to the following provision:

> The Secretary of Agriculture shall locate one fertilizer plant in the vicinity of Muscle Shoals, Ala., and there shall be turned over to him nitrate plant No. 1, together with the steam plant connected therewith, and such other buildings—

I take it that if the Caraway amendment shall be adopted it will not be desired by such wording to foreclose the Government from making experiments either at the place named or elsewhere where the synthetic process or any other process that might promise better results than the one that would be authorized under the Caraway amendment might be utilized. I am merely calling the Senator's attention to that, because if the Caraway amendment shall be adopted and we pledge ourselves to run the cyanamide plant and plant No. 2, it might be taken to preclude experimentation there and developing another process.

Mr. NORRIS. What is the question which the Senator from South Carolina desires to ask?

Mr. SMITH. I wish to know if a further amendment would not be necessary; and I desire to call the Senator's attention to the matter, so that he might prepare an amendment to meet such a possible emergency.

Mr. NORRIS. As I look at it, no such amendment would be required. All this proposes is to direct the Secretary of War to perform an experiment that he would have a right to perform, in my judgment, even if the amendment were not offered and agreed to; but it directs him to do it. Since we own nitrate plant No. 2, since there seems to be a dispute as to what may be accomplished, although in my mind I have not any doubt, and many Senators who have talked it over with me have said that they thought there was an honest difference of view, and they wanted to require that the experiment be performed, I consented, so far as I could do so.

Mr. McKELLAR. Mr. President, may I call the attention of the Senator from South Carolina [Mr. SMITH] to the fact that the Senator from Nebraska [Mr. NORRIS] agreed to accept an amendment in lieu of section 8, and that amendment—I will show it to the Senator—obviates the difficulty that he suggests?

Mr. NORRIS. If there is any difficulty——

Mr. McKELLAR. It can be straightened out.

Mr. NORRIS. Of course, I want to straighten it out. I will say to the Senator from South Carolina that I do not think there should be any doubt about it, but if anybody has any doubt about it, it is desirable to make it perfectly plain so that there can not be any such doubt. I do not want the adoption of this amendment, of course, to interfere with any other experiment that the Secretary of War may wish to carry on under the joint resolution. There will be an amendment which I expect to offer, if this amendment shall be agreed to, and that is to change the authorization to an appropriation.

Mr. SMITH. Mr. President, I shall look over the language, and if it seems to me that it is necessary that it shall be amended I shall offer an amendment, because the wording of section 8, unless it shall be supplemented, would seem to restrict the operation to one plant at Muscle Shoals and will make it impossible to have another.

Mr. BRUCE. Mr. President, is the pending amendment open to amendment?

The VICE PRESIDENT. It is.

Mr. BRUCE. Then, I move that the words "authorized and," in lines 1 and 2, in section 9, of the Caraway amendment, be stricken out. I believe I now have the right to speak for 15 minutes on my amendment, have I not?

The VICE PRESIDENT. The Senator from Maryland is correct.

Mr. BRUCE. I wish to say merely a few words with reference to the amendment of the Senator from Arkansas, for it seems to me that it is really the crux of the whole controversy; it certainly is so far as the differences between the Senator from Virginia [Mr. SWANSON] and me are concerned. The Senator from Virginia has stated that the one thing he does not like about this joint resolution is the word "lease," and when I was interrupted I was proceeding to tell a little story about the Continental Congress. It is hardly necessary to say it is somewhat stale, as it originated that far back, but it has not been regarded by historians as being such a bad story.

A controversy was going on in the Continental Congress as to whether they should or should not strike out from a resolution the word "Congress." John Dickinson was a little more timid than his associates, and he said with regard to the resolution that was pending before the Congress, "There is only one word in the resolution I do not like and that is the word 'Congress.'" Then Benjamin Harrison, of Virginia, one of the predecessors in public service of the Senator from Virginia, said: "Mr. Speaker, there is only one word in the resolution that I like and that is the word 'Congress.'" Harrison was, of course, a very ardent and advanced advocate of colonial independence.

I am almost tempted to say that the one word that I like in any of the pending amendments or in the original joint resolution itself is the word "lease." My opinion is that the suggestion of Government operation has been the evil genius of Muscle Shoals from the very beginning down to this minute. But for the effort, persistent and unceasing, to fasten the theory of Government operation upon the measures which have been before Congress dealing with Muscle Shoals, the problems involved in it would, in my humble judgment, long ago have been settled. As I have already declared, the idea of Government operation has been the Old Man of the Sea which has fatally loaded down every attempt to arrive at some intelligent conclusion with regard to Muscle Shoals which has been made during the time that I have been a Member of this body.

It would be trite for me to speak at any length about the shortcomings of Government operation. If there is anything that ever has been fully demonstrated, in my opinion, it is the superiority of individual initiative, individual enterprise, and individual energy over the torpid, inefficient, wasteful results of Government operaton. What should be done in this case, in my humble judgment, is not to contemplate the idea of Government operation at all except as a dernier resort, a thing to be availed of only after all other expedients shall have failed.

In the city of Baltimore when, because of the expanding growth of the commerce of its port, we established a great system of docks and piers for commercial purposes, we leased them out to private steamship companies of one description or another, reserving rentals, and subjecting the lessees to every condition, restriction, limitation, and burden that the public welfare suggested as proper under the circumstances. The result has been that the steamship companies have found in those docks and piers a superb instrumentality for the promotion of their business; the city has received large rentals, and everybody has reason to congratulate himself or itself upon the wise policy that the city of Baltimore has pursued with reference to those docks and piers.

I forget the exact duration of those leases, but they are, we will say, for 40 or 50 years, though it may be that their duration is somewhat longer than the time that is usually fixed in Baltimore for grants of franchises in public property in the city of Baltimore.

Why can we not follow some such plan in dealing with the Muscle Shoals situation? Let the Secretary of War invite bids, setting forth in proper specifications, of course, the conditions, restrictions, obligations, and stipulations of one sort and another under which the successful bidder or bidders would hold the property. Let the Secretary of War reserve proper rentals.

That is what was contemplated by the Underwood bill, a measure which has actually received the approval of the Senate, if I am not mistaken, by a vote, as some one said a few moments ago—how accurately I can not declare—of 2 to 1. That sagacious bill was worthy in every respect of the upright, honorable, able, and statesmanlike Senator who sponsored it, the then Senator from Alabama, Mr. Underwood. It seems to me to fit in every respect the exigencies of this case. As I

recall, it provided first of all for bids for leasing to private parties for the production of fertilizer, and, only in the event of leasing turning out to be impracticable for Government operation for the production of fertilizer.

An amendment to the pending bill patterned on the Underwood bill has just been offered by the Senator from Mississippi [Mr. HARRISON]. It will soon receive the consideration of this body. In the meantime I trust that the Senate will give its disapproval to the amendment offered by the Senator from Arkansas [Mr. CARAWAY], because that only partially covers the situation with which we are dealing. The Harrison amendment modeled on the Underwood bill covers the entire situation.

So far as I am concerned, the Senator from Arkansas is perfectly right in saying that the Senate is split up into two classes with reference to the pending resolution—those who favor Government operation, either exclusively or alternatively, and those who are opposed to Government operation in any form. I at least am opposed to Government operation of Muscle Shoals at any time and under any conditions except, as I have said, as a dernier resort.

I had expected to say what I have said when the pending resolution, as amended, finally came up for consideration, because I expect to vote against the resolution, but in the meantime it seems to me that it was in harmony with the general views that I entertain in regard to this measure that I should resist at the very outset, so far as I am able to do so, the adoption by the Senate of the amendment offered by the Senator from Arkansas.

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry. Has the Senator from Maryland withdrawn his amendment?

Mr. BRUCE. Mr. President, I do not see that the withdrawal of the amendment will accomplish anything, for the simple reason that it seems to me that when the Secretary of Agriculture is "directed," it is perfectly immaterial to add the redundant word "authorized." It makes no difference whether he is "authorized" or not, if he is "directed"; but, now that I have accomplished my purpose of securing 15 minutes for the discussion of the amendment of the Senator from Arkansas, if the Senator from Wisconsin would like me to withdraw my amendment, I will withdraw it, if there is any point involved in doing so.

The VICE PRESIDENT. Without objection, the amendment to the amendment will be considered withdrawn. The question is on the amendment of the Senator from Arkansas [Mr. CARAWAY].

The amendment was agreed to.

Mr. BLACK. Mr. President, I send to the desk an amendment, which I ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 2 of the original resolution, at the end of line 5, after the word "installation" and before the period, it is proposed to insert a colon and the following:

And provided further, That the steam power plant at nitrate plant No. 2 shall not be sold to the Alabama Power Co. or to any other power company or group of power companies.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama.

Mr. HARRISON. Mr. President, may I ask the Senator a question about his amendment? As I understand, there is nothing in the provisions of the Norris joint resolution that proposes to sell anything except current. It does not propose either to lease or to sell any plant. Is not that true?

Mr. NORRIS. I did not hear the Senator's question. My attention was diverted for the moment.

Mr. HARRISON. As I understood the reading of this amendment, it is an inhibition against the sale of steam power plant No. 2 at Muscle Shoals to the Alabama Power Co. or anyone else.

Mr. BLACK. That is correct.

Mr. HARRISON. There is nothing in this joint resolution that proposes to sell that plant?

Mr. NORRIS. No; not that I know of.

Mr. HARRISON. Then it seems to me that the proposition has no force here. They have no authority to sell it. Consequently, why put an amendment in here saying that it can not be sold?

Mr. BLACK. Mr. President, that amendment is offered—I have another amendment in connection with it—because in the testimony of Doctor Cottrell before the Military Affairs Committee of the House of Representatives last week, which I have on my desk, with reference to the Morin bill, he stated in effect that under that bill, in his judgment, the Secretary of War would have the right to sell or to dispose of or to lease the nitrate plant, or, as I understood, the steam plant at that place. He stated that under the Morin bill he had this authority, and that, as he understood, under the Norris joint resolution—Doctor Cottrell referred to this joint resolution—the same privilege would be given, except that under the Norris joint resolution the Government had the right to sell the power.

I have another amendment, which I shall offer immediately after this one, with reference to maintaining nitrate plant No. 2. I think both of these amendments are necessary and essential, in view of the fact that the representative of the Secretary of Agriculture, to whom the Senators who now favor this proposition are going to turn over this proposition if they can, has stated that it is a failure. He stated before the Military Affairs committee this week that he could not operate it. He stated that he did not want to operate it. He stated that he could not operate it in competition with private business, and stated that if he did it would not reduce the price of fertilizer. He also stated that as he understood the joint resolution it was simply letting Congress wash its hands of the whole transaction. Therefore I offer this amendment with reference to the steam plant, so that there is no possibility that it will be sold.

Mr. SACKETT. Mr. President, may we have the amendment stated again? We could not catch it.

The VICE PRESIDENT. The Secretary will restate the amendment.

The amendment was restated.

Mr. NORRIS. Mr. President, I myself do not understand the object of the Senator from Alabama in offering this amendment. Nobody proposes to sell steam power plant No. 2. Certainly it never has been suggested by me that such a sale take place.

Mr. McKELLAR. And it could not be done unless there was a specific law for the purpose.

Mr. NORRIS. Of course it could not. There is nothing in the joint resolution that provides for it. It seems to me the only thing that is accomplished by offering an amendment like this is to be able to say, if we should vote it down, "When the Senate had a chance to vote not to sell this power they voted to sell it." If we are going to go up against a proposition of that kind, it might be best to adopt the amendment. Certainly nobody has authority to sell it now unless we give them affirmative authority to do it; and because some other bill pending in the House or before some other committee gives authority to sell this power plant, that is no reason why this joint resolution does it.

I should be glad to have some Senator point out what provision of this joint resolution gives any authority, directly or indirectly, in any way, for anybody to sell any of this property down there. Certainly I have no such intention; the committee has had no such intention; and, as far as I know, it has never occurred before to anyone that anybody was trying in this legislation to dispose of the property down there.

Mr. SACKETT. It is not provided for in any amendment that has been filed with the committee.

Mr. NORRIS. None that I have seen. I know of nothing of the kind.

Mr. BLACK. Mr. President, if the Senator will yield to me, I will read to the Senator just where I got the information. This is from Doctor Cottrell's evidence:

It might be entirely possible that either the Cyanamid Co. or the Carbide Co., or any of these other bidders who have been in here before the committee trying to lease both water power and plants for partial use in nitrates and partial use in other industries, might come in and very frankly lease parts of those plants for some of the things they have had in mind either as nitrate properties or, more probably they would say, better, for the use of entirely other industries.

Then, going ahead:

Mr. WURZBACH. It really amounts to a determination on the part of Congress to wash its hands of the entire responsibility?

Doctor COTTRELL. Yes.

Mr. WURZBACH. And to say, "Now, Mr. Secretary of War, you handle this thing and dispose of it, and dispose of nitrate plant No. 2 and all of their property"?

Doctor COTTRELL. Yes, sir. That is exactly, as I understand it, the purport of the bill.

Mr. WURZBACH. And really the part that the Agricultural Department is to play in the game might very easily be compared to that of the tail of the dog; it is only a very small part of the whole problem?

Doctor COTTRELL. Yes; so far as the handing of the equipment goes; that is, of the physical assets, the physical properties themselves.

Going on, he says:

Outside of that small feature, that the Agricultural Department is required to handle this experimentation, the rest of it is practically the Norris plan?

Doctor COTTRELL. I think the main difference is that the Norris bill provides specifically for Government operation of the power facilities by the Government itself. That is probably the largest difference.

The gentleman to whom this will be assigned states that it is his understanding that they can dispose practically of the whole thing. I do not want anything indefinite about it.

Mr. NORRIS. I get nothing of that kind from the testimony the Senator has read. There is not even any intimation, as I understand that language, that such would be the case. Point out the language in this joint resolution that gives anybody any authority to sell that property down there. Let us have it.

So far as I am concerned, of course, I have no objection to the amendment. The only thing about it is that we are asked to do something that it seems to me is foolish. I do not think the Senator ought to take up the time of the Senate in trying to get on the joint resolution this kind of an amendment. Nobody here wants to sell that property. Nothing in the joint resolution provides for its sale. No one has thought of such a thing; and affirmative legislation on the part of Congress is necessary before anybody can sell it. We might just as well put in here a proviso reading:

Provided, That the Secretary of Agriculture shall have no authority to sell the Capitol of the United States.

Mr. SACKETT. Or, if you are going to be consistent, if we put in this amendment, ought we not to put in a provision that he shall not sell the dam itself?

Mr. CARAWAY. Or move the river.

Mr. NORRIS. I hope the Senator from Alabama will not insist on his amendment.

Mr. HEFLIN. Mr. President, if the Senator from Nebraska will permit me, I think Doctor Howe testified before our committee that he thought plant No. 2 ought to be sold.

Mr. McKELLAR. Suppose he did. That does not give the power to sell it. Nothing but an act of Congress can give anybody the right to sell it, and no such act of Congress is proposed.

Mr. NORRIS. Doctor Howe, before our committee, did not claim that this joint resolution gave the Secretary of Agriculture or the Secretary of War the right to sell that power plant.

Mr. HEFLIN. That may be part of the program. We do not know.

Mr. NORRIS. Suppose we say they shall not do it and they go on and do it. If they can do it with this in the law, they can do it without it.

The PRESIDING OFFICER (Mr. EDGE in the chair). The question is on the amendment of the Senator from Alabama.

The amendment was rejected.

Mr. BLACK. Mr. President, I offer the further amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. At the same place, on page 2, line 5, after the word "installation" and before the period, it is proposed to insert a colon and the following:

And provided further, That in order to safeguard the national defense and assure a domestic production of nitrogen for fertilizers nitrate plant No. 2 and none of its fixed or movable equipment shall be sold without the consent of Congress; and further, the Secretary of War is hereby authorized and directed to maintain nitrate plant No. 2 and all of its equipment in a condition ready for prompt operation.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Alabama.

The amendment was rejected.

Mr. McKELLAR. Mr. President, I offer an amendment as a substitute for section 8, which I understand the Senator from Nebraska is willing to accept, and I ask that it be voted on at this time.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 4, it is proposed to strike out section 8 as printed in the original joint resolution and to insert the following:

The Secretary of Agriculture in carrying out the purposes of this act shall locate a fertilizer plant in the vicinity of Muscle Shoals, in Alabama, and there shall be turned over to him the nitrate plant, together with the steam plant connected therewith and such other buildings, houses, and shops there located as shall be necessary for the Secretary and his employees in the construction and maintenance and operation of such plants; and when such fertilizer plant is thus located and established in the vicinity of Muscle Shoals all the power necessary for the requirements of said plant shall be supplied from said steam plant located at nitrate plant No. 2 or from Dam No. 2.

Mr. NORRIS. Mr. President, let me call the Senator's attention to a correction which it is necessary to make. The Senator's amendment, as the clerk read it, turns over to the Secretary of Agriculture the power plant at nitrate plant No. 2. That would be in direct conflict with other purposes of the joint resolution; and, besides, the Secretary of Agriculture does not want to operate the power plant at nitrate plant No. 2. That is the big steam plant.

Mr. McKELLAR. No, Mr. President; the Senator does not get the amendment exactly. There is simply turned over to him "all the power necessary for the requirements of said plant."

Mr. NORRIS. Let us hear that again. I will ask the Senator to commence at the beginning.

Mr. McKELLAR (reading):

The Secretary of Agriculture, in carrying out the purposes of this act, shall locate a fertilizer plant in the vicinity of Muscle Shoals, in Alabama, and there shall be turned over to him the nitrate plant, together with the steam plant connected therewith and such other buildings—

Mr. NORRIS. The Senator would turn over to the Secretary of Agriculture not only the nitrate plant but both of the steam plants. The Senator does not want to do that. The Senator would turn them both over by this amendment. The Senator means the steam plant at nitrate plant No. 1. That is the one the joint resolution would turn over.

Mr. McKELLAR. The steam plant at nitrate plant No. 1?

Mr. NORRIS. Yes.

Mr. McKELLAR. Let me correct this.

Mr. NORRIS. With that correction, I have no objection to the amendment.

Mr. McKELLAR. "At nitrate plant No. 1."

Mr. NORRIS. "And the steam plant connected with nitrate plant No. 1."

Mr. McKELLAR. Yes.

Mr. NORRIS. That is all the steam that is turned over to the Secretary of Agriculture.

Mr. McKELLAR. That is true.

Mr. NORRIS. Very well. Let me say to the Senator, and to the Senate, that with the understanding to which I have called attention there is, in my judgment, no difference in legal effect between the amendment suggested by the Senator and that which is already in the resolution, with the exception that it turns over both nitrate plants, which is not specifically done in the resolution. That is done by another amendment to the resolution, however, known as the Caraway amendment. I am inclined to think that some of the language which is used, perhaps, expresses the idea better than it is expressed in the resolution, and as far as the effect is concerned, with the exception of what I have suggested, in my judgment it does not change it at all.

Mr. McKELLAR. Perhaps the Senator is right.

Mr. NORRIS. Therefore I have no objection to the adoption of the amendment.

Mr. McKELLAR. May I explain to other Senators that all this means is that the power at the steam plant and the power at the dam, if it is necessary for the purpose of manufacturing fertilizer, may all be used. That is all there is in it.

Mr. NORRIS. There was a difference of opinion as to whether that was in the resolution. I think it is already in, but of course that is what I want to do.

Mr. McKELLAR. Then the Senator has no objection?

Mr. SIMMONS. Mr. President——

Mr. McKELLAR. I yield.

Mr. SIMMONS. It includes plants No. 1 and No. 2?

Mr. McKELLAR. Yes.

Mr. SIMMONS. And the power produced by the present dam?

Mr. McKELLAR. Yes. I want to say to the Senator from North Carolina that it is the substitute which he and the Senator from Georgia went over a little while ago.

Mr. SIMMONS. I discussed it with the Senator some little while ago, and I am very insistent upon having it go into the joint resolution.

Mr. McKELLAR. The Senator from Nebraska has agreed to accept it, and I hope it may be adopted.

Mr. NORRIS. Let me ask the Senator another question. I think there is no doubt with regard to the latter part of the amendment, which provides that all the power which is necessary shall be supplied to the Secretary of Agriculture, but will not the Senator read the latter part of it again?

Mr. McKELLAR. It reads:

All the power necessary for the requirements of the said plant shall be supplied from said steam plant and from the dam.

Mr. NORRIS. That makes it clear.

Mr. HARRISON. Let the proposed amendment be read, so that we may understand what we are voting on.

The PRESIDING OFFICER. The Secretary will state the amendment.

The CHIEF CLERK. Add a new section, as follows:

SEC. 8. The Secretary of Agriculture in carrying out the purposes of this act shall locate a fertilizer plant in the vicinity of Muscle Shoals in Alabama, and there shall be turned over to him the nitrate plant together with the steam plant at nitrate plant No. 1 connected therewith and such other buildings, houses, and shops there located as shall be necessary for the Secretary and his employees in the construction and maintenance and operation of such plants; and, when such fertilizer plant is thus located and established in the vicinity of Muscle Shoals, all the power necessary for the requirements of said plant shall be supplied from said steam plant located at nitrate plant No. 2, or from Dam No. 2.

Mr. KING. Mr. President, may I inquire of the proponent of this amendment whether he interprets it as meaning that, in addition to the plants 1 and 2, which now exist, the Secretary of Agriculture shall construct another plant? As I heard the language, it means that the Secretary of Agriculture shall establish another plant.

Mr. McKELLAR. Not by this amendment. I will say to the Senator that all this amendment does is to turn over, if necessary, all the power generated from the steam plant and in Dam No. 2, in order to carry on the fertilizer enterprise at Muscle Shoals.

Mr. SIMMONS. Mr. President, I want to ask another question, and I ask it because I have been necessarily absent from the Chamber for an hour or so. Is there still in the joint resolution ample appropriation to enable the Secretary effectually to carry out the purposes of Congress with reference to making fertilizer?

Mr. McKELLAR. It has not been offered yet, but the Senator from Nebraska, I understand, has agreed to offer an amendment appropriating $10,000,000 for that purpose.

Mr. KING. Mr. President, I hope the Senator from Tennessee is correct in the answer which he submitted to the interrogatory propounded a moment ago, but I invite his attention to this language:

The Secretary of Agriculture, in carrying out the purposes of this act, shall locate a fertilizer plant in the vicinity of Muscle Shoals, in Alabama.

That would presuppose that there were no plants now in existence at Muscle Shoals, or that, if there were, one of them would have to be removed and established at some other place, or that a new one would have to be erected. It seems to assume that a new plant will have to be erected. It does not say that one of the plants now in existence shall be employed at the place mentioned in the Senator's amendment, but that a fertilizer plant shall be located at such place.

If the Senator means that one of the plants now in existence measures up to those requirements and that "a plant" as used in this amendment means one of the plants now in existence, then the suggestion which I have made is without merit. But it seems to me that the amendment should be clarified, because the impression certainly will be made upon the minds of others, as it has been made upon mine, that another plant will have to be erected. As I understand the Senator, his intention is not to provide for the building of another plant, but to use one of the plants now in existence for the purpose of manufacturing fertilizer.

Mr. SIMMONS. Mr. President, my conception of the matter is that nitrate plant No. 2 will be used for making nitrogen, but it is also provided in the joint resolution that the Secretary of Agriculture shall provide for making mixed fertilizer, and it will require probably additional buildings for that purpose.

Mr. KING. Will the Senator yield?

Mr. SIMMONS. In just one moment. I had understood that it would be an easy matter to convert one of the buildings now existing down there into a plant for the purpose of mixing fertilizer, and that the two plants, taken together, would be sufficient, one for the purpose of making nitrogen and the other for the purpose of mixing fertilizer—that is, nitrogen with potash and acid phosphate.

Mr. KING. If it is understood that another plant is to be erected, then, of course, this amendment is quite proper. If it is understood that one of the two plants now in existence is to meet the requirements of the amendment offered by the Senator, then I submit the language should be clarified.

Mr. NORRIS. May I interrupt the Senator?

Mr. KING. Certainly.

Mr. NORRIS. The Senator will notice that in a prior section of the joint resolution it is provided that the Secretary of Agriculture shall have authority to locate a fertilizer plant anywhere in the United States. He is not confined to Muscle Shoals. Then this section takes up Muscle Shoals and says that he shall locate one of those plants at Muscle Shoals.

Mr. KING. If the Senator will permit me, I, of course, can see that the proposed amendment is quite appropriate if it is intended to do what the Senator from Nebraska states, namely, that we have two plants, No. 1 and No. 2, the first of which has been a failure, we having spent thirteen or fourteen million dollars upon it; then we have plant No. 2, upon which we have spent fifty or sixty million dollars; but, as I understand now, we are to construct another plant, and if it is the understanding that this amendment anticipates the construction of a third plant, then the language will accomplish that result, and my query would be inappropriate.

Mr. NORRIS. There is no doubt as to what they expect to do. Take nitrate plant No. 1, which is the one that was built and has been a failure. There is a fine building there. It has a steam plant connected with it that was as modern as any at the time of its construction, capable of producing 6,000 horsepower, enough to run a very large experimental plant, and quite a manufacturing plant. Besides that, there are offices, buildings, and houses down there. In the joint resolution we specifically turn over nitrate plant No. 1 to the Secretary, because we thought it would be the largest experimentation that could possibly be made, that ever has been made, in regard to fertilizer, turning over to him that particular thing by name, and giving him also the steam power, which is independent of everything else connected with it. Then, on the theory that he might want to use more power, if he went on extensively in the experimentation, particularly now, since by the McKellar amendment he can operate plant No. 2, we provide that all the other power that may be necessary in carrying on any of this work down there shall be supplied to him. So I think, if we want to do it, the language is well adapted to carry out that idea.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Tennessee [Mr. McKELLAR], as modified.

The amendment as modified was agreed to.

Mr. NORRIS. Mr. President, I want to offer one or two amendments which I think will clarify the joint resolution and which, in my judgment, will not change the effect of it in any way.

First, I want to say that there seems to be a difference in the prints. I notice that the pages given from the desk do not correspond with those in the print I have before me. I was wondering whether there are two separate prints.

The PRESIDING OFFICER. The Chair will inform the Senator that the clerks at the desk are using the joint resolution as reported on February 3.

Mr. NORRIS. I want to offer an amendment on page 4, according to the print I have, which should come in after line 5, at the end of what is now section 6. I want to add two other paragraphs, which I send to the clerk's desk and ask to have read.

The PRESIDING OFFICER. The clerk will read.

The CHIEF CLERK. In the print as reported on the legislative day of February 1, the calendar day of February 3, 1928, on page 4, after line 13, the Senator from Nebraska offers an amendment.

Mr. NORRIS. At the end of section 6.

The CHIEF CLERK. To insert a new subdivision, as follows:

(e) Whenever the Secretary determines that it is commercially feasible to produce any such fertilizer, it shall be produced in the largest quantities practicable, and shall be disposed of at the lowest prices practicable, to meet the agricultural demands therefor, and to effectuate the purposes of this act.

Also the following:

(f) The Secretary is authorized to make alterations, modifications, or improvements in existing plants and facilities and to construct and operate new plants and facilities in order to effectuate properly the provisions of this section.

Mr. NORRIS. In my judgment the amendment does not enlarge the power any, but it is more specific and many Senators wanted to have some statement of the kind in the joint resolution.

Mr. McKELLAR. That was another one of the provisions which was submitted to the Senator from Nebraska by a number of Senators on this side of the Chamber. The Senator from Nebraska has very graciously agreed to accept the two provisions contained in the amendment.

Mr. SMITH. Mr. President, I want to state with reference to the first provision which was read that I think it is very important, after the experimentation has gone on and it is proven to be feasible, that then it shall be run during such time

as the plant may be operated, to the largest amount practicable, and sold at the lowest price possible.

Mr. McKELLAR. It makes a nitrate or fertilizer plant out of it.

Mr. NORRIS. It carries out the main idea, I think, contained in the amendment suggested by the Senator from South Carolina.

Mr. SIMMONS. It means in effect that if the Secretary finds it is feasible, he shall use all the power necessary to produce fertilizer; provided that there is a demand for that amount of fertilizer. It means that, does it not?

Mr. NORRIS. I did not catch all that the Senator said, because of the confusion in the Chamber. However, the amendments mean that in his experimentation if he finds it feasible to make fertilizer by any process that he adopts, he shall make it on the largest possible scale and sell it at the lowest possible price. In other words, it carries it out on as large a scale as the plant, whatever it may be that he is using or that he builds afterwards, will permit.

Mr. SIMMONS. It is intended, therefore, as a specific dedication of the plant primarily to the production of fertilizer; provided it can be made economically and there is a demand for it.

Mr. NORRIS. I would not say that under the provisions of the measure the Secretary of Agriculture, for instance, would be justified in constructing a plant after he had experimented and found, let us say, some modification of the synthetic process to get nitrogen from the atmosphere. I would not say that he would be justified in building a plant that would produce a hundred thousand tons a year of nitrates for the purpose of going into the fertilizer business.

Mr. SIMMONS. No; I did not mean that.

Mr. NORRIS. The Senator, I think, does not mean that.

Mr. SIMMONS. No; I did not mean that.

Mr. NORRIS. Nor do I mean it.

Mr. SIMMONS. I mean to the extent of the demand.

Mr. NORRIS. There will be demand, in my judgment, for more fertilizer than can possibly be produced here. The idea is to manufacture it on as large a scale as possible with the machinery there that he devises and puts in.

Mr. SIMMONS. I anticipate that when the Secretary finds that this product can be made economically and enters upon its manufacture, private capital will also enter upon it.

Mr. NORRIS. That is just what we want. That is what we are trying to get.

Mr. SIMMONS. I want to have the Secretary empowered to make enough fertilizer to supply such demands as private capital does not provide for.

Mr. McKELLAR. That is the purpose of the amendment, and I hope it will be adopted.

Mr. KING. Does the Senator want to press a vote on the amendments to-night?

Mr. NORRIS. I would like to have the amendments agreed to to-night. Then I desire to offer another amendment, and then I shall ask that the Senate take a recess until to-morrow and have that amendment pending.

Mr. KING. If I should desire to-morrow to offer an amendment to the amendment now pending, will the Senator have any objection to my asking that the question be reopened?

Mr. NORRIS. Not at all. I shall not resort to any technicality of any kind.

Mr. SACKETT. Does the Senator expect to increase the amount of the appropriation?

Mr. NORRIS. Yes.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Nebraska [Mr. NORRIS].

The amendment was agreed to.

Mr. SMITH. Mr. President, may I ask the Senator if he will not have all the amendments to which we have agreed printed in some form?

Mr. NORRIS. I have no objection to that.

I offer another amendment, which I ask may be stated. I shall not ask that action be had on it to-night. I understand the Senator from Kansas [Mr. CURTIS] desires to have an executive session, but I would like to offer this amendment and have it pending. Part of it has not yet been printed, and that is the reason why I offer it now, so that it may be printed and Senators may be advised of it.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 3, at the end of section 4, insert the following proviso:

Provided, That if any State, county, municipality, or other public or cooperative organization of citizens or farmers not organized or doing business for profit, but for the purpose of supplying electricity to its own citizens or members, or any two or more of such municipalities or organizations, shall construct or agree to construct a transmission line to Muscle Shoals, the Secretary of War is hereby authorized and directed to contract with such State, county, municipality, or other organization, or two or more of them, for the sale of electricity for a term not exceeding 15 years, and in any such case, the Secretary of War shall give to such State, county, municipality, or other organization, ample time to fully comply with any local law now in existence or hereafter enacted, providing for the necessary legal authority for such State, county, municipality, or other organization to contract with the Secretary of War for such electricity: *And provided further*, That any surplus power not so sold as above provided to States, counties, municipalities, or other said organizations, before the Secretary of War shall sell the same to any person or corporation engaged in the distribution and resale of electricity for profit, he shall require said person or corporation to agree that any resale of such electric power by said person or corporation shall be sold to the ultimate consumer of such electric power at a price that shall not exceed an amount fixed as reasonable, just, and fair by the Federal Power Commission; and in case of any such sale, if an amount is charged the ultimate consumer which is in excess of the price so deemed to be just, reasonable, and fair by the Federal Power Commission, the contract for such sale between the Secretary of War and such distributor of electricity shall be declared null and void and the same shall be canceled by the Secretary of War.

Mr. NORRIS. I take it for granted that the amendment will be printed in the usual form and placed on Senators' desks, and it will be pending when the Senate meets to-morrow.

The PRESIDING OFFICER. The Senator is correct.

Mr. NORRIS. I ask unanimous consent that we may have a reprint of Senate Joint Resolution 46 showing the amendments which have thus far been agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRISON. Mr. President, I desire to offer a substitute for the pending joint resolution. I shall not ask that it be read now, because I do not want to take up the time of the Senate. It provides for the striking out of everything after the resolving clause and the insertion of new matter.

I will say for the information of the Senate that the only measure upon which the Senate has ever been able to agree touching Muscle Shoals was the so-called Underwood fertilizer bill, proposing first to lease Muscle Shoals for 50 years under certain conditions, that fertilizer must be made in quantities of 40,000 tons of fixed nitrogen annually, and the surplus power distributed, and that in the event we could not get a lease then that the Government should conduct the enterprise. Because the Senate has gotten together on that proposition and because it is not made up of a whole lot of disjointed views, I think perhaps the Senate may consider it favorably again. I offer it as a substitute.

The PRESIDING OFFICER. The proposed substitute will be printed and lie on the table.

Mr. HEFLIN. Is the Senator from Mississippi offering the so-called Underwood bill as it was agreed on in conference?

Mr. HARRISON. No; as it passed the Senate.

Mr. HEFLIN. And not as it was agreed on in conference?

Mr. HARRISON. No; as it passed the Senate; because that was the judgment of the Senate.

"THE MELLON EXPOSÉ"

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Baltimore Sun of this morning entitled "The Mellon Exposé."

The PRESIDING OFFICER (Mr. EDGE in the chair). Without objection it is so ordered.

The editorial is as follows:

THE MELLON EXPOSÉ

Mr. Mellon's story is that late in the fall of 1923 Will Hays sent him a package of $50,000 of Liberty bonds, which were part of the money obtained by Hays from Harry Sinclair; that later Hays called on him and proposed that he, Mellon, keep the bonds and contribute a like amount to the Republican National Committee's deficit; that this proposal to hide part of Sinclair's contribution was rejected; and that he then gave $50,000 to the committee out of his own funds.

The story may be true. Not only would Mr. Mellon have been morally cheap to have participated in the trick, but a man of his almost incalculable wealth would have been financially cheap to have dodged putting up himself the contribution that was to stand in his name. But, in these days when nothing surprises one, it is to be noted that other very prominent and very rich men were not above using Sinclair's money in making contributions to the Republican committee. It also is a somewhat singular coincidence that Mr. Mellon contributed to the committee a sum exactly equal to the amount of Sinclair bonds sent him by Hays. For the late John T. Pratt showed that a very prominent and very rich man could take Sinclair's bonds to offset his own contribution and then send back the bonds when the Walsh investigation began to be dangerous.

But let Mr. Mellon's story be taken at face value. There remain certain circumstances that deserve the attention of the citizens of this country. When Will Hays went to Mellon with Sinclair's bonds and with the proposal that this member of the Cabinet join in hiding the use of Sinclair's money to liquidate the national committee's deficit—when that occurred the Teapot Dome question had been before the public more than 18 months. It was in April, 1922, that Secretary Fall secretly turned over the great oil reserve to Sinclair. It was apparently in November, 1923, that Hays approached Mellon. Between those dates, the Fall-Sinclair transaction had been challenged in the Senate and an investigating committee had been named. Senator WALSH was laboriously seeking the truth when Hays went to Mellon with Sinclair's bonds.

It may reasonably be asked why, when Washington was agog with rumors of stupendous robbery of the Government in the secret Falls-Sinclair transaction, the Secretary of the Treasury did not regard the appearance of Sinclair's bonds for use in liquidating the Republican deficit and Hays's furtive handling of the bonds as a circumstance so suspicious as to deserve investigation and communication to Senator WALSH? Was Mellon, next to the ranking member of the Cabinet, indifferent to colossal jobbery at the expense of the Government? Was Mellon, with a half-century of business experience behind him, innocent of the slightest understanding of the significance of Hays's appearance with a great block of Sinclair's bonds and of Hays's desire for secrecy in the use of these bonds? Where were Mellon's sense of duty and his common sense when Hays approached him?

These questions become more pertinent and insistent as succeeding events are reviewed. In January, 1924, about two months after Hays approached Mellon, the Walsh committee was told by Edward L. Doheny, to whom Fall had turned over the other great oil reserve, Elk Hills, that he had sent Fall $100,000 in a little black satchel. From that moment the last lingering doubt of colossal jobbery at the expense of the Government was gone. In a little while the Walsh committee was on the track of Sinclair's cash payments. But Sinclair resisted examination and defied the Senate's committee, and revelation of the whole *truth of* Sinclair's corruption was thwarted. Yet during all the time that Senator WALSH pried and prodded for items of information the Secretary of the Treasury sat silent in his office, although he knew that Hays had obtained a great sum of money from Sinclair and was using it secretly.

Worse, the Secretary of the Treasury sat silent in his office when Hays early in 1924 went on the stand—before the committee of the United States Senate that was investigating a then plain case of graft on unprecedented scale—and swore that $75,000 was all the money that Sinclair ever had given him. Still worse, the Secretary of the Treasury sat silent in his office when four years later Hays went before the Walsh committee and, even while admitting that he had deceived the committee in his previous testimony, proceeded to tell a tale about the disposition of the $260,000 he had got from Sinclair, which no intelligent man could believe. One of the most suspicious features of Hays's latter testimony was the blank as to his use of a certain $50,000 of the Sinclair bonds. He told of bonds going to Upham, to Weeks, to Pratt, but not one word of his negotiations with Mellon for use of the remaining $50,000. And Mellon did not remind him.

At no stage of the fight that was started in the spring of 1922 to ascertain the truth of Fall's disposition of the Nation's oil reserves, to uncover and to punish the plunderers of public property, and to recover the property—at no stage did the Secretary of the Treasury lift a finger or utter a syllable to aid, although for four years he had knowledge of Hays's possession of Sinclair's bonds and of Hays's secrecy in using them. Not until a chance memorandum turned up in the papers of the dead man, Pratt, did this high officer of the Government contribute to the Walsh investigating committee the information in his possession. And so we repeat, the circumstances surrounding this matter deserve the attention of citizens of this country, even though they take at face value the present Mellon story.

But, after all, the panorama that is revealed by the Mellon story does not end to-day with Mellon. Able as he has been in the administration of the Treasury, one is not greatly to be surprised by his silence while protectors of public morality and public property sought vainly during many months for precisely such information as was in his possession. Mellon had been steeped in the politics of Pittsburgh and of Pennsylvania for decades before he appeared in Washington. No one had ever heard of him as an enlightened patriot. And it was he who less than two years ago explained that he saw no difference between his contributions to the Pepper slush fund and contributions to a church. But there have been and are now other men in the administration at Washington who are supposed to have advanced conceptions of public morality. And what have they done throughout this six-year struggle to remedy gigantic corruption?

What has Calvin Coolidge done? What has Charles E. Hughes done? What has Herbert Hoover done? Mr. Coolidge became President in August, 1923, about three months before Hays approached Mellon with Sinclair's bonds. The effort to liquidate the Republican deficit largely with Sinclair's bonds was, in fact, an effort to clear the decks for Mr. Coolidge's own candidacy. Mr. Hughes was Secretary of State in the Harding and Coolidge Cabinets until March, 1925. Mr. Hoover has been Secretary of Commerce since March 4, 1921. Government property worth untold millions grabbed, a Cabinet officer bribed, the manager of the party machine soliciting a fortune from one of the corruptionists after the corruption, the same manager darting around furtively to deliver Sinclair's bonds to party leaders, including two Cabinet members, Mellon and Weeks, the same party manager deceiving a Senate committee, party records destroyed—and what have the people of this country heard from Mr. Coolidge, or Mr. Hughes, or Mr. Hoover?

The people have heard no word of character from these men. If protection of public property and public morality had depended upon them and others of like standing, in the administration and in Congress, Fall would still be an honored leader of their party, Daugherty would still be of equal rank, Sinclair and Doheny would still have swag equal to the riches of the east, and Hays and the whole crew of go-betweens and tricksters would be respectable public figures. Did Mr. Coolidge, Mr. Hughes, Mr. Hoover, and others of their position know nothing? Did they really know nothing when WALSH, with every resource of the party in power cast against him, could sense the truth and gradually reveal it? Did they really know nothing when two members of the Cabinet, Mellon and Weeks, had held Sinclair bonds in their possession?

If Coolidge and Hughes and Hoover knew nothing, it was because they chose to know nothing. If Mr. Coolidge and his two pure advisers, Mr. Hughes and Mr. Hoover, did not know in 1924 that Harry Sinclair, whom the administration should have been pursuing with every agency at its disposal, was in fact paying bills of the Republican Party to aid Mr. Coolidge's election, it was because they did not move a muscle to ascertain facts that were under their very noses. And when the final record comes to be made on Mr. Coolidge, Mr. Hughes, and Mr. Hoover, that damned spot will not out.

FORECLOSURES BY FEDERAL LAND BANKS

Mr. BLEASE. Mr. President, I ask unanimous consent to have printed in the RECORD a pamphlet published by Xeno W. Putnam, of Harmonsburg, Pa., bearing upon the methods of certain officials of the Federal land bank and Federal intermediate banks in handling foreclosures of loans made by farmers.

There being no objection, the pamphlet was ordered to be printed in the RECORD, as follows:

CONFISCATORY FORECLOSURES—SHALL A GREAT BANKING SYSTEM BE SACRIFICED AT THE ALTAR OF NEFARIOUS EXTORTION?

JUST PLAIN FACTS

No need to comment on the cold facts Mr. Putnam advances to support his contention that extortionate attorney fees are being charged in many communities in foreclosing Federal farm-loan mortgages, thus defeating every fundamental principle of this legislation. Book and page are given that any interested parties may investigate for themselves.

And this is not the gossip of any bloodthirsty farm-mortgage banker, as many suppose when anyone has the temerity to criticize this system. Mr. Putnam was founder and prime mover in the activities of the Crawford County (Pa.) National Farm Loan Association, of the Federal farm-loan system, and is now engaged in the high purpose of an endeavor to save the system from extortionate practices, which, if not soon terminated, will defeat its objects entirely.

The article presents no unique news to those in official position to correct the errors. They have met Mr. Putnam's demands with evasive answers, or not at all. Anyone, anywhere, who has like facts to present, should forward same to Mr. Putnam, that he may pass them to proper authorities. Members of Congress are on the trail.

Of all the disturbing bombs that the Federal farm loan act exploded, none overturned more tinware than paragraph 3, section 31. This section supplies the enforcing fuzes of the whole act. Various "thou shalt nots" grace other parts of it; but this section contains every penalty for the punishment of criminal offenders.

Every paragraph and every penalty applies to the entire act, and all of the contained processes incident to the business of lending money; there is not a word of restriction. The forgery committed in the making of a loan or when finally paying it off would be punished alike. If a farm-loan official should elope with funds belonging to the system, he and his bond would be held equally accountable whether those funds had been on their way from a bank or to a borrower for the closing of a loan or from the borrower back to the bank after foreclosure. Paragraph 3 of the act would indicate a perfectly straight line between its forgery brother on the one hand and its embezzling kinsman on the other. This third paragraph is the only one in which we are now interested. It reads in part:

"Other than the usual salary or director's fee paid to any officer, director, or employee of a national farm-loan association, a Federal land bank, and other than a reasonable fee paid by such association or bank to any officer, director, attorney, or employee for services rendered, no officer, director, attorney, or employee of an association or bank shall be a beneficiary of or receive, directly or indirectly, any fee, commission, gift, or other consideration for or in connection with any transaction or business of such association or bank. Any person violating any pro-

vision of this paragraph shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding one year, or both."

As if to checkmate any connivance between land banks and employees, section 14, paragraph 5, further provides that:

"No Federal land bank shall have power to demand or receive, under any form or pretense, any commission or charge not specifically authorized in this act."

Under "fees" in an exhaustive index for a special issue of the farm loan act (S. Doc. 500; H. Doc. 1314, 64th Cong.) we find that the only charges savoring of commissions which the act permits land banks to assess are authorized in section 13, paragraph 9, as follows:

"Every land bank shall have power to charge applicants for loans and borrowers, under rules and regulations promulgated by the Federal Farm Loan Board, reasonable fees, not exceeding the actual cost of appraisal and determination of title. Legal fees and recording charges imposed by law in the State where the land to be mortgaged is located may also be included in the preliminary costs of negotiating mortgage loans."

These provisions, unlike those occurring in our subject section, are limited strictly to actual cost and are further restricted to but one phase of the money-lending business—the making of loans. Not in any sense can we apply them to all "transactions and business" of an association or bank. Nor is any further charge authorized in the act for the land banks, "under any form or pretense." The local associations have recently been taken care of by an amendment (66th Cong.) to paragraph 3, section 11. They are now given power to—

"Fix reasonable initial charges to be made against applicants for loans and to borrowers in order to meet the necessary expenses of the association: *Provided*, That such charges shall not exceed amounts to be fixed by the Farm Loan Board and shall in no case exceed 1 per cent of the amount of the loan applied for."

On this amendment the board has ruled (Circular No. 11):

"The charges to be permitted to be collected by an association from applicants and borrowers are as follows:

"First. The fee exacted at the time the application is made. This fee should be sufficient to cover all expenses, including the service of the loan committee up to the time that the application is sent to the bank.

"Second. The fee collected when the loan is finally closed. This should be withheld by the association when the remittance for the proceeds of the loan is received or should be deducted by the bank for the benefit and in behalf of the association.

"* * * The above relates only to charges made by an association and has no connection with or relation to the charges which may be made by the bank for appraisal and legal determination of title."

Again we find these permitted charges specifically restricted to the business of making loans and not extended to include "any transactions or business of such association." So much for the "charges authorized by this act."

Four specially sore thumbs trouble the third paragraph; of these, the second and third are much the worst:

First. Every one rendering service to a bank or association is entitled to a reasonable fee or salary from the treasury of the unit employing him. To this there are no exceptions.

Second. No one, so employed, may under any circumstances accept pay from another source. The personal service fee is taboo. To this there are no exceptions.

Third. The restrictions apply to every employee, whether officer, director, or attorney. Again no exceptions are made.

Fourth. They apply to "all transactions or business of such association or bank" operating under this act, no matter whether those transactions are actually performed under Federal laws or State laws. The operator is still an employee. Every business likely or liable to occur as a product of the business of loaning money is included. The act lists no exceptions.

The treasury of a responsible chartered institution, placed between each borrower and every individual in the farm-loan system, should protect him from bonuses, commissions, and all forms of masked usury during his entire connection with the "transactions or business" of either association or bank. The protection as intended is as complete as law and language can make it. "These provisions of the law," declared the Farm Loan Board back in 1918 (Borrowers' Bulletin August-September) "are inserted for the purpose of preventing private profits, commissions, fees, and extortion. They are proper provisions, and for the benefit of the borrower and the system, they should be carefully observed."

Are they being observed? Let us consider the foreclosure-provision clause in the farm-loan mortgage forms being used in all or a part of four land-bank districts. First, the Pennsylvania form is the typical clause used in the whole second (Baltimore) Federal land-bank district.

"But if any of the payments in the above-described note * * * be not paid when due * * * it shall be lawful for said bank to sue out forthwith a writ or writs of scire facias * * * and proceed thereon to judgment and execution for the recovery of said principal sum and interest due thereon, and the cost and expenses of such proceedings, together with an attorney's fee of $25, and a commission of 5 per cent on said principal sum, which said sum and commission shall be due and payable immediately upon the institution of said proceedings."

The provision is identical in Virginia, West Vrginia, and Delaware; Maryland differs only in reckoning the commission upon the proceeds of the sale instead of the mortgage debt. The foreclosure clause for South Carolina and Georgia in the third (Columbia) Federal land-bank district reads:

"In case the said debt or any part thereof is established by or in action for foreclosure of this mortgage the Federal Land Bank of Columbia, in addition to the said debt, or as much thereof as shall be unpaid, may also recover of the parties of the first part * * * a reasonable sum for the attorney of the Federal Land Bank of Columbia for professional services rendered in said action, not to exceed 10 per cent of the amount then unpaid."

In Florida, General Counsel Welch advises me, the same provision is used, although the land-bank form for Florida examined reads "a reasonable fee." In North Carolina the courts have ruled this charge usurious and refuse to allow it.

I quote from a letter which I have on file, received from Attorney R. H. Welch, general counsel for the Federal Land Bank of Columbia, S. C., who writes as follows:

"You will note that in all of the States (in third district) except North Carolina an attorney's fee, not to exceed 10 per cent, is provided for. In North Carolina such a provision has been held usurious. For your further information, I attach copy of our booklet on foreclosures and also our foreclosure statement, which is forwarded to attorneys, on which the necessary data is given for the preparation of the complaint, bill, or petition."

Must the courts of any State protect her people from extortionate practices in the great farm-loan system, conceived and organized for the relief of our usury-ridden farmers? Sometimes there are ways to evade State court decrees also. In their "Rules and regulations governing foreclosures" the Columbia Land Bank suggests that the North Carolina "attorney's fee be taken care of by naming as the commissioner to sell the property some one, such as a member of the firm, whose sale commissions will go to the attorney."

The New Orleans Federal Land Bank (fifth district) provides a foreclosure commission for Louisiana only. Here is the clause:

"It is also agreed that in case the mortgagee herein * * * sees fit to foreclose this mortgage in a court having jurisdiction thereof, then mortgagor will pay 10 per cent attorney's fees therefor."

A reasonable attorney's fee is stipulated for Alabama of the same district. In Mississippi is used a deed of trust which provides for "a reasonable trustee's fee together with the attorney's fee prescribed in said note, and if there be none prescribed, then a reasonable attorney's fee." An excerpt from the deed of trust used by the Houston (tenth district) bank for its single "Lone Star" portégé reads:

"The trustee making sale * * * shall pay the reasonable expenses of executing this trust, including a commission of 5 per cent to the trustee."

Who will collect these commissions? Surely not the land banks that are forbidden by Federal law under heavy penalties to "charge or receive any fee commission bonus or gift under any form or pretense." Not the attorney or employee of any land bank or association while engaged in "any transaction or business of such association or bank;" each faces the same penalty. Perhaps a search of a few court records in actual land-bank foreclosures might be enlightening. Names of defendants are omitted but place, date book, and page are included for ready reference.

[Exec. Doc. No. 43, p. 439]

PROTHONOTARY'S OFFICE,
Meadville, Crawford County, Pa.

(Judgment 223. November Term, 1922. Leland J. Culbertson, attorney)

February, 1923

Debt	$2,847.00
Attorney	4.50
Prothon	.85
Sheriff	72.90
Satisfaction	.20

Sold February 12, 1923, to Leland J. Culbertson, $1,000.

Disbursement of money by (sheriff) Cutshall

Culbertson, attorney	$680.14
Culbertson, attorney	134.50
County commissioners, 1922, taxes	109.91
Prothonotary	2.55
Sheriff	72.90
Total	1,000.00

* * * * * * *

FEBRUARY 27, 1923.

Received $680 on bid from Sheriff H. B. Cutshall and $134.50 costs and commission and direct sheriff to return writ.

(Signed) LELAND J. CULBERTSON.

Note that Mr. Culbertson not only receipts for $134 "costs and commission" but assumes responsibility as plaintiff's attorney by ordering return of writ.

Mr. Culbertson is not only title attorney for the Federal Land Bank of Baltimore but likewise secretary-treasurer of the Crawford County National Farm Loan Association, which is a part of the same bank. Thus under two distinct offices he is subject to the Federal farm loan act.

In the Meadville (Pa.) Tribune-Republican for Wednesday, February 7, 1923, page 9, this same property was listed in the official advertisement of sheriff's sales (see parcel No. 9), is described as—

"Seized and taken in execution as the property of ——— at the suit of the Federal Land Bank of Baltimore, Md., and to be sold on Fi. Fa. No. 53. February term, 1923.

"H. B. CUTSHALL, *Sheriff*.

"LELAND J. CULBERTSON, *Attorney*."

In the Meadville Evening Republican for Monday, February 12, 1923, in the court news of the day we find—

"At 11 o'clock Sheriff H. B. Cutshall conducted a sale of properties as part of quarter sessions week. * * * Following are the properties: * * * No. 9, land in Beaver Township, seized as property of * * * at suit of the Federal Land Bank of Baltimore. Sold to L. J. Culbertson, Esq., for $1,000."

Copy of sheriff's return in above case:

"To the honorable, the judge of the court of common pleas of Crawford County, Pa., I, H. B. Cutshall, sheriff of said county, do hereby certify and return that by virtue of the writ hereto attached, after giving due and legal notice by advertising the real estate described in the levy attached thereto, by advertisement in two newspapers printed in said county of Crawford, and by hand bills posted upon the premises and in the most public places, according to law, I did expose the said property to sale, at the courthouse, in the city of Meadville, by public vendue or outcry, on Monday, the 12th day of February, 1923, at 11 o'clock a. m., which time and place I sold the same to Leland J. Culbertson for the sum of $1,000, that being the *highest* and best sum bidden for the same, and the said Leland J. Culbertson being the highest and best bidder. Of these moneys I have made the following disposition.

Real estate sold for		$1,000.00
Paid Leland J. Culbertson, attorney, on bid	$680.14	
Paid Leland J. Culbertson, attorney, commission and docket fee	134.50	
Paid county commissioners, 1922 taxes	109.91	
Paid Professor Greeley	2.55	
Paid Sheriff Cutshall	72.90	
		1,000.00

So answers,

H. B. CUTSHALL, *Sheriff*.

Just one more page from the same docket, and enough of this sort of evidence will be before you, though plenty more of it can be produced.

Copy from docket No. 43, page 260

Prothonotary's office, Meadville Courthouse, Crawford County, Pa.
February term, 1922. Writ issued January, 1922

Debt	$2,306.35
Register	.50
Snodgrass	9.60
Attorney	5.25
Prothonotary	4.65
Satisfaction	.20

March 7, 1922, writ returned. Property sold to Leland J. Culbertson, $1,700. Distribution of money:

County commissioners, taxes	$74.53
Snodgrass	9.60
Cutshall	60.42
Prothonotary	5.60
Recorder	.50
Culbertson, attorney's commission	101.12
Culbertson, on debt	1,448.23

RETURN INDORSEMENT

MARCH 7, 1922.

Received of Sheriff Cutshall, $1,448.23, to apply on debt and interest, and also $101.12, attorney's commission and attorney's fees, and I hereby direct the sheriff to return this writ.

LELAND J. CULBERTSON, *Attorney*.

MARCH 7, 1922.

Writ returned order of plaintiff's attorney.

H. B. CUTSHALL.

Can we longer doubt that an employee of a Federal land bank, acting as plaintiff's attorney (in behalf of same bank) in a suit that was unquestionably a part of the "transactions or business" of the Federal Land Bank of Baltimore, did out of the proceeds from a borrower's property and not from the land-bank treasury, collect or accept and receipt for an attorney's commission of about $130 on February 27, 1923; or that on March 7, 1922, said attorney did, while engaged in similar "transactions or business" and in the employ of said land bank, receive and receipt for an attorney's commission of $100 from another source than the treasury of the bank employing him? Such instances are not uncommon.

Under date of June 11, 1923, Col. Robert Catlett, general counsel for the Baltimore bank, writes:

"The commission has always been given to the attorney to whom the collection was given, or by whom foreclosure proceedings have been instituted."

The excerpt from the Columbia bank foreclosure clause already given states very plainly that the commission provided for is for "the attorney of the Federal Land Bank of Columbia for professional services rendered in such action."

The unintentional humor in the Columbia Land Bank's interpretation as to what is reasonable, entitles it to a place here. On page 3 of their foreclosure rules they state:

"Should the land bring enough at the sale to pay the indebtedness to the bank, with the accrued interest thereon, together with all cost, the bank has no objection to such fee being collected as may be allowed in the judgment."

This, we have already seen by the mortgage, may be as much as 10 per cent, but the bank plays safe. In sending out its petition in foreclosure an amount is named in case the bank has to bid in the property, which the attorney is obliged to regard reasonable if he takes the case. The ruling reads:

"Should the bank find it necessary, in order to protect its interests, to purchase the mortgaged land at the sale, then in that event it feels that the fee which will always be fixed when forwarding the papers for foreclosure is reasonable and proper compensation for it to pay to the attorney."

It all depends, then, upon whose ox is being gored!

Are foreclosures, when necessary, such a part of the "transactions or business of an association or bank" as would put the bank or association under the regulations of the farm loan act? In other words, are the banks administratively responsible to their bondholders for the security behind them? That is the sum and substance of the controversy, and no holder of farm-loan bonds would be satisfied with any but one answer.

Although the 12 banks guarantee their bonds, neither one nor all of them would in themselves be accepted as adequate security for a single bond issue. The real sanctity of the investment is in the pooled mortgages back of them, indorsed, as each must be, by the associations of farmers owning the lands mortgaged. But mortgage security must always include some tangible guarantee of collection when due or defaulted. This the land banks recognize as a part of their possible work when they insert foreclosure provisions into their mortgage contracts. Under State laws these individual mortgages must be recorded and foreclosed—nobody ever disputed that—but there must be some central force in control, under the Federal farm loan act itself, in order to keep faith with the investors in land-bank securities.

The absurdity of any loaning proposition that did not include within itself the machinery for taking care of its loans—the more difficult ones that have to be foreclosed, above all others—requires neither proof nor refutation. The land bank that refuses or neglects to take care of its mortgages, to look after difficult collections, to make its necessary foreclosures has not only repudiated its obligations to its bondholders but has violated the Federal farm loan act.

The associations, too, as the indorsers of these mortgages, recognize their collection through any necessary method as a part of their transactions or business. In their charter, issued by the Farm Loan Board, they are authorized and empowered to not only indorse mortgages of their members for the making of loans, but to "do all things implied or incidental thereto." All of the land banks have their foreclosure rules (one bank at least, Columbia, has a very complete schedule of them printed in a 12-page bound pamphlet) and make the associations party to their suits.

Since foreclosure is without any question, one of the covenants of the mortgage under which the agent or attorney is operating at the time of foreclosure, the covenant of business of foreclosure is specifically stated in the act itself a part of land-bank transactions or business and therefore one of the operations directly under the terms and conditions stipulated in section 31. This subsection of the act, if it had no other support whatever, refutes directly and conclusively the contention of Colonel Catlett and others. In so many words, the act states that the covenant of foreclosure is a part of land-bank transactions for the performance of which said bank has the right to supply a foreclosure attorney.

What subterfuge is left, then, in defense of this commission taking? Upon what line of fact or of argument do the offenders attempt to stand? Herbert Quick, former member of the Farm Loan Board, launches this plank to the rescue:

"Where the law of the State permits it the mortgagor may legally contract to pay a percentage of his loan as an attorney's fee in case of foreclosure. Legally, under such a contract the attorney is acting for the mortgagor and is paid out of the property dealt with."

This is exactly the form of contract which the Farm Loan Board in July 1919 ruled that the mortgagor might not make! In a letter of instructions to all secretary-treasurers, after quoting most of our subject paragraph, including the penalties for violation, the board said:

"One of the examiners of the Federal farm-loan system recently sent in a printed form of agreement between borrower and the secretary-treasurer of a national farm-loan association under which the borrower agreed to pay the secretary-treasurer a small percentage of his loan every year. This remuneration to the secretary-treasurer was perhaps no greater than he ought to receive. The farmer made his arrangement in good faith and the secretary-treasurer did the same, but the contract was itself illegal.

"It is proper for a national farm-loan association to make any reasonable assessments upon its members * * * but such assessments must be made by proper action of the board of directors and all funds derived therefrom must go into the association treasury. * * * In other words the association must control the assessment and the disbursement, and no secretary-treasurer has any right to receive any pay for his services from any individual borrower. * * * Be sure that all funds go into the treasury of the association and are properly disbursed and accounted for. This is important."

In States permitting usurious contracts farm-loan officials might under it compel borrowers to become party to almost any unfair contract by writing it into the mortgage and telling him to sign or stay out. If forbidden sharp practices could be thus legalized in the shadow of the farm loan act, the whole system might speedily be turned into a den of usurious inequity.

One other communication of importance in defense of these foreclosure commissions I have been able to obtain during two years of rather active correspondence and study of the subject. This, from Col. Robert Catlett, attorney for the Baltimore bank:

"The form of mortgage used by this bank was approved by the Federal Farm Loan Board in the beginning of its operations.

"In many of the States deeds of trust are in general use as security for loans, and I think, without exception, such deeds provide for a commission to the trustee, usually 5 per cent, in case of forecolsure. The provision in the mortgage follows this usage, and I see no distinction between the two forms of security, either in principle or legality.

"Section 14. We have never put the construction on the fifth subsection of the farm loan act or on the third paragraph of section 31 that you do; in fact, we have thought that these provisions apply only to charges, etc., in connection with the making of loans and have no bearing whatever on charges for foreclosure.

"I can refer you to no precedent, as the right of the bank to make this provision in its mortgages has never been questioned or disputed either by the borrowers or by the courts in all of the States of this district in quite a number of foreclosure suits this bank has been forced to bring.

"In the face of all this I recognize your right to raise the question, and I feel that your contention deserves consideration, and this I have tried to give in all frankness. My opinion is very decided that the provisions in the mortgages used in this district providing for commission or compensation for attorney fees in cases of foreclosure and forcible collections of what is due the bank are strictly within the provisions of the farm loan act, doing violence to none of them, and legally enforcible in all of the States composing this land-bank district."

Nor does it appear that Mr. Catlett himself regards this opinion as conclusive. He states explicitly in his letter that he "can refer to no precedents." He offers no other authority whatsoever than his own unsupported opinion and he brings very little argument to its aid. True, he cites the custom in deeds of trust, but is mistaken in his belief that this is a universal custom, both of the deeds of trust used, respectively, in Tennessee and Mississippi being exceptions to his rule.

As to the contention that the right to this commission has never been disputed by a foreclosed borrower or by any court in the second district, it is to be remembered that very few borrowers, when affected by this provision, through foreclosure, are in a position to dispute any contract; nor are they, as a rule, familiar with the law. They accept it "as it is written in the bond" by a presumably responsible institution.

Neither are the courts, unless special complaint is made, likely to go very deeply into the subject in States where contracts of this sort have become an accepted part of almost every mortgage. Jurists are very likely to forget the fact that the farm loan act was intended to overturn certain old loaning customs rather than to perpetuate them.

Outside of sentiment, what does this foreclosure commission clause mean, anyway, to the system or to the general public? It means a good many needlessly ruined homes. The uniform mortgage drafting committee spoke only half of the truth when they stated that:

"Since the property is usually bid in by the mortgagee for the amount of the mortgage, subject to the right of redemption, it is of no advantage to offer a commission as an inducement to secure the best possible price."

The amount of this extra commission sometimes means to the man foreclosed upon the difference between pauperism and a fresh start in life; to his community it may mean the difference between a poor but independent self-respecting citizen and a hopeless, broken man on the town. If the sale does not cover the debt (and the risk of this is always greatest among the weaker mortgagors), the other members of the association may be called upon to make up the loss. In this way any borrower living in any one of nine States in four land-bank districts may be called to pay troublesome assessments to a foreclosing attorney who is not satisfied with a reasonable fee from the bank.

It means, too, gradually weakening the farm-loan system; a crumbling of its bulwarks; that one more inside agency is busily at work destroying the whole structure in the interest of men who have many of them hated it from the beginning and have never had a dollar of their own money invested in it.

No legitimate enterprise or system can continue to prosper upon the failure of its members, and one of the most dangerous lessons it is possible to teach a promiscuous group of people is that law may be evaded or that it does not mean anything.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

RECESS

Mr. CURTIS. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and the Senate (at 5 o'clock and 20 minutes p. m.) took a recess until to-morrow, Tuesday, March 13, 1928, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 12 (legislative day of March 6), 1928

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY

Alexander P. Moore, of Pennsylvania, to be ambassador extraordinary and plenipotentiary of the United States of America to Peru.

PROMOTIONS IN THE NAVY

Commander Harry E. Shoemaker to be a captain in the Navy from the 15th day of February, 1928.

Lieut. Commander Charles H. Maddox to be a commander in the Navy from the 2d day of October, 1927.

Lieut. Adolph P. Schneider to be a lieutenant commander in the Navy from the 2d day of September, 1927.

Lieut. Lester J. Hudson to be a lieutenant commander in the Navy from the 14th day of November, 1927.

Lieut. (Junior Grade) David E. Carlson to be a lieutenant in the Navy from the 3d day of June, 1927.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 5th day of June, 1927:

Edward W. Young.	Arthur A. Griese.
Neville L. McDowell.	Stone E. Bush.

Asst. Surg. Robert E. Baker to be a passed assistant surgeon in the Navy, with the rank of lieutenant, from the 1st day of July, 1927.

Asst. Dental Surg. Hugh E. Mauldin to be a passed assistant dental surgeon in the Navy, with rank of lieutenant, from the 2d day of June, 1927.

Machinist Murphy Lott to be a chief machinist in the Navy, to rank with but after ensign, from the 12th day of October, 1927.

Pay Clerk Oscar H. Weyel to be a chief pay clerk in the Navy, to rank with but after ensign, from the 5th day of February, 1927.

The following-named pay clerks to be chief pay clerks in the Navy, to rank with but after ensign, from the 3d day of December, 1927:

Fred Traxler.	William J. Vay.
Paul C. Davis.	Henry H. Hoefs.
Albert J. Burtnett.	Otto D. Bierling.
Fred W. Stilwell.	Henry A. Oswald.
Dee A. Barnett.	Clarence B. Selden.
Roy H. Thompson.	George L. Von Mohnlein.
Hans C. A. Andersen.	John W. Hall.
Albert J. Kirsch.	Glenn P. Hardy.
Ray M. Williams.	John H. O'Neill.
Noel O. Bickham.	

POSTMASTERS

ALABAMA

Willer B. Goodman to be postmaster at New Brockton, Ala., in place of L. C. Law, resigned.

ARIZONA

Clarence J. Wilson to be postmaster at Casa Grande, Ariz., in place of C. J. Wilson. Incumbent's commission expires March 14, 1928.

CALIFORNIA

William M. Laidlaw to be postmaster at Crockett, Calif., in place of Gertrude Brandon, deceased.

Ross C. Odell to be postmaster at Tulare, Calif., in place of W. D. Cartmill. Incumbent's commission expired August 30, 1926.

COLORADO

Roy McWilliams to be postmaster at Ault, Colo., in place of Roy McWilliams. Incumbent's commission expires March 13, 1928.

CONNECTICUT

Herbert E. Erwin to be postmaster at New Britain, Conn., in place of H. E. Erwin. Incumbent's commission expires March 12, 1928.

DELAWARE

James M. Montgomery to be postmaster at Edge Moor, Del., in place of J. M. Montgomery. Incumbent's commission expired March 7, 1928.

ILLINOIS

Arthur F. Sturgis to be postmaster at Middletown, Ill., in place of A. F. Sturgis. Incumbent's commission expires March 12, 1928.

Edward F. Tedens to be postmaster at Lemont, Ill., in place of E. F. Tedens. Incumbent's commission expires March 12, 1928.

Robert N. Bragg to be postmaster at Brimfield, Ill., in place of R. N. Bragg. Incumbent's commission expires March 12, 1928.

Rose S. Beard to be postmaster at Arenzville, Ill., in place of R. S. Beard. Incumbent's commission expires March 12, 1928.

INDIANA

John T. Stevenson to be postmaster at Kirklin, Ind., in place of J. T. Stevenson. Incumbent's commission expires March 12, 1928.

William G. McNeelan to be postmaster at Holton, Ind., in place of W. G. McNeelan. Incumbent's commission expires March 12, 1928.

Foster V. Annis to be postmaster at Bremen, Ind., in place of W. H. Berkheiser. Incumbent's commission expired January 3, 1928.

IOWA

Kenneth E. Lewis to be postmaster at Williamsburg, Iowa, in place of G. H. Leasure, deceased.

Edward E. Simpson to be postmaster at Nashua, Iowa, in place of E. E. Simpson. Incumbent's commission expired December 19, 1927.

KANSAS

James B. Pratt to be postmaster at Syracuse, Kans., in place of J. B. Pratt. Incumbent's commission expires March 13, 1928.

KENTUCKY

Fannie R. Williams to be postmaster at Pikeville, Ky., in place of Carl Young. Incumbent's commission expired January 17, 1928.

William C. Huddleston to be postmaster at Butler, Ky., in place of W. C. Huddleston. Incumbent's commission expires March 13, 1928.

LOUISIANA

Lillian D. Gayle to be postmaster at Independence, La., in place of L. D. Gayle. Incumbent's commission expired December 4, 1926.

Lavinia A. Parr to be postmaster at Baldwin, La., in place of L. A. Parr. Incumbent's commission expired February 15, 1928.

MAINE

Harry J. White to be postmaster at Jonesport, Me., in place of H. J. White. Incumbent's commission expires March 12, 1928.

MARYLAND

John W. Brittingham to be postmaster at Pittsville, Md., in place of J. W. Brittingham. Incumbent's commission expires March 14, 1928.

Harry A. Carroll to be postmaster at Havre de Grace, Md., in place of H. A. Carroll. Incumbent's commission expires March 12, 1928.

MASSACHUSETTS

Raymond H. Gould to be postmaster at Millers Falls, Mass., in place of R. H. Gould. Incumbent's commission expires March 12, 1928.

MICHIGAN

Arthur R. Gerow to be postmaster at Cheboygan, Mich., in place of A. R. Gerow. Incumbent's commission expires March 12, 1928.

MINNESOTA

Clara M. Hjertos to be postmaster at Middle River, Minn., in place of C. M. Hjertos. Incumbent's commission expires March 13, 1928.

Gay C. Huntley to be postmaster at Hill City, Minn., in place of G. C. Huntley. Incumbent's commission expires March 12, 1928.

MISSOURI

John S. McCrory to be postmaster at Linn Creek, Mo., in place of J. S. McCrory. Incumbent's commission expires March 14, 1928.

Walter L. Hert to be postmaster at California, Mo., in place of W. L. Hert. Incumbent's commission expires March 14, 1928.

Lawrence J. Caster to be postmaster at Blythedale, Mo., in place of L. J. Caster. Incumbent's commission expires March 14, 1928.

NEBRASKA

Charles W. Fritts to be postmaster at Crawford, Nebr., in place of C. W. Fritts. Incumbent's commission expires March 13, 1928.

NEW JERSEY

Byron M. Prugh to be postmaster at Westfield, N. J., in place of B. M. Prugh. Incumbent's commission expires March 12, 1928.

Laura B. Van Slyke to be postmaster at Avenel, N. J., in place of L. B. Van Slyke. Incumbent's commission expired January 31, 1928.

NEW YORK

Sidney S. Benham to be postmaster at Millbrook, N. Y., in place of F. W. Hallock, resigned.

Carl Gardner to be postmaster at Groveland, N. Y., in place of L. B. Gilbert, resigned.

Peter R. Carmichael to be postmaster at Caledonia, N. Y., in place of D. A. Scott, deceased.

Clayton J. Bannister to be postmaster at Westfield, N. Y., in place of C. J. Bannister. Incumbent's commission expires March 12, 1928.

Harry C. Holcomb to be postmaster at Portville, N. Y., in place of H. C. Holcomb. Incumbent's commission expires March 12, 1928.

NORTH CAROLINA

McForrest Cheek to be postmaster at Franklinville, N. C. Office became presidential July 1, 1927.

Jesse W. Wood to be postmaster at Littleton, N. C., in place of J. W. Wood. Incumbent's commission expires March 13, 1928.

OHIO

William E. Whitcomb to be postmaster at Perrysville, Ohio, in place of W. E. Whitcomb. Incumbent's commission expired December 19, 1927.

Charles H. Morrison to be postmaster at Hebron, Ohio, in place of C. H. Morrison. Incumbent's commission expires March 13, 1928.

Frank A. Brown to be postmaster at Batavia, Ohio, in place of F. A. Brown. Incumbent's commission expires March 12, 1928.

OKLAHOMA

Thomas H. Gillentine to be postmaster at Hollis, Okla., in place of J. W. White, resigned.

Bernice Pitman to be postmaster at Waukomis, Okla., in place of Bernice Pitman. Incumbent's commission expires March 12, 1928.

Margaret E. Williamson to be postmaster at Wanette, Okla., in place of M. E. Williamson. Incumbent's commission expires March 14, 1928.

William H. Jones to be postmaster at Kiefer, Okla., in place of W. H. Jones. Incumbent's commission expired January 14, 1928.

Ira A. Sessions to be postmaster at Grandfield, Okla., in place of I. A. Sessions. Incumbent's commission expired January 14, 1928.

PENNSYLVANIA

William Tyndall to be postmaster at Mount Joy, Pa., in place of J. W. Eshleman, deceased.

Marion C. Hemmig to be postmaster at Elverson, Pa., in place of M. C. Hemmig. Incumbent's commission expires March 14, 1928.

Ida E. Megargel to be postmaster at Canadensis, Pa., in place of I. E. Megargel. Incumbent's commission expires March 12, 1928.

TENNESSEE

Joe N. Wood to be postmaster at Ridgely, Tenn., in place of J. N. Wood. Incumbent's commission expired February 1, 1928.

Christine M. Meister to be postmaster at Loretto, Tenn., in place of C. M. Meister. Incumbent's commission expires March 13, 1928.

VERMONT

Robert A. Slater to be postmaster at South Royalton, Vt., in place of R. A. Slater. Incumbent's commission expires March 12, 1928.

Sanford A. Daniels to be postmaster at Brattleboro, Vt., in place of S. A. Daniels. Incumbent's commission expires March 12, 1928.

WASHINGTON

Mabel G. Lamm to be postmaster at Burlington, Wash., in place of M. G. Lamm. Incumbent's commission expires March 14, 1928.

WEST VIRGINIA

Edwin B. Hutchinson to be postmaster at Monaville, W. Va., in place of John Lindley, resigned.

WYOMING

John A. Stafford to be postmaster at Rock Springs, Wyo., in place of J. A. Stafford. Incumbent's commission expired December 19, 1927.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 12 (legislative day of March 6), 1928

COMMISSIONER OF IMMIGRATION

William M. Tuttle to be commissioner of immigration at the port of New Orleans, La.

COLLECTORS OF CUSTOMS

John C. Tulloch to be collector of customs, district No. 7, Ogdensburg, N. Y.

Russell H. Dunn to be collector of customs, district No. 21, Port Arthur, Tex.

PUBLIC HEALTH SERVICE

Leslie L. Lumsden to be senior surgeon.

Gregory J. Van Beeck to be passed assistant surgeon.

Franklin J. Halpin to be passed assistant surgeon.

JUDGE OF COURT OF CLAIMS

William Raymond Green to be judge of the Court of Claims of the United States.

POSTMASTERS

IDAHO

Arthur B. Bean, Pocatello.

MARYLAND

Thomas G. Pearce, Glenarm.

PENNSYLVANIA

John H. Eckert, Gettysburg.
Isaac A. Mattis, Millersburg.
George J. Miller, Pittston.
Nathaniel Shaplin, Windgap.

SOUTH CAROLINA

Washington M. Ritter, Cope.
John A. Chase, Florence.
H. Elizabeth Tolbert, Greenwood.
Malcolm J. Stanley, Hampton.
John C. Graham, McColl.
Patrick E. Scott, Newberry.
Neely J. Smith, Ridgville.
Bennie B. Broadway, Summerton.

WASHINGTON

Francis H. Lester, Tieton.

HOUSE OF REPRESENTATIVES

MONDAY, *March 12, 1928*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Lord, Thou hast been our dwelling place in all generations. Before the mountains were brought forth, or ever Thou hast formed the earth and the world, even from everlasting to everlasting Thou art God. Listen more to our unuttered longings, which can not be expressed, than to our words. Forgive the poverty, the littleness, and the unwisdom of our lives. Make us strong, courageous, and willing to bear the truth. We acknowledge our dependence; spare us from the delusion of endeavoring to hide ourselves from Thee. In loving remembrance regard our Speaker, the Members, the officers, the pages, and the employees of the House. Bless us all with the mercy of grateful hearts. Amen.

The Journal of the proceedings of Saturday, March 10, and Sunday, March 11, 1928, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had agreed to the amendment of the House of Representatives to the amendment of the Senate No. 39 to the bill (H. R. 10286) entitled "An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes."

NATIONAL ORIGINS

Mr. DOUGLASS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. DOUGLASS of Massachusetts. Mr. Speaker and Members of the House, recently President Coolidge, at the request of the Senate, submitted to that body the figures that will be proclaimed as the immigration quotas, to become operative 90 days after April 1, unless we promptly take action, as originally suggested by me in a bill introduced on May 7, 1926, and reintroduced on the first day of this session, repealing the so-called national-origins method of establishing quotas, as provided by section 11 of the immigration act of 1924.

A year ago a postponement of the operation of national-origins based quotas was affected, with the understanding that the interdepartmental committee, delegated by Congress to ascertain the quotas, would continue its exhaustive search and efforts to arrive at something like accurate, rational origin figures on which might be based the quotas.

The interdepartmental committee, consisting of the Secretary of State, the Secretary of Commerce, and the Secretary of Labor, appointed as its representatives to do this exacting work a committee of statistical and census experts. These latter, however, discovering that the job was impossible of performance by scientific procedure, since the necessary facts, census figures, and historical data are not available, instead of revamping their previously obtained figures after some sort of certain or fact-finding compilations that might justify their altering of the previously ridiculously inaccurate computations took it upon themselves to act in total disregard and flagrant violation of subdivision C of section 11 of the immigration act of 1924, by acting, by their own admissions, arbitrarily, in reducing and increasing certain of the quotas that will be made law shortly unless we act.

Imagine arbitrary guesswork being substituted for the clearly defined method that the act provided should be employed to establish these vitally important quota figures.

The previous quota figures were the result of at least some pretense of making an investigation of facts and census tables. True these were open to grave doubt as to their accuracy and worth because of the necessary uncertainty caused by the lack of anything like complete data on the subject of our population growth, but while the more intense proponents of the retention of national origins might have been justified in some degree in urging their adoption, it can not be rationally reasoned that the latest concoction of figures should be proclaimed as the quotas for the various foreign countries for the year commencing July 1, 1928.

In fairness to the gentlemen who had the task of revising the national origins figures as announced a year ago I will say that they were attempting to rectify the more ridiculous results

of the original computations, and at the same time meet some of the criticism that has resulted with the announcement of the quotas based on national origins.

It is apparent that the arbitrary action of the expert committee who reduced and raised certain of the quotas was calculated as a sort of "concession" to those countries which are most drastically discriminated against in favor of Great Britain and Ulster Ireland, since the latter's quota was reduced slightly while that of the Irish Free State and Scandinavian countries were given minor increases.

This "concession" does not in the least eliminate the fundamental objections to the obnoxious national-origins feature of the immigration act, which is based on pure guesswork but which by "strange" coincidence tremendously increases British immigration at the expense of all other foreign countries.

On every side opposition and agitation are manifest on the proposal to supplant the present reliable and workable method of establishing immigration quotas with the guesswork or national-origins plan.

We have it from the genial Commissioner General of Immigration, Hon. Harry E. Hull, in his latest annual report, as well as in those ever since the iniquitous national-origins scheme was attempted to be foisted upon us, that national origins as a method of fixing our immigration totals is intolerable, unworkable, and uncertain and should not be permitted to be made operative. Mr. Hull, in his reports, says:

> Subdivisions (b), (c), (d), and (e) of section 11 of the immigration act of 1924, under which the allotments will be determined according to national origins rather than by country of birth, should be rescinded. The advantages of the present method for administrative purposes are its simplicity and certainty and the further fact that it is well established by practice for more than five years, the allotments under the previous quota law having been thus ascertained.

Moreover, the Immigration Committee of the House just a year ago, after very considerable deliberation on the subject, reported out a bill to repeal the national-origins clause. The language of the committee indicated in no uncertain terms its opposition to the plan. Part of the report follows:

> That too much uncertainty exists as to the requirement of the law that "the President shall issue a proclamation on or before April 1, 1927," when read in conjunction with further provisions of the law. That the uncertainty will continue from year to year.
>
> That it seems far better to have immigration quotas for the purposes of restriction fixed in such a manner as to be easily explained and easily understood by all.
>
> The committee is of the opinion that the United States, having started on a policy of numerical restriction, the principle of which is well understood, that little will be gained by changing the method.

When Mr. Coolidge at the request of the Senate the other day submitted the latest array of proposed quota figures he plainly inferred his unwillingness to lend any sympathy to the whole mess by refraining from any comment on the report of the representatives of the three members of his Cabinet who prepared the compilation and sent it to the White House.

Gentlemen, many of the most rabid immigration restrictionists are frank to admit the ridiculousness of attempting to trace national origins and base quotas on them. All but those who seek nothing but the advantage Great Britain will enjoy in the matter of immigration by the putting into effect the national-origins method are now ready to repeal the racial-origins clause in our immigration act and to toss it into the scrap heap, where it belongs, it having been conclusively found to be nothing more than the irrelevent and mischievous scheme of the Anglomaniacs to exclude practically all but English immigrants from our shores, and thus guarantee a perpetuation of British influence, customs, and propaganda in this country.

If the national-origins clause of the immigration act of 1924 survives the present session of Congress, it will not be with the consent of those of us who are anxious to prevent the precipitation of sharp division between different elements in our population by "picking" or, rather, discriminating in the selection of our immigrants, so that eventually we once again will be but a colony of England's.

I am far from being for free and unlimited immigration at this time. I believe in sharp limitation as to the total number of eligibles in a given year, but the limitation to be so accomplished should serve the best practical results for the country as a whole.

Our immigration policy in at least one respect in addition to that under discussion is sorely in need of liberalizing to the extent that our immigration laws will not be violative of the fundamental laws of nature by preventing members of families to be reunited here in this country. Liberalizing our immigration laws so as to make their application humane is our duty.

True Americans value highly the Irish, Swedish, German, Jewish, Italian, and Norwegian element that is woven extensively into the fabric of our citizenship, along with other nationals of Europe, and are not unappreciative of the part these elements have played in the building of our Nation.

Immigration should be limited, but the limitation should be rationally accomplished if we are to serve best the economic, social, and political welfare of the country.

I warn my friends in this body that there has grown up throughout the length and breadth of these United States a tremendous agitation against this conspiracy to discriminate against certain of our foreign-born peoples in favor of Great Britain by the cunning of employing national origins as a method of fixing our immigration quotas. The citizens of this country who trace their ancestry to these countries that would be locked out in favor of Great Britain are going to display their resentment in such striking manner and numbers at the polls this fall that some of us will not be back here in the next Congress to assist President Al Smith restore this country to the plain people and to a state of law, order, and prosperity that will benefit the plain, every-day working man and woman unless we get busy and repeal the obnoxious, un-American national-origins clause.

EXPORTATION OF ARMS

The SPEAKER. Under the order of the House the gentleman from New York [Mr. FISH] is recognized for 10 minutes.

Mr. FISH. Mr. Speaker and gentlemen of the House, I want to make a brief statement to go into the RECORD and attempt to answer some of the letters and propaganda that the Members of the House have been receiving in the last few days in opposition to House Joint Resolution 183, introduced by the gentleman from Ohio [Mr. BURTON], which was reported unanimously by the Committee on Foreign Affairs.

Unfortunately the legislative representative of the American Legion here in Washington and some other members of the Legion, without consulting with the members of the Committee on Foreign Affairs of the House of Representatives who happen to be legionnaires, without asking their views as to that particular joint resolution, have issued signed statements and written letters to Members of Congress denouncing it and seeking to prevent its adoption.

It so happens that this resolution (H. J. Res. 183), which prohibits the exportation of private arms and munitions to belligerent nations except with the consent of the Congress, was considered most carefully and in detail by the Committee on Foreign Affairs, and we had more meetings on this particular resolution than on any other that has recently come before our committee. It so happens also that there are three members of the American Legion who are members of this committee, all of whom voted for the resolution, and not one of these members was consulted or asked into conference to express their views as to this legislation.

Mr. MORTON D. HULL. By any member of the Legion?

Mr. FISH. By any member of the Legion who issued the particular letters that the Members of Congress have been receiving during the last few days.

I want to make it very plain in the first instance that House Joint Resolution 183 was reported by the unanimous vote of the committee.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. FISH. Yes.

Mr. BLANTON. Your committee has 21 members, has it not?

Mr. FISH. Our committee is composed of 21 members, and the meetings were very well attended throughout; and as I said, there were more meetings on this legislation than were held in connection with any other resolution or bill that has come before the committee in a number of years.

Mr. BLANTON. Then with three members of the American Legion on the committee, and it being a unanimous report from 21 Congressmen, it was not a pacifist measure?

Mr. FISH. By no means. I want at this time merely to make a statement of facts and put into the RECORD just what H. J. Res. 183 seeks to do. We are asking the Congress to adopt a declaration of policy that the United States is opposed to the shipment of private arms or munitions to belligerent nations with which we are at peace except by the consent of the Congress.

I do not know of anything that is more likely to bring the United States into a foreign war than by permitting arms and munitions of all kinds to be exported to belligerent nations. As a matter of fact, the only nations that can receive munitions and arms from the United States in time of war are the

nations that control the sea. The smaller nations which do not have large navies are not likely to receive any munitions from this country, and therefore in the case of future wars, if we continue to export arms and become the slaughterhouse of the world, we will be exporting arms solely to the large nations which control the sea.

We are continually proclaiming our love of peace but, except for empty words and gestures, our constructive efforts are not impressive. We are in this resolution serving notice to the world that we propose to starve war and not babies. It is now 10 years since the armistice, and yet the United States has contributed except for the limitation of naval armament agreement of 1922 almost nothing at all.

We of the committee were unanimous in our belief that nothing could show our good will to more advantage and our desire for peace than if this resolution were adopted, declaring that we will in the future decline, except with the consent of Congress, to furnish munitions and arms for sake of profit to destroy human lives in countries with which we are at peace. We members of the Committee on Foreign Affairs of the House of Representatives hope that the Members of the House will not be led astray by any false propaganda to the effect that this is a pacifist measure. It is simply in line with American thought. Our people have higher ideals and are not in sympathy with making America the symbol of munitions and war. Any Congressman will find, when he goes home to his district and explains the purpose of this resolution to his people, that 90 per cent of them will be in favor of prohibiting the exportation of arms and munitions of war to these nations with which we are at peace. Our people will know which side to take between a step in the direction of peace and helping to make the world a shambles. The resolution specifically enumerates the different kind of arms, ammunition, and implements of war and does not include such commodities as foodstuffs, cotton, copper, oil, and so forth.

Mr. BLANTON. Will the gentleman yield?

Mr. FISH. Yes.

Mr. BLANTON. One great trouble is that our distinguished floor leader comes from a State the principal business of which is the manufacturing of arms to sell, and they insist on selling them to foreign countries.

Mr. FISH. I do not yield for any further debate on that question. I think the gentleman from Connecticut will vote according to his conscience on any question that comes before the House. [Applause.]

Mr. SPEAKS. Will the gentleman yield in order to have the RECORD straight?

Mr. FISH. Yes.

Mr. SPEAKS. Do the names attached to the letters referred to by the gentleman from New York constitute the national defense committee of the American Legion?

Mr. FISH. Yes; but the legislative committee of the Legion has not met on this question, nor has the committee on foreign affairs and world peace of the Legion, of which I happen to be a member, considered it. A small group, said to be the committee on national defense of the Legion and composed of one major general, two brigadier generals, a colonel, and a few others, have signed and sent letters to the Members of the House opposing this step forward for international peace and amity. But we members on the Committee on Foreign Affairs of the House of Representatives who are legionnaires decline to accept any such attitude as reflecting the views of the rank and file of the American Legion, as we believe that the Legion means what it says in its preamble when it states that its object is:

> To make right the matter of might and promote peace and good will in the world.

[Applause.]

Mr. COLE of Iowa. Will the gentleman yield?

Mr. FISH. I yield.

Mr. COLE of Iowa. Is it not true that the men who oppose this resolution are really distrusting Congress, because all we do is to leave it up to the action of Congress; and if Congress sees fit to permit the exportation of these arms to either one of the nations at war, that action can be taken? That is true, is it not?

Mr. FISH. I am afraid that these gentlemen who have signed these letters and sent them to the Members of Congress have not given careful consideration to the legislation. They do not realize that the Committee on Foreign Affairs has gone into this question in detail and that the proposed declaration of policy had the unanimous support of the committee, and, further, that even if this Resolution 183 is adopted, the Congress is empowered to permit the exportation of private arms and munitions at their own discretion by a majority vote. Therefore, as a legionnaire and as a Member of Congress, I want to say in defense of the Committee on Foreign Affairs that no legislation from that committee in the last seven years, since I have been a member of the committee, has been reported to the House with more consideration, and I hope the House itself will back up the unanimous report of the committee and in the meanwhile will study the legislation and agree with the committee that it is a step in the direction of peace and friendly relations with the world. [Applause.]

Mr. DOUGLAS of Arizona. Will the gentleman yield?

Mr. FISH. Yes.

Mr. DOUGLAS of Arizona. Did the committee obtain a report from the State Department?

Mr. FISH. The committee asked for no reports from the State Department because the Committee on Foreign Affairs feels that is a legislative matter for the Congress of the United States to determine, and they felt they were primarily competent to deal with it. [Applause.]

Mr. DOUGLAS of Arizona. Will the gentleman yield for another question?

Mr. FISH. I yield.

Mr. DOUGLAS of Arizona. Did the committee request a report from the War Department as to how the resolution might affect the policy of national defense?

Mr. FISH. No; it certainly did not ask for any report from the War Department, because the gentleman knows himself what kind of reports to expect from the War Department. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. FISH. Mr. Speaker, I would like two additional minutes.

Mr. ANDREW. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to address the House for five minutes. Is there objection?

Mr. COLE of Iowa. Mr. Speaker, I ask unanimous consent that the gentleman from New York may have two additional minutes.

Mr. WHITE of Maine. Mr. Speaker, if there are to be any more of these requests, I shall have to object.

Mr. ANDREW. Mr. Speaker, did I not have the floor?

The SPEAKER. The gentleman asked for more time but the Chair did not hear him.

Mr. COLE of Iowa. Mr. Speaker, I ask unanimous consent that the gentleman from New York may have two additional minutes.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the gentleman from New York may proceed for two additional minutes. Is there objection?

Mr. WHITE of Maine. Mr. Speaker, I am not going to object to the two additional minutes to be accorded to the gentleman from New York, but I am going to object to any further requests for time.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. FISH. Mr. Speaker, this resolution is more far-reaching than it would appear at first glance. It is one of the most important measures that will come before Congress during this session and is practically the only important contribution of Congress since the armistice to lessen the likelihood of another great war and of dragging us into it. Therefore I ask the Members of the House to study the report, read the resolution, and acquire all the facts they can upon this particular joint resolution. I for one feel that if we go ahead and pass this resolution it will put an end to all the talk in foreign countries that we are nothing but a slaughterhouse, willing at all times to sell munitions for the sake of profit, to destroy human lives. And what happens when we do sell munitions of war? Those countries that receive the munitions immediately say they are buying them at exorbitant prices and that we are profiteering on their misfortunes, while the nations against whom these munitions are used because they do not control the seas, hold our Government morally responsible, claiming that we are doing our best to destroy their people, and naturally they have nothing but bitterness and hostility toward us, which may eventuate in dragging us into almost any foreign war. Therefore, if we continue the policy of exporting munitions of war, we will be doing more to bring the United States into another war than anything we can do at the present time. [Applause.] If we prohibit it, it will be a constructive, useful, and worthwhile accomplishment in the direction of peace and good will between the United States and other nations. [Applause.]

The SPEAKER. The time of the gentleman from New York has again expired.

Mr. ANDREW. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

Mr. KING. Mr. Speaker, I object.

Mr. ANDREW. If the gentleman will withhold his objection a moment, I think we ought to have the right to answer what was said here. I have only asked for five minutes in order to try to explain to the House. I think we ought to have the chance to answer.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. KING. I object.

FEDERAL RADIO COMMISSION

Mr. WHITE of Maine. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 2317) continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 2317, with Mr. CHINDBLOM in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. The Chair will state for information that there is 1 hour and 38 minutes of general debate remaining, of which the gentleman from Maine [Mr. WHITE] has 40 minutes, the gentleman from Tennessee [Mr. DAVIS] 20 minutes, the gentleman from Michigan [Mr. CLANCY] 30 minutes, and the gentleman from New York [Mr. CELLER] 8 minutes.

Mr. WHITE of Maine. Will the gentleman from Michigan utilize some of his time?

Mr. CLANCY. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON. Mr. Chairman, I find myself in harmony with the general purposes of this legislation, which provides for extending the powers of the Radio Commission.

However, in the consideration of a subject of this character we ought to keep in mind a number of different things, not the least of which is this: It has only been 15 years that have elapsed since we passed our first radio regulatory measure, and it was only about six years ago when there was first established any radio broadcasting. I mention this to show the very rapid development of the radio and the broadcasting. In passing any regulatory legislation pertaining to an infant industry we ought always to so draft it, as to not circumscribe it or put barriers around it so that it can not properly develop.

Very wisely, in my judgment, in drafting the radio commission act, we vested the commission with a good deal of discretionary power. We can not foresee just where this radio development is going. In its infancy we ought to leave the commission broad discretionary power.

I think the committee in its endeavor to extend this legislation, and in its attempt possibly to correct some abuses, has made the mistake of making these provisions so inelastic as to cause not only embarrassment to the industry, but a great deal of dissatisfaction throughout the land wherever the radio is used. I refer to the amendment at the bottom of page 2, section 4.

Section 9 of the radio act in reference to the granting of licenses, contains this provision:

> In considering applications for licenses and renewals of licenses, when and in so far as there is a demand for the same, the licensing authority shall make such a distribution—

Now, here is the material proposition—

> shall make such a distribution of licenses, bands of frequency of wave lengths, periods of time for operation, and of power among the different States and communities, as to give fair, efficient, and equitable radio service to each of the same.

The present law does not seek to put this along certain definite and well-defined lines, but puts it up to the commission, the same as we do with the Interstate Commerce Commission in fixing a reasonable rate. In this language of the basic law the commission is told to so conduct itself as to provide for efficient and equitable distribution of stations, power, and so on.

The amendment that is before us changes this provision very materially, by providing that the licensing authority shall make an equal allocation to each of the five zones established in the act.

The five zone lines are, of course, merely arbitrary lines. They have no relation whatever to radio as such. They are arbitrary lines, and yet in this amendment the commission is told that they must make an equal allocation to each of the five zones. If we have, say, 600,000 watts, then each one of the zones will be allotted one-fifth, or 120,000 watts for distribution.

Mr. HUDSON. Will the gentleman yield?

Mr. NEWTON. Yes.

Mr. HUDSON. Would the gentleman wipe out the zones?

Mr. NEWTON. No.

Mr. HUDSON. The gentleman's contention, then, is based simply on the use of the word "equal"?

Mr. NEWTON. That is all. I would not wipe out the zones, because the zones serve a purpose in administration, distribution, and all that sort of thing. However, I would not hamstring the discretion of the commission to such extent that they have got to allocate equally among the zones.

Mr. HUDSON. If the gentleman will yield further, there is no point gained, in other words, in storing up in some zone unused allocations which the country needs at other places.

Mr. NEWTON. Not at all. If one zone does not want the power, their full number of stations, or wave lengths, we should not prevent other zones from using them.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. NEWTON. I will yield to the gentleman.

Mr. JOHNSON of Texas. The gentleman lives in zone 4, and zone 4 has 30 high-powered stations, whereas I live in zone 3, which has only 3 high-powered stations. Have I not cause for complaint?

Mr. NEWTON. It is possible the gentleman has cause for complaint, I do not know. I do know this, that if the gentleman's zone had wished for additional power in the first instance they could have applied for it and received it.

Mr. JOHNSON of Texas. In reply to the gentleman let me say that there has been applications made and have been refused—in Shreveport, La., for instance.

Mr. NEWTON. I do not think there has been the abuse of power that has been stated. There may have been mistakes. The commission has been in existence one year. The Senate has only confirmed one member. The commission has been operating under difficulties. We ought not to meet that situation with an attempt on the part of Congress to draw these lines in a fixed and arbitrary way and say that stations, wave lengths, and all of that have got to be allotted to these zones and only within the zones.

That might leave us in a great predicament. Suppose, for example, a particular zone does not use the amount that is allocated to it. When there comes the duty to renew the licenses then there must be a reallocating of stations, watts, power, wave lengths, and all that, and it seems to me you can make a pretty fair argument if your zone does not use what is allocated to it that there are other zones which will be cut down because there must be equal allocation in the use of power.

Mr. HUDSON. In other words, if this is carried into effect you are making retroactive legislation?

Mr. NEWTON. As to the licenses that have been granted, let me suggest this: The committee uses practically the same language for distribution within the zones as among the States in the existing law—"equitable distribution." If that is a good thing within the zone, why is not it a good thing in the country? Why one rule for zones and another within the zones? In other words, why make any change in the law? Furthermore, you say that an equitable distribution in the different States is to be made in proportion to the population and area. What is the use of counting acreage? The radio pays no attention to acreage.

Mr. WHITE of Maine. Will the gentleman yield?

Mr. NEWTON. I will yield to the gentleman from Maine.

Mr. WHITE of Maine. For the information of the gentleman and of the House generally, permit me to say that I am authorized by the committee to offer an amendment when we reach the section providing that the distribution shall be on the basis of the population—cutting out the area.

Mr. NEWTON. I am glad to know that the chairman has concluded to amend it in that respect. I hope by the time the debate is concluded that the committee will agree to recommend the further amendment that will take away the question of "equal allocation" and put it back where it belongs, to "equitable distribution."

Mr. CELLER. If the gentleman will yield, I am glad to hear that the gentleman from Maine has concluded to amend the bill with reference to the area. There still will be the inequality of the zones. You take the Pacific coast zone, and there

are about 5,000,000 people, whereas in zone 3 there are about 124,000,000 people, and in zone 2 about 25,000,00 people.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. CLANCY. I yield the gentleman three minutes more.

Mr. NEWTON. Here is the thing we are confronted with now. Here is a commission that has been handicapped in getting under way. One member, a very able man, had to quit because he could not afford to stay; for he could not afford to go without pay, and he had to leave. They have been under this handicap. Undoubtedly they have made mistakes; but we are dealing with a proposition in which millions of the people in the country are vitally interested. Every man, woman, and child that sits down to his receiving set wants to be able to get not only the music and program from the immediate locality—they enjoy that—but there is great pleasure in being able to contact with some stations thousands of miles away. When we set up purely arbitrary lines, it seems to me we are doing a thing that we ought not to do.

Mr. Chairman, if this amendment becomes a law as it is worded, Congress will further handicap and seriously interfere with proper radio regulation. If we require the commission under all circumstances to allocate equally within certain artificial and purely arbitrary lines we are very apt to bring the wrath of the radio receiver upon our heads. A thousand-watt station has a sending radius of about 75 miles. What service can such a station be to the lone receiver in the West, where we have magnificent distances. These folks enjoy the distant stations where the best of music can be secured for programs. Give the commission a chance to work out our theory of "equitable distribution."

I plead with the committee to hesitate before changing the present law and substituting this one of putting in these arbitrary lines. [Applause.]

Mr. WHITE of Maine. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. KADING].

Mr. KADING. Mr. Chairman and Members of the House, I am a new Member of Congress and, therefore, a new member of the Committee on Merchant Marine and Fisheries, which committee has had this radio legislation to continue the power and authority of the Radio Commission for another year under consideration. I shall not take up much of the time of the committee. I admit right now that I do not know all about this great art and force known as radio, and I hope that some of you, my colleagues, will admit that you are in my class in this respect. As a member of the committee I have learned considerable about this great radio question in the course of my participation in the examinations of the members of the Radio Commission and other parties interested who appeared before our committee in connection with this legislation.

The members of the Radio Commission were examined very carefully, and our committee, before reporting this bill, was quite generally satisfied that there ought to be no objection to continuing the life of the commission for another year; and there does not seem to be any general objection to such continuation by the Members of the House.

There is an important issue, however, in that there is objection to amending subdivision 2 of section 9 of the radio act of 1927, as recommended by our committee. The old section so proposed to be amended reads as follows:

SEC. 9. Subdivision 2: In considering applications for licenses and renewal of licenses when and in so far as there is a demand for the same, the licensing authority shall make such a distribution of licenses, bands of frequency, of wave lengths, periods of time for operation, and of power among the different States and communities as to give efficient and equitable radio service in each of the same.

A difference of opinion has arisen as to a proper construction of that section. Judge Sykes, the chairman of the Radio Commission, in the course of this examination before our committee said:

Now, there is some difference of opinion as to the construction of that particular clause of the act. A great many people for whose opinion I have the highest regard and respect, eminent lawyers, have this idea, as I understand, of that clause of the law—that if a State and a community in a State is getting good radio service from stations in other States, then that State and community are getting good radio service and, therefore, that State or community is being served and, as a State or community in a State, is not entitled to a radio station. That is not my opinion of this clause of the law. My opinion of that clause is it means it was put there to give to the States their pro rata quota of radio stations and to communities in States, and that has been my insistence as a member of the Federal Radio Commission on the construction of that section of the law.

Another member of the Radio Commission, Mr. Caldwell, differs with the chairman of the Radio Commission in construing such section of the law. Commissioner Caldwell, in the course of his examination, testified as follows:

Certainly, from the standpoint of giving purely radio service and good radio service to listeners; that is my understanding of the purpose of the law, and is the basis on which I have worked on the commission. I feel that both must be considered. There is a place for the comparatively high-powered station, and there is also a place for the local stations rendering a local service.

He continued later in his examination and said:

I believe it will be in the public interest to have four or five high-powered stations on the chain, widely distributed geographically. In other words, there is a proper use for the high-powered chain station on the air, one around Chicago, one in the Southwest, and perhaps one in the South, because this commission has undertaken through these chains to bring to every home in America a clear program, and as long as we have merely local stations such clear programs are impossible.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. KADING. I do not care to yield, as I have only a very limited time. I desire to call your attention again to the fact that a difference of opinion exists between the individual members of commission and also between eminent lawyers, some of whom represent broadcasting stations. Judge Sykes, the chairman of the Radio Commission, invited legislation to clarify this section. In answer to a question put by me to Commissioner Sykes at the hearing before our committee Mr. Sykes said, "Personally, I would be glad, of course, if Congress would clarify it"; further questions by Mr. Davis, of our committee, and answers by Commissioner Sykes were as follows:

Mr. DAVIS. In other words, your opinion is, naturally, even from the viewpoint of the commission itself, it is highly important for whatever statutory provisions are enacted for your guidance to be unambiguous and about which there can be no controversy or conflict of opinion?

Commissioner SYKES. I would be delighted, Judge, to see it set at rest.

Mr. DAVIS. I want to state I am in thorough accord with that and, so far as I am concerned, will undertake to effect that result.

Commissioner SYKES. I wish you would.

In view of that situation, the members of our committee deemed it advisable that they should put forth an honest effort with the idea of clarifying that section of the law so as to enable the Radio Commission to work better in the performance of their duty in connection with rendering service to all the people of the United States in connection with this great art. The committee considered the question of a change of language of such section very carefully. They discussed it. They agreed that it was hard to formulate language that probably would cover the situation exactly.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. KADING. No; I do not care to yield, as I have only a few minutes of my allotted time left. The committee, however, in their honest endeavor finally suggested that they would leave the matter of formulating the proper language clearing such section up to express the true intent of Congress when the law was enacted to Mr. WHITE, the chairman of our committee—a man who knows as much about this great radio question as any man that I know of, and to Mr. DAVIS, of our committee, a close second to Mr. WHITE, if not his equal, so far as radio knowledge is concerned, both of whom are honest, conscientious, and able, and who are actuated by an honest desire to advance this legislation fairly and squarely for the best interests of the great mass of the people. And these two men worked upon this thing.

I believe they had many conferences about the matter. They finally agreed upon language which the committee saw fit to report for the consideration of you gentlemen, and that language is the language contained in section 4 of this bill proposed as an amendment by the committee to the Senate bill passed by the Senate. The language of this amendment of said section 9, subdivision 2, is as follows:

The licensing authority shall make an equal allocation to each of the five zones established in section 2 of this act of broadcasting licenses, of wave lengths, and of station power; and within each zone shall make a fair and equitable allocation among the different States thereof in proportion to population and area.

Our committee agreed to the wording of such amendment after Mr. WHITE and Mr. DAVIS had so finally prepared the same, excepting that a few members of our committee believed that the word equitable should have been used in the first line, instead of the word equal.

Now then, in view of the situation and in view of the honest effort given to this difficult matter by those gentlemen and our committee, I believe, my colleagues, that you will not make a mistake by following the recommendation of the committee. You should at least, in my opinion, give very serious consideration to this amendment as proposed by the committee, as it represents an effort for legislation in the best possible shape, for the best interests of the people.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. KADING. Mr. Chairman, may I have a few minutes more?

Mr. WHITE of Maine. I yield to the gentleman two additional minutes.

The CHAIRMAN. The gentleman from Wisconsin is recognized for two additional minutes.

Mr. KADING. Under the situation as it is, certain large high-powered stations are situated at certain large cities, and I believe you gentlemen will find the Representatives coming from the States containing those large cities in favor of legislation which will permit the high-powered stations to hold what they already have, and you will find them voting against this amendment with but few exceptions. I ask you in this connection to profit by the experience of the past, in that the people of the whole country have many times lost many advantages by reason of great conservation projects, such as water powers, oil fields, and other natural resources, that have easily drifted into the hands of monopoly due to ill-considered national and State legislation. The gentleman from New York [Mr. CELLER], in the debate on this bill last Saturday, said:

> Now, gentlemen, if I may give you an example, it is just like having a sort of large radio pie and endeavoring to divide that radio pie into five equal parts and to give a one-fifth equal part to each of the five radio zones, as it were. Suppose you sit down to a table and there are children and adults at that table. I am sure you would not be very likely to give an equal piece of pie to the child as you would to the adult

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. KADING. May I have two minutes more?

Mr. WHITE of Maine. I yield to the gentleman two minutes more.

Mr. KADING. There is the situation in a nutshell. The large monopolies and the high-powered stations in a few large cities, including New York, from which State Mr. CELLER comes, have the "pie," in that they have the high-powered and greater number of stations, and they can not see any justice in giving a part of that "pie" to anyone who is not at that pie counter, or to anyone who is not there but who might be entitled to a piece of it.

Mr. CELLER. Mr. Chairman, will the gentleman yield at that point?

Mr. KADING. No; my short time prevents me from yielding to the gentleman from New York.

This view of the situation, my colleagues, should cause you to sit up and take notice. Big business temporarily has possession of the "radio pie" and it proposes to keep it if possible, without properly sharing it with others who are entitled to share in it. These big interests are already claiming that they have vested rights in this great radio force, and we should be careful in our legislation not to enable them to try to base any further alleged claims upon any legislation upon this matter by Congress to the detriment of all the people that we represent, and, therefore, we should be careful not to pass any law the language of which would permit any such construction.

Now, then, the gentleman from Massachusetts [Mr. TREADWAY] also spoke against this amendment on Saturday, and he said, among other matters:

> I am not one of those scared by the talk of monopoly or big business. The people of this country to-day do not care a continental how radio comes to them or who is providing it for them, so long as they get it.
>
> As a listener-in and not as a scientific student of the subject I am convinced that the only way to get results is through the large stations. It is a favorite pastime of this House to talk about monopoly and big business, but big business, whether in the form of the corporations that have put large sums of money into the establishment of these stations or in the form of concerns that are buying the time of those stations and employing the highest-priced talent, is giving results to the people of the country, and that is what the people want.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. KADING. Will the gentleman yield me one minute more for a conclusion?

Mr. WHITE of Maine. I yield to the gentleman one minute. I hope the gentleman will not ask for more.

The CHAIRMAN. The gentleman is recognized for one minute more.

Mr. KADING. The above quotation from Mr. TREADWAY'S speech gives you, in my opinion, another view of monopoly on this subject. Big business believes that the people should be satisfied with whatever it hands out to the people in the way of programs whether it be jazz music or advertising pink pellets for pale people.

I have no quarrel with big business. I am only calling your attention to the fact that I believe we should be alert in the performance of our duties as Representatives of the great mass of people who are not organized, who have no lobbyists, who have sent no telegrams to us, but who expect us as their Representatives to properly protect their interests.

Big business has able men in charge of their affairs, it has able attorneys, and it is working all the time in the interests of its business. While no charge seems to be made from "listeners in" at this time—not directly at least—who can say that it may not be the intention of monopoly to get and keep control of all of the high-powered stations as well as the manufacturing and selling of all the receiving sets, and then what is there to prevent them from tacking $25 onto the price of each receiving set that they sell by raising the price of such radio set and collecting a large toll from the purchasers of sets in a short time. In passing this amendment proposed by the committee, we are going just a little slow; we are demanding more equality in the distribution of this great power and are feeling our way forward in the administration of this great art.

In conclusion I want to say to my colleagues in all seriousness, acting as we should, in the interests of our constituents in the South and in the West and in the Central States, and in fairness to the people everywhere, that we will make no mistake by following the recommendations of the committee and pass this legislation. [Applause.]

Mr. WHITE of Maine. Mr. Chairman, will the gentleman from New York [Mr. CELLER] use some of his time?

Mr. CELLER. We have eight minutes. We believe the proponents of the bill should consume time now.

Mr. WHITE of Maine. There will be but one speech more on that side in favor of the bill, and one on this side.

Mr. CELLER. Yes. I think the proponents of the bill should continue.

Mr. CLANCY. Mr. Chairman, I yield one minute to the gentleman from Massachusetts.

Mr. GIFFORD. Mr. Chairman, through some of the members of the committee I am informed that the Associated Press of yesterday reported that I supported the amendment known as section 4 on Saturday although I strongly opposed it. I expressed a feeling of sympthy with those who favored the amendment because they feel something ought to be done; I could not possibly be construed as favoring the amendment. I do not like to be misrepresented in that way.

Mr. WHITE of Maine. Mr. Chairman, will the gentleman from New York now use some of his time? There is but one speech on this side in the affirmative, and I take it I have the privilege of closing the debate.

Mr. CELLER. Mr. Chairman, I yield four minutes to the gentleman from New York [Mr. GRIFFIN].

Mr. GRIFFIN. Mr. Chairman and colleagues, the hardest task of the human mind is to rid itself of tribal or sectional bias. I was sorry on Saturday to hear a little element of sectionalism introduced in this debate, and my chief purpose in rising here to-day is to give my personal assurance to my colleagues from all over the United States that, so far as New York is concerned, we are only too anxious to see that fair play is accorded to every section of this great country. I think that the complaint coming from zone 3—embracing the Southern States—is justified, but I do not think that the Davis amendment, as carried in section 4 of the bill before us, will give the desired relief.

The following table shows the inequality in the distribution of radio facilities. A mere glance shows that the complaint of the Southern States is well founded:

Comparison of radio stations and power in different zones

Zones (States included)	Population	Population (per cent)	Number of stations	Total station power in watts	Percentage of station power	Stations with over 1,000 watts
1. New England States and New York	24,378,131	22.73	138	213,055	35.30	10
2. Michigan, Ohio, West Virginia, Kentucky, and Pennsylvania	24,337,341	22.69	115	116,805	19.34	8
3. Southern States	24,826,050	23.14	102	47,105	7.80	4
4. Illinois, Indiana, Missouri, Iowa, Minnesota, North Dakota, South Dakota, and Kansas	24,492,986	22.83	215	164,870	27.31	30
5. Pacific States	9,213,720	8.59	131	61,785	10.24	8
Total	107,248,228	100	701	603,620	100	60

Of course this does not indicate that there has been any willful or unfair discrimination. The fact is that the radio industry has been an evolution and that broadcasting stations have been naturally first established in the large centers of population, where programs of interest could be conveniently arranged.

A great deal of capital has been invested in these stations, particularly in the first and fourth zones. Naturally the owners look with anxiety at any proposal which even slants toward the scrapping of these properties and investments.

It is contended that the word "shall" in the Davis amendment constitutes a mandate, and that under this construction the commissioners may very well assume that Congress has directed them forthwith to abolish the big stations in the large cities so as to reduce them to a parity of number and power apparently required under the terms of the bill. This is the whole controversy in a nutshell: Does "shall" mean "must"?

For my part, I can not see the necessity for a mandatory direction. All that we are trying to do—at least all that we should in fairness try to do—is to make it clear to the Radio Commissioners that the air should be free and that all the zones into which the country is divided should have equal opportunities and that no zone should secure a monopoly.

It is perfectly feasible to build up the broadcasting facilities in zone 3 without lessening or impairing those in the other zones. That is all we ought to try to do in this law. The proposed amendment threatens more, and it is to allay fears from such sources that I will offer an amendment at the proper time.

I simply want to remove from this amendment the obvious uncertainty and ambiguity of its language.

The best proof that section 4 of the bill is not clear is that the committee, in its report, undertook to defend it before it was attacked. They seemed to feel that it was vulnerable, for they take great pains to assure the House that it was not their intention to molest existing stations.

I want to present for your consideration at this moment an amendment which I intend to offer when this section of the bill is reached, and to set our attitude clearly before our friends from the other zones. I propose this in place of the language of section 4:

> Each of the five zones established in section 2 of this act shall be entitled to an equal allocation of broadcasting licenses, of wave lengths and of station power.

And while I am reading this I would like the attention of the gentleman in charge of the bill. I did not have a chance to consult with him in regard to this amendment but I hope he will take it under consideration. It accomplishes, perhaps, what you have in mind, and it takes out of the language its mandatory form and sets a rule of action or conduct for the commission to follow in the allocation of licenses, wave lengths and power. This is the amendment I submit:

> Each of the five zones established in section 2 of this act shall be entitled to an equal allocation of broadcasting licenses, of wave lengths, and of station power; and the licensing authority shall make a fair and equitable allocation among the different States, within each zone, so far as practicable in proportion to population and demand for service.

[Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. DAVIS. Mr. Chairman, I yield one minute to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, I am heartily in favor of the amendment that is to be offered by the gentleman from Tennessee [Mr. DAVIS]. It should carry by a substantial majority.

For some time, and especially during the last 60 days, I have been receiving numerous complaints, not only from my own district but from all over the State of Texas, protesting against discrimination accorded their section of the country. Many of the complaints come from farmers and stockmen living in rural communities. They are not at all satisfied with Commissioner Caldwell. And they do not understand that the House of Representatives has nothing to do with his appointment or his being retained as commissioner. That is a matter wholly with the President and the Senate of the United States.

But it is our duty here in the House of Representatives to see to it that this law is now properly framed, and now is the time, and here is the place, and we are the ones to properly frame it with wholesome provisions, so that no more discrimination may be shown, but that the people in every part of the country will be given a fair, square deal and get what is coming to them.

The radio monopoly is becoming the greatest in America. I warned against its growing encroachments several years ago. It has been charged several times, and never denied, that the Radio Corporation of America has been paying General Harbord a salary of $50,000 per year to run its business. And it will be remembered that during all of such time he has been retired from the United States Army, drawing a retired general's pay for life. If he is able mentally, physically, and otherwise to run this big business for the Radio Corporation of America and is worth $50,000 per year to them, he ought to be giving his time, energies, and talents to the Government, as it educated him and made him qualified to thus officiate.

And it will be remembered that after Admiral Bullard was appointed a radio commissioner at $10,000 per year it developed that he, too, was on the pay roll of the Radio Corporation of America at a tremendous salary, and he, too, was then drawing a retired admiral's pay for life, having been retired from the Navy, which had educated and trained him at Government expense.

And it has developed in this hearing that in addition to the salary of $10,000 per year Commissioner Caldwell receives from the people of this Government he admitted that he is also drawing $7,000 per year from the McGraw-Hill Co., which does a tremendous business annually with all radio dealers in the United States. Commissioner Caldwell's testimony in this respect, on page 195 of the printed hearings, should be read by everyone.

The testimony of Mr. Oswald F. Schuette, executive secretary of the Radio Protective Association, on page 274 of the printed hearings, shows that the assets of the corporations that make up the Radio Corporation and its constituency, the Radio Trust, is headed by the American Telephone & Telegraph Co., with assets on December 31, 1926, of $1,841,102,088; the General Electric Co., with assets of $428,328,764; the Westinghouse Electric Co., with assets of $226,961,520; the United Fruit Corporation, with assets of $203,821,287; and the Radio Corporation of America, with assets of $61,976,432, making total assets of $2,762,190,091. And it will be remembered that the General Electric Co. is the parent-he-mogul of the great Power Trust, now seeking to get control of all of the water power and public utilities in America. This is one giant monopoly that must be watched and curbed by law.

I wish, Mr. Chairman and gentlemen, that I had the time to discuss this bill at length. It is a measure concerning which every citizen in the United States is vitally affected. We must protect the people in their inherent rights and must see that they are not trampled upon by giant trusts, combinations, and monopolies.

Mr. CLANCY. Mr. Chairman, I yield two minutes to the gentleman from Ohio [Mr. BRAND].

Mr. BRAND of Ohio. Mr. Chairman and members of the committee, I am on this committee and I have never been able to agree to the amendment offered by my colleague from Tennessee [Mr. DAVIS]. The entire question resolves itself about the word "equal" and the word "equitable." The country is divided into five zones and this amendment arranges an equal distribution of the power, and so forth, and in the old law, as we passed it, it was arranged for an equitable distribution. To my mind you never have the need in Ohio, for instance, of the power, and so forth, that they need in New York. You will never have the need in Mr. DAVIS's territory in Tennessee that you have in New York. I would say that you never can divide this power and the other things that are to be divided equally over the United States.

Now, another thing. You do not want them divided equally, because here is the peculiar thing about it: The territory that has the great power is at a disadvantage. For instance, the use of the radio is not as satisfactory in Washington, where they have great power, as it is out in my home in Urbana, Ohio, where we have none. We can get anything from anywhere in the center of Ohio, while here in Washington you have only Washington to hear; and the same applies to New York.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. DAVIS. Mr. Chairman, I yield myself the remainder of my time, 19 minutes.

Mr. ABERNETHY. Mr. Chairman, I think I shall suggest that there is not a quorum present.

Mr. DAVIS. I do not want the gentleman to do that. I would like to have as large a hearing as possible; but I would rather the gentleman would not make the point.

Mr. ABERNETHY. I withdraw it, Mr. Chairman.

Mr. DAVIS. Mr. Chairman and members of the committee, this is a very important matter and one about which there seems to be a great deal of misunderstanding. The controversial feature of the pending bill is the equalization amendment, and that is a perfectly simple and a perfectly fair proposition.

I am surprised that the Representatives of the people, or at least some of them, shy at equality under our Government. If there is anything that is supposed to be basic under our Constitution and our institutions, it is that there shall be equality of opportunity and of governmental rights.

In the last Congress the Committee on the Merchant Marine and Fisheries reported to the House a bill for the regulation of radio. Conceiving at that time that there was a very unfair, inequitable, unbalanced, and unscientific distribution of broadcasting privileges, the committee reported without question, and the House passed without question, so far as that provision was concerned, a distribution clause which was very similar to the one now under discussion. When this bill went to conference the distribution clause was changed in its phraseology, and in my discussion of that matter when the conference report was under consideration in the House I called attention to the change and stated that it was ambiguous and that two different constructions could be placed upon it. Other conferees and Members disagreed with me, but my prediction came true literally.

When the committee was holding hearings on the present bill it appeared there were two interpretations placed upon this provision by members of the Radio Commission, one of them, the commissioner from New York, Mr. Caldwell, taking the position it was a compliance with the law for equitable service to be rendered to the various States and sections of this country even though it be done by far-away stations in other sections and in other States and without the States or sections thus served (?) having any broadcasting stations.

The committee in reporting this bill conceived the idea that the distribution clause in the present law should be clarified, and, in fact, members of the commission themselves said that they would like to see it amended and clarified. So there resulted this amendment.

Various and specious arguments have been advanced against it. People suggest change in phraseology. Perfectly frankly, we have made the language or have undertaken to make it so clear and so unambiguous that there can be no misunderstanding and no misinterpretation. We want an amendment that can not be misunderstood and so we say that is necessary, especially if it is to be administered by the present commission. The present commission has not carried into effect the existing equitable distribution clause, because under the spirit of it they should have made a fair and equitable distribution among the different sections of the country; they have not only not done that, but I charge, and the records show, that they have affirmatively violated that provision, because when this law went into effect the first zone and New York City had far beyond their quota, and in this connection I want to state that every State in the first zone except New York is below its quota on a division of the present national power. And yet the commission has favored New York more than all other States and sections.

The excuse first proposed by this commission was that they could not initiate licenses; that they had to act upon applications; and they said this particularly with respect to the third zone.

Now, what are the facts? We had them file with the committee—and they are in the committee hearings, pages 41 to 51—records of applications for new licenses and the action thereon; applications upon the part of existing stations for increased power and the action on that. Now, what do these records show with respect to the class which I have just mentioned? They show that in the first zone—this is under the administration of the commission—there were 22 station applications for increased power. The power requested was 89,655, and the power granted was 81,905, and of the 81,000 granted, 60,500 of it was in New York. Without taking the time to give the applications of this kind for the other four zones, I will state that the other four zones in his country had 55 applications for 185,650-watt power, and they were granted by this commission a total of only 45,110. In other words, the other four zones in this country applied for more than twice as much power as did the first zone, and yet the first zone was granted nearly twice as much increased power as all the other four zones combined; or putting it differently, the city of New York, according to these figures, was granted 15,000 more watts than was granted all the other 47 States in the Union. These figures do not include applications denied or not acted upon.

Now, if this is equitable distribution, make the most of it.

Mr. O'CONNELL and Mr. CELLER rose.

Mr. DAVIS. I yield to the gentleman from New York for a question.

Mr. O'CONNELL. I will say to the gentleman that we have a case right adjoining my district where a man for a year has been trying to get an increase and has not been paid any attention to at all.

Mr. DAVIS. Not all of them have got an increase, but I have given the aggregate of the increases made.

Mr. KINCHELOE. Will the gentleman yield there?

Mr. DAVIS. Gentlemen, I have many things I would like to state, and I think I will cover a good many points that you have in mind if you will give me the opportunity.

Mr. CELLER. I yielded to the gentleman on Saturday and I hope the gentleman will yield to me.

Mr. DAVIS. I yield to the gentleman.

Mr. CELLER. Will the gentleman tell the members of the committee whether or not he feels that the population is the test in the various zones, or the radio population applied to the States?

Mr. DAVIS. Well, suppose you put it on that ground. There is little difference whether you put it on the total population or on the radio population. The first zone, that is given 37 per cent of the total national power in all the zones, has only 24.2 per cent of the receiving sets. The second zone has only 17.68 per cent of the national power and has 21 per cent of the receiving sets. The third zone has but little more than one-fifth of the station power held by the first zone and yet has 16 per cent of the receiving sets in the entire Nation and the largest population of any zone. As a matter of fact, the people in the southern zone have manifested a remarkable interest in purchasing as many receiving sets as they have, in view of the intolerable conditions under which they have suffered. If accorded proper treatment, there will be a large and immediate increase in the purchase of receiving sets in the third zone. I have a letter from a radio dealer in my State, stating that radio reception is so bad that he does not sell one-fourth as many sets as he did a year or so ago; that the people are trying to sell their sets.

The fourth zone has more receiving sets than the first zone, but much less power. So you can put it on either ground you please.

Mr. LAGUARDIA. Is it not wrong in principle?

Mr. DAVIS. I think so. We are living in a democracy, and I submit that 25,000,000 citizens in one section are entitled to just as much consideration as 25,000,000 residing anywhere else. [Applause.]

Mr. KINCHELOE. Two and a half million people in my State get only two broadcasting stations, with low power——

Mr. DAVIS. Oh, I have put official data into the RECORD showing the greatest sort of discrimination. If you do not increase the present aggregate national power, all sections of the country will be favored with an increase except about four States, and two of these barely have their quota. I want to say that I have nothing against the great city of New York. It is a great city, and we want to get their programs. We want to keep in touch with them, but we insist that they should not have all the cream. I know that the most of the citizens of that great city will join the gentleman from New York [Mr. GRIFFIN] when he says that they do not want to "hog" any more than they are entitled to. I have numerous letters from citizens of New York commending this equalization amendment and complaining of the congested conditions there.

The argument that the adoption of this amendment, designed to insure a fair distribution of broadcasting licenses, wave lengths, and station power, would result in injury to the broadcasting situation, particularly the listening public in the New York City area, is wholly unfounded. Those opposing this equalization clause, led by the Radio Corporation of America

and its affiliated interests, persistently disseminate the false statement that the station power in all the other zones under the provisions of this amendment would be reduced to the power now allocated to the zone with the lowest power. The amendment directs no such thing; nobody wants that done, and surely not even the present commission would be foolish enough to so administer the provision. The amendment authorizes and directs an equalization between the zones and a fair and equitable allocation within each zone in proportion to population. It is a perfectly fair and simple proposition.

The station power allotted to all the zones now amounts to about 600,000 watts. There would certainly be no good reason for reducing this power. It could well be increased.

If the first zone, with only 3.63 per cent of the total geographical area, can absorb 223,000, or 36.98 per cent of the power, surely the other zones with so much greater geographical area could absorb as much power much more easily. Consequently if the Radio Commission desires to continue the present amount of power in the first zone and the people therein are satisfied with the present condition they need not reduce the power in the first zone, but increase the power in the other zones. However, the commissioners have repeatedly stated that there should be reductions in the congested areas, and probably the course which would and should be pursued would be that a fair equalization would be brought about by both increases and reductions—that would be a matter of administration to be worked out by the commission.

As a matter of fact, the listeners in the highly congested areas are suffering more than anybody else. They can satisfactorily hear only a few of their very high-powered stations and no outside stations.

However, those in the neglected areas are only asking for a square deal for their sections. They want an opportunity to have some of their own stations with good wave lengths and adequate power so that they can hear them, as well as hear the New York stations. They would also like for the listeners in New York City to hear outside stations when they desire to do so.

The matter of a fair and equitable allocation of broadcasting privileges throughout the country is not an "intricate and technical matter." It is a matter of national interest and right and involves a legislative policy. The pending amendment is not destructive but constructive. It does not undertake to tear down or to injure the broadcast structure, but to improve and build it up. To give the balance of the country outside of New York City and Chicago an equal deal in radio does not involve an injury to the broadcasting situation in those cities.

The discrimination is not so much due to favoritism to cities or a section as it is due to class favoritism discrimination. What are the circumstances? We have in this country an iron-clad radio monopoly according to the report and the charge of the Federal Trade Commission in a complaint now pending. This monopoly has more than one-third of all the station power in the country. They have the choicest wave lengths. Together with the affiliated stations they have 327,000-watt power as compared to 600,000 for all the balance of more than 600 stations.

Mr. GRIFFIN. Will the gentleman yield?

Mr. DAVIS. I will yield.

Mr. GRIFFIN. Every one of us will concede that all the zones are entitled to equality. I do not think you will find anybody opposing you on that, but we ask you to confine yourself to the phraseology of the amendment and let us know whether there is any danger in that phraseology in connection with the increase arbitrarily of power in the administration of the bill.

Mr. DAVIS. The existing law divides the country into five zones by States. The first four zones are substantially equal in population, the zone I have the honor to represent being the largest of any of them. The fifth zone embraces the Pacific coast and Mountain States, and although it has much less population than the other zones yet it has nearly 50 per cent of the geographical area of the country, and in addition that great section is divided by the Rocky Mountains, which constitute a serious static impediment.

We felt when we enacted the law in the last Congress that the fifth zone was entitled to as much consideration as the other four zones. So we treated them on an equal basis. Consequently, this amendment provides that there shall be an equal allocation between the different zones established in the act, and that there shall be a fair and equitable distribution among the States within a zone according to population. The zones are equal, but the States are unequal in population as well as area, and you could not apply the same yardstick to all the States. The distinguished gentleman from New York [Mr. GRIFFIN] candidly admits that there should be equality and equal division, but he differs with me as to the phraseology employed in order to bring it about. I say, it is a simple proposition. It is workable. It is fair. It is American.

Mr. CELLER rose.

Mr. DAVIS. Oh, they argue, and the gentleman from New York [Mr. CELLER] in his speech repeated the old threadbare argument that the southern zone and other sections were backward, that they were at fault because they did not have any more, and following that he inserted in the RECORD a list of stations to which he said he was advised by members of the commission they had tentatively agreed to grant an increase of power to in the southern zone, and that list which he inserted in the RECORD shows that in the 17 stations they have tentatively agreed to grant an increase of 33,710 watts, and in the list of applications for new licenses which he said they had tentatively agreed to grant there were 4,810 additional watts. That that does not include requests for a large amount of additional power which they have not yet acted upon. In other words, instead of your having to wait, as the gentleman from New York feared, until the South and the other sections of this country catch up with their applications, I say that formal applications are on file to raise the southern zone to a parity with the other zones, on the basis of the present national power. And the same is true in the second zone, which is below its quota, and in the fifth zone, as shown in the hearings, and much of which I have put into the RECORD; and that does not include hundreds of informal applications which the commission said have been made, but which they discouraged so much that the applicants did not follow them up with formal applications.

As evidence of the demand from other sections, here is a list of some of the existing stations which have requested increased power, but which requests have either been denied or are still pending:

	Present power	Power requested	Action
Second zone: WTAM—Willard Battery, Cleveland, Ohio.	3,500	20,000	Pending.
Third zone:			
WBAW—Waldrum Drug Co., Nashville, Tenn.	500	10,000	Do.
KFJF—National Radio Manufacturing Co., Oklahoma City, Okla.	750	15,000	Do.
KWKH—W. K. Henderson, Shreveport, La.	1,000	10,000	Do.
Fourth zone:			
WTMJ—Milwaukee Journal, Milwaukee, Wis.	1,000	5,000	1,000.
WMBH—Edwin Dudley Aber, Joplin, Mo.	100	10,000	1,000.
KTNT—Norman Baker, Muscatine, Iowa.	2,000	14,000	1,000.
WJJD—Loyal Order of Moose, Mooseheart, Ill.	1,000	20,000	1,000.
WAMD—Radisson Radio Corporation, Minneapolis, Minn.	500	40,000	500.
Fifth zone: [1]			
KEX—Western Broadcast Co., Portland, Oreg.	2,500	20,000	Denied.
KJR—Northwest Radio Service Co., Seattle, Wash.	2,500	20,000	Do.
KGA—Northwest Radio Service Co., Spokane, Wash.	2,000	20,000	Do.

[1] Samuel Insull's company was granted a permit to construct a 50,000-watt station with studio at Chicago.

Mr. CELLER. Mr. Chairman, will the gentleman yield for a question?

Mr. DAVIS. Yes.

Mr. CELLER. The gentleman apparently does not want to leave this matter in the discretion of the commission.

Mr. DAVIS. Just a question.

Mr. CELLER. Yet in the second part of the amendment discretion is left to the commission to allocate the States within the zones. You do not tie the hands of the commission within the zones.

Mr. DAVIS. If you are in favor of giving them discretion on everything, why do you quarrel about the provision of our amendment that gives them discretion in part?

Why all of this allocation of power in a small area? What is the situation, and why this tremendous drive, this tremendous propaganda, sent all over this country against this perfectly fair amendment? I will tell you why it is and where it hits. It hits the Radio Corporation of America and its affiliated companies.

They have not only been given more than a third of the power but choice wave lengths, and so forth, for broadcasting, but in commercial radio they have been granted seven times as much as all other stations combined, and the same is practically true with respect to experimental licenses. They and their associates have the whole radio field there tied up. They have been favored beyond measure by this commission, and what has it meant to the Radio Corporation of America? [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. DAVIS. Under leave granted I extend my remarks as follows:

When the Federal Radio Commission went into office the common stock of the Radio Corporation of America was selling at about $52 per share. It is now selling for about $122 per share. This is an increase in market value of about 135 per cent under the benign administration of the Radio Commission. According to a recent report, in addition to its preferred stock, the Radio Corporation of America is capitalized at 1,155,400 shares of common stock—nonpar. Consequently, the common stock during this period has increased more than $80,000,000, not to speak of the increase in the preferred stock.

Since I delivered this speech the stock of the Radio Corporation of America has continued to advance, and to-day, March 17, sold for about $140 per share.

Some two or three years ago the Radio Corporation of America placed the transmitter of its station WJZ at Bound Brook, N. J., and began broadcasting on 50,000-watt power. It created such havoc with New Jersey broadcasting stations and with receiving sets that there was widespread and indignant protest. City councils passed resolutions of protest. The Legislature of New Jersey adopted a resolution declaring station WJZ an "intolerable nuisance" and directed the attorney general of the State to take appropriate steps in the matter, and the legislature also urged upon Congress to enact appropriate legislation to prevent the operation of this and similar stations.

During this controversy David Sarnoff, vice president and general manager of the Radio Corporation of America, was quoted in the New York Times, in part, as follows:

> Greater * * * power allows the station to ask and receive greater returns for the sale of time on the air. * * * The business of advertising on the air is becoming better established and is on a firmer basis than ever before.

Although the protests against station WJZ of the Radio Corporation of America raged during the fall of 1925 and winter of 1925–26 and numerous appeals were made to the Department of Commerce and the Congress, yet the citizens and officials of New Jersey were unable to effect the removal or substantial reduction in the power of said station. During the controversy officials of the Radio Corporation asserted that the interference complained of was due to the use of obsolete receiving sets. Yet at that time this corporation was urging its dealers to press the sale of its own obsolete receiving sets, as shown by the following letter:

OCTOBER 16, 1925.

To prospective RCA authorized dealers:

GENTLEMEN: The new RCE selective-dealer plan has received generous commendation from radio dealers throughout the country. The proposed method of selecting Radiola merchants is universally acclaimed as being fair. The only misgiving that has been expressed is whether radio dealers entitled to the RCA franchise might possibly be overlooked in the final selection.

DEALER REQUIREMENTS UNDER THE NEW RADIOLA PLAN

If you will refer to our Bulletin No. 1 describing the RCA dealer plan, you will find the process of selection is clean and unequivocal. * * *

Sales volume, as set forth above, will be one of the factors governing our selection of "authorized RCA dealers" on and after January 3, 1926; but mere volume, in itself, will not be the determining factor in judging the dealer's eligibility to represent RCA. It is necessary to make this distinction at this time of year, because "sales volume" might be easily attained merely by meeting the natural consumer demand for the new RCA models. The best indication of the dealer's ability to aggressively push the sale of RCA products will be found in the record of his sales on standard items which may temporarily meet with a certain amount of sales resistance.

Speaking with the utmost frankness, the best proof that dealers can present to RCA that they should be selected as Radiola merchants will be found in our records of their ability to develop a sales movement on the Radiola III family; i. e., Radiola III, Radiola III–A, and Radiola balanced amplifier. Dealers who make marked progress in moving these instruments to the public, even though their total sales volume may be below those whose sales are mainly on the new RCA models, will be particularly eligible for selection, because in so doing they have demonstrated their ability to do a "selling job."

* * * * * * *

From time to time I shall appreciate receiving personally a brief note from you direct, posting me on the progress you are making in the sale of the Radiola III group. Not only will I personally read these letters, but they will be attached to the records of this office as supporting data in Radio Corporation of America's selection of authorized dealers on the basis of volume, credit, and service.

* * * * * * *

The cooperation which dealers throughout the Nation have extended to us has been a source of gratification. We ask for its continuance, and we in turn will reciprocate to the extent humanly possible.

Very cordially,

E. E. BUCHER,
General Sales Manager.

We are reminded of the fulsome claims in behalf of the alleged benevolent development of radio by the Radio Corporation of America.

Broadcasting stations operating for hire and profit have been most favored. It is claimed that they must charge for advertising in order to make an income. The Radio Commission, in accordance with a request made at the hearings, filed a list of stations which sell time and those who do not sell time, or otherwise advertise; and they also filed a list of stations whose policy in this respect is not known. These lists appear on pages 258 to 269 of the recent hearings of the Committee on Merchant Marine and Fisheries. It appears that there are 190 broadcasting stations which operate for profit by selling time—broadcasting advertising; 323 broadcasting stations do not sell time or transmit advertising, and the policy of 170 stations is not known.

HIGH-POWERED STATIONS

As a matter of fact, there is no need for such station power as 50,000 or 30,000 watts.

In his testimony at the hearings, pages 104 to 107, Commissioner Caldwell, who is the strongest advocate among the members of the commission of high station power, stated that different powered stations could transmit a consistent, satisfactory program at all times, as follows:

	Miles
500-watt station	15 or 20
1,000-watt station	25 or 30
5,000-watt station	50 or 75
50,000-watt station	100 to 150

Commissioner Caldwell testified as follows:

> Experience has shown that no station gets out with any consistent and good service more than 100 or 150 miles, regardless of how much power is put back of it. In other words, the limit is not the amount of power you put back of the station but the fading which takes place, which may take place at 150 miles or it may take place as close as 60 miles.

It will be noted that the relative increase of radius is very slight compared with the increase of power, especially above 5,000-watt power. That is because a 5,000-watt station reaches practically out to the fading point.

However, the high-powered stations play havoc with other stations. The higher the power the more blanketing interference and heterodyning is produced.

Commissioner Caldwell further testified:

> Our experience with these 50-kilowatt (50,000-watt) stations has been that they cause such interference with both sides of them that they render those channels practically useless, and I think we should go slowly in granting this increased power (p. 111).

And yet he objects seriously to interfering with the high-powered monopoly stations. (Hearings, pp. 176, 177.)

Commissioner Pickard testified that 90 per cent of the stations in this country are now heterodyned.

It must be remembered that the ether waves set in motion by a broadcasting transmitter extend ten times as far as the audible program.

High-powered stations are not needed for local reception. Neither are they needed for chain programs, which are sent over wires to the different stations and then broadcast from the different chain stations.

These chain stations—some 57 in one chain—serve the entire country with programs broadcast from station WEAF, New York. For this purpose it is not necessary or advantageous for any of these stations to have over 5,000-watt power, and, generally speaking, 500 or 1,000 watt power is sufficient. And yet there are on this chain three 50,000-watt stations and one 30,000-watt station, all belonging to the same group and in close proximity to each other.

No broadcasting station should be authorized to use over 10,000 watts or 20,000 at the very outside.

PIONEER BROADCASTING STATIONS

We are hearing much about the rights of so-called pioneer stations. It is urged by those opposing the equalization amendment and defending the high-powered monopoly stations that these stations have been pioneers in the development of radio; that they have "vested rights" in the air which can not and should not be disturbed. It is further claimed that broadcasting privileges and high-powered stations are largely concen-

trated in the small area in the eastern section of the United States, notably New York, because that section has been more active in seeking licenses and power, while other sections, particularly the South and the West, have been backward in pressing their claims.

These claims are not founded upon fact. What are the real facts?

Some of these stations were among the first licensees, but there were other stations as early as theirs, not only in the eastern zone, but scattered throughout the country. Many independent stations were established and licensed prior to some of those now given cleared wave lengths and high power and who are posing as pioneer stations.

The first broadcasting stations established and licensed were in the fall of 1921. These stations were designated as commercial land stations, later termed "limited-power" stations, and eventually listed as broadcasting stations. According to the official records, there were seven of such stations on January 1, 1922, as follows:

WCJ, New Haven, Conn.: A. C. Gilbert & Co, 360 meters for broadcasting; 300 and 600 meters for other purposes.

WDY, Roselle Park, N. J.: Radio Corporation of America, 360 meters.

WBZ, Springfield, Mass.: Westinghouse E. & M. Manufacturing Co., 360 meters.

WBL, Detroit, Mich.: Detroit News, 360 meters.

KQL, Los Angeles, Calif.: Arno A. Kluge, 360 meters.

WJX, New York City, N. Y.: De Forest Radio Telephone & Telegraph Co., 360 meters.

KYW, Chicago, Ill.: Westinghouse Electric & Manufacturing Co., 360 meters.

The number of broadcasting stations increased materially after January 1, 1922.

The Official Radio Service Bulletin, issued by the Department of Commerce in April, 1922, contains a list of licensed broadcasting stations up to April 15, 1922, there being 186 of such stations, divided among the different States, and in the present zones, as follows:

FIRST ZONE

State:	Stations
Maine	1
Massachusetts	4
Connecticut	2
New Jersey	7
Maryland	1
District of Columbia	6
New York	12
Total	33

SECOND ZONE

State:	
Pennsylvania	12
Virginia	1
West Virginia	3
Ohio	13
Michigan	5
Total	34

THIRD ZONE

State:	
North Carolina	1
Georgia	2
Alabama	2
Tennessee	2
Arkansas	2
Louisiana	3
Texas	5
Oklahoma	2
Total	19

FOURTH ZONE

State:	
Indiana	5
Illinois	7
Wisconsin	2
Minnesota	4
Iowa	2
Nebraska	2
Kansas	6
Missouri	9
Total	37

FIFTH ZONE

State:	
Wyoming	1
Colorado	3
New Mexico	2
Washington	10
Oregon	6
California	40
Hawaii	1
Total	63
Grand total	186

It will be noted that at that time there were more licensed broadcasting stations in the second, fourth, and fifth zones than in the first zone, and 19 broadcasting stations in the third zone, as compared with 33 in the first zone, notwithstanding the persistent unfair argument that the third zone is even now a "child in broadcasting" and is backward in asking broadcasting privileges.

Mr. CELLER. Mr. Chairman, I yield four minutes to the gentleman from New York [Mr. BOYLAN].

Mr. BOYLAN. Mr. Chairman and gentlemen of the House, the Radio Commission has had only one year in which to dispose of the immense amount of work that has been put before it. I think it would be very poor policy to circumscribe their work by the adoption of the amendment in the bill before us. Much money has been spent in the large cities for the erection and installation of radio plants, and that was done long before the Radio Commission was empowered to act on the distribution of wave lengths. These men in the large cities were the pioneers. They were willing to put their money in and take a chance as beginners in a new field, but now, through this proposed amendment, you come along and want to scrap millions of dollars that have been expended in and about the large cities in broadcasting stations.

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. BOYLAN. I have only four minutes. Wait until I make a few remarks. I deprecate the effort to array the country against the cities. The country needs the large cities and the cities need the country. We in the large cities are willing to vote for almost anything the other sections of the country want. We vote for reclamation, we vote for irrigation, to exterminate the corn borer and the boll weevil.

Mr. KVALE. And for farm relief?

Mr. BOYLAN. We will vote for farm relief when the farmers agree on a bill, and we are willing to vote for flood control, and although we have had floods in northern New York and other sections of the North and East, we do not ask that part of the appropriations be allocated to us.

We welcome talent from all over the United States, and we afford them the opportunity to demonstrate their ability. Only a few weeks ago a distinguished young lady from the State of the gentleman, Mr. DAVIS, who has just taken his seat, a fair daughter of the Southland, Miss Grace Moore, came to New York from Tennessee and there made her debut at the Metropolitan Opera House. We gladly entered into the enthusiasm of her people and we gloried in her success, because it meant the success of an American girl and because it afforded the people in the great city of New York an opportunity to hear her, and the city of New York afforded her an opportunity for a display of her talents. We welcomed another young lady from the West, Miss Marion Talley, and we rejoiced in her success. We are glad that she made good, and that the great city gave her an opportunity to make good. We also welcomed a young lady from Missouri, Miss Telva. We were keen in her success. We joined with her people in rejoicing over her achievements, and we were glad to give the wonderful music-loving population of the great city of New York and the radio population of the country an opportunity to participate in those concerts and to give these young women the emoluments that were justly theirs after long years of study.

You say that the cities control the large power stations. The cities do not put any control over the air radius; the broadcasters spend their money freely in providing interesting and instructive programs. No charge of any kind is made for the excellent services rendered.

Anyone can tune in on these programs. We do not limit them to our own State. The whole United States is welcome to hear the talent broadcast by the stations in the great city of New York. [Applause.]

Do not, then, by the passage of this bill destroy the excellent broadcasting stations developed in the large cities at great cost and expense.

The cities are willing to spend the money necessary to provide the highest type of amusement and instruction. Why take away from them allocated wave lengths and assign them to zones where, perhaps, there would be no need or demand for them? The radio has a great future. Do not attempt to circumscribe its usefulness by provincial legislation. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CLANCY. Mr. Chairman, I yield to myself the balance of my time.

Mr. Chairman, I favor that portion of this bill which extends the life of the Federal Radio Commission another year, but I am strongly opposed to section 4 of this bill, which provides for

an equal allocation to each of the five zones of broadcasting licenses, of wave lengths, and of station power.

It is true that the present radio situation in this country is unsatisfactory, but this drastic and destructive equal allocation provision will not remedy the situation. Moreover it certainly fearfully damages radio, and I honestly believe that the members of the Radio Commission and practically all the experts of the radio industry are correct when they say this provision will wreck radio.

The present law is sufficient to work out satisfactory relief to the third zone which is making practically all the complaint. The present law provides for a distribution which will "give fair, efficient, and equitable radio service to each" of the zones. What words could be stronger or more compelling than "fair, efficient, and equitable"?

I was opposed to this fourth section from the very beginning. I pointed out to members of the committee defects which were most startling and most dangerous. After the bill was reported I asked for executive sessions of the committee to continue consideration of this vicious section.

FURTHER CONSIDERATION MADE NECESSARY

The distinguished chairman of our committee, Mr. WHITE of Maine, was most courteous in granting my request for executive sessions and we held four of them on this section after it was reported to the House. The committee then realized that the section considered only States and omitted the District of Columbia, Territories, and possessions of the United States. Therefore, unless amended, the section would have disfranchised over a million American citizens living in the District of Columbia, Territories, and possessions, of their radio rights. It also would have junked and destroyed the radio stations in Washington, the Territories, and possessions, and these amount to a large investment.

This plain injustice only serves to show the slipshod manner and inconsiderate treatment which the committee has given this tremendously important matter.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. CLANCY. I regret I can not yield.

Mr. McKEOWN. The District of Columbia was omitted in the original act.

AREA AS A BASIS RIDICULOUS

Mr. CLANCY. Now, the bill when reported, and which you have before you at present, contained another serious defect. It provides for distribution of licenses, power, and so forth, in proportion to population and area. The word "area" constituted the defect and damaging principle. The aim was to use vast areas practically uninhabitable as a partial basis of awarding licenses. Such areas would include Death Valley, the deserts of Arizona and New Mexico, the "bad lands" of the Northwestern States, the Rocky Mountains, and even the 600,000 square miles of Alaska as a partial basis of awarding service to human beings.

It was a new and startling method of allocating, something novel in political theory and science. After three sessions the committee, realizing that according to the rules of the House it could not get back into committee this absurd section, agreed to submit to the House after the debate a committee amendment correcting the two monstrous defects, and undoubtedly at the proper time our distinguished chairman will present the amendment.

But, gentlemen, remember that if I had not asked for executive sessions and insisted upon some sort of reconsideration, the committee would have asked you to accept this wild and fantastic amendment uncorrected. And remember that the favorable report which accompanied the bill to the floor painted this vicious section in rosy colors and did not warn you of its startling defects.

SUBCOMMITTEE REPORT IS REJECTED

These defects are only two evidences of the hasty and careless manner in which this section has been drawn and presented. The committee's subcommittee on radio, of which Mr. ROWBOTTOM, of Indiana, was chairman, originally reported against this fourth section and said it should not be included in the bill, but in spite of that the committee went ahead and incorporated the section.

Another startling feature in the legislative history of this section is that there were no hearings on it. The committee did have some general hearings, on radio, but not on the subject of equal allocation of licenses, wave lengths, and station power.

NO HEARINGS IS UNJUST

Equal allocation is a radical departure from the purpose of the present law. It dramatically and completely changes the present law, and yet there were no hearings on it. I demanded hearings after the subcommittee report on radio was rejected, but was told I could not have them.

I did not then fully understand what disaster the section in question would work to radio, and the great majority of the members of the committee were just as ignorant on the probable effect as I was. But since then I have learned a great deal more of the iniquity in this section.

Now, I maintain that it was a plain injustice to the committee and to the House not to have hearings and get the testimony of experts on the effect of equal allocation. No member of a committee should be expected to vote on such a tremendously important question without being given a chance to get all available information on the subject.

It is also an injustice to the membership of the House that they can not get any printed hearings on the highly technical question of "equal allocation." For the past few days a newspaper controversy has raged on this subject, but the information gained thereby is not so reliable or so complete as that gained by calm, orderly hearings, with an opportunity for cross-examination of experts.

I have been told by scores of Members that they do not satisfactorily understand the radio controversy in general and this section in particular. There were very few Members in the House listening to the debate Saturday afternoon.

The only safe course to pursue when not fully understanding a radical change in the basic law affecting an important industry, as is the case on this section, must be to vote against it, and give time for further consideration for hearings. Then a law can be drawn up which will be the result of due and mature consideration. I want to make it very clear that I understand there were general hearings on the subject of radio but it is also true that no hearings were held on this section 4 and what its language would do to the radio industry. I maintain our committee membership, and therefore the House, did not get hearings with the testimony of radio experts explaining just what equal allocation of licenses, wave lengths, and station power for 90 days would do to radio.

Now, I also maintain it was unfair and unjust to the radio industry as a whole not to have hearings so that the American citizens, who have millions of dollars invested in stations and in receiving instruments, could give their opinion. Radio after all belongs to the people as a whole, and they are entitled to be heard.

Certainly also the Federal radio commissioners should have been allowed to tell how unworkable this proposed law would be. They are the ones who will have to bear the burden of the grief and anxiety of trying to enforce a bad law.

GENERAL SHAKE-UP AND SHAKE-DOWN EVERY 90 DAYS

I don't believe many of our committee realized that this law provides and makes it mandatory, too, that there shall be a general drastic shake-up of the entire radio industry every 90 days, for none of these broadcasting licenses are good for more than 90 days.

I think the House in general will be startled to learn that this section provides that there shall be an equal allocation every 90 days of licenses, wave lengths, and power. There can not be any fooling about it. The commission must get at it and whittle down some zones and build up at least one zone so that there are an equal number of licenses, and so forth, in each zone.

Every 90 days the whole mess is thrown on the table of the Federal radio commissioners and they arbitrarily, numerically, mechanically, and mathematically begin to cut and hack.

If a station goes out of business in any zone, if it goes bankrupt or is burned down, then a station or stations must be put out of business in each of the four other zones so that there is an equal allocation of licenses, wave lengths, and of station power.

This section compels just that or it does not compel anything. Can you contemplate anything more monstrous than that, anything more unjust, more unfair to American business men and the great common people who want to hear from certain stations?

CAN NOT HAVE EQUAL NUMBER OF LICENSES

Now, consider another weird provision in this section. It calls for an equal allocation to each zone of licenses, wave lengths, and of station power. Now, here is where this section so hastily drawn piles up too much language. If it had only called for an equal allocation of wave lengths and of station power, the commission might have worked out something satisfactory and complied fairly well with the wording of the section.

But when you say the number of licenses also must be equal in the five zones, then you include a mathematical and mechanical impossibility, for you all know that each station does not ask for the same power, for the same number of watts—one may want 500 watts and another may need 1,000 watts, and again two licenses may share the same wave length.

Mr. O'CONNELL. Mr. Chairman, will the gentleman yield?
Mr. CLANCY. Yes.
Mr. O'CONNELL. If the bill is as rotten as that, why should it be before us at all?
Mr. CLANCY. I will say to the gentleman that the committee, the majority of the committee, were rather ashamed of the way this measure came out, and they would just as lief have it forgotten.

WHY NOT EQUALLY ALLOCATE ALL INDUSTRIES?

Now, gentlemen, if this wonderful principle of "equal allocation" is going to be a panacea for radio and treat all zones of the country fairly, why not try it on other industries? Why not use its marvelous healing powers more generally?

Everybody knows that industries, means of communication and transportation, and Government services are more centered in the North and East and Middle West than they are in the southern and far western sections of the country.

If the proponents of this section are logical and sincere, they will present a bill to force the Interstate Commerce Commission to divide up the railroads of the country into the five zones, and they should do it every 90 days.

They will also present a bill to force the Federal Trade Commission to arbitrarily divide up the Western Union and Postal Telegraph Cos. into five equal zones and every 90 days, and particularly they must do that to the moving-picture industry and to the newspaper industry, for the movies and the newspapers influence people and may be suspected of propaganda. They also advertise American products and sell American goods and help American industry and promote American prosperity.

Why not zone the newspapers, big and little, and particularly cut down the circulation of the great newspapers of New York City, Chicago, Pittsburgh, Detroit, and other large cities? If they domicile in the big cities, surely they must be wicked and un-American.

NO DISCRIMINATION AGAINST SOUTH

Now, gentlemen, I certainly have no desire to discriminate against the South in the distribution of radio, and I do not believe there is any member of our committee who wants to discriminate against the South in radio or in any other respect. In fact, one or two of the southern members of our committee have been kind enough to say that the committee as a whole wants to help them solve their radio problem.

I do not have much faith in the statements that the Federal Radio Commission has discriminated against the South. I can quote the best authority in the country on that question, and that man is Commissioner E. O. Sykes, of Mississippi, who is acting chairman of the Federal Radio Commission. He represents the southern zone on the commission, and he says flatly in a recent letter to Senator KENNETH MCKELLAR, of Tennessee:

WHAT THE SOUTHERN COMMISSIONER SAYS

There is no discrimination against our section by the Federal Radio Commission; on the contrary, I find the other members quite sympathetic with our needs, and believe that my recommendations, or practically all of them, for increases in power will be granted.

Mr. DAVIS. Will the gentleman yield?
Mr. CLANCY. Yes.
Mr. DAVIS. The fact that he takes that position in the face of the record which his commission has filed with the committee shows that the people can not rely upon him to protect their interests unless we give specific direction to that effect.

Mr. CLANCY. I will say to the gentleman from Tennessee that if he wishes to impeach Judge Sykes, then he must impeach Senator HUBERT STEPHENS and Senator PAT HARRISON, who recommended him and who had him reconfirmed. He must impeach every southern Senator who was willing and anxious to have him confirmed. He must impeach Mr. ABERNETHY, who indorsed Judge Sykes on Saturday, and he must impeach the two gentlemen from Mississippi, whose constituent he formerly was, Mr. RANKIN and Mr. COLLIER, and he must criticize Mr. BLAND, of Virginia, who praised Sykes.

Now, who is Commissioner Sykes? He was a justice of the State Supreme Court of Mississippi for nine years, and is now 52 years old. He comes from an ancient English Cavalier family which settled in Virginia in the early colonial days, and gained the distinction of being an F. F. V. His grandfather was killed in the Civil War by General Grant's men at the Battle of Fort Donelson. He was fighting on the southern side. So was the father of Commissioner Sykes in the Civil War, and he was wounded three times in action.

Now, that is the kind of southern stock that Judge Sykes comes from. He was appointed to the Federal Radio Commission through Senators HUBERT STEPHENS and PAT HARRISON. The gentleman from Virginia [Mr. BLAND] paid him a personal tribute here on Saturday, and other distinguished southerners did also.

Recently he was confirmed with the assistance and consent of all the southern Senators. He enjoys the honor and distinction of being the only member of the commission who has been confirmed, and he has been on the commission since it was formed. He appeared before our committee for several days and I am sure he impressed practically all our members as a fair, honorable, intelligent, and patriotic man.

ARE SOUTHERN MEMBERS OF CONGRESS TRAITORS

Yet he has been roundly abused as a traitor to his zone and to the Southland by an unscrupulous broadcaster in Louisiana, but if Commissioner Sykes is a traitor to the Southland it naturally follows that our colleagues here and in the Senate who believe in Sykes are wrong.

Judge Sykes has also been criticized as a "me-too" man who did not stand boldly for the South and as one who was dominated by another member of the commission, but as a matter of fact Judge Sykes has often opposed this very commissioner; and as a trained judge and a man of strong convictions he is not a "me-too" man, and was never known as such during his nine years on the Mississippi bench.

Now, he says further in his letter of February 28, 1928, to Senator MCKELLAR, and which is printed in the CONGRESSIONAL RECORD of March 7, 1928, on page 4351:

With reference more particularly to the third or southern zone, the Federal Radio Commission during its existence has increased the power of a great many stations in this zone, and has a number of applications for increase in power, which I have recommended, and which I think will be granted just as soon as a majority of the commission has been confirmed by the Senate.

Our people in the South, because of lack of large cities, financial backing, etc., have not been in a position to ask for very great increases in power. For instance, the most powerful stations we have at the present time have only 5,000 watts. These stations are satisfied with that power. I have personally taken the matter up with a number of good stations in the South, and recommended to them that they request increases in power in order to serve our part of the country, and have gotten some responses to this appeal.

PICKARD IS NO COWARD

I have heard Members on this floor denounce the members of the Radio Commission, and yet my investigations, particularly of Judge Sykes and Commissioner Pickard convince me they are able, fair-minded, and honorable men. I was informed that Commissioner Pickard has been called a coward in the Halls of Congress.

Why, gentlemen, he gained a great reputation as a hero in the World War, and he is the last man in the world to deserve the epithet of "coward." He flew his airplane across the German lines and was wounded in battle within the enemy lines. He is dearly beloved by many of the leaders of the American Legion and widely respected as a brave, brainy man. These men of the American Legion particularly resent the unbridled abuse that is being heaped on Commissioner Pickard. He could swing them into action for him with telling results, but he has been too modest and too much a gentleman to answer the attacks so unfairly made on him.

Give the Radio Commission a fair, fighting chance. Do not hamper them further with this absurd legislation, and they will make good.

Radio is too precious a gift to mankind to be toyed with by new legislation of this character. I have seen it grow from the very humblest beginnings.

RADIO PRECIOUS AND GROWING

About 25 years ago, according to my recollection, I remember advising with a friend of mine, Robert Oakman, a prominent citizen of Detroit, to get financial aid for a struggling inventor who was working on radio. We went to John F. Dodge, the multimillionaire automobile manufacturer and former partner of Henry Ford, and Dodge gave the inventor $2,500 to buy food and the necessities of life while he worked on radio, and promised him more if necessary. The result was the first radio in Detroit, Clark's wireless, as I recall it.

Detroit was also the first city in the country to have the vision and the public spirit to establish a regular broadcasting service and that was done by the Detroit News. This newspaper hired a whole symphony orchestra to delight the farmer and the far-distant citizen who had never, in many cases, heard a symphony orchestra.

So you can see from these instances of the hungry inventor and the first American broadcasting service that radio has come up like all great American industries and all grand blessings to

mankind, through hunger and suffering and service and benevolence and enterprise.

In Heaven's name do not injure or wreck radio while in the throes of a legislative brainstorm.

I stood on the floor of this House four years ago when the appropriation for the United States air mail was knocked out, and it could only have been done because the Members did not understand aviation. But now we have had the investigations of Col. William Mitchell; we have had Lindbergh's flights, and there is not a Member who dares now to talk against commercial aviation. The United States air mail was assassinated on the floor of this House, and that was the service in which Lindbergh was trained. When Lindbergh was here the other day, in hiding for two nights after he had flown here through the night from St. Louis, he told about his approach to the city of Washington. He said that when he came within sight of Washington a great light lighted up the sky. He wondered whether it was Washington. It was red, it turned green, and then it turned yellow, and he finally realized it was the morning star. He said it was beautiful and was mysterious. Then I took some satisfaction in the fact that if I had not fought, to the best of my ability, for the United States Air Mail Service—and I was assisted in that fight by the gentleman from Tennessee [Mr. BYRNS]—probably we would not have had any Lindbergh. And radio is as beautiful and mysterious and as full of hope to struggling humanity and a darkened world as the morning star!

Now, in God's name, give radio a chance. Give it a chance to develop its Lindberghs. Do not take this hasty and ill-considered action.

A WILD DEPARTURE

This amendment is a radical departure from the purpose of the present law. Congress, by the language in the present law, undertook to insure, as far as possible, equitable radio service to the listening public in every section of the country. The right to operate a broadcasting station depended on the wishes of the listening public.

The amendment asserts an entirely different theory as a basis for granting a broadcast license. The proposed amendment requires that each zone shall have an equal number of stations, an equal amount of power, and an equal number of waves or channels. The citizens of each zone have no choice. They must take these stations, power, and waves, and the power of each of the zones must be equalized every 90 days, which is the license period specified by this amendment. The unavoidable result will be that the uniform number of stations, power, and waves will be controlled by the zone having the least number of stations, power, and waves. It can not be otherwise because the law will require an equality, and there is nothing in the law which permits the forcing of an increase in number of stations or the power to be used. The number can be decreased or power decreased but not increased. This means that four of the five zones must be cut in stations and power.

CHARGE AGAINST PUBLIC INTEREST

The desires or the will of the listening public in any zone is not a factor to be considered in determining the number of broadcast stations they shall have. The ability to obtain acceptable material for a continuous broadcast program is not a factor which can be considered. Each zone must have an equality of stations, power, and waves. The question now before Congress is not hard to understand. If the listening public is more anxious to have a broadcasting station located in their community than it is in the character of program it receives, then they should favor the amendment, because it provides for equal number of stations; but if the public is more anxious to have a variety of good programs from stations capable of getting material and talent to make a good program, then the public should oppose this amendment. They must choose, because they can not have both if this amendment becomes a law.

ONE-THIRD OF THE PEOPLE LOSE RADIO

Members of Congress who favor this amendment will argue that it gives to each section of the country an equality of stations, power, and waves and such an arrangement will not interfere with the reception of distant stations. All it will do is to cut down the number of the distant stations in order that you may have your own local radio stations, the same as the people in the larger centers. This sounds attractive, but not a single Congressman who takes this position ever operated a broadcasting station in his life, knows comparatively little of the practical side of broadcasting, and his promise is the mere guess and hope of an uninformed person as to what will happen if his scheme is tried. On the other side, you have the radio engineer and operators of stations who have had years of practical experience, who state that the amendment will not produce any of the results claimed by the proponents. They insist that the amendment requiring an equal distribution of stations, power, and waves will destroy all radio receptions for at least one-third of all the people who now own receiving sets and will prevent 50 per cent of the entire population of the country from receiving any station more than 75 miles away from their homes. Figure out how many stations you now receive which are located more than 75 miles from your home and you have the answer to what the proposed amendment will do to your radio reception.

CONGRESS PARTLY TO BLAME

Members of Congress who favor this amendment are pointing to the present condition of radio as an argument why Congress should do something to improve it, but they fail to tell you that the radio chaos of 1926 and 1927 was caused by a mistake which Congress made in the radio law of 1912. They also fail or deliberately refuse to tell you that the present bad condition was at least partially caused by another mistake of Congress in creating a Federal Radio Commission and then failing to give them any help or money to employ the necessary help and that the members of the commission have been working without salary.

Someone said that two wrongs never make a right, and one might inquire from Congress how three mistakes can improve two mistakes. This amendment was inserted without any advice from experts or hearings to determine what it would do, and this amendment was the product of unadulterated wishes and not wisdom.

BIG STATIONS INJURED

The proponents of the amendment assert that it will diminish the power and the number of stations in certain sections, such as New York, Chicago, and so forth. They positively assert that it will cut the power of KDKA at Pittsburgh; WEAF at New York; WJZ at Bound Brook, N. J.; WGN at Chicago; WOR at Newark; and many other outstanding stations who have millions of listeners. The Federal Radio Commission gets more complaints from listeners if KDKA of Pittsburgh does not come through clear than from any other station.

This means that millions of people throughout the country will not be able to get any of the larger stations which may have been their favorities. It means that millions of listeners who have enjoyed the remarkable talent of Chicago, New York, and the other large cities must give up this luxury and accept the local talent of their respective communities. Congress is about to legislate that millions of listeners can not in the future have the programs from Chicago, New York, and so forth. Because they are bad? No; just because a few Members of Congress feel they are doing a great public service by giving to each section of the country exactly the same number of broadcasting stations.

Many of these sections have always had the opportunity to get and have a broadcasting station, but they do not want one because they prefer to get their entertainment from a large city where there is an abundance of talent. They prefer to go to the theaters in New York, Chicago, Cincinnati, and so forth. They prefer to listen to the remarkable metropolitan orchestras led by such peerless musicians as Walter Damrosch, and so forth. But Congress says, "No; hereafter you must build your own theaters; you must import into your own communities the metropolitan orchestras."

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. WHITE of Maine. Mr. Chairman, may I inquire as to the time remaining?

The CHAIRMAN. All time has expired except that assigned to the gentleman from Maine, who has 25 minutes remaining.

Mr. WHITE of Maine. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I join with the last speaker in giving assurance to the House and to the committee that some of the Members of the House have little knowledge of existing law, have little knowledge of the present situation with respect to radio; that they know little of the hearings that took place in the committee; that they know little of the purpose or of the effect of this amendment, but I deny that is true generally of our committee members. At this time I state to you men, members of this committee, there were hearings held. They occupied 12 days of time and they are represented here in this volume [indicating], and a very substantial portion of the time of the 12 days was devoted to the consideration of the particular matter now engaging the attention of the House.

Mr. CLANCY. Will the gentleman yield?

Mr. WHITE of Maine. No; I beg the gentleman's pardon. I have much to say, or at least I think I have, and I want to go on in my own time.

Now, may it please the members of the committee, I want in the first instance to tell you something of the matters other than this amendment of section 9 that are in this legislation.

This is a Senate bill. It involves in the first instance an extension of the original jurisdiction of this commission for one year's time. The original act, the existing law of 1927, gave the Radio Commission original jurisdiction for one year, and thereafter made of it an appellate body only. The first section of this bill extends that original jurisdiction for one year from the 16th of this month.

The second section of the Senate bill provides, it seems to me, in an entirely logical way, for the salaries of these members for the additional year.

The third section of the Senate bill sought to change the tenure of office of these commissioners fixed by the original law at two years, three years, four years, and so forth; and to provide that the existing commissioners should have a tenure of but a single year and that at the end of that year the commissioners then appointed should have their terms of office fixed as by existing law. The House committee was against this suggestion, believing it to be aimed primarily at the present members of the commission, believing also that if these commissioners were improper persons to perform the duties of this office the remedy of the other body was by a rejection of their nomination and not by this change in the tenure of office.

The fourth section of the bill is the amendment which now engages your thought.

There has been much misapprehension as to what the terms of existing law are. There has been reference to this law as providing that there shall be equitable service throughout the different sections of the country, and this is the only thing you have heard said about existing law; but this is not all there is in the present law.

The particular section of the law which we seek here to amend has in it three principles, and first and dominant, I should say, is the principle of equitable service. But equitable service to whom?

Why, gentlemen, read the language of the law, and it is perfectly obvious that this equitable service is not to the people of one section of this country alone, but it is all the States and all the communities of this country. [Applause.]

How is this to be brought about? Gentlemen, the very letter of the law points out how this equitable service is to be attained. It is to be accomplished by a distribution of licenses, of stations, of wave lengths, and of power among the different States and the communities thereof; it is to be brought about—get this—by a distribution among the States and among the communities thereof. This is the way this equitable distribution was to be brought about.

Now, gentlemen, has this been done? Let me point out to you the situation which confronts the country and which was in the minds of the members of this committee when we undertook to legislate or to recommend legislation upon this subject.

Mr. TUCKER. This distribution is by the commission?

Mr. WHITE of Maine. The distribution is by the commission.

Let me take this up in three or four different ways.

Take it in its general aspect and see what you have with respect to an equitable distribution among the States and communities thereof. The law set up five zones. Those zones are almost equal in population. What do you find when you analyze the figures? Here is the third zone, comprising, I may say, the Southern States of this Nation, extending from North Carolina down along the Atlantic seaboard, following the Gulf and taking in the great empire State of Texas, with a population of almost 25,000,000 people, and we find they have the smallest number of stations allocated to any of the zones. If you look at it in terms of power, that zone, with 23.14 per cent of the population of the United States, has less than 8 per cent of the power allocated to the United States. First in population, least in number of stations, with less than 8 per cent of power allocated to the people of the rest of the United States! Who can say with respect to this situation that there is an equitable distribution among the States and among the communities of this Nation? [Applause.]

Take the fifth zone; that is the zone that takes in the great Rocky Mountain area. It takes in the Pacific coast and has an area approximately of 1,775,000 square miles. With approximately one-half of the whole United States in area, it only has 10.2 per cent of the power allocated within the United States. That vast empire stretching from the eastern foothills of the Rocky Mountains through to the coast, taking in the Territory of Alaska, taking in the Hawaiian Islands, has half the area of the United States, and only 10 per cent of the power allocated within the United States.

Take my own first zone. In area it has less than one twenty-fifth of the area of this fifth zone, and it has 36 per cent of all the power allocated within the United States. Then talk to me about equal distribution among the States and communities thereof. [Applause.]

Take the first zone again and see what exists with respect to it and other parts of the country. All New England with 1,000,000 more people than the State of Illinois has 26 less stations than the single State of Illinois, and only a little more than one-third of the power of that single State. New England with a million more population than the entire State of Illinois has less stations within her territory than are allocated to the city of Chicago alone. And you talk to me about equal distribution. [Applause.]

Within the first zone what do we find? Taking the State of New York alone—and I am speaking only of the first zone—the State of New York alone in the first zone has 72 per cent of power of that zone while the adjoining State of Connecticut has one-tenth of 1 per cent of the power—72 per cent in New York, and one-tenth of 1 per cent for Connecticut. Talk to me about equal distribution. [Applause.]

Go to the second zone and what do you find? Take Kentucky, with one-third the population of the State of Pennsylvania. It has one-fifteenth the number of stations of Pennsylvania, and there has been accorded to it one-fiftieth of the power accorded to the State of Pennsylvania.

Take West Virginia, with one-sixth of the population of the State of Pennsylvania, and it has one-fifteenth of the number of stations accorded Pennsylvania, and has one one-hundred-and-fiftieth of the power allocated to the State of Pennsylvania. The State of Pennsylvania, speaking in terms of power has substantially the same power accorded to it that is given the entire fifth zone.

Go to the next zone. Take Indiana for illustration. With 500,000 more population than Iowa, it has seven less stations than Iowa and one-quarter of the power.

I see the gentleman from Wisconsin before me. The State of Wisconsin, with one-third of the population of the State of Illinois, has one-fourteenth of the power accorded to the State of Illinois. It has not a single station in excess of 1,000 watts, while Illinois has 13 stations with 1,000 watts or more. I ask the gentleman from Wisconsin if he considers that an equitable distribution among the States?

Take Kansas, with 500,000 more population than Nebraska and one-half the number of stations that Nebraska has, and I ask the committee if they call that an equitable distribution. I do not.

Go to the southern zone and what do you find? Here is the State of Georgia with approximately 3,000,000 people, with five stations with 1,950-watt power, while the State of New Jersey—and this may explain in some measure the attitude of some of those who may hereafter speak—with only about 260,000 more people, has 21 stations with over 17,000-watt power.

South Carolina, with slightly less population than Kansas, has a single station of 75-watt power, while Kansas has eight times as many stations and eight times the volume of power. Why, my friends, do you know what an analysis of this thing shows? It shows that 10 Southern States, excluding the State of Texas, with over three times the population of Illinois, have but one more station than the single State of Illinois and are privileged to use only one-third of the watt power of that single State. These 10 Southern States, still excluding the State of Texas from consideration, have but a single station with 1,000-watt power or more, while the State of Illinois has 13 such stations, and there has been granted another there with 50,000-watt power.

Mississippi with 500,000 more people than Nebraska has a total of 250-watt power, while Nebraska has seventeen times that number of stations, and about twenty-nine times the power allocated to it.

Mr. QUIN. How many stations are there in Mississippi?

Mr. WHITE of Maine. One! North Carolina, South Carolina, and Georgia, with approximately 8,000,000 people, have the same number of stations that the small State of Rhode Island has, with 600,000 people. The same privilege is accorded to 600,000 people in the State of Rhode Island that is meted out to 8,000,000 people in North and South Carolina and Georgia. I might multiply these illustrations almost indefinitely.

Compare the fifth zone, which has half the area of the whole United States, and the fourth zone. This single zone has almost three times the area of the fourth zone, but that fourth zone has 84 more stations than the fifth zone, and 103,000 watts more power allocated to it. The fifth zone is fourteen or fifteen times larger in area than the first zone, but it has seven less stations than the first zone, and between

a third and a quarter of the power allocated to it. I wish I had time to tell you something about the high-powered stations within the United States. There are in the United States 43 stations with 5,000 watt power and over, and in this entire southern zone of almost 25,000,000 people there are just 3 of these 5,000 watt stations. Three out of 43, and again excluding the State of Texas, there are in these 10 Southern States, with 20,000,000 people, but a single 5,000-watt station—1 out of 43—while in the single State of Illinois there are 11 of these stations of 5,000 watts or over. And they talk to me about equitable distribution and equity and justice in the management of this situation. [Applause.]

I do not like to talk and rave about monopolies, but there are some significant things to be observed. Take the city of New York. I do not know that I particularly blame the membership from New York City for being here, but what is the fact? There are allocated to the stations in New York City, if we charge to this city those stations which have their studios there, in round numbers, twice the power allocated to the great southern zone of 11 States. There is allocated to that city alone almost 37,000 watts more of power than to that great fifth zone, comprising half of the United States.

Mr. BLOOM. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Maine. No. And if you go into it further, getting down to individual stations, what do you find? Here are 12 stations owned by the General Electric, the Westinghouse, the Radio Corporation of America, and the National Broadcasting Co. which, speaking in terms of radio, constitute a single interest, and there are allocated to this interest 215,000 watts power, which is one-third of all of the power throughout the United States, one-third of all of the power allocated to, roughly, 675 other stations. Talk to me about equity under this existing situation! [Applause.]

That is the situation brought to the knowledge of your committee. And what were we to do about it? This amendment is the answer of your committee to this inequality, to this injustice. Where did this amendment spring from? What was the inspiration of the amendment? The chairman of the Federal Radio Commission, the only lawyer appointed, the only member confirmed, suggested to us that the proper construction of the law was that there should be a pro rata quota among the States, and if that is not precisely what we have undertaken to do among the zones, then I do not know what language means. [Applause.] We have provided for the zones of this country an equal division of stations and power and wave lengths. We have stopped there and then have provided that within these zones there may be the exercise of discretion, that other elements may be taken into account, and that there shall be a fair and equitable distribution according to population. On that amendment I stand, and to that amendment I give my cordial support. [Applause.]

What is back of the opposition to this amendment? Strip it of everything, look at it in all its hideous nakedness, and this is a fight by those who are in to stay in. This is an assertion on the part of those who oppose this amendment that they have vested rights. They are asserting a right above the obligation of this Congress to legislate in behalf of the whole United States. [Applause.] They are asserting the right to hold that which they first acquired. They are seeking to foreclose by their opposition to this amendment the future of this great southern zone, and they are seeking to foreclose the future of this great section of our country lying to the west.

My friends, let me tell you that if you have only a local viewpoint, if your ears are attuned only to the call of selfishness, if you subscribe to the doctrine that any station has rights superior to the authority of this Government, if you are indifferent to inequality and injustice, if you can see a part only instead of the whole United States, you will be opposed to this amendment; but if you see this Nation as a whole, if you visualize the American people as one people, and if you think of this United States of ours as a Union of sovereign and equal States, then you will support this amendment. [Applause.] That is the conception that I urge upon you, for which I ask your loyalty, and in behalf of which I plead for your votes. [Applause.]

The CHAIRMAN. The general debate is exhausted. The Clerk will read the bill for amendment.

Mr. LEHLBACH. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. LEHLBACH. I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from New Jersey makes the point of order that there is no quorum present. [After counting.] One hundred and ninety gentleman are present. A quorum is present in the Committee of the Whole. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That all the powers and authority vested in the Federal Radio Commission by the radio act of 1927, approved February 23, 1927, shall continue to be vested in and exercised by the commission until March 16, 1929; and wherever any reference is made in such act to the period of one year after the first meeting of the commission, such reference shall be held to mean the period of two years after the first meeting of the commission.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. LAGUARDIA. Mr. Chairman, if I came from a State that fared as badly as some of the States outside of the zone in which my State is located, I would fight like a demon to get the rights that belong to my State. [Applause.] The positions being reversed, I am ready to grant the same consideration I would expect to those States not getting a fair deal under the present conditions. [Applause.]

Mr. Chairman, it would be a calamity if the broadcasting powers were to be concentrated in one or two points in this country. We must look at this new means of communication and education as a great national necessity. [Applause.] It is simply absurd, it is ridiculous, to so construe the law as to hold that equal service means equality in ability to receive.

Why, gentlemen, what would you say if the post office were so conducted that some of the States could receive all the mail they wanted from New York and other large centers, but would not have sufficient means and facilities of sending mail to other parts of the country? [Applause.]

I want to take exception to the statement put into the RECORD by my colleague from New York [Mr. CELLER] intimating or suggesting that any individual or company may acquire the right to a monopoly of the air. There is no such thing as a vested right in broadcasting, no matter how great the investment or how many years a company may have operated. Let the RECORD show clearly that in passing the act of 1927 and in considering the bill now before the House it is the clear, unequivocal intent of Congress that no one operating under a temporary license acquires any permanent rights for the future. The ownership and right to the use of the air is vested in the people, and individuals or private companies may use the air only under license from the Government. I do not see why my colleagues from New York City take the position that they do. Permit me to say to my colleagues coming from the great city of New York at this time——

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield there? Does not the gentleman know that I am with him in this matter?

Mr. LAGUARDIA. I know the gentleman is with me.

Let me say to the majority of the Representatives from New York, my colleagues, coming from the great Democratic Party of New York, when the eyes of the country are directed to the leadership of their party in that State, that if instead of assuming a narrow, provincial, and selfish position, you would display a broad, generous, national attitude toward the other States, you would be doing more for that leadership of your party. [Applause.]

This is a national question. This great means of communication, of exchanging thought, gives the control to whoever controls the broadcasting powers to mold public opinion; and I submit, Mr. Chairman, that the generous people, the country-loving people of the city of New York, understand the situation. They are as anxious to tune in and hear the thought and the viewpoint of the South and West and Middle West as they are to hear themselves and their own sectional viewpoint. I believe that the amendment that has been so criticized is not only timely but it is absolutely necessary. It is in proper parliamentary form, and it finds itself properly on the bill before us. I shall support this amendment, assuming full responsibility for what I do, because the people whom I have the honor to represent in New York City are always willing to give a fair, square deal to their fellow countrymen in other parts of the United States. [Applause.]

Mr. CELLER. Mr. Chairman, I yield to the gentleman from Mississippi [Mr. QUIN] five minutes.

The CHAIRMAN. The gentleman from Mississippi is recognized for five minutes.

Mr. QUIN. Mr. Chairman and gentlemen, the gentleman from Maine [Mr. WHITE] gave facts and figures to this House which certainly entitle his amendment to the very highest

degree of careful, legitimate, intelligent consideration. We have in this country monopolies. Everyone who runs for the United States Senate or who is a candidate to be a Member of the House of Representatives always asserts that he is against combines, trusts, and monopolies.

The trusts, despite all this talk, have been growing and growing, until to-day they dominate practically every legitimate line of industry in this Republic. Within the last few years there have been important inventions which have become necessities of human existence in this Republic. Monopolizing these industries has been not only a profitable pastime, but it has been considered a legitimate business. The power that God placed in the water of the earth has been monopolized, until there is a great giant to-day straddling this Republic, with one foot upon the Atlantic and one foot on the Pacific, and to-day his face is turned toward the South for the purpose of capturing the control of the air. The water power has already been monopolized; and we find, after the short time that the radio has been invented, that a monopoly exists and is paramount in this Republic.

Do not misunderstand that the radio is a necessity. The transmission of beautiful programs of music and the transmission of every line of intelligence by radio is now a household necessity. The poor man can sit back in his little cottage or in his little log cabin and listen to the finest music that is produced; he can listen to the most charming voices; he can listen to the finest instrumental music and to the greatest orators of the world. Are we going to sit idly by and let this radio monopoly, composed of a few giant corporations, with their watered stocks, rob these poor people, the unfortunates of this Republic, of their real chance to hear all of these fine things over the radio? [Applause.] Yet that is what is being done to-day.

According to the table submitted, the State of Mississippi, which I have the honor to come from, has one little, insignificant station with only 250 watts. [Laughter and applause.] Can you conceive of such an injustice? Can you conceive that a great State, with 2,000,000 people, with this radio monopoly controlling, as it does to-day, has but one little station of 250 watts? And they seem to even be jealous of that, and they have influence somewhere to keep anything from being done by the commission.

I want to say, gentlemen, that in my judgment, if this amendment is killed to-day, this Congress would do a good day's business to kill the entire bill and put the Radio Commission out of business. [Applause.] The people of the United States then might get a law through Congress that would give justice and there would be an equitable distribution of radio power and wave lengths to all the States according to their population. It matters not to me if it is a State in the southwest portion of this Republic with only 100,000 people—they are entitled to their pro rata share of the air the same as the greatest city of this Republic.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. QUIN. Mr. Chairman, I would love to go on for five minutes more.

The CHAIRMAN. The gentleman from Mississippi would love to go on for five additional minutes. Is there objection?

There was no objection.

Mr. QUIN. I thank you, gentlemen. These gentlemen who are fortunate enough to come from the large centers, like New York and Chicago, I am sure will do the clean thing and vote that this amendment shall be adopted in order that all the States of this Union shall receive their just pro rata share under this legislation.

The air was presumed to be free. You have always heard that God gave us free air. The air belongs to all the people, but, lo and behold, a few of these great monopolistic corporations have combined to control the air.

I have never believed that you could have a commission, appointed by an honest President of the United States, that would put this in the power of a great monopoly, so that great corporations could rob all the people and secure a monopoly of the free air of this country. When you strip it of all its verbiage that is exactly what has happened.

If this Radio Commission can not control it under the law and when its chairman said he understands that equitable distribution to be what the law intends, then Congress must come with unmistakable language and make it mandatory that it shall be done. That is the only way the States and all the people of this Republic will receive what is coming to them under the legislation which we have already passed. We can not afford to sit idly by and say trust the commission to do it. I do not know why it has been that only this small amount of power and one little old station is allowed for the State of Mississippi. I can not say why it is that 10 Southern States, excluding the State of Texas, have only 8 per cent of the power, when there are only 48 States in this Union. Yet that is exactly the thing that has happened and it will continue to happen. I said that Texas was excluded, but I believe Texas is included in that lot; a great State that stretches over the southwest portion of this counry and covering as much territory as five ordinary States of this Union. As I say, I do not know why under the present operation of the Radio Commission those States are only allowed 8 per cent. And, by the way, gentlemem, one gentleman—and he is a good man, too—is on that commission from the State of Mississippi. If we did not have him on there, do you reckon we would have even that 1 station and 250 watts? [Laughter.] I trust that the gentleman on that commission from that State can at least see that we get a little more allowance of voltage than is permitted to-day.

But, gentlemen, if I lived in the city of New York or in the city of Chicago, I would vote for this amendment. I would vote to give all the people of this country and all of the States their just pro rata share of the radio power they are entitled to, as well as the voltage and number of stations. I would vote that they have that right under the law which Congress passed. The legislation is all right. There is nothing the matter with the law as it stands, but it is the determination that the commission makes, and since they have taken that attitude it is binding on the Congress to put this amendment in the law so it can not be misconstrued. These gentlemen have misconstrued what Congress intended. We know that the Congress of the United States intended to be fair, equitable, and just in making a pro rata distribution among all the States. I thank you, gentlemen. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has again expired. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. CROWTHER. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman and gentlemen of the committee, the chairman of the committee a few moments ago certainly indicted the Federal Radio Commission that endeavored to function under the last law.

This is a matter, gentlemen, that there is no need of getting unduly excited about. For the moment I thought this was a masquerade ball. I scarcely recognized the chairman, the gentleman from Maine [Mr. WHITE], disguised as a special pleader for the people and a trust buster. [Laughter.] He was indeed clever in this new rôle. There is nothing, as I say, to get unduly excited about, and the question here seems to hinge on the two words "equal" and "equitable" as regards distribution of power.

The chairman of the committee came down here and made a very forceful speech and cited existing conditions as to a preponderance of stations in some zones, how few there were in other zones, and how unfair had been the distribution of power, and then dramatically exclaimed, "Talk to me about equitable distribution!"

Then the gentleman from Mississippi [Mr. QUIN] states that there is only one broadcasting station in the State of Mississippi. Who is to blame? Is it the fault of the Radio Commission? The Radio Commission does not organize, finance, and build radio stations and allocate them to the States. They only act upon license applications when the initiative has been taken by progressive people with capital who build the stations in the various cities of the States.

The fact of the matter is, folks, those of you who have radios, and nearly everybody has one nowadays, know if you attempt to get somebody on the radio whom you wish to hear five hundred or one thousand miles away, who has perhaps written you that he was going to speak or sing at a certain hour and you have several of his friends come in to hear him, you find it is almost impossible to do so. Why? Because, in the first place, with respect to the first 200 of these stations that are listed, from 199 meters up to 217 meters, there is scarcely an instrument that is on the market to-day that you can tune one of those stations in on, unless you reside close to the station, or are within its field. Here in Washington we have a station broadcasting on 202 meters down here at Mount Vernon, WTFF—the Fellowship Forum, so called—they use 10,000 watts, and when you are within the field of a station of that kind you can hear it on almost any instrument; but if you are outside the field and the coils are not the proper size and the condensers of proper construction and capacity you can not tune in a station that is broadcasting on these very low wave lengths.

The necessity of perfect reception is what has made chain broadcasting popular. I live in a city where we have one of the pioneer stations. A school boy was asked the other day by his teacher, "How do you spell Schenectady?" He answered, "WGY." This was the easy way to spell it, and this bill is the easy way out of the difficulties that faced the committee. They incorporated this section 4, and then the chairman [Mr. WHITE] waxed eloquent in his charges of unfairness on the part of the commission, and trembled with emotion as he shook the trust bug before our eyes.

We passed the act a year ago providing for the appointment of a radio commission, but the fact is that at no time has it functioned at full capacity. Death claimed two of its ablest members, and its membership is not yet complete.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CROWTHER. I ask unanimous consent to proceed for 10 minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CROWTHER. We had 536 stations and 89 wave lengths, an average of 6 stations on each wave length; and at that time there was very little complaint throughout the country regarding interference, because by taking advantage of the geographical locations, differences in power allotment, and trading or swapping time, as it was called, they managed with 536 stations on 89 wave lengths to get along with a minimum of interference.

Then the trouble began when the Zenith Radio Co. went to court to test the authority of the Secretary of Commerce as to allocation of wave lengths, and the Government was defeated in that suit and it was declared that the Secretary of Commerce no longer had such authority.

This decision presented the necessity of a new law on the subject, because the old law was no longer able to function. In the meantime or just as soon as this decision had been rendered, there sprang up all over the country new radio stations to the number of about 250 or 260; and what did they do? They just pirated and bootlegged any wave length that they chose, because by the decision of the court, nobody had any authority to grant wave lengths and nobody could punish them for broadcasting on any frequency they chose to use.

So when this Radio Commission went in office we had probably something like 780 stations. Now, it is impossible to license more than 536, for the same conditions as to available wave lengths exist now as existed then, and radio instruments tune no sharper. Now, as then, the 10-kilocycle separation is all that is available, practically 4½ or 5 meters.

That is as close as you can get them and keep them clear and separate in receiving from distant stations.

Distant reception, notwithstanding the great improvement in radio, is after all a delusion and a snare. It is almost impossible to get more than three to five minutes of continuous good reception from a station a thousand miles away. Sometimes occasionally you can get 5 to 10 minutes of good, fair reception. Why is it? Because the interference that nature produces—static—and man-made interference—electric-light plants, steel buildings that absorb the electrical energy, the peculiar phenomenon of fading signals—all contribute to the difficulties attending good radio reception.

You are not going to help the listeners in any way by incorporating this equal distribution of power section. If the people of a given State have no desire or ambition to build radio stations, blame the State, not the Radio Commission.

Mr. McKEOWN. Will the gentleman yield?

Mr. CROWTHER. I will.

Mr. McKEOWN. The gentleman says it is nobody's fault except the States; but what does the gentleman say about the application from States for more power than have been denied?

Mr. CROWTHER. I have nothing to say about that. I have no knowledge as to how many stations have been denied. It seems to me the commission might have been able to adjust and grant requests for additional power. The addition of power to a broadcasting station does no material damage if the station is working on a wave length sufficiently separated from other stations.

Mr. McKEOWN. There have been many applications that have been denied; they have had no attention whatever.

Mr. CROWTHER. Well, you need a real commission. You have not really had a commission. It has been an unfortunate body from the very beginning. The only one alive that was finally confirmed by the Senate is Judge Sykes, a very estimable gentleman, but he did not know any more about radio than the man in the moon knew about Blackstone. He was not placed on the commission because of his knowledge of radio; he had been a judge of the supreme court of his State and is an attorney of marked ability. I think he was put on as a legal adviser. So I do not see that he can be held responsible for the failure in mathematical technique of equitable distribution of wave lengths and power.

Mr. McKEOWN. Will the gentleman yield again?

Mr. CROWTHER. Yes.

Mr. McKEOWN. If the commission can not be held responsible for not giving power to other parts of the country, why did they give additional power to these large cities?

Mr. CROWTHER. Because high-class programs come from the large cities, there is where talent congregates. The station at Tulsa, in your State, has 1,000 watts and broadcasts many of these splendid chain programs.

Mr. MacGREGOR. Will the gentleman yield?

Mr. CROWTHER. I will.

Mr. MacGREGOR. In the hearings Commissioner Caldwell said, "I feel that the South has been granted a larger percentage in proportion to the requests for power than any other section of the country."

Mr. DAVIS. Will the gentleman yield?

Mr. CROWTHER. Yes.

Mr. DAVIS. I want to say that that is absolutely untrue. We have not received as much as other sections. That statement was in the hearing, and I have put it into the RECORD.

Mr. CROWTHER. Mr. W. K. Henderson, of Shreveport, has registered many complaints because he has not been granted more power, but his chief difficulty lies in the fact that he is sandwiched between two high-powered stations—WBBM at Chicago and WTAM at Cleveland. We hear him splendidly in Washington when these other two stations are silent. It seems to me his best bet would be to swap time with one of these stations. I have heard KWKH in all parts of the West. Mr. Henderson does not run his station for profit, he does not make a dollar out of it. It is his hobby, and he runs it for his own pleasure and for the entertainment of the community where he lives and the thousands of distant listeners. There is a great deal of money invested in broadcasting stations. It costs from $10,000 to $50,000 to build a broadcasting station, and it costs $5,000 to $50,000 a year to run it, depending upon the type of programs broadcast.

Of course many have adopted advertising programs which some people object to, but still the owners feel that they have got to get at least interest on their investment. We have in the so-called chain programs the very best talent of every description that can be secured. On Sunday nights we have from 9.15 o'clock to 10.15 o'clock what is known as the Atwater-Kent hour, when either one or two Metropolitan Opera House stars sing, and some wonderful instrumental music as well. That melody is carried into the homes of the rich and poor of the country. That is the music that the constituents of my good friend Mr. QUIN, from Mississippi, listened to, and they are not estopped from hearing it because there is only one station in Mississippi. That is the real reason why they can hear it so well, in fact, because there is no interference from other stations in that great State.

Mr. DAVIS. Mr. Chairman, will the gentleman yield?

Mr. CROWTHER. Yes.

Mr. DAVIS. I am sure the distinguished gentleman from New York will concede that three 50,000-watt stations hitched to a 30,000-watt station are not needed in a chain program?

Mr. CROWTHER. But what harm do they do?

Mr. DAVIS. They do a great deal of harm. The commissioners and everyone else says that they blanket or heterodyne the balance of the country.

Mr. CROWTHER. That is not so.

Mr. DAVIS. And the stations everywhere else.

Mr. CROWTHER. Not unless they are on the same wave length.

Mr. DAVIS. Oh, the gentleman is mistaken.

Mr. CROWTHER. I am not mistaken. For years I have experimented in this work, in an amateur way to be sure, and I am quite certain as to the correctness of that statement. I say to you that the power makes absolutely no difference unless they are very close to the same wave length. A station with 50,000 watts on 400 meters would not interfere 3 miles away with a station of 50,000 watts on 300 meters.

Mr. DAVIS. But they do not need them on chain programs, do they?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CROWTHER. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

Mr. WHITE of Maine. Mr. Chairman, reserving the right to object, and I shall not object, I take this opportunity to make one suggestion to the membership of the committee. I take it that the only real controversial matter in this bill is section 4. Section 4 is the House committee amendment. It is perfectly well understood that there is to be a point of order directed against that amendment. If that point of order should prevail, the amendment goes out, and then there is no occasion to talk. On the other hand, if the point of order is not sustained, as far as I am concerned, I shall be disposed to allow the greatest latitude in the discussion of the amendment. It does seem to me that it is altogether in the interest of time and the convenience of Members if we can get to this real issue just as speedily as possible.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BLOOM. Mr. Chairman, will the gentleman yield?

Mr. CROWTHER. Yes.

Mr. BLOOM. Would there not be a remedy to what the gentleman suggests about wave lengths if they should go on to short wave lengths instead of continuing on long wave lengths?

Mr. CROWTHER. If they used what is ordinarily termed "short wave" lengths, it would require an absolute change in the type of receiver.

Mr. BLOOM. That is the matter with the manufacturers?

Mr. CROWTHER. Yes.

Mr. BLOOM. Let me tell the gentleman from New York and the committee that the manufacturers say that if we should change from the long wave length to the short wave length we would have to dispense with all of the receiving sets in use to-day. I can not understand why the manufacturers of receiving sets should be so much concerned about the public when they say that is the reason they do not want the short wave length. They seem afraid that they are going to sell too many sets. That is an attitude that I can not understand.

Mr. CROWTHER. Oh, well, the average folks all over this country are not rolling in wealth as are the constituents of the gentleman from New York, who can afford to throw away a $150 instrument and buy a new one. The fact is that the majority of the people of this country who listen to radio have made very great sacrifices to get a good radio set in their homes, and they hope not to be compelled to scrap them as a result of adopting the short waves.

Mr. BLOOM. Is it not a fact that it is more on account of the amateur operators that they do not go into the short wave lengths than anything else?

Mr. CROWTHER. No; and let me say that the amateur operators have a very definite place, and we should not take away from them what they have. Their code messages are heard around the world.

They have done wonderful work in floods, in disasters in mines, in conflagrations, and in transmitting radio messages regarding stolen cars, criminals, bank robbers, and the like. These amateurs have done a wonderful work, and I hope the band allocated to them will never be disturbed.

Mr. BLOOM. And the gentleman says that that is the reason why we should not go into the short wave lengths, when it has been conceded that the amount of short wave lengths can not be estimated, that they might run into a million.

Mr. CROWTHER. Oh, no; they do not run into a million. The gentleman must know that the short wave lengths being used now by the large broadcasting stations are, on the average, 28 meters, 46 meters, and 63 meters; and let me tell you this: If you are using a superheterodyne set where a station is broadcasting on three different wave lengths, on account of the developed harmonics, you will likely find that station at six different points on the dial. [Applause.]

Let me say to the gentleman——

Mr. BLOOM. I want to say this——

Mr. CROWTHER. Let me say to the gentleman that thousands and thousands of dollars have been spent by the manufacturers of this country in displacing the old style of condenser and building what is called the straight-line radio-frequency condenser in order that stations on the lower bands might be more easily separated.

Mr. BLOOM. Mr. Chairman, will the gentleman yield there?

Mr. CROWTHER. No; I do not yield further, because the gentleman does not understand what I am talking about. [Laughter.] I am reminded the chairman found fault because New York had 72 per cent of the power in that territory and Connecticut had few stations and very little power. But what difference does that make? Mr. Chairman, the farthest point in Connecticut is only about 100 miles from New York City, and every station in New York City is heard as well as if it were a local station in Connecticut.

Mr. ABERNETHY. Why, Connecticut, anyway? [Laughter.]

Mr. CROWTHER. Well, that is the home of my distinguished majority leader [Mr. TILSON], and I am strong for him and his State. [Laughter.] There is not another country in the world but where the listening constituency have to pay a license for owning an instrument, whereas all the programs in this country are free; and we do not have to pay a tax on the instruments, as they do in foreign countries. [Applause.]

The CHAIRMAN. The gentleman from New York's time has expired.

Mr. WHITE of Maine. Mr. Chairman, I move that the debate on this section and all amendments thereto be now closed.

The CHAIRMAN. The gentleman from Maine moves that all debate on this section and all amendments thereto be now closed. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. EDWARDS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. EDWARDS. Mr. Chairman, radio is an important and interesting subject. It is in its infancy. We marvel at this and other present-day discoveries which are startling, and we say, "It is wonderful." We ask the question, "What will man accomplish next?" Truly these things are "wonderful," and radio is one of the world's greatest discoveries. It is new in that it has been recently discovered by man, but have not the causes that produce the effects been in existence since the beginning of time? Solomon said, "There is nothing new under the sun." Wonderful things happened in his day, but back of the ingenuity of mere man he knew another force with which all things are possible and without which nothing is possible. "God moves in mysterious ways His wonders to perform," and to the highly trained and scientific mind His wonders are one by one being unlocked and revealed to mankind, and to Him we should gladly and humbly acknowledge our debt.

For centuries men had seen the lightnings play in dazzling beauty across the skies. They had wondered at its capers and its powers. One day, as if by accident, the key to the electric elements was found, and since the time Franklin felt the tingle of the electric current from a key tied at the end of a kite string man has been permitted to go deeper and deeper into this subject, until to-day the world stands in amazement as to what has been accomplished and we no longer dare say any discovery is impossible. We now have assurances from certain quarters that a fuelless motor has been invented.

Is it possible that in an age of which history holds no record, men harnessed and used the elements in a civilization that had produced even greater minds than the present age? Is it possible that in a day not recorded by historians men had harnessed the lightnings and had talked on the air from continent to continent? I think not. I think it has been given to the present age to produce these wonderful discoveries. Truly this is the most rapidly progressing civilization of which there is any record.

Measured by accomplishments, a man who has lived in the last 50 years has lived longer than a man who lived a hundred years prior to this electric age; and we are told by scientific men that we are just at the dawn of the electric age. Within my lifetime—and I am not yet quite 50—I have seen the telephone perfected. I have seen the streets of the towns and cities turned from night into day through the coming of the electric lights. I have seen the telegraph develop from an uncertain and cumbersome stage into its present swift and almost perfect use. As a lad I thought the bicycle, the buggy, and the carriage wonderful means of transportation. I have seen the small railway locomotive built into a thing of power and speed, and I have seen this land of ours girded with rails of steel over which the commerce of the country has been and is being moved to meet the needs of our civilization. I have seen the bicycle, buggy, and carriage, as well as the wagons and drays, supplanted by motor vehicles, and all so quickly that it seems like a dream.

I have seen our trails and mudholes, called roads, converted into highways over which traffic pulsates in an amazing manner. I have seen the transoceanic cables laid, traversing the deep, to carry messages of good will and of general international intercourse from continent to continent, until to-day the world is held so closely together the peoples of the earth are as one big

family. I have seen the rapid development of the small and uncertain steamship grow into the mighty ocean liners that ride the waves like palatial castles. I have seen the development of the submarine, that yet uncertain engine of brutality, nose its way into the picture. Then, too, within that time I have seen what might be termed the higher development of photography, from the tintype to the present photographs, and then I have seen that line develop into the moving pictures and the "movitone," and as if reaching almost the very impossible, I have seen it developed until, by wireless or radio, pictures are flashed through thousands of miles of space. It was as yesterday I stood, with doubting thousands, and witnessed the trial flight made by the Wright brothers at Fort Myer, just outside of Washington, and well do I remember the indescribable feeling that came over me as I saw a man rise in his plane on that occasion and fly away like a bird. I have seen that idea developed until to-day the skies are full of machines and flights have been made across the Atlantic and around the world.

I served in the House with Congressman Lindbergh, father of our beloved world-famed hero, Colonel Lindbergh, and I knew this hero when he was a mere lad, with no more promise, apparently, than any of his fellows; yet, I have seen him leap from obscurity, through skill and daring, to a place that is all his own in the hearts and admiration not only of his fellow countrymen but of the world. I have seen the advent of wireless, the talking machine, and I have witnessed the development of type and adding machines until they are almost human in the things they accomplish; and in my time, among many other marvelous inventions, discoveries, and accomplishments, I have witnessed the arrival of television and the radio. It is bewildering, it is inspiring, it is thrilling, and it is wonderful! I thank God I have been permitted to live to see these great accomplishments. If the progress is to be as marked in the next 50 years, inventions and discoveries will be made that will make what I have referred to pale into insignificance. Is it all the work of man—mere man—or has a divine hand directed the way, and have not the master minds been inspired in the great work they have done? From isolation, only a few years since, the farthest parts of the earth have been brought so close to each other that, we are told, through wireless and radio the farthest man from us, thousands of miles away in distance, is just 10 seconds from us. Truly the world is one big family, and as surely as we live we are to be brought in even closer contact in the future than we are to-day.

Some think of radio only as it relates to the program that gives us entertainment, and of course that is great. But the scientific minds tell us there are other useful and valuable things in this field that have not as yet been touched. Already photographs and signatures are sent by radio and by wireless. Why not expect that in the course of time type copy will be flashed across space and newspapers be printed by radio? No one yet fully understands just what can or will be accomplished through this force or art. It is something that belongs to all the people, and its highest development should be encouraged. If it can be prevented, the monopoly that has developed and that is being developed should not be permitted to own and control it as they are starting out to do.

It was a common idea a few years ago that to a man who owned a piece of land also belonged everything beneath the land to the center of the earth and everything above the land to the high heavens. It seems, however, that it is rapidly developing that he does not own the space nor the air above him and that he barely has an easement in that regard.

Last year, and prior to that time, it was apparent that there were those who were trying to monopolize the air power and the wave lengths with respect to radio, and the act of 1927 creating the Radio Commission was passed with the hope that the commission would protect the rights of the public. Now, we are told that conditions with respect to the monopoly are grossly worse, and that unless something is done only a few men will control this great discovery that belongs to all men and that a limited area will bottle up the power and the wave lengths so that the people of the country as a whole will not be able to enjoy what is rightfully theirs. We are told that we must write legislative restrictions to keep this God-given heritage from being taken from us. The Teapot Dome and other valuable oil lands were stolen from the people through the help of men high in authority. No one is wearing stripes yet because of that crime. They should follow it up until the criminals are in stripes.

Gentlemen have in a way defended what we might term "big business" and they contend it takes big capital to promote and put over these enormous enterprises. I have no fight to make on "big business." It is "crooked business" I am hitting at. It is theft and plunder by crooks who look for protection from those who benefit by the big campaign contributions they make. Our laws and rights ought to be respected by all and the fact that a man or a concern happens to have large capital is no justification when that man or concern is crooked. The one clear call to-day is for honesty in government. We have been heading for years, very rapidly, to a commission form of government, controlled by "bureaucrats," who in turn are controlled by what some term "big business." I fear it has already degenerated from a government of the people, for the people, and by the people into a government of the bureaucrats, for the bureaucrats, and by the bureaucrats.

That the power and wave lengths might be equitably allocated to the country five radio zones were established under the act of 1927. Those zones are made up as follows:

FIRST ZONE

	Population	Stations	Total station power in watts	Stations with over 1,000 watts
Maine	768,014	3	850	
New Hampshire	443,083	3	650	
Vermont	352,428	3	160	
Massachusetts	3,852,356	20	19,565	1
Connecticut	1,380,631	5	2,100	
Rhode Island	604,397	10	2,750	
New England	7,100,909	44	26,075	1
New Jersey	3,155,900	21	17,280	2
Delaware	223,003	1	100	
Maryland	1,449,661	5	5,700	1
District of Columbia	437,571	3	11,150	1
Porto Rico	1,299,809	1	500	
Virgin Islands	26,051	0	0	
	13,992,904	75	60,805	5
New York	10,385,227	63	162,500	7
Zone total	24,378,131	138	223,305	12

SECOND ZONE

Pennsylvania	8,720,017	45	59,845	1
Virginia	2,309,187	10	2,365	
West Virginia	1,463,701	3	400	
Ohio	5,759,394	31	27,670	4
Michigan	3,668,412	23	15,475	2
Kentucky	2,416,630	3	1,050	
Zone total	24,337,341	115	106,805	7

THIRD ZONE

North Carolina	2,559,123	4	1,750	
South Carolina	1,683,724	1	75	
Georgia	2,895,832	5	1,950	
Florida	968,470	12	5,660	
Alabama	2,348,174	5	1,375	
Tennessee	2,337,885	17	9,805	1
Mississippi	1,790,618	1	250	
Arkansas	1,752,204	3	1,550	
Louisiana	1,798,509	13	3,435	
Texas	4,663,228	31	19,130	3
Oklahoma	2,028,283	10	2,925	
Zone total	24,826,050	102	47,105	4

FOURTH ZONE

Indiana	2,930,390	18	6,315	1
Illinois	6,485,280	70	83,170	13
Wisconsin	2,632,067	19	6,335	
Minnesota	2,387,125	18	10,130	1
North Dakota	646,872	6	720	
South Dakota	636,547	10	2,345	
Iowa	2,404,021	25	25,200	4
Nebraska	1,296,372	17	5,930	1
Kansas	1,769,257	8	3,950	1
Missouri	3,404,055	24	17,015	5
Zone total	24,492,986	215	164,870	26

FIFTH ZONE

Montana	548,889	4	660	
Idaho	431,866	4	2,275	1
Wyoming	194,402	1	500	
Colorado	939,629	15	6,450	1
New Mexico	360,350	1	5,000	1
Arizona	334,162	5	765	
Utah	449,396	4	1,200	
Nevada	77,407	0	0	
Washington	1,356,621	24	11,975	2
Oregon	783,389	15	5,390	1
California	3,426,861	54	26,460	2
Hawaii	255,912	1	500	
Alaska	55,036	3	610	
Zone total	9,213,720	131	61,785	8

The amendment offered by the gentleman from Tennessee [Mr. DAVIS] proposes that there shall be an equal allocation to each of the five zones of wave lengths and station power, and that within each zone there shall be a fair allocation among the States thereof in proportion to the population and area. It is argued this will retard the development in the zones that have proceeded more rapidly than others have, but this will not be the result. The question is asked, Why have this restriction if it is apparent it is not going to be used soon? Even if the power and wave lengths are not immediately used, the right should be preempted for the zones to be used when they are ready to develop the stations for broadcasting. The question has been asked, Why have some of the zones been backward in developing, while others have forged ahead? It has been an easy and simple matter, so the hearings show and so the debate shows on this subject, to obtain licenses in some of the zones and practically impossible in others. For instance, the debate shows with respect to zone 3, in which Georgia is located, that it has been discriminated against, and applications in that zone have been denied and delayed, despite the fact that zone 3 is larger in population than any of the zones. It will be observed that zone 3 has less station power in watts than any of the five zones. This is, indeed, a shameful injustice. The Davis amendment will remedy this injustice and will prevent unfair discriminations in the future.

Big capital is indeed helpful in the development of enterprises. No one is making a fight on capital simply because of its being "big," but the fight is being made because it is in this case using an improper influence and doing a wrong and hurtful thing in trying not only to have a monopoly on radio equipment and instruments, but in literally monopolizing the air and in taking the station power and the wave lengths without regard to justice and to the detriment of millions of people.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. The period during which the members of the commission shall receive compensation at the rate of $10,000 per annum is hereby extended until March 16, 1929.

Mr. CELLER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. CELLER. Mr. Chairman and gentlemen of the committee, it is very easy to become excited and to arouse feeling when you speak about equality. It is very easy to become more or less demagogic. But remember this, gentlemen, that to say there must be an equal division of radio and stations and station power is no more reasonable than it would be to say that there should be equal telephone facilities and telegraphic facilities and poles apportioned among the States or in five different zones. You might just as well say that if you expend a certain amount of money for the extermination of the boll weevil in any one State in the South, for example, you must expend a proportionate amount in Alaska. Mr. Chairman, I do not subscribe to that doctrine.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. CELLER. Not at this moment. Many of these stations of high power were established before the Radio Commission came into effect. In my own State and in the adjacent State of New Jersey there are at the present time 48 stations, and of those 48 stations, 45 sprang into being before the Radio Commission was established and before we passed this radio act of 1927. Incidentally only three of them are owned by the members of the Radio Trust; all others are independent. That dispels any idea that the so-called trust influences New York in this matter. I speak for the independent stations primarily. I am not on the trust side. It is on my side. I hold no brief for any radio combine or for any trust. I am opposed to monopoly just as much as any man here is. But you strike at independent, enterprising station owners by your amendment of equality.

It is absurd to place radio upon a quantitative basis. It is just as logical to divide the sun into fractions, or the rainbow, as to divide equally the radio spectrum.

The gentleman from Maine [Mr. WHITE] read off certain States and showed how badly they fared when compared to New York, Illinois, or New Jersey. The answer is that those States never tried to increase its radio facilities. There was no demand for radio stations in those States. Wyoming, Montana, and Idaho have but three small stations all told. Nevada has not even one station. Must New York or New Jersey wait until those States get ready to apply for stations? Must wide-awake, enterprising States wait until other States, heedless or unknowing of the value of radio, apply in belated fashion for stations?

The 48 stations, for example, in the New York-New Jersey area have rights—vested rights.

I do not sympathize with the doctrine of radio vested rights, but after a review of the case—see my remarks in Saturday's RECORD, March 10, 1928—I have come to the conclusion that the instant bill will be declared unconstitutional unless some provision of compensation is made for taking away vested rights in stations which are to be closed down.

At the time of the World War we endowed the President with authority to take away radio stations and radio facilities, and this Congress, having in mind the fact that these stations have vested rights, which could not be taken away from them, in pursuance of the fifth amendment, provided in a joint resolution passed July 16, 1918—H. J. Res. 309—that just compensation should be made for such possession, control, or operation of radio stations or radio facilities.

Why, gentlemen, did you enact that? You did it because of the doctrine that no private property can be taken for a public use without just compensation? You did it because you recognized that these stations had certain rights which you could not arbitrarily take from them. And the very next year, when you repealed the act of July 16, 1918, by passing Senate bill 120 on July 11, 1919, you provided in effect that these compensatory provisions in that act of 1918 should remain in full force and effect, and any radio station that has had its facilities taken away from it in 1918 would still have the right under this act of 1919 in the Court of Claims to demand just compensation from the Government.

Strangely enough, too, you recognize the principle of compensation in the radio act of 1927, for in section 7 thereof you said:

The President shall ascertain the just compensation for such use or control and certify the amount ascertained to Congress for appropriation and payment to the person entitled thereto. If the amount so certified is unsatisfactory to the person entitled thereto, such person shall be paid only 75 per cent of the amount and shall be entitled to sue the United States to recover such further sum as added to such payment of 75 per cent which will make such amount as will be just compensation for the use and control. Such suit shall be brought in the manner provided by paragraph 20 of section 24 or by section 145 of the Judicial Code, as amended.

The American Bar Association pointed out in 1926 that any statute refusing licenses to existing stations without affording compensation would be unconstitutional.

Now, gentlemen, if you deprive a man of the use of his property you take away that man's property.

The United States may control the ether which is the medium of radio, but the United States can not in that control, destroy a man's broadcast apparatus used to initiate radio waves.

If I erect a broadcasting station, if I have the enterprise and energy and capital—as some of my constituents in New York—to do that you can not come and take my gains and my property away from me.

Under the guise of regulating the radio or the ether you can not deny me the use of my station, especially if it was established before the radio act of 1927.

The courts have held time and again that use of property is the value of the property, is in fact, the property itself. Take the case of Corneli against Moore, reported in Federal Reporter, volume 267, page 456, where these very significant words appear:

I also think it may be conceded that any statute which restricts the use and possession of personal property owned by the citizen has the effect to confiscate such property, within the purview of the fifth amendment, for that it deprives the owner of certain inherent rights which are inalienable attributes of ownership. It follows, that it does not aid the argument to urge that the rule does not apply because the property is not physically taken, or the ownership disturbed, but that the use and possession are merely restricted. In short, the owner may not in such use exercise his own volition, but is compelled to use the property in a way he does not desire to use it, or not use it at all.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CELLER. Mr. Chairman, I ask unanimous consent to speak for three more minutes.

Mr. ABERNETHY. Mr. Chairman, reserving the right to object, the gentleman makes these arguments and declines to yield to a member of the committee. Now, he is asking the permission of the committee to proceed further.

Mr. CELLER. I will be very glad to yield but I wanted to develop my thought without interruption. I will be very glad to yield as I always yield.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for three additional minutes. Is there objection?

Mr. WHITE of Maine. Mr. Chairman, the gentleman from New York has already had 40 minutes, which is 15 minutes more than any Member has had, so I am constrained to object.

Mr. DAVIS. Mr. Chairman——

The CHAIRMAN. The gentleman from Tennessee, a member of the committee, is recognized for five minutes.

Mr. WHITE of Maine. Mr. Chairman, at the end of five minutes I shall move to close all debate, or I will make the motion now.

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Maine?

Mr. DAVIS. I yield to the gentleman.

Mr. WHITE of Maine. Mr. Chairman, I move that at the end of five minutes all debate on this amendment and all amendments thereto close.

The CHAIRMAN. The gentleman from Maine moves that at the end of five minutes all debate close.

The motion was agreed to.

Mr. DAVIS. Mr. Chairman and gentlemen of the committee, the gentleman from New York [Mr. CELLER] contends that certain alleged pioneer stations have acquired vested rights in the air, but the question of vested rights, alleged confiscation, and right of compensation has been settled contrary to his contentions by the Supreme Court of the United States in the cases growing out of the laws prohibiting the manufacture and sale of intoxicating liquors. However, the fact that they are insisting upon these vested rights shows the necessity of this Congress taking definite action that will put that question to the test. [Applause.]

Now, Mr. Chairman, when my time under general debate expired——

Mr. HUDSON (interposing). Will the gentleman yield?

Mr. DAVIS. Yes.

Mr. HUDSON. I want to say that such a decision was also made in the Slaughterhouse case.

Mr. DAVIS. There are any number of cases; it has long since been settled and it is not open to argument by those who have really investigated the law.

After enumerating the great favoritism that had been shown the Radio Corporation of America, I inquired what that meant. I will tell you what it means. Since this Radio Commission went into power and began to administer the law, the stock of the Radio Corporation of America has increased from $52 to $122 per share, or an aggregate amount of about $85,000,000. No wonder they are fighting this amendment; no wonder they are claiming vested rights in and out of Congress; and we must meet the issue.

Now, the gentleman from New York [Mr. CROWTHER] referred to the relative difference between wave lengths, and he is correct about that. There has been as great a discrimination in that particular as there has been with respect to power. What has this commission done? The chief thing to which they and their champions point is that they have cleared 25 wave lengths or channels between 600 and 1,000 kilocycles. Everybody who knows anything about the subject knows that these are the most valuable and the most useful channels for broadcasting. And for whom did they clear them? They removed 77 stations off of those channels and put them onto other already crowded channels. When they cleared these channels whom did they leave or place on them? Nine powerful monopoly stations, 3 of them with 50,000 watt power each, 1 of them with 30,000 and another 15,000, all owned by the same group and in practically the same area, and on 24 out of these 25 wave lengths they have placed the chain stations. That is the reason the remainder of the more than 600 independent stations of this country are practically put out of business. Commissioner Pickard said that 90 per cent of the stations were being heterodyned, and they are heterodyned by reason of these high-powered stations. Mr. CROWTHER, of New York, said that high power was unnecessary; that the important matter was the wave length. If that be true, why give this high power to one group of people and in a few areas? West of Pittsburgh to the Pacific coast and south of Pittsburgh to the Gulf and Mexico there is not one 50,000 or 30,000 watt station, but in all of that area—96 per cent of the area of the country, with 75 per cent of the population—there are only two stations with over 5,000-watt power, one of them a 15,000-watt station in Chicago and the other a 10,000-watt station here in Washington, which, as Mr. CROWTHER says, is practically useless, because of the wave length assigned to it. [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

The Clerk read as follows:

SEC. 3. Prior to January 1, 1930, the licensing authority shall grant no licenses or renewal of license under the radio act of 1927 for a broadcasting station for a period to exceed six months and no license or renewal of license for any other class of station for a period to exceed one year.

With the following committee amendments:

In line 7, page 2, strike out the word "six" and insert in lieu thereof the word "three," and in line 9 strike out the words "one year" and insert in lieu thereof the words "six months."

Mr. BLOOM. Mr. Chairman and gentlemen, I simply want to explain, if I may, the situation with reference to the city of New York regarding the so-called Davis amendment.

The gentleman from New York [Mr. LAGUARDIA] and the chairman seem to think that New York City is taking a position with respect to this amendment so as to control the wave lengths. Let us see what would happen if you were to take the wave lengths out of New York City and out of the other large cities of this country.

I am not now, and I shall not at any time, vote in favor of doing anything that will embarrass any part of the country; but it is impossible to secure real programs from any part of the country except the large cities.

If the South, or if the smaller towns of the country, should secure a large broadcasting station it reminds me of a thing that happened to me when I was first elected to Congress. A gentleman said to me, "Now that you have got it, SOL, what are you going to do with it?" The same thing applies to this situation. If they were to have a large broadcasting station, what are they going to do with it. They have not the talent to broadcast seven days a week, day and night, and therefore the station would be idle for that one reason alone.

Remember also, ladies and gentlemen, that you secure all of the best talent of the world free of any cost to you.

Mr. ABERNETHY. Will the gentleman yield?

Mr. BLOOM. Yes; certainly.

Mr. ABERNETHY. That statement applies to Members of Congress as well as others?

Mr. BLOOM. I presume so.

You receive these programs for nothing, and the only way the stations can secure these programs for you is by reason of the advertising. Every other country in the world charges for listening in. You do not want that arrangement in this country, and I certainly do not want it; but unless they get the advertising you can not get the programs.

Tell me of any city in Mississippi of more than 25,000 population that can pay $40,000 or $50,000 for one program. It would be impossible.

Mr. LAGUARDIA. Will the gentleman tell us how the other countries charge for these programs?

Mr. BLOOM. In England, the post-office branch of the Government has the matter in charge and they charge so much a year for every set and you have to get a license. In Canada they did at one time charge a percentage on the cost of everything pertaining to radio, and in the small countries they charge so much a year for listening in.

If you were to take away from New York City the opportunity of broadcasting these programs which, I know, as a Member of Congress, you are not going to do, you would be destroying the great use that broadcasting is put to to-day. This would inevitably happen if you were to take broadcasting out of the large cities where the talent is. The talent is in no other place in this country, and that is why New York City and the other large cities of the country can give you the broadcasting programs without any cost which you are getting to-day.

You Members of the South would be destroying the only use and the only benefit you can get out of broadcasting if you were to take the broadcasting stations from the big cities and endeavor to put them in the South.

This is my only reason in rising to explain to you my position with respect to all these large broadcasting stations in New York City and the other large centers of our country. I thank you. [Applause.]

Mr. WHITE of Maine. Mr. Chairman, I move that all debate on the committee amendment do now close.

The motion was agreed to.

The committee amendment was agreed to.

Mr. LAGUARDIA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The genteman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: On page 2, line 9, after the word "months," insert: "All licenses and renewal of licenses hereafter

granted shall provide that not more than six minutes out of each hour of broadcasting shall be used for advertising purposes, and shall provide further that a violation of this provision shall terminate the license."

Mr. LEHLBACH. Mr. Chairman, I make the point of order against the amendment.

Mr. LAGUARDIA. I thought the gentleman would permit the amendment to go to a vote on the merits.

The CHAIRMAN. The Chair thinks the amendment is out of order, and therefore sustains the point of order.

The Clerk read as follows:

SEC. 4. The term of office of each member of the commission shall expire on February 23, 1929, and thereafter commissioners shall be appointed for terms of two, three, four, five, and six years, respectively, as provided in the radio act of 1927.

With the following committee amendment:

Beginning in line 10, on page 2, strike out all of section 4 and insert in lieu thereof the following:

"SEC. 4. The second paragraph of section 9 of the radio act of 1927 is amended to read as follows:

"'The licensing authority shall make an equal allocation to each of the five zones established in section 2 of this act of broadcasting licenses, of wave lengths, and of station power; and within each zone shall make a fair and equitable allocation among the different States thereof in proportion to population and area.'"

Mr. LEHLBACH. Mr. Chairman, I make the point of order against the amendment on the ground that it is not germane. I do not make the point that it is not germane to the section for it was not intended as an amendment to section 4, but intended as a new section. I make the point of order to the new section that it is not germane, and I reserve my right to discuss the point of order in case anybody wants to support the amendment.

The CHAIRMAN. The Chair desires to inquire whether the proposal is a substitute for section 4?

Mr. WHITE of Maine. It was the intention of the committee to offer it as a new section. I presume the vote first will be on striking out section 4.

The CHAIRMAN. Without objection the Chair will put the question first on striking out section 4 of the Senate bill.

The question was taken, and the amendment to strike out section 4 was agreed to.

The CHAIRMAN. The question now recurs on the new section 4 proposed by the committee, to which the gentleman from New Jersey makes a point of order.

Mr. WHITE of Maine. Mr. Chairman, I am somewhat in doubt as to the grounds of the point of order the gentleman has raised.

Mr. LEHLBACH. I stated that it was on the ground that the amendment is not germane to the bill.

Mr. WHITE of Maine. I wish, Mr. Chairman, I might consider myself an authority on parliamentary matters. It does seem to me, however, that the proposition is so clear that it admits of no doubt as to its germaneness. The first section of this bill provides that all the powers and all the authority vested in the Federal Radio Commission by the act of 1927 shall be vested in and exercised by the commission until March 16, 1929. It proposes in that language to extend for the period of another year each and every one of the powers vested by the 1927 law in the Radio Commission, and it does that by the general language as fully and effectually as though the portions of the 1927 law were set out seriatim.

Now, paragraph 2 of section 9 of the 1927 law, one of the powers which, if it were not for this amendment, would be extended by that general language is that the commission shall make such distribution of wave lengths, licenses, power, and periods of time for operation among the States and among the communities thereof as shall work out equitable service to those States and to those communities.

That proposition is before us by the general language with which this act starts. It is as fully and completely before us as though recited word for word and letter for letter. This amendment to which the point of order is directed seeks to amend that specific section and that specific paragraph. It seems to me it is clearly germane, clearly within the authority of the House and the committee to deal with that specific power when we undertake to deal with all the powers.

Mr. GARRETT of Tennessee. Mr. Chairman, I think the gentleman who made the point of order, or some one who believes that it should be sustained, ought to present the matter, and if precedents are to be relied upon produce them. Those of us who do not think the point of order well taken should have those precedents cited. With reference to the precedents that exist on the subject—which I have no doubt are before the Chair—those which I have been able to find I think are clearly distinguishable from the case at bar.

Mr. LEHLBACH. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. LEHLBACH. I followed the procedure which took place earlier in the week, where a point of order having been made, those who offered the amendment were first heard, and then the person who made the point of order closed. I am perfectly willing to proceed with my point of order if the gentleman from Tennessee thinks it best.

Mr. GARRETT of Tennessee. I should be glad if the gentleman would do so.

Mr. LEHLBACH. Mr. Chairman, this is a Senate bill which was reported by the House Committee on the Merchant Marine and which, after consideration thereof, made a certain amendment and offered it as a new section. The committee amendment has no greater status than any amendment that might be offered during the consideration of the bill in Committee of the Whole House on the state of the Union by an individual Member.

On a certain occasion, by special order, certain bills were made in order on a certain date. A Senate bill such as this had been reported with a committee amendment striking out the original text of the Senate bill and substituting a committee amendment. A point of order that the original Senate bill did not fall within the class embraced by the special order was made. But the committee substitute would have been in order if that were before the House, and Mr. Speaker Cannon ruled as follows, and the ruling can be found in fourth volume of Hinds' Precedents, section 4623:

The substitute is a mere proposition of no higher grade than an amendment that might be offered by any Member. Perhaps the House might agree to the amendment and it might not. * * * The amendment can have no status, and if it gets consideration at all, it gets consideration by virtue of the bill which was referred to the Committee on Naval Affairs and reported back.

Of course we are considering a Senate bill that was referred to the committee and reported back, and we have now reached the point where we are considering an amendment recommended by the committee that reported back the bill. It is in exactly the same position as any other amendment that might have been offered by a Member on the floor, and the time for making the point of order, and the consideration whether it is in order or not, are exactly the same as if it were an amendment offered by an individual Member on the floor. I think there is no question on that subject.

Is it germane? Fortunately the Senate bill is short, and we can examine it with a good deal of particularity. The radio act of 1927 covered the field of radio and laid down permanent substantive law in accordance with which radio activities were to be governed and regulated, and it provided for an authority to carry out that permanent and substantive law. Certain of the functions of the commission created by that act to carry out some of these functions and to put into operation this permanent, substantive law by limitation would expire on the 15th of March next. The Senate passed this legislation for what purpose? In section 1 it provides that the power and authority vested in the Federal Radio Commission should continue until March 16, 1929, and that is all that section 1 does. It does not in the slightest particle alter the substantive permanent law that is written into the radio act of 1927. Section 2 provides that these commissioners shall continue to receive a salary at the rate of $10,000 a year while they continue to exercise these functions. It does not in the slightest particular touch the permanent, substantive law written in the act of 1927. Section 3 provides that this commission during its functioning and for a few months thereafter, until January 1, 1930, shall not issue licenses under the act for more than six months and one year. It does not in any way alter the permanent, substantive law with respect to the length of time for which licenses should be issued, but merely restricts the functioning for a short period of time and leaves the law unchanged. That is all there is here. How an amendment that radically and vitally changes the substantive law on the subject of radio can be germane to such a proposition is more than I can see.

Mr. BLACK of Texas. Mr. Chairman, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. BLACK of Texas. Section 1 of the bill provides for the continuing of the commission and also affirmatively provides that all power and authority vested by the radio act of 1927 shall continue.

Mr. LEHLBACH. Why, surely.

Mr. BLACK of Texas. Would it not be parliamentary to add, for example, at the end of that section—

Provided, That the licensing authority shall make an equal allocation to each of the five zones established in section 2, etc.

If that would not be germane, why not?

Mr. LEHLBACH. Because that would be changing the substantive law, which is not the purpose of the bill which we are considering and to which this proposition is intended to be appended. Mr. Chairman, I want now to cite the authorities. They are more to the point than in a much closer case that was decided the other day and sustained by the House by a vote of 209 to 33, and I respectfully refer the Chair to the authorities that were involved in that decision without repeating them. I do call the attention of the Chair to one precedent, which is so absolutely in point as to settle this question without any further doubt at all, and that is to be found in Fifth Hinds', section 5806. On the 24th of April, 1900, while Mr. Henderson was Speaker and was occupying the chair, the gentleman from Wisconsin, Mr. HENRY A. COOPER, from the Committee on Insular Affairs, reported a joint resolution of the Senate, the purpose of which was to continue the existing arrangement for the government of Porto Rico for another period. To that bill the Committee on Insular Affairs attached an amendment to regulate the issuing of franchises in Porto Rico. How can anything be more pat? Here is a bill extending the authority of the present commission with respect to its functions in radio, just as the temporary government was sought to be extended. In neither case was the substantive law in question. An attempt was made at that time to bring in an amendment to change the substantive law and it was ruled out of order, and Speaker Henderson says this:

The resolution is for the sole purpose of extending the time in regard to the putting in operation of the new government of Porto Rico. The amendments are entirely outside of that question and enter upon amendments of the law in respect to matters entirely outside of that question.

Here we have a bill to extend the powers of the Radio Commission, just as the temporary government of Porto Rico was sought to be extended. In that case there were substantive propositions of law attached as amendments, just as here is an amendment changing the substantive law with respect to radio. It was out of order in that case just as it is out of order in this case.

The CHAIRMAN. The Chair would direct the attention of the gentleman from New Jersey to the original section 4 which came from the Senate, and which was a part of the Senate bill, and would ask him whether, in his opinion, that would alter the views that he has expressed.

Mr. LEHLBACH. No, it would not; because that deals entirely with the term of the members of the commission. It does not deal with the substantive propositions of the radio law at all. It deals with the terms of the commission, just as section 2 deals with the salaries and section 1 with the functions.

Mr. BEEDY. Will the gentleman yield to me?

Mr. LEHLBACH. Yes; I yield to the gentleman from Maine.

Mr. BEEDY. Has the gentleman examined the organic law of Porto Rico as it existed at the time of the precedent which he cites?

Mr. LEHLBACH. No.

Mr. BEEDY. It would be well if he were able to inform the House whether there was in that organic act any provision of law empowering the government of Porto Rico to regulate the issuance of franchises.

Mr. LEHLBACH. The gentleman did not believe that was in point, and therefore did not go back to the record as to whether the common law or the organic law by which the Territory is governed was referred to, or whether it was the specific law with reference to Porto Rico. It did not make any difference because here was an amendment to alter existing law.

Mr. BEEDY. If the gentleman from New Jersey will permit me, I would direct the attention of the Chairman in his construction of the precedent cited to the fact that it is most pertinent to know whether the amendment offered by the Committee on Insular Affairs attempted to vest new power in the Porto Rican government or whether it modified existing law. If the former, then clearly the decision was correct under the facts of the case there presented; but it would not necessarily be controlling in the case now before the Chair. Here the provision creates no new power, but places a limitation on existing authority. I submit to the Chairman that the precedent cited by the gentleman from New Jersey clearly would not be in point unless he can show that there was in existing Porto Rican law a provision which authorized the existing government of Porto Rico to deal with franchises. If such were the fact, the precedent becomes more persuasive.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield? I wish to ask a question.

Mr. LEHLBACH. Yes.

Mr. COOPER of Wisconsin. Do I understand that the motion or bill or resolution, whatever it was, in that case was to extend the time, and for what?

Mr. LEHLBACH. To extend the time for the provisional government of Porto Rico.

Mr. COOPER of Wisconsin. Was it to extend the term of office?

Mr. LEHLBACH. I do not clearly recollect what was the subject of the resolution.

Mr. GARRETT of Tennessee. Mr. Chairman, I have before me the record and expect to read it to the Chair.

Mr. COOPER of Wisconsin. I will simply state to the gentleman from New Jersey that the extension of terms of officers might have been the purpose of the express phraseology of that. But this is to change the content of the amendment entirely.

Mr. GARRETT of Tennessee. When I was informed that there would be a point of order interposed to the committee amendment, I made an examination of the precedents, and, of course, I found there, as one of the first, the case which the gentleman from New Jersey [Mr. LEHLBACH] has cited, section 5806 of Hinds' Precedents, to be found in volume 5 thereof. I will say very frankly that when I came to analyze that decision and to analyze this situation more carefully than was done in a casual reading it occurred to me that it was a precedent that might be decisive of the question. But upon the examination of the CONGRESSIONAL RECORD itself and a reading of the precise thing that was in the resolution reported by the gentleman from Wisconsin I came to the conclusion that the case at bar can be clearly differentiated from the one which existed there. I have before me the CONGRESSIONAL RECORD of April 24, 1900, and I should like to read the resolution which had passed the Senate and which was reported by the Committee on Insular Affairs and presented by the gentleman from Wisconsin [Mr. COOPER]. I read:

That until the officer to fill any office provided for by the act of April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," shall have been appointed and qualified, the officer or officers now performing the civil duties pertaining to such office may continue to perform the same under the authority of said act; and no officer of the Army shall lose his commission by reason thereof: *Provided,* That nothing herein contained shall be held to extend the time for appointment and qualification of any such officers beyond the 1st day of August, 1900.

Now, to that the House committee adopted certain amendments, which fell before the point of order, or rather would have fallen before the point of order but for the fact that later on the Speaker held that the point of order came too late.

Those amendments that were proposed by the committee I shall not read, but there were two of them, and they went into section 32 of the act apparently passed in that section of Congress, and undertook to amend that section 32 by a very elaborate provision touching the question of franchise to be granted in Porto Rico.

Now, Mr. Chairman, I have before me the radio act of 1927 and I desire to read section 9 thereof, which is very brief and which it is proposed to amend here. I read:

SEC. 9. The licensing authority, if public convenience, interest, or necessity will be served thereby, subject to the limitations of this act, shall grant to any applicant therefor a station license provided for by this act.

In considering applications for licenses and renewals of licenses when and in so far as there is a demand for the same, the licensing authority shall make such a distribution of licenses, bands of frequency of wave lengths, periods of time for operation, and of power among the different States and communities as to give fair, efficient, and equitable radio service to each of the same.

No license granted for the operation of a broadcasting station shall be for a longer term than three years and no license so granted for any other class of station shall be for a longer term than five years, and any license granted may be revoked as hereinafter provided. Upon the expiration of any license, upon application therefor, a renewal of such license may be granted from time to time for a term not to exceed three years in the case of broadcasting licenses and not to exceed five years in the case of other licenses.

No renewal of an existing station shall be granted more than 30 days prior to the expiration of the original license.

That is all of section 9.

Now, Mr. Chairman, Senate bill 2317, the bill before the Committee of the Whole, is not merely an extension of the time of the Radio Commission. It contains positive, substantive matters of law changing the existing law which I have just read to the Chair. In the first place, as was pointed out by the gentleman from Maine, in the very first section of the act there is the general extension of all powers and authority vested in the Federal Radio Commission, including its authority to issue licenses. But go to section 3 of the Senate bill. There you find your modification and there you find legislation entirely new in character changing the third paragraph of section 9 of the law. This proposal changes the time which was there fixed, and makes what the gentleman from New Jersey is pleased to designate as substantive, positive law.

Now, section 9 is being amended in a material respect, a very material respect. The committee comes with a proposal to further amend section 9, but not bringing in some new law, as was proposed to be done by the Committee on Insular Affairs back in 1900, when they attached extraneous matter to a simple resolution extending the time for the appointment of certain officers in Porto Rico.

We have in section 3 of the Senate bill a change of existing law, law asserted in section 9 of the original radio act. The committee simply proposes to go further and by an amendment amend another clause of the very same section brought before the House by the Senate bill, both of them embraced in the authority and the power of the Radio Commission, which by the terms of the first section of the act is being extended in this measure.

Mr. MOORE of Virginia. May I ask the gentleman a question?

Mr. GARRETT of Tennessee. Certainly.

Mr. MOORE of Virginia. Does not the case stand exactly as though the Senate, instead of using the general language the gentleman has read, should have embodied all of the provisions of the act of 1927 in this bill with respect to the powers of the commission?

Mr. GARRETT of Tennessee. That is, if they had sought to reenact it in hæc verba.

Mr. MOORE of Virginia. In hæc verba instead of by general language?

Mr. GARRETT of Tennessee. Unquestionably that addresses itself to my mind as being absolutely sound.

Now, it seems to me, Mr. Chairman, that unquestionably when we come to examine the language of the law, the language of the proposed act, we can differentiate from both the cases that are laid down in the precedents, one of which has been cited by the gentleman from New Jersey and the other of which was quoted in that same decision rendered by Mr. Speaker Henderson in 1900.

Therefore, Mr. Chairman, I respectfully submit that the committee amendment is germane and is in order.

Mr. LEHLBACH. Mr. Chairman, I just want to make one observation. The test, in accordance with the argument of the gentleman from Tennessee, is whether the Senate bill in any way amends section 9 of the radio law. It does not amend section 9 in a jot or tittle; it does not cross a "t" or dot an "i," and section 9 remains exactly as it is in the law. The purpose of the bill is to extend the powers of the commission until March 16, 1929, and then, by section 3, it limits the exercise of the powers described in section 9 up to January 1, 1930. It leaves the permanent law just as it is now.

Mr. STEVENSON. Will the gentleman submit to a question?

Mr. LEHLBACH. Surely.

Mr. STEVENSON. Suppose this act were not passed. Will not the act of 1927 terminate at the date fixed?

Mr. LEHLBACH. No.

Mr. STEVENSON. The commission terminates absolutely.

Mr. LEHLBACH. It is the permanent law until repealed, and this merely terminates certain functions of the commission. That is all.

Mr. CRISP. Will the gentleman yield to me for a question?

Mr. LEHLBACH. Surely.

Mr. CRISP. I understood the gentleman to say that the Senate bill in no wise changes section 9 of the radio law?

Mr. LEHLBACH. No. As a permanent, legal proposition, it remains absolutely unchanged.

Mr. CRISP. What does the gentleman say to the proposition in the Senate bill changing the term of years for which, under the original law, they could issue licenses, because the Senate amendment changes the original act by providing that licenses shall be issued for six months and one year instead of three years and five years. Is not that a substantial change in the original law dealing with the authority to issue licenses? The House committee proposes to amend the Senate amendment by a further reduction of the time of the license.

Mr. LEHLBACH. That is just the very gist of my argument. The bill does not provide a permanent method of issuing licenses. The law of the land is that licenses shall be issued for three years and five years. That remains unchanged. All this does is by section 1 to extend the functions and powers of the commission and tells them how to exercise those powers. We put a limit on licenses up to January 1, 1930, but leave the permanent law exactly in the shape it now is.

Mr. NEWTON. Mr. Chairman, in the radio act of 1927 authority is granted to two different governmental agencies. Throughout the body of the act the expression "licensing authority" is used. Now, in the first instance, the licensing authority is the Radio Commission. After the Radio Commission shall have functioned they then go out of existence under the terms of the original act, and the licensing authority then devolves upon another agency of the Government, the Department of Commerce.

Now, turning to section 1 of the bill that is before us and which has formed the basis of the remarks of the gentleman from Maine and, to a large extent, of the gentleman from Tennessee, what do we find? We do not find that the powers of the "licensing authority" are changed. All we find is this:

> That all the powers and authority vested in the Federal Radio Commission by the radio act of 1927 shall continue to be vested in and exercised by the commission until March 16, 1929; and wherever any reference is made in such act to the period of one year after the first meeting of the commission, such reference shall be held to mean the period of two years after the first meeting of the commission.

It is apparent that powers are extended not to the "licensing authority" but to only a portion of the "licensing authority"; that is, to the commission itself. The Senate wanted to extend the life of the commission. I have the Senate report here. The substance of that report has to do with the difficulties that the commission has been up against, the failure of the appropriation, the inability to get together, and the desire to give the commission additional time within which to function.

Getting down to the committee amendment, what do we find? We find that the committee amendment changes the substantive law, the second portion of section 9, so that the "licensing authority" shall do certain things. This includes not only the Radio Commission but likewise the Department of Commerce. So that the statement that was made by the gentleman from Virginia that instead of using section 1 of the bill they might just as well have reenacted every part of the original act having to do with this subject does not apply, because section 1 only extends the powers of the Radio Commission, while the amendment seeks to extend the powers not only of the commission but of the Department of Commerce. I submit, Mr. Chairman, that the terms of the amendment are in no sense germane to the bill.

Mr. CRISP. Mr. Chairman, I shall endeavor not to repeat, and yet I am frank to say I can add practically nothing to what has been so well said by the Chairman of this committee, the gentleman from Maine [Mr. WHITE], and the gentleman from Tennessee [Mr. GARRETT].

In addressing the Chair on this point of order, of course, the merits or demerits of the amendment are not to be considered. While I personally favor the amendment, this has no bearing on the situation. The question for the Chair to decide is whether or not this amendment is germane.

Now, Mr. Chairman, I am familiar with the decision in which it was held by Speaker Henderson that you could make a point of order against an amendment added to a Senate bill by a House committee.

I think the Chair could render the House a service by overruling this decision, for I do not believe the decision is well founded. What is the object in parliamentary law of requiring that proposed amendments be germane? It is to keep the House from being taken by surprise in voting upon an amendment that has not been considered or digested or reported by a committee of the House. The natural presumption is that the committees of this House, whose members are intelligent men and good legislators, would not report an amendment to a bill which they were considering that did not relate, that was not relevant, that was not germane to the matter they were considering.

Now, what does this Senate bill do, Mr. Chairman? This Senate bill reenacts the radio control bill; and the body of the bill itself expressly says that all powers conferred on the Radio Commission by the original act are continued, with certain changes and limitations, and the Senate limits it and changes section 9, dealing with the issuing of licenses. The Senate bill itself, in section 3, in dealing with the issuing of licenses for radio and the permits which were issued under the original act, reduces and cuts down the time from three years and five years to one year and six months. This is a sub-

stantive change. The House committee proposed an amendment still further reducing the time for which licenses may be granted.

Now, Mr. Chairman, the Congress is not prohibited from changing any act of Congress if Congress sees fit to do it. There is nothing sacred about an act of Congress; and if Congress desires to change the act creating this Radio Commission, Congress can do it with whatever limitations or changes it desires to make.

The Senate bill in this instance proposes to amend section 9 by curtailing the time for which the licenses can be issued. Now, Mr. Chairman, will this House of Representatives take the position that the Senate has more legislative power in proposing amendments than we have?

Will you take the position that the Senate can amend the radio act by changing section 9, reducing the time that these licenses may be issued, but, forsooth, the House of Representatives is impotent and can not change the same section of the original radio act by providing in what manner these licenses shall be issued?

To my mind it is inconceivable how anyone can hold, under the facts in this case, this amendment is not germane.

Whether we ought to accept it is another matter, but I hold that under the facts in this case this amendment, dealing with a bill extending all the powers and all the provisions of the radio act is the same as if every one of those sections was enumerated in the bill. The Senate amended the original radio act by curtailing the period for which licenses can be issued, and further amended it by expressly changing the time and the term of service of the commissioners, then to say the House of Representatives can not offer an amendment dealing with the manner and method under which these licenses shall be granted seems to me making the legislative body absurd and ridiculous. The amendment is unquestionably germane to the bill, and in my opinion there is no merit in the point of order.

Mr. BEGG. Mr. Chairman, I want to consume one minute in calling the Chair's attention to this fact: If there was no legislation enacted, the radio basic law of 1927 would remain as it is to-day. But the commission of five men who were appointed, or supposed to have been appointed, to execute the basic law would go out of existence on March 15. If this bill is intended to do anything other than continue in office these men, the title is misleading, because the only thing contained in the title is the extension of the life of the commission.

Mr. CRISP. If the gentleman will read the first few lines of the bill, he will see that "all the powers and authority vested in the Federal Radio Commission by the radio act of 1927 shall continue to be vested in and exercised by the commission," and so forth.

Mr. BEGG. Certainly, there is an extension of the life of the commission, and that is all there is to it. If section 4 does not change at all the way in which the commission shall function—in other words, if it does not change the basic law, it is germane. But I submit, Mr. Chairman, if section 4 does change in the least particular the manner in which the commission shall function, then it is not germane to the extension of the life of the commission.

Mr. CANNON. Mr. Chairman, I desire to subscribe to the argument advanced by the gentleman from Georgia [Mr. CRISP], and I especially indorse his suggestion that the theory under which amendments to Senate bills recommended by House committees have been held subject to points of order as to germaneness is fundamentally erroneous. I have often wondered why decisions so obviously out of keeping with the fundamental purposes of parliamentary law have been retained, and I agree with the gentleman from Georgia that the Chairman would render a service to the House if he overruled them. But this line of decisions is so well established and the gentleman has covered that subject so fully that I shall take only a minute or two to discuss a phase of the pending point of order not yet touched on.

The question of germaneness is ordinarily one of the most difficult questions relating to parliamentary procedure which Speakers and Chairmen are called upon to decide. The twilight zone between what is germane and what is not germane is frequently so wide that the Chair may often with apparently equal justification throw the weight of his opinion on either side as the exigencies of the occasion may demand.

But happily the proposition here presented falls within a class on which there is little room for difference of opinion. That is, the class of amendments germane and admissible under the doctrine of limitation. To a bill delegating a prerogative or function an amendment restricting the exercise of such prerogative or function is always germane. To a proposition to grant a general power an amendment limiting the power so proposed to be granted is germane and if otherwise in order is admissible.

And that is the proposition presented by the pending amendment. It has been contended that the bill merely proposes to extend the life of the commission and that no delegation of power is involved. But it is only necessary to read the title of the bill or the first section of the bill itself to note that it also continues "the power and authority" as well as the term of the commission. To continue power is to grant power. There can be no distinction. When the subject of continuing power and authority is brought into the House the subject of granting such power and authority is as truly under consideration as if submitted for the first time. And any proposition to limit the power and authority so sought to be conferred is therefore germane.

Permit me to refer the Chair to one or two decisions from the many which might be cited on this point. For example, on November 17, 1919, while the House was considering the railroad bill providing for the termination of Federal control of interstate carriers, a paragraph was read authorizing the Interstate Commerce Commission to change rates. An amendment was offered prohibiting the changing of rates upward. In other words, the amendment proposed a limitation of the power and authority granted by the bill. The question presented by the point of order raised against the bill was analogous with that before us to-day. The railroad bill proposed to grant the commission power to change rates. The pending bill proposes to grant the commission power to change radio allocations. The amendment to the railroad bill proposed to restrict the power of the commission by prohibiting the changing of rates in any way except by lowering them. The pending amendment here proposes to restrict the power of the commission by prohibiting the changing of allocations in any way except by allocating them equally. This is the proposition: That in the exercise of this unrestricted power to be given the Radio Commission to allocate facilities they must divide them equally——

Mr. LEHLBACH. Will the gentleman yield?

Mr. CANNON. I yield.

Mr. LEHLBACH. That is the existing law restricting the commission, it provides for reasonable service for all sections of the country, and this merely makes an added restriction, a mere direction.

Mr. CANNON. The gentleman concedes, then, that the proposal to delegate power is limited by this amendment? That is precisely the point at issue. Whether the power originally granted was limited is not material. It is sufficient that the pending amendment proposes further limitation.

The decision was handed down by Mr. Joseph Walsh, of Massachusetts, whose opinions are classics in the parliamentary history of the House. He held that the amendment constituted a restriction on the power to be conferred on the commission, and that as such the amendment was germane.

Another notable decision sustaining the doctrine of limitation was made in the Sixty-seventh Congress during the consideration of the bill to amend the act to regulate radio communication. This bill conferred on the Secretary of Commerce power and authority to regulate both interstate and intrastate communication. An amendment was offered proposing to reserve to the States the control of intrastate operations. A point of order being made that the amendment was not germane, the chairman, Mr. William H. Stafford, of Wisconsin, said:

> The measure under consideration is all pervading, so far as the regulation of radio communication is concerned. It is a general law, and in the first section covers radio communication among the several States or with foreign nations.

Similarly, the measure before us here is all pervading, so far as the power and authority granted to the Radio Commission is concerned. In that respect the two situations are identical. Both are general laws.

The Chairman therefore held:

> This being a general law, it is within the power of the committee to restrict it in whatever way it sees fit.

Just as the amendment before the committee proposes to restrict the powers of the Radio Commission.

> The extent of the jurisdiction to be exercised is for the committee to pass upon, and the Chair holds the amendment is germane and overrules the point of order.

Mr. Chairman, the records of all recent Congresses are interspersed with similar decisions. I shall not take time to more than refer to them, because those cited are typical and the committee is impatient. The doctrine of the germaneness of limitations in legislative bills is well summed up in the statement of Mr. James R. Mann, of Illinois, on June 1, 1917:

I am not in favor of the amendment, but here is a section which makes provision for the insurance of vessels. * * * A limitation upon that authority, of course, is germane to it.

So in the case at bar a proposition to limit the power of the commission which the bill proposes to extend is, of course, germane to it. To a proposal to grant powers or delegate authority, amendments limiting such powers or restricting the exercise of such authority are germane and are admissible. [Applause.]

The CHAIRMAN. The Chair is ready to rule. The Chair was advised that this point of order would be made, and therefore gave considerable study to it prior to the consideration this afternoon. The Chair realizes the importance of the issue, so far as the merits of the question before the committee are concerned, and has attempted to divest himself of any interest in that question in the determination of the point of order.

The bill, S. 2317, as it came from the Senate, read as follows:

An act continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes

Be it enacted, etc., That all the powers and authority vested in the Federal Radio Commission by the radio act of 1927, approved February 23, 1927, shall continue to be vested in and exercised by the commission until March 16, 1929; and wherever any reference is made in such act to the period of one year after the first meeting of the commission, such reference shall be held to mean the period of two years after the first meeting of the commission.

SEC. 2. The period during which the members of the commission shall receive compensation at the rate of $10,000 per annum is hereby extended until March 16, 1929.

SEC. 3. Prior to January 1, 1930, the licensing authority shall grant no license or renewal of license under the radio act of 1927 for a broadcasting station for a period to exceed six months and no license or renewal of license for any other class of station for a period to exceed one year.

SEC. 4. The term of office of each member of the commission shall expire on February 23, 1929, and thereafter commissioners shall be appointed for terms of 2, 3, 4, 5, and 6 years, respectively, as provided in the radio act of 1927.

The committee amendment, as to which a point of order has been made, reads as follows:

SEC. 4. The second paragraph of section 9 of the radio act of 1927 is amended to read as follows:

"The licensing authority shall make an equal allocation to each of the five zones established in section 2 of this act of broadcasting licenses, of wave lengths, and of station power; and within each zone shall make a fair and equitable allocation among the different States thereof in proportion to population and area."

The Senate bill amended in certain particulars the radio act of 1927, which the Chair has before him. The Chair believes it in point to consider the structure and contents of that law. It is a large enactment, covering 15 pages of the usual public law print, and contains over 10,000 words. It relates to a large number of subjects in connection with "the regulation of radio communications." The first section states the general purposes of the act. The second section creates the five zones into which the country is divided for the purposes of the act.

The third section establishes the Federal Radio Commission. The fourth section states the authority of that commission. The fifth section provides for the transfer after the expiration of one year of a large part of the authority granted to the commission to the Secretary of Commerce. The law then contains numerous provisions regarding radio stations owned by the United States and provides for the use of private radio stations and facilities by the Government in time of emergency. Then follow a number of sections relating to the granting of licenses, beginning with section 9 and running through sections 10, 11, 12, 13, and 14, all of them relating to the matter of granting licenses, not only to broadcasting stations but to other stations. Section 15 relates to the matter of violations of law as to unlawful restraints and monopolies. Section 16 relates to appeals to the courts by persons dissatisfied with the action of the commission or of the Secretary of Commerce. Thus, throughout the bill a large number of subjects are treated, all relating to the general subject of radio communication and the control of radio operations and facilities by the Federal Government, including prosecutions and penalties for violations of the act. It will be seen, therefore, that the pending bill affects only a very small portion of the radio act of 1927 and can not be said to be a general revision of that act.

There are two main questions involved here, one of which has been raised only incidentally by the suggestion of the gentleman from Georgia [Mr. CRISP] that in his opinion it would be well if there would be a reversal of the decisions heretofore made with reference to the rules applicable to committee amendments, as affecting perhaps particularly amendments to Senate bills. Of course, the present occupant of the chair would not feel warranted in overruling a rather long line of decisions by very distinguished Chairmen and Speakers. The Chair thinks that it is clear that a committee amendment is subject to the same rules with respect to germaneness and all other limitations as are amendments proposed on the floor.

The gentleman from Tennessee [Mr. GARRETT] made reference to the precedent in Hinds' Precedents, volume 5, paragraph 5806, page 411, where the introductory paragraphs read as follows:

To a bill amendatory of an existing law as to one specific particular an amendment relating to the terms of the law rather than to those of the bill was held not to be germane.

The rule that amendments shall be germane applies to amendments reported by committees.

It was the case in which the gentleman from Wisconsin [Mr. COOPER] offered amendments on behalf of the Committee on Insular Affairs to the law relating to the government of Porto Rico. As the Chair understood it, the gentleman from Tennessee said that at first he was quite impressed with the force of this precedent as applicable to the instant case. The Chair is quite impressed with the force of this precedent, and wishes to call attention to the very close similarity of the case now before the committee and that which then arose. It was on April 24, 1900, and the Chair now refers to the CONGRESSIONAL RECORD, volume 33, part 1, Fifty-sixth Congress, first session, page 4613. The gentleman from Wisconsin obtained consent for the consideration of Senate Joint Resolution 116, entitled:

Joint resolution to provide for the administration of civil affairs in Porto Rico pending the appointment and qualification of the civil officers provided for in the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes."

The act itself provided as follows:

That until the officer to fill any office provided for by the act of April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," shall have been appointed and qualified, the officer or officers now performing the civil duties pertaining to such office may continue to perform the same under the authority of said act; and no officer of the Army shall lose his commission by reason thereof: *Provided*, That nothing herein contained shall be held to extend the time for appointment and qualification of any such officers beyond the 1st day of August, 1900.

It will be noted that here was a provision for the continuation of a system of government in Porto Rico, with a limitation as to when that system of government should expire, just as in the pending bill there is a provision for a continuation of the work and authority of the Radio Commission within the limit of the period of one year. Neither the Porto Rican act nor the present bill, as passed by the Senate, changed the permanent provisions of the laws whose operations were thus temporarily extended.

The gentleman from Wisconsin [Mr. COOPER], on behalf of the Committee on Insular Affairs, offered two amendments relative to certain "franchises, privileges, and concessions," as to the granting and effect of which various preliminary requirements and restrictions were proposed, and subsequently the question arose as to the germaneness of those amendments.

The question raised here in debate was as to whether the original law which was then being extended in time of operation contained anything with reference to the very franchises, and so forth, to which the amendments referred. On that question the Chair will say that the amendments were specifically directed to section 32 of the act, which was then in question, and which read as follows:

SEC. 32. That the legislative authority herein provided shall extend to all matters of a legislative character, not locally inapplicable, including power to create, consolidate, and reorganize the municipalities, so far as may be necessary, and to provide and repeal laws and ordinances therefor; and also the power to alter, amend, modify, and repeal any and all laws and ordinances of every character now in force in Porto Rico, or any municipality or district thereof, not inconsistent with the provisions hereof: *Provided, however*, That all grants of franchises, rights, and privileges or concessions of a public or quasi-public nature shall be made by the executive council, with the approval of the governor, and all franchises granted in Porto Rico shall be reported to Congress, which hereby reserves the power to annul or modify the same.

So that in the act, which was amended by the Senate bill providing for the temporary continuance in office of certain officers, there was actually contained a provision with reference to the franchises, privileges, and concessions to which the

amendments offered by the gentleman from Wisconsin, on behalf of the Insular Affairs Committee, related, and still the Speaker held that the amendments were not germane.

That decision was delivered by Mr. Speaker Henderson, of Iowa, who said:

The Chair thinks that much of the difficulty in the minds of Members comes from the fact that the joint resolution sent from the Senate and the amendments added by the Committee on Insular Affairs all refer to the same statute, the Porto Rican bill, that became a law some time ago. The question as to whether these sections are germane can not be determined by the title alone, as has been suggested, because an act amending an act will always describe the title amended, although it may only touch one feature or part of the law; but the whole resolution has to be considered and the amendments to the resolution. If this was not clear, possibly the title would be brought into consideration. But there is not a particle of doubt as to the purpose of this resolution or as to the purpose of the amendments.

The resolution is for the sole purpose of extending the time in regard to the putting in operation of the new government of Porto Rico. The amendments are entirely outside of that question and enter upon amendments of the law in respect to matters entirely outside of that question. They have no relation in any shape or form to the proposition of the joint resolution. It will not be contended that if the Committee on Rules brought in a report to amend one rule, that thereby, by an amendment, you would open up for consideration of the House all the rules. A suggestion has been made by one gentleman as to the authority cited, and it is seldom within the power of the Chair to find an authority so completely on all fours like this. In that case the bill treated on the forfeiture of land grants, and the amendment was a regulation as to the forfeiture of lands, bearing upon the same subject, and that therefore they are not similar.

The case that the Chair has cited shows clearly that it was an amendment on the subject of the time when certain regulations went into operation. This joint resolution is for the same purpose. The amendments here are for wholly another purpose; and every Member of the House must see that no one of these amendments is germane to the original resolution. Suppose the original resolution was before the House for consideration and a Member should move to recommit with instructions to add these amendments. The point of order could be made at once that they were not germane and that the motion to recommit could not be held to be in order when it was asked to do in the House what could not be done in the committee. The case is perfectly parallel with the other. The Chair profoundly regrets that he has to sustain the point of order that it is not germane.

The case referred to, in this decision, is discussed on page 412 of Hinds' Precedents, Volume V, section 5807, where a Senate bill (S. 4814) was before the House, which was entitled "An act to amend an act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes." To this bill Mr. Thomas H. Carter, of Montana, moved an amendment providing for a method of classification to determine the mineral or nonmineral character of lands selected by railroads. The Speaker (Mr. Thomas B. Reed, of Maine) sustained the point of order in the following language, which shows the similarity of that case to the one now pending:

The Chair can only consider, in determining the question, whether the amendment be germane to the bill before the House and the proposition therein contained. The pending bill relates solely to the time when a period named in the original act shall begin to run. The amendment proposed relates to a reclassification of lands, a subject so remote from that of the bill, that it can be justified only by a claim that any amendment germane to this act proposed to be altered would be germane to this bill. But the very claim is its own answer. The test must be the bill before the House, for that is the bill which is to be amended.

On March 9, 1928, the House was in Committee of the Whole House on the state of the Union considering Senate amendments to an Indian appropriation bill. One of those amendments read as follows:

That the time fixed for the Indian appropriation act approved June 7, 1897, for opening for location and entry, under all land laws of the United States, the lands of the Uncompahgre Indian Reservation in Utah, under the limitations and exceptions as therein provided, is hereby extended six months from the 1st day of April, 1898.

To this amendment Mr. James S. Sherman of New York offered an amendment, which provided, in substance, that the Secretary of the Interior should be authorized to lease the said reserved lands containing minerals upon such terms and conditions as to royalties, length of leases, assignments of the leases, and other "regulations and limitations," as the Secretary of the Interior might determine. Mr. KING of Utah interposed a point of order, claiming, among other objections, that the Sherman amendment was not germane to the Senate amendment then under consideration.

The Chairman, Mr. Hepburn, of Iowa, sustained the point of order that the Sherman amendment was not germane.

Reference has been made, in debate, to the decision of Mr. Speaker Cannon on February 11, 1905, when the Committee on Naval Affairs, under a special order of the House permitting the consideration, on that day, of certain private bills, by a substitute for a bill not in the privileged class, under the order, sought to bring the bill within the special order. Mr. Speaker Cannon then said (Hinds' Precedents, Vol. VI, Sec. 4623, p. 954):

The substitute is a mere proposition of no higher grade than an amendment that might be offered by any Member. * * * The amendment can have no status and if it gets consideration at all it gets consideration by virtue of the bill which was referred to the Committee on Naval Affairs and reported back.

Thus, in the case now before the committee, the amendments recommended to the Senate bill by the Committee on the Merchant Marine and Fisheries have no advantageous position on the question of germaneness, notwithstanding that committee has jurisdiction of the subject matter and the Senate bill was referred to it. The amendments must survive the same test as would amendments offered on the floor of the Committee of the Whole or of the House. What, then, is that test?

The rule was never better stated than by the distinguished gentleman from Tennessee [Mr. GARRETT], when he said on September 19, 1918, as reported in the advance sheets of Hinds' Precedents, in section 9776, that—

the meaning of the expression "germaneness"—

In the case then before him was—

that the fundamental purpose of the amendment must be germane to the fundamental purpose of the bill.

The latest decision on a question of this sort was made in an admirable opinion by the gentleman from New Jersey [Mr. LEHLBACH], on the 8th of this month, which occurs on pages 4368–4370 of the CONGRESSIONAL RECORD. That decision was sustained by the Committee of the Whole by the vote of 207 ayes to 33 noes. For the present record, it may be well to insert the statement in that decision as to the issue then involved. Chairman LEHLBACH said:

The Committee of the Whole House on the state of the Union has before it for consideration the text of the committee substitute for the Senate Joint Resolution 47. This substitute being read for the purpose of amendment, the gentleman from Alabama [Mr. BANKHEAD] offers the following amendment:

"SEC. 2. The House of Representatives shall be composed of Members chosen every fourth year by the people of the several States."

To this a point of order is made that the amendment is repugnant to the provisions of the rule on germaneness, which reads as follows:

"And no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment."

In order to determine whether this amendment is on a subject different from that under consideration it is necessary to examine the subject matter of the legislative proposition to which it is offered as an amendment. An examination of the entire article shows that it is composed of four sections having two distinct and definite purposes. Sections 1 and 2 provide that the term of the President shall commence on the 24th day of January and the terms of Senators and Representatives shall commence on the 4th day of January, instead of as now on the 4th day of March, and that the Congress shall assemble on the 4th day of January, instead of as now on the first Monday of December. That is the distinct proposition involved in the first two sections, the reason for the proposition being to abolish the session of Congress after its successor has been elected and to bring the session of the new Congress nearer the date of election, so that the Congress will be more responsive to the will of the people.

The other proposition deals entirely with who shall exercise the powers of the Chief Executive and perform his duties in the event of the failure to elect the President, Vice President, or both, or in the event of the death of the President elect, or the Vice President elect, or both. These are the distinct and clear-cut propositions involved in the article, and there are no other propositions.

There is no proposition to alter permanently the length of the terms of any of the officers dealt with, either President, Vice President, Members of the Senate, or Members of the House. While in one instance throughout the future history of the country the terms of these officers are shortened by two months, that is merely incident to moving forward the date of the assembling of Congress and the abolition of the session of Congress subsequent to election.

Now, an examination of the amendment offered by the gentleman from Alabama shows that its effect not only deals with the length of the term of the Members, but necessarily affects the make-up of the Senate and of the Congress. Although the Constitution does not in

express words say so, it is a necessary result of the structure of our legislature as laid down in the Constitution that a Congress begins with the term of the Members of the House of Representatives and ends with the expiration of the term of the Members of the House of Representatives. That is not the case with the Senate, because the Senate is considered a continuing body, one-third of its Members going out every two years.

So, if this amendment were adopted, it would result in this, that where now in each Congress every Member of the Senate and every Member of the House is a Member at the beginning and remains a Member of the Senate and House until the expiration of Congress, we would have a situation where one-third of the Members of the Senate who began with the Congress would go out in the middle of its work and one-third of the membership of the Senate would come in when the work of the Congress was half done. That shows that this proposition involves not merely the length of the term of the Members of the House of Representatives, and for that reason might be deemed germane to section 1, but other consequences by reason of which it could not be held germane to section 1.

That decision is almost on all fours with the pending question. What is the fundamental purpose of this Senate bill 2317? Who will say that it has any other purpose than to extend for another year the operation and the work of the Radio Commission which, under the radio act of 1927, was limited to one year?

Section 1 does it in about the same language as is employed in the other bills which have been heretofore quoted. Section 2 continues the salaries of the commissioners for this same work for another year. Section 3 makes an incidental provision with reference to limiting licenses during this enlargement of the activities of the Radio Commission, and section 4, which the House committee struck out but which must be considered in this connection was also a part of the general scheme for continuing the life of the commission for one more year along the same lines and with the same powers and for the same purposes as were contained in the original radio act of 1927, when the commission was granted certain powers for one year only. Nowhere in the original Senate bill is there any permanent fundamental change in the wide range of the substantive provisions of the radio act of 1927, to which the Senate bill is an amendment.

The amendment proposed by the House committee, which is now designated as section 4, relates to an entirely different subject. It provides for the permanent territorial distribution and allocation of broadcasting licenses, in respect of wave lengths and of station power, among the five zones created by the radio act of 1927, and to the distribution and allocation of such broadcasting licenses, not all licenses, but broadcasting licenses only, among the different States in proportion to population and area.

It seems clear to the Chair that the fundamental purpose, in fact, the sole object of the Senate bill is the temporary extension of the jurisdiction of the commission and that the other matters which are inserted by the Senate bill are merely incidental thereto. If that is so, then section 4 is not germane, because it relates to an entirely different subject matter.

The Chair therefore sustains the point of order that the committee amendment, designated as section 4, is not germane to the Senate bill.

Mr. CRISP. Mr. Chairman, I respectfully appeal from the decision of the Chair, and desire to be heard on that. [Applause.]

The CHAIRMAN. The gentleman from Georgia is recognized for five minutes.

Mr. CRISP. Mr. Chairman and gentlemen of the committee, the Chairman who has just made his ruling is one of my good friends. I know he is an able lawyer, but I think the decision is an erroneous decision and, therefore, I have respectfully appealed from the decision so you may pass on it.

I know the older Members of the House will believe me when I say I never have argued a point of order to any Chairman or taken any position on a parliamentary question but what I absolutely believed to be right under parliamentary law. [Applause.] Now, I may have been wrong, but I was sincere in the position I have always taken and I am sincere to-day in this position.

The fundamental purpose of this bill is not to continue the life of the commission but it is to continue this Radio Commission with all of its powers, including the power for 12 months to continue to issue licenses. The Senate bill not only extended all the powers for 12 months but it extended them with certain limitations. The Senate bill amended section 9 of the original radio act by saying that this commission, with its life extended, could only grant licenses for one year and six months, instead of five and three years, and the House committee still further amended it by striking out the one and three years and putting in three months and six months.

Now, gentlemen, do you want to tie yourselves? I apprehend that a majority of this House desires to adopt the Davis amendment. I am appealing to your common sense. If you do not believe the amendment germane to this Senate bill, then vote to sustain the Chair; if you do believe it germane, be true to yourselves, be true to your convictions, and be true to your legislative duty, for you have as much right to say what the rules of this House are as the presiding officer. [Applause.]

I am not going to say any more. As I said, the Chairman is my friend, and I know he is a good lawyer. I give him credit for being sincere in his ruling, but I think he is wrong. I know I am sincere in my position. I know it is a legislative monstrosity to say this amendment is not germane to this bill which the House is now considering, and I ask you to do the intelligent thing by expressing yourselves to the effect that the House can consider it. That does not mean of necessity that the House adopts it. That simply gives you an opportunity to pass upon it. The Chairman of this committee, who is my friend, is not thin-skinned or sensitive. He will take no offense if he is reversed, and he will not be the first Chairman of this House or the first Speaker of this House who has been reversed in a ruling, and I am sure he will not be the last one.

I believe this amendment is in order and, therefore, I respectfully appeal from the decision of the Chair to give you an opportunity to pass upon it. [Applause.]

Mr. LEHLBACH. Mr. Chairman, I beg the indulgence of the committee for about 60 seconds. The gentleman stated correctly that the Senate bill was for the purpose of extending the powers and authority of the Radio Commission for 12 months with certain limitations. If section 4 were a limitation upon the powers and authority of the Radio Commission during the period for which their powers and authority are extended, it would be in order, but it does not refer to the functioning of the Radio Commission for the next 12 months. It changes, until amended, for all time the basic law with respect to radio, no matter who exercises the function, which will be the Secretary of Commerce after the 12 months if this bill passes. Consequently, it is in no sense germane. [Applause.]

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. CRISP. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The Chair appointed as tellers Mr. LEHLBACH and Mr. CRISP.

The committee divided; and the tellers reported—ayes 140, noes 168.

So the decision of the Chair was not sustained as the judgment of the committee.

Mr. WHITE of Maine. Mr. Chairman, by authority of the Committee on the Merchant Marine and Fisheries I offer an amendment to this section.

The CHAIRMAN. The gentleman from Maine offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment to the committee amendment by Mr. WHITE of Maine: Amend section 4 by inserting, in line 21, after the word "States," the words "including the District of Columbia and the Territories and possessions," and by striking out the words "and area" in line 22, so that as amended the amendment will read:

"The licensing authority shall make an equal allocation to each of the five zones established in section 2 of this act of broadcasting licenses, of wave lengths, and of station power, and within each zone shall make a fair and equitable allocation among the different States, including the District of Columbia and the Territories and possessions thereof, in proportion to population."

Mr. WHITE of Maine. Mr. Chairman, the first part of the language of the amendment is purely clerical. The language which we sought to amend by the committee amendment did not make reference to the District of Columbia or the Territories or possessions of the United States. Manifestly, this language should be carried in the amendment.

The second part of the amendment seeks to avoid a dual standard, a measure by population and a measure by area, and to set up in lieu thereof the single standard of population.

Mr. BURTNESS. Will the gentleman yield for a question?

Mr. WHITE of Maine. Yes.

Mr. BURTNESS. Is there any objection to splitting this amendment in two so that there may be a division of the questions involved in the amendment?

Mr. WHITE of Maine. That is not for me to say. I would rather dispose of it all at once.

Mr. GRIFFIN. Mr. Chairman, I offer an amendment as a substitute both to the amendment in the bill and the amendment offered by the gentleman from Maine.

The CHAIRMAN. The gentleman from New York offers a substitute to what?

Mr. GRIFFIN. To the lines in the bill and to the amendment offered by the gentleman from Maine.

The CHAIRMAN. The amendment of the gentleman from Maine is not yet a part of the amendment offered by the committee.

Mr. GRIFFIN. I am offering my amendment as a substitute for the gentleman's amendment.

The CHAIRMAN. The gentleman offers an amendment as a substitute for the amendment offered by the gentleman from Maine, which the Clerk will report.

The Clerk read as follows:

Substitute amendment by Mr. GRIFFIN: Strike out lines 15 to 22, inclusive, and insert: "Each of the five zones established in section 2 of this act shall be entitled to an equal allocation of broadcasting licenses, of wave lengths, and of station power; and the licensing authority shall make a fair and equitable allocation among the different States and the District of Columbia within each zone so far as practicable in proportion to population and demand for service."

Mr. BLACK of Texas. Mr. Chairman, I make the point of order that the amendment is not a substitute for the pending amendment. It seems to me it would now be in order to have a vote upon the amendment to the amendment and then if the gentleman from New York wants to offer his amendment as a substitute for the amendment as amended, it would be in order. I make the point of order it is not in order as a substitute for the pending amendment.

The CHAIRMAN. The point of order is sustained. The question is on the amendment offered by the gentleman from Maine.

The amendment to the committee amendment was agreed to.

The CHAIRMAN. The question now recurs on the committee amendment as amended.

Mr. GRIFFIN. Mr. Chairman, I now offer my amendment.

The CHAIRMAN. To which the gentleman from New York offers the substitute which has already been reported. Without objection, it will not again be reported, and the gentleman from New York is recognized.

There was no objection.

Mr. GRIFFIN. Mr. Chairman and colleagues, we have listened to a long debate. I have given the arguments on both sides the closest attention and have come to the conclusion it has all been a "tempest in a teapot."

I do not think there is a blessed soul in this House coming from any part of the country who is opposed to the fundamental principle underlying the Davis amendment. Nobody is opposed to an equal distribution of licenses, of stations, of wave lengths, and of power. This is not the point. All of the arguments over which so much time has been spent are confessedly the result of the ambiguity of section 4, and which, I am sorry to note, the amendment of the gentleman from Maine [Mr. WHITE] does not cure.

The burden of the debate on this bill has fallen on the construction of the so-called Davis amendment, which reads as follows:

The licensing authority shall make an equal allocation to each of the five zones established in section 2 of this act, of broadcasting licenses, of wave lengths, and of station power; and within each zone shall make a fair and equitable allocation among the different States thereof in proportion to population and area.

Its purpose, I think, is to freeze into the law a rule of conduct to be followed by the commission, but the fear is expressed that it goes further than the mere expression of the right of each of the five zones to an equality of broadcasting facilities. Objection is made to the use of the term "shall."

The sponsors of the amendment deny that the word "shall" is mandatory. Nevertheless, the word "shall" is a mandatory word and, in my opinion, the fears of some of the bigger stations have some justification.

It is probable that the courts will take into consideration in any adjudication of the matter the intent of the sponsors of this amendment, but why should language be used so ambiguous in its form as to invite litigation and long-drawn-out adjudications?

Now, gentlemen, they anticipate this very objection in the report. They say:

The equality here sought is not an exact mathematical division. The language does not contemplate the withdrawal of station licenses, of power, and of wave length from others and an impounding thereof in the absence of applications from the third or other zones therefor.

Further along they say:

This equality does not necessarily require the reduction of all other zones to the level of the least favored.

What an absurdity to frame a bill so obviously inexact in terms that it must be explained in the report! On the other hand, if your bill tells what you mean, what is the necessity of explaining it? Why not use the precise language that you have in mind—that all the zones shall be entitled to equal allocations.

Having this point in view, my amendment substitutes the following language for that in the bill, to wit:

Each of the five zones established in section 2 of this act shall be entitled to an equal allocation of broadcasting licenses, of wave lengths, and of station power; and the licensing authority shall make a fair and equitable allocation among the different States and the District of Columbia, so far as practicable, in proportion to population and demand for service.

This language is in strict conformity to the assurances of the proponents of the measure and simply freezes into the law a principle of allocation to be followed by the commissioners without raising the question of vesting in them the power to revoke licenses already existing, changing wave lengths, and scrapping stations. My amendment expresses what is admitted by the sponsors of this bill to be in their minds but which they have failed to express clearly in the bill.

Mr. WHITE of Maine. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in one minute.

The motion was agreed to.

Mr. WHITE of Maine. Mr. Chairman, I hope the amendment now offered by the gentleman from New York will not prevail. When I am in doubt as to the language of an amendment as to what it does or does not do, I am instinctively against it; and that is my attitude in regard to this amendment offered by the gentleman from New York. I do detect, however, the omission of all reference to Territories and possessions of the United States. Clearly in that respect it is defective. I believe the committee amendment as now perfected accomplishes what a clear majority of the House desires. Therefore I hope the pending amendment will be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. GRIFFIN].

The question was taken, and the amendment was rejected.

Mr. CELLER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 1, line 2, add a new paragraph to section 4, as follows:

"Just compensation shall be made for the closing of any radio broadcasting station or for substantial impairment of any radio broadcasting station resulting from the action of the Radio Commission hereunder. The person entitled to such just compensation shall be entitled to sue the Government of the United States in the Court of Claims in the manner provided by section 24, paragraph 20, section 145, of the Judicial Code, as amended."

Mr. JOHNSON of Washington. I make the point of order that we have passed that section.

The CHAIRMAN. On that point of order, that it was not offered at the proper place, the Chair sustains the point of order. The question is on adopting the committee amendment as amended.

The question was taken; and on a division, there were 175 ayes and 83 noes.

So the committee amendment as amended was agreed to.

Mr. WHITE of Maine. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The rule provides for the rising of the committee.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CHINDBLOM, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (S. 2317) continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes, had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The SPEAKER. Under the rule the previous question is ordered. Is a separate vote demanded on any amendment?

Mr. LEHLBACH. Mr. Speaker, I ask for a separate vote on the amendment, including section 4.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them in gross.

The other amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote is asked.

The Clerk read as follows:

Page 2, after line 14, add the following:

"SEC. 4. The second paragraph of section 9 of the radio act of 1927 is amended to read as follows:

"'The licensing authority shall make an equal allocation to each of the five zones established in section 2 of this act of broadcasting licenses, of wave lengths, and of station power; and within each zone shall make a fair and equitable allocation among the different States, including the District of Columbia and the Territories and possessions thereof, in proportion to population."

The SPEAKER. The question is on agreeing to the amendment.

Mr. LEHLBACH. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 235, nays 135, not voting, 64, as follows:

[Roll No. 46]

YEAS—235

Abernethy	Drewry	Kincheloe	Reed, Ark.
Adkins	Driver	King	Robsion, Ky.
Allgood	Edwards	Knutson	Romjue
Almon	Englebright	Korell	Rubey
Andresen	Eslick	Kvale	Rutherford
Arentz	Evans, Mont.	LaGuardia	Sanders, Tex.
Arnold	Faust	Lampert	Sandlin
Aswell	Fisher	Langley	Schafer
Ayres	Fitzgerald, Roy G.	Lanham	Schneider
Bachmann	Fitzgerald, W. T.	Lankford	Sears, Nebr.
Bacon	Fletcher	Lea	Selvig
Barbour	Frear	Leavitt	Shallenberger
Beck, Wis.	Free	Linthicum	Simmons
Bell	Fulbright	Lowrey	Sinclair
Berger	Fulmer	Lozier	Sinnott
Black, Tex.	Gambrill	Lyon	Smith
Bland	Garber	McClintic	Speaks
Blanton.	Gardner, Ind.	McDuffie	Sproul, Kans.
Bowling	Garner, Tex.	McKeown	Steagall
Box	Garrett, Tenn.	McLaughlin	Steadman
Brand, Ga.	Garrett, Tex.	McMillan	Steele
Briggs	Gasque	McReynolds	Stevenson
Brigham	Gibson	McSwain	Summers, Wash.
Browne	Gilbert	McSweeney	Sumners, Tex.
Browning	Gregory	Major, Ill.	Swank
Buchanan	Green, Fla.	Major, Mo.	Swing
Bulwinkle	Greenwood	Manlove	Tarver
Burtness	Griffin	Mansfield	Taylor, Colo.
Busby	Hall, Ind.	Martin, La.	Thatcher
Byrns	Hall, N. Dak.	Milligan	Tillman
Canfield	Hammer	Monast	Tucker
Cannon	Hardy	Montague	Underwood
Carss	Hare	Mooney	Vincent, Mich.
Carter	Hastings	Moore, Ky.	Vinson, Ga.
Cartwright	Hawley	Moore, Va.	Vinson, Ky.
Casey	Hersey	Moorman	Ware
Chalmers	Hill, Ala.	Morehead	Warren
Chapman	Hill, Wash.	Morgan	Weaver
Clague	Hogg	Morin	Welch, Calif.
Clarke	Holaday	Morrow	White, Colo.
Cole, Md.	Hope	Murphy	White, Kans.
Collier	Houston, Del.	Nelson, Mo.	White, Me.
Collins	Howard, Nebr.	Nelson, Wis.	Whitehead
Colton	Howard, Okla.	Norton, Nebr.	Whittington
Cooper, Ohio	Huddleston	O'Brien	Williams, Mo.
Cooper, Wis.	Hudspeth	O'Connor, La.	Williams, Tex.
Corning	Hull, Morton D.	Oldfield	Williamson
Cox	Hull, Tenn.	Oliver, Ala.	Wilson, La.
Crisp	Jeffers	Oliver, N. Y.	Wilson, Miss.
Crosser	Johnson, Ill.	Parks	Wingo
Curry	Johnson, Okla.	Peavey	Winter
Davenport	Johnson, Tex.	Peery	Woodruff
Davis	Jones	Porter	Woodrum
Deal	Kading	Pou	Wright
Dickinson, Mo.	Kahn	Quin	Wurzbach
Dominick	Kearns	Ragon	Yates
Doughton	Kemp	Rankin	Yon
Douglas, Ariz.	Kent	Rayburn	Zihlman
Drane	Kerr	Reece	

NAYS—135

Ackerman	Cohen	Fort	Johnson, Ind.
Andrew	Cole, Iowa	Foss	Johnson, Wash.
Auf der Heide	Connery	Freeman	Kelly
Bacharach	Crail	Frothingham	Kendall
Beedy	Cramton	Furlow	Ketcham
Begg	Crowther	Gallivan	Kopp
Black, N. Y.	Cullen	Gifford	Kurtz
Bloom	Dallinger	Glynn	Leech
Bohn	Darrow	Goodwin	Lehlbach
Bowles	Dempsey	Green, Iowa	Letts
Bowman	Denison	Griest	Landsay
Boylan	Dickinson, Iowa	Guyer	Luce
Brand, Ohio	Dickstein	Hadley	McFadden
Britten	Douglass, Mass.	Hale	McLeod
Burdick	Doyle	Hancock	MacGregor
Burton	Dyer	Haugen	Maas
Butler	Eaton	Hickey	Madden
Carew	Elliott	Hoch	Mapes
Carley	England	Hoffman	Martin, Mass.
Celler	Estep	Hooper	Mead
Chindblom	Evans, Calif.	Hudson	Menges
Clancy	Fenn	Hull, Wm. E.	Michener
Cochran, Mo.	Fish	Irwin	Miller
Cochran, Pa.	Fitzpatrick	James	Moore, N. J.
Moore, Ohio	Reed, N. Y.	Stobbs	Vestal
Nelson, Me.	Reid, Ill.	Strong, Kans.	Wainwright
Newton	Robinson, Iowa	Swick	Watres
Niedringhaus	Rogers	Taber	Weller
O'Connell	Rowbottom	Tatgenhorst	Welsh, Pa.
Parker	Seger	Temple	Williams, Ill.
Prall	Shreve	Thompson	Wolverton
Purnell	Somers, N. Y.	Thurston	Wood
Rainey	Sproul, Ill.	Tilson	Wyant
Ramseyer	Stalker	Underhill	

NOT VOTING—64

Aldrich	De Rouen	Kunz	Sanders, N. Y.
Allen	Doutrich	Larsen	Sears, Fla.
Anthony	Dowell	Leatherwood	Sirovich
Bankhead	French	Magrady	Snell
Beck, Pa.	Golder	Merritt	Spearing
Beers	Goldsborough	Michaelson	Strong, Pa.
Boies	Graham	Norton, N. J.	Strother
Buckbee	Hall, Ill.	O'Connor, N. Y.	Sullivan
Bushong	Harrison	Palmer	Sweet
Campbell	Hughes	Palmisano	Taylor, Tenn.
Chase	Igoe	Perkins	Timberlake
Christopherson	Jacobstein	Pratt	Tinkham
Combs	Jenkins	Quayle	Treadway
Connally, Tex.	Johnson, S. Dak.	Ransley	Updike
Connolly, Pa.	Kiess	Rathbone	Wason
Davey	Kindred	Sabath	Watson

So the amendment was agreed to.

The Clerk announced the following pairs:

On the vote:

Mr. Bankhead (for) with Mr. Treadway (against).
Mr. De Rouen (for) with Mr. Quayle (against).
Mr. Jenkins (for) with Mr. Igoe (against).
Mr. Chase (for) with Mr. Buckbee (against).
Mr. Spearing (for) with Mr. Updike (against).
Mr. Goldsborough (for) with Mr. O'Connor of New York (against).
Mr. Magrady (for) with Mrs. Norton (against).
Mr. Palmer (for) with Mr. Sweet (against).

General pairs until further notice:

Mr. Connolly of Pennsylvania with Mr. Connally of Texas.
Mr. Dowell with Mr. Harrison.
Mr. Hughes with Mr. Kunz.
Mr. Kiess with Mr. Sirovich.
Mr. Michaelson with Mr. Sullivan.
Mr. Snell with Mr. Palmisano.
Mr. Johnson of South Dakota with Mr. Davey.
Mr. Pratt with Mr. Jacobstein.
Mr. Ransley with Mr. Sears of Florida.
Mr. Taylor of Tennessee with Mr. Larsen.
Mr. Perkins with Mr. Combs.
Mr. French with Mr. Kindred.
Mr. Wason with Mr. Sabath.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. BOYLAN. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. The gentleman from New York demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Five Members, not a sufficient number, and the yeas and nays are refused.

The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. BOYLAN. Mr. Speaker, I object to the vote and make the point of order that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present. The Chair will count. [After counting.] Two hundred and forty-six Members present, a quorum.

So the bill was passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE TO PRINT—RADIO LEGISLATION

Mr. WHITE of Maine. Mr. Speaker, I ask unanimous consent that all Members may have three legislative days in which to extend their own remarks in the RECORD upon the bill just passed.

The SPEAKER. Is there objection?

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Speaker, for the past two days this House has been discussing the pending radio bill, which, if passed, proposes equal distribution of the air. Not only is this proposed, but the bill requires the Radio Commission to make an equal distribution of power, to give the South and West a square deal—that which it has never received at the hands of the present Radio Commission.

It is conceded by all that when the present law was enacted Congress had this in mind when the words "equitable distribution" were used; but the intent of the law has been ig-

nored. For my part, Mr. Chairman, I favor this bill with the Davis amendment, making the proposed law so plain, so mandatory, that there can be no misunderstanding nor evasion on the part of the Radio Commission.

I have no desire to be unkind nor to criticize unjustly the present Radio Commission, and yet I do not propose to soft pedal merely because members of that discredited commission may occupy seats in the House gallery. I am delighted that they have "listened in" on the extended discussion of this bill. If the pending measure is passed with the Davis amendment, as I feel will be done, there will be no speculation nor equivocation as to what Congress means when it says "equitable distribution." It will be a direct and unmistakable mandate that in the future there must be an equal distribution of power throughout the country.

That the present situation in which the people of the South and West find themselves is truly deplorable none who are informed will pretend to deny. If there were not such a wide range of difference in the favoritism shown by the commission to the first zone, to the detriment of all others, and especially to the splendid progressive citizenship of Oklahoma, I probably would not ask your indulgence at this time.

We find that one station in Philadelphia has 50,000 watts, as compared with only 47,000 watts allocated to the entire third zone, which is comprised of 11 Southern States. One station in New York is allocated 3,000 watts more power than is given to the combined States of Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Alabama, Tennessee, Georgia, North Carolina, South Carolina, and Florida.

In spite of the fact that the people of the 11 above-named States have not been given a square deal by the Radio Commission, and are being forced to listen to the powerful stations of the East if they "listen in" at all, there are 1,037,950 radio sets in operation in the third zone. Of this number, 100,750 sets are in the State of Oklahoma, which leads all other States in the South in the number of sets in use except Texas.

The third zone has a population of 24,826,050, and leads all others, including the first zone, which has a practical monopoly on the air. And yet the third zone has been pushed to the bottom of the list, with less power than one station in New York.

Judging from its attitude toward the Southwest, the Radio Commission evidently agrees with the gentleman from New York [Mr. CELLER], when he compares the radio situation to a large pie, and remarks that a small child should not have as large piece as an adult. It is obvious that the distinguished gentleman has the audacity to compare the great Southwest to a mere child. I would not wish to be so unkind as to cast aspersions on the great city of New York. But I am tempted to say that all our citizens of Oklahoma understand a radio program broadcasted in good old English, and yet a very large percentage of people of the city of New York could not understand a program unless broadcasted in a foreign tongue. We have no serious objections to these foreign-language programs for New York, but we people down South and West dislike very much to be compelled to listen to so much Italian, French, Greek, and so forth, when we have so many wholesome, educative, and entertaining programs in the air that all can well understand. Even though our stations in the South may be small and many of our people poor, we feel as much entitled to radio programs as are the millionaires of the East.

If the great South must be compared to a mere child, let me say that this vast area stretching from the panhandle of Oklahoma to the everglades of Florida is not now receiving even a child's portion. We have starved long enough; let us have an equal division of this "radio pie"; let us insist that each section of America get a square deal; let us bring order and equality out of the present chaotic conditions.

Much has been said here by opponents of this measure about "vested rights" of the air. Our contention is that no monopoly has any vested rights. If that be true, then we have no more rights in this country. If that be true, the States of New York and Pennsylvania will continue their monopoly of the air and nothing we can do here will right this grave injustice to the South. But that is not true. When enemies of the pending measure resort to the "vested-rights" talk, it is evident that they are about driven from the field of argument. That so-called argument of vested rights is sufficient reason why Congress should enact immediate legislation to preserve the people's rights.

In closing, Mr. Chairman, I desire to take this opportunity to present the views of the people I represent regarding the present deplorable radio situation. I have received a great number of letters and telegrams from every county in my district protesting against the present monopoly of the air by the large chain stations of the North and East. The work of the present Radio Commission is severely criticized, and it is shown by these letters that the smaller stations, especially in the South, are being discriminated against. These good people I represent are demanding freedom of the air.

If I may be given permission, I shall quote here from a few of the many letters I have received on the subject, protesting against the present intolerable conditions and urging immediate relief on the part of Congress:

CANTON, OKLA.

Hon. JED JOHNSON,
Washington, D. C.

MY DEAR MR. JOHNSON: * * * I do not hesitate to say that I feel justified in asking you to do all you can to see that the people are protected in the freedom of the air. The favored interests, who have sought control of speech and the press, are about to get control, and will, if permitted, control the air. The slogan of free speech and free press is no longer a matter of importance; for, since we have the air service it is important to speech and press, and I regard it of grave importance that the rights to the air not be taken away from the people. * * *

T. C. KNOOP.

ALMA, OKLA.

Hon. JED JOHNSON,
Washington, D. C.

DEAR MR. JOHNSON: * * * Try to help us get the air back. The chain gang has taken it from us, so that we can't say any more "nothing is free but the air." We are just about crowded out by the high-priced ads and the chain gang.

A. S. MOORE.

OKEENE, OKLA.

Hon. JED JOHNSON,
Washington, D. C.

DEAR SIR: * * * Don't let the Federal Radio Commission crowd the independent stations off the air, as they are the ones which give us the markets and news—of most importance to the farmers. The reception is horrible at night when the chain stations are on the air. * * *

MRS. WINNIE SEVERN.
GEO. A. SEVERN.

OMEGA, OKLA.

Hon. JED JOHNSON,
Washington, D. C.

DEAR CONGRESSMAN: I am writing you in regard to the Radio Commission. I think it would have been better if the commission had never been created. * * * The people in the South are being cheated out of their share of the air, something that used to be free. * * *

S. EARL PECK.

WALTERS, OKLA.

Hon. JED JOHNSON,
Washington, D. C.

DEAR JED: * * * What is the farmer who owns a radio going to do? In a short while he might just as well junk it, for the chain stations are going to crowd everything else out of the air. On Sunday nights we can't even get church services any more for jazz programs. These chain stations ought to broadcast on one wave length from 7 p. m. to 10 p. m. * * *

G. A. TERMAINE.

DUNCAN, OKLA.

Hon. JED JOHNSON,
Washington, D. C.

DEAR SIR: We are very much interested in radio and, like thousands of others, want freedom of the air for all and not the favored few. Our Congressmen and Senators must see that the people get a square deal. * * *

Mr. and Mrs. A. C. SHROYER.

CHICKASHA, OKLA.

Hon. JED JOHNSON,
Washington, D. C.

DEAR SIR AND FRIEND: It seems to me that the chain stations have their chain around the throat of the radio buyer and user, and are either choking them to death or forcing them to like the stuff they call grand opera, etc. Most of our strong stations have connected up with the chain groups, and from about 7.30 to 10 o'clock at night, no matter where you turn, there is a chain station giving you the same programs until you get disgusted and quit. * * *

O. S. PENNY.

RUSH SPRINGS, OKLA.

Hon. JED JOHNSON,
Washington, D. C.

DEAR SIR: I want you to please help us out on our radio programs. The southern people can get nothing. We want our just share of the air and we do not care to listen to Chicago and New York all of the time. The people here are certainly up in arms about the situation. We can get nothing from this section of the country on account of Chicago and New York and a few other high-powered stations.

J. B. COX.

GEARY, OKLA.

Hon. JED JOHNSON,
Washington, D. C.

DEAR SIR: We are very much interested in the passage of the bill making an equal distribution of the air in the States of radio land. The chain stations are shutting out the independent stations and we are being told just what we must listen in on. We hope you will help the South get her share of the power and not let "big business" grab the air.

Mrs. VERNA B. SWAGGART.
Mrs. JAS. E. PARK.
Mrs. OLIVE ARMSTRONG.
Mrs. FRANK SWAGGART.

ANADARKO, OKLA.

Hon. JED JOHNSON,
Washington, D. C.

DEAR JED: * * * Of course, we are pleased to receive programs rendered by the superstations; but sometimes, you know, JED, a fellow would like to get other programs than those distributed from a superstation through sometimes as many as 15 or 20 other stations. It is almost impossible to get away from receiving the same program again. We do not think the South is getting a square deal in number and size of the stations; as you know, some of the northern superstations are as powerful as all the stations together in a number of States. I am informed that this is true to the extent that all the stations in 11 States of the South are not as powerful as one Northern superstation. This is unfair to the South. It is very hard to get the southern stations at all on account of the low power and limited number of stations that have been granted license, while the entire North is a flood of stations of which a big per cent are owned and controlled by private concerns and used for advertising purposes. All of this makes radioing very difficult, and if you could just come back to Oklahoma and try radioing for one or two nights you would see that the North has absolute control on the air. * * *

J. A. ASHER.

WAURIKA, OKLA.

Hon. JED JOHNSON,
Washington, D. C.

DEAR JED: What is Congress going to do about the radio situation? Conditions in Oklahoma are next to intolerable. The air has become so commercialized that all one can hear is jazz and advertisements. It is disgusting for one to try to get the market reports and other useful information or a musical program from Oklahoma City or Dallas, to find one must listen to jazz or about somebody's pink pills or patent medicine. It seems that New York, Chicago, and Philadelphia have a monopoly on the air. Is it true that one station in New York has actually been given more power by the Radio Commission than Oklahoma and the other 10 States of the third zone?

Yours truly,

H. A. ROACH.

Mr. MORROW. Mr. Speaker, in my State, New Mexico, we have but three or four broadcasting stations. The principal station is at the Agricultural College, State College, N. Mex. The station has received orders to change the frequency of the station, KOB, from 760 to 1,050 kilocycles. This channel is used by seven other stations in the United States, with power from 50 to 5,000 watts, and is not a preferred channel and, of course, it is operated with great interferences.

The station at the college was a pioneer station in broadcasting in the Southwest, starting under experiment license in June, 1920, as 5XD. This was before the licensing of broadcasting stations as such stations. The station is about 799 miles removed from a radius of any other large station. It should be entitled to a cleared channel and to exclusive time. The nearest other large stations are at Los Angeles, Salt Lake City, Denver, Tulsa, Fort Worth, and San Antonio.

The station at the college is equipped for special service and was operating successfully and rendering such service until the arbitrary change by the commission. The station, with proper power, is of great public service, convenience, and is a real necessity.

It serves some 700,000 people of the Southwest living in small communities, on farms, ranches, mining and lumber camps, all of whom are far removed from large cities. Nearly all lack rapid communication and educational entertainment such as those residing in or near large cities receive.

These communities need, and are entitled to, radio service. A glance at the radio map of the country will show very few radio stations in the wide stretches of the open country. Station KOB is the Southwest's only large station, as the map will disclose. The radio law of 1927, in outlining the duties of the Radio Commission, states that—

the licensing authority shall make such distribution of licenses, bands of frequency of wave lengths, periods of time of operation, and of power among the different States and communities as to give fair, efficient, and equitable radio service to each.

The geographical distribution of stations on preferred channels show that Illinois has 15, California 14, Washington and east Texas 8 each, Iowa 7, Massachusetts, Missouri, and New Jersey 6 each, Wisconsin, District of Columbia, and Oregon 2 each, while a few States have no stations, the majority of the rest have 1. And then efforts are made to take KOB off the preferred channel.

In all legislation there is an important factor that must be taken into consideration—that is, the people and their rights should and must be protected. Especially is this true in this day and age, when it appears that organized capital seeks the control and complete monopoly of all the natural resources of the Government; air, water power, in fact, every natural resource of the Nation that can by legislation be brought under their control and in turn capitalized by the same moneyed powers and resold back to the people at a very large return upon the investment. This method at this time is being used to the disadvantage of the citizens of our Nation. Especially is this true in the matter of the use of the air for radio purposes. It seems that the air is to be used in the same manner as the great natural resources of the Nation, all grabbed by man's greed and in turn sold back again to the public at an enormous interest and return to capital.

I am inserting herein part of a communication from the director of station KOB at the New Mexico Agricultural College. This will show that the station is not receiving what rightfully belongs to it under its license. The correspondence follows:

In the late summer another station requested of the commission permission to use the 760 kilocycle channel. We were, according to custom or regulation of the commission, notified of this request and protested the addition of more stations on the grounds of interference existing between the eight already assigned this channel. Their request was turned down, but without our receiving notice or given opportunity to protest and following the above, KMA at Shenandoah, Iowa, was assigned to the 760 kilocycle channel and required to divide time with KWKH. This was protested by KWKH. A little later KWKH requested a hearing before the commission to determine if they should be granted a permit to increase their power from 1 kilowatt to 10 kilowatts, and have full time on our channel. The hearing was held in Washington October 13, 1927. At this hearing KOB was represented by director Symons of the University of Maryland. We strongly protested the increase of power of KWKH unless this station and KMA were made to divide time with KOB, in which case we had no objection to the increase of power. Affidavits showing that bad interference existed were presented. Also correspondence between the undersigned and KWKH and KNA was presented to prove that KOB had made every effort to effect a division of time among these stations with the idea of clearing the existing interference, but without success. The result of this hearing was that KWKH's request for increased power and exclusive time on the 760 kilocycle channel was denied and he was made to divide time on the air with KMA, as originally ordered. KOB, and the strong interference between KOB and KMA or KWKH, was totally ignored in this decision.

The matter was then taken up by correspondence with the commission. In December we again sent them sworn copies of all correspondence with KWKH and KMA to show we had made every effort to get cooperation in eliminating the interference, but without success with KWKH. KMA expressed a willingness to consider a division of time. The commission seems to have assumed that because we had been active in our attempts to clear the situation, that we desired to change our channel. Commissioner LaFount, then, recently appointed to replace Commissioner Dillon, deceased, and representing the fifth zone, which we are in, proposed we change to the 580-kilocycle channel, reduce our power to 2,500 watts, and use time four nights per week from 6 to 8 p. m. only. This was unsatisfactory for three reasons. First, the channel is not one of the preferred channels and which we feel we are entitled to have; second, the time division was not equitable; and third, the other stations using this

channel were Canadian, thereby introducing international complications over which the commission had no control. This proposition was held pending future developments by mutual agreement.

Through our affiliation with the Association of Land Grant Colleges and my being a member of the radio committee of that organization, I was called to Washington for a conference with the commission on January 9, 1928, to take up the general question of educational broadcasting and specific arrangements for some 19 stations of land-grant colleges. Unfortunately for us, Commissioner LaFount was not in attendance at this conference, but Commissioners Sykes, Caldwell, and Pickard were. The commission talked over the situation and expressed themselves as very favorable toward educational broadcasting. Arrangements were agreed upon concerning acceptable compromise solutions of the difficulties of the stations of the association, including KOB. It was understood the carrying out of these arrangements would have to await the confirmation of appointment of Commissioners Caldwell, Pickard, and LaFount by the Senate. I understand that to date these confirmations have not been made.

Concerning KOB at this conference, all recognized the "public convenience, interest, and necessity" for KOB service. It was agreed that KOB should be given equitable exclusive time on a cleared channel with the requested 10-kilowatt power. Commissioner Caldwell suggested that to do this a station in his district under eastern time should be paired with KOB. Thus, they would shut down at 11 p. m. or 9 p. m. our time, after which we could have the air. He suggested a Detroit station. Commissioner Pickard agreed in principle to this idea and advanced the further suggestive idea that since the Springfield, Mass., and Boston, Mass., stations, WBZ and WBZA, of the Westinghouse Co. did not seem to reach very far west, these stations would be good ones to pair us off with. He thought that by this means it might be possible for both of us to work full time, at least under reduced power out of our allotted full-power time, without interference. This suggestion appeared highly satisfactory to all. It was then recommended by the commission that the undersigned proceed to New York City to confer with Mr. Horn, of the Westinghouse Co., in regard to their acceptance of this proposition. I made the New York trip, but unfortunately missed Mr. Horn by about a half hour, so could not confer with him. I then returned to Washington and reported the results to Commissioner Pickard, who assured me that he felt sure everything would be satisfactory and that this arrangement could be carried out. Before leaving Washington and on the suggestion of Commissioner Pickard, I wrote a letter to Commissioner LaFount reporting the conference and its results.

Nothing further was heard from the commission until February 21, when I received the following telegram: "Modification issued to-day, effective March 1, authorizing you operate on 1,050 kilocycles, dividing time KSAU, Boise, Idaho. Signed, Harold A. LaFount, commissioner."

There are listed seven stations on the 1,050-kilocycle channel. Two of these divide time in Nebraska, two more divide time in Minnesota, and one in Arkansas is on only during daylight, thus virtually reducing the possible number of stations that could be on the air at one time during the evening to four. I listened in with a selective superheterodyne receiver and found bad interference on this channel. Therefore to determine if orders changing conditions March 1, when we were supposed to get on this channel, had been issued to reduce the present interference, I sent the following wire to the commission: "Your wire received. Please wire us number stations, location, power, and hours assigned 1,050 kilocycles March 1. Fear heterodyning interference. In conference January 9. Arrangements for acceptable changes suggested by Commissioners Pickard and Caldwell. We prefer equitable division time some cleared channel as agreed upon this conference. Signed, R. W. Goddard."

WASHINGTON, D. C., *February 23, 1928.*

To R. W. GODDARD,
Radio Station KOB, State College, N. Mex.:

Seven stations now on two eighty-five. Five meters through division of time reduced to four. Baltimore 5,000 watt and Minneapolis 500 watt are the only ones that can in any way interfere with your programs. Regret inability to secure cleared channel, 200 similar requests making the task a complicated one. Other commissioners feel that proposed frequency will help you at least temporarily. I suggest that you try it out for a time and report results.

HAROLD A. LAFOUNT,
Commissioner.

Their reply indicates that the present interference will not be cleared up, and that we would be jumping from the frying pan into the fire to change channels, as well as sacrifice our right to a preferred channel under section 4 (f) of the 1927 radio law, which we are now occupying.

"SEC. 4 (f). Make such regulations not inconsistent with law as it may deem necessary to prevent interference between stations and to carry out the provisions of this act: *Provided, however,* That changes in the wave lengths, authorized power, in the character of emitted signals or in the times of operation of any station, shall not be made without the consent of the station licensee unless, in the judgment of the commission, such changes will promote public convenience or interest or will serve public necessity, or the provisions of this act will be more fully complied with."

After conference with President Kent and others I wired commission last night: "Yours February 23d received. Have listened here ten-fifty kilocycle channel with selective superheterodyne and found very serious interference. Nebraska and Minnesota stations with Idaho without reassignment of time or elimination some stations same interference would occur. KOB, when dividing night time with Idaho, can't report regarding Baltimore, as unable to clear interference enough to determine all sources. Temporary change means great inconvenience our thousands of listeners as well as considerable expense for new condensers, crystal, etc. Would need over month notice to obtain these; also forfeit our right under radio law, section 4 (f), to preferred channel. Unwilling to give up good allocation we are entitled to for something worse. Conference January 9 with commissioners recognized right and public necessity KOB service. Agreed to arrange equitable division, exclusive time, cleared channel. Reference records correspondence conference and telegrams to commission from our listeners. KOB service inaugurated 1920. Only large station serving Southwest, with difficult terrene and summer static conditions. Reception satisfactory until channel changed by commission, June 27. Reports of interference with KWKH brought no relief. KMA placed on channel without our knowledge or opportunity to protest, but after our protest addition of other stations desiring to use channel. KOB ignored in division time KMA and KWKH, notwithstanding interference. Reported KOB made every effort to get equitable division time KMA and KWKH and cooperate with commission. Result, present deadlock. Strongly protest change. Desire equitable division time KMA, KWKH, and KOB present channel or equitable division exclusive time other cleared channel. Suggested change manifestly unfair. KOB unwilling surrender our rights in preferred channel or make temporary change. Please wire procedure necessary for us to take, if any."

By way of explanation of this action, might I state the situation as I see it? We are now on a preferred channel. We can not be removed from it without our consent or a hearing to determine the necessity at which we could prove our rights to a place in the air. If we relinquish our preferred channel for one outside the preferred band, the burden of proof of why we should be put back will be on us and make the situation consequently more complicated.

We certainly want to avoid any unnecessary and frequent changes of channel as our thousands of listeners become accustomed to listening for us at definite settings of their dials. If a change is made we are lost to them until they can find us again. Also a change in channel requires constructional changes in the transmitting equipment, such as replacement of condensers, crystal, oscillator, etc. This costs considerable money for a station the size of KOB. Also it would require at least one month to get this material from the manufacturers in the East under the most favorable conditions. We feel the clearing up of the present interference is of mutual benefit to the stations concerned and are willing to compromise if others will do so equitably. KWKH refuses to do so. We have done our best; therefore it is up to the commission to settle the difficulty. But we can not see why the oldest, most powerful station giving the most service to the greatest area should be penalized and made to take an unfavorable channel, while stations established after KOB and broadcasting entertainment and sales talks only are allowed to keep the present very favorable channel.

For your further information may I quote section 9 of the radio law of 1927, paragraph 2, outlining the duties of the commission?

"SEC. 9, PAR. 2. In considering applications for licenses and renewals of licenses, when and in so far as there is a demand for the same, the licensing authority shall make such a distribution of licenses, bands of frequency of wave lengths, periods of time for operation, and of power among the different States and communities as to give fair, efficient, and equitable radio service to each of the same."

KOB is the only powerful station in a radius of 700 miles between Fort Worth, Tex., and Los Angeles, Calif., east and west, and between Denver, Colo., and Mexico City north and south. At present the geographical location of stations enjoying the preferred channels are: State of Illinois, 15; California, 14; New York and Pennsylvania, 9 each; Washington and east Texas, 8 each; Iowa, 7; Massachusetts, Missouri, and New Jersey, 6 each; Ohio, 4; Florida, Michigan, and Nebraska, 3 each; Wisconsin, District of Columbia, and Oregon, 2 each; while a few States have no stations, the majority of the rest have one. And then they try to take KOB off a preferred channel!

It would appear from the information furnished by the director of KOB that the charge is true that the power to operate stations has been granted larger cities to the detriment of rural communities and that the air for radio use is being commercialized and the power to operate monopolized largely for commercial advertising. The amendment adopted by the House should correct this evil to a great extent, if an honest and fair class of men is retained upon the Radio Commission.

Mr. JOHNSON of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the bill by incorporating therein a letter and telegram I received from my district.

The SPEAKER. Is there objection?

There was no objection.

Mr. JOHNSON of Texas. Mr. Speaker and Members of the House, there seems to be but one section of this bill (S. 2317) in controversy, and that is section 4, which reads as follows:

SEC. 4. The licensing authority shall make an equal allocation to each of the five zones established in section 2 of this act of broadcasting licenses, of wave lengths, and of station power, and within each zone shall make a fair and equitable allocation among the different States, including the District of Columbia and the Territories and possessions thereof, in proportion to population.

This is a new section to the Senate bill and is offered as a committee amendment thereto by the House Committee on the Merchant Marine and Fisheries. I favor its adoption and the argument of those opposed to it appears to be wholly without merit.

The radio bill of 1926, which is now the law of the land, divided the United States and possessions into five zones for administrative purposes, as follows:

First zone: Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, the District of Columbia, Porto Rico, and the Virgin Islands.

Second zone: Pennsylvania, Virginia, West Virginia, Ohio, Michigan, and Kentucky.

Third zone: North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi, Arkansas, Louisiana, Texas, and Oklahoma.

Fourth zone: Indiana, Illinois, Wisconsin, Minnesota, North Dakota, South Dakota, Iowa, Nebraska, Kansas, and Missouri.

Fifth zone: Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, California, the Territory of Hawaii, and Alaska.

The purpose of dividing the country into five radio zones was as expressed at the time of the passage of the 1926 bill to provide for "equitable distribution" and service to the entire United States. That such purpose has not been accomplished is evident from the report of the committee as shown by the following table contained therein relative to broadcasting licenses which have been issued under authority of existing law:

Analysis of broadcasting licenses

	Population	Population (per cent)	Area (square miles)	Area (per cent)	Number of stations	Total station power in watts	Percentage of station power	Stations with over 1,000 watts
Zone 1	24,378,131	22.73	129,769	3.63	138	213,055	35.30	10
Zone 2	24,337,341	22.69	247,517	6.93	115	116,805	19.34	8
Zone 3	24,826,050	23.14	761,895	21.33	102	47,105	7.80	4
Zone 4	24,492,986	22.83	658,148	18.42	215	164,870	27.31	30
Zone 5	9,213,720	8.59	1,774,447	49.68	131	61,785	10.24	8
Total	107,248,228	100	3,571,776	100	701	603,620	100	60

It will be noted that these five zones with the exception of zone 5 are almost equal in population, but that in the distribution of broadcasting stations gross discrimination has been shown. Zone 3, in which I live, has the largest population of any one of the zones, and yet has but four high-powered broadcasting stations, while zone 1 has 10 and zone 4 has 30 of such stations. It is my understanding that the total power of the four stations in zone 3 is less than that of one single station in the city of New York.

If the Radio Commission interpret this as "equitable distribution," then it becomes absolutely necessary that Congress shall in no uncertain terms and by mandatory injunction require them to "make equal allocation" as the proposed amendment will do.

The gentleman from New York [Mr. CELLER] stated that he was opposed to the amendment because it "will put the radio art into a strait-jacket." If it requires a "strait-jacket" to have the will of Congress carried into effect by one of the commissions it has created, then the sooner we have one the better. The same gentleman, in opposing this amendment, compared zone 1, in which he lived, as "adults," and zone 3 "children." In order not to be too offensive he hastened to say:

I do not mean to imply that the zone 3 is necessarily like unto a child, but I will say this: That as far as industry, commerce, radio population, and as far as enterprise is concerned with reference to broadcasting, and as far as willingness was concerned to enter this field, certain sections are not as fortunate as others. Some are smaller than others, through causes probably beyond their control.

What are the facts? Take his own speech and the figures therein contained. On January 1, 1927, zone 3 had a total of 1,037,950 radio receiving sets, while zone 1 had 1,444,100 such sets. While his zone had only 25 per cent more receiving sets, it had 150 per cent more high-powered broadcasting stations and 350 per cent greater station power in watts than zone 3.

One reason zone 3 has no more broadcasting stations is that the Radio Commission has declined to grant numerous applications to establish them. He is right, therefore, in saying that the causes are "probably beyond their control." And if this amendment is not adopted it will still be "beyond their control" to secure additional stations.

As to "industry and commerce" of zones 1 and 3, statistics fail to sustain the charge that zone 1 is an "adult" and zone 3 a "child," at least in so far as the value of exports is concerned.

The value of exports determines whether our trade balance is favorable or unfavorable, and is, therefore, an important factor regarding the prosperity of the Nation.

The value of exports for the year 1924 of the States comprising zones 1 and 3 are as follows:

Exports by States for 1924

ZONE 1

Maine	$5,503,356
New Hampshire	6,014,221
Vermont	2,367,212
Massachusetts	114,418,430
Connecticut	35,503,405
Rhode Island	13,576,560
New York	731,593,502
New Jersey	223,921,264
Delaware	5,208,338
Maryland	71,178,310
District of Columbia	555,008
Porto Rico	9,479,436
Total	1,219,319,042

ZONE 3

North Carolina	62,321,924
South Carolina	29,866,769
Georgia	84,963,380
Florida	27,459,986
Alabama	35,739,440
Tennessee	43,041,084
Mississippi	55,647,497
Arkansas	38,899,816
Louisiana	222,847,224
Texas	737,218,927
Oklahoma	47,897,006
Total	1,385,903,053

Of the commodities sold to the other nations of the earth to enrich our own, zone 3, "the child," led zone 1, "the adult," by $166,548,011 in a single year.

And every dollar of the exports from zone 3 represents wealth actually produced therein. It is the producers of wealth rather than the traders in wealth who contribute most to the prosperity of this Nation.

My own State of Texas may be a child in age when compared with the State of New York and its population only about half as large, but in one year its exports exceeded those of its ancient sister by $5,625,425. And aside from that Texas is a growing child. In 1850 when the first Federal census was taken after Texas was admitted as a State, the population of Texas was 212,592 and that of New York State was 3,097,394. The Census Bureau estimates that the 1930 census will give New York State a population of 11,755,000 and Texas 5,633,000. In Texas's 80 years of Statehood her population has multiplied twenty-six times, while in the same period New York State's population has increased less than four times. In other words the population of Texas is twenty-six times greater than it was 80 years ago while New York State is less than four times larger. If the same ratio is continued for the next 80 years at that time Texas will have a population of over 140,000,000 and New York would have about 45,000,000.

But enough of comparisons. I am not a sectionalist. I have a very high regard for the imperial State of New York and, in fact, for every State in the American Union, and the gentleman from New York [Mr. CELLER] is my friend; but when my own great State and its neighbors have been grossly discriminated against by a Federal agency, such as has been done by the Radio Commission, the wrong that has been done us can not be justified by telling us that we are children, and therefore should be seen and not heard. I understand that some members of the Radio Commission justify their conduct in denying the establishment of new stations in our zone by construing existing law as to "equitable service" to mean the right to listen rather than the right to broadcast. That makes the enactment of section 4 of this bill necessary, and without

it we can not hope for relief. The plea of "vested right" interposed by some in behalf of existing stations does not appeal to me as sound either in law or in equity. The right of the people to the use of the air is paramount to the right of any individual, any corporation, or broadcasting station, and the Government of the United States, acting for its citizens, can regulate and control this greatest of modern inventions for the common good and the welfare of all. But the fact that the plea of vested right is claimed for existing stations makes it all the more important that we shall by legislative declaration require that the Radio Commission shall in the allocation of stations, wave lengths, and power give every part of this country equal and fair treatment.

The people in my district are interested in this legislation. I have received a number of communications from them. Here is a telegram received by me only a few days ago:

BRYAN, TEX., *March 7, 1928.*

Hon. LUTHER A. JOHNSON,
Washington, D. C.:

We, the undersigned, heartily indorse honest distribution of the air. Use your influence to this intention.

David Reid, H. Conway, M. Schulman, L. H. Daniels, Henry Locke, Raymond Jones, C. S. Beckwith, R. Erskine, W. B. Moore, C. R. Overt, Ross Groginsky, Will Lawrence, D. L. Wilson, Bryan Miller, R. S. Webb, H. Lockard, H. G. Syptak, Travis Bryan, J. C. Caldwell, W. R. Fairman, J. Kaplan, H. L. Whitley, New York Café, James Page, D. Fountain, Bert McMorris, Allan Kraft, Noah Dansby, C. E. Jones, Donald Cole.

Also, here is a petition from Milano, Tex., dated March 5, 1928:

We are requesting you to use your influence and vote to support the fight being carried on by Mr. W. K. Henderson, of radio station KWKH of Shreveport, La., to provide equal distribution of radio power according to area and population. We are asking you to support the bill just reported out of the Merchant Marine and Fisheries Committee amending the radio law and providing equal distribution of radio power.

We also request that you do all within your power to prevent the Senate from confirming Caldwell as radio commissioner.

We do not believe that Judge Sykes, one of the commissioners who has been confirmed, is giving the South fair representation and treatment.

We would be glad if Congress investigated the whole Radio Commission. Get men on the commission who will give everybody a square deal regardless of whether they are of the big electrical concerns or not.

We do not like those chain programs and that is about all we can hear most of the time. We want something besides advertising programs.

FRANK FASEL (and others).

Those of us who favor amending the existing radio law, as proposed in this bill, do so, not because we are sectionalists but because we are against sectionalism. We believe in the doctrine of equality. Can any one who is imbued with the spirit of democracy—who believes not only in preaching but in practicing the immortal maxim of Thomas Jefferson, "Equal rights to all and special privileges to none," find fault with section 4 of this bill, which merely provides that every section of this Nation shall have equal rights in the use of the air, which God made for all of us.

LEAVE TO ADDRESS THE HOUSE

Mr. ANDREW. Mr. Speaker, I ask unanimous consent that to-morrow, after the reading of the Journal and the disposition of the other unanimous-consent requests now on the program, I shall be permitted to address the House for five minutes.

The SPEAKER. Is there objection?

Mr. GARNER of Texas. Mr. Speaker, reserving the right to object, I understand that there are already standing orders that two gentlemen have 30 minutes each.

The SPEAKER. The Chair understands that the request of the gentleman from Massachusetts is to follow the speeches of the gentleman from Ohio [Mr. BRAND] and the gentleman from Ohio [Mr. BURTON].

Mr. ANDREW. That is my request.

The SPEAKER. Is there objection?

There was no objection.

Mr. DOUGLAS of Arizona. Mr. Speaker, I ask unanimous consent to address the House for a period of five minutes after the reading of the Journal to-morrow and the disposition of the other orders.

The SPEAKER. The gentleman from Arizona asks unanimous consent that following the address of the gentleman from Massachusetts [Mr. ANDREW] he be permitted to address the House for five minutes. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, on what subject?

Mr. DOUGLAS of Arizona. On Joint Resolution 183.

The SPEAKER. Is there objection?

There was no objection.

THE PARTY SYSTEM AND THE PRINCIPLE OF REPRESENTATION ESSENTIAL

Mr. VESTAL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a speech delivered by my colleague [Mr. WOOD] at the editorial association at Indianapolis on Friday last.

The SPEAKER. Is there objection.

There was no objection.

Mr. VESTAL. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following speech of Hon. WILLIAM R. WOOD, Member of Congress from the tenth Indiana district at the annual banquet of the Indiana Republican Editorial Association at the Columbia Club, Indianapolis, Ind., Friday, March 9, 1928:

Gentlemen of the Indiana Republican Editorial Association, it is always a pleasure to me to get back to Indiana, even for a brief period. It is a very great pleasure, I assure you, to have such an occasion call me here. No gathering could be more reflective of the spirit of our great Commonwealth than a meeting of the Republican editors of the State, and I am deeply appreciative of the honor done me by the invitation to address you upon this the occasion of your annual banquet, bringing to a close the highly successful sessions of the last two days.

As editors and business men you have discussed and heard discussed matters of vital interest to your guild. They say everyone thinks he knows better how to run a newspaper than its proprietor. Looking over your program, however, I do not note that you have taken much in the way of instruction from the uninitiated. So I am not going to tell you how to run your newspapers, because I have had no practical experience. I am going to concede, however, that you have a right to tell something in your newspapers about how to run the Government. A somewhat extended experience in public affairs has convinced me that you will exercise that right anyway. In all earnestness, I want to say to you that I hope you may never cease to exercise it. For without a free and fearless press we can not hope to maintain a representative form of government.

Conducting a newspaper is a business, and as newspaper men you may be proud to know that no other class of business men have so great an opportunity for public service in their communities. You may reach out into all activities and leave the impress of your thought and your zeal upon them. And certainly not the least of the activities of any community is political activity, for it has to do with the science of government. Government in itself alone can not cure all ills and create all prosperity, but without good government prosperity can not for long endure. Aside, then, from your obligations as citizens of a republic, you are as business men vitally interested in good government. It would be a sorry day for this grand old Republic if that day should ever come when business men, for short-sighted business reasons, should refuse to ally themselves with the political parties which best serve as the mediums through which to express their views. We would then have in very fact a government run entirely by politicians in the meanest sense of the term.

I am doubly glad, therefore, that you Republican editors of Indiana stand out in your respective communities not only as editors and business men but as Republican editors, and that you have formed yourselves into this militant Republican Editorial Association of the great State of Indiana.

My Republican friends, a short time ago in this city of Indianapolis the Democratic Editorial Association of Indiana was addressed by my friend and colleague, the Hon. FINIS J. GARRETT, the brilliant Democratic floor leader of the House of Representatives. He took for his theme "Party government" as that most suited to the occasion, and in his masterly way effectively he dealt with it. We may differ with him in party principles, but I for one can not differ with him in his opinion so ably expressed, that the two-party system is essential to the success of a form of government such as ours. I am gratified to know that if, as now proposed by his many admirers in his home State of Tennessee, he should at the next election be sent from the House to the Senate of the United States, we will have in that body to compensate us for so formidable a foe in the field of party politics a champion of the fundamental principles of party government as opposed to the clique and bloc system so rapidly developing in that body.

Like this outstanding Democratic leader thoughtful men in both parties are awake to the danger of the situation. They appreciate that if we are to maintain a republic—a representative form of government—we can do so only through the agency of political parties and their chosen representatives. Early in the history of our country the need of the growing Republic made evident the desirability of parties and party responsibility, and from that day to this every American citizen who for his breadth of vision and his adherence to fundamental principles is gratefully remembered as an American statesman has been a

party man. And as a Republican and a believer in parties, I am proud to say that no man in public life to-day has given more forceful expression to his belief in the desirability of parties than our great leader, Calvin Coolidge.

Last month the anniversary of the birth of Abraham Lincoln was celebrated throughout the United States. That phrase is used advisedly, for his memory and the principles for which he stood were praised more generally this year than in any previous year. A great many representative men of the Southern States, whose fathers bore arms against the Union, took occasion last month to pay tribute to the memory of this great American. More and more it is becoming apparent to thinking men, regardless of geographical or political lines, that Abraham Lincoln stood for the fundamental things in the administration of public affairs, and in the administration of political parties.

I want to read you a letter which Lincoln wrote to Schuyler Colfax, already a political leader in Indiana at that time—July 6, 1859. This letter has peculiar application to present-day tendencies, because it warned against the danger of sectionalism in the Nation and factionalism within the party; because it shows Lincoln, the party man, in a practical effort to save from disaster the newly born Republican Party. It is as follows:

"Besides a strong desire to make your personal acquaintance, I was anxious to speak with you on politics a little more fully than I can well do in a letter.

"My main object in such conversation would be to hedge against divisions in the Republican ranks generally, and particularly for the contest of 1860. The point of danger is the temptation in different localities to 'platform' for something which will be popular there, but which, nevertheless, will be a brand elsewhere, and especially in a national convention. As instances, the movement against foreigners in Massachusetts; in New Hampshire, to make obedience to the fugitive-slave law punishable as a crime; in Ohio, to repeal the fugitive-slave law; and squatter sovereignty in Kansas. In these things is explosive enough to blow up half a dozen national conventions, if it gets into them; and what gets very rife outside of conventions is very likely to find its way into them. What is desirable, if possible, is that in every local convocation of Republicans a point should be made to avoid everything which will disturb Republicans elsewhere. Massachusetts Republicans should have looked beyond their noses, and then they could not have failed to see that tilting against foreigners would ruin us in the whole Northwest. New Hampshire and Ohio should forbear tilting against the fugitive-slave law in such a way as to utterly overwhelm us in Illinois with the charges of enmity to the Constitution itself. Kansas, in her confidence that she can be saved freedom on 'squatter sovereignty,' ought not to forget that to prevent the spread and nationalization of slavery is a national concern, and must be attended to by the Nation."

So we find Abraham Lincoln warning against blocs, though they did not call them so in his day—sectional blocs determined to keep to the front sectional interests, to the detriment of what his party was trying to do for the whole country. He hated slavery, but his first thought was to preserve the Union under the Constitution. He sought to enlist the support of other party leaders in an intelligently directed effort to quiet dissention in the party ranks and keep out of the national convention extraneous issues.

When I think of the mighty results of his efforts—call them manipulations if you will—it matters not a whit to me if in that great national convention of 1860 the voice of some budding orator, burning with the abstract rights of man, was stilled; that there was some restriction of the expression of opinion, some spirit of compromise that a great party might live and perform its mission. In such an atmosphere of compromise in the century before was formed the national charter, guaranteeing to us our rights and liberties, under which we have lived and grown great as a Nation.

It is pertinent to present-day political conditions to observe that the great convention which debated, formulated, and finally adopted the American Constitution, which has withstood the test of 150 years, was a convention composed of delegates which in turn had been selected by other delegate bodies in their home States. It is impossible to conceive of a situation in which greater issues were at stake, issues which involved the destinies of this newly born Nation and the welfare of all those American colonists who had sacrificed everything in order to win political freedom and the right to set up for themselves a government patterned after their own ideas and embodying their own aspirations.

I ask you also to consider that this convention was composed of delegates elected by other conventions at a time and during a period when that most direct and simplest form of popular government was in full bloom, namely, the town-meeting system. There is something unusually significant in the fact that when it came to the tremendous decisions involved in the drafting of a constitution for the Nation that the town-meeting methods were abandoned and our forefathers relied upon the ability, sanity, conservatism of a convention.

Fisher Ames, in the Massachusetts convention which ratified the Constitution, in addressing himself to the subject of delegating responsibility and final authority to members of a convention in contrast to the town-meeting methods of government so long employed by that great Commonwealth, said: "I know but one purpose which the people can effect without delegation, and that is to destroy government. That they can not erect a government is evinced by our being thus assembled in their behalf."

So we find the most distinguished precedent of the convention system of handling public affairs in that great constitutional convention which wrote the charter of our Government, prounounced "the greatest work ever struck off at a given time by the hand and brain of man," giving us a government where freedom and order go hand in hand and liberty is safeguarded by law.

There have been a number of efforts since that day to improve the machinery of human government, both in this country and in other countries. However, well intentioned some of those efforts have been, all of them have failed in that the methods which they substituted and the new forms they put into effect did not bring about either a more democratic government, on the one hand, or a more stable government on the other hand. Those experiments have ranged all the way from the rule of the mob and the decree of the guillotine in the bloody French Revolution to the absolutism of the Czars of Russia, the military despotism of the Turks, and the benevolent monarchy of England. To-day the United States of America is the oldest nation in existence. By that I mean no other government, with the possible exception of some of the family dynasties of India and the Orient which existed at the time of the adoption of the American Constitution, is in existence to-day in the same form and substance; and with one or two exceptions none of the governments which were in existence then are in existence to-day at all. What a tribute to the representative system of handling public affairs!

We have had political experimenting in the United States, but, happily, to date our experiments have not been violent, as were those of European nations. With the single exception of the Civil War, which Abraham Lincoln successfully conducted to a close, there has been no attempt in this country to overthrow our Federal Government and tear up the American Constitution. Our experiments have been more or less sugar coated. They have been wrapped in the pleasing habiliments of so-called idealism. They have been urged in the name of the common people. Most of them purported to make government by the people more direct. Most of them have proven failures.

Take, for example, the experiment of the direct primary system of party nominations. The popular primary was adopted, according to its partisans, for the purpose of getting control of political parties, and particularly party nominations. "in the hands of the people." The main arguments which were used during the time the popular primary was "all the vogue" were that under the old convention system of selecting party nominees the people had no voice; the conventions were boss controlled; the nominees were hand picked and not representative of the people; the convention system was corrupt. Those pretty well cover the charges that were made against the old convention system and were the base upon which there was a popular demand for the adoption of the primary system of making party nominations.

You gentlemen are pretty familiar with what has happened. Primary election returns show that winners of party primaries are frequently nominated by from 3 to 7 per cent of the total eligible party vote of their constituency. Clearly there is no "rule of the people" in such a system.

There have been explanations offered of this condition which are worthy of consideration. The experience of party primaries, by and large, justifies the statement that they too frequently turn into campaigns of personalities characterized by all sorts of mud slinging and quasi-libelous speech instead of intelligent, temperate discussion of issues and principles. Again, there has been a growing tendency to make demagogic appeals to prejudice and ignorance, to certain classes and factions, all of which tends to bring the entire primary to a very low level. As a natural result men of standing in the professional or business world hesitate to enter party primaries and face a campaign of billingsgate by some shyster opponent or be made the target of unfair attack by some organization. From that angle the primary system in many sections of our country has almost eliminated the very class of men which the American people should have in public office.

There is another angle. It is common knowledge that the primary system is making it impossible for any except the very rich men, or men who have the backing of organized wealth in one form or another, to make a campaign for nomination in state-wide primaries. Nor is the immense expenditure of money necessary to conduct a primary campaign necessarily a corrupt expenditure. A candidate for a State office in a party primary, unless he is very widely known, has to bring his name before the voters of his party. He can not simply announce his candidacy and then go about his private business in the expectation that there will be a general outpouring of the public on nomination day to support him. He has to advertise himself the same as a motor car, a breakfast food, a radio, or a toilet soap. That costs money. It requires the organizing of headquarters, the rental of rooms, the employment of stenographers, the purchase of supplies, the writing of letters, the buying of stamps.

If I am not mistaken—I have not recently checked the figures—there are something like 900,000 voters in the Republican Party in

Indiana, and approximately the same number of voters in the Democratic Party. With this as a basis, let us do a little conservative computation.

If a candidate for State office in either party wrote one letter setting forth the merits of his candidacy to each of the voters in his own party, the postage alone would cost him $18,000. Getting out 900,000 letters is no small job, no matter what the method. It requires some one to furnish the equipment and the mechanics, and for this some one must be paid. Ten thousand dollars would be a very conservative estimate of the cost aside from the postage, which brings the expense of the candidate to $28,000. If he wrote two letters, the expense would be increased accordingly. If he indulges in any other kind of campaigning, or in newspaper advertising, his expenses are still further increased.

The salary of the Governor of Indiana, for example, is $8,000 a year; his term of office is four years; that makes his total salary $32,000. It does not take anything more profound than a simple problem in mental arithmetic to arrive at the conclusion that no man can run for nomination in the State of Indiana for its highest office and make an extensive campaign and break even on his salary. Either candidates must have independent fortunes and run for office merely for the honor, or as a pastime; or they must be backed by men of wealth or corporations or more or less secret organizations and thereby place themselves under obligations in event they are successful; or they must borrow money outright and expect, in event they are successful, to pay it back out of an income which they derive from some other source than their salary.

These are the plain, practical facts regarding the primary nominating system. And on the face of it it eliminates poor men and men who do not care, because of ethical reasons, to place themselves under obligations to political bondsmen in connection with the discharge of their official duties in event they are successful.

To say that such a system affords a correct expression of the people is to deny the whole theory of representative government.

Some of you may be of the opinion this is too severe an indictment of the primary system. Some of you may believe you have in mind instances which prove that my conclusions are too sweeping. There may be some exceptions to this rule, but they are so few they prove the rule.

No less a distinguished citizen than Vice President Dawes, in speaking of the modern popular primary system, has said:

"We all realize that as our national wealth and population increase and business broadens and becomes more diversified there arises the necessity not only for the centralization of greater power in State, county, and city government, but for its constant use in the carrying out of its legitimate projects.

"Especially is this true in connection with State governments. Immense road-building projects are being carried out by States, assisted by the National Government. Our State and city administrations are accustomed not only to use public employees in getting out a primary vote to maintain an existing administration in power, but in many places all those interested in construction or other public contracts, with their organization and employees, are expected to perform active service in getting out the primary vote for the same purpose."

Where this condition exists, and it does exist, in some variation in practically every State and community which has the popular primary, we do not have representative government, a government of the people, but a government of interests or classes or organizations who back men to fill public offices and finance their campaigns, fully expecting to control their actions after they have taken the oath of office.

Because of this, our Government is becoming a Government of special interests rather than a Government of the people. These interests may be, as Vice President Dawes suggested, road-building interests; they may be contractors desiring to do business with the State or municipality; they may be organizations working in the professed cause of good government; or some organization with a high-sounding title, financed by those interested in getting us embroiled and entangled in foreign alliances and international organizations; or organizations which represent a very limited class of citizens; or they may be sinister organizations which operate largely in the dark, but operate none the less powerfully and almost invariably corruptly. These are the influences which are, by reason of and through the medium of the primary system, getting their hands on the throat of popular government, and there is no way to get away from this condition, in my opinion, except to repeal the primary laws and go back to the convention system.

Instead of the office seeking the person, the person is compelled to seek the office. Instead of the people getting better service from their public officials as a result of the primary, they get worse service. Instead of making it impossible or harder for corrupt influences to control party nominees, the primary system has made it easier for these influences to foist themselves upon the party, and also has made it harder for the party and the people to get rid of them.

The old-fashioned political boss, whatever his shortcomings, did not, as a rule, attempt to foist upon the party men without character and without mental equipment. The men the convention system drafted for service were men of standing, of mentality, and of high character. Those who made up the convention took small chances on having their slate "shot to pieces" in a campaign by the opposition because the ticket was defective in character or brains. All had an investment in the party machine which had been built up through long years of effort. All felt their influence in party affairs at stake. They did not care to risk their investment or lose their influence by putting up a ticket that could not stand the acid test of public analysis. If you do not believe this is true, compare the men in public office to-day with those of a generation ago and draw your own conclusions.

If you have any doubt of the relative merit of the product of convention-named public officials with the product of primary-named public officials, make a comparison of the laws upon your statute books written before and after the primary system became operative.

Indiana to-day has a model system of management of its penal and charitable institutions and its asylums and orphanages, studied and copied by every other State in the Union. The basic laws governing the State board of charities and the conduct of our State prisons and asylums were framed by legislators, all of whom were nominated by the old convention system. I cite this as one example. Another example is the township and county accounting law. I do not have the time to enumerate any others, but I make the point that the character of the laws of this State which were written by legislators who were products of the convention system will stand the test of any comparison with the quality of laws written since the primary system has been in practice. This is no reflection upon the individual character or mentality of the recent-day legislators.

The difference is due to this fundamental fact. In the old convention system the man who was nominated owned his nomination to the party machinery. He went into office pledged to carry out the party platform. The party platform in those days meant something. Nominees for office were bound by it, and in event they disregarded it after election it meant their political death. The primary system has made party platforms absolutely meaningless, even though parties in some primary States still hold conventions and adopt platforms. Inasmuch as these platform-adopting conventions have no power over the candidates, they can not see to it that the platform pledges are translated into public action. Inasmuch as such conventions have no power to punish candidates who do not carry out the platform, such candidates may feel free to ignore all party pledges. Under the present system a candidate may be his own organization, his own platform, his own policy maker. Such a candidate need have no regard for party organization or party pledges. You can not carry out party platforms and party pledges unless you have discipline. You can not have discipline unless you have a system which makes it possible for the party machinery and the party organization to compel men nominated on its ticket to do what the party has promised to do.

A candidate for public office with a strong belief in a representative form of government and a consequent belief in political parties and party responsibility must proceed then in spite of rather than by reason of the primary system. He must recognize that he is under a handicap and proceed as best he can to live up to his beliefs under that handicap.

And I am glad to say here, in justice to the Republican delegation in the Congress of the United States with which I have the honor to serve, that they are men of a strong sense of party responsibility. Our two Senators are outstanding party men, whose voices are potent in the party councils, and no delegation as a whole presents a more united front upon questions in which party principles are involved than the Republican delegation from Indiana. But it must be remembered that Indiana is a State in which party spirit and a sense of party responsibility are perhaps more inherently strong than in any other State in the Union. This is generally conceded and the election returns of many a hard-fought campaign prove it. While our State has not been and in the very nature of things can not be free from the growing evils that have manifested themselves under the primary system, I can say that it has contributed as little at Washington as any State in the Union to the vicious tendency toward degenerating our Government into the system of government by cliques and blocs which is tormenting Europe to-day. There is a real menace in this situation.

I have quoted from Vice President Dawes. I now quote from another eminent citizen and prominent Republican, Secretary of Commerce Herbert Hoover. There can be no doubt as to his intimate knowledge of conditions in Europe. In a recent letter to William Allen White, the noted editor of Emporia, Kans., Mr. Hoover said:

"You have asked me for my diagnosis of the epidemic of dictatorships that seems to have infected many of the European democracies and my opinion as to whether it might be catching in our country.

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"In practically every government in Europe there are in these days from 3 to 20 political parties in the legislative assembly, with no single party in majority. In consequence, their cabinets—and thus the administrative branches of their governments—have been necessarily founded on temporary coalitions between parties or ephemeral cabinets representing minorities. Likewise legislative work must be accomplished by coalition. Any coalition between groups of different political thought and object is bound to result in the abandonment of matters of important principle and the consequent adoption of largely negative policies. All virility and strength are lost; cabinets are but short-lived; and

constructive and courageous policies in legislation or administrative action have been conspicuously absent. The problems in economic and social reconstruction have been enormous and in the face of the violent differences of opinion between the different factions the negative policies have resulted in little more than drift and paralysis of government.

"That is the disease. As a result the people in one country after another in exasperation have welcomed some form of dictatorship. This does not necessarily indicate a failure of sentiment for the principles of liberalism. It is a failure in making practical governmental machinery for their application."

In a speech at Springfield, Ohio, in October, 1926, Secretary Hoover said:

"* * * As the population has increased and civilization has grown more complex, as our Government issues have become more infinitely complicated, our system of two dominant political parties has become more and more a vital part of the machinery of self-government. For through political parties alone is there the possibility for self-expression of the will of such great masses of people. It is the sole method by which they can give organized expression of their will through the ballot as a substitute for the violence of revolution. But political parties can not execute their policies, they can not be held accountable for them, unless one of them at a time be trusted with full responsibility and authority.

"Government without one party in full responsibility results at once either in compromise, which nullifies the principles of both parties, or it results in deadlock, which means confusion or dictation of a minority. If you will examine the breakdown of one democracy after another in Europe in the last four years, you will find that it is the repeated failure of their people to place political responsibility and authority in one single party at a time and to continue its policies which has broken down their democracies."

I have dwelt upon the evils and the failure of the popular primary system at length because I regard it as the most important subject confronting the American people. Unless our system of two-party government is preserved it really matters very little what platforms our parties may adopt, for they would be meaningless; what pledges they may make, for they would be incapable of redemption; what policies they may advocate, for they would have no substance and no chance of fulfillment.

I do not know what would have happened if they had had the direct primary in vogue in that critical year of 1860, when men's minds were confused as they had not been confused since the organization of our Government. At that crisis they turned hopefully to the aid and the counsel of the great party leaders, raised to prominence through the old-fashioned convention system. The convention held by the Republican Party in that year offered to a distressed Nation as its candidate for the Presidency a man who was to be intrusted with power in a time of peril as few men have been trusted in the history of man's efforts to maintain stable government. It was a Republican convention that nominated Abraham Lincoln. Had he depended upon a popular primary for his nomination in that period of confusion, which had its demagogues and self-seekers just the same as we have them to-day, it is a matter of great doubt if Lincoln would have been the nominee or if the Republican Party would have been able to coalesce within its ranks sufficient numbers to have secured a majority at the polls commissioning it to assume control of our Government. It was Lincoln who coined the immortal phrase that this is a government of the people, by the people, and for the people. It is so long as we maintain a two-party system of government whereby the people can give virile expression of their desires, but the moment we let it become a government of blocs and by blocs and for blocs it no longer remains a government of the people. It no longer remains a government by majority; it then becomes a confused scramble by a number of minority organizations.

One of the statements we continually hear is that there is no difference to-day between the two old political parties and that, therefore, people are justified in their disregard of party lines and in their refusal to take party platforms and policies seriously. There is more or less truth in that statement, but it is no indictment of the Republican Party. If there are no outstanding differences between the two parties to-day, it is largely because the Republican Party has, since its origin, held to a consistent course. It has never wavered in its support of certain fundamental economic policies. It has never seized upon a fake issue in an attempt, out of desperation, to win a campaign. The Republican Party has always been a party of sound money and sane financial management of public affairs. Sooner or later intelligent and patriotic Democrats have had to support Republican financial policies. The Republican Party, as a party, has never followed strange gods. The Republican Party has always been a party of protective tariff. Contrary to 50 years of Democratic charges that it is controlled by predatory wealth, the record of the Republican Party, as found in Federal legislation, shows that it has placed upon our statute books practically every law which has for its purpose the improvement of "the man in the ranks," as represented by the laborer and the farmer.

Some idea of how the Democratic Party has abandoned all its former positions may be obtained from a speech delivered at the recent Jackson Day dinner in Washington, held under the auspices of the Democratic national committee. The orator of the occasion was Claude G. Bowers, an Indiana product, a former newspaper man of this State, a student, a scholar, a man of fine character, and unusual mental attainments. He was selected for this occasion because he had produced two magnificent literary works upon the lives and times of the early Democratic leaders, principally Jefferson, and Jackson. His speech was printed in the CONGRESSIONAL RECORD at the request of a Democratic Member of Congress. As a piece of oratory it was superb. As a depiction of the changes which have occurred in the Democratic Party since the days of Andrew Jackson, it was unequaled, not because of what it did contain, but because of what it did not contain. Andrew Jackson was a protectionist. He was a high-tariff advocate. He gave vigorous support to the protective tariff measures. Yet Mr. Bowers did not mention this fact in his speech.

Andrew Jackson did not believe in a Federal bank. With one exception, his outstanding policy was violent opposition to the establishment of the national-banking system. Yet to-day Colonel House, of Wilson "kitchen-cabinet" fame; and Senator CARTER GLASS, of Virginia; and former Democratic Senator Owen, of Oklahoma; and former Democratic Senator Hitchcock, of Nebraska, are engaged in a public quarrel, extending over many months, as to which of them contributed the most to the creation of the Federal banking system. Mr. Bowers did not remark at all on this departure from the principles of Andrew Jackson.

The thing which made Andrew Jackson a heroic figure, the outstanding, spectacular act of his career, was his threat to hang a number of gentlemen in South Carolina if they attempted to set aside and nullify Federal laws. Mr. Bowers did not refer to this episode, principally because of the fact that the leading candidate for the nomination at the hands of his party is basing his fight for the nomination largely upon the fact that he does not believe in one of our best-known Federal laws, enacted to enforce the Federal Constitution, and as chief executive of his own State he aided and abetted legislation to prevent that State from lending its assistance in the enforcement of Federal law.

Mr. Bowers said nothing at that Democratic round-up as to what Andrew Jackson really advocated, because to have done so probably would have precipitated a riot. There may be one exception noted to this statement, namely, Andrew Jackson believed in the theory that "to the victor belongs the spoils," which is the only Jacksonian doctrine which the Democratic Party to-day faithfully practices whenever it gets in power.

Mr. Bowers took occasion to pour the contents of his vitriolic vocabulary over the head of the Republican Party on that occasion, by attempting to identify it as the party of corruption in official places. However, in his bill of particulars, he made no mention of the fact that Democratic State officials of Nevada have been caught with a shortage of funds of something between a half million and a million dollars; that the government of Arkansas, two or three years ago, under solid Democratic control, became so corrupt in the handling of public highway funds and its construction of public highways that the Federal Government had to refuse to continue to extend Federal highway aid to that State; that the conditions of corruption and graft in the great State of Texas have been so notorious continuously for the last five or six years as to occupy first-page positions in the newspapers, split the Democratic Party in that State wide open, and kept a large percentage of its State officials standing trial in the State courts; that the same condition has prevailed in the solid Democratic State of Oklahoma for nearly a generation, beginning with Theodore Roosevelt's exposure of Democratic Governor Haskell and continuing until a few weeks ago when the Democratic legislature called itself into session in order to impeach the governor for alleged corrupt practices only to be run out of town by the State militia, under his command; that less than two months ago the Democratic attorney general of the State of Alabama, after sincere efforts to convict criminals of that State who held positions high in his party, publicly announced his intention to nolle prosequi all indictments on the ground he was unable to secure convictions on account of the influence of the Democratic governor and other Democratic officials who were interested in protecting the criminals and suppressing the facts; that Tammany Hall politicians to-day in the State of New York are being exposed as back of tremendous scandals and graft in connection with municipal contracts, and also in connection with pollution of the milk supply furnished that great State. Why, Mr. Daily, who to-day is being touted as a favorite candidate for governor by the Democratic Party in this State first earned his reputation as a prosecutor by sending the Democratic officials of Terre Haute and Vigo County to the penitentiary. All of these facts were known to Mr. Bowers, who is still a newspaper man, well advised as to what is going on throughout the United States. No, gentlemen, there is no party issue in the question of the personal guilt of members of a political party, and if there were, the Democratic Party might be hard put for a plausible defense.

Because there are a great variety and number of selfish and powerful interests in this country, and in other countries, desirous of getting rid of our protective tariff, because they can not expect any aid from the Republican Party and do expect aid from the Democratic Party, and are willing heavily to finance that party in such a fight, there will probably be a general assault on our protective tariff in the coming campaign. I have not the time to make a protective tariff speech, but I warn you Republican editors to prepare yourselves against the day of

attack. More cold, hard facts can be marshaled in support of the present tariff law and in defense of the protective tariff system than can be marshaled in defense of any economic policy ever maintained by the Republican Party. Despite this, more grotesque misrepresentations of the tariff are made than of any other subject of current politics, probably because the enemies of the tariff can not stick to the truth and make even a passably plausible argument. It is hard for Democrats to stick to facts and remain Democrats. The two positions are inconsistent.

At the present time the enemies of the tariff are making a drive to persuade the farmer he gets no benefit from the present tariff schedules. No proposition is easier of support than the defense of the protective tariff from the standpoint of the farmer.

Take wheat for example. Canada is the greatest wheat-exporting country in the world. By reason of lower land values, lower labor costs, lower taxes, lower fertilizer costs, and lower transportation costs, Canadian wheat is raised and marketed at Great Lake ports, 42 cents a bushel less than American wheat can be raised and marketed at Great Lake ports.

The United States is the greatest wheat consuming country in the world. The only barrier between the world's greatest wheat consuming people and the world's greatest wheat exporting people is a tariff of 42 cents a bushel. No one who is sane will contend that that barrier affords the American grower no protection, or that its removal would not be followed by gigantic inundation of American markets by Canadian wheat. Were the tariff removed, Canadian wheat, enjoying a differential of 42 cents a bushel because of lower production and lower transportation costs, would undersell American wheat at every Lake port from Duluth to Buffalo, and still show a good profit.

There is nothing theoretical about this. Canada has annually exported an average of 300,000,000 bushels of wheat since our tariff became effective, able to lay it down at our very boundary line at 42 cents less than American wheat can be produced, yet the market records show that during the period of 222 weeks from July 1, 1923, the beginning of the first harvest following the Fordney-McCumber tariff, to October, 1927, the average price of wheat at Minneapolis has been 19 cents above that at Winnipeg, and during one-fourth of this entire time the average price of wheat at Minneapolis was 30 cents more than the price at Winnipeg. During those four crop years the American farmer produced 3,000,000,000 bushels of wheat for which he received $602,000,000 more than he would have received had he sold it at Winnipeg prices.

In 1921 the annual production of butter in this country was, in round numbers, 1,000,000,000 pounds. Last year it was 1,500,000,000 pounds, an increase of 50 per cent, or 500,000,000 pounds. In the same period exports of butter from Australia and New Zealand increased 200,000,000 pounds and from the Scandinavian countries 188,000,000 pounds. In the face of this tremendous, almost incredible increase in butter production in this country and butter production and exportation from foreign countries the price of butter has increased 8.5 per cent in this country since 1921, despite the fact that the investigations of the United States Tariff Commission showed butter could be produced in Denmark for 13 cents a pound less than it could be produced in this country, and could be produced in New Zealand at 24 cents per pound less than it could be produced in this country. Had it not been for our protective schedules on butter there is not the slightest doubt that by this time the dairy interests in this country would have been in bankruptcy.

The Argentine Government has made the most bitter and relentless fight during the last three years to break down our protective schedules on cattle and fresh beef. Within the last month, the issue became so acute at the Pan-American Conference at Habana that the Argentine ambassador to this country, who also represented the Argentine at that conference, resigned because he could not obtain an agreement to have the United States lower its tariff on agricultural products from the Argentine. I am informed the Argentine ambassador is one of the largest cattle raisers in the Argentine. The representative of his Government, attending the Pan American Conference in this country last year, insisted that we modify our tariff to the extent of permitting 350,000,000 pounds of fresh beef to be imported in this country from the Argentine every year. This is the equivalent of 718,000 head of beef steers. Data collected by this Government shows that in the Argentine cattle can be produced, ready for market, at a cost of 75 cents per hundred pounds.

The fact that we are not importing fresh beef from the Argentine, the fact that the Argentine and its representatives have made the issue so acute is proof without any further elaboration that the live-stock industry of this country is being protected by our present tariff schedules. I could go into details regarding numerous other farm products.

The market price paid farmers at their farms as distinguished from prices paid in Chicago and other markets show that since the tariff went into effect the farm price of wheat has increased 20 per cent; rye, 20 per cent; corn, 70 per cent; oats, 50 per cent; barley, 60 per cent; flaxseed, 27 per cent; beef cattle, 70 per cent; calves, 48 per cent; hogs, 35 per cent; sheep, 93 per cent; lambs, 86 per cent; wool, 100 per cent. And yet in the face of these official records there persists the free-trade propaganda that the existing tariff has not enhanced the value of farm products.

On the other hand, it is plain to my mind that the present schedules are not high enough in some instances to afford proper protection to certain agricultural products. That is because foreign competitive conditions have developed in intensity far beyond expectation at the time the present tariff law was enacted. The dairy industry affords an illustration of such unforeseen competitive conditions, and there are many others, not only in agriculture, but in the various manufacturing industries.

Competition in and for the world markets has become increasingly severe in the last six years. This is true in both the agricultural and industrial world. Abroad, vast industrial interests are organizing cartels, or combines, frequently international in their membership, for the purpose of lessening competition among themselves in their domestic markets, in order that they may offer more formidable competition in other parts of the world. Much of this competition is aimed directly at the United States market and United States industries. Foreign governments are lending substantial assistance to such movements in the form of subsidies and bonuses, preferential tariffs and concessions in rail and ocean freight rates on government-owned railroads and steamships.

The same movement is discernible in the agricultural world, taking the form of great cooperative associations, as in the dairy industry of the Scandinavian countries, where government aid is extended not only to the cooperatives but to butter-export societies.

As fast as the development of international competition jeopardizes the American market and the American agricultural producer, tariff schedules will have to be raised to afford needed protection, for certainly the way to meet this increasing foreign drive at our home markets at the expense of our home producers is not by lowering or abolishing our tariff rates and inviting foreign producers to help themselves. That is the remedy offered by the Democratic Party. That is the policy it promises to inaugurate in event it ever secures control of the legislative and executive branches of our Government.

This is characteristic of the Democratic Party. It is a party of destruction. It would correct any inequalities in our present tariff law by destroying the protective-tariff system. It sought to destroy our financial system and our national credit. Twice the Republican Party has carried the Nation through periods of reconstruction, with practically every constructive measure it proposed meeting with the opposition of the Democratic Party. The Democratic Party sought to destroy the sovereignty of the United States of America in order to join a European league.

For 68 years the Republican Party has been a party of construction, upholding American traditions, defending American institutions. For 68 years it has been a party laboring to benefit all of the people, discriminating against no section of America or any class of Americans. In all that period it has never had to abandon any policy because it was unsound, uneconomic, or un-American. Within that period all of its constructive policies have been vindicated by the judgment of the American people and the verdict of time. The history of the development of this Nation in territory, in prosperity, in the promotion of the welfare of its people to a point where they now live better, have better opportunities for themselves, and finer prospects for their children has been the history of the Republican Party.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 66. An act authorizing B. L. Hendrix, G. C. Trammel, and C. S. Miller, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Mound City, Ill.;

H. R. 6073. An act authorizing E. M. Elliott, of Chicago, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ravenswood, W. Va.;

H. R. 7183. An act authorizing C. J. Abbott, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Golconda, Ill.; and

H. R. 7921. An act authorizing A. Robbins, of Hickman, Ky., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Hickman, Fulton County, Ky.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 33 minutes p. m.) the House adjourned until to-morrow, Tuesday, March 13, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Tuesday, March 13, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.
Legislative appropriation bill.

COMMITTEE ON THE DISTRICT OF COLUMBIA—SUBCOMMITTEE ON FISCAL AFFAIRS

(10.30 a. m.)

To fix the amount to be contributed by the United States toward defraying the expenses of the District of Columbia (H. R. 5768).

SUBCOMMITTEE ON THE JUDICIARY

(Room 346)

To authorize the Commissioners of the District of Columbia to compromise and settle certain suits at law resulting from the subsidence of First Street east, in the District of Columbia, occasioned by the construction of a railroad tunnel under said street (H. R. 5759).

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

To further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States (S. 744).

To promote, encourage, and develop an American merchant marine in connection with the agricultural and industrial commerce of the United States, provide for the national defense, the transportation of foreign mails, the establishment of a merchant marine training school, and for other purposes (H. R. 2).

To amend the merchant marine act, 1920, insure a permanent passenger and cargo service in the north Atlantic, and for other purposes (H. R. 8914).

To create, develop, and maintain a privately owned American merchant marine adequate to serve trade routes essential in the movement of the industrial and agricultural products of the United States and to meet the requirements of the commerce of the United States; to provide for the transportation of the foreign mails of the United States in vessels of the United States; to provide naval and military auxiliaries; and for other purposes (H. R. 10765).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

402. A communication from the President of the United States, transmitting supplemental estimate of appropriation under the legislative establishment, United States Senate, for the fiscal year 1929 in the sum of $500 (H. Doc. No. 198); to the Committee on Appropriations and ordered to be printed.

403. A letter from the Acting Secretary of War, transmitting proceedings of the joint board composed of officers of the Army and Navy to survey ammunition storage conditions, pursuant to the act approved December 22, 1927 (Public Law, No. 2, 70th Cong.) (H. Doc. No. 199); to the Committee on Appropriations and ordered to be printed, with illustrations.

404. A letter from the Secretary of the Navy, transmitting draft of a bill "to authorize the Secretary of the Navy to lease the United States naval destroyer and naval base, Squantum, Mass.; to the Committee on Naval Affairs.

405. A letter from the Secretary of the Navy, transmitting draft of a bill "to provide for the settlement of damage claims arising from the construction of the Petrolia-Fort Worth gas pipe line"; to the Committee on Naval Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. KIESS: Committee on Insular Affairs. H. R. 8559. A bill to amend section 58 of the act of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes"; without amendment (Rept. No. 885). Referred to the House Calendar.

Mr. KIESS: Committee on Insular Affairs. H. R. 9363. A bill to provide for the completion and repair of customs buildings in Porto Rico; without amendment (Rept. No. 886). Referred to the House Calendar.

Mr. KIESS: Committee on Insular Affairs. H. R. 10952. A bill to fix the salaries of certain judges of Porto Rico; without amendment (Rept. No. 887). Referred to the House Calendar.

Mr. WAINWRIGHT: Committee on Military Affairs. H. R. 11762. A bill to authorize an appropriation to complete construction at Fort Wadsworth, N. Y.; without amendment (Rept. No. 888). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 11808. A bill to authorize an appropriation for the purchase of land at Selfridge Field, Mich.; with amendment (Rept. No. 889). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. UNDERHILL: Committee on Claims. S. 3325. An act for the relief of Horace G. Knowles; with amendment (Rept. No. 884). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 5953. A bill for the relief of E. L. F. Auffurth and others; without amendment (Rept. No. 890). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII the Committee on Pensions was discharged from the consideration of the bill (H. R. 11901) granting an increase of pension to Ada Lee Ritter, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WILSON of Louisiana: A bill (H. R. 11980) granting the consent of Congress to the Fisher Lumber Corporation to construct, maintain, and operate a railroad bridge across the Tensas River in Louisiana; to the Committee on Interstate and Foreign Commerce.

By Mr. ANTHONY: A bill (H. R. 11981) to authorize officers of the Medical Corps to account certain service in computing their rights for retirement, and for other purposes; to the Committee on Military Affairs.

By Mr. HUDSPETH: A bill (H. R. 11982) to increase the immigration border patrol for the purpose of enforcing the immigration laws on and adjacent to the boundary between the United States and Republic of Mexico, and the boundary between the United States and the Dominion of Canada, and elsewhere; to the Committee on Immigration and Naturalization.

By Mr. FRENCH: A bill (H. R. 11983) to provide for issuance of perpetual easement to the Department of Fish and Game, State of Idaho, to certain lands situated within the original boundaries of the Nez Perce Indian Reservation, State of Idaho; to the Committee on Indian Affairs.

By Mr. HICKEY: A bill (H. R. 11984) for the appointment of two additional associate justices to the Court of Appeals of the District of Columbia; to the Committee on the Judiciary.

By Mr. HUDSPETH: A bill (H. R. 11985) to amend the act of March 3, 1927, granting pensions to certain soldiers who served in the Indian wars from 1817 to 1898, and for other purposes; to the Committee on Pensions.

By Mr. LaGUARDIA: A bill (H. R. 11986) to create a Federal Child Relief Board, and for other purposes; to the Committee on the Judiciary.

By Mr. RATHBONE: A bill (H. R. 11987) to amend paragraph (5) of section 20 of the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

By Mr. VESTAL: A bill (H. R. 11988) to protect trade-marks used in commerce, to authorize the registration of such trade-marks, and for other purposes; to the Committee on Patents.

By Mr. MADDEN: A bill (H. R. 11989) providing that subscription charges for newspapers, magazines, and other periodicals for official use may be paid for in advance; to the Committee on the Judiciary.

By Mr. SINNOTT (by departmental request): A bill (H. R. 11990) to authorize the leasing of public lands for aviation, and for other purposes; to the Committee on the Public Lands.

By Mr. SUMMERS of Washington: A bill (H. R. 11991) to appoint a day for the annual meeting of the Congress required by the Constitution; to the Committee on the Judiciary.

By Mr. OLDFIELD: A bill (H. R. 11992) granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the Current River; to the Committee on Interstate and Foreign Commerce.

By Mr. DYER: A bill (H. R. 11993) to increase the salaries of the Solicitor General, Assistant to the Attorney General, and the Assistant Attorneys General; to the Committee on the Judiciary.

Also, a bill (H. R. 11994) to abolish bailiffs and criers in the United States courts and to provide for the performance of their duties by United States marshals and their deputies, and for other purposes; to the Committee on the Judiciary.

By Mr. BUTLER: A bill (H. R. 11995) to provide for the settlement of damage claims arising from the construction of the Petrolia-Fort Worth gas-pipe line; to the Committee on Naval Affairs.

By Mr. DEAL: A bill (H. R. 11996) to provide for the replacement of quarters for the enlisted men of the naval training station at Hampton Roads, Va.; to the Committee on Naval Affairs.

By Mr. CROSSER: A bill (H. R. 11997) to provide capital at reasonable rates of interest in order to promote the establishment and ownership of homes by the people of the United States, and for other purposes; to the Committee on Banking and Currency.

By Mr. FREAR: A bill (H. R. 11998) to prohibit experiments upon living dogs in the District of Columbia or in any of the Territorial or insular possessions of the United States, and providing a penalty for violation thereof; to the Committee on the Judiciary.

By Mr. KELLY: A bill (H. R. 11999) to amend section 197 of the Criminal Code; to the Committee on the Post Office and Post Roads.

By Mr. LEAVITT (by department request): A bill (H. R. 12000) to extend the period of restrictions of lands of certain members of the Five Civilized Tribes, and for other purposes; to the committee on Indian Affairs.

By Mr. McLEOD: A bill (H. R. 12001) to provide for the preservation of Fort Wayne as a national park and museum, to commemorate the winning of the Northwest Territory, and for other purposes; to the Committee on Military Affairs.

By Mr. STALKER: A bill (H. R. 12002) to amend the national prohibition act, as amended and supplemented; to the Committee on the Judiciary.

By Mr. MacGREGOR: Joint resolution (H. J. Res. 234) to permit admission within quota of relatives of declarants who have been admitted into the United States prior to July 1, 1924; to the Committee on Immigration and Naturalization.

By Mr. HAUGEN: Joint resolution (H. J. Res. 235) authorizing the acceptance of title to certain lands in the counties of Benton and Walla Walla, Wash., adjacent to the Columbia River Bird Refuge in said State established in accordance with the authority contained in Executive Order No. 4501, dated August 28, 1926; to the Committee on Agriculture.

By Mr. JOHNSON of Washington: Joint resolution (H. J. Res. 236) authorizing the Secretary of War to lend tents and camp equipment for the use of the housing committee for the convention of the American Legion for the Department of Washington, to be held at Centralia, Wash., in the month of August, 1928; to the Committee on Military Affairs.

Also, resolution (H. Res. 136) providing for the appointment of assistant clerk to the Committee on Immigration and Naturalization; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDRESEN: A bill (H. R. 12003) granting a pension to Philip L. Daly; to the Committee on Pensions.

By Mr. ANTHONY: A bill (H. R. 12004) granting an increase of pension to Josephine Chacey; to the Committee on Invalid Pensions.

By Mr. BEERS: A bill (H. R. 12005) granting an increase of pension to Rhoda J. Jenkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12006) granting an increase of pension to Mary Ann Brought; to the Committee on Invalid Pensions.

By Mr. BOYLAN: A bill (H. R. 12007) for the relief of Mr. and Mrs. Peter J. Egan; to the Committee on Claims.

By Mr. CARTER: A bill (H. R. 12008) granting a pension to Patrick Cahill; to the Committee on Pensions.

Also, a bill (H. R. 12009) for the relief of Ernest Owen Hughes; to the Committee on Naval Affairs.

Also, a bill (H. R. 12010) for the relief of William Smerden; to the Committee on Military Affairs.

By Mr. CARTWRIGHT: A bill (H. R. 12011) granting a pension to Mary E. Fry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12012) for the relief of Albert I. Riley; to the Committee on Military Affairs.

By Mr. CHALMERS: A bill (H. R. 12013) granting a pension to Edith A. Fuller; to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 12014) granting a pension to Radford Fain; to the Committee on Pensions.

By Mr. COHEN: A bill (H. R. 12015) for the relief of Faber, Coe & Gregg (Inc.); to the Committee on Claims.

By Mr. GAMBRILL: A bill (H. R. 12016) for the retirement as ensign of Daniel Mershon Garrison, jr.; to the Committee on Naval Affairs.

By Mr. GRIFFIN: A bill (H. R. 12017) for the relief of Edward J. Doyle; to the Committee on Military Affairs.

By Mr. HOGG: A bill (H. R. 12018) granting a pension to Emily B. Jennings; to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 12019) granting a pension to Sam E. Hall; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 12020) granting a pension to Jennie Whitman; to the Committee on Pensions.

By Mr. KVALE: A bill (H. R. 12021) for the relief of Samuel S. Michaelson; to the Committee on Claims.

By Mr. MOORE of Ohio: A bill (H. R. 12022) granting an increase of pension to Annie E. Fryer; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 12023) granting a pension to Louisa B. Smith; to the Committee on Invalid Pensions.

By Mr. NELSON of Maine: A bill (H. R. 12024) granting a pension to Maria C. Garland; to the Committee on Invalid Pensions.

By Mr. NELSON of Wisconsin: A bill (H. R. 12025) granting a pension to Halana Schlick; to the Committee on Invalid Pensions.

By Mr. SPEAKS: A bill (H. R. 12026) granting an increase of pension to Alice Morgan; to the Committee on Invalid Pensions.

By Mr. SUMNERS of Texas; a bill (H. R. 12027) granting an increase of pension to Mary E. Elliott; to the Committee on Invalid Pensions.

By Mr. THURSTON: A bill (H. R. 12028) granting an increase of pension to Jennie A. Pyle; to the Committee on Invalid Pensions.

By Mr. WILLIAMSON: A bill (H. R. 12029) granting a pension to Richard C. Stirk; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5265. By Mr. BURTNESS: Petition of 45 residents of Abercrombie, N. Dak., urging repeal of national-origins provisions of immigration act; to the Committee on Immigration and Naturalization.

5266. By Mr. CARTER: Petition of Berkeley Post No. 7, the American Legion, Department of California, urging the United States to stand with the American Legion's permanent policy of requiring a Navy second to none; to the Committee on Naval Affairs.

5267. By Mr. CHAPMAN: Petition of Floyd Martin, G. W. Aldridge, Milt Harding, Forest Rucker, E. J. Rucker, G. M. Aldridge, and three other citizens of Henry County, Ky., protesting against the passage of a compulsory Sunday observance bill, or any other national religious legislation; to the Committee on the District of Columbia.

5268. By Mr. COLE of Iowa: Petition of George A. Boyer, of Cedar Rapids, Iowa, and 117 other signers, residents of Cedar Rapids, Iowa, protesting the passage of House bill 78, or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

5269. By Mr. CRAIL: Petition of sundry citizens of Los Angeles County, Calif., for the Civil War pension bill; to the Committee on Invalid Pensions.

5270. Also, petition of sundry citizens of Los Angeles County, Calif., against the passage of House bill 78, or any other similar legislation; to the Committee on the District of Columbia.

5271. By Mr. CULLEN: Resolution of Brooklyn Democratic Club, in re repeal of eighteenth amendment; to the Committee on the Judiciary.

5272. By Mr. CURRY: Petition of citizens of the third California district, favoring the enactment of House bill 9775, providing for certain bird refuges; to the Committee on Agriculture.

5273. Also, petition of citizens of the third California district, protesting against the enactment of House bill 78; to the Committee on the District of Columbia.

5274. By Mr. DAVENPORT: Petition of Mary A. Bohn and other citizens of New York State, protesting against the enactment into law of House bill 78; to the Committee on the District of Columbia.

5275. By Mr. DICKINSON of Missouri: Petition by certain citizens of Bates County, Mo., protesting against the passage of any compulsory Sunday observance legislation, particularly House bill 78; to the Committee on the District of Columbia.

5276. By Mr. ESTEP: Petition of board of governors, William Penn Motor Club, Philadelphia, Pa., commending the action of the House of Representatives in rescinding the automobile sales tax in the revenue act of 1928, etc.; to the Committee on Ways and Means.

5277. By Mr. EVANS of California: Petition of Jolidan Croake, of Tujunga, Calif., and 35 other citizens, for the relief of the permanently disabled emergency officers of the World War; to the Committee on World War Veterans' Legislation.

5278. By Mr. EVANS of Montana: Petition of Mrs. Roy Lyman and other residents of Darby, Mont., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

5279. By Mr. GOODWIN: Petition in opposition to the provisions of House bill 189, known as the purification bill, signed by Alexander La Due and 30 other interested persons resident at or near International Falls, Minn.; to the Committee on Indian Affairs.

5280. Also, petition of Swen C. Sundeen and 60 other residents of Hinckley and Pine City, Minn., in protest against enactment into law of the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

5281. Also, petition of Edward Anunsen, Esq., 2629 Clinton Avenue, and 31 other residents of Minneapolis, Minn., protesting against the enactment into law of the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

5282. By Mr. GRIEST: Petition of Millersville Council, No. 188, Fraternal Patriotic Americans, Millersville, Pa., urging the enactment of House bill 10078, the Johnson deportation bill; to the Committee on Immigration and Naturalization.

5283. By Mr. HOWARD of Nebraska: Petition signed by A. Drake, of Columbus, Nebr., and 504 other persons in Columbus, protesting against the passage of the Lankford bill for compulsory observance of the Sabbath or any other proposed legislation favoring the compulsory observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

5284. By Mr. HALL of North Dakota: Petition of the Mutual Fire & Lightning Insurance Co. of Cooperstown, N. Dak., against Senate bill 1752, known as the Oddie bill; to the Committee on the Post Office and Post Roads.

5285. By Mr. HOGG: Petition of John T. Currall and 11 other citizens of Fort Wayne, Ind., protesting against passage of the Lankford bill; to the Committee on the District of Columbia.

5286. By Mr. HOWARD of Nebraska: Petition signed by H. B. Cowin, of Oakdale, Nebr., and 23 other citizens of Oakdale, Nebr., protesting against the passage of the Lankford bill (H. R. 78) for the compulsory observance of the Sabbath, or any other proposed legislation providing for the compulsory observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

5287. By Mr. LINDSAY: Petition of National Organization, Masters, Mates, and Pilots of America, Local No. 2, Philadelphia, Pa., presenting set of resolutions in unalterable opposition to the passage of House bill 11137 on the ground that it is a positive detriment to the best interest of all licensed men in the merchant marine; to the Committee on the Merchant Marine and Fisheries.

5288. Also, petition of national defense committee of the American Legion, Washington, D. C., protesting against House Joint Resolution 183 as being inimical to the public interest and would impose a self-imposed enlargement of the definition of neutrality such as agreed to by no other nation; to the Committee on Foreign Affairs.

5289. Also, petition of Charles L. Noble, of Clyde, N. Y., protesting the passage of the corn sugar bill; to the Committee on Interstate and Foreign Commerce.

5290. By Mr. LYON: Petition of certain citizens of Wilmington and Scotts Hill, N. C., protesting against the passage of House bill 78, in regard to Sabbath observance for the District of Columbia; to the Committee on the District of Columbia.

5291. By Mr. MORROW: Petition of citizens of Mesilla Valley, N. Mex., protesting against House bill 78, Lankford Sunday observance bill; to the Committee on the District of Columbia.

5292. Also, petition of citizens of Mora County, N. Mex., protesting against House bill 78, Lankford Sunday observance bill; to the Committee on the District of Columbia.

5293. Also, petition of citizens of Clovis and Texico, N. Mex., and others, protesting against House bill 78, Lankford Sunday observance bill; to the Committee on the District of Columbia.

5294. By Mr. MURPHY: Memorial of Thelma King, secretary, and Lowell Whinery, master, Butler Grange, No. 993, of Salem, Ohio, stating that Butler Grange 993 voted unanimously in favor of the passage of the "export debenture plan" of farm relief; to the Committee on Agriculture.

5295. By Mr. O'CONNELL: Petition of the Motor and Accessory Manufacturers Association of New York City, favoring the passage of the Capper-Kelly bills (S. 1448 and H. R. 11) to permit the manufacturer of identified merchandise to control his selling prices; to the Committee on Interstate and Foreign Commerce.

5296. Also, petition of the American Legion National Legislative Committee, Washington, D. C., opposing the passage of House Joint Resolution 183; to the Committee on Foreign Affairs.

5297. Also, petition of the Municipal League of Los Angeles, Calif., with reference to the construction of Boulder Dam; to the Committee on Irrigation and Reclamation.

5298. Also, petition of the Richmond Hill Post, No. 212, American Legion, Richmond Hill, Long Island, N. Y., favoring the construction of such vessels and airplanes as are necessary to place the United States on a par with the other signatory powers to the armament conference; to the Committee on Naval Affairs.

5299. By Mr. ROBINSON of Iowa: Resolution adopted by the members of the Dubuque and Waterloo districts of the Upper Iowa Conference of the Methodist Episcopal Church and sent in signed by Lillian Ludwig, of Independence, Iowa, protesting against the large increase in our Navy; to the Committee on Naval Affairs.

5300. By Mr. SINNOTT: Petition of numerous citizens of Sprague River, Klamath County, Oreg., protesting against House bill 78, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

5301. By Mr. SWING: Petition of citizens of Anaheim, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

5302. By Mr. THURSTON: Petition of 99 citizens of Mystic, Iowa, and vicinity, protesting against the passage of House bill 78, or the compulsory Sunday observance bill; to the Committee on the District of Columbia.

5303. By Mr. WURZBACH: Petition of M. J. Barber, O. H. Moss, R. J. Haas, Mrs. R. J. Haas, and 71 other citizens of San Antonio, Bexar County, Tex., protesting against the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

5304. Also, petition of M. A. Nelson, W. E. Edmundson, G. F. Arps, E. B. Nullinaux, and other citizens of Brownsville, Cameron County, Tex., protesting against the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

5305. By Mr. WYANT: Petition of Sewickley Grange, No. 1897, Patrons of Husbandry, West Newton, Westmoreland County, Pa., favoring passage of House bill 10078; to the Committee on Immigration and Naturalization.

5306. Also, petition of J. M. McCall, West Newton, Pa., protesting against Senate bill 2806 and House bill 10022; to the Committee on Agriculture.

5307. Also, petition of State executive committee, Department of Pennsylvania of the American Legion, favoring Navy program outlined by President Coolidge; to the Committee on Naval Affairs.

5308. Also, petition of William Harry Davidson Post, No. 114, Vandergrift, Pa., the American Legion, favoring passage of proposed bill for building up of the American Navy; to the Committee on Naval Affairs.

5309. Also, petition of Capt. George A. Cribbs Post, No. 276, Grand Army of the Republic, Greensburg, Pa., indorsing Morgan bill in behalf of Union Civil War veterans and widows; to the Committee on Invalid Pensions.

SENATE

TUESDAY, *March 13, 1928*

(Legislative day of Tuesday, March 6, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Couzens	Gooding	La Follette
Barkley	Curtis	Greene	McKellar
Bayard	Dale	Hale	McLean
Bingham	Deneen	Harris	McMaster
Black	Dill	Harrison	McNary
Blease	Edge	Hawes	Mayfield
Borah	Edwards	Hayden	Metcalf
Brookhart	Fess	Heflin	Neely
Broussard	Fletcher	Howell	Norbeck
Bruce	Frazier	Johnson	Norris
Capper	George	Jones	Oddie
Caraway	Gerry	Kendrick	Overman
Copeland	Glass	King	Phipps

Ransdell	Shipstead	Steiwer	Walsh, Mass.
Reed, Pa.	Shortridge	Stephens	Warren
Robinson, Ark.	Simmons	Swanson	Waterman
Sackett	Smith	Thomas	Wheeler
Schall	Smoot	Tydings	Willis
Sheppard	Steck	Tyson	

Mr. JONES. I was requested to announce that the Senator from North Dakota [Mr. NYE], the Senator from New Mexico [Mr. CUTTING], the Senator from Montana [Mr. WALSH], the Senator from New Mexico [Mr. BRATTON], and the Senator from New York [Mr. WAGNER] are detained in a hearing before the Committee on Public Lands and Surveys.

The VICE PRESIDENT. Seventy-five Senators having answered to their names, a quorum is present.

JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

Mr. SMOOT. Mr. President, by instruction of the Joint Committee on Internal Revenue Taxation I present a progress report, division of investigation, as of March 1, 1928, and ask that it be printed in the RECORD.

Mr. COUZENS. Mr. President, may I ask the Senator from Utah if we are going to have the report printed as a public document?

Mr. SMOOT. I will say to the Senator that the Joint Committee on Internal Revenue Taxation are going to order not only copies of this report but of the revised report on earned income, special investigation, in which the Senator was interested, and Federal taxation of insurance companies. They will be printed, no doubt, within the next week, and the Senator can get copies.

Mr. COUZENS. That will contain all the work of the joint committee?

Mr. SMOOT. This is the third report. The joint committee up to this time have printed two reports, and this is the third report.

Mr. COUZENS. The others were printed separately, as I remember. Why not have this report printed separately?

Mr. SMOOT. It is for the committee, at the next meeting, to decide whether they will print the whole as one document or not. What they want at this particular time is to make the progress report and have it printed in the RECORD, and at the next meeting the question of the other report will be taken up and determined by the full committee, and no doubt the reports will be printed as a complete document.

Mr. McKELLAR. Mr. President, my attention was diverted. May I inquire what it is the Senator proposes? Is this a report from a committee?

Mr. SMOOT. It is a report from the Joint Committee on Internal Revenue Taxation. This is the third progress report. The joint committee asked me to have it printed in the RECORD. At the next meeting the report on "Further investigation" will probably be ordered, and we will then print it as a complete document. The committee had already asked that there be copies of each of the subdivisions printed for the use of the committee, and when they are finally decided upon I have no doubt they will all be printed as one document.

Mr. McKELLAR. The request of the Senator now is to print this progress report in the RECORD?

Mr. SMOOT. Yes.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator a question?

Mr. SMOOT. Certainly.

Mr. ROBINSON of Arkansas. Is it expected that the final report will be made during the present session?

Mr. SMOOT. I am quite sure that it will be made at the present session, I will say to the Senator.

Mr. ROBINSON of Arkansas. Three partial reports have been made?

Mr. SMOOT. This is the third report.

Mr. ROBINSON of Arkansas. And when the report is completed, all parts of it will be printed in one document?

Mr. SMOOT. The full 12 subjects will be printed.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah? The Chair hears none, and it is so ordered.

The report is as follows:

PROGRESS REPORT, DIVISION OF INVESTIGATION, AS OF MARCH 1, 1928

The purpose of this report is to outline as briefly as possible the completed work of this division, the work in process and the status of same, the work which has been approved for the future but not yet started, and, finally, certain recommendations in regard to future subjects which seem worthy of investigation.

COMPLETED WORK

The following reports have been completed and transmitted to the members of the Joint Committee on Internal Revenue Taxation up to March 1, 1928:

1. Plan of procedure, division of investigation.
2. Depletion, oil, and gas wells.
3. Evasion of surtaxes by incorporation.
4. State and local taxes.
5. Capital gains and losses.
6. Earned income.
7. Consolidated returns.
8. Installment sales.
9. Interest.
10. Board of Tax Appeals statistics.
11. Depreciation.
12. Refunds, credits, and abatements from March 1, 1927, to November 1, 1927.

The majority of the reports on the above-mentioned subjects appear to have been sufficient for the purposes of the committee, with a few exceptions. In these latter cases a revised report is necessary and will be noted at the appropriate place under "work in process" or under "work approved but not started."

WORK IN PROCESS

The following subjects are under investigation and reports on same are in various stages of completion.

1. The income tax on insurance companies: A report on this subject has been completed by Mr. Stratton, auditor for this committee, and is now being revised following a conference with the writer. The report will be ready for transmittal to the committee within a few days.

In respect to this subject it may properly be stated in advance that the insurance provisions of the law have undergone practically no change since 1921. On the whole, the provisions are found to be satisfactory, but the question of exempting insurance companies from tax on capital gains and denying them credit for capital losses will be raised; as the reason for treating insurance companies differently from all other companies in this respect is not apparent.

2. Depletion of metal mines: A report on this subject has been completed by Mr. Shepherd, mining engineer for this committee. This report is in process of being revised by the writer. A preliminary copy of the report has been submitted to the chairman.

The general purpose of this study has been to devise a means of determining depletion on the basis of a percentage of gross or net income, thus eliminating troublesome and indefinite discovery valuations based on individual judgment. The work of assembling, interpreting, and summarizing the necessary statistics on this subject has been difficult but has been satisfactorily completed.

The method of application of the percentage suggested in the original report appears to be too favorable to the mining industry, and the report is being revised in this respect and should be completed by March 15.

3. Depletion of coal mines: A preliminary report on this subject has been made and the same remarks apply as in the case of the report on metal mines just noted.

4. Special investigations: At the request of Senator COUZENS and under instructions from the chairman, certain individual cases or subjects, which had been partially investigated by the former Senate committee of which the Senator was chairman, have been reported on.

This report is in the hands of the chairman and is ready for transmittal to the members of the joint committee.

5. Earned income: A revised report on the subject of simplification of the earned-income provision is nearing completion. While this subject has been reported on and the necessity for simplification recognized, the details of the first report were not approved by the Ways and Means Committee. It is believed the revised report will meet with favorable comment. The basic idea was proposed by the chairman.

6. Refunds, credits, and abatements (from November 1, 1927, to March 1, 1928): A report of all refunds, credits, and abatements in excess of $75,000, approved by the Bureau of Internal Revenue, from March 1, 1927, to November 1, 1927, has already been made and transmitted to each member of this committee. A supplemental report covering the refunds, credits, and abatements approved since the latter date up to March 1, 1928, is in process.

7. Graduated tax on individuals: Inasmuch as the present tax on individuals is complicated by the use of three normal tax rates and a graduated table of surtax rates, a report has been started with the purpose of developing the feasibility of substituting for the present system a single scale of graduated rates which will accomplish practically the same results.

8. Special advisory committee: A report has been started describing the purpose, organization, and functions of the special advisory committee recently established by the Bureau of Internal Revenue for the primary purpose of keeping tax cases from going unnecessarily before the Board of Tax Appeals and the courts and increasing the present congestion. This report was ordered at the last meeting of the joint committee.

9. Administration: While a report on this subject has been made to the joint committee by the Treasury Department, material is being gathered for a supplemental report on the same subject by this division with special reference to the difficulties encountered by the taxpayers

in dealing with the complexities of our present administrative system. Mr. Chesteen, assistant chief of this division, is preparing this report.

10. Statistics: This division is constantly employed in the analysis and summarization of tax statistics, reference to which is required in nearly all reports. Members of the committee can secure such statistics on almost any tax subject on request.

FUTURE WORK (APPROVED)

The following subjects have been approved for investigation, but reports on same have not been started, although certain statistical and special data have been accumulated in readiness for use in such reports:

1. Inventories: This subject has been approved for investigation because of the difficulty in arriving at the correct market value of inventories at the beginning and end of the year. The importance of the subject has been shown by the large amounts refunded on account of adjustments to such inventories.

2. Foreign corporations: Certain statistical and special information indicates that foreign corporations with branches in this country are able to avoid taxes by shifting profits to the parent company. For instance, one large firm doing business in this country to the extent of $200,000,000 annually has apparently paid practically no tax since 1916. An investigation of this matter has been approved.

3. Gifts and trusts: A certain amount of income appears to escape taxation through gifts and trusts. A preliminary study has been ordered to develop the necessary facts and to show the present inconsistencies of our law on this subject.

4. Gain or loss: The provisions relating to the recognition of gain or loss from sales and exchanges have presented difficult questions. The meaning of the word "income" as used in the constitutional amendment is specifically involved. A report on this subject has been approved.

5. Reorganizations: The provision in reference to reorganizations is among the most technical contained in the revenue act. A report covering certain aspects of this subject has been considered advisable.

6. Net losses: It appears that the determination of net losses allowed as a deduction from the income of the two next succeeding years has been troublesome in certain cases. An investigation of this matter has been approved.

RECOMMENDATIONS FOR OTHER INVESTIGATIONS

While the investigation of the specific subjects already noted in this report will undoubtedly have a beneficial result, the writer believes that the work of the division will fall short of what the committee, the Congress, and the public have a right to expect unless certain reports are made with a decidedly broader scope. Real simplification may be secured by departing from some of the methods now in use in our tax law. In the majority of cases the revisions of the sections, one by one, do not accomplish much simplification, whereas the revision of a number of sections as a group may so result.

For instance, Senator REED, of this committee, at one time suggested the possibility of eliminating capital gains and losses and depreciation and depletion. This proposal, while not favorably reported on in its original form, may well result in a revised plan which will have great merit in regard to simplification. In any event, in such an investigation it is obvious that we must deal with not one but at least four provisions of the present law, i. e., sections 204, 208, 214 (a) (8), and 214 (a) (9).

Two such subjects of broader scope have already been approved and noted. One concerned the tax on individuals, which contemplated the substitution of one graduated tax for three normal tax rates and a graduated surtax. This subject is also necessarily connected with dividends and earned income. The second report of a general nature is the one dealing with administration which, of course, will treat of the administrative provisions, both generally and specifically.

In line with the above thought the following subjects are recommended for investigation:

1. Simplification of capital gains and losses, depreciation, and depletion by a new concept of what constitutes income in such cases. (Senator REED'S original proposal has suggested this report.)

2. Fiscal-year returns: If fiscal-year returns could be eliminated, both the law and the administration thereof would be simplified. An investigation of this subject, which would provide a practical means of treating companies who might still keep their books on a fiscal-year basis for their own purposes and merely make adjustments for the calendar year, seems worth attempting.

3. Nonresident alien individuals: There are a number of provisions in the law relative to this class of taxpayers. In view of the small return from the tax on this class a report can be made which would make these provisions much more simple. Even if such simplification should require a more liberal policy toward these aliens, it might be the opinion of the committee that this country could afford to set an example in this matter, with the hope that it would ultimately react in favor of our own citizens having business in foreign countries.

4. Inequities of the present law and suggested remedies: In the course of the detailed study of many actual cases which have been made by this division certain glaring inequities, both against the taxpayer and against the Government have been found. A report on this subject develops the possible need of including in our tax law certain principles which up to this time have not been recognized.

It is probable that there are more subjects of the character just described which will be suggested later.

In addition to these subjects, which include the consideration of a number of sections of the income tax law at one time there are, of course, certain other subjects of much broader scope which have been suggested for investigation. No recommendation is made on these general subjects, but it appears proper to enumerate the following questions for the decision of the committee:

1. Should a preliminary report and statistics be prepared in reference to a sales tax or a gross receipts tax?

2. Should a preliminary report and statistics be prepared in reference to luxury taxes?

3. Should a preliminary report and statistics be prepared on a graduated corporation tax?

4. Should a preliminary report and statistics be prepared on an excess-profits tax to have ready in event of war?

5. Should a consistent formula of rate adjustment be worked out to return any desired amount of revenue in a given year?

CONCLUSION

It has been necessary in connection with the work of this division to accumulate a large amount of data on tax subjects. The members of this committee have sometimes availed themselves of the information already assembled, but not to the extent which was anticipated. The writer especially desires to point out that in general information and statistics on tax subjects can be readily given to members of the committee without serious inconvenience.

Respectfully submitted.

L. H. PARKER,
Chief of Division of Investigation.

MARCH 1, 1928.

UNEMPLOYMENT CONDITIONS

Mr. SMOOT. Mr. President, I send to the desk an article published in the Washington Post this morning in the form of a statement from the Secretary of Labor relating to the unemployment condition, together with an editorial from the same paper on the same subject, and ask that they be printed in the RECORD at this point.

The VICE PRESIDENT. Without objection, it is so ordered. The article and editorial are as follows:

[From the Washington Post, March 13, 1928]

UNEMPLOYMENT GREATLY EXAGGERATED, DAVIS SAYS; SOON WILL BE ABSORBED—SECRETARY OF LABOR, NOW MAKING INQUIRY FOR SENATE, SAYS SITUATION IS NOT SO ALARMING AS SOME STATE—FARM LABOR OPENING UP—STEEL INDICATES IMPROVEMENT IN INDUSTRY

(James J. Davis, Secretary of Labor, has written the following article for the Washington Post, exclusively, in which he discusses the unemployment situation with reference to the census of employment his department is making.)

By James J. Davis, Secretary of Labor

The Department of Labor is tabulating the figures on unemployment. It began this work some time before the Senate directed the Secretary of Labor to undertake a study of the actual facts of unemployment. As soon as the returns are complete, the total will be published to the country. The work is now well under way.

The figures so far gathered show conclusively that the volume of unemployment is nowhere nearly so great as has been supposed. The "estimates" now current are proved to be wild and harmful guesses. One such "estimate" was to the effect that 4,000,000 are now out of work. When pressed to substantiate this, the agency responsible for this estimate could not make good. The estimate had simply been pinched out of the air. Nevertheless, it has in certain quarters been taken for fact and given wide circulation.

The statistical experts in the Department of Labor know, by the results of their own investigation so far, that such guesses as the above are wide of the actual facts. Counting every jobless person in the United States would mean the taking of a census, a long, costly, and useless process. By the time the census were complete the situation would have changed and the facts gained would be of no value. But actual census methods are possible in scattered but typical industrial regions, and the similarity of the results obtained may be taken as a sufficiently accurate guide to conditions all over the country.

For example, in one typical city of the manufacturing East one industrial authority put out the estimate that 75,000 persons in that city were out of work. This estimate was made in all honesty, yet if true it would have meant that nearly every worker in that city was out of a job.

In answer to this estimate a more conservative authority made a hasty investigation and arrived at the belief that only 33,000 people were out of work. Still another authority undertook the job in earnest. Every doorbell in that city was rung; every family in it

was questioned; every jobless person was counted. The actual total found to be out of work was under 15,000 people. This was serious enough, but it was less than half the more conservative "estimate" and less than a fifth of the wilder one.

Similar counts from door to door, where these have so far been taken in other cities and States, reveal an almost identical contrast between the actual number out of work and the number of "estimates."

In the best of times there are always about 1,000,000 people out of work in the United States. Some are ill or injured. Many have left a job in one city to take a job in another city. Some are the restless and nomadic. The seasons affect many in the building and garment trades and in farm or other outdoor work. These may be only temporarily out of employment, but on the books from which the records in the Department of Labor are taken these are rated as "unemployed."

Of late years the rapid introduction of labor-saving machinery has displaced many workers who remain to be absorbed in newer industries. Had there been no such new industries to absorb this type of labor, we might have had an economic convulsion. In the past 20 years five great new industries have risen to save this situation, chiefly the automobile and the chemical and electrical industries. The development of these new industries goes right on.

While the present unemployment situation is nowhere near so alarming as interested parties endeavor to make it, it is sufficiently serious to give us earnest thought. I am convinced, however, that with the advancing season much of the present unemployment will disappear of its own accord. Farm labor is opening up. The Government and private enterprise have elaborate building programs on hand. The improvement in steel indicates a general improvement due in industry. With the coming of spring I believe the great bulk of the jobless will thus be soon reemployed—and by their increased buying and consuming power will increase demand and add stimulation to business in general.

[From the Washington Post, March 13, 1928]

UNEMPLOYMENT FACTS

Estimates placing unemployment in the United States at 4,000,000 persons have been picked "out of the air," according to James J. Davis, Secretary of Labor, in a statement to the Post. Exact calculations already made by agents of the Department of Labor reveal a shrinkage of 80 per cent from surmises to facts. There is unemployment, Secretary Davis acknowledges, but as he points out there are 1,000,000 persons always idle in the United States, even when all industry is working at top speed. Seasonal demands have a tremendous influence upon the labor supply, and to-day there are signs of recovery in several lines which have not been active.

One point which Secretary Davis makes can not be overlooked. The development of new industries in recent years has been phenomenal. Millions of men are engaged in the manufacture of automobiles, radios, and chemicals, for whom there would have been no room at the opening of the present century. There are others, such as aviation, just coming to the front.

It appears to be evident, therefore, that the threat of an unemployment crisis was uttered more in politics than in earnest. Detailed examination will reveal no such ailment as the first calamity howl would have indicated. In any event, matters can not be helped by what Mr. Davis terms "wild and harmful guesses." Predicting hard times is one way of obtaining them.

Mr. SMOOT. In a discussion of the unemployment question a few days ago, Senators asked me what were the 54 industries to which I referred. I have a list of them here, and, to demonstrate that they are not wholly what are called "big business," I ask permission to have the list inserted in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

TABLE 1.—*Comparison of employment and pay-roll totals in identical establishments during one week each in October and November, 1927*

Industry	Establishments	Number on pay roll		Per cent of change	Amount of pay roll		Per cent of change
		October, 1927	November, 1927		October, 1927	November, 1927	
Food and kindred products	1,701	230,998	227,198		$5,853,774	$5,763,163	
Slaughtering and meat packing	196	83,773	84,770	+1.2	2,152,681	2,184,742	+1.5
Confectionery	312	41,626	39,713	−4.6	764,561	732,455	−4.2
Ice cream	208	9,450	8,853	−6.3	312,315	291,461	−6.7
Flour	337	16,124	15,785	−2.1	445,070	425,824	−4.3
Baking	634	69,282	67,987	−1.9	1,859,300	1,829,719	−1.6
Sugar refining, cane	14	10,743	10,090	−6.1	319,847	298,962	−6.5
Textiles and their products	1,883	613,294	612,186		12,434,220	12,003,242	
Cotton goods	474	238,648	238,606		3,951,304	3,848,837	−2.6
Hosiery and knit goods	244	80,383	81,544	+1.4	1,592,129	1,582,683	−.6
Silk goods	188	54,752	54,166	−1.1	1,180,934	1,131,879	−4.2
Woolen and worsted goods	194	65,387	66,104	+1.1	1,500,407	1,485,218	−1.0
Carpets and rugs	29	23,644	23,996	+1.5	627,636	638,725	+1.8
Dyeing and finishing textiles	99	31,710	32,007	+.9	798,921	783,626	−1.9
Clothing, men's	287	65,896	63,093	−4.3	1,573,454	1,397,006	−11.2
Shirts and collars	90	19,660	20,174	+2.6	337,107	337,516	+.1
Clothing, women's	201	21,849	21,127	−3.3	594,314	538,607	−9.4
Millinery and lace goods	77	11,365	11,369		278,014	259,145	−6.8
Iron and steel and their products	1,780	634,131	618,622		18,301,334	17,612,200	
Iron and steel	203	256,766	252,261	−1.8	7,533,612	7,345,036	−2.5
Cast-iron pipe	40	12,598	12,320	−2.2	296,344	270,181	−8.8
Structural ironwork	153	23,864	23,441	−1.8	715,500	683,180	−4.5
Foundry and machine-shop products	970	225,961	219,086	−3.0	6,517,327	6,266,472	−3.8
Hardware	72	32,282	31,952	−1.0	802,148	784,265	−2.2
Machine tools	146	28,093	27,588	−1.8	855,547	844,945	−1.2
Steam fittings and steam and hot-water heating apparatus	110	39,147	36,924	−5.7	1,147,563	1,004,721	−12.4
Stoves	86	15,420	15,050	−2.4	433,293	413,400	−4.6
Lumber and its products	1,170	221,868	218,306		5,040,153	4,914,567	
Lumber—							
Sawmills	470	122,253	119,451	−2.3	2,553,711	2,487,410	−2.6
Millwork	269	32,042	31,266	−2.4	786,828	751,419	−4.5
Furniture	431	67,573	67,589		1,699,617	1,675,738	−1.4
Leather and its products	352	125,765	118,756		2,852,914	2,487,683	
Leather	122	26,871	26,914	+.2	666,560	664,283	−.3
Boots and shoes	230	98,894	91,842	−7.1	2,186,354	1,823,400	−16.6
Paper and printing	906	177,173	178,554		5,764,508	5,814,924	
Paper and pulp	214	58,826	58,713	−.2	1,562,272	1,554,529	−.5
Paper boxes	179	20,660	20,836	+.8	470,599	470,055	−.1
Printing, book and job	304	48,506	49,695	+2.5	1,713,333	1,749,782	+2.1
Printing, newspapers	209	49,181	49,310	+.3	2,018,304	2,040,558	+1.1
Chemicals and allied products	355	89,613	88,275		2,602,415	2,554,951	
Chemicals	127	32,751	33,062	+.9	905,092	902,053	−.3
Fertilizers	173	11,332	11,041	−2.6	212,762	207,875	−2.3
Petroleum refining	55	45,530	44,172	−3.0	1,484,561	1,445,023	−2.7
Stone, clay, and glass products	666	110,094	109,209		2,929,901	2,855,708	
Cement	99	26,286	25,303	−3.7	786,129	744,581	−5.3
Brick, tile, and terra cotta	397	33,359	32,378	−2.9	849,979	817,297	−3.9
Pottery	60	12,713	13,020	+2.4	341,949	343,993	+.6
Glass	110	37,736	38,508	+2.0	951,844	949,837	−.2
Metal products, other than iron and steel	216	49,824	49,120		1,320,974	1,300,409	
Stamped and enameled ware	68	18,523	18,540	+.1	465,395	465,926	+.1
Brass, bronze, and copper products	148	31,301	30,580	−2.3	855,579	834,483	−2.5
Tobacco products	185	47,801	47,437		837,239	825,686	
Chewing and smoking tobacco and snuff	30	8,518	8,450	−.8	139,063	128,607	−7.5
Cigars and cigarettes	155	39,283	38,987	−.8	698,176	697,079	−.2
Vehicles for land transportation	1,200	468,730	439,211		14,873,629	13,632,446	
Automobiles	197	301,060	275,653	−8.4	9,873,251	8,690,878	−12.0
Carriages and wagons	54	1,457	1,432	−1.7	32,042	29,620	−7.6
Car building and repairing—							
Electric railroad	382	26,485	26,170	−1.2	804,954	813,141	+1.0
Steam railroad	567	139,728	135,956	−2.7	4,163,382	4,098,807	−1.6

TABLE 1.—*Comparison of employment and pay-roll totals in identical establishments during one week each in October and November, 1927*—Continued

Industry	Establishments	Number on pay roll		Per cent of change	Amount of pay roll		Per cent of change
		October, 1927	November, 1927		October, 1927	November, 1927	
Miscellaneous industries	405	249,438	246,686		$7,270,234	$6,957,543	
Agricultural implements	95	24,202	24,465	+1.1	681,093	690,162	+1.3
Electrical machinery, apparatus, and supplies	171	122,074	121,255	−.7	3,561,100	3,405,875	−4.4
Pianos and organs	38	7,386	7,435	+.7	233,797	229,306	−1.9
Rubber boots and shoes	10	18,714	19,197	+2.6	471,611	491,557	+4.2
Automobile tires	55	51,167	48,757	−4.7	1,554,828	1,401,895	−9.8
Shipbuilding, steel	36	25,895	25,577	−1.2	767,805	738,748	−3.8
All industries	10,819	3,018,729	2,953,560		80,081,298	76,722,522	
RECAPITULATION, BY GEOGRAPHIC DIVISIONS							
New England	1,394	415,771	409,796	−1.4	$10,094,948	$9,731,140	−3.6
Middle Atlantic	2,536	843,641	830,382	−1.6	23,732,555	23,016,326	−3.0
East North Central	2,883	968,703	935,797	−3.4	28,709,878	26,993,974	−6.0
West North Central	1,050	162,282	156,845	−3.4	4,106,333	3,895,141	−5.1
South Atlantic	1,127	281,451	279,525	−.7	5,257,572	5,165,350	−1.8
East South Central	519	114,255	112,682	−1.4	2,188,917	2,110,443	−3.6
West South Central	458	86,156	84,837	−1.5	1,860,146	1,796,843	−3.4
Mountain	185	27,072	27,356	+1.0	744,209	753,215	+1.2
Pacific	667	119,398	116,340	−2.6	3,386,740	3,259,090	−3.8
All divisions	10,819	3,018,729	2,953,560		80,081,298	76,722,522	

Mr. SMOOT. Reference was made to a report submitted by Secretary of Labor Davis in August, 1921, less than six months after the Republicans came into power March 4 of that year. This report may be found in the CONGRESSIONAL RECORD of August 16, 1921, dated August 12. It was offered and printed in response to Senate Resolution 126. In this report the Secretary of Labor estimated that at that date there were 5,735,000 unemployed in the whole country, distributed as follows: Manufactures, 3,900,000; mining, 250,000; transportation, 800,000; trades and clerks, 450,000; domestic and personal, 335,000—total, 5,735,000. The report further states that there were 3,906,450 fewer workers employed in July, 1921, than in January, 1920. Employment was above normal in the spring of 1920, and the drop came in the winter and spring of 1920–21. The unemployment situation was so bad that President Harding called a national conference. In his annual report of 1922 Secretary of Commerce Hoover refers to this as follows:

> The extension of unemployment to between 4,000,000 to 5,000,000 of our workers as the result of the industrial slump [of 1921] presented the most difficult unemployment crisis that the country had ever faced. * * * On September 26, 1921, a conference on unemployment was summoned at this [Commerce] department in cooperation with the Department of Labor.

PETITIONS AND MEMORIALS

Mr. WILLIS presented petitions of sundry citizens of Dayton and Hamilton County, in the State of Ohio, praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. WARREN presented a resolution adopted by Lodge Fjallets Stjarna, No. 236, Vasa Order of America, of Rock Springs, Wyo., favoring repeal of the national-origins quota provision of the existing immigration law, so that the quota allowances for Sweden and other Scandinavian countries may remain unchanged, which was referred to the Committee on Immigration.

Mr. McLEAN presented a paper in the nature of a petition from the Woman's Relief Corps, Auxiliary to the Grand Army of the Republic, of Greenwich, Conn., praying for the passage of legislation granting increased pensions to widows of Civil War veterans, which was referred to the Committee on Pensions.

He also presented letters in the nature of petitions from the pastor of the First Baptist Church, of New London; president of the Fairfield County League of Women Voters, of South Norwalk; and the minister of the Congregational Church of New Canaan, all in the State of Connecticut, praying for adoption of the so-called Gillett resolution suggesting to the President the advisability of a further exchange of views with the signatory States regarding the adherence of the United States to the Permanent Court of International Justice, etc., which were referred to the Committee on Foreign Relations.

He also presented letters in the nature of memorials from the American Philological Association of Trinity College, of Hartford; the Savings Bank of Danbury; the Berkley Cooperative Society, of Middletown; the Branford Trust Co., of Branford; and the pastor of the Community Congregational Church, of Eastford, all in the State of Connecticut, remonstrating against the passage of the bill (S. 1752) to regulate the manufacture and sale of stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented a telegram in the nature of a petition signed by the committee of Ahepa Chapter, No. 62, of Bridgeport, Conn., praying for adoption of the proposed debt settlement between the United States and Greece, which was referred to the Committee on Finance.

He also presented a letter in the nature of a petition from Naval Post, No. 110, the American Legion, of New Haven, Conn., praying for adoption of the proposed naval building program, which was referred to the Committee on Naval Affairs.

He also presented a paper in the nature of a memorial from the Woman's Alliance of All Souls Church of New London, Conn., remonstrating against adoption of the proposed naval building program, which was referred to the Committee on Naval Affairs.

Mr. COPELAND presented a resolution adopted by Nassau-Suffolk Civil Engineers (Inc.), of Garden City, Long Island, protesting against the passage of the bill (H. R. 7480) to authorize the transfer of the geodetic work of the Coast and Geodetic Survey from the Department of Commerce to the Department of the Interior, and for other purposes, which was referred to the Committee on Commerce.

He also presented memorials of sundry citizens of Woodside and Elmhurst, in the State of New York, remonstrating against further postponement, amendment, or repeal of the national-origins provision of the existing immigration law, which were referred to the Committee on Immigration.

He also presented resolutions of the Samuel D. Johnson Association (Inc.), of the Borough of Brooklyn, N. Y., protesting against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Syracuse, N. Y., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. REED of Pennsylvania presented a resolution adopted by the national defense committee of the American Legion, which was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

> Whereas the members of the American Legion, composed of former service men who engaged in the greatest war in history, are vitally interested in the peace of the world and the security of our Nation: Therefore be it
>
> *Resolved*, That the national defense committee of the American Legion recommends to the President that at all international peace, disarmament, or similar conferences, involving the question of national security, in which the United States is a participant or has an observer, official or otherwise, the American Legion be accorded a representative at such international conferences; and be it further
>
> *Resolved*, That the chairman of this committee, with such members as he may select, be, and is hereby, authorized and requested to deliver a copy of this resolution to the President of the United States.

The foregoing resolution adopted by unanimous vote of the national defense committee of the American Legion, in session at the Army and Navy Club, Washington, D. C., March 11, 1928.

ROY HOFFMAN, *Chairman.*
C. V. SPAWR, *Secretary.*

Members American Legion national defense committee: David L. Shillinglaw, Forgan, Gray & Co., 105 South La Salle Street, Chicago, Ill.; C. V. Spawr, Benton Harbor, Mich.; Gill R. Wilson, 19 North Clinton Avenue, Trenton, N. J.; Dudley W. Knox, Navy Department, Washington, D. C.; G. Angus Fraser, Bismarck, N. Dak.; William G. Mitchell, "Boxwood," Middleburg, Va.; Albert L. Cox, Raleigh Building & Loan Building, Raleigh, N. C.; Hanson E. Ely, Governors Island, New York, N. Y.; Roy Hoffman, 906-912 First National Bank Building, Oklahoma City, Okla.

REPORTS OF COMMITTEES

Mr. FRAZIER, from the Committee on Indian Affairs, to which was referred the bill (S. 1662) to change the boundaries of the Tule River Indian Reservation, Calif., reported it with an amendment and submitted a report (No. 535) thereon.

He also, from the same committee, to which was referred the bill (S. 2084) for the purchase of land in the vicinity of Winnemucca, Nev., for an Indian colony, and for other purposes, reported it with amendments and submitted a report (No. 536) thereon.

Mr. CARAWAY, from the Committee on Claims, to which was referred the bill (S. 2319) for the relief of John W. Stockett, reported it without amendment and submitted a report (No. 537) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NORRIS:

A bill (S. 3616) granting a pension to Mary V. Bettinger; to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 3617) granting an increase of pension to Mattie E. Russell; to the Committee on Pensions.

By Mr. NORBECK:

A bill (S. 3618) granting an increase of pension to Mary K. Johnson (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 3619) to permit the naturalization of certain Filipinos who have served in the United States Army; to the Committee on Immigration.

By Mr. RANSDELL:

A bill (S. 3620) granting certain land to the Roman Catholic congregation of St. Joseph's Roman Catholic Church of the city of Baton Rouge, La.; to the Committee on Public Lands and Surveys.

CHANGE OF REFERENCE

On motion of Mr. REED of Pennsylvania, the Committee on Military Affairs was discharged from the further consideration of the bill (S. 193) for the relief of Capt. W. B. Finney, and it was referred to the Committee on Claims.

CLAIMS OF SETTLERS, LAKE COUNTY, FLA.

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (H. R. 5695) authorizing the Secretary of the Interior to equitably adjust disputes and claims of settlers and others against the United States and between each other arising from incomplete or faulty surveys in township 19 south, range 26 east, and in sections 7, 8, 17, 18, 19, 30, 31, township 19 south, range 27 east, Tallahassee meridian, Lake County, in the State of Florida, which was referred to the Committee on Public Lands and Surveys and ordered to be printed.

AMENDMENTS TO AGRICULTURAL APPROPRIATION BILL

Mr. RANSDELL submitted amendments intended to be proposed by him to House bill 11577, the Agricultural Department appropriation bill, which were referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 21, line 9, strike out the figure "$257,140" and insert in lieu thereof "$282,140."

On page 21, line 14, strike out the period, insert a colon and add the following: "*Provided further,* That $32,500 of the above amount may be used to enable the Secretary of Agriculture to conduct miscellaneous pathological investigations, especially of the cattle disease known as anaplasmosis."

INVESTIGATION OF FEDERAL FARM LOAN BUREAU AND SUBSIDIARIES

Mr. BLEASE submitted the following resolution (S. Res. 167), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Whereas the Federal Farm Loan Bureau and all subsidiaries thereof were designed, created, and are maintained to aid the farmers and promote the cause of agriculture; and

Whereas criminal prosecutions have been brought, at tremendous expense to the Government, wherein the testimony involved certain officials connected with the said bureau, and resulted in convictions; and

Whereas it is rumored that the affairs of the said bureau and the subsidiaries thereof have been badly mismanaged, and the Government has become heavily involved in the ownership of farms, and is losing considerable money by reason of gross irregularities and otherwise; and

Whereas there is much talk that certain officials thereof have become corrupted through nefarious contact with the fertilizer and other trusts, combines, and organizations, and are using the power and means at their disposal to coerce and exploit the farmers; and

Whereas the said conditions are oppressing and working hardships on the farmers and have called forth protests and complaints too numerous to enumerate; and

Whereas thereby the agricultural interests of this Nation are threatened with ruin: Now therefore be it

Resolved, That the President of the Senate be, and he is hereby, authorized and directed to appoint a committee to consist of five Members of the United States Senate; and that the said committee be, and the same is, hereby authorized and directed to make a full, complete, and thorough investigation of all the officials and into all the affairs of the Federal Farm Loan Bureau, the Federal Farm Loan Board, the Federal land and intermediate credit banks, and all branches, tributaries, and subsidiaries thereof in the several cities and districts in the United States.

Resolved further, That for the purposes of this resolution such committee or any duly authorized subcommittee thereof is authorized to hold public hearings; to sit and act at such times and places; to employ such experts, and clerical, stenographic, and other assistants; to require by subpœna or otherwise the attendance of such witnesses and the production of such books, papers, and documents; to administer such oaths and to take such testimony and to make such expenditures as it deems advisable. The cost of stenographic service to report such hearings shall not be in excess of 25 cents per hundred words; and the expenses of such committee or subcommittee shall not exceed $—— and shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of such committee or subcommittee. And such committee shall make a final report to the Senate as to its findings and recommendations at the beginning of the second regular session of the Seventieth Congress.

ADDRESS BY SENATOR TYSON

Mr. SHEPPARD. Mr. President, I submit for publication in the RECORD an address on "Americanization and immigration" which was delivered by the Senator from Tennessee [Mr. TYSON] at Philadelphia, on February 18, 1928, at a banquet of Veterans of Foreign Wars.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

AMERICANIZATION AND IMMIGRATION

In the first place, I wish to thank you for the pleasure you give me in permitting me to be with you on this occasion and to speak under the auspices of this great and patriotic organization, whose services have been rendered, not only on the battle fields of our own country, but on those of the world as well; namely, the Veterans of Foreign Wars.

I have been asked to address you on Americanization, and I deem it most fitting to speak on such a subject in this great and historic old city.

Here 150 years ago the old Liberty Bell pealed forth the wonderful tidings to the world that a new and independent Nation, where all men were equal, had been born, and that the greatest of all instruments—the immortal Declaration of Independence—had been signed.

When we come to this old city, our minds are filled with thoughts of the past and of our early beginnings in colonial days.

Here we naturally ask ourselves, who and what is an American, and what does America stand for?

How has she charted her course in the past, and how shall she chart her course in the future in order that she may be worthy of those who have gone before, and that her citizens may reap the full destiny for which our ancestors fought and suffered and hoped that she might enjoy.

In order that we may get our bearings on Americanization, and that I may lay a foundation for what I propose to say, let me go back and remind you a little of that past and show you how fortunate America has been.

The foundations of America were laid strong and deep as befits that which should endure. She owes much to the picked stock coming to this splendid and virgin land.

Practically all the first colonists along the Atlantic seaboard were of the same general type. They were English, Scotch, Irish, Swedish, Dutch, and German. They had no insuperable differences of race or traditions. There were few Frenchmen and few Spaniards. What

a different world we would be living in to-day if there had been a great proportion of Frenchmen and Spaniards to first people America.

Long before the year 1700 it was clear that the Atlantic seaboard of North America was to be settled by a population essentially one in blood and outlook and welded into an embryonic unity by the predominance of English-speaking institutions and ideals.

America was from the very outset saturated with Anglo-Saxon civilization. It has been said of the early colonists of America that "God sifted the nations that he might send choice grain into the wilderness."

Only the rationally fit usually came to America as immigrants, and the few outside who did come were soon weeded out by the exacting requirements of the early American life.

Have you thought of the fact that nearly three-fourths of the *Mayflower* Pilgrims who landed at Plymouth, Mass., were under the sod before the first year was over?

Have you thought of the fact that in Jamestown, Va., out of 900 persons landing in 1607 but 150 remained at the end of three years?

Think of the courage, the determination, and the will required to come to such a land and to live here!

When we consider what we are to-day we must realize that America's human foundation had indeed been laid solidly and well.

From the Revolution until well into the middle of the nineteenth century but few newcomers landed in America. The peopling of America clear across the continent to the Pacific coast was done almost exclusively by the colonial stock, which thus became the vital basis of nearly every part of the United States.

At the outbreak of the Revolution there were about 2,000,000 of white people of the colonial stock and 500,000 negroes in our Colonies.

That 2,000,000 of white colonial stock has increased from 1775 to almost 50,000,000 at the present day. In other words, the old colonial stock represents nearly one-half of all the white blood in present-day America.

These colonial Americans were steeped in a common culture and tradition. They were governed by the same basic laws and institutions and they acknowledged undivided allegiance and common loyalty.

We think but little of the great period of time that America was a colony. From the first settlements at Jamestown in 1607 to the Declaration of Independence in 1776 more time elapsed than has passed during all the time America has been a Nation.

In other words, her colonial history was longer than the history of the Independence of the United States, and that long colonial period and the effect it had upon the people of America must never be forgotten.

It is the basic fact in American history and the foundation stone upon which our liberty and the character of our people and our future as a Nation rests.

During all these 169 years of colonial history the trend of the American people was towards unity; toward American independence.

After the winning of the Revolutionary War, unified America soon came.

The only question was then, and is to this day, what sort of America was it and is it to be? And that is one of the great questions which we have to consider now.

When we think that to-day there are estimated to be 117,000,000 inhabitants in the United States of America and only 50,000,000 of these are descended from colonial stock it behooves us to investigate and see why we have this great population which has peopled our country.

Our vast population to-day is due largely to immigration and to the idealistic notions which were adopted at the beginning of our national life.

America was a vast continent and at first it made little difference what man thought about immigration because there were almost no immigrants. For nearly a generation after the Revolution there was practically no immigration, and not until half a century had passed did the number of immigrants swell to notable proportions.

But when immigration did become not only a vast human tide, but one composed of men strange in blood and equally strange in outlook and culture, America's acquired ideals prevented a clear-sighted understanding of immigration's full significance.

In the early days the popular idea was that America was a refuge for the oppressed of all nations. For 100 years we welcomed every immigrant and thought to mold them into good Americans, whatever their origin, condition, or antecedents, and thus we took no account of the vast number of immigrants which were filling up America.

To exclude anyone was considered un-American. Not until our own days did the ugly facts of mass alienage and aggressive hyphenism awake the American people to the grim fact that our basic ideals, our culture, our very nationhood itself were imperiled and that a long and crucial period of reconstruction lay before us.

The first half of the nineteenth century may be said to be the "springtime of American national life and the welding of our population into a real American people."

It was most fortunate for the stability of American national life that no large immigration arrived during the first formative period. If hosts of aliens had during this time pushed westward and established themselves as the first settlers, these might have been solid blocks impervious to American civilization, and they might have made it impossible for our country ever to be a real nation.

Those who are now in favor of restricted immigration are criticized severely by this vast population who have come to our shores in the last 60 years.

They seem to feel that their right to come here should not be denied by those who won this vast and wonderful country, who made it an independent nation, and made it possible for these oppressed of the other nations of the world to come to this, the greatest and most prosperous country of the world, where man had freedom and equality and liberty and the opportunity to amass property and become independent.

Let me recount briefly the reasons why the pioneers and those who were descended from them should have the paramount right to this country.

The almost incredible hardships and dangers suffered by the early pioneers, together with the indomitable spirit which surrounded and immortalized them, could be shown by a thousand examples of heroism and dauntless courage, which is best typified by the stern figure of such men as Daniel Boone, a native of Pennsylvania and the hero of Kentucky, and an outstanding example of the pioneer breed.

I will give you an example which occurred in my own State of Tennessee. Let us consider that heroic band of 380 persons who trekked from North Carolina about 1785 over the mountains 500 miles to the site of Nashville, Tenn.

In those days Tennessee, like Kentucky, was the "dark and bloody ground."

Within a year after their arrival hardships and the Indians had reduced their numbers to 134 persons, while after another six months only 70 remained alive. Their situation being apparently hopeless, a ballot was suggested to determine whether to take the desperate chance of staying or to go back home. Not one voted to return.

That was the spirit the pioneer breed displayed generation after generation as the frontiersmen pushed west, west, ever west, beating back the fierce and savage foe, and hewing their way through the trackless forest or floating down the rivers on the rafts to the Mississippi; crossing the great trans-Mississippi prairies and the vast desert plains to the foot of the Rockies; scaling the great wall of the Rockies and descending the Pacific slope, until the waves of the western ocean set bounds to their epic progress and bore witness that continental America had at last been wholly won.

After this great empire had been won by the pioneers and the Civil War had been concluded, the Nation was finally placed upon a firm and solid foundation; then began that great tide of immigration to our country to take advantage of this wonderful land which had been conquered by these pioneers and those who came after them, all ready, without any effort on the part of those immigrants, to be enjoyed to the full measure.

Who can justly say that these immigrants coming to this prosperous and prepared land, after 100 years of struggle and blood by our pioneers, shall be entitled to more consideration than those who had prepared it for them?

Ah, my friends, this subject of immigration is so wide in its scope, so tremendous in its consequences!

It is the most important subject, perhaps, now affecting the citizenship and the future of our great Nation and has been so for many, many years.

Unfortunately, until a short time ago our country did not realize the tremendous abyss toward which she was moving. She did not realize the alarming situation that was brought about by the vast number of immigrants which were coming to our country.

It is true that our Constitution has vested in Congress the power to regulate and control immigration, but our people did not heed, and our first realizing sense of the great danger of immigration was the Chinese question and the restriction of Chinese immigration as far back as 1882.

One of the first speeches which I ever made was in favor of the restriction of Chinese immigration. From that day to this I have been fully alive to the great danger to our country of permitting alien hordes to come in without limitation.

Neither time nor space will permit me to go into detail regarding the vast numbers of aliens which came to our country from the Civil War down to this good hour, when more than a million a year were brought in for many, many years.

But suffice it to say that to-day we have in this country 117,000,000 of people, and 14,000,000 of these are foreign born, and 21,000,000 more are of foreign parentage.

Notwithstanding the fact that we have passed laws restricting immigration, we are receiving into our country more than one-half a million each year, and it is possible and believed by good authorities that as many more are perhaps being smuggled in illegally.

For the fiscal year ending June 30, 1927, 538,000 aliens legally entered the United States.

For a long time we assumed that America could absorb every immigrant that could come to this country. We felt we were the melting

pot where every immigrant could within a short time be Americanized and that our ideas of liberty and freedom would be adopted by the oppressed of every nation of the world who came to us. We had no thought of the day when this should become such a menace that there should be restriction of immigration.

The first act which had the effect of limiting immigration at all was the test act of 1917, but this act only retarded slightly the great influx of foreign hordes.

Finally the great World War came on and immigration was for the time being stopped. This war was the greatest scourge that ever visited the world, but out of its darkness and despair much good has come. This war forced upon us the consideration of the essentials of life. As individuals we were forced to consider the meaning of our lives and our duty to our country. It opened our eyes to the dangers of immigration and the failure and insufficiency of the melting pot.

As citizens of our country we were forced to examine the nature of our country, its origin, its ideals, and its destiny. The present knocked imperatively and sounded the depths of our past. Our ancestral origins called to us and thoughtful America hearkened to the voice of the past.

The new aliens who had no past in our country naturally hearkened to their own past. The war made us all race conscious as we had never been before.

In Europe men ceased to be socialists and became Germans, Frenchmen, Belgians, Italians. And this continues since the war.

To-day great numbers of Americans feel that a certain degree of racial unity is necessary to a nation. We have now realized the necessity, not only of limiting the numbers of immigrants who come here but we have determined to limit the numbers on the basis of their racial origins.

In 1917, 1918, and 1919 but little immigration came to our country. But in 1920 our immigration from Europe was 246,295, and 64 per cent of that came from southern and eastern Europe. A great flood of immigration was feared for 1921.

In this year of 1921, three years after the war had closed, we realized as we had never realized before that unless some prompt efforts were made to restrict immigration in our country, owing to the conditions in Europe, we would be flooded with a horde of immigrants such as had never occurred before. Therefore, for the first time, we passed a general exclusion bill limiting the numbers who might come here to definite quotas.

But this act was found inadequate to cope with the situation, and on May 26, 1924, Congress passed another act, known as the Johnson Immigration Act.

I wish to call your attention to the fact that I believe this Johnson Immigration Act is one of the most important pieces of legislation ever passed in this country, and possibly will have, ultimately, as much if not more influence on the future of our country than any other piece of legislation since the adoption of the Constitution of the United States.

The passage of this bill marks the end of an epoch and the beginning of a newer and truer one—an epoch dominated by the opinion that a *nation can not* be formed through and by a melting pot—that a nation is the product of a united racial stock, and that it is formed slowly and not by magic.

My belief, when we view all the surroundings of our country, is that restriction is our first paramount necessity if we are to keep a sufficient portion of our population homogeneous enough to maintain our nationality.

Nations come by slow growth and long travail. They depend on like-mindedness, and if the United States becomes a hodge-podge of a score of races, no one of which is dominant, it will lose its unity and become only a geographical expression.

Our social and national unity are threatened by the heterogeneous character of our population, and as patriotic men and women of America we must stop this great peril.

We have some very good laws on the statute books to-day in regard to immigration and the duty now of our patriotic citizens is to stand fast and maintain and enforce them.

I do not wish to be understood as being opposed in any sense to our foreign-born population, or in any sense criticizing them or claiming that any large number of those who have come as immigrants to this country in the last 50 years are inferior to those who were here before.

But I believe the proper policy to pursue is to educate and teach every man, woman, and child in America to be a good American. And to assume and acknowledge that all who are in this country to-day, who obey the law, are good citizens from whatever land they may have come and wherever they were born.

As true and loyal citizens of America they are entitled to every consideration and right that any other American citizen is entitled to.

But let us all realize whether we are native-born or foreign-born that the time has come when our country is becoming so filled with people that there is no need for any further immigration, and so far as I am concerned, in the interest of my country and of all who are here now claiming the rights of America, I am ready to shut the door to every immigrant who may want to come to this country from any source whatever, except a few who may come under the strictest restrictions and the most limited quotas.

We have to-day enough Americans to take care of America and our first consideration and duty is to preserve America for Americans, not only for to-day, but for all time to come.

It should be as much the pleasure and duty of those who have come as immigrants to realize the necessity and value of preserving America for themselves and their posterity as it is for us whose ancestors helped to win America in the beginning, and to make it possible for these immigrants to come and enjoy this wonderful land with us.

This is said with malice to none and with charity for all.

The world is being peopled at such a terrific rate to-day that in 100 years from now America will be so full of people that we may not be able to support ourselves and we may have to call upon foreign nations for our food supply.

It has been estimated that 150,000 people are born into the world every day, and that 100,000 die every day, leaving 50,000 more births than deaths. This would increase the population of the world at the rate of something over one and one-half billions of people per year. Europe is now full to overflowing, having 400,000,000 people, and she looks to America with longing eyes. She can support but few more.

It has been estimated that America can not support conveniently and satisfactorily, and with the same standard of living we have to-day, more than 250,000,000 of people, and in 75 years from to-day, and, perhaps, even sooner, we will find that number in America.

One of the greatest problems of the world to-day is the necessity for the restriction of population, and let not America be caught in the maelstrom of a great increase in her own population, and at the same time be the refuge for the overpopulation of the other nations of the earth.

America has done her part in taking care of the surplus population of the earth.

Self-preservation is the first law of nature, and we owe it to ourselves to preserve America for the posterity of those who are here now.

The problems of assimilation and reconstruction are many. The closing of the gates to mass immigration is only a first step. Political and cultural dissensions must be harmonized.

The courage of the American people is high, their hearts are sound, their eyes are open to the need of the times. With knowledge and vision let us have faith that we shall overcome our present difficulties and shall continue to tread that upward path toward a greater and a better America.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the bill (S. 2317) continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 66. An act authorizing B. L. Hendrix, G. C. Trammel, and C. S. Miller, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Mound City, Ill.;

H. R. 6073. An act authorizing E. M. Elliott, of Chicago, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Ravenswood, W. Va.;

H. R. 7183. An act authorizing C. J. Abbott, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Golconda, Ill.; and

H. R. 7921. An act authorizing A. Robbins, of Hickman, Ky., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Hickman, Fulton County, Ky.

RADIO REGULATION

Mr. DILL. Mr. President, I would like to say a few words about the amendment placed on the radio bill by the House of Representatives. It is an attempt to bring about equality of radio service to the people of all sections of the country by a method which I think is not practicable as provided in the amendment. For that reason I shall ask that the bill be sent to conference.

This amendment results from the fact that the Radio Commission has disregarded the equitable service provision in the present law. They allocated to the 13 big stations in the country located in the northeastern part of the United States 214,000 watts of broadcasting power, which is 35 per cent of all that was given in the United States, and the other 672 stations

have the remaining 65 per cent. They allowed 213,000 watts of power in the first zone as against 41,000 in the third zone and 61,000 in the fifth zone.

In the commercial field they allowed the Radio Corporation of America and its affiliated stations 175 wave lengths, practically one-half of those which are used for commercial purposes, with 4,415,000 watts of power, almost seven times the entire amount of power used by all the stations in the commercial field.

Competitors applying for wave lengths in this field have been held up. I mention this to show the reason why the House has taken such drastic action as they have in the form of the amendment that has been placed in the bill. I believe there is reason for some legislation to correct the situation, but I feel that the measure passed by the House should be modified in conference, if possible, and I shall ask that conferees be appointed as soon as possible.

Mr. SMITH. Mr. President, I did not hear the Senator from Washington make his opening statement. Who is responsible for the allocation to which he has just referred?

Mr. DILL. The present Radio Commission is responsible for i .

Mr. BROUSSARD. Mr. President, let me ask the Senator for how long a period are the commercial licenses issued?

Mr. DILL. Commercial licenses are issued for not more than one year and broadcasting licenses for not more than 60 days.

Mr. BROUSSARD. Was there not an increase in the allocation of power in the case of one of the zones very recently?

Mr. DILL. The power allotted to some of the zones has been increased since the commission took charge.

Mr. BROUSSARD. Was that due to a new member of the commission?

Mr. DILL. It was due to a member who has been on the commission looking after the increased power for certain stations.

Mr. McKELLAR. Mr. President, will the Senator from Washington yield to me?

Mr. DILL. Yes.

Mr. McKELLAR. The Senator from Washington speaks of the measure adopted by the House seeking to equalize the distribution of power throughout the country as being "drastic," and suggests that it ought to be modified. I want to say to the Senator that I do not agree with him at all. I think the House provision simply guarantees the right of the whole country to such power, and I hope that the Senate conferees will agree to the House provision.

Mr. DILL. Mr. President, I wish to say to the Senator from Tennessee that the objection to the House provision, as I see it, is that it attempts to bring radio service equally to all the people of the United States by dividing or distributing equally the transmitters or broadcasting stations. That is not a practicable method because of the many factors that enter into radio reception, but the purpose of the House to give everybody equality of radio reception is most praiseworthy, and was the intent of Congress when it passed the law. That intent, however, has been disregarded by the Radio Commission, and I want to say to the Senator that I believe we can reach the same result without a provision that will necessarily close many stations or will necessarily shut down certain stations with high power that ought not to be put out of commission at this time.

Mr. McKELLAR. Mr. President, I am inclined to disagree with the Senator from Washington about that, and I hope he will study this provision of the House very carefully before he undertakes to modify it.

Mr. DILL. I shall do that.

Mr. HEFLIN. Mr. President, in connection with what the Senator from Washington [Mr. DILL] has stated I trust that we may amend the measure to which he has referred.

Mr. NORRIS. Mr. President——

Mr. HEFLIN. Just one minute. I think it ought to be amended so that the sections of the country that are now being discriminated against under the present radio law may be accorded adequate relief. The South is being woefully discriminated against, Alabama in particular, and I am ready to join with other Senators to make the law, as we intended it should be in the outset, fair to all the States.

Mr. NORRIS. Mr. President, it is quite evident that there is going to be considerable discussion of the radio measure. I desire to say to the Senator from Washington [Mr. DILL] that I would not, of course, if the matter could be disposed of without any difficulty object to that, but I repeat, it is evident there is going to be considerable discussion on it.

Mr. DILL. I have no desire to discuss the question further at this time.

Mr. ROBINSON of Arkansas. I do not think there will be any further discussion. The Senator from Washington is merely going to ask later for the appointment of conferees.

Mr. NORRIS. Very well.

Mr. DILL subsequently said: Mr. President, I ask the Chair to lay before the Senate the message received from the House of Representatives on the radio bill, Senate bill 2317, for the purpose of disagreeing to the House amendments, asking the House for a conference, and having the Chair appoint conferees on the part of the Senate. It will lead to no debate.

The PRESIDING OFFICER (Mr. STEIWER in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 2317) continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes, which were, on page 2, line 7, to strike out "six" and insert "three"; on page 2, line 8, to strike out "one year" and insert "six months"; and on page 2, to strike out lines 9 to 13, inclusive, and insert:

SEC. 4. The second paragraph of section 9 of the radio act of 1927 is amended to read as follows:

"The licensing authority shall make an equal allocation to each of the five zones established in section 2 of this act of broadcasting licenses, of wave lengths, and of station power; and within each zone shall make a fair and equitable allocation among the different States, including the District of Columbia, and the Territories and possessions thereof in proportion to population."

Mr. MAYFIELD. Mr. President, I want to say that I am in favor of the amendment that the House adopted to the Senate radio measure. This amendment, proposed by Representative DAVIS, of Tennessee, directs the Radio Commission to allocate wave lengths to the various States according to the population of those States. I think that is the basis upon which the allocation ought to be made. When one station in New York is being given more watts than all of the Southern States combined, it occurs to me that it is high time for the Congress to adopt some kind of legislation that will direct the Radio Commission to make a fair and just and equitable division of the air which God Almighty has given us.

Of course, if the Senator from Washington has an agreement with the leaders of the Senate to send this measure to a conference committee, I shall not interpose an objection; but I should like very much, indeed, to see the Senate vote straightout on the adoption or the rejection of the Davis amendment.

Mr. HEFLIN. Mr. President, if the Senator from Washington will permit me, I suggest to him that he can move to instruct the conferees to agree to the House amendments.

Mr. DILL. No; I do not want to do that, for if I do I will have to withdraw the matter, because I promised not to interfere with the consideration of the Muscle Shoals measure. I want to say to the Senator from Texas that I am in full sympathy with the purpose of the House, and if we can not get a satisfactory agreement with the House conferees we will bring the matter back to the Senate for a vote.

Mr. MAYFIELD. That is satisfactory to me.

Mr. DILL. If we can get an agreement with them on language that will be satisfactory, that will reach their purpose, we will bring that back instead.

Mr. MAYFIELD. That is satisfactory to me.

Mr. DILL. I move that the Senate disagree to the amendments of the House, ask the House for a conference on the bill and amendments, and that the Chair appoint the conferees on the part of the Senate.

Mr. McMASTER. Mr. President, what is the motion, please?

The PRESIDING OFFICER. That the Senate disagree to the House amendments and ask for a conference on the bill and amendments.

Mr. McMASTER. Should there not be more Senators in the Chamber before that motion is made? I think there will be a good deal of discussion about that.

Mr. HEFLIN. If the Senator will permit me, the Senator from Washington has just stated that if he could get the matter referred to conference in the shape it is in, and if the conferees did not agree to a proposition that would be satisfactory to us, he would bring it back in its present form.

Mr. DILL. No; I said satisfactory to the House conferees, who, of course, will carry out the purpose of the House. I may say to the Senator that I think the language is of such a nature that it is not workable, nor will it bring about the result the House desired; but I believe a conference will enable us to agree on language that will be satisfactory to the House and the Senate.

Mr. McMASTER. As I understand the situation, according to the Senator from Washington, the inequality of distribution

of power at the present time is not due to the law but is due to the commission.

Mr. DILL. There is some doubt as to the meaning of the law. It is ambiguous, and we hope to clarify the language by amending it.

Mr. McMASTER. Will clarifying the language of the law bring about a more equal distribution of this power?

Mr. DILL. We will have a chance to pass on the radio commissioners in a few days, also, I will say to the Senator; and clarifying the language under this amendment is intended to do that very thing.

Mr. McMASTER. Mr. President, I desire to say that the conditions in the Middle West are unbearable so far as the radio situation is concerned. There are hundreds and hundreds of square miles of territory which have splendid radio stations, and in any of that territory they are not permitted to listen to radio after 6 o'clock in the evening excepting chain stations. Surely something must be done to remedy that situation.

The PRESIDING OFFICER. The question is on the motion of the Senator from Washington.

The motion was agreed to; and the Presiding Officer appointed Mr. WATSON, Mr. COUZENS, Mr. FESS, Mr. PITTMAN, and Mr. DILL conferees on the part of the Senate.

MUSCLE SHOALS

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes.

The VICE PRESIDENT. The pending question is on the amendment submitted by the Senator from Nebraska [Mr. NORRIS].

Mr. BLACK. I send to the desk an amendment to the joint resolution.

The VICE PRESIDENT. Is it an amendment to the amendment?

Mr. BLACK. It is an amendment to the joint resolution as printed up to date.

The VICE PRESIDENT. The amendment submitted by the Senator from Alabama will lie on the table for the present.

The question is on agreeing to the amendment of the Senator from Nebraska [Mr. NORRIS].

Mr. KING. Let the amendment be read, Mr. President.

The VICE PRESIDENT. The amendment will be read.

The CHIEF CLERK. On page 3, at the end of section 4, the Senator from Nebraska proposes to insert the following proviso:

Provided, That if any State, county, municipality, or other public or cooperative organization of citizens or farmers, not organized or doing business for profit, but for the purpose of supplying electricity to its own citizens or members, or any two or more of such municipalities, or organizations, shall construct or agree to construct a transmission line to Muscle Shoals, the Secretary of War is hereby authorized and directed to contract with such State, county, municipality, or other organization, or two or more of them, for the sale of electricity for a term not exceeding 15 years, and in any such case the Secretary of War shall give to such State, county, municipality, or other organization ample time to fully comply with any local law now in existence or hereafter enacted providing for the necessary legal authority for such State, county, municipality, or other organization to contract with the Secretary of War for such electricity: *And provided further*, That any surplus power not so sold as above provided to States, counties, municipalities, or other said organizations, before the Secretary of War shall sell the same to any person or corporation engaged in the distribution and resale of electricity for profit, he shall require said person or corporation to agree that any resale of such electric power by said person or corporation shall be sold to the ultimate consumer of such electric power at a price that shall not exceed an amount fixed as reasonable, just, and fair by the Federal Power Commission; and in case of any such sale if an amount is charged the ultimate consumer which is in excess of the price so deemed to be just, reasonable, and fair by the Federal Power Commission, the contract for such sale between the Secretary of War and such distributor of electricity shall be declared null and void and the same shall be canceled by the Secretary of War.

Mr. KING. Mr. President, I desire to ask the Senator from Nebraska [Mr. NORRIS] a question. Is it his intention by this amendment as well as by the provisions of the joint resolution that the Government in the development and distribution of power shall be free from any State control or from the operation of State laws or regulations which may be promulgated by utilities commissions pursuant to State statutes? Is it the intention or understanding of the Senator that the agency created by the pending joint resolution or any agencies operating under it shall ignore constitutional provisions of any State which provide that navigable streams and power development thereon shall be subject to State and to regulation of State instrumentalities that may be created pursuant to State constitutions and State laws?

Mr. NORRIS. Has the Senator finished his question?

Mr. KING. It is a long question, but I shall be glad if the Senator cares to submit his views upon the same.

Mr. NORRIS. It is rather long. I will say to the Senator—and I think my statement will be in answer to his question—that, in my judgment, the Federal Government will not be subject to State law. It is the real intention of the amendment, if possible, to make it ever unnecessary for the Secretary of War to build a transmission line, for instance. He has that authority under other provisions, but the amendment offers an inducement to municipalities, and so forth, to build transmission lines by giving the Secretary of War the right to make contracts with them for 15 years instead of 10.

There are two other things that are sought to be accomplished by the amendment. One is to permit farm associations to organize under State law for the purpose of buying electricity from the Secretary of War for their members, and to permit them to build transmission lines, and, if they shall build transmission lines, to enter into contracts for 15 years. It directs the Secretary of War, when a municipality or a farm organization, in order to secure electricity for the citizens of the municipality or for the members of the farm organization, starts out to organize under a State law now existing or hereinafter enacted, to give them ample time to permit them to perfect their organization under the State law.

The other thing that is involved in this amendment is in case the current is not sold to municipalities and farm organizations, but it is sold to distributing companies, such as the Alabama Power Co., for instance, the Secretary of War, in order to give the consumers, the customers of the distributing company, the benefit of a reduction in price by virtue of the sale of the current by the Secretary of War, he shall require as part of the contract that for such electricity the distributing company shall not charge the ultimate consumer a price that is in excess of a price said to be fair, just, and reasonable by the Federal Power Commission.

Does that answer the Senator's question?

Mr. KING. If I understand the Senator, I think he has answered my question. At any rate, I understand his position to be that the Government shall proceed immediately to the completion of the Muscle Shoals project. That the project shall be devoted primarily, if not entirely, to the production of hydroelectric power, which is to be sold and distributed by the Government to private persons, corporations, and municipalities. The Senator's position, now, is what I have understood it to have been from the time debate upon the resolution before us began. The Senator for years has been insisting that Muscle Shoals be devoted to the production of power. He has been an advocate of the Government going into the power business. I recall many speeches made by the Senator in which he has pointed out the advantages that would result from the Government building and operating power plants and supplying the people and industry with hydroelectric energy. He has often called attention to the rates charged in the Province of Ontario, Canada, and he has insisted that following Ontario's example we could have cheaper power in the United States if the Government should furnish power to the people.

The position of the Senator and some who advocate the resolution before us is that navigable streams do not belong to the States, or at least that the Federal Government may enter upon navigable streams, construct dams, erect electric-light plants, generate power, construct transmission lines, and distribute and sell the power to the people. That in all activities in connection with the production and distribution of power the Government is immune from State constitutions, State laws and regulations, and the control by State public utilities commissions. In other words, if I understand their position, the Federal Government is not limited to the performance of purely governmental and national functions, but it may engage in business, though in so doing it invades the field occupied by private enterprise and competes with persons engaged in private business. It would seem under this view that the Federal Government carries its national powers and national sovereignty into business activities and that it may disregard States and State lines and engage in any or all of the activities that appertain to private enterprise, and in so doing it may escape State laws and regulations and taxation. It becomes more than an imperium in imperio; it becomes a supersovereignty in a sovereign State, the latter being helpless against its activities, whether they relate to proper governmental functions or to

matters and activities within the authority of States or their political subdivisions.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. KING. I yield.

Mr. SIMMONS. I should like to have the opinion of the Senator upon this suggestion: If a community, desiring current from Muscle Shoals, should erect its own transmission line to the point of distribution by the Government, the line, of course, being within the boundaries of the State, why would not the State have jurisdiction over that line? The power is bought from the Government, just as I might buy a suit of clothes from the tailor; the Government delivers the power to the transmission line and it is carried over that line, which is owned by the community. Why, under those circumstances, should the Government have anything to do with the control of the line owned by the people in the particular State?

Mr. KING. Mr. President, either I misapprehend the Senator or he misapprehends me. I am contending for the rights of the States; I am contending that the States shall have the right to exercise their sovereign powers and that the Federal Government, when it ceases to be a sovereign and engages in private business, must submit to the police powers and the rightful authority of the States.

Mr. SIMMONS. That is what I am contending for.

Mr. KING. Then the Senator and I are in accord.

Mr. SIMMONS. But I am taking the position, if the Senator will pardon me, that the fact that a community or other organization owns the line and the line runs to the power distributing point, where the current is delivered to it, does not divest the State at all of its control of that line.

Mr. KING. As I understand the Senator from North Carolina, his position is that if the Government generates power and individuals or municipalities take the same from the source where it is produced and carry it into adjoining States, distributing and using the same themselves, they are subject to the laws and regulations of the States into which they took the power for distribution. I think his position is sound. But the question before us is more far-reaching and of greater gravity than is indicated by the illustration submitted by the Senator. The Senator from Nebraska desires to have the Government build dams, produce power, construct distributing systems, and sell and dispose of the power. He believes, if I understand him correctly, that the Government by so doing will supply the power to the people cheaper than private power corporations. The Senator's position, if I understood him, is that there is a Power Trust or at least corporations controlling the power plants and the power distributing system of the United States, and that the rates charged are inordinately high and in some cases extortionate, and therefore we should have the Government supply electricity to the people.

There are many sincere persons who believe that the Government should take over the streams of the United States, erect dams and build power plants and supply electric energy to industry and to the people of the United States. They do not recognize the dual form of government under which we live. They do not perceive that the States are republics and sovereign and within their sphere have supreme authority; that the Federal Government has limited authority and may not go beyond the powers granted it by the States. There are others who distort and stretch the interstate commerce clause of the Constitution and justify the National Government in undertaking not only governmental duties and responsibilities but activities which belong exclusively within the field of private business. The Federal Government, when it exercises the right of a proprietor or business enterprise, ceases to be sovereign, and becomes subject to the same laws and regulations as corporations or individuals engaged in like enterprises.

Navigable streams do not belong to the Federal Government; it does not own the waters therein or the banks and beds thereof. The States own the banks and beds of navigable streams, holding them in trust for the use of their inhabitants. The States may establish or recognize the riparian doctrine or they may abolish it, as many of the Western States have, and establish the law of appropriation.

The Federal Government can not, constitutionally, enter the State of Alabama and take over the Tennessee River, flowing within the State, and control its waters and banks and beds as if it were an owner and proprietor of the same. If it builds power plants and distribution plants it must do so under the constitution and laws of the State of Alabama and subject to all lawful and proper regulations which that State may provide.

If the Federal Government could enter the States and engage in business in competition with corporations and individuals, the latter being subject to State laws and regulations and to the payment of taxes, the Federal Government could destroy those with whom it was in competition. The Federal Government can not go into Alabama or into any other State and erect power plants and distributing systems and engage in the sale and distribution of generated power without being subject to the same laws and regulations as are applied to corporations or individuals engaged in like pursuits. The Government would be compelled to pay taxes and licenses and be subject to utilities commissions in the same manner as individuals and corporations engaged in the same character of business. The Government may acquire land within a State for purely national purposes and in so doing is not subject to taxation upon the property acquired. It has been held that it may acquire national cemeteries to care for those who gave their lives in defense of the Union. It may acquire land upon which to erect factories to manufacture guns and war supplies. I repeat, in its national activities it has powers and authority denied it when it is engaged in business pursuits commercial in character.

In an early decision of the Supreme Court of the United States, which was an Alabama case, it was declared by the Supreme Court that the "shores of navigable waters and the soils under them were not granted by the Constitution to the United States but were reserved to the States, respectively." The States hold the absolute right to all their navigable waters and to the soils under them for their own common use, subject only to the power of Congress to prevent interference with navigation. If a corporation or individual desires to construct a dam in the Tennessee River in Alabama for the development of electric power, State permission must be obtained and the State laws observed. The State may derive revenue from the enterprise, taxing the building or dam or transmission lines or imposing a license upon the power produced. The Federal Government, if it become a proprietor and enters the State must conform to the laws of the State and be subject to the same limitations, taxes, fees, and so forth, as are imposed upon private corporations or individuals engaging in like enterprises. The same doctrine announced in the Alabama case was reaffirmed in the recent case of Kansas *v.* Colorado, 206 United States. A controversy arose between the two States with respect to water flowing in the Arkansas River. The Government of the United States attempted to interfere, contending that it had an interest in the river and in the water thereof. The Supreme Court denied this right to intervene.

I am contending, Mr. President, for the rights of the States to control their own domestic affairs and am opposing the proposition that the Federal Government may take over the navigable streams and use them as it sees fit for manufacturing or for power purposes, regardless of the constitutions or laws of sovereign States. I concede, of course, as I have indicated, that the Government may acquire land for national purposes. It may not take it, however, without just compensation, and it must be for a public use; that is, a national use. It is a serious question whether the Federal Government may go into a State and expropriate land for the purpose of operating stores in competition with merchants or erecting shoe factories to manufacture shoes to be put into the channels of trade and commerce. Certainly if it does acquire property for such purposes it holds it as any private person or corporation would hold property and subject to the same regulations and the same taxes as property used for similar purposes by private persons.

If the Federal Government, with the consent of the State, desires to erect a plant upon the Tennessee River in Alabama for the manufacture of powder and other munitions needed by the Government, then exercising its sovereign power it may do so. But if the Government goes into the State of Alabama and builds dams and plants and transmission lines and sells power to the public, then it must submit to the laws of Alabama and be subject to the regulations and rules applied to corporations and individuals who may engage in the production and sale of electric energy.

Mr. HARRISON. Mr. President, we are approaching the end of the consideration of this question.

This is the greatest advance toward Government ownership and operation, not only of the generation and transmission and sale of power but of the making of fertilizer, that has ever been before the Congress of the United States.

We have, by our votes against amendments, expressed the will of the Senate, if our action truly expresses the will of the Senate, that all preference shall be given to municipalities in the building of transmission lines and in the distribution and sale of power. Indeed, we have gone beyond that and have given to the Secretary of War authority to sell power directly to individuals. Whether those individuals are engaged in some

public-service function or not, whether they are engaged in the manufacture of aluminum or otherwise, they can get the power. They are under no regulation of the State agencies. If that statement is contradicted, I want some one now to rise on the floor and tell me that it is erroneous. It is written in the very lines of the Norris proposition that the Secretary of War can sell this power to States, to counties, to municipalities, to partnerships, to corporations, and to individuals. I offered an amendment that the Senate did not see fit to accept to put municipalities upon the same basis as corporations and let them sell to corporations, but they were corporations that were regulated by the public agencies of the States.

Yesterday, through the adoption of two amendments touching fertilizer, the Senate decided that the Government is going to experiment. I recall that three years ago the distinguished Senator from Washington [Mr. JONES] offered an amendment here to delay the consideration of the Muscle Shoals proposition for a year. It was voted down by the Senate. The Senate held, by a vote of 50 to 30, that we wanted no more experimentation, but we wanted some fertilizers to be made at Muscle Shoals, and that the surplus power should be distributed. That was the judgment of the Senate; but they have gone back upon that now, and we are to have some experiments not only at nitrate plant No. 2 under the cyanamide process, but we are to have experiments at nitrate plant No. 1 under the synthetic process or under what not. In the meanwhile a lease is going to be made to communities, to municipalities that may join in to build transmission lines for the sale of the power.

I submit, Mr. President, that after eight years and longer of delay in the solution of this question, the time has come for it to be solved. We admit our impotency when we fail to do it; and those on this side of the aisle or the other side who may think that there is some other day coming when we can consider fully this question again, and decide it finally, are dreaming a dream that will not come true.

The steering committee of the Republican Party have set aside this time—it was fine of you to have done it—for the consideration of this question. We have frittered away the time. The joint resolution that has been reported out of the committee has been shot to pieces. The Senator from Nebraska himself has accepted the amendment of the Senator from Tennessee. Another amendment has been offered by him. They have shot it to pieces. The joint resolution has not received from any committee the consideration that it deserves.

Mr. President, I propose to have a record vote on a substitute that I have offered that will settle this question. It will take away from it this Government ownership and operation that is written in every line of the proposal here. It is the Underwood proposal that was offered here in 1925. It was debated here for weeks, and finally the judgment of the Senate was, by a vote of 50 to 30, that it was a wise proposal. It was not adopted in its original state. There were innumerable amendments offered to it and accepted. I am glad the distinguished Senator from Tennessee [Mr. MCKELLAR] is in the Chamber, because at that time he assailed that measure. He said that the fertilizer features of it were not strong enough. He offered an amendment and that amendment was incorporated in the bill. It is here now in this proposal without the change of a word.

What is that proposal? It is as follows:

Since the production and manufacture of commercial fertilizers is the largest consumer of fixed nitrogen in time of peace, and its manufacture, sale, and distribution to farmers and other users, at fair prices and without excessive profits, in large quantities throughout the country is only second in importance to the national defense in time of war, the production of fixed nitrogen as provided for in this act shall be used, when not required for national defense, in the manufacture of commercial fertilizers. In order that the experiments heretofore ordered made may have a practical demonstration—

Says Senator MCKELLAR—

and to carry out the purposes of this act, the lessee or the corporation shall manufacture nitrogen and other commercial fertilizers, mixed or unmixed, and with or without filler, according to demand, on the property hereinbefore enumerated, or at such other plant or plants near thereto as it may construct, using the most economic source of power available, with an annual production of these fertilizers that shall contain fixed nitrogen of at least 10,000 tons the third year, 20,000 tons the fourth year, 30,000 tons the fifth year, and 40,000 tons the sixth year: *Provided*, That if after due tests, and the practical demonstration of six years herein provided for, it is demonstrated to the satisfaction of the lessee or the corporation that nitrates can not be manufactured by it without loss, the lessee or the corporation shall cease such manufacture and shall report to the Congress all pertinent facts with respect to such costs with its recommendation for such action as the Congress may deem advisable.

Could you draw a stronger fertilizer provision than is incorporated in that? The Underwood provision first said, "Let us lease these properties. We can not settle the bids here." We had the Ford bid, and we could not agree upon it. We had the American Cyanamid Co. bid, and we could not agree upon it. We had the Associated Power Co.'s bid, and we could not agree upon it. Consequently, after deliberation, it was the judgment of the House and the Senate that a joint commission should be appointed to go out and advertise for bids, to see which was the best bid, and report their recommendation to the Senate and to the House.

Distinguished men were named on that joint commission. The Senator from Kentucky [Mr. SACKETT] and the Senator from Illinois [Mr. DENEEN] and the Senator from Alabama [Mr. HEFLIN] were on that joint commission from the Senate. They made their recommendation, but they got nowhere with it. Indeed, their recommendation was not even considered by the Senate.

We must delegate to somebody the authority to go ahead and make a lease and fix the terms. They are fixed here. We are to get 4 per cent upon the value of the dam and the auxiliaries to the dam there. We will get, under this plan, something like $2,000,000 rental a year. We are receiving now for the power only about $800,000 a year. If we can not lease it by September 1 of this year, the provisions of the Underwood proposal, which I have offered, are that the Government shall organize a corporation, go in there, and make fertilizer to the amount of 40,000 tons of fixed nitrogen annually.

Mr. President, that is the only way in which we are going to solve this big problem. We can experiment with nitrate plant No. 2 and nitrate plant No. 1; we can fight over the surplus power, but we must delegate to somebody this authority in order to settle this great problem.

I put it up to the Senate to exercise their judgment in this matter. Let us adopt this substitute, so that we will rid ourselves of the Muscle Shoals problem; and the American people will be protected under its provisions. It regulates the rates of the surplus power that is transmitted. It puts the matter, first, under the authority of the agencies of the various States. If there is no agency to regulate the rates, then it says that the Water Power Commission shall regulate them. There is not any provision in it that does not protect the rights of the American people. It will dispose of this great natural resource for 50 years under the lease; the farmers will obtain fertilizer and the American Government will be protected through the manufacture of nitrates in case of war.

Mr. MCKELLAR. Before the Senator takes his seat I want to say this to him: He spoke of an amendment of mine being placed in the Underwood proposal. That is true. I felt it was my duty to make that proposal as good as I could get it, but if the Senator will look at the RECORD he will see that I voted against the Underwood proposal even though it contained an amendment which I had offered.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nebraska [Mr. NORRIS].

On a division, the amendment was agreed to.

Mr. NORRIS. Now, I have another amendment I would like to offer. On page 2, line 9, of my print, the second line of section 2 of the bill reads as follows: "The Secretary of War is hereby empowered and authorized to sell the current," and so forth. After the word "the" and before the word "current" I move to insert the word "surplus."

Mr. MCKELLAR. That is entirely satisfactory to me. I am glad the Senator is submitting the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. NORRIS. After the word "current," in the same line, I move to insert "not used in fertilizer operation and for operation of locks and other works."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. NORRIS. I have another amendment which, in my judgment, is unnecessary, but several Senators think the measure ought to be explicit in this regard. It is to add a new section to the bill. I send it to the desk and ask that it be read.

The VICE PRESIDENT. The clerk will read.

The LEGISLATIVE CLERK. Add a new section, to read as follows:

The Government of the United States hereby reserves the right, in case of war, to take possession of all or any part of the property described or referred to in this act for the purpose of manufacturing explosives or for other war purposes; but, if this option is exercised by the Government, it shall pay the reasonable and fair damages that

may be suffered by any party whose contract for the purchase of current is thereby violated.

Mr. NORRIS. I think the amendment only states the law as it is, but I can see no objection to putting it in.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. NORRIS. There are some corrections I want made of mistakes. On page 2, line 15, after the word "and," where it reads, "from the 1st day of January, 1929; and," I move to insert the word "in," so that it will read, "and in the sale of such current by the Secretary," and so forth.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. NORRIS. In the next line, after the word "War," I move to insert the word "he," so that it will read, "and in the sale of such current by the Secretary of War he shall," and so forth.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. NORRIS. In the second line of section 3, which reads, "Government to distribute the current," after the word "the," and before the word "current," I move to insert the word "surplus."

The amendment was agreed to.

Mr. NORRIS. On page 3, in section 6, where it reads, "The Secretary of Agriculture is hereby authorized and directed within the limits of appropriations made by Congress from said fund," I move to strike out the word "said" and insert the word "the," and after the word "fund," to insert the words "hereinafter provided for," so that it will read, "appropriations made by Congress from the fund hereinafter provided for."

The amendment was agreed to.

Mr. NORRIS. On page 4, at the end of subsection (c), I move to strike out the word "and," as it appears at the end of line 10; on page 5, in section 7, I move to strike out next to the last word of the section the word "hereinbefore" and to insert the word "hereinafter."

The amendment was agreed to.

Mr. NORRIS. I ask unanimous consent that the sections be renumbered. We have by amendment placed some fertilizer sections at one end of the joint resolution and power sections at the other end. I ask that the sections be renumbered, placing the fertilizer sections first, to be followed by the other sections.

Mr. McKELLAR. Mr. President, has the Senator offered an amendment increasing the appropriation?

Mr. NORRIS. No; but I will do so. I am glad the Senator called my attention to that.

Mr. McKELLAR. As I understand it, the $2,000,000 authorization provided for in section 11 is to be increased to $6,000,000.

Mr. NORRIS. In section 11, where provision is made for an authorization of appropriation of $2,000,000, I move to strike out "$2,000,000" and insert "$10,000,000." There will be an increase of expenditure made necessary by the adoption of the Caraway amendment.

Mr. KING. I understand the Senator is now asking to strike out the authorization for appropriation of $2,000,000 for experimental purposes and moving to insert in lieu thereof $10,000,000.

Mr. NORRIS. It is not entirely for experiment, but for purposes of the Secretary of Agriculture as defined in the joint resolution. I move to strike out "$2,000,000" and insert "$10,000,000."

Mr. KING. I want to address myself to that for a moment.

Mr. NORRIS. If the Senator wants to debate it, let me withdraw the motion and finish up stating my unanimous-consent request.

Mr. KING. Very well.

Mr. NORRIS. When I was interrupted by the Senator from Tennessee I was about to read the sections as they would appear if my unanimous-consent request were agreed to.

Section 2 will become section 6, section 3 will become section 7, section 4 will become section 8, section 5 will become section 9, section 6 will become section 2, section 4 will become section 5, section 8 will become section 3, the Caraway amendment will become section 4, section 9 will become section 10, section 10 will become section 11, and the amendment agreed to some time ago will become section 12.

The VICE PRESIDENT. Is there objection to the request? The Chair hears none, and it is so ordered.

Mr. NORRIS. In order, now, to give the Senator from Utah an opportunity to be heard, I move, on page 5, line 17, to strike out "$2,000,000" and insert in lieu thereof "$10,000,000."

Mr. SIMMONS. That is an authorization?

Mr. NORRIS. That is an authorization.

Mr. KING. The measure before us, which is known as the Norris resolution, presumably had consideration before a committee, and we may assume the resolution comes from the committee as the result of serious consideration and profound deliberation. This must be assumed because the subject with which the resolution deals is an important one, and Congress for a number of years has had before it propositions dealing with Muscle Shoals. After years of consideration the resolution was presented to the Senate. That it meets the approval of a majority of the Senators I have serious doubt. That it is a patchwork of compromises is evident from the extraordinary provisions and incongruities found therein. In attempting to deal with Muscle Shoals it divides responsibility, invoking jurisdiction of at least two departments of the Government—the Department of Agriculture and the War Department.

The Secretary of War is to complete Dam No. 2 and the steam plant at nitrate plant No. 2 at Muscle Shoals by installing additional power units. This official of the Government is also empowered and authorized to develop electric current at the steam plant and dam, and to sell the same to municipalities and to corporations and individuals, entering into contracts therefor. He is also authorized to construct transmission lines for the purpose of distributing the electric energy generated at the dam and plant referred to.

The Secretary of Agriculture is authorized to construct, maintain and operate plants anywhere in the United States for the manufacture and distribution of fertilizer, or any of the ingredients comprising fertilizer and contract with commercial producers for the production of fertilizers or materials needed in the Government's plan of development. He is also authorized to make alterations in existing plants and to construct and operate new plants. As amended the resolution provides that there shall be turned over to the Secretary the nitrate plant, together with the steam plant which I have referred to, and he is likewise directed to use nitrate plant No. 2 in the experiments of the production of fertilizers.

It is somewhat difficult to determine precisely the meaning of the resolution with the accepted amendments, and the fields which are to be entered by the Government and its agencies, and the restrictions, if any, imposed upon the same. In my opinion, Mr. President, and I say it with the utmost respect for those who prepared the measure before us, and those who are advocating its passage, if the resolution with the various amendments suggested should become law the most serious difficulties would be encountered in enforcing it and the conflicting interpretations would lead to delay, embarrassment and, in a great measure, defeat the consummation of some of the purposes of the supporters of the resolution.

The resolution lacks clarity and precision. It is complicated and cumbersome, and if the various agencies in the Government provided in the resolution to execute its terms undertake the task they will find themselves in a maze of confusion. It goes without saying that the absence of proper limitations will lead to inefficient bureaucracy and governmental waste and extravagance. No proponent of the scheme or schemes who approves of the resolution has ventured, so far as I have heard during the debate, to predict the ultimate cost to the Government. The stupendous sums already expended in the project, amounting to between one hundred and one hundred and fifty millions of dollars, may be entered upon the books as losses or, at least, the greater part of the same. If the departments of the Government attempt the construction of more dams and power plants and transmission lines and fertilizer plants, the National Treasury may be called upon for larger sums than heretofore have been expended in the Muscle Shoals project.

The resolution as it came from the committee carried the innocent little appropriation of $2,000,000 for synthetic nitrogen experimentation. With the wave of a hand it is now proposed to increase this amount to $10,000,000. I am surprised at the moderation of the advocates of the measure. They might with as much reason, and certainly in the light of experience with greater regard for the certain expenditures and losses, have asked for $25,000,000 or $50,000,000. Indeed, to carry out the power project, and that is the heart of this resolution, $50,000,000 will be wholly adequate.

Mr. McKELLAR. Mr. President——

Mr. KING. I know what the Senator from Tennessee will say before he speaks. He will claim that this amendment of $10,000,000 is necessary because of amendments, including the Caraway amendment, so called, which have been adopted and which require the Secretary of Agriculture to assume greater responsibilities than those placed upon him in the resolution as it was presented to the Senate. I now yield to the Senator.

Mr. McKELLAR. I call the Senator's attention to the adoption of the Caraway amendment, under which the Secretary of Agriculture is directed to proceed with the cyanamide plant at Muscle Shoals, which will entail the expenditure of a great deal of money.

Mr. KING. I am familiar with that.

Mr. McKELLAR. I wanted to give the Senator the reason why the amount should be increased.

Mr. KING. The Senator does not give me information I did not possess. I said that undoubtedly the Senator from Tennessee would state—and I stated it for him—that this increase from $2,000,000 to $10,000,000 was by reason of amendments which have been adopted, and which devolve upon the Secretary of Agriculture duties not provided for in the resolution.

I repeat, Mr. President, the increase in this item is quite insignificant and unimportant measured by the huge amounts which will be required if this resolution becomes law, and its provisions, complex, uncertain, and contradictory, are carried out. This scheme upon which we are about to embark leads to labyrinthian paths and, as I have stated, leaves us utterly in the dark as to what burdens it will impose upon the Government. If the project is limited to the building of dams and the generation of power and the construction of transmission lines and the distribution of electric energy developed, tens of millions of dollars will undoubtedly be required. The problems to be encountered will not be fiscal alone, but they will also be economic and business problems. Of course, the project contemplates disregard entirely of State lines, State sovereignty, and State constitutions and laws enacted by States for the regulation and control of public utilities and the waterways within the States. But if in addition to the power scheme, which is the paramount one and the object of this resolution, demands should be made of the Government to manufacture nitrates and various forms of fertilizer and distribute and sell the same to the farmers of the United States, then problems and difficulties perhaps more complex and disconcerting will arise, increasing the embarrassment and troubles of the Government and multiplying its expenditures and swelling its losses.

But we are quite indifferent to governmental expenditures. A few hundred millions of dollars thrown away in experiments and governmental business operations or attempted operations at Muscle Shoals and vicinity are not of sufficient importance to occasion hesitation in passing this measure. Measures now before Congress which we are expected to consider before adjourning call for appropriations, direct and indirect, of considerably more than $5,000,000,000. The ordinary expenses of the Government with its increasing machinery, if we are to heed the demands of the executive departments, will amount to considerably more than $4,000,000,000. Delegations from various sections of the country have besieged the Capitol and committee rooms since Congress convened last December pleading, asking, and demanding appropriations, the aggregate of which would bankrupt the Treasury and call for new revenue laws, adding to the already heavy burdens of the people further taxes amounting to between five hundred million and a billion dollars. We are asked to authorize at a cost of substantially a billion dollars the St. Lawrence River project, the Columbia River plan, and the Boulder Dam project. The demands for the Mississippi River and its tributaries run into the hundreds of millions. Appeals are made for an authorization of more than a billion dollars for the construction of 71 war vessels; $800,000,000 are required for the ordinary expenses of the Army and Navy for the next fiscal year. It will be fortunate for the people and the country if Congress speedily adjourns. The longer we are in session the greater will be the burdens laid upon the people. We could do no better service than to promptly pass the appropriation bills, scrutinizing every item and cutting appropriations to the bone, and a few other bills and then adjourn.

Mr. President, I have upon many occasions during the past few years challenged attention to the heavy burdens of taxation and appealed for greater economy in the administration of governmental affairs. I have opposed appropriations, criticized numerous bills carrying large amounts, and interposed many objections to what I conceived to be unwise measures and bills carrying unnecessary and extravagant appropriations. In my opinion there has been too little regard for the taxpayer, and the increasing appropriations bear testimony to our indifference and to the irresistible power of the lobbyists and appeals coming from all parts of the land, for larger Federal appropriations, and for Federal intrusion into the States, and national assumption of responsibilities resting upon sovereign States and their political subdivisions.

The repeated claims of the supporters of the administration that economy has characterized the administration of President Harding and President Coolidge are not supported by the facts. For the fiscal year ending June 30, 1917, the entire expenditures of the Federal Government were approximately $1,173,000,000. It will be remembered that the United States entered the war in April, 1917, so that the expenses during the first half of the year were much greater than they would have been except for the preparations which our country was making for the great conflict. But this year, as I have stated, the appropriations for the ordinary expenses of the Government will exceed $4,000,000,000, and there will be other appropriations, direct or indirect, amounting to from $500,000,000 to $1,000,000,000. I appeal to Senators on both sides of the aisle to oppose all unnecessary appropriations and to limit the expenditures of the Government to purely governmental purposes and to apply the most rigid economy in every branch of the Government.

It is an hour for a careful examination of the enterprises upon which the Government is embarking, the schemes and plans which are beyond the power and authority of the National Government, but which it is insisted by some shall receive the support of the General Government. It is a time to examine the Constitution and recur to fundamental principles and to insist that the National Government shall not go beyond the bounds of its authority or impinge upon individual rights or the rights of the sovereign States. The line of cleavage separating the National Government from the States must be maintained. State lines must not be obliterated, Federal usurpation must not be permitted, and State responsibilities must not be shirked.

Our Republican friends are in power. I appeal to them to protect the States against the Federal invasion and to apply the principles of economy in the administration of the Government. Though a Democrat, I would be glad to see the party in power give to the country a wise, just, and sound administration, one that conserved individual liberty and was calculated to preserve the States in all of their authority and keep the Republic within safe and constitutional limits. If mistakes are made, if extravagance characterizes the administration of the Government, the party in power must bear the blame.

Before Congress met in December leaders in the Republican Party announced that a revenue bill would be passed reducing taxes several hundreds of millions of dollars. The Secretary of the Treasury announced that there would be tax reduction to the extent of at least $225,000,000. It was my opinion, Mr. President, that a tax measure should have been passed reducing taxes approximately $400,000,000.

If Congress had acted wisely, if appropriations for the next fiscal year were within proper limits, we could have reduced the taxes by $400,000,000 without in any way impairing the credit of the Government or leaving an empty Treasury. The Committee on Ways and Means of the House met several weeks before Congress convened in December and prepared a tax reduction bill which was offered the first day that the House met and was introduced as bill No. 1. The measure passed the House and came to this body. It was reported to the Finance Committee and there by Republican members of the committee promptly placed in a musty pigeonhole. All efforts upon the part of the Democratic members of the committee to secure consideration of the bill have been unavailing. It still remains in the pigeonhole of the committee. Whether it will be permitted to emerge I can not say. Certainly it will not pass this body if we continue our profligate expenditures and continue to enact measures unwise, unsound, and undemocratic, many of them calling for enormous appropriations, and carrying the Government further and further into fields which it should not enter.

I venture to appeal to those upon this side of the Chamber to not follow Republicans and support unsound legislation and measures which can not be justified by reason to supposed extraordinary conditions, and which are paternalistic, socialistic, and unconstitutional.

Mr. NORRIS. Mr. President, we have heard from time to time in this debate, and from year to year when the Muscle Shoals question was before the Senate for consideration, from all sides and from all parties and from all districts, a profession of love for the American farmer. Those of us who have not agreed sometimes with our brethren as to what shall be done with Muscle Shoals were denounced as enemies of the American farmer. We have had it called to our attention time and time again that we should make provision for cheaper fertilizer for American agriculture. Here is the opportunity. Here is an authorization for an appropriation, every penny of which will go toward cheapening fertilizer for the American farmer. I care not what we may think about the wisdom of the joint resolution or any other measure, if we want to provide for the cheapening of fertilizer here is a direct application of public funds for the purpose of doing it.

There are other authorizations in the resolution besides this one, going to water power and for the completion of Dam No.

2 by the Secretary of War and for the completion of the steam plant at nitrate plant No. 2. But here is an authorization which enables the Secretary to go forward at once. It is not the limit, I will say to the Senator from Utah, of public money that is going toward fertilizer. All of the income, after paying the expenses for the great plant down there, is going to be added to this fund. But the committee which reported the joint resolution realized that it would take some time before the Secretary of War would be able to get money from such income, and so provided, and it is stated in the resolution, in order that the Secretary may not be delayed in carrying out the fertilizer proposition of the joint resolution, that an appropriation of $10,000,000 be authorized to assist him to carry it on.

The Senator from Utah complains that the amount was, as originally reported, only $2,000,000. The joint resolution is practically the same as was reported in the last Congress by the same committee, and that resolution provided for $10,000,000. It was thought by Doctor Cottrell, when we prepared the joint resolution now before us, that it would not be necessary to have $10,000,000. He thought that with the income which would soon come from the sale of power $2,000,000 would be enough. But we have adopted an amendment, here known as the Caraway amendment, which provides for more extensive fertilizer operations. It provides for experimentation with plant No. 2, which was not in the original resolution. That will cost some money. If we carry it out, money will be necessary and it ought to be authorized at once, it seems to me.

Mr. President, of all the authorizations for appropriations that I have ever voted for I shall cast a vote for an authorization for an appropriation for the improvement and the cheapening of fertilizer for the American farmer with more cheerfulness than any other vote I ever cast. Senators who have been crying aloud to the heavens that they wanted fertilizer, fertilizer, fertilizer, and were willing to do anything to cheapen fertilizer for the American farmer, now have the opportunity. I do not know of any other or better way to cheapen it. We have the great Secretary of Agriculture now engaged in the business. Does anybody complain that he ought not to do it because he happens to be an official of the Government? Will anybody complain to us that it is not a popular governmental function to experiment and to cheapen fertilizer for the American farmer? We do such things for business.

The Bureau of Standards if spending millions of dollars—and properly, I think—for experimentation in all kinds of operations, in all kinds of inventions for the benefit of men engaged in business. The Bureau of Mines is spending money to improve the mining industry. We are spending millions every year to improve agriculture, and everybody who has studied agriculture knows that one of the things that is going to be necessary in the very near future is a cheaper fertilizer. Here is the opportunity to get it. Do we want the Government to do it? Or would we rather turn it over to a private party to experiment? Would Senators rather turn it over to what is called the Fertilizer Trust and let them have the money and see if they can improve it?

If there is any other suggestion than that the Government should use this fund, than that the Government should make these experiments, I have not heard of it either in the Senate or outside. I would like to hear it if anyone could make a suggestion of a better place to put the money in order to give agriculture the benefit of it.

Mr. HARRIS. Mr. President, may I interrupt the Senator?

Mr. NORRIS. Certainly.

Mr. HARRIS. I call the attention of the Senator to the fact that he overlooked the proposition that the Government has spent about $15,000,000 a year in experiments in powder and arms and things of that nature.

Mr. NORRIS. Yes; and the Government is spending hundreds of millions of dollars for battleships and big guns for the purpose of carrying bombs down into Nicaragua. We are doing all kinds of things where $10,000,000 would hardly be a drop.

Mr. FLETCHER. Mr. President, I desire to say just a word. I think this is one of the best amendments that has been offered to the pending joint resolution. Originally I thought that $2,000,000 would not get us very far, but I think that the amount authorized in this way will accomplish some very good results. The amendments which have been offered to the joint resolution generally, I think, have greatly improved it. In the beginning I was not much inclined to support the joint resolution. I thought it was almost devoid of any great good. I thought that we were not getting very far by adopting such a measure. But the amendments which have been adopted, and the pending amendment too, are good. I think the pending amendment is one of the most important that has been suggested.

Mr. SIMMONS. Mr. President, I was one of the Senators who voted against the so-called Underwood bill. I voted against that bill because I regarded it as essentially a power proposition. I was of the opinion then, and I am of the opinion now, that all the power that is necessary, either steam or hydroelectric, if it has not already been supplied by private capital, will, as the demands arise, be readily supplied by private capital.

There is no necessity of the Government going into the power business. In my own State we have in recent years developed something over 700,000 hydroelectric horsepower. The development of that power has given to the industries of that section an impetus that has within a very few years raised our State to the very front rank of industrial communities in the United States.

The Senator from Kentucky [Mr. SACKETT] a few days ago made a speech in which he pointed out that the difference between the cost of hydroelectric power and the cost of steam power was infinitesimal and need not be considered. That may be so, Mr. President, but steam power exhausts our coal, and we have not a superabundance of that, although we have more than the average nation of the world. However, it is not inexhaustible, but water power is inexhaustible, as is the air as a source of nitrogen; it can never be exhausted.

Mr. President, I arose not for the purpose of discussing the pending joint resolution particularly but for the purpose of making my position very clear. I am not in favor of Government ownership or operation wherever private industry and capital will supply the reasonable demands of the people in order that they may progress and receive at reasonable prices those things which they need. As a rule, private capital is supplying the American demand, but there are some exceptional cases.

The two exceptional cases are those which are of greatest and most vital importance to the future prosperity of the United States: First, that of an adequate merchant marine; secondly, that of an adequate supply of cheap nitrogen.

I am favoring and have favored the Government going into and remaining in the business of shipping just so long as, and no longer than, private capital refuses to supply the needed ships for the purpose of carrying the products of America to the markets of the world, because I know, and have known for years, that so long as America was absolutely dependent, as she was until recent years, upon her competitors in the world's market for the transportation of her cargoes, just so long would America be at a disadvantage in competition with the other nations of the world; just so long would that power of control over transportation be exercised against American trade and in favor of its competitors. So that for that reason I favor the Federal Government going into the shipping business. There is a second reason for Government shipping—supplying an auxiliary service for the Navy in case of war.

Mr. President, I am in favor of the Government going into the fertilizer business to the extent of manufacturing nitrates. I am not in favor of the Government going into the production of any other elements that enter into fertilizer, because private capital is supplying those at reasonable rates, but up to this time, notwithstanding the facts that the necessity for cheaper nitrates has been made manifest to the American people, and that for the past 15 years Senators from the South and Senators from other sections of the Union have stood here and begged for liberation from the bondage of Chile, begged that they might be freed of the $12 export tax which Chile places upon every ton of nitrate the farmers of this country buy, private enterprise has done absolutely nothing to produce artificial nitrates; not one pound of artificial nitrates for the purpose of fertilizer has been made here, though it is true we have been getting cyanamide from Canada, which is a foreign country. Not one dollar has been invested in this country in the manufacture of nitrates for the purpose of making fertilizer less expensive. Therefore, Mr. President, the Government has an obligation, and it is fortunate in these circumstances, in this utter failure of private capital to come to the rescue of the farmer, that the Government owns the great power at Muscle Shoals.

I say to you, Mr. President, that the farmer has and has had many problems. He first had a monetary problem but that has been solved. He has now a traffic problem; he has been overburdened with high freight rates. That problem ought speedily to be solved, and would be speedily solved if the Interstate Commerce Commission would place a reasonable valuation upon the property of the railroads in determining the question of how much they may charge in order to enable them to earn a fair return upon their investment. Where the actual value of the assets of a railroad is doubled, instead of the Government guaranteeing a fair return, it in effect guarantees twice a fair

return on the investment. It is one of the farmer's problems to get rid of that situation; that we shall have to work out in some way or other. But, Mr. President, the most serious problem which confronts the farmer to-day is not high freight rates; it is not even surplus of production. Such surpluses present a serious problem. They do not apply to all agriculture, but apply only to those forms of agriculture which some years make too much and some years make too little to supply the world and the domestic demand. The surplus problem is, indeed, a crying evil and we have got to settle it. The farmers of this country, taken as a whole, will never be prosperous until that problem shall have been solved. The McNary-Haugen bill, if passed, will solve it, and I am in favor of that measure, but that is not the greatest problem of agriculture; that affects only certain branches of the industry. Practically the whole agricultural industry in America is to-day overburdened by an excessive price that has been imposed upon it for nitrogen, which is the chief element of fertilizer, by the exactions of Chile.

Tell me about prosperity! I say to you, Mr. President, that the farmers in my section of the country never knew what prosperity meant until they began to use fertilizer in large quantities. I say to you that my State before the war was designated as one of the "poor" States of the Union, agriculturally speaking; and it was, indeed, a poor State. The section of the State from which my distinguished, amiable, and lovable colleague [Mr. OVERMAN] comes, western North Carolina, was a land of sterile red hills, hardly producing sufficient to sustain the life of the people who lived upon them and to furnish them with meager raiment, but by the use of fertilizer that section of the State has been made almost as fertile as the delta of the Nile. In the eastern part of North Carolina we have doubled, almost trebled, our crops by the use of fertilizer.

In the western portion of the United States, where wheat is raised and the farmers do not use fertilizer, the average yield per acre, I understand, has fallen in recent years from probably 25 bushels to 12 or 15 bushels. In my section of the country, where when we started out without fertilizer we had an average yield probably of less than 10 bushels to the acre, we have increased it to an average of something like 25 bushels to the acre. But the cost of nitrogen entering into the fertilizer that we use is so very high that at the end of the year, although we have enormously increased the output of our land, there is very little profit left.

If the price of fertilizer can be reduced in this country, as Germany has reduced it—and reduced it not by digging it out of the mines, as is done in Chile, but by getting it out of the atmosphere by a cheap process—then every section of the Union will use fertilizer. The West will use it; the East will use it; the North will use it; as well as the South. When we shall have done that our land will produce many, many times more of the products that are needed by mankind than it now produces. Therefore I say that taking agriculture as a whole the fertilizer problem is the most serious one that confronts the farmer to-day. There is no other problem that is so immediately important to him.

The Government has the power and the plant at Muscle Shoals. It would be criminal, Mr. President, to take that power and turn it over to a power company when all the power that is needed for existing industries has already been developed and when every day in every part of the country, utilizing our abundant water power, there are springing up other power companies that are producing electric current and increasing the supply of hydroelectric power.

Therefore I am for the pending joint resolution. So long as I remain in the Senate, until the Government has taken over this plant and produced cheap nitrogen for the farmer or forced private capital to produce it in sufficient quantity at low prices I never intend to vote to turn the power at Muscle Shoals over to a private company. I want the Government to hold it, because I know if the Government keeps it and commits itself to the policy of producing a cheap fertilizer ingredient that it will exhaust the ingenuity of man; that it will employ the best talent that may be found to determine the best and the least expensive production methods; that it will do what Germany has done, and, if it shall do what Germany has done, it will succeed; and I am willing that we should give it $10,000,000 if such an amount be necessary to accomplish this purpose.

I have heard nothing about any billion-dollar appropriations, except $3,000,000,000 for a program for the increase of our Navy; and then Senators quarrel here because we want $10,000,000 to discover some method by which fertilizer can be taken from the air and made as cheaply as it has been made and is being made in Germany now, and has been made in Germany for years past, for the benefit of all the farmers of the country, and incidentally for the benefit of every other interest and industry in the United States.

Mr. President, I did not intend to speak at such length or with such earnestness, but I feel deeply about this subject. I feel that a solemn obligation rests upon us as Members of this body, as I feel that a solemn obligation rests upon the United States, to use Muscle Shoals to accomplish this necessary purpose for the American farmer. This and the shipping matter are two fields in which private capital for one reason or another has totally failed to meet the vital needs of the American people, and of American business, and manifestly the Government itself must assume the duty and discharge it.

Mr. BRUCE. Mr. President, I have not infrequently listened with admiration to the Senator from North Carolina [Mr. SIMMONS] and I always listen to him with profound respect, not only because of his elevated character but because of his solid, fruitful abilities; but I must say that until to-day I never listened to him with a sense of amusement. A sense of amusement did come over me, however, when, after declaring himself to be an inflexible opponent of Government operation of industrial activity, except perhaps as last resort, he announced first that he proposed to give his support to the pending Norris joint resolution, and then that he later proposed to give his support to what I conceive to be another indefensible governmental subsidy—that is to say, the subsidy provided for by the McNary-Haugen bill.

Mr. SIMMONS. Mr. President——

Mr. BRUCE. I have only 15 minutes, Mr. President.

Mr. SIMMONS. I am called out of the Chamber, and I merely want to say that the Senator and I thrashed out our differences upon that bill here for hours during the last session of Congress.

Mr. BRUCE. We did. I did not convince the Senator and the Senator did not convince me; and yet, it seems to me, that quite inconsistently, while insisting upon the merits of the pending joint resolution, he spoke of the extraordinary agricultural transformation that has been worked in the State of North Carolina by agricultural fertilizers.

By whom, pray, were those fertilizers produced? Were they produced at Muscle Shoals? Were they produced through the exercise of any governmental agency whatsoever? No! They were produced by that spirit of individual energy and private enterprise, which has made the United States of America the industrial and commercial miracle that it is.

The Senator says—and it warmed my heart to hear him say it, for I love the State of North Carolina almost as much as I love the State of my birth, Virginia, and the State of my lifelong residence, the State of Maryland—that some parts of North Carolina now, under the quickening influence of artificial fertilizers, bloom like a rose. Of what, then, is he complaining? If parts of North Carolina are blooming like a rose, is it his idea to have them blooming like an orchid, and an artificial governmental orchid at that? There is no pretense that the private fertilizer business has not served the United States, and served it well.

Mr. SIMMONS. Mr. President, will the Senator pardon just one interruption?

Mr. BRUCE. I yield to the Senator, but I hope he will recollect that it will cost me probably about a minute.

Mr. SIMMONS. It will not take me a minute.

The Senator misrepresents me. I do not complain that American industry does not furnish enough phosphates, and that we do not get our potash cheaply enough. What I was complaining of was that we are not getting any nitrate of soda furnished us by American capitalists, and that the only nitrate of soda we get we get from Chile, and have to pay an export duty on it to Chile.

Mr. BRUCE. Well, somehow or other the private makers of fertilizers contrive to get it and to make fertilizers and to make them in great abundance and to make them, I venture to say, at a reasonable cost on the whole.

Every now and then there has been a faint suggestion that there is a Fertilizer Trust. Of course, if you believe the progressive Republicans in this body—and I regret to say some of the Democrats—every form of business activity in the United States resolves itself into some kind of gigantic ogre, monster, dragon, or trust. One of the greatest producers of commercial fertilizers in this country, the Virginia-Carolina Chemical Co.—Senators on this side of the Chamber, at any rate, have heard of that company—a company managed economically and efficiently, so far as I know, has lately passed into the hands of a receiver as a result of one of the most disastrous failures known to the industrial history of the United States. Is any-

body saying that the bankruptcy of that great company was due to the fact that it exacted too high rather than too low prices for its products?

Give industrial enterprise, individual initiative and energy, but a fair opportunity, under proper governmental regulation, to do its work in this country, and it will always efficiently do its work. That is just as true of the private fertilizer industry as of any other industry. Yet, in spite of that fact, here we have this tremendous proposal to have the Federal Government go into the business of manufacturing power and fertilizer at Muscle Shoals in competition with its own citizens and in defiance of all of our best national traditions and principles of conduct. It is destined to result as such movements have always resulted where the Government undertakes to conduct a purely industrial enterprise; that is to say, in annual deficits, to be made good out of the general resources of the Federal Treasury.

For a long time it was suggested that the Democratic Party would probably absorb the progressive Republican element in this country. I am beginning to believe that it is the progressive Republican element that will absorb the Democratic Party, rather than the Democratic Party that will absorb the progressive Republican element. In other words, I believe it is rather Jonah that will swallow the whale than the whale that will swallow Jonah.

I recollect some years ago, when I had inveighed, as I am now inveighing, against these utterly false conceptions of the true functions of government, the Senator from California [Mr. JOHNSON]—and I say this with great respect—declared:

Yes, the Senator from Maryland is right; the conflict between the East and the West is conflict between two fundamental, irreconcilable theories of government.

And so it is.

The idea of the progressive Republican is to come to Washington and get what he can out of the Federal till, to secure gifts, bonuses, largesses, if he can; and if he can not secure anything of that nature, to secure loans, often attended, of course, with utter disaster to the borrower. On the other hand, the old Jeffersonian idea—the old Democratic idea—is that the Government should have just as little to do with private business as possible; should come into competition with it just as little as possible; and that while government is eminently fitted for its own police and other functions, it is peculiarly unfitted for carrying on of any ordinary form of private business or industrial activity. The government that governs least, that adheres most strictly to its own true governmental offices, is the best government. That was the idea of Thomas Jefferson, and that was the idea that persisted in the history of the Democratic Party down to this unhappy time. Now, Democratic Senator after Senator has arisen to declare his purpose of giving his support to the pending resolution, which violates every principle of our party creed; nay, more, which violates every principle that constitutes a part of the real bedrock of our distinctive American institutions.

"Ah," says the Senator from Nebraska [Mr. NORRIS]—and nobody knows better than he what eminent respect I entertain in many regards for him—"at last you have an opportunity, after all your prating, to do something for the farmer, and now you are balking at this opportunity."

To begin with, I would remind the Senator that his resolution in its original form did very little for the farmer. It was only the leavings, so to speak, of his resolution to which the farmer could look for relief with any hope. The resolution in its original character was a power resolution. It is only from pressure, it is only as the result of individual amendments coming from one source and another, that it has been changed into a resolution for the relief of the farmer.

I am willing to do anything for the relief of the farmer, but I thank heaven that the farmers in my own State appear to have too much intelligence, too clear a recognition of the proper line of partition between private business and governmental functions, not to desire me to oppose this resolution, because they have taken the pains to communicate to me in an authoritative manner their wishes upon that subject. But even if they had not done so, I would have opposed this measure, not because I do not cherish a profound respect for the wishes of the farmer, but because I cherish an even profounder respect for the Federal Constitution; not because I love Cæsar less, but because I love Rome more.

It is a sad thing to me, now that my life is gradually passing into the shadows of the late evening of existence, and now that I have attempted throughout by life to make myself familiar with the Constitution and the general history of my country, and now that I have sustained relations of devoted fidelity throughout my life to the Democratic Party, to find what a change, what a radical, what a revolutionary change, the political institutions of my country are undergoing.

The special significance of this pending resolution is much, but to me its general significance is infinitely more. I have been here some four or five years, and in that time the process of Federal centralization has gone on and on until at last I am beginning to think, though I have struggled against such a conclusion year after year, that it is almost idle to attempt to resist the process any longer.

The PRESIDING OFFICER (Mr. STEIWER in the chair). The time of the Senator has expired.

Mr. HEFLIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Edwards	McMaster	Simmons
Barkley	Fess	McNary	Smith
Bayard	Fletcher	Mayfield	Smoot
Bingham	Frazier	Metcalf	Steck
Black	George	Neely	Steiwer
Blease	Gerry	Norbeck	Stephens
Borah	Glass	Norris	Swanson
Brookhart	Greene	Nye	Thomas
Broussard	Hale	Oddie	Tydings
Bruce	Harris	Overman	Tyson
Capper	Harrison	Phipps	Walsh, Mass.
Caraway	Hayden	Ransdell	Walsh, Mont.
Copeland	Heflin	Reed, Pa.	Warren
Couzens	Johnson	Robinson, Ark.	Waterman
Curtis	Jones	Sackett	Wheeler
Dale	Kendrick	Schall	Willis
Deneen	King	Sheppard	
Dill	La Follette	Shipstead	
Edge	McKellar	Shortridge	

Mr. JONES. I desire to announce that the Senator from New Mexico [Mr. CUTTING] is detained in committee.

The PRESIDING OFFICER. Seventy-three Senators having answered to their names, a quorum is present. The question is on the amendment of the Senator from Nebraska, on page 6, line 14, to strike out the figures "$2,000,000" and insert in lieu thereof "$10,000,000."

The amendment was agreed to.

Mr. BLACK. Mr. President, I desire at this time, with that amendment disposed of, to offer again the amendment which I suggested this morning. I ask that it may be read.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. The junior Senator from Alabama proposes the following amendment: Add at the end of section 2, before the period, the following proviso:

Provided, That the Secretary of War shall pay to the State of Alabama a percentage of the proceeds received for the sale of power for distribution purposes equal to the amount of tax imposed by the State upon the production of electric power.

Mr. ASHURST. Mr. President, this amendment is a vital one. It is the recognition of a principle well established by the Federal Government. The able Senator from Maryland [Mr. BRUCE] descanted upon attempts of the Federal Government to override the States, and I am prompted to say that here is a proper opportunity to reserve to the States in general and to the particular State involved that to which the particular State is entitled. The amendment submitted by the junior Senator from Alabama [Mr. BLACK] reads as follows:

Provided, That the Secretary of War shall pay to the State of Alabama a percentage of the proceeds received from the sale of power for distribution purposes equal to the amount of tax imposed by the State upon the production of electric power.

It will be perceived that this amendment does not contemplate nor will its effect be to levy any tax upon such power as is used for the creation and manufacture of fertilizers. It proposes to collect a tax upon such power as is sold in the market for distribution purposes and it lays such tax as may be equal to the amount of the tax which Alabama now levies upon electric current generated by private capital.

Mr. President, at the risk of consuming two or three minutes of my time I shall say that the creation of a State and its entry into the American Union is the most symmetrical and the most beautiful creation of political authority known to mankind. Let us not, however, whilst contemplating the beauty of the entry of a State into the Federal Union, forget that the States existed anterior to and they created the Federal Union. Some of our States were flourishing in their authority, majesty, and strength before the Federal Union was created. Indeed, in order to have a Union the States voluntarily surrendered a portion, but not all, of their authority and jurisdiction and power. Therefore, much as I am inclined to eulogize the Federal Union, whose great dome and whose majesty fill and glorify the world, I never forget that the Union's strength, permanency, and endurance rest upon the States themselves.

We have 48 sovereign States, each one a giant column supporting the Union. Destroy one of the States, or weaken its power, and the same thing will happen to the Federal Union that happens to a temple when one of the columns supporting the temple's weight is removed or weakened. Remove, destroy, impair one of the columns and the whole structure is in danger of falling into disrepair and finally into ruin.

Therefore we should remember that it is the State of Alabama and not the Federal Government that is furnishing the potentiality of this mysterious thing we call electricity, and that furnishes the fall of the river. Electricity, the great force of the Almighty, which is always on the road and which never grows weary; electricity, that invisible, mysterious, and powerful force, is furnished at Muscle Shoals, not by the Federal Government, but by the resources of the State of Alabama.

The amendment offered by the junior Senator from Alabama [Mr. BLACK] evidences statesmanship by demanding that his State shall have a proportion of the moneys, in lieu of taxes, derived from the sale of electric current, which current is to be sold in the general market.

Congress has provided for payments to the States in lieu of taxes in other instances, as, for example, in the agricultural appropriation act of May 23, 1908 (35 Stat. 260), which directs the Secretary of Agriculture to turn over one-quarter of the total receipts from the national forests to the States in which the same are located:

That hereafter 25 per cent of all money received from each forest reserve during any fiscal year, including the year ending June 30, 1908, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said reserve is situated, to be expended as the State or Territorial legislature may prescribe for the benefit of the public schools and public roads of the country or counties in which the forest reserve is situated: *Provided,* That when any forest reserve is in more than one State or Territory or county the distributive share to each from the proceeds of said reserve shall be proportional to its area therein.

In addition, the act of March 4, 1913 (37 Stat. 843), directs that a tenth of these same receipts shall be devoted to the construction of roads and trails within the forest reserves of the States where collected, so that the States actually benefit to the extent of 35 per cent of the gross Federal income from the national forests.

That hereafter an additional 10 per cent of all moneys received from the national forests during each fiscal year shall be available at the end thereof, to be expended by the Secretary of Agriculture for the construction and maintenance of roads and trails within the national forests in the States from which such proceeds are derived; but the Secretary of Agriculture may, whenever practicable, in the construction and maintenance of such roads, secure the cooperation or aid of the proper State or Territorial authorities in the furtherance of any system of highways of which such roads may be made a part.

The act to promote the mining for coal, phosphate, oil, oil shale, gas, and sodium on the public domain (41 Stat. 450) specifically directs that 37½ per cent of all royalties collected shall be paid to the State within which the leased lands are located. Section 35 of that act reads:

SEC. 35. That 10 per cent of all moneys received from sales, bonuses, royalties, and rentals under the provisions of this act, excepting those from Alaska, shall be paid into the Treasury of the United States and credited to miscellaneous receipts; for past production 70 per cent, and for future production 52½ per cent of the amounts derived from such bonuses, royalties, and rentals shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress, known as the reclamation act, approved June 17, 1902, and for past production 20 per cent, and for future production 37½ per cent of the amounts derived from such bonuses, royalties, and rentals shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State or subdivisions thereof for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, as the legislature of the State may direct: *Provided,* That all moneys which may accrue to the United States under the provisions of this act from lands within the naval petroleum reserves shall be deposited in the Treasury as "Miscellaneous receipts."

The same principle is recognized in the Federal water power act of June 10, 1920 (41 Stat. 1072), from which this provision is quoted:

SEC. 17. That all proceeds from any Indian reservation shall be placed to the credit of the Indians of such reservation. All other charges arising from licenses hereunder shall be paid into the Treasury of the United States, subject to the following distribution: Twelve and one-half per cent thereof is hereby appropriated to be paid into the Treasury of the United States and credited to "Miscellaneous receipts"; 50 per cent of the charges arising from licenses hereunder for the occupancy and use of public lands, national monuments, national forests, and national parks shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress known as the reclamation act, approved June 17, 1902; and 37½ per cent of the charges arising from licenses hereunder for the occupancy and use of national forests, national parks, public lands, and national monuments, from development within the boundaries of any State shall be paid by the Secretary of the Treasury to such State; and 50 per cent of the charges arising from all other licenses hereunder is hereby reserved and appropriated as a special fund in the Treasury to be expended under the direction of the Secretary of War in the maintenance and operation of dams and other navigation structures owned by the United States or in the construction, maintenance, or operation of headwater or other improvements of navigable waters of the United States.

Mr. BRUCE. Mr. President, the amendment reminds me of the plight of the hapless inhabitant of Ireland in the early stages of Irish history, when he found himself dispossessed by his English conqueror of the land to which he alone had a just title. It is said that after the sway of the English began, and the Irish had been robbed of their lands, they would hang at times about the doors from which they had been driven, begging even for a crust of bread with which to stay their hunger.

As the Senator from Arizona [Mr. ASHURST] has well said, the primary claim to this great natural resource—Muscle Shoals—is that of the State of Alabama; and if our institutions had not been so sadly perverted in recent years, that claim would now be duly respected and honored. In one sense the State of Alabama is just as much entitled to Muscle Shoals as the people of Baltimore and the State of Maryland are to the grand port of Baltimore, or the people of the city and State of New York to that even grander port, the port of the city of New York. Yet the General Government in time of war, and inspired by war exigencies, and war exigencies alone, has gone into the State of Alabama and taken possession practically of her greatest natural gift, and now proposes to exploit it in such manner that the people of Alabama, if they derive any benefits at all from it, will derive only those of a purely secondary and insignificant character.

However, I will continue the remarks that I was making when my time was cut short a few moments ago. I was speaking of the process of Federal centralization that has been steadily going on here ever since I have been a Member of this body. Of nothing does it remind me so much as of the sight that I sometimes witnessed when I was a boy at my rural home; that is to say, the sight of some poor toad on his way down the gullet of a remorseless snake. First the head would disappear, then the little pudgy body, and then the quivering legs; and I almost think that we have reached the point where nothing of State sovereignty is left visible; except its receding extremities.

First of all, I should like to ask—for I have had no occasion to examine the question critically—what constitutional authority has the Feneral Government to enter the State of Alabama and to manufacture power or fertilizer?

Mr. ASHURST. Mr. President, does the Senator from Maryland want me to answer that question?

Mr. BRUCE. Yes; I should like to have the Senator do so.

Mr. ASHURST. The Federal Government has no such authority without the consent of the State of Alabama.

Mr. BRUCE. Precisely.

Mr. ASHURST. So says the Supreme Court of the United States.

Mr. BRUCE. Of course, the title of this great navigable stream, the Tennessee River, is in the State of Alabama, and has never been divested.

Mr. ASHURST. If it be a navigable river, the bed of the river belongs to the State of Alabama.

Mr. BRUCE. Of course, subject to the Federal power of regulating commerce or navigation or of using the Tennessee River or any other stream in the exercise of its war powers, when the supreme exigencies of war may make such a step necessary.

Notwithstanding the undeniable legal obstruction that stands upon the very threshold of this joint resolution, it contemplates industrial production by the Federal Government of both power and fertilizer. If the joint resolution shall go into effect, the Secretary of War may lease power to any individual or to any municipality, whether within the limits of the State of Alabama or not. He is even authorized to erect transmission lines for the transmission of electricity. In other words, if the resolution goes into effect, electricity may be transmitted from Muscle Shoals I know not how far, but perhaps for—am I exaggerating?—several hundred miles, the effect of which, of course, would be to deprive the State of Alabama entirely, or

at least to a great degree, of the natural advantages with which the God of nature has endowed her.

The proposal, of course, is that the Federal Government shall go into private business on a colossal scale—the purely private business of producing power, the purely private business of producing fertilizers; and that, too, in the face of the fact that no real testimony has ever been laid before this body that the private production and sale of fertilizers, at any rate at the present time, are marked by extortion. This is but the first step. If the Federal Government can take over Muscle Shoals and convert it into an instrumentality for the production of power and fertilizer, why may it not take over any other great water power of the country under the pretense of an exercise of the war power or other power and turn it, too, to industrial ends? Where is the limit to be set? Where is the boundary line to be run? The effect of this joint resolution, if passed, would be to embark the Federal Government on an absolutely uncharted sea of illimitable power and experimentation.

As I have said before, all the trouble that inheres in the Muscle Shoals problem is due to the intrusion into it of false ideas in relation to the proper functions of the Federal Government. These ideas did not spring from the soil of Alabama nor from the soil of Tennessee nor from the soil of Maryland nor from the soil of New York nor from the soil of Massachusetts, but from the soil of regions in the United States in which, as I humbly conceive to be the case, the proper scope of government has been hopelessly misconceived and in many instances perverted. Let this process of centralization go on, let this process of Government operation go on, and there will be only one more step for the people of the United States to take, and that is the step that leads directly to the socialization of all industry in the land; and it is in that direction that we are now sensibly tending. It has just been suggested that the prices for all bituminous coal shall be fixed by a Government commission.

As I have stated, I am almost in despair. I look about me and see but one statesman who, it seems to me, is true to the old traditional faiths of the American people, and he, I am glad to say, is the honored governor of my own State, Gov. Albert C. Ritchie. I can almost say of him as Milton says of the seraph Abdiel:

> Among the faithless, faithful only he.

He has insisted upon the Federal Constitution as it was framed by our fathers and as it was administered by generations of renowned American statesmen. He has insisted upon the proper line of partition between Federal sovereignty and State sovereignty.

He has insisted upon the proper line of delimitation between the exercise of governmental functions and private business. In other words, he has been true to the tenets of his master and of my master and the master of every Democrat who is a true Democrat—Thomas Jefferson—but for whose influence and instruction, handed down from generation to generation, there would be no Democratic Party in the land to-day at all. I wish we could see now that great party rising up, aggressive and militant and still with sufficient of the wisdom of its founder in its thought and sufficient of his inextinguishable spirit in its heart to be once more set down as a party, to use another quotation from the poem to which I have just referred, like one of the—

> Spirits that
> Vital in every part,
> Can not but by annihilating die.

But it will die, indestructible as it seems to be, if it shall continue to be faithless to its fundamental principles and to allow the Federal Government to absorb one after the other the rights and powers of the States.

Mr. TYDINGS. Mr. President, will my colleague yield for a question?

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Maryland yield to his colleague?

Mr. BRUCE. I yield.

Mr. TYDINGS. While the Senator is discussing that phase of the question, I hope he will also discuss where, under our present Constitution, the Government has the right to operate in time of peace business enterprises of this character.

Mr. BRUCE. The Senator did not happen to be in the Chamber when I referred to that matter. It was just that question which I asked. The Government has no legal right to build that dam or set up that steam plant or to create any works of any kind at Muscle Shoals except either in the exercise of its war powers or under the authority conferred upon it by the Federal Constitution to regulate navigation or commerce; and if, after erecting these works for another purpose, it goes into the business of manufacturing power or fertilizer it is a false pretender; it is like a thief who has gotten into a house by deceit and proceeds to despoil its inmates of their property.

The PRESIDING OFFICER. The time of the Senator from Maryland has expired.

Mr. BRUCE. I thank my colleague for making the suggestion and giving me the opportunity to reaffirm what I said.

The PRESIDING OFFICER. The question is on the amendment offered by the junior Senator from Alabama [Mr. BLACK].

Mr. McKELLAR. Mr. President, I ask the Senator from Alabama would he be willing to accept the language I am about to read as an amendment to his amendment?—

> *Provided*, That the Secretary of War shall ascertain what proportion of such power is generated from water coming from the State of Tennessee, and such tax shall be apportioned to Tennessee and Alabama in proportion to the water coming from each State.

The Senator knows, of course, that the great body of water that passes over the dam at Muscle Shoals comes from the State of Tennessee and, if the Senator is going to ask for a tax on the water passing over the dam, it seems to me that, in all fairness, the State of Tennessee, which furnishes probably nine-tenths of the water that is in the river at Muscle Shoals, should participate in the tax.

Mr. President, I am not going to offer this amendment, but I have presented it to the Senate for the purpose of showing that such a tax is unfair and unjust. I really think, however, that if the amendment of the Senator from Alabama should be adopted and the tax applied, the State of Tennessee, which furnishes, as I have said, probably nine-tenths of the water, perhaps ninety-nine one-hundredths of the water, should receive its proportion of that tax; but I do not think that the Senator's amendment should be agreed to.

Mr. ASHURST. Mr. President, I hope the Senator will let his statement remain in the RECORD, because I want to use it in connection with another bill that may come up.

Mr. McKELLAR. All right. I am perfectly willing that that shall be done.

Mr. CARAWAY. Mr. President, since the Senators are apportioning the tax among the States that may have furnished something, I want to ask the Senator from Tennessee this question: I believe this plant is dedicated to the manufacture of fertilizer; is it not?

Mr. McKELLAR. Yes.

Mr. CARAWAY. They have to use the air in that process, do they not?

Mr. McKELLAR. Indeed, they do. They get nitrates from the air.

Mr. CARAWAY. Why should we not charge the Secretary of Agriculture with the duty of finding out from what State this air blows from which we get the nitrogen, and apportion the tax on the basis of so much for water and so much for air?

Mr. McKELLAR. I will say to the Senator that I think it would be just as reasonable.

I do not think this amendment should be adopted, and I hope it will be voted down.

Mr. ASHURST. Mr. President, if a meter were placed upon the mouth of the Senator from Tennessee and the mouth of the Senator from Arkansas, no tax would be necessary.

Mr. BLACK. Mr. President, I regret very much that the Senator from Arkansas, who has adopted the attitude since the beginning of this debate that Alabama has no right whatever with reference to any asset within its boundaries, has left the Chamber. It seems to me that the Senator from Tennessee, when he offers the amendment that he has offered, should also suggest that the farmers of Alabama should not be permitted to buy any of the fertilizer used at Muscle Shoals because the water comes from Tennessee.

Mr. McKELLAR. Mr. President, I have not offered the amendment.

Mr. BLACK. Mr. President, I do not yield. The Senator did not yield to me.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. McKELLAR. If I did not, I intended to.

Mr. BLACK. It seems to me it would be just as reasonable for the Senator from Tennessee to suggest that some of the rains that fall in Tennessee, that have been gathered up into the clouds from Alabama, entitle Alabama to a direct legislative mandate that the produce grown on Tennessee's land should be sent over to Alabama. It is a ridiculous assertion to stand up in a body like this and make the statement that the assets of a sovereign State are liable to judicial or legislative distribution among the other States of the Nation.

Why, if their theory is correct, Alabama has no right to pass a law governing the stream when it gets into Alabama; we have no right to take a drop of that water for irrigation purposes, because it would be depriving Tennessee of its privileges and rights. According to this theory we have no right to direct how high a dam shall be built on the stream, although the Supreme Court of the United States has directly held that the State of Wisconsin, and likewise the State of Alabama, have the absolute right to determine how high a dam shall be built on a navigable stream. According to the Senator's theory, the fact that the water happens to flow from Tennessee and North Carolina would prevent Alabama from having the benefit of the soil which is deposited on the side of the stream; and therefore Mississippi and other States which to-day seek to have the Government pay all the expense of the process of controlling floods have no right to do so, by reason of the fact that the soil which is distributed there, which will enrich their land, can not be equitably divided among the States of the Union.

Since the very beginning of the history of this Nation the right of a man to his water power has been recognized. In the old days he put his flutter mills on the streams, and woe be to the man who came and placed his unholy hand upon that flutter mill! A little later he put an old mill wheel where the water ran down the mountainside or the hillside. There he built the old-fashioned mill, where he made meal for corn bread; but, according to the theory of the Senators from Tennessee and Arkansas, this pioneer had no right to do it, because, forsooth, some of the water may have come from another State; and woe be unto the man who dared to cast his lot by the side of that running stream and dared to assert the theory that this was his power. Why, even the king, in the old country of England, was not strong enough to place his hands on this right and take it away. But here in America, a republic, a democracy, the land of the free and the home of the brave, it is different. The hand of the king may not be strong enough to take away the rights of the man in England; but over here in America, where the people are controlled by a Senate and a House drawn from various States, with various sectional interests, it is all right for one section to trample on the rights of another, and say, "Get out from under here! You have no right to this water. Part of that water fell from the clouds up in Tennessee or North Carolina. Therefore, Tennessee and North Carolina should come down and take the power that is generated within the portals of your State."

The principle that has always been recognized is that water flowing through a State within that State belongs to that State for its use. It is true that the State has no right to run the stream dry. That would not be proper; but it has the right to any reasonable use of that stream. Any State through whose boundaries there flows a navigable stream has an absolute right, under the laws of this Nation, to determine the reasonable use of that stream, and to apportion it out as it sees fit; and yet a new theory is being evolved. A new scheme of affairs has come into existence. Some other States want something that Alabama has.

Senators, people moved there on the banks of the Tennessee at Muscle Shoals generations ago because they saw the possibilities of that river power, just as people went to Baltimore because they saw the advantages of the harbor there, as others went down on the Gulf to obtain the benefit of the balmy breezes. But under that theory, for instance, the man who went to the mountains to obtain the benefit of the mountain breezes, following out the idea of my friend from Arkansas, would have no right to claim such benefit. Why? Because those breezes may have came from another State, and carried along by the forces of nature may have passed over the soil of another State; and, therefore, woe be to that man who because he has settled on that mountain top claims he has the right to enjoy its breezes!

Why, my friends, it is a law as old as this Nation that the power of a stream—the riparian rights—belongs to him who gets there first. It belongs first of all to the State through which the stream flows. If the State wants to part with it, it can do so only as a trustee. Yet when we come in here with this proposition: "If you are going to give us Government operation; if you are going to take our stream away from us completely; if you are going to assert that which is contrary to the laws of the United States as expressed by the Supreme Court—that the great water powers of this Nation belong to the Government—then we ask that you give us that reasonable percentage which private business would give us if it had settled itself upon the same stream"—when we make that modest request it is denied.

Some one has pointed out the Government built that power plant. Yes; the Government built it. We of Alabama do not claim to own it. We never have made such a claim; any such allegation is wrong and unfounded. Of course, Alabama has never made the preposterous claim that it owns the dam or the plants placed on that stream by the Government; but when the Government steps beyond its authority and impresses a servitude upon that stream for power purposes we do claim that it is right and proper that the State should have the tax which a private power company would pay if it sold and distributed that power, and for that we are ridiculed!

Senators, sooner or later the question will come up with reference to your State. The State of Tennessee, which my good friend Senator McKELLAR represents, has already sent its message up here through its board of public utilities. Tennessee has protested against the very principle which the Senator seeks to assert here in ridicule of this amendment which I have offered. The gentleman who formerly represented Tennessee in this body has also expressed himself in a masterful legal opinion, in which he says that the Government has no right to go down to Cove Creek and assert supremacy and a dominant right over Cove Creek, because it would subordinate the rights of the State of Tennessee. Yes; that is all right for Tennessee; but when Alabama, which has a stream flowing through it—a stream on which people have been living for many years—comes in and makes the simple request, "If you are going to take our power, if you are going to compete down there, if you are going to establish the precedent of taking up for Government operation the water powers of the Nation which have constituted heretofore a natural asset of the State, do not compel us to impose all the taxes on business, on farming industry, and on property which is absolutely owned; give us the right to get a part of the tax from this power"—when Alabama ask for that it is denied to her.

The gentlemen who favor Government operation and the gentlemen who do not favor it are both in favor of this measure, I take it, for this reason: Those who favor Government operation know that one of the chief arguments used against it all over the Nation is that the Government does not have to pay taxes; and the Senator from Nebraska and these other gentlemen know that the taxes imposed by the State of Alabama would represent a very infinitesimal part of the selling price of electricity in Alabama, but if you do not impose a tax the argument will be made, "The only reason why the Government could succeed was because it did not have to pay taxes"; and many other gentlemen who do not favor Government operation look at it in this way.

When the Government goes into business in competition with a private individual there, why should not the Government be taxed? Why should it be given an unfair advantage? Why should the Government, which sells power in Alabama, pay no taxes, although Alabama collects taxes from the other industries engaged in the same business? Sooner or later it will take away from Alabama the right even to tax them, because if you impose a heavy tax on one and do not impose it on another sooner or later the heavily taxed industry will fail and go out of business.

Therefore we insist on this principle for three reasons:

First, because it is fair and right. I insist that no government and no State and no municipality has the right to engage in competition with private business without paying the same amount of taxes that private business pays. When I say that do not understand me to say that I always oppose municipal or Government operation; but I do say that is not fair, not right, and not just to require a citizen to do business and pay taxes and put up next door to him his own government, which pays no taxes.

That is the first thing.

The next thing is that it is just to Alabama to do what we propose because, let my friends talk as they please about the whispering breezes and the running water running through the State of Tennessee; if somebody were to go up into the State of Tennessee and try to take a stream away from that State no voice raised would be stronger in condemnation or more eloquent than that of the Senator from Tennessee.

Mr. ASHURST. Mr. President, while the Senator from Tennessee is talking of whispering breezes and gentle zephyrs, his rule is—

> The simple plan,
> That they should take who have the power,
> And they should keep who can.

Mr. BLACK. Yes, sir. If this amendment is voted down, it will be on that principle. It will be because Alabama has only two voices in this body and because there are others who are willing to take away from those to whom they have been given by nature the natural assets which God has distributed over this Nation.

Just this one other thought, and I am through:

Do not understand me to say that the power plant is a natural asset. It is not; but the falls is a natural asset. The fall of the water, the stream itself which flows through that State is a natural asset. The beautiful Potomac, which flows through this city, is a natural asset. The beautiful streams which flow through the neighboring State of Virginia are natural assets of the State of Virginia. Woe be to the man who goes to Virginia and tries to take away that which belongs to this great State.

I ask you in the name of the State which I represent, in the name of the people there who have settled on the banks of the Tennessee; I ask you in the name of simple justice and simple right, you who would protest if your own State itself were treated as you say you have a right to treat Alabama—I ask you to vote not to take away from Alabama the last right which it has left with reference to a stream which was there when the State was made a State and which has belonged to its people up to this very time, and in which they will continue to have a right unless this body can by legislation take away that which was given by the laws of nature.

Mr. NORRIS. Mr. President, I expect to take but a very short time, but I can not let pass unanswered some of the arguments which have been made, which I do not believe are logical or fair. If the Government of the United States wants to establish the principle that it will pay to States something in lieu of taxation for the public buildings and the public enterprises of the Government of the United States, then it ought to do so by a broad, comprehensive law. I doubt the wisdom of such a thing, and would not agree to attempt to undertake to apply that principle in this case, where most of all it has no application.

It is said now that the Government of the United States has no right in Alabama and has had no right to construct this dam and to build this steam plant, except by virtue of the war power. Those assertions have been made here.

Mr. McKELLAR. Mr. President, I want to call the attention of the Senator from Nebraska to this fact: That both Senators and every single Member of the House, from Alabama, when this plant was built, were earnest and active and potential in insisting on the building of this plant by the Government of the United States.

Mr. NORRIS. Mr. President, if we establish such a principle, then we must go into every State where we have any governmental institution that is doing any kind of experimental work, and we must pay to the State something in lieu of taxes. We would have to go to Wisconsin, where there is a forest experiment station. We would have to go into a dozen different States where experimentation is carried on and products are sold after they are experimented with. We would have to go into every activity in which the Government is engaged. We would have to go to every town where there was a post office and pay a part of the receipts of the post office to the State in the way of taxation.

In this particular case I think there is more reason than in the ordinary case why there is no justice in the claim made by the junior Senator from Alabama. This plant was located at Muscle Shoals; it was constructed by public funds; it is a governmental project; it was put there for the purpose of providing munitions of war in time of war; and providing cheap fertilizer for the farmers in time of peace. Therefore every penny paid to Alabama in lieu of taxation would be so much less going into experimentation and the cheapening of fertilizer for the American farmer.

Alabama gets more out of that than does any other State. In this resolution we have authorized the appropriation of $10,000,000, every dollar of which, I presume, would be spent within the limits of Alabama. The improvement and the finishing of the dam, the enlargement of the steam plant, by the Government funds, would all be in Alabama. We have constructed a dam there which the people of Alabama are using to-day as a bridge. One of the most beautiful bridges ever constructed in the civilized world crosses the Tennessee River at Muscle Shoals, a bridge built by the Government of the United States. It is a beautiful structure, over this dam. Did anybody object when we built that bridge? Did anybody object when we used public money to construct it? Is it not true as a historical fact that the two Senators from Alabama, then in the Senate, used every influence they could possibly bring on President Wilson to have him locate that plant at Muscle Shoals?

Mr. HEFLIN. Mr. President, I am sorry the Senator has called attention to the bridge, because I am afraid the Senator from Tennessee will try to take that away from us.

Mr. NORRIS. It may be that he will. Does the Senator want us to pay a tax on it?

Mr. President, I have been told that there was quite a controversy among the experts as to whether that plant should be located at Muscle Shoals. A great many of the experts, if not a majority of them, thought it should not be located at Muscle Shoals, and if we were locating a fertilizer plant to-day, with the knowledge the scientific world has on the fertilizer question, if we were locating such a plant with a view of making as cheap fertilizer as possible, it would not be located at Muscle Shoals. There is no doubt about that proposition.

We provide in this resolution, making it obligatory, that one of those plants shall be located there because the Government has other interests in that vicinity and in that part of the State.

As I was about to say, when the question of locating this great plant at Muscle Shoals first came before President Wilson, to whom the law gave the authority to pass on the question, he was importuned by the two Senators from Alabama; and I say that without any criticism, because I think they were doing the proper thing for their State. Senator Bankhead and Senator Underwood, both very powerful in the Democratic Party, pleaded with President Wilson, and did everything they could with President Wilson, to get him to decide on the location of this plant at Muscle Shoals in Alabama, and he acceded to their wishes. I state that without complaint, but Alabama was glad to get the expenditure of public money in that vicinity then. Now they say, "You have no right there. You built a dam on our property. You have no right to sell any electricity."

Mr. BLACK. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. BLACK. I have not stated they have no right.

Mr. NORRIS. I have not said the Senator did, but the Senator from Maryland made in substance the very statements I have just repeated. "You are there without right," says he, "you have not any legal authority to do what you are doing." If we have not, then it is a matter for the courts to determine, and I would welcome a determination of that question by the courts, and I would approach it without any fear. If the people of Alabama have not only urged the Government to come, but have sat silently by and seen $150,000,000 of the taxpayers' money invested there, now can they be heard to say that we should pay taxes on it?

Mr. BLACK. Mr. President, my amendment does not ask for taxes on the property.

Mr. NORRIS. I understand; it is in lieu of taxes.

Mr. BLACK. I have never suggested that, and we have never asked it. The inference is left from the Senator's statement that we are asking taxes on the property. We are simply asking for taxes on the surplus power that is used for distribution.

Mr. NORRIS. It is in lieu of taxes. We would pay on the output down there, just the same as though it were a private party who paid taxes under the laws of the State of Alabama. So there is no difference; it is just the same.

Mr. McKELLAR. Mr. President, I want to call the Senator's attention not only to the fact that the Alabama Senators and Representatives pleaded with President Wilson to establish that plant there, but they secured every particle of help we could give, and we very gladly gave it. Senators from all surrounding States and Representatives from all the surrounding States went before President Wilson and urged, at the request of the Alabama Congressmen, that this be done.

Mr. NORRIS. Mr. President, we propose to build down there some more fertilizer plants. This measure provides for that. This resolution provides for the building of a fertilizer experimentation plant there. It provides for the use of nitrate plant No. 2. If Alabama is going to ask us to pay the equivalent of taxes, we would better locate it some place where the authorities will not expect to levy taxes against Uncle Sam.

Let me say to the Senator that every dollar the Federal Government pays to the treasury of Alabama in taxes is just another dollar less for fertilizer for the American farmer.

Mr. BLACK. Mr. President——

Mr. NORRIS. I have only 15 minutes. I will yield for a question, if the Senator wants to ask a question.

Mr. BLACK. I will not take the Senator's time.

Mr. NORRIS. Mr. President, it does seem to me that Alabama has no just claim upon the Federal Treasury in this respect. But if she has, then it ought to be provided by a general law. In my judgment, we have no more right to say to Uncle Sam down at Muscle Shoals, "You must pay taxes there," than we have to come into my town and ask the Government to pay taxes on the Federal building it has there. It is a governmental function; it is part of the Government of the United States. Shall we construct a dam there under the war power, and then, when we have it constructed, shut it down and not make a single kilowatt? Has there ever been a voice from Alabama raised against the expenditure of public money to equip that

dam with the necessary machinery to make electricity? Have they ever objected to the expenditure of money that would provide for that steam plant to turn out electricity? No; they were glad to get it, always pleading for it. Now they want to penalize the Federal Government by making it pay for every kilowatt they there develop.

Mr. President, if the Government, owning that plant, owning the steam plant, and owning the dam, must remain silent and not produce any electricity for anybody, we would get into a perfect absurdity. If we can not make any electricity there without the consent of Alabama, then we ought to blow up the dam and get out of the country. What would Senators do? Most of those who have been arguing for this proposition would say, "We will lease it." That does not change the theory a particle. If we have no right to make electricity on our own property, we have no right to lease the property to somebody else. Besides, the law says we shall not lease it.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Alabama.

Mr. HEFLIN. Mr. President, I desire to submit a few remarks on that question. The position taken by my colleague is entirely sound. We have never contended that the Government should be taxed upon this property at Muscle Shoals. We have contended always that if the Government used that property for governmental purposes, it was at liberty to do so, under Federal and State laws; no objection would be made by the State. But I submit to all fair-minded Senators that if the Government goes into a State and builds a dam on a stream, generates power, and goes into the market to sell that power in competition with private companies who are making and selling power, that matter becomes one of commerce, and the sale of power bartered to the people within the State is under the jurisdiction of the State, just as the sale of power by the Alabama Power Co. or any other company doing business in a sovereign State is.

If the Government uses that power itself to make fertilizer, nothing is to be said, because the original act said that would be done. If it uses it to make nitrates for itself in time of war, the question of taxation is not raised. But if the Government is to break its promise to the farmer, and violate the provisions of the original act, which required it to use that power to make fertilizer for the farmer, and decides to put it on the market in competition with people who are making it in private enterprise, it is as clear as the noonday sun that it is subject to the jurisdiction of the State law and should be treated as others are treated who are engaging in the same kind of business.

Why not? Is the Senator from Nebraska afraid that the Government can not compete with private concerns if we put the same handicap upon the Government that private concerns must bear? We tax the power of private concerns in our State and other States do the same; but now the Senator from Nebraska is going to put in competition with them a power concern operated by the Government and then say we will turn over this power to that enterprise for so much money, to be sold in the market places of my State and Tennessee, Georgia, and Mississippi, and they are to escape taxation, and my State is to be deprived of that source of revenue because of our action here. Mr. President, I do not see that there is any escape from that conclusion.

The Senator from Nebraska talks about blowing up the dam if we are not satisfied with having it there. We are delighted to have it there. I helped to get it there. We all wanted it there. The Government exercised fine taste and splendid judgment in putting it there. It is the best place in the country for that plant. The Government wanted it away from the seacoast and far in the interior, and we have it at such a place. That plant was not put there to serve private industry. It was put there to serve the Government in time of war and to serve the oppressed farmers of America in time of peace. The Government stated in the outset that when the plant is not used to make nitrates for the Government it must be used to make fertilizer for the farmer.

But now it seems that the question has been resolved into one of how much power Tennessee is going to get and how much Georgia and Mississippi shall get, and just how the power shall be bartered to the people in the various communities of other States. It is not a question of nitrates for the Government now, not one of fertilizer for the farmer now, but a question of power and power distribution—if we are to be guided by the conduct of some Senators.

The Senator from Nebraska speaks of blowing up the dam and blowing up the bridge. He is not doing that, and he is not going to do that. There is grave danger here of blowing up the farmer. He is in grave danger of being blown out of the water. [Laughter.]

The Senator from Tennessee [Mr. MCKELLAR] opposes our having a tax imposed by the State, when this power is sold as other power is sold in the State. Would we not have a right to tax it then? Will anybody say we would not have such a right? Suppose I should lease it for the purpose of selling the power and I commenced to sell it in competition with other companies; would anybody say that the State of Alabama should not tax that power which I was selling? I do not believe there is a Senator here who would take that position. If that were the idea, then all a man would have to do would be to encourage the Government to put up dams and establish plants and lease them, and in that way escape taxation, both Federal and State. Then we would have socialism gone mad; we would have competition by the Government against private capital, private initiative, private enterprise, and private industry. Do we want to go that far? That is the position Senators are taking on this particular amendment.

The Senator from Tennessee [Mr. MCKELLAR] takes the most remarkable and astounding stand that a great deal of the water which comes down through this dam originates in Tennessee. What a remarkable and brilliant suggestion, that this water is not our water, but is the water of Tennessee. I feel like demanding of him to separate it and take it out. That is as brilliant as his suggestion that the water originates up there. [Laughter.]

I am reminded of the story told me by the able Senator from North Carolina [Mr. SIMMONS]. Old man Sloan, the author and finisher of Sloan's Liniment, made it down there at New Bern, N. C. I have been there and have seen the pine forests where he got his turpentine. I am reminded of that story to-day. Sloan bought a large tract of land from an old fellow down there. After the deal was closed and Sloan had his deed, it dawned on the other fellow that he had sold a very important spring of excellent water. What Sloan wanted in the main was to get this fine water to use in making the liniment. So the man went back to Mr. Sloan and said, "I have sold you the land and the trees and all that, but we have not closed a deal for the spring." Sloan said, "Why, I bought all of the land you had there—the spring goes with it. It is over there in the middle of the tract of land I bought. I bought the spring, I bought the trees, I bought all the stumps, and all the little branch runs, and everything else, and I thought the spring was included." "No, sir;" said the old man, "it is my spring and I insist that you pay me for it." Sloan said, "No; I am not going to pay you anything, and I demand that you move it out of there by sundown." [Laughter.]

Yet the Senator from Tennessee, who is not satisfied with getting power at Muscle Shoals to be taken away and distributed in States roundabout, when people in the Muscle Shoals locality have not been served, when the people who were born and reared there have not yet been supplied with power, who by every rule of right and law of justice are entitled to it first before anyone else is supplied, wants to take it out for equitable distribution. I would suggest to the Senator from Tennessee that he get his Tennessee water out of the Tennessee River and let us alone. [Laughter.]

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. HEFLIN. I gladly yield to the Senator from Kentucky.

Mr. BARKLEY. No matter where this water originates, all of it comes into Kentucky, and therefore we would like to be protected in the matter of the distribution of water.

Mr. HEFLIN. I thank the able Senator from Kentucky. He has no desire to decrease the power of the river at Muscle Shoals. I commend his position to the Senator from Tennessee. I was afraid that some Senator would join with the Senator from Tennessee and want to divide up a little more with us down there at Muscle Shoals. If they keep on, there will not be anything left there but the bridge and the dam. Thank God, they can not move the dam. [Laughter.] Mr. President, I find unbounded pleasure in the fact that they can not move the dam. [Laughter.] If they could move that dam, I fear that the Senator from Tennessee [Mr. MCKELLAR] and the Senator from Mississippi [Mr. HARRISON] and my good friend the Senator from Georgia [Mr. GEORGE] would be seen there some morning just before day dragging it out and taking it away. [Laughter.]

Mr. SMITH. Why before day?

Mr. HEFLIN. They prefer darkness rather than light because their deeds are evil! [Laughter.] I would look for that to happen. After they got it out and away from the river and had dragged it over the mountain and down into the valley, I would look to see them fighting amongst themselves because they could not agree on an equitable division of the dam. [Laughter.]

Why, Mr. President, they have become greatly excited about an equitable distribution of power down there. The original

law provided that we had to make nitrates for the Government, and the plant is there for that purpose. If ever the Government needs it, it has that plant to operate against private monopoly and against foreign monopoly. It gives us independence of other countries and of concerns that might want to lift sky-high the price of those products in this country. That is something to be considered; the plant is there, the dam is there, and, thank God, the river is still there [laughter]; and water will continue to flow out of Tennessee singing its way to the sea in spite of the fact that my friend, the Senator from Tennessee, wants us to pay him for that which gathers in the clouds in Tennessee and comes down upon the bosom of that splendid, fine, and lordly old river flowing through my State. If it needs anything to give it final redemption before it reaches the sea, it would be the purifying process encountered for final salvation as it came through the State of Alabama. [Laughter.]

Mr. President, there has been some talk about the original law. Some Senators are proceeding here like we did not have any original law. What would we have done if we had not had it? It reminds me of the teacher, a tall Ichabod Crane-looking fellow, who said to one of his pupils: "You know the earth is round, don't you?" The boy said, "No, sir." He said, "Well, it is round." The boy said, "Not if what I have been told is true." "What is that?" The boy said, "They say it turns over every night and day; that every 24 hours it revolves." The teacher said, "Yes; that is true." He said, "Well, teacher, if your position is correct on that, the people would fall off of it when it turned over." The teacher said, "Oh, no. They are held on by the law of gravity." Then the boy said, "Well, how did they stay on before Congress passed that law?" [Laughter.]

There is no telling what Congress is going to pass before we get through with Muscle Shoals.

The PRESIDING OFFICER (Mr. BROOKHART in the chair). The time of the Senator from Alabama has expired.

Mr. HEFLIN. I trust that my colleague's amendment will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the junior Senator from Alabama [Mr. BLACK].

Mr. HEFLIN. Let us have the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. LA FOLLETTE (when Mr. BLAINE's name was called). My colleague the junior Senator from Wisconsin [Mr. BLAINE] is paired with the junior Senator from Utah [Mr. KING] on this question. If present, my colleague would vote "nay."

Mr. BROUSSARD (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. MOSES], who is absent. Therefore I withhold my vote.

Mr. FESS (when his name was called). I am paired with the Senator from Michigan [Mr. FERRIS]. I am informed that were he present he would vote as I shall vote. Therefore I shall vote. I vote "nay."

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT], who is absent on account of illness. I therefore withhold my vote.

Mr. KING (when his name was called). I have a pair with the junior Senator from Wisconsin [Mr. BLAINE]. I transfer that pair to the senior Senator from Missouri [Mr. REED], and vote "yea."

Mr. SMITH (when his name was called). I have a general pair with the senior Senator from Indiana [Mr. WATSON]. I transfer that pair to the junior Senator from Florida [Mr. TRAMMELL], and vote "nay."

Mr. TYSON (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. GOFF]. Not knowing how he would vote if present, I withhold my vote. If permitted to vote, I should vote "yea."

The roll call was concluded.

Mr. BRATTON. I have a general pair with the junior Senator from Indiana [Mr. ROBINSON]. Not knowing how he would vote, if present, I withhold my vote.

The result was announced—yeas 13, nays 59, as follows:

YEAS—13

Ashurst	Blease	King	Tydings
Barkley	Bruce	Mayfield	
Bayard	Hayden	Neely	
Black	Heflin	Sheppard	

NAYS—59

Bingham	Couzens	Edwards	Gooding
Borah	Curtis	Fess	Greene
Brookhart	Cutting	Frazier	Hale
Capper	Deneen	George	Harris
Caraway	Dill	Gerry	Harrison
Copeland	Edge	Glass	Howell
Johnson	Nye	Shipstead	Thomas
La Follette	Oddie	Shortridge	Wagner
McKellar	Overman	Simmons	Walsh, Mass.
McLean	Phipps	Smith	Walsh, Mont.
McMaster	Ransdell	Smoot	Warren
McNary	Reed, Pa.	Steck	Waterman
Metcalf	Robinson, Ark.	Steiwer	Wheeler
Norbeck	Sackett	Stephens	Willis
Norris	Schall	Swanson	

NOT VOTING—22

Blaine	Fletcher	Kendrick	Robinson, Ind.
Bratton	Gillett	Keyes	Trammell
Broussard	Goff	Moses	Tyson
Dale	Gould	Pine	Watson
du Pont	Hawes	Pittman	
Ferris	Jones	Reed, Mo.	

So Mr. BLACK's amendment was rejected.

CONTRIBUTIONS TO REPUBLICAN CAMPAIGN FUNDS

Mr. WALSH of Montana. Mr. President, I send to the desk and ask to have read by the clerk an article appearing in the New York Times of this morning entitled "Belated indignation."

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The Chief Clerk read as follows:

BELATED INDIGNATION

Pending the testimony which Secretary Mellon is expected to give to-day to the Senate committee there must be a suspension of judgment on certain points. But on one there need be no hesitation. The Secretary of the Treasury, like the former chairman of the National Republican Committee, Mr. Hays, like other members of the administration up to the President himself, has shown great loyalty to party. He has kept its secrets. It is true that when late in 1923 Chairman Hays told Mr. Mellon that the $50,000 in bonds offered as security for a contribution to the Republican fund came from Mr. Sinclair the oil scandal had only begun to break. Mr. Mellon may then have thought little or nothing of the Sinclair coincidence. But later when the details in all their ugliness began to come out in 1924, and when Mr. Hays in that year testified regarding Sinclair's gift to the Republican Party Mr. Mellon could not have failed to be impressed by it. Yet so far as appears he said and did nothing about it. This may have been a fine example of fidelity to party, but was it a model of what a public official faithful to the larger interests of the country should have done?

Secretary Mellon may set the matter in clearer light to-day. But nothing that he or any other Republican leader can now do will recover the moral leadership in dealing with this party scandal. Senator BORAH has done his best to snatch it. He is almost alone among Republicans in Congress to denounce the taking of the Sinclair money at all and to demand that it be repaid as coming from a tainted source. The long evasion or silence by Republicans has naturally given the Democrats a tempting opportunity. Senator ROBINSON came forward yesterday to make the most of it. Anything that Republicans may now propose in the way of contrition or restitution will necessarily have a belated air. They should have taken steps long ago. They should never have consented to sit silent when base deeds were done. Now their political sin has found them out, and they can not wholly escape its punishment. They have given up for party what they should have devoted to political morality, and will have to suffer the consequences. They may repent and in time be forgiven, but it will be long before they can venture again to pose as the party of superior virtue.

Mr. WALSH of Montana. Mr. President, I ask now that there be read at the desk another editorial on the same page entitled "How the English do it."

The VICE PRESIDENT. Without objection, the clerk will read.

The Chief Clerk read as follows:

HOW THE ENGLISH DO IT

On February 1 a firm of London bankers got a judgment for some $194,000 against a Mrs. Dyne, who had been buying and selling foreign currency, mainly French francs, for a number of years. It was brought out in the trial that three Foreign Office officials, Mr. Gregory, an assistant undersecretary of state; Mr. O'Malley, formerly a first secretary under him and later acting counselor in China; and Lieutenant Commander Maxse, a second secretary, had been speculating in foreign currencies. Mrs. Dyne was the wife of an old schoolmate and friend of Mr. Gregory. Her house seems to have been the meeting place for the discussion of transactions, perhaps innocently undertaken but finally disastrous to everybody concerned.

On that February 1 the Prime Minister appointed three treasury officials as a special board of inquiry. Within less than four weeks their report was in print. They had no power to compel the attendance of witnesses, to hear evidence on oath, or to force an answer from any witness. Everybody came who was asked; and every document sought was furnished. They also deemed themselves authorized to find out if any other civil servants had been speculating. The speed of the proceedings and the readiness of everybody, implicated or not, to give

information are in bitter contrast to what seems to be the settled American practice.

The three gamblers in exchange are distinctly disculpated from corruption and from the use of official information in their ventures. But a course of speculative transactions such as they have described ought never to have been entered upon by any civil servant. Least of all ought foreign-exchange speculation to have been undertaken by those to whom, from the nature of their work, the sensitiveness and suspicions of foreign countries can not have been unfamiliar.

Mr. Gregory was dismissed, Mr. O'Malley "permitted to resign." The naval man, newer in the office and imitating his seniors, was reprimanded sternly and loses three years' seniority. Mr. Gregory had been in the office for 26 years. He was an able man, sure to be permanent undersecretary in time. He loses his salary. He loses his pension. He has lost many thousand pounds by forgetting the obligations expected of a civil servant. For him the board sees "no extenuation." The lesson is a sharp one. It shows what the English civil servants must keep in mind. They must not offend Burke's "chastity of honor." From them, says the board, "the public expects a standard of integrity and conduct not only inflexible but fastidious."

Mr. NEELY. Mr. President, I ask unanimous consent to have read and printed in the RECORD an address delivered by the senior Senator from Idaho [Mr. BORAH] last Saturday night before the Idaho Society.

The VICE PRESIDENT. Without objection, the address will be read.

The Chief Clerk read as follows:

ADDRESS BY SENATOR BORAH BEFORE THE IDAHO SOCIETY, SATURDAY, MARCH 11, 1928

We are approaching the most important event of the political affairs of the Nation—the election of a President. One of the most serious questions connected with that event is whether the election shall be by a minority or a majority vote, whether the people as a whole will take an interest, or whether it will be left to only a small portion of the people. In late presidential elections as high as 51 per cent of the voters in some States have remained away from the polls. What is the remedy? The first and primary remedy is for candidates and political parties to speak candidly and plainly to the people upon subjects in which the people are interested. The most demoralizing and corrupting instrumentality in American politics is that of great political parties deliberately maneuvering and sidestepping with reference to questions of great public interest. The people are not indifferent to these public questions. They are baffled and discouraged because they can not get them squarely and fairly presented. Compare the platforms and campaigns and the presentation of issues years ago with the recent years, and you will have no trouble in determining why the people lose interest and stay away from the polls. A candidate who has no views upon public questions is unfit; a candidate who has views and is afraid to state them is unsafe. A voter is entitled to an opportunity to record his vote in accordance with his conviction, and it is impossible for him to do that unless the issues are fairly presented. A political party which is unwilling to declare upon questions of general and public interest is no longer an instrument of public good, performing a great service, but is a scheming piece of organized chicanery for the utilization of millions of honest voters to the gathering in of patronage and despoiling of the public heritage.

I presume every Republican has of late suffered a deep sense of humiliation. The awful conditions which have been revealed to the voters of the party are as indefensible as they are intolerable. The modern system of avoiding issues which would interest the people and then depending upon organization and money to work up an artificial interest, together with manipulated and managed conventions, have borne fruit. For this condition of affairs the voters of the party are in no sense responsible. The system of running the campaign, permitting men who have business with the Government at Washington to buy their way to favor with vast contributions, the organization method of running conventions and campaigns is responsible. It is time to try another system. Give the people issues and you will not need to sell your soul for campaign funds. Give the voters policies squarely presented, and you will not have to mortgage the future action of the party to concession hunters. There is some evidence that the voters are going to insist upon just these things. There is a feeling that the delegates ought to nominate the next candidate of the Republican Party. There is a feeling that the voters ought to know what a candidate stands for when they vote for him. It is the one great hope for clean politics and clean government.

MUSCLE SHOALS

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes.

Mr. HEFLIN. Mr. President, I offer an amendment to section 3 of the Norris joint resolution.

Section 3 reads:

It is hereby declared to be the policy of the Government to distribute the current generated at Muscle Shoals equitably among the States within transmission distance of Muscle Shoals.

I wish to add these words at the end of that section:

Provided, That no such distribution shall be had until the local needs for hydroelectric power have been served, and sufficient power is supplied to manufacture fertilizer at Muscle Shoals.

It strikes me, Mr. President, that that amendment ought to go on this joint resolution. Certainly, the people who live where God has placed this mighty water power ought to have the opportunity to get hydroelectric power to meet their needs. It is nothing but a matter of right and justice; and before any power is distributed we ought to see to it that enough power is kept there to make the necessary amount of fertilizer for the farmer.

The amendment is so short and simple, and so fair and just, that I do not care to discuss it at length.

Mr. BRUCE. Mr. President, just one word in relation to this amendment. I wish to point to it as still another illustration of what I conceive to be the gross injustice on the part of the Senate in not recognizing the primary claim of the State of Alabama to that great natural resource, Muscle Shoals.

Here in one amendment we have the Senators from Alabama asking that the State of Alabama be at least allowed the privilege of taxing those great works which the Government proposes to maintain at Muscle Shoals for the purpose of producing power and fertilizer. We can all realize, of course, what such a privilege would amount to in the way of taxation. In other words, if those works were operated by private enterprise they would be to Alabama one of the most fruitful subjects for taxation within its borders.

That request of the State of Alabama has been rejected by the Senate; and now she comes along and asks that she be allowed to utilize at least the remnant of this power, all of which in its natural state from every standpoint of justice and natural equity is her own, and not the property of the Government at all.

The Senator from Tennessee [Mr. MCKELLAR], of course, has been in favor of this joint resolution consistently from the beginning, it would seem; but even he faltered when he offered that amendment asking that his State, as well as the State of Alabama, be allowed the privilege of taxation which the State of Alabama desires. He might well falter, because the natural, the inevitable effect of the practical workings of this joint resolution when it is put into operation will be to build up industrial cities and towns entirely outside of the limits of the State of Alabama and the State of Tennessee.

What justice is there in that? Suppose the Federal Government should go out on the Columbia River, I say to some of the Senators here from that part of the United States, and establish there great nontaxable works for the purpose of producing power and fertilizer under the conditions prescribed by the pending resolution. Would not the Senators from those States be here protesting against such high-handed spoliation? Of course they would.

Suppose the Government were to go down into the State of Virginia, forsooth, and establish great nontaxable works for the production of power and fertilizer on the James River or on the Roanoke River, and proceed to produce power and fertilizer, leaving, perhaps, to the State of Virginia for its own purposes an amount of power far, far less than that to which it was naturally entitled; would not the Senators from Virginia, too, protest? It is inconceivable to me that Senators should have run out this resolution to its full consequences; that is to say, to the full significance that it bears to local State government, to State sovereignty, to the just distribution of powers effected by the Federal Constitution between the General Government and the States.

Of course, if the Federal Government had not gone down to Muscle Shoals in time of war, and in the exercise of its war powers, it would not dare to go down there and establish works in time of peace for the sheer purpose of producing power and fertilizer, because anybody who has the least familiarity with constitutional law knows that it would have no constitutional authority to do it. It is possible that the General Government might be held to have the lawful power to set up a mere experimental plant for the purpose of experimenting in the production of fertilizers, though it is interesting to bear in mind that when the Federalist was written it was the opinion of no less a person than Alexander Hamilton that this Government had no power to make any pecuniary appropriations of any kind to agriculture for any purpose. That extreme idea has long

ago been abandoned, and I am glad that it has been abandoned as a matter of administrative practice. But I do say, and I insist upon it, that apart from the mere right at the most to establish a plant down at Muscle Shoals for the purpose of experimenting in the production of fertilizer, the Government has no constitutional authority whatever to establish works at Muscle Shoals for the production of power or fertilizer.

Has anybody ever denied that? Has anybody ever produced one single, solitary decision of the Supreme Court of the United States, or of any Federal court, or of any State court, denying that? I had almost said I would defy any Member of the Senate to produce any decision gainsaying that.

Yet, simply because the Government went down to Muscle Shoals during the war and began the setting up of a plant for the purpose of producing nitrates for war purposes, here we are embarking upon one of the most gigantic, one of the most colossal, industrial enterprises that any community, any State, any individual, any combination of individuals, corporate or otherwise, ever undertook to create.

I say it is lamentable that we should have gotten so far along the steep declivity that leads down to an utter obliteration of the true line of partition between the Federal and State authority that we can for a single moment think of giving our assent to a resolution so revolutionary, so subversive of all accepted conceptions of the workings of the Federal Constitution, as this resolution is.

Mr. NORRIS. Mr. President, there are really two thoughts in this amendment. One of them is already provided for by an amendment heretofore adopted. We have already adopted an amendment to this section putting in the word "surplus," so that the Secretary of War is authorized to distribute only the surplus power. So that part of the amendment referring to fertilizer is only a repetition of what we have already provided for, and that is the important part of the amendment.

The balance of the amendment gives to Alabama a preferential right which it seems to me it should not have. It is provided in the resolution that this surplus power—and that means surplus power after fertilizer operations have been attended to and all the other needs of power have been satisfied, like operation of the dam, the lighting of the works, and so forth——

Mr. HEFLIN. I would like to ask the Senator what he understands the word "surplus" to mean there?

Mr. NORRIS. The word "surplus" means, as I understand it—and I think there is no dispute about it—all power that is left after provision has been made, after power has been used to supply what is provided for in the resolution, all of the fertilizer operation, operation of the locks, and so forth.

Mr. HEFLIN. Would that mean the power which was left after the power had been used to answer the needs of commerce in the usual and ordinary channels?

Mr. NORRIS. Oh, no. The joint resolution provides that the Secretary of Agriculture shall have all the power that may be necessary in the operation of these fertilizer requirements placed in the measure. It is unnecessary to enumerate them. After he has been supplied with all the power that he needs, the balance of it is surplus power, as I take it, and the Secretary of War is authorized to distribute that surplus power only.

Mr. HEFLIN. The point I want to get at is this: On yesterday the Senator from Mississippi [Mr. HARRISON] in his speech said that if the people of Alabama wanted power, they would be entitled to their proportionate share of it under this equitable distribution proposition.

Mr. NORRIS. I think so.

Mr. HEFLIN. I do not believe the Senators here mean to vote to commit themselves to the proposition that the power that is doled out to that community under this equitable distribution plan would only supply a fourth of the population right around Muscle Shoals, and that they would deny the other three-fourths.

Mr. NORRIS. I would not want to do anything of that kind. Let me finish my explanation of it. I believe that it would be the duty of the Secretary of War to supply those people within any reasonable limits. But suppose under the Senator's amendment the little town of Muscle Shoals, having, I understand, about 150 people in it, or something in that neighborhood, should say to the Secretary of War, "How much surplus power have you?" and the Secretary would say, "I have about 60,000 horsepower," they would say, "We want it all."

Mr. HEFLIN. I do not mean that.

Mr. NORRIS. I know the Senator does not. Suppose they should say, "We want it all," and then they should advertise to the world, "We have 60,000 horsepower here for factories; come and put them up in our midst."

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. CARAWAY. Mark you, this amendment would not afford a chance to sell the power to Mississippi, although Mississippi might pay three times as much.

Mr. NORRIS. Absolutely.

Mr. CARAWAY. Alabama could take it at whatever price they wanted to pay.

Mr. NORRIS. Suppose a municipality did not pay for it, and the power that was left there went to a distributing company. Who would get it? The Alabama Power Co. would get it.

I do not want to take up the time of the Senate, but I certainly do not want to take away from those local communities any reasonable amount of power they may need in their requirements, and I take it that the Secretary of War would not think of doing such a thing.

Mr. BRUCE. Mr. President, I would like to ask the Senator from Nebraska just one question. Why should not the State of Alabama have all this power? Why should any other State have any part of it until the demands of Alabama were gratified?

Mr. NORRIS. In my judgment, they should not have all the power. The power has been provided for by public money. The dam is on a stream that comes through a great many States. The funds of the Treasury of the United States have been used for the purpose of building all the works that have been established there. It belongs, therefore, to all the people of the United States, in my judgment, and the power ought to be distributed within transmission distance. That is as far as we can distribute it.

Mr. BRUCE. The other States that border on this stream of course have the right, at any time they may get private capital to invest in such enterprises, to utilize the power of the stream. The people of Tennessee have the right to get all the power they can from that stream before it reaches Alabama. They have a perfect right, it seems to me, to monopolize the power for State purposes if they see fit to do so as a matter of State policy.

The PRESIDING OFFICER (Mr. MCNARY in the chair). The present occupant of the chair will announce to the Senator that he has talked once before on the pending amendment, and under the unanimous-consent agreement he is entitled to speak but once on any amendment.

The question is on agreeing to the amendment offered by the Senator from Alabama [Mr. HEFLIN].

Mr. HEFLIN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. LA FOLLETTTE (when Mr. BLAINE's name was called), My colleague [Mr. BLAINE] is paired on this question with the the junior Senator from Utah [Mr. KING]. If my colleague were present, he would vote "nay" on this amendment.

Mr. BRATTON (when his name was called). I have a general pair with the junior Senate from Indiana [Mr. ROBINSON]. In his absence, I withhold my vote.

Mr. FESS (when his name was called). I am paired with the Senator from Michigan [Mr. FERRIS], who is absent. I understand that if the Senator from Michigan were present and permitted to vote he would as I shall vote. I, therefore, vote. I vote "nay."

Mr. FLETCHER (when his name was called). Making the same announcement as to my pair as before, I withhold my vote.

Mr. KING (when his name was called). I have a pair with the junior Senator from Wisconsin [Mr. BLAINE]. I transfer my pair with that Senator to the senior Senator from Missouri [REED], and vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. He being absent, I withhold my vote.

Mr. SMITH (when his name was called). Making the same announcement as to my pair and its transfer as before, I vote "nay."

Mr. TYSON (when his name was called). I have a general pair with the Senator from West Virginia [Mr. GOFF], who is absent. Not knowing how the Senator from West Virginia would vote if present, I withhold my vote.

The roll call was concluded.

Mr. BROUSSARD. Making the same announcement as before with reference to my pair, I withhold my vote.

The result was announced—yeas 13, nays 58, as follows:

YEAS—13

Ashurst	Bruce	King	Tydings
Bayard	Dill	Phipps	
Black	Hayden	Smoot	
Blease	Heflin	Steck	

NAYS—58

Barkley	George	McMaster	Shortridge
Bingham	Gerry	McNary	Simmons
Borah	Glass	Mayfield	Smith
Brookhart	Gooding	Metcalf	Steiwer
Capper	Greene	Neely	Stephens
Caraway	Hale	Norbeck	Swanson
Copeland	Harris	Norris	Thomas
Couzens	Harrison	Nye	Wagner
Curtis	Howell	Oddie	Walsh, Mass.
Cutting	Johnson	Ransdell	Walsh, Mont.
Deneen	Jones	Reed, Pa.	Waterman
Edge	Kendrick	Robinson, Ark.	Wheeler
Edwards	La Follette	Sackett	Willis
Fess	McKellar	Sheppard	
Frazier	McLean	Shipstead	

NOT VOTING—23

Blaine	Fletcher	Moses	Schall
Bratton	Gillett	Overman	Trammell
Broussard	Goff	Pine	Tyson
Dale	Gould	Pittman	Warren
du Pont	Hawes	Reed, Mo.	Watson
Ferris	Keyes	Robinson, Ind.	

So Mr. HEFLIN'S amendment was rejected.

Mr. BLACK. Mr. President, I offer the amendment I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. Add at the end of section 3 the following proviso:

Provided, That all power produced on navigable streams of other States within transmission distance of Alabama shall be equitably divided with the State of Alabama.

Mr. BLACK. Mr. President, it does not make any difference who produces the power at a stream, whether it is the Government or a private corporation or an individual, that power should be divided according to the same principle. Our idea has been all of this time that it should go according to the natural channels of commerce, not propelled by any artificial legislative power, and not to be stopped or clogged by any legislative action. If it is fair for the States around Alabama to have it provided that the power produced in that State must be equally divided with them, I want Senators who believe in the doctrine of fair play to vote that we shall also have a fair part of their power.

Mr. BRUCE. Mr. President, it is a very unsatisfactory thing to have to deliver a speech, so to speak, on the installment plan, but I was cut off from an opportunity to run out the line of thought that I was pursuing in my colloquy with the Senator from Nebraska [Mr. NORRIS].

I asked the Senator why should not the State of Alabama monopolize this power? He said, because the Government has gone down there and established certain physical works. That is no answer. The Government went there for the purpose of producing war nitrates, and those works were established with that view, and with that view alone. But of course the fact that works of that kind have been erected because of the exigencies of a state of war is no reason why they should be now turned to an illegal and unconstitutional purpose, that is to say, the purpose of producing power and fertilizer generally as industrial ventures.

Let me give a practical concrete illustration of the logic of what I have been saying in this connection. Some time ago the Philadelphia Electric Co. came down to Maryland and wished to establish a great dam at Conowingo on the Susquehanna River, which is one of the great streams of the United States, a stream that is capable of developing an immense amount of power.

If Senators were to see that dam as it has been constructed, they would say that if it had been constructed in ancient times it would have been denominated the eighth wonder of the world, so massive is it, costing as it did $52,000,000 and requiring for its structure, as it did, such a vast mass of material. It is one of the grandest things of the kind in the United States.

Now, what did the State of Maryland do? It did what the State of Virginia would have done under the same circumstances. It did what the State of Arkansas would have done under the same circumstances. It did what any other State represented by Senators upon this floor would have done under the same circumstances. It insisted that the power of that river should not be utilized elsewhere than in Maryland until all the just and reasonable demands of the State of Maryland were first gratified. So that great company came to Annapolis and got a legislative permit from the State of Maryland to construct the dam, and it was constructed subject to two conditions, not to speak of any conditions that may have been of a relatively immaterial character—first, that electric light and power should be furnished by the company from that dam to the people of Maryland at reasonable rates, and secondly, that no power from the dam should pass out of the State of Maryland until the local demands of the State of Maryland were first honored and gratified. That was done as between two States of the Union. The company accepted those terms, and to-day it is about to operate under them. That is what happened when the question of priority arose between two sovereign States of the Union in relation to a water power.

The only reason why the same principle is not recognized in the pending joint resolution is because of the overriding, tyrannical will of the Federal Government. That is all. It is no respecter of persons. It apparently is so high above the level of mere statehood that it can substitute its arbitrary mandates at pleasure for the interests and welfare of the States.

The Federal Government says to the State of Alabama—and how different was the attitude of the State of Pennsylvania toward the State of Maryland in the instance which I have cited—"Yes; it is true that I have established those works at Muscle Shoals only because of the exigencies of an existing state of war. It is true that they were established with no expectation of turning them to the general purposes of power or industrial production. But now that I have established them, it makes no difference to me what the people of Alabama say, it makes no difference to me what their natural and equitable claims upon me are, I will simply exercise the unbounded power that resides in me and produce power at Muscle Shoals which may be distributed not merely to the people of Alabama, not even primarily to them, but to any State that I please, whither it can be physically transmitted.

"I do not care for their claims about State sovereignty. They have given me enough trouble already in the course of my history. I will pay no heed to such claims. I will distribute this power in such manner that great cities and towns, perhaps, on the strength of it, may spring up outside of the State altogether, perhaps in the State of Mississippi, or perhaps in the State of Tennessee or some other State immediately adjoining or not too remote from Muscle Shoals. I will leave practically nothing to the State of Alabama itself, notwithstanding the fact that God Himself was so good as to place this great power within its boundaries."

Mr. TYDINGS. Mr. President, will my colleague yield?

The PRESIDING OFFICER (Mr. STECK in the chair). Does the Senator from Maryland yield to his colleague?

Mr. BRUCE. With pleasure.

Mr. TYDINGS. Not in the liquor sense of the word, but it looks like the joint resolution has taken on a form of intoxication. [Laughter.]

Mr. BRUCE. Yes; the worst form of intoxication, that which is bred by the oppressive and unconscionable exercise of power.

No, Mr. President, some Senators, I am sure, are not realizing the real nature, the real tendencies of the pending resolution. Surely Senators are not willing to do the gross, almost unprecedented, violence which the resolution proposes to do to State sovereignty, to the principle of local self-government, which is the very foundation stone of our institutions. The resolution is nothing less—and I say it without the slightest hesitation—than an absolutely monstrous, indefensible infraction of the principles that have heretofore governed the relations of the States to each other as respects such conditions as those at Muscle Shoals and, I had almost said, though the time, perhaps, has passed for saying that the relations of the States themselves to the General Government.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Alabama [Mr. BLACK].

The amendment was rejected.

The PRESIDING OFFICER. The joint resolution is still before the Senate as in Committee of the Whole and open to amendment.

Mr. HARRISON. Mr. President, I desire now to offer the substitute which is at the clerk's desk. I do not desire to have it read again, unless some one wants to have it read, because it is quite long, and I think it is quite familiar to the membership of the Senate.

Mr. HARRISON'S amendment, in the nature of a substitute, was to strike out all after the resolving clause and to insert:

That the United States nitrate fixation plants Nos. 1 and 2, located respectively, at Sheffield, Ala., and Muscle Shoals, Ala., together with all real estate and buildings used in connection therewith; all tools, machinery, equipment, accessories, and materials thereunto belonging; all laboratories and plants used as auxiliaries thereto, the Waco limestone quarry in Alabama, and any others used as auxiliaries of said nitrogen plants Nos. 1 and 2; also Dam No. 2, located in the Tennessee River at Muscle Shoals, its power house, its auxiliary steam plants, and all of its hydroelectric and operating appurtenances, together with all machines, lands, and buildings now owned or hereafter acquired in connection therewith, are hereby dedicated and set apart to be used for

national defense in time of war and for the production of fertilizers and other useful products in time of peace.

SEC. 2. Whenever in the national defense the United States shall require all or any part of the operating facilities and properties or renewals and additions thereto, described and enumerated in the foregoing paragraph of this act, for the production of materials necessary in the manufacture of explosives or other war materials, then the United States shall have the immediate right, upon five days' notice to any person or persons, corporation, or agent in possession of, controlling, or operating said property under any claim of title whatsoever, to take over and operate the same in whole or in part, together with the use of all patented processes which the United States may need in the operation of said property for national defense.

The foregoing clauses shall not be construed as modified, amended, or repealed by any of the subsequent sections or paragraphs of this act, or by indirection of any other act.

SEC. 3. In order that the United States may have at all times an adequate supply of nitrogen for the manufacture of powder and other explosives, whether said property is operated and controlled directly by the Government or its agents, lessees, or assigns, under any and all circumstances at least 10,000 tons the third year, 20,000 tons the fourth year, 30,000 tons the fifth year, and thereafter 40,000 tons of fixed nitrogen must be produced annually on and with said property, and no lease, transfer, or assignment of said property shall be legal or binding on the United States unless such adequate annual production of fixed nitrogen is guaranteed in such lease, transfer, or assignment.

SEC. 4. Since the production and manufacture of commercial fertilizers is the largest consumer of fixed nitrogen in time of peace, and its manufacture, sale, and distribution to farmers and other users, at fair prices and without excessive profits, in large quantities throughout the country is only second in importance to the national defense in time of war, the production of fixed nitrogen as provided for in this act shall be used, when not required for national defense, in the manufacture of commercial fertilizers. In order that the experiments heretofore ordered made may have a practical demonstration, and to carry out the purposes of this act, the lessee or the corporation shall manufacture nitrogen and other commercial fertilizers, mixed or unmixed, and with or without filler, according to demand, on the property hereinbefore enumerated, or at such other plant or plants near thereto as it may construct, using the most economic source of power available, with an annual production of these fertilizers that shall contain fixed nitrogen of at least 10,000 tons the third year, 20,000 tons the fourth year, 30,000 tons the fifth year, and 40,000 tons the sixth year: *Provided*, That if after due tests, and the practical demonstration of six years herein provided for, it is demonstrated to the satisfaction of the lessee or the corporation that nitrates can not be manufactured by it without loss, the lessee or the corporation shall cease such manufacture and shall report to the Congress all pertinent facts with respect to such costs with its recommendation for such action as the Congress may deem advisable.

The farmers and other users of fertilizer shall be supplied with fertilizers at prices which shall not exceed 8 per cent above the cost of production.

SEC. 5. That the President is hereby authorized and empowered to lease the properties, either separately or as a whole, enumerated under section 1 of this act, with proper guaranties for the performance of the terms of the lease, for a period not to exceed 50 years: *Provided*, That said lease shall be made only to an American citizen, or citizens, or to an American owned, officered, and controlled corporation; and, if leased, in the event at any time the ownership in fact or the control of such corporation should directly or indirectly come into the hands of an alien or aliens, or into the hands of an alien owned or controlled corporation or organization, then said lease shall at once terminate and the properties be restored to the United States. The Attorney General of the United States is given full power and authority, and it is hereby made his duty to proceed at once in the courts for cancellation of said lease in the event said properties are found to be alien owned or controlled and are not voluntarily restored. The lessee being required and obligated to carry out in the production of nitrogen and the manufacture and sale of commercial fertilizer the purposes and terms enumerated in sections 1, 2, 3, and 4 of this act, and such other terms not inconsistent therewith as may be agreed to in the lease contract. The lessee shall pay an annual rental for the use of said property an amount that shall not be less than 4 per cent on the total sum of money expended in the building and construction of Dam No. 2 at Muscle Shoals and the purchase and emplacement of all works and machinery built or installed in connection therewith for the production of hydroelectric power: *Provided*, That in addition to the annual rental herein stipulated, the lessee shall set up and maintain an adequate reserve as fixed in the lease for depreciation, upon which the United States shall have a prior lien, in connection with the following properties, to wit: (1) Dam No. 2 and power equipment; (2) the steam-electric plants at nitrate plants No. 1 and No. 2; and (3) nitrate plant No. 2. Such reserve for depreciation shall at all times be of such an amount that when added to the physical value of such property at any time shall at least equal the appraised value thereof when turned over to the lessee: *Provided further*, That in case of nitrate plant No. 1, excluding power plant, the value thereof shall be appraised at the time said property is turned over to the lessee and provision made in lease for the lessee's accounting for the value of such property at the termination of lease. The lease shall also provide the terms and conditions under which the lessee may sell and dispose of the surplus electric power created at said plants. The lease shall also provide for the protection of navigation at said Dam No. 2 and the operation of the locks connected therewith. The lease contemplated in this section shall be made with the understanding that the United States shall complete and have ready for operation Dam No. 2 and the locks connected therewith, together with the plants and machinery for the production of electric power, and that after the lease is entered into the lessee shall maintain the property covered by the lease in good repair and working condition for the term of the contract.

Time shall be made of the essence of the contract herein provided for, and failure on the part of the lessee to comply with the terms of said contract shall render the same terminable at the option of the United States, provided that written notice of the exercise of such option shall be served upon the lessee at any time within one year following any breach of said contract. Whereupon the property covered by said lease shall be turned over, without expense, to the United States upon demand, and said lessee shall be liable for any damage sustained by the United States as a consequence of said lease and the acts of said lessee.

SEC. 6. In the event the President is unable to make a lease under the terms of the power herein granted to him before the 1st day of September, 1928, then the United States shall maintain and operate said properties described in section 1, in compliance with the terms and conditions set forth in sections 1, 2, 3, and 4 of this act, and under the power and authority prescribed and granted in the following sections of this act.

SEC. 7. That the President is hereby authorized and empowered to designate any five persons to act as an organization committee for the purpose of organizing a corporation under authority of, and for the purposes enumerated in, this act.

ORGANIZATION

The persons so designated shall, under their seals, make an organization certificate, which shall specifically state the name of the corporation to be organized, the place in which its principal office is to be located, the amount of capital stock, and the number of shares into which the same is divided, and the fact that the certificate is made to enable the corporation formed to avail itself of the advantages of this act. The name of the corporation shall be the Muscle Shoals Corporation.

The said organization certificate shall be acknowledged before a judge of some court of record or notary public, and shall be, together with acknowledgment thereof, authenticated by the seal of such notary or court, transmitted to the President, who shall file, record, and carefully preserve the same in his office. Upon the filing of such certificate with the President as aforesaid, the said corporation shall become a body corporate, and as such, and in the name Muscle Shoals Corporation, have power—

First, to adopt and use a corporate seal;

Second, to have succession for a period of 50 years from its organization, unless it is sooner dissolved by an act of Congress, or unless its franchise becomes forfeited by some violation of law;

Third, to make contracts, and no such contract shall extend beyond the period of the life of the corporation;

Fourth, to sue and be sued, complain, and defend in any court of law or equity;

Fifth, to appoint by its board of directors such officers and employees as are not otherwise provided for in this act; to define their duties, to fix their salaries, in its discretion to require bonds of any of them, and to fix the penalty thereof, and to dismiss at pleasure any of such officers or employees;

Sixth, to prescribe by its board of directors by-laws not inconsistent with law regulating the manner in which its general business may be conducted and the privileges granted to it by law may be exercised and enjoyed; and

Seventh, to exercise by its board of directors or duly authorized officers or agents all powers specifically granted by the provisions of this act and such incidental powers as shall be necessary to carry on the business for which it is incorporated within the limitations prescribed by this act, but such corporation shall transact no business except such as is incidental and necessary preliminary to its organization until it has been authorized by the President to commence business under the provisions of this act.

The corporation shall be conducted under the supervision and control of a board of directors, consisting of five members, to be selected by the President. The directors so appointed shall hold office at the pleasure of the President. The President shall designate a chairman of the board, who shall have power to designate one of the others as vice chairman. The vice chairman shall perform the duties of chair-

man in the absence of the chairman. Not more than two of such directors shall be appointed from offices in the War Department.

The board of directors shall perform the duties usually appertaining to the office of directors of private corporations and such other duties as are prescribed by law.

POWERS OF THE CORPORATION

The corporation shall have power—

(a) To purchase, acquire, operate, and develop in the manner prescribed by this act and subject to the limitations and restrictions thereof the following properties owned by the United States:

1. United States nitrate-fixation plants Nos. 1 and 2, located, respectively, at Sheffield, Ala., and Muscle Shoals, Ala., together with (a) all real estate used in connection therewith; (b) all tools, machinery, equipment, accessories, and materials thereunto belonging; (c) all laboratories and plants used as auxiliaries thereto, the Waco limestone quarry in Alabama, Dam No. 2 at Muscle Shoals and the hydroelectric power plant connected therewith, together with the steam plants used as auxiliaries of the United States fixed nitrogen plants Nos. 1 and 2, together with all other property described in section 1 of this act.

2. To construct, purchase, maintain, and operate all such buildings, plants, and machinery as may be necessary for the production, manufacture, sale, and distribution of fixed nitrogen and other forms of commercial fertilizer.

3. Any other plants or parts of plant, equipment, accessories, or other properties belonging to the United States, which are under the direct control of the President or of the War Department, and which the President may deem it advisable to transfer, convey, or deliver to said corporation for use in connection with any of the purposes of this act or for any purpose incidental thereto.

(b) To acquire, establish, maintain, and operate such other laboratories and experimental plants as may be deemed necessary or advisable to assist it in furnishing to the United States Government and others, at all times, nitrogen products for military or other purposes in the most economical manner and of the highest standard of efficiency.

(c) To sell to the United States such nitrogen products as may be manufactured by said corporation for military or other purposes.

(d) To sell any or all of its products not required by the United States to producers or users of fertilizers or to others: *Provided*, That in the sale of such products not required by the United States Government preference shall be given to those persons engaged in agriculture: *Provided further*, That if such products are sold to others than users of fertilizers the corporation shall require as a condition of such sale the consent of the purchaser to the regulation by the corporation of the prices to be charged users for the products so purchased or any product of which the products purchased from the corporation shall form an ingredient.

(e) The operation of the hydroelectric power plant and steam power plants at Muscle Shoals and the use and sale of the electric power to be developed therefrom that is not required to carry out the terms imposed by sections 1, 2, 3, and 4 of this act.

(f) To enter into such agreements and reciprocal relations with others as may be deemed necessary or desirable to facilitate the production and sale of nitrogen products on the most scientific and economical basis.

(g) To purchase, lease, or otherwise acquire United States or foreign patents and processes or the right to use such patents of processes.

(h) To obtain from the United States or from foreign governments patents for discoveries or inventions of its officers or employees as a condition of their employment to enter into agreements with the company that the patents for all such discoveries or inventions shall be and become in whole or in part the property of the corporation.

(i) To assume any or all obligations of the United States entered into in connection with the construction, maintenance, and operation of the plants to be transferred to the corporation under the provisions of this act.

(j) To deposit its funds in any Federal reserve bank or with any member bank of the Federal reserve system.

(k) To sell and export any of its surplus products not purchased by the United States or by persons, firms, or corporations within the United States.

(l) To invest any surplus of available funds not immediately used for the operation, construction, or maintenance of its plants or properties in United States bonds or other securities issued by the United States.

(m) To lease or purchase such buildings or properties as may be deemed necessary or advisable for the administration of the affairs of the corporation or for carrying out the purposes of this act; and with the approval of the President to lease to other persons, firms, or corporations, or to enter into agreements with others for the operation of such properties not used or needed for the purposes named herein. In the operation, maintenance, and development of the plants purchased or acquired under this act the corporation shall be free from the limitations or restrictions imposed by the act of June 3, 1916, and shall be subject only to the limitations and restrictions of this act.

CAPITAL STOCK AND BONDS

The capital stock of the corporation shall consist of 100 shares of common stock of no par value. The corporation shall also issue an amount of 20-year bonds bearing interest at the rate of 5 per cent per annum which shall be a first lien on the property of the corporation and in an amount not to exceed $50,000,000, to be sold from time to time as needed to carry out the purpose of this act: *Provided*, That the principal and interest of said bonds shall be paid by the Secretary of the Treasury out of funds in the Treasury not otherwise appropriated, upon default at any time in payment as herein provided by the corporation. The terms for the sale of said bonds shall be approved by the President. If at the end of any fiscal year after the eighth year after the commencement of business, as authorized by the Secretary of War, the corporation shall not have earned net sums sufficient to meet the interest on said bonds, as evidenced by audits of the accounts of said corporation by the President, the corporation shall forthwith cease operations and shall not resume until authorized so to do by the Congress.

In exchange for the properties purchased or acquired from the United States and from time to time transferred, conveyed, or delivered to the corporation by the President or the Secretary of War, and for all unexpended balances now under the control of the Secretary of War and applicable to the nitrate plants at or near Muscle Shoals, Ala., the corporation shall cause to be executed and delivered to the President a certificate for all of the common stock of the corporation. The certificate shall be evidence of the ownership by the United States of all stocks of the corporation.

In consideration of the issuance of such common stock to the President, the President is authorized and empowered to transfer, convey, and deliver to the corporation all of the real estate, buildings, tools, equipment, supplies, and other properties belonging to, used by, or appertaining to the plants and properties to be acquired by the corporation under the terms of this act, and to transfer, convey, and deliver, as and when he may deem it advisable, any other equipment, accessories, plants or parts of plants, or other property referred to in this act and which the corporation is authorized to acquire or purchase from the United States under its provisions.

DISTRIBUTION OF EARNINGS

All net earnings of the corporation not required for its organization, operation, and development shall be used—

(a) To pay interest on the bonds and create a fund for their payment;

(b) To develop and improve its plants and equipment;

(c) To create a reserve or surplus fund until such fund amounts to $2,500,000;

(d) The remainder to be paid as dividends on the stock into the Treasury of the United States as miscellaneous receipts.

MISCELLANEOUS

The corporation shall not have power to mortgage or pledge its assets, or to issue bonds secured by any of its properties; except as hereinbefore provided.

The United States shall not be liable for any debts, obligations, or other liabilities of the corporation.

The corporation and all of its assets shall be deemed and held to be instrumentalities of the United States and as such they and the income derived therefrom shall be exempt from Federal, State, and local taxation. The directors, officers, attorneys, experts, assistants, clerks, agents, and other employees of the corporation shall not be officers or employees of the United States within the meaning of any statutes of the United States, and the property and moneys belonging to said corporation, acquired from the United States, or from others, shall not be deemed to be the property and moneys of the United States, within the meaning of any statutes of the United States.

The accounts of the corporation shall be audited under the regulations to be prescribed by the President, who shall annually report to Congress a detailed statement of the fiscal operations of said corporation.

SEC. 8. That the President is hereby authorized and directed to complete the construction of Dam No. 3 and the necessary approach to the locks in Dam No. 2 in the Tennessee River at or near Muscle Shoals, Ala., in accordance with report submitted in House Document 1262, Sixty-fourth Congress, first session: *Provided*, That the President may in his discretion make such modifications in the plans presented in such report as he may deem advisable in the interest of power or navigation.

SEC. 9. The surplus power not required under the terms of this act for the manufacture of nitrogen or fertilizer shall be sold for distribution.

SEC. 10. That as a condition of any lease, entered into under the provisions of this act, every lessee hereunder which is a public-service corporation, or a person, association, or corporation developing, transmitting, or distributing power under the lessee either immediately or otherwise, for sale or use in public service, shall abide by such reasonable regulation of the services to be rendered to customers or consumers of power, and of rates and charges of payment therefor, as may from time to time be prescribed by any duly constituted agency of the State

in which the service is rendered or the rate charged. That in case of the development, transmission, or distribution, or use in public service of power by any lessee hereunder or by its customer engaged in public service within a State which has not authorized and empowered a commission or other agency or agencies within said State to regulate and control the services to be rendered by such lessee or by its customer engaged in public service, or the rates and charges of payment therefor, or the amount or character of securities to be issued by any of said parties, it is agreed as a condition of such lease that jurisdiction is hereby conferred upon the commission created by the act of Congress approved June 10, 1920, upon complaint of any person aggrieved or upon its own initiative, to exercise such regulation and control until such time as the State shall have provided a commission or other authority for such regulation and control: *Provided*, That the jurisdiction of the commission shall cease and determine as to each specific matter of regulation and control prescribed in this section as soon as the State shall have provided a commission or other authority for the regulation and control of that specific matter.

SEC. 11. That when said power or any part thereof shall enter into interstate or foreign commerce the rates charged and the service rendered by any such lessee, or by any subsidiary corporation, the stock of which is owned or controlled directly or indirectly by such lessee, or by any person, corporation, or association purchasing power from such lessee for sale and distribution or use in public service shall be reasonable, nondiscriminatory, and just to the customer and all unreasonable discriminatory and unjust rates or services are hereby prohibited and declared to be unlawful; and whenever any of the States directly concerned has not provided a commission or other authority to enforce the requirements of this section within such State or to regulate and control the amount and character of securities to be issued by any of such parties or such States are unable to agree through their properly constituted authorities on the services to be rendered or on the rates or charges of payment therefor, or on the amount or character of securities to be issued by any of said parties, jurisdiction is hereby conferred upon the said commission, upon complaint of any person aggrieved, upon the request of any State concerned, or upon its own initiative to enforce the provisions of this section, to regulate and control so much of the services rendered, and of the rates and charges of payment therefor as constitute interstate or foreign commerce and to regulate the issuance of securities by the parties included within this section, and securities issued by the lessee subject to such regulations shall be allowed only for the bona fide purpose of financing and conducting the business of such lessee.

The administration of the provisions of this section, so far as applicable, shall be according to the procedure and practice in fixing and regulating the rates, charges, and practices of railroad companies as provided for in the act to regulate commerce, approved February 4, 1887, as amended, and that the parties subject to such regulation shall have the same rights of hearing, defense, and review as said companies in such cases.

In any valuation hereunder for purposes of rate making no value shall be claimed or allowed for the rights granted by this act or under any lease executed thereunder.

SEC. 12. If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SEC. 13. No lease made under the terms of this act shall be transferred without the approval of the President of the United States.

The right to amend, alter, or repeal this act is hereby expressly reserved.

Mr. HARRISON. Mr. President, briefly, I desire to state what is in this proposal. We have reached almost the end of the limit, and a little analysis of just what the Senate has done will not be amiss.

The joint resolution that is now before the Senate—I am not speaking of the substitute—after these amendments have been adopted, provides for Government ownership and operation of the transmission lines as well as distribution of power in certain cases. It provides also for the experimental manufacture of fertilizer through the synthetic process and through the cyanamide process.

This should be a very happy day for the Senator from Nebraska [Mr. NORRIS], and I congratulate him upon his achievements, because he has openly and avowedly for many years in the Senate of the United States voted for and advocated Government operation of Muscle Shoals. I must say, however, that I am a little surprised at the action of some other Senators in standing for that theory.

Mr. President, the proposal that I have offered is simple. It is to the point. I have offered it in the hope that it might be a compromise wherein the Members of the Senate might get together upon some proposition that was not wholly a Government ownership and operation proposition.

This substitute first proposes to lease the Muscle Shoals properties for 50 years, with the distinct understanding and condition that 40,000 tons of fixed nitrogen shall be manufactured annually. It is not limited to fertilizer of one kind, but commercial fertilizers of every kind shall be manufactured. In six years' time, if a lease can be obtained, it will be manufactured. The farmers of the country will receive their lower-priced fertilizers. Indeed, the proposal limits to 8 per cent the profits that shall be made out of the fertilizer, and the surplus power shall be sold and the rates regulated by the various agencies of the States; and if there is no agency to regulate them, then they shall be regulated by the Federal Water Power Commission. In the event that there can be no lease obtained under the provisions that protect the taxpayers of the country, which are sound and sensible provisions, then the Government shall step in; and, through a corporation provided for the purpose, shall manufacture fixed nitrogen to the amount of 40,000 tons annually, and the surplus power shall be distributed.

Mr. President, this proposal, following the adoption of certain amendments that were made by the Senate at the time, was before the Senate for weeks, and was the conception in major part of a very distinguished Member of this body, a man whose loss has been felt by the public life of the Nation as well as the Senate of the United States.

I say without fear of contradiction that no man has graced the Senate of the United States in the last 50 years who possessed more ability, who had finer poise and a stronger sense of justice in his heart, than Oscar W. Underwood. He was a man whom it was a pleasure to follow, because he thought in straight lines. He was never charged with being a radical; neither was he charged with being too much of a conservative to overlook fair play, equity, and justice. This substitute in large part came from his massive brain; and as I speak in behalf of it to-day I can not but feel the spirit of this man who is not here in person, but whose achievements we all remember.

Mr. President, I do not think more need be said about this proposal. I shall be glad to answer any questions with respect to it; but, if it should be adopted, the Muscle Shoals question is away from the Congress. Fertilizers will be manufactured, and the people—the farmers, especially—will get the benefits therefrom. These provisions in the pending joint resolution are but experiments. The question must come back to Congress in time. The substitute I have offered has in it a provision to the effect that experiments of every character shall be carried on, and that the smallest amount of power shall be utilized to make these fertilizers economically and cheaply.

We never can get together upon a bid, as I have stated before, because we have tried here for nearly 10 years to agree upon a bid. Some of us thought that the Ford proposal was all right. Others thought that it was not all right; and time was frittered away until Mr. Ford withdrew his proposal. Then we appointed a commission to investigate and accept these bids. They went into the question fully; they made their recommendations; and the recommendations were never considered by the House or the Senate of the United States. We must delegate this authority to someone if the Muscle Shoals question is to be settled; and in this substitute proposal the authority is delegated to the President of the United States to make the lease. If we fail in that, then the Government shall step in and not do experimental work alone, but shall make fertilizers.

I ask for the yeas and nays upon my substitute.

Mr. NORRIS. Mr. President, I do not know whether it is advisable, or whether I am called upon, to take up the time of the Senate at this late hour of the day to discuss this proposition. We have voted once upon an amendment offered by the Senator from Mississippi that in my judgment was a power proposition pure and simple, a leasing proposition; and this is another, except that it goes a great deal further. It provides for the building of another dam from the Federal Treasury. It provides for the leasing——

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. NORRIS. Yes.

Mr. HARRISON. It simply gives authority for the building of a dam. It does not provide an appropriation for the building of any dam.

Mr. NORRIS. No; it provides no appropriation.

Mr. HARRISON. It merely gives authority.

Mr. NORRIS. All you have to do in any law to build a dam is to provide an authorization for an appropriation. We pass the law authorizing it, and then it is in order to move on an appropriation bill at any time to appropriate for it.

Mr. HARRISON. If I am not mistaken, I have heard the Senator from Nebraska many times say that not only should Dam No. 2 be utilized but Dam No. 3 should be built, and Cove Creek Dam should be built.

Mr. NORRIS. Yes, Mr. President; I have said it many times. I said at the beginning that we ought to have a governmental survey that should take this river and its tributaries from the source to the mouth, and build dams wherever the engineers, after proper investigation, said there should be dams; but the Senate turned it down. I advocated that for many and many a Congress; and, although I received a favorable report from the committee, I lacked a few votes of getting it through the Senate. That was the ideal thing to do.

Mr. President, the joint resolution that comes before us now from the committee is a compromise; and it seems to me it ought to have the backing and the assistance of every Senator who has been here during these weary years when we have been fighting about Muscle Shoals. It is not what I want to do. It is not the ideal thing. I surrendered my view, and those who believe in leasing propositions had their day in court. You had the committee. You had a joint commission composed of men of your belief. You had your own way; and many and many are the Senators in this body who have told me—and I have down here the record of the speeches of many of you who told it in the Senate—"Let us try this once more. Let us try once more private operation of this governmental property; and, if we fail, then there is nothing left but Government operation."

We have done it. We have gone on. We have given you full sway. You have had your own way. You have tried it time and time again, and you admit your failure; and we ought now to have the backing and the support of every man, including the Senator from Mississippi, for a proposition that is a compromise, providing that the Government shall take its own property, built by the money of the taxpayers of the United States, and not lease it, as the law said we should not lease it when we appropriated every dollar of the taxpayers' money that went into this property. Every dollar that has ever been appropriated has been appropriated in the face of the law that says it shall not be leased.

The Senator says he heard me say that I want to build Dam No. 3. I will build Dam No. 3 at any time, as far as I am concerned, with public money; but I am not in favor of using public money from the Treasury of the United States to build Dam No. 3 or any other dam and then turning it over to private parties. If you are going to turn it over to private parties, let them put up their own money.

Now, we are asked again by this amendment to lease this property after these many years when you had opportunities to lease; and what does it mean? I can not, within the limits of my time, go into an explanation of what I think it would mean; but it would mean the turning over, if it is leased under this substitute, of the property at Muscle Shoals to the Alabama Power Co. I do not think you can get away from it. There is not any other bidder. There is not anybody else who is equipped as they would be equipped; or, if there is any other bidder, it is another member of the same combination of which the Alabama Power Co. is a member.

I am not an enemy of the Alabama Power Co. I am not condemning them. I have not been finding fault with or objecting to their activities. They have a right to do what they are doing; but I am opposed to turning over the Government property down there to the Alabama Power Co. when we know in advance that any power that is distributed will never be distributed at a penny less a kilowatt-hour to the people who get it. Moreover, this substitute provides that after they have made nitrates for six years, if it does not pay, if the nitrate part of it is not profitable, then they can stop, and they have all the power of this great dam and another one to be constructed, and of this steam plant. They could afford to make nitrate and pile it up for six years and quit, and I would not blame them for doing it. Neither would you. We can not expect anybody to operate at a loss, and I think it has been demonstrated that nitrate plant No. 2 can not be operated at a profit and undersell present prices, and the men who would buy it would know it. As Mr. Bell, the head of the Cyanamid Co., said in his testimony, every bid that is being made is a power bid; I do not care how you disguise it by a beautiful fertilizer name, or give it a fertilizer odor if you want to. It is power just the same, power; and if you get fertilizer under the cyanamide process, you will have to subsidize it by giving it enough cheap power to make up the losses. But under this amendment they would make it only for a certain number of years and then they would quit. It is another plan which would have the effect, unintentionally, perhaps, of nullifying everything the Government of the United States has done down there for the benefit of the people. It would turn that proposition over to the Power Trust, and if that is what Senators want to do, here is the opportunity to do it. This substitute would accomplish that result.

I want to notify Senators now, I want to tell the country now, that it is being done with Senators' eyes open. It does not need any argument, after all these years of discussion, to convince this body, I take it, that the only company equipped properly to lease this property is the Alabama Power Co. There is nothing here that will insure, even when they get it, any benefit to the ultimate consumer of power.

Let me say, in conclusion, that if this substitute is agreed to Muscle Shoals will be dead, the benefits that would have come to the people will all disappear, and I appeal to Senators who have never agreed with me in all this long, weary fight, who thought I was wrong in the fight, but who have said over and over again, "We can not keep this always. If we can not lease it or handle it through private corporations or private parties, the time must come when we will cease to fool with it."

We appointed a joint committee to take up the matter. There was nobody on the joint committee who believed as I believe, and I think the Senate will remember that I even refused to go on the joint committee, because I said, "You have voted for a proposition here to lease this property, which I do not believe in. I can not honorably serve on that committee. Men ought to serve on that committee who are in favor of that kind of legislation."

A committee composed of that kind of men was appointed, an able committee, who honestly and conscientiously went into the investigation of this proposition from their standpoint, and Senators know that nothing was accomplished; it all resulted in failure. I have seen and I have heard dozens of Senators in this body say, "This is the last trial. If private operation does not work now, I am going to take Government operation of Muscle Shoals."

Senators, it is our property, we paid for it, it belongs to the people of the United States, we are not going into business by this resolution. In my judgment, every kilowatt that is sold down there, if this resolution of the committee shall pass, will be sold at the switchboard. We are not interfering with State rights. After we have used all the electricity that may be necessary in the fertilizer operation the rest will be sold, in my judgment, every kilowatt of it, at the switchboard.

It is true that the resolution provides that the Secretary of War shall have authority to build transmission lines, and under the proper conditions he ought to exercise that authority, but that is put in the resolution, as everybody knows, to place him on an equality with everybody else. If he did not have that right, there is only one concern that would get it, and again it would be the Alabama Power Co., because that is the only corporation that is physically connected with Muscle Shoals by a distributing system. So we come back to this, "You have had your day in court, you have not been able to succeed, and this starts you out again on a wild-goose chase; this opens it up for more bids, going all over the ground you have gone over before."

Mr. President, it seems to me under these circumstances there can be but one logical thing to do, that is to agree to this compromise, accept what we have all said so many times we would accept in case these other attempts to lease all proved to be failures.

Mr. HARRISON. Mr. President, of course it is easy to say that all this would benefit the Power Trust.

The VICE PRESIDENT. The Senator has already spoken once upon the amendment.

Mr. HARRISON. I have not spoken upon the joint resolution, I will say to the Vice President.

The VICE PRESIDENT. The Senator may proceed upon the joint resolution.

Mr. HARRISON. Such statements about the Power Trust do not deter me. It is easy to charge that what one is trying to do is to help some special interest. I know there are certain papers in the country that accept what the Senator from Nebraska or some other Senator may state, but that should not influence Senators when they are trying to do what they think is right. I have no sympathy with all of the newspaper notoriety and many editorials that were written recently charging Senators who voted to amend the Walsh resolution by having the Federal Trade Commission make the investigation with being tools of the great Power Trust of the country. I was not one of those who voted to have the Federal Trade Commission make the investigation, but I know that every Senator who did so was voting conscientiously what he thought was for the best interests of the country.

The Senator may talk about this substitute being in the interest of the Alabama Power Co. For six years I served on the Committee on Agriculture and Forestry, of which the distinguished Senator from Nebraska happened to be chairman, and during that time day after day we considered the Muscle Shoals question. I feel that I know at least something about

it, not only because I was interested in the subject matter but because Muscle Shoals lies at the very door of my own State. Time after time the Alabama Power Co. made its fight here to thwart the acceptance of the Ford bid, which I favored and which the Senator from Nebraska opposed. The Alabama Power Co., of course, was interested in the defeat of it, but it would be unfair for me to say that because the Senator from Nebraska was on the side of the Alabama Power Co. at that time he was an adherent of the power people.

I remember, too, when a little later on the Alabama Power Co. presented a bid for Muscle Shoals. I fought that bid because I did not think it was fair. The Senator says a committee was appointed to study this question. Yes; and the committee's actions were defeated because the distinguished Senator from Nebraska employed his talents and the wonderful influence that he wields here in the Congress to prevent even the consideration of the recommendations of that committee.

Yes; and I am not forgetful of the fact that when the proposal of the substitute which I offer now was passed by the Senate, the distinguished Senator from Nebraska, chairman of the committee, refused to go on the conference committee because, he said, he was not in sympathy with it.

The Senate was not in sympathy with his views. Why should he suggest now that the Senate should change position and say, "We are in favor of Government ownership of transmission lines and distribution of power to the consumers of the country, as well as the manufacture of fertilizer"?

I submit this question to the better judgment of the Senate. If you want to defeat this proposal, which has had careful consideration, then vote the substitute down. What I have done is what I believe to be in the interest of the farmers of this country, and to see this great natural resource developed.

These proposals advocated by the Senator from Nebraska are merely experiments. If it is said this is an Alabama Power Co. proposition, I say that there is a provision that they shall manufacture 40,000 tons of fixed nitrogen, equivalent to 250,000 tons of Chilean saltpeter which comes into this country annually. I do not care, if a lease is made, who may get it provided they comply with the conditions and restrictions provided in the legislation.

The people of my State, in every little community where the power companies have not come, want them to come. Those companies have brought new industries there. They are helping to make the South what the South should be, and I am not disposed to unjustly criticize them.

If the Alabama Power Co. can come under the regulations and restrictions and conditions of this legislation, let them do it, and let them make fertilizer. The fertilizer will be just as good for the soil of Mississippi, Alabama, or Nebraska made by the Alabama Power Co., if they can comply with the restrictions, as if made by anybody else.

Let us write the provisions. Let the President make the lease if the bidders come up to the conditions, and let us care nothing as to who gets it, provided they come up to the restrictions.

Mr. HEFLIN. Mr. President, I will detain the Senate for but a moment. The situation that confronts me is not at all pleasing. There are some good provisions in the substitute, and some not so good. There are some good provisions in the Norris resolution, and some that are bad.

So candor compels me to say that neither one of these measures is satisfactory to me. I am reminded of a story that Congressman Cushman, of the State of Washington, once told in the House when confronted with a situation somewhat like this.

A man had stolen a horse out in the great State of Washington, and the citizens of that and neighboring communities apprehended him. They tied him with a plow line, and took him out in the woods to execute him on a bright moonlight night. While they were making ready to dispose of him one of the gentlemen said in his hearing, "Let's shoot him." Another one said, "No; let's hang him." Some insisted on hanging him while others preferred to shoot him. Finally a considerate and kind-hearted man said, "Let's consult him and get his 'ruthers' about it. He may prefer shooting to hanging." Finally they said, "Well, stranger, what do you say about it?" He said, "Well, I am more interested than any of you, but I can't enthuse over either one of the plans suggested." [Laughter.]

Mr. HARRISON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. LA FOLLETTE (when Mr. BLAINE'S name was called). My colleague the junior Senator from Wisconsin [Mr. BLAINE] is paired on this question with the junior Senator from Utah [Mr. KING]. If my colleague were present, he would vote "nay."

Mr. BROUSSARD (when his name was called). I have a pair with the Senator from New Hampshire [Mr. MOSES]. If that Senator were present he would vote as I expect to vote. Therefore I am free to vote. I vote "yea."

Mr. FESS (when his name was called). I am paired with the Senator from Michigan [Mr. FERRIS]. I transfer that pair to the Senator from Massachusetts [Mr. GILLETT], and vote "yea."

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT]. I am advised that if he were present he would vote as I intend to vote. I vote "yea."

Mr. KING (when his name was called). I have a general pair with the junior Senator from Wisconsin [Mr. BLAINE]. In his absence I withhold my vote.

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. Not knowing how he would vote, in his absence I withhold my vote. If I were permitted to vote, I would vote "nay."

Mr. PHIPPS (when his name was called). On this vote I have a pair with the senior Senator from Oklahoma [Mr. PINE]. In his absence I withhold my vote.

Mr. SMITH (when his name was called). I have a pair on this vote with the Senator from Indiana [Mr. WATSON]. I understand that if he were present he would vote "yea." If I were allowed to vote, I would vote "nay."

Mr. TYSON (when his name was called). I have a general pair with the Senator from West Virginia [Mr. GOFF]. I understand that if he were present he would vote as I shall vote. I therefore vote. I vote "yea."

The roll call was concluded.

Mr. BRATTON. I have a general pair with the junior Senator from Indiana [Mr. ROBINSON]. I understand that if he were present he would vote "yea." If permitted to vote I should vote "nay" on this question.

Mr. KING. I transfer my pair with the junior Senator from Wisconsin [Mr. BLAINE] to the senior Senator from Missouri [Mr. REED], and vote "yea."

Mr. FLETCHER. I desire to announce that my colleague the junior Senator from Florida [Mr. TRAMMELL] is necessarily absent.

The result was announced—yeas 26, nays 48, as follows:

YEAS—26

Bayard	Edge	Hawes	Smoot
Bingham	Edwards	King	Steck
Broussard	Fess	McLean	Stephens
Bruce	Fletcher	Metcalf	Tydings
Curtis	Greene	Ransdell	Tyson
Dale	Hale	Reed, Pa.	
Deneen	Harrison	Sackett	

NAYS—48

Ashurst	Frazier	La Follette	Sheppard
Barkley	George	McKellar	Shipstead
Black	Gerry	McMaster	Simmons
Blease	Glass	McNary	Steiwer
Borah	Gooding	Mayfield	Swanson
Brookhart	Harris	Neely	Thomas
Capper	Hayden	Norbeck	Wagner
Caraway	Heflin	Norris	Walsh, Mass.
Copeland	Howell	Nye	Walsh, Mont.
Couzens	Johnson	Oddie	Waterman
Cutting	Jones	Robinson, Ark.	Wheeler
Dill	Kendrick	Schall	Willis

NOT VOTING—20

Blaine	Goff	Phipps	Shortridge
Bratton	Gould	Pine	Smith
du Pont	Keyes	Pittman	Trammell
Ferris	Moses	Reed, Mo.	Warren
Gillett	Overman	Robinson, Ind.	Watson

So Mr. HARRISON'S amendment in the nature of a substitute was rejected.

Mr. BLACK. Mr. President, I desire to make a statement on the joint resolution itself. I have not yet taken any of my time on the joint resolution.

Mr. SACKETT. Mr. President, will the Senator yield to me?

Mr. BLACK. I yield.

Mr. SACKETT. I desire to offer a further amendment. If the Senator wishes to speak on the joint resolution before the amendment is offered, I am perfectly willing to wait, or he can talk on the amendment after it is offered.

Mr. BLACK. It does not make any difference. I only intend to speak for two or three minutes. I will wait until the Senator has offered his amendment.

Mr. SACKETT. I offer an amendment in the nature of a substitute to the pending measure which is printed and has been lying on the table for some time.

The VICE PRESIDENT. The amendment will be read for the information of the Senate.

The Chief Clerk proceeded to read the amendment.

Mr. NORRIS. Mr. President, does the Senator from Kentucky insist on having his substitute read?

Mr. SACKETT. Not unless the Senate wants to hear it.

Mr. NORRIS. Apparently the Senate is not listening to it.

Mr. KING. Mr. President, I should like to have it read. If I am to vote on it, I want to know something about it.

The Chief Clerk resumed and concluded the reading of the proposed amendment, which is entire as follows:

Strike out all after the resolving clause and insert in lieu thereof the following:

"That it is hereby declared to be the policy of the Congress in regard to the properties at Muscle Shoals, Ala., including therein Dam No. 2, the steam plant at nitrate plant No. 2, and the nitrate plant No. 1, together with the steam plant connected therewith—

"(1) To utilize the water-power facilities of such properties (except nitrate plant No. 1 and the steam plant connected therewith) so as to produce the highest annual revenue by the lease thereof, except that in any such lease there shall be reserved the use of sufficient power to light and operate the locks and canals in and about Dam No. 2 for the purposes of navigation, and such power as may be necessary to enable the Secretary of War to satisfy the requirements of the Secretary of Agriculture as provided in section 8 of this resolution.

"(2) To use said annual revenues to develop the manufacture and distribution of concentrated fertilizer and promote its use upon the farms of the Nation.

"(3) To provide for the operation of nitrate plant No. 1, together with the steam plant connected therewith, by the Secretary of Agriculture, as hereinafter provided.

"(4) To provide for the construction or reconstruction of plants and facilities for the manufacture of such fertilizer or of fertilizer elements in large-scale operations, to the end that costs of manufacture may be reduced to a minimum.

"SEC. 2. (a) In order to encourage the lease of the water-power facilities at Muscle Shoals upon the most advantageous terms to the Government, the Secretary of War is hereby authorized to install in Dam No. 2 the additional power units according to the plans and specifications of said dam, and the additional power unit in the steam plant at nitrate plant No. 2: *Provided*, That the Secretary of War shall not install the additional power unit in said steam plant until, after investigation, he is satisfied that the foundation of said steam plant is sufficiently stable or has been made sufficiently stable to sustain the additional weight made necessary by such installation.

"(b) In lieu of such installation, the Secretary of War may, in his discretion, (1) provide in any lease of the water power and facilities herein authorized that the lessee may complete Dam No. 2 and the steam plant at nitrate plant No. 2 by installing such additional units according to the plans and specifications of such dam and such plant at the nitrate plant No. 2, or in either of them in whole or in part, and (2) contract to purchase such additions for the Government at the termination of the lease on fair and reasonable terms which shall allow for interest, depreciation, and obsolescence, ordinary wear and tear excepted.

"SEC. 3. The Secretary of War is hereby empowered and authorized to lease said steam plant and said dam to any State, corporation, or individual in accordance with the policies herein set forth, and to enter into a contract for such lease for a term not exceeding 15 years from a date not later than the 1st day of January, 1929. In the lease of such property the Secretary of War shall be governed by the policy of obtaining for the Government the largest annual rentals possible from responsible parties, such rentals to be payable monthly, and shall require from the lessee satisfactory security for the payment of rentals.

"SEC. 4. In order to place the Secretary of War upon a fair basis for making such contract, he is hereby expressly authorized, either from appropriations made by Congress or from funds obtained from such leases, to construct, lease, or authorize the construction of transmission lines within the economic transmission distance in any direction from said Dam No. 2 and said steam plant.

"SEC. 5. The moneys received by the Secretary of War from leases of any of said properties, after deducting the cost of administration and the cost of constructing transmission lines, if any, shall be paid into the Treasury of the United States, and the same shall be segregated and set aside as a special fund for developing, manufacturing, and introducing improved fertilizers and fertilizer elements, and for developing and introducing fertilizer practices, for the purpose of reducing the cost and increasing the efficiency and use of fertilizers on American soils. Moneys in the fund are hereby appropriated for such purposes.

"SEC. 6. The Secretary of Agriculture is hereby authorized and directed, within the limits of such fund derived from rentals and appropriations made by Congress from the Treasury of the United States—

"(a) To construct, maintain, and operate experimental or production plants anywhere in the United States for the manufacture and distribution of fertilizer or any of the ingredients comprising concentrated fertilizers and, in his discretion, to abandon any of such plants and construct other plants;

"(b) To contract with commercial producers for the production of such fertilizers or fertilizer materials as may be needed in the Government's program of development and introduction in excess of that produced by Government plants. Such contracts may provide either for outright purchase by the Government or only for the payment of carrying charges on special materials manufactured at the Government's request for its program;

"(c) To arrange with farmers, and farm organizations and other distributing mediums, for large-scale practical use of the new forms of fertilizers under conditions permitting an accurate measure of the economic return they produce; and

"(d) To contract with such farmers and farm organizations and other distributing mediums to pay the special costs and losses, if any, sustained by them as a direct result of such use of the new fertilizer or fertilizer practices during the initial or experimental period of their introduction.

"SEC. 7. Revenue obtained from the sale of fertilizer or fertilizer materials shall be paid into the Treasury of the United States and shall become a part of the special fund hereinbefore provided.

"SEC. 8. The Secretary of Agriculture may locate one fertilizer plant within the economic distribution distance for electric power from Muscle Shoals, Ala., and there shall be turned over to him nitrate plant No. 1, together with the steam plant connected therewith, and such other buildings, houses, dwellings, and shops there located as may be necessary for the use of the Secretary and his employees in the construction, maintenance, and operation of such plant. When such fertilizer plant is thus located or established in the vicinity of Muscle Shoals, and the Secretary of Agriculture in the operation of the same either requires more power than can be supplied from said steam plant located at nitrate plant No. 1, or for any reason desires other power than that which can be produced at said steam plant located at nitrate plant No. 1, then such additional power shall be supplied by the Secretary of War at a cost of $15 per annum per horsepower required from said Dam No. 2 or said steam plant located at nitrate plant No. 2.

"SEC. 9. Both the Secretary of War and the Secretary of Agriculture shall report in detail to Congress, on the first Monday in December of each year, their operations under this resolution.

"SEC. 10. In order that the Secretary of Agriculture may not be delayed in carrying out the program authorized herein for the production of fertilizer or fertilizer elements through the erection of suitable plants and facilities or the abandonment of same and the construction of other plants, the sum of $10,000,000, or so much thereof as may be necessary, is hereby authorized to be appropriated for that purpose from the Treasury of the United States."

Mr. SACKETT. Mr. President, I call the attention of the Senate to the meat of the amendment which I have offered as a substitute for the pending joint resolution. It is contained in a few lines, beginning in section 3, which empower and authorize the Secretary of War to lease the steam plant and the dam "to any State, corporation, or individual in accordance with the policies" set forth in the amendment, "and to enter into a contract for such lease for a term not exceeding 15 years from a date not later than" January 1, 1929. I wish to say to the Members of the Senate that that provision constitutes the real difference between the proposed substitute and the joint resolution of the Senator from Nebraska [Mr. NORRIS]. We have approached the "parting of the ways" in this discussion; and the amendment which I offer differs from the original joint resolution in the fact that it does not provide for Government operation of the power plant.

The Senator from Nebraska and I have both incorporated the same provisions for the manufacture of nitrogen and for the development of processes, but my amendment proposes to increase the amount to be devoted to that purpose to $10,000,000, in place of $2,000,000 under the joint resolution, because the evidence taken before the special committee shows that it will require $10,000,000 to build a plant for the manufacture of synthetic nitrogen. My substitute differs from the joint resolution only in regard to the handling of the power at Muscle Shoals.

I am opposed in every way to the Government going into private business fields. I think the way in which to handle Muscle Shoals, now that the time has passed when it is valuable for the purpose for which it was intended, is to obtain for the Government the largest amount of money that can be derived from the power at Muscle Shoals, and to use that money in the development of the nitrogen process.

We can not secure a high rental for the great power plant there if we load the lease down with restrictions. If we provide how the lessee shall use the property we are going to put a limit upon the amount of money which we can obtain for its use. If we are going to put a restriction upon it and consequently receive a lower rental we must receive a benefit

that is commensurate with the amount of money which it has cost us to so limit his use of it.

The Senator from Nebraska, throughout a long contest, has held and argued that by the Government operation of Muscle Shoals we would get a reduction in the price of electricity in the immediate neighborhood, and set such an example in reducing prices of electric current that it would form a standard of comparison for the country as a whole; that it would give a great advantage to the consumers who were able to obtain that electric current at low rates, and that that current sold at the lower prices, would be worth the price of embarking on a scheme of Government ownership and operation. I addressed the Senate the other day on this subject. We are all tired of listening to speeches about Muscle Shoals, but I wish to say that the point I then made, and the reason I gave for amending the joint resolution, lies in the fact that I firmly believe that the Senator from Nebraska will be disappointed in the results which are to come from the Government experiment. The Senator from Nebraska made the statement on the floor a few moments ago that he believed that under his resolution every bit of the power would be sold at the stations at Muscle Shoals. If the power is to be sold at the stations at Muscle Shoals it can not be of any greater advantage to the people who ultimately use it than the difference between the cost of production in that power plant at Muscle Shoals and the cost of production in any modern steam plant operating within that vicinity.

I made the statement on Friday of last week that the cost of production of electricity from water power and the steam plant at Muscle Shoals was about four-tenths of a cent a kilowatt. I made the statement also that a modern steam plant, with up-to-date machinery to-day, operating in the vicinity of Muscle Shoals on a large scale, produces electricity at six-tenths of a cent a kilowatt; that the difference between the two is one-fifth of a cent a kilowatt; and that when that difference is translated to the bill of the ultimate consumer—the small consumer, whom we have to consider, which usually runs from 5 to 7 cents a kilowatt—it is too infinitesimal to be appreciated in this bill under any modern business methods. Therefore, I say that, so far as the bill of the ultimate consumer is concerned, the advantage which could be gained under Government operation as between Muscle Shoals and any modern steam plant must be limited to that difference in the cost of production. That difference in the cost of production of one-fifth of a cent is not a sufficient warrant, in my judgment, for us to change the policy of the Government which has been in force ever since the time of the fathers of the Nation, that the Government itself should not go into private, competitive business. If the measure advocated by the Senator from Nebraska shall be adopted that is what the Government will be doing. That point has not been stressed in this argument to anything like the extent which the proposed manufacture of fertilizer has been stressed. The great point of the departure from policy has been beclouded by the discussion of fertilizer. So far as fertilizer is concerned, the result will be the same in either case; it will be manufactured under the supervision of the Department of Agriculture. Therefore, as between these two proposals, the fertilizer question is unimportant. The great question which confronts us is, Will we support the idea of putting the Government into business in competition with private enterprise?

I grant you, Mr. President, that such an amendment as I present may afford public utilities now in existence an opportunity to operate Muscle Shoals. If the power shall be sold at the bus bar to any private enterprise, either individual or corporation, the State of Alabama will take its taxes directly from the operator. It will not be robbed of its tax rights, as it will be under the pending joint resolution. Under my proposed substitute, the State of Alabama will have just as much right to have all the power, if she pays more for it, than any neighboring State, whereas under the joint resolution the power must be distributed to the neighboring States and the State of Alabama will be robbed.

However, above and beyond all that, are we going to put this Government into business in competition with private enterprise? Whatever may be the effect of the ultimate disposition of Muscle Shoals by the method which I propose, if the Senator from Nebraska sees fit to characterize it as a "sell-out" to the Power Trust, I ask the Senate to remember it is only the effect of the action; it is not the cause of the action. Let us not confuse cause with effect. I am willing to take the responsibility, because I stand for a cause, namely, that the Government of the United States shall not engage in private business. Although adherence to that policy may have the effect of placing the property under the operation of somebody the Senator does not like, I stand for the cause and not for the effect. It is an honest opinion; it is an opinion that has been gained through years of study of business relations and business life. I dislike to see the Senate turn on its heel and depart from a principle that it has upheld for generations and make the Government a competitor with private initiative in business enterprises in these United States. I ask for a vote upon the amendment I have offered.

Mr. NORRIS, Mr. BLACK, and Mr. DENEEN addressed the Chair.

The VICE PRESIDENT. The Senator from Nebraska.

Mr. NORRIS. Mr. President, I will only take a few minutes of the time of the Senate. The Senator from Kentucky refers to the Senate departing from the rule that has been followed for a great many years which keeps the Government out of business. If the joint resolution as reported by the committee puts the Government into business, it is because the Senate itself and the Congress departed from that rule when the original act was passed providing for the development of Muscle Shoals.

Mr. SACKETT. Mr. President, will the Senator from Nebraska yield?

Mr. NORRIS. Yes.

Mr. SACKETT. The Senator will remember that when the Senate passed the original act it was thought that the building of the dam and the erection of the power houses at Muscle Shoals was absolutely necessary for the development of the cyanamide process for the manufacture of nitrogen from the air. It was supposed at that this——

Mr. NORRIS. I hope the Senator will not make a speech, because my time is limited.

Mr. SACKETT. I am not going to make a speech.

Mr. NORRIS. If the Senator wishes to ask me a question, I will be glad to answer.

Mr. SACKETT. I wish to say that it was understood at that time that that was the purpose for which the power was to be developed. Times have changed.

Mr. NORRIS. Mr. President, it was understood at that time that we wanted to satisfy the people of the United States whose money we were going to use that we were going to use it for their benefit and not for the benefit of private enterprise or private corporations. That was the idea; that was the reason we passed the law, and that law has been on the statute books ever since. As trustees of the people's money, whenever we have taken a dollar from the Treasury of the United States for Muscle Shoals, we have taken it under that law. I do not understand how any Senator can now claim, unless he can give some reasonable excuse for it, that we should fly in the face of that law and lease the property, which we have tried to lease for nearly 10 years and have never made a success of the effort. If we shall make a lease under the proposed substitute of the Senator from Kentucky there will be only one bidder. That bidder will probably lease Muscle Shoals, if the amendment should finally be adopted, because under the Senator's proposal the lessee is not required to make a pound or an ounce of fertilizer. Therefore his proposed substitute does not even have the saving grace of the amendment which we have just voted down. The Senator from Kentucky proposes to lease Muscle Shoals. Who will be the lessee? There is only one company that can lease it.

It is true that the Senator's proposed substitute provides that it may be leased to a State, to a county, to a municipality; but everybody knows that no State, no county, no municipality is going to bid for the dam and the steam plant at Muscle Shoals. They have not any legal authority to do it. None of them will make a bid. The Alabama Power Co., standing there as the only corporation and the only institution and the only legal person that has physical connection with Muscle Shoals, will be the lessee.

Mr. President, of course it goes without saying that I concede to the Senator from Kentucky the conscientious conviction that I know he possesses. I am not one who has said, and I do not know of anybody else who has said, "This is a sell out to the power companies," as he intimated it had been said. If such an expression was used it was not in connection with anybody who is advocating a lease being moved by any motive that is dishonorable. I think that is the effect of the Senator's substitute. His fertilizer provisions are practically the same as those that were in the joint resolution reported from the committee; so it possesses none of the amendments that I think improve it. It has no requirement about fertilizer that applies to nitrate plant No. 2. It lacks the other provision that if any of this power is leased to a distributing company there shall be a limitation put upon the price that that distributing company shall charge to the ultimate consumer, and that limitation shall be that the price shall not exceed what the Federal Power Commission thinks is fair and just and reasonable. No such provi-

sion is in the Senator's substitute. If it is leased to the Alabama Power Co., not a single consumer, in my judgment, will get one penny of reduction—not a cent. They are getting the power now right after the Alabama Power Co. is getting it; and, as I have repeatedly said, no consumer has received the benefit of it.

So, Mr. President, I join with the Senator in asking for a vote.

Mr. BLACK. Mr. President, I agree thoroughly with the criticism made of the substitute of the Senator from Kentucky [Mr. SACKETT]. It does not provide fertilizer, as was originally planned.

I wish to make this statement with reference to the situation as I see it as one of the representatives of Alabama at this time.

I stated in the beginning of this debate that I was wedded to no idea and wedded to no plan. I was in favor of any plan which might be proposed that would, in my judgment, guarantee fertilizer to the farmers. At the time I opposed the joint resolution of the Senator from Nebraska with all the force that I could, there was no provision whatever, as I saw it, for the manufacture of fertilizer. There was no appropriation which made it possible; and, in fact, there was nothing in the joint resolution at that time, in my judgment, except a sale of power, the proceeds to be used for experimentation.

Since that time, due to the good judgment and excellent work of a number of Members of the Senate, this joint resolution has been very substantially amended. It still is not the measure that I should like to see written; but I realize that legislation is a matter of compromise. No one can obtain all that he desires in the way of legislation. I know that the Senator from Nebraska has yielded on many points in order to bring about a settlement of this controversy. I appreciate very much, as a representative of Alabama, the efforts that have been put forth here diligently to bring about a proper solution of this question. In my judgment, the joint resolution as now written will provide fertilizer for the American farmer at a lower rate than that at which he has been accustomed to buy it; and for that reason I expect to vote for the joint resolution of the Senator from Nebraska as it has been amended. I realize that there are several features in the joint resolution that in my opinion are fundamentally wrong; and yet, if something of this kind is not done, the discussion on this floor must convince every Senator that it will be impossible to make such a disposition of Muscle Shoals that any benefit to the American farmer can result.

Mr. DENEEN. Mr. President, I offer three amendments to the substitute of the Senator from Kentucky.

The VICE PRESIDENT. The amendments to the amendment, in the nature of a substitute, will be stated.

The CHIEF CLERK. On page 2, line 3, after the word "the," it is proposed to strike out the word "water."

Mr. SACKETT. Mr. President, these are amendments to my substitute, simply in order to perfect one or two of its provisions.

Mr. MCKELLAR. I was just going to ask that question.

Mr. SACKETT. I accept all of the amendments. There are only three of them.

The CHIEF CLERK. On page 4, line 2, after the word "lease," it is proposed to insert "provided a rental is obtained that is satisfactory to the Secretary of War."

On page 4, line 3, after the figures "1929," it is proposed to insert:

> In the event that the Secretary of War shall not be able to enter into a lease which is satisfactory to him, he is empowered and authorized to sell at the switchboard the current generated at said steam plant and said dam to States, counties, municipalities, corporations, partnerships, or individuals, according to the policies set forth herein.

The VICE PRESIDENT. The Senator from Kentucky accepts the modifications suggested by the Senator from Illinois. The question is on the amendment, in the nature of a substitute, as modified.

Mr. HEFLIN. Mr. President, if I had my way I would have the Senate accept the Madden-Willis bill with some very important amendments. I think it is the best plan submitted to Congress for making fertilizer for our farmers. I do not surrender my convictions upon that question, or my right to support those provisions in the future if I have an opportunity to do so. I am not satisfied with the Norris joint resolution; neither am I satisfied with the substitute offered by the Senator from Kentucky [Mr. SACKETT].

The Norris joint resolution has some good provisions in it. It has been strengthened by the amendment of the Senator from Tennessee [Mr. MCKELLAR], and very much strengthened by the amendment offered by the Senator from Arkansas [Mr. CARAWAY], as well as by the amendment put on it just recently by the Senator from Nebraska [Mr. NORRIS] providing $10,000,000 to finish the work on Dam No. 2 and to do the work in connection with the production of fertilizer at Dam No. 2. These particular provisions were placed in the resolution in response to the demand made by me and my colleague for something definite and specific touching the propositions covered by them.

I should like to support those provisions. I do not like to support the provision that puts the Government in any kind of business. Not having the opportunity to vote for a better proposition and being very anxious to do something that will start the use of power at Muscle Shoals for making fertilizer for the farmer, I am forced to make a choice between the Norris resolution as amended and another proposition not as good. We are assured under the joint resolution as it now stands that we can get a considerable amount of fertilizer manufactured at plant No. 2 at Muscle Shoals. In view of these improvements made in the joint resolution and in the hope that when it gets over to the House we may be able to swap off the Government operation feature of it for the provisions of the Cyanamid bid, which provide for making fertilizer on a larger scale, I shall vote for the Norris joint resolution as amended.

The VICE PRESIDENT. The question is on the amendment, in the nature of a substitute, offered by the Senator from Kentucky [Mr. SACKETT], as modified.

The amendment, in the nature of a substitute, as modified, was rejected.

The VICE PRESIDENT. The joint resolution is still in Committee of the Whole and open to amendment.

Mr. NORRIS. Mr. President, I desire to suggest another amendment that I think ought to be made to the joint resolution.

In section 2, which has been made section 6, the joint resolution provides that the Secretary of War shall be authorized to enter into contracts for the sale of power for terms not exceeding 10 years from the 1st day of January, 1929. By adding to the joint resolution the Caraway amendment we have made it necessary for experiments to be made with the cyanamide process that may take a year or two; I do not know just how long. They may not take that long, and they may take longer. So it seems to me we ought to strike out the words "from the 1st day of January, 1929," and leave the Secretary of War the authority to enter into contracts for a term not exceeding 10 years; and I offer that amendment.

Mr. HEFLIN. Mr. President, did the Senator from Arkansas [Mr. CARAWAY] hear the suggestion?

Mr. CARAWAY. Yes, sir; I heard it.

Mr. HEFLIN. Is that satisfactory?

Mr. CARAWAY. That is all right.

The VICE PRESIDENT. Without objection, the amendment of the Senator from Nebraska will be agreed to.

The VICE PRESIDENT. The joint resolution is still before the Senate as in Committee of the Whole and open to amendment. If there be no further amendment to be proposed, the joint resolution will be reported to the Senate.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The VICE PRESIDENT. The joint resolution having been read three times, the question is, Shall it pass?

Mr. HEFLIN and other Senators called for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. LA FOLLETTE (when Mr. BLAINE'S name was called). I desire to announce that my colleague [Mr. BLAINE] is paired with the junior Senator from Utah [Mr. KING] on this vote. If my colleague were present, he would vote "yea."

Mr. BRATTON (when his name was called). I have a general pair with the junior Senator from Indiana [Mr. ROBINSON]. In his absence, I withhold my vote. If permitted to vote, I should vote "yea" on the passage of the joint resolution.

Mr. BROUSSARD (when his name was called). Making the same announcement as before, I withhold my vote.

Mr. FESS. (when his name was called). I have a pair with the Senator from Michigan [Mr. FERRIS], which I transfer to the senior Senator from Massachusetts [Mr. GILLETT], and vote "nay."

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. DU PONT], which I transfer to my colleague [Mr. TRAMMELL], and vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. He being absent, I withhold my vote. If permitted to vote, I would vote "yea."

Mr. SMITH (when his name was called). I have a general pair with the senior Senator from Indiana [Mr. WATSON], which I transfer to the senior Senator from Montana [Mr. WALSH], and vote "yea."

Mr. TYSON (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. GOFF]. Not knowing how the Senator from West Virginia would vote, I withhold my vote. If permitted to vote, I would vote "yea."

The roll call was concluded.

Mr. JONES. I desire to announce the necessary absence of the Senator from New Hampshire [Mr. KEYES], the Senator from Maine [Mr. GOULD], the Senator from Massachusetts [Mr. GILLETT], and the Senator from Oklahoma [Mr. PINE]. If present, these Senators would vote "nay."

Mr. KING. I have a pair with the junior Senator from Wisconsin [Mr. BLAINE], which I transfer to the senior Senator from Missouri [Mr. REED], and vote "nay."

The result was announced—yeas 48, nays 25, as follows:

YEAS—48

Ashurst	Fletcher	La Follette	Sheppard
Barkley	Frazier	McKellar	Shipstead
Black	George	McMaster	Simmons
Borah	Glass	McNary	Smith
Brookhart	Gooding	Mayfield	Steiwer
Capper	Harris	Neely	Stephens
Caraway	Hayden	Norbeck	Swanson
Copeland	Heflin	Norris	Thomas
Couzens	Howell	Nye	Wagner
Cutting	Johnson	Ransdell	Walsh, Mass.
Deneen	Jones	Robinson, Ark.	Waterman
Dill	Kendrick	Schall	Wheeler

NAYS—25

Bayard	Edwards	King	Shortridge
Bingham	Fess	McLean	Steck
Blease	Gerry	Metcalf	Tydings
Bruce	Greene	Oddie	Willis
Curtis	Hale	Phipps	
Dale	Harrison	Reed, Pa.	
Edge	Hawes	Sackett	

NOT VOTING—21

Blaine	Goff	Pittman	Walsh, Mont.
Bratton	Gould	Reed, Mo.	Warren
Broussard	Keyes	Robinson, Ind.	Watson
du Pont	Moses	Smoot	
Ferris	Overman	Trammell	
Gillett	Pine	Tyson	

So the joint resolution was passed, as follows:

Senate Joint Resolution 46, Seventieth Congress, first session

Joint resolution providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes

Resolved, etc., That the Secretary of War is hereby empowered and directed to complete Dam No. 2 at Muscle Shoals, Ala., and the steam plant at nitrate plant No. 2, in the vicinity of Muscle Shoals, by installing in Dam No. 2 the additional power units according to the plans and specifications of said dam, and the additional power unit in the steam plant at nitrate plant No. 2: *Provided*, That the Secretary of War shall not install the additional power unit in said steam plant until, after investigation, he shall be satisfied that the foundation of said steam plant is sufficiently stable or has been made sufficiently stable to sustain the additional weight made necessary by such installation.

SEC. 2. The Secretary of Agriculture is hereby authorized and directed, within the limits of appropriations made by Congress from the fund hereinafter provided for or from the Treasury of the United States—

(a) To construct, maintain, and operate experimental or production plants anywhere in the United States for the manufacture and distribution of fertilizer or any of the ingredients comprising fertilizer;

(b) To contract with commercial producers for the production of such fertilizers or fertilizer materials as may be needed in the Government's program of development and introduction in excess of that produced by Government plants. Such contracts may provide either for outright purchase by the Government or only for the payment of carrying charges on special materials manufactured at the Government's request for its program;

(c) To arrange with farmers and farm organizations for large-scale practical use of the new forms of fertilizers under conditions permitting an accurate measure of the economic return they produce;

(d) To contract with said farmers and farm organizations to pay the special costs and losses, if any, sustained by them as a direct result of such large-scale use of the new fertilizer or fertilizer practices during the initial or experimental period of their introduction;

(e) Whenever the Secretary determines that it is commercially feasible to produce any such fertilizer, it shall be produced in the largest quantities practicable, and shall be disposed of at the lowest prices practicable, to meet the agricultural demands therefor, and to effectuate the purposes of this act; and

(f) The Secretary is authorized to make alterations, modifications, or improvements in existing plants and facilities and to construct and operate new plants and facilities in order to effectuate properly the provisions of this section.

SEC. 3. The Secretary of Agriculture in carrying out the purposes of this act shall locate a fertilizer plant in the vicinity of Muscle Shoals in Alabama and there shall be turned over to him the nitrate plant together with the steam plant at nitrate plant No. 1 connected therewith and such other buildings, houses, and shops there located as shall be necessary for the Secretary and his employees in the construction and maintenance and operation of such plants; and, when such fertilizer plant is thus located and established in the vicinity of Muscle Shoals, all the power necessary for the requirements of said plant shall be supplied from said steam plant located at nitrate plant No. 2 or from Dam No. 2.

SEC. 4. (a) The Secretary of Agriculture is authorized and directed to utilize nitrate plant No. 2 for experiments in the production of fertilizers by the use of the cyanamide process, to determine whether it is or is not commercially feasible to produce fertilizers by such process. If the Secretary of Agriculture determines that it is commercially feasible to produce fertilizers by the cyanamide process, then such plant shall be used for the production of fertilizers by such process in the largest quantities practicable and the fertilizers so produced shall be disposed of at the lowest prices practicable, to meet the agricultural demands therefor and effectuate the purposes of this resolution. In the utilization of nitrate plant No. 2 the Secretary of Agriculture shall avail himself of power in the same manner as provided in section 8.

SEC. 5. Revenue obtained from the sale of fertilizer or fertilizer materials shall be paid into the Treasury of the United States and shall become a part of the special fund hereinafter provided.

SEC. 6. The Secretary of War is hereby empowered and authorized to sell the surplus current not used in fertilizer operations and for operation of locks and other works generated at said steam plant and said dam to States, counties, municipalities, corporations, partnerships, or individuals, according to the policies hereinafter set forth, and to carry out said authority the Secretary of War is authorized to enter into contracts for such sale for a term not exceeding 10 years, and in the sale of such current by the Secretary of War he shall give preference to States, counties, or municipalities purchasing said current for distribution to citizens and customers.

SEC. 7. It is hereby declared to be the policy of the Government to distribute the surplus current generated at Muscle Shoals equitably among the States within transmission distance of Muscle Shoals.

SEC. 8. In order to place the Secretary of War upon a fair basis for making such contracts and for receiving bids for the sale of such current, he is hereby expressly authorized, either from appropriations made by Congress or from funds secured from the sale of such current, to construct, lease, or authorize the construction of transmission lines within transmission distance in any direction from said Dam No. 2 and said steam plant: *Provided*, That if any State, county, municipality, or other public or cooperative organization of citizens or farmers, not organized or doing business for profit but for the purpose of supplying electricity to its own citizens or members, or any two or more of such municipalities or organizations, shall construct or agree to construct a transmission line to Muscle Shoals, the Secretary of War is hereby authorized and directed to contract with such State, county, municipality, or other organization, or two or more of them, for the sale of electricity for a term not exceeding 15 years, and in any such case the Secretary of War shall give to such State, county, municipality, or other organization ample time to fully comply with any local law now in existence or hereafter enacted providing for the necessary legal authority for such State, county, municipality, or other organization to contract with the Secretary of War for such electricity: *And provided further*, That any surplus power not so sold as above provided to States, counties, municipalities, or other said organizations, before the Secretary of War shall sell the same to any person or corporation engaged in the distribution and resale of electricity for profit, he shall require said person or corporation to agree that any resale of such electric power by said person or corporation shall be sold to the ultimate consumer of such electric power at a price that shall not exceed an amount fixed as reasonable, just, and fair by the Federal Power Commission; and in case of any such sale if an amount is charged the ultimate consumer which is in excess of the price so deemed to be just, reasonable, and fair by the Federal Power Commission, the contract for such sale between the Secretary of War and such distributor of electricity shall be declared null and void and the same shall be canceled by the Secretary of War.

SEC. 9. The money received by the Secretary of War for the sale of such current, after deducting the cost of operation, maintenance, depreciation, and the cost of constructing transmission lines, if any shall be paid into the Treasury of the United States, and the same shall be segregated and set aside as a special fund for developing,

manufacturing, and introducing improved fertilizers and fertilizer practices for the purpose of reducing the cost and increasing the efficiency and use of fertilizers on American soils.

SEC. 10. Both the Secretary of War and the Secretary of Agriculture shall report in detail to Congress, on the first Monday in December of each year, their operations under this joint resolution.

SEC. 11. In order that the Secretary of Agriculture may not be delayed in carrying out the program authorized herein the sum of $10,000,000 is hereby authorized to be appropriated for that purpose from the Treasury of the United States.

SEC. 12. The Government of the United States hereby reserves the right, in case of war, to take possession of all or any part of the property described or referred to in this act for the purpose of manufacturing explosives or for other war purposes; but if this option is exercised by the Government, it shall pay the reasonable and fair damages that may be suffered by any party whose contract for the purchase of current is thereby violated.

Passed the Senate March 6 (calendar day, March 13), 1928.

RETIREMENT OF DISABLED EMERGENCY OFFICERS

Mr. TYSON. Mr. President, I move that the Senate proceed to the consideration of Senate bill 777, making eligible for retirement, under certain conditions, officers and former officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

ADJOURNMENT

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and the Senate (at 5 o'clock and 50 minutes p. m.) adjourned until to-morrow, Wednesday, March 14, 1928, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

TUESDAY, *March 13, 1928*

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Still, still with Thee, our blessed Father in Heaven. At the break of a new day dawns the consciousness that Thou art still our refuge and strength! With our tendencies, our failures, and our sins, Thou dost never leave nor forsake us. Through the light of day and through the dark of night, when the sense of our beings is lost in sleep, Thou art our guardian angel! Hold before us and above our approaching footfall the light of Thy Holy Word: "Who shall ascend into the hill of the Lord and who shall stand in His holy place? He that hath clean hands and a pure heart." O help us especially in our unguarded moments. Give us faith in Thee that shall hold us strong, hope that shall keep us steadfast, and a love that shall make us a blessing to all. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate disagrees to the amendments of the House of Representatives to the bill (S. 2317) entitled "An act continuing for one year the power and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes," and requests a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WATSON, Mr. COUZENS, Mr. FESS, Mr. PITTMAN, and Mr. DILL to be the conferees on the part of the Senate.

CALL OF THE ROLL

The SPEAKER. Under the order of the House the Chair recognizes the gentleman from Ohio [Mr. BRAND] for 30 minutes.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 47]

Allen	Dickinson, Mo.	Kiess	Sabath
Anthony	Douglas, Ariz.	Kindred	Sanders, N. Y.
Bankhead	Dowell	Kunz	Schneider
Beck, Pa.	England	Larsen	Sears, Fla.
Boies	Englebright	Leatherwood	Sirovich
Britten	Estep	Magrady	Snell
Browne	Fulbright	Major, Mo.	Spearing
Buckbee	Gallivan	Manlove	Stobbs
Burdick	Golder	Mead	Strother
Campbell	Goldsborough	Michaelson	Sullivan
Carley	Graham	Montague	Sweet
Celler	Green, Iowa	Moore, N. J.	Taylor, Tenn.
Christopherson	Hall, Ill.	Nelson, Mo.	Tillman
Cole, Md.	Harrison	Nelson, Wis.	Tinkham
Combs	Hastings	Norton, N. J.	Treadway
Connally, Tex.	Haugen	O'Connor, N. Y.	Updike
Cramton	Igoe	Palmer	Vinson, Ky.
Crowther	Jacobstein	Porter	Wason
Curry	Jenkins	Pratt	Williams, Mo.
Davenport	Johnson, S. Dak.	Quayle	Wyant
Davey	Kendall	Rathbone	Yates

The SPEAKER. Three hundred and forty-nine Members are present, a quorum.

Mr. TILSON. Mr. Speaker, I move to suspend further proceedings under the call.

The SPEAKER. The gentleman from Connecticut moves to suspend further proceedings under the call. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Ohio [Mr. BRAND] is recognized.

THE REPUBLICAN PRESIDENTIAL PRIMARY IN OHIO

Mr. BRAND of Ohio. Mr. Speaker and Members of the House, it seems difficult to get the floor when one's opponents do not want to hear some truth. I think there are quite a number of Republicans on this side who do not think it is wise or profitable to discuss the candidates that are running for the Presidency. I thoroughly agree with those men who believe that way. When my colleague [Mr. BURTON] invited Mr. Hoover to come into our State and contest the delegation I said then that that was a serious mistake, and I never have had occasion to change my mind since.

I know something about Ohio, and we have had a governor only twice in the last 16 years on account of contests in primaries, and Mr. BURTON knew that when he invited this contest; and after a contest is invited the discussion of the candidates is inevitable, because there is nothing else to discuss. They belong to the same party—all the candidates—and their principles ought to be the same, so that there is nothing to discuss except the candidates. So that I think my colleague [Mr. BURTON] has invited this, and I do not want him to be disappointed. [Laughter.]

I am informed from within and without the Department of Commerce that that department is now honeycombed with politics; that that department is not functioning to-day up to 75 per cent of efficiency on account of the political conditions. We in Ohio are not much surprised at that, because we have seen Mr. Hoover come out into Ohio and pick up an ex-political city boss and bring him down here and make him Assistant Secretary of Commerce, next in position to himself; and then we have watched this man—Mr. Brown—and he has become the active campaigner in Ohio and in Washington and in New York for Mr. Hoover, who is spending about a third of his time in Ohio and the rest of it here. He was recently over in New York, and I can see that if the First Assistant Secretary of Commerce is actively engaged in this campaign all the time the other officials in the department—and still down to stenographers and maybe the bootblacks—feel that that is what the chief wants. And I am told upon reliable authority that all the officers all over this broad land that belong to the Department of Commerce are now means to the end of nominating Herbert Hoover. [Applause and laughter.]

I say that that is using the money out of the United States Treasury for the purpose of a private political campaign. [Applause.] And I want to suggest to the President of the United States that it is now time that the resignation of Herbert Hoover as Secretary of Commerce be accepted [applause] on the ground of economy [laughter] and on the ground of fair play to the other candidates who can not help themselves to the Treasury. [Laughter.]

There is a great cause at stake in this nomination of a candidate on the Republican ticket for the Presidency of the United States.

Agriculture is making a gigantic struggle for equality and she must have a President sympathetic with her need. In other civilizations agriculture has succumbed and taken a lowly place. Is that to be the destiny of the American farmer and his family?

Mr. Hoover has been the supreme opponent of agricultural prosperity for the past 10 years. He came back to this country in 1917 because the English nation wanted him to come here and secure cheap food for them and the Allies, which he succeeded in doing at the expense of the American farmer.

Mr. Hoover represents those who have been against all practical relief measures. All of the other candidates for the Presidency on the Republican ticket will go the limit in making the tariff actually apply upon agricultural products. Mr. Hoover's only suggestion has been to let farm prices stay low until the farmer leaves the farm.

This policy fills the city with farm labor and is to-day making serious trouble for labor in industry. However, Mr. Hoover's policy secures cheap food and cheap labor for industry.

Under the circumstances, agriculture and labor should see that Mr. Hoover is not nominated.

THE OHIO PRIMARY AND THE CANDIDATES

I have just been in Ohio, and there is a real primary battle going on there between Senator WILLIS and Secretary Hoover. I did not see any Republicans who looked very happy over the situation, but you can tell a Democrat anywhere in the State by the width of his face, which is constantly now reflecting a broad grin.

"Misery loves company," and the Democrats feel that we are getting into the same party situation that they have endured, and the prospect of Hoover as a candidate for the Republican Party seems to be satisfactory to the Democrats in Ohio.

On the street corners and in the lobbies, offices, and stores we find Republicans arguing with each other as to whether Mr. Hoover is or is not a Republican, arguing as to whether he is or is not in favor of the League of Nations, discussing as to whether he is or is not in favor of the protective tariff, contending as to whether he has lived in this country long enough to be eligible as President of the United States, and then some farmer drops into the crowd and asks, "Well, you do not expect a farmer to be for Herbert Hoover, do you?" So—the argument goes on and the Democrats laugh.

In Ohio the opposition to Senator WILLIS, especially the wets, flocked to Hoover as soon as he came to Ohio as a candidate. However, a study of Mr. Hoover's career and his political attitude has not had a good effect in Ohio upon his followers. Gradually, their conviction grows that Mr. Hoover does not ring true as a Republican.

IF YOU WANT WILLIS, DAWES, OR LOWDEN—VOTE FOR WILLIS

Those who are opposed to Senator WILLIS and not satisfied with Secretary Hoover are looking around and beginning to see that the nomination of Mr. DAWES or Mr. Lowden might be achieved by voting for Senator WILLIS and would surely be defeated by voting for Secretary Hoover.

Thus the friends of Vice President DAWES and the friends of Governor Lowden are adding themselves to the strength of Senator WILLIS, and Senator WILLIS has great strength in Ohio. Always the shouting is over some one else, but the quiet vote in the State is true to him on election day. Senator WILLIS has been honored more by Ohio voters than any living man.

IS HOOVER A REPUBLICAN?

The question as to whether Secretary Hoover is a Republican is one of the interesting questions in Ohio. Mr. Hoover left this country when he was 22 or 23 years of age and stayed out of the country practically all of the time until 1917 which amounted to some 20 years and was occupied principally in China and in England in the mining business as an engineer and promoter. He returned to the United States in 1917 and became Food Administrator under the Wilson administration and actively supported the policies of that Democratic administration including the League of Nations, and demanded that a Democratic Congress be elected to support President Wilson and his policies.

Two years later, in 1920 the leaders of the Democratic Party thought of him as a successor to Woodrow Wilson and a meeting was held in New York City of these leaders for the purpose of determining upon his candidacy.

On January 24, 1920, the New York American printed on its front page a statement giving the names of the men who attended the luncheon at which was launched the candidacy of Mr. Hoover for President of the United States. The New York American published also the pictures of these men who were there; Ralph Pulitzer, owner of the World; Frank I. Cobb, editor of the World; Viscount Edward Grey, British ambassador to the United States, and next to him Herbert C. Hoover; then Col. Edward M. House, President Wilson's right-hand man; Cleveland H. Dodge, Wall Street financier, and Cyrus H. K. Curtis, Philadelphia publisher.

Mr. NEWTON. Will the gentleman yield?

Mr. BRAND of Ohio. I believe I will not.

Mr. NEWTON. Does the gentleman mean to say that Mr. Hoover was there?

Mr. BRAND of Ohio. His picture is on this page in the paper. There was also a meeting here in Washington of one of the Southern States with their Representatives and Senators for this same purpose at about this time.

During the primaries of 1920, Mr. Hoover's name was on the ballots of the Democratic Party in several of the States and in March he carried the State of Michigan on the Democratic ticket. The vote was as follows:

Hoover, 24,046; McAdoo, 18,655; Bryan, 17,954; Edwards, 16,642; Palmer, 11,187.

It is apparent then, that Mr. Hoover was the choice of leading Democrats as a successor to Woodrow Wilson in 1920. It is a fact that he ran in 1920 in several of the States on the Democratic primary ticket, and it is also a fact that in 1918 when he was Food Administrator he urged the election of a Democratic Congress to support President Wilson in the following language:

My own views are summarized in a word: That we must have united support for the President. I am for President Wilson's leadership not only in the conduct of the war but also in the negotiations of peace, and afterwards in America's burden in the rehabilitation of the world.

[Applause.]

In February, 1920, Mr. Hoover was uncertain whether he was a Democrat or a Republican. He said:

I am being urged by people in both parties to deliver my allegiance to either one or the other. Until it more definitely appears what the party managers stand for I must exercise a prerogative of American citizenship and decline to pledge my vote blindfold. I am not unappreciative of the many kind things that my friends have advanced on my behalf. Yet I hope they will realize my sincerity in not tying myself to undefined partisanship. I must vote for the party that stands for the league.

IS MR. HOOVER FOR THE LEAGUE OF NATIONS?

Now, is Secretary Hoover in favor of any of the Republican policies? In 1920 the people of the United States voted their conviction relative to the League of Nations and a majority of 7,000,000 votes were cast for the Republican ticket elected upon a platform against the United States entering into the League of Nations.

What was Secretary Hoover's position on the League of Nations? First, as I have shown, he was for the election of a Democratic Congress to support President Wilson and his policies.

In a speech in California in 1919 at Stanford University he said:

If the League of Nations is to break down, we must at once prepare to fight.

Again:

The peace treaties can not be carried out without the league. If the league falls, the treaties also fall.

The Sacramento Bee on that day said:

Herbert Hoover in an address delivered at Stanford University before an audience of faculty and students of the university and townspeople, declared himself in favor of the League of Nations. The former Food Administrator's speech was an appeal to the people of the United States to uphold the peace treaties and the League of Nations covenant without reservations.

Mr. Hoover made other speeches on the subject of the league and is quoted in the New York Times of July 28, 1919, in these words:

Without a league of nations to guide the republics, Europe will go back to chaos.

During the last eight years there has been no evidence offered that Mr. Hoover changed his position on this subject.

IS MR. HOOVER IN FAVOR OF THE TARIFF?

Nobody knows.

I have not found anybody who knows, and I have sought diligently to find them.

The fact that he did not know when he came back to this country in 1917 whether he was a Republican or a Democrat is indicative that his convictions are not very strong on the subject of the tariff, and we might, by electing Mr. Hoover, be electing an out-and-out free trader.

He lived in free-trade England for 20 years and his whole career was developed under that environment.

Is it necessary for the Republican Party to pick a standard bearer who was a Democrat in action and principle only eight years ago and has given no evidence of any real change since?

IS MR. HOOVER ELIGIBLE UNDER THE CONSTITUTION FOR PRESIDENT?

Now, as to Mr. Hoover's citizenship. The Constitution of the United States undoubtedly intends that a candidate for President should be a resident of the United States for 14 years previous to becoming President. Mr. Hoover's home in 1917 is given in "Who's Who" as Redhouse, Hornton Street, London, England; so that he has had his home in the United States during the last 11 years only, and this raises a real question as to his eligibility in the minds of many constitutional lawyers. On the 8th day of May, 1917, he—Mr. Hoover—was testifying before a Senate committee, and under oath said:

My name is Herbert C. Hoover and I am at present in the Willard Hotel, this city, which is my only residence now.

When did you arrive—

He was asked.

I arrived here on Thursday.

That is when he came here from his 20 years of life abroad in 1917. He had no home or residence to go to in America except a hotel.

But a year or two later he began to think he had had a home in California all the time.

On page 689 of the hearings before the subcommittee on Manufactures, United States Senate, Sixty-fifth Congress, second session, pursuant to Senate Resolution 163, a resolution directing the Committee on Manufactures to investigate the causes of the shortage of coal and sugar, the following colloquy occurred:

Senator VARDAMAN. Your home is in California?

Mr. HOOVER. Yes.

Senator VARDAMAN. Are you a qualified elector there?

Mr. HOOVER. I do not know that I am at the moment, because I have been away on public work for three years.

Senator VARDAMAN. Have you ever voted there?

Mr. HOOVER. I do not think so.

Senator VARDAMAN. Have you ever voted in the United States?

Mr. HOOVER. I do not believe (recollect) that I ever voted in anything else than purely local matters, because I have been in a profession that kept me moving about the United States and elsewhere, so that I was not settled enough at any one time.

Senator VARDAMAN. You have spent more time in England in the last 20 years than you have in the United States, have you not?

Mr. HOOVER. I should imagine in aggregate; yes.

Of course, Mr. Hoover could not have voted in purely local matters unless he voted in California, and he stated that he had never voted there.

So we have a candidate for President who lived until he was forty-odd years of age without taking enough interest in the problems of his country to cast a vote. It is true he was seldom at home, but the rest of us deem it a patriotic duty to use an absent voter's ballot under such conditions. This testimony was taken about 10 years ago, and Mr. Hoover had gone two-thirds of his adult life without voting.

Mr. BARBOUR. Will the gentleman yield for a correction?

Mr. BRAND of Ohio. For a correction, yes.

Mr. BARBOUR. I want to say to the gentleman that in California at that time we did not have an absent voters' law. We have only had it for the last three or four years.

Mr. BRAND of Ohio. I thank the gentleman.

MR. HOOVER AGAINST AGRICULTURE FOR 10 YEARS

Now I come to the point which is probably of more importance in this presidential campaign than any other. The Republican Party has been divided about equally on the subject of farm relief or farm equality, and it has been hoped that the Republican Party could pick a candidate who would be satisfactory to both the East and the West. Mr. Hoover is not satisfactory to those who believe that the farmers are entitled to the tariff on their products just as industry secures the tariff on its products.

I have been personally in this study and struggle for the equality of agriculture with industry for the last five years in Washington and I believe that I know the officials who have been opposed and those who have been in favor of the farmer, and I say that it is very clear in my mind that if Mr. Hoover is elected President of the United States that agriculture is doomed to eight more years of misery.

I know that he has been against the McNary-Haugen bill, and I know that he has advised against it, and it is my opinion and belief that he has exerted himself more against it than any other public official.

HIS RECORD AS FOOD ADMINISTRATOR

This blocking of the prosperity of agriculture is not the first effort that Mr. Hoover has been guilty of against the farmer. When he came back from England, at the request of the President, Mr. Wilson, to take charge of the food administration, he determined upon a policy of holding down the price of farm products. This has been disputed more or less, but I have taken the trouble to look up his record on the subject, and I find that in testifying he states his ideas relative to the food administration very clearly. Here is the testimony:

MR. HOOVER ADMITS WHOLE SCHEME TO REDUCE PRICES OF FARM PRODUCTS

The reaction of Europe has raised our prices for farm products above an endurable level and will, if we do nothing, raise them still higher for their need grows yearly. By our entry into the war we arrived at two issues: (1) The issue must have partially fronted us in any event, the control of our food so as to ameliorate prices. (2) That we may also meet the increased demands of our allies.

Again I find when the food control bill was being considered in the Senate of the United States, Senator Phelan, of California, in defending Mr. Hoover, stated as follows:

It is only to prevent excessive charges, speculative prices, that he is to act as Food Administrator.

I find also in the debate the following from Senator Phelan:

I have heard him [Mr. Hoover] debate in conversation with a Member of this body whether it would not be better to fix a price of $1.50 for wheat rather than $1.25, and he [Mr. Hoover] favored the larger amount.

The Congress, however, made the minimum price of wheat not less than $2 per bushel instead of $1.50 as advocated by Mr. Hoover.

In the administration of this law the President then appointed a wheat-price committee which determined what the minimum was to be. The Congress had said it was to be not less than $2 and that wheat-price committee made the minimum price $2.20 Chicago. It has been claimed by various individuals that this $2.20 was a maximum price, but I challenge anyone to find a place in the law which authorizes anyone to make a maximum price or any price other than a guaranteed minimum price. There has been an attempt made to excuse Mr. Hoover on the grounds that this committee made this $2.20 price, and made it a maximum price, thus taking it out of the hands of Mr. Hoover to permit any higher price than $2.20. Mr. Hoover will not be able to hide behind the skirts of this committee or of the war President, Mr. Wilson, because this committee merely recommended a minimum price because they had no authority to make a maximum.

Now, you might be interested in knowing what the real market value of wheat was at that time, and I will now quote from the Wheat Pit, by James A. Patten, one of the biggest board of trade dealers in Chicago. Wheat had been bringing about $3.25 per bushel.

Mr. Patten turned to Mr. Kline, Government attorney, and their conversation follows:

Mr. PATTEN. What price do you predict wheat will go to?

Mr. KLINE. I think it will go to $8.

Mr. PATTEN. It will go higher than that if we do not take some action.

The action that was actually taken was the appointment of Mr. Hoover as food administrator and the passage of the food control act, which at the same time made a minimum price on wheat. Following this, in order to hold wheat down to the minimum price, Mr. Hoover stopped all future trading on the board of trade in wheat, thus making it impossible for the board of trade to raise the price above the minimum price.

In addition to this, all of the buyers of the world for all of the foreign countries were concentrated into one buying agency so that there would be no competition in bidding up the grain available in the United States.

With all this arrangement perfected, the price of the farmers' wheat was held down to the minimum prescribed of $2.20 when it would have gone to $8 or $10 per bushel, according to J. A. Patten, the largest grain dealer of that time. And remember, too, that all of the products of the farm would have lined up with wheat at the higher level just as they did line up with wheat at the lower level. There was no provision in the law which required or authorized Mr. Hoover to hold wheat down to the minimum.

I have seen it argued in Mr. Hoover's defense that the farmer was under obligation to him for securing a price as good as

$2.20 for wheat, and if it had not been for his efforts the price might have gone down to perhaps as low as 75 cents.

Of course, we all know that the law required the Government to buy at the minimum price; but here is some testimony given by Mr. Hoover himself on March 4, 1918, at a conference of grain dealers with the United States Grain Corporations, reported in the Modern Miller, in which he says:

I agree with the contention of some farmers that they would be getting $5 and perhaps $10 per bushel for their wheat had it not been for the restraint imposed by the Government.

That is, if there had been a free supply and demand market, wheat would have been $5 or $10 per bushel.

Since the war the farmer has taken the supply and demand price for his products, and he should have had the supply and demand price during the war in order that he might have had a living average.

On the other hand, Mr. Hoover did permit the bakers of the United States to sell bread to the American people at just about twice the price bread was sold at in France, Italy, and England, made out of American wheat.

So in America both the producer and the consumer were mistreated.

Who was benefited by this holding down the price of the wheat of the farmers in the United States to one-fourth of what it would have brought on a supply and demand market? It has been shown that the consumer did not benefit in the United States but if you will think it out you will find that the ones benefited were over in Europe. England got her wheat and food supplies for the prices dictated by Mr. Hoover and England supplied the money that bought the food for all of the Allies.

It may be said that it was good statesmanship to make an arrangement of this kind. It may have been good international statesmanship and that is what we think; Mr. Hoover is an international statesman. It may have been good American statesmanship—that is debatable—but I say to you that there is not any ground upon which you can claim justice was done when you made the farmer pay the whole bill. If this was an obligation to furnish cheap food to the Allies of the United States, then, the United States Treasury should have borne the burden and I ask the gentlemen from Ohio to tell the House why the farmers of America should have borne the whole burden. Mr. Hoover is the man who made the farmer bear all of this burden and he had no authority in law for doing so. Mr. Hoover did that for the benefit of the English.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. BRAND of Ohio. Mr. Speaker, I ask unanimous consent to proceed for 10 additional minutes.

The SPEAKER. The gentleman from Ohio asks unanimous consent to proceed for 10 additional minutes. Is there objection?

Mr. HOCH. Mr. Speaker, reserving the right to object, I wonder if it would be in order, at the conclusion of the addresses by the two gentlemen from Ohio, for me to have a few minutes in which to place in nomination an unquestioned candidate for the Presidency, Senator CHARLES CURTIS of Kansas? [Laughter and applause.]

The SPEAKER. Is there objection?

Mr. CLARKE. Mr. Speaker, I have no objection if the same amount of additional time is afforded to the distinguished Senator from Ohio [Mr. BURTON].

Mr. BRAND of Ohio. Mr. Speaker, I will add that to my request.

The SPEAKER. The Chair believes it was the understanding of the House that if the time of the gentleman from Ohio [Mr. BRAND] were extended that an equal extension would be given to the other speaker.

Mr. ABERNETHY. Mr. Speaker, what has become of the request of the gentleman from Kansas? [Laughter.]

The SPEAKER. Is there objection?

There was no objection.

IF FARM PRICES HELD DOWN, WHY NOT OTHER PRICES?

Mr. BRAND of Ohio. There were other scarcities during the war other than food. Ships were scarce to take food across the water. Was there any attempt to hold down the cost of transporting that food after it was purchased at a cheap price from the farmer? None at all. Freight costs on transporting this food often exceeded the cost of the food. It was a common thing for the freight charges on the cargo to more than equal the value of a ship in which the goods were transported.

Munitions were likewise wanted as food was wanted. Were the prices of munitions held down to a minimum? How many of us know of millionaires who made their vast fortunes in a year in providing munitions during the days of the war? Do you know of any farmer who was allowed to become a millionaire in furnishing food for the Allies?

THE GREAT FARM CATASTROPHE

After the war was over 1921 came, with its great deflation in the prices of farm products, going down away below the prices before the war, and from that year until now we have been attempting in Congress to arrive at a definite remedy for the farm problem.

We have had no help from Mr. Hoover except this one statement, which seems to be his cure:

Generally, the fundamental need is a balancing of agricultural production to our home demand.

I understand this to mean a continuation of the policy of starving out acreage until we produce no more than the domestic markets will consume. This means, for example, half of our cotton production and a quarter of our wheat production must be eliminated. The Business Men's Conference, headed by Mr. Nagel, formerly Secretary of Commerce, reports that 2,000,000 farmers have left the farms every year, or 49 per cent of our farm population in seven years. But Mr. Hoover believes this must be continued, and he says:

The fundamental need is a balancing of agricultural production to our home demand.

I concluded then that there was no hope for agriculture through Mr. Hoover and I have been more and more convinced of the correctness of my conclusions as time has gone on.

REGULATED PRODUCTION UNDESIRABLE

It is generally agreed that as a remedy of the agricultural problem that the reduction of acreage is neither possible nor desirable.

A few days ago before the Agricultural Committee of the House there was testimony offered on the McNary-Haugen bill by the representative of organized labor in the United States. A Mr. Wallace gave some very interesting testimony which deals with Mr. Hoover's idea of doing away with the surplus in agricultural products, which the workingmen of this country look upon as their margin of safety. The testimony is as follows:

Mr. WALLACE. Mr. Chairman and gentlemen of the committee, my name is Edgar Wallace, representing the American Federation of Labor.

When I appeared here a year and a half ago and on previous occasions I stated that it was our apprehension that we were afraid that unless the farmers were placed in a position where they could be paying consumers, we, the industrial workers, would be thrown out of employment. I point out that there was partial unemployment, just a small proportion of our people who were unemployed at that time, and I stated then that recognizing that this country can not continue to run with a great portion of our people unable to buy, that we, as workers, were willing, if necessary, to pay a little more for our food products in order that our customers, the farmers, might be placed in a position to employ us in turn.

I am sorry to say, Mr. Chairman, that what I apprehended a year and a half ago is now a fact; that is, as we are sitting here to-day, 40 per cent of the workers of this country are idle because no man has hired them—oh, I do not mean that 40 per cent are totally unemployed—but between part-time employment and total unemployment, out of every 10 potential workers, 4 are idle to-day and every day, and this is growing, because, after all, when a man is idle, a working man, industrial worker, he ceases to remain a paying consumer.

Now, Mr. Chairman, I am a city dweller. The people I represent dwell in industrial communities. We feel that the surplus raised by the farmer is our margin of safety; that there may come a time when weather conditions, or because of the farmers' despair, might cause a scarcity of the things that we need. If the farmer's surplus is our margin of safety, I, for one, and the people I represent, are in favor of not permitting that very surplus that we need to be a menace to the farmers, to tear down their economic structure, or to make it so that a good crop to them is really less remunerative than a poor one.

Now, Mr. Chairman, we are in favor of the McNary-Haugen bill. We believe that in this bill is the only comprehensive plan that will safeguard the interests of the farmers and put them on a paying basis.

This ends Mr. Wallace's testimony and we now know that organized labor knows that agriculture must be prosperous in order that labor may be well employed.

The only opposition left to the McNary-Haugen bill seems to be those who say industry can not afford to have the tariff actually apply to agricultural products.

In other words, a few captains of industry, with Mr. Hoover as their major general, are obstructing any actual relief for agriculture. This condition in turn drives the farmers into

town and city in competition with factory labor; thus labor may lose all that it has gained in the past 25 years and I know of no one made happier except a few captains of industry made wealthier.

What the United States needs now is a President who can see agriculture and industry with equal vision. [Applause.]

Some day industry will know that farm prosperity will be as helpful to industry as labor prosperity has proved itself to be.

AS A SUMMARY

Ohio Republicans are asked to give up their time-honored custom of having a favorite son at the national convention; what for?

Why, to vote for a man whose public political record shows that he has acted and advised in harmony with Democracy.

A man who lived until he was 43 years of age without knowing whether he was a Democrat or Republican, and never had voted up to that time.

A man whose convictions on the subject of a protective tariff have never been developed, as evidenced by the uncertainty of his party affiliations.

A man who has advocated our entrance into the League of Nations without reservation.

A man who has lived abroad 20 out of his 30 years of adult life.

A man who held the price of farm products down during the war and has refused to lift them up by means of the McNary-Haugen bill.

A man whose business life must now be investigated; and the results bid fair to disqualify him.

Against him are Senator WILLIS, Governor Lowden, Senator WATSON, Senator CURTIS, Senator NORRIS, and Vice President DAWES.

All Republicans all their lives.

All Americans all their lives.

All voters all their lives.

All for the farmer and for industry on equal basis. I speak with knowledge of the views of each.

All against the League of Nations.

All for the tariff.

Mr. Hoover will be defeated in Ohio. [Applause.]

STATEMENT IN EXTENSION OF REMARKS AFTER THE SPEECH OF MR. BURTON

In reference to my letter to Secretary Hoover in 1925 that he be Secretary of Agriculture, which was read in the House to-day by Representative BURTON, I wish to say that I realized at that time that what was needed was the friendship and help of Mr. Hoover instead of his opposition. At about that time he had made statements indicating that he was leaning toward the solution of the agricultural trouble. If we could get him on our side, I realized that we might achieve success.

The SPEAKER. The time of the gentleman from Ohio has again expired. The gentleman from Ohio [Mr. BURTON] is recognized for 40 minutes. [Applause.]

Mr. BURTON. Mr. Speaker, I do not enjoy this discussion [laughter], neither do I approve it; but such an attack as has just been made must be answered. If we are to have honest, capable, public servants, they must be defended against vicious criticism. [Applause.]

The speech to which you have just listened abounds in incorrect assertions, in half truths, in statements and quotations made which ignore the context and the occasion. It is not the product of one brain [laughter and applause], for snoopers have been scouring the whole earth to find some flaw in the record of Herbert Hoover.

Why this attack? Why, it is because listening to the urgency of thousands of voters in Ohio, representing every phase of her citizenship, Mr. Hoover consented, somewhat reluctantly, to enter the primary against the favorite son. The favorite son made the allegation that such an entry was an indecency. [Laughter.] It was desired by him and his supporters that in easy tranquillity, with undisturbed peace, they, the heads of certain political organizations and a small army of Federal officials appointed on his recommendation, should dictate who were to be the delegates to express the choice of the State of Ohio. Against this the citizenship of the State of Ohio rebelled. [Applause.] They said, "We have a primary law; this question is too large to be left to a few political bosses. We have something to say about this ourselves, and we expect to assert our right on the 24th of April next."

I will take up somewhat in order the accusations made.

The intimation that Mr. Hoover might have voted in California by correspondence has already been answered, as it was only at the last session that such a right was given.

The story is revived in the speech to which you have just listened that Mr. Hoover was present at a luncheon early in 1920 with Ambassador Grey and others to determine who should be the presidential nominee of the Democratic Party. This fake was exposed within a very few days after this alleged meeting. Mr. Pulitzer, one of those who had been recounted as present, wrote this article to the New York Times:

The Philadelphia North American story, which the New York American reprinted to-day, is pure fake.

[Laughter and applause.]

It is true that I was present at a luncheon given by Colonel House. Lord Grey, Cleveland H. Dodge, and Cyrus H. Curtis were there also. Frank I. Cobb, the editor of the World, whose name appears with mine as having been present, was not at the luncheon. It was merely a social affair. Mr. Hoover's name was never mentioned in my hearing. Mr. Hoover himself was not present.

[Applause.]

Just how they got that inserted picture, I do not know, but I presume at some photograph gallery.

How poverty stricken must be the accusers of Mr. Hoover on this 13th day of March, 1928, when they must resort to such a discredited and untrue story. [Applause.]

Then it is said Mr. Hoover had not defined his attitude on the League of Nations and that he favored the league in 1919 and 1920.

Well, if you refuse eligibility to the Presidency for those who favored the League of Nations in 1920, you will reduce the number very materially. On the blacklist which you would create you would include the names of Chief Justice Taft, Charles E. Hughes, Elihu Root, Jacob Schurman, our ambassador to Germany, and a multitude of others of our best and leading citizens, and I commend to the gentlemen an examination of the list of presidential candidates whom he has named. Were not some of them in favor of the League of Nations in 1920? [Laughter and applause.]

Now, let us see what the facts are. Immediately upon the development of reservations by the Republican Members of the Senate, Mr. Hoover strongly supported them and has supported them ever since. [Applause.] On this subject he said on September 15, 1920, in a prepared statement published in the press:

I am glad to respond to your request for my views on the League of Nations controversy. I stand consistently for a League of Nations to minimize war; and, moreover, I stand for the league with alterations in the direction pointed by the Republican reservations.

He was in line in this regard with Presidents Harding and Coolidge, and with a majority of Republican Senators.

Membership in the league is not probable now, but that does not mean to leave out of consideration that in 1919 and 1920, when the dread of war rested with terrible weight on patriotic men here and everywhere, some were groping, others were praying, for a means by which the horrors of war might be avoided, and the League of Nations was in the forefront among methods to be adopted. We have not regarded it as a wicked institution. We have accepted the invitations of the league to be present at many conferences and to cooperate. For Europe it certainly has been a very beneficial institution, and Mr. Hoover was justified in saying that the danger of war would rest on Europe if it were not for some such organization as this.

Again he falls into the error of repeating the misrepresentation of Mr. Hoover's residence in the United States, which has been so repeatedly exploded in the press. He asserts Mr. Hoover was absent from America for 20 years of his adult life.

What are the facts? Except for two years prior to the war, I believe in 1907 and 1909, he was during some portion of each year at home in the United States. His neighbors have shown that for the last 19 years he has maintained a home in California on the campus of Leland Stanford University. There his two sons, now grown, were educated. This is an absolutely false accusation.

I may mention another incidental fact. Since the income tax law came into effect in 1913, every year Mr. Hoover has paid an income tax to the United States.

Now, people do not pay an income tax for amusement; they pay it when they regard themselves as residents of the jurisdiction in which the tax is imposed. The gentleman omits to mention the benefits that this country obtains by our engineers going abroad. They have introduced American methods, Ameri-

can equipment, and American machinery, and have greatly stimulated American trade. He omits to mention that Mr. Hoover, by his broad comprehension of international affairs obtained when he was an engineer in other countries, has been enabled as Secretary of Commerce to greatly expand American exports, and aid in the number of jobs for workingmen and returns to the American farmer during his term as Secretary of Commerce.

Again, my friend says that Mr. Hoover is not a Republican. Since 1909 he has been a member of the Republican Party in good standing. Mr. Calder, once a Member of this House and a Member of the Senate, has only recently said:

> Mr. Hoover is a member in good standing of the National Republican Club. He first joined the club in 1909, the same year that I did. The condition of membership in the club has always been membership in the Republican Party.
>
> No one will get anywhere by questioning the soundness either of Mr. Hoover's Republicanism or of his Americanism. Both are too well known to need any defense except a simple statement of the facts.

[Applause.]

But it is said that Mr. Hoover was voted upon in the Democratic primary in the State of Michigan. Let us recall the facts about this also. On February 21, 1920, Mr. Hoover was requested by the Democrats of Georgia to have his name entered as a candidate for the nomination for President. On February 26 he declined. On February 29 he was qualified in Michigan on both the Republican and Democratic tickets by the filing of petitions without his approval. That was the law of the State.

Against both entries Mr. Hoover protested. In April he received 22,000 votes on the Democratic ticket, which he led, surpassing McAdoo and other well-known Democratic candidates. But the gentleman from Ohio omits to state that he received 49,000 votes at the Republican primary in Michigan on the same day. [Applause.]

In the State of Ohio he received for the Republican nomination for President 10,467 votes, which were written in. Secretary Hoover refused to allow his name to be placed on the Democratic ticket in California and Oregon. Also he made a similar refusal in Massachusetts.

In the latter State he was asked, on April 10, if he would take the Democratic nomination, and he answered stating that he would not; but his name was entered by his friends in the Republican primary in California and he received over 200,000 Republican votes in that State. [Applause.]

Let me make a suggestion. As a good party man the gentleman ought to favor a candidate who can draw to himself so large a number of Democratic votes [laughter and applause], because it would be an advantage to his party in the time of election to gather not merely saints but sinners to our support. [Laughter.]

My colleague's intent was to represent Mr. Hoover as a Democrat because in the early part of 1920 he endeavored to avoid being dragged into a political wrangle. For this I honor him. He was conducting his noble task during the war on a nonpartisan basis, as it was his duty to do. He protested against being dragooned into party conflicts while he believed political activity would injure the work he had undertaken and which he was carrying on to the lasting glory of the American people. [Applause.]

It was stated in 1918 he favored the election of a Democratic Congress. That is not true, either. What he favored was the election of a Congress that would support the President, and that support included Republicans as well as Democrats. I believe there are now on this Republican side at least 50 Members who were candidates for election to this House of Representatives in 1918, who, notwithstanding the statement that he made in 1918, are friends of Mr. Hoover in this contest for nomination. [Applause.]

What he did favor was the election of a Congress to support the President in the terrible war that was pending. He knew that Germany and the Central Powers were exhausted and were seeking an armistice. He realized that if an election should occur in which the President, who was the target for the shafts of malice, and who stood for the United States in the colossal struggle, was discredited, new hope would be created in the minds of our enemies, and thus, as a patriotic American, he favored the President of the United States in the midst of this awful contest. Again, after the nomination of President Harding, when the contest for election was beginning and each man must take a stand, Mr. Hoover, in unequivocal statements, came out in favor of his election. He sent the following telegram to the presidential nominee:

JUNE 13, 1920.

Senator WARREN G. HARDING:

I hasten to tender you my most cordial personal congratulations on your nomination and on the great opportunity which it affords you to interpret the desires of the American people.

On June 19, 1920, he gave out a statement, as follows:

I need not reiterate my conviction that the constructive ability, so critically needed for the vigorous business reorganization of the Federal Government and to meet the many economic issues before us, lies in the Republican Party. For all these reasons I believe that those of us who look upon party organization not from the point of view of partisanship but solely from the point of view of its usefulness as an agency of maximum service to the country, should support the Republican Party at the polls.

For seven years he has been a member of the Cabinets of Presidents Harding and Coolidge, and has most cordially supported both in their policies. During this period he has made more speeches for the Republican Party than any other member of the present Cabinet.

On the 26th of October, 1926, in the gentleman's own district, in the city of Springfield, Ohio, he made an address widely circulated by radio, which was most forceful and effective, and which rings true in its genuine Republicanism. For this speech Senator WILLIS wrote a very strong letter of thanks, saying that it had contributed greatly to his election. [Applause and laughter.] So much for his Republicanism.

My colleague is totally mistaken about the action of the Food Administration. The gentleman from Ohio has not even taken the trouble to read the statements made by four great farm leaders of the country within the last three months, again restating that Mr. Hoover had no part in the determination of the price of wheat, and that the price was determined with their approval. No action was taken by Mr. Hoover which would affect the interests of the farmer except after submission to and approval by the agricultural advisory board, appointed by the Secretary of Agriculture, representative of every part of the farming community. It was not for him in his great position to go into every detail, such as the price of bread, and I might perhaps give a reason why the price of bread was higher in this country than abroad, but I shall not enter into a digression to state that. He was occupied with the great generalities of his task. The price of wheat was fixed for him to execute. I dismiss this idea that wheat ought to have been $8 or $10 a bushel. Do you think the people of this country would have stood for any such excessive price as that? It is true that pork on the hoof did go to 18½ cents a pound, and the price of farm products rose so that some farmers were made rich. Too many of them were infected with a speculative disposition, from which they have suffered ever since.

I sympathize with the plight of the farmer, but Mr. Hoover in the performance of his great office had to take into account the welfare of the consumers of the country as well as the producers, and if at any time he showed any partiality or any leaning it was for those who tilled the soil, the farmers of the country. The gentleman goes further and incorrectly states Mr. Hoover's present views. He does not recount the many most valuable services that Mr. Hoover and the Department of Commerce have rendered to agriculture. He makes the preposterous statement that Mr. Hoover has been against the farmer for the past 10 years—I do not know but he said 20 years. On an occasion in 1925, when Mr. Hoover was called before an agricultural commission appointed by the President, his sympathetic and constructive statement at that time was reported to the President by my colleague who has just spoken as the best analysis of the agricultural situation.

But it is said that Mr. Hoover has not been friendly to agriculture. On this subject I wish to read a letter from a Congressman of whom I will only say at present he is a prominent supporter of agricultural legislation in this House, and, Members of the House, I ask your special attention to this letter:

JANUARY 21, 1925.

DEAR SECRETARY HOOVER: I read your release of January 20 with a great deal of interest. You have the ideas that will put agriculture on its feet, and you have the confidence of the producers of the country of all kinds that would make your leadership easy.

Although some of my friends have suggested my name to the President as Secretary of Agriculture, I am inclined to go to the President and urge your appointment. I don't know of anybody who fits the place so well as you. It seems to me those under discussion have ex-

hausted themselves in the past without results and the need for you seems to be very great.

I am inclosing copy of a letter which I wrote the President a year ago, showing you how strongly your ideas impress me.

Mr. MADDEN. Could the signer of that letter by any chance be Mr. BRAND of Ohio?

Mr. BURTON. Wait a bit—look and listen! Who wrote that letter? CHARLES BRAND, a Member of Congress from the Seventh district of Ohio. [Applause and laughter.]

Mr. BRAND of Ohio. Mr. Speaker, will the gentleman yield?

Mr. BURTON. I prefer not to yield.

Mr. BRAND of Ohio. What is the date of that?

Mr. BURTON. January 21, 1925. [Laughter.]

I do not ask for an appeal from CHARLES drunk to CHARLES sober [laughter], or from CHARLES sober to CHARLES drunk [laughter], because I understand he is on the water-wagon all the while, and such an appeal would be inappropriate; but I do appeal to him to know whether he was right in January, 1925, or in March, 1928. [Laughter.]

There is something more here. He was willing to thrust aside the agricultural crown for himself, as his name had been suggested. Never a finer instance of self-abnegation since Julius Cæsar refused to accept a crown [laughter] at the feast of the Lupercal. He said in effect: "I do not want it, because you are the man." Because he thought Mr. Hoover the best and ablest friend of agriculture.

Then again, a few days later, he wrote:

JANUARY 27, 1925.

HON. HERBERT HOOVER,
Secretary of Commerce.

DEAR SECRETARY HOOVER: I have your favor of the 22d. I did see the President since I called on you and told him I thought he ought to insist on your accepting the position of Secretary of Agriculture.

Very truly yours,

CHARLES BRAND.

But, Mr. Hoover declined, stating he could be of more service to agriculture in the Department of Commerce.

My colleague makes the statement that for 10 years Mr. Hoover has been unfriendly to agriculture and that for five years, or since 1923, he has known who were the friends of the farmer and who were not. Did he not have all necessary information to decide this question in January, 1925, and what but partisan bitterness has changed his mind to-day? It should be noted that the work of Mr. Hoover as Food Administrator had been completed for more than five years before my colleague wrote his letter of January, 1925, setting forth the supreme qualifications of Mr. Hoover for the position of Secretary of Agriculture. Why should the severe criticism of that administration, which has just now been uttered, be brought forward at this late hour?

VIEWS ON PROTECTIVE TARIFF

He maintains that Mr. Hoover is not friendly to the protective tariff. To know that this is not a fact he only needed to read the planks of the Republican Party platform and the speeches of President Coolidge, both of which Mr. Hoover has warmly supported. He would also need only to read the many addresses Mr. Hoover has made on behalf of the Republican Party, favoring the tariff in various political campaigns, to know that this accusation was grossly incorrect. I quote an excerpt from an address by Mr. Hoover delivered at Topeka, Kans., October 26, 1926, at a Republican rally in support of the election of Senator CURTIS and Republican candidates for Congress:

No one can say that our farmer has not enjoyed higher prices for many of his products as the result of the duties collected upon $740,000,000 worth of imported agricultural products. And when our opponents discuss reducing the tariff they mean not alone reducing the tariff on cotton goods, steel, or typewriters, they mean also to reduce the tariff on wheat, on wool, on meat, butter, and flaxseed. I do not for one moment believe that the farmer wishes to abandon this great measure of protection. Moreover, our farmers are vitally interested in maintaining high standards of living amongst our workers in other industries than agriculture.

The sole market of the full stomach at home is better than the chance to compete for the stomach of the underfed worker abroad whose buying power is limited. How important this is, is shown by the record of consumption of agricultural products in the year 1921 when we were overwhelmed with unemployment and the buying power of our own workers was limited. In that year the American consumption of meats, fats, and other refined agricultural products dropped nearly 18 per cent, an amount greater than our total foreign market of agricultural commodities.

I also quote briefly from another address delivered by Mr. Hoover, at Duluth, Minn., on October 23, 1926, at a Republican rally, in which he elaborated upon the benefits of the present protective tariff law:

* * * I well recollect that at the time the tariff law was passed it was predicted it would destroy our foreign trade, yet under it our foreign commerce—both imports and exports—have steadily increased until they have reached the highest volume known in all the peace-time history of our country.

It was predicted that it would unreasonably increase prices, yet Government statistics show price levels of articles on the tariff free list have increased on average more than the price list of articles on the protected list.

It was predicted that under the increased tariff incentive to efficiency in industry would be decreased because of the lessening pressure of competition, but our country shows to-day that never in any period in any land has there been such a remarkable increase in industrial efficiency on the part of both employer and employees as has been witnessed in our country during the last five years.

It was predicted that the tariff law would retard American prosperity, but under it we have come into the fullest measure of prosperity that the world has ever witnessed.

It was predicted that this tariff law would make the rich richer and the poor poorer, but there was never in the whole history of the country so little poverty and so wide a diffusion of comfort as there is to-day.

HOOVER THE MAN—HIS ACHIEVEMENTS

Mr. Speaker, I shall make no extended encomiums on Mr. Hoover. In paraphrasing a great oration delivered in this Capitol 98 years ago, I may say "He needs none." The world knows his record by heart. No one living has, with the magic touch of efficiency and humanitarian purpose, had to do with a larger number of notable accomplishments, domestic and international.

Whenever a competent administrator has been needed, whether at home or abroad, whether in the flood-stricken regions of the Mississippi Valley or the hills of Vermont, his name has been the first to be suggested.

If party antagonism or personal animosities may cause attacks upon him, if the violence of faction shall question his record, it nevertheless stands secure. If the arrows of defamation are aimed at him, they will fall harmless at his feet. And whenever that record is questioned or his deeds forgotten it will be a sad day for America, for it will then appear that achievements which give glory to the American name lack appreciation and may be smothered by the voice of party strife or personal jealousy. [Applause.]

Let us consider the case of Belgium—like the Niobe of nations there she stood, childless and crownless in her voiceless woe. In the "fields where poppies grow" the graves of the dead were thick, trampled down by the heel of the invader. The gaunt specter of famine and disease spread over the land. Hope was lost. There was anguish among the women and children, but their tears could not number the dead. On this occasion there was one who took charge with a firm hand and brought aid from friend and foe. He fed the famishing; he provided shelter for the homeless, succor for the sick; he lifted up the heads of the broken hearted and brought them from despair to hope and life. Who was this? It was an American—Herbert Hoover.

After the armistice he again intervened for the healing of the terrible wounds of the war. With organization after organization he compassed 22 nations in a battle against suffering and sorrow, anarchy and disorder. Literally, 10,000,000 of human beings are alive to-day who otherwise would have been engulfed in the greatest catastrophe which the world has ever known. And has not all America gloried in this manifestation of her efficiency and her idealism? And is this not the answer to every challenge of the lack of Americanism?

This is the candidate presented to the people of Ohio and the country.

I commend to my colleague's attention a vote deliberately taken in the town of Ravenna, in the county of Portage, last Friday evening, one of the strongholds of the favorite son, a dry county, and having a rural population. In that vote 116 expressed their personal preference for Herbert Hoover and 53 for FRANK B. WILLIS. [Applause.] I think this expresses the sentiment of the people of the State of Ohio.

I am myself a candidate for delegate at large. I may be defeated. If so, I shall go down in a good cause and for a good man. I shall go down believing that the question of the

selection of a presidential candidate is not to be determined by local considerations or even by personal partiality, but with that broader vision which looks the country over and selects the most capable, the most competent, and most available man. [Applause.]

I should have been able, if time had permitted, to give a more adequate account of the remarkable achievements of a life of extraordinary activity on behalf of the American people, in the benefits of which many nations have shared. I hope to extend my remarks with a summary of these accomplishments.

I deplore this unprecedented attack to which I have listened. It does not seem to me appropriate in this forum. I regret its presentation in this House. I commend to my good colleague a more careful consideration of the questions pertaining to the presidential primary and presidential qualifications. Who is his candidate anyway? Is he for Senator WILLIS, who stood up and voted against the McNary-Haugen bill, which he has just now eulogized in this House? [Applause.] Or is that candidacy a smoke screen for some other candidate who favors the McNary-Haugen bill? [Applause.] I hope he will experience a revival of his better self, as illustrated by his letter of January, 1925, and may I not indulge in the hope that when his bitterness of feeling is allayed he may yet see the light more clearly and recognize that so unjust an attack on a man who is quietly, efficiently, and faithfully doing his duty is vicious and unworthy of himself.

On the subject of political activities in the Department of Commerce, I read an order that was issued by Secretary Hoover on January 27, 1928:

MEMORANDUM TO BUREAU HEADS

It is possible that out of zeal and personal loyalty, some of the members of your bureau are engaged in political activities. While I have had no specific complaints, I feel that it is desirable that you pass out the word cautioning all employees against any possible action of this character.

HERBERT HOOVER.

What of the great number of postmasters, of internal revenue collectors, and of United States marshals who are working night and day for the favorite son in the State of Ohio? If their activities were to be removed, the advocates of Mr. Hoover in the State might go to sleep and sleep until the 24th of April with absolute confidence of victory.

In conclusion I appeal to the House and the country for that fair play which should be granted alike to those in high official station as well as to those who dwell in the ranks of the lowly. Such an appeal, though sometimes submerged by the din of party strife or personal ambitions, must ultimately prevail. [Applause.]

ACCOMPLISHMENTS AND PUBLIC SERVICE OF HERBERT HOOVER

1. Began self-support at age of 13.

2. Earned his own way through college, graduated as an engineer in 1895.

3. Twenty years of successful engineering practice in the United States and over the world, installing American methods and machinery.

1912

4. Elected trustee of Stanford University; raised the funds and built the Stanford Union for the students.

1914

5. Represented the city of San Francisco in Europe, securing participation of various governments in their exposition.

6. Organized and directed the American relief committee in Europe and assisted 160,000 stranded Americans out of the war zone.

7. Organized the Belgian Relief Commission, which for four and one-half years under his administration until 1919 fed and clothed 10,000,000 Belgians and French people, and raised the finance therefor, amounting to over $1,400,000,000.

1917–1918

8. Organized the United States Food Administration, directing it until June, 1919. During this time so organized American food production and so reduced consumption as to increase our food exports from 6,000,000 tons annually pre-war to the rate of 20,000,000 tons annually, thus providing the margin which held the Allies in the war and supplied our own soldiers abroad. Handled food purchases to the value of over $7,000,000,000 and from it not one single scandal or charge has ever been developed.

9. Member War Council, Export Council, chairman United States Food Administration, Grain Corporation, Sugar Equalization Board.

1919

10. With headquarters in Paris, after the armistice, November 11, 1918, organized the disposal of the farmers' surplus created for war purposes and then brought into competition with surpluses of cheap food from the Southern Hemisphere, and in doing so maintained the price of all farm products until the entire production of 1918 was disposed of.

11. Organized and directed the food supplies of enemy and liberated countries of Europe as part of the Supreme Economic Council activities, of which he was the American member—including Poland, Germany, Austria, Jugoslavia, Rumania, Czechoslovakia, Esthonia, Austria, Finland, Lithuania, Latvia, and Armenia. These supplies exceeded $600,000,000, of which over $300,000,000 was paid for in cash and the balance on loans.

12. Directed many activities in restoration of Europe by opened ports, canals, and reestablishing communications and railway services between countries; directed coal production and distribution in Central Europe generally and such other efforts as would reestablish economic life and stability.

13. Organized American relief administration for care of destitute children of enemy and liberated territory, feeding, clothing, and giving medical care through American charity to over 10,000,000 children, and carrying this on until July, 1922, raising therefor over $80,000,000.

14. Organized the campaign against typhus epidemic raging in eastern Europe, reducing it from 600,000 to 10,000 cases in six months.

1920

15. Founded the Stanford University War Library, now the most extensive library in the world upon the war and its consequences, with students from many foreign countries.

16. Organized and secured the endowment for the Food Research Institute at Stanford University.

17. Organized the national drive for $33,000,000 for continued care of the destitute European children in Germany, Austria, Poland, and other liberated states.

18. Organized from the Belgian Relief Commission remaining funds, the C. R. B. Foundation for support of education and scientific research in Belgium and exchange of Belgian and American students and professors, acting as chairman since that time.

1921

19. Organized the A. R. A. Children's Fund with an endowed income of $250,000 per annum, and the American Child Health Association for promotion of health protection to American children, raised the annual cost of $350,000 and acting as its president since that time. This association in cooperating with public authorities has brought the health protection of American children to the forefront. The establishment of "May day" as child health day is the work of this association. Incidentally it has assisted both the health of children and our farmers by increasing milk consumption.

1921–1928

20. As Secretary of Commerce he brought about an entire reorganization of that department, by which it has been lifted from the most obscure Government department to among the first rank in the public service it performs. The department has expanded by the assignment of bureaus from other departments and the added duties imposed by Congress, each division growing steadily in efficiency and usefulness under officials of the highest type.

21. Reorganized the Foreign Trade Service of the United States. In cooperation with manufacturers and merchants our American exports have been greatly expanded, contributing thereby to the employment of our workers and prosperity of all groups. As an indication of the success of the new organization, the individual demands of our merchants and manufacturers for specific services have increased from 200,000 annually to over 2,000,000 annually. To-day the foreign trade of the United States is 35 per cent above pre-war, even after the depreciation of the dollar has been deducted, whereas other nations engaged in the war have only recovered their pre-war trade.

22. The great after-war collapse and vast unemployment which followed it was universal throughout the world. Hoover met this situation by calling a great unemployment conference of 1921 of leading employers, commerce and labor leaders of the country; inaugurated a cooperative campaign for the resumption of employment, through public works, through enlarging employment, and through the general clean-up campaign so that more individuals received some income each week. The result of increased employment by these means soon brought increased buying, and the wheels of production started so rapidly that within six months our employment problem had disappeared, whereas that of foreign nations has only been met by doles and continued failures.

23. Inaugurated the country-wide campaign for elimination of industrial waste by cooperation between manufacturers, merchants, transportation, and consumers, the object of which is to decrease production costs, stabilize business, and reduce prices to consumers. The problem has been attacked through reduction of booms and slumps of the business cycle, organized cooperation between shippers and the railways, reduction of seasonal employment, enlarged use of electrical power; by the use of waste materials, by development of scientific research, by development of commercial arbitration, reduction of labor strife, development of waterway transportation, establishment of standards,

grades, and qualities in products to protect the consumer; the elimination of unnecessary varieties in commercial commodities; the establishment of standards and business practices and ethics; simplification and improvement in business practices, etc. Over 85 industries have participated under committees of their own selection with definite results of great importance.

24. Appointed a nation-wide committee representing the phases of the construction industries, including material manufacturers, contractors, realtors, labor and public officials upon the seasonal operation of the construction industries. This committee, after exhaustive investigation, made most important recommendations. The better understanding of the problem brought about by the committee's exhaustive report and the cooperative activities established in "follow-up" in the most important localities have had a marked effect. The annually enlarged building program of the country has been handled in large part by extension of the building season into the winter months; this has had a stabilizing effect upon prices and given increased annual earnings to workers, not only in construction but in the construction-material business. The price of most building materials has, in fact, decreased despite the large increased demand. It is estimated that fully 50 days have been added to the season.

25. Being convinced that both from a social and economic point of view home ownership and home building was one of the greatest necessities both for the comfort and security of our people and for the maintenance of employment in the construction industries, Mr. Hoover directed a nation-wide movement to this end. Aside from the movement to bring about decreased cost of construction by decreasing seasonal idleness in these industries, he established committees for simplification of municipal building codes, in cooperation with the industries and municipalities, and resulted in reduction of costs of home construction. He initiated the better-homes movement in which 4,000 different committees in the United States now actively take part, and made a further contribution through the standardizing and simplification of dimensions in building materials. Residential building has increased from 25 per cent to 45 per cent of our annual construction.

26. Instituted the Federal Specifications Board to unify the diverse buying specifications of the Federal departments, resulting in large savings in the costs of Government purchases and the greater stability of manufacture. At the request of various governors and mayors, this was later extended into cooperation with State and municipal and institutional purchasing agents, resulting in further savings to the taxpayer. Many of these specifications (which were all arrived at with the advice of practical manufacturers and independent technical advisers) have been adopted into private buying, to the mutual benefit of consumers and the producer.

27. In cooperation with the lumber industry, he undertook the conservation of our forests by the elimination of waste in production through the establishment of standards in quality and simplification of dimensions. For many years bills were introduced to Congress to "purify" the lumber industry, but by cooperative movement in the industry itself these things have been accomplished without legislation and with enormous benefit to the public. This industry estimates that $250,000,000 a year is being saved as a result of this organization.

28. He gave new life to the movement for the development of midwestern waterways by visualizing them as a single great transportation system to be interconnected and completed as a whole on modern lines. He greatly aided the Mid West in securing the necessary legislation and appropriations by developing national understanding of the great importance of the problem.

29. Organized investigation and study of the development of commercial aviation in foreign countries and the preparation of plans for development in the United States; cooperated with Congress in creating the commercial aviation division in the Department of Commerce as a result of which we are now excelling all foreign progress, and that by private initiative without Government subsidies, which have been depended upon in other countries.

30. Established with leading business men, economists, and labor leaders a national investigation of the causes and remedy of the "business cycle," i. e., the periodic occurrences of hard times and unemployment. The conclusions of this committee were adopted into the Government and business world to an extent which has contributed materially to the recovery from the war and the growth of stability in the country.

31. Organized the campaign against the British East Indian rubber monopoly which had raised the price of rubber (of which we import 900,000,000 pounds annually) to $1.10 a pound, the final result of which was a reduction in price to 33 cents a pound, or a saving of possible cost of $700,000,000 a year to the American automobile user.

32. Organized the relief of the Russian famine, which prevented the starvation of 15,000,000 children in 1922 and continued to care for 3,500,000 children for a year after the famine.

33. As chairman of the President's St. Lawrence Water Commission initiating a survey and report on the project by Canadian and American joint engineering commission, upon which negotiations have been instituted with Canada for its construction. Secured also a joint report on the causes of the fall in lake levels so damaging to lake shipping, with recommendations for their remedy which are now also under negotiation with Canada.

34. Was president of the International Radio Conference of 74 nations in 1927 which unanimously agreed upon treaties protecting the radio listener and lives at sea through control of international radio communication.

35. Took part in encouraging American merchant marine through the Department of Commerce agencies and in support to Congress of measures for its upbuilding.

36. For four years carried on the promotion of radio broadcasting, preventing interference through voluntary regulation, through annual conferences, ultimately developing the radio law which secures the control of radio wave lengths to the people through the Federal Government.

37. Opposed the cancellation of the war debts and, as a member of the War Department commission, participated in bringing about settlements which yield a large annual return to the American taxpayer.

38. As chairman of the Colorado River Commission, brought about agreement and a recommendation to the seven basin States of the compact to settle the 20-year dispute over water rights which has blocked all development of the basin.

39. Chairman and active director of a national drive for a fund of $20,000,000 with which to assist scientific research through the National Academy of Sciences, of which some $9,000,000 has already been assured.

40. Directed the Mississippi flood relief providing for the rescue, care, and rehabilitation in their homes of 650,000 American citizens who were victims of the disaster.

PRESENT POSITIONS

1. Secretary of Commerce.
2. President American Child Health Association.
3. Chairman A. R. A. Children's Fund.
4. Chairman C. R. B. Educational Foundation.
5. Trustee Carnegie Institution.
6. Trustee Stanford University.
7. Chairman St. Lawrence Waterway Commission.
8. Member of central committee, American Red Cross.
9. Member advisory board, Hoover War Library and Food Research Institute.
10. Chairman Better Homes in America.
11. Honorary president Izaak Walton League.

PAST POSITIONS

1. President American Institute of Mining Engineers.
2. President American Engineering Council.
3. Chairman American Relief Administration.
4. Chairman Commission for Relief in Belgium.
5. United States Food Administrator.
6. Member War Council.
7. Chairman United States Food Administration and Grain Corporation.
8. Chairman United States Sugar Equalization Board.
9. Chairman Allied Food Council.
10. Chairman American Relief Administration in—

Germany, Poland, Russia, Lithuania, Estonia, Finland, Latvia, Serbia, Czechoslovakia, Armenia, Rumania, Austria, and Hungary.

11. Member Supreme Economic Council.
12. Chairman European Food Control.
13. Chairman European Coal Council.
14. Vice chairman Second Labor Conference.
15. Chairman European Relief Council.
16. Member advisory board, Washington Arms Conference.
17. Member World War Debt Commission.
18. Chairman Colorado River Commission.
19. President International Radio Conference.
20. President National Conference on Street and Highway Safety.
21. Chairman National Committee on Wood Utilization.
22. Chairman National Radio Conference.

HONORARY MEMBERSHIPS

1. American Institute of Mining Engineers.
2. Canadian Mining Institute.
3. Engineers Club, New York.
4. Engineers Club, Philadelphia.
5. American Institute of Architects.
6. American Society of Civil Engineers.
7. American Society of Mechanical Engineers.
8. Western Society of Engineers.
9. Rotary.

GOLD MEDALS

Mining and Metallurgical Society of America—for contributions to technical science.

Institute of Mining Engineers—for engineering accomplishments.

Belgian Government—for service to the nation.

National Institute of Social Sciences—for public service.

Civic Forum—for public service.

National Academy of Sciences—for contributions to the advance of science.

University of Vienna—for humanitarian service.

Roosevelt Memorial Association—for public service.

HONORARY CITIZEN OF—

Belgium, Finland, Poland, Estonia—freedom of various cities.

Honorary degrees in recognition of public service from 36 different universities and colleges.

ARTICLE BY HON. RICHARD ELLIOTT

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to insert in the RECORD an article written by Hon. Richard Elliott with reference to the Arlington Memorial Bridge.

The SPEAKER. The gentleman from New York asks unanimous consent to insert his remarks in the RECORD by printing an article written by Hon. Richard Elliott. Is there objection?

There was no objection.

Mr. REED of New York. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following article written by Hon. RICHARD N. ELLIOTT, Representative in Congress from Indiana and a member of the Arlington Memorial Bridge Commission, published in the National Republic for March, 1928:

ARLINGTON MEMORIAL BRIDGE—A CENTURY-OLD DREAM IS GIVING AMERICA THE MOST BEAUTIFUL BRIDGE IN ALL THE WORLD

If the spirit of Andrew Jackson could now visit the beautiful Capital of the Nation it would view with pride and satisfaction the construction work of the Arlington Memorial Bridge and witness a century-old dream coming true. When General Jackson was President of the United States he conceived the idea that a bridge of enduring granite should be erected across the Potomac River at Washington, symbolical of the union of the North and the South. The project for the bridge, however, in spirit as well as in design, first found expression in an address by Daniel Webster on the occasion of the laying of the cornerstone of the extension of the United States Capitol on the 4th day of July, 1851. At that time a heated controversy was being waged in Congress by the representatives of the North and the South which finally led up to the Civil War. Senator Webster, in the course of his pleading on that day for the preservation of the Union, the dissolution of which even at that date seemed imminent, exclaimed:

"Before us is the broad and beautiful river, separating two of the original thirteen States, which a late President, a man of determined purpose and inflexible will but patriotic heart, desired to span with arches of ever-enduring granite, symbolical of the firmly established union of the North and the South. That President was General Jackson."

The Civil War, it seems, could not be averted by the efforts of the statesmen of that day, but when the perpetuation of the Union was assured men's thoughts again turned to the idea of a bridge as an expression of the solidarity of the Nation.

Several times Congress has, since the Civil War, attempted to plan legislation which would bring about the construction of the bridge but nothing definite was done until the act of March 4, 1913, created a commission to report to Congress a suitable design for a memorial bridge across the Potomac River from the city of Washington to a point at or nearest the Arlington estate in the State of Virginia. The President of the United States, the Presiding Officers of the two Houses of Congress, and the chairmen of the respective Committees on Public Buildings and Grounds were named members of this commission and $25,000 was authorized for the preparation of plans. In compliance with the above named act, plans were submitted to Congress by the Arlington Memorial Bridge Commission April 22, 1924, and on February 24, 1925, an act of Congress was approved to provide for the construction of a memorial bridge across the Potomac River from a point near the Lincoln Memorial in the city of Washington to an appropriate point in the State of Virginia, according to said plans. This authorized a total appropriation of $14,750,000. By the act of March 4, 1925, an appropriation of $500,000 was made to begin work.

In submitting the plans for the Arlington Memorial Bridge the following technical description was furnished by the architects, McKim, Mead, and White:

"The site of the bridge as recommended in the report of the Senate Park Commission in 1902 is to be upon a line leading diagonally from the Lincoln Memorial on the Washington side, directly toward the Arlington Mansion on the heights at Arlington, the axis of the bridge to be chosen so as to center upon the mass of the Lincoln Memorial at one end and upon the mass of the Arlington Mansion at the other.

The area on the Mall axis at its junction with the Potomac has been treated so as to recognize the importance both of the final feature of a parkway extending from the Capitol to the Potomac, and that of a plaza whence radiate the bridge and important park roads, including access to the Lincoln Memorial and to the river. A glance at the general plan will illustrate the symmetrical arrangement of the bridge and the shore road, both provided with entrance pylons and the monumental flight of steps between, leading to the river, and the whole composition forming a water gate giving access through the Mall with its important monuments to the Capitol Building. The steps form landing places for small boats, and piers at either end for larger ones. The parking on B Street has been shown extending to the river bank, and B Street south has been straightened so as to parallel the Mall axis, terminating with a rond-point at its intersection with the north and south roads leading to the Lincoln Memorial. This rond-point is the site of the Ericsson memorial.

Proceeding in the direction of the Arlington House, there follow in succession the following features of the general composition: The bridge; the treatment of Columbia Island and the Lee Highway; the parkway, thence to and including the main entrance of the Arlington Cemetery; the cemetery grounds.

It is proposed to construct the bridge of granite, as being not only a material of great monumental quality, but also the most enduring, especially when its contact with the water is considered. Of all granites available, that termed the "Bethel White" is the nearest in color to the marble of the Lincoln Memorial, and, in fact, at a little distance would be indistinguishable from the latter, a point considered of the utmost importance.

The bridge has been kept as low as possible, consistent with good proportions, in order not to interfere with the view of the Lincoln Memorial from Columbia Island. It has nine segmental arches of 166 feet span at the ends of the bridge and spreading gradually to 184 feet at the center. The terminal arches rise to a point 28 feet above average water height, increasing gradually to 35 feet in the central arch. The bridge is 2,130 feet long and 90 feet wide, including the sidewalks which are 15 feet in width each; over all, including the parapets almost exactly the width of Fifth Avenue, New York, and as long as from Forty-second Street to the Cathedral at Fiftieth Street, in the same city.

It has been the endeavor of the designers that the architecture be kept as simple and severe as possible, depending for its beauty upon its main proportions and its adornment with significant pieces of sculpture. The entrance to the bridge is marked by two pylons about 500 feet from the Lincoln Memorial. These pylons are repeated at the entrance to the shore road and also at the Virginia end of the bridge; they are 40 feet high, adorned with groups of sculpture and with inscriptions and surmounted by eagles as symbols of the United States of America. This symbol appears also as the only sculptured ornament of the walls of the bridge in the large disks on each pier between the arches. The sculpture of the four pylons represents in different ways the reconciliation of the North and South, the recognition of their common bonds and aspirations, and the final triumph of the idea of permanent and brotherly union.

The pairs of figures on the parapet of the bridge represent symbolically the outcome of that harmony, the result of the energies of the entire country in the arts of peace—those inventions, accomplishments in science and art peculiarly connected with the history of this country. Here would be symbolized the agricultural, mining, electrical, educational, and artistic progress, to mention but a few categories of action. In the opinion of the architects this sculpture vitalizes the entire conception of the design of the bridge, differentiating the memorial from others and making its existence and meaning intelligible at a glance.

The central arch of the bridge is required at present to be a draw. The bascule form of draw has been adopted as interrupting to the least possible degree the unity of the bridge. The introduction of the iron arch, though in a construction designed to be in the highest degree monumental, is to be regretted, and as very few ships pass up the Potomac it is to be hoped that permission will be granted, when the bridge is built, to do away with the draw entirely and replace it with a granite arch similar to the rest.

A large part of Columbia Island is under water the larger part of the year. It has always been considered, though, by the original park commission and subsequently by the Commission of Fine Arts as a site for formal treatment, a fitting end to the bridge as well as an attraction in itself. Accordingly the lines of the shore have been shown more or less rectified in order to permit of a cross axis running the length of the island at right angles to the axis of the bridge. The intersection of these two axes has suggested a plaza with fitting architectural adornment in a measure supplementary to the Lincoln Memorial across the river. Two columns are shown here, framing in but not interfering with the view of the latter. These columns symbolize one the North and the other the South. They are surmounted by statues of victory and the stylobates, whence they rise, offer surfaces fit for proper decoration with bas-relief and inscription. The columns are 166 feet high, or practically of the same height as the Colonne de Juillet in Paris.

The Columbia Island axis offers an opportunity to recognize the Lee Highway and make it part of the whole composition. This highway may, with very slight deflection, reach the brow of the Arlington heights, exactly on the axis of the Mall. From this point a superb view would be enjoyed of the bridge, the Lincoln Memorial, the Washington Monument, and the Capitol itself. The Lee Highway would descend always on the Mall axis over the stream between the mainland and the island, by a bridge of a single arch and crossing the island axis continue its course to the water edge, where it is planned to construct a water gate facing and corresponding to that at the Potomac end of the Mall.

The intersection of the Mall and island axis alluded to above suggests a memorial in the shape of a circular or polygonal temple, mark-

ing the northern end of the important Lee Highway. This would be echoed at the lower end of the island at an equal distance from the Columbia Island plaza, by a memorial or a rest pavilion. The narrow waterway separating the island from the Virginia shore will, it is believed, be popular for boating parties, and a number of landing places have been provided for this purpose. Apart from the formal roads shown and a certain number of small footpaths, it is recommended that in general the island be a wooded one, corresponding as much as possible with Analostan Island. It is urged strongly in this connection that this latter island be acquired by the Government both on account of its natural beauty and as a protection against possible uses of it for purposes distasteful to the eye.

After crossing the bridge over the waterway separating the island from the Virginia shore a formal parkway is shown with two roadways, and a tapis vert between, bounded by hedges and elms and rising on a slight but even grade until after passing the Alexandria Road it abuts on the steep slope leading to the mansion. This abrupt change of grade suggests the creating here of the chief memorial entrance to the Arlington Cemetery. A plaza has been shown here in part excavated out of the hill, whence lead to the north and to the south roads respectively to and from the mansion. The western end of the plaza is bounded by a semicircular retaining wall 30 feet in height and 226 feet in diameter. This retaining wall will be decorated with niches, pilasters, and tablets bearing inscription. Access is provided to the terrace surmounting the retaining wall, whence an all-embracing view of the parkway may be obtained—the columns of Columbia Island, the Memorial Bridge, the Potomac, the Lincoln Memorial, 5,808 feet distant, the Washington Monument, and far in the distance the glistening white dome of the Capitol. Through the trees up to the westward a glimpse of the simple and dignified Arlington Mansion may also be obtained on the top of the heights.

The work of the bridge is now well under way. The piers of the main part are now completed above the water line and they are about to commence the work on the arches. Dredges have been working for a long time pumping the silt from the main channel and building up Columbia Island. It was estimated that it would take about 10 years to complete this bridge and the approaches to the same. When it is done it will be one of the finest bridges in the world, and over it will pass the boulevard leading from the National Capital to the Arlington National Cemetery, also the Lee Highway, leading from the Atlantic seaboard to the Pacific coast, and the road leading from Washington to Mount Vernon, the home of our first President, and from thence on to Richmond, Va., and the Southwest. It will be so constructed that it should last for hundreds and perhaps thousands of years, and will make a fitting entrance into the great Capital of the greatest Nation of the world.

EXPORTATION OF ARMS

The SPEAKER. Under the special order of the House the Chair recognizes the gentleman from Massachusetts [Mr. ANDREW] for five minutes.

Mr. ANDREW. Mr. Speaker and gentlemen, the gentleman from New York [Mr. FISH] yesterday spoke in eulogy of the so-called Burton embargo resolution—H. J. Res. 183—which has been reported by his committee, and condemned the American Legion for having opposed it. I agree with the gentleman from New York in his assertion that this resolution goes much further than one would think at first glance and that it deserves the careful attention of the Members of this House, for this resolution proposes to destroy the industries in this country upon which our Army and our Navy depend in time of an emergency. It provides that we, deliberately, voluntarily, and alone, without any agreement with other countries, shall render our Army and our Navy impotent while strengthening the preparations of the armies and navies of other countries.

If that resolution had been enacted at the beginning of the World War, that war would have ended in the victory of the Imperial German Government. Had it been in effect when we entered the war it would have indefinitely prolonged our part in that war and would have involved for our country the expenditure of many more billions of dollars and the sacrifice of many hundreds of thousands of lives.

I think the Members of this House before that measure comes on the floor ought to carefully inform themselves.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. ANDREW. Yes; but only for a second, because I have only five minutes.

Mr. WAINWRIGHT. I would like to state for the benefit of the gentleman and the House that the Committee on Military Affairs at a meeting this morning passed a resolution memorializing or requestng the Committee on Foreign Affairs to recall this resolution in order that there might be a hearing on it, it having been reported to the committee that there had been no hearing whatever on the resolution and the committee considering it a matter that involves the national defense.

Mr. ANDREW. That is a matter of great importance because the membership of this House, if they seek to inform themselves in regard to the resolution will encounter great difficulty. There are no hearings available upon the resolution. There are no reports from any of the executive departments of this Government. Although it is of vital concern to the national defense, the committee did not ask for a report either from the War Department or from the Navy Department. Although it affects many industries in this country and affects our foreign commerce, they asked for no report from the Department of Commerce. Although it proposes a change in our country's international policy, they asked for no report from the State Department. Neither did they ask representatives of any of these departments to appear and be heard by the committee, and although two years ago an international conference was held to arrange by international agreement, if possible, for the control of trade in munitions, and the United States was represented by five delegates, the Committee on Foreign Affairs, which reported out this measure, did not hear but one of these five delegates, who himself was a member of the committee.

So this bill concerning our national defense, concerning our international policies, concerning our trade and our commerce, was reported to this House without hearings, without any reference to any executive department, and there is no material available to-day for any Member of the House who wants to study this question.

The very language in which the resolution is framed indicates the way in which it was prepared in the committee. One of the first provisions in the resolution prohibiting the export of arms names the different types of arms which shall not be exported, and the first ones named are "muskets, carbines, and rifles." Well, muskets have not been used in the world since more than 100 years ago, and carbines have been unknown for more than a quarter of a century.

The SPEAKER pro tempore (Mr. KETCHAM). The time of the gentleman from Massachusetts has expired.

Mr. ANDREW. Mr. Speaker, I ask unanimous consent that I may have two minutes more.

Mr. CELLER. Mr. Speaker, I ask unanimous consent that the gentleman may have five minutes more. The matter is very important and is one that the Members of the House should be enlightened upon.

Mr. SNELL. Mr. Speaker, we have other matters coming up to-day, and, while I shall not object to the gentleman having two minutes, I hope he will not ask for a longer time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. ANDREW. The second paragraph, itemizing the arms which shall not be exported from this country, classifies the cannon as "long and short cannon.",An inquiry of the Ordnance Departments both of the Army and the Navy reveals the fact that no such classification of cannon as long and short cannon has been known since the time of Admiral John Paul Jones. [Laughter.]

So this bill, framed in amateur language, was reported to this House without any hearings of any representatives of the departments or of anybody outside of the committee, was reported without having obtained any report from any department of the Government, and then, as if it were a minor bill, it was placed on the Consent Calendar and almost slipped through the House without anyone knowing that it had any special significance. I believe the Members of the House will resent this procedure and will disagree with my friend, the gentleman from New York [Mr. FISH], and will be grateful to the American Legion for having brought to our attention this amazing situation. [Applause.]

The SPEAKER pro tempore. Under the special order of the House, the Chair recognizes the gentleman from Arizona [Mr. DOUGLAS] for five minutes.

Mr. DOUGLAS of Arizona. Mr. Speaker and Members of the House, it is probably impertinent for me, a new Member, to follow in the wake of an old and reputable Member of the House, and yet I feel that House Joint Resolution 183 is so important and involves to such an extent the interests of this country that I am not willing to remain entirely silent.

Inasmuch as there are no published hearings on the measure, I have been compelled to make up my own mind from evidence which I have been able to unearth myself. As a result I am opposed to the measure on two grounds: First, because in addition to being a self-imposed enlargement of the definition of neutrality, it is contrary to the Geneva protocol of 1925; and, secondly, because if enacted it will very seriously impair the national defense of this country.

I heard the gentleman from New York [Mr. FISH] arraign the committee on national defense of the American Legion for opposing this measure. He implied that that committee is not a regularly recognized committee of the Legion. In order to correct any impressions he may have left, it should be stated

that the committee on national defense of the American Legion was appointed by the executive committee of the Legion under direction of the national convention of the American Legion for the purpose of considering all questions which pertain to the national defense of this country.

Mr. SIMMONS. Will the gentleman yield?

Mr. DOUGLAS of Arizona. Yes.

Mr. SIMMONS. Do they have authority to commit the American Legion for or against any particular proposal?

Mr. DOUGLAS of Arizona. As to that I am not prepared to speak.

Mr. SIMMONS. I think that is the criticism that has been made.

Mr. DOUGLAS of Arizona. I think, however, that the committee, in the resolution which it enacted, did not commit the American Legion as an organization against this measure. I do know, also, that almost every local post in my State since I wired the State adjutant and the State commander the contents of House Joint Resolution 183, has considered the measure and has replied to me by wire requesting opposition.

Mr. SIMMONS. Assuming now that the committee has no authority to bind the American Legion, and that is the interpretation placed on their action, if the Congress has not the facts on which it can act without further investigation, as suggested by the gentleman from Massachusetts [Mr. ANDREW], how can a post of the American Legion out in my State or in the gentleman's own State arrive at any rational judgment on this bill?

Mr. DOUGLAS of Arizona. I will state to the gentleman, in view of the absolute lack of public information on the question, is it not a very intelligent position to take that the measure should not pass? [Applause.]

This resolution is not only a self-imposed enlargement of the definition of neutrality, but it is specifically contrary to the Geneva protocol of 1925, which dealt with international traffic in arms and ammunition and in implements of war.

Mr. FISH. Will the gentleman yield?

Mr. DOUGLAS of Arizona. Not now. I will later. That protocol was predicated on the principle of equality as between the producing and nonproducing nations. The gentleman from Ohio [Mr. BURTON], whose eloquence has recently held the House in suspense, at the conference at Geneva in 1925 himself just as eloquently plead the cause of the nonproducing nations.

I think it would be pertinent to request from the gentleman from Ohio an answer as to whether he was right in 1925, or whether he is right in 1928. [Applause.] Now I will yield to the gentleman from New York [Mr. FISH.]

The SPEAKER. The time of the gentleman from Arizona has expired.

Mr. FISH. Mr. Speaker, I ask that the gentleman's time be extended two minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. FISH. I am only making this statement to keep the record straight. The gentleman has been talking about traffic in arms conference at Geneva. I want to point out that the terminology used in the resolution uses the exact words agreed upon by all the nations in regard to arms and ammunition at that conference, and when they talk about muskets and cannon those are the terms agreed upon by the nations of the world in the last conference on arms that the gentleman has been speaking about.

Mr. DOUGLAS of Arizona. That has nothing to do with what I have been stating.

As a result of the attitude taken by all the nations at the Geneva conference it was agreed that they should be no prohibition on the exportation of arms which would protect the producing nations against the nonproducing nations; to do so would be to agree to a provision inimical to the sovereignty of the small nations.

The small nations held that if the conference was interested in international disarmament it should not agree to any such provision, for they held that if that conference prohibited the obtaining of munitions of war from producing nations then they would be compelled to expend large sums of money in the erection of their own munition plants. So an absolute embargo instead of resulting in disarmament would as a matter of fact increase national armaments.

The protocol of 1925, therefore, contained only limitations on exportation of certain types of arms, and an embargo on arms to unrecognized de facto governments and to organizations not sanctioned by recognized governments. Article 33 of the protocol lifts all limitations with respect to belligerent nations.

The SPEAKER. The time of the gentleman from Arizona has again expired.

Mr. BUTLER. I ask that the gentleman have three minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. DOUGLAS of Arizona. H. R. 183 would, therefore, do exactly what the Geneva conference refused to do. It would deny the principle of equality which was agreed to at Geneva. It would enact into law a prohibition which would be inimical to the interest of the small nations, and perhaps be inimical to their sovereignty. It would protect the producing against the nonproducing countries. In addition, instead of decreasing national armament it would in effect increase national armament. It would impose an embargo at the very time—that is, time of war—in which the Geneva protocol lifts limitations on exportation of arms. I say that House Joint Resolution 183 not only lacks the force and effect of international agreement, and can not therefore be effective in furthering the cause of world peace, but, in addition, violates the underlying principles of the Geneva protocol of 1925.

Of the 35 nations which signed the protocol only 2, of which we are not one, have ratified it. House Joint Resolution 183 transcends the provisions of the Geneva protocol. By what logic can it be held that this country of its own volition should undertake to enact into law a provision extending far beyond any agreement which has been reached as the result of an international conference?

Had the resolution which is now under consideration been in effect during the World War, Germany would have won the war, or the war would have been greatly prolonged. It was the market offered the munition producers in this country which enabled this country when it did enter the war to be relatively prepared at least with respect to munitions. Due to the demand of the Allies the production of toluol, basic to the manufacture of T. N. T., increased from 700,000 pounds a month in 1914 to 6,000,000 pounds a month at the time of our entrance into the war. Due to the demand of the Allies the production of smokeless powder increased from 1,500,000 pounds a month in 1914 to 45,000,000 pounds a month at the time we entered the World War. Due to the demand of the Allies the production of rifles increased from an amount totally inadequate in 1914 to supply an army recruited to war strength to an amount sufficient to equip our Army when it took the field in 1917. Whatever degree of preparedness with respect to arms we enjoyed in 1917 was due to the demand of the Allies between 1914 and April of 1917.

I submit, therefore, that had this resolution been in effect between the years 1914 and 1917, the United States would have been compelled to take its place with the Allies unprepared not only with respect to men but also with respect to arms and munitions. [Applause.]

American lives would have paid the price.

The resolution now under consideration, if enacted into law, will destroy our policy of national preparedness. It will make impotent our human forces in time of war. American lives will pay the price.

Let us continue to strive for disarmament and world peace by international agreement. Do not let us voluntarily legislate away our right to national existence.

The SPEAKER. The time of the gentleman from Arizona has expired.

REMISSION OF DUTIES ON CERTAIN CATTLE

Mr. GREEN of Iowa, by direction of the Committee on Ways and Means, presented a privileged report, for printing, from the Committee on Ways and Means on House Joint Resolution 217, providing for the remission of duties on certain cattle which have crossed the boundary line into foreign countries, which was referred to the Union Calendar and ordered printed.

CONSTRUCTION OF CERTAIN NAVAL VESSELS

Mr. SNELL. Mr. Speaker, I present the following privileged report from the Committee on Rules, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 134

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 11526, to authorize the construction of certain naval vessels, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed six hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall arise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. McCLINTIC. Mr. Speaker, will the gentleman yield for a parliamentary inquiry?

Mr. SNELL. I yield.

Mr. McCLINTIC. Has any suggestion been made as to the length of time to be taken on this resolution?

Mr. SNELL. On the resolution itself?

Mr. McCLINTIC. Yes.

Mr. SNELL. There will be no time taken at all, practically, unless the gentleman from North Carolina [Mr. POU] desires some time. He told me that he did not expect to want any time. Of course, if he does want some time, I shall be very glad to yield to him.

Mr. McCLINTIC. Inasmuch as the statement is made that this is a unanimous report from the Committee on Rules, would some other Member of the House have a right to be recognized in opposition to the rule, Mr. Speaker?

The SPEAKER. The gentleman from New York [Mr. SNELL] is entitled to move the previous question at any time during his hour.

Mr. SNELL. If the gentleman from Oklahoma desires some time, I shall be very glad to yield to him.

Mr. LAGUARDIA. I would like to have five minutes.

Mr. TILSON. Against the rule?

Mr. LAGUARDIA. Yes.

Mr. McCLINTIC. I would like to have 10 minutes.

Mr. TILSON. Does the gentleman from Oklahoma mean to oppose the rule?

Mr. McCLINTIC. Yes.

Mr. SNELL. Mr. Speaker, the gentleman from Oklahoma was before the Committee on Rules, and if I understood him he said at that time that he was not opposed to granting a rule for the consideration of this bill; and we made a special arrangement whereby he would control some of the time.

Mr. McCLINTIC. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. McCLINTIC. When the rule was up for discussion I made the statement that fundamentally I was opposed to the consideration of legislation of this kind ahead of farm legislation and flood control and matters that related to internal conditions, and the gentleman will surely remember that.

Mr. SNELL. Mr. Speaker, I shall not dispute the gentleman. This resolution provides for the consideration of the bill H. R. 11526. Everyone understands that bill. It simply provides authorization for the construction of 15 cruisers and 1 aircraft carrier. The bill comes to the House with the approval of 20 of the 21 members of the Committee on Naval Affairs.

The resolution comes with a unanimous report from the Committee on Rules. In my personal opinion, this is a reasonable proposition to present to the House at this time. There are certain Members who, perhaps, would have voted for a larger naval construction program than this provides; but taking into consideration the proposition that was put before the Geneva conference, and a general cross section of the feeling throughout the whole country, it is certainly a reasonable program. It is what is needed to keep our Navy in a fair condition, not only to protect our long seacoast, our outlying possessions, to protect our merchant marine, but also our nationals in all parts of the world.

I, for one, have always been for preparedness not only in the Army but in the Navy. I believe the people of this country want everything that is reasonable along this line. This certainly can not be considered a competitive or even an ambitious program. It is a very fair and reasonable program for a country of our size and with our domain. I trust that the rule will be approved by the Members of the House.

Mr. BLACK of New York. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. BLACK of New York. There are some who oppose this bill conditionally. As the gentleman intimated, they favor a larger Navy. There are others who oppose this bill absolutely. Who are to be considered in the distribution of this time?

Mr. SNELL. There was a gentleman's agreement before the Committee on Rules that one-half of this time would be controlled by the gentleman from Pennsylvania [Mr. BUTLER]; that he would yield to the Members on the Republican side equally, those who favored and those who opposed the bill; that one-half the time would be controlled by the gentleman from Oklahoma [Mr. MCCLINTIC], and that he would immediately yield one-half of that time to the gentleman from Georgia [Mr. VINSON], who would yield to those favoring the bill on the Democratic side, while Mr. MCCLINTIC would yield to those opposing the bill on that side of the House.

Mr. McCLINTIC. My understanding is just a little bit different from the gentleman's statement.

Mr. SNELL. I think I have made the statement exactly as it was.

Mr. McCLINTIC. I want to make a statement as to what my understanding of the agreement was with respect to the division of time. I agreed to yield one-half of my time to the gentleman from Georgia, my colleague on the committee, provided that Mr. BUTLER would yield one-half of his time to a gentleman on that side representing the minority.

Mr. SNELL. That is exactly the statement I made, that Mr. BUTLER would yield his time equally.

Mr. BLACK of New York. Does the gentleman from Oklahoma understand that he is to yield part of his time to those in opposition?

Mr. McCLINTIC. I will yield one-half of my time to the gentleman from New York [Mr. LAGUARDIA].

Mr. SNELL. That is not the understanding we had before the Rules Committee. I am willing to go as far as that understanding, but no further.

Mr. BUTLER. I stand by the rule.

Mr. BLACK of New York. The way it looks to me is this: The President has submitted a naval program coming from the Navy Department. As I see it, nobody who is opposed to the President's program is going to get time under this rule unless this tangle is straightened out. The gentleman from Oklahoma has all the time on that side. I favor the President's program.

Mr. BUTLER. I will yield time to the gentleman.

Mr. LAGUARDIA. Mr. Speaker, the statement just made by the gentleman from Pennsylvania [Mr. BUTLER] shows clearly the necessity of having one-half of this time on this side of the House occupied by those opposed to this bill. The gentleman from Pennsylvania clearly set forth that he will allot time to those opposed to the bill because they want more ships. I submit in all fairness that if this bill is to be properly debated and the time equally divided between those for and against the bill, one-half of the time on this side of the House ought to be in the control of somebody who is against the bill.

Let us be fair about this. If one-half of the time is to be given to those who want more ships, you can not say they are opposed to the bill.

Mr. BUTLER. Is there a man who is opposed to this bill?

Mr. BLACK of New York. A man who will take half a loaf if he can not get a whole loaf is not necessarily opposed to the half a loaf. I want to know if those opposed to the program can be heard on the floor of this House?

Mr. SNELL. We had simply the proposition before us to consider this legislation.

Mr. POU. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Certainly.

Mr. POU. When this matter was before the Committee on Rules statements were heard, it seems to me, from gentlemen representing the pros and cons from every angle, and I think that will be the case if we adhere to the agreement.

Mr. SNELL. I do not think anybody would oppose it. The time on the majority side and the time on the minority side, as I say, was to be divided equally, and so far as I know the agreement was satisfactory to everybody who appeared before the Committee on Rules.

Mr. LAGUARDIA. But if the time is not controlled equally by the gentlemen on this side and on that side it will not be equally divided.

Mr. SNELL. Half the time is allotted to the gentleman from Pennsylvania [Mr. BUTLER], who will divide it equally.

Mr. LAGUARDIA. The division of the time ought not to be left to the gentleman from Pennsylvania.

Mr. POU. I think it will be found that the chairman of the Committee on Naval Affairs [Mr. BUTLER] will carry out in good faith the understanding of the committee, that he will yield one-half of the time to those who are opposed to this bill for the reasons set forth by the gentleman from New York.

Mr. LAGUARDIA. The gentleman from Pennsylvania has just stated the contrary.

Mr. BLACK of New York. No; he said he would yield me some of his time. He did not say he would yield to those opposed to the bill. The President's program has got to be considered on this floor.

Mr. SNELL. Mr. Speaker, I can not yield further. I move the previous question on the adoption of the rule.

The SPEAKER. The gentleman from New York moves the previous question on the adoption of the rule. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. LAGUARDIA. A division, Mr. Speaker.

The SPEAKER. The gentleman from New York calls for a division.

The House divided; and there were—ayes 57, noes 7.

Mr. LAGUARDIA. Mr. Speaker, I object to the vote. There is no quorum present. I ask for a roll call.

The SPEAKER. Evidently there is no quorum present. Those who agree to the motion that the previous question be ordered will, when their names are called, answer "yea." Those opposed will answer "nay."

The question was taken; and there were—yeas 321, nays 14, not voting 99, as follows:

[Roll No. 48]

YEAS—321

Abernethy	Dickinson, Mo.	Kahn	Reed, N. Y.
Ackerman	Dickstein	Kearns	Reid, Ill.
Adkins	Dominick	Kelly	Robinson, Iowa
Aldrich	Doughton	Kent	Robsion, Ky.
Allgood	Douglas, Ariz.	Ketcham	Rogers
Andresen	Doutrich	Kincheloe	Romjue
Andrew	Doyle	King	Rowbottom
Arentz	Drane	Knutson	Rubey
Arnold	Drewry	Kopp	Rutherford
Aswell	Dyer	Korell	Sanders, Tex.
Auf der Heide	Edwards	Kurtz	Sandlin
Ayres	Elliott	LaGuardia	Schneider
Bacharach	England	Langley	Sears, Nebr.
Bachmann	Englebright	Lanham	Seger
Bacon	Eslick	Lankford	Selvig
Barbour	Evans, Calif.	Lea	Shreve
Beck, Wis.	Evans, Mont.	Leavitt	Simmons
Beedy	Faust	Leech	Sinclair
Beers	Fenn	Lehlbach	Sinnott
Bell	Fish	Letts	Smith
Berger	Fisher	Lindsay	Snell
Black, N. Y.	Fitzgerald, Roy G.	Lozier	Somers, N. Y.
Black, Tex.	Fitzgerald, W. T.	Luce	Speaks
Bland	Fitzpatrick	Lyon	Sproul, Ill.
Bloom	Fletcher	McDuffie	Sproul, Kans.
Bohn	Fort	McFadden	Stedman
Boies	Foss	McKeown	Steele
Bowles	Free	McLeod	Stevenson
Bowman	Freeman	McMillan	Strong, Kans.
Box	French	McReynolds	Summers, Wash.
Boylan	Frothingham	McSweeney	Sumners, Tex.
Brand, Ga.	Fulbright	MacGregor	Swank
Briggs	Fulmer	Maas	Swick
Brigham	Furlow	Madden	Taber
Britten	Gambrill	Major, Ill.	Tarver
Browning	Garber	Major, Mo.	Tatgenhorst
Buchanan	Gardner, Ind.	Manlove	Temple
Bulwinkle	Garner, Tex.	Mansfield	Thatcher
Burdick	Garrett, Tenn.	Mapes	Thompson
Burtness	Garrett, Tex.	Martin, La.	Thurston
Burton	Gasque	Martin, Mass.	Tilson
Busby	Gibson	Mead	Timberlake
Bushong	Gilbert	Merritt	Underhill
Butler	Goodwin	Michener	Underwood
Byrns	Gregory	Miller	Vestal
Canfield	Green, Fla.	Milligan	Vincent, Mich.
Carew	Greenwood	Mooney	Vinson, Ga.
Carter	Griest	Moore, Ky.	Vinson, Ky.
Cartwright	Griffin	Moore, Ohio	Wainwright
Casey	Guyer	Moore, Va.	Ware
Celler	Hadley	Moorman	Warren
Chalmers	Hale	Morgan	Watres
Chapman	Hall, Ind.	Morin	Watson
Chase	Hammer	Morrow	Weaver
Chindblom	Hancock	Murphy	Welch, Calif.
Clague	Hardy	Nelson, Me.	Weller
Clancy	Hare	Nelson, Mo.	Welsh, Pa.
Clarke	Hawley	Newton	White, Colo.
Cochran, Mo.	Hersey	Niedringhaus	White, Kans.
Cochran, Pa.	Hickey	Norton, Nebr.	White, Me.
Cole, Iowa	Hill, Ala.	O'Brien	Whitehead
Cole, Md.	Hill, Wash.	O'Connor, La.	Whittington
Collier	Hoch	Oldfield	Williams, Ill.
Colton	Hoffman	Oliver, Ala.	Williams, Mo.
Connery	Hogg	Oliver, N.Y.	Williams, Tex.
Cooper, Ohio	Hooper	Palmisano	Williamson
Cooper, Wis.	Hope	Parker	Wilson, La.
Cox	Houston, Del.	Parks	Wilson, Miss.
Crail	Howard, Nebr.	Peavey	Wingo
Crisp	Howard, Okla.	Peery	Wolverton
Crosser	Hudson	Porter	Wood
Cullen	Hudspeth	Pou	Woodruff
Dallinger	Hull, Tenn.	Quin	Woodrum
Darrow	Irwin	Ragon	Wright
Davenport	James	Rainey	Wurzbach
Davis	Jeffers	Ramseyer	Wyant
Deal	Johnson, Ill.	Rankin	Yon
Dempsey	Johnson, Okla.	Ransley	Zihlman
Denison	Johnson, Tex.	Rayburn	
De Rouen	Johnson, Wash.	Reece	
Dickinson, Iowa	Kading	Reed, Ark.	

NAYS—14

Blanton	Collins	Lowrey	Shallenberger
Bowling	Huddleston	McClintic	Steagall
Cannon	Jones	Morehead	
Carss	Kvale	Schafer	

NOT VOTING—99

Allen	Corning	Graham	Kemp
Almon	Cramton	Green, Iowa	Kendall
Anthony	Crowther	Hall, Ill.	Kerr
Bankhead	Curry	Hall, N. Dak.	Kiess
Beck, Pa.	Davey	Harrison	Kindred
Begg	Douglass, Mass.	Hastings	Kunz
Brand, Ohio	Dowell	Haugen	Lampert
Browne	Driver	Holaday	Larsen
Buckbee	Eaton	Hughes	Leatherwood
Campbell	Estep	Hull, Morton D.	Linthicum
Carley	Frear	Hull, Wm. E.	McLaughlin
Christopherson	Gallivan	Igoe	McSwain
Cohen	Gifford	Jacobstein	Magrady
Combs	Glynn	Jenkins	Menges
Connally, Tex.	Golder	Johnson, Ind.	Michaelson
Connolly, Pa.	Goldsborough	Johnson, S. Dak.	Monast
Montague	Pratt	Stalker	Tillman
Moore, N. J.	Purnell	Stobbs	Tinkham
Nelson, Wis.	Quayle	Strong, Pa.	Treadway
Norton, N. J.	Rathbone	Strother	Tucker
O'Connell	Sabath	Sullivan	Updike
O'Connor, N.Y.	Sanders, N. Y.	Sweet	Wason
Palmer	Sears, Fla.	Swing	Winter
Perkins	Sirovich	Taylor, Colo.	Yates
Prall	Spearing	Taylor, Tenn.	

So the previous question was ordered.

The Clerk announced the following pairs:

Until further notice:

Mr. Begg with Mr. Tucker.
Mr. Johnson of South Dakota with Mr. Hastings.
Mr. Yates with Mr. Davey.
Mr. Kiess with Mr. Almon.
Mr. McLaughlin with Mr. Sirovich.
Mr. Palmer with Mr. Driver.
Mr. Kendall with Mr. Sears of Florida.
Mr. Sweet with Mr. Quayle.
Mr. Purnell with Mr. Kerr.
Mr. Michaelson with Mr. Sullivan.
Mr. Swing with Mr. Connally of Texas.
Mr. Pratt with Mr. Harrison.
Mr. Taylor of Tennessee with Mr. Larsen.
Mr. Magrady with Mr. Bankhead.
Mr. Strong of Pennsylvania with Mr. Tillman.
Mr. Lampert with Mr. Jacobstein.
Mr. Buckbee with Mr. Sabath.
Mr. Stobbs with Mr. Igoe.
Mr. Cramton with Mr. Montague.
Mr. Dowell with Mr. Cohen.
Mr. Hughes with Mrs. Norton of New Jersey.
Mr. Anthony with Mr. Gallivan.
Mr. Connolly of Pennsylvania with Mr. Taylor of Colorado.
Mr. Gifford with Mr. Kindred.
Mr. Crowther with Mr. O'Connell.
Mr. Frear with Mr. Douglass of Massachusetts.
Mr. Sanders of New York with Mr. King.
Mr. Curry with Mr. Spearing.
Mr. Stalker with Mr. Combs.
Mr. Perkins with Mr. Kemp.
Mr. Jenkins with Mr. McSwain.
Mr. Beck of Pennsylvania with Mr. Prall.
Mr. Campbell with Mr. Corning.
Mr. Strother with Mr. Linthicum.
Mr. Christopherson with Mr. Moore of New Jersey.
Mr. Brand of Ohio with Mr. Goldsborough.
Mr. Glynn with Mr. O'Connor of New York.
Mr. Rathbone with Mr. Carley.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. McCLINTIC. Mr. Speaker, I ask unanimous consent to make an announcement which will cover about three minutes.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. McCLINTIC. Mr. Speaker, much to my regret a disagreement has come up with respect to the division of time on this bill, and I want to make myself perfectly plain before the Members. Then I will suggest the remedy.

In the beginning, when this rule was drawn, it provided that one-half of the time should be given to the chairman and one-half of the time to the ranking minority member. This would have prevented the minority on the Naval Affairs Committee from having any time on this bill, but the gentleman from New York [Mr. SNELL] and the other members of the Rules Committee wanted to be fair, and it was suggested that a gentleman's agreement be made whereby I should yield one-half of my time to the gentleman from Georgia [Mr. VINSON], and that the gentleman from Pennsylvania [Mr. BUTLER] should yield one-half of his time to those who are opposed to the bill on that side.

Mr. SNELL. I think that statement is absolutely correct up to the present time.

Mr. McCLINTIC. Following that statement I advised my colleague [Mr. VINSON] that whenever the gentleman from Pennsylvania [Mr. BUTLER] yielded one-half of his time to some one on that side who was opposed to the bill, I, of course, would yield one-half of my time to Mr. VINSON. Now, the chairman of the committee does not care to follow that suggestion, feeling and believing that he should control all of the time on that side, and that I should go ahead, regardless of the situation, and yield one-half of my time to Mr. VINSON anyhow. Now, I am going to be fair.

Mr. BUTLER. I am not going to charge the gentleman with unfairness, because the gentleman is never unfair.

Mr. McCLINTIC. I am not going to have it said that I have not kept the agreement. I spoke to the gentleman from New York [Mr. LAGUARDIA] as to whether it would be all right, and I asked him if he would not accept the responsibility of looking after half of the time. Now, the chairman of the committee does not want that kind of an arrangement made. I regret exceedingly that this misunderstanding has come up, and I would not for anything on earth fail to keep faith

with the Rules Committee, with my committee, and with the membership of the House. Therefore I yield one-half of my time to the gentleman from Georgia [Mr. VINSON].

Mr. BUTLER. Mr. Speaker, I ask for one-half minute. The House is entitled to one hour and a half in opposition to this bill, and it matters not which side it goes to, in my judgment. Of course, following out the agreement you had—I was not present when it was made—I will yield to gentlemen on this side of the House until they consume the hour and a half. If they do not consume all of the hour and a half, I shall be delighted to yield it to gentlemen on the other side.

Mr. McCLINTIC. Will the gentleman yield time to the gentleman from New York [Mr. LAGUARDIA]?

Mr. BUTLER. Yes; but I will name the time. We have already consumed three-quarters of an hour, with only 13 Members against this rule.

Mr. LAGUARDIA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LAGUARDIA. The rule is very plain, and it has just been adopted by the House. The rule provides that the time must be equally divided and controlled by those favoring and those opposing the bill. Now, I submit, Mr. Speaker, that if one-fourth of the time is controlled by the gentleman from Oklahoma, who is opposed to the bill, and one-half of the time is controlled by the gentleman from Pennsylvania, who is in favor of the bill, and one-fourth of the time by the gentleman from Georgia, then three-fourths of the time will be controlled by gentlemen who are in favor of the bill; and the purpose of this rule is not being carried out.

The SPEAKER. The Chair understood the gentleman from Pennsylvania [Mr. BUTLER] to say he would yield one-half of his time to those opposed to the bill.

Mr. LAGUARDIA. But, Mr. Speaker, one may be opposed to this bill because he wants more than the bill calls for, and yet will ultimately vote for it. Surely that may not be considered as opposition to the bill itself. The test is whether a Member is so opposed to the bill that he will vote against it.

Mr. BUTLER. I have no acid here and I can not apply a test. If gentlemen say they are opposed to the bill I will give them time. Mr. Speaker, I suggest we get down to business and I move——

Mr. LAGUARDIA. Wait a minute. The minority has some rights here.

Mr. BUTLER. Yes.

Mr. LAGUARDIA. We have had the same experience every time we have had a naval bill up here and I have been through this two or three times before, and with all deference to the age of the gentleman from Pennsylvania I say that those few of us who are opposed to this bill are going to see that we have our rights.

Mr. BUTLER. I waive the age end of it.

The SPEAKER. The Chair thinks it would be a compliance with the terms of the rule if the arrangement just suggested were carried out.

Mr. BUTLER. I will try to carry it out and will carry it out if I know how to do it and there are plenty of gentlemen here to help me.

The SPEAKER. Of course, a final arrangement can not be made now except by unanimous consent pending a motion to go into Committee of the Whole House on the state of the Union.

Mr. LAGUARDIA. The rule provides for the division of time.

The SPEAKER. A definite arrangement as to individuals must be made by unanimous consent.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that one-half of the time be controlled by the gentleman from Pennsylvania [Mr. BUTLER] and one-half of the time by the gentleman from Oklahoma [Mr. McCLINTIC].

Mr. SNELL. Mr. Speaker, reserving the right to object, there is no unanimous consent involved in this proposition. Control of the time is definitely provided by the rule and, technically, the gentleman from Oklahoma [Mr. McCLINTIC] has one-half the time and the gentleman from Pennsylvania [Mr. BUTLER] has the other one-half; but, as I explained in presenting the rule, there was a gentleman's agreement in the Rules Committee that is not carried in the rule, and if the Lord will permit me I will never agree to another. [Laughter.]

The SPEAKER. The Chair has clearly stated there is no arrangement in the rule by which certain named individuals shall control the time.

Mr. SNELL. That is true.

The SPEAKER. That would have to be done by unanimous consent.

Mr. SNELL. Mr. McCLINTIC is the one member of the Naval Affairs Committee that is opposed to this bill and therefore he takes control of the time. It was agreed in the committee that immediately after we go into Committee of the Whole he would yield one-half of his time to the gentleman from Georgia [Mr. VINSON] and that the gentleman from Pennsylvania [Mr. BUTLER] would also yield from time to time one-half of his time to those in opposition.

Mr. BUTLER. And I will, if I only have the chance to do it. I can not do it now.

Mr. GARRETT of Tennessee. Mr. Speaker, I would like to make this statement, giving my understanding of what was suggested in the Committee on Rules. The gentleman from Pennsylvania was not at the hearing. The gentleman from Illinois [Mr. BRITTEN] was there representing the gentleman from Pennsylvania [Mr. BUTLER]. I thought everything had been smoothed out.

Mr. SNELL. That is what we all thought.

Mr. GARRETT of Tennessee. I really thought this is what was going to occur: That so soon as the rule had been adopted the gentleman from Oklahoma would announce that one-half of the time controlled by him was yielded to the gentleman from Georgia [Mr. VINSON] to be controlled by him, and to yield as he might see fit, it being the understanding that the gentleman from Georgia was in favor of the bill. I then supposed, although I can not say that this was agreed to by the representative of the Naval Affairs chairman, but I really supposed that the gentleman in charge upon the majority side of the House would yield to some one individual opposed to the bill one-half of the time to be controlled by that individual and yielded by him. I had no idea who that individual would be because I understood that all the majority members of the committee were in favor of the bill. Now, this is what I thought would happen. So far as this side of the House is concerned it is proper to say that the agreement has been fully carried out by the minority. The gentleman from Oklahoma [Mr. McCLINTIC] has yielded one-half of his time to the gentleman from Georgia.

Mr. SPEAKS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Ohio rise?

Mr. SPEAKS. I desire to ascertain what portion of all the time allotted to general debate is assigned to those who are opposed to the bill.

Mr. SNELL. One-half of the time, or three hours.

The SPEAKER. The Chair would suggest there is nothing pending before the House.

Mr. LAGUARDIA. I have a unanimous-consent request pending, Mr. Speaker.

Mr. SNELL. Mr. Speaker, I make the point of order that no such unanimous-consent request is in order at the present time.

Mr. BUTLER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. LAGUARDIA) there were—ayes 112, noes 13.

So the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11526, with Mr. BACON in the chair.

The Clerk read the title of the bill.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BUTLER. Mr. Chairman, I shall only take about three minutes. I desire to commend the report of the Committee on Naval Affairs to the Committee of the Whole House, and I do sincerely hope, without great opposition, the House will accept it. Many, many men in this House were consulted before this conclusion was reached. If you will look at the report you will find it is signed by 20 members out of the 21 members of the Committee on Naval Affairs.

We had various views. We sat for two months, I think, my friends, in order to obtain the best information possible. We finally resolved among ourselves that we would endeavor to report a measure to this House that the House could accept and one that would be fair to the country and which the people who believe in a proper defense of the Nation would be satisfied with.

Therefore, we adopted what was offered by this country at Geneva when we were endeavoring to make a limitation. We thought no better program could be adopted, and we assumed the House would accept it.

I commend the report on this bill to Members. It was not written by me. It was written by my esteemed colleague Mr. ANDREW. I ask you now to listen to him. Later on I may have something to say on its provisions. Permit me to say in introducing Mr. ANDREW that his report is the best work of the character I have seen in 32 years. I now yield 20 minutes to the gentleman from Massachusetts [Mr. ANDREW].

Mr. ANDREW. Mr. Chairman and gentlemen, all that I intend to attempt is to explain the provisions of the bill, and I ask not to be interrupted until I have completed the different items in the bill.

This bill provides authorization for the construction of 15 cruisers and 1 aircraft carrier. The 15 cruisers are to be laid down in groups of 5 each during the next three years. The aircraft carrier is to be laid down some time during the next two years.

The committee did not feel it advisable to outline a program of construction extending beyond 1931, for the reason that in that year there will automatically be assembled in Washington another conference for the limitation of armament under the provisions of the conference of a decade ago. The outcome of the 1931 conference can not be predicted, and the situation may be different thereafter from anything that we now can foresee. Therefore this program, in so far as undertaking construction is concerned, does not go beyond the year 1931.

It provides, as I have said, for laying down 15 cruisers. The number of cruisers which are required by the Navy depends upon the two purposes for which they may be employed.

First of all, and most important, the Battle Fleet must have cruisers for scouting purposes and for the fleet's protection. Cruisers, because of their superior speed, have a great advantage over all other vessels in obtaining information as to the location and movement of the enemy fleet. They make it possible for the commander of the Battle Fleet either to avoid contact with the enemy under unfavorable conditions, or to engage under the most favorable conditions.

Because of the superiority of speed and of armament cruisers are of invaluable aid to the battle fleet for its protection, for what is called "screening."

Mr. COLE of Iowa. Will the gentleman yield?

Mr. ANDREW. I will for a question.

Mr. COLE of Iowa. Does the gentleman take any stock in the statement of the British experts that a 10,000-ton cruiser is not big enough to fight and too big to run away?

Mr. ANDREW. I am going to touch on the 10,000-ton cruiser in a moment.

Mr. BUTLER. Did the gentleman from Massachusetts ever hear any such statement as that?

Mr. ANDREW. I never did.

Mr. BUTLER. And I never did. It may be I was asleep. [Laughter.]

Mr. COLE of Iowa. If the gentleman will read the newspapers——

Mr. BUTLER. I do not read them; the Bible is a good thing for a man of my age to read. [Laughter.]

Mr. ANDREW. Another purpose of cruisers is for detached duty, either for convoying merchant ships or transports of munitions and troops, or for detached service in protecting strategic points. In the case of our own cruisers detached service would be necessary for the protection of our principal ports and the approaches to the Panama Canal, so vital to our trade and our defense, and the Hawaiian Islands.

The number of cruisers needed by the Navy depends on what is required for these two purposes. Admiral Jellicoe last summer at Geneva stated that it was "a well-accepted view" that five cruisers should be available for every three battleships. We have in our fleet 18 battleships. That would presuppose a requirement of 30 cruisers.

Admiral Jellicoe stated for the British fleet that they would need for detached service some 45 vessels for the protection of ports and harbors and trade routes and to convoy merchant ships.

In the hearings before our committee, Admiral Hughes, speaking for the Navy General Board, outlined in great detail the need of cruisers for our fleet. The description he gave of the American battle fleet in action, spreading over a width of 30 miles and a depth of between 200 and 500 miles, and his outline of the functions that the cruisers would perform was very illuminating, and I will read it into the record. He said:

> The present fleet with its necessary train of auxiliary vessels occupies when it moves at sea an area not less than 30 miles in diameter. During the movement it will be necessary to guard against surprise attack, to guard the outer part of the formation from any vessel or vessels seeking to penetrate the formation for information, or for attack.
>
> Naval experience to date indicates that the best way to guard against surprise is by scouting areas far beyond the actual area occupied by the fleet. With a limited number of scouting vessels it is not possible to scout the ocean, but only a comparatively narrow band through which the fleet expects to pass. The usual form of protective scouting is to send vessels from 200 to 500 miles in advance of the fleet along its proposed course. Such a scouting line to be effective must be a minimum length of 250 miles. In average weather conditions the maximum distance between vessels would be not more than 25 miles, from which is derived the minimum number of 10 vessels on the advanced scouting line.
>
> As the fleet moves by day and by night, and as visibility at night is very limited, it is extremely desirable that the scouting line be a double line, so that vessels which pass through the first line during dark will be sighted by the second line during daylight. Lack of vessels may make the second line impossible. Regardless of whether the second line is with the fleet or not, there are required in the fleet formation itself vessels capable of resisting at and beyond the outer edge of the fleet formation any vessel that seeks to force its way into the formation, either for attack or for observation of the fleet. The minimum number of vessels required for this particular function is eight. Even with this number, the vessels if evenly distributed on the outer fringe of the formation would be some 12 miles apart. It may well happen that attacks will be made upon the cruising formation of the fleet by groups of enemy cruisers. It is therefore desirable that there be assembled in a central position in the formation a striking group of cruisers ready to oppose an attack coming from any direction, and that this striking group of cruisers should number at least eight. Such a group would give a marked increase in the defensive measures of the fleet. This gives a minimum total of 26 cruisers required with the fleet in an overseas expedition.

According to Admiral Hughes, the minimum requirements of our fleet to-day in cruisers are 28; 26 for the fleet proper and 2 destroyer-squadron flagships. For the protection of what he calls focal or strategic points, he said we needed 9 cruisers, and for convoy work, 6. In other words, 28 cruisers for the fleet, or 2 less than those stated to be required according to the formula of Admiral Jellicoe, and in addition to these 28 cruisers, 15 for detached service, either for convoy work or for the protection of strategic points, making in all 43.

Mr. BLACK of New York. How does that compare with the Jellicoe recommendations for the British fleet?

Mr. ANDREW. The Jellicoe recommendations for the British fleet were 45 cruisers for detached service, 70 cruisers in all.

It being understood that, according to the accepted views of our Navy General Board, confirmed by the authorities of the other countries, we require a minimum of 43 cruisers, what have we in the way of cruisers?

You will find carried on our Navy list 22 cruisers of an average age of 24 years to-day. According to the generally accepted standards, the life of a cruiser is 20 years, after which it becomes obsolete. The 22 cruisers with an average age of 24 years are therefore all obsolete, according to ordinary standards. All but five of them are completely out of commission. One of those still in commission is the *Rochester*, which was built in 1893 and was called the *New York* in the Spanish War. It has been made over for use as a sort of transport and headquarters ship in the Tropics, and for this purpose ventilating systems have been installed and arrangements for sleeping out of doors.

Of the others in commission, one is the *Seattle*, which is a receiving ship in New York City. Another is the *Pittsburgh*, which was completed in 1905 and is in Chinese waters, serving the same purpose as the *Rochester*. From the point of view either of offensive or defensive effort, none of those 22 vessels is of any account whatsoever.

What have we in the way of cruisers, besides those 22 obsolete vessels, practically all out of commission, some of them used as barracks, some as receiving ships, and none of any strategic value? We have only 10 cruisers which were finished between 1923 and 1925. They are 6,600-ton cruisers of what are called the *Omaha* type, and are equipped with 6-inch guns. Then, under the 1924 program, we authorized the construction of eight additional cruisers to have a displacement of 10,000 tons and to be equipped with 8-inch guns. Of these only two are actually laid down. I may say now that there is a vast difference between the cruisers equipped with 8-inch guns and the cruisers equipped with 6-inch guns. In respect to range there is a difference of some 7 miles. The 10 cruisers we have of recent construction are equipped with 6-inch guns. We have, however, laid down two under the 1924 program, and six others have been appropriated for and will be built. In other words, we have to-day built and building 18 cruisers, and that is all.

If you recall what I said a moment ago as to the needs of our Navy for cruisers, that, according to all of the accepted authorities, we need 43; that we need 28 for service with the

Battle Fleet alone, you can see that we still lack 10 of a sufficient number to accompany the fleet, even if we had none to protect trade routes or to do convoy work.

Our proposal to-day is that in the next three years we should build 15 additional 10,000-ton cruisers equipped with 8-inch guns, which would give us altogether 33 cruisers, still 10 less than the number recommended by the Navy General Board. I repeat, when we have these 15 additional cruisers constructed, we shall still be short by 10 of the supposed requirements of our Navy.

Mr. BLACK of New York. And how many short of the British equipment in that respect?

Mr. ANDREW. I was going to speak in a moment of the relative strength, but I will turn to that now. Of course, the requirements of the fleet itself are largely determined by the number of battleships which we have, and the number of battleships which we have retained was determined by the conference in Washington. If, in addition to the 800,000 tons, approximately, which we scrapped, the 30-odd ships then built and building which we scrapped—we had at that time determined to scrap all but 10 and the British all but 10—we should not need so many cruisers to-day as is the case. It was implicit throughout the arms conference in Washington, I think, that certain standards were to be established between the great naval powers, a standard of parity between the two great fleets, that of the United States and that of Great Britain, and the standard of 5 to 3 as between our fleet and that of Japan. At Geneva, when Ambassador Gibson opened the discussion the first day, he said:

> Before suggesting tonnage allocations in the various classes, I desire to state that we frankly recognize that naval requirements are relative, that building programs on the part of one power may well require corresponding programs on the part of others, and that if these limits were adjusted for one of the three powers, they should be adjusted for all.

Then he proposed, representing the United States delegation, that the United States and Great Britain should have a total tonnage in cruisers of between 250,000 and 300,000 tons, and that Japan should have a total tonnage of 150,000 to 180,000 tons.

Now, all that we are proposing in the way of cruisers to-day will only lift our total tonnage to the level of approximately 300,000 tons, which was proposed by our delegates in Geneva as a tonnage for the American and British fleets. But the British cruiser fleet will still exceed our own in tonnage by 200,000 tons.

Now, let me state very briefly just how the principal naval powers stand to-day in relative cruiser strength. At the present time the United States, as I said, has built and is building 18 cruisers, with a tonnage of 146,000; the British Empire has to-day 63 cruisers, as compared with our 18, with a tonnage of 386,000; Japan has 33, with a tonnage of 206,000 tons. In numbers the ratio between the cruisers of the three countries stands as follows: The British Empire, 5; Japan, 2.6; the United States, 1.4. In total tonnage the ratio of the three countries stands in this proportion: The British Empire, 5; Japan, 2.7; the United States, 1.9.

If the 15 cruisers that we authorize in this bill are constructed, and assuming that the British and the Japanese were to abandon all present projects of further building, the situation would then stand as follows: The United States would have 33 cruisers, with a tonnage of 296,000; the British Empire would have 63, with a tonnage of 386,000; and Japan would have 33, the same number that we have, with a tonnage of 266,000.

I think those members of the Committee on Naval Affairs who heard the hearings on this question are inclined to feel that different nations have different requirements and different problems to meet, and that on the whole we have no great reason to feel perturbed at the superior number and tonnage of the British cruisers of small size. A very large proportion of their cruisers are of less than 5,000 tons.

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield?

Mr. ANDREW. Yes.

Mr. BLACK of New York. Has the gentleman made a comparison of the 10,000-ton cruisers?

Mr. ANDREW. I am coming to that.

Mr. HUDSON. Mr. Chairman, will the gentleman yield?

Mr. ANDREW. Yes.

Mr. HUDSON. Is it not considered that these small cruisers of the British Navy are not so much of an asset as they seem to be as compared with the total tonnage, so that we ought to realize their insufficiency?

Mr. ANDREW. Yes; they have a greater number because of their far-flung possessions. They have some 40 cruisers of less than 5,000 tons.

Mr. BLACK of New York. Does the Naval Board agree with the gentleman?

Mr. ANDREW. I can not answer whether the Naval Board agrees with me or not.

Mr. O'CONNOR of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. ANDREW. Yes.

Mr. O'CONNOR of Louisiana. It may not be a relevant question, but has the committee ever considered the necessity or the advisability of relocating the navy yards on the Atlantic and Pacific coasts?

Mr. ANDREW. I do not wish to go into that, not even for the gentleman from New Orleans although I realize his interest.

I want rather to call your attention to a comparison of the larger cruisers of the several countries, which after all is of far more importance to us to-day. Up to the time of the Washington conference no country, so far as I know, had ever built a 10,000-ton cruiser armed with 8-inch guns.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. BUTLER. Mr. Chairman, inasmuch as the gentleman from Massachusetts has prepared this report, I am going to make a special allowance in his favor, and to no one else. I am going to yield to him 10 minutes more. He is better qualified to speak than some of the rest of us.

Mr. SPEAKS. Mr. Chairman, will the gentleman yield for a question?

Mr. ANDREW. Yes.

Mr. SPEAKS. The gentleman stated that different nations differed in their naval requirements.

Mr. ANDREW. Yes.

Mr. SPEAKS. Consider the United States and England for purposes of comparison: Is there any logical reason why the United States should maintain a navy equal to that of Great Britain, in view of their vastly different national defense requirements? Great Britain's dependencies are scattered throughout the world, and in case of war would have many points to defend and require a naval strength far beyond that of the United States.

Mr. ANDREW. The gentleman opens up a very large question.

Mr. SPEAKS. I think it goes to the heart of the whole subject. Can the gentleman advance any reason why we should be so deeply concerned regarding the English Navy in determining the size of the Navy we require?

Mr. ANDREW. I think in the beginning of my remarks I set forth the reason why we need a certain number of cruisers to go with the fleet and for convoys.

Mr. SPEAKS. I do not consider war between England and the United States within the scope of possible happenings. But the point I am endeavoring to make clear is that in case of war, with all the lines of communication to be defended, not only for strategic and combat purposes but also for the very necessaries of life, England would require a navy several times that of the United States.

Mr. ANDREW. I do not agree in the least with the gentleman. But I do not want to be diverted from the topic I had in mind. I will say this, however: The United States has a continental coast line greater than that of any other country in the world. We have more ports and harbors and populous cities on the coast than any other country in the world. We have a sea-borne trade to-day that equals that of the British Empire, including its colonies and all of its dependencies; and that is destined, before we shall complete the fleet we are now building, to far exceed the sea-borne trade of any other country.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. ANDREW. Yes.

Mr. WAINWRIGHT. The gentleman is familiar with this subject. Is there not a consensus of agreement as to the requirements of cruisers that would be determined by the number of capital ships?

Mr. ANDREW. Yes; and that I tried to state earlier in my remarks. I wanted to say only one other thing—and I have taken much more time than I intended—and that is on the matter of the 8-inch-gun cruisers. At the time of the arms conference none such had been built anywhere in the world, but since the arms conference the British Empire has begun building such cruisers of a type that had not existed before, cruisers armed with 8-inch guns, which have a range 7 miles longer than any guns on the cruisers that we had constructed before or have constructed since. Already they have built and building 14 such 8-inch-gun cruisers and we have only laid down 2. We have only authorized the laying down of 6 more. That is a most significant contrast.

Mr. BLACK of New York. Will the gentleman yield?

Mr. ANDREW. Yes.

Mr. BLACK of New York. Does the gentleman care to state why the committee rejected the recommendations of the department and on what theory they justify their action?

Mr. ANDREW. I will state that in a word.

Mr. BLACK of New York. I think the House ought to have that information.

Mr. ANDREW. The department had recommended a program for cruisers covering a long series of years with no final date fixed. We thought it would be a great deal better to determine, so far as this committee can, that some cruisers should be actually constructed and to limit our program to the period of years before the assembling of the next arms conference. Therefore, we have provided as many as in all likelihood could be laid down before the arms conference.

Mr. BLACK of New York. What about the submarines and destroyer leaders?

Mr. ANDREW. We found there was authorization in the act of 1916 for the construction of 12 destroyers without any limit of tonnage and we felt that was sufficient. I think the committee were agreed that we ought to have more submarines than we have. We have a large amount of tonnage of small submarines available for the protection of ports but not available for service with the fleet. We have only three fleet submarines built and three building. The British have 16 built and building and 12 more authorized. The Japanese have about 25. But there are various investigations being made to-day as to the possibility of incorporating safety devices of one kind or another on submarines. There is now in the act of 1916 authority for the construction of three submarines, which we hope will be appropriated for this year, and we decided to wait until another year before asking any further authorization for submarines.

Mr. WELLER. Will the gentleman yield?

Mr. ANDREW. Yes.

Mr. WELLER. The gentleman did not state the range of the guns that are covered by this bill.

Mr. ANDREW. They are to be 8-inch-gun cruisers of the same type as the 8 we are building and as the 14 of the British.

Mr. WELLER. How far do they carry?

Mr. ANDREW. I think they are supposed to carry more than 30,000 yards.

Mr. LAGUARDIA. They will carry as far as any other 8-inch gun?

Mr. ANDREW. Yes. They will carry 7 miles farther than the 6-inch gun.

Mr. HUDSON. Will the gentleman yield?

Mr. ANDREW. Yes.

Mr. HUDSON. Did I understand the gentleman to say that the program as laid before the committee by the Navy Department was not to be completed within any definite period of years?

Mr. ANDREW. There was nothing in the bill that fixed any limit.

Mr. HUDSON. But the press carried the statement that the $740,000,000 was to be spent in five or six years.

Mr. ANDREW. It was not in the bill.

Mr. HUDSON. There was not any bill, was there?

Mr. ANDREW. There was a bill introduced in connection with it.

Mr. BUTLER. It was to go on indefinitely, and permit me to say it was told to us that this was the beginning of a program which would eventually call for the expenditure of $3,500,000,000, while the bill as reported calls for the expenditure of $274,000,000.

Mr. WATSON. Will the gentleman yield?

Mr. ANDREW. Yes.

Mr. WATSON. In the event of an international agreement that there should be no ships built, what would become of those ships that are partly constructed? Is it the intention to carry those ships away out in the middle of the ocean and sink them?

Mr. ANDREW. We hope not. We hope that will never be done again.

Mr. BUTLER. I hope I will be asphyxiated before I ever vote to destroy any other Government property.

Mr. ANDREW. Let me say this: If we construct the 15 ships now proposed in addition to the 18 we now have, we shall have no more of the 8-inch gun cruisers than the British will have at that time, and if any agreement were entered into which would call for the discontinuance of further construction of ships, none of our ships would be destroyed unless the British were willing to destroy ships at the same time.

Mr. WATSON. Then it is understood that those which are partly completed will be finished?

Mr. ANDREW. Yes. And if they were finished we should only have reached an equality with the British in 8-inch-gun cruisers and still be far behind them in all other sorts of cruisers.

Mr. LAGUARDIA. Does the gentleman mean an equality as to tonnage in ships?

Mr. ANDREW. I mean only an equality as to the 8-inch-gun cruisers.

Mr. BRITTEN. The gentleman does not mean to infer that when these 15 cruisers are built we will have an equality of cruiser strength with Great Britain?

Mr. ANDREW. I mean only as far as the 8-inch-gun cruisers are concerned. We would still be short several hundred thousand tons in tonnage of cruisers of all sorts.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. BUTLER. Mr. Chairman, the gentleman from Oklahoma has very generously agreed that my colleague [Mr. WOODRUFF] may speak for five minutes.

The CHAIRMAN. The gentleman from Michigan is recognized for five minutes.

Mr. WOODRUFF. Mr. Chairman, as a member of the Naval Affairs Committee I can not leave unchallenged some of the remarks that were made a few moments ago by my colleague from Ohio, General SPEAKS, when he was referring to the needs of the British as far as naval armament is concerned.

We have heard much about England's far-flung bread lines. England, theoretically at least, bases her naval needs upon the fact that she necessarily must receive her food supplies from across the seas. I want to call your attention to one thing, and that is in case of war with a power in the Western Hemisphere England's bread lines are not across the Atlantic Ocean but across the North Sea, across the English Channel, and down through the great Bay of Biscay. England's bread lines under these conditions would be short indeed. In case of a war with a European country her bread lines, perhaps, would extend across the Atlantic, but with her great fleet she could probably protect them very fully.

As a matter of fact, friends, her bread lines are not the things which are troubling the English statesmen. The thing that is troubling the English statesmen is their economic lines. Their trade extends to all parts of the world, as does ours, and they desire to protect these trade lines, because upon them depends their very life.

I want to call the attention of the members of the committee to the fact that to all intents and purposes our bread lines extend across the seas, because it is necessary to have the products of foreign countries in order to get the food supplies from our country districts into our great cities. I have in mind manganese, without which we could not build or run the railroads in this country. I have in mind rubber, without which we could not transport over our highways the food supplies that are necessary to keep life in the bodies of the people of our cities. When they talk to me about the needs of England in the way of naval equipment, I can see that in this great country of ours, with our far-flung economic lines, it is just as necessary for us to have the same amount of naval armament as Great Britain.

I want to say, too, in this connection, that no one will go farther than I will go on the way of naval disarmament if everyone will go along the same road with us. To-day, if I had the power, I would sink every battleship in the world, because if no one else had a battleship, certainly, if our intentions toward other nations are what they should be, we would need no battleships. I hope the time may come when this country can enter into an agreement with other countries of the world to scrap more than half of the navies now existing in the world. I hope this time may come soon.

I was in hopes when the administration handed to this country the program it had laid out in the bill as originally introduced, this in itself would be an inducement for other nations to meet with us and agree to disarm. While I am satisfied with the bill as it is, I am not as well satisfied as I would be, perhaps, if it had included some 21 submarines, giving to us as nearly as possible three-fifths of the original five-year program to be laid down in three of the five years. I think if the Congress had passed the bill as it was originally introduced, that long before 1931 there would have been another disarmament conference and the result would be that we would build less ships under that program than we will build under this program. [Applause.]

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. McCLINTIC. Mr. Chairman, ladies, and gentlemen, there has been more speed displayed in the consideration of this bill than any that I have ever witnessed since I have been a Member of Congress. To hear certain of my colleagues on this committee talk, you would think that the British were advancing upon this Capital like they did in 1812. To hear the arguments that have been presented you would think that this

Nation was getting ready to-morrow to fight Great Britain. In other words, if the representatives of the European nations read the proceedings of this House, they are bound to feel that we are secretly, silently, preparing for a war with their country. Such tommyrot and such foolishness as this is enough to disgust the sane citizenship of this Nation.

I have visited in two or three English countries. I know something about their sentiment when it comes to the white races. I have here before me splendid statements from their leading publications which show their attitude of friendliness for our country.

But what would this committee have you believe? They would have you believe that an emergency exists at the present time and that we are about to face a serious situation throughout this Nation whereby we are liable to be attacked within the next few months. Does any such situation as this exist?

Is there any Member of this House, I care not whether he is a member of our committee or not, who can point to a single, solitary reason why this legislation should supplant flood control, farm legislation, soldiers' legislation, Muscle Shoals, and the other bills that affect the very bone and sinew of this Nation? No; you can not do it because there is not any such reason.

I will tell you what the real reason is. You heard a gentleman on the Republican side make the statement a few minutes ago when he said that 40 per cent of the laborers of this country are now idle. I have here a compilation as to the condition of the shipbuilding corporations of America, and it shows that last year, in comparison with Great Britain, the United States only turned out 124,000 tons of ships when Great Britain and Ireland turned out 1,225,800 tons.

In other words Great Britain is building up her merchant marine just like this country ought to be doing. What is a Navy worth without a merchant marine? It is not worth 15 cents and you know it. We have got to have a merchant marine if we are to be successful against any nation with whom we might engage in war when it becomes necessary to carry food supplies and transport men. That is the situation. Every member of the committee knows that Mr. Mellon has interested himself at different times in the past in behalf of the shipbuilding corporations. They know it and here is the answer. They are hungry. They are out of meat; they are a good deal like the old negro woman that went down to see Governor Taylor to get a pardon for her husband. The governor said, "Mandy, what is your husband in the penitentiary for?" She says, "Hog stealing." He sent for the record and looking it over he said, "Why, your husband deliberately stole a hog, butchered it, and put it in his own smokehouse. How can I give him a pardon?" Mandy said, "Because, Governor, I am out of meat." [Laughter.]

These shipbuilding corporations are out of meat, they are out of business, or practically so, and so this administration says, Give them some business, help them out, whether the needs of the Nation warrant it or not.

I am amazed at the situation that exists in this country at the present time. Everything is peaceable, all the other nations of the world are apparently satisfied, not a single sign anywhere of any kind of trouble, and yet this committee rushes this report in here so fast that I hardly have time to get my minority views published. They wouldn't even let the rule be debated, they were so much in a hurry.

They say, "Let us get these ships while the getting is good; we are going to have another disarmament conference in three more years, and we know if we do not get these ships laid down and started and some built before the disarmament conference is held here in Washington the nations might agree to something so that we would lose our ships, and that would be a terrible calamity for the Navy."

What about the Navy? There is a little coterie of officers up there that can give Tammany cards and spades and beat them to a frazzle in diplomacy. They are smart, foxy, and slick; they come before the public and suggest appropriations of $4,000,000,000 to be expended in nine years. They did not expect to expend that money, but they knew if they asked for 15 cruisers they wouldn't get them. So they asked for $4,000,000,000 worth of ships with the hope that they might pare that down and get the original amount which they desired; and, of course, this committee has swallowed the bait, hook, line, and sinker.

Now, I want the Navy to have just what it needs. I will vote for every dollar that is necesary, but I will never be a party to voting for a lot of ships that can not be used in time of war unless they are operated in zones that have aircraft to defend them.

What about cruisers? Can cruisers operate in time of war unless they have guns that have a superior range sufficient to take care of them if they go up againt an enemy fleet? No, they can not, and nobody but an old superannuated antique, when it comes to warfare, will admit that they can.

Now, I want to say to you that during the World War, Germany, with about 100 submarines, sunk 11,000,000 tons of commerce. In one year she sank nearly 6,000,000 tons of commerce.

A submarine is the only ship that can successfully travel alone on the ocean, and yet this committee does not want any submarines. Why? Because the so-called experts in the Navy, those men who want lovely berths, lovely equipment, fine accommodations, do not want to ride in submarines. That is the reason. A submarine can go closer to ports or harbors than any other kind of ships.

Mr. WOODRUFF. Will the gentleman yield?

Mr. McCLINTIC. No; it is not necessary that I should yield to members of the committee, for they know my position. I hope the gentleman will not bother me. I am the only member of the committee that is against the bill, and I have a heavy enough load to carry as it is. I yielded five minutes to the gentleman, and I hope he will not now bother me.

I shall make the best speech I know how to make. The gentleman may not agree with me; in fact, I know that he does not, because if he did agree with me he would have signed the minority report with me. I hope I may be able to proceed without having the continuity of my remarks broken every few minutes.

Mr. WOODRUFF. Will the gentleman yield for a statement in connection with my not signing the minority report?

Mr. McCLINTIC. Mr. Chairman, I think I was talking about submarines when the gentleman from Michigan interrupted me. A submarine can travel a distance of 11,000 to 15,000 miles unaccompanied by any other kind of ship. It is the only type, in fact, that will ever be able to successfully be a menace to foreign shipping if that situation should ever arise. In addition to my suggestion with respect to submarines, I say that the 15 submarines that I propose to offer as a substitute for the 15 cruisers will cost only about $75,000,000, and in addition I propose to authorize the expenditure of $1,000,000 to be utilized in the construction of an aircraft deck or platform, to be placed immediately over the turrets on a battleship, having in mind that the platform above the turrets can be hinged and raised and lowered like a drawbridge in case it is decided to ever use the guns. By an expenditure of $18,000,000, if the information given me is correct, it would make a battleship an independent unit, making it its own aircraft carrier, and would enable it to fight an enemy, if the case need be, at a distance of approximately 200 miles. So I say it is far better to spend about $93,000,000 in such a way as to make our Navy so that it could defend itself successfully against every nation in the world, if need be; and I think it would be a waste of money to appropriate $274,000,000 when you can get five times the amount of protection by following the suggestion that I have offered, which is agreed to by some of the leading experts, not of the United States, but of other nations in the world.

What about these aircraft carriers? There is a lot of prejudice in the Navy against them. Many officers do not believe in aircraft. In my opinion no engagement, either on land or on sea, would ever be successfully concluded in the future until aircraft has played its part, and the nation that wins in the air will be the victor. Therefore if we can spend $1,000,000 each on the 18 battleships that we have in commission at the present time, and make each of them its own aircraft carrier and enable its range to be increased from about 24 miles to 200 miles, certainly this Congress ought to be willing to go along with me on a suggestion of that kind.

Mr. Chairman, I find that this Nation is composed of three separate kinds of citizens. There is a class that is willing to accept the recommendation of the naval experts, regardless of what the cost might be. There is another class that does not believe in war and that would not expend a dime for national defense. There is the third class of citizen who believes in new appliances of war and who is willing to adopt the same when making preparation for the defense of this Nation. I think I have classified them correctly. It is not a pleasant situation for anyone to occupy in opposition to all of the members of his own committee. It is much easier to go along with them; but when it comes to principle and public policy, one has a duty to perform. I have all of the respect anyone can have for those who disagree with me, and I have always tried to uphold principle and tried to do that which I think is right. This committee has had exhaustive hearings on this bill. Many different classes of people have come before it. Some of them I have agreed with and some of them I have disagreed with, just as much as any member of the committee. I think I can safely

say that I am in accord with every member of the committee as to final results, and that the only difference that exists between myself and the members of the committee is on the question of policy, the question of power, and what is the best procedure to follow in order to make this Nation suitably prepared.

Mr. HUDSON. Mr. Chairman, will the gentleman yield?

Mr. McCLINTIC. Yes.

Mr. HUDSON. The gentleman spoke about having held long hearings on this bill. I have sent for a copy of the hearings, and I find they are in 30 different parts. The last one of them is dated March 6, and I believe the bill was reported out on March 6.

Mr. McCLINTIC. The gentleman is mistaken.

Mr. HUDSON. Why are they not bound?

Mr. McCLINTIC. The gentleman is not correct. Those hearings do not refer to the naval bill. They refer to other matters before the committee—part of them at least.

Mr. HUDSON. Are the hearings bound in a volume?

Mr. McCLINTIC. No. The Naval Affairs Committee had many naval officers before it. I remember that I asked Admiral McVey a question. I said in substance, if it is admitted that no nation on earth can land an army on our shores as long as we have adequate aircraft, do you think it is better to report out this naval bill now or to first take care of flood control and agricultural relief and those measures that affect the economic conditions of the country? He answered, of course, that the Navy should come first.

I suppose if I were an officer in the Navy and had no knowledge of the conditions that exist in the interior of this country, I possibly would assume the same position. But I feel, as long as there is nothing confronting us at the present time that would warrant any apprehension or fear, that this Congress should proceed in an orderly manner, having in mind the taking care of the conditions that are most urgent; and that is the position I have taken from the beginning to the end.

Mr. BLACK of New York. Mr. Chairman, will the gentleman yield?

Mr. McCLINTIC. Not now.

All of you know that the Geneva conference failed. It was prophesied when Admiral Hilary Jones was sent to this conference that it would fail. I heard an admiral say less than a week ago that it failed when Admiral Hilary Jones was selected as the head of those who represented the Navy of the United States at Geneva, and that there would be no agreement. I was amazed when I heard Admiral Hilary Jones testify before our committee and admit that he had been in England off and on for two years prior to the convening of that conference at Geneva. Doing what? What else would an admiral be doing over there if he was not conferring with the Admiralty? I am surprised that this Nation would ever expect a naval officer to agree with a disarmament policy.

Who is this Admiral Hilary Jones? He is the one who appeared before the Lampert Aircraft Committee and tried to qualify as an aircraft specialist, reading a document or a speech containing more dynamite against aircraft than anybody I ever heard. I was present. This is the same admiral who was hurried over to the scene of the *Shenandoah* disaster and put in charge in order to rescue that situation. As I recall, he was also a member of the President's Aircraft Board and qualified there as an expert in aircraft.

Mr. WOODRUFF. Mr. Chairman, will the gentleman yield?

Mr. McCLINTIC. Not yet. And yet this Nation selects this type of citizen and sends him over to Geneva to head the American representatives at the conference to agree with the other nations of the world.

In the Navy or in private life or anywhere else the most despicable character in life is one who accepts responsibility for a given purpose or duty and then goes out and deliberately tries to do that which he is not expected to do. I hope in the future that those in our Government who are charged with the responsibility of selecting men to represent us in conferences of this kind will select men who really know something about the financial, economic, and agricultural conditions in this country, instead of naval officers who have no knowledge along those lines, because they are only trained to do a certain thing and to do it in a certain way.

If I were an admiral of the Navy, I am willing to confess, I would be fighting for all the ships I could get, just the same; but I do think I would have a sufficient amount of conscience to ask that they put somebody else on the committee.

Mr. WOODRUFF. Mr. Chairman, will the gentleman yield just there?

Mr. McCLINTIC. I will yield for a question.

Mr. WOODRUFF. In view of the gentleman's statement, would he advocate the replacing of an officer of the Navy by a civilian?

Mr. McCLINTIC. I am glad the gentleman has asked that question. Over in England they do not appoint graduates of the naval academy to the secretaryship of the department of national defense, feeling and believing that such officers, if they were graduates of a military academy or naval academy would be in such a position that they could not say "No" to members of their classes and those who have the same qualifications as themselves. I think the thing that has been responsible for our Navy sinking to the lowest ebb it has ever reached in the history of our Nation, as many of us think, is the fact that we have at the head of the Navy a graduate of Annapolis, a man who could not say "No" to members of his own class; a man who has selected as Director of Operations one member of his class, and has chosen as commander in chief of the Navy another member of his class; and therefore there is no proper balance established between the citizens of the country and the military authorities, as there should be.

Mr. WOODRUFF. Mr. Chairman, will the gentleman yield now?

Mr. McCLINTIC. Not now. I think I have answered the gentleman's question. He can get a little more time. I would like to make a speech in my own way. I say this with all respect to my friend from Michigan.

Mr. WOODRUFF. Regardless of what the gentleman from Michigan may get in the way of time——

The CHAIRMAN. The gentleman from Oklahoma refuses to yield.

Mr. McCLINTIC. I have assumed one position, and I am trying as best I know how to represent a sentiment that I believe prevails in the Nation; and after I am through the gentleman from Michigan and I can step into the cloakroom and discuss these things.

It is often embarrassing to take a stand against all of the membership of the Naval Affairs Committee. It would be much more pleasant to agree with the findings of such a body, yet when principle and governmental policies are at stake, I have always felt that it was duty to take a position in line with my belief on public questions, having in mind that there is a large citizenship of the Nation who feel and believe as I do on this subject. This is not the first time I have either pioneered or taken a position alone from the other members of the committee on public questions, and in order that the Members of the House may have some information along this line, I am going to call attention to some of the guesses I have made in the past when either standing alone or pioneering in the offering of suggestions that differed somewhat from the Navy and the majority of the members of the committee.

(a) Being an early believer in aircraft, I prophesied many years ago that a bomb dropped from such a plane would be able to sink any kind of a ship. It will be remembered that Secretary Wilbur, in answer to one of my questions as to whether or not such a bomb would jam the turrets of such a ship, replied that the question was untenable and ridiculous. Since that date cruisers and battleships have been sunk by a single bomb, and it has been universally acknowledged that my prediction along this line was correct.

(b) I was alone in protesting the findings of a court-martial which related to the great loss of life and the sinking of more than $11,000,000 worth of property on the coast of California. Later this was disapproved by Secretary Denby.

(c) I gave out the first interview suggesting the teaching of aircraft at Annapolis, and the final suggestion was carried from my office by Commander Snead to the special board having this subject under consideration.

(d) In a speech made before the House, I suggested the advisability of using large dirigibles as airplane carriers, stating that they could be suspended underneath and launched at will in the air. It has been proved feasible.

(e) In a speech before the House, I called attention to the camouflage and deceit with reference to the reported failure of aircraft in the sinking of the *Washington*. Notwithstanding that reports were given out that thousands of pounds of explosive bombs were dropped on this ship, it was afterwards proved that not a single explosive bomb was dropped from a plane.

(f) When it was proposed that the *Shenandoah* should go to the North Pole I joined with Congressman TAYLOR in expressing the opinion that if such a trip was made it would result in disaster. Notwithstanding the fact that the committee disapproved our suggestions, President Coolidge intervened and saved what might have been an embarrassing situation.

(g) Having in mind that no fleet can be secure without aircraft protection, I have made the first suggestion that an extra deck be placed above the turrets on each battleship, thereby enabling the same to function alone in this connection.

(h) I have felt warranted in standing behind Admiral Magruder in his charges concerning wasteful expenditures in the Navy. I know that it was proved to the satisfaction of the

committee that construction in navy yards costs more money than in private yards; that we have too many naval officers stationed in Washington; and that we have a large number of destroyers out of commission at Philadelphia and San Diego which should be utilized as a part of the fleet.

(i) I have taken the position that the President of the United States, in case of a disarmament agreement between the nations, should have the right to stop any shipbuilding program, and notwithstanding the fact that the committee stood against me 18 to 1, I am glad to say they reversed themselves and we are together for the first time I can remember in a long while.

(j) I am now alone in advancing the suggestion that, inasmuch as submarines are the only type of ship that can operate alone in time of war, it will be far better to authorize the building of this type of ship rather than cruisers, which can operate only in protected zones.

I have been thoroughly convinced of this one fact, that the longer I serve as a member of the Naval Affairs Committee the less I know concerning many details of the Navy. The system in vogue is the most complicated of any on the face of the earth, and it seems to me that those in charge of what should be the pride of this country use every known method of camouflage and deceit in trying to pull the wool over the eyes of Congress and the public in general.

There are many members of the committee who enjoy making reference to the so-called Navy experts, and I have about come to the conclusion that the true definition of a naval expert is one that can come before a committee of Congress and be successful in keeping the committee from finding out anything other than that which the Navy desires to impart. In this connection, I remember a certain admiral who told me that he enjoyed a reputation among his colleagues in the Navy for being able to come before a committee and always get away without allowing the committee to find out anything but what he wished to give in the way of testimony.

At this very moment when the country is confronted with internal problems of a serious nature, and there is not a single reason on earth for the immediate consideration of this shipbuilding program, everything is side-tracked and all of the speed possible is utilized in bringing this measure before the House of Representatives. Kings could not receive greater homage from their people than the naval officers receive from the members of the Naval Affairs Committee of Congress. Sometimes I wonder why they view these officers as if they were little tin gods. I wonder why flood control, agricultural relief, Muscle Shoals, soldier legislation, and other measures are to be side-tracked in order to let this bill come before the House. Everyone knows that there are only a few hundred million dollars in the Treasury, but the naval officers in charge of the Navy are the only ones who seem to have the key and are preparing to unload this surplus ahead of all other interests. If I voted for this bill in its present form, ahead of the legislation that is needed to take care of our internal affairs, I should be ashamed to go home and face my constituents. I have no patience with anyone who is not willing first to remove any kind of obstruction that is necessary to protect his own hearthstone and that of his neighbor; therefore, I have conscientiously opposed any such wasteful expenditure of money as is proposed in this bill from the beginning to the end.

What about these naval experts? Can anyone ever say that a single war plan prepared at the War College was afterwards used in time of war? Do any of you remember what took place during the Civil War when it was proposed to build a ship of iron? Quite a controversy arose, and the so-called naval experts opposed the construction of such a ship, one of them making the statement that "any darn fool knows that iron won't float." All of you should remember the conditions that existed with respect to our Army and Navy during the Spanish-American War, when our men were forced to use an inferior rifle and black powder, while the enemy was using up-to-date equipment which gave them a great advantage. What about the World War? Was there anyone in the Navy or the Army that had any conception of, or was even willing to use up-to-date methods? No, we had no grenades, no trench mortars; our cannon were obsolete; our submarines were of an inferior type; our aircraft was minus, and if this country had been forced into the war alone with Germany, it would not have been 30 days before we would have been humiliated by being compelled to sue for peace.

Thus, it can be seen that the so-called experts are largely a "bunch" of men that can be properly classed as those unwilling to accept new ideas, and clinging tenaciously to old battleships and other kinds of antiques that were used by their forefathers. I have no patience with any man in any vocation of life that is not willing to accept a new idea, and the more quickly this Government finds some way to retire the experts who are recommending the construction of cruisers instead of submarines and aircraft carriers, the better off this country will be.

Mr. BUTLER. Mr. Chairman, I am not going to let that remark or anything like it go by without answering it. I have had as much experience with men of the sea as the gentleman from Oklahoma has had, and there never was a better class of people on the earth than found in these men. They may not be great business men, but, by Heaven, they can and will fight when the Nation is at war, and some of our people who advocate war in peace time do not fight upon such occasions.

I want to say that Hilary Jones is the standard character of this whole naval service. [Applause.] Hilary Jones said at this conference:

> We hope that these nations will accept less than 250,000 tons. We offer the amount of 300,000 tons in the way of reaching an agreement, but we hope that a less amount will be offered by England and accepted.

That was the offer of this gentleman and his colleagues, and this is the first time I have ever heard the integrity of Admiral Jones questioned. The whole country has confidence in this great sea dog, this man who has followed the sea all his life. There has never been any reflection cast upon the character or ability of this man of gentility and sincerity, who made the best attempt he could at Geneva. He was there faced by the hero of Jutland, the man who fought the great battle of the Great War, Admiral Jellicoe. He matched him there. Do you suppose we are going to send an agriculturist over there to battle with Jellicoe? We sent the best man we had.

I have nothing further to say. This man really needs no idle words of mine in his defense, but I could not sit still and hear the character of Admiral Jones questioned for a moment.

Mr. BRITTEN. Will the gentleman yield?

Mr. BUTLER. Yes.

Mr. BRITTEN. Of all the admirals who have appeared before the Committee on Naval Affairs in the past 20 years is there anyone more outstanding in character and of a finer type than Admiral Jones?

Mr. BUTLER. It goes far beyond that. There is no officer with a finer character in the American service than Admiral Jones. I do not care whether he belongs to the Navy or whether he belongs to civilian life. He is hard to match. That is all I have to say, and I am glad I have had an opportunity to testify in a public place to the fine character, intelligence, and sincerity of this gentleman.

Mr. VINSON of Georgia. Mr. Chairman, as I understand under the agreement I am entitled to one hour and a half?

The CHAIRMAN. That is the Chair's understanding.

Mr. VINSON of Georgia. Mr. Chairman, I yield 15 minutes to my colleague from Maryland [Mr. GAMBRILL].

Mr. GAMBRILL. Mr. Chairman and members of the committee, I yield to no one in the hope that some peaceful way may be found to settle international disagreements and to control those jealousies and rivalries which for centuries have been the cause of armed conflict between nations. Differ as we may on the course pursued, nevertheless it may be said with confidence and fidelity to truth, and with a measure of satisfaction, that our country has sought to do its share in promoting the peace of the world. One may question the wisdom or lack of wisdom as shown by our failure to participate in the League of Nations, but no one can deny our unselfishness when in compliance with the mandate of the Washington conference in 1922, called by the Chief Executive of this Nation, we destroyed nearly $300,000,000 of war vessels built or building, and thereby made a notable contribution to the limitation of armament.

Encouraged by what had been accomplished at this Washington conference, the Chief Executive of this Nation invited another conference—held at Geneva in 1927—in the cherished hope that by an exchange of ideas and mutual concessions and adjustments a still further contribution to the peace of the world might thereby result. I have no doubt that the failure of the representatives to that conference to reach an agreement is as much deplored by the people of Great Britain and Japan, and the other powers not parties thereto, as it is by the people of these United States.

Let us review briefly the results of the Washington conference in 1922. An agreement was reached between Great Britain, France, Italy, Japan, and the United States that the tonnage on capital ships to be retained by the five powers, signatories to the treaty, should be—

	Tons
For Great Britain	558,950
For United States	525,850
For France	221,170
For Italy	182,000
For Japan	301,320

generally known as the 5–5–3 ratio. Unfortunately the proposal of our country, that a limitation be placed on the tonnage of auxiliary craft, cruisers, destroyers, and submarines, presented difficulties which could not be satisfactorily adjusted. So there was no tonnage limitation placed on auxiliary vessels, save and except as to the tonnage on aircraft carriers of 135,000 tons and a maximum tonnage on individual cruisers of 10,000 tons with gun caliber not in excess of 8 inches.

Interpreting the spirit of the Washington conference as a limitation on all ships of war, we in this country have gone slowly in new cruiser construction, while other nations have gone forward actively. In 1924, the Congress authorized eight cruisers of 10,000 tons each, but money was appropriated for only two. The following year three more were appropriated for. Last year the remainder were appropriated for, but in such small amounts that the five cruisers last appropriated for are less than 6 per cent completed. Aside from those building or appropriated for, our Navy has 10 cruisers of 7,500 tons displacement and 22 cruisers more than 20 years old, of which 5 only are in commission and are not to be classified as efficient ships of war.

Without going into all the details of our naval strength, which are given fully in the committee's report, and which have been amplified by other speakers, it will be observed that with the 10 efficient cruisers in commission, of the Omaha type of 7,500 tons each, and with the completion of the eight 10,000-ton cruisers being constructed, together with the 15 cruisers proposed to be authorized by this bill, our Navy will have, after these 15 additional cruisers are constructed, 33 cruisers. This is 10 cruisers less than Admiral Hughes, Chief of Naval Operations, says are needed to make a well-rounded fleet distributed as follows:

Cruisers to operate with the Battle Fleet	26
Stationed at focal points	9
On convoy duty	6
Destroyer squadron flagships	2

Your committee was influenced very largely in the curtailment of the original program submitted by the President and the Secretary of the Navy for 25 cruisers of 10,000 tons each by consideration of the proposal made at Geneva by our representatives to the representatives of Great Britain and Japan; namely, that the cruiser tonnage be restricted to from 250,000 to 300,000 tons as against the proposal of Great Britain for a minimum tonnage of about 450,000. The fact can not be too strongly emphasized that in the consideration of this program for additional cruisers, your committee has not been influenced by any desire to compete with any other naval power, and has studiously avoided making any recommendations from which such an inference could be drawn. It is unquestionably true, however, that all naval armament is in a measure relative, as has been said by the Secretary of the Navy and others, and it is likewise true that in determining what is for our country an efficient fleet, the relative strength of other navies can not be disregarded. Let me say here that there seems to have grown up in this country a school of thought obsessed with the idea that it is almost unpatriotic for one to suggest that the United States of America should have a Navy in a measure comparable with that of some other great power.

I do not belong to that school of thought; and in the consideration of what our naval strength should be, I can not, in my process of reasoning, disregard the naval strength of another great and friendly power. This may lead us to a consideration of the naval strength of Great Britain, with whom conflict of any kind is unthinkable.

That your committee has sought to avoid any semblance of competion in naval strength with Great Britain is shown by the statement that the tonnage of cruisers of 27 knots plus and 3,000 tons or greater, built, building, appropriated for, or authorized, and less than 20 years old is:

	Tons
Great Britain	410,000
United States	155,000
Japan	196,200

These figures are taken from the pamphlet of the Navy Department of the United States, prepared by the Office of Naval Intelligence, and published March, 1927. Should Great Britain authorize no additional cruisers from now until the contemplated time for the completion of the 15 cruisers proposed to be authorized by this bill, namely, six years, still her cruiser strength would be about 110,000 tons in excess of that of the United States, made up as follows:

Great Britain	Tons
40 cruisers built	194,200
14 cruisers building or appropriated for	138,000
9 cruisers authorized but not appropriated for	78,000
Total	410,200

United States	Tons
10 cruisers of the *Omaha* type	75,000
8 cruisers built or appropriated for of 10,000 tons each	80,000
15 cruisers of 10,000 tons each, proposed by this bill	150,000
Total	305,000

Japan	
19 cruisers built of a tonnage of	102,005
6 cruisers building or appropriated for	54,200
4 cruisers of 10,000 tons each	40,000
Total	196,205

(Construction program for the 4.)

It is but fair to say that of the 40 cruisers of Great Britain in commission, amounting to 194,200 tons, all but 7 are of a tonnage ranging from 3,500 to 4,765 tons and armed with 4.6-inch guns to 6.6-inch guns. The 7 cruisers which exceed this tonnage are from 7,550 to 9,750 tons, and the 14 cruisers being built or appropriated for are, with one exception, 10,000-ton ships.

In aircraft carriers Great Britain has six, with a tonnage of 107,550, as against two of the United States, of 66,000 tons, or, if the *Langley* be included, then about 79,000 tons.

In destroyers under 16 years of age it can not be denied that our Navy has a superiority of about 105,000 tons, the tonnage for the United States being 329,153 tons and for Great Britain 224,150 tons. Excess, 105,003 tons.

These figures have been given by Admiral Hughes, Chief of Naval Operations. But, as was stated by Admiral Jones, this preponderance is more in theory than in fact, and not that superiority as would seem from the cold figures. Many of these destroyers in the Navy of the United States were built during the war for a specific purpose; many were built hastily and some have a radius of action as small as 3,000 miles. However, the superiority in tonnage does exist and can not be disregarded. For this reason your committee refused to authorize 9 destroyer leaders as proposed in the original program submitted by the Navy Department, especially as authorization was given by the act of 1916 for 12 destroyers, for which no appropriations have been made and none may be deemed desirable at this time.

In submarines we have a superiority, the figures being—

	Tons
United States	93,364
Great Britain	67,688
Japan	76,407

The figures given represent the tonnage built, building, and appropriated for. Here, again, your committee deemed it unwise to indorse the program submitted by the Navy Department for 32 additional submarines, although it is true that the efficient life of a submarine is taken as 13 years, and our submarines will reach the age limit in increasing numbers during the next few years.

In any effort to determine the relative strength of the Navies of Great Britain and the United States consideration must be given to the fact that Great Britain has 888,000 tons of fast merchant ships capable of being readily converted into cruisers and armed with 6-inch guns. The United States, on the other hand, has only 188,000 tons of such ships.

It has been my purpose, by these statements of the comparative strength of the Navy of the United States and that of Great Britain, to demonstrate the fact that your committee was inspired in submitting this bill for 15 additional criusers and 1 aircraft carrier by no spirit of rivalry or desire to enter into competition with Great Britain or any other power. It has, however, been influenced by a desire to give the United States a Navy sufficient only to safeguard the integrity of our country, secure ourselves against hostile attacks, and protect our great commerce. It will be seen that no effort has been made to equal the tonnage strength of Great Britain in cruisers and in aircraft carriers, and when we seem to have a preponderance of strength in other auxiliary craft there has been a refusal to give further authorization for appropriations. Members will do well to bear in mind that we have a great and world-wide commerce which is worth protecting, but aside from this we possess great treasures—not merely great wealth, but an industrial and political life which must be preserved. These alone are worth guarding, but their loss would be trivial compared with the infinitely greater disaster—the destruction of our American institutions, the forcible submergence of our American ideals and beliefs.

But if we are to view our naval strength as our security against the interference with and destruction of our world-wide commerce, then sight must not be lost of the fact that our sea-borne commerce, exports and imports, amounts to about $8,500,000,000 yearly, and our coastwise ocean traffic, exclusive of traffic on the Great Lakes, is valued at $5,600,000,000, or a

total of $14,100,000,000, while the foreign trade of Great Britain is valued at $15,000,000,000. And when we consider the cost of this building program of $274,000,000, spread over a period of six years, do not overlook the fact that this will not be money lost to the people of these United States, because it goes back into the channels of commerce, since over 147 separate industries participate in the construction of a cruiser.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. VINSON of Georgia. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. O'CONNOR of Louisiana. Will the gentleman yield?

Mr. GAMBRILL. Certainly.

Mr. O'CONNOR of Louisiana. The argument is frequently made that inasmuch as most of our commerce is carried in foreign bottoms that a navy is unnecessary, because that commerce would be free from seizure. Is there anything in that legal argument? On the other hand, would not that commerce be subject to seizure by an enemy at war with us? Of course, it would have to be an enemy to be at war with us; but would not our commerce in foreign bottoms be subject to seizure if declared contraband by an enemy?

Mr. GAMBRILL. I think that is unquestionably true; and it is to be borne in mind that our coastwise commerce amounts every year to about $5,800,000,000, which, of course, would be subject to seizure at any time. But if the gentleman from Louisiana will excuse me, there is one subject which I want to dwell upon before I conclude, and it is this—

It may be contended by some that this authorization should be deferred until 1931 in the expectation that at the reconvening of the Washington Conference on the Limitation of Armament an agreement might be reached applicable to all auxiliary vessels, so as to keep the tonnage of cruisers below 300,000 tons, which will be our tonnage strength in cruisers if this bill becomes a law and the cruisers authorized are completed by 1935.

To entertain such an idea is to disregard the claims of Great Britain and her delegates and naval experts at the Geneva conference that, independent of the naval program of any other power, she needed a cruiser strength of about 450,000 tons. And to hold such a hope one must disregard the pronouncements of responsible officers of the cabinet of Great Britain that no solemn agreement binding her to a mathematical parity with any other country in auxiliary craft could be considered.

It is well to recall that the fundamental idea which inspired the President of the United States to invite the signatories to the Washington conference to meet at Geneva in 1927 was to secure, if possible, a limitation of tonnage on auxiliary craft on the basis of the 5–5–3 ratio. In the initial stages of the negotiations at Geneva the representatives of Great Britain, Japan, and the United States agreed, in principle at least, to a mathematical parity in auxiliary vessels on a basis of 5–5–3.

It is quite evident that when this concession by the representatives of Great Britain became known it caused dissatisfaction in the cabinet of Great Britain and her representatives were called home for consultation with the British cabinet, and on their return to Geneva their attitude was reactionary to the original proposal. That there was a change of attitude on the part of the representatives of Great Britain at the Geneva conference is shown to be true in an illuminating address made by Viscount Cecil, one of the outstanding delegates at the Geneva conference. In a speech made in the House of Lords on November 16, 1927, he stated that before the convening of the Geneva conference there was a discussion in the committee of imperial defense as to the case that was to be laid before the conference, and the question was raised whether the representatives of Great Britain were to admit that the United States of America was entitled to equality in cruisers on the same basis as that which had been conceded in battleships. The representatives of Great Britain at the Geneva conference agreed, tentatively at least, to this equality as a basis for consideration of the proposal to be discussed.

According to Viscount Cecil, no sooner did this agreement for the principle of mathematical parity become known than Mr. Churchill, Chancellor of the Exchequer, began to impress on his colleagues in the cabinet—I am now using the language of Viscount Cecil—

> the necessity of avoiding the consequence of what he, Mr. Churchill, regarded as a disastrous concession.

A feeling which Mr. Churchill afterwards expressed in no unmistakable language in a speech made in Haslemere, England, August 6, 1927, in explanation of the attitude of the British cabinet on the doctrine of naval equality. He said:

> We are not able now—and I hope at no future time—to embody in a solemn international agreement any words which would bind us to the principles of mathematical parity in naval strength.

He concluded his speech with these significant words:

> I hope that when we say we should not be alarmed by the American cruiser program we shall not confine ourselves to biased sentiments, but will prove our confidence and composure by actions that speak louder than words.

But, reverting to the speech of Viscount Cecil, we are informed by him that no sooner had the representatives of Great Britain at Geneva agreed to the principles of mathematical parity when they—

> began to receive telegrams which seemed to indicate that the cabinet was dissatisfied.

A few days thereafter the representatives of Great Britain received a preemptory summons to return home, which left no alternate. Lord Cecil says:

> When we got home we found, as I have already intimated, that certain members of the cabinet strongly took the view, afterwards expressed in public by the chancellor of the exchequer, that it would have been most dangerous to have stated in the treaty that the Americans were entitled to mathematical parity in auxiliary vessels. These ministers clearly indicated that they preferred no agreement to one embodying that principle.

As a formal expression of the attitude of the British Government on this question of mathematical parity in auxiliary vessels, "statements" were read in the House of Commons on July 27, 1927, by Sir Austin Chamberlain, Secretary for Foreign Affairs, and in the House of Lords by the Marquis of Salisbury, which, in substance, were that—

> Anything resembling the quisi formula adopted at Washington for battleships is quite inapplicable to vessels designed for purposes which, not only may, but must, vary with the geographical and economic position of the several powers concerned.

This pronouncement, made while the Geneva conference was in progress, could not help but retard, if not destroy, the objective which was being sought.

Lest my reference to these events may be considered a criticism rather than a statement of facts, let me say that, after reading the proceedings of the Geneva conference and, after having heard the statements made before the Naval Affairs Committee by two of the distinguished representatives from the United States to that conference, I am disposed to agree that there was some justification for the criticism made by Viscount Cecil when he said that the representatives of the United States attached vital importance to the retention of the right to put 8-inch guns on any cruisers and—

> that the American attitude on this question seemed to me (him) to be entirely wrong and the reasons advanced for it quite unconvincing.

It is evident from what has been related that, even if an agreement can be reached at Washington on the vexed and difficult question of mathematical parity in auxiliary vessels, there is no danger of this country having a surplus strength in cruiser tonnage. And it is altogether unlikely that another conference will be called before the one to be held in Washington in 1931. Indeed, this would seem to be the attitude of the Chief Executive of this country and the Government of Great Britain.

I have in mind tha so recently as February 8, 1928, the distinguished Secretary for Foreign Affairs in the British cabinet, Sir Austin Chamberlain, dealt with this subject in his review of foreign relations. After expressing his regret at the failure of the Geneva conference to carry forward the work of the limitation of naval armament, he said:

> I do not think, and I do not believe that any other government thinks, that we would be well advised to take up that subject again at this moment.

I feel, therefore, that this orderly and noncompetitive program for the addition to the cruiser and aircraft strength of our Navy may be carried out without arousing concern in the cabinet of any power; that it will be accepted as our security from conflict, and as a just measure of defense and not one of aggression. [Applause.]

Mr. BUTLER. Mr. Chairman, I am going to consume a minute and ask my colleague a question. Is it not a fact that in all the search we made we could find no hope in the future that we would not need these ships, although there may be a conclusion reached bearing upon a limitation?

Mr. GAMBRILL. That is true.

Mr. BUTLER. In spite of any agreement we will always need these cruisers that are provided for?

Mr. GAMBRILL. We will always need the cruisers that are provided for; yes.

Mr. BUTLER. And it does not matter whether there is any agreement or not?

Mr. GAMBRILL. That also is true.

Mr. McCLINTIC. Mr. Chairman, the chairman of the committee has taken issue with me with respect to the statements I made concerning Admiral Hilary P. Jones. I want to read a statement from a naval officer who stands about as high—notwithstanding the fact that he is not from this country—as the ordinary naval officer here, and he is Lieutenant Commander Kenworthy, the statement having been made in the House of Commons. He says:

> You can not expect these naval experts, whether they are of high rank or of more modest rank, to do otherwise than use every effort they can to obtain more ships, more money, more dockyards, more seamen, bigger guns, larger equipment, and they would not be really worthy of their position unless they did.

So I am supporting the statement I made a few minutes ago when I spoke to the committee.

Further, in this connection, I want to say that Viscount Cecil, in his speech before the House of Lords, explained why the Geneva conference broke down and why he left the government. Briefly, he said, it broke down because of three reasons, the first of which was hostility of the Admiralty toward disarmament. Now, either Viscount Cecil did not know what he was talking about or he is not a square shooter; and he makes the same statement that a majority of the people who reside in this Nation now believe.

I want to say that under date of January 17, Admiral E. A. Taylor, retired, made this statement concerning the reasons there was no agreement at this disarmament conference:

> So preposterous and contrary to the spirit of the conference which the United States herself convened, that I only can assume that she had no intent of limiting our armaments, but that her policy was dictated solely by political considerations. America neither would say what she wanted in the number of ships nor why she wanted them.

Mr. BRITTEN. Will the gentleman yield for a question there?

Mr. McCLINTIC. In just a minute.

Either these gentlemen do not know what they are talking about or the statements I have made with respect to the attitude of naval officers is correct, and I am only reading this to show you that I am backed up, if you please, by authority which I consider to be very high.

Now, I wish to make a statement in regard to one other question. Some time ago I made the statement on this floor that England did not care if we built 100 cruisers, that she was of opinion that they would be of no particular use in time of war, and quoting from this same naval officer, he made this speech in the House of Parliament:

> The cruisers are practically useless against submarines. You can build as many 10,000-ton cruisers as you like, costing from $10,000,000 to $12,000,000 each, and they will be useless against submarines.

I called attention to the fact that England did not care how many cruisers we built, and quoting from an editorial published in the Nation and Athenæum, under date of August 13, the editorial states:

> Therefore we are not now able—and I trust at no future time—to embody in a solemn international agreement any words which would bind us to the principle of mathematical parity in naval strengths. But, in the name of common sense, why not, if it does not matter to us how many cruisers the Americans have.

Does not this prove my contention? Continuing further, in the Spectator, an old and conservative paper, it was stated on July 9, 1927:

> Probably America would not want to build up to our naval strength, as she would have no possible use for so many ships. Even if she did, no harm would have been done.

I am calling your attention to this to prove that the statements I made in a speech some time ago, in which I quoted the policy of England with respect to cruisers and submarines, is true.

I reserve the balance of my time, Mr. Chairman.

Mr. VINSON of Georgia. Mr. Chairman, I yield 15 minutes to the gentleman from Virginia [Mr. DREWRY]. [Applause.]

Mr. DREWRY. Mr. Chairman, in considering the present bill, which represents the sentiment of 20 out of 21 members of the Naval Affairs Committee, it seems to me that it would clear the atmosphere to some extent if the history of this proposed legislation be examined.

The present bill is not partisan, and properly so, for the defense of our country should not be considered from a partisan standpoint. There is very little of partisan politics in the Naval Affairs Committee, due largely to the conduct of its affairs by its chairman. I wish I had the time to pause here for an expression concerning him. Suffice it to say that the members of the committee love him and admire him because of his splendid qualities of head and heart, for his broad-minded humanitarianism, his sense of justice and fairness to his fellow men, his political integrity, and his deep and abiding patriotism. [Applause.]

The bill proposed by the Secretary of the Navy requested an authorization for the construction of 25 cruisers, 9 destroyer leaders, 32 submarines, and 5 aircraft carriers, to be laid down in five years, subject to the limitations of the 1923 treaty limiting naval armaments, and allowing the President to suspend the construction in his discretion—total cost of program, $740,000,000. This program was immediately attacked by certain organizations, and much propaganda was sent out by them, a great deal of which was misleading and inaccurate and untrue. The objections to the program were that the outlay was too large, that the program was competitive, and that it was provocative.

The committee considered the matter patiently from January 11, 1928, to the 3d of March, 1928—nearly two months—and then brought in its recommendations in the shape of the bill which is now before you. The committee bill requests an authorization for 15 cruisers and 1 aircraft carrier, to be laid down in three years, subject to treaty limitations, and allowing the President to suspend construction. The destroyer leaders were eliminated and so were the submarines. So this bill provides only 15 cruisers, where 25 were asked by the department, and 1 aircraff carrier instead of 5. Instead of a $740,000,000 program the committee comes to the Congress with a $274,000,000 program. This can not be called a big program, nor can the amount to be spent be looked upon as extravagant, when you consider that it is being spent for the most important matter before us—the proper defense of the country. [Applause.]

It will aid a great deal in considering whether this construction is unnecessary and against the interests of world peace, in my opinion, if we look into the efforts made by the United States for world peace in the past to see whether the United States has ever shown a tendency to militarism with aggressive intent. This country has been the foremost advocate of peace among the nations of the world from the earliest times and has always been opposed to large military establishments. I can only refer briefly as authority for these statements to the messages of our Presidents from 1790 down to the present time, especially Washington's address of December 7, 1796, in which he says:

> To secure respect to a neutral flag requires a naval force organized and ready to vindicate it from insult or aggression. This may even prevent the necessity of going to war by discouraging belligerent powers from committing such violations of the rights of the neutral party as may, first or last, leave no other option.

And in his messages of December 8, 1798, and December 3, 1799, John Adams said:

> In demonstrating by our conduct that we do not fear war for the necessary protection of our rights and honor we shall give no room to infer that we abandon the desire of peace. Efficient preparation for war can alone insure peace.
>
> A steady perseverance in a system of national defense commensurate with our resources and the situation of our country is an obvious dictate of wisdom, for nothing short of the power of repelling aggression will secure to our country a rational prospect of escaping the calamities of war or national degradation.

Also refer to the messages of Madison, Monroe, John Quincy Adams, Andrew Jackson, John Tyler, James K. Polk, Abraham Lincoln, Grant, Arthur, Cleveland, Harrison, McKinley, Roosevelt, Taft, and Wilson, in which the attitude of this country was held up before the world that world-wide peace was our ultimate object.

As the latest contribution to the subject, listen to the remarks of Mr. Hughes, a great American of ability and patriotism:

> This Government has taken the lead in securing the reduction of naval armament, but the Navy that we retain under the agreement should be maintained with efficient personnel and pride in the service. It is essential that we should maintain the relative naval strength of the United States. That, in my judgment, is the way to peace and security. It will be upon that basis that we would enter in future conferences or make agreements for limitation, and it would be folly to undermine our position.

The foremost thought, therefore, in the minds of our great Executives, as well as in the minds of the people of the country, has been that the United States is intensely desirous of world peace—that it has no intention of building up an Army and

Navy for any act of aggression, but that the country should have a Navy sufficient to protect and insure its own safety and the security of its people. In addition to these expressions and the above thought of the people of the country, the United States has taken part in every movement that has been intended to promote world peace.

Many years ago, the United States erected at the entrance of its Capitol the Peace Monument, that beautiful symbolic statue signifying to the world that forever before the eyes and in the minds of its legislators was the idea that the aftereffects of war were tears and sorrow—by the way, this statue was designed by an admiral of the Navy, Admiral Porter. With that before the lawmakers there was the hope that there would be no more wars, internal or abroad. The United States was looked upon by all the world as a peace-loving Nation. So it was, and after it had avenged the insults that provoked it into entering the last war, it turned all its energies toward securing the peace of the world. The great head of this great Nation was foremost in the scheme of inviting all the countries of the world into a pact that there would be no more wars. The whole war-wearied world was hopeful and looked to the United States for assistance and cooperation.

Woodrow Wilson proposed a League of Nations whereby there might be set up the machinery for settling all disputes that might arise between the nations. If this country had seen fit to ratify this plan, it is my opinion that we would have had no need for a large Navy. I think it is the best plan that has been proposed for the peace of the world, but it did not meet with the approval of the country.

When that failed, President Harding called a conference at Washington in 1922. The United States made a proposal at that conference which has been called an "Utopian gesture."

It proposed a 5-5-3 ratio with Great Britain and Japan, not only of capital ships but of the entire naval forces.

Mr. O'CONNOR of Louisiana. Will the gentleman yield?

Mr. DREWRY. I will yield to the gentleman.

Mr. O'CONNOR of Louisiana. I assume that the gentleman recognizes the fact that a considerable part of the exports of this country go out of Gulf ports—Galveston, New Orleans, and other ports through the Florida Strait and the Yucatan Channel. I am assuming that the gentleman knows that in the event of engaging in trans-Atlantic power that the battle would be fought in the Caribbean Sea, and the Gulf of Mexico. I am assuming that the gentleman knows that the island leading to the Atlantic entry to the Panama Canal is under the control of the trans-Atlantic power.

Mr. DREWRY. If the gentleman will allow me, the gentleman is assuming more than he should attempt to in my time.

Mr. O'CONNOR of Louisiana. The gentleman yielded to me for a question and I have stated the basis of my question. Does the gentleman think that if I am correct in my assumption that the Naval Establishment is adequate without this naval program?

Mr. DREWRY. I suppose not.

It must be borne in mind that at any conference the representatives of the United States can not propose or make an agreement that would admit any inferiority on its part. After the agreement is made, if the United States does not see fit to build up to its permitted strength, that is a matter for Congress to determine. Our country can not go into a conference and agree on paper to take an inferior position without lowering ourselves in the eyes of the world. The other nations refused to agree to the proposals of the United States, with the exception of perfecting an agreement as to the ratio of capital ships wherein at the time we were the strongest. In order that the conference might not be a failure, the United States agreed to this. This satisfied Great Britain, but Japan insisted that we should also relinquish our naval base in the Pacific, with the exception of Hawaii. Therein lies, to my mind, the difficulty that now confronts us. Not having a base in the Pacific nearer than Hawaii to the Philippines, it is necessary that we should build ships of a wide cruising radius, such as cruisers of a 10,000-ton strength. Great Britain, which has its naval bases closer than ours, does not need cruisers of such tonnage, for their cruising radius is not as great between their established bases. I think that the result of the Washington Conference was the greatest disaster this country has ever suffered in world diplomacy, and that all of our present troubles in getting further agreements for the limitation of armaments grow out of the position which resulted from that conference. We destroyed $300,000,000 worth of ships at a time when we had the peace of the world in our keeping and put ourselves on a competitive basis with Great Britain and Japan. No wonder the people of the country complain at the present program, when they realize that five or six years ago we destroyed $300,000,000 worth of ships, and then come back and ask within five years, for $740,000,000 to build more ships. The mind of the average man looks on this performance as an act of "sheer madness." He can not understand the situation at all. For the purpose of showing the relative strength of the United States, Great Britain, and Japan at the time of the Washington Conference I am inserting a table setting it forth:

Capital ships, destroyers, first line; light cruisers, first line; and aircraft carriers

(Prior to conference; i. e., December, 1921)

BUILT

	United States		British Empire		Japan	
	Number	Tonnage	Number	Tonnage	Number	Tonnage
Battleships, first line	18	500,650	26	635,650	6	178,320
Battleships, second line	13	202,740	7	127,150	4	71,500
Battle cruisers, first line	None.	None.	6	175,400	4	110,000
Battle cruisers, second line	None.	None.	4	72,100	None.	None.
Light cruisers, first line	None.	None.	47	208,915	11	54,850
Destroyer leaders	None.	None.	20	34,376	None.	None.
Destroyers, first line	293	348,247	179	208,742	43	44,613
Aircraft carriers, first line	None.	None.	4	62,590	None.	None.
Aircraft carriers, second line	None.	None.	3	26,130	1	5,875
	324	1,051,637	296	1,551,053	69	465,158

BUILDING AND APPROPRIATED FOR

Battleships, first line	9	357,000	None.	None.	7	287,600
Battle cruisers, first line	6	261,000	4	160,000	8	352,000
Light cruisers, first line	10	75,000	2	19,500	16	85,700
Destroyer leaders	None.	None.	1	1,750	None.	None.
Destroyers, first line	4	4,860	6	7,450	62	71,750
Aircraft carriers, first line	1	[1] 19,360	None.	None.	3	27,000
	30	717,220	13	188,700	96	824,050

[1] Displacement as collier; when conversion completed was 12,700. No information as to mine layers available.

After the Washington conference, the United States continued to make efforts to limit naval armaments with reference to auxiliary ships, and participated in conferences at Geneva. After considerable discussion, during which time the other nations increased their navies and we permitted ours to deteriorate, the conference failed to agree last fall on further limitation of naval armaments. I have no criticism for the President and other sincere and earnest advocates of peace for saying that we should not build up our Navy while these conferences were being held. I did not agree with them, for I thought, and so stated on numerous occasions, publicly and otherwise, that no other nation in the world would agree to destroy its navy as we had done. There is no portion of the globe to-day that believes that we have reached such an era of good feeling among the nations of the world that a nation should not build military establishments sufficient to take care of itself if it should be attacked. So I am inserting at this place a comparative statement of the naval situation as it affects the three signatories to the Washington conference as of the present time, in order that it may be compared with the statement of similar purport at the time of the Washington conference:

Information as of October 1, 1927 (present situation)

BUILT

	United States		British Empire		Japan	
	Number	Tonnage	Number	Tonnage	Number	Tonnage
Battleships, first line	18	525,850	15	401,250	6	191,320
Battleships, second line	None.		None.		None.	
Battle cruisers, first line	None.		4	122,700	4	110,000
Battle cruisers, second line	None.		None.		None.	
Light cruisers, first line	10	75,000	39	190,810	21	116,205
Destroyer leaders	None.		17	29,700	None.	
Destroyers, first line	276	[1] 329,153	156	181,850	82	92,025
Aircraft carriers, first line	None.		2	45,050	1	26,900
Aircraft carriers, second line	1	12,700	2	25,300	1	9,500
	305	942,703	235	996,660	115	545,950

BUILDING AND APPROPRIATED FOR

Battleships, first line	None.		1	[2] 35,000	None.	
Light cruisers, first line	8	80,000	17	[3] 164,000	8	80,000
Destroyer leaders	None.		1	1,800	24	40,800
Destroyers, first line	None.		8	10,800	1	1,445
Aircraft carriers, first line	2	[2] [4] 66,000	2	[4] 37,200	1	[4] 26,900
	10	146,000	29	248,800	34	149,145

[1] Including light mine layers.
[2] Completed since Oct. 1, 1927.
[3] Two of these of a total of 18,000 tons will not be laid down the Admiralty has announced.
[4] Converted from battle cruisers, battleships, or cruisers.

The conclusion is inevitable that we are lacking in a well-balanced and adequate Navy sufficient to protect our country and our people from insult and aggression.

Therefore after making such generous and open offers for the peace of the world, and showing our good faith by our acts, the conclusion was forced upon us that the other nations would not agree to our ideas. Only one thing remained, and that was to build our Navy to a point where it would take care of the country. The duty is upon Congress, having received the recommendations of the Executive, to see to it that the country shall not be defenseless.

In considering this bill I reached the same conclusion as the President, namely, that now our present naval policy should be to build as fast as possible a navy adequate to protect its trade and defend us from aggression. There is no question of whether it be a "big navy" or a "small navy"—such terms are relative and mean nothing. What this country wants, what I want, and what everyone wants, is a navy adequate for its needs. If that means 74 ships and $740,000,000 then it should be our purpose, within our ability with reference to other needs of the country, to build that number of ships; but we do not want to throw any money away, nor do we want to build up such a navy as would be a menace to weaker nations. Our idea is only to protect ourselves. I think we have vacillated enough—in fact, I believe the vacillating policy of the administration was the cause of the failure of the Geneva conference.

Mr. BLACK of New York. Will the gentleman yield?

Mr. DREWRY. I will.

Mr. BLACK of New York. In 1916 we authorized 9 submarines and we only have six. In 1924 we authorized 8 cruisers and to-day we have 2. Here we are authorizing 15 cruisers to undertake their construction in three years. What hope have we that we will get them, with the present attitude of the Appropriations Committee and the Bureau of the Budget? This bill does not mean anything unless it forces Congress and the President to construct the vessels.

Mr. DREWRY. I am trying to answer the gentleman's question. We can only start the 15 cruisers.

The administration has jumped back and forth on this question of naval construction, if the President has been correctly reported in the newspapers, to such an extent that I believe the confusion in the minds of the people is due largely to what the newspapers stated were his views on the subject. In December, 1926, after an interview of the President with Chairman Butler of the Naval Committee, the President was reported to advocate the construction of 10 cruisers. A few days afterwards, the country was given to understand by the "official spokesman" that the President was not in favor of building 10 cruisers, but merely favored their authorization. However, a month or two later, when the Navy bill was reported to the House, it contained no appropriation for cruisers, and it was stated that the President was opposed to building any. In less than two months after that statement the Congress passed the bill appropriating money for the beginning of work on three cruisers, and the President signed it. Last summer it was said that the Chief Executive blamed Congress for delaying the cruiser program, insisting that the appropriation for three cruisers interfered with his plan for building 10. About a month later Mr. Coolidge announced, according to the papers, that he was opposed to any naval program larger than was proposed at the Geneva conference, but in December, 1927, it was again stated that the President had approved the program of building 25 cruisers of 10,000 tons each. Then, in January, 1928, after he had previously criticised the agitation for a large Navy, he stated that he believed in building as fast as possible 25 cruisers; in other words, according to the bill originally introduced calling for a larger expansion of the Navy than the present bill. As I said above, while I do not criticize his honesty of purpose in changing his view so frequently, yet I do believe that this vacillating policy has been very confusing to the people of this country and possibly prevented other nations from agreeing with us on a limitation of armaments. It was natural that they would not agree to anything until they knew what our determined policy was to be. I am glad, however, that the President has finally reached the conclusion that we must build for our needs alone and with no idea of entering into competitive construction with others.

Great Britain would have agreed to a limitation, if she had thought it necessary to prevent us from increasing our Navy to a size commensurate with hers; but, she reasoned, why should she cut down her naval strength when the United States, apparently, was not going to keep up its Navy, as was indicated by remarks made on this floor and throughout the country on the subject.

The committee, therefore, was forced to the position of considering to what extent we should build up our Navy at this time to meet our needs without reference to any other power. The committee reached the conclusion that, owing to certain conditions, we could get along with 15 cruisers and one aircraft carrier. This is the minimum that Congress can do, in my opinion, and remain true to its duty to take care of our Naval Establishment. The committee eliminated the destroyers because 12 vessels have been authorized and no appropriation has yet been made for same, but the authorization has been directed and in the course of time the Appropriations Committee will take care of that situation. And another consideration which influenced the committee was that we are stronger in destroyers, as compared with other nations, than in any other type of ships.

Nor did the committee decide to build any submarines, for there are a great many experiments going on at this time with reference to this type of ship, and it was thought better to await the result of these experiments. In addition, three fleet submarines have already been authorized and no appropriation has been made therefor. As to aircraft carriers, a similar condition exists there with reference to experimentation as to size and construction, and it seemed wise to the committee to advocate the building of one aircraft carrier and not exhaust the limit of our tonnage under the Washington treaty, while the construction of this type of ships is so largely a matter of experiment.

This brings us, therefore, to the subject of cruisers. The department asked for 25, and the committee thought there should be at least 15 constructed. I have no desire to discuss the ratio between Great Britain and Japan and the United States with reference to their relative strength, for it is fully stated in the report on this bill, and my mind, at least, as said above, is not working with the idea of competing with any other nation but with the sole thought of building up our fleet as it is necessary for our needs. Neither Great Britain nor Japan could say we are engaging in competitive building, if the United States only built up to the 5–5–3 ratio, for this ratio has been accepted with regard to battleships, and in order for building to be competitive in auxiliary craft, only building beyond this ratio could be so considered. The present ratio in cruisers built and building is 1.4 for United States to 5 for Great Britain and 2.6 for Japan in numbers and 1.9 for United States to 5 for Great Britain and 2.6 for Japan. The United States would have to build 24 cruisers in order to equal what Great Britain now has, without reference to what she is preparing to build. Surely the building of 15 could not be called competitive.

	United States		British Empire		Japanese Empire	
	Number	Tonnage	Number	Tonnage	Number	Tonnage
Obsolete	22	164,100	None.	None.	11	73,025
Modern cruisers completed with guns less than 8-inch caliber	10	66,000	49	246,776	21	98,015
Modern cruisers completed with 8-inch guns	None.	None.	3	30,000	4	28,400
Modern 8-inch gun cruisers building	2	20,000	11	108,300	6	60,000
Modern 8-inch cruisers appropriated for but not laid down	6	60,000	None.	None.	2	20,000
Total modern 8-inch cruisers	8	80,000	14	138,300	12	108,400
Total modern cruisers of all calibers built and building	18	146,000	63	385,076	33	206,415
Ratios	1.4	1.9	5	5	2.6	2.6

It is, of course, necessary to study the use of cruisers with reference to capital ships, as evidenced by the best opinion of naval experts of other countries. Our own experts thought that we should have 28, as stated by Admiral Hughes. He thought that there should be a minimum of 15 cruisers for detached control tasks, such as the guarding of the Atlantic and Pacific coasts, the Panama Canal, and the naval base at Hawaii, and for guarding our commerce and patrolling the seas. Admiral Jellicoe, of the British Fleet, thinks that 5 cruisers are required for every 3 capital ships. I confess that I believe there should be more cruisers than we have provided for, but I am in accord with the bill of the committee. Let me impress with all the earnestness that I have, that in my opinion it is absolutely necessary that we have these 15 cruisers built without delay.

From the standpoint of our national requirements it is very important that we have light cruisers to balance our fleet. A great many factors enter into the use of cruisers, but to quote the Secretary of the Navy:

Speaking broadly, our lack of naval bases, requiring ships to fuel at the home bases, and therefore requiring them to carry a large amount

of fuel in order to perform their functions, involves a larger type of ships than Great Britain, for instance, needs with a large number of bases scattered all over the world. With that larger type of ship carrying its fuel, it is desirable to have the heavier armament, which can be carried on the larger type of ships, so that when it meets an enemy with less gun power it can command the situation. In a sense, a cruiser of smaller tonnage, with many bases, leaves on shore part of its tonnage. We have not that reserve tonnage, so to speak; consequently, we must have larger ships to carry the necessary fuel and supplies.

The other treaty powers—Great Britain, Japan, France, and Italy—after the conclusion of the Washington treaty, began the construction of cruisers of this type, but the United States lagged behind until 1924, when Congress authorized the construction of eight ships of the 10,000-ton class and made appropriations for the building of two of these ships. The fact that other nations recognized the importance of this type of ship and began to build immediately after the Washington treaty is conclusive, when taken into consideration with the advice of our own naval experts that we also should keep our Navy balanced with the construction of this class of ship.

These other nations did not consult us in their program with reference to cruisers, and there was no reason why they should. They built for their own needs, and no question was ever raised by anyone in this country, not even the pacifists, that they were doing anything in constructing these ships for their needs that was either competitive or provocative. Surely, then, we can not be charged in our program with any attempt at competition. We need these cruisers as a part of our fleet for the protection and better use of our capital ships, and for the protection of our merchant marine, and for the protection of our coastal trade routes and lines of communication. As said before, the building of 15 cruisers is not sufficient to protect our commerce entirely, but it is a conservative program of our actual needs.

The matter resolves itself into this question, Shall we have a navy adequate for our needs? There are some people who think we should not maintain any navy at all. I do not believe any Member of Congress holds such a view—certainly the people of the country do not wish to be defenseless, and it is the duty of Congress, placed upon it by the Constitution, "to provide and maintain a navy." To what extent shall we fulfill this duty? Here arises a wide variance of views. The Naval Affairs Committee thinks this bill proposes the immediate requirements. It reaches this conclusion after hard and persistent study of the question. The proposed construction is not open to the objection that the outlay is too large, for surely the amount to be expended each year is not too large for insurance of our safety; it is not competitive, for we are only considering our own needs without reference to other nations. Great Britain and every other nation is at liberty to carry out its plans for its national defense, and surely they can not resent our doing the same thing. No nation could reasonably be provoked that we are determining our own naval requirements just as they themselves are doing. This very understanding of liberty on the part of every nation to decide its own naval requirements will, in the end, probably cause the nations of the world to agree on the minimum requirements of each so that such construction will be the least possible burden on the people of their respective countries. If such avowed policy be accepted in good faith, as it should be made, then the maintenance of naval armaments will be noncompetitive and nonprovocative. [Applause.]

Mr. BUTLER. Mr. Chairman, before I move that the committee rise, I give notice that it may be necessary to ask for a little more time on general debate. I am merely throwing that hint out now to the House.

Mr. TILSON. That can be done to-morrow morning when we assemble, if need be.

Mr. BUTLER. No; I think we better wait until the general debate has proceeded for some time. Mr. Speaker, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BACON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11526) to authorize the construction of certain naval vessels, and for other purposes, and had come to no resolution thereon.

RADIO

Mr. WHITE of Maine. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2317) continuing for one year the powers and authority of the Federal Radio Commission and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Maine asks unanimous consent to take from the Speaker's table the radio bill—S. 2317—and agree to the conference asked by the Senate. Is there objection?

Mr. CHINDBLOM. Has the Senate made any change, or just refused to concur?

Mr. WHITE of Maine. The Senate has refused to concur and has asked for a conference.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees: Mr. WHITE of Maine, Mr. LEHLBACH, Mr. FREE, Mr. DAVIS, Mr. BLAND of Virginia.

A SOLDIER AT THE THROTTLE—PATRIOTISM ON A LOCOMOTIVE

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD briefly in reference to the services of James E. Martin while a member of the expeditionary forces in France, serving with the Railway Transportation Corps as a locomotive engineer.

The SPEAKER. Is there objection?

There was no objection.

Mr. McSWAIN. Mr. Speaker, I have sought permission to extend my remarks in the RECORD concerning the services of my fellow townsman and friend, Mr. James E. Martin, of Greenville, S. C., in order that the records of his country may show the valuable service he rendered while a soldier in France and while detailed from his regular organization to operate a locomotive upon the railways of France. While so operating Mr. Martin was a part of the time in charge of the splendid train called "the Chaumont Special," and had the engine from Tours to Nevers.

On one occasion during the great drive in October, 1918, when there was great urgency to use every means of transporting men and supplies and munitions to the front, Mr. Martin was ordered to carry his train on toward the front about 175 kilometers beyond Nevers. Mr. Martin had never been over that route, and he used the same engine with which he had brought the train in from Tours. But there was no other engine at hand and no engineers that knew the road. So great was the confidence of his superior officers in the ability and good judgment of Mr. Martin in the handling of a train, even in a strange country where he did not know the language, and over a strange road that he had never traveled before, that they immediately ordered Mr. Martin to proceed with his train. The run consumed all of one night, as well as part of the previous day, and so much of the previous day as had been consumed by the run from Tours to Nevers. The result was that Mr. Martin was on his engine and at the throttle continuously for nearly 48 hours, covering all of two days and all of one night and part of another night.

This tends to show that not all the heroism was displayed at the front and under fire. It took patriotism and resolution and physical powers of endurance of a high order to stand what Engineer Martin endured. This adventure of his is in a certain way comparable even to that of Colonel Lindbergh in flying at night across the tractless ocean and continuing in flight actually for less than 10 hours than Mr. Martin was at the throttle of his locomotive.

Mr. Martin served as a private in the Spanish-American War, Company E, First South Carolina Volunteer Infantry. After that he was a fireman upon the Southern Railroad and later an engineer. When the United States entered the World War Mr. Martin was about 38 years old, and his aged mother and father were largely dependent upon him for support. However, so great was the patriotic urge that he immediately volunteered, and on June 2, 1917, was duly sworn in as a private in Company B, of what later became One hundred and seventeenth Engineers, under the command of Col. J. Monroe Johnson, of Marion, S. C. This organization left the United States in February, 1918, as a part of the Forty-second Division, and from then on saw exceedingly active and aggressive service upon several sectors. Due to the lack of trained engineers, Mr. Martin was detailed from his organization and transferred to the Railway Transportation Corps in June, 1918, and immediately proceeded to become prepared by the study of the rules and signals of French railways to operate a locomotive upon those roads. Accordingly, on July 2, 1918, he was certified by the French inspector as qualified, as will appear by the following certificate:

Chemin de Fer de Paris a Orléans Service du Matériel & de la Traction.
Procès-Verbal d'examen technique et d'essais pratiques pour l'emploi de mécanicien

Les membres du jury soussignés ont interrogé le (1) Mécanicien, (2) Martin James.

Il déclarent que cet agent connaît bien les signaux, les règlements sur la circulation des trains, ainsi que les instructions et ordres de service qui s'y rattachent.

Il est au courant du montage et du démontage des principales pièces de la machine et du tender et du fonctionnement de tous les organes et des divers freins en usage sur le réseau et est en état de remédier aux avaries de route.

Cet agent a conduit d'une manière satisfaisante pour faire le service de mécanicien sur les lignes de Tours a Vierzon.

Tours, le juillet, 1918.

(Signed) A. DURAND,
L'Inspection de la Traction.
(Signed) S. LIEUB,
Le Chef Mécanicien.

(1) Titre.
(2) Nom Prénom.
[*Nota:* Ce procès-verbal devra être présenté par le titulaire à toute réquisition.]

So well did Mr. Martin conduct himself as a soldier and as an engineer that Lieut. John Logan Strong, on October 29, 1918, voluntarily signed the following memorandum in commendation of the skillful service and patriotic nature of Mr. Martin, as will appear by the following copy of that recommendation:

AMERICAN EXPEDITIONARY FORCES,
TRANSPORTATION SERVICE,
OFFICE OF TRAIN MASTER, T. S.,
St. Pierre des Corps, October 29, 1918.

From: Lieut. J. L. Strong, train master, St. Pierre des Corps.
To: Captain McVey, master mechanic, St. Pierre des Corps.
Subject: Conduct of Engineer Martin on T–C train.

1. Engineer Martin, who is one of the assigned engineers on "T–C" and "C–T" trains, spoke to me to-day about a misunderstanding which occurred between himself and mechanical department at Vierzon a day or two ago. Martin feels very badly on account of having been notified to report to Captain Smith, commanding officer, as he feels that he has done his duty and obeyed orders in all cases.

2. This man attracted my attention soon after my arrival at St. Pierre des Corps last August, while standing on a freight train in St. Pierre des Corps yard awaiting clear signal from Sous Chef de Gare. His fireman wanted to go eat; Engineer Martin told his fireman that it had not been but a few hours since he, the fireman, had eaten and that a signal to move was liable to be given at any minute and when given he wanted to be ready to go; he also reminded his fireman that he was not railroading in the United States and that trains could only move when French gave them the signal, and that no opportunity to move must be lost. I am quite sure neither Engineer Martin nor his fireman knew that I was listening to their conversation. I have noticed Engineer Martin's work ever since I heard the conversation referred to above and have never seen him miss a chance to go when signal was given, have never seen him out of humor, and when I have asked him for information he has always answered me in a gentlemanly manner.

3. Since American engineers have been assigned to "T–C" train, a number of engineers furnished for this train were unable to get air into train line, trouble being in engine, and they could not find it, saying they did not understand French air, making it necessary to call on French for a man or on Captain McVey. I want to say that we never have this trouble with Engineer Martin. If there is any trouble with air or steam heat when Martin is on engine, if there is any trouble when air or steam heat is coupled, he has always found the trouble and remedied it very quickly.

4. I wish to say, in conclusion, that this man has proven to me that he is a patriotic American citizen and realizes what he came over here for, and I feel that it is the duty of commissioned officers to stand by such men and see that they are fairly dealt with. Will you kindly listen to this man's statement relative to Vierzon trouble and see Captain Smith in his behalf, as I am convinced Martin has been unjustly treated.

J. L. STRONG,
Second Lieutenant, Engineers, U. S. Army, Train Master.

Thereafter, on April 14, 1921, Lieutenant Strong, while in the employ of the United States Railroad Administration, prepared and delivered to Mr. Martin the following testimonial of his valuable services in France:

APRIL 14, 1921.

To whom it may concern:

During the year 1918 James E. Martin served as a locomotive engineer on the Touraine division of the Paris-Orleans Railway (France), American military operation, and on the district of which I was trainmaster (T. S.) at that time.

He was one of the most able locomotive engineers that served on my district. His skill and excellent judgment caused him to be selected to drive the most important train.

In addition to being an able locomotive engineer, he was an excellent soldier, one who never questioned an order. His devout patriotism and his unceasing ability to perform the work assigned to him was of such a nature that he imbibed the enlisted personnel with the same spirit, thereby increasing the high morale of the organization.

I can unhesitatingly recommend this man to anyone requiring the services of a man of his qualifications.

JOHN LOGAN STRONG,
Second Lieutenant, Engineers, U. S. A.,
Train Master.

Mr. Martin was returned to the United States as a casual, having been evacuated through several hospitals where he was treated for influenza and the aftereffects of gas and general debility resulting from overstrain and exposure. Upon his discharge from the hospital in February, 1919, while in Washington, he called upon former Senator N. B. Dial and former Representative Samuel J. Nicholls, both of South Carolina, and as the result of his visit the special correspondent of the Columbia (S. C.) State, Mr. Patillo H. McGowan, sent the following dispatch, which was published in said newspaper:

SOUTH CAROLINIAN HANDLED ENGINE ON WELL-KNOWN TOURS-CHAUMONT "EXPRESS"

(Special to the State)

WASHINGTON, February 20.—Senator Dial and Representative Nicholls have been called on at their offices lately by a constituent, James E. Martin, who had some rather unusual experiences overseas, after having been severely gassed near Luneville while serving with the One hundred and seventeenth Engineers of the Rainbow Division.

Mr. Martin, on leaving the hospital, was physically disqualified for further duty with his regiment, but having been a locomotive engineer on the Southern Railway at home, was assigned as engineman to the "American Special" when that famous train between Chaumont and Tours was established. It was while on this assignment, in the latter part of September or early in October, 1918, that he performed the stunt which brought him considerable attention at the time.

An unusually large party of important officers and civilian dignitaries, filling 13 coaches, was making the rounds of the service of supply drawn by Jim Martin's big American locomotive, No. 5897, a Schenectady built passenger speedster of the type known in the service as "Mikes." Martin picked up the train at St. Pierre des Corps and all went well until just before he reached Vierzon, when his throttle somehow became disconnected. There was neither time nor opportunity for making a repair and Martin somehow handled the big engine with its long train from Vierzon to Nevers, about 150 kilometers, with throttle wide open, controlling the train entirely by manipulating his airbrakes and his reverse lever. It was necessary, on reaching the end of the run, to "kill" the locomotive, by exhausting the steam, before it could be uncoupled and run into a siding. Martin meanwhile kept his own counsel and it was not until they reached Nevers that his distinguished passengers knew under what circumstances they had been whirled across France. Fireman Monroe of Greenville was Martin's "buddy" on this trip.

P. H. McG.

THE "S–4"

Mr. BLACK of New York. Mr. Speaker, I am wondering whether it would be in order to ask any of the House conferees on the *S–4* investigation when they may come in with a report?

The SPEAKER. By unanimous consent the gentleman may be permitted to do such a thing.

Mr. BLACK of New York. Mr. Speaker, I ask unanimous consent to ask of any of the conferees who may be present, and I see one, whether or not the House may have any hope in the near future of being presented with any kind of a report of the *S–4* investigation?

Mr. CHINDBLOM. I doubt if any of the Members of the House can consent to his making the inquiry. We can give consent to his addressing the House.

Mr. BLACK of New York. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

Mr. SNELL. Mr. Speaker, I shall have to object to that.

Mr. TILSON. It would not take all of two minutes to ask the question, and I shall have to object to the gentleman's request.

Mr. GARRETT of Tennessee. The gentleman has not figured on the time that it may take to answer the question.

The SPEAKER. Is there objection to the request of the gentleman from New York to proceed for two minutes?

Mr. BLACK of New York. And I would yield one minute of my time to the gentleman from New York [Mr. SNELL].

Mr. TILSON. Mr. Speaker, I have not consented to the gentleman's request.

Mr. BLACK of New York. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. Is there objection?

Mr. SNELL. I object.

LEAVE TO ADDRESS THE HOUSE

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent that when the House has completed its consideration of the Navy bill I may address the House for 20 minutes.

Mr. TILSON. On what subject?

Mr. STRONG of Kansas. On a bill which I have introduced, and on which hearings will be held next Monday by the Committee on Banking and Currency, on the powers held by the Federal reserve system that may be used for the stabilization of the purchasing power of the dollar.

The SPEAKER. The Chair is informed that there are several special orders now pending on different dates. The gentleman's request might conflict with some of these orders. The Chair suggests that the gentleman modify his request with the provision that there be no special order to interfere with it.

Mr. STRONG of Kansas. I so modify my request.

The SPEAKER. Is there objection?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. WAINWRIGHT for March 14 account of urgent family reasons.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned until to-morrow, Wednesday, March 14, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, March 14, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

Legislative appropriation bill.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

To further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States (S. 744).

To promote, encourage, and develop an American merchant marine in connection with the agricultural and industrial commerce of the United States, provide for the national defense, the transportation of foreign mails, the establishment of a merchant marine training school, and for other purposes (H. R. 2).

To amend the merchant marine act, 1920, insure a permanent passenger and cargo service in the North Atlantic, and for other purposes (H. R. 8914).

To create, develop, and maintain a privately owned American merchant marine adequate to serve trade routes essential in the movement of the industrial and agricultural products of the United States and to meet the requirements of the commerce of the United States; to provide for the transportation of the foreign mails of the United States in vessels of the United States; to provide naval and military auxiliaries; and for other purposes (H. R. 10765).

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To safeguard national defense; to authorize, in the aid of agriculture, research, experiments, and demonstration in methods of manufacture and production of nitrates and ingredients comprising concentrated fertilizer and its use on farms (H. R. 10028).

COMMITTEE ON MINES AND MINING

(10 a. m.)

To amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, approved March 2, 1919, as amended" (S. 1347).

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(10.30 a. m.)

For the lease of land and the erection of a post office at Philippi, W. Va. (H. R. 10799).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

406. A letter from the Secretary of the Navy, transmitting suggested form of bill for the relief of Marie Rose Jean Babtiste, Marius Francois, and Regina Lexima, all natives of Haiti; to the Committee on Foreign Affairs.

407. A letter from the general secretary of Near East Relief, transmitting report of the Near East Relief for the year ending December 31, 1927; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HOUSTON of Hawaii: Committee on Military Affairs. H. R. 11809. A bill to authorize an appropriation to complete the purchase of real estate in Hawaii; with amendment (Rept. No. 892). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. J. Res. 200. A joint resolution to amend section 10 of the act entitled "An act to establish the upper Mississippi River wild life and fish refuge," approved June 7, 1924; without amendment (Rept. No. 893). Referred to the Committee of the Whole House on the state of the Union.

Mr. GREEN of Iowa: Committee on Ways and Means. H. J. Res. 217. A joint resolution providing for the remission of duties on certain cattle which have crossed the boundary line into foreign countries; with amendment (Rept. No. 894). Referred to the Committee of the Whole House on the state of the Union.

Mr. JAMES: Committee on Military Affairs. H. R. 9144. A bill to provide for the conveyance of certain lands in the State of Wisconsin for State park purposes; without amendment (Rept. No. 895). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROWBOTTOM: Committee on Labor. H. R. 7729. A bill to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases; with amendment (Rept. No. 897). Referred to the House Calendar.

Mr. LEAVITT: Committee on the Public Lands. H. R. 15. A bill authorizing an appropriation to enable the Secretary of the Interior to carry out the provisions of the act of May 26, 1926 (44 Stat. L., p. 655), to make additions to the Absaroka and Gallatin National Forests, and to improve and extend the winter-feed facilities of the elk, antelope, and other game animals of Yellowstone National Park and adjacent land; without amendment (Rept. No. 898). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GLYNN: Committee on Military Affairs. H. R. 9213. A bill granting relief to the widow of Albert F. Smith; without amendment (Rept. No. 891). Referred to the Committee of the Whole House.

Mr. RANSLEY: Committee on Military Affairs. H. R. 4108. A bill to correct the military record of Alfred G. V. Meldahl; without amendment (Rept. No. 896). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 4075) for the relief of Commander U. R. Webb, United States Navy, and others; Committee on Claims discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 6374) granting a pension to Elzia W. Robar; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11972) granting an increase of pension to Fanny G. Pomeroy; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GRIEST: A bill (H. R. 12030) to amend Title II of an act approved February 28, 1925 (43 Stat. 1066; U. S. C. title 39), regulating postal rates, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. HUDSPETH: A bill (H. R. 12031) to extend the times for commencing and completing the construction of a bridge across the Rio Grande River at or near Tornillo, Tex.; to the Committee on Interstate and Foreign Commerce.

By Mr. BRITTEN: A bill (H. R. 12032) to amend the act entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended; to the Committee on Naval Affairs.

By Mr. CELLER: A bill (H. R. 12033) to amend section 2169 of the Revised Statutes, as amended, in respect of the definition of a white person; to the Committee on Immigration and Naturalization.

By Mr. HOUSTON of Hawaii: A bill (H. R. 12034) to admit to the United States Chinese wives of certain American citizens; to the Committee on Immigration and Naturalization.

By Mr. TAYLOR of Colorado: A bill (H. R. 12035) granting certain lands to the State of Colorado for the use of the Western State College, and for other purposes; to the Committee on the Public Lands.

By Mr. PARKS: A bill (H. R. 12036) to amend section 71 of the Judicial Code as amended by Public, No. 21, Seventieth Congress, approved February 7, 1928; to the Committee on the Judiciary.

By Mr. ROWBOTTOM: A bill (H. R. 12037) for the relief of disabled soldiers, sailors, or marines who were not inducted or enlisted in the Army of the United States, but who received training in preparation for being inducted into the United States Army, Navy, or Marine Corps; to the Committee on World War Veterans' Legislation.

By Mr. CARTER: A bill (H. R. 12038) to authorize the acquisition of certain patented land adjoining the Yosemite National Park boundary by exchange, and for other purposes; to the Committee on the Public Lands.

By Mr. COLE of Maryland: A bill (H. R. 12039) to readjust the pay of certain personnel of the Army; to the Committee on Military Affairs.

By Mr. EDWARDS: A bill (H. R. 12040) requiring the names as well as the numbers of memorial highways to be given on maps and directional signs to perpetuate the purposes of such memorials; to the Committee on Roads.

By Mr. KEMP: A bill (H. R. 12041) granting certain land to the Roman Catholic congregation of St. Joseph's Roman Catholic Church of the city of Baton Rouge, La.; to the Committee on the Public Lands.

By Mr. McSWAIN: A bill (H. R. 12042) to establish a school for soldiers, and to provide further for the national defense; to the Committee on Military Affairs.

By Mr. WHITE of Maine: A bill (H. R. 12043) to prevent discriminations against American ships and ports, and for other purposes; to the Committee on Ways and Means.

By Mr. BUCHANAN: Joint resolution (H. J. Res. 237) to provide for eradication of pink bollworm and authorizing an appropriation therefor; to the Committee on Agriculture.

By Mr. FISH: Joint resolution (H. J. Res. 238) providing for the granting of veterans' preference in civil service examinations; to the Committee on the Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BACHMANN: A bill (H. R. 12044) granting an increase of pension to Francis M. Britton; to the Committee on Pensions.

By Mr. BUSHONG: A bill (H. R. 12045) granting an increase of pension to Emmaline Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12046) granting an increase of pension to Hannah Lichstein; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12047) granting an increase of pension to Hannah E. Krauss; to the Committee on Invalid Pensions.

By Mr. COLE of Maryland: A bill (H. R. 12048) for the relief of J. F. Eline; to the Committee on Claims.

By Mr. COLLINS: A bill (H. R. 12049) to authorize the Secretary of the Interior to sell to W. H. Walker, Ruth T. Walker, and Queen E. Walker upon the payment of $1.25 per acre the southeast quarter of section 34, township 2 north, range 14 east, Choctaw meridian, Clarke County, Miss.; to the Committee on the Public Lands.

By Mr. EDWARDS: A bill (H. R. 12050) for the relief of Mrs. Allen D. Quattlebaum; to the Committee on World War Veterans' Legislation.

By Mr. ROY G. FITZGERALD: A bill (H. R. 12051) granting an increase of pension to Cordelia E. Shelly; to the Committee on Invalid Pensions.

By Mr. GIFFORD: A bill (H. R. 12052) granting a pension to Carrie I. Crane; to the Committee on Invalid Pensions.

By Mr. HOOPER: A bill (H. R. 12053) to correct the military record of Samuel Slis; to the Committee on Military Affairs.

By Mr. KENDALL: A bill (H. R. 12054) granting an increase of pension to Levary E. Powell; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 12055) granting an increase of pension to Delphine Darling; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 12056) granting an increase of pension to Lavonia F. Richey; to the Committee on Invalid Pensions.

By Mr. MORIN: A bill (H. R. 12057) to confer jurisdiction on the Court of Claims to ascertain the damage by the United States to real property of the Mack Copper Co., a corporation, and to render judgment therefor as herein provided; to the Committee on War Claims.

By Mr. REECE: A bill (H. R. 12058) for the relief of the heirs and legal representatives of William Crutchfield; to the Committee on War Claims.

Also, a bill (H. R. 12059) granting a pension to Margaret St. Clair; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12060) granting an increase of pension to Reuben J. Smith; to the Committee on Pensions.

By Mr. ROBINSON of Iowa: A bill (H. R. 12061) granting an increase of pension to Elizabeth Scott; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 12062) granting an increase of pension to James Thompson; to the Committee on Pensions.

By Mr. UNDERHILL: A bill (H. R. 12063) for the relief of the widow of Surgeon Mervin W. Glover, United States Public Health Service, deceased; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5310. Petition of New Mexico Wool Growers Association, favoring the leasing of public lands for grazing purposes; to the Committee on the Public Lands.

5311. Petition of Allied Veterans Council, of Atlantic, N. Y., urging the recommendations of Secretary of the Navy Wilbur for additions to the naval force of the Nation; to the Committee on Naval Affairs.

5312. By Mr. CELLER: Petition of Siculo Calabra Lodge, No. 112, Order Sons of Italy in America; to the Committee on the Judiciary.

5313. By Mr. DALLINGER: Petition of Boston Post No. 200, Grand Army of the Republic, favoring increases in pensions to Civil War veterans and their widows; to the Committee on Invalid Pensions.

5314. By Mr. EVANS of Montana: Petition of M. E. Winn and other residents of White Pine, Alger, and Belknap, Mont., protesting against the abandonment of line by the Northern Pacific Railway; to the Committee on Interstate Commerce.

5315. By Mr. GALLIVAN: Petition of the American Legion, John Thomas Taylor, vice chairman of the national legislative committee, vigorously opposing passage of House Joint Resolution 183, which seeks to prohibit the exportation of arms, munitions, or implements of war to belligerent nations; to the Committee on Foreign Affairs.

5316. By Mr. GARBER: Letter of T. V. Terbush, secretary of the Rural Letter Carriers Association, of Rosston, Okla., in support of the Reese good road bill and Gibson amendment to present retirement law; to the Committee on Roads.

5317. Also, letter of Mrs. George Strawn, chairman of congressional legislation of the Daughters of the American Revolution, Ardmore, Okla., in support of House Joint Resolution 11, to the Committee on Interstate and Foreign Commerce.

5318. Also, letter of Home Market Club, by William H. Cliff, secretary, of Boston, Mass., in support of House bill 9195; to the Committee on Ways and Means.

5319. Also, resolution of Lafayette Post No. 9, the American Legion, of Washington, D. C., in support of the naval bill; to the Committee on Naval Affairs.

5320. Also, petition from Alfalfa County, Okla., against compulsory Sunday observance, as embodied in House bill 78; to the Committee on the District of Columbia.

5321. Also, resolution of national legislative committee of the American Legion, Washington, D. C., in opposition to the passage of House Joint Resolution 183; to the Committee on Foreign Affairs.

5322. By Mr. HANCOCK: Petition signed by Mrs. Terressa Valentine and other residents of Cortland County, N. Y., in opposition to House bill 78; to the Committee on the District of Columbia.

5323. Also, petition of Bertha Seaman and other residents of Cortland County, N. Y., against the passage of House bill 78; to the Committee on the District of Columbia.

5324. By Mr. KING: Papers to accompany House bill 11969, granting a pension to James G. Voris; to the Committee on Pensions.

5325. By Mr. KVALE: Petition of several residents of Barrett, Minn., urging passage of the national-origins provision at the stated time, the deportation bill, and the alien registration bill; to the Committee on Immigration and Naturalization.

5326. Also, petition of American Legion Post No. 2, Shakopee, Minn., urging passage of the bill providing for 200 additional beds at Fort Snelling and 200 additional beds at St. Cloud veterans' hospitals for the disabled veterans of the World War; to the Committee on World War Veterans' Legislation.

5327. Also, petition of members of the Woman's Christian Temperance Union of Atwater, Minn., urging passage of the Stalker bill (H. R. 9588); to the Committee on the Judiciary.

5328. By Mr. LANKFORD: Petition of several hundred residents of Los Angeles, Calif., protesting against the passage of House bill 78 or any other Sunday observance legislation; to the Committee on the District of Columbia.

5329. Also, petition of Mrs. Fred Noble and other residents of Valdosta, Ga., against the passage of the Lankford bill (H. R. 78) or other Sunday observance legislation; to the Committee on the District of Columbia.

5330. Also, petition of the Mashburn Drug Co. and eight other drug stores of Valdosta, Ga., asking for the passage of the Capper-Kelly bill for price maintenance on trade-marked articles; to the Committee on Interstate and Foreign Commerce.

5331. Also, petition of H. T. Mitchell Palmer and other citizens of Waycross, Ga., protesting against the passage of House bill 78, or any other Sunday observance legislation; to the Committee on the District of Columbia.

5332. By Mr. LINTHICUM: Petition of Baltimore Association of Commerce, registering disapproval of House bill 10958, the purpose of which is to impose a tax of 10 cents a pound on certain cooking compounds; to the Committee on Agriculture.

5333. Also, petition of Leroy R. Hobeck, secretary Washington Camp No. 24, of Baltimore, Md., urging steps be taken to curb influx of foreign immigrants to this country; to the Committee on Immigration and Naturalization.

5334. Also, petition of Baltimore section of the American Society of Civil Engineers, in a resolution of March 2, 1928, unanimously indorsing House bill 8111, to provide for an inventory of the water resources of the United States; to the Committee on Interstate and Foreign Commerce.

5335. By Mr. MORIN: Petition of the General Putnam Council No. 125 of the Fraternal Patriotic Americans, Pittsburgh, Pa., urging favorable action on the Johnson bill (H. R. 10078); to the Committee on Immigration and Naturalization.

5336. By Mr. MORROW: Petition of New Mexico Cattle and Horse Growers' Association, opposing tariff revision; to the Committee on Ways and Means.

5337. Also, petition of New Mexico Cattle and Horse Growers' Association, opposing Senate bill 2506, which restricts sale of livestock to places designated by the Secretary of Agriculture; to the Committee on Agriculture.

5338. Also, petition of New Mexico Cattle and Horse Growers' Association, urging laboratory in New Mexico for study of loco weed; to the Committee on Agriculture.

5339. Also, petition of New Mexico Cattle and Horse Growers' Association, commending work of Bureau of Animal Industry and urging increase in salary for chief of bureau and increase of appropriation for study and control of livestock diseases; to the Committee on Agriculture.

5340. Also, petition of New Mexico Cattle and Horse Growers' Association, advocating advance in tariff on beef products; to the Committee on Ways and Means.

5341. Also, petition of New Mexico Cattle and Horse Growers' Association, urging increase of appropriations to the Forest Service for improvements upon the grazing lands in the national forests; to the Committee on Appropriations.

5342. Also, petition of New Mexico Cattle and Horse Growers' Association, urging legislation for the leasing of the public domain in New Mexico; to the Committee on the Public Lands.

5343. Also, petition of New Mexico Cattle and Horse Growers' Association, commending work of Biological Survey in New Mexico and recommending increase and enlargement of work as rapidly as funds become available; to the Committee on Agriculture.

5344. Also, petition of New Mexico Cattle and Horse Growers' Association, urging increase in funds for work of the Biological Survey; to the Committee on Agriculture.

5345. Also, petition of New Mexico Cattle and Horse Growers' Association, urging amendment to packers and stockyards act; to the Committee on Agriculture.

5346. Also, petition of New Mexico Cattle and Horse Growers' Association urging leasing of public lands which are used chiefly for grazing purposes; to the Committee on the Public Lands.

5347. Also, petition of New Mexico Cattle and Horse Growers' Association, opposing enlargement of Indian reservations; to the Committee on Indian Affairs.

5348. Also, petition of New Mexico Cattle and Horse Growers' Association urging more liberal appropriation for meeting emergencies resulting from foot and mouth diseases; to the Committee on Agriculture.

5349. Also, petition of Cattle and Horse Growers' Association indorsing House bill 10021, establishment of experiment station at Lea County, N. Mex.; to the Committee on Agriculture.

5350. Also, petition of New Mexico Cattle and Horse Growers' Association urging passage of legislation for purchase of isolated tracts of Government lands; to the Committee on the Public Lands.

5351. Also, petition of New Mexico Cattle and Horse Growers' Association urging increased appropriation for Biological Survey for control of predatory animals; to the Committee on Agriculture.

5352. By Mr. O'CONNELL: Petition of the Utah engineers and lawyers, favoring the enactment of the Swing-Johnson bill, Boulder Dam; to the Committee on Irrigation and Reclamation.

5353. Also, petition of George G. Perkins, Gloucester City, N. J., for maintaining our Navy at reasonable and adequate strength; to the Committee on Naval Affairs.

5354. By Mr. PEAVEY: Petition of numerous citizens of Gleason, Bloomville, and Merrill, Wis., protesting against the enactment of compulsory Sunday observance legislation, and particularly against House bill 78; to the Committee on the District of Columbia.

5355. By Mr. STEELE: Petition of five citizens of Atlanta, Fulton County, Ga., protesting against the passage of legislation enforcing compulsory Sunday observance (H. R. 78); to the Committee on the District of Columbia.

5356. Also, resolution of a mass meeting of citizens in Atlanta, Fulton County, Ga., protesting against the passage of the Lankford compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

5357. By Mr. STRONG of Pennsylvania: Petition of citizens of Hawthorn, Pa., in favor of a general increase of pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

5358. By Mr. SWING: Petition of citizens of San Bernardino, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

5359. Also, petition of citizens of Imperial County, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

5360. By Mr. WELCH of California: Petition by United States Employees Association of California, containing 110 signatures, favoring the passage of the Welch bill (H. R. 6518), to reclassify and increase the salaries of Federal employees; to the Committee on the Civil Service.

5361. By Mr. WHITE of Colorado: Letter from Dr. Arthur Vos, of Denver, Colo., protesting against the enactment of proposed legislation to regulate the manufacture and sale of stamped envelopes; to the Committee on the Post Office and Post Roads.